

**MINUTES OF THE MEETING OF THE
BOARD OF DIRECTORS OF
UNION SANITARY DISTRICT/UNION SANITARY DISTRICT FINANCING
AUTHORITY
May 23, 2022**

This meeting was held pursuant to Government Code Section 54953 (as amended by AB 361), which authorizes teleconferenced meetings under the Brown Act during a proclaimed state of emergency. The Governor of California proclaimed a State of Emergency related to COVID-19 on March 4, 2020. Consistent with Government Code Section 54953, this 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 Lathi 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: Anjali Lathi, President
Manny Fernandez, Vice President
Tom Handley, Director
Pat Kite, Director

ABSENT: Jennifer Toy, Secretary

STAFF: Paul Eldredge, General Manager/District Engineer
Karen Murphy, District Counsel
Mark Carlson, Business Services Manager/CFO
Armando Lopez, Treatment and Disposal Services Manager
Jose Rodrigues, Collection Services Manager
Raymond Chau, Interim Technical Services Manager
Gene Boucher, Human Resources Manager
Chris Pachmayer, Fabrication, Maintenance, and Construction Coach
Shawn Nesgis, Collection Services Coach
Marcus Lee, Treatment and Disposal Services Coach
Ric Pipkin, Enhanced Treatment and Site Upgrade Program Manager
Allan Briggs, Interim Capital Improvements Projects Team Coach
Curtis Bosick, Enhanced Treatment and Site Upgrade Assistant Program Manager
Jason Yeates, Organizational Performance Coordinator
Trieu Nguyen, IT Administrator
Sharon Anderson, Administrative Specialist
Regina McEvoy, Executive Assistant to the General Manager/Board Clerk

VISITORS: Monique Spyke, PFM Asset Management

APPROVE MINUTES OF THE UNION SANITARY DISTRICT BOARD MEETING OF MAY 9, 2022

It was moved by Vice President Fernandez, seconded by Director Kite, to Approve the Minutes of the Board Meeting of May 9, 2022. 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 MAY 10, 2022

It was moved by Director Kite, seconded by Director Handley, to Approve the Minutes of the Special Board Meeting of May 10, 2022. Motion carried with the following vote:

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

APRIL 2022 MONTHLY OPERATIONS REPORT

This item was reviewed by the Budget & Finance and Legal/Community Affairs Committees. General Manager Eldredge provided an overview of the Monthly Report, and Business Services Manager/CFO Carlson provided an overview of the financial reports.

FISCAL YEAR 2022 3RD QUARTER MANAGED INVESTMENT PORTFOLIO REPORT

This item was reviewed by the Budget & Finance Committee. Business Services Manager/CFO Carlson introduced Monique Spyke, Managing Director of PFM Asset Management, who presented an overview of the 3rd quarter report included in the Board meeting packet. PFM Managing Director Spyke stated a desk item was prepared and added to the Board meeting packet per a request received during the Budget & Finance Committee meeting. The desk item provided additional information which included the Consumer Price Index percent change and inflation rates from December 2020 to March 2022.

WRITTEN COMMUNICATIONS

There were no written communications.

PUBLIC COMMENT

There was no public comment.

SELECT BOARDMEMBERS TO REPRESENT UNION SANITARY DISTRICT ON EXTERNAL COMMITTEES FOR FISCAL YEAR 2023

General Manager Eldredge stated Policy No. 3070 calls for the Board to annually select representatives and alternates for the four following External Committees: Alameda County Water District Finance Authority (ACWDFA), East Bay Dischargers Authority

Commission (EBDA), Alameda County Special Districts Association (ACSDA), and Southern Alameda County Geographic Information System Joint Powers Authority (SACGISA). Current Board representatives and alternates for external committees and a table showing Boardmember preferences for external committee assignments were included in the Board meeting packet. Staff recommended the Board select members to serve the Fiscal Year 2023 term as USD representatives to the Alameda County Water District Finance Authority, East Bay Dischargers Authority Commission, Alameda County Chapter of the California Special Districts Association, and the Southern Alameda County Geographic Information System Joint Powers Authority.

It was moved by Director Kite, seconded by Director Handley, to Accept the Following External Committee Assignments for Fiscal Year 2023.

External Committee	Board Representative	1st Alternate	2nd Alternate
ACWDFA	Jennifer Toy	Manny Fernandez	Tom Handley
EBDA	Anjali Lathi	Tom Handley	Jennifer Toy
ACSDA	Manny Fernandez	Pat Kite	Tom Handley
SACGISA	Tom Handley	Manny Fernandez	Anjali Lathi

Motion carried with the following vote:

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

REVIEW AND CONSIDER APPROVAL OF COLLECTION SERVICES WORKGROUP MANAGER, COLLECTION SERVICES COACH, AND SENIOR ACCOUNTING AND FINANCIAL ANALYST POSITION DESCRIPTIONS, AND REVISION TO SALARY RANGES

This item was reviewed by the Personnel Committee. General Manager Eldredge stated that with the retirement of the Finance and Acquisition Services Team (FAST) Coach, the District reviewed the team structure and job descriptions for various positions and also reviewed employee composition. Following the review, staff believe the District would benefit from a change to the reporting structure for various positions that would include replacement of the FAST Coach position with a Senior Accounting and Financial Analyst position and that warehouse staff should report to the Collection Services work group. Staff recommended the Board consider approval of Collection Services Workgroup Manager, Collection Services Coach, and Senior Accounting and Financial Analyst position descriptions, and revision to salary ranges.

