

**MINUTES OF THE MEETING OF THE  
BOARD OF DIRECTORS OF  
UNION SANITARY DISTRICT  
JANUARY 13, 2014**

**1. CALL TO ORDER**

President Lathi called the Board to Order at 7:00 p.m.

**2. PLEDGE OF ALLEGIANCE**

**3. ROLL CALL**

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

**ABSENT:** None

**STAFF:** Rich Currie, General Manager  
Rich Cortes, Manager, Business Services  
Sami Ghossain, Manager, Technical Services  
Dave Livingston, Manager, Treatment & Disposal Services  
Ed McCormick, Deputy General Manager  
Andy Morrison, Manager, Collection Services  
David O'Hara, Attorney  
Robert Simonich, Manager, Fabrication, Maintenance & Construction  
Tom Graves, Assistant to the General Manager/Board Secretary

**CONSULTANTS:** None

**VISITORS:** None

**4. APPROVAL OF THE MINUTES OF DECEMBER 23, 2013**

Director Lathi asked that Item 13 of the Minutes of December 23, 2013 be clarified so that it is clear the inflation adjuster for \$700 at the age of 65 and beyond commences adjusting as of the date of adoption, in this case December 23, 2013.

Action

On a motion made by Director Fernandez and seconded by Director Handley, the Minutes of the Board of Directors Meeting of December 9, 2013 were approved as amended. The motion carried unanimously.

**5. WRITTEN COMMUNICATIONS**

There were no official written communications.

**6. ORAL COMMUNICATIONS**

There were no oral communications.

**7. MONTHLY OPERATIONS REPORT FOR NOVEMBER,**

GM Currie reviewed the GM Report, and Rich Cortes reviewed the financials with the Board. There were no questions. GM Currie noted that the Capacity Fee accrued for Old Castle Building Materials will be reduced significantly after the appeal process.

**8. MODIFYING THE UNCLASSIFIED RULES AND REGULATIONS TO EXTEND JOB CONNECTED INJURY BENEFITS TO NINETY DAYS**

GM Currie presented the staff report. This modification is to extend Unclassified job-connected injury benefits from 60 days to 90 days to bridge the benefit to the start of Long Term Disability Benefits.

Action

On a motion made by Director Toy and seconded by Director Handley, the Board approved modifying the Unclassified Rules and Regulations to extend job connected injury benefits to ninety days. The motion carried unanimously.

9. **APPROVING POLICY NO. 5310, REVISING THE CRIMINAL BACKGROUND CHECK POLICY**

Rich Cortes explained that this revision is in response to Department of Justice requirements.

Action

On a motion made by Director Handley and seconded by Director Fernandez, the Board approved Policy No. 5310, revising the Criminal Background Check Policy. The motion carried unanimously.

10. **RESOLUTION NO. 2723, ORDERING, CALLING, PROVIDING FOR AND GIVING NOTICE OF A GENERAL ELECTION TO BE HELD IN UNION SANITARY DISTRICT, ALAMEDA COUNTY, CALIFORNIA, ON JUNE 3, 2014 FOR THE PURPOSE OF ELECTING TWO DIRECTORS**

GM Currie presented the report for both Items 10 and 11. Director Lathi inquired if it was possible for the board to act in one motion adopting Items 10 and 11 simultaneously. Attorney O'Hara assured her it was preferable to adopting them one at a time.

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RESOLUTION NO. 2723

RESOLUTION ORDERING, CALLING, PROVIDING FOR, AND GIVING  
NOTICE OF A GENERAL ELECTION TO BE HELD IN UNION SANITARY  
DISTRICT, ALAMEDA COUNTY, CALIFORNIA, ON JUNE 3, 2014  
FOR THE PURPOSE OF ELECTING TWO DIRECTORS

BE IT RESOLVED AND ORDERED BY THE BOARD OF DIRECTORS OF  
UNION SANITARY DISTRICT, Alameda County, California, as follows:

SECTION 1: That an election is hereby ordered and called to be held; and,

NOTICE IS HEREBY GIVEN

that said election will be held in UNION SANITARY DISTRICT, Alameda County, California, on Tuesday, June 3, 2014, at the time for the holding of the Direct Primary Election provided for by §2501 of the Elections Code, State of California, for the purpose of electing

ONE DIRECTOR, WARD 3, SEAT 1; FREMONT  
ONE DIRECTOR, WARD 3, SEAT 3; FREMONT

to hold office for the term prescribed by law and until the election and qualifications of their successors. Term of office for Seats 1 and 3 are for four years, expiring in June 2018.

