

**MINUTES OF THE MEETING OF THE  
BOARD OF DIRECTORS OF  
UNION SANITARY DISTRICT/UNION SANITARY DISTRICT FINANCING  
AUTHORITY  
August 22, 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  
Jennifer Toy, Secretary  
Tom Handley, Director  
Pat Kite, Director

STAFF: Paul Eldredge, General Manager/District Engineer  
Leah Castella, 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  
Alisa Gordon, Human Resources Manager  
Chris Pachmayer, Fabrication, Maintenance, and Construction Coach  
Ric Pipkin, Enhanced Treatment and Site Upgrade Program Manager  
Gus Carrillo, ETSU Assistant Engineer  
Trieu Nguyen, IT Administrator  
Sharon Anderson, Administrative Specialist

## **APPROVE MINUTES OF THE UNION SANITARY DISTRICT BOARD MEETING OF AUGUST 8, 2022**

It was moved by Secretary Toy, seconded by Vice President Fernandez, to Approve the Minutes of the Board Meeting of August 8, 2022. Motion carried with the following vote:

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

## **JULY 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.

## **WRITTEN COMMUNICATIONS**

There were no written communications.

## **PUBLIC COMMENT**

There was no public comment.

## **REVIEW AND CONSIDER APPROVAL OF POLICY 2090 RESERVES, ALLOCATIONS AND FUND BALANCE**

This item was reviewed by the Budget & Finance Committee. Business Services Manager/CFO Carlson presented a proposal to update the District's reserve policy to reflect the EBDA Emergency Reserves Policy passed by EBDA on 11/18/2021, and update the Plant and Pump Station Renewal and Replacement Fund allocation from \$250,000 to \$400,000. Staff recommended the Board review and consider approval of Policy 2090 Reserves, Allocations and Fund Balance.

It was moved by Secretary Toy, seconded by Director Handley, to Approve Policy 2090 Reserves, Allocations and Fund Balance. Motion carried with the following vote:

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

## **AUTHORIZE THE GENERAL MANAGER TO EXECUTE TASK ORDER NO. 4 WITH HAZEN AND SAWYER TO PROVIDE ENGINEERING SERVICES DURING CONSTRUCTION FOR THE ENHANCED TREATMENT AND SITE UPGRADE PROGRAM PHASE 1A CAMPUS BUILDING PROJECT**

This item was reviewed by the Engineering and Information Technology Committee. Enhanced Treatment and Site Upgrade Program Manager Pipkin provided an overview of the scope of services and fee for Task Order No. 4 that is included in the Board packet.

The construction contract for the Campus Building Project was awarded to Zovich Construction on June 13, 2022. Staff recommended the Board authorize the General Manager to Execute Task Order No. 4 with Hazen and Sawyer (Hazen) in the amount of \$4,649,745 to provide engineering services during construction of the Enhanced Treatment and Site Upgrade Program Phase 1A Campus Building Project (Project).

It was moved by Director Kite, seconded by Director Handley, to Execute Task Order No. 4 with Hazen and Sawyer (Hazen) in the amount of \$4,649,745 to provide engineering services during construction of the Enhanced Treatment and Site Upgrade Program Phase 1A Campus Building Project (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 CONTRACT CHANGE ORDER NO. 1 WITH ZOVICH CONSTRUCTION FOR THE ENHANCED TREATMENT AND SITE UPGRADE PHASE 1A CAMPUS BUILDING PROJECT**

This item was reviewed by the Engineering and Information Technology Committee. Enhanced Treatment and Site Upgrade Program Manager Pipkin stated the construction contract for the Project to Zovich Construction was awarded on June 13, 2022. The award included the procurement of Bid Alternates for a Builder's Risk policy and Act of God insurance. Zovich Construction was able to acquire a Builders Risk insurance policy that had a minimum coverage limit for flood of \$10,000,000.00, which is less than the amount in the contract of \$25,000,000.00. Staff concurs with the proposed limit after reviewing the flooding risks with the District's Risk Management Consultant. Staff recommended the Board authorize the General Manager to execute Contract Change Order No. 1 with Zovich Construction for a credit of \$326,655.75 for modifying the Builders Risk insurance requirements for the Enhanced Treatment and Site Upgrade Program Phase 1A Campus Building Project.

