

**MINUTES OF THE MEETING OF THE  
BOARD OF DIRECTORS OF  
UNION SANITARY DISTRICT/UNION SANITARY DISTRICT FINANCING  
AUTHORITY  
AUGUST 10, 2020**

**Consistent with Executive Orders No. N-25-20 and No. N-29-20 from the Executive Department of the State of California, the Alameda County March 16, 2020 Shelter in Place Order, and Executive Order No. N-33-20, Stay-at-Home Order, the Monday, August 10, 2020, Regular Board Meeting was not physically open to the public and all Board Members teleconferenced into the meeting. To maximize public safety while still maintaining transparency and public access, members of the public were able to listen to the Board Meeting, and provide public comment by sending comments to the Board Clerk.**

**CALL TO ORDER**

President Handley called the meeting to order at 4:00 p.m. The regular meeting time was modified due to the COVID-19 emergency.

**SALUTE TO THE FLAG**

**ROLL CALL**

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

STAFF: Paul Eldredge, General Manager/District Engineer  
Karen Murphy, District Counsel  
Mark Carlson, Business Services Manager/CFO  
Sami Ghossain, Technical Services Manager  
Armando Lopez, Treatment and Disposal Services Manager  
James Schofield, Collection Services Manager  
Robert Simonich, Fabrication Construction and Maintenance Manager  
Gene Boucher, Human Resources Manager  
Laurie Brenner, Business Services Coach  
Regina McEvoy, Executive Assistant to the General Manager/Board Clerk  
May Bautista, Administrative Assistant

**APPROVE MINUTES OF THE UNION SANITARY DISTRICT BOARD MEETING OF  
JULY 27, 2020**

It was moved by Secretary Lathi, seconded by Director Fernandez, to Approve the Minutes of the Board Meeting of July 27, 2020. Motion carried with the following vote:

AYES: Fernandez, Handley, Kite, Lathi, Toy  
NOES: None  
ABSTAIN: None  
ABSENT: None

**APPROVE MINUTES OF THE UNION SANITARY DISTRICT SPECIAL BOARD MEETING OF JULY 28, 2020**

It was moved by Vice President Kite, seconded by Director Toy, to Approve the Minutes of the Special Board Meeting of July 28, 2020. Motion carried with the following vote:

AYES: Fernandez, Handley, Kite, Lathi, Toy  
NOES: None  
ABSTAIN: None  
ABSENT: None

**WRITTEN COMMUNICATIONS**

There were no written communications.

**PUBLIC COMMENT**

There was no public comment.

**AUTHORIZE THE GENERAL MANAGER TO EXECUTE TASK ORDER NO. 2 WITH CAROLLO ENGINEERS, INC. FOR THE WAS THICKENER REPLACEMENT PROJECT**

This item was reviewed by the Engineering and Information Technology Committee. Technical Services Manager Ghossain stated the Board previously authorized execution of an agreement and Task Order No. 1 with Carollo Engineers, Inc. (Carollo) to provide predesign services for the WAS Thickener Replacement Project (Project). The WAS Thickening Building was last retrofitted during the 1993 Plant Upgrade Project. Most of the equipment, instruments, and electrical components have reached the end of their useful lives. District staff and Carollo's recommendations for major improvements to the Project's final design, and Carollo's scope of services and fee for Task Order No. 2, were summarized in the Board meeting packet. Final design of the Project is scheduled to be completed by Summer 2021 and construction is scheduled to begin by Fall 2021. Staff recommended the Board authorize the General Manager to execute Task Order No. 2 with Carollo Engineers, Inc. in the amount of \$806,942 for providing final design services for the WAS Thickener Replacement Project.

It was moved by Vice President Kite, seconded by Secretary Lathi, to Authorize the General Manager to Execute Task Order No. 2 with Carollo Engineers, Inc. in the Amount of \$806,942 for Providing Final Design Services for the WAS Thickener Replacement Project. Motion carried with the following vote:

AYES: Fernandez, Handley, Kite, Lathi, Toy  
NOES: None  
ABSTAIN: None  
ABSENT: None

**CONSIDER A RESOLUTION OF APPLICATION TO LAFCO FOR ANNEXATION  
NO. U-295, TRACT 8495 – SANCTUARY WEST, IN THE CITY OF NEWARK**

This item was reviewed by the Legal/Community Affairs Committee. Technical Services Manager Ghossain stated The Sobrato Organization submitted a request to annex Tract 8495 – Sanctuary West to the District. The area to be annexed is 111.67 acres and will be a planned residential development to include three parks. The area to be annexed lies outside the District's current service area but is within the City of Newark's limits and the District's Sphere of Influence. Annexation of the area is needed to provide sanitary sewer service for the development and sanitary sewer service is available to serve the annexation. Staff recommended the Board consider adopting a resolution of application requesting the Local Agency Formation Commission of Alameda County to begin proceedings for Annexation No. U-295, Tract 8495 – Sanctuary West, located west of the southern end of Stevenson Boulevard in the City of Newark.

It was moved by Director Toy, seconded by Director Fernandez, to Adopt Resolution No. 2900 of Application by Union Sanitary District Requesting the Local Agency Formation Commission Begin Proceedings for Annexation No. U-295. Motion carried with the following vote:

AYES: Fernandez, Handley, Kite, Lathi, Toy  
NOES: None  
ABSTAIN: None  
ABSENT: None

####

**RESOLUTION NO. 2900**

**A RESOLUTION OF APPLICATION BY UNION SANITARY DISTRICT  
REQUESTING THE LOCAL AGENCY FORMATION COMMISSION  
BEGIN PROCEEDINGS FOR ANNEXATION NO. U-295**

**BE IT RESOLVED**, by the Board of Directors of the UNION SANITARY DISTRICT, that

**WHEREAS**, the UNION SANITARY DISTRICT desires to initiate proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, commencing with Section 56000 of the California Government Code, for the annexation of territory to District boundaries; and

**WHEREAS**, notice of intent to adopt this resolution of application has been given to each interested and each subject agency; and

**WHEREAS**, the territory proposed to be annexed is uninhabited, and a description of the boundaries of the territory is set forth in Exhibit A attached hereto and by this release incorporated herein; and

**WHEREAS**, this proposal is consistent with the Sphere of Influence of the District; and

**WHEREAS**, it is desired to provide that the proposed annexation be subject to the following terms and conditions:

1. Payment of District Ordinance No. 25.6 Annex Fee of \$162 per acre.
2. The annexation of territory referred to herein does not guarantee capacity will be available in UNION SANITARY DISTRICT's sewer system to serve said territory at the time sewer construction permits are desired; and

**WHEREAS**, the reason for the proposed annexation is to provide sanitary sewer service to the proposed residential development, Tract 8495 – Sanctuary West, and;

**WHEREAS**, this Board certifies that this annexation has been reviewed in accordance with the provisions of the California Environmental Quality Act, and that the annexation of the property into the Union Sanitary District service area will have potentially significant effects on the environment that will be mitigated by the measures previously adopted by the City of Newark to a less-than-significant level with the exception of the significant and unavoidable impacts to nonrenewable resources, irreversible damage resulting from environmental accidents and irretrievable commitments of resources.

