

**1. CALL TO ORDER**

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

**2. ROLL CALL**

Directors Present: Rebecca Yoder, Ken Colson, Rene Prupes, Procopio Sclafani, Michelle Kaelker-Boor  
Directors Absent: None  
Counsel Present: Steven Baird, Atkinson Farasyn LLP  
District Clerk: None  
Staff: Benjamin Porter (District Manager), Esteban Delgadillo (Mark Thomas)  
Visitors: Quang To (A Resident of the District)

**3. APPROVAL OF AGENDA**

**Motion:** To approve the Agenda

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

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

**Motion:** Move Item 8.B. Website Content Evaluation to after Item 5. Closed Session.

**Move:** Kaelker-Boor                      **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 – None
- 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 7:04 pm and ended at 8:03 pm. Mark Thomas employees left the closed session at 7:26 pm and returned after the closed session ended at 8:03 pm. No reportable action was taken at the closed session.

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

8.B. Website Content Evaluation

The Board discussed making improvements to the District website. One of these improvements would be to make all content ADA compliant and accessible to visually impaired users. Director Sclafani mentioned that he is knowledgeable on the topic and will investigate adding metadata to the images on the website so that text-to-speech plugins can read information on the website. Director Sclafani will present simple changes that can be done to the website in order to be ADA compliant at a future Board meeting.

**Motion:** Move Item 10.A. Discussion for Accessory Dwelling Unit and Alternate Rate Structures to after Item 8.B. Website Content Evaluation

**Move:** Kaelker-Boor

**Second:** Colson

**Board vote:**

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

**Noes,** None

**Absent,** None

**10. SUBCOMMITTEE REPORT (Moved Item)**

10.A. Discussion for Accessory Dwelling Unit (ADU) and Alternate Rate Structures

Manager Porter showed the Board a list of eight sanitary sewer agencies in California, and their rates, that have different annual service charges for single family dwellings and accessory dwelling units. Manager Porter also showed a list of 56 agencies in California that charge the same annual service charge for these two types of dwellings. The Board reviewed the findings and requested the multi-family dwelling rates for the eight agencies that have alternate single family and accessory dwelling rates. The Board requested that Mark Thomas present how each of those eight agencies defines an accessory dwelling unit and when that separate category was included in their rate structures. The Board also discussed different strategies for determining the quantity and size of accessory dwelling units within the District. The Board also requested a list of websites for sanitary sewer agencies that Esteban Delgadillo believed to be user-friendly during his investigation of the above data.

**6. CONSENT CALENDAR**

6.A. Approval of Minutes from the Regular Meeting of September 17, 2019.

Corrections were made to the draft minutes including replacing the request to form a subcommittee to discuss ADU with the request to have it as a recurring agenda item until the issue is resolved and removing the guest's address.

**Motion:** To approve Meeting Minutes from the Regular Meeting of September 17, 2019 with the two above changes

**Move:** Prupes

**Second:** Sclafani

**Board vote:**

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

**Noes,** None

**Absent,** None

## **7. WARRANTS**

7.A. Approval of Warrants

1. Mark Thomas & Company, Inc. (District Management Services and BSD CIP)
2. First Tech Federal Credit Union (Board of Directors' Payroll)
3. Atkinson Farasyn, LLP (District Legal Services)
4. Kathleen Smoot (District Clerk Services)
5. Cupertino Sanitary District (Common Interest Agreement Cost Sharing)
6. City of San Jose (Treatment Plant 2Q FY2019-20 Capital Billing)
7. City of San Jose (Treatment Plant 2Q FY2019-20 O&M, 2009 Bond)

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

**Move:** Sclafani

**Second:** Colson

**Board vote:**

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

**Noes,** None

**Absent,** None

## **8. NEW BUSINESS**

8.A. First Quarter Fiscal Year 2019-20 Expenditure Review.

Manager Porter went over the expenditures to date.

## **9. OLD BUSINESS**

9.B. Street Sweeping Update.

Manager Porter informed the Board that the County Roads & Airports department only has one street sweeping vehicle but it is currently non-operational. A request has been put in by Manager Porter to the County for County staff to evaluate the streets of the District to determine if they are candidates for street sweeping once the street sweeping vehicle is operational again.

## **11. HOUSEKEEPING ITEMS**

11.A. Update on Housekeeping Items.

- Moving Item 10. Subcommittee Report to 8. Old Business.
- Update Item 9.B Street Sweeping Update to 9.A.

11.B. Agenda Items for next Upcoming Meeting.

- Agency rates for Multi Family Dwellings as it relates to District's Accessory Dwelling Units and Alternate Rate Structures investigation
- Amend contract between District and Mark Thomas to require a longer advanced notice of termination of contract
- Website Discussion – Steps to make website ADA compliant.

11.C. Consider Cancelling next Regular Meeting.

**Motion:** To cancel next Regular Meeting and reconvene on November 5, 2019

**Move:** Prupes

**Second:** Sclafani

**Board vote:**

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

**Noes,** None

**Absent,** None

**12. ADJOURNMENT**

**Motion:** To adjourn meeting at 9:12 pm.

**Move:** Prupes

**Second:** Kaelker-Boor

**Board vote:**

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

**Noes,** None

**Absent,** None

Approved: November 5, 2019

Respectfully Submitted,

**Mark Thomas & Company, Inc.**

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Rebecca Yoder, President

District Manager  
Benjamin T. Porter, PE