

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

February 15, 2011

CALL TO ORDER

President Rice called the regular meeting of the Governing Board of the Midway City Sanitary District to order at 14451 Cedarwood Avenue, Westminster, California on Tuesday, February 15, 2011 at 4:00 P.M.

BOARD MEMBERS PRESENT:

Al P. Krippner
Joy L. Neugebauer
Frank 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 Cobo gave the Invocation.

APPROVAL OF THE MINUTES OF THE MEETING OF FEBRUARY 1, 2011

A motion was made by Director Diep, seconded by Director Neugebauer to approve the minutes of February 1, 2011. The motion was approved by the following vote:

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

PUBLIC COMMENTS

None

APPROVAL OF EXPENDITURES

A. Demands in the amount of \$ 228,978.44

#	CK #	CK AMOUNT	VENDOR AND DESCRIPTION
1	4299	60.68	Advanced Gas Products - Cylinder Rental Jan 2011
2	4300	17,349.97	CalPERS Fiscal Services - GASB 45 OPEB Monthly Contribution for Feb 2011
3	4301	5,487.45	CalPERS - Retirement for Service Period 01-2011-4
4	4302	5,379.66	CalPERS - Retirement for Service Period 01-2011-3
5	4303	982.56	Computer Research Center - Maintenance & Support for Feb 2011
6	4304	21,579.54	CR Transfer, Inc. - Tonnage for Jan 2011
7	4305	1,926.18	Daniels Tires - Restock Recaps Tires (12@150.63 ea.)
8	4306	514.24	Dartco - Restock Filter Kits (9@52.54 ea.)
9	4307	128.00	Equipment Direct, Inc. - Restock Eleven Safety Vests
10	4308	1,815.81	Fleet Services - Restock Core Air Dryer, Air Dryer, Volvo Lamps, Fuel Treatment Filter Cleaner, Quick Release Clamp for T59, Credit for Valve and Cap, Restock Zytel Hub Cap
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12	4309	5,317.25	Flo-Systems, Inc. - Preventive Maintenance for Jan 2011
13	4310	302.88	G & K Services - Uniform Rental Services for Jan - Feb 2011
14	4311	475.18	Hose-Man, Inc. - Restock Air Lines and Fittings
15	4312	71.84	Los Alamitos Auto Parts - Spark Plugs, Wire Set, Air Filter and PVC Valve
16	4313	45.00	Memorial Prompt Care - DMV Random Drug & Alcohol Testing (JQ)
17	4314	20.35	Nordbak, Greg - CASA Conference Reimbursement Jan 12-14, 2011
18	4315	4,525.80	OCSD - Permit Fees for Jan 2011
19	4316	1,606.63	Plumbers Depot Inc. - In-Take Valve, Bolts and O-Ring (M63)
20	4317	2,086.41	Tec of California - Replace Gaskets, Clock Washers, Turbo-charge, Core, Lock Washer for T55,
21			Replace Circuit Board on T54, Credit for Core Return T55, Volt Gauge for T54,
22			Restock Relay Switches, Restock Expansion Tank, Restock Exhaust Pipe
23	4318	6.00	Underground Service Alert - Four New Tickets Jan 2011 Services
24	4319	145.00	Westminster Chamber of Commerce - Annual Public Services Awards Luncheon
25	4320	180.70	Zee Medical - Restock First Aid Supplies for Shop and Break Room
26	4321	8,000.00	CASA Membership - 2011 Agency Membership Dues
27	4322	24,096.33	Charles King Company, Inc. - Westminster Sink Hole at Jackson & 15th Dec 23, 2010
28	4323	39,026.35	County of Orange Treasurer-Tax Collector - Cost of General Election for Nov 02, 2010
29	4324	3,251.60	P.W. Stephens Environmental, Inc. - 14712 Bushard Street Due to Sewer Spill Dec 12, 2010
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31		144,381.41	SUBTOTAL

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ADD HANDCUT CHECKS:

4290	637.05	AT&T Mobility - (KR)714 310-2313 / (AC) 714-310-4406 / (NC) 714-310-8653
		Sewer 714-310-8654 / Emergency 714-310-9004
4291	433.92	City of Westminster - Maintenance Shop (\$14.39) and Wash Rack Water Dec, Jan, 2011(\$155.07)
		District Office Water Dec, Jan, 2011 (\$264.46)
4292	13,030.04	US Bank - CalCard Jan 2011
		(NC) - Refuse Operating Supplies \$222.44
		(AC) - Sewer Maintenance Operating Supplies \$363.15
		(GN) - CASA MID Year Conference Registration Fee for (FC,MR,AK,JN,GN,KR,TD), Get Well Plant for President Rice \$38.06, Water Filter Services \$64.00, California Foundation for FISC Registration Fee (MR,FC,TD,AL,JN,GN) \$900.00, Hotel Stay for (GN) at the CASA Conference \$520.92, Flights for CASA Conference to DC Departure flights for (KR,FC) \$299.38,
		Return Flights for (MR,FC,KR) \$728.10
		(KR) - Lodging for Residents at 14712 Bushard Street Due to Sewer Spill, \$518.40 Business Radio Licensing \$210.00, California Foundation for FISC Registration Fee \$225.00
		Hotel Stay at Marriott for CASA Conference \$443.31 (KR), \$442.28 (MR), \$468.03 (AK), \$442.28 (FC), \$442.28 (JN), Board of Directors New Banner For TET Parade \$326.25, CASA D.C. Registration \$2,200.00 (MR,FC,JN,KR), WiarCom, Inc. GPS Services Monthly Fee \$335.30
		(RH) - Copier Toner \$531.60, California Foundation for FISC Registration Fee \$225.00
		(DG) - Refreshments for Board Meetings \$109.26
4293	813.63	Verizon CA - Monthly Service - (714) 891-9410 District Fax; 893-3553/893-3554 893-3555/ 897-5368 District Phones; (714) 893-2299/ 903-1863/ 903-6154/ 903-6274 Lift Stations
4294	500.00	Ron Ruano - Mariachi Band Balance for TET Parade Feb 05, 2011
4295	376.50	Blue Shield of California - Nancy Gilbert COBRA Insurance for Mar 2011
4296	83.99	DirectTV - Monthly Service Feb 2011
4297	2,714.60	The Standard Dental Insurance - Premiums for Mar 2011
4298	5,610.00	Zenith Insurance Company - Worker's Compensation/Progressive Payment
	168,581.14	SUBTOTAL PLUS HANDCUTS
	58,811.14	Payroll Date 2/08/11 Staff Chk #14958 - 14966 Taxes & Direct Deposits
	1,586.16	Payroll Date 2/08/11 Nationwide Deferred Compensation Wire Transfer
	228,978.44	TOTAL EXPENDITURES W/PAYROLL

A motion was made by Director Diep, seconded by Director Cobo to approve the expenditures in the amount of \$ 228,978.44. The motion was approved by the following vote:

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

REPORTS

Report of President

President Rice received a CD that highlights foam recycling initiatives and milestones in the state of California for 2010. The CD was sent from the western regional manager of government affairs and environment for Dart Container Corporation and she asked staff to have a look at it and review for future discussion.

Report of General Manager

GM Nordbak provided all Board members with a copy of the bill from the County of Orange for the November 2, 2010 General Election in the amount of \$39,026.35.

GM Nordbak provided a copy of Orange County LAFCO's special district update congratulating newly elected Charlie Wilson.

GM Nordbak provided all Board members with a copy of a thank you note from Mr. Bill Nelson - whom the Board supported for CSDA's Region 6, Seat B.

GM Nordbak provided a copy of an email from a resident, Pat Stewart, who lives on Cumberland Street. She requested additional calendars for herself and her neighbors.

GM Nordbak reported that Finance Director Housley has found an "asset keeper" tracker software program for the auditor's compliance at a price of \$600. It will cost an additional \$300 every year after that to update it. GM Nordbak asked the Board to support his authorization of this purchase. They agreed.

GM Nordbak provided the Board with a packet of bills with explanations from the Charles King Company for the repair of the sinkhole on 15th Street and Jackson for \$24,096.33.

GM Nordbak and Legal Counsel Nixon recommended that the Board of Directors consider an addition to the agenda. GM Nordbak received an email on February 14, 2011 from Adam Acosta of the District's employees union requesting a meeting prior to the next meeting of the Board of Directors. To consider this matter the Board of Directors would need to add a closed session item for labor negotiations to the agenda due to the time constraints.

A motion was made by Director Neugebauer, seconded by Director Diep to add Item 14A to the agenda as there is a need to take immediate action and the matter came to the attention of the District after the agenda was posted. The motion was approved by the following vote:

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

Report from Orange County Sanitation District Meeting (OCSD)

Director Neugebauer reported that the OCSD operations committee met on February 2, 2011 and took no action on EnerTech. Their next meeting will be on February 23, 2011 and immediately preceding it will be an orientation for newly named Directors and their alternates. The meeting scheduled for Wednesday, February 16, 2011 was cancelled due to predicted bad weather.

