

**MINUTES OF THE MEETING OF THE
BOARD OF DIRECTORS OF
UNION SANITARY DISTRICT/UNION SANITARY DISTRICT FINANCING
AUTHORITY
June 13, 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
Tom Handley, Director
Pat Kite, Director

ABSENT: Jennifer Toy, Secretary

STAFF: Paul Eldredge, General Manager/District Engineer
Leah Castella, 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
Curtis Bosick, Enhanced Treatment and Site Upgrade Assistant Program Manager
Scott Martin, FMC Mechanical Maintenance Coach
Gus Carrillo, Enhanced Treatment and Site Upgrade Assistant Engineer
Karoline Terrazas, Organizational Performance Manager
Michael Dunning, Environmental Compliance Coach
May Bautista, Treatment & Disposal Administrative Specialist
Trieu Nguyen, IT Administrator
Sharon Anderson, Administrative Specialist
Regina McEvoy, Executive Assistant to the General Manager/Board Clerk

APPROVE MINUTES OF THE UNION SANITARY DISTRICT SPECIAL BOARD MEETING OF MAY 16, 2022

It was moved by Director Fernandez, seconded by Director Lathi, to Approve the Minutes of the Board Meeting of May 16, 2022. Motion carried with the following vote:

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

APPROVE MINUTES OF THE UNION SANITARY DISTRICT BOARD MEETING OF MAY 23, 2022

It was moved by Director Handley, seconded by Director Kite, to Approve the Minutes of the Special Board Meeting of May 23, 2022. Motion carried with the following vote:

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

APPROVE MINUTES OF THE UNION SANITARY DISTRICT SPECIAL BOARD MEETING OF JUNE 1, 2022

It was moved by Director Kite, seconded by Director Fernandez, to Approve the Minutes of the Special Board Meeting of June 1, 2022. Motion carried with the following vote:

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

THIRD QUARTER FISCAL YEAR 2022 DISTRICT-WIDE BALANCED SCORECARD MEASURES

This item was reviewed by the Legal/Community Affairs Committee. Organizational Performance Manager Terrazas provided an overview of the Balanced Scorecard included in the Board meeting packet and responded to Board member questions.

WRITTEN COMMUNICATIONS

There were no written communications.

PUBLIC COMMENT

There was no public comment.

AWARD THE CONSTRUCTION CONTRACT FOR THE ENHANCED TREATMENT AND SITE UPGRADE PROGRAM PHASE 1A CAMPUS BUILDING PROJECT TO ZOVICH CONSTRUCTION

This item was reviewed by the Engineering and Information Technology Committee. Enhanced Treatment and Site Upgrade Assistant Program Manager Bosick stated that Phase 1A consists of the construction of a new Campus Building with related improvements and the Aeration Basin Modification Project (AB Mods Project). The AB Mods Project construction contract was bid and awarded separately from the Campus Building Project due to the timing of the projects and differing type of work required for each. The Campus Building Project was advertised for bids on March 22, 2022. Four bids were received with the apparent low bidder being Zovich Construction. Staff recommended the Board award the construction contract, including Bid Alternates 1A, 1B, and 1C, for the Enhanced Treatment and Site Upgrade Program Phase 1A Campus Building Project to Zovich Construction in the amount of \$76,375,000.00.

It was moved by Director Fernandez, seconded by Director Kite, to Award the Construction Contract for the Enhanced Treatment and Site Upgrade Program Phase 1A Campus Building Project to Zovich Construction. Motion carried with the following vote:

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

AUTHORIZE THE GENERAL MANAGER TO EXECUTE AMENDMENT NO. 2 TO TASK ORDER NO. 2 WITH ENGEO INCORPORATED FOR THE ALAMEDA CREEK-FORCE MAIN CROSSING GEOTECHNICAL INVESTIGATION PROJECT

This item was reviewed by the Engineering and Information Technology Committee. Technical Services Manager Chau stated that the purpose of Amendment No. 2 is to authorize additional geotechnical services for the Alameda Creek-Force Main Crossing Geotechnical Investigation Project for a fee not to exceed \$70,187.00. The amendment is for the additional effort needed to meet the permit unforeseen requirements, and the extra time required due to soil conditions.

