

**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. President Prupes called the meeting to order at 7:01 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), Sarah Chou (Associate Sanitary Engineer)  
Counsel: Valerie Armento (Present at the beginning through Item 8D)  
Visitors: None

**3. APPROVAL OF AGENDA**

**Motion:** To approve the agenda.

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

**Board vote:**                      **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.

There was no closed session.

**6. CONSENT CALENDAR**

- 6A. Approval of Minutes from the Regular Meeting of December 16, 2025

**Motion:** To approve Meeting Minutes from the Regular Meeting of December 16, 2025

**Move:** Negrete                      **Second:** Seldal

**Board vote:**                      **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. Armento and Hynes, LLP (District Legal Services)
4. City of San Jose (TP O&M & Capital Billings Q4 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)

**Motion:** To approve nine (9) warrants as listed.

**Move:** Seldal                      **Second:** Colson

**Board vote:**                      **Ayes:** Prupes, Sclafani, Colson, Negrete, Seldal  
**Noes:** None  
**Abstain:** None  
**Absent:** None

**8. NEW BUSINESS**

8.A. 2026 Changes to Brown Act. Board action required: None.

District Counsel presented the 2026 changes to the Brown Act.

8.B. 2026 Changes to Ethics and New Fiscal Training Requirement. Board action required: None.

District Counsel presented the 2026 Changes to the Ethics and New Fiscal Training requirement.

8.C. City of San Jose – FY2024-25 Third Quarter Adjustment for O&M and CIP Billings. Board action required.

The Board reviewed and noted the FY2024-25 Third Quarter Adjustment for O&M and CIP Billings.

8.D. FY2025-26 Second Quarter Financial Review. Board action required: None.

Manager Porter presented the FY2025-26 Second Quarter Financial Review.

8.E. BSD Mark Thomas Staff Roles and Responsibilities Presentation. Board action required: None.

Engineer Chou presented Mark Thomas Staff Roles and Responsibilities. District Staff will post this presentation on the BSD Website. District Staff will prepare another presentation about the District.

8.F. San Jose – Santa Clara Regional Wastewater Facility Tributary Agencies' Estimated Available Plant Capacity – 2025. Board action require: None

Manager Porter presented the 2025 San Jose – Santa Clara Regional Wastewater Facility Tributary Agencies' Estimated Available Plant Capacity.

**9. UNFINISHED BUSINESS**

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

Manager Porter gave an update for the Lower Lateral CIP Project. District Staff will highlight the project on the BSD Website. District Staff will also post a Phase 2 CIP coming soon post on the BSD website.

- 9.B. GreenWaste Recovery, Inc. Annual Spring Clean Up Planning. Board action required: Discussion of survey question.

The following were discussed.

- The Board will prepare a list of survey questions for the next Board Meeting.
- District Staff will address the comments made on the Clean Up Day Flyer.
- District Staff will confirm Clean Up Day logistics with GreenWaste
- The Board will brainstorm information to place on the Director Handouts.

- 9.C. CASA 2026 Winter Conference January 13-16, 2026. Board action required: Board members to provide summary of their experience.

President Prupes provided a summary of her experience at the CASA 2026 Winter Conference.

**10. HOUSEKEEPING ITEMS**

- 10.A. Updates on Housekeeping Items.

- No update.

- 10.B. Agenda Items for Upcoming Meetings.

- For Clean Up Day, the Board will prepare a list of survey questions for the next Board Meeting.
- For Clean Up Day, the Board will brainstorm information to place on the Director Handouts.
- By consensus, the Board agreed to cancel the first meeting for February if no urgent items need to be discussed.

**11. ADJOURNMENT – NEXT REGULAR MEETING – Tuesday, February 17, 2026.**

**Motion:** To adjourn meeting at 9:02 pm.

**Move:** Sclafani                      **Second:** Seldal

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

**Noes:** None

**Abstain:** None

**Absent:** None

Approved: February 17, 2026

Respectfully Submitted,

**Mark Thomas & Company, Inc.**

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Rene Prupes, President

District Manager  
Benjamin T. Porter, PE