
BURBANK SANITARY DISTRICT
REGULAR MEETING AGENDA FOR
October 4, 2022 at 7:00 PM

The meeting will be held at 7:00 p.m. via teleconferencing and anyone interested may also call in.
[call (866) 899-4679 Conference ID: 785-518-013]

The District Office at 20863 Stevens Creek Boulevard, Suite 100, Cupertino, California is closed.

1. CALL TO ORDER

2. ROLL CALL

3. APPROVAL OF AGENDA

4. PUBLIC COMMENTARY – This area is reserved for items **not** listed on the agenda. The Brown Act does not allow discussion of or action on items not on the agenda. The Board may briefly respond to comments or questions from members of the public, provide a reference to staff or other resources for factual information, or direct staff to place the issue on a future agenda. There is a three (3) minute limit for individual speakers.

4.A. Visitor Commentary

4.B. Agency Representatives

4.C. Board Commentary

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 California Department of Public Health and the County Health Officer continue to encourage social distancing and strongly recommend that all people wear masks in all indoors public spaces, and (3) due to room capacity limitations, meeting in person could present imminent risks to the health or safety of attendees.

Board Action Required: Review and make findings (1), (2), and (3) required by AB 361.

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.

7. CONSENT CALENDAR

7.A. Approval of Minutes. Board action required: Approve Meeting Minutes from 9/20/2022

8. NEW BUSINESS

8.A. Board Compensation Increase. Board action required: Set Public Hearing for Board Compensation Increase on November 1, 2022.

9. OLD BUSINESS

9.A. Long Range Financial Planning. Board action required: Continue discussion of LRFP communications.

9.B. Status of SRF Loan and CIP Update. Board action required: None.

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

9.D. California Business Roundtable Initiative (CBRT) #21-0042A1. Board action required: Review revised Resolution #290.

- 9.E. Lateral Repair Assessment. Board action required: Review revised repair list.
- 9.F. Recruitment of New Board Members. Board action required: Review flyer and door hanger.
- 9.G. COVID-19 Update. Board action required: None.

10. HOUSEKEEPING ITEMS

- 10.A. Updates on Housekeeping Items. Board action required: None.
- 10.B. Agenda Items for Next Upcoming Meeting. Board action required: None.

11. ADJOURNMENT: NEXT REGULAR MEETING – Tuesday, October 18, 2022

In compliance with the Americans with Disabilities Act of 1990, if you need special assistance to participate in a District meeting, or you need a copy of the agenda, or the agenda packet, in an appropriate alternative format, please contact the District Administrator's office at (408) 255-2137. Notification of at least 48 hours prior to the meeting or time when services are needed will assist the District staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service. In accordance with California Government Code Section 54957.5, any writing or document that is a public record, relates to an open session agenda item, and is distributed less than 72 hours prior to a regular meeting will be made available for public inspection at the District Office. If, however, the document or writing is not distributed until the regular meeting to which it relates, then the document or writing will be made available to the public at the location of the meeting, as listed on this agenda.

* Pursuant to Government Code 54954 subsection b, subsection 4, this facility constitutes the closest meeting facility for the Burbank Sanitary District, since the District has no other meeting facility within the boundaries of the territory, over which the Burbank Sanitary District exercises jurisdiction.

BURBANK SANITARY DISTRICT

7. CONSENT CALENDAR

7.A. APPROVAL OF MINUTES

Approve Minutes from Regular Meeting of
September 20, 2022

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

BURBANK SANITARY DISTRICT

9. OLD BUSINESS

- 9.A. Long Range Financial Planning
- 9.B. Status of SRF Loan and CIP Update
- 9.C. Green Waste Recovery, Inc
- 9.D. CBRT#21-0042A1
- 9.E. Lateral Repair Assessment
- 9.F. Recruitment of New Board Members
- 9.G. COVID-19 Update

RESOLUTION NO. 290

A RESOLUTION TO OPPOSE INITIATIVE 21-0042A1

WHEREAS, an association representing California's wealthiest corporations and developers is spending millions to push a deceptive proposition aimed for the November 2024 statewide ballot; and

