MINUTES OF THE MEETING OF THE **BOARD OF DIRECTORS OF** UNION SANITARY DISTRICT/UNION SANITARY DISTRICT FINANCING AUTHORITY March 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 Tom Handley, Director

ABSENT: Jennifer Toy, Director (Arrived at 4:08 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 Rodrigues, Collection Services Manager

Raymond Chau, Interim Technical Services Manager

Gene Boucher, Human Resources Manager

Ric Pipkin, Enhanced Treatment and Site Upgrade Program Manager Chris Pachmayer, Fabrication, Maintenance, and Construction Manager

Rollie Arbolante. Customer Service Team Coach

Allan Briggs, Interim Capital Improvements Projects Team Coach

Jason Yeates, Organizational Performance Coordinator

May Bautista, Administrative Specialist

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

VISITORS: Monique Spyke, PFM Asset Management

<u>APPROVE MINUTES OF THE UNION SANITARY DISTRICT BOARD MEETING OF FEBRUARY 28, 2022</u>

It was moved by Vice President Lathi, seconded by Director Handley, to Approve the Minutes of the Board Meeting of February 28, 2022. Motion carried with the following vote:

AYES: Fernandez, Handley, Kite, Lathi

NOES: None ABSTAIN: None ABSENT: Toy

APPROVE MINUTES OF THE UNION SANITARY DISTRICT SPECIAL BOARD MEETING OF MARCH 7, 2022

It was moved by Director Fernandez, seconded by Vice President Lathi, to Approve the Minutes of the Special Board Meeting of March 7, 2022. Motion carried with the following vote:

AYES: Fernandez, Handley, Kite, Lathi

NOES: None ABSTAIN: None ABSENT: Toy

FISCAL YEAR 2022 2ND QUARTER MANAGED INVESTMENT PORTFOLIO REPORT

This item was reviewed by the Budget & Finance Committee. Business Services Manager/CFO Carlson introduced Monique Spyke, Managing Director of PFM Asset Management, who presented an overview of the 2nd quarter report included in the Board meeting packet.

FISCAL YEAR 2022 2ND QUARTER DISTRICT-WIDE BALANCED SCORECARD

This item was reviewed by the Legal/Community Affairs Committee. Organizational Performance Coordinator Yeates provided an overview of the Balanced Scorecard included in the Board meeting packet and responded to Board member questions.

WRITTEN COMMUNICATIONS

There were no written communications.

PUBLIC COMMENT

There was no public comment.

REVIEW AND CONSIDER APPROVAL OF POLICY NO. 3060, COMMUNICATION BY MEMBERS OF THE BOARD OF DIRECTORS

This item was reviewed by the Legal/Community Affairs Committee. Executive Assistant to the General Manager/Board Clerk McEvoy stated staff reviewed the policy and proposed minor edits. Staff recommended the Board approve Policy 3060, Communication by Members of the Board of Directors.

It was moved by Vice President Lathi, seconded by Director Toy, to Approve Policy No. 3060, Communication by Members of the Board of Directors. Motion carried with the following vote:

AYES: Fernandez, Handley, Kite, Lathi, Toy

NOES: None ABSTAIN: None ABSENT: None

REVIEW AND CONSIDER APPROVAL OF POLICY NO. 2030, INVESTMENT POLICY

This item was reviewed by the Budget & Finance Committee. Business Services Manager/CFO Carlson stated staff prepared a desk item at the request of the Budget & Finance Committee. The desk item added text that stated the District may invest up to the limit allowed by California Code Section 53601. Staff collaborated with PFM Asset Management to update the Investment Policy to accurately reflect current language in the government code. Proposed substantive updates to the policy were detailed in the Board meeting packet.

The Board directed staff to further edit the policy to state that with the exception of investment in United States Treasury Obligations, no single investment category shall constitute more than 70% of the District's overall portfolio without prior Board approval. Staff will add the requested language and bring Policy No. 2030 to a future meeting for Board consideration.

