

**MINUTES OF THE MEETING OF THE
BOARD OF DIRECTORS OF
UNION SANITARY DISTRICT/UNION SANITARY DISTRICT FINANCING
AUTHORITY
January 9, 2023**

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

Vice President Fernandez 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: Manny Fernandez, Vice President
Jennifer Toy, Secretary
Pat Kite, Director

ABSENT: Anjali Lathi, President (arrived at 4:27 p.m.)
Tom Handley, Director (arrived at 4:30 p.m.)

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
Ric Pipkin, Enhanced Treatment and Site Upgrade Program Manager
Chris Pachmayer, Fabrication, Maintenance, and Construction Team Coach
Curtis Bosick, Capital Improvements Projects Team Coach
Alisa Gordon, Human Resources Manager
Trieu Nguyen, IT Administrator
Gus Carrillo, Enhanced Treatment and Site Upgrade Program Coordinator
Karoline Terrazas, Organizational Performance Manager
Regina McEvoy, Executive Assistant to the General Manager/Board Clerk

APPROVE MINUTES OF THE UNION SANITARY DISTRICT SPECIAL BOARD MEETING OF DECEMBER 5, 2022

It was moved by Secretary Toy, seconded by Director Kite, to Approve the Minutes of the Special Board Meeting of December 5, 2022. Motion carried with the following vote:

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

APPROVE MINUTES OF THE UNION SANITARY DISTRICT BOARD MEETING OF DECEMBER 12, 2022

It was moved by Secretary Toy, seconded by Director Kite, to Approve the Minutes of the Board Meeting of December 12, 2022. Motion carried with the following vote:

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

APPROVE MINUTES OF THE UNION SANITARY DISTRICT SPECIAL BOARD MEETING OF DECEMBER 19, 2022

It was moved by Secretary Toy, seconded by Director Kite, to Approve the Minutes of the Special Board Meeting of December 19, 2022. Motion carried with the following vote:

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

NOVEMBER 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 2023 1ST QUARTER DISTRICT-WIDE BALANCED SCORECARD

This item was reviewed by the Legal/Community Affairs Committee. Human Resources Manager Gordon provided an overview of the FY 2023 1st Quarter District-Wide Balanced Scorecard included in the Board meeting packet and responded to questions from Boardmembers.

WRITTEN COMMUNICATIONS

There were no written communications.

PUBLIC COMMENT

There was no public comment.

CONSIDER A RESOLUTION TO ACCEPT A SANITARY SEWER EASEMENT FOR TRACT 8310 – BAYSHORES PHASE 2, LOCATED AT HICKORY STREET AND SEAWIND WAY, IN THE CITY OF NEWARK

This item was reviewed by the Legal/Community Affairs Committee. Technical Services Manager Chau stated William Lyon Homes, Inc., the developer, constructed a residential development located at Hickory Street and Seawind Way, in the City of Newark. The roadways within Tract 8310 do not meet the City of Newark’s street dimensions and structure setback requirements for public streets and were designated as private. The developer constructed the new sewer mains within the roadways and granted the District a sanitary sewer easement to provide for access and maintenance of the sewer mains. William Lyon Homes, Inc. was acquired by Taylor Morrison who is aware of the grant of easement. Staff recommended the Board consider a resolution to accept a sanitary sewer easement for Tract 8310 – Bayshores Phase 2, located at Hickory Street and Seawind Way, in the City of Newark.

It was moved by Secretary Toy, seconded by Director Kite, to Adopt Resolution No. 2990 to Accept a Sanitary Sewer Easement for Tract 8310 – Bayshores Phase 2, Located at Hickory Street and Seawind Way, in the City of Newark, California. Motion carried with the following vote:

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

####

RESOLUTION NO. 2990

**ACCEPT A SANITARY SEWER EASEMENT FOR
TRACT 8310 – BAYSHORES PHASE 2, LOCATED AT
HICKORY STREET AND SEAWIND WAY, IN THE CITY OF NEWARK,
CALIFORNIA**

RESOLVED by the Board of Directors of UNION SANITARY DISTRICT, that it hereby accepts the Grant of Easement from WILLIAM LYON HOMES, INC., executed on March 26, 2019, as described in the Grant of Sanitary Sewer Easement, and by the legal description and plat map, attached as Exhibits 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.

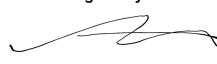
On motion duly made and seconded, this resolution was adopted by the following vote on January 9, 2023:

AYES: Fernandez, Kite, Toy

NOES: None

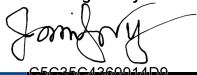
ABSENT: Handley, Lathi

ABSTAIN: None

DocuSigned by:

3397E6A1ED28476...

Anjali Lathi
President, Board of Directors
Union Sanitary District

Attest:

DocuSigned by:

65C3664360044D0...

Jennifer Toy
Secretary, Board of Directors
Union Sanitary District

RECORDING REQUESTED BY
AND WHEN RECORDED RETURN TO:
Union Sanitary District
Attn: Regina McEvoy
5072 Benson Road
Union City, CA 94587

Record Without Fee
*Pursuant to Government Code
Section 27383*

Space Above Reserved for Recorder's Use Only

Documentary Transfer Tax \$0.00, consideration less than \$100 (R&T Code 11911)
This instrument is exempt from recording fees (Govt. Code 27383)

GRANT OF EASEMENT

BY AND BETWEEN

WILLIAM LYON HOMES, INC.

AND

UNION SANITARY DISTRICT

Effective Date: January 9, 2023

GRANT OF EASEMENT

FOR SANITARY SEWER PURPOSES

THIS INDENTURE, made this 26 day of March 2019, by and between William Lyon Homes, Inc., the Party/~~Parties~~ of the First Part, and UNION SANITARY DISTRICT, the Party of the Second Part,

WITNESSETH:

That said Party/~~Parties~~ of the First Part does hereby grant to the Party of the Second Part and to its successors and assigns forever, for the use and purposes herein stated, the rights of way and easements hereinafter described, located in the city of Newark, county of Alameda, state of California:

See Exhibit "A" and Exhibit "B"

together with the right and privilege of constructing, reconstructing, cleaning, repairing and maintaining at any time, a sanitary sewer and appurtenances along, upon, over, in, through and across the above described property; together with free ingress and egress to and for the said Party of the Second Part, its successors and assigns, its agents and employees, workmen, contractors, equipment, vehicles and tools, along, upon, over, in, through and across said right of way; together with the right of access by its successors and assigns, its agents and employees, workmen, contractors, equipment, vehicles and tools to said right of way from the nearest public street, over and across the adjoining property, if such there be; otherwise by such route or routes across said adjoining property as shall occasion the least practicable damage and inconvenience to the Party/~~Parties~~ of the First Part, for constructing, cleaning, repairing and maintaining said sanitary sewer and appurtenances; together with free ingress and egress over the land immediately adjoining for maintenance, repair and replacement as well as the initial construction of said sewer.

IN WITNESS WHEREOF the said Party/~~Parties~~ of the First Part have executed this indenture the day and year first above written.



Signature
Joe Chretien

Director of Land Development

By:

(Print or type name and title of signatory)

William Lyon Homes, Inc.

(Notarize)

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

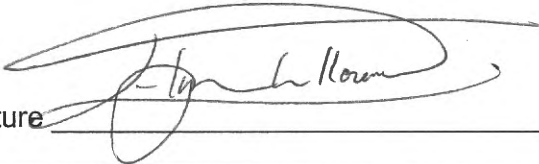
State of California
County of Contra Costa)

On March 26, 2019 before me, Terri Lynn Lane Llorente, notary public,
(insert name and title of the officer)

personally appeared Joe Chretien,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~ are
subscribed to the within instrument and acknowledged to me that ~~he~~ she/they executed the same in
~~his~~ her/their authorized capacity(ies), and that by ~~his~~ her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature 



(Seal)

**EXHIBIT A
LEGAL DESCRIPTION
SANITARY SEWER EASEMENT CONVEYED TO UNION SANITARY DISTRICT
TRACT 8310
NEWARK, CALIFORNIA**

ALL THAT REAL PROPERTY SITUATE IN THE INCORPORATED TERRITORY OF THE CITY OF NEWARK, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING ALL OF LOTS A AND B LABELED AS SSE - SANITARY SEWER EASEMENT, OF TRACT 8310 RECORDED DECEMBER 20, 2016, FILED IN BOOK 345 OF MAPS AT PAGES 30-35, ALAMEDA COUNTY RECORDS AND SHOWN ON EXHIBIT B - PLAT MAP OF SANITARY SEWER EASEMENT GRANTED TO UNION SANITARY DISTRICT.

CONTAINING 19,545 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

Mark H. Wehber 3/26/19

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

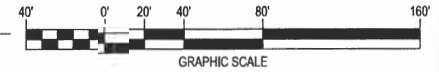


EXHIBIT B TRACT 8310

CITY OF NEWARK, ALAMEDA COUNTY, CALIFORNIA
FOR CONDOMINIUM PURPOSES
CONSISTING OF 4 SHEETS
BEING A SUBDIVISION OF PARCEL R OF TRACT 8085, FILED
ON MAY 4, 2016, IN BOOK 339 OF MAPS, AT PAGE 76,
ALAMEDA COUNTY RECORDS.

