

# BURBANK SANITARY DISTRICT

## SPECIAL MEETING AGENDA FOR December 12, 2022 at 4:00 PM

The meeting will be held at 4:00 p.m. in person at the District Office at 20863 Stevens Creek Boulevard, Suite 100, Cupertino, California and via teleconferencing and anyone interested may also call in.[call (866) 899-4679 Conference ID: 785-518-013]

**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. UNFINISHED BUSINESS ITEM MOVED UP ON THE AGENDA**

6.A. Recruitment of New Board Members Update. Board action required: Interview candidates.

**7. CLOSED SESSION**

**7.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.

**8. CONSENT CALENDAR**

8.A. Approval of Minutes. Board action required: Approve Meeting Minutes from 11/15/2022

**9. WARRANTS**

9.A. Approval of Warrants. Board action required: Approve seven (7) 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 Agreement Cost Sharing October 2022)
6. California Association of Sanitation Agencies (Membership Renewal 2023)
7. Roto-Rooter Plumbing (124 Boston Ave)

**10. NEW BUSINESS**

- 10.A. Oath of Office – Director Sclafani to take Oath of Office.
- 10.B. Board Elections. Elect a new President and Secretary for 2023. Board action required: Elect Board President and Secretary for 2023.
- 10.C. Resolution No 292 & 293 – Commendations for Director Michelle Kaelker-Boor and Director Rebecca Yoder. Board action required: Review and adopt Resolutions No. 292 & 293.
- 10.D. Revised FY2021-22 Operation & Maintenance Cost Sharing. Board action required: None.
- 10.E. Hybrid Meetings after Termination of State of Emergency. Board action required: Discuss.

**11. OLD BUSINESS**

- 11.A. Status of SRF Loan and CIP Update. Board action required: None.
- 11.B. Burbank 44 - Proposed City-Conducted Annexation Update. Board action required: Review Correspondence from the City of San Jose.
- 11.C. GreenWaste Recovery, Inc. – Annual Spring Clean Up Day Planning. Board action required: Consider May 20, 2023 as the Annual Clean Up Day.
- 11.D. COVID-19 Update. Board action required: None.

**12. HOUSEKEEPING ITEMS**

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

**13. ADJOURNMENT: NEXT REGULAR MEETING – Tuesday, December 20, 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.