

**CUPERTINO SANITARY DISTRICT  
SANITARY BOARD MEETING  
WEDNESDAY, DECEMBER 15, 2021**

**AGENDA**

**The meeting will 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. 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.

**3. 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.

**4. 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.
  
- 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 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.

**5. MINUTES & BILLS**

- A. APPROVAL OF THE MINUTES OF NOVEMBER 17, 2021
  
- B. APPROVED MINUTES OF NOVEMBER 3, 2021
  
- C. PAYMENT OF BILLS AND APPROVAL OF FINANCIAL STATEMENT
  
- D. DIRECTOR'S MONTHLY TIMESHEETS

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**6. CORRESPONDENCE**

- A. CITY OF SAN JOSE – ANNUAL O&M COST ALLOCATION AND DISCHARGE REVIEW

**7. MEETINGS**

NONE

**8. REPORTS**

- A. TELECONFERENCE MEETING OF THE SAN JOSE/SANTA CLARA TREATMENT PLANT ADVISORY COMMITTEE (TPAC) HELD NOVEMBER 18, 2021
- B. SANTA CLARA COUNTY SPECIAL DISTRICTS ASSOCIATION REGULAR MEETING HELD DECEMBER 6, 2021
- C. TELECONFERENCE MEETING OF THE SAN JOSE/SANTA CLARA TREATMENT PLANT TECHNICAL ADVISORY COMMITTEE (TAC) SCHEDULED FOR DECEMBER 6, 2021 WAS CANCELED
- D. TELECONFERENCE MEETING OF THE SAN JOSE/SANTA CLARA TREATMENT PLANT ADVISORY COMMITTEE (TPAC) SCHEDULED FOR DECEMBER 9, 2021 WAS CANCELED

**9. UNFINISHED BUSINESS**

- A. COVID-19 UPDATES

**10. NEW BUSINESS**

- A. ELECTION OF OFFICERS
- B. SEWER USE ORDINANCE UPDATE
- C. DISTRICT UNIFORM HATS

**11. STAFF REPORT**

- A. FUTURE DEVELOPMENT PROJECTS
- B. PEAK FLOW REDUCTION PROGRAM
  - 1. V&A Consulting Engineering - Amendment No. 1 for Flow Monitoring Services
- C. CASA ANNUAL WINTER CONFERENCE
- D. MONTHLY MAINTENANCE REPORT

**12. CALENDAR ITEMS**

- A. NEXT REGULAR DISTRICT BOARD MEETING IS SCHEDULED TO BE HELD ON WEDNESDAY, JANUARY 5, 2022

**13. ADJOURNMENT**

CUPERTINO SANITARY DISTRICT BOARD MEETING  
WEDNESDAY, NOVEMBER 17, 2021

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. 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 Director Gatto, seconded by Director Bosworth, by a vote of 5-0-0 the Board approved.

2. ROLL CALL:

President Saadati 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, John M. Gatto, and Patrick S. Kwok.

Staff present: District Manager Benjamin Porter, Deputy District Manager Robert Woodhouse, Senior Sanitary Engineer Vani Kathula, and Counsel Marc Hynes.

District Consultant: Richard Tanaka

Public: None

3. PUBLIC COMMENTS:

There were none.

4. CLOSED SESSION:

President Saadati adjourned the regular meeting session and opened the closed session at 7:02 p.m. Staff member Kathula was excused from 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 7:14 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 7:25 p.m. and the regular meeting was called to order. District Manager Porter, Deputy District Manager Woodhouse, and staff member Kathula rejoined the regular meeting.

5. MINUTES & BILLS:

- A. On a motion by Director Bosworth, seconded by Director Kwok, by a vote of 4-0-1 the minutes of Wednesday, November 3, 2021, were approved as written. Director Gatto abstained.
- B. By consensus, the Minutes of Wednesday, October 20, 2021, are to be Noted & Filed.
- C. The Board reviewed October payable warrants and financial statements. On a motion by Director Gatto, seconded by Director Kwok, by a vote of 5-0-0, the financial statement and payment of bills were approved as written.
- D. Board members will submit their November timesheets to Manager Porter.

6. CORRESPONDENCE:

There was none.

7. MEETINGS:

- A. Director Kwok plans to attend the teleconference meeting of The San Jose/Santa Clara Treatment Plant Advisory Committee (TPAC) to be held on November 18, 2021.

8. REPORTS:

- A. Manager Porter, Deputy Manager Woodhouse, and Staff Member Kathula reported on the teleconference meeting of The San Jose/Santa Clara Treatment Plant Technical Advisory Committee (TAC) held on November 15, 2021.

9. UNFINISHED BUSINESS:

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

CUPERTINO SANITARY DISTRICT BOARD MEETING  
WEDNESDAY, NOVEMBER 17, 2021

- B. The Board reviewed the I-280/Wolfe Road Sewer Relocation Agreement. Manager Porter described the status of the Wolfe Road Relocation project. District staff is working with Bennett Trenchless Engineers to determine the best alignment for a new joint use agreement with Caltrans. Manager Porter provided the summary of the agreement with Bennet Trenchless Engineers. On a motion by Director Gatto, seconded by Director Chen, by a vote of 5-0-0, the motion to approve the agreement with Bennett Trenchless Engineers in the total amount of \$125,200 was approved.

10. NEW BUSINESS:

- A. The Board reviewed the preliminary itinerary of the CASA Winter Conference to be held January 19-21, 2022, in Palm Springs, CA. The Board plan to attend and authorized attendance by two District staff.

11. STAFF REPORTS:

- A. Manager Porter reported on Future Development Projects. Staff is working with Vallco on their submittals so they can proceed with their make ready utilities work. Westport Cupertino has requested three separate installer's agreements. Staff is working with them to minimize the administration costs to the District.
- B. Manager Porter reported on the October Peak Flow Rate Measurement and presented a report on the peak flow measurements taken as a result of the October 24, 2021 storm event.
- C. Manager Porter reported on the monthly maintenance report and provided updates on SSOs, FOG and electrical improvements at pump station.

12. CALENDAR ITEMS:

- A. The next regular District Board meeting is scheduled to be held on Wednesday, December 1, 2021.
- B. The Board discussed Calendar Conflict: CASA Winter Conference coincides with 2nd regular Board Meeting on Wednesday, January 19, 2022. On a motion by Director Gatto, seconded by Director Kwok, by a vote of 5-0-0, the motion to re-schedule the 2nd regular meeting in January to Monday, January 17, 2022, was approved. The meeting will be held virtually.

13. ADJOURNMENT:

On a motion properly made and seconded, at 8:13 p.m. the meeting was adjourned.

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Secretary of the Sanitary Board

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President of the Sanitary Board

**Approved****CUPERTINO SANITARY DISTRICT BOARD MEETING  
WEDNESDAY, NOVEMBER 03, 2021**

The Sanitary Board of the Cupertino Sanitary District convened this date at 7:00 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 Saadati 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 notified Manager Porter that he would be absent. On motion by Director Bosworth motioned, seconded by President Saadati, by a vote of 4-0-0, the Board excused Director Gatto from the meeting.

Staff present: District Manager Benjamin Porter, Deputy District Manager Robert Woodhouse, Senior Sanitary Engineer Vani Kathula, and Counsel Marc Hynes.

District Consultant: Richard Tanaka

Public: None

AB361: 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 Director Bosworth, seconded by Director Saadati, by a vote of 4-0-0 the Board approved.

**2. PUBLIC COMMENTS:**

There were none.

**3. CLOSED SESSION:**

President Saadati adjourned the regular meeting session and opened the closed session at 7:06 p.m. Staff member Kathula was excused from 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 closed session at 7:08 p.m.

CUPERTINO SANITARY DISTRICT BOARD MEETING  
WEDNESDAY, NOVEMBER 03, 2021

- 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.

Closed session was adjourned at 7:16 p.m. and the regular meeting was called to order. District Manager Porter, Deputy District Manager Woodhouse, and staff member Kathula rejoined the regular meeting.

4. MINUTES:

- A. On a motion by Director Bosworth, seconded by Director Chen, by a vote of 4-0-0 the minutes of Wednesday, October 20, 2021, were approved.
- B. By consensus, the Minutes of Wednesday, October 6, 2021, are to be Noted & Filed.

5. CORRESPONDENCE:

There was none.

6. MEETINGS:

- A. Manager Porter and Staff member Kathula plan to attend the teleconference meeting of The San Jose/Santa Clara Treatment Plant Technical Advisory Committee (TAC) scheduled to be held on November 15, 2021.
- B. Director Kwok plans to attend the teleconference meeting of The San Jose/Santa Clara Treatment Plant Advisory Committee (TPAC) scheduled to be held on November 18, 2021.

7. REPORTS:

There were none.

8. UNFINISHED BUSINESS:

- A. Manager Porter reported on COVID-19 updates. Manager Porter suggested the Board discuss when they will consider face-to-face Board meetings in the future.
- B. Manager Porter reported on the San Jose Sewer Use Ordinance Revisions. Manager Porter is working with The City of San Jose on the sewer use ordinance revisions.
- C. The Board discussed the Sunnyvale Agreement. Manager Porter indicated that staff is working to finalize the agreement with the City of Sunnyvale.

CUPERTINO SANITARY DISTRICT BOARD MEETING  
WEDNESDAY, NOVEMBER 03, 2021

- D. The Board reviewed the final draft of the Annual Report. On motion by Director Bosworth, seconded by Director Chen, by a vote of 4-0-0, the Board approved the Annual Report.

9. NEW BUSINESS:

There was none.

10. STAFF REPORTS:

- A. Manager Porter reported on Claim of Tire Damage. On a motion by Director Bosworth, seconded by President Saadati, by a vote of 4-0-0 the Board approved the motion to deny the claim.

- B. Manager Porter and Deputy Manager Woodhouse reported on Future Development Projects.

Deputy Manager Woodhouse provided an update on the Vallco Make Ready Utilities. District staff has provided Vallco with comments on their submittals.

Manager Porter provided an update on the Westport project. Manager Porter will email the Draft Installers Agreement to Counsel Hynes for legal input.

- C. Manager Porter reported on Peak Flow Reduction and provided an update on the meeting staff had with the City of Santa Clara.

- D. Deputy Manager Woodhouse reported on the I-280/Wolfe Road Sewer Relocation and described the Wolfe Road sewer relocation alignment.

11. CALENDAR ITEMS:

- A. The next regular District Board meeting is scheduled to be held on Wednesday, November 17, 2021.

12. ADJOURNMENT:

On a motion properly made and seconded, at 7:48 p.m. the meeting was adjourned.