Carlson, Barbee & Gibson, Inc.
CIVIL ENGINEERS • SURVEYORS • PLANNERS
SAN RAMON, CALIFORNIA

SCALE: 1" = 40' APRIL 2017

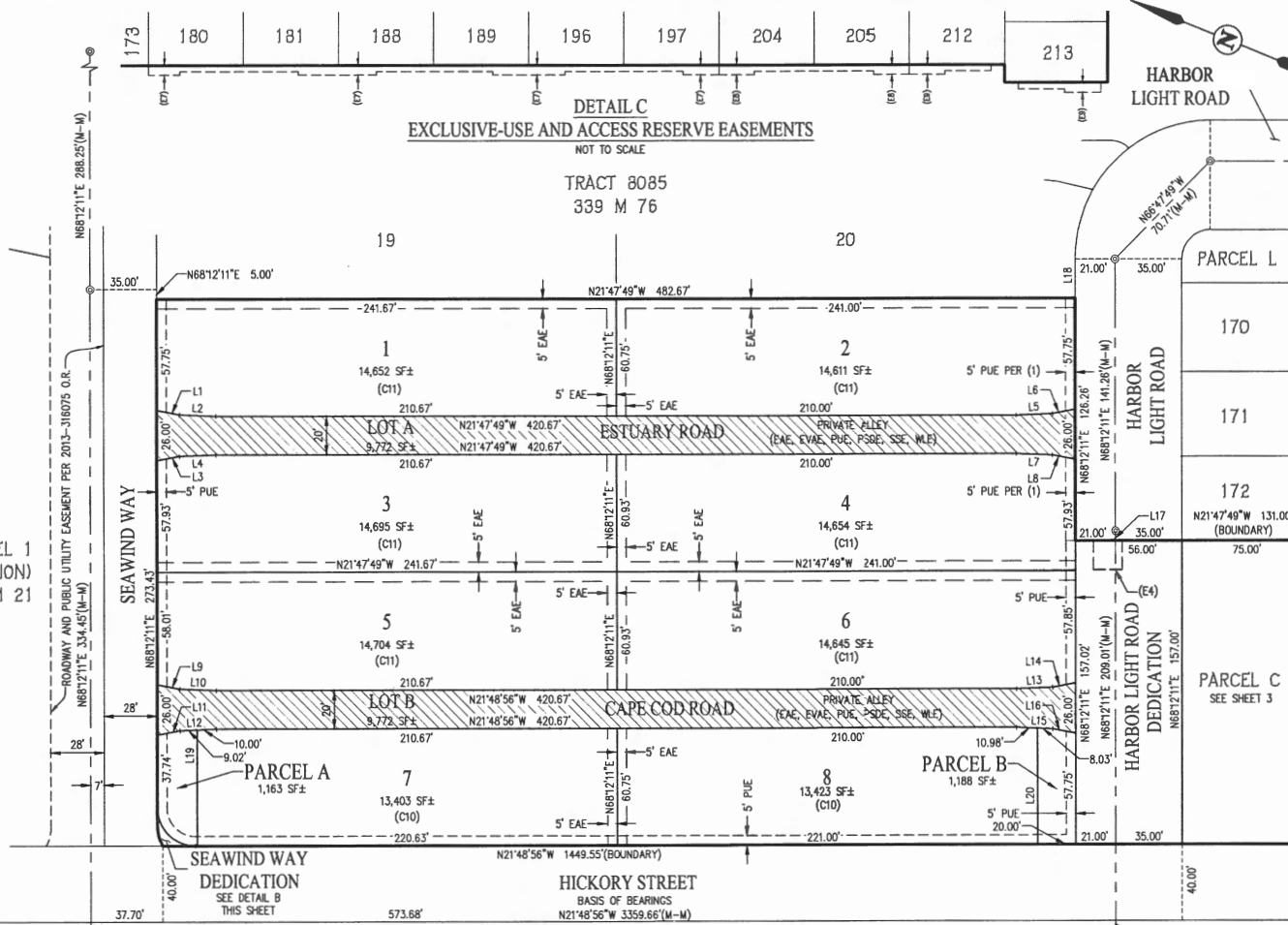


BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CENTERLINE OF HICKORY STREET BETWEEN TWO FOUND IRON PIPES, TAKEN AS NORTH 21°48'56" WEST, AS SHOWN ON TRACT 8085 (339 M 76). THE BEARINGS SHOWN HEREON ARE BASED ON THE CALIFORNIA COORDINATE SYSTEM ZONE 3 (NAD 83). MULTIPLY THE DISTANCES SHOWN BY 0.9999378 TO OBTAIN GRID DISTANCES.

LEGEND

- SUBDIVISION BOUNDARY LINE
- RIGHT OF WAY LINE
- LOT LINE
- - - EASEMENT LINE
- CENTERLINE
- MONUMENT LINE
- (R) RADIAL
- (T) TOTAL
- (M-M) MONUMENT TO MONUMENT
- (M-CL) MONUMENT TO CENTERLINE
- (M-PL) MONUMENT TO PROPERTY LINE
- (LL) LOT LINE
- ⊕ FOUND STANDARD STREET MONUMENT
- ⊙ STANDARD STREET MONUMENT, LS 7960, TO BE SET PER (1)
- 5/8" REBAR AND CAP, LS 7960, TO BE SET PER (1)
- ⊕ SET STANDARD STREET MONUMENT, LS 7960
- EAE EMERGENCY ACCESS EASEMENT
- EVAE EMERGENCY VEHICLE ACCESS EASEMENT
- PSIDE PRIVATE STORM DRAIN EASEMENT
- SSC SANITARY SEWER EASEMENT
- SWE SIDEWALK EASEMENT
- PUE PUBLIC UTILITY EASEMENT
- PWLE PRIVATE WATER LINE EASEMENT
- TE TRAIL EASEMENT
- WLE WATER LINE EASEMENT
- (C#) INDICATES CONDOMINIUM LOT AND NUMBER OF UNITS
- ▨ SANITARY SEWER EASEMENT AREA



PARCEL 1
(PORTION)
76 PM 21

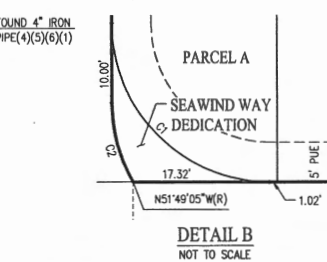
PARCEL L

170

171

172

PARCEL C
SEE SHEET 3



| NO | BEARING | LENGTH |
|----|-------------|--------|
| L1 | N11°10'39"W | 12.21' |
| L2 | N19°32'11"W | 19.01' |
| L3 | N32°25'00"W | 12.21' |
| L4 | N24°03'27"W | 19.01' |
| L5 | N24°03'27"W | 19.01' |
| L6 | N32°25'00"W | 12.21' |
| L7 | N19°32'11"W | 19.01' |
| L8 | N11°10'38"W | 12.21' |

| NO | BEARING | LENGTH |
|-----|-------------|--------|
| L9 | N11°11'43"W | 12.21' |
| L10 | N19°33'18"W | 19.01' |
| L11 | N32°26'05"W | 12.21' |
| L12 | N24°04'34"W | 19.02' |
| L13 | N24°04'34"W | 19.02' |
| L14 | N32°26'05"W | 12.21' |
| L15 | N19°33'18"W | 19.01' |
| L16 | N11°11'43"W | 12.21' |

| NO | BEARING | LENGTH |
|-----|-------------|--------------|
| L17 | N68°12'11"E | 5.00' (M-PL) |
| L18 | N68°12'13"E | 20.00' |
| L19 | N68°11'04"E | 60.36' |
| L20 | N68°11'04"E | 60.32' |

| NO | RADIUS | DELTA | LENGTH |
|----|--------|-----------|--------|
| C1 | 20.00' | 90°01'07" | 31.42' |
| C2 | 20.00' | 30°01'16" | 10.48' |



TRACT 8310

3/26/19

Certificate Of Completion

| | |
|--|--|
| Envelope Id: E7A0D27FAA1E4A3E9E6FFA6227DD58A9 | Status: Completed |
| Subject: USD Requests you please DocuSign: Reso No. 2990.pdf | |
| Source Envelope: | |
| Document Pages: 7 | Signatures: 2 |
| Certificate Pages: 5 | Initials: 0 |
| AutoNav: Enabled | Envelope Originator: Regina McEvoy 5072 Benson Road Union City, CA 94587 Reginam@unionsanitary.ca.gov IP Address: 50.227.238.26 |
| Envelope Stamping: Enabled | |
| Time Zone: (UTC-08:00) Pacific Time (US & Canada) | |

