

**MINUTES OF THE MEETING OF THE
BOARD OF DIRECTORS OF
UNION SANITARY DISTRICT
February 11, 2013**

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**

PRESENT: Manny Fernandez, Secretary
Tom Handley, Director
Pat Kite, President
Anjali Lathi, Vice President (arrived 7:03 p.m.)
Jennifer Toy, Director

ABSENT: None

STAFF: Richard Currie, General Manager/District Engineer
Richard Cortes, Business Services Manager
Jesse Gill, Technical Support & Customer Services Manager
Sami Ghossain, Capital Improvements Projects Coach
Dave Livingston, Treatment and Disposal Services Manager
Andy Morrison, Collection Services Manager
David O'Hara, Legal Counsel
Louis Rivera, Mechanic
Jose Rodrigues, Collection System Worker
Dustin Strasburg, Utility Worker
Allen Tarnowski, Collection System Worker
Tim Teale, Painter
Tom Graves, Assistant to the General Manager/Board Secretary

CONSULTANTS: None.

VISITORS: None.

4. **APPROVAL OF THE MINUTES OF JANUARY 28, 2013**

Action On a motion made by Director Handley and seconded by Director Fernandez, the Minutes of the Board of Directors Meeting of January 28, 2013 were approved. The motion carried unanimously, 4-0. (Director Lathi arrived at 7:03 p.m.)

5. **WRITTEN COMMUNICATIONS**

There were no official communications.

6. **ORAL COMMUNICATIONS**

There were no oral communications.

7. **RECOGNIZING COLLECTION SYSTEM WORKER II JOSE RODRIGUES FOR RECEIVING THE COLLECTION SYSTEM PERSON OF THE YEAR AWARD.**

Collection Services Manager Andy Morrison presented the Collection System Person of the Year Award to Jose Rodrigues, CSW II, and congratulated him on his achievement. Andy also pointed out that Jose helped to develop and construct an overflow technical training station at the District's Training Facility, and that he regularly presents technical training to USD employees and to outside agencies. Because Jose is the CWEA San Francisco Bay Section Collection System Person of the Year, he is automatically entered into the statewide competition. Jose thanked Andy, James Schofield, Shawn Nesis and his co-workers, and said it was just his way of giving back to the District.

Director Kite inquired if a press release had been made, and GM Currie said he would check with Michelle Powell.

Director Handley said the photos of the spill were very useful, and inquired if other agencies had come to take their own photos. Andy said that 4 or 5 agencies have done so, although more are welcome to do so.

Director Handley also asked when we would know the results of the statewide completion, and Andy said that would be in April at the statewide CWEA Conference.

8. **RESOLUTION NO. 2695, ACCEPTING THE CONSTRUCTION OF THE PRIMARY DIGESTER NO. 4 REHABILITATION PROJECT FROM FD THOMAS, INC. AND AUTHORIZING THE ATTORNEY FOR THE DISTRICT TO RECORD A NOTICE OF COMPLETION.**

TSCS Manager Jesse Gill said that Primary Digester No. 4 was originally constructed during the 1985 plant upgrade project. In February of 2012, the digester was taken out of service and cleaned as part of the District's regular maintenance program. A condition assessment of the digester and its appurtenances was conducted by V&A Consulting Engineers, Inc. (V&A) after the digester was cleaned. On June 25, 2012, the Board awarded the construction contract of the Primary Digester No. 4 Rehabilitation Project (Project) in the amount \$113,305 to FD Thomas, Inc. Staff issued the Notice to Proceed to FD Thomas on July 27 2012. The 60-day project was scheduled to be complete on September 24, 2012. FD Thomas substantially completed the Project on January 9, 2013. The Project completion date had to be extended via Contract Change Order for two reasons. The first was to account for the discovery and repair of corroded steel on the dome and side skirt underneath existing coatings. The second was to install an application of nonskid material to the exterior foam insulation. The nonskid material had to be applied during a period of four consecutive dry weather days with temperatures above 50 degrees. This weather condition was not achieved until the second week in January. The Project construction included four (4) Contract Change Orders (CCO) at a total cost of \$44,121, which is approximately 39% of the original contract amount. GM Currie pointed out that even though 39% is relatively high, the digesters are not accessible when they are in operation, so repairs can be made only once every 6 years.

Action

On a motion made by Director Fernandez and seconded by Director Toy, the Board accepted the construction of the Primary Digester No. 4 Rehabilitation Project from FD Thomas, Inc. by Resolution No. 2695, and authorized the Attorney for the District to file a Notice of Completion with the Alameda County Recorder's Office. The motion carried unanimously.

