

**CUPERTINO SANITARY DISTRICT
SANITARY BOARD MEETING
WENDESDAY, MARCH 16, 2022**

AGENDA

The meeting will 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. AB 361

The Board of Directors makes the following findings required by AB 361 in order to continue holding meetings by teleconferencing electronically: (1) the March 4, 2020 Governor's Proclamation of a State of Emergency is still in effect, (2) over 1 million US residents have died from COVID and health officials continue to encourage social distancing, and (3) due to room capacity limitations, meeting in person would present imminent risks to the health or safety of attendees.

3. 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.

4. 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.

5. MINUTES & BILLS

A. APPROVAL OF THE MINUTES OF MARCH 2, 2022

B. APPROVED MINUTES OF FEBRUARY 16, 2022

C. PAYMENT OF BILLS AND APPROVAL OF FINANCIAL STATEMENT

D. DIRECTOR'S MONTHLY TIMESHEETS

**CUPERTINO SANITARY DISTRICT
SANITARY BOARD MEETING
WENDESDAY, MARCH 16, 2022**

6. CORRESPONDENCE

- A. CITY OF SAN JOSE – DRAFT PROPOSED 2022-23 REGIONAL WASTEWATER FACILITY (RWF) CAPITAL BUDGET, DRAFT PROPOSED 2023-27 RWF CAPITAL IMPROVEMENT PROGRAM, DRAFT PROPOSED 23-27 SOUTH BAY WATER RECYCLING (SBWR) CAPITAL BUDGET AND CAPITAL IMPROVEMENT PROGRAM, AND DRAFT PROPOSED 2022-23 RWF AND SBWR OPERATING AND MAINTENANCE (O&M) BUDGET

7. MEETINGS

NONE

8. REPORTS

- A. SANTA CLARA COUNTY SPECIAL DISTRICTS ASSOCIATION REGULAR MEETING HELD ON MARCH 7, 2022
- B. TELECONFERENCE MEETING OF THE SAN JOSE/SANTA CLARA TREATMENT PLANT TECHNICAL ADVISORY COMMITTEE (TAC) HELD ON MARCH 7, 2022
- C. TELECONFERENCE MEETING OF THE SAN JOSE/SANTA CLARA TREATMENT PLANT ADVISORY COMMITTEE (TPAC) HELD ON MARCH 10, 2022

9. UNFINISHED BUSINESS

- A. COVID-19 UPDATES

10. NEW BUSINESS

- A. FORM 470 FILING
- B. ANNUAL INFOCARE RENEWAL FOR XPSWMM
- C. PRELIMINARY BUDGET REVIEW
- D. RIVERWATCH SETTLEMENT AGREEMENT

11. STAFF REPORT

- A. FUTURE DEVELOPMENT PROJECTS
- B. MONTHLY MAINTENANCE REPORT

12. CALENDAR ITEMS

- A. NEXT REGULAR DISTRICT BOARD MEETING IS SCHEDULED TO BE HELD ON WEDNESDAY, APRIL 6, 2022

13. ADJOURNMENT

CUPERTINO SANITARY DISTRICT BOARD MEETING
WEDNESDAY, MARCH 2, 2022

The Sanitary Board of the Cupertino Sanitary District convened this date at 7:00 p.m. This meeting was conducted via teleconferencing in accordance with AB 361. The District office at 20863 Stevens Creek Blvd, Suite 100, Cupertino was closed.

1. ROLL CALL:

President Bosworth 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, William A. Bosworth, and Patrick S. Kwok.

Staff present: District Manager Benjamin Porter, Deputy District Manager Robert Woodhouse, Mark Thomas Principal Sasha Dansky, and Counsel Marc Hynes.

District Consultant: Richard K. Tanaka

Public: David Doyle

2. AB 361:

The Board of Directors makes the following findings required by AB 361 in order to continue holding meetings by teleconferencing electronically: (1) the March 4, 2020 Governor's Proclamation of a State of Emergency is still in effect, (2) the County of Santa Clara has a Universal Indoor Face Covering Order in effect and continues to encourage social distancing, and (3) due to room capacity limitations, meeting in person would present imminent risks to the health or safety of attendees.

On a motion by President Bosworth, seconded by Director Saadati, by a vote of 4-0-0 the Board approved.

3. PUBLIC COMMENTS:

There were none.

4. CLOSED SESSION:

President Bosworth adjourned the regular meeting session and opened the closed session at 7:03 p.m. Dansky and Doyle were excused from the closed session.

A. Conference with legal counsel – Significant Exposure to Litigation in accordance with government code section paragraph (2) of subdivision (d), there is significant exposure to litigation from California Riverwatch pertaining to the Clean Water Act.

Board action: There was no reportable action.

Manager Porter and Deputy Manager Woodhouse were excused from the remainder of closed session at 7:10 p.m.

CUPERTINO SANITARY DISTRICT BOARD MEETING
WEDNESDAY, MARCH 2, 2022

- B. 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.

Board action: There was no reportable action.

The closed session was adjourned at 8:15 p.m. and the regular meeting was called to order. District Manager Porter, Deputy District Manager Woodhouse, Dansky and Doyle rejoined the regular meeting.

5. MINUTES:

- A. On a motion by Director Chen, seconded by Director Kwok, by a vote of 4-0-0, the minutes of Wednesday, February 16, 2022, were approved.
- B. By consensus, the Minutes of Wednesday, February 2, 2022 are to be Noted & Filed.

6. CORRESPONDENCE:

There was none.

7. MEETINGS:

- A. President Bosworth plans to attend the Santa Clara County Special Districts Association regular meeting to be held March 7, 2022
- B. Manager Porter plans to attend the teleconference meeting of The San Jose/Santa Clara Treatment Plant Technical Advisory Committee (TAC) to be held on March 7, 2022.
- C. Director Kwok plans to attend the teleconference meeting of The San Jose/Santa Clara Treatment Plant Advisory Committee (TPAC) to be held on March 10, 2022.

8. REPORTS:

- A. Manager Porter reported on the Sunnyvale Flow Transfer Agreement. On a motion by Director Kwok, seconded by Director Saadati, by a vote of 4-0-0, the agreement was approved with revisions.

9. UNFINISHED BUSINESS:

- A. Manager Porter reported on COVID-19 updates. Santa Clara County lifted mask mandates yesterday. Mark Thomas will follow the new Santa Clara County guidelines. Mark Thomas staff plans to return to the office on April 4, 2022 in a hybrid arrangement between working at home and working in the office.

CUPERTINO SANITARY DISTRICT BOARD MEETING
WEDNESDAY, MARCH 2, 2022

10. NEW BUSINESS:

- A. The Board discussed Board Vacancy Appointment. David Doyle was the only applicant for the open Board position. The Board concluded that David Doyle is qualified to be a Director of the Sanitary District. On a motion by President Bosworth, seconded by Director Saadati, by a vote of 4-0-0, the Board approved Resolution No. 1334, Appointing David Doyle to The Board of Directors which he will hold until November 2022 when the next election is held. President Bosworth administered the Oath of Office to David Doyle.

11. STAFF REPORTS:

- A. Manager Porter reported on current development projects.

12. CALENDAR ITEMS:

- A. The next regular District Board meeting is scheduled to be held on Wednesday, March 16, 2022.

13. ADJOURNMENT

On a motion properly made and seconded, at 8:48 p.m. the meeting was adjourned.

Secretary of the Sanitary Board

President of the Sanitary Board

CUPERTINO SANITARY DISTRICT BOARD MEETING
WEDNESDAY, FEBRUARY 16, 2022

The Sanitary Board of the Cupertino Sanitary District convened this date at 7:01 p.m. This meeting was conducted via teleconferencing in accordance with AB 361. The District office at 20863 Stevens Creek Blvd, Suite 100, Cupertino was closed.

1. ROLL CALL:

President Bosworth 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, William A. Bosworth, and Patrick S. Kwok. Director Gatto's seat was vacant.

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

District Consultant: Richard K. Tanaka

Public: David Doyle

2. AB 361:

The Board of Directors makes the following findings required by AB 361 in order to continue holding meetings by teleconferencing electronically: (1) the March 4, 2020 Governor's Proclamation of a State of Emergency is still in effect, (2) the County of Santa Clara has a Universal Indoor Face Covering Order in effect and continues to encourage social distancing, and (3) due to room capacity limitations, meeting in person would present imminent risks to the health or safety of attendees.

On a motion by President Bosworth, seconded by Director Saadati, by a vote of 4-0-0 the Board approved.

3. PUBLIC COMMENTS:

There were none.

4. CLOSED SESSION:

President Bosworth adjourned the regular meeting session and opened the closed session at 7:02 p.m. Guest Doyle was excused from the closed session.

A. Conference with legal counsel – Significant Exposure to Litigation in accordance with government code section paragraph (2) of subdivision (d), there is significant exposure to litigation from California Riverwatch pertaining to the Clean Water Act.

Board action: There was no reportable action.

Manager Porter and Deputy Manager Woodhouse were excused from the remainder of closed session at 7:09 p.m.

B. 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

CUPERTINO SANITARY DISTRICT BOARD MEETING
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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.

Board action: There was no reportable action.

The closed session was adjourned at 7:34 p.m. and the regular meeting was called to order. District Manager Porter, Deputy District Manager Woodhouse, and Guest Doyle rejoined the regular meeting.

5. MINUTES & BILLS:

- A. On a motion by Director Saadati, seconded by Director Kwok, by a vote of 4-0-0 the minutes of Wednesday, February 2, 2022, were approved as written.
- B. By consensus, the Amended Minutes of Monday, January 17, 2022, are to be Noted & Filed.
- C. The Board reviewed January payable warrants and financial statements. The Board asked Staff if the City [of Cupertino] could notify the District when an ADU is approved for occupation. Deputy Manager Woodhouse presented a status report on the Peak Flow Reduction Program. On a motion by Director Chen, seconded by Director Kwok, by a vote of 4-0-0, the financial statements and payment of bills were approved as written.
- D. Board members will submit their February timesheets to Manager Porter.

6. CORRESPONDENCE:

- A. The Board reviewed the County of Santa Clara Treasury Investment Portfolio Status. It is to be Noted & Filed.
- B. The Board reviewed the Santa Clara County Registrar of Voters email correspondence – Calling an Election and Redistricting Map Submittal. It is to be Noted & Filed.

7. MEETINGS:

- A. There were none.

8. REPORTS:

- A. Manager Porter reported on the teleconference meeting of The San Jose/Santa Clara Treatment Plant Technical Advisory Committee (TAC) held on February 7, 2022.
- B. Director Kwok reported on the teleconference meeting of The San Jose/Santa Clara Treatment Plant Advisory Committee (TPAC) held on February 10, 2022.

9. UNFINISHED BUSINESS:

- A. Manager Porter reported on COVID-19 updates.

CUPERTINO SANITARY DISTRICT BOARD MEETING
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- B. Manager Porter reported on the Board Vacancy. The Board Vacancy Notice was placed at five locations within Cupertino and Saratoga.

10. NEW BUSINESS:

- A. Board Vacancy applications received: one application has been received for the Board Vacancy.

11. STAFF REPORTS:

- A. Manager Porter reported on future development projects. The Westport Installer's Agreement will be signed on February 17, 2022. Marina Plaza is still in the planning phase. The Vallco project has been paused due to potential soil contamination at the site.
- B. Manager Porter reported on Form 700 filing. Paper filing is due April 1, 2002.
- C. Manager Porter reported on the Monthly Maintenance Report.

12. CALENDAR ITEMS:

- A. The next regular District Board meeting is scheduled to be held on Wednesday, March 2, 2022.

13. ADJOURNMENT:

On a motion properly made and seconded, at 8:37 p.m. the meeting was adjourned.

Secretary of the Sanitary Board

President of the Sanitary Board

CUPERTINO SANITARY DISTRICT
MONTHLY FINANCIAL REPORT THROUGH JUNE 2022
(8th Month of Operations - 67% into FY Operations)
 FISCAL YEAR: July 1, 2021 to June 30, 2022

EXPENSE SUMMARY REPORT

Account Name	Account Number	BUDGET	Prior Expenses	Amount Payable	Total To Date Expenses	Remaining Balance	% Expended To Date	Comments
FEB SERVICES								
OPERATING EXPENSES								
Loan Payments	41000	\$1,200,542	\$598,062.50	\$0.00	\$598,062.50	\$602,479.17	49.8%	None this month
Directors Fees	41030	\$38,000	\$16,418.57	\$2,634.65	\$19,053.22	\$18,946.78	50.1%	On Target
Gasoline, Oil & Fuel	41060	\$3,000	\$0.00	\$0.00	\$0.00	\$3,000.00	0.0%	None to date
Insurance	41060	\$170,000	\$149,119.18	\$849.36	\$149,968.54	\$20,031.46	88.2%	Dooley Insurance (Group Life and Dental-April)
Memberships	41080	\$57,000	\$35,124.03	\$384.00	\$35,508.03	\$21,491.97	62.3%	CWEA Membership for Inspectors
Office Rent	41090	\$4,800	\$2,800.00	\$400.00	\$3,200.00	\$1,600.00	66.7%	On Target
Operating Expenses	41100	\$3,000	\$1,131.39	\$90.85	\$1,222.24	\$1,777.76	40.7%	Custom Date Stamper for office use
Operating Expenses - Credit Card Transaction Fees	41100-1	\$6,000	\$2,748.24	\$276.27	\$3,024.51	\$2,975.49	50.4%	Credit Card Processing Fees - February
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	\$6,675.375	\$5,006,532.00	\$0.00	\$5,006,532.00	\$1,668,843.00	75.0%	None this month
Professional Services:								
Management Services	41121	\$550,000	\$307,214.86	\$41,243.30	\$348,458.16	\$201,541.84	63.4%	On Target
SSMP Certification and Implementation	41121	\$100,000	\$1,390.60	\$0.00	\$1,390.60	\$98,609.40	1.4%	On Target
Engineering Services	41122	\$1,300,000	\$693,483.38	\$104,701.51	\$798,184.89	\$501,815.11	61.4%	On Target
Inflow/Infiltration Reduction	41122	\$500,000	\$307,394.40	\$56,587.01	\$363,981.41	\$136,018.59	72.8%	Peak flow reduction program - Mark Thomas and V&A Consulting
Plan Ckg. & Insp.	41123	\$300,000	\$107,922.16	\$21,947.57	\$129,869.73	\$170,130.27	43.3%	On Target
Legal - Consultant Services	41124	\$36,000	\$18,400.00	\$2,000.00	\$20,400.00	\$15,600.00	56.7%	Richard Tanaka - Consulting Services for February 2022
Legal - District Counsel	41124	\$60,000	\$20,871.00	\$4,788.00	\$25,659.00	\$34,341.00	42.8%	District Legal Services for February 2022
Legal - Common Interest Group (CuSD Advance Pay)	41124	\$1,014,000	\$469,910.90	\$150,010.71	\$619,921.61	\$394,078.39	61.1%	Hunton Andrews Kurth - November and December Invoices)
Legal - Common Interest Group (CuSD Share)	41124	\$286,000	\$132,538.98	\$42,310.71	\$174,849.69	\$111,150.31	61.1%	Hunton Andrews Kurth - November and December Invoices)
Audit	41125	\$12,000	\$11,950.00	\$0.00	\$11,950.00	\$50.00	99.6%	Paid in full - Financial Audit for FY2020-2021
Printing & Publications	41130	\$28,000	\$9,160.36	\$0.00	\$9,160.36	\$18,839.64	32.7%	None this month
Repair and Maintenance								
Repairs	41150	\$450,000	\$80,248.88	\$7,437.02	\$87,685.90	\$362,314.10	19.5%	On target
Maintenance	41151	\$3,450,000	\$1,958,643.27	\$343,380.12	\$2,302,023.39	\$1,147,976.61	66.7%	On target
Travel & Meetings Staff	41170	\$15,000	\$992.50	\$0.00	\$992.50	\$14,007.50	6.6%	None this month
Travel & Meetings BOD	41170	\$18,000	\$5,579.78	\$0.00	\$5,579.78	\$12,420.22	31.0%	None this month
Utilities	41190	\$70,000	\$36,658.96	\$5,610.35	\$42,269.31	\$27,730.69	60.4%	On target
Refunds & Reimbursements:								
Miscellaneous	41201	\$50,000	\$713.86	\$0.00	\$713.86	\$49,286.14	1.4%	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	\$400.00	\$0.00	\$400.00	\$2,600.00	13.3%	None this month
Emergency Funds	48000	\$250,000	\$63,243.50	\$8,492.78	\$71,736.28	\$178,263.72	28.7%	Three emergencies this month - two from Able and one from AB/JDD
Consolidated Election	48001	\$0	\$0.00	\$0.00	\$0.00	\$0.00	0.0%	None this Fiscal Year
TOTAL OPERATING EXPENSES		\$16,722,717	\$10,085,189.19	\$793,144.21	\$10,878,333.40	\$5,844,383.27	65.1%	
CAPITAL EXPENSES								
District Sewer Capital & Support	46041	\$1,000,000	\$177,472.89	\$22,207.64	\$199,680.53	800,319.47	20.0%	I-280/Wolfe Road Sewer Relocation - Mark Thomas and Bennett Trenchless Engineers
Treatment Plant Capital	46042	\$8,430,221	\$6,893,984.00	\$0.00	\$6,893,984.00	1,536,237.00	81.8%	None this month
Outfall Capital	46042	\$1,095,045	\$96,500.95	\$4,557.10	\$101,058.05	993,986.95	9.2%	First half of FY2021-2022 (July 2021 - December 2021)
District Equipment	46043	\$150,000	\$57,476.31	\$57,814.81	\$115,291.12	34,708.88	76.9%	New Generator to replace stolen one from Florence PS; ESRI-Enterprise Software Maintenance
Replacement Fund	46044	\$300,000	\$0.00	\$0.00	\$0.00	\$300,000.00	0.0%	P
TOTAL CAPITAL EXPENSES		\$10,975,266	\$7,225,434.15	\$84,579.55	\$7,310,013.70	\$3,665,252.30	66.6%	
TOTAL EXPENSES		\$27,697,983	\$17,310,623.34	\$877,723.76	\$18,188,347.10	\$9,509,635.57	65.7%	

