CUPERTINO SANITARY DISTRICT SANITARY BOARD MEETING WEDNESDAY, AUGUST 16, 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 <u>https://global.gotomeeting.com/join/251566821</u>.

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 & BILLS

- A. APPROVAL OF THE MINUTES OF AUGUST 6, 2023
- B. APPROVED MINUTES OF JULY 19, 2023
- C. PAYMENT OF BILLS AND APPROVAL OF FINANCIAL STATEMENTS
- D. DIRECTOR'S MONTHLY TIMESHEETS

5. CORRESPONDENCE

NONE

6. MEETINGS

- A. REGULAR MEETING OF THE SAN JOSE/SANTA CLARA TREATMENT PLANT TECHNICAL ADVISORY COMMITTEE (TAC) TO BE HELD MONDAY, SEPTEMBER 11, 2023
- B. REGULAR MEETING OF THE SAN JOSE/SANTA CLARA TREATMENT PLANT ADVISORY COMMITTEE (TPAC) TO BE HELD THURSDAY, SEPTEMBER 14, 2023

CUPERTINO SANITARY DISTRICT SANITARY BOARD MEETING WEDNESDAY, AUGUST 16, 2023

7. REPORTS

- A. REGULAR MEETING OF THE SAN JOSE/SANTA CLARA TREATMENT PLANT TECHNICAL ADVISORY COMMITTEE (TAC) HELD MONDAY, AUGUST 7, 2023 WAS CANCELED
- B. REGULAR MEETING OF THE SAN JOSE/SANTA CLARA TREATMENT PLANT ADVISORY COMMITTEE (TPAC) HELD THURSDAY, AUGUST 10, 2023 WAS CANCELED
- C. CSRMA TRAINING HELD AUGUST 9, 2023 IN SAN DIEGO, CA
- D. CASA 68th ANNUAL CONFERENCE AND CSRMA TRAINING, HELD AUGUST 9-11, 2023 IN SAN DIEGO, CA
 - 1. CSRMA Board of Directors meeting
 - 2. Attorneys Committee meeting
 - 3. Other conference sessions

8. UNFINISHED BUSINESS

A. LOCAL AGENCY FORMATION COMMISSION (LAFCO) COST SHARE WARRANT

9. NEW BUSINESS

- A. FIFTH AMENDMENT TO HUNTON ANDREWS LEGAL SERVICES AGREEMENT
- B. DRAFT ANNUAL REPORT

10. STAFF REPORT

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

11. CALENDAR ITEMS

A. NEXT REGULAR DISTRICT BOARD MEETING IS TO BE HELD ON WEDNESDAY, SEPTEMBER 6, 2023

12. ADJOURNMENT

CUPERTINO SANITARY DISTRICT BOARD MEETING WEDNESDAY, AUGUST 2, 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, Patrick S. Kwok, Taghi S. Saadati, David A. Doyle, and William A. Bosworth.

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 7:13 p.m. and the regular meeting was called to order. District Manager Porter rejoined the regular meeting.

4. MINUTES:

- A. On a motion by Director Chen, seconded by Director Doyle, by a vote of 4-0-1, the minutes of the regular meeting held on Wednesday, July 19, 2023, were approved as written. Director Bosworth abstained as he was on excused absence from the meeting.
- B. By consensus, the Minutes of Wednesday, June 21, 2023, are to be Noted & Filed.

CUPERTINO SANITARY DISTRICT BOARD MEETING WEDNESDAY, AUGUST 2, 2023

5. CORRESPONDENCE:

A. The Board reviewed an email from Empower regarding Secure Invoice and Change of Contacts. It is to be Noted & Filed.

6. MEETINGS:

- A. Manager Porter plans to attend the regular meeting of the San Jose/Santa Clara Treatment Plant Technical Advisory Committee (TAC) to be held Monday, August 7, 2023.
- B. President Kwok plans to attend the regular meeting of the San Jose/Santa Clara Treatment Plant Technical Advisory Committee (TPAC) to be held on Thursday, August 10, 2023.
- C. Board members and Staff plan to attend the CASA 68th Annual Conference and CSRMA training to be held August 9-11, 2023 in San Diego, CA.

7. REPORTS:

There were none.

8. UNFINISHED BUSINESS:

A. The Board discussed the Local Agency Formation Commission (LAFCO) warrant pertaining to share of costs. Staff is to investigate the necessity of membership.

9. NEW BUSINESS:

There was none.

10. STAFF REPORTS:

- A. Manager Porter reported on Future Development Projects.
- B. Manager Porter reported on the Wolf Road/280 Sewer Relocation project.

11. CALENDAR ITEMS:

A. The next regular District Board meeting is scheduled to be held on Wednesday, August 16, 2023.

12. ADJOURNMENT:

On a motion properly made and seconded, at 7:59 p.m. the meeting was adjourned.

Secretary of the Sanitary Board

Approved

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 68th 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

Item 4.C.

