

**MINUTES OF THE MEETING OF THE  
BOARD OF DIRECTORS OF  
UNION SANITARY DISTRICT/UNION SANITARY DISTRICT FINANCING  
AUTHORITY  
October 24, 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  
Karen Murphy, District Counsel  
Mark Carlson, Business Services Manager/CFO  
Armando Lopez, Treatment and Disposal Services Manager  
Jose Rodrigues, Collection Services Manager  
Raymond Chau, Technical Services Manager  
Allan Briggs, Interim Customer Service Team Coach  
Chris Pachmayer, FMC Electrical & Technology Coach  
Ric Pipkin, Enhanced Treatment and Site Upgrade Program Manager  
Alisa Gordon, Human Resources Manager  
Trieu Nguyen, IT Administrator  
Michelle Powell, Communications and Intergovernmental Relations Coordinator  
Regina McEvoy, Executive Assistant to the General Manager/Board Clerk

**APPROVE MINUTES OF THE UNION SANITARY DISTRICT BOARD MEETING OF OCTOBER 10, 2022**

It was moved by Secretary Toy, seconded by Vice President Fernandez, to Approve the Minutes of the Board Meeting of October 10, 2022. 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 OCTOBER 13, 2022**

It was moved by Secretary Toy, seconded by Director Handley, to Approve the Minutes of the Special Board Meeting of October 13, 2022. Motion carried with the following vote:

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

**SEPTEMBER 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.

**CONSIDER CONFIRMING AND DECLARING THE NEED TO CONTINUE THE EMERGENCY ACTION TO REPAIR TWO SEWER LINES IN THE CITY OF FREMONT DAMAGED BY FIBER OPTIC LINE INSTALLATION**

This item was reviewed by the Engineering and Information Technology Committee. Technical Services Manager Chau stated that on September 12, 2022, the Board adopted Resolution No. 2982 declaring an emergency and authorizing the expenditure of funds to allow staff to proceed with the expeditious repair of two sewer lines in the City of Fremont. Pursuant to Public Contract Code section 22050, the Board is required to review the status of emergency action at each subsequent meeting until the emergency action is terminated and authorize continuation of the emergency action by a four-fifths vote. Staff recommended the Board adopt a motion by a four-fifths vote declaring a continuance of emergency and authorizing continued repair of the two sewer lines in the City of Fremont.

It was moved by Director Kite, seconded by Secretary Toy, to Adopt a Motion by a Four-Fifths Vote Declaring a Continuance of Emergency and Authorizing Continued Repair of Two Sewer Lines in the City of Fremont Damaged by Fiber Optic Line Installation. Motion carried with the following vote:

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

**REJECT ALL BIDS RECEIVED FOR THE CHERRY PUMP STATION IMPROVEMENTS PROJECT AND AUTHORIZE STAFF TO RE-BID THE PROJECT**

This item was reviewed by the Engineering and Information Technology Committee. Technical Services Manager Chau stated the Cherry Pump Station Improvements Project was advertised for bids on August 30, 2022. The Engineer's Estimate for the Project's total contract price was \$475,000. Four bids were received on September 27, 2022, and the bid submitted by Kerex Engineering, Inc. was the apparent low bid with a total contract price of \$635,000. The District received a bid protest from the second low bidder, Casey Construction, Inc. on September 29, 2022. Casey requested the District reject Kerex's bid as non-responsive because Kerex did not meet the experience requirements in the bid documents. Kerex provided their response to the bid protest on October 5, 2022, the response did not provide sufficient evidence to demonstrate they met the experience requirements in the bid documents. Staff recommended the Board deem Kerex Engineering, Inc.'s bid as non-responsive and reject the bid; and reject all bids received for the Cherry Street Pump Station Improvements Project and authorize staff to re-bid the Project.

It was moved by Vice President Fernandez, seconded by Director Handley, to Deem Kerex Engineering, Inc.'s Bid as Non-Responsive and Reject the Bid; and Reject all Bids for the Cherry Street Pump Station Improvements Project and Authorize Staff to Re-Bid the Project. Motion carried with the following vote:

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

**CONSIDER CREATING A FATS, OILS, AND GREASE (FOG) HOLIDAY ADVERTISEMENT AD HOC COMMITTEE AND APPOINT TWO BOARD MEMBERS TO THE COMMITTEE**

Communications and Intergovernmental Relations Coordinator Powell stated the purpose of this item was for the Board to consider creating a temporary FOG Holiday Advertisement ad hoc committee. The primary focus of the ad hoc would be to update the design and content of the District's Holiday ads. The ad hoc would begin meeting in 2023 to refresh advertising for the 2023 Holiday season. Staff recommended the Board consider creating a Fats, Oils, and Grease (FOG) Holiday Advertisement ad hoc committee and appoint two Board members to the ad hoc committee.

