

**MINUTES OF THE MEETING OF THE
BOARD OF DIRECTORS OF
UNION SANITARY DISTRICT/UNION SANITARY DISTRICT FINANCING
AUTHORITY
May 13, 2024**

CALL TO ORDER

President Toy called the meeting to order at 4:00 p.m.

SALUTE TO THE FLAG

President Toy led the salute to the flag.

ROLL CALL

PRESENT: Jennifer Toy, President
Pat Kite, Secretary
Anjali Lathi, Director
Manny Fernandez, Director

ABSENT: Tom Handley, Vice President (arrived at 4:20 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, Technical Services Manager
Robert Simonich, Fabrication, Maintenance, and Construction Manager
Ric Pipkin, Enhanced Treatment and Site Upgrade Program Manager
Michael Dunning, Environmental Compliance Coach
Trieu Nguyen, IT Administrator
Regina McEvoy, Executive Assistant to the General Manager/Board Clerk

VISITORS: Alice Johnson, League of Women Voters

**APPROVE MINUTES OF THE UNION SANITARY DISTRICT BOARD MEETING OF
APRIL 22, 2024**

It was moved by Secretary Kite, seconded by Director Fernandez, to Approve the Minutes of the Board Meeting of April 22, 2024. Motion carried with the following vote:

AYES: Fernandez, Kite, Lathi, Toy
NOES: None

ABSTAIN: None
 ABSENT: Handley

APPROVE MINUTES OF THE UNION SANITARY DISTRICT SPECIAL BOARD MEETING OF APRIL 30, 2024

It was moved by Director Fernandez, seconded by Director Lathi, to Approve the Minutes of the Special Board Meeting of April 30, 2024. Motion carried with the following vote:

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

WRITTEN COMMUNICATIONS

There were no written communications.

PUBLIC COMMENT

There was no public comment.

SELECT BOARDMEMBERS TO REPRESENT UNION SANITARY DISTRICT ON EXTERNAL COMMITTEES FOR FISCAL YEAR 2025

General Manager Eldredge stated Policy No. 3070 calls for the Board to annually select representatives and alternates for the four following External Committees: Alameda County Water District Financing Authority (ACWDFFA), East Bay Dischargers Authority Commission (EBDA), Alameda County Special Districts Association (ACSDA), and Southern Alameda County Geographic Information System Joint Powers Authority (SACGISA). Current Board representatives and alternates for external committee assignments were included in the Board meeting packet. Staff recommended the Board select members to serve the Fiscal Year 2025 term as USD representatives to the Alameda County Water District Financing Authority, East Bay Dischargers Authority Commission, Alameda County Chapter of the California Special Districts Association, and the Southern Alameda County Geographic Information System Joint Powers Authority.

It was moved by Director Lathi, seconded by Director Fernandez, to Accept the Following External Committee Assignments for Fiscal Year 2025:

External Committee	Board Representative	1st Alternate	2nd Alternate
ACWDFFA	Manny Fernandez	Jennifer Toy	Anjali Lathi
EBDA	Jennifer Toy	Anjali Lathi	
ACSDA	Pat Kite	Manny Fernandez	
SACGIS	Tom Handley	Anjali Lathi	Jennifer Toy

Motion carried with the following vote:

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

SCHEDULING PUBLIC HEARING TO CONSIDER COLLECTION OF SEWER SERVICE CHARGES ON THE TAX ROLL FOR FISCAL YEAR 2025

This item was reviewed by the Personnel Committee. Business Services Manager/CFO Carlson stated staff prepared this item for the Board to consider placing sewer service charges for Fiscal Year 2025 on the tax rolls and set the date for the public hearing to consider authorizing collection. After the Board sets the hearing date, staff will prepare the report to be considered at the public hearing and will publish the required Notice included in the Board meeting packet in the Tri-City Voice and The Argus newspapers. Staff recommended the Board set the time for holding the public hearing to consider collection of sewer service charges on the tax roll for Fiscal Year 2025, at 4:00 p.m. or as soon thereafter as the matter may be heard, on June 24, 2024, to be held in the Boardroom at 5072 Benson Road, Union City, California.

