

**MINUTES OF THE MEETING OF THE
BOARD OF DIRECTORS OF
UNION SANITARY DISTRICT
June 22, 2015**

CALL TO ORDER

President Fernandez called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

PRESENT: Manny Fernandez, President
Jennifer Toy, Vice President
Tom Handley, Secretary
Pat Kite, Director

ABSENT: Anjali Lathi, Director

STAFF: Paul Eldredge, General Manager
Dave O'Hara, District Counsel
Karen Murphy, Special District Counsel
Rich Cortés, Business Services Manager
Sami Ghossain, Technical Services Manager
Armando Lopez, Treatment & Disposal Services Manager
Robert Simonich, Fabrication, Maintenance, & Construction Manager
James Schofield, Collection Services Manager
Leah Castella, Attorney
Michael Dunning, Environmental Compliance Team Coach
Michelle Powell, Communications Coordinator
Maria Scott, Principal Financial Analyst
Paul Johnson, Storekeeper II
Regina McEvoy, Assistant to the GM/Board Secretary

GUESTS: Alice Johnson, League of Women Voters

APPROVAL OF THE MINUTES OF JUNE 8, 2015

It was moved by Director Kite, seconded by Vice President Toy, to Approve the Minutes of the Board of Director's Meeting held June 8, 2015. Motion carried with the following vote:

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

MONTHLY OPERATIONS REPORT FOR MAY 2015

This item was reviewed by the Budget & Finance Committee. General Manager Eldredge reported the following:

- Odor Complaints: Two odor complaints were received during the month of May, both were from Fremont. The first complaint was received from an employee of the Bay Area Air Quality Management District (BAAQMD) who was driving near the Irvington Pump Station when they detected an odor. A District mechanic was dispatched to investigate the facility and surrounding area, and no odor was found. The information was relayed to the BAAQMD employee. The second complaint was received from a resident who reported an odor at her home on Old Canyon Road. District staff inspected the USD manholes and mains in the area, and no odor was detected. The homeowner was advised to fill her P-traps because they may be dry. The homeowner was instructed to contact her homeowners association if the odor returns as the lateral is connected to a private main.
- Safety:
 - We had one first aid incident where an employee had a small cut on his hand. The employee was sent to Urgent care to prevent any infection.
 - We also had a vehicle incident where a vector truck hit the overhang above the fuel Island. An investigation was completed to review the causes.
 - There was an incident in the thickener building where a pipe plug blew out while under pressure. No one was in the building at the time, but employees found the mess from sludge spraying the area. This highlights the need for precautions while this old building undergoes replacement.
 - The employee that had the work related injury reported in February is still off work. He had surgery in early May and hopes to be back to work in mid-June.
 - We received the draft report from California Sanitation Risk Management Authority (CSRMA) for our Risk Control Survey. The final report will be presented to the Board upon receipt.
 - We completed the update of the Heat Illness policy which meets new OSHA requirements. Training will be planned as we get enter the warm weather season.
- Staffing and Personnel:
 - Completed Recruitments Resulting in Promotions:
 - FMC Mechanical Maintenance Coach (Scott Martin; effective 6/1/15)
 - Other Completed Recruitments:
 - HR Analyst (Leticia Najera)
 - Recruitments Opened:
 - Receptionist
 - FMC Planner/Scheduler (internal)
- Hours Worked and Leave Time by Work Group: All Work Groups continue to meet the goal for at-work hours per employee per week (more than 34 hours). The District continues to meet the goal for average annual sick leave used per employee (less than 47 hours/year).

Principal Financial Analyst Scott reported the following on behalf of Business Services:

- Revenues:
 - \$233,000 received in capacity fees in May
 - Most received from residential construction
 - \$72,000 received from Kidango
 - Received \$872,000 in State Revolving Fund (SRF) loan proceeds
- Expenses:
 - All Work Groups are under budget
 - Operating expenses by type are under budget

General Manager Eldredge reported the following:

- Technical Services:
 - Customer Service:
 - 17 trouble calls dispatched
 - 36 new lateral permits issued
 - The website redesign is undergoing adjustments prior to Board presentation.
 - Environmental Compliance
 - Completed 64 Stormwater (Urban Runoff) inspections
 - Completed 46 FOG (fats, oils, and grease for restaurants) inspections
 - Conducted seven outreach events
- Collection Services:
 - Completed over 23 miles of cleaning
 - Completed over 11 miles of televising sewer lines
 - Assisted City of San Jose with spill estimation
- Fabrication, Maintenance, and Construction:
 - Replaced centrifuge end bearing in Centrifuge #1 and determined cause of failure
 - Replaced Cogen #2 gas proportioning valve
 - Overhauled Centrifuge #3
- Treatment & Disposal:
 - Attended Bay Area Clean Water Agencies Air Permit meeting
 - Continued discussion with PG&E to determine best rate schedule for the Irvington Pump Station (IPS)
 - The Cogen engines produced 75% of the Plant's power for the month

WRITTEN COMMUNICATIONS

There were no written communications.

ORAL COMMUNICATIONS

There were no oral communications.

CONSIDER THE CLAIM OF PAUL E. WHITMAN, #5 KOOTENAI COURT, FOR COST OF LATERAL REPAIR

This item was reviewed by the Legal/Community Affairs Committee. District Counsel O'Hara stated Paul Whitman, owner of #5 Kootenai Court in Fremont, submitted a claim

for \$7,380 for repair of his sewer lateral. The claim was submitted April 20, 2015. The District has paid \$500 for the replacement of the broken wye connection. Due to clear photographic evidence showing the root intrusion originated from Mr. Whitman's lateral, staff recommended the Board deny the claim.

Director Kite requested a root intrusion article be included in a future District newsletter. Secretary Handley requested the District post information regarding root intrusion, with images, on the District website.