It was moved by Director Kite, seconded by Vice President Fernandez, to Approve the Collection Services Workgroup Manager, Collection Services Coach, and Senior Accounting and Financial Analyst Position Descriptions and Adjustments to the Salary Ranges for Each Position. Motion carried with the following vote:

AYES: Fernandez, Handley, Kite, Lathi
 NOES: None

ABSTAIN: None
ABSENT: Toy

**CONSIDER A RESOLUTION TO ACCEPT A SANITARY SEWER EASEMENT AND
QUITCLAIM TWO EASEMENTS FOR TRACT 8205 – NILES GATEWAY PHASE 1,
LOCATED AT 37899 NILES BOULEVARD, IN THE CITY OF FREMONT**

This item was reviewed by the Legal/Community Affairs Committee. Technical Services Manager Chau stated the developer, Lennar Homes of California, LLC, will construct a residential development at 37899 Niles Boulevard, in the City of Fremont. The approved development plans required replacement of an existing public sewer main within two existing sanitary sewer easements. The new sewer main has been constructed and the existing sewer main has been properly abandoned. The easements can be quitclaimed as they are no longer needed. The roadways of the development have been designated as private, and Lennar Homes of California, LLC, has granted the District a sanitary sewer easement that provides for access and maintenance to the new sewer main. Staff recommended the Board consider a resolution to accept a sanitary sewer easement and quitclaim two easements for Tract 8205 – Niles Gateway Phase 1, located at 37899 Niles Boulevard, in the City of Fremont.

It was moved by Vice President Fernandez, seconded by Director Kite, to Adopt Resolution No. 2966 to Accept a Sanitary Sewer Easement and Quitclaim Two Existing Sanitary Sewer Easements for Tract 8205 – Niles Gateway Phase 1, Located at 37899 Niles Boulevard, in the City of Fremont, California. Motion carried with the following vote:

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

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RESOLUTION NO. 2966

**ACCEPT A SANITARY SEWER EASEMENT AND QUITCLAIM TWO
EXISTING SANITARY SEWER EASEMENTS FOR TRACT 8205 – NILES
GATEWAY PHASE 1, LOCATED AT 37899 NILES BOULEVARD, IN THE CITY
OF FREMONT, CALIFORNIA**

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

1. The Board hereby accepts the Grant of Easement from LENNAR HOMES OF CALIFORNIA, LLC, executed on April 28, 2022, as described in the Grant of Easement for Sanitary Sewer Purposes, and by the legal description and plat map, attached as Exhibit A and B, respectively.
2. The Board hereby quitclaims its interest in the two ten-foot-wide sanitary sewer easements in APN 507-0170-001-03, in the city of Fremont, granted to the Niles Sanitary District, predecessor-in-interest to the Union Sanitary District, and as described in the Quitclaim Deed and by the legal descriptions, 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 May 23, 2022:

AYES: Fernandez, Handley, Kite, Lathi

NOES: None

ABSENT: Toy

ABSTAIN: None

DocuSigned by:



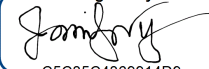
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ANJALI LATHI

President, Board of Directors
Union Sanitary District

Attest:

DocuSigned by:



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JENNIFER TOY

Secretary, Board of Directors
Union Sanitary District

FEBRUARY 17, 2022
JOB NO. 2258-000

**EXHIBIT A
LEGAL DESCRIPTION
SANITARY SEWER EASEMENT**

REAL PROPERTY SITUATE IN THE CITY OF FREMONT, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING A PORTION OF PARCEL 1, AS SAID PARCEL IS DESCRIBED IN THAT CERTAIN GRANT DEED RECORDED OCTOBER 7, 2013, AS DOCUMENT NUMBER 2013325571 OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY;

COMMENCING AT THE NORTHERNMOST CORNER OF SAID PARCEL 1, SAID POINT BEING ON THE SOUTHWESTERN RIGHT-OF-WAY LINE OF NILES BOULEVARD, ALSO KNOWN AS COUNTY ROAD 3100;

THENCE, FROM SAID POINT OF COMMENCEMENT, ALONG THE WESTERN LINE OF SAID PARCEL 1, SOUTH 36°42'53" EAST 0.53 FEET;

THENCE, LEAVING SAID WESTERN LINE, SOUTH 47°49'49" EAST 198.85 FEET TO A POINT ON THE NORTHEASTERN LINE OF SAID PARCEL 1 AND THE SOUTHWESTERN LINE OF NILES BOULEVARD;

THENCE, ALONG SAID NORTHEASTERN LINE SOUTH 42°42'00" EAST 31.88 FEET TO THE **POINT OF BEGINNING** FOR THIS DESCRIPTION;

THENCE, FROM SAID POINT OF BEGINNING, CONTINUING ALONG SAID NORTHEASTERN LINE, SOUTH 42°42'00" EAST 15.13 FEET;

THENCE, LEAVING SAID NORTHEASTERN LINE SOUTH 39°39'22" WEST 68.08 FEET;

THENCE, SOUTH 25°18'42" EAST 75.29 FEET;

THENCE, SOUTH 42°42'00" EAST 27.11 FEET;

THENCE, ALONG THE ARC OF A NON-TANGENT 274.00 FOOT RADIUS CURVE TO THE RIGHT, FROM WHICH THE CENTER OF SAID CURVE BEARS SOUTH 73°43'24" WEST, THROUGH A CENTRAL ANGLE OF 05°00'36", AN ARC DISTANCE OF 23.96 FEET;

THENCE, SOUTH 11°16'00" EAST 249.86 FEET;

THENCE, ALONG THE ARC OF A TANGENT 80.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 27°25'00", AN ARC DISTANCE OF 38.28 FEET;

THENCE, SOUTH 38°41'00" EAST 118.33 FEET;

THENCE, SOUTH 51°19'00" WEST 39.50 FEET;

THENCE, NORTH 38°41'00" WEST 75.69 FEET;

THENCE, SOUTH 51°19'00" WEST 11.22 FEET TO A POINT ON THE WESTERN LINE
OF SAID PARCEL 1;

THENCE, ALONG SAID WESTERN LINE, SOUTH 77°25'00" WEST 19.83 FEET;

THENCE, LEAVING SAID WESTERN LINE, NORTH 13°16'25" WEST 43.31 FEET;

THENCE, NORTH 51°19'00" EAST 10.46 FEET;

