

**CUPERTINO SANITARY DISTRICT
SANITARY BOARD MEETING
WEDNESDAY, DECEMBER 2, 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. PUBLIC COMMENTS

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.

3. 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.

4. MINUTES

- A. APPROVAL OF THE MINUTES OF NOVEMBER 18, 2020
- B. APPROVED MINUTES OF NOVEMBER 4, 2020

5. CORRESPONDENCE

NONE

**CUPERTINO SANITARY DISTRICT
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6. MEETINGS

- A. TELECONFERENCE MEETING OF THE SAN JOSE/SANTA CLARA TREATMENT PLANT TECHNICAL ADVISORY COMMITTEE (TAC) TO BE HELD DECEMBER 7, 2020 (EXPECTED TO BE CANCELLED)
- B. TELECONFERENCE MEETING OF THE SANTA CLARA COUNTY SPECIAL DISTRICTS ASSOCIATION (SCCSDA) TO BE HELD DECEMBER 7, 2020
- C. THE REGULAR MEETING OF THE SAN JOSE/SANTA CLARA TREATMENT PLANT ADVISORY COMMITTEE (TPAC) TO BE HELD ON DECEMBER 10, 2020 (EXPECTED TO BE CANCELLED)

7. REPORTS

NONE

8. UNFINISHED BUSINESS

- A. COVID-19 UPDATES

9. NEW BUSINESS

- A. RATE STUDY WORKSHOP #4 – SPECIAL ZONE ASSESSMENT
- B. CSDA MEMBERSHIP RENEWAL CONSIDERATION

10. STAFF REPORT

- A. VIA REGINA SAFETY IMPROVEMENTS
- B. VALLCO

11. CALENDAR ITEMS

- A. NEXT REGULAR DISTRICT BOARD MEETING IS SCHEDULED TO BE HELD ON WEDNESDAY, DECEMBER 16, 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 and 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	8	9	10 TPAC	11	12
	14 SCCSDA	15	16 2 nd Regular Meeting	17	18	19
20	21	22	23	24	25	26
27	28	29	30	<i>Merry Christmas</i> 		

JANUARY 2021

- 01/06: 1st Regular Meeting
- 01/12: TAC
- 01/14: TPAC
- 01/20: 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	12 TAC	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 18, 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 & BILLS:

A. On a motion by Director Saadati, seconded by Director Gatto, by a vote of 5-0-0 the minutes of Wednesday, November 4, 2020 were approved.

B. By consensus, the Minutes of Wednesday, October 21, 2020 are to be Noted & Filed.

C. The Board reviewed November payable warrants and financial statement.

Manager Porter provided history on the invoices and payments for the Joint Use Agreement with the City of San Jose. Manager Porter described the billing for the City of Santa Clara joint use.

On a motion by Director Gatto, seconded by Director Bosworth, by a vote of 5-0-0, the financial statement and payment of bills were approved.

D. Board members will submit their timesheets electronically.

3. PERSONAL PRESENTATIONS:

There were none.

4. CORRESPONDENCE:

There was none.

5. MEETINGS:

There were none.

CUPERTINO SANITARY DISTRICT BOARD MEETING
WEDNESDAY, NOVEMBER 18, 2020

6. REPORTS:

- A. Manager Porter reported on the teleconference meeting of The San Jose/Santa Clara Treatment Plant Technical Advisory Committee (TAC) held November 9, 2020.
- B. Director Gatto reported on the teleconference meeting of The San Jose/Santa Clara Treatment Plant Advisory Committee (TPAC) held November 12, 2020.

7. UNFINISHED BUSINESS:

- A. Manager Porter reported on COVID-19 updates. Governor has rolled back openings of businesses and restaurants. District continues to work safely and provide essential services to our ratepayers.

8. NEW BUSINESS:

- A. The Board reviewed the General Counsel Contract for Legal Services. On a motion by Director Gatto, seconded by Director Bosworth, by a vote of 5-0-0, the contract was approved as written.

9. STAFF REPORTS:

- A. Manager Porter reported on future development projects.

Vallco Development – District staff plans to meet with Vallco soon to discuss concerns on proposed bypass pumping plan and options for accommodating future flows from Vallco into the CuSD sewer system.

- B. Manager Porter reported on Via Regina Safety Improvements. Trench rehabilitation to finish the improvements was scheduled for this week but was postponed due to rain.
- C. Manager Porter reported on The Forum. Final inspection of the improvements is ongoing. Installer's agreement will follow the final inspection.
- D. Manager Porter reported on the Flume Metering Station Calibration. A proposal was received from V&A Consulting Engineers; calibration is to proceed next month.
- E. Manager Porter reported on the Monthly Maintenance Report.

10. CLOSED SESSION:

President Chen adjourned the regular meeting session and opened the closed session at 8:00 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.

CUPERTINO SANITARY DISTRICT BOARD MEETING
WEDNESDAY, NOVEMBER 18, 2020

Closed session was adjourned at 9:20 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.

11. NEXT MEETING:

The next regular District Board meeting is scheduled to be held on Wednesday, December 2, 2020.