CUPERTINO SANITARY DISTRICT MONTHLY FINANCIAL REPORT THROUGH JULY 2023

1st Month of Operations (8% into FY Operations) FISCAL YEAR: July 1, 2023 to June 30, 2024

EXPENSE SUMMARY REPORT

Account Name	Account Number	BUDGET	Prior Expenses	Amount Payable	Total To Date Expenses	Remaining Balance	% Expended To Date	Comments
				JULY			TO Date	
OPERATING EXPENSES								
Loan Payments	41000	\$1,200,063	\$0.00	\$0.00	\$0.00	\$1,200,062.50	0.0%	None this month
Directors Fees	41030	\$38,000	\$0.00	\$1,132.99	\$1,132.99	\$36,867.01	3.0%	On Target
Gasoline. Oil & Fuel	41060	\$4,000	\$0.00	\$0.00	\$0.00	\$4,000.00		None this month
Insurance	41060	\$170,000	\$0.00	\$11,888.17	\$11,888.17	\$158,111.83		Dooley Insurance; FY23-24 Annual Premium (Alliant ACIP; Alliant AMVP; CSRMA APIP)
Memberships	41080	\$57,000	\$0.00	\$16,228.08	\$16,228.08	\$40,771.92	28.5%	CWEA; Annual Renewal (LAFCO; Underground Service alert)
Office Rent	41090	\$4,800	\$0.00	\$400.00	\$400.00	\$4,400.00	8.3%	On Target
Operating Expenses	41100	\$3,000	\$0.00	\$400.00	\$400.00	\$2,600.00	13.3%	Public Outreach - Booth Rental for Fall Festival
Operating Expenses - Credit Card								
Transaction Fees	41100-1	\$6,000	\$0.00	\$473.46	\$473.46	\$5,526.54	7.9%	Credit Card Processing Fees - July
Contractual Services:								
Outfall Maintenance	41113	\$180,000	\$0.00	\$0.00	\$0.00	\$180,000.00	0.0%	None this month
T.P. Oper. & Maint.	41114	\$7,241,534	\$0.00	\$1,810,383.50	\$1,810,383.50	\$5,431,150.50	25.0%	FY2023-2024 Q1
Professional Services:								
Management Services	41121	\$575,000	\$0.00	\$29,303.50	\$29,303.50	\$545,696.50		
SSMP Certification and Implementation	41121	\$50,000	\$0.00	\$8,440.92	\$8,440.92	\$41,559.08		New Waste Discharge Requirements (WDR) Implementation
Engineering Services	41122	\$1,400,000	\$0.00	\$119,051.06	\$119,051.06	\$1,280,948.94		On Target
Peak Flow Reduction	41122-1	\$200,000	\$0.00	\$30,130.69	\$30,130.69	\$169,869.31	15.1%	Flow model calibration; Akel Engineering
Plan Ckg. & Insp.	41123	\$300,000	\$0.00	\$12,772.75	\$12,772.75	\$287,227.25		On Target
Legal - Consultant Services	41124	\$18,000	\$0.00	\$2,500.00	\$2,500.00	\$15,500.00		Richard Tanaka - Consulting Services for July 2023
Legal - District Counsel	41124	\$60,000	\$0.00	\$4,470.00	\$4,470.00	\$55,530.00	7.5%	District Counsel - Legal Services for June-July 2023
Legal - Common Interest Group (CuSD Advance Pay)	41124	¢1 404 000	00.00	¢075 057 75	¢275 257 75	¢1 000 640 0E	26 70/	Hunton Billing for June Convince
Legal - Common Interest Group (CuSD	41124	\$1,404,000	\$0.00	\$375,357.75	\$375,357.75	\$1,028,642.25	26.7%	Hunton Billing for June Services
Share)	41124	\$396,000	\$0.00	\$105,870.13	\$105,870.13	\$290,129.87	26.7%	Hunton Billing for June Services
Audit	41125	\$13,800	\$0.00	\$0.00	\$0.00	\$13,800.00		None this month
Printing & Publications	41130	\$32,000	\$0.00	\$0.00	\$0.00	\$32,000.00		None this month
Repair and Maintenance		\$4,185,000	\$0.00	\$0.00	\$0.00	¢02,000.00	0.070	
Repairs	41150	\$200,000	\$0.00	\$10,100.22	\$10,100.22	\$189,899.78	5.1%	On target
Maintenance	41151	\$3,985,000	\$0.00	\$314,430.73	\$314,430.73	\$3,670,569.27		•
Travel & Meetings Staff	41170	\$15,000	\$0.00	\$300.00	\$300.00	\$14,700.00		
	41170				\$2,700.00	\$14,700.00		
Travel & Meetings BOD Utilities	41170	\$18,000 \$70,000	\$0.00 \$0.00	\$2,700.00 \$6,951.38	\$2,700.00	\$63,048.62		CASA Registration Fees
	41190	\$70,000	Φ 0.00	\$0,901.30	\$0,951.50	φ03,040.0Z	9.9%	On target; electricity and water at pump stations
Refunds & Reimbursements:								
Miscellaneous	41201	\$50,000	\$0.00	\$0.00	\$0.00	\$50,000.00		None this month
Connection Fees	41202	\$2,000	\$0.00	\$0.00	\$0.00	\$2,000.00		None to date
Checking & Inspection	41203	\$3,000	\$0.00	\$0.00	\$0.00	\$3,000.00		None to date
Emergency Funds	48000	\$250,000	\$0.00	\$3,317.15	\$3,317.15	\$246,682.85		District Staff - Stoppage Response; AB/JDD - 20958 Saraview Ct, Saratoga
Consolidated Election	48001	\$0	\$0.00	\$0.00	\$0.00	\$0.00		None this fiscal year
OTAL OPERATING EXPENSES		\$17,946,197	\$0.00	\$2,866,602.48	\$2,866,602.48	\$15,079,594.02	16.0%	
CAPITAL EXPENSES								
District Sewer Capital & Support	46041	\$1,250,000	\$0.00	\$22,828.02	\$22,828.02	1,227,171.98	1.8%	Significant Defect Repair Project
District Sewer Capital & Support - VTA	46041	\$4,200,000	\$0.00	\$986,074.63	\$986,074.63	3,213,925.37	23.5%	\$74.6K from District Staff; \$911.4K from outside vendors
Treatment Plant Capital	46042	\$3,379,003	\$0.00	\$783,256.00	\$783,256.00	2,595,747.00	23.2%	FY2023-2024 Q1
Outfall Capital	46042	\$200,000	\$0.00	\$0.00	\$0.00	200,000.00	0.0%	None this month
District Equipment	46043	\$150,000	\$0.00	\$0.00	\$0.00	150,000.00	0.0%	None this month
Replacement Fund	46044	\$300,000	\$0.00	\$0.00	\$0.00	300,000.00	0.0%	
TOTAL CAPITAL EXPENSES		\$9,479,003	\$0.00	\$1,792,158.65	\$1,792,158.65	\$7,686,844.35	18.9%	

