

**CUPERTINO SANITARY DISTRICT  
SANITARY BOARD MEETING  
WEDNESDAY, AUGUST 2, 2023**

**AGENDA**

**The meeting will be held in person at 7:00 p.m. in the Stevens Creek Office Center, Suite 100, 20863 Stevens Creek Boulevard, Cupertino, California and via virtual teleconference.**

**Anyone interested may attend in person, by phone [call 1 (866) 899 - 4679 Conference Access Code: 251566821], or virtually <https://global.gotomeeting.com/join/251566821>.**

**1. ROLL CALL**

**2. PUBLIC COMMENTS**

This portion of the meeting is reserved for persons desiring to address the board on any matter not on the agenda. Speakers are limited to three (3) minutes.

All statements requiring a response will be referred to staff for further action. In most cases, state law will prohibit the board from making any decisions with respect to a matter not listed on the agenda.

**3. CLOSED SESSION**

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

**4. MINUTES**

- A. APPROVAL OF THE MINUTES OF JULY 19, 2023
- B. APPROVED MINUTES OF JUNE 21, 2023

**5. CORRESPONDENCE**

- A. EMPOWER SECURE INVOICE AND CHANGE OF CONTACTS

**6. MEETINGS**

- A. REGULAR MEETING OF THE SAN JOSE/SANTA CLARA TREATMENT PLANT TECHNICAL ADVISORY COMMITTEE (TAC) TO BE HELD MONDAY, AUGUST 7, 2023
- B. REGULAR MEETING OF THE SAN JOSE/SANTA CLARA TREATMENT PLANT ADVISORY COMMITTEE (TPAC) TO BE HELD THURSDAY, AUGUST 10, 2023
- C. CASA 68<sup>th</sup> ANNUAL CONFERENCE AND CSRMA TRAINING, TO BE HELD AUGUST 9-11, 2023

**CUPERTINO SANITARY DISTRICT  
SANITARY BOARD MEETING  
WEDNESDAY, AUGUST 2, 2023**

**7. REPORTS**

NONE

**8. UNFINISHED BUSINESS**

A. LAFCO WARRANT

**9. NEW BUSINESS**

NONE

**10. STAFF REPORT**

A. FUTURE DEVELOPMENT PROJECTS

B. WOLFE ROAD/280 SEWER RELOCATION

**11. CALENDAR ITEMS**

A. NEXT REGULAR DISTRICT BOARD MEETING IS TO BE HELD ON WEDNESDAY,  
AUGUST 16, 2023

**12. ADJOURNMENT**

## CUPERTINO SANITARY DISTRICT BOARD MEETING WEDNESDAY, JULY 19, 2023

The Sanitary Board of the Cupertino Sanitary District convened this date at 7:00 p.m. This meeting was conducted at the District office at 20863 Stevens Creek Blvd, Suite 100, Cupertino.

### 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: Angela S. Chen, Taghi S. Saadati, David A. Doyle, and Patrick S. Kwok. Director William A. Bosworth was on excused absence.

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

District Consultant: Richard K. Tanaka

Public: None

### 2. PUBLIC COMMENTS:

There were none.

### 3. CLOSED SESSION:

President Kwok adjourned the regular meeting session and opened the closed session at 7:01 p.m. Manager Porter was excused from the closed session.

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

Board action: There was no reportable action.

President Kwok adjourned the closed session at 7:20 p.m. and the regular meeting was called to order. District Manager Porter rejoined the regular meeting.

### 4. MINUTES & BILLS:

- A. On a motion by Director Saadati, seconded by Director Chen, by a vote of 4-0-0, the minutes of the regular meeting held on Wednesday, June 21, 2023, were approved as written.
- B. By consensus, the Minutes of Wednesday, June 7, 2023, are to be Noted & Filed.
- C. The Board reviewed June payable warrants and financial statements. On a motion by Director Saadati, seconded by Director Doyle, by a vote of 4-0-0, the financial statements and payment of bills for June were approved as written.
- D. The Board members will submit their July timesheets to Manager Porter.

CUPERTINO SANITARY DISTRICT BOARD MEETING  
WEDNESDAY, JULY 19, 2023

5. CORRESPONDENCE:

The Board reviewed the Adopted FY2024 LAFCO Budget. After questions by the Board, it is to be Noted & Filed.

