

**MINUTES OF THE MEETING OF THE
BOARD OF DIRECTORS OF
UNION SANITARY DISTRICT
March 10, 2014**

1. CALL TO ORDER

President Lathi called the meeting to order at 7:00 p.m.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

PRESENT: Anjali Lathi, President
Manny Fernandez, Vice President
Jennifer Toy, Secretary
Tom Handley, Director
Pat Kite, Director

STAFF: Richard Currie, General Manager/District Engineer
Rich Cortes, Business Services Manager
David Livingston, Treatment & Disposal Services Manager
Andy Morrison, Collection Services Manager
Sami Ghossain, Manager, Technical Services
Robert Simonich, FMC Manager
Mohammad Ghoury, Engineering Tech II
Jason Yeates, Environmental Compliance Inspector II
David O'Hara, Legal Counsel
Carol Rice, Acting Assistant to the GM/Board Secretary

4. APPROVAL OF THE MINUTES OF FEBRUARY 24, 2014.

On a motion made by Director Kite and seconded by Director Fernandez, the minutes of the Board of Directors' Meeting of February 24, 2014 were unanimously approved.

5. GENERAL MANAGER'S MONTHLY OPERATIONS REPORT.

Rich Currie reported there were five odor complaints in January that were related to the collection system; all were investigated and none were found to be related to USD's sewer system. There were no accidents or injuries in January. An agreement for \$12 million was signed for the SRF loan for the Thickener Project at an interest rate of 2.1%. Hours worked per employee went from 35.2 down to 34.03 due to the holiday season. Sick leave usage was 45.79 hours, up from 44 hours, probably due to the cold and flu season.

Rich Cortes reported on the financials. Under Revenues, he noted a -\$533K adjustment was made for Old Castle; we received \$430K from Delta Americas, a power supply manufacturer located in Fremont; sewer service charge billing to Newark Unified and New Haven School Districts was \$166K; and the next SRF proceeds will be from the Thickener Project. Under Expenses, \$1.2M was spent on capital projects; no expenditures in January for retiree medical; \$1.3M for debt payments for NPS and Primary Clarifier Projects. Work groups are under budget except the GM and Business Services. LAIF was at .264% and is now at a low of .244%; and there were five investment purchases totaling \$4.2M and one maturity – Credit Suisse.

6. WRITTEN COMMUNICATIONS.

Director Lathi noted she had her CWEA Catalog which lists the annual conferences for interested Board members.

7. ORAL COMMUNICATIONS.

There were no oral communications.

8. RESOLUTION NO. 2729, QUITCLAIMING OF EXISTING SANITARY SEWER EASEMENT LOCATED AT 1555 ATLANTIC STREET IN UNION CITY.

The Legal/Community Affairs Committee reviewed this item. Sami Ghossain reported that Southern Wine and Spirits completed their new building in Union City. The building encroaches on a 6-foot wide sanitary sewer easement that contains a 12-inch diameter sewer main. In order to complete the project, they applied for a permit to relocate the sewer main from the new building and granted USD a new easement for the relocated sewer main. In 2013, the Board approved Resolution 2715 accepting the new easement and quitclaimed the existing easement to Southern Wine and Spirits. Staff was later notified that Union, LLC is the record property owner. The grant of easement deed was granted by Union, LLC; therefore, the quitclaim deed should be in Union, LLC's name as the record owner of the property.

On a motion made by Director Handley and seconded by Director Toy, the Board unanimously moved to adopt Resolution No. 2729, quitclaiming of existing Sanitary Sewer Easement located at 1555 Atlantic Street in the City of Union City.

####

RESOLUTION NO. 2729

**QUITCLAIMING AN EXISTING SANITARY SEWER EASEMENT
LOCATED AT 1555 ATLANTIC STREET IN THE CITY OF UNION CITY**

WHEREAS, RESOLUTION NO. 2715 approved by the Board of Directors of UNION SANITARY DISTRICT on September 13, 2013 quitclaimed its interest in a 6-foot wide sanitary sewer easement located at the 1555 Atlantic Street, Union City.

WHEREAS, the Quitclaim Deed identified Southern Wine and Spirits, instead of the record property owner, Union, LLC.

