BURBANK SANITARY DISTRICT
BOARD OF DIRECTORS

MINUTES OF REGULAR MEETING
October 20, 2009

1. CALL TO ORDER

Call to Order

President Yoder called the meeting to order at 7:07 pm.

2. ROLL CALL AND APPROVAL OF AGENDA

Roll Call and Approval of Agenda

Directors Present: Michael Yoder, John Marke, Bruce Smith, Soren Spies
Directors Absent: None
Counsel Present: None
Staff: Donald Toy, Mark Thomas & Company, Inc.

Motion: To approve the agenda.
Move: Marke **Second:** Spies
Board vote: **Ayes,** Yoder, Marke, Smith, Spies **Noes,** None
Absent, None

3. PUBLIC COMMENTARY

Public Commentary

A. Visitor Commentary – None.
B. Agency Representatives – Staff reported that District Counsel had reviewed the FTC "Red Flag Rule" and recommended no action at this time.
C. Board Commentary – None.

4. CONSENT CALENDAR

Consent Calendar

A. Approval of Minutes. Board action required: Approve Special Meeting Minutes from 09/10/09.

Motion: To approve the minutes from the Special Meeting of 09/10/09.
Move: Smith **Second:** Spies
Board vote: **Ayes,** Yoder, Marke, Smith, Spies **Noes,** None
Absent, None

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. ABLE Underground Construction. Main Sewer Maintenance.
5. SC County Integrate Waste Mgmt. Q2 FY 2009-10 Payment.
6. Meyers Nave. District Legal Services.
7. City of San Jose. Q2 FY 2009-10 O&M, Capital Payments.

Motion: To approve seven (7) warrants as listed.
Move: Spies **Second:** Smith
Board vote: **Ayes,** Yoder, Marke, Smith, Spies **Noes,** None
Absent, None

6. NEW BUSINESS

New Business

A. Damage Claim- 473 Laswell Ave. Staff reported that the Small Claims Court case of Josephine Beck versus Burbank Sanitary District and Able Underground Construction had been heard by the judge on October 15. Donald Toy and Larry Mercado represented the District, Mercy Arapas represented SDRMA's adjuster, Crawford and Co., and Mark Patel represented Able. Mrs. Beck and her tenant, Grady McKenzie, were the plaintiffs. The judge heard the case and was presented with evidence from both plaintiff and defendants. The judge did not make a decision that day, but said that results would be mailed out within a week. *Update: A verdict was received on October 21, 2009, and the ruling stated that the plaintiff was not entitled to any compensation for her claim.*

B. Flow Study. Staff reported that the flow study results would be completed by November and discussed at that meeting.

C. Board Election. Staff reported that the Santa Clara County Board of Supervisors had appointed Michael Yoder and Soren Spies to another four year term on the Burbank Sanitary District Board, effective January 1, 2010 and ending December 31, 2014. Oath of Office documents should be received by the November meeting. Staff will verify the appointment process for the one vacant Board position.

D. CIP/Repairs FY 2009-10. Staff reported that the list of repairs had been compiled and that the first four repair jobs would likely be put out to bid before the end of the year.

8. SUBCOMMITTEE REPORTS – Director Marke reported that he'd visited Bank of America to inquire about opening an account there to handle the District Board payroll direct deposit process. Director Spies reported that the website had been updated. Additionally, the idea of using the monthly GreenWaste Recovery newsletter to advertise the Board vacancy was discussed.

Subcommittee Reports

9. ADJOURNMENT: Next Special Meeting: ***Monday, November 23, 2009***

Adjournment

Motion: To adjourn meeting at 8:30pm.
Move: Marke **Second:** Smith
Board vote: **Ayes,** Yoder, Marke, Spies, Smith **Noes,** None
Absent,

Approved: November 23, 2009

Respectfully Submitted,
Mark Thomas & Company, Inc.

Michael E. Yoder, President

District Manager – Engineer
Donald Toy, Adminstrator