SECTION 2: The election hereby called and ordered to be held in said District, including the nomination of candidates and the election of Directors and all matters pertaining thereto shall be held and conducted and the results ascertained, determined, and declared in accordance with the applicable provisions of the Health and Safety Code and Elections Code and substantially as herein prescribed and in all other respects as nearly as practicable in conformity to the general election laws of the State of California.

SECTION 3: Two Directors shall be elected from Ward Three, as defined in Union Sanitary District Ordinance No. 33, at said election, for the term prescribed by law. Said Directors shall be residents and registered voters of said UNION SANITARY DISTRICT and from the geographical area of the respective Ward each candidate seeks to represent. The ballot shall contain the names of the persons nominated for the office of Director of UNION SANITARY DISTRICT. Candidates shall declare their candidacy; election returns shall be canvassed; the election shall be held and conducted; the results shall be declared; and the certificates of election shall be issued in the same manner as the Declaration of Candidacy, election, canvassing of returns, declaration of results, and issuance of Certificates of Election for County Officers are made, declared, held, conducted, and issued consistent with the provisions of the Elections Code of California and §6580.1 of the Health and Safety Code of California.

SECTION 4: The election provided for herein is ordered consolidated in accordance with law, with the Direct Primary Election provided for by §2501 of said Elections Code to be held in the County of Alameda and in the territory of said UNION

SANITARY DISTRICT on June 3, 2014; and the Board of Supervisors of Alameda County is authorized to cause the canvass of the returns of said District election and certify the results of said canvass to the Board of Directors of UNION SANITARY DISTRICT; and such election within the area of said District shall be held in all respects as if there were only one election; and only one form of ballot shall be used thereat; and the election precincts, polling places, and voting booths shall in every case be the same; and there shall be only one set of election officers in each of the precincts, and they shall be those selected and designated by the Board of Supervisors of Alameda County, California, for said Direct Primary Election.

SECTION 5: Official petitions for eligible candidates desiring to file for each said office may be obtained from the office of the Registrar of Voters. Appointment to each elective office will be made as prescribed by §12112 of the Elections Code of California in the event there are no nominees for any specific seat or seats and a petition for an election is not filed within the time prescribed by §12112 of the Elections Code of California. In the event of a tie vote, said tie shall be resolved by lot.

SECTION 6: At the next regular meeting of the Board of Directors of UNION SANITARY DISTRICT held after the receipt of the returns of the canvass by the Board of Supervisors of Alameda County, California, the Board of Directors of said District shall determine the results of said election and shall cause to be spread upon the minutes of said Board of Directors a statement of the results of said election as ascertained by said canvass, giving the total votes cast for each candidate for office of Director voted upon at said election.

On motion duly made and seconded, this resolution was adopted by the following vote on January 13, 2014:

AYES: Fernandez, Handley, Kite, Lathi, Toy  
NOES:  
ABSENT:  
ABSTAIN:

  
JENNIFER TOY  
Secretary, Board of Directors  
Union Sanitary District

  
ANJALI LATHI  
President, Board of Directors  
Union Sanitary District

11. **RESOLUTION NO. 2724, ORDERING THE CONSOLIDATION OF THE UNION SANITARY DISTRICT GENERAL ELECTION ON JUNE 3, 2014 WITH THE DIRECT PRIMARY ELECTION TO BE HELD ON JUNE 3, 2014, AND REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF ALAMEDA TO CONSOLIDATE SAID GENERAL DISTRICT ELECTION WITH THE SAID DIRECT PRIMARY ELECTION TO BE HELD ON SAID DATE**

Action

On a motion made by Director Kite and seconded by Director Fernandez, the Board approved Item 10, Resolution No. 2723, and Item 11, Resolution No. 2724, Ordering the June 3, 2014 Election, and Ordering the Consolidation of said Election with the County of Alameda. The motion carried unanimously.

