

**MINUTES OF THE MEETING OF THE  
BOARD OF DIRECTORS OF  
UNION SANITARY DISTRICT/UNION SANITARY DISTRICT FINANCING  
AUTHORITY  
March 9, 2020**

**CALL TO ORDER**

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

**SALUTE TO THE FLAG**

**ROLL CALL**

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

STAFF: Paul Eldredge, General Manager/District Engineer  
Karen Murphy, District Counsel  
Sami Ghossain, Technical Services Manager  
Armando Lopez, Treatment and Disposal Services Manager  
James Schofield, Collection Services Manager  
Ric Pipkin, Enhanced Treatment and Site Upgrade Program Manager  
Laurie Brenner, Business Services Coach  
Chris Pachmayer, Fabrication, Maintenance, and Construction Coach  
Karoline Terrazas, Organizational Performance Manager  
Curtis Bosick, Enhanced Treatment and Site Upgrade Program Coordinator  
Regina McEvoy, Executive Assistant to the General Manager/Board Clerk

VISITORS: Alice Johnson, League of Women Voters  
Karen Burks, Burks Toma Architects  
Marc Solomon, Hazen and Sawyer  
Malika Ramanathan, Brown and Caldwell  
Mike Marzano

**APPROVE MINUTES OF THE UNION SANITARY DISTRICT BOARD MEETING OF  
FEBRUARY 24, 2020**

It was moved by Secretary Kite seconded by Director Lathi to Approve Minutes of the Union Sanitary District Board Meeting of February 24, 2020. Motion carried with the following vote:

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

## **BALANCED SCORECARD**

a) 2<sup>nd</sup> Quarter Fiscal Year 2020 District-Wide Balanced Scorecard Measures  
This item was reviewed by the Legal/Community Affairs Committee. Organizational Performance Manager Terrazas presented an overview of the 2<sup>nd</sup> Quarter Fiscal Year 2020 District-Wide Balanced Scorecard.

b) Treatment & Disposal and Fabrication, Maintenance, and Construction Work Groups Scorecards  
This item was reviewed by the Legal/Community Affairs Committee. Treatment and Disposal Services Manager Lopez presented an overview of the Treatment & Disposal Services Scorecard included in the Board meeting packet.

Fabrication, Maintenance, and Construction Manager Simonich presented an overview of the Fabrication, Maintenance, and Construction Scorecard included in the Board meeting packet.

## **WRITTEN COMMUNICATIONS**

There were no written communications.

## **PUBLIC COMMENT**

Mike Marzano congratulated Secretary Kite on her re-election.

## **REVIEW AND CONSIDER A RESOLUTION TO APPROVE THE FIRST AMENDMENT TO THE PIPELINE RELOCATION AGREEMENT WITH TAYLOR MORRISON HOMES**

This item was reviewed by the Legal/Community Affairs Committee. General Manager Eldredge stated the City of Newark's Dumbarton Transit-Oriented Development Specific Plan (The Plan) includes construction of residential units, a retail center, and a future transit station. The District's force mains traverse The Plan area. William Lyon Homes and USD entered into the Pipeline Relocation Agreement dated October 30, 2017, to provide for the Developer's relocation of USD's force main pipeline and other sanitary sewer facilities as required by the approvals of the Developer's residential development in the City of Newark. The Developer was required to complete two phases of work, Phase I Work has been completed. Phase II Work was initially expected to be completed by October 15, 2018, but the deadline was extended to March 10, 2020. Since the Phase II Work will not be completed by the extended deadline the Parties would like to extend the completion date for Phase II Work to December 15, 2020, increase the Bond Security being held for such work to reflect the new estimated cost of Phase II Work, and memorialize the acquisition of William Lyon Homes by Taylor Morrison Home Corporation. A summary of the first amendment to the relocation agreement was included in the Board meeting packet. Staff, the Developer, and the District's General Counsel have reviewed the proposed amendment and recommended the Board consider and approve the resolution and amendment.

It was moved by Director Fernandez, seconded by Vice President Handley, to Adopt Resolution No. 2886 Approving and Authorizing Execution of a First Amendment to the Pipeline Relocation Agreement with William Lyon Homes, Inc. a California Corporation, a Wholly Owned Subsidiary of Taylor Morrison Home Corporation. Motion carried unanimously.