It was moved by Director Handley, seconded by President Lathi, to Create a Fats, Oils, and Grease (FOG) Holiday Advertisement Ad Hoc Committee and Appoint Director Kite and Vice President Fernandez to the Ad Hoc and President Lathi as the Alternate. 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. 8 WITH WEST YOST ASSOCIATES FOR THE FORCE MAIN CORROSION REPAIRS PROJECT – PHASE 4**

This item was reviewed by the Engineering and Information Technology Committee. Technical Services Manager Chau stated the Force Main Corrosion Repairs Project – Phase 4 will address corrosion repairs for manholes on the eastern force main between Newark Pump Station and Irvington Pump Station and will also include access improvements to the east and west manholes for that section of the force main. Task Order No. 8 will authorize West Yost Associates to provide design services including project management, preparation of construction bid documents, agency coordination and permitting, and bid period services. Staff recommended the Board authorize the General Manager to execute Task Order No. 8 with West Yost Associates in the amount of \$68,178 to provide design and bid period services for the Force Main Corrosion Repairs Project – Phase 4.

It was moved by Vice President Fernandez, seconded by Secretary Toy, to Authorize the General Manager to Execute Task Order No. 8 with West Yost Associates in the Amount of \$68,178 to Provide Design and Bid Period Services for the Force Main Corrosion Repairs Project – Phase 4. 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. 32 WITH KIEWIT INFRASTRUCTURE WEST CO. FOR THE ALVARADO INFLUENT PUMP STATION IMPROVEMENTS PROJECT**

This item was reviewed by the Engineering and Information Technology Committee. Technical Services Manager Chau stated the Board awarded the construction contract for the Project to Kiewit in October 2019; the scope of work included replacement of the roofing membrane at the Degritter Building. The Project experienced multiple delays since the contract was awarded, details of the delays were included in the Board meeting packet. Given the amount of time that has passed, staff believes it would be prudent to remove this scope of work from the current project and incorporate into a future project. Kiewit was able to perform some of the work and installed necessary roof flashing and

patched areas as required to eliminate active leaks into the building. The credit amount of \$153,570 equates to the bid amount for the replacement of the Degritter Building roof minus costs associated with the work completed. Staff recommended the Board authorize the General Manager to execute Contract Change Order No. 32 with Kiewit Infrastructure West Co. for the credit amount of \$153,570 to delete the replacement of the Degritter Building roof from the Alvarado Influent Pump Station Improvements Project.

It was moved by Director Handley, seconded by Secretary Toy, to Authorize the General Manager to Execute Contract Change Order No. 32 with Kiewit Infrastructure West Co. for the Alvarado Influent Pump Station Improvements Project. Motion carried with the following vote:

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

**AUTHORIZE THE GENERAL MANAGER TO EXECUTE AMENDMENT NO. 1 TO TASK ORDER NO. 1 WITH BEECHER ENGINEERING, INC. FOR THE SWITCHBOARD NO. 3 AND MOTOR CONTROL CENTER NO. 25 REPLACEMENT PROJECT**

This item was reviewed by the Engineering and Information Technology Committee. Technical Services Manager Chau stated the purpose of the Project is for the “in-kind” replacement of Switchboard No. 3 and Motor Control Center No. 25 electrical gear equipment; the District has had trouble procuring replacement parts as they are no longer supported by their manufacturers. Staff conducted a consultant procurement process and selected Beecher Engineering, Inc. to perform a preliminary assessment and final design services for replacement of the parts. The purpose of Amendment No. 1 to Task Order No. 2 is to provide additional design services for the Project; details of the additional scope were included in the Board meeting packet. Staff anticipates the installation and construction contract for the Project will be advertised for bids in November 2023 with a construction duration of approximately 12 months. Staff recommended the Board Authorize the General Manager to execute amendment No. 1 to Task Order No. 1 with Beecher Engineering, Inc. in the amount of \$13,020 for the Switchboard No. 3 and Motor Control Center No. 25 Replacement Project.

It was moved by Vice President Fernandez, seconded by Secretary Toy, to Authorize the General Manager to Execute Amendment No. 1 to Task Order No. 1 with Beecher Engineering, Inc. in the Amount of \$13,020 for the Switchboard No. 3 and Motor Control Center No. 25 Replacement Project. Motion carried with the following vote:

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

**AWARD THE CONTRACT FOR THE SUPPLY OF ELECTRICAL EQUIPMENT TO KBL ASSOCIATES FOR THE SWITCHBOARD NO. 3 AND MOTOR CONTROL CENTER NO. 25 REPLACEMENT PROJECT**

This item was reviewed by the Engineering and Information Technology Committee. Technical Services Manager Chau stated, in response to an Invitation for Bid for the supply of electrical equipment for the Project, staff received two bids on September 14, 2022. Tesco Controls was the apparent low bidder with a total bid of \$841,000; staff reviewed the bid and noted irregularities with Tesco's bid. District legal counsel reviewed Tesco's bid irregularities and determined the bid was non-responsive. Based upon this determination and the significant difference in price between the next lowest bidder, staff deemed Tesco's bid non-responsive, rejected all bids, and re-issued the Invitation for Bid. The Invitation for Bid was re-issued for the Project and three bids were received on October 12, 2022, and KBL Associates was the apparent low bidder with a total bid amount of \$805,000. Staff received the bid proposal submitted by KBL and found them to be in order. The submittal process and procurement of the electrical equipment is estimated to have a lead time of approximately 16 months, and staff anticipate the installation construction contract for the Project will be advertised for bids in November 2023 with a construction duration of approximately 12 months. Staff recommended the Board award the contract for the supply of electrical equipment to KBL Associates in the amount of \$805,000 for the Switchboard No. 3 and Motor Control Center No. 25 Replacement Project.