CUPERTINO SANITARY DISTRICT
MONTHLY FINANCIAL REPORT THROUGH JUNE 2022
(8th Month of Operations - 67% into FY Operations)
 FISCAL YEAR: July 1, 2021 to June 30, 2022

REVENUE SUMMARY REPORT

Account Name	Account Number	BUDGET	Prior Receipts	Current Month Receipts Feb Receipts	Total Amount Received	Remaining Balance to Collect	% Earned To Date	Comments
OPERATING REVENUES								
Service Charges								
Handbilling	31010	\$574,901.00	\$8,247.50	\$331,747.80	\$339,995.30	\$234,905.70	59.1%	Handbilling (Payments received for seven Handbilling Invoices)
Tax Roll	31010	\$18,647,000.00	\$11,068,202.67	\$0.00	\$11,068,202.67	\$7,578,797.33	59.4%	none this month
Permit Fees	31020	\$75,000.00	\$53,231.33	\$9,800.00	\$63,031.33	\$11,968.67	84.0%	Thirty-one payments received this month; One hundred eighty-three payments received to date
Connection Fees	31031	\$300,000.00	\$406,986.00	\$600.00	\$407,586.00	(\$107,586.00)	135.9%	One payment received this month; Three payments received to date
Capacity Fees	31032	\$450,000.00	\$106,418.40	\$1,285,542.00	\$1,391,960.40	(\$941,960.40)	309.3%	Two payments received this month; Five payments received to date including \$1.2M Westport IA
Pump Zone Fees	31033	\$20,000.00	\$0.00	\$0.00	\$0.00	\$20,000.00	0.0%	None to date
Checking & Inspection Fees	31040	\$300,000.00	\$141,900.00	\$13,100.00	\$155,000.00	\$145,000.00	51.7%	Thirty-one payments received this month; One hundred ninety-five 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	\$200,000.00	\$56,194.49	\$14,655.47	\$70,849.96	\$129,150.04	35.4%	Interest received for Q2 FY21-22
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	\$1,014,000.00	\$814,433.33	\$0.00	\$814,433.33	\$199,566.67	80.3%	none this month
Legal - Common Interest Group (2% Admin Fees)	32902.2	\$14,000.00	\$9,285.67	\$0.00	\$9,285.67	\$4,714.33	66.3%	none this month
Refunds/Reimbursements - Misc.	32091	\$10,000.00	\$16,294.73	\$0.00	\$16,294.73	(\$6,294.73)	162.9%	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		\$22,122,401.00	\$12,681,194.12	\$1,655,445.27	\$14,336,639.39	\$7,785,761.61	64.81%	
		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	Reserve Account
TOTAL OPERATING REVENUE		\$22,122,401.00	\$12,681,194.12	\$1,655,445.27	\$14,336,639.39	\$7,785,761.61	64.81%	

CASH ACCOUNT SUMMARY

Date	Operating Fund	Replacement Fund	Comingled Fund	Cal Bank Trust Acct	Loan Balance with interest *	Net Cash
FY 2020-21 Balance	\$18,598,059.22	\$3,000,000.00	\$15,598,059.22	\$1,258,050.65	\$1,107,662.04	\$20,963,771.91
July 31, 2021	\$16,183,910.31	\$3,000,000.00	\$13,183,910.31	\$1,279,650.78	\$1,107,680.25	\$18,571,241.34
August 31, 2021	\$14,986,161.40	\$3,000,000.00	\$11,986,161.40	\$1,290,446.39	\$1,107,699.67	\$17,384,307.46
September 30, 2021	\$14,443,648.98	\$3,000,000.00	\$11,443,648.98	\$1,304,802.28	\$1,107,717.88	\$16,856,169.14
October 31, 2021	\$7,230,651.61	\$3,000,000.00	\$4,230,651.61	\$634,797.93	\$1,058,707.83	\$8,924,157.37
November 30, 2021	\$6,675,264.04	\$3,000,000.00	\$3,675,264.04	\$647,886.30	\$1,058,726.40	\$8,381,876.74
December 31, 2021	\$6,071,632.82	\$3,000,000.00	\$3,071,632.82	\$665,535.28	\$1,058,744.38	\$7,795,912.48
January 31, 2022	\$14,357,691.19	\$3,000,000.00	\$11,357,691.19	\$675,278.53	\$1,058,762.37	\$16,091,732.09
February 28, 2022	\$15,432,676.39	\$3,000,000.00	\$12,432,676.39	\$695,561.62	\$1,058,778.61	\$17,187,016.62

FOR CAL BANK SUMMARY, SEE ATTACHED DETAIL.

CALIFORNIA BANK AND TRUST ACCOUNT SUMMARY AS OF 2/28/2022

Cal Bank Activities				Total Interest Earned or Refund Received from CSJ	Interest or Refund Prorated to Loan Balance	Loan Balance w/Interest	Interest or Refund Prorated to \$600K District Savings	District Portion of Savings Balance	Total Savings balance	Checking Acct Balance (Credit Card Payments Received)	TOTAL AT CAL BANK
No.	Payee	Date	Check Amount			\$10,000,000.00			\$10,000,000.00		\$10,000,000.00
1001	San Jose	10/16/19	\$2,180,309.00			\$7,819,691.00			\$7,819,691.00		\$7,819,691.00
1002	San Jose	10/16/19	\$29,515.44			\$7,790,175.56			\$7,790,175.56		\$7,790,175.56
1003	Tesco	11/20/19	\$17,707.00			\$7,772,468.56			\$7,772,468.56		\$7,772,468.56
1004	Shape	11/20/19	\$108,814.78			\$7,663,653.78			\$7,663,653.78		\$7,663,653.78
1005	Tesco	12/18/19	\$169,018.00			\$7,494,635.78			\$7,494,635.78		\$7,494,635.78
1006	Con Quest	12/18/19	\$385,242.58	\$30,683.35	\$30,683.35	\$7,140,076.55			\$7,140,076.55		\$7,140,076.55
1007	San Jose	01/15/20	\$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						\$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
Balance as of 1/31/2021				\$24.83	\$5.74	\$180,742.17	\$19.09	\$600,655.47	\$781,397.64	\$99,672.14	\$881,069.78
Balance as of 2/28/2021				\$23.98	\$5.55	\$180,747.71	\$18.43	\$600,673.91	\$781,421.62	\$108,211.86	\$889,633.48
Balance as of 3/31/2021				\$28.26	\$6.54	\$180,754.25	\$21.72	\$600,695.63	\$781,449.88	\$121,953.35	\$903,403.23
Balance as of 4/30/2021				\$22.27	\$5.15	\$180,759.40	\$17.12	\$600,712.75	\$781,472.15	\$135,672.77	\$917,144.92
Balance as of 5/31/2021				\$11.99	\$2.77	\$180,762.18	\$9.22	\$600,721.96	\$781,484.14	\$153,926.10	\$935,410.24
Deposit - CSJ Refund				\$1,415,647.00	\$926,889.61	\$1,107,651.79	\$488,757.39	\$1,089,479.35	\$2,197,131.14		
Balance as of 6/30/2021				\$20.34	\$10.25	\$1,107,662.04	\$10.09	\$1,089,489.44	\$2,197,151.48	\$168,561.21	\$2,365,712.69
1008 Voided - CSJ											
Balance as of 7/31/2021				\$36.12	\$18.21	\$1,107,680.25	\$17.91	\$1,089,507.35	\$2,197,187.60	\$190,143.43	\$2,387,331.03
Balance as of 8/31/2021				\$38.53	\$19.42	\$1,107,699.67	\$19.11	\$1,089,526.46	\$2,197,226.13	\$200,919.93	\$2,398,146.06
Balance as of 9/30/2021				\$36.12	\$18.21	\$1,107,717.88	\$17.91	\$1,089,544.37	\$2,197,262.25	\$215,257.91	\$2,412,520.16
1009	Co-Mingled Fund	10/20/21	\$690,453.00				(\$480,000.00)	(\$480,000.00)		(\$210,453.00)	
1010	C2R Engineering	10/20/21	\$49,030.00			(\$49,030.00)					
Balance as of 10/20/2021						\$1,058,687.88		\$609,544.37	\$1,668,232.25	\$4,804.91	\$1,673,037.16
Balance as of 10/31/2021				\$31.44	\$19.95	\$1,058,707.83	\$11.49	\$609,555.86	\$1,668,263.69	\$25,242.07	\$1,693,505.76
Balance as of 11/30/2021				\$29.25	\$18.56	\$1,058,726.40	\$10.69	\$609,566.54	\$1,668,292.94	\$38,319.76	\$1,706,612.70
Balance as of 12/31/2021				\$28.34	\$17.99	\$1,058,744.38	\$10.35	\$609,576.90	\$1,668,321.28	\$55,958.38	\$1,724,279.66
Balance as of 1/31/2022				\$28.34	\$17.99	\$1,058,762.37	\$10.35	\$609,587.25	\$1,668,349.62	\$65,691.28	\$1,734,040.90
Balance as of 2/28/2022				\$25.60	\$16.25	\$1,058,778.61	\$9.35	\$609,596.61	\$1,668,375.22	\$85,965.01	\$1,754,340.23
TOTAL OR BALANCE AMOUNT			\$10,596,444.80	\$1,454,367.02	\$964,770.41	\$1,058,778.61	\$9,596.61	\$609,587.25	\$1,668,375.22	\$85,965.01	\$1,754,340.23

**CUPERTINO SANITARY DISTRICT
WARRANTS PAYABLE - March 16, 2022**

<u>WARRANT NUMBER</u>	<u>FUND</u>	<u>AMOUNT</u>	<u>PAYEE</u>	<u>DESCRIPTION</u>	
N/A	M&O	\$ 2,634.65	ADP	Directors' Salary	
19338	M&O	\$ 849.36	Dooley Insurance Services	Insurance - Group Life & Dental	
19339	M&O	\$ 384.00	CWEA	Memberships	
	M&O	\$ 276.27	CalBank Credit Card Processing Fees	Operating Exp. - Credit Card Processing Fees	
19340	M&O	\$ 356,225.38	Mark Thomas	Office Rent	400.00
				Operating Expenses	90.85
				Management Services	41,243.30
				Engineering Services	104,701.51
				Peak Flow Reduction	8,024.51
				Plan Checking & Inspection	21,947.57
				Repairs	1,667.88
				Maintenance	159,131.35
				Utilities	1,052.70
				Emergency Funds	5,068.07
				District Sewer Capital & Support	12,897.64
19341	M&O	\$ 48,562.50	V&A Consulting Engineers	Inflow/Infiltration Reduction (PeakFlow)	
19342	M&O	\$ 2,000.00	Richard K. Tanaka	Legal - Consultant Services	
19343	M&O	\$ 4,788.00	Armento & Hynes LLP	Legal - District Counsel	
19344	M&O	\$ 192,321.42	Hunton Andrews Kurth LLP	Legal - Outside Counsel (CuSD Advance Pay)	150,010.71
				Legal - Outside Counsel (CuSD Share)	42,310.71
19345	M&O	\$ 2,061.85	St. Francis Electric	Repairs	
19346	M&O	\$ 1,856.27	Vivax-Metrotech	Repairs	1,653.29
				Maintenance	202.98
19347	M&O	\$ 16,066.00	Shape Inc.	Repairs	2,054.00
				Maintenance	14,012.00
19348	M&O	\$ 28,404.00	Hadronex Inc. dba SmartCover Systems	Maintenance	
19349	M&O	\$ 218.34	Home Depot	Maintenance	
19350	M&O	\$ 21,621.60	RotoRooter	Maintenance	
19351	M&O	\$ 73,275.00	AB/JDD Plumbing Heating & AC	Maintenance	72,750.00
				Emergency	525.00
19352	M&O	\$ 49,939.56	Able Underground Construction	Maintenance	47,039.85
				Emergency	2,899.71
19353	M&O	\$ 62.55	City of Santa Clara Utilities	Utilities	
19354	M&O	\$ 4,397.80	PG&E	Utilities	
19355	M&O	\$ 97.30	San Jose Water Co.	Utilities	
19356	M&O	\$ 9,310.00	Bennett Trenchless Engineers	District Sewer Capital & Support	
19357	M&O	\$ 4,557.10	City of San Jose	Outfall Capital	
19358	M&O	\$ 32,814.81	CD&Power	District Equipment	
19359	M&O	\$ 25,000.00	ESRI	District Equipment	
TOTAL WARRANTS		\$ 877,723.76			

<u>Pk Flow Red. Total:</u>	\$ 56,587.01	Mark Thomas
<u>Maintenance Total:</u>	\$ 343,380.12	Mark Thomas, Vivax, Shape, Hadronex, Home Depot, Roto Rooter, ABLE, AB/JDD
<u>Utilities Total:</u>	\$ 5,610.35	Mark Thomas, Santa Clara Utilities, PG&E, San Jose Water
<u>Emergency Total:</u>	\$ 8,492.78	Mark Thomas, AB/JDD, Able

EMERGENCY DETAILS:

Roto-Rooter - no emergencies this month
Able - two emergencies this month
AB/JDD Plumbing - one emergency this month

March 1, 2022

To: City of Santa Clara and Tributary Agency Representatives

RE: Draft Proposed 2022-23 Regional Wastewater Facility (RWF) Capital Budget, Draft Proposed 2023-27 RWF Capital Improvement Program, Draft Proposed 23-27 South Bay Water Recycling (SBWR) Capital Budget and Capital Improvement Program, and Draft Proposed 2022-23 RWF and SBWR Operating and Maintenance (O&M) Budget

Dear Mr. Welling, Mr. Newby, Mr. Porter, and Mr. Ndah:

In accordance with the Master Agreement, we are providing you with the preliminary draft proposed budgets by March 1.

In the draft proposed 2022-23 O&M budget document, the Proposed O&M Budget “Estimated Cost Distribution” table reflects estimates based upon mass distribution information provided by each agency to the City of San José for the fiscal year 2022-23 budget. Descriptions of the budget proposals impacting the San José/Santa Clara Treatment Plant Operating Fund are also included. The City-Wide Overhead allocation for this draft budget does not reflect the fully allocable overhead for 2022-2023. The City is applying the capital program from 2018-2019 until an analysis can be completed on how significant increases in the capital program impacts allocable overhead on a year-to-year basis. The time to complete the review will extend beyond the current budget cycle. If a determination is made that the same methodology for allocating overhead costs to other Departments receiving central services should continue to also be applied to the Fund, the amount of deferred overhead revenue in 2022-2023 will be recovered from the Fund in future years.

The numbers in all Draft Proposed Budgets are preliminary and are subject to change as San José works through our normal budgeting processes. The official Proposed 2022-23 Capital Budgets will be published by April 27, 2022 and the official Proposed 2022-23 Operating Budgets will be published on May 2, 2022. The City will present the budgets to the Treatment Plant Advisory Committee at its May 2022 meeting.

