

**CUPERTINO SANITARY DISTRICT
SANITARY BOARD MEETING
WEDNESDAY, JANUARY 20, 2021**

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In accordance with Executive Order N-33-20, meeting to be held at 7:00 p.m. via teleconference [call 1 (866) 899 - 4679 Conference Access Code: 251566821] and anyone interested may also call in. The District Office at 20863 Stevens Creek Blvd, Suite 100, Cupertino is closed.

1. ROLL CALL

2. PUBLIC COMMENTS

THIS PORTION OF THE MEETING IS RESERVED FOR PERSONS DESIRING TO ADDRESS THE BOARD ON ANY MATTER NOT ON THE AGENDA. SPEAKERS ARE LIMITED TO THREE (3) MINUTES.

ALL STATEMENTS REQUIRING A RESPONSE WILL BE REFERRED TO STAFF FOR FURTHER ACTION. IN MOST CASES, STATE LAW WILL PROHIBIT THE BOARD FROM MAKING ANY DECISIONS WITH RESPECT TO A MATTER NOT LISTED ON THE AGENDA.

3. CLOSED SESSION

- A. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
in accordance with government code section Paragraph (1) of Subdivision (d) of Section 54956.9, existing litigation. 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.

4. MINUTES & BILLS

- A. APPROVAL OF THE MINUTES OF JANUARY 6, 2021
- B. APPROVED MINUTES OF DECEMBER 16, 2020
- C. PAYMENT OF BILLS AND APPROVAL OF FINANCIAL STATEMENT
- D. DIRECTOR'S MONTHLY TIMESHEETS

5. CORRESPONDENCE

- A. OFFICE OF THE COUNTY COUNSEL, COUNTY OF SANTA CLARA – TRAINING FOR FORM 700 FILING OFFICIALS

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6. MEETINGS

- A. CASA VIRTUAL WINTER CONFERENCE TO BE HELD JANUARY 27-28, 2021
- B. CSRMA VIRTUAL WEBINARS TO BE HELD JANUARY 26, 2021

7. REPORTS

- A. LAFCO INDEPENDENT SPECIAL DISTRICT SELECTION COMMITTEE MEETING HELD ON JANUARY 11, 2021
- B. TELECONFERENCE MEETING OF THE SAN JOSE/SANTA CLARA TREATMENT PLANT TECHNICAL ADVISORY COMMITTEE (TAC) HELD ON JANUARY 11, 2021
- C. TELECONFERENCE MEETING OF THE SAN JOSE/SANTA CLARA TREATMENT PLANT ADVISORY COMMITTEE (TPAC) HELD ON JANUARY 14, 2021

8. UNFINISHED BUSINESS

- A. COVID-19 UPDATES

9. NEW BUSINESS

- A. D&B LEGACY, LLP DEPOSIT REFUND
- B. BUDGET UPDATE – JOINT USE CAPITAL AND DISTRICT ADVISOR

10. STAFF REPORT

- A. VALLCO
- B. MONTHLY MAINTENANCE REPORT

11. CALENDAR ITEMS

- A. NEXT REGULAR DISTRICT BOARD MEETING IS SCHEDULED TO BE HELD ON WEDNESDAY, FEBRUARY 3, 2021

12. ADJOURNMENT

CUPERTINO SANITARY DISTRICT BOARD MEETING
WEDNESDAY, JANUARY 06, 2021

The Sanitary Board of the Cupertino Sanitary District convened this date at 7:00 p.m. This meeting was conducted in accordance with the Executive Order N-33-20 via teleconferencing. The District office at 20863 Stevens Creek Blvd, Suite 100, Cupertino was closed.

1. ROLL CALL:

President Saadati called the meeting to order and the following proceedings were had to wit: Roll call was taken, with the following members in attendance:

Directors present: Angela S. Chen, Taghi S. Saadati, John M. Gatto, William A. Bosworth, and Patrick S. Kwok.

Staff present: District Manager Benjamin Porter, Deputy District Manager Robert Woodhouse, and Counsel Marc Hynes.

District Advisor: Richard Tanaka

Public: Valerie Armento - BSD Counsel, District Counsel's Law Partner
John Zoglin – Candidate for Alternative Representative for Special District for LAFCO

2. PUBLIC COMMENTS:

John Zoglin introduced himself as a member of the El Camino Health District Board. He is a candidate for the Alternate Position for Special District Representative for the LAFCO Board. Zoglin asked for the Board's support at the LAFCO Board meeting to be held on Monday, January 11, 2021.

3. CLOSED SESSION:

President Saadati adjourned the regular meeting session and opened the closed session at 7:08 p.m. Manager Porter and Deputy Manager Woodhouse were excused from the closed session.

- A. Conference with legal counsel – Existing Litigation in accordance with government code section Paragraph (1) of Subdivision (d) of Section 54956.9, existing litigation. 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 was adjourned at 7:32 p.m. and the regular meeting was called to order. District Manager Porter and Deputy District Manager Woodhouse rejoined the regular meeting. There was no reportable action.

4. MINUTES:

- A. On a motion by Director Saadati, seconded by Director Bosworth, by a vote of 5-0-0 the minutes of Wednesday, December 16, 2020 were approved as written.
- B. By consensus, the Minutes of Wednesday, December 2, 2020 are to be Noted & Filed.

CUPERTINO SANITARY DISTRICT BOARD MEETING
WEDNESDAY, JANUARY 06, 2021

5. CORRESPONDENCE:

- A. The Board reviewed the District letter to City of San Jose regarding the San Jose/Santa Clara Water Pollution Control Treatment Plant Operating Fund Cost Allocation for Fiscal Year 2019-2020. Manager Porter presented the letter from the District requesting to receive cash payment for overpayment of FY 19-20 expenses in lieu of applying credit for the remaining O&M and CIP invoices for FY 20-21.

6. MEETINGS:

- A. Director Chen plans to attend the LAFCO Independent Special District Selection Committee Meeting to be held on January 11, 2021.
- B. Manager Porter plans to attend the teleconference meeting of The San Jose/Santa Clara Treatment Plant Technical Advisory Committee (TAC) scheduled to be held January 11, 2021.
- C. Director Gatto plans to attend the teleconference meeting of The San Jose/Santa Clara Treatment Plant Advisory Committee (TPAC) scheduled to be held January 14, 2021
- D. Directors Saadati, Chen, Bosworth and Kwok plan to attend the CSRMA virtual webinars to be held January 26, 2021.

7. REPORTS:

There were none.

8. UNFINISHED BUSINESS:

Manager Porter reported on COVID-19 updates. He indicated that there have been no issues related to COVID-19 by staff. All staff continue to work safely, providing essential services to our customers.

9. NEW BUSINESS:

- A. Manager Porter presented on the Rate Study Workshop No. 5-Rate Study Methodology.

10. STAFF REPORTS:

- A. Manager Porter reported on Vallco and stated that District staff is in discussions with Vallco staff to secure payment of \$70,000 for past work performed by District staff in responding to Vallco requests for reviews, meetings, and flow studies to support their development.

CUPERTINO SANITARY DISTRICT BOARD MEETING
WEDNESDAY, JANUARY 06, 2021

11. CALENDAR ITEMS:

The next regular District Board meeting is scheduled to be held on Wednesday, January 20, 2021.

12. ADJOURNMENT:

On a motion properly made and seconded, at 8:40 p.m. the meeting was adjourned.

Secretary of the Sanitary Board

President of the Sanitary Board

CUPERTINO SANITARY DISTRICT BOARD MEETING
WEDNESDAY, DECEMBER 16, 2020

The Sanitary Board of the Cupertino Sanitary District convened this date at 7:00 p.m. This meeting was conducted in accordance with the Executive Order N-33-20 via teleconferencing. The District office at 20863 Stevens Creek Blvd, Suite 100, Cupertino was closed.

1. ROLL CALL:

President Chen called the meeting to order and the following proceedings were had to wit: Roll call was taken, with the following members in attendance:

Directors present: Angela S. Chen, Taghi S. Saadati, John M. Gatto, William A. Bosworth, and Patrick S. Kwok.

