

**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  
Directors Absent: None  
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 the meeting for Item 10.C)  
Visitors: None

**3. APPROVAL OF AGENDA**

**Motion:** To approve the agenda.

**Move:** Prupes

**Second:** Kaelker-Boor

**Board vote:**

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

**Noes:** None

**Absent:** None

**4. PUBLIC COMMENTARY**

4.A. Visitor Commentary – None.

4.B. Agency Representatives – Manager Porter suggested to have Valerie Armento participate in future discussions on the Long Range Planning Discussion.

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) over 1 million US residents have died from COVID and health officials continue 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 make findings (1), (2), and (3) in accordance with AB 361.

**Move:** Yoder

**Second:** Prupes

**Board vote:**

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

**Noes:** None

**Absent:** None

**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 7:08 pm and ended at 7:18 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 February 15, 2022

**Motion:** To approve Meeting Minutes from the Regular Meetings of February 15, 2022.

**Move:** Yoder

**Second:** Prupes

**Board vote:**

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

**Noes:** None

**Absent:** None

**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. Cupertino Sanitary District (Common Interest Agreement Cost Sharing – Nov-Dec 2021)
6. Imperium First Consulting (Davis Bacon Wages Consultant for CIP Project)
7. Southwest Pipeline & Trenchless Corp (District-Wide CIP Project)

**Motion:** To approve seven (7) warrants as listed.

**Move:** Yoder

**Second:** Prupes

**Board vote:**

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

**Noes:** None

**Absent:** None

**9. NEW BUSINESS**

9.A. Form 470 Filing. Board action required: Complete individual filing by 7/31/22

Manager Porter described the process for completing Form 470.

9.B. San Jose/Santa Clara Regional Wastewater Facility – 1) FY2022-23 Capital Cost Allocation, 2) Draft Proposed Capital and O&M Budget.

Manager Porter described the City of San Jose allocated costs for Burbank Sanitary District for 2022-2023 fiscal year. The costs are based upon the wastewater flow loads provided by Burbank to the total system flow.

Board requested District Counsel to review previous correspondence with the City wherein the District asked the City of San Jose for clarification on the basis for the City's overhead calculation and possibly develop a new similar letter to the City in response to the current cost allocation for O&M.

**10. OLD BUSINESS**

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

Deputy Manager Woodhouse presented the status of the CIP project and the SRF loan.

10.B. Long Range Financial Planning.

Manager Porter presented the results of the Long Range Financial Planning questionnaire. The results of the questionnaire were described in a memorandum that was prepared by Manager Porter.

10.C. District Website Update. Board action required: Review budget estimate for website enhancement.

Senior Engineer Vani Kathula joined the meeting to discuss the District Website Update. She presented a web migration enhancement task list that was prepared by the District's Website consultant (ARIF).

Senior Engineer Vani Kathula left the meeting.

Board asked staff to consider how to use the website to communicate the status of the Capital Improvement plan and what plans there are for future capital improvements.

10.D. GreenWaste Recovery, Inc. Board action required: Review Annual Clean Up Day flyer.

Manager Porter presented the revised Annual Clean-Up flyer which has been reformatted by a Mark Thomas graphic designer. Board gave comments on the flyer, staff to update the flyer and send it to GreenWaste for printing and mailing.

10.E. November 8, 2022 General Election. Board action required: Review Resolution No.287

Manager Porter presented a draft resolution 287 and highlighted comments received by District Counsel.

**Motion:** To adopt Resolution No. 287 with edits.

**Move:** Yoder

**Second:** Colson

**Board vote:**

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

**Noes:** None

**Absent:** None

10.F. COVID-19 Update.

Manager Porter informed the Board that Mark Thomas employees will be returning to the office on a hybrid basis starting the week of April 4, 2022

10.G Form 700. Board action required: Review list of BSD vendors for Calendar Year 2021

Manager Porter provided the Board a list of all vendors of the District in Calendar Year 2021.

**11. HOUSEKEEPING ITEMS**

11.A. Updates on Housekeeping Items.

- Investigate California Senate Bill 1383 and confirm whether that Bill impacts the work being done by GreenWaste for the District. May want to include on the District website and in a Board member response on NextDoor.

11.B. Agenda Items for Next Upcoming Meeting.

- Report back to the Board on plan to send a letter to the City of San Jose regarding overhead costs.

**12. ADJOURNMENT – NEXT REGULAR MEETING – Tuesday, April 5, 2022**

**Motion:** To adjourn meeting at 8:52 pm.

**Move:** Yoder                      **Second:** Prupes

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

Approved: April 5, 2022

Respectfully Submitted,

**Mark Thomas & Company, Inc.**

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Procopio Sclafani, President

District Manager  
Benjamin T. Porter, PE