

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

August 6, 2012

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, August 6, 2012 at 4:00 P.M.

BOARD MEMBERS PRESENT:

Al P. Krippner
Joy L. Neugebauer
Frank Cobo
Margie L. Rice
Tyler Diep (arrived @ 5:03 P.M.)

OTHERS AT MEETING:

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

PLEDGE AND INVOCATION

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

APPROVAL OF THE MINUTES OF THE MEETING OF JULY 17, 2012

A motion was made by Director Neugebauer, seconded by Cobo to approve the minutes of the meeting of July 17, 2012.

After some discussion, Director Neugebauer withdrew her motion.

A motion was made by Director Cobo, seconded by President Rice to approve the minutes of the meeting of July 17, 2012, with an amendment. The motion was approved by a 3-1 vote, with Director Neugebauer voting no.

APPROVAL OF THE MINUTES OF THE MEETING OF JULY 18, 2012

A motion was made by Director Neugebauer, seconded by Cobo to approve the minutes of the meeting of July 18, 2012. The motion was approved by a 4-0 vote.

PUBLIC COMMENTS

None

APPROVAL OF EXPENDITURES

A. Demands in the amount of \$ 535,844.80

#	CK #	Date	AMOUNT	VENDOR
1				
2	5490	8/2	139.90	Neugebauer, Joy - Health Insurance Reimbursement for August 2012
3	5491	8/2	216.35	Advanced Gas Products - Cylinder Rental for June 2012; (7.6) Gallons Liquefied Propane for Restock
4	5492	8/2	816.21	Bodyworks - (2) Plungers, (4) Coils, (2) Limit Switches, & (10) Rollers for Restock
5	5493	8/2	47,480.82	City of Westminster - Fuel Charges for April through June 2012
6	5494	8/2	1,429.74	Daniel's Tire Service - (8) Recaps & (1) Nail Repair for Restock
7	5495	8/2	451.96	G & K Services - Uniform Services for July 2012
8	5496	8/2	748.86	Golden Trophy & Awards - 'Employee of the Year' & 'Employees Who Passed' Plaques for District
9	5497	8/2	159.05	Grainger - Restock Black Gloves for Sewer Maintenance
10	5498	8/2	230.00	Hedman L.A. - Annual Service Agreement for Check Signature Machine
11	5499	8/2	124.07	Hose-Man, Inc. - (2) Hoses for Forklift
12	5500	8/2	VOID	Check was Voided to Apply Received Credit
13	5501	8/2	608.00	Orange County Sanitation District - Permit Fees for July 2012 (MCSO 5% = \$32.00)
14	5502	8/2	31,382.00	Otto Environmental - (720) 65 Gallon Medium Black Carts
15	5503	8/2	91,320.51	Rainbow Environmental Services - Tonnage Fees for July 2012
16	5504	8/2	21,364.70	Rehrig Pacific - (437) 95 Gallon Large Blue Carts
17	5505	8/2	VOID	Check was Voided to Correct Invoice Totals
18	5506	8/2	166.39	Tec of California - (2) Air Filters for Restock & (1) Sensor for T61
19	5507	8/2	3,694.08	Los Alamitos Auto Parts - (1) Air Dryer, (10) Hose Ends, (50) Feet Hydraulic Hoses, & (24) Cans Braklee
20				for Restock; (1) Brake Kit for T60; (6) Drums, (6) Brake Kits, (2) Hydraulic Brake Kits for Restock
21	5508	8/2	211,999.98	Solid Waste Insurance - Commercial Insurance Policy Annual Premium (August 2012 to August 2013)
22				
23			412,332.62	SUBTOTAL
24				
25				ADD HANDCUT CHECKS:
26				
27	5471	7/17	106.00	Gerardo, Danielle - Safety & Economic Suggestion Award
28	5472	7/17	275.26	Hernandez, David - Safety & Economic Suggestion Award

