### MINUTES OF THE MEETING OF THE **BOARD OF DIRECTORS OF** UNION SANITARY DISTRICT/UNION SANITARY DISTRICT FINANCING AUTHORITY **DECEMBER 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, December 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 Jennifer Toy, Director

STAFF: Paul Eldredge, General Manager/District Engineer

Karen Murphy, District Counsel

Mark Carlson, Business Services Manager/CFO Sami Ghossain, Technical Services Manager James Schofield, Collection Services Manager

Robert Simonich, Fabrication Construction and Maintenance Manager

Armando Lopez, Treatment and Disposal Services Manager

Michelle Powell, Communications and Intergovernmental Relations Coordinator Regina McEvoy, Executive Assistant to the General Manager/Board Clerk

GUEST: Monique Spyke, PFM Asset Management LLC, Managing Director

### APPROVE MINUTES OF THE UNION SANITARY DISTRICT BOARD MEETING OF **NOVEMBER 9, 2020**

It was moved by Director Toy, seconded by Director Fernandez, to Approve the Minutes of the Board Meeting of November 9, 2020. Motion carried with the following vote:

AYES: Fernandez, Handley, Kite, Lathi, Toy

NOES: None ABSTAIN: None ABSENT: None

### OCTOBER 2020 MONTHLY OPERATIONS REPORT

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 Manager Carlson reviewed the financial reports included in the Board meeting packet.

### FISCAL YEAR 2021 1ST QUARTER MANAGED INVESTMENT PORTFOLIO REPORT

General Manager Eldredge introduced PFM Asset Management Managing Director Spyke who summarized the Investment Portfolio Report included in the Board meeting packet.

### **WRITTEN COMMUNICATIONS**

There were no written communications.

### **PUBLIC COMMENT**

There was no public comment.

### REVIEW AND CONSIDER APPROVAL OF POLICY NO. 2030, INVESTMENT POLICY

This item was reviewed by the Budget & Finance Committee. Business Services Manager/CFO Carlson stated District staff collaborated with PFM Asset Management, LLC to update the Investment Policy to accurately reflect language in the current government code. Per California Government Code Section 53607 as amended by Stats. 1996, Ch. 749, Sec. 6, the District Board may delegate the treasurer to invest or reinvest funds of a local agency, or to sell or exchange securities so purchased, for a one-year period. The treasurer shall thereafter assume full responsibility for those transactions until the delegation of authority is revoked or expires and shall make a monthly report of those transactions to the legislative body. Changes to the Policy were outlined in the Board meeting packet. Policy No. 2030 is reviewed and approved by the Board annually. Staff recommended the Board review and consider approval of the District's Investment Policy No. 2030 and renewal of delegation of authority of Treasurer to the Business Services Manager for a one-year period, per California Government Code Section 53607 as amended by Stats. 1996, Ch. 749, Sec. 6.

It was moved by Director Toy, seconded by Director Fernandez, to Approve the District's Investment Policy No. 2030 and Renew Delegation of Authority Motion carried with the following vote:

AYES: Fernandez, Handley, Kite, Lathi, Toy

NOES: None ABSTAIN: None ABSENT: None

### REVIEW AND CONSIDER APPROVAL OF UPDATED POLICY NO. 2080, PROJECT EXPENDITURES

This item was reviewed by the Engineering and Information Technology Committee. Technical Services Director Ghossain stated proposed updates to Policy No. 2080 were detailed in the Board meeting packet. The Project Expenditures Policy was updated by the Manager of Technical Services and reviewed by the Executive Team. The policy was last updated and approved by the Board in January of 2018.

It was moved by Vice President Kite, seconded by Director Toy, to Approve Updates to Project Expenditures Policy No. 2080. Motion carried with the following vote:

AYES: Fernandez, Handley, Kite, Lathi, Toy

NOES: None ABSTAIN: None ABSENT: None

## REVIEW AND CONSIDER APPROVAL OF POLICY NO. 2025, FRAUD IN THE WORKPLACE

This item was reviewed by the Audit Committee. Business Services Manager/CFO Carlson stated Policy No. 2025 requires review and approval by the Board every three years. There were no recommended changes to the Policy other than minor administrative updates. Staff recommended the Board review and consider approval of Policy No. 2025, Fraud in the Workplace.

