

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 7:02 p.m.

2. ROLL CALL

Directors Present: Ken Colson, Rene Prupes, Procopio Sclafani, Michelle Kaelker-Boor (called in at 7:04 pm)
Directors Absent: Rebecca Yoder
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: Sclafani **Second:** Prupes

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

4. PUBLIC COMMENTARY

- 4.A. Visitor Commentary – None.
- 4.B. Agency Representatives – Manager Porter advised that Mark Thomas & Company decided to keep one license for GoToMeeting for conducting the Board meetings.
- 4.C. Board Commentary – Director Kaelker-Boor entered the meeting at 7:04 pm.

5. CLOSED SESSION

5.A. 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.

5. B. DISTRICT COUNSEL

In accordance with government code section 54957, "Public Employment Performance Review." District Counsel review.

Closed session discussion commenced at 7:05 pm and ended at 7:35 pm. Manager Porter and Advisor Tanaka attended part B. No reportable action was taken at the closed session. All rejoined the regular session.

6. CONSENT CALENDAR

6.A. Approval of Minutes from the Regular Meeting of August 18, 2020.

Motion: To approve Meeting Minutes from the Regular Meeting of August 18, 2020.

Move: Kaelker-Boor

Second: Sclafani

Board vote:

Ayes: Prupes, Sclafani, Kaelker-Boor, Colson

Noes: None

Absent: Yoder

7. NEW BUSINESS

7.A. 1975 Scott Street Mainline Extension -- Installer's Agreement. Board action required: None.

1975 Scott Street is currently connected through their neighbor's lateral. They have applied for a permit to extend the sewer main on Scott Street, install a proper lateral and connect directly to the District's main. Able Construction will perform the work to extend the 6" sewer main 41 linear feet with a manhole, install a lower lateral, and install a cleanout. The District is working with the homeowner and the contractor to finalize the Installer's Agreement contract. Once finalized, it will be agendized for the Board's approval.

7.B. Staffing Update.

Advisor Tanaka advised that he is retiring from Mark Thomas & Company at the end of the year. If the Board desires to retain Advisor Tanaka as a District Advisor starting in January 2021, Advisor Tanaka indicated that he would be available to support the District as an independent consultant. The Board congratulated Advisor Tanaka on his decision and on his services to the District. Director Prupes expressed the desire to have Advisor Tanaka's expertise and knowledge available to the District, and was concerned that once he is no longer an employee of Mark Thomas & Company, he will lose access to email and files he has created. Manager Porter agreed that it is an important point and that there will be a way to preserve this access for Advisor Tanaka.

8. OLD BUSINESS

8.A. GreenWaste Recovery, Inc. 1) Annual Clean Up Day Update. 2) August Delinquent List.
Board action required: None.

Manager Porter reported that from GreenWaste's perspective, Board Members can interact in the same way they have in the past, except this year they should wear a mask and practice social distancing. In considering liability and other factors, both Directors Prupes and Kaelker-Boor recommend scaling back Board Members; activity this year, and to just observe GreenWaste's handling of the event as they plan to do it. The Board Members all agreed, and they will report on their observations at the next meeting.

8.B. Status of SRF Loan and Design Update. Board action required: None

Advisor Tanaka stated that all the processes have been completed.

8.C. District Website Update. Board action required: None

Director Sclafani stated that his goal right now is documenting and handing off the management of the new site to Mark Thomas & Company employees. At this point, he would like to figure out with Mark Thomas a migration schedule, and start planning and budgeting for that. He also wants to enhance the website with graphics/color, and make it more visually appealing. Director Sclafani emphasized that the current site is still very much a design exercise, and content will be updated to current during the migration. He welcomes feedback from the Board and Mark Thomas employees.

8.D. District Clerk Vacancy Update - Board action required: None.

Manager Porter informed the Board that the position has been posted on the District's website, and that the position will be posted on NextDoor. He mentioned that the last time the position was filled mainly by word of mouth and encouraged Board Members to reach out to their neighbors and friends. He reassured the Board that Mark Thomas can administer this function if the position is not yet filled past Kathleen's end date. Director Sclafani mentioned that he still had some of the colored flyers regarding the position from the last time they were looking to hire, and that he plans to hand them out at the Clean Up Day, and offered to give some to other Board Members who may be interested in having them.

8.E. COVID-19 Update. Board action required: None.

Manager Porter updated the situation he described in the previous meeting regarding someone who had tested positive for COVID-19 and used a common bathroom also used by the inspectors in the Cupertino office park. Out of an abundance of caution, he had asked them to get COVID-19 tests. They all got tested and came back with a negative result.

9. HOUSEKEEPING ITEMS

9.A. Updates on Housekeeping Items. Board action required: None.

- Ethics Training Update - Manager Porter stated that several Board Members and himself are due for their online Public Service Ethics Education. The Board took note and will do the necessary training.

9.B. Agenda Items for Next Upcoming Meeting. Board action required: None.

- Report on the Annual Clean Up Day
- Board would prefer next board meeting to be held on September 22, 2020, pending confirmation that Hutton can make September 22 board meeting.

10. ADJOURNMENT - NEXT REGULAR MEETING - Tuesday, September 15, 2020

Motion: To adjourn meeting at 8:21 pm.

Move: Sclafani **Second:** Prupes

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

Approved: September 22, 2020

Respectfully Submitted,

Mark Thomas & Company, Inc.

Ken Colson, President

District Manager
Benjamin T. Porter, PE