

**CUPERTINO SANITARY DISTRICT  
SANITARY BOARD MEETING  
WEDNESDAY, JANUARY 18, 2023**

**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 California Department of Public Health and the County Health Officer continue to encourage social distancing and strongly recommend that all people wear masks in all indoor public spaces, 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 – 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 JANUARY 4, 2023
- B. APPROVED MINUTES OF DECEMBER 21, 2022
- C. PAYMENT OF BILLS AND APPROVAL OF FINANCIAL STATEMENTS
- D. DIRECTOR'S MONTHLY TIMESHEETS

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**6. CORRESPONDENCE**

- A. COUNTY OF SANTA CLARA SUPERVISOR, OTTO LEE – CONGRATULATIONS LETTER TO DISTRICT BOARD MEMBERS TAGHI SAADATI, PATRICK KWOK, AND DAVID DOYLE

**7. MEETINGS**

- A. CASSE TELECONFERENCE MEETING HELD ON THURSDAY, JANUARY 19, 2023
- B. CASA ANNUAL WINTER CONFERENCE TO BE HELD JANUARY 25-27, 2023, IN PALM SPRINGS, CA
- C. TELECONFERENCE MEETING OF THE SAN JOSE/SANTA CLARA TREATMENT PLANT TECHNICAL ADVISORY COMMITTEE (TAC) TO BE HELD ON MONDAY, FEBRUARY 6, 2023
- D. TELECONFERENCE MEETING OF THE SAN JOSE/SANTA CLARA TREATMENT PLANT ADVISORY COMMITTEE (TPAC) TO BE HELD ON THURSDAY, FEBRUARY 9, 2023

**8. REPORTS**

- A. TELECONFERENCE MEETING OF THE SAN JOSE/SANTA CLARA TREATMENT PLANT TECHNICAL ADVISORY COMMITTEE (TAC) HELD ON MONDAY, JANUARY 9, 2023
- B. CASA COLLECTION SYSTEM WORK GROUP HELD ON JANUARY 11, 2023
- C. TELECONFERENCE MEETING OF THE SAN JOSE/SANTA CLARA TREATMENT PLANT ADVISORY COMMITTEE (TPAC) HELD ON THURSDAY, JANUARY 12, 2023

**9. UNFINISHED BUSINESS**

- A. COVID-19 UPDATES

**10. NEW BUSINESS**

- A. PROPOSED CUPERTINO WATER TREATMENT PLANT
- B. INSTALLER'S AGREEMENT CLOSEOUT FOR THE FORUM DEVELOPMENT

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**11. STAFF REPORT**

- A. FUTURE DEVELOPMENT PROJECTS
- B. MAINTENANCE SUMMARY REPORT

**12. CALENDAR ITEMS**

- A. NEXT REGULAR DISTRICT BOARD MEETING IS TO BE HELD ON  
WEDNESDAY, FEBRUARY 1, 2023

**13. ADJOURNMENT**

CUPERTINO SANITARY DISTRICT BOARD MEETING  
WEDNESDAY, JANUARY 4, 2023

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 Kwok called the meeting to order, and the following proceedings were had to wit: Roll call was taken, with the following members in attendance:

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

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

District Consultant: Richard K. Tanaka

Public: None

2. AB 361:

The Board of Directors makes the following findings required by AB 361 in order to continue holding meetings by teleconferencing electronically: (1) the March 4, 2020 Governor's Proclamation of a State of Emergency is still in effect, (2) the County of Santa Clara Health Officer announced on May 10, 2022 that COVID-19 cases are rising again to higher levels than last summer's surge and there is a rise in hospitalizations; she continues to encourage social distancing and advises people wear masks indoors, and (3) due to room capacity limitations, meeting in person would present imminent risks to the health or safety of attendees.

On a motion by Director Saadati, seconded by Director Doyle, by a vote of 5-0-0, the Board approved.

3. PUBLIC COMMENTS:

There were none.

4. CLOSED SESSION:

President Kwok adjourned the regular meeting session and opened the closed session at 7:02 p.m. Manager Porter, and Deputy Manager Woodhouse were excused from the closed session.

A. Conference with legal counsel – Existing Litigation in accordance with government code section Paragraph (1) of Subdivision (d) of Section 54956.9, existing litigation. Name of Case: County Sanitation District 2-3, West Valley Sanitation District, Cupertino Sanitary District, Burbank Sanitary District, and the City of Milpitas v. The City of San Jose, The City of Santa Clara, and Does 1 through 50 inclusive.

Board action: There was no reportable action.

CUPERTINO SANITARY DISTRICT BOARD MEETING  
WEDNESDAY, JANUARY 4, 2023

President Kwok adjourned the closed session at 7:31 p.m. and the regular meeting was called to order. District Manager Porter, and Deputy Manager Woodhouse rejoined the regular meeting.

5. MINUTES & BILLS:

- A. On a motion by Director Saadati, seconded by Director Chen, by a vote of 3-0-1, the minutes of the regular meeting held on Wednesday, December 21, 2022, were approved. President Kwok abstained because he was not in the entire meeting due to technical issues. Due to power outages and loss of internet, Director Bosworth was not present to vote.
- B. By consensus, the Minutes of Wednesday, December 7, 2022, are to be Noted & Filed.

6. CORRESPONDENCE:

- A. The Board reviewed correspondence from the City of San Jose, titled: Third Quarter Adjustments for FY21-22 O&M and CIP Billing. It is to be Noted & Filed.

7. MEETINGS:

- A. Manager Porter plans to attend the teleconference meeting of the San Jose/Santa Clara Treatment Plant Technical Advisory Committee (TAC) to be held on Monday, January 9, 2023.
- B. Deputy Manager Woodhouse plans to attend the CASA Collection System Work Group to be held January 11, 2023.
- C. President Kwok plans to attend the teleconference meeting of the San Jose/Santa Clara Treatment Plant Advisory Committee (TPAC) to be held on Thursday, January 12, 2023.
- D. Deputy Manager Woodhouse plans to attend the CASSE teleconference meeting to be held Thursday, January 19, 2023.

8. REPORTS:

- A. President Kwok reported on the teleconference meeting of the San Jose/Santa Clara Treatment Plant Advisory Committee (TPAC) held on Thursday, December 8, 2022.

9. UNFINISHED BUSINESS:

- A. District Manager Porter reported on the Covid-19 updates.

10. NEW BUSINESS:

- A. The Board discussed the California Water Environment Association AC23 Annual Conference to be held April 18-21, 2023, in San Diego, CA. President Kwok introduced the agenda item indicating that he has attended the conference in previous years. Board members inquired about the costs and the benefit to the District. The conference will have a technical program and an exhibitor hall. The cost was estimated to be \$2,000 - \$3,000.

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11. STAFF REPORTS:

- A. Manager Porter reported on Future Development Projects.
- B. Manager Porter reported on CASA Winter Conference updates.

12. CALENDAR ITEMS:

- A. The next regular District Board meeting is scheduled to be held on Wednesday, January 18, 2023.

13. ADJOURNMENT:

On a motion properly made and seconded, at 7: 59 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 BOARD MEETING WEDNESDAY, DECEMBER 21, 2022

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 Bosworth called the meeting to order, and the following proceedings were had to wit: Roll call was taken, with the following members in attendance:

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

Staff present: District Manager Benjamin Porter, Deputy District Manager Robert Woodhouse, and Counsel Marc Hynes. Staff Member Vani Kathula joined the meeting for Item 10.B., only.

District Consultant: Richard K. Tanaka

Public: None

### 2. AB 361:

The Board of Directors makes the following findings required by AB 361 in order to continue holding meetings by teleconferencing electronically: (1) the March 4, 2020 Governor's Proclamation of a State of Emergency is still in effect, (2) the County of Santa Clara Health Officer announced on May 10, 2022 that COVID-19 cases are rising again to higher levels than last summer's surge and there is a rise in hospitalizations; she continues to encourage social distancing and advises people wear masks indoors, and (3) due to room capacity limitations, meeting in person would present imminent risks to the health or safety of attendees.

On a motion by President Bosworth, seconded by Director Saadati, by a vote of 5-0-0, the Board approved.

### 3. PUBLIC COMMENTS:

There were none.

### 4. CLOSED SESSION:

President Bosworth adjourned the regular meeting session and opened the closed session at 7:03 p.m. Manager Porter, and Deputy Manager Woodhouse were excused from the closed session.

- A. Conference with legal counsel – Existing Litigation in accordance with government code section Paragraph (1) of Subdivision (d) of Section 54956.9, existing litigation. Name of Case: County Sanitation District 2-3, West Valley Sanitation District, Cupertino Sanitary District, Burbank Sanitary District, and the City of Milpitas v. The City of San Jose, The City of Santa Clara, and Does 1 through 50 inclusive.