29	5473	7/17	80.69	The Gas Co. - District Offices and Maintenance Yard Fees for June 2012
30	5474	7/17	462.63	Verizon Business - Internet Connection for SCADA System for June 2012
31	5475	7/18	375.00	Robbins, Ken - Petty Cash to Pay for Employee Luncheon/Awards 07/18
32	5476	7/25	215.23	Griffith, Randy - Vacation Pay for Pay Date 07/24, Missed from Time-Sheet
33	5477	7/27	97.18	AT&T - Brookhurst Lift Station Service for July 2012
34	5478	7/27	80.00	City of Westminster - Hydrant Meter Usage for June & July 2012
35	5479	7/27	2,829.35	Southern California Edison - Archives & Parking Garage \$50.06, District Office \$761.27,
36				Maintenance Shop \$285.39, Brookhurst Lift Station \$165.26, Westminster Lift Station \$614.62,
37				Willow Lift Station \$268.69, Hammon Lift Station \$684.06 .
38	5480	7/27	144.20	First Bankcard (NC) - Restock Office Supplies
39	5481	8/1	3,522.29	US Bank - (KR) \$2,445.60 - CASA Monterey 08/07-08/11/2012 (MR, JN, FC, KR), MWDOC Water
40				Policy Dinner 07/25 (AK), Wiacom Monthly Services for June & July 2012. (DGe) \$347.47 - Board
41				Refreshments for 06/26, 07/03, 07/11, 07/17; Cassette Tapes for Restock. (DGr) \$134.95 - Restock Sew
42				Maintenance Operating Supplies. (NC) \$165.27 - Restock Refuse Operating Supplies. (RH) \$429.00 -
43				Service on Ricoh MPC500 on 7/13, Asset Keeper Upgrade for Financials, Remington Monthly Service
44				for July 2012.
45	5482	8/1	894.46	Verizon CA - District Office Phones & Lift Stations for July 2012; 714-897-5368 District Office,
46				714-903-1863 Willow Lift, 714-903-6154 Westminster Lift, 714-903-6274 Hammon Lift.
47	5483	8/1	250.00	Cobo, Frank - Per Diem for CASA Conference Monterey 08/07-08/11
48	5484	8/1	200.00	Neugebauer, Joy - Per Diem for CASA Conference Monterey 08/07-08/11
49	5485	8/1	250.00	Rice, Margie - Per Diem for CASA Conference Monterey 08/07-08/11
50	5486	8/1	250.00	Robbins, Ken - Per Diem for CASA Conference Monterey 08/07-08/11
51	5487	8/2	47,101.83	CalPERS Health Premium - Healthcare Premium for August 2012
52	5488	8/2	3,289.94	MetLife - Monthly Dental Premium for August 2012
53	5489	8/2	742.67	The Standard Life Insurance - Premium Coverage for August 2012
54				
55			473,499.35	SUBTOTAL PLUS HANDCUTS
56				
57				Payroll
58		7/24	54,783.84	Payroll - Staff Check # 15326 - 15331 Taxes & Direct Deposits
59		7/24	1,398.28	Payroll - Nationwide Deferred Compensation (100% Paid By Employees)
60		7/27	5,712.65	Board of Director's Payroll for the Month of July 2012 Chk # 15333 - 15335
61		7/27	450.68	Board of Director's Nationwide Deferred Compensation for July 2012 (100% Paid By Directors)
62				
63			535,844.80	TOTAL EXPENDITURES W/PAYROLL

A motion was made by Director Cobo, seconded by President Rice to approve the expenditures in the amount of \$ 535,844.80. The motion was approved by a 4-0 vote.

REPORTS

Report of President

President Rice stated that Director Neugebauer has been doing a great job hosting the Concerts in the Parks for the District.

Report of General Manager

GM Robbins reported that he will be adding the private lateral system policy on the August 21, 2012 meeting agenda for the Board's consideration.

GM Robbins stated that the District's strategic plan needs to be finalized because the redevelopment monies that the District received needs to have a plan and purpose.

GM Robbins stated that he would have the plans and specifications for the facility improvement project on the September 4, 2012 meeting agenda for the Board's consideration, with all of the Board's suggestions included.

GM Robbins stated that a submittal was sent to CSDA for the Public Outreach and Advocacy Award for the District's Pushing the Blues program.

GM Robbins finished his report by stating that each Director was provided with a copy of the District's 2012-2013 final budget.

Report from Orange County Sanitation District Meeting (OCSD)

Director Neugebauer reported that she attended the meeting of the Board of Directors on Wednesday, July 25, 2012. There was a report and discussion on bio-solids since proposals had been sent out. A decision was deferred to the Wednesday, August 1, 2012 Operations Committee meeting, where after further discussion, the contract was awarded to Tule Ranch instead of Tara due to quality of service.

Report on Safety Day

Director Neugebauer reported that the coloring books and crayons were a good choice for the District to hand out at the City of Westminster's annual Safety Day and suggested that the pictures from Safety Day be included with the submittal for the CSDA award.

GM Robbins stated that he already sent the submittal in along with pictures.

Director Cobo reported that the children attending Safety Day loved the refuse and sewer trucks from the District.

Director Krippner stated that he enjoyed Safety Day, and that the children seemed to especially like the helicopter.

President Rice stated that she also liked the helicopter but especially loved seeing all the children at Safety Day.

GM Robbins reported that it was very well attended and an estimated 800 coloring books were handed out as well as several District calendars.

Report on MWDOC Water Policy Forum

Director Krippner represented the District at MWDOC's Water Policy forum and dinner on Wednesday, July 25, 2012. He provided everyone with a handout with notes and this summary comment: It's better now (2012) to stay hooked-up with San Diego & Los Angeles together, NOT to go as an independent San Diego Water District.

Report from the Calendar Committee

Director Neugebauer reported that the "What Items Are Not Allowed in Your Container" section of the 2012 calendar had been omitted in the 2013 edition and she felt very strongly that it needed to be added because it is not stated anywhere that concrete should not be put into the containers.