CUPERTINO SANITARY DISTRICT MONTHLY FINANCIAL REPORT THROUGH JULY 2023

1st Month of Operations (8% into FY Operations) FISCAL YEAR: July 1, 2023 to June 30, 2024

REVENUE SUMMARY REPORT

Account Name	Account Number	BUDGET	Prior Receipts	Current Month Receipts	Total Amount Received	Remaining Balance to Collect	% Earned To Date	Comments
				JULY		Collect		
OPERATING REVENUES								
Service Charges								
Handbilling	31010	\$480,160.00	\$0.00	\$0.00	\$0.00	\$480.160.00	0.0%	None to date
Tax Roll	31010	\$19,632,750.00	\$0.00	\$0.00	\$0.00	\$19.632.750.00	0.0%	None to date
Permit Fees	31010	\$100,000.00	\$0.00	\$16,384.00	\$16,384.00	\$83.616.00	16.4%	Seventeen payments received this month; Seventeen payments received to date
Connection Fees	31020	\$600,000.00	\$0.00	\$10,384.00	\$10,384.00	\$600,000.00	0.0%	
								None to date
Capacity Fees	31032	\$450,000.00	\$0.00	\$2,712.00	\$2,712.00	\$447,288.00	0.6%	One payment received this month; One payment received to date
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	\$0.00	\$7,700.00	\$7,700.00	\$292,300.00	2.6%	Eighteen payments received this month; Eighteen 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	\$0.00	\$0.00	\$0.00	\$200,000.00	0.0%	None to date
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	\$0.00	\$937,253.41	\$937,253.41	\$466,746.59	66.8%	Payments from BSD and City of Milpitas for May billing
Legal - Common Interest Group (2%	•							
Admin Fees)	32902.2	\$28,000.00	\$0.00	\$19,127.62	\$19,127.62	\$8,872.38	68.3%	Payments from BSD and City of Milpitas for May billing
Refunds/Reimbursements - Misc.	32091	\$10,000.00	\$0.00	\$142.05	\$142.05	\$9,857.95	1.4%	Payment for District Lateral Loan Program - 850 East Estates Dr, Cupertino
Refunds/Reimbursements - VTA	46041	\$4,200,000.00	\$0.00	\$1,005,865.43	\$1,005,865.43	\$3,194,134.57	23.9%	Payment from VTA for June billing
Lateral Construction	32093	\$15,000.00	\$0.00	\$0.00	\$0.00	\$15,000.00	0.0%	None to date
TOTAL OPERATING REVENUE		\$27.942.410.00	\$0.00	\$1,989,184,51	\$1,989,184.51	\$25,953,225.49	7.12%	
		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	0.00%	Reserve Account
TOTAL OPERATING REVENUE		\$27,942,410.00	\$0.00	\$1,989,184.51	\$1,989,184.51	\$25,953,225.49	7.12%	

CASH ACCOUNT SUMMARY

		Replacement	Comingled	Cal Bank	Loan Balance	
Date	Operating Fund	Fund	Fund	Trust Acct	with interest *	Net Cash
June 30, 2023	\$18,191,799.51	\$3,600,000.00	\$14,591,799.51	\$682,826.88	\$1,063,362.34	\$19,937,988.72
FY 2022-23 GL Balance July 31, 2023	\$18,191,799.51 \$14,509,668.38	\$3,900,000.00	\$ 10,609,668.38	\$671,087.30	\$831,077.01	\$16,011,832.68

FOR CAL BANK SUMMARY, SEE ATTACHED DETAIL.