Board action: There was no reportable action.

CUPERTINO SANITARY DISTRICT BOARD MEETING  
WEDNESDAY, DECEMBER 21, 2022

President Bosworth adjourned the closed session at 8:25 p.m. and the regular meeting was called to order. District Manager Porter, and Deputy Manager Woodhouse rejoined the regular meeting. Director Kwok left the regular meeting.

On a motion by President Bosworth, seconded by Director Chen, by a vote of 4-0-0, the Board added New Agenda Item 10.C. to the agenda.

5. MINUTES & BILLS:

- A. On a motion by Director Chen, seconded by Director Saadati, by a vote of 4-0-0, the revised minutes of the regular meeting held on Wednesday, December 7, 2022, were approved.
- B. By consensus, the Minutes of Wednesday, November 16, 2022, are to be Noted & Filed.
- C. The Board reviewed November payable warrants and financial statements. On a motion by Director Chen, seconded by Director Saadati, by a vote of 4-0-0, the financial statements and payment of bills for November were approved as written.
- D. The Board members will submit their December timesheets to Manager Porter.

6. CORRESPONDENCE:

- A. The Board reviewed correspondence from the City of San Jose, titled: Revised FY 2021-22 Operating & Maintenance Cost Sharing. It is to be Noted & Filed.
- B. The Board reviewed correspondence from the City of San Jose, titled: Timetable for Completion of 2023-2024 Revenue Program. It is to be Noted & Filed.

7. MEETINGS:

- A. Manager Porter plans to attend the teleconference meeting of the San Jose/Santa Clara Treatment Plant Technical Advisory Committee (TAC) to be held on Monday, January 9, 2023.
- B. Deputy Manager Woodhouse plans to attend the CASA Collection System Work Group to be held January 11, 2023.

Director Kwok plans to attend the teleconference meeting of the San Jose/Santa Clara Treatment Plant Advisory Committee (TPAC) scheduled to be held on Thursday, January 12, 2023.

8. REPORTS:

- A. Report on the teleconference meeting of the San Jose/Santa Clara Treatment Plant Advisory Committee (TPAC) held on Monday, December 8, 2022 was deferred to the next regular meeting.

9. UNFINISHED BUSINESS:

- A. District Manager Porter reported on the Covid-19 updates.



CUPERTINO SANITARY DISTRICT BOARD MEETING  
WEDNESDAY, DECEMBER 21, 2022

- B. The Board continued discussion of Purchase of One New 20 kW Multiquip Trailer-Mounted Generator and Rehabilitation of Country Club Pump Station. On a motion by Director Saadati, seconded by Director Doyle, by a vote of 4-0-0, the Board approved staff recommendations as follows: The purchase of one new 20 kW MultiQuip trailer mounted generator and labor cost to perform electrical work at a total estimated cost of \$39,248.25. Awarding construction to Able Septic Tank at a total cost of \$41,105.00, to be charged to the Major Repair and Maintenance account. St-Francis Electric labor estimated at \$6,500, based on time and materials (T&M).

10. NEW BUSINESS:

- A. The Board elected District Officers for the year 2023, effective January 1, 2023. On motion by President Bosworth, seconded by Director Chen, by a vote of 4-0-0, the Slate of Officers for the District was approved as follows:

President – Patrick Kwok  
Secretary – Angela Chen  
Secretary Pro-Tem – Taghi Saadati

By concurrence, it was ordered that the Slate of Representatives for the District be approved, effective January 1, 2023, as follows:

TPAC Alternate	Patrick Kwok Angela Chen
Special Districts Association Alternate	Bill Bosworth Angela Chen
CASA	Patrick Kwok
CSRMA Alternate	Angela Chen Bill Bosworth
Finance Committee	Taghi Saadati (Director in Position 3) David Doyle (Director in Position 4)
TAC	Manger Porter, Deputy Manger Woodhouse, Staff Member Kathula

Staff Member Kathula joined the meeting.

- B. The Board discussed Lucy Enhancement. Staff Member Kathula provided a description of the proposed enhancements to the Lucy computerized maintenance management system. On motion by President Bosworth, seconded by Director Chen, by a vote of 4-0-0, the Board approved the purchase of professional software service support in an amount not to exceed \$4,992.00 to provide professional services related to Central Square’s Lucy Asset Management and Work Order system.

Staff Member Kathula left the meeting.

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- C. The Board discussed Developer and City of Cupertino Emails to Directors. There was no Board action.

11. STAFF REPORTS:

- A. Manager Porter reported on Future Development Projects.
- B. Manager Porter reported on CASA Conference Updates.
- C. Manager Porter reported on The Maintenance Summary Report.

12. CALENDAR ITEMS:

- A. The next regular District Board meeting is scheduled to be held on Wednesday, January 4, 2023.

13. ADJOURNMENT:

On a motion properly made and seconded, at 9: 25 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 DECEMBER 2022**  
**6th Month of Operations - 50% into FY Operations)**  
 FISCAL YEAR: July 1, 2022 to June 30, 2023

**EXPENSE SUMMARY REPORT**

Account Name	Account Number	BUDGET	Prior Expenses	Amount Payable	Total To Date Expenses	Remaining Balance	% Expended To Date	Comments
<b>DEC SERVICES</b>								
<b>OPERATING EXPENSES</b>								
Loan Payments	41000	\$1,200,063	\$600,687.50	\$0.00	\$600,687.50	\$599,375.50	50.1%	None this month
Directors Fees	41030	\$38,000	\$12,462.23	\$2,896.22	\$15,358.45	\$22,641.55	40.4%	On Target
Gasoline, Oil & Fuel	41060	\$4,000	\$0.00	\$1,878.72	\$1,878.72	\$2,121.28	47.0%	eFUEL - diesel for generators at various pump stations
Insurance	41060	\$170,000	\$13,875.12	\$140,225.69	\$154,100.81	\$15,899.19	90.6%	Annual Liability and Property Insurance; Dooley Insurance (Group Life and Dental - February Coverage)
Memberships	41080	\$57,000	\$37,300.23	\$1,110.00	\$38,410.23	\$18,589.77	67.4%	CWEA - Membership Renewal for field inspectors
Office Rent	41090	\$4,800	\$2,000.00	\$400.00	\$2,400.00	\$2,400.00	50.0%	On Target
Operating Expenses - General	41100	\$3,000	\$1,745.66	\$0.00	\$1,745.66	\$1,254.34	58.2%	None this month
Operating Expenses - Credit Card Transaction Fees	41100-1	\$6,000	\$2,033.60	\$274.75	\$2,308.35	\$3,691.65	38.5%	Credit Card Processing Fees - December
<b>Contractual Services:</b>								
Outfall Maintenance	41113	\$71,000	\$176,187.69	\$0.00	\$176,187.69	-\$105,187.69	248.2%	None this month
T.P. Operations & Maintenance	41114	\$6,902,554	\$3,451,278.00	\$1,901,921.00	\$5,353,199.00	\$1,549,355.00	77.6%	Fiscal Year 2022-2023 Third Quarter Payment
<b>Professional Services:</b>								
Management Services	41121	\$575,000	\$169,708.92	\$56,500.79	\$226,209.71	\$348,790.29	39.3%	On Target
SSMP Certification and Implementation	41121	\$100,000	\$4,822.02	\$3,214.68	\$8,036.70	\$91,963.30	8.0%	New Waste Discharge Requirements (WDR) Implementation
Engineering Services	41122	\$1,365,000	\$545,776.75	\$105,120.06	\$650,896.81	\$714,103.19	47.7%	On Target
Inflow/Infiltration Reduction	41122	\$500,000	\$15,905.80	\$3,149.28	\$19,055.08	\$480,944.92	3.8%	Flow model calibration
Plan Checking & Inspection	41123	\$300,000	\$94,075.22	\$15,604.22	\$109,679.44	\$190,320.56	36.6%	On Target
Legal - Consultant Services	41124	\$36,000	\$19,500.00	\$4,300.00	\$23,800.00	\$12,200.00	66.1%	Richard Tanaka - Consulting Services for December 2022
Legal - District Counsel	41124	\$60,000	\$13,812.00	\$2,520.00	\$16,332.00	\$43,668.00	27.2%	District Counsel - Legal Services for December 2022
Legal - Common Interest Group (CuSD Advance Pay)	41124	\$1,404,000	\$1,266,016.38	\$331,885.13	\$1,597,901.51	-\$193,901.51	113.8%	Hunton Andrews Kurth (Legal Services for November)
Legal - Common Interest Group (CuSD Share)	41124	\$396,000	\$357,081.54	\$93,608.62	\$450,690.16	-\$54,690.16	113.8%	Hunton Andrews Kurth (Legal Services for November)
Audit	41125	\$12,600	\$0.00	\$0.00	\$0.00	\$12,600.00	0.0%	None to date
Printing & Publications	41130	\$28,000	\$3,376.40	\$0.00	\$3,376.40	\$24,623.60	12.1%	None this month
<b>Repairs and Maintenance</b>								
Repairs	41150	\$300,000	\$54,847.62	\$4,469.10	\$59,316.72	\$240,683.28	19.8%	On Target; \$2.9K is for Pump Stations (Country Club and Crescent PS)
Maintenance	41151	\$3,725,000	\$1,641,680.98	\$342,825.09	\$1,984,506.07	\$1,740,493.93	53.3%	On Target; \$81.4K is for Pump Stations (\$38.7K staff; \$23K Able for Cristo Rey; \$19.7K CD&Power )
Travel & Meetings Staff	41170	\$15,000	\$2,324.17	\$505.39	\$2,829.56	\$12,170.44	18.9%	Airfare and Lodging Deposit for Winter CASA (R. Woodhouse)
Travel & Meetings BOD	41170	\$18,000	\$4,171.63	\$0.00	\$4,171.63	\$13,828.37	23.2%	None this month
Utilities	41190	\$70,000	\$26,463.34	\$5,485.86	\$31,949.20	\$38,050.80	45.6%	On target; electricity and water at pump stations
<b>Refunds &amp; Reimbursements:</b>								
Miscellaneous	41201	\$50,000	\$0.00	\$0.00	\$0.00	\$50,000.00	0.0%	None to date
Connection Fees	41202	\$2,000	\$0.00	\$0.00	\$0.00	\$2,000.00	0.0%	None to date
Checking & Inspection	41203	\$3,000	\$0.00	\$0.00	\$0.00	\$3,000.00	0.0%	None to date
Emergency Funds	48000	\$250,000	\$54,309.79	\$54,182.11	\$108,491.90	\$141,508.10	43.4%	AB/JDD (4); Able (2); Mark Thomas - Stoppage Response
Consolidated Election	48001	\$150,000	\$0.00	\$0.00	\$0.00	\$150,000.00	0.0%	None this Fiscal Year
<b>TOTAL OPERATING EXPENSES</b>		<b>\$17,816,017</b>	<b>\$8,571,442.59</b>	<b>\$3,072,076.71</b>	<b>\$11,643,519.30</b>	<b>\$6,172,497.70</b>	<b>65.4%</b>	
<b>CAPITAL EXPENSES</b>								
District Sewer Capital & Support	46041	\$2,500,000	\$340,066.92	\$98,558.03	\$438,624.95	2,061,375.05	17.5%	\$42.5K C2R for Cristo Rey PS; Wolfe Road Sewer Relocation; Significant Defect Repair Project
Treatment Plant Capital	46042	\$3,789,547	\$810,805.00	\$336,981.00	\$1,147,786.00	2,641,761.00	30.3%	Fiscal Year 2022-2023 Third Quarter Payment
Outfall Capital	46042	\$95,000	\$280,533.83	\$0.00	\$280,533.83	(185,533.83)	295.3%	None this month
District Equipment	46043	\$150,000	\$15,167.05	\$0.00	\$15,167.05	134,832.95	10.1%	None this month
Replacement Fund	46044	\$300,000	\$0.00	\$0.00	\$0.00	\$300,000.00	0.0%	
<b>TOTAL CAPITAL EXPENSES</b>		<b>\$6,834,547</b>	<b>\$1,446,572.80</b>	<b>\$435,539.03</b>	<b>\$1,882,111.83</b>	<b>\$4,952,435.17</b>	<b>27.5%</b>	
<b>TOTAL EXPENSES</b>		<b>\$24,650,564</b>	<b>\$10,018,015.39</b>	<b>\$3,507,615.74</b>	<b>\$13,525,631.13</b>	<b>\$11,124,932.87</b>	<b>54.9%</b>	