Staff present: District Manager Benjamin Porter, Deputy District Manager Robert Woodhouse, and Counsel Marc Hynes.

District Counselor: Richard Tanaka

Sasha Dansky of Mark Thomas joined the meeting at 7:58 p.m.

2. PUBLIC COMMENTS:

There were none.

3. CLOSED SESSION:

President Chen adjourned the regular meeting session and opened the closed session at 7:05 p.m. Manager Porter and Deputy Manager Woodhouse were excused from the closed session.

A. Conference with legal counsel – Existing Litigation in accordance with government code section Paragraph (1) of Subdivision (d) of Section 54956.9, existing litigation. 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 was adjourned at 7:58 p.m. and the regular meeting was called to order. District Manager Porter and Deputy District Manager Woodhouse rejoined the regular meeting. There was no reportable action.

Sasha Dansky joined the meeting at 7:58 p.m.

4. MINUTES & BILLS:

A. On a motion by Director Gatto, seconded by Director Saadati, by a vote of 5-0-0 the minutes of Wednesday, December 2, 2020 were approved as written.

B. By consensus, the Minutes of Wednesday, November 18, 2020 are to be Noted & Filed.

CUPERTINO SANITARY DISTRICT BOARD MEETING
WEDNESDAY, DECEMBER 16, 2020

C. The Board reviewed December payable warrants and financial statements. On a motion by Director Bosworth, seconded by Director Gatto, by a vote of 5-0-0, the financial statement and payment of bills were approved.

D. Board members will submit their December timesheets to Manager Porter.

5. CORRESPONDENCE:

There was none.

6. MEETINGS:

There are none.

7. REPORTS:

A. Manager Porter reported on the teleconference meeting of the San Jose/Santa Clara Treatment Plant Technical Advisory Committee (TAC) held on December 7, 2020.

B. Director Bosworth reported on the teleconference meeting of the Santa Clara County Special Districts Association (SCCSDA) held on December 7, 2020.

C. Director Gatto reported on the teleconference meeting of the San Jose/Santa Clara Treatment Plant Advisory Committee (TPAC) held on December 10, 2020.

8. UNFINISHED BUSINESS:

A. Manager Porter reported on COVID-19 updates.

B. Manager Porter reported on the Rate Study Methodology. Manager Ben Porter used a PowerPoint presentation to facilitate Board discussions on the process to be used to determine fair and equitable rates to customers.

9. NEW BUSINESS:

A. The Board reviewed the Santa Clara County Certificate of Election Results. On a motion by Director Gatto, seconded by Director Kwok, by a vote of 5-0-0 the Certificate of Election Results was accepted. Counsel Hynes administered the Oath of Office to Angela S. Chen, John M. Gatto, and William A. Bosworth.

B. The Board elected District Officers for 2021, effective January 1, 2021. By a vote of 5-0-0, the Slate of Officers for the District was approved as follows:

President – Taghi S. Saadati
Secretary – William A. Bosworth
Secretary Pro-Tem – John M. Gatto

CUPERTINO SANITARY DISTRICT BOARD MEETING
WEDNESDAY, DECEMBER 16, 2020

By concurrence, it was ordered that the Slate of Representatives for the District be approved, effective January 1, 2021, as follows:

TPAC Alternate	John Gatto Patrick Kwok
Special Districts Association Alternate	Bill Bosworth Angela Chen
CASA Alternate	Taghi Saadati Bill Bosworth
CSRMA Alternate	Bill Bosworth Angela Chen
Finance Committee	Director Gatto (Director in Position 3) Director Kwok (Director in Position 4)
TAC	Manager Porter & Deputy Manager Woodhouse

- C. The Board discussed the LAFCO Notice of Independent Special District Selection Committee Meeting scheduled to be held on Monday, January 11, 2021. Director Chen plans to attend the meeting.
- D. The Board reviewed the preliminary agenda for the CASA Winter Virtual Conference to be held January 27-28, 2021. All Board members, and Staff plan to attend the full virtual conference. District Counsel will attend the Attorney’s Committee Meeting portion.

10. STAFF REPORTS:

- A. Manager Porter gave a report on Vallco. Staff had a call with Vallco representatives on Monday, December 14. Staff wishes to continue to support the Vallco development by providing reviews of their construction plans, bypass pumping plans, and the development of the new Installer’s Agreement. However, District staff informed Vallco that they will need to compensate the District for their services to date which are overdue.
- B. Manager Porter reported on the monthly maintenance report.

CUPERTINO SANITARY DISTRICT BOARD MEETING
WEDNESDAY, DECEMBER 16, 2020

11. CALENDAR ITEMS:

The next regular District Board meeting is scheduled to be held on Wednesday, January 6, 2020.

12. ADJOURNMENT:

On a motion properly made and seconded, at 9:32 p.m. the meeting was adjourned.

Secretary of the Sanitary Board

President of the Sanitary Board

CUPERTINO SANITARY DISTRICT
MONTHLY FINANCIAL REPORT THROUGH DECEMBER 2020
(6th Month of Operations - 50% into FY Operations)
FISCAL YEAR: July 1, 2020 to June 30, 2021

