

**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 3, 2014

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 3, 2014 at 5:30 P.M.

BOARD MEMBERS PRESENT:

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

OTHERS AT MEETING:

Ken Robbins, General Manager
Robert Housley, Finance/HR Director
Tom Nixon, General Counsel
Danielle Gerardo, Board Secretary
Lloyd and Doris Thomas, Westminster Herald
Chris Haire, Orange County Register

PLEDGE AND INVOCATION

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

PUBLIC COMMENTS

John Peters, who resides at 13282 Springdale Street in Westminster addressed the Board regarding the recent change to his solid waste service. The District emptied the containers from his back alley for thirty years, but it has become a safety issue for the District (prohibitive trees, power lines, block walls, containers too close to the walls, vehicles, bicyclists, and children walking to and from school) which came down to increased liability, so the service was changed to the front of the seven homes on Springdale Street. Mr. Peters stated that he feels singled out and targeted by the City of Westminster and the Midway City Sanitation District.

Ryan Lamonte, who resides at 13292 Springdale Street, Westminster also spoke on behalf of the same seven homes. He asked if it was legal to place containers at a red curb because two of the seven homes have a red curb in front of their home. One of the homes is not designed to have a container brought from the back to the front at all. He stated that the majority of the homes are not designed to bring the carts to the front of the homes due to an elevation and steps. If the containers are full and/or heavy, it will be difficult to bring them to the front of the homes without toppling them over or causing injury. There is also an issue with street sweeping and he asked the Board to consider an alternative solution for the problem which those seven homes have with regard to their refuse pickup.

Laura Peters, wife of John Peters, who resides at 13282 Springdale Street, Westminster stated that there was a new traffic light installed recently so when green, the cars are going quite fast and has made it dangerous. If the District's truck is picking up there, it will block that traffic and become a safety issue. She stated that she would not be able to maneuver the containers to the front of the house on her own if her husband cannot due to the elevation and steps.

GM Robbins stated that the reason he made the decision to move the service from the alley to the front of the homes on Springdale was because the MCSD driver has to drive into the alley on the other side of the street and then back into the alley for these seven homes, and there is a large blind spot which could lead to an accident.

Ryan Lamonte agreed with GM Robbins and said he understood his concerns but he stated again that these homes were not constructed with having the containers brought to the front in mind and that it would be dangerous for the residents to move them to the front of the homes every week.

Director Rice stated that she knows that area and that it is a unique situation.

Director Neugebauer stated that she drove past the area being discussed and understood the problem and the dangers involved and asked if the special services truck could go and service the seven homes.

GM Robbins stated that a possible solution would be to send a second MCSD employee to watch and flag while the truck is backing up and servicing the homes.

APPROVAL OF THE MINUTES OF THE ADJOURNED SPECIAL MEETING OF MAY 22, 2014

A motion was made by Director Rice, seconded by Director Diep to approve the minutes of the meeting of May 22, 2014. The motion was approved by the following 5-0 vote:

AYES: Cobo, Diep, Krippner, Neugebauer, Rice

NAYS:

ABSTAIN:

ABSENT:

APPROVAL OF EXPENDITURES

A. Demands in the amount of \$ 323,308.29

| # | CK # | Date | AMOUNT | VENDOR |
|----|------|------|-----------------|---|
| 1 | | | | HANDCUT CHECKS: |
| 2 | 6872 | 5/22 | 134.16 | AT&T - Brookhurst Lift Station Service for May 2014 |
| 3 | 6873 | 5/22 | 80.75 | The Gas Company - District Office & Maintenance Yard Fees for May 2014 |
| 4 | 6874 | 5/22 | 536.15 | Office Max - Restock District Office Supplies for May 2014 |
| 5 | 6875 | 5/22 | 200.00 | Pitney Bowes - Additional Postage for District Postage Machine |
| 6 | 6876 | 5/22 | 471.85 | Verizon Business - Internet Connection for SCADA System for April 2014 |
| 7 | 6877 | 5/22 | 1,403.00 | American Shield Private Security, Inc. - Services Rendered from 05/01-05/15/2014 |
| 8 | 6878 | 5/29 | 40.00 | City of Westminster - Hydrant Meter Water Usage for April 2014 |
| 9 | 6879 | 5/29 | 25.77 | Office Max - Restock District Office Supplies for May 2014 |
| 10 | 6880 | 5/29 | 2,422.14 | Southern California Edison - Archives & Parking Garage \$44.19, District Office \$635.19, |
| 11 | | | | Maintenance Shop \$219.01, Brookhurst Lift Station \$165.94, Westminster Lift Station \$362.03, |
| 12 | | | | Willow Lift Station \$314.98, Hammon Lift Station \$680.80. |
| 13 | 6881 | 5/29 | 682.69 | First Bankcard (NC) - Refreshments & Supplies for District 75th Anniversary Open House |
| 14 | 6882 | 5/29 | 999.66 | Verizon California - District Office Phones & Lift Stations for May 2014: \$541.14 District Office, |
| 15 | | | | \$152.84 Willow Lift, \$152.84 Westminster Lift, \$152.84 Hammon Lift. |
| 16 | | | 6,996.17 | HANDCUT CHECKS SUBTOTAL |
| 17 | | | | |
| 18 | | | | REGULAR CHECKS: |
| 19 | 6883 | 6/2 | 41,311.46 | CalPERS Health Premium - Healthcare Premium for June 2014 |
| 20 | 6884 | 6/2 | 3,784.06 | MetLife - Monthly Dental Premium for June 2014 |
| 21 | 6885 | 6/2 | 845.42 | The Standard Life Insurance - Premium Coverage for June 2014 |
| 22 | 6886 | 6/2 | 394.42 | Vision Service Plan - Monthly Premium for June 2014 |
| 23 | 6887 | 6/2 | 171.67 | Advanced Gas Products - (297) Gloves for Restock |
| 24 | 6888 | 6/2 | 670.00 | Advanced Workplace Strategies - DOT Drug Tests (NC, AG, RJ); 2 Hour Supervisor Training (NC, DG, JS, DH) |
| 25 | 6889 | 6/2 | 2,808.00 | Bodyworks Equipment - (1) Packer Paddle & Actuator Kit for T62 |
| 26 | 6890 | 6/2 | 156,843.23 | CalPERS Fiscal Services Division - Prefunding OPEB Unfunded Accrued Benefit Liability (UAL) |
| 27 | 6891 | 6/2 | 950.00 | Color Wheels Custom Paint - Accident on 05/12/2014 on Bush with T55 |
| 28 | 6892 | 6/2 | 1,627.58 | Danels Tire Service - (9) Recaps for Restock |
| 29 | 6893 | 6/2 | 789.31 | Darco Transmission Sales - (1) Push Button for T55 |
| 30 | 6894 | 6/2 | 283.26 | G & K Services - Uniform Services for May 2014 |
| 31 | 6895 | 6/2 | 19,344.06 | Greenberg Farrow Architecture, Inc. - Engineering Services for CNG Fueling Station |
| 32 | 6896 | 6/2 | 475.00 | Ironman Parts - Level 2 D.P.F. Filter Cleaning for T62 |
| 33 | 6897 | 6/2 | 1,144.95 | Los Alamitos Napa Auto Parts - Replacement Impact Gun for Shop; Restock (2) Brake Drums, (8) Fuses, |
| 34 | | | | (2) Epoxy, (10) Clamps, (3) A/C Belts. |
| 35 | 6898 | 6/2 | 146.90 | Neugebauer, Joy - Health Insurance Reimbursement for June 2014 |
| 36 | 6899 | 6/2 | 950.77 | Ray Gaskin Service - Rebuild (1) Heil Arm Lift Cylinder & (2) Heil Grip Cylinders for Restock |
| 37 | 6900 | 6/2 | 321.84 | Reyes Alternators - (1) New A/C Compressor for T56 |
| 38 | 6901 | 6/2 | 1,950.00 | Safety Research Consultants - (4) Hour Driver Training |
| 39 | 6902 | 6/2 | 237.88 | South Coast AQMD - AQMD Fee for FY 2013-2014 for Hammon & Westminster Lift Stations |