**CUPERTINO SANITARY DISTRICT**  
**MONTHLY FINANCIAL REPORT THROUGH DECEMBER 2022**  
**6th Month of Operations - 50% into FY Operations)**  
 FISCAL YEAR: July 1, 2022 to June 30, 2023  
**REVENUE SUMMARY REPORT**

Account Name	Account Number	BUDGET	Prior Receipts	Current Month Receipts Dec Receipts	Total Amount Received	Remaining Balance to Collect	% Earned To Date	Comments
<b>OPERATING REVENUES</b>								
Service Charges								
Handbilling	31010	\$618,711.00	\$0.00	\$0.00	\$0.00	\$618,711.00	0.0%	None to date
Tax Roll	31010	\$20,395,721.00	\$0.00	\$0.00	\$0.00	\$20,395,721.00	0.0%	None to date
Permit Fees	31020	\$75,000.00	\$35,119.12	\$14,795.70	\$49,914.82	\$25,085.18	66.6%	Twenty-two payments received this month; One hundred fourteen received to date
Connection Fees	31031	\$600,000.00	\$0.00	\$89,810.00	\$89,810.00	\$510,190.00	15.0%	One payment received this month; Alan Row Installers Agreement
Capacity Fees	31032	\$450,000.00	\$0.00	\$33,150.20	\$33,150.20	\$416,849.80	7.4%	Two payments received this month; Includes Alan Row Installers Agreement for \$22,688
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	\$42,200.00	\$81,400.00	\$123,600.00	\$176,400.00	41.2%	Twenty-seven payments received; One hundred thirty-five to date; Includes Alan Row IA \$70K
Annexation	32010	\$2,500.00	\$0.00	\$0.00	\$0.00	\$2,500.00	0.0%	None to date
Interest	32050	\$100,000.00	\$95,768.37	\$0.00	\$95,768.37	\$4,231.63	95.8%	None this month
City of San Jose Credit(s)	32091	\$500,000.00	\$0.00	\$0.00	\$0.00	\$500,000.00	0.0%	None to date
Legal - Common Interest Group (Tributaries)	32092.1	\$1,404,000.00	\$1,263,216.14	\$409,991.48	\$1,673,207.62	(\$269,207.62)	119.2%	Payments from Milpitas, WVSD, CSD2-3, and BSD (for October 2022 billing)
Legal - Common Interest Group (2% Admin Fees)	32902.2	\$36,000.00	\$25,366.38	\$8,280.86	\$33,647.24	\$2,352.76	93.5%	Payments from Milpitas, WVSD, CSD2-3, and BSD (for October 2022 billing)
Refunds/Reimbursements - Misc.	32091	\$10,000.00	\$356,737.40	\$0.00	\$356,737.40	(\$346,737.40)	3567.4%	VTA Payments for I280/Wolfe Rd. Project; Reimbursements for Grease and Spill clean-up
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>\$24,526,932.00</b>	<b>\$1,818,407.41</b>	<b>\$637,428.24</b>	<b>\$2,455,835.65</b>	<b>\$22,071,096.35</b>	<b>10.01%</b>	
		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	Reserve Account
<b>TOTAL OPERATING REVENUE</b>		<b>\$24,526,932.00</b>	<b>\$1,818,407.41</b>	<b>\$637,428.24</b>	<b>\$2,455,835.65</b>	<b>\$22,071,096.35</b>	<b>10.01%</b>	

**CASH ACCOUNT SUMMARY**

Date	Operating Fund	Replacement Fund	Comingled Fund	Cal Bank Trust Acct	Loan Balance with interest *	Net Cash
June 30, 2022	\$18,765,721.45	\$3,000,000.00	\$15,765,721.45	\$762,082.82	\$1,058,859.55	\$20,586,663.82
July 31, 2022	\$18,057,733.71	\$3,000,000.00	\$15,057,733.71	\$770,283.34	\$1,058,923.08	\$19,886,940.13
August 31, 2022	\$15,040,721.91	\$3,000,000.00	\$12,040,721.91	\$787,005.74	\$1,059,066.69	\$16,886,794.34
September 30, 2022	\$13,928,089.09	\$3,000,000.00	\$10,928,089.09	\$801,832.83	\$1,059,197.27	\$15,789,119.19
October 31, 2022	\$11,161,210.40	\$3,000,000.00	\$8,161,210.40	\$816,828.46	\$1,059,332.22	\$13,037,371.08
November 30, 2022	\$11,034,278.54	\$3,000,000.00	\$8,034,278.54	\$771,056.11	\$1,059,462.83	\$12,864,797.48
December 31, 2022	\$9,947,547.23	\$3,000,000.00	\$6,947,547.23	\$784,456.57	\$1,059,593.46	\$11,791,597.26

FOR CAL BANK SUMMARY, SEE ATTACHED DETAIL.