It was moved by Director Kite, seconded by Secretary Handley, to reject the Claim of Paul E. Whitman, #5 Kootenai Court, for Cost of Lateral Repair. Motion carried with the following vote:

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

PUBLIC HEARING TO ADOPT ORDINANCE NO. 34.07, AN ORDINANCE PROVIDING FOR THE GENERAL REGULATION OF PRIVATE AND PUBLIC SEWERS, PLAN REVIEW, ISSUANCE OF CONSTRUCTION PERMITS, INSPECTION OF SEWER INSTALLATION, AND THE COLLECTION OF FEES FOR THESE SERVICES, AND TO REPEAL ORDINANCE NO. 34.06

This item was reviewed by the Legal/Community Affairs Committee. Technical Services Manager Ghossain stated staff did not receive any comments on the proposed ordinance prior to the meeting.

President Fernandez opened the public hearing. There were no speakers on the matter. President Fernandez closed the public hearing.

RESOLUTION NO. 2761 ADOPT ORDINANCE NO. 34.07, AN ORDINANCE PROVIDING FOR THE GENERAL REGULATION OF PRIVATE AND PUBLIC SEWERS, PLAN REVIEW, ISSUANCE OF CONSTRUCTION PERMITS, INSPECTION OF SEWER INSTALLATION, AND THE COLLECTION OF FEES FOR THESE SERVICES, AND REPEAL ORDINANCE NO. 34.06

This item was reviewed by the Legal/Community Affairs Committee. Technical Services Manager Ghossain stated District Ordinance No. 34.06 provides for plan review, issuance of construction permits, inspection of sewer installation, and collection of fees for said services. The Ordinance also governs the handling of deposits and includes the fees for Collection System services. The proposed revisions to the Ordinance include an update of the material and service fees used to calculate fees for work performed by the District, an update to contractors' required insurance limits, and addition of a Sewer-in-Steel Casing line item. The proposed revisions also provide for the ability to disconnect a sewer service in case of emergency.

It was moved by Director Kite, seconded by Vice President Toy, to Adopt Resolution No. 2761, Adopting Ordinance No. 34.07, An Ordinance Providing for the General Regulation of Private and Public Sewers, Plan Review, Issuance of Construction Permits, Inspection of Sewer Installation, and the Collection of Fees for these Services, and Repeal Ordinance No. 34.06. Motion carried with the following vote:

RESOLUTION NO. 2761

**ADOPT ORDINANCE NO. 34.07,
AN ORDINANCE PROVIDING FOR THE GENERAL REGULATION OF PRIVATE AND
PUBLIC SEWERS, PLAN REVIEW, ISSUANCE OF CONSTRUCTION PERMITS,
INSPECTION OF SEWER INSTALLATION, AND THE COLLECTION OF FEES FOR
THESE SERVICES, AND
REPEAL ORDINANCE NO. 34.06**

RESOLVED, by the Board of Directors of the UNION SANITARY DISTRICT, Alameda County, California, that:

WHEREAS, the Board intends to adopt Ordinance No. 34.07 to incorporate revisions to the material and services fees and Schedule of Construction Costs, update contractors' required insurance limits, and clarify the District's right to disconnect a sewer service where necessary to eliminate an immediate hazard to life or property; and to repeal Ordinance 34.06; and

WHEREAS, said Ordinance 34.07 was duly prepared and filed with the Secretary of the UNION SANITARY DISTRICT; and

WHEREAS, this Board appointed the time and place of hearing protests to said ordinance modifications and directed notice; and

WHEREAS, notice was given of the time therein stated in the manner provided by law as it appears by the Affidavit of Publication on file in the office of the Secretary of said District; and

WHEREAS, said matter came on regularly for hearing at the time fixed on June 22, 2015; and

WHEREAS, all written protests and other written communications were publicly read at said meeting and all persons desiring to be heard were fully heard;

NOW, THEREFORE, BE IT RESOLVED THAT the Board of Directors hereby certifies:

1. That all objections to and protests against said ordinance were not made by the owners of a majority of the separate parcels of property within the service area.
2. That all objections to and protests against said ordinance have been heard and considered by this Board and addressed by staff, and that said objections and protests be, and each of them are, hereby overruled.
3. That said Ordinance 34.07 be, and it is, hereby adopted in full without revision, change, reduction, or modification.

I hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Board of Directors of the UNION SANITARY DISTRICT, Alameda County, California, at a meeting thereof held on the 22nd day of June, 2015.

On motion duly made and seconded, this resolution was adopted by the following vote on June 22, 2015.

AYES: Fernandez, Handley, Kite, Toy

NOES: ----

ABSENT: Lathi

ABSTAIN: ----



Manny Fernandez
President, Board of Directors
Union Sanitary District

ATTEST:



Tom Handley
Secretary, Board of Directors
Union Sanitary District

RESOLUTION NO. 2761

**UNION SANITARY DISTRICT
ORDINANCE NUMBER 34.07**

AN ORDINANCE PROVIDING FOR THE GENERAL REGULATION OF PRIVATE AND PUBLIC SEWERS, PLAN REVIEW, ISSUANCE OF CONSTRUCTION PERMITS, INSPECTION OF SEWER INSTALLATION, AND THE COLLECTION OF FEES FOR THESE SERVICES

**ARTICLE I
DEFINITIONS**

SECTION 1 TERMINOLOGY

Words, phrases, or terms not specifically defined herein, and having a technical or specialized meaning shall be defined as set forth in the latest editions of the Uniform Plumbing Code.

SECTION 2 SPECIFIC DEFINITIONS

Unless the context indicates otherwise, the following words and terms shall have the meaning set forth in this article:

a) BACKFLOW PREVENTION DEVICE

A device installed in the building sewer for the purpose of preventing or minimizing the possibility of raw sewage backing up into the building.

b) BUILDING DRAIN

That part of the lowest piping of a drainage system which conveys wastewater from inside the walls of a building to a connection point with the building sewer.

c) BUILDING SEWER

A sewer conveying wastewater from a point 30 inches or less from the building or structure to a main sewer. The building sewer includes that portion on the property and that portion from the property line or easement line to the sewer main (Lateral Sewer). Building Sewers also include Private Sewers and House Sewers as defined.

