

**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**

November 21, 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, November 21, 2011 at 2:00 P.M.

BOARD MEMBERS PRESENT:

Al P. Krippner
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
Julia Sales, Administrative Secretary
Ron Shenkman, Rainbow Environmental Services
Bruce Shuman, Rainbow Environmental Services
Dean Ruffridge, CR&R Inc.
David Fahrion, CR&R Inc.

PLEDGE AND INVOCATION

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

PUBLIC COMMENTS

None

NEW BUSINESS

- A. Consider Approving the Third Amendment to the Exclusive Franchise Agreement with Rainbow Environmental Services and CR&R Incorporated

GM Robbins gave a brief overview of the Third Amendment to the Exclusive Franchise Agreement with Rainbow Environmental Services and CR&R Incorporated that Staff, President Rice, and Director Diep negotiated over the past few months.

Director Neugebauer stated that she would be opposing the Third Amendment to the Exclusive Franchise Agreement with Rainbow Environmental Services and CR&R Incorporated due to the two year notification time frame.

Director Krippner agreed with Director Neugebauer and stated that he felt that six months to a year would be preferable.

Director Diep explained that he is in favor of the Third Amendment in order to keep rates down for the ratepayers of the District.

Director Cobo stated that he is thinking of the future and is in support of the Third Amendment to the Exclusive Franchise Agreement with Rainbow Environmental Services and CR&R Incorporated.

A motion was made by Director Neugebauer to approve the Third Amendment to the Exclusive Franchise Agreement with Rainbow Environmental Services and CR&R Incorporated, with an amendment to change the notification time frame from two years to eighteen months. The motion died for a lack of a second.

A motion was made by Director Diep, seconded by Director Cobo to approve the Third Amendment to the Exclusive Franchise Agreement with Rainbow Environmental Services and CR&R Incorporated, as recommended by staff.

Director Krippner stated that he feels that Rainbow does a great job, and his opposition to the third amendment has nothing to do with their great service.

The motion was approved by a 3-2 Roll Call Vote with Directors Krippner and Neugebauer voting no.

BOARD CONCERNS/COMMENTS

Director Cobo stated for the record that he supported this amendment, nobody tells him how to vote, he does his homework and tries to make good decisions for the District. He added that when he votes, it is a yes or no, not an abstention, and that his decision today was not persuaded by anyone.

Director Neugebauer stated that she is on call for jury duty this week and may need to postpone or change her photo session, and she wished everyone a Happy Thanksgiving.

President Rice thanked everyone for their help and wished everyone a Happy Thanksgiving.

GM/STAFF CONCERNS/COMMENTS

GM Robbins wished the Board and Staff a Happy Thanksgiving, thanked the Board for their guidance, and is happy that the District is moving forward.

GENERAL COUNSEL CONCERNS/COMMENTS

None

INFORMATIONAL ITEMS

None

ADJOURNMENT

President Rice adjourned the meeting to 4 P.M. on Friday, December 2, 2011 in the Board room at 14451 Cedarwood Avenue, Westminster, CA at approximately 2:27 P.M.

Joy Neugebauer, Secretary