EXPENSE SUMMARY REPORT

Account Name	Account Number	BUDGET	Prior Expenses	Amount Payable	Total To Date Expenses	Remaining Balance	(#H{ shqghg#	Comments
				DEC SERVICES				
				Wz#Gdwh				
OPERATING EXPENSES								
Loan Payments	41000	\$1,200,542	\$0.00	\$600,639.58	\$600,639.58	\$599,902.42	50.0%	Loan Payment No.2
Directors Fees	41030	\$35,000	\$15,676.77	\$2,881.44	\$18,558.21	\$16,441.79	53.0%	On Target
Gasoline, Oil & Fuel	41060	\$3,000	\$1,040.25	\$0.00	\$1,040.25	\$1,959.75	34.7%	None this month
Insurance	41070	\$135,000	\$3,614.97	\$119,874.95	\$123,489.92	\$11,510.08	91.5%	Dooley Insurance - February 2021 coverage; CSRMA Year 2021
Memberships	41080	\$57,000	\$25,929.59	\$384.00	\$26,313.59	\$30,686.41	46.2%	CWEA Memberships
Office Rent	41090	\$6,000	\$2,000.00	\$400.00	\$2,400.00	\$3,600.00	40.0%	On Target
Operating Expenses - General	41100	\$3,000	\$49.90	\$0.00	\$49.90	\$2,950.10	1.7%	None this month
Operating Expenses - Credit Card Processing Fees	41100-1	\$3,700	2,457.81	\$311.41	\$2,769.22	\$930.78	74.8%	December Fees
Contractual Services:								
Outfall Maintenance	41113	\$71,000	\$46,535.89	\$0.00	\$46,535.89	\$24,464.11	65.5%	None this month
T.P. Oper. & Maint.	41114	\$8,630,553	\$3,213,070.00	\$1,606,535.00	\$4,819,605.00	\$3,810,948.00	55.8%	FY2020-2021 3rd Quarter Billing
Professional Services:								
Management Services	41121	\$540,000	\$300,345.42	\$53,347.95	\$353,693.37	\$186,306.63	65.5%	On Target; slightly ahead of schedule
Engineering Services	41122	\$1,200,000	\$605,055.41	\$131,791.87	\$736,847.28	\$463,152.72	61.4%	On Target; slightly ahead of schedule
Plan Checking & Inspection	41123	\$200,000	\$73,506.97	\$12,563.75	\$86,070.72	\$113,929.28	43.0%	On Target
Legal - Consultant Services	41124	\$0	\$0.00	\$5,200.00	\$5,200.00	(\$5,200.00)	-	Richard Tanaka - Consulting for Nov/Dec 2020
Legal - District Counsel	41124	\$60,000	\$25,038.00	\$6,264.00	\$31,302.00	\$28,698.00	52.2%	Marc Hynes - December Services
Legal - Common Interest Group (CuSD Advance Pay)	41124	\$980,000	\$612,528.05	\$148,514.84	\$761,042.89	\$218,957.11	77.7%	Hunton Andrews Kurth - October and November Services
Legal - Common Interest Group (CuSD Share)	41124	\$222,000	\$172,764.32	\$41,888.80	\$214,653.12	\$7,346.88	96.7%	Hunton Andrews Kurth - October and November Services
Audit	41125	\$11,500	\$0.00	\$0.00	\$0.00	\$11,500.00	0.0%	None to date
Printing & Publications	41130	\$28,000	\$0.00	\$0.00	\$0.00	\$28,000.00	0.0%	None to date
Repairs	41150	\$800,000	\$98,786.79	\$4,609.00	\$103,395.79	\$696,604.21	12.9%	On Target; below budget
Maintenance	41151	\$3,200,000	\$1,471,281.86	\$288,263.44	\$1,759,545.29	\$1,440,454.71	55.0%	On Target
Travel & Meetings Staff	41170	\$15,000	\$250.00	\$330.00	\$580.00	\$14,420.00	3.9%	CASA Winter Conference Registration
Travel & Meetings BOD	41170	\$18,000	\$625.00	\$825.00	\$1,450.00	\$16,550.00	8.1%	CASA Winter Conference Registration
Utilities	41190	\$65,000	\$29,964.60	\$4,958.77	\$34,923.37	\$30,076.63	53.7%	On Target
Refunds & Reimbursements:								
Miscellaneous	41201	\$50,000	\$27,388.14	\$0.00	\$27,388.14	\$22,611.86	54.8%	None this month
Connection Fees	41202	\$2,000	\$0.00	\$0.00	\$0.00	\$2,000.00	0.0%	None to date
Checking & Inspection	41203	\$3,000	\$0.00	\$0.00	\$0.00	\$3,000.00	0.0%	None to date
Emergency Funds	48000	\$250,000	\$50,996.33	\$8,004.07	\$59,000.40	\$190,999.60	23.6%	Two emergencies this month
Consolidated Election	48001	\$150,000	\$0.00	\$105,859.00	\$105,859.00	\$44,141.00	70.6%	Share of costs - Presidential Election on November 3, 2020
TOTAL OPERATING EXPENSES		\$17,939,295	\$6,778,906.07	\$3,143,446.87	\$9,922,352.93	\$8,016,942.07	55.3%	
CAPITAL EXPENSES								
District Sewer Capital & Support	46041	\$2,000,000	\$132,324.83	\$44,300.00	\$176,624.83	\$1,823,375.17	8.8%	Manhole Adjustment for Via Regina (Con-Quest); Lateral Repairs (C2R Engineering)
Treatment Plant Capital	46042	\$6,392,192	\$1,773,540.00	\$167,728.00	\$1,941,268.00	\$4,450,924.00	30.4%	FY2020-2021 3rd Quarter Billing
Outfall Capital	46042	\$1,572,000	\$2,627,444.65	\$0.00	\$2,627,444.65	(\$1,055,444.65)	167.1%	None this month
District Equipment	46043	\$150,000	\$4,033.00	\$0.00	\$4,033.00	\$145,967.00	2.7%	None this month
Replacement Fund	46044	\$300,000	\$0.00	\$0.00	\$0.00	\$300,000.00	0.0%	None to date
TOTAL CAPITAL EXPENSES		\$10,414,192	\$4,537,342.48	\$212,028.00	\$4,749,370.48	\$5,664,821.52	45.6%	
TOTAL EXPENSES		\$28,353,487	\$11,316,248.55	\$3,355,474.87	\$14,671,723.41	\$13,681,763.59	51.7%	

CUPERTINO SANITARY DISTRICT
MONTHLY FINANCIAL REPORT THROUGH DECEMBER 2020
(6th Month of Operations - 50% into FY Operations)
 FISCAL YEAR: July 1, 2020 to June 30, 2021

EXPENSE SUMMARY REPORT - ADJUSTED BUDGET

Account Name	Account Number	BUDGET	Prior Expenses	Amount Payable	Total To Date Expenses	Remaining Balance	(#H{shqghg# Gdwh	Comments
DEC SERVICES								
OPERATING EXPENSES								
Loan Payments	41000	\$1,200,542	\$0.00	\$600,639.58	\$600,639.58	\$599,902.42	50.0%	Loan Payment No.2
Directors Fees	41030	\$35,000	\$15,676.77	\$2,881.44	\$18,558.21	\$16,441.79	53.0%	On Target
Gasoline, Oil & Fuel	41060	\$3,000	\$1,040.25	\$0.00	\$1,040.25	\$1,959.75	34.7%	None this month
Insurance	41070	\$135,000	\$3,614.97	\$119,874.95	\$123,489.92	\$11,510.08	91.5%	Dooley Insurance - February 2021 coverage; CSRMA Year 2021
Memberships	41080	\$57,000	\$25,929.59	\$384.00	\$26,313.59	\$30,686.41	46.2%	CWEA Memberships
Office Rent	41090	\$6,000	\$2,000.00	\$400.00	\$2,400.00	\$3,600.00	40.0%	On Target
Operating Expenses - General	41100	\$3,000	\$49.90	\$0.00	\$49.90	\$2,950.10	1.7%	None this month
Operating Expenses - Credit Card Processing Fees	41100-1	\$3,700	2,457.81	\$311.41	\$2,769.22	\$930.78	74.8%	December Fees
Contractual Services:								
Outfall Maintenance	41113	\$71,000	\$46,535.89	\$0.00	\$46,535.89	\$24,464.11	65.5%	None this month
T.P. Oper. & Maint.	41114	\$8,630,553	\$3,213,070.00	\$1,606,535.00	\$4,819,605.00	\$3,810,948.00	55.8%	FY2020-2021 3rd Quarter Billing
Professional Services:								
Management Services	41121	\$540,000	\$300,345.42	\$53,347.95	\$353,693.37	\$186,306.63	65.5%	On Target; slightly ahead of schedule
Engineering Services	41122	\$1,200,000	\$605,055.41	\$131,791.87	\$736,847.28	\$463,152.72	61.4%	On Target; slightly ahead of schedule
Plan Checking & Inspection	41123	\$200,000	\$73,506.97	\$12,563.75	\$86,070.72	\$113,929.28	43.0%	On Target
Legal - Consultant Services	41124	\$25,000	\$0.00	\$5,200.00	\$5,200.00	\$19,800.00	20.8%	Richard Tanaka - Consulting for Nov/Dec 2020
Legal - District Counsel	41124	\$60,000	\$25,038.00	\$6,264.00	\$31,302.00	\$28,698.00	52.2%	Marc Hynes - December Services
Legal - Common Interest Group (CuSD Advance Pay)	41124	\$980,000	\$612,528.05	\$148,514.84	\$761,042.89	\$218,957.11	77.7%	Hunton Andrews Kurth - October and November Services
Legal - Common Interest Group (CuSD Share)	41124	\$222,000	\$172,764.32	\$41,888.80	\$214,653.12	\$7,346.88	96.7%	Hunton Andrews Kurth - October and November Services
Audit	41125	\$11,500	\$0.00	\$0.00	\$0.00	\$11,500.00	0.0%	None to date
Printing & Publications	41130	\$28,000	\$0.00	\$0.00	\$0.00	\$28,000.00	0.0%	None to date
Repairs	41150	\$800,000	\$98,786.79	\$4,609.00	\$103,395.79	\$696,604.21	12.9%	On Target
Maintenance	41151	\$3,200,000	\$1,471,281.86	\$288,263.44	\$1,759,545.29	\$1,440,454.71	55.0%	On Target
Travel & Meetings Staff	41170	\$5,000	\$250.00	\$330.00	\$580.00	\$4,420.00	11.6%	CASA Winter Conference Registration
Travel & Meetings BOD	41170	\$3,000	\$625.00	\$825.00	\$1,450.00	\$1,550.00	48.3%	CASA Winter Conference Registration
Utilities	41190	\$65,000	\$29,964.60	\$4,958.77	\$34,923.37	\$30,076.63	53.7%	On Target
Refunds & Reimbursements:								
Miscellaneous	41201	\$50,000	\$27,388.14	\$0.00	\$27,388.14	\$22,611.86	54.8%	None this month
Connection Fees	41202	\$2,000	\$0.00	\$0.00	\$0.00	\$2,000.00	0.0%	None to date
Checking & Inspection	41203	\$3,000	\$0.00	\$0.00	\$0.00	\$3,000.00	0.0%	None to date
Emergency Funds	48000	\$250,000	\$50,996.33	\$8,004.07	\$59,000.40	\$190,999.60	23.6%	Two emergencies this month
Consolidated Election	48001	\$150,000	\$0.00	\$105,859.00	\$105,859.00	\$44,141.00	70.6%	Share of costs - Presidential Election on November 3, 2020
TOTAL OPERATING EXPENSES		\$17,939,295	\$6,778,906.07	\$3,143,446.87	\$9,922,352.93	\$8,016,942.07	55.3%	
CAPITAL EXPENSES								
District Sewer Capital & Support	46041	\$940,000	\$132,324.83	\$44,300.00	\$176,624.83	763,375.17	18.8%	Manhole Adjustment for Via Regina (Con-Quest); Lateral Repairs (C2R Engineering)
Treatment Plant Capital	46042	\$6,392,192	\$1,773,540.00	\$167,728.00	\$1,941,268.00	\$4,450,924.00	30.4%	FY2020-2021 3rd Quarter Billing
Outfall Capital	46042	\$2,632,000	\$2,627,444.65	\$0.00	\$2,627,444.65	4,555.35	99.8%	None this month
District Equipment	46043	\$150,000	\$4,033.00	\$0.00	\$4,033.00	\$145,967.00	2.7%	None this month
Replacement Fund	46044	\$300,000	\$0.00	\$0.00	\$0.00	\$300,000.00	0.0%	None to date
TOTAL CAPITAL EXPENSES		\$10,414,192	\$4,537,342.48	\$212,028.00	\$4,749,370.48	\$5,664,821.52	45.6%	
TOTAL EXPENSES		\$28,353,487	\$11,316,248.55	\$3,355,474.87	\$14,671,723.41	\$13,681,763.59	51.7%	

