

**MINUTES OF THE MEETING OF THE  
BOARD OF DIRECTORS OF  
UNION SANITARY DISTRICT  
September 14, 2015**

**THIS MEETING WAS TELECONFERENCED WITH DIRECTOR LATHI FROM THE  
GUEST PARKING AREA ON OCASO CAMINO, WEST OF THE INTERSECTION OF  
PASEO PADRE PARKWAY IN FREMONT, CALIFORNIA.**

**CALL TO ORDER**

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

**PLEDGE OF ALLEGIANCE**

**ROLL CALL**

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

STAFF: Rich Cortés, Business Services Manager  
Karen Murphy, District Counsel  
Leah Castella, Special Counsel  
Armando Lopez, Treatment & Disposal Services Manager  
Sami Ghossain, Technical Services Manager  
James Schofield, Collection Services Manager  
Robert Simonich, Fabrication, Maintenance, and Construction Manager  
Todd Jacob, Information Technology Administrator  
Michelle Powell, Communications and Intergovernmental Relations Coordinator  
Rollie Arbolante, Customer Service Team Coach  
Sol Cooper, Mechanic II  
Rica Agbuya, Receptionist  
Regina McEvoy, Assistant to the General Manager/Board Secretary

**APPROVAL OF THE MINUTES OF THE MEETING OF AUGUST 24, 2015**

Director Lathi requested staff review and provide more detail to the portion of the minutes which captured Board direction regarding public outreach, scheduling, and procedures for sewer service rates.

It was moved by Director Lathi, seconded by Vice President Handley, to direct staff to review and revise the minutes to capture Board direction regarding public outreach, scheduling, and procedures for sewer service rates and continue consideration of the Minutes of the Regular Meeting held August 24, 2015, to a future Board meeting. Motion carried with the following vote:

AYES: Fernandez, Handley, Kite, Lathi, Toy (*via roll call*)  
NOES: None  
ABSENT: None  
ABSTAIN: None

### **WRITTEN COMMUNICATIONS**

There were no written communications.

### **ORAL COMMUNICATIONS**

There were no oral communications at either meeting location.

### **CONSIDER PROPOSED CHANGES TO THE DISTRICT MISSION STATEMENT**

Business Services Manager Cortes stated the District Mission Statement had been reviewed by the Executive Team and Union leadership. Staff brought the proposed changes to the Board and will submit to all stakeholders for review prior to final approval.

It was moved by Vice President Handley, seconded by Director Lathi, that the District Mission Statement will be reviewed by the Legal/Community Affairs Committee and stakeholders, and will be considered at a future Board meeting. Motion carried by the following vote:

AYES: Fernandez, Handley, Kite, Lathi, Toy (*via roll call*)  
NOES: None  
ABSENT: None  
ABSTAIN: None

### **CONSIDER DRAFTING RESPONSE TO RECENTLY RECEIVED EMAILS AND PROVIDE DIRECTION TO STAFF**

This item was reviewed by the Legal/Community Affairs Committee. District General Counsel Murphy summarized past Board actions regarding the process for responding to emails received by the full Board. Previous Board action did not address two emails which requested further information.

It was moved by Director Lathi, seconded by Director Fernandez, to Authorize Staff to Work with the Board President to Draft and Send a Response to the Two Emails Included as Attachments to this Item in the Board Packet. Motion carried by the following vote:

AYES: Fernandez, Handley, Kite, Lathi, Toy (*via roll call*)  
NOES: None  
ABSENT: None  
ABSTAIN: None

**CONSIDER THE CLAIM OF MR. FRED RAMOS (STAR ROOTER) FOR ALLEGED LOSSES RELATED TO AN ASSERTEDLY MISMARKED USD SEWER LINE**

This item was reviewed by the Legal/Community Affairs Committee. District Special Counsel Castella stated Mr. Ramos submitted a claim to the District on April 15, 2015. Mr. Ramos' claim asserted that a line mismarked by the District in the vicinity of Cushing Parkway and Fremont Boulevard resulted in additional costs for a sewer lateral replacement performed by Star Rooter. The claim was forwarded to Carl Warren, the District's insurance adjuster, for processing. Mr. Warren requested Mr. Ramos provide additional information regarding the claim on multiple occasions, and received an inadequate response. At the time of the Board meeting, it had been more than 45 days since the claim was submitted, and it was deemed denied by operation of law which would allow the claimant two years to file a complaint. Public agencies can send a notice of rejection of claim even after a claim is deemed denied by operation of law, which would shorten the statute of limitations from two years to six months. Since Mr. Ramos failed to substantiate his claim, staff recommended the Board deny the claim and send notice of rejection to Mr. Ramos.

