

**MINUTES OF THE MEETING OF THE  
BOARD OF DIRECTORS OF  
UNION SANITARY DISTRICT/UNION SANITARY DISTRICT FINANCING  
AUTHORITY  
SEPTEMBER 14, 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, September 14, 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

ABSENT: Jennifer Toy, Director (arrived at 4:45 p.m.)

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

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

It was moved by Vice President Kite, seconded by Director Fernandez, to Approve the Minutes of the Board Meeting of August 24, 2020. Motion carried with the following vote:

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

### **APPROVE MINUTES OF THE UNION SANITARY DISTRICT SPECIAL BOARD MEETING OF AUGUST 27, 2020**

It was moved by Director Fernandez, seconded by Secretary Lathi, to Approve the Minutes of the Special Board Meeting of August 27, 2020. Motion carried with the following vote:

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

### **FOURTH QUARTER FISCAL YEAR 2020 DISTRICT-WIDE BALANCED SCORECARD MEASURES**

This item was reviewed by the Legal/Community Affairs Committee. Organizational Performance Coordinator Yeates provided an overview of the District-wide Balanced Scorecard Measures and responded to Boardmember questions.

### **WRITTEN COMMUNICATIONS**

There were no written communications.

### **PUBLIC COMMENT**

There was no public comment.

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

District Counsel Murphy stated the Board considers this action annually prior to scheduling the General Manager's performance evaluation. Staff recommended the Board appoint two representatives to the Ad Hoc Subcommittee on General Manager Contract Negotiations.

It was moved by President Handley, seconded by Director Kite, to Appoint President Handley and Director Toy to the Ad Hoc Subcommittee on General Manager Contract Negotiations. Motion carried with the following vote:

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

### **REVIEW AND CONSIDER APPROVAL OF POLICY NO. 3045, BOARD EDUCATION AND TRAINING BUDGET**

This item was reviewed by the Legal/Community Affairs Committee. Executive Assistant to the General Manager/Board Clerk McEvoy stated the proposed edits to the

Policy consist of minor updates to language and extending the review period from three to five years. Staff recommended the Board approve proposed revisions to Policy No. 3045, Board Education and Training Budget.

It was moved by Secretary Lathi, seconded by Director Fernandez, to Approve Policy No. 3045, Board Education and Training Budget. Motion carried with the following vote:

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

**CONSIDER A RESOLUTION TO ACCEPT SANITARY SEWER EASEMENTS FOR TRACT 8417 – SANCTUARY VILLAGE 1 AND TRACT 8419 – SANCTUARY VILLAGE 3, LOCATED AT CHERRY STREET AND STEVENSON BOULEVARD, IN THE CITY OF NEWARK**

This item was reviewed by the Legal/Community Affairs Committee. Technical Services Manager Ghossain stated LS-Newark, LLC, Arroyo Cap III, LLC, and KB Sanctuary, LLC, will construct residential developments at the southwest corner of Cherry Street and Stevenson Boulevard. Some of the roadways within the developments do not meet the City of Newark's street dimensions and structure setback requirements for public streets and were designated as private. The developers have constructed the new sewer mains within the private roadways and have granted the District sanitary sewer easements that provide for access and maintenance of the new sewer mains. Staff recommended the Board consider a resolution to accept sanitary sewer easements for Tract 8417 – Sanctuary Village 1, and Tract 8419 – Sanctuary Village 3, located at the southwest corner of Cherry Street and Stevenson Boulevard, in the city of Newark.

It was moved by Director Fernandez, seconded by Secretary Lathi, to Adopt Resolution No. 2903 to Accept a Sanitary Sewer Easement for Tract 8417 – Sanctuary Village, and a Sanitary Sewer Easement for Tract 8419 – Sanctuary Village 3, in the City of Newark, California. Motion carried with the following vote:

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

####

**RESOLUTION NO. 2903**

**ACCEPT A SANITARY SEWER EASEMENT TRACT 8417 – SANCTUARY VILLAGE 1, AND A SANITARY SEWER EASEMENT FOR TRACT 8419 – SANCTUARY VILLAGE 3, IN THE CITY OF NEWARK, CALIFORNIA**

RESOLVED by the Board of Directors of UNION SANITARY DISTRICT, as follows:

1. The Board hereby accepts the Grant of Easement from LS-NEWARK, LLC, and ARROYO CAP III, LLC, executed on May 2, 2019, 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.
2. The Board hereby accepts the Grant of Easement from KB SANCTUARY, LLC, executed on April 23, 2018, as described in the Grant of Easement for Sanitary Sewer Purposes and by the legal description and plat map, attached as Exhibit C and Exhibit D, 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 14, 2020:

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

DocuSigned by:

*Tom Handley*

TOM HANDLEY

President, Board of Directors  
Union Sanitary District

Attest:

DocuSigned by:

*Anjali Lathi*

ANJALI LATHI

Secretary, Board of Directors  
Union Sanitary District

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

THIS INDENTURE, made this 2<sup>nd</sup> day of May 2019, by and between LS-Newark, LLC, a Delaware limited liability company and ARROYO CAP III, LLC, a Delaware limited liability company, 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.

[Signatures begin on following page]

LS-NEWARK, LLC,  
a Delaware limited liability company

By:   
Name: Mark Chamberlain  
Title: Vice President.

ARROYO CAP III, LLC,  
a Delaware limited liability company

By: Arroyo Capital, LLC,  
a Delaware limited liability company,  
Its sole member

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

(Notarize)



## 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 April 26, 2019 before me, Emily Ann Slater, Notary Public  
(insert name and title of the officer)

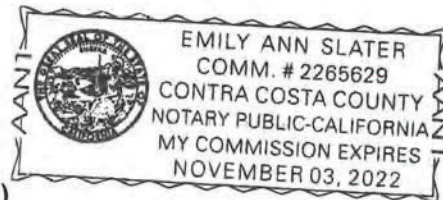
personally appeared Mark Chamberlain,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are  
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in  
his/her/their authorized capacity(ies), and that by his/her/their 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 

(Seal)



LS-NEWARK, LLC,  
a Delaware limited liability company

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

ARROYO CAP III, LLC,  
a Delaware limited liability company

By: Arroyo Capital, LLC,  
a Delaware limited liability company,  
Its sole member

By: Jeff B Brouette  
Name: Jeffrey B. Brouette  
Title: Executive Vice President

(Notarize)



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 Los Angeles )

On May 2, 2021, before me, Rachel Mayo,  
(insert name and title of the officer)

Notary Public, personally appeared Jeffrey B. Bruckette,  
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 Rachel Mayo

(Seal)



OCTOBER 12, 2018  
JOB NO.: 2503-021

EXHIBIT A  
LEGAL DESCRIPTION  
SANITARY SEWER EASEMENT CONVEYED TO UNION SANITARY DISTRICT  
TRACT 8417  
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 AND D LABELED AS SSE - SANITARY SEWER EASEMENT, OF TRACT 8417 RECORDED AUGUST 21, 2018, FILED IN BOOK 355 OF MAPS AT PAGES 76-85, ALAMEDA COUNTY RECORDS AND SHOWN ON EXHIBIT B - PLAT MAP OF SANITARY SEWER EASEMENT GRANTED TO UNION SANITARY DISTRICT.

