

**CUPERTINO SANITARY DISTRICT
SANITARY BOARD MEETING
WEDNESDAY, NOVEMBER 18, 2020**

A_G_E_N_D_A

In accordance with Executive Order N-33-20, meeting to be held at 7:00 p.m. via teleconference [call 1 (866) 899 - 4679 Conference Access Code: 251566821] and anyone interested may also call in. The District Office at 20863 Stevens Creek Blvd, Suite 100, Cupertino is closed.

1. ROLL CALL:

2. MINUTES & BILLS:

- A. APPROVAL OF THE MINUTES OF NOVEMBER 4, 2020
- B. APPROVED MINUTES OF OCTOBER 21, 2020
- C. PAYMENT OF BILLS AND APPROVAL OF FINANCIAL STATEMENT
- D. DIRECTOR'S MONTHLY TIMESHEETS

3. PERSONAL PRESENTATIONS:

THIS PORTION OF THE MEETING IS RESERVED FOR PERSONS DESIRING TO ADDRESS THE BOARD ON ANY MATTER NOT ON THE AGENDA. SPEAKERS ARE LIMITED TO THREE (3) MINUTES.

ALL STATEMENTS REQUIRING A RESPONSE WILL BE REFERRED TO STAFF FOR FURTHER ACTION. IN MOST CASES, STATE LAW WILL PROHIBIT THE BOARD FROM MAKING ANY DECISIONS WITH RESPECT TO A MATTER NOT LISTED ON THE AGENDA.

4. CORRESPONDENCE:

NONE

5. MEETINGS:

NONE

6. REPORTS:

- A. TELECONFERENCE MEETING OF THE SAN JOSE/SANTA CLARA TREATMENT PLANT TECHNICAL ADVISORY COMMITTEE (TAC) HELD OCTOBER 9, 2020
- B. TELECONFERENCE MEETING OF THE SAN JOSE/SANTA CLARA TREATMENT PLANT ADVISORY COMMITTEE (TPAC) HELD OCTOBER 12, 2020

**CUPERTINO SANITARY DISTRICT
SANITARY BOARD MEETING
WEDNESDAY, NOVEMBER 18, 2020**

7. UNFINISHED BUSINESS:

- A. COVID-19 DISCUSSION

8. NEW BUSINESS:

- A. GENERAL COUNSEL CONTRACT FOR LEGAL SERVICES

9. STAFF REPORT:

- A. FUTURE DEVELOPMENT PROJECTS
- B. VIA REGINA SAFETY IMPROVEMENT
- C. THE FORUM UPDATE
- D. FLUME METERING STATION CALIBRATION
- E. MONTHLY MAINTENANCE REPORT

10. CLOSED SESSION:

- 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.

11. CALENDAR ITEMS:

- A. NEXT REGULAR DISTRICT BOARD MEETING IS SCHEDULED TO BE HELD ON WEDNESDAY, DECEMBER 2, 2020

12. ADJOURNMENT:

CUPERTINO SANITARY DISTRICT MEETING/EVENT SCHEDULE

NOVEMBER 2020

- 11/04: 1st Regular Meeting
- 11/09: TAC
- 11/12: TPAC
- 11/18: 2nd Regular Meeting

NOVEMBER 2020						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2	3	4 1 st Regular Meeting	5	6	7
8	9 TAC	10	11	12 TPAC	13	14
15	16	17	18 2 nd Regular Meeting	19	20	21
22	23	24	25	26 27 <i>Happy Thanksgiving</i>		28
29	30					

DECEMBER 2020

- 12/02: 1st Regular Meeting
- 12/07: TAC
SCCSDA
- 12/10: TPAC
- 12/16: 2nd Regular Meeting

DECEMBER 2020						
SUN	MON	TUE	WED	THU	FRI	SAT
		1	2 1 st Regular Meeting	3	4	5
6	7 TAC background-color: #f8bbd0;">SCCSDA	8	9	10 TPAC	11	12
13	14	15	16 2 nd Regular Meeting	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

JANUARY 2021

- 01/04: 1st Regular Meeting
- 01/09: TAC
- 01/12: TPAC
- 01/18: 2nd Regular Meeting
- 01/27-28: CASA Virtual Winter Conference

JANUARY 2021						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1 Happy New Year!	2
3	4	5	6 1 st Regular Meeting	7	8	9
10	11 TAC	12	13	14 TPAC	15	16
17	18	19	20 2 nd Regular Meeting	21	22	23
24	25	26	27	28	29	30
31		CASA CONFERENCE				

CUPERTINO SANITARY DISTRICT BOARD MEETING
WEDNESDAY, NOVEMBER 04, 2020

The Sanitary Board of the Cupertino Sanitary District convened this date at 7:00 p.m. This meeting was conducted in accordance with the Executive Order N-33-20 via teleconferencing. The District office at 20863 Stevens Creek Blvd, Suite 100, Cupertino was closed.