Sincerely,

/s/ *Napp Fukuda*

Kerrie Romanow, Director

cc: Napp Fukuda

2023-27 CIP Agency Allocations for WPCP Projects

	22-23	23-24	24-25	25-26	26-27	27-28	28-29	29-30	30-31	31-32	5-Year Total	10-Year Total
Santa Clara	13,815,517	14,968,166	24,184,244	16,864,597	6,657,391	5,168,624	3,332,584	8,462,617	3,555,256	2,397,812	76,489,915	99,406,808
West Valley	5,739,257	6,016,338	9,887,506	6,051,718	2,643,672	2,164,210	1,397,439	3,805,126	1,501,391	1,011,723	30,338,491	40,218,380
Cupertino	3,773,620	3,888,586	6,429,556	3,764,415	1,698,760	1,427,121	921,932	2,546,341	992,625	669,178	19,554,937	26,112,134
Milpitas	6,627,289	6,807,854	11,233,370	6,283,182	2,978,334	2,509,138	1,621,395	4,600,042	1,750,306	1,178,941	33,930,029	45,589,851
CSD 2/3	477,550	491,861	813,635	471,722	214,933	180,643	116,754	324,132	125,718	84,756	2,469,701	3,301,704
Burbank	205,625	205,668	339,525	208,189	89,236	77,787	50,098	131,163	53,981	36,565	1,048,243	1,397,837
San Jose	57,157,140	61,925,527	100,051,164	69,770,177	27,542,674	21,383,477	13,787,798	35,011,579	14,708,723	9,920,025	316,446,683	411,258,285
Total WPCP Projects	87,796,000	94,304,000	152,939,000	103,414,000	41,825,000	32,911,000	21,228,000	54,881,000	22,688,000	15,299,000	480,278,000	627,285,000

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Water Pollution Control
Budget_2023 Proposed Capital Improvement Program
Source of Funds (Combined)

	Estimated						
	<u>2021-2022</u>	<u>2022-2023</u>	<u>2023-2024</u>	<u>2024-2025</u>	<u>2025-2026</u>	<u>2026-2027</u>	<u>5-Year Total</u>
San José-Santa Clara Treatment Plant Capital Fund (512)							
Beginning Balance	-60,479,016	2,035,984	129,607,984	101,090,984	39,552,984	6,611,984	2,035,984
Reserve for Encumbrance	241,259,780						
Transfers and Reimbursements							
Transfer for Plant CIP Debt Service from Sewer Service and Use Charge Fund (541)	3,422,000	6,763,000	23,890,000	24,406,000	24,988,000	24,988,000	105,035,000
Transfer for Capital Projects from Sewer Service and Use Charge Fund (541)	30,000,000	30,000,000	30,000,000	35,000,000	35,000,000	35,000,000	165,000,000
TOTAL Transfers and Reimbursements	33,422,000	36,763,000	53,890,000	59,406,000	59,988,000	59,988,000	270,035,000
Revenue from Use of Money and Property							
Interest Income	4,899,000	3,632,000	3,164,000	3,268,000	1,584,000	1,532,000	13,180,000
TOTAL Revenue from Use of Money and Property	4,899,000	3,632,000	3,164,000	3,268,000	1,584,000	1,532,000	13,180,000
Revenue from Local Agencies							
WPCP Projects and Equipment Replacement	67,335,000	30,639,000	32,378,000	52,888,000	33,644,000	14,282,000	163,831,000
TOTAL Revenue from Local Agencies	67,335,000	30,639,000	32,378,000	52,888,000	33,644,000	14,282,000	163,831,000
Other Revenue							
Calpine Metcalf Energy Center Facilities Repayment	389,000	389,000	389,000	389,000	389,000	389,000	1,945,000
TOTAL Other Revenue	389,000	389,000	389,000	389,000	389,000	389,000	1,945,000
Financing Proceeds							
Wastewater Revenue Notes	238,451,000						

Water Pollution Control
Budget_2023 Proposed Capital Improvement Program
Source of Funds (Combined)

	Estimated						
	2021-2022	2022-2023	2023-2024	2024-2025	2025-2026	2026-2027	5-Year Total
Bond Proceeds		450,815,000					450,815,000
TOTAL Financing Proceeds	238,451,000	450,815,000					450,815,000
Total San José-Santa Clara Treatment Plant Capital Fund (512)	525,276,764	524,273,984	219,428,984	217,041,984	135,157,984	82,802,984	901,841,984
South Bay Water Recycling Capital Fund (571)							
Beginning Balance	3,968,914	3,911,914	276,914	307,914	338,914	369,914	3,911,914
Revenue from Use of Money and Property							
Interest Income	68,000	56,000	56,000	56,000	56,000	56,000	280,000
TOTAL Revenue from Use of Money and Property	68,000	56,000	56,000	56,000	56,000	56,000	280,000
Total South Bay Water Recycling Capital Fund (571)	4,036,914	3,967,914	332,914	363,914	394,914	425,914	4,191,914
TOTAL SOURCES	529,313,678	528,241,898	219,761,898	217,405,898	135,552,898	83,228,898	906,033,898

Water Pollution Control

Budget_2023 Proposed Capital Improvement Program Use of Funds (Combined)

	Estimated 2021-2022	2022-2023	2023-2024	2024-2025	2025-2026	2026-2027	5-Year Total
<u>Water Pollution Control</u>							
Headworks Improvements	10,076,772						
New Headworks	83,876,561						
Preliminary Wastewater Treatment	93,953,333						
East Primary Rehabilitation, Seismic Retrofit, and Odor Control	1,000,000		10,885,000	94,530,000	686,000	684,000	106,785,000
Primary Wastewater Treatment	1,000,000		10,885,000	94,530,000	686,000	684,000	106,785,000
Aeration Tanks and Blower Rehabilitation	20,268,667	1,003,000	1,825,000	388,000	15,397,000	591,000	19,204,000
Nitrification Clarifier Rehabilitation	29,126,047	4,450,000	22,867,000	1,183,000	1,217,000	790,000	30,507,000
Secondary Clarifier Rehabilitation				565,000	2,833,000	22,379,000	25,777,000
Secondary Wastewater Treatment	49,394,714	5,453,000	24,692,000	2,136,000	19,447,000	23,760,000	75,488,000
Filter Rehabilitation	49,259,860	1,314,000	1,089,000				2,403,000
Final Effluent Pump Station & Stormwater Channel Improvements	2,119,237	1,887,000	12,616,000	449,000			14,952,000
New Disinfection Facilities					952,000	6,179,000	7,131,000
Outfall Channel and Instrumentation Improvements	7,236,585	548,000					548,000
Tertiary Wastewater Treatment	58,615,682	3,749,000	13,705,000	449,000	952,000	6,179,000	25,034,000
Additional Digester Upgrades	1,191,000		5,288,000	1,298,000	54,319,000	1,655,000	62,560,000
Digested Sludge Dewatering Facility	148,148,164	2,800,000	2,272,000	2,222,000			7,294,000
Digester and Thickener Facilities Upgrade	37,132,738						
Biosolids	186,471,902	2,800,000	7,560,000	3,520,000	54,319,000	1,655,000	69,854,000
Energy Generation Improvements	3,156,469						

* The 2022-2023 through 2025-2026 Ending Balances are excluded from the FIVE-YEAR TOTAL USE OF FUNDS to avoid multiple counting of the same funds.

Water Pollution Control

**Budget_2023 Proposed Capital Improvement Program
Use of Funds (Combined)**

Plant Electrical Reliability

5,537,917

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* The 2022-2023 through 2025-2026 Ending Balances are excluded from the FIVE-YEAR TOTAL USE OF FUNDS to avoid multiple counting of the same funds.

Water Pollution Control

Budget_2023 Proposed Capital Improvement Program Use of Funds (Combined)

	Estimated 2021-2022	2022-2023	2023-2024	2024-2025	2025-2026	2026-2027	5-Year Total
Electrical Systems and Power Generation	8,694,386						
Advanced Facility Control and Meter Replacement	14,188,251						
Treatment Plant Distributed Control System	3,183,409						
Advanced Process Control & Automation	17,371,661						
Facility Wide Water Systems Improvements	5,554,641	45,501,000	1,260,000	1,257,000	509,000		48,527,000
Flood Protection	1,242,150	396,000	7,735,000	513,000			8,644,000
Plant Infrastructure Improvements	5,887,514		1,000,000	1,000,000	1,000,000	1,000,000	4,000,000
Plantwide Security Systems Upgrade	6,740,000		5,457,000	1,003,000	736,000		7,196,000
Storm Drain System Improvements	9,389,692	1,621,000	632,000				2,253,000
Support Building Improvements	20,487,891	4,983,000	1,496,000	699,000	667,000	686,000	8,531,000
Tunnel Rehabilitation				2,302,000	467,000	530,000	3,299,000
Urgent and Unscheduled Treatment Plant Rehabilitation	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000	1,500,000	7,500,000
Various Infrastructure Decommissioning	469,000		2,590,000	18,470,000	691,000		21,751,000
Yard Piping and Road Improvements	21,284,941	8,362,000	2,509,000	12,410,000	11,492,000	475,000	35,248,000
Site Facility Maintenance and Improvements	72,555,829	62,363,000	24,179,000	39,154,000	17,062,000	4,191,000	146,949,000
Hydraulic Capacity Engineering	125,000	25,000	25,000	25,000	25,000	25,000	125,000
South Bay Water Recycling	125,000	25,000	25,000	25,000	25,000	25,000	125,000
Water Pollution Control - Construction	488,182,506	74,390,000	81,046,000	139,814,000	92,491,000	36,494,000	424,235,000
Debt Service Repayment for Plant Capital Improvement Projects	5,422,000	306,726,000	23,890,000	24,406,000	24,988,000	24,988,000	404,998,000
Owner Controlled Insurance Program	8,189,000		1,020,000	764,000			1,784,000

* The 2022-2023 through 2025-2026 Ending Balances are excluded from the FIVE-YEAR TOTAL USE OF FUNDS to avoid multiple counting of the same funds.

Water Pollution Control

Budget_2023 Proposed Capital Improvement Program Use of Funds (Combined)

	Estimated 2021-2022	2022-2023	2023-2024	2024-2025	2025-2026	2026-2027	5-Year Total
Master Plan Updates	106,904						
Preliminary Engineering - Water Pollution Control	4,170,188	2,000,000	1,000,000	1,000,000	1,000,000	1,000,000	6,000,000
Program Management - Water Pollution Control	15,832,181	10,579,000	10,317,000	10,459,000	9,707,000	4,115,000	45,177,000
General Non-Construction - Water Pollution Control	33,720,273	319,305,000	36,227,000	36,629,000	35,695,000	30,103,000	457,959,000
Water Pollution Control - Non Construction	33,720,273	319,305,000	36,227,000	36,629,000	35,695,000	30,103,000	457,959,000
Public Art Allocation	108,000						
Public Art Projects	108,000						
Capital Program and Public Works Department Support Service Costs	1,217,000	852,000	946,000	927,000	241,000	241,000	3,207,000
Allocations	1,217,000	852,000	946,000	927,000	241,000	241,000	3,207,000
City Hall Debt Service Fund	138,000	144,000	144,000	144,000	144,000	144,000	720,000
Transfers to Special Funds	138,000	144,000	144,000	144,000	144,000	144,000	720,000
Transfer to the General Fund: Measure T Bond Reimbursement							
Transfers to the General Fund							
Transfers Expense	138,000	144,000	144,000	144,000	144,000	144,000	720,000
Hydraulic Capacity Enhancements Reserve		3,666,000					3,666,000
Expense Reserves - Non Construction		3,666,000					3,666,000
Total Expenditures	523,365,780	398,357,000	118,363,000	177,514,000	128,571,000	66,982,000	889,787,000
Ending Fund Balance	5,947,898	129,884,898	101,398,898	39,891,898	6,981,898	16,246,898	16,246,898
TOTAL	529,313,678	528,241,898	219,761,898	217,405,898	135,552,898	83,228,898	906,033,898

* The 2022-2023 through 2025-2026 Ending Balances are excluded from the FIVE-YEAR TOTAL USE OF FUNDS to avoid multiple counting of the same funds.

ENVIRONMENTAL SERVICES DEPARTMENT

SJ/SC Water Pollution Control Plant

PRELIMINARY - 2022-23 Operating & Maintenance Budget Summary

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	2020-2021 Actual Expenses	2021-2022 Proposed Budget	2021-2022 Adopted Budget	2022-2023 Estimated Budget
Personal Services	56,495,873	\$67,043,404	64,782,760	67,710,000
Non-personal Services	27,896,799	39,820,880	47,091,436	45,202,000
Equipment	2,059,510	906,000	944,000	906,000
Inventory	476,154	600,000	600,000	600,000
Overhead	12,888,925	13,045,344	13,045,344	13,412,000
NCH Debt Service	1,082,311	1,105,918	1,105,918	1,156,000
Workers' Compensation	244,239	700,000	700,000	700,000
City Services	902,418	763,871	766,183	817,000
Total Operating Expenses	102,046,230	123,985,417	129,035,641	130,503,000

ESTIMATED COST DISTRIBUTION

PRELIMINARY ESTIMATES

2022-2023 Total Gallons Treated (MG)	(1) Percent of Total Sewage Treated	City / District	2022-2023 Estimated
24,977.770	63.149	City of San Jose	\$82,411,340
4,774.312	15.263	City of Santa Clara	19,918,673
29,752.082	78.412	Sub-Total	\$102,330,013
3,424.153	9.155	West Valley Sanitation District	11,947,550
1,983.504	5.659	Cupertino Sanitary District	7,385,165
2,059.970	5.578	City of Milpitas	7,279,457
352.714	0.964	Sanitation District # 2 - 3	1,258,049
85.064	0.232	Burbank Sanitary District	302,767
7,905.405	21.588	Sub-Total	\$28,172,988
37,657.487	100.000	TOTAL	\$130,503,000

**SJ/SC Water Pollution Control Plant
PRELIMINARY – 2022-2023 Budget Proposals**

Proposal Title: ESD Laboratory major equipment replacement and upgrades
FTE: N/A
Funding Source: SJ/SC Treatment Plant Operating Fund (513)
Est. 2022-2023 Cost/(Savings): \$250,000

Proposal Description/Objective:

Equipment replacement and upgrade non-personal funding for the Lab (\$250k for 3 years). The ESD Laboratory plays a critical role in protecting the public and environmental health of San Francisco's South Bay region by providing analytical support services for facility operations, compliance monitoring of NPDES and Watershed Permit requirements, recycled water, Capital Improvement Projects, and source control monitoring at the Regional Wastewater Facility. The Laboratory is accredited by the California State Water Board's Environmental Laboratory Accreditation Program (ELAP) to perform and report analytical results for regulatory and water quality monitoring purposes encompassing 204 fields of analysis (FOAs) or analytical methods performing more than 50,000 analyses per year.

To ensure continued, efficient, and uninterrupted analytical support for its service groups and to meet the Department's regulatory compliance reporting requirements to Federal, State and Regional Water Quality Control Board authorities, the ESD Laboratory is requesting the approval of a three year funding source for major laboratory equipment replacements or upgrades.

Much of the Laboratory's major analytical equipment has exceeded the general recommended life expectancy of five to ten years. Considerations for equipment replacement are based on current usage, operating conditions, breakdowns, City IT support, and manufacturer support. The Laboratory has evaluated its current major equipment inventory and proposes a tentative three-year purchase plan.

The plan for equipment replacement was developed with considerations of current, new, and anticipated regulatory requirements, improved technologies, green chemistry tenets (minimizing or eliminating chemical hazards), and the implementation of new and developing analytical methodologies. Additional considerations or drivers have included energy savings, automation, increased laboratory safety, and water conservation.

Estimated Cost/(Savings):

2022-2023 Personal Services Total	2022-2023 Non-Personal Total	Ongoing Personal Services Total	Ongoing Non-Personal Total
\$	\$ 250,000 (Year 1 of 3)	\$	\$

**SJ/SC Water Pollution Control Plant
PRELIMINARY – 2022-2023 Budget Proposals**

Proposal Title: Proposed Laboratory Organizational Changes in Environmental Services Department (ESD) Watershed Protection Division (WSP)

FTE: 0.0 Net Zero Shift

Funding Source: SJ/SC Treatment Plant Operating Fund (513)
South Bay Water Recycling Operating Fund (570)

Est. 2022-2023 Cost/(Savings): \$163,414

Proposal Description/Objective:

This proposal requests to delete seven vacant laboratory technician classifications and add six chemists and 1 microbiologist. Reallocating 7.0 FTE Laboratory Technicians to 6.0 FTE Chemists and 1.0 FTE Microbiologist is primarily driven by changes in the Laboratory workgroup's level of supervision, expertise and training necessary to address recent technological changes of analytical methodologies due to increasing State and Federal regulatory requirements. In order to meet these additional obligations, Environmental Service Department requests the accompanying industry expertise at the level necessary to ensure the Laboratory meets the required data quality objectives as defined by federal and state guidelines and to make improvements to its quality system. Currently, there is one laboratory technician I/II (LT) position that is occupied and will be vacated in late 2022. It is anticipated that this remaining LT position will go through the add/delete process and will be converted in to a 1.0 FT Chemist position

Approval of this request will support the increase of regulatory compliance requirements from the State Water Board's National Discharge Pollutant Elimination (NPDES) Permit, various regional Watershed NPDES Permits for the San José – Santa Clara Regional Wastewater Facility (RWF), the South Bay Water Recycling program, the EPA Pretreatment monitoring program, and the Statewide General Waste Discharge Requirements (WDR) for Sanitary Sewer Systems. The addition will also provide needed support for the implementation and logistical support of new requirements to meet State Title 22, laboratory accreditation standards recently approved by the Office of Administrative Law (OAL).

