

1. CALL TO ORDER

The Board of the Burbank Sanitary District convened this date at 7:01 p.m. via teleconferencing in accordance with Executive Order N-33-20. President Colson called the meeting to order at 7:01 p.m.

2. ROLL CALL

Directors Present: Ken Colson, Rebecca Yoder (called in 7:40 pm), 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:** Prupes

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

4. PUBLIC COMMENTARY

- 4.A. Visitor Commentary – None.
- 4.B. Agency Representatives – Manager Porter said that he was sorry to hear that Kathleen Smoot will be resigning as Board Clerk, but he understood the reasons behind her decision. He also thanked her for her service over the past year.
- 4.C. Board Commentary – President Colson said that he appreciated the explanation in her resignation letter.

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 7:06 pm and ended at 7:55 pm. Advisor Tanaka was consulted for Item 5.A related to historical data, and attended 5.B. Manager Porter attended part 5.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 July 21st, 2020.

Motion: To approve Meeting Minutes from the Regular Meeting of July 21st, 2020.

Move: Sclafani **Second:** Yoder

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

7. NEW BUSINESS

7.A. Biennial Review of Conflict of Interest Code. Board action required: None

Manager Porter summarized the information in the documents from the Office of the County Counsel, regarding the filing of the Conflict of Interest Codes that they require every two years. Since there are no changes on decision making position, Manager Porter will submit to the County Counsel.

8. OLD BUSINESS

8.A. GreenWaste Recovery, Inc. 1) Annual Clean Up Day Update. 2) Quarterly Report April - June 2020. Board Action Required: Review and approve Clean Up Day Flyer.

Manager Porter relayed the communication he received from GreenWaste regarding clean up days they held in other districts which the events went well but slow due to social distancing protocols. GreenWaste will not be able to hand out compost this year but will try to provide twice as much next year. Manager Porter stated that the District has reserved the parking lot at the Burbank Luther School. Director Sclafani asked if GreenWaste had shared their communications, emails, flyers, etc., regarding COVID-19 protocols that they used for these other events. While specifically these were not shared, Advisor Tanaka related that GreenWaste's event plans include extensive signage throughout with social distancing protocols, and smaller signs to assist with non-verbal communication and also, COVID-19 protocols will be communicated on the flyer. The Board also discussed safety issues and requested that the sheriff's office be made aware of the event but does not request that the Sheriff oversee anything, and suggested requesting the presence of their community liaison officer. The Board discussed changes to the flyer to emphasize readability and COVID-19 protocols.

Motion: To approve the Clean Up Day flyer with changes to be made by Director Kaelker-Boor.

Move: Yoder **Second:** Prupes

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

8.B. Election Update. Board action required: None

President Colson stated that this Friday, August 7 is the last day to file candidacy for an office, including Burbank Sanitary District Board positions with the Registrar of Voters. Manager Porter will contact the Registrar of Voters about BSD Board positions filed for election.

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

Manager Porter expressed that not much has changed since the last meeting. Staff are coming to the Mark Thomas offices on a limited basis, and staff are communicating with the public mainly through phone, email, and the US Mail.

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

Advisor Tanaka reported that there is good news, the application is now with the Financial Division for final review.

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

Director Sclafani stated that he had nothing new to report at this time but expects to have something for the next meeting. Director Kaelker-Boor asked if the new site will work well across all devices. Director Sclafani said that it will, and that the theme automatically resizes, which is sometimes called "responsive design."

9. HOUSEKEEPING ITEMS

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

Director Kaelker-Boor will send the updated Clean Up Day flyer to Manager Porter and Advisor Tanaka by Wednesday, August 5.

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

- Vacancy for Board Clerk Position
- GreenWaste Recovery Annual Clean Up Day
- Standing Closed Session Item - District Counsel

10. ADJOURNMENT - NEXT REGULAR MEETING - Tuesday, August 18, 2020

Motion: To adjourn meeting at 8:51 pm.

Move: Kaelker-Boor **Second:** Prupes

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

Approved: August 18, 2020

Respectfully Submitted,

Mark Thomas & Company, Inc.



Ken Colson, President

District Manager
Benjamin T. Porter, PE