1. ROLL CALL:

President Chen 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, John M. Gatto, William A. Bosworth, and Patrick S. Kwok.

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

Public: Consultant Richard K. Tanaka

2. MINUTES:

A. On a motion by Director Gatto, seconded by Director Saadati, by a vote of 5-0-0 the minutes of Wednesday, October 21, 2020 were approved with revision.

B. By consensus, the Minutes of Wednesday, October 7, 2020 are to be Noted & Filed.

3. PERSONAL PRESENTATIONS:

There were none.

4. CORRESPONDENCE:

There was none.

5. MEETINGS:

A. Manager Porter plans to attend the teleconference meeting of The San Jose/Santa Clara Treatment Plant Technical Advisory Committee (TAC) scheduled to be held November 9, 2020.

B. Director Gatto plans to attend the teleconference meeting of The San Jose/Santa Clara Treatment Plant Advisory Committee (TPAC) scheduled to be held November 12, 2020.

6. REPORTS:

There were none.

CUPERTINO SANITARY DISTRICT BOARD MEETING
WEDNESDAY, NOVEMBER 04, 2020

7. UNFINISHED BUSINESS:

- A. The Board discussed the Consultant Agreement with Richard Tanaka and Request from Burbank Sanitary District. CuSD Board Members and District Counsel do not see the need for a memorandum of understanding with BSD for joint defense of Consultant. Consultant will be advising the Board and will have no direct contact with the City of San Jose. On a motion by Director Saadati, seconded by Director Gatto, by a vote of 5-0-0 the agreement was approved with revision.
- B. Manager Porter indicated that there are no COVID-19 issues to report.

8. NEW BUSINESS:

- A. Manager Porter presented on the Rate Study Workshop No. 3-Establishment of User Rates. The proposed approach will be more defensible methodology for future rates. The approach will be used to collect the required funds for future district costs.
- B. The Board discussed the Conflict of Interest (COI) Statement. Counsel is to call Kimberley Forrester to discuss the COI statement.

9. STAFF REPORTS:

- A. Manager Porter reported on future development projects. Vallco will be asked to provide a more robust bypass pumping plan for the utility work planned at the site.
- B. Manager Porter reported final inspection for The Forum will occur when construction is complete. The Installer's Agreement will be closed out after final inspection.
- C. Manager Porter reported on Via Regina Safety Improvements. The work on rehabilitating the roadway and the trench restoration will be completed next week.

10. CLOSED SESSION:

President Chen adjourned the regular meeting session and opened the closed session at 8:05 p.m. Manager Porter and Deputy Manager Woodhouse were excused from the closed session.

- 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.

Closed session was adjourned at 8:57 p.m. and the regular meeting was called to order. District Manager Porter and Deputy District Manager Woodhouse rejoined the regular meeting. There was no reportable action.

CUPERTINO SANITARY DISTRICT BOARD MEETING
WEDNESDAY, NOVEMBER 04, 2020

11. NEXT MEETING:

The next regular District Board meeting is scheduled to be held on Wednesday, November 18, 2020.

12. ADJOURNMENT:

On a motion properly made and seconded, at 8:58 p.m. the meeting was adjourned.

Secretary of the Sanitary Board

President of the Sanitary Board

CUPERTINO SANITARY DISTRICT BOARD MEETING
WEDNESDAY, OCTOBER 21, 2020

REVISED

The Sanitary Board of the Cupertino Sanitary District convened this date at 7:00 p.m. This meeting was conducted in accordance with the Executive Order N-33-20 via teleconferencing. The District office at 20863 Stevens Creek Blvd, Suite 100, Cupertino was closed.

1. ROLL CALL:

President Chen 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, John M. Gatto, William A. Bosworth, and Patrick S. Kwok.

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

Public: None

2. MINUTES & BILLS:

A. On a motion by Director Gatto, seconded by Director Saadati, by a vote of 5-0-0 the minutes of Wednesday, October 7, 2020 were approved.