Record Tracking

| | | |
|---|---|--------------------|
| Status: Original 1/13/2023 11:30:13 AM | Holder: Regina McEvoy Reginam@unionsanitary.ca.gov | Location: DocuSign |
|---|---|--------------------|

Signer Events

Anjali Lathi
alathi@unionsanitary.ca.gov
Union Sanitary District
Security Level: Email, Account Authentication (None)

Signature

DocuSigned by:

3397E6A1ED28476...
Signature Adoption: Drawn on Device
Using IP Address: 174.202.3.85
Signed using mobile

Timestamp

Sent: 1/13/2023 11:31:28 AM
Viewed: 1/16/2023 11:30:58 PM
Signed: 1/16/2023 11:31:13 PM

Electronic Record and Signature Disclosure:
Accepted: 5/31/2022 9:51:04 AM
ID: 4b0bedca-90b5-4845-8e7c-1c057a198d32

Jennifer Toy
jtoy@unionsanitary.ca.gov
Security Level: Email, Account Authentication (None)

DocuSigned by:

C5C35C4389914D9...
Signature Adoption: Drawn on Device
Using IP Address: 76.126.165.32

Sent: 1/13/2023 11:31:28 AM
Viewed: 1/16/2023 3:59:15 PM
Signed: 1/16/2023 3:59:21 PM

Electronic Record and Signature Disclosure:
Accepted: 5/31/2022 9:03:18 PM
ID: 31593a23-154e-4210-9aa2-a45d01651685

| In Person Signer Events | Signature | Timestamp |
|------------------------------|------------------|-----------------------|
| Editor Delivery Events | Status | Timestamp |
| Agent Delivery Events | Status | Timestamp |
| Intermediary Delivery Events | Status | Timestamp |
| Certified Delivery Events | Status | Timestamp |
| Carbon Copy Events | Status | Timestamp |
| Witness Events | Signature | Timestamp |
| Notary Events | Signature | Timestamp |
| Envelope Summary Events | Status | Timestamps |
| Envelope Sent | Hashed/Encrypted | 1/13/2023 11:31:28 AM |
| Certified Delivered | Security Checked | 1/16/2023 3:59:15 PM |

| Envelope Summary Events | Status | Timestamps |
|-------------------------|------------------|-----------------------|
| Signing Complete | Security Checked | 1/16/2023 3:59:21 PM |
| Completed | Security Checked | 1/16/2023 11:31:13 PM |

| Payment Events | Status | Timestamps |
|----------------|--------|------------|
|----------------|--------|------------|

| Electronic Record and Signature Disclosure |
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CONSIDER A RESOLUTION TO ACCEPT A SANITARY SEWER EASEMENT FOR TRACT 8459 – COMPASS BAY, LOCATED AT ENTERPRISE DRIVE AND HICKORY STREET, IN THE CITY OF NEWARK

This item was reviewed by the Legal/Community Affairs Committee. Technical Services Manager Chau stated Trumark Homes Inc. constructed a residential development located at Enterprise Drive and Hickory Street, in the City of Newark. The roadways within Tract 8459 do not meet the City of Newark's street dimensions and have been designated as private. Trumark Homes, Inc. constructed the new sewer mains within the private roadways and granted the District a sanitary sewer easement to provide for access and maintenance of the sewer mains. Staff recommended the Board consider a resolution to accept a sanitary sewer easement for Tract 8459 – Compass Bay, located at Enterprise Drive and Hickory Street, in the City of Newark.

It was moved by Director Kite, seconded by Secretary Toy, to Adopt Resolution No. 2991 to Accept a Sanitary Sewer Easement for Tract 8459 – Compass Bay, Located at Enterprise Drive and Hickory Street, in the City of Newark, California. Motion carried with the following vote:

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

####

RESOLUTION NO. 2991

**ACCEPT A SANITARY SEWER EASEMENT FOR
TRACT 8459 – COMPASS BAY, LOCATED AT
ENTERPRISE DRIVE AND HICKORY STREET, IN THE CITY OF NEWARK,
CALIFORNIA**

RESOLVED by the Board of Directors of UNION SANITARY DISTRICT, that it hereby accepts the Grant of Easement from TRUMARK HOMES, INC., executed on October 25, 2019, as described in the Grant of Sanitary Sewer Easement, and by the legal description and plat map, attached as Exhibits 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.

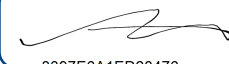
On motion duly made and seconded, this resolution was adopted by the following vote on January 9, 2023:

AYES: Fernandez, Kite, Toy

NOES: None

ABSENT: Handley, Lathi

ABSTAIN: None

DocuSigned by:

3397E641ED28476
Anjali Lathi
President, Board of Directors
Union Sanitary District

Attest:

DocuSigned by:

C5C35C4369914D9
Jennifer Toy
Secretary, Board of Directors
Union Sanitary District

RECORDING REQUESTED BY
AND WHEN RECORDED RETURN TO:
Union Sanitary District
Attn: Regina McEvoy
5072 Benson Road
Union City, CA 94587

Record Without Fee
*Pursuant to Government Code
Section 27383*

Space Above Reserved for Recorder's Use Only

Documentary Transfer Tax \$0.00, consideration less than \$100 (R&T Code 11911)
This instrument is exempt from recording fees (Govt. Code 27383)

GRANT OF EASEMENT

BY AND BETWEEN

TRUMARK HOMES, INC.

AND

UNION SANITARY DISTRICT

Effective Date: January 9, 2023

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

Union Sanitary District
5072 Benson Road
Union City, CA 94587-2508
Attention: Board Clerk

(ABOVE LINE FOR RECORDER'S USE ONLY)

**Exempt from Recording Fee
Per Gov't Code section 27383**

GRANT OF SANITARY SEWER EASEMENT

This Grant of Sanitary Sewer Easement (the "**Agreement**") is made and entered into as of October 25, 2019 ("**Effective Date**"), by and between TRUMARK HOMES, INC., a California corporation, ("**Grantor**") and UNION SANITARY DISTRICT, a sanitary district organized under the laws of the State of California ("**Grantee**"). Grantor and Grantee may each be referred to as a "**Party**" or collectively as the "**Parties**."

RECITALS

A. Grantor is the fee owner of that certain real property located at 8610 Enterprise Drive in the City of Newark, County of Alameda, State of California, identified as Tract 8459, Alameda County Assessor Parcel Number 092 011500502, and more particularly described and depicted in Exhibit A attached hereto and incorporated herein by this reference ("**Grantor Property**").

B. Union Sanitary District ("**USD**") desires to obtain an easement over a portion of the Grantor Property for sanitary sewer pipe and related appurtenances in order to effectuate the development of single-family homes and condominiums.

C. The Parties enter into this Agreement to provide USD with a recorded easement for a sanitary sewer pipe and any related appurtenances and for ingress to and egress from the easement area and over Grantor Property.

AGREEMENT

NOW, THEREFORE, for good and valuable consideration, receipt of which is hereby acknowledged, the Parties agree as follows:

1. Grant of Sanitary Sewer Easement. Grantor hereby grants and dedicates to Grantee a non-exclusive perpetual easement in, over, under, and upon that certain real property described and depicted in Exhibit B ("**Easement Area**"), together with the perpetual right of ingress to and egress from the Easement Area, for sanitary sewer purposes, including the rights to access, excavate, install, replace, repair, reconstruct, upgrade, and maintain sanitary sewer pipes and facilities located within the Easement Area.

2. Limitation on Improvements; Landscaping. Grantor covenants and agrees to keep the Easement Area free and clear of buildings, trees, or structures of any kind, except for low level landscaping, legal fences, and ground surfacing such as gravel, brick, unreinforced concrete, stone and asphalt.

3. Entire Agreement. This Agreement contains the entire understanding and agreement of the Parties relating to the rights herein granted and the obligations herein set forth. Any prior, contemporaneous, or subsequent written or oral representations and modifications concerning this Agreement shall be of no force or effect. This Agreement may be amended only by a written instrument signed by both Grantor and Grantee.

4. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall, for all purposes, be deemed an original and all such counterparts, taken together, shall constitute one and the same instrument.


5. Recitals; Exhibits. The Recitals above and Exhibits attached hereto are incorporated herein by reference.

6. Covenants Running with the Land. Grantor Property is to be burdened by, and Grantee is to be benefited by, the provisions of this Agreement, and such property is to be benefited and burdened, as applicable by the covenants in this Agreement and is to be held, conveyed, hypothecated, encumbered, leased, rented, used, occupied, and improved subject to the foregoing limitations, restrictions, easements, covenants, obligations and conditions. All provisions of this Agreement shall run with the land and be binding upon and inure to the benefit of Grantor Property and all parties having or acquiring any right, title, or interest in Grantor Property and shall be binding upon and inure to the benefit of the Grantee and its successors and assigns.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be duly executed as of the day and year first above written.

GRANTOR:

Trumark Homes, Inc.

