

**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**

July 7, 2015

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, July 7, 2015 at 5:00 P.M.

BOARD MEMBERS PRESENT:

Al P. Krippner
Joy L. Neugebauer
Tyler Diep (arrived at 5:44 P.M.)
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

PLEDGE AND INVOCATION

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

PUBLIC COMMENTS

None

APPROVAL OF THE REVISED MINUTES OF THE MEETING OF MAY 19, 2015

A motion was made by Director Neugebauer, seconded by Director Rice to approve the revised minutes of the meeting of May 19, 2015. The motion was approved by the following 4-0-0-1 vote:

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

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF JUNE 16, 2015

A motion was made by Director Rice, seconded by Director Neugebauer to approve the minutes of the meeting of June 16, 2015, with a change. The motion was approved by the following 4-0-0-1 vote:

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

APPROVAL OF THE MINUTES OF THE ADJOURNED MEETING OF JUNE 18, 2015

A motion was made by Director Neugebauer, seconded by Director Rice to approve the minutes of the meeting of June 18, 2015. The motion was approved by the following 4-0-0-1 vote:

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

APPROVAL OF THE MINUTES OF THE ADJOURNED MEETING OF JUNE 30, 2015

A motion was made by Director Rice, seconded by Director Neugebauer to approve the minutes of the meeting of June 30, 2015. The motion was approved by the following 4-0-0-1 vote:

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

APPROVAL OF EXPENDITURES

A. Demands in the amount of \$ 1,464,707.49

| # | CK # | Date | AMOUNT | VENDOR |
|----|------|------|-------------------|---|
| 1 | | | | HANDCUT CHECKS: |
| 2 | 7697 | 6/18 | 54.61 | The Gas Company - District Office & Maintenance Yard Fees for June 2015 |
| 3 | 7698 | 6/23 | 160.00 | AT&T - Brookhurst Lift Station Service for June 2015 |
| 4 | 7699 | 6/23 | 480.00 | So. Cal. Arborists - Tree Trimming at District Offices & Yard |
| 5 | 7700 | 6/23 | 361.94 | First Bankcard (NC) - Restock District Kitchen Supplies for June 2015 |
| 6 | 7701 | 7/1 | 4,720.87 | CalPERS Retirement - Retirement Contributions for June 2015 |
| 7 | 7702 | 7/1 | 42,162.49 | CalPERS Health Premium - Healthcare Premium for July 2015 |
| 8 | 7703 | 7/1 | 1,371.16 | Chevron & Texaco Bus. Card Svcs. - Gasoline Purchases for June 2015 |
| 9 | 7704 | 7/1 | 40.00 | City of Westminster - Hydrant Meter Water Usage for May 2015 |
| 10 | 7705 | 7/1 | 3,382.29 | SDRMA Delta Dental - Dental Insurance Premium for July 2015 |
| 11 | 7706 | 7/1 | 111,138.31 | SDRMA - Total Contribution for Property/Liability Coverage for FY 2015-16 |
| 12 | 7707 | 7/1 | 93,421.21 | SDRMA - Annual Contribution for Worker's Compensation Coverage for FY 2015-16 |
| 13 | 7708 | 7/1 | 1,873.26 | Southern California Edison - Archives & Parking Garage \$73.61, District Office \$361.01, |
| 14 | | | | Maintenance Shop \$318.70, Brookhurst Lift Station \$96.83, Westminster Lift Station \$420.33, |
| 15 | | | | Willow Lift Station \$154.94, Hammon Lift Station \$447.84. |
| 16 | 7709 | 7/1 | 866.80 | The Standard Life Insurance - Premium Coverage for July 2015 |
| 17 | 7710 | 7/1 | 1,028.11 | Verizon California - District Office Phones & Lift Stations for June 2015; \$560.20 District Office, |
| 18 | | | | \$155.97 Willow Lift, \$155.97 Westminster Lift, \$155.97 Hammon Lift. |
| 19 | 7711 | 7/1 | 394.42 | Vision Service Plan - Monthly Premium for June 2015 |
| 20 | | | 261,455.47 | HANDCUT CHECKS SUBTOTAL |
| 21 | | | | REGULAR CHECKS: |
| 22 | | | | |
| 23 | 7712 | 7/1 | 146.90 | Neugebauer, Joy - Health Insurance Reimbursement for July 2015 |
| 24 | 7713 | 7/1 | 104.90 | Rice, Margie - Health Insurance Reimbursement for July 2015 |
| 25 | 7714 | 7/1 | 160.59 | Petty Cash Ken Robbins -[\$9.99]Donuts for Safety Mtg 3/13;[\$49.68]Relays/Electrical for Hydraulics T60 4/29; |
| 26 | | | | [\$51.60] Food for Nationwide Luncheon; [\$36.31] Donuts for Safety Meeting 5/08 & 5/09; [\$8.66] Emergency |
| 27 | | | | Repair for Pipe from Mechanic Shop to Wash Bay; [\$4.35] Fitting for Trash Pump. |
| 28 | 7715 | 7/1 | 85.17 | Advanced Gas Products - (1) Cylinder Rental for May 2015; (1) Cylinder of Liquefied Propane |
| 29 | 7716 | 7/1 | 321.25 | Advanced Workplace Strategies - Random DOT Drug Test; Random DOT Alcohol Test |
| 30 | 7717 | 7/1 | 704.70 | Bodyworks - (2) 2" Bearings, (1) Pivot Pin, (1) Directional Control Valve for Restock |
| 31 | 7718 | 7/1 | 727.00 | CRC Cloud - Maintenance & Support for July 2015 |
| 32 | 7719 | 7/1 | 4,222.74 | CR Transfer - Tonnage from 06/01/2015 through 06/15/2015 |
| 33 | 7720 | 7/1 | 6,858.06 | Daniel's Tire Service - (12) New Tires & (12) Recaps for Restock |
| 34 | 7721 | 7/1 | 171.65 | Dave's Flowers - Sympathy Arrangements 4/13 & 5/21 |
| 35 | 7722 | 7/1 | 117,277.19 | DPSI - CNG Fueling Station Project |
| 36 | 7723 | 7/1 | 429.75 | G & K Services - Uniform Services for June 2015 |
| 37 | 7724 | 7/1 | 5.86 | Hose-Man, Inc. - Restock (100) O-rings |
| 38 | 7725 | 7/1 | 351.68 | ID Industries - Restock (20) Springs & (26) Rollers |
| 39 | 7726 | 7/1 | 3,420.00 | Jeffrey Love, Inc. - Independent Workplace Investigation |

