

**MINUTES OF THE MEETING OF THE
BOARD OF DIRECTORS OF
UNION SANITARY DISTRICT
March 23, 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
Sami Ghossain, Technical Services Manager
James Schofield, Collection Services Manager
Kathy Destafney, Business Services Coach
Regina McEvoy, Assistant to the GM/Board Secretary

GUEST: Alice Johnson, League of Women Voters

APPROVAL OF THE MINUTES OF MARCH 9, 2015

It was moved by Director Kite, seconded by Vice President Toy, to Approve the Minutes of the Board of Director's Meeting held March 9, 2015. Motion carried with the following vote:

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

MONTHLY OPERATIONS REPORT FOR FEBRUARY 2015

General Manager Eldredge reported the following:

- A new format for the monthly operations report was used.

- Odor Complaints: One odor complaint was received in February from Fremont. District staff investigated the complaint, and no odor was found. The findings were relayed to the reporting party.
- Safety: One new injury was reported in February. The employee had been experiencing wrist pain for approximately 1 ½ years, and has been diagnosed with Carpal Tunnel syndrome. The District received guidance from the CDC for workers handling untreated sewage from individuals with EBOLA. The USD Bloodborne Pathogen control plan was updated to include the most current information and training is being planned for impacted employees.
- Personnel: Rich Czapkay was promoted to Collection Services Coach.
- The Hours and Leave report has been altered to the totals for each workgroup in addition to the totals for all District employees.

Business Services Coach Destafney reported the following on behalf of Business Services:

- The District recently purchased three vehicles, including two Chevy Volts.
- Expenditures by work group are at or under budget.

General Manager Eldredge and Technical Services Manager Ghossain reported the following on behalf of Technical Services:

- The new format for the Technical Services Monthly Operations report includes a table of trouble calls received from each of the three cities we serve.
- The number of permits issued over the past three months are listed by type.
- The Environmental Compliance report listed a total of 26 urban runoff enforcements and 16 FOG enforcements.
- Environmental Compliance staff have recently been focusing on industrial users, which has led to an increase in the discovery of unpermitted connections.

General Manager Eldredge stated the Treatment & Disposal monthly operations report now includes a Cogen power production chart and a chart showing lab results and effluent flow.

WRITTEN COMMUNICATIONS

There were no written communications.

ORAL COMMUNICATIONS

Alice Johnson from the League of Women Voters of Fremont, Newark, and Union City spoke regarding Sunshine Week. Ms. Johnson stated the purpose of Sunshine Week is to promote open government and access to public information. Ms. Johnson stated the League works to hold government officials accountable once they are in office. Ms. Johnson presented a report stating the League finds the District to be a transparent agency, which is attached.

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League of Women Voters of Fremont Newark and Union City
PO Box 3218, Fremont CA 94539

March 23, 2015
Sunshine Week

Good Evening, Board Members, Management and Staff.

My name is Alice Johnson. I am here tonight as a representative of the League of Women Voters of Fremont, Newark and Union City. I am here in recognition of Sunshine Week.

Launched in 2005, Sunshine Week has grown into an annual national initiative to promote open government and push back against excessive official secrecy. Citizens from across the country are once again taking part March 16-22 to spark a nationwide discussion about the critical importance of access to public information. Don't feel you are alone or being singled out. You are in good company with boards, commissions and many other public governmental entities across the country.

Part of the League's work is to hold government officials accountable once elected to office. The League observer corps programs help ensure that transparency remains a clear goal and is practiced diligently and consistently through our three cities.

Tonight as a League member and observer I will report on your agency's progress. This report is a cooperative effort between Ellen Culver and me as follows:

Agendas and meeting dates are posted online in a timely manner. Agendas are clear and with detailed minutes posted online. I found the ~~he~~ website to be user friendly.

Meetings are open to the public. Access to the meeting room is reasonable with adequate parking. The meetings start on time and usually seem to end at a reasonable hour. Staff and board members seem to have prepared for the meeting.

One cost-free suggestion for your consideration is for the Union Sanitary District to maintain an email list for people who want to receive the agenda by email. Washington Hospital Board will be instituting this practice and the Fremont School District already has such a list in place.