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Secretary of the Sanitary Board

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President of the Sanitary Board



**CUPERTINO SANITARY DISTRICT**  
**MONTHLY FINANCIAL REPORT THROUGH JUNE 2022**  
**(5th Month of Operations - 42% into FY Operations)**  
 FISCAL YEAR: July 1, 2021 to June 30, 2022

**EXPENSE SUMMARY REPORT**

Account Name	Account Number	BUDGET	Prior Expenses	Amount Payable	Total To Date Expenses	Remaining Balance	(#H{shqghgf Gdwh	Comments
<b>NOV SERVICES</b>								
<b>OPERATING EXPENSES</b>								
Loan Payments	41000	\$1,200,542	\$0.00	\$598,062.50	\$598,062.50	\$602,479.17	49.8%	Loan Repayment No. 4 (due date 1/15/2022)
Directors Fees	41030	\$38,000	\$11,546.90	\$2,384.68	\$13,931.58	\$24,068.42	36.7%	On Target
Gasoline, Oil & Fuel	41060	\$3,000	\$0.00	\$0.00	\$0.00	\$3,000.00	0.0%	None to date
Insurance	41060	\$170,000	\$13,597.28	\$992.08	\$14,589.36	\$155,410.64	8.6%	Dooley Insurance (Group Life and Dental - January 2022 Coverage)
Memberships	41080	\$57,000	\$16,868.03	\$17,580.00	\$34,448.03	\$22,551.97	60.4%	CASA Membership Renewal through 12/31/2022; CWEA Membership for Inspectors
Office Rent	41090	\$4,800	\$1,600.00	\$400.00	\$2,000.00	\$2,800.00	41.7%	On Target
Operating Expenses	41100	\$3,000	\$1,126.29	\$0.00	\$1,126.29	\$1,873.71	37.5%	None this month
Operating Expenses - Credit Card Transaction Fees	41100-1	\$6,000	\$1,491.81	\$492.67	\$1,984.48	\$4,015.52	33.1%	Credit Card Processing Fees - November
<b>Contractual Services:</b>								
Outfall Maintenance	41113	\$71,000	\$46,535.89	\$0.00	\$46,535.89	\$24,464.11	65.5%	None this month
T.P. Oper. & Maint.	41114	\$6,675,375	\$3,337,688.00	\$0.00	\$3,337,688.00	\$3,337,687.00	50.0%	None this month
<b>Professional Services:</b>								
Management Services	41121	\$550,000	\$166,964.07	\$43,531.66	\$210,495.73	\$339,504.27	38.3%	On Target
SSMP Certification and Implementation	41121	\$100,000	\$1,390.60	\$0.00	\$1,390.60	\$98,609.40	1.4%	On Target
Engineering Services	41122	\$1,300,000	\$431,481.16	\$70,444.13	\$501,925.29	\$798,074.71	38.6%	On Target
Inflow/Infiltration Reduction	41122	\$500,000	\$253,807.02	\$10,295.81	\$264,102.83	\$235,897.17	52.8%	Peak flow reduction program
Plan Ckg. & Insp.	41123	\$300,000	\$53,447.59	\$12,894.81	\$66,342.40	\$233,657.60	22.1%	On Target
Legal - Consultant Services	41124	\$36,000	\$12,100.00	\$2,300.00	\$14,400.00	\$21,600.00	40.0%	Richard Tanaka - Consulting Services for November 2021
Legal - District Counsel	41124	\$60,000	\$11,574.00	\$2,043.00	\$13,617.00	\$46,383.00	22.7%	November Legal Services
Legal - Common Interest Group (CuSD Advance Pay)	41124	\$1,014,000	\$370,278.82	\$99,632.08	\$469,910.90	\$544,089.10	46.3%	Hunton Andrews, LLP - October services
Legal - Common Interest Group (CuSD Share)	41124	\$286,000	\$104,437.62	\$28,101.36	\$132,538.98	\$153,461.02	46.3%	Hunton Andrews, LLP - October services
Audit	41125	\$12,000	\$0.00	\$0.00	\$0.00	\$12,000.00	0.0%	None to date
Printing & Publications	41130	\$28,000	\$0.00	\$0.00	\$0.00	\$28,000.00	0.0%	None to date
<b>Repair and Maintenance</b>								
Repairs	41150	\$450,000	\$68,939.97	\$1,119.26	\$70,059.23	\$379,940.77	15.6%	On target
Maintenance	41151	\$3,450,000	\$1,115,938.99	\$230,969.62	\$1,346,908.61	\$2,103,091.39	39.0%	On target
Travel & Meetings Staff	41170	\$15,000	\$992.50	\$0.00	\$992.50	\$14,007.50	6.6%	None this month
Travel & Meetings BOD	41170	\$18,000	\$4,911.99	\$0.00	\$4,911.99	\$13,088.01	27.3%	None this month
Utilities	41190	\$70,000	\$20,978.72	\$5,258.89	\$26,237.61	\$43,762.39	37.5%	On target
<b>Refunds &amp; Reimbursements:</b>								
Miscellaneous	41201	\$50,000	\$75.00	\$0.00	\$75.00	\$49,925.00	0.2%	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	\$400.00	\$0.00	\$400.00	\$2,600.00	13.3%	None this month
Emergency Funds	48000	\$250,000	\$37,145.83	\$8,002.48	\$45,148.31	\$204,851.69	18.1%	Inspector call outs and one emergency from AB/JDD billing
Consolidated Election	48001	\$0	\$0.00	\$0.00	\$0.00	\$0.00	0.0%	None this Fiscal Year
<b>TOTAL OPERATING EXPENSES</b>		<b>\$16,722,717</b>	<b>\$6,085,318.08</b>	<b>\$1,134,505.03</b>	<b>\$7,219,823.11</b>	<b>\$9,502,893.56</b>	<b>43.2%</b>	
<b>CAPITAL EXPENSES</b>								
District Sewer Capital & Support	46041	\$1,000,000	\$92,916.85	\$23,973.46	\$116,890.31	\$883,109.69	11.7%	I-280/Wolfe Road Sewer Relocation; Bennett Trenchless Engineers - Payment No.1
Treatment Plant Capital	46042	\$8,430,221	\$6,388,255.00	\$0.00	\$6,388,255.00	\$2,041,966.00	75.8%	None this month
Outfall Capital	46042	\$1,095,045	\$96,500.95	\$0.00	\$96,500.95	\$998,544.05	8.8%	None this month
District Equipment	46043	\$150,000	\$21,177.74	\$27,332.82	\$48,510.56	\$101,489.44	32.3%	Rebuild Pumps for Homestead 1 Pump Station; New pump for Tantau Pump Station
Replacement Fund	46044	\$300,000	\$0.00	\$0.00	\$0.00	\$300,000.00	0.0%	
<b>TOTAL CAPITAL EXPENSES</b>		<b>\$10,975,266</b>	<b>\$6,598,850.54</b>	<b>\$51,306.28</b>	<b>\$6,650,156.82</b>	<b>\$4,325,109.18</b>	<b>60.6%</b>	
<b>TOTAL EXPENSES</b>		<b>\$27,697,983</b>	<b>\$12,684,168.62</b>	<b>\$1,185,811.31</b>	<b>\$13,869,979.93</b>	<b>\$13,828,002.74</b>	<b>50.1%</b>	

**CUPERTINO SANITARY DISTRICT**  
**MONTHLY FINANCIAL REPORT THROUGH JUNE 2022**  
**(5th Month of Operations - 42% into FY Operations)**  
 FISCAL YEAR: July 1, 2021 to June 30, 2022

**REVENUE SUMMARY REPORT**

Account Name	Account Number	BUDGET	Prior Receipts	Current Month Receipts Nov Receipts	Total Amount Received	Remaining Balance to Collect	% Earned To Date	Comments
<b>OPERATING REVENUES</b>								
Service Charges								
Handbilling	31010	\$574,901.00	\$0.00	\$0.00	\$0.00	\$574,901.00	0.0%	None to date
Tax Roll	31010	\$18,647,000.00	\$0.00	\$0.00	\$0.00	\$18,647,000.00	0.0%	None to date
Permit Fees	31020	\$75,000.00	\$33,425.69	\$6,970.36	\$40,396.05	\$34,603.95	53.9%	Eighteen payments received this month; One hundred fourteen payments received to date
Connection Fees	31031	\$300,000.00	\$11,034.00	\$0.00	\$11,034.00	\$288,966.00	3.7%	None this month
Capacity Fees	31032	\$450,000.00	\$7,658.40	\$0.00	\$7,658.40	\$442,341.60	1.7%	None this month
Pump Zone Fees	31033	\$20,000.00	\$0.00	\$0.00	\$0.00	\$20,000.00	0.0%	None to date
Checking & Inspection Fees	31040	\$300,000.00	\$118,300.00	\$7,000.00	\$125,300.00	\$174,700.00	41.8%	Seventeen payments received this month; One hundred twenty-one 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	\$200,000.00	\$24,789.57	\$31,404.92	\$56,194.49	\$143,805.51	28.1%	Interest for Q1 FY21-22
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	\$1,014,000.00	\$502,978.99	\$127,343.74	\$630,322.73	\$383,677.27	62.2%	Received from WVSD, BSD, CSD2-3, and Milpitas (for July-September billings)
Legal - Common Interest Group (2% Admin Fees)	32902.2	\$14,000.00	\$3,056.58	\$2,546.87	\$5,603.45	\$8,396.55	40.0%	Received from WVSD, BSD, CSD2-3, and Milpitas (for July-September billings)
Refunds/Reimbursements - Misc.	32091	\$10,000.00	\$226.05	\$15,926.63	\$16,152.68	(\$6,152.68)	161.5%	Received from Kinsale Insurance Co. - claim settled on behalf of CA Utility Company
Lateral Construction	32093	\$15,000.00	\$0.00	\$0.00	\$0.00	\$15,000.00	0.0%	None to date
<b>TOTAL OPERATING REVENUE</b>		<b>\$22,122,401.00</b>	<b>\$701,469.28</b>	<b>\$191,192.52</b>	<b>\$892,661.80</b>	<b>\$21,229,739.20</b>	<b>4.04%</b>	
		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	Reserve Account
<b>TOTAL OPERATING REVENUE</b>		<b>\$22,122,401.00</b>	<b>\$701,469.28</b>	<b>\$191,192.52</b>	<b>\$892,661.80</b>	<b>\$21,229,739.20</b>	<b>4.04%</b>	

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Date	Operating Fund	Replacement Fund	Comingled Fund	Cal Bank Trust Acct	Loan Balance with interest *	Net Cash
FY 2020-21 Balance	\$18,598,059.22	\$3,000,000.00	\$15,598,059.22	\$1,258,050.65	\$1,107,662.04	\$20,963,771.91
July 31, 2021	\$16,183,910.31	\$3,000,000.00	\$13,183,910.31	\$1,279,650.78	\$1,107,680.25	\$18,571,241.34
August 31, 2021	\$14,986,161.40	\$3,000,000.00	\$11,986,161.40	\$1,290,446.39	\$1,107,699.67	\$17,384,307.46
September 30, 2021	\$14,443,648.98	\$3,000,000.00	\$11,443,648.98	\$1,304,802.28	\$1,107,717.88	\$16,856,169.14
October 31, 2021	\$7,230,651.61	\$3,000,000.00	\$4,230,651.61	\$634,797.93	\$1,058,707.83	\$8,924,157.37
November 30, 2021	\$6,675,264.04	\$3,000,000.00	\$3,675,264.04	\$647,886.30	\$1,058,726.40	\$8,381,876.74

FOR CAL BANK SUMMARY, SEE ATTACHED DETAIL.

