

**MINUTES OF THE MEETING OF THE
BOARD OF DIRECTORS OF
UNION SANITARY DISTRICT/UNION SANITARY DISTRICT FINANCING
AUTHORITY
September 27, 2021**

Consistent with Executive Orders No. N-08-21 from the Executive Department of the State of California, and Alameda County Health Officer Order No. 21-01a, the Monday, September 27, 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 observe the Board Meeting and provide public comment by sending comments to the Board Clerk.

CALL TO ORDER

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

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, Maintenance, and Construction Manager
Ric Pipkin, Enhanced Treatment and Site Upgrade Program Manager
Shawn Nsgis, Collection Services Coach
Jose Rodrigues, Collection Services Coach
Marcus Lee, Treatment and Disposal Services Coach
Curtis Bosick, Enhanced Treatment and Site Upgrade Program Coordinator
Regina McEvoy, Executive Assistant to the General Manager/Board Clerk

**APPROVE MINUTES OF THE UNION SANITARY DISTRICT BOARD MEETING OF
SEPTEMBER 13, 2021**

It was moved by Vice President Lathi, seconded by Director Handley, to Approve the Minutes of the Board Meeting of September 13, 2021. Motion carried with the following vote:

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

APPROVE MINUTES OF THE UNION SANITARY DISTRICT SPECIAL BOARD MEETING OF SEPTEMBER 15, 2021

It was moved by Secretary Fernandez, seconded by Director Toy, to Approve the Minutes of the Special Board Meeting of September 15, 2021. Motion carried with the following vote:

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

AUGUST 2021 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.

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 Fourth Amended and Restated Employment Agreement between Union Sanitary District and Paul R. Eldredge to serve as General Manager and District Engineer, approved October 12, 2020, provides the Board will review the General Manager's compensation annually. This item requests the Board designate two Board members to serve as the Board's representatives for contract review and compensation negotiations with the General Manager, the Board considers this action annually prior to the General Manager's performance evaluation. Staff recommended the Board designate and appoint two representatives to an ad hoc subcommittee on the General Manager's contract negotiations.

It was moved by Director Toy, seconded by Director Handley, to Appoint President Kite and Secretary Fernandez to the Ad Hoc Subcommittee on General Manager Contract Negotiations. 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 8391 – CENTERVILLE PIONEER, LOCATED ON BONDE WAY NEAR POST STREET, IN THE CITY OF FREMONT

This item was reviewed by the Legal/Community Affairs Committee. Technical Services Manager Ghossain stated Centerville Presbyterian Church will construct a residential development on the west side of Bonde Way between Post Street and Fremont Boulevard, in the City of Fremont. Sanitary sewer service for the development will be provided by new sewer mains in the development's roadways that discharge to an existing sewer main in Bonde Way. The roadways within Tract 8391 do not meet the City of Fremont's street dimensions and structure setback requirements for public streets and have been designated as private. Centerville Presbyterian Church constructed the new sewer mains with the private roadways and granted the District a sanitary sewer easement that provides for access and maintenance of the new sewer mains. Staff recommended the Board consider a resolution to accept a sanitary sewer easement for Tract 8391 – Centerville Pioneer, located on Bonde Way near Post Street, in the City of Fremont.

It was moved by Director Handley, seconded by Vice President Lathi, to Adopt Resolution No. 2935 Accepting Sanitary Sewer Easements for Tract 8391 – Centerville Pioneer, Located at Bonde Way Near Post Street, 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. 2935

**ACCEPT SANITARY SEWER EASEMENTS FOR TRACT 8391 –
CENTERVILLE PIONEER, LOCATED AT BONDE WAY NEAR POST STREET,
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 CENTERVILLE PRESBYTERIAN CHURCH, executed on July 26, 2019, as described in the Grant of Sanitary Sewer Easement, and by the legal description and plat map, attached as Exhibit A and 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 September 27, 2021:

AYES: Fernandez, Handley, Kite, Lathi, Toy

NOES: None

ABSENT: None

ABSTAIN: None

DocuSigned by:

Pat Kite

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PAT KITE

President, Board of Directors
Union Sanitary District

Attest:

DocuSigned by:

Manny Fernandez

779EF0E902EB471

MANNY FERNANDEZ

Secretary, Board of Directors
Union Sanitary District

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Pat Kite

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Manny Fernandez

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Electronic Record and Signature Disclosure

CONSIDER A RESOLUTION TO ADOPT A REVISED ADDENDUM TO THE MITIGATED NEGATIVE DECLARATION FOR THE STANDBY POWER GENERATION SYSTEM UPGRADE PROJECT AND APPROVE MODIFICATIONS TO THE STANDBY POWER GENERATION SYSTEM UPGRADE PROJECT AS SET FORTH IN THE REVISED ADDENDUM TO THE MITIGATED NEGATIVE DECLARATION

This item was reviewed by the Engineering and Information Technology Committee. Technical Services Manager Ghossain stated the Revised Addendum to the Initial Study/Mitigated Negative Declaration (IS/MND) addressed changes in the site plan, further reductions in the construction footprint, and refinements in the Mitigation Monitoring and Reporting Plan (MMRP). These changes would not result in any new significant impacts not previously disclosed in the circulated IS/MND and Addendum, nor result in a substantial increase in the magnitude of any significant environmental impact previously identified; therefore, a revised Addendum to the adopted IS/MND will be sufficient to meet the requirements of CEQA. The Revised Addendum to the IS/MND was circulated through the California State Clearinghouse for a 15-day review and staff received no comments during the review period. Following adoption of the Revised Addendum to the IS/MND for the Project, staff will file the Notice of Determination with the Governor's Office of Planning and Research and the Alameda County Clerk. Staff recommended the Board consider a resolution to adopt a Revised Addendum to IS/MND and MMRP for the Standby Power Generation System Upgrade Project and approve modifications to the Project as set forth in the Revised Addendum to the Mitigated Negative Declaration.

It was moved by Secretary Fernandez, seconded by Director Toy, to Adopt Resolution No. 2936 Adopting a Revised Addendum to the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan for the Standby Power Generation System Upgrade Project and Approve Modifications to the Standby Power Generation System Upgrade Project as Set Forth in the Revised Addendum to the Mitigated Negative Declaration. Motion carried with the following vote:

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

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RESOLUTION NO. 2936

ADOPT A REVISED ADDENDUM TO THE MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PLAN FOR THE STANDBY POWER GENERATION SYSTEM UPGRADE PROJECT AND APPROVE MODIFICATONS TO THE STANDBY POWER GENERATION SYSTEM UPGRADE PROJECT AS SET FORTH IN THE REVISED ADDENDUM TO THE MITIGATED NEGATIVE DECLARATION

WHEREAS, on October 14, 2019, the Union Sanitary District Board of Directors adopted the Initial Study/Mitigated Negative Declaration (“IS/MND”) for the Standby Power Generation System Upgrade Project (the “Project”) and approved the Project as defined in the IS/MND; and

WHEREAS, on February 24, 2020, the Union Sanitary District Board of Directors adopted an Addendum to the IS/MND for the Project and approved the Project as defined in the Addendum to the IS/MND; and

WHEREAS, due to some changes in the Project, the Union Sanitary District (the “District”) prepared and distributed for comment a Revised Addendum to the IS/NMD (the “Revised Addendum”); and

WHEREAS, the District provided a comment period from August 24, 2021 through September 8, 2021; and

WHEREAS, the District received no written comments during the review period; and

WHEREAS, although the proposed Project could have a significant effect on the environment, mitigation measures included in the IS/MND, Addendum, and Revised Addendum 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 Standby Power Generation System Upgrade Project Revised Addendum to the IS/MND:
 - a. The Board has reviewed and considered the Revised Addendum to the IS/MND.
 - b. The information included in the Revised Addendum to the IS/MND constitutes minor changes or additions pursuant to CEQA Guidelines Section 15164 and none of the conditions described in Section 15162, including substantial changes to the project involving new significant impacts or new information showing new significant effects, have occurred. Further, the modifications constitute clarifying or amplifying revisions or insignificant modifications, under CEQA Guidelines Section 15073.5, and no recirculation of the IS/MND is required.

