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**BURBANK SANITARY DISTRICT  
REGULAR MEETING AGENDA FOR  
January 20, 2026, at 7:00 PM**

**The meeting will be held at 7:00 p.m. in person at District Office, 20863 Stevens Creek Boulevard, Suite 100, Cupertino, CA 95014.**

- 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: West Valley Sanitation District and Burbank Sanitary District v. City of San Jose and City of Santa Clara, Court of Appeal, Sixth District, HO52372 and HO52818.
- 6. CONSENT CALENDAR**
  - 6.A. Approval of Minutes.** Board action required: Approve Meeting Minutes from 12/16/2025.
- 7. WARRANTS**
  - 7.A. Approval of Warrants.** Board action required: Approve nine (9) 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. City of San Jose (TP O&M & Capital Billings Q3 FY2025-26)
    5. Cupertino Sanitary District (CASA Conference – Rene Prupes)
    6. Hogan Lovells US LLP (District Court Appeal August – October 2025)
    7. Hunton Andrew Kurth LLP (District Court Appeal August – October 2025)
    8. Flowing Water Plumbing (BSD Lower Lateral CIP Project)
    9. JB Plumbing & Electric (438 Rutland Ave – Follow-up Service for Backup Call)
- 8. NEW BUSINESS**
  - 8.A. 2026 Changes to Brown Act.** Board action required: None
  - 8.B. 2026 Changes to Ethics and New Fiscal Training Requirement.** Board action required: None.
  - 8.C. City of San Jose – FY2024-25 Third Quarter Adjustment for O&M and CIP Billings.** Board action required: None.
  - 8.D. FY2025-26 Second Quarter Financial Review.** Board action required: None.
  - 8.E. BSD Mark Thomas Staff Roles & Responsibilities Presentation.** Board action required: None
  - 8.F. San Jose – Santa Clara Regional Wastewater Facility Tributary Agencies' Estimated Available Plant Capacity – 2025.** Board action require: None
- 9. UNFINISHED BUSINESS**
  - 9.A. BSD Lower Lateral CIP Project Update.** Board action required: None.

- 9.B. GreenWaste Recovery, Inc. - Annual Spring Clean Up Planning. Board action required: Discussion of survey questions.
- 9.C. Report on CASA 2026 Winter Conference January 13-16, 2026. Board action required: None.

**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, February 3, 2026**

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**

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### **6. CONSENT CALENDAR**

#### **6.A. APPROVAL OF MINUTES**

Approve Minutes from Regular Meeting of  
December 16, 2025

**BURBANK SANITARY DISTRICT  
BOARD OF DIRECTORS**

**MINUTES OF REGULAR MEETING  
December 16, 2025**

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

**2. ROLL CALL**

Directors Present: Rene Prupes (Joined Remotely), Procopio Sclafani, Ken Colson, Mark Negrete, Kristina Seldal  
Directors Absent: None  
Staff: Benjamin Porter (District Manager), Sarah Chou (Associate Sanitary Engineer)  
Counsel: Valerie Armento (Present at the beginning through Closed Session)  
Visitors: Noah Green (Joined Remotely)

**3. APPROVAL OF AGENDA**

**Motion:** To approve the agenda.

**Move:** Sclafani      **Second:** Negrete

**Board vote (roll call):** **Ayes:** Prupes, Sclafani, Colson, Negrete, Seldal  
**Noes:** None  
**Abstain:** None  
**Absent:** None

**4. PUBLIC COMMENTARY**

- 4.A. Visitor Commentary – None.
- 4.B. Agency Representatives – None.
- 4.C. Board Commentary – None.

**5. CLOSED SESSION**

**5.A. CONFERENCE WITH LEGAL COUNSEL –EXISTING LITIGATION**

Government Code Section 54956.9(d)(1) Name of Case: West Valley Sanitation District and Burbank Sanitary District v. City of San Jose and City of Santa Clara, Court of Appeal, Sixth District, HO52372 and HO52818.

The closed session discussion commenced at 7:06 pm and ended at 7:12 pm. Manager Porter and Engineer Chou were excused. No reportable action was taken at the closed session. Staff rejoined the regular session

**6. CONSENT CALENDAR**

- 6A. Approval of Minutes from the Regular Meeting of November 18, 2025

**Motion:** To approve Meeting Minutes from the Regular Meeting of November 18, 2025

**Move:** Negrete      **Second:** Colson

**Board vote (roll call):** **Ayes:** Prupes, Sclafani, Colson, Negrete, Seldal  
**Noes:** None  
**Abstain:** None  
**Absent:** None

**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. ABLE Plumbing, Sewer & Drain (Cleveland Ave Assessment Project)

**Motion:** To approve three (3) warrants as listed.

**Move:** Sclafani

**Second:** Negrete

**Board vote (roll call):**

**Ayes:** Prupes, Sclafani, Colson, Negrete, Seldal

**Noes:** None

**Abstain:** None

**Absent:** None

**8. NEW BUSINESS**

**8.A. Board Elections.** Board action required: Elect Board President and Secretary for 2026.

**Motion:** The Board voted for President Prupes and Secretary Sclafani to stay in their current positions for 2026.

**Move:** Negrete

**Second:** Colson

**Board vote (roll call):**

**Ayes:** Prupes, Sclafani, Colson, Negrete, Seldal

**Noes:** None

**Abstain:** None

**Absent:** None

**9. UNFINISHED BUSINESS**

**9.A. BSD Lower Lateral CIP Project Update.** Board action required: None.

Engineer Chou provided an update on the project. President Prupes expressed her appreciation to the team for expanded outreach and the preparation of the photos for the website. Director Negrete praised both the contractor and Inspector Dyous for their professionalism. Director Negrete and Seldal noted some neighbor complaints about overnight truck parking but agreed it was permissible as it is public parking.

**9.B. GreenWaste Recovery, Inc. Annual Spring Clean Up Planning.** Board action required: None.

The following were discussed.

- Engineer Chou provided an update on the Annual Spring Clean Up Day planning, the Board directed staff to get started on the flyer with the Graphic Designer.
- President Prupes provided an update that she spoke with Silicon Valley Bike Coalition and will provide information in the January Board Meeting.
- President Prupes discussed with the Board for considering doing a survey on Clean Up Day to find out what the residents are looking for and suggested to discuss the survey questions in the January Board Meeting.
- Director Sclafani mentioned that the survey could be conducted virtually online and on the District website.
- Director Sclafani asked for the PowerBI update, Engineer Chou advised that it is still waiting for GreenWaste to implement the program.