- d) **DEVELOPER**
A person or party submitting a request for connection to the District.
- e) **DISTRICT**
Union Sanitary District, Alameda County, California.
- f) **DISTRICT ENGINEER or ENGINEER**
The General Manager of the District, or his designees, including, but not limited to, duly authorized personnel.
- g) **HOUSE SEWER**
That part of a piping system which conveys wastewater from a point 30 inches or less outside of a single family dwelling or residential unit to a main sewer. The house sewer includes that portion on the property and that portion from the property line or easement line to the sewer main (Lateral Sewer).
- h) **LATERAL SEWER**
That portion of the building sewer from the sewer main to the property line of the parcel of which the sewer serves (sometimes referred to as the lower lateral).
- i) **MAIN SEWER**
Any existing or proposed sewer dedicated to public use within the public right-of-way or sanitary sewer easement.
- j) **PERMIT**
A document issued by the DISTRICT that allows the construction, replacement, modification, or repair of main, building, private, and house sewers.
- k) **PERMIT HOLDER**
That person or company performing the sanitary sewer work to which a permit is issued.
- l) **PRIVATE SEWER**
That part of a piping system serving a non-residential building which conveys wastewater from a point 30 inches or less outside

of a building to a main sewer. Excluded from this definition is a house sewer as defined in "e)" above.

m) PUBLIC NUISANCE

Discharge of wastewater in any manner in violation of the regulations of the District's latest Wastewater Discharge Ordinance (Series 36) or of any order issued by the District Engineer as authorized by those regulations, is considered a public nuisance.

n) SEPTIC TANK

A water-tight receptacle which receives the discharge of a sanitary drainage system, or part thereof, designed and constructed so as to retain solids, digest organic matter through a period of detention, and allow the liquids to discharge into the soil outside of the tank through an effluent disposal system, meeting the requirements of the local Health Department having jurisdiction over such installation.

**ARTICLE II
GENERAL REGULATIONS**

SECTION 1 STANDARD SPECIFICATIONS

Main sewers, building sewer, and appurtenances shall be constructed, repaired, or altered in accordance with the latest revision of the District's Standard Specifications as adopted by the District's Board or the latest revision of the Uniform Plumbing Code. In all cases the District's Standard Specifications shall take precedence.

SECTION 2 PRIVATE SEWAGE SYSTEMS

The design, construction and maintenance of private sewage disposal systems, septic tank systems or any other method of sewage disposal other than through the system of the District are governed by the ordinances, codes, rules and regulations of the cities within the District, the County, or the State of California.

SECTION 3 REPAIR WORK ON MAIN SEWERS

If a person or company damages a main sewer or appurtenances within the District, the District may proceed to make the necessary repairs and the party responsible for the damages shall compensate the District for the cost thereof. If, in the opinion of the District Engineer, the repair work cannot be done by District forces, the District shall have the right to hire an outside contractor. In the event an outside contractor is hired, the party responsible for the damage shall compensate the District for all costs related to the repair.

SECTION 4 MAINTENANCE OF MAIN SEWERS

Whenever a main sewer in a public right-of-way has been constructed to the satisfaction of the District and accepted by the District, the District shall maintain said main sewer.

SECTION 5 OWNERSHIP AND MAINTENANCE OF BUILDING SEWERS

The building sewer serving a property is owned by the property owner. The property owner shall be responsible for the construction, maintenance, repair, or replacement of the building sewer, including the lateral sewer. The property owner shall also be responsible for complying with District's Wastewater Discharge Ordinance (Series 36) for the proper discharge of wastewater to the sewer. Property owners shall maintain their building sewer in a manner that prevents sanitary sewer overflows and sewer spills. If a building sewer is found not to be properly maintained, this condition shall be declared a public nuisance and the abatement of said nuisance shall be as set forth in the District's Wastewater Discharge Ordinance (Series 36). The District will not be liable for damage resulting from sewer overflows as a result of inadequate maintenance of the building sewer.

SECTION 6 BACKFLOW PREVENTION DEVICES

A backflow prevention device shall be required in the following cases:

- When the elevation of the lowest floor in any building is less than twelve inches above the rim elevation of the nearest upstream manhole or junction structure of a District Main Sewer into which a Building Sewer connects.
- On all structures where a pump is used to lift sewage to the sanitary sewer lateral and main sewer. In this case, the backflow relief device shall be located to protect the structure from damage in the event the pump is pumping against a closed backflow prevention device.
- On buildings where the elevation of any floor is at or below the invert of the sanitary sewer main, or where a condition exists where a plug in the sanitary sewer main will cause the hydraulic grade line to rise above the lowest floor level.

The installation of any such backflow protective device shall be at the sole cost and expense of the property owner. If the District, as a courtesy, installs the device, the District shall be under no obligation to ascertain that the backflow protective device continues in operating condition. The maintenance, repair, or replacement of the backflow protective device shall be the sole obligation of the owner.

Any property owner whose property has no backflow prevention device, or which has a defective or improperly installed backflow prevention device, or which has a backflow prevention device that does not comply in all respects with the requirements of this Ordinance or with the District's Standard Specifications shall be responsible for all damage that results from the lack of such a device, or the failure of the defective or improperly installed or noncompliant device to prevent or minimize such damage. The District will not be liable for damage resulting from sewer overflows when a backflow prevention device has not been installed or is not operating properly.