6. MEETINGS:

There were none.

7. REPORTS:

- A. Director Chen reported on the CSRMA Board Directors meeting held on June 22, 2023.
- B. The regular meeting of the San Jose/Santa Clara Treatment Plant Technical Advisory Committee (TAC) scheduled for Monday, July 10, 2023 was canceled.
- C. The regular meeting of the San Jose/Santa Clara Treatment Plant Technical Advisory Committee (TPAC) to be held on Thursday, July 13, 2023 was canceled.

8. UNFINISHED BUSINESS:

- A. The Board discussed the CALBank policy.
- B. The Board discussed itinerary for CASA 68<sup>th</sup> Annual Conference and CSRMA Training, to be held August 9-11, 2023.
- C. The Board reviewed Maintenance Rate Schedules from current District vendors.

9. NEW BUSINESS:

- A. Manager Porter notified the Board that the Florence Pump station is charged a water service fee that is the same as other similar users.
- B. The Board discussed Insurance for Board Members. The Board will keep the life insurance benefit unchanged.

10. STAFF REPORTS:

- A. Manager Porter reported on Future Development Projects.
- B. Manager Porter reported on the Maintenance Summary Report.

CUPERTINO SANITARY DISTRICT BOARD MEETING  
WEDNESDAY, JULY 19, 2023

11. CALENDAR ITEMS:

A. The next regular District Board meeting is scheduled to be held on Wednesday, August 2, 2023.

12. ADJOURNMENT:

On a motion properly made and seconded, at 8:46 p.m. the meeting was adjourned.

---

Secretary of the Sanitary Board

---

President of the Sanitary Board

## CUPERTINO SANITARY DISTRICT BOARD MEETING WEDNESDAY, JUNE 21, 2023

The Sanitary Board of the Cupertino Sanitary District convened this date at 7:00 p.m. This meeting was conducted at the District office at 20863 Stevens Creek Blvd, Suite 100, Cupertino.

### 1. ROLL CALL:

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

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

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

District Consultant: Richard K. Tanaka

Public: Vicky Bosworth, special guest.

### 2. PUBLIC COMMENTS:

There were none.

### 3. PUBLIC HEARING:

- A. The Board conducted a Public Hearing on Accepting Report on Rates and Collection on Tax Roll for Fiscal Year 2023-2024.

President Kwok opened the public hearing at 7:02pm. There were no members of the public present for the hearing. President Kwok closed the public hearing at 7:02pm.

1. On a motion by Director Chen, seconded by Director Saadati, by a vote of 5-0-0, Resolution No. 1343, Confirming Report on Rates and Charges for Services and Facilities Furnished by the District and Delinquent Rates and Charges for the Cupertino Sanitary District for Fiscal Year 2023-2024 was approved as written.
2. On a motion by Director Chen, seconded by Director Saadati, by a vote of 5-0-0, Resolution No. 1344, Providing for the Collection of Rates and Charges for Services and Facilities Furnished by the District and Delinquent Rates and Charges for Fiscal Year 2023-2024 was approved as written.

### 4. CLOSED SESSION:

President Kwok adjourned the regular meeting session and opened the closed session at 7:03 p.m. Manager Porter, Associate Sanitary Engineer Yung, and Guest Bosworth were excused from the closed session.

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

CUPERTINO SANITARY DISTRICT BOARD MEETING  
WEDNESDAY, JUNE 21, 2023

Board action: There was no reportable action.

President Kwok adjourned the closed session at 7:24 p.m. and the regular meeting was called to order. District Manager Porter, Associate Sanitary Engineer Yung, and Guest Bosworth rejoined the regular meeting.

5. MINUTES & BILLS:

- A. On a motion by Director Saadati, seconded by Director Chen, by a vote of 5-0-0, the minutes of the regular meeting held on Wednesday, June 7, 2023, were approved as written.
- B. By consensus, the Minutes of Wednesday, May 17, 2023, are to be Noted & Filed.
- C. The Board reviewed May payable warrants and financial statements. On a motion by Director Doyle, seconded by Director Saadati, by a vote of 5-0-0, the financial statements and payment of bills for May were approved as written.
- D. The Board members will submit their June timesheets to Manager Porter.

6. CORRESPONDENCE:

There was none.