## RESOLUTION NO. 2886

### A RESOLUTION OF THE BOARD OF DIRECTORS APPROVING AND AUTHORIZING EXECUTION OF A FIRST AMENDMENT TO THE PIPELINE RELOCATION AGREEMENT WITH WILLIAM LYON HOMES, INC., A CALIFORNIA CORPORATION, A WHOLLY OWNED SUBSIDIARY OF TAYLOR MORRISON HOME CORPORATION

**WHEREAS**, the District owns and operates twin 33-inch reinforced concrete pipe force mains that are designed to convey Peak Wet Weather Flows from the Irvington Pump Station to the District's treatment plant in Union City. The District force mains traverse the City of Newark's Dumbarton Transit-Oriented Development Specific Plan area from south to north within existing easements and right of ways; and

**WHEREAS**, relying on the Specific Plan EIR, on November 29, 2012, the City approved Tentative Tract Map 8085 for a 553 residential unit development on the Torian parcels (the "Torian Project"). On February 28, 2013 the City approved an addendum to the Specific Plan EIR to analyze minor revisions to the Torian Project, which included a contemplated wetland connection through, and the abandonment of, Hickory Street and a total of 547 units, and other minor site plan revisions; and

**WHEREAS**, as part of the Torian Project, a wetland preserve will be created and managed in perpetuity for the benefit of the ecological and habitat values of the area (the "Wetland Reserve"). A portion of the USD force main runs beneath the Wetland Reserve. As a condition of the development under the Regional Water Quality Control Board (Water Board) 401 permit, the Water Board required the developer to submit authorization by the Union Sanitary District Board to allow portions of the USD force mains running beneath the Wetland Reserve to be abandoned in place (RWQCB Site No. 02-01-C1123(BKW)); and

**WHEREAS**, on April 13, 2015, the Board adopted Resolution No. 2755 authorizing the abandonment of the existing pipelines and their replacement with new force mains beginning south of the Specific Plan area boundary, going under the Alameda County Flood Control District F1 Channel, through Tract 8085, then within the existing Hickory Street right of way and within the existing District easement in the Integral Communities property and FMC properties; and

**WHEREAS**, on October 30, 2017, William Lyon Homes, Inc., a California corporation, a wholly owned subsidiary of Taylor Morrison Home Corporation ("Developer") and USD entered into a Pipeline Relocation Agreement to provide for, among other things, Developer's relocation of USD's force main pipeline and other sanitary sewer facilities as required by the approvals of Developer's residential development in the City of Newark (the "Agreement"); and

**WHEREAS**, the Developer was required to complete two phases of work, defined as the Phase I Work and the Phase II Work in the Pipeline Agreement. The Phase I Work has been completed; however, the Phase II Work has not been completed. The Phase II Work was initially expected to be completed by October 15, 2018, as extended to March 10, 2020, and will not be completed by that date; and

**WHEREAS**, Phase II, which is the northerly section of the project, is complicated due to a multitude of variables that are beyond the control of the District and WLH. In particular, there are remediation efforts currently taking place on the FMC property along a majority of the Phase II alignment; and

**WHEREAS**, as the Phase II Work will not be completed by the last extension date, Developer and District staff have negotiated a First Amendment to the Agreement to, among other things: extend the completion date of the Phase II Work to December 15, 2020; to increase the surety bond being held for such work to reflect the current estimated cost of the Phase II Work; to provide for Developer's payment to USD of the sum of \$149,000 for additional CIP costs incurred due to the delay in completing the pipeline relocation; to allow the Developer to discharge groundwater in accordance with USD's standard permit process and approvals; and amend the force majeure section.

**NOW, THEREFORE, BE IT RESOLVED BY THE UNION SANITARY DISTRICT BOARD OF DIRECTORS, AS FOLLOWS:**

1. The First Amendment to the Pipeline Relocation Agreement is hereby approved. The General Manager is authorized to execute the First Amendment to the Pipeline Relocation Agreement in the form attached to the staff report, subject to minor revisions or amendments that may be approved by the General Manager, in consultation with the General Counsel.
2. The General Manager or his designee, in consultation with the General Counsel, is hereby authorized to take any and all actions and execute documents, necessary to effectuate the terms and conditions of the First Amendment to the Pipeline Relocation Agreement.