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RESOLUTION NO. 2695

**ACCEPTING PROJECT FROM
FD THOMAS, INC.
FOR
PRIMARY DIGESTER NO. 4 REHABILITATION PROJECT
IN THE CITY OF UNION CITY, CALIFORNIA**

RESOLVED, by the Board of Directors of the UNION SANITARY DISTRICT that it hereby accepts the Primary Digester No. 4 Rehabilitation Project from FD Thomas, Inc. effective February 11, 2013.

Legal Counsel is hereby authorized to record a "Notice of Completion" for the project.

On motion duly made and seconded, this resolution was adopted by the following vote on February 11, 2013:

AYES: Fernandez, Handley, Kite, Lathi, Toy

NOES: ----

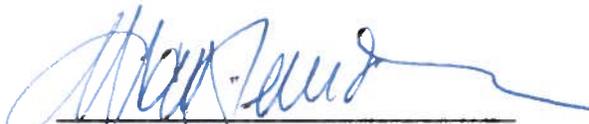
ABSENT: ----

ABSTAIN: ----



PAT KITE
President, Board of Directors
Union Sanitary District

Attest:



MANNY FERNANDEZ
Secretary, Board of Directors
Union Sanitary District

9. **APPROVING THE FRAUD IN THE WORKPLACE POLICY.**

Business Services Manager Rich Cortes presented this policy to the Board, stating that the Fraud in the Workplace Policy provides guidance to staff on how to define, report, and investigate fraudulent activities.

Action

On a motion made by Director Handley and seconded by Director Toy, the Board approved the Fraud in the Workplace Policy as presented. The motion carried unanimously

INFORMATION ITEMS

10. **SAFETY SLOGAN CONTEST RESULTS.**

Rich Currie stated that on September 20, 2012, the Safety Committee announced a contest to select a new District safety slogan. Rules were established and distributed to all District employees, with prizes of \$50 for first, \$35 for second, and \$25 for third place. Employees were encouraged to submit as many entries as they could think of and 43 were received. The Safety Committee chose the top 10, and employees then voted for the slogans they felt were the best.

Safety Slogan Selections:

The winning safety slogan, along with the second and third place winners, is:

- 1st Place: Be Alert! Accidents Hurt! (Submitted by Mike Auer)
- 2nd Place: Think Safety; Work Safely! (Submitted by Jennifer Sio-Kwok)
- 3rd Place: Safety...One habit you don't need to break (submitted by Mike Auer)

The winning safety slogan will be used to heighten safety awareness throughout the District on a daily basis. We expect to see this slogan on bulletin boards, banners, in training, and in newsletters. The slogan will remind our employees to consider safety while planning and performing each task they do.

INFORMATION ITEMS (continued)

11. REVIEW OF THE DRAFT POLICY FOR PAPERLESS BOARD AGENDA PACKETS AND USE OF ELECTRONIC EQUIPMENT

Rich Cortes presented an overview of the process to date, and stated the purpose of this item at this time is to gather comments in order to finalize the policy. He went on to say that at the Board meeting of September 24, 2012, a pilot project was approved for paperless Board packets. There are four main elements to the pilot:

- Purchase of hardware and software
- Modify business processes
- Projection of agenda at Board meetings for the audience
- Development of a policy for use of electronic equipment

Regarding Boardmember-owned devices, Director Lathi stated this was discussed in the Budget & Finance Committee meeting and that either the Board purchase with 25% District reimbursement option or the Board purchase through the District's Computer Loan Program is acceptable to her.

Director Handley indicated a preference for the reimbursement option, but inquired about what the reasonable life of the iPad is expected to be, so that the policy would clearly state that Board Members may expect to be reimbursed once every X number of years. He also suggested that the policy clearly state which model iPad is reimbursable under this policy.

Rich Currie said the committee had discussed these options as well, and that the 25% option seemed reasonable, adding that the required case, software and other approved accessories would be in addition to the 25% reimbursement for the iPad. Director Lathi concurred, and Mr. Cortes said this will be brought back, to the Board in final form at a future meeting.

INFORMATION ITEMS (continued).

12. LEGISLATIVE REPORT FOR FEBRUARY.

Rich Currie gave a presentation to the Board on legislative issues at the State, Regional and National level that may have an effect on USD. Among others, he mentioned the Governor's State of the State Address, which included reforms of the California Environmental Quality Act (CEQA), and issues affecting the Delta Water Plan, with an EIR on that due this Spring. Mr. Currie also spoke briefly about AB29 Williams and AB 39 Skinner on Proposition 39 implementation, SB 36 Rubio, a proposed water bond issue, and others, one of which was a low tech industrial wastewater treatment option currently being studied in India.

