

**MINUTES OF THE MEETING OF THE
BOARD OF DIRECTORS OF
UNION SANITARY DISTRICT/UNION SANITARY DISTRICT FINANCING
AUTHORITY
January 24, 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 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
Armando Lopez, Treatment and Disposal Services Manager
Jose Rodrigues, Collection Services Manager
Robert Simonich, Fabrication, Maintenance, and Construction Manager
Raymond Chau, Interim Technical Services Manager
Ric Pipkin, Enhanced Treatment and Site Upgrade Program Manager
Allan Briggs, Interim Capital Improvements Projects Team Coach
May Bautista, Administrative Specialist
Regina McEvoy, Executive Assistant to the General Manager/Board Clerk

VISITORS: Mitch Barker, Public Agency Retirement Services
Alice Johnson, League of Women Voters

**APPROVE MINUTES OF THE UNION SANITARY DISTRICT BOARD MEETING OF
JANUARY 10, 2022**

It was moved by Vice President Lathi, seconded by Secretary Fernandez, to Approve the Minutes of the Board Meeting of January 10, 2022. 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 JANUARY 12, 2022

It was moved by Director Handley, seconded by Director Toy, to Approve the Minutes of the Special Board Meeting of January 12, 2022. Motion carried with the following vote:

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

DECEMBER 2021 MONTHLY OPERATIONS REPORT

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.

GENERAL DISTRICT ELECTION

- A) **CONSIDER A RESOLUTION ORDERING, CALLING, PROVIDING FOR, AND GIVING NOTICE OF A GENERAL ELECTION TO BE HELD IN UNION SANITARY DISTRICT, ALAMEDA COUNTY, CALIFORNIA, ON TUESDAY, JUNE 7, 2022, FOR THE PURPOSE OF ELECTING TWO DIRECTORS**
- B) **CONSIDER A RESOLUTION ORDERING THE CONSOLIDATION OF THE UNION SANITARY DISTRICT GENERAL ELECTION ON JUNE 7, 2022, WITH THE STATEWIDE DIRECT PRIMARY ELECTION TO BE HELD ON JUNE 7, 2022, AND REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF ALAMEDA TO CONSOLIDATE THE GENERAL DISTRICT ELECTION WITH THE STATEWIDE DIRECT PRIMARY ELECTION TO BE HELD ON JUNE 7, 2022**

This item was reviewed by the Personnel Committee. District Counsel Murphy stated Alameda County will conduct its statewide direct primary election on June 7, 2022. The filing period for candidates for two District Board of Directors positions will run from February 14, 2022 to March 11, 2022. Staff prepared two resolutions for the Board's consideration. Once the resolutions have been adopted a notice of consolidation must be filed with the Registrar of Voters. Staff recommended the Board adopt a resolution ordering, calling, providing for, and giving notice of a general election to be held in Union Sanitary District, Alameda County, California on Tuesday June 7, 2022, for the purpose of electing two Directors; and adopt a resolution ordering the consolidation of the Union Sanitary District general election on June 7, 2022, with the statewide direct primary

election to be held on June 7, 2022, and requesting the Board of Supervisors of the County of Alameda to consolidate the general District election with the statewide direct primary election to be held on said date; and authorize staff to notify the Register of Voters of the District's intention to consolidate election.

It was moved by Director Handley, seconded by Director Toy, to Adopt Resolution No. 2949 Ordering, Calling, Providing For, and Giving Notice of a General Election to be Held in Union Sanitary District, Alameda County, California, on June 7, 2022, For the Purpose of Electing Two Directors and Adopt Resolution No. 2950 Ordering the Consolidation of the Union Sanitary District General Election on June 7, 2022, with the Statewide Direct Primary Election to be Held on June 7, 2022, and Requesting the Board of Supervisors of the County of Alameda to Consolidate the General District Election with the Stateside Direct Primary Election to be Held on June 7, 2022. Motion carried with the following vote:

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

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RESOLUTION NO. 2949

**RESOLUTION ORDERING, CALLING, PROVIDING FOR, AND GIVING
NOTICE OF A GENERAL ELECTION TO BE HELD IN UNION SANITARY
DISTRICT, ALAMEDA COUNTY, CALIFORNIA, ON JUNE 7, 2022,
FOR THE PURPOSE OF ELECTING TWO DIRECTORS**

BE IT RESOLVED AND ORDERED BY THE BOARD OF DIRECTORS OF
UNION SANITARY DISTRICT, Alameda County, California, as follows:

SECTION 1: That an election be, is hereby ordered and called to be held; and,

NOTICE IS HEREBY GIVEN

that the election will be held in UNION SANITARY DISTRICT, Alameda County, California, on Tuesday, June 7, 2022, at the time for the holding of the Statewide Direct Primary Election provided for by Elections Code Sections 1000(d) and 1201, State of California, for the purpose of electing:

TWO DIRECTORS, WARD 3; FREMONT

to hold office for the term prescribed by law and until the election and qualifications of their successors. Terms of office are for four years.

SECTION 2: The election hereby called and ordered to be held in the District, including the nomination of candidates and the election of Directors and all matters pertaining thereto shall be held and conducted and the results ascertained, determined, and declared in accordance with the applicable provisions of the Health and Safety Code and Elections Code and substantially as herein prescribed and in all other respects as nearly as practicable in conformity to the general election laws of the State of California.

SECTION 3: Two Directors shall be elected from Ward 3, as defined in Union Sanitary District Ordinance No. 33, at the election, for the term prescribed by law. The Directors shall be residents and registered voters of UNION SANITARY DISTRICT and from the geographical area of the Ward each candidate seeks to represent. The ballot shall contain the names of the persons nominated for the office of Director of UNION SANITARY DISTRICT. Candidates shall declare their candidacy; election returns shall be canvassed; the election shall be held and conducted; the results shall be declared; and the certificates of election shall be issued in the same manner as the Declaration of Candidacy, election, canvassing of returns, declaration of results, and issuance of Certificates of Election for County Officers are made, declared, held, conducted, and issued consistent with the provisions of the Elections Code of California and California Health and Safety Code Section 6580.1.

SECTION 4: The election provided for herein is ordered consolidated in accordance with law, with the Statewide Direct Primary Election provided for by Elections Code Sections 1000(d) and 1201 to be held in the County of Alameda and in the territory of the UNION SANITARY DISTRICT on June 7, 2022; and the Board of Supervisors of Alameda County is authorized to cause the canvass of the returns of the

District election and certify the results of the canvass to the Board of Directors of UNION SANITARY DISTRICT; and such election within the area of the District shall be held in all respects as if there were only one election; and only one form of ballot shall be used thereat; and the election precincts, polling places, and voting booths shall in every case be the same; and there shall be only one set of election officers in each of the precincts, and they shall be those selected and designated by the Board of Supervisors of Alameda County, California, for the Statewide Direct Primary Election.

SECTION 5: Official petitions for eligible candidates desiring to file for each office may be obtained from the office of the Registrar of Voters. Appointment to each elective office will be made as prescribed by California Elections Code Section 10515 in the event there are no nominees for any specific seat or seats and a petition for an election is not filed within the time prescribed by Elections Code Section 10515. In the event of a tie vote, the tie shall be resolved by lot.

SECTION 6: At the next regular meeting of the Board of Directors of UNION SANITARY DISTRICT held after the receipt of the returns of the canvass by the Board of Supervisors of Alameda County, California, the Board of Directors shall determine the results of the election and shall provide a statement of the results of the election as ascertained by the canvass, giving the total votes cast for each candidate for office of Director voted upon at the election.

