

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

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

It was moved by Director Handley, seconded by Secretary Fernandez, to Approve the Minutes of the Board Meeting of January 24, 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 27, 2022

It was moved by Vice President Lathi, seconded by Director Toy, to Approve the Minutes of the Special Board Meeting of January 27, 2022. Motion carried with the following vote:

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

WRITTEN COMMUNICATIONS

There were no written communications.

PUBLIC COMMENT

There was no public comment.

CONSIDER AN EXTENSION OF THE PROFESSIONAL SERVICES CONTRACT FOR ANNUAL AUDITING SERVICES WITH LANCE, SOLL & LUNGHARD, LLP, CERTIFIED PUBLIC ACCOUNTANTS FOR ONE YEAR

This item was reviewed by the Budget & Finance Committee. Business Services Manager/CFO Carlson stated the District has engaged Lance, Soll & Lunghard, LLP (LSL) for auditing services for the past five years. The previous contract expired with the completion of the fiscal year 2020/21 Annual Comprehensive Finance Report (ACFR). Staff is recommending an extension of the LSL contract for a 6th year, to be followed by a formal RFP for auditing services in the Fall of 2022. The reasons for the proposed extension were detailed in the Board meeting packet. Staff reached out to LSL and they are agreeable to the one year extension at a not to exceed price of \$41,965, which is in line with the previous year's pricing. Staff recommended the Board consider a one year extension of the existing professional services contract for auditing services with Lance, Soll & Lunghard, LLP for fiscal year 2021/22.

It was moved by Vice President Lathi, seconded by Director Toy, to Approve a One Year Extension of the Existing Professional Services Contract for Auditing Services with Lance, Soll & Lunghard, LLP, Certified Public Accountants for One Year. Motion carried with the following vote:

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

AWARD THE CONSTRUCTION CONTRACT FOR THE STANDBY POWER GENERATION SYSTEM PROJECT TO CLARK CONSTRUCTION GROUP

This item was reviewed by the Engineering and Information Technology Committee. Interim Technical Services Manager Chau stated the Project was advertised for bids October 26, 2021, and the six bids received were opened December 16, 2021. Results of the bids received were included in the Board meeting packet. The Engineer's Estimate for the Project's Total Contract Price was \$26,000,000; the bids ranged from 18.7% below to 15.4% above the Engineer's Estimate. The Total Contract Price includes three bid alternates: Bid Alternate A is for providing Builder's Risk Insurance, Bid Alternate B is for providing "Act of God" Insurance, and Bid Alternate C is for the demolition of the six existing standby generators and associated equipment after the new standby generator system becomes operational.

Staff reviewed the apparent low bid submitted by Clark and found three minor irregularities that were detailed in the Board meeting packet. District legal counsel determined the three minor irregularities could be waived as minor by the District. No bid protests were received by the District. Clark confirmed they will construct the Project as bid. The District applied for a Clean Water State Revolving Fund (SRF) loan to fund the Project and received approval from the State Water Resources Control Board for a loan amount up to \$33,435,000. The SRF loan agreement is anticipated to be executed in Spring 2022. The District's current fiscal model included the SRF loan for this project in its forecasts and projections. Clark will have 760 calendar days to complete the Project from Notice to Proceed, which will place estimated substantial completion in April 2024. Staff recommended the Board waive three minor bid irregularities in the apparent low bid and award the construction contract, including Bid Alternates A, B, and C, for the Standby Power Generation System Upgrade Project to Clark Construction Group – California, LP in the amount of \$21,135,320.

It was moved by Secretary Fernandez, seconded by Director Handley, to Waive the Three Minor Bid Irregularities in the Apparent Low Bid and Award the Construction Contract, Including Bid Alternates A, B, and C, for the Standby Power Generation System Upgrade Project to Clark Construction Group – California, LP in the Amount of \$21,135,320. Motion carried with the following vote:

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

AWARD THE CONSTRUCTION CONTRACT FOR THE IRVINGTON BASIN REINFORCED CONCRETE PIPE REHABILITATION PROJECT TO INSITUFORM TECHNOLOGIES, LLC

This item was reviewed by the Engineering and Information Technology Committee. Interim Technical Services Manager Chau stated the Project was advertised for bids December 14, 2021, and the four bids received were opened January 13, 2022. Details of the bids received were included in the Board meeting packet. Since the Project includes two bid alternates of high value, staff decided to utilize the "blind bid" process where the determination of the apparent lowest bidder is based upon an evaluation of the

Base Bid and Bid Alternates in accordance with a process that prevents any information that would identify any of the bidders, proposed subcontractors, or suppliers from being revealed to the District evaluation team prior to ranking from lowest to highest. After assessing the Project scope, bid prices, and reviewing the Capital Improvement Program budget, the evaluation team decided to include the Base Bid and both Bid Alternates in determining the apparent lowest bidder. The Engineer's Estimate for the Project's Total Contract Price was \$5,662,000; the bids ranged from 6.6% below to 24.5% above the Engineer's Estimate. The Total Contract Price includes two bid alternates: Bid Alternate A is for rehabilitating the trunk sewer mains using cured-in-place pipe (CIPP) in the Project's Area A, and Bid Alternate B is for rehabilitating the trunk sewers using CIPP in the Project's Area B. Staff found one minor irregularity in the apparent low bid submitted by Insituform, details of which were included in the Board meeting packet, and District counsel recommended the minor bid irregularity be waived. No bid protests were received and Insituform confirmed they will construct the Project as bid. Insituform will have 290 calendar days to complete Project construction, which places estimated substantial completion in December 2022. Staff recommended the Board waive one minor irregularity in the apparent low bid and award the construction contract, including Bid Alternates A and B, for the Irvington Basin Reinforced Concrete Pipe Rehabilitation Project to Insituform Technologies, LLC in the amount of \$5,290,884.

