MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS OF UNION SANITARY DISTRICT/UNION SANITARY DISTRICT FINANCING AUTHORITY June 28, 2021

Consistent with Executive Orders No. N-08-21 from the Executive Department of the State
of California, and Alameda County Health Officer Order No. 21-01a, the Monday,
June 28, 2021, Regular Board 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 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 Sami Ghossain, Technical Services Manager James Schofield, Collection Services Manager

Armando Lopez, Treatment and Disposal Services Manager

Chris Pachmayer, Fabrication Construction and Maintenance Coach

Shawn Nesgis, Collection Services Coach

Curtis Bosick, Enhanced Treatment and Site Upgrade Assistant Program Manager

Regina McEvoy, Executive Assistant to the General Manager/Board Clerk

<u>APPROVE MINUTES OF THE UNION SANITARY DISTRICT BOARD MEETING OF JUNE 14, 2021</u>

It was moved by Director Handley, seconded by Secretary Fernandez, to Approve the Minutes of the Board Meeting of June 14, 2021. 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 JUNE 16, 2021

It was moved by Vice President Lathi, seconded by Director Handley, to Approve the Minutes of the Special Board Meeting of June 16, 2021. Motion carried with the following vote:

AYES: Fernandez, Handley, Kite, Lathi, Toy

NOES: None ABSTAIN: None ABSENT: None

MAY 2021 MONTHLY OPERATIONS REPORT

This item was reviewed by the Budget & Finance and Legal/Community Affairs Committees. General Manager Eldredge provided an overview of the Odor Report and Work Group Reports, and Business Services Manager/CFO Carlson reviewed the financial reports included in the Board meeting packet.

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 2022 AND ADOPTION OF A RESOLUTION ELECTING TO COLLECT SEWER SERVICE CHARGES ON THE TAX ROLLS

This item was reviewed by the Budget & Finance Committee. General Manager Eldredge 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 2022 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 18 and 25, 2021, and was also published in the Tri-City Voice newspaper on June 15 and 22, 2021. 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 Kite opened the public hearing at 4:08 p.m. and directed staff to allow five minutes for comments to be received from the public.

At 4:13, p.m., Board Clerk McEvoy stated no comments nor protests had been received. President Kite closed the public hearing.

It was moved by Director Handley, seconded by Vice President Lathi, to Adopt Resolution No. 2924 Electing to Collect Sewer Service Charges on Tax Rolls for Fiscal Year 2022. Motion carried with the following vote:

AYES: Fernandez, Handley, Kite, Lathi, Toy

NOES: None ABSTAIN: None ABSENT: None

RESOLUTION OF THE UNION SANITARY DISTRICT BOARD OF DIRECTORS ELECTING TO COLLECT SEWER SERVICE CHARGES ON TAX ROLLS FOR FISCAL YEAR 2022

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 2022 (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 28, 2021, 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.
- 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 2022 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 Auditory 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 2022.

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 28th day of June, 2021.

AYES: Fernandez, Handley, Kite, Lathi, Toy

NOES: None

ABSENT: None

ABSTAIN: None

— DocuSigned by:

Pat kite —7EFEODB9E7E0480

PAT KITE

President, Board of Directors Union Sanitary District

Attest:

- DocuSigned by:

Manny Fernandez

77BEF9EB02EB471..

MANNY FERNANDEZ Secretary, Board of Directors Union Sanitary District

DocuSign

Certificate Of Completion

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tials: 0 Regina McEvoy 5072 Benson Road Union City, CA 94587

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Status: Completed

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Pat Kite Sent: 7/1/2021

Pat Kite
pkite@unionsanitary.ca.gov

Pat Lite
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Security Level: Email, Account Authentication

(None)

Signature Adoption: Pre-selected Style

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Electronic Record and Signature Disclosure: Accepted: 6/15/2021 9:39:12 AM

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Manny Fernandez mfernandez@unionsanitary.ca.gov

Security Level: Email, Account Authentication

(None)

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<u>CONSIDER APPROVING PROPOSED OPERATING AND CIP BUDGET FOR FISCAL</u> YEAR 2022

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 11, 2021 and the Board meeting held May 24, 2021. Staff recommended the Board review and consider adoption of the Proposed Operating and CIP Budget for Fiscal Year 2022.