WHEREAS, Union, LLC has requested that the Quitclaim Deed be amended to name Union, LLC instead of Southern Wine and Spirits.

NOW, THEREFORE, the BOARD OF DIRECTORS OF THE UNION SANITARY DISTRICT hereby resolves to approve the QUITCLAIM DEED showing the owner of record, UNION, LLC.

On motion duly made and seconded, this resolution was adopted by the following vote on March 10, 2014:

AYES: Fernandez, Kite, Lathi, Handley, Toy

NOES: ----

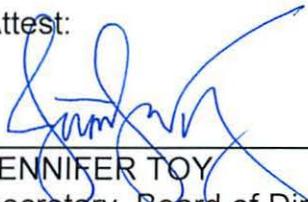
ABSENT: ----

ABSTAIN: ----



ANJALI LATHI
President, Board of Directors
Union Sanitary District

Attest:



JENNIFER TOY
Secretary, Board of Directors
Union Sanitary District

Recording requested by
and when recorded
return to:

Larry Chaplin
1600 NW 163 Street
Miami, FL 33169

This instrument is exempt from Recording Fees (Govt. Code §27383)
Documentary Transfer Tax \$0.00, no consideration.

QUITCLAIM DEED

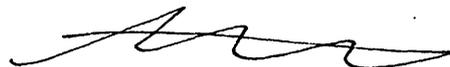
This QUITCLAIM DEED is being re-recorded in order to correct the Grantee on the previous erroneous Quitclaim Deed recorded with Alameda County on November 7, 2013 as Instrument No. 2013355691.

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, UNION SANITARY DISTRICT, a public sanitary district, does hereby REMISE, RELEASE AND QUITCLAIM to UNION, LLC a California limited liability company, its successors and assigns the real property in the City of Union City, County of Alameda, State of CALIFORNIA, described as follows:

Exhibit "C" - Legal Description 6-foot Sanitary Sewer Easement to be Abandoned
Exhibit "D" - Abandonment of Sanitary Sewer Easement.

attached hereto and made a part hereof.

Dated this 10th day of March 2014.



ANJALI LATHI
President, Board of Directors
Union Sanitary District

EXHIBIT "C"

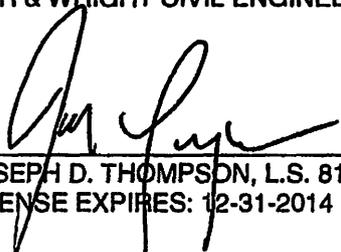
**LEGAL DESCRIPTION
6.0' SANITARY SEWER EASEMENT
TO BE ABANDONED**

ALL THAT CERTAIN REAL PROPERTY SITUATE IN THE CITY OF UNION CITY, COUNTY OF ALAMEDA, STATE OF CALIFORNIA DESCRIBED AS FOLLOWS:

ALL THAT PORTION OF THE EASEMENT DESCRIBED IN THAT CERTAIN GRANT OF EASEMENT FOR SEWER PURPOSES RECORDED ON JUNE 14, 1957 IN BOOK 8390 AT PAGE 138, LYING WITHIN THE LAND DESCRIBED IN THAT CERTAIN GRANT DEED RECORDED SEPTEMBER 8, 1995 AS INSTRUMENT NO. 95-207693, ALL ALAMEDA COUNTY RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A STRIP OF LAND 6.00 FEET IN WIDTH, BEING THE WESTERN SIX FEET OF THAT PARCEL OF LAND CONVEYED TO EDITH HARMON WHIPPLE BY THAT CERTAIN DEED RECORDED DECEMBER 4, 1924 IN BOOK 890, AT PAGE 143, ALAMEDA COUNTY RECORDS.

KIER & WRIGHT CIVIL ENGINEERS & SURVEYORS, INC.