**CALIFORNIA BANK AND TRUST ACCOUNT SUMMARY AS OF 12/31/2022**

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	04/16/20				\$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	06/22/21		\$1,415,647.00	\$926,889.61	\$1,107,651.79	\$488,757.39	\$1,089,479.35	\$2,197,131.14		\$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	07/15/21									
	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
	Balance as of 12/31/2021			\$28.34	\$17.99	\$1,058,744.38	\$10.35	\$609,576.90	\$1,668,321.28	\$55,958.38	\$1,724,279.66
	Balance as of 1/31/2022			\$28.34	\$17.99	\$1,058,762.37	\$10.35	\$609,587.25	\$1,668,349.62	\$65,691.28	\$1,734,040.90
	Balance as of 2/28/2022			\$25.60	\$16.25	\$1,058,778.61	\$9.35	\$609,596.61	\$1,668,375.22	\$85,965.01	\$1,754,340.23
	Balance as of 3/31/2022			\$28.34	\$17.99	\$1,058,796.60	\$10.35	\$609,606.96	\$1,668,403.56	\$106,346.21	\$1,774,749.77
	Balance as of 4/30/2022			\$26.51	\$16.82	\$1,058,813.42	\$9.69	\$609,616.65	\$1,668,430.07	\$119,004.80	\$1,787,434.87
	Balance as of 5/31/2022			\$29.25	\$18.56	\$1,058,831.98	\$10.69	\$609,627.34	\$1,668,459.32	\$132,240.88	\$1,800,700.20
	Balance as of 6/30/2022			\$43.43	\$27.56	\$1,058,859.55	\$15.87	\$609,643.20	\$1,668,502.75	\$152,439.62	\$1,820,942.37
	Balance as of 7/31/2022			\$100.11	\$63.53	\$1,058,923.08	\$36.58	\$609,679.78	\$1,668,602.86	\$160,603.56	\$1,829,206.42
	Balance as of 8/31/2022			\$226.30	\$143.61	\$1,059,066.69	\$82.69	\$609,762.47	\$1,668,829.16	\$177,243.27	\$1,846,072.43
	Balance as of 9/30/2022			\$205.76	\$130.58	\$1,059,197.27	\$75.18	\$609,837.65	\$1,669,034.92	\$191,995.18	\$1,861,030.10
	Balance as of 10/31/2022			\$212.64	\$134.94	\$1,059,332.22	\$77.70	\$609,915.34	\$1,669,247.56	\$206,913.12	\$1,876,160.68
	1011 C2R Engineering, Ir	11/16/22								-\$54,058.43	
	Balance as of 11/30/2022			\$205.81	\$130.61	\$1,059,462.83	\$75.20	\$609,990.54	\$1,669,453.37	\$161,065.57	\$1,830,518.94
	Balance as of 12/31/2022			\$205.84	\$130.63	\$1,059,593.46	\$75.21	\$610,065.75	\$1,669,659.21	\$174,390.82	\$1,844,050.03
<b>TOTAL OR BALANCE AMOUNT</b>			<b>\$10,596,444.80</b>	<b>\$1,455,651.01</b>	<b>\$965,585.26</b>	<b>\$1,059,593.46</b>	<b>\$10,065.75</b>	<b>\$610,065.75</b>	<b>\$1,669,659.21</b>	<b>\$174,390.82</b>	<b>\$1,844,050.03</b>

**CUPERTINO SANITARY DISTRICT  
WARRANTS PAYABLE - January 18, 2023**

<u>WARRANT NUMBER</u>	<u>FUND</u>	<u>AMOUNT</u>	<u>PAYEE</u>	<u>DESCRIPTION</u>	
N/A	M&O	\$ 2,896.22	ADP	Directors' Salary	
19582	M&O	\$ 1,878.72	eFUEL, LLC	Gasoline, Oil & Fuel	
19583	M&O	\$ 1,181.91	Dooley Insurance Services	Insurance - Group Life & Dental	
19584	M&O	\$ 139,043.78	CSRMA	Insurance - Gen. Liability & PIP	
19585	M&O	\$ 1,110.00	CWEA	Memberships	
N/A	M&O	\$ 274.75	CalBank Credit Card Processing Fees	Operating Exp. - Credit Card Processing Fees	
19586	M&O	\$ 2,238,902.00	City of San Jose	Treatment Plant O&M	1,901,921.00
				Treatment Plant Capital	336,981.00
19587	M&O	\$ 476,736.55	Mark Thomas	Office Rent	400.00
				Management Services	56,500.79
				SSMP Cert Update and Implementation	3,214.68
				Engineering Services	105,120.06
				Peak Flow Reduction	3,149.28
				Plan Checking & Inspection	15,604.22
				Repairs	1,470.40
				Maintenance	211,123.19
				Travel & Meetings (Staff)	505.39
				Utilities	1,052.70
				Emergency Funds	26,992.94
				District Sewer Capital & Support	51,602.90
19588	M&O	\$ 4,300.00	Richard K. Tanaka	Legal - Consultant Services	
19589	M&O	\$ 2,520.00	Armento & Hynes	Legal - District Counsel	
19590	M&O	\$ 425,493.75	Hunton Andrews Kurth	Legal - Common Interest Group (Advance Pay)	331,885.13
				Legal - Common Interest Group (CuSD Share)	93,608.62
19591	M&O	\$ 2,998.70	St. Francis Electric	Repairs	
19592	M&O	\$ 19,798.76	CD&Power	Maintenance	
19593	M&O	\$ 124.22	Home Depot	Maintenance	
19594	M&O	\$ 20,540.52	RotoRooter	Maintenance	
19595	M&O	\$ 56,287.50	AB/JDD Plumbing Heating & AC	Maintenance	54,450.00
				Emergency	1,837.50
19596	M&O	\$ 62,140.07	Able Underground Construction	Maintenance	36,788.40
				Emergency	25,351.67
19597	M&O	\$ 61.14	City of Santa Clara Utilities	Utilities	
19598	M&O	\$ 4,244.63	PG&E	Utilities	
19599	M&O	\$ 127.39	San Jose Water Co.	Utilities	
19600	M&O	\$ 4,370.00	Bennett Trenchless	District Sewer Capital & Support	
1012	M&O	\$ 42,585.13	C2R Engineering, Inc.	District Sewer Capital & Support	
<b>TOTAL WARRANTS</b>		<b>\$ 3,507,615.74</b>			

<b><u>Pk Flow Red. Total:</u></b>	\$ 3,149.28	Mark Thomas
<b><u>Maintenance Total:</u></b>	\$ 323,026.33	Mark Thomas, Home Depot, SWRCB, Roto Rooter, ABLE, AB/JDD, Mission, Huerta's, J. Mendoza
<b><u>Utilities Total:</u></b>	\$ 5,485.86	Mark Thomas, Santa Clara Utilities, PG&E, San Jose Water
<b><u>Emergency Total:</u></b>	\$ 31,139.11	Mark Thomas, AB/JDD, Able
<b><u>Pump Station Portion</u></b>	\$ 131,636.18	C2R and Able (Emergency Repair - Cristo Rey PS); CD&Power and St. Francis (Rep & Maint- various PS); maintenance staff; Electricity and Water Utilities

**EMERGENCY DETAILS:**

**Roto-Rooter** - No emergencies this month  
**Able** - Two emergencies this month  
**AB/JDD Plumbing** - Four emergencies this month

**OTTO LEE**

**COUNTY OF SANTA CLARA SUPERVISOR, DISTRICT THREE**

COUNTY GOVERNMENT CENTER, EAST WING  
70 WEST HEDDING STREET, 10<sup>TH</sup> FLOOR  
SAN JOSE, CALIFORNIA 95110  
TEL: (408) 299-5030 • FAX: (408) 298-6637  
otto.lee@bos.sccgov.org • www.supervisorlee.com



RECEIVED

JAN 11 2023

CUPERTINO  
SANITARY DISTRICT

January 5, 2023

Director Taghi Saadati  
Cupertino Sanitary District  
20863 Stevens Creek Boulevard, Suite 100  
Cupertino, California 95014

**SUBJECT: CONGRATULATIONS!**

Dear Director Saadati,

I am pleased to offer my warmest congratulations on your appointment as Director of the Cupertino Sanitary District!

Your hard work and dedication to public service has clearly allowed you to achieve this important step in serving your community. I am excited that we will have the opportunity to work together.

As you focus on your work ahead, please do not hesitate to contact me at [Supervisor.Lee@BOS.SCCGOV.ORG](mailto:Supervisor.Lee@BOS.SCCGOV.ORG) or (408) 299-5030 should you need anything. My team and I look forward to working with you closely to further strengthen our relationship and make a positive impact in our community.

Sincerely,

Otto O. Lee

**OTTO LEE**  
COUNTY OF SANTA CLARA SUPERVISOR, DISTRICT THREE

COUNTY GOVERNMENT CENTER, EAST WING  
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RECEIVED

JAN 11 2023

CUPERTINO  
SANITARY DISTRICT

January 5, 2023

Director Patrick Shupi Kwok  
Cupertino Sanitary District  
20863 Stevens Creek Boulevard, Suite 100  
Cupertino, California 95014

**SUBJECT: CONGRATULATIONS!**

*Patrick*

Dear Director ~~Shupi~~ Kwok,

I am pleased to offer my warmest congratulations on your appointment as Director of the Cupertino Sanitary District!