Sheet 2 of 2

	CALIFC		NK AND 1	RUST A	CCOUNT		RY AS C	F 07/31/2	23	
			Total Interest Earned or Refund Received	Interest or Refund Prorated to Loan	Loan Balance	Interest or Refund Prorated to \$600K District	District Portion of Savings	Total Savings	Checking Acct Balance (Credit Card Payments	TOTAL AT
Cal Bank	Activities	5	from CSJ	Balance	w/Interest	Savings	Balance	balance	Received)	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
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		\$780,724.28		\$786,469.09
Balance as of 6/30/2020			\$197.98	\$45.80	\$180,632.21	\$152.18		\$780,922.26		\$812,875.83
Balance as of 7/31/2020			\$191.84	\$44.37	\$180,676.58			\$781,114.10		\$818,846.85
Balance as of 8/31/2020			\$154.53	\$35.74	\$180,712.33			\$781,268.63		\$829,488.68
Balance as of 9/30/2020			\$25.62	\$5.93	\$180,718.25			\$781,294.25		\$837,353.47
Balance as of 10/31/2020			\$25.62	\$5.93	\$180,724.18	\$19.69		\$781,319.87		\$849,033.32
Balance as of 11/30/2020			\$26.47	\$6.12	\$180,730.30			\$781,346.34		\$861,444.23
Balance as of 12/31/2020			\$26.47	\$6.12	\$180,736.42			\$781,372.81		\$870,809.29
Balance as of 1/31/2021			\$24.83	\$5.74	\$180,742.17	\$19.09		\$781,397.64		\$881,069.78
Balance as of 2/28/2021			\$23.98	\$5.55	\$180,747.71	\$18.43		\$781,421.62		\$889,633.48
Balance as of 3/31/2021			\$28.26	\$6.54	\$180,754.25	\$21.72		\$781,449.88		\$903,403.23
Balance as of 4/30/2021			\$22.27	\$5.15	\$180,759.40	\$17.12		\$781,472.15		\$917,144.92
Balance as of 5/31/2021	00/00/04		\$11.99	\$2.77	\$180,762.18	\$9.22		\$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		###########	\$2,197,131.14	\$400 EC4 04	¢0.005.740.00
Balance as of 6/30/2021	07/45/04		\$20.34	\$10.25	\$1,107,662.04	\$10.09	#######################################	\$2,197,151.48	\$168,561.21	\$2,365,712.69
1008 Voided - CSJ	07/15/21		¢00.40	¢40.04	¢4 407 000 05	¢47.04	############	¢0 407 407 60	\$190,143.43	¢0.007.004.00
Balance as of 7/31/2021 Balance as of 8/31/2021			\$36.12 \$38.53	\$18.21 \$19.42	\$1,107,680.25 \$1,107,699.67		######################################	\$2,197,187.60 \$2,197,226.13		
Balance as of 9/30/2021			\$36.12	\$19.42	\$1,107,717.88		############	\$2,197,262.25		\$2,412,520.16
1009 Co-Mingled Fund	10/20/21	\$690,453.00		ψ10.21	ψ1,107,717.00		(\$480,000.00)	ψΖ,137,202.23	(\$210,453.00)	φ2,412,520.10
1010 C2R Engineering	10/20/21	\$49,030.00			(\$49,030.00)		(\$400,000.00)		(\$210,400.00)	
Balance as of 10/20/2021	10/20/21	φ+0,000.00			\$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		\$1,668,263.69		
Balance as of 11/30/2021			\$29.25	\$18.56	\$1,058,726.40	\$10.69		\$1,668,292.94		
Balance as of 12/31/2021			\$28.34	\$17.99	\$1,058,744.38	\$10.35				
Balance as of 1/31/2022			\$28.34	\$17.99	\$1,058,762.37	\$10.35		\$1,668,349.62		\$1,734,040.90
Balance as of 2/28/2022			\$25.60	\$16.25	\$1,058,778.61	\$9.35		\$1,668,375.22		\$1,754,340.23
Balance as of 3/31/2022			\$28.34	\$17.99	\$1,058,796.60	\$10.35				
Balance as of 4/30/2022			\$26.51	\$16.82	\$1,058,813.42	\$9.69				
Balance as of 5/31/2022			\$29.25	\$18.56	\$1,058,831.98	\$10.69	\$609,627.34	\$1,668,459.32		
Balance as of 6/30/2022			\$43.43	\$27.56	\$1,058,859.55	\$15.87	\$609,643.20	\$1,668,502.75		\$1,820,942.37
Balance as of 7/31/2022			\$100.11	\$63.53	\$1,058,923.08	\$36.58		\$1,668,602.86		\$1,829,206.42
Balance as of 8/31/2022			\$226.30	\$143.61	\$1,059,066.69	\$82.69		\$1,668,829.16		
Balance as of 9/30/2022			\$205.76	\$130.58	\$1,059,197.27	\$75.18				
Balance as of 10/31/2022			\$212.64	\$134.94	\$1,059,332.22	\$77.70	\$609,915.34	\$1,669,247.56		\$1,876,160.68
1011 C2R Engineering, Inc.	11/16/22	\$54,058.43							(\$54,058.43)	
Balance as of 11/30/2022			\$205.81	\$130.61	\$1,059,462.83			\$1,669,453.37		\$1,830,518.94
Balance as of 12/31/2022	04/00/00	\$40 FOF 10	\$205.84	\$130.63	\$1,059,593.46	\$75.21	\$610,065.75	\$1,669,659.21		\$1,844,050.03
1012 C2R Engineering, Inc.	01/30/23	\$42,585.13		¢110 =0	¢4 050 304 00	****	#010 101 T	#4 CCC 050 70	\$42,585.13	¢4 040 400 /-
Balance as of 1/31/2023			\$188.72	\$119.76	\$1,059,724.08	\$68.96				
Balance as of 2/28/2023			\$192.16	\$121.95	\$1,059,846.03	\$70.21		\$1,670,050.95		
Balance as of 3/31/2023	04/25/22	\$137 000 00	\$265.40	\$168.43	\$1,060,014.46	\$96.97	\$610,301.89	\$1,670,316.35		\$1,840,733.26
1013 C2R Engineering, Inc. Balance as of 4/30/2023	04/25/23	\$137,280.63	\$530.92	\$336.93	\$1,060,351.39	\$193.99	\$610 405 99	\$1,670,847.27	\$137,280.63 \$41,204,88	\$1,712,052.15
Balance as of 5/31/2023			\$1,992.43	\$350.93				\$1,672,839.70		
Balance as of 6/30/2023			\$2,752.06	\$1,204.43				\$1,675,591.76		\$1,746,189.21
Transfer for 11/16/2022 C2R	Engineering		ψε,ι σε.00	ψι,/ το.51	(\$54,058.43)		ψυτ2,220.40	ψ1,070,001.70	\$54,058.43	ψ1,7 4 0,100.21
Transfer for 1/30/2023 C2R					(\$42,585.13)				\$42,585.13	
Transfer for 4/5/2023 C2R En					(\$137,280.63)				\$137,280.63	
1014 Check to CuSD Comm		: int			(ψ101,200.00)				(\$254,000.00)	
					\$829.438.15				\$50,521.64	
Balance as of 7/31/2023			\$2,848.55	\$1,638.86	\$831,077.01	\$1,209.69	\$613,439.12	\$1,444,516.12		\$1,502,164.30
				A070 000 10	A004 075 54	A40.400.10	****		AF7 040 10	
TOTAL OR BALANCE AMO	UNI	\$10,830,368.99	\$1,464,421.25	\$970,982.13	\$831,077.01	\$13,439.12	\$613,439.12	\$1,444,516.12	\$57,648.18	\$1,502,164.30