9.C. CASA 2026 Winter Conference January 13-16, 2026. Board action required: Board members to confirm their attendance for registration.

President Prupes confirmed that she will attend CASA 2026 Winter conference. Staff to arrange for the registration.

**10. HOUSEKEEPING ITEMS**

10.A. Updates on Housekeeping Items.

By consensus, the Board agreed to cancel the first meeting in January 2026.

10.B. Agenda Items for Upcoming Meetings.

- Clean Up Day Survey questions.
- Director Colson requested that staff create a slide deck that summarizes District Staff roles, responsibilities, and daily operations. President Prupes recommended that this information could be added to the website.

**11. ADJOURNMENT – NEXT REGULAR MEETING – Tuesday, January 20, 2026.**

**Motion:** To adjourn meeting at 7:44 pm.

**Move:** Sclafani

**Second:** Colson

**Board vote (roll call):**

**Ayes:** Prupes, Sclafani, Colson, Negrete, Seldal

**Noes:** None

**Abstain:** None

**Absent:** None

Approved: January 20, 2026

Respectfully Submitted,

**Mark Thomas & Company, Inc.**

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Rene Prupes, President

District Manager  
Benjamin T. Porter, PE

## **BURBANK SANITARY DISTRICT**

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### **7. WARRANTS**

#### **7.A. APPROVAL OF WARRANTS**

1. Mark Thomas & Company, Inc.
2. First Tech Federal Credit Union
3. Armento and Hynes, LLP
4. City of San Jose
5. Cupertino Sanitary District
6. Hogan Lovells US LLP
7. Hunton Andrew Kurth LLP
8. Flowing Water Plumbing
9. JB Plumbing & Electric

**Warrant List for 01-20-2026**

| # | Payee                                                                | Invoice Date | Invoice No.         | Invoice Amount | Description                                             | Warrant No. |
|---|----------------------------------------------------------------------|--------------|---------------------|----------------|---------------------------------------------------------|-------------|
| 1 | Mark Thomas & Company, Inc.                                          | 1/9/2026     | 58321               | \$ 28,261.79   | District Management Services (25-B0102)                 | 4249        |
|   |                                                                      | 1/9/2026     | 58320               | \$ 15,394.21   | BSD Lateral CIP (25-B0126)                              |             |
|   |                                                                      |              | MTCO Subtotal       | \$ 43,656.00   |                                                         |             |
| 2 | Burbank Sanitary District for Deposits / First Tech Fed Credit Union |              | n/a                 |                | Board Payroll, Processing Fees/Taxes (Amount Deposited) |             |
|   | Rene Prupes                                                          |              |                     | \$ 240.00      | 12/16/2025                                              |             |
|   | Procopio Sclafani                                                    |              |                     | \$ 240.00      | 12/16/2025                                              |             |
|   | Ken Colson                                                           |              |                     | \$ 240.00      | 12/16/2025                                              |             |
|   | Mark Negrete                                                         |              |                     | \$ 240.00      | 12/16/2025                                              |             |
|   | Kristina Seldal                                                      |              |                     | \$ 240.00      | 12/16/2025                                              |             |
|   | Total payment to Directors                                           |              |                     | \$ 1,200.00    |                                                         |             |
|   | Estimated processing fees/taxes                                      |              |                     | \$ 300.00      |                                                         |             |
|   |                                                                      |              | First Tech Subtotal | \$ 1,500.00    |                                                         | 4250        |
| 3 | Armento and Hynes, LLP                                               | 12/31/2025   | 2025-2              | \$ 940.00      | District Legal Services - July - December 2025          | 4251        |
| 4 | City of San Jose                                                     | 1/5/2026     | 1283452             | \$ 100,596.00  | Operations and Maintenance Q3 FY2025-26                 |             |
|   |                                                                      | 1/5/2026     | 1283451             | \$ 36,544.00   | Capital Billing Q3 FY2025-26                            |             |
|   |                                                                      |              | CSJ Subtotal        | \$ 137,140.00  |                                                         | 4252        |
| 5 | Cupertino Sanitary District                                          | 1/2/2026     | 26-100              | \$ 750.00      | Winter CASA Conference - Rene Prupes                    | 4253        |
| 6 | Hogan Lovells US LLP                                                 | 12/22/2025   | N/A                 | \$ 646.97      | District Court Appeal August - October 2025             | 4254        |
| 7 | Hunton Andrews Kurth LLP                                             | 12/22/2025   | N/A                 | \$ 86.47       | District Court Appeal August - October 2025             | 4255        |
| 8 | Flowing Water Plumbing                                               | 12/24/2025   | 1794                | \$ 36,697.90   | Lower Lateral CIP Project Phase 1                       | 4256        |
| 9 | JB Plumbing & Electric                                               | 12/22/2025   | 2908                | \$ 292.50      | 438 Rutland Ave - Follow-up Service for Backup Call     | 4257        |
|   | <b>TOTAL WARRANT AMOUNT</b>                                          |              |                     | \$ 221,709.84  |                                                         |             |
|   | <b>TOTAL YEAR-TO-DATE WARRANT AMOUNT FY 2025-26</b>                  |              |                     | \$ 718,288.81  |                                                         |             |

## **BURBANK SANITARY DISTRICT**

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### **8. NEW BUSINESS**

- 8A. 2026 Changes to Brown Act
- 8.B. 2026 Changes to Ethics & New Fiscal Training
- 8.C. City of San Jose
- 8.D. FY2025-26 Second Quarter Financial Review
- 8.E. BSD Mark Thomas Staff Roles & Responsibilities
- 8.F. San Jose – Santa Clara Regional Wastewater Facility

# ARMENTO AND HYNES, LLP

ATTORNEYS AT LAW

REPLY TO:  
VALERIE J. ARMENTO

563 SOUTH MURPHY AVENUE  
SUNNYVALE, CA 94086  
TELEPHONE (650) 967-6941  
FACSIMILE (408) 743-5160

VALERIEARMENTO@YAHOO.COM

December 23, 2025

TO: BOARD OF DIRECTORS, BURBANK SANITARY DISTRICT  
FROM: VALERIE J. ARMENTO, DISTRICT COUNSEL  
RE: 2026 CHANGES TO BROWN ACT

Senate Bill 707 made numerous changes to the Brown Act, some of which impact the Burbank Sanitary District and some of which do not. Many of the new provisions apply only to the category of “eligible legislative bodies.” Due to its small size, BSD is not an eligible legislative body; something to be thankful for.

