

**MINUTES OF THE MEETING OF THE  
BOARD OF DIRECTORS OF  
UNION SANITARY DISTRICT/UNION SANITARY DISTRICT FINANCING  
AUTHORITY  
January 23, 2023**

**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  
Armando Lopez, Treatment and Disposal Services Manager  
Jose Rodrigues, Collection Services Manager  
Raymond Chau, Technical Services Manager  
Ric Pipkin, Enhanced Treatment and Site Upgrade Program Manager  
Chris Pachmayer, Fabrication, Maintenance, and Construction Team Coach  
Curtis Bosick, Capital Improvements Projects Team Coach  
Allan Briggs, Interim Customer Service Team Coach  
Alisa Gordon, Human Resources Manager  
Trieu Nguyen, IT Administrator  
Karoline Terrazas, Organizational Performance Manager  
Regina McEvoy, Executive Assistant to the General Manager/Board Clerk

**APPROVE MINUTES OF THE UNION SANITARY DISTRICT BOARD MEETING OF JANUARY 9, 2023**

It was moved by Director Handley, seconded by Vice President Fernandez, to Approve the Minutes of the Board Meeting of January 9, 2023. Motion carried with the following vote:

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

**DECEMBER 2022 MONTHLY OPERATIONS REPORT**

This item was reviewed by the Budget & Finance and Legal/Community Affairs Committees. 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.

**REVIEW AND CONSIDER APPROVAL OF UPDATED POLICY NO. 5334, EQUAL EMPLOYMENT OPPORTUNITY**

This item was reviewed by the Personnel Committee. Human Resources Manager Gordon stated California State Senate Bill (SB) 523, the Contraceptive Equity Act of 2022, added “reproductive health decision-making” to its list of protections under the Fair Employment and Housing Act (FEHA) effective January 1, 2023. As defined in the bill, reproductive health decision-making means “a decision to use or access a particular drug, device, product, or medical service for reproductive health.” The new law makes it unlawful for an employer to discriminate against an employee on this basis. Staff have prepared proposed revisions to District Policy No. 5334, Equal Employment Opportunity, pursuant to SB 523. Staff recommended the Board review and consider approval of proposed changed to Policy No. 5334, Equal Employment Opportunity.

It was moved by Vice President Fernandez, seconded by Secretary Toy, to Approve Policy No. 5334, Equal Employment Opportunity. Motion carried with the following vote:

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

**CONSIDER A MOTION TO MODIFY THE JULY 10, 2023, BOARD MEETING, AND CANCEL THE NOVEMBER 27 AND DECEMBER 25, 2023, BOARD MEETINGS**

Executive Assistant to the General Manager/Board Clerk McEvoy outlined impacts to regularly scheduled Board meetings throughout calendar year 2023 and presented options for the Board's consideration. Staff recommended the Board consider modifying the July 10, 2023, Board Meeting and cancel the November 27 and December 25, 2023, Board Meetings.

It was moved by Secretary Toy, seconded by Director Kite, to:

- Cancel the July 10 and July 24, 2023, Board Meetings and Schedule Special Meetings to be Held July 17 and July 31, 2023; and
- Cancel the November 27, 2023, Board Meeting and Authorize Staff to Schedule a Special Meeting for November 20, 2023, if needed; and
- Cancel the December 25, 2023, Board Meeting and Authorize Staff to Schedule a Special Meeting for December 18, 2023, if needed.

Motion carried with the following vote:

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

**AUTHORIZE THE GENERAL MANAGER TO EXECUTE CONTRACT CHANGE ORDER NO. 47 WITH C. OVERAA & CO. FOR THE PRIMARY DIGESTER NO. 7 PROJECT**

This item was reviewed by the Engineering and Information Technology Committee. Technical Services Manager Chau stated glass-lined ductile iron pipe/fittings were specified for all sludge piping for the Primary Digester No. 7 Project. Glass-lined ductile iron pipe/fittings were purchased and installed by the contractor, C. Overaa and Co. and supplied by U.S. Pipe. During construction staff discovered a portion of the glass-lined ductile iron pipes and fittings provided for the Project did not meet the contract specifications, which required a minimum glass lining thickness of 10 mils. Field testing conducted by U.S. Pipe demonstrated that roughly 30% of the pipes and fittings had a nominal glass lining thickness of 7 to 8 mils. U.S. Pipe claimed the variance would have no impact on overall longevity or effectiveness of the piping system. Based upon feedback received from other consultants and the fact that the majority of the piping system was already installed when the non-conforming glass-lined ductile iron pipe/fittings were discovered, staff believed it was in the District's best interest to negotiate a settlement with Overaa in lieu of requiring replacement. Contract Change Order No. 47 is a credit change order that accounts for all costs and schedule impacts associated with the glass lining issue. Staff recommended the Board authorize the General Manager to execute Contract Change Order No. 47 with C. Overaa and Co. for a credit of \$110,000 for the Primary Digester No. 7 Project.