12. ADJOURNMENT:

On a motion properly made and seconded, at 9:22 p.m. the meeting was adjourned.

Secretary of the Sanitary Board

President of the Sanitary Board

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, if approved by the Board, 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:

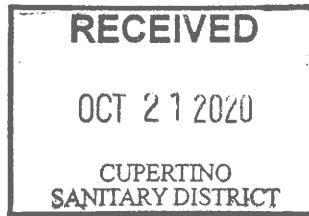
On a motion properly made and seconded, at 8:58 p.m. the meeting was adjourned.

Secretary of the Sanitary Board

President of the Sanitary Board



**California Special
Districts Association**
Districts Stronger Together



California Special Districts Association
1112 I Street, Suite 200
Sacramento, CA 95814
Phone: 877.924.2732 Fax: 916.520.2470
www.csda.net

2021 CSDA MEMBERSHIP RENEWAL

To:

Cupertino Sanitary District
20863 Stevens Creek Boulevard, Suite 100
Cupertino, CA 95014-2154

Membership ID: 425

Issue Date October 1, 2020

Due Date: December 31, 2020

RM-Regular Member	\$7,805.00
Optional Purchases	
\$25 2021 Required State & Federal Labor Law Poster	\$
New Member Benefit! Participants receive CSDA Administrative Salary and Benefits Survey results FREE!	NOW FREE FOR CSDA MEMBERS!
\$225 CSDA Sample Policy Handbook	\$
Total	\$
PAYMENT	
Account Name:	Account Number:
Expiration Date	Auth Signature

Please return this form with payment to CSDA Member Services, 1112 I Street, Suite 200, Sacramento, CA 95814, fax: 916.520.2470. To pay by ACH, please contact membership@csda.net.

OBRA 1993 prohibits taxpayers from deducting, for federal income tax purposes, the portion of membership dues that are allocable to the lobbying activities of trade organizations. The nondeductible portion of your dues is estimated to be 8%. To view dues categories, please visit the CSDA transparency page at www.csda.net

Thank you for being a CSDA Member!



**SPECIAL DISTRICT
LEADERSHIP FOUNDATION**

YOUR DONATION HELPS TO SUPPORT SDLF'S PROGRAMS AND SCHOLARSHIPS

The Special District Leadership Foundation (SDLF) provides all types of California Special Districts with the opportunity for their board members and staff to receive the education needed to become well-trained, knowledgeable decision-makers that engage the public through a transparent process. SDLF programs also promote and recognize excellence in the governance and management of special districts.

Your donation can help prepare the next generation of special district leaders.

Please Consider Donating		
<input type="checkbox"/> \$25.00	<input type="checkbox"/> \$50.00	<input type="checkbox"/> \$75.00 <input type="checkbox"/> \$100.00
Other Amount: \$		
Name:		
Address:		
City:	State:	Zip:
Email:		
Payment Information		
Name:		
Credit Card #:	Exp. Date:	3-Digit Security Code:
Signature:	Date:	
DONATIONS CAN ALSO BE MADE AT WWW.SDLF.ORG.		

1112 I Street, Suite 200
Sacramento California 95814
Phone: 916-231-2939 Fax: 916-520-2469



SDLF is a not-for-profit, 501c3 organization. Your donation may be tax deductible.

COMING SOON

2021

new member benefits



California Special Districts Association
Districts Stronger Together

FREE WEBINARS

ALL WEBINARS FREE FOR CSDA MEMBERS – UNLIMITED!

Once your membership renewal has been received, beginning in January 2021 you, your agency board members, and staff can start accessing FREE, live, and on-demand webinars all year long!

VALUE=\$99 PER WEBINAR/PER PERSON.

FREE SALARY SURVEY

SALARY SURVEY FREE FOR CSDA MEMBERS!

The CSDA Administrative Salary & Benefits Survey and access to all online results is moving from a paid subscription service to FREE for all CSDA Members. Just participate in the survey and your district will have access to data from hundreds of districts!

VALUE=\$475 ANNUALLY
 RESULTS FOR FISCAL YEAR 2019/2020 WILL BE AVAILABLE IN EARLY 2021.

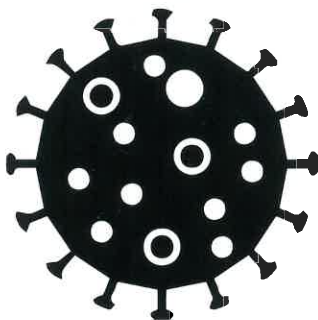
FREE ACCESS FOR ALL

CSDA BENEFITS ARE AVAILABLE TO ALL DISTRICT STAFF AND BOARD MEMBERS!

Get your staff and board members engaged and signed up to receive critical information from CSDA. All CSDA member benefits are available to your entire district's staff and board members.

CONTACT CSDA AT MEMBERSHIP@CSDA.NET TO ADD INDIVIDUALS AND/OR UPDATE YOUR DISTRICT'S ROSTER.