On motion duly made and seconded, this resolution was adopted by the following vote on January 24, 2022:


AYES: Fernandez, Handley, Kite, Lathi, Toy


NOES: None

ABSENT: None

ABSTAIN: None

Attest:

DocuSigned by:

77BEE9EB02EB471...
MANNY FERNANDEZ
Secretary, Board of Directors
Union Sanitary District

DocuSigned by:

7EEF0DB9E7E0480
PAT KITE
President, Board of Directors
Union Sanitary District

Certificate Of Completion

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Source Envelope:

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Signatures: 2

Certificate Pages: 5

Initials: 0

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Regina McEvoy
5072 Benson Road
Union City, CA 94587
Reginam@unionsanitary.ca.gov
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Record Tracking

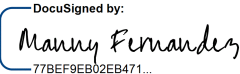
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Reginam@unionsanitary.ca.gov

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Manny Fernandez
mfernandez@unionsanitary.ca.gov
Security Level: Email, Account Authentication (None)

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Signature Adoption: Pre-selected Style
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Electronic Record and Signature Disclosure:

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Pat Kite
pkite@unionsanitary.ca.gov
Security Level: Email, Account Authentication (None)

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Signature Adoption: Pre-selected Style
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Witness Events	Signature	Timestamp
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Notary Events	Signature	Timestamp
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Payment Events	Status	Timestamps
Electronic Record and Signature Disclosure		

RESOLUTION NO. 2950

RESOLUTION ORDERING THE CONSOLIDATION OF THE UNION SANITARY DISTRICT GENERAL ELECTION ON JUNE 7, 2022, WITH THE STATEWIDE DIRECT PRIMARY ELECTION TO BE HELD ON JUNE 7, 2022, AND REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF ALAMEDA TO CONSOLIDATE THE GENERAL DISTRICT ELECTION WITH THE STATEWIDE DIRECT PRIMARY ELECTION TO BE HELD ON JUNE 7, 2022

WHEREAS, the Board of Directors of the UNION SANITARY DISTRICT of Alameda County, State of California, has called a General District Election to be held in said District on June 7, 2022, for the purpose of electing a successor for each of the two (2) members whose terms are about to expire; and

WHEREAS, the Board of Directors of UNION SANITARY DISTRICT has declared its intention that all General District Elections for the election of Directors be consolidated with and held on the same date as the Statewide Direct Primary Election is to be held in accordance with Section 6580.1 of the Health and Safety Code of the State of California.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Union Sanitary District as follows:

1. That the General District Election to be held on June 7, 2022, in the UNION SANITARY DISTRICT, of Alameda County, shall be and the same hereby is consolidated with the Statewide Direct Primary Election to be held on that date.

2. Pursuant to the provisions of Elections Code Section 10400 *et seq.* of the State of California, the Board of Directors of the UNION SANITARY DISTRICT hereby requests the Board of Supervisors of Alameda County, California, to consolidate, in accordance with the law, the General District Election ordered and called to be held on June 7, 2022, with the Statewide Direct Primary Election to be held on June 7, 2022, as provided by Elections Code, Sections 1000(d) and 1201 and Section 6580.1 of the Health and Safety Code of California.

3. Any candidate filing a candidate's statement of qualifications pursuant to California Elections Code Section 13307 shall pay the actual prorated costs of printing and handling said candidate's statement as provided therein. Such payment is to be made in advance to the Registrar of Voters. The candidate's statement shall contain no more than 200 words. Candidates will not be permitted to submit other materials to be sent with the sample ballot and voter's pamphlet.

On motion duly made and seconded, this resolution was adopted by the following vote on January 24, 2022:

AYES: Fernandez, Handley, Kite, Lathi, Toy

NOES: None

ABSENT: None

ABSTAIN: None

DocuSigned by:

Pat Kite

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PAT KITE

President, Board of Directors
Union Sanitary District

Attest:

DocuSigned by:

Manny Fernandez

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MANNY FERNANDEZ

Secretary, Board of Directors
Union Sanitary District

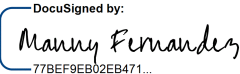
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	Union City, CA 94587
	Reginam@unionsanitary.ca.gov
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Record Tracking

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Envelope Summary Events	Status	Timestamps
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**CONSIDER A RESOLUTION TO ACCEPT THE CONSTRUCTION OF THE
HEADWORKS SCREENS REPLACEMENT PROJECT FROM KIEWIT
INFRASTRUCTURE WEST COMPANY**