# EXHIBIT A-1

ANNEXATION U-95  
TO UNION SANITARY DISTRICT  
BY LAFCO RESOLUTION NO. XXXX ON XXXX, 2020

CITY OF NEWARK  
ALAMEDA COUNTY, CALIFORNIA



DAVID RAMON • (925) 886-0222  
DANIEL M. JONES • (916) 375-1877  
CIVIL ENGINEERS • SURVEYORS • PLANNERS  
WWW.CBGMAPPING.COM  
SCALE: 1" = 200' JULY 2020



THIS MAP CONFORMS TO THE REQUIREMENTS OF THE LOCAL  
AGENCY FORMATION COMMISSION OF ALAMEDA COUNTY.

DANIEL M. JONES, P.E., P.L.  
DIRECTOR OF PUBLIC WORKS

BY: TO: JAY WILSON  
COUNTY SUPERVISOR  
LS 7700  
DATE: \_\_\_\_\_

THIS MAP, WHEN FILED, WAS ACCOMPANIED BY A CERTIFICATE OF  
COMPLETION AND BOUNDARY DESCRIPTION ARE  
RECORDED IN THE OFFICE OF THE RECORDER OF  
ALAMEDA COUNTY, CALIFORNIA.

BY: DANIEL JONES  
LAFCO EXECUTIVE OFFICER  
DATE: \_\_\_\_\_

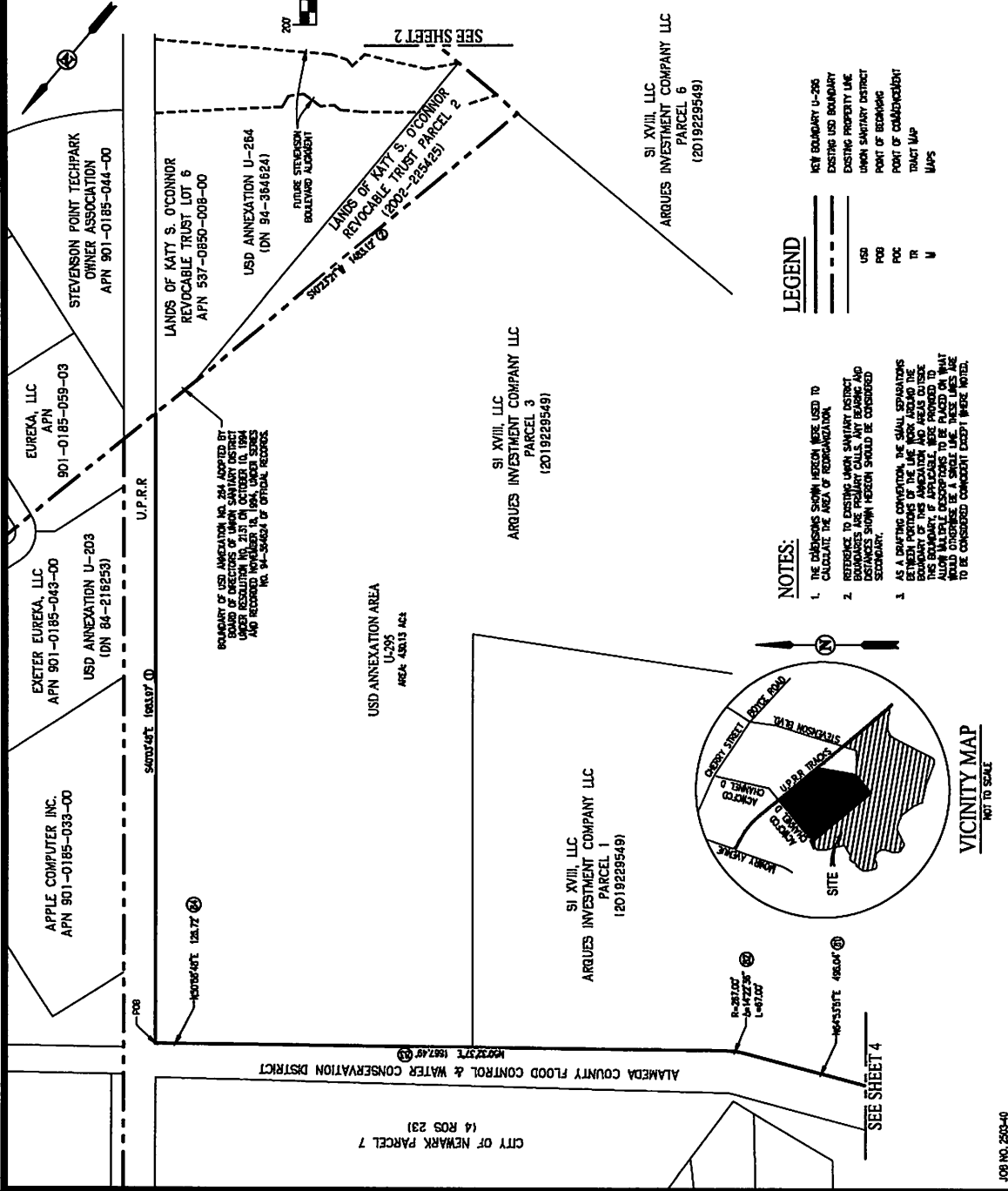
THIS MAP IS FILED AT THE REQUEST OF THE UNION SANITARY  
DISTRICT AND IS PART OF THE  
MAPS AT PAGE \_\_\_\_\_ SERIES NO. \_\_\_\_\_ IN BOOK \_\_\_\_\_  
THE CERTIFICATE OF COMPLETION AND BOUNDARY DESCRIPTION ARE  
RECORDED IN THE OFFICE OF THE RECORDER OF  
ALAMEDA COUNTY, CALIFORNIA.

