

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

**October 4, 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, October 4, 2011 at 4:00 P.M.

**BOARD MEMBERS PRESENT:**

Al P. Krippner (absent)  
Joy L. Neugebauer  
Frank Cobo  
Margie L. Rice  
Tyler Diep

**OTHERS AT MEETING:**

Ken Robbins, General Manager  
Robert Housley, Finance/HR Director  
Tom Nixon, District Counsel  
Danielle Gerardo, Board Secretary

**PLEDGE AND INVOCATION**

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

**APPROVAL OF THE MINUTES OF THE MEETING OF SEPTEMBER 17, 2011**

A motion was made by Director Neugebauer, seconded by Director Cobo to approve the minutes of the meeting of September 17, 2011, with one change. The motion was approved by a 3-0-1 vote, with Director Diep abstaining.

**APPROVAL OF THE MINUTES OF THE MEETING OF SEPTEMBER 20, 2011**

A motion was made by Director Diep, seconded by Director Cobo to approve the minutes of the meeting of September 20, 2011, with one change. The motion was approved by a 4-0 vote.

## PUBLIC COMMENTS

None

## APPROVAL OF EXPENDITURES

### A. Demands in the amount of \$ 152,856.11

#	CK #	CK AMOUNT	VENDOR
1			
2	4857	126.04	<b>Advanced Gas Products</b> - Cylinder Rental for August 2011, Liquid Propane
3	4858	440.00	<b>Advanced Workplace Strategies, Inc.</b> - AWSI DOT Federal Highway Membership Annual Renewal
4	4859	500.00	<b>Crystal Rose Catering</b> - Deposit for Holiday Party
5	4860	51.46	<b>Cummins Cal Pacific, LLC</b> - Restock Threads & Washers
6	4861	3,168.16	<b>Daniel's Tire Service</b> - Restock Tires
7	4862	7,850.00	<b>Environmental Compliance Inspection Services</b> - Fog Inspections September 2011- March 2012
8	4863	289.38	<b>G &amp; K Services</b> - Uniform Services for September 2011
9	4864	210.84	<b>Hillco Fastener Warehouse, Inc.</b> - Restock Bolts & Nuts
10	4865	1,099.05	<b>Hydraforce, Inc.</b> - In & Out Cylinder T53, Gripper Cylinder T65
11	4866	8,200.00	<b>Leaf &amp; Cole, LLP</b> - Audit Services for August 2011
12	4867	2,306.82	<b>Los Alamitos Auto Parts</b> - Strobe Light T9, Brake Kits T60 & T57, Heat Hose T52, Misc. Restock for Shop
13	4868	142.70	<b>Neugebauer, Joy L.</b> - Insurance Reimbursement for October 2011
14	4869	1,079.66	<b>Rosemead Oil Products, Inc.</b> - ATF C4 10W Lubricant
15	4870	322.00	<b>Rutan &amp; Tucker, LLP</b> - Services for September 2011
16	4871	734.86	<b>TSP Printing</b> - Vehicle Inspection Books
17	4872	6,052.00	<b>Woodruff, Spradlin &amp; Smart</b> - Services Rendered Through August 2011
18			
19		<b>32,572.97</b>	<b>SUBTOTAL</b>
20			
21			<b>ADD HANDCUT CHECKS:</b>
22	4847	13,000.00	<b>D J Printing</b> - Deposit for 2012 MCSD Calanders
23	4848	93.18	<b>AT&amp;T</b> - Internet Brookhurst Lift Station (714) 531-0272 for September 2011
24	4849	3,152.51	<b>Southern California Edison</b> - Archives & Parking Garage \$106.32, District Office \$1060.84,
25			Maintenance Shop \$284.27, Brookhurst Lift Station \$161.21, Westminster Lift Station \$593.28,
26			Willow Lift Station \$323.76, Hammon Lift Station \$622.83
27	4850	42,923.46	<b>CalPERS Health Premium</b> - Health Premium for October 2011
28	4851	283.39	<b>Pitney Bowes</b> - Lease Charge for October 2011 through January 2012
29	4852	63.00	<b>Solid Waste Insurance Managers</b> - Fee to Add Vehicle to Policy (1998 Volvo S/L Vin#67740)
30	4853	3,103.88	<b>The Standard Dental Insurance</b> - Premium Coverage for October 2011
31	4854	701.67	<b>The Standard Life Insurance</b> - Premium Coverage for October 2011
32	4855	411.58	<b>Union Bank (N. Castro)</b> - Restock Kitchen/Cleaning Supplies & Board Meeting Supplies
33	4856	857.54	<b>Verizon CA</b> - District Office Phones & Lift Stations for September 2011; (714) 897-5368 Dst. Office/
34			903-1863 Willow/ 903-6154 Westminster/ 903-6274 Hammon
35			
36		<b>97,163.18</b>	<b>SUBTOTAL PLUS HANDCUTS</b>
37			

38		<b>Payroll</b>
39	54,266.78	Payroll Date 09/20/2011 Staff Chk #15135-15141 Taxes & Direct Deposits
40	1,426.15	Payroll Date 09/20/2011 Nationwide Deferred Compensation
41	5,203.76	Board of Director's Payroll for the Month of September 2011 Chk # 15143-15145
42	404.00	Board of Director's Nationwide Deferred Compensation for the Month of September 2011
43	<b>152,856.11</b>	<b>TOTAL EXPENDITURES W/PAYROLL</b>

A motion was made by Director Diep, seconded by Director Neugebauer to approve the expenditures in the amount of \$ 152,856.11. The motion was approved by a 4-0 vote.

