

**BURBANK SANITARY DISTRICT
BOARD OF DIRECTORS**

**MINUTES OF REGULAR MEETING
October 16, 2018**

1. CALL TO ORDER

President Yoder called the meeting to order at 7:00 pm.

2. ROLL CALL

Directors Present: Rebecca Yoder, Ken Colson, Michelle Kaelker-Boor, Procopio Sclafani
Directors Absent: Rene Prupes (excused)
Counsel Present: Steven Baird, Atkinson Farasyn LLP (by phone conference)
Staff: Benjamin Porter (District Manager), Richard Tanaka, Mark Thomas
Visitors: None

3. APPROVAL OF AGENDA

Motion: To approve the Agenda by moving Item 9C to after Item 5 Closed Session.

Move: Kaelker-Boor **Second:** Sclafani

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

4. PUBLIC COMMENTARY

- 4.A. Visitor Commentary – None.
- 4.B. Agency Representatives – None.
- 4.C. Board Commentary – Director Kaelker-Boor informed that she had completed the Ethics Training.

5. 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 7:10 pm and ended at 7:21 pm. No reportable action taken at the closed session.

9. OLD BUSINESS (Moved Item)

9.C. Recruitment/Replacement of Board Members.

Board discussed idea of appointing a District Clerk. Staff to prepare an ordinance for District Clerk position to be presented at the next board meeting.

6. CONSENT CALENDAR

6.A. Approval of Minutes from the Regular Meeting of October 2, 2018

Motion: To Approve Meeting Minutes from the Regular Meeting of October 2, 2018.

Move: Sclafani **Second:** Colson

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

7. WARRANTS

7.A. Approval of Warrants

1. Mark Thomas (District Management Services and BSD CIPs)
2. First Tech Federal Credit Union (Board of Directors Payroll)
3. Atkinson Farasyn LLP (District Legal Services)
4. City of San Jose (Treatment Plant Q2 2018-19 Capital Billing)
5. City of San Jose (Treatment Plant Q2 2018-19 O&M, 2009 Bond & SRFL)

Motion: To Approve five (5) warrants as listed.

Move: Kaelker-Boor **Second:** Sclafani

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

8. NEW BUSINESS

8.A. FY2018-19 First Quarter Expenditure Review

Manager Porter provided the financial report for first quarter of FY2018-19.

8.B. County Zoning – Definition of Additional Dwelling Unit.

Board and staff discussed the county definition of Additional Dwelling Unit.

8.C. Multiple Dwelling Units.

Board and staff discussed the definition of the multiple dwelling units.

8.D. Annual Mainline/Lateral Maintenance Update.

Board directed staff to proceed with the annual mainline and lateral maintenance bidding process. Closed-captioned televising will follow the cleaning.

8.E. Waste Stream Reduction.

Item was deferred to the next meeting.

8.F. GreenWaste Newsletter and Holiday Schedule.

Board reviewed the GreenWaste newsletter and noted the Holiday schedule

9. OLD BUSINESS

9.A. Operations Code.

Operations Code section 1-3 was updated to include a modified definition of upper and lower sewer laterals, and modernized definitions for waste types. In addition, Section 4 was included. The Board will continue to review sections 1-4, as well as additional sections included in the document.

9.B. Master Plan Update

Board and staff discussed the BSD Master Plan, which is to include the Operations code and the Joint Use Technical Memorandum.

10. SUBCOMMITTEE REPORT

10.A. Recruitment Subcommittee Update

No update.

11. HOUSEKEEPING ITEMS

11.A. Update on Housekeeping Items.

No update.

11.B. Agenda Item for next upcoming meeting

November 6 meeting may be cancelled if the agenda is light.

12. ADJOURNMENT

Motion: To adjourn meeting at 9:09 pm.

Move: Colson **Second:** Kaelker-Boor

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

Approved: November 20, 2018

Respectfully Submitted,

Mark Thomas & Company, Inc.

Rebecca Yoder, President

District Manager
Benjamin T. Porter, PE