**Teleconferencing.** SB 707 modified the existing teleconferencing flexibility provisions.

*Standardizing teleconferencing flexibility requirements.* First, in Government Code Sections 54953 and 53953.8, the revised law subjects all teleconferencing flexibility to the same set of basic rules, including that the legislative body must:

- Clearly identify the location of the in-person meeting on the agenda, which must be open to the public and within the boundaries of the local agency’s jurisdiction;
- Provide specified means by which the public may remotely hear and visually observe the meeting, and remotely address the legislative body;
- Give notice of the means for the public to access the meeting and offer public comment;
- Identify and include an opportunity for all persons to attend and address the legislative body directly via a call-in or internet-based service option, and at the in-person location;
- Take all votes by roll call and no action by secret ballot;
- Include in meeting minutes the name of any member of the legislative body who participates from a remote location;
- If there is a technological disruption that prevents (a) observation through call-in or internet service; or (b) public comment (if within agency’s control), the legislative body is prohibited from taking action on agenda items until service is restored;

- Have and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities. [Requirement moved from Section 54953(g) to new Section 54953.8(b)(8)];
- Provide instructions on joining the meeting by the telephonic or internet-based service option be made available in English and in accessible languages [Languages requirements not applicable to BSD];
- If the meeting is outside regular business hours, make reasonable efforts to accommodate any member of the public that requests accommodation to participate in the meeting.

Fortunately, BSD already complies with most of the foregoing and staff can work on any of the above requirements that may need to be addressed.

*Additional changes to existing teleconferencing flexibility.* SB 707 makes various changes to existing teleconference flexibility provisions:

- Expands the teleconferencing flexibility during state-declared emergencies to include local emergencies (Section 54953.8.2); and
- Extends the sunset on teleconferencing flexibility provisions for just cause and emergency circumstances through December 31, 2029 (Section 54953.8.3).

Both changes are positive revisions.

Further, the new law codifies in Section 54953(c) a July 2024 California Attorney General Opinion regarding ADA access by authorizing remote participation of a Board member as a reasonable accommodation (and treats it as in-person attendance for quorum purposes) if both of the following are met:

- Member participates through audio and video – except any member with a disability may participate only through audio (no video) if “a physical condition related to their disability results in a need to participate off camera”
- At the meeting, and before any action is taken, member discloses (a) whether any other individuals 18 or older are in the room at the remote location; and (b) the “general nature” of their relationship with the individuals

With regard to just cause and emergency circumstances, now in Section 54953.8.3, SB 707 makes the following changes:

- Removes the requirement for the legislative body to approve each instance a member of the legislative body wants to use teleconferencing flexibility for

emergency circumstances, and applies the same rules for just cause to emergency circumstances;

- Adds language that provides just cause flexibility should not limit the ability of a legislative body to use another teleconferencing flexibility provision; and
- Requires that the minutes for the meeting identify the specific provision that each member relied upon to participate remotely.

The only tweak to BSD operations necessary may be the inclusion of the specific provision relied upon in the minutes. The number of meetings that a Board member may use either just cause or emergency circumstances remains unchanged. For the BSD, this number is five meetings. (Section 54953.8.3)

### ***Miscellaneous***

***Social Media.*** Existing law allows board members to engage in separate conversations or communications outside of a meeting using social media for specified purposes, provided that a majority of the members do not use the platform to discuss business of a specific nature within the subject matter jurisdiction of the legislative body. This bill in Section 54952.2 makes this exception indefinite.

***Disruptive Public.*** Clarifies that the existing authority of a legislative body or its presiding officer to remove or limit participation by individuals or groups of persons who engage in behavior that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting, including existing limitations upon that authority, applies to members of the public participating in a meeting via a two-way telephonic service or a two-way audiovisual platform, as specified. Sections 54957.95 and 54957.96

***Copy of Brown Act.*** Requires, as opposed to encouraging, a local agency to provide a copy of the Brown Act to any person elected or appointed to serve as a member of the legislative body. Section 54952.7. Most entities are complying with this provision by providing a link to the current version of the Brown Act on the California Legislative website. <https://leginfo.legislature.ca.gov/faces/codes.xhtml>

C: Benjamin Porter, District Manager  
Shirley Ho, District Technical Analyst

**ARMENTO AND HYNES, LLP**  
ATTORNEYS AT LAW

REPLY TO:  
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VALERIEARMENTO@YAHOO.COM

December 30, 2025

TO: BOARD OF DIRECTORS, BURBANK SANITARY DISTRICT  
FROM: VALERIE J. ARMENTO, DISTRICT COUNSEL  
RE: 2026 CHANGES TO ETHICS AND NEW FISCAL TRAINING REQUIREMENT

The Legislature enacted a bill this year that impose new training compliance obligations on local agency officials beginning January 1, 2026. Senate Bill 827 broadens mandatory ethics training (aka AB 1234) and establishes new fiscal and financial training requirements.

Effective January 1, 2026, SB 827 expands training requirements. The legislation introduces two major changes: (1) broader ethics training obligations and (2) a new fiscal and financial training mandate.

SB 827 applies to any city, county, city and county, charter city, charter county, charter city and county, school district, county office of education, charter school, or special district like the Burbank Sanitary District

**Changes to Ethics Training (AB 1234 Training)**

SB 827 amends existing ethics training requirements under Government Code Section 53235:

Expanded Coverage: In addition to elected officials and legislative body members, department heads, and other similar administrative officers, are now required to complete ethics training.

Accelerated Timeline: Officials who begin service on or after January 1, 2026, must complete ethics training within six months of starting; the previous requirement was one year. This provision does not affect current Board members but will impact any individuals

elected to the Board in the future. The requirement for training remains every two years thereafter.

Recordkeeping and Public Access: Local agencies that provide ethics trainings must maintain training records for at least five years. Beginning July 1, 2026, agencies with websites must post clear instructions and contact information for requesting these records. Since the BSD does not itself provide the training, this requirement does not apply to the BSD unless in the future the District does the training.

### **New Fiscal and Financial Training Requirements**

SB 827 creates a separate mandate for fiscal and financial training:

Who Must Take the Training: The definition of “local agency official” for this requirement includes:

- Members of legislative bodies and elected officers.
  - Department heads and local agency executives, such as a CEO, Deputy CEO, or an assistant CEO.
  - Any employees where the contract is between the agency and employee directly.
- Employees, appointed by the governing body, who make decisions or recommendations on financial administration, budgeting, or use of public resources.
- Employees designated by the governing body.

Note: Certain local agency officials with formal training and education in fiscal and financial fields such as auditors are exempt from the training requirements.

