

**Directors**

Manny Fernandez  
Tom Handley  
Pat Kite  
Anjali Lathi  
Jennifer Toy



**USD**  
TREAT  
PROTECT  
PRESERVE  
est. 1918  
**TRI-CITY WASTEWATER**

**Officers**

Paul R. Eldredge  
*General Manager/  
District Engineer*  
  
Karen W. Murphy  
*Attorney*

**SPECIAL MEETING  
AGENDA**

**Wednesday, May 29, 2024  
4:00 PM**

**Boardroom  
5072 Benson Road  
Union City, CA 94587**

1. Call to Order

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2. Roll Call

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3. Public Comment – *comments limited to items on the Special Meeting Agenda*

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4. Consider Options to Fill the Board Vacancy for Ward 3 and Provide Direction to Staff

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5. Adjournment – The Board will adjourn to the next Regular Board meeting to be held in the Boardroom on Monday, June 10, 2024, at 4:00 p.m.

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Public Comment is limited to three minutes per individual, with a maximum of 30 minutes per subject. The facilities at the District Offices are wheelchair accessible. Any attendee requiring special accommodations at the meeting should contact the General Manager’s office at (510) 477-7503 at least 24 hours in advance of the meeting.

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**MAY 29, 2024  
BOARD OF DIRECTORS MEETING  
AGENDA ITEM #4**

**TITLE:** Consider Options to Fill the Board Vacancy for Ward 3 and Provide Direction to Staff (*This is a Motion Item*)

**SUBMITTED:** Paul R. Eldredge, General Manager/District Engineer  
Regina McEvoy, Executive Assistant to the General Manager/Board Clerk  
Karen W. Murphy, General Counsel

**Recommendation**

Consider options to fill the vacancy due to the passing of Director Tom Handley and make a motion to pursue one of the following options:

1. Direct staff to prepare a resolution to call an Election.
2. Direct staff to proceed with the appointment process and provide direction on interview dates, the proposed notice, and application.

**Discussion**

Director Tom Handley, representing Ward 3, passed away on May 16, 2024, and there is currently a vacancy on the Board. The Board is being asked to provide direction regarding how the Board would like to fill the vacant seat.

California Health & Safety Code section 6483 provides that vacancies on sanitary district boards be filled in accordance with Government Code section 1780. Section 1780 provides two options to fill a vacancy:

1. Call an election to fill the vacancy.
2. Fill the vacancy by appointment.

The Board must either call an election or fill the seat by appointment within 60 days of the date of the vacancy (May 16, 2024), in this case by July 15, 2024, or the County Board of Supervisors may appoint a person to fill the vacancy or order the District to call an election. (Gov. Code 1780(f).) In order to serve on the Board, a person must be a resident of Ward 3, 18 years of age, and a registered voter.

The two options are described in more detail below.

1. Election

If the Board calls an election (approval of a resolution calling for an election), the election is required to be held on the next regularly established election date that is at least 130 days or more from the date the election is called. (Gov. Code 1780(e)(2).) Elections Code section 1000 establishes that the next regularly established election date that meets this 130-day timeframe for this particular matter would be November 5, 2024.

The estimated cost of a District election on November 5 would be approximately \$4.00 to \$6.00 per registered voter. Last year, there were approximately 181,800 registered voters in Ward 3. Therefore, the estimated cost to the District for placing this matter on the November 2024 election would be between \$727,200 to \$1,090,800. The costs of an election are not currently in the Fiscal Year 2023/24 budget or the draft 2024/25 budget. If an election were called, the District would have a vacancy on the Board until the results of the November 5 election are certified and the newly elected Board member would serve the rest of Director Handley's term.

2. Appointment

Alternatively, the Board could appoint a new Board member. This is the approach that was taken by the District for vacancies that occurred in 2007 and 2011.

