

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

July 9, 2015

CALL TO ORDER

President Cobo called the special meeting of the Governing Board of the Midway City Sanitary District to order at 14451 Cedarwood Avenue, Westminster, California on Thursday, July 9, 2015 at 5:00 P.M.

BOARD MEMBERS PRESENT:

Al P. Krippner
Joy L. Neugebauer
Tyler Diep (absent)
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

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

PUBLIC COMMENTS

None

President Cobo convened the meeting to closed session at 5:03 P.M. pursuant to Government Code Sections 54957.6., 54956.9(d)(2) and 54957.

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 LABOR NEGOTIATORS (Government Code Section 54957.6) Agency Designated Representatives: General Manager Robbins, Finance Director Housley and Labor Counsel Joseph Larsen, Employee Organization: American Federation of State, County, and Municipal Employees, LOCAL 1734-01

B. CONFERENCE WITH LEGAL COUNSEL
Anticipated Litigation
Significant Exposure to Litigation
Pursuant to Government Code Section 54956.9 (d)(2) (1 Potential Case)

C. PUBLIC EMPLOYMENT APPOINTMENT
Title: General Counsel
Pursuant to Government Code Section 54957

President Cobo reconvened the meeting at 5:50 P.M.

General Counsel Tom Nixon stated that there was no reportable action as a result of the closed session.

BOARD CONCERNS/COMMENTS

Director Krippner stated that he hoped that whoever the District hires in the future for legal consultant is more of an expert than what the District has had in the past.

Director Neugebauer stated that the Board approved the minutes of June 30, 2015 at the last regular meeting and that there needed to be clarification with regard to a comment regarding a letter that was supposedly written by one of the Districts former General Managers in March of 2011 to Rainbow Environmental relating fees. Since the last meeting, there has been communication from Michelle Clark (Rainbow) stating that there never was such a letter. Director Neugebauer asked that it go on record so as not to impugn anyone.

GM/STAFF CONCERNS/COMMENTS

GM Robbins stated that there would need to be a Franchise Committee meeting in order to clarify charges to the District's commercial accounts. The letter that Director Neugebauer spoke of is a letter that the District gets every year from Rainbow with the annual MRF rate adjustment, and the CPI from the Orange County Waste and Recycling landfill. GM Robbins stated that the District has rates in place according to the contract so the charges that he is speaking of go back many years and do not match any District approved rates. He clarified that General Manager Nordbak did not write any such letter approving the rates.

GM Robbins stated that his contract is up on July 31, 2015 at midnight and asked the Board if they would like it to be on the next agenda.

Director Neugebauer stated that she thought it should wait until the Board gets a reply from the employees with regard to the MOU negotiations.

President Cobo agreed and stated that he wanted to wait to see what the response was from the represented employees.

Director Rice stated that she did not think that the General Manager should have to wait due to MOU negotiations.

Director Krippner stated that the two items have nothing to do with each other.

Director Neugebauer asked if the Board should be discussing this issue in open session.

General Counsel Nixon stated that the Board should agendaize GM Robbins' contract.

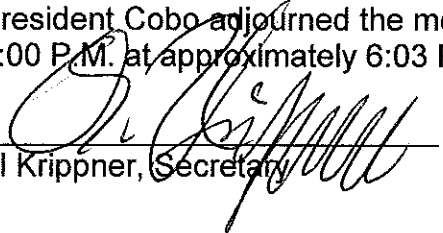
President Cobo thanked General Counsel Nixon for his service and the Board for enlightening him to what they are thinking and the direction they would like to go.

GENERAL COUNSEL CONCERNS/COMMENTS

None

ADJOURNMENT

President Cobo adjourned the meeting to Tuesday, July 21, 2015 at the District office at 5:00 P.M. at approximately 6:03 P.M.


Al Krippner, Secretary