### **Training Timeline:**

- Officials in service as of January 1, 2026: Complete training on or before January 1, 2028, (unless the term of office concludes on or before January 8, 21028) and then every two years.
- Officials starting on or after January 1, 2026: Complete training within six months of service and every two years thereafter.

### **Training Content:**

At least two hours covering:

- Financial administration and fiscal management.
- Budgeting, capital financing, debt management, and revenue mechanisms.
- Pensions, investments, and ethics in safeguarding public resources.

As set forth in Government Code Section 53238:

(a) “Fiscal and financial training” includes, but is not limited to, training in all of the following:

(1) Laws and principles relating to financial administration and short- and long-term fiscal management, including, but not limited to, the role and responsibilities of financial administration, financial policies, municipal budgets and budget processes, and financial reporting and auditing.

(2) Laws and principles relating to, but not limited to, capital financing and debt management, mechanisms for local agency revenues, pensions and other postemployment benefits, cash management and investments, the prudent investor standard, and the ethics of safeguarding public resources.

(3) General fiscal and financial planning principles and any pertinent laws relevant to the local agency official’s public service and role in overseeing the local agency’s operations and relevant to the local agency’s procurement and contracting practices and responsibilities.

Delivery and Compliance: Training may be offered in person or online and must be developed in consultation with experts in local government finance. Providers must issue proof of participation, and agencies must maintain records for five years. Additionally, agencies must provide annual information on available training to all local agency officials to ensure compliance.

District staff and I will endeavor to find training options for the BSD Board.



*Environmental Services Department*

December 15, 2025

**RECEIVED**

Re: Third Quarter Adjustments for O&M and CIP Billings

**DEC 18 2025  
BURBANK**

Dear Agency,

In accordance with Section E.3.b in the 1983 Master Agreement between the City of San Jose-Santa Clara and the Tributary Agencies, "...adjustments in any payment described above shall be on the basis of actual payment to expenditures and shall be made no later than the third quarter billing of the following fiscal year. A statement outlining the method of adjusting costs and actual adjustments shall be included."

In Section G of the 1983 Master Agreement between the City of San Jose-Santa Clara and the Tributary Agencies, "...payment of Agency of any moneys to which it may become entitled may be made by off-setting the amount of such moneys against any payments which Agency may be obligated to pay under the provisions of this Agreement or Agency may request reimbursement of any credit balance. The request for cash reimbursement shall be honored by First Parties within forty-five (45) days following receipt of notice."

As a courtesy we are sending this letter to notify you that a credit will be posted to your ACH account during Q3 of FY25-26, for the reconciliation of your O&M and CIP cash contributions from FY24-25. The Summary of Cash Contributions Schedule nets the total credit amount that will be posted to your account for both O&M and CIP contributions.

Sincerely,

*Laura Burke*

Laura Burke, Principal Accountant  
City of San Jose, Environmental Services Department, 10<sup>th</sup> Floor  
200 E. Santa Clara St.  
San Jose, Ca. 95112  
Email: [laura.burke@sanjoseca.gov](mailto:laura.burke@sanjoseca.gov)

## Summary of FY24-25- Cash Contributions Adjustment Schedule

| O&M Reconciliation for Cash and Non-cash Items                                                                                                       | San Jose*       | Santa Clara  | West Valley  | Cupertino    | Milpitas     | District 2-3 | Burbank    |
|------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|--------------|--------------|--------------|--------------|--------------|------------|
| Fund 513                                                                                                                                             | \$ 4,832,132    | \$ 561,355   | \$ 1,331,112 | \$ 591,220   | \$ 880,522   | \$ 304,903   | \$ 57,621  |
| SBWR Operating Fund - Fund 570                                                                                                                       | \$ 7,500,716    | \$ 1,650,782 | \$ 960,889   | \$ 569,516   | \$ 605,174   | \$ 101,038   | \$ 24,439  |
|                                                                                                                                                      | \$ -            | \$ -         | \$ -         | \$ -         | \$ -         | \$ -         | \$ -       |
| Total Credit/ (Debit) Summary                                                                                                                        | \$ 12,332,848   | \$ 2,212,137 | \$ 2,292,001 | \$ 1,160,736 | \$ 1,485,696 | \$ 405,941   | \$ 82,060  |
| CIP Reconciliation for Cash and Non-cash Items Fund 512                                                                                              | San Jose*       | Santa Clara  | West Valley  | Cupertino    | Milpitas     | District 2-3 | Burbank    |
| Rolling Average CIP- Fund 512                                                                                                                        | \$ (69,144,375) | \$ 1,913,569 | \$ 838,952   | \$ 543,268   | \$ 915,739   | \$ 75,484    | \$ 29,534  |
| Digester Project                                                                                                                                     | \$ 10,987,517   | \$ (20,313)  | \$ (6,370)   | \$ (3,756)   | \$ (6,083)   | \$ (468)     | \$ (193)   |
| Blower Project                                                                                                                                       | \$ (13,238,283) | \$ (378,004) | \$ (103,625) | \$ (66,582)  | \$ (104,771) | \$ (8,419)   | \$ (4,803) |
| Nitrification Clarifier Rehab                                                                                                                        | \$ 13,258,203   | \$ 234,588   | \$ 87,758    | \$ 55,155    | \$ 96,074    | \$ 6,993     | \$ 2,833   |
| Headwork Improvements                                                                                                                                | \$ 1,740,352    | \$ 1,923     | \$ 19        | \$ (26)      | \$ (188)     | \$ (78)      | \$ 8       |
| New Headworks                                                                                                                                        | \$ 17,975,804   | \$ 16,088    | \$ 518       | \$ 167       | \$ (351)     | \$ (612)     | \$ 53      |
| Filter Rehab                                                                                                                                         | \$ 9,615,105    | \$ 120,157   | \$ 58,936    | \$ 39,543    | \$ 71,727    | \$ 4,736     | \$ 2,022   |
| Outfall Bridge & Levee Improvements                                                                                                                  | \$ 3,305,616    | \$ 102,094   | \$ 45,906    | \$ 30,797    | \$ 55,847    | \$ 3,963     | \$ 1,575   |
| Digested/Sledge Dewatering                                                                                                                           | \$ (3,603,233)  | \$ 399,374   | \$ 132,759   | \$ 78,296    | \$ 126,790   | \$ 9,735     | \$ 4,027   |
| Total Credit/ (Debit) Summary                                                                                                                        | \$ (29,103,294) | \$ 2,389,476 | \$ 1,054,853 | \$ 676,862   | \$ 1,154,784 | \$ 91,334    | \$ 35,056  |
| Adjustment for San Jose due to open Line of Credit (LOC) for non-expended funds (non-cash items include: Reserve for Encumbrances and CIP Rebudgets) | \$ 159,902,000  |              |              |              |              |              |            |
| San Jose's Adjusted Fund Position                                                                                                                    | \$ 130,798,706  |              |              |              |              |              |            |
| ACH Total Account Deposit for Refund/ Credit                                                                                                         | \$ 4,601,613    | \$ 3,346,854 | \$ 1,837,598 | \$ 2,640,480 | \$ 497,275   | \$ 117,116   |            |