It was moved by Director Toy, seconded by Director Handley, to Waive One Minor Irregularity in the Apparent Low Bid and Award the Construction Contract, Including Bid Alternates A and B, for the Irvington Basin Reinforced Concrete Pipe Rehabilitation Project to Insituform Technologies, LLC in the Amount of \$5,290,884. Motion carried with the following vote:

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

AUTHORIZE THE GENERAL MANAGER TO EXECUTE AN AGREEMENT AND TASK ORDER NO. 1 WITH ENVIRONMENTAL SCIENCE ASSOCIATES FOR THE SEA LEVEL RISE VULNERABILITY ASSESSMENT AND ADAPTATION PLAN 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 Environmental Science Associates (ESA) to conduct a Sea Level Rise (SLR) vulnerability assessment of the District's infrastructure adjacent to the Bay shoreline and tributaries. The adaptation plan will utilize the vulnerability assessment and will build on general strategies presented in the 2013 Preliminary Study of the Effect of Sea Level Rise on District Infrastructure. The new study is intended to re-evaluate the recommendations from the previous report utilizing revised sea level rise estimates. The vulnerability assessment will include development of coast hazard maps for short-term (2030), mid-term (2050), and long-term (2100) time horizons and will be based on current state and regional SLR projections and guidance. The adaptation plan will include detailed measures to adapt District facilities to SLR with planning level cost information. Staff anticipates ESA will complete the Study by Fall 2022. Staff recommended the Board authorize the General Manager to execute an Agreement and Task Order No. 1 with

Environmental Science Associates in the amount of \$162,135 for the Sea Level Rise Vulnerability Assessment and Adaptation Plan Study.

It was moved by Secretary Fernandez, seconded by Director Toy, to Authorize the General Manager to Execute an Agreement and Task Order No. 1 with Environmental Science Associates in the Amount of \$162,135 for the Sea Level Rise Vulnerability Assessment and Adaptation Plan Study. Motion carried with the following vote:

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

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 Director Toy, seconded by Director Handley, to Adopt Resolution No. 2954 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

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RESOLUTION NO. 2954

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, on January 24, 2022, the Board adopted Resolution No. 2953, authorizing the use of teleconference meetings in compliance with AB 361; and

WHEREAS, the Board now desires to reaffirm and make the findings required to continue holding teleconference meetings in compliance with AB 361 due to the continuing public health threat of COVID-19.

NOW, THEREFORE, BE IT RESOLVED, BY THE UNION SANITARY DISTRICT BOARD OF DIRECTORS, AS FOLLOWS:

1. The above recitals are true and correct and are material to this Resolution and are incorporated into this Resolution as findings of the District Board.

2. The Union Sanitary District Board finds and declares that the circumstances set forth in Government Code section 54953(e)(1), exist because the State of Emergency continues to exist and meeting in person would present imminent risks to the health and safety of attendees.

3. Pursuant to the requirements of Government Code Section 54953 (e)(3), the District Board makes the following findings:

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

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

(c) Due to COVID-19, holding meetings in person will present imminent risks to the health and safety to attendees; and

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

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

5. The District Board will reconsider every 30 days, the circumstances of the emergency and review whether it continues to directly impact the ability of the members to meet safely in person.

6. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Resolution is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the

remaining portions of this Resolution. The Board hereby declares that it would have adopted this Resolution and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared unconstitutional.

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

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


AYES: Fernandez, Handley, Kite, Lathi, Toy

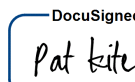
NOES: None

ABSENT: None

ABSTAIN: None

Attest:

DocuSigned by:

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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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Manny Fernandez

mfernandez@unionsanitary.ca.gov

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Pat Kite

pkite@unionsanitary.ca.gov

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INFORMATION ITEMS:

Board Expenses for 2nd Quarter of Fiscal Year 2022

This item was reviewed by the Budget & Finance Committee. General Manager Eldredge stated there were no Board expenditures during the second quarter of Fiscal Year 2022.

Report on the East Bay Dischargers Authority Meeting of December 16, 2021

Director Toy provided an overview of the EBDA Commission meeting minutes 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 and Engineering and Information Technology Committees met.

GENERAL MANAGER'S REPORT:

- General Manager Eldredge shared a photo and video of the recently completed emergency outfall located behind the Treatment Plant.


OTHER BUSINESS:

Vice President Lathi stated she attended the Alameda County Water District Financing Authority meeting on February 10, 2022.


ADJOURNMENT:

The Board adjourned the meeting at 4:41 p.m. to a Special Board Meeting to be held virtually on Wednesday, February 16, 2022, at 4:00 p.m.


SUBMITTED:

DocuSigned by:

5550CBBC143D4D7
REGINA McEVOY
BOARD CLERK

ATTEST:

DocuSigned by:

77BEE9EB02EB471
MANNY FERNANDEZ
SECRETARY

APPROVED:

DocuSigned by:

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PAT KITE
PRESIDENT

Adopted this 28th day of February 2022

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Manny Fernandez

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Pat Kite

pkite@unionsanitary.ca.gov

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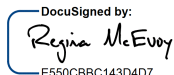
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Regina McEvoy

reginam@unionsanitary.ca.gov

Assistant to GM

Union Sanitary District

Security Level: Email, Account Authentication
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Notary Events	Signature	Timestamp
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