**PASSED, APPROVED, AND ADOPTED this 9<sup>th</sup> day of March, 2020.**

AYES: Fernandez, Handley, Kite, Lathi, Toy

NOES: None

ABSTAIN: None

ABSENT: None

Attest:



PAT KITE  
Secretary, Board of Directors  
Union Sanitary District

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JENNIFER TOY  
President, Board of Directors  
Union Sanitary District

## FIRST AMENDMENT TO PIPELINE RELOCATION AGREEMENT

THIS FIRST AMENDMENT TO PIPELINE RELOCATION AGREEMENT (this "First Amendment"), dated as of \_\_\_\_\_, 2020 (the "Effective Date"), is entered into by and among WILLIAM LYON HOMES, INC., a California corporation, a wholly owned subsidiary of Taylor Morrison Home Corporation ("Developer"), and UNION SANITARY DISTRICT, a California public sanitary district ("USD"). Developer and USD are sometimes referred to herein collectively as the "Parties" and each individually as a "Party."

### RECITALS

A. Developer and USD entered into that certain Pipeline Relocation Agreement dated October 30, 2017 to provide for, among other things, Developer's relocation of USD's force main pipeline and other sanitary sewer facilities as required by the approvals of Developer's residential development in the City of Newark (the "Pipeline Agreement"). Such relocation was effectuated by private development in the vicinity of USD's pipelines, which pipelines could have remained in their current location absent such development. Any capitalized term used in this First Amendment but not defined herein shall have the meaning ascribed to such term in the Pipeline Agreement.

B. Pursuant to the Pipeline Agreement, Developer was required to complete two phases of work, defined as the Phase I Work and the Phase II Work in the Pipeline Agreement. The Phase I Work has been completed. The Phase II Work was initially expected to be completed by October 15, 2018, but the deadline for completion was extended to March 10, 2020.

C. Pursuant to the Pipeline Agreement, USD, Developer and First American Title Company ("Escrow Agent") entered into an Escrow Agreement dated November 20, 2017 (the "Escrow Agreement"), pursuant to which the Parties agreed that certain cash security would be held in an escrow account by the Escrow Agent as security for Developer's performance of the Phase II Work. The term of the Escrow Agreement has been extended to December 15, 2020.

D. As the Phase II Work will not be completed by the last extension date, the Parties now desire, among other things to extend the completion date of the Phase II Work to December 15, 2020, and to increase the Bond Security being held for such work to reflect the current estimated cost of the Phase II Work.

NOW, THEREFORE, the Parties agree as follows:

1. Amendment of Section 1.1(b), Phase II. Section 1.1(b) of the Pipeline Agreement regarding the Phase II Work is hereby amended as follows:

1.1 Completion of Phase II Work. The Parties agree that the Phase II Work shall be completed no later than December 15, 2020, or as otherwise extended pursuant to the Pipeline Agreement.

1.2 Groundwater Discharge. Developer may discharge groundwater from activities associated with the Phase II Work into the USD Sanitary Sewer System, pursuant to the requirements of this Section and upon approval of a Dewatering Plan by USD. Developer shall submit a Dewatering Plan for USD's review and approval consistent with Ordinance 36.04 requirements and prohibitions. Developer agrees and acknowledges that the dewatering season is between April 15 to October 15, unless otherwise directed and approved by USD. In addition, Developer shall follow and comply with USD's normal groundwater discharge permit process.

1.3 Increase in Bond Security. The Parties agree that the Bond Security shall be increased to reflect the current amount of the Phase II Estimated Costs, which is estimated at approximately Five Million Dollars (\$5,000,000.00). After Developer has obtained bids for the Phase II Work, Developer shall increase the Bond Security by an amount equal to the difference between the current bid amount of the Phase II Estimated Costs and the prior amount of Bond Security for a total Bond Security in an amount equal to 100 percent of the current Phase II Estimated Costs based on the bids. Developer shall submit updated Bond Security to USD in a form acceptable to District no later than five business days after the Effective Date.