7. MEETINGS:

- A. Director Chen plans to attend the CSRMA Board Directors meeting to be held on June 22, 2023.
- B. The regular meeting of the San Jose/Santa Clara Treatment Plant Technical Advisory Committee (TAC) scheduled for Monday, July 10, 2023 is canceled.
- C. The regular meeting of the San Jose/Santa Clara Treatment Plant Technical Advisory Committee (TPAC) to be held on Thursday, July 13, 2023 is canceled.

8. REPORTS:

There were none.

9. UNFINISHED BUSINESS:

- A. The Board discussed CASA 68<sup>th</sup> Annual Conference and CSRMA Training: August 9-11, 2023, San Diego, California. By consensus, the Board plans to attend the conference and training.
- B. On a motion by Director Saadati, seconded by Director Chen, by a vote of 5-0-0, the Board adopted the budget for Fiscal Year 2023-2024.
- C. The Board discussed Future Conference Attendance.
- D. The Board discussed the Cupertino Rotary Fun Festival to be held September 9, 2023. On a motion

CUPERTINO SANITARY DISTRICT BOARD MEETING  
WEDNESDAY, JUNE 21, 2023

by Director Doyle, seconded by Director Saadati, by a vote of 5-0-0, the Board approved District participation with a budget not to exceed \$4,000.

10. NEW BUSINESS:

- A. The Board reviewed the Audit Report for FY 2021-2022. On a motion by Director Bosworth, seconded by Director Chen, by a vote of 5-0-0, the Board accepted the audit report as written.
- B. Manager Porter reported on the Calbank Policy. After discussion, the Board directed Staff to transfer loan funds for previous capital projects to checking and keep a minimal balance in checking by transferring the Cupertino Sanitary District account in the commingled fund. Staff is also to investigate the pre-payment policy and present the findings in a future meeting for further consideration.

Director Bosworth and Guest Bosworth left the meeting at 8:25pm.

- C. The Board reviewed the request for Safety Equipment Purchase. On a motion by Director Chen, seconded by President Kwok, by a vote of 4-0-0, the Board approved the purchase of safety equipment.

11. STAFF REPORTS:

- A. Associate Sanitary Engineer Yung reported on Future Development Projects.
- B. 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, July 19, 2023.

13. ADJOURNMENT:

On a motion properly made and seconded, at 8:30 p.m. the meeting was adjourned.

---

Secretary of the Sanitary Board

---

President of the Sanitary Board



# Item 5.A.

**From:** Hoey, Marcus (Client Services) <mhoey@empower.com>  
**Sent:** Tuesday, July 18, 2023 4:24 PM  
**To:** Frankie Martinez  
**Subject:** 98374-01  
**Attachments:** Contact Change & PSC Form (2 person).pdf; Contact Change & PSC Form (1 person).pdf

**Follow Up Flag:** Follow up  
**Due By:** Tuesday, July 18, 2023 3:00 PM  
**Flag Status:** Flagged

You don't often get email from mhoey@empower.com. [Learn why this is important](#)

Hi Frankie,

Below is the communication about the Secure invoice and FAQ.

## **FAQ: Plan Document Amendment – SECURE (1.0)**

### **Q: What is the Setting Every Community Up for Retirement Enhancement Act (SECURE) and how does it impact my retirement plan?**

**A:** SECURE along with associated regulatory guidance made several changes to the rules governing retirement plans.

SECURE was passed into law in December 2019. Changes under SECURE applicable to tax-exempt 457(b) plans include:

- Increased age for required minimum distributions (RMDs) to age 72. The provision delays the required beginning date for RMDs from age 70½ to age 72 for participants who attain age 70½ on or after 1/1/2020 (i.e., born after 6/30/1949).
- 10-year distributions to death beneficiaries. SECURE generally requires a deceased participant's account to be fully distributed by the end of the 10th calendar year after the participant's death. This rule does not apply to any portion of the distribution payable to an "eligible designated beneficiary" which generally includes the participant's surviving spouse, the participant's child under the age of majority, disabled or chronically ill individuals and any other person who is not more than 10 years younger than the participant.
- Difficulty of care payments treated as compensation for purposes of making contributions to the plan. This applies to employers who make qualified foster care payments to employees that are excludable under the Internal Revenue Code Section 131 exemption ("difficulty of care payments").

The amendment also updates regulatory references to reflect new life expectancy tables published by IRS applicable to RMD calculations that went into effect in 2022.