The justification for this proposal is to ensure continued laboratory operational support, accreditation and compliance enabling the City of San José (City) to meet related Federal, State, and Regional regulatory requirements for the analyses and data reporting of wastewater, recycled water, ambient water monitoring, Pretreatment monitoring, and Sanitary Sewer Overflows (SSOs) to regulatory agencies. The ESD Laboratory's ability to meet regulatory compliance reporting requirements and qualifications will directly impact the City's Environmental and Utility Services CSAs core services including ESD Wastewater Management, and Recycled Water Management.

Funding for this proposed position includes the SJ/SC Treatment Plant Operating Fund (\$148,707) and South Bay Water Recycling Operating Fund (\$14,707) based on the anticipated need from each program respectively.

Estimated Cost/(Savings):

2022-2023 Personal Services Total	2022-2023 Non-Personal Total	Ongoing Personal Services Total	Ongoing Non-Personal Total
\$ 131,214	\$ 32,200	\$ 110,695	\$ 17,500

**SJ/SC Water Pollution Control Plant
PRELIMINARY – 2022-2023 Budget Proposals**

Proposal Title: Project Management Consultant Support for Watershed Protection Division
Data Management System Procurement and Upgrades

FTE: N/A

Funding Source: SJ/SC Treatment Plant Operating Fund (513)

Est. 2022-2023 Cost/(Savings): \$ 117,832

Proposal Description/Objective:

This proposal requests \$117,832 in one-time costs to pay for a project management consultant for the Environmental Enforcement Data Management System (EEDMS) and Laboratory Information Management System (LIMS) procurement, migration, and implementation projects. These projects were previously proposed and approved in prior budget cycles and ESD is currently pursuing RFPs for these projects. This proposal is based upon requirements from the Information Technology Department that projects of this magnitude have a full-time, dedicated project manager

ESD is responsible for implementing multiple inspection and monitoring programs to comply with Federal Pretreatment requirements under the City's National Pollutant Discharge Elimination System (NPDES) permit as well as State stormwater and wastewater requirements under the Stormwater Municipal Regional Permit (MRP) and the General Waste Discharge Requirements (GWDR) respectively. ESD- Watershed Protection's Laboratory, located at the Regional Wastewater Facility (RWF), analyzes thousands of samples weekly, ensuring the RWF and the City's Pretreatment program are compliant with NPDES requirements. Integrated Waste Management Division's enforcement program ensures compliance with solid waste residential contracts, commercial franchise agreements, non-exclusive hauler agreements, San Jose Municipal code and state regulations.

The data management systems for the Laboratory and Enforcement programs are old, 16 and 10 years old respectively. Finance Department policy requires ESD to implement and RFP process to upgrade or replace these aging systems.

Estimated Cost/(Savings):

2022-2023 Personal Services Total	2022-2023 Non-Personal Total	Ongoing Personal Services Total	Ongoing Non-Personal Total
\$	\$ 117,832	\$	\$

**SJ/SC Water Pollution Control Plant
PRELIMINARY – 2022-2023 Budget Proposals**

Proposal Title: BR_007- Proposed Laboratory Management Organizational Changes in Environmental Services Department (ESD) Watershed Protection Division (WSP)

FTE: 0.0 Net Zero Shift

Funding Source: SJ/SC Treatment Plant Operating Fund (513)

Est. 2022-2023 Cost/(Savings): (\$37,729)

Proposal Description/Objective:

This proposal requests to add/delete 1.0 FTE Environmental Laboratory Manager (Job Code 5117) and replace it with 1.0 FTE Senior Environmental Program Manager (Job Code 5214). Approval of this request will support compliance with increased regulations from the State Water Board's National Discharge Pollutant Elimination (NPDES) Permit, various regional Watershed NPDES Permits for the San José – Santa Clara Regional Wastewater Facility (RWF), the South Bay Water Recycling program, the EPA Pretreatment monitoring program, and the Statewide General Waste Discharge Requirements (WDR) for Sanitary Sewer Systems. In addition, the change will also provide needed oversight and support for the implementation and logistical support of new requirements to meet State Title 22, laboratory accreditation standards recently approved by the Office of Administrative Law (OAL) as well as establishing programs or policy related to public health or pollutants of emerging concerns. Over time, this position has grown from being a technical expert in managing the laboratory, to becoming a key member of ESD's senior management and representing the City's interests regionally, with strong political and administrative skills more suited for a Senior Environmental Program Manager

The Environmental Laboratory Manager classification is requested to be deleted and replaced by the addition of a Senior Environmental Program Manager to have a broader focus on critical challenges associated with current and anticipated increased regulatory compliance requirements from national, state, and regional authorities for wastewater and recycled water compliance and monitoring, EPA Pretreatment monitoring, and other Waste Discharge Requirements that are beyond the current function and scope of the Environmental Laboratory Manager. In addition to growing regulatory obligations, strategic regional advocacy and support have become a more apparent need to the RWF and service area. At the onset of the pandemic, the RWF and laboratory collaborated with regional and national entities in COVID-19 wastewater-based epidemiology (WBE) to realize its potential benefits in monitoring community spread.

The laboratory was a participant amongst a national team of technical experts providing review of their research development and related data to optimize and validate the method. ESD collaborated at the regional level with UC Berkeley's Water Center, Santa Clara County Department of Environmental Health (SCCDEH), the City of Palo Alto, and Stanford University. The results from participating in this opportunity provided an essential tool for informing public health decisions for the near term during the course of the COVID-19 pandemic and future public health issues in Santa Clara County, state and nationwide.

**SJ/SC Water Pollution Control Plant
PRELIMINARY – 2022-2023 Budget Proposals**

Managing and coordinating the RWF's participation and representing its interests in these kinds of regional efforts appear to be an evolving focus and is better suited for the Senior Environmental Program Manager classification since it requires oversight over a broader array of programs and services. It is a benefit to have the technical knowledge however it is not required.

Estimated Cost/(Savings):

2022-2023 Personal Services Total	2022-2023 Non-Personal Total	Ongoing Personal Services Total	Ongoing Non-Personal Total
<i>(\$37,729)</i>	<i>\$</i>	<i>(\$37,729)</i>	<i>\$</i>

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SJ/SC Water Pollution Control Plant
PRELIMINARY – 2022-2023 Budget Proposals

Proposal Title: RWF Asset Management Reorganization

FTE: 1.0

Funding Source: SJ/SC Treatment Plant Operating Fund (513)
South Bay Water Recycling Operating Fund (570)

Est. 2022-2023 Cost/(Savings): \$ 314,930

Proposal Description/Objective:

The San Jose Santa Clara Regional Wastewater Facility is one of the largest advanced wastewater treatment Facility in the Bay Area. The Facility's Asset Management Division comprises of three groups namely: The Geographical Information System (GIS), the Computerized Maintenance Management System (CMMS), and the Engineering Support Operation & Maintenance (ES O&M) group, all currently under the supervision of a Senior Engineer. This proposal is to add 1 Principal Engineer (JC 3820), 1 Principal Engineering Technician(JC3715), 1 Engineer I/II(JC3812/3813) and 1 Senior Engineering Technician positions(JC3714), and delete 1 Geographic Information Systems Specialist II (18720) (JC1383), 1 Associate Engineering Technician (18102) (JC 3713), and 1 Engineering Technician II (5763) (JC3711/3712) positions for the Asset Management (AM) Division.

GIS Group-

Proposal is to add 1 Senior Engineering Technician (SET) position and delete 1 GIS Specialist positions for this group. The bulk of the back-end GIS database loading and structuring has already been completed throughout the past several years, and the current and future anticipated workload for this group does not support 4 FTE positions. Although major work has already been completed, the GIS databases still require continuous maintenance and updating to maintain data quality. The main function of the proposed SET position is to support the various CIP/O&M construction and upgrade work at the Facility. Similarly, the SET will be trained in routine updating of the GIS databases with new and verified information from Record Drawings and from field-collected information as the Facility continue with its modernization.

CMMS Group –

Proposed is to add a Principal Engineering Technician (PET) position and delete the existing vacant Engineering Technician position. Due to the ongoing upgrades and construction at the Facility, it is anticipated that hundreds of new and improved pieces of equipment will be added from each CIP project while old and obsolete equipment is removed/upgraded/replaced in the treatment process. As part of the Facility's ongoing modernization, while still treating wastewater, it is crucial and beneficial to upgrade the technical capabilities and efficiencies of the CMMS group in order to meet the demand and keep up with the anticipated introduction of more advanced equipment to the treatment process. The proposed PET position will be tasked to oversee the CMMS group and will be responsible with all aspects of reviewing, and if needed, the preparation of equipment hierarchies, and coordinating equipment loading into the CMMS. All of the above recommended actions, including adding a PET position, deleting the ET position, and work related to equipment hierarchies will increase the technical expertise of the CMMS group to better meet future challenges while ultimately saving money and providing staff efficiencies in meeting project deadlines.

Engineering Services – O&M –

ES O&M group currently comprised of an Associate Engineer, a Senior Engineering Technician, and an Associate Engineering Technician (AET). Proposal here is to add a new Engineer I/II

**SJ/SC Water Pollution Control Plant
PRELIMINARY – 2022-2023 Budget Proposals**

position and delete the vacant AET position. There is a growing list of unassigned projects under this group that is more efficiently handled by someone with a more technical background. This need is anticipated to be an ongoing trend and is on track to keep increasing over time as current processes and equipment at the Facility ages, requiring engineered solutions, and new projects are completed by the CIP. Adding an Engineer I/II position would increase the number of projects administered and monitored by this group, reduce the need for outside consultant services, upgrade the overall technical capabilities of the group, and meet the anticipated increase in demand to support the other O&M Divisions.

In addition to the above staffing changes, ESD also proposes the additional of a Principal Engineer that will provide general oversight and administration to the O&M Engineering/Asset Management/GIS Division of the Regional Wastewater Facility operations. This group is currently lead by a Senior Engineer. In the coming years, the O&M Engineering group’s responsibility is anticipated to grow substantially as capital improvement projects are completed and additional treatment processes are utilized. Specific examples of increased responsibilities include document management for all ongoing and upcoming capital improvement projects, planning and engineering for future on site fertilizer facility (public private partnership) P3 projects, landfill gas treatment and supply, numerous repair and replacement projects, management of multiple professional service contracts for engineering and wastewater treatment operation support, etc. This new position will report directly to Wastewater Management Deputy Director.

The above proposal to reorganize the AM Division will increase expertise, improve efficiency, and better position the Division to meet ongoing regulatory demands and support the O&M Division’s needs.

Funding for this proposed position includes the SJ/SC Treatment Plant Operating Fund (\$314,930) and South Bay Water Recycling Operating Fund (- \$6,259) based on the anticipated need from each program respectively.

Estimated Cost/(Savings):

2022-2023	2022-2023	Ongoing	Ongoing
Personal Services	Non-Personal Total	Personal Services	Non-Personal Total
Total		Total	
\$ 287,671	\$ 21,000	\$ 287,671	\$ 21,000

**SJ/SC Water Pollution Control Plant
PRELIMINARY – 2022-2023 Budget Proposals**

Proposal Title: RWF Plantwide Non-Personnel Services Support
FTE: N/A
Funding Source: SJ/SC Treatment Plant Operating Fund (513)
Est. 2022-2023 Cost/(Savings): \$510,000

Proposal Description/Objective:

This action adds \$510,000 in non-personal funds for procuring materials and parts for instrumentation, and mechanical maintenance.

Instrumentation / Mechanical increased parts and materials:

Regional Wastewater Facility (RWF) has been undergoing major capital improvement projects for rebuilding and rehabilitation for the past few years. Every new project now includes state of the art automation systems. As a result, the number of instrumentation components has almost doubled in the past few years. This proposal will add funding for preventative maintenance including maintaining an inventory of spare, highly specialized parts. New Mesophilic Flow System completion by CIP (DFT project) will necessitate preventive care and spare parts for rebuilds and emergency repairs as well.

This proposal includes ongoing increase of base budget for instrumentation group by \$350,000 and mechanical groups base budget increase by \$160,000.

Estimated Cost/(Savings):

2022-2023	2022-2023	Ongoing	Ongoing
Personal Services	Non-Personal Total	Personal Services	Non-Personal Total
Total		Total	
\$	\$ 510,000	\$	\$ 510,000

**SJ/SC Water Pollution Control Plant
PRELIMINARY – 2022-2023 Budget Proposals**

Proposal Title: RWF Process Control System Staffing Enhancements in response to PCS upgrades

FTE: 1.0

Funding Source: SJ/SC Treatment Plant Operating Fund (513)

Est. 2022-2023 Cost/(Savings): \$209,878

Proposal Description/Objective:

The San Jose Santa Clara Regional Wastewater Facility is one of the largest advanced wastewater treatment Facility in the Bay Area. The Facility's distributed controls system (DCS) provides automatic controls, monitoring, and data storage for various wastewater treatment processes and for electrical power cogeneration and distribution. The process control systems (PCS) group consists of four (4) Process Control Specialists, two (2) Process Control Seniors, one (1) network engineer and is led by a supervisor. This proposal would provide funding for one (1) Information Systems Analyst Position (JC 1355) to the PCS Group to oversee DCS Networking within the RWF Process Control Systems and associated non personal funding for staff equipment, software licenses, and training.

In the last five years, the Facility's DCS has grown from 18 industrial controllers to 24, from 6 servers to 26, and from 30 clients to 70 and this rate of expansion is expected to continue for a few more years. To support this growth, four (4) new control networks have been created spanning the entire plant as well as multiple new runs of other industrial networks (CCTV, ModBus, ProfiBus, etc.). In total, the industrial network of the RWF has 150 network switches, 4 firewalls, 1 router, & over 100 industrial-protocol to fiber adapters.

This proposal will fund one (1) Information Systems Analyst Position to configure, maintain and troubleshoot the network infrastructure, including the clients and server machines, continue to provide support to CIP on project-specific networks, and train & lead the current network engineer.

If approved, the Information Systems Analyst Position will have a lead role in coordinating daily activities, will oversee the training of the City Hall Enterprise Information Technology Engineer I (Enterprise Net 1), and will be responsible for all network related CIP project reviews. Current Network Engineer will assist Information Systems Analyst Position in all installations and repairs of Network, PC, Server, and peripheral equipment and will assist the IPCS Seniors as required.

Estimated Cost/(Savings):

2022-2023 Personal Services Total	2022-2023 Non-Personal Total	Ongoing Personal Services Total	Ongoing Non-Personal Total
\$ 204,628	\$ 5,250	\$ 204,628	\$ 5,250

**SJ/SC Water Pollution Control Plant
PRELIMINARY – 2022-2023 Budget Proposals**

Proposal Title: RWF Service Contract for Process Control Resident Engineer and Staff Training

FTE: N/A

Funding Source: SJ/SC Treatment Plant Operating Fund (513)

Est. 2022-2023 Cost/(Savings): \$365,000

Proposal Description/Objective:

The San Jose Santa Clara Regional Wastewater Facility is one of the largest advanced wastewater treatment Facility in the Bay Area. The Facility's distributed controls system (DCS) provides automatic controls, monitoring, and data storage for various wastewater treatment processes, electrical power cogeneration and distribution, field instrumentation, HVAC systems etc. The process control system (PCS) group consists of four (4) Process Control Specialists, two (2) Process Control Seniors, one (1) network engineer and is led by a supervisor. In consultation and coordination with the Office of Employee Relations, this proposal would provide one-time funding to Non-Personnel Services Appropriation (0762) to contract one (1) ABB Resident Engineer for PCS Group

In the last five years, the Facility's DCS has grown from 18 industrial controllers to 24, from 6 servers to 26, and from 30 clients to 70. This rate of expansion is expected to continue for a few more years. Additionally, field cabinetry and telemetry are expected to double to just under 60,000 licensed tags.

This proposal will fund one (1) ABB Resident Engineer, for one year, to lead the training of future personnel expected to fill existing three (3) vacancies. This training is necessary to guarantee adequate knowledge retention and qualified personnel servicing the DCS needs of the Facility.

If approved, the Resident Engineer will oversee the training of future staff, once the existing three vacant positions are filled. Trained staff will provide enough coverage for startup and commissioning activities of various CIP projects and for the day-to-day maintenance of the Facility, as well as the necessary expertise for Stand-by duty.

