

CUPERTINO SANITARY DISTRICT BOARD MEETING
WEDNESDAY, DECEMBER 15, 2021

The Sanitary Board of the Cupertino Sanitary District convened this date at 7:01 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 Saadati 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, William A. Bosworth, and Patrick S. Kwok. On motion by Director Bosworth motioned, seconded by President Saadati, by a vote of 4-0-0, the Board excused Director Gatto from the meeting.

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 has a Universal Indoor Face Covering Order in effect and continues to encourage social distancing, 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 Bosworth, seconded by Director Kwok, by a vote of 4-0-0 the Board approved.

3. PUBLIC COMMENTS:

There were none.

4. CLOSED SESSION:

President Saadati adjourned the regular meeting session and opened the closed session at 7:03 p.m.

A. Conference with legal counsel – Significant Exposure to Litigation in accordance with government code section paragraph (2) of subdivision (d), there is significant exposure to litigation from California Riverwatch pertaining to the Clean Water Act.

Board action: There was no reportable action.

Manager Porter and Deputy Manager Woodhouse were excused from the remainder of closed session at 7:10 p.m.

B. 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

CUPERTINO SANITARY DISTRICT BOARD MEETING
WEDNESDAY, DECEMBER 15, 2021

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.

The closed session was adjourned at 7:14 p.m. and the regular meeting was called to order. District Manager Porter, and Deputy District Manager Woodhouse rejoined the regular meeting.

5. MINUTES & BILLS:

- A. On a motion by Director Bosworth, seconded by Director Kwok, by a vote of 4-0-0 the minutes of Wednesday, November 17, 2021, were approved as written.
- B. By consensus, the Minutes of Wednesday, November 3, 2021, are to be Noted & Filed.
- C. The Board reviewed November payable warrants and financial statements. On a motion by Director Kwok, seconded by Director Chen, by a vote of 4-0-0, the financial statement and payment of bills were approved as written.
- D. Board members will submit their December timesheets to Manager Porter.

6. CORRESPONDENCE:

- A. The Board reviewed correspondence from The City of San Jose regarding Annual Cost & Allocation. It is be Noted & Filed.

7. MEETINGS:

There were none.

8. REPORTS:

- A. Director Kwok reported on the teleconference meeting of The San Jose/Santa Clara Treatment Plant Advisory Committee (TPAC) held on November 18, 2021.
- B. Director Bosworth reported on the Santa Clara County Special Districts Association regular meeting held on December 6, 2021.
- C. Teleconference meeting of the San Jose/Santa Clara Treatment Plant Technical Advisory Committee (TAC) scheduled for December 6, 2021 was canceled.
- D. Teleconference meeting of the San Jose/Santa Clara Treatment Plant Advisory Committee (TPAC) scheduled for December 9, 2021 was canceled.

9. UNFINISHED BUSINESS:

- A. Manager Porter reported on COVID-19 updates.

CUPERTINO SANITARY DISTRICT BOARD MEETING
WEDNESDAY, DECEMBER 15, 2021

10. NEW BUSINESS:

- A. The Board elected District Officers for 2022, effective January 1, 2022. On motion by President Saadati, seconded by Director Kwok, by a vote of 4-0-0, the Slate of Officers for the District was approved as follows:

President – Bill Bosworth
Secretary – John Gatto
Secretary Pro-Tem – Patrick Kwok

By concurrence, it was ordered that the Slate of Representatives for the District be approved, effective January 1, 2022, as follows:

TPAC Alternate	Patrick Kwok Angela Chen
Special Districts Association Alternate	Bill Bosworth Angela Chen
CSRMA Alternate	Angela Chen Bill Bosworth
CASA Alternate	Bill Bosworth John Gatto
Finance Committee	Patrick Kwok (Director in Position 3) Angela Chen (Director in Position 4)
TAC	Manger Porter, Deputy Manger Woodhouse, Staff Member Kathuli

- B. The Board reviewed the Sewer Use Ordinance update. Manager Porter provided a summary of the proposed changes to Sewer Use Ordinance No. 127 and 128. On motion by Director Bosworth, seconded by Director Chen, by a vote of 4-0-0, Ordinance No. 128, Adopting Changes to Sewer Use Ordinance was approved.
- C. The Board discussed District uniform hats. On motion by Director Kwok, seconded by Director Chen, by a vote of 4-0-0, the Board approved a purchase twenty-four hats at the best price available.

11. STAFF REPORTS:

- A. Manager Porter reported on Future Development Projects.
- B. Deputy Manager Woodhouse reported on the Peak Flow Reduction Program.
- C. Manager Porter reported on V&A Consulting Engineering – Amendment No. 1 for Flow Monitoring Services. On motion by Director Kwok, seconded by President Saadati, by a vote of 4-

CUPERTINO SANITARY DISTRICT BOARD MEETING
WEDNESDAY, DECEMBER 15, 2021

0-0, the Board approved Amendment No. 1. The Board requested staff to research other sewer agencies to see what their policies are on using an RFP process to select consultants.


- D. Manager Porter reported on the CASA Annual Winter Conference.
- E. Manager Porter reported on the Monthly Maintenance Report.

12. CALENDAR ITEMS:


- A. The next regular District Board meeting is scheduled to be held on Wednesday, January 5, 2022.

13. ADJOURNMENT:

On a motion properly made and seconded, at 8:45 p.m. the meeting was adjourned.



Secretary of the Sanitary Board



President of the Sanitary Board