CONSIDER A MOTION TO CANCEL THE NOVEMBER 28 AND DECEMBER 26, 2022, BOARD OF DIRECTORS MEETINGS

Executive Assistant to the General Manager/Board Clerk McEvoy stated the second regularly scheduled Board meeting in November falls on the Monday after Thanksgiving, which would impact Committee Meetings the week of the holiday, and the second regularly scheduled Board meeting in December falls on the week between the Christmas and New Year holidays. Staff recommended the Board consider rescheduling or canceling the second Board meeting in November and December.

It was moved by Vice President Lathi, seconded by Secretary Fernandez, to Cancel the November 28, 2022, and December 26, 2022, Board Meetings and Direct Staff to Schedule Special Board Meetings for November 21, 2022, and December 19, 2022, if Needed. Motion carried with the following vote:

AYES: Fernandez, Handley, Kite, Lathi, Toy

NOES: None ABSTAIN: None ABSENT: None

REVIEW AND CONSIDER APPROVAL OF CLASSIFIED PUBLICLY AVAILABLE PAY SCHEDULE EFFECTIVE MARCH 1, 2022

This item was reviewed by the Personnel Committee. Human Resources Manager Boucher stated the publicly available pay schedule has been required by CalPERS since August 2011 to ensure consistency between CalPERS employers and enhance the disclosure and transparency of public employee compensation. The Classified Publicly Available Pay Schedule included in the Board meeting packet will be effective March 1, 2022, per the Memorandum of Understanding between the District and the Service Employees International Union, Local 1021. Staff recommended the Board approve the March 1, 2022, Classified Employees Pay Schedule.

It was moved by Director Handley, seconded by Director Toy, Approve the Classified Employees Publicly Available Pay Schedule Effective March 1, 2022. Motion carried with the following vote:

AYES: Fernandez, Handley, Kite, Lathi, Toy

NOES: None ABSTAIN: None ABSENT: None

####

Union Sanitary District Classified Employees Salary Schedule Effective March 1, 2022

Position Title	Grade	Step 1	Step 2	Step 3	Step 4	Step 5
Accountant	1	45.3657	47.6340	50.0157	52.5165	55.1423
Accountant	2	49.9024	52.3976	55.0174	57.7683	60.6567
Accounting Technical Specialist		48.9265	51.3729	53.9415	56.6386	59.4705
Accounting Technician I	1	39.5368	41.5137	43.5893	45.7688	48.0573
Accounting Technician II	2	43.4902	45.6647	47.9480	50.3454	52.8626
Administrative Specialist I	1	38.6452	40.5775	42.6063	44.7367	46.9735
Administrative Specialist II	2	40.6791	42.7130	44.8487	47.0911	49.4457
Assistant Storekeeper		37.5780	39.4569	41.4297	43.5012	45.6763
Chemist I	1	53.1733	55.8320	58.6236	61.5547	64.6325
Chemist II	2	55.8320	58.6237	61.5548	64.6326	67.8642
Collection System Trainer		52.9433	55.5904	58.3699	61.2884	64.3529
Collection System Worker I	1	41.6710	43.7545	45.9423	48.2394	50.6513
Collection System Worker II	2	45.8383	48.1302	50.5367	53.0636	55.7168
Communications & Intergovernmental Relations Coordinator		57.3679	60.2361	63.2480	66.4103	69.7309
Construction Inspector I	1	46.4567	48.7795	51.2185	53.7794	56.4684
Construction Inspector II	2	51.1022	53.6573	56.3402	59.1572	62.1151
Construction Inspector III	3	53.1464	55.8037	58.5939	61.5236	64.5998
Control Systems Specialist		57.2557	60.1185	63.1244	66.2806	69.5960
Customer Service Fee Analyst		44.1603	46.3683	48.6867	51.1211	53.6771
EC Outreach Representative		54.8052	57.5455	60.4227	63.4439	66.6161
EC Specialist/Outreach		58.6415	61.5736	64.6523	67.8849	71.2792
Engineering Assistant/Plan Checker		56.9778	59.8267	62.8181	65.9590	69.2569
Engineering Technician I	1	44.8249	47.0661	49.4194	51.8904	54.4849
Engineering Technician II	2	49.3074	51.7727	54.3614	57.0794	59.9334
Engineering Technician III	3	54.2382	56.9501	59.7976	62.7875	65.9268
Environmental Compliance Inspector I	1	43.8871	46.0815	48.3856	50.8048	53.3451
Environmental Compliance Inspector II	2	49.3740	51.8427	54.4349	57.1566	60.0145
Environmental Compliance Inspector III	3	54.8052	57.5455	60.4227	63.4439	66.6161
Environmental Compliance Inspector IV	4	58.6415	61.5736	64.6523	67.8849	71.2792
Fleet Mechanic I	1	44.2682	46.4816	48.8057	51.2460	53.8083
Fleet Mechanic II	2	49.5804	52.0594	54.6624	57.3955	60.2653

