

**BURBANK SANITARY DISTRICT
BOARD OF TRUSTEES**

**MINUTES OF REGULAR MEETING
September 1, 2005**

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, Alex Amaya, and John Marke.

Directors Absent: None

Counsel Present: Bryan Otake (Meyers/Nave)

Staff: Donald Toy (Mark Thomas & Company, Inc.)

Visitor: Deborah Comanda, Resident/Homeowner, 337 Irving St., San Jose,
CA 95128

Roll Call
Approval of
Agenda

Motion: To approve agenda as amended

Move: Carpenter **Second:** Marke

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

3. PUBLIC COMMENTARY:

Public
Commentary

- A. Visitor Commentary – Deborah Comanda, owner of the property at 337 Irving Avenue, gave the Board a history of her property and the background regarding her purchase of the property in April, 1995. At the time of purchase, she was told that the home was connected to the public sanitary sewer system and that the sewer service charges would be collected yearly on the property tax bill. She had been charged every year for sewer service, but learned early in 2005 that her house was still connected to an on-site septic system. Ms. Comanda asked the Board for information regarding the refund policy for sewer services charges paid when a property was not actually connected to the public sewer system.

Director Carpenter made a motion to discuss Report Item 6.B. Permits Issued after Public Commentary 3.C. Director Post made a motion to move Unfinished Business 7.C. and Report 6.B. for discussion after Public Commentary 3.C.

Motion: To approve moving 7.C. and 6.B. after 3.C.

Move: Post **Second:** Marke

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

- B. Agency Representatives – Administrator Toy reported that district inspector found a section of broken sewer main on Basile Street. The damage was discovered by a construction crew installing an underground electrical vault adjacent to the sewer line. Staff was to investigate further and report findings to the Board. Director Carpenter commented that a similar case occurred on Arleta Street.
- C. Board Commentary – Director Amaya noted that the minutes for the last three Board meetings had not been submitted for approval. Staff was to follow up and have minutes completed for the next meeting.

4. CONSENT CALENDAR:

- A. Approval of Warrants – Four.

Consent
Calendar

Motion: To approve four warrants.

Move: Carpenter **Second:** Marke

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

- A. Approval of Minutes – None.

5. CORRESPONDENCE:

- A. County Controller Quarterly Report. For information only. No action required.
- B. WPCP Request for Audit Information. For information only. No action required.

Correspondence

6. REPORTS:

- A. Bids received for 1916 Elliott St.: Staff presented the amounts of the three construction bids received for the extension of the sewer main to bring service to 1916 Elliot Street. Staff reported that the bid had been awarded to the low bidder (Able Underground Construction) and the contractor was instructed to begin as soon as possible.
- B. Permits Issued – Staff reported that connection permits had been issued for 1916 Elliott Street and 337 Irving Avenue. Director Carpenter directed staff to research previous permits to see what the permits fees and costs were at the time of connection.
- C. Delivery of Oath of Office Document to Clerk of the Board. Staff had no update, but would have a report by the next meeting.
- D. Status of Candidates’ Paperwork Received by Registrar of Voters. Staff had no update, but would have a report by the next meeting.
- E. CASA Conference. No reports from the conference.
- F. LAFCO Service Review Status. Staff had no update, but would have a report by the next meeting.

Reports

7. UNFINISHED BUSINESS:

- A. Combined List of District Inventory. Staff reported that the inventory list had been compiled. Director Amaya noted that the District computer and monitor were not listed. Staff would update the list and present it to the Board at the next meeting.
- B. District Website Status. Staff reported that the District website was up and running. Staff was to continue updating the website and add/revise content.
- C. Proposed Policy for Refunds/Credits on Overpayments of Service Charges. District Counsel, Mr. Otake, summarized the applicable laws regarding refunds of overpayment of service charges. Mr. Otake discussed the difference between non-service and overcharges and the minimum refunds, as dictated by California law. Board discussed the different options available in regard to setting a refund policy. Ms. Comanda reiterated her case. The board decided that a refund of four years’ worth of service charges was the policy that they would like to adopt.

Unfinished Business

Motion: To Adopt a Policy to Refund Four (4) Years of Service Charges if a Property Owner has been overpaying Service Charges.

Move: Carpenter

Second: Marke

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

Amended Motion: As a pre-condition of all refund agreements, the property owner must sign a Release of All Claims.

Move: Carpenter

Second: Marke

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

- D. SDRMA- Official Election Resolution Ballot Package. Board discussed the seven candidates that would be selected on the ballot. The Board chose seven candidates and signed the ballot.

8. NEW BUSINESS:

- A. Staff reported that a lateral sewer repair at 318 Raymond Avenue had revealed that there may be other deficiencies in the main line that was repaired using a cured-in-place lining method by a contractor, Insituform, in December, 2000. This item was to be added to the next agenda for Board consideration

New Business

9. ADJOURNMENT:

Motion: To Adjourn meeting

Move: Post

Second: Marke

Board vote: Ayes, Post, Carpenter, Amaya, and Marke

Noes, None

Adjournment

Respectfully Submitted,

Mark Thomas & Company, Inc.
District Manager – Engineer

Donald Toy
Administrator

Approved: October 20, 2005

Lisa M. Post, President