SECTION 7 CONNECTION OF BUILDING DRAINS

Every building in which plumbing fixtures are installed shall be separately and independently connected to a main sewer or septic tank. Where there is more than one building on a lot and where the lot cannot be subdivided under the provisions of any local regulations, a separate sewer will not be required. Connection of each building on a lot to the separate sewer requires a District permit, inspection by USD and is subject to a separate capacity fee (Ordinance 35 Series) and separate sewer service charges (Ordinance 31 Series). Any building sewers that have not been permitted, inspected; or where capacity and/or current sewer service charges have not been paid, will be subject to disconnection by USD forces under the authority of Health and Safety Code Sections 6520.1 and 6520.2. Upon written notice from USD, the owner or occupant of any building having a building sewer that is not permitted in

accordance with this ordinance shall terminate the connection of such building sewer to the main sewer within ten (10) days from the mailing of such notice. USD forces are hereby authorized to enter any such property, cap or terminate any building sewer line and to charge the owner and/or occupant of all such buildings which are required to be disconnected from the sewer system, the reasonable cost of such effort. Entry on private property and termination of service is authorized by Health & Safety Code Section 6523.2.

SECTION 8 SEPTIC TANKS

Where there is no available main sewer within 200 feet measured along streets, alleys, avenue, or public rights-of-way upon which a lot abuts, the building sewer may be connected with septic tanks when permitted by the county health department having jurisdiction over such installation, and provided further that whenever a main sewer is extended within the 200 foot limit as described above, then the aforesaid septic tank must be abandoned when directed by the county health department and the building sewer connected to the main sewer. All costs for abandoning the septic tank and appurtenances and connection to the main sewer shall be the sole responsibility of the property owner.

SECTION 9 PAYMENT OF FEES BEFORE CONNECTION

Until all fees and deposits, including costs of repair work on main sewers are paid or appropriate arrangements for payment have been agreed upon, no connection to District main sewers is allowed.

**ARTICLE III
PROHIBITED DISCHARGES TO THE SEWERS**

SECTION 1 PROHIBITIVE DISCHARGES

District Ordinance No. 36 Section 2.01 identifies those discharges to the sanitary sewer system that are prohibited. No person shall discharge or cause to be discharged, any of the following into a building sewer or main sewer:

- Any flammable or explosive substance, including gasoline, paint, oils or other flammable or explosive substance
- Any toxic or hazardous substance that may cause a threat to the life or health of the public or sewer maintenance person, or to the environment.
- Any substance that would cause an obstruction of flow in the sanitary sewer
- Any radio-active substance
- Any pesticide or herbicide
- Any medical wastes, including prescription or non-prescription pharmaceuticals or medicines

Any discharge or threat of a prohibitive discharge may be cause for the District to terminate service to prevent the harmful discharge to the District's sewer system.

In addition, storm water, groundwater, rain water (including from rain gutters), street drainage, subsurface drainage or yard drainage shall not be discharged through direct or indirect connections to the sewer unless a permit is issued for such connection by the District.

See additional prohibitions under District Ordinance No. 36.

**ARTICLE IV
PLAN REVIEW**

SECTION 1 PLAN SUBMITTALS

All plans to be submitted for review must be prepared by a California Registered Civil Engineer and shall be of such form as required by the District Engineer.

SECTION 2 PLAN REVIEW PERIOD

If after preliminary review no action has taken place within a period of six months, the review of the plans shall become void. If a plan is approved and a permit is not issued within one year of the plan approval date, the approval shall become void. Voided plans must be resubmitted along with a plan review fee based on fees in effect at the time of resubmittal before plans will be re-reviewed. Plans that are voided and resubmitted which are substantially the same as those originally approved shall be charged for one additional review *or 30% of the total plan check fee.*

SECTION 3 MINIMUM STANDARDS

Plans submitted for review or approval which, in the opinion of the District Engineer, do not meet minimum plan preparation and/or design standards, will not be reviewed and shall be returned to the applicant.

ARTICLE V PERMITS

SECTION 1 PERMITS REQUIRED

A person or company engaging in any of the following activities shall obtain a permit from the District for:

- a) Construction of a main sewer.
- b) Construction, replacement, alteration or repair of a building sewer.
- c) Connection of a building drain to a building sewer.
- d) Connection of a wash pad, RV dump station or other appurtenances to the building sewer.

SECTION 2 PERMIT APPLICATION

Applications for permits shall be made by submitting the necessary plans and information such as building and encroachment permits, CC & R's (Covenants, Conditions and Restrictions), easement documents, etc. as required by the District Engineer.

SECTION 3 ISSUANCE OF PERMITS

Permits shall be issued to the party actually doing the work, after all necessary documents and/or plans are approved and all fees and deposits are paid. Permit issuance by the District does not guarantee the permit holder the right to perform the work. Additional authorization or permits may also be required (ex. city street encroachment permit).

SECTION 4 EFFECTIVE PERIOD OF PERMIT

A permit is in effect for a period of one year from the date it was issued. The District Engineer may, for good cause shown, extend any permit beyond the initial one year period described above provided that:

- a) The specific activities permitted by the extension are substantially the same as the activities permitted by the original permit; and that the permit holder has made reasonable progress in performing the permitted activities.
- b) The applicant pays all applicable fees and charges existing as of the date that the extension is granted. A credit shall be given for fees and charges paid under the original permit, to the extent they have not been previously expended by the District or any other governmental agencies or they represent payment for work not yet done by the District or any other governmental agency in administering the permit process.

SECTION 5 TRANSFERABILITY OF PERMITS

A permit is not transferable.

SECTION 6 FAILURE TO OBTAIN A REQUIRED PERMIT

Whenever a person or company is required to obtain a permit as provided in this article and fails to obtain the required permit and inspection, there shall be paid to the District, in addition to all other charges, an amount as stated in Article IX Schedule of Fees. This fee may be withheld from other deposits the person or company may have on file with the District or will be charged and paid for prior to the issuance of future permits. Failure to obtain a permit and pay the required fees will prevent that person or company from being issued a permit to perform sanitary sewer work for future projects within the District.

SECTION 7 LICENSING

If a permit is to be issued to a contractor, that contractor shall be properly licensed by the STATE OF CALIFORNIA. The Contractor shall submit proof of licensing upon request by the District.