CUPERTINO SANITARY DISTRICT
MONTHLY FINANCIAL REPORT THROUGH DECEMBER 2020
(6th Month of Operations - 50% into FY Operations)
 FISCAL YEAR: July 1, 2020 to June 30, 2021

REVENUE SUMMARY REPORT

Account Name	Account Number	BUDGET	Prior Receipts	Current Month Receipts DEC	Total Amount Received	Remaining Balance to Collect	% Earned To Date	Comments
OPERATING REVENUES								
Service Charges								
Handbilling	31010	\$553,700.00	\$3,201.49	\$0.00	\$3,201.49	\$550,498.51	0.6%	None this month
Tax Roll	31010	\$19,220,000.00	\$0.00	\$0.00	\$0.00	\$19,220,000.00	0.0%	None to date
Permit Fees	31020	\$130,000.00	\$25,013.76	\$3,850.00	\$28,863.76	\$101,136.24	22.2%	Eleven payments received this month; Seventy-nine payments received to-date
Connection Fees	31031	\$600,000.00	\$150,036.82	\$0.00	\$150,036.82	\$449,963.18	25.0%	None this month
Capacity Fees	31032	\$600,000.00	\$170,137.36	\$0.00	\$170,137.36	\$429,862.64	28.4%	None this month
Pump Zone Fees	31033	\$80,000.00	\$0.00	\$0.00	\$0.00	\$80,000.00	0.0%	None to date
Checking & Inspection Fees	31040	\$160,000.00	\$37,000.00	\$5,400.00	\$42,400.00	\$117,600.00	26.5%	Twelve payments received this month; One hundred two payments received to-date
Annexation	32010	\$2,500.00	\$0.00	\$0.00	\$0.00	\$2,500.00	0.0%	None to date
Interest	32050	\$220,000.00	\$98,692.10	\$17,686.96	\$116,379.06	\$103,620.94	52.9%	FY20-21 Qtr 1 final
City of San Jose Credit(s)	32091	\$500,000.00	\$0.00	\$0.00	\$0.00	\$500,000.00	0.0%	None to date
Legal - Common Interest Group (Tributaries)	32092.1	\$700,000.00	\$176,903.54	\$4,580.17	\$181,483.71	\$518,516.29	25.9%	Received from BSD for Common Interest Group Billing for Q1 FY2020-2021
Legal - Common Interest Group (2% Admin Fees)	32902.2	\$14,000.00	\$3,610.28	\$93.47	\$3,703.75	\$10,296.25	26.5%	Received from BSD for Common Interest Group Billing for Q1 FY2020-2021
Refunds/Reimbursements - Misc.	32091	\$10,000.00	\$16,278.91	\$0.00	\$16,278.91	(\$6,278.91)	162.8%	None this month
Lateral Construction	32093	\$15,000.00	\$0.00	\$0.00	\$0.00	\$15,000.00	0.0%	None to date
TOTAL OPERATING REVENUE		\$22,805,200.00	\$680,874.26	\$31,610.60	\$712,484.86	\$22,092,715.14	3.12%	
		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	Reserve Account
TOTAL OPERATING REVENUE		\$22,805,200.00	\$680,874.26	\$31,610.60	\$712,484.86	\$22,092,715.14	3.12%	

FDVK#DFFRXQW#VXPPDU

Date	Operating Fund	Replacement Fund	Comingled Fund	Cal Bank Trust Acct	Loan Balance with interest *	Net Cash
FY 2019-20 Balance	\$18,718,534.78	\$2,700,000.00	\$16,018,534.78	\$632,243.62	\$180,632.21	\$19,350,778.40
July 31, 2020	\$15,091,707.04	\$3,000,000.00	\$12,091,707.04	\$638,170.27	\$180,676.58	\$15,910,553.89
August 31, 2020	\$14,180,940.69	\$3,000,000.00	\$11,180,940.69	\$648,776.35	\$180,712.33	\$15,010,429.37
September 30, 2020	\$13,711,877.70	\$3,000,000.00	\$10,711,877.70	\$656,635.22	\$180,718.25	\$14,549,231.17
October 31, 2020	\$10,142,271.46	\$3,000,000.00	\$7,142,271.46	\$668,309.14	\$180,724.18	\$10,991,304.78
November 30, 2020	\$7,788,382.95	\$3,000,000.00	\$4,788,382.95	\$680,713.93	\$180,730.30	\$8,649,827.18
December 31, 2020	\$7,255,228.33	\$3,000,000.00	\$4,255,228.33	\$690,072.87	\$180,736.42	\$8,126,037.62

FOR CAL BANK SUMMARY, SEE ATTACHED DETAIL.

