

**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. Director Yoder called the meeting to order at 7:21 p.m., the delay caused by technical difficulties.

**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**

Manager Porter announced that an item needed to be added to the agenda pursuant to Government Code Section 54954.2(b)(2) for immediate action, since the issue arose after the agenda was posted, and action is needed before July 1st. The Resolution 278 adopted at the April 7th meeting to accept the consolidation of the election was incorrect and needs to be corrected before July 1<sup>st</sup> submittal to the County. Director Yoder moved, Director Prupes seconded, and the motion passed unanimously that the agenda be modified to add this item under 10E., under Old Business.

**Motion:** To approve the agenda with the modification to add Item 10.E. to the agenda.

**Move:** Kaelker-Boor

**Second:** Colson

**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 apologized for the error leading to the change of agenda and indicated that Steve Baird was responsive in problem solving on updating the agenda.

4.C. Board Commentary – President Colson apologized for the delay in starting the meeting due to technical difficulties and said he will troubleshoot the problem. Director Prupes mentioned a project for her finance and economics class, in which she will be using the Burbank Sanitary District as a model.

**5. PUBLIC HEARING**

5.A. Public Hearing on Taxroll Collection for FY 2020-2021

1. Staff Presentation

Manager Porter presented the summary data for the FY 2020-2021 Tax Roll Summary, and stated a need to have this public hearing to collect District services charges through the tax roll.

2. Open Hearing and Receive Testimony

Director Yoder opened the public hearing at 7:37 pm.

3. Close Public Hearing

Since no members of the public were present, Director Yoder also closed the public hearing at 7:37 pm.

4. Board Discussion

Director Sclafani asked if the time span of the data collection includes the COVID time frame, and if the reduction in water usage could be attributed to that, or more likely some other cause. Advisor Tanaka stated that the data reflects the previous fiscal year, and water usage affected by COVID will show up in next year's report. Director Kaelker-Boor asked how ADUs will be monitored and if staff will be checking with the County Planning Department. Advisor Tanaka suggested that staff to contact the County Planning Department to receive notification of newly added ADUs.

5. Board Action - Adopt Resolution No. 281, Approving Sewer Service Charges Report and Collection on the Taxroll for FY 2020-2021.

**Motion:** To adopt Resolution No. 281.

**Move:** Colson                      **Second:** Sclafani

**Board vote:**                              **Ayes:** Colson, Yoder, Prupes, Sclafani, Kaelker-Boor  
**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 7:40 pm and ended at 8:01 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 19, 2020.

**Motion:** To approve Meeting Minutes from the Regular Meeting of May 19, 2020.

**Move:** Sclafani                      **Second:** Prupes

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

**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)
5. Cupertino Sanitary District (Common Interest Agreement Cost Sharing)

**Motion:** To approve five (5) warrants as listed.

**Move:** Kaelker-Boor                      **Second:** Colson

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

**9. NEW BUSINESS**

9.A. District Budget FY 2020-21. Board Action Required: Review and approve District Budget.

Manager Porter presented the line items in the proposed budget, highlighting changes to expenses including \$450,000 budget for Sewer System, reduction of legal fees, addition of budget for District's audit and election.

**Motion:** Review and approve District Budget.

**Move:** Colson                              **Second:** Sclafani

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

**10. OLD BUSINESS**

10.A. District Insurance. Review of District Insurance Renewal Proposal. Board Action Required: Approve District Insurance Renewal Proposal.

The Board reviewed the clarifications on the district's insurance policy, including the explanations of cybersecurity coverage and commercial crime.

**Motion:** Approve District Insurance Renewal Proposal.

**Move:** Kaelker-Boor

**Second:** Sclafani

**Board vote:**

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

**Noes:** None

**Absent:** None

10.B. Clean Up Day Update. Board Action Required: Consider providing second large item pick up in lieu of clean up

The Board stated a preference to reschedule the Clean Up Day and asked to have GreenWaste at the next meeting to discuss plans to hold the day in a safer manner that meets social distancing guidelines. The current discussion was tabled in favor of hearing from GreenWaste at the next meeting.

10.C. COVID-19 Update.

Manager Porter stated that Burbank Sanitary District is discussing bringing back employees to the office, and ways to do that safely such as daily wellness checks and maintaining social distancing. This may start in July. With regard to the board meetings, Manager Porter mentioned that the governor's executive order has not been lifted, and so the meetings will remain in this online format for the time being.

10.D. District Website Update.

Director Sclafani met with Manager Porter and the team at Mark Thomas to review the old site and look at the new site. Director Sclafani got feedback from Mark Thomas employees on issues that tend to arise when updating the site and will make edits to the new template to accommodate staff issues.

10.E. Amended Resolution No. 278

Manager Porter reported that the Resolution 278 was adopted at the April 7, 2020 meeting to accept the consolidation of the upcoming November election, however, a typographical error regarding the duration of the terms for Director Prupes and Sclafani were discovered. An amended resolution is needed to submit to the office of Registrar of Voters and County Clerk office by July 1, 2020.

**Motion:** To approve the Amended Resolution No. 278.

**Move:** Sclafani

**Second:** Kaelker-Boor

**Board vote:**

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

**Noes:** None

**Absent:** None

## **11. HOUSEKEEPING ITEMS**

11.A. Update on Housekeeping Items.

Form 470 – Directors to file the Form 470 by July 30, 2020

11.B. Agenda Items for next Upcoming Meetings.

- GreenWaste - Proposal for Clean Up Day that meets the County Public Health Department's criteria.
- District Web Site Update.

**12. ADJOURNMENT**

**Motion:** To adjourn meeting at 9:16 pm.

**Move:** Prupes                      **Second:** Sclafani

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

Approved: July 7, 2020

Respectfully Submitted,

**Mark Thomas & Company, Inc.**

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Ken Colson, President

District Manager  
Benjamin T. Porter, PE