CUPERTINO SANITARY DISTRICT WARRANTS PAYABLE - August 16, 2023

WARRANT					
NUMBER	FUND	AMOUNT	PAYEE	DESCRIPTION	
N/A	M&O	\$ 1,132.99		Directors' Salary	
19743	M&O	\$	Dooley Insurance Services	Insurance - Group Life & Dental	
19744	M&O	\$	Alliant Insurance Services	Insurance - AMVP FY22-23 4th Qtr Ensdorsement	
19745	M&O	\$	CWEA	Membership Dues	
19742	M&O	\$ 7,863.31		Membership Dues	
19746	M&O	\$ 10,775.45	Underground Service Alert	Membership Dues Maintenance	8,064.77 2,710.68
N/A	M&O	\$ 473.46	CalBank Credit Card Processing Fees	Operating Exp Credit Card Processing Fees	
19747	M&O	\$ 433,405.29	Mark Thomas	Memberships	202.00
				Office Rent	400.00
				Operating Expense - General	400.00
				Management Services	29,303.50
				SSMP Cert Update and Implementation	8,440.92
				Engineering Services	119,051.06
				Peak Flow Reduction	1,200.44
				Plan Checking & Inspection	12,772.75
				Repairs (Non-Pump Station)	2,695.50
				Repairs (Pump Station)	546.00
				Maintenance (Non-Pump Stations)	130,470.18
				Maintenance (Pump Stations)	26,634.92
				Utilities (Pump Stations)	1,052.70
				Emergency Funds District Sewer Capital & Support	2,762.15 22,828.02
				District Sewer Capital & Support - VTA	74,645.15
				District Sewer Capital & Support - VTA	/4,045.15
19748	M&O	\$ 2,500.00	Richard K. Tanaka	Legal - Consultant Services	
19749	M&O	\$	Armento & Hynes	Legal - District Counsel	
19750	M&O	\$ 481,227.88	Hunton Andrews Kurth LLP	Legal - Common Interest Group (CuSD Advance Pay)	375,357.75
				Legal - Common Interest Group (CuSD Share)	105,870.13
19751	M&O	\$	Grainger	Maintenance (Non-Pump Stations)	
19752	M&O	\$	Home Depot	Maintenance (Non-Pump Stations)	
19753	M&O	\$ -)	St. Francis Electric	Maintenance - Pump Stations	
19754	M&O	\$	RotoRooter	Maintenance (Non-Pump Stations)	
19755	M&O	\$ 80,852.50	AB/JDD Plumbing Heating & AC	Maintenance (Non-Pump Stations)	80,297.50
				Emergency (Non-Pump Stations)	555.00
19756	M&O	\$ 49,856.90	Able Underground Construction	Maintenance (Non-Pump Stations)	42,998.18
				Repairs (Non-Pump Stations)	6,858.72
19757	M&O	\$ 3,000.00	CASA	Travel & Meetings - BOD	2,700.00
				Travel & Meetings - Staff	300.00
19758	M&O	\$	City of Santa Clara Utilities	Utilities (Pump Stations)	
19759	M&O	\$ 5,814.79		Utilities (Pump Stations)	
19760	M&O	\$	Akel Engineering	Peak Flow Reduction	
19761	M&O	\$ 704.88	Inspection Services Inc.	District Sewer Capital & Support - VTA	
19762	M&O	\$	Imperium First Consulting	District Sewer Capital & Support - VTA	
19763	M&O	\$	Bennett Trenchless	District Sewer Capital & Support - VTA	
19764	M&O	\$ 883,500.00	Cratus, Inc.	District Sewer Capital & Support - VTA	
TOTAL WAR	RANTS	\$ 2,054,532.65			