It was moved by Secretary Fernandez, seconded by Vice President Lathi, to Adopt the Proposed Operating and CIP Budget for Fiscal Year 2022. Motion carried with the following vote:

AYES: Fernandez, Handley, Kite, Lathi, Toy

NOES: None ABSTAIN: None ABSENT: None

CONSIDER CLAIM FILED BY CLASSIC 36304 NEWARK BOULEVARD, LP (AN AFFILIATE OF CLASSIC COMMUNITITES) IN THE AMOUNT OF \$31,728.41, FOR ROAD DAMAGE

District Counsel Murphy stated Classic 36304 Newark Boulevard, LP (an affiliate of Classic Communities) submitted a claim against the District on March 23, 2021, for damage to a paved road. On November 11, 2020, the claimant's contractor pumped a slurry/grout mix into the sewer line, consistent with the District's standards for abandonment. The Claimant alleged the District failed to maintain the line and further alleged this caused damage to the paved road. Staff stated there was no evidence the District failed to maintain the line. The permit issued to the claimant includes an indemnity provision which relieves the District from any liability for "the construction undertaken and the improvements constructed pursuant to the Permit". By accepting the Permit, the claimant agreed to indemnify and hold the District harmless against all claims. Staff recommended the Board reject the claim filed by Classic 36304 Newark Boulevard, LP, an affiliate of Classic Communities.

It was moved by Director Handley, seconded by Secretary Fernandez, to Reject the Claim Filed by Classic 36304 Newark Boulevard, LP, an Affiliate of Classic Communities. Motion carried with the following vote:

AYES: Fernandez, Handley, Kite, Lathi, Toy

NOES: None ABSTAIN: None ABSENT: None

CONSIDER A RESOLUTION TO ACCEPT SANITARY SEWER EASMENTS FOR TRACT 8265, 8374, AND 8403 – WARM SPRINGS TOD VILLAGE PHASES 1, 2, AND 3, LOCATED AT WARM SPRINGS BOULEVARD AND SOUTH GRIMMER BOULEVARD IN THE CITY OF FREMONT

This item was reviewed by the Legal/Community Affairs Committee. Technical Services Manager Ghossain stated a desk item had been prepared for this item. The desk item was added to the Board meeting packet online. Technical Services Manager Ghossain stated Toll CA XX, LP, will construct a residential development for Tracts 8265, 8374, and 8403, located at the southeast corner of the intersection of Warm Springs Boulevard and South Grimmer Boulevard in Fremont. The roadways within Tract 8374 and 8403 and some of the roadways within Tract 8265 have been designated by the City of Fremont as private. Toll CA XX, LP, constructed the new sewer mains and granted the District sanitary sewer easements that provide for access and maintenance of the new sewer mains. Staff recommended the Board consider a resolution to accept sanitary sewer easements for Tracts 8265, 8374, and 8403 – Warm Springs TOD Village Phases 1, 2, and 3, located at Warm Springs Boulevard and South Grimmer Boulevard, in the City of Fremont.

It was moved by Vice President Lathi, seconded by Director Handley, to Adopt Resolution No. 2925 Accepting Sanitary Sewer Easements for Tracts 8265, 8374, and 8403 – Warm Springs TOD Village Phases 1, 2, and 3, Located at Warm Springs Boulevard and South Grimmer Boulevard in the City of Fremont, California. Motion carried with the following vote:

AYES: Fernandez, Handley, Kite, Lathi, Toy

NOES: None ABSTAIN: None ABSENT: None

ACCEPT SANITARY SEWER EASEMENTS FOR TRACTS 8265, 8374 AND 8403 – WARM SPRINGS TOD VILLAGE PHASES 1, 2 AND 3, LOCATED AT WARM SPRINGS BOULEVARD AND SOUTH GRIMMER BOULEVARD, IN THE CITY OF FREMONT, CALIFORNIA

RESOLVED by the Board of Directors of UNION SANITARY DISTRICT, that it hereby accepts the Grant of Easement from Toll CA XX, LP., executed on August 17, 2016, as described in the Grant of Easement for Sanitary Sewer Purposes, and by the legal description and plat map, attached as Exhibit A and B, respectively.