CALIFORNIA BANK AND TRUST ACCOUNT SUMMARY AS OF 12/31/2020

Cal Bank Activities				Total Interest	Interest prorated to Loan Balance	Loan Balance w/Interest	Interest prorated to \$600K District Saving	District portion of saving balance	Total Savings balance	Checking Acct Balance	TOTAL AT CAL BANK
No.	Whom	Date	Check Amount			\$10,000,000.00			\$10,000,000.00		\$10,000,000.00
101	San Jose	10/16/2019	\$2,180,309.00			\$7,819,691.00			\$7,819,691.00		\$7,819,691.00
102	San Jose	10/16/2019	\$29,515.44			\$7,790,175.56			\$7,790,175.56		\$7,790,175.56
103	Tesco	11/20/2019	\$17,707.00			\$7,772,468.56			\$7,772,468.56		\$7,772,468.56
104	Shape	11/20/2019	\$108,814.78			\$7,663,653.78			\$7,663,653.78		\$7,663,653.78
105	Tesco	12/18/2019	\$169,018.00			\$7,494,635.78			\$7,494,635.78		\$7,494,635.78
106	Con Quest	12/18/2019	\$385,242.58	\$30,683.35	\$30,683.35	\$7,140,076.55			\$7,140,076.55		\$7,140,076.55
107	San Jose	1/15/2020	\$6,966,355.00			\$173,721.55			\$173,721.55		\$173,721.55
Interest through 3/31/20				\$6,823.36	\$6,823.36	\$180,544.91			\$180,544.91		\$180,544.91
Deposit 4/16/2020						\$180,544.91		\$600,000.00	\$780,544.91	\$2,996.28	\$783,541.19
Balance as of 5/30/2020				\$179.37	\$41.50	\$180,586.41	\$137.87	\$600,137.87	\$780,724.28	\$5,744.81	\$786,469.09
Balance as of 6/30/2020				\$197.98	\$45.80	\$180,632.21	\$152.18	\$600,290.05	\$780,922.26	\$31,953.57	\$812,875.83
Balance as of 7/31/2020				\$191.84	\$44.37	\$180,676.58	\$147.47	\$600,437.52	\$781,114.10	\$37,732.75	\$818,846.85
Balance as of 8/31/2020				\$154.53	\$35.74	\$180,712.33	\$118.79	\$600,556.30	\$781,268.63	\$48,220.05	\$829,488.68
Balance as of 9/30/2020				\$25.62	\$5.93	\$180,718.25	\$19.69	\$600,576.00	\$781,294.25	\$56,059.22	\$837,353.47
Balance as of 10/31/2020				\$25.62	\$5.93	\$180,724.18	\$19.69	\$600,595.69	\$781,319.87	\$67,713.45	\$849,033.32
Balance as of 11/30/2020				\$26.47	\$6.12	\$180,730.30	\$20.35	\$600,616.04	\$781,346.34	\$80,097.89	\$861,444.23
Balance as of 12/31/2020				\$26.47	\$6.12	\$180,736.42	\$20.35	\$600,636.39	\$781,372.81	\$89,436.48	\$870,809.29
TOTAL OR BALANCE AMOUNT				\$9,856,961.80	\$38,334.61	\$180,736.42	\$636.39	\$600,636.39	\$781,372.81	\$89,436.48	\$870,809.29

Richard Tanaka - Consulting Services for Cupertino Sanitary District

MONTH OF NOVEMBER 2020

Date	Services	Hours
11/3/2020	Review with Hunton regarding 1983 agreements and get updated on current status	2.0
11/4/2020	Board meeting from 7 to 9 pm	2.0
11/5/2020	Review Hunton's work performed over the past 3 months. Consult with Jon. Develop strategies.	2.0
11/6/2020	Work with Hunton for 4th quarter report	1.0
11/9/2020	Conference call with Tom and Ann Marie (Hunton)	2.0
11/12/2020	Conference with Jon, Hunton and Trib's attorneys	2.0
11/13/2020	Conference with Jon, Marc and Angela	1.0
11/16/2020	Common Interest Group Meeting. Coordinate with Jon and meeting with Tony Ndah	1.5
11/18/2020	Board meeting from 7 to 9 pm	2.0
11/20/2020	Conference call with Hunton	0.5
11/23/2020	Common Interest Group Meeting.	1.0
11/24/2020	Update deposition list. Prepare common Interest invoices	2.0
11/30/2020	Common Interest Group Meeting, Contract amendments 2 and 4	0.5
Month of November 2020		19.5

MONTH OF DECEMBER 2020

12/1/2020	Prepare Strategy and Board Memos	2.0
12/7/2020	Common Interest Group Meeting	0.5
12/14/2020	Common Interest Group Meeting. Update strategy.	1.0
12/15/2020	Conference w/Jon. Review with Hunton. Discuss Milpitas issues	2.0
12/16/2020	Board Meeting	1.0
Month of December 2020		6.5

**CUPERTINO SANITARY DISTRICT
WARRANTS PAYABLE - January 20, 2021**

<u>WARRANT NUMBER</u>	<u>FUND</u>	<u>AMOUNT</u>	<u>PAYEE</u>	<u>DESCRIPTION</u>	
N/A	M&O	\$ 311.41	CalBank Credit Card Processing Fees	Operating Exp. - Credit Card Processing Fees	
N/A	M&O	\$ 2,881.44	ADP	Directors' Salary	
19047	M&O	\$ 375,195.81	Mark Thomas	Office Rent	400.00
				Utilities	1,052.70
				Plan Checking & Inspection	12,563.75
				Management Services	53,347.95
				Engineering Services	131,791.87
				Repairs	4,609.00
				Maintenance	165,993.33
				Emergency Funds	5,437.21
19048	M&O	\$ 6,264.00	Armento & Hynes, LLP	Legal - District Counsel (December Services)	
19049	M&O	\$ 190,403.64	Hunton Andrews Kurth	CIG/Tribs - Legal (CuSD Advance Pay)	148,514.84
				CIG/Tribs - Legal (CuSD Share)	41,888.80
19050	M&O	\$ 5,200.00	Richard K. Tanaka	Legal - Consultant Services	
19051	M&O	\$ 992.08	Dooley Insurance Services	Insurance - Group Life & Dental	
19052	M&O	\$ 118,882.87	CSRMA	Insurance	
19053	M&O	\$ 384.00	CWEA	Memberships	
19054	M&O	\$ 48.91	City of Santa Clara Utilities	Utilities	
19055	M&O	\$ 3,763.36	PG&E	Utilities	
19056	M&O	\$ 93.80	San Jose Water Company	Utilities	
19057	M&O	\$ 1,155.00	CASA	Travel & Meetings (BOD)	825.00
				Travel & Meetings (Staff)	330.00
19058	M&O	\$ 105,859.00	Registrar of Voters	Consolidated Election	
19059	M&O	\$ 35,050.00	C2R Engineering	District Sewer Capital & Support	
19060	M&O	\$ 9,250.00	Con-Quest Contractors, Inc.	District Sewer Capital & Support	
19061	M&O	\$ 8,032.99	Tritech Software Systems	Maintenance (Lucity Support & Maint)	
19062	M&O	\$ 27.79	City of Cupertino	Maintenance	
19063	M&O	\$ 135.00	Jose Silva Gardening	Maintenance	
19064	M&O	\$ 909.60	Mission Communications, LLC	Maintenance	
19065	M&O	\$ 8,730.00	Shape Inc.	Maintenance	
19066	M&O	\$ 971.00	TelStar	Maintenance	
19067	M&O	\$ 18,414.00	Roto-Rooter	Maintenance	
19068	M&O	\$ 41,837.50	AB/JDD Plumbing Heating & AC	Maintenance	41,462.50
				Emergency	375.00
19069	M&O	\$ 45,779.09	Able Underground Construction	Maintenance	43,587.23
				Emergency	2,191.86
19070	M&O	\$ 600,639.58	Zions Bank (CalBank)	Loan Payment	
19071	M&O	\$ 1,774,263.00	City of San Jose	Treatment Plant O&M	1,606,535.00
				Treatment Plant Capital	167,728.00
TOTAL WARRANTS		\$ 3,355,474.87			

EMERGENCY DETAILS:

AB/JDD Plumbing - one emergency this month

Able - one emergency this month

Roto-Rooter - no emergencies this month

Frankie Martinez

From: Forrester, Kimberly <Kimberly.Forrester@cco.sccgov.org>
Sent: Thursday, January 14, 2021 5:47 PM
To: Forrester, Kimberly
Subject: Training for Form 700 Filing Officials

I'm sending this email to you as the Form 700 Filing Official for your agency. The County of Santa Clara is providing a training for Form 700 Filing Officials regarding their legal responsibilities and processes as a Filing Official and how to use the eDisclosure system (the web-based system the County uses for filer management) to accomplish the required tasks.

We will be offering a virtual training via Zoom.

We are offering the training on two dates:

- Friday, January 22, 2021 from 9:00 a.m. – 11:30 a.m.
- Wednesday, January 27, 2021 from 2:00 p.m. – 4:30 p.m.