CONTAINING 61,559 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



*Mark H. Wehber* 10/16/18

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



EXHIBIT B

PLAT MAP OF SANITARY SEWER EASEMENT GRANTED TO  
UNION SANITARY DISTRICT  
CITY OF NEWARK, ALAMEDA COUNTY, CALIFORNIA  
**Carlson, Barbee & Gibson, Inc.**  
CIVIL ENGINEERS • SURVEYORS • PLANNERS  
SAN RAMON • WEST SACRAMENTO

SCALE: 1" = 40'      OCTOBER, 2018



BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS SURVEY IS BETWEEN  
PROBABLE MONUMENTS ON CHERRY STREET, THE BEARING TAKEN  
AS N85°08'18"W PER TRACT 8270 (351 M 71).

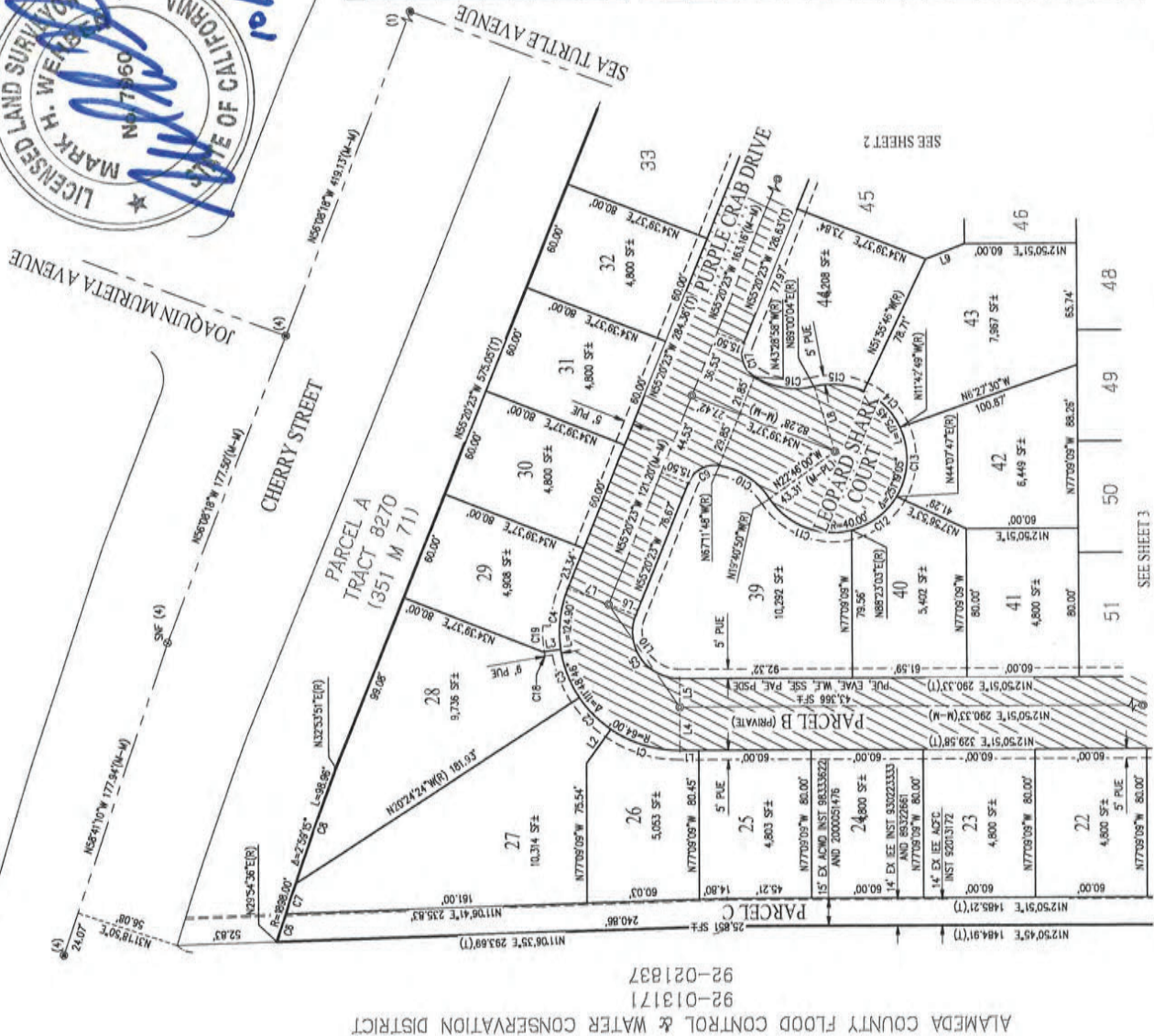
LEGEND

-----	SUBMISSION BOUNDARY LINE
-----	RIGHT OF WAY LINE
-----	LOT LINE
-----	EASEMENT LINE
-----	CENTERLINE
-----	MONUMENT LINE
-----	TEE LINE
-----	TOTAL
(T)	RADIAL
(M-M)	MONUMENT TO MONUMENT
(M-P)	MONUMENT TO PROPERTY LINE
(P-P)	PROPERTY TO PROPERTY LINE
(A, (H#H#))	RECORD INFORMATION

●	FOUND STANDARD STREET MONUMENT
●	SET STANDARD STREET MONUMENT, LS 7950
●	ALAMEDA COUNTY FLOOD CONTROL & WATER CONTROL DISTRICT
●	ALAMEDA COUNTY WATER DISTRICT
EX	EXISTING
EVME	EMERGENCY VEHICLE ACCESS EASEMENT
IEE	INGRESS/EGRESS EASEMENT
LE	LANDSCAPE EASEMENT
PAE	PRIVATE ACCESS EASEMENT
PSOE	PRIVATE STORM DRAIN EASEMENT
PUE	PUBLIC UTILITY EASEMENT
SNE	SEARCHED, NOT FOUND
SSE	SANITARY SEWER EASEMENT
SME	SIDEWALK EASEMENT
TSSE	TRAFFIC SIGNAL EQUIPMENT EASEMENT
WLE	WATER LINE EASEMENT

REFERENCES:

- (A) INDICATES REFERENCE NUMBER
- (1) TRACT 8270 (351 M 71)
- (2) PARCEL MAP 7255 (238 PM 79)
- (3) TRACT 5165 (140 M 30)
- (4) TRACT 4730 (127 M 1)



SEE SHEET 3

TRACT 8417  
SHEET 1 OF 4

EXHIBIT B

PLAT MAP OF SANITARY SEWER EASEMENT GRANTED TO  
UNION SANITARY DISTRICT  
CITY OF NEWARK, ALAMEDA COUNTY, CALIFORNIA  
**Carlson, Barbee & Gibson, Inc.**  
CIVIL ENGINEERS • SURVEYORS • PLANNERS  
SAN RAMON • WEST SACRAMENTO

SCALE: 1" = 40'      OCTOBER 2018



BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS SURVEY IS SET BY  
THE MONUMENT OF CHERRY STREET. THE BEARING TAKEN  
AS N85°08'18"W PER TRACT 8270 (351 M 71).