By: 
Name: Tony Bosowski
Its: Division President
(signature must be notarized)

GRANTEE:

UNION SANITARY DISTRICT

By: _____
Name: Paul R. Eldredge
Its: General Manager
(signature must be notarized)

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Contra Costa

On October 25, 2019 before me, Trevor Brown, Notary Public
(insert name and title of the officer)

personally appeared Tary Rosowski
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Trevor Brown (Seal)



OCTOBER 24, 2019
JOB NO.: 2668-010

EXHIBIT A
LEGAL DESCRIPTION
SANITARY SEWER EASEMENT CONVEYED TO UNION SANITARY DISTRICT
TRACT 8459
NEWARK, CALIFORNIA

ALL THAT REAL PROPERTY SITUATE IN THE INCORPORATED TERRITORY OF THE CITY OF NEWARK, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING A PORTION OF PARCELS D, E, F, AND G LABELED AS SSE - SANITARY SEWER EASEMENT, OF TRACT 8459 RECORDED DEC. 6TH, 2019, FILED IN BOOK 361 OF MAPS AT PAGES 78-86, ALAMEDA COUNTY RECORDS AND SHOWN ON EXHIBIT B - PLAT MAP OF SANITARY SEWER EASEMENT GRANTED TO UNION SANITARY DISTRICT, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING ALL OF SAID PARCEL D EXCEPTING THEREFROM ALL THAT PORTION LYING NORTHERLY AND CONTIGUOUS TO LOTS 29 THROUGH 31, LOTS 45 THROUGH 47 AND LOTS 54 AND 55.

BEING ALL OF SAID PARCEL E EXCEPTING THEREFROM ALL THAT PORTION LYING WESTERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT THE NORTHWEST CORNER OF PARCEL D, SAID POINT BEING ON THE SOUTHERLY LINE OF PARCEL E, THENCE LEAVING SAID CORNER AND ENTERING PARCEL E, NORTH 21°43'15" WEST 26.13 FEET TO A POINT ON THE NORTHERLY LINE OF SAID PARCEL E.

BEING ALL OF SAID PARCEL F EXCEPTING THEREFROM ALL THAT PORTION LYING EASTERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 60, SAID POINT BEING ON THE EASTERLY LINE OF PARCEL F, THENCE LEAVING SAID CORNER AND ENTERING PARCEL F SOUTH 21°43'15" EAST 27.39 FEET TO A POINT ON THE EASTERLY LINE OF SAID PARCEL F.

BEING ALL OF SAID PARCEL G EXCEPTING THEREFROM ALL THAT PORTION LYING SOUTHERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT THE NORTHEAST CORNER OF LOT 56, SAID POINT BEING ON THE SOUTHERLY LINE OF PARCEL G, THENCE LEAVING SAID CORNER AND ENTERING PARCEL G, NORTH 68°16'45" EAST 22.78 FEET TO THE NORTHWEST CORNER OF LOT 57 COMMON WITH THE SOUTHERLY LINE OF SAID PARCEL G.

LEGAL DESCRIPTION

PAGE 2 OF 2

OCTOBER 24, 2019
JOB NO.: 2668-010

CONTAINING 80,007 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



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

EXHIBIT B

PLAT MAP OF SANITARY SEWER EASEMENT GRANTED TO
 UNION SANITARY DISTRICT
 CITY OF NEWARK, ALAMEDA COUNTY, CALIFORNIA
Carlson, Barbee & Gibson, Inc.
 CIVIL ENGINEERS • SURVEYORS • PLANNERS
 SAN RAMON • WEST SACRAMENTO

SCALE: 1" = 30' OCTOBER 2019



BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CENTERLINE OF HICKORY STREET, BEING N21°48'56"W PER PARCEL MAP 10391 (330 M 63).

LEGEND

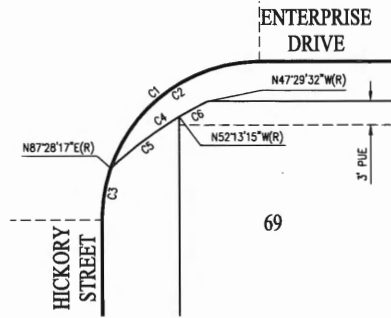
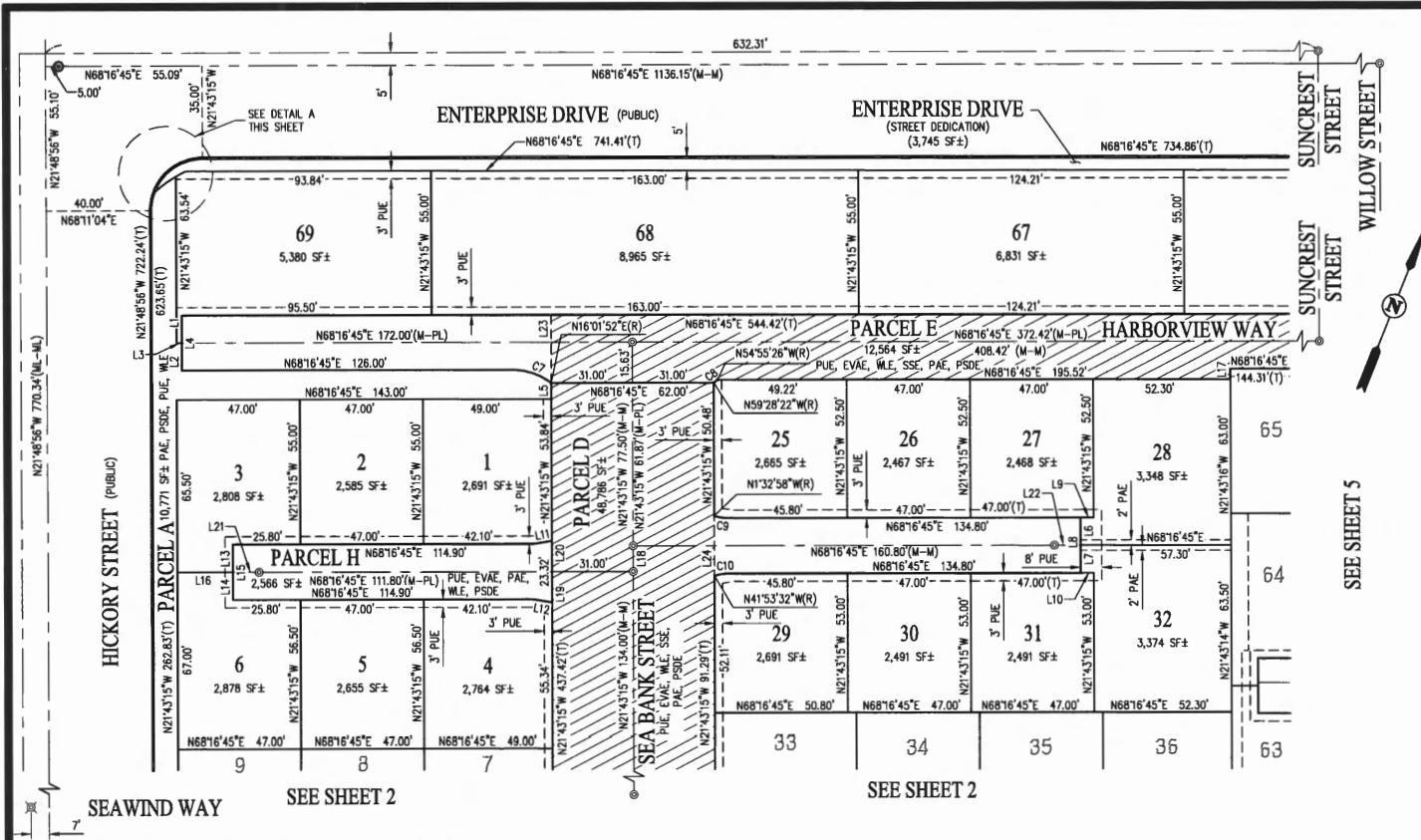
- SUBDIVISION BOUNDARY LINE
- RIGHT OF WAY LINE
- LOT LINE
- EXISTING LOT LINE
- EASEMENT LINE
- CENTERLINE
- (T) TOTAL
- (R) RADIAL
- (M-M) MONUMENT TO MONUMENT
- (ML-ML) MONUMENT LINE TO MONUMENT LINE
- (M-PL) MONUMENT TO PROPERTY LINE
- (PL-PL) PROPERTY LINE TO PROPERTY LINE
- ⊙ FOUND STANDARD STREET MONUMENT
- ⊙ SET STANDARD STREET MONUMENT
- ⊙ STANDARD STREET MONUMENT TO BE SET BY 339 M 76
- PUE PUBLIC UTILITY EASEMENT
- PAE PRIVATE ACCESS EASEMENT
- EVAE EMERGENCY VEHICLE ACCESS EASEMENT
- PSDE PRIVATE STORM DRAIN EASEMENT
- SSE SANITARY SEWER EASEMENT
- WLE WATER LINE EASEMENT

REFERENCES:

- (#) INDICATES REFERENCE NUMBER
- (1) PARCEL MAP 940 (76 PM 21)
- (2) TRACT 8157 (345 M 30)
- (3) TRACT 8085 (339 M 76)
- (4) TRACT 8310 (347 M 49)
- (5) TRACT 8099 (357 M 53)
- (6) PARCEL MAP 1689 (87 PM 68)
- (7) PARCEL MAP 7505 (252 PM 81)
- (8) PARCEL MAP 9837 (315 PM 84)
- (9) PARCEL MAP 1130 (105 PM 92)
- (10) PARCEL MAP 995 (76 PM 65)

TRACT 8459

SHEET 1 OF 5



DETAIL A
NOT TO SCALE

| NO | BEARING | LENGTH |
|-----|-------------|--------|
| L1 | N21°43'15"W | 10.50' |
| L2 | N21°43'15"W | 10.50' |
| L3 | N68°16'45"E | 2.00' |
| L4 | N21°43'15"W | 21.00' |
| L5 | N21°43'15"W | 6.05' |
| L6 | N21°43'15"W | 10.50' |
| L7 | N21°43'15"W | 10.50' |
| L8 | N21°43'15"W | 21.00' |
| L9 | N68°16'45"E | 5.00' |
| L10 | N68°16'45"E | 5.00' |
| L11 | N58°43'49"E | 7.00' |
| L12 | N77°49'41"E | 7.00' |

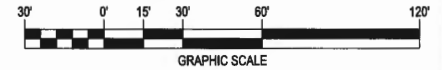
| NO | BEARING | LENGTH |
|-----|-------------|---------------|
| L13 | N21°43'15"W | 10.50' |
| L14 | N21°43'15"W | 10.50' |
| L15 | N21°43'15"W | 21.00' |
| L16 | N68°16'45"E | 21.20' |
| L17 | N21°43'15"W | 4.00' |
| L18 | N21°43'15"W | 9.68' (M-M) |
| L19 | N21°43'15"W | 11.66' |
| L20 | N21°43'15"W | 11.66' |
| L21 | N68°16'45"E | 10.00' (M-PL) |
| L22 | N68°16'45"E | 10.00' (M-PL) |
| L23 | N21°43'15"W | 26.13' |
| L24 | N21°43'15"W | 22.78' |

| NO | RADIUS | DELTA | LENGTH |
|-----|--------|-----------|------------|
| C1 | 20.00' | 90°05'41" | 31.45' (T) |
| C2 | 20.00' | 70°09'40" | 24.49' |
| C3 | 20.00' | 19°17'13" | 6.73' |
| C4 | 50.00' | 16°47'15" | 14.65' (T) |
| C5 | 50.25' | 12°22'21" | 10.85' |
| C6 | 50.25' | 4°43'43" | 4.15' |
| C7 | 24.50' | 37°45'07" | 16.14' |
| C8 | 24.50' | 4°32'56" | 1.95' |
| C9 | 14.50' | 20°10'17" | 5.10' |
| C10 | 14.50' | 20°10'17" | 5.10' |

EXHIBIT B

PLAT MAP OF SANITARY SEWER EASEMENT GRANTED TO
 UNION SANITARY DISTRICT
 CITY OF NEWARK, ALAMEDA COUNTY, CALIFORNIA
Carlson, Barbee & Gibson, Inc.
 CIVIL ENGINEERS • SURVEYORS • PLANNERS
 SAN RAMON • WEST SACRAMENTO

SCALE: 1" = 30' OCTOBER 2019



BASIS OF BEARINGS:

THE BASIS OF BEARINGS FOR THIS SURVEY IS THE CENTERLINE OF HICKORY STREET, BEING N21°48'56"W PER PARCEL MAP 10391 (330 M 63).

LEGEND

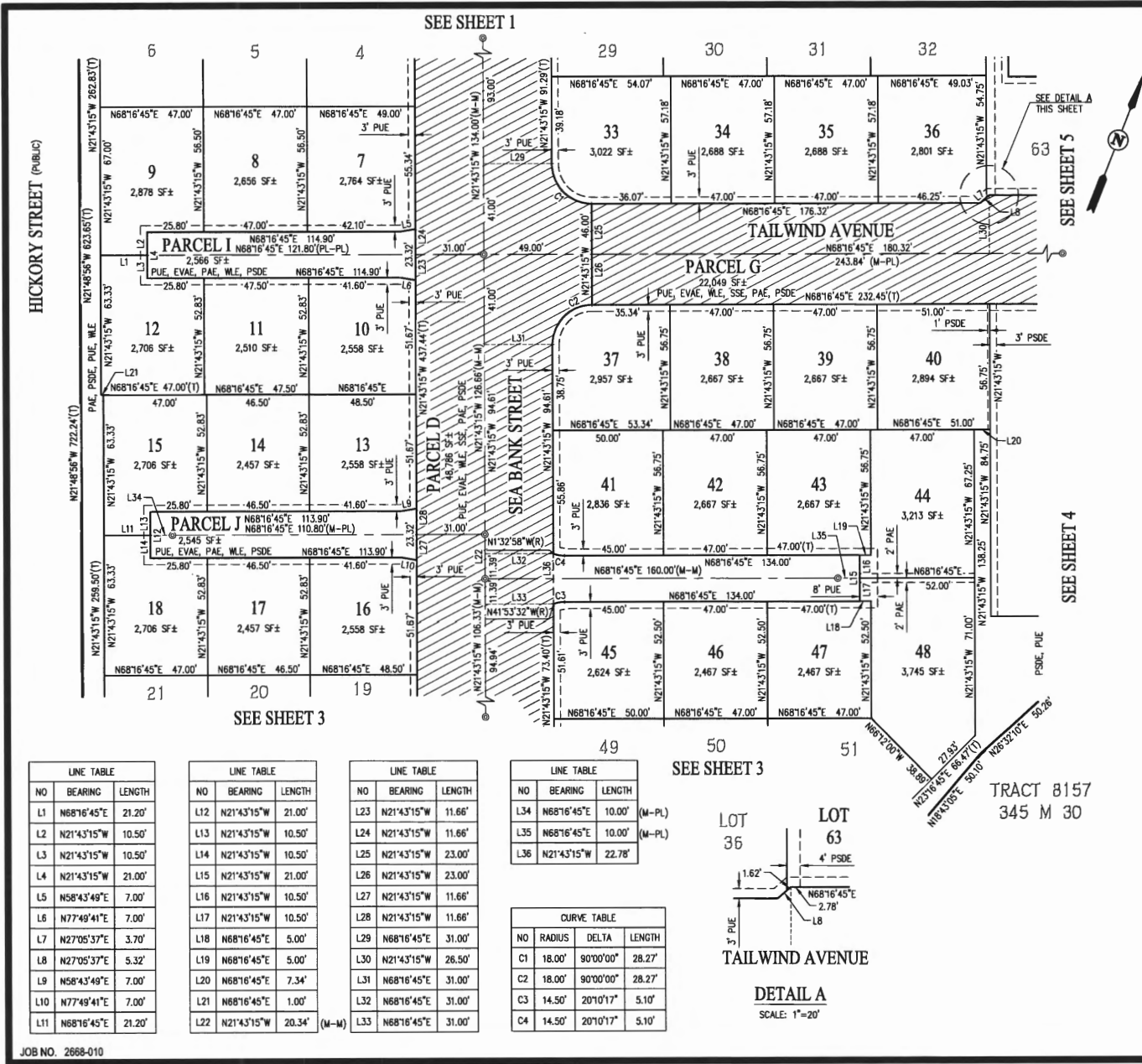
- SUBDIVISION BOUNDARY LINE
- RIGHT OF WAY LINE
- LOT LINE
- EXISTING LOT LINE
- EASEMENT LINE
- CENTERLINE
- (T) TOTAL
- (R) RADIAL
- (M-M) MONUMENT TO MONUMENT
- (ML-ML) MONUMENT LINE TO MONUMENT LINE
- (M-PL) MONUMENT TO PROPERTY LINE
- (PL-PL) PROPERTY LINE TO PROPERTY LINE
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- ⊙ STANDARD STREET MONUMENT TO BE SET BY 339 M 76
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- (4) TRACT 8310 (347 M 49)
- (5) TRACT 8099 (357 M 53)
- (6) PARCEL MAP 1689 (67 PM 68)
- (7) PARCEL MAP 7505 (252 PM 81)
- (8) PARCEL MAP 9837 (315 PM 84)
- (9) PARCEL MAP 1130 (105 PM 92)
- (10) PARCEL MAP 995 (76 PM 65)