Director Kite inquired if there were any staff available who could, at another time, explain what those engineers in India have found and how it works. Mr. Handley also expressed an interest. Mr. Currie said that we had attempted to get the article, but it was only for sale in the EU at a cost of about \$46.

13. ANNUAL REPORT ON ACCIDENTS AND INJURIES FOR 2012.

Rich Currie said that for the calendar year 2012, USD had a total of 3 OSHA reportable accidents/incidents. Of these, only one was a lost time accident and two involved minor treatment, with no lost time or restricted duty. This is the lowest rate of accidents experienced by USD for several reporting periods. Vehicle accidents (3) were also minimal. One other incident of note involved a broken foam application device that squirted chemical into an employee's eye. First aid only was required for this incident, which resulted in no injury

14. TENTATIVE AGENDA FOR THE BOARD RETREAT.

Rich Currie presented the tentative agenda to the Board. Director Fernandez said that he was glad to see that presentations to City Councils was on the agenda.

15. CHECK REGISTER.

There were no questions from the Board. .

16. COMMITTEE MEETING REPORTS

The following Committees met before the Board Meeting: Audit, Budget & Finance, Construction, Legislative and Personnel.

17. General Manager's Report.

Rich Currie said that several schools will be touring the District facilities this week. Director Kite asked to be notified about all tours, and Mr. Currie said he would do so.

Director Toy inquired what the target age was for these tours. Mr. Currie said the target is 5th grade for elementary schools, and that 11th Grade chemistry classes include a component on sewer sciences, so we try to target that age group as well.

Director Fernandez inquired if staff discussed the difference with school children between bay odors and wastewater treatment plant odors. Mr. Currie said that staff did not discuss those differences with school children, but did do so with local residents.

Mr. Currie also reported that an employee was injured last week while doing some grinding and welding. The employee was wearing all of the required safety gear, yet got something in his eye, which was removed by a physician. The employee is now back at work.

FPPC Form 700's are due again this year, and Tom Graves has sent out the new forms for CY 2012. Any questions should be directed to Tom. Forms are due to him not later than March 18, 2013.

An offer has been made to a new Instrument Tech/Electrician, who will be coming to the District soon, as well as a new Inspector I in the Environmental Compliance Group.

Closed Session will not include the union contract tonight. The union is rolling out a new proposal later this week, and a vote will be the week after. There will be a closed session on this topic at the next Board meeting on February 25, 2013.

18. **OTHER BUSINESS:**

There was no other business.

19. **ADJOURNMENT:**

The Board adjourned to a Closed Session to discuss the recruitment of a Deputy General Manager (Calif. Govt. Code Section 94957(b)).

The Board then adjourned to a Closed Session to discuss the Performance Evaluation of the General Manager for 2012, (Calif. Govt. Code 94957(b)).

The Board then adjourned to the next Regular Meeting on February 25, 2013 at 7:00 p.m. in the Boardroom.

SUBMITTED:



TOM GRAVES
SECRETARY TO THE BOARD

ATTEST:



Manny Fernandez,
SECRETARY

APPROVED:



PAT KITE
PRESIDENT

Adopted this 25th day of February, 2013.

NOTICE OF CLOSED SESSION

The Board of Directors will then adjourn to a closed session to discuss and possibly determine the selection of a Deputy General Manager

It is my opinion as, District Legal Counsel, that a closed session to discuss this matter is allowed by Government Code Section 54957(b), authorizing closed sessions to privately consider these personnel matters.

Dated: February 11, 2013

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David M. O'Hara". The signature is fluid and cursive, with a large initial "D" and "O".

David M. O'Hara

Attorney for Union Sanitary District

UNION SANITARY DISTRICT
NOTICE OF CLOSED SESSION

The Board of Directors of UNION SANITARY DISTRICT will now adjourn to meet in a closed, executive session to discuss the employment, appointment or evaluation of performance of a public employee or employees to wit: The annual evaluation of the General Manager.

It is the opinion of legal counsel for the UNION SANITARY DISTRICT that a closed session for this discussion is authorized by Government Code § 54957, allowing closed sessions to meet privately to discuss these matters.

Dated: February 11, 2013

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David M. O'Hara", written over a horizontal line.

DAVID M. O'HARA
District Legal Counsel
UNION SANITARY DISTRICT