

**MINUTES OF THE MEETING OF THE
BOARD OF DIRECTORS OF
UNION SANITARY DISTRICT/UNION SANITARY DISTRICT FINANCING
AUTHORITY
March 28, 2022**

This meeting was held pursuant to Government Code Section 54953 (as amended by AB 361), which authorizes teleconferenced meetings under the Brown Act during a proclaimed state of emergency. The Governor of California proclaimed a State of Emergency related to COVID-19 on March 4, 2020. Consistent with Government Code Section 54953, this meeting was not physically open to the public and Board Members teleconferenced into the meeting. To maximize public safety while still maintaining transparency and public access, members of the public were able to observe the Board Meeting and provide public comment by sending comments to the Board Clerk.

CALL TO ORDER

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

STAFF: Paul Eldredge, General Manager/District Engineer
Karen Murphy, District Counsel
Mark Carlson, Business Services Manager/CFO
Armando Lopez, Treatment and Disposal Services Manager
Jose Rodriguez, Collection Services Manager
Raymond Chau, Interim Technical Services Manager
Gene Boucher, Human Resources Manager
Ric Pipkin, Enhanced Treatment and Site Upgrade Program Manager
Chris Pachmayer, Fabrication, Maintenance, and Construction Coach
Marcus Lee, Treatment and Disposal Services Coach
Michael Dunning, Environmental Compliance Team Coach
Allan Briggs, Interim Capital Improvements Projects Team Coach
Michelle Powell, Communications and Intergovernmental Relations Coordinator
May Bautista, Administrative Specialist
Regina McEvoy, Executive Assistant to the General Manager/Board Clerk

APPROVE MINUTES OF THE UNION SANITARY DISTRICT BOARD MEETING OF MARCH 14, 2022

It was moved by Secretary Fernandez, seconded by Director Toy, to Approve the Minutes of the Board Meeting of March 14, 2022. Motion carried with the following vote:

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

FEBRUARY 2022 MONTHLY OPERATIONS REPORT

General Manager Eldredge provided an overview of the Monthly Report, and Business Services Manager/CFO Carlson provided an overview of the financial reports.

WRITTEN COMMUNICATIONS

There were no written communications.

PUBLIC COMMENT

There was no public comment.

CONSIDER A RESOLUTION TO ACCEPT A SANITARY SEWER EASEMENT FOR TRACT 8078 – MISSION VILLAS, LOCATED AT 38569 MISSION BOULEVARD, IN THE CITY OF FREMONT

This item was reviewed by the Legal/Community Affairs Committee. Interim Technical Services Manager Chau stated Nuvera Homes will construct a residential development at 38569 Mission Boulevard, in the City of Fremont. Sanitary sewer service for the residential development will be provided by new sewer mains in the development's roadways. The roadway within Tract 8078 does not meet the City of Fremont's requirements for public streets and has been designated as private. Nuvera Homes constructed the new sewer mains within the private roadway and granted the District a sanitary sewer easement providing for access and maintenance of the new sewer mains. Staff recommended the Board consider a resolution to accept a sanitary sewer easement for Tract 8078 – Mission Villas, located at 38569 Mission Boulevard, in the City of Fremont.

It was moved by Director Handley, seconded by Director Toy, to Adopt Resolution No. 2959 Accepting a Sanitary Sewer Easement for Tract 8078 – Mission Villas, Located at 38569 Mission Boulevard, in the City of Fremont, California. Motion carried with the following vote:

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

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RESOLUTION NO. 2959

**ACCEPT A SANITARY SEWER EASEMENT FOR
TRACT 8078 – MISSION VILLAS, LOCATED AT
38569 MISSION BOULEVARD, IN THE CITY OF FREMONT, CALIFORNIA**

RESOLVED by the Board of Directors of UNION SANITARY DISTRICT, that it hereby accepts the Grant of Easement from NORTH LANE VENTURES, LLC, executed on July 10, 2019, as described in the Grant of Sanitary Sewer Easement, and by the legal description and plat map, attached as Exhibits A and B, 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 March 28, 2022:

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

DocuSigned by:

Pat Kite

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PAT KITE

President, Board of Directors
Union Sanitary District

Attest:

DocuSigned by:

Manny Fernandez

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MANNY FERNANDEZ

Secretary, Board of Directors
Union Sanitary District

JULY 9, 2019
JOB NO. 1866-030

EXHIBIT A
LEGAL DESCRIPTION
SANITARY SEWER EASEMENT CONVEYED TO UNION SANITARY DISTRICT
PARCEL A, TRACT 8078,
FREMONT, CALIFORNIA


ALL THAT REAL PROPERTY SITUATE IN THE INCORPORATED TERRITORY OF THE CITY OF FREMONT, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING ALL OF PARCEL A, AS SAID PARCEL A IS SHOWN AND SO DESIGNATED ON THE OFFICIAL MAP FOR TRACT 8078, FILED JULY 26, 2019, ~~2018~~ IN BOOK 361 OF MAPS AT PAGES 23-27, ALAMEDA COUNTY RECORDS AND SHOWN ON EXHIBIT B - PLAT MAP OF SANITARY SEWER EASEMENT GRANTED TO UNION SANITARY DISTRICT.

CONTAINING 0.29 ACRES OF LAND, MORE OR LESS.

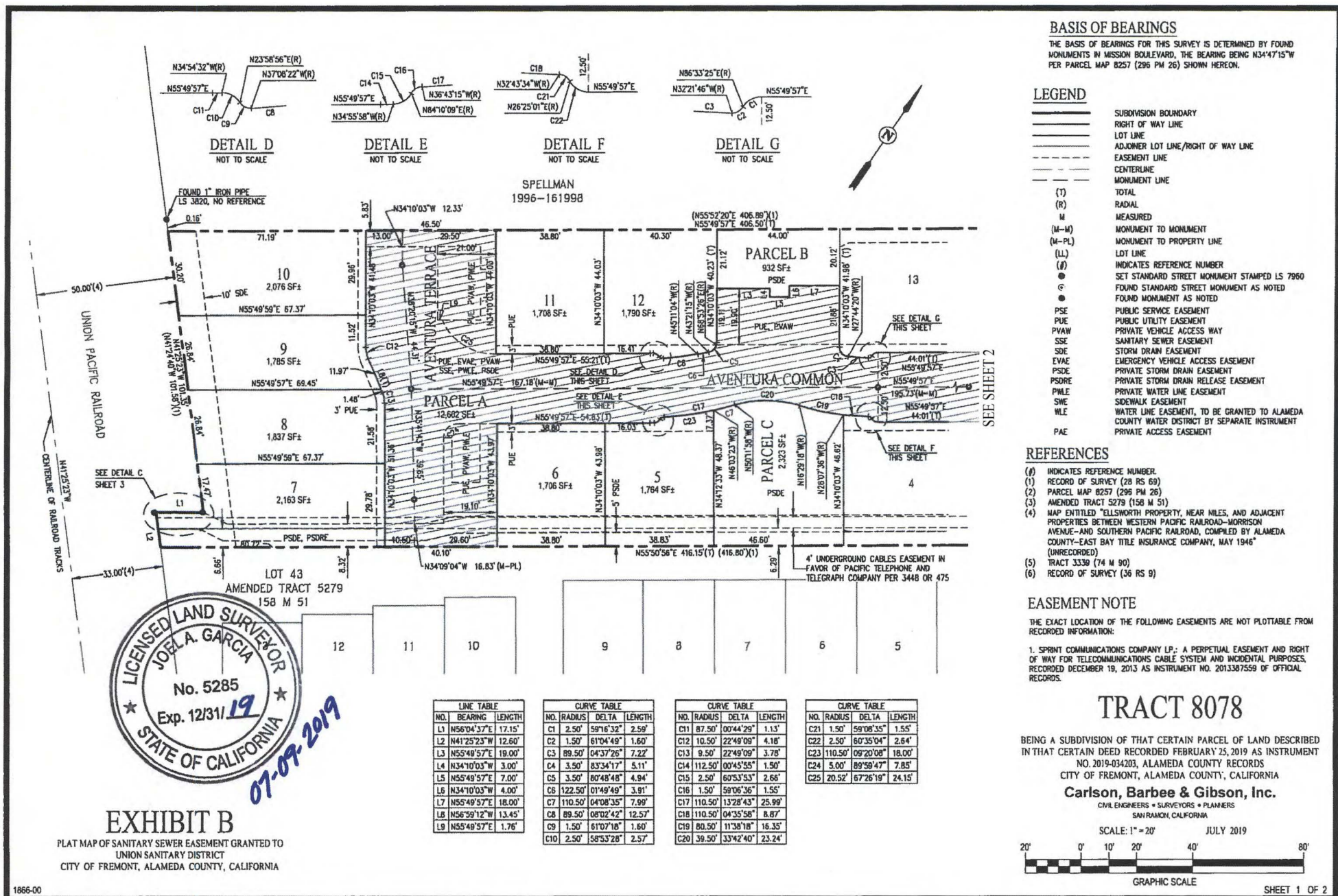
ATTACHED HERETO IS A PLAT TO ACCOMPANY LEGAL DESCRIPTION, AND BY THIS REFERENCE MADE A PART HEREOF.

