

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

June 18, 2013

CALL TO ORDER

President Cobo called the regular meeting of the Governing Board of the Midway City Sanitary District to order at 14451 Cedarwood Avenue, Westminster, California on Tuesday, June 18, 2013 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

PLEDGE AND INVOCATION

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

PUBLIC COMMENTS

None

APPROVAL OF THE MINUTES OF THE MEETING OF JUNE 4, 2013

A motion was made by Director Neugebauer, seconded by Director Diep to approve the minutes of the meeting of June 4, 2013, as presented. The motion was approved by a 5-0 vote.

Directors Neugebauer and Rice requested a copy of the tape for the meeting on June 4, 2013.

APPROVAL OF EXPENDITURES

A. Demands in the amount of \$ 313,798.71

#	CK #	Date	AMOUNT	VENDOR
1	6125	6/12	62.00	Advanced Gas Products - Cylinder Rental for May 2013
2	6126	6/12	1,552.09	Bodyworks - (6) Coils for T59 & T65
3	6127	6/12	24,936.98	CalPERS Retirement - Retirement Contributions for May & June 2013
4	6128	6/12	42,442.50	Citiwide Engineering - Partial Payment for District 2013 Facility Improvement Project
5	6129	6/12	1,971.84	Computer Research Center - Installation of New Computer to Shop Office, Update Dossier Software
6	6130	6/12	831.25	Country City Towing - Tows for T57 & M63
7	6131	6/12	3,794.05	Daniel's Tire Service - (15) Recaps, (2) Repairs & (2) New Tires for Restock
8	6132	6/12	6,985.43	Dartco Transmission - Rebuild Transmission for T57
9	6133	6/12	225.63	Dial Communications - (3) Replacement Batteries for District Radios
10	6134	6/12	274.96	G & K Services - Uniform Services for May & June 2013
11	6135	6/12	839.46	ID Industries - (10) Rocker Switches, (2) Pressure Switches, and (1) Joystick for Restock
12	6136	6/12	44.97	Los Alamitos Napa Auto Parts - (12) Quarts of Motor Oil for Restock
13	6137	6/12	3,303.70	Los Angeles Freightliner - Labor & Parts for M63 (HEUI Pump Failure)
14	6138	6/12	350.00	Maxx Air - Filter Cleaning for T51
15	6139	6/12	8,437.27	Orange County Sanitation District - Permit Fees for May 2013 (MCSD 5% = \$444.07)
16	6140	6/12	135,764.97	Rainbow Transfer Recycling - Tonnage Fees for May 2013
17	6141	6/12	950.22	Ray Gaskin Service - (1) In & Out Seal Kit, (1) In & Out Piston, & (2) Heil Arm Rise Seal Kits for Restock
18	6142	6/12	912.43	TEC of California -(4)Seal Rings,(4)Gaskets T52;(1)V-Stay T51;(4)Brake Kits&(4)Fuel Filters for Restock
19	6143	6/12	13.50	Underground Service Alert - (9) New Tickets for May 2013
20	6144	6/12	4,320.00	Woodruff, Spradlin & Smart - Legal Services for April 2013
21	6145	6/11	3,800.00	Citiwide Engineering - Partial Payment for District 2013 Facility Improvement Project
22				
23			241,813.25	SUBTOTAL
24				
25				ADD HANDCUT CHECKS:
26	6118	6/12	381.32	AT&T Mobility - Service for May 2013: (KR) 714-310-2313, (NC) 714-310-8653, (DGr) 714-325-3606,
27				Sewer 714-310-8654, Emergency 714-310-9004.
28	6119	6/12	13.84	City of Westminster - Water Usage for Hammon Lift Station 04/18-06/04/2013
29	6120	6/12	40.00	City of Westminster - Hydrant Meter Usage for May 2013
30	6121	6/12	94.99	DirecTV - Service for June 2013
31	6122	6/12	389.74	Office Max - Restock District Office Supplies
32	6123	6/12	3,711.48	US Bank -(\$2745.59 KR)OC Water Summit Registration 05/17/13(KR,FC,JN,MR,AK,TD);2013 Westminster
33				Mayor's Ball Tickets 05/18/13(MR,FC,TD,AK,KR);Parking&Food CASA Conference Newport Beach
34				4/24-4/26/2013(KR,JN,TD,FC);2013 Waste Expo New Orleans Hotel Reservations,Shuttle,Baggage
35				Fees 05/19-05/22/13(JN,FC,MR,KR,NC);OC Water Summit Parking 05/17/13;Wiarcom Monthly Serv. June
36				2013(\$132.13 DG)Board Mtg Refreshments for 05/07&05/14(\$275.89 DGr)Sewer Supplies for Restock
37				(\$64.00 RH)Remington Monthly Service(\$493.87 NC)M63 Sensor Oil&Seal O-Ring;25' Ladder for District
38	6124	6/12	10,226.00	Zenith Insurance Company - Worker's Compensation Progressive Monthly Payment June 2013