2. Amendment to Section 8.15, Force Majeure. The first sentence of Section 8.15, Force Majeure is hereby deleted and replaced in its entirety with the following:

"Neither Party shall be held responsible or liable for an inability to fulfill or delay in fulfilling any obligation under this Agreement (other than the payment of money), by reason of an act of God, natural disaster, government declared health emergency, including pandemics and voluntary or involuntary health related quarantines, accident, strikes, lockouts or other labor disturbances or disputes, unavailability of materials or labor, rationing or restrictions on the use of utilities or public transportation whether due to energy shortages, war, civil disturbance, riot, governmental rules, regulations, or restrictions, building moratorium (including without limitation, any moratoria under the California Subdivision Map Act), delay in issuance of any permits or governmental approvals, litigation or other legal action by a third party, or up to a 120-day delay in remediation of existing Hazardous Materials by a third party ("Force Majeure")."

3. Extension Payment. Concurrently with the execution of this First Amendment, Developer shall pay USD the amount of \$149,000.00 in immediately available funds.

4. Phase II Work Not USD Obligation. The Parties agree and acknowledge that USD has not been and is not required to perform or complete any or all of the Phase II Work and is under no obligation to use or access Cash Security or Bond Security to complete such work in the event of Developer's default. Developer further agrees and acknowledges that in the event the Phase II Work is not timely completed by Developer, other projects in the area of the Phase II Work could be affected by such delay and that USD shall have no liability with respect to any such delay.

5. Counterparts; Electronic Delivery. This First Amendment may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. Any signature page delivered by facsimile or electronic image transmission shall be binding to the same extent as an original signature page. Either Party that delivers a signature page by facsimile or electronic image transmission shall deliver an original counterpart to the other Party that requests such original counterpart.

6. Amendment. Except as amended herein, the Agreement remains in full force and effect.

The Parties to this First Amendment have caused this First Amendment to be executed and delivered as of the date first written above.

"Developer"

William Lyon Homes, Inc.  
a California corporation, a wholly owned  
subsidiary of Taylor Morrison Home  
Corporation

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

"USD"

Union Sanitary District  
a California public sanitary district

By: \_\_\_\_\_  
Name: Paul R. Eldredge, P.E.  
Title: General Manager

Approved as to form:

\_\_\_\_\_  
Karen Murphy, General Counsel

**CONSIDER RESCINDING RESOLUTION NO. 2769 AND ADOPTING AN UPDATED RESOLUTION ADOPTING GUIDELINES FOR THE SUBMISSION AND TABULATION OF PROTESTS IN CONNECTION WITH RATE HEARINGS CONDUCTED PURSUANT TO ARTICLE XIID, SECTION 6 OF THE CALIFORNIA CONSTITUTION**

This item was reviewed by the Budget & Finance Committee. District Counsel Murphy stated the Board approved Resolution No. 2769 on November 23, 2015. District Counsel and Staff have updated the resolution and recommended the Board rescind Resolution 2769 and adopt an updated resolution outlining guidelines for the submission and tabulation of protests.

It was moved by Director Lathi, seconded by Vice President Handley, to Adopt Resolution No. 2887 Rescinding Resolution No. 2769 and Adopting Guidelines for the Submission and Tabulation of Protests in Connection with Rate Hearings Conducted Pursuant to Article XIID, Section 6 of the California Constitution. Motion carried unanimously.

**####**

**RESOLUTION NO. 2887**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE UNION SANITARY DISTRICT RESCINDING RESOLUTION NO. 2769 AND ADOPTING GUIDELINES FOR THE SUBMISSION AND TABULATION OF PROTESTS IN CONNECTION WITH RATE HEARINGS CONDUCTED PURSUANT TO ARTICLE XIIID, SECTION 6 OF THE CALIFORNIA CONSTITUTION**

**WHEREAS**, Article XIIID, Section 6 of the California Constitution requires the Board of Directors of the Union Sanitary District to consider written protests to certain proposed increases to utility charges; and

**WHEREAS**, this constitutional provision does not offer specific guidance as to who is allowed to submit protests, how written protests are to be submitted, or how the District is to tabulate the protests.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Union Sanitary District that when notice of a public hearing with respect to the adoption or increase of water or wastewater charges has been given by the District pursuant to Article XIIID, Section 6(a) of the California Constitution, the following shall apply:

**SECTION 1: Definitions.** Unless the context plainly indicates another meaning was intended, the following definitions shall apply in construction of these guidelines.