It was moved by Director Fernandez, seconded by Secretary Kite, to Set the Time for Holding the Public Hearing to Consider Collection of Sewer Service Charges on the Tax Roll for Fiscal Year 2025, at 4:00 p.m. or as Soon Thereafter as the Matter May be Heard, on June 24, 2024, to be Held in the Boardroom at 5072 Benson Road, Union City, California. Motion carried with the following vote:

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

REVIEW AND CONSIDER APPROVAL OF POLICY NO. 2920 COMPUTER PURCHASE AND STUDENT LOAN PROGRAM

This item was reviewed by the Budget & Finance Committee. Business Services Manager/CFO Carlson stated there were no proposed changes to the policy other than minor administrative updates and clarifications. Staff recommended the Board approve Policy No. 2920, Computer Purchase and Student Loan Program.

It was moved by Director Lathi, seconded by Director Fernandez, to Approve Policy No. 2920, Computer Purchase and Student Loan Program. Motion carried with the following vote:

AYES: Fernandez, Kite, Lathi, Toy
NOES: None

ABSTAIN: None
ABSENT: Handley

CONSIDER A RESOLUTION TO TERMINATE THE EMERGENCY ACTION TO REPAIR A SINKHOLE ON CUSHING PARKWAY IN THE CITY OF FREMONT

This item was reviewed by the Engineering and Information Technology Committee. Technical Services Manager Chau stated on April 22, 2024, the Board received an update on the emergency action and adopted a motion to confirm and declare the continuance of the emergency action to repair a sinkhole on Cushing Parkway in the City of Fremont. McGuire and Hester completed all remaining punch list/remediation work required by the City of Fremont. Staff recommended the Board receive the final update on the repair of a sinkhole on Cushing Parkway in the City of Fremont and adopt a resolution terminating the emergency.

It was moved by Director Fernandez, seconded by Secretary Kite, to Adopt Resolution No. 3012 Terminating the Emergency for Repairing a Sinkhole on Cushing Parkway in the City of Fremont. Motion carried with the following vote:

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

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RESOLUTION NO. 3012

TERMINATING THE EMERGENCY FOR REPAIRING A SINKHOLE ON CUSHING PARKWAY IN THE CITY OF FREMONT

WHEREAS, the road surface in the City of Fremont located at the intersection of Cushing Parkway and Auto Mall Parkway was damaged by ground subsidence in the form of a sinkhole potentially due to a hole in the District's existing 36-inch RCP trunk sewer main; and

WHEREAS, given that wet weather season was under way and that the full extent of underground soil conditions was unknown, it was necessary for the District to expeditiously proceed with the repair; and

WHEREAS, compliance with competitive bidding procedures typically takes a number of months and would not allow prompt action to be taken to complete the repair, as required to safeguard the public and District facilities; and

WHEREAS, the District's Purchasing Policy and California Public Contract Code (PCC) Section 20806 allow for emergency contracting without competitive bidding in accordance with the requirements of PCC Section 22050; and

WHEREAS, California Environmental Quality Act (CEQA) Guidelines section 15269 establishes a statutory exemption for emergency repairs to public service facilities necessary to maintain service, and other specific actions necessary to prevent or mitigate an emergency and section 15301 establishes an exemption for repair of existing facilities; and

WHEREAS, the damage involved a clear and imminent threat, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, and essential public services; and

WHEREAS, on February 12, 2024, the Board of Directors of Union Sanitary District adopted Resolution No. 3007, pursuant to the District's Procurement Policy and PCC Section 20806, to allow for emergency contracting without competitive bidding in accordance with the requirements of PCC Section 22050, finding that, based on substantial evidence presented before the Board, the emergency would not permit a delay resulting from the competitive solicitation of bids for the repair of the road surface over the District's sewer main, and that the action was necessary to respond to the emergency; and

WHEREAS, Resolution No. 3007 further authorized staff to proceed with the repair of the road surface located at the intersection of Cushing Parkway and Auto Mall Parkway, and procurement of the necessary equipment, services, and supplies for that purpose without giving notice for bids to contracts; and

WHEREAS, the Board reviewed the status of the emergency at every regularly scheduled meeting of the Board of Directors thereafter, and on February 26, 2024, March 11, 2024, March 25, 2024, April 8, 2024, and April 22, 2024, adopted a motion to authorize continuation of Resolution No. 3007 and the emergency; and

WHEREAS, the repair of the road surface in the City of Fremont located at the intersection of Cushing Parkway and Auto Mall Parkway and the site restoration work have been completed.