CONSENT CALENDAR

- A. Approval of the request of Solid Waste Employee Robert Mayfield to receive 40 hours of vacation pay in lieu of time off.
- B. Investment Report for January 2011

A motion was made by Director Diep, seconded by Director Neugebauer to approve the items on the consent calendar. The motion was approved by the following vote:

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

OLD BUSINESS

- A. RESOLUTION 2011-01 ***(Roll Call Vote)***

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT OF ORANGE COUNTY CALIFORNIA, ADOPTING A POLICY FOR VACATION PAY IN LIEU OF TIME OFF FOR MANAGEMENT, SALARIED, AND UNREPRESENTED EMPLOYEES.

A motion was made by Director Diep, seconded by Director Cobo to approve Resolution No. 2011-01. The motion was approved by the following roll call vote:

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

- B. Midway City Sanitary District Letter of Protest to the Local Agency Formation Commission of Orange County (LAFCO) regarding the Independent Special District (ISDOC) Elections

Director Neugebauer requested that the January issue of the CSDA magazine be quoted and to add that quote to the first paragraph of the letter of protest. The magazine states: "action by secret ballot, whether preliminary or final, is flatly prohibited".

Director Krippner requested that Legal Counsel Nixon add his signature to the letter.

GM Nordbak stated that the letter would be sent out the following day via certified mail.

A motion was made by Director Diep, seconded by Director Krippner to approve the letter of protest with changes made. The motion was approved by the following vote:

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

NEW BUSINESS

- A. Discuss and Confirm Attendance at Municipal Water District of Orange County (MWDOC) Water Policy Forum and Dinner of February 24, 2011.

All Board Members plus GM Nordbak, and AGM Robbins confirmed their attendance to the Water Policy Forum and Dinner on February 24, 2011. Staff was directed to make the necessary reservations for the event.

- B. Consider Attendance to the Special District Institute (SDI) Governance Conference at the Hyatt Grand Champions Resort in Indian Wells April 28-29, 2011.

President Rice stated that she would not be able to go to this conference because it is at the same time as the CASA Conference in Sacramento, which she will need to attend since she is on the Board.

A motion was made by Director Diep, seconded by Director Cobo to approve attendance. The motion was approved by the following vote:

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

C. Discuss Attendance to the California Association of Sanitation Agencies (CASA) Conference in Sacramento on April 27-30, 2011

Director Krippner stated that he feels that it is too expensive for the Board to fly to Sacramento for this conference.

President Rice stated that she will be attending the CASA Conference since she is a member of that Board.

GM Nordbak stated that he also plans to attend the CASA Conference in Sacramento while AGM Robbins plans to drive other Board Members to Indian Wells for the SDI conference.

A motion was made by Director Neugebauer, seconded by Director Diep to approve attendance to the CASA Conference. The motion was approved by the following vote:

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

D. Discuss Dates and Locations for 2011 Employee Holiday Party

Director Neugebauer suggested that the 2011 Employee Holiday Party be held at the Rose Center. President Rice asked to be on the sub-committee for this event along with Director Cobo.

The date of the party is pending a confirmed reservation at the Rose Center.

A motion was made by Director Neugebauer, seconded by Director Diep to consider holding the holiday party at the Rose Center subject to availability of a date that is satisfactory for the District. The motion was approved by the following vote:

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

E. Consider having a retirement celebration for Sewer Maintenance Supervisor/Inspector Albert Cibrian.

GM Nordbak suggested Wednesday, April 6, 2011 for the retirement celebration for Albert Cibrian. After some discussion, the Board agreed to have it catered by Tulsa Ribs, to purchase a watch and have it engraved as a gift, and to invite Albert's family.

A motion was made by Director Diep, seconded by Director Neugebauer to celebrate Albert Cibrian's retirement with a BBQ lunch here at the District office at 11:30 A.M. on Wednesday, April 6, 2011. The motion was approved by the following vote:

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

F. Discuss Doing an Educational Documentary on Westminster TV3 about the District's Operations.

The Board agreed that it would be a good idea to do the documentary on the District's operations and to have it include a Board meeting in progress, the District's facilities, the refuse and sewer departments at work, and the Earn While You Learn program at the local schools.

GM Nordbak stated that the schools would need to be notified and the District would need to request releases for the children to be part of the documentary.

Director Neugebauer asked if there would be any cost to the District. President Rice stated that the City of Westminster would cover the cost and GM Nordbak replied that the only cost would be staff time.

