

**1. CALL TO ORDER**

Director Yoder called the meeting to order at 7:30 pm.

Call to Order

**2. ROLL CALL AND APPROVAL OF AGENDA**

Directors Present: Michael Yoder, John Marke, Soren Spies, Bruce Smith, Keri Russo

Directors Absent: None

Counsel Present: None

Staff: Richard Tanaka, Steve Machida, Donald Toy

Mark Thomas & Company, Inc.

Roll Call and  
Approval of  
Agenda

**Motion:** To approve the agenda.

**Move:** Spies           **Second:** Smith

**Board vote:**       **Ayes,** Yoder, Marke, Spies, Smith, Russo       **Noes,** None

**Absent,** None

**3. PUBLIC COMMENTARY**

- A. Visitor Commentary – None.
- B. Agency Representatives – None.
- C. Board Commentary – None.

Public  
Commentary

**4. NEW BUSINESS**

4.A. Ordinance No. 59, Providing for the Imposition and Collection of District Sewer Service Charges for Fiscal Years 2011-12, FY 2012-13, FY 2013-14.

- 1. Staff Report. Staff presented the report that outlined the background, procedures, and recommendations for the sewer rate increase. The schedule of the rate increase process was reviewed. Staff discussed the four percent rate increase in comparison to that of other local agencies. District Counsel noted that with the adoption of Ordinance No. 59, no additional notices or public hearing would be required regarding the rate increases in the second and third years noted in the ordinance. Director Spies asked how the District bills commercial properties that have multiple businesses on a single parcel. Staff stated that all commercial parcels are billed based on the water usage records acquired from the parcel's water meter account. Any businesses that were high water users should be required to install individual meters to determine the sewer charges. Staff noted that this situation does not currently exist with any commercial parcels in the District.
- 2. Open Public Hearing. President Yoder opened the public hearing and there was no public commentary.
- 3. Close Public Hearing. President Yoder closed the public hearing.
- 4. Board Comments. President Yoder thanked staff for all the work performed in conjunction with the sewer rate increase. Director Spies stated that he felt

New Business

**4. NEW BUSINESS (continued)**

New Business  
(continued)

the District was doing its part to keep up with the increased treatment plant operating costs and that his review of the Consumer Price Index (CPI) indicated that the four percent increase was in line with the nationwide CPI increases. President Yoder thanked the board directors for their work and cooperation in drafting, debating, and finalizing the rate increase ordinance.

5. Review/Action on Ordinance. The Board completed their discussion of the ordinance and took a roll call vote.

**Motion:** To Adopt Ordinance No. 59, Providing for Imposition and Collection of District Sewer Service Charges for Fiscal Years 2011-12, 2012-13, 2013-14, at a rate of increase of four percent (4%) annually for three years.

**Move:** Spies                    **Second:** Russo

<b>Board vote:</b>	Yoder, <b>Aye</b>	<b>Noes,</b> None
	Marke, <b>Aye</b>	<b>Absent,</b> None
	Spies, <b>Aye</b>	
	Smith, <b>Aye</b>	
	Russo, <b>Aye</b>	

- 4.B. Resolution No. 235, Request For and Consent to Consolidation of Elections. Staff reported that two directors' positions will be open at the end of the terms in December 2011. The two seats will be included in the Santa Clara County general election in November 2011. In order to have the positions listed on the ballot, the Board must pass Resolution No. 235, effectively requesting the County Registrar of Voters to include the District on the county-wide ballot.

**Motion:** To Adopt Resolution No. 235, Request For and Consent to Consolidation of Elections

<b>Move:</b> Marke	<b>Second:</b> Smith	
<b>Board vote:</b>	<b>Ayes,</b> Yoder, Marke, Spies, Smith, Russo	<b>Noes,</b> None
	<b>Absent,</b> None	

- 4.C. GreenWaste Recovery (GWR). The Board reviewed GWR's annual Refuse Rate Index (RRI) report. Per the District's contract with GWR, the residential and commercial garbage and recycling rates can increase/decrease based on the annual RRI. Director Spies noted that the increase will be 2.96% for the collection portion of the rate and 1.40% for the disposal portion, as per the contract agreement and the RRI report.

