

1. CALL TO ORDER

The Board of the Burbank Sanitary District convened this date at 7:00 p.m. via teleconferencing in accordance with Executive Order N-33-20. President Colson called the meeting to order at 7:01 p.m.

2. ROLL CALL

Directors Present: Ken Colson, Rebecca Yoder, Rene Prupes, Procopio Sclafani, Michelle Kaelker-Boor
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

3. APPROVAL OF AGENDA

Motion: To approve the agenda as written.

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 said that the online meeting format is going well and hopes to go back to regular meetings at the office when possible and safe. He also mentioned what reopening the District office may look like to maintain social distancing.

4.C. Board Commentary – Director Prupes suggested putting it on the agenda to discuss what having a meeting back at the Board Room would look like, and President Colson speculated that protocols such as wearing masks and maintaining more distance between members may be appropriate.

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 7:17 pm and ended at 7:26 pm. Manager Porter and Advisor Tanaka were excused. No reportable action was taken at the closed session. Staff rejoined the regular session.

6. CONSENT CALENDAR

6.A. Approval of Minutes from the Regular Meeting of April 7, 2020.

Motion: To approve Meeting Minutes from the Regular Meeting of April 7, 2020.

Move: Prupes

Second: Yoder

Board vote:

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

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. Kathleen Smoot (District Clerk Services)
4. City of San Jose (Treatment Plant FY2019-20 Q4 O&M, Capital Billing & Revenue Bonds)
5. DB Incorporated (Printing & Mailing of Rate Increase Public Hearing Notices)
6. Able Septic Tank Service (Four Emergency Spot Repairs)

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

Move: Kaelker-Boor

Second: Sclafani

Board vote:

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

Noes: None

Absent: None

President Colson and Director Yoder will sign the warrants at the District office on Wednesday morning.

8. NEW BUSINESS

8.A. FY2019-20 Third Quarter Financial Review

Manager Porter presented the Third Quarter Financial Report. Overall, at the end of third quarter, the District's revenue and expenses are on target except as noted. Office expenses is over budget by 5% due to rate adjustment publication costs. Interest earning and refunds from City of San Jose (treatment plant) were greater than budgeted by 55% and 84% respectively.

8.B. GreenWaste Recovery Inc. - 1) Annual CPI Increase. 2) April Delinquent List. Board action required: Review and accept CPI increase.

Manager Porter stated that it is in the contract to have a CPI increase each year and included in the District Ordinance for rate not to exceed 4%.

Motion: To accept the CPI increase of 2.91 % with GreenWaste Recovery, Inc.

Move: Yoder

Second: Sclafani

Board vote:

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

Noes: None

Absent: None

8.C. SSMP Audit - Board action required: Review and accept SSMP Audit.

The SSMP audit is a self-audit required by the Regional Board and presented/accepted by the Board and filed in District Office. Manager Porter summarized the components of the SSMP audit.

Motion: To accept the SSMP Audit.

Move: Sclafani

Second: Kaelker-Boor

Board vote:

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

Noes: None

Absent: None

8.D. PowerPoint for Public Hearing Rate Adjustment. Board action required: Review and finalize the Public Hearing PowerPoint.

Manager Porter stated that this draft PowerPoint included a discussion related to providing parity between single family and multi-family rates, the addition of ADU and the overall rate increases required to meet the requirements for the next fiscal year's operations and maintenance expenses. The Board reviewed and provided comments. Staff to update and post the PowerPoint on the District website.

Motion: To approve the Public Hearing PowerPoint with updates.

Move: Yoder

Second: Prupes

Board vote:

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

Noes: None

Absent: None

8.E. Santa Clara LAFCO - Proposed Budget for Fiscal Year 2020-2021 & Notice of June 3 Public Hearing.

The LAFCO budget for next fiscal year has increased substantially. The Board discussed several of the line items in the proposed budget. The District's share of the cost is \$579.77.

9. OLD BUSINESS

9.A. COVID-19 Update.

Manager Porter summarized how COVID-19 has affected the Mark Thomas employees, stating it has been tough on everyone. So far everyone is doing well and healthy. Employees feel good about providing an essential service. They currently have enough PPE on hand.

9.B. Status of SRF Loan and Design Update.

Advisor Tanaka advised the Board that the State is requiring additional work on the cultural resources report to include tribal outreach and consultation. Our consultant is expected to have this completed in a week. After this updated cultural resources report, the BSD loan will be ready for funding.

9.C. Emergency Spot Repairs Update. Board action required: Approve Resolution No. 280 accepting the project to complete four spot repairs.

Manager Porter stated that the project is complete. Manager Porter said it was completed under budget, and that the invoice is a little under \$41,000.

Motion: To approve Resolution No. 280.

Move: Sclafani

Second: Prupes

Board vote:

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

Noes: None

Absent: None

9.D. District Website Update.

Director Sclafani will send the accessibility audit PDF to Manager Porter for review and discussion with his staff. Director Sclafani will offer training for the Mark Thomas employees who will be involved with updating the website; including the backend operation of WordPress, a standard content environment.

10. HOUSEKEEPING ITEMS

10. A. Update on Housekeeping Items.

There is a potential for problems to arise with clogged pipes because of inappropriate items getting flushed down toilets. The Board considered ways of getting the word out that these items should not be flushed, such as a Nextdoor post. Agendize for further discussion.

10. B. Agenda Items for next Upcoming Meetings.

- COVID-19/Clogged Pipes and Outreach
- GreenWaste Spring Clean Up Day

11. ADJOURNMENT - NEXT REGULAR MEETING - Tuesday, May 5, 2020

Motion: To adjourn meeting at 8:24 pm.

Move: Prupes

Second: Sclafani

Board vote:

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

Noes: None

Absent: None

Approved: May 5, 2020

Respectfully Submitted,

Mark Thomas & Company, Inc.

Ken Colson, President

District Manager
Benjamin T. Porter, PE