CSDA'S 2020 RESPONSE TO COVID-19



QUICK RESPONSE TO THE PANDEMIC

- Activated & led the National Special Districts Coalition (NSDC)
- H.R. 7073 & S.4308 - Coordinated the introduction of 2 special district specific federal bills to provide districts with relief funding
- Worked to develop & propose a first-ever federal definition for special districts
- Developed numerous materials to assist members in navigating local, state, and federal directives
- Regular communications to keep CSDA Members informed



13 webinars added specific to COVID response



COVID-19 Online Community developed to provide real-time information to members



Activated & led the National Special Districts Coalition (NSDC) efforts that would secure relief funding for special districts.



330+

Take Action letters sent on federal legislation.



Outreach & briefings to 53+ CA congressional offices



78+ coalition partners nationwide in support of efforts



COVID RESOURCE PAGE DEVELOPED ON CSDA.NET

- Guidance
- Timely information
- Input and surveys
- Take Action requests

CSDA'S 2020 HIGHLIGHTS

56+ JOINED CSDA
IN 2020

1,250 + organizations using
member services



Chat online with CSDA
Member Services
Representatives added
at csda.net



MEMBER RESOURCES

AllPaid: Save \$ on payment processing

**Propositions 26 & 218 Guide
for Special Districts**

About Special Districts awareness
guide developed



BUSINESS AFFILIATES

DIAMOND LEVEL

- CSDA Finance Corporation
- Special District Risk Management Authority

PLATINUM LEVEL

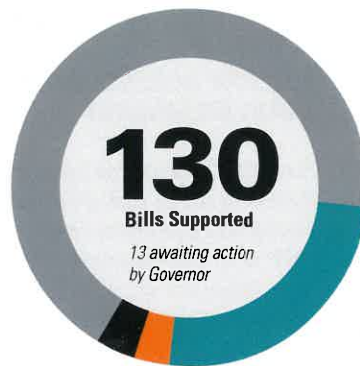
- Atkinson, Andelson, Loya, Ruud & Romo
- Best Best & Krieger
- Liebert Cassidy Whitmore
- Richard Watson Gershon
- Umpqua Bank

REPRESENTING MEMBERS IN THE CAPITOL

CSDA ADVOCACY ACTIVITY: 2019-2020 LEGISLATIVE CYCLE

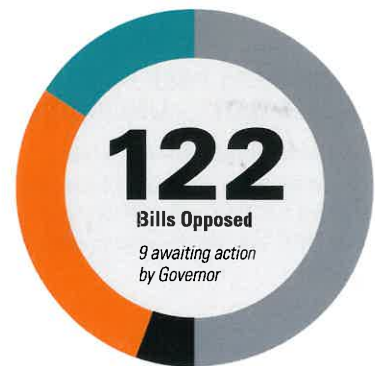
5,400+
BILLS REVIEWED

- Actively tracked 1,456 bills
- Directly lobbied 252 bills



BILLS SUPPORTED

- 32 – Signed into law
- 5 – Amended to remove support
- 5 – Vetoed
- 75 – Failed passage



BILLS OPPOSED

- 15 – Signed into law
- 26 – Amended to remove opposition
- 7 – Vetoed
- 65 – Failed passage

SB 931

STOPPED NEW BOARD
AGENDA MANDATE

AB 2093

BLOCKED COSTLY
TWO-YEAR E-MAIL
RETENTION MANDATE



2020 ADVOCACY ACCOMPLISHMENTS

- Sponsored Reinstatement of Short-Term District Loan Option (AB 2107)
- Secured Special District Eligibility for \$50 Million Fund to Prepare for Public Safety Power Shutoffs (SB 74)
- Secured Amendment to Allow Business to Business Exemption from AB 5 for Districts Using Independent Contractors (AB 2257)
- Defeated Effort to Eviscerate Association-Related Resources for Public Agencies (AB 315)

PROTECTED
DEVELOPMENT
IMPACT FEE
REVENUES

10+
BILLS

15

REPRESENTING DISTRICTS IN THE COURTS

Actively tracked 15 cases in state and federal appellate courts involving legal issues with an impact on special districts.

CSDA seeks desired legal outcomes for special districts by filing amicus or "friend-of-the court" briefs in these cases of interest:

- 4 briefs filed on behalf of special districts as of September 2020
- 4 pending for filing by year end

TAKING ACTION & ENGAGING MEMBERS

- 240 average district position letters on CSDA Calls-to-Action
- 600 individual special districts visits
- 40+ chapter meetings
- Met with 60+ legislative district offices and 40 LAFCO offices



SB 1431 PREVENTED PROPERTY TAX
POSTPONEMENT EXECUTIVE
ORDER AND COVID-19 VALUE
REASSESSMENT

2 new
AFFILIATED CHAPTERS



DELIVERING ESSENTIAL INFORMATION & EDUCATION

16+



16+ workshops
transitioned from
in-person to
online education

220+

Attendees at Virtual
Special Districts
Legislative Days

18

Business Affiliate Members

Developed 18
'Exhibitor Series'
webinars connecting
districts with CSDA



DISTRICT STAFF
AND BOARD
MEMBERS