| | | | | |
|----|------|-----|------------------------|---|
| 40 | 7727 | 7/1 | 894.25 | Los Alamitos Napa Auto Parts - Restock (20) Lamps & (1) Valve ; (1) Air Hose; Replace Broken Lever Hoist & Impact Gun. |
| 41 | | | | |
| 42 | 7728 | 7/1 | 284.05 | Piney Bowes - Lease Payment for Postage Machine July 2015 through October 2015 |
| 43 | 7729 | 7/1 | 120,643.10 | Rainbow Transfer/Recycling - Tonnage from 04/01/2015-04/15/2015; 06/01/2015-06/15/2015 |
| 44 | 7730 | 7/1 | 5,159.17 | Ray Gaskin Service - Restock (5) Heil Grip Cylinder, (3) Heil In-n-Out Seal Kit, (3) Heil Arm Rise |
| 45 | 7731 | 7/1 | 352.07 | Raycom - Two Way Radio Installed into NG3 |
| 46 | 7732 | 7/1 | 7,054.08 | Rutan & Tucker, LLP - Legal Services for May 2015 |
| 47 | 7733 | 7/1 | 350.00 | SARBS of CWEA - 2015 Summer Collections and Safety Seminar July 30, 2015 (CR, DG, AG, NC, RG, KR) |
| 48 | 7734 | 7/1 | 864,839.60 | The Bank of New York Mellon - Semi-Annual COP Principal & Interest Payment |
| 49 | 7735 | 7/1 | 276.00 | Wespac Security Services - Burglar & Fire Alarm Services for April through June 2015 |
| 50 | 7736 | 7/1 | 5,186.68 | Woodruff, Spradlin & Smart - Legal Services for May 2015 |
| 51 | 7737 | 7/1 | 50.00 | Book, Julia - Direct Deposit Returned as Unable to Deposit Into Employee's Account |
| 52 | | | \$ 1,140,076.44 | REGULAR CHECKS SUBTOTAL |
| 53 | | | | |
| 54 | | | | PAYROLL |
| 55 | 6/23 | | 55,114.91 | Payroll - Staff Check # 15772 - 15773 Taxes & Direct Deposits |
| 56 | 6/23 | | 1,200.00 | Payroll - Nationwide Deferred Compensation (100% Paid By Employees) |
| 57 | 6/23 | | 550.00 | Payroll - Nationwide Deferred Compensation (100% Paid By Employees) |
| 58 | 6/26 | | 5,874.99 | Board of Director's Payroll for the Month of June 2015 Check # 15775 - 15778 |
| 59 | 6/26 | | 435.68 | Board of Director's Nationwide Deferred Compensation for June 2015 (100% Paid By Directors) |
| 60 | | | \$ 63,175.58 | PAYROLL SUBTOTAL |
| 61 | | | | |
| 62 | | | \$ 1,464,707.49 | TOTAL EXPENDITURES (HANDCUT, REGULAR, PAYROLL) |
| 63 | | | | |
| | | | | BANK TRANSFERS |
| | 6/16 | | 620,000.00 | Transfer Funds from Money Market to Checking Account |

