

**BURBANK SANITARY DISTRICT
BOARD OF TRUSTEES**

**MINUTES OF REGULAR MEETING
April 20, 2006**

1. CALL TO ORDER

President Carpenter called the meeting to order at 7:30 p.m. and immediately called for a recess to wait for the arrival of Director Post (who had previously emailed notification that she would arrive at 7:50pm). Director Post arrived at 7:50 and the board reconvened at 7:55pm.

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: None
Staff: Donald Toy (Mark Thomas & Company, Inc.)

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 – Staff verified that the board wanted to proceed with the purchase of the CSDA policy handbook and disk. The warrant to purchase these items would be added to the agenda for the next board meeting. The auction proceeds of the district's surplus materials netted a total of \$220. This amount would be deposited back into the district's general account with the County.
- C. Board Commentary – Director Spies noted that the board agenda packet did not include a full copy of the contract with Mark Thomas & Company, Inc. Staff reported that the two pages of the contract that were included were the only pages pertinent to the discussion of agenda Item 6A. Staff was directed to provide the directors with a full copy of the contract for their review.

4. CONSENT CALENDAR

- A. Approval of Minutes. Approve Minutes from Regular Meeting of 04/06/06.

Motion: To approve minutes from Regular Meeting of 04/06/06.

Move: Spies **Second:** Post

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

5. WARRANTS

- A. Approval of Three (3) Warrants:

- 1. LMGW, CPAs
- 2. Enviro-Commercial Sweeping, Inc.
- 3. Deborah Comanda

Motion: To approve three (3) warrants.

Move: Spies **Second:** Post

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

6. REPORTS

- A. Mark Thomas & Company (MTCO) FY 2006 Contract. Staff provided an overview of the contract and the hours allocated for the various tasks for administration, management, and maintenance. Staff reported that the annual budget for the Administration and Management of the district was on track to being exhausted prior to the end of the fiscal year. The reason for this was that the budget amounts for the various tasks in operating the district were originally estimated and the amount of actual time spent has exceeded the original estimate. As of the last

Call to Order

Roll Call and
Approval of
Agenda

Public
Commentary

Consent
Calendar

Warrants

6. REPORTS (continued)

billing period, approximately seventy-five percent of the administrative and management budget and twenty-five percent of the maintenance budget had been spent. Staff requested that the board allow Mark Thomas to re-distribute the budget amounts to favor more time spent on administration and management over the course of a fiscal year. President Carpenter requested staff to prepare a proposal outlining the reallocation of the budget and present it to the board at a future meeting. As the budget for the next fiscal year is prepared, staff should take into account the number of hours spent during this current year. President Carpenter stated that the goal of having MTCO manage the district was an effort to streamline the operations and daily administration and maintenance. Staff was directed to prepare the district's preventative maintenance plan using the appropriate budget task item. President Carpenter suggested that the board packets be sent via mail rather than delivered to the director's homes.

- B. Sewer Repair Reimbursement from Utility Companies. Staff reported on the status of reimbursement for sewer main and lateral repairs that resulted from damage incurred by the utility companies for three sites in the district: Basile Avenue (PG&E), S. Bascom Avenue (MCI), Arleta Avenue (PG&E). The claims forms and reports for Basile and Bascom were close to being completed and staff was researching district records to compile more information for Arleta. Director Post requested staff to document all actions, including phone records, performed in conjunction with these claims.

7. NEW BUSINESS

- A. City of San Jose Quarterly Operations & Maintenance and Revenue Bond Billing. Staff reported that the City of San Jose informed the district that there were two sets of invoices that had not been paid. The first set was dated October, 2004 and the second set was dated September, 2005. These eight invoices represented the Q2 FY 2004-05 and Q2 FY 2005-06 payments to the City for Series A and Series B Bonds, Operations and Maintenance, and Revenue Bond Payments. Both sets of invoices were originally sent to the old district office. The non-payment of the first set was not reported in the turn-over materials submitted to Mark Thomas and Company by the district's previous engineer and the second set was never forwarded to the new district offices in Cupertino. Staff recommended that payment of these eight invoices be included in the warrant list for the next board meeting.

8. UNFINISHED BUSINESS

- A. Reimbursement Policy. The board discussed the two reimbursement policies for training classes, seminars, or conferences that were drafted by counsel. The first version of the policy would adopt the CSDA policies and would adhere to the per diem allocations as specified by the IRS Publication 463. The second policy was a 'custom' version that the board could adopt based on per diem amounts specified and approved by the board members. The board decided that the first version would best suit them and noted that any deviations from that policy could be amended on an as-needed basis by board approval.

Motion: To approve Resolution 220 adopting a reimbursement policy for training classes, seminars, or conferences. The only change made to the policy was the extension from fourteen (14) days to sixty (60) days for the submittal of receipts for reimbursement.

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

8. UNFINISHED BUSINESS (continued)

- B. Ethics Training Policy. The board was to discuss the policy for AB 1234 Compliance Training for Special Districts. Staff reported that counsel had not drafted a policy for this item and President Carpenter requested that the item be continued at the next meeting.
- C. Sewer Service Charge Permit Fees/Refunds: 1916 Elliott St. Staff reported that no response had been received from the property owner of 1916 Elliott Street, Daniel Husi, regarding the payment of sewer service charge fees/refund. Staff reported that Mr. Husi had signed the General Settlement and Release of All Claims and was told to draft an email requesting a payment plan from the board. Staff emailed Mr. Husi a draft proposal, but received no response. President Carpenter directed staff to contact Mr. Husi one more time prior to the next board meeting. The board was going to continue the item to the next agenda and make a decision on how to collect the fees from Mr. Husi at the May 4, 2006, board meeting.

9. ADJOURNMENT: Next Regular Meeting: *Thursday, May 4, 2006*

Motion: To Adjourn meeting

Move: Yoder **Second:** Post

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

Approved: May 4, 2006

Respectfully Submitted,

Mark Thomas & Company, Inc.
District Manager – Engineer

Joe Carpenter, President

Donald Toy
Administrator