

**MINUTES OF THE MEETING OF THE
BOARD OF DIRECTORS OF
UNION SANITARY DISTRICT
April 14, 2014**

CALL TO ORDER

President Lathi called the meeting to order at 7:03 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

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

STAFF: Richard Cortes, Business Services Manager/Acting General Manager
Sami Ghossain, Manager, Technical Services
David Livingston, Treatment & Disposal Services Manager
Andy Morrison, Collection Services Manager
Mohammad Ghoury, Engineering Tech II
Jason Yeates, Environmental Compliance Inspector II
David O'Hara, Legal Counsel
Carol Rice, Acting Assistant to the GM/Board Secretary

ABSENT: Richard Currie, General Manager

APPROVAL OF THE MINUTES OF MARCH 24, 2014.

On a motion made by Director Kite and seconded by Director Toy, the minutes of the Board of Directors' Meeting of March 24, 2014 were unanimously approved.

WRITTEN COMMUNICATIONS.

The Board received the following: a letter from DSRSD thanking employee John Seo, Chemist, for his assistance as a judge at the 2014 Alameda County Science and Engineering Fair; a letter from a Newark resident thanking the Collections staff for their helpful response to a trouble call; a copy of the brochure for the General Manager's recruitment; a CSDA publication; and a notice about Fremont's upcoming 4th of July Parade.

ORAL COMMUNICATIONS.

There were no oral communications.

CONSIDERATION TO RESCHEDULE MAY 26, 2014 BOARD MEETING.

The regularly scheduled second Board Meeting in May falls on the Memorial Day holiday. Staff is requesting that the Board consider rescheduling the meeting to May 27, 2014.

On a motion made by Director Kite and seconded by Director Handley, the Board unanimously agreed to reschedule the second Board Meeting in May to Tuesday, May 27, 2014 at 7:00 p.m.

REVIEWING AND AMENDING POLICY 2040 REGARDING EXCEPTIONS TO FEE ORDINANCE.

The Legal/Community Affairs Committee reviewed this item. Dave O'Hara stated that USD modified its fee ordinance exceptions policy in the late 1980's to accommodate a situation where there was a real possibility that the State of California would declare itself immune to USD's capacity fee ordinance. The ordinance was modified to include no exemptions. Since then legislation has resolved the issue. The policy is being modified to eliminate the reference to public agency exemptions and to simplify the fee exceptions provisions.

CONSIDERATION OF PROPOSAL FROM USD LEGAL COUNSEL FOR EXTENSION OF SERVICES.

This item was moved to the end of the agenda.

INFORMATION ITEMS:

Check Register. All questions were answered to the Board's satisfaction.

Board Quarterly Expenditure Report, 3rd Quarter FY'14. The Budget & Finance Committee reviewed this item. Rich Cortes noted a change in the title of the report to "Quarterly Travel and Training Expenditure Report." The Board had no questions.

Earth Day, 2014. The Legal/Community Affairs Committee reviewed this item. Sami Ghossain stated the Environmental Compliance Team will participate in Earth Day on April 22 with Boehringer Ingelheim Fremont Incorporated and on April 26 with the City of Fremont and Washington Hospital. The Team will share information related to Pollution Prevention. They will provide handouts related to Fats, Oil, and Grease, Integrated Pest Management, and Green Business. For children, staff will hand out workbooks related to the sanitary sewers, pencils, magnets, and grease scrapers. The District will place an ad in the April 22nd

edition of the Tri-City Voice announcing the Earth Day celebration. Director Lathi requested that Board members receive a sample of the magnet.

Implementation of Board E-Mail Policy. The Personnel Committee reviewed this item. Dave O'Hara responded to the following questions the Board raised at the committee meeting:

- If there is a possibility that the Appeals Court decision is appealed to the California Supreme Court, can we hold off on deciding whether to use personal vs. USD emails for the business of the District? Dave O'Hara stated the purpose of the E-Mail Policy is for the Board to use the District email for all communication pertaining to the business of the District. However, the Board can decide to suspend the Policy in light of the recent Appeals Court decision. He suggested the Board consider a policy that clarifies what they consider public documents.
- If the Appeals Court decision stands, does that guarantee that personal emails would be protected and not accessible, and if not, what would be the point of switching to the USD mail addresses? Dave O'Hara stated that although there are no guarantees, he feels certain that everything in personal email accounts would be protected.