Your hard work and dedication to public service has clearly allowed you to achieve this important step in serving your community. I am excited that we will have the opportunity to work together.

As you focus on your work ahead, please do not hesitate to contact me at [Supervisor.Lee@BOS.SCCGOV.ORG](mailto:Supervisor.Lee@BOS.SCCGOV.ORG) or (408) 299-5030 should you need anything. My team and I look forward to working with you closely to further strengthen our relationship and make a positive impact in our community.

Sincerely,

Otto O. Lee

*Thank you for your continued service  
to our community.*



**OTTO LEE**

**COUNTY OF SANTA CLARA SUPERVISOR, DISTRICT THREE**

COUNTY GOVERNMENT CENTER, EAST WING  
70 WEST HEDDING STREET, 10<sup>TH</sup> FLOOR  
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RECEIVED

JAN 11 2023

CUPERTINO  
SANITARY DISTRICT

January 5, 2023

Director David Doyle  
Cupertino Sanitary District  
20863 Stevens Creek Boulevard, Suite 100  
Cupertino, California 95014

**SUBJECT: CONGRATULATIONS!**

Dear Director Doyle,

I am pleased to offer my warmest congratulations on your appointment as Short-Term Director of the Cupertino Sanitary District!

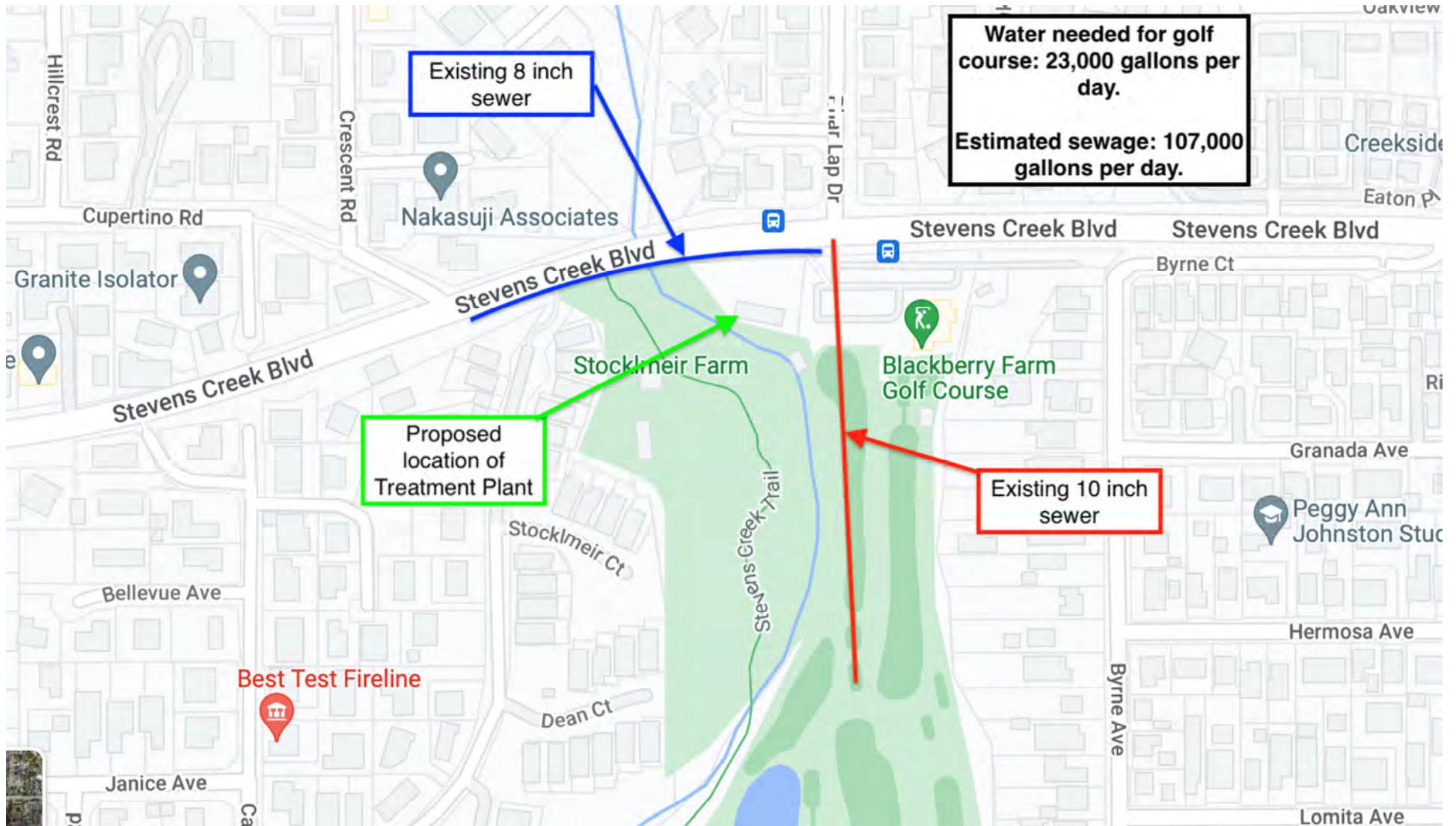
Your hard work and dedication to public service has clearly allowed you to achieve this important step in serving your community. I am excited that we will have the opportunity to work together.

As you focus on your work ahead, please do not hesitate to contact me at [Supervisor.Lee@BOS.SCCGOV.ORG](mailto:Supervisor.Lee@BOS.SCCGOV.ORG) or (408) 299-5030 should you need anything. My team and I look forward to working with you closely to further strengthen our relationship and make a positive impact in our community.

Sincerely,

Otto O. Lee

# Item 10.A.





# Memo

Item 10B

**To: Board of Directors**

**From: Benjamin Porter, District Manager-Engineer**

**Date: January 18, 2023**

**Re: Installer's Agreement Closeout for The Forum Redevelopment**

***Project Summary:***

The Forum at Rancho San Antonio entered into an Installer's Agreement with the District on July 18, 2018 for the redevelopment of the retirement community. The Forum added 23 new independent living villas, renovations to 46,026 square feet of the skilled nursing facilities, renovations to 10,500 square feet of the assisted living facility, renovations to 27,000 square feet to the common use facilities, and a new 39,000 square foot memory care building.

The scope of the work for the project included construction of new privately-owned sanitary sewer mains, manholes, and laterals to serve the new facilities. The work has been completed. On May 18, 2022, the final CCTV inspection of the facilities were provided to the District and the facilities were found to be acceptable.

The construction consists of the following privately-owned sanitary sewer improvements:

- a. Installing 1,365 linear feet of 6-inch PVC SDR26 sanitary sewer mainlines
- b. Installing 28 4-inch PVC SDR26 sanitary sewer laterals
- c. Installing 14 sanitary sewer manholes
- d. Connecting to existing District sewer main through a sanitary sewer manhole

***Development and Administrative Fees:***

Staff have evaluated the Development Fees and Administrative Fees from July 11, 2018 to September 15, 2022. The initial estimated Administrative Fee from the Installer's Agreement was \$15,000 which was paid on July 11, 2018. On May 3, 2019, the applicant made an additional deposit of \$15,000 to cover services and inspection. On September 10, 2020, an additional \$8,000 deposit was made. This brings the total deposit to \$38,000. The total actual expenses incurred were \$37,257.77, or \$742.23 less than the total deposit. The fees are detailed below:

	<b>Development Fees</b>	<b>On IA</b>	<b>Difference</b>
1	Connection Fee (23 units) for new Villas	\$13,800	\$0.00
2	Skilled Nursing Facility Change-in-use Fee	\$30,137.94	\$0.00
3	Assisted Living Change-in-use Fee	\$3,148.74	\$0.00
4	Memory Care Change-in-use Fee	\$54,728.10	\$0.00
5	Common Building Change-in-use Fee	\$53,951.94	\$0.00
6	District Administrative Fee	\$38,000.00 <sup>1</sup>	-\$742.23
		\$193,766.72	-\$742.23

<sup>1</sup> \$15,000 was the initial deposit on the IA, however additional deposits were required which brought up the total to \$38,000.

***Recommendation:***

- 1) To approve Resolution No. 1338 to accept the improvements of The Forum Redevelopment
- 2) To approve Installer's Agreement Closeout
- 3) To release performance bond check and the difference between actual costs and deposited amount.

