

CUPERTINO SANITARY DISTRICT BOARD MEETING
MONDAY, JANUARY 17, 2022
AMENDED

The Sanitary Board of the Cupertino Sanitary District convened this date at 7:08 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 Board position 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 7:14 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 at 7:22 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

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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 7:31 p.m. and the regular meeting was called to order. District Manager Porter, and Deputy District Manager Woodhouse rejoined the regular meeting.

5. MINUTES & BILLS:

- A. On a motion by Director Chen, seconded by Director Saadati, by a vote of 4-0-0 the minutes of Wednesday, December 15, 2021, were approved as written.
- B. By consensus, the Minutes of Wednesday, November 17, 2021, are to be Noted & Filed.
- C. The Board reviewed December payable warrants and financial statements. On a motion by Director Kwok, seconded by Director Chen, by a vote of 4-0-0, the financial statement and payment of bills were approved as written.
- D. Board members will submit their January timesheets to Manager Porter.

6. CORRESPONDENCE:

- A. The Board reviewed correspondence from The City of San Jose regarding Third Quarter Adjustments for FY20-21 O&M and CIP Billings. It is to be Noted & Filed.

7. MEETINGS:

- A. CASA 2022 Winter Conference scheduled for January 19-21, 2022 is canceled. Director Chen plans to attend the CSRMA virtual training workshop to be held January 20, 2022, which was scheduled to be held along with the CASA conference but is still taking place.

8. REPORTS:

- A. Manager Porter reported on the teleconference meeting of The San Jose/Santa Clara Treatment Plant Technical Advisory Committee (TAC) held on January 11, 2022.
- B. Director Kwok reported on the teleconference meeting of The San Jose/Santa Clara Treatment Plant Advisory Committee (TPAC) held on January 13, 2022.

9. UNFINISHED BUSINESS:

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

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10. NEW BUSINESS:

- A. Board Resolution No. 1333, titled: “A RESOLUTION COMMENDING JOHN M. GATTO FOR DISTINGUISHED SERVICE AS A MEMBER OF THE SANITARY BOARD OF THE CUPERTINO SANITARY DISTRICT FROM MARCH 1, 2000 TO DECEMBER 24, 2021” was presented to the Board. On a motion by President Bosworth, seconded by Director Saadati, by a vote of 4-0-0 it was ordered that Resolution No. 1333 be approved.
- B. The Board discussed Board vacancy of one seat and procedures to fill the empty seat. Manager Porter will advertise for the opening in the Cupertino Courier newspaper, the CUSD website and the front door of the office. On motion by Director Kwok, seconded by Director Saadati, by a vote of 4-0-0, the Board approved plans to post notice of vacancy.
- C. Reappointment of Officers: On motion by President Bosworth, seconded by Director Saadati, by a vote of 4-0-0, the Board approved the following reappointment of officers: Director Kwok as Board Secretary and Director Chen as Secretary Pro-Tem, effective immediately.
- D. Newly appointed finance committee members will sign the bank signature cards with Manager Porter at the District office.
- E. The Board reviewed the draft Installer’s Agreement for the Westport project. There was no Board action.
- F. On motion by Director Chen, seconded by Director Saadati, by a vote of 4-0-0, the Board approved Director Kwok’s request to attend the CWEA Annual Conference to be held April 11-14, 2022 in Sacramento, CA.
- G. The Board reviewed a request for reimbursement of sewer service charges for APN 326-08-030 ADU that had not yet been built during FY 2020-2021. On motion by Director Saadati, seconded by Director Kwok, by a vote of 4-0-0, the Board approved reimbursement in the amount of \$638.86.

11. STAFF REPORTS:

- A. Manager Porter reported on CASA 2022 Winter Conference travel expense reimbursements. The Board will prepare and submit expense reports for the unused airline tickets.

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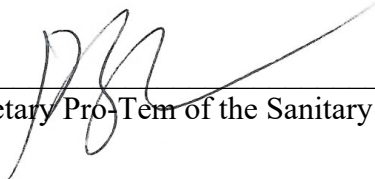
B. Manager Porter reported on the Monthly Maintenance Report.

12. CALENDAR ITEMS:

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

13. ADJOURNMENT:

On a motion properly made and seconded, at 8:33 p.m. the meeting was adjourned in honor and memory of John M. Gatto.



Secretary Pro-Tem of the Sanitary Board



President of the Sanitary Board