

CUPERTINO SANITARY DISTRICT BOARD MEETING
WEDNESDAY, MARCH 1, 2023

The Sanitary Board of the Cupertino Sanitary District convened this date at 7:00 p.m. This meeting was conducted in-person at District office at 20863 Stevens Creek Blvd, Suite 100, Cupertino and via teleconferencing in accordance with AB 361.

1. ROLL CALL:

President Kwok 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: William A. Bosworth, Angela S. Chen, Taghi S. Saadati, David A. Doyle, and Patrick S. Kwok.

Staff present: District Manager Benjamin Porter, Associate Sanitary Engineer Abby Yung, District Administrative Clerk Frankie Martinez, and Counsel Marc Hynes.

District Consultant: Richard K. Tanaka

Public: Hsukuei Lin and Claudia Chen, Customers

Other: Ann Marie Mortimer, and Tom Boer

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 Health Officer announced on May 10, 2022 that COVID-19 cases are rising again to higher levels than last summer's surge and there is a rise in hospitalizations; she continues to encourage social distancing and advises people wear masks indoors, and (3) due to room capacity limitations, meeting in person would present imminent risks to the health or safety of attendees.

No Board action was taken.

3. PUBLIC COMMENTS:

There was none. Members of the public were present for Item 9.A on the agenda.

4. CLOSED SESSION:

President Kwok adjourned the regular meeting session and opened the closed session at 7:07 p.m. Manager Porter, Engineer Yung, Staff Martinez, Public Lin and Chen were excused from the closed session.

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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.

President Kwok adjourned the closed session at 7:46 p.m. and the regular meeting was called to order. Manager Porter, Engineer Yung, Staff Martinez, Public Lin and Chen rejoined the regular meeting. Consultant Tanaka, Mortimer, and Boer left the regular meeting.

By consensus, the Board moved agenda Item 9.A - “Ordinance No. 130, Amending Property Line Cleanout & Lateral Ordinance” up on the agenda to follow Agenda Item 4.

9. UNFINISHED BUSINESS:

- A. The Board reviewed the draft Ordinance No. 130, Amending Property Line Cleanout. Manager Porter presented Staff research on pipe material requirements of other agencies. The PVC SDR-26 pipe material currently required by the District is preferred because of its durability and cost compared to other materials. Also due to the geometry of SDR-26, connections to other pipe materials are more secure. After Board discussion, and questions and comments from customers Lin and Chen, on motion by Director Saadati, seconded by Director Chen, by a vote of 5-0-0, the Board approved Ordinance No. 130 with the following revision: The District strongly recommends a traffic grade Christy box be installed in a driveway however, the property owner may choose to install a traffic grade or non-traffic grade Christy box at their discretion.

5. MINUTES & BILLS:

- A. On a motion by Director Bosworth, seconded by Director Chen, by a vote of 5-0-0, the minutes of the regular meeting held on Wednesday, February 15, 2023, were approved.
- B. By consensus, the Minutes of Wednesday, February 1, 2023, are to be Noted & Filed.

6. CORRESPONDENCE:

There was none.

7. MEETINGS:

- A. The teleconference meeting of the San Jose/Santa Clara Treatment Plant Technical Advisory Committee (TAC) scheduled for Monday, March 6, 2023, is canceled.
- B. Director Bosworth plans to attend the Santa Clara County Special Districts Association meeting to be held Monday, March 6, 2023.
- C. The teleconference meeting of the San Jose/Santa Clara Treatment Plant Advisory Committee (TPAC) scheduled for Thursday, March 9, 2023, is canceled.

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8. REPORTS:

There were none.

9. UNFINISHED BUSINESS:

- A. Item 9.A moved up on the agenda after Item 4. Closed Session.

10. NEW BUSINESS:

- A. Manager Porter presented the Annual InfoCare Renewal for XPSWMM Board Memo. On a motion by Director Saadati, seconded by Director Chen, by a vote of 5-0-0, the Board authorized a reimbursement amount of \$3,760.00 (50%) to Mark Thomas.

Lin and Chen, members of the Public, left the Board meeting at 8:18pm.

- B. Manager Porter presented the Cash Flow Summary. Board members approved consideration of a rate increase and requested a rate study. Staff is to prepare a rate study and present at the next regular Board meeting. Director Doyle requested information on the District Financial Reserve policy and Staff is to report on the Reserve Policy in the next Board meeting.

- C. The Board discussed the District Manager Rate. President Kwok commended Manager Porter on his outstanding work for the District and service to the Board. On a motion by Director Saadati, seconded by Director Bosworth, by a vote of 5-0-0, the Board approved a total increase of 7.6% to cover the past three years and increase the District Manager's rate to \$273.00.

11. STAFF REPORTS:

- A. Manager Porter reported on Future Development Projects. The developer of Westport Cupertino Assisted Living, which is now named Atria Cupertino, is in the final plan submittal phase and preparing to sign the Installer's Agreement for Parcel B. Staff has been in regular contact with the engineers and developers for this development.

12. CALENDAR ITEMS:

- A. The next regular District Board meeting is scheduled to be held on Wednesday, March 15, 2023. Director Chen plans to attend remotely, via teleconference.

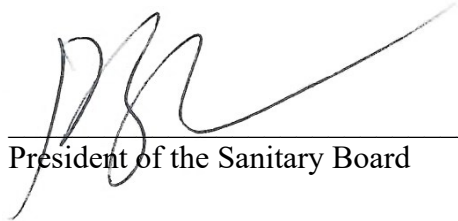
Director Bosworth requested Staff to prepare a study on District fees and agenda for a future meeting.

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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