

**MINUTES OF THE MEETING OF THE
BOARD OF DIRECTORS OF
UNION SANITARY DISTRICT/UNION SANITARY DISTRICT FINANCING
AUTHORITY
June 27, 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
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
Marcus Lee, Treatment and Disposal Services Coach
Ric Pipkin, Enhanced Treatment and Site Upgrade Program Manager
Trieu Nguyen, IT Administrator
Michelle Powell, Communications and Intergovernmental Relations Coordinator
May Bautista, Administrative Specialist
Regina McEvoy, Executive Assistant to the General Manager/Board Clerk

**APPROVE MINUTES OF THE UNION SANITARY DISTRICT BOARD MEETING OF
JUNE 13, 2022**

It was moved by Vice President Fernandez, seconded by Director Kite, to Approve the Minutes of the Board Meeting of June 13, 2022. Motion carried with the following vote:

AYES: Fernandez, Handley, Kite, Lathi

NOES: None
ABSTAIN: None
ABSENT: Toy

MAY 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.

PUBLIC HEARING TO CONSIDER COLLECTION OF SEWER SERVICE CHARGES ON THE TAX ROLLS FOR FISCAL YEAR 2023 AND ADOPTION OF A RESOLUTION ELECTING TO COLLECT SEWER SERVICE CHARGES ON THE TAX ROLLS

This item was reviewed by the Budget & Finance Committee. Business Services Manager/CFO Carlson stated the Board must hold a public hearing annually to consider and authorize collection of sewer services charges on the tax rolls. The report setting forth sewer service charges to be assessed on each parcel in the District for the 2023 Fiscal Year was prepared by staff and was available for public inspection at the District office. The public hearing notice was published in the Argus newspaper June 17 and June 24, 2022 and was also published in the Tri-City Voice newspaper on June 14 and June 21, 2022. Business Services Manager/CFO Carlson recommended the Board conduct a public hearing to receive written and oral comments on the proposal to collect sewer service charges via the property tax rolls and consider adoption of a resolution electing to collect sewer service charges on the tax rolls.

President Lathi opened the public hearing at 4:11 p.m. and directed staff to allow five minutes for comments to be received from the public.

At 4:16 p.m., Board Clerk McEvoy stated no comments nor protests had been received. President Lathi closed the public hearing.

It was moved by Director Handley, seconded by Vice President Fernandez, to Adopt Resolution No. 2971 Electing to Collect Sewer Service Charges on Tax Rolls for Fiscal Year 2023. Motion carried with the following vote:

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

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RESOLUTION NO. 2971

RESOLUTION OF THE UNION SANITARY DISTRICT BOARD OF DIRECTORS ELECTING TO COLLECT SEWER SERVICE CHARGES ON TAX ROLLS FOR FISCAL YEAR 2023

WHEREAS, the Union Sanitary District ("District") has duly adopted Ordinance No. 31.40 which sets the sewer service charges for fiscal years 2021 through 2025; and

WHEREAS, California Health & Safety Code section 5473 provides that the District may elect to have such sewer service charges collected on the County property tax rolls; and

WHEREAS, the District Board of Directors directed the preparation of a written report on Sewer Service Charges for Collection on Tax Rolls for Fiscal Year 2023 (the "Report"); and

WHEREAS, the Board appointed the time and place of hearing for protests to the Report and notice was given in the manner provided by law as it appears by the Affidavits of Publication on file in the office of the Board Clerk; and

WHEREAS, the District Board of Directors, at its regular meeting of June 27, 2022, held a hearing, where the Board heard and considered all objections or protests, and protests from a majority of owners of separate parcels was not received.

NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:

1. All recitals above are true and incorporated by reference herein.
2. The Board finds that objections to and protests against the Report were not made by the owners of a majority of the separate parcels of property within the District against which sewer service charges for the services and facilities provided by the District were fixed.
3. The Board further finds that all objections to and protests have been heard by this Board and that any objections and protests are hereby overruled.
4. The Report is hereby adopted, and sewer service charges based upon these rates and the sewer service charges for fiscal year 2023 shall be collected on the tax roll of the County of Alameda in the manner provided by law.
5. The Board Clerk is hereby directed to file with the County Auditor of Alameda County, a certified copy of the Report and this Resolution stating that the Report has been adopted by the District Board of Directors.
6. The Auditor Controller of the County of Alameda shall, upon receipt of a copy of the Report showing the amounts of the charges based upon adopted rates, enter the amounts of the charges against the respective lots or parcels as they appear on the current assessment roll for fiscal year 2023.

I hereby certify that the foregoing Resolution was duly and regularly adopted and passed by at least a two-thirds vote of the Board of Directors of the UNION SANITARY DISTRICT, Alameda County, California, at a meeting thereof held on the 27th day of June, 2022.


On motion duly made and seconded, this resolution was adopted by the following vote on June 27, 2022:

AYES: Fernandez, Handley, Kite, Lathi

NOES: None

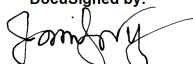
ABSENT: Toy

ABSTAIN: None

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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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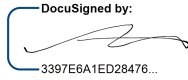
Anjali Lathi

alathi@unionsanitary.ca.gov

Union Sanitary District

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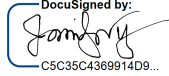
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Jennifer Toy

jtoy@unionsanitary.ca.gov

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CONSIDER APPROVING PROPOSED OPERATING AND CIP BUDGET FOR FISCAL YEAR 2023

This item was reviewed by the Budget & Finance Committee. Business Services Manager/CFO Carlson stated the Proposed Operating and CIP Budget for Fiscal Year 2022 was included in the Board meeting packet. The proposed budget reflects the Board's input and revisions made after the Budget Workshop held May 10, 2022, and the Board meeting held May 23, 2022. Staff recommended the Board review and consider adoption of the Proposed Operating and CIP Budget for Fiscal Year 2022.