TRACT 8459

SHEET 2 OF 5



| NO | BEARING | LENGTH |
|-----|-------------|--------|
| L1 | N68°16'45"E | 21.20' |
| L2 | N21°43'15"W | 10.50' |
| L3 | N21°43'15"W | 10.50' |
| L4 | N21°43'15"W | 21.00' |
| L5 | N58°43'49"E | 7.00' |
| L6 | N77°49'41"E | 7.00' |
| L7 | N27°05'37"E | 3.70' |
| L8 | N27°05'37"E | 5.32' |
| L9 | N58°43'49"E | 7.00' |
| L10 | N77°49'41"E | 7.00' |
| L11 | N68°16'45"E | 21.20' |

| NO | BEARING | LENGTH |
|-----|-------------|--------------|
| L12 | N21°43'15"W | 21.00' |
| L13 | N21°43'15"W | 10.50' |
| L14 | N21°43'15"W | 10.50' |
| L15 | N21°43'15"W | 21.00' |
| L16 | N21°43'15"W | 10.50' |
| L17 | N21°43'15"W | 10.50' |
| L18 | N68°16'45"E | 5.00' |
| L19 | N68°16'45"E | 5.00' |
| L20 | N68°16'45"E | 7.34' |
| L21 | N68°16'45"E | 1.00' |
| L22 | N21°43'15"W | 20.34' (M-M) |

| NO | BEARING | LENGTH |
|-----|-------------|--------|
| L23 | N21°43'15"W | 11.66' |
| L24 | N21°43'15"W | 11.66' |
| L25 | N21°43'15"W | 23.00' |
| L26 | N21°43'15"W | 23.00' |
| L27 | N21°43'15"W | 11.66' |
| L28 | N21°43'15"W | 11.66' |
| L29 | N68°16'45"E | 31.00' |
| L30 | N21°43'15"W | 26.50' |
| L31 | N68°16'45"E | 31.00' |
| L32 | N68°16'45"E | 31.00' |
| L33 | N68°16'45"E | 31.00' |

| NO | BEARING | LENGTH |
|-----|-------------|---------------|
| L34 | N68°16'45"E | 10.00' (M-PL) |
| L35 | N68°16'45"E | 10.00' (M-PL) |
| L36 | N21°43'15"W | 22.78' |

| CURVE TABLE | | | |
|-------------|--------|-----------|--------|
| NO | RADIUS | DELTA | LENGTH |
| C1 | 18.00' | 90°00'00" | 28.27' |
| C2 | 18.00' | 90°00'00" | 28.27' |
| C3 | 14.50' | 20°10'17" | 5.10' |
| C4 | 14.50' | 20°10'17" | 5.10' |

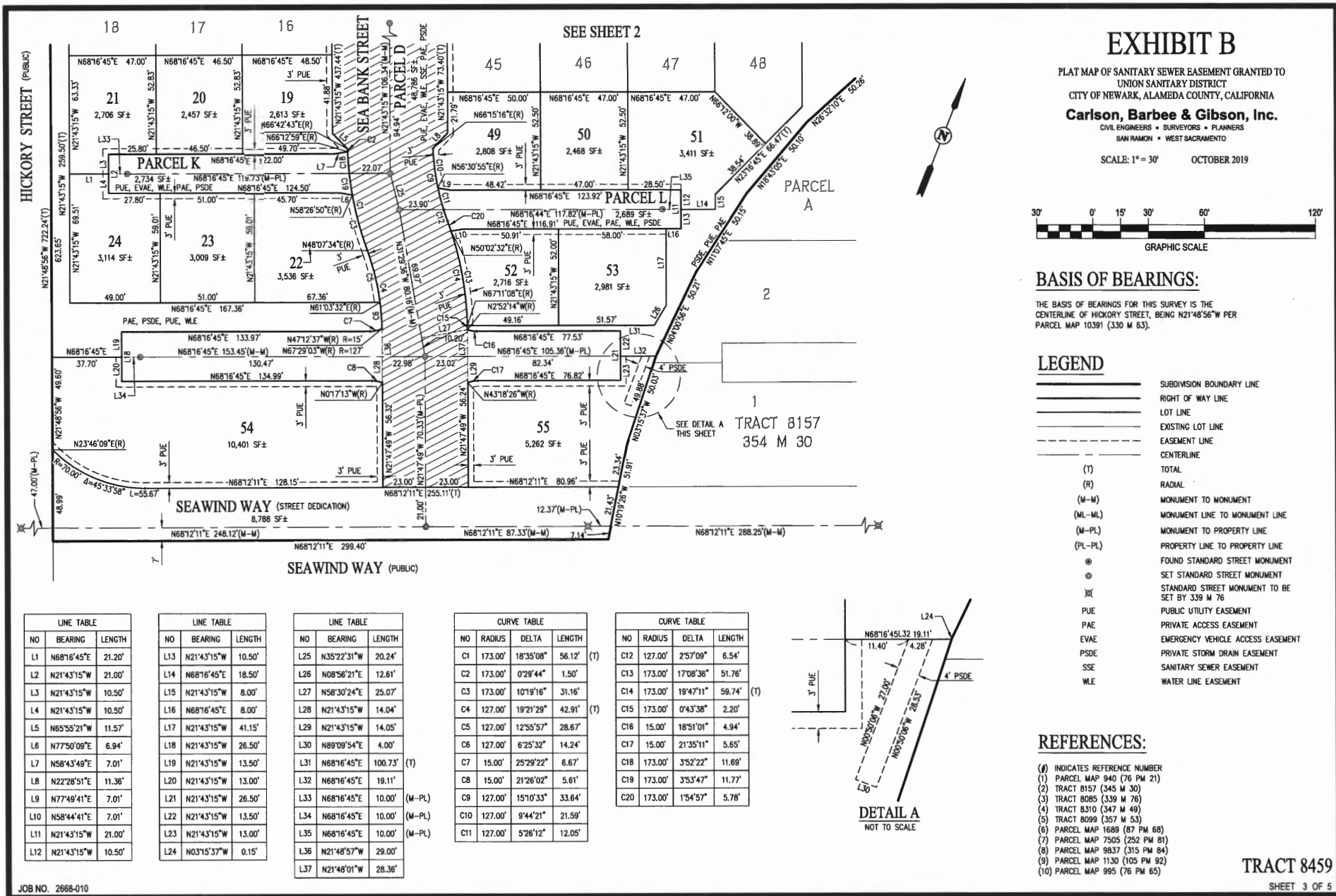


EXHIBIT B

PLAT MAP OF SANITARY SEWER EASEMENT GRANTED TO
 UNION SANITARY DISTRICT
 CITY OF NEWARK, ALAMEDA COUNTY, CALIFORNIA
Carlson, Barbee & Gibson, Inc.
 CIVIL ENGINEERS • SURVEYORS • PLANNERS
 SAN RAMON • WEST SACRAMENTO

SCALE: 1" = 30' OCTOBER 2019



BASIS OF BEARINGS:

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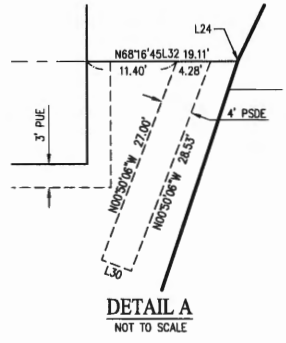
LEGEND

- SUBDIVISION BOUNDARY LINE
- RIGHT OF WAY LINE
- LOT LINE
- EXISTING LOT LINE
- EASEMENT LINE
- CENTERLINE
- (T) TOTAL
- (R) RADIAL
- (M-M) MONUMENT TO MONUMENT
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- (9) PARCEL MAP 1130 (105 PM 92)
- (10) PARCEL MAP 995 (76 PM 65)

| LINE TABLE | | | LINE TABLE | | | LINE TABLE | | | CURVE TABLE | | | CURVE TABLE | | | | | |
|------------|-------------|--------|------------|-------------|--------|------------|-------------|---------|-------------|---------|-----------|-------------|-----|---------|-----------|--------|--|
| NO | BEARING | LENGTH | NO | BEARING | LENGTH | NO | BEARING | LENGTH | NO | RADIUS | DELTA | LENGTH | NO | RADIUS | DELTA | LENGTH | |
| L1 | N68°16'45"E | 21.20' | L13 | N21°43'15"W | 10.50' | L25 | N35°22'31"W | 20.24' | C1 | 173.00' | 18°35'08" | 56.12' | C12 | 127.00' | 2°57'09" | 6.54' | |
| L2 | N21°43'15"W | 21.00' | L14 | N68°16'45"E | 18.50' | L26 | N08°56'21"E | 12.61' | C2 | 173.00' | 0°29'44" | 1.50' | C13 | 173.00' | 17°08'36" | 51.76' | |
| L3 | N21°43'15"W | 10.50' | L15 | N21°43'15"W | 8.00' | L27 | N58°30'24"E | 25.07' | C3 | 173.00' | 10°18'16" | 31.16' | C14 | 173.00' | 19°47'11" | 59.74' | |
| L4 | N21°43'15"W | 10.50' | L16 | N68°16'45"E | 8.00' | L28 | N21°43'15"W | 14.04' | C4 | 127.00' | 19°21'29" | 42.91' | C15 | 173.00' | 0°43'38" | 2.20' | |
| L5 | N65°55'21"W | 11.57' | L17 | N21°43'15"W | 41.15' | L29 | N21°43'15"W | 14.05' | C5 | 127.00' | 12°55'57" | 28.67' | C16 | 15.00' | 18°51'01" | 4.94' | |
| L6 | N77°50'09"E | 6.94' | L18 | N21°43'15"W | 26.50' | L30 | N89°09'54"E | 4.00' | C6 | 127.00' | 6°25'32" | 14.24' | C17 | 15.00' | 21°35'11" | 5.65' | |
| L7 | N58°43'49"E | 7.01' | L19 | N21°43'15"W | 13.50' | L31 | N68°16'45"E | 100.73' | C7 | 15.00' | 25°29'22" | 6.67' | C18 | 173.00' | 3°52'22" | 11.69' | |
| L8 | N22°28'51"E | 11.36' | L20 | N21°43'15"W | 13.00' | L32 | N68°16'45"E | 19.11' | C8 | 15.00' | 21°26'02" | 5.61' | C19 | 173.00' | 3°53'47" | 11.77' | |
| L9 | N77°49'41"E | 7.01' | L21 | N21°43'15"W | 26.50' | L33 | N68°16'45"E | 10.00' | C9 | 127.00' | 15°10'33" | 33.64' | C20 | 173.00' | 1°54'57" | 5.78' | |
| L10 | N58°44'41"E | 7.01' | L22 | N21°43'15"W | 13.50' | L34 | N68°16'45"E | 10.00' | C10 | 127.00' | 9°44'21" | 21.59' | | | | | |
| L11 | N21°43'15"W | 21.00' | L23 | N21°43'15"W | 13.00' | L35 | N68°16'45"E | 10.00' | C11 | 127.00' | 5°26'12" | 12.05' | | | | | |
| L12 | N21°43'15"W | 10.50' | L24 | N03°15'37"W | 0.15' | L36 | N21°48'57"W | 29.00' | | | | | | | | | |
| | | | | | | L37 | N21°48'01"W | 28.36' | | | | | | | | | |