It was moved by Director Handley, seconded by Director Kite, to Authorize the General Manager to Execute Amendment No. 2 to Task Order No. 2 with ENGEO Incorporated for the Alameda Creek-Force Main Crossing Geotechnical Investigation Project for an Amount not to exceed \$70,187.00. Motion carried with the following vote:

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

AUTHORIZE THE GENERAL MANAGER TO EXECUTE CONTRACT CHANGE ORDER NO. 3 WITH CLARK CONSTRUCTION GROUP - CALIFORNIA, LP FOR THE STANDBY POWER GENERATION SYSTEM UPGRADE PROJECT

This item was reviewed by the Engineering and Information Technology Committee. Technical Services Manager Chau stated that on November 10, 2020, the District and Cummins Sales and Service (Cummins) executed a Supply Agreement in the amount of \$3,122,090 for supplying the Project's standby power equipment. Cummins anticipated the Supply Agreement would be transferred from the District to Clark by March 2021. However, the Supply Agreement was not transferred until May 2022. The delay was primarily due to the additional time required for the State Water Resources Control Board's (SWRCB's) review of the District's State Revolving Fund (SRF) application and for the District to finalize the SRF loan. Cummins submitted an escalation cost request via Clark for the standby power equipment. Cummins indicated that the escalation cost was a result of raw material shortages and higher than expected inflation. Staff recommended the Board authorize the General Manager to execute Contract Change Order No. 3 with Clark Construction Group – California, LP (Clark) in the amount of \$280,193 for the Standby Power Generation System Upgrade Project (Project).

It was moved by Director Kite, seconded by Director Handley, to Authorize the General Manager to Execute Contract Change Order No. 3 with Clark Construction Group – California, LP for the Standby Power Generation System Upgrade Project in the Amount of \$280,193. Motion carried with the following vote:

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

CONSIDER A RESOLUTION TO ACCEPT THE CONSTRUCTION OF THE EMERGENCY OUTFALL IMPROVEMENTS PROJECT FROM GARNEY PACIFIC, INC.

This item was reviewed by the Engineering and Information Technology Committee. Technical Services Manager Chau stated that on May 10, 2021, the Board awarded the construction contract for the Project to Garney in the amount of \$1,399,700. Staff issued the Notice to Proceed to Garney on June 8, 2021. The 210-day project was scheduled to be completed on January 3, 2022. The Project experienced delays due to differing site conditions which resulted in the replacement of additional outfall pipeline located between the Plant and Old Alameda Creek. Garney completed the Project on January 28, 2022. Staff recommended the Board consider a resolution to accept the construction of the Emergency Outfall Improvements Project (Project) from Garney Pacific, Inc. (Garney) and authorize recordation of a Notice of Completion.

It was moved by Director Fernandez, seconded by Director Kite, to Adopt Resolution No. 2969 to Accept the Construction of the Emergency Outfall Improvements Project from Garney Pacific, Inc. and authorize recordation of a Notice of Completion. Motion carried with the following vote:

AYES: Fernandez, Handley, Kite, Lathi

NOES: None
ABSTAIN: None
ABSENT: Toy

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RESOLUTION NO. 2969

**ACCEPT CONSTRUCTION OF THE EMERGENCY OUTFALL IMPROVEMENTS
PROJECT LOCATED IN THE CITY OF UNION CITY, CALIFORNIA
FROM GARNEY PACIFIC, INC.**

RESOLVED, by the Board of Directors of the UNION SANITARY DISTRICT that it hereby accepts the Emergency Outfall Improvements Project from Garney Pacific, Inc., effective June 13, 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 June 13, 2022:

AYES: Fernandez, Handley, Kite, Lathi

NOES: None

ABSENT: Toy

ABSTAIN: None

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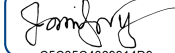


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ANJALI LATHI
President, Board of Directors
Union Sanitary District

Attest:

DocuSigned by:



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JENNIFER TOY
Secretary, Board of Directors
Union Sanitary District

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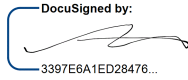
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Signer Events

Anjali Lathi

alathi@unionsanitary.ca.gov

Union Sanitary District

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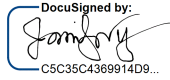
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Jennifer Toy

jtoy@unionsanitary.ca.gov

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**CONSIDER ADOPTION OF A RESOLUTION AUTHORIZING THE USE OF
TELECONFERENCE MEETINGS IN COMPLIANCE WITH AB 361 AND DISCUSS
RETURN TO IN-PERSON MEETINGS**

District Counsel Castella 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. The Board directed staff that Board and Committee meetings will continue to be held via teleconference pursuant to the Board's prior direction. The Board also directed staff to revisit in-person meetings at the July 25, 2022, Board meeting. Staff recommended the Board adopt a resolution authorizing the use of teleconference meetings in compliance with AB 361.