The training may not last the full amount of time.

Advance sign-up is required for Zoom admittance. If you are interested in attending, please email me to let me know which date you are registering for. You will receive an email with a confirmation and Zoom link.

This training will include:

- Your responsibilities as the Filing Official (including timelines/process for assuming and leaving office filings, transfers throughout the year, and annual filings)
- The 2020/2021 Form 700 and reference information
- Process when your agency creates new positions throughout the year that are required to file
- Process for Form 700 filing requirement for consultants with your agency
- Demonstration of how to use eDisclosure to accomplish the tasks to comply with your responsibilities

Thank you,



Kim Forrester | County Counsel Legal and Compliance Officer
Office of the County Counsel, County of Santa Clara
70 West Hedding Street, East Wing, 9th Floor | San José, CA 95110
Office: (408) 299-5902
kim.forrester@cco.sccgov.org

NOTICE TO RECIPIENT: The information in this email is confidential and may be protected by the attorney-client and/or work product privileges. If you received this email in error, any review, use, dissemination, distribution, or copying of it is strictly prohibited. Please notify Administration, Office of the County Counsel, of the error immediately at 408-299-5900 and delete this communication and any attached documents from your system.

INSTALLER'S

A_G_R_E_E_M_E_N_T

WITHOUT REIMBURSEMENT

THIS AGREEMENT, made this 21st day of April, 2017, between the CUPERTINO SANITARY DISTRICT of Santa Clara County, California, a public corporation duly organized and existing under Part I Division 6 of the Health and Safety Code of the State of California, hereinafter called "District," and D&B Legacy, LLC, A California Limited Liability Company, hereinafter called "Installer";

W_I_T_N_E_S_S_E_T_H

WHEREAS, Installer is the owner of that certain real property located 10310 N. Foothill Blvd, Cupertino, CA (APN 326-15-096) designated as "Parcel" and by reference incorporated herein;

WHEREAS, District is the owner and operator of a certain sanitary sewer system and facilities of which are located on N. Foothill Blvd, within public right of way;

WHEREAS, Installer desires to construct certain sanitary sewer facilities to serve said Parcel and to connect to said existing main sewer of District and has presented to the Sanitary Board of the District, plans, profiles and specifications therefore, which said plans, profiles and specifications have been approved by the District Manager and by the Sanitary Board of the District;

NOW, THEREFORE, IT IS AGREED, as follows:

1. SEWER LINE CONSTRUCTION: Installer shall install, or cause to be installed; said sanitary sewer facilities necessary to serve said Parcel in strict accordance with the plans, profiles and specifications approved by District along the route or routes delineated on said Exhibit "A."

2. INSPECTION: Installer hereby agrees to provide and assure said District and its employees and any person or persons designated by it the right to inspect said sanitary sewer facilities and the plans, materials and work thereof at any reasonable time or times before, during or after such are installed.

3. LANDS, EASEMENTS OR RIGHTS OF WAY: In the event that any lands or easements are required for the extension of the public sewer, the construction of any improvements, or the making of connections, installer shall, at its sole cost and expense and at no cost or expense to District, procure, or cause to be procured, and have accepted by District a proper deed, easement or grant of land or right of way sufficient in law to allow the construction and maintenance of such improvements, extension or connection.

Installer further warrants that previous to the time of the execution of such conveyance to District, whether by deed, easement or grant of land or right of way, the Grantor has not conveyed the same estate or interest, or any right, title or interest therein, to any person other than District; and that such estate or interest is, at the time of the execution of such conveyance, free from encumbrances done, made or suffered by the Grantor or any person claiming under Grantor or Installer.

4. PAYMENT BY INSTALLER: Installer further hereby agrees to pay any and all costs in connection with the construction of said sanitary sewer facilities, including, but not limited to, materials, work, inspection, supervision, legal, engineering, recording and all incidental expenses therefore, and all other rates and charges established by District before acceptance thereof by District. Installer further agrees that District may, without further recourse to Installer, pay any of the above-listed expenses, or make payments applying on said expenses from the deposit made pursuant to Section 8 hereof.

5. SECURITY FOR PERFORMANCE OF WORK:

(a) Performance and Payment Bonds. As security for performance of all work necessary for construction of the Sanitary Sewer Facilities and for payment of all labor and material costs pertaining thereto, Installer or its contractor shall furnish to District performance and payment bonds, on forms provided by District and each in an amount equal to the estimated cost to construct all improvements contemplated by this Agreement, as determined by the District Manager. The performance and payment bonds shall be issued by a surety company admitted to transact business in the State of California, as approved by the District Manager, and shall remain in full force an effect at all times during the performance of the work.

(b) Certificate of Deposit As Security. As an alternative to the delivery of performance any payment bonds pursuant to Paragraph (a) above, Installer may elect to deliver to District a Certificate of Deposit payable to District and issued by a bank acceptable to District, in an amount equal to the estimated cost to construct all improvements contemplated by this Agreement, as determined by the District Engineer. In the event of any default hereunder, District shall be entitled to withdraw any portion or all of the amount deposited irrespective of any interest or penalty that may be charged by the bank for early withdrawal, and District may utilize the funds to complete any unfinished work, or to correct any defective work, or to compensate District for any damage suffered or costs incurred as a result of Installer's default.

6. CONNECTION FEES: Installer shall pay to District, prior to execution of this agreement by District, the Sewer Connections Fees identified in Exhibit A as defined in District Operations Code. The District Manager shall calculate and notify Installer of the amount of the connection fees applicable to the subject property.

7. DEPOSIT: Installer hereby agrees to deposit, in cash, with District, prior to execution of this agreement by District, a sum to be determined in Exhibit A as the District Administration Plan Checking/Inspection Fee. Said deposit is to be used by District to pay for District's costs for examination of plans, checking of specifications, inspection and other similar engineering charges, together with all costs of administration, supervision, legal, recording and other incidental expenses in connection therewith. Any balance of said sum remaining on deposit after payment of all such charges and costs shall be refunded to Installer. No interest shall be paid by District on the money so refunded. If such deposit is insufficient to pay all such charges and costs, Installer hereby agrees to pay all such charges and costs in excess of the sum so deposited prior to the acceptance of said sanitary sewer improvements by District.

8. COMPLIANCE WITH ORDINANCES, RULES AND REGULATIONS: Installer shall comply with all District ordinances, rules and regulations, as now or hereafter amended. Installer must also comply with all State, County, City, and other agency regulations, rules and ordinances affecting, in any manner, the construction of sanitary sewer facilities, and shall obtain any and all necessary permits and shall pay all fees and charges relating thereto or required therefore.

9. TRANSFER OF TITLE: Upon completion of the construction of said sanitary sewer facilities by Installer and final approval thereof by District, title to said sanitary sewer facilities shall be transferred and conveyed to District. Installer waives any and all rights or claim he may have to or for any other consideration from District for said transfer of title, except as is otherwise provided by this agreement.

10. INDEMNIFICATION: Installer shall defend, indemnify and hold District, the District Engineer, Mark Thomas & Co. Inc., the County of Santa Clara and the City in which the referred to real property is situated, their officers, agents and employees, free and harmless from any liability or claim of liability for costs and expenses incurred, directly, or indirectly, by Installer in the construction of the sanitary sewer facilities which are the subject of this agreement. Installer further agrees to require his contractor to maintain full insurance coverage of not less than standard limits, and to defend, indemnify and hold District, the District Manager, Mark Thomas & Co. Inc., the County of Santa Clara and the City

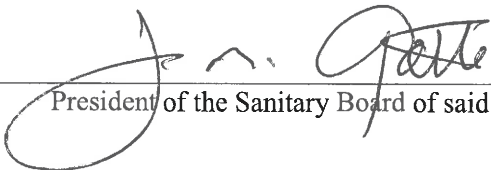
in which the referred to real property is situate, their officers, agents and employees, free and harmless from any damage or claim of damage for injury to person or property arising from the activities of Installer and his contractor in the performance of this agreement.