If the Board wishes to proceed with appointment, staff recommends the following approach and schedule:

May 29, 2024	Board authorizes appointment process, approves proposed notice and application, and determines interview process.
May 31, 2024	Candidate application period opens.
May 31, 2024	Vacancy notice posted in three locations in the District pursuant to Government Code section 1780(d)(1), and published on District's website, and posted on the District's Facebook page. Staff is proposing the three locations to be USD offices, Fremont City Hall, and the Fremont Library.
June 2024	Vacancy Notice published in the Argus and Tri-City Voice.
June 17, 2024	Applications due by 5:00 pm.
June 25, 26, or 27, 2024 (TBD)	Applicant interviews (as needed).

July 8 and 9 (TBD)	Applicant interviews (as needed).
June 25, 26, or 27, 2024 (TBD)	Appoint Board member.
July 8 and 9 (TBD)	Appoint Board member.
July 15, 2024	The Board must appoint a new Board member by this date. The appointed Board member can be sworn in on this date if the appointment has already been made.

As noted in the schedule above, if the Board wishes to fill the position by appointment, a draft “Notice of Vacancy” and a draft “Application for Appointment to Board of Directors Vacancy” have been prepared and are attached to this staff report for discussion and direction.

According to current state law, all interviews and Board discussion regarding the appointment must be done in an open public meeting such as a Board meeting. However, separate special meetings could be scheduled for each interview.

Staff recommends that the Board discuss scheduling one to five special meetings for the interviews and appointment depending upon the number of applicants. For example, if a smaller number of applications are received, the interviews and discussion could occur at one special meeting. The Board could then discuss and vote on who they would like to appoint at that meeting or a second special meeting. If more applications are received, two or more special meetings to accommodate the number of applications could be scheduled and the Board could discuss and vote on an appointment at the second special meeting or a subsequent special meeting. Staff is requesting Board discussion on potential dates and times that would work for the Board members for the interviews, discussion, and appointment. As noted above, we are recommending the dates of June 25, 26, 27, and July 8 and 9, 2024, as potential special meeting dates.

The appointment would be for the remainder of Director Handley’s term.

**Attachments**

- Notice of Vacancy
- Application for Appointment to Board of Directors Vacancy
- Ward Map

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**NOTICE OF VACANCY**

Effective May 16, 2024, a vacancy occurred on the Board of Directors of the Union Sanitary District in Ward 3.

Ward 3 boundaries are depicted on the attached map, which is essentially the City of Fremont city limits with the exception of the area west of Interstate 880 and north of Highway 84.

Interested persons who are registered voters and reside within the boundaries of Ward 3 may contact the District's Board Clerk at (510) 477-7503 or [reginam@unionsanitary.ca.gov](mailto:reginam@unionsanitary.ca.gov) for an application or for any other information. Information will also be available on the District's website at [www.unionsanitary.ca.gov](http://www.unionsanitary.ca.gov)

The deadline for applications is June 17, 2024, at 5:00 p.m. Interviews will be scheduled for Special Board meeting(s), dates to be determined. The District Board must make an appointment by July 15, 2024, or choose to call a special election.

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## BOARD OF DIRECTORS VACANCY 2024

### APPLICATION FOR APPOINTMENT TO BOARD OF DIRECTORS VACANCY

Please type or print clearly.

Name: _____	Date: _____
Position Applying For: <b>Union Sanitary District Board Director, Ward 3 (see Ward map)</b>	
Are you a registered voter? Yes <input type="checkbox"/> No <input type="checkbox"/> Board Clerk will verify voter registration.	
Are you a resident of Ward 3? Yes <input type="checkbox"/> No <input type="checkbox"/> How long have you lived in Ward 3? _____	
<b>NOTE:</b> This application is a public record and will be included with the applicable Board of Directors materials, posted on the District's website, and made available to the press and public. Personal data will be redacted.	

This application is to fill an unscheduled vacancy on the Union Sanitary District Board of Directors. The term of this seat is from the date of appointment until results of the 2026 Primary Election have been certified. Only Ward 3 registered voters who have submitted a complete application packet by the deadline will be considered for appointment.