NOW, THEREFORE, BE IT RESOLVED, BY THE UNION SANITARY DISTRICT BOARD OF DIRECTORS, BASED ON THE STAFF REPORT AND ORAL AND WRITTEN TESTIMONY, AS FOLLOWS:

1. The Board finds that the emergency that began on February 12, 2024, due to the damage caused by ground subsidence in the form of a sinkhole, as declared by Resolution No. 3007 and continued through further action of the Board, no longer exists; that the emergency action is complete; that there is no longer a need to continue the action; and that the conditions now warrant termination.

2. The Board hereby declares that the emergency action, as declared by Resolution No. 3007 and continued through further action of the Board, is hereby terminated.

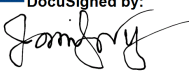
PASSED, APPROVED, AND ADOPTED at a regular meeting of the Union Sanitary District Board of Directors on this 13th day of May 2024.

AYES: Fernandez, Kite, Lathi, Toy

NOES: None

ABSENT: Handley

ABSTAIN: None

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JENNIFER TOY
President, Board of Directors
Union Sanitary District

Attest:

DocuSigned by:


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PAT KITE
Secretary, Board of Directors
Union Sanitary District

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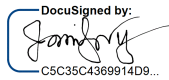
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Signer Events

Jennifer Toy
 jtoy@unionsanitary.ca.gov
 Security Level: Email, Account Authentication (None)

Signature



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



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

**CONSIDER A RESOLUTION TO APPROVE REVISED POLICY NO. 2760,
STANDARDIZED EQUIPMENT/MATERIALS POLICY**

This item was reviewed by the Engineering and Information Technology Committee. Technical Services Manager Chau stated staff updated the District's Standardized Equipment/Materials policy as part of ongoing efforts to review and update all policies. Proposed changes to the policy were outlined in the Board meeting packet. Staff recommended the Board consider a resolution to approve revised Policy No. 2760, Standardized Equipment/Materials Policy, which among other things, incorporates the Collections Services Standardized Equipment/Materials List, selection criteria, and procedures, and updates the CIP and FMC standardized equipment/materials list.

It was moved by Secretary Kite, seconded by Director Lathi, to Adopt Resolution No. 3013 Approving Revised Policy No. 2760, Standardized Equipment/Materials Policy. Motion carried with the following vote:

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

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RESOLUTION NO. 3013

APPROVE REVISED POLICY NO. 2760, STANDARDIZED EQUIPMENT/ MATERIALS POLICY

WHEREAS, the Union Sanitary District approved Policy No. 2760, Standardized Equipment Policy with Attachments A through D on April 12, 2021, and the policy is established to provide the guidelines for maintaining and approving a Standardized Equipment List and the procedures for evaluating mechanical, electrical, and instrumentation equipment for inclusion in the List; and

WHEREAS, Section 3400 of the California Public Contract Code allows exceptions to the requirement to include “or equal” in the specifications for bids in connection with public work projects; and

WHEREAS, the Union Sanitary District revised Policy No. 2760, Standardized Equipment/Materials Policy and Attachments A through D, including an updated CIP Standardized Equipment List and FMC Standardized Equipment/Materials List, and new Attachment E that includes the new CS Standardized Equipment/Materials List; and

WHEREAS, the formal bidding procedures would be unavailing for the acquisition of the products in the CIP Standardized Equipment Lists since the equipment matches existing equipment already used on District facilities or is only available from one manufacturer source, as set forth in Public Contract Code 3400, and for reasons including that maintenance costs associated with multiple suppliers of equipment would exceed the benefit of competitive bidding; and

WHEREAS, the formal purchasing procedures would be unavailing for the acquisition of the products in the FMC and CS Standardized Equipment/Materials Lists since the equipment or materials (a) are proprietary in nature, (b) are restricted to one vendor in the District’s service area, (c) are determined that certain manufacturers’ parts have a better cost-to-service life ratio, (d) requires parts already identified as part of the CIP Standardized Equipment List, or (e) are supported by a vendor that provides a quicker turnaround where time is an important factor.

THEREFORE, BE IT RESOLVED, that the UNION SANITARY DISTRICT hereby approves the revised Policy No. 2760 – Standardized Equipment/Materials Policy and Attachments A through E. The policy and the CIP, FMC, and CS Standardized Equipment/Materials Lists shall be effective for a period of three years and shall be reviewed on May 13, 2027. The Board of Directors further designates the General Manager, or their designee, to modify the CIP, FMC, and CS Standardized Equipment/Materials Lists, and approve standardized equipment or materials for projects and purchase orders, in accordance with Policy No. 2760.


