

1. CALL TO ORDER

President Yoder called the meeting to order at 7:30pm.

Call to Order

2. ROLL CALL AND APPROVAL OF AGENDA

Directors Present: Michael Yoder, John Marke, Bruce Smith, Soren Spies
Directors Absent: None
Counsel Present: None
Staff: Donald Toy, Mark Thomas & Company, Inc.

Roll Call and
Approval of
Agenda

Motion: To approve the agenda.

Move: Spies **Second:** Marke

Board vote: **Ayes,** Yoder, Marke, Spies, Smith **Noes,** None

3. PUBLIC COMMENTARY

- A. Visitor Commentary – None.
- B. Agency Representatives – Staff reported that District inspectors will remove the installed flow meters from the four locations this Friday. Staff will work with an IT consultant to attempt extracting the flow data from the recorders. This work is being done because the flow monitoring company is bankrupt and this will be the last attempt to download the data from the meters.
- C. Board Commentary – Director Spies stated that he may attend an AB1234 Ethics Training seminar in Sacramento later this week. Director Smith stated that he will not be able to attend the March 17, 2009, board meeting.

Public
Commentary

4. CONSENT CALENDAR

- A. Approval of Minutes. Board action required: Approve Minutes from the Meeting of 01/20/09.

Consent
Calendar

Motion: To approve the minutes from the meeting of 01/20/09.

Move: Spies **Second:** Smith

Board vote: **Ayes,** Yoder, Marke, Spies, Smith **Noes,** None

5. WARRANTS

- A. Approval of Warrants.
 - 1. Enviro-Commercial Sweeping, Inc. District Street Sweeping Services.
 - 2. Mark Thomas & Company, Inc. District Management Services.
 - 3. USE Credit Union. Board of Directors Payroll.
 - 4. Meyers Nave. District Legal Services.
 - 5. Win Win IT Solutions. FY 2007-08 Audit Preparation.
 - 6. Santa Clara County. Encroachment Permits FY 2007-08 and FY 2008-09.
 - 7. Somot Properties. Sewer Extension Deposit Refund - 2376 Olive Ave.

Warrants

6. NEW BUSINESS (continued)

New Business
(continued)

- C. Capital Cost Billing. Staff reported that they were waiting for a call back from the finance department at the City of San Jose regarding payment of the balance for the capital billing from Treatment Plant. Staff will contact the Board's Finance Subcommittee with details as they become available.

- D. Mark Thomas & Company, Inc. (MTCO) Contract Renewal. Staff presented a report regarding the draft proposal for the new contract for District Management Services from MTCO. Staff stated that the proposed rate structure and revised task list reflected the anticipated work load required to manage the District each year for the next four years. The proposal included an annual fee escalation of four percent. Director Spies asked if there were any other methods of determining an escalation factor. Staff stated that some agencies utilize the ENR CCI index to determine rates, increases, and spending. Staff will look into the CCI history and present it to the Board for comparison. A draft copy of the proposal will be sent to the Finance Subcommittee as soon as possible.

7. OLD BUSINESS

Old Business

- A. Board Vacancy. Staff reported that there were no applicants so far for the vacant position. Director Spies stated that it would be a good time for the board members to inquire with their neighbors and acquaintances to possibly recruit candidates. March 21, 2009, is the deadline to appoint a new director to fill the vacancy.

8. SUBCOMMITTEE REPORTS- A Recruiting Subcommittee was formed, consisting of Directors Spies and Smith. The Finance Subcommittee includes Directors Spies and Marke.

9. ADJOURNMENT: Next Regular Meeting: *Tuesday, March 17, 2009*

Motion: To adjourn meeting.

Move: Smith **Second:** Spies

Board vote: **Ayes,** Yoder, Post, Marke, Spies, Smith **Noes,** None
 Absent, None

Approved: March 17, 2009

Respectfully Submitted,
Mark Thomas & Company, Inc.

District Manager – Engineer
Donald Toy
Administrator

Michael E. Yoder, President