

**MINUTES OF THE MEETING OF THE
BOARD OF DIRECTORS OF
UNION SANITARY DISTRICT
January 14, 2013**

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**

PRESENT: Tom Handley, Director
Pat Kite, President
Anjali Lathi, Vice President
Jennifer Toy, Director (arrived 7:06 p.m.)

ABSENT: Manny Fernandez, Secretary

STAFF: Richard Currie, General Manager/District Engineer
Richard Cortes, Business Services Manager
Jesse Gill, Technical Support & Customer Services Manager
Sami Ghossain, Capital Improvements Projects Team Coach
Dave Livingston, Treatment and Disposal Services Manager
Andy Morrison, Collection Services Manager
David O'Hara, Legal Counsel
Robert Simonich, Fabrication, Maintenance & Construction Manager
Tom Graves, Assistant to the General Manager/Board Secretary

CONSULTANTS: None.

VISITORS: None.

President Kite designated Vice President Lathi to serve as Secretary for the meeting in the absence of Director Fernandez.

4. **APPROVAL OF THE MINUTES OF DECEMBER 10, 2012**

Action

On a motion made by Director Lathi and seconded by Director Handley, the Minutes of the Board of Directors Meeting of December 10, 2012 were approved. The motion carried unanimously (Director Fernandez absent).

5. WRITTEN COMMUNICATIONS

There was one official communication from USD President Pat Kite to CASA Executive Director Roberta Larson regarding CASA conferences, and USD's preference for a Thursday through Saturday format.

6. ORAL COMMUNICATIONS

There were no oral communications.

7. MONTHLY OPERATIONS REPORT FOR NOVEMBER, 2012.

Rich Currie spoke briefly about the Odor Report, saying that it was related to a grease backup in a manhole. Crews were dispatched and the grease blockage was removed. There was no spill.

Director Kite inquired about nearby restaurants, and Mr. Currie and Mr. Morrison responded that it is only residential in that area.

Mr. Currie went on to the Hours Worked report, and said the results are somewhat unusual, in that Hours Worked per week, per employee is at 34.99, which is above the target, which means that employees are not generally taking a lot of leave and are working overtime, so it seems in conflict with the high usage of Sick Leave, an amount over 63 annualized hours per year. The numbers continue to rise, especially now with flu season upon us.

Director Handley inquired if we provide flu shots to employees, and Mr. Currie said that they were provided in October of 2012.

Rich Cortes provided an overview of the Business Services portion of the report. There were no questions.

Director Kite inquired about the Sewer Smart Summit. Andy Morrison replied that it was produced by ABAG, and held in Oakland at no cost to the District. Director Kite asked that the Board be invited in the future.

Director Lathi asked about the FOG component of the Summit. Mr. Morrison replied that it was provided by an inspector from South San Francisco who spoke about how to inspect and enforce, and how their program dealt with restaurants.

8. **APPROVING REVISED POLICY NUMBER 5334, EQUAL EMPLOYMENT OPPORTUNITY.**

Mr. Currie said that some changes in the policy are necessary to be consistent with changes in the law, and that this policy is updated to contain those additional protected categories.

Action

On a motion made by Director Toy and seconded by Director Lathi, Policy No. 5334 was adopted as revised. The motion carried unanimously (Director Fernandez absent).

9. **APPROVING REVISED POLICY NUMBER 5340, GRATUITIES.**

Mr. Currie presented this item to the Board, saying that staff had reviewed the Policy and was not recommending any changes at this time.

Action

On a motion made by Director Lathi and seconded by Director Toy, Policy No. 5340 was adopted as presented. The motion carried unanimously (Director Fernandez absent).

Mr. Currie stated that this policy will be discussed at a future Board retreat, as requested by Committee.

10. **PUBLIC HEARING ON THE INITIAL STUDY AND NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACTS FOR THE THICKENER CONTROL BUILDING IMPROVEMENTS PROJECT.**

Jesse Gill presented an oral report.

The public hearing was opened at 7:19 p.m.

There were no public comments.

The public hearing was closed at 7:19 p.m.