THENCE, ALONG THE ARC OF A NON-TANGENT 119.50 FOOT RADIUS CURVE TO THE
RIGHT, FROM WHICH THE CENTER OF SAID CURVE BEARS NORTH 51°43'48" EAST,
THROUGH A CENTRAL ANGLE OF 23°10'22", AN ARC DISTANCE OF 48.33 FEET;
THENCE ALONG A LINE NON-TANGENT TO SAID CURVE,

NORTH 30°42'04" EAST, A DISTANCE OF 5.35 FEET;

THENCE, ALONG THE ARC OF A TANGENT 4.50 FOOT RADIUS CURVE TO THE LEFT,
THROUGH A CENTRAL ANGLE OF 41°58'04", AN ARC DISTANCE OF 3.30 FEET;

THENCE, NORTH 11°16'00" WEST 247.00 FEET;

THENCE, ALONG THE ARC OF A TANGENT 237.50 FOOT RADIUS CURVE TO THE
LEFT, THROUGH A CENTRAL ANGLE OF 14°02'42", AN ARC DISTANCE OF 58.22
FEET;

THENCE, NORTH 25°18'42" WEST 63.01 FEET;

THENCE, NORTH 39°39'22" EAST 90.68 FEET TO SAID **POINT OF BEGINNING**.

CONTAINING 21,326 SQUARE FEET OF LAND, MORE OR LESS.

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

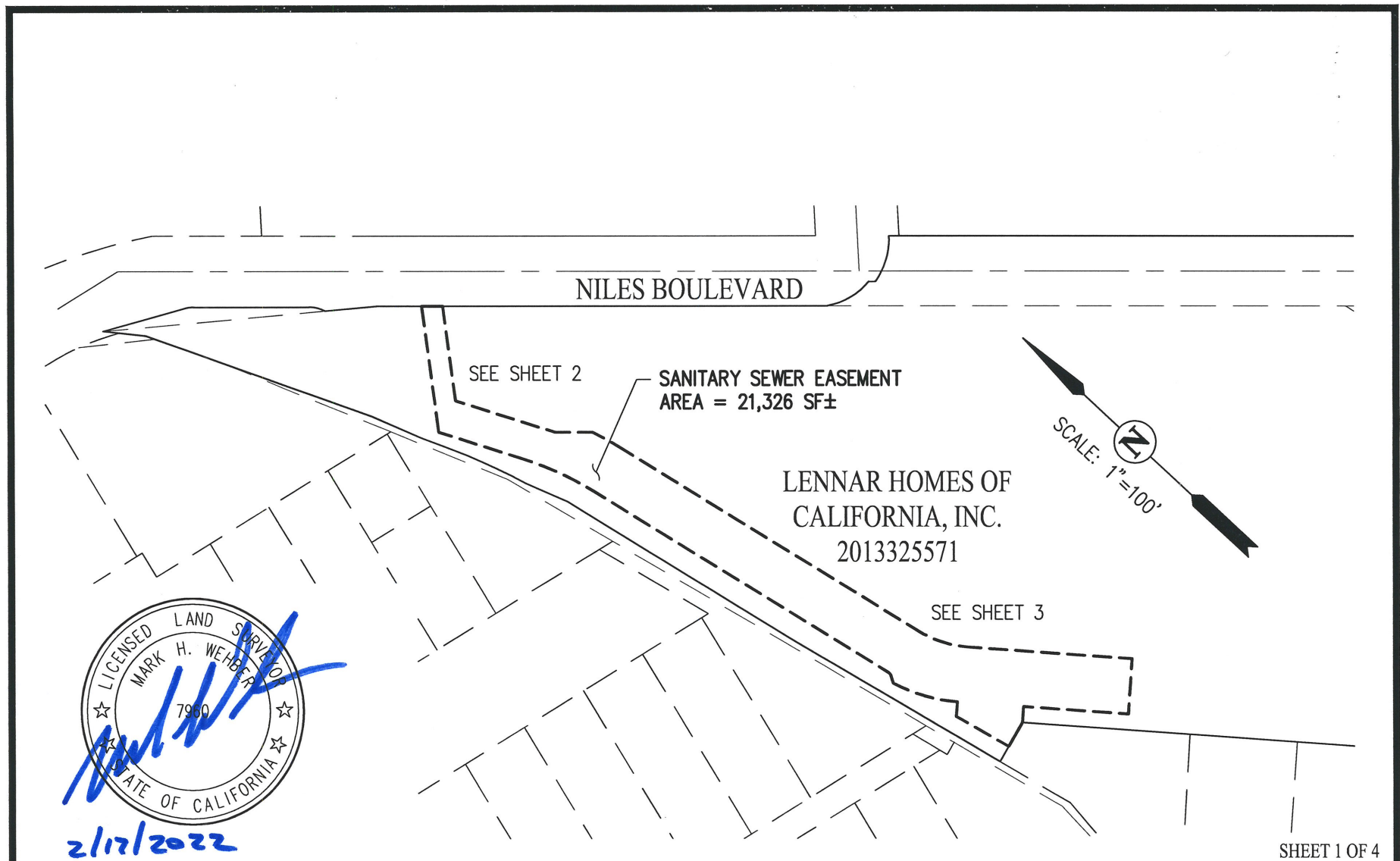


END OF DESCRIPTION

 2/17/2022

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

EXHIBIT B



PLAT TO ACCOMPANY LEGAL DESCRIPTION

EXHIBIT B

SANITARY SEWER EASEMENT

LANDS OF LENNAR HOMES OF CALIFORNIA, INC. (2013325571)