***Attachment:***

- 1) Cover Page of Improvements Plans
- 2) Installer's Agreement and performance bond and deposit checks
- 3) Resolution No. 1338 Accepting Improvements



**I N S T A L L E R ' S**  
**A G R E E M E N T**

THIS AGREEMENT, made this 18 day of July, 2018, between the CUPERTINO SANITARY DISTRICT of Santa Clara County, California, a public corporation duly organized and existing under Part I Division 6 of the Health and Safety Code of the State of California, hereinafter called "District," and The Forum at Rancho San Antonio, owner, hereinafter called "Installer";

**W I T N E S S E T H**

WHEREAS, Installer is the owner of that certain real property located at 23500 Cristo Rey Drive, Cupertino CA 95014 more specifically known as The Forum at Rancho San Antonio, consisting of total site area of 51.5 acres;

WHEREAS, District is the owner and operator of a sanitary sewer system within The Forum as follows:

- 112 LF 8" PVC Gravity Main from T-677 to T-676
- 124 LF 8" PVC Gravity Main from T-676 to T-675
- 145 LF 8" PVC Gravity Main from T-675 to T-674
- 110 LF 8" PVC Gravity Main from T-674 to T-673
- 105 LF 8" PVC Gravity Main from 9054-101 to 9054-101-A
- 1,971 LF 6" PVC Force Main from Forum 1 Pump Station
- 2,137 LF 6" PVC Force Main from Forum 2 Pump Station
- Forum 1 Pump Station
- Forum 2 Pump Station

WHEREAS, all other sanitary sewer system facilities within the Forum are privately owned and maintained.

WHEREAS, Installer desires to modify, expand and improve The Forum Community and the City of Cupertino has approved the project on April 17, 2018 which consists of:

The Forum at Rancho San Antonio is a continuing care retirement community that currently exists on a 51.5-acre site at 23500 Cristo Rey Drive. The proposed project includes renovations and additions to the existing facilities as well as new buildings resulting in 23 new independent living villas, 10 new beds and 46,026 square feet of renovations and additions to the skilled nursing facility, 10,500 square feet of renovations to the assisted living facility, 26 new beds in a 39,000-square-foot new memory care building, and 27,000 square feet of renovations and additions to the commons facilities (dining, fitness and multipurpose room) with associated site and landscaping improvements.

WHEREAS, the proposed improvements will generate additional sanitary sewer flow as follows:

<b>Improvements</b>	<b>Additional Flow (GPD)</b>
Skilled Nursing Facility (20,100 SF)	10,251
Assisted Living – Theater (2,100 SF)	1,071
Memory Care Building (36,500 SF)	18,615
Multipurpose Room (116,850 SF)	18,351
Additional Dwelling Units (23)	4,462
<b>TOTAL</b>	<b>52,750</b>

WHEREAS, Installer also plans to install 1,365 LF of sewer mains, 28 laterals and 14 manholes within The Forum area, which will be owned and maintained privately.

WHEREAS, this project is anticipated to be completed in two phases; the first phase being site preparation and grading and the latter being installation of on-site sanitary sewer system;

NOW, THEREFORE, IT IS AGREED, as follows:

1. CCTV AND SMOKE TESTING:

- i. Installer shall hydro-flush and clean the sewer mains and laterals in the presence of a District Inspector.
- ii. Installer shall perform closed circuit televised video (CCTV) inspection of all mains in accordance with NASSCO PACP standards. Installer shall initially perform CCTV inspection of 20% of the sewer laterals. District will review CCTV inspection results of the 20% of the sewer laterals, and will provide concurrence or request balance of the laterals to be CCTV.
- iii. Installer shall provide the CCTV report for District’s review.
- iv. Installer shall perform smoke testing of all sewer mains and laterals and provide report for District’s review.
- v. District will determine rehabilitation requirements to bring existing sewer mains and laterals to acceptable condition to reduce inflow/infiltration.
- vi. Once the cost is known for rehabilitation, this Installer’ agreement will be amended.

2. FINAL DESIGN PHASE: Installer shall submit final plans at the 65% and at the 100% design phases to allow the District to review, provide comments and approve onsite sewer improvements. The design shall conform to the District's standards. Installer shall install, or cause to be installed, the said sanitary improvements in strict accordance with the plans, profiles and specifications approved by the District. Installer's engineer shall submit final plans for District review and approval. Construction may not proceed until the District has approved said sewer improvement plans and other conditions of this Agreement are met.
3. INSPECTION: Installer hereby agrees to provide and assure said District and its employees and any person or persons designated by it the right to inspect said sanitary sewer facilities and the plans, materials and work thereof at any reasonable time or times before, during or after such are installed. The District shall provide reasonable notice prior to conducting any inspection. The District shall conduct the final inspection within 30 days of receiving a written notice of completion by Installer. Upon completing the final inspection, the District shall have no further right to inspect.
4. CONNECTION FEES: Installer shall pay to District, prior to District approving the onsite sanitary sewer system, the Sewer Connections Fees in the amount of \$155,766.72, which includes change in use, lateral connections, frontage and area fees as shown in Exhibit A.
5. DEPOSIT: Installer hereby agrees to deposit, in cash, with District, concurrent with execution of this agreement by District, a sum of \$15,000.00 to cover the District Administration, Plan Checking, and Inspection Fees. Said deposit is to be used by the District to pay for the District's costs for examination of plans, checking of specifications, inspection and other similar engineering charges, together with all costs of administration, supervision, legal, recording and other incidental expenses in connection therewith.
6. FEE CREDIT; COST SHARING; AMENDMENT: The cost to rehabilitate up to \$250,000 will be credited to reduce Installer's in-lieu offsite mitigation fee of \$250,000 required by Mitigation Measure UTIL-3. If the cost to rehabilitate exceeds \$250,000, District shall consider providing cost sharing of 50% of the rehabilitation cost in excess of \$250,000. If the District determines to share the rehabilitation cost in excess of \$250,000, this will require an amendment to this Installer's Agreement and the approval by the Cupertino Sanitary District Board of Directors.
7. COMPLIANCE WITH ORDINANCES, RULES, AND REGULATIONS: Installer shall comply with all District ordinances, rules, and regulations, as now or hereafter amended. Installer must also comply with all State, County, City, and other agency regulations, rules and ordinances affecting, in any manner, the construction of sanitary sewer facilities, and shall obtain any and all necessary permits and shall pay all fees and charges relating thereto or required therefore.
8. INDEMNIFICATION: Installer shall defend, indemnify and hold the District, the District Engineer, Mark Thomas, the County of Santa Clara and the City in which the



referred to real property is situated, their officers, agents and employees, free and harmless from any liability or claim of liability for costs and expenses incurred, directly, or indirectly, by Installer and its contractor in the construction of the sanitary sewer facilities which are the subject of this agreement. Installer further agrees to require its contractor to maintain full insurance coverage of not less than standard limits.

9. COSTS OF SUIT. In the event legal action is necessary to enforce or interpret this Agreement, the prevailing party shall be entitled to recover all costs and expenses that may be incurred in connection therewith, including reasonable attorney fees.
10. SCOPE OF AGREEMENT: This writing constitutes the entire agreement between the parties, and no modification or waiver of all or any part thereof shall be valid unless in writing and signed by both parties hereto. Waiver by either party of any breach of this agreement shall not be deemed waiver of any subsequent breach of the same or of any other provision of this agreement. If any part of this agreement is held to be indefinite or uncertain or unenforceable, such determination shall not invalidate any other part of this agreement. This agreement shall bind and inure to the benefit of the heirs, administrators, successors, and assigns of the parties hereto.


IN WITNESS WHEREOF, the undersigned have executed this agreement the day and year first above written.