B. By consensus, the Minutes of Wednesday, September 16, 2020 are to be Noted & Filed.

C. The Board reviewed October payable warrants. Counsel Hynes confirmed that Hunton's invoice is within budget. Manager Porter confirmed that Conquest's invoice was for Homestead PS flow meter and Florence PS repairs and not for Prospect Pump Station. On a motion by Director Gatto, seconded by Director Bosworth, by a vote of 5-0-0 the payment of bills was approved.

3. PERSONAL PRESENTATIONS:

There were none.

4. CORRESPONDENCE:

There was none.

5. MEETINGS:

There were none.

6. REPORTS:

A. Director Gatto reported on the teleconference meeting of The San Jose/Santa Clara Treatment Plant Advisory Committee (TPAC) held October 8, 2020.

CUPERTINO SANITARY DISTRICT BOARD MEETING
WEDNESDAY, OCTOBER 21, 2020

REVISED

7. UNFINISHED BUSINESS:

- A. COVID-19 update - Staff reported on the future of public meetings. There has been no change in status from Santa Clara County or the State. The Brown Act compliance is waived as long as the State Order N-33-20 and local social distancing protocols are in place.
- B. The Board reviewed the final draft Annual Report. On a motion by Director Bosworth, seconded by Director Gatto, by a vote of 5-0-0 the Annual Report was approved with revisions as requested by the Board. Staff can finalize and mail them out.

8. STAFF REPORTS:

- A. Manager Porter and Deputy Manager Woodhouse reported on The City of Sunnyvale update. The City is reviewing the draft agreement and they plan to set up a virtual meeting soon to discuss review comments. Manager Porter reported there is no urgency since the Santa Clara Valley Water District has delayed construction on Calabazas Creek until 2022.
- B. Manager Porter reported on the pavement issue on Via Regina. There is a safety concern with uneven pavement at manholes, pump station concrete pad and trenches. The District has an easement in the private road and still would be responsible for potential liability. District approved the work to be performed by Conquest in the amount of \$43,000. Repair work is now underway.
- C. Manager Porter reported on the monthly maintenance report.

9. CLOSED SESSION:

President Chen adjourned the regular meeting session and opened the closed session at 7:50 p.m. Manager Porter, Deputy Manager Woodhouse, and Advisor Tanaka were excused from the closed session.

- 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.

Closed session was adjourned at 8:23 p.m. and the regular meeting was called to order. Manager Porter, Deputy Manager Woodhouse, and Advisor Tanaka rejoined the regular meeting. There was no reportable action.

10. NEW BUSINESS:

- A. The Board reviewed and discussed Consultant Agreement for District Advisor. The Board requested several changes be made and for it to be brought back for approval at the next regular Board meeting.

CUPERTINO SANITARY DISTRICT BOARD MEETING
WEDNESDAY, OCTOBER 21, 2020

REVISED

11. NEXT MEETING:

- A. The next regular District Board meeting is scheduled to be held on Wednesday, November 4, 2020.

12. ADJOURNMENT:

On a motion properly made and seconded, at 8:43 p.m. the meeting was adjourned.

Secretary of the Sanitary Board

President of the Sanitary Board

CUPERTINO SANITARY DISTRICT
MONTHLY FINANCIAL REPORT THROUGH OCTOBER 2020
(4th Month of Operations - 33% into FY Operations)
FISCAL YEAR: July 1, 2020 to June 30, 2021