11. COSTS OF SUIT. In the event legal action is necessary in order to enforce or interpret this Agreement, the prevailing party shall be entitled to recover all costs and expenses that may be incurred in connection therewith, including reasonable attorneys fees.

12. SCOPE OF AGREEMENT: This writing constitutes the entire agreement between the parties, and no modification or waiver of all or any part thereof shall be valid unless in writing and signed by both parties hereto. Waiver by either party of any breach of this agreement shall not be deemed waiver of any subsequent breach of the same or of any other provision of this agreement. If any part of this agreement is held to be indefinite or uncertain or unenforceable, such determination shall not invalidate any other part of this agreement. This agreement shall bind and inure to the benefit of the heirs, administrators, successors, and assigns of the parties hereto.

IN WITNESS WHEREOF, the undersigned have executed this agreement the day and year first above written.


“DISTRICT”
CUPERTINO SANITARY DISTRICT
Santa Clara County, California

By: 

President of the Sanitary Board of said District

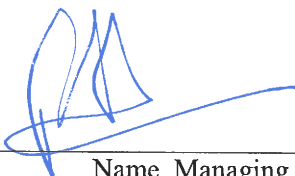
(SEAL)

ATTEST:



Secretary of said District

“INSTALLER”
D&B LEGACY, LLC
A California Limited Liability Company

By: 

Name, Managing Partner

EXHIBIT A - DEVELOPMENT FEES

	Description	Quantity	Unit	Unit Price	Amount
1	Connection Fee - Housing (Multiple), over 4 units (O.C. 7101)*	4	EA	\$100.00	\$400.00
		11	EA	\$65.00	\$715.00
2	Frontage Fee (O.C. 7201)*	312.5	LF	\$31.10	\$9,718.75
3	Acreage Fee (O.C. 7200)*	0.783	AC	\$1,640.00	\$1,284.12
4	Additional Dwelling Unit Fee (O.C. 7202)*	12	EA	\$558.00	\$6,696.00
5	District Administration Fee**	1	LS	\$3,822.00	\$3,822.00
				Total	\$22,635.87

* Fees (\$18,813.87) listed above 1 through 4 are development fees.

** District Administration fee is an estimated deposit fee. In the event, additional funds are required, developer shall deposit amount within 10 working days from the notice that additional fees are required to complete the project. Any unused fee will be refunded at the completion of the project.

ESTIMATED CONSTRUCTION COST

Description	Quantity	Unit	Unit Price	Amount
6" PVC Pipe	84	LF	\$110.00	\$9,240.00
Connect/Modify Manhole	1	LS	\$4,000	\$4,000
			Total	\$13,240

PERFORMANCE BOND AMOUNT \$14,000

D & B LEGACY, LLC
10164 CARMEN ROAD
CUPERTINO, CA 95014
(408) 438-4413

WELLS FARGO BANK, N.A.
www.wellsfargo.com
11-4288/1210

1595

4-21-17

PAY TO THE
ORDER OF

CUPERTINO SANITARY DISTRICT

\$ 14,000.⁰⁰/₁₀₀

FOURTEEN THOUSAND

⁰⁰/₁₀₀

DOLLARS

MEMO

PERFORMANCE BOND # 15060159



AUTHORIZED SIGNATURE

MP

⑈001595⑈ ⑆121042882⑆ 1001125428⑈

D & B LEGACY, LLC
10164 CARMEN ROAD
CUPERTINO, CA 95014
(408) 438-4413

WELLS FARGO BANK, N.A.
www.wellsfargo.com
11-4288/1210

1594

4-21-17

PAY TO THE
ORDER OF

CUPERTINO SANITARY DISTRICT

\$ 22,635.⁸⁷/₁₀₀

TWENTY-TWO THOUSAND SIX-HUNDRED AND THIRTY-FIVE

⁸⁷/₁₀₀

DOLLARS

MEMO

DEVELOPMENT FEES - # 15060159



AUTHORIZED SIGNATURE

MP

⑈001594⑈ ⑆121042882⑆ 1001125428⑈



Memo

Item 9B

To: Board of Directors

From: Benjamin T. Porter, District Manager-Engineer

Date: January 20, 2021

RE: Budget Reallocation to Accommodate District Consultant and Outfall Costs

During the first half of FY 2020-2021, there were two events that illustrated that budget reallocations would be appropriate:

1. Creation of a new budget line item to account for the District Consultant
2. Reallocation of Budget to Increase the line item for Outfall Capital

District Consultant

Richard Tanaka retired from Mark Thomas at the end of October 2020. He was retained by the District to assist with the ongoing litigation between the Common Interest Group and the Cities of San Jose and Santa Clara. There is currently no line item in the budget for a District Consultant and it would be appropriate track those expenses separately from the current budget line items.

Outfall Capital

The current budget for Outfall Capital is \$1.572 million, in anticipation of \$800,000 in outfall capital costs from the City of San Jose and \$772,000 in capital costs from the City of Santa Clara. The following expenses have been incurred in this Fiscal Year that are associated with Outfall Capital:

City of Santa Clara 2018/2019	\$ 771,409.00
City of Santa Clara 2019/2020	\$1,055,663.00
<u>City of San Jose 2019/2020</u>	<u>\$ 800,372.65</u>
Total	\$2,627,444.65

Santa Clara has been inconsistent with their billing. At times they have gone years without submitting bills, and when they do, they are typically several years behind. They have made a

concerted effort to get caught up with their billing. In 2020, we received two bills from Santa Clara for FYs 2018/2019 and 2019/2020. The second bill was unanticipated and was for over \$1 million, causing the District's budget line item to be exceeded by \$1.055 million.

Recommendation:

Staff recommends the following budget reallocations, which have no net impact on the total FY budget:

1. Create a new budget line item for District Consultant (Legal) with a FY 2020-2021 budget of \$25,000 to cover eight months from October 2020 through June 2021. Reallocate \$10,000 from Travel & Meetings Staff and \$15,000 from Travel & Meetings Board of Directors to fund this budget line item. Due to the Coronavirus Pandemic, Staff and the Board have not been traveling to meetings, which has substantially decreased the expected expenses to be incurred for this line item.
2. Reallocate \$1.06 million from District Sewer Capital to Outfall Capital to provide funding for the Outfall Capital budget line item. Due to the Coronavirus Pandemic, we do not anticipate executing District Capital Sewer projects that will require the \$2.0 million currently budgeted.

The Fiscal Year Expense summary with these budget reallocations highlighted is attached.

CUPERTINO SANITARY DISTRICT
MONTHLY FINANCIAL REPORT THROUGH DECEMBER 2020
(6th Month of Operations - 50% into FY Operations)
 FISCAL YEAR: July 1, 2020 to June 30, 2021

