

**MINUTES OF THE MEETING OF THE  
BOARD OF DIRECTORS OF  
UNION SANITARY DISTRICT/UNION SANITARY DISTRICT FINANCING  
AUTHORITY  
May 10, 2021**

**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, May 10, 2021, 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  
Anjali Lathi, Secretary  
Manny Fernandez, Director  
Jennifer Toy, Director

ABSENT: Pat Kite, Vice President (arrived at 4:35 p.m.)

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  
Ric Pipkin, Enhanced Treatment and Site Upgrade Program Manager  
Michael Dunning, Environmental Compliance Team Coach  
Regina McEvoy, Executive Assistant to the General Manager/Board Clerk

**APPROVE MINUTES OF THE UNION SANITARY DISTRICT BOARD MEETING OF  
APRIL 26, 2021**

It was moved by Secretary Lathi, seconded by Director Toy, to Approve the Minutes of the Board Meeting of April 26, 2021. Motion carried with the following vote:

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

**WRITTEN COMMUNICATIONS**

There were no written communications.

**PUBLIC COMMENT**

There was no public comment.

**CONSIDER ADOPTION OF PROPOSED NEW POLICY – PENSION AND OTHER POST-EMPLOYMENT BENEFITS (OPEB) FUNDING POLICY**

This item was reviewed by the Budget & Finance Committee. Business Services Manager/CFO Carlson stated it is the policy of Union Sanitary District to manage the resources and obligations of the District to achieve the most fiscally prudent and responsible results for our ratepayers. The proposed new policy will provide direction to District staff in the managing of its Pension and Other Post Employment Benefit (OPEB) unfunded liabilities. During the Board Workshop held February 24, 2021, the Board directed staff to develop a policy that would work toward achieving the funding percentage goal of between 90% and 100% for the District’s Pension and OPEB while giving the Board flexibility on the amount that would be contributed annually and establishing a 115 Trust for the Pension. Staff recommended the Board adopt the new policy, Pension and OPEB Funding Policy No. 2095.

It was moved by Secretary Lathi, seconded by Director Toy, to Approve Pension and OPEB Funding Policy No. 2095. Motion carried with the following vote:

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

**CONSIDER A RESOLUTION TO ADOPT THE MITIGATED NEGATIVE DECLARATION FOR THE ENHANCED TREATMENT AND SITE UPGRADE (ETSU) PHASE 1 PROGRAM AND APPROVE THE ETSU PHASE 1 PROGRAM**

This item was reviewed by the Engineering and Information Technology Committee. ETSU Program Manager Pipkin stated the California Environmental Quality Act (CEQA) requires the District complete an environmental review for the Enhanced Treatment and Site Upgrade (ETSU) Phase 1 Program. Hazen and Sawyer (Hazen), the designer for the ETSU Phase 1 Program, and their subconsultant Scheidegger and Associates conducted the environmental review and prepared an Initial Study/Mitigated Negative Declaration (IS/MND) for the ETSU Phase 1 Program. Staff prepared an IS/MND to satisfy the requirements of CEQA which includes mitigation measures to be included in

the Program to mitigate any identified impacts to the environment. Consultants and staff prepared the IS/MND for the entire ETSU Phase 1 Program and the specific Phase 1A – Aeration Basin Improvements Project; however, staff will analyze the need for further environmental review as design is finalized for Phase 1B, 1C, and the Campus project. The IS/MND was circulated to local and state agencies for review for the period from March 9, 2021 through April 8, 2021, and the Board held a public hearing to accept public comments on March 22, 2021. The “Notice of Document Availability and Intent to Adopt a Mitigated Negative Declaration” was published in the Tri-City Voice on March 9, 2021 and in The Argus on March 12, 2021. Comments received during the review period were summarized in the Board meeting packet. Staff recommended the Board adopt a resolution adopting the Mitigated Negative Declaration for the Enhanced Treatment and Site Upgrade Phase 1 Program and approve the Project for the purpose of filing the Notice of Determination.

