MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS OF UNION SANITARY DISTRICT February 24, 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 Raymond Chau, Coach, Technical Services

Robert Simonich, FMC Manager Judi Berzon, HR Administrator David O'Hara, Legal Counsel

Carol Rice, Acting Assistant to the GM/Board Secretary

VISITORS: None

4. APPROVAL OF THE MINUTES OF FEBRUARY 10, 2014.

On a motion made by Director Kite and seconded by Director Fernandez, the minutes of the Board of Directors' Meeting of February 10, 2014 were unanimously approved.

5. WRITTEN COMMUNICATIONS.

The Board received a notice from CASA about their Public Policy Forum meeting in Sacrament on April 28-29, 2014.

6. ORAL COMMUNICATIONS.

There were no oral communications.

The Legal/Community Affairs Committee reviewed this item. Rich Currie stated that staff received an email from Old Castle requesting a postponement of this Board item until after they meet with Alameda County Water District.

8. <u>RESOLUTION NO. 2728, ACCEPTING A 0.80 ACRE PROPERTY AND ACCESS EASEMENT FROM OLD REPUBLIC TITLE COMPANY.</u>

The Legal/Community Affairs Committee reviewed this item. Raymond Chau stated the District owns a 33-inch diameter gravity sewer that traverses the Old Republic Title Company property near Ardenwood Boulevard in Fremont and crosses the Alameda Creek Flood Control Channel in Union City. The vitrified clay pipe sewer was constructed in 1978 under the low flow channel, but due to scouring of the channel bottom over time, the pipe was occasionally exposed during periods of low flow and low tides. To protect the integrity of the sewer and the environmental safety of the creek, the District employed stability efforts consisting of placing rock support for the exposed sewer in the area of the low flow channel in 2006. Additionally, the sewer was lined with cured-in-place pipe in 2008.

The Regional Water Quality Control Board and the National Oceanographic and Atmospheric Association (NOAA) have raised concerns about the sewer acting as an impediment to upstream fish migration in the future. Should attempts to obtain approval for alternative methods to safeguard the sewer within the creek fail, it may be necessary to construct a deeper pipeline and a pump station to transport the wastewater from the existing 33-inch sewer across the creek.

The Old Republic Title Company is the holding agent for the Patterson family, who owns property adjacent to the Alameda Creek Flood Control Channel. The Patterson family has offered to donate a 0.80 acre parcel of land to the District for this future pump station in addition to a 15-foot wide, 784-foot long access easement that provides safer access to the property for the District.

On a motion made by Director Handley and seconded by Director Toy, the Board unanimously moved to adopt Resolution No. 2728, accepting a 0.80 acre property and access easement from Old Republic Title Company.

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RESOLUTION NO. 2728

ACCEPTING A 0.80 ACRE PROPERTY AND ACCESS EASEMENT FROM OLD REPUBLIC TITLE COMPANY

RESOLVED, by the Board of Directors of UNION SANITARY DIESTRICT that, it hereby accepts the Grant Deed Pump Station Site from OLD REPUBLIC TITLE COMPANY, a California Corporation executed on February 18, 2014 described in the Grant Deed and by the legal description attached as Exhibit C and the accompanying plat map.

AND, it also hereby accepts the Grant of Easement for Pump Station Access Purposes from OLD REPUBLIC TITLE COMPANY, a California Corporation executed on February 18, 2014 described in the Grant of Easement for Pump Station Purposes and by the legal description attached as Exhibit D and the accompanying plat map.

On motion duly made and seconded, this resolution was adopted by the following vote on February 24, 2014:

AYES:

Fernandez, Kite, Lathi, Handley, Toy

NOES:

ABSENT:

ABSTAIN:

ANJALI LATHI

President, Board of Directors Union Sanitary District

Attest:

Secretary Board of Directors

Recording requested by and when recorded

Mail to: Union Sanitary District:

Care of District Legal Counsel

David M. O'Hara

Attorney at Law

975 Centennial Drive

Brentwood, CA 94513

Grantee hereby declares: This instrument is exempt from recording fees (Government Code sec. 27183) and from documentary transfer tax (R&T Code Sec. 11922, conveyance to governmental entity.