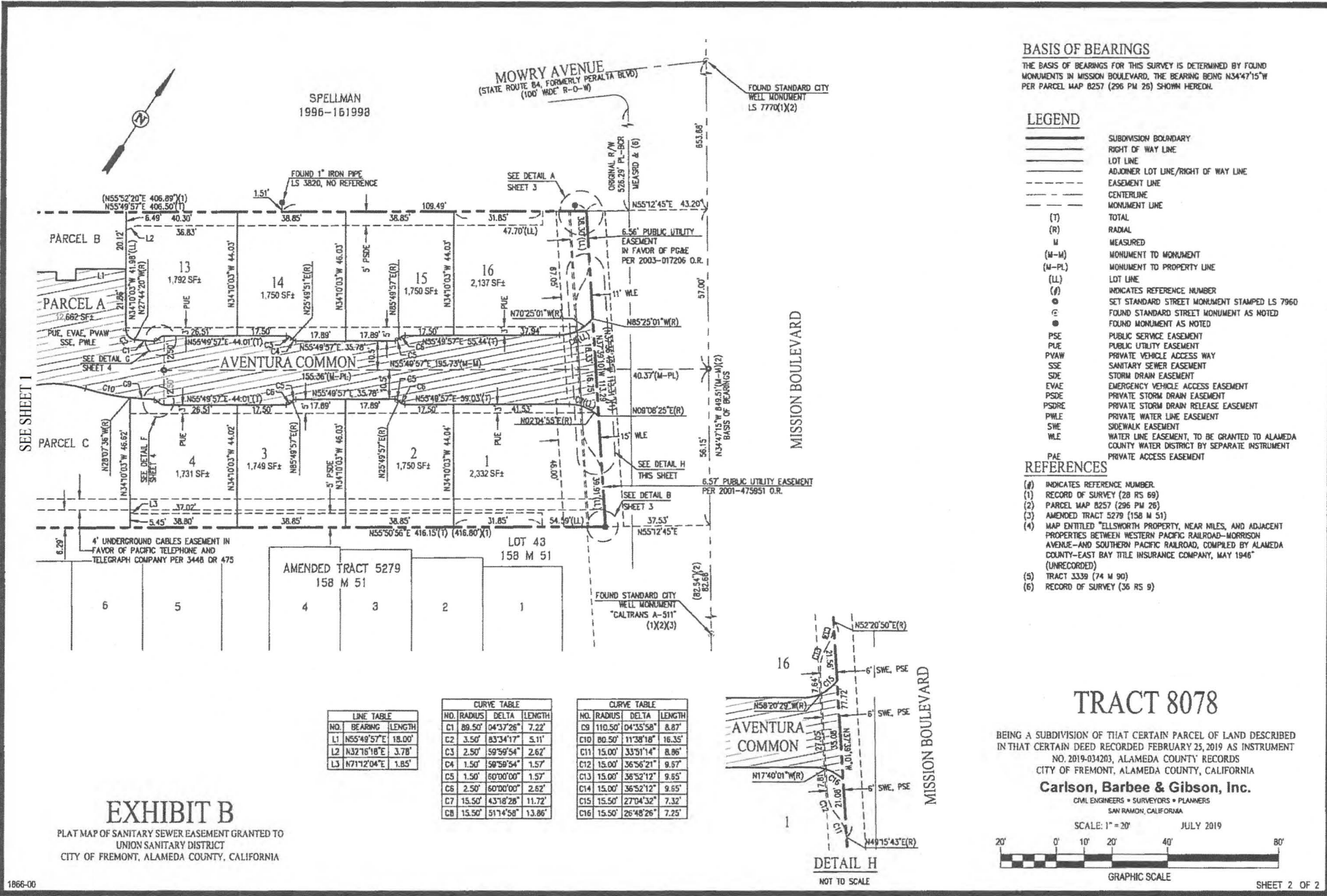
END OF DESCRIPTION



JOEL A. GARCIA, P.L.S.
L.S. NO. 5285
07-09-2019







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mfernandez@unionsanitary.ca.gov

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Pat Kite

pkite@unionsanitary.ca.gov

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AUTHORIZE THE GENERAL MANAGER TO EXECUTE AN AGREEMENT AND TASK ORDER NO. 1 WITH BLACK & VEATCH FOR THE ENERGY RESILIENCY STUDY

This item was reviewed by the Engineering and Information Technology Committee. Interim Technical Services Manager Chau stated the Energy Resiliency Study will evaluate and assess energy opportunities and systems. The purpose of Task Order No. 1 is to authorize Black and Veatch to evaluate currently available technologies that could be implemented to reduce energy costs, maximize energy production, and reduce overall dependence on outside energy sources at District facilities. The evaluation will also include three facilities operated by the East Bay Dischargers Authority (EBDA): Oro Lomo Effluent Pump Station, Marina Dechlorination Facility, and Hayward Effluent Pump Station. USD agreed to include EBDA facilities at EBDA's request. Costs for evaluation of solar and battery technologies at EBDA facilities will be tracked separately and the District will submit to EBDA for reimbursement of actual costs. Staff anticipates Black and Veatch will complete the Study by December 2022. Staff recommended the Board authorize the General Manager to execute an agreement and Task Order No. 1 with Black and Veatch in the amount of \$255,640 for the Energy Resiliency Study.

It was moved by Director Toy, seconded by Director Handley, to Authorize the General Manager to Execute an Agreement and Task Order No. 1 with Black and Veatch in the Amount of \$255,640 for the Energy Resiliency Study. Motion carried with the following vote:

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

AUTHORIZE THE GENERAL MANAGER TO EXECUTE AN AMENDMENT NO. 1 TO TASK ORDER NO. 1 WITH CAROLLO ENGINEERS, INC. FOR THE EMERGENCY OUTFALL IMPROVEMENTS PROJECT, CATHODIC PROTECTION SYSTEM IMPROVEMENTS PROJECT, AND FY 21 GRAVITY SEWER REHABILITATION/REPLACEMENT PROJECT (PHASE VII)

