

**1. CALL TO ORDER**

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

Call to Order

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

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

Directors Absent: None

Counsel Present: None

Staff: Donald Toy, Mark Thomas & Company, Inc.

Roll Call and  
Approval of  
Agenda

**Motion:** To Approve the Agenda.

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

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

**Noes,** None

**Absent,** None

**3. PUBLIC COMMENTARY**

- A. Visitor Commentary – None.
- B. Agency Representatives – Staff noted that some items from the September 18, 2012 meeting required re-approval to comply with Brown Act provisions.
- C. Board Commentary – None.

Public  
Commentary

**4. CONSENT CALENDAR**

**A. Motion:** To Approve Minutes from the Regular Meeting of 09/18 /12.

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

**Board vote:**      **Ayes,** Smith, Yoder, Spies,

**Noes,** None

**Abstain,** Russo, Kaelker-Boor

**B. Motion:** To Re-Approve Minutes from the Regular Meeting of 08/23 /12.

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

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

**Noes,** None

**Abstain,** Spies

Consent  
Calendar

**5. WARRANTS**

A. Approval of Warrants.

- 1. Enviro-Commercial Sweeping, Inc. District Street Sweeping Services.
- 2. Mark Thomas & Company, Inc. District Management Services.
- 3. First Tech Federal Credit Union. Board of Directors Payroll.
- 4. Meyers Nave. District Legal Services.
- 5. Santa Clara County Integrated Waste Program. Jul-Sep 2012 Payment.
- 6. City of San Jose. FY2012-13 Q2 Plant Operations & Maintenance, Capital Payment.

Warrants

**5. WARRANTS (continued)**

Warrants  
(continued)

**Motion:** To approve six (6) warrants as listed.

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

**Board vote:**               **Ayes,** Smith, Russo, Yoder, Spies, Kaelker-Boor  
                                  **Noes,** None  
                                  **Absent,** None

B. **Motion:** To Re-Approve Four (4) Warrants From the September 18, 2012 Meeting.

**Move:** Kaelker-Boor   **Second:** Yoder

**Board vote:**   **Ayes,** Smith, Russo, Yoder, Spies, Kaelker-Boor  
                                  **Noes,** None  
                                  **Absent,** None

**6. NEW BUSINESS**

New Business

A. Resolution No. 237 Conflict of Interest Code. Staff reported that the County of Santa Clara Counsel's office is the governing body that oversees the District's Conflict of Interest (COI) Code biennial updates and Form 700 compliance. The COI is reviewed and updated every two years. The attached draft resolution contains the necessary updates and language revisions per the County's instructions. Staff and District counsel have reviewed the document.

**Motion:** To Adopt Resolution No. 237 Adopting By Reference the Model Conflict of Interest Code Set Forth in Title 2, Section 18730 of the California Code of Regulations.

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

**Board vote:**               **Ayes,** Smith, Russo, Yoder, Spies, Kaelker-Boor  
                                  **Noes,** None  
                                  **Absent,** None

B. Brown Act. Staff reviewed an email sent by counsel that outlines the procedures for teleconferencing at board meetings. The Board and staff discussed the procedures to ensure that future teleconferences will be in compliance with the Brown Act. Directors Russo and Kaelker-Boor teleconferenced at the September 18 meeting, but proper notice was not given, so their actions from that meeting have been nullified. All necessary re-approvals of agenda items have been accommodated at this meeting. Staff will research whether the two directors should receive stipends for that meeting.

**7. OLD BUSINESS**

Old Business

A. Olive Avenue Sewer Project. Staff reported that the project was on schedule to go to bid shortly. The property at 2312 Olive Avenue will be provided a sewer lateral to the property line as part of this project and the owner will be

**7. OLD BUSINESS (continued)**

required to abandon the existing non-conforming sewer connection and tie into the new sewer lateral. Staff noted that the motion from the last meeting to provide the lateral must be re-approved to comply with the Brown Act.

**Motion:** To Direct Staff to Modify the Olive Avenue Sewer Project Plans to Include a Sewer Lateral for 2312 Olive Ave., Terminating at the Property Line.

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

**8. SUBCOMMITTEE REPORTS** – Director Spies reported that the District website is up to date, including the current meeting agenda.

**9. ADJOURNMENT:**

**Motion:** To adjourn meeting.  
**Move:** Yoder               **Second:** Kaelker-Boor  
**Board vote:**               **Ayes,** Smith, Russo, Yoder, Spies, Kaelker-Boor  
   **Noes,** None  
   **Absent,** None

Approved: November 20, 2012

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

\_\_\_\_\_  
Bruce Smith, President

District Manager – Engineer  
Donald Toy, Administrator

Old Business  
(continued)

Subcommittee  
Reports

Adjournment