

**THIRD AMENDMENT TO  
AGREEMENT  
BETWEEN THE  
SANTA CLARA VALLEY WATER DISTRICT  
AND THE CITY OF CUPERTINO  
FOR WATER CONSERVATION LANDSCAPE CONVERSION  
AND GRAYWATER LAUNDRY TO LANDSCAPE PROGRAMS**

This Third Amendment ("Third Amendment") between the Santa Clara Valley Water District ("VALLEY WATER") and the City of Cupertino ("CUPERTINO") amends the Agreement Between the Santa Clara Valley Water District and the City of Cupertino (A4008s) dated July 1, 2016, First Amendment dated May 3, 2017, and Second Amendment dated June 1, 2018 (collectively, hereinafter referred to as the "Agreement"). This Third Amendment is effective as of May 14, 2019 ("Third Amendment Effective Date").

**RECITALS**

**WHEREAS**, Under the terms of the Agreement, CUPERTINO agreed to supplement VALLEY WATER's Landscape Conversion Program and Graywater Rebate Program rebates granted to persons residing in the City of Cupertino; and

**WHEREAS**, CUPERTINO and VALLEY WATER desire to extend the term of the Agreement from July 1, 2019 to the earlier of June 30, 2020, or when funds committed by CUPERTINO under this Agreement are expended;

**NOW, THEREFORE, the parties agree to amend the Agreement as follows:**

1. In the Agreement, Section 2. b) is amended to state as follows:

"b) CUPERTINO must pay WATER DISTRICT as set forth below for each activity performed by the WATER DISTRICT in the CUPERTINO service area:

- 1) For the Landscape Rebate Program, a program maximum of up to \$1,000 per residential and \$10,000 per commercial site, as per the Landscape Rebate Program requirements:
  - a. Turf Removal rebate: up to \$1.00 per each square foot of turf removed per qualified residential and commercial rebate;
  - b. Rain garden rebate: match \$1 per square foot of roof area for a maximum of \$300 per site;
  - c. Rain barrel rebate: match up to \$35 per rain barrel;
  - d. Cistern rebate: match \$0.50 per gallon.
- 2) For the Graywater Rebate Program:
  - a. Up to \$200 for each completed, qualifying Graywater Laundry to Landscape system installed and eligible for a Valley Water rebate per the Graywater Rebate Program."


2. In the Agreement, Section 5, delete the first sentence in its entirety and replace it with, "The term of the Agreement commences on July 1, 2016 and expires on June 30, 2020, or until funds are depleted, whichever occurs first."


All other terms and conditions of the Agreement, First Amendment, and Second Amendment not otherwise modified by this Third Amendment shall remain in full force and effect.

**IN WITNESS THE EXECUTION HEREOF** the parties agree that this Third Amendment shall be effective as of the Third Amendment Effective Date set forth above.

**SANTA CLARA VALLEY WATER DISTRICT**  
an independent special district created by the California Legislature


Approved as to form:

By:   
Joseph D. Aranda  
Assistant District Counsel

By:   
Norma J. Camacho  
Chief Executive Officer


**CITY OF CUPERTINO**

Approved as to form:

By:   
\_\_\_\_\_  
Heather Minner  
City Attorney  
City of Cupertino

By:   
\_\_\_\_\_  
Deborah Feng  
City Manager  
City of Cupertino

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Attest:  
  
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Grace Schmidt 7-16-19  
city clerk