It was moved by Director Toy, seconded by Secretary Lathi, to Approve Policy No. 2025, Fraud in the Workplace. Motion carried with the following vote:

AYES: Fernandez, Handley, Kite, Lathi, Toy

NOES: None ABSTAIN: None ABSENT: None

### REVIEW AND CONSIDER APPROVAL OF POLICY NO. 2010, INTERNAL CONTROLS

This item was reviewed by the Audit Committee. Business Services Manager/CFO Carlson stated the only recommended changes to the Policy are to clarify assigned duties by job title and remove language regarding use of gift cards. Policy No. 2010, Internal Controls, requires review and approval by the Board every three years. Staff recommended the Board review and consider approval of Policy No. 2010, Internal Controls.

It was moved by Director Fernandez, seconded by Vice President Kite, to Approve Policy No. 2010, Internal Controls. Motion carried with the following vote:

AYES: Fernandez, Handley, Kite, Lathi, Toy

NOES: None ABSTAIN: None ABSENT: None

### CONSIDER A RESOLUTION TO UPDATE UNION BANK AUTHORIZED SIGNATORIES

This item was reviewed by the Budget & Finance Committee. Business Services Manager/CFO Carlson stated that when the Banking Contract Officer (BCO) position is updated at a given agency, Union Bank requires the requesting agency "re-document" all affected accounts. Once the requisite forms are completed with "wet" signatures and returned by mail to be maintained by the bank the changes will be facilitated in the Union Bank system. Staff recommended the Board review, sign, and approve the forms necessary to update Union Bank signatories for the District acknowledging Mark Carlson as the new BCO.

The Board asked staff to find out if members of the Board had ever needed to sign bank forms on behalf of the District; Business Services Manager/CFO Carlson stated he would look into the matter.

The Board directed staff to find out if all members of the Board need to be authorized signatories for Union Bank and bring the item to a future Board meeting for consideration.

## CONSIDER A RESOLUTION TO ACCEPT A SANITARY SEWER EASEMENT FOR TRACT 8384 – URSA DRIVE, LOCATED AT URSA DRIVE AND PLOMOSA WAY, IN THE CITY OF FREMONT

This item was reviewed by the Engineering and Information Technology Committee. Technical Services Director Ghossain stated Robson Homes, Inc. will construct a residential development for Tract 8384, located on the west side of Ursa Drive at Plomosa Way in the City of Fremont. Sanitary sewer service to the residential development will be provided by new sewer mains in the development's roadways that have been designated as private by the City of Fremont. Robson Homes, Inc. constructed the new sewer mains and granted the District a sanitary sewer easement that provides for access and maintenance. Staff recommended the Board consider a resolution to accept a sanitary sewer easement for Tract 8384 – Ursa Drive, located at Ursa Drive and Plomosa Way, in the City of Fremont.

It was moved by Director Toy, seconded by Director Fernandez, to Approve Resolution No. 2917 to Accept a Sanitary Sewer Easement for Tract 8384 – Ursa Drive, Located at Ursa Drive and Plomosa Way, in the City of Fremont, 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. 2917**

## ACCEPT A SANITARY SEWER EASEMENT FOR TRACT 8384 – URSA DRIVE, LOCATED AT URSA DRIVE AND PLOMOSA WAY, 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 ROBSON HOMES, INC., executed on April 3, 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.

