

**MINUTES OF THE MEETING OF THE
BOARD OF DIRECTORS OF
UNION SANITARY DISTRICT
September 10, 2018**

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

ROLL CALL

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

STAFF: Karen Murphy, District Counsel
Leah Castella, Special District Counsel
Armando Lopez, Treatment and Disposal Services Manager
James Schofield, Collection Services Manager
Sami Ghossain, Technical Services Manager
Robert Simonich, Fabrication, Maintenance, and Construction Manager
Laurie Brenner, Business Services Coach
Rollie Arbolante, Customer Service Team Coach
Regina McEvoy, Executive Assistant to the General Manager/Board Clerk

VISITOR: Howard Cin, East Bay Dischargers Authority Maintenance Manager

APPROVE MINUTES OF THE SPECIAL MEETING OF AUGUST 21, 2018

It was moved by Director Kite, seconded by Vice President Fernandez, to Approve the Minutes of the Special Meeting of August 21, 2018. Motion carried unanimously.

APPROVE MINUTES OF THE REGULAR MEETING OF AUGUST 27, 2018

It was moved by Secretary Toy, seconded by Director Kite, to Approve the Minutes of the Regular Meeting of August 27, 2018. Motion carried unanimously.

APPROVE MINUTES OF THE SPECIAL MEETING OF AUGUST 30, 2018

It was moved by Vice President Fernandez, seconded by Director Handley, to Approve the Minutes of the Special Meeting of August 30, 2018. Motion carried unanimously.

JULY 2018 MONTHLY OPERATIONS REPORT

Treatment and Disposal Services Manager Lopez provided an overview of the odor report included in the Board meeting packet. Business Services Coach Brenner reviewed the July 2018 financial reports. Staff responded to Board questions regarding the July 2018 monthly operations report.

WRITTEN COMMUNICATIONS

There were no written communications.

ORAL COMMUNICATIONS

There were no oral communications.

CONSIDER A RESOLUTION TO ACCEPT A SANITARY SEWER EASEMENT FOR TRACT 8399 – MISSION FALLS, LOCATED ON MISSION FALLS COURT AT MISSION FALLS LANE IN THE CITY OF FREMONT

This item was reviewed by the Legal/Community Affairs Committee. Customer Service Team Coach Arbolante stated Arroyo Cap V, LLC, will construct a residential development for Tract 8399 on Mission Falls Court and Mission Falls Lane in the City of Fremont. Arroyo Cap V, LLC, has granted the District a sanitary sewer easement for the existing sewer main located within the development while a new sewer main is constructed. Following District acceptance of the replacement sewer main, the District will quitclaim the easement and a new Grant of Easement for the replacement main will be brought to the Board for acceptance. Staff recommended the Board consider a resolution to accept a sanitary sewer easement for Tract 8399 – Mission Falls, located on Mission Falls Court at Mission Falls Lane in the City of Fremont.

It was moved by Director Kite, seconded by Director Handley, to Adopt Resolution No. 2834 to Accept a Sanitary Sewer Easement for Tract 8399 – Mission Falls, Located on Mission Falls Court at Mission Falls Lane, in the City of Fremont, California. Motion carried unanimously.

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RESOLUTION NO. 2834

**ACCEPT A SANITARY SEWER EASEMENT FOR
TRACT 8399 – MISSION FALLS,
LOCATED ON MISSION FALLS COURT AT MISSION FALLS LANE,
IN THE CITY OF FREMONT, CALIFORNIA**

RESOLVED by the Board of Directors of UNION SANITARY DISTRICT, that it hereby accepts the Grant of Easement from Arroyo Cap V, LLC, executed on August 15, 2018, as described in the Grant of Easement for Sanitary Sewer Purposes and by the legal description and plat map, attached Exhibit A and Exhibit B, respectively.

FURTHER RESOLVED by the Board of Directors of UNION SANITARY DISTRICT that it hereby authorizes the General Manager/District Engineer, or his designee, to attend to the recordation thereof.

