

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 the meeting at the beginning of the Closed Session)
Directors Absent: None
Counsel Present: Valerie Armento (present for the open session through item 7.A & 10.C)
Staff: Benjamin Porter (District Manager), Robert Woodhouse (Deputy District Manager)
Visitors: None

3. APPROVAL OF AGENDA

Motion: To approve the agenda by moving Item 10.C ahead in the agenda to follow Item 7.A.

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 – Manager Porter reported that he and Deputy Manager Woodhouse attended the CASA meeting last week in Lake Tahoe and highlighted sessions that he attended and the value of those presentations to the Board.

4.C. Board Commentary - None.

5. AB 361

The Board makes the following findings required by AB 361 in order to hold this meeting 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 positivity rate is over 14% and the County Health Officer continues to encourage social distancing and advises people to wear masks indoors, and (3) due to room capacity limitations, meeting in person could 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

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.

Closed session discussion commenced at 7:18 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. UNFINISHED BUSINESS ITEM MOVED UP ON THE AGENDA

7.A. Long Range Financial Planning. Board action required: Continue discussion of LRFPP communications.

Director Colson talked about ways the Board could engage with the County Planning Department by attending County’s Master Planning process and the impacts of SB 9 on the planning process. He also informed the Board that the Burbank Theater has requested annexation to the City of San Jose.

Item 10.C (Moved Item)

10.C. Biennial Review of Conflict-of-Interest Code. Board action required: Review COI Code.

Motion: To keep conflict-of-Interest Code as it stands

Move: Yoder **Second:** Colson

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

8. CONSENT CALENDAR

8.A. Approval of Minutes from the Regular Meetings of August 2, 2022

Motion: To approve Meeting Minutes from the Regular Meetings of August 2, 2022

Move: Yoder **Second:** Kaelker-Boor

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

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. City of San Jose (TP O&M and Capital Billing Q1 FY2022-23)
6. Cupertino Sanitary District (Common Interest Group Cost Sharing June 2022)
7. Local Agency Formation Commission (LAFCO – Cost Sharing FY2022-23)

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

Move: Kaelker-Boor

Second: Prupes

Board vote:

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

Noes: None

Absent: None

10. NEW BUSINESS

10.A. Discussion of Sewer Lateral Replacement/Property Line Cleanout Installation Rebate/Grant Program. Board action required: Discuss Item 10.A.

District staff investigated Sewer Lateral Replacement/Property Line Cleanout Installation Rebate/Grant Programs. Board requested staff to investigate problem laterals with severe root intrusion from the CCTV that was completed on the recently completed District CIP project.

10. B. Recruitment of New Board Members. Board action required: Discuss recruitment of new Board Member(s).

Board requested staff to estimate the cost for a mailer to District customers soliciting interest in becoming Board members.

10. C. Biennial Review of Conflict-of-Interest Code.

Item was moved to after Item 7.A.

11. OLD BUSINESS

11.A. Status of SRF Loan and CIP Update. Board action required: None.

Deputy Manager Woodhouse notified the Board that District staff had provided all the required information to the SWRCB to support Disbursement Request Number 1 and payment should be received soon.

11.B. District Website Update.

District Manager Porter provided an update on the status of the website update.

11.C. GreenWaste Recovery, Inc. – 2nd Clean Up Day Discussion. Board action required: Review and discuss Quote for 2nd Clean Up Day.

Board requested staff to check with GreenWaste to see if they can lower the cost of the 2nd Clean Up Day considering that GreeWaste did not communicate well with residents for the Spring Clean Up Day.

11.D. Upcoming November 8, 2022, General Election Update.

President Sclafani has filed the nomination.

11.F. COVID-19 Update.

No update.

12. HOUSEKEEPING ITEMS

12.A. Updates on Housekeeping Items.

Director Yoder will not be able to attend the first meeting in September

12.B. Agenda Items for Next Upcoming Meeting.

- Follow up on District as part of the permitting process for new development
- Communication with the Santa Clara Waste Management Commission

13. ADJOURNMENT – NEXT REGULAR MEETING – Tuesday, September 6, 2022

Motion: To adjourn meeting at 9:50 pm.

Move: Prupes **Second:** Colson

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

Approved: September 20, 2022

Respectfully Submitted,

Mark Thomas & Company, Inc.

Procopio Sclafani, President

District Manager
Benjamin T. Porter, PE