EXPENSE SUMMARY REPORT

Account Name	Account Number	BUDGET	Prior Expenses	Amount Payable	Total To Date Expenses	Remaining Balance	(#H{shqghg#Wr#Gdwh	Comments
OCT SERVICES								
OPERATING EXPENSES								
Loan Payments	41000	\$1,200,542	\$0.00	\$0.00	\$0.00	\$1,200,542.00	0.0%	None to date
Directors Fees	41030	\$35,000	\$10,413.49	\$2,631.64	\$13,045.13	\$21,954.87	37.3%	On Target
Gasoline, Oil & Fuel	41060	\$3,000	\$1,040.25	\$0.00	\$1,040.25	\$1,959.75	34.7%	None this month
Insurance	41070	\$135,000	\$1,628.15	\$994.74	\$2,622.89	\$132,377.11	1.9%	Dooley Insurance - December coverage
Memberships	41080	\$57,000	\$8,637.59	\$17,292.00	\$25,929.59	\$31,070.41	45.5%	CASA and CWEA Membership Renewals
Office Rent	41090	\$6,000	\$1,200.00	\$400.00	\$1,600.00	\$4,400.00	26.7%	On Target
Operating Expenses - General	41100	\$3,000	\$49.90	\$0.00	\$49.90	\$2,950.10	1.7%	None this month
Operating Expenses - Credit Card Processing Fees	41100-1	\$3,700	2,124.70	\$53.46	\$2,178.16	\$1,521.84	58.9%	October Fees
Contractual Services:								
Outfall Maintenance	41113	\$71,000	\$0.00	\$46,535.89	\$46,535.89	\$24,464.11	65.5%	City of San Jose - Operations & Maintenance Cost Sharing for FY2019-2020
T.P. Oper. & Maint.	41114	\$8,630,553	\$3,213,070.00	\$0.00	\$3,213,070.00	\$5,417,483.00	37.2%	None this month
Professional Services:								
Management Services	41121	\$540,000	\$181,024.65	\$72,278.19	\$253,302.84	\$286,697.16	46.9%	On Target; slightly ahead of schedule
Engineering Services	41122	\$1,200,000	\$402,426.15	\$103,330.46	\$505,756.61	\$694,243.39	42.1%	On Target; slightly ahead of schedule
Plan Checking & Inspection	41123	\$200,000	\$40,376.07	\$17,940.19	\$58,316.26	\$141,683.74	29.2%	On Target
Legal - District Counsel	41124	\$60,000	\$15,669.00	\$4,473.00	\$20,142.00	\$39,858.00	33.6%	Atkinson Farasyn - October Services
Legal - Common Interest Group (CuSD Advance Pay)	41124	\$980,000	\$538,884.85	\$67,497.74	\$606,382.59	\$373,617.41	61.9%	Outside Legal Services- Hunton Andrews (September Services)
Legal - Common Interest Group (CuSD Share)	41124	\$222,000	\$151,993.16	\$19,037.82	\$171,030.98	\$50,969.02	77.0%	Outside Legal Services- Hunton Andrews (September Services)
Audit	41125	\$11,500	\$0.00	\$0.00	\$0.00	\$11,500.00	0.0%	None to date
Printing & Publications	41130	\$28,000	\$0.00	\$0.00	\$0.00	\$28,000.00	0.0%	None to date
Repairs	41150	\$800,000	\$37,970.45	\$54,116.25	\$92,086.70	\$707,913.30	11.5%	Conquest - Mainline and Lateral Repairs (various locations)
Maintenance	41151	\$3,200,000	\$934,064.92	\$266,573.33	\$1,200,638.25	\$1,999,361.76	37.5%	On Target
Travel & Meetings Staff	41170	\$15,000	\$250.00	\$0.00	\$250.00	\$14,750.00	1.7%	None this month
Travel & Meetings BOD	41170	\$18,000	\$625.00	\$0.00	\$625.00	\$17,375.00	3.5%	None this month
Utilities	41190	\$65,000	\$17,728.50	\$6,533.84	\$24,262.34	\$40,737.66	37.3%	On Target
Refunds & Reimbursements:								
Miscellaneous	41201	\$50,000	\$27,388.14	\$0.00	\$27,388.14	\$22,611.86	54.8%	None this month
Connection Fees	41202	\$2,000	\$0.00	\$0.00	\$0.00	\$2,000.00	0.0%	None to date
Checking & Inspection	41203	\$3,000	\$0.00	\$0.00	\$0.00	\$3,000.00	0.0%	None to date
Emergency Funds	48000	\$250,000	\$17,648.12	\$11,667.71	\$29,315.83	\$220,684.17	11.7%	Four emergencies this month
Consolidated Election	48001	\$150,000	\$0.00	\$0.00	\$0.00	\$150,000.00	0.0%	None to date
TOTAL OPERATING EXPENSES		\$17,939,295	\$5,604,213.09	\$691,356.26	\$6,295,569.35	\$11,643,725.66	35.1%	
CAPITAL EXPENSES								
District Sewer Capital & Support	46041	\$2,000,000	\$57,685.83	\$360.50	\$58,046.33	\$1,941,953.67	2.9%	District CIP Project
Treatment Plant Capital	46042	\$6,392,192	\$1,773,540.00	\$0.00	\$1,773,540.00	\$4,618,652.00	27.7%	None this month
Outfall Capital	46042	\$1,572,000	\$771,409.00	\$1,856,035.65	\$2,627,444.65	(1,055,444.65)	167.1%	City of San Jose (\$800.3K), and City of S'Clara (\$1M), both for FY2019-2020
District Equipment	46043	\$150,000	\$4,033.00	\$0.00	\$4,033.00	\$145,967.00	2.7%	None this month
Replacement Fund	46044	\$300,000	\$0.00	\$0.00	\$0.00	\$300,000.00	0.0%	None to date
TOTAL CAPITAL EXPENSES		\$10,414,192	\$2,606,667.83	\$1,856,396.15	\$4,463,063.98	\$5,951,128.02	42.9%	
TOTAL EXPENSES		\$28,353,487	\$8,210,880.92	\$2,547,752.41	\$10,758,633.33	\$17,594,853.68	37.9%	

