

**MINUTES OF THE MEETING OF THE
BOARD OF DIRECTORS OF
UNION SANITARY DISTRICT/UNION SANITARY DISTRICT FINANCING
AUTHORITY
November 14, 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 (arrived at 4:05 p.m.)

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 Rodriguez, Collection Services Manager
Raymond Chau, Technical Services Manager
Scott Martin, FMC Electrical & Technology Coach
Ric Pipkin, Enhanced Treatment and Site Upgrade Program Manager
Alisa Gordon, Human Resources Manager
Trieu Nguyen, IT Administrator
May Bautista, Administrative Specialist
Regina McEvoy, Executive Assistant to the General Manager/Board Clerk

VISITORS: Monique Spyke, PFM Asset Management
Christian Townes, Lance, Soll & Lunghard, LLP Certified Public Accountants

APPROVE MINUTES OF THE UNION SANITARY DISTRICT BOARD MEETING OF OCTOBER 24, 2022

It was moved by Director Handley, seconded by Vice President Fernandez, to Approve the Minutes of the Board Meeting of October 24, 2022. Motion carried with the following vote:

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

APPROVE MINUTES OF THE UNION SANITARY DISTRICT SPECIAL BOARD MEETING OF OCTOBER 25, 2022

It was moved by Vice President Fernandez, seconded by Secretary Toy, to Approve the Minutes of the Special Board Meeting of October 25, 2022. Motion carried with the following vote:

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

FISCAL YEAR 2023 FIRST QUARTER MANAGED INVESTMENT PORTFOLIO REPORT FROM PFM

This item was reviewed by the Investment/Portfolio Ad Hoc. General Manager Eldredge and Business Services Manager/CFO Carlson introduced PFM Managing Director Spyke who presented the item.

WRITTEN COMMUNICATIONS

There were no written communications.

PUBLIC COMMENT

There was no public comment.

RECEIVE PRESENTATION OF THE FISCAL YEAR 2021/22 ANNUAL COMPREHENSIVE FINANCIAL REPORT (ACFR) AND DIRECT STAFF TO FILE THE ACFR

This item was reviewed by the Audit Committee. Business Services Manager/CFO Carlson introduced Christian Townes with Lance, Soll and Lunghard, LLP, Certified Public Accountants, who presented an overview of the report and responded to Board questions. Staff recommended the Board direct staff to file the Fiscal Year 2021/22 Annual Comprehensive Financial Report.

It was moved by Vice President Fernandez, seconded by Secretary Toy, to Receive and File the Fiscal Year 2021/22 Annual Comprehensive Financial Report. Motion carried with the following vote:

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

**CONSIDER SIXTH AMENDED AND RESTATED EMPLOYMENT AGREEMENT
BETWEEN UNION SANITARY DISTRICT AND PAUL R. ELDREDGE AND PUBLICLY
AVAILABLE PAY SCHEDULE FOR UNCLASSIFIED STAFF**

District Counsel Murphy stated the Board appointed an ad hoc subcommittee of President Lathi and Vice President Fernandez to negotiate any contract amendments with Mr. Eldredge. The Board of Director conducted Mr. Eldredge's 2022 annual performance evaluation and the Board met with its designated ad hoc subcommittee on October 13 and 25, 2022. The following amendments were agreed upon: an increase to the General Manager's salary to \$320,836.14, or approximately 3.5%; an increase to the General Manager's deferred compensation contribution by 0.5% for a total annual contribution of \$15,912.93; a one-time payment of \$8,500, which will not be subject to PERS; and an increase in General Manager's annual vacation time from 160 to 210 hours per year. Staff recommended the Board approve the Sixth Amended and Restated Employment Agreement between Union Sanitary District and Paul R. Eldredge.