| | | | | |
|----|------|-----|----------------------|--|
| 40 | 6903 | 6/2 | 951.37 | TEC of California - (36) Oil Filters, (5) Wire Plugs for Restock; (1) Gauge for T56 |
| 41 | 6904 | 6/2 | 661.10 | Tech Air Mobile Services - Labor & Parts to Repair A/C for T59 |
| 42 | 6905 | 6/2 | 1,069.95 | Tesco Controls, Inc. - SCADA Networking at Brookhurst Station |
| 43 | 6906 | 6/2 | 5,287.50 | Woodruff, Spradlin & Smart - Legal Services for April 2014 |
| 44 | 6907 | 6/2 | 11,749.83 | CalPERS Retirement - Retirement Contributions for May 2014 |
| 45 | | | \$ 254,769.56 | REGULAR CHECKS SUBTOTAL |
| 46 | | | | |
| 47 | | | | PAYROLL |
| 48 | 5/27 | | 53,510.28 | Payroll - Staff Check # 15642 - 15643 Taxes & Direct Deposits |
| 49 | 5/27 | | 1,298.77 | Payroll - Nationwide Deferred Compensation (100% Paid By Employees) |
| 50 | 5/27 | | 425.00 | Payroll - Nationwide Deferred Compensation (100% Paid By Employees) |
| 51 | 5/30 | | 5,841.71 | Board of Director's Payroll for the Month of May 2014 Check # 15645 - 15647 |
| 52 | 5/30 | | 466.80 | Board of Director's Nationwide Deferred Compensation for May 2014 (100% Paid By Directors) |
| 53 | | | \$ 61,542.56 | PAYROLL SUBTOTAL |
| 54 | | | | |
| 55 | | | \$ 323,308.29 | TOTAL EXPENDITURES (HANDCUT, REGULAR, PAYROLL) |
| 56 | | | | |

A motion was made by Director Neugebauer, seconded by Director Rice to approve the expenditures in the amount of \$ 323,308.29. The motion was approved by the following 5-0 vote:

- AYES: Cobo, Diep, Krippner, Neugebauer, Rice
- NAYS:
- ABSTAIN:
- ABSENT:

REPORTS

Report of President

None

Report of General Manager

GM Robbins reported that CR&R confirmed the tour of their facility on July 10, 2014 at 10 A.M., and stated that the Board would convene for a special meeting at the District office at 9:30 A.M. and go from there.

GM Robbins stated that he, along with Director of Operations/Safety Nick Castro and Director Krippner would be attending the Waste Water Technology Forum this Thursday and Friday, June 5-6, 2014 in Santa Barbara, California.

GM Robbins stated that the CNG fueling station components need to be preordered in order for a November completion of the project and would be brought back for Board consideration.

Director Neugebauer stated her concern and that she thought it was unusual to be ordering the components prior to awarding the contract.

GM Robbins stated that it is unusual, but if the components were not ordered at this time, the CNG fueling station would not be completed until sometime in the spring of 2015 instead of November 2014. The components will be specked out and all contractors will be bidding on the same project. He stated that if the Board is comfortable with prolonging the project, the components can be ordered after the contract for construction is awarded.

GM Robbins stated that the 2015 Calendar Committee (Directors Neugebauer and Rice) need to set a date for their first meeting in the near future.

Report from Orange County Sanitation District Meeting (OCSD)

Director Diep reported that the Board of OCSD took nominations for the position of Chair and Vice-Chair. Tom Beamish of La Habra moved up from Vice-Chair to Chair, and Tim Neilsen from Tustin will take over as Vice-Chair.

Report from Independent Special Districts of Orange County (ISDOC) Quarterly Meeting

Director Rice stated that they received a report from LAFCO and that two of her close friends would unfortunately be running against each other in the upcoming elections.

Directors Cobo and Krippner also attended the event, as well as GM Robbins and Finance/HR Director Housley.

