

**MINUTES OF THE MEETING OF THE
BOARD OF DIRECTORS OF
UNION SANITARY DISTRICT/UNION SANITARY DISTRICT FINANCING
AUTHORITY
July 11, 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 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 observe the Board Meeting and provide public comment by sending comments to the Board Clerk.

CALL TO ORDER

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

STAFF: Paul Eldredge, General Manager/District Engineer
Karen Murphy, District Counsel
Mark Carlson, Business Services Manager/CFO
Rollie Arbolante, Customer Service Team Coach
Armando Lopez, Treatment and Disposal Services Manager
Jose Rodrigues, Collection Services Manager
Raymond Chau, Technical Services Manager
Chris Pachmayer, Fabrication, Maintenance, and Construction Coach
Marcus Lee, Treatment and Disposal Services Coach
Trieu Nguyen, IT Administrator
Michelle Powell, Communications and Intergovernmental Relations Coordinator
May Bautista, Administrative Specialist
Sharon Anderson, Administrative Specialist
Regina McEvoy, Executive Assistant to the General Manager/Board Clerk

APPROVE MINUTES OF THE UNION SANITARY DISTRICT BOARD MEETING OF JUNE 27, 2022

It was moved by Vice President Fernandez, seconded by Director Handley, to Approve the Minutes of the Board Meeting of June 27, 2022. Motion carried with the following vote:

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

WRITTEN COMMUNICATIONS

There were no written communications.

PUBLIC COMMENT

There was no public comment.

CONSIDER ITEMS PERTAINING TO DISTRICT REBRANDING AND LOGO

Communications and Intergovernmental Relations Coordinator Powell and Executive Assistant to the General Manager/Board Clerk McEvoy presented the final refreshed logo and an implementation plan. Potential domain names were explored and it was found that modifying the District's current ".ca.gov" nomenclature to anything other than unionsanitary is not currently an option. Staff recommended the Board consider and approve a refreshed District logo, nickname, and descriptor 2) direct staff to move forward with the implementation plan for the logo 3) provide direction regarding the District's website and email addresses. The Board agreed to leave the District's website and email as is for now and revisit this topic in April of 2023.

It was moved by Director Handley, seconded by Director Kite, to approve the new brand logo, proceed with the implementation plan, and revisit the website and email addresses in April 2023. Motion carried with the following vote:

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

CONSIDER CREATING AN INVESTMENT/PORTFOLIO AD HOC COMMITTEE AND APPOINTING TWO BOARD MEMBERS TO THE COMMITTEE

General Manager Eldredge stated a report outlining the performance of the District's investments is provided quarterly. These quarterly reports are typically one of several items discussed in the Budget and Finance Committee. An in-depth comprehensive overview of the quarterly report is not feasible due to the scheduling and time constraints of the Committee. Thus, a very high-level abridged overview is presented at the Committee and Board meetings. Given the current economic state, there are a number of factors that could influence the District's portfolio, thus a more in-depth review of the District's portfolio might be prudent. Staff recommended the Board consider creating an investment/portfolio ad hoc committee and appoint two Board Members to the committee.

It was moved by Director Handley, seconded by Vice President Fernandez, to create an investment/portfolio ad hoc committee and appoint two Board Members to the committee. Motion carried with the following vote:

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

It was moved by Secretary Toy, seconded by Vice President Fernandez, to appoint Director Handley and President Lathi to the ad hoc committee. Motion carried with the following vote:

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

CONSIDER A RESOLUTION TO ACCEPT A SANITARY SEWER EASEMENT AND QUITCLAIM A PORTION OF TWO SANITARY SEWER EASEMENTS FOR THE FREMONT CONVENTION CENTER, LOCATED AT 46399 FREMONT BOULEVARD, IN THE CITY OF FREMONT

This item was reviewed by the Legal/Community Affairs Committee. Customer Service Team Coach Arbolante stated the developer, Surya Real Estate, LLC, is planning to construct a conference/convention and banquet facility that includes a 56,044 square-foot building on a 3.1-acre lot at 46399 Fremont Boulevard, in the City of Fremont. A District 48-inch trunk main passes through the western portion of the subject parcel and resides within a 10-foot easement. Along the east side of the 10-foot easement is a 15-foot easement that was for a 15-inch sanitary sewer main that was abandoned in the 1990s. The planned convention center building will encroach upon the vacant 15-foot easement and the City requires that, with the District's approval, the easement be quitclaimed before permits for the project will be issued. District staff determined that sufficient District access to the 48-inch trunk main and clearance for the convention center building could be achieved by replacing both the 15-foot and 10-foot easements with a new 20-foot easement centered over the 48-inch trunk main within the parcel. Staff recommended the Board consider a resolution to accept a sanitary sewer easement and quitclaim a portion of two sanitary sewer easements for the Fremont Convention Center, located at 46399 Fremont Boulevard, in the City of Fremont.