FURTHER RESOLVED by the Board of Directors of UNION SANITARY DISTRICT that it hereby authorizes the General Manager/District Engineer, or his designee, to attend to the recordation thereof.

On motion duly made and seconded, this resolution was adopted by the following vote on June 28, 2021:

AYES: Fernandez, Handley, Kite, Lathi, Toy

NOES: None

ABSENT: None

ABSTAIN: None

--- DocuSigned by:

Pat kite —7EFEODB9E7E0480

PAT KITE

President, Board of Directors Union Sanitary District

Attest:

-DocuSigned by:

MANNY FERNANDEZ

Secretary, Board of Directors

Union Sanitary District

DocuSign

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Subject: USD Requests you Please DocuSign: TR8265_TR8374_TR8403_GoE_2_revised Reso2925.pdf

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Union City, CA 94587

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Manny Fernandez

mfernandez@unionsanitary.ca.gov Security Level: Email, Account Authentication

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Payment Events	Status	Timestamps
Electronic Record and Signature Disclosure		

CONSIDER A RESOLUTION TO ACCEPT A SANITARY SEWER EASEMENT FOR TRACT 8418 - SANCTUARY VILLAGE 2, LOCATED AT CHERRY STREET AND STEVENSON BOULEVARD, IN THE CITY OF NEWARK

This item was reviewed by the Legal/Community Affairs Committee. Technical Services Manager Ghossain stated Tract 8418 is a residential development constructed by Arroyo Cap III, LLC. The roadways within Tract 8418 have been designated as private by the City of Newark. Arroyo Cap III, LLC, constructed the new sewer mains and granted the District a sanitary sewer easement that provides for access and maintenance of the new sewer mains. Staff recommended the Board consider a resolution to accept a sanitary sewer easement for Tract 8418 – Sanctuary Village 2, located at the southwest corner of Cherry Street and Stevenson Boulevard, in the City of Newark.

It was moved by Director Handley, seconded by Secretary Fernandez, to Adopt Resolution No. 2926, Accepting a Sanitary Sewer Easement for Tract 8418 – Sanctuary Village 2, Located at Cherry Street and Stevenson Boulevard, in the City of Newark, California. Motion carried with the following vote:

AYES: Fernandez, Handley, Kite, Lathi, Toy

NOES: None ABSTAIN: None ABSENT: None

ACCEPT A SANITARY SEWER EASEMENT FOR TRACT 8418 – SANCTUARY VILLAGE 2, LOCATED AT CHERRY STREET AND STEVENSON BOULEVARD, IN THE CITY OF NEWARK, CALIFORNIA

RESOLVED by the Board of Directors of UNION SANITARY DISTRICT, that it hereby accepts the Grant of Easement from ARROYO CAP III, LLC, executed on October 17, 2018, as described in the Grant of Easement for Sanitary Sewer Purposes, and by the legal description and plat map, attached as Exhibit A and B, respectively.

FURTHER RESOLVED by the Board of Directors of UNION SANITARY DISTRICT that it hereby authorizes the General Manager/District Engineer, or his designee, to attend to the recordation thereof.

On motion duly made and seconded, this resolution was adopted by the following vote on June 28, 2021:

AYES: Fernandez, Handley, Kite, Lathi, Toy

NOES: None

ABSENT: None

ABSTAIN: None

Pat kite

DocuSigned by:

7EFE0DB9E7E0480..