JOSEPH D. THOMPSON, L.S. 8121
LICENSE EXPIRES: 12-31-2014

2-27-14

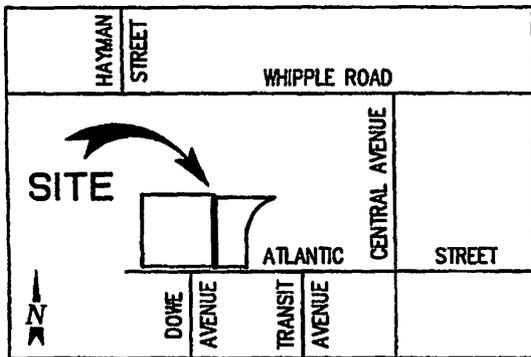
DATE





0 50' 100' 200'
Scale 1" = 100 ft

WESTERN LINE OF
890 O.R. 143



VICINITY MAP

NOT TO SCALE

6.0' SANITARY SEWER
EASEMENT PER
8390 O.R. 138
TO BE ABANDONED

GRANT DEED 95-207693 O.R.



Handwritten signature and date: J. Thompson 2-27-14

LEGEND:

- SANITARY SEWER EASEMENT TO BE ABANDONED
- PROPERTY LINE
- ADJOINING PROPERTY LINE

DOWE AVENUE

ATLANTIC STREET

Z:\2008\A08502\survey\A08502-2-PD-SSE.dwg 5/7/2012 8:09:02 AM PDT



KIER & WRIGHT
CIVIL ENGINEERS & SURVEYORS, INC.
1233 Quarry Lane, Suite 145 (925) 249-6555
Pleasanton, California 94568 Fax (925) 249-6563

EXHIBIT "D"
ABANDONMENT OF
SANITARY SEWER EASEMENT
UNION CITY, ALAMEDA COUNTY, CALIFORNIA

SCALE	1" = 100'
DATE	FEB. 2010
BY	KJM/CH
JOB NO.	A08502-2
SHEET	1 OF 1

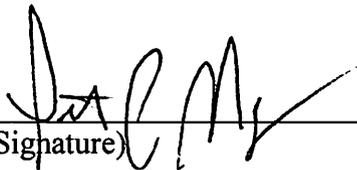
ACKNOWLEDGMENT

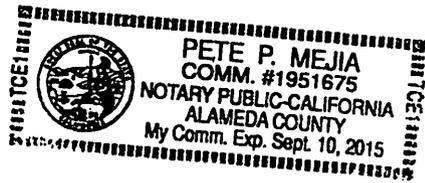
State of California)
County of ALAMEDA

On MARCH 10 2014 before me, PETE P MEJIA, personally appeared ANJALI LATHI, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.


(Signature)



9. APPROVING ADDITIONAL ENGINEER POSITION FOR THE CAPITAL IMPROVEMENTS PROJECT TEAM.

The Personnel Committee reviewed this item. Rich Currie stated that a few years ago, staff met with the Board at a budget workshop and presented information for hiring a sixth engineer. The Board approved the position for a limited term of three years. Given recent staff changes and an evaluation of the workload, staff is asking the Board to approve an additional engineer position on a permanent basis.

Sami Ghossain reported that in 2010, the CIP Team consisted of five engineers, an engineering technician and an administrative specialist. The Board approved the addition of a sixth engineer due to the high number of projects identified in the CIP budget. The sixth engineer was intended to be a limited term of three years.

In July 2010, the District hired an Associate Engineer who managed several important projects; however, the engineer left the District in May 2013. The District hired a Junior Engineer in July 2013 as the need for the sixth engineer still existed. Recently the CIP Team has had significant personnel changes and is recruiting for one to two positions at the senior, associate, and/or assistant engineer level to fill the open positions on the team. Staff is preparing the 10-Year CIP budget and anticipates spending an average of \$20 million annually for the next 10 years. In FY15, staff will take on an additional 24 CIP projects and five studies. In evaluating all the projects and commitments, staff found that the CIP Team will require a sixth engineer through FY18. As each master plan and study is completed, it is anticipated that additional projects will be identified beyond FY18, so the need for the sixth engineer will remain long term.

On a motion made by Director Handley and seconded by Director Toy, the Board unanimously approved the hiring of a sixth engineer for the CIP Team.

10. INFORMATION ITEMS:

- a. **Check Register.** Staff answered several questions from the Board and will report back regarding Director Kite's inquiry into the \$411.48 Copymat expense.
- b. **Calendar Year 2013 Report on Accidents and Injuries.** The Personnel Committee reviewed this item. Rich Currie stated that accidents are reported on an annual basis to OSHA. For calendar year 2013, USD had two OSHA

reportable accidents, one which involved two days of lost time. The other was a stress claim that was denied by the District but reported to OSHA. There were four vehicle accidents; three where USD employees were at fault. The numbers are up for near misses; however, this is viewed as positive in that it provides an opportunity for staff to discuss ways to avoid future accidents.

