

**MINUTES OF THE MEETING OF THE
BOARD OF DIRECTORS OF
UNION SANITARY DISTRICT/UNION SANITARY DISTRICT FINANCING
AUTHORITY
May 9, 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
Ric Pipkin, Enhanced Treatment and Site Upgrade Program Manager
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 25, 2022

It was moved by Secretary Fernandez, seconded by Director Handley, to Approve the Minutes of the Board Meeting of April 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 APRIL 28, 2022

It was moved by Vice President Lathi, seconded by Director Toy, to Approve the Minutes of the Special Board Meeting of April 28, 2022. Motion carried with the following vote:

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

WRITTEN COMMUNICATIONS

There were no written communications.

PUBLIC COMMENT

There was no public comment.

ELECTION OF OFFICERS FOR THE BOARD OF DIRECTORS

General Manager Eldredge stated Policy No. 3070, Boardmember Officers and Committee Membership, states the Board shall annually elect by majority vote the President, Vice President, and Secretary. Staff recommended the Board appoint and elect by motion the officers to serve as President, Vice President, and Secretary, in accordance with District Policy No. 3070.

It was moved by Director Handley, seconded by Director Toy, to Elect Director Lathi to Serve as President, Director Fernandez to Serve as Vice President, and Director Toy to Serve as Secretary for Approximately One-year Terms. Motion carried with the following vote:

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

SCHEDULING PUBLIC HEARING TO CONSIDER COLLECTION OF SEWER SERVICE CHARGES ON THE TAX ROLL FOR FISCAL YEAR 2023

This item was reviewed by the Legal/Community Affairs Committee. Business Services Manager/CFO Carlson stated the purpose of this item is for the Board to consider placing the sewer service charges for Fiscal Year 2023 on the tax rolls and set the date for the public hearing to consider authorizing collection. After the Board sets the hearing date, staff will prepare the report to be considered at the public hearing and will publish the required Notice included in the Board meeting packet in the Tri-City Voice and The Argus newspapers. Staff recommended the Board Set the time for holding the public hearing to consider collection of sewer service charges on the tax roll for fiscal year 2023, at 4:00 p.m. or as soon thereafter as the matter may be heard, on June 27, 2022, to be held in the Boardroom at 5072 Benson Road, Union City, California, or via teleconference.

It was moved by Director Toy, seconded by Secretary Fernandez, to Set the Time for Holding the Public Hearing to Consider Collection of Sewer Service Charges on the Tax Roll for Fiscal Year 2023, at 4:00 p.m. or as Soon Thereafter as the Matter May be Heard, on June 27, 2022, to be Held in the Boardroom at 5072 Benson Road, Union City, California, or Via Teleconference. 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 HDR, INC., FOR VALUE ENGINEERING SERVICES FOR THE ENHANCED TREATMENT AND SITE UPGRADE PHASE 1B PROJECT

This item was reviewed by the Engineering and Information Technology Committee. Enhanced Treatment and Site Upgrade (ETSU) Program Manager Pipkin stated the ETSU Phase 1B Project will include construction of secondary clarifiers and effluent facilities. Design for the Project commenced in January 2021 and staff recently received the 90% design submittal. Prior to finalizing the design, staff recommends performing an independent value engineering review of the Phase 1B Project to identify capital and life cycle cost saving opportunities. The effort will include conducting a detailed review of the 90% design documents, a one-week onsite workshop, and presentation and documentation of cost saving opportunities that may be incorporated into the design. In response to a Request for Proposals to seek a qualified consultant to provide value engineering services for the Phase 1B Project, staff received proposals from two firms. Staff is recommending selection of HDR Engineering, Inc. based upon their qualifications, relevant experience, and approach to providing an efficient review process. On April 20, 2022, staff publicly posted and informed proposers of its recommended consultant and the protest period has since elapsed. An Agreement and Task Order No. 1 has been negotiated with HDR to provide the professional services required to complete value engineering review of the Project; the total not to exceed fee for services in Task Order

No. 1 will be \$126,327. Staff recommended the Board authorize the General Manager to execute an Agreement and Task Order No. 1 with HDR Engineering, Inc. for Value Engineering services for the Enhanced Treatment and Site Upgrade (ETSU) Phase 1B Project in the amount of \$126,327.

It was moved by Secretary Fernandez, seconded by Vice President Lathi, to authorize the General Manager to Execute an Agreement and Task Order No. 1 with HDR Engineering, Inc. for Value Engineering Services for the Enhanced Treatment and Site Upgrade (ETSU) Phase 1B Project in the Amount of \$126,327. Motion carried with the following vote:

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

REVIEW AND APPROVE CHANGES TO POLICY NO. 3210, BOARDMEMBER USE OF EMAIL FOR DISTRICT BUSINESS

This item was reviewed by the Legal/Community Affairs Committee. Executive Assistant to the General Manager/Board Clerk McEvoy stated Board Policy No. 3210 provides guidance for Board use of email for District business. Policy No. 3210 is scheduled to be reviewed and approved by the Board every two 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. 3210, Boardmember Use of Email for District Business.