It was moved by Director Handley, seconded by Vice President Fernandez, to Approve the Sixth Amended and Restated Employment Agreement and Approve the Publicly Available Pay Schedule for Unclassified Staff. Motion carried with the following vote:

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

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**Union Sanitary District
Unclassified Employees Salary Schedule
Effective September 1, 2022**

Position Title	Minimum Bi-Weekly Pay Rate	Maximum Bi-Weekly Pay Rate
Accounting and Financial Analyst I	\$3,689.02	\$4,841.85
Accounting and Financial Analyst II	\$4,165.80	\$5,467.61
Assistant Engineer	\$4,458.43	\$5,851.68
Assistant Engineer - Limited Term	\$4,458.43	\$5,851.68
Associate Engineer	\$5,002.12	\$6,565.28
Buyer I	\$3,424.84	\$4,495.10
Buyer II	\$3,805.38	\$4,994.56
Coach, Capital Improvement Projects	\$6,598.26	\$8,660.21
Coach, Collection Services	\$5,329.67	\$6,995.20
Coach, Customer Service	\$6,598.26	\$8,660.21
Coach, Electrical & Technology	\$6,217.36	\$8,160.29
Coach, Environmental Compliance	\$5,669.92	\$7,441.77
Coach, Finance & Acquisition Services	\$6,109.96	\$8,019.32
Coach, Mechanical Maintenance	\$5,293.76	\$6,948.06
Coach, Research & Support/Principal Engineer	\$6,598.26	\$8,660.21
Coach, Wastewater Plant Operations	\$5,345.93	\$7,016.54
Coach, Wastewater Plant Operations - Limited Term	\$5,345.93	\$7,016.54
Enhanced Treatment Site Upgrade Assistant Program Manager - Limited Term	\$5,592.93	\$7,340.72
Enhanced Treatment Site Upgrade Program Manager - Limited Term	\$6,425.98	\$8,434.10
Environmental Health and Safety Specialist	\$4,093.45	\$5,372.65
Environmental Program Coordinator	\$5,129.93	\$6,733.03
Executive Assistant to the General Manager/Board Clerk	\$4,017.69	\$5,273.22
General Manager	\$9,401.79	\$12,339.85
Human Resources Manager	\$6,099.47	\$8,005.56
Information Technology Administrator	\$5,921.30	\$7,771.70



**Union Sanitary District
Unclassified Employees Salary Schedule
Effective September 1, 2022**

Position Title	Minimum Bi-Weekly Pay Rate	Maximum Bi-Weekly Pay Rate
Information Technology Analyst	\$3,936.84	\$5,167.10
Junior Engineer	\$4,012.58	\$5,266.52
Junior Engineer - Limited Duration	\$4,012.58	\$5,266.52
Manager, Business Services / Chief Financial Officer	\$8,274.47	\$10,860.24
Manager, Collection Services	\$7,379.92	\$9,686.14
Manager, Maintenance and Technology Services	\$7,596.97	\$9,971.02
Manager, Technical Services	\$7,936.42	\$10,416.56
Manager, Treatment & Disposal Services	\$7,235.21	\$9,496.21
Organizational Performance Coordinator II	\$4,305.44	\$5,650.89
Organizational Performance Manager	\$4,972.78	\$6,526.77
Purchasing Agent	\$4,625.56	\$6,071.04
Senior Accounting and Financial Analyst	\$4,404.14	\$5,780.44
Senior GIS/Database Administrator/Developer	\$5,023.31	\$6,593.09
Senior Human Resources Analyst	\$4,892.40	\$6,421.27
Senior Information Technology Analyst	\$4,374.27	\$5,741.23
Senior Network Administrator	\$4,893.61	\$6,422.86
Senior Engineer/Senior Process Engineer	\$5,315.87	\$6,977.08

Board of Directors: Directors meet or serve in their official capacity 3 – 12 times per month with a maximum of six paid meetings/month at a rate of \$212.10 per meeting and are paid for a maximum of one meeting per day.