ARTICLE VI INSPECTION

SECTION 1 INSPECTION REQUIRED

The District shall inspect the work done under each permit. If the work does not meet District standards and requirements, the District may deny connection, order disconnection, or require other corrective measures at the expense of the permit holder.

SECTION 2 SEWER WORK COVERED WITHOUT APPROVAL

Work that has been covered without approval by the District shall be uncovered by the permit holder for inspection.

SECTION 3 REQUEST FOR INSPECTIONS

The permit holder shall advise the District that work is ready for inspection by giving at least 24 hours notice during normal working hours in advance of the time inspection is requested. Inspections outside of normal working hours shall require that the permit holder file and obtain approval on applicable forms and pay for any inspections at the overtime rate. If, in the opinion of the Engineer, work will be done by a Contractor outside of normal working hours, the Engineer has the right to inspect the work and charge the permit holder at the overtime rate. Any permit holder requesting inspection on a normal day off shall be charged for a minimum inspection time of four hours. Whenever work under a permit has been accepted by the District, the permit holder will be notified within 15 days of the date of acceptance.

SECTION 4 LIABILITY

The function of the Union Sanitary District is to assure that sewer facilities constructed on the *property* of others *are* compatible with the District's then current Standards and Specifications. Unless determined to be the direct result of active negligence of the District, any injuries to persons and/or property during or after construction are the responsibility of the developer, owner or contractor and not Union Sanitary District. In consideration of issuance of a permit, the developer, owner and/or contractor seeking such permit shall hold Union Sanitary District harmless from *any and all* liability, *and shall agree to* defend and indemnify Union Sanitary District regarding any injury or damage, actual or alleged, to persons and/or property, resulting from the improvements constructed pursuant to the permit or permits issued by the District in conjunction herewith.

SECTION 5 HOUSE SEWER INSPECTION

Inspection for the repair or replacement of a house sewer shall be limited to three on-site inspections: 1) a pre-job consultation intended to assist the

homeowner/contractor in the inspection process and advise of the District's construction requirements, 2) an inspection of the installed sewer subject to testing and prior to backfill, and 3) a final site inspection. The pre-job inspection can be substituted for re-testing of the test inspection or final inspection. Each inspection in excess of the three (3) identified above may be charged \$50 for each additional inspection, which will be deducted from the Permit Holder Deposit at the close of the project.

**ARTICLE VII
FEES**

SECTION 1 DOCUMENT REVIEW FEE

Whenever a document such as an easement or an encroachment permit is submitted for review, a document review fee may be required to be paid prior to any review. This amount shall be in accordance with Article IX Schedule of Fees, of this ordinance.

SECTION 2 STUDY FEE

Whenever a proposed development may have a significant effect on the capacity of the sewer system and/or treatment plant, the District may require a special engineering study to be undertaken. In such an event, a fee will be charged for the estimated cost of the study, including District administration and engineering costs. Upon completion of the study, additional fees may be charged based on actual costs of the study.

SECTION 3 PLAN REVIEW FEE

After the first plan review is completed, a plan review fee will be calculated in accordance with Article IX, entitled "Schedule of Fees", of this ordinance. The plan review fee will be invoiced and shall be paid prior to the return of the reviewed plans. This fee covers two preliminary reviews and final construction approval/signature. An additional fee may be charged before the third preliminary and subsequent reviews. The plan review fee may be adjusted upward at the time of plan approval to reflect changes from the first submittal.

SECTION 4 INSPECTION FEE

Prior to the issuing of a construction permit, an inspection fee, per Article IX Schedule of Fees, shall be paid. This fee shall cover the cost of three inspections. Further inspections may be provided at no cost unless they result from the permit holder failing to do the required work, in which case additional inspection fees shall be charged to the permit holder's deposit.

SECTION 5 PERMIT FEE

At the time a permit is issued, a permit fee in accordance with Article IX Schedule of Fees shall be paid. This fee shall cover the cost of processing the permit.

SECTION 6 MATERIAL AND SERVICES FEE

A material and services fee shall be charged per Article IX Schedule of Fees for any work to be done by District forces. This fee shall be paid prior to issuing a construction permit and shall cover the cost of District forces doing work as needed for the proposed construction.

**ARTICLE VIII
INSURANCE AND CASH DEPOSITS**

SECTION 1 INSURANCE REQUIRED

A contractor who applies for a permit shall maintain, on file with USD, an insurance certificate evidencing the following insurances:

- a) Worker's Compensation
- b) Commercial General Liability (\$1,000,000/incident minimum and \$2,000,000 aggregate)

USD shall be named as an Additional Insured for Public Liability (Additional Endorsement needed).

**SECTION 2 PURPOSE OF CASH DEPOSIT FOR SEWER
CONSTRUCTION PERMITS**

The District finds that the work of constructing, installing and repairing of sewers vitally affects the operation of the District's sewer system and has an adverse and deleterious effect upon it unless the work is inspected by the District and installed per District standards. The reason for requiring a cash deposit from an applicant as provided in this section is to ensure that the District's construction standards are met in case of poor or improper workmanship.

SECTION 3 DEPOSIT FOR MAIN SEWER CONSTRUCTION

A cash deposit or surety bond in an amount established by Article IX Schedule of Fees, shall be submitted to the District for main sewers prior to the issuance of a permit for the construction, installation, or alteration of a main sewer. Any cash deposit will be refunded after one year from the date of acceptance. An exception to this requirement is where the municipality within which the work is to be performed requires the filing of a faithful performance bond guaranteeing correction of defects due to faulty, improper, or inferior workmanship or materials arising or discovered within one year after acceptance of the work. In this case, no additional cash deposit or surety bond is required.

SECTION 4 DEPOSIT FOR PRIVATE SEWER CONSTRUCTION

An applicant for a permit, and a developer for the construction, installation or alteration of a private sewer shall deposit with the District, the amount established in Article IX Schedule of Fees. This deposit shall be refunded within 60 days after acceptance of the project by the District.