### **Q: Do we need to amend our plan document for SECURE?**

**A:** Yes, an amendment for SECURE is required for your plan. A plan amendment fee will apply since your amendment requires customization and signature.

### **Q: What is the deadline for the SECURE amendment?**

**A:** The deadline to have a signed SECURE amendment in place for these changes to your plan is the last day of the plan year beginning on or after January 1, 2022. For calendar year plans, the deadline is December 31, 2022.

### **Q: Do I have to communicate these changes to plan participants?**

**A:** Employers sponsoring plans that are not subject to ERISA are not required to provide a Summary Plan Description (SPD) or Summary of Material Modifications (SMMs) under federal requirements. If your practice is to provide a summary

of plan provisions to plan participants, you should update that document and communicate changes to participants. You should consult with your legal or benefits advisors for assistance to the extent you deem appropriate.

The outstanding invoice is for the CARES and SECURE Acts amendments to the plan document. The COVID-19 CARES Act was instituted in 2020 and the SECURE Act was passed into law December 2019.

While the CARES Act provisions are no longer available, the elections made in the amendment reflect how the provisions applied to the plan according to our records. The CARES Act distribution and loan provisions work for any plan whether they took advantage of all, some, or none of the options.

The SECURE Act covers changes such as the increase of the Required Minimum Distribution (RMD) age to 72 and a new 10-year limit on distributions to certain death beneficiaries.

This is the one-time charge for the plan amendment that was a result of the CARES and SECURE legislation passed in 2020. All plan documents had to be amended to allow for provisions that became effective because of this legislation.

The fee covers the work needed to create the new documents.

**\*\*\* To update plan contacts** I have attached the 2 person form and 1 person form. You can add as many people as you like. Currently these are the people listed:

Name	Organization	Plan Role
CARL BECKHAM	Cupertino Sanitary District	Admin - Daily
RICHARD TANAKA	CUPERTINO SANITARY DISTRICT DCP	Authorized Signer Officer Contact Plan Prospectus Recipient Primary Plan Contact
STEVEN MACHIDA	CUPERTINO SANITARY DISTRICT DCP	Admin - Daily Authorized Signer
Theresa Sitchler	Mark Thomas Company	Payroll Contact

Like you said if they are not there anymore then on an official company letter head you need to state to remove these people and add you or whomever else at the plan needs to be added as a contact. This needs to be signed by someone of top level/executive status of t plan.

On the form make sure you have at least one authorized signer ( I recommend 2). These are the people who Empower will recognize to allows any changes or approvals. You will see a box to mark for this option. I also recommend that if someone wants full access to view the plan on the website is to mark Standard Access.

If you need help with the form please let me know or you can call our Client Services at 877-694-4015 for immediate help.

Should you need further assistance, you may contact me at either [mhoey@empower.com](mailto:mhoey@empower.com) or **800-695-4952, extension 85693**.

**Employee inquiries should be directed to our Participant Services Call Center at 855-756-4738. Registered representatives are available to assist your employees Monday through Friday from 6:00 a.m. to 8:00 p.m., Mountain Time and Saturday from 7:00 a.m. to 3:30 p.m., Mountain Time.**

*For quick help, check our new plan resource site for short videos to help you manage your plan. [Click here](#) to access.*

Sincerely,

**Marcus Hoey | Client Service Manager-Government Market  
Empower**

800-695-4952, ext 85693 direct | [mhoey@empower.com](mailto:mhoey@empower.com)  
[empower.com](http://empower.com)

For important disclosures and product information, [click here](#).



Ref ID:

---

The information contained in this message and any accompanying attachments may contain privileged, private and/or confidential information protected by state and federal law. Penalties may be assessed for unauthorized use and/or disclosure. This message and any attachments are intended for the designated recipient only. If you have received this information in error, please notify the sender immediately and return or destroy the information.

This e-mail transmission and any attachments are believed to have been sent free of any virus or other defect that might affect any computer system into which it is received and opened. It is, however, the recipient's responsibility to ensure that the e-mail transmission and any attachments are virus free, and the sender accepts no responsibility for any damage that may in any way arise from their use.

