

**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**

**December 7, 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, on Friday, December 7, 2012 at 4:00 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  
Danielle Gerardo, Board Secretary  
Joan Fincher-Bevan  
Harry Paul  
Joan Hansen  
Greg Cope

**PLEDGE AND INVOCATION**

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

**PUBLIC COMMENTS**

None

## **NEW BUSINESS**

### **Resolution No. 2012-18**

#### **A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT, OF ORANGE COUNTY, CALIFORNIA, DECLARING RESULTS OF THE NOVEMBER 6, 2012 ELECTION OF DISTRICT DIRECTORS**

A motion was made by Director Neugebauer, seconded by Director Diep to adopt Resolution No. 2012-18, declaring the results of the November 6, 2012 election of District Directors, and waive further reading. The motion was approved by the following roll call vote:

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

#### **The Oath of Office Ceremony was conducted for the newly reelected District Directors.**

Joan Fincher-Bevan administered the Oath of Office to Directors Neugebauer and Krippner.

#### **Board Reorganization and Appointment of representatives to other agencies, organizations and committees.**

District Counsel Nixon reminded the Board of the parameters of the new FPPC regulation and opened the floor for nominations for the office of President.

President Rice, seconded by Director Diep, nominated Director Cobo for the office of President.

District Counsel Nixon asked if there were any other nominations for the position of President of the Board. Director Krippner nominated Director Neugebauer for the office of President, which she declined. Director Krippner then nominated President Rice for the office of President, which she also declined.

A motion was made by Director Neugebauer, seconded by President Rice to close the nominations for the office of President. The motion was carried by a 5-0 vote.

The appointment of Director Cobo to the office of President was then approved by a 5-0 vote.

District Counsel Nixon relinquished the conduct of the proceedings back to the President. President Cobo took over the conduct of the meeting.

President Cobo opened the floor for nominations for the office of President Pro-Tem.

President Cobo nominated Director Rice for the office of President Pro-Tem.

Director Neugebauer nominated Director Krippner for the office of President Pro-Tem.

A motion was made by Director Diep, seconded by Director Neugebauer to close the nominations for the office of President Pro-Tem. The motion was carried by a 5-0 vote.

Director Rice withdrew her nomination in support of Director Krippner. Director Neugebauer stated that she would call for the question and accept Director Rice's withdrawal. The appointment of Director Krippner to the office of President Pro-Tem was approved by a 5-0 vote.

President Cobo opened the floor for nominations for the office of Secretary.

Director Neugebauer nominated Director Rice for the office of Secretary.

A motion was made by Director Diep, and seconded, to close the nominations for the office of Secretary. The motion was carried by a 5-0 vote.

The appointment of Director Rice to the office of Secretary was approved by a 5-0 vote.

President Cobo opened the floor for nominations for the office of Treasurer.

Director Rice, seconded by President Cobo, nominated Director Neugebauer for the office of Treasurer.

Director Neugebauer left the meeting.

A motion was made by Director Diep, seconded by Director Rice, to close the nominations for the office of Treasurer. The motion was carried by a 5-0 vote.

The appointment of Director Neugebauer to the office of Treasurer was approved by a 4-0 vote.

Director Neugebauer returned to the meeting.

President Cobo opened the floor for nominations for the office of Secretary/Treasurer Pro-Tem.

Director Neugebauer nominated Director Diep for the office of Secretary/Treasurer Pro-Tem.

Director Diep left the meeting.

Director Rice nominated Director Krippner for the office of Secretary/Treasurer Pro-Tem.

Director Krippner left the meeting.

The appointment of Director Diep was voted on and failed on a 1-2 vote, with Director Neugebauer voting in favor and President Cobo and Director Rice voting against the appointment.

The appointment of Director Krippner was then approved by a 3-0 vote.

Directors Diep and Krippner returned to the meeting.

President Cobo stated that the next office for discussion was the Orange County Sanitation District (OCSD) Representative which is the President or the President's appointee. President Cobo appointed Director Diep to serve as the representative.

President Cobo appointed Director Krippner as the Alternate Representative to OCSD.

Director Neugebauer made a motion, seconded by Director Rice to approve the President's appointments. The motion was passed by a 5-0 vote.

President Cobo opened the floor for nominations for the District's representative to the Independent Special Districts of Orange County (ISDOC).

