

**MINUTES OF THE MEETING OF THE
BOARD OF DIRECTORS OF
UNION SANITARY DISTRICT/UNION SANITARY DISTRICT FINANCING
AUTHORITY
April 11, 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 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
Raymond Chau, Technical Services Manager
Gene Boucher, Human Resources Manager
Ric Pipkin, Enhanced Treatment and Site Upgrade Program Manager
Chris Pachmayer, Fabrication, Maintenance, and Construction Coach
Michael Dunning, Environmental Compliance Team Coach
Michelle Powell, Communications and Intergovernmental Relations Coordinator
Sharon Anderson, Administrative Specialist
May Bautista, Administrative Specialist
Regina McEvoy, Executive Assistant to the General Manager/Board Clerk

APPROVE MINUTES OF THE UNION SANITARY DISTRICT BOARD MEETING OF MARCH 28, 2022

It was moved by Secretary Fernandez, seconded by Director Toy, to Approve the Minutes of the Board Meeting of March 28, 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 MARCH 31, 2022

It was moved by Vice President Lathi, seconded by Director Handley, to Approve the Minutes of the Special Board Meeting of March 31, 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.

BOARDMEMBER COMPENSATION FOR FISCAL YEAR 2023

This item was reviewed by the Budget & Finance Committee. General Manager Eldredge stated the Board annually reviews their compensation and receives a recommendation from the Budget & Finance Committee regarding compensation for the upcoming fiscal year. Staff recommended the Board consider the Budget & Finance Committee recommendation for this item.

The Budget & Finance Committee recommended no changes be made to Boardmember compensation for Fiscal Year 2023.

The Board directed staff to schedule a Board workshop to review survey comparison agencies.

It was moved by Vice President Lathi, seconded by Director Toy, to Make no Changes to Boardmember Compensation for Fiscal Year 2023. Motion carried with the following vote:

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

APPROVE COACH, RESEARCH & SUPPORT/PRINCIPAL ENGINEER JOB DESCRIPTION AND SALARY RANGE

This item was reviewed by the Personnel Committee. Human Resources Manager Boucher stated the Bay Area Air Quality Management District (BAAQMD) requires a new permit whenever the District plans to construct or make alternations to potential sources of air contaminants. BAAQMD considers aeration basins and nearly every other facility within the treatment plant as potential sources. The District's most recent permit for the ETSU Phase 1A Aeration Basin Modifications Project requires various new and more stringent operating conditions. Staff anticipates long term management of the air permit to operate the plant will require the equivalent of 0.50 to 0.75 employees to facilitate and manage the new requirements. Staff recommends the new responsibilities be added to the existing Research and Support Team Coach position. Staff recommended the Board review and consider the revised job description and salary range for the Research & Support/Principal Engineer.

It was moved by Director Toy, seconded by Secretary Fernandez, to Approve the Revised Job Description and Salary Range for the Research and Support Coach/Principal Engineer. Motion carried with the following vote:

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

CONSIDER A RESOLUTION FOR THE EXECUTION AND DELIVERY OF AN INSTALLMENT SALE AGREEMENT BETWEEN THE DISTRICT AND THE STATE WATER RESOURCES CONTROL BOARD RELATING TO THE STANDBY POWER GENERATION SYSTEM UPGRADE PROJECT AND APPROVING OTHER MATTERS IN CONNECTION THEREWITH

This item was reviewed by the Engineering and Information Technology Committee. Technical Services Manager Chau stated execution of an Installment Sale Agreement (ISA) with the State Water Resources Control Board (SWRCB) will provide the District with State Revolving Fund (SRF) funding up to \$33,435,000 for the Standby Power Generation System Upgrade Project. A summary of Project costs was included in the Board meeting packet; disbursement requests will be submitted to the SWRCB monthly. Staff recommended the Board consider a resolution for the execution and delivery of an Installment Sale Agreement between the District and the State Water Resources Control Board relating to the Standby Power Generation System Upgrade Project in the amount of \$33,435,000 and approving other matters in connection therewith.

It was moved by Director Handley, seconded by Vice President Lathi, to Adopt Resolution No. 2961 Authorizing Execution and Delivery of an Installment Sale Agreement Between the Union Sanitary District and the State Water Resources Control Board Relating to the Standby Power Generation System Upgrade Project and Approving Other Matters in Connection Therewith. Motion carried with the following vote:

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

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RESOLUTION NO. 2961

RESOLUTION OF THE UNION SANITARY DISTRICT AUTHORIZING THE EXECUTION AND DELIVERY OF AN INSTALLMENT SALE AGREEMENT BETWEEN THE UNION SANITARY DISTRICT AND THE STATE WATER RESOURCES CONTROL BOARD RELATING TO THE STANDBY POWER GENERATION SYSTEM UPGRADE PROJECT AND APPROVING OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, the Union Sanitary District (the "District"), a sanitary district duly organized and existing under and by virtue of the laws of the State of California, proposes to undertake the acquisition of a Standby Power Generation System Upgrade Project (the "Standby Power Project"); and

WHEREAS, the State of California has established its Clean Water State Revolving Fund (the "CWSRF") pursuant to Chapter 6.5 of Division 7 of the California Water Code, as required by Title VI of the federal Water Pollution Control Act; and

WHEREAS, this Board of Directors has determined that it is in the best interest of the District to enter into an installment sale agreement (the "Standby Power Project ISA") with the State Water Resource Control Board for financial assistance under the CWSRF program for the purpose of acquiring all or a portion of the Standby Power Project and to approve certain matters in connection therewith.