UNION SANITARY  
COUNTY RECORDER  
BY: \_\_\_\_\_ DATE: \_\_\_\_\_

THIS MAP WAS PREPARED BY ME OR UNDER MY SUPERVISION  
BY: JAY WILSON, LS 7700  
DATE: \_\_\_\_\_



SHEET 1 OF 4

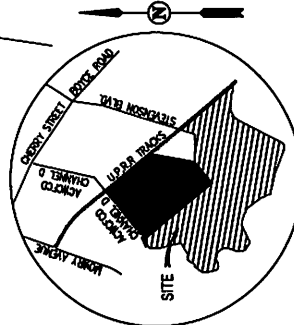


## LEGEND

USO	NEW BOUNDARY U-260
PGB	EXISTING USO BOUNDARY
POC	EXISTING PROPERTY LINE
TR	UNION SANITARY DISTRICT
M	POINT OF BEGINNING
	POINT OF COMMENCEMENT
	TRACT MAP
	MAPS

## NOTES:

1. THE CHANGING BOUNDARY HEREIN WERE USED TO  
CALCULATE THE AREA OF REORGANIZATION.
2. REFERENCE TO EXISTING UNION SANITARY DISTRICT  
BOUNDARIES ARE PRESENT CALLS ANY BEARING AND  
DISTANCE MEASUREMENTS SHOULD BE OBTAINED  
SEPARATELY.
3. AS A CHARTING CONVENTION, THE SHOWN SEPARATIONS  
BETWEEN PARCELS ARE NOT INTENDED TO BE  
BOUNDARY OF THIS ANNEXATION AND AREAS OUTSIDE  
THE BOUNDARY, IF APPLICABLE, ARE PROVIDED TO  
ALLOW MULTIPLE EXCEPTIONS TO BE PLACED ON THAT  
WHICH WOULD BE A RESULT OF THE ANNEXATION  
TO BE CONSIDERED CONCURRENT EXCEPT WHERE NOTED.



VICINITY MAP  
NOT TO SCALE

JOB NO. 2503-40

# EXHIBIT A-1

ANNEXATION U-89  
TO UNION SANITARY DISTRICT  
BY LAFCO RESOLUTION NO. XXXX ON XXXX, 2020

CITY OF NEWARK  
ALAMEDA COUNTY, CALIFORNIA



DAVID RAMON (025) 896-0222  
SACRAMENTO (916) 375-1877  
WWW.CANDG.COM

SCALE: 1" = 200' JULY 2020



THIS MAP CONFORMS TO THE REQUIREMENTS OF THE LOCAL AGENCY FOR THE COMMISSION OF ALAMEDA COUNTY.

DANIEL KIDWELL, P.E.  
DIRECTOR OF PUBLIC WORKS

BY: DANIEL KIDWELL  
COUNTY SURVEYOR  
LS 7010

THIS MAP, WHEN FILED, WAS ACCOMPANIED BY A CERTIFICATE OF THE COUNTY CLERK OF ALAMEDA COUNTY, CALIFORNIA, DATED 07/20/2020, AS REQUIRED BY SECTION 37003 OF THE GOVERNMENT CODE.

BY: DANIEL KIDWELL  
LAFCO EXECUTIVE OFFICER

THIS MAP IS FILED AT THE REQUEST OF THE UNION SANITARY DISTRICT, A LAFCO, DATED 07/20/2020, IN BOOK \_\_\_\_\_ OF MAPS AT PAGE \_\_\_\_\_ SERIES NO. \_\_\_\_\_ OF THE CERTIFICATE OF COMPLETION AND BOUNDARY DESCRIPTION ARE THE PROPERTY OF THE UNION SANITARY DISTRICT. ALL RECORDS ARE IN THE OFFICE OF THE COUNTY CLERK OF ALAMEDA COUNTY, CALIFORNIA.