It was moved by Director Handley, seconded by Vice President Fernandez, to Authorize the General Manager to Execute Contract Change Order No. 47 with C. Overaa and Co. for a Credit of \$110,000 for the Primary Digester No. 7 Project. Motion carried with the following vote:

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

**AWARDING THE CONTRACT FOR THE CLEANING OF PRIMARY DIGESTER NO. 6 TO WASTEWATER SOLIDS MANAGEMENT**

This item was reviewed by the Engineering and Information Technology Committee. Treatment and Disposal Services Manager Lopez stated Primary Digester No. 6 was originally anticipated to be cleaned in Fiscal Year 2017, but the work was delayed until Primary Digester No. 7 could be put in service due to the minimum digestion capacity required. Three bids were received, and Wastewater Solids Management submitted the lowest, responsive, and responsible bid. Wastewater Solids Management successfully completed cleaning Secondary Digester No. 1 in 2021, Primary Digester No. 2 in 2019, and Primary Digester No. 5 in 2014. The contractor will have until June 30, 2023, to complete the project. Once the Digester has been cleaned, the condition of Primary Digester No. 6 will be assessed, and design of necessary rehabilitation work will be completed. Staff recommended the Board award the cleaning contract for Primary Digester No. 6 to Wastewater Solids Management in the amount of \$136,960.

It was moved by Director Handley, seconded by Secretary Toy to Award the Cleaning Contract for Primary Digester No. 6 to Wastewater Solids Management in the Amount of \$136,960. Motion carried with the following vote:

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

**CONSIDER CONFIRMING AND DECLARING THE NEED TO CONTINUE THE EMERGENCY ACTION TO REPAIR TWO SEWER LINES IN THE CITY OF FREMONT DAMAGED BY FIBER OPTIC LINE INSTALLATION**

This item was reviewed by the Engineering and Information Technology Committee. Collection Services Manager Rodrigues stated that on September 12, 2022, the Board adopted Resolution No. 2982 declaring an emergency and authorizing the expenditure of funds to allow staff to proceed with the expeditious repair of two sewer lines in the City of Fremont. Pursuant to Public Contract Code section 22050, the Board is required to review the status of emergency action at each subsequent meeting until the emergency action is terminated and authorize continuation of the emergency action. Staff recommended the Board receive an update on repairs and adopt a motion finding that there is a need to continue the action and confirming and declaring the continuance of the emergency.

It was moved by Director Kite, seconded by Director Handley, to Adopt a Motion Finding That There is a Need to Continue the Action and Confirming and Declaring the Continuance of the Emergency. Motion carried with the following vote:

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

**AUTHORIZE THE GENERAL MANAGER TO EXECUTE AMENDMENT NO. 1 TO TASK ORDER NO. 2 WITH CAROLLO ENGINEERS, INC. FOR THE WAS THICKENER REPLACEMENT PROJECT**

This item was reviewed by the Engineering and Information Technology Committee. Technical Services Manager Chau stated that on August 10, 2020, the Board authorized the General Manager to execute Task Order No. 2 with Carollo to perform final design services for the Project. The Project was postponed due to limited staff and financial resources dedicated to ongoing construction projects. The postponement provided an opportunity to further evaluate some of the Project's scope of work and consider whether there were further enhancements that could be made to the WAS thickening process. The purpose of the proposed amendment would be for Carollo to further evaluate the equipment layout and maintenance access in the WAS Thickening Building to determine if any further optimization would be feasible. The scope of services and fees for Amendment No. 1 to Task Order No. 2 were summarized in the Board packet. Staff recommended the Board authorize the General Manager to execute Amendment No. 1 to Task Order No. 2 with Carollo Engineers, Inc. in the amount of \$209,777 for providing additional design services for the WAS Thickener Replacement Project.

It was moved by Director Kite, seconded by Vice President Fernandez, to Authorize the General Manager to Execute Amendment No. 1 to Task Order No. 2 with Carollo Engineers, Inc. in the Amount of \$209,777 for Providing Additional Design Services for the WAS Thickener Replacement Project. Motion carried with the following vote:

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

**COVID-19 UPDATE AND CONSIDER ADOPTION OF 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. 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. Staff recommended the Board adopt a resolution authorizing the use of teleconference meetings in compliance with AB 361.