When submitting please include:  Application  Responses to Questionnaire

Please email completed application packets to [reginam@unionsanitary.ca.gov](mailto:reginam@unionsanitary.ca.gov)  
or mail to: Board Clerk, Union Sanitary District, 5072 Benson Road, Union City, CA 94587

**A COMPLETED AND SIGNED APPLICATION MUST BE FILED WITH THE BOARD CLERK BY:**

**MONDAY, JUNE 17, 2024, at 5:00 PM**

### **BECOMING A MEMBER OF THE UNION SANITARY DISTRICT BOARD OF DIRECTORS**

**Private Versus Public:** Becoming a candidate for public office means that information about you will become a matter of public record immediately. With a few exceptions, this includes any and all documents submitted to the District during the course of the application period. As such, these documents must, by law, be available to the public for inspection and/or copying. Redacted copies of submitted applications will be available on the District website.

**Interview Process:** Interviews will be scheduled for Special Board meeting(s), dates to be determined. The District Board must make an appointment by July 15, 2024, or choose to call a special election.

**Term of Office for this Unscheduled Vacancy:** The term of this seat will be from the day of appointment until results of the 2026 Primary Election have been certified.

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**BOARD OF DIRECTORS VACANCY 2024**

Please type or print clearly.

PERSONAL DATA			
Name:			
Home Phone:		Cell Phone:	
Email Address:			
Address:		City:	State: Zip:

**Union Sanitary District Board of Directors**

The Union Sanitary District Board of Directors is made up of five members of the community elected by ward in Newark, Union City, and Fremont. Each Director position has a term of four years. Board elections are held biannually with the Primary Election of even numbered years, with the number of open seats being filled alternating between two and three. Board members receive compensation at the rate of \$218.99 per day of service for a maximum of six days per month as well as medical, dental, and vision benefits.

**Duties:**

- Attend Board of Directors meetings.
- Attend special meetings, workshops, committee meetings, and other meetings as scheduled.
- Actively participate and serve on various outside agencies, committees, and commissions.
- Board Members are required, by law, to complete and file a Fair Political Practices Commission (FPPC) [Form 700 Statement of Economic Interests](#) disclosing various financial interests.

**Meetings:**

Regular meetings are held the second and fourth Monday of each month at 4:00 p.m. in the Union Sanitary District Administrative Offices Boardroom, 5072 Benson Road, Union City, California.

More information about the Union Sanitary District Board of Directors can be found on the Union Sanitary District [website](#).

*Civic service is a privilege and responsibility of our citizens. The value and importance of the participation of our citizens cannot be measured. Your interest in serving on the Union Sanitary District Board of Directors is greatly appreciated.*

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**BOARD OF DIRECTORS VACANCY 2024**

**QUESTIONNAIRE FOR BOARD OF DIRECTORS APPOINTMENT APPLICATION**

Please answer the following questions and attach your responses to your application.

1. Please provide a Candidate Statement of Qualifications (250 word maximum).
2. What are the key issues you see facing the District and the communities we serve? Why do you think these are the key issues and what might be the solutions?
3. What is your vision for Union Sanitary District and how would you like it to look in 10 years?
4. Have you ever held a public office? If yes, name the office title, dates of service and describe the duties.
5. Please describe your qualifications, education, and work experience/training that you believe would be relevant in your role as a Board member.
6. What has your previous involvement with the Union Sanitary District been? Please include any service organizations or community engagement you have participated in and what your role was.
7. The Board of Directors regularly meets on the 2nd and 4th Mondays of each month at 4:00 p.m. and has additional special meetings, committee meetings, and workshops. Board members also serve on a number of external committees for outside agency boards. Please describe any time constraints or limitations/obligations that might limit your availability for special meetings or community events.
8. Are you aware of the time commitment and the responsibilities associated with serving as a Board member and are you prepared to serve without reservation? Yes / No
9. Is there anything else you would like to share with the Board?