FREMONT, ALAMEDA COUNTY, CALIFORNIA

FEBRUARY 14, 2022



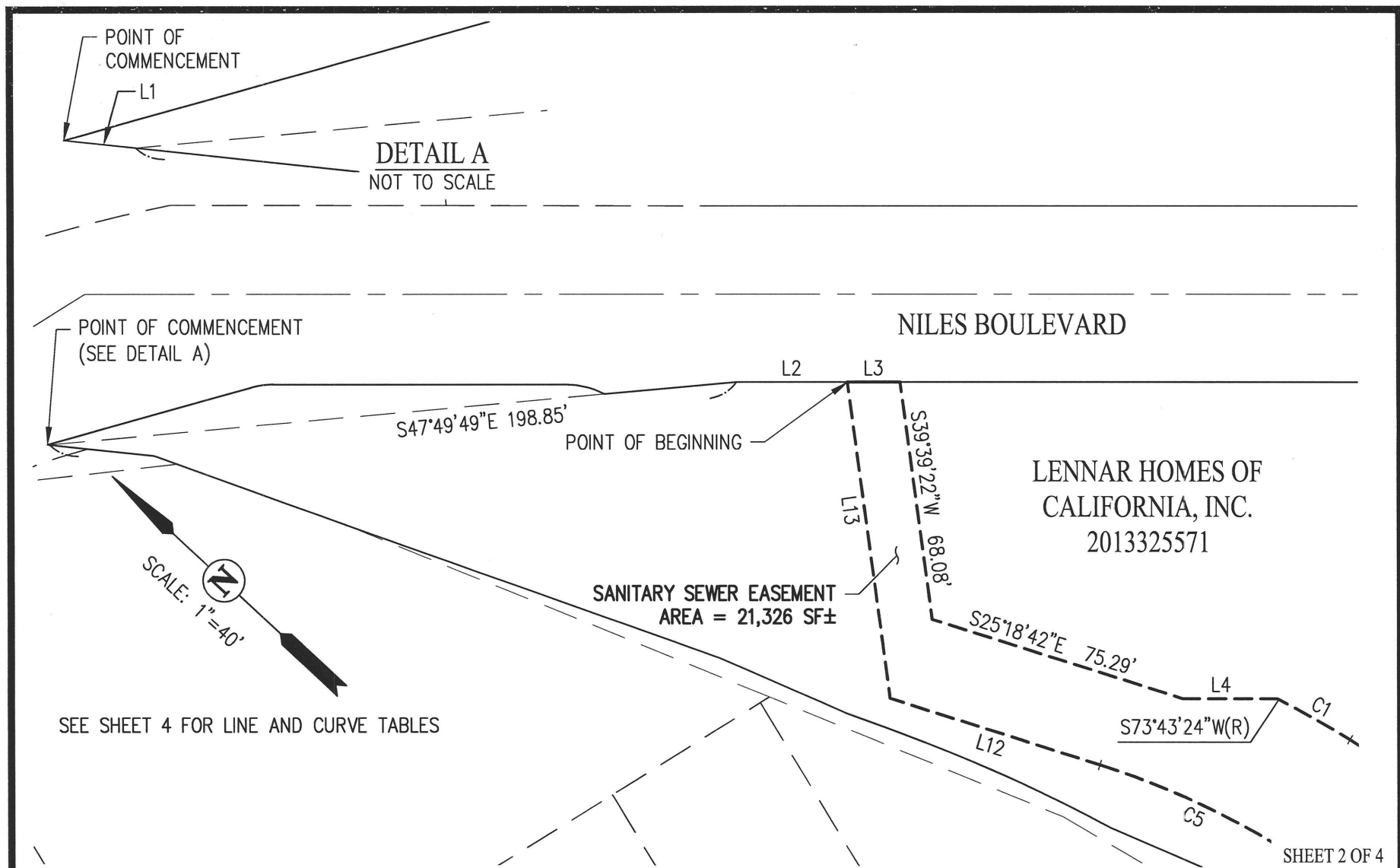
CIVIL ENGINEERS ■ SURVEYORS ■ PLANNERS

SAN RAMON (925) 866-0322

ROSEVILLE (916) 788-4456

WWW.CBANDG.COM

EXHIBIT B



PLAT TO ACCOMPANY LEGAL DESCRIPTION

EXHIBIT B

SANITARY SEWER EASEMENT

LANDS OF LENNAR HOMES OF CALIFORNIA, INC. (2013325571)