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

SECTION 1. The incurrence of the Standby Power Project ISA in the principal amount not to exceed \$33,435,000 to acquire all or a portion of the Standby Power Project is hereby approved. The incurrence of the Standby Power Project ISA is determined to be consistent with the District's debt policy and to the extent the incurrence of the Standby Power Project ISA is not in compliance with the District's debt policy, such noncompliance is waived.

SECTION 2. The Standby Power Project ISA in substantially the form on file with the District is hereby approved. The Manager of Technical Services or the written designee thereof (each an "Authorized Officer") is hereby individually authorized and directed to execute and deliver the Standby Power Project ISA with such changes, insertions and omissions as may be recommended by General Counsel or Stradling Yocca Carlson & Rauth, A Professional Corporation ("Bond Counsel") and approved by the Authorized Officer executing the same, said execution being conclusive evidence of such approval.

SECTION 3. The Board of Directors acknowledges that the good faith estimates required by Section 5852.1 of the California Government Code prepared by Fieldman, Rolapp & Associates, Inc. are disclosed in Exhibit A to this resolution and are available to the public at the meeting at which this resolution is approved.

SECTION 4. Each Authorized Officer or the written designee thereof and any other proper officer of the District, acting singly, is authorized and directed to execute and deliver any and all documents and instruments and to do and cause to be done any and all acts and things necessary or proper for carrying out the transactions contemplated by the Standby Power Project ISA and this resolution.

SECTION 5. Unless otherwise defined herein, all terms used herein and not otherwise defined shall have the meanings given such terms in the Standby Power Project ISA unless the context otherwise clearly requires.

SECTION 6. This Resolution shall take effect immediately upon its passage.

On motion duly made and seconded, this resolution was adopted by the following vote on April 11, 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

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AWARD THE CONSTRUCTION CONTRACT FOR THE FORCE MAIN CORROSION REPAIRS PROJECT – PHASE 3 TO POWER ENGINEERING CONSTRUCTION CO.

This item was reviewed by the Engineering and Information Technology Committee. Technical Services Manager Chau stated the Force Main Corrosion Repairs Project received five bids, a summary of the bids was included in the Board meeting packet. The contractor will have 160 calendar days to complete project construction, staff anticipates estimated substantial completed in October 2022. Staff recommended the Board award the construction contract for the Force Main Corrosion Repairs Project – Phase 3 to Power Engineering Construction Co. in the amount of \$1,063,672.

It was moved by Director Handley, seconded by Director Toy, to Award the Construction Contract for the Force Main Corrosion Repairs Project – Phase 3 to Power Engineering Construction Co. in the Amount of \$1,063,672. 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. 2962 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. 2962

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, the Omicron variant, which is even more transmissible than the Delta variant, and a new Omicron sub-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, on March 14, 2022, the Board adopted Resolution No. 2958, authorizing the use of teleconference meetings in compliance with AB 361; and

WHEREAS, on March 28, 2022, the Board adopted Resolution No. 2960, 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 April 11, 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

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Pat Kite

pkite@unionsanitary.ca.gov

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FALL 2022 NEWSLETTER

This item was reviewed by the Legal/Community Affairs Committee. Communications and Intergovernmental Relations Coordinator Powell presented potential newsletter topics for the Board's consideration. Staff recommended the Board provide direction regarding topics to be included in the Fall 2022 newsletter.

The Board provided feedback regarding topics to be included in the Fall 2022 newsletter.

INFORMATION ITEMS:

Earth Day 2022

Environmental Compliance Coach Dunning stated the District's Environmental Compliance team will participate in the Earth Day event hosted by the City of Fremont and Washington Hospital on Saturday, April 23, 2022. Environmental Compliance staff will share information with the public related to pollution prevention as well as proper disposal of mercury containing devices and unused medications.

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

Director Toy provided an overview of the EBDA meeting summary included in the Board 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, Personnel, and Engineering and Information Technology Committees met.

GENERAL MANAGER'S REPORT:

- General Manager Eldredge will present a District overview at the virtual Fremont City Council meeting on Tuesday, April 12, 2022.
- General Manager Eldredge will be out of the office April 14, 15, and 18, 2022.
- Staff will reach out to the Board to schedule a Board Workshop to be held at the end of April 2022.


OTHER BUSINESS:

There was no other business.


ADJOURNMENT:

The meeting was adjourned at 4:35 p.m. to the next Regular Board Meeting to be held virtually on Monday, April 25, 2022, at 4:00 p.m.


SUBMITTED:

DocuSigned by:

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REGINA McEVOY
BOARD CLERK

ATTEST:

DocuSigned by:

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MANNY FERNANDEZ
SECRETARY

APPROVED:

DocuSigned by:

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PAT KITE
PRESIDENT

Adopted this 25th day of April 2022

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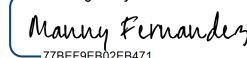
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mfernandez@unionsanitary.ca.gov

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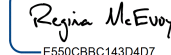
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Assistant to GM

Union Sanitary District

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