

**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**

**October 3, 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, October 3, 2017 at 5:00 P.M.

**BOARD MEMBERS PRESENT:**

Al P. Krippner  
Margie L. Rice  
Chi Charlie Nguyen  
Frank A. Cobo  
Tyler Diep (arrived at 5:16 P.M.)

**OTHERS AT MEETING:**

Ken Robbins, General Manager  
Robert Housley, HR/Finance Director  
James Eggart, General Counsel  
Danielle Gerardo, Board Secretary  
Daphne Munoz, White Nelson Diehl Evans, LLP

**PLEDGE AND INVOCATION**

Finance/HR Director Housley led the Pledge of Allegiance. Director Nguyen gave the Invocation.

**PUBLIC COMMENTS**

None

## APPROVAL OF THE MINUTES OF THE REGULAR MEETING OF SEPT.19, 2017

A motion was made by Director Nguyen, seconded by Director Cobo, to approve the minutes of the regular meeting of September 19, 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 \$ 159,995.63

#	CK #	Date	AMOUNT	VENDOR
1				HANDCUT CHECKS:
2	9382	9/26	10.00	DMV - Five Year Registration License 4DJ8832-Permanent Trailer Identification
3	9383	9/26	1,063.13	Frontier California-District Office Phones & Lift Stations for Sept 2017; \$576.26 District Office,
4				\$162.29 Willow Lift, \$162.29 Westminster Lift, \$162.29 Hammon Lift.
5	9384	9/26	309.15	Pitney Bowes - Lease Payment for Postage Machine October 2017 through January 2018
6	9385	9/26	150.00	Pitney Bowes/Purchase Power - Postage for September 2017
7	9386	9/26	20.91	SDRMA - Add 2018 Freightliner for Coverage as of 06/29/2017
8	9387	9/26	3,121.00	SDRMA Delta Dental - Dental Insurance Premium for October 2017
9	9388	9/26	5,447.16	Southern California Edison-District Office \$4,313.60, Brookhurst Lift Station \$84.72, Westminster Lift
10				Station \$387.15, Willow Lift Station \$177.88, Hammon Lift Station \$483.81.
11	9389	9/26	1,095.89	The Standard Life Insurance - Life Insurance & AD&D Premium Coverage for October 2017
12	9390	9/26	162.22	Union Bank (NC) - Replacement Printer & (2) Ink Cartridges for Shop Office
13	9391	9/26	394.42	Vision Service Plan - Monthly Premium for October 2017
14			11,773.88	HANDCUT CHECKS SUBTOTAL
15				
16				REGULAR CHECKS:
17	9392	10/1	211.81	Bodyworks - Restock (3) Tubes
18	9393	10/1	1,146.00	CRC Cloud - Maintenance & Support for October 2017; Anti-Virus Renewal for 09/2017-09/2018
19	9394	10/1	75,178.90	CR Transfer - Tonnage from 09/01/2017 through 09/15/2017
20	9395	10/1	3,249.16	Daniels Tire Service - Restock (15) Recaps and (3) Repairs
21	9396	10/1	298.80	DTNtech - (1,000) Door hangs for Sigler Park 11/04/2017 Clean Up Day
22	9397	10/1	254.42	G & K Services - Uniform Services for September 2017
23	9398	10/1	43.96	Hillco Fastener - Restock (150) Nuts & Bolts, (75) Washers
24	9399	10/1	1,183.89	Los Alamitos Napa Auto Parts - Restock (10) Hose Ends, (2) Oil Filters, (2) Fuel Filters, (2) Air
25				Filters, (3) Lamps, (10) Hubcaps, (24) Brakleen, (2) Swivels, (1) Brush
26	9400	10/1	1,036.08	NVB Equipment - A/C Inspection & Repair for NG1 & NG6