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 December 14, 2020:

AYES: Fernandez, Handley, Kite, Lathi, Toy

NOES: None

ABSENT: None

ABSTAIN: None

- 1 1

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 3 day of April 2019, by and between Robson Homes, 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 Fremont, 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: Mark E. Robson, President

Robson Homes, LLC, a California limited liability company; By: Robson Properties Inc., a California Corporation, Its Manager

(Notarize)

### **ACKNOWLEDGMENT**

A notary public or other officer completing this

certificate verifies only the identity of the indiv who signed the document to which this certificattached, and not the truthfulness, accuracy, validity of that document.	vidual cate is
State of California County of Santa Clara	
On APRIL 32019 before me,	Susan Bunce, Notary Public
	(insert name and title of the officer)
subscribed to the within instrument and acknow his/her/their authorized capacity(ies), and that to person(s), or the entity upon behalf of which the	
I certify under PENALTY OF PERJURY under to paragraph is true and correct.	the laws of the State of California that the foregoing
WITNESS my hand and official seal.	Gommission # 2109201 Notary Public - California Santa Clara County My Comm. Expires Apr 27, 2019

### **EXHIBIT A**

# LEGAL DESCRIPTION SANITARY SEWER EASEMENT GRANTED TO UNION SANITARY DISTRICT TRACT 8384 FREMONT, CALIFORNIA

Real property situate in the City of Fremont, County of Alameda, State of California, and being all of lots

A, B, C, D and a portion of lot 6 labeled as SSE – Sanitary Sewer Easement, of Tract 8384 recorded

July 2nd \_\_\_, 20\_19 , under instrument # \_\_2019125875 \_\_, Alameda County Records and as shown on Exhibit B – Plat Map of Sanitary Sewer Easement Granted to Union Sanitary District.

Containing 21,120.43 square feet of land, more or less.

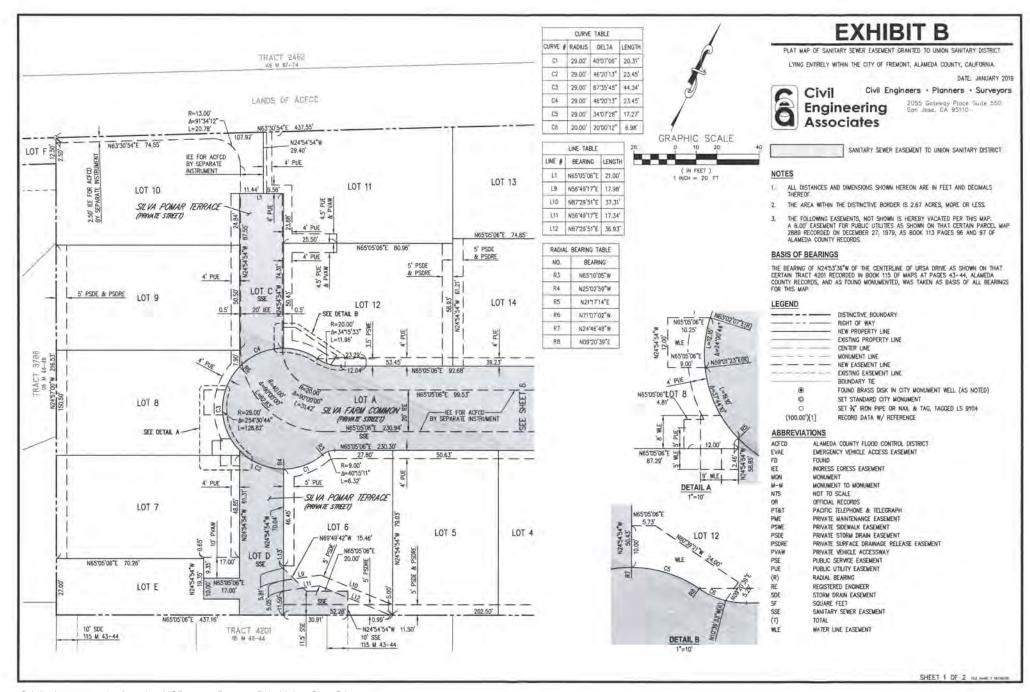
Attached hereto is a plat to accompany this Legal Description, and by this reference is made a part hereof.