“DISTRICT”  
CUPERTINO SANITARY DISTRICT  
Santa Clara County, California

By: Bill Bosworth  
President of the Sanitary Board of said District

(SEAL)

ATTEST:

  
Secretary of said District

“INSTALLER”  
The Forum at Rancho San Antonio

By: Mary Elizabeth O'Connor  
], Trustee  
MARY Elizabeth O'Connor

**EXHIBIT A – FEES**

Connection Permit Fee:

Description	Quantity	Unit	Unit Price	Amount
Connection Fee	0	EA	\$65.00	\$0.00
Frontage Fee	0	LF	\$36.80	\$0.00
Acreage Fee	0	AC	\$2,040.00	\$0.00
Disconnection Permit	0	EA	\$200.00	\$0.00
<b>Commercial/Industrial (Change of Use-Area of Work)</b>				
<b>Skilled Nursing Facility (SNF)</b>				
Existing - No demolition of existing	0	GPD		
Proposed Retail (20,100 SF)	10,251	GPD		
<b>Change of Use</b>	10,251	GPD	\$2.94	\$30,137.94
<b>Assisted Living</b>				
Existing - No demolition of existing	0	GPD		
Proposed Theater (2,100 SF)	1,071	GPD		
<b>Change of Use</b>	1,071	GPD	\$2.94	\$3,148.74
<b>Memory Care Building</b>				
Existing - No demolition of existing	0	GPD		
Proposed Office (36,500 SF)	18,615	GPD		
<b>Change of Use</b>	18,615	GPD	\$2.94	\$54,728.10
<b>Commons Building, Multi-purpose Room</b>				
Existing - None		GPD		
Proposed Area (116,850 SF)	18,351	GPD		
<b>Change of Use</b>	18,351	GPD	\$2.94	\$53,951.94
<b>Residential Unit or Dwelling Unit Fees</b>				
<b>Additional Dwelling Unit Fee</b>				
Existing Residential Unit	0	EA		
Proposed Additional Unit	23	EA		
<b>Change of Use</b>	23	EA	\$600.00	\$13,800.00
<b>TOTAL FEE</b>				<b>\$155,766.72</b>

I N S T A L L E R ' S  
A G R E E M E N T

AMENDMENT NO. 1

This Amendment No. 1, dated May 3, 2019 to the Installer's Agreement dated July 18, 2018 between the CUPERTINO SANITARY DISTRICT of Santa Clara County and The Forum at Rancho San Antonio is agreed as follows:

1. Whereas, District is the owner and operator of a sanitary sewer system within the Forum is revised as follows:

- 110 LF 8" PVC Gravity Main from T-674 to T-673
- 105 LF 8" PVC Gravity Main from 9054-101 to 9054-101-A
- 12 LF 8" PVC Gravity Main from 9054-101-A to T-674
- 1,971 LF 6" PVC Force Main from Forum 1 Pump Station
- 2,137 LF 6" PVC Force Main from Forum 2 Pump Station
- Forum 1 Pump Station
- Forum 2 Pump Station

The District previously owned and maintained 112 LF 8" PVC Gravity Main from T-677 to T-676, 124 LF 8" PVC Gravity Main from T-676 to T-675, and 145 LF 8" PVC Gravity Main from T-675 to T-674 sanitary sewer mains in sewer easements that District has filed a quit claim deed on April 18, 2019 per District Resolution No. 1309.

2. Section 1, CCTV and Smoke Testing, Item v and vi, is amended as follows:

CCTV and Smoke Testing have now been completed to District's satisfaction. No further rehabilitation or capital improvements by the Forum is required, either onsite or offsite, to reduce inflow/infiltration.

3. Section 5, Deposit, is amended as follows:

District has now expended the initial \$15,000 deposit made to cover District Administration, Plan Checking and Inspection Fees. The Forum has deposited additional \$15,000 to cover District expenses until the project is completed. Any balance of said sum remaining on the District administration fees deposit after payment of all such charges and costs shall be refunded to Installer. No interest shall be paid by District on the money so refunded. If the deposit for District administrative fees is insufficient to pay all such charges and costs, Installer hereby agrees to pay all such charges and costs in excess of the sum so deposited prior to the acceptance of the said sanitary sewer improvements.

4. Section 6, Fee Credit; Cost Sharing; Amendment, is amended as follows:

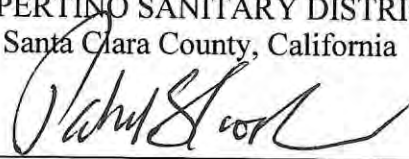
Forum at Rancho San Antonio has paid Mitigation Measure UTIL-3 fee in the amount of \$200,000 to Cupertino Sanitary District. With this payment, Mitigation Measure UTIL-3 is now satisfied and no further rehabilitation, both onsite and offsite, is required.

This amendment includes requirement for the Forum to clean all sanitary sewer mains privately owned every even year. The Forum to notify District when a schedule is established to ensure that precautions are taken for not damaging District's pump stations. The Forum is to provide cleaning record to the District within 30 days of completion.

5. As hereby amended, the terms and conditions of the Agreement and Amendment No. 1 thereto shall remain in full force and effect.


IN WITNESS WHEREOF, the undersigned have executed this agreement the day and year first above written.

"DISTRICT"  
CUPERTINO SANITARY DISTRICT  
Santa Clara County, California

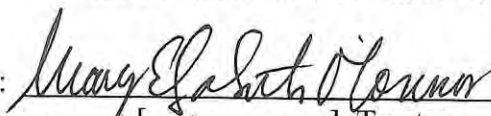
By:   
President of the Sanitary Board of said District

(SEAL)

ATTEST:

  
Secretary of said District

"INSTALLER"  
The Forum at Rancho San Antonio

By:   
The President - ], Trustee  
Board of Directors

CUPERTINO SANITARY DISTRICT, 20863 Stevens Creek Blvd Suite 100, Cupertino CA 95014

Invoice	Description	Date	Discount	Net Amount Paid
071118	MASTER PLAN SEWER SYSTER DEPOSIT	07/10/2018	\$0.00	\$15,000.00
Detach at Perforation Before Depositing Check			Grand Totals	\$0.00 \$15,000.00

THE FACE OF THIS DOCUMENT HAS A MULTI-COLORED BACKGROUND ON WHITE PAPER, A VOID PANTOGRAPH AND MICROPRINTING. THIS DOCUMENT CONTAINS A TRUE WATERMARK VISIBLE FROM BOTH SIDES.

**VOID**  
**VOID**  
**VOID**

**VOID**  
**VOID**  
**VOID**

**VOID**  
**VOID**  
**VOID**

Rancho San Antonio Retirement Housing Corporation  
 d/b/a The Forum at Rancho San Antonio  
 23600 Via Esplendor  
 Cupertino, CA 95014

Comerica Bank  
 Wealth & Institutional Management  
 90-3752/1211

Check No. 206

Check Date:  
 07/11/2018

Check Amount:  
 \$ \*\*\*\*15,000.00

PAY *Fifteen Thousand DOLLARS & 00 CENTS*

TO THE ORDER OF  
 Cupertino Sanitary District  
 20863 Stevens Creek Blvd Suite 100  
 Cupertino CA 95014

*Mary Elizabeth Honner*  
 Authorized Signature

*Harvey S. Dyer*  
 Authorized Signature

Rancho San Antonio Retirement Housing Corporation  
 d/b/a The Forum at Rancho San Antonio  
 23600 Via Esplendor  
 Cupertino, CA 95014

No. 207

Check Date: 07/13/2018

CUPERTINO SANITARY DISTRICT, 20863 Stevens Creek Blvd Suite 100, Cupertino CA 95014

Invoice	Description	Date	Discount	Net Amount Paid
071318	SEWER CONNECTIONS FEES	07/13/2018	\$0.00	\$155,766.72
<div data-bbox="479 504 844 861" data-label="Text"> <p><b>RECEIVED</b>            JUL 16 2018            CUPERTINO            SANITARY DISTRICT  <i>Received by            F. Martinez</i></p> </div>				
<b>Grand Totals</b>			\$0.00	\$155,766.72

Detach at Perforation Before Depositing Check

THE FACE OF THIS DOCUMENT HAS A MULTI-COLORED BACKGROUND ON WHITE PAPER, A VOID PANTOGRAPH AND MICROPRINTING. THIS DOCUMENT CONTAINS A TRUE WATERMARK VISIBLE FROM BOTH SIDES.

Rancho San Antonio Retirement Housing Corporation  
 d/b/a The Forum at Rancho San Antonio  
 23600 Via Esplendor  
 Cupertino, CA 95014

Comerica Bank  
 Wealth & Institutional Management  
 90-3752/1211

Check No. 207

Check Date  
 07/13/2018

Check Amount  
 \$ \*\*\*155,766.72

PAY *One Hundred Fifty Five Thousand Seven Hundred Sixty Six DOLLARS & 72 CENTS*

TO THE ORDER OF  
 Cupertino Sanitary District  
 20863 Stevens Creek Blvd Suite 100  
 Cupertino CA 95014

*Mary Elizabeth Honner*  
 Authorized Signature

*Harvey S. Dizon*  
 Authorized Signature

CUPERTINO SANITARY DISTRICT, 20863 Stevens Creek Blvd Suite 100, Cupertino CA 95014

Invoice	Description	Date	Discount	Net Amount Paid
081320	FILE: CSD - MOP# 20-029, APN: 342-54-052	08/31/2020	\$0.00	\$8,000.00
Grand Totals			\$0.00	\$8,000.00

Detach at Perforation Before Depositing Check

THE FACE OF THIS DOCUMENT HAS A MULTI-COLORED BACKGROUND ON WHITE PAPER, A VOID PANTOGRAPH AND MICROPRINTING. THIS DOCUMENT CONTAINS A TRUE WATERMARK VISIBLE FROM BOTH SIDES.