39			
40		256,670.62	SUBTOTAL PLUS HANDCUTS
41			
42			PAYROLL
43	6/11	55,790.09	Payroll - Staff Check # 15501 - 15503 Taxes & Direct Deposits
44	6/11	1,213.00	Payroll - Nationwide Deferred Compensation (100% Paid By Employees)
45	6/11	125.00	Payroll - Nationwide Deferred Compensation (100% Paid By Employees)
46		313,798.71	TOTAL EXPENDITURES W/PAYROLL
47			
48			BANK TRANSFERS
49		500,000.00	Transfer Funds from Money Market to Checking Account
50		200,000.00	Transfer Funds from Money Market to Checking Account

A motion was made by Director Rice, seconded by Director Neugebauer to approve the expenditures in the amount of \$313,798.71. The motion was approved by a 5-0 vote.

REPORTS

Report of President

None

Report of General Manager

GM Robbins reported that staff would like to submit the District for the California Association of Sanitation Agencies (CASA) Award for Organization of the Year, based on the last two years' of performance. The title would be "Raising Reserves without Raising Rates".

Director Neugebauer asked if it would be brought before the Board for review, and asked that each Board member receive a copy of the application.

GM Robbins stated that the application must be submitted by Friday, June 21, 2013, and that there were no Board meetings scheduled prior to that date.

GM Robbins reported that Rainbow Environmental is also aiding the District with the Public Outreach Award for Commercial Recycling from California Association of Sanitation Agencies (CASA), which was Board directed, and must also be submitted by Friday, June 21, 2013.

GM Robbins stated that he would be out of the office this Thursday and Friday, June 20 and 21st for the Garbage Man's Invitational Golf Tournament being held in Murrieta.

GM Robbins reported that CR&R has invited him to play golf on Monday, June 24, 2013 at the Mesa Verde golf course in Costa Mesa, so it is possible that he might be

out of the office on Monday as well. He explained that CR&R told him that they owed him an answer to his emails from months ago that they have not responded to.

Director Rice stated that the District needs to work on that relationship, but that GM Robbins needed to tell CR&R to put their answers in writing, and that the Board would not continue to be ignored.

Director Neugebauer stated that maybe this will help make progress with the scheduling of a tour of their facilities that the Board has been requesting.

GM Robbins reported that the transformer for the District's communications antenna needs to be upgraded. The cost will be approximately \$6,500-\$8,500, so it will be on the next regular agenda for the Board's consideration and approval.

Report from Orange County Sanitation District Meeting (OCSD)

Director Diep attended the OCSD Administrative Committee meeting on Wednesday, June 12, 2013, at which there was a briefing on urban runoff (gutter water, rain, etc). Currently, coastal cities are allowed up to 4 million gallons of urban runoff per day at no cost. Some of the cities in the county want OCSD to adjust the formula for the fees that they pay to OCSD for treatment of that water if they go over the maximum allowance, or, to adjust the 4 million gallon maximum to a higher number.

After the Administrative Committee meeting, there was a meeting of the full Board where they had continued negotiations with the engineers in closed session.