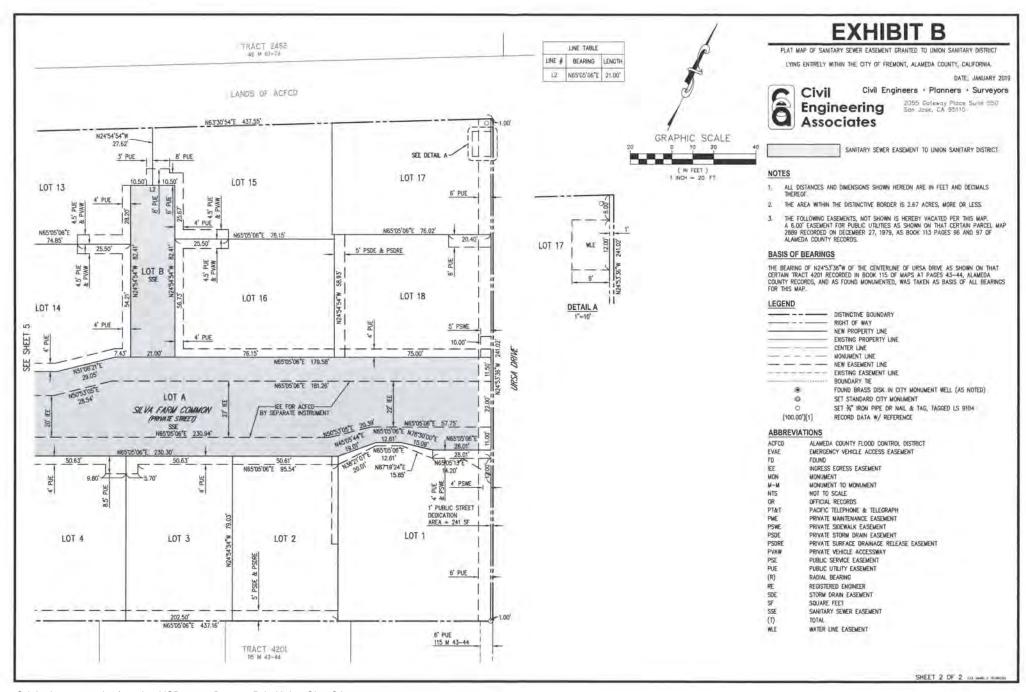
No. 9104

Andrew Turner

L.S. No. 9101

Date





## AUTHORIZE THE GENERAL MANAGER TO EXECUTE AN AGREEMENT AND TASK ORDER NO. 1 WITH TANNER PACIFIC, INC. FOR THE AERATION BLOWER NO. 11 PROJECT AND CENTRIFUGE BUILDING IMPROVEMENTS PROJECT

This item was reviewed by the Engineering and Information Technology Committee. Technical Services Director Ghossain stated the purpose of the task order is to authorize construction management and inspection services during construction of the Aeration Blower No. 11 Project and the Centrifuge Building Improvements Project. Staff selected Tanner Pacific, Inc. following the request for proposals process. Staff reviewed the proposal and found it to be reasonable considering the scope of the two projects. All work under the task order is expected to be complete by January 31, 2022. Staff recommended the Board authorize the General Manager to execute an agreement and Task Order No. 1 with Tanner Pacific, Inc. in the amount of \$258,800 to provide construction management services for the Aeration Blower No. 11 Project and Centrifuge Building Improvements Project.

It was moved by Director Fernandez, seconded by Director Toy, to Authorize the General Manager to Execute an Agreement and Task Order No. 1 with Tanner Pacific, Inc. in the Amount of \$258,800 to Provide Construction Management Services for the Aeration Blower No. 11 Project and Centrifuge Building Improvements Project. Motion carried with the following vote:

AYES: Fernandez, Handley, Kite, Lathi, Toy

NOES: None ABSTAIN: None ABSENT: None

## AUTHORIZE THE GENERAL MANAGER TO EXECUTE AMENDMENT NO. 1 TO TASK ORDER NO. 1 WITH TANNER PACIFIC, INC. FOR THE PRIMARY DIGESTER NO. 2 REHABILITATION PROJECT

