

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, Rebecca Yoder (joined meeting at 7:53pm)
Directors Absent: None
Counsel Present: None
Staff: Benjamin Porter (District Manager), Robert Woodhouse (Deputy District Manager), Vani Kathula
Advisor: Richard Tanaka (present for the beginning of the open session and the entire closed session)
Visitors: None

3. APPROVAL OF AGENDA

Motion: To approve the agenda by adding closed session after public commentary

Move: Kaelker-Boor

Second: Colson

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. 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 7:10 pm and ended at 7:42 pm. Manager Porter and Deputy Manager Woodhouse were excused. No reportable action was taken at the closed session. Staff rejoined the regular session

6. 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: Kaelker-Boor

Second: Prupes

Board vote:

Ayes: Colson, Prupes, Sclafani, Kaelker-Boor

Noes: None

Absent: Yoder

7. CONSENT CALENDAR

7.A. Approval of Minutes from the Regular Meetings of October 19, 2021

Motion: To approve Meeting Minutes from the Regular Meetings of October 19, 2021.

Move: Colson

Second: Prupes

Board vote:

Ayes: Prupes, Sclafani, Kaelker-Boor, Colson

Noes: None

Absent: Yoder

8. NEW BUSINESS

8.A. Proposed City-Conducted Annexation for APNs 274-17-018, 019, 020, 021, & 022 from County of Santa Clara to the City of San Jose. Board action required. Review Notification.

Manager Porter presented the City of San Jose proposed annexation and a map that indicated the properties to be annexed. He also presented a draft letter to demand a protest and hearing in response to the Annexation letter from the City of San Jose.

Motion: Authorize staff to send letter to the City of San Jose

Move: Kaelker-Boor

Second: Prupes

Board vote:

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

Noes: None

Absent: None

8.B. 2021 Annual Report. Board action required: Review Annual Report.

Manager Porter presented the draft annual report. He will send a pdf of the report to each Board member, and they can provide their comments in a markup for consideration at the next Board meeting.

9. OLD BUSINESS

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

- Deputy Manager Woodhouse discussed the status of the SRF Loan. He indicated that the Quarterly reports were submitted on November 02, 2021. The final budget approval form and attachments are in the process of being submitted and will be completed by the end of this week (November 5, 2021).
- The Board suggested adding pictures of the CIP project and a description of the lining process on the District Website and on the Annual Report.
- Manager Porter was able to connect with the County and their NextDoor account for public outreach on the CIP project.

9.B. Long Range Financial Planning.

Manager Porter discussed the process going forward. Manager Porter will prepare a questionnaire and send to all Board members. The results of the survey will be compiled, and a report will be prepared for distribution to the Board members.

9.C. District Website Update.

Staff provided an update on the District website. Board asked staff to add a sticker to the construction sign that provides the District website address.

9.D. GreenWaste Recovery, Inc. – 3rd Quarterly Report July – September 2021.

Manager Porter presented a report from Greenwaste Sustainability Report on historical user information from District customers.

9.E. COVID-19 Update.

No Update.

10. HOUSEKEEPING ITEMS

10.A. Updates on Housekeeping Items.

Add language for a standard motion for AB361 for future meetings.

10.B. Agenda Items for Next Upcoming Meeting.

- Discuss returning to in-person meetings
- Report from staff on GreenWaste Sustainability Report and next steps for GreenWaste.

11. ADJOURNMENT – NEXT REGULAR MEETING – Tuesday, November 16, 2021

Motion: To adjourn meeting at 8:47 pm.

Move: Prupes **Second:** Yoder

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

Approved: November 16, 2021

Respectfully Submitted,

Mark Thomas & Company, Inc.

Procopio Sclafani, President

District Manager
Benjamin T. Porter, PE