

**1. CALL TO ORDER**

President Yoder called the meeting to order at 7:05 pm.

**2. ROLL CALL**

Directors Present: Rebecca Yoder, Ken Colson, Michelle Kaelker-Boor, Rene Prupes, Procopio Sclafani  
Directors Absent: None  
Counsel Present: Steven Baird, Atkinson Farasyn LLP (by phone conference)  
District Clerk: Kathleen Smoot  
Staff: Benjamin Porter (District Manager), Esteban Delgadillo (Mark Thomas)  
Visitors: Quang To (Resident, 357 Leland Ave.)

**3. APPROVAL OF AGENDA**

**Motion:** To approve the Agenda.

**Move:** Prupes      **Second:** Kaelker-Boor

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

**Motion:** Move Item 8.B. Discussion of Accessory Dwelling Unit to after Item 4. Public Commentary.

**Move:** Prupes      **Second:** Kaelker-Boor

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

**Motion:** Move Item 8.A. Mark Thomas and Company, Inc. Contract Renewal to after Item 5. Closed Session.

**Move:** Prupes      **Second:** Kaelker-Boor

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

**4. PUBLIC COMMENTARY**

4.A. Visitor Commentary – None.

4.B. Agency Representatives – District Manager Porter reported that he will be attending the CASA conference in San Diego from August 21-23 in San Diego. District Advisor Tanaka was driving to San Diego during the meeting and was not in attendance. Esteban Delgadillo, Associate Sanitary Engineer, was attending the meeting in his place, to provide support and become more familiar with Board procedures.

4.C. Board Commentary – None.

**8. NEW BUSINESS (Move Item)**

8.B. Discussion for Accessory Dwelling Unit. (ADU)

Quang To, homeowner of 357 Leland Ave, questioned why his ADU is being charged as a single-family residence. Mr. To indicated that his ADU is only 1 bedroom and 1 bathroom and should be charged less than other ADUs that are larger in size. Staff discussed the difficulty creating separate rates for ADUs based on size and that all should be treated equally to avoid confusion. Manager Porter presented information regarding single-family residence (SFR) and multi-family residence (MFR) rates and compared BSD rates to CuSD and CSD 2-3 rates. Board and staff also discussed the size and fee for SFR, MFR and ADU. Board directed Staff to do research and gather information regarding where SFRs and MFRs are charged the same per unit for future discussion.

**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 7:44 pm and ended at 8:09 pm. No reportable action was taken at the closed session.

**8. NEW BUSINESS (Move Item)**

8.A. Mark Thomas and Company, Inc. Contract Renewal.

Board reviewed and approved the contract renewal for Mark Thomas and Company, Inc.

**Motion:** To approve the Mark Thomas and Company, Inc. contract renewal.

**Move:** Sclafani                      **Second:** Colson

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

**6. CONSENT CALENDAR**

6.A. Approval of Minutes from the Regular Meeting of July 16, 2019.

**Motion:** To approve Meeting Minutes from the Regular Meeting of July 16, 2019.

**Move:** Colson                      **Second:** Sclafani

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

**7. WARRANTS**

7.A. Approval of Warrants

1. Mark Thomas & Company, Inc. (District Management Services and BSD CIPs)
2. First Tech Federal Credit Union (Board of Directors Payroll)
3. Atkinson Farasyn, LLP (District Legal Services)
4. County of Santa Clara Roads & Airports (Encroachment Permit for Spring Clean Up Day)

**Motion:** To approve four (4) warrants as listed.

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

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

**8. NEW BUSINESS**

8.C. GreenWaste Recovery, Inc. – August 2019 Delinquent Accounts.

Board reviewed and noted the August 2019 delinquent accounts for GreenWaste.

**9. OLD BUSINESS**

9.A. Street Sweeping Update.

Board reviewed and gave comments on the draft letter prepared by Manager Porter to County Roads and Airports regarding street sweeping. Board suggested not to send the letter but talk to Roads and Airports first.

**10. HOUSEKEEPING ITEMS**

10.A. Update on Housekeeping Items.

- The Board agreed to tentatively cancel the meeting of September 3 due to a projected light agenda, to minimize costs, and the proximity to Labor Day.

10.B. Agenda Items for next Upcoming Meetings.

- Accessory Dwelling Unit and Alternate Rate Structures
- Street Sweeping

**11. ADJOURNMENT**

**Motion:** To adjourn meeting at 9:00 pm.

**Move:** Kaelker-Boor      **Second:** Prupes

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

**BURBANK SANITARY DISTRICT  
BOARD OF DIRECTORS**

**MINUTES OF REGULAR MEETING  
August 20, 2019**

Approved: September 17, 2019

Respectfully Submitted,

**Mark Thomas & Company, Inc.**

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Rebecca Yoder, President

District Manager  
Benjamin T. Porter, PE