GRANT DEED

Old Republic Title Company, a California corporation, as successor in interest to Founders Title Company and Title Insurance and Trust Company under Holding Agreement dated February 25, 1983, identified as Holding Agreement No. 314999

To

Union Sanitary District

Dated, November 11, 2013

David M. O'Hara

Legal Counsel

Union Sanitary District

GRANT DEED

PUMP STATION SITE

WITNESSETH:

That said Party/Parties of the First Part does hereby grant in fee to the Party of the Second Part and to its successors and assigns forever, the Sanitary Sewer Pump Station Site, hereinafter described, located in the City of Fremont, County of Alameda, State of California:

See Exhibit "C"

IN WITNESS WHEREOF the said Party/Parties of the First Part have executed this indenture the day and year first above written.

Old Republic Title Company, a California corporation, as successor in interest to Founders Title Company and Title Insurance and Trust Company under Holding Agreement dated February 25, 1983, identified as Holding Agreement No. 314999.

Signature

(Print or type name and title of Signatory)

Party/Parties of the First Part

State of California County of Alameda

On February 18, 2014 before me, Julie Massey, Notary Public, personally appeared Deborah Jones 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: ____/\
Name: Julie Masse

JULIE MASSEY
Commission # 1891672
Notary Public - California
Alameda County
My Comm. Expires Jun 30, 2014

EXHIBIT C

SANITARY SEWER PUMP STATION SITE TO BE CONVEYED TO UNION SANITARY DISTRICT

ALL THAT REAL PROPERTY SITUATED IN THE CITY OF FREMONT, COUNTY OF ALAMEDA, STATE OF CALIFORNIA BEING A PORTION OF PARCEL 6, AS DESCRIBED IN DOCUMENT NO. 85-236089, ALAMEDA COUNTY RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST NORTHERLY CORNER OF SAID PARCEL 6, THENCE ALONG THE NORTHWESTERLY LINE OF SAID PARCEL 6, ALONG A NON-TANGENT CURVE TO THE RIGHT, FROM WHICH THE RADIUS POINT BEARS, NORTH 55°53'06" WEST, HAVING A RADIUS OF 2200.00 FEET, THROUGH A CENTRAL ANGLE OF 00°15'38" AND AN ARC LENGTH OF 10.01 FEET, TO THE TRUE POINT OF BEGINNING, OF THE HEREIN DESCRIBED PARCEL;

THENCE CONTINUING ALONG SAID NORTHWESTERLY LINE, ALONG A CURVE TO THE RIGHT, HAVING A RADIUS OF 2200.00 FEET, THROUGH A CENTRAL ANGLE OF 02°17'33" AND AN ARC LENGTH OF 88.03 FEET:

THENCE LEAVING SAID NORTHWESTERLY LINE, AND ENTERING SAID PARCEL 6, THE FOLLOWING FIVE (5) COURSES:

- 1. SOUTH 10°37'51" EAST, 168.01 FEET;
- 2. SOUTH 46°11'58" EAST, 69.62 FEET;
- 3. NORTH 43°48'02" EAST, 208.12 FEET;
- 4. NORTH 46°11'58" WEST, 34.47 FEET;
- 5. THENCE NORTH 53°23'33" WEST, 185.96 FEET, TO THE POINT OF BEGINNING.

CONTAINING 0.80 ACRES MORE OR LESS.

