

**MINUTES OF THE MEETING OF THE  
BOARD OF DIRECTORS OF  
UNION SANITARY DISTRICT/UNION SANITARY DISTRICT FINANCING  
AUTHORITY  
June 22, 2020**

**Consistent with Executive Orders No. N-25-20 and No. N-29-20 from the Executive Department of the State of California, the Alameda County March 16, 2020 Shelter in Place Order, and Executive Order No. N-33-20, Stay-at-Home Order, the Monday, June 22, 2020, Regular Board Meeting was not physically open to the public and all Board Members teleconferenced into the meeting. To maximize public safety while still maintaining transparency and public access, members of the public were able to listen to the Board Meeting, and provide public comment by sending comments to the Board Clerk.**

**CALL TO ORDER**

President Handley called the meeting to order at 4:00 p.m. The regular meeting time was modified due to the COVID-19 emergency.

**SALUTE TO THE FLAG**

**ROLL CALL**

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

STAFF: Paul Eldredge, General Manager/District Engineer  
Karen Murphy, District Counsel  
Mark Carlson, Business Services Manager/CFO  
Armando Lopez, Treatment and Disposal Services Manager  
Sami Ghossain, Technical Services Manager  
James Schofield, Collection Services Manager  
Robert Simonich, Fabrication Construction and Maintenance Manager  
Laurie Brenner, Business Services Coach  
Regina McEvoy, Executive Assistant to the General Manager/Board Clerk

**APPROVE MINUTES OF THE UNION SANITARY DISTRICT BOARD MEETING OF  
JUNE 8, 2020**

It was moved by Director Fernandez, seconded by Secretary Lathi, to Approve the Minutes of the Board Meeting of June 8, 2020. Motion carried with the following vote:

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

## **MONTHLY OPERATIONS REPORT FOR MAY 2020**

This item was reviewed by the Budget & Finance and Legal/Community Affairs Committees. General Manager Eldredge provided an overview of the Odor Report and Work Group Reports and Business Services Coach Brenner reviewed the financial reports included in the Board meeting packet. General Manager Eldredge stated a Desk Item had been distributed to show portions of the Collection Services Work Group report that had been inadvertently excluded from the packet. The Desk Item was added to the Board meeting packet posted on the District website.

### **WRITTEN COMMUNICATIONS**

There were no written communications.

### **PUBLIC COMMENT**

There was no public comment.

### **PUBLIC HEARING TO CONSIDER COLLECTION OF SEWER SERVICE CHARGES ON THE TAX ROLLS FOR FISCAL YEAR 2021 AND ADOPTION OF A RESOLUTION ELECTING TO COLLECT SEWER SERVICE CHARGES ON THE TAX ROLLS**

This item was reviewed by the Budget & Finance Committee. General Manager Eldredge introduced the item. Business Services Coach Brenner stated the District has collected sewer service charges on the Alameda County tax rolls for many years; however, the Board must hold a public hearing annually to consider and reauthorize collection of sewer service charges on the tax rolls. Staff prepared the report setting forth sewer service charges to be assessed on each parcel in the District for Fiscal Year 2021 and the report has been available for public inspection at the District's offices. Staff published notice of the filing of the report and the public hearing to consider the report in the Argus newspaper on June 5 and 12, 2020, and in the Tri-City Voice on June 9 and 16, 2020. Staff recommended the Board conduct a public hearing to receive written and oral comments on the proposal to collect sewer service charges via the property tax rolls and, unless there was a majority protest, overrule any objections to the report and adopt a resolution electing to collect sewer service charges on the tax rolls.

President Handley opened the public hearing. There were no speakers.

President Handley closed the public hearing.

The minimum number of protests needed to constitute a majority would have been 50,496. Since no protests were received, Board Clerk McEvoy determined the absence of a majority protest.