## CALIFORNIA BANK AND TRUST ACCOUNT SUMMARY AS OF 11/30/2021

Cal Bank Activities				Total Interest Earned or Refund Received from CSJ	Interest or Refund Prorated to Loan Balance	Loan Balance w/Interest	Interest or Refund Prorated to \$600K District Savings	District Portion of Savings Balance	Total Savings balance	Checking Acct Balance (Credit Card Payments Received)	TOTAL AT CAL BANK
No.	Payee	Date	Check Amount			\$10,000,000.00			\$10,000,000.00		\$10,000,000.00
1001	San Jose	10/16/19	\$2,180,309.00			\$7,819,691.00			\$7,819,691.00		\$7,819,691.00
1002	San Jose	10/16/19	\$29,515.44			\$7,790,175.56			\$7,790,175.56		\$7,790,175.56
1003	Tesco	11/20/19	\$17,707.00			\$7,772,468.56			\$7,772,468.56		\$7,772,468.56
1004	Shape	11/20/19	\$108,814.78			\$7,663,653.78			\$7,663,653.78		\$7,663,653.78
1005	Tesco	12/18/19	\$169,018.00			\$7,494,635.78			\$7,494,635.78		\$7,494,635.78
1006	Con Quest	12/18/19	\$385,242.58	\$30,683.35	\$30,683.35	\$7,140,076.55			\$7,140,076.55		\$7,140,076.55
1007	San Jose	01/15/20	\$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						\$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
Balance as of 11/30/2020				\$26.47	\$6.12	\$180,730.30	\$20.35	\$600,616.04	\$781,346.34	\$80,097.89	\$861,444.23
Balance as of 12/31/2020				\$26.47	\$6.12	\$180,736.42	\$20.35	\$600,636.39	\$781,372.81	\$89,436.48	\$870,809.29
Balance as of 1/31/2021				\$24.83	\$5.74	\$180,742.17	\$19.09	\$600,655.47	\$781,397.64	\$99,672.14	\$881,069.78
Balance as of 2/28/2021				\$23.98	\$5.55	\$180,747.71	\$18.43	\$600,673.91	\$781,421.62	\$108,211.86	\$889,633.48
Balance as of 3/31/2021				\$28.26	\$6.54	\$180,754.25	\$21.72	\$600,695.63	\$781,449.88	\$121,953.35	\$903,403.23
Balance as of 4/30/2021				\$22.27	\$5.15	\$180,759.40	\$17.12	\$600,712.75	\$781,472.15	\$135,672.77	\$917,144.92
Balance as of 5/31/2021				\$11.99	\$2.77	\$180,762.18	\$9.22	\$600,721.96	\$781,484.14	\$153,926.10	\$935,410.24
Deposit - CSJ Refund				\$1,415,647.00	\$926,889.61	\$1,107,651.79	\$488,757.39	\$1,089,479.35	\$2,197,131.14		
Balance as of 6/30/2021				\$20.34	\$10.25	\$1,107,662.04	\$10.09	\$1,089,489.44	\$2,197,151.48	\$168,561.21	\$2,365,712.69
1008 Voided - CSJ											
Balance as of 7/31/2021				\$36.12	\$18.21	\$1,107,680.25	\$17.91	\$1,089,507.35	\$2,197,187.60	\$190,143.43	\$2,387,331.03
Balance as of 8/31/2021				\$38.53	\$19.42	\$1,107,699.67	\$19.11	\$1,089,526.46	\$2,197,226.13	\$200,919.93	\$2,398,146.06
Balance as of 9/30/2021				\$36.12	\$18.21	\$1,107,717.88	\$17.91	\$1,089,544.37	\$2,197,262.25	\$215,257.91	\$2,412,520.16
1009	Co-Mingled Fund	10/20/21	\$690,453.00				(\$480,000.00)	(\$480,000.00)		(\$210,453.00)	
1010	C2R Engineering	10/20/21	\$49,030.00			(\$49,030.00)					
Balance as of 10/20/2021						\$1,058,687.88		\$609,544.37	\$1,668,232.25	\$4,804.91	\$1,673,037.16
Balance as of 10/31/2021				\$31.44	\$19.95	\$1,058,707.83	\$11.49	\$609,555.86	\$1,668,263.69	\$25,242.07	\$1,693,505.76
Balance as of 11/30/2021				\$29.25	\$18.56	\$1,058,726.40	\$10.69	\$609,566.54	\$1,668,292.94	\$38,319.76	\$1,706,612.70
<b>TOTAL OR BALANCE AMOUNT</b>			<b>\$10,596,444.80</b>	<b>\$1,454,284.74</b>	<b>\$964,718.20</b>	<b>\$1,058,726.40</b>	<b>\$9,566.54</b>	<b>\$609,566.54</b>	<b>\$1,668,292.94</b>	<b>\$38,319.76</b>	<b>\$1,706,612.70</b>

**CUPERTINO SANITARY DISTRICT**  
**WARRANTS PAYABLE - December 15, 2021**

<u>WARRANT NUMBER</u>	<u>FUND</u>	<u>AMOUNT</u>	<u>PAYEE</u>	<u>DESCRIPTION</u>	
19273	M&O	\$ 598,062.50	Zions Bank (CalBank)	Loan Payments	
N/A	M&O	\$ 2,384.68	ADP	Directors' Salary	
19274	M&O	\$ 992.08	Dooley Insurance Services	Insurance - Group Life & Dental	
19275	M&O	\$ 17,100.00	CASA	Memberships	
19276	M&O	\$ 480.00	CWEA	Memberships	
N/A	M&O	\$ 492.67	CalBank Credit Card Processing Fees	Operating Exp. - Credit Card Processing Fees	
19277	M&O	\$ 276,402.02	Mark Thomas	Office Rent	400.00
				Management Services	43,531.66
				Engineering Services	70,444.13
				Peak Flow Reduction	10,295.81
				Plan Checking & Inspection	12,894.81
				Repairs	616.10
				Maintenance	114,954.62
				Utilities	1,052.70
				Emergency Funds	7,721.23
				District Sewer Capital & Support	14,490.96
19278	M&O	\$ 2,300.00	Richard K. Tanaka	Legal - Consultant Services	
19279	M&O	\$ 2,043.00	Armento & Hynes LLP	Legal - District Counsel	
19280	M&O	\$ 127,733.44	Hunton Andrews Kurth, LLP	Legal - CIG/Tribs (CuSD Advance Pay)	99,632.08
				Legal - CIG/Tribs (CuSD Share)	28,101.36
19281	M&O	\$ 503.16	St. Francis Electric	Repairs	
19282	M&O	\$ 1,310.88	Grainger	Maintenance	
19283	M&O	\$ 42.96	Home Depot	Maintenance	
19284	M&O	\$ 18,378.36	RotoRooter	Maintenance	
19285	M&O	\$ 55,905.30	Able Underground Construction	Maintenance	
19286	M&O	\$ 40,658.75	AB/JDD Plumbing Heating & AC	Maintenance	40,377.50
				Emergency	281.25
19287	M&O	\$ 66.02	City of Santa Clara Utilities	Utilities	
19288	M&O	\$ 4,140.17	PG&E	Utilities	
19289	M&O	\$ 9,482.50	Bennett Trenchless Engineers	District Sewer Capital & Support	
19290	M&O	\$ 19,027.32	Pan-Pacific Supply	District Equipment	
19291	M&O	\$ 8,305.50	Shape Inc.	District Equipment	
<b>TOTAL WARRANTS</b>		<b>\$ 1,185,811.31</b>			

**Pk Flow Red. Total:** \$ 10,295.81 Mark Thomas  
**Maintenance Total:** \$ 230,969.62 Mark Thomas, Grainger, Home Depot , Roto Rooter, ABLE, AB/JDD  
**Utilities Total:** \$ 5,258.89 Mark Thomas, Santa Clara Utilities, PG&E  
**Emergency Total:** \$ 8,002.48 Mark Thomas, Able, AB/JDD

**EMERGENCY DETAILS:**

**Roto-Rooter** - no emergencies this month  
**Able** - no emergencies this month  
**AB/JDD Plumbing** - one emergency this month



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*Environmental Services Department*

November, 5 2021

Dear Agency,

The Master Agreements require that each agency's total discharge to the Plant for the preceding fiscal year be reviewed in terms of treatment parameters. The Master Agreements also require that any adjustments to the agencies' shares of Operating and Maintenance (O & M) costs resulting from this review be made no later than the third quarter billing of the current fiscal year.

The attached report has been prepared to show each agency's actual O&M cost allocation for the Fiscal Year 2020-21, as determined by the quantity and quality of the agency's sewage discharged. The actual O&M cost allocations that are shown on Table I of the report will be used to develop the prior year adjustments that are prepared for the third quarter billing.