27	9401	10/1	854.00	Odyssey Power Corporation - Generator Quarterly Service for Hammon Lift
28	9402	10/1	1,430.38	OC Treasurer-Tax Collector - 2017-2018 Secured Property Tax Bill for District Offices
29	9403	10/1	75.00	TM Services Co. - Hands On Fire Extinguisher Training 9/20/2017
30			<b>84,962.40</b>	<b>REGULAR CHECKS SUBTOTAL</b>
31				
32				<b>PAYROLL</b>
33		9/26	61,399.35	Payroll - Staff Checks Taxes & Direct Deposits
34		9/27	1,145.00	Payroll - Nationwide Deferred Compensation (100% Paid By Employees)
35		9/27	715.00	Payroll - Nationwide Deferred Compensation (100% Paid By Employees)
36			<b>63,259.35</b>	<b>PAYROLL SUBTOTAL</b>
37				
38			<b>159,995.63</b>	<b>TOTAL EXPENDITURES (HANDCUT, REGULAR, PAYROLL)</b>
39				
40				<b>BANK TRANSFERS</b>
41		9/26	40,000.00	Transfer Funds from Money Market to Checking Account
42		9/28	250,000.00	Transfer Funds from LAIF to Checking Account
43		9/26	12,703.25	ACH Retirement Payment to CalPERS for September 2017
44		9/26	12,703.25	ACH Retirement Payment to CalPERS for September 2017
45		9/26	41,057.47	ACH Employee Health Insurance Payment to CalPERS for October 2017
46		9/26	3,195.68	ACH Board Health Insurance Payment to CalPERS for October 2017

A motion was made by Director Cobo, seconded by Director Nguyen, to approve the expenditures in the amount of \$ 159,995.63. 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 CR&R would add an insert to their billing to clarify commercial customers' options for large item pickups and also for City of Westminster department personnel to call for abandoned items. This is due to the email chain regarding abandoned items within the City that GM Robbins provided to the Board.

GM Robbins stated that almost 34,000 2018 MCSD calendars would be mailed out the week of November 13-17, 2017 and includes businesses this year.

GM Robbins reminded the Board of the State of the City luncheon on Wednesday, October 4, 2017 at noon.

**Report from Orange County Sanitation District (OCSD) Meeting on Sept. 27, 2017**

Director Krippner reported that it was a very short meeting, mainly spent congratulating two long-term employees – one with 25 years at the District and the other with 30 years.

**Report from the California Special Districts Association (CSDA) Conference in Monterey, CA September 25-28, 2017**

Director Cobo reported that he enjoyed the conference, and the keynote speakers. He especially liked a session titled “CalPERS Update and How to Survive an Audit”.

Director Nguyen reported that he also enjoyed the conference and the keynote speakers – and the session about Roles and Responsibilities with Brent Ives.

Director Rice reported that she enjoyed the “Effective Communication and Key Questions Board Members Should Be Asking” session.

President Diep arrived at the meeting at 5:16 P.M.

**CONSENT CALENDAR**

None

**OLD BUSINESS**

None

**NEW BUSINESS**

A. Consider and Approve the Fiscal Year 2016-2017 Independent Financial Audit Report for Midway City Sanitary District (July 1, 2016 through June 30, 2017)

Daphne Munoz of White Nelson Diehl Evans, LLP gave a brief presentation to the Board. She noted that it was a clean audit and there were no disagreements with management. She noted that next year GASB 75 would need to be implemented for the Other Post Employment Benefits (OPEB).

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 receive and file the fiscal year July 1, 2016-June 30, 2017 independent financial audit report for Midway City Sanitary District. The motion was approved by the following 5-0 vote:

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

B. Consider Award of Contract for 2017 Rehabilitation/Repair of Sewer Mains Project to Sancon Technologies, Inc.

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 Krippner, to approve staff recommendation and award the contract for 2017 rehabilitation and repair of sewer mains project to Sancon Technologies, Inc., the lowest responsive and responsible bidder, for a total bid price of \$328,704.50. The motion was approved by the following 5-0 vote:

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

C. Consider Approving the Midway City Sanitary District's Purchase of Three New Pickup Trucks

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 approve staff recommendation and authorize the General Manager to purchase three 2018 Chevrolet Silverado 1500 pickup trucks from National Auto Fleet Group (NJPA) in the amount of \$90,640. The motion was approved by the following 5-0 vote:

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

D. Consideration and Discussion of Options for Assisting with the Walk-A-Thon and Concert to Raise Funds for Hurricane Victims

GM Robbins stated that General Counsel looked into the legalities of the District donating to the walk-a-thon after Director Nguyen asked for the District's help at the last Board meeting. GM Robbins stated that the District would donate cardboard trash

receptacles and liners and would ask CR&R to donate a bin for all trash at the end of the event. He explained that the District could not donate public funds.