In Summation:

Our League finds this to be a very straightforward agency, quite transparent in enacting its business while maintaining a low profile in the community. We wish you continued success in your efforts operating in a transparent manner and remaining responsive to the needs of your constituents.

RESOLUTION NO. , ACCEPT CONSTRUCTION OF PRIMARY DIGESTER NO. 5 REHABILITATION PROJECT FROM D.W. NICHOLSON CORPORATION AND AUTHORIZE THE ATTORNEY FOR THE DISTRICT TO RECORD A NOTICE OF COMPLETION

General Manager Eldredge stated the contractor, D.W. Nicholson Corporation, submitted a last minute time extension request for the Project. After the Committee Notice was posted, it was determined the item could not be considered for acceptance at this time.

ADOPT RESOLUTION NO. 2754, APPROVE EXCEPTION TO THE 180-DAY WAIT PERIOD FOR POST-RETIREMENT EMPLOYMENT FOR ANDY MORRISON

This item was reviewed by the Personnel Committee. Collection Services Manager Schofield stated he had less than three weeks to be mentored by the retiring Collection Services Manager, Andy Morrison, in December 2014. Retirement law allows an agency to waive the 180-day wait period that typically elapses prior to a retired annuitant returning to temporary employment for the purpose of performing a special project/assignment.

It was moved by Director Kite, seconded by Vice President Toy, to Adopt Resolution No. 2754, Approving Exception to the 180-Day Wait Period for Post-Retirement Employment for Andy Morrison. Motion carried with the following vote:

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

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RESOLUTION NO. 2754

**RESOLUTION FOR EXCEPTION TO THE 180-DAY WAIT PERIOD
GC sections 7522.56 & 21221(h)**

WHEREAS, in compliance with Government Code section 7522.56 the Union Sanitary District Board of Directors must provide CalPERS this certification resolution when hiring a retiree before 180 days has passed since his or her retirement date; and

WHEREAS, Stuart A. Morrison, SSN last four digits 0199, retired from Union Sanitary District in the position of Manager, Collection Services, effective December 30, 2014; and

WHEREAS, section 7522.56 requires that post-retirement employment commence no earlier than 180 days after the retirement date, which is June 29, 2015, without this certification resolution; and

WHEREAS, section 7522.56 provides that this exception to the 180 day wait period shall not apply if the retiree accepts any retirement-related incentive; and

WHEREAS, the Board of Directors, Union Sanitary District, and Stuart A. Morrison, certify that Stuart A. Morrison has not and will not receive a Golden Handshake or any other retirement-related incentive; and

WHEREAS, the Board of Directors hereby appoints Stuart A. Morrison as an interim appointment retired annuitant to the vacant position of Limited Term Trainer/Advisor to the Manager, Collection Services for the Union Sanitary District under Government Code section 21221(h), effective (date of appointment); and

WHEREAS, the entire employment agreement, contract or appointment document between Stuart A. Morrison and the Union Sanitary District has been reviewed by this body and is attached herein; and

WHEREAS, no matters, issues, terms or conditions related to this employment and appointment have been or will be placed on a consent calendar; and

WHEREAS, the employment shall be limited to 960 hours per fiscal year; and

WHEREAS, the compensation paid to retirees cannot be less than the minimum nor exceed the maximum monthly base salary paid to other employees performing comparable duties, divided by 173.333 to equal the hourly rate; and

WHEREAS, the maximum base salary for this position is \$188,669.6074 and the hourly equivalent is \$90.7065, and the minimum base salary for this position is \$143,748.2723 and the hourly equivalent is \$69.1097; and

WHEREAS, the hourly rate paid to Stuart A. Morrison will be \$90.7065; and

WHEREAS, Stuart A. Morrison has not and will not receive any other benefit, incentive, compensation in lieu of benefit or other form of compensation in addition to this hourly pay rate.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors hereby certifies the nature of the appointment of Stuart A. Morrison as described herein and detailed in the attached employment agreement/contract/appointment document and that this appointment is necessary to fill the critically needed position of Limited Term Trainer/Adviser for the Union Sanitary District by March 27, 2015, because Mr. Morrison has unique knowledge based on his tenure as Manager, Collection Services and is needed to train and mentor his replacement in the numerous, high-level responsibilities of the Manager, Collection Services as the new Manager assumes his duties.

