

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 7:20pm)
Directors Absent: None
Counsel Present: Valerie Armento (present for the open session through item 10.B)
Staff: Benjamin Porter (District Manager), Robert Woodhouse (Deputy District Manager),
Visitors: None

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) 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: Kaelker-Boor

Second: Colson

Board vote:

Ayes: Colson, Prupes, Sclafani, Kaelker-Boor

Noes: None

Absent: Yoder

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.

Motion: To not have a closed session.

Move: Kaelker-Boor

Second: Colson

Board vote:

Ayes: Prupes, Sclafani, Kaelker-Boor, Colson

Noes: None

Absent: Yoder

Motion: Move Agenda Item 10.B – Long Range Financial Plan to before Consent Calendar.

Move: Prupes

Second: Kaelker-Boor

Board vote:

Ayes: Prupes, Sclafani, Kaelker-Boor, Colson

Noes: None

Absent: Yoder

10.B. Long Range Financial Planning.

Manager Porter facilitated a discussion on the long-range financial planning. Board requested staff to prepare a list of definitions of terms used in the Long-Range planning document.

7. CONSENT CALENDAR

7.A. Approval of Minutes from the Regular Meetings of April 5, 2022

Motion: To approve Meeting Minutes from the Regular Meetings of April 5, 2022.

Move: Kaelker-Boor

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. City of San Jose (TP O&M and Capital Billing Q4 FY2021-22)
6. Imperium First Consulting (Davis Bacon Wages Consultant for CIP Project)
7. Luther Burbank Scholl (Parking Lot Fee for Spring Clean Up Day)
8. ABLE Septic Tank Service (Annual Mainline & Lateral Maintenance)

Motion: To approve eight (8) warrants as listed.

Move: Prupes

Second: Yoder

Board vote:

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

Noes: None

Absent: None

9. NEW BUSINESS

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

Manager Porter presented the Third Quarter Financial results.

9.B. District Transparency Renewal.

Manager Porter presented the District Transparency renewal process.

Motion: To approve District Transparency Renewal process.

Move: Kaelker-Boor

Second: Yoder

Board vote:

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

Noes: None

9.C California Low-Income Household Water Assistance Program. Board action required:
Review and consider enrolling in the program.

Manager Porter presented the California Low Income Household Water Assistance Program (LIHWAP).

Motion: To enroll in the LIHWAP and ask District Counsel to investigate the legal aspects of the program and confirm that the direct payment process will be allowable by the District.

Move: Yoder

Second: Prupes

Board vote:

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

Noes: None

9.D. Santa Clara County LAFCO - Proposed Budget for FY2022-23 & Notice of June 1, 2022
LAFCO Public Hearing.

Board reviewed and noted the LAFCO Budget and Notice of Public Hearing.

9.E. Set Public Hearing for FY2022-2023 Taxroll Collection on June 21, 2022.

Board asked staff to prepare information on the CIP for the public hearing and asked staff to investigate the availability of the Rose Garden Branch Library as a venue to hold the public hearing.

Motion: To set the public hearing for June 21, 2022.

Move: Yoder

Second: Kaelker-Boor

Board vote:

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

Noes: None

10. OLD BUSINESS

10.A. Status of SRF Loan and CIP Update. Review and approve Imperium First Consulting Amendment to Agreement.

Deputy Manager Woodhouse presented the status of the CIP and SRF Loan. The SWRCB has approved the Final Budget Approval Package that was submitted in early November 2021.

Motion: To approve Imperium First Consulting Amendment to Agreement.

Move: Prupes

Second: Colson

Board vote:

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

Noes: None

10.B. Long Range Financial Planning.

Item was moved to before the Consent Calendar.

10.C. District Website Update.

Manager Porter provided an update on the District website enhancements.

10.D. GreenWaste Recovery, Inc. 1) Annual Spring Clean Up Day Update - Board Involvement. 2) GreenWaste Quarterly Newsletter. 3) Delinquent Account April 2022.

Board members will be observers at the clean-up day and will be available to assist GreenWaste if needed. GreenWaste to make sure pictures in the newsletter match the text.

10.E. COVID-19 Update.

Manager Porter reported that District staff are back working in the office in a hybrid arrangement.

11. HOUSEKEEPING ITEMS

11.A. Updates on Housekeeping Items.

No update.

11.B. Agenda Items for Next Upcoming Meeting.

- Status of LIHWAP grants program.
- Discuss status of draft letter to City for clarification on the City of San Jose overhead calculation.
- Consider cancelling the next Board Meeting of May 3, 2022.

12. ADJOURNMENT – NEXT REGULAR MEETING – Tuesday, May 3, 2022

Motion: To adjourn meeting at 9:16 pm.

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

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

Approved: May 17, 2022

Respectfully Submitted,

Mark Thomas & Company, Inc.

Procopio Sclafani, President

District Manager
Benjamin T. Porter, PE