FREMONT, ALAMEDA COUNTY, CALIFORNIA



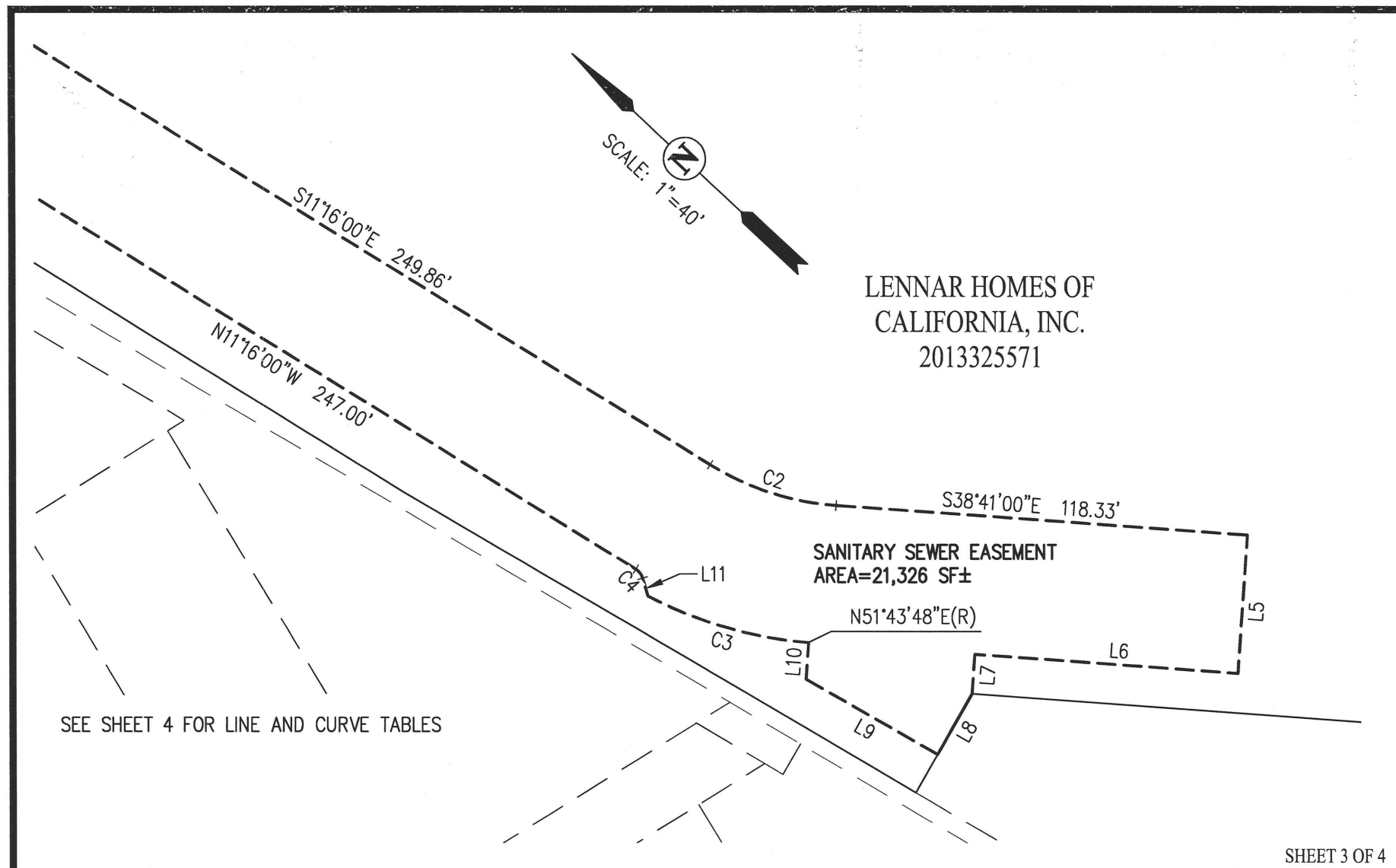
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EXHIBIT B



PLAT TO ACCOMPANY LEGAL DESCRIPTION

EXHIBIT B

SANITARY SEWER EASEMENT

LANDS OF LENNAR HOMES OF CALIFORNIA, INC. (2013325571)
FREMONT, ALAMEDA COUNTY, CALIFORNIA



CIVIL ENGINEERS ■ SURVEYORS ■ PLANNERS

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EXHIBIT B

LINE TABLE		
NO	BEARING	LENGTH
L1	S36°42'53"E	0.53'
L2	S42°42'00"E	31.88'
L3	S42°42'00"E	15.13'
L4	S42°42'00"E	27.11'
L5	S51°19'00"W	39.50'
L6	N38°41'00"W	75.69'
L7	S51°19'00"W	11.22'
L8	S77°25'00"W	19.83'
L9	N13°16'25"W	43.31'
L10	N51°19'00"E	10.46'
L11	N30°42'04"E	5.35'
L12	N25°18'42"W	63.01'
L13	N39°39'22"E	90.68'

CURVE TABLE			
NO	RADIUS	DELTA	LENGTH
C1	274.00'	5°00'36"	23.96'
C2	80.00'	27°25'00"	38.28'
C3	119.50'	23°10'22"	48.33'
C4	4.50'	41°58'04"	3.30'
C5	237.50'	14°02'42"	58.22'

SHEET 4 OF 4

PLAT TO ACCOMPANY LEGAL DESCRIPTION

EXHIBIT B

SANITARY SEWER EASEMENT

LANDS OF LENNAR HOMES OF CALIFORNIA, INC. (2013325571)

FREMONT, ALAMEDA COUNTY, CALIFORNIA



CIVIL ENGINEERS ■ SURVEYORS ■ PLANNERS

SAN RAMON (925) 866-0322

ROSEVILLE (916) 788-4456

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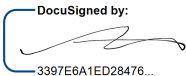
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Time Zone: (UTC-08:00) Pacific Time (US & Canada)	5072 Benson Road
	Union City, CA 94587
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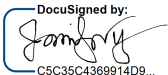
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Agent Delivery Events	Status	Timestamp
Intermediary Delivery Events	Status	Timestamp
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Carbon Copy Events	Status	Timestamp
Witness Events	Signature	Timestamp
Notary Events	Signature	Timestamp
Envelope Summary Events	Status	Timestamps

Envelope Summary Events	Status	Timestamps
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Electronic Record and Signature Disclosure		

CONSIDER A RESOLUTION TO ACCEPT A SANITARY SEWER EASEMENT FOR TRACT 8477 – OLIVEIRA FARM COTTAGES, LOCATED AT 39392 BLACOW ROAD, IN THE CITY OF FREMONT

This item was reviewed by the Legal/Community Affairs Committee. Technical Services Manager Chau stated the developer, CASDEV 21, LLC, will construct a residential development for Tract 8477, at 39392 Blacow Road, in the City of Fremont. The roadways of the development have been designated as private and CASDEV 21, LLC, has constructed the new sewer main and granted the District a sanitary sewer easement that provides for access and maintenance to the new public sewer main in the private roadway. Staff recommended the Board consider a resolution to accept a sanitary sewer easement for Tract 8477 – Oliveira Farm Cottages, located at 39392 Blacow Road, in the City of Fremont.