CUPERTINO SANITARY DISTRICT
MONTHLY FINANCIAL REPORT THROUGH OCTOBER 2020
(4th Month of Operations - 33% into FY Operations)
 FISCAL YEAR: July 1, 2020 to June 30, 2021

REVENUE SUMMARY REPORT

Account Name	Account Number	BUDGET	Prior Receipts	Current Month Receipts Oct Receipts	Total Amount Received	Remaining Balance to Collect	% Earned To Date	Comments
OPERATING REVENUES								
Service Charges								
Handbilling	31010	\$553,700.00	\$3,201.49	\$0.00	\$3,201.49	\$550,498.51	0.6%	None this month
Tax Roll	31010	\$19,220,000.00	\$0.00	\$0.00	\$0.00	\$19,220,000.00	0.0%	None to date
Permit Fees	31020	\$130,000.00	\$12,491.98	\$5,607.69	\$18,099.67	\$111,900.33	13.9%	Sixteen payments received this month; Fifty payments received to-date
Connection Fees	31031	\$600,000.00	\$127,968.82	\$22,068.00	\$150,036.82	\$449,963.18	25.0%	Two paymentst received this month; Three payments received to-date
Capacity Fees	31032	\$600,000.00	\$164,713.36	\$5,424.00	\$170,137.36	\$429,862.64	28.4%	Two payments received this month; Four payments received to-date
Pump Zone Fees	31033	\$80,000.00	\$0.00	\$0.00	\$0.00	\$80,000.00	0.0%	None to date
Checking & Inspection Fees	31040	\$160,000.00	\$21,200.00	\$7,800.00	\$29,000.00	\$131,000.00	18.1%	Twenty payments received this month; Sixty-nine payments received to-date
Annexation	32010	\$2,500.00	\$0.00	\$0.00	\$0.00	\$2,500.00	0.0%	None to date
Interest	32050	\$220,000.00	\$62,835.57	\$0.00	\$62,835.57	\$157,164.43	28.6%	None this month
City of San Jose Credit(s)	32091	\$500,000.00	\$0.00	\$0.00	\$0.00	\$500,000.00	0.0%	None to date
Legal - Common Interest Group (Tributaries)	32092.1	\$700,000.00	\$4,655.35	\$13,966.07	\$18,621.42	\$681,378.58	2.7%	Received from CSD 2-3 for Common Interest Group Billing for Q4 FY2019-2020
Legal - Common Interest Group (2% Admin Fees)	32902.2	\$14,000.00	\$95.01	\$285.02	\$380.03	\$13,619.97	2.7%	Received from CSD 2-3 for Common Interest Group Billing for Q4 FY2019-2020
Refunds/Reimbursements - Misc.	32091	\$10,000.00	\$12,536.86	\$142.05	\$12,678.91	(\$2,678.91)	126.8%	Lateral Loan Pmt. #3 of 20 - 850 East Estates Drive
Lateral Construction	32093	\$15,000.00	\$0.00	\$0.00	\$0.00	\$15,000.00	0.0%	None to date
TOTAL OPERATING REVENUE		\$22,805,200.00	\$409,698.44	\$55,292.83	\$464,991.27	\$22,340,208.73	2.04%	
		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	Reserve Account
TOTAL OPERATING REVENUE		\$22,805,200.00	\$409,698.44	\$55,292.83	\$464,991.27	\$22,340,208.73	2.04%	

FDVK#DFFRXQW#VXPPDU

Date	Operating Fund	Replacement Fund	Comingled Fund	Cal Bank Trust Acct	Loan Balance with interest *	Net Cash
FY 2019-20 Balance	\$18,718,534.78	\$2,700,000.00	\$16,018,534.78	\$632,243.62	\$180,632.21	\$19,350,778.40
July 31, 2020	\$15,091,707.04	\$3,000,000.00	\$12,091,707.04	\$638,170.27	\$180,676.58	\$15,910,553.89
August 31, 2020	\$14,180,940.69	\$3,000,000.00	\$11,180,940.69	\$648,776.35	\$180,712.33	\$15,010,429.37
September 30, 2020	\$13,711,877.70	\$3,000,000.00	\$10,711,877.70	\$656,635.22	\$180,718.25	\$14,549,231.17
October 31, 2020	\$10,142,271.46	\$3,000,000.00	\$7,142,271.46	\$668,309.14	\$180,724.18	\$10,991,304.78

FOR CAL BANK SUMMARY, SEE ATTACHED DETAIL.

