

**CUPERTINO SANITARY DISTRICT
SANITARY BOARD MEETING
WEDNESDAY, MAY 04, 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

- A. APPROVAL OF THE MINUTES OF APRIL 20, 2022
- B. APPROVED MINUTES OF APRIL 6, 2022

6. CORRESPONDENCE

NONE

**CUPERTINO SANITARY DISTRICT
SANITARY BOARD MEETING
WEDNESDAY, MAY 04, 2022**

7. MEETINGS

- A. TELECONFERENCE MEETING OF THE SAN JOSE/SANTA CLARA TREATMENT PLANT TECHNICAL ADVISORY COMMITTEE (TAC) TO BE HELD ON MONDAY, MAY 16, 2022
- B. TELECONFERENCE MEETING OF THE SAN JOSE/SANTA CLARA TREATMENT PLANT ADVISORY COMMITTEE (TPAC) TO BE HELD ON THURSDAY, MAY 19, 2022

8. REPORTS

- A. CALIFORNIA LOW-INCOME HOUSING WATER ASSISTANCE PROGRAM ENROLLMENT

9. UNFINISHED BUSINESS

- B. COVID-19 UPDATES

10. NEW BUSINESS

- A. SET PUBLIC HEARING DATE TO COLLECT SEWER CHARGE ON TAXROLL FOR JUNE 15, 2022 – APPROVE RESOLUTION NO. 1335
- B. ANNUAL INFOCARE RENEWAL FOR XPSWMM

11. STAFF REPORT

- A. CURRENT DEVELOPMENT PROJECTS

12. CALENDAR ITEMS

- A. NEXT REGULAR DISTRICT BOARD MEETING IS SCHEDULED TO BE HELD ON WEDNESDAY, MAY 18, 2022

13. ADJOURNMENT

CUPERTINO SANITARY DISTRICT BOARD MEETING
WEDNESDAY, APRIL 20, 2022

The Sanitary Board of the Cupertino Sanitary District convened this date at 7:02 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 David A. Doyle. Patrick S. Kwok joined arrived later.

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

District Consultant: Richard K. Tanaka

Public: None

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.

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 7:06 p.m. Manager Porter, and Deputy Manager Woodhouse were excused from the closed session.

A. Conference with legal counsel – Existing Litigation in accordance with government code section Paragraph (1) of Subdivision (d) of Section 54956.9, existing litigation. Name of Case: County Sanitation District 2-3, West Valley Sanitation District, Cupertino Sanitary District, Burbank Sanitary District, and the City of Milpitas v. The City of San Jose, The City of Santa Clara, and Does 1 through 50 inclusive.

Board action: There was no reportable action.

The closed session was adjourned at 7:17 p.m. and the regular meeting was called to order. District Manager Porter, and Deputy District Manager Woodhouse rejoined the regular meeting.

CUPERTINO SANITARY DISTRICT BOARD MEETING
WEDNESDAY, APRIL 20, 2022

5. MINUTES & BILLS:

- A. On a motion by President Bosworth, seconded by Director Chen, by a vote of 4-0-0, the minutes of Wednesday, April 6, 2022, were approved as written. Director Kwok was absent.
- B. By consensus, the Minutes of Monday, March 16, 2022, are to be Noted & Filed.

Director Kwok joined the meeting.

- C. The Board reviewed March payable warrants and financial statements. On a motion by Director Kwok, seconded by Director Chen, by a vote of 5-0-0, the financial statements and payment of bills were approved as written.
- D. Board members will submit their April timesheets to Manager Porter.

6. CORRESPONDENCE:

- A. The Board reviewed Santa Clara LAFCO – Adoption of Proposed Budget for FY-2023 & Notice Of Public Hearing. It is to be Noted & Filed.

7. MEETINGS:

- A. Manager Porter plans to attend the teleconference meeting of The San Jose/Santa Clara Treatment Plant Technical Advisory Committee (TAC) to be held on Monday, May 16, 2022.
- B. Director Kwok plans to attend the teleconference meeting of The San Jose/Santa Clara Treatment Plant Advisory Committee (TPAC) to be held on Thursday, May 19, 2022.

8. REPORTS:

- A. Director Kwok reported on the CWEA Annual Conference held on April 11-14, 2022.

9. UNFINISHED BUSINESS:

- A. Manager Porter presented on the Rate Study follow-up and presented information on the historical consumer price index (CPI) in the Bay Area. Between February 2021 and February 2022, the CPI has increased 5.2 % in the Bay Area. There was no reportable Board action.
- B. Manager Porter presented information on the LIHWAP. Board directed staff to proceed with registration for the LIHWAP.
- C. Manager Porter reported on COVID-19 updates. Staff have returned to working in the Cupertino office on a hybrid arrangement. There is 50 percent of staff in the office on any given day and the remainder are working remotely.