It was moved by Director Handley, seconded by Director Kite, to Adopt Resolution No. 2967 to Accept a Sanitary Sewer Easement for Tract 8477 – Oliveira Farm Cottages, Located at 39392 Blacow Road, in the City of Fremont, California. Motion carried with the following vote:

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

####

RESOLUTION NO. 2967

**ACCEPT A SANITARY SEWER EASEMENT FOR TRACT 8477 – OLIVEIRA
FARM COTTAGES, LOCATED AT 39392 BLACOW ROAD, 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 CASDEV 21, LLC, executed on October 5, 2021, as described in the Grant of Easement for Sanitary Sewer Purposes, 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 May 23, 2022:

AYES: Fernandez, Handley, Kite, Lathi

NOES: None

ABSENT: Toy

ABSTAIN: None

DocuSigned by:

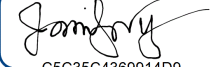


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ANJALI LATHI
President, Board of Directors
Union Sanitary District

Attest:

DocuSigned by:



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JENNIFER TOY
Secretary, Board of Directors
Union Sanitary District

EXHIBIT "A"

LEGAL DESCRIPTION

SANITARY SEWER EASEMENT

REAL PROPERTY SITUATED IN THE CITY OF FREMONT, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PORTIONS OF LOT 5 AND LOT B, AS SHOWN ON THE MAP OF TRACT 8477 - OLIVEIRA FARM COTTAGES, FILED DECEMBER 28, 2020, IN BOOK 365 OF MAPS, AT PAGE 20, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY, FURTHER DESCRIBED AS FOLLOWS:


COMMENCING AT THE SOUTHWEST CORNER OF SAID LOT B AT THE NORTH RIGHT OF WAY LINE OF BLACOW ROAD; SAID POINT ALSO BEING THE SOUTHEAST CORNER OF LOT 1, THENCE ALONG SAID RIGHT OF WAY LINE SOUTH 57° 29' 45" EAST, 13.50 FEET TO THE **POINT OF BEGINNING**;

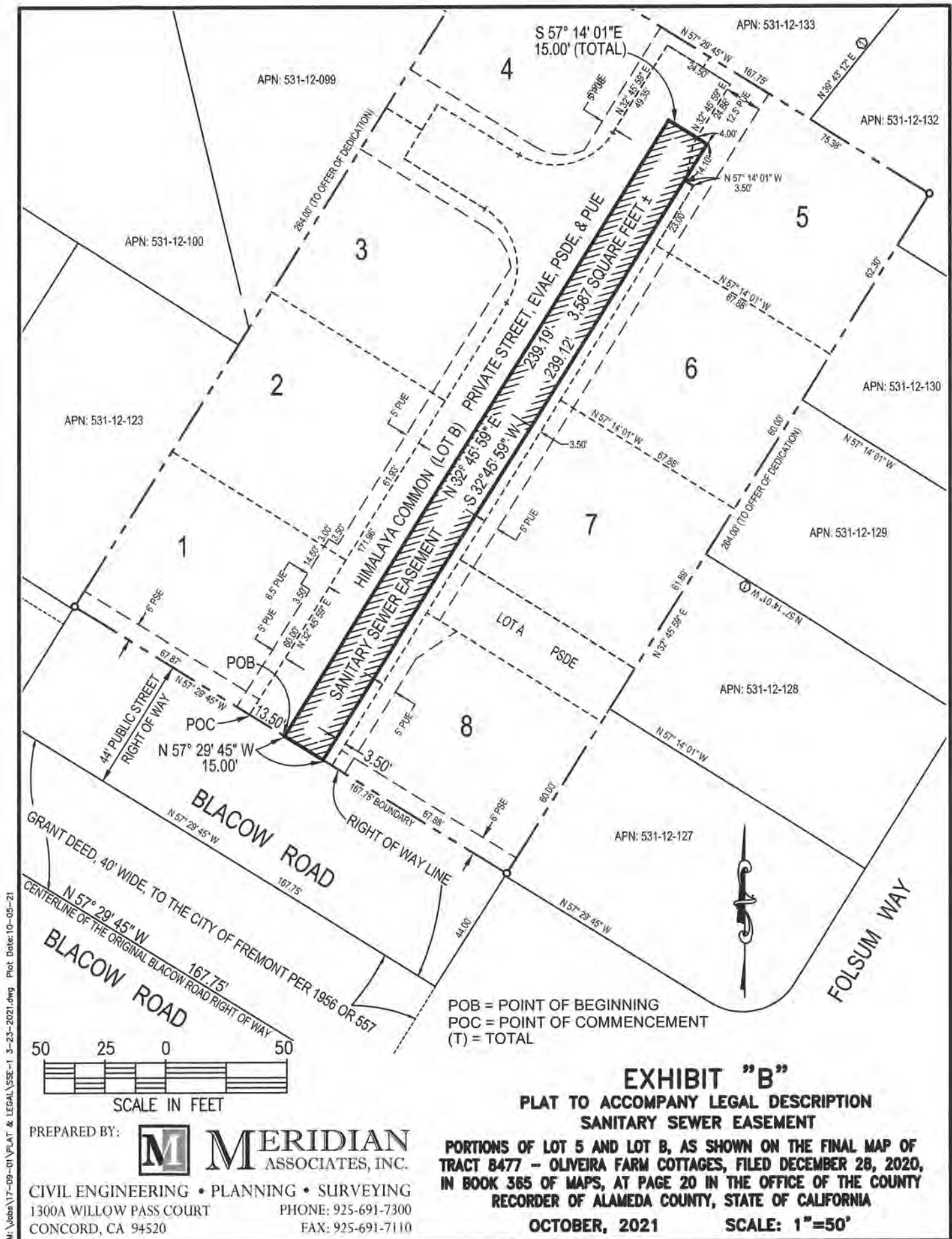
THENCE LEAVING SAID RIGHT OF WAY LINE NORTH 32° 45' 59" EAST, 239.19 FEET; THENCE SOUTH 57° 14' 01" EAST, 15.00 FEET; THENCE SOUTH 32° 45' 59" WEST, 239.12 FEET TO THE RIGHT OF WAY LINE OF BLACOW ROAD; THENCE ALONG SAID RIGHT OF WAY LINE NORTH 57° 29' 45" WEST, 15.00 FEET TO THE **POINT OF BEGINNING**.

THE LAND DESCRIBED HEREIN CONTAINS 3,587 SQUARE FEET, MORE OR LESS.