On motion duly made and seconded, this resolution was adopted by the following vote on September 10, 2018:

AYES: Fernandez, Handley, Kite, Lathi, Toy

NOES: None

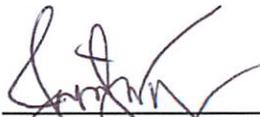
ABSENT: None

ABSTAIN: None



ANJALI LATHI
President, Board of Directors
Union Sanitary District

Attest:



JENNIFER TOY
Secretary, Board of Directors
Union Sanitary District

AUGUST 7, 2018
JOB NO.: 2373-030

**EXHIBIT A
LEGAL DESCRIPTION
SANITARY SEWER EASEMENT
ADJUSTED PARCEL 4, CERTIFICATE OF COMPLIANCE, DN 2016321237
FREMONT, CALIFORNIA**

REAL PROPERTY, SITUATE IN THE INCORPORATED TERRITORY OF THE CITY OF
FREMONT, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING A PORTION OF ADJUSTED PARCEL 4, AS SAID ADJUSTED PARCEL 4 IS
DESCRIBED IN THE CERTIFICATE OF COMPLIANCE, RECORDED DECEMBER 9, 2016,
AS DOCUMENT NO. 2016321237, IN THE OFFICE OF THE COUNTY RECORDER OF
ALAMEDA COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING A PORTION OF THAT CERTAIN TEN (10) AND TWENTY (20) FOOT WIDE
SANITARY SEWER EASEMENT SHOWN AND SO DESIGNATED ON PARCEL MAP NO.
3984, RECORDED SEPTEMBER 14, 1983, IN BOOK 141 OF MAPS, AT PAGE 14, IN
SAID OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY, MORE
PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT ON THE SOUTHWESTERLY LINE OF MISSION FALLS
COURT, SAID POINT BEING THE CORNER COMMON TO ADJUSTED PARCEL 3 AND
ADJUSTED PARCEL 4 IN SAID CERTIFICATE OF COMPLIANCE (DN 2016321237);

THENCE, FROM SAID POINT OF COMMENCEMENT, ALONG SAID SOUTHWESTERLY LINE
OF MISSION FALLS COURT, SOUTH 24°34'58" EAST 96.39 FEET, TO THE POINT
OF BEGINNING FOR THIS DESCRIPTION;

THENCE, FROM SAID POINT OF BEGINNING, CONTINUING ALONG SAID
SOUTHWESTERLY LINE, SOUTH 24°34'58" EAST 10.00 FEET;

THENCE, LEAVING SAID SOUTHWESTERLY LINE, SOUTH 65°25'00" WEST 375.94
FEET;

THENCE, SOUTH 21°27'02" EAST 631.59 FEET, TO THE EXTERIOR LINE OF SAID
ADJUSTED PARCEL 4 (DN 2016321237);

THENCE, ALONG SAID EXTERIOR LINE, THE FOLLOWING TWO (2) COURSES:

- 1) SOUTH 65°47'30" WEST 20.02 FEET,
- 2) NORTH 21°27'02" WEST 641.47 FEET,

THENCE, LEAVING SAID EXTERIOR LINE, NORTH 65°25'02" EAST 395.42 FEET
TO SAID POINT OF BEGINNING.

CONTAINING 16,587 SQUARE FEET OR 0.38 ACRES OF LAND, MORE OR LESS.

ATTACHED HERETO IS EXHIBIT B, A PLAT TO ACCOMPANY LEGAL DESCRIPTION,
AND BY THIS REFERENCE MADE A PART HEREOF.

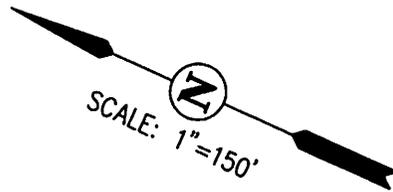
END OF DESCRIPTION





JOEL GARCIA, P.L.S.
L.S. NO. 5285
08-07-2018

PARCEL 5
141 M 18



ADJUSTED
PARCEL 4
LLA 2016321237

S24°34'58"E 96.39'

MISSION FALLS COURT

POC

POB

S24°34'58"E 10.00'

ADJUSTED
PARCEL 3
D.N. 2016-321236

N65°25'02"E 395.42'

S65°25'00"W 375.94'

SANITARY SEWER EASEMENT
IN FAVOR OF UNION
SANITARY DISTRICT
0.38 AC±

S65°47'30"W 20.02'

S21°27'02"E 631.59'

N21°27'02"W 641.47'

SCVTA



LEGEND

POB = POINT OF BEGINNING

POC = POINT OF COMMENCEMENT

EXHIBIT B
PLAT TO ACCOMPANY LEGAL DESCRIPTION

SANITARY SEWER EASEMENT
ADJUSTED PARCEL 4 (PORTION)

(DN 2016.321237)

FREMONT, CALIFORNIA

AUGUST 7, 2018

SHEET 1 OF 1

Carlson, Barbee & Gibson, Inc.