On motion duly made and seconded, this resolution was adopted by the following vote on May 13, 2024:

AYES: Fernandez, Handley, Kite, Lathi, Toy

NOES: None


ABSENT: None

ABSTAIN: None

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JENNIFER TOY
President, Board of Directors
Union Sanitary District

Attest:

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PAT KITE
Secretary, Board of Directors
Union Sanitary District

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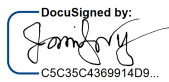
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Signer Events

Jennifer Toy
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Signature



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Electronic Record and Signature Disclosure

AUTHORIZE THE GENERAL MANAGER TO EXECUTE AMENDMENT NO. 1 TO TASK ORDER NO. 3 WITH WOODARD & CURRAN, INC. FOR THE ALVARADO INFLUENT VALVE BOX REHABILITATION

This item was reviewed by the Engineering and Information Technology Committee. Technical Services Manager Chau stated the Board initially awarded the construction contract for the Project in January 2020 with a scheduled completion date in September 2020. Due to the COVID-19 pandemic, the construction contract was terminated by the Board in January 2021. The Project was readvertised for bids and the Board awarded the construction contract to Gateway Pacific Contractors, Inc. on February 12, 2024. The purpose of Amendment No. 1 to Task Order No. 3 will be to authorize additional engineering services required to support the construction contract. Staff recommended the Board authorize the General Manager to execute Amendment No. 1 to Task Order No. 3 with Woodard & Curran, Inc. for the Alvarado Influent Valve Box Rehabilitation Project in the amount of \$78,232.

It was moved by Director Lathi, seconded by Director Fernandez to Authorize the General Manager to Execute Amendment No. 1 to Task Order No. 3 with Woodard & Curran, Inc. for the Alvarado Influent Valve Box Rehabilitation Project in the Amount of \$78,232. Motion carried with the following vote:

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

INFORMATION ITEMS:

Certificates of Merit to Union Sanitary District's Class I Permitted Industries

This item was reviewed by the Legal/Community Affairs Committee. Environmental Compliance Coach Dunning stated the District's Environmental Compliance team will recognize industries that have exceeded the requirements of their wastewater discharge permits during the prior calendar year and have demonstrated continued commitment to protecting the environment at the Certificates of Merit event to be held at 3:00 p.m. on Thursday, May 30, 2024, in the Boardroom. The District invited representatives from 23 Significant Industrial Users with Class I Wastewater Discharge Permits to receive Certificates of Merit. A congratulatory notice listing the awardees will be published in the Tri-City Voice and The Argus newspapers the week of May 20, 2024.

Board of Directors Internal Committee Assignments 2024-2025

General Manager Eldredge stated Board Policy No. 3070 states the President of the Board of Directors is responsible for assigning members and alternates for internal committees. Internal committee assignments received from President Toy were included in the Board meeting packet.

Check Register

There were no questions regarding the check register.

COMMITTEE MEETING REPORTS:

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

GENERAL MANAGER'S REPORT:

- General Manager Eldredge provided a COVID-19 update.
- General Manager Eldredge provided an update on the latest draft of the 3rd watershed permit. All EBDA agencies submitted a joint letter requesting consideration for early adopters and those doing reclaimed water. The San Francisco Bay Water Board is scheduled to consider the permit at its June 12, 2024, meeting.
- General Manager Eldredge recently provided a District overview presentation to the Newark City Council and will present to the Fremont City Council next week.

OTHER BUSINESS:


There was no other business.

ADJOURNMENT:


The meeting was adjourned at 4:38 p.m. to a Special Board Meeting to be held in the Boardroom Monday, May 20, 2024, at 4:00 p.m.

The Board will then adjourn to a Special Board Meeting to be held in the Boardroom on Tuesday, May 28, 2024, at 4:00 p.m.

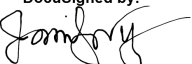
SUBMITTED:

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REGINA McEVOY
BOARD CLERK

ATTEST:

DocuSigned by:

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PAT KITE
SECRETARY

APPROVED:

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JENNIFER TOY
PRESIDENT

Adopted this 28th day of May 2024

Certificate Of Completion

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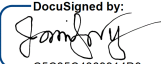
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Jennifer Toy
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Pat Kite
 pkite@unionsanitary.ca.gov
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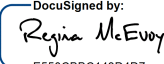
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Regina McEvoy
 reginam@unionsanitary.ca.gov
 Assistant to GM
 Union Sanitary District
 Security Level: Email, Account Authentication (None)

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