Director Rice, seconded by Director Krippner, nominated Director Neugebauer for the office of ISDOC Representative. The appointment was approved by a 5-0 vote.

Director Neugebauer, seconded by President Cobo, nominated Director Rice for the office of ISDOC Representative Alternate. The appointment was approved by a 5-0 vote.

President Cobo opened the floor for nominations for the appointment as the Westminster Chamber of Commerce Representative.

Director Neugebauer, seconded by Director Diep, nominated Director Rice for the office of Westminster Chamber of Commerce Representative. The appointment was approved by a 5-0 vote.

President Cobo, seconded by Director Rice, nominated Director Diep for the office of Westminster Chamber of Commerce Representative Alternate. The appointment was approved by a 5-0 vote.

There was a consensus of the Board of Directors that no change would be made to the full Board serving as the Budget and Audit Committee, therefore no action was taken on this matter.

President Cobo nominated Director Rice, with Director Diep as the alternate, to the Calendar committee, with the nomination of Director Rice to be considered first.

Director Rice left the meeting.

The appointment of Director Rice to the Calendar Committee was approved by a 4-0 vote.

Director Rice returned to the meeting.

Director Neugebauer, seconded by Director Rice, nominated President Cobo to the Calendar Committee.

President Cobo left the meeting and President Pro-Tem Krippner took over control of the meeting.

The appointment of President Cobo to the Calendar Committee was approved by a 4-0 vote.

President Pro-Tem Cobo returned to the meeting.

Director Diep left the meeting,

The nomination of Director Diep as alternate to the Calendar Committee was approved by a 3-1 vote, with Director Krippner voting no.

Director Diep returned to the meeting.

There was a consensus of the Board of Directors that no change be made to the full Board serving as the Negotiating Committee, therefore no action was taken on this matter.

Director Rice, seconded by President Cobo, nominated Director Neugebauer to the Franchise Agreement Committee.

Director Neugebauer left the meeting.

The appointment was approved by a 4-0 vote.

Director Neugebauer returned to the meeting.

Director Diep, seconded by President Cobo, nominated Director Rice to the Franchise Agreement Committee.

Director Rice left the meeting.

The appointment was approved by a 4-0 vote.

Director Rice returned to the meeting.

President Cobo opened the floor for discussion as to future Board meeting dates and time.

A motion was made by Director Rice, seconded by Director Krippner, to continue to meet on the first and third Tuesday of each month at 4 P.M., unless otherwise declared by the Board. The motion was passed by a 5-0 vote.

## **BOARD CONCERNS/COMMENTS**

Director Neugebauer stated that the City of Westminster was on an email list that gives notice of days when flags should fly at half mast and she suggested that the District get on that list.

Director Neugebauer stated that she will take her position as Treasurer seriously and thanked her friends for attending the ceremony today.

Director Krippner stated that he liked the invitation to Rainbow Environmental's holiday open house.

Director Neugebauer stated that she heard that a resident had their large broken black cart replaced by a smaller cart, but that there was some miscommunication between the customer and the District.

GM Robbins stated that the District explains to customers who call for exchanges that the black container is mainly for yard and pet waste and food scraps, and that almost

everything else is recyclable and belongs in the blue cart, therefore, they might not need a large black cart and may need an additional blue.

Director Rice requested that staff prepare a policy for all the meetings that the Board of Directors attend. The rest of the Board agreed and legal counsel was asked to help staff.

Director Krippner asked legal counsel about the Brown Act violation that occurred at the Orange County Transportation Authority (OCTA). Legal counsel stated that it was an issue of a special meeting that should have been a regular meeting.

Director Neugebauer stated that the State has mandated that the District reduce the amount of solid waste that goes to the landfill and that is the reason for the Pushing the Blues and changing the routine of picking up blue carts before black.

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

GM Robbins gave his congratulations to the newly re-elected Directors Neugebauer and Krippner.

### **DISTRICT COUNSEL CONCERNS/COMMENTS**

Legal Counsel Nixon stated that there is a proposed alteration of the rule that the Board dealt with today pending before the FPCC and he hopes that they take action to modify it to allow full Board participation before next year.

### **ADJOURNMENT**

President Cobo adjourned the meeting to Tuesday, December 11, 2012 at 4 P.M. at the District office at approximately 4:52 p.m.

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Margie Rice, Secretary