

1. CALL TO ORDER

President Post called the meeting to order at 7:32pm.

2. ROLL CALL AND APPROVAL OF AGENDA

Directors Present: Lisa Post, Michael Yoder, John Marke, Soren Spies (arrived at 7:35pm)

Directors Absent: Bruce Smith (previous notification)

Counsel Present: None

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

Motion: To approve the agenda.

Move: Marke **Second:** Yoder

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

3. PUBLIC COMMENTARY

- A. Visitor Commentary – None.
- B. Agency Representatives – Staff reported that opening a new checking account with Bank of America to handle processing of stipends would not be possible due to restrictions on the part of BofA. Processing fees were higher than existing and tax documentation would no be included with the plan. Staff recommended staying with USE Credit Union and keeping the current system in place.
- C. Board Commentary – Director Spies noted that GreenWaste Recovery had updated their website.

4. CONSENT CALENDAR

- A. Approval of Minutes. Board action required: Approve Minutes from the Meeting of 08/21/08.

Motion: To approve the minutes from the 08/21/08.

Move: Marke **Second:** Yoder

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

5. NEW BUSINESS

- A. Flow Study. Staff reviewed a memorandum outlining the proposal for a District-wide flow study. Locations had been identified for the placement of flow monitors that would monitor the daily flow for a period of one month. The data acquired would be used to generate a report to the Board that included average, peak and total daily flow amounts originating from the District and flowing out of the system into the City of San Jose system. This data would be used to report current flows to the Treatment Plant and also would be used in drafting a new shared usage agreement with the City. Staff reported that they had contacted a flow monitoring firm, Geotivity, and were waiting for a cost

Call to Order

Roll Call and Approval of Agenda

Public Commentary

Consent Calendar

New Business

5. NEW BUSINESS (continued)

New Business
(continued)

proposal for the installation, monitoring, and removal of in-ground flow monitoring equipment. A full cost proposal would be ready for the next Board meeting.

6. OLD BUSINESS

Old Business

- A. City of San Jose Agreement. Staff reported that District Counsel recommended staff to wait until an official invoice for payment was received from the City for overdue agreement fees. The City in the preliminary stages of researching their expired agreements with various agencies and had not yet presented any official requests for payment. Staff recommended to the Board that we wait until the City notifies the District before any action is taken. If the City does not contact the District by the beginning of 2009, staff will contact the City.
- B. Annexation of Burbank No. 40. The Annexation subcommittee ('subcommittee') reported on their meeting with the City of San Jose and LAFCO on August 26, 2008. Director Spies reported that the City outlined the process in which areas are slated for annexation and the impact on the District. LAFCO's process was also discussed along with general timelines for future annexation plans. The City stated that a more comprehensive annexation plan would likely become available in 2011. Director Spies stated that the subcommittee would contact the City and LAFCO approximately every six months to get updated information or to set up meetings with both agencies.
- C. BSD Audit Proposals. Staff reported four references had been contacted for Patel & Associates ('PA'), but only one called back- the Santa Clara County Vector Control. The lead finance officer at Vector Control gave a very good recommendation and review of PA's work. Staff recommended that the Board engage PA in the three-year audit contract based on the good recommendation.

Motion: To Engage Patel & Associates in a Three-year Contract to Perform Audit Services for FY 2008-2011.

Move: Spies

Second: Yoder

Board vote:

Ayes, Post, Yoder, Marke, Spies

Noes, None

Absent, Smith

- D. BSD Meeting Schedule. Staff reviewed the discussion from the previous meeting regarding changing the regular Board Meeting schedule from two meetings per month to one meeting. The Board discussed the possible ramifications of changing the schedule, including: longer meetings, better efficiency on District matters, payment of bills, less overall administrative costs, and impact on District residents. Director Spies stated that he would like to utilize the time saved to have greater Board oversight of District business. Staff was directed to draft an ordinance/resolution to temporarily change the meeting schedule to once a month for the next three months. A decision would be made at the next Board meeting.

7. SUBCOMMITTEE REPORTS- Director Spies stated that the website was up to date and was continuing to update it as more information was made available.

Subcommittee Reports

8. ADJOURNMENT: Next Regular Meeting: *Thursday, October 16, 2008*

Adjournment

Motion: To adjourn meeting.

Move: Marke **Second:** Yoder

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

Approved: September 18, 2008

Respectfully Submitted,
Mark Thomas & Company, Inc.

District Manager – Engineer
Donald Toy
Administrator

Lisa Post, President