

CUPERTINO SANITARY DISTRICT BOARD MEETING
WEDNESDAY, OCTOBER 20, 2021

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

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

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

District Consultant: Richard Tanaka

Public: None

2. PUBLIC COMMENTS:

There were none.

3. CLOSED SESSION:

President Saadati adjourned the regular meeting session and opened the closed session at 7:03 p.m.

- 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.

- 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 7:37 p.m. and the regular meeting was called to order. District Manager Porter and Deputy District Manager Woodhouse rejoined the regular meeting.

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4. MINUTES & BILLS:

- A. On a motion by Director Gatto, seconded by President Saadati, by a vote of 5-0-0 the minutes of Wednesday, October 6, 2021, were approved as written.
- B. By consensus, the Minutes of Wednesday, September 15, 2021, are to be Noted & Filed.
- C. The Board reviewed September payable warrants and financial statements. On a motion by Director Gatto, seconded by Director Kwok, by a vote of 5-0-0, the financial statement and payment of bills were approved as written.
- D. Board members will submit their October timesheets to Manager Porter.

5. CORRESPONDENCE:

There was none.

6. MEETINGS:

There are none.

7. REPORTS:

- A. Manager Porter reported on the teleconference meeting of The San Jose/Santa Clara Treatment Plant Technical Advisory Committee (TAC) held on October 12, 2021.
- B. Director Kwok reported on teleconference meeting of The San Jose/Santa Clara Treatment Plant Advisory Committee (TPAC) held on October 14, 2021.

8. UNFINISHED BUSINESS:

- A. Manager Porter reported on COVID-19 updates.
- B. The Board discussed the I-280/Wolfe Road Sewer Relocation. Manager Porter discussed a letter that was sent to VTA regarding the District's position that VTA should reimburse the District for the costs of the sewer relocation. The sewer relocation will require specialized engineering expertise to cross I-280. On a motion by Director Gatto, seconded by President Saadati, by a vote of 5-0-0, the Board authorized District Manager to provide \$25,000 initial contract to Bennett Engineering to begin work on the I-280/Wolfe Road Sewer Relocation project.
- C. The Board reviewed the Draft Annual Report.

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9. NEW BUSINESS:

- A. The Board reviewed request for reimbursement of permit fee for Cupertino Permit # BLD-2021-1108. On a motion by Director Gatto, seconded by Director Chen, by a vote of 5-0-0, the Board approved reimbursement in the amount of \$400.
- B. The Board reviewed sewer service charge correction for Mardesich Companies. On a motion by Director Chen, seconded by Director Gatto, by a vote of 5-0-0, the Board approved payment of correction fee in the amount of \$75 to Santa Clara County, Santa Clara Controller-Treasurer Department Tax Roll Control Unit to make the correction to the special assessment.

10. STAFF REPORTS:

- A. Manager Porter reported on Future Development Projects.
- B. Deputy Manager Woodhouse reported on the Peak Flow Reduction program.
- C. Manager Porter reported on the monthly maintenance report.

11. CALENDAR ITEMS:

- A. The next regular District Board meeting is scheduled to be held on Wednesday, November 3, 2021.

12. AB 361:

On a motion by Director Gatto, seconded by President Saadati, by a vote of 5-0-0, 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.

13. ADJOURNMENT:

On a motion properly made and seconded, at 8:30 p.m. the meeting was adjourned.



Secretary of the Sanitary Board



President of the Sanitary Board