

1. CALL TO ORDER

The Sanitary Board of the Burbank Sanitary District convened this date at 7:00 p.m. via teleconferencing in accordance with the Executive Order N-33-20. President Colson called the meeting to order at 7:04 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: Yoder **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 the LAFCO annexation item will be agendized at a future meeting.
- 4.C. Board Commentary – Director Yoder mentioned she is intending be going back to work as a nurse, and this may impact her participation as a board member.

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

Closed session discussion commenced at 7:16 pm and ended at 7:35 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 March 17, 2020.

Motion: To approve Meeting Minutes from the Regular Meeting of March 17, 2020.

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

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

7. NEW BUSINESS

7.A. Form 470 Filing. Board Action Required: Complete individual filing by 7/31/2020.

President Colson asked requested clarification on the procedure. Manager Porter responded that they can download the form, fill it out and send it in by July 31, 2020.

7.B. Board Elections -- Review upcoming November Elections. Board Action Required: Adopt Resolution No. 278 - A Resolution Requesting and Consenting to Consolidation of Elections.

Motion: To approve Resolution No. 278

Move: Prupes **Second:** Yoder

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

President Colson discussed remote signing of documents. Advisor Tanaka suggested using an electronic signature system. The Board approved to staff to use electronic signatures during this COVID19 period.

8. OLD BUSINESS

8.A. COVID-19 Update. Essential Service Resolution. Board Action Required: Approve Resolution No. 279

Director Kaelker-Boor asked about the section of resolution that appears on the top of page 27: Whereas: Mark Thomas & Company Employees described above should receive regular salary in conformance with the Mark Thomas & Company, Inc. Administrative Call Back Leave with Pay Policy; which is further detailed in paragraph 6 in the resolution. Manager Porter noted that this section of the resolution applies more to the Cupertino Sanitary District than it applies to Burbank because of limited staff involved with Burbank Sanitary District as compared to Cupertino Sanitary District, and stated that it means that as essential employees, in a work slowdown situation the district can maintain employees' payment status. The employees would be paid to be on-call. Advisor Tanaka informed the Board that this policy should consistently be applied.

Motion: To approve Resolution No. 279

Move: Yoder **Second:** Prupes

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

8.B. GreenWaste Recovery, Inc. 1) Status of Annual Spring Clean Up Day, 2) Spring Newsletter, 3) FY2020-2021 Outreach Plan. Board Action required: Review and approve flyer, cancel or postpone Spring Clean Up Day

Director Prupes suggested that the Annual Spring Clean Up Day be deferred to a later date with inputs from GreenWaste. Manager Porter stated that GreenWaste is fine with picking another date, and expects they will be available for a range of future dates. Staff is to request GreenWaste for their availability. Other topic of discussion included District providing extra one-time pick-up for a large item and potential added costs.

Motion: To defer discussion on the Annual Spring Clean Up Day to the next board meeting.

Move: Prupes

Second: Yoder

Board vote:

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

Noes: None

Absent: None

8.C. Status of SRF Loan and Design Update

Advisor Tanaka said there is no update on the SRF Loan at this time.

8.D. Emergency Spot Repairs Update

Manager Porter reported that spot repairs for Brooklyn Avenue and Raymond Avenue began on March 23 and 95% of the work has been completed. Spot repairs 3 and 4 for Leigh Avenue and Boston Avenue are beginning on April 8.

8.E. Rate Increase Public Hearing Update

Manager Porter informed the Board that notices were mailed out, which included that in the event of closure of the San Jose Library, meeting will be conducted at the District Office. The meeting could continue to be conducted via teleconferencing. However, the office will need to be opened for public attendance.

8.F. District Website Update

Director Sclafani provided demonstration of the website updates via the GoToMeeting, including the audit outputs. The Board and staff were pleased with the look, the improved accessibility, and progress on the website.

9. HOUSEKEEPING ITEMS

9.A. Updates on Housekeeping Items

- President Colson stated a reminder to complete the Form 470 filing, and to place electronic signatures on Resolution No. 278 and 279.
- Director Kaelker-Boor mentioned GreenWaste's booklet would be going out soon. Board members said that it looked fine.

9.B. Agenda Items for Next Upcoming Meeting.

- 1) Spring Clean-up Day
- 2) Financial Package

10. ADJOURNMENT

Motion: To adjourn meeting at 8:09 pm.

Move: Kaelker-Boor **Second:** Yoder

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

Approved: April 21, 2020

Respectfully Submitted,

Mark Thomas & Company, Inc.

Ken Colson President

District Manager
Benjamin T. Porter, PE