- A. "Parcel" means a County Assessor's parcel, the owner or occupant of which is subject to the proposed charge that is the subject of the hearing.
- B. "Parcel owner" means the person or persons whose name or names appear on the County Assessor's latest equalized assessment roll as the owner of a parcel.
- C. A "fee protest proceeding" is not an election, but the Executive Assistant to the GM/Board Clerk will maintain the confidentiality of protests as provided below and will maintain the security and integrity of protests at all times.

**SECTION 2: Notice Delivery.** Notice of proposed rates and public hearing shall be as follows:

- A. The District shall give notice of proposed charges via U.S. mail to all parcel owners served by the District.
- B. The District will post the notice of proposed charges and public hearing at its official posting sites.

### **SECTION 3: Protest Submittal.**

- A. Any parcel owner who is subject to the proposed sewer charge that is the subject of the hearing may submit a written protest to the Executive Assistant to the GM/Board Clerk, by:
- Delivery to the Executive Assistant to the GM/Board Clerk's Office at the main District Office, 5072 Benson Road, Union City during published business hours, or
  - Mail to Executive Assistant to the GM/Board Clerk, 5072 Benson Road, Union City, CA 94587, or
  - Personally submitting the protest at the public hearing, or
  - Email to rates@unionsanitary.ca.gov, or
  - Fax to (510) 477-7501
- B. Protests must be received by the end of the public hearing, including those mailed to the District. No postmarks will be accepted; therefore, any protest not actually received by the close of the hearing, whether or not mailed prior to the hearing, shall not be counted.
- C. Photocopied protests shall not be counted.
- D. Although oral comments at the public hearing will not qualify as a formal protest unless accompanied by a written protest, the Board of Directors welcomes input from the community during the public hearing on the proposed charges.

### **SECTION 4: Protest Requirements.**

- A. A written protest must include:
- (i) A statement that it is a protest against the proposed charge that is the subject of the hearing; and
  - (ii) Name of the parcel owner who is submitting the protest; and
  - (iii) Identity of the parcel, by either property address, Assessor's Parcel number, or other parcel description of the parcel with respect to which the protest is made; and
  - (iv) Except as to protests submitted by email, original signature and legibly printed name of the parcel owner who is submitting the protest. The Executive Assistant to the GM/Board Clerk may require one who submits a protest by email to authenticate it with an original signature if he or she has reason to question its authenticity.
- B. Protests shall not be counted if any of the required elements (i thru iv) outlined in the preceding subsection "A." are omitted.

**SECTION 5: Protest Withdrawal.** Any person who submits a protest may withdraw it by submitting to the Executive Assistant to the GM/Board Clerk a written request that the protest be withdrawn. The withdrawal of a protest shall contain sufficient information to identify the affected parcel and the parcel owner who submitted both the protest and the request that it be withdrawn.

**SECTION 6: Multiple Parcel Owners**

- A. Each parcel owner of a parcel served by the District may submit a protest. This includes instances in which:
- (i) A parcel is owned by more than a single owner or more than one name appears as the owner for the parcel, or
  - (ii) A customer of record is not the record owner, or
  - (iii) A parcel is occupied by more than one record customer, or
  - (iv) Multiple parcels are served via a single utility account, as master-metered multiple-family-residential units.
- B. Any parcel owner or customer of record may protest, but only one protest will be counted per parcel as provided by Government Code Section 53755(b). If multiple protests are submitted for the same parcel, they shall, together, count as one protest.

**SECTION 7: Transparency, Confidentiality, and Disclosure.**

- A. To ensure transparency and accountability in the fee protest tabulation while protecting the privacy rights of parcel owners, protests will be maintained in confidence until tabulation begins following the public hearing. Those who submit protests by email accept that complete confidentiality cannot be ensured given the nature of the technology and the need for the Executive Assistant to the GM/Board Clerk to read, print, and tabulate email protests.
- B. Once a protest is opened during the tabulation, it becomes a disclosable public record, as required by state law.

