

**1. CALL TO ORDER**

President Spies called the meeting to order at 7:02 pm.

Call to Order

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

Directors Present: Soren Spies, Keri Russo, Michael Yoder, Michelle Kaelker-Boor,  
Bruce Smith

Directors Absent: None

Counsel Present: None

Staff: Steven Machida, Mark Thomas & Company, Inc.

Roll Call and  
Approval of  
Agenda

**Motion:** To Approve the Agenda

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

**Board vote:** **Ayes,** Spies, Kaelker-Boor, Russo, Yoder, Smith

**Noes,** None

**Absent,** None

**3. PUBLIC COMMENTARY**

Public  
Commentary

A. Visitor Commentary – None

B. Agency Representatives – Manager Machida reported that he will be attending the Annual CASA Conference in San Diego later this week and he will make a report to the Board at the next meeting.

C. Board Commentary – Director Yoder stated that his wife filed candidate papers to become a Director on the Board. President Spies indicated that he will be moving in October 2013. The October 15, 2013 meeting may be his last meeting on the Board. He enjoyed the time that he served on the Board and feels the Board will continue to accomplish the mission of the District.

**4. CONSENT CALENDAR**

Consent  
Calendar

4. A. Approval of Minutes from the Regular Meeting of July 16, 2013

**Motion:** To Approve Minutes from the Regular Meeting of July 16, 2013.

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

**Board vote:** **Ayes,** Spies, Kaelker-Boor, Russo, Smith, Yoder

**Noes,** None

**Absent,** None

**Abstain,** None

**5. WARRANTS**

Warrants

A. Approval of Warrants

1. Mark Thomas & Company, Inc., District Management Services.

2. First Tech Federal Credit Union, Board of Directors Payroll.
3. Meyers Nave
4. City of San Jose
5. AB/JDD Plumbing
6. S&M Engineering
7. Santa Clara County Special District Association

After discussion the Board decided not to renew the membership to the Santa Clara County Special District Association. The Board felt there was limited benefit by being a member in this Association.

**Motion:** To approve warrants one (1) through six (6) listed and exclude payment of warrant seven (7).

**Move:** Russo

**Second:** Smith

**Board vote:**

**Ayes,** Spies, Kaelker-Boor, Yoder, Russo, Smith

**Noes,** None

**Absent,** None

## **6. NEW BUSINESS**

New Business

### **A. Audit for FY2010-2011 and FY2011-2012**

The Board reviewed the draft biennial audit for FY 201-2011 and 2011-2012. The Board noted the one-time adjustment of \$835,080.00 as a result of a recording error in the District's capital assets.

**Motion:** To approve Audit Report FY2010-2011 and FY2011-2012.

**Move:** Smith

**Second:** Russo

**Board vote:**

**Ayes,** Spies, Kaelker-Boor, Yoder, Russo, Smith

**Noes,** None

**Absent,** None

### **B. LAFCO Summary Report**

President Spies commented that LAFCO is reviewing special districts to ascertain that the districts are functioning properly. LAFCO wants to make sure districts are being transparent in their activities. The Board instructed staff to provide more budget information and update the terms of the Directors in the report. Staff should monitor when this report is scheduled for discussion with the LAFCO Board.

### **C. LAFCO suggestions for service sustainability**

Ms. Neelima Palacherla, the Executive Director of Santa Clara County LAFCO, contacted President Spies to discuss service sustainability in the Burbank Sanitary District. The discussion focused on whether the customers in the District could be served by a larger agency. Some suggested alternatives include:

1. The City of San Jose annexes the area but the District continues to collect the sewer service charges and operates the sanitary sewer system. Police service, streets, planning, etc. will be under the jurisdiction of San Jose;
2. The District dissolves and the City of San Jose takes over the sewer operation. Police service, streets, planning, etc. will be under the jurisdiction of San Jose. The parcels would not be annexed to the City;
3. The District plans to dissolve in a given period "a 5 year period". The



F. Green Waste Recovery, Inc.  
Green Waste submitted their draft Collection Service Notices for the Board's review. These notices are a part of Green Waste's FY 2013-2014 Outreach Plan. The Board had one comment on the notices. The radioactive icon used in the household hazardous waste discussion should be changed to a different icon.

**7. OLD BUSINESS**

- A. Olive Avenue Sewer Project  
Staff received the signed contract and bonds back from Pacific Underground Construction, Inc. Counsel Faught reviewed and approved the contract as to form. The contract was presented to President Spies for his signature. The Contractor has tentatively scheduled to start work in mid-September.
- B. Board Election  
Staff verified with the Registrar of Voters that Directors Russo and Kaelker-Boor filed their candidate papers for two of the full term seats. Director Yoder indicated earlier in the meeting that his wife also filed papers for a full term seat. There were no candidates that filed for the two year term seat. Since all candidates are running unopposed and one seat remains open, the District will not be holding elections this year.
- C. Result of CCTV Pipe Evaluation.  
Manager Machida presented the map and files that the CCTV contractor (Presidio System Inc.) completed as a part of the system assessment. As shown on the map, there are several Category 5 defects in Scott Street, Laswell and Leigh and many Category 3 and 4 defects throughout the service area. Staff is developing a work plan to prioritize the repair of these defects and the work plan will be shared with the Directors.

**8. SUBCOMMITTEE REPORTS**

None.

**9. ADJOURNMENT:**

**Motion:** To adjourn meeting at 9:00 pm.

**Move:** Yoder **Second:** Russo

**Board vote:** **Ayes,** Spies, Kaelker-Boor, Yoder, Russo, Smith

**Noes,** None

**Absent,** None

Approved: September 17, 2013

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Soren Spies, President

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

District Manager – Engineer  
Steven Machida

Old Business

Subcommittee  
Report

Adjournment