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RESOLUTION NO. 2724

**RESOLUTION ORDERING THE CONSOLIDATION OF THE UNION SANITARY DISTRICT GENERAL ELECTION ON JUNE 3, 2014, WITH THE DIRECT PRIMARY ELECTION TO BE HELD ON JUNE 3, 2014, AND REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF ALAMEDA TO CONSOLIDATE SAID GENERAL DISTRICT ELECTION WITH THE SAID DIRECT PRIMARY ELECTION TO BE HELD ON SAID DATE**

WHEREAS, the Board of Directors of the UNION SANITARY DISTRICT of Alameda County, State of California, has called a General District Election to be held in said District on June 3, 2014, for the purpose of electing a successor for each of the two (2) members whose terms are about to expire; and

WHEREAS, the Board of Directors of UNION SANITARY DISTRICT has declared its intention that all General District Elections for the election of Directors be consolidated with and held on the same date as the Direct Primary Election is to be held in accordance with §6580.1 of the Health and Safety Code of the State of California; now, therefore, be it

RESOLVED as follows:

1. That the General District Election to be held on June 3, 2014, in the UNION SANITARY DISTRICT, of Alameda County, shall be and the same hereby is consolidated with the Direct Primary Election to be held on said date;

2. Pursuant to the provisions of §12112 of the Election Code of the State of California, the Board of Directors of the UNION SANITARY DISTRICT hereby requests the Board of Supervisors of Alameda County, California, to consolidate, in accordance with the law, the General District Election ordered and called to be held on June 3, 2014, with the Direct Primary Election to be held on June 3, 2014, as provided by §2501 of the Elections Code and §6580.1 of the Health and Safety Code of California;

3. Any candidate filing a candidate's statement of qualifications pursuant to §10012 of the California Elections Code shall pay the actual prorated costs of printing and handling said candidate's statement as provided therein. Such payment is to be made in advance to the Registrar of Voters. Said candidate's statement shall contain no more than 200 words. Candidates will not be permitted to submit other materials to be sent with the sample ballot and voter's pamphlet.

On motion duly made and seconded, this resolution was adopted by the following vote on January 13, 2014:

AYES: Fernandez, Handley, Kite, Lathi, Toy  
NOES:  
ABSENT:  
ABSTAIN:



ANJALI LATHI, President  
Board of Directors  
Union Sanitary District

ATTEST:

  
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JENNIFER TOY,  
Secretary  
Board of Directors  
Union Sanitary District

Adopted January 13<sup>th</sup>, 2014

12. **RESOLUTION NO. 2725, ACCEPTING THE CONSTRUCTION OF THE I-680 AT SABERCAT RD. SANITARY SEWER RELOCATION PROJECT FROM RANGER PIPELINES, INC. AND AUTHORIZING THE ATTORNEY FOR THE DISTRICT TO RECORD A NOTICE OF COMPLETION**

Sami Ghossain presented the report. All disputes regarding delays and changed conditions have been resolved, and total change orders are 031%. The District was made whole for additional inspection costs.

Action

On a motion made by Director Handley and seconded by Director Toy, the Board approved Resolution No. 2725, Accepting the Construction of the I-680 at Sabercat Rd. Sanitary Sewer Relocation Project from Ranger Pipelines, Inc. and Authorizing the Attorney for the District to Record a Notice of Completion. The motion carried unanimously.

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RESOLUTION NO. 2725

ACCEPTING THE CONSTRUCTION OF THE  
I-680 AT SABERCAT RD. SANITARY SEWER RELOCATION PROJECT  
FROM  
RANGER PIPELINES, INC.  
LOCATED IN FREMONT, CALIFORNIA

RESOLVED: That the Board of Directors of the UNION SANITARY DISTRICT hereby accepts the I-680 at Sabercat Rd. Sanitary Sewer Relocation Project from Ranger Pipelines, Inc., effective January 13, 2014, and be it

FURTHER RESOLVED: That the Attorney for the District is authorized to file a "Notice of Completion" for the project.

On a motion duly made and seconded, this resolution was adopted by the following vote on January 13, 2014:

AYES: Fernandez, Handley, Kite, Lathi, Toy

NOES: ----

ABSENT: ----

ABSTAIN: ----



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ANJALI LATHI  
President, Board of Directors  
Union Sanitary District

Attest:



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JENNIFER TOY  
Secretary, Board of Directors  
Union Sanitary District

13. **RESOLUTION NO. 2726, ACCEPTING THE CONSTRUCTION OF THE CAST IRON LINING PROJECT, PHASE V FROM SOUTHWEST PIPELINE & TRENCHLESS CORP. AND AUTHORIZING THE ATTORNEY FOR THE DISTRICT TO RECORD A NOTICE OF COMPLETION**

Sami Ghossain presented the report. Unanticipated groundwater conditions resulted in additional work. Total change orders for the project were 3.4%.