CIVIL ENGINEERS • SURVEYORS • PLANNERS

SAN RAMON • (925) 866 - 0322

WEST SACRAMENTO • (916) 375 - 1877

CONSIDER RECOMMENDATION ON THE EAST BAY DISCHARGERS AUTHORITY (EBDA) JPA NEGOTIATIONS FROM THE AD HOC COMMITTEE

District Counsel Murphy stated the Board created an ad hoc committee on EBDA JPA negotiations, and appointed Director Tom Handley and Secretary Jennifer Toy to the Committee at the Board meeting held August 13, 2018. The ad hoc committee recommended USD propose the following two payment options to the EBDA JPA members:

Option 1 - \$100,000 annual payment

Option 2 - \$200,000 annual payment; Two USD seats on the EBDA Board, with the EBDA Board membership remaining at five; An amendment that would require decision point that currently require unanimity be amended to require only a 4/5ths vote to the extent allowed by law.

The ad hoc committee further recommended the Board agree to a 20-year term, and provide direction to negotiate terms regarding: (1) an escape clause, which would allow member agencies to leave EBDA; (2) a spending cap, and (3) a penalty provision if a member agency exceeds its flows. Staff recommended the Board consider the recommendation from the ad hoc committee regarding the EBDA JPA negotiations.

It was moved by Director Handley, seconded by Vice President Fernandez, to Direct the General Manager to Set Forth the Direction Recommended by the EBDA JPA Ad Hoc Committee in Writing to EBDA and Continue EBDA JPA Negotiations. Motion carried unanimously.

DESIGNATE AND APPOINT TWO BOARD REPRESENTATIVES TO AD HOC SUBCOMMITTEE ON GENERAL MANAGER CONTRACT NEGOTIATIONS

District Counsel Murphy stated the Amended and Restated Employment Agreement between the Union Sanitary District and Paul R. Eldredge to serve as General Manager and District Engineer, dated October 23, 2017, provides the Board will review the General Manager's compensation annually. Staff recommended the Board designate and appoint two representatives to an ad hoc subcommittee on the General Manager's contract negotiations.

It was moved by Director Kite, seconded by Director Handley, to Appoint Vice President Fernandez and Secretary Toy to an Ad Hoc Subcommittee on the General Manager's Contract Negotiations. Motion carried unanimously.

INFORMATION ITEMS:

Annual Report to Union City for Fiscal Year 2017

This item was reviewed by the Legislative Committee. Treatment and Disposal Services Manager Lopez stated Union City Use Permit UP-4-95 requires the District submit a report annually to the City Manager's Office to document existing wastewater treatment plant flow, provide projection of plant flow for the following year, review compliance with effluent discharge limits, and provide a status report on progress made in development

of any new treatment facilities outside the Union City limits. The District's annual report to Union City for Fiscal Year 2018 was included in the Board meeting packet.

Report on the East Bay Dischargers Authority (EBDA) Meeting of August 16, 2018

Director Handley provided an overview of the EBDA Commission meeting minutes included in the Board meeting packet.

Check Register

Staff answered Board questions regarding the Check Register.

COMMITTEE MEETING REPORTS:

The Budget & Finance, Engineering and Information Technology, and Legal/Community Affairs Committees met.

GENERAL MANAGER'S REPORT:

Treatment and Disposal Services Manager Lopez stated there was no General Manager's Report.

OTHER BUSINESS:

There was no other business.

ADJOURNMENT:

The meeting was adjourned at 7:21 p.m. to the next Regular Meeting in the Boardroom on Monday, September 24, 2018, at 7:00 p.m.

SUBMITTED:



REGINA McEVOY
BOARD CLERK

ATTEST:



JENNIFER TOY
SECRETARY

APPROVED:



ANJALI LATHI
PRESIDENT

Adopted this 24th day of September 2018