This item was reviewed by the Engineering and Information Technology Committee. Interim Technical Services Manager Chau stated staff issued the Notice to Proceed to Kiewit on October 11, 2019, and the project was initially scheduled to be completed by November 5, 2020. Kiewit successfully completed installation of the three mechanical screens and two debris/screenings trash compactors by October 30, 2020. Staff then initiated a contract change order to replace the debris capture rack system from 3/8 inch to 1/4 inch spacing on Mechanical Screen No. 1 to match the other two mechanical screens. Procurement and installation of the 1/4 inch rack system was impacted by shipping and scheduling delays. Kiewit completed installation and reached substantial completion of the Project on October 13, 2021. Staff recommended the Board consider a resolution to accept the construction of the Headworks Screens Replacement Project from Kiewit Infrastructure West Co. and authorize recordation of a Notice of Completion.

It was moved by Secretary Fernandez, seconded by Director Toy, to Adopt Resolution No. 2951 Accepting Construction of the Headworks Screens Replacement Project Located in the City of Union City, California from Kiewit Infrastructure West Co. Motion carried with the following vote:

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

####

RESOLUTION NO. 2951

**ACCEPT CONSTRUCTION OF THE HEADWORKS SCREENS REPLACEMENT
PROJECT LOCATED IN THE CITY OF UNION CITY, CALIFORNIA
FROM KIEWIT INFRASTRUCTURE WEST CO.**

RESOLVED, by the Board of Directors of the UNION SANITARY DISTRICT that it hereby accepts the Headworks Screens Replacement Project from Kiewit Infrastructure West Co., effective January 24, 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 January 24, 2022:

AYES: Fernandez, Handley, Kite, Lathi, Toy

NOES: None

ABSENT: None

ABSTAIN: None

DocuSigned by:

Pat Kite

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PAT KITE

President, Board of Directors
Union Sanitary District

Attest:

DocuSigned by:

Manny Fernandez

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MANNY FERNANDEZ

Secretary, Board of Directors
Union Sanitary District

Certificate Of Completion

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Signer Events

Manny Fernandez

mfernandez@unionsanitary.ca.gov

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Manny Fernandez

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Pat Kite

pkite@unionsanitary.ca.gov

Security Level: Email, Account Authentication (None)

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Agent Delivery Events

Intermediary Delivery Events

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1/25/2022 12:48:46 PM

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Payment Events	Status	Timestamps
Electronic Record and Signature Disclosure		

AUTHORIZE THE GENERAL MANAGER TO EXECUTE AN AGREEMENT AND TASK ORDER NO. 1 WITH CAROLLO ENGINEERS, INC. FOR THE PRIMARY DIGESTER NO. 8 FEASIBILITY STUDY

This item was reviewed by the Engineering and Information Technology Committee. Interim Technical Services Manager Chau stated the purpose of Task Order No. 1 is to authorize Carollo to evaluate the economic and non-economic feasibility of constructing a new Primary Digester No. 8 at the location of Primary Digesters No. 1 through 3, or at another location within the Plant. A summary of the evaluation to be performed and a breakdown of the task order were included in the Board meeting packet. Staff recommended the Board authorize the General Manager to execute an agreement and Task Order No. 1 with Carollo Engineers, Inc. in the amount of \$110,739 for the Primary Digester No. 8 Feasibility Study.