General Counsel Eggart explained that the cardboard trash receptacles and bin help to keep the area clean which is in the realm of sanitation.

Director Nguyen asked if the District could provide portable toilets for the event.

Legal Counsel Eggart stated that the rules when it comes to gift of public funds are that the Board would have to find that it serves a public service within the mission of the District. If the Board makes that finding, and unless a court could find that it is irrational, probably wouldn't overturn it.

Director Cobo suggested that Director Nguyen ask for access to the bathrooms in the front of City Hall and the Community Services building instead of purchasing portable toilets. He also stated that the District would need to provide at least 100 cardboard receptacles for the event due to the number of people anticipated to attend.

A report of a summary of Staff's recommendation was provided and considered by the Board. A motion was made by Director Nguyen, seconded by Director Cobo, to approve staff recommendation to authorize staff to provide cardboard trash receptacles and liners for the October 15, 2017 walk-a-thon and ask CR&R to provide a bin. The motion was approved by the following 5-0 vote:

AYES: Cobo, Diep, Krippner, Nguyen and Rice

NAYS:

ABSTAIN:

ABSENT:

E. Consider Request of Fleet Maintenance Lead Worker Juan Salce to Receive 110 hours of Vacation Pay in Lieu of Time Off

A report of a summary of Staff's recommendation was provided and considered by the Board. A motion was made by President Diep, seconded by Director Cobo, to grant Fleet Maintenance Worker Juan Salce 80 hours of vacation pay in lieu of time off. The motion was approved by the following 3-1-1 vote:

AYES: Cobo, Diep and Nguyen

NAYS: Rice

ABSTAIN: Krippner

ABSENT:

## **INFORMATIONAL ITEMS**

A. Local Agency Formation Commission of Orange County (LAFCO) Memo to Presiding Officers of Independent Special Districts of Orange County (ISDOC) Regarding Redevelopment Agency (RDA) Oversight Board Appointments – County of Orange

B. Independent Special Districts of Orange County (ISDOC) Quarterly Luncheon – October 26, 2017

Receive and file.

## **BOARD CONCERNS/COMMENTS**

Director Nguyen thanked GM Robbins for attending the committee meeting for the walk-a-thon fundraiser in order to share his first hand experience in Houston, Texas after the flood. Director Nguyen invited the Board and their families to the walk-a-thon and said that he was thankful to the Westminster City Counsel for approving the event.

Director Cobo stated that he wanted to acknowledge the tragic shooting in Las Vegas, Nevada and suggested closing the meeting in honor of the victims.

Director Rice reported that she enjoyed the dinner with CR&R and Costa Mesa Sanitary District Board while in Monterey at the CSDA conference and that CR&R is looking forward to attending the District's annual holiday event.

## **GM/STAFF CONCERNS/COMMENTS**

None

## **GENERAL COUNSEL CONCERNS/COMMENT**

None

General Counsel James Eggart convened the meeting into closed session under agenda item 14A (Government Code Section 54957.6) to confer with its negotiators - General Manager Robbins and Finance/HR Director Housley regarding negotiations with American Federation of State, County, and Municipal Employees, LOCAL 1734-01 at 6:04 P.M.

## CLOSED EXECUTIVE 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.

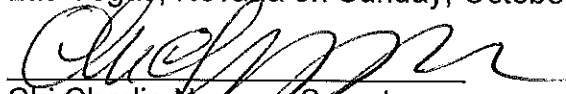
A. CONFERENCE WITH LABOR NEGOTIATORS (Government Code Section 54957.6) Agency Designated Representatives: General Manager Robbins, Finance/HR Director Housley  
Employee Organization: American Federation of State, County, and Municipal Employees, LOCAL 1734-01

President Diep stated that the Board came out of closed session at 6:32 P.M.

General Counsel James Eggart stated that the Board met in closed session to confer and give direction to its designated labor negotiators pursuant to Government Code 54957.6 agenda item 14A and that there was no reportable action as a result of the closed session.

## ADJOURNMENT

President Diep adjourned the meeting to Tuesday, October 17, 2017 at 5:00 P.M. at the District office at approximately 6:33 P.M. in memory of the 59 victims of the shooting in Las Vegas, Nevada on Sunday, October 1, 2017.

  
Chi Charlie Nguyen, Secretary