11. **RESOLUTION NO. 2692, ADOPTING THE NEGATIVE DECLARATION FOR THE THICKENER CONTROL BUILDING IMPROVEMENTS PROJECT AND APPROVING THE PROJECT AS DEFINED IN THE NEGATIVE DECLARATION FOR THE PURPOSE OF FILING THE NOTICE OF DETERMINATION.**

Jesse Gill presented a brief report on this item. During the review period, comments were received from three public agencies: Alameda County Water District, County of Alameda Public Works Agency, and the State Water Resources Control Board. These comments were minor in nature, and will be addressed as part of the project design.

The District received a letter from the State Clearinghouse and Planning Unit of the Governor's Office of Planning and Research, dated December 11, 2012, indicating that no state agency submitted comments by the comment period end date. The letter also acknowledged that the District complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Action

On a motion made by Director Handley and seconded by Director Toy, Resolution No. 2692 adopting the Negative Declaration for the Thickener Control Building Improvements Project and approving the project as defined in the Negative Declaration for the purpose of filing the Notice of Determination, was adopted as presented. The motion carried unanimously (Director Fernandez absent).

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RESOLUTION NO. 2692

ADOPTING THE NEGATIVE DECLARATION FOR THE THICKENER CONTROL BUILDING IMPROVEMENTS PROJECT AND APPROVING THE PROJECT AS DEFINED IN THE NEGATIVE DECLARATION FOR THE PURPOSE OF FILING OF THE NOTICE OF DETERMINATION

WHEREAS, the Union Sanitary District (District) has prepared and distributed for comment the Initial Study and Negative Declaration of potential environmental impacts of Thickener Control Building Improvements Project; and

WHEREAS, the District provided a public comment period from November 12, 2012 through December 11, 2012; and

WHEREAS, the District received written comments from the Alameda County Water District, the County of Alameda Public Works Agency, and the State Water Resources Control Board and the District will respond in writing to these commenting agencies; and

WHEREAS, the District will coordinate with the design consultant to address the written comments from the agencies; and

WHEREAS, the District determined the Project would have no impacts to biological resources based on the characteristics of the Project and review of the site and surrounding conditions, and the District submitted a Request for No Effect Determination to the California Department of Fish and Game (DFG) for the purpose of waiving the DFG filing fee for the Notice of Determination; and

WHEREAS, the District did not receive comments from any other selected state agencies by the review date of December 11, 2012, as determined by the State Clearinghouse and Planning Unit of the Governor's Office of Planning and Research; and

WHEREAS, the District conducted a public hearing on January 14, 2013 during a regularly scheduled meeting of the District's Board of Directors; and

WHEREAS, the Negative Declaration was noticed in accordance with Title 14, California Code of Regulations, Sections 15072 and 15105, and no substantive comments were received during the public hearing regarding the Negative Declaration; and

WHEREAS, it has been determined that the project could not have a significant effect on the environment; and

WHEREAS, the project does not have possible environmental effects which are individually limited but accumulatively considerable; and

WHEREAS, the environmental effects of this project will not cause substantially adverse effects on human beings, either directly or indirectly; and

WHEREAS, there were no "Potentially Significant" and "Less Than Significant with Mitigation Incorporated" environmental impacts identified in the Negative Declaration; and

WHEREAS, the Thickener Control Building Improvements Project is defined in the Negative Declaration; and

WHEREAS, it is necessary for the Board of Directors to officially approve the Thickener Control Building Improvements Project in order to file a Notice of Determination that there will be no adverse effects on the environment by virtue of this project in accordance with definitions of the California Environmental Quality Act; now, therefore, be it

RESOLVED: That the Board of Directors of the UNION SANITARY DISTRICT hereby adopts the Negative Declaration for the Thickener Control Building Improvements Project and approve the project as defined in the Negative Declaration for the purpose of filing the Notice of Determination, effective January 14, 2013.