Approved by:

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President, Board of Directors

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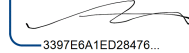
Anjali Lathi

alathi@unionsanitary.ca.gov

Union Sanitary District

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Alisa Gordon

alisag@unionsanitary.ca.gov

HR Manager

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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. Collection Services Manager Rodrigues 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 expeditious 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 presented a desk item showing the updated traffic plan that replaced the traffic plan originally included in the Board meeting packet. 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 Director Kite, to Adopt a Motion by a Four-Fifths Vote Declaring a Continuance of Emergency and Authorizing Continued Repair of Two Sewer Lines in the City of Fremont Damaged by Fiber Optic Line Installation. Motion carried with the following vote:

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

CONSIDER APPROVAL OF FIVE-YEAR CONTRACTS FOR SCADA LICENSING AND TECHNICAL SUPPORT WITH GE DIGITAL

This item was reviewed by the Engineering and Information Technology Committee. Information Technology Administrator Nguyen stated the District has been using SCADA software from GE Digital for over 20 years. The GE Digital suite of SCADA software used by the District includes: IFix, Historian, IGS Drivers, and Operations Hub. GE Digital announced that starting in 2023, the annual increase for licensing and support contracts will be tied to the Consumer Price Index (CPI). GE Digital announced the increase for 2023 will be 9.5% and they are anticipating the average increase for the next five years will be 6%. GE Digital has provided the option for a 5-year contract at increases of 3% per year. SCADA upgrades are done every five years, District staff plan to upgrade to the latest GE Digital SCADA applications in the coming months. Staff recommended the Board approve two 5-year contract totaling \$167,894.08 for SCADA software licensing and technical support with GE Digital, a breakdown of the contracts would be as follows: a change order in the amount of \$131, 095.11 to extend the current one year licensing and support sontract for IFix, Historian, and Industrial Gateway Server; and a five-year contract for \$36,798.97 for the licensing and support of Operations Hub.

It was moved by Directory Handley, seconded by Director Kite, to Approve the Following Contracts for SCADA Software Licensing and Technical Support with GE Digital: a Change Order in the Amount of \$131,095.11 to Extend the Current One Year Licensing and Support Contract for IFix, Historian, and Industrial Gateway Server; and a Five-Year

Contract for \$36,798.97 for the Licensing and Support of Operations Hub. Motion carried with the following vote:

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

AWARD THE CONTRACT FOR THE PURCHASE OF NEWARK PUMP STATION/IRVINGTON PUMP STATION PORTABLE VARIABLE FREQUENCY DRIVE FROM TELSTAR INSTRUMENTS

This item was reviewed by the Engineering and Information Technology Committee. Technical Services Manager Chau stated the Irvington Pump Station and Newark Pump Station pumps and Variable Frequency Drive's (VFD's) are 15 to 20 years old and approaching the end of their useful service life. The pumps are scheduled to be replaced in four years and the VFD's have are scheduled to be replaced in seven years. Staff have had difficulty procuring replacement parts for the VFD's as they are no longer supported by their manufacturers; therefore, staff recommends purchase of portable VFD's that would be compatible for use at either pump station. In response to an Invitation for Bid (IFB), staff received three bids and Telstar Instruments was the apparent low bidder with a total bid amount of \$214,400. Upon further review, staff noted bid irregularities with the bids submitted by Telstar and MCC Controls. Staff determined the irregularity made both bids non-responsive. The IFB was reissued for the Project, there was no change in the bid results and Telstar remained the apparent low bidder with a total bid amount of \$214,400. All bids received exceeded the Engineer's Estimate of \$150,000, staff believe this was due to inflation, supply constraints, and delays associated with all materials and equipment as other District projects have experienced similar issues. Staff recommended the Board award the contract for the purchase of Newark Pump Station/Irvington Pump Station Portable Variable Frequency Drive from Telstar Instruments in the amount of \$214,400.

It was moved by Director Kite, seconded by Director Handley, to Award the Contract for the Purchase of Newark Pump Station/Irvington Pump Station Portable Variable Frequency Drive from Telstar Instruments in the amount of \$214,400. Motion carried with the following vote:

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

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 Vice President Fernandez, seconded by Secretary Toy, to Adopt Resolution No. 2987 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. 2987

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.