It was moved by Director Handley, seconded by Director Kite, to Adopt the Proposed Operating and CIP Budget for Fiscal Year 2023. 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 FY 21 GRAVITY SEWER REHABILITATION/REPLACEMENT PROJECT – PHASE VII FROM CASEY CONSTRUCTION, INC.

This item was reviewed by the Engineering and Information Technology Committee. Technical Services Manager Chau stated the Board awarded the construction contract for the Project to Casey Construction on April 26, 2021. Staff issued the Notice to Proceed to Casey on June 8, 2021, and the project was completed October 22, 2021. Staff recommended the Board consider a resolution to accept the construction of the FY21 Gravity Sewer Rehabilitation/Replacement Project from Casey Construction, Inc. and authorize recordation of a Notice of Completion.

It was moved by Vice President Fernandez, seconded by Director Handley, to Adopt Resolution No. 2972 to Accept Construction of the FY21 Gravity Sewer Rehabilitation Project – Phase VII Located in the City of Fremont, California and the City of Union City, California from Casey Construction, Inc. Motion carried with the following vote:

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

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RESOLUTION NO. 2972

**ACCEPT CONSTRUCTION OF THE
FY21 GRAVITY SEWER REHABILITATION/REPLACEMENT PROJECT –
PHASE VII LOCATED IN THE CITY OF FREMONT, CALIFORNIA AND
THE CITY OF UNION CITY, CALIFORNIA FROM CASEY CONSTRUCTION, INC.**

RESOLVED, by the Board of Directors of the UNION SANITARY DISTRICT that it hereby accepts the FY21 Gravity Sewer Rehabilitation/Replacement Project – Phase VII from Casey Construction, Inc., effective June 27, 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 27, 2022:

AYES: Fernandez, Handley, Kite, Lathi

NOES: None

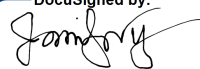
ABSENT: Toy

ABSTAIN: None

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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

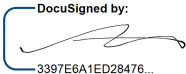
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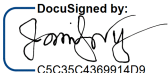
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**CONSIDER ADOPTION OF A RESOLUTION AUTHORIZING THE USE OF
TELECONFERENCE MEETINGS IN COMPLIANCE WITH AB 361**

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 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 Director Handley, to Adopt Resolution No. 2973 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. 2973

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, on June 13, 2022, the Board adopted Resolution No. 2970, 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.

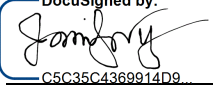
On motion duly made and seconded, this resolution was adopted by the following vote on June 27, 2022:

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

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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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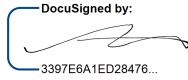
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Signer Events

Anjali Lathi

alathi@unionsanitary.ca.gov

Union Sanitary District

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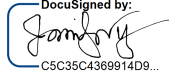
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Jennifer Toy

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INFORMATION ITEMS:

Legislative Update on Issues of Interest to the Board

This item was reviewed by the Legislative Committee. General Manager Eldredge provided an overview of the legislative report and responded to Boardmember questions.

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, Engineering and Information Technology, and Legislative Committees met.

GENERAL MANAGER'S REPORT:

- The District has been notified that the status of its State Revolving Fund (SRF) application is still pending and expects a determination to be made in late July or early August.
- Staff will reach out to the Board to schedule a Newsletter Board Workshop to be held in late July and the annual General Manager's Check-in Board Workshop to be held the second week of August.

OTHER BUSINESS:

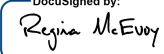
There was no other business.

ADJOURNMENT:

The meeting was adjourned at 4:51 p.m. to the next Regular Board Meeting to be held virtually on Monday, July 11, 2022, at 4:00 p.m.

SUBMITTED:

ATTEST:

DocuSigned by:

E050C5B8C143D4B7...
REGINA McEVOY
BOARD CLERK

DocuSigned by:

C5C35C4509914B9...
JENNIFER TOY
SECRETARY

APPROVED:

DocuSigned by:

3357E6A1ED20476...
ANJALI LATHI
PRESIDENT

Adopted this 11th day of July 2022

Certificate Of Completion

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Sharon Anderson

5072 Benson Road

Union City, CA 94587

sharona@unionsanitary.ca.gov

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sharona@unionsanitary.ca.gov

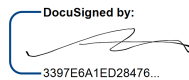
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Signer Events

Anjali Lathi

alathi@unionsanitary.ca.gov

Union Sanitary District

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

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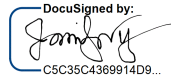
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Jennifer Toy

jtoy@unionsanitary.ca.gov

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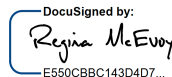
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Regina McEvoy

Reginam@unionsanitary.ca.gov

Assistant to GM

Union Sanitary District

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Witness Events	Signature	Timestamp
Notary Events	Signature	Timestamp
Envelope Summary Events	Status	Timestamps
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Completed	Security Checked	7/13/2022 11:15:11 AM
Payment Events	Status	Timestamps
Electronic Record and Signature Disclosure		