Estimated Cost/(Savings):

2022-2023	2022-2023	Ongoing	Ongoing
Personal Services	Non-Personal Total	Personal Services	Non-Personal Total
Total		Total	
\$	\$ 365,000	\$	\$ 365,000

**SJ/SC Water Pollution Control Plant
PRELIMINARY – 2022-2023 Budget Proposals**

Proposal Title: RWF Regulatory Permitting Fee Budget Adjustment

FTE: N/A

Funding Source: SJ/SC Treatment Plant Operating Fund (513)

Est. 2022-2023 Cost/(Savings): \$350,000

Proposal Description/Objective:

This action adds \$350,000 in non-personal funds to match current year price increases in various permit fees critical to the operation of the San José- Santa Clara Regional Wastewater Facility.

The San José- Santa Clara Regional Wastewater Facility (RWF) has regulatory requirements to pay annual fees to various state agencies such as State Water Board for National Pollutant Discharge Elimination Permit and Nutrient Surcharge Fees, Bay Area Air Quality Management District (BAAQMD) for various stationary sources, and these permit fees have been steadily climbing up over the last few years. This proposal includes ongoing increase to the base budget for dues and subscription by \$350,000.

Estimated Cost/(Savings):

2022-2023 Personal Services Total	2022-2023 Non-Personal Total	Ongoing Personal Services Total	Ongoing Non-Personal Total
\$	\$ 350,000	\$	\$ 350,000

SJ/SC Water Pollution Control Plant
PRELIMINARY – 2022-2023 Budget Proposals

Proposal Title: RWF Classification Study Funding to Reduce Ongoing Vacancy Levels and Improve Service Delivery and Reliability

FTE: N/A

Funding Source: SJ/SC Treatment Plant Operating Fund (513)

Est. 2022-2023 Cost/(Savings): \$48,000

Proposal Description/Objective:

This action adds \$48,000 in non-personal funds for consultant services to perform classification and compensation studies for hard-to-fill and specialized ESD classifications. The Environmental Services Department performs a variety of specialized functions to safely maintain, operate, and improve the Regional Wastewater Facility (RWF). Given the current climate of The Great Resignation and low unemployment, the department anticipates continued difficulties recruiting qualified candidates for select functions. With the Dewatering Facility coming online within the next two years, we are at a crucial juncture of what will become a very serious problem, if left unaddressed.

Specifically, Industrial Electricians maintain RWF's high-voltage transmission grid, cogeneration facility, 115kv substation, and various electrical motors and switch gears. Due to the high-voltage nature of the work, this classification has historically been both difficult to fill and compensated at a higher level than other City Electricians. The last four recruitment attempts for Industrial Electrician (dating back to 2018) have been unsuccessful, with the department carrying a minimum of four (4.0) vacancies throughout that time. Workload for Industrial Electricians is presently limited to routine and emergency maintenance. It is expected to increase with new facilities coming online as part of the department's \$1.4 billion 10-year Capital Improvement Program (CIP).

Delivery of the CIP is the responsibility of CIP Senior Engineers. These staff members are responsible for project and process engineering of facility upgrades, including a new Dewatering Facility, Headworks, and various piping and filtration improvements. Due to the specialized nature of wastewater engineering, the department has struggled to recruit external talent to these roles, failing in two recruitment attempts (including a consultant-led, nation-wide search) since late 2019 and carrying a minimum of five (5.0) vacancies in this group.

Wastewater engineering functions have previously been recognized by the City as distinguished from other civil engineering functions, as evidenced by the existence of the Sanitary Engineer classification. Employees hired into that classification are required to possess knowledge of hydraulic principles, applicable state and local rules related to wastewater management, and bacteriological, chemical, and physical tests applied to wastewater. Further, they are compensated at the level of Engineer II.

**SJ/SC Water Pollution Control Plant
PRELIMINARY – 2022-2023 Budget Proposals**

Due to ongoing difficulties hiring in these critical classifications, to inform long-term recruitment and retention strategies, ESD is proposing to fund the following:

- 1) A class compensation study for Industrial Electrician (\$12,000)
 - 2) Class compensation studies for creation of Associate Sanitary/Wastewater Engineer, Senior Sanitary/Wastewater Engineer, and Principal Sanitary/Wastewater Engineer (3*\$12,000 = \$36,000)
- The combined cost of these studies is \$48,000.

Estimated Cost/(Savings):

2022-2023 Personal Services Total	2022-2023 Non-Personal Total	Ongoing Personal Services Total	Ongoing Non-Personal Total
\$	\$ 48,000	\$	\$

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SJ/SC Water Pollution Control Plant PRELIMINARY – 2022-2023 Budget Proposals

Proposal Title: RWF Asset Management Financial Analyst Staffing Improvements
FTE: 1.0
Funding Source: SJ/SC Treatment Plant Operating Fund (513)
Est. 2022-2023 Cost/(Savings): \$177,421

Proposal Description/Objective:

This position will assist over-all asset management at the Plant with the data creation/population and regular updates to the Computerized Maintenance Management System (CMMS) database such as the tracking of assets, inventory and costs; analysis of data for all Plant Assets, Inventory, work orders and other information that is critical for operational asset and inventory management at the Plant. This position is needed since the Plant is in the process of a \$2B major rehabilitation and capital investment to modernize the RWF and to meet industry standards for over-all operation management of the Plant. The RWF CMMS Financial Analyst is responsible for the assisting with operational asset management, work order planning, and assisting with spare part inventory management. This position is responsible for maintaining parts/asset data accuracy and equipment hierarchy in CMMS; and providing data to managers that make decisions on the roll out standard workflows for work requests, preventive maintenance programs, project requests and inspections, etc. Job responsibilities include, but are not limited to:

- Measure and publish physical inventory metrics to the management team; help to interpret data, troubleshoot process, and make recommendations based on findings
- Develop and maintain accuracy of equipment or assets by regularly collecting and inputting information, such as; manufacturer, model, serial number, and system structure information. The data is maintained in CMMS and equipment is labeled/barcoded or identifiable in the facilities.
- Develop and maintain accuracy of Work Order related data• Support management in the review of WO Data accuracy such as: Equipment on WOs, Booked Hours (Employee and Vendors), parts usage, WO type, closing codes and WO Comments
- Provide support to management for the scheduling and assigning of work.
- Manage work orders in the system, ensure proper creation, planning, update and closure of work orders.
- Develop and maintain accuracy of spare parts by regularly collecting and inputting information, such as; supplier, catalog number, min/max quantities, pricing, manufacturer, and part numbers. This position helps to drive the operational asset and materials management planning process at the RWF for future capital replacement and investment and for the Inventory stores (Inventory Management), including but not limited to:
 - Assists Plant management with strategic data for budget planning for future plant replacements and other investments
 - Create and or Generate Requisitions, POs, PO Receipts; Work with facilities team to develop and maintain lists of critical spares
 - Audit materials management process with regularly scheduled cycle counts;
 - Support management with data to implement corrective action as discovered in cycle counts;
 - Work with facilities' teams to reduce costs and improve parts;
 - Assist with other Ad hoc Analysis as needed

This position is needed to provide critical data to RWF executive management in order to drive the operational asset and materials management planning process at the RWF for future capital

**SJ/SC Water Pollution Control Plant
PRELIMINARY – 2022-2023 Budget Proposals**

replacement and investment and for the Inventory stores (Inventory Management). In addition, this position helps management makes decisions on where to allocate labor hours for plant maintenance. Furthermore, this data will help reduce costs and improve over-all plant operational performance by providing the metrics for management decisions to make cost effective decisions. This proposal also included a non-personal component for initial equipment purchase and training.

Estimated Cost/(Savings):

2022-2023 Personal Services Total	2022-2023 Non-Personal Total	Ongoing Personal Services Total	Ongoing Non-Personal Total
<i>\$ 174,821</i>	<i>\$ 2,600</i>	<i>\$ 174,821</i>	<i>\$ 500</i>

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SJ/SC Water Pollution Control Plant *PRELIMINARY* – 2022-2023 Budget Proposals

Proposal Title: Staffing to address regulatory requirements for Contaminants of Emerging Concern

FTE: 1.0

Funding Source: SJ/SC Treatment Plant Operating Fund (513)

Est. 2022-2023 Cost/(Savings): \$167,704

Proposal Description/Objective:

This proposal would provide funding for one (1) additional Environmental Services Specialist (Assistant/Associate/ESS) FTE in the Wastewater Compliance group to support a permanent increased workload on constituents of emerging concern in the Pollution Prevention Program. The San Jose Santa Clara Regional Wastewater Facility is the largest advanced wastewater treatment facilities in the Bay Area. The Facility operates under a National Pollutant Discharge Elimination System (NPDES) Permit, along with three additional NPDES Permits and State Orders. These Permits define numerous operational, programmatic, monitoring, and reporting requirements to ensure the Facility is operating in compliance with state and federal regulations and not contributing to Bay water pollution. The Wastewater Compliance group is charged with interpreting the requirements in the NPDES permits; negotiating reissuance of the NPDES Permits at 5-year intervals; ensuring programmatic requirements in the NPDES Permit are being met; maintaining an open dialogue on NPDES requirements with regulators, Facility personnel, CIP personnel, and ESD staff; compiling and submitting Permit required reports; tracking new regulatory developments and strategically engaging in their development; and monitoring the environmental condition of the Bay in the vicinity of the wastewater outfall. One of the significant Permit requirements that the Wastewater Compliance group leads and implements is maintaining a Pollutant Minimization Program, also referred to as a Pollution Prevention (P2) Program. A P2 Program focuses on existing and emerging pollutant issues and aims to reduce the impact of those pollutants through outreach and education to City residents and City staff. A P2 program is a separate and additional approach to pollutant management than the more common operational treatment strategies/upgrades or industrial inspections and enforcement programs.

The P2 Program's previous work primarily addressed priority pollutants like copper, cyanide, mercury, and PCBs. However, recent advancements in science and a better understanding of present-day environmental impacts from pollution have resulted in a rapid and constant increase in emerging pollutant issues. Many of these emerging pollutants cannot be removed through treatment. Examples of emerging pollutant priorities in the last few years are microplastics, quaternary ammonia compounds (QACs), new pharmaceuticals, a suite of bisphenol compounds, fipronil and imidacloprid pesticides used in flea and tick treatments for pets, and, most recently, Per- and Polyfluoroalkyl Substances or PFAS. The scientific evidence for many of these pollutants indicate there not effective treatment technology solutions to control them and they all have a large residential source input rather than an industrial source input. This means that treatment upgrades and industrial inspection/enforcement strategies will not be effective means to address the pollutants and P2 is the most effective reduction option. Additional monitoring requirements for emerging pollutants of concern, which were not required previously, are also now commonplace and the number of emerging pollutants of concern is expected to grow, not shrink. The growing list of emerging pollutants requires dedicated staff to track, plan, and implement pollution prevention campaigns, education, and outreach activities to service area residents. Current staffing levels in the Wastewater Compliance group are

**SJ/SC Water Pollution Control Plant
PRELIMINARY – 2022-2023 Budget Proposals**

inadequate to effectively address the rapidly evolving and expanding field of emerging contaminants. The Wastewater Compliance group is comprised of two (2) Biologists, two (2) Environmental Services Specialists, one (1) Supervising Environmental Services Specialist, and is led by one (1) Environmental Program Manager.

Estimated Cost/(Savings):

2022-2023 Personal Services Total	2022-2023 Non-Personal Total	Ongoing Personal Services Total	Ongoing Non-Personal Total
<i>\$ 165,104</i>	<i>\$ 2,600</i>	<i>\$ 165,104</i>	<i>\$ 500</i>

DRAFT

**SJ/SC Water Pollution Control Plant
PRELIMINARY – 2022-2023 Budget Proposals**

Proposal Title: ESD Internal Server Replacements

FTE: N/A

Funding Source: SJ/SC Treatment Plant Operating Fund (513)
South Bay Water Recycling Operating Fund (570)

Est. 2022-2023 Cost/(Savings): \$35,800

Proposal Description/Objective:

Purchase four (4) new server hardware to replace five (4) servers that are scheduled for replacements. In addition, combining some servers into a Virtual Machine (VM) host server will save ESD money from purchasing separate servers.

The four servers that are being replaced in 2022-2023 are ESDRWFRECOVERY, ESDVEEAMSTORE, ESDWPCNAS, and ESDCHNAS. The total cost per the Cost Allocation Plan for Fund 513 and 570 is \$35,800.

Regular replacement of servers is part of our lifecycle management and virtualizing some servers will ensure our services are secure, maintained, and available while saving money.

The new server replacements will be used to host and serve business storage and regular backups used by ESD. As part of this project, we will also minimize the number of server replacements from the existing 6 to 4 servers using VMWare's Virtual Machines (VM).

Funding for this proposed position includes the SJ/SC Treatment Plant Operating Fund (\$32,546) and South Bay Water Recycling Operating Fund (\$3,254) based on the anticipated need from each program respectively.

Estimated Cost/(Savings):

2022-2023 Personal Services Total	2022-2023 Non-Personal Total	Ongoing Personal Services Total	Ongoing Non-Personal Total
\$	\$ 35,800	\$	\$

**SJ/SC Water Pollution Control Plant
PRELIMINARY – 2022-2023 Budget Proposals**

Proposal Title: Climate Smart and Carbon Neutrality Program Expansion

FTE: (.25)

Funding Source: SJ/SC Treatment Plant Operating Fund (513)

Est. 2022-2023 Cost/(Savings): (\$28,829)

Proposal Description/Objective:

In alignment with specific City Council direction on November 8, 2021 and in order to develop and implement building and transportation electrification programs and policies to accelerate progress towards achieving the City's adopted carbon neutral by 2030 goal, the Environmental Services Department (ESD) is requesting funding for its Climate Smart program in FY 2022-2023. Part of this funding includes shifting the funding source for 0.25 FTE Principal Office Specialist from Fund 513 Treatment Plant Operating Fund to the City of San Jose General Fund resulting in a net savings to Fund 513.

Estimated Cost/(Savings):

2022-2023	2022-2023	Ongoing	Ongoing
Personal Services	Non-Personal Total	Personal Services	Non-Personal Total
Total		Total	
\$ (28,829)	\$	\$ (29,459)	\$

**SJ/SC Water Pollution Control Plant
PRELIMINARY – 2022-2023 Budget Proposals**

Proposal Title: SBWR Operational Improvements

FTE: N/A

Funding Source: South Bay Water Recycling Operating Fund (570)

Est. 2022-2023 Cost/(Savings): \$1,650,000

Proposal Description/Objective:

Settling Study, SCADA Upgrade, Zone 3 reservoir Drainage, Communication Improvements, and RW Truck Fill Stations

This action adds \$1.65 million in one-time non-personal/equipment funding in the South Bay Water Recycling Operating Fund to support a variety of infrastructure and maintenance projects. These projects include the SBWR SCADA System Evaluation (\$500,000), Recycled Water Truck Fill Station and Dewatering System Installations (\$300,000), Communication Improvements (\$300,000), Pump Station 8 & 11 Building Foundation Assessment (\$500,000), and the Zone 3 Reservoir Drainage System Improvements (\$50,000).

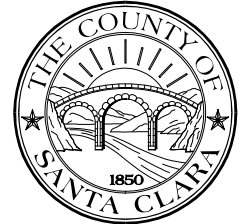
Estimated Cost/(Savings):

2022-2023 Personal Services Total	2022-2023 Non-Personal Total	Ongoing Personal Services Total	Ongoing Non-Personal Total
\$	\$ 1,650,000	\$	\$

County of Santa Clara

Registrar of Voters

1555 Berger Drive, Building 2
San Jose, California 95112
Mailing Address: P.O. Box 611360 San Jose, CA 95161-1360
(408) 299-VOTE (8683) (866) 430-VOTE (8683) FA X (408) 998-7314
www.sccvote.org



Date: March 1, 2022
To: School and Special Districts
From: Election Division Coordinator, Candidate Services Division
Subject: Required Annual Financial Disclosure Statements

Fair Political Commission Practices (FPPC) Regulations require officeholders who receive monetary compensation of \$200 or more a month from a School or Special District, and do not have an active candidate/officeholder committee to file the Form 470 annually.

To help identify the filing obligation of your board members, we ask that each district representative complete the District Information below and indicate the exact monetary compensation each board member receives per month. Please return the completed form to our office no later than March 31, 2022, by either:

1. Scanning and e-mailing to: email-rov-nom@rov.sccgov.org;
2. Faxing to: 408-998-7356; or
3. Mailing to: Registrar of Voters, Candidate Services Division, 1555 Berger Drive, Building 2, San Jose, CA 95112.

Enclosed is the Form 470 for you to make copies and distribute to your board members, as needed. Board members who are required to file the Form 470 with our office have until July 31, 2022. Early distribution of the form and filing with our office is recommended to avoid late filer fines.