CONSENT CALENDAR

- A. Approval of the request of Lead Sewer Maintenance Worker/Construction Inspector Darrell Grimes to receive 40 hours of vacation pay in lieu of time off
- B. Annual Driver's Safety Training – Class B Drivers
- C. Consider Approval of Attendance to the Independent Special Districts of Orange County (ISDOC) Quarterly Meeting on Thursday, August 30, 2012
- D. Consider Approval of Attendance to the Westminster Chamber of Commerce Centennial Celebration on Friday, November 2, 2012

A motion was made by Director Neugebauer, seconded by Director Cobo to approve the Consent Calendar. The motion was approved by a 4-0 vote.

OLD BUSINESS

- D. Consider Setting a Date for a Study Session to Proceed with the Development of the District's Strategic Plan

A motion was made by Director Neugebauer, seconded by Director Cobo to schedule the strategic plan study session on Tuesday, October 9, 2012 at 4 P.M. The motion was approved by a 4-0 vote.

NEW BUSINESS

A. Consider Approving the Purchase of a 5,000 Pound Capacity Forklift for the District

A motion was made by Director Neugebauer, seconded by Director Cobo to approve staff's recommendation to approve the purchase of a forklift for the District. The motion was approved by a 4-0 vote.

B. RESOLUTION 2012-12 *(Roll Call Vote)*

A RESOLUTION 2012-12 OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT, OF ORANGE COUNTY, CALIFORNIA, ADOPTING A CATASTROPHIC LEAVE SHARING POLICY

A motion was made by Director Neugebauer, seconded by Director Cobo to adopt Resolution No. 2012-12, and waive further reading. The motion was approved by a 3-0-1 roll call vote, with Director Krippner abstaining.

Director Diep arrived at the meeting at 5:03 P.M.

C. 4th Quarter Financial Reports – Fiscal Year 2011-12 (07/01/11 through 06/30/12)

A motion was made by Director Neugebauer, seconded by Director Diep to receive and file the 4th Quarter financial reports. The motion was approved by a 5-0 vote.

D. Consider approval of the request of Sewer Maintenance Worker Alejandro Gonzalez to receive 40 hours of vacation pay in lieu of time off

A motion was made by Director Neugebauer, seconded by Director Cobo to approve staff's recommendation to approve the request of the payout of vacation pay in lieu of time off. The motion was approved by a 5-0 vote.

E. Consider application from Lobbyist James McConnell to South Coast Air Quality Management District (SCAQMD) for three Compressed Natural Gas (CNG) solid waste trucks for Midway City Sanitary District

A motion was made by Director Neugebauer, seconded by Director Cobo to follow staff's recommendation and continue this item until after the Districts strategic plan meeting in October 2012. The motion was approved by a 4-0-1 vote, with Director Krippner abstaining.

F. Consider Purchasing Excess Public Official's Errors and Omissions (E&O)/Employment Practices Liability Insurance (EPLI)

A motion was made by Director Krippner, seconded by Director Cobo to approve purchasing \$5 million excess Public Official's E & O and EPLI insurance. The motion was approved by a 4-1 vote, with Director Neugebauer voting no.

BOARD CONCERNS/COMMENTS

Director Neugebauer stated that she had several comments.

#1 – Director Neugebauer suggested that Board attendees at the CASA conference should be registered for the CSRMA Risk Management Training Seminar from 7 A.M. until noon on Wednesday, August 8, 2012. Staff was asked to register President Rice, Directors Neugebauer and Cobo, and GM Robbins.

#2 – Director Neugebauer asked why blue containers aren't picked up first in order to deter scavengers and give them less time to go through the bins on pickup days?

GM Robbins stated that the reason black containers have been picked up first is because they were generally heavier. He will speak with Director of Operations and Safety Nick Castro about making the change.

#3 – Director Neugebauer stated that she would like an agenda item considering the purchase of one new CNG truck and modifying one of the trucks in the District's current fleet in order to compare costs.

Director Neugebauer asked if The Salute to Seniors luncheon could be ratified on the next agenda since it is on Tuesday, August 21, 2012. Staff was asked to make reservations for that event for Directors who would like to attend.

Director Neugebauer asked staff to have Scott Snowden of The Rule Group give examples of events that would be covered under the excess public officials E&O and EPLI insurance that was discussed earlier in the meeting.

GM/STAFF CONCERNS/COMMENTS

GM Robbins stated that he would start picking up Directors at 10 am Tuesday, August 7, 2012 in order to drive to Monterey, Ca for the CASA conference.

GENERAL COUNSEL CONCERNS/COMMENTS

None

CLOSED SESSION

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.

INFORMATIONAL ITEMS

- A. Over-The-Top Program second quarter 2012 report
- B. California Special Districts Association (CSDA) Legislative Alert:
Status of the Brown Act
- C. Website Activity for the Month of July 2012 (35,374 successful hits)

ADJOURNMENT

President Rice adjourned the meeting at approximately 5:43 P.M.

Joy Neugebauer, Secretary