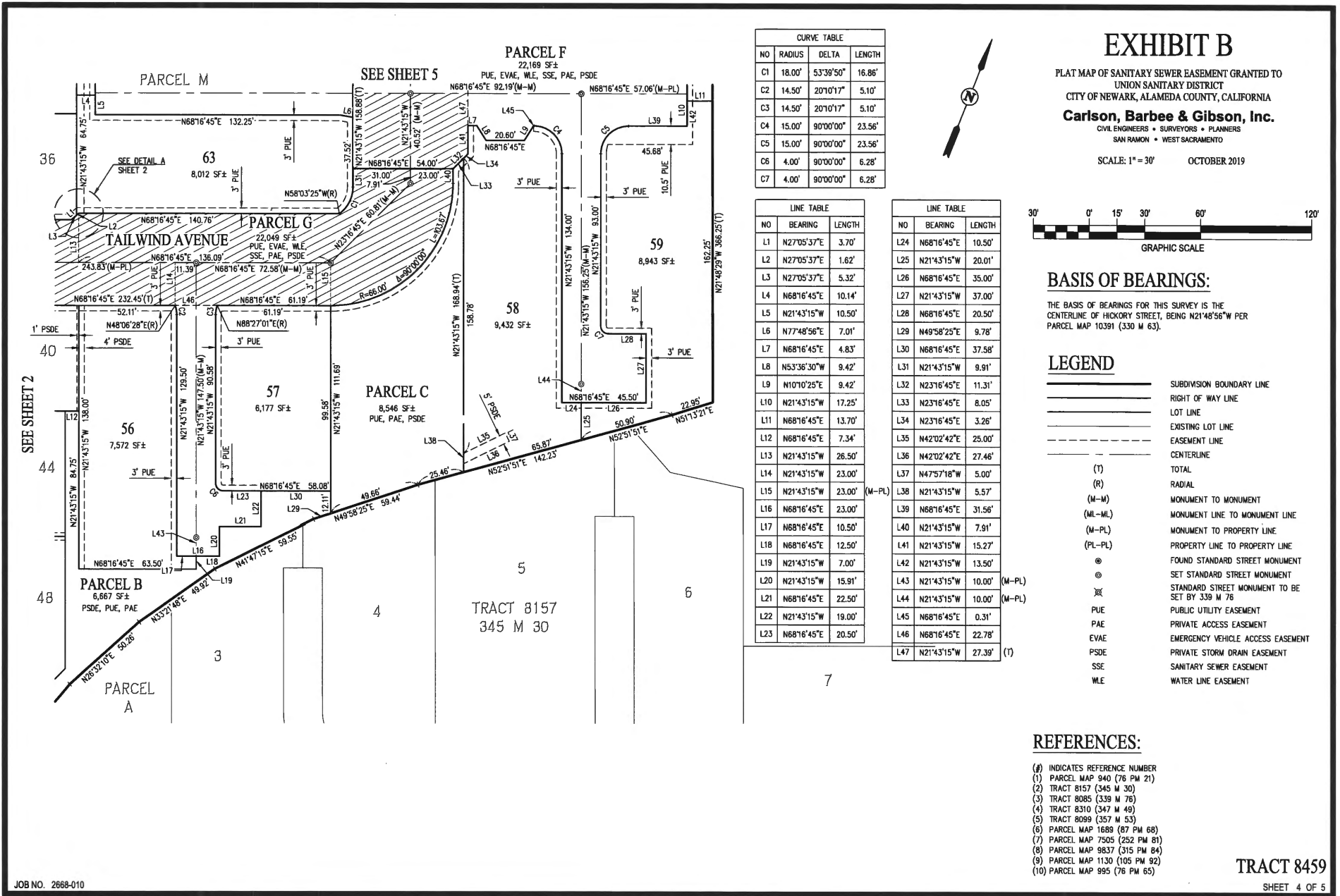


DETAIL A
NOT TO SCALE

JOB NO. 2668-010

TRACT 8459
SHEET 3 OF 5

Original map may be found at USD, 5072 Benson Road, Union City, CA 94587



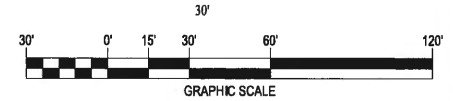
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EXHIBIT B

PLAT MAP OF SANITARY SEWER EASEMENT GRANTED TO UNION SANITARY DISTRICT
CITY OF NEWARK, ALAMEDA COUNTY, CALIFORNIA

Carlson, Barbee & Gibson, Inc.
C.V.L. ENGINEERS • SURVEYORS • PLANNERS
SAN RAMON • WEST SACRAMENTO

SCALE: 1" = 30' OCTOBER 2019



BASIS OF BEARINGS:

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LEGEND

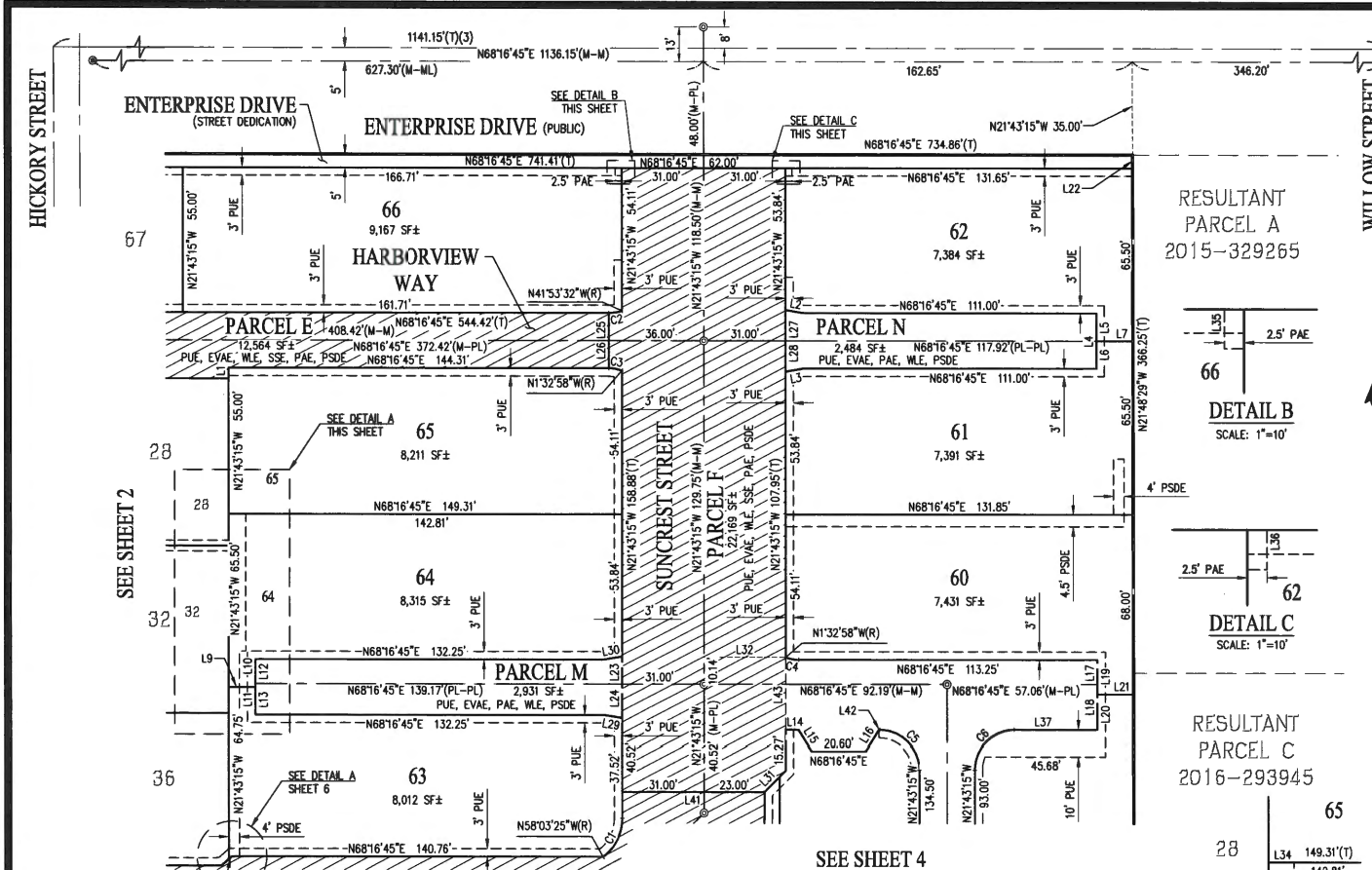
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- (7) PARCEL MAP 7605 (252 PM 81)
- (8) PARCEL MAP 9837 (315 PM 84)
- (9) PARCEL MAP 1130 (105 PM 92)
- (10) PARCEL MAP 995 (76 PM 65)