CONSENT CALENDAR

None

OLD BUSINESS

None

NEW BUSINESS

- A. Consider Attendance to the Westminster Chamber of Commerce Annual Installation and Awards Luncheon

A motion was made by Director Diep, seconded by Director Rice to approve attendance to the Westminster Chamber of Commerce Annual Installation and Awards Luncheon. The motion was approved by the following 5-0 vote:

AYES: Cobo, Diep, Krippner, Neugebauer and Rice
NAYS:
ABSTAIN:
ABSENT:

B. Proposed California Special Districts Association (CSDA) Bylaws Update

A motion was made by Director Rice, seconded by Director Diep to approve the proposed CSDA bylaws update. The motion was approved by the following 5-0 vote:

AYES: Cobo, Diep, Krippner, Neugebauer and Rice
NAYS:
ABSTAIN:
ABSENT:

C. Vote Needed on Proposed New California Association of Sanitation Agencies (CASA) Bylaws

Director Rice stated her concern that CASA is building a big business and has been making changes to the organization and she questions whether the District should be a member of that organization any more.

A motion was made by Director Neugebauer, seconded by Director Rice to repeal the existing bylaws and approve the new proposed and rewritten bylaws. The motion was approved by the following 5-0 vote:

AYES: Cobo, Diep, Krippner, Neugebauer, Rice
NAYS:
ABSTAIN:
ABSENT:

D. Consider Approval of a Lump Sum Payment to CalPERS to Prepay the 2014/15 Employers Contributions for Employee Retirement Benefits

GM Robbins stated that by making a lump sum payment to CalPERS to prepay the 2014/15 employers' contributions for employee retirement benefits would save the District approximately \$8,900.

Director Neugebauer stated her concern over prepaying and asked if the funds were protected and who the watchdog was for the fund.

Finance/HR Director Housley stated that the money would not be super-funded again as it was in the past but the money is protected in a trust by CalPERS.

A motion was made by Director Neugebauer, seconded by Director Diep to approve making a lump sum payment to CalPERS to prepay the 2014/15 employers' contributions for employee retirement benefits as recommended. The motion was approved by the following 5-0 vote:

AYES: Cobo, Diep, Krippner, Neugebauer, Rice

NAYS:

ABSTAIN:

ABSENT:

E. Consider Approving a Second Continued Leave of Absence without Pay to Solid Waste Driver Selefuti Pemasa (Junior)

Director Diep stated that he agreed with Staff's recommendation to grant the extension, but that if solid waste driver, Selefuti Pemasa's eyesight could not pass the necessary exam upon his return to work, should not be allowed to drive, should be released and the District hire a new driver to replace him.

Director Neugebauer asked what the requirement would be upon his return to work.

GM Robbins stated that Junior would have to pass a "return to work/fit for duty" exam for his eyesight in order to return to driving for the District and if he is not able to pass, he could not drive and a new driver would have to be hired to replace him.

A motion was made by Director Diep, seconded by Director Rice to approve a second continued leave of absence without pay to solid waste driver Selefuti Pamasa (Junior) as recommended by Staff. The motion was approved by the following 5-0 vote:

AYES: Cobo, Diep, Krippner, Neugebauer, Rice

NAYS:

ABSTAIN:

ABSENT:

F. RESOLUTION NO. 2014-07

(Roll Call Vote)

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT OF ORANGE COUNTY, CALIFORNIA, FOR EMPLOYER PAID MEMBER CONTRIBUTIONS AND RESCINDING RESOLUTION NO. 2013-22

A motion was made by Director Diep, seconded by Director Neugebauer to adopt Resolution No. 2014-07. The motion was approved by the following 5-0 roll call vote:

AYES: Cobo, Diep, Krippner, Neugebauer, Rice

NAYS:

ABSTAIN:

ABSENT:

A RESOLUTION OF CENSURE OF BOARD MEMBER ALLAN P. KRIPPNER BY THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT OF ORANGE COUNTY, CALIFORNIA

Director Rice asked that the Resolution be read aloud into the minutes of the meeting.

General Counsel Nixon read Resolution No. 2014-08.