The Board directed staff to prepare a proposal for upgrading the Boardroom to accommodate hybrid meetings to be presented at the July 25, 2022, Board Meeting.

It was moved by Director Handley, seconded by Director Fernandez, to Adopt Resolution No. 2970 Authorizing the Use of Teleconference Meetings in Compliance with AB 361. Motion carried with the following vote:

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

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RESOLUTION NO. 2970

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 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, 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.

On motion duly made and seconded, this resolution was adopted by the following vote on June 13, 2022:


AYES: Fernandez, Handley, Kite, Lathi

NOES: None

ABSENT: Toy

ABSTAIN: None

DocuSigned by:

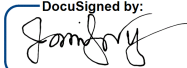


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ANJALI LATHI
President, Board of Directors
Union Sanitary District

Attest:

DocuSigned by:



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JENNIFER TOY
Secretary, Board of Directors
Union Sanitary District

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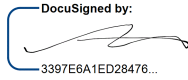
Anjali Lathi

alathi@unionsanitary.ca.gov

Union Sanitary District

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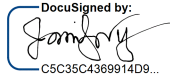
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Jennifer Toy

jtoy@unionsanitary.ca.gov

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INFORMATION ITEMS:

Certificates of Merit to Union Sanitary District's Class I Permitted Industries

This item was reviewed by the Legal/Community Affairs Committee. Environmental Compliance Team Coach Dunning stated the Certificates of Merit presentation is an annual event held to recognize industries that have exceeded the requirements of their wastewater discharge permits during the prior calendar year. The District's advertisement honoring award recipients will be printed in the June 14, 2022, issue of Tri-City Voice and the June 17, 2022, issue of The Argus newspapers.

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

GENERAL MANAGER'S REPORT:

General Manager Eldredge stated the following:

- There are several recruitments in progress: Capital Improvements Coach, Human Resources Manager, Senior Financial Analyst, Capital Improvements Administrative Specialist, (2) Operators, and (1) Fabrication, Maintenance and Construction Mechanic. We will also soon be recruiting for Customer Service Team Coach.
- The results of the SRF Loan for the Enhanced Treatment Site Upgrade program have been pushed out to the end of June, early July.
- The Fremont and Newark State of the City events will both be held on Thursday, June 23, 2022. Newark has a virtual option available.
- The most recent population numbers for the District's service area have decreased by 3.3%, from 356,000 to 345,000.
- The Board was asked to consider establishing an Ad-hoc Committee to review the Quarterly Investment Report. The Board directed staff to present the item at a future meeting for consideration.

OTHER BUSINESS:

There was no other business.

ADJOURNMENT:

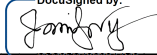
The meeting was adjourned at 5:06 p.m. to the next Regular Board Meeting to be held virtually on Monday, June 27, 2022, at 4:00 p.m.

SUBMITTED:

DocuSigned by:


SHARON ANDERSON
ADMINISTRATIVE SPECIALIST

ATTEST:

DocuSigned by:


JENNIFER TOY
SECRETARY

APPROVED:

DocuSigned by:


ANJALI LATHI
PRESIDENT

Adopted this 27th day of June 2022

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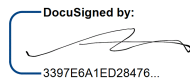
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Signer Events

Anjali Lathi

alathi@unionsanitary.ca.gov

Union Sanitary District

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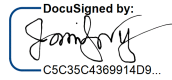
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Jennifer Toy

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Electronic Record and Signature Disclosure:

Accepted: 5/31/2022 9:03:18 PM

ID: 31593a23-154e-4210-9aa2-a45d01651685

Sharon Anderson

sharona@unionsanitary.ca.gov

Security Level: Email, Account Authentication
(None)DocuSigned by:

462DCC66023C466...Signature Adoption: Pre-selected Style
Using IP Address: 50.227.238.26

Sent: 7/6/2022 1:07:16 PM

Viewed: 7/7/2022 8:53:34 AM

Signed: 7/8/2022 11:39:33 AM

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**

Carbon Copy Events	Status	Timestamp
Witness Events	Signature	Timestamp
Notary Events	Signature	Timestamp
Envelope Summary Events	Status	Timestamps
Envelope Sent	Hashed/Encrypted	7/6/2022 1:07:16 PM
Certified Delivered	Security Checked	7/7/2022 8:53:34 AM
Signing Complete	Security Checked	7/8/2022 11:39:33 AM
Completed	Security Checked	7/8/2022 11:39:33 AM
Payment Events	Status	Timestamps
Electronic Record and Signature Disclosure		