BURBANK SANITARY DISTRICT BOARD OF TRUSTEES

MINUTES OF REGULAR MEETING March 17, 2009

1. CALL TO ORDER

President Yoder called the meeting to order at 7:55pm.

2. ROLL CALL AND APPROVAL OF AGENDA

Directors Present: Michael Yoder, John Marke, Soren Spies

Directors Absent: Bruce Smith

Counsel Present: None

Staff: Donald Toy, Mark Thomas & Company, Inc.

Motion: To approve the agenda.

Move: Spies Second: Marke

Board vote: Ayes, Yoder, Marke, Spies Noes, None

Absent, Smith

3. PUBLIC COMMENTARY

A. Visitor Commentary – Mr. Grady McKenzie, a tenant at 473 Laswell Ave., addressed the Board and presented photos and his version of the events relating to his claim for damages that resulted from District main sewer line maintenance operations on February 24, 2009. Mr. McKenzie claimed that a volume of water large enough to damage his bedding, bathroom floor, and various pieces of furniture, entered his bathroom from the toilet as a result of the maintenance operations. The Board listened to his account, viewed the photos, and reported that they had referred the matter to SDRMA to handle and that he would be contacted by them. Mr. McKenzie then left the meeting.

- B. Agency Representatives Staff reported that the Technical Advisory Committee (TAC) for the treatment plant was discussing the City of San Jose's proposed plan to transfer a group of employees from the City Planning Department to the Environmental Services Department (ESD) at the treatment plant. This will affect the District and the other contributors to the plant because the cost of adding these employees will ultimately be shared by the contributing agencies. TAC will try to determine if there is an appreciable benefit to the contributors if this plan is implemented.
- C. Board Commentary President Yoder stated that he feels staff is doing a good job of handling the District's daily business and some of the other more difficult issues.

4. CONSENT CALENDAR

A. Approval of Minutes. Board action required: Approve Minutes from the Meeting of 02/17/09.

Motion: To approve the minutes from the meeting of 02/17/09.

Move: Marke **Second:** Spies

Board vote: Ayes, Yoder, Marke, Spies Noes, None

Absent, Smith

Call to Order

Roll Call and Approval of Agenda

Public Commentary

Consent Calendar

BURBANK SANITARY DISTRICT BOARD OF TRUSTEES

MINUTES OF REGULAR MEETING March 17, 2009

5. WARRANTS

A. Approval of Warrants.

- 1. Enviro-Commercial Sweeping, Inc. District Street Sweeping Services.
- 2. Mark Thomas & Company, Inc. District Management Services.
- 3. USE Credit Union. Board of Directors Payroll.
- 4. Mello Pipelines, Inc. 2008-09 CIP Repairs.
- 5. ABLE Underground Construction. FY 2007-08 Audit Preparation.
- 6. Michael Yoder. District Website Renewal Fee.

be ready for final approval at the next meeting.

7. Patel & Associates. FY 2007-08 Audit Report Services.

Motion: To approve seven (7) warrants as listed.

Move: Marke **Second:** Spies

Board vote: Ayes, Yoder, Marke, Spies Noes, None

Absent, Smith

6. NEW BUSINESS

A. FY 2007-08 Audit Report. Staff reported that the audit report had been completed and the only outstanding piece was the Management's Discussion and Analysis (MD&A). Watkins CPA was working on the MD&A and the final audit report would be ready for review by the next meeting. Director Spies, representing the Finance Subcommittee, presented the Board with his findings on his review of the audit report. Director Spies met with staff and the auditor to review the report page by page. The report was found to be accurate and all of Director Spies' questions were answered during the review meeting. Director Spies recommended that the Board approve the FY 2007-

08 Audit Report. Staff said that the full report, including the MD&A. would

7. OLD BUSINESS

Old Business

New Business

Warrants

- A. Laswell-Arleta Rehab Project. Staff reported the bid package for the project had been completed and would be advertised beginning the week of March 23rd and that the bid opening was scheduled for April 17.
- B. Mark Thomas & Co. Contract. Staff reported that the contract proposal had been submitted and recommended that at Contract Subcommittee be formed to handle the negotiations. Director Spies nominated Directors Yoder and Marke to the subcommittee.

Motion: To Appoint Directors Yoder and Marke to the Contract Negotiations

Subcommittee.

Move: Spies **Second:** Marke

Board vote: Ayes, Yoder, Marke, Spies Noes, None

Absent. Smith

BURBANK SANITARY DISTRICT BOARD OF TRUSTEES

MINUTES OF REGULAR MEETING March 17, 2009

7. OLD BUSINESS (continued)

C. Board Vacancy. A candidate for the vacant Board position, Jean O'Connell, introduced herself to the Board. She stated that she was a resident of the District and was interesting in learning more about the District and becoming actively involved in neighborhood organizations. The Board gave a brief introduction to the role and duties of a director and agreed that Ms. O'Connell was a good candidate. Staff gave a brief history of the District and its functions. The Board decided to appoint Ms. O'Connell to the position, effective immediately.

Old Business (continued)

Motion: To Appoint Jean O'Connell to the Position of Director for the Burbank

Sanitary District, Effective Immediately.

Move: Marke **Second:** Spies

Board vote: Ayes, Yoder, Marke, Spies Noes, None

Absent, Smith

NOTE: Based on information received by staff in the week after this meeting, it was determined that Ms. O'Connell did not fulfill all of the necessary requirements to serve on the Board and was thereby disqualified. All of the above actions are hereby nullified and rendered void. Please see District files for additional information.

D. Capital Billing. Staff reported that there was no update on this matter.

8. SUBCOMMITTEE REPORTS- Director Spies noted that the District map had been updated on the website.

Subcommittee Reports

9. ADJOURNMENT: Next Regular Meeting: Tuesday, April 21, 2009

Motion: To adjourn meeting. **Move:** Spies **Second:** Marke

Board vote: Ayes, Yoder, Marke, Spies Noes, None

Absent, Smith

Adjournment

Approved: April 21, 2009 Respectfully Submitted,

Mark Thomas & Company, Inc.

District Manager - Engineer

Donald Toy Administrator

Michael E. Yoder, President