It was moved by Director Toy, seconded by Secretary Lathi, to Adopt Resolution No. 2896 Electing to Collect Sewer Service Charges on Tax Rolls for Fiscal Year 2021. Motion carried with the following vote:

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

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## **RESOLUTION NO. 2896**

### **RESOLUTION OF THE UNION SANITARY DISTRICT BOARD OF DIRECTORS ELECTING TO COLLECT SEWER SERVICE CHARGES ON TAX ROLLS FOR FISCAL YEAR 2021**

WHEREAS, the Union Sanitary District ("District") has duly adopted Ordinance No. 31.40 which sets the sewer service charges for fiscal years 2021 through 2025; and

WHEREAS, California Health & Safety Code section 5473 provides that the District may elect to have such sewer service charges collected on the County property tax rolls; and

WHEREAS, the District Board of Directors directed the preparation of a written report on Sewer Service Charges for Collection on Tax Rolls for Fiscal Year 2021, which was duly prepared and filed with the Board Clerk (the "Report"); and

WHEREAS, the Board appointed the time and place of hearing for protests to the Report and notice was given in the manner provided by law as it appears by the Affidavits of Publication on file in the office of the Board Clerk; and

WHEREAS, the District Board of Directors, at its regular meeting of June 22, 2020, held a hearing on the Report, where the Board heard and considered all objections or protests, and protests from a majority of owners of separate parcels was not received.

**NOW, THEREFORE, IT IS RESOLVED AS FOLLOWS:**

1. All recitals above are true and incorporated by reference herein.
2. The Board finds that objections to and protests against the Report were not made by the owners of a majority of the separate parcels of property within the District against which sewer service charges for the services and facilities provided by the District were fixed.
3. The Board further finds that all objections to and protests have been heard by this Board and that any objections and protests are hereby overruled.
4. The Report is hereby adopted in full without revision, change, reduction, or modification, and sewer service charges based upon these rates and the sewer service charges for fiscal year 2021 shall be collected on the tax roll of the County of Alameda in the manner provided by law.
5. The Board Clerk is hereby directed to file with the County Auditor of Alameda County, a certified copy of the Report and this Resolution stating that the Report has been adopted by the District Board of Directors.
6. The Auditor Controller of the County of Alameda shall, upon receipt of a copy of the Report showing the amounts of the charges based upon adopted rates, enter the amounts of the charges against the respective lots or parcels as they appear on the current assessment roll for fiscal year 2021.

I hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Board of Directors of the UNION SANITARY DISTRICT, Alameda County, California, at a meeting thereof held on the 22nd day of June, 2020.

AYES: Fernandez, Handley, Kite, Lathi, Toy

NOES: None

ABSENT: None

ABSTAIN: None



TOM HANDLEY, President  
Board of Directors  
Union Sanitary District

ATTEST:



ANJALI LATHI, Secretary  
Board of Directors  
Union Sanitary District

**CONSIDER APPROVING PROPOSED OPERATING AND CIP BUDGET FOR FISCAL YEAR 2021**

This item was reviewed by the Budget & Finance Committee. General Manager Eldredge introduced the item. Business Services Coach Brenner stated the proposed budget reflects Board input and revisions made to the information presented during the Budget Workshop held May 12, 2020, and the Board meeting of June 8, 2020. Staff recommended the Board review and consider adoption of the Proposed Operating and CIP Budget for Fiscal Year 2021.

It was moved by Secretary Lathi, seconded by Vice President Kite, to Adopt the Proposed Operating and CIP Budget for Fiscal Year 2021. Motion carried with the following vote:

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

**CONSIDER A RESOLUTION TO ACCEPT A SANITARY SEWER EASEMENT FOR TRACT 8157 – LIGHTHOUSE, LOCATED AT WILLOW STREET AND SEAWIND WAY, IN THE CITY OF NEWARK**

This item was reviewed by the Legal/Community Affairs Committee. Technical Services Manager Ghossain stated Lennar Homes of California will construct a residential development consisting of 88 townhomes for Tract 8175, located at Willow Street and Seawind Way in the City of Newark. The roadways of the development do not meet the City of Newark’s street dimensions and structure setback requirements for public streets and have been designated as private. Lennar Homes constructed the new sewer mains and has granted the District sanitary sewer easements to provide access and maintenance of the new sewer mains. Staff recommended the Board consider a resolution to accept a sanitary sewer easement for Tract 8157 – Lighthouse, located at Willow Street and Seawind Way, in the City of Newark.