PORTION OF APN 543-0439-003-02

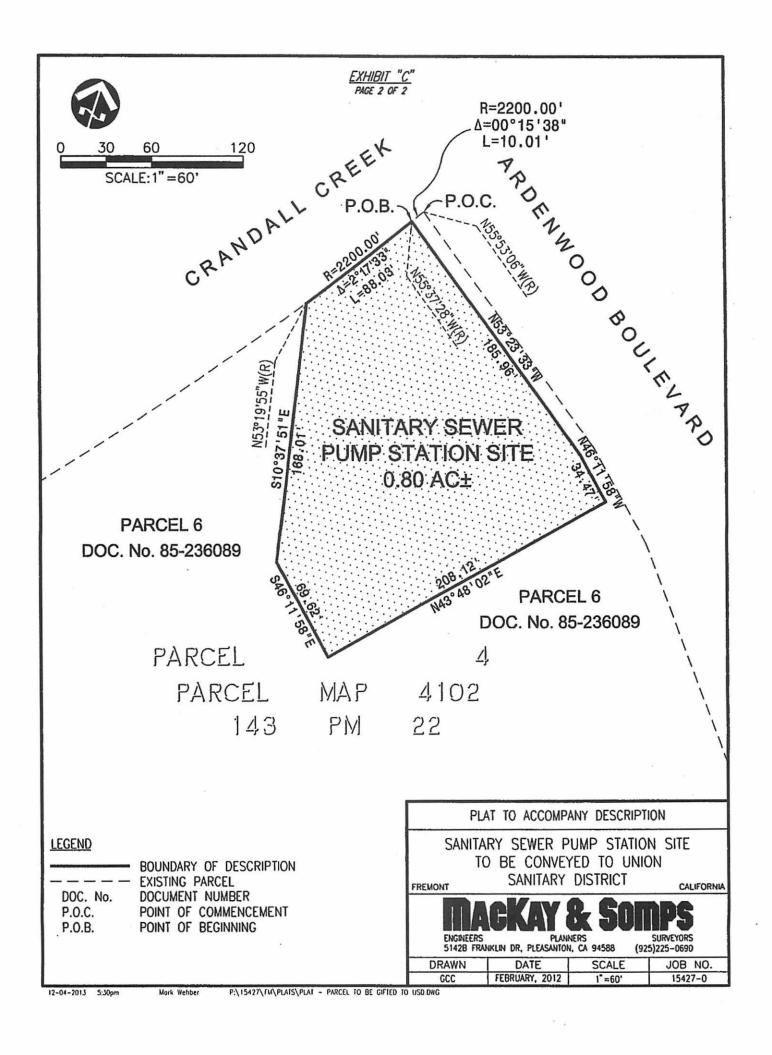
PREPARED BY

MARK WEHBER

LICENSED LAND SURVEYOR NO. 7960

(EXP 03/31/14)

STATE OF CALIFORNIA



Recording Requested by:	
Union Sanitary District	
When recorded mail to:	
Care of District Legal Counsel	
David M. O'Hara	
Attorney at Law	
975 Centennial Drive	
Brentwood, CA 94513	
Certificate of Acceptance This is to certify that pursuant to Resolution adopted by the Board of Directors of Union Sanitary District, on, 2014, the Sanitary Sewer Pump Station Site from Old Republic Title Company, a California corporation, as successor in interest to Founders Title Company and Title Insurance and Trust Company under Holding Agreement dated February 25, 1983, identified as Holding Agreement No. 314999, dated November 11, 2013, to Union Sanitary District, was accepted, and the District consents to the recordation of the Grant Deed. Dated: David M. O'Hara DISTRICT Legal Counsel Union Sanitary District	

No fee for this service is payable by the public agency requesting recordation pursuant to Government Code Sections 6103 & 27283.

Recording requested by and when recorded

Mail to: Union Sanitary District:

Care of District Legal Counsel

David M. O'Hara

Attorney at Law

975 Centennial Drive

Brentwood, CA 94513

Grantee hereby declares: This instrument is exempt from recording fees (Government Code sec. 27183) and from documentary transfer tax (R&T Code Sec. 11922, conveyance to governmental entity.

GRANT OF PUMP STATION ACCESS EASEMENT

Old Republic Title Company, a California corporation, as successor in interest to Founders Title Company and Title Insurance and Trust Company under Holding Agreement dated February 25, 1983, identified as Holding Agreement No. 314999

To

Union Sanitary District

Dated, November 8, 2013

David M. O'Hara

Legal Counsel

Union Sanitary District

GRANT OF EASEMENT

FOR PUMP STATION ACCESS PURPOSES

THIS INDENTURE, made this 18 day of February 2014, by and between Old Republic Title Company, a California corporation, as successor in interest to Founders Title Company and Title Insurance and Trust Company under Holding Agreement dated February 25, 1983, identified as Holding Agreement No. 314999, the Party/Parties of the First Part, and Union Sanitary District, the Party/Parties of the Second Part,

WITNESSETH:

That said Party/Parties of the First Part does hereby grant to the Party of the Second Part and to its successors and assigns forever, for the use and purposes herein stated, the Pump Station Access Easement, hereinafter described, located in the City of Fremont, County of Alameda, State of California:

See Exhibit "D"

Together with the right and privilege of constructing, reconstructing, cleaning, repairing and maintaining an access road at any time, upon, over, in, through and across the above described property; together with free ingress and egress to and for the said Party of the Second Part, its successors and assigns, its agents and employees, workmen and contractors, along, upon, over, in, through and across said right of way; together with the right of access to said right of way from the nearest public street.