LEGEND

- SUBDIVISION BOUNDARY LINE
- RIGHT OF WAY LINE
- LOT LINE
- EASEMENT LINE
- CENTERLINE
- MONUMENT LINE
- TEE LINE

- (1) TOTAL
- (2) RADIAL
- (3) MONUMENT TO MONUMENT
- (4) MONUMENT TO PROPERTY LINE
- (5) RECORD INFORMATION
- (6) FOUND STANDARD STREET MONUMENT
- (7) SET STANDARD STREET MONUMENT, LS 7560
- (8) ALAMEDA COUNTY FLOOD CONTROL & WATER CONTROL DISTRICT
- (9) ALAMEDA COUNTY WATER DISTRICT
- (10) EXISTING
- (11) EMERGENCY VEHICLE ACCESS EASEMENT
- (12) INGRESS/EGRESS EASEMENT
- (13) LANDSCAPE EASEMENT
- (14) PRIVATE ACCESS EASEMENT
- (15) PRIVATE STORM DRAIN EASEMENT
- (16) PUBLIC UTILITY EASEMENT
- (17) SEARCHED, NOT FOUND
- (18) SANITARY SEWER EASEMENT
- (19) SIDEWALK EASEMENT
- (20) TRAFFIC SIGNAL EQUIPMENT EASEMENT
- (21) WATER LINE EASEMENT

REFERENCES:

- (#) INDICATES REFERENCE NUMBER
- (1) TRACT 8270 (351 M 71)
- (2) PARCEL MAP 1225 (423 PM 79)
- (3) TRACT 187 (144 M 10)
- (4) TRACT 4130 (127 M 1)

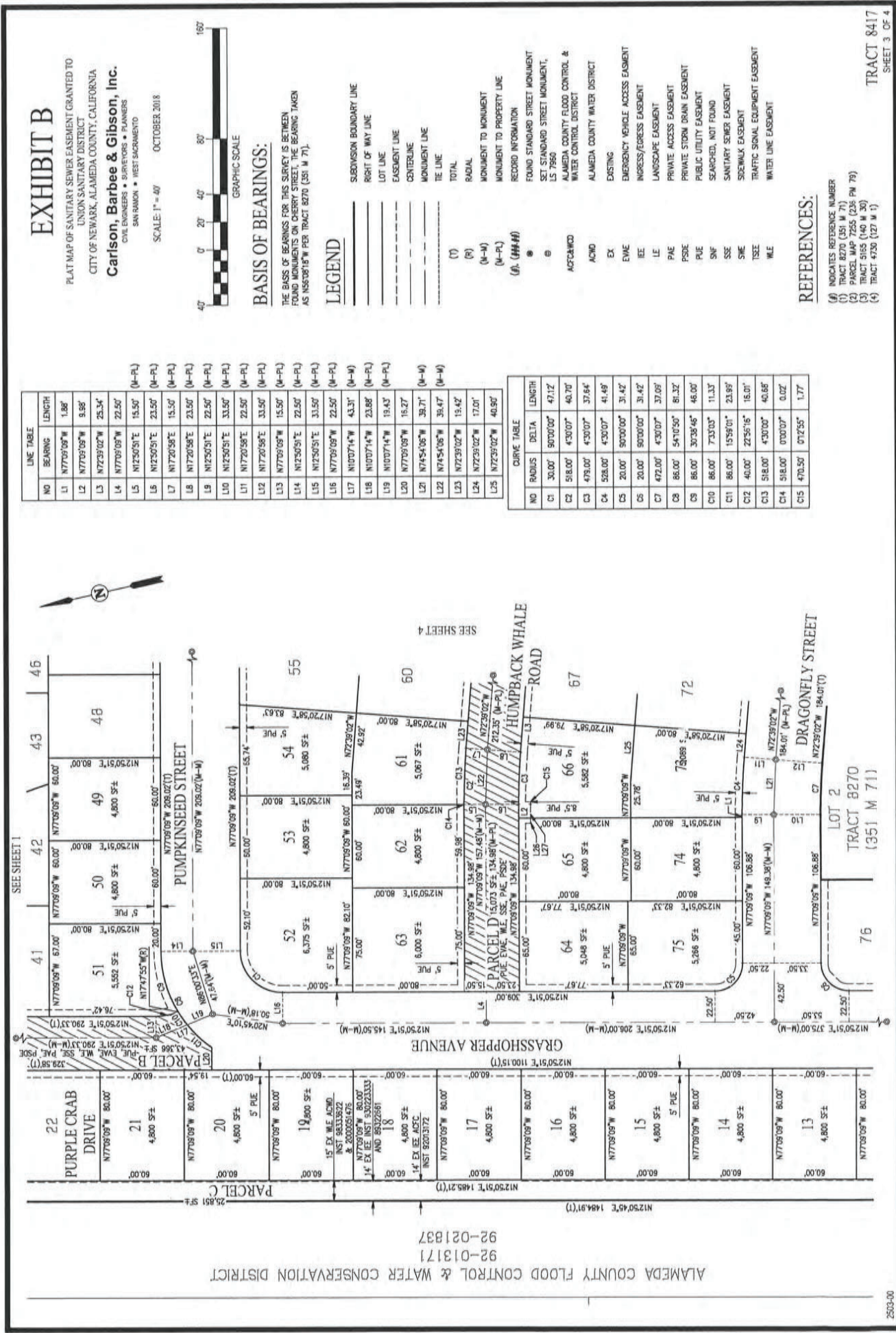
TRACT 8417  
SHEET 2 OF 4

LINE TABLE		
NO	BEARING	LENGTH
L1	N34°39'37"E	15.50'
L2	N34°39'37"E	23.50'
L3	N77°09'09"W	23.50'
L4	N77°09'09"W	15.50'
L5	N12°50'51"E	2.02'
L6	N33°51'42"E	7.35'
L7	N59°08'18"W	14.00'
L8	N38°46'27"W	22.58'
L9	N27°14'46"W	45.40'