A motion was made by Director Neugebauer, seconded by Director Rice to approve the expenditures in the amount of \$ 1,464,707.49. The motion was approved by the following 4-0-0-1 vote:

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

REPORTS

Report of President

None

Report of General Manager

GM Robbins reported that a member of California Association for Sanitation Agencies (CASA) contacted him and requested that the District submit an application for an award for Organizational Excellence (Going Green without Raising Rates). It was extremely time sensitive and needed to be done by the following day. GM Robbins stated that he did submit an application for the District. The application placed an emphasis on the project taking less than two years from start of concept to finish and could have been finished sooner if not for delays from Edison and the Gas Company. Edison is scheduled to power up the new CNG fueling station July 21-23, 2015 so the project should be finished in August 2015.

GM Robbins stated that California Special District Association (CSDA) would also like the District to submit an application for Project of the Year. That submission is not due until August 2015. The Board consensus was to submit for Project of the Year.

GM Robbins stated that DPSI, the contractor for the CNG fueling station would like to schedule the dedication of the completion of the project for Thursday, August 27, 2015 from 11-2 P.M.

Director Neugebauer stated that having it at that time would make it difficult for the ratepayers of the District to attend because they would all be at work. She stated that she didn't want it just to be all the contractors and builders who worked on it and that she would like it to be a community event.

GM Robbins stated that the District would need to pay for it if the public were to be included and that most grand openings are just city officials and dignitaries, but that a decision needed to be made because the invitations need to go out.

Director Neugebauer stated that she would rather put it off and asked that it be put on the next agenda for discussion.

There was discussion regarding what time the Open House should be.

Director Neugebauer directed staff to put it on the next agenda for discussion.

GM Robbins stated that he would be taking a day off on Monday, July 20 as well as a half day on Friday, July 17, 2015.

Director Neugebauer stated that she received the email from GM Robbins to the Board regarding a driver on University that was accused of speeding by a resident, but was in fact going under the speed limit (25 mph). She asked what the speed limit was by a park or a school.

GM Robbins stated that the speed limit is always 25 mph there and that the driver was addressed and has slowed down.

Report from Orange County Sanitation District Meeting (OCSD)

Director Diep was absent. No report.

Report from the Midway City Community Cleanup Event

Director Krippner reported that it was a dull event.

Director Rice stated that she felt it was still successful.

Director Neugebauer reported that there was a lot of recyclables and hazardous waste collected and she was very impressed with the improvements to the youth facility, Abrazar.

Report from the Franchise Committee Meeting

Director Rice reported that she, Director Neugebauer and GM Robbins met with Michelle Clark from Rainbow, Dean Ruffridge from CR&R and a representative from Waxie regarding the Big Belly solar trash compactors which are being suggested for the City of Westminster's Civic Center. She stated that everyone is interested and supportive of the idea.

Director Neugebauer reported that both representatives from the franchisees were supportive about the new and innovative idea for the community and were certain that it does not infringe upon the franchise agreement that the District has with both of them.

Director Neugebauer stated that everyone seemed to favor the double unit and that there was still a lot of coordination that needed to be done with the City for locations, getting more information from Waxie (the manufacturer and distributor), and making sure this is the only company that manufactures these items so that it is a sole source for the District.

Report from the Chamber of Commerce Installation & Awards Luncheon

President Cobo stated that there were a lot of new faces at the event including the new manager of the Westminster Mall.

Director Rice stated that she enjoyed seeing a lot of old friends.

Director Krippner stated that the best part of the meeting was past President of the Chamber, Syed Shah, who is still on the Board.