It was moved by Director Lathi, seconded by Secretary Kite, to Deny the Claim Submitted by Mr. Fred Ramos (Star Rooter) for Alleged Losses Related to an Assertedly Mismarked USD Sewer Line and Send Written Notice of Denial to Claimant. Motion carried with the following vote:

AYES: Fernandez, Handley, Kite, Lathi, Toy (*via roll call*)  
NOES: None  
ABSENT: None  
ABSTAIN: None

**CONSIDER AND PROVIDE DIRECTION TO STAFF REGARDING DISCLOSURE LANGUAGE PERTAINING TO EMAIL COMMUNICATIONS ON BOARD OF DIRECTORS WEBPAGE**

This item was reviewed by the Legal/Community Affairs Committee. Intergovernmental Relations and Communications Coordinator Powell stated this item was generated in response to an inquiry from a constituent regarding staff receiving emails sent to the full Board. Board directed staff to draft a disclosure statement to address this item. A desk item was presented for this item which included proposed changes provided by the Legal/Community Affairs Committee.

It was moved by Director Lathi, seconded by Director Fernandez, to Approve Disclosure Language, Including Redline Changes in the Desk Item, to be Added to the Board of Directors Webpage. Motion carried with the following vote:

AYES: Fernandez, Handley, Kite, Lathi, Toy (*via roll call*)  
NOES: None  
ABSENT: None  
ABSTAIN: None

**DESIGNATE AND APPOINT TWO BOARD MEMBERS TO AD HOC SUBCOMMITTEE FOR CONTENT REVIEW OF PROPOSITION 218 NOTIFICATION**

Intergovernmental Relations and Communications Coordinator Powell stated this item was the result of Board direction received at the regular Board meeting held August 24, 2015. Board direction included creation of a two-member ad hoc subcommittee to review content of Proposition 218 rate notification information. Staff requested the Board designate and appoint two representatives to serve on the ad hoc, and decide whether the ad hoc will provide final review and approval of the notification mailer without further Board review.

It was moved by Director Lathi, seconded by Director Fernandez, to appoint Director Lathi and Vice President Handley to serve on the ad hoc subcommittee and allow the ad hoc to provide final review and approval of the Proposition 218 notification content. Motion carried with the following vote:

AYES: Fernandez, Handley, Kite, Lathi, Toy (*via roll call*)  
NOES: None  
ABSENT: None  
ABSTAIN: None

**AUTHORIZE THE GENERAL MANAGER TO APPROVE AN AGREEMENT WITH LOOKINGPOINT, INC. FOR THE PHONE SYSTEM REPLACEMENT**

This item was reviewed by the Budget & Finance Committee. Information Technology Administrator Jacob stated the District's current Nortel phone system was installed with the construction of our administration building 14 years ago. Nortel went bankrupt in 2009, and there is no existing upgrade path. Staff reviewed Cisco, Avaya, and Microsoft phone system solutions and selected Cisco based on the District's current and future needs as well as compatibility with the existing Cisco network infrastructure. Staff used the pre-negotiated CMAS (California Multiple Award Schedule) contract to obtain pricing from three vendors, and the Phone System Upgrade project team reviewed quotes which were received. Staff recommended the Board authorize the General Manager to execute an agreement with LookingPoint, Inc. for the phone system replacement for an amount not to exceed \$194,094.04, and \$82,000 in other project related costs.

It was moved by Secretary Kite, seconded by Director Fernandez, to Authorize the General Manager to execute an Agreement with LookingPoint, Inc. for the Phone System Replacement. Motion carried with the following vote:

AYES: Fernandez, Handley, Kite, Lathi, Toy (*via roll call*)  
NOES: None  
ABSENT: None  
ABSTAIN: None

**INFORMATION ITEMS:**

**Check Register**

All questions were answered to the Board's satisfaction.

**COMMITTEE MEETING REPORTS:**

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

**GENERAL MANAGER'S REPORT:**

Business Services Manager Cortes reported the following:

- There were no spills during the month of August 2015.
- The Board will conduct a Special Meeting Workshop at 6:30 p.m. on September 22, 2015. The special meeting will include a presentation on preliminary findings of sewer service charge rate analysis and discuss rate structure and next steps.
- The Environmental Compliance team will be hosting an Industrial Advisory Council Meeting on September 23, 2015.
- A District employee reported fraudulent activity on their recent CALcard statement.
- The District has hired a new Collection Services worker who will start work on September 28, 2015.
- The new Human Resources Analyst will start work on September 25, 2015.
- District staff will meet with the regional board on September 15, 2015, to discuss permit issues.

**OTHER BUSINESS:**

Director Kite stated she attended the Alameda County Special Districts Association meeting on September 9, 2015.

Director Kite requested, and the Board agreed, that staff contact Boardmembers who have not responded to Doodle polls sent to schedule special meetings within 48 hours.

**ADJOURNMENT:**

The meeting was adjourned at 7:28 p.m. to the Board Workshop to be held in the Boardroom on Tuesday, September 22, 2015, at 6:30 p.m. The next scheduled Regular Board Meeting will be in the Boardroom on Monday, September 28, 2015, at 7:00 p.m.

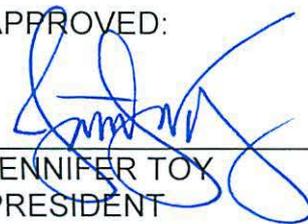
SUBMITTED:

  
REGINA McEVOY  
SECRETARY TO THE BOARD

ATTEST:

  
PAT KITE  
SECRETARY

APPROVED:

  
JENNIFER TOY  
PRESIDENT

Adopted this 28<sup>th</sup> day of September, 2015