

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 7:03 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: None (Position Vacant)
Staff: Benjamin Porter (District Manager), Robert Woodhouse (Deputy District Manager), Richard Tanaka (District Advisor)
Visitors: None

3. APPROVAL OF AGENDA

Motion: To approve the agenda as written.

Move: Yoder **Second:** Prupes

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

4. PUBLIC COMMENTARY

4.A. Visitor Commentary – None.

4.B. Agency Representatives – Manager Porter advised that Robert Woodhouse, Deputy District Manager will be attending the Board meeting. Manager Porter responded to Board’s questions related to Esteban Delgadillo, the District Associate Sanitary Engineer.

4.C. Board Commentary – Board congratulated Advisor Tanaka on his retirement and would like to do something to celebrate. Advisor Tanaka indicated that he is having a few lunches but that is all.

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 7:13 pm and ended at 8:57 pm. Manager Porter, Deputy Manager Woodhouse, and Advisor Tanaka attended part B.

Board directed staff to add an agenda item for next board meeting to review and approve selection of new District Counsel. All rejoined the regular session.

6. CONSENT CALENDAR

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

Motion: To approve Meeting Minutes from the Regular Meeting of October 6, 2020.

Move: Kaelker-Boor

Second: Sclafani

Board vote:

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

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. Atkinson Farasyn LLP (District Legal Services)
4. Kathleen Smoot (District Clerk Services)
5. Santa Clara County Roads and Airports (Encroachment permit for Clean Up Day)
6. City of San Jose (TP O&M, Capital Billing & 2009 Bonds Q2 2020-21)

Motion: To approve six (6) 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. FY2020-21 First Quarter Financial Review.

Board reviewed and noted the FY2020-21 First Quarter Financial Report.

8.B. Consulting Agreement for District Advisor.

Board reviewed and discussed the Consulting Agreement for District Advisor. Board asked if Advisor's position can be added to the District's insurance policy or if there is a separate policy that Advisor can obtain. Board directed staff to add a budget line item for the advisor services. Advisor Tanaka is to provide estimated hours for the advisor services to the District. Staff to check with the District's insurance company to clarify Board's insurance questions.

9. OLD BUSINESS

9.A. COVID-19 Update

Manager Porter has checked the public meeting requirements and advised that public meetings can and must still be conducted by teleconference.

9.B. Status of SRF Loan and Design Update

Advisor Tanaka reported that the District Counsel has given concurrence for the legal opinion letter to the State Board. He also advised that District Bond Counsel is not required, and we are in the final stage for the final loan document.

9.C. 2020 Annual Report

Manager Porter reported the Annual reported has been updated by the graphic designer and that it is too late to include the Annual Report with the Greenwaste's Winter Newsletter. Staff will mail it out to the residents and post it on the website.

9.D. District Website Update.

Director Sclafani advised that he is working with staff to get a Word Press contractor to help with migrating the test site to the new website.

9.E. Next Door Update

Manager Porter will contact the legal department of Next Door to solve the problem of accessing the District account on Next Door as an administrator.

10. HOUSEKEEPING ITEMS

10.A. Updates on Housekeeping Items.

No update.

10.B. Agenda Items for Next Upcoming Meeting.

Board will conduct a special Board Meeting on October 26, 2020 at 7:00 pm for the following items:

- District Counsel Agreement
- District Advisor Agreement
- Budget Re-Allocation

**11. ADJOURNMENT – NEXT SPECIAL MEETING – Monday, October 26, 2020 and
NEXT REGULAR MEETING - Tuesday, November 3, 2020**

Motion: To adjourn meeting at 10:24 pm.

Move: Yoder **Second:** Prupes

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

Approved: November 3, 2020

Respectfully Submitted,

Mark Thomas & Company, Inc.

Ken Colson, President

District Manager
Benjamin T. Porter, PE