# County of Santa Clara

Finance Agency  
Controller-Treasurer Department



County Government Center  
70 West Hedding Street, East Wing, 2<sup>nd</sup> Floor  
San Jose, California 95110-1705  
(408) 299-5205 FAX 287-7629

June 21, 2023

(Sent via Email)

Ben Porter, District Manager  
Cupertino Sanitary District  
20863 Stevens Creek Blvd., Suite 100  
Cupertino, CA 95014

Re: Local Agency Formation Commission Share of Costs

Dear Mr. Porter:

The Cortese Knox Hertzberg Local Reorganization Act of 2000 requires that the Local Agency Formation Commission (LAFCO) be independent and be funded by the represented agencies. LAFCO of Santa Clara County's annual costs are to be allocated to the local agencies represented on LAFCO including the 15 cities, the County, and the 17 independent special districts which gained membership on LAFCO in January 2013. The final adopted budget and net allocated cost schedule are attached.

LAFCO's net operating cost budgeted for FY23-24 is \$893,186. **The FY23-24 cost allocated to the Cupertino Sanitary District is \$7,863.31. Please send the payment by July 1, 2023.**

**Please make payment via wire transfer and immediately notify Emmanuel.Abello@ceo.sccgov.org.**

Bank: Wells Fargo Bank  
Account Name: County of Santa Clara  
ACH/Wire routing number: 121000248  
Account number: 456 752 8005  
Indicate payment is for the FY 2024 LAFCO budget.

If a wire transfer is not feasible, please mail a check to:  
LAFCO, 777 North First Street, Suite 410, San Jose, CA 95112.

If you have any questions, please call Glenn Payne at (408) 299-5266.

Sincerely,

DocuSigned by:

*Gloria An*

for

EF57D350D394433...

Controller-Treasurer Division Manager

cc: Neelima Palacherla, LAFCO Executive Officer

**Board of Supervisors:** Sylvia Arenas, Cindy Chavez, Otto Lee, Susan Ellenberg, S. Joseph Simitian  
**County Executive:** Jeffrey V. Smith

# Item 10.B.

## Future Development Projects:

Prep. Date:

7/28/2023

Items	Descriptions:	Phase	IA	Re-Development Fees	Estimated Construction	Remarks
1	Atria Cupertino (Westport) - Senior Living	Building	Sent	1.9 Mil.	2023	
2	Canyon Crossing Redevelopment	Building	Sent	312 K	on-hold	
3	Hamptons Apartments	On-hold/Building	Drafted	*	on-hold	
4	Leon Townhomes - 7 Townhomes	Planning - Approved	IA to be updated in Building Phase	97 K	Q4 2023, 2024	2nd submittal review completed May 19, 2023.
5	Vallco - Redevelopment (RISE) - 709 residential units and 37,000 SF of commercial space	Planning - <b>Phase 1</b>	Drafted, to be updated	1.67 Mil.	*	
6	Marina Plaza (DeAnza Ventures)	Planning S3	Drafted	*	*	
7	20860 McClellan Road Lot Split - Seven new homes	Building	Drafted, to be reviewed	92K	*	
8	1655 S. DeAnza Redevelopment (2 Parcels into 34 residential units)	Planning	*	*	*	
9	10619 S De Anza Blvd - Mixed Use (2090 SF Commercial & 11 Residential Units)	Planning	*	*	*	
10	20015 SCB - 134 Housing on 2 Existing Commercial Parcels	Planning	*	*	*	Added 5/15/2023
11	20638 Cleo Avenue - Four Lot subdivision (SF)	Planning	*	*	*	Demo Permit only

\* Not enough information from developer to determine.

**CUPERTINO SANITARY DISTRICT  
MEETING/EVENT SCHEDULE**

**Item 11.A.**

**AUGUST 2023**

08/02: 1<sup>st</sup> Regular Meeting  
 08/07: TAC-Canceled  
 08/10: TPAC-Canceled  
 08/09-11: CASA Conference  
 08/16: 2<sup>nd</sup> Regular Meeting

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

**SEPTEMBER 2023**

09/04: TAC  
 09/06: 1<sup>st</sup> Regular Meeting  
 09/07: TPAC  
 09/09: Fall Festival  
 09/11: SCCSDA  
 09/20: 2<sup>nd</sup> Regular Meeting

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

**OCTOBER 2023**

10/04: 1<sup>st</sup> Regular Meeting  
 10/09: TAC  
 10/12: TPAC  
 10/18: 2<sup>nd</sup> Regular Meeting

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