Pk Flow Red. Total:	30,130.69	Akel Engineering; District Staff
Maintenance Total:	\$ 314,430.73	District Staff, Grainger, HomeDepot, RotoRooter, ABLE, AB/JDD, St. Francis, Underground Service Alert
Utilities Total:	\$ 6,951.38	PG&E, Santa Clara Utilities, Internet, Wireless
Emergency Total:	\$ 3,317.15	District Staff, ABJDD
Pump Station Portion:	\$ 39,807.61	District Staff; St. Francis Electric; Utilities (all Pump Stations)
VTA Portion:	\$ 986,074.63	District Staff, Imperium, Bennett, Cratus, ISI

EMERGENCY DETAILS: Roto-Rooter - No emergencies this month Able - No emergencies this month AB/JDD Plumbing - One emergency this month





Item 9A

To: Board of Directors

From: Marc Hynes, District Counsel

Date: August 16, 2023

Re: FIFTH AMENDMENT TO HUNTON ANDREWS LEGAL SERVICES AGREEMENT

Summary:

This is the fifth amendment to the legal services agreement between Hunton Andrews Kurth, LLP and the Cupertino Sanitary District as administrating agency for the common interest group.

The common interest group includes County Sanitation District 2-3, the Burbank Sanitary District, West Valley Sanitation District, Cupertino Sanitary District and the City of Milpitas.

Recommendation:

It is recommended that the Board approve this amendment and authorize the President of the Board to sign on behalf of the District.

Attachment:

- 1. Fifth Amendment to Legal Services Agreement 8-2-2023
- 2. Exhibit A Hunton Cost Summary 7-29-2023

OUR MISSION

- To protect the public health and environment.
- To provide for safe and costefficient collection of sewage waste.
- To provide for effective conveyance to the Treatment Plant.



CUPERTINO SANITARY DISTRICT

2023 ANNUAL REPORT



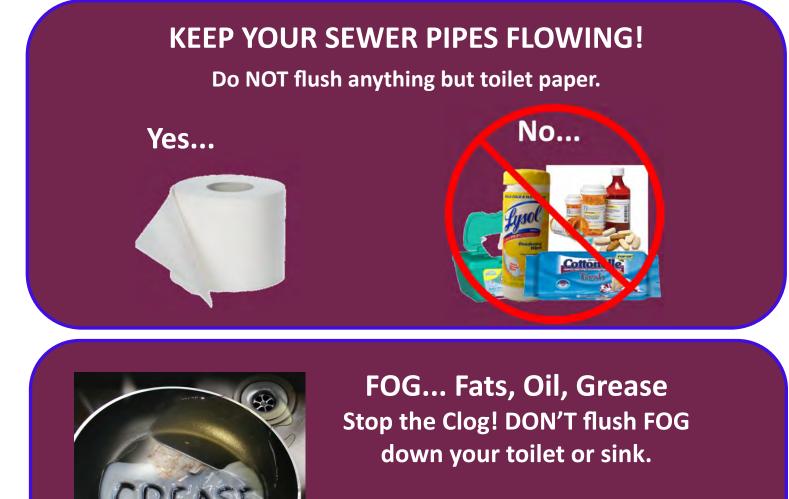
20863 Stevens Creek Boulevard Suite 100 Cupertino, CA 95014

MAINTAINING A HEALTHY SEWER SYSTEM

We have continued to see an excessive amount of paper towels, rags, and disposable wipes in the collection system. Toilet paper readily breaks down in the system and does not cause issues. However, other paper products do not break down as easily and can create blockages in your private lateral and the public sewer.

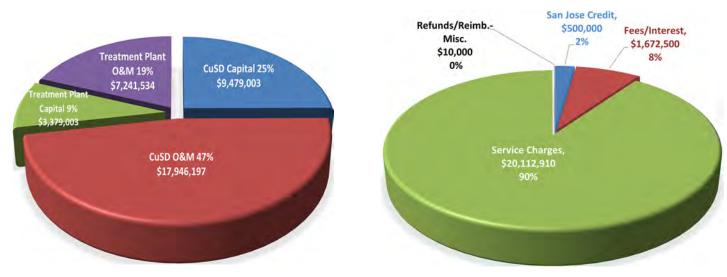
Help us keep our sewers healthy. Remember to never flush wipes, paper towels or tissues because they clog our pump stations and our pipes! The District has 16 pump stations and it has become a major maintenance issue, resulting in additional costs to maintain the sewer system.