It was moved by Secretary Lathi, seconded by Director Fernandez, to Adopt Resolution No. 2923, Adopting the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan for the Enhanced Treatment and Site Upgrade Phase 1 Program and Approving the Enhanced Treatment and Site Upgrade Phase 1 Program. Motion carried with the following vote:

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

**####**

**RESOLUTION NO. 2923**

**ADOPT THE MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PLAN FOR THE ENHANCED TREATMENT AND SITE UPGRADE PHASE 1 PROGRAM AND APPROVE THE ENHANCED TREATMENT AND SITE UPGRADE PHASE 1 PROGRAM**

WHEREAS, the Union Sanitary District (the "District") has prepared and distributed for review and comment the Initial Study and Mitigated Negative Declaration (the "IS/MND") of potential environmental impacts of the Enhanced Treatment and Site Upgrade (ETSU) Phase 1 Program (the "Project"); and

WHEREAS, the District provided a public comment period from March 9, 2021 through April 8, 2021 and conducted a public hearing to accept public comment on March 22, 2021 and no comments were made; and

WHEREAS, the Mitigated Negative Declaration was noticed in accordance with Title 14, California Code of Regulations, Sections 15072 and 15105; and

WHEREAS, the District received written comments from three public agencies and no comments from members of the public; and

WHEREAS, the District prepared a Response Document to address the comments and make minor clarifying revisions to the text of the IS/MND; and

WHEREAS, although the proposed Project could have a significant effect on the environment, mitigation measures included in the IS/MND would reduce all of the impacts to a less than significant level.

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Directors of the Union Sanitary District that:

1. The Board hereby makes the following findings and determinations with respect to the Enhanced Treatment and Site Upgrade Phase 1 Program IS/MND:
  - a. The Board has reviewed and considered the draft MND, comments received during the public review period, and the District's written responses to any comments prior to acting on the project.
  - b. The revisions to the MND in response to comments constitute clarifying or amplifying revisions or insignificant modifications, under CEQA Guidelines Section 15073.5, and no recirculation of the MND is required.
  - c. The MND adequately describes the environmental impacts of the Project. On the basis of the whole record before it, the Board finds that there is no

substantial evidence that the project, as mitigated, will have a significant effect on the environment.

- d. The MND has been completed in compliance with CEQA and the CEQA Guidelines.
  - e. The MND is complete and adequate and reflects the Board's independent judgment and analysis as to the environmental effects of the Project.
2. The Board hereby adopts the MND for the proposed Enhanced Treatment and Site Upgrade Phase 1 Program and hereby approves the Enhanced Treatment and Site Upgrade Phase 1 Program, including the Phase 1A-AB Improvements Project.
  3. The Board hereby adopts the Mitigation Monitoring and Reporting Program included in the IS/MND, which is incorporated herein by reference.
  4. The Board directs staff to file a notice of determination with the County Clerk of Alameda County.
  5. Pursuant to CEQA Guidelines section 15091(e), the documents and other materials that constitute the record of proceedings upon which the Board of Directors has based its recommendations are located in and may be obtained from, the Office of the Union Sanitary District at 5072 Benson Road, Union City, 94587. The Board Clerk is the custodian of records for all matters before the Board.

## CERTIFICATION

I do hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the Board of Directors of the Union Sanitary District, in Alameda County, California, held on the 10<sup>th</sup> day of May 2021.

