
**BURBANK SANITARY DISTRICT
SPECIAL MEETING AGENDA FOR
September 17, 2024 at 5:30 PM**

The meeting will be held at 6:00 p.m. in person at District Office, 20863 Stevens Creek Boulevard, Suite 100, Cupertino, CA 95014 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. CLOSED SESSION

5.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.

6. CONSENT CALENDAR

6.A. Approval of Minutes. Board action required: Approve Meeting Minutes from 8/20/24.

7. WARRANTS

7.A. Approval of Warrants. Board action required: Approve three (3) warrants.

1. Mark Thomas & Company, Inc. (District Management Services)

2. First Tech Federal Credit Union (Board of Directors' Payroll)

3. Armento and Hynes, LLP (District Legal Services)

8. NEW BUSINESS

8.A. Registrar of Voters – Certificate of Election. Board action required: None.

9. UNFINISHED BUSINESS

9.A. Long Range Financial Planning. Board action required: Discuss LRFP.

10. HOUSEKEEPING ITEMS

10.A. Updates on Housekeeping Items. Board action required: None.

10.B. Agenda Items for Next Meeting. Board action required: None.

11. ADJOURNMENT: NEXT REGULAR MEETING – Tuesday, October 1, 2024

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

6. CONSENT CALENDAR

6.A. APPROVAL OF MINUTES

Approve Minutes from Regular Meeting of
August 20, 2024

1. CALL TO ORDER

The Board of the Burbank Sanitary District convened this date at 7:00 p.m. in person at the District Office at 20863 Stevens Creek Boulevard, Suite 100, Cupertino, CA 95014 and via teleconferencing. President Prupes called the meeting to order at 7:00 p.m.

2. ROLL CALL

Directors Present: Rene Prupes, Procopio Sclafani, Ken Colson, Mark Negrete, Kristina Seldal
Directors Absent: None
Staff: Benjamin Porter (District Manager), Vani Kathula (Senior Sanitary Engineer, joined remotely)
Counsel: None
Advisor: None
Visitors: None

3. APPROVAL OF AGENDA

Motion: To approve the agenda.

Move: Negrete

Second: Seldal

Board vote:

Ayes: Prupes, Sclafani, Colson, Negrete, Seldal

Noes: None

Absent: None

4. PUBLIC COMMENTARY

4.A. Visitor Commentary – None.

4.B. Agency Representatives – None.

4.C. Board Commentary – President Prupes advised that she and Director Colson had submitted the nomination form for the upcoming election to the Registrar of Voters.

5. CLOSED SESSION

5.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.

6. CONSENT CALENDAR

6.A. Approval of Minutes from the Special Meeting of August 6, 2024

Motion: To approve Meeting Minutes from the Special Meeting of August 6, 2024

Move: Negrete

Second: Colson

Board vote:

Ayes: Prupes, Colson, Negrete, Seldal

Noes: None

Absent: None

Abstain: Sclafani

7. WARRANTS

7.A. Approval of Warrants.

1. Mark Thomas & Company, Inc. (District Management Services)
2. First Tech Federal Credit Union (Board of Directors' Payroll)
3. Armento and Hynes, LLP (District Legal Services)
4. Cupertino Sanitary District (Common Interest Agreement Cost Sharing – June 2024)
5. Alliant Insurance Services, Inc. (District Insurance Premium 2024)
6. Mark Negrete (CASA Expenses)

Motion: To approve six (6) warrants as listed.

Move: Colson

Second: Seldal

Board vote:

Ayes: Prupes, Sclafani, Colson, Negrete, Seldal

Noes: None

Absent: None

8. NEW BUSINESS

8.A. Biennial Review of Conflict-of-Interest Code. Board action required: Review COI Code.

Manager Porter presented the COI which was adopted in 2016. The Board noted and consented to keep the Biennial COI as it stands.

8.B. District Budget Revision. Board action required: Consider increasing budget for Legal Outside Services from \$25k to \$100k.

Motion: To adopt the proposed budget of Legal Outside Services from \$25k to \$100k for FY2024-25.

Move: Colson

Second: Negrete

Board vote:

Ayes: Prupes, Sclafani, Colson, Negrete

Noes: None

Absent: None

Abstain: Seldal

8.C. CASA Conference Report. Board action required: None.

President Prupes and Director Negrete shared their experience of attending the CASA conference.

8.D. District Information on Google Site. Board action required: None.

The Board requested staff to check with Google to claim ownership of the BSD website.

9. UNFINISHED BUSINESS

9.A. Long Range Financial Planning. Board action required: Discuss LRFP.

Manager Porter advised that the Strategy Consultant is scheduled to attend the Board meeting on September 17.

9.B. District Insurance Update – Cyber Liability & Network Security Insurance. Board action required: None.

The Board requested staff to check if Mark Thomas insurance plan would cover the District's website insurance. Staff to prepare a report and send it to the Board before the next meeting.

- 9.C GreenWaste Recovery, Inc. – 1) Annual Spring Clean Up Planning, 2) Quarterly Report April – June 2024. required: None.
President Prupes reported some issues and complaints that trash was not picked up.
The Board reviewed and noted the Quarterly Report.
- 9.D District Website Update. Board action required: None.
No Update.
- 9.E. Board Orientation. Board action required: None.
Manager Porter discussed FOG, food waste, digestion, and co-digestion in response to topics that were brought up by Director Seldal.