Officeholders who receive less than \$200 a month or who have active candidate/officeholder committees do not need to file the Form 470.

If you have any questions, please contact our office at 408-299-8639. Thank you for your assistance.

DISTRICT INFORMATION

Name of District _____

Amount of compensation paid to each board member monthly _____

Print Name of District Representative _____

Signature of District Representative _____

Officeholder and Candidate Campaign Statement — Short Form - AND - Form 470 Supplement

CALIFORNIA
FORM

470

Who Uses Form 470:

Form 470 is for use by officeholders and candidates who:

- do not have a controlled committee;
- do not anticipate receiving contributions totaling \$2,000 or more during the calendar year; and
- do not anticipate spending \$2,000 or more during the calendar year.

Officeholders and candidates who have a controlled committee or who have raised or spent \$2,000, file the Recipient Committee Statement – Form 460.

Exceptions:

The following individuals seeking or holding office are not required to file campaign disclosure statements (Form 470 or Form 460):

- candidates for county central committee offices that do not raise or spend \$2,000 or more in a calendar year;
- officeholders whose salaries are less than \$200 per month and judicial candidates who have not made or received contributions or made expenditures during non-election years; and
- judges who do not receive contributions and who make personal expenditures of less than \$1,000 or more in non-election years.

Period Covered:

The period covered is always the calendar year (January 1 through December 31).

\$2,000 Threshold:

To determine if \$2,000 has been raised or spent, or will be raised or spent, the candidate's personal funds for the filing fee or statement of qualifications are excluded.

A campaign bank account must be established if the candidate receives contributions from other persons.

When to File:

Ensure campaign deadlines are met. Go to www.fppc.ca.gov for campaign disclosure filing schedules.

If the Form 470 is filed in connection with an election, or on or before the filing deadline for the first campaign statement required for the calendar year, no additional campaign statements need to be filed for that calendar year as long as total contributions received remain less than \$2,000 and total expenditures made remain less than \$2,000. In most cases, July 31 is the filing deadline for the first campaign statement required to be filed by officeholders and candidates not being voted upon.

The Form 470 is filed in connection with an election if it is filed with the declaration of candidacy, or as a first preelection statement in connection with an election, covering the year of the election. If, after filing Form 470, receipts or expenditures reach \$2,000 or more, see the attached Form 470 Supplement for important reporting requirements.

Where to File:

State Elections:

State officeholders, state candidates, candidates and members of CalPERS and CalSTRS, judges and judicial candidates must file the original and one copy with:

Secretary of State
Political Reform Division
1500 11th Street, Room 495
Sacramento, CA 95814
Phone (916) 653-6224
Fax (916) 653-5045
www.sos.ca.gov

Additional Copies:

A copy of the Form 470 must also be filed with the candidate's county of domicile's filing officer. CalPERS and CalSTRS board candidates must file a copy of the Form 470 with the relevant CalPERS or CalSTRS office and not the candidate's county of domicile.

Local Elections:

- Elected officers and candidates for local multi-county agencies file an original and one copy with the elections official for the county with the largest number of registered voters in the district and one copy with the candidate's county of domicile.
- Elected county officeholders and candidates for county offices file an original and one copy with the elections official for that county.
- Elected city officeholders and candidates for city offices file an original and one copy with the city clerk.

Note: A local agency may impose additional requirements.

Amendments: If you are filing an amendment to a previously filed statement, give a brief explanation of the amendment. Be sure to enter the calendar year covered by the statement you are amending and the date of election, if applicable.

This form was prepared by the Fair Political Practices Commission (FPPC). For detailed information on campaign reporting requirements and the Information Practices Act of 1977, see the FPPC Campaign Disclosure Manual.

**Officeholder and Candidate
Campaign Statement –
Short Form**

		Date Stamp	CALIFORNIA FORM 470
Date of election if applicable: (Month, Day, Year)	Amendment (Explain Below)		For Official Use Only
_____	_____		

1. Statement Covers Calendar Year 20 _____ .

2. Officeholder or Candidate Information

3. Office Sought or Held

NAME OF OFFICEHOLDER OR CANDIDATE _____

STREET ADDRESS _____

CITY _____ STATE _____ ZIP CODE _____

AREA CODE/DAYTIME PHONE NUMBER _____ OPTIONAL: FAX / E-MAIL ADDRESS _____

OFFICE SOUGHT OR HELD _____

JURISDICTION (LOCATION) _____

DISTRICT NUMBER (IF APPLICABLE) _____

4. Committee Information

List all committees of which you have knowledge that are primarily formed to receive contributions or to make expenditures on behalf of your candidacy.

COMMITTEE NAME AND I.D. NUMBER	COMMITTEE ADDRESS	NAME OF TREASURER

5. Verification

I declare under penalty of perjury that to the best of my knowledge I anticipate that I will receive less than \$2,000 and that I will spend less than \$2,000 during the calendar year and that I have used all reasonable diligence in preparing this statement. I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on _____ DATE

By _____ SIGNATURE OF OFFICEHOLDER OR CANDIDATE

**Officeholder and Candidate
Campaign Statement
Form 470 Supplement**

Amendment (Explain Below) <hr/> <hr/>	Date Stamp	CALIFORNIA FORM 470 SUPPLEMENT
This form is written notification that the officeholder/candidate listed below has received contributions totaling \$2,000 or more or has made expenditures of \$2,000 or more during the calendar year.		For Official Use Only

SEE INSTRUCTIONS ON REVERSE

1. Officeholder or Candidate Information

NAME OF OFFICEHOLDER OR CANDIDATE _____

STREET ADDRESS _____

CITY _____ STATE _____ ZIP CODE _____

AREA CODE/DAYTIME PHONE NUMBER _____ OPTIONAL: FAX / E-MAIL ADDRESS _____

2. Office Sought

OFFICE SOUGHT _____ DISTRICT NUMBER (IF APPLICABLE) _____

DATE OF ELECTION (MONTH, DAY, YEAR) _____

3. Date Contributions Totaling \$2,000 or More Were Received or Date Expenditures of \$2,000 or More Were Made

(MONTH, DAY, YEAR)

Instructions for Completing Form 470 Supplement

Form 470 Supplement:

If an officeholder or candidate files the Form 470 for an election year and later receives contributions (including monetary and non-monetary contributions, loans, and the candidate's personal funds) totaling \$2,000 or more or makes expenditures totaling \$2,000 or more during the same calendar year, the officeholder or candidate must send a written notice within 48 hours. Use the attached Form 470 Supplement or follow the instructions below for preparing the notice.

When to File:

The notice must be sent within 48 hours of receiving contributions totaling \$2,000 or more or making expenditures of \$2,000 or more.

Method of Delivery:

The notice must be sent by guaranteed overnight delivery service, personal delivery, fax, or email. Regular mail may not be used.

Where to File:

- Secretary of State's Office;
- local filing officer with whom the officeholder/candidate is required to file the originals of his/her campaign statements; and
- each candidate seeking the same office.

Contact your filing officer for candidate addresses.

Officeholder/Candidate Information:

Enter the officeholder/candidate's full name, residential or business address and daytime telephone number.

Office Sought:

- Enter the title of the office sought;
- the district number, if any; and
- the date of the election.

Date Contributions/Expenditures Were Made or Received:

Enter the date monetary or non-monetary contributions totaling \$2,000 or more (including the candidate's personal funds) were received or the date expenditures of \$2,000 or more were made.

Amendments: If you are filing an amendment to a previously filed statement, give a brief explanation of the amendment.

Note: Once an officeholder or candidate reaches the \$2,000 threshold in receipts or expenditures, in addition to filing the Form 470 Supplement, other forms are required. See FPPC Campaign Disclosure Manual 1 for state candidates or Manual 2 for local candidates.



Memo

Item 10B

To: Board of Directors
From: Benjamin T. Porter, District Manager-Engineer
Date: March 16, 2022
Re: ANNUAL INFOCARE RENEWAL FOR XPSWMM

Background:

XPSWMM is a hydraulic and hydrologic modeling software that combines traditional one-dimensional calculations for upstream to downstream flow with two-dimensional overland flow spreadsheet calculations.

INFOCARE is the annual maintenance service bundle for XPSWMM. Renewal benefits include:

- 1 full year of upgrades and regular updates
- 1 full year of unlimited tech support
- 1 hour of modeling consultation

Mark Thomas owns one user license for XPSWMM and it is licensed to be used in the Cupertino Office. Mark Thomas purchased the XPSWMM software five years ago for a cost of \$35,000 to support and update the Cupertino Sanitary District Master Plan and potentially to be used for other clients. Currently, Mark Thomas uses the software solely for Cupertino Sanitary District to analyze the capacity of the Cupertino Sanitary District's sanitary sewer system. Staff is continuing to use it for updating and calibrating the district hydraulic modelling and is also using it to model how our existing pipes would handle the City of Cupertino 2040 General Plan build out. Staff would like technical support and to be constantly updated with the latest software to be able to answer our District related questions, which we have found very useful.

The total cost of the annual maintenance for this software is \$7,160.00. Mark Thomas is requesting that District consider 50% reimbursement to Mark Thomas.

Board Consideration/Action:

Approve a reimbursement amount of \$3,580.00 (50%) to Mark Thomas.

Attachment:

- Invoice No. Q-117527



Empowering water experts

Invoice Date: 3-March-2022
Account: Mark Thomas & Company, Inc.

TOTAL	DUE BY	INVOICE NO.
7,160.00 USD	31-May-2022	Q-117527

Innovyze LLC
6720 S Macadam Ave. Ste 200
Portland, Oregon 97219-2368
United States

Main: + 1 (888) 554 5022
Federal Tax ID:
94-2819853
[Terms and Conditions](#)

Innovyze is retiring older license technology for many existing products. We recommend that you swap the licensing technology, if applicable, by visiting the [Support Portal](#) and placing a request to exchange licenses. To find out more about this new license technology, please visit <https://help.innovyze.com/display/ILA/FAQ+Innovyze+Licensing+Changes> for additional information.

PRODUCT	UNIT PRICE	QTY	TOTAL
XPSWMM Complete Bundle SA InfoCare - Renewal	USD 7,160.00	1	7,160.00
1-June-2022 to 31-May-2023			
Serial No: 42-3058			

SUBTOTAL	7,160.00
TAX	0.00
TOTAL	7,160.00

All values displayed are in USD

Payment Methods

Updated as of 22-Feb-2021

Reference invoice number Q-117527

Remit Check Via US Post

Innovyze LLC
DEPT CH 17953
Palatine, IL 60055-7953

Direct Electronic Bank Transfer

Account Name	Innovyze LLC
Bank Name	HSBC Bank USA NA
Account Type	Checking
Account No.	447004131
ACH Routing No.	022000020
Wire Routing No.	021001088
SWIFT ID	MRMDUS33

Remit Check Via Courier

Innovyze LLC
Attn: 17953
5505 N Cumberland Ave., Suite 307
Chicago, IL 60656-1471

Remit to: uscustomerbilling@innovyze.com

For Credit Card Payments please call +1 (888) 554 5022. A 3% transaction fee applies for payments over USD 20,000.00.

BILL TO	SHIP TO	AUTHORIZATION
Mark Thomas & Company, Inc. 2833 Junction Ave., #110 San Jose, CA 95134 US	Mark Thomas & Company, Inc. 2833 Junction Ave., #110 San Jose, CA 95134 US	

www.innovyze.com

Main Contact:
Ben Porter

The estimated tax due, is as identified, an estimate. Actual taxable amount may vary. Customer is responsible for all tax liabilities and/or obligations that result from any purchase identified on, or result from, this quotation. If customer is tax exempt, a copy of a valid exemption certificate must be provided to Innovyze.

Technical support and/or maintenance services ("Support Services") are offered pursuant to this quotation and the Innovyze Software Maintenance & Support Agreement. To receive Support Services, customer acknowledges and agrees that it must at all times continue to be party to the Innovyze Software Maintenance & Support Agreement without interruption. Customer acknowledges and agrees that in the event the Innovyze Software Maintenance & Support Agreement is not renewed or is allowed to lapse (whether as a result of non-renewal, lack of payment, or otherwise): (i) Innovyze will have no obligation to provide customer with the Support Services or any other technical support and/or maintenance of any kind; and (ii) in order to again be eligible to receive Support Services, customer will be required to pay all delinquent payment/outstanding balances due, regardless of duration, plus a twenty-five percent (25%) reinstatement fee.

Any software delivered in connection with this quotation is governed by the Innovyze Software License Agreement.

For InfoCare to be maintained, all orders need to be issued to, and paid to, Innovyze, even if there currently exists a contract with Autodesk.

Innovyze policy states that if any provision contained in this Agreement is in conflict with, or inconsistent with any clause in the Innovyze Licensing Agreement (www.innovyze.com/en-us/agreements), the clause contained in the applicable Innovyze standard agreement shall govern and control.

In addition to the Company's standard terms and conditions:

- The associated terms for the above products and/or services (the "Solution Set") are, as issued herein, non-cancellable and non-refundable ("NCNR");
- Any prepayment made by customer to Company, as associated with the above Solution Set(s) is also considered non-cancellable and non-refundable ("NCNR"). Modification and/or change to a Solution Set does not alter the NCNR status.
- Customer acknowledges that the NCNR clause shall supersede any and all other applicable language, in any agreement, by and between the parties; where there is a conflict, NCNR terms shall rule.

CUPERTINO SANITARY DISTRICT

Item 10.C.

