

**MINUTES OF THE MEETING OF THE
BOARD OF DIRECTORS OF
UNION SANITARY DISTRICT/UNION SANITARY DISTRICT FINANCING
AUTHORITY
October 10, 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
Jennifer Toy, Secretary
Tom Handley, Director

ABSENT: 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
Raymond Chau, Technical Services Manager
Allan Briggs, Interim Customer Service Team Coach
Chris Pachmayer, FMC Electrical & Technology Coach
Matthew Lubina, Collection Services MTV Coach
Gus Carrillo, Enhanced Treatment and Site Upgrade Assistant Engineer
Ric Pipkin, Enhanced Treatment and Site Upgrade Program Manager
Michelle Powell, Communications and Intergovernmental Relations Coordinator
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 BOARD MEETING OF SEPTEMBER 26, 2022

It was moved by Director Handley, seconded by Secretary Toy, to Approve the Minutes of the Board Meeting of September 26, 2022. Motion carried with the following vote:

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

WRITTEN COMMUNICATIONS

There were no written communications.

PUBLIC COMMENT

There was no public comment.

REVIEW AND CONSIDER PROPOSED CHANGES TO ORDINANCE 36.04 RELATING TO ENVIRONMENTAL COMPLIANCE ADMINISTRATIVE FINES UNDER CERTAIN CIRCUMSTANCES

This item was reviewed by the Legal/Community Affairs Committee. Environmental Compliance Team Coach Dunning presented a desk item incorporating proposed language edits to Ordinance 36.04. During a previous meeting, the Board directed staff to submit draft language revisions that would give staff flexibility to waive or reduce fines under certain circumstances. Staff was directed to submit Ordinance 36.04 with proposed edits to the Regional Board before resubmitting to the USD Board for formal consideration.

It was moved by Director Handley, seconded by Vice President Fernandez, to Approve Proposed Edits to Ordinance No. 36.04, Sewer Use Ordinance, and Directed Staff to Present the Proposed Edits to the Regional Water Quality Control Board for Review and Consideration. Motion carried with the following vote:

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

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. Technical Services Manager Chau 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 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 by a four-fifths vote. Staff recommended the Board adopt a motion by a four-fifths vote declaring a continuance of emergency and authorizing continued repair of the two sewer lines in the City of Fremont.

It was moved by Vice President Fernandez, seconded by Secretary Toy, to Adopt a Motion by a Four-Fifths Vote Declaring a Continuance of Emergency and Authorizing Continued Repair of the Two Sewer Lines in the City of Fremont Damaged by Fiber Optic Line Installation. Motion carried with the following vote:

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

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 Vice President Fernandez, to Adopt Resolution No. 2985 Authorizing the Use of Teleconference Meetings in Compliance with AB 361. Motion carried with the following vote:

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

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RESOLUTION NO. 2985

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, 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, on March 4, 2020, Governor Newsom issued a Proclamation of a State of Emergency in response to COVID-19, which remains in effect; and

WHEREAS, the Board has adopted resolutions authorizing the use of teleconference meetings in compliance with AB 361 since October 25, 2021; 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 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. Pursuant to the requirements of Government Code Section 54953(e)(3), the District Board makes the following findings:

(a) The state of emergency continues to exist;

(b) The District Board has considered the circumstances of the continuing state of emergency;

(c) Holding meetings in person will present imminent risks to the health and safety of attendees; and

(d) The District Board will continue to meet by teleconference in accordance with Government Code section 54953(e).

3. The aforementioned findings apply to all committees and subcommittees of the District which are classified as legislative bodies pursuant to Government Code Section 54952.

4. The District Board will reconsider at least 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.

5. 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.

6. This Resolution shall take effect immediately upon its adoption.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the Board of Directors on this 10th day of October, 2022.

AYES: Fernandez, Handley, Lathi, Toy

NOES: None

ABSENT: Kite

ABSTAIN: None

DocuSigned by:



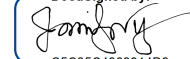
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ANJALI LATHI

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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sharona@unionsanitary.ca.gov

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sharona@unionsanitary.ca.gov

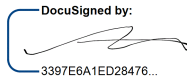
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Anjali Lathi

alathi@unionsanitary.ca.gov

Union Sanitary District

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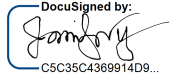
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Jennifer Toy

jtoy@unionsanitary.ca.gov

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INFORMATION ITEMS:

Update on Fats, Oils, and Grease (FOG) Public Outreach Campaign

This item was reviewed by the Legal/Community Affairs Committee. Communications and Intergovernmental Relations Coordinator Powell stated staff incorporated the new USD Tri-City Wastewater logo and updated the color palette of the existing FOG ads that will be published in the Argus and Tri-City Voice newspapers during the upcoming holiday season.

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:

- The General Manager will present at the Fremont Rotary Club meeting on Wednesday, October 19, 2022.
- The General Manager's recent presentation at the Newark Rotary Club meeting was well received; discussion included reclaimed water, PFAS, and how USD rates compare to other wastewater agencies.
- The State Water Resources Control Board meeting held October 3, 2022, included a discussion regarding adding projects to the SRF funding list.
- USD will participate in a Verily and Stanford Wastewater monitoring program that will test for COVID-19 and other pathogens present in wastewater. One sample from each drainage basin will be taken twice a week for a total of 6 samples per week. The program will be funded through January 21, 2024.
- The General Manager provided a general overview of new Brown Act legislation AB 2449. This does not replace AB 361; remote meetings are still allowed under AB 361. Additional detail will be provided during the next legislative update to be presented to the Board in December. The December legislative report will include the results of the November election.
- A Board Closed Session will be held October 13, 2022.

OTHER BUSINESS:


There was no other business.

ADJOURNMENT:


The meeting was adjourned at 4:29 p.m. to a Special Board Meeting to be held virtually on Thursday, October 13, 2022, at 4:00 p.m.

Signatures on next page


SUBMITTED:

DocuSigned by:

462DCC66023C466
SHARON ANDERSON
ADMINISTRATIVE SPECIALIST

ATTEST:

DocuSigned by:

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JENNIFER TOY
SECRETARY

APPROVED:

DocuSigned by:

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ANJALI LATHI
PRESIDENT

Adopted this 24th day of October 2022

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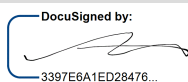
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alathi@unionsanitary.ca.gov

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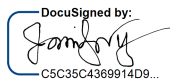
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jtoy@unionsanitary.ca.gov

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Sharon Anderson

sharona@unionsanitary.ca.gov

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