This item was reviewed by the Engineering and Information Technology Committee. Technical Services Manager Ghossain stated the purpose of Amendment No. 1 is to authorize additional construction management services for the Project through January 31, 2021. The Board awarded the construction contract for the Project to Kiewit Infrastructure West Co. on December 9, 2019. The Notice to Proceed was issued to the contractor on January 6, 2020 with a Substantial Completion date of October 1, 2020. On March 19, 2020, Kiewit notified the District of delays in the procurement and delivery of key equipment due to COVID-19. Kiewit adjusted their construction activities and staffing to accommodate the delayed delivery, but the schedule was impacted by the equipment delays. Staff recommended the Board authorize the General Manager to execute Amendment No. 1 to Task Order No. 1 with Tanner Pacific, Inc. in the amount of \$43,200 to provide additional construction management services for the Primary Digester No. 2 Rehabilitation Project.

It was moved by Secretary Lathi, seconded by Secretary Lathi, to Authorize the General Manager to Execute Amendment No. 1 to Task Order No.1 with Tanner Pacific in the Amount of \$43,200 to Provide Additional Construction Management Services for the Primary Digester No. 2 Rehabilitation Project. Motion carried with the following vote:

AYES: Fernandez, Handley, Kite, Lathi, Toy

NOES: None ABSTAIN: None ABSENT: None

### AWARD TRANSPORTATION AND BENEFICIAL REUSE AND/OR DISPOSAL OF BIOSOLIDS CONTRACT TO SYNAGRO INC.

This item was reviewed by the Treatment and Disposal Services Manager Lopez stated the District's 5-year contract with Synagro, Inc. is set to expire on December 31, 2020. An Invitation for Bid was issued on October 20, 2020 to select a service provider for a new 18-month term from January 1, 2021 through June 30, 2022, with the option of three additional 1-year extensions at the mutual discretion of both parties. Synagro submitted the bid with the lowest proposed cost. A Notice of Intent to Award was sent to Synagro Inc. on November 9, 2020. Staff recommended the Board authorize the General Manager to execute the new 18-month contract.

It was moved by Director Toy, seconded by Secretary Lathi, to Authorize the General Manager to Execute an 18-month Contract with Synagro Inc. for Transportation and Beneficial Reuse of Biosolids Produced by Union Sanitary District. Motion carried with the following vote:

AYES: Fernandez, Handley, Kite, Lathi, Toy

NOES: None ABSTAIN: None ABSENT: None

### INFORMATION REGARDING AMENDMENTS TO THE BROWN ACT DUE TO AB 992 AND SOCIAL MEDIA USE

This item was reviewed by the Legislative Committee. District Counsel Murphy stated AB 992 was recently adopted to amend the Brown Act effective January 1, 2021, regarding social media communications. The new legislation states that two members of a legislative body may not use social media to discuss among themselves business within the jurisdiction of the legislative body. AB 992 further states that a member of the legislative body may not respond directly to any communication on a social media platform regarding a matter within their jurisdiction that is made, posted, or shared by any other member of the legislative body and clarifies that communications on social media include use of digital icons, emoji's, and "likes". District Counsel advised the Board that they should not comment on or react in any way to posts generated by the District or other members of the Board and reminded the Board that social media posts pertaining to District business are public records.

The Board directed District Counsel to provide updates on AB 992 approximately quarterly.

### **INFORMATION ITEMS:**

### Legislative Update on Regional Issues of Interest to the Board

General Manager Eldredge provided an overview of the legislative update included in the Board meeting packet.

### Report on the East Bay Dischargers Authority Meeting of October 15, 2020

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

### **COVID-19 Update**

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

### **Check Register**

There were no questions regarding the check register.

### **COMMITTEE MEETING REPORTS:**

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

The Board requested staff report out whenever a Board Ad Hoc Committee meets as part of the Committee Meeting Reports section of the meeting.