For more information, go to www.cupertinosanitarydistrict.org where you will find additional information and links to recent media coverage, or contact us at (408) 253-7071.



Wipe it, can it, cool it, toss it.

EXPENSES FY 2023-24



NOTABLE ACCOMPLISHMENTS

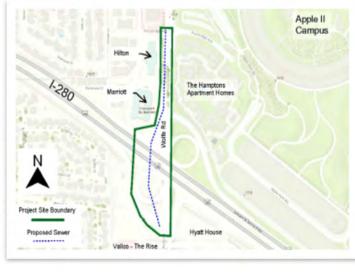
- The District has continued its operations and maintenance of sewer mains and laterals. Please do your share to help us keep our sewer system running smoothly.
- Completed repairs for all pipes with significant structural defects within close proximity to creeks
- Installed one additional permanent emergency generator for one of the District's pump stations

WHAT'S NEW?

Wolfe Road Sewer Relocation Project

March 2023—December 2023

The Santa Clara Valley Transportation Authority (VTA), in cooperation with the City of Cupertino and the California Department of Transportation (Caltrans), propose to modify the Wolfe Road Interchange on Interstate 280 (I-280) in the City of Cupertino. The VTA project will replace the existing freeway overcrossing at North Wolfe Road in Cupertino and the new overcrossing structures will be located in the current location of an existing Cupertino Sanitary District sewer mainline.



REVENUE FY 2023-24

Cupertino Sanitary District is required to relocate its existing 15-inch sanitary sewer within the Caltrans right of way at Wolfe Road in Cupertino due to the planned I-280 interchange project.

For more information on this project, visit our website, www.cupertinosanitarydistrict.org.

WHAT DOES CUPERTINO SANITARY DISTRICT DO FOR YOU?

Cupertino Sanitary District services over 23,000 customers within the communities of Cupertino, portions of Saratoga, Sunnyvale, Los Altos and unincorporated areas within Santa Clara County.

CuSD covers approximately 15 square miles, serving a population of over 50,000 people with more than 23,000 residential and business units. The District owns and manages over one million lineal feet of sewer mains, half million lineal feet of sewer laterals, 16 pump stations, 4000 manholes and flushing inlets, and one equipment storage facility. CuSD conveys nearly 5 million gallons of wastewater daily from our customers for treatment at the San Jose/Santa Clara Regional Wastewater Facility.

Customers within the District receive:

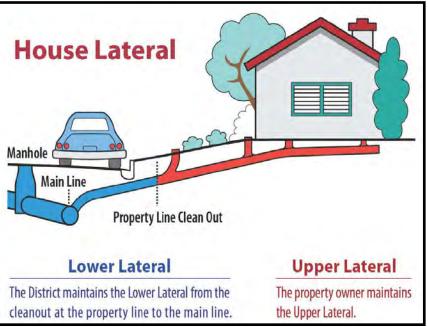
- 24/7 Sewer Emergency Response
- Annual Sewer Maintenance of all Sewer Mains
- Continuous Sewer System Repairs and Improvements to Maintain a Healthy Sewer System
- Customer Support and Transparency

WHO'S RESPONSIBLE FOR WHAT?

HOMEOWNER'S RESPONSIBILITY:

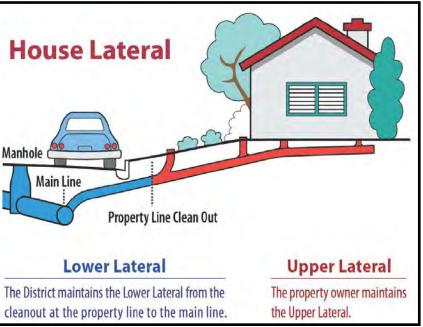
The owner is responsible for the "Upper Lateral" portion of the House Lateral. If a blockage occurs within the property line, then the homeowner must take responsibility to hire a plumber to remove the blockage.

A Property Line Clean Out is required by the District to service Lower Laterals. It is the owner's responsibility to have one installed, properly maintained, and accessible at all times.



DISTRICT'S RESPONSIBILITY:

The District is responsible for the maintenance and service of the lower portion of the lateral and the main sewer line. If a property line cleanout does not exist, the District will not be able to access our portion of the lateral. It is the responsibility of the homeowner to have a cleanout installed at the property line.



Item 10.A.

Future Development Projects:

Prep. Date: 8/7/2023

Items	Descriptions:	Address:	Phase	IA	Re-Development Fees	Estimated Construction	Remarks
1	Atria Cupertino (Westport) - Senior Living	21255 Stevens Creek Boulevard	Building	Sent	1.9 Mil.	2023	
2	Canyon Crossing Redevelopment	10625 S Foothill Boulevard	Building	Sent	312 К	on-hold	
3	Hamptons Apartments - (942 residential units)	19500 Pruneridge Avenue	On-hold/Building	Drafted	*	on-hold	
4	Leon Townhomes - 7 Townhomes	10046 BIANCHI WAY	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) - Mixed Use (709 residential units and 37,000 SF of commercial space)	10123 North Wolfe Road	Planning - Phase 1	Drafted, to be updated	1.67 Mil.	*	1910 15. 2023.
6	Marina Plaza (DeAnza Ventures)	10415 N De Anza Boulevard	Planning S3	Drafted	*	*	
7	McClellan Lot Split - subdivide the parcel into 6 lots (SF)	20860 McClellan Road	Building	Updated Draft; final review	92К	*	New Submittal received for review 8 /7/ 2023
8	1655 S. DeAnza Redevelopment - 2 Parcels into 34 residential units	1655 S. DeAnza	Planning	*	*	*	
9	10619 S De Anza Blvd - Mixed Use (2090 SF Commercial & 11 Residential Units)	10619 S De Anza Blvd	Planning	*	*	*	
10	134 Housing on 2 Existing Commercial Parcels	20015 Stevens Creek Boulevard	Planning	*	*	*	Added 5/15/2023
11	Four Lot subdivision (SF)	20638 Cleo Avenue	Planning	*	*	*	Demo Permit only
12	Pumpkin-Fiesta: Storm Drain Project	Appx: 7854 Festival Dr (By Pass Area)	Construction	-	-	-	City Project # 2022 01

* Not enough information from developer to determine.

Cupertino Sanitary District - Monthly Maintenance Summary - July 2023

Item 10.B.

None		Cause of SSO	<u>Cat Main/Lat</u>	<u>Spill Volume (Gal)</u>	Spill Recovered (Gal)	<u>Volume of Wash Water Used</u> (Gal)
PLSDs (Private Lateral Sewa	age Discharge)					
<u>Start Date</u> <u>Location</u> None		Cause of PSLD	<u>Main/Lat</u>	<u>Spill Volume (Gal)</u>	Spill Recovered (Gal)	<u>Volume of Wash Water Used</u> (Gal)
Emergency Calls - Causes						
Call Rec'd Business Hours	# of Calls	Call Rec'd After Hours	<u># of Calls</u>	Call Rec'd Weekend	<u># of Calls</u>	
Root Intrusion	0	Root Intrusion	0	Root Intrusion	0	
Onsite	3	Onsite	0	Onsite	1	
Grease	0	Grease	0	Offset	1	
Offset	0	Offset	0	Debris	1	
Others	0	Others	0	Others	0	
Pump station	0	Pump Station	0	Pump Station	2	
Total:	3	Total:	0	Total:	5	
<u>Repairs</u>						
<u>Address</u> None	<u>Main/Lat</u>	Description of Work				
Mainline Maintenance						

Size of Pipe	4"	6"	8"	10"	12"	14"	15"	16"	18"	> 20"	Total	FY2023-24 YTD	FY2023-24 Annual Schedule	% Complete (YTD/Annual Schedule)
Mainline Cleaning (ft)	0	53,422	86,122	3,235	1,259	0	1,890	0	0	0	145,928	145,928	1,673,032	9%
Easement Cleaning (ft)	0	2,857	13,197	1,435	0	0	0	0	0	0	17,489	17,489	217,684	8%
CCTV (ft)	0	3,583	16,790	0	0	0	0	0	0	0	20,373	20,373	207,880	10%

Lateral Maintenance

		FY2023-	FY2023-24	% Complete
		24	Annual	(YTD/Annual
Activity	# of Laterals	YTD	schedule	schedule)
Cleaning	567	567	6,436	9%
ССТV	16	16		
Inspection	33	33		

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

	# of Inspections	YTD FY2023-24	FY2023-24 Annual Schedule	% Complete (YTD/Annual schedule)
Performed	28	28		
Completed	22	22	265	8%
Follow up Needed	2			

			А	UGUST 202	3		
<u>AUGUST 2023</u>	Sunday	Monday	Tuesday 1	Wednesday 2 1st Regular Meeting	Thursday 3	Friday 4	Saturday 5
08/02: 1 st Regular Meeting	6	7	8	9	10	- 11	12
08/07: TAC-Canceled		TAC			TPAC-		
08/10: TPAC-Canceled	13	14	15		A Confere	nce 18	19
08/09-11: CASA Conference 08/16: 2 nd Regular Meeting				2 nd Regular Meeting			
	20	21	22	23	24	25	26
	27	28	29	30	31		
	19		SEF	TEMBER 20	23		
SEPTEMBER 2023	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday 1	Saturday 2
09/04: TAC	3	4	5	6	7	8	9
09/06: 1 st Regular Meeting		TAC		1st Regular	TPAC		Fall
09/07: TPAC				Meeting		-	Festival
9/09: Fall Festival	10	11	12	13	14	15	16
99/11: SCCSDA		SCCSDA					
99/20: 2 nd Regular Meeting	17	18	19	20 2 nd Regular Meeting	21	22	23
	24	25	26	27	28	29	30
			00	CTOBER 20	23		
<u>OCTOBER 2023</u>	Sunday 1	Monday 2	Tuesday 3	Wednesday 4 1st Regular Meeting	Thursday 5	Friday 6	Saturday 7
0/04: 1 st Regular Meeting	8	9	10	11	12	13	14
0/09: TAC		TAC			TPAC		
0/12: TPAC	15	16	17	18	19	20	21
0/18: 2 nd Regular Meeting				2 nd Regular Meeting			
	22	23	24	25	26	27	28
	29	30	31	-			

CUPERTINO SANITARY DISTRICT MEETING/EVENT SCHEDULE