- c. The Revised Addendum to the IS/MND adequately provides updated information on 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 and modified, will have a significant effect on the environment.
 - d. The Revised Addendum to the IS/MND has been completed in compliance with CEQA and the CEQA Guidelines.
2. The Board hereby adopts the Revised Addendum to the IS/MND for the proposed Standby Power Generation System Upgrade Project and hereby approves the modifications set forth in the Revised Addendum to the IS/MND for the Standby Power Generation System Upgrade Project.
 3. The Board hereby adopts the updated Mitigation Monitoring and Reporting Program included in the Revised Addendum to 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 27th day of September 2021.

AYES: Fernandez, Handley, Kite, Lathi, Toy

NOES: None

ABSTAIN: None

ABSENT: None

DocuSigned by:

Pat Kite

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PAT KITE

President, Board of Directors
Union Sanitary District

Attest:

DocuSigned by:

Manny Fernandez

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MANNY FERNANDEZ

Secretary, Board of Directors
Union Sanitary District

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May Bautista

mayb@unionsanitary.ca.gov

Administrative Specialist 1

Union Sanitary District

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RECEIVE INFORMATION AND PROVIDE DIRECTION REGARDING NEW LEGISLATION, AB 361, ALLOWING TELECONFERENCED MEETINGS IN EMERGENCIES AND APPROACH TO FUTURE MEETINGS

District Counsel Murphy stated AB 361 was signed into law by the Governor on September 16, 2021, and went into effect immediately. AB 361 amends the Brown Act to allow local legislative bodies to continue using teleconferencing and virtual meeting technology after the September 30, 2021, expiration of the current Brown Act exemptions when there is a “proclaimed state of emergency” by the Governor. Though adopted in the context of the pandemic, AB 361 will allow for virtual meetings during other proclaimed emergencies, such as earthquakes or wildfires, where physical attendance may present a risk. Staff recommended the Board provide direction regarding AB 361 and approach to future Board meetings.

The Board directed staff to continue with virtual Board meetings and ensure the District takes all necessary actions to be in compliance with AB 361.

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 \$42.68 million for design and construction of 27 CIP projects in June 2020. The Projects were ranked Priority 1, 2, or 3 based upon criteria prepared by staff and approved by the Executive Team. There were 17 projects ranked as Priority 1 for Fiscal Year 2021. 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 FY21

This item was reviewed by the Engineering and Information Technology Committee. Technical Services Manager Ghossain stated fourth quarter expenditures for Fiscal Year 2021 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, 2021, were under projections for the fourth quarter by approximately \$8.92 million. Projects that had significant variances from projected expenditures were presented in a table included in the Board meeting packet.

COVID-19 Update

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

Check Register

Staff responded to Boardmember questions regarding the check register.

COMMITTEE MEETING REPORTS:

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

GENERAL MANAGER'S REPORT:

- The General Manager's Evaluation Closed Session will be held virtually Tuesday, October 5, 2021, at 4:00 p.m.

OTHER BUSINESS:

There was no other business.

ADJOURNMENT:

The meeting was adjourned at 4:49 p.m. to a Board Closed Session to be held virtually on Tuesday, October 5, 2021, at 4:00 p.m.

SUBMITTED:

DocuSigned by:
Regina McEvoy
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REGINA McEVOY
BOARD CLERK

ATTEST:

DocuSigned by:
Manny Fernandez
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MANNY FERNANDEZ
SECRETARY

APPROVED:

DocuSigned by:
Pat Kite
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PAT KITE
PRESIDENT

Adopted this 11th day of October 2021

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