

CUPERTINO SANITARY DISTRICT

SANTA CLARA COUNTY

SANITARY BOARD MEETING

WEDNESDAY, JUNE 20, 2018

The Sanitary Board of the Cupertino Sanitary District convened this date at 7:00 p.m. in the Stevens Creek Office Center, 20863 Stevens Creek Boulevard, Suite 100, Cupertino, California.

ROLL CALL:

Acting 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: Patrick S. Kwok, Angela S. Chen, Taghi S. Saadati and John M. Gatto. President William A. Bosworth was on excused absence.

Staff present: District Manager Richard K. Tanaka, Deputy District Manager Benjamin Porter, and Counsel Marc Hynes.

MINUTES & BILLS:

- A. The Board reviewed the Minutes of June 6, 2018. On a motion by Director Gatto, seconded by Director Saadati, by a vote of 4-0-0, the Minutes of Wednesday, June 6, 2018 were approved.
- B. By consensus, the Approved Minutes of May 09, 2018 were Noted & to be Filed.
- C. The Board reviewed the financials. Director Chen commented on emergencies. Director Saadati commented on BWS Supply invoices. The Directors would like the Hunton and Williams invoices to be broken down by obligation for each tributary agency. Staff responded to questions and will provide additional detail for Hunton and Williams invoices. On a motion by Director Saadati, seconded by Director Chen, by a vote of 4-0-0 the payment of Bills for the month of May were approved as written.
- D. The Directors submitted their June 2018 timesheets to Staff.

PERSONAL PRESENTATIONS:

There were none.

PUBLIC HEARING:

- A. The Board conducted a Public Hearing on Reports on Rates and Charges for Fiscal Year 2018-2019. District Manager Tanaka presented on the updated summary sheet. Acting President Kwok opened the Public Hearing at 7:13 p.m. There were no guests present and no oppositions on file. Acting President Kwok closed the Public Hearing at 7:14 p.m.

On a motion by Director Gatto, seconded by Director Chen, by a vote of 4-0-0, Resolution No. 1305, Confirming Report on Rates and Charges for FY 2018-2019 was approved.

On a motion by Director Gatto, seconded by Director Chen, by a vote of 4-0-0, Resolution No. 1306, Collection of Rates and Charges for FY 2018-2019 was approved.

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CORRESPONDENCE:

- A. The Board received a letter from Santa Clara County District Attorney office. Counsel Hynes provided protocol for discussion. Director Chen read a prepared statement for the record. The Board acknowledged a receipt of Director Chen's written statement. The letter, along with Director Chen's written statement is to be attached to the minutes, noted and to be filed.

MEETINGS:

There are none.

REPORTS:

- A. Manager Tanaka reported on the Regular Meeting of the San Jose/Santa Clara Treatment Plant Technical Advisory Committee (TAC) held June 11, 2018. Discussion included city's method for calculating overhead and compliance with OMB requirements. City did not provide the detail.
- B. Director Gatto reported on the Regular Meeting of the San Jose/Santa Clara Treatment Plant Advisory Committee (TPAC) held June 14, 2018. There is still no independent qualitative audit. Other topics included: a new Assistant Director of ESD, the digester project, seismic upgrade, and biosolids disposal alternatives.

UNFINISHED BUSINESS:

- A. The Board discussed attendance for CASA 63rd Annual Conference to be held August 8-10, 2018 in Monterey, CA.

NEW BUSINESS:

- A. The Board reviewed the budget for FY 2018-19. On a motion by Director Gatto, seconded by Director Chen, by a vote of 4-0-0, the budget for FY 2018-19 was approved.
- B. The Board discussed the Consolidation of Election 2018. On a motion by Director Gatto, seconded by Director Chen, by a vote of 4-0-0, the Board approved Resolution No. 1307, a Resolution Requesting and Consenting Consolidation of Election.

STAFF REPORTS:

- A. District Manager Tanaka reported on the monthly maintenance report.

CLOSED SESSION:

Acting President Kwok adjourned the regular meeting session and opened the closed session at 7:58 p.m. 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.

Acting President Kwok adjourned the closed session and the regular meeting was called to order at 8:04 p.m.


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No reportable action taken at the closed session.

ADJOURNMENT:

On a motion properly made and seconded, at 8:05 p.m. the meeting was adjourned.


Secretary Pro-Tem of the Sanitary Board
Acting President of the Sanitary Board

ATTACHMENTS:

- A. Letter from Santa Clara County Office of the District Attorney, dated May 29, 2018
- B. Director Chen's statement, dated June 20, 2018, as presented to the Board

County of Santa Clara

Office of the District Attorney

County Government Center, West Wing
70 West Hedding Street
San Jose, California 95110
(408) 299-7400
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Jeffrey F. Rosen
District Attorney

May 29, 2018

**Board of Directors
Cupertino Sanitary District
20863 Stevens Creek Boulevard, Suite 100
Cupertino, CA 95014**

Dear Members of the Board:

We have received a complaint that one of your members, Angela Chen, does not hold a valid office as a member of the board of directors because she is not a resident of the Cupertino Sanitary District. (See Cal. Health & Safety Code, § 6482.) Although Ms. Chen listed 10422 Colby Avenue in Cupertino in her candidacy paperwork filed in August 2016, we have investigated and determined that Ms. Chen has not resided at that address for at least two years. Rather, Ms. Chen has resided at 1105 Di Napoli Drive in San Jose, which is outside of the District.

Although a violation of this residency requirement is not punishable as a crime, the filing of a false declaration of candidacy is a crime punishable by up to three years in the county jail. (Cal. Elections Code, § 18203.) However, the goal of the District Attorney's Office in most of these types of cases is simply to gain compliance with the law. To that end, I am writing to you in the hope that you will conduct your own inquiry and take appropriate action. Unfortunately, we cannot share the details of our investigation with you because, until we file criminal charges, those details remain confidential.

I may be reached at 408-792-2595 or by email at jo.ch.4th@gmail.com if you have any questions or concerns.

Very truly yours,

A handwritten signature in black ink, appearing to read "John Chase".

**John Chase
Deputy District Attorney
Public Integrity Unit**

**Cc: Marc Hynes
Atkinson-Farasyn LLP
5050 El Camino Real, Ste 205
Los Altos, CA 94022**

From: Angela Chen

10422 Colby Ave.
Cupertino, CA 95014

To: Cupertino Sanitary District Board (CuSD)

Date: June 20, 2018

Subject: Information on my legal residence in Cupertino

Dear colleagues of the CuSD Board,

Regarding the letter from the Santa Clara County District Attorney's Office in the packet distributed for the second meeting of June 2018, I thought it appropriate to provide some information to you on the issue concerning my legal residence.

I have lived in Cupertino since 1987. After my marriage in 2007, I have also spent time in my husband's property in San Jose. Although my husband and I use the San Jose property for our offices and stay there from time to time, I have always intended to keep my domicile in Cupertino. I maintained my master bedroom in the Cupertino house and my husband I regularly stayed there. I have also kept my mails, continued my voter registration, continued my car registration, and maintained my homeowner's exemption in Cupertino.

I spent almost all of my day-time activities in Cupertino, including sister city functions, student exchanges, city commissions, community fairs, business-chamber meetings, and church goings.

I hope this information is helpful for our discussion in this meeting, and I look forward to working with the board to address any further questions.

Sincerely,



Angela Chen

CuSD Board Member