It was moved by Director Kite, seconded by Secretary Toy, to Adopt Resolution No. 2974 to Accept a Sanitary Sewer Easement and Quitclaim a Portion of Two Sanitary Sewer Easements for the Fremont Convention Center, Located at 46399 Fremont 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. 2974

**ACCEPT A SANITARY SEWER EASEMENT AND QUITCLAIM A PORTION OF TWO
SANITARY SEWER EASEMENTS FOR THE FREMONT CONVENTION CENTER, LOCATED AT
46399 FREMONT BOULEVARD,
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 SURYA REAL ESTATE, LLC, executed on June 24, 2022, as described in the Grant of Sanitary Sewer Easement, and by the legal description and plat map, attached as Exhibit A and B, respectively.
2. The Board hereby quitclaims its interest in a portion of the fifteen-foot wide and ten-foot wide sanitary sewer easements within the parcel identified as APN 519-0850-129, in the city of Fremont, and as described in the Quitclaim Deed and by the legal descriptions and plat maps, attached as Exhibit A, Exhibit B, 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 July 11, 2022:

AYES: Fernandez, Handley, Kite, Lathi, Toy

NOES: None

ABSENT: None

ABSTAIN: None



ANJALI LATHI
President, Board of Directors
Union Sanitary District

Attest:


JENNIFER TOY
Secretary, Board of Directors
Union Sanitary District

CONSIDER A RESOLUTION TO QUITCLAIM A PORTION OF A SANITARY SEWER EASEMENT LOCATED ON THE NORTH SIDE OF MISSION BOULEVARD, WEST OF WARM SPRINGS BOULEVARD, IN THE CITY OF FREMONT

This item was reviewed by the Legal/Community Affairs Committee. Customer Service Team Coach Arbolante stated Caltrans has requested that the District quitclaim a vacant portion of a 10-foot sanitary sewer easement that is located on a City owned parcel within the right-of-way for State Route 262 – Mission Boulevard. Staff recommended the Board consider a resolution to quitclaim a portion of a sanitary sewer easement located on the north side of Mission Boulevard, west of Warm Springs Boulevard, in the City of Fremont.

It was moved by Vice President Fernandez, seconded by Director Handley, to Adopt Resolution No. 2975 to Quitclaim a Portion of a Sanitary Sewer Easement Located on the North Side of Mission Boulevard, West of Warm Springs 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. 2975

QUITCLAIM A PORTION OF A SANITARY SEWER EASEMENT LOCATED ON THE NORTH SIDE OF MISSION BOULEVARD, WEST OF WARM SPRING BOULEVARD, IN THE CITY OF FREMONT, CALIFORNIA

RESOLVED by the Board of Directors of UNION SANITARY DISTRICT, that it hereby quitclaims its interest in a portion of the the ten-foot wide sanitary sewer easement in APN 519-850-8-7, in the city of Fremont, and as described in the Quitclaim Deed and by the legal description and plat map, attached as Exhibit A and Exhibit 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 July 11, 2022:

AYES: Fernandez, Handley, Kite, Lathi, Toy

NOES: None

ABSENT: None

ABSTAIN: None



ANJALI LATHI
President, Board of Directors
Union Sanitary District

Attest:



JENNIFER TOY
Secretary, Board of Directors
Union Sanitary District

**CONSIDER A RESOLUTION TO ACCEPT THE CONSTRUCTION OF THE
CATHODIC PROTECTION SYSTEM IMPROVEMENTS PROJECT FROM CORRPRO
COMPANIES, INC.**

This item was reviewed by the Engineering and Information Technology Committee. Technical Services Manager Chau stated the Notice to Proceed was issued to Corrpro on June 8, 2021. The 210-day project was initially scheduled to be completed on January 3, 2022. Corrpro completed the Project on January 21, 2022. Staff recommended the Board consider a resolution to accept the construction of the Cathodic Protection System Improvements Project from Corrpro Companies, Inc.

