

**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**

February 21, 2017

CALL TO ORDER

President Pro Tem Rice called the regular meeting of the Governing Board of the Midway City Sanitary District to order at 14451 Cedarwood Avenue, Westminister, California on Tuesday, February 21, 2017 at 5:04 P.M.

BOARD MEMBERS PRESENT:

Al P. Krippner
Margie L. Rice
Charlie Nguyen
Frank A. Cobo
Tyler Diep (arrived at 5:09 PM)

OTHERS AT MEETING:

Ken Robbins, General Manager
Robert Housley, Finance/HR Director
James Eggart, General Counsel
Danielle Gerardo, Board Secretary
Dean Ruffridge, CR&R Env. Services
Maria Lazaruk, CR&R Env. Services
Kevin Zinngarbe, HW Senior Apt. Homes
Kathy Buchos

PLEDGE AND INVOCATION

Director Nguyen led the Pledge of Allegiance. GM Robbins gave the Invocation.

PUBLIC COMMENTS

None

APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF FEBRUARY 7, 2017

A motion was made by Director Krippner, seconded by Director Cobo, to approve the minutes of the regular meeting of February 7, 2017. The motion was approved by the following 4-0 vote:

AYES: Cobo, Krippner, Nguyen and Rice

NAYS:

ABSTAIN:

ABSENT: Diep

APPROVAL OF EXPENDITURES

A. Demands in the amount of \$ 224,737.54

#	CK #	Date	AMOUNT	VENDOR
1				HANDCUT CHECKS:
2	8932	2/9	243.98	DirecTV - Service for February 2017
3	8933	2/9	9,779.24	The Gas Company - CNG Fuel for January 2017
4	8934	2/15	12,046.23	CalPERS Retirement - Retirement Contributions for February 2017
5	8935	2/15	16.22	City of Westminster - Water Usage for Hammon Lift Station 12/14/2016-02/07/2017
6	8936	2/15	109.91	The Gas Company - District Office, Maintenance Shop, & Wash Rack Usage Fees for February 2017
7	8937	2/15	6,011.00	SDRMA Delta Dental - Dental Insurance Premium for January & February 2017
8	8938	2/15	467.50	Verizon Business - Internet Connection for February 2017
9			28,674.08	HANDCUT CHECKS SUBTOTAL
10				
11				REGULAR CHECKS:
12	8939	2/15	200.00	Cobo, Frank - Per Diem for Special Districts Leadership Academy Conference La Jolla, CA 02/26-03/01/2017
13	8940	2/15	200.00	Rice, Margie - Per Diem for Special Districts Leadership Academy Conference La Jolla, CA 02/26-03/01/2017
14	8941	2/15	71.83	Rice, Margie - Reimbursement for CASA Conference Palm Springs, CA 01/18-01/20/2017
15	8942	2/15	599.67	Advanced Gas Products - Cylinder Rental for January 2017; Restock (20) Grinding Wheels for Shop
16	8943	2/15	5,640.97	Bodyworks - Restock (24) Cam Followers, (3) Switches, (3) Air Cylinders, (20) Tubes for Arms; Labor to Repair Pump on NG7
17				
18	8944	2/15	262.50	County City Towing - Tow Service for NG9
19	8945	2/15	73,967.70	CR Transfer - Tonnage from 01/16/2017 through 01/31/2017
20	8946	2/15	359.26	Cummins Cal Pacific - Restock (5) Filters
21	8947	2/15	1,382.27	Danle's Tire Service - (7) Recaps for Restock
22	8948	2/15	272.18	G & K Services - Uniform Services for February 2017
23	8949	2/15	55.18	Hilco Fastener Warehouse - Restock (200) Nylon Wire Ties, (105) Weather pack Terminals
24	8950	2/15	200.00	ISDOC - 2017 Membership Dues
25	8951	2/15	89.00	MemorialCare Medical Group - Unlisted Preventative Maintenance
26	8952	2/15	2,717.15	Orange County Pump Corporation - Motor Rebuild for Brookhurst Lift Station
27	8953	2/15	500.00	Radio Bolsa - (2) Talk show Public Outreach Recycling Promotions at (10) Minutes each on 1/19 & 1/30
28	8954	2/15	612.02	Sign Design - (20) Laminated District Logo Signs for Fleet
29	8955	2/15	9.00	Underground Service Alert - (6) New Tickets for January 2017