EXPENSE SUMMARY REPORT - ADJUSTED BUDGET

Account Name	Account Number	BUDGET	Prior Expenses	Amount Payable	Total To Date Expenses	Remaining Balance	% Expended To Date	Comments
DEC SERVICES								
OPERATING EXPENSES								
Loan Payments	41000	\$1,200,542	\$0.00	\$600,639.58	\$600,639.58	\$599,902.42	50.0%	Loan Payment No.2
Directors Fees	41030	\$35,000	\$15,676.77	\$2,881.44	\$18,558.21	\$16,441.79	53.0%	On Target
Gasoline, Oil & Fuel	41060	\$3,000	\$1,040.25	\$0.00	\$1,040.25	\$1,959.75	34.7%	None this month
Insurance	41070	\$135,000	\$3,614.97	\$119,874.95	\$123,489.92	\$11,510.08	91.5%	Dooley Insurance - February 2021 coverage; CSRMA Year 2021
Memberships	41080	\$57,000	\$25,929.59	\$384.00	\$26,313.59	\$30,686.41	46.2%	CWEA Memberships
Office Rent	41090	\$6,000	\$2,000.00	\$400.00	\$2,400.00	\$3,600.00	40.0%	On Target
Operating Expenses - General	41100	\$3,000	\$49.90	\$0.00	\$49.90	\$2,950.10	1.7%	None this month
Operating Expenses - Credit Card Processing Fees	41100-1	\$3,700	2,457.81	\$311.41	\$2,769.22	\$930.78	74.8%	December Fees
Contractual Services:								
Outfall Maintenance	41113	\$71,000	\$46,535.89	\$0.00	\$46,535.89	\$24,464.11	65.5%	None this month
T.P. Oper. & Maint.	41114	\$8,630,553	\$3,213,070.00	\$1,606,535.00	\$4,819,605.00	\$3,810,948.00	55.8%	FY2020-2021 3rd Quarter Billing
Professional Services:								
Management Services	41121	\$540,000	\$300,345.42	\$53,347.95	\$353,693.37	\$186,306.63	65.5%	On Target; slightly ahead of schedule
Engineering Services	41122	\$1,200,000	\$605,055.41	\$131,791.87	\$736,847.28	\$463,152.72	61.4%	On Target; slightly ahead of schedule
Plan Checking & Inspection	41123	\$200,000	\$73,506.97	\$12,563.75	\$86,070.72	\$113,929.28	43.0%	On Target
Legal - Consultant Services	41124	\$25,000	\$0.00	\$5,200.00	\$5,200.00	\$19,800.00	20.8%	Richard Tanaka - Consulting for Nov/Dec 2020
Legal - District Counsel	41124	\$60,000	\$25,038.00	\$6,264.00	\$31,302.00	\$28,698.00	52.2%	Marc Hynes - December Services
Legal - Common Interest Group (CuSD Advance Pay)	41124	\$980,000	\$612,528.05	\$148,514.84	\$761,042.89	\$218,957.11	77.7%	Hunton Andrews Kurth - October and November Services
Legal - Common Interest Group (CuSD Share)	41124	\$222,000	\$172,764.32	\$41,888.80	\$214,653.12	\$7,346.88	96.7%	Hunton Andrews Kurth - October and November Services
Audit	41125	\$11,500	\$0.00	\$0.00	\$0.00	\$11,500.00	0.0%	None to date
Printing & Publications	41130	\$28,000	\$0.00	\$0.00	\$0.00	\$28,000.00	0.0%	None to date
Repairs	41150	\$800,000	\$98,786.79	\$4,609.00	\$103,395.79	\$696,604.21	12.9%	On Target
Maintenance	41151	\$3,200,000	\$1,471,281.86	\$288,263.44	\$1,759,545.29	\$1,440,454.71	55.0%	On Target
Travel & Meetings Staff	41170	\$5,000	\$250.00	\$330.00	\$580.00	\$4,420.00	11.6%	CASA Winter Conference Registration
Travel & Meetings BOD	41170	\$3,000	\$625.00	\$825.00	\$1,450.00	\$1,550.00	48.3%	CASA Winter Conference Registration
Utilities	41190	\$65,000	\$29,964.60	\$4,958.77	\$34,923.37	\$30,076.63	53.7%	On Target
Refunds & Reimbursements:								
Miscellaneous	41201	\$50,000	\$27,388.14	\$0.00	\$27,388.14	\$22,611.86	54.8%	None this month
Connection Fees	41202	\$2,000	\$0.00	\$0.00	\$0.00	\$2,000.00	0.0%	None to date
Checking & Inspection	41203	\$3,000	\$0.00	\$0.00	\$0.00	\$3,000.00	0.0%	None to date
Emergency Funds	48000	\$250,000	\$50,996.33	\$8,004.07	\$59,000.40	\$190,999.60	23.6%	Two emergencies this month
Consolidated Election	48001	\$150,000	\$0.00	\$105,859.00	\$105,859.00	\$44,141.00	70.6%	Share of costs - Presidential Election on November 3, 2020
TOTAL OPERATING EXPENSES		\$17,939,295	\$6,778,906.07	\$3,143,446.87	\$9,922,352.93	\$8,016,942.07	55.3%	
CAPITAL EXPENSES								
District Sewer Capital & Support	46041	\$940,000	\$132,324.83	\$44,300.00	\$176,624.83	763,375.17	18.8%	Manhole Adjustment for Via Regina (Con-Quest); Lateral Repairs (C2R Engineering)
Treatment Plant Capital	46042	\$6,392,192	\$1,773,540.00	\$167,728.00	\$1,941,268.00	\$4,450,924.00	30.4%	FY2020-2021 3rd Quarter Billing
Outfall Capital	46042	\$2,632,000	\$2,627,444.65	\$0.00	\$2,627,444.65	4,555.35	99.8%	None this month
District Equipment	46043	\$150,000	\$4,033.00	\$0.00	\$4,033.00	\$145,967.00	2.7%	None this month
Replacement Fund	46044	\$300,000	\$0.00	\$0.00	\$0.00	\$300,000.00	0.0%	None to date
TOTAL CAPITAL EXPENSES		\$10,414,192	\$4,537,342.48	\$212,028.00	\$4,749,370.48	\$5,664,821.52	45.6%	
TOTAL EXPENSES		\$28,353,487	\$11,316,248.55	\$3,355,474.87	\$14,671,723.41	\$13,681,763.59	51.7%	

SSOs

Start Date	Location	Cause of SSO	Cat	Main/Lat	Spill Volume (Gal)	Spill Recovered (Gal)	Volume of Wash Water Used (Gal)
None							

PLSDs (Private Lateral Sewage Discharge)

Start Date	Location	Cause of PLSD	Main/Lat	Spill Volume (Gal)	Spill Recovered (Gal)	Volume of Wash Water Used (Gal)
12/28/2020	10470 Davison Ave, Cup	Roots + offset	Lat	unknown		400

Emergency Calls - Causes

Call Rec'd Business Hours	# of Calls	Call Rec'd After Hours	# of Calls	Call Rec'd Weekend	# of Calls
Root Intrusion	4	Root Intrusion	1	Root Intrusion	1
Onsite	3	Onsite	0	Onsite	2
Offset	0	Offset	0	Offset	0
Debris	0	Debris	0	Debris	0
Others	2	Others	0	Others	1
Pump Station	0	Pump Station	0	Pump Station	2
Total:	9	Total:	1	Total:	6

Repairs

Address	Main/Lat	Description of Work
7373 Fallenleaf Ln	Lat	Replaced 28 LF of 6" HDPE by trenchless pipe bursting
10665 Grapnel Pl	Lat	Spot repair of 7' of VCP pipe from POC out to District main w/new SDR26 + Mission Arch bands
1165 Crestline Dr	Lat	Spot repair of 6' of 4" VCP pipe from POC out to District main w/new SDR-26 + Mission Arch bands
10361 Imperial Ave	Lat	Spot repair of 12' of 4" VCP pipe from POC out to District main w/new SDR-26 + Mission Arch bands & new wye

Mainline Maintenance

Size of Pipe	4"	6"	8"	10"	12"	14"	15"	16"	18"	> 20"	Total	FY2020-21 YTD	FY2020-21 Annual Schedule	% Complete (YTD/Annual Schedule)
Mainline Cleaning (ft)	0	32,031	76,652	0	0	0	0	0	0	0	108,683	721,441	987,432	73%
Easement Cleaning (ft)	0	3,527	5,156	0	0	0	0	0	0	0	8,683	96,081	159,062	60%
CCTV (ft)	0	4,654	16,041	0	0	0	0	0	0	0	20,695	97,247	207,880	47%

Lateral Maintenance

Activity	# of Laterals	FY2020-21 YTD	FY2020-21 Annual schedule	% Complete (YTD/Annual schedule)
Cleaning	363	2,474	4,247	58%
CCTV	7	59		
Inspection	14	101		

FOG Inspection - Limited due to Restaurant closures (COVID -19)

	# of Inspections	YTD FY2020-21	FY2020-21 Annual Schedule	% Complete (YTD/Annual schedule)
Performed	25	156		
Completed	16	116	283	41%
Follow up Needed	1			