AYES: Fernandez, Handley, Lathi, Toy

NOES: None

ABSTAIN: None

ABSENT: Kite

Attest:

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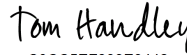


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ANJALI LATHI

Secretary, Board of Directors  
Union Sanitary District

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TOM HANDLEY

President, Board of Directors  
Union Sanitary District

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 Regina McEvoy  
 5072 Benson Road  
 Union City, CA 94587  
 Reginam@unionsanitary.ca.gov  
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 Reginam@unionsanitary.ca.gov

Location: DocuSign

**Signer Events**

Tom Handley  
 thandley@unionsanitary.ca.gov  
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**Signature**

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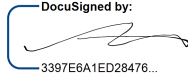
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Anjali Lathi  
 alathi@unionsanitary.ca.gov  
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Carbon Copy Events	Status	Timestamp

Richard Pipkin  
 ricp@unionsanitary.ca.gov  
 Security Level: Email, Account Authentication  
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**AWARD THE CONSTRUCTION CONTRACT OF THE EMERGENCY OUTFALL IMPROVEMENTS PROJECT TO GARNEY PACIFIC, INC.**

This item was reviewed by the Engineering and Information Technology Committee. Technical Services Manager Ghossain stated the Project was advertised for bids on March 30, 2021. The five bids received were opened on April 27, 2021 and the results were included in the Board meeting packet. The Engineer's Estimate for the Project's Total Contract Price was \$1,250,000; the bids received ranged from 12% to 28% above the Engineer's Estimate. The Total Contract Price includes one bid alternate; Bid Alternate A will provide for "Acts of God" insurance that indemnifies against loss or damage to the concrete outlet structure during construction under specific conditions. The contractor will have 210 calendar days to complete project construction with an estimated substantial completion in December 2021. Staff recommended the Board award the construction contract, including Bid Alternate A, for the Emergency Outfall Improvements Project to Garney Pacific, Inc. in the amount of \$1,399,700.

It was moved by Secretary Lathi, seconded by Director Toy, to Award the Construction Contract, Including Bid Alternate A, for the Emergency Outfall Improvements Project to Garney Pacific, Inc. in the Amount of \$1,399,700. Motion carried with the following vote:

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

**AUTHORIZE THE GENERAL MANAGER TO EXECUTE CONTRACT CHANGE ORDER NO. 1 WITH WESTERN WATER CONSTRUCTORS, INC. FOR THE AERATION BLOWER NO. 11 PROJECT**

This item was reviewed by the Engineering and Information Technology Committee. Technical Services Manager Ghossain stated Contract Change Order (CCO) No. 1 includes modifications to the ventilation system at the East Aeration Blower Building where Blower No. 11 will be installed. While the estimate for the work was \$80,000, the quote received from Western Water Constructors was for \$118,834. Staff negotiated the change order to lower the quote to \$101,145. The contract change order includes a time-extension request for substantial completion from September 19, 2021 to December 5, 2021, due to the long fabrication schedule for the new equipment added in the change order. Staff recommended the Board authorize the General Manager to execute Contract Change Order No. 1 with Western Water Constructors, Inc. in the amount of \$101,145 for the Aeration Blower No. 11 Project.

It was moved by Secretary Lathi, seconded by Director Toy, to Authorize the General Manager to Execute Contract Change Order No. 1 with Western Water Constructors, Inc. in the Amount of \$101,145 for the Aeration Blower No. 11 Project. Motion carried with the following vote:

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

ABSENT: Kite

**AUTHORIZE THE GENERAL MANAGER TO EXECUTE TASK ORDER NO. 2 WITH V&A CONSULTING ENGINEERS, INC. FOR THE CATHODIC PROTECTION SYSTEM IMPROVEMENTS PROJECT**

This item was reviewed by the Engineering and Information Technology Committee. Technical Services Manager Ghossain stated the purpose of the Task Order is to authorize engineering services during construction of the Cathodic Protection System Improvements Project (Project). The scope of services and fees for Task Order No. 2 was summarized in the Board meeting packet. The construction contract for the Project was awarded to Corpro Companies, Inc. at the Board meeting held April 26, 2021. Staff expects to issue the Notice to Proceed in May 2021 and construction to be completed by December 2021. Staff recommended the Board authorize the General Manager to Execute Task Order No. 2 with V&A Consulting Engineers, Inc. in the amount of \$30,854 to provide engineering services during construction of the Cathodic Protection System Improvements Project.