**SECTION 5 DEPOSIT FOR BUILDING SEWER REPAIR,
ALTERATION, OR INSTALLATION**

An applicant for a permit to repair, alter, or install a building sewer(s) shall

deposit with the District, the amount established in Article IX Schedule of Fees. This deposit shall be refunded within 60 days after acceptance of the sewer by the District, or if the Deposit is for a tract of houses, within 60 days after the last house is accepted.

SECTION 6 FAILURE OF A PERMIT HOLDER TO CORRECT WORK

A permit holder shall have ten days to correct any work, or respond in writing, after the District gives notice to correct deficient work. If the District Engineer, upon review of the written response, finds that there is insufficient reason for the permit holder not to correct the deficient work, the permit holder shall have five days to correct the said work. Failure to correct the deficient work in accordance with the schedule above will result in forfeiture of the deposit to the District. The District may then take corrective action as it determines necessary to complete the work.

SECTION 7 FAILURE TO CORRECT THE WORK AND THE WORK CONSTITUTES A DANGER

If a permit holder fails to correct any work within five days after notification in writing, and in the opinion of the District Engineer the work constitutes a danger to the public or District facilities, or that the District forces cannot correct the work, the work shall be disconnected by District forces. The cost of this disconnection shall be deducted from the deposits.

SECTION 8 INCREASE IN DEPOSIT OR SUSPENSION FROM WORK IN THE DISTRICT

If a permit holder fails to correct the work on two permits within a one-year period, the required deposit may be doubled. Further failures to correct the work may result in additional increases or disallowance of the permit holder to obtain another permit within the District's boundaries.

Sewer in Easement (additional charge)	Linear Feet	\$10.00
Sewer in Steel Casing	Linear Feet	\$1,560.00
Abandon Sewer	Linear Feet	\$11.00
Abandon Septic Tanks	Each	\$1,300.00
Abandon Manhole	Each	\$900.00

NOTE: The cost of items not listed will be estimated by the District Engineer.

SECTION 6 MATERIAL AND SERVICES FEE (used for calculating fees associated with work performed by District Forces).

	Description of Work	Unit	Fee
a.	Install stub and channel manhole (Work inside manhole only)		
	1. 6", 8", 10" stub into a manhole base	Each	\$2,300
	2. 12" or larger stub into a manhole base	Each	\$2,875
b)	Channel new manhole		
	1. 6" to 10" main	Each	\$1,820
	2. 12" to 18" main	Each	\$2,625
	3. 21" or larger main	Each	\$2,940
c)	False Bottom		
	1. Install and remove	Each	\$390
d)	Adjust manhole to grade		
	1a. Structural adjustment with reference points, false bottoms, and asphalt concrete	Each	\$840
	1b. In addition to 1a. above, for additional work including: excavation; removal; and replacement and/or installation of cone and/or barrel section	Each	\$4,500
	2. Asphalt concrete overlay using riser rings up to 3" in height, including reference points	Each	\$575
	3. Asphalt concrete including adjustment of existing casting	Each	\$785
e)	Pipe repairs less than 10 feet in length (cut & repair only)		
	1. 4" and 6" lateral	Each	\$595
	2. 6" and 8" main	Each	\$735
	3. 10" and 12" main	Each	\$975
f)	Wye or tee splices (cut and install only)		
	1. 6" to 12"	Each	\$1,100

	Description of Work	Unit	Fee
g)	*Television inspection		
	1. Laterals	Each	\$315
	2. Mains, in excess of 1000 ft in length (if < 1000 ft, then cost is on a time -and- materials basis)		
	\$0.42 Cleaning +\$1.10 TV	Per Ft.	\$1.52
	• TV only	Per Ft.	\$1.10
	*If laterals need additional work prior to TV, such as, snaking, repairs, or installing a cleanout, additional costs will be charged on a time-and-material basis		
h)	Cleanouts		
	1. Install	Each	\$915
	2. Raise cleanout to grade and install cleanout box	Each	\$395
i)	Miscellaneous		
	1. Install and remove temporary plug	Each	\$495
	2. Catch debris	Each	\$475
	3. Dye tracing	Each	\$265
	4. Ferret tracing	Each	\$265
j)	Overtime inspection		
	1. Hourly Rate (four hour minimum for weekends and holidays)	Per Hour	\$210
k)	Unforeseen conditions may increase the time and charges to complete work.		
l)	Additional work will be charged based on a time-and-material basis.		
m)	Contractors will be required to sign a work order.		
n)	USD work guaranteed for 12 months.		

SECTION 7 PERMIT HOLDER DEPOSITS

a) Main Sewers	50% of Construction Costs
b) Private Sewers	1. \$2,500.00 per permit, or 2. \$5,000.00 by cash, check or Credit Card payable to Union Sanitary District
c) House Sewers (Repair, alteration, or installation)	1. \$500.00 per permit, or 2. \$2,500.00 per tract, or 3. \$5,000.00 cash, check or Credit Card payable to Union Sanitary District

SECTION 8 DEVELOPER DEPOSITS

Developer deposit is 10% of Construction Cost of any structure, or \$800.00, whichever is greater.

SECTION 9 FEE FOR FAILING TO OBTAIN A PERMIT

The fee for failing to obtain a permit is a minimum of \$150.00 or 50% of the Inspection Fee, whichever is greater.

**ARTICLE X
REPEAL**

Ordinance 34.06 is hereby repealed.

**ARTICLE XI
EFFECTIVE DATE**

This Ordinance shall take effect and be in force August 3, 2015 and at least one week prior to said date it shall be published once in THE ARGUS, a newspaper of general circulation published in the UNION SANITARY DISTRICT. This ordinance shall be entered in the minutes of the District.

**ARTICLE XII
SEVERABILITY**

If any provision of this Ordinance or any subdivision thereof, or any application thereof, to any person or circumstance is held invalid, the remainder of this Ordinance or the subdivision, or the application of such provision to other persons or circumstances shall not be affected thereby.