Report from 75 Year Anniversary Committee Meeting

Director Rice reported that she is really excited about an idea that the Directors who attended got at the Waste Expo in New Orleans to decorate MCSD containers. The committee is suggesting a contest at the high schools in the District. They will bring suggestions for the award to the Board at a later date.

Director Neugebauer stated that there are two items on the agenda today regarding the 75 year anniversary of the District - setting the date for the Chamber Open House/Mixer in January of 2014, and the MCSD Open House in April of 2014. The plan is to have tables and canopies set up in the yard for food and novelty items to promote the District, and guided tours will be given of the District offices. Director Neugebauer also stated that GM Robbins has been creating a timeline of the District since 1939.

Report from California Association of Sanitation Agencies (CASA) Conference Call

Director Rice reported that the conference call on June 10, 2013, was discussion regarding the contract for the Executive Director's salary. She was originally promised \$250,000 per year, but were proposing to pay her \$190,000 a year, plus car and phone

allowance, and 10% of that salary in a retirement fund to start. Director Rice argued against it, so a decision has been postponed until the next meeting. She was able to get another salary reduced from \$240,000 to \$150,000.

Director Rice asked Finance/HR Director Housley to check the meaning of “safe harbor”, in relation to retirement.

Report from Orange County Waste Management Commission

GM Robbins and Director Rice attended the meeting at which there was a report regarding AB 939. There is a new program that they are implementing because Orange County Waste and Recycling and the Discovery Science Center partnered on developing the Eco Challenge exhibit as part of a mutual goal to educate the general public. There was also a good presentation on landfills, and she brought information to share with the Board regarding that portion of the meeting.

Director Neugebauer asked what the makeup of that Board was like.

Director Rice stated that it is mostly cities, and positions are appointed. She suggested GM Robbins for one of the “at large” positions.

Director Diep asked to go back to the General Manager’s Report regarding the California Association of Sanitation Agencies (CASA) awards that staff proposed submitting. He suggested that the Board allow GM Robbins to go ahead and submit the application and then share it with the Board.

Director Neugebauer stated that it is part of her responsibility to be aware of anything submitted in a competition under the auspices of the District.

Director Rice suggested that the Board appoint Director Neugebauer to read the applications and make any comments or changes prior to submitting, and then share it with the rest of the Board at a later date.

Director Neugebauer stated that she feels that it is something that should be a full Board decision.

GM Robbins stated that, upon their direction, he would email the application to each Board member tomorrow and wait for their input prior to submitting.

CONSENT CALENDAR

A. Investment Report for May 2013

B. Consider Attendance of the Midway City Sanitary District Sewer Crew at the 23rd Collections Training Seminar on Wednesday and Thursday, July 24 and 25, 2013

A motion was made by Director Rice, seconded by Director Diep to approve the consent calendar. The motion was approved by a 5-0 vote.

OLD BUSINESS

None

NEW BUSINESS

A. Consider Authorization for Midway City Sanitary District to Enter into Memorandum of Understanding (MOU) with the County of Orange for the Utilization of AlertOC

A motion was made by Director Neugebauer, seconded by Director Rice to approve the MOU between the County of Orange and the District for the utilization of AlertOC. The motion was approved by a 5-0 vote.

B. Consider Approval of Employee Safety Award for Fleet Maintenance Lead Worker, Juan Salce

A motion was made by Director Rice, seconded by Director Diep to approve the safety award and present it at Rafael Gonzalez' retirement luncheon. The motion was approved by a 5-0 vote.

C. Consider Scheduling a Workshop to Review the District's Manual on Adopted District Policies

A motion was made by Director Neugebauer, seconded by Director Rice to schedule the policy workshop on the same day as the luncheon for retiring employee, Rafael Gonzalez. The motion was approved by a 5-0 vote.

D. Consider Setting Dates and Times for Westminster Chamber of Commerce Mixer and Midway City Sanitary District 75 Year Anniversary Open House

A motion was made by Director Neugebauer, seconded by Director Diep to schedule the Chamber of Commerce Mixer on Thursday, January 30, 2014 from 5-7 P.M., subject to the Chamber's calendar. The motion was approved by a 5-0 vote.

