

1. CALL TO ORDER

President Yoder called the meeting to order at 7:00 pm.

2. ROLL CALL

Directors Present: Rebecca Yoder, Ken Colson, Rene Prupes, Procopio Sclafani, Michelle Kaelker-Boor

Counsel Present: Steven Baird, Atkinson Farasyn LLP (by phone conference)

District Clerk Kathleen Smoot

Staff: Benjamin Porter (District Manager), Richard Tanaka (Mark Thomas), Sasha Dansky (Principal – Mark Thomas)

Visitors: Quang To (Resident.), Zoraya Atayde and Lazaro Brito (GreenWaste Recovery, Inc.)

3. APPROVAL OF AGENDA AS MODIFIED

Motion: To approve agenda with the following changes: Move item 8.A. Accessory Dwelling Unit and Alternate Rate after 4C., and 7.A. GreenWaste Recovery, 7.B. Memorandum of Understanding (MOU) and 7.C. Amendment No. 1 to GreenWaste Agreement to before 5.A. Closed Session and approve the Agenda with changes.

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

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

4. PUBLIC COMMENTARY

4.A. Visitor Commentary – None.

4.B. Agency Representatives – None.

4.C. Board Commentary – None.

8. OLD BUSINESS

8.A. Discussion for Accessory Dwelling Unit and Alternate Rate Structures.

Manager Porter presented research in continuance of the discussion at the last meeting, showing various rate structures for ADUs in sanitation districts that had a clear policy that was different from treating them as single family dwellings, which is the most common practice. The rates for ADUs were generally in the range of 50-95% of the single-family home rate. In the statements available there were no articulated formulas or basis for these percentages. Manager Porter will research further and bring this to a future discussion of ADU rates. The Board suggested that staff continue to research and bring forth the three best rate structures for comparison.

NEW BUSINESS

7.A. GreenWaste Recovery, Inc. – New Outreach Coordinator introduced – Lazaro Brito.
Zoraya Atayde from GreenWaste Recovery introduced Lazaro and brought attention to the GreenWaste coverage area and new educational video.

7.B. Memorandum of Understanding (MOU) between County of Santa Clara and Burbank Sanitary District – For Meeting the Requirements of the California Integrated Waste Management Act of 1989. Board reviewed and signed the MOU.

Motion: To sign the Memorandum of Understanding (MOU)

Move: Sclafani

Second: Colson

Board vote:

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

Noes: None

7.C. Amendment No. 1 to GreenWaste Agreement. Board reviewed the amendment to the GreenWaste Agreement in compliance with the County MOU (Item 7B) and approved Resolution 275 with President Yoder signing the amendment.

Motion: To approve Resolution 275.

Move: Colson

Second: Kaelker-Boor

Board vote:

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

Noes: None

5. CLOSED SESSION

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 7:58 pm. Manager Porter and Mark Thomas employees were excused. Closed session ended at 8:10 pm. No reportable action was taken at the closed session. Staff rejoined the regular session.

10. ADJOURNMENT

Motion: To adjourn meeting at 8:40 pm.

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

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

Approved: November 19, 2019

Respectfully Submitted,

Mark Thomas & Company, Inc.

Rebecca Yoder, President

District Manager
Benjamin T. Porter, PE