**SECTION 8: Executive Assistant to the GM/Board Clerk.** The Executive Assistant to the GM/Board Clerk shall not accept as valid any protest if he or she determines that any of the following is true:

- A. The protest does not state its opposition to the proposed charges.
- B. The protest does not name the parcel owner or of the parcel identified in the protest as of the date of the public hearing.
- C. The protest does not identify a parcel served by the District that is subject to the proposed charge.

- D. A protest was not submitted by email and does not bear an original signature of the named parcel owner of the parcel identified on the protest or a protest submitted by email is not authenticated with an original signature on request of the Executive Assistant to the GM/Board Clerk. Whether an email protest should be authenticated or a signature on any protest is valid shall be entrusted to the reasonable judgment of the Executive Assistant to the GM/Board Clerk, who may consult signatures on file with the County Elections Official.
- E. The protest was altered in a way, or facts regarding a protest submitted by email are such, that a fair question arises whether the protest actually expresses the intent of a parcel owner or customer of record to protest the charges.
- F. The protest was not received by the Executive Assistant to the GM/Board Clerk before the close of the public hearing on the proposed charges or, as to protests submitted by fax or email, by 5:00 p.m. on May 11, 2020.
- G. A request to withdraw the protest was received prior to the close of the public hearing on the proposed charges.

**SECTION 9: Executive Assistant to the GM/Board Clerk's Decisions Final.**

The Executive Assistant to the GM/Board Clerk's decision that a protest is not valid shall constitute a final action of the District and shall not be subject to any internal appeal but shall be subject to judicial review as provided in Code of Civil Procedure section 1094.5.

**SECTION 10: Majority Protest.**

- A. A majority protest exists if written protests are timely submitted and not withdrawn by the parcel owners with respect to a majority (50% plus one) of the parcels subject to the proposed charge.
- B. While the District may inform the public of the number of parcels served by the District when a notice of proposed rates is mailed, the number of parcels with active customer accounts served by the District on the date of the hearing shall control in determining whether a majority protest exists.

**SECTION 11: Tabulation of Protests.** At the conclusion of the public hearing, the Executive Assistant to the GM/Board Clerk shall tabulate all protests received; including those received during the public hearing (other than by email), and shall report the results of the tabulation to the Board of Directors. If the total number of protests received is insufficient to constitute a majority protest, the Executive Assistant to the GM/Board Clerk may determine the absence of a majority protest without validating the protests received, but may instead deem them all valid without further examination. Further, if the number of protests received is obviously substantially fewer than the number required to constitute a majority protest, the Executive Assistant to the GM/Board Clerk may determine the absence of a majority protest without opening the envelopes in which protests are returned.

**SECTION 12: Report of Tabulation.** If at the conclusion of the public hearing, the Executive Assistant to the GM/Board Clerk determines that he or she will require

additional time to tabulate the protests, he or she shall so advise the Board of Directors, which may adjourn the meeting to allow the tabulation to be completed on another day or days. If so, the Board of Directors shall declare the time and place of tabulation, which shall be conducted in a place where interested members of the public may observe the tabulation, and the Board of Directors shall declare the time at which the meeting shall be resumed to receive and act on the tabulation report of the Executive Assistant to the GM/Board Clerk.

**SECTION 13:** This resolution will become effective immediately upon adoption and shall supersede any previous resolution establishing guidelines for the conduct of protest proceedings under California Constitution, article XIII D, section 6. Resolution No. 2769, a Resolution of the Board of Directors of the Union Sanitary District Adopting Guidelines for the Submission and Tabulation of Protests in Connection with Rate Hearings Conducted Pursuant to Article XIID, Section 6 of the California Constitution, is hereby rescinded in its entirety.

