

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 7:00 pm.

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 mentioned that technology has been working well for meetings, which helps with the current situation.

4.C. Board Commentary – Director Kaelker-Boor mentioned the testing of wastewater for COVID-19 prevalence in California.

5. PUBLIC HEARING

5.A. Public Hearing on Sewer Service Charges Adjustment for FY2020-2021

1. Staff Presentation

Manager Porter presented the PowerPoint presentation on the rate adjustment charges for the upcoming fiscal years. One letter of protest was received on April 7 questioning the rate increase for multi-family dwellings. Manager Porter sent a letter in response stating the basis and reasoning for the rate increase, and no further communications regarding this have taken place.

2. Open Public Hearing and Receipt of Testimony

Director Colson opened the public hearing at 7:15 pm and closed at 7:16 pm as there were no members of the public present.

3. Close Public Hearing

Director Colson closed the public hearing at 7:16 pm.

4. Board Discussion

The Board reviewed the staff slide presentation in the board packet in preparation for the vote. Advisor Tanaka noted the addition of definition of ADUs in the ordinance. Director Prupes stated that the definition included in the ordinance is what was previously discussed and it is ok as written.

5. Board Action -- Adopt Ordinance No. 66

Motion: To adopt Ordinance No. 66 on Sewer Service Charges Adjustment for FY 2020-2021.

Move: Yoder

Second: Sclafani

Board vote:

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

Noes: None

Absent: None

6. 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 7:24 pm and ended at 7:38 pm. Manager Porter and Advisor Tanaka were excused. No reportable action was taken at the closed session. Staff rejoined the regular session.

7. CONSENT CALENDAR

7.A. Approval of Minutes from the Regular Meeting of May 5, 2020.

Motion: To approve Meeting Minutes from the Regular Meeting of May 5, 2020.

Move: Yoder

Second: Kaelker-Boor

Board vote:

Ayes: Prupes, Sclafani, Kaelker-Boor, Yoder

Noes: None

Absent: None

Abstain: Colson

8. WARRANTS

8.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. Kathleen Smoot (District Clerk Services)

Motion: To approve five (4) warrants as listed.

Move: Yoder

Second: Prupes

Board vote:

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

Noes: None

Absent: None

9. NEW BUSINESS

9.A. District Insurance. Review of District Insurance Renewal Proposal.

Manager Porter stated that the district has used the same company for a while. This proposal for renewal is basically the same as last year, with a minimal premium increase. Director Kaelker-Boor asked about items that are lined out in the policy and President Colson stated that these are items not included as noted previously. Director Sclafani asked about pandemic related coverage, and would it cover work stoppage situations if staff were incapacitated. Manager Porter said that staff would check with the company regarding such coverage. The Board directed staff to pursue this, and deferred vote on the renewal to the next meeting upon review of the new information. There were also questions regarding coverage for errors and omissions involving electronic communications such as the web site, and coverage for directors and officers.

10. OLD BUSINESS

10.A. COVID-19 Update.

Manager Porter mentioned plans Mark Thomas has for returning to work and stated there is no real urgency. At this point, the state/county has not indicated a clear directive.

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

Advisor Tanaka said that there are no updates. The application is complete, and he has seen no updates from the state regarding funding.

11. HOUSEKEEPING ITEMS

11. A. Update on Housekeeping Items.

No Update

11. B. Agenda Items for next Upcoming Meetings.

- COVID-19 Updates
- District Website
- Insurance Renewal

12. ADJOURNMENT

Motion: To adjourn meeting at 7:59 pm.

Move: Sclafani **Second:** Yoder

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

Approved: June 16, 2020

Respectfully Submitted,

Mark Thomas & Company, Inc.

Ken Colson, President

District Manager
Benjamin T. Porter, PE