**BURBANK SANITARY DISTRICT**  
**3rd Quarter Financial (October 1, 2025 through December 31, 2025)**  
**FISCAL YEAR: July 1, 2025 to June 30, 2026**  
**BUDGET REPORT - EXPENSES**

| Account Name                                    | Amount budgeted       | Prior Expenses      | Amount Payable      | Total Expenses To Date | Unencumbered Balance | % Expended To Date | Comments                                                           |
|-------------------------------------------------|-----------------------|---------------------|---------------------|------------------------|----------------------|--------------------|--------------------------------------------------------------------|
| <b>DEC</b>                                      |                       |                     |                     |                        |                      |                    |                                                                    |
| <b>Debt Related Expenses</b>                    |                       |                     |                     |                        |                      |                    |                                                                    |
| State Revolving Fund                            | \$71,000.00           | \$70,970.20         | \$0.00              | \$70,970.20            | \$29.80              | 99.96%             | Paid in full this fiscal year                                      |
| <b>Special District Fixed Asset Acquisition</b> |                       |                     |                     |                        |                      |                    |                                                                    |
| Treatment Plant Capital Improvement Fund        | \$118,800.00          | \$40,495.00         | \$36,544.00         | \$77,039.00            | \$41,761.00          | 64.85%             | Capital Billing Q3 FY2025-26                                       |
| Sewer System CIP Projects                       | \$300,000.00          | \$38,671.73         | \$52,092.14         | \$90,763.87            | \$209,236.13         | 30.25%             | Lateral CIP - Mark Thomas Staff and Flowing Water                  |
| <b>Service and Supplies</b>                     |                       |                     |                     |                        |                      |                    |                                                                    |
| Wastewater Treatment Plant O&M                  | \$399,900.00          | \$201,192.00        | \$100,596.00        | \$301,788.00           | \$98,112.00          | 75.47%             | Maintenance & Operation Billing Q3 FY2025-26                       |
| Wastewater Treatment Plant Equipment            | \$1,000.00            | \$0.00              | \$0.00              | \$0.00                 | \$1,000.00           | 0.00%              | None to date                                                       |
| San Jose Joint Use O&M                          | \$10,000.00           | \$0.00              | \$0.00              | \$0.00                 | \$10,000.00          | 0.00%              | None to date                                                       |
| San Jose Joint Use CIP                          | \$10,000.00           | \$0.00              | \$0.00              | \$0.00                 | \$10,000.00          | 0.00%              | None to date                                                       |
| Annual Neighborhood Clean Up Day                | \$6,000.00            | \$0.00              | \$0.00              | \$0.00                 | \$6,000.00           | 0.00%              | None to date                                                       |
| Preventive Maintenance & Video Inspection       | \$40,000.00           | \$0.00              | \$0.00              | \$0.00                 | \$40,000.00          | 0.00%              | None to date                                                       |
| Emergency Repairs and Stoppages                 | \$30,000.00           | \$0.00              | \$292.50            | \$292.50               | \$29,707.50          | 0.98%              | None to date                                                       |
| Repairs and Replacement (mains/laterals)        | \$30,000.00           | \$0.00              | \$0.00              | \$0.00                 | \$30,000.00          | 0.00%              | None to date                                                       |
| Permits (encroachment)                          | \$15,000.00           | \$0.00              | \$0.00              | \$0.00                 | \$15,000.00          | 0.00%              | None to date                                                       |
| Office Expenses/Publications                    | \$2,500.00            | \$0.00              | \$0.00              | \$0.00                 | \$2,500.00           | 0.00%              | None to date                                                       |
| Engineering/Maintenance Management              | \$288,900.00          | \$94,804.78         | \$28,261.79         | \$123,066.57           | \$165,833.43         | 42.60%             | On Target                                                          |
| Legal - District Counsel                        | \$35,000.00           | \$0.00              | \$940.00            | \$940.00               | \$34,060.00          | 2.69%              | District Legal Services - July 2025 through December 2025          |
| Legal - Outside Services                        | \$100,000.00          | \$21,063.90         | \$733.44            | \$21,797.34            | \$78,202.66          | 21.80%             | District Court Appeal - August 2025 to October 2025                |
| Legal - District Advisor                        | \$6,000.00            | \$0.00              | \$0.00              | \$0.00                 | \$6,000.00           | 0.00%              | None to date                                                       |
| Strategic Plan Consultant                       | \$0.00                | \$0.00              | \$0.00              | \$0.00                 | \$0.00               | 0.00%              | None this fiscal year                                              |
| Audit and Accounting Services                   | \$1,000.00            | \$0.00              | \$0.00              | \$0.00                 | \$1,000.00           | 0.00%              | None to date                                                       |
| Taxroll Preparation/Refund                      | \$1,800.00            | \$0.00              | \$0.00              | \$0.00                 | \$1,800.00           | 0.00%              | None to date                                                       |
| Annual Memberships (CASA, SWRCB, Website)       | \$7,000.00            | \$2,684.83          | \$0.00              | \$2,684.83             | \$4,315.17           | 38.35%             | None this month                                                    |
| Insurance Renewal (CASA)                        | \$20,000.00           | \$17,157.78         | \$0.00              | \$17,157.78            | \$2,842.22           | 85.79%             | None this month                                                    |
| Conference Registration - Travel                | \$9,000.00            | \$1,595.87          | \$750.00            | \$2,345.87             | \$6,654.13           | 26.07%             | Winter CASA Conference - Registration Fee for Director Rene Prupes |
| Website Expenses                                | \$5,000.00            | \$0.00              | \$0.00              | \$0.00                 | \$5,000.00           | 0.00%              | None to date                                                       |
| Website Hosting Fee                             | \$1,000.00            | \$242.88            | \$0.00              | \$242.88               | \$757.12             | 24.29%             | None this month                                                    |
| Board Election Expenses                         | \$0.00                | \$0.00              | \$0.00              | \$0.00                 | \$0.00               | 0.00%              | None this fiscal year                                              |
|                                                 | <b>\$1,508,900.00</b> | <b>\$488,878.97</b> | <b>\$220,209.87</b> | <b>\$709,088.84</b>    | <b>\$799,811.16</b>  | <b>46.99%</b>      |                                                                    |
| <b>Salary and Benefit Special Districts</b>     |                       |                     |                     |                        |                      |                    |                                                                    |
| Per Diem - Five Board Members x 24 meetings     | \$36,000.00           | \$7,700.00          | \$1,500.00          | \$9,200.00             | \$26,800.00          | 25.56%             | Meeting Date: 12/16/25 (Five Directors in Attendance)              |
| Per Diem - District Clerk x 24 meetings         | \$0.00                | \$0.00              | \$0.00              | \$0.00                 | \$0.00               | 0.00%              | None this year                                                     |
|                                                 | <b>\$36,000.00</b>    | <b>\$7,700.00</b>   | <b>\$1,500.00</b>   | <b>\$9,200.00</b>      | <b>\$26,800.00</b>   | <b>25.56%</b>      |                                                                    |
| <b>TOTAL EXPENSES</b>                           | <b>\$1,544,900.00</b> | <b>\$496,578.97</b> | <b>\$221,709.87</b> | <b>\$718,288.84</b>    | <b>\$826,611.16</b>  | <b>46.49%</b>      |                                                                    |