CURVE TABLE		
NO	RADIUS	DELTA
C1	25.00'	68°11'14"
C2	64.00'	68°11'14"
C3	64.00'	28°46'40"
C4	64.00'	39°24'34"
C5	56.00'	7°56'51"
C6	1035.00'	1°51'17"
C7	30.00'	28°44'40"
C8	30.00'	27°10'54"
C9	1028.00'	3°29'28"
C10	72.50'	6°23'17"
C11	72.50'	6°30'37"
C12	1028.00'	2°25'26"







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

THIS INDENTURE, made this 23<sup>rd</sup> day of April 2018, by and between KB SANCTUARY LLC, the Party/~~Parties~~ of the First Part, and UNION SANITARY DISTRICT, the Party of the Second Part,

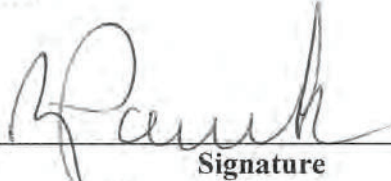
**WITNESSETH:**

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: RAY PANEK, SVP  
(Print or type name and title of signatory)  
KB Sanctuary LLC

(Notarize)



"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 )SS  
COUNTY OF Contra Costa )

On April 23, 2018, before me, Dee S. Bumanlag, Notary Public, personally appeared Ray Panek, 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.

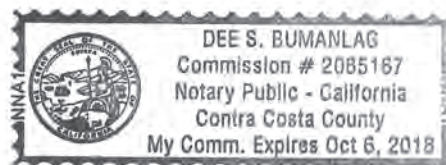
WITNESS my hand and official seal.

Signature

*Dee S. Bumanlag*

My Commission Expires: 10/6/2018

Notary Name: Dee S. Bumanlag  
Notary Registration Number: 2085167



*This area for official notarial seal*

Notary Phone: 925-983-4528  
County of Principal Place of Business: Contra Costa

APRIL 27, 2018  
JOB NO.: 2503-022

EXHIBIT C  
LEGAL DESCRIPTION  
SANITARY SEWER EASEMENT CONVEYED TO UNION SANITARY DISTRICT  
TRACT 8419  
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 A AND B LABELED AS SSE - SANITARY SEWER EASEMENT, OF TRACT 8419 RECORDED OCTOBER 21, 2018, FILED IN BOOK 355 PP 86-93, ALAMEDA COUNTY RECORDS AND SHOWN ON EXHIBIT B - PLAT MAP OF SANITARY SEWER EASEMENT GRANTED TO UNION SANITARY DISTRICT.

CONTAINING 96,738 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



 4/27/18  
MARK H. WEHBER, P.L.S.  
L.S. NO. 7960





EXHIBIT D

PLAT MAP OF SANITARY SEWER EASEMENT GRANTED TO  
UNION SANITARY DISTRICT  
CITY OF NEWARK, ALAMEDA COUNTY, CALIFORNIA  
**Carlson, Barbee & Gibson, Inc.**  
CIVIL ENGINEERS & SURVEYORS • PLANNERS  
SAN RAFAEL, CALIFORNIA  
APRIL 2018  
SCALE: 1" = 40'



BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS SURVEY IS BETWEEN  
FOUND MONUMENTS ON CHERRY STREET, THE BEARING TAKEN  
AS N56°08'18"W PER TRACT 8270 (351 M 71).

LEGEND

- SUBDIVISION BOUNDARY LINE
- RIGHT OF WAY LINE
- LOT LINE
- EASEMENT LINE
- CENTERLINE
- MONUMENT LINE
- LOT LINE TO BE REMOVED
- FE LINE
- TOTAL
- RADIAL
- MONUMENT TO MONUMENT
- MONUMENT TO MONUMENT LINE
- MONUMENT TO PROPERTY LINE
- RECORD INFORMATION
- FOUND STANDARD STREET MONUMENT
- SET STANDARD STREET MONUMENT, LS 7960
- INDESS EGRESS EASEMENT
- LANDSCAPE EASEMENT
- PRIVATE ACCESS EASEMENT
- PRIVATE STORM DRAIN EASEMENT
- PUBLIC UTILITY EASEMENT
- SANITARY SEWER EASEMENT
- SEWELINE EASEMENT
- WATER LINE EASEMENT
- SANITARY SEWER EASEMENT AREA

REFERENCES:

- (1) INDICATES REFERENCE NUMBER
- (2) TRACT 8270 (351 M 71)
- (3) PARCEL MAP 7255 (236 PM 79)
- (4) TRACT 5655 (140 M 30)
- (5) TRACT 4730 (127 M 1)

CURVE TABLE		
NO	RADIUS	DELTA
C1	644.00'	17°25'
C2	644.00'	20°58'
C3	148.50'	9°48'06"
C4	148.50'	14°17'38"
C5	148.50'	24°05'44"
C6	110.50'	24°05'44"
C7	20.00'	90°00'00"
C8	20.00'	90°00'00"
C9	640.00'	4°46'54"
C10	640.00'	2°43'48"
C11	128.50'	11°09'32"
C12	128.50'	17°12'48"
C13	128.50'	28°21'48"
C14	90.50'	25°37'54"
C15	640.00'	39°46'14"
C16	644.00'	12°37'02"
C17	640.00'	0°47'33"

LINE TABLE		
NO	BEARING	LENGTH
L1	N79°20'0"E	19.44'
L2	N41°15'7"E	55.62'
L3	N17°00'58"E	4.99'
L4	N17°00'58"E	11.84'
L5	N17°00'58"E	12.72'
L6	N17°39'02"W	22.50'
L7	N41°25'42"E	47.84'
L8	N41°25'42"E	5.80'
L9	N48°33'18"W	23.50'
L10	N48°33'18"W	15.50'
L11	N72°39'02"W	23.50'
L12	N72°39'02"W	15.50'
L13	N72°39'02"W	11.07'
L14	N34°31'10"W	72.00'
L15	N38°28'43"E	34.37'
L16	N38°28'43"E	47.18'
L17	N72°39'02"W	23.50'
L18	N72°39'02"W	15.50'
L19	N72°39'02"W	22.50'
L20	N55°48'03"W	22.50'
L21	N38°28'43"E	81.35'
L22	N41°25'42"E	33.58'
L23	N41°25'42"E	81.72'
L24	N34°11'57"E	33.50'
L25	N58°33'00"E	