30	8956	2/15	5,990.71	Wanco - (3) (25LT) LED Arrow-boards for New F250 Pick-Up Trucks
31	8957	2/15	490.00	White Nelson Diehl Evans - Second and Final Interim Billing on Audit of the District's State Controller Reports for
32				FYE 07/01/2015-06/30/2016
33	8958	2/15	5,476.11	Woodruff, Spradlin & Smart - Legal Services for January 2017
34	8959	2/15	38,525.78	County of Orange - Cost of the 11/08/2016 General Election
35			137,621.33	REGULAR CHECKS SUBTOTAL
36				
37				PAYROLL
38		2/14	56,307.13	Payroll - Staff Checks Taxes & Direct Deposits
39		2/14	715.00	Payroll - Nationwide Deferred Compensation (100% Paid By Employees)
40		2/14	1,420.00	Payroll - Nationwide Deferred Compensation (100% Paid By Employees)
41			58,442.13	PAYROLL SUBTOTAL
42				
43			224,737.54	TOTAL EXPENDITURES (HANDCUT, REGULAR, PAYROLL)
44				

A motion was made by Director Cobo seconded by Director Nguyen, to approve the expenditures in the amount of \$ 224,737.54. The motion was approved by the following 4-0 vote:

AYES: Cobo, Krippner, Nguyen and Rice

NAYS:

ABSTAIN:

ABSENT: Diep

REPORTS

Report of President

None

Report of General Manager

GM Robbins reported that, during the most recent Franchise Committee meeting, CR&R stated that they would allow the District to pickup up e-waste, so the bulky item program now includes those items.

GM Robbins reported that the City of Westminster's Manager asked if the District would provide an a la carte pickup program for abandoned items that the City Yard is presently picking up. GM Robbins stated that it will be hard to put together a program when they have no quantitative records of the number of items being picked up, how often, time spent, tonnage, etc. GM Robbins stated that he will respond accordingly.

President Diep arrived at the meeting at 5:09 PM.

Director Cobo stated that they must have some information and that the District should wait until they are provided with that information. All other Board members agreed.

GM Robbins reported that the District removed several large root balls from the sewer on Bolsa Avenue (photo provided to the Board). A root cutter to take care of the problem would cost the District approximately \$12,000 so staff contacted Sancon Engineering to get a bid on cutting out the roots and putting a liner in so that it will not occur again soon. The estimated cost is \$17,100.

GM Robbins stated that he would begin picking up Directors carpooling to the Special District Leadership Academy conference in La Jolla at approximately 2:30PM on Sunday, February 26, 2017.

GM Robbins stated that the Calendar Committee and the Franchise Committee need to schedule dates to meet in March.

Report from the Orange County Sanitation (OCSD) Meeting on February 8, 2017

Director Krippner stated that he is still waiting for approval of the minutes of the meeting to give his report.

Report from AB1234 Ethics Training at City Hall on February 9, 2017

Directors Rice, Nguyen, Cobo and President Diep all attended the AB1234 Ethics Training at the City on February 9, 2017.

Report from the Franchise Committee Meeting on February 10, 2017

Director Rice reported that she and Director Cobo, GM Robbins, Finance/HR Director Housley, General Counsel and representatives from CR&R met to discuss the 4th Amendment to the Franchise Agreement. CR&R is proposing a new Exhibit "A" to the Franchise Agreement that will list all services being provided to commercial customers and which will include rates for source-separated disposal of organic waste in compliance with AB 1826, and to include lower rates for the organics disposal program and to include additional services that CR&R offers that Rainbow did not. Director Rice stated that it was a productive meeting with a lot of new information, that staff is evaluating the updated proposed rate sheet and researching rates in other jurisdictions for similar services, and General Counsel is working on language for the 4th Amendment. The Committee will meet again once Staff has had an opportunity to complete its research and analysis.

Tonnage Report from CR&R

Maria Lazaruk from CR&R gave a brief report for the December portion of the 4th quarter tonnage. As of December 1, 2016, CR&R was the District's sole franchisee and the commercial tonnage that was delivered to Rainbow was land-filled and not processed, which they were not aware of until late January. CR&R doesn't know why it occurred - only that it has been corrected. She stated that CR&R has hired a full-time sustainability coordinator who will be responsible to the MCSD Board, the customers in the community, meeting individually with customers, getting them to convert to the organics program, etc.

That person is in extensive training for that position at this time. Maria Lazaruk stated that she noticed that only the numbers on the blue containers were being reported by Rainbow and that the District needs a more realistic number to take to the State or Orange County Waste and Recycling in the future.

CONSENT CALENDAR

A. Approve and File the Treasurer's Investment Report for January 2017

A motion was made by Director Rice, seconded by Director Cobo, to approve the Consent Calendar. The motion was approved by the following 5-0 vote:

AYES: Cobo, Diep, Krippner, Nguyen and Rice

NAYS:

ABSTAIN:

ABSENT:

OLD BUSINESS

None

NEW BUSINESS

A. Consider Approving Annual Salaries and Ranges for Unrepresented/Management/Administration Employees for Fiscal Year 2017-2018

A report of a summary of Staff's recommendation was provided and considered by the Board. A motion was made by Director Rice, seconded by Director Cobo, to approve the proposed annual salaries and ranges for unrepresented/management/administration employees for fiscal year 2017-2018. The motion was approved by the following 5-0 vote:

AYES: Cobo, Diep, Krippner, Nguyen and Rice

NAYS:

ABSTAIN:

ABSENT:

B. A RESOLUTION NO. 2017-03 OF THE BOARD OF DIRECTORS OF THE MIDWAY CITY SANITARY DISTRICT OF ORANGE COUNTY, CALIFORNIA, ADOPTING THE 2017-2018 SALARY SCHEDULE

A report of a summary of Staff's recommendation was provided and considered by the Board. A motion was made by Director Cobo, seconded by Director Nguyen, to adopt Resolution No. 2017-03. The motion was approved by the following 5-0 roll call vote:

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

C. Consider Approving the Annual Salaries and Step Ranges for Unrepresented/Management/Administration Employees Effective July 1, 2017

A report of a summary of Staff's recommendation was provided and considered by the Board. A motion was made by Director Cobo, seconded by Director Rice, to approve staff's recommendation to approve the annual salaries and step ranges for unrepresented/management/administration employees effective July 1, 2017, when warranted and upon completion of annual performance evaluation, and to include approval of a two-step increase for receptionist, Julia Book. The motion was approved by the following 5-0 vote:

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

D. Discuss and Consider Nominating a Spirit Award Recipient

GM Robbins suggested nominating solid waste driver Sergio Gonzales because of the incident last summer when he got out of his truck to help an elderly woman who was lost during the heat wave.

A motion was made by Director Rice, seconded by Director Cobo, to nominate MCSD solid waste driver, Sergio Gonzalez for the Westminster Chamber of Commerce Spirit Award. The motion was approved by the following 5-0 vote:

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

E. Consider Request by the Huntington Westminster Senior Apartment Homes to Vacate a 10-Foot Easement from Nevada Street to Wyoming Street in Westminster, CA

GM Robbins stated that the District has not used this easement since the property was developed in the late 80's or early 90's and the last time the District was asked to vacate an easement, the Board directed staff to have an appraisal done and negotiate the sale.

Director Rice stated that the District should not give away the easement.

Kevin Zinngabe, Director of Development at the HW Senior Apartment Homes, stated that they are asking for an abandonment of the easement so that they can use the property for the additional parking lot that they have plans to create. He stated that he also sent letters to Verizon, Time Warner, and other various utilities.

General Counsel Eggart stated that, based on the information provided, it appears the District does not "own" the property but, rather, may own an easement and the rights to the easement in order to construct or repair a sanitary sewer line through the property.

Kevin Zinngabe stated that they are designing the parking lot not to prohibit any of the utility companies from accessing anything that goes in there, but simply asking to be able to park cars on it and his understanding was that MCSD does not use the easement.

General Counsel Eggart stated that if it is an alley, it's possible that the City of Westminster has rights to it. Each utility should have their own easements for their own purposes and those have nothing to do with the District.

Director Nguyen asked if the District could find out if the easement was paid for or not prior to making any decision.

A motion was made by Director Krippner, seconded by Director Nguyen, to defer the request to vacate a 10-foot easement until staff looks into County records to determine if the District paid for the easement. The motion was approved by the following 5-0 vote:

AYES: Cobo, Diep, Krippner, Nguyen and Rice

NAYS:

ABSTAIN:

ABSENT:

F. Consider Rescheduling or Cancelling the Tuesday, July 4, 2017 Regularly Scheduled Board Meeting Due to Conflict with the 4th of July Holiday

A motion was made by Director Krippner, seconded by Director Nguyen, to reschedule the regularly scheduled July 4, 2017 Board meeting to Tuesday, July 11, 2017. The motion was approved by the following 5-0 vote:

AYES: Cobo, Diep, Krippner, Nguyen and Rice

NAYS:

ABSTAIN:

ABSENT:

INFORMATIONAL ITEMS

A. Municipal Water District of Orange County (MWDOC) Water Policy Forum on Thursday, March 30, 2017

B. Special District Risk Management Authority (SDRMA) Notification of Nominations – 2017 Election Board of Directors

C. California Special Districts Association (CSDA) e-News – Are Your Personal Emails and Texts Subject to the Public Records Act?

No action was taken. Receive and file.

BOARD CONCERNS/COMMENTS

Director Rice stated that the Board should consider nominating GM Robbins for the Special District Risk Management Authority Board of Directors (Item 10B).

Director Krippner stated that he thought it might be a conflict.

General Counsel stated that he will check to see if there is a conflict with the nomination.

GM/STAFF CONCERNS/COMMENTS

None

GENERAL COUNSEL CONCERNS/COMMENT

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.

None

ADJOURNMENT

President Diep adjourned the meeting to Tuesday, March 7, 2017 at 5:00 P.M. at the District office at approximately 5:53 P.M.


Charlie Nguyen, Secretary