**BURBANK SANITARY DISTRICT**  
**3rd Quarter Financial (October 1, 2025 through December 31, 2025)**  
**FISCAL YEAR: July 1, 2025 to June 30, 2026**  
**BUDGET REPORT - REVENUE**

| Account Name                   | Account Number | Amount budgeted       | Prior Months' Receipts | Current Month Receipts | Total Receipts To Date | Balance of Budget     | % Earned To Date | Comments                                                        |
|--------------------------------|----------------|-----------------------|------------------------|------------------------|------------------------|-----------------------|------------------|-----------------------------------------------------------------|
| <b>DEC</b>                     |                |                       |                        |                        |                        |                       |                  |                                                                 |
| <b>OPERATING</b>               |                |                       |                        |                        |                        |                       |                  |                                                                 |
| Interest Allocation            | 4301100        | \$50,000.00           | \$74,573.58            | \$14,710.20            | \$89,283.78            | (\$39,283.78)         | 178.57%          | FY25-26 Q1 Final                                                |
| Permits and Connections        | 4980010        | \$10,000.00           | \$1,920.00             | \$0.00                 | \$1,920.00             | \$8,080.00            | 19.20%           | No payments received this month; Five payments received to date |
| Direct Assessments             | 4980350        | \$1,340,800.00        | \$5,074.01             | \$0.00                 | \$5,074.01             | \$1,335,725.99        | 0.38%            | None this month                                                 |
| SRF Loan                       |                | \$0.00                | \$0.00                 | \$0.00                 | \$0.00                 | \$0.00                | 0.00%            | None this Fiscal Year                                           |
| Credit for Treatment Plant CIP |                | \$60,000.00           | \$0.00                 | \$0.00                 | \$0.00                 | \$60,000.00           | 0.00%            | None to date                                                    |
| <b>TOTAL OPERATING REVENUE</b> |                | <b>\$1,460,800.00</b> | <b>\$81,567.59</b>     | <b>\$14,710.20</b>     | <b>\$96,277.79</b>     | <b>\$1,364,522.21</b> | 6.59%            |                                                                 |
| <b>TOTAL REVENUE</b>           |                | <b>\$1,460,800.00</b> | <b>\$81,567.59</b>     | <b>\$14,710.20</b>     | <b>\$96,277.79</b>     | <b>\$1,364,522.21</b> | 6.59%            |                                                                 |

**CASH ACCOUNT SUMMARY**

| Date               | Description    | Balance        |
|--------------------|----------------|----------------|
| June 30, 2025      | Ending balance | \$3,986,896.03 |
| July 31, 2025      | Ending balance | \$3,744,833.78 |
| August 31, 2025    | Ending balance | \$3,748,380.43 |
| September 30, 2025 | Ending balance | \$3,703,765.34 |
| October 31, 2025   | Ending balance | \$3,563,554.37 |
| November 30, 2025  | Ending balance | \$3,560,344.46 |
| December 31, 2025  | Ending balance | \$3,545,482.26 |



**Item 8.F.**

*Environmental Services Department*

January 13, 2026

TO: Treatment Plant Advisory Committee

SJ: Tributary Agencies Estimated Available Plant Capacity - 2025

The Master Agreements require that the Treatment Plant Advisory Committee file annually with the legislative bodies of San Jose, Santa Clara and member agencies, a report on plant capacity to identify each agency's 2025 plant capacity as well as estimated available (unused) capacity.

Sincerely,

Jeffrey Provenzano  
Director  
Environmental Services Department

Attachment: 2025 Tributary Agencies' Estimated Available Plant Capacity Report

**CITY OF SAN JOSE  
ENVIRONMENTAL SERVICES DEPARTMENT**

**SAN JOSE - SANTA CLARA REGIONAL WASTEWATER FACILITY**

**TRIBUTARY AGENCIES' ESTIMATED AVAILABLE PLANT CAPACITY - 2025**

**January 2026**

**CITY OF SAN JOSE  
ENVIRONMENTAL SERVICES DEPARTMENT  
SAN JOSE - SANTA CLARA REGIONAL WASTEWATER FACILITY**

**TRIBUTARY AGENCIES' ESTIMATED AVAILABLE PLANT CAPACITY - 2025**

This analysis was prepared to comply with the terms of the Master Agreements which require that the operational capacity and productive use of the treatment plant be determined annually. Tables I through IV contain the Plant Capacity, the 2025 Peak Week (5-day average) Flow, and the Remaining Available Capacity for the entire plant and for each individual member for 2025.

**2025 PLANT CAPACITY**

The nominal capacity of the treatment plant during the 2025 peak week is 167 MGD. The agencies' capacity rights in the 167 MGD plant are shown on Tables I through IV and were determined in accordance with the provisions of the Master Agreements.

**2025 PEAK WEEK FLOW (1)**

The 2025 peak dry weather flow of 111.00 MGD occurred during the week of October 13 - 17. Tables I through IV contain the agencies' flow and loadings for the 2025 peak week which were obtained from the following sources:

- WEST VALLEY SANITATION DISTRICT - Wastewater Flow Report dated 7/31/25, submitted by the District.
- CUPERTINO SANITARY DISTRICT - Metered Flow Report provided on email dated 12/2/25, submitted by the District.
- CITY OF MILPITAS - The estimated 2025 peak flow was calculated based on water data
- COUNTY SANITATION DISTRICT 2-3 - 2025-2026 Revenue Program.
- BURBANK SANITARY DISTRICT - 2025-2026 Revenue Program.
- CITY of SAN JOSE and CITY of SANTA CLARA - The 2025 Peak Week flow and loadings remaining after subtracting the other agencies' reported flows and loadings are attributed to San Jose and Santa Clara as joint owners of the facilities. These were allocated, in accordance with the 1959 Agreement, to the two cities based on current assessed valuation ratios of 79.795% for San Jose and 20.205% for Santa Clara.