CURVE TABLE		
NO	RADIUS	DELTA
C1	20.00'	80°00'00"
C2	20.00'	90°00'00"
C3	20.00'	90°00'00"
C4	20.00'	90°00'00"
C5	20.00'	24°15'55"
C6	538.00'	6°28'44"
C7	538.00'	7°36'35"
C8	222.00'	1°40'08"

CURVE TABLE		
NO	RADIUS	DELTA
C9	222.00'	4°03'18"
C10	222.00'	7°19'18"
C11	20.00'	24°15'55"
C12	222.00'	6°16'05"
C13	222.00'	19°24'50"

LINE TABLE		
NO	BEARING	LENGTH
L1	N17°20'58"E	17.71'
L2	N72°59'02"W	22.50'
L3	N63°08'17"W	12.51'
L4	N17°20'58"E	7.75'
L5	N17°20'58"E	7.75'

EXHIBIT D

PLAT MAP OF SANITARY SEWER EASEMENT GRANTED TO  
UNION SANITARY DISTRICT  
CITY OF NEWARK, ALAMEDA COUNTY, CALIFORNIA  
**Carlson, Barbee & Gibson, Inc.**  
CIVIL ENGINEERS - PLANNERS  
SAN RAMON, CALIFORNIA  
SCALE: 1"=40'  
APRIL 2018



BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS SURVEY IS BETWEEN  
FOUND MONUMENTS ON CHERRY STREET, THE BEARINGS TAKEN  
AS N56°05'15"W PER TRACT 8270 (351 M 71).

LEGEND

- SECTION BOUNDARY LINE
- RIGHT OF WAY LINE
- LOT LINE
- EASEMENT LINE
- ENTERLINE
- MONUMENT LINE
- LOT LINE TO BE REMOVED
- TE LINE
- TOTAL
- RADIAL
- MONUMENT TO MONUMENT
- MONUMENT TO MONUMENT LINE
- MONUMENT TO PROPERTY LINE
- RECORD INFORMATION
- FOUND STANDARD STREET MONUMENT
- SET STANDARD STREET MONUMENT
- LS 7960
- INGRESS/EGRESS EASEMENT
- LANDSCAPE EASEMENT
- PRIVATE ACCESS EASEMENT
- PRIVATE STORM DRAIN EASEMENT
- PUBLIC UTILITY EASEMENT
- SANITARY SEWER EASEMENT
- SIDEWALK EASEMENT
- WATER LINE EASEMENT
- SANITARY SEWER EASEMENT AREA

REFERENCES:

- (1) INDICATES REFERENCE NUMBER
- (1) TRACT 8270 (351 M 71)
- (2) PARCEL MAP 7255 (238 PM 79)
- (3) TRACT 5165 (140 M 30)
- (4) TRACT 4750 (127 M 1)



EXHIBIT D

PLAY MAP OF SANITARY SEWER EASEMENT GRANTED TO  
UNION SANITARY DISTRICT  
CITY OF NEWARK, ALAMEDA COUNTY, CALIFORNIA  
**Carlson, Barbee & Gibson, Inc.**  
CIVIL ENGINEERS • SURVEYORS • PLANNERS  
SAN RAMON, CALIFORNIA  
APRIL 2018  
SCALE: 1" = 40'



BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS SURVEY IS BETWEEN  
FOUND MONUMENTS ON CHERRY STREET, THE BEARING TAKEN  
AS N56°09'19"W PER TRACT 8270 (351 M 71).

LEGEND

- SUBDIVISION BOUNDARY LINE
- RIGHT OF WAY LINE
- LOT LINE
- EASEMENT LINE
- CENTERLINE
- MONUMENT LINE
- LOT LINE TO BE REMOVED
- THE LINE
- TOTAL
- RADIAL
- MONUMENT TO MONUMENT
- MONUMENT TO MONUMENT LINE
- MONUMENT TO PROPERTY LINE
- RECORD INFORMATION
- FOUND STANDARD STREET MONUMENT
- SET STANDARD STREET MONUMENT
- LS 7560
- INGRESS/EGRESS EASEMENT
- LANDSCAPE EASEMENT
- PRIVATE ACCESS EASEMENT
- PRIVATE STORM DRAIN EASEMENT
- PUBLIC UTILITY EASEMENT
- SANITARY SEWER EASEMENT
- SEWELINE EASEMENT
- WATER LINE EASEMENT
- SANITARY SEWER EASEMENT AREA

- (T) TOTAL
- (R) RADIAL
- (M-M) MONUMENT TO MONUMENT
- (M-PL) MONUMENT TO PROPERTY LINE
- (A, ##) RECORD INFORMATION
- FOUND STANDARD STREET MONUMENT
- SET STANDARD STREET MONUMENT
- LS 7560
- INGRESS/EGRESS EASEMENT
- LANDSCAPE EASEMENT
- PRIVATE ACCESS EASEMENT
- PRIVATE STORM DRAIN EASEMENT
- PUBLIC UTILITY EASEMENT
- SANITARY SEWER EASEMENT
- SEWELINE EASEMENT
- WATER LINE EASEMENT
- SANITARY SEWER EASEMENT AREA

REFERENCES:

- (M) INDICATES REFERENCE NUMBER
- (T) TRACT 8270 (351 M 71)
- (2) PARCEL MAP 7255 (236 PM 79)
- (3) TRACT 3165 (140 M 30)
- (4) TRACT 4750 (27 M 1)

CURVE TABLE		
NO	RADIUS	LENGTH
C1	90.50'	25.5754'
C2	20.00'	500.0000'
C3	169.50'	27.345'
C4	169.50'	13.3670'
C5	169.50'	15.5005'
C6	130.50'	15.5005'
C7	640.00'	20.615'
C8	26.50'	90.0000'
C9	20.00'	90.0000'
C10	20.00'	90.0000'
C11	640.00'	12.316'

LINE TABLE		
NO	BEARING	LENGTH
L1	N33°11'03"E	10.08'
L2	N33°11'03"E	10.08'
L3	N56°48'57"W	23.50'
L4	N56°48'57"W	15.50'
L5	N72°39'02"W	23.50'
L6	N72°39'02"W	15.50'
L7	N33°11'03"E	9.90'
L8	N17°20'58"E	21.00'
L9	N17°20'58"E	6.16'
L10	N27°18'30"W	19.18'
L11	N25°18'00"E	40.22'
L12	N61°59'52"W	200.44'
L13	N61°59'52"W	313.52'
L14	N33°11'03"E	33.50'
L15	N17°20'58"E	8.03'