Please review the attached report and let us know if you have any questions. Here is our contact information if you need assistance:

Lillian Nguyen: [lillian.nguyen@sanjoseca.gov](mailto:lillian.nguyen@sanjoseca.gov)

Laura Burke: [laura.burke@sanjoseca.gov](mailto:laura.burke@sanjoseca.gov)

Note: Due to Covid restrictions this document is being emailed for FY20-21

*Laura Burke*

Laura Burke  
Principal Accountant  
City of San Jose  
Environmental Services Department  
[laura.burke@sanjoseca.gov](mailto:laura.burke@sanjoseca.gov)

**CITY OF SAN JOSE  
ENVIRONMENTAL SERVICES DEPARTMENT**

**SAN JOSE - SANTA CLARA REGIONAL WASTEWATER FACILITY (RWF)**

**AGENCIES' OPERATING AND MAINTENANCE  
COST ALLOCATION  
FOR FISCAL YEAR 2020-21**

**The adopted 2020-21 Operating and Maintenance (O/M) Budget for the San Jose - Santa Clara Regional Wastewater Facility was allocated to the tributary agencies proportionally, based on the agencies' estimated flows and loadings reported in their fiscal year (FY) 2020-21 Revenue Programs. This allocation was the basis for the quarterly billings of FY 2020-21.**

**The attached tables show the final flows and loadings for FY 2020-21 and the revised cost distribution. Any necessary adjustments to the agencies resulting from this allocation will be shown in the third quarter billings of the current fiscal year.**

***Table 1* compares the allocation of the FY 2020-21 budget, which was the basis for the quarterly billings of FY 2020-21, with the final actual cost allocations developed using the percentages contained in Table 2.**

***Table 2* contains the agencies' revised O/M cost allocation percentages computed using the discharge data shown in Table 3.**

***Table 3* contains the agencies' final Revenue Program discharge data for FY 2020-21.**

TABLE 1

<b>CITY OF SAN JOSE  ENVIRONMENTAL SERVICES DEPARTMENT  SAN JOSE - SANTA CLARA REGIONAL WASTEWATER FACILITY  COMPARISON OF 2020-21 BUDGETED AND ACTUAL  O/M COST ALLOCATION</b>				
A G E N C Y	FY 2020-21 BUDGET (Modified)		FY 2020-21 ACTUAL	
	COST	% SHARE	COST	% SHARE
<b>San Jose (1)</b>	\$72,705,650	63.155%	\$70,989,615	63.382%
<b>Santa Clara (1)</b>	\$17,142,900	14.891%	\$17,153,229	15.315%
<b>Subtotal</b>	<b>\$89,848,550</b>	<b>78.046%</b>	<b>\$88,142,844</b>	<b>78.697%</b>
<b>West Valley S.D.</b>	10,478,455	9.102%	\$10,252,736	9.154%
<b>Cupertino S.D.</b>	6,426,141	5.582%	\$6,175,834	5.514%
<b>Milpitas</b>	7,021,325	6.099%	\$6,107,513	5.453%
<b>C.S.D. No. 2-3</b>	1,081,001	.939%	\$1,067,387	.953%
<b>Burbank S.D.</b>	267,084	.232%	\$256,486	.229%
<b>Total</b>	<b>\$115,122,555</b>	<b>100.000%</b>	<b>\$112,002,801</b>	<b>100.000%</b>
	(2)	(2)	(3)	(4)
<p><b>(1) The Cities of San Jose and Santa Clara share O/M cost based on current assessed valuation ratios. The ratios for FY 2020-21 are 80.539% and 19.461% for San Jose and Santa Clara, respectively.</b></p> <p><b>(2) SOURCE: 2020-21 Annual Budget for Regional Wastewater Facility.</b></p> <p><b>(3) SOURCE: Financial reports and records maintained by the City of San Jose.</b></p> <p><b>(4) SOURCE: Table 2.</b></p>				

TABLE 2

**CITY OF SAN JOSE  
ENVIRONMENTAL SERVICES DEPARTMENT  
SAN JOSE - SANTA CLARA REGIONAL WASTEWATER FACILITY (RWF)  
AGENCIES' O&M COST ALLOCATION PERCENTAGES  
FOR FISCAL YEAR 2020-21**

<b>A G E N C Y</b>	<b>FLOW %</b>	<b>BOD %</b>	<b>SS %</b>	<b>NH3 %</b>	<b>% OF TOTAL SEWAGE TREATED</b>	<b>ALLOCATED COST</b>	<b>TOTAL O &amp; M</b>	<b>PERCENTAGE SHARE OF TOTAL O&amp;M</b>
<b>San Jose</b>	21.719	13.657	13.884	14.122	63.382	\$70,989,615	\$70,989,615	63.382%
<b>Santa Clara</b>	5.248	3.300	3.355	3.412	15.315	\$17,153,229	\$17,153,229	15.315%
<b>Subtotal</b>	26.967	16.957	17.239	17.534	78.697	\$88,142,844	\$88,142,844	78.697%
<b>West Valley S.D.</b>	3.079	2.039	2.045	1.991	9.154	\$10,252,736	\$10,252,736	9.154%
<b>Cupertino S.D.</b>	1.754	1.419	1.267	1.074	5.514	\$6,175,834	\$6,175,834	5.514%
<b>Milpitas</b>	1.809	1.340	1.181	1.123	5.453	\$6,107,513	\$6,107,513	5.453%
<b>C.S. No. 2-3</b>	0.315	0.198	0.216	0.224	0.953	\$1,067,387	\$1,067,387	.953%
<b>Burbank S.D.</b>	0.076	0.047	0.052	0.054	0.229	\$256,486	\$256,486	.229%
<b>Total</b>	34.000	22.000	22.000	22.000	100.000	\$112,002,801	\$112,002,801	100.000%

(1)            (1)            (1)            (1)

(1) SOURCE: State Water Resources Control Board's Revenue Program Guidelines for Wastewater Agencies.



Cupertino Sanitary District  
Current 2021 Board Members & Staff

President	Taghi S. Saadati
Secretary	William (Bill) A. Bosworth
Secretary Pro-Tem	John Gatto
Director	Patrick Kwok
Director	Angela S. Chen
District Manager	Benjamin T. Porter
Deputy District Manager	Bob Woodhouse
District Advisor	Richard A. Tanaka

2021 DISTRICT REPRESENTATIVES

TPAC	John Gatto
Alternate	Patrick Kwok
Special Districts Association	William (Bill) Bosworth
Alternate	Angela Chen
CASA	Taghi Saadati
Alternate	William (Bill) Bosworth
CSRMA	William Bosworth
Alternate	Angela Chen

FINANCE COMMITTEE

Director John Gatto (Director in Position 3)  
Director Patrick Kwok (Director in Position 4)

TAC

Manager Porter, Deputy Manager Woodhouse, and Staff Member Kathuli

**ORDINANCE NO. 127**

**AN ORDINANCE OF THE CUPERTINO SANITARY DISTRICT  
AMENDING VARIOUS SECTIONS CHAPTER II AND CHAPTER VI  
OF THE CUPERTINO SANITARY DISTRICT OPERATIONS CODE  
RELATING TO DEFINITIONS AND USE OF SEWERS**

**The Sanitary Board of the Cupertino Sanitary District, Santa Clara County, California, hereby ordains as follows:**

**SECTION 1:** A new Section is added to Chapter II of the Operations Code to read as follows:

**2010. AUTHORIZED OR DULY AUTHROIZED REPRESENTATIVE OF THE USER**

"Authorized or Duly Authorized Representative of the User" means:

- A. For a corporation:
  - 1. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
  - 2. The manager of one or more manufacturing, production, or operating facilities if the following criteria are met:
    - a. The manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations;
    - b. The manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and
    - c. The manager has the assigned or delegated authority to sign documents in accordance with corporate procedures.
- B. For a partnership or sole proprietorship: a general partner or proprietor, respectively.
- C. For a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- D. The individuals described in paragraphs A through C, above, may designate a Duly Authorized Representative in writing, specifying the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and submitting the authorization to the Director.

**SECTION 2:** A new Section is added to Chapter II of the Operations Code to read as follows:

**2014. BASELINE MONITORING REPORT (BMR)**

"Baseline Monitoring Report" means a report which shall include all requirements of federal regulation, including but not limited to 40 CFR 403.12(b), and

- A. For New Sources and sources that become Industrial Users subsequent to the promulgation of an applicable categorical standard, submitted at least ninety (90) days prior to commencement of discharge and contain identifying information, environmental permits in place, a description of operations, flow measurements, measurements of pollutants, and the pretreatment a New Source intends to use to meet the applicable standards, including estimates of measurements;
- B. For existing Industrial Users, submitted within one hundred eighty (180) days after the effective date of a categorical Pretreatment Standard, or after the final administrative decision, and shall contain, at a minimum, identifying information, environmental permits in place, a description of operations, flow measurements, a measurement of pollutants, proper certification, and a compliance schedule as necessary.

**SECTION 3:** Section 2016 of Chapter II of the Operations Code is amended to read as follows:

**2016. BEST MANAGEMENT PRACTICES**

"Best management practices" means schedules of activities, prohibitions of practices, maintenance procedures and other management practices, such as, standard operating procedures, general good housekeeping, or pollution prevention practices to prevent or reduce the introduction of pollutants to the sanitary or storm sewer system which have been determined by the Director to be cost effective for particular industry groups, business types, or specific industrial processes. Best Management Practices may also include approved alternative means (e.g. management plans) of complying with federal, state or local regulations.

**SECTION 4:** A new Section is added to Chapter II of the Operations Code to read as follows:

**2045. ENFORCEMENT RESPONSE PLAN**

"Enforcement Response Plan" means the City's plan used to guide enforcement actions taken in response to violations of this Code.

**SECTION 5:** A new Section is added to Chapter II of the Operations Code to read as follows:

**2060. INDIRECT DISCHARGE OR DISCHARGE**

"Indirect Discharge or Discharge" means the introduction of pollutants or any discharge of wastewater to the sanitary sewer system.

**SECTION 6:** A new Section is added to Chapter II of the Operations Code to read as follows:

**2072. NINETY (90) DAY COMPLIANCE REPORT**

"Ninety (90) Day Compliance Report" means a report which shall include all requirements of federal regulation, including but not limited to 40 CFR 403.12(d), and

- A. For a New Source, submitted within ninety (90) days following the commencement of the introduction of wastewater into the POTW, and contain, at a minimum, flow measurements, a measurement of pollutants, and certification of compliance with pretreatment standards; and
- B. For Industrial Users, submitted within ninety (90) days following the final date for compliance with an applicable Pretreatment Standard and contain, at a minimum, flow measurements, a measurement of pollutants, certification of compliance with pretreatment standards and the actual production during sampling period; and for Industrial Users subject to equivalent mass or concentration limits, a reasonable measure of the long term production rate.

**SECTION 7:** Section 2077 of Chapter II of the Operations Code is amended to read as follows:

**2077. PLANT**

"Plant" means the San Jose-Santa Clara Regional Wastewater Facility which is also known as the San Jose/Santa Clara Water Pollution Control Plant.

**SECTION 8:** Section 2081 of Chapter II of the Operations Code is amended to read as follows:

**2081. PRETREATMENT STANDARD**

"Pretreatment standard" means prohibited discharge standards, including those in federal regulations such as 40 CFR 403.5, categorical pretreatment standards, and local limits.

**SECTION 9:** Section 2092 of Chapter II of the Operations Code is amended to read as follows:

**2092. SANITARY SEWER SYSTEM**

"Sanitary sewer system" means all publicly owned treatment works (POTW) including the Plant, sewers, treatment plants, and other facilities owned or operated by the City or District for carrying, collecting, pumping,

treating, storing, recycling, and disposing of sanitary sewage and industrial wastes.