RESOLUTION NO. 2014-08

RESOLUTION OF CENSURE OF BOARD MEMBER ALLAN P. KRIPPNER BY THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT OF ORANGE COUNTY, CALIFORNIA

WHEREAS, MIDWAY CITY SANITARY DISTRICT ("DISTRICT") IS A SANITARY DISTRICT WHOSE BOARD MEMBERS ARE ELECTED BY THE PUBLIC;

WHEREAS, THE DISTRICT PRIDES ITSELF ON PROVIDING QUALITY SOLID WASTE AND SEWER SERVICES TO ITS RATEPAYERS IN AN EFFICIENT AND COST-EFFECTIVE MANNER;

WHEREAS, BY VIRTUE OF THEIR ELECTED POSITIONS, DISTRICT BOARD MEMBERS MUST BE HELD TO THE HIGHEST STANDARDS OF PROFESSIONALISM, COURTESY AND RESPECT IN TREATMENT OF BOTH MEMBERS OF THE PUBLIC AND DISTRICT EMPLOYEES;

WHEREAS, THE DISTRICT HAS RECEIVED A COMPLAINT THAT, ON APRIL 23, 2014 AT A DISTRICT SPONSORED ADMINISTRATIVE PROFESSIONALS DAY LUNCHEON, BOARD MEMBER ALLAN P. KRIPPNER PHYSICALLY ASSAULTED A FEMALE EMPLOYEE OF THE RESTAURANT AT WHICH THE LUNCHEON WAS BEING HELD BY PUNCHING HER IN THE ARM AND THEREAFTER SCREAMED AT HER BECAUSE HE WAS UNHAPPY WITH THE MANNER IN WHICH THE LUNCH TABLES WERE ARRANGED. A COPY OF THE COMPLAINT RECEIVED BY THE DISTRICT IS ATTACHED AS EXHIBIT A TO THIS RESOLUTION;

WHEREAS, THE COMPLAINT REGARDING THE ALLEGED PHYSICAL ASSAULT HAS BEEN INVESTIGATED BY THE POLICE DEPARTMENT OF THE CITY OF WESTMINSTER, WHICH INVESTIGATION INCLUDES CORROBORATION OF THE ASSAULT BY A WITNESS;

WHEREAS, ON APRIL 1, 2014, THE DISTRICT'S BOARD OF DIRECTORS HELD A REGULARLY SCHEDULED BOARD MEETING. DURING DISCUSSION OF MATTERS ON THE AGENDA, BOARD MEMBER KRIPPNER BECAME HIGHLY AGITATED IN HIS INTERACTION WITH OTHER MEMBERS OF THE BOARD, LEADING THE BOARD PRESIDENT TO CALL FOR A RECESS OF THE MEETING IN AN EFFORT TO REDUCE THE TENSION LEVEL;

WHEREAS, DURING THE RECESS, BOARD MEMBER KRIPPNER BEGAN TO MOVE AGGRESSIVELY TOWARD BOARD MEMBER NEUGEBAUER. IN ORDER TO ENSURE THAT BOARD MEMBER NEUGEBAUER REMAINED PHYSICALLY SAFE, BOARD PRESIDENT FRANK COBO CALLED TO DIRECTOR KRIPPNER. BOARD

MEMBER KRIPPNER TURNED HIS BACK TOWARDS PRESIDENT COBO. WHILE ATTEMPTING TO MOVE PAST BOARD PRESIDENT COBO, DIRECTOR KRIPPNER THREW AN ELBOW INTO BOARD PRESIDENT COBO'S RIBCAGE, THEREBY PHYSICALLY ASSAULTING BOARD PRESIDENT COBO;

WHEREAS, PROVIDING QUALITY SERVICES IS DEPENDENT UPON THE DISTRICT HAVING A QUALITY MANAGEMENT STAFF, RESPONSIVE TO COMMUNITY NEEDS;

WHEREAS, EFFECTIVE IMPLEMENTATION OF THE BOARD OF DIRECTORS' POLICIES REQUIRES A STRONG WORKING RELATIONSHIP BETWEEN THE DISTRICT'S BOARD OF DIRECTORS AND DISTRICT'S MANAGEMENT STAFF;

WHEREAS, THE BOARD OF DIRECTORS AND DISTRICT'S MANAGEMENT STAFF MUST TREAT EACH OTHER WITH RESPECT AND PROFESSIONALISM IN ORDER TO ENSURE A STRONG WORKING RELATIONSHIP;

