

1. CALL TO ORDER

President Kaelker-Boor called the meeting to order at 7:04 pm.

2. ROLL CALL AND APPROVAL OF AGENDA

Directors Present: Michelle Kaelker-Boor, Keri Russo, Ken Colson, Rene Prupes
Directors Absent: Rebecca Yoder (Excused absence)
Counsel Present: Jennifer Faught (Meyers/Nave) on phone conference for the closed session
Staff: Richard Tanaka, Shirley Ho, Mark Thomas & Company, Inc.
Visitors: None

Motion: To approve the Agenda

Move: Russo **Second:** Prupes
Board vote: **Ayes,** Kaelker-Boor, Russo, Colson, Prupes,
Noes, None
Absent, Yoder

3. PUBLIC COMMENTARY

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

4. CLOSED SESSION

4.A. Conference with Legal Counsel – Anticipated Litigation

Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: 1 case

Closed session discussion commenced at 7:07 pm and ended at 8:11 pm. No reportable action taken at the closed session.

5. CONSENT CALENDAR

- A. Approval of Minutes from the Regular Meeting of September 6, 2016.

Motion: To Approve Meeting Minutes from the Regular Meeting of September 6, 2016.

Move: Russo **Second:** Prupes
Board vote: **Ayes,** Kaelker-Boor, Russo, Colson, Prupes
Noes, None
Absent, Yoder
Abstain, None

6. WARRANTS

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. Meyers Nave (District Legal Services)
4. Ezot, Inc. (District Website Hosting Fee)
5. Roto-Rooter Plumber (Lateral Stoppage – 384 Leigh Ave)
6. Rural Community Assistance Corporation (Deposit for Income Survey)

Motion: To Approve six (6) warrants as listed.

Move: Colson **Second:** Russo

Board vote: **Ayes,** Kaelker-Boor, Russo, Colson, Prupes

Noes, None

Absent, Yoder

Abstain, None

7. NEW BUSINESS

7.A. KQED Report - Burbank

Director Colson advised that a video clip which is introducing Burbank neighborhood was created by a journalist from KQED and it is also posted on Nextdoor.com He is going to look into more details and sees if the clip can be linked to the District website.

8. OLD BUSINESS

8.A. Status Update on the Agreement with City of San Jose – Wastewater Facility

1. Possible appointment of Board Member to TPAC as non-voting member
2. Review and authorize District Manager to sign the Amendment No.1 to Cost Sharing Agreement

Manager Tanaka advised that the current Master Agreement includes a provision for Burbank Sanitary District to have the privilege of having non-voting representative to attend all meeting of TPAC. Board desire is to have a voting seat at TPAC and would like to revisit this item again after the mediation.

Manager Tanaka briefed the Amendment No.1 to Cost Sharing Agreement.

Motion: To Authorize District Counsel and District Manager to sign the Agreement.

Move: Colson **Second:** Russo

Board vote: **Ayes,** Kaelker-Boor, Russo, Colson, Prupes

Noes, None

Absent, Yoder

Abstain, None

8.B. Status of District Capital Improvement Program. – Review and approve the Income Survey contract for RCAC Consulting Services.

Board reviewed and approved the contract.

Motion: To approve Income Survey contract for RCAC.

Move: Colson **Second:** Prupes

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

9. SUBCOMMITTEE REPORTS

A. Income Survey Update

Staff to send District property address listing to Director Russo and she will divide portions to each director for field verifications..

10. HOUSEKEEPING ITEMS

A. Update on Housekeeping Items.

Director Prupes informed that she did not receive her paystub. Staff to check with accounting to find out the status.

B. Agenda Items for next upcoming meeting:

- Update on Mediation Feedback
- Income Survey Update

11. ADJOURNMENT

Motion: To adjourn meeting at 9:00 pm.

Move: Russo **Second:** Prupes

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

Approved: October 18, 2016

Michelle Kaelker-Boor, President

Respectfully Submitted,
Mark Thomas & Company, Inc.

District Manager
Richard Tanaka