**SECTION 10:** Section 2098 of Chapter II of the Operations Code is amended to read as follows:

**2098. SIGNIFICANT CHANGE**

"Significant change" means any change in an industrial user's operation that results in any of the following:

- A. An increase or decrease in twelve (12)-month average process flow of twenty-five percent (25%) over the standard discharger's average process flow.
- B. An increase or decrease in twelve (12)-month average process flow that results in a change from low flow discharger to standard discharger or from standard discharger to low flow discharger.
- C. An increase or decrease in twelve (12)-month average process flow that results in a change from non-significant industrial user to significant industrial user or from significant industrial user to non-significant industrial user.
- D. An increase or decrease in twelve (12)-month production rate of twenty-five percent (25%) for any industrial user subject to production-based limits over the industrial user's production rate for the most immediately preceding twelve (12) months.
- E. Adding or deleting processes, process discharges, or sample points.
- F. Waiver of monitoring requirements for any pollutant not present.

**SECTION 11:** Section 6205 of Chapter VI of the Operations Code is amended to read as follows:

**6205. PRETREATMENT BY OWNER OR OPERATOR**

Each owner or operator shall, at the owner's or operator's own expense, provide such treatment or take such other measures, as the District Manager or Director may require to prevent accidental discharge, reduce objectionable characteristics, contents, or rate of discharge of waters or wastes being deposited in the sanitary sewer system to prevent damage to or interference with the sanitary sewer system.

**SECTION 12:** Section 6207 of Chapter VI of the Operations Code is amended to read as follows:

**6207. STORM AND OTHER WATERS**

- A. No person shall discharge, cause, allow or permit any storm water, surface water, ground water, subsurface drainage or roof water to be discharged into the sanitary sewer system or any part thereof without a wastewater discharge permit or prior authorization from the Director.
- B. A wastewater discharge permit for the discharge of ground water, subsurface drainage, surface water, roof water, or storm water shall only be issued if there is no reasonable alternative method for disposal of such water.

- C. If permitted, discharge of ground water, subsurface drainage, surface water, roof water, or storm water shall be subject to all applicable requirements of this Chapter 15.14, including but not limited to the payment of applicable permit fees and such terms and conditions as the Director may impose on the wastewater discharge permit.

**SECTION 13:** Section 6223 of Chapter VI of the Operations Code is amended to read as follows:

**6223. GREASE**

- A. No person shall discharge, cause, allow, or permit to be discharged into the sanitary sewer system any liquid or other waste containing grease in excess of one hundred fifty (150) parts per million by weight.
- B. No person shall discharge, cause, allow, or permit any grease discharge from a food service establishment into the sanitary sewer system, unless such discharge has first been processed through an approved grease control device.
- C. No person shall discharge, cause, allow, or permit to be discharged any yellow grease, or any waste or material mixed with yellow grease, into the sanitary sewer system from a food service establishment. No yellow grease from a food service establishment shall be mixed with grease trap or grease interceptor waste.
- D. Any industrial user that violates the grease limit shall resample and submit reports for all pollutants in violation of any applicable permit limits or any other pollutants as required by the District Manager or Director within thirty (30) days of becoming aware of the violations.

**SECTION 14:** Section 6215 of Chapter VI of the Operations Code is amended to read as follows:

**6215. CORROSIVE MATTER**

- A. No person shall discharge, cause, allow or permit to be discharged into the sanitary sewer system or any part thereof, any liquid, solid, vapor, gas, or thing having a pH lower than six (6) or equal to or greater than twelve and one-half (12.5) or having any other corrosive property capable of causing damage or hazard to the sanitary sewer system or any part thereof, or to any personnel operating, maintaining, repairing, or constructing said sanitary sewer system or any part thereof, or working in or about the sanitary sewer system.
- B. Any industrial user that violates any of the corrosive matter limits shall resample and submit sample reports for all pollutants in violation of any applicable permit limits or any other pollutants as required by the District Manager or Director within thirty (30) days of becoming aware of the violation.

**SECTION 15:** Section 6216 of Chapter VI of the Operations Code is amended to read as follows:

**6216. INTERFERING SUBSTANCES**

A. No person shall discharge, cause, allow or permit to be discharged into the sanitary sewer system or any part thereof, any industrial waste containing any of the following toxic substances exceeding the concentrations set forth below:

Toxic Substance	Standard Discharger Maximum Allowable Concentration	Low Flow Discharger Maximum Allowable Concentration
Antimony	5.0 mg/l	5.0 mg/l
Arsenic	1.0 mg/l	1.0 mg/l
Beryllium	0.75 mg/l	0.75 mg/l
Cadmium	0.7 mg/l	0.7 mg/l
Chromium, Total	1.0 mg/l	1.0 mg/l
Copper	2.3 mg/l	2.7 mg/l
Cyanides	0.5 mg/l	0.5 mg/l
Lead	0.4 mg/l	0.4 mg/l
Mercury	0.010 mg/l	0.010 mg/l
Nickel	0.5 mg/l	2.6 mg/l
Phenol & derivatives	30.0 mg/l	30.0 mg/l
Selenium	1.0 mg/l	1.0 mg/l
Silver	0.7 mg/l	0.7 mg/l
Zinc	2.6 mg/l	2.6 mg/l

- B. No person shall discharge, cause, allow, or permit to be discharged into the sanitary sewer system or any part thereof, any toxic or poisonous substances or any other pollutant, including biochemical oxygen demand, in sufficient quantity to injure or cause an interference with the sewage treatment process or pass through the plant, or in sufficient quantity to constitute a hazard to humans or animals, or in sufficient quantity to create a hazard for humans, or aquatic life in any waters receiving effluent from the sanitary sewer system, or which may create a hazard in the use or disposal of sewage sludge.
- C. All samples, including grab and composite, may be used to evaluate compliance with the above limits.
- D. Any industrial user that violates any of the interfering substances limits must resample and submit sample reports for all pollutants in violation of any applicable permit limits or any other pollutants as required by the Director within thirty (30) days of becoming aware of the violation.

**SECTION 16:** Section 6237 of Chapter VI of the Operations Code is amended to read as follows:

**6227. INSTALLATION AND MAINTENANCE OF AMALGAM SEPARATORS**

- A. Except as provided in subsections B and C below, no person shall discharge, cause, allow or permit any discharge to the sanitary sewer system from a dental vacuum system, unless such discharge has first been processed through an Amalgam Separator.
- B. For each dental vacuum system installed prior to July 1, 2009, an Amalgam Separator shall be installed on or before December 31, 2010. No dental vacuum system shall be installed on or after July 1, 2009 without an Amalgam Separator. Proof of certification and installation records shall be submitted to the District Manager within ninety (90) days of installation.
- C. A dental vacuum system may be operated without an Amalgam Separator provided that the system is not used in connection with the removal or placement of fillings that contain Dental Amalgam more than three (3) days per calendar year and the system is used exclusively by the following types of dental practices: (1) Orthodontics; (2) Periodontics; (3) Oral and maxillofacial surgery; (4) Radiology; (5) Oral pathology or oral medicine; (6) Endodontistry and prothodontistry.
- D. Amalgam Separators shall be maintained in accordance with manufacturer recommendations. Installation, certification, and maintenance records shall be maintained for minimum of five (5) years and available for immediate inspection upon request therefore by the District Manager or designee during normal business hours.

**SECTION 17:** Section 6223 of Chapter VI of the Operations Code is amended to read as follows:

**6227. POWER TO INSPECT**

- A. The District Manager, Director and other duly authorized employees and agents of the City or District bearing credentials and identification shall have the right to access upon all properties for the purpose of investigating compliance with all of the requirements of this Code, state, federal regulations, and any permit, and for inspecting any sewer or storm drain connection, including all discharge connections of roof and surface drains and plumbing fixtures; inspecting, observing, measuring, photographing, sampling, and testing the quality, consistency, and characteristics of sewage and industrial wastewaters being discharged into any public sewer or natural outlet; and inspecting and copying any records relating to quantity and quality of wastewater discharges, including but not limited to water usage and effluent discharged, chemical usage, and hazardous waste records.
- B. It shall be unlawful to unreasonably obstruct, delay or interfere with the District or City access to the owner's and/or operator's premises.
- C. The Director may terminate service or revoke the permit of any person who has unreasonably refused or delayed access to the District or City.

**SECTION 18:** Section 6308 of Chapter VI of the Operations Code is amended to read as follows:



### **6308. DISCHARGE REPORTS**

- A. Dischargers are subject to the reporting requirements as contained in Title 40 of the Code of Federal Regulations. The District Manager or the Director may require that any person discharging wastewater into the Sanitary Sewer System file additional periodic discharge reports or a zero discharge report.
- B. The periodic discharge report may include, but need not be limited to, nature of process, volume, rates of flow, mass emission rate, hours of operation, number of employees, or other information which relates to the generation of waste, including wastewater constituents and characteristics in the wastewater discharge and the ability of the Discharger to meet applicable discharge limits.
- C. The zero discharge report shall certify that the zero discharge user does not discharge any process water to sanitary sewer, or for a zero discharge categorical user does not discharge any categorical process water or ancillary process water to the designated zero discharge categorical sample point or into the Sanitary Sewer System. This report may be required to include, but need not be limited to, nature of process, hours of operation, number of employees, hauling records, or other information that relates to the generation of wastes.
- D. The District Manager or the Director may also require such periodic discharge reports and zero discharge reports to include information concerning the chemical constituents and quantity of chemicals stored on-site, including waste hauling records or other information, which relates to the generation of wastes even though they may not normally be discharged.
- E. In addition to discharge reports, the District Manager may require dischargers to submit such additional reports as may be necessary to allow the District Manager or the Director to evaluate the discharger's ability to comply with this Chapter, including but not limited to best management practice or self-monitoring reports.
- F. It shall be unlawful for any person who has discharged wastewater to the Sanitary Sewer System to refuse to file any report requested by the District Manager, or to file any report or application after the due date specified by the District Manager.
- G. Sampling and analysis shall be performed in accordance with 40 CFR 403.12 and amendments thereto. Where federal regulation does not contain sampling or analytical methods for the pollutant in question, or where the District Manager or the Director determines that federal regulations are inappropriate for the pollutant in question, sampling and analysis shall be performed by using analytical methods validated by the District Manager or the Director.

**SECTION 19:** Section 6309 of Chapter VI of the Operations Code is amended to read as follows:

### **6308. REVOCATION OF PERMIT AND TERMINATION OF SERVICE**

- A. The Director may revoke any wastewater discharge permit, and/or terminate, or cause to be terminated wastewater service to any premises:
  - i. If a discharge of wastewater from the premises causes or

- threatens to cause a violation of any provision of this Chapter or applicable local, state or federal regulations; or
    - ii. If a discharge of wastewater from the premises causes or threatens to cause a condition of contamination, pollution, or nuisance; or
    - iii. If a permittee violates any provision of this Chapter or applicable local, state or federal regulations, or permit condition.
  - B. Written notice of the permit revocation or service termination, and a statement of the grounds therefor, shall be delivered to the discharger. The notice shall be effective ten (10) calendar days after it is served on the discharger, unless the Director determines that immediate permit revocation or suspension of service is necessary for the preservation of public health or safety or for the protection of public or private property. If the Director determines that immediate permit revocation or suspension of service is necessary, the Director may act to revoke the permit or suspend service immediately after written notice is delivered to the discharger.
  - C. It shall be unlawful for any person to discharge any material into the sanitary sewer system from any premises for which the permit has been revoked or wastewater service has been suspended or terminated.