WHEREAS, the proposed proposition, Initiative 21-0042A1, has received the official title: "LIMITS ABILITY OF VOTERS AND STATE AND LOCAL GOVERNMENTS TO RAISE REVENUES FOR GOVERNMENT SERVICES. INITIATIVE CONSTITUTIONAL AMENDMENT"; and

WHEREAS, the measure includes provisions that would make it more difficult for local voters to pass measures needed to fund local services and infrastructure, and would limit voter input by prohibiting local advisory measures where voters provide direction on how they want their local tax dollars spent; and

WHEREAS, the measure exposes taxpayers and Burbank Sanitary District to new costly litigation, limits the discretion and flexibility of locally elected boards including Burbank Sanitary District to respond to the needs of their communities, and injects uncertainty into the financing and sustainability of critical infrastructure; and

WHEREAS, the measure severely restricts Burbank Sanitary District's ability to protect our environment, public health and safety, and our neighborhood against collection system failures that could result in sanitary sewer overflows and the District's ability to respond to emergencies; and

WHEREAS, the measure creates new constitutional loopholes that would allow corporations to pay less than their fair share for the impacts they impose on our communities, including local infrastructure and our sewer collection system, our environment, water quality, air quality, and natural resources; and

WHEREAS, the measure threatens billions of dollars currently dedicated to state and local services, and could force cuts to Burbank Sanitary District that would limit the District's ability to adequately fund District maintenance, operation, administration, and engineering as well as public schools, fire and emergency response, law enforcement, public health, parks, libraries, affordable housing, services to address homelessness, mental health services, and more; and

WHEREAS, the measure would also reduce funding for critical infrastructure like the Burbank Sanitary District's collection system, streets and roads, public transportation, ports, drinking water, sanitation, utilities, and more.

THEREFORE, BE IT RESOLVED that the Burbank Sanitary District opposes Initiative 21-0042A1;

BE IT FURTHER RESOLVED that the Burbank Sanitary District will join the No on Initiative 21-0042A1 coalition, a growing coalition of public safety, labor, local government, infrastructure advocates, and other organizations throughout the state.

We direct staff to email a copy of this adopted resolution to the California Special Districts Association at advocacy@csda.net

I hereby certify that the foregoing is a full, true and correct copy of a resolution which was duly and regularly passed and adopted by the Sanitary Board of the Burbank Sanitary District, at a meeting thereof held on the 4th day of October 2022, by the following vote of the members thereof:

AYES: and in favor thereof, Members:

NOES: Members: None.

ABSENT: Members: None

ABSTAIN: Members: None.

RECUSE: Members: None.

Secretary, Burbank Sanitary District

APPROVED:

President, Burbank Sanitary District

BURBANK SANITARY DISTRICT- LATERAL REHABILITATION COST ESTIMATE

No.	Address	Scope of Work	Cost Estimate	Reason	Miscellaneous Info
1	541 Laswell Ave	Item 1: Install new PLCO Item 2: Spot Repair - Remove and replace 4"X 6" PVC SDR-26 wye at point of connnection (contingent upon condition of lower lateral and POC)	Item 1: \$ 4,000 Item 2: \$ 7,000 (contingent upon condition of lower lateral and POC)	HEAVY ROOTS	
2	531 Laswell Ave	Item 1: Install new PLCO Item 2: Spot Repair - Remove and replace 4"X 6" PVC SDR-26 wye at point of connnection (contingent upon condition of lower lateral and POC)	Item 1: \$ 4,000 Item 2: \$ 7,000 (contingent upon condition of lower lateral and POC)	HEAVY ROOTS	
3	522 Laswell Ave	Item 1: Install new PLCO Item 2: Spot Repair - Remove and replace 4"X 6" PVC SDR-26 wye at point of connnection (contingent upon condition of lower lateral and POC)	Item 1: \$ 4,000 Item 2: \$ 7,000 (contingent upon condition of lower lateral and POC)	HEAVY ROOTS	
4	506 S Bascom Ave	Item 1: Install new PLCO Item 2: Spot Repair - Remove and replace 4"X 6" PVC SDR-26 wye at point of connnection (contingent upon condition of lower lateral and POC)	Item 1: \$ 4,000 Item 2: \$ 7,000 (contingent upon condition of lower lateral and POC)	HEAVY ROOTS	506 S Bascom Ave should be a rental property. The property is owned by Daniel Su.
5	501 Laswell Ave	Item 1: Install new PLCO Item 2: Spot Repair - Remove and replace 4"X 6" PVC SDR-26 wye at point of connnection (contingent upon condition of lower lateral and POC)	Item 1: \$ 4,000 Item 2: \$ 7,000 (contingent upon condition of lower lateral and POC)	HEAVY ROOTS	
6	2280 Bailey Ave	Item 1: Install new PLCO Item 2: Spot Repair - Remove and replace 4"X 6" PVC SDR-26 wye at point of connnection (contingent upon condition of lower lateral and POC)	Item 1: \$ 4,000 Item 2: \$ 7,000 (contingent upon condition of lower lateral and POC)	HEAVY ROOTS	
7	2289 Bailey Ave	Item 1: Install new PLCO Item 2: Spot Repair - Remove and replace 4"X 6" PVC SDR-26 wye at point of connnection (contingent upon condition of lower lateral and POC)	Item 1: \$ 4,000 Item 2: \$ 7,000 (contingent upon condition of lower lateral and POC)	HEAVY ROOTS	
8	2311 Bailey Ave	Item 1: Install new PLCO Item 2: Spot Repair - Remove and replace 4"X 6" PVC SDR-26 wye at point of connnection (contingent upon condition of lower lateral and POC)	Item 1: \$ 4,000 Item 2: \$ 7,000 (contingent upon condition of lower lateral and POC)	HEAVY ROOTS	
9	2216 Bailey Ave	Item 1: Install new PLCO Item 2: Spot Repair - Remove and replace 4"X 6" PVC SDR-26 wye at point of connnection (contingent upon condition of lower lateral and POC)	Item 1: \$ 4,000 Item 2: \$ 7,000 (contingent upon condition of lower lateral and POC)	HEAVY ROOTS	
10	2217 Bailey Ave	Item 1: Install new PLCO Item 2: Spot Repair - Remove and replace 4"X 6" PVC SDR-26 wye at point of connnection (contingent upon condition of lower lateral and POC)	Item 1: \$ 4,000 Item 2: \$ 7,000 (contingent upon condition of lower lateral and POC)	HEAVY ROOTS	
11	2225 Bailey Ave	Item 1: Install new PLCO Item 2: Spot Repair - Remove and replace 4"X 6" PVC SDR-26 wye at point of connnection (contingent upon condition of lower lateral and POC)	Item 1: \$ 4,000 Item 2: \$ 7,000 (contingent upon condition of lower lateral and POC)	HEAVY ROOTS	
12	156 Boston Ave	Item 1: Install new PLCO And BF Preventer	Item 1: \$ 4,500	WYE LOCATION- RISK OF BACKFLOW	
13	190 Boston Ave	Item 1: Install BF Preventer	Item 1: \$ 1,500	WYE LOCATION- RISK OF BACKFLOW	Property has PLCO - Need to verify condition before installing BF Device
14	365 Laswell Ave	Item 1: Install new PLCO And BF Preventer	Item 1: \$ 4,500	WYE LOCATION- RISK OF BACKFLOW	
15	1974 Vaughn Ave	Item 1: Spot repair- Remove 6' of 6" VCP and replace with 6' of 6" PVC SDR-26	Item 1: \$ 7,500	CRACKED PIPE	
16	358 Laswell Ave	Item 1: Spot repair- Remove 6' of 6" VCP and replace with 6' of 6" PVC SDR-26	Item 1: \$ 7,500	CRACKED PIPE	
17	183 & 185 Brooklyn Ave	Item 1: Spot repair- Remove 10' of 6" VCP and replace with 10' of 6" PVC SDR-26	Item 1: \$ 9,500	HIGH WATER LEVEL	
			Total Cost: Item 1 Repairs: \$ 79,000 Item 1 and 2 Repairs: \$ 156,000		