It was moved by Director Kite, seconded by Director Handley, to Adopt Resolution No. 2976 to Accept Construction of the Cathodic Protection System Improvements Project Located in the City of Union City and City of Newark, California from Corrpro Companies, Inc. Motion carried with the following vote:

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

####

RESOLUTION NO. 2976

**ACCEPT CONSTRUCTION OF THE
CATHODIC PROTECTION SYSTEM IMPROVEMENTS PROJECT
LOCATED IN THE CITY OF UNION CITY AND CITY OF NEWARK, CALIFORNIA
FROM CORRPRO COMPANIES, INC.**

RESOLVED, by the Board of Directors of the UNION SANITARY DISTRICT that it hereby accepts the Cathodic Protection System Improvements Project from Corrpro Companies, Inc., effective July 11, 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.

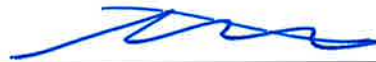
On motion duly made and seconded, this resolution was adopted by the following vote on July 11, 2022:

AYES: Fernandez, Handley, Kite, Lathi, Toy

NOES: None

ABSENT: None

ABSTAIN: None



ANJALI LATHI
President, Board of Directors
Union Sanitary District

Attest:



JENNIFER TOY
Secretary, Board of Directors
Union Sanitary District

COVID-19 UPDATE AND CONSIDER ADOPTION OF A RESOLUTION AUTHORIZING THE USE OF TELECONFERENCE MEETINGS IN COMPLIANCE WITH AB 361

General Manager Eldredge provided an update regarding COVID-19 impacts on District operations and coordination efforts. The Board agreed that the District should begin a hybrid work from home pilot for a period of 6 months. The hybrid work schedule will be revisited at the regular Board meeting to be held on February 13, 2023.

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 recommended the Board adopt a resolution authorizing the use of teleconference meetings in compliance with AB 361.

It was moved by Director Kite, seconded by Director Handley, to Adopt Resolution No. 2977 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. 2977

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 new Omicron sub-variants, and increasing cases in Alameda County; 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, on April 25, 2022, the Board adopted Resolution No. 2964, authorizing the use of teleconference meetings in compliance with AB 361; and

WHEREAS, on May 9, 2022, the Board adopted Resolution No. 2965, authorizing the use of teleconference meetings in compliance with AB 361; and

WHEREAS, on May 23, 2022, the Board adopted Resolution No. 2968, authorizing the use of teleconference meetings in compliance with AB 361; and

WHEREAS, on June 13, 2022, the Board adopted Resolution No. 2970, authorizing the use of teleconference meetings in compliance with AB 361; and

WHEREAS, on June 27, 2022, the Board adopted Resolution No. 2973, 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.

[signatures follow on next page]

On motion duly made and seconded, this resolution was adopted by the following vote on July 11, 2022:

AYES: Fernandez, Handley, Kite, Lathi, Toy

NOES: None

ABSENT: None

ABSTAIN: None

DocuSigned by:



ANJALI LATHI
President, Board of Directors
Union Sanitary District

Attest:

DocuSigned by:



JENNIFER TOY
Secretary, Board of Directors
Union Sanitary District

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sharona@unionsanitary.ca.gov

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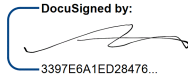
Anjali Lathi

alathi@unionsanitary.ca.gov

Union Sanitary District

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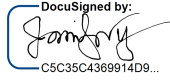
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Jennifer Toy

jtoy@unionsanitary.ca.gov

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Electronic Record and Signature Disclosure		

INFORMATION ITEMS:

Report on the East Bay Dischargers Authority Meeting of May 19, 2022

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

Check Register

There were no questions regarding the check register.

COMMITTEE MEETING REPORTS:

The Legal/Community Affairs and Engineering and Information Technology Committees met.

GENERAL MANAGER'S REPORT:

- The certified election results and the Oath of Office for Director Handley and Secretary Toy were received.
- The Oath of Office will be held virtually at the August 8, 2022, regular Board meeting.

OTHER BUSINESS:

There was no other business.

ADJOURNMENT:

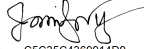
The meeting was adjourned at 4:51 p.m. to the next Regular Board Meeting to be held virtually on Monday, July 25, 2022, at 4:00 p.m.

SUBMITTED:

DocuSigned by:

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SHARON ANDERSON
ADMINISTRATIVE SPECIALIST

ATTEST:

DocuSigned by:

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JENNIFER TOY
SECRETARY

APPROVED:

DocuSigned by:

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ANJALI LATHI
PRESIDENT

Adopted this 25th day of July 2022

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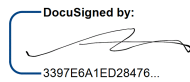
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Signer Events

Anjali Lathi

alathi@unionsanitary.ca.gov

Union Sanitary District

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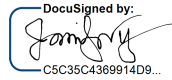
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Jennifer Toy

jtoy@unionsanitary.ca.gov

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Sharon Anderson

sharona@unionsanitary.ca.gov

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