On motion duly made and seconded, this Ordinance was adopted after public hearing by the following vote on June 22, 2015:

AYES: Fernandez, Handley, Kite, Toy

NOES: ----

ABSTAIN: ----

ABSENT: Lathi



Manny Fernandez
President, Board of Directors
UNION SANITARY DISTRICT

ATTEST



Tom Handley
Secretary, Board of Directors
UNION SANITARY DISTRICT

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

SCHEDULE A PUBLIC HEARING FOR SEWER SERVICE CHARGES FOR FY16

This item was reviewed by the Budget & Finance Committee. Principal Financial Analyst Scott stated a public hearing is needed to adopt Sewer Service Charge Ordinance No. 31.38, establish sewer service charges for FY 2016, and set and collect sewer service charges for FY 2016 on the tax roll. Staff proposed the public hearing be conducted in the Boardroom and be set for 7:00 p.m., or as soon thereafter as the matter may be heard, on July 13, 2015. Following Board approval, staff will publish the notice of public hearing in the Argus newspaper on June 30 and July 7, 2015.

It was moved by Secretary Handley, seconded by President Fernandez, to Schedule a Public Hearing for Sewer Service Charges for FY16. Motion carried with the following vote:

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

AWARD THE CONSTRUCTION CONTRACT FOR THE MISCELLANEOUS SANITARY SEWER SPOT REPAIRS PROJECT - PHASE VI TO CRATUS, INC.

This item was reviewed by the Construction Committee. Technical Services Manager Ghossain stated the District's routine television inspection of the collection system identifies pipelines with maintenance problems and structural defects. A number of sewers located throughout the District have been identified as having structural defects in need of open-cut repair. Due to difficult conditions, staff determined the repair work should be completed by a contractor and the project was advertised for bids. Staff recommend the Board award the construction contract for the Miscellaneous Sanitary Sewer Spot Repairs Project – Phase VI to Cratus, Inc. in the amount of \$324,000.

It was moved by, Director Kite, seconded by Vice President Toy, to Award the Construction Contract for the Miscellaneous Sanitary Sewer Spot Repairs Project - Phase VI to Cratus, Inc. Motion carried with the following vote:

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

RESOLUTION NO. 2762, ADOPT A PRELIMINARY BUDGET FOR FY16

This item was reviewed by the Budget & Finance Committee. Principal Financial Analyst Scott stated the preliminary FY 2016 budget was presented at the Board meeting held June 8, 2015. Staff will present the final FY 2015 budget to the Board on or before

RESOLUTION NO. 2762

**A RESOLUTION OF THE BOARD OF DIRECTORS OF
UNION SANITARY DISTRICT
CONTINUING THE FISCAL YEAR 2015 BUDGET**

WHEREAS, the District is in the process of developing an annual budget for fiscal year 2016; and

WHEREAS, it is anticipated that, to accommodate any unforeseen circumstances, the fiscal year 2016 budget will be adopted by no later than August 24, 2015, and;

WHEREAS, the District is required to make routine and monthly payments for goods, services and miscellaneous maintenance as necessary to continue day-to-day operations of the District.

NOW, THEREFORE, the Board of Directors of Union Sanitary District does hereby resolve that:

1. The Union Sanitary District shall continue the fiscal year 2015 budget in full force and effect until August 24, 2015, except for capital expenditures, which may require the Board of Directors' approval.
2. The General Manager is hereby authorized and directed to take all necessary and proper steps to implement this fiscal year 2016 budget, including making expenditures that require prior approval of the Board of Directors as set forth in the District's policies and procedures.
3. The General Manager may authorize administrative budget adjustments to transfer appropriations from one line item to another within a fund/departmental budget.

On motion duly made and seconded, this resolution was adopted by the following vote on June 22, 2015:

AYES: Fernandez, Handley, Kite, Toy

NOES: ----

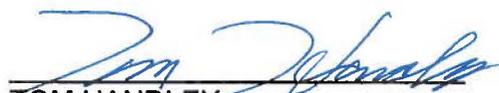
ABSENT: Lathi

ABSTAIN: ----



MANNY FERNANDEZ
President, Board of Directors
Union Sanitary District

Attest:



TOM HANDLEY
Secretary, Board of Directors
Union Sanitary District

August 24, 2015, and stated the proposed resolution would continue the FY 2015 budget until August 24, 2015.

It was moved by Secretary Handley, seconded by President Fernandez, to Adopt Resolution No. 2762, Adopting a Preliminary Budget for FY 16. Motion carried with the following vote:

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

AUTHORIZE THE GENERAL MANAGER TO EXECUTE THE AGREEMENT FOR THE CLEAN WATER PROGRAM ACTIVITIES AND ENFORCEMENT PROCEDURES WITH THE CITY OF FREMONT

This item was reviewed by the Legal/Community Affairs Committee. Technical Services Manager Ghossain stated the Federal Clean Water Act requires storm water discharges from municipal storm drain systems be regulated under the National Pollutant Discharge Elimination System (NPDES). The San Francisco Bay Regional Water Quality Control Board's (RWQCB) Water Quality Control Plan requires all cities in Alameda County have the same NPDES permit coverage, which led to the creation of the Alameda Countywide Clean Water Program (ACCWP) Joint Powers Agreement (JPA). It is the responsibility of each municipality to conduct the activities identified in the ACCWP's Storm-Water Management Plan, and the City of Fremont requested the District include the necessary tasks in the existing Pretreatment and Pollution Prevention inspection program. The contract amount for FY 16 reflects an increase of approximately 3% over the prior year's amount, and the amount for each subsequent year reflects a 3% increase. No additional staff will be required to meet the needs of this contract. The City of Fremont authorized the City Manager to execute the subject agreement at the City Council meeting held June 9, 2015.