IN WITNESS WHEREOF the said Party/Parties of the First Part have executed this indenture the day and year first above written.

Old Republic Title Company, a California corporation, as successor in interest to Founders Title Company and Title Insurance and Trust Company under Holding Agreement dated February 25, 1983, identified as Holding Agreement No. 314999.

Signature

(Print or type name and title of Signatory

Party/Parties of the First Part

State of California County of Alameda

On February 18, 2014 before me, Julie Massey, Notary Public, personally appeared Deborah Jones 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.

 JULIE MASSEY
Commission # 1891672
Notary Public - California
Alameda County
My Comm. Expires Jun 30, 2014

EXHIBIT D

15' WIDE ACCESS EASEMENT TO BE CONVEYED TO UNION SANITARY DISTRICT

ALL THAT REAL PROPERTY SITUATED IN THE CITY OF FREMONT, COUNTY OF ALAMEDA, STATE OF CALIFORNIA BEING A PORTION OF PARCEL 6, AS DESCRIBED IN DOCUMENT NO. 85-236089, ALAMEDA COUNTY RECORDS, BEING A 15' WIDE ACCESS EASEMENT MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST NORTHERLY CORNER OF SAID PARCEL 6, THENCE ALONG THE NORTHWESTERLY LINE OF SAID PARCEL 6, ALONG A NON-TANGENT CURVE TO THE RIGHT, FROM WHICH THE RADIUS POINT BEARS, NORTH 55°53'06" WEST, HAVING A RADIUS OF 2200.00 FEET, THROUGH A CENTRAL ANGLE OF 02°33'11" AND AN ARC LENGTH OF 98.04 FEET:

THENCE LEAVING SAID NORTHWESTERLY LINE, AND ENTERING SAID PARCEL 6, SOUTH 10°37'51" EAST, 168.01 FEET TO THE TRUE POINT OF BEGINNING;

THENCE CONTINUING IN SAID PARCEL 6, THE FOLLOWING EIGHT (8) COURSES;

- SOUTH 10°37'51" EAST, 393.43 FEET;
- SOUTH 41°24'25" EAST, 84.42 FEET;
- NORTH 76°39'02" EAST, 330.14 FEET;
- ALONG A NON-TANGENT CURVE TO THE LEFT, FROM WHICH THE RADIUS POINT BEARS, SOUTH 76°03'09" WEST, HAVING A RADIUS OF 1112.00 FEET, THROUGH A CENTRAL ANGLE OF 0°46'23" AND AN ARC LENGTH OF 15.00 FEET;
- 5. SOUTH 76°39'02" WEST, 320.88 FEET;
- NORTH 41°24'25" WEST, 71.29 FEET;
- NORTH 10°37'51" WEST, 368.33 FEET;
- THENCE NORTH 46°11'58" WEST, 25.79 TO THE POINT OF BEGINNING.

CONTAINING 0.27 ACRES MORE OR LESS.

PORTION OF APN 543-0439-003-02

PREPARED BY

MARK WEHBER

LICENSED LAND SURVEYOR NO. 7960

(EXP 03/31/14)