PAT KITE

President, Board of Directors Union Sanitary District

Attest:

—DocuSigned by: Manny Furnandes

MANNY FERNANDEZ

Secretary, Board of Directors

Union Sanitary District

Certificate Of Completion

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pkite@unionsanitary.ca.gov Security Level: Email, Account Authentication

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Pat kite

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Manny Fernandez

mfernandez@unionsanitary.ca.gov

Security Level: Email, Account Authentication

(None)

Manny Fernandes 77BEF9EB02EB471.

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Payment Events	Status	Timestamps
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CONSIDER A RESOLUTION TO ACCEPT A SANITARY SEWER EASEMENT FOR TRACT 8330 – HOBBS PHASE 3, LOCATED AT MISSION BOULEVARD AND VINHA WAY, IN THE CITY OF FREMONT

This item was reviewed by the Legal/Community Affairs Committee. Technical Services Manager Ghossain stated Tract 8330 is a residential development constructed by Robson Homes, LLC. Some of the roadways within Tract 8330 have been designated as private by the City of Fremont. Robson Homes, LLC, constructed new sewer mains within the private streets and granted the District a sanitary sewer easement that provides for access and maintenance of the new sewer mains. Staff recommended the Board consider a resolution to accept a sanitary sewer easement for Tract 8330 – Hobbs Phase 3, located at Mission Boulevard and Vinha Way, in the City of Fremont.

It was moved by Director Toy, seconded by Director Handley, to Adopt Resolution No. 2927 Accepting a Sanitary Sewer Easement for Tract 8330 – Hobbs Phase 3, Located at Mission Boulevard and Vinha Way, in the City of Fremont, California. Motion carried with the following vote:

AYES: Fernandez, Handley, Kite, Lathi, Toy

NOES: None ABSTAIN: None ABSENT: None

ACCEPT A SANITARY SEWER EASEMENT FOR TRACT 8330 – HOBBS PHASE 3, LOCATED AT MISSION BOULEVARD AND VINHA WAY, IN THE CITY OF FREMONT, CALIFORNIA

RESOLVED by the Board of Directors of UNION SANITARY DISTRICT, that it hereby accepts the Grant of Easement from ROBSON HOMES, LLC, executed on December 8, 2017, as described in the Grant of Easement for Sanitary Sewer Purposes, and by the legal description and plat map, attached as Exhibit A and B, respectively.

FURTHER RESOLVED by the Board of Directors of UNION SANITARY DISTRICT that it hereby authorizes the General Manager/District Engineer, or his designee, to attend to the recordation thereof

On motion duly made and seconded, this resolution was adopted by the following vote on June 28, 2021:

AYES: Fernandez, Handley, Kite, Lathi, Toy

NOES: None

ABSENT: None

ABSTAIN: None

DocuSigned by:

PAT KITE

President, Board of Directors Union Sanitary District

Attest:

—Docusigned by:

Manny Fernander

MANNY FERNANDEZ

Secretary, Board of Directors Union Sanitary District

DocuSign

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Pat Kite pkite@unionsanitary.ca.gov

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Signature

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Manny Fernandez

mfernandez@unionsanitary.ca.gov

Security Level: Email, Account Authentication

(None)

Manny Fernandez

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CONSIDER AUTHORIZING PAYMENT FOR CITY OF FREMONT 2019 PAVEMENT REHABILITATION PROJECT (PWC) 8234-S

This item was reviewed by the Budget & Finance Committee. Collection Services Coach Nesgis stated the City of Fremont meets with District staff annually to review paving project for the upcoming year. The City presents approved project costs that include an estimate for necessary adjustment of District manholes during pavement projects. The City of Fremont's 2018/19 paving contract included adjustment of 79 manholes. The majority of the work was completed during Fiscal Year 2019, but the punchlist was not completed until sometime in 2020. Invoicing for the project was delayed by the COVID-19 pandemic. The expense was included in the District's Fiscal Year 2021 budget but was not included on the projects over \$100,000 list and requires Board approval due to the dollar amount. Staff recommended the Board authorize payment for the City of Fremont 2019 Pavement Rehabilitation Project 8234-S.