CUPERTINO SANITARY DISTRICT BOARD MEETING
WEDNESDAY, APRIL 20, 2022

10. NEW BUSINESS:

- A. The Board discussed the Amendment to Agreement - I-280/Wolfe Road Sewer Relocation Bennett Trenchless Engineers (BTE) Agreement for Trenchless Engineering Services. On a motion by Director Saadati, seconded by Director Doyle, by a vote of 5-0-0, the amendment to the agreement was approved.

11. STAFF REPORTS:

- A. Manager Porter reported on Future Development Projects.
- B. Deputy Manager Woodhouse reported on New Waste Discharge Requirements Update
- 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, May 4, 2022.

13. ADJOURNMENT:

On a motion properly made and seconded, at 8:41 p.m. the meeting was adjourned.

Secretary of the Sanitary Board

President of the Sanitary Board

APPROVED

CUPERTINO SANITARY DISTRICT BOARD MEETING WEDNESDAY, APRIL 6, 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, Patrick S. Kwok, and David A. Doyle.

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

District Consultant: Richard K. Tanaka

Public: Leagong Chen

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.

On a motion by President Bosworth, seconded by Director Chen, by a vote of 5-0-0 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 7:04 p.m. Manager Porter and Deputy Manager Woodhouse were excused from the closed session.

A. Conference with legal counsel – Existing Litigation in accordance with government code section Paragraph (1) of Subdivision (d) of Section 54956.9, existing litigation. Name of Case: County Sanitation District 2-3, West Valley Sanitation District, Cupertino Sanitary District, Burbank Sanitary District, and the City of Milpitas v. The City of San Jose, The City of Santa Clara, and Does 1 through 50 inclusive.

Board action: There was no reportable action.

The closed session was adjourned at 7:23 p.m. and the regular meeting was called to order. Manager Porter, and Deputy Manager Woodhouse, rejoined the regular meeting at 7:24 p.m.

CUPERTINO SANITARY DISTRICT BOARD MEETING
WEDNESDAY, APRIL 6, 2022

Motion to move Agenda Item 10. New Business, Item A. forward in the agenda to allow Mr. Leagong Chen and Frank Quach to participate in the discussion.

On a motion by Director Saadati, seconded by Director Kwok, by a vote of 5-0-0, Item 10.A. was moved up.

10. NEW BUSINESS

A. Clean Out Installation - APN: 326-08-030

After discussion, on a motion by Director Saadati, seconded by Director Kwok, by a vote of 4-0-1, the Board denied the request for a waiver and required the homeowner to follow District standards. Director Chen abstained.

Board requested a review of the District ordinance for approval of a lateral connection to require the homeowner to provide a TV inspection of the existing lateral at their cost.

5. MINUTES:

A. On a motion by Director Saadati, seconded by Director Kwok, by a vote of 5-0-0, the minutes of Wednesday, March 16, 2022, were approved.

B. By consensus, the Minutes of Wednesday, March 2, 2022, are to be Noted & Filed.

6. CORRESPONDENCE:

A. The Board reviewed an email request to participate in the California Department of Community Services & Development – Low Income Household Water Assistance Program. The Board requested staff to check with other sewer system agencies through CASA BACWA and CASSE. Director Kwok will check with other sewer agencies at the annual CWEA conference in Sacramento.

7. MEETINGS:

A. The teleconference meeting of The San Jose/Santa Clara Treatment Plant Technical Advisory Committee (TAC) to be held on April 11, 2022 was canceled.

B. The teleconference meeting of The San Jose/Santa Clara Treatment Plant Advisory Committee (TPAC) to be held on April 14, 2022 was canceled.

C. Director Kwok will attend the California Water Environment Association (CWEA) 2022 Annual Conference (AC22) in Sacramento held from April 11 – 14.

8. REPORTS:

There were none.

CUPERTINO SANITARY DISTRICT BOARD MEETING
WEDNESDAY, APRIL 6, 2022

9. UNFINISHED BUSINESS:

- A. Manager Porter reported on COVID-19 updates. Mark Thomas has returned to the Cupertino office in a hybrid arrangement.
- B. The Board discussed the Rate Study – Consideration To Set Time And Place For Public Hearing. Manager Porter presented various cash flow scenarios with different amounts of rate increase for the next 5 years. On a motion by Director Saadati, seconded by Director Bosworth, by a vote of 5-0-0, the Board set the rate increase to a maximum of 5% and set the public hearing for June 1, 2022, via teleconference.

Director Kwok left the meeting at 9:05 p.m. and returned at 9:15 p.m.

10. NEW BUSINESS:

Moved up on the agenda, after Item 4.A.

11. STAFF REPORTS:

- A. The report on Waste Discharge Requirements was deferred to the next regular Board meeting.
- B. Manager Porter provided a summary of Current Development Projects.

12. CALENDAR ITEMS:

- A. The next regular District Board meeting is scheduled to be held on Wednesday, April 20, 2022.

13. ADJOURNMENT

On a motion properly made and seconded, at 9:25 p.m. the meeting was adjourned.

