

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 7:01 p.m.

2. ROLL CALL

Directors Present: Ken Colson, Rebecca Yoder, Rene Prupes, Procopio Sclafani, Michelle Kaelker-Boor
Directors Absent: None
Counsel Present: Valerie Armento (Joined to advise the Board prior to the Closed Session)
Staff: Benjamin Porter (District Manager), Robert Woodhouse (Deputy District Manager)
District Advisor: Richard Tanaka
Visitors: Yoriko Kishimoto

3. APPROVAL OF AGENDA

Motion: To approve the agenda by moving Agenda Item 9A to be discussed prior to the Closed Session.

Move: Kaelker-Boor

Second: Yoder

Board vote:

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

Noes: None

Absent: None

4. PUBLIC COMMENTARY

4.A. Visitor Commentary – Yoriko Kishimoto introduced herself to the Board. She is the Alternate Delegate to LAFCO who represents special Districts, including the Burbank Sanitary District. She said that the Board will be receiving a letter from LAFCO inviting a member of the BSD Board to attend a LAFCO meeting between January and June of 2021. The BSD Board representative will be asked to vote on who will be the next president of the LAFCO Board and Yoriko asked for the Board’s support in her campaign to become the next President of the LAFCO Board.

4.B. Agency Representatives – Manager Porter requested that he be allowed to listen to future closed sessions of the Board meetings so that he can better represent the Board as District Manager. Manager Porter suggested that he would not be an active participant in the closed sessions meetings, rather he would just listen in to the discussions and take appropriate steps to implement policies and procedures consistent with those closed session discussions.

The Board decided to delay a decision on District Manager Porter’s request until the next meeting of the common interest group legal team on Monday, November 23 so they can discuss the request for Mark Thomas to listen to the closed sessions of the Board.

4.C. Board Commentary - Board requested Agency Representatives to record action minutes.

REVISION TO AGENDA

Motion: To revise agenda to go into closed session to discuss District Counsel revisions to District Advisor Agreement and subsequently pause closed session to discuss Agenda Item 9A. Board will then return to closed session with District Advisor if the agreement is approved.

Move: Kaelker-Boor

Second: Yoder

Board vote:

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

Noes: None

Absent: 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.

Closed session discussion commenced at 7:43 pm, was paused at 8:03 p.m. so the Board could consider Agenda Item 9.A. Closed session re-started at 8:13pm and ended at 9:05 pm. Manager Porter, Deputy Manager Woodhouse were excused. Staff rejoined the regular session.

9.A. Consulting Agreement for Consultant. Board action required: Consider approval of consulting agreement for Consultant.

Board discussed the revised agreement provided by District Counsel, Valerie Armento.

Motion: To approve District Advisor contract for Richard Tanaka

Move: Sclafani

Second: Yoder

Board vote:

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

Noes: None

Absent: None

6. CONSENT CALENDAR

6.A. Approval of Minutes from the Regular Meeting of November 3, 2020.

Board requested revisions to the 11/3/2020 Board Minutes. Revised minutes will be provided for approval at the next Board Meeting on December 1, 2020.

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. Harshwal & Company LLP (District Audit Services)
5. California Association of Sanitation Agencies (CASA Membership Renewal)
6. DB Incorporated (Printing and Mailing of District Annual Report)

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. Resolution No.283 – Commendation for Richard Tanaka

Motion: To approve Resolution No.283

Move: Kaelker-Boor

Second: Prupes

Board vote:

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

Noes: None

Absent: None

8.B. Director's Authorization for First Tech Credit Union Account.

Directors to provide photocopies of their driver's licenses to First Tech Credit Union.

8.C. Annual District Maintenance.

The District will solicit bids to do the annual maintenance. The bid solicitation will occur in the next couple of weeks. CCTV will also be recommended for specific pipe segments as part of regular maintenance and also to inform the CIP project.

8.D. GreenWaste Recovery, Inc – July - September 2020 Quarterly Report.

Board reviewed and noted the July - September Quarterly Report.

9. OLD BUSINESS

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

Manager Porter indicated that District Staff are waiting for the final audit report of the District. Once the audit report is submitted to the State the process should take approximately two months for the loan funds to be provided for the CIP rehabilitation project.

9.C. Update for Proposed City Annexation – Burbank 44

The Board reviewed and discussed a follow up letter to protest the annexation of five parcels.

9.D. District Website Update.

District Staff has prepared a draft RFP to solicit bids from a WordPress consultant to migrate the test site.

9.E. COVID-19 Update.

Santa Clara County has been moved backwards two levels to purple. This will not impact the operations of the District.

9.F. Next Door Update.

Manager Porter received a response from Next Door indicating that the BSD page had been deactivated and that a fee would be required for it to be reactivated. Manager Porter has asked what the fees would be but has not received a response. Manager Porter will investigate starting the page over to see if this will avoid the fees.

10. HOUSEKEEPING ITEMS

10.A. Updates on Housekeeping Items.

No update.

10.B. Agenda Items for Next Upcoming Meeting.

No Update.

11. ADJOURNMENT – NEXT REGULAR MEETING – Tuesday, December 1, 2020

Motion: To adjourn meeting at 10:16 pm.

Move: Sclafani **Second:** Yoder

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

Approved: December 15, 2020

Respectfully Submitted,

Mark Thomas & Company, Inc.

Ken Colson, President

District Manager
Benjamin T. Porter, PE