

**MINUTES OF THE MEETING OF THE
BOARD OF DIRECTORS OF
UNION SANITARY DISTRICT/UNION SANITARY DISTRICT FINANCING
AUTHORITY
April 25, 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 Rodrigues, Collection Services Manager
Raymond Chau, Technical Services Manager
Chris Pachmayer, Fabrication, Maintenance, and Construction Coach
Allan Briggs, Interim Capital Improvement Projects Team Coach
Marcus Lee, Treatment and Disposal Services Coach
Michelle Powell, Communications and Intergovernmental Relations Coordinator
Sharon Anderson, Administrative Specialist
Regina McEvoy, Executive Assistant to the General Manager/Board Clerk

APPROVE MINUTES OF THE UNION SANITARY DISTRICT BOARD MEETING OF APRIL 11, 2022

It was moved by Vice President Lathi, seconded by Director Handley, to Approve the Minutes of the Board Meeting of April 11, 2022. Motion carried with the following vote:

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

MARCH 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.

AWARD THE MULTI-YEAR SERVICE CONTRACT FOR PRINTING AND MAILING OF THE DISTRICT'S ANNUAL NEWSLETTER

This item was reviewed by the Budget & Finance Committee. Communications and Intergovernmental Relations Coordinator Powell stated staff issued an Invitation for Bid (IFB) for printing and mailing services for the District's annual newsletter. Three firms responded to the IFB; Fong and Fong Printers and Lithographers was the lowest, responsive, and responsible bidder. The contract will be for three years with an option to renew for two additional years. A breakdown of estimated annual costs was included in the Board meeting packet. Staff recommended the Board award the service contract for printing and mailing of USD's annual newsletter to Fong and Fong Printers and Lithographers for Fiscal Years 2023, 2024, and 2025.

It was moved by Director Handley, seconded by Vice President Lathi, to Award the Service Contract for Printing and Mailing of USD's Annual Newsletter to Fong and Fong Printers and Lithographers for Fiscal Years 2023, 2024, and 2025. 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 AGREEMENT AND TASK ORDER NO. 1 WITH QUINCY ENGINEERING, INC. FOR THE IRVINGTON BASIN REINFORCED CONCRETE PIPE REHABILITATION PROJECT AND FORCE MAIN CORROSION REPAIRS PROJECT – PHASE 3

This item was reviewed by the Engineering and Information Technology Committee. Technical Services Manager Chau stated Task Order No. 1 will authorize Quincy to provide construction management services for the Irvington Reinforced Concrete Pipe (RCP) Project and Force Main Project. The scope of services and fees for Task Order No. 1 were included in the Board meeting packet. Staff recommended the Board authorize the General Manager to execute an agreement and Task Order No. 1 with Quincy Engineers, Inc. in the amount of \$494,790 to provide construction management services for the Irvington Basin Reinforced Concrete Pipe Rehabilitation Project and Force Main Corrosion Repairs Project – Phase 3.

It was moved by Secretary Fernandez, seconded by Director Toy, to Authorize the General Manager to Execute an Agreement and Task Order No. 1 with Quincy Engineers, Inc. in the Amount of \$494,790 to Provide Construction Management Services for the Irvington Basin Reinforced Concrete Pipe Rehabilitation Project and Force Main Corrosion Repairs Project – Phase 3. Motion carried with the following vote:

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

CONSIDER A RESOLUTION TO ACCEPT THE CONSTRUCTION OF THE CALCIUM THIOSULFATE CHEMICAL FEED SYSTEM PROJECT FROM D.W. NICHOLSON CORPORATION

This item was reviewed by the Engineering and Information Technology Committee. Technical Services Manager Chau stated the Board previously awarded the construction contract for the Calcium Thiosulfate Chemical Feed System Project to D.W. Nicholson. Staff issued the Notice to Proceed on December 1, 2020, and the project was scheduled to be completed June 28, 2021. The Project experienced delays, due to COVID, equipment fabrication issues, startup issues, and design changes, and was completed February 28, 2022. Staff recommended the Board consider a resolution to accept the construction of the Calcium Thiosulfate Chemical Feed System Project from D.W. Nicholson Corporation and authorize recordation of a Notice of Completion.

It was moved by Director Handley, seconded by Vice President Lathi, to Adopt Resolution No. 2963 Accepting Construction of the Calcium Thiosulfate Chemical Feed System Project Located in the City of Union City, California, from D.W. Nicholson Corporation. Motion carried with the following vote:

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

RESOLUTION NO. 2963

**ACCEPT CONSTRUCTION OF THE
CALCIUM THIOSULFATE CHEMICAL FEED SYSTEM PROJECT
LOCATED IN THE CITY OF UNION CITY, CALIFORNIA
FROM D.W. NICHOLSON CORPORATION**

RESOLVED, by the Board of Directors of the UNION SANITARY DISTRICT that it hereby accepts the Calcium Thiosulfate Chemical Feed System Project from D.W. Nicholson Corporation, effective April 25, 2022.

FURTHER RESOLVED: That the Board of Directors of the UNION SANITARY DISTRICT authorize the General Manager/District Engineer, or his designee, to execute and record a "Notice of Completion" for the Project.