END OF DESCRIPTION


MERIDIAN ASSOCIATES, INC.
VIRGIL D. CHAVEZ
L.S. 6323



Certificate Of Completion

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Initials: 0

Regina McEvoy

AutoNav: Enabled

5072 Benson Road

Envelope Stamping: Enabled

Union City, CA 94587

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

Reginam@unionsanitary.ca.gov

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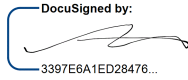
Reginam@unionsanitary.ca.gov

Signer Events

Anjali Lathi

alathi@unionsanitary.ca.gov

Union Sanitary District

Security Level: Email, Account Authentication
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Signature Adoption: Drawn on Device

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Using IP Address: 67.169.8.223

Signed using mobile

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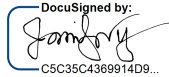
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Jennifer Toy

jtoy@unionsanitary.ca.gov

Security Level: Email, Account Authentication
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AUTHORIZE THE GENERAL MANAGER TO EXECUTE A CONTRACT WITH LUBRICATION ENGINEERS FOR THE OIL CONSOLIDATION PROJECT

This item was reviewed by the Budget & Finance Committee. Fabrication, Maintenance, and Construction Coach Pachmayer stated a desk item was prepared to correct the dollar figures included in the staff report, the desk item was distributed and added to the Board meeting packet. The goal of the oil consolidation project was to implement an engineered lubrication system which will reduce the number of oils and greases at the District. The Project will reduce the number of oil types from 12 to 6 and will reduce the number of grease types from 15 to 3. Reducing the number of oil and greases will result in lower storage costs, overall simplicity in application, and will also streamline ordering. Staff recommended the Board authorize the General Manager to execute a contract with Lubrication Engineers for the oil consolidation project in the amount of \$150,316.06.

It was moved by Director Handley, seconded by Vice President Fernandez, to Authorize the General Manager to Execute a Contract with Lubrication Engineers for the Oil Consolidation Project in the Amount of \$150,316.06. Motion carried with the following vote:

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

CONSIDER ADOPTION OF A RESOLUTION AUTHORIZING THE USE OF TELECONFERENCE MEETINGS IN COMPLIANCE WITH AB 361

District Counsel Murphy stated AB 361 requires public agencies to make findings by majority vote within 30 days of the first teleconferenced meeting under AB 361 and every 30 days thereafter that a state of emergency still exists and continues to directly impact the ability of the members to meet safely in person, or that officials continue to impose or recommend measures to promote social distancing. The District is continuing to hold teleconferenced meetings as allowed under AB 361 due to the ongoing public health threat of COVID-19. The proposed resolution includes findings required by AB 361 to allow the District to hold teleconferenced meetings. Staff provided an update on the status of the COVID-19 Emergency Order and will forward additional information to the Board as it becomes available. Staff recommended the Board adopt a resolution authorizing the use of teleconference meetings in compliance with AB 361.

It was moved by Director Kite, seconded by Director Handley, to Adopt Resolution No. 2968 Authorizing the Use of Teleconference Meetings in Compliance with AB 361. Motion carried with the following vote:

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

####

RESOLUTION NO. 2968

A RESOLUTION OF THE BOARD OF DIRECTORS AUTHORIZING THE USE OF TELECONFERENCE MEETINGS IN COMPLIANCE WITH AB 361

WHEREAS, the Union Sanitary District is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

WHEREAS, all meetings of Union Sanitary District's legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963); and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, Government Code 54953(e) permits teleconferencing in the event that a state of emergency is declared by the Governor pursuant to Government Code section 8625, and that either state or local officials have imposed or recommended measures to promote social distancing, or that the legislative body finds that meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, such conditions now exist in the District; and

WHEREAS, on March 4, 2020, Governor Newsom issued a Proclamation of a State of Emergency in response to the rapid spread of the highly contagious disease known as COVID-19; and

WHEREAS, on August 3, 2021, the Health Officer of the County of Alameda adopted Order No. 21-03 stating that the Delta variant has been circulating in the County, is highly transmissible in indoor settings and requires multi-component prevention strategies to prevent spread, and that hospitalizations are increasing; and

WHEREAS, despite ongoing efforts to promote masking and vaccinations, COVID-19 continues to threaten the health and lives of the public, especially with the existence of the Delta variant, which is highly transmissible in indoor settings, the Omicron variant, which is even more transmissible than the Delta variant, and a new Omicron sub-variant; and

WHEREAS, the increased risk of contracting COVID-19 associated with being indoors with others has caused, and will continue to cause, conditions of peril to the safety of persons within the District that are likely to be beyond the control of services, personnel, equipment, and facilities of the District; and

WHEREAS, on October 25, 2021, the Board adopted Resolution No. 2937, authorizing the use of teleconference meetings in compliance with AB 361; and

WHEREAS, on November 8, 2021, the Board adopted Resolution No. 2941, authorizing the use of teleconference meetings in compliance with AB 361; and

WHEREAS, on November 15, 2021, the Board adopted Resolution No. 2942, authorizing the use of teleconference meetings in compliance with AB 361; and

WHEREAS, on December 13, 2021, the Board adopted Resolution No. 2945, authorizing the use of teleconference meetings in compliance with AB 361; and

WHEREAS, on January 10, 2022, the Board adopted Resolution No. 2948, authorizing the use of teleconference meetings in compliance with AB 361; and

WHEREAS, on January 24, 2022, the Board adopted Resolution No. 2953, authorizing the use of teleconference meetings in compliance with AB 361; and

WHEREAS, on February 14, 2022, the Board adopted Resolution No. 2954, authorizing the use of teleconference meetings in compliance with AB 361; and

WHEREAS, on February 28, 2022, the Board adopted Resolution No. 2957, authorizing the use of teleconference meetings in compliance with AB 361; and

WHEREAS, on March 14, 2022, the Board adopted Resolution No. 2958, authorizing the use of teleconference meetings in compliance with AB 361; and

WHEREAS, on March 28, 2022, the Board adopted Resolution No. 2960, authorizing the use of teleconference meetings in compliance with AB 361; and

WHEREAS, on April 11, 2022, the Board adopted Resolution No. 2962, authorizing the use of teleconference meetings in compliance with AB 361; and

WHEREAS, on April 25, 2022, the Board adopted Resolution No. 2964, authorizing the use of teleconference meetings in compliance with AB 361; and

WHEREAS, on May 9, 2022, the Board adopted Resolution No. 2965, authorizing the use of teleconference meetings in compliance with AB 361; and

WHEREAS, the Board now desires to reaffirm and make the findings required to continue holding teleconference meetings in compliance with AB 361 due to the continuing public health threat of COVID-19.

