

CUPERTINO SANITARY DISTRICT

SANTA CLARA COUNTY

CUPERTINO SANITARY DISTRICT BOARD MEETING WEDNESDAY, SEPTEMBER 04, 2024

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. Participation was also available via videoconference.

1. ROLL CALL:

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

Board Members present: Angela Chen, Taghi Saadati, Patrick Kwok, David Doyle, and Bill Bosworth.

Staff present: District Manager Benjamin Porter, District Administrative Clerk Frankie Martinez, and Counsel Marc Hynes.

Public Present: Zach Siviglia, Sasha Dansky, Reed Moulds

On a motion by President Chen, seconded by Director Doyle, by a vote of 5-0-0, Item 5.A. The Rise was moved up before Closed Session.

Manager Porter informed the Board that after the agenda had been posted, a matter was recognized relative to reimbursement of expenses incurred at CASA Conference. On a motion by Director Saadati, seconded by Director Kwok, by a vote of 5-0-0, the Board approved adding the item to the agenda, as New Business.

2. PUBLIC COMMENTS:

There were none.

5.A. THE RISE

Reed Moulds addressed the Board and read a letter regarding The Rise project. The letter addressed the scope of the project, the intent to provide a good faith deposit toward future development fees due to the District, and pay Administrative, Engineering, and Inspection fees.

The Board directed questions to Mr. Moulds regarding The Rise project. The Board's concerns included responsiveness to past requests for payment, uncertainty regarding future mixed use, future ownership of parcels and blocks and payment of fees, and timing and duration of Phase I. There was no Board action.

Mr. Moulds left the regular meeting at 7:47pm.

3. CLOSED SESSION:

President Chen adjourned the regular meeting session and opened the closed session at 7:47 p.m. Porter, Martinez, Siviglia, and Dansky were excused from the closed session.

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- 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.

Board action: There was no reportable action.

- B. Conference with Legal Counsel – Anticipated Litigation

Manager Porter entered the Closed Session at 7:58 p.m.

Board action: There was no reportable action.

- C. Public Employee Performance Review – District Manager Engineer

Siviglia and Dansky entered the Closed Session at 8:37 p.m. Counsel Hynes was excused.

Board action: There was no reportable action.

President Chen adjourned the closed session at 9:16 p.m. and the regular meeting was called to order. Hynes and Martinez rejoined the regular meeting.

4. MINUTES:

- A. Approval of the Regular Meeting Minutes of August 21, 2024

On a motion by Director Bosworth, seconded by Director Saadati by a vote of 5-0-0, the minutes of the Regular Meeting held on Wednesday, August 21, 2024, were approved with amendments.

- B. Approved Special Meeting Minutes of July 15, 2024, are to be Noted & Filed.

- C. Approved Amended Regular Meeting Minutes of July 17, 2024, are to be Noted & Filed.

5. CORRESPONDENCE:

- A. The Rise Letter – This item was moved up following Closed Session.

- B. Phase 1 LAFCO Policy Revisions 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 on Monday, September 9, 2024.

- B. Director Bosworth plans to attend the Santa Clara County Special Districts Association (SCCSDA) Regular Meeting to be held on Monday, September 9, 2024.

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C. Manager Porter and Staff plans to attend the California Alliance for Sewer System Excellence (CASSE) teleconference to be held on Wednesday, September 11, 2024.

D. Director Kwok plans to attend the regular meeting of the San Jose/Santa Clara Treatment Plant Advisory Committee (TPAC) to be held on Thursday, September 12, 2024.

7. REPORTS:

There were none.

8. UNFINISHED BUSINESS:

A. 2023-2024 Fiscal Year Audit

Manager Porter reported that staff have reached out to references for the apparent low bidder, Fechter & Co. The State has made an exception to the number of years one auditor can perform the audit. The auditor for prior years will provide a proposal, in addition to one other firm that staff have contacted.

9. NEW BUSINESS:

A. Permit Fee Reimbursement Request for APN 369-20-005

After review of the Board memo, on motion by Director Saadati, seconded by Director Doyle, by a vote of 5-0-0, the Board approved reimbursement in the amount of \$100.

B. District Manager Rate

After review of the Board memo, on a motion by Director Kwok, seconded by Director Bosworth by a vote of 5-0-0, the Board approved an increase of 5.9% to cover the past two years and increase the District Manager's hourly rate to \$289.10.

Siviglia and Dansky left the regular meeting at 9:38 p.m.

10. STAFF REPORT

A. Manager Porter reported on Future Development Projects.

11. CALENDAR ITEMS

A. The next regular District Board Meeting is scheduled to be held on Wednesday, September 18, 2024. Director Doyle will be out of the state and will call in. He will provide his location for the agenda. Director Saadati will be out of the country and he will provide his location to attend remotely.

Due to a lack of a quorum, on motion by Director Bosworth, seconded by Director Kwok, by a vote of 5-0-0, the regular meeting of October 16, 2024, is rescheduled for October 23, 2024.

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NEW BUSINESS continued

New Item: CASA Reimbursement

The Board reviewed 2024 Annual CASA Conference Reimbursements. On motion by Director Doyle, seconded by Director Bosworth, by a vote of 5-0-0, the Board approved reimbursements.

12. ADJOURNMENT:

On a motion properly made and seconded, at 9:46 p.m. the meeting was adjourned.



Secretary Pro-Tem of the Sanitary Board



Acting President of the Sanitary Board