

1. CALL TO ORDER

The Board of the Burbank Sanitary District convened this date at 7:00 p.m. via teleconferencing in accordance with Executive Order N-33-20. President Sclafani called the meeting to order at 7:02 p.m.

2. ROLL CALL

Directors Present: Ken Colson, Rene Prupes (excused at 7:39 pm), Procopio Sclafani, Michelle Kaelker-Boor, Rebecca Yoder
Directors Absent: None
Counsel Present: Valerie Armento (present for the beginning of the open session and the entire closed session)
Advisor: Richard Tanaka (present for the beginning of the open session and the entire closed session)
Staff: Benjamin Porter (District Manager), Robert Woodhouse (Deputy District Manager), Vani Kathula (Joined meeting for Item 9D)
Visitors: None

3. APPROVAL OF AGENDA

Motion: To approve the agenda.

Move: Yoder

Second: Kaelker-Boor

Board vote:

Ayes: Colson, Prupes, Sclafani, Yoder, Kaelker-Boor

Noes: None

Absent: None

4. PUBLIC COMMENTARY

4.A. Visitor Commentary – None.

4.B. Agency Representatives – None.

4.C. Board Commentary - None.

5. CLOSED SESSION

5.A. CONFERENCE WITH LEGAL COUNSEL –EXISTING LITIGATION

Government Code Section 54956.9(d)(1) Name of Case: County Sanitation District 2-3, West Valley Sanitation District, Cupertino Sanitary District, Burbank Sanitary District and the City of Milpitas v. The City of San Jose, The City of Santa Clara, and Does 1 through 50 inclusive.

Closed session discussion commenced at 7:05 pm and ended at 7:33 pm. Manager Porter and Deputy Manager Woodhouse were excused. No reportable action was taken at the closed session. Staff rejoined the regular session

6. CONSENT CALENDAR

6.A. Approval of Minutes from the Regular Meetings of August 17, 2021

Motion: To approve Meeting Minutes from the Regular Meetings of August 17, 2021.

Move: Yoder

Second: Prupes

Board vote:

Ayes: Prupes, Sclafani, Kaelker-Boor, Colson

Noes: None

Absent: None

Abstain: Yoder

7. WARRANTS

7.A. Approval of Warrants.

1. Mark Thomas & Company, Inc. (District Management Services and BSD CIPs)
2. First Tech Federal Credit Union (Board of Directors' Payroll)
3. Armento and Hynes, LLP (District Legal Services)
4. Richard Tanaka (District Advisor Services)

Motion: To approve four (4) warrants as listed.

Move: Kaelker-Boor

Second: Yoder

Board vote:

Ayes: Prupes, Sclafani, Kaelker-Boor, Colson, Yoder

Noes: None

Absent: None

8. NEW BUSINESS

None.

9. OLD BUSINESS

9.A. Status of SRF Loan and CIP Update.

Deputy Manager Woodhouse provided a summary of the project award schedule that included the Pre-Construction Meeting on September 29, 2021 and the Notice to Proceed on October 4, 2021. Once the Notice to proceed has been issued District staff will complete the SWRCB Budget Approval Package and send to the State for their 2-month review. The Board will review the construction contract, which has been reviewed by District Counsel, and provide any concerns by Friday September 24, 2021, prior to execution.

9.B. Long Range Financial Planning.

No Update.

9.C. GreenWaste Recovery, Inc Update.

Board reviewed and noted the August 2021 Delinquent Account.

9.D. District Website Update.

Vani Kathula provided an update on the District Website. The website is being transferred and should take a day or two. Vani will send a note to the Board once the site is up and running.

9.E. COVID-19 Update.

Manager Porter reported on the status of AB 361 – New Law on Brown Act Compliance, which pertains to remote meetings for public agencies. which was signed by the Governor this week. The March 4, 2020 Governor’s Proclamation of a State of Emergency and the Santa Clara County Universal Indoor Face Covering Order are both still in effect. The Board will need to regularly agendize making a determination that it is in the best interest of the District and the Public to continue to have the meetings remotely. The Board can continue to operate this way through December 31, 2023.

10. HOUSEKEEPING ITEMS

10.A. Updates on Housekeeping Items.

Director Yoder will not be able to attend the October 29, 2021, Board Meeting. She will be excused.

10.B. Agenda Items for Next Upcoming Meeting.

No Update.

11. ADJOURNMENT – NEXT REGULAR MEETING – Tuesday, October 5, 2021

Motion: To adjourn meeting at 8:05 pm.

Move: Yoder **Second:** Kaelker-Boor

Board vote: **Ayes:** Colson, Kaelker-Boor, Sclafani, Yoder
Noes: None
Absent: Prupes

Approved: October 5, 2021

Respectfully Submitted,

Mark Thomas & Company, Inc.

Procopio Sclafani, President

District Manager
Benjamin T. Porter, PE