Union Sanitary District Classified Employees Salary Schedule Effective March 1, 2022

Position Title	Grade	Step 1	Step 2	Step 3	Step 4	Step 5
Instrument Tech/Electrician		54.5292	57.2557	60.1184	63.1244	66.2806
Janitor		30.0578	31.5607	33.1388	34.7957	36.5355
Laboratory Director		66.1374	69.4443	72.9165	76.5624	80.3905
Lead Collection System Worker		50.4222	52.9433	55.5904	58.3699	61.2884
Maintenance Assistant		19.0234	19.9745	20.9733	22.0219	23.1230
Mechanic I	1	45.4653	47.7386	50.1255	52.6318	55.2634
Mechanic II	2	50.9214	53.4674	56.1408	58.9478	61.8952
Painter		46.7267	49.0631	51.5162	54.0920	56.7966
Planner/Scheduler I	1	52.1993	54.8093	57.5497	60.4272	63.4486
Planner/Scheduler II	2	56.1320	58.9386	61.8855	64.9798	68.2289
Plant Operations Trainer		62.9754	66.1242	69.4304	72.9019	76.5470
Plant Operator I	1	42.7257	44.8620	47.1051	49.4604	51.9334
Plant Operator II	2	48.1656	50.5739	53.1026	55.7577	58.5456
Plant Operator III	3	56.2281	59.0395	61.9914	65.0910	68.3456
Receptionist		33.7913	35.4808	37.2549	39.1176	41.0735
Storekeeper I	1	47.5159	49.8917	52.3863	55.0057	57.7559
Storekeeper II	2	49.8916	52.3862	55.0056	57.7559	60.6436
Utility Worker		37.0305	38.8821	40.8262	42.8675	45.0109

Approved By:

DocuSigned by:

Pat Kite, President Board of Directors

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Jennifer Sio-Kwok

jennifers@unionsanitary.ca.gov

Administrative Specialist II

Union Sanitary District

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AUTHORIZE THE GENERAL MANAGER TO EXECUTE FIRST AMENDMENT TO ENCROACHMENT AGREEMENT WITH TURK ISLAND VENTURES, LLC FOR TRACT 7728 – TURK ISLAND IN THE CITY OF UNION CITY

This item was reviewed by the Engineering and Information Technology Committee. Interim Technical Services Manager Chau stated the Board previously authorized the General Manager to execute an encroachment agreement with Turk Island Ventures, LLC. The encroachment agreement allowed the developer to perform work within an easement containing the District's twin force mains. The developer was unable to obtain the necessary construction resources and postponed the work until Spring 2022. The developer has requested an amendment to the encroachment agreement to allow work this year. Staff recommended the Board authorize the General Manager to execute First Amendment to Encroachment Agreement with Turk Island Ventures, LLC for Tract 7728 – Turk Island located in the City of Union City.

It was moved by Secretary Fernandez, seconded by Director Handley, to Authorize the General Manager to Execute First Amendment to Encroachment Agreement with Turk Island Ventures, LLC for Tract 7728 – Turk Island, Located in the City of Union City. Motion carried with the following vote:

AYES: Fernandez, Handley, Kite, Lathi, Toy

NOES: None ABSTAIN: None ABSENT: None

AUTHORIZE THE GENERAL MANAGER TO EXECUTE TASK ORDER NO. 3 WITH WOODARD & CURRAN, INC. FOR THE IRVINGTON BASIN REINFORCED CONCRETE PIPE REHABILITATION PROJECT

This item was reviewed by the Engineering and Information Technology Committee. Interim Technical Services Manager Chau stated the proposed Task Order would authorize engineering services during construction of the Irvington Basin Reinforced Concrete Pipe Rehabilitation Project. The scope of services and fee for Task Order No. 3 were summarized in the Board meeting packet. Staff recommended the Board authorize the General Manager to execute Task Order No. 3 with Woodard & Curran, Inc. in the amount of \$79,510 to provide engineering services during construction of the Irvington Basin Reinforced Concrete Pipe Rehabilitation Project.