A lateral was inadvertently blocked during construction resulting in minor damage, the costs of which were paid by the Contractor. The Contractor also paid USD crew costs.

Directors Kite, Lathi and Fernandez inquired about liability issues and the process of making a claim. GM Currie and Andy Morrison informed them of past practices.

Action

On a motion made by Director Fernandez and seconded by Director Handley, the Board Adopted Resolution No. 2726, accepting the construction of the Cast Iron Lining Project, Phase V from Southwest Pipeline & Trenchless Corp. and authorized the Attorney for the District to record a Notice of Completion. The motion carried unanimously.

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RESOLUTION NO. 2726

ACCEPTING THE CONSTRUCTION OF THE  
CAST IRON LINING PROJECT, PHASE V FROM  
SOUTHWEST PIPELINE & TRENCHLESS CORP.  
LOCATED IN UNION CITY, CALIFORNIA

RESOLVED: That the Board of Directors of the UNION SANITARY DISTRICT hereby accepts the Cast Iron Lining Project, Phase V from Southwest Pipeline & Trenchless Corp., effective January 13, 2014; and be it

FURTHER RESOLVED: That the attorney for the District is authorized to file a "Notice of Completion" for the project.

On a motion duly made and seconded, this resolution was adopted by the following vote on January 13, 2014:

AYES: Fernandez, Handley, Kite, Lathi, Toy

NOES: - - - -

ABSENT: - - - -

ABSTAIN: - - - -



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ANJALI LATHI  
President, Board of Directors  
Union Sanitary District

Attest:



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JENNIFER TOY  
Secretary, Board of Directors  
Union Sanitary District

**14. EMC STORAGE AREA NETWORK EARLY REPLACEMENT**

Rich Cortes presented the report. Due to excessive costs required to expand and maintain this data storage equipment, staff is recommending early replacement.

**15. CHECK REGISTER**

The Board had no questions.

**16. COMMITTEE MEETING REPORTS**

The following Committees met: Budget & Finance; Personnel; Legal/Community Affairs; Construction.

**GENERAL MANAGER'S REPORT**

Mr. Currie reported the following:

- a. The Private Sewer Lateral Program is continuing. The group is now finalizing documents for homeowners and a brochure that will go to the three cities, explaining the program.
- b. Ed McCormick, Sami Ghossain and Michelle Powell will be going to CASA in Indian Wells this Wednesday through Friday. GM Currie will not be going this time.
- c. A new employee Security Procedure has been put in place, which states that on the first day an employee is placed on administrative leave or on suspension, all access devices to District facilities will be surrendered to the District.
- d. There were no SSO's for the month of December.
- e. Dave Livingston attended the newly reconstituted Union City Disaster Council, and a representative of USD will continue to attend from now on.

**18. OTHER BUSINESS**

Director Toy attended the ACWD Finance Authority meeting on January 9, 2014. Officers were reinstated for 2014.

Director Kite attended the Alameda County Special Districts Association meeting last week. County Supervisor Valle made a presentation.

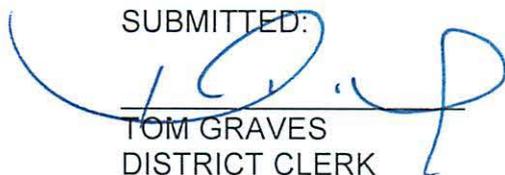
19. ADJOURNMENT

At 7:36 p.m., the Board adjourned to a Closed Session in the Boardroom to discuss the performance of the General Manager for 2013, (Government Code Section 54957.) Attorney O'Hara read the disclosure statement and indicated that compensation may not be discussed in Closed Session.

At 8:02 p.m., the Board adjourned to a Closed Session on Wednesday, January 15, 2014 at 6:30 p.m. in the Alvarado Conference Room to Continue the Performance Evaluation of the General Manager for 2013 (Calif. Govt. Code 54957.)

The Board will then adjourn to the next Regular Meeting on January 27, 2014 at 7:00 p.m. in the Boardroom.

SUBMITTED:

  
TOM GRAVES  
DISTRICT CLERK

ATTEST:

  
JENNIFER TOY  
SECRETARY

APPROVED:

  
ANJALI LATHI  
PRESIDENT

Adopted this 27th day of January, 2014.