

CUPERTINO SANITARY DISTRICT BOARD MEETING
WEDNESDAY, MAY 20, 2020

The Sanitary Board of the Cupertino Sanitary District convened this date at 7:00 p.m. in accordance with the Executive Order N-33-20 via teleconferencing.

1. ROLL CALL:

President Chen called the meeting to order and roll call was taken, with the following members in attendance:

Directors present: Angela S. Chen, Taghi S. Saadati, John M. Gatto, William A. Bosworth, and Patrick S. Kwok.

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

Public: No one conferenced in.

2. PUBLIC HEARINGS:

A. The Board conducted a public hearing for the consideration of a sewer rate increase for FY 2020-21.

1. Manager Porter presented the staff report and memo that was included in the agenda package and stated the District received 13 protest letters, of which the majority noted the current COVID-19 pandemic issue.
2. President Chen opened the public hearing. There were no public comments.
3. President Chen closed the public hearing.
4. The Board discussed implementing a 10% rate increase. The Board acknowledged the protest letters with a note that if the Board approves this new rate, it will not go into effect until July 1, 2020 and it would be the new rate in effect for FY 2020-21.
5. On a motion by Director Gatto, seconded by Director Kwok, by a vote of 5-0-0, Ordinance No. 126, Amending Article VII, Sections 7001 through 7003, of the Cupertino Sanitary District Operations Code was approved.

B. On motion by Director Gatto, seconded by Director Bosworth, by a vote of 5-0-0, Resolution No. 1323, Fixing Time and Place for Public Hearing on Report on Rates and Charges FY 2020-21 was approved. The public hearing is scheduled to take place on June 17, 2020.

3. MINUTES & BILLS:

A. On a motion by Director Bosworth, seconded by Director Saadati, by a vote of 5-0-0, the minutes of Wednesday, May 6, 2020 were approved.

B. By consensus, the Minutes of Wednesday, April 15, 2020 are to be Noted & Filed.

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- C. The Board reviewed the April financials for payment. On a motion by Director Bosworth, seconded by Director Gatto, by a vote of 5-0-0, payment of bills was approved.
- D. The Board members will submit their timesheets electronically.

4. PERSONAL PRESENTATIONS:

There were none.

5. CORRESPONDENCE:

There was none.

6. 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 May 22, 2020.
- B. Director Gatto plans to attend the teleconference meeting of The San Jose/Santa Clara Treatment Plant Advisory Committee (TPAC) scheduled to be held May 28, 2020.
- C. Director Bosworth plans to attend the teleconference meeting of the Santa Clara County Special District Association to be held June 1, 2020.

7. REPORTS:

- A. Director Gatto reported on the teleconference meeting of The San Jose/Santa Clara Treatment Plant Advisory Committee (TPAC) held May 7, 2020. City of San Jose reported that the treatment plant activities are ongoing, it is business as usual during this COVID-19 pandemic period, and the first phase of the Legacy Lagoon project will commence this year with a cost of \$8 million which is being reallocated without any increase to the current treatment plant operation cost.

8. UNFINISHED BUSINESS:

- A. COVID-19 discussion: Manager Porter discussed the District staff workload during this pandemic period.
- B. Advisor Tanaka reported on credit card payment status. Five payments have been processed since the date of implementation.
- C. Advisor Tanaka reported on the status of the Prospect Pump Station. The last remaining item of work, which was to complete the bike lane striping, has been completed. Kirkbrook area improvement, which involved installing two backflow preventer devices as an additional safeguard in the event of Prospect Pump Station failure, has also been completed. Staff is in the process of preparing as-builts.

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9. NEW BUSINESS:

There was none.

10. STAFF REPORTS:

A. Manager Porter reported on the monthly maintenance report.

11. CLOSED SESSION:

President Chen adjourned the regular meeting session and opened the closed session at 7:40 p.m.

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.

Advisor Tanaka was requested to remain during the closed session to answer and respond to Board's questions related to capital costs and was then excused from the closed session at 8:17 p.m.

Closed session was adjourned at 8:36 p.m. and the regular meeting was called to order. Manager Porter and Advisor Tanaka rejoined the regular meeting. There was no reportable action.

12. NEXT MEETING:

The next regular District Board meeting is scheduled to be held on Wednesday, June 3, 2020.

13. ADJOURNMENT:

On a motion properly made and seconded, at 8:39 p.m. the meeting was adjourned.



Secretary of the Sanitary Board



President of the Sanitary Board