It was moved by Director Fernandez, seconded by Secretary Lathi, to Authorize the General Manager to Execute Task Order No. 2 with V&A Consulting Engineers, Inc. in the Amount of \$30,854 to Provide Engineering Services During Construction of the Cathodic Protection System Improvements Project. Motion carried with the following vote:

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

**BOARD DIRECTION REGARDING NEW CAMPUS BOARDROOM FOLLOWING ENHANCED TREATMENT AND SITE UPGRADE (ETSU) PHASE 1 UPDATE BOARD WORKSHOP**

General Manager Eldredge stated the Campus design team and staff held a workshop with the Board to review the new Campus building schematic design package on February 9, 2021. A summary of Board feedback received during the workshop was included in the Board meeting packet. The Board provided additional feedback during the March 8, 2021, Board meeting, and directed staff to research the potential for the Boardroom ceiling height to be increased beyond the proposed height which varies between 11'8" to 13'. The discussion included the exploration of separating the Boardroom from the proposed building footprint to increase the Boardroom ceiling height. Conceptual sketches showing an alternate building footprint were included in the Board meeting packet. If the Boardroom were to be separated from the currently proposed footprint, preliminary estimates for the increased cost to the Campus building project would be \$2.3 to \$2.9 million dollars. Staff recommended the Board provide direction regarding the footprint of the Campus building and the Boardroom ceiling height.

The Board directed staff to continue to develop the Campus building design without separating the Boardroom from the building footprint.

## **INFORMATION ITEMS:**

### **Certificates of Merit to Union Sanitary District's Class I Permitted Industries**

This item was reviewed by the Legal/Community Affairs Committee. Environmental Compliance Team Coach Dunning stated the Certificates of Merit presentation is an annual event held to recognize industries that have exceeded the requirements of their wastewater discharge permits during the prior calendar year. Due to ongoing COVID-19 pandemic restrictions, the District will mail the Certificate of Merit awards to the 26 Significant Industrial Users with Class I Wastewater Discharge Permits.

The District's advertisement honoring award recipients will be printed in the May 11, 2021, issue of the Tri-City Voice and the May 14, 2021, issue of The Argus newspapers.

### **COVID-19 Update**

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

### **Check Register**

There were no 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 stated the following:

- General Manager Eldredge thanked the Board for supporting the new OPEB Policy and the ETSU Mitigated Negative Declaration earlier in the meeting; both items were important milestones and will enable staff to continue making progress on District initiatives.
- The Board Budget Workshop will be held virtually at 4:00 p.m. on Tuesday, May 11, 2021.
- The District's applications for federal funds for infrastructure projects were not successful with Congressman Swalwell nor Congressman Khanna's offices. District staff also submitted applications seeking funding for infrastructure projects through Senator Feinstein and Senator Padilla. While staff remain hopeful these applications will be successful, it is important to get the information to our elected officials for potential future consideration.
- The election of Board officers will be presented at the May 24, 2021, Board meeting.


## **OTHER BUSINESS:**

There was no other business


**ADJOURNMENT:**

The meeting was adjourned at 4:50 p.m. to the Board Budget Workshop to be held virtually at 4:00 p.m. on Tuesday, May 11, 2021.


**SUBMITTED:**

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REGINA McEVOY  
BOARD CLERK

**ATTEST:**

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ANJALI LATHI  
SECRETARY

**APPROVED:**

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TOM HANDLEY  
PRESIDENT

Adopted this 24<sup>th</sup> day of May 2021

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	Reginam@unionsanitary.ca.gov
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**Signer Events**

Tom Handley  
thandley@unionsanitary.ca.gov  
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**Signature**

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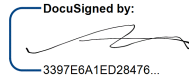
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alathi@unionsanitary.ca.gov  
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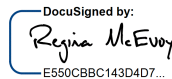
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Regina McEvoy  
Reginam@unionsanitary.ca.gov  
Assistant to GM  
Union Sanitary District  
Security Level: Email, Account Authentication (None)

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