It was moved by Director Toy, seconded by Vice President Lathi, to Approve Policy No. 3210, Boardmember Use of Email for District Business. Motion carried with the following vote:

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

REVIEW AND APPROVE CHANGES TO POLICY NO. 2165, PAPERLESS BOARD AGENDA PACKET AND USE OF ELECTRONIC EQUIPMENT

This item was reviewed by the Legal/Community Affairs Committee. Executive Assistant to the General Manager/Board Clerk McEvoy stated Board Policy No. 2165 defines the acceptable and appropriate use of electronic equipment in conjunction with paperless Board packets. Policy No. 2165 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. 2165, Paperless Board Agenda Packet and Use of Electronic Equipment.

It was moved by Director Handley, seconded by Vice President Lathi, to Approve Policy No. 2165, Paperless Board Agenda Packet and Use of Electronic Equipment. 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 Secretary Fernandez seconded by Director Toy, to Adopt Resolution No. 2965 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. 2965

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, on April 25, 2022, the Board adopted Resolution No. 2964, 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; and

(b) The state of emergency continues to directly impact the ability of the members and the public to meet safely in person; and

(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 May 9, 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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Time Zone: (UTC-08:00) Pacific Time (US & Canada)	5072 Benson Road
	Union City, CA 94587
	Reginam@unionsanitary.ca.gov
	IP Address: 50.227.238.26


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Signer Events	Signature	Timestamp
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INFORMATION ITEMS:

Receive Information Regarding Fees to the Alameda County Water District (ACWD) for the Enhanced Treatment and Site Upgrade Phase 1A Campus Building Project

This item was reviewed by the Budget & Finance Committee. Enhanced Treatment and Site Upgrade Program Manager Pipkin stated the ETSU Phase 1A Campus Building Project will include construction of a campus building that will consolidate the District's existing administration, control/lab, and fabrication, maintenance, and construction (FMC) buildings. ETSU Program construction will require relocation of the ACWD water main and existing ACWD water meters that feed the treatment plant and the separate buildings. Relocation of the ACWD water main and meters will be included in construction of the new Campus Building. Construction of the Campus Building will require relocation of the Plant's existing irrigation and fire services water meters. A new separate service for the occupied buildings (Campus and Field Operations buildings) will be required; the new 3-inch meter for these buildings will have a capacity fee of approximately \$150,000.

The polymer used for dewatering biosolids requires potable water for blending prior to mixing with the biosolids. District staff have begun evaluating if filtering the treatment plant's secondary effluent to a higher level could replace the use of potable water for the dewatering system. If it will not be possible to use treated secondary effluent in lieu of potable water for polymer mixing, staff may need to revisit upgrading the 4-inch water meter to a 6-inch water meter which would incur additional connection fees from ACWD.

ACWD fees for inspection and installation are estimated to be approximately \$200,000. Staff will bring the capacity fee payments to the Board for consideration when nearing the appropriate time to pay the fees, which is estimated to be as early as June 2022. If the 6-inch meter is deemed necessary, staff will bring back a staff report for the Board's consideration.

Board Expenses for 3rd Quarter of Fiscal Year 2022

This item was reviewed by the Budget & Finance Committee. General Manager Eldredge provided an overview of the Board Expenses for the 3rd quarter of Fiscal Year 2022 included in the Board meeting packet.

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 Board Budget Workshop will be held at 4:00 p.m. on Tuesday, May 10, 2022.
- Internal and External Committee Assignments for the Board will be included in the May 23, 2022, Board meeting packet.
- The Campus bid opening has been moved from May 10 to May 24, 2022.
- The District received notification that ETSU Program projects have been submitted by our Federal representatives for consideration by the House and Senate Appropriations Committees.

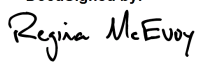
OTHER BUSINESS:

There was no other business.

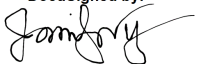
ADJOURNMENT:

The meeting was adjourned at 4:26 p.m. to a Board Workshop to be held virtually on Tuesday, May 10, 2022, at 4:00 p.m.

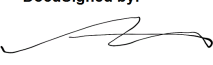
SUBMITTED:

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REGINA McEVOY
BOARD CLERK

ATTEST:

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JENNIFER TOY
SECRETARY

APPROVED:

DocuSigned by:

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ANJALI LATHI
PRESIDENT

Adopted this 23rd day of May 2022

Certificate Of Completion

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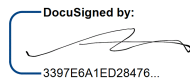
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 Reginam@unionsanitary.ca.gov

Location: DocuSign

Signer Events

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

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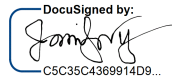
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Jennifer Toy
 jtoy@unionsanitary.ca.gov
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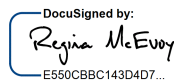
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Regina McEvoy
 reginam@unionsanitary.ca.gov
 Assistant to GM
 Union Sanitary District
 Security Level: Email, Account Authentication (None)

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In Person Signer Events**Signature****Timestamp****Editor Delivery Events****Status****Timestamp****Agent Delivery Events****Status****Timestamp**

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