On motion duly made and seconded, this resolution was adopted by the following vote on April 25, 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



Certificate Of Completion

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| | Union City, CA 94587 |
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REVIEW AND APPROVE PROPOSED CHANGES TO POLICY NO. 3040, BOARDMEMBER COMPENSATION

This item was reviewed by the Legal/Community Affairs Committee. Executive Assistant to the General Manager/Board Clerk McEvoy stated Board Policy No. 3040 sets forth the limits and process for setting Board compensation. Policy No. 3040 is scheduled to be reviewed and approved by the Board every three years. Staff reviewed the Policy and proposed minor edits and updated formatting. Staff recommended the Board review and approve proposed changes to Board Policy No. 3040, Boardmember Compensation.

It was moved by Vice President Lathi, seconded by Director Toy, to Approve Policy No. 3040, Boardmember Compensation. Motion carried with the following vote:

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

REVIEW AND APPROVE PROPOSED CHANGES TO POLICY NO. 3050, BOARDMEMBER MEETINGS COMPENSATED

This item was reviewed by the Legal/Community Affairs Committee. Executive Assistant to the General Manager/Board Clerk McEvoy stated Board Policy No. 3050 sets forth a listing of meetings and service eligible for Board compensation. Policy No. 3050 is scheduled to be reviewed and approved by the Board every three years. Staff reviewed the Policy and proposed minor edits and updated formatting. Staff recommended the Board review and approve proposed changes to Board Policy No. 3050, Boardmember Meetings Compensated.

It was moved by Director Toy, seconded by Secretary Fernandez, to Approve Policy No. 3050, Boardmember Meetings Compensated. 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 recommended the Board adopt a resolution authorizing the use of teleconference meetings in compliance with AB 361.

It was moved by Director Toy, seconded by Vice President Lathi, to Adopt Resolution No. 2964 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. 2964

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, the Omicron variant, which is even more transmissible than the Delta variant, and a new Omicron sub-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, on March 28, 2022, the Board adopted Resolution No. 2960, authorizing the use of teleconference meetings in compliance with AB 361; and

WHEREAS, on April 11, 2022, the Board adopted Resolution No. 2962, 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 RESOLVED, 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 April 25, 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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Regina McEvoy

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Manny Fernandez

mfernandez@unionsanitary.ca.gov

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Pat Kite

pkite@unionsanitary.ca.gov

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INFORMATION ITEMS:

CAL-Card 3rd Quarter Activity Report

This item was reviewed by the Budget & Finance Committee. General Manager Eldredge stated the 3rd Quarter CAL-Card Activity Report included transactions from December 23, 2021 through March 22, 2022. There were 225 transactions totaling \$62,760.57 during the 3rd Quarter of the 2022 Fiscal Year. Staff noted the CAL-Card Activity Report was presented in a different format for the 3rd Quarter. The Budget & Finance Committee recommended staff incorporate further edits to the Report for the next quarter.

Information Technology Software and Hardware Agreement Summary

This item was reviewed by the Engineering and Information Technology Committee. Fabrication, Maintenance, and Construction Coach Pachmayer stated the District's information technology team procures and maintains licenses for 78 separate IT functions. The summary included in the Board meeting packet showed the names of software/hardware, description of what each software/hardware does, and the annual cost for 2022.

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:

- The OPEB/Pension, Fiscal Model, and Business Services Staffing Concept Combined Board Workshop will be held at 4:00 p.m. on Thursday, April 28, 2022.
- Staff will send the Board a poll to schedule a Board Workshop to be held in May.
- The Alameda County Science and Engineering Fair was held virtually this year. Recipients of the Excellence in Water Research Award from our service area will be recognized at the Alameda County Water District Board (ACWD) meeting to be held May 12, 2022. Union Sanitary District will welcome next year's recipients of the Excellence in Water Research Award at a Board meeting; USD and ACWD will continue to alternate recognizing future award recipients.
- USD Environmental Compliance staff participated in the recent Earth Day event in Fremont and welcomed over 400 visitors to the USD booth.
- Staff will prepare internal and external committee preference forms to be provided to the Board at the first meeting in May. Committee assignments will be determined at the second meeting in May.

OTHER BUSINESS:

Director Handley commended General Manager Eldredge for his recent presentation to the Fremont City Council.


Director Handley stated USD will host the Southern Alameda County GIS Authority meeting May 18, 2022, and will provide further details at the next regular Board meeting.

Vice President Lathi stated she attended the recent Alameda County Water District Fish Passage Ribbon Cutting event.


ADJOURNMENT:

The meeting was adjourned at 4:39 p.m. to a Board Workshop to be held virtually on Thursday, April 28, 2022, at 4:00 p.m.


SUBMITTED:

DocuSigned by:

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REGINA McEVOY
BOARD CLERK

ATTEST:

DocuSigned by:

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MANNY FERNANDEZ
SECRETARY

APPROVED:

DocuSigned by:

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PAT KITE
PRESIDENT

Adopted this 9th day of May 2022

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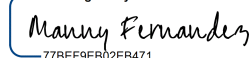
Signer Events

Manny Fernandez

mfernandez@unionsanitary.ca.gov

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Pat Kite

pkite@unionsanitary.ca.gov

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Regina McEvoy

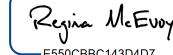
reginam@unionsanitary.ca.gov

Assistant to GM

Union Sanitary District

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| Signing Complete | Security Checked | 5/19/2022 9:31:26 AM |
| Completed | Security Checked | 5/19/2022 11:05:41 AM |
| Payment Events | Status | Timestamps |
| Electronic Record and Signature Disclosure | | |