

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 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

Manager Porter requested that Item 5.B be discussed first in the closed session to facilitate/accommodate staff participation in the closed session

Motion: To approve the agenda as amended.

Move: Prupes

Second: Yoder

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 – None.

4.C. Board Commentary – None.

5. CLOSED SESSION

5. B. 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. A. DISTRICT COUNSEL

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

Closed session discussion commenced at 7:10 pm. Manager Porter and Advisor Tanaka were excused for 5.B., but rejoined the closed session discussion for 5.A. Closed session ended at 8:02 pm, and President called the regular meeting back in session. No reportable action was taken at the closed session.

6. CONSENT CALENDAR

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

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

Move: Sclafani **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. Able Septic Tank Service (Four Emergency Spot Repairs)
5. Alliant Insurance Services, Inc. (Insurance Premium July 2020-July2021)
6. City of San Jose (TP O&M & Capital Billing Q1 2020-2021)
7. Local Agency Formation Commission (LAFCO cost sharing FY 2020-21)

Motion: To approve seven (7) warrants as listed.

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

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

8. NEW BUSINESS

8.A. FY2019-20 Year End Financial Review

Manager Porter presented the Year End Financial Review with the following comments/highlights: Expenses were on target or under budget with two exceptions (Repairs/Replacements and Publications). Overall, District expenses were 85.43% of the budgeted amount. The District received approximately \$80,000 more revenue than budgeted, primarily from the larger refund from City of San Jose for the treatment plant capital and O&M reimbursement and larger interest earnings from the Santa Clara County Co-mingled fund.

8.B. CASA Virtual Annual Conference. Board Action Required: None.

After discussion, the Board will not attend the conference.

8.C. Ratification of Letter Supporting AB1672--Wipes Clog Pipes.

Because of the urgency to get the letter supporting AB1672, Manager Porter gained approval to submit the letter prior to the Board meeting. President Colson signed the letter (with electronic signature) and the staff submitted the letter to the State Legislature. Manager Porter summarized the contents of the letter for supporting AB1672, the Wipes Clog Pipes Initiative. The Board is very supportive of this effort.

Motion: To ratify the letter supporting AB1672--Wipes Clog Pipes.

Move: Kaelker-Boor

Second: Yoder

Board vote:

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

Noes: None

Absent: None

9. OLD BUSINESS

9.A. Annual Clean Up Day Update. Board Action Required: Select September 12 as the Annual Clean Up Day.

The Board would like to hear how the Woodside Clean-up day went, and would like staff to check with GreenWaste to see if getting approval for these events from the County Health Department was part of the process. Staff is also directed to make reservations for the use of school parking lot.

Motion: To select September 12 as the Annual Clean Up Day.

Move: Sclafani

Second: Prupes

Board vote:

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

Noes: None

Absent: None

9.B. COVID-19 Update. Board action required: None.

Manager Porter stated that staff are safe, healthy and working efficiently. Mark Thomas offices are open for staff to return on a voluntary basis.

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

Advisor Tanaka reported good news that the application has now been elevated to legal review status, which will likely take about one month. The next step in the process will be to move on to financial review.

10. HOUSEKEEPING ITEMS

10. A. Update on Housekeeping Items.

Directors would like to discuss historical information related to the litigation in the upcoming closed session.

10. B. Agenda Items for next Upcoming Meeting.

- District Counsel
- Annual Fall Clean Up Day Update
- Election Updates

11. ADJOURNMENT - NEXT REGULAR MEETING - Tuesday, August 4, 2020

Motion: To adjourn meeting at 9:07 pm.

Move: Sclafani **Second:** Yoder

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

Approved: August 4, 2020

Respectfully Submitted,

Mark Thomas & Company, Inc.

Ken Colson, President

District Manager
Benjamin T. Porter, PE