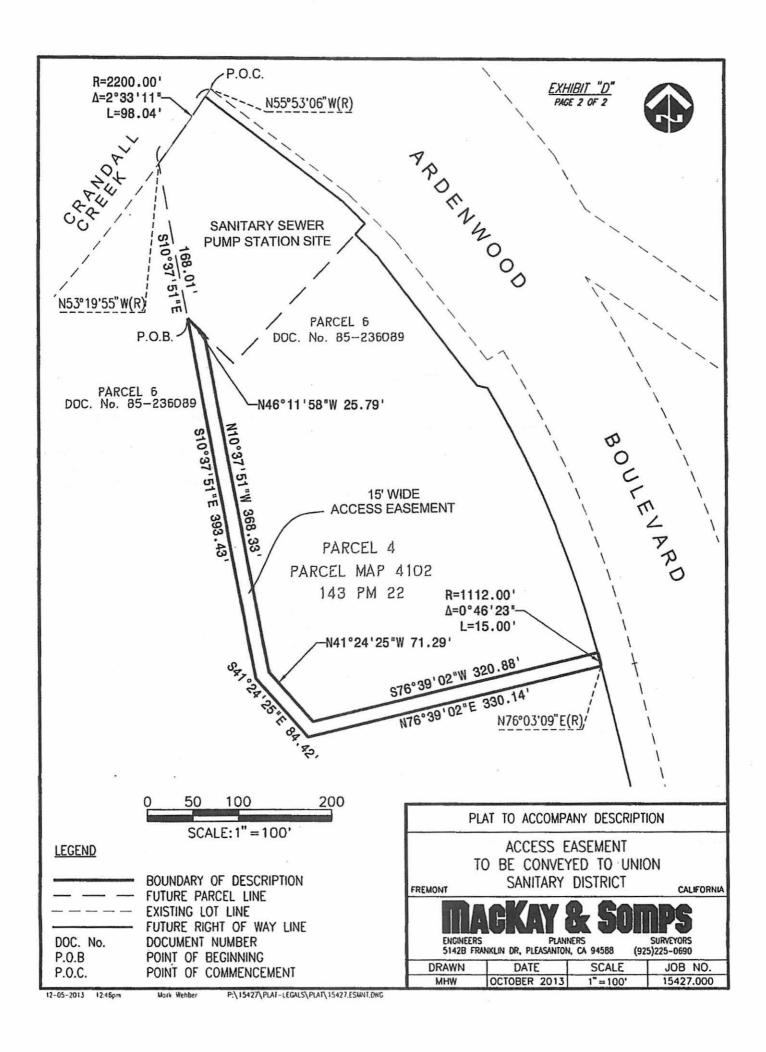
STATE OF CALIFORNIA

No. 7960

Exp. 3-31-M

CIVIL ENGINEERING LAND PLANNING LAND SURVEYING 5142 Franklin Drive Suite B, Pleasanton, CA. 94588-3355 (925) 225-0690

