

**MINUTES OF THE MEETING OF THE  
BOARD OF DIRECTORS OF  
UNION SANITARY DISTRICT/UNION SANITARY DISTRICT FINANCING  
AUTHORITY  
August 8, 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  
Megan Burke, Assistant District Counsel  
Mark Carlson, Business Services Manager/CFO  
Armando Lopez, Treatment and Disposal Services Manager  
Jose Rodrigues, Collection Services Manager  
Raymond Chau, Interim Technical Services Manager  
Gene Boucher, Human Resources Manager  
Scott Martin, Fabrication, Maintenance, and Construction Coach  
Ric Pipkin, Enhanced Treatment and Site Upgrade Program Manager  
Allan Briggs, Interim Capital Improvements Projects Team Coach  
Alisa Gordon, Human Resources Manager  
May Bautista, Administrative Specialist  
Trieu Nguyen, IT Administrator  
Sharon Anderson, Administrative Specialist  
Michelle Powell, Communications and Intergovernmental Relations Coordinator

VISITORS: Monique Spyke, PFM Asset Management

**ADOPT A RESOLUTION ANNOUNCING AND DECLARING RESULTS OF THE  
STATEWIDE DIRECT PRIMARY ELECTION HELD JUNE 7, 2022, AND SWEARING IN OF  
REAPPOINTED BOARDMEMBERS TOM HANDLEY AND JENNIFER TOY**

General Manager Eldredge introduced Human Resources Manager Boucher who led the swearing-in for Reappointed Boardmember Handley and Reappointed Boardmember Toy. Staff recommended the Board adopt a resolution announcing and declaring the results of the Statewide Direct Primary Election held June 7, 2022.

It was moved by Vice President Fernandez, seconded by Director Kite, to Approve Resolution No. 2978 Announcing and Declaring the Results of the Statewide Direct Primary Election Held June 7, 2022. Motion carried with the following vote:

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

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## **RESOLUTION NO. 2978**

### **RESOLUTION OF THE BOARD OF DIRECTORS OF UNION SANITARY DISTRICT ANNOUNCING AND DECLARING THE RESULTS OF THE ELECTION HELD JUNE 7, 2022**

WHEREAS, on June 7, 2022, Alameda County conducted a Statewide Direct Primary Election; and

WHEREAS, on January 24, 2022, the Board of Directors adopted Resolution No. 2949, Calling the June 7, 2022 Election for Two Directors, and Resolution No. 2950, Consolidating the Union Sanitary District Election with the Statewide Direct Primary Election on June 7, 2022; and

WHEREAS, the Union Sanitary District offices to be filled by such Statewide Direct Primary Election were for two Directors serving Ward 3, with terms expiring June 2026; and

WHEREAS, Director Tom Handley and Director Jennifer Toy, representing Ward 3, were the only candidates for their respective wards, and a petition signed by voters in the District requesting that an election be held for such offices was not filed; and

WHEREAS, Director Tom Handley was appointed by the County to the office of Union Sanitary District Director, Ward 3; and

WHEREAS, Director Jennifer Toy was appointed by the County to the office of Union Sanitary District Director, Ward 3.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of Union Sanitary District hereby receives the certificates of appointment from the Registrar of Voters of Alameda County for the Statewide Direct Primary Election for Ward 3, and announces the results of the June 7, 2022, election.

On motion duly made and seconded, this resolution was adopted by the following vote on August 8, 2022:

AYES: Fernandez, Handley, Kite, Lathi, Toy

NOES: None

ABSENT: None

ABSTAIN: None

DocuSigned by:



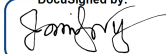
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ANJALI LATHI

President, Board of Directors  
UNION SANITARY DISTRICT

Attest:

DocuSigned by:



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JENNIFER TOY

Secretary, Board of Directors  
UNION SANITARY DISTRICT

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sharona@unionsanitary.ca.gov

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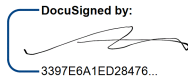
Anjali Lathi

alathi@unionsanitary.ca.gov

Union Sanitary District

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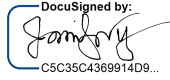
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Jennifer Toy

jtoy@unionsanitary.ca.gov

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**APPROVE MINUTES OF THE UNION SANITARY DISTRICT BOARD MEETING OF JULY 25, 2022**

It was moved by Secretary Toy, seconded by Director Handley, to Approve the Minutes of the Board Meeting of July 25, 2022. 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 26, 2022**

It was moved by Director Kite, seconded by Director Handley, to Approve the Minutes of the Special Board Meeting of July 26, 2022. Motion carried with the following vote:

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

**DISTRICT INVESTMENT QUARTERLY REPORT FROM PFM**

This item was reviewed by the Investment & Portfolio Committee. Business Services Manager/CFO Carlson introduced Monique Spyke, Managing Director of PFM Asset Management, who presented an overview of the District Investment Quarterly Report included in the Board meeting packet.

**WRITTEN COMMUNICATIONS**

There were no written communications.

**PUBLIC COMMENT**

There was no public comment.

**REVIEW AND CONSIDER APPROVAL OF UPDATED OVERHEAD RATES**

This item was reviewed by the Budget & Finance Committee. Business Services Manager/CFO stated occasionally the District is engaged by its customers (contractors, businesses or governmental agencies) to perform work on their behalf, which is ultimately billed back to the customer. In addition to the base wage costs, the District adds a factor to recoup benefits and other indirect costs incurred by the District. The purpose of applying indirect costs is designed to cover benefits and general and administrative costs which are necessary to operate the District. Staff recommended amending the overhead factors to the updated rates included in the Board meeting packet.