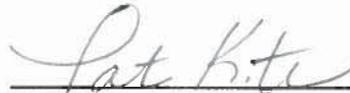
On motion duly made and seconded, this resolution was adopted by the following vote on January 14, 2013:

AYES: Handley, Kite, Lathi, Toy

NOES: ---

ABSENT: Fernandez

ABSTAIN: ---



PAT KITE
President, Board of Directors
Union Sanitary District

Attest:



ANJALI LATHI
Vice President, Board of Directors
Union Sanitary District

12. **RESOLUTION NO. 2693, ACCEPTING THE CONSTRUCTION OF THE INKA DEMOLITION PROJECT FROM EVANS BROTHERS INC. AND AUTHORIZING THE ATTORNEY FOR THE DISTRICT TO RECORD A NOTICE OF COMPLETION.**

Jesse Gill presented a brief report on this item. Change Orders on the project to date have resulted in an overall credit to the District.

Action

On a motion made by Director Lathi and seconded by Director Handley, Resolution No. 2693 accepting the construction of the INKA Demolition Project from Evans Brothers Inc. and authorizing the attorney for the District to record a Notice of Completion was adopted. The motion carried unanimously (Director Fernandez absent).

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RESOLUTION NO. 2693

**ACCEPTING CONSTRUCTION OF THE
INKA DEMOLITION PROJECT FROM EVANS BROTHERS INC.
LOCATED IN UNION CITY, CALIFORNIA**

RESOLVED: That the Board of Directors of the UNION SANITARY DISTRICT hereby accepts the INKA Demolition Project from Evans Brothers Inc., effective January 14, 2013; and be it

FURTHER RESOLVED: That the attorney for the District is authorized to file a "Notice of Completion" for the project.

On motion duly made and seconded, this resolution was adopted by the following vote on January 14, 2013:

AYES: Handley, Kite, Lathi, Toy

NOES: ----

ABSENT: Fernandez

ABSTAIN: ----



PAT KITE
President, Board of Directors
Union Sanitary District

Attest:



Anjali Lathi
Vice President, Board of Directors
Union Sanitary District

13. **APPROVING AN ADDITION TO THE FY13 NON-ECB FOR A SPECIAL STUDY ON SEA LEVEL RISE.**

Mr. Currie reported that staff is recommending the Board add this project to the NECB in the amount of \$35,000 under the studies category. Staff is recommending that the total NECB remain at the currently approved level of \$892,600. Some of the projects, including the Lateral Pilot Program, will be delayed and will more than offset the additional \$35,000.

Action On a motion made by Director Lathi and seconded by Director Toy, the addition to the FY13 Non-ECB for a special study on sea level rise was approved. The motion carried unanimously (Director Fernandez absent).

INFORMATION ITEMS

14. **REPORT FROM THE EAST BAY DISCHARGERS AUTHORITY MEETING OF DECEMBER 20, 2012.**

Director Lathi presented an oral report.

15. **SCHEDULE FOR ANNUAL PERFORMANCE EVALUATION OF THE GENERAL MANAGER.**

Mr. Currie proposed that the Board meet on January 23, 2013 in Closed Session to do the evaluation of the General Manager, and he reviewed the rest of the proposed schedule with the Board. This January 23rd date had originally been proposed to the Board as a Board Workshop to review the FOG Outreach Program, but that Workshop will be cancelled. We are unable to obtain work they have done for us, and it appears they may be going out of business.

Director Lathi asked if we had paid them. Mr. Currie replied that they have been paid for some products that we haven't received, although not for the full contract amount.

Director Handley said that he may be unable to meet on January 23rd. Directors will be polled after the meeting for a mutually agreeable day.

16. **HIGHLIGHTS OF JUNE, 2011 CALPERS RETIREMENT VALUATION.**

Rich Cortes presented an oral report. There were no questions from the Board. USD's per cent of payroll contribution will be reduced very slightly to 16.4% plus a portion of the employee share.

17. CHECK REGISTER.

Director Kite inquired about the expense at the bottom of page two for Deer Road Sanitary Sewer. Mr. Gill replied that that expense was in regard to the pilot project regarding backyard sewers, and the District's intention to relocate the laterals and move the sewers to the street. Deer Road is located near Mission Blvd. near Niles Canyon Road.

Director Kite then inquired about the expense for Infrared Thermographic Inspection on Page 7. Robert Simonich explained the process of using a thermography gun to identify "hotspots" in electrical panels, indicating loose connections.