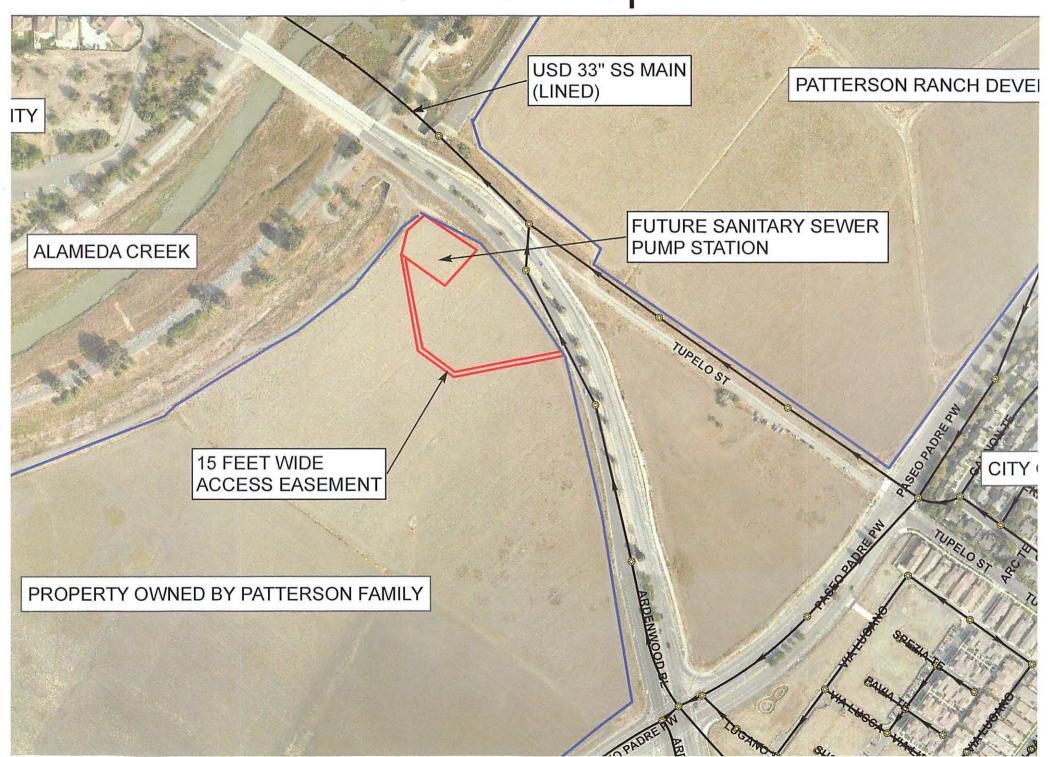
12/5/13



Recording Requested by:	
Union Sanitary District	
When recorded mail to:	•
Care of District Legal Counsel	
David M. O'Hara	
Attorney at Law	
975 Centennial Drive	
Brentwood, CA 94513	
Certificate of Certif	p Station Site from Old Republic Title Company, a s Title Company and Title Insurance and Trust Company fied as Holding Agreement No. 314999, dated November ie District consents to the recordation of the Grant Deed. David M. O'Hara
	DISTRICT Legal Counsel Union Sanitary District
	•

No fee for this service is payable by the public agency requesting recordation pursuant to Government Code Sections 6103 & 27283.

Location iviap



ACKNOWLEDGMENT

State of California) County of ALAMEDA)	
On MACH 10 2014 before me, personally appeared ADJALI LAT me on the basis of satisfactory evidence to be t subscribed to the within instrument and acknowledge the same in his/her/their authorized capacity(ies), on the instrument the person(s), or the entity upon executed the instrument.	ged to me that he/she/they executed and that by his/her/their signature(s)
I certify under PENALTY OF PERJURY under the the foregoing paragraph is true and correct.	e laws of the State of California that
WITNESS my hand and official seal.	
(Signature)	PETE P. MEJIA COMM. #1951675 COMM. #1951675 NOTARY PUBLIC CALIFORNIA ALAMEDA COUNTY My Comm. Exp. Sept. 10, 2015

9. CLASS DESCRIPTION AND SALARY FOR SENIOR PROCESS ENGINEER.

The Personnel Committee reviewed this item. Rich Currie stated this is one of the new positions identified in last years' budget. The construction inspector has already been hired.

Dave Livingston explained that the Senior Process Engineer position will help to further optimize current and future plant operations by analyzing data collected by the plant SCADA system and recommending adjustments to improve efficiency in chemical and energy usage. The position will also serve as the District's Energy Champion and determine how to best operate the new cogeneration facility and maximize the District's return on this investment. They will facilitate the process of taking new facilities and equipment from initial start-up to routine operation. The recommended salary is equivalent to that of Senior Engineer.

On a motion made by Director Handley and seconded by Director Toy, the Board unanimously approved the Class Description and Salary for the Senior Process Engineer.

10. INFORMATION ITEMS:

- a. Check Register. The Board had no questions.
- b. Report from East Bay Dischargers Authority Meeting of February 20, 2014. Director Handley reported to the Board on the items discussed at the February 20, 2014 EBDA Meeting. Director Kite asked whether the Board received an invitation to tour the Russell City Energy Center. Rich Currie stated EBDA scheduled the O&M Committee for the tour; however, he can request an invitation. The Board expressed an interest in touring the Center, but agreed they would like to wait until the tertiary treatment plant is operating.
- c. Cogeneration Project Status. The Construction Committee reviewed this item. This project consists of the construction of two new 850-kilowatt engine generators housed within a new metal building, a new digester gas conditioning system, and modifications to the existing digester gas piping and hot water system. Raymond Chau reported the construction work is approximately 50% complete and staff has executed 30 change orders to date.