**SECTION 20:** A new Section is added to Chapter VI of the Operations Code to read as follows:

**6313. SUMMARY SUSPENSION**

- If the Director determines there is an imminent threat to the health, safety or welfare of the public as set out in Subsection B below, a permit may be summarily suspended for a period of time not to exceed thirty (30) days.
- A. The Director's determination that there is an imminent threat to the public health, safety or welfare shall be based on one or more of the following:
    - 1. There is an urgent need to take immediate action to protect the public from a substantial threat of serious bodily injury or death existing on or within one hundred fifty (150) feet of the permitted premises; or
    - 2. There has been a violation of a permit condition or other requirement of this Code creates an imminent danger to the public health, safety or welfare on or within one hundred fifty (150) feet of the permitted premises; or
    - 3. The permittee has conducted the permitted business in a manner that creates or results in a public nuisance, as defined in Section 1.13.050 of this Code or Sections 3479 and 3480 of the California Civil Code, and that public nuisance creates an imminent danger to the public health, safety, or welfare on or within one hundred fifty (150) feet of the permitted premises.

- B. The summary suspension shall take effect immediately upon service of a written notice of suspension by the Director. Notice given to the permittee shall include the following information:
1. The effective date and time period of the summary suspension;
  2. The grounds and reasons upon which the summary suspension is based;
  3. The permittee who wishes to challenge the summary suspension may request a hearing before the Director;
  4. The method for requesting a hearing before the Director; and
  5. The notice of summary suspension shall become final unless the Director receives a written request for a hearing from the permittee within the time period specified in Subsection E.
- C. The summary suspension shall remain in effect unless and until the Director either:
1. Amends the notice of summary suspension to shorten the time period provided in the earlier notice of summary suspension; or
  2. Issues a decision after holding a hearing pursuant to the requirements of this Section that modifies or overrules the summary suspension.
- D. If the permittee wishes to challenge the summary suspension, the permittee must file a written request for a hearing before the Director within three (3) business days after service of the notice of summary suspension. If the Director does not receive a request for a hearing from the permittee within this time period, the notice of summary suspension shall become final.
- E. The Director must respond to the permittee's request for a hearing by holding a hearing to affirm, modify or overrule the summary suspension within five (5) business days of the permittee's request for a hearing, unless the permittee requests an extension of the time within which the Director can hold the hearing.
- F. The Director shall serve a written notice of hearing on the permittee not later than two (2) business days after receiving the permittee's written request for a hearing. The notice of hearing shall contain the date, time and place at which the hearing shall be conducted.
- G. At the hearing before the Director, the permittee shall be given the opportunity to present evidence that either rebuts the ground(s) for which the summary suspension was issued or demonstrates that the reason or reasons leading to the summary suspension have been mitigated or corrected.
- H. The hearing will be conducted informally, and technical rules of evidence shall not apply. Any and all evidence that the Director deems reliable, relevant and not unduly repetitious may be considered.
- I. Following the conclusion of the hearing, the Director shall issue a decision which affirms, modifies, or overrules the summary suspension, as specified in Subsection K. If the Director affirms or modifies the summary suspension, the Director may impose additional conditions upon the permit if those conditions were

reviewed at the hearing and the conditions are intended to protect the health, safety, or welfare of the public or prevent the conduct or condition that led to the summary suspension.

- J. The Director shall issue an oral decision upon the close of the hearing or may communicate the decision by telephone, within twenty-four (24) hours of the close of the hearing. The Director shall also serve the permittee with a written decision within three (3) business days of the close of the hearing. The decision of the Director shall be final for purposes of this Code and Section 1.16.010.

**SECTION 21:** A new Section is added to Chapter VI of the Operations Code to read as follows:

**6314. CUMULATIVE REMEDIES**

The City or District may take enforcement action for any violation of this Code, including through escalation of enforcement as set forth in the Enforcement Response Plan. Nothing in this Code or the Enforcement Response Plan requires escalation of enforcement, and, instead, the City or District may take any action it deems necessary under the circumstances. The remedies identified in the Enforcement Response Plan and this Code are cumulative, not exclusive, and are in addition to those the City or District may have at law, including administrative, civil, and criminal remedies.

**SECTION 22.** Section 6309 of Chapter VI of the Operations Code is amended to read as follows:

**Violations and Civil Penalties**

- A. No person shall discharge in violation of, or fail to comply with, the requirements of a discharge permit, or any other provision of this Chapter, or other regulations, or discharge limitations established by the City; or local, state and federal laws and regulations. Each violation of the permit condition or other rule, regulation, or law shall be a separate violation under this Code.
- B. Any person who intentionally or negligently violates any provisions of this Chapter, any provision of any permit issued pursuant to this Chapter, or who intentionally or negligently discharges waste or wastewater which causes pollution, or violates any effluent limitation, national standard of performance, or national pretreatment or toxicity standard, shall be civilly liable to the City in a sum up to ten thousand dollars (\$10,000) for the first day in which such violation occurs, up to twenty-five thousand dollars (\$25,000) for the second day in which such violation occurs, and fifty thousand dollars (\$50,000) for each additional day.

**SECTION 23.** Section 15.14.725 of Chapter 15.14 of Title 15 of the San Jose Municipal Code is amended to read as follows:

**15.14.725 Mandatory Wastewater Discharge Permits**

No critical user, zero discharge categorical user, or significant industrial user shall connect, discharge, cause, allow, or permit any discharge, into the sanitary sewer system except in accordance with a discharge permit issued by the Director.

**SECTION 24.** Section 15.14.745 of Chapter 15.14 of Title 15 of the San Jose MunicipalCode is amended to read as follows:

**15.14.745 Signature Requirements**

- A. Permit applications, discharge reports and any other reports required by the Director to be signed, shall be signed by an Authorized or Duly Authorized Representative of the business filing the application.
- B. Reports subject to the requirements of Title 40 of the Code of Federal Regulations shall include the following certification statement as contained in Title 40 of the Code of Federal Regulations:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

**SECTION 25.** Section 15.14.750 of Chapter 15.14 of Title 15 of the San Jose MunicipalCode is amended to read as follows:

**15.14.750 Additional Information**

- A. If the Director is not satisfied that the permit application has sufficient information to determine whether the permit should be issued, the Director may refuse to issue the permit or request that the applicant submit further information.
- B. The applicant shall have fourteen (14) calendar days or such longer period of time as allowed by the Director, after reviewing a request for information to complete the application.
- C. If the returned application is not resubmitted within the specified time period, then a new application for a discharge permit must be submitted along with the application fees and any delinquent fees for a new permit.

**SECTION 26.** Section 15.14.755 of Chapter 15.14 of Title 15 of the San Jose MunicipalCode is amended to read as follows:

#### **15.14.755 Transfer of Permit**

- A. Discharge permits are issued to a specific user for a specific operation. A discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without prior approval of the Director
  
- B. Wastewater discharge permit may be transferred to a new owner or operator only if the permittee provides advance written notice to the Director and the Director approves the transfer of a wastewater discharge permit.
  - 1. The notice to the Director must include a certification by the new owner or operator which:
    - a. States the new owner and/or operator has no immediate intent to change the facility's operations and processes;
    - b. Identifies the specific date on which the transfer is to occur; and
    - c. Acknowledges full responsibility for complying with the existing individual wastewater discharge permit.
  - 2. Failure to provide advanced notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.
  
- C. Upon an approved transfer, the existing owner or operator shall provide a copy of the wastewater discharge permit to the new owner or operator. The new owner or operator shall submit a wastewater discharge permit application and appropriate permit application fee to the City of San Jose Environmental Services Department within thirty (30) days of the date of the approved transfer.
  
- D. Nothing in this Section shall be construed to prevent the application of terms and conditions of this Chapter, including enforcement penalties, from applying to a succeeding owner or operator, successor in interest, or other assigns of an existing contract or permit holder.

**SECTION 27.** Section 15.14.765 of Chapter 15.14 of Title 15 of the San Jose Municipal Code is amended to read as follows:

#### **15.14.765 Permit Conditions**

- A. Discharge permits shall be expressly subject to all provisions of this Chapter and all other regulations, user charges, discharge limitations, and fees established by the City and all applicable local, state and federal laws and regulations.
  
- B. The permit may include such terms and conditions as the Director may deem necessary to implement this Chapter, or any other applicable local, state or federal laws and regulations, including but not limited to:
  - 1. Limits on the average and maximum wastewater volume, constituents and characteristics;
  - 2. Requirements for installation and maintenance of flow monitoring, inspection and sampling facilities;
  - 3. Specifications and pretreatment requirements for monitoring programs which may include sampling locations, frequency of

- sampling, number, types and standards for tests and reporting schedule;
4. Compliance schedules, including those necessary to meet categorical or other pretreatment standards;
  5. Requirements for submission of technical reports or discharge reports
  6. Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the City and affording the City access thereto;
  7. Requirements for notification to the City of any new introduction of wastewater constituents or any significant change in the volume or character of the wastewater constituents being introduced into the wastewater stream;
  8. Requirements and plans for protection against accidental discharges, including but not limited to, banning of chemicals and waste materials. The review and approval of such plans and operating procedures shall not relieve the user from the responsibility of modifying the facility as necessary to provide the protection necessary to meet the requirements of this Code or other state or federal regulations;
  9. Requirements for notification of accidental discharges; and
  10. Requirements for submission of a slug control plan or specific elements thereof.
- C. No person shall fail to comply with the terms and conditions of a discharge permit, or fail to comply with any other mandatory provision of this Chapter, or other regulations, or discharge limitations established by the City, or local, state and federal laws and regulations. Each violation of the permit condition or other rule, regulation, or law shall be a separate violation under this Code.

**SECTION 28.** A new Section is added to Chapter 15.14 of Title 15 of the San Jose Municipal Code, to be numbered, entitled, and to read as follows:

**15.14.770 Best Management Practices**

- A. The Director may develop best management practices (BMPs), by ordinance or in individual wastewater discharge permits, to implement local limits, federal regulations, and the requirements under this Chapter.
- B. All industrial users shall follow BMPs established by ordinance, individual wastewater discharge permit, or implement BMPs in their operations to minimize the discharge of pollutants to the sanitary sewer system and ensure appropriate monitoring, treatment, and other measures are being taken to prevent violations.
- C. When an industrial user develops BMPs in response to an enforcement action, the user shall continue to implement those BMPs and any associated record keeping unless approved to discontinue.
- D. Industrial users subject to BMPs as a means of complying with the

standards of this Title shall maintain documentation to demonstrate compliance with the applicable BMP standards.