Secretary of the Sanitary Board

President of the Sanitary Board

RESOLUTION NO. 1335

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CUPERTINO SANITARY DISTRICT FIXING TIME AND PLACE FOR HEARING ON REPORT ON RATES AND CHARGES FOR SERVICE AND FACILITIES FURNISHED BY THE DISTRICT FOR THE FISCAL YEAR 2022-2023 AND PROVIDING FOR NOTICE THEREOF

RESOLVED, by the Sanitary Board of the Cupertino Sanitary District, Santa Clara County, California, that

WHEREAS, this District has elected to have certain rates and charges for services and facilities furnished by it which have become delinquent and the rates and charges for services and facilities furnished by the District for the fiscal year 2022-2023 collected on the tax roll of the County of Santa Clara, State of California, pursuant to Sections 5470 through 5473.11 of the Health and Safety Code of the State of California; and

WHEREAS, pursuant thereto, a report on said rates and charges will be filed with the Secretary of this District on June 8, 2022;

NOW, THEREFORE, IT IS HEREBY ORDERED that Wednesday, the 15th day of June 2022, at the hour of 7:00 o'clock P.M., via teleconference in accordance with Executive Order N-33-20, are hereby fixed as the time and place for hearing on the report on rates and charges for services and facilities furnished by the District filed with the Secretary of this District, pursuant to law, and the Secretary shall publish notice of said hearing and of the filing of said report, once a week for two successive weeks prior to the date set for said hearing, in both the Cupertino Courier and Saratoga News, both a newspaper of general circulation published in the District.

* * * * *

I hereby certify that the foregoing is a full, true and correct copy of a resolution duly and regularly passed and adopted by the Sanitary Board of the Cupertino Sanitary District, at a meeting thereof held on the 4th day of May 2022, by the following vote:

AYES, Members:

NOES, Members:

ABSENT, Members:

Secretary, Cupertino Sanitary District

APPROVED:

President, Cupertino Sanitary District



Memo

Item 10 B

To: Board of Directors

From: Benjamin T. Porter, District Manager-Engineer

Date: May 4, 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. The June 1, 2022 to May 31, 2023 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 seven 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. The software is also being used to incorporate results from the flow monitoring results as part of the ongoing flow Peak Flow Reduction Study. 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 cost for this software is \$7,160.00. Mark Thomas is requesting that the District consider 50% reimbursement to Mark Thomas.

Board Consideration/Action:

Cupertino Sanitary District Board of Directors authorize a reimbursement amount of \$3,580.00 (50%) to Mark Thomas.

Attachment:

- Invoice No. Q-117527

Item 10.B. Attachment

Innovyze®

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
MEETING/EVENT SCHEDULE**

Item 12.A.

| | | | | | | | |
|--|-----------------|----------------------------|---------|---------------------------------------|------------|--------|----------|
| <p align="center"><u>MAY 2022</u></p> <p>05/04: 1st Regular Meeting 05/16: TAC 05/18: 2nd Regular Meeting 05/19: TPAC</p> | MAY 2022 | | | | | | |
| | Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday |
| | 1 | 2 | 3 | 4 1 st Regular Meeting | 5 | 6 | 7 |
| | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
| | 15 | 16 TAC | 17 | 18 2 nd Regular Meeting | 19 TPAC | 20 | 21 |
| | 22 | 23 | 24 | 25 | 26 | 27 | 28 |
| | 29 | 30 Memorial Day Holiday | 31 | | | | |

| | | | | | | | |
|--|------------------|--------------------|---------|---------------------------------------|-----------|--------|----------|
| <p align="center"><u>JUNE 2022</u></p> <p>06/01: 1st Regular Meeting 06/06: TAC & SCCSDA 06/09: TPAC 06/15: 2nd Regular Meeting</p> | JUNE 2022 | | | | | | |
| | Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday |
| | | | | 1 1 st Regular Meeting | 2 | 3 | 4 |
| | 5 | 6 SCCSDA TAC | 7 | 8 | 9 TPAC | 10 | 11 |
| | 12 | 13 | 14 | 15 2 nd Regular Meeting | 16 | 17 | 18 |
| | 19 | 20 | 21 | 22 | 23 | 24 | 25 |
| | 26 | 27 | 28 | 29 | 30 | | |

| | | | | | | | |
|---|------------------|-----------|---------|---------------------------------------|------------|--------|----------|
| <p align="center"><u>JULY 2022</u></p> <p>07/06: 1st Regular Meeting 07/11: TAC 07/14: TPAC 07/20: 2nd Regular Meeting</p> | JULY 2022 | | | | | | |
| | Sunday | Monday | Tuesday | Wednesday | Thursday | Friday | Saturday |
| | | | | | | 1 | 2 |
| | 3 | 4 | 5 | 6 1 st Regular Meeting | 7 | 8 | 9 |
| | 10 | 11 TAC | 12 | 13 | 14 TPAC | 15 | 16 |
| | 17 | 18 | 19 | 20 2 nd Regular Meeting | 21 | 22 | 23 |
| | 24 | 25 | 26 | 27 | 28 | 29 | 30 |
| 31 | | | | | | | |