

1. CALL TO ORDER

Acting President Kaelker-Boor called the meeting to order at 7:00 pm.

2. ROLL CALL

Directors Present: Michelle Kaelker-Boor, Ken Colson, Rene Prupes, Procopio Sclafani
Directors Absent: Rebecca Yoder (Excused Absence)
Counsel Present: Steven Baird, Atkinson Farasyn LLP (by phone conference)
Staff: Benjamin Porter (District Manager), Richard Tanaka, Mark Thomas
Visitors: Kathleen Smoot (Homeowner of 2349 Olive Ave)

3. APPROVAL OF AGENDA

Motion: To approve the Agenda.

Move: Colson **Second:** Prupes

Board vote: **Ayes,** Kaelker-Boor, Colson, Prupes, Sclafani
Noes, None
Absent, Yoder

4. PUBLIC COMMENTARY

- 3.A. Visitor Commentary – None.
- 3.B. Agency Representatives – None.
- 3.C. Board Commentary – None.

5. OLD BUSINESS

- 5.A. 2349 Olive Ave – Sewer Connection Issue.

Manager Porter reported that a grant deed for 106 Cleveland Ave was recorded on 6/7/1946 in Book 1365, Page 52 for the right to use the existing sewer and rights of ingress and egress for 2349 Olive Ave. Since this was recorded, concurrence from property owner is not required. Manager Porter recommended to leave two connections to one lateral until such time as CIP for Cleveland is implemented, which is currently scheduled in Year 5 of the CIP.

Motion: To leave two connections to one lateral until such time as Cleveland CIP is implemented.

Move: Sclafani **Second:** Colson

Board vote: **Ayes,** Kaelker-Boor, Colson, Prupes, Sclafani
Noes, None
Absent, Yoder

- 5.B. San Jose Joint Use Agreement Follow Up

Board discussed the San Jose Joint Use Agreement. The following was discussed: -

- Estimated liability
- What effort is required
- Annexation impact

Manager Porter will bring back the item to the next meeting with a detailed estimate of effort to complete a thorough analysis.

5.C. GreenWaste Recovery, Inc. (GWR)

5.C.1. Education Outreach Follow Up

Manager Porter reported that GWR has suggested further outreach measures including labeling containers and a Lid-Flip Audit. Staff to follow up with GWR for more details.

TO MOVE CLOSED SESSION TO AFTER ITEM 5.C.1.

Motion: To move Closed Session to After Item 5.C.1.

Move: Prupes **Second:** Colson

Board vote: **Ayes,** Kaelker-Boor, Colson, Prupes, Sclafani
Noes, None
Absent, Yoder
Abstain, None

6. CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL –EXISTING LITIGATION

Paragraph (1) of Subdivision (d) of Section 54956.9 Name of Case: County Sanitation District 2-3, West Valley Sanitation District, Cupertino Sanitary District, Burbank Sanitary District and the City of Milpitas v. The City of San Jose, The City of Santa Clara, and Does 1 through 50 inclusive

Closed session discussion commenced at 8:02 pm and ended at 8:18 pm. No reportable action taken at the closed session.

5. OLD BUSINESS (Continued)

5.C.2. Santa Clara County Recycling and Waste Reduction (RWRC)

Director Colson has contacted RWRC and will contact them again to invite them to a future meeting for a presentation on clean waste.

5.C.3. Cost to BSD for GreenWaste Service to Residents

Manager Porter presented the cost to BSD for GWR service to residents. Director Colson noted the cost and District's liability/responsibilities from the 2014 lawsuit due to a garbage violation, but staff noted that the District's liability was limited to the insurance deductible amount.

5.C.4. Garbage Processing Facility Sneak Peek Tour

Director Colson and Director Prupes attended the Garbage Processing Facility Sneak Peek Tour on July 16 and reported to the Board, which included information on activities involved as a hauler and processor, robotic processes, the need for humans to train and program, and the lack of cleaning plastic.

7. CONSENT CALENDAR

7.A. Approval of Minutes from the Regular Meeting of June 19, 2018

Motion: To Approve Meeting Minutes from the Regular Meeting of June 19, 2018 with minor revisions.

Move: Colson **Second:** Prupes

Board vote: **Ayes,** Kaelker-Boor, Colson, Prupes, Sclafani
Noes, None
Absent, Yoder
Abstain, None

8. WARRANTS

8.A. Approval of Warrants

1. Mark Thomas (District Management Services and BSD CIPs)
2. First Tech Federal Credit Union (Board of Directors Payroll)
3. Alliant Insurance Services, Inc. (District Insurance Premium 7/1/18 – 7/1/19)
4. Atkinson Farasyn LLP (District Legal Services)
5. Local Agency Formation Commission (FY2018-19 District share of costs)
6. City of San Jose (Treatment Plant Q1 2018-19 O&M)
7. City of San Jose (Treatment Plant Q1 2018-19 Capital Billing)

Motion: To Approve Seven (7) warrants as listed.

Move: Sclafani **Second:** Colson

Board vote: **Ayes,** Kaelker-Boor, Colson, Prupes, Sclafani
Noes, None
Absent, Yoder
Abstain, None

9. NEW BUSINESS

9.A. Final Fiscal Year Expenditure Review Q4 Expenditures for FY2017-18.

Board reviewed the 2017-18 Fiscal Year Final Financial Report.

9.B. CASA – Vote for 2019 Board of Directors and Dues Resolution.

Board reviewed dues resolution and directed staff to vote for the 2019 Board of Directors.

Motion: Vote for 2019 Board of Directors

Move: Colson **Second:** Prupes

Board vote: **Ayes,** Kaelker-Boor, Colson, Prupes, Sclafani
Noes, None
Absent, Yoder
Abstain, None

10. SUBCOMMITTEE REPORT

11.A. Recruitment Subcommittee Update

No Update

11. HOUSEKEEPING ITEMS

11.A. Update on Housekeeping Items.

- Staff to send Board Member Application information to Kathleen Smoot.
- Director Kaelker-Boor informed that she will not be available for the meeting on August 7.

11.B. Agenda Item for next upcoming meeting

- Closed Session
- Cost of BSD for Waste Service
- San Jose Joint Use cost and scope

12. ADJOURNMENT

Motion: To adjourn meeting at 9:16 pm.

Move: Colson **Second:** Prupes

Board vote: **Ayes,** Kaelker-Boor, Colson, Prupes, Sclafani
Noes, None
Absent, Yoder
Abstain, None

Approved: August 21, 2018

Respectfully Submitted,

Mark Thomas & Company, Inc.

Michelle Kaelker-Boor, Acting President

District Manager
Benjamin T. Porter, PE