WHEREAS, IN ADDITION TO THE PHYSICAL ASSAULTS ON THE FEMALE MEMBER OF THE PUBLIC AND ON BOARD PRESIDENT COBO, DURING THE APRIL 1, 2014 BOARD MEETING, BOARD MEMBER KRIPPNER Demeaned THE DISTRICT'S STAFF BY REFERRING TO THEM AS "SUBSERVIENT" TO THE BOARD OF DIRECTORS;

WHEREAS, THE RECENT CONDUCT OF BOARD MEMBER KRIPPNER TOWARD DISTRICT MANAGEMENT STAFF HAS BEEN ABRASIVE, ABUSIVE AND LACKING IN PROFESSIONALISM AND RESPECT;

WHEREAS, THE PHYSICAL ASSAULTS BY BOARD MEMBER KRIPPNER CONSTITUTE CONDUCT THAT IS ENTIRELY OUTSIDE THE BOUNDARIES OF ACCEPTABLE BEHAVIOR FOR AN ELECTED OFFICIAL AND IS COMPLETELY AT ODDS WITH THE SCOPE OF HIS RESPONSIBILITIES AS A MEMBER OF THE DISTRICT'S BOARD OF DIRECTORS;

WHEREAS, THE BOARD OF DIRECTORS FINDS THAT BOARD MEMBER KRIPPNER'S CONDUCT HAS BEEN ENTIRELY INAPPROPRIATE; AND

WHEREAS, NO MEMBER OF THE PUBLIC, NO DISTRICT BOARD MEMBERS AND NO MEMBERS OF DISTRICT STAFF SHOULD BE SUBJECTED TO THE INAPPROPRIATE ACTIONS OF BOARD MEMBER KRIPPNER;

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT DOES HEREBY **RESOLVE** AS FOLLOWS:

1. BASED ON THE CONDUCT DESCRIBED ABOVE, THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT FORMALLY CENSURES DISTRICT BOARD MEMBER ALLAN P. KRIPPNER FOR SUCH CONDUCT.

PASSED AND ADOPTED, AT A REGULAR MEETING OF THE BOARD OF DIRECTORS OF MIDWAY CITY SANITARY DISTRICT OF ORANGE COUNTY, CALIFORNIA, HELD THIS 3RD DAY OF JUNE, 2014.

Director Neugebauer requested that General Counsel Nixon also read Exhibit A.

Dear Mr Robbins,

I wanted to take a couple minuets and let you know about an incident that happen in my restaurant today. I am the general manager for the [REDACTED] in Westminster. Your department made a reservation for 15 people at a long table at 1130 today. Someone called about 11 and asked the tables be split and put them side by side. A nice lady came in about 1120 and said she was one of the board members for the party at 1130. She was the first to arrive. I showed her where we were going to seat the party. She stated if we sat them there people would have their backs to each other. I said yes they would but someone called and made that request. She then asked if the party could sit in our tower room. I said absolutely. My server started moving everything (for the third time) I heard the door open so I walked down to greet my guest. It was a gentleman from your group. He said he called and asked for the tables to be split. I showed him the split tables and told him the lady would like to sit in the tower. He freaked out. Started yelling at me saying that's not what he wanted. He then took his right hand and punched me in left arm, took 2 steps forward turned around and screamed come here right now. I was stunned. I've been in the food industry for 16 years. And I have never had someone put their hands on me. Working in the restaurants you become accustomed to being peoples punching bags when they're having a bad day. But to physically assault someone is crossing the line. After punching me and then yelling at me to "come here" I looked at my server who was just as stunned as I was. She asked if I was ok. I looked at the man and said did you just put your hands on me? He said that I didn't matter and they were to sit where he wanted to sit. I then told him if he put his hands on myself or my serving staff again he was going to have problems. Him and the woman board member continued to argue. I told my server to leave because I didn't want her to be around that man. I excused myself to the lady and she said they would wait until you got there to decide where to sit. It was really unfortunate this had to happen. I'm not a make a big deal about things kind of girl. But he had no remorse or reservation about what he did to me. Never once apologizing. That is why I wanted to bring it to your attention. He is a direct reflection of your business. And from one general manager to another I know that's not who you want representing you. When I found out this man was a representative of Midway City I was really bummed out. My mom was born and raised in Midway City and I spent my childhood visiting my grandparents there. A lot of wonderful memories in that city. And to think this man is on a board for them is unsettling. I was told the mans name but I didn't write it down. It was Mr Kirrpoma. I think. It was something with a K. Thank you Mr Robbins for hearing me out. I hope your lunch today was enjoyable and you'll be back to visit my establishment.