On motion duly made and seconded, this resolution was adopted by the following vote on November 14, 2022:

AYES: Fernandez, Handley, Kite, Lathi, Toy

NOES: None

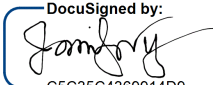
ABSENT: None

ABSTAIN: None

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ANJALI LATHI
President, Board of Directors
Union Sanitary District

Attest:

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JENNIFER TOY
Secretary, Board of Directors
Union Sanitary District

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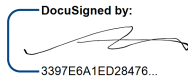
Anjali Lathi

alathi@unionsanitary.ca.gov

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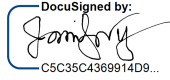
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Jennifer Toy

jtoy@unionsanitary.ca.gov

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INFORMATION ITEMS:

Provide Direction Regarding Board Education and Training Budget and Policy No. 3045

General Manager Eldredge introduced the item and requested the Board provide direction regarding next steps.

The Board directed staff to prepare revisions to Board Education and Training Budget Policy No. 3045 and bring the proposed revisions to a future meeting for Board consideration.

Provide Direction Regarding Process for Scheduling Board Workshops

Board Clerk McEvoy presented the item and requested the Board provide direction regarding the process for scheduling future Board workshops.

The Board directed staff to schedule future Board workshops on the first and third Monday's of the month and to notify the Board three to four weeks in advance.

REPORT ON THE EAST BAY DISCHARGER'S AUTHORITY MEETING OF SEPTEMBER 15, 2022

President Lathi provided an overview of the EBDA meeting minutes included in the Board meeting packet.

Check Register

There were no questions regarding the check register.

COMMITTEE MEETING REPORTS:

The Audit, Engineering and Information Technology, and Investment/Portfolio Ad Hoc Committees met.

GENERAL MANAGER'S REPORT:

- The second Board meeting in November has been canceled.
- The Enhanced Treatment and Site Upgrade Financing Board Workshop will be held November 15, 2022.
- District staff will attend an Alameda County Water District (ACWD) Board Workshop that will include a presentation on the recent ACWD reclaimed water study.
- General Manager Eldredge will be traveling November 23, 2022.
- Staff will consider moving the District's 2021A Bonds from LAIF to CAMP in an effort to earn an additional \$1.03 million over the next 15 months.

OTHER BUSINESS:


There was no other business.

ADJOURNMENT:


The meeting was adjourned at 5:10 p.m. to a Special Board Meeting to be held virtually on Tuesday, November 15, 2022, at 4:00 p.m.

The Board will then adjourn to the next Regular Board Meeting to be held virtually on Monday, December 12, 2022, at 4:00 p.m.


SUBMITTED:

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REGINA McEvoy
BOARD CLERK

ATTEST:

DocuSigned by:

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JENNIFER TOY
SECRETARY

APPROVED:

DocuSigned by:

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ANJALI LATHI
PRESIDENT

Adopted this 12th day of December 2022

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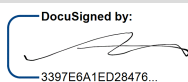
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Signer Events

Anjali Lathi

alathi@unionsanitary.ca.gov

Union Sanitary District

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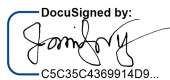
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Jennifer Toy

jtoy@unionsanitary.ca.gov

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Electronic Record and Signature Disclosure:

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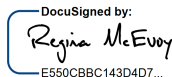
ID: 31593a23-154e-4210-9aa2-a45d01651685

Regina McEvoy

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Assistant to GM

Union Sanitary District

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

E550CBBC143D4D7...Signature Adoption: Pre-selected Style
Using IP Address: 50.227.238.26

Sent: 12/13/2022 10:19:18 AM

Viewed: 12/13/2022 10:19:30 AM

Signed: 12/13/2022 10:19:34 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	12/13/2022 10:19:18 AM
Certified Delivered	Security Checked	12/13/2022 10:19:30 AM
Signing Complete	Security Checked	12/13/2022 10:19:34 AM
Completed	Security Checked	12/19/2022 9:47:49 AM
Payment Events	Status	Timestamps
Electronic Record and Signature Disclosure		