

**BURBANK SANITARY DISTRICT  
BOARD OF TRUSTEES**

**MINUTES OF MEETING  
July, 14 2005**

**1. CALL TO ORDER:**

President Post called the meeting to order at 7:31 p.m.

Call to Order

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

Directors Present: Directors Amaya, Carpenter and Post.

Directors Absent: Director Chavez.

Staff: Sid Nash, Administrator (Mark Thomas & Company, Inc.), Brian Otake, Counsel (Meyers Nave).

Visitor: None

Roll Call

**Motion:** Approve Agenda.

**Move:** Carpenter **Second:** Amaya

**Board vote:** Ayes, Amaya, Carpenter, & Post. Nays, None

Approval of  
Agenda

**3. PUBLIC COMMENTARY:**

A. Visitor Commentary – None

B. Agency Commentary – None

C. Board Commentary – Director Carpenter acknowledged that there was the appearance Director Chavez has moved out of the District as his residence is vacant and calls indicate the phone is disconnected and attempts to reach his cell phone have not been returned. President Post requested that Counsel Otake call Director Chavez to see if he might be on his way as Mr. Chavez had indicated he may attend the meeting. Mr. Otake using the office phone attempted to call Mr. Chavez' cell phone and got no answer. He then called the residence number and verified it was disconnected. Mr. Otake cited section 1780 of the Government Code which covers procedures Re: Board Member vacancies and appointments. Mr. Otake proposed that further 3<sup>rd</sup> party contact and discussion of apparent office vacancy be deferred to the end of the meeting.

Public  
Commentary

**4. CONSENT CALENDAR:**

**Motion:** Approve Warrants.

**Move:** Carpenter **Second:** Amaya

**Board vote:** Ayes, Amaya, Carpenter, & Post. Nays, None

**Motion:** Approve June 16<sup>th</sup> Minutes.

**Move:** Carpenter **Second:** Amaya

**Board vote:** Ayes, Amaya, Carpenter, & Post. Nays, None

Consent  
Calendar  
Approval of  
Warrants

Approval of  
Minutes

**5. CORRESPONDENCE:**

A. Invoices received were included in Warrants to be paid. Request from USE Credit Union for authorized signature on change of address form for District move.

Correspondence

**6. REPORTS**

A. ABR Engineers, Inc. work summary and transition due to vacation schedules Administrator Nash and Mr. Rafuson had traded phone calls but have not yet made contact Administrator Nash to email ABR Engineers detailing requested work summary.

B. Office move and potential meeting locations Board consensus continue to meet at Mark Thomas & Company Cupertino facility through summer until Burbank School facilities are available in September.

Reports

**7. UNFINISHED BUSINESS:**

- A. Discussion regarding previous Board action regarding addresses 337 Irving and 1916 Elliot St and inconsistent conclusions for each in applying credits for overpayment of service charges. Director Carpenter recommends vacating the discussion .of the previous meeting in order to establish a more consistent policy based on additional information to be provided by staff.

**Motion:** Vacate decision of previous meeting in order to establish consistent policy.

**Move:** Carpenter                   **Second:** Post

**Board vote:** Ayes, Carpenter, & Post.           **Nays,** Amaya

- B. Repairs to 368.S. Buena Vista have not commercial yet due to schedule conflicts. Staff has issued work orders authorizing Able Underground Construction to do the work now scheduled for the week of July 17<sup>th</sup>.
- C. Status of disposal of District Property – no change.
- D. LAFCO Data request. Administrator Nash stated that gathering of requested data has begun.

**8. NEW BUSINESS:**

- A. Sewer cleaning schedule – Director Carpenter recommended that this subject be postponed to a future date after the work summary is received from ABR Engineers and reviewed.
- B. 3c. Board discussion returned to apparent vacancy of office. Mr. Otake made another attempt to reach Mr. Chavez using his own cell phone and made contact. Mr. Chavez indicated; 1. that he had indeed moved from his residence and no longer lived within the District’s Boundaries and 2. he would be resigning and stating in writing reasons for his resignation and 3. Mr. Chavez clearly and unequivocally verified he had indeed moved out of the District Boundary. Mr. Otake then advised the Board of the next steps to be taken.

- 1. Notify County Clerk vacancy has occurred.
- 2. Post Public notice of vacancy.
- 3. Send Certificate of Posting to County Clerk.

**Motion:** Burbank Sanitary District finds a vacancy due to Director Chavez’ statements that he had moved out of the District and would cease his position on the Board of Directors as of this date 7-14-2005.

**Move:** Carpenter                   **Second:** Amaya

**Board vote:** Ayes, Amaya, Carpenter, & Post.           **Nays,** None

- C. Administrator Nash directed to post 6 notices together with map of District at locations within the District and contact County Clerk to inform of vacancy.

Unfinished  
Business

New Business

**9. ADJOURNMENT:**

Adjournment

**Motion: To Adjourn meeting**

**Move:** Carpenter      **Second:** Amaya

**Board vote:** Ayes, Carpenter, Chavez, and Amaya    **Nays,** None

Respectfully Submitted,

**Mark Thomas & Company, Inc.**  
District Manager – Engineer

Sid Nash  
Administrator

Approved: August 4, 2005

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Lisa M. Post, President