CALIFORNIA BANK AND TRUST ACCOUNT SUMMARY AS OF 10/31/2020

Cal Bank Activities				Total Interest	Interest prorated to Loan Balance	Loan Balance w/Interest	Interest prorated to \$600K District Saving	District portion of saving balance	Total Savings balance	Checking Acct Balance	TOTAL AT CAL BANK
No.	Whom	Date	Check Amount			\$10,000,000.00			\$10,000,000.00		\$10,000,000.00
101	San Jose	10/16/2019	\$2,180,309.00			\$7,819,691.00			\$7,819,691.00		\$7,819,691.00
102	San Jose	10/16/2019	\$29,515.44			\$7,790,175.56			\$7,790,175.56		\$7,790,175.56
103	Tesco	11/20/2019	\$17,707.00			\$7,772,468.56			\$7,772,468.56		\$7,772,468.56
104	Shape	11/20/2019	\$108,814.78			\$7,663,653.78			\$7,663,653.78		\$7,663,653.78
105	Tesco	12/18/2019	\$169,018.00			\$7,494,635.78			\$7,494,635.78		\$7,494,635.78
106	Con Quest	12/18/2019	\$385,242.58	\$30,683.35	\$30,683.35	\$7,140,076.55			\$7,140,076.55		\$7,140,076.55
107	San Jose	1/15/2020	\$6,966,355.00			\$173,721.55			\$173,721.55		\$173,721.55
Interest through 3/31/20				\$6,823.36	\$6,823.36	\$180,544.91			\$180,544.91		\$180,544.91
Deposit 4/16/2020						\$180,544.91		\$600,000.00	\$780,544.91	\$2,996.28	\$783,541.19
Balance as of 5/30/2020				\$179.37	\$41.50	\$180,586.41	\$137.87	\$600,137.87	\$780,724.28	\$5,744.81	\$786,469.09
Balance as of 6/30/2020				\$197.98	\$45.80	\$180,632.21	\$152.18	\$600,290.05	\$780,922.26	\$31,953.57	\$812,875.83
Balance as of 7/31/2020				\$191.84	\$44.37	\$180,676.58	\$147.47	\$600,437.52	\$781,114.10	\$37,732.75	\$818,846.85
Balance as of 8/31/2020				\$154.53	\$35.74	\$180,712.33	\$118.79	\$600,556.30	\$781,268.63	\$48,220.05	\$829,488.68
Balance as of 9/30/2020				\$25.62	\$5.93	\$180,718.25	\$19.69	\$600,576.00	\$781,294.25	\$56,059.22	\$837,353.47
Balance as of 10/31/2020				\$25.62	\$5.93	\$180,724.18	\$19.69	\$600,595.69	\$781,319.87	\$67,713.45	\$849,033.32
TOTAL OR BALANCE AMOUNT				\$9,856,961.80	\$38,281.67	\$37,685.98	\$595.69	\$600,595.69	\$781,319.87	\$67,713.45	\$849,033.32

