BURBANK SANITARY DISTRICT **BOARD OF DIRECTORS**

MINUTES OF REGULAR MEETING May 12, 2009

1. CALL TO ORDER

Call to Order

Roll Call and

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

ROLL CALL AND APPROVAL OF AGENDA

Approval of

Directors Present: Michael Yoder, John Marke, Soren Spies, Bruce Smith

Directors Absent: None Counsel Present:

None

Donald Toy, Mark Thomas & Company, Inc.

Agenda

Motion: To approve the agenda. Move: Marke

Staff:

Second: Smith

Board vote:

Ayes, Yoder, Marke, Spies, Smith

Noes, None

Absent, None

3. PUBLIC COMMENTARY

Public Commentary

A. Visitor Commentary – None.

- B. Agency Representatives Staff inquired if the Board was interesting in having a district representative attend the monthly Technical Advisory Committee (TAC) meetings at the San Jose Treatment Plant. Staff noted that Mark Thomas is already represented via Cupertino Sanitary District at that meeting.
- C. Board Commentary None.

4. CONSENT CALENDAR

Consent

Calendar

A. Approval of Minutes. Board action required: Approve Minutes from the Regular Meeting of 04/21/09.

Motion: To approve the minutes from the Regular Meeting of 04/21/09.

Move: Spies

Second: Marke

Board vote:

Ayes, Yoder, Marke, Spies, Smith

Noes, None

Absent, None

5. WARRANTS

Warrants

- A. Approval of Warrants.
 - 1. Enviro-Commercial Sweeping, Inc. District Street Sweeping Services.
 - Mark Thomas & Company, Inc. District Management Services.
 - USE Credit Union. Board of Directors Payroll. 3.
 - Patel & Associates. FY 2007-08 Audit Report.
 - 5. Jim Watkins, CPA. FY 2007-08 MD&A Report.
 - Able Underground Construction. Sewer Maintenance. 6.
 - City of San Jose. Treatment Plant O&M and Capital Billing 7.
 - 8. County of Santa Clara. Quarterly Encroachment Permit Payments.

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5. WARRANTS (continued)

Motion: To approve eight (8) warrants as listed.

Move: Spies

Second: Smith

Board vote:

Ayes, Yoder, Marke, Spies, Smith

Noes, None

Absent, None

6. NEW BUSINESS

New Business

Warrants (continued)

A. District Flow Study. Staff reported that all of the data had been acquired from the flow monitors and that the final step was the completion of the report. Because of the complexity of the data acquisition and the time needed to coordinate the project, the original budget had been depleted. Staff estimated that the final report could be completed with an additional budget amount not to exceed \$1,600.

Motion: To Authorize Staff to Complete the Final Flow Study Report with a NTE

Budget of \$1,600.

Move: Marke

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 that all of the repairs for the project had been completed and a final videotape inspection would be performed in the coming week. Staff reported that the final cost for the project was under \$24,000, which is well under the original \$200,000 budgeted for the complete replacement of the line. Staff asked if the Board wanted to proceed with using some of the remaining budgeted funds to complete the six "cross-connection" sewer upgrades. Staff estimated that each cross connection would cost approximately \$5000-8000 and could be solicited as informal bids. The Board decided that they wished to revisit the issue in the next fiscal year.
- B. Mark Thomas & Co. Contract. The contract negotiation subcommittee reported that they had reviewed the proposed contract with legal counsel and they had come up with several revisions. Staff would be receiving the changes via email and was directed to incorporate them into the contract for review by MTCo management.
- C. FY 2009-10 Sewer Service Charges. Staff reported that the commercial sewer service charge accounts had not been audited since at least 2005 and that there was no back-up information about the figures being used to bill annual charges to business owners. Staff proposed a district-wide audit of all commercial businesses and using the current water usage information to determine updated billing charges. The proposal would include the district inspector walking or driving through the entire district to confirm commercial business information. The audit was proposed to not exceed a budget of \$4,500.

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7. OLD BUSINESS (continued)

Motion: To Authorize Staff to Complete a Commercial Business Audit with a NTE

Budget of \$4,500.

Move: Spies

Second: Marke

Board vote:

Ayes, Yoder, Marke, Spies, Smith

Noes, None

Absent, None

D. FY 2009-10 Operating Budget. Staff stated that no additional changes had been made to the proposed operating budget. The Board directed staff to continue this item for approval at the June meeting in order to finalize the budget figures.

- E. Capital Billing. Staff reported that the City of San Jose had not yet provided adequate back-up information regarding the additional \$93,000 Capital Billing invoice. Staff will contact the City and have a full report by the June meeting.
- F. FY 2007-08 Audit Report. Staff reported that the final revisions had been made to the Audit Report and the MD&A. The auditor only needed a final approval from the Board before publishing the report.

Motion: To Approve the FY 2007-08 Audit Report and MD&A as Submitted.

Move: Smith

Second: Spies

Board vote:

Ayes, Yoder, Marke, Spies, Smith

Noes, None

Absent, None

G. 2009 Spring Clean Up Day. Director Marke reported that the event went well and that all of the allotted bins were filled and hauled away. No additional bins were required. GreenWaste staff was very courteous and well organized. There were no complaints from residents and GWR cleaned up all dumpster areas after the event was over. Staff stated that GWR would submit a tonnage report in the coming weeks.

8. SUBCOMMITTEE REPORTS- None.

9. ADJOURNMENT: Next Regular Meeting: Tuesday, June 16, 2009

Motion: To adjourn meeting at 8:55pm.

Move: Marke

Second: Spies

Board vote:

Ayes, Yoder, Marke, Spies, Smith

Noes, None

Absent,

Approved: June 16, 2009

Respectfully Submitted,

Mark Thomas & Company, Inc.

Michael E. Yoder, President

District Manager – Engineer Donald Toy, Adminstrator

Subcommittee

Adjournment

Reports

Old Business

(continued)