BUDGET WORKSHEET FOR FY 2022-23

Expenses

Account Name	Account Number	FY 20 - 21 Actual	FY 2021-22 Budget	Expended Through January	FY 2021-22 Projected Expenditure	Projected % of Budget	Preliminary FY 2022-23 Budget	REMARKS
OPERATING EXPENSES								
Loan Payments	41000	\$1,199,765	\$1,200,542	598,062.50	\$1,200,000	100.0%	\$1,200,063	Two annual loan payments
Directors Fees	41030	\$36,367	\$38,000	19,053.22	29,591.82	77.9%	\$38,000	Keep same as last year
Gasoline, Oil & Fuel	41060	\$2,377	\$3,000	-	\$2,000	66.7%	\$3,000	Keep same as last year
Insurance	41070	\$129,442	\$170,000	149,968.54	\$153,937	90.6%	\$170,000	Keep same as last year
Memberships	41080	\$28,565	\$57,000	35,508.03	\$46,517	81.6%	\$57,000	Keep same as last year
Office Rent	41090	\$4,800	\$4,800	3,200.00	\$4,800	100.0%	\$4,800	Keep same as last year
Operating Expenses	41100	\$312	\$3,000	1,222.24	\$1,762	58.7%	\$3,000	Keep same as last year
Operating Expenses - Credit Card Transaction Fees		\$4,669	\$6,000	3,024.51	\$4,355	72.6%	\$6,000	Keep same as last year
Contractual Services:								
Outfall Maintenance	41113	\$46,536	\$71,000	46,535.89	\$71,036	100.1%	\$71,000	Annually \$46.5K to SJ and \$24K to Santa Clara; keep same as last year
T.P. Oper. & Maint.	41114	\$6,426,140	\$6,675,375	5,006,532.00	6,675,376	100.0%	\$7,385,800	From March 4 Preliminary Operating and Maintenance Cost Distribution Memo
Professional Services:								
Management Services	41121	\$516,852	\$550,000	348,458.16	\$522,687	95.0%	\$575,000	Increase budget slightly (5%) to reflect increased cost of labor.
SSMP Certification and Implementation	41121	\$180,050	\$100,000	\$1,391	\$2,086	2.1%	\$100,000	New Waste Discharge Requirements will require increased cost for implementation of SSMP; keep budget same as last year
Engineering Services	41122	\$1,207,948	\$1,300,000	\$798,185	\$1,197,277	92.1%	\$1,350,000	Increase budget slightly to reflect cost of labor increases and support of Sunnyvale Project
Peak Flow Reduction		\$83,760	\$500,000	\$363,981	\$483,981	96.8%	\$500,000	Keep same as last year. Future (2022/2023) costs will support implementation of the Program and will be funded by Installer's Agreements
Plan Ckg. & Insp.	41123	\$243,906	\$300,000	\$129,870	\$194,805	64.9%	\$300,000	Keep same as last year
Legal - Consultant Services		\$19,000	\$36,000	\$20,400	\$30,600	85.0%	\$36,000	Keep same as last year
Legal - District Counsel	41124	\$53,616	\$60,000	\$25,659	\$38,489	64.1%	\$60,000	Keep same as last year
Legal - Common Interest Group (CuSD Advance Pay)	41124	\$1,231,582	\$1,014,000	\$619,922	\$1,011,922	99.8%	\$1,404,000	CUSD is lead agency for the Common Interest Group. Advance pay, but will be 100% reimbursed from other tributary agencies.
Legal - Common Interest Group (CuSD Share)	41124	\$347,369	\$286,000	\$174,850	\$285,414	99.8%	\$396,000	CUSD's Allocation of \$1.8 Million total legal expenses in 2022-2023
Audit	41125	\$11,600	\$12,000	\$11,950	\$11,950	99.6%	\$12,600	Increase by 5.0% to account for projected increase in audit cost
Printing & Publications	41130	\$29,599	\$28,000	\$9,160	\$28,219	100.8%	\$28,000	Keep same as last year
Repair and Maintenance		\$3,708,549	\$3,900,000	\$2,389,709	\$3,701,480		\$4,075,000	Increase combined budget for Repair and maintenance by approximately 4%
Repairs	41150	\$321,178	\$450,000	87,685.90	\$248,445	55.2%	\$450,000	Keep same as last year
Maintenance	41151	\$3,387,371	\$3,450,000	2,302,023.39	\$3,453,035	100.1%	\$3,625,000	Increase budget slightly (5%) to reflect increased cost of labor.
Travel & Meetings Staff	41170	\$1,200	\$15,000	992.50	\$993	6.6%	\$15,000	Keep same as last year with the expectation that travel & meetings will resume
Travel & Meetings BOD	41170	\$3,310	\$18,000	5,579.78	\$6,780	37.7%	\$18,000	Keep same as last year with the expectation that travel & meetings will resume
Utilities	41190	\$66,047	\$70,000	42,269.31	\$63,404	90.6%	\$70,000	Keep same as last year
Refunds & Reimbursements:								
Miscellaneous	41201	\$28,088	\$50,000	713.86	\$1,542	3.1%	\$50,000	Keep same as last year
Connection Fees	41202	\$0	\$2,000	-	\$1,000	50.0%	\$2,000	Keep same as last year
Checking & Inspection	41203	\$0	\$3,000	400.00	\$1,400	46.7%	\$3,000	Keep same as last year
Emergency Funds	48000	\$134,258	\$250,000	71,736.28	\$107,604	43.0%	\$250,000	Keep same as last year
Consolidated Election	48001	\$105,859	\$0	-	\$0	0.0%	\$150,000	No election this year; Budget for 2022 election
TOTAL OPERATING EXPENSES		\$15,851,563	\$16,722,717	10,878,333.40	\$15,881,007	95.0%	\$18,333,263	
CAPITAL EXPENSES								
District Sewer Capital & Support	46041	\$214,449	\$1,000,000	199,680.53	\$339,681	34.0%	\$2,500,000	Plan for Wolfe road sewer relocation and Pump Station Capital Improvement Project in 2022/202.
Treatment Plant Capital	46042	\$2,707,387	\$8,430,221	5,876,185.00	\$8,430,185	100.0%	\$3,774,800	Project using entire FY21-22 Budget; FY22-23 Budget Based on February 28 RWF Capital Agency Cost Allocation for FY 2022-23
Outfall Capital	46042	\$3,004,854	\$1,095,045	101,058.05	\$1,095,058	100.0%	\$95,000	Estimated from projections given by SJ/SC staff
District Equipment	46043	\$64,050	\$150,000	115,291.12	147,291.12	98.2%	\$150,000	Keep same as year year
Replacement Fund	46044	\$0	\$300,000	-	\$300,000	100.0%	\$300,000	Annual reserve setaside
TOTAL CAPITAL EXPENSES		\$5,990,739	\$10,975,266	\$6,292,215	\$10,312,215	94.0%	\$6,819,800	
TOTAL EXPENSES		\$21,842,302	\$27,697,983	\$17,170,548	\$26,193,221	94.6%	\$25,153,063	

CUPERTINO SANITARY DISTRICT

BUDGET WORKSHEET FOR FY 2022-23 Revenue

Account Name	Account Number	FY20-21 Actual	FY 2021-22 Budget	Revenue Through February 2022	FY 2021-22 Projected Revenue	Projected % of Budget	Preliminary FY 2022-23 Budget	REMARKS
OPERATING								
Service Charges	31010							
Handbilling		\$563,629	\$574,901	\$339,995	\$920,997	160.2%	\$590,000	Based on no rate increase
Tax Roll		\$18,180,707	\$18,647,000	\$11,068,203	\$19,424,496	104.2%	\$19,500,000	Based on no rate increase
Permit Fees	31020	\$72,097	\$75,000	\$63,031	\$94,547	126.1%	\$75,000	Keep same as last year
Connection Fees	31031	\$161,071	\$300,000	\$407,586	\$407,586	135.9%	\$300,000	Keep same as last year
Capacity Fees	31032	\$340,379	\$450,000	\$1,391,960	\$1,391,960	309.3%	\$450,000	Keep same as last year
Pump Zone Fees	31033	\$0	\$20,000	\$0	\$0	0.0%	\$20,000	Keep same as last year
Checking & Inspection Fees	31040	\$94,991	\$300,000	\$155,000	\$223,937	74.6%	\$300,000	Keep same as last year
Annexation	32010	\$0	\$2,500	\$0	\$0	0.0%	\$2,500	Keep same as last year
Interest	32050	\$172,459	\$200,000	\$70,850	\$90,850	45.4%	\$100,000	Reduce based on lower cash balance
City of San Jose Credit(s)	32091	\$2,778,585	\$500,000	\$0	\$1,395,139	279.0%	\$500,000	Keep same as last year
Legal - Common Interest Group (Tributaries)	32092.1	\$1,091,735	\$1,014,000	\$814,433	\$1,206,433	119.0%	\$1,404,000	Payments from Other Tributary Agencies - match Expense side
Legal - Common Interest Group (2% Admin Fees)	32902.2	\$22,280	\$14,000	\$9,286	\$17,286	123.5%	\$36,000	Common Interest Group Lead Agency Management
Refunds/Reimbursements - Misc.	32091	\$51,069	\$10,000	\$16,295	\$16,295	162.9%	\$10,000	Keep same as last year
Lateral Construction	32093	\$0	\$15,000	\$0	\$0	0.0%	\$15,000	Keep same as last year
TOTAL OPERATING REVENUE		\$23,529,002	\$22,122,401	\$14,336,639	\$25,189,526	113.9%	\$23,302,500	
Revenue Transfer				\$11,206,053				
TOTAL REVENUE								
Total Expenses			\$27,697,983		\$26,193,221		\$25,153,063	
Credit to Account					\$1,003,695			
Debit from Account			\$5,575,582				\$1,850,563	
Net Operating Revenue			\$22,122,401		\$25,189,526		\$25,153,063	

SETTLEMENT AGREEMENT AND RELEASE

This Settlement Agreement and Release (“Agreement”), effective as of the last date of execution below (“Effective Date”), is made by and between California River Watch, a California nonprofit corporation (“CRW”), and Cupertino Sanitary District, a California special district (“District”). CRW and the District are sometimes hereinafter each referred to as “Party” or collectively as the “Parties.”

RECITALS

A. CRW is an Internal Revenue Code § 501(c)(3) nonprofit, public benefit corporation organized under the laws of the State of California, dedicated to protecting, enhancing, and helping to restore the surface and ground waters of California, including coastal waters, rivers, creeks, streams, wetlands, vernal pools, aquifers and associated environs, biota, flora and fauna, and to educating the public concerning environmental issues associated with these environs.

B. The District, formed as a sanitary district under the laws of the State of California, owns and operates a sanitary sewer collection system for the purpose of collecting, conveying, and treating wastewater from residential and commercial sources. The District operates its sanitary sewer collection system consistent with regulatory requirements

C. On or about September 8, 2021, CRW sent the District a Notice of Violations and Intent to File Suit under the Clean Water Act (“CWA Notice”), alleging violations of the CWA, 33 U.S.C. §1365, a copy of which is attached to this Agreement as **Exhibit A**.

D. The District denies any and all of CRW’s allegations and claims as set forth in the CWA Notice.

E. Following issuance of the CWA Notice, the Parties have engaged in discussions to resolve the claims asserted in the CWA Notice.

F. The Parties, through their authorized representatives, and without either adjudication of CRW’s claims or admission by the District of any alleged violation or other wrongdoing, have chosen to resolve and settle all disputes, obligations, and purported or actual claims or causes of action, which may exist by and between CRW and the District, including without limitation any disputes, obligations, claims and/or causes of action that were or could have been asserted in or pursuant to the CWA Notice.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged and in consideration of the execution of this Agreement and the releases, satisfactions and promises made herein, the Parties hereby agree as follows:

TERMS AND CONDITIONS

1. Parties Bound by this Agreement and Length of Agreement. This Agreement, and each of its provisions, including all representations, warranties, and promises contained herein, binds and inures to the benefit of CRW and the District, and each of their respective assigns, present and future affiliates, parents, subsidiaries, predecessors and successors in interest, whether by merger, consolidation, or otherwise, as well as their respective representatives, agents, and administrators, past, present, and future. The “Termination Date” of this Agreement is the date upon which all of the requirements under Section 3 of this Agreement are completed by the District, or five (5) years from the Effective Date, whichever is sooner.
2. Definitions Specific to this Agreement.
 - 2.1 Collection System: The system of pipes, sewer lines, or other conveyances owned by the District and located within the District’s boundary used to collect and convey wastewater to the wastewater treatment plant.
 - 2.2 Condition Assessment: A report that summarizes the results of the inspection, rating, and evaluation of the existing condition of the Collection System. For sewer lines, inspection is based upon closed circuit television (“CCTV”) inspections for structural defects. Pipe conditions are assigned a grade such as the Pipeline Assessment and Certification Program (“PACP”) rating system developed by the National Association of Sewer Service Companies (“NASSCO”) or a similar scoring system developed by the District which must be equivalent or superior to the NASSCO pipeline certification system. For force mains, the Condition Assessment may include a desktop study, leak detection, and/or gas pocket detection using acoustic sensing technologies or similarly accepted industrial detection methods. For maintenance holes, the Condition Assessment shall include Manhole Assessment and Certification Program (“MACP”) Level 1 and 2 inspections. A Level 1 inspection provides basic Condition Assessment information to evaluate the general condition of a manhole. The purpose of the Level 2 inspection is to gather detailed information to fully document all defects, determine the condition of the manhole, and provide the specific information needed to recommend corrective action. The District has developed its own methodology for recording manhole defects and rating the condition of the manhole based upon the severity of the defects. This District system is based upon the MACP program and focuses on structural defects that have the highest risk of failure. The District collects specific defects observed in various manhole components (frame, cover, chimney, walls, bench, etc.) and collects the general condition of the manhole components as specified in NASSCO’s MACP Level 1 inspection form. District’s primarily focus is gathering the basic structural condition of a manhole, and to gather enough information to recommend or specify corrective actions for restoring the structural integrity and operational function of the manhole.

- 2.3 Significantly Defective: A sewer pipe is considered Significantly Defective if the District determines the pipe contains a defect that impacts the structural integrity of the pipe and has a higher risk of causing an SSO. Typically, these types of defects are rated PACP 5 although some PACP 4 rated defects can also qualify as a significant defect. According to NASSCO, defects with PACP grade 5 indicates that the pipe may require immediate attention, is failed or likely to fail within the next 5 years and defects with PACP grade 4 indicate defects in poor condition and may become grade 5 defects within the foreseeable future and may fail within 5 to 10 years. So, the District's focus is primarily on fixing the PACP 5 defects that are likely to fail in the immediate future and considers them significantly defective.
3. Actions by the District. In exchange for the delivery, execution, and performance of this Agreement and for the Release and Covenant Not To Sue by CRW as provided herein, the District shall perform the below-specified projects. The District reserves the right, in its sole discretion, to determine (i) which persons shall perform any work described herein, including contractors, and (ii) the scope and technical details of, and the manner to implement, such work subject to review and approval by the Regional Water Quality Control Board (or such other regulatory agency as may, from time to time, exercise jurisdiction with respect to environmental matters under the *Statewide General Requirements for Sanitary Sewer Systems, Waste Discharge Requirements*, Order No. 2006-0003-DWQ ("Statewide WDR"))
- 3.1 Collection System Investigation and Repair. The District shall conduct Collection System investigation and repair on the following schedule:
- a. Pipe Segments
- i. Within six (6) months after discovering any pipe segment is Significantly Defective, the District shall repair, rehabilitate, replace or abandon the pipe segment; and,
- ii. Within one (1) month after discovering any pipe segment within two hundred (200) feet of any surface water is Significantly Defective, the District shall repair, rehabilitate, replace or abandon the pipe segment.
- b. Force Main Sewer Lines: Within one (1) year after the Effective Date of this Agreement, the District shall complete a desktop Condition Assessment of the Collection System force main sewer lines and shall repair, rehabilitate, or replace any force main sewer lines found to be Significantly Defective. The previously completed forcemain investigations, that included smart ball field testing on the larger force mains in the District combined with the desktop condition assessment will provide a comprehensive assessment of the District's forcemains.

- c. Maintenance Holes: Within two (2) years after the Effective Date of this Agreement, the District shall complete a Condition Assessment of all maintenance holes and shall repair, rehabilitate, or replace any maintenance holes found to be Significantly Defective. The District shall visually inspect maintenance holes during maintenance of sewer lines.
- d. Lift/Pump Stations: The District shall assess the condition of its lift/pump stations twice annually using District staff and supported by outside consultants as necessary.

3.2 Sanitary Sewer Overflow (“SSO”) Response.

- a. The District shall respond to SSOs on a risk basis, considering: (1) the volume of the SSO; (2) the proximity of the SSO to high-risk areas which shall include sensitive populations, specifically public and private schools, parks, recreational areas, and surface waters, especially during the recreational season from May to September; and (3) the timing and/or seasonality of the SSO event (e.g., an SSO to surface waters during low flow, arid conditions of late summer). The District will provide training to its response crews regarding implementation of this requirement.
- b. In addition to the requirements under Section 3.2.a., the District shall continue to comply with all training, reporting, and response actions set forth in the State and Federal permits, and regulatory and legislative requirements imposed by the various agencies having jurisdiction over the District’s Collection System. The District shall continue to provide the following information to the California Integrated Water Quality System (“CIWQS”) State reporting system:
 - i. In addition to the requirements under Section 3.2.a., the method or calculations and actual calculations used for estimating total spill volume, spill volume that reached surface waters, and spill volume recovered, as approved by the State Water Resources Control Board and Sanitary Sewer collection industry (e.g., the California Water Environmental Association/Southern Collection System Committee);
 - ii. For Category I and II SSOs, a good faith effort to ascertain an accurate estimate of the start time of the SSO based upon direct observation and witness inquiry, rather than setting the start time of the SSO as the time the call was received reporting the SSO or the time the SSO was reported, except the time of the call may be used if any other time would be speculative. The

District shall maintain a listing of nearby residents or business owners who have been contacted to attempt to establish the SSO start time, duration, and flow rate, if such start time, duration, and flow rate have not been otherwise reasonably ascertained (e.g., such information is received from a member of the public who provides information which brackets a given time the SSO began); and

- iii. Photographs of the manhole flow at the SSO or other photographic evidence that may aid in establishing the spill volume. Such photographs shall be taken with a camera that date and time-stamps the photographs.
- c. The District shall continue its full compliance with its legal obligation under the Statewide WDR which compliance includes, but is not limited to, the preparation of a Sewer System Management Plan (“SSMP”), and complying with the requirements in Section D.7.v. of the Statewide WDR to develop and implement an adequate spill response training and sampling program to determine the nature and impact of all SSOs. The District’s certified SSMP is on file with the Regional Water Quality Control Board, San Francisco Bay Region, and can be retrieved through the State’s CIWQS reporting system. Cleanup and disinfection procedures are set forth in the certified SSMP. The District shall include in the SSMP the following sampling, cleanup, and disinfection procedures associated with an SSO event:
- i. Sampling and testing for Contaminants of Concern (“COC”) to determine the extent and impact of SSOs based upon the District’s assessment of the risk presented by the circumstances of the SSO. COC sampling shall include coliform and ammonia. Additional samples shall be taken to determine when posting of warning signs can be discontinued.
 - ii. Sampling of both surface water and hard surfaces to determine the nature and impact of any SSO.
 - iii. In any affected area in which the District cannot confirm all sewage from an SSO has been removed or mitigated, the District shall post appropriate public notification warning signs and place barricades to keep vehicle and pedestrian traffic away from contact with spilled sewage, if and where appropriate.
 - iv. For SSOs reaching hard surfaces, all sewage shall be vacuumed up and the affected area washed down with potable water. If the SSO has been partially absorbed by soils, the soils shall be removed and replaced as necessary and practicable as allowed

by State and Federal agencies.

- d. The District shall create a link from the District's website to the State Water Resources Control Board CIWQS SSO Public Reports website. Additionally, the District shall publicize the 24-hour, 7-days-per-week emergency hotline on the District's website.