It was moved by Director Handley, seconded by Director Toy, to Authorize the General Manager to Execute an Agreement and Task Order No. 1 with Carollo Engineers, Inc. in the Amount of \$110,739 for the Primary Digester No. 8 Feasibility Study. Motion carried with the following vote:

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

CONSIDER A RESOLUTION ESTABLISHING A 115 TRUST TO BE ADMINISTERED BY PUBLIC AGENCY RETIREMENT SERVICES (PARS)

This item was reviewed by the Budget & Finance Committee. Business Services Manager/CFO Carlson stated the District contracts with CalPERS for its employees' pension services. The District's annual pension costs are comprised of two components, the normal cost (the dollar amount required to fund the current program and employees) and the Unfunded Accrued Liability (UAL – the unfunded portion of pension costs from prior years). The Board directed staff to explore options to manage the UAL and normal pension costs. Staff's recommendation included establishment of a 115 Pension Trust that could only be utilized for pension related expenses, including the UAL. In response to a Request for Proposals (RFP), staff received proposals from CalPERS, PARS, and PFM Asset Management. Based upon scoring in the areas of the firm's qualifications, experience, reputation, proposed fees, and projected investment returns, staff recommended the Board award the contract for pension trust administration services to PARS. Staff recommended the Board consider and adopt a resolution establishing a 115 Pension Trust to be administered by Public Agency Retirement Services (PARS).

It was moved by Director Toy, seconded by Vice President Lathi, to Adopt Resolution No. 2952 Establishing a 115 Pension Trust to be Administered by Public Agency Retirement Services (PARS). Motion carried with the following vote:

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

RESOLUTION NO. 2952

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE UNION SANITARY DISTRICT ESTABLISHING A 115 PENSION TRUST TO BE ADMINISTERED BY PUBLIC AGENCY RETIREMENT SERVICES (PARS)

WHEREAS, the Union Sanitary District's ("District") pension plan, funded by CalPERS, has an Unfunded Accrued Liability (UAL); and

WHEREAS, the District's held several workshops to discuss pension costs and options available to address these ongoing annual expenses; and

WHEREAS, establishing a 115 Pension Trust provides certain opportunities to reduce long term debts and interest costs to the District; and

WHEREAS, an RFP was conducted by the District for Trust administration services, through which PARS provided the most advantageous proposal to the Districts benefit; and

WHEREAS, PARS has made available the PARS Public Agencies Post-Employment Benefits Trust (the "Program") for the purpose of pre-funding pension obligations and/or OPEB obligations; and

WHEREAS, the Union Sanitary District ("District") is eligible to participate in the Program, a tax-exempt trust performing an essential governmental function within the meaning of Section 115 of the Internal Revenue Code, as amended, and the Regulations issued there under, and is a tax-exempt trust under the relevant statutory provisions of the State of California; and

WHEREAS, the District's adoption and operation of the Program has no effect on any current or former employee's entitlement to post-employment benefits; and

WHEREAS, the terms and conditions of post-employment benefit entitlement, if any, are governed by contracts separate from and independent of the Program; and

WHEREAS, the District's funding of the Program does not, and is not intended to, create any new vested right to any benefit nor strengthen any existing vested right; and

WHEREAS, the District reserves the right to make contributions, if any, to the Program.

NOW, THEREFORE, BE IT RESOLVED:

1. The Board of Directors of the Union Sanitary District hereby adopts the PARS Public Agencies Post-Employment Benefits Trust, effective January 24, 2022; and
2. The Board of Directors hereby appoints the General Manager, or his/her successor or his/her designee as the District's Plan Administrator for the Program; and
3. The District's Plan Administrator is hereby authorized to execute the Agreement for Professional Services with PARS, with minor revisions as may be approved by the Plan Administrator in consultation with General Counsel, and other legal and

administrative documents on behalf of the District to administer the Program, including without limitation an agreement with US Bank/Highmark or other entity for Investment Advisory Services. The District's Plan Administrator is further authorized to take whatever additional actions are necessary to maintain the District's participation in the Program and to maintain compliance of any relevant regulation issued or as may be issued; therefore, authorizing him/her to take whatever additional actions are required to administer the District's Program.

On motion duly made and seconded, this resolution was adopted by the following vote on January 24, 2022:

AYES: Fernandez, Handley, Kite, Lathi, Toy

NOES: None

ABSENT: None

ABSTAIN: None

DocuSigned by:

Pat Kite

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PAT KITE

President, Board of Directors
Union Sanitary District

Attest:

DocuSigned by:

Manny Fernandez

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MANNY FERNANDEZ

Secretary, Board of Directors
Union Sanitary District

Certificate Of Completion

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Status: Completed

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Regina McEvoy

AutoNav: Enabled

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Union City, CA 94587

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Pat Kite

Signature

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pkite@unionsanitary.ca.gov

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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 recommended the Board adopt a resolution authorizing the use of teleconference meetings in compliance with AB 361.