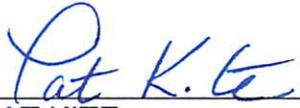
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On motion of Director Lathi, seconded by Vice President Handley, the above resolution was introduced and passed by the Board of Directors of Union Sanitary District at a regular meeting of said Board held on the 9<sup>th</sup> day of March, 2020, and adopted by the following vote:

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

  
 \_\_\_\_\_  
 JENNIFER TOY  
 President, Board of Directors  
 Union Sanitary District

Attest:

  
 \_\_\_\_\_  
 PAT KITE  
 Secretary, Board of Directors  
 Union Sanitary District

**AUTHORIZE THE GENERAL MANAGER TO EXECUTE TASK ORDER NO. 2 WITH HAZEN AND SAWYER FOR THE ENHANCED TREATMENT AND SITE UPGRADE PHASE 1A PROJECT**

This item was reviewed by the Engineering and Information Technology Committee. Enhanced Treatment and Site Upgrade (ETSU) Program Manager Pipkin stated ETSU is the culmination of the District's planning efforts. The program includes projects recommended for implementation that will be phased. Phase 1A includes retrofitting existing Aeration Basins and construction of a new combined Campus Building. The ETSU Program and a breakdown of work to be included in each Phase was included in the Board meeting packet. Staff negotiated the total scope and fee with Hazen and Burks Toma Architects as the Campus Building Architect. Task Order No. 2 will be for Campus Building Design Services and will include project management, project analysis and review, schematic design, design development, construction documentation, bid period services, and additional environmental and permitting assessment assistance. Staff recommended the Board Authorize the General Manager to Execute Task Order No. 2 with Hazen and Sawyer in the amount of \$3,737,412 for the Enhanced Treatment and Site Upgrade Phase 1A Project.

Staff recommended the Board authorize the General Manager to Execute Task Order No. 2 with Hazen and Sawyer in the amount of \$3,737,412 for the Enhanced Treatment and Site Upgrade Phase 1A Project.

It was moved by Director Fernandez, seconded by Director Lathi, to Authorize the General Manager to Execute Task Order No. 2 with Hazen and Sawyer for the Enhanced Treatment and Site Upgrade Phase 1A Project. Motion carried unanimously.

**AUTHORIZE THE GENERAL MANAGER TO EXECUTE AMENDMENT NO. 2 TO TASK ORDER NO. 2 WITH BROWN AND CALDWELL FOR THE STANDBY POWER GENERATION SYSTEM UPGRADE PROJECT**

This item was reviewed by the Engineering and Information Technology Committee. Technical Services Manager Ghossain stated on November 14, 2016, the Board authorized staff to execute an agreement and Task Order No. 1 with Brown and Caldwell (BC) to provide predesign services associated with the Standby Power Generation System Upgrade Project (Project). On February 5, 2018, the Board authorized staff to execute Task Order No. 2 with BC to provide final design services associated with the Project. After finalizing the ETSU program, staff requested BC re-evaluate the basis of design for the Project to ensure standby power capacity identified in the Project would be appropriate. A summary of the Project's updated scope items and additional expenses were included in the Board meeting packet. Staff recommended the Board authorize the General Manager to execute Amendment No. 7 to Task Order No. 2 with Brown and Caldwell in the amount of \$262,207 for the Standby Power Generation System Upgrade Project.

It was moved by Secretary Kite, seconded by Director Lathi, to Authorize the General Manager to Execute Amendment No. 2 to Task Order No. 2 with Brown and Caldwell for the Standby Power Generation Upgrade Project. Motion carried unanimously.

**INFORMATION ITEMS:**

**Check Register**

Staff responded to Boardmember 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:**

General Manager Eldredge reported the following:

- Mid-Year Budget Workshop will be held March 12, 2020, at 6:00 p.m.
- The registration deadline for the Alameda County Special District's Association Annual Dinner is March 12, 2020, and the event is scheduled for March 26, 2020.
- Fair Political Practices Form 700 Annual Statement of Economic Interests are due by March 23, 2020.
- Construction on Digester 7 has begun at the District.
- General Manager Eldredge commended staff for their work on the ETSU program to date.

**OTHER BUSINESS:**

There was no other business.

**ADJOURNMENT:**

The meeting was adjourned at 7:35 p.m. to the Mid-Year Budget Board Workshop in the Boardroom at 6:00 p.m. on Thursday, March 12, 2020.

The Board will then adjourn to the next Regular Meeting at 7:00 p.m. in the Boardroom on Monday, March 23, 2020.

SUBMITTED:

  
REGINA McEVOY  
BOARD CLERK

ATTEST:

  
PAT KITE  
SECRETARY

APPROVED:

  
JENNIFER TOY  
PRESIDENT

Adopted this 23<sup>rd</sup> day of March 2020