It was moved by Vice President Toy, seconded by Secretary Handley, to Authorize the General Manager to Execute the Agreement for the Clean Water Program Activities and Enforcement Procedures with the City of Fremont. Motion carried with the following vote:

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

INFORMATION ITEMS:

Check Register

All questions were answered to the Board's satisfaction.

Discuss, Consider, and Provide Direction Regarding Options for Boardmember Internal Committee Assignments

General Manager Eldredge stated Board Policy No. 3070.2 requires Directors annually provide their interest in serving on internal committees to the Board President. The internal committees are as follows: Budget & Finance, Construction, Legal/Community

Affairs, Legislative, Personnel, and Audit. In the past, preferences have been stated verbally or in writing at the first meeting in July. The following options were presented:

- Continue past practice and have Boardmembers provide their written requests for internal committee assignments at the first meeting in July
- Boardmembers provide written requests for internal committee assignments in June
- Boardmembers verbally express preferences in open session at the first meeting in July

The Board directed staff to proceed with the second option. Staff will collect internal committee assignment preferences from each Boardmember, and forward to the Board President who will appoint representatives and alternates. Internal committee assignments will be presented in the July 27, 2015, Board meeting packet. Additionally, Board Policy 3070.2 will be modified accordingly to reflect this change when said policy is brought back before the Board for consideration.

Debriefing of the Open House Held May 9, 2015

A desk item was prepared for this item and submitted for Board review. The desk item was added to the June 22, 2015, Board meeting packet.

General Manager Eldredge stated Union Sanitary District hosted its first Open House on Saturday, May 9, 2015. Planning for the event began approximately two months in advance, and staff developed a variety of educational and interactive activities designed to engage visitors. The Open House was well attended, with over 1,100 guests counted throughout the event. During the event, 265 people who were unable to take a tour during the Open House indicated they would be interested in participating in a Plant tour at a later date. Staff will be meeting to discuss how best to accommodate tour requests, and interested parties will be contacted. A list of observations and lessons learned has been generated, and will be memorialized as a resource for similar events in the future. The total cost of the event was stated along with amounts spent for certain categories such as supplies, advertising, and labor. In consideration of the time and effort necessary to plan for such an event, staff recommended the District wait until the 2018 centennial celebration to hold another Open House.

Alice Johnson, representing the League of Women Voters, stated she attended the Open House and complimented staff on their efforts.

COMMITTEE MEETING REPORTS:

The Budget & Finance, Construction Committee, and Legal/Community Affairs Committees met.

GENERAL MANAGER'S REPORT:

General Manager Eldredge reported the following:

- The 60th Annual California Association of Sanitation Agencies (CASA) Conference will be held in San Diego, August 19-21, 2015.
- The annual financial audit has begun, and will continue for approximately two weeks.
- Treatment & Disposal Services Night Coach finalist interviews will be conducted June 23, 2015.

- Finalist interviews for the Receptionist and Human Resource Manager positions were held recently, and a final decision will be made soon.
- The General Manager attended the Alameda County Water District (ACWD) Board meeting on June 11, 2015. The ACWD Board approved the ACWD/USD Recycled Water Feasibility Study Cost Sharing Agreement item by a 4-1 vote.
- The District Legal Counsel orientation and transition is ongoing, and the official transition date will be announced within the next few weeks.

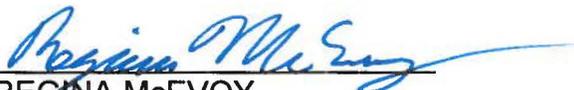
OTHER BUSINESS:

Director Kite stated she and her Red Hat Society group participated in a Plant tour on June 18, 2015. Director Kite complimented Environmental Outreach Representative Dattawalker and Lab Director Moy on their presentations to the group.

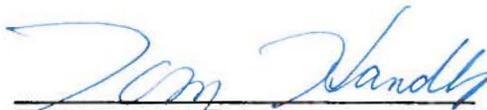
ADJOURNMENT:

The meeting was adjourned at 8:08 p.m. to the next Regular Board Meeting in the Boardroom on Monday, July 13, 2015, at 7:00 p.m.

SUBMITTED:


REGINA McEVOY
SECRETARY TO THE BOARD

ATTEST:


TOM HANDLEY
SECRETARY

APPROVED:


MANNY FERNANDEZ
PRESIDENT

Adopted this 13th day of July, 2015

UNION SANITARY DISTRICT

**NOTICE OF FILING REPORT AND PUBLIC HEARING IN CONNECTION WITH THE
COLLECTION OF FISCAL YEAR 2016 SEWER SERVICE CHARGES ON THE
PROPERTY TAX ROLL**

NOTICE IS HEREBY GIVEN that pursuant to Sections 5471 and 5473, et seq. of the Health and Safety Code of the State of California and Union Sanitary District Ordinance No. 31, the Board of Directors of Union Sanitary District will consider adoption of Ordinance No. 31.38 which establishes Sewer Service Charges for the Fiscal Year ending June 30, 2016. The District has elected to collect its charges for sewer services on the tax roll, in the same manner as general taxes.

The District has filed a written report with the Secretary of the Board of Directors describing each parcel of real property subject to the charges and amount of the charges against that parcel for fiscal year 2016. The report is on file and available for inspection at the District's offices at 5072 Benson Road, Union City, California.

NOTICE IS FURTHER GIVEN that on Monday, the 13th day of July 2015, at the hour of 7:00 p.m., or as soon thereafter as the matter may be heard, at the Union Sanitary District Boardroom, 5072 Benson Road, Union City, California, in said District, the Board will hold a hearing on the collection of sewer service charges on the property tax roll. At the hearing, the Board of Directors will hear and consider all objections or protests, if any, to the District's report. Any questions regarding the charges may be directed to the Business Services Manager at (510) 477-7500.

Publish dates: June 30, 2015
July 7, 2015

By order of the Board of Directors of Union Sanitary District.

UNION SANITARY DISTRICT


Secretary
Board of Directors