

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, 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: Kaelker-Boor **Second:** Prupes

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 advised that Mark Thomas & Company is changing from GoToMeeting to Microsoft Teams for videoconferencing. He also mentioned that the upcoming election for the Board will be a no contest election with three candidates.
- 4.C. Board Commentary – Director Prupes asked what would be the election cost and what steps need to be taken by the District for the upcoming election. Manager Porter said that he will confirm with the Registrar of Voters. Board Members expressed that they were pleased with the Annual Clean Up Day flyer which they just received. President Colson mentioned that he was glad to see that it included a statement regarding the large single item pick up, so residents do not need to feel like the Clean Up Day is their only opportunity.

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 7:12 pm and ended at 7:46 pm. Advisor Tanaka was consulted for the last part of Item 5.A. and attended part 5.B. Manager Porter 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 4, 2020.

Motion: To approve Meeting Minutes from the Regular Meeting of August 4, 2020.

Move: Yoder

Second: Sclafani

Board vote:

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

Noes: None

Absent: None

7. WARRANTS

7.A. Approval of Warrants. Board action required: Approve five (5) 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. Luther Burbank School (Parking Lot Fee for Clean Up Day)

Motion: To approve five warrants as listed.

Move: Kaelker-Boor

Second: Yoder

Board vote:

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

Noes: None

Absent: None

8. NEW BUSINESS

8.A. District Clerk Vacancy.

Advisor Tanaka suggested that District post on our website and the NextDoor for the District Clerk vacancy position. Director Yoder stated that those are both great places and directed staff proceed with this plan. Manager Porter indicated that he would take the next steps needed to post the position.

9. OLD BUSINESS

9.A. Annual Clean Up Day Update.

Manager Porter has been in close communication with GreenWaste staff regarding the Annual Clean Up Day, and plans are moving forward. The flyers have been sent in the mail. Director Kaelker-Boor asked if they would take a station near a large dumpster to help with the event as they have in the past, or if the pandemic has changed the set up significantly enough that they should do something else. Director Sclafani suggested getting input on this discussion from GreenWaste, to contribute their ideas the next time it comes up for the Board. Director Kaelker-Boor requested that staff check with GreenWaste.

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

1.0. Cultural Resources – Indian Consultation

1.1. SRF Loan – Draft Funding Agreement

1.2. Plans and Specifications Update

1.3. Steps in SRF Loan Closing

1.3.1. Legal Opine – Draft Funding Agreement

1.3.2. Legal Bond Counsel Opine

1.3.3. Adopt Resolution for Closing Document

1.3.4. If approved and funded, start construction within 6 months

Advisor Tanaka stated that SHPO (State Historic Preservation Office) needed to be consulted regarding Cultural Resources Indian Coordination. There was some good news in that we have received a copy of the draft funding agreement and a need for both District Counsel and Bond Counsel to provide input/draft opinion letters before August 24, 2020. Advisor Tanaka indicated that when these steps are completed and the loan documents approved and finalized, construction must start within six months.

Director Prupes had noticed a no litigation clause in the SRF Loan draft agreement, and asked if the District's current litigation with the City of San Jose could have an impact. Advisor Tanaka indicated that this will be addressed by District Counsel in their opinion letter.

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

Director Sclafani shared his screen to demonstrate features of the new web site that will make it more dynamic and user friendly. He mentioned changes to the site based on feedback from Mark Thomas & Company, such as the slide show now on the site. Director Sclafani also mentioned that a real site index has been added to the site since the last time the Board reviewed a site demonstration. The purpose of the site index reflects a standard practice in web design, which is to

make information easy to find, and the site easy to navigate. Especially as users scroll through the site, the real site index reflects the menus at the top for ease of navigation. Again, there is responsive design for users accessing the site on a smart phone or tablet; the features will resize and move in a scalable and simple way.

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

Manager Porter mentioned that someone who had tested positive for COVID-19 had used bathrooms that are located in the office complex where the Mark Thomas & Company is located. It was noted that some inspectors have used those particular bathrooms, and Manager Porter has asked them to get tested; but this has presented some difficulties as they do not fit the criteria for testing from a doctor. In the meantime, the inspectors are working from home.

10. HOUSEKEEPING ITEMS

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

None discussed.

10.B. Agenda Items for Next Upcoming Meeting. Board action required:

GreenWaste Recovery Feedback on Board Members role - Annual Clean Up Day

11. ADJOURNMENT - NEXT REGULAR MEETING - Tuesday, September 1, 2020

Motion: To adjourn meeting at 8:09 pm.

Move: Sclafani **Second:** Prupes

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

Approved: September 1, 2020

Respectfully Submitted,

Mark Thomas & Company, Inc.

Ken Colson, President

District Manager
Benjamin T. Porter, PE