It was moved by Director Toy, seconded by Director Fernandez, to Adopt Resolution No. 2897 Accepting a Sanitary Sewer Easement for Tract 8157 – Lighthouse, Located at Willow Street and Seawind Way, in the City of Newark, California. Motion carried with the following vote:

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

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RESOLUTION NO. 2897

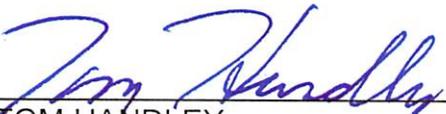
**ACCEPT A SANITARY SEWER EASEMENT FOR  
TRACT 8157 – LIGHTHOUSE, LOCATED AT WILLOW STREET  
AND SEAWIND WAY, IN THE CITY OF NEWARK, CALIFORNIA**

RESOLVED by the Board of Directors of UNION SANITARY DISTRICT, that it hereby accepts the Grant of Easement from LENNAR HOMES OF CALIFORNIA, INC., executed on January 19, 2017, as described in the Grant of Easement for Sanitary Sewer Purposes and by the legal description and plat map, attached as 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 execute the acceptance of the Grant of Easement and attend to the recordation thereof.

On motion duly made and seconded, this resolution was adopted by the following vote on June 22, 2020:

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

  
\_\_\_\_\_  
TOM HANDLEY  
President, Board of Directors  
Union Sanitary District

Attest:

  
\_\_\_\_\_  
ANJALI LATHI  
Secretary, Board of Directors  
Union Sanitary District

**GRANT OF EASEMENT**  
**FOR SANITARY SEWER PURPOSES**

THIS INDENTURE, made this 19 day of JANUARY 2017, by and between LENNAR HOMES OF CALIFORNIA, INC., the Party/~~Parties~~ of the First Part, and UNION SANITARY DISTRICT, the Party of the Second Part,

**WITNESSETH:**

That said Party/~~Parties~~ of the First Part does hereby grant to the Party of the Second Part and to its successors and assigns forever, for the use and purposes herein stated, the rights of way and easements hereinafter described, located in the city of Newark, county of Alameda, state of California:

**See Exhibit "A" and Exhibit "B"**

together with the right and privilege of constructing, reconstructing, cleaning, repairing and maintaining at any time, a sanitary sewer and appurtenances along, upon, over, in, through and across the above described property; together with free ingress and egress to and for the said Party of the Second Part, its successors and assigns, its agents and employees, workmen, contractors, equipment, vehicles and tools, along, upon, over, in, through and across said right of way; together with the right of access by its successors and assigns, its agents and employees, workmen, contractors, equipment, vehicles and tools to said right of way from the nearest public street, over and across the adjoining property, if such there be; otherwise by such route or routes across said adjoining property as shall occasion the least practicable damage and inconvenience to the Party/~~Parties~~ of the First Part, for constructing, cleaning, repairing and maintaining said sanitary sewer and appurtenances; together with free ingress and egress over the land immediately adjoining for maintenance, repair and replacement as well as the initial construction of said sewer.

IN WITNESS WHEREOF the said Party/~~Parties~~ of the First Part have executed this indenture the day and year first above written.

  
\_\_\_\_\_  
Signature

By: BRIAN OLIN, VICE PRESIDENT  
(Print or type name and title of signatory)  
Lennar Homes of California, Inc.

