BURBANK SANITARY DISTRICT **MINUTES OF REGULAR MEETING**
BOARD OF DIRECTORS **April 21, 2009**

1. CALL TO ORDER

Call to Order

President Yoder called the meeting to order at 7:30pm.

2. ROLL CALL AND APPROVAL OF AGENDA

Roll Call and Approval of Agenda

Directors Present: Michael Yoder, John Marke, Soren Spies, Bruce Smith
Directors Absent: None
Counsel Present: None
Staff: Donald Toy, Mark Thomas & Company, Inc.

Motion: To approve the amended agenda (see Item 5.A.9).
Move: Spies **Second:** Marke
Board vote: **Ayes,** Yoder, Marke, Spies, Smith **Noes,** None
Absent, None

3. PUBLIC COMMENTARY

Public Commentary

A. Visitor Commentary – None.

B. Agency Representatives – Donald Toy reported that he would not be available to attend the May 19th meeting and suggested several alternatives. The Board opted to change the next regular meeting date to May 12. Staff reported that the limit for the initial budget for the District Flow Study had been met. The final report still needs to be completed and staff stated that a proposal for additional budget to finish the report would be prepared for the next meeting. Staff also reported that they attended a LAFCO workshop that dealt with the handover of services related to annexations from the various agencies to the City of San Jose.

C. Board Commentary – Director Marke thanked the staff and Greenwaste Recovery for promptly removing an abandoned sofa from the sidewalk. Staff reported that GWR has been very responsive to requests for debris removal.

4. CONSENT CALENDAR

Consent Calendar

A. Approval of Minutes. Board action required: Approve Minutes from the Special Meeting of 03/17/09.

Motion: To approve the minutes from the Special Meeting of 03/17/09.
Move: Spies **Second:** Marke
Board vote: **Ayes,** Yoder, Marke, Spies **Noes,** None
Abstain, Smith

Approval of Minutes. Board action required: Approve Minutes from the Regular Meeting of 03/17/09.

Motion: To approve the minutes from the Regular Meeting of 03/17/09.
Move: Marke **Second:** Spies
Board vote: **Ayes,** Yoder, Marke, Spies **Noes,** None
Abstain, Smith

5. WARRANTS

Warrants

A. Approval of Warrants.

1. Enviro-Commercial Sweeping, Inc. District Street Sweeping Services.
2. Mark Thomas & Company, Inc. District Management Services.
3. USE Credit Union. Board of Directors Payroll.
4. Meyers Nave. District Legal Services.
5. $15 Sewer and Drain. Emergency Stoppage.
6. FM&A, Inc. Flow Monitoring Data Retrieval.
7. SC County Integrated Waste Mgmt. FY 2008-09 Q3 Payment.
8. City of San Jose. Treatment Plant O&M and Capital Billing
9. Sanco Pipelines. FY 08-09 CIP Repairs.

Motion: To approve nine (9) warrants, with the exception of four invoices in Item 8 until further information is received from the City of San Jose.
Move: Smith **Second:** Spies
Board vote: **Ayes,** Yoder, Marke, Spies, Smith **Noes,** None
Absent, None

6. NEW BUSINESS

New Business

A. FY 2009-10 Operating Budget. Staff reported presented the Board with the preliminary operating budget and reviewed some of the pertinent items that were different from the previous year's budget. The final budget will be approved at the June meeting.

B. 2009 Spring Clean Up Day. Staff reported the status of the annual clean up event. Flyers had been sent to all residents with information and directions for the event. Director Marke was assigned to be the board representative for the event and will be the contact liaison with Greenwaste Recovery staff.

C. FY 2009-10 Sewer Service Charges. Staff reported that the preparation of the FY 2009-10 tax roll was on schedule for the August 10 submittal to the County Tax Collector's office. Staff recommended that a comprehensive audit be performed for all of the commercial accounts in the District. To date, no audit has been done for many years and the billing information being used to generate commercial sewer service charges is not accurate. Staff will present a proposal for the audit work at the next meeting.

D. Claim for Damages – 473 Laswell Ave. Staff reviewed the claim for damages submitted by the owner of the property at 473 Laswell Ave. Based on the review of the District's insurance adjuster's report, the District inspector's report, and staff reports, the claim was rejected by the Board and the matter will be forwarded to SDRMA, the District's insurance provider.

Motion: To reject the claim submitted by the owner of 473 Laswell Ave.
Move: Spies **Second:** Smith
Board vote: **Ayes,** Yoder, Marke, Spies, Smith **Noes,** None
Absent, None

7. OLD BUSINESS

Old Business

A. Laswell-Arleta Rehab Project. Staff reported the low bid for the project was from Mello Pipelines. Staff recommended that the Board approve the bid and that a notice to proceed would be issued to the contractor once the performance and warranty bonds were in place. Projected start date for construction is May 11, 2009. Staff also reported that the bid price was well under the anticipated cost and significantly under the $200,000 amount originally budgeted for this rehabilitation/repair. Staff recommended that the Board look into using those allocated funds to do additional repairs and upgrades to the sewer system in other parts of the District.

Motion: To Accept Mello Pipelines as the Low Bidder for the Laswell-Arleta Project
Move: Marke **Second:** Smith
Board vote: **Ayes,** Yoder, Marke, Spies, Smith **Noes,** None
Absent, None

B. Mark Thomas & Co. Contract. The contract negotiation subcommittee reported that they had discussed the proposed contract and had some questions for staff. Staff stated that the subcommittee should prepare a list of revisions or changes that they would like to see made to the proposed contract and forward a copy to staff so that MTCo management could review the terms.

C. Board Vacancy. Staff reported that the period for the appointment to the vacancy had expired and that the director position would remain vacant until the upcoming election in November 2009.

D. Capital Billing. Staff explained the City's methodology in preparing the Capital Cost billing and recommended that the invoice be paid in full. Staff was directed to prepare the payment for the next meeting.

E. FY 2007-08 Audit Report. Staff reported that the MD&A had been completed. There were some discrepancies in the reporting of figures in the MD&A, so staff was directed to get clarification from Jim Watkins prior to approval of the MD&A and the final audit report.

8. SUBCOMMITTEE REPORTS- Director Spies noted that the District website had been updated. Finance and Contract committees had reviewed their respective items.

Subcommittee Reports

9. ADJOURNMENT: Next Regular Meeting: ***Tuesday, April 21, 2009***

Adjournment

Motion: To adjourn meeting at 10:20pm.
Move: Spies **Second:** Marke
Board vote: **Ayes,** Yoder, Marke, Spies **Noes,** None
Absent, Smith

Approved: April 21, 2009

Respectfully Submitted,
Mark Thomas & Company, Inc.

District Manager – Engineer
Donald Toy, Adminstrator

Michael E. Yoder, President