

**BURBANK SANITARY DISTRICT
BOARD OF TRUSTEES**

**MINUTES OF REGULAR MEETING
April 6, 2006**

1. CALL TO ORDER

President Carpenter called the meeting to order at 7:30 p.m.

Call to Order

2. ROLL CALL AND APPROVAL OF AGENDA

Directors Present: Directors Joe Carpenter, Lisa M. Post, Soren Spies, and Michael Yoder
Directors Absent: John Marke (excused absence)
Counsel Present: Bryan Otake (Meyers Nave)
Staff: Donald Toy (Mark Thomas & Company, Inc.)

Roll Call and
Approval of
Agenda

Motion: To approve the agenda.

Move: Spies **Second:** Yoder

Board vote: **Ayes,** Carpenter, Post, Spies, Yoder **Noes,** None
Absent, Marke

3. PUBLIC COMMENTARY

- A. Visitor Commentary – None.
- B. Agency Representatives – None.
- C. Board Commentary – President Carpenter apologized to the board in advance for the long duration anticipated for this meeting.

Public
Commentary

4. CONSENT CALENDAR

President Carpenter suggested dividing the Consent Calendar into two separate items for approval.

Consent
Calendar

- A. Approval of Minutes. Approve Minutes from Regular Meeting of 03/02/06.

Motion: To approve minutes from Regular Meeting of 03/02/06.

Move: Spies **Second:** Yoder

Board vote: **Ayes,** Carpenter, Post, Spies, Yoder **Noes,** None
Absent, Marke
Abstain, Post (due to absence at 03/02/06 meeting)

- B. Approval of Minutes. Approve Minutes from Regular Meeting of 03/16/06.

Motion: To approve minutes from Regular Meeting of 03/02/06.

Move: Post **Second:** Yoder

Board vote: **Ayes,** Carpenter, Post, Yoder **Noes,** None
Absent, Marke
Abstain, Spies (due to absence at 03/16/06 meeting)

5. WARRANTS

Warrants

- A. Approval of Three (3) Warrants:

- 1. USE Credit Union

Motion: To approve USE Credit Union warrant.

Move: Yoder **Second:** Spies

Board vote: **Ayes,** Carpenter, Post, Spies, Yoder **Noes,** None
Absent, Marke

- 2. Joe Carpenter

Motion: To approve Joe Carpenter warrant.

Move: Yoder **Second:** Post

Board vote: **Ayes,** Post, Spies, Yoder **Noes,** None
Absent, Marke
Abstain, Carpenter

5. WARRANTS (continued)

3. Mark Thomas & Company, Inc.

Motion: To approve Mark Thomas & Company, Inc. warrant.

Move: Spies **Second:** Yoder

Board vote: Ayes, Carpenter, Post, Spies, Yoder Noes, None
Absent, Marke

4. Deborah Comanda – There was no action on this information item.

6. REPORTS

- A. Sewer Service Connection Permit Fees/Refunds: 337 Irving Ave & 1916 Elliott St. Staff reported that responses had been received from both property owners regarding the sewer service connection permit fees and sewer service charge refunds for their respective properties. A check was received from Deborah Comanda, owner of 337 Irving Avenue, in the full amount owed for the connection permit fees. Additionally, a signed copy of the General Settlement and Release of All Claims for the sewer service charge refund had been signed and was on its way to this office via mail. A connection permit will be issued for the property. Daniel Husi, owner of 1916 Elliott Street, has been in contact with the District and would like to have the refund applied to the outstanding permit connection fees. Staff emailed him a short request form that he was to return to the board, asking that the remaining balance owed on the fees be divided into equal payments and paid to the District over a specified period of time. As of the meeting date, staff had not received a response email from Mr. Husi. Director Carpenter reminded the board that the district does not have a formal policy regarding this topic and it was possible that interest or penalties might be levied if Mr. Husi requested the payment plan option. Mr. Husi had also signed a copy of the General Settlement and Release of All Claims.

7. NEW BUSINESS

- A.,B. Reimbursement Policy and Ethics Training Policy. President Carpenter began the discussion by referencing the CSDA Policy Handbook and how it could be applicable to the district. The sample policies were printed for the meeting, but the district was not in possession of the full copy of the handbook. Director Carpenter asked staff to find out when a copy was purchased and when the last updates were received. President Carpenter explained what the CSDA policies covered and how they were applicable to district operations. A short recess was called at 8:05pm to allow staff to find a copy of the handbook in the district files. Upon reconvening at 8:15pm, staff reported that no copy of the handbook was found and that staff would contact CSDA to inquire about past copies that may have been purchased by the district. Counsel informed the board that an ad hoc subcommittee of two board members could also research this matter independently, gather the necessary information, and report back to the board at a later date. President Carpenter recommended that the board should read over the policy sections that were printed out and at a later date, a resolution would be drafted for approval of a district reimbursement policy. Counsel answered several questions from the board regarding sections of the CSDA reimbursement policy and the options potentially available to the board for creating its own policy. Board directed staff to order a full copy of the CSDA Policy Handbook in both a hard copy and disk copy. Subsequently, yearly updates should be purchased from CSDA.
- C. LAFCO Service Review. Staff reported that LSA Associates (LSA) had been contacted and a response letter from the district to the draft LAFCO Service Review could still be submitted and the comments incorporated into the next review copy of the report. President Carpenter stated that he agreed with the overall findings, accuracy, and recommendations of the report, but wanted staff to contact LSA with any corrections to outdated information in the draft review. At the suggestion of President Carpenter and counsel, Directors Spies and Yoder agree to form an ad hoc subcommittee to gather facts and information that would be helpful to the board in deciding whether or not annexation to the City of San Jose would be beneficial to the residents of the district. President Carpenter suggested contacting LAFCO and setting up a meeting with

Warrants
(continued)

Reports

New Business

7. NEW BUSINESS (continued)

their staff in order to obtain all the necessary information about the annexation process, timelines, and other miscellaneous items that would aid the board in making a decision.

- D. Community Clean-Up Day. Board discussed the Spring Clean-Up Day scheduled for May 6, 2006. Staff reported that Waste Management/Green Valley Disposal Company (WM) had been contacted and the date had been reserved on their calendar. Based on terms of the district's contract with WM, their responsibilities would include: creating and mailing a notification flyer to all residents of the district, providing thirty (30) dumpsters at thirty (30) cubic yards each beginning at 7:00am and ending at 12:00pm noon or until the thirty dumpsters had been completely filled, and locating the dumpsters at six to eight locations throughout the district. Additionally, the board recommended that the flyers be printed on brightly colored paper so that it would not be easy to make duplicate copies and distribute the flyers to people who do not reside in the district. The board decided not to hold a special meeting on Saturday, May 6, 2006.

Motion: To hold the Spring Clean Up Day on Saturday, May 6, 2006.

Move: Yoder **Second:** Spies

Board vote: Ayes, Carpenter, Post, Spies, Yoder **Noes, None**
 Absent, Marke

8. ADJOURNMENT: Next Regular Meeting: *Thursday, April 20, 2006*

Motion: To Adjourn meeting

Move: Yoder **Second:** Spies

Board vote: Ayes, Carpenter, Post, Spies, Yoder **Noes, None**
 Absent, Marke

Approved: April 20, 2006

Respectfully Submitted,

Mark Thomas & Company, Inc.
District Manager – Engineer

Joe Carpenter, President

Donald Toy
Administrator

New Business
(continued)

Adjournment