

1. CALL TO ORDER:

President Post called the meeting to order at 7:30 p.m.

Call to Order

2. ROLL CALL AND APPROVAL OF AGENDA:

Directors Present: Directors Lisa M. Post, Joe Carpenter, and John Marke.

Directors Absent: Director Alex Amaya.

Staff: Sid Nash and Don Toy (Mark Thomas & Company, Inc.)

Visitor: Michael Yoder, Prospective Candidate.

Roll Call
Approval of
Agenda

Motion: To approve agenda as amended

Move: Carpenter **Second:** Marke

Board vote: Ayes, Post, Carpenter and Marke **Noes,** None

3. PUBLIC COMMENTARY:

A. Visitor Commentary – None

B. Agency Representatives – Administrator Nash noted that the Registrar of Voters had received completed paperwork from President Post as incumbent and John Marke as appointee. No paperwork had been submitted by incumbent Amaya.

C. Board Commentary – Director Marke expressed his appreciation for the appointment to the Board and his pleasure to be able to serve his new community.

Public
Commentary

4. CONSENT CALENDAR:

A. Approval of Warrants – None.

B. Approval of Minutes – None.

Consent
Calendar
Approval of
Warrants

5. CORRESPONDENCE:

A. LAFCO Notice of Meeting date, August 10, 2005, to include discussion of island annexation policy. Director Carpenter expressed concern that Notice had arrived too late (August 9, 2005), for any Board Members to have attended the meeting and directed staff to forward any future communications immediately. Noting that the District's address change had likely delayed delivery, he directed staff to contact senders directly to advise of address and/or contact changes to eliminate such delays. A USE Credit Union Account Statement was also provided to the Board for information only.

Reports

6. REPORTS:

A. Report on findings, Re: "Service Charges paid by property owners at 337 Irving Avenue and 1916 Elliot Street" - President Post questioned whether Counsel Otake had been sent a copy of the Agenda. If he had, he would have been able to be present at the meeting to discuss reimbursement issues pertinent to the two properties. Administrator Nash indicated he would follow up to be sure Mr. Otake receives Agendas in the future without fail.

B. Permits Issued - Director Carpenter stated that laterals should have already been installed and connection permits issued for both addresses since conditions exist that expose the District to potential suit and liabilities. Staff was directed to expedite these items immediately since they had already been directed to previously.

6. REPORTS: (Continued)

Director Carpenter made motion to discuss Report Item 6.B.Detachment after New Business 8.A

Reports (cont.)

Motion: To discuss Report Item 6.B.2 after 8.A.

Move: Carpenter **Second:** Marke

Board vote: Ayes, Post, Carpenter and Marke **Noes,** None

- C. Notice to Violators – Prepared notices and pictures had been included in prior Agenda August 4, 2005, but not considered due to suspension of meeting. The Board directed staff to send notices out immediately.

7. UNFINISHED BUSINESS:

Unfinished Bus.

- A. Board Action to Establish Policy on Refunds/Credits for Overpayments of Service Charges – Item continued to the next meeting date when Mr. Otake will be in attendance for presentation of policy guidelines.
- B. Inspector’s Report on Repairs Completed at 368 S. Buena Vista – Administrator Nash Informed the Board that repairs had been completed, that Inspector Mercado had made visual inspection of work and took pictures for the record. An invoice from Able Construction will soon follow.
- C. LAFCO Service Review Checklist items continue to be collected for delivery to the Consultant.

6.B. DETACHMENTS (Item Moved) –

Detachments

- B. Proposed Annexation Burbank 38 was presented and Director Carpenter expressed concern that this notice should have been included in earlier Agenda packets. Issues of concern to the District are:
 - 1. How will detached property (a new development) obtain sewer service?
 - 2. Are adjacent properties cut off from services?
 - 3. The proposed Annexation appears to create an island.

Staff was directed to contact the City of San Jose to obtain more information.

8. NEW BUSINESS:

New Business

- A. District Website – Request by Director Carpenter that updates and additions to Website be given high priority in order to include information public would expect to find. i.e.: meeting dates, current agendas, Director’s names and contact information, minutes, etc.

9. ADJOURNMENT:

Adjournment

Motion: To Adjourn meeting

Move: Carpenter

Second: Marke

Board vote: Ayes, Carpenter, Marke and Post **Noes,** None

Respectfully Submitted,

Mark Thomas & Company, Inc.
District Manager – Engineer

Sid Nash
Administrator

Approved: October 6, 2005

Lisa M. Post, President