

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

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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.

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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:

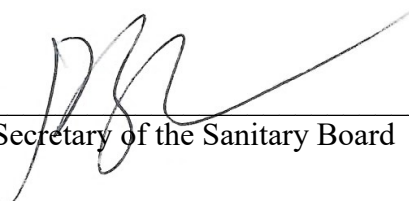
- A. Manager Porter reported on future development projects. The Westport Installer's Agreement will be signed on February 17, 2022. Marina Plaza is still in the planning phase. The Vallco project has been paused due to potential soil contamination at the site.
- B. Manager Porter reported on Form 700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