There was a lengthy discussion about using personal e-mails versus USD e-mail accounts. The Board also discussed the difference between individual Board e-mails and the bod@unionsanitary.ca.gov account. After discussion, the Board stated they would like to continue to have staff review the bod@unionsanitary.ca.gov account and forward emails to the appropriate Board member. They also agreed to manage their own USD e-mail accounts. They would like to discuss and define at a committee meeting what a public record is as it relates to e-mails.

2014 Biennial Sewer System Management Plan (SSMP) Audit. The Legal/Community Affairs Committee reviewed this item. Andy Morrison stated this is the ninth year of the SSMP report which is used as a tool to manage the collection system. Over the last two calendar years, there have only been eight spills; 98.8% of the 2,690 gallons spilled was recovered. A total of 32 gallons was not contained, but did not reach waters of the State. He reported on several areas in the report. In response to Director Handley's question regarding the number of grease stoppages that were commercial vs. residential, Andy Morrison will confirm whether two were residential and four were commercial.

The Board thanked Andy for the impressive report and for doing such a great job.

Seismic Vulnerability Assessment. The Construction Committee reviewed this item. Sami Ghossain stated the District operates over 80 structures and has selected 41 major pipelines for assessment. These pipelines are critical to the District's ability to convey and provide treatment of wastewater from Irvington

Pump Station to the Alvarado Wastewater Treatment Plant and then to receiving waters. Degenkolb was selected as the consultant for this project and will evaluate the District's major facilities, assess their seismic vulnerability, and determine any deficiencies. Degenkolb will complete inspection of the selected structures and evaluate the force mains and plant underground pipelines in April 2014. They will hold a workshop in May and submit their draft and final seismic assessment report in June.

Schedule of Board Workshops/Meetings through June 2014. The Board accepted the scheduled workshop/meeting dates.

Public Records Request for Financial Information. The Budget & Finance Committee discussed this item. The Board discussed the public records request submitted by Eric Tsai and how to respond to his additional suggestions. They agreed to bring the item to a committee for further discussion before presenting their response to Dave O'Hara for review.

CONSIDERATION OF PROPOSAL FROM USD LEGAL COUNSEL FOR EXTENSION OF SERVICES.

The Personnel Committee reviewed this item. Dave O'Hara had previously stated he would be retiring in 2012. Since then, he requested an extension through 2014, and in a recent letter dated March 20, 2014, he requested an extension through December 2015.

On a motion made by Director Kite and seconded by Director Fernandez, the Board unanimously agreed to extend Attorney Dave O'Hara's services through December 2015.

GENERAL MANAGER'S REPORT:

- Staff interviewed five candidates for Donna Wies' position as Quality Coordinator; three candidates will return for a hiring interview on April 21.
- USD employees were accident free in the month of March.
- There was one Category 3 spill in March which was caused by a contractor leaving a plug in a pipeline that got into USD's main.
- ACWD received a grant for their conservation program and will share the proceeds with USD.
- The General Manager will be on vacation April 14-18, 2014.

OTHER BUSINESS:

Director Handley reported that Chuck Weir is the new General Manager for LAVWMA.

Director Fernandez expressed concern regarding the safety of personal emails from discovery. Dave O'Hara assured him that personal emails are safe.

Director Kite stated that staff received a letter from a Newark resident regarding a trouble call. Director Kite knows this resident, and per Board Policy, she requested permission to respond with a thank you letter on behalf of the Board. The Board gave their permission.

Director Kite requested clarification of the District's BOD e-mail communication. If an email is sent to one Board member she would like it to be shared with the rest of the Board. She asked that this topic be brought to a committee for further discussion.

Director Lathi stated she attended the Fremont State of the City Address and will attend the Newark State of the City Address.

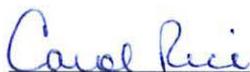
Director Lathi stated she received responses from Mr. Tsai and forwarded the responses to the rest of the Board members. She would like to respond to his most recent request. Dave O'Hara suggested that the General Manager check with other agencies regarding their response to his particular request. Director Kite suggested this topic should go to a committee for further discussion.

ADJOURNMENT:

The Board adjourned the meeting at 8:09 p.m. to a Board Workshop on Monday, April 21, 2014 at 7:00 p.m.

Following the Board Workshop, the Board will adjourn to the next Regular Meeting in the Boardroom on Monday, April 28, 2014 at 7:00 p.m.

SUBMITTED:



CAROL RICE
SECRETARY TO THE BOARD

ATTEST:



JENNIFER TOY
SECRETARY

APPROVED:



ANJALI LATHI
PRESIDENT

Adopted this 28th day of April, 2014