### **GENERAL MANAGER'S REPORT:**

General Manager Eldredge stated the following:

- Staff reached out to State representatives to request support for the District's Enhanced Treatment and Site Upgrade program and the State Revolving Funding (SRF) application that will be submitted for the program. Staff met with Assemblymember Quirk and he agreed to send a letter of support to the State Water Resources Control Board that administers the SRF program. A copy of the letter of support from Assemblymember Quirk will be forwarded to the Board.
- The generators for the District's Cogen engines went down in September 2020 and the District has since been unable to generate power. One of the generators has been repaired and should be installed soon to enable the District to begin generating power before the end of the calendar year. Staff anticipates repair of the second generator will be completed in January 2021.
- The California Association of Sanitation Agencies (CASA) Winter Conference will be held virtually January 27-28, 2021.
- General Manager Eldredge wished everyone a happy holiday season.

### **OTHER BUSINESS:**

There was no other business.

### **ADJOURNMENT:**

The meeting was adjourned at 5:24 p.m. to the next Regular Board Meeting to be held virtually at 4:00 p.m. on Monday, January 11, 2021.

SUBMITTED: ATTEST: DocuSigned by: -DocuSigned by: Regina McEvoy -3397E6A1ED28476.. **REGINA McEVOY** ANJALI LATHI **BOARD CLERK SECRETARY** APPROVED: DocuSigned by: Tom Handley -C0CC5EF393E9442. TOM HANDLEY **PRESIDENT** 

Adopted this 11th day of January 2021



### **Certificate Of Completion**

Envelope Id: C1FE3AAD0A8D4ECDB42239E3D8A7F6D8

Subject: USD Requests you Please DocuSign: 12142020 Minutes.pdf

Source Envelope:

Document Pages: 14 Signatures: 3 **Envelope Originator:** Certificate Pages: 5 Initials: 0 Regina McEvoy AutoNav: Enabled 5072 Benson Road Union City, CA 94587

Envelopeld Stamping: Enabled

Time Zone: (UTC-08:00) Pacific Time (US & Canada)

Reginam@unionsanitary.ca.gov IP Address: 50.227.238.26

### **Record Tracking**

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1/21/2021 4:30:03 PM Reginam@unionsanitary.ca.gov Location: DocuSign

Status: Completed

#### Signer Events

Tom Handley thandley@unionsanitary.ca.gov

Security Level: Email, Account Authentication

(None)

### Signature

tom Handley C0CC5EF393E9442...

Signature Adoption: Pre-selected Style Using IP Address: 107.3.183.199

### **Timestamp**

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#### **Electronic Record and Signature Disclosure:**

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Anjali Lathi

alathi@unionsanitary.ca.gov

Security Level: Email, Account Authentication

(None)

DocuSigned by: 3397E6A1ED28476..

Signature Adoption: Drawn on Device Using IP Address: 107.196.101.34

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### **Electronic Record and Signature Disclosure:**

Accepted: 10/30/2020 11:15:31 PM ID: f001f527-25b1-4fc8-8a4a-7e058dfbba25

Regina McEvoy

Reginam@unionsanitary.ca.gov

Assistant to GM

**Union Sanitary District** 

Security Level: Email, Account Authentication

(None)

Regia McEvoy E550CBBC143D4D7.

Signature Adoption: Pre-selected Style

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#### **Electronic Record and Signature Disclosure:**

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In Person Signer Events	Signature	Timestamp
Editor Delivery Events	Status	Timestamp
Agent Delivery Events	Status	Timestamp
Intermediary Delivery Events	Status	Timestamp
Certified Delivery Events	Status	Timestamp

Carbon Copy Events	Status	Timestamp	
Witness Events	Signature	Timestamp	
Notary Events	Signature	Timestamp	
Envelope Summary Events	Status	Timestamps	
Envelope Sent	Hashed/Encrypted	1/21/2021 4:31:13 PM	
Certified Delivered	Security Checked	1/25/2021 1:26:14 PM	
Signing Complete	Security Checked	1/25/2021 1:26:20 PM	
Completed	Security Checked	1/25/2021 1:26:20 PM	
Payment Events	Status	Timestamps	
Electronic Record and Signature Disclosure			