

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 7:10 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 open session through item 7.A)
Staff: Benjamin Porter (District Manager), Robert Woodhouse (Deputy District Manager)
Vani Kathula (Joined meeting at 8:59pm for item 11.B.)
Visitors: None

3. APPROVAL OF AGENDA

Motion: To approve the agenda.

Move: Colson

Second: Prupes

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 – 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 Health Officer announced on May 10, 2022 that COVID-19 cases are rising again to higher levels than last summer's surge and there is a rise in hospitalizations; she continues to encourage social distancing and advises people wear masks indoors, 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: Prupes

Second: Kaelker-Boor

Board vote:

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

Noes: None

Absent: None

6. CLOSED SESSION

6.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.

There was no Closed Session.

7. UNFINISHED BUSINESS ITEM MOVED UP ON THE AGENDA

7.A. Long Range Financial Planning. Board action required: Discuss Item 7.A.

- Board directed staff to investigate a rebate program to install new cleanouts on sewer system laterals.
- Board directed staff to investigate services provided by County Roads & Airports to homeowners who are developing their properties such as adding ADUs.

8. CONSENT CALENDAR

8.A. Approval of Minutes from the Regular Meetings of June 21, 2022

Motion: To approve Meeting Minutes from the Regular Meetings of June 21, 2022.

Move: Yoder

Second: Prupes

Board vote:

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

Noes: None

Absent: None

9. WARRANTS

9.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. Alliant Insurance Services, Inc. (Insurance Premium 7/1/22 – 7/1/23)
6. Cupertino Sanitary District (Common Interest Group Cost Sharing April – May 2022)
7. Southwest Pipeline & Trenchless Corp (District-Wide CIP Project)

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

Move: Prupes

Second: Yoder

Board vote:

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

Noes: None

Absent: None

10. NEW BUSINESS

10.A. FY2021-2022 Year End Financial Review

Manager Porter provided a description of the year-end finances of the District.

10. B. Proposed City-Conducted Annexation, Burbank 47

Manager Porter facilitated the following discussion letter of proposed annexation that was received from the City of San Jose.

- It is important to document the financial impacts of continued annexation of properties to the City of San Jose.
- It is important to hold the City of San Jose accountable to following the due process for annexation of BSD properties.

10. C. Revised 2022-2023 San Jose-Santa Clara Regional Wastewater Facility Operating and Maintenance Estimated Cost Distribution.

Manager Porter presented a letter from the City of San Jose regarding the San Jose-Santa Clara Regional Wastewater Facility Operating and Maintenance Estimated Cost Distribution. He pointed out that the City of San Jose made an error in its calculation of the estimated costs to BSD. Payment will be made in August.

11. OLD BUSINESS

11.A. Status of SRF Loan and CIP Update. Board action required: Approve Resolution #289 Accepting the District-Wide Capital Improvement Project.

Manager Porter and Deputy Manager Woodhouse provided an update on the status of the Disbursement request for the SRF loan. Deputy Manager Woodhouse talked about the path forward which will include submittal of the Quarterly Report and the plan for District staff to meet with Crysten Cole, the State representative of the SRF program, at the District office in August. They will discuss the process to be followed for final disbursement of funds for the project and the project completion report.

Motion: To approve Resolution #289 – Accepting District-Wide Capital Improvement Project.

Move: Kealker-Boor

Second: Colson

Board vote:

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

Noes: None

Absent: None

11.B. District Website Update.

Senior Engineer Kathula provided an update on the revisions that are being made to the District website to describe the District's capital improvement projects.

11.C. GreenWaste Recovery, Inc. – 1) Annual Clean Up Day Report Statistics 2) Delinquent Accounts – June 2022

Manager Porter presented GreenWaste statistics on the amount and types of waste collected from the District.

Board noted the GreenWaste Delinquent Accounts for June 2022.

11.D. Upcoming November 8, 2022, General Election Update - Nomination Period Opens July 18, 2022, to August 12, 2022. Board action required: Board Members due election to file nomination form by August 12, 2022.

Board noted the Candidate Nomination Open Period. President Sclafani will fill out the nomination form.

11.E. District Transparency Renewal Update.

Manager Porter announced that the District Transparency Renewal was complete and approved.

11.F. COVID-19 Update.

No update.

12. HOUSEKEEPING ITEMS

12.A. Updates on Housekeeping Items.

No update.

12.B. Agenda Items for Next Upcoming Meeting.

- Lateral cleanout investigation
- Elections and survey results

13. ADJOURNMENT – NEXT REGULAR MEETING – Tuesday, August 2, 2022

Motion: To adjourn meeting at 9:30 pm.

Move: Prupes **Second:** Colson

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

Approved: August 2, 2022

Respectfully Submitted,

Mark Thomas & Company, Inc.

Procopio Sclafani, President

District Manager
Benjamin T. Porter, PE