- E. Periodic reports on continued compliance for BMP regulated dischargers shall require the discharger to certify that the BMPs have been implemented during the reporting period.

**SECTION 29:** Upon adoption, this Ordinance shall be entered into the minutes of the Sanitary Board and a summary of this Ordinance prepared by the District Counsel shall be published once in the Cupertino Courier and the Saratoga News, being newspapers of general circulation in the District. A certified copy of the full text of this Ordinance shall be posted in the office of the District Clerk.

**SECTION 3:** This Ordinance shall become effective December 16, 2021.

**PASSED AND ADOPTED** at a regular meeting of the Sanitary Board of the Cupertino Sanitary District held on the 15<sup>th</sup> day of December 2021, by the following vote:

AYES:

NOES: None

ABSTAIN: None

ABSENT: None

\* \* \* \* \*

\_\_\_\_\_  
President of the Sanitary Board

ATTEST:

\_\_\_\_\_  
Secretary of the Sanitary Board

APPROVED AS TO FORM:



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District Counsel



# Memo

Item 10C

**To: Board of Directors**  
**From: Benjamin T. Porter, District Manager-Engineer**  
**Date: December 15, 2021**  
**Re: DISTRICT UNIFORM HATS**

***Summary:***

In recent years, there has been more and more public concerns and issues with public agencies' staff working in the field, particularly if the field staff is working on or adjacent to private properties. Most of our sister agencies, such as West Valley Sanitation District, City of San Jose, City of Cupertino, Union Sanitary District and other agencies have already implemented a uniform policy. District staff already carries photo ID, but the CUSD Board determined that adopting a standard uniform policy was appropriate.

The uniform with the CuSD district logo has been beneficial for the District because it serves as exposure and creates a unified image of the District. A matching hat would help keep a uniform image.

Staff suggests a hat/cap with a Cupertino Sanitary District logo for each of the 13 field personnel. Staff also suggest purchasing hats for the Operations Manager, Deputy District Manager, and Members of the Board. The cost for the hats would be approximately \$400 for imprinted logo and approximately \$500 for embroidered logo.

***Recommendation:***

To extend the uniform policy to include hats and increase public recognition of Cupertino Sanitary District.

***Attachment:***

1. DiscountMugs.com hat samples and cost estimate
2. StitchAmerica.com hat samples and cost estimate

(printed logo option)

# Item 10C - Attachment 1.

ENDS TODAY! Merch Madness Sale | 15% Off\* | Use Code: MERCH21 See details



What are you looking for?



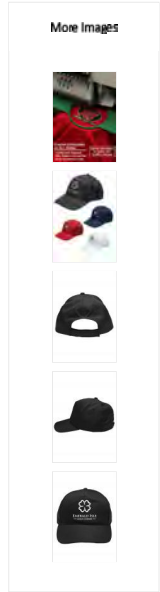
Caps and Hats » Structured Caps » CAP64

## Polyester Baseball Caps

★★★★★ 4.8/5

89 Total Reviews

FREE SHIPPING ON THIS ITEM ON **K.**



### Product Details

- **FREE SHIPPING on this item over \$75**
- Constructed Crown
- 108x58 Cotton Sweatband
- Strap with Velcro Closure
- 5 Panels
- Sewn Eyelets
- 100% Polyester
- Curved Visor
- Length 51cm, Velcro: 9x2cm, Visor Width: 7.3cm

1 Choose Product Color [View Inventory](#)

Blue Black Red

2 Select Print Method

Order With Logo	Full Color	Embroidery	Blank	Sample				
Use this method for full color photos or artwork using over 4 colors of ink or gradient designs. 100% color matching for full color processes not guaranteed.								
Qty	12+	25+	50+	100+	250+	500+	1000+	→
Full	\$12.71	\$11.21	\$8.55	\$7.20	\$6.83	\$6.67	\$6.39	<a href="#">View More</a>
Color	-	12%	33%	43%	46%	48%	50%	

Save

**START DESIGNING NOW**

Use our amazingly easy Design Lab

3 Select Quantity & Print Options

How many would you like?  x \$12.71 ea.

Where do you want it printed? FRONT

How many colors is your design?

**SAVE \$50** ▶

**Product Price: \$353.20**

[Hide Charges](#)

\$12.71 ea X 20 qty \$254.20

Setup Fee: \$99.00

**ADD TO CART**

Trending Products

11 oz. Traditional Ceramic Coffee Mugs  
Low as \$1.17  
[SHOP NOW](#)

Reusable Grocery Tote Bags  
Low as \$0.85  
[SHOP NOW](#)

Gildan Unisex Heavy Cotton T-shirts | 5.3...  
Low as \$2.19  
[SHOP NOW](#)

**Polyester Baseball Caps | CAP64**

Product Specs	FAQ
Material	100% Polyester
Dimensions	Adult Size with Adjustable Closure
Imprint Area	1 to 3+ Full Color Imprint Area: 4.00"W x 2.00"H Embroidery Imprint Area: 4.00"W x 2.25"H
Case Pack	150
Weight	21.4lbs

**Product Description:**

Available in color choices that include black, white and blue, our 100% polyester baseball caps can be printed or embroidered with your full color logo design or special message. These adult size constructed caps feature 5 panels with sewn eyelets, cotton sweatband and strap Velcro closure for a comfortable fit. Great for both little league and school teams, company gatherings and other events, or that fundraiser you've been planning – these printed polyester caps are affordable supplies that will help you identify team members and supporters alike. Start designing now with the help of our d-lab interface and upload your artwork, or select from our clipart and fonts to create striking images that represent your organization.

**Approximate total before shipping, tax, etc. = \$353**

(stitch option)

# Item 10C - Attachment 2.

Embroidery ▾ Brands ▾ Shirts ▾ Headwear ▾ Outerwear ▾ Ladies ▾ More ▾

## Richardson Trucker Mesh SnapBack Cap



R112 ★★★★★ 187 customer reviews



This R112 is one of our most popular caps and features cotton twill front panels and a pre-curved visor with mesh back panels. This hat from Richardson exudes that classic trucker hat style topped off by an adjustable plastic snap backstop. Best of all if you order 12 or more, free embroidery is included in the price!

Sizes: One Size Fits Most



This product is so popular we're having a hard time keeping inventory available in certain colors. Please [email](#) us with the desired color to check availability.

Qty:	12	24	48	96	144	288
Price per cap:	\$21.95	\$17.60	\$16.40	\$15.10	\$14.95	\$14.60

Color selected: Charcoal/Navy

### Similar Products

**MBW-600**  
Outdoor Cap Plastic Snap Mesh Back Cap  
\$10.00 - \$10.00

**C112**  
Port Authority® Snapback Trucker Cap  
\$11.00 - \$18.95

- Order 12 or more, embroidery is free
- Initial logo set-up: up to 5 business days
- Production to Shipping: 5-10 businesses days

**Approximate total before shipping, tax, etc. = \$422**

Color choices (check for availability)





# Memo

Item 11B.1.

**To: Board of Directors**  
**From: Benjamin T. Porter, District Manager-Engineer**  
**Date: December 9, 2021**  
**Re: V&A Consulting Engineering - Amendment No. 1 for Flow Monitoring Services**

The Cupertino Sanitary District last completed systemwide flow metering in 2016. Since that time there has been additional growth in the community and also changes in where the workforce is located due to new office construction and multiple changes in work locations and lifestyles due to the pandemic.

As part of the peak flow reduction program Mark Thomas has contracted with Akel Engineering, a hydraulic modeling specialty consulting firm and they have reviewed the District's hydraulic model. Their review indicated that the accuracy of the model and the defensibility of the model can be enhanced by adjusting the manner in which dry weather flows are represented in the model. The District is implementing these enhancements to improve the model.

Another way to improve the accuracy of the model and the predicted dry and wet weather flows is to complete systemwide flow metering at the same 28 locations where the 2016 flow metering was completed. The new flow metering data will be used to update the average dry weather flows, the peak dry weather flows, and the peak wet weather flows.

V&A completed smoke testing in three high I/I basins in 2018 and additional smoke testing was completed in 2021 in another five sewer basins to identify the inflow defects that are the primary sources of I/I in the system. Some of these defects in these high I/I basins have been repaired and the new flow metering data will allow for an assessment of the effectiveness of the I/I reduction by measuring the wet weather during the 2-month flow monitoring period.

***Recommendation:***

Staff recommends the Board authorize the District Manager to execute the amendment with V&A Consulting Engineering with a not-to-exceed amount of \$46,750.

***Attachment:***

1. V&A Consulting Engineers Amendment No. 1

**AGREEMENT FOR MANAGEMENT  
AND ENGINEERING SERVICES**

**AMENDMENT No. 1**

**THIS AMENDMENT No. 1**, dated December 9, 2021, to the Agreement dated May 5, 2021, by and between CUPERTINO SANITARY DISTRICT OF SANTA CLARA COUNTY ("District"), and V&A Consulting Engineers, Inc., a California corporation ("Consultant"), is agreed as follows:

The Cupertino Sanitary District last completed systemwide flow metering in 2016. Since that time there has been additional growth in the community and also changes in where the workforce is located due to new office construction and multiple changes in work locations and lifestyles due to the pandemic.

As part of the peak flow reduction program Mark Thomas has contracted with Akel Engineering, a hydraulic modeling specialty consulting firm and they have reviewed the District's hydraulic model. Their review indicated that the accuracy of the model and the defensibility of the model can be enhanced by adjusting the manner in which dry weather flows are represented in the model. The District is implementing these enhancements to improve the model.

Another way to improve the accuracy of the model and the predicted dry and wet weather flows is to complete systemwide flow metering at the same 28 locations where the 2016 flow metering was completed. The new flow metering data will be used to update the average dry weather flows, the peak dry weather flows, and the peak wet weather flows.

V&A completed smoke testing in three high I/I basins in 2018 and additional smoke testing was completed in 2021 in another five sewer basins to identify the inflow defects that are the primary sources of I/I in the system. Some of these defects in these high I/I basins have been repaired and the new flow metering data will allow for an assessment of the effectiveness of the I/I reduction by measuring the wet weather during the 2-month flow monitoring period.

**NOW, THEREFORE, it is agreed as follows:**

**Scope of Services.** V&A will perform flow monitoring in the City of Cupertino, CA at twenty-eight (28) sites for two (2) months. Four of the twenty-eight flow meters will be Teledyne Isco 2150 flow meters owned and maintained by CuSD provided to V&A for the duration of the project. The purpose of this work is to provide flow monitoring data with capacity and inflow/infiltration analysis. The following is the detailed scope of work for the flow monitoring services.

