

1. CALL TO ORDER

Director Post called the meeting to order at 7:30pm.

2. ROLL CALL AND APPROVAL OF AGENDA

Directors Present: Directors Lisa Post , John Marke, Soren Spies and Michael Yoder.

Directors Absent: Director Joe Carpenter (excused by telephone call)

Counsel Present: Bryan Otake

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

Motion: To approve the agenda.

Move: Marke **Second:** Yoder

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

3. PUBLIC COMMENTARY

A. Visitor Commentary – None.

B. Agency Representatives – Mr. Toy commented that he would not be available to attend the regular Board Meeting scheduled for October 19, 2006. The Board agreed to decide on an alternate meeting date at the October 5, meeting.

C. Board Commentary – Director Post inquired whether the District had any specific language in the Ordinances pertaining to scavenging of recyclables at the curbside. Counsel stated that they would research and report to the Board via email.

4. CONSENT CALENDAR

A. Approval of Minutes. Approve Minutes from Regular Meeting of 09/07/06.

Motion: To approve minutes from Regular Meeting of 09/07/06.

Move: Spies **Second:** Marke

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

5. WARRANTS

A. Approval of Three (3) Warrants:

1. Enviro-Commercial Sweeping, Inc. Street Sweeping Services.

2. Hunt Consulting, LLC. 2006-07 Tax Roll Preparation.

3. ABLE Underground Construction Inc. Preventative Maintenance and Videotaping.

Motion: To approve three (3) warrants.

Move: Yoder **Second:** Marke

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

Call to Order

Roll Call and
Approval of
Agenda

Public
Commentary

Consent
Calendar

Warrants

6. REPORTS

Reports

- A. FY 2004-05 Final Audit Report. Staff reported that an RFP would be sent to several firms to perform the MD&A reporting tasks for the next three years in conjunction with the annual audit reports.
- B. Santa Clara County Integrated Waste Management Program (IWM). Counsel discussed the background of the IWM program and the requirement from the State that mandates the need for all jurisdictions to have a program in place. Staff reported that no official request for extension on the existing Memorandum of Understanding (MOU) had been received. To date, all correspondence between staff and IWM was limited to emails and telephone calls. Staff was directed to ask IWM to draft an amendment requesting an extension of the MOU and submit it for review at the next BSD Board meeting.

7. OLD BUSINESS

Old Business

- A. Green Valley Disposal Company. Counsel reported that the District has several options to pursue in renegotiating the Waste Management/Green Valley Disposal Company (WM) solid waste collection contract. Based on language in the existing contract, BSD has the right to terminate the contract at will. Because WM had not raised rates since the inception of the original contract in 1993, counsel advised the Board that the current rates may be better than rates that could be obtained in a new contract with a different provider. The contract stipulates that WM cannot subcontract the work to another vendor without District approval. Counsel suggested that the Board ask WM to pay for all costs associated with the preparation of an RFP for collection services. This might include hiring a solid waste consulting firm to prepare the RFP. Director Marke commented that he was in agreement that hiring the consultant would be a good approach. The Board discussed the following three possible options:
 - 1) WM must honor their contract through the expiration date, June 30, 2009.
 - 2) WM to pay for the preparation of an RFP for a new collections contract for the District
 - 3) Contact the City of San Jose to see if they would have any interest in taking over the collection services for the District

Motion: To have Counsel contact Waste Management (WM) to see if they would be willing to enter into a contract to pay for all costs associated with preparing an RFP for solid waste collection services for the Burbank Sanitary District.

Move: Spies

Second: Marke

Board vote:

Ayes, Post, Marke, Yoder, Spies
Absent, Carpenter

Noes, None

Motion: To have staff contact the City of San Jose (CSJ) to discuss the possibility of CSJ taking over the District's collection and recycling program as of July 1, 2007.

Move: Spies

Second: Yoder

Board vote:

Ayes, Post, Marke, Yoder, Spies
Absent, Carpenter

Noes, None

8. ADJOURNMENT: Next Regular Meeting: *Thursday, September 21, 2006*

Adjournment

Motion: To adjourn meeting.

Move: Yoder **Second:** Spies

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

Approved: October 5, 2006

Respectfully Submitted,

Mark Thomas & Company, Inc.
District Manager – Engineer

Joe Carpenter, President

Donald Toy
Administrator