Director Neugebauer congratulated GM Robbins and President Cobo for being elected as Directors to the Chamber, and stated that with their help the Chamber will move forward in a positive manner next year.

CONSENT CALENDAR

A. Approval of Attendance to the Municipal Water District of Orange County (MWDOC) Water Policy Forum on Wednesday, July 29, 2015

B. Approval of Attendance to the Independent Special Districts of Orange County (ISDOC) Quarterly Meeting on Thursday, July 30, 2015

A motion was made by Director Neugebauer, seconded by Director Krippner to approve the consent calendar. The motion was approved by the following 4-0-0-1 vote:

AYES: Cobo, Krippner, Neugebauer and Rice

NAYS:

ABSTAIN:

ABSENT: Diep

OLD BUSINESS

None

NEW BUSINESS

A. Special District Risk Management Authority (SDRMA) 2015 Board of Directors Election

A motion was made by Director Rice, seconded by Director Neugebauer to vote for Robert Swan, Ed Gray, and R. Michael Wright for the SDRMA 2015 Board of Directors. The motion was approved by the following 4-0-0-1 vote:

AYES: Cobo, Krippner, Neugebauer and Rice

NAYS:

ABSTAIN:

ABSENT: Diep

B. Discussion and Action on Independent Special Districts of Orange County (ISDOC) Proposed Amended and Restated Bylaws

A motion was made by Director Neugebauer, seconded by Director Rice to vote AYE on the ISDOC proposed amended and restated bylaws and authorize the Board's ISDOC Representative to sign the ballot. The motion was approved by the following 4-0-0-1 vote:

AYES: Cobo, Krippner, Neugebauer and Rice

NAYS:

ABSTAIN:

ABSENT: Diep

Director Diep arrived at 5:44 P.M. and stated that there was no OCSD meeting to report on.

C. Nomination of Director Margie L. Rice for California Special Districts Association (CSDA) Board Member of the Year Award for 2015

A motion was made by Director Neugebauer, seconded by Director Krippner to approve the nomination of Director Margie L. Rice as CSDA Board Member of the Year Award for 2015 and direct staff to submit the nomination as directed, with changes. The motion was approved by the following 5-0 vote:

AYES: Cobo, Diep, Krippner, Neugebauer and Rice

NAYS:

ABSTAIN:

ABSENT:

D. Review of Midway City Sanitary District's Emergency Preparedness Plan

A motion was made by Director Neugebauer, seconded by Director Krippner to receive the District's Emergency Preparedness Plan and bring it back onto the agenda for modification after safety classes for the District's new CNG fueling station have been completed. The motion was approved by the following 5-0 vote:

AYES: Cobo, Diep, Krippner, Neugebauer and Rice

NAYS:

ABSTAIN:

ABSENT:

E. Discussion and Consideration on the Purchase of Big Belly Solar Trash Compactors and Donation to the City of Westminster for Placement with the Civic Center

A motion was made by Director Diep, seconded by Director Rice to direct staff to explore the possibility of installing side by side double Big Belly solar trash compactors in the City of Westminster's Civic Center, to contact the District's franchisees to inquire what their participation will be, to determine if this is a sole source or if the District will have to go out to bid and then bring back a detailed proposal to the Board for consideration and approval. The motion was approved by the following 5-0 vote:

AYES: Cobo, Diep, Krippner, Neugebauer and Rice

NAYS:

ABSTAIN:

ABSENT:

F. Approval of Flo-Services to Continue Quarterly Lift Station Maintenance for Fiscal Year 2015/2016

GM Robbins stated that, with regard to maintenance within the District, staff must make sure that the contractors are paying prevailing wage due to the new law.

Director Neugebauer stated that the District hires out to have this done because the District's sewer crew does not have the proper tools and schooling, but for \$31,000 a year, it might worthwhile to consider purchasing the tools and schooling for the District's sewer crew and have them do the maintenance.

GM Robbins stated that hiring out provides the District with a third party on record responsible for maintaining the lift station. In case of a break or a spill the District could provide proof of quarterly maintenance to the Regional Water Quality Control Board, take some of the liability off the District and not be charged with negligence.

Director Neugebauer asked if the District could purchase the tools and how extensive and expensive the training would be for the District because \$31,000 a year is high.

GM Robbins stated that it would be expensive – that they would need electrical schooling, get certified through the State of California and it would need to be an MOU negotiated item with special pay.

Director Krippner stated that they would get certified and leave and the District would have lost everything and need to start all over again.