General Manager

A motion was made by Director Rice, seconded by Director Diep to adopt Resolution No. 2014-08.

Director Rice stated that she felt that this needed to be done to protect the District.

Director Neugebauer stated that she felt that, equally important, is the issue of demeaning District Staff and that the transcribed verbatim portion of the minutes of the April 1, 2014 Board meeting should also be included as Exhibit B with Resolution No. 2014-08 because they demonstrate the lack of respect toward District employees.

General Counsel Nixon proposed that, with the Board's direction, he could include language on page 2, line 13 of Resolution No. 2014-08 in order for the Board to act on it at today's meeting. He suggested adding, "a copy of the transcribed portion of the April 1, 2014 Board meeting minutes is attached as Exhibit B to this Resolution".

President Cobo stated that the Board needed to take care of the District for any future Board members so that they are not abusive and abide by the bylaws of the District. He stated that he felt strongly that the Board could not allow this to happen because it could bring liabilities and lawsuits. He was shocked when he read that one of his colleagues had behaved this way but it was done and over and needed to be taken care of and that by censuring a Director is the only way for the Board to do it.

Director Rice stated that the Board did wait until they knew there was a witness and did not just take the accusers word for it.

Director Cobo stated that it is his job to protect the District and that this was his reasoning for doing what he had to do.

Director Diep stated that not only does he find this alleged physical assault unacceptable, but it also put the District at huge legal exposure to civil litigation, is a poor reflection on the District and is something that the Board should condemn so that the taxpayers know that the District does not tolerate this type of behavior.

The motion was restated to approve adoption of Resolution 2014-08 and to include the verbatim portion of the April 1, 2014 minutes, as Exhibit B. The motion was approved by the following 4-1 roll call vote:

AYES: Cobo, Diep, Neugebauer, Rice

NAYS: Krippner

ABSTAIN:

ABSENT:

Director Rice stated that this Resolution is to be signed by the Secretary, who is Director Krippner, and she asked him if he was going to sign it.

Director Krippner responded, "Of course, it's my job".

President Cobo called for a five minute recess at 6:33 P.M.

President Cobo called the meeting back to order at 6:39 P.M.

INFORMATIONAL ITEMS

- A. CSDA, Region 6, Seat C Representative Letter from Arlene Schaffer, CMSD
- B. California Public Employees' Retirement System (CalPERS) Acts to Contain Rate Increases for Small Employers as a Result of Pension Reform
- C. California Public Employees' Retirement System (CalPERS) Announces "Employer Response Dialogue" Group Discussions

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

AYES: Cobo, Diep, Krippner, Neugebauer, Rice

NAYS:

ABSTAIN:

ABSENT:

BOARD CONCERNS/COMMENTS

Director Neugebauer asked if the District had received the 75 Year Anniversary Open House video from PCTA.

Director Rice stated that she would like to see it on Channel 3.

GM Robbins stated that he had received a copy of the video and had meant to provide it to the Board at today's meeting, but would put it on the next meeting's agenda.

Director Neugebauer asked that each Board member receive a copy of the video.

Director Krippner stated that everyone is innocent until proven guilty, that there are so many errors, emissions and outright lies and that he had been advised not to respond off the cuff, but to put it in print and stated that he planned to do so.

GM/STAFF CONCERNS/COMMENTS

None

GENERAL COUNSEL CONCERNS/COMMENTS

None

President Cobo called the meeting to closed session at 6:44 P.M.

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.

A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (Pursuant to Government Code Section 54956.9(d)(1).)

Name of case: Irvin v. Midway City Sanitary District et al.

B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Government Code Section 54957a.) TITLE: General Manager

President Cobo called the meeting back to order at 7:16 P.M.

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

ADJOURNMENT

President Cobo adjourned the meeting to Tuesday, June 10, 2014 at 5:30 P.M. at approximately 7:16 P.M.



Al Krippner, Secretary