

**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 Prupes called the meeting to order at 7:01 p.m.

**2. ROLL CALL**

Directors Present: Procopio Sclafani, Ken Colson, Rene Prupes, Michelle Kaelker-Boor  
Directors Absent: None  
Counsel Present: Valerie Armento (Present for the open session through Item 7)  
Staff: Benjamin Porter (District Manager), Robert Woodhouse (Deputy District Manager)  
Visitors: None

**3. APPROVAL OF AGENDA**

**Motion:** To approve the agenda.

**Move:** Colson

**Second:** Sclafani

**Board vote:**

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

**Second:** Sclafani

**Board vote:**

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

**Noes:** None

**Absent:** None

**6. BOARD VACANCIES AND APPOINTMENTS**

6.A. Board Vacancies and Appointments. Board action required: Discuss Board Vacancies and Appointments.

Manager Porter informed the Board that Director Yoder resigned from the Board effective January 17, 2023.

The Board directed staff to put forward two candidates for the open Burbank Sanitary District Board position at the earliest possible Board of Supervisors meeting.

**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.

Closed session discussion commenced at 7:54 pm and ended at 8:06 pm. Manager Porter and Deputy Manager Woodhouse were excused. No reportable action was taken at the closed session. Staff rejoined the regular session.

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

8.A. Burbank 44 – Proposed City-Conducted Annexation Update. Board action required: Discuss Burbank 44 Proposed City-Conducted Annexation.

Board directed staff to add layered development to the strategic plan and also to evaluate the current operations code and determine if the District’s fee structure is appropriate for residential and non-residential connection fees considering the current treatment plant costs and other costs for the District.

**9. CONSENT CALENDAR**

9.A. Approval of Minutes from the Special Meetings of December 12, 2022 and December 23, 2022.

**Motion:** To approve Meeting Minutes from the Special Meeting of December 12, 2022

**Move:** Kaelker-Boor

**Second:** Sclafani

**Board vote:**

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

**Noes:** None

**Absent:** None

**Abstain:** None

**Motion:** To approve Meeting Minutes from the Special Meeting of December 23, 2022

**Move:** Kaelker-Boor

**Second:** Sclafani

**Board vote:**

**Ayes:** Prupes, Sclafani, Kaelker-Boor

**Noes:** None

**Absent:** None

**Abstain:** Colson

**10. WARRANTS**

10.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 & Capital Billing Q3 FY2022-23)
6. Cupertino Sanitary District (Common Interest Group Cost Sharing November 2022)
7. State Water Resources Control Board (Annual Permit Fee 7/1/2022 – 6/30/23)

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

**Move:** Colson

**Second:** Sclafani

**Board vote:**

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

**Noes:** None

**Absent:** None

**11. NEW BUSINESS**

11.A. FY2022-23 Second Quarter Financial Review.

Board reviewed and noted the FY2022-23 Second Quarter Financial Review.

11.B. City of San Jose – 1) Third Quarter Adjustment FY2021-22 Credits. 2) FY2023-24 Revenue Program Timetable.

Board reviewed and noted the City of San Jose's Third Quarter Adjustment FY2021-22 Credits and FY2023-24 Revenue Program Timetable.

**12. OLD BUSINESS**

12.A. COVID-19 Update.

Board directed staff to investigate what actions the Board needs to take to ensure Board members and the public can participate in Board meetings remotely in the future.

**13. HOUSEKEEPING ITEMS**

13.A. Updates on Housekeeping Items.

No update

13.B. Agenda Items for Next Upcoming Meeting.

- Actions the Board needs to take to ensure Board members and the public can participate in Board meetings remotely in the future
- Website Update
- Strategic Plan Update

**14. ADJOURNMENT – NEXT REGULAR MEETING – Tuesday, February 7, 2023**

**Motion:** To adjourn meeting at 9:06 pm.

**Move:** Kaelker-Boor    **Second:** Sclafani

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

Approved: February 21, 2023

Respectfully Submitted,

**Mark Thomas & Company, Inc.**

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Rene Prupes, President

District Manager  
Benjamin T. Porter, PE