**CUPERTINO SANITARY DISTRICT
WARRANTS PAYABLE - November 11, 2020**

<u>WARRANT NUMBER</u>	<u>FUND</u>	<u>AMOUNT</u>	<u>PAYEE</u>	<u>DESCRIPTION</u>	
N/A	M&O	\$ 53.46	CalBank Credit Card Processing Fees	Operating Exp. - Credit Card Processing Fees	
N/A	M&O	\$ 2,631.64	ADP	Directors' Salary	
19007	M&O	\$ 352,995.72	Mark Thomas	Office Rent	400.00
				Utilities	1,052.70
				District Sewer Capital & Support	360.50
				Plan Checking & Inspection	17,940.19
				Management Services	72,278.19
				Engineering Services	103,330.46
				Repairs	12,516.25
				Maintenance	139,938.43
				Emergency Funds	5,179.00
19008	M&O	\$ 4,473.00	Atkinson Farasyn LLP	Legal - District Counsel (October services)	
19009	M&O	\$ 86,535.56	Hunton Andrews	CIG/Tribs - September (CuSD Advance Pay)	67,497.74
				CIG/Tribs - September (CuSD Share)	19,037.82
19010	M&O	\$ 994.74	Dooley Insurance Services	Insurance - Group Life & Dental	
19011	M&O	\$ 192.00	CWEA	Memberships	
19012	M&O	\$ 17,100.00	CASA	Memberships	
19013	M&O	\$ 51.58	City of Santa Clara Utilities	Utilities	
19014	M&O	\$ 5,321.04	PG&E	Utilities	
19015	M&O	\$ 108.52	San Jose Water Company	Utilities	
19016	M&O	\$ 846,908.54	City of San Jose	Outfall Maintenance	46,535.89
				Outfall Capital	800,372.65
19017	M&O	\$ 1,055,663.00	City of Santa Clara	Outfall Capital	
19018	M&O	\$ 41,600.00	Conquest	Repairs - Laterals (various locations)	
19019	M&O	\$ 208.35	Home Depot	Maintenance	
19020	M&O	\$ 352.78	Grainger	Maintenance	
19021	M&O	\$ 1,585.00	Jose Silva Gardening	Maintenance	
19022	M&O	\$ 2,628.59	Aqua Natural	Maintenance	
19023	M&O	\$ 13,365.00	Roto-Rooter	Maintenance	
19024	M&O	\$ 54,037.50	AB/JDD Plumbing Heating & AC	Maintenance	53,320.00
				Emergency	717.50
19025	M&O	\$ 60,946.39	Able Underground Construction	Maintenance	55,175.18
				Emergency	5,771.21
TOTAL WARRANTS		\$ 2,547,752.41			

EMERGENCY DETAILS:

AB/JDD Plumbing - three emergencies this month

Able - three emergencies this month

Roto-Rooter - no emergencies this month

CONTRACT FOR LEGAL SERVICES

CUPERTINO SANITARY DISTRICT, a public agency of the State of California (hereinafter referred to as “District”), and **MARC G. HYNES and ARMENTO AND HYNES, LLP**, hereby agree as follows:

1. **Retention as General Counsel:** District desires to retain the services of Marc G. Hynes and the law firm of which he is a partner, Armento and Hynes, LLP, as general counsel for the District effective December 1, 2020, and continuing until either party gives notice of termination in writing to the other. Marc G. Hynes shall serve as the lead District Counsel and Valerie J. Armento shall be available to provide back-up services as may be necessary.

2. **Basic Services:** General Counsel shall be paid One Hundred Eighty Dollars (\$180.00) per hour for basic services, which shall include all of the following:

- (a) Attendance at all regular and special meetings of the Board of Directors unless excused for good cause by the President of the Board, or the General Manager of the District, or his assistant when he is unavailable.
- (b) Telephone consultation, advice and opinions;
- (c) Review and preparation for meetings and travel to and from said meeting.

3. **Extended and Litigation Services:** General Counsel and such members of his firm as he deems appropriate shall defend the District and its Board, officers, agents and employees in any and all litigation arising out of their association with the District and their activities on behalf of the District.

The term “litigation” includes examination of pleadings, files and records, conversations with Board or District personnel or third parties with respect to matters relating to actual or prospective litigation in any court of this state or the United States District Court, or any administrative tribunal of the State of California or the United States, including without limitation the Environmental Protection Agency and the California Regional Water Quality Control Board, the State Water Quality Board and any other similar agency.

The term “litigation” also includes matters initiated by the District at the request of a majority of the Board of any type or nature.

The term litigation does not include Workers’ Compensation or matters which are covered by insurance or a public agency liability pool except to the extent of determining eligibility for defense or coverage.

Our services do not include the practice of securities law, including serving as bond counsel, although we do perform services in the formation of assessment districts not leading to the issuance of bonds and other types of revenue and taxation measures of all kinds and we would expect to be involved in the review of outside counsel and consultants in the securities issuance process.

4. **Counsel's Insurance Coverage:** The firm Armento and Hynes, LLP, maintains coverage under an attorney's malpractice insurance program and will continue to do so during the term of this Agreement, or give notice to the District that it has ceased to carry such coverage.

5. **Termination of Agreement:** District may terminate this Agreement upon giving thirty (30) days' notice in writing, delivered by U.S. Mail or facsimile to General Counsel at his office at 563 South Murphy Avenue, Sunnyvale, CA 94086. General Counsel may terminate this Agreement upon sixty (60) days' notice, in writing, to District delivered to the District offices by U.S. Mail or facsimile at 20863 Stevens Creek Boulevard, Suite 100, Cupertino, CA 95014.