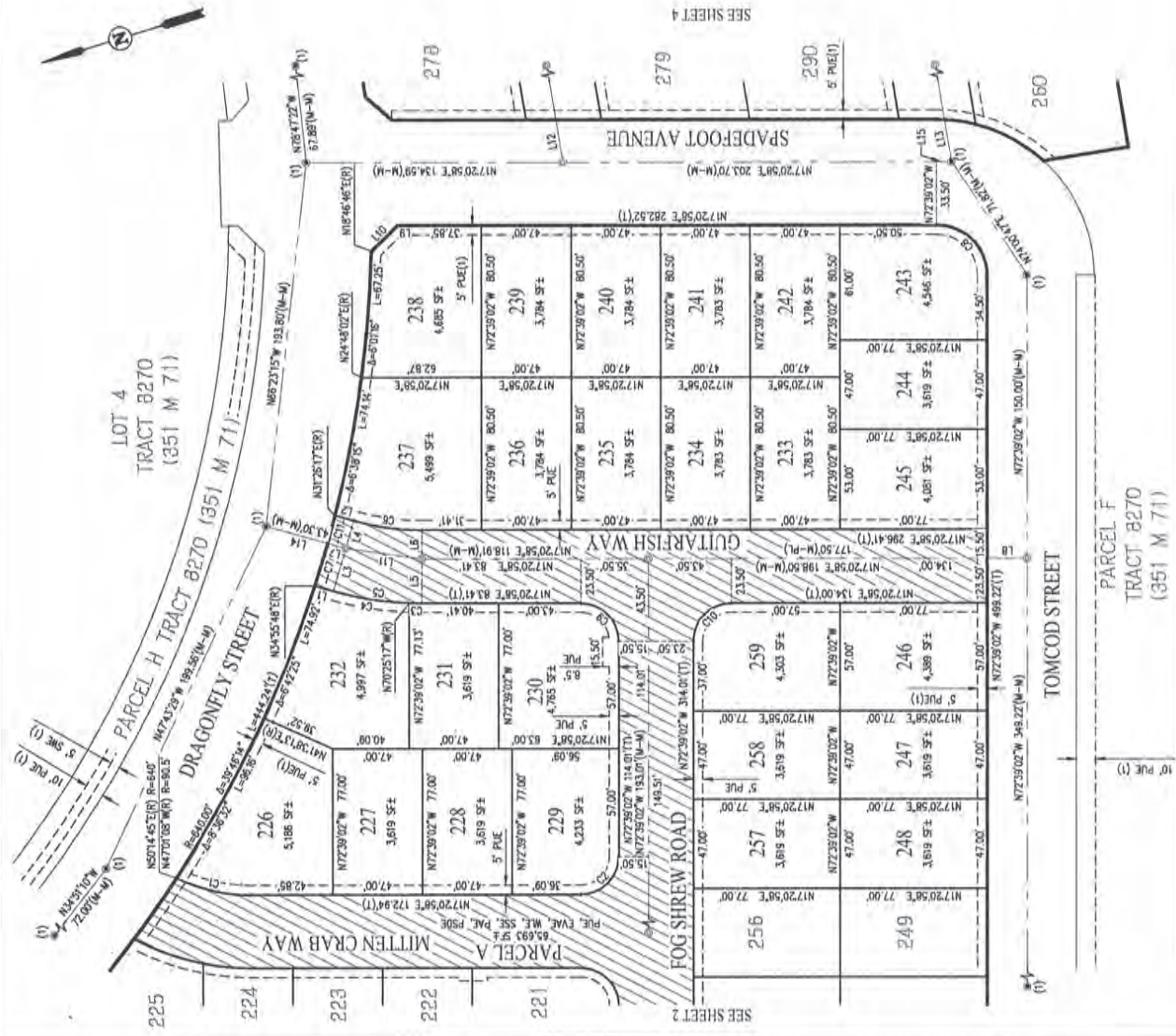




EXHIBIT D

PLAT MAP OF SANITARY SEWER EASEMENT GRANTED TO  
UNION SANITARY DISTRICT  
CITY OF NEWARK, ALAMEDA COUNTY, CALIFORNIA  
**Carlson, Barbee & Gibson, Inc.**  
CIVIL ENGINEERS • SURVEYORS • PLANNERS  
SAN RAMON, CALIFORNIA  
APRIL 2018  
SCALE: 1" = 40'



BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS SURVEY IS BETWEEN  
FOUND MONUMENTS ON CHERRY STREET, THE BEARING TAKEN  
AS N56°05'18"W PER TRACT 8270 (351 M 71).

LEGEND

- SUBDIVISION BOUNDARY LINE
- RIGHT OF WAY LINE
- LOT LINE
- EASEMENT LINE
- CENTERLINE
- MONUMENT LINE
- LOT LINE TO BE RECOVERED
- THE LINE
- TOTAL
- RADIAL
- MONUMENT TO MONUMENT
- MONUMENT TO MONUMENT LINE
- MONUMENT TO PROPERTY LINE
- RECORD INFORMATION
- FOUND STANDARD STREET MONUMENT
- SET STANDARD STREET MONUMENT, L.S. 7960
- INDRESS/FEEDBACK EASEMENT
- LANDSCAPE EASEMENT
- PRIVATE ACCESS EASEMENT
- PRIVATE STORM DRAIN EASEMENT
- PUBLIC UTILITY EASEMENT
- SANITARY SEWER EASEMENT
- SEWELINE EASEMENT
- WATER LINE EASEMENT
- SANITARY SEWER EASEMENT AREA

