



PUBLIC WORKS DEPARTMENT

CITY HALL
10300 TORRE AVENUE • CUPERTINO, CA 95014-3255
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CUPERTINO.ORG

NOTICE OF PUBLIC HEARING

CONSIDERATION OF A FIRST AMENDMENT OF CURRENT LEASE FOR THE CUPERTINO MUNICIPAL WATER SYSTEM TO EXTEND TERM BY UP TO THREE YEARS.

At the Council meeting on November 2, 2021, at 6:45 p.m. or as soon thereafter as may be heard, the Cupertino City Council will conduct a public hearing regarding a First Amendment of the current lease of the Cupertino Municipal Water System (Water System) between the City of Cupertino (City) and San Jose Water Company (SJWC) to extend the term by up to three years.

NOTICE IS HEREBY GIVEN that the City Council of the City of Cupertino will hold a public hearing on the matter described below. In accordance with Government Code 54953(e), this will be a teleconference meeting without a physical location to help stop the spread of COVID-19. Members of the Public will be able to observe and address the meeting telephonically or otherwise electronically from the City's website through procedures that will be detailed in the published meeting agenda.

DESCRIPTION: The City Council will consider a First Amendment to extend the term of the current lease of the Cupertino Municipal Water System between the City of Cupertino and San Jose Water Company to discuss the proposed changes to the lease terms for the Water System.

HEARING DATE: **Tuesday, November 2, 2021, at 6:45 p.m.**

ADDRESS This will be a teleconference meeting without a physical location

IMPORTANT NOTICE: If you wish to challenge the City Council's action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, in written or electronic correspondence, delivered to the City of Cupertino City Hall 10300 Torre Avenue, Cupertino, CA 95014 at, or prior to, the public hearing. Please be advised that pursuant to Cupertino Municipal Code section 2.08.100 written communications sent to the Cupertino City Council, Commissioners or City staff concerning a matter on the agenda are included as supplemental material to the agenda item. These written communications are accessible to the public through the City's website and kept in packet archives. Do not include any personal or private information in written communications to the City that you do not wish to

make public, as written communications are considered public records and will be made publicly available on the City website.

AGENDAS MAY BE SUBJECT TO CHANGE: If you are interested in an item or have questions, please email or call the City Clerk's Office at cityclerk@cupertino.org or 408-777-3223 prior to the meeting date to verify that the item is still on the agenda. The time this item will be heard on the agenda cannot be predicted. For more information, agendas and packets are available at www.cupertino.org/agenda.

Reason for the First Amendment to the Current Lease between the City and San Jose Water Company

The Water System purchases, treats, and delivers approximately 3 million gallons of potable water per day to residences and businesses in the north-western portion of the City. In October 1997, the City leased this Water System to SJWC, which has responsibility for operating and maintaining the Water System.

The current lease (Current Lease) with SJWC for the operation of the Water System expires in September 2022. The City intends to solicit proposals from qualified water system operators for a new long-term lease that would begin following expiration of the Current Lease. In order to ensure adequate time to conduct the Request for Proposal (RFP) process pursuant to Public Utilities Code § 10061 or to consider other alternatives for future operation of the Water System, the First Amendment of the Current Lease would provide the City with the option to extend the term by up to three additional years and, if extended, would require SJWC to make certain capital investments in the Water System. Additional information and a copy of the First Amendment is available online at www.Cupertino.org/MunicipalWaterService.org. If an additional extension of the term, as authorized by the First Amendment, is not required by the City, then the term of the Current Lease will expire on September 30, 2022, without any further extension.

Billing Impacts

By voting to approve the First Amendment to the Current Lease, the City Council will not be authorizing any particular water rate changes. Specific questions can be directed to SJWC by calling 408-279-7900 or visiting www.sjwater.com.

Additional Information

Additional information about the current Lease Agreement between the City and SJWC, and Water Service Area Maps can be found online at www.Cupertino.org/MunicipalWaterService.org.

How may I comment on the proposed First Amendment?

If you wish to comment on the proposed First Amendment, which provides for optional extension of the term of the Current Lease for up to three years, you may attend the City Council meeting and provide input during the public hearing when the item is called. You may also submit written comments to the Office of the City Clerk in the form of a letter, fax, or e-mail prior to the **November 2, 2021**, hearing.

Mail (or hand-deliver) to	Fax to	Phone to	Email
First Amendment of Current Lease of Water System City of Cupertino Office of the City Clerk 10300 Torre Avenue Cupertino, CA 95014	(408) 777-3333 Subject line: First Amendment of Current Lease	Public Works Department (408) 777-3354	Cityclerk@cupertino.org By 6:30 p.m. on 11/2/21