

1. CALL TO ORDER

President Yoder called the meeting to order at 7:02 pm.

2. ROLL CALL

Directors Present: Rebecca Yoder, Ken Colson, Rene Prupes, Procopio Sclafani, Michelle Kaelker-Boor
Counsel Present: Steven Baird, Atkinson Farasyn LLP (by phone conference)
District Clerk: Kathleen Smoot
Staff: Benjamin Porter (District Manager), Richard Tanaka (Mark Thomas)
Visitors: Quang To (A Resident of the District)

3. APPROVAL OF AGENDA

Motion: To move item 9.A. Accessory Dwelling Unit and Alternate Rate Structures before item 5. Closed Session and approve the adjusted Agenda.

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

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

Motion: To move item 8.A. 2019 Annual Report to after item 5. Closed Session.

Move: Yoder **Second:** Prupes

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

4. PUBLIC COMMENTARY

- 4.A. Visitor Commentary – None.
- 4.B. Agency Representatives – Manager Porter and Advisor Tanaka gave an update of their experience at the CASA conference, highlighting the notion that creating a culture of excellence will produce excellent results.
- 4.C. Board Commentary – None.

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 7:57 pm and ended at 8:17 pm. No reportable action was taken at the closed session.

6. CONSENT CALENDAR

6.A. Approval of Minutes from the Regular Meeting of August 20, 2019.

Motion: To approve Meeting Minutes from the Regular Meeting of August 20, 2019.

Move: Kaelker-Boor

Second: Sclafani

Board vote:

Ayes, Colson, Sclafani, Kaelker-Boor, Yoder, Prupes

Noes, None

Absent: None

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. Local Agency Formation Commission (LAFCO share of costs)
5. Ezot, Inc. (District Website Hosting Fee)
6. Kathleen Smoot (District Clerk Services)

Motion: To approve six (6) warrants as listed.

Move: Colson

Second: Kaelker-Boor

Board vote:

Ayes, Yoder, Colson, Kaelker-Boor, Sclafani, Prupes

Noes, None

Absent, None

8. NEW BUSINESS

8.A. 2019 Annual Report.

The Board reviewed, suggested changes, and moved to approve the 2019 Annual Report.

Motion: To approve the 2019 Annual Report.

Move: Sclafani

Second: Colson

Board vote:

Ayes, Kaelker-Boor, Yoder, Colson, Prupes, Sclafani,
Noes, None

Abstain, None

8.B. Status of District Capital Improvement Program and Financing.

Capital Improvement project is currently being updated and final QA/QC plans should be ready by next month.

BSD is on the fundable list for the State Revolving Fund Loan, but they are currently in the process of funding last year's commitments, funding for BSD may delay for several months.

9. OLD BUSINESS

9.A. Discussion for Accessory Dwelling Unit and Alternate Rate Structures.

Manager Porter mentioned that he was asked to find information regarding sewer usage and rate structures that could reflect how ADU sewer rates are calculated. The Board reviewed the information from Manager Porter regarding a flow rate study done by the City of San Jose first in 1975 and updated in 2015, the Phase 3 Flow and Load Study. The purpose for the study update was to set a rate structure that accurately reflected the usage of single family units and multifamily units. This is the best available information to date, said Manager Porter, and suggested that the Board should act on available information regarding rates. Members of the Board noted that rates have been set for the year at the July 2nd meeting, but hopes to engage a political process in order to get more information that would address Accessory Dwelling Units (ADUs) and their rate structure, such as getting the County Board of Supervisors involved in requesting further study of ADUs.

Board directed staff to agendize the ADU issue until resolved.

Motion: To have recurring agenda item for ADU discussion

Move: Prupes

Second: Sclafani

Board vote:

Ayes, Yoder, Colson, Kaelker-Boor, Sclafani, Prupes
Noes, None
Absent, None

9.B. Street Sweeping Update

Manager Porter reported that he had called Roads and Airports to make inquiries regarding street sweeping and is waiting to hear back from them.

9.C. GreenWaste Recovery, Inc. – September 2019 Delinquent Accounts.

Board reviewed and noted the September 2019 Delinquent Accounts for GreenWaste.

10. HOUSEKEEPING ITEMS

10. A. Update on Housekeeping Items.

Potentially a meeting on October 1, if needed; definitely will have a meeting on October 15, 2019.

10. B. Agenda Items for next Upcoming Meetings.

- Accessory Dwelling Units and Alternate Rate Structures
- Website Discussion – Critical analysis of the website, hosting, and public usage of the website.

11. ADJOURNMENT

Motion: To adjourn meeting at 9:04 pm.

Move: Colson **Second:** Sclafani

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

Approved: October 8, 2019

Respectfully Submitted,

Mark Thomas & Company, Inc.

Rebecca Yoder, President

District Manager
Benjamin T. Porter, PE