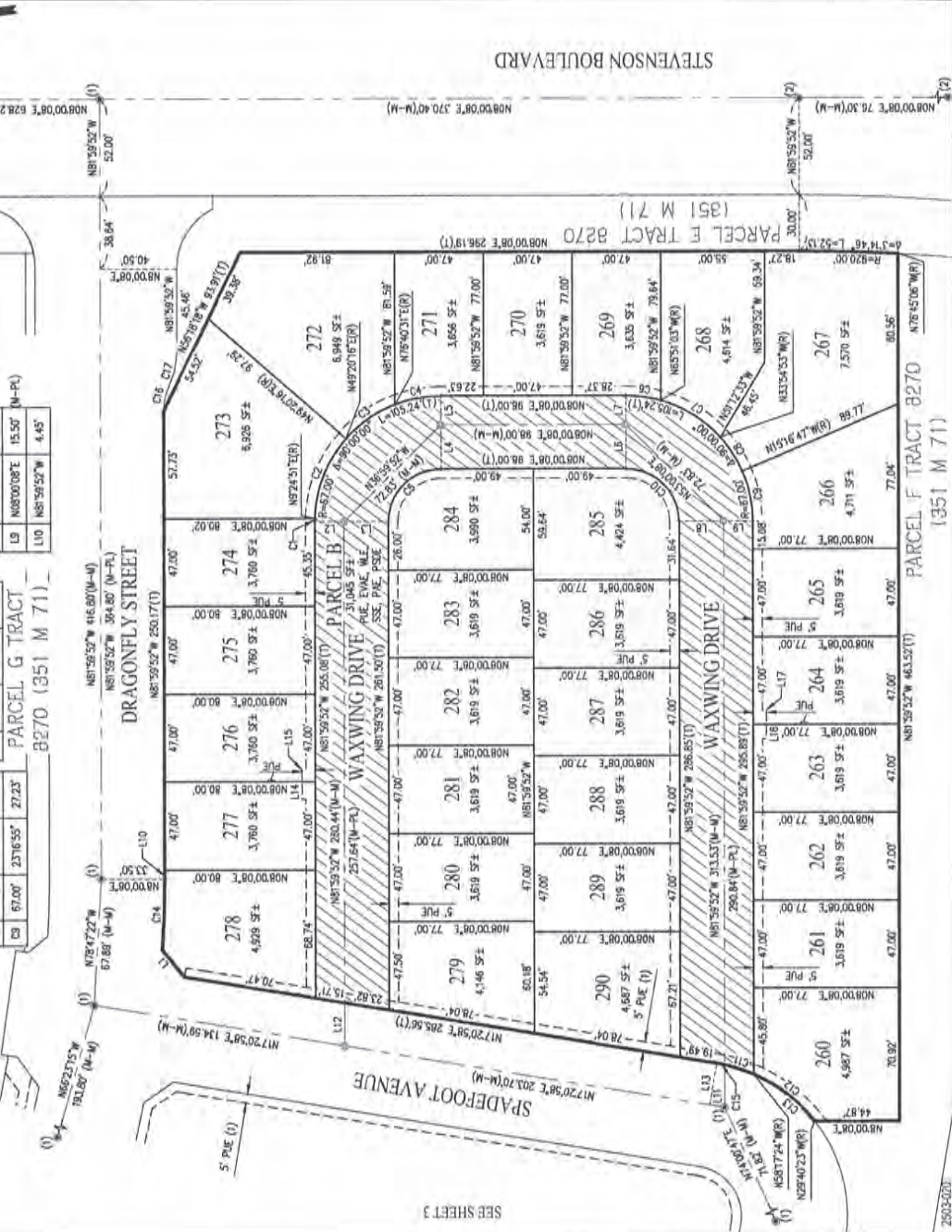
REFERENCES:

- (A) INDICATES REFERENCE NUMBER
- (1) TRACT 8270 (351 M 71)
- (2) PARCEL MAP 7255 (238 PM 78)
- (3) TRACT 5165 (140 M 30)
- (4) TRACT 4720 (127 M 1)

CURVE TABLE				CURVE TABLE				CURVE TABLE				CURVE TABLE			
NO	RADIUS	DELTA	LENGTH	NO	RADIUS	DELTA	LENGTH	NO	RADIUS	DELTA	LENGTH	NO	RADIUS	DELTA	LENGTH
C1	67.00'	174°43'	1.65'	C10	25.00'	90°00'00"	43.98'	L1	N59°00'00"E	18.50'	(M-PL)	L1	N81°59'52"W	22.89'	(M-PL)
C2	67.00'	39°55'25"	46.66'	C11	82.50'	11°20'22"	16.33'	L2	N80°00'00"E	15.50'	(M-PL)	L2	N81°59'52"W	22.89'	(M-PL)
C3	67.00'	27°00'15"	31.97'	C12	82.50'	28°37'01"	41.20'	L3	N80°00'00"E	23.50'	(M-PL)	L3	N72°59'02"W	22.50'	(M-PL)
C4	67.00'	27°00'15"	31.97'	C13	82.50'	42°56'39"	61.88'	L4	N81°59'52"W	23.50'	(M-PL)	L4	N81°59'52"W	9.25'	(M-PL)
C5	28.00'	90°00'00"	43.98'	C14	540.00'	3°26'30"	38.44'	L5	N81°59'52"W	15.50'	(M-PL)	L5	N81°59'52"W	6.25'	(M-PL)
C6	67.00'	16°05'48"	18.88'	C15	82.50'	3°01'16"	4.35'	L6	N81°59'52"W	23.50'	(M-PL)	L6	N81°59'52"W	7.75'	(M-PL)
C7	67.00'	31°56'10"	37.35'	C16	30.00'	25°50'31"	13.53'	L7	N81°59'52"W	15.50'	(M-PL)	L7	N81°59'52"W	7.75'	(M-PL)
C8	67.00'	18°39'06"	21.78'	C17	49.00'	25°50'31"	18.04'	L8	N81°59'52"W	23.50'	(M-PL)				
C9	67.00'	23°05'55"	27.23'	C18	49.00'	25°50'31"	18.04'	L9	N81°59'52"W	15.50'	(M-PL)				
								L10	N81°59'52"W	4.45'	(M-PL)				

PARCEL G TRACT

8270 (351 M 71)





## **REVIEW AND CONSIDER APPROVAL OF ELECTRONIC SIGNATURE POLICY**

This item was reviewed by the Legal/Community Affairs Committee. District Counsel Murphy stated staff prepared, at the Board's direction, a proposed Electronic Signature Policy to implement the use of electronic signatures for the execution of agreements, letters, permits, and other internal or contractual records. Adoption of an Electronic Signature Policy would increase efficiency, particularly during the COVID-19 pandemic, by taking advantage of technological advances and state laws that allow for use of electronic signatures. California Government Code section 16.5 authorizes public entities to accept "digital signatures" if they comply with certain verification procedures and security standards. California Civil Code section 1633.1 *et seq.*, known as the Uniform Electronic Transactions Act (UETA), allows for and sets forth standards that govern electronic records and electronic signatures.

The proposed policy prepared by staff provided that legislative documents, including District ordinances, resolutions, and minutes, would be included in the list of documents for which electronic signatures would be prohibited. This was based on the fact that state law does not address the use of electronic signatures for legislative documents, such as ordinances, resolutions, and minutes. Requiring "wet" signatures would be consistent with past practice and District record-keeping; the use of electronic signatures creates a lengthier public record due to the number of pages required to be attached for signature verification. However, as state law does not explicitly disallow the use of electronic signatures for legislative documents, the Board may direct staff to move these document types from the list of prohibited documents to permitted documents. Staff recommended the Board review and consider approval of the Electronic Signature Policy.

The Board directed staff to move District ordinances, resolutions, and minutes from the list of prohibited documents to permitted documents within the Policy.

