

**BURBANK SANITARY DISTRICT
BOARD OF DIRECTORS**

**MINUTES OF REGULAR MEETING
July 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 (arrived at 7:45pm), Bruce Smith

Directors Absent: None

Counsel Present: None

Staff: Steve Machida, Mark Thomas & Company, Inc.
Donald Toy, Mark Thomas & Company, Inc.

Motion: To approve the agenda.

Move: Marke **Second:** Smith

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

3. PUBLIC COMMENTARY

Public
Commentary

- A. Visitor Commentary – None.
- B. Agency Representatives – None.
- C. Board Commentary – None.

4. CONSENT CALENDAR

Consent
Calendar

- A. Approval of Minutes. Board action required: Approve Minutes from the Regular Meeting of 06/16/09.

Motion: To approve the minutes from the Regular Meeting of 06/16/09.

Move: Marke **Second:** Smith

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

To minutes from the Special Meeting of 06/30/09 will be approved at the next meeting due to the absence of Director Spies at the time of this approval.

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. \$15 Sewer and Drain. Lateral Sewer Maintenance.
 - 5. Meyers Nave. District Legal Services.
 - 6. Santa Clara County. Encroachment Permit Fee- FY 2008-09 Repairs.

Motion: To approve six (6) warrants as listed.

Move: Smith **Second:** Marke

Board vote: **Ayes,** Yoder, Marke, Spies, Smith **Noes,** None

6. NEW BUSINESS

New Business

- A. 473 Laswell Claim. Staff reported the results of the Small Claims Court case for Grady McKenzie. Staff reported that the ruling for a total of \$500 was reasonable and that the case was well handled by the representatives of SDRMA, Able and the District. Staff stated that an offer to settle was made to Mr. McKenzie in the amount previously stated by the claims adjuster and Mr. McKenzie rejected the offer. A detailed listing of the judgment amounts can be found in the case file. Staff indicated that Able and the District have had discussions and developed procedural methods that will be implemented in future maintenance operations that will minimize the risk of this occurrence.
- B. County Investment Pool. Staff reported that the District has the option of remaining in the County's investment pool, but can withdraw any or all of the account amount at any time. District counsel will do more research and have additional details for staff in the coming weeks.

7. OLD BUSINESS

Old Business

- A. Mark Thomas & Co. Contract. Staff presented the revised contract to the Board for discussion. President Yoder stated that the wording in Section 5 had not been revised as requested. Staff was directed to resubmit the original Section 5 language to MTCO management to see if it would be approved. Director Spies inquired about the dating system for the monthly invoices. Staff stated that the contract would be revised and resubmitted to the Board contract subcommittee prior to the next meeting.

8. SUBCOMMITTEE REPORTS

Subcommittee Reports

- A. Director Smith reported that he had gone to USE Credit Union to fill out the signatory card for the District's account.

8. ADJOURNMENT: Next Regular Meeting: *Tuesday, August 18, 2009*

Adjournment

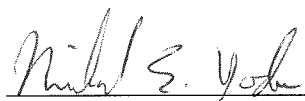
Motion: To adjourn meeting.

Move: Spies **Second:** Smith

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

Approved: September 3, 2009

Respectfully Submitted,
Mark Thomas & Company, Inc.



Michael E. Yoder, President

District Manager – Engineer
Donald Toy, Adminstrator