

1. CALL TO ORDER

The Sanitary Board of the Burbank Sanitary District convened this date at 7:00 p.m. in the Stevens Creek Office Center, 20863 Stevens Creek Blvd, Suite 100, Cupertino, California in accordance with the Executive Order N-25-20 via teleconferencing. President Colson called the meeting to order.

2. ROLL CALL

Directors Present: Rebecca Yoder, Rene Prupes, Procopio Sclafani, Michelle Kaelker-Boor, Ken Colson
Directors Absent: None
Counsel Present: Steven Baird, Atkinson Farasyn LLP
District Clerk: Kathleen Smoot
Staff: Benjamin Porter (District Manager), Richard Tanaka (District Advisor)
Visitors: None present or via teleconferencing

3. APPROVAL OF AGENDA

Motion: To approve the agenda as modified, moving Item 8B. before Item 6.

Move: Kaelker-Boor

Second: Sclafani

Board vote:

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

Noes: None

Absent: None

4. PUBLIC COMMENTARY

4.A. Visitor Commentary – None.

4.B. Agency Representatives – Manager Porter provided a new conference call number for the closed session that was emailed to the Board Members and District Counsel.

4.C. Board Commentary – Director Kaelker-Boor mentioned she did want to bring up the topic that Kathleen Smoot mentioned regarding materials potentially being flushed that do not belong in the toilet, under 8.B. COVID-19 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 7:05 pm and ended at 7:25 pm. Manager Porter and Advisor Tanaka were excused. No reportable action was taken at the closed session. Staff rejoined the regular session.

8. NEW BUSINESS (Moved Item)

8.B. COVID-19 Discussion.

Manager Porter discussed steps Mark Thomas & Company had taken to respond to the escalating situation with COVID-19, such as closure of offices and a work from home policy. Manager Porter also mentioned steps Mark Thomas has implemented related to field employees to increase their safety and comply with social distancing requirements such as work teams driving in separate vehicles to work sites. Directors discussed two possible motions. First motion to designate Burbank Sanitary District as an agency that provides essential governmental services, with input from District Counsel, Steven Baird, and second motion to designate Mark Thomas as the provider of said services.

Motion: To establish the Burbank Sanitary District as an essential government service, pursuant to the Order of the Health Officer of the County of Santa Clara, dated March 16, 2020.

Move: Prupes

Second: Yoder

Board vote:

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

Noes: None

Absent: None

Motion: To designate Mark Thomas and Company to carry out essential government services of sanitation on behalf of the Burbank Sanitary District, pursuant to the Order of the Health Officer of the County of Santa Clara, dated March 16, 2020

Move: Prupes

Second: Kaelker-Boor

Board vote:

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

Noes: None

Absent: None

Director Kaelker-Boor inquired how the COVID-19 situation has affected the repair projects that were proceeding with the bid from Able Underground. Manager Porter mentioned that there is a degree of uncertainty since Able has also been adjusting their work to comply with the orders, however they are now back on maintenance as an essential service and are likely to resume repair services under the same directive.

After a discussion about the toilet paper shortages and the potential for people to be flushing things like wipes, tissues, paper towels, and other items that do not belong in the toilet, Director Kaelker-Boor suggested a motion to update the web site for proper disposal and not to flush anything other than toilet tissue.

Motion: To post information on the Burbank Sanitary District web site on how to properly dispose of items other than toilet tissue and not to flush in toilets.

Move: Kaelker-Boor

Second: Yoder

Board vote:

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

Noes: None

Absent: None

Another event potentially that could be affected by the COVID-19 is the upcoming public hearing on May 19 at the City of San Jose Library. Advisor Tanaka suggested making a motion to update the notice to include the District office as an alternate location if the public library remains closed.

A separate discussion around the flyer for the Spring Clean Up date involved whether it should be cancelled, rescheduled, or modified in some way. Directors agreed to defer this decision to the April meeting with input from GreenWaste.

Motion: To change the notice for the public hearing meeting to include the alternate location of the District office, 20863 Stevens Creek Blvd., Cupertino.

Move: Prupes

Second: Yoder

Board vote:

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

Noes: None

Absent: None

6. CONSENT CALENDAR

6.A. Approval of Minutes from the Regular Meeting of March 3, 2020.

Motion: To approve Meeting Minutes from the Regular Meeting of March 3, 2020.

Move: Sclafani

Second: Yoder

Board vote:

Ayes: Prupes, Sclafani, Kaelker-Boor, Yoder

Noes: None

Absent: None

Abstain: Colson

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. PAR Environmental Services, Inc. (Environmental Report for SRF Loan)
5. Ray Kapahi (Emission Report for SRF Loan)
6. Cupertino Sanitary District (Common Interest Agreement Cost Sharing)
7. Sequoia Ecological Consulting, Inc. (Environmental Technical Studies for SRF Loan)

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

Move: Kaelker-Boor

Second: Yoder

Board vote:

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

Noes: None

Absent: None

8. NEW BUSINESS

8.A. Regional Wastewater Facility 1). FY2020-21 Capital Cost Allocation, 2) FY2020-21 Revenue Program (O&M Cost Allocation). Board action required: none.

Board reviewed and noted the informational correspondence received on costs allocated to each tributary agency.

9. OLD BUSINESS

9.A. Status of Annual Spring Clean Up Day.

This item was deferred to the Tuesday, April 7th meeting.

9.B. Status of SRF Loan and Design Update. No Board action required.

Advisor Tanaka informed the Board that the SRF Loan Update has now been completed, which included a schedule for funding and construction for this summer.

9.C. Form 700 Update.

The filing for this has already been completed, so no further action is required from the Board.

9.D. District Website Update.

No Update.

10. HOUSEKEEPING ITEMS

10. A. Update on Housekeeping Items.

For timecard submittal, Manager Porter will email the timesheets and board members can electronically submit.

10. B. Agenda Items for next Upcoming Meetings.

- COVID-19 Updates
- Flyer/Status of Spring Clean Up Day
- LAFCO - Annexed Properties

11. ADJOURNMENT: NEXT REGULAR MEETING - Tuesday, April 7, 2020

Motion: To adjourn meeting at 8:35 pm.

Move: Prupes **Second:** Sclafani

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

Approved: April 7, 2020

Respectfully Submitted,

Mark Thomas & Company, Inc.

Ken Colson, President

District Manager
Benjamin T. Porter, PE