

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 open session through item 7.A)
Staff: Benjamin Porter (District Manager), Vani Kathula (Senior Sanitary Engineer)
Visitors: None

3. APPROVAL OF AGENDA

Motion: To approve the agenda.

Move: Yoder

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 – Manger Porter advised that Engineer Kathula is attending meeting to substitute for Deputy Manager Woodhouse who is on vacation.

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: Colson

Second: Yoder

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.

Closed session discussion commenced at 7:07 pm and ended at 7:11 pm. Manager Porter and Senior Engineer Kathula were excused. No reportable action was taken at the closed session. Staff rejoined the regular session

7. NEW BUSINESS ITEM MOVED UP ON THE AGENDA

7.A. Board Compensation. Board action required: Discussion of Board Compensation.

Board and District Counsel reviewed and discussed the Board compensation of various similar agencies in the Bay. Board and Counsel agreed that completing Ethics Training is considered attending a meeting and Directors should be compensated. District Counsel advised that an Ordinance and a public notice and hearing are required for an increase and it would take 60 days to go into effect.

Motion: To prepare notice for public hearing to consider increasing Board Member Compensation to \$240 per meeting.

Move: Colson

Second: Yoder

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 16, 2022

Motion: To approve Meeting Minutes from the Regular Meetings of August 16, 2022

Move: Kaelker-Boor

Second: Colson

Board vote:

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

Noes: None

Absent: None

Abstain: 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. Cupertino Sanitary District (Common Interest Group Cost Sharing July 2022)

Motion: To approve five (5) warrants as listed.

Move: Prupes

Second: Yoder

Board vote:

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

Noes: None

Absent: None

10. NEW BUSINESS

10.A. California Business Roundtable Initiative (CBRT) #21-0042A1. Board action required: Review and adopt Resolution #290 – To Oppose CBRT Initiative.

Board discussed the CBRT initiative and consensus was to oppose. Staff to prepare a revised Resolution.

10.B. District Permitting Process for New Developments. Board action required: None.

Manager Porter presented the memo that outlined the permitting process for new development. Director Colson suggested that this information should be posted on District Website

10.C. Lateral Repair Assessment. Board action required: None.

Manager Porter shared the list of top 15 laterals that need to be fixed based on the CCTV inspection data. Board requested staff to prepare a more revised list which includes cost and priority for the next meeting.

10.D. Communication with Santa Clara Waste Management Commission. Board action required: None.

Board requested staff to check out the website on the Santa Clara Waste Management Commission particularly on information for resolutions.

11. OLD BUSINESS

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

Manager Porter reported the District is in the process of getting the check from the State. District received a request to release the Bond to the contractor.

11.B. District Website Update.

Board reviewed website and provided feedback on how to improve graphics.

11.C. GreenWaste Recovery, Inc. – 2nd Clean Up Day Update. Board action required: None.

Manager Porter contacted GreenWaste to request they consider lowering the cost of the 2nd Clean Up Day in light of the incomplete notification to the residents and is waiting for GreenWaste to respond.

11.D. Recruitment of New Board Members – Outreach Cost. Board action required: Review quote for recruitment flyer and door hanger

Board reviewed the quotes and suggested staff to prepare a flyer, door hanger and a list of the Board Member position FAQs for their review. Board suggested that the flyer should be posted on District website and NextDoor.

Staff to prepare a labor cost estimate for delivering door hangers for the Board to review.

11.E. COVID-19 Update.
No update.

12. HOUSEKEEPING ITEMS

12.A. Updates on Housekeeping Items.
No update.

12.B. Agenda Items for Next Upcoming Meeting.

- Long Range Financial Planning
- Board Member Recruitment Flyer

13. ADJOURNMENT – NEXT REGULAR MEETING – Tuesday, October 4, 2022

Motion: To adjourn meeting at 9:17 pm.

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

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

Approved: October 4, 2022

Respectfully Submitted,

Mark Thomas & Company, Inc.

Procopio Sclafani, President

District Manager
Benjamin T. Porter, PE