- d. Restaurant Capacity Fees. The Legal/Community Affairs Committee reviewed this item. Rich Currie stated staff met with the Board and committee about the impact of USD capacity fees on new restaurants considering opening businesses in the Tri-city area. Michelle Powell contacted a number of restaurants and talked to people in the larger chains. They all indicated that marketing factors are their primary consideration: income of the area, nearby businesses that may support their restaurant, and landlord negotiations. A copy of her notes were distributed to the Board.
- e. Legislative Update for February 2014. The Legislative Committee reviewed this item. Rich Currie reported on legislative items of interest to the Board which included: AB1181 Leaves for Absences for Union Activities; Ballot Initiative Pension Reform Act of 2014; and HR3080-Water Resources Reform and Development Act of 2013. Locally, he talked about Oro Loma's grant for the Ecotone Slope Project.
- f. ACWD Water Conservation Notice to Customers. The Legal/Community Affairs Committee reviewed this item. Rich Currie stated USD received a notice from the Alameda County Water District asking the District to reduce our water usage by 20%. Our largest source of water use is for mixing polymer for our biosolids thickening and dewatering operations—approximately 15,000 gallons per day or about 50% of our total water usage. To address this, we are requesting permission from ACWD to install a shallow well on our property that would pump non-potable water. While the quality is generally poor, it is suitable for mixing polymer. Other ideas include using treated effluent or non-potable water for filling our construction vehicles for cleaning sewers, deferring our Cast Iron Pipe Repair Projects, replacing old restroom fixtures with water conserving fixtures; requesting ACWD conduct a water audit at USD, promoting water conservation with USD employees through a poster campaign, and having our "Lean-Green Task Force" look for other ways to conserve.
- 11. COMMITTEE MEETING REPORTS: The Legal/Community Affairs, Construction, Legislative, and Personnel Committees met the week of February 17, 2014. In addition, the Personnel Committee discussed the Proposed Email Policy for the Board of Directors. Director Toy stated that during committee meeting it was discussed whether the Board should have a formal email policy. The committee agreed a policy is needed and staff will bring a draft to the Board for approval. The Board also requested training on proper use of email at a future date.

Director Lathi asked if individual members have their USD emails forwarded to their personal email account, would that defeat the purpose of using the USD email. Dave O'Hara responded it will be easier to comply with the Public Records Act if all communication is done through the District's email system, eliminating the possibility of the Board putting themselves in a position to have their private emails reviewed. Rich Currie added that if it comes to a discovery and all emails are not residing in a USD mailbox, they will look for a source. Staff will develop a policy draft for the Board to review.

12. GENERAL MANAGER'S REPORT:

Rich Currie reported the following:

- Staff is busy with recruitments. There were 74 applicants for the Senior Process Engineer position; an offer was made to a Collection System Worker 1 and a Plant Operator III trainee; a finalist has been chosen for the receptionist position; and the recruitment opened for Donna Wies' position as Quality Coordinator.
- We received a nice note from a former intern from Laney College that worked at USD. He was hired by Central Marin Sanitation Agency, and one of the main reasons they hired him was because of his internship at USD.
- USD is now on Yelp. One of our customers recognized our employee Nancy Walker, who works at the permit counter.
- There will be a workshop after the Board meeting tonight to discuss recruitment, and one on Wednesday, February 26 to talk about scheduling preferences and communication.

13. OTHER BUSINESS:

Director Handley noted he attended the Public Information meeting for residents chosen for a lateral study. Although not many from the public attended, he commended staff for doing an outstanding job. Director Lathi also attended the meeting and agreed staff did an excellent job.

14. ADJOURNMENT:

The Board adjourned the meeting at 7:45 p.m. to a Board Workshop to discuss upcoming recruitments and the potential use of a consultant for recruitment services.

Following the Board Workshop, the Board will adjourn to a Board Workshop on Wednesday, February 26, 2014 to discuss Board Communication and Scheduling Preference.

Following the Board workshop, the Board will adjourn to the next Regular Meeting in the Boardroom on Monday, March 10, 2014 at 7:00 p.m.

SUBMITTED:

ATTEST:

CAROL RICE

SECRETARY TO THE BOARD

JENNIFERTO

APPROVED:

ANJALI LATHI PRESIDENT

Adopted this 10th day of March, 2014