It was moved by Secretary Toy, seconded by Vice President Fernandez, to Award the Contract for the Supply of Electrical Equipment to KBL Associates in the Amount of \$805,000 for the Switchboard No. 3 and Motor Control Center No. 25 Replacement 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 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. Staff recommended the Board adopt a resolution authorizing the use of teleconference meetings in compliance with AB 361.

It was moved by Secretary Toy, seconded by Director Handley, to Adopt Resolution No. 2986 Authorizing the Use of Teleconference Meetings in Compliance with AB 361. Motion carried with the following vote:

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

**####**

## **RESOLUTION NO. 2986**

### **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**, 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**, on March 4, 2020, Governor Newsom issued a Proclamation of a State of Emergency in response to COVID-19, which remains in effect; and

**WHEREAS**, the Board has adopted resolutions authorizing the use of teleconference meetings in compliance with AB 361 since October 25, 2021; 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 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. Pursuant to the requirements of Government Code Section 54953(e)(3), the District Board makes the following findings:

(a) The state of emergency continues to exist;

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

(c) Holding meetings in person will present imminent risks to the health and safety of attendees; and

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

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

4. 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.

5. 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.

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

On motion duly made and seconded, this resolution was adopted by the following vote on October 24, 2022:

AYES: Fernandez, Handley, Kite, Lathi, Toy

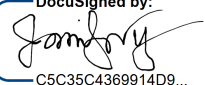
NOES: None

ABSENT: None

ABSTAIN: None

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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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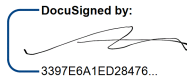
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alathi@unionsanitary.ca.gov

Union Sanitary District

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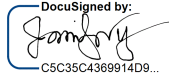
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Jennifer Toy

jtoy@unionsanitary.ca.gov

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President Lathi recessed the meeting at 4:46 p.m.

President Lathi reconvened the meeting at 4:48 p.m.

### **INFORMATION ITEMS:**

#### **Board Expenses for 1st Quarter of Fiscal Year 2023**

This item was reviewed by the Budget & Finance Committee. General Manager Eldredge presented the Board of Directors Travel and Training Expenditure Report for the 1<sup>st</sup> quarter of Fiscal Year 2023. Director Handley inquired about a potential update to the annual travel and training budget for each Board member. District Counsel Murphy stated the matter could be discussed if an item were to be presented at a future Board meeting.

#### **CAL-Card 1st Quarter Fiscal Year 2023 Activity Report**

This item was reviewed by the Budget & Finance Committee. General Manager Eldredge presented the activity report included in the Board meeting packet and noted expenditures were listed from highest to lowest pursuant to previous Board direction.

#### **STATUS REPORT ON COMPUTER PURCHASE AND STUDENT LOAN PROGRAM**

This item was reviewed by the Budget & Finance Committee. Business Services Manager/CFO Carlson stated the Computer Purchase Loan Program has been utilized by District staff 404 times and there were 16 outstanding loans at the time the packet was published. The Student Loan Program has not been utilized since its inception.

#### **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:**

- Staff will reach out to the Board to schedule the Enhanced Treatment and Site Upgrade (ETSU) Financing Board Workshop.
- The second regular November Board meeting has been cancelled.
- The General Manager recently presented to the Fremont Rotary club.
- The District's Employee Appreciation BBQ will be held at the District on November 2, 2022.

### **OTHER BUSINESS:**


Director Handley inquired about the budget for Board education and training. Staff will prepare an item to discuss the matter at a future meeting.

### **ADJOURNMENT:**


The meeting was adjourned at 5:02 p.m. to a Special Board Meeting to be held virtually on Tuesday, October 25, 2022, at 2:00 p.m.

The Board will then adjourn to the next Regular Board Meeting to be held virtually on Monday, November 14, 2022, at 4:00 p.m.


SUBMITTED:

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REGINA McEVOY  
BOARD CLERK

ATTEST:

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JENNIFER TOY  
SECRETARY

APPROVED:

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ANJALI LATHI  
PRESIDENT

Adopted this 14<sup>th</sup> day of November 2022

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Anjali Lathi

alathi@unionsanitary.ca.gov

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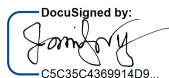
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Jennifer Toy

jtoy@unionsanitary.ca.gov

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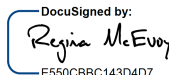
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Regina McEvoy

reginam@unionsanitary.ca.gov

Assistant to GM

Union Sanitary District

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