**1. Document Review and Equipment Preparation:** V&A will review existing sanitary sewer plans and documentation in preparation for flow monitoring. V&A will provide desktop analysis (GIS, sewer plans, Google Earth, etc.) in order to verify the suitability of primary and alternative manholes for the installation of a flow meter. V&A will recommend the appropriate metering technology for the flow characteristics and hydraulic conditions. V&A will prepare flow

monitoring equipment with associated personnel necessary for installing and removing the flow meters.

**2. Flow Monitoring:** A V&A crew with a field truck and the necessary confined space, simple traffic control, and flow monitoring equipment will install, calibrate, and remove the flow meters. V&A shall be responsible for the installation, calibration, and removal of the equipment for this project. It is assumed that a total of six (6) site visits will be required; one visit for installation (2-person crew), three visits for download of the meters (1-person crew), one visit for calibration (2-person crew), and one visit for removal of the flow meter at the end of the two-month monitoring period (2-person crew). Malfunction of meter operation will be documented and reported as soon as it is observed. V&A shall be prepared to extend or retract the duration of the flow monitoring period as required and directed by the District. For this project, 28 flow meters will be installed for a period of 2 months. Four of the twenty-eight flow meters used on this project will be Teledyne Isco 2150 flow meters owned and maintained by CuSD. If these flow meters are not used, the rental cost of four additional flow meters will be added to the cost of the project.

**3. Flow Monitoring Deliverable:** Following the flow monitoring activities, V&A will prepare a report documenting the flow monitoring results. V&A shall download and reduce flow monitoring data in 15-minute intervals into Excel format for data analysis and report preparation. The summary report will be electronic format and will include the following information:

A summary of the flow monitoring equipment used

- Location map with address, pipe size, manhole identifier number, flow channel condition, site schematics, and photographs
- Flow monitoring data with tabular outputs of depth, velocity, and flow rate, and hydrographs of depth, velocity and flow rates for the flow meter
- Electronic copy of monitoring data provided in 15-minute time intervals

**Compensation and Expenses.** V&A proposes to complete this work on a lump sum per unit cost basis, shown as follows:

- Flow monitoring at 28 sites for 2 months 138,750
- Extension of monitoring period \$2,500 per meter, per month

There is currently \$92,000 remaining funds in the V&A budget from the 2021 Smoke Testing Program. The proposed cost for this amendment is \$138,750 which would leave a gap of \$46,750. **Therefore, the additional budget authorized by this amendment is \$46,750.**

#### **Assumptions.**

1. V&A assumes that no encroachment permit is currently required. If it is determined permits are required, the associated cost will be in addition to the stated costs for the flow monitoring.



2. V&A assumes only simple traffic control set ups (truck mounted light board and cones ) will be required for this project. If complex traffic control set ups requiring a traffic control contractor are deemed necessary, the costs of the traffic control contractor will be in addition to the stated costs for the flow monitoring, as noted above.
3. Terms are Net 60 days. This fee is valid for 90 days from the date of this proposal. The scope of work was developed as a result of our discussion and represents our mutual understanding.
4. If unforeseen circumstances should arise which indicate that more work or more meters are required, we would provide a written estimate of the additional cost. We will not proceed with work beyond the not to exceed figure without written authorization from your office.
5. In the event of legislative actions by any level of government that impose any taxes, fees, or costs on V&A's services or other costs in connection with Work hereunder or compensation, such new taxes, fees, or costs shall be invoiced to and paid by the Client as a Reimbursable Expense. Should such taxes, fees, or costs be imposed, they shall be in addition to V&A's estimated total expenses.

**IN WITNESS WHEREOF**, the parties have executed this Agreement the day and year first above written.

CUPERTINO SANITARY DISTRICT  
OF SANTA CLARA COUNTY

By: \_\_\_\_\_  
Taghi S. Saadati, President

Attest: \_\_\_\_\_  
William A. Bosworth, Secretary

APPROVED AS TO FORM:

\_\_\_\_\_  
Marc Hynes, District Counsel

PRINCIPAL-IN-CHARGE:  
A&A Consulting Engineers, Inc

By: \_\_\_\_\_  
Glenn Willson, Principal

**CITY OF SAN JOSE  
ENVIRONMENTAL SERVICES DEPARTMENT**

**SAN JOSE - SANTA CLARA REGIONAL WASTEWATER FACILITY (RWF)  
SUMMARY OF AGENCIES' REVENUE PROGRAM DISCHARGE DATA  
FOR FISCAL YEAR 2020-21**

A G E N C Y		FLOW		BOD		SS		AMMONIA	
		MG	%	KLBS	%	KLBS	%	KLBS	%
<b>San Jose</b>	(1)	24,354.080	63.880%	50,521.740	62.079%	45,695.270	63.110%	6,219.798	64.185%
<b>Santa Clara</b>	(1)	5,884.786	15.436%	12,207.795	15.001%	11,041.553	15.249%	1,502.918	15.509%
<b>Subtotal</b>	(2)	30,238.866	79.316%	62,729.535	77.080%	56,736.823	78.359%	7,722.716	79.694%
<b>West Valley</b>	(3)	3,452.659	9.056%	7,541.177	9.266%	6,731.799	9.297%	876.962	9.050%
<b>Cupertino</b>	(5)	1,967.154	5.160%	5,249.688	6.451%	4,169.406	5.758%	473.160	4.883%
<b>Milpitas</b>	(4)	2,028.060	5.320%	4,956.070	6.090%	3,885.280	5.366%	494.810	5.106%
<b>C.S. No. 2-3</b>	(5)	352.714	0.925%	731.095	0.898%	710.766	0.982%	98.848	1.020%
<b>Burbank</b>	(5)	85.110	0.223%	174.769	0.215%	171.997	0.238%	23.933	0.247%
<b>Total</b>		38,124.563	100.000%	81,382.333	100.000%	72,406.071	100.000%	9,690.429	100.000%

- (1) The Master Agreement requires that San Jose and Santa Clara, as joint owners of the RWF, share O/M cost based on relative assessed valuation ratios. Accordingly, the discharges of the two cities were combined and redistributed to them based on the FY 2020-21 assessment valuation ratios of 80.539% and 19.461% for San Jose and Santa Clara, respectively.
- (2) SOURCE: San Jose: 2021-22 Revenue Program, revised for Monitored Industries based on actual data used in 2020-21 billings.  
Santa Clara: 2021-22 Revenue Program Report.
- (3) SOURCE: Average loading for FY 2020-21 submitted by the district, dated 7/28/21.
- (4) SOURCE: 2021-22 Revenue Program Reports.
- (5) SOURCE: 2021-22 Revenue Program Reports.

**Cupertino Sanitary District - Monthly Maintenance Summary - November 2021**

**Item 11.D.**

**SSOs**

Start Date	Location	Cause of SSO	Cat	Main/Lat	Spill Volume (Gal)	Spill Recovered (Gal)	Volume of Wash Water Used (Gal)
None							

**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)
11/5/2021	7330 Rainbow Dr	Roots	Lat	Unknown	Unknown	Unkonwn

**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	4	Root Intrusion	3	Root Intrusion	4
Onsite	5	Onsite	0	Onsite	0
Grease	0	Offset	1	Offset	0
Debris	0	Debris	0	Grease	0
Others	1	Others	2	Others	0
Pump Station	2	Pump Station	0	Pump Station	1
Total:	12	Total:	6	Total:	5

**Repairs**

Address	Main/Lat	Description of Work
Tantau PS	PS	Replaced pump (with new) for Tantau Pump Station
Homestead 1 PS	PS	Rebuilt 30 HP pump
Homestead 1 PS	PS	Rebuilt 15 HP pump (Spare pump)

**Mainline Maintenance**

Size of Pipe	4"	6"	8"	10"	12"	14"	15"	16"	18"	> 20"	Total	FY2021-22 YTD	FY2021-22 Annual Schedule	% Complete (YTD/Annual Schedule)
Mainline Cleaning (ft)	0	10,312	64,191	3,165	20,081	0	6,969	247	5,473	3,269	113,707	634,059	987,432	64%
Easement Cleaning (ft)	0	366	11,522	424	0	0	2,091	247	4,163	285	19,098	85,082	159,062	53%
CCTV (ft)	0	3,771	5,339	4,304	0	0	0	0	0	0	13,414	62,769	207,880	30%

**Lateral Maintenance**

Activity	# of Laterals	FY2021-22 YTD	FY2021-22 Annual schedule	% Complete (YTD/Annual schedule)
Cleaning	467	2,274	4,247	54%
CCTV	14	61		
Inspection	17	104		

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

	# of Inspections	YTD FY2021-22	FY2021-22 Annual Schedule	% Complete (YTD/Annual schedule)
Performed	24	128		
Completed	18	94	283	33%
Follow up Needed	1			

**CUPERTINO SANITARY DISTRICT  
MEETING/EVENT SCHEDULE**

**Item 12.A.**

	<b>DECEMBER 2021</b>						
	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1 1 <sup>st</sup> Regular Meeting	2	3	4
12/01: 1 <sup>st</sup> Regular Meeting-CANCELED	5	6 TAC SCCSDA	7	8	9 TPAC	10	11
12/06: TAC-CANCELED	12	13	14	15 2 <sup>nd</sup> Regular Meeting	16	17	18
1206: SCCSDA Regular Meeting	19	20	21	22	23	24 HOLIDAY-OFFICE CLOSED	25
12/09: TPAC-CANCELED	26	27	28	29	30	31 HOLIDAY-OFFICE CLOSED	
12/15: 2 <sup>nd</sup> Regular Meeting							

	<b>JANUARY 2022</b>						
	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
01/05: 1 <sup>st</sup> Regular Meeting	2	3	4	5 1 <sup>st</sup> Regular Meeting	6	7	8
01/11: TAC	9	10	11 TAC	12	13 TPAC	14	15
01/13: TPAC	16 2 <sup>nd</sup> Regular Meeting	17	18	19 CASA Conference Jan. 19-21	20	21	22
01/17: 2 <sup>nd</sup> Regular Meeting	23	24	25	26	27	28	29
01/19 – 21: CASA Winter Conference	30	31					

	<b>JANUARY 2022</b>						
	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
02/05: 1 <sup>st</sup> Regular Meeting	2	3	4	5 1 <sup>st</sup> Regular Meeting	6	7	8
02/11: TAC	9	10	11 TAC	12	13 TPAC	14	15
02/13: TPAC	16	17	18	19 2 <sup>nd</sup> Regular Meeting	20	21	22
02/19: 2 <sup>nd</sup> Regular Meeting	23	24	25	26	27	28	29
	30	31					