10. HOUSEKEEPING ITEMS

- 11.A. Updates on Housekeeping Items.
No Update.
- 11.B. Agenda Items for Upcoming Meetings.
Board cancelled the September 3 Meeting.

11. ADJOURNMENT – NEXT REGULAR MEETING – Tuesday, September 17, 2024.

Motion: To adjourn meeting at 9:07 pm.

Move: Prupes

Second: Negrete

Board vote:

Ayes: Prupes, Sclafani, Colson, Negrete, Seldal

Noes: None

Absent: None

Approved: September 17, 2024

Respectfully Submitted,

Mark Thomas & Company, Inc.

Rene Prupes, President

District Manager
Benjamin T. Porter, PE

BURBANK SANITARY DISTRICT

7. WARRANTS

7.A. APPROVAL OF WARRANTS

1. Mark Thomas & Company, Inc.
2. First Tech Federal Credit Union
3. Armento and Hynes, LLP

Warrant List for 09-17-24

#	Payee	Invoice Date	Invoice No.	Invoice Amount	Description	Warrant No.
1	Mark Thomas & Company, Inc.	9/11/2024	52599	\$ 13,412.08	District Management Services (24-00162)	
		9/11/2024	52599_R	\$ 249.93	Reimbursables - Website Hosting & Security Fees	
			MTCO Subtotal	\$ 13,662.01		4167
2	Burbank Sanitary District for Deposits / First Tech		n/a		Board Payroll, Processing Fees/Taxes (Amount Deposited)	
	Rene Prupes			\$ 240.00	8/20/2024	
	Procopio Sclafani			\$ 240.00	8/20/2024	
	Ken Colson			\$ 240.00	8/20/2024	
	Mark Negrete			\$ 240.00	8/20/2024	
	Kristina Seldal			\$ 240.00	8/20/2024	
	Total payment to Directors			\$ 1,200.00		
	Estimated processing fees/taxes			\$ 300.00		
	Payroll Deposit to First Tech Subtotal			\$ 1,500.00		4168
3	Armento and Hynes, LLP	8/30/2024	2024-8	\$ 440.00	District Legal Services	4169
TOTAL WARRANT AMOUNT				\$ 15,602.01		
TOTAL YEAR-TO-DATE WARRANT AMOUNT FY 2024-25				\$ 259,208.78		

BURBANK SANITARY DISTRICT

8. NEW BUSINESS

8.A. Registrar of Voters

County of Santa Clara

Registrar of Voters

1555 Berger Drive, Bldg. 2
San Jose, CA 95112
Mailing Address: P.O. Box 611360, San Jose, CA 95161-360
(408) 299-VOTE (8683) 866-430-VOTE (8683) FAX: (408) 998-7314
www.vote.santaclaracounty.gov



September 4, 2024

Mr. Benjamin Porter bporter@burbanksanitary.org
Shirley Ho sho@markthomas.com
Burbank Sanitary District
20863 Stevens Creek Blvd., Ste. 100
Cupertino, CA 95014

RE: Certificate of Election Facts and Request to Fill Elective Office by Appointment

Dear Mr. Benjamin Porter,

This letter is to advise that as of the close of nominations for the November 5, 2024 General election, **two (2) candidates** qualified for the **two (2) full-term** elective offices in your District. Elections Code 10515 (b) requires the County of Santa Clara Board of Supervisors to appoint any person or persons to the office who is/are qualified on the date when the election would have been held. The person or persons appointed shall qualify and take office and serve exactly as if elected at a general election for the office. We are in the process of coordinating with the Board of Supervisors to move forward with the appointments of **Rene Prupes (full-term) and Ken Colson (full-term)**. The certification documents can be expected from the Clerk of the Board's office following the approval by the Board of Supervisors on September 24, 2024

Upon appointments by the Board of Supervisors, the Clerk of the Board will send you Letters of Appointment, Oaths of Office, and Statements of Economic Interest Form 700, which should be completed and submitted to the Clerk of the Board within 30 days of the date of appointments. For questions related to the appointment process, please contact the Clerk of the Board, Records Unit at (408) 299-5001 or at recordsunit@cob.sccgov.org.

Thank you in advance for your continued cooperation. Please let me know if you have any questions by contacting me at (408) 282-3041.

Sincerely,

Bren Lehr
Election Division Coordinator
Candidate Services
Enclosures

**CERTIFICATE OF ELECTION FACTS AND REQUEST
TO FILL ELECTIVE OFFICE BY APPOINTMENT**

STATE OF CALIFORNIA)
)ss.
COUNTY OF SANTA CLARA)

I, Matt Moreles, Acting Registrar of Voters of the County of Santa Clara, State of California, pursuant to Elections Code Section 10515, do hereby certify that as of the 83rd day prior to November 5, 2024, the day fixed by law for an election for the **Burbank Sanitary District** Board of Directors, **two (2) persons** had filed Declarations of Candidacy for the **two (2) full-term** elective offices for Director and no petitions requesting that the election be held had been presented to the Registrar of Voters. Under the provision of the Elections Code, it is hereby requested that the Santa Clara County Board of Supervisors, as supervising authority of the district at a regular or special meeting held prior to the Monday before the first Friday in December in which the election is held appoint to the above-referenced offices the persons who have filed Declarations of Candidacy:

Rene Prupes (Full-Term Director)
Ken Colson (Full-Term Director)

I hereby request that Santa Clara County Board of Supervisors appoints the above-named candidate, being duly qualified, to the offices of **Director, Burbank Sanitary District**.



Matt Moreles, Acting Registrar of Voters

August 30, 2024