Rancho San Antonio Retirement Housing Corporation  
 d/b/a The Forum at Rancho San Antonio  
 23600 Via Esplendor  
 Cupertino, CA 95014

BBVA Compass Bank  
 90-7053/3211

Check No. 1270

Check Date  
 09/01/2020

Check Amount  
 \$ \*\*\*\*\*8,000.00

PAY *Eight Thousand DOLLARS & 00 CENTS*

TO THE ORDER OF  
 Cupertino Sanitary District  
 20863 Stevens Creek Blvd Suite 100  
 Cupertino CA 95014

*Marion Kelly*  
 Authorized Signature

*James Edrington*  
 Authorized Signature

Rancho San Antonio Retirement Housing Corporation  
 d/b/a The Forum at Rancho San Antonio  
 23600 Via Esplendor  
 Cupertino, CA 95014

No. 1031

Check Date: 05/03/2019

CUPERTINO SANITARY DISTRICT, 20863 Stevens Creek Blvd Suite 100, Cupertino CA 95014

Invoice	Description	Date	Discount	Net Amount Paid
050319-1	SANITARY SEWER SYSTEM - ADDITIONAL DEPOSIT	05/03/2019	\$0.00	\$15,000.00
Grand Totals			\$0.00	\$15,000.00

Detach at Perforation Before Depositing Check

Page 1 of 1

THE FACE OF THIS DOCUMENT HAS A MULTI-COLORED BACKGROUND ON WHITE PAPER, A VOID PANTOGRAPH AND MICROPRINTING. THIS DOCUMENT CONTAINS A TRUE WATERMARK VISIBLE FROM BOTH SIDES.

Rancho San Antonio Retirement Housing Corporation  
 d/b/a The Forum at Rancho San Antonio  
 23600 Via Esplendor  
 Cupertino, CA 95014

BBVA Compass Bank  
 90-7053/3211

Check No. 1031

05/03/2019

Check Amount  
 \$ \*\*\*\*15,000.00

PAY Fifteen Thousand DOLLARS & 00 CENTS

TO THE ORDER OF  
 Cupertino Sanitary District  
 20863 Stevens Creek Blvd Suite 100  
 Cupertino CA 95014

134000

*Mary Elizabeth Honnor*  
 Authorized Signature

*Harvey S. Dixon*  
 Authorized Signature

⑈001031⑈ ⑆321170538⑆ 6765742097⑈



**RESOLUTION NO. 1338**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CUPERTINO SANITARY DISTRICT ACCEPTING THE SANITARY SEWER IMPROVEMENTS INSTALLED IN CONJUNCTION WITH PARCEL MAP 342 PAGE 54, PARCEL 052, “23500 CRISTO REY DRIVE”, CUPERTINO CA 95014 MORE SPECIFICALLY KNOWN AS THE FORUM AT RANCHO SAN ANTONIO.**

**WHEREAS**, The Forum at Rancho San Antonio, the owner for 23500 CRISTO REY DRIVE, has completed construction of the sanitary sewer improvements in accordance with their Installer’s Agreement dated JULY 18, 2018; and

**WHEREAS**, the improvements have been inspected by the District Staff and have been deemed complete and ready for acceptance as part of this construction project; and

**WHEREAS**, Staff recommends the Board of Directors accept the sanitary sewer improvements and authorize Staff to release the Performance Bond check; and

**WHEREAS**, the sanitary sewer improvements for 23500 Cristo Rey Drive provided the following improvements per project plans approved on March 28, 2019 and per Installer’s Agreement executed on July 18, 2018:

- Installed 1,365 LF sanitary sewer main 6” PVC SDR26
- Installed 28 sanitary sewer laterals and 14 manholes
- Made connection to existing District sewer main through a sanitary sewer manhole
- Hydro-flushed and cleaned the sewer mains and laterals in presence of District Inspector
- Close Circuit Televised Video (CCTV) inspection of all sewer mains in accordance with NASSCO PACP standards
- Smoke Testing of all sewer mains and laterals
- Rehabilitation of all existing sewer mainlines and laterals to acceptable condition to reduce inflow/infiltration

**NOW, THEREFORE, BE IT RESOLVED**, the Board of Directors of the Cupertino Sanitary District accepts the sanitary sewer improvements installed in conjunction with 23500 Cristo Rey Drive and authorizes Staff to release the security for the Faithful Performance and Materials in accordance with the Cupertino Sanitary District Operations Code.

\* \* \*

I hereby certify that the foregoing is a full, true and correct copy of a resolution which was duly and regularly passed and adopted by the Sanitary Board of the Cupertino Sanitary District, at a meeting thereof held on the 18<sup>th</sup> day of January 2023, by the following vote of the members thereof:

AYES: and in favor thereof, Members:

NOES: Members:

ABSENT: Members:

ABSTAIN: Members:

RECUSE: Members:

---

Secretary, Cupertino Sanitary District

APPROVED:

(SEAL)

---

President, Cupertino Sanitary District

APPROVED AS TO FORM:

---

Board Counsel

**Cupertino Sanitary District - Monthly Maintenance Summary - December 2022**

**Item 11.B.**

**SSOs**

Start Date	Location	Cause of SSO	Cat	Main/Lat	Spill Volume (Gal)	Spill Recovered (Gal)	Volume of Wash Water Used (Gal)
12/20/2022	Cristo Rey Pump Station	Broken Force Main	3	Main	637	637	250

**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)
12/16/2022	21396 Maria Ln, Saratoga	Roots from upper lateral	Lat	20.6	20.6	500

**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	6	Root Intrusion	2	Root Intrusion	2
Onsite	8	Onsite	1	Onsite	1
Grease	0	Grease	0	Offset	0
Offset	1	Offset	0	Debris	0
Borken pipe	0	Others	1	Others	1
Debris	0	Pump Station	1	Pump Station	0
<b>Total:</b>	<b>15</b>	<b>Total:</b>	<b>5</b>	<b>Total:</b>	<b>4</b>

**Repairs**

Address	Main/Lat	Description of Work
Crescent Ct PS	PS	Replaced defective heater unit.
Cristo Rey PS	PS	Emergency spot repair of force main.

**Mainline Maintenance**

Size of Pipe	4"	6"	8"	10"	12"	14"	15"	16"	18"	> 20"	Total	FY2022-23 YTD	FY2022-23 Annual Schedule	% Complete (YTD/Annual Schedule)
Mainline Cleaning (ft)	0	43,660	69,320	268	0	332	1,890	0	0	0	115,470	787,136	1,673,032	47%
Easement Cleaning (ft)	0	3,224	4,441	0	0	332	0	0	0	0	7,997	98,200	217,684	45%
CCTV (ft)	0	7,369	4,020	1,267	1,508	0	2,191	476	0	0	16,831	117,527	207,880	57%

**Lateral Maintenance**

Activity	# of Laterals	FY2022-23 YTD	FY2022-23 Annual schedule	% Complete (YTD/Annual schedule)
Cleaning	454	3,017	6,436	47%
CCTV	13	75		
Inspection	13	160		

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

	# of Inspections	YTD FY2022-23	FY2022-23 Annual Schedule	% Complete (YTD/Annual schedule)
Performed	15	139		
Completed	9	118	265	45%
Follow up Needed	6			

**CUPERTINO SANITARY DISTRICT  
MEETING/EVENT SCHEDULE**

**Item 12.A.**

**JANUARY 2023**

01/04: 1<sup>st</sup> Regular Meeting  
 01/09: TAC  
 01/11: CASA CSWG  
 01/12: TPAC  
 01/18: 2<sup>nd</sup> Regular Meeting  
 01/25-27: CASA Winter Conference

JANUARY 2023						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
1	2 HOLIDAY	3	4 1 <sup>st</sup> Regular Meeting	5	6	7
8	9 TAC	10	11 CASA CSWG	12 TPAC	13	14
15	16	17	18 2 <sup>nd</sup> Regular Meeting	19	20	21
22	23	24	25	26	27	28 CASA CONFERENCE
29	30	31				

**FEBRUARY 2023**

02/01: 1<sup>st</sup> Regular Meeting  
 02/06: TAC  
 02/09: TPAC  
 02/15: 2<sup>nd</sup> Regular Meeting

FEBRUARY 2023						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1 1 <sup>st</sup> Regular Meeting	2	3	4
5	6 TAC	7	8	9 TPAC	10	11
12	13	14	15 2 <sup>nd</sup> Regular Meeting	16	17	18
19	20	21	22	23	24	25
26	27	28				

**MARCH 2023**

03/01: 1<sup>st</sup> Regular Meeting  
 03/06: TAC & SCCSDA  
 03/09: TPAC  
 03/15: 2<sup>nd</sup> Regular Meeting

MARCH 2023						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1 1 <sup>st</sup> Regular Meeting	2	3	4
5	6 TAC SCCSDA	7	8	9 TPAC	10	11
12	13	14	15 2 <sup>nd</sup> Regular Meeting	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	