This item was reviewed by the Engineering and Information Technology Committee. Interim Technical Services Manager Chau stated the purpose of the amendment is to authorize additional construction management and inspection services for the Outfall Project, Cathodic Project, and Gravity Sewer Rehabilitation/Replacement Project – Phase VII. The scope of services and fees were summarized in the Board meeting packet. The Outfall Project was originally scheduled to be completed in January of 2022. During Construction of the Outfall Project, it was discovered the portion of the existing outfall pipeline under the Alameda County Flood Control & Water Conservation District's levee road was constructed of corrugated metal pipe. The Board previously authorized Change Order No. 2 with Garney Pacific, Inc. to remove or abandon the corrugated metal pipe, install new pipe under the levee road, and connect to the outfall pipeline located on District property. Garney substantially completed the project on January 28, 2022. Carollo's construction management and inspection services extended into February 2022 to oversee the remaining field and administrative scope of work for the three projects. Staff recommended the Board authorize the General Manager to execute Amendment No. 1 to Task Order No. 1 with Carollo Engineers, Inc. in the amount of \$49,499 to provide

additional construction management services for the Emergency Outfall Improvements Project, Cathodic Protection System Improvements Project, and FY21 Gravity Sewer Rehabilitation/Replacement Project – Phase VII.

It was moved by Secretary Fernandez, seconded by Vice President Lathi, to Authorize the General Manager to Execute Amendment No. 1 to Task Order No. 1 with Carollo Engineers, Inc. in the Amount of \$49,499 to Provide Additional Construction Management Services for the Emergency Outfall Improvements Project, Cathodic Protection System Improvements Project, and FY21 Gravity Sewer Rehabilitation/Replacement Project – Phase VII. Motion carried with the following vote:

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

REVIEW AND CONSIDER APPROVAL OF POLICY NO. 2030, INVESTMENT POLICY

This item was reviewed by the Budget & Finance Committee. CFO/Business Services Manager Carlson stated staff and PFM Asset Management, LLC collaborated to update the Investment Policy to accurately reflect current government code. Pursuant to Board direction received at the meeting held March 14, 2022, staff added language to the Policy to state that, with the exception of investment in United States Treasury Obligations, no single investment category shall constitute more than 70% of the District's overall portfolio without prior Board approval. Staff recommended the Board review and consider approval of the District's Investment Policy (No. 2030) and renew delegation of authority of Treasurer to the Business Services Manager for a one-year period, per California Government Code Section 53607 as Amended by Statutes 1996, Chapter 749, Section 6.

It was moved by Director Toy, seconded by Vice President Lathi, to Approve Investment Policy No. 2030 and Renew Delegation of Authority of Treasurer to the Business Services Manager for a One-year Period per California Government Code Section 53607 as Amended by Statutes 1996, Chapter 749, Section 6. Motion carried with the following vote:

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

CONSIDER ADOPTION OF A RESOLUTION AUTHORIZING THE USE OF TELECONFERENCE MEETINGS IN COMPLIANCE WITH AB 361

District Counsel Murphy stated AB 361 requires public agencies to make findings by majority vote within 30 days of the first teleconferenced meeting under AB 361 and every 30 days thereafter that a state of emergency still exists and continues to directly impact the ability of the members to meet safely in person, or that officials continue to impose or recommend measures to promote social distancing. The District is continuing to hold teleconferenced meetings as allowed under AB 361 due to the ongoing public health

threat of COVID-19. The proposed resolution includes findings required by AB 361 to allow the District to hold teleconferenced meetings. Staff provided an update on the status of the COVID-19 Emergency Order and will forward additional information to the Board as it becomes available. Staff presented options regarding virtual Board and committee meetings for the Board's consideration. Staff recommended the Board adopt a resolution authorizing the use of teleconference meetings in compliance with AB 361.

The Board directed staff to continue to follow AB 361 to conduct virtual Board and committee meetings.

It was moved by Director Handley, seconded by Secretary Fernandez, to Adopt Resolution No. 2960 Authorizing the Use of Teleconference Meetings in Compliance with AB 361. Motion carried with the following vote:

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

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RESOLUTION NO. 2960

A RESOLUTION OF THE BOARD OF DIRECTORS AUTHORIZING THE USE OF TELECONFERENCE MEETINGS IN COMPLIANCE WITH AB 361

WHEREAS, the Union Sanitary District is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

WHEREAS, all meetings of Union Sanitary District's legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963); and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, Government Code 54953(e) permits teleconferencing in the event that a state of emergency is declared by the Governor pursuant to Government Code section 8625, and that either state or local officials have imposed or recommended measures to promote social distancing, or that the legislative body finds that meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, such conditions now exist in the District; and