A motion was made by Director Rice, seconded by Director Diep to schedule the District's 75 Year Anniversary Open House on Saturday, April 19, 2014 from 12-3 P.M. The motion was approved by a 5-0 vote.

E. Consider Holding a Luncheon on Behalf of Retiring Solid Waste Driver Rafael Gonzalez

A motion was made by Director Neugebauer, seconded by Director Diep to schedule a retirement luncheon for Rafael Gonzalez on Wednesday, July 17, 2013 at 12 noon, to have staff write a resolution in his honor, and schedule the policy workshop at 11am immediately preceding. The motion was approved by a 5-0 vote.

F. Consider Setting a Date to Hear a Presentation from Clean Energy Fuels

A motion was made by Director Neugebauer, seconded by Director Diep to schedule the presentation from Clean Energy Fuels on Tuesday, July 23, 2013 at 4P.M. The motion was approved by a 5-0 vote.

G. Consider Support of Bill Nelson for California Special District Association (CSDA) 2013 Board Elections, Region 6, Seat B

A motion was made by Director Rice, seconded by Director Diep to support Bill Nelson for the CSDA 2013 Board Elections for Region 6, Seat B. The motion was approved by a 5-0 vote.

H. Consider Co-Sponsoring Westminster Fireworks Stand Recycling Program

Director Neugebauer asked if this would be paid for with grant money, and if the cost was negotiable.

GM Robbins stated that the co-sponsorship could not be paid with grant money because it will be cardboard and not food and beverage recycling, which is what the grant is for. He stated that he did not think that the cost is negotiable.

Director Krippner stated his concern over the District's association with anything dangerous such as fireworks.

GM Robbins explained that this is strictly for recycling of the cardboard that builds up at the firework stands, and would help to bring the District's recycling tonnage up.

Director Neugebauer stated that she could not support the co-sponsorship because the District would not receive any recognition for it.

A motion was made by Director Diep, seconded by Director Rice to co-sponsor the Westminster Fireworks Stand Recycling Program. The motion was approved by a 3-2 vote, with Directors Krippner and Neugebauer voting no.

INFORMATIONAL ITEMS

A. Web Site Activity for the Month of May 2013 (45,036 Successful Hits)

GM Robbins stated that he would provide the Board with the full report at the last meeting in July so that the Board could see specifically where all the activity on the District website is coming from.

A motion was made by Director Neugebauer, seconded by Director Diep to receive and file. The motion was approved by a 5-0 vote.

BOARD CONCERNS/COMMENTS

Director Rice handed out fliers for the Taste of Westminster which will be held on Saturday, August 24, 2013.

Director Neugebauer stated that she wanted to make the Board aware of a phone call she received from Gary Hallen at Cascade Engineering in North Carolina due to a business card left at his booth at the Waste Expo in New Orleans. She was told that she won a one year subscription to Recollect – which normally costs \$6,000, and is a reminder service for pickup changes in collection schedules. She asked the Board if they thought it would be worthwhile to look into it further.

The Board concurred that the District has not had issues between the web site, the calendar and newsletters for information.

Director Neugebauer asked if there would be a problem getting a District sewer truck to Safety Day since the sewer crew and Director of Operations/Safety, Nick Castro would all be at the Sewer Seminar on the same day.

GM Robbins stated that if necessary, he could still drive a truck to the event, but there are plenty of other employees who could drop one off as well.

President Cobo gave kudos to District staff for the quick exchange of barrels done for one of his neighbors in his community.

GM/STAFF CONCERNS/COMMENTS

GM Robbins gave all Board members a sample copy of the District's 75 year anniversary flier that will be handed out at all of the Concerts in the Park this summer in order to promote the event.

Finance/HR Director Housley stated that he would be out on vacation from July 1-15, 2013.

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.

ADJOURNMENT

President Cobo adjourned the meeting to Thursday, June 25, 2013 at 4 P.M. at the District office at approximately 5:19 P.M.

Margie L. Rice, Secretary