**2025 ESTIMATED AVAILABLE CAPACITY**

The Agencies' peak week flows and loadings were subtracted from their capacities in the 167 MGD plant to obtain their 2025 available capacities.

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*(1) Past reporting has been based on different sources of information between the agencies. A new policy will be put in place that will standardize the source of information and methodology for future reporting purposes to comply with the Master Agreement requirement to report actual discharge.*

TABLE I

**CITY OF SAN JOSE**  
**ENVIRONMENTAL SERVICES DEPARTMENT**

**SAN JOSE - SANTA CLARA REGIONAL WASTEWATER FACILITY**  
**TRIBUTARY AGENCIES' ESTIMATED AVAILABLE PLANT CAPACITY - 2025**

**FLOW**

| Agency                          | 2025<br>Plant<br>Capacity<br>MGD | 2025<br>Peak Week<br>Flow<br>MGD | Estimated<br>Available<br>Capacity<br>MGD (*) |
|---------------------------------|----------------------------------|----------------------------------|-----------------------------------------------|
| San Jose                        | 79.795%                          | 105.168                          | 71.600                                        |
| Santa Clara                     | 20.205%                          | 26.630                           | 8.500                                         |
| Subtotal                        | 100.000%                         | 131.798                          | 42.068                                        |
| West Valley Sanitation District | (1) (3)                          | 11.697                           | 9.591                                         |
| Cupertino Sanitary District     | (4)                              | 7.850                            | 3.438                                         |
| City of Milpitas                | (3) (4)                          | 14.250                           | 7.000                                         |
| County Sanitation District 2-3  | (2)                              | 1.005                            | 1.005                                         |
| Burbank Sanitary District       |                                  | 0.400                            | 0.236                                         |
| Subtotal                        |                                  | 35.202                           | 21.270                                        |
| <b>Total</b>                    |                                  | <b>167.000</b>                   | <b>111.000</b>                                |
|                                 |                                  |                                  | <b>56.000</b>                                 |

(1) Reflects transfer of capacity from West Valley Sanitation District to San Jose/Santa Clara resulting from annexations as of June 2025.

(2) In January 1985, County Sanitation District 2-3 entered into an agreement with the Cities of San Jose and Santa Clara, as joint owners of the plant, electing not to participate in a fixed capacity. Capacity is determined annually in accordance with the methods and restrictions prescribed in the agreement.

(3) Reflects transfer of capacity from West Valley Sanitation District to Milpitas in July 2006.

(4) Reflects transfer of capacity from Cupertino to Milpitas in January 2009.

(\*) Past reporting has been based on different sources of information between the agencies. A new policy will be put in place that will standardize the source of information and methodology for future reporting purposes to comply with the Master Agreement requirement to report actual discharge.

TABLE II

**CITY OF SAN JOSE**  
**ENVIRONMENTAL SERVICES DEPARTMENT**  
**SAN JOSE - SANTA CLARA REGIONAL WASTEWATER FACILITY**  
**TRIBUTARY AGENCIES' ESTIMATED AVAILABLE PLANT CAPACITY - 2025**

| Agency                                  | BOD            |                |                              |         |
|-----------------------------------------|----------------|----------------|------------------------------|---------|
|                                         | 2025           | 2025           | Estimated Available Capacity |         |
|                                         | Plant Capacity | Peak Week Flow |                              |         |
| Agency                                  | KLBS/D         | KLBS/D         | KLBS/D (*)                   |         |
| San Jose                                | 79.795%        | 371.711        | 136.055                      | 235.656 |
| Santa Clara                             | 20.205%        | 94.121         | 34.451                       | 59.670  |
| Subtotal                                | 100.000%       | 465.832        | 170.506                      | 295.326 |
| West Valley Sanitation District (1) (3) |                | 28.611         | 20.632                       | 7.979   |
| Cupertino Sanitary District (4)         |                | 16.419         | 8.989                        | 7.430   |
| City of Milpitas (3) (4)                |                | 27.249         | 15.614                       | 11.635  |
| County Sanitation District 2-3 (2)      |                | 2.074          | 2.074                        | .000    |
| Burbank Sanitary District               |                | .815           | .485                         | .330    |
| Subtotal                                |                | 75.168         | 47.794                       | 27.374  |
| <b>Total</b>                            | <b>541.000</b> | <b>218.300</b> | <b>322.700</b>               |         |

(1) Reflects transfer of capacity from West Valley Sanitation District to San Jose/Santa Clara resulting from annexations as of June 2025.

(2) In January 1985, County Sanitation District 2-3 entered into an agreement with the Cities of San Jose and Santa Clara, as joint owners of the plant, electing not to participate in a fixed capacity. Capacity is determined annually in accordance with the methods and restrictions prescribed in the agreement.

(3) Reflects transfer of capacity from West Valley Sanitation District to Milpitas in July 2006.

(4) Reflects transfer of capacity from Cupertino to Milpitas in January 2009.

(\*) Past reporting has been based on different sources of information between the agencies. A new policy will be put in place that will standardize the source of information and methodology for future reporting purposes to comply with the Master Agreement requirement to report actual discharge.

**TABLE III**  
**CITY OF SAN JOSE**  
**ENVIRONMENTAL SERVICES DEPARTMENT**  
**SAN JOSE - SANTA CLARA REGIONAL WASTEWATER FACILITY**  
**TRIBUTARY AGENCIES' ESTIMATED AVAILABLE PLANT CAPACITY - 2025**

| Agency                          | SUSPENDED SOLIDS                    |                                     |                                                  |                |
|---------------------------------|-------------------------------------|-------------------------------------|--------------------------------------------------|----------------|
|                                 | 2025<br>Plant<br>Capacity<br>KLBS/D | 2025<br>Peak Week<br>Flow<br>KLBS/D | Estimated<br>Available<br>Capacity<br>KLBS/D (*) |                |
| San Jose                        | 79.795%                             | 330.062                             | 197.728                                          | 132.334        |
| Santa Clara                     | 20.205%                             | 83.576                              | 50.067                                           | 33.509         |
| Subtotal                        | 100.000%                            | 413.638                             | 247.795                                          | 165.843        |
| West Valley Sanitation District | (1) (3)                             | 27.173                              | 18.633                                           | 8.540          |
| Cupertino Sanitary District     | (4)                                 | 16.299                              | 7.429                                            | 8.870          |
| City of Milpitas                | (3) (4)                             | 25.990                              | 13.209                                           | 12.781         |
| County Sanitation District 2-3  | (2)                                 | 2.047                               | 2.047                                            | .000           |
| Burbank Sanitary District       |                                     | .853                                | .477                                             | .376           |
| Subtotal                        |                                     | 72.362                              | 41.795                                           | 30.567         |
| <b>Total</b>                    |                                     | <b>486.000</b>                      | <b>289.590</b>                                   | <b>196.410</b> |

(1) Reflects transfer of capacity from West Valley Sanitation District to San Jose/Santa Clara resulting from annexations as of June 2025.