It was moved by Secretary Toy, seconded by Director Handley, to Adopt Resolution No. 2993 Authorizing the Use of Teleconference Meetings in Compliance with AB 361. Motion carried with the following vote:

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

### **INFORMATION ITEMS:**

#### **CAL-Card Fiscal Year 2023 2<sup>nd</sup> Quarter Activity Report**

This item was reviewed by the Budget & Finance Committee. General Manager Eldredge presented the activity report included in the Board meeting packet.

#### **Board Expenses for 2<sup>nd</sup> Quarter of Fiscal Year 2023**

This item was reviewed by the Budget & Finance Committee. General Manager Eldredge presented the Board of Director Travel and Training Expenditure Report for the 2<sup>nd</sup> Quarter of Fiscal Year 2023 included in the Board meeting packet.

#### **Report on the East Bay Discharger's Authority Meeting of December 15, 2022**

General Manager Eldredge 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, Personnel, Engineering and Information Technology, and Legal/Community Affairs Committees met.

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

- General Manager Eldredge noted there were a number of articles regarding the effect of recent rain storms on wastewater infrastructure; staff included some of these articles at the end of the Board meeting packet.
- Staff will be reaching out to the Board to schedule a number of Board Workshops.

### **OTHER BUSINESS:**


There was no other business.

### **ADJOURNMENT:**


The meeting was adjourned at 4:58 p.m. to a Special Board Meeting to be held virtually on Monday, February 6, 2023, at 4:00 p.m.

The Board will then adjourn to the next Regular Board Meeting to be held virtually on Monday, February 13, 2023, at 4:00 p.m.


SUBMITTED:

DocuSigned by:  
  
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REGINA McEVOY  
BOARD CLERK

ATTEST:

DocuSigned by:  
  
65C35C4369044D9...  
JENNIFER TOY  
SECRETARY

APPROVED:

DocuSigned by:  
  
3307E6A1ED28476...  
ANJALI LATHI  
PRESIDENT

Adopted this 13<sup>th</sup> day of February 2023

**Certificate Of Completion**

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Source Envelope:	
Document Pages: 7	Signatures: 3
Certificate Pages: 5	Initials: 0
AutoNav: Enabled	Envelope Originator:
Envelope Stamping: Enabled	Sharon Anderson
Time Zone: (UTC-08:00) Pacific Time (US & Canada)	5072 Benson Road
	Union City, CA 94587
	sharona@unionsanitary.ca.gov
	IP Address: 98.51.90.99

**Record Tracking**

Status: Original	Holder: Sharon Anderson	Location: DocuSign
2/14/2023 11:31:34 AM	sharona@unionsanitary.ca.gov	

**Signer Events**

Anjali Lathi  
 alathi@unionsanitary.ca.gov  
 Union Sanitary District  
 Security Level: Email, Account Authentication (None)

**Signature**

DocuSigned by:  
  
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 Using IP Address: 107.196.101.34  
 Signed using mobile

**Timestamp**

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Jennifer Toy  
 jtoy@unionsanitary.ca.gov  
 Security Level: Email, Account Authentication (None)

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 Signature Adoption: Drawn on Device  
 Using IP Address: 76.126.165.32

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 Signed: 2/15/2023 7:21:42 AM

**Electronic Record and Signature Disclosure:**  
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 ID: 31593a23-154e-4210-9aa2-a45d01651685

Regina McEvoy  
 Reginam@unionsanitary.ca.gov  
 Assistant to GM  
 Union Sanitary District  
 Security Level: Email, Account Authentication (None)

DocuSigned by:  
  
 E550CBBC143D4D7...  
 Signature Adoption: Pre-selected Style  
 Using IP Address: 50.227.238.26

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 Signed: 2/15/2023 1:51:36 PM

**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



<b>Carbon Copy Events</b>	<b>Status</b>	<b>Timestamp</b>
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<b>Witness Events</b>	<b>Signature</b>	<b>Timestamp</b>
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<b>Notary Events</b>	<b>Signature</b>	<b>Timestamp</b>
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<b>Envelope Summary Events</b>	<b>Status</b>	<b>Timestamps</b>
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Signing Complete	Security Checked	2/15/2023 1:51:36 PM
Completed	Security Checked	2/19/2023 8:56:21 AM

<b>Payment Events</b>	<b>Status</b>	<b>Timestamps</b>
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<b>Electronic Record and Signature Disclosure</b>
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