(Notarize)

# CALIFORNIA CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )

County of Contra Costa )

On January 19, 2017 before me, Lisa McRae, Notary Public  
(here insert name and title of the officer)

personally appeared Brian Olin

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Lisa McRae



(Seal)

## Optional Information

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this acknowledgment to an unauthorized document and may prove useful to persons relying on the attached document.

### Description of Attached Document

The preceding Certificate of Acknowledgment is attached to a document titled/for the purpose of \_\_\_\_\_

containing \_\_\_\_\_ pages, and dated \_\_\_\_\_

The signer(s) capacity or authority is/are as:

- Individual(s)  
 Attorney-in-Fact  
 Corporate Officer(s) \_\_\_\_\_  
Title(s)

- Guardian/Conservator  
 Partner - Limited/General  
 Trustee(s)  
 Other: \_\_\_\_\_

representing: \_\_\_\_\_  
Name(s) of Person(s) or Entity(ies) Signer is Representing

### Additional Information

#### Method of Signer Identification

Proved to me on the basis of satisfactory evidence:

- form(s) of identification  credible witness(es)

Notarial event is detailed in notary journal on:

Page # \_\_\_\_\_ Entry # \_\_\_\_\_

Notary contact: \_\_\_\_\_

#### Other

- Additional Signer(s)  Signer(s) Thumbprint(s)

\_\_\_\_\_

EXHIBIT A  
LEGAL DESCRIPTION  
SANITARY SEWER EASEMENT CONVEYED TO UNION SANITARY DISTRICT  
TRACT 8157  
NEWARK, CALIFORNIA

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

BEING ALL OF PARCELS B, C, D, E, F, G, H, I AND J AND A PORTION OF LOTS 8 AND 9, LABELED AS SSE - SANITARY SEWER EASEMENT, OF TRACT 8157 RECORDED DECEMBER 20, 2016, FILED IN BOOK 345 OF MAPS AT PAGES 30-35, ALAMEDA COUNTY RECORDS AND SHOWN ON EXHIBIT B - PLAT MAP OF SANITARY SEWER EASEMENT GRANTED TO UNION SANITARY DISTRICT.

CONTAINING 38,790 SQUARE FEET OF LAND, MORE OR LESS.

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

END OF DESCRIPTION

 1/9/17

MARK H. WEHBER, P.L.S.  
L.S. NO. 7960







**INFORMATION ITEMS:**

**Report on the East Bay Dischargers Authority Meeting of May 21, 2020**

President Handley provided an overview of the updated EBDA meeting minutes included in the Board meeting packet. The updated EBDA minutes added a recommendation regarding banking practices to the Financial Management Committee section.

**COVID-19 Update**

General Manager Eldredge provided an update regarding COVID-19 impacts on District operations and associated coordination efforts.

**Check Register**

The Board requested staff provide a breakdown of the District's monthly Verizon charges in future check registers.

**COMMITTEE MEETING REPORTS:**

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

**GENERAL MANAGER'S REPORT:**

General Manager Eldredge stated the following:

- Introduced the District's new Chief Financial Officer, Mark Carlson
- The California Association of Sanitation Agencies Annual Conference will be held virtually in August. Boardmembers interested in participating were asked to contact District staff to register for the virtual event.

**OTHER BUSINESS:**

There was no other business.

**ADJOURNMENT:**

The meeting was adjourned at 4:28 p.m. to a Board Workshop at 4:00 p.m. in the Alvarado Conference Room on Tuesday, June 23, 2020.

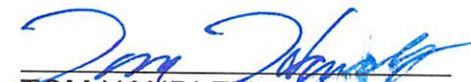
SUBMITTED:

  
REGINA McEVOY  
BOARD CLERK

ATTEST:

  
ANJALI LATHI  
SECRETARY

APPROVED:

  
TOM HANDLEY  
PRESIDENT

Adopted this 13<sup>th</sup> day of July 2020