

1. CALL TO ORDER

The Board of the Burbank Sanitary District convened this date at 7:00 p.m. via teleconferencing in accordance with AB361. President Sclafani called the meeting to order at 7:02 p.m.

2. ROLL CALL

Directors Present: Ken Colson, Rene Prupes, Procopio Sclafani, Michelle Kaelker-Boor
Directors Absent: Rebecca Yoder (excused)
Counsel Present: Valerie Armento (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 10D)
Visitors: Tracy Adam, Emily Hansen (GreenWaste Recovery, Inc.)

3. APPROVAL OF AGENDA

Motion: To approve the agenda.

Move: Kaelker-Boor **Second:** Prupes

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

4. PUBLIC COMMENTARY

- 4.A. Visitor Commentary – None.
- 4.B. Agency Representatives – None.
- 4.C. Board Commentary - None.

5. AB 361

The Board of Directors makes the following findings required by AB 361 in order to continue holding meetings by teleconferencing electronically: (1) the March 4, 2020 Governor’s Proclamation of a State of Emergency is still in effect, (2) the County of Santa Clara has a Universal Indoor Face Covering Order in effect and continues to encourage social distancing, and (3) due to room capacity limitations, meeting in person would present imminent risks to the health or safety of attendees.

Motion: Move to report on AB 361 and its findings to the meeting being held as a virtual meeting.

Move: Colson **Second:** Kaelker-Boor

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

UNFINISHED BUSINESS ITEM 10.A MOVED UP ON THE AGENDA

10.A. GreenWaste Recovery, Inc. 1) Change in Control, 2) September 2021 Delinquent Account. Board action required: Review Consent and First Amendment to Collection Service Agreement.

1. Manager Porter presented a memo from the Board package and a red line of the proposed amendment to the agreement with Greenwaste.
2. Board reviewed and noted the September 2021 Delinquent Account.

Motion: Approve proposed amendment to the agreement with red lines shown in the document.

Move: Kaelker-Boor

Second: Colson

Board vote:

Ayes: Colson, Sclafani, Kaelker-Boor

Noes: None

Absent: Yoder

Abstained: Prupes

6. 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 7:15 pm and ended at 7:41 pm. Manager Porter and Deputy Manager Woodhouse were excused. No reportable action was taken at the closed session. Staff rejoined the regular session

7. CONSENT CALENDAR

7.A. Approval of Minutes from the Regular Meetings of October 5, 2021

Motion: To approve Meeting Minutes from the Regular Meetings of October 5, 2021.

Move: Colson

Second: Kaelker-Boor

Board vote:

Ayes: Prupes, Sclafani, Kaelker-Boor, Colson

Noes: None

Absent: Yoder

8. WARRANTS

8.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)
5. City of San Jose (TP O&M & Capital Billing Q2 2021-2022)
6. Cupertino Sanitary District (Common Interest Agreement Cost Sharing)
7. AB/JDD Plumbing (199 Topeka Ave)

Motion: To approve Seven (7) warrants as listed.

Move: Kaelker-Boor

Second: Prupes

Board vote:

Ayes: Prupes, Sclafani, Kaelker-Boor, Colson

Noes: None

Absent: Yoder

9. NEW BUSINESS

9.A. FY2021-22 First Quarter Financial Review.

Manager Porter reported on the first quarter financial review.

10. OLD BUSINESS

10.B. Status of SRF Loan and CIP Update.

Deputy District Manager Woodhouse reported on the status of the SRF Loan and CIP. Board requested cost recovery for uncovering manholes. Manager Porter contacted the County and requested that they use their NextDoor account to provide outreach for the CIP project. Board requested that staff post photos and videos of construction.

10.C. Long Range Financial Planning.

Board has requested Mark Thomas staff to assist with incorporating the Board's vision into the plan and will provide Manager Porter a copy of the outline for the Long Range Financial Plan.

10.D. District Website Update.

Staff presented a survey that was prepared to get feedback on the website. Board suggested that staff post the website survey on the County's NextDoor account. Board also suggested viewing the Google analytics to better understand how well the website is performing.

10.E. COVID-19 Update.

No Update.

10. HOUSEKEEPING ITEMS

10.A. Updates on Housekeeping Items.

No Update.

10.B. Agenda Items for Next Upcoming Meeting.

No Update.

11. ADJOURNMENT – NEXT REGULAR MEETING – Tuesday, November 2, 2021

Motion: To adjourn meeting at 8:32 pm.

Move: Prupes

Second: Kaelker-Boor

Board vote:

Ayes: Colson, Kaelker-Boor, Sclafani, Prupes

Noes: None

Absent: Yoder

Approved: November 2, 2021

Respectfully Submitted,

Mark Thomas & Company, Inc.

Procopio Sclafani, President

District Manager
Benjamin T. Porter, PE