## REPORTS

### Report of President

President Rice apologized to the Board that she forgot to bring some information regarding a tour of the Bowerman Landfill which she had intended to share with them.

### Report of General Manager

GM Robbins reported that Costa Mesa Sanitary District (CMSD) is requesting a joint meeting for discussion of items concerning both Districts. They are requesting that the General Managers and Presidents of the two Boards meet for discussion prior to bringing any items back to their full Boards for possible further discussion and approval. The Board gave President Rice their approval to meet with CMSD.

GM Robbins reported that several of the Board members have requested a tour of Rainbow Disposal. After consulting with Rainbow, the dates available for a tour are: Monday, November 7<sup>th</sup>, Tuesday, November 15<sup>th</sup>, and Tuesday, November 29<sup>th</sup>. The Board decided to schedule two separate trips – one on November 7<sup>th</sup> and one on the 29<sup>th</sup>. GM Robbins stated that he would make the arrangements.

### Report from Orange County Sanitation District Meeting (OCSD)

Director Neugebauer reported that there was a meeting on Wednesday, September 28, 2011. Updates were given, closed session negotiations took place, and there was a 2010-2011 end of year report titled "We're Here For You" which she brought in to share with the rest of the Board. Mr. Ryal Wheeler, who is a resident of Midway City, and an employee of OCSD, has been recognized as the top volunteer of the year for the 6<sup>th</sup> consecutive year.

President Neugebauer reported that the Operations Committee will meet on Wednesday, October 5, 2011.

### Report from Independent Special District's of Orange County (ISDOC) Meeting

Director Cobo stated that he found the information regarding Special Districts particularly interesting.

Director Neugebauer pointed out that the speaker on Special Districts was John Lewis, and the other speaker was Neil McCormick from CSDA.

## **CONSENT CALENDAR**

None

## **OLD BUSINESS**

### A. Consider Bids for the Electronic Data Management System (EDMS)

A motion was made by Director Diep, seconded by Director Cobo to approve the recommendation made by staff and award the bid to Incrementum.

After some discussion, a substitute motion was made by Director Neugebauer, seconded by Director Cobo to award the agreement contract to Optisource, and to have staff monitor the agreement carefully and keep the Board informed when it reaches the amount budgeted for this item. The motion was approved by a 4-0 vote.

## **NEW BUSINESS**

### A. Consider Proposal for a Board Manual from BHI Management Consulting

A motion was made by Director Neugebauer, seconded by Director Diep to continue this item to the next agenda when there is a full Board present. The motion was approved by a 4-0 vote.

### B. Consider A Construction Agreement With the City of Westminster to Construct a 400 Linear Feet Parallel Sewer Main on 19<sup>th</sup> Street Between Richardson Way and Pacific Avenue

A motion was made by Director Diep, seconded by Director Neugebauer to approve the construction agreement with the City of Westminster. The motion was approved by a 4-0 vote.

The Board went to closed session prior to discussing New Business Item 9C.

## **CLOSED SESSION**

President Rice convened the meeting to closed session at 4:39 P.M. pursuant to Government Code Section 54957.6 and 54956.9(b)

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 (Government Code 54957.6)

Agency Designated Representative: General Manager Robbins  
Unrepresented Employees: Administrative Secretary, Receptionist

B. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code section 54956.9(b) (One potential case)

C. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Government Code section 54956.9(b) (One potential case: Claim of Lethaniel Luyen)

President Rice reconvened the meeting at 5:26 P.M.

General Counsel stated that there was no reportable action taken during the closed session.

## **NEW BUSINESS**

C. Consider Damage Claim Received By Midway City Sanitary District From Lethaniel Luyen

A motion was made by Director Neugebauer, seconded by Director Diep to deny the damage claim received from Lethaniel Luyen. The motion was approved by a 4-0 vote.

## **BOARD CONCERNS/COMMENTS**

None

## **GM/STAFF CONCERNS/COMMENTS**

GM Robbins reminded the Board that they would be travelling to Monterey for the CSDA Conference on Monday, October 10, 2011 and that he would begin picking up President Rice and Directors Neugebauer and Cobo starting around 8:30 A.M.

**GENERAL COUNSEL CONCERNS/COMMENTS**

None

**INFORMATIONAL ITEMS**

- A. State Water Board Adopts Fee Increases

**ADJOURNMENT**

President Rice adjourned the meeting at approximately 5:29 P.M.

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Joy Neugebauer, Secretary