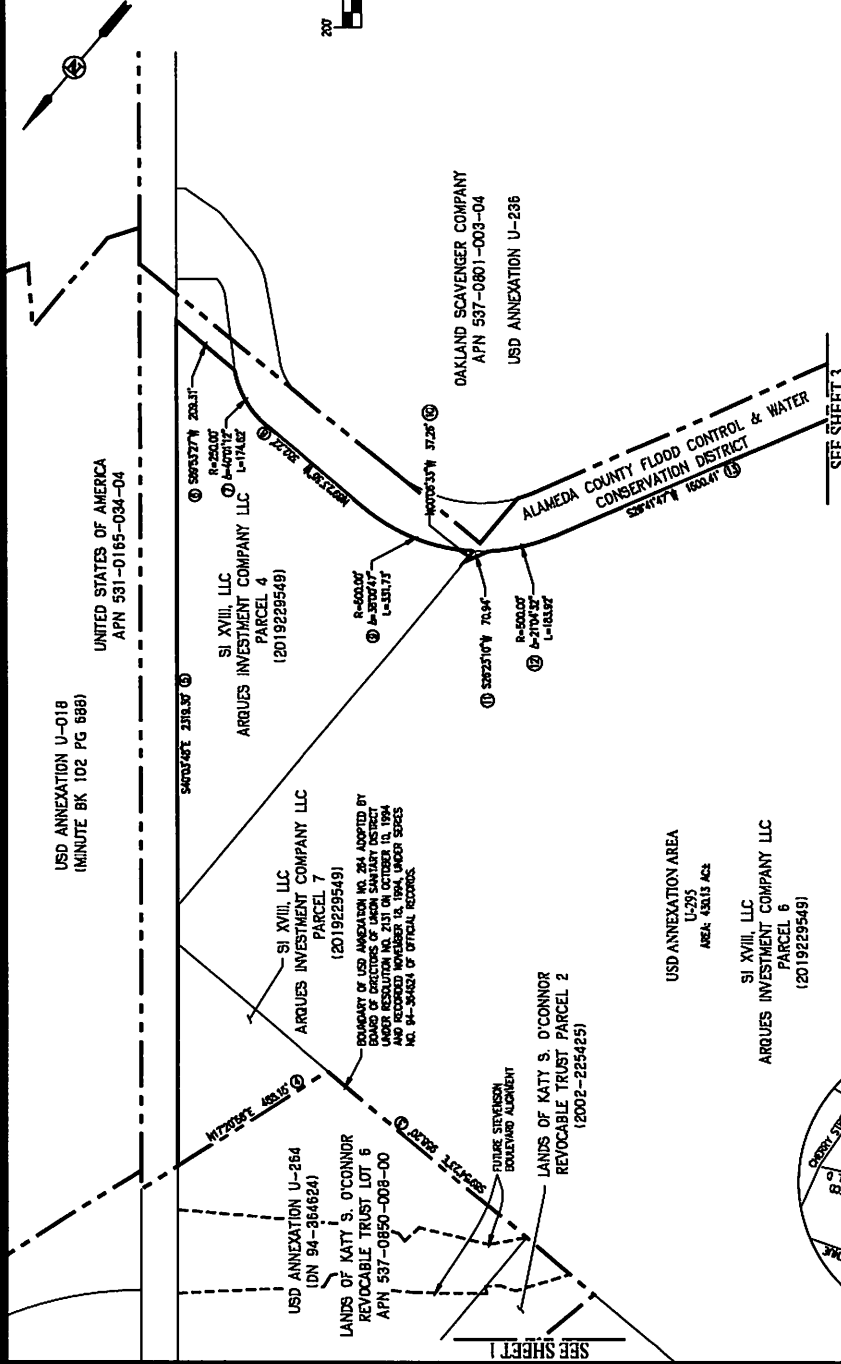
BY: DANIEL KIDWELL  
COUNTY RECORDER

BY: \_\_\_\_\_  
DEPUTY COUNTY RECORDER

THIS MAP WAS PREPARED BY ME OR UNDER MY SUPERVISION  
BY: \_\_\_\_\_  
MARK H. WOODER, LS 7060



SHEET 2 OF 4

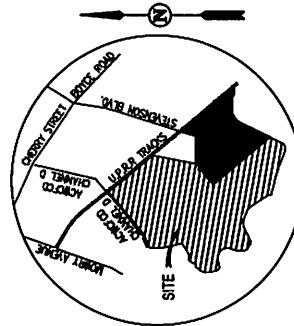


## LEGEND

USD	NEW BOUNDARY U-236
POB	EXISTING USD BOUNDARY
POC	EXISTING PROPERTY LINE
TR	UNION SANITARY DISTRICT
M	POINT OF BEGINNING
	POINT OF COMMENCEMENT
	TRACT MAP
	MAPS

## NOTES:

1. THE DIMENSIONS SHOWN HEREIN WERE USED TO CALCULATE THE AREA OF REORGANIZATION.
2. REFERENCES TO EXISTING UNION SANITARY DISTRICT BOUNDARIES ARE REGULARLY CALLED. ANY BEARING AND DISTANCES SHOWN HEREIN SHOULD BE CONSIDERED SECONDARY.
3. AS A DRAINAGE CONVEYANCE, THE SMALL SEPARATIONS BETWEEN PORTIONS OF THE LINE WORK AROUND THE BOUNDARY OF THIS ANNEXATION AND AREAS OUTSIDE THIS BOUNDARY, IF APPLICABLE, WERE PROVIDED TO ALLOW MULTIPLE DESCRIPTIONS TO BE PLACED ON WHAT WOULD OTHERWISE BE A SINGLE LINE. THESE LINES ARE TO BE CONSIDERED CONCURRENT EXCEPT WHERE NOTED.



VICINITY MAP  
NOT TO SCALE

JOB NO. 2550-40

# EXHIBIT A-1

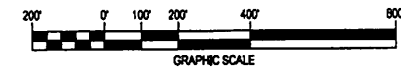
ANNEXATION U-295  
TO UNION SANITARY DISTRICT  
BY LAFCO RESOLUTION NO. XXXX ON XXXX, 2020

CITY OF NEWARK  
ALAMEDA COUNTY, CALIFORNIA



SAN RAMON (925) 866-0322  
SACRAMENTO (916) 375-1877  
WWW.CBANDCO.COM

CIVIL ENGINEERS SURVEYORS PLANNERS  
SCALE: 1" = 200' JULY 2020



THIS MAP CONFORMS TO THE REQUIREMENTS OF THE LOCAL  
AGENCY FORMATION COMMISSION OF ALAMEDA COUNTY.

DANIEL WOLDESEHAET, PH.D., P.E.  
DIRECTOR OF PUBLIC WORKS

BY: D. TAN WILSON  
COUNTY SURVEYOR  
LS 7050

THIS MAP, WHEN FILED, WAS ACCOMPANIED BY A CERTIFICATE OF  
COMPLETION AND CERTIFIED COPY OF THE BOUNDARY DESCRIPTION  
DELIVERED HEREON, AS REQUIRED BY SECTION 57263 OF THE  
GOVERNMENT CODE.

BY: RACHEL JONES  
LAFCO EXECUTIVE OFFICER

THIS MAP IS FILED AT THE REQUEST OF THE UNION SANITARY  
DISTRICT AT \_\_\_\_\_ DATES PAST \_\_\_\_\_, ON THE  
DAY OF \_\_\_\_\_, 20\_\_\_\_, IN BOOK \_\_\_\_\_ OF  
MAPS AT PAGE \_\_\_\_\_ SERIES NO. \_\_\_\_\_  
THE CERTIFICATE OF COMPLETION AND BOUNDARY DESCRIPTION ARE  
RECORDED IN SERIES NO. \_\_\_\_\_ OF OFFICIAL  
RECORDS, ALL IN THE OFFICE OF THE OFFICE OF THE RECORDER  
OF ALAMEDA COUNTY, CALIFORNIA.

WELISSA WILK  
COUNTY RECORDER

BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
DEPUTY COUNTY RECORDER

THIS MAP WAS PREPARED BY ME OR UNDER MY SUPERVISION

BY: MARK H. MEYER, LS 7050



SEE SHEET 2

OAKLAND SCAVENGER  
COMPANY  
APN 537-0801-003-04

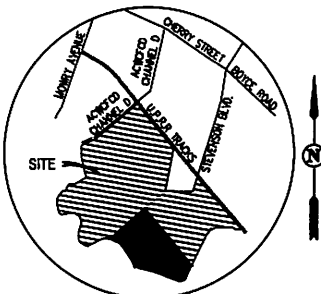
USD ANNEXATION U-236

SI XVIII, LLC  
ARQUES INVESTMENT COMPANY LLC  
PARCEL 5  
(2019229549)

USD ANNEXATION AREA  
U-295  
AREA: 436.13 AC±  
SI XVIII, LLC  
ARQUES INVESTMENT COMPANY LLC  
PARCEL 6  
(2019229549)

UNITED STATES OF AMERICA  
APN 537-0801-001-06

UNITED STATES OF AMERICA  
APN 537-0801-004-05



VICINITY MAP  
NOT TO SCALE

## NOTES:

1. THE DIMENSIONS SHOWN HEREON WERE USED TO CALCULATE THE AREA OF REORGANIZATION.
2. REFERENCE TO EXISTING UNION SANITARY DISTRICT BOUNDARIES ARE PRIMARY CALLS. ANY BEARING AND DISTANCES SHOWN HEREON SHOULD BE CONSIDERED SECONDARY.
3. AS A DRAFTING CONVENTION, THE SMALL SEPARATIONS BETWEEN PORTIONS OF THE LINE WORK AROUND THE BOUNDARY OF THIS ANNEXATION AND AREAS OUTSIDE THIS BOUNDARY, IF APPLICABLE, WERE PROVIDED TO ALLOW MULTIPLE DESCRIPTIONS TO BE PLACED ON WHAT WOULD OTHERWISE BE A SINGLE LINE. THESE LINES ARE TO BE CONSIDERED COINCIDENT EXCEPT WHERE NOTED.