(2) In January 1985, County Sanitation District 2-3 entered into an agreement with the Cities of San Jose and Santa Clara, as joint owners of the plant, electing not to participate in a fixed capacity. Capacity is determined annually in accordance with the methods and restrictions prescribed in the agreement.

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(\*) Past reporting has been based on different sources of information between the agencies. A new policy will be put in place that will standardize the source of information and methodology for future reporting purposes to comply with the Master Agreement requirement to report actual discharge.

TABLE IV

**CITY OF SAN JOSE**  
**ENVIRONMENTAL SERVICES DEPARTMENT**

**SAN JOSE - SANTA CLARA REGIONAL WASTEWATER FACILITY**  
**TRIBUTARY AGENCIES' ESTIMATED AVAILABLE PLANT CAPACITY - 2025**

**AMMONIA**

| Agency                          | 2025<br>Plant<br>Capacity<br>KLBS/D | 2025<br>Peak Week<br>Flow<br>KLBS/D | Estimated<br>Available<br>Capacity<br>KLBS/D (*) |
|---------------------------------|-------------------------------------|-------------------------------------|--------------------------------------------------|
| San Jose                        | 79.795%                             | 32.773                              | 19.758                                           |
| Santa Clara                     | 20.205%                             | 8.298                               | 3.295                                            |
| Subtotal                        | 100.000%                            | 41.071                              | 16.310                                           |
| West Valley Sanitation District | (1) (3)                             | 2.825                               | 2.447                                            |
| Cupertino Sanitary District     | (4)                                 | 2.287                               | .877                                             |
| City of Milpitas                | (3) (4)                             | 2.847                               | 1.636                                            |
| County Sanitation District 2-3  | (2)                                 | .273                                | .273                                             |
| Burbank Sanitary District       |                                     | .297                                | .066                                             |
| Subtotal                        |                                     | 8.529                               | 5.299                                            |
| <b>Total</b>                    |                                     | <b>49.600</b>                       | <b>30.060</b>                                    |
|                                 |                                     |                                     | <b>19.540</b>                                    |

(1) Reflects transfer of capacity from West Valley Sanitation District to San Jose/Santa Clara resulting from annexations as of June 2025.

(2) In January 1985, County Sanitation District 2-3 entered into an agreement with the Cities of San Jose and Santa Clara, as joint owners of the plant, electing not to participate in a fixed capacity. Capacity is determined annually in accordance with the methods and restrictions prescribed in the agreement.

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## **BURBANK SANITARY DISTRICT**

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### **9. UNFINISHED BUSINESS**

- 9.A. BSD Lower Lateral CIP Update
- 9.B. GreenWaste Recovery Inc.
- 9.C. Report on CASA Winter Conference



**Burbank Sanitary District**  
20863 Stevens Creek Blvd., Suite 100  
Cupertino, CA 95014  
Phone (408) 255-2137 Fax (408) 253-5173  
[www.burbanksanitary.org](http://www.burbanksanitary.org)  
**"Serving the Burbank Community since 1940"**

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## MEMORANDUM

## ITEM 9.A

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DATE: January 20, 2025  
TO: Board of Directors, Burbank Sanitary District  
FROM: Benjamin Porter, District Manager-Engineer  
RE: **PROJECT CLOSEOUT FOR "2025 LOWER LATERAL CIP PROJECT PHASE 1: INSTALLATION OF CLEANOUTS"**

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### **Project Closeout :**

MBR Plumbing LLC dba Flowing Water (Flowing Water) finished the construction of 9 out of 10 project locations. Work has been completed in compliance with the District's plans and specifications.

Burbank Sanitary District awarded the BSD **"Lower Lateral CIP Project – Phase 1: Installation of Cleanouts"** to Flowing Water on September 25, 2025 for a contract sum of **\$35,781.00**. The engineering Estimate for this was \$ 106,400.00.

The original contract amount for this project was **\$35,781.00 for 10 locations**. Differing and unforeseen site conditions resulted in a change order in the amount of **\$4,495.00**. Staff received the first invoice on December 24, 2025, from Flowing Water, Inc in the amount of **\$36,697.90 for construction at 9 locations**. We were unable to contact the Property owner at the 10<sup>th</sup> location, therefore that repair was removed from the contract.

### **Below is a breakdown of each Construction Change Order, and the reasoning behind approving the change in the project scope:**

**Change Order 1** in the amount of \$1,750.00 for Location 2 – 501 Laswell Ave was issued for Wye replacement that was identified as needing repair during the installation.

**Change Order 2** in the amount of \$2,745.00 for Location 8 – 185 Brooklyn Ave was issued to replace the 6 feet of 4-inch cast iron to PVC that was identified as needed replacement to meet District's pipe material standards.

### **Summary of first payment to be made to Flowing Water, Inc - Project To Date:**

|                                               |                     |
|-----------------------------------------------|---------------------|
| Total Original Contract Award for 9 Locations | \$32,505.00         |
| Approved Change Orders                        | \$4,495.00.         |
| <b>Total Pay Requests for 9 Locations</b>     | <b>\$36,697.90.</b> |



## Burbank Sanitary District

20863 Stevens Creek Blvd., Suite 100

Cupertino, CA 95014

Phone (408) 255-2137 Fax (408) 253-5173

[www.burbanksanitary.org](http://www.burbanksanitary.org)

**"Serving the Burbank Community since 1940"**

### **Project Payment:**

Project payment to **Flowing Water** the amount of \$36,697.90,

### **Staff Recommendation:**

Accept the project for 9 locations and authorize the payment of the first invoice in the amount of \$36,697.90, for the “2025 Lower Lateral CIP Project Phase 1: Installation of Cleanouts” project.