Director Neugebauer stated that the District should go out to bid for the quarterly lift station maintenance after the Flo-Services contract is up in a year.

GM Robbins stated that the District would need to hire a purchasing agent if the District were going out to bid on every contract regardless of whether the cost were not being raised every year.

A motion was made by Director Diep, seconded by Director Rice to approve as recommended by staff. The motion was approved by the following 5-0 vote:

AYES: Cobo, Diep, Krippner, Neugebauer and Rice

NAYS:

ABSTAIN:

ABSENT:

INFORMATIONAL ITEMS

A. Web Site Activity for the Month of June 2015 (76,330 Successful Hits)

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

AYES: Cobo, Diep, Krippner, Neugebauer and Rice

NAYS:

ABSTAIN:

ABSENT:

President Cobo asked Director Diep if he had a report from Orange County Sanitation District.

Director Diep stated that he did not because there hadn't been a meeting since the last Board meeting but that there was one this Wednesday. He asked Director Neugebauer to be on standby since he might have a conflict with the City of Westminster Council meeting at the same time on the same evening.

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.

BOARD CONCERNS/COMMENTS

Director Krippner stated that he had concerns under Closed Session.

Discussion ensued as to whether there was a closed session on the agenda.

General Counsel Nixon stated that there was nothing listed on the closed session for this meeting.

Director Rice stated that she thought there would be contract negotiations.

GM Robbins stated that the Board directed him not to bring back labor negotiations until an agreement was completed.

Director Neugebauer stated that the Board needed to call a special meeting for closed session to review the sewer department investigation report.

Director Rice asked that a Calendar Committee meeting be scheduled. She and Director Neugebauer agreed to 10 A.M. on Thursday, July 9, 2015.

GM/STAFF CONCERNS/COMMENTS

None

GENERAL COUNSEL CONCERNS/COMMENTS

General Counsel Nixon stated he did not like to bring information that is adverse to another agency that the District has respect for but he felt that it was important that he provide certain information to the Board. The California Regional Water Board has filed a complaint for civil penalties against the Costa Mesa Sanitary District (CMSD) as a result of two sewer overflows, one in August of 2013 and the other in January 2015. The complaint indicates that when the pumps at one of their lift stations went down, responding staff was untrained to accurately diagnose the reason for the failure to operate which in August of 2013, resulted in a sewer overflow of approximately 77,000 gallons of sewage that went into the channel of Newport's Upper Bay. In January of 2015, 8,000 gallons were released for similar reasons. The complaint indicates that CMSD staff failed to respond to the incident with the proper equipment to locate the source of the blockage causing the overflow of the sewer manhole after being contacted by the City of Newport Beach. The hearing for the civil complaint against CMSD is on July 24, 2015 at the Irvine Ranch Water District. General Counsel Nixon stated that this emphasizes the importance of continued training for staff in order to respond because the Water Board will take aggressive action particularly when they perceive that the agency is negligent or has had a lack of training. The Water Board is recommending over \$500,000 in civil penalties. General Counsel Nixon provided copies of the complaint to the Board.

Director Rice asked what time the hearing was because she was just appointed to the Water Board by the City of Westminster.

Director Neugebauer stated that it makes it even more prudent for the District to engage Flo-Services for the maintenance of the Districts four lift stations.

President Cobo stated that he hoped everyone had a safe and happy 4th of July holiday.

President Cobo attempted to adjourn the meeting.

Director Krippner stated that the Board still needed to go into closed session.

General Counsel Nixon stated that in order to have a closed session, staff would need to be informed in advance because there would need to be specific listings on the agenda with additional language.

Director Krippner stated that he misunderstood and asked why it is obligatory for the Board to inform staff in order for the Board to have a closed session.

Director Diep stated that it is more to inform the public of a closed session and not staff.

Director Neugebauer asked if the motion that something came to the Board's attention after the agenda was posted and requires consideration today were applicable and if it were possible to add that language to the closed session agenda template.

General Counsel Nixon stated that it would be applicable and if there were a serious accident or incident that needed immediate action by the Board, it would need to meet the circumstances that Director Neugebauer described. If it falls within the appropriate area for a closed session and if the matter came to the attention of the District, not just a Board member, after the posting of the agenda and there is a need for immediate action, the Board could add it to the agenda.

Director Neugebauer stated that separate from what Director Krippner was referencing, she would also like a closed session in order to review the sewer crew interviews that the District paid \$5,000 for.