- c. **Draft Schedule for GM Recruitment.** The Personnel Committee reviewed this item. Rich Currie stated it is anticipated the GM recruitment will open on April 1 and close on April 30, with interviews in early June. Staff would then meet with the Board on June 4 to give input and select the finalists. It is anticipated the new General Manager would start work on July 21, 2014.
- d. **Draft Schedule for Standing Committees.** The Board approved the recommended dates and times for standing committee meetings. Director Lathi asked staff to prepare a calendar with meeting dates and times for the next four months so Board members can block off dates on their calendars.
- e. **Notice of Intent to Disconnect Sanitary Sewer – 4145 Thornton Avenue.** The Legal/Community Affairs Committee reviewed this item. Sami Ghossain stated the City of Fremont conducted an inspection of the property and notified the District that the property revealed numerous Health and Safety Code violations. It is being used to store hazardous materials such as discarded batteries, propane containers, motor oil, and other vehicle fluids. These materials would pose an immediate threat if discharged to the sewer system. Because of the imminent endangerment to the maintenance crews and plumbing contractors who work on the sewer system, notice has been given to the property owner of the District's intent to disconnect their service. The notice was mailed on March 4, 2014 requesting a written appeal by March 13th. If no appeal is received, the District will disconnect their sewer service on March 18, 2014.

At the committee meeting, the Board asked if staff could respond sooner if necessary. Rich Currie noted Attorney Dave O'Hara will provide a response to this question at the next Board meeting. The committee also asked if staff can do sampling on the property. Sami explained that the nearest place to sample is in the main which is in the street and poses a safety issue. If staff did sampling at the main, it would include everything upstream of that manhole. Because of the safety issue it was decided that staff will drive by the property daily to be sure there are no noticeable changes.

11. **COMMITTEE MEETING REPORTS:** The Budget & Finance, Personnel, and Legal/Community Affairs Committees met the week of March 3, 2014.

12. **GENERAL MANAGER'S REPORT:**

Rich Currie reported the following:

- We received three proposals from executive search firms for the GM recruitment; Judi Berzon and the GM will interview two of them on March 11th.
- We had a very small 10-gallon spill on Pizarro between Thornton and Decoto Road. It turned out to be a rubber plug that a contractor pushed down our pipe.
- USD will host a CSRMA training event on March 11th on Workers Compensation.
- The Safety Recognition celebration will be held on Wednesday, March 12th at 1:00 p.m. at the Portuguese Hall in Union City.
- Congratulations to Tom Handley and Jennifer Toy for their re-appointment to the USD Board of Directors.

13. **OTHER BUSINESS:**

Director Kite inquired about the purpose of a mildew moisture detector and if the District owns one. Andy Morrison explained the detector uses infrared to sense moisture and is generally used by restoration companies; the District does not own one.

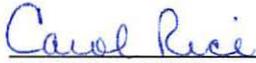
Director Lathi offered congratulations to Directors Toy and Handley on their re-appointment. She also asked staff to reschedule the Public Outreach workshop scheduled for March 31, 2014 in order that all Board members are available to attend.

14. **ADJOURNMENT:**

The Board adjourned the meeting at 7:41 p.m. to a Board Workshop on Wednesday, March 19, 2014.

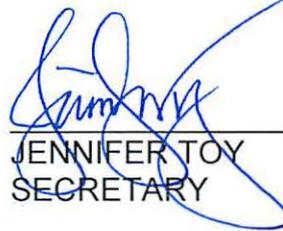
Following the Board workshop, the Board will adjourn to the next Regular Meeting in the Boardroom on Monday, March 24, 2014 at 7:00 p.m.

SUBMITTED:



CAROL RICE
SECRETARY TO THE BOARD

ATTEST:



JENNIFER TOY
SECRETARY

APPROVED:



ANJALI LATHI
PRESIDENT

Adopted this 24th day of March, 2014