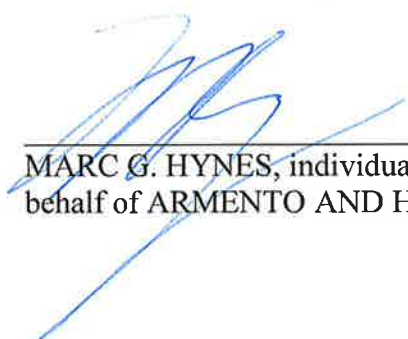
Upon termination, General Counsel shall turn over to District or to successor counsel files, records, and all pending matters which will need attention by successor counsel. Surrender of such information shall be conditioned upon District furnishing to General Counsel a written document relieving counsel from all further responsibility with respect to such pending matters from and after the date of execution thereof.

WHEREFORE, the parties hereto have executed this Agreement, effective as of December 1, 2020.

CUPERTINO SANITARY DISTRICT

By: _____
President

Attest: _____
Secretary



MARC G. HYNES, individually and on
behalf of ARMENTO AND HYNES, LLP

SSOs

Start Date	Location	Cause of SSO	Cat	Main/Lat	Spill Volume (Gal)	Spill Recovered (Gal)	Volume of Wash Water Used (Gal)
10/13/2020	7375 Rollingdell Dr, Cup	Rags & grease	3	Lat	387	387	300

PLSDs (Private Lateral Sewage Discharge)

Start Date	Location	Cause of PLSD	Main/Lat	Spill Volume (Gal)	Spill Recovered (Gal)	Volume of Wash Water Used (Gal)
10/21/2020	20812 Elenda Dr, Cup	Debris	Lat	unknown		500
10/31/2020	11566 Upland Ct, Cup	offset	Lat	unknown		400

Emergency Calls - Causes

Call Rec'd Business Hours	# of Calls	Call Rec'd After Hours	# of Calls	Call Rec'd Weekend	# of Calls
Root Intrusion	1	Root Intrusion	2	Root Intrusion	0
Onsite	2	Onsite	1	Onsite	1
Offset	1	Offset	0	Offset	1
Debris	1	Debris	0	Debris	0
Grease	1	Others	2	Others	1
Pump Station	0	Pump Station	1	Pump Station	0
Total:	6	Total:	6	Total:	3

Repairs

Address	Main/Lat	Description of Work
Prospect Rd T-198 - T-199	Main	Spot repair of 6' of 8" VCP w/SDR-26 at 95' from USMHT-199
21530 Stevens Creek Blvd	Lat	Repaired offset 45' from PLCO, remove & replace 6' of 4" VCP w/SDR-26 in front of 76 Gas Station
1149 Hollyhead Ln	Lat	Repaired large offset w/sag , remove & replace 8' of 4" VCP from POC to offset w/SDR-26
10645 Santa Lucia Rd	Lat	Repaired offset at 39.5' from PLCO, remove & replace 6' of 4" VCP w/SDR-26
Various locations	Manhole	Manhole frame & cover adjustment to manhole T-679 at Mt Eden & 3 manholes around Via Regina Pump Station

Mainline Maintenance

Size of Pipe	4"	6"	8"	10"	12"	14"	15"	16"	18"	> 20"	Total	FY2020-21 YTD	FY2020-21 Annual Schedule	% Complete (YTD/Annual Schedule)
Mainline Cleaning (ft)	35	65,324	46,543	8,344	65	0	0	0	0	0	120,311	495,752	987,432	50%
Easement Cleaning (ft)	0	6,114	7,084	1,151	0	0	0	0	0	0	14,349	79,988	159,062	50%
CCTV (ft)	0	6,920	9,567	402	0	0	0	0	0	0	16,889	49,414	207,880	24%

Lateral Maintenance

Activity	# of Laterals	FY2020-21 YTD	FY2020-21 Annual schedule	% Complete (YTD/Annual schedule)
Cleaning	405	1,662	4,247	39%
CCTV	8	48		
Inspection	19	78		

FOG Inspection - Limited due to Restaurant closures (COVID -19)

	# of Inspections	YTD FY2020-21	FY2020-21 Annual Schedule	% Complete (YTD/Annual schedule)
Performed	30	103		
Completed	23	78	283	28%
Follow up Needed	4			