## LEGEND

---	NEW BOUNDARY U-295
---	EXISTING USD BOUNDARY
---	EXISTING PROPERTY LINE
---	UNION SANITARY DISTRICT
---	POINT OF BEGINNING
---	POINT OF COMMENCEMENT
---	TRACT MAP
---	MAPS

USD

POB

POC

TR

M

SEE SHEET 1

### NOTES:

1. THE DIMENSIONS SHOWN HEREON WERE USED TO CALCULATE THE AREA OF REORGANIZATION.
2. REFERENCE TO EXISTING UNION SANITARY DISTRICT BOUNDARIES ARE PRIMARY CALLS. ANY BEARING AND DISTANCES SHOWN HEREON SHOULD BE CONSIDERED SECONDARY.
3. AS A DRAFTING CONVENTION, THE SMALL SEPARATIONS BETWEEN PORTIONS OF THE LINE WORK AROUND THE BOUNDARY OF THIS ANNEXATION AND AREAS OUTSIDE THIS BOUNDARY, IF APPLICABLE, WERE PROVIDED TO ALLOW MULTIPLE DESCRIPTIONS TO BE PLACED ON WHAT WOULD OTHERWISE BE A SINGLE LINE. THESE LINES ARE TO BE CONSIDERED COINCIDENT EXCEPT WHERE NOTED.

### LEGEND

USD  
POB  
POC  
TR  
U

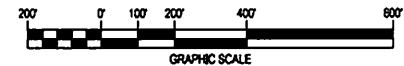
NEW BOUNDARY U-295  
EXISTING USD BOUNDARY  
EXISTING PROPERTY LINE  
UNION SANITARY DISTRICT  
POINT OF BEGINNING  
POINT OF COMMENCEMENT  
TRACT MAP  
MAPS

## EXHIBIT A-1

ANNEXATION U-295  
TO UNION SANITARY DISTRICT  
BY LAFCO RESOLUTION NO. XXXXX ON XXXXX, 2020  
CITY OF NEWARK  
ALAMEDA COUNTY, CALIFORNIA



ISAAC RAMON (920) 888-0322  
SACRAMENTO (916) 375-1877  
WWW.CBMOLD.COM  
CIVIL ENGINEERS SURVEYORS PLANNERS  
SCALE: 1" = 200' JULY 2020



THIS MAP CONFORMS TO THE REQUIREMENTS OF THE LOCAL AGENCY FORMATION COMMISSION OF ALAMEDA COUNTY.

DANIEL WOLDESEHAET, P.E.  
DIRECTOR OF PUBLIC WORKS

BY: D. LAM WILSON  
COUNTY SURVEYOR  
LS 7010

THIS MAP, WHEN FILED, WAS ACCOMPANIED BY A CERTIFICATE OF COMPLETION AND CERTIFIED COPY OF THE BOUNDARY DESCRIPTION DELINEATED HEREON, AS REQUIRED BY SECTION 57203 OF THE GOVERNMENT CODE.

BY: RACHEL JONES  
LAFCO EXECUTIVE OFFICER

THIS MAP IS FILED AT THE REQUEST OF THE UNION SANITARY DISTRICT AT \_\_\_\_\_ HOURS PAST \_\_\_\_\_ ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ IN BOOK \_\_\_\_\_ OF MAPS AT PAGE \_\_\_\_\_ SERIES NO. \_\_\_\_\_ THE CERTIFICATE OF COMPLETION AND BOUNDARY DESCRIPTION ARE RECORDED IN SERIES NO. \_\_\_\_\_ OF OFFICIAL RECORDS, ALL IN THE OFFICE OF THE RECORDER OF ALAMEDA COUNTY, CALIFORNIA.

MELISSA BELK  
COUNTY RECORDER

BY: \_\_\_\_\_  
DEPUTY COUNTY RECORDER

THIS MAP WAS PREPARED BY ME OR UNDER MY SUPERVISION

BY: MARK H. MEYER, LS 7060

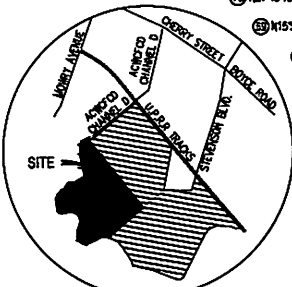


ALAMEDA COUNTY  
FLOOD CONTROL &  
WATER CONSERVATION  
DISTRICT

USD ANNEXATION AREA  
U-295  
AREA: 430.13 AC±

SI XVIII, LLC  
ARQUES INVESTMENT COMPANY LLC  
PARCEL 6  
(2019229549)

H&V INVESTMENTS  
PARCEL 1  
(97 PM 56)



VICINITY MAP  
NOT TO SCALE



**NOW, THEREFORE, BE IT RESOLVED** that:

1. This Resolution of Application is hereby adopted and approved by the Board of Directors of the UNION SANITARY DISTRICT, and the Local Agency Formation Commission of Alameda County is hereby requested to take proceedings for the annexation of territory as described in Exhibit A according to the terms and conditions stated above and in the manner provided by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.
2. The UNION SANITARY DISTRICT Board of Directors does hereby request the Local Agency Formation Commission to waive the conducting authority for Annexation No. U-295.


On motion duly made and seconded, this resolution was adopted by the following vote on August 10, 2020:

AYES: Fernandez, Handley, Kite, Lathi, Toy

NOES: None

ABSENT: None

ABSTAIN: None

  
\_\_\_\_\_  
TOM HANDLEY  
President, Board of Directors  
Union Sanitary District

Attest:

  
\_\_\_\_\_  
ANJALI LATHI  
Secretary, Board of Directors  
Union Sanitary District

**CONSIDER A RESOLUTION TO ACCEPT A SANITARY SEWER EASEMENT AND  
QUITCLAIM PART OF AN EXISTING SANITARY SEWER EASEMENT AT 403  
BECADO DRIVE, IN THE CITY OF FREMONT**

This item was reviewed by the Legal/Community Affairs Committee. Technical Services Manager Ghossain stated the owner of 403 Becado Drive is planning to construct an addition to the existing single-family residence on the parcel. An existing sewer main passes through the subject parcel within a 15-foot sanitary sewer easement. Since the proposed addition would encroach upon the existing easement, the City required the sewer main be removed or relocated before approving the addition. District staff reviewed and approved subsequent plans proposing relocation of the sewer main further away from the proposed addition and into a new 10-foot easement that will not be adversely affected by the proposed addition. The new sewer main has been constructed and the property owner has granted the District a sanitary sewer easement to provide for access and maintenance of the new sewer main within the parcel. Staff recommended the Board consider a resolution to accept a sanitary sewer easement and quitclaim part of an existing sanitary sewer easement at 403 Becado Drive in the City of Fremont.