**5. CONSENT CALENDAR**

Consent  
Calendar

- 5.A. Approval of Minutes from the 04/19/11 and 05/17/11 meetings.

**5. CONSENT CALENDAR (continued)**

Consent  
Calendar  
(continued)

**Motion:** To Approve Minutes from the Regular Meeting of 04/19/11.

**Move:** Marke           **Second:** Spies

**Board vote:**       **Ayes,** Yoder, Marke, Spies,                   **Noes,** None  
                          **Abstain,** Smith, Russo  
                          **Absent,** None

**Motion:** To Approve Minutes from the Regular Meeting of 05/17/11.

**Move:** Russo           **Second:** Smith

**Board vote:**       **Ayes,** Marke, Spies, Smith, Russo                   **Noes,** None  
                          **Abstain,** Yoder  
                          **Absent,** None

**6. WARRANTS**

Warrants

A. Approval of Warrants.

1. Enviro-Commercial Sweeping, Inc. District Street Sweeping Services.
2. Mark Thomas & Company, Inc. District Management Services.
3. Addison Avenue Credit Union. Board of Directors Payroll.
4. Meyers Nave. District Legal Services.
5. Donald Toy. SJ Mercury News Public Meeting Notice Ad Fee.
6. Roto-Rooter. Lateral Maintenance Fee – 115 Boston Ave.
7. Able Underground Construction. Sewer main repair- Raymond/Scott Ave.
8. SDRMA. Annual District Insurance Policy Fee.

**Motion:** To approve eight (8) warrants as listed.

**Move:** Marke           **Second:** Russo

**Board vote:**       **Ayes,** Yoder, Marke, Spies, Smith, Russo                   **Noes,** None  
                          **Absent,** None

**7. OLD BUSINESS**

Old Business

- A. Public Records Act Policy. Staff reviewed the draft Public Records Act (PRA) policy and noted that the District currently does not have a policy in place. In order to comply with existing PRA laws and to be consistent with other agencies in the area, staff and legal counsel recommend adopting the PRA policy. Staff also noted that the draft response letter is to keep in compliance with PRA laws that require the agency to respond to requests within ten (10) days of receipt.

**Motion:** To Adopt the Public Records Act for the Burbank Sanitary District.

**Move:** Spies           **Second:** Smith

**Board vote:**       **Ayes,** Yoder, Marke, Spies, Smith, Russo                   **Noes,** None  
                          **Absent,** None

**7. OLD BUSINESS (continued)**

Old Business  
(continued)

B. Audit Reports. Staff reviewed the proposed fee from Patel and Associates (PA) to prepare the biennial financial audit report for FY 2010-11 and FY 2011-12. This audit report would be conducted beginning in August or September 2012. The cost savings of switching from an annual to biennial report format is roughly \$4,100. The Board directed staff to have PA submit a letter of engagement. Staff will prepare quarterly expenditure reports for Board review.

C. FY 2011-12 Budget. Staff reviewed the draft operating budget for FY 2011-12 and noted that the items discussed in the previous meeting had been revised.

**Motion:** To Adopt the District Operating Budget for FY 2011-12.

**Move:** Smith      **Second:** Spies

**Board vote:**      **Ayes,** Yoder, Marke, Spies, Smith, Russo      **Noes,** None  
   **Absent,** None

**8. SUBCOMMITTEE REPORTS**

Subcommittee  
Reports

A. Director Spies noted that the district website had been updated to include the upcoming meeting date on the home page.

**9. ADJOURNMENT:**

Adjournment

*The next Regular Board meeting will be held on Tuesday, July 19, 2011 at 7:00pm*

**Motion:** To adjourn meeting.

**Move:** Marke      **Second:** Smith

**Board vote:**      **Ayes,** Yoder, Marke, Spies, Smith, Russo      **Noes,** None  
   **Absent,** None

Approved: July 19, 2011

Respectfully Submitted,  
**Mark Thomas & Company, Inc.**

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Michael E. Yoder, President

District Manager – Engineer  
Donald Toy, Administrator