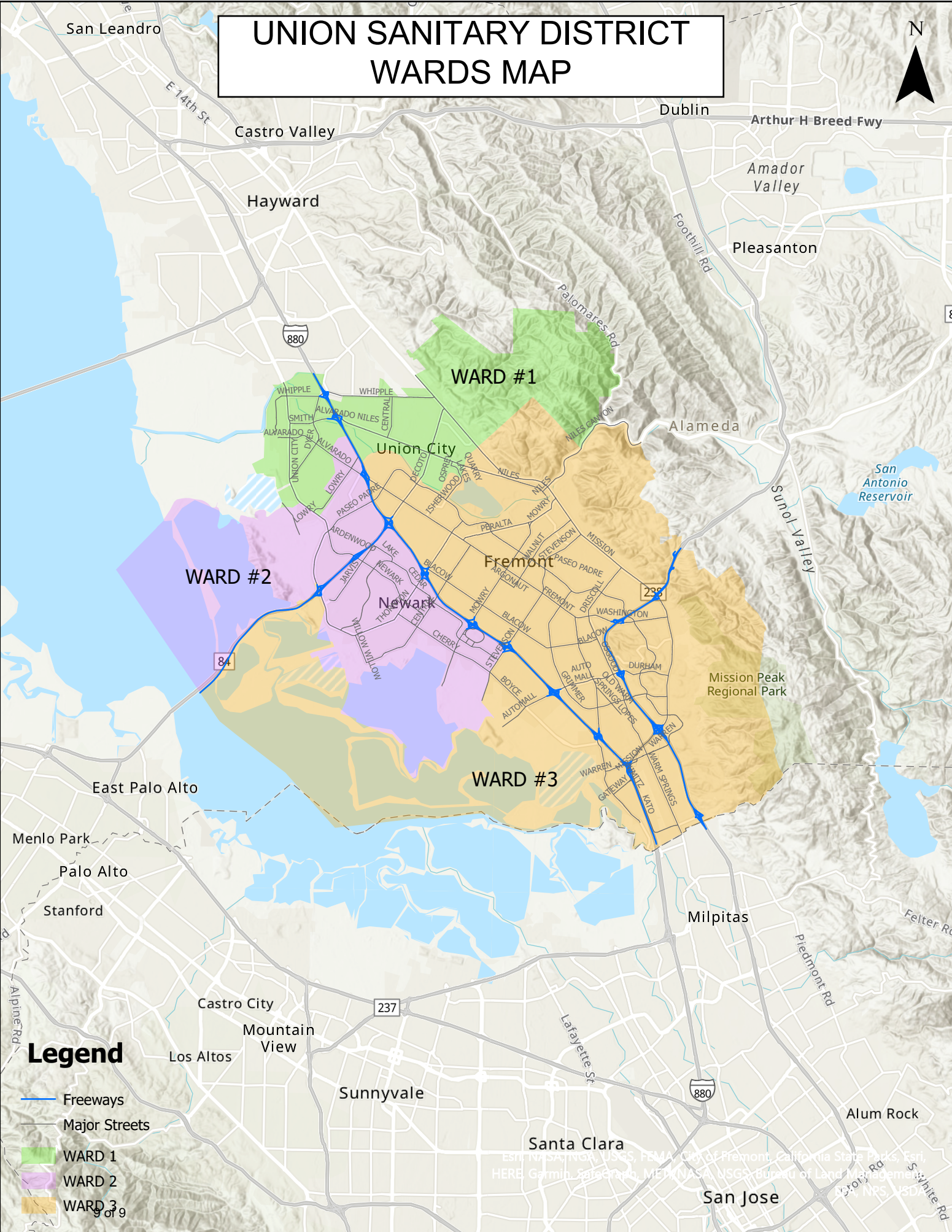
I hereby certify that all statements made in this application are true and complete. I legally reside in Union Sanitary District, Ward 3. I am 18 years of age or older and a registered voter. In compliance with State law, I understand that I will be required to file a Statement of Economic Interests upon appointment to office and annually thereafter. I understand that my application and materials will be considered a public record and thus will be available for public inspection and copying.

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date



# UNION SANITARY DISTRICT WARDS MAP



## Legend

- Freeways
- Major Streets
- WARD #1
- WARD #2
- WARD #3

Esri, NASA, NOAA, USGS, FEMA, City of Fremont, California State Parks, Esri, HERE, Garmin, Swisstopo, Mapbox, Mapbox Data, OpenStreetMap contributors, Swisstopo, NPS, USGS