It was moved by Director Toy, seconded by Vice President Kite, to Adopt Resolution No. 2901 Accepting a Sanitary Sewer Easement and Quitclaim Part of an Existing Sanitary Sewer Easement for 403 Becado Drive, in the City of Fremont, California. Motion carried with the following vote:

AYES:            Fernandez, Handley, Kite, Lathi, Toy  
NOES:            None  
ABSTAIN:        None  
ABSENT:        None

**####**

RESOLUTION NO. 2901

ACCEPT A SANITARY SEWER EASEMENT AND QUITCLAIM PART OF AN  
EXISTING SANITARY SEWER EASEMENT FOR 403 BECADO DRIVE,  
IN THE CITY OF FREMONT, CALIFORNIA


RESOLVED by the Board of Directors of UNION SANITARY DISTRICT, as follows:

1. The Board hereby accepts the Grant of Easement from THE SHAH 2006 TRUST, executed on October 25, 2019, as described in the Grant of Easement for Sanitary Sewer Purposes and by the legal description and plat map, attached as Exhibit A and Exhibit B, respectively.
2. The Board hereby quitclaims its interest in a portion of the fifteen-foot wide sanitary sewer easement at 403 Becado Drive in the city of Fremont and as described in the Quitclaim Deed and by the legal description and plat map, attached as Exhibit C and Exhibit D, respectively.

FURTHER RESOLVED by the Board of Directors of UNION SANITARY DISTRICT that it hereby authorizes the General Manager/District Engineer, or his designee, to attend to the recordation thereof.

On motion duly made and seconded, this resolution was adopted by the following vote on August 10, 2020:

AYES:	Fernandez, Handley, Kite, Lathi, Toy
NOES:	None
ABSENT:	None
ABSTAIN:	None

  
TOM HANDLEY  
President, Board of Directors  
Union Sanitary District

Attest:

  
ANJALI LATHI  
Secretary, Board of Directors  
Union Sanitary District

**EXHIBIT "A"**  
**LEGAL DESCRIPTION FOR**  
**PARTIAL QUITCLAIM OF EXISTING SANITARY SEWER EASEMENT (S.S.E.)**  
**403 BECADO DRIVE, FREMONT, ALAMEDA COUNTY, CALIFORNIA**

BEING A PORTION OF THAT REAL PROPERTY SITUATE IN THE CITY OF FREMONT, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, LYING WITHIN LOT 30, OF TRACT 3828, FILED NOVEMBER 8, 1977, IN BOOK 99 PAGE 11, ALAMEDA COUNTY RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:


COMMENCING AT THE MOST NORTHERLY CORNER OF SAID LOT 30; THENCE ALONG THE NORTHERLY LINE OF SAID LOT, SOUTH 70°25'13" WEST 71.88 FEET TO THE CENTER LINE OF A FIFTEEN FOOT WIDE STRIP OF LAND, IDENTIFIED ON SAID MAP AS "EXISTING 15' S.S.E. TO U.S.D.", RECORDED NOVEMBER 23, 1966 AS DOCUMENTAY132593, R.E. 1877, IM 941 AND BEING THE **TRUE POINT OF BEGINNING**; THENCE FURTHER DESCRIBING THE CENTER LINE OF SAID FIFTEEN-FOOT-WIDE EASEMENT SOUTH 25°37'08" EAST 114.76 FEET TO A POINT ON A CURVE LYING ON THE NORTHERLY RIGHT OF WAY LINE OF BECADO DRIVE AS SHOWN ON SAID MAP AND THE TERMINUS OF THIS DESCRIPTION.

CONTAINING 1,721 SQUARE FEET, MORE OR LESS.

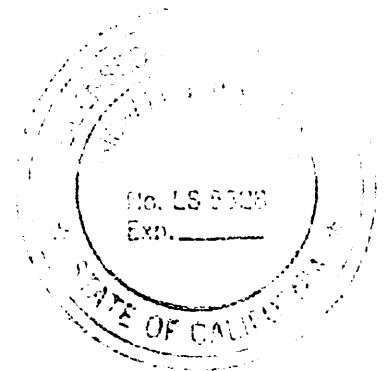
THE ABOVE DESCRIPTION SHOWN ON EXHIBIT "B" AND BY THIS REFERENCE MADE A PART HEREOF.