It was moved by Director Handley, seconded by Vice President Fernandez, to Approve Updated Overhead Rates. 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 CENTRIFUGE BUILDING IMPROVEMENTS PROJECT FROM WESTERN WATER CONSTRUCTORS, INC.**

This item was reviewed by the Engineering and Information Technology Committee. Technical Services Manager Chau stated on November 9, 2020, the Board awarded the construction contract for the Project to Western Water in the amount of \$688,000. Staff issued the Notice to Proceed to Western Water on December 21, 2020. Staff recommended the Board consider a resolution to accept the construction of the Centrifuge Building Improvements Project (Project) from Western Water Constructors, Inc. (Western Water) and authorize recordation of a Notice of Completion.

It was moved by Vice President Fernandez, seconded by Secretary Toy, to Adopt Resolution No. 2979 to Accept the Construction of the Centrifuge Building Improvements Project (Project) from Western Water Constructors, Inc. (Western Water) and Authorize Recordation of a Notice of Completion. Motion carried with the following vote:

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

####



**RESOLUTION NO. 2979**

**ACCEPT CONSTRUCTION OF THE  
CENTRIFUGE BUILDING IMPROVEMENTS PROJECT  
LOCATED IN THE CITY OF UNION CITY, CALIFORNIA  
FROM WESTERN WATER CONSTRUCTORS, INC.**

RESOLVED, by the Board of Directors of the UNION SANITARY DISTRICT that it hereby accepts the Centrifuge Building Improvements Project from Western Water Constructors, Inc., effective August 8, 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 August 8, 2022:

AYES: Fernandez, Handley, Kite, Lathi, Toy

NOES: None

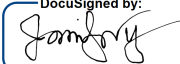
ABSENT: None

ABSTAIN: None

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ANJALI LATHI  
President, Board of Directors  
Union Sanitary District

Attest:

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JENNIFER TOY  
Secretary, Board of Directors  
Union Sanitary District

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sharona@unionsanitary.ca.gov

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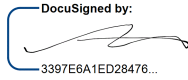
Anjali Lathi

alathi@unionsanitary.ca.gov

Union Sanitary District

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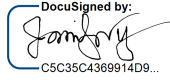
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Jennifer Toy

jtoy@unionsanitary.ca.gov

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Curtis Bosick

curtisb@unionsanitary.ca.gov

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**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 associated coordination efforts, and 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 Secretary Toy, to Adopt Resolution No. 2980 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

**####**

## **RESOLUTION NO. 2980**

### **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, which remains in effect; and

**WHEREAS**, the County of Alameda remains subject to two ongoing Health Officer Orders related to COVID-19: Blanket Isolation Order (Order No. 20-05g – In effect 1/10/2022); and Blanket Quarantine Order (Order No. 20-06s - In effect 7/1/22); 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 Omicron sub-variants and ongoing 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**, on July 11, 2022, the Board adopted Resolution No. 2977, 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 at least 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]*


**PASSED, APPROVED, AND ADOPTED at a regular meeting of the Board of Directors on this 8th day of August, 2022.**

AYES: Fernandez, Handley, Kite, Lathi, Toy

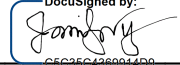
NOES: None

ABSENT: None

ABSTAIN: None

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ANJALI LATHI  
President, Board of Directors  
UNION SANITARY DISTRICT

Attest:

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JENNIFER TOY  
Secretary, Board of Directors  
UNION SANITARY DISTRICT



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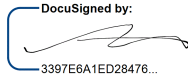
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**Signer Events**

Anjali Lathi

alathi@unionsanitary.ca.gov

Union Sanitary District

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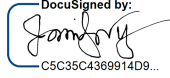
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Jennifer Toy

jtoy@unionsanitary.ca.gov

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## **INFORMATION ITEMS:**

### **Board Expenses for 4<sup>th</sup> Quarter of Fiscal Year 2022**

This item was reviewed by the Budget & Finance Committee. Business Services Manager/CFO Carlson provided an overview of the Board Expenses for the 4<sup>th</sup> quarter of Fiscal Year 2022 included in the Board meeting packet.

### **Report on the East Bay Dischargers Authority Meeting of July 21, 2022**

President Lathi 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 Budget & Finance, Engineering and Information Technology, and Investment & Portfolio Committees met.

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

- The CASA Conference is being held this week. General Manager Eldredge will report out at the next Board meeting.
- All staff reports and agendas will display the new District logo by the next Board meeting.
- A Verizon contractor drilled fiber optic lines through two USD sewer lines. Repairs must be completed before the rainy season to avoid possible public health safety issues.

## **OTHER BUSINESS:**

The Board would like a summary of Cyber Security and PFAS information from the CASA Conference.

## **ADJOURNMENT:**

The meeting was adjourned at 4:51 p.m. to the next Regular Board Meeting to be held virtually on Monday, August 22, 2022, at 4:00 p.m.

SUBMITTED:

ATTEST:

DocuSigned by:  
  
462DC66023C466

SHARON ANDERSON  
ADMINISTRATIVE SPECIALIST

DocuSigned by:  
  
6C3C3C3C3C3C3C3C

JENNIFER TOY  
SECRETARY

APPROVED:

DocuSigned by:  
  
5597E0A1E026A7F6

ANJALI LATHI  
PRESIDENT

Adopted this 22<sup>nd</sup> day of August 2022

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Union City, CA 94587

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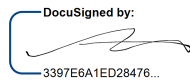
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**Signer Events**

Anjali Lathi

alathi@unionsanitary.ca.gov

Union Sanitary District

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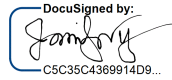
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Jennifer Toy

jtoy@unionsanitary.ca.gov

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Sharon Anderson

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