GM Robbins stated that the interviews cost \$3,600.

Director Neugebauer stated that she would like to discuss that in closed session and requested that it be on the next agenda for closed session discussion.

General Counsel Nixon stated that did not know what the incident she was speaking of was, so he didn't know if it met the criteria.

Director Neugebauer stated that it is was confidential report.

GM Robbins stated that there was a complaint within the sewer crew and Human Resources determined that the verbage of the complaint required that the District hire an investigator in order to protect the District.

General Counsel Nixon stated that he could confer with staff about the specifics and if it is appropriate for a closed session, it could be added to the next meeting.

Director Neugebauer stated that she was requesting it now because she has questions.

GM Robbins stated that if the Board gets too involved and goes too much further with that issue, they will not be the governing body and it will need to go to a mediator.

President Cobo stated that he did not want to bring a lawsuit or a liability on the District and asked for direction from General Counsel.

General Counsel Nixon stated that he would confer with the General Manager to determine whether this item needed to be placed on the next closed session agenda.

Director Neugebauer stated that her priority was to be fair to the District's employees and if she needs a closed session in order to do that, she would.

President Cobo directed General Counsel Nixon to confer with the General Manager on the matter.

Director Krippner stated that if there was going to be a closed session during today's meeting he was fine with that, but if not, he would have to write a letter to someone.

Legal Counsel stated that there is not a closed session item identified on this agenda so it would be a Brown Act violation to proceed into a closed session, unless it was appropriate to add something as discussed earlier. He stated that if Director Krippner had something that he would like to add to the agenda he should communicate it to staff.

Director Krippner stated that the District had been informed that it is losing its legal counsel in a couple of weeks and would like to discuss who would be representing the District, who is going to be in charge, and what law firm they would be going with.

General Counsel Nixon stated that it would be perfectly fine under the Brown Act to agendaize that matter under closed session on the next meeting agenda.

Director Krippner stated that he would prefer to have a study session with just the Board present.

General Counsel Nixon stated that it was the Board's choice to either have an open study session or a closed session item on the next agenda.

Director Rice stated that if he wanted a study session, they should schedule it or they could call a special meeting.

Director Krippner stated that he wanted it on the closed session today.

Director Neugebauer stated that if Labor Counsel had a final report that the President could call a special closed session meeting, but that she also wanted her item on that agenda for discussion.

Director Rice suggested calling an emergency closed session for the three items.

Director Neugebauer asked if there was anything to report from Labor Counsel on MOU agreements.

GM Robbins stated that he had nothing in writing that they approved or disapproved to bring to the Board at this time.

There was discussion by the Board regarding what day to have the meeting.

General Counsel stated that the Board could call a special meeting which needed to be posted 24 hours in advance.

Director Neugebauer directed staff to put three items on the agenda - the labor negotiation of which Director Krippner was speaking, the report from the interview with the sewer crew regarding harassment and the MOU negotiations.

President Cobo stated that the Board would like to have a special meeting on Thursday, July 9, 2015 at 5 P.M. to discuss the three items.

GM Robbins asked if the Board wanted him to ask Labor Counsel Larsen to attend.

The Board asked staff to contact Labor Counsel Larsen and ask him to attend but only if he had something to bring back to the Board and to give him the second option of Friday, July 10, 2015 at 4:30 P.M.

General Counsel Nixon stated that he was trying to determine whether they could talk compensation, which may fall within the labor negotiations, without it being in a regular meeting. He stated that the Board could adjourn today's meeting to Thursday, but would need to be posted as a special meeting. He still needed to make a determination as to whether they could discuss the third item or not.

A motion was made by Director Rice, seconded by Director Krippner to adjourn to a special meeting on Thursday, July 9, 2015 at 5 P.M. The motion was approved by the following 5-0 vote:

AYES: Cobo, Diep, Krippner, Neugebauer and Rice

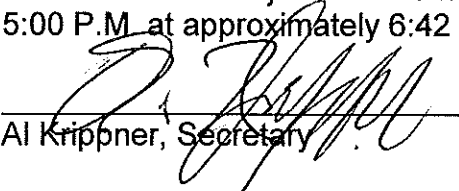
NAYS:

ABSTAIN:

ABSENT:

ADJOURNMENT

President Cobo adjourned the meeting to Thursday, July 9, 2015 at the District office at 5:00 P.M. at approximately 6:42 P.M.


Al Krippner, Secretary