WHEREAS, on March 4, 2020, Governor Newsom issued a Proclamation of a State of Emergency in response to the rapid spread of the highly contagious disease known as COVID-19; and

WHEREAS, on August 3, 2021, the Health Officer of the County of Alameda adopted Order No. 21-03 stating that the Delta variant has been circulating in the County, is highly transmissible in indoor settings and requires multi-component prevention strategies to prevent spread, and that hospitalizations are increasing; and

WHEREAS, despite ongoing efforts to promote masking and vaccinations, COVID-19 continues to threaten the health and lives of the public, especially with the existence of the Delta variant, which is highly transmissible in indoor settings, and the Omicron variant, which is even more transmissible than the Delta variant; and

WHEREAS, the increased risk of contracting COVID-19 associated with being indoors with others has caused, and will continue to cause, conditions of peril to the safety of persons within the District that are likely to be beyond the control of services, personnel, equipment, and facilities of the District; and

WHEREAS, on October 25, 2021, the Board adopted Resolution No. 2937, authorizing the use of teleconference meetings in compliance with AB 361; and

WHEREAS, on November 8, 2021, the Board adopted Resolution No. 2941, authorizing the use of teleconference meetings in compliance with AB 361; and

WHEREAS, on November 15, 2021, the Board adopted Resolution No. 2942, authorizing the use of teleconference meetings in compliance with AB 361; and

WHEREAS, on December 13, 2021, the Board adopted Resolution No. 2945, authorizing the use of teleconference meetings in compliance with AB 361; and

WHEREAS, on January 10, 2022, the Board adopted Resolution No. 2948, authorizing the use of teleconference meetings in compliance with AB 361; and

WHEREAS, on January 24, 2022, the Board adopted Resolution No. 2953, authorizing the use of teleconference meetings in compliance with AB 361; and

WHEREAS, on February 14, 2022, the Board adopted Resolution No. 2954, authorizing the use of teleconference meetings in compliance with AB 361; and

WHEREAS, on February 28, 2022, the Board adopted Resolution No. 2957, authorizing the use of teleconference meetings in compliance with AB 361; and

WHEREAS, on March 14, 2022, the Board adopted Resolution No. 2958, authorizing the use of teleconference meetings in compliance with AB 361; and

WHEREAS, the Board now desires to reaffirm and make the findings required to continue holding teleconference meetings in compliance with AB 361 due to the continuing public health threat of COVID-19.

NOW, THEREFORE, BE IT RESOLVD, BY THE UNION SANITARY DISTRICT BOARD OF DIRECTORS, AS FOLLOWS:

1. The above recitals are true and correct and are material to this Resolution and are incorporated into this Resolution as findings of the District Board.

2. The Union Sanitary District Board finds and declares that the circumstances set forth in Government Code section 54953(e)(1), exist because the State of Emergency continues to exist and meeting in person would present imminent risks to the health and safety of attendees.

3. Pursuant to the requirements of Government Code Section 54953(e)(3), the District Board makes the following findings:

(a) The District Board has considered the circumstances of the continuing state of emergency;

(b) The state of emergency continues to directly impact the ability of the members and the public to meet safely in person;

(c) Due to COVID-19, holding meetings in person will present imminent risks to the health and safety to attendees; and

(d) The District Board will continue to meet by teleconference in accordance with Government Code section 54953(e).

4. The aforementioned findings apply to all committees and subcommittees of the District which are classified as legislative bodies pursuant to Government Code Section 54952.

5. The District Board will reconsider every 30 days, the circumstances of the emergency and review whether it continues to directly impact the ability of the members to meet safely in person.

6. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Resolution is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution. The Board hereby declares that it would have adopted this Resolution and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared unconstitutional.

