

1. CALL TO ORDER

The Board of the Burbank Sanitary District convened this date at 4:00 p.m. in person at District Office at 20863 Stevens Creek Boulevard, Suite 100, Cupertino, California and via teleconferencing in accordance with AB361. President Sclafani called the meeting to order at 4:20 p.m.

2. ROLL CALL

Directors Present: Procopio Sclafani, Ken Colson, Rene Prupes, Michelle Kaelker-Boor, Rebecca Yoder
Directors Absent: None
Counsel Present: Valerie Armento (Present for the open session through Item 10)
Staff: Benjamin Porter (District Manager), Robert Woodhouse (Deputy District Manager)
Advisor: Richard Tanaka
Visitors: Jimmy Lew, Mark Negrete, Kristina Seldal

3. APPROVAL OF AGENDA

Motion: To approve the agenda.

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

Board vote: **Ayes:** Sclafani, Yoder, Colson, Prupes, Kaelker-Boor
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 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

Motion: Move make findings (1), (2), and (3) in accordance with AB 361.

Move: Colson **Second:** Kaelker-Boor

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

6 UNFINISHED BUSINESS ITEM MOVED UP ON THE AGENDA

6.A. Recruitment of New Board Members Update. Board action required: Interview candidates.
The Board interviewed three Board Member candidates: Jimmy Lew, Mark Negrete and Kristina Seldal.

7. 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.

8. CONSENT CALENDAR

8.A. Approval of Minutes from the Regular Meeting of November 15, 2022

Motion: To approve Meeting Minutes from the Regular Meeting of November 15, 2022

Move: Kaelker-Boor

Second: Colson

Board vote:

Ayes: Kaelker-Boor, Colson, Prupes

Noes: None

Absent: None

Abstain: Sclafani, Yoder

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 October 2022)
6. California Association of Sanitation Agencies (Membership Renewal 2023)
7. Roto-Rooter Plumbing (124 Boston Ave)

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

Move: Yoder

Second: Kaelker-Boor

Board vote:

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

Noes: None

Absent: None

10. NEW BUSINESS

10.A. Oath of Office – Director Sclafani to take Oath of Office

Director Prupes administered the Oath of Office to Director Sclafani.

10.B. Board Elections. Elect a new President and Secretary for 2023. Board action required: Elect Board President and Secretary for 2023.

Director Kaelker-Boor nominated Director Prupes as President and Director Yoder nominated Director Sclafani as Secretary for the year of 2023.

Motion: To elect Director Prupes as Board President and Director Sclafani as Board Secretary

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

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

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.

Motion: To adopt Resolutions No. 292 & 293

Move: Prupes **Second:** Sclafani

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

10.D. Revised FY2021-22 Operation & Maintenance Cost Sharing.

Board reviewed and noted the revised FY2021-22 Operation & Maintenance Cost Sharing.

10.E. Hybrid Meetings after Termination of State of Emergency. Board action required: Discuss.

Motion: To allow constituents to continue to participate in Board Meeting remotely after the State of emergency has ended

Move: Yoder **Second:** Colson

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

11. OLD BUSINESS

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

Deputy Manager Woodhouse provided an update on the SRF Loan disbursement.

11.B. Burbank 44 - Proposed City-Conducted Annexation Update. Board action required: Review Correspondence from the City of San Jose

Manager Porter provided an update to the proposed Burbank 44 annexation. The Board directed staff to consider adding an update to the District's website and to add this to the agenda for the first meeting in January..

11.C. GreenWaste Recovery, Inc. – Annual Spring Clean Up Day Planning. Board action required: Consider May 20, 2023 as the Annual Clean Up Day.

Board directed staff to proceed with planning the Spring Clean Up Day for May 20, 2023.

11.D. COVID-19 Update.

No update.

12. HOUSEKEEPING ITEMS

12.A. Updates on Housekeeping Items.

No update

12.B. Agenda Items for Next Upcoming Meeting.

No update

13. ADJOURNMENT – NEXT REGULAR MEETING – Tuesday, December 20, 2022

Motion: To adjourn meeting at 6:42 pm.

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

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

Approved: January 17, 2023

Respectfully Submitted,

Mark Thomas & Company, Inc.

Rene Prupes, President

District Manager
Benjamin T. Porter, PE