

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: Hutton, Andrews, Kurth staff for closed session

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 – None.
- 4.C. Board Commentary – None

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 7:03 pm and ended at 8:07 pm. Advisor Tanaka and 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 September 1, 2020.

Motion: To approve Meeting Minutes from the Regular Meeting of September 1, 2020.

Move: Sclafani

Second: Kaelker-Boor

Board vote:

Ayes: Prupes, Sclafani, Kaelker-Boor, Colson

Noes: None

Abstain: Yoder

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. Santa Clara County Roads and Airports (Encroachment permits for spot repairs)
6. Cupertino Sanitary District (Common Interest Agmt Cost Sharing Q4 FY2019-20)
7. GreenWaste Recovery, Inc. (Work performed for Annual Clean Up Day)

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

Move: Kaelker-Boor

Second: Sclafani

Board vote:

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

Noes: None

Absent: None

8. NEW BUSINESS

8.A. Resolution 282 - Debt Management Policy. Board action required: Approve and adopt Resolution No. 282.

Advisor Tanaka stated that one of the requirements of the SRF loan is for the District to adopt a Debt Management Policy.

Motion: To adopt Resolution 282 - Debt Management Policy.

Move: Kaelker-Boor

Second: Yoder

Board vote:

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

Noes: None

Absent: None

- 8.B. First Tech Credit Union -- Updated Account Application to add Accounting Specialist required. Board Action required: Approve Directors to sign the application

Manager Porter advised that First Tech Credit Union is the District checking account that is only used for payroll and the application is needed to add our Accounting Specialist to the account so that she can request information as needed, such as for audits.

Motion: To approve updating the Account Application to add Accounting Specialist.

Move: Sclafani

Second: Yoder

Board vote:

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

Noes: None

Absent: None

9. OLD BUSINESS

- 9.A. Annual Clean Up Day Update.

President Colson noted that in his neighborhood the collection seemed quiet and orderly. Manager Porter received a report from Kevin at Greenwaste that was very positive. Director Sclafani discussed problematic things he had noticed at the Olive Avenue collection site, such as employees not being aware of the start time, the line of cars getting long when it went from two employees to one at the bin, and a supervisor not wearing a mask when speaking with employees and unsafely loading material into a closed bin. Director Kaelker-Boor noticed that a lot of mattresses, couches and other large items were dumped. Director Yoder stated that she heard from a neighbor who had the opinion that it went more smoothly than usual.

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

Advisor Tanaka said that staff is working on the final design plans to be out to construction within six months after receiving funding. Director Kaelker-Boor mentioned that this would be a good topic for public outreach, and despite COVID-19 problems, the Board should consider finding a way to communicate with the public perhaps via a Zoom meeting. Staff agreed that this is a good idea, in light of the fact that the Annual Report is coming out soon. Staff suggested discussing public outreach at the next meeting.

- 9.C. Upcoming Election Update -- Certificate of Election Facts and Request to Fill Vacant Office by Appointment. Board Action Required: None

Advisor Tanaka pointed out that the letter from the County of Santa Clara Registrar of Voters stated that since the three Board Member positions are not contested, they will be appointed by the County Board of Supervisors. Directors Prupes and Kaelker-Boor both questioned the appointment process, and indicated that the only time it has gone to the Board of Supervisors was when there was a vacancy to fill. Director Yoder agreed that in the past when not on the ballot, they have all still been considered elected officials. Staff agreed to look into it further.

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

Director Sclafani mentioned that he had a good meeting with District staff and that they have a way forward with what needs to get done by whom. He also wants to create a section on the site for public outreach. They are currently looking at what a migration will entail.

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

Manager Porter reported that they did have a concern when they heard that an employee with a contractor had tested positive for COVID-19. They had thought that he had been in contact with Mark Thomas & Co. employees, but it turned out that was not the case.

10. HOUSEKEEPING ITEMS

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

No updates.

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

- Registrar of Voters
- District Website
- COVID-19 Update

11. ADJOURNMENT - NEXT REGULAR MEETING - Tuesday, October 6, 2020

Motion: To adjourn meeting at 8:56 pm.

Move: Prupes **Second:** Yoder

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

Approved: October 6, 2020

Respectfully Submitted,

Mark Thomas & Company, Inc.

Ken Colson, President

District Manager
Benjamin T. Porter, PE