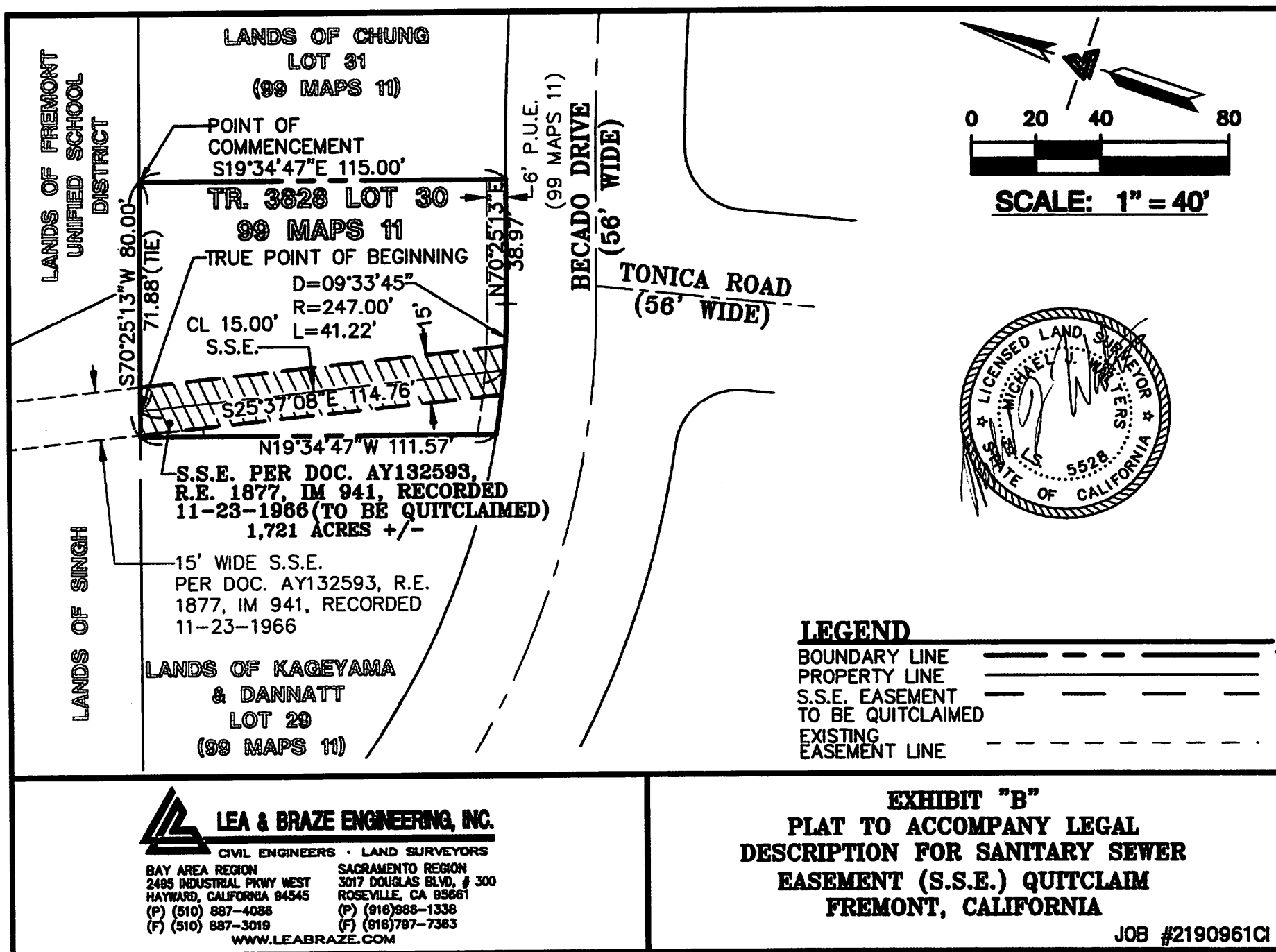
**END OF DESCRIPTION**

PREPARED BY OR UNDER  
THE SUPERVISION OF:

  
MICHAEL J. WALTERS, PLS 5528

DATE: 10-21-2019





**EXHIBIT "C"**  
**LEGAL DESCRIPTION FOR 10' WIDE SANITARY SEWER EASEMENT (S.S.E)**  
**403 BECADO, FREMONT,**  
**ALAMEDA COUNTY, CALIFORNIA**

A PORTION OF THAT REAL PROPERTY LYING WITHIN LOT 30, OF TRACT 3828, FILED NOVEMBER 8, 1977, IN BOOK 99 PAGE 11, ALAMEDA COUNTY RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING AT THE MOST NORTHERLY CORNER OF SAID LOT 30; THENCE ALONG THE NORTHERLY LINE OF SAID LOT, SOUTH 70°25'13" WEST 67.96 FEET TO THE TRUE POINT OF BEGINNING; THENCE LEAVING SAID NORTHERLY LINE OF LOT 30, SOUTH 18°43'01": EAST 113.10 FEET TO A POINT ON A CURVE, CONCAVE NORTHWESTERLY, HAVING A CENTRAL ANGLE OF 02°20'23", A RADIUS OF 247.00 FEET AND A RADIAL BEARING OF NORTH 12°26'30", SAID POINT LYING ON THE NORTHERLY RIGHT OF WAY LINE OF BECADO DRIVE AS SHOWN ON SAID MAP; THENCE SOUTHWESTERLY ALONG SAID CURVE 10.09 FEET; THENCE LEAVING SAID RIGHT OF WAY LINE, NORTH 18°43'01":WEST 111.64 FEET TO A POINT ON THE NORTHERLY LINE OF SAID LOT 30; THENCE ALONG SAID NORTHERLY LINE NORTH 70°25'13" EAST 10.00 FEET TO THE TRUE POINT OF BEGINNING.**

CONTAINING 1,124 SQUARE FEET, MORE OR LESS.

THE ABOVE DESCRIPTION SHOWN ON EXHIBIT "D" AND BY REFERENCE MADE A PART HEREOF.

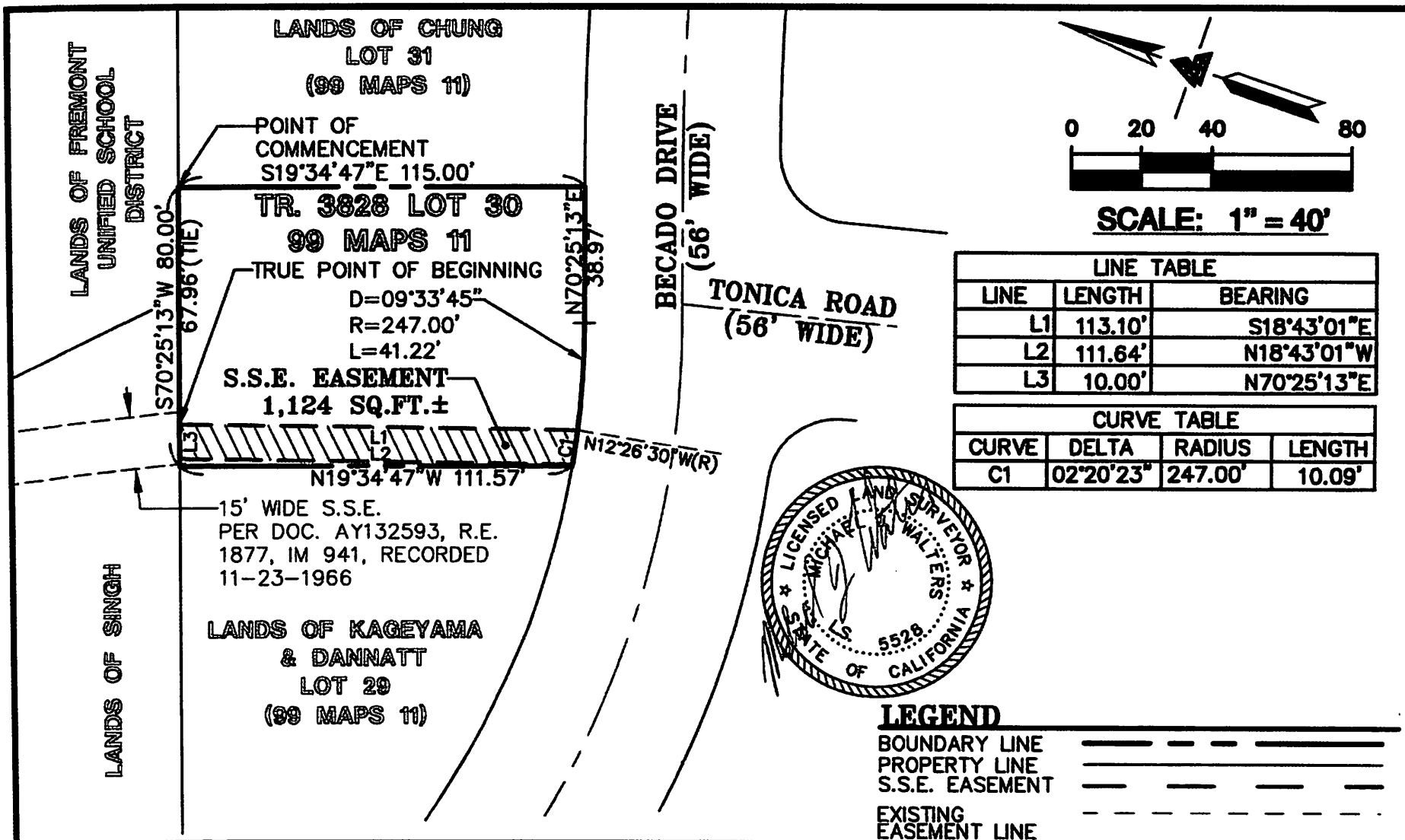
**END OF DESCRIPTION**

PREPARED BY OR UNDER  
THE SUPERVISION OF:

  
MICHAEL J. WALTERS, PLS 5528

DATE: 10-21-2019





**LEA & BRAZE ENGINEERING, INC.**

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**EXHIBIT "D"**  
**PLAT TO ACCOMPANY LEGAL**  
**DESCRIPTION FOR SANITARY SEWER**  
**EASEMENT (S.S.E.)**  
**FREMONT, CALIFORNIA**

JOB #2190961C1

**AUTHORIZE THE GENERAL MANAGER TO EXECUTE A SETTLEMENT AGREEMENT BETWEEN THE DISTRICT AND CALPERS TO CLOSE AUDIT FINDINGS ON UNIFORMS AS PENSIONABLE COMPENSATION AND REVIEW AND APPROVE SIDE LETTER AGREEMENT BETWEEN SEIU LOCAL 1021 AND THE DISTRICT MODIFYING SECTION 26.1 OF THE CURRENT MEMORANDUM OF UNDERSTANDING**

Human Resources Manager Boucher stated the CalPERS audit that covered the period of July 1, 2011 through June 30, 2014. In this audit, CalPERS concluded uniforms were considered pensionable compensation under California Government Code. The District appealed the audit finding in June 2016, Liebert Cassidy Whitmore (LCW) represented the District. The matter of uniforms as pensionable compensation was a subject of the audits of all agencies during that time, and many other agencies appealed the audit findings. The District's position was that uniforms provided to employees were for safety purposes and not substitutable for regular clothing which would make them not pensionable. In June 2018, three wastewater agencies that also appealed the decision presented their cases to an Administrative Law Judge who found that uniforms as used by employees in wastewater did not meet the requirements of pensionable compensation. In October 2018, the CalPERS Board rejected the decision of the Administrative Law Judge and unilaterally moved forward with designating uniforms as pensionable compensation for Classic members. Thereafter, the District and CalPERS began negotiating the value of uniforms along with the retroactivity of the reporting. The District was able to negotiate the shorter period of only reporting the value back to July 1, 2014. The annual value of uniforms was negotiated to \$156 annually for each employee designated to wear a uniform. The District also met with Union Leadership to negotiate a side letter agreement to amend section 26.1 of the Memorandum of Understanding (MOU). Staff recommended the Board authorize the General Manager to execute the Settlement Agreement and General Release between CalPERS and the District to settle and close this audit finding. Staff also recommended the Board approve the side letter agreement between SEIU Local 1021 and the District to modify section 26.1 of the current MOU to include language on the value of uniforms as pensionable compensation and that employees will pay their employee contributions for PERS.

The Board inquired about the legal fees associated with this matter, and directed staff to compile the requested information to be shared with the Board via email.

It was moved by Vice President Kite, seconded by Director Fernandez, to Authorize the General Manager to Execute the Settlement Agreement Between CalPERS and the District to Close the Audit Finding on Uniforms as Pensionable Compensation; and Approve the Side Letter Agreement Between SEIU Local 1021 and the District to Modify Section 26.1 of the Current Memorandum of Understanding. Motion carried with the following vote:

AYES:	Fernandez, Handley, Kite, Lathi, Toy
NOES:	None
ABSTAIN:	None
ABSENT:	None



## **INFORMATION ITEMS:**

### **Appointment of Two Boardmembers to Serve on the Enhanced Treatment and Site Upgrade (ETSU) Program Ad Hoc Committee**

President Handley stated he appointed Vice President Kite and Secretary Lathi to serve on the ETSU Ad Hoc for 2020-2021. General Manager Eldredge stated appointment to the ETSU Ad Hoc Committee will be considered annually along with appointments to internal Board committees pursuant to Policy No. 3070, Boardmember Officers and Committee Membership, but the Policy would not be amended.

### **COVID-19 Impacts to FY21 Vehicle and Equipment Renewal and Replacement Budget**

This item was reviewed by the Budget & Finance Committee. Collection Services Manager Schofield stated the FY20 Vehicle and Equipment Replacement Budget was approved for \$153,050 of which \$125,000 was allocated for the purchase of an ARV Support Truck. After completing the specifications for the ARV Support Truck, the total purchase price came to \$68,698. While a purchase order was issued in November of 2019, due to the impacts of the COVID-19 Virus, the District has not received the vehicle. The cab and chassis arrived at the fabrication shop on July 23, 2020, and it will take an estimated four to six weeks to complete construction of the truck. Due to this delay the FY21 Vehicle and Replacement Budget will be over budget by \$68,698 by the late arrival of the ARV Support Vehicle.

### **Report on the East Bay Dischargers Authority Meeting of July 16, 2020**

Director Toy provided an overview of the EBDA meeting minutes included in the Board meeting packet.

### **COVID-19 Update**

General Manager Eldredge stated District staff began using a health screening portal that is an online questionnaire to be completed by employees before leaving their homes to come to work. The District is required to implement health screenings for employees coming to the District to work.

### **Check Register**

There were no questions regarding the check register.

## **COMMITTEE MEETING REPORTS:**

The Legal/Community Affairs, Budget & Finance, Engineering and Information Technology, and Legislative Committees met.

## **GENERAL MANAGER'S REPORT:**

General Manager Eldredge reported the following:

- LAFCO conducts a review of municipal services (water, wastewater, flood control, and storm water) periodically. Alameda County recently sent a draft, which will be reviewed by District staff, of its municipal services review to ensure adequate services will be available for incorporated and planned to be incorporated areas in the County.

- The District will submit a letter of interest to the Federal Environmental Protection Agency for a Water Infrastructure Finance and Innovation Act (WIFIA) loan. Letters will be sent to the District's elected federal representatives requesting their support for the application for a WIFIA loan.

**OTHER BUSINESS:**

There was no other business.

**ADJOURNMENT:**

The meeting was adjourned at 4:32 p.m. to a Board Workshop at 4:30 p.m. on Thursday, August 13, 2020.

SUBMITTED:

  
REGINA McEVOY  
BOARD CLERK

ATTEST:

  
ANJALI LATHI  
SECRETARY

APPROVED:

  
TOM HANDLEY  
PRESIDENT

Adopted this 24<sup>th</sup> day of August 2020