Lastly, on Page 17, Director Kite inquired about the expense for Deputy General Manager Recruitment. Mr. Currie explained that this was for the recruitment already performed in November, and that the upcoming recruitment would not be charged to the District except for expenses.

Director Kite asked about the multiple charges for uniforms on Page 8. Director Handley asked what the average cost per employee is for uniforms. Staff will review and respond to the Board at a later date.

18. Committee Meetings. The following committees met before the Board meeting: Legislative, Personnel, Legal/Community Affairs, Construction and Budget & Finance.

19. General Manager's Report.

Mr. Currie introduced the new safety slogan: "Be Alert, Accidents Hurt." We will be putting it on posters and other media around the District. The slogan was submitted by Mike Auer.

December was a good month, in that we once again had no spills. We did have an incident in the plant with a broken pipe in the Thickener Building, which was discovered on normal rounds. FMC personnel came in to fix it, and Collections personnel cleaned it up. It necessitated extended hours to get it all cleaned up and repaired, but the crews did a great job. This wasn't reportable as a spill, since it was all contained within the plant.

The EPA conducted a Project Compliance Audit on our Environmental Compliance group. All of our records were in order, and the only findings related to regulated industries that were inspected.

We had another wet weather event on December 23, 2012, and again came very close to having to discharge to Alameda Creek. Fortunately, we did not, but we did have to store some wastewater in the Alvarado collection system.

There is no progress to report on the contract with SEIU, but we will be meeting with the Board in closed session on January 28th to discuss it in more detail. Hopefully, we will have a meeting with the Union before the session on the 28th.

The AGM recently polled Board member, and we determined that all Boardmembers prefer to be contacted by email. Mr. Currie inquired about expectations for turnaround time on emails, and the Boardmembers present agreed to check emails twice a day.

Mr. Currie also confirmed February 4th as the day set for the Mid-Year Budget Workshop at 6:30 p.m.

Regarding the backyard sewer line removal project in Newark, the pilot tests for directional drilling were completed. The tests were to see how difficult it would be to do trenchless directional drilling from the street directly into the backyards.

Mr. Gill reported that the project is a part of the Newark Sewer Master Plan. It encompasses about 215 homes where the sewer lines are shallow and difficult to maintain. We recently engaged a contractor to do the directional drilling on two pilot residences, and both projects were successful. The aim of the pilot was to see what it would cost to do the drilling, and then to do the hand digging in the back yard and to restore the back yard vegetation to its original state after we were through. We will be asking the consultant to come back with a cost estimate for the entire project now, and we will determine if this is a feasible project for the future.

19. General Manager's Report (Continued)

Lastly, the sewer service charge contest award winner called us and said she wanted to donate her award to charity. After speaking with Michelle Powell, she determined that Water for People was her preferred recipient.

Director Kite asked for an update on the Legislative Committee meeting of December 17, 2012. Mr. Currie briefly reviewed the CalPERS objection to the City of San Bernardino bankruptcy filing, the EPA denial of the NRDC request to include nutrient removal in secondary treatment standards, the announcement that the Supreme Court will hear the NRDC case against LA County Flood Control District on responsibility for treating urban runoff, and volumetric pricing for sewer service charges.

20. OTHER BUSINESS:

Director Toy reported on her attendance at the Alameda County Financing Authority meeting on January 10, 2013. The previous meeting's Minutes were approved, and officers for CY13 were appointed.

Director Kite attended the California Special District Association meeting with Rich Currie, which included a presentation on a new senior community.

Director Toy clarified that the ACSDA banquet is on March 28th, not March 18th.

21. ADJOURNMENT:

The Board adjourned at 8:05 p.m. to the next regularly scheduled Board meeting at 7:00 p.m., on January 28, 2013.

SUBMITTED:


TOM GRAVES
SECRETARY TO THE BOARD

ATTEST:


ANJALI LATHI
VICE PRESIDENT, for
Manny Fernandez,
SECRETARY

APPROVED:


PAT KITE
PRESIDENT

Adopted this 28th day of January, 2013.