It was moved by Secretary Fernandez, seconded by Director Toy, to Adopt Resolution No. 2953 Authorizing the Use of Teleconference Meetings in Compliance with AB 361. Motion carried with the following vote:

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

####

RESOLUTION NO. 2953

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, and the Omicron variant, which is even more transmissible than the Delta variant with case counts increasing daily; 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, 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; and

(b) The state of emergency continues to directly impact the ability of the members and the public to meet safely in person; and

(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 January 24, 2022:


AYES: Fernandez, Handley, Kite, Lathi, Toy


NOES: None

ABSENT: None

ABSTAIN: None

Attest:

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MANNY FERNANDEZ
Secretary, Board of Directors
Union Sanitary District

DocuSigned by:

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PAT KITE
President, Board of Directors
Union Sanitary District

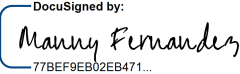
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INFORMATION ITEMS:

Update on the Subsurface Investigation at the Alvarado Wastewater Treatment Plant

This item was reviewed by the Engineering and Information Technology Committee. Interim Technical Services Manager Chau stated Alameda County Water District is responsible for regulating the groundwater supply within Union Sanitary District's service area. The purpose of the Plant's groundwater monitoring program is to document groundwater conditions in areas of concern at seven monitoring wells. In September 2021, Brown and Caldwell sampled the groundwater from the seven wells, analyzed the test results, and prepared a report. Conclusions from the 2021 groundwater monitoring event were outlined in the Board meeting packet.

Solar and Cogeneration Facilities Operational Update

This item was reviewed by the Budget & Finance Committee. Interim Technical Services Manager Chau stated the total benefit through December 31, 2021, for the Alvarado Wastewater Treatment Plant Solar Carport, constructed in 2011, was \$697,742 for a 78.4% simple payback. The total benefit to date for the Irvington Pump Station Solar Facility, constructed in 2012, was \$3,455,722 for a 120.5% simple payback. The total benefit to date for the Cogeneration Facility, constructed in 2014, was \$10,719,087 for a 75.2% simple payback.

Cal-Card 2nd Quarter Fiscal Year 2022 Activity Report

This item was reviewed by the Budget & Finance Committee. General Manager Eldredge presented an overview of the CAL-Card 2nd Quarter report included in the Board meeting packet.

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

GENERAL MANAGER'S REPORT:

- There will be a Board Workshop on Thursday, January 27, 2022, at 4:00 p.m.
- General Manager Eldredge will present during the Newark City Council meeting to be held virtually on Thursday, January 27, 2022, at 7:00 p.m.
- General Manager Eldredge will virtually present to the Mission San Jose Rotary on February 4, 2022. Those who wish to attend may do so in-person or virtually, staff will share details via email.

OTHER BUSINESS:

Vice President Lathi stated she attended the Alameda County Water District Financing Authority meeting on January 13, 2022.

ADJOURNMENT:

The Board held a moment of silence and adjourned the meeting in memory of Union Sanitary District employee Rob Shenk at 4:40 p.m. to a Board Workshop to be held virtually on Thursday, January 27, 2022, at 4:00 p.m.

SUBMITTED:

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Regina McEvoy

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REGINA McEVOY
BOARD CLERK

ATTEST:

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Manny Fernandez

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MANNY FERNANDEZ
SECRETARY

APPROVED:

DocuSigned by:

Pat Kite

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PAT KITE
PRESIDENT

Adopted this 14th day of February 2022

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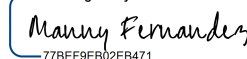
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Regina McEvoy

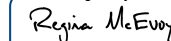
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Assistant to GM

Union Sanitary District

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