

**MINUTES OF THE ADJOURNED REGULAR MEETING OF THE
GOVERNING BOARD OF THE MIDWAY CITY
SANITARY DISTRICT OF ORANGE COUNTY
14451 CEDARWOOD AVENUE
WESTMINSTER, CA 92683**

February 7, 2011

CALL TO ORDER

President Rice called the adjourned regular meeting of the Governing Board of the Midway City Sanitary District to order at 14451 Cedarwood Avenue, Westminster, California, on Monday, February 7, 2011 at 4:00 P.M.

BOARD MEMBERS PRESENT:

Al P. Krippner
Joy L. Neugebauer
Frank A. Cobo
Margie L. Rice
Tyler Diep

OTHERS AT MEETING:

Greg Nordbak, General Manager
Ken Robbins, Assistant General Manager
Robert Housley, Finance Director
Tom Nixon, District Counsel
Danielle Gerardo, Administrative Secretary

PLEDGE AND INVOCATION

Director Diep led the Pledge of Allegiance. Director Neugebauer gave the Invocation.

PUBLIC COMMENTS

None

OLD BUSINESS

A. Discussion, Consideration, and Adoption of a Policy on Vacation Pay in Lieu of Time Off for Management, Salaried and Unrepresented Employees.

GM Nordbak presented a copy of the MOU agreement for the represented employees to the Board. He commented, at present, all the unrepresented (non union) employees of the District had no policy in place, and if they were to ask for time off, or vacation pay in lieu of time off, that there is no policy to follow.

Director Krippner stated that he feels that everyone should have to take all of their accrued vacation time off and not be able to work through any of it, as he considers this "double dipping". He provided everyone with an attendance sheet that he produced as an example of what he feels needs to be used for all employees, and asked that it be included in the minutes. He stated several times during the discussion of this topic that he wanted to go on record as warning the District to avoid "double-dipping". He reminded the Board that MOU stands for Memorandum of Understanding, and does not feel that it is the same as a contract.

GM Nordbak stated that according to the last MOU for represented employees, everyone had to take at least one week of vacation. There are employees that would never take vacation time if given that option. Those employees are now forced to, due to the new policy in the last MOU. He also mentioned that there are employees who have several weeks of accumulated vacation on the books due to their length of employment and that the District would suffer if they chose to take their vacation time all at once. As of right now, District employees cannot carry over more than 160 hours of vacation time. All hours over and above 160 hours are paid out in the first paycheck in December of every year.

Director Diep suggested the policy be that any accrued vacation time over 120 hours, and after having taken 80 hours off - any surplus after that be allowed to be cashed out if the employee chose to.

Director Neugebauer suggested that they adopt a policy similar to section G of the current MOU and not "reinvent the wheel".

A motion was made by Director Diep, seconded by Director Neugebauer to move to adopt the same policy for the unrepresented employees as is in the MOU for the represented employees and that the policy be brought back to the next Board meeting for adoption. The motion was approved by the following vote:

AYES: Directors Diep, Neugebauer, Cobo and Rice
NOES: Director Krippner

NEW BUSINESS

- A. Discuss and Provide Direction on Independent Special Districts of Orange County (ISDOC)/LAFCO Election Held on January 27, 2011.

President Rice expressed her wish to protest and/or overturn the election and said that she would like to see a “do-over” election. She wants the Board’s protest sent to the Registrar of Voters and wants to do away with the secret ballot.

Director Neugebauer agreed that the election was not conducted correctly or in a parliamentary manner and suggested that anything written by the Board go to LAFCO and not ISDOC, and then copied to the Registrar of Voters as well as all other Special Districts.

Director Krippner agreed that the election was mishandled and stated that he wants to see the letter of protest being drafted before it is sent out.

GM Nordbak explained that it was a LAFCO election for an ISDOC seat, and that he had legal counsel review the bylaws. He also pointed out that although some people who attended the election signed in, nobody signed out, and there is no record of who voted and how, due to the secret ballot.

A motion was made by Director Neugebauer, seconded by Director Diep to have legal counsel draft a letter from the Board of Directors of MCSD expressing their concern and protest over the manner in which the election was handled. The motion was approved by the following vote:

AYES: Directors Krippner, Diep, Neugebauer, Cobo and Rice
NOES: None

BOARD CONCERNS/COMMENTS

Director Cobo expressed his enthusiasm at witnessing the ISDOC election firsthand and agreed that it needs to be protested.

Director Neugebauer expressed her happiness on the success of the TET Parade turnout and said that she did not understand why the Orange County Register wrote only about the festival, and said nothing of the parade.

Director Krippner agreed that the parade was a huge success, but felt that the enormous truck selling sandwiches was a bit too much.

President Rice agreed that the parade turned out really well and hopes that the City of Westminster would get some good recognition. She said that she felt that parking was a

big issue and needs to be better dealt with in the future, and that the District float was too far back in the lineup of the parade.

GENERAL COUNSEL CONCERNS/COMMENTS

None

GM/STAFF CONCERNS/COMMENTS

GM Nordbak informed the Board that the sinkhole near City Hall had now reached a cost of \$24,000 to repair, and that the Bushard loss was up over \$44,000.

GM Nordbak informed the Board he would not be at work on Tuesday, February 8, 2011 due to his daughter's surgery.

AGM Robbins suggested that there be better traffic control for the parade next year.

ADJOURNMENT

President Rice adjourned the meeting at approximately 4:46 P.M.

Joy Neugebauer, Secretary