On a motion duly made and seconded, this resolution was adopted by the following vote on March 23, 2015:

AYES: Fernandez, Handley, Kite, Toy

NOES: ----

ABSENT: Lahti

ABSTAIN: ----



MANNY FERNANDEZ
President, Board of Directors
Union Sanitary District

Attest:



TOM HANDLEY
Secretary, Board of Directors
Union Sanitary District

March 24, 2015

Mr. Andy Morrison
800 Cole Road
Aromas, CA 95004

Email address: stuartandrewmorrison@gmail.com

Dear Andy:

I am writing to offer you the position of Limited Term Trainer/Adviser to the Manager, Collection Services (CS) beginning March 27, 2015. In this capacity you will provide training and mentoring to the new CS Manager, James Schofield. As you know, because James was appointed shortly before your retirement from the District, you were unable to provide sufficient assistance of this type prior to your final day at the District. The "knowledge transfer" that will be accomplished through your work with James will be invaluable to him and will greatly benefit the District.

It is anticipated that the length of your appointment will be approximately two to three months, one to three days per week. Your hourly rate of pay will be \$90.7065, which is based on the top of the salary range for Manager, Collection Services.

You will receive no other compensation, benefit, or incentive in addition to your hourly pay rate during this special assignment. Social Security contributions will be deducted from your paycheck. Additionally, as a retired annuitant appointed pursuant to California Government Code Section 21224, you may not work more than 960 hours in a fiscal year. This 960 hour cap is a hard limit and will be tracked in the District's payroll system.

Sincerely,

Paul R. Eldredge
General Manager/District Engineer

cc: Personnel file

INFORMATION ITEMS:

Check Register

All questions were answered to the Board's satisfaction.

Co-Digestion Pilot

General Manager Eldredge stated the District's Cogeneration engines have been running on a mixture of 75% biogas and 25% natural gas. The District is spending approximately \$20,000 on natural gas each month. If the District can generate more biogas, less natural gas would need to be purchased to keep the engines running. The Co-Digestion Pilot program will utilize free organic material that will be transported to the plant for digestion and generate additional biogas. The District will explore the benefits over a period of 3-4 months. It is anticipated this free feedstock will be able to generate 5 – 10% more biogas. This would enable the District to purchase less natural gas, and result in an estimated monthly savings of \$7,500 - \$15,000. President Fernandez asked if there would be any potential harmful effects. General Manager Eldredge stated the process would not be harmful. Secretary Handley requested a tour of the process when appropriate.

COMMITTEE MEETING REPORTS:

The Construction, Personnel, and Budget & Finance Committees met.

GENERAL MANAGER'S REPORT:

- General Manager Eldredge stated the District hired Koff and Associates executive recruiters to assist in filling the Business Services Manager, Business Services Coach, and Human Resources Administrator positions.
- Recruitment for Fabrication, Maintenance, and Construction Coach recently closed, and applications are under review.
- District staff will meet with Alameda County Water District staff to discuss reclaimed water.
- PG&E completed the inspection associated with the Cogeneration Grant on March 13, 2015. District staff worked diligently to meet all grant requirements, and expect to receive the final results in April.
- The Cogeneration Ribbon Cutting will be held from 2:00 – 4:00 p.m. on Thursday, March 26, 2015.

OTHER BUSINESS:

Director Kite inquired about the USD Video. General Manager Eldredge stated the video would be presented to the Board in early summer of this year.

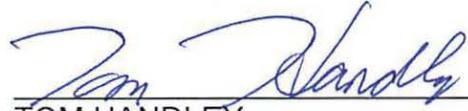
ADJOURNMENT:

The meeting was adjourned at 7:38 p.m. to the next Regular Board Meeting in the Boardroom on Monday, April 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 April, 2015