It was moved by Secretary Fernandez, seconded by Director Toy, to Authorize \$121,660 Payment of City of Fremont 2019 Pavement Rehabilitation Project 8234-S. Motion carried with the following vote:

AYES: Fernandez, Handley, Kite, Lathi, Toy

NOES: None ABSTAIN: None ABSENT: None

INFORMATION ITEMS:

COVID-19 Update

General Manager Eldredge provided an update regarding COVID-19 impacts on District operations and coordination efforts.

Check Register

Staff responded to Boardmember questions regarding the check register.

COMMITTEE MEETING REPORTS:

The Budget & Finance and Legal/Community Affairs Committees met.

GENERAL MANAGER'S REPORT:

General Manager Eldredge stated the following:

- The deadline to register for the California Association of Sanitation Agencies (CASA) Conference will be July 20.
- Staff will schedule two Board workshops to be held during the month of July.
- The District received a Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association.
- The District also received an Excellence in Management Platinum recognition award from the National Association of Clean Water Agencies.

OTHER BUSINESS:

There was no other business.

ADJOURNMENT:

The meeting was adjourned at 4:40 p.m. to the next Regular Board Meeting to be held virtually at 4:00 p.m. on Monday, July 12, 2021.

SUBMITTED:	ATTEST:
DocuSigned by: Regina McEvoy E550CBBC143D4D7	Docusigned by: Manny Fernander 77BEF9EB02EB471
REGINA McEVOY	MANNY FERNANDEZ
BOARD CLERK	SECRETARY
APPROVED: DocuSigned by:	
Pat kute	
PAT KITE	
PRESIDENT	

Adopted this 12th day of July 2021

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Reginam@unionsanitary.ca.gov IP Address: 50.227.238.26

Record Tracking

Status: Original

7/13/2021 2:58:43 PM

Holder: Regina McEvoy

Reginam@unionsanitary.ca.gov

Location: DocuSign

Signer Events

Signature

DocuSigned by:

pkite@unionsanitary.ca.gov Security Level: Email, Account Authentication

(None)

Pat Kite

Pat kite 7EFE0DB9E7E0480..

Signature Adoption: Pre-selected Style Using IP Address: 162.226.175.223

Timestamp

Sent: 7/13/2021 3:00:15 PM Viewed: 7/13/2021 3:50:56 PM Signed: 7/13/2021 3:51:32 PM

Electronic Record and Signature Disclosure:

Accepted: 6/15/2021 9:39:12 AM

ID: 5cf6ae95-401b-4ad5-843c-b10c48dadde5

Manny Fernandez

mfernandez@unionsanitary.ca.gov

Security Level: Email, Account Authentication

(None)

Manny Fernandes

77BEF9EB02EB471.

Signature Adoption: Pre-selected Style

Using IP Address: 162.236.9.252

Sent: 7/13/2021 3:51:33 PM Viewed: 7/14/2021 12:04:20 PM Signed: 7/14/2021 12:04:33 PM

Electronic Record and Signature Disclosure:

Accepted: 6/16/2021 3:29:21 PM

ID: 1b89aaae-07d4-4f57-8bb2-9efc6b722b9c

Regina McEvoy

Reginam@unionsanitary.ca.gov

Assistant to GM

Union Sanitary District

Security Level: Email, Account Authentication

(None)

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

Sent: 7/14/2021 12:04:35 PM Viewed: 7/27/2021 1:45:53 PM Signed: 7/27/2021 1:45:56 PM

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	7/13/2021 3:00:15 PM
Certified Delivered	Security Checked	7/27/2021 1:45:53 PM
Signing Complete	Security Checked	7/27/2021 1:45:56 PM
Completed	Security Checked	7/27/2021 1:45:56 PM
Payment Events	Status	Timestamps
Electronic Record and Signature Disclosure		