It was moved by Secretary Toy, seconded by Director Handley, to Authorize the General Manager to execute Contract Change Order No. 1 with Zovich Construction for a credit of \$326,655.75 for modifying the Builders Risk insurance requirements for the Enhanced Treatment and Site Upgrade Program Phase 1A Campus Building Project. Motion carried with the following vote:

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

**COVID-19 UPDATE AND CONSIDER ADOPTION OF A RESOLUTION AUTHORIZING THE USE OF TELECONFERENCE MEETINGS IN COMPLIANCE WITH AB 361**

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

President Lathi stated she is amenable to continuing remote meetings if that's what everyone is comfortable with but disagrees with some of the language in the resolution as things no longer seem as dire as put forth there. She therefore requested revisions to the Resolution, to be presented at the next opportunity.

It was moved by Director Handley, seconded by Secretary Toy, to Adopt Resolution No. 2981 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

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## **RESOLUTION NO. 2981**

### **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, which remains in effect; and

**WHEREAS**, the County of Alameda remains subject to two ongoing Health Officer Orders related to COVID-19: Blanket Isolation Order (Order No. 20-05g – In effect 1/10/2022); and Blanket Quarantine Order (Order No. 20-06s - In effect 7/1/22); 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 Omicron sub-variants and ongoing cases in Alameda County; 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**, on May 23, 2022, the Board adopted Resolution No. 2968, authorizing the use of teleconference meetings in compliance with AB 361; and

**WHEREAS**, on June 13, 2022, the Board adopted Resolution No. 2970, authorizing the use of teleconference meetings in compliance with AB 361; and

**WHEREAS**, on June 27, 2022, the Board adopted Resolution No. 2973, authorizing the use of teleconference meetings in compliance with AB 361; and

**WHEREAS**, on July 11, 2022, the Board adopted Resolution No. 2977, authorizing the use of teleconference meetings in compliance with AB 361; and

**WHEREAS**, on August 8, 2022, the Board adopted Resolution No. 2980, 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 at least 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.

*[signatures follow on next page]*

**PASSED, APPROVED, AND ADOPTED at a regular meeting of the Board of Directors on this 22<sup>nd</sup> day of August 2022.**

AYES: Fernandez, Handley, Kite, Lathi, Toy

NOES: None

ABSENT: None

ABSTAIN: None

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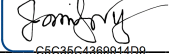


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**ANJALI LATHI**  
President, Board of Directors  
UNION SANITARY DISTRICT

Attest:

DocuSigned by:



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**JENNIFER TOY**  
Secretary, Board of Directors  
UNION SANITARY DISTRICT



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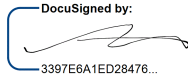
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**Signer Events**

Anjali Lathi

alathi@unionsanitary.ca.gov

Union Sanitary District

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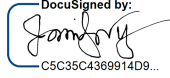
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Jennifer Toy

jtoy@unionsanitary.ca.gov

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**RECEIVE INFORMATION AND PROVIDE DIRECTION REGARDING REIMBURSEMENT FOR MEALS WHILE TRAVELING FOR DISTRICT BUSINESS**

This item was reviewed by the Budget & Finance Committee. Business Services Manager/CFO Carlson requested the Board provide direction regarding reimbursement for meals while traveling for District business. The Board directed staff to retain current meal reimbursement methodology.

**INFORMATION ITEMS:**

**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:**

- There has been recent news coverage regarding the Algal Bloom in the SF Bay and Oakland Estuary. All signs indicate these blooms are naturally occurring phenomenon.
- The General Manager presented an overview of several topics that were presented at the CASA Conference, including PFAS, Cyber Security, and Flushables.
- The next CASA Conference is expected to be held in January 2023.
- The Annual District Update Board Workshop will be held Tuesday, August 23, 2022 @ 4pm.

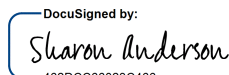
**OTHER BUSINESS:**

There was no other business.

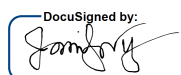
**ADJOURNMENT:**

The meeting was adjourned at 4:57 p.m. to a Board Workshop to be held virtually on Tuesday, August 23, 2022, at 4:00 p.m.

SUBMITTED:

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462DCC686923C466...  
SHARON ANDERSON  
ADMINISTRATIVE SPECIALIST

ATTEST:

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JENNIFER TOY  
SECRETARY

APPROVED:

DocuSigned by:  
  
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ANJALI LATHI  
PRESIDENT

Adopted this 12<sup>th</sup> day of September 2022

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alathi@unionsanitary.ca.gov

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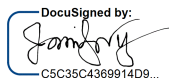
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Jennifer Toy

jtoy@unionsanitary.ca.gov

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Sharon Anderson

sharona@unionsanitary.ca.gov

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