3.3 Chemical Root Control Procedures. If the District finds the need to use chemical root control it must do so on a limited basis and only use chemicals specifically approved and listed by the federal Environmental Protection Agency or the RWQCB. Applications of chemicals shall comply with the recommendations of the manufacturer of the chemical and as required by Cal-OSHA. Within one (1) year after the Effective Date of this Agreement, the District shall develop methods for the safe and effective application of root control agents. These methods shall include:

- a. Using root control agents that have a half-life of sixty (60) days or less and the breakdown products are non-toxic to aquatic plants or animals.
- b. The District shall keep records identifying the section being treated, a map identifying locations where treatment occurred, the chemical(s) used, including the MSDS sheets, and the amount of chemicals applied; and
- c. The District, or its agents, shall monitor areas where chemical root control has been used for vegetation die-off in a pattern that suggests root control chemicals have escaped from the sewer and caused plant mortality. If such vegetation die-off is observed, the District shall take action to avoid recurrence.

3.4 Infectious Vector Protocols. Within thirty (30) days after the Effective Date of this Agreement, the District shall develop protocols to protect its employees and the public from infectious vectors to which they might be exposed through direct or indirect contact with sewage. Such protocols may include characterization of the potential contamination areas, signage to notify residents of spill areas, and outreach to inform residents of risks at the soil site and the cleanup process. The goal of the protocols will be to minimize the risk of exposures to the public as a result of the spill event.

3.5 Collection System Inundation.

- a. Within one (1) year after the Effective Date of this Agreement, the District shall procure and install maintenance hold overflow alarm and tracking system devices in the portion of the Collection System identified by the Federal Emergency Management Agency ("FEMA") as at risk for flooding during a 100-year storm event.

- b. Any weather-related event or other event which causes any maintenance hole cover in the Collection System to become submerged under two (2) inches or more of water shall be reported by the District to CIWQS as an SSO event unless the District can show, through bacterial sampling, that no sewage was released to surface waters during the event.

3.6 Annual Reporting to CRW. At a date no later than one (1) year after the Effective Date of this Agreement, the District shall provide CRW with a report confirming the completion of any task identified in Section 3 of this Agreement, and shall, upon written request, provide CRW with a report no more than annually thereafter throughout the term of this Agreement identifying additional tasks completed. All reports shall be provided digitally via email without hard copies.

- 4. Attorney's Costs and Fees. Within thirty (30) calendar days after the Effective Date of this Agreement, the District shall pay CRW the sum of sixty thousand dollars (\$60,000.00). Payment shall be made by the District to CRW in the form of a single check payable to "California River Watch" and mailed to the Law Office of Jack Silver, 708 Gravenstein Hwy. North, Suite 407, Sebastopol, CA 95472-2808. Such payment shall constitute full and complete satisfaction of all costs of litigation including expert costs and attorneys' fees incurred by CRW that have or could have been claimed in connection with this matter up to and including the Effective Date of the Agreement. Such payment also shall constitute CRW's expert and attorneys' fees and costs incurred for monitoring and enforcing the District's compliance with ongoing obligations under this Agreement up to and including the Termination Date. Other than the payment to CRW under this Section 4 of this Agreement, each Party shall bear its own past and future attorneys' fees and costs relating to the subject matter of this Agreement.
- 5. Delays in Schedule Implementation. In the event implementation by the District of the remedial measures set forth in Section 3 of this Agreement does not occur by the agreed upon dates, despite the timely good faith efforts of the District to acquire any necessary approvals and/or permits, or due to factors unforeseen at the time this Agreement was entered into by the Parties, the District agrees to notify CRW in writing as soon as practicable after the anticipated delay becomes apparent, and in any case except in a case of force majeure described below, not less than twenty (20) days prior to any deadline set forth in Section 3, and shall describe the reasons for the anticipated delay.
- 6. Force Majeure. Separate from, and in addition to, any other limitations on, or amendments to, the District's obligations under this Agreement, the District's obligations to comply with any provisions of this Agreement shall be excused or deferred if compliance, or a delay in compliance, is caused by an event or circumstance beyond the reasonable control of the District, or any entity controlled by the District, including its contractors, and which event or circumstance could not have been reasonably foreseen and prevented by the exercise of due diligence by the District. Where implementation of the actions set forth in this Agreement, within the deadlines prescribed, becomes

unachievable, despite the timely good faith efforts of the District, the District shall notify CRW in writing within sixty (60) days of the date on which the District knew of the event or circumstance precluding compliance, and shall describe the reason for the non-performance. The Parties agree to meet and confer in good faith concerning the non-performance and, where the Parties concur that the non-performance was or is impossible, despite the timely good faith efforts of the District, compliance shall be excused or new performance deadlines shall be established by agreement of the Parties. In the event the Parties cannot timely agree, each Party shall have the right to invoke the Dispute Resolution Procedure described in this Agreement.

7. Release. It is the intent of the Parties that the execution and delivery of this Agreement constitutes a full and complete satisfaction of all rights, claims, and demands by CRW against the District with respect to any and all allegations or claims with regard to the Collection System and any Clean Water Act violation up to the date of the Effective Date of this Agreement. CRW, on behalf of itself and any and all of its agents, representatives, successors, members, and assigns, except as otherwise provided for herein, does hereby absolutely, fully and forever release, relieve, remise and discharge the District and its past and present employees, officers, directors, attorneys, and the predecessors, successors, and assigns of any of them, from all causes of actions, claims, damages, demands, actions, attorneys' fees, costs of suit, and liabilities of every kind or nature whatsoever relating in any way to the Collection System which occurred at any time up to and including the end of the covenant not to sue time period set forth in Section 9 herein. The release provided for herein shall be valid and effective whether the claims, causes of action, or liability hereby released (i) were known or unknown, suspected or unsuspected, (ii) were based in contract, tort, statute, or otherwise, or (iii) arise at law or in equity.
8. Waiver of Unknown Claims. CRW acknowledges that it is familiar with Section 1542 of the California Civil Code. CRW expressly waives and relinquishes any rights and benefits which it has or may have under Section 1542 of the Civil Code of the State of California, which provides:

A general release does not extend to claims that the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release and that, if known by him or he, would have materially affected his or her settlement with the debtor or released party.

CRW acknowledges that it has specifically reviewed with its attorney the meaning and effect of the release set forth herein, the language of California Civil Code Section 1542, and the waiver contained herein. CRW acknowledges that its attorneys have fully explained the impact of these provisions, and CRW knowingly accepts the risks associated with these provisions.

9. Covenant Not to Sue. Commencing upon the Effective Date of this Agreement and continuing for a period of seven (7) years thereafter, CRW agrees that neither CRW, its officers, executive staff, members of its governing board, nor any organization under the

control of CRW, its officers, executive staff, or members of its governing board, will serve any 60-day Notices of Violation and Intent to File Suit or file any lawsuit against the District seeking relief for alleged violations of the Clean Water Act or any other federal or state law, or any local law, ordinance or regulation, regarding the Collection System, or wastewater from the District's Collection System. CRW will not act affirmatively to initiate, encourage, or support such lawsuits against the District brought by other groups or individuals by providing financial assistance, personnel time, or any other affirmative actions. During the term of this Agreement, CRW agrees the exclusive procedure to resolve any claims against the District seeking relief for alleged violations of the CWA or any similar state statutes and/or regulations, is the dispute resolution process set forth in Section 10 of this Agreement.

10. Dispute Resolution Procedure. Any disputes between CRW and the District concerning any provision of this Agreement shall be subject to the following dispute resolution procedures:

10.1 Good Faith Negotiations. CRW and the District shall make good faith efforts to resolve informally any alleged violation of one or more terms of this Agreement. If informal efforts to resolve the alleged breach are unsuccessful, the Party claiming a violation shall provide written notice of what actions or inactions are deemed to be a violation of this Agreement and that Party's intent to initiate the dispute resolution procedure of this Section of the Agreement. The notice shall include a recitation of all facts and circumstances giving rise to the dispute, including the particular provisions of this Agreement alleged to have been breached. Within thirty (30) days after receipt of such notice, the party alleged to be in violation according to such notice shall respond to the notice in writing. If the dispute is not resolved by the Parties within thirty (30) days after such notice is given, the Parties will meet and confer in a good faith attempt to resolve their dispute. If CRW asserts the District is in violation of this Agreement, and the District corrects the action or inaction within sixty (60) days of written notice from CRW describing the asserted violations, no further enforcement action under the terms of this Agreement shall be taken by either party.

10.2 Mediation. If the Parties cannot informally resolve the dispute, such dispute shall be submitted to mediation before a mutually agreed neutral mediator.

10.3 Dispute Resolution Costs. The Parties shall each bear their own costs and attorney's fees in connection with the Dispute Resolution as described in this Section 10.

10.4 Waiver. By agreeing to the dispute resolution provisions set out in Section 10 of this Agreement, the Parties understand they are waiving certain important rights and protections that otherwise may have been available to each of them if a dispute between them were determined by judicial action including, without limitation, the right to a jury trial, and certain rights of appeal. Other than the remedies contained within this Agreement, including dispute resolution and

specific performance of the terms of this Agreement, there are no other remedies. The Parties specifically agree there is no basis within this Agreement or within the contemplation of the Parties to support a claim for consequential damages due to any form of breach.

11. Notice. All notices, consents, approvals, requests, demands, and other communications (collectively, “Notice”) that the Parties are required or desire to serve upon or deliver to the other Party shall be in writing and shall be given by electronic mail, when possible, or by certified United States mail, return receipt requested, addressed as set forth below:

If to CRW: Jack Silver, Esq.
Law Office of Jack Silver
708 Gravenstein Highway North, #407
Sebastopol, CA 95472
Email: lh28843@sbcglobal.net

If to the District: District Manager
Cupertino Sanitary District
20863 Stevens Creek Blvd., Ste. 100
Cupertino, CA 95014-2154
Email: bporter@markthomas.com

AND Marc Hynes - District Counsel
Cupertino Sanitary District
20863 Stevens Creek Blvd., Ste. 100
Cupertino, CA 95014-2154
Email: hynes.marc@gmail.com

The foregoing addresses may be changed by Notice given in accordance with this Section. Any Notice sent by electronic mail shall be deemed received upon electronic transmission thereof provided sender does not receive electronic notice of non-delivery. If the date of receipt of any Notice to be given hereunder falls on a weekend or legal holiday, then such date of receipt automatically shall be deemed extended to the next business day immediately following such weekend or holiday for purposes of calculating time periods commencing upon the date of service.

12. Parties’ Acknowledgment of Terms. This Agreement has been carefully and fully read and reviewed by CRW, the District, and the Parties’ respective counsel. The Parties hereby represent that the contents of this Agreement are understood, and agree that this Agreement is binding on each Party or its respective predecessors, successors, and assigns and as described above.
13. Interpretation and Applicable Law. This Agreement shall be construed and interpreted in accordance with the laws of the United States and the State of California without regard to principles of conflicts of law. This Agreement shall be interpreted and construed as a whole, according to its fair meaning and not strictly for or against any Party, and without

regard to which Party drafted the Agreement. All of the promises, representations, and warranties contained in this Agreement survive the execution of this Agreement.

14. No Assignments. Each Party to this Agreement represents and warrants that it has not assigned, transferred, hypothecated, or sold to any third person or entity any of the rights or obligations released by or entered into under this Agreement. The Parties agree that the rights and obligations established by this Agreement shall not be assigned, and any such assignment by a Party is invalid.
15. Counterparts. This Agreement may be executed in multiple counterparts, each of which shall evidence one and the same agreement, and may be signed by electronic signatures.
16. Headings. The headings used in this Agreement are for convenience of reference and shall not be used to define any provision.
17. Entire Agreement in Writing. This Agreement constitutes the entire agreement between the Parties hereto with respect to the subject matter set forth herein and supersedes all previous or contemporaneous negotiations, commitments (oral or written), and writings with respect to the subject matter set forth herein.
18. Modification or Amendment. This Agreement or any of its provisions may be modified or amended only by written agreement executed by all Parties to this Agreement.
19. Representations and Warranties. No Party, nor any officer, agent, employee, representative, or attorney of or for any Party has made any statement or representation to any other Party regarding any fact relied upon in entering this Agreement, and no Party is relying upon any statement, representation, or promise of any other Party, nor of any officer, agent, employee, representative, or attorney of or for any Party, in executing this Agreement or in making the settlement provided herein, except as expressly stated in this Agreement.
20. No Third-Party Beneficiaries. This Agreement is not intended to confer any rights or obligations on any third party or parties, and no third party or parties shall have any right of action under this Agreement for any cause whatsoever. Subject only to the express restrictions contained in this Agreement, all of the rights, duties and obligations contained in this Agreement shall inure to the benefit of and be binding upon the Parties and their successors and assigns.
21. Authority. Each of the persons signing this Agreement on behalf of a Party represents and warrants that he or she has actual authority and capacity to execute the Agreement on behalf of the Party and to bind it to all of the terms of this Agreement.

IN WITNESS WHEREOF, the undersigned have caused this Agreement to be executed by their duly authorized representatives.

CUPERTINO SANITARY DISTRICT

CALIFORNIA RIVER WATCH

By: _____
William Bosworth, Board President

By: _____
Larry Hanson, Board President

Dated:

Dated:

SSOs

Start Date	Location	Cause of SSO	Cat	Main/Lat	Spill Volume (Gal)	Spill Recovered (Gal)	Volume of Wash Water Used (Gal)
2/25/2022	1188 Crestline Dr, Cup	Roots	3	Lat	24	24	100

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)
2/25/2022	20956 Homestead Rd, Cup (Taiwan Porridge Kingdom)	Grease	Lat	30	30	700

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	3	Root Intrusion	2	Root Intrusion	1
Onsite	4	Onsite	1	Onsite	0
Grease	0	Grease	0	Offset	0
Offset	0	Offset	0	Grease	0
Others	0	Others	0	Others	0
Pump Station	0	Pump Station	2	Pump Station	0
Total:	7	Total:	5	Total:	1

Repairs

Address	Main/Lat	Description of Work
Florence PS	PS	New trailer mounted generator
Florence PS	PS	Repaired to generator 1 with added 4 porcelain plugs
Crescent PS	PS	Replaced flowline relays
Forum 2	PS	Replaced burned thermal on pump 2

Mainline Maintenance

Size of Pipe	4"	6"	8"	10"	12"	14"	15"	16"	18"	> 20"	Total	FY2021-22 YTD	FY2021-22 Annual Schedule	% Complete (YTD/Annual Schedule)
Mainline Cleaning (ft)	0	58,991	77,899	6,605	371	0	0	0	0	0	143,866	1,038,796	987,432	105%
Easement Cleaning (ft)	0	7,253	9,943	1,391	0	0	0	0	0	0	18,587	137,490	159,062	86%
CCTV (ft)	0	0	0	0	0	0	0	0	0	0	0	64,271	207,880	31%

Lateral Maintenance

Activity	# of Laterals	FY2021-22 YTD	FY2021-22 Annual schedule	% Complete (YTD/Annual schedule)
Cleaning	549	3,738	4,247	88%
CCTV	10	85		
Inspection	21	151		

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

	# of Inspections	YTD FY2021-22	FY2021-22 Annual Schedule	% Complete (YTD/Annual schedule)
Performed	24	204		
Completed	21	149	283	53%
Follow up Needed	2			

**CUPERTINO SANITARY DISTRICT
MEETING/EVENT SCHEDULE**

Item 12.A.

<p align="center"><u>MARCH 2022</u></p> <p>03/02: 1st Regular Meeting 03/07: TAC and SCCSDA 03/10: TPAC 03/16: 2nd Regular Meeting</p>	<table border="1"> <thead> <tr> <th colspan="7">MARCH 2022</th> </tr> <tr> <th>Sunday</th> <th>Monday</th> <th>Tuesday</th> <th>Wednesday</th> <th>Thursday</th> <th>Friday</th> <th>Saturday</th> </tr> </thead> <tbody> <tr> <td></td> <td></td> <td>1</td> <td>2 1st Regular Meeting</td> <td>3</td> <td>4</td> <td>5</td> </tr> <tr> <td>6</td> <td>7 SCCSDA TAC</td> <td>8</td> <td>9</td> <td>10 TPAC</td> <td>11</td> <td>12</td> </tr> <tr> <td>13</td> <td>14</td> <td>15</td> <td>16 2nd Regular Meeting</td> <td>17</td> <td>18</td> <td>19</td> </tr> <tr> <td>20</td> <td>21</td> <td>22</td> <td>23</td> <td>24</td> <td>25</td> <td>26</td> </tr> <tr> <td>27</td> <td>28</td> <td>29</td> <td>30</td> <td>31</td> <td></td> <td></td> </tr> </tbody> </table>	MARCH 2022							Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday			1	2 1 st Regular Meeting	3	4	5	6	7 SCCSDA TAC	8	9	10 TPAC	11	12	13	14	15	16 2 nd Regular Meeting	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31									
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