

CUPERTINO SANITARY DISTRICT BOARD MEETING
WEDNESDAY, NOVEMBER 03, 2021

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 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, and Patrick S. Kwok. Director Gatto notified Manager Porter that he would be absent. On motion by Director Bosworth motioned, seconded by President Saadati, by a vote of 4-0-0, the Board excused Director Gatto from the meeting.

Staff present: District Manager Benjamin Porter, Deputy District Manager Robert Woodhouse, Senior Sanitary Engineer Vani Kathula, and Counsel Marc Hynes.

District Consultant: Richard Tanaka

Public: None

AB361: 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 Director Bosworth, seconded by Director Saadati, by a vote of 4-0-0 the Board approved.

2. PUBLIC COMMENTS:

There were none.

3. CLOSED SESSION:

President Saadati adjourned the regular meeting session and opened the closed session at 7:06 p.m. Staff member Kathula was excused from 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 closed session at 7:08 p.m.

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- 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.

Closed session was adjourned at 7:16 p.m. and the regular meeting was called to order. District Manager Porter, Deputy District Manager Woodhouse, and staff member Kathula rejoined the regular meeting.

4. MINUTES:

- A. On a motion by Director Bosworth, seconded by Director Chen, by a vote of 4-0-0 the minutes of Wednesday, October 20, 2021, were approved.
- B. By consensus, the Minutes of Wednesday, October 6, 2021, are to be Noted & Filed.

5. CORRESPONDENCE:

There was none.

6. MEETINGS:

- A. Manager Porter and Staff member Kathula plan to attend the teleconference meeting of The San Jose/Santa Clara Treatment Plant Technical Advisory Committee (TAC) scheduled to be held on November 15, 2021.
- B. Director Kwok plans to attend the teleconference meeting of The San Jose/Santa Clara Treatment Plant Advisory Committee (TPAC) scheduled to be held on November 18, 2021.

7. REPORTS:

There were none.

8. UNFINISHED BUSINESS:

- A. Manager Porter reported on COVID-19 updates. Manager Porter suggested the Board discuss when they will consider face-to-face Board meetings in the future.
- B. Manager Porter reported on the San Jose Sewer Use Ordinance Revisions. Manager Porter is working with The City of San Jose on the sewer use ordinance revisions.
- C. The Board discussed the Sunnyvale Agreement. Manager Porter indicated that staff is working to finalize the agreement with the City of Sunnyvale.

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- D. The Board reviewed the final draft of the Annual Report. On motion by Director Bosworth, seconded by Director Chen, by a vote of 4-0-0, the Board approved the Annual Report.

9. NEW BUSINESS:

There was none.

10. STAFF REPORTS:

- A. Manager Porter reported on Claim of Tire Damage. On a motion by Director Bosworth, seconded by President Saadati, by a vote of 4-0-0 the Board approved the motion to deny the claim.
- B. Manager Porter and Deputy Manager Woodhouse reported on Future Development Projects.
- Deputy Manager Woodhouse provided an update on the Vallco Make Ready Utilities. District staff has provided Vallco with comments on their submittals.
- Manager Porter provided an update on the Westport project. Manager Porter will email the Draft Installers Agreement to Counsel Hynes for legal input.
- C. Manager Porter reported on Peak Flow Reduction and provided an update on the meeting staff had with the City of Santa Clara.
- D. Deputy Manager Woodhouse reported on the I-280/Wolfe Road Sewer Relocation and described the Wolfe Road sewer relocation alignment.

11. CALENDAR ITEMS:

- A. The next regular District Board meeting is scheduled to be held on Wednesday, November 17, 2021.

12. ADJOURNMENT:

On a motion properly made and seconded, at 7:48 p.m. the meeting was adjourned.



Secretary of the Sanitary Board



President of the Sanitary Board