7. This Resolution shall take effect immediately upon its adoption.

On motion duly made and seconded, this resolution was adopted by the following vote on March 28, 2022:

AYES: Fernandez, Handley, Kite, Lathi, Toy

NOES: None

ABSENT: None

ABSTAIN: None

DocuSigned by:

Pat Kite

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PAT KITE

President, Board of Directors
Union Sanitary District

Attest:

DocuSigned by:

Manny Fernandez

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MANNY FERNANDEZ

Secretary, Board of Directors
Union Sanitary District


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PROVIDE DIRECTION REGARDING DISTRICT REBRANDING INITIATIVE

Executive Assistant to the General Manager/Board Clerk McEvoy stated the Board previously expressed a preference to begin the name change process in late Summer of 2022. The purpose of the direction item was to provide the Board an opportunity to reaffirm previous direction or consider moving forward with the Rebranding Initiative at an earlier date. Staff recommended the Board provide direction regarding the timeline for the District Rebranding Initiative.

Staff directed staff to prepare and present a resolution at a future meeting to proceed with the District Rebranding Initiative.

INFORMATION ITEMS:

Publication of Allogene Therapeutics, Inc. as Significant Violator in 2021

Environmental Compliance Coach Dunning stated the District is required to publish the names of all dischargers to the District's wastewater treatment plant that were in Significant Noncompliance with Environmental Protection Agency Pretreatment Regulations and/or the District's Sewer Ordinance No. 36.04 any time during the 2021 calendar year. Allogene Therapeutics, Inc. had a significant violation during calendar year 2021 and was issued a Notice of Violation N21-009 along with an administrative penalty, which has been paid. A copy of the publication that will appear in the The Argus and Tri-City Voice newspapers was included in the Board meeting packet.

COVID-19 Update

General Manager Eldredge provided an update regarding COVID-19 impacts on District operations and coordination efforts.

Check Register

There were no questions regarding the check register.

COMMITTEE MEETING REPORTS:

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

GENERAL MANAGER'S REPORT:

- Staff will present an item for the Board to consider rotation of officers at the May 9, 2022, Board meeting.
- Staff will reach out to the Board to schedule a Board workshop in April and another in May.
- The District has welcomed 15 new staff members since the onset of the COVID pandemic.

OTHER BUSINESS:

There was no other business.

ADJOURNMENT:

The meeting was adjourned at 5:06 p.m. to a Board Closed Session to be held virtually on Thursday, March 31, 2022, at 4:00 p.m.

SUBMITTED:

DocuSigned by:

Regina McEvoy

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REGINA McEVOY
BOARD CLERK

ATTEST:

DocuSigned by:

Manny Fernandez

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MANNY FERNANDEZ
SECRETARY

APPROVED:

DocuSigned by:

Pat Kite

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PAT KITE
PRESIDENT

Adopted this 11th day of April 2022

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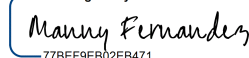
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Manny Fernandez

mfernandez@unionsanitary.ca.gov

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Pat Kite

pkite@unionsanitary.ca.gov

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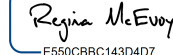
reginam@unionsanitary.ca.gov

Assistant to GM

Union Sanitary District

Security Level: Email, Account Authentication
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Signature Adoption: Pre-selected Style

Signed by link sent to

reginam@unionsanitary.ca.gov

Using IP Address: 50.227.238.26

Electronic Record and Signature Disclosure:

Not Offered via DocuSign

In Person Signer Events**Signature****Timestamp****Editor Delivery Events****Status****Timestamp****Agent Delivery Events****Status****Timestamp**

Intermediary Delivery Events	Status	Timestamp
Certified Delivery Events	Status	Timestamp
Carbon Copy Events	Status	Timestamp
Witness Events	Signature	Timestamp
Notary Events	Signature	Timestamp
Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	4/12/2022 4:25:50 PM
Certified Delivered	Security Checked	4/12/2022 4:26:03 PM
Signing Complete	Security Checked	4/12/2022 4:26:09 PM
Completed	Security Checked	4/13/2022 4:20:20 PM
Payment Events	Status	Timestamps
Electronic Record and Signature Disclosure		