A motion was made by Director Diep, seconded by Director Cobo to approve WTV3 to make the documentary of the District's operations. The motion was approved by the following vote:

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

BOARD CONCERNS/COMMENTS

President Rice stated that Rainbow Disposal is requesting a meeting. She asked Director Diep to be on that sub-committee with her. A date of Monday, February 21, 2011 was agreed upon for the meeting and GM Nordbak said he would contact Mr. Ron Sherkman at Rainbow Disposal and set the time.

Director Neugebauer stated her concern over having the two people on the sub-committee be the same two people on Westminster City Council.

President Rice responded that she and Director Neugebauer had served together on committees here at the District when they were on City Council together.

Director Neugebauer said that she read something that said that as a Special District, we are eligible for and can petition to be reimbursed \$135 per meeting according to the Brown Act.

GM Nordbak stated that the Board had previously approved and staff has petitioned for the reimbursement through Shield's Consulting, Group.

Travel to the Boot Camp on February 24, 2011 was discussed. AGM Robbins offered to drive and asked that the Directors be at the District office at 8:15 A.M.

Director Neugebauer requested that a cheat sheet be provided for the Boot Camp so that the Directors would know where the District stands on its CALPERs issues.

Finance Director Housley will provide that information to all attendees to the Boot Camp.

Director Diep reported on the sub-committee meeting with Director Neugebauer and GM Nordbak regarding document imaging and said they will have a response for the Board at the second Board meeting in March.

Director Krippner asked that the Pledge of Allegiance Analysis that he provided to everyone be put in the records for today's meeting.

Director Cobo commented on the TET parade and festival, and how much he enjoyed it.

President Rice stated that she received a letter from the Orange County Employees Association stating their strong concern that the Board members are attending the California Foundation for Fiscal Responsibility Boot Camp.

GM/STAFF CONCERNS/COMMENTS

GM Nordbak reported that he received a confidential letter from the Orange County Grand Jury requesting additional information from the District. He gave the letter to legal counsel to review.

GM Nordbak informed the Board that he has authorized Administrative Secretary, Danielle Gerardo, to attend a Board Clerk/Secretary training conference in Monterey on March 3-4, 2011.

R. J. Noble Engineering Contractors have asked to rent the side yard of the District office for storage of their heavy equipment at a rate of \$1000 per month for approximately one year. GM Nordbak asked the Board how they felt about it. They said they would prefer a higher rate and would also prefer to rent the other side of the yard nearer to Hazard. Some of the Directors stated concern about the immediate neighbors being affected by noise. It will be negotiated by GM Nordbak, and will be reported at the next meeting.

AGM Robbins reported on the finalized 2009 grant program from OC Waste and Recycling, which turned out better than expected. Over 10,300 tons of solid waste was diverted from the landfill, the artificial turf diverted another 3.68 tons annually, and the outreach programs – both Earn While You Learn Program and both calendars were a part of the \$107,000 received.

GM Nordbak commended AGM Robbins on a job well done on the grant program.

GENERAL COUNSEL CONCERNS/COMMENTS

Legal Counsel Nixon stated that GM Nordbak would be able to brief them privately on the confidential content of the report from the Orange County Grand Jury.

CLOSED SESSION

President Rice convened the meeting to closed session at 4:58 P.M. pursuant to Government Code Sections 54957.6.

CLOSED SESSION: During the course of conducting the business set forth on this agenda as a regular meeting of the Board, the Chair may convene the Board in closed session to consider matters of pending real estate negotiations, pending or potential litigation, or personnel matters, pursuant to Government Code Sections 54956.8, 54956.9, 54957 or 54957.6, as noted.

Reports relating to (a) purchase and sale of property; (b) matters of pending or potential litigation; (c) employment actions or negotiations with employee representatives; or which are exempt from public disclosure under the California Public Records Act, may be reviewed by the Board during a permitted closed session and are not available for public inspection. At such time as the Board takes final action on any of these subjects, the minutes will reflect all required disclosures of information.

A. CONFERENCE WITH LABOR NEGOTIATORS pursuant to Government Code section 54957.6

Agency Designated Representatives: Dave Larson and Greg Nordbak

Employee Organization: American Federation of State, County and Municipal Employees (AFSCME)

President Rice reconvened the meeting to open session at 5:27 PM

General Counsel Nixon reported out of closed session that the Board of Directors unanimously directed the District's labor negotiation team of Dave Larson and Greg Nordbak to commence negotiations with the employee union.

INFORMATIONAL ITEMS

None

ADJOURNMENT

President Rice adjourned the meeting at approximately 5:32 P.M.

Joy Neugebauer, Secretary