NOW, THEREFORE, BE IT RESOLVED, BY THE UNION SANITARY DISTRICT BOARD OF DIRECTORS, AS FOLLOWS:

1. The above recitals are true and correct and are material to this Resolution and are incorporated into this Resolution as findings of the District Board.

2. The Union Sanitary District Board finds and declares that the circumstances set forth in Government Code section 54953(e)(1), exist because the State of Emergency continues to exist and meeting in person would present imminent risks to the health and safety of attendees.

3. Pursuant to the requirements of Government Code Section 54953(e)(3), the District Board makes the following findings:

(a) The District Board has considered the circumstances of the continuing state of emergency;

(b) The state of emergency continues to directly impact the ability of the members and the public to meet safely in person;

(c) Due to COVID-19, holding meetings in person will present imminent risks to the health and safety to attendees; and

(d) The District Board will continue to meet by teleconference in accordance with Government Code section 54953(e).

4. The aforementioned findings apply to all committees and subcommittees of the District which are classified as legislative bodies pursuant to Government Code Section 54952.

5. The District Board will reconsider every 30 days, the circumstances of the emergency and review whether it continues to directly impact the ability of the members to meet safely in person.

6. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Resolution is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution. The Board hereby declares that it would have adopted this Resolution and each and every section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared unconstitutional.

7. This Resolution shall take effect immediately upon its adoption.

On motion duly made and seconded, this resolution was adopted by the following vote on May 23, 2022:

AYES: Fernandez, Handley, Kite, Lathi

NOES: None

ABSENT: Toy

ABSTAIN: None

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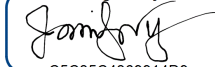
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ANJALI LATHI

President, Board of Directors
Union Sanitary District

Attest:

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JENNIFER TOY

Secretary, Board of Directors
Union Sanitary District

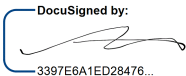
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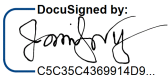
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PROPOSED OPERATING AND CIP BUDGET FOR FISCAL YEAR 2023

This item was reviewed by the Budget & Finance Committee. Business Services Manager/CFO Carlson presented the proposed operating and CIP budget for Fiscal Year 2023 and responded to Boardmember questions. The Board directed staff to present the final Budget at the June 27, 2022, Board meeting.

INFORMATION ITEMS:

Board of Directors Internal Committee Assignments 2022-2023

President Lathi stated Board internal committee assignments were included in the Board meeting packet.

Report on the East Bay Dischargers Authority Meeting of April 21, 2022

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

Status of Priority 1 Capital Improvement Program Projects

This item was reviewed by the Engineering and Information Technology Committee. Technical Services Manager Chau stated the Board approved the Capital Improvement Program (CIP) budget of \$43.19 million for design and construction of 31 CIP projects in June 2021. The Projects were ranked Priority 1, 2, or 3 based upon criteria prepared by staff and approved by the Executive Team. There were 18 projects ranked as Priority 1 for Fiscal Year 2022. 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.

Third Quarterly Report on the Capital Improvement Program for Fiscal Year 2022

This item was reviewed by the Engineering and Information Technology Committee. Technical Services Manager Chau stated third quarter expenditures for Fiscal Year 2022 were presented in graphs included in the Board meeting packet. The graphs depicted actual expenditures versus approved budget for Capacity Fund 90, the Renewal and Replacement Fund 80, and for both funds combined. Total CIP expenditures up to March 31, 2021, were under projections for the third quarter by approximately \$8.2 million. Projects that had variances from projected expenditures were presented in a table included in the Board meeting packet. Staff estimated the total funds spent at the end of the fiscal year will be \$30,981,000, which would be 71.1% of the total budgeted amount of \$43,189,200. When taking the extension of the Enhanced Treatment and Site Upgrade (ETSU) Campus project into consideration, the percentage of CIP budget spent would be 90.2%.

Third Quarterly Report on the Enhanced Treatment and Site Upgrade Program for Fiscal Year 2022

This item was reviewed by the Engineering and Information Technology Committee. Enhanced Treatment and Site Upgrade Assistant Program Manager Bosick stated the Enhanced Treatment and Site Upgrade (ETSU) Quarterly Program Management Report for the third quarter of fiscal year 2022 was included in the Board meeting packet. Part 1 of the report provides an executive summary of the ETSU Program status and the Program Dashboard as currently shown on the District website.

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, Legal/Community Affairs, Engineering and Information Technology, and Personnel Committees met.

GENERAL MANAGER'S REPORT:

- The bid opening for the Enhanced Treatment and Site Upgrade Program Campus Building will be held May 24, 2022. Staff will provide an update to the Board via email.
- The Board Rebranding Workshop will be held June 1, 2022.

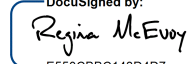
OTHER BUSINESS:

There was no other business.

ADJOURNMENT:

The meeting was adjourned at 5:06 p.m. to a Board Workshop to be held virtually on Wednesday, June 1, 2022, at 4:00 p.m.

SUBMITTED:

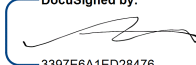
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ANJALI LATHI
PRESIDENT

Adopted this 13th day of June 2022

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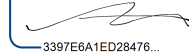
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alathi@unionsanitary.ca.gov

Union Sanitary District

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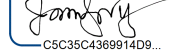
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Jennifer Toy

jtoy@unionsanitary.ca.gov

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Regina McEvoy

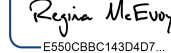
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