It was moved by Director Toy, seconded by Secretary Fernandez, to Authorize the General Manager to Execute Task Order No. 3 with Woodard & Curran, Inc. in the Amount of \$79,510 to Provide Engineering Services During Construction of the Irvington Basin Reinforced Concrete Pipe Rehabilitation Project. 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 provided an update on the status of the COVID-19 Emergency Order and will forward additional information to the Board as it becomes available. 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. 2958 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. 2958

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; 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,** on February 14, 2022, the Board adopted Resolution No. 2954, authorizing the use of teleconference meetings in compliance with AB 361; and
- **WHEREAS,** on February 28, 2022, the Board adopted Resolution No. 2957, 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.

- 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 March 14, 2022:

AYES: Fernandez, Handley, Kite, Lathi, Toy

NOES: None

ABSENT: None

ABSTAIN: None

DocuSianed by:

Pat kite

PAT KITE President, Board of Directors **Union Sanitary District**

Attest:

DocuSigned by:

MANNY FERNANDEZ

Manny Fernandez

Secretary, Board of Directors

Union Sanitary District

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pkite@unionsanitary.ca.gov

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INFORMATION ITEMS:

Report on the East Bay Dischargers Authority Meeting of February 17, 2022

Director Toy provided an overview of the EBDA 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, Legal/Community Affairs, Engineering and Information Technology, and Personnel Committees met.

GENERAL MANAGER'S REPORT:

- General Manager Eldredge stated renderings for the Enhanced Treatment and Site Upgrade (ETSU) Campus Building were shared with staff via email. ETSU personnel conducted two meetings with staff to review the renderings and received positive feedback.
- The District's contractor for the ETSU Program Phase 1A Aeration Basins Modifications Project, W.M. Lyles Co., purchased a property near the District on Veasy Street to be used for equipment storage and off-site parking during the Project.
- District Counsel Murphy stated it had been a year since the Board requested bi-monthly reminders regarding AB 992 which pertains to Board member social media use in relation to the Brown Act. District Counsel Murphy asked if the Board would like the email reminders to continue. The Board directed District Counsel Murphy to continue sending the bi-monthly AB 992 emails.

OTHER BUSINESS:

There was no other business.

ADJOURNMENT:

The meeting was adjourned at 4:56 p.m. to a Board Workshop to be held virtually on Wednesday, January 12, 2022, at 4:00 p.m.

SUBMITTED: Docusigned by: Regina McEvoy FROMORDICASTANTA	ATTEST: Docusigned by: Manny Fernander
REGINA McEVOY	MANNY FERNANDEZ
BOARD CLERK	SECRETARY
APPROVED:	
DocuSigned by:	
Pat kite	
PAT KITE	
PRESIDENT	Adopted this 28 th day of March 2022

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Sent: 3/29/2022 1:13:21 PM Viewed: 3/29/2022 1:15:41 PM Signed: 3/29/2022 1:16:16 PM

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Accepted: 2/16/2022 1:09:13 PM

ID: 37a0721c-2ef0-4a43-aeca-76e0fa544542

Regina McEvoy

reginam@unionsanitary.ca.gov

Assistant to GM

Union Sanitary District

Security Level: Email, Account Authentication

(None)

Docusigned by:
Regina McEvoy

E550CBBC143D4D7...

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

Sent: 3/29/2022 1:13:21 PM Viewed: 3/29/2022 1:13:32 PM Signed: 3/29/2022 1:13:38 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	3/29/2022 1:13:21 PM	
Certified Delivered	Security Checked	3/29/2022 1:13:32 PM	
Signing Complete	Security Checked	3/29/2022 1:13:38 PM	
Completed	Security Checked	3/31/2022 11:52:58 AM	
Payment Events	Status	Timestamps	
Electronic Record and Signature Disclosure			