It was moved by Secretary Lathi, seconded by Director Fernandez, to Move District Ordinances, Resolutions, and Minutes from the List of Prohibited Documents to Permitted Documents Within the Policy and Approve the Electronic Signature Policy with this Change Incorporated. Motion carried with the following vote:

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

## **DETERMINE THAT ALL BIDS RECEIVED FOR THE SUPPLY AGREEMENT FOR THE STANDBY POWER GENERATION SYSTEM UPGRADE PROJECT ARE NON-RESPONSIVE, AND REJECT ALL BIDS; AND DIRECT DISTRICT STAFF TO NEGOTIATE A SUPPLY AGREEMENT, STARTING WITH APPARENT LOW BIDDER CUMMINS SALES AND SERVICE, OR ALTERNATIVE ACTION**

This item was reviewed by the Engineering and Information Technology Committee. Technical Services Manager Ghossain stated the Supply Agreement for standby generator equipment for the Project was advertised for bids and the three bids received were opened August 6, 2020. The bid results were summarized in a table included in

the Board meeting packet. All bidders' submissions were non-responsive as they did not fully comply with the requirements included in the bid documents despite staff's efforts to obtain responsive bids. On August 13, 2020, the District received a bid protest from Peterson Power that identified commercial and technical requirements required by the bid documents that were not addressed in the bid proposals submitted by Cummins and Bay City. Staff notified both Cummins and Bay City of the required deadline to provide written responses to the protest. Cummins submitted a timely response, but it did not address all of the issues identified in the protest. Bay City did not submit a response. Staff and District Counsel reviewed the bids, Peterson Power's bid protest and Cummins' bid protest response and recommended the Board determine all bids to be non-responsive, reject all bids and proceed with one of two options outlined by staff in the Board meeting packet for this item. None of the bidders submitted any public comment on this item.

It was moved by Secretary Lathi, seconded by Director Kite, to Determine All Bids Received for the Supply Agreement for the Standby Power Generation System Upgrade Project were Non-Responsive, and Reject All Bids; Determine that Further Bidding on the Supply Agreement Would Not Produce an Advantage to the Public; and Direct District Staff to Negotiate an Acceptable Supply Agreement in the Best Interests of the District Starting with Apparent Low Bidder, Cummins Sales and Service, and if an Acceptable Agreement Cannot be Obtained with Cummins, Third Apparent Low Bidder, Peterson Power Systems, Inc. If District Staff is Unable to Negotiate an Acceptable Supply Agreement with either Cummings or Peterson Power, Staff Should Take Such Further Actions as are Permitted by Law. Motion carried with the following vote:

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

## **INFORMATION ITEMS:**

### **Status of Priority 1 Capital Improvement Program Projects**

This item was reviewed by the Engineering and Information Technology Committee. Technical Services Manager Ghossain stated the Board approved the Capital Improvement Program (CIP) budget of \$19.73 million for design and construction of 24 CIP projects in June of 2019. The projects were ranked Priority 1, 2, or 3 based upon criteria prepared by staff and approved by the Executive Team. There were 11 projects ranked as Priority 1 for Fiscal Year 2020. The status of Priority 1 CIP projects is reviewed by the Executive Team at the end of each quarter and a copy of the status report was included in the Board meeting packet.

### **Fourth Quarterly Report on the Capital Improvement Program for FY20**

This item was reviewed by the Engineering and Information Technology Committee. Technical Services Manager Ghossain stated fourth quarter expenditures for Fiscal Year 2020 were presented in graphs included in the Board meeting packet. The graphs depicted actual expenditures versus approved budget for Capacity Fund 900, the Renewal and Replacement Fund 800, and for both funds combined. Total CIP expenditures up to June 30, 2020, were under projections for the fourth quarter by

approximately \$6.8 million. Projects that had significant variances from projected expenditures were presented in a table included in the Board meeting packet.

**Report on the East Bay Dischargers Authority Meeting of August 20, 2020**

General Manager Eldredge provided an overview of the EBDA Commission meeting minutes included in the Board meeting packet.

**COVID-19 Update**

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

**Check Register**

Staff responded to Boardmember questions regarding the check register.

**COMMITTEE MEETING REPORTS:**

The Legal/Community Affairs and Engineering and Information Technology met.

**GENERAL MANAGER'S REPORT:**

General Manager Eldredge stated the following:

- The Board will receive a packet of materials in advance of the two upcoming General Manager's Evaluation Closed Sessions.
- Of the 27 bills the District had been monitoring, seven made it to the Governor's desk for consideration. Staff will send a summary of those seven bills to the Board via email.

**OTHER BUSINESS:**

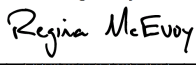
President Handley requested staff prepare an item to allow the Board to discuss potential use of video during virtual special Board meetings.

Director Toy stated she attended the Alameda County Special District's Association meeting and further stated the next meeting will be held October 18, 2020.

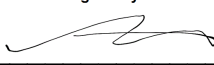
**ADJOURNMENT:**

The meeting was adjourned at 5:07 p.m. to a Special Meeting Closed Session at 2:00 p.m. on Wednesday, September 16, 2020.

SUBMITTED:

DocuSigned by:  
  
REGINA McEVOY  
BOARD CLERK

ATTEST:

DocuSigned by:  
  
ANJALI LATHI  
SECRETARY

APPROVED:

DocuSigned by:

*Tom Handley*

C0CC8EF393E94B2...  
TOM HANDLEY  
PRESIDENT

Adopted this 28<sup>th</sup> day of September 2020

## Certificate Of Completion

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Subject: USD Requests you please DocuSign: 09142020 Minutes.pdf	
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Certificate Pages: 5	Initials: 0
AutoNav: Enabled	Envelope Originator:
Envelopeld Stamping: Enabled	Regina McEvoy
Time Zone: (UTC-08:00) Pacific Time (US & Canada)	5072 Benson Road
	Union City, CA 94587
	Reginam@unionsanitary.ca.gov
	IP Address: 50.227.238.26

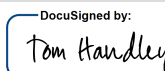
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Status: Original	Holder: Regina McEvoy	Location: DocuSign
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## Signer Events

Tom Handley  
thandley@unionsanitary.ca.gov  
Security Level: Email, Account Authentication (None)

## Signature

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Signature Adoption: Pre-selected Style  
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Signed using mobile

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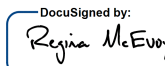
Anjali Lathi  
alathi@unionsanitary.ca.gov  
Security Level: Email, Account Authentication (None)

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Regina McEvoy  
Reginam@unionsanitary.ca.gov  
Assistant to GM  
Union Sanitary District  
Security Level: Email, Account Authentication (None)

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Not Offered via DocuSign

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Intermediary Delivery Events	Status	Timestamp
Certified Delivery Events	Status	Timestamp

Carbon Copy Events	Status	Timestamp
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Notary Events	Signature	Timestamp
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