TRACT 8459

SHEET 5 OF 5



RESULTANT
PARCEL A
2015-329265

DETAIL B
SCALE: 1"=10'

DETAIL C
SCALE: 1"=10'

RESULTANT
PARCEL C
2016-293945

DETAIL A
SCALE: 1"=20'

| NO | BEARING | LENGTH |
|-----|-------------|--------|
| L1 | N21°43'15"W | 4.00' |
| L2 | N77°48'56"E | 7.01' |
| L3 | N58°44'34"E | 7.01' |
| L4 | N21°43'15"W | 21.00' |
| L5 | N21°43'15"W | 10.50' |
| L6 | N21°43'15"W | 10.50' |
| L7 | N68°16'45"E | 13.83' |
| L8 | N27°05'37"E | 1.82' |
| L9 | N68°16'45"E | 10.14' |
| L10 | N21°43'15"W | 10.50' |
| L11 | N21°43'15"W | 10.50' |
| L12 | N21°43'15"W | 9.25' |

| NO | BEARING | LENGTH |
|-----|-------------|--------|
| L13 | N21°43'15"W | 11.75' |
| L14 | N68°16'45"E | 4.83' |
| L15 | N53°36'30"W | 9.42' |
| L16 | N10°10'25"E | 9.42' |
| L17 | N21°43'15"W | 9.25' |
| L18 | N21°43'15"W | 16.75' |
| L19 | N21°43'15"W | 13.00' |
| L20 | N21°43'15"W | 13.50' |
| L21 | N68°16'45"E | 13.70' |
| L22 | N21°48'29"W | 5.00' |
| L23 | N21°43'15"W | 10.41' |
| L24 | N21°43'15"W | 12.91' |

| NO | BEARING | LENGTH |
|-----|-------------|--------|
| L25 | N21°43'15"W | 10.50' |
| L26 | N21°43'15"W | 10.50' |
| L27 | N21°43'15"W | 11.66' |
| L28 | N21°43'15"W | 11.66' |
| L29 | N77°48'56"E | 7.01' |
| L30 | N58°44'34"E | 7.01' |
| L31 | N23°16'45"E | 11.31' |
| L32 | N68°16'45"E | 31.00' |
| L33 | N21°43'15"W | 65.50' |
| L34 | N68°16'45"E | 6.50' |
| L35 | N21°43'15"W | 5.00' |
| L36 | N21°43'15"W | 5.00' |

| NO | BEARING | LENGTH |
|-----|-------------|--------|
| L37 | N68°16'45"E | 31.56' |
| L38 | N68°16'45"E | 2.50' |
| L39 | N21°43'15"W | 52.00' |
| L40 | N21°43'15"W | 77.17' |
| L41 | N68°16'45"W | 54.00' |
| L42 | N68°16'45"E | 0.31' |
| L43 | N21°43'15"W | 27.39' |

| NO | RADIUS | DELTA | LENGTH |
|----|--------|-----------|--------|
| C1 | 18.00' | 53°39'50" | 16.86' |
| C2 | 14.50' | 20°10'17" | 5.10' |
| C3 | 14.50' | 20°10'17" | 5.10' |
| C4 | 14.50' | 20°10'17" | 5.10' |
| C5 | 15.00' | 90°00'00" | 23.56' |
| C6 | 15.00' | 90°00'00" | 23.56' |

JOB NO. 2688-010

Original map may be found at USD, 5072 Benson Road, Union City, CA 94587

Certificate Of Completion

| | |
|--|--|
| Envelope Id: 147B355C974740FE9C8CD7D2F975E591 | Status: Completed |
| Subject: USD requests you please DocuSign: Reso No. 2991.pdf | |
| Source Envelope: | |
| Document Pages: 13 | Signatures: 2 |
| Certificate Pages: 5 | Initials: 0 |
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Anjali Lathi
alathi@unionsanitary.ca.gov
Union Sanitary District
Security Level: Email, Account Authentication (None)

Signature

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Jennifer Toy
jtoy@unionsanitary.ca.gov
Security Level: Email, Account Authentication (None)

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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. Collection Services Manager Rodrigues 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. Staff recommended the Board receive an update on repairs and adopt a motion finding that there is a need to continue the action and confirming and declaring the continuance of the emergency.

It was moved by Secretary Toy, seconded by Vice President Fernandez, to Adopt a Motion Finding That There is a Need to Continue the Action and Confirming and Declaring the Continuance of the Emergency. Motion carried with the following vote:

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

AUTHORIZE STAFF TO REJECT ALL BIDS AND RE-BID THE PUMP STATIONS CHEMICAL SYSTEM IMPROVEMENTS PROJECT

This item was reviewed by the Engineering and Information Technology Committee. Technical Services Manager Chau stated three bids were received for the Project on October 20, 2022. Anvil was the apparent low bidder with a total contract price of \$10,779,000, which was 25.3% above the Engineer's Estimate of \$8,600,000. On October 25, 2022, staff received a relief of bid request letter from Anvil. The letter stated Anvil had made a clerical mistake by failing to properly include the price for materials, equipment rental, and testing in its Project bid, resulting in a price difference of \$1,113,356. Pursuant to Public Contract Code section 5101(a), the District may grant a bidder relief from its bid under circumstances outlined in section 5103. After reviewing the evidence provided and conferring with legal counsel, staff recommends granting Anvil relief of its bid. The bid submitted by the second low bidder, Mountain Cascade, Inc., was \$14,235,206 or 65.5% above the Engineer's Estimate. Since Mountain Cascade's bid exceeds both Anvil's bid and the Engineer's Estimate by a large percentage, staff believes it would be best to reject all bids and re-bid the project. Staff notified bidders of its intent to reject all bids and have not received any objections, and Public Contract Code Section 20805 allows the District to reject bids at its discretion. Staff recommended the Board grant Anvil Builders, Inc. relief of its bid, reject all bids received for the Pump Station Chemical System Improvements Project and authorize staff to re-bid the Project.

It was moved by Director Kite, seconded by Secretary Toy, to Grant Anvil Builders, Inc. Relief of its Bid, Reject All Bids Received for the Pump Station Chemical System Improvements Project and Authorize Staff to Re-bid the Project. Motion carried with the following vote:

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

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 Vice President Fernandez, to Adopt Resolution No. 2992 Authorizing the Use of Teleconference Meetings in Compliance with AB 361. Motion carried with the following vote:

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

####

RESOLUTION NO. 2992

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 January 9, 2023:

AYES: Fernandez, Kite, Toy

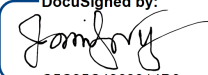
NOES: None

ABSENT: Handley, Lathi

ABSTAIN: None

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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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| | Union City, CA 94587 |
| | Reginam@unionsanitary.ca.gov |
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Signer Events

Anjali Lathi
 alathi@unionsanitary.ca.gov
 Union Sanitary District
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Signature

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Jennifer Toy
 jtoy@unionsanitary.ca.gov
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INFORMATION ITEMS:

Status of Priority 1 Capital Improvement Program Projects

This item was reviewed by the Engineering and Information Technology Committee. Technical Services Manager Chau provided an overview of the status report and responded to Boardmember questions.

Report on the East Bay Discharger's Authority Meeting of November 17, 2022

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

First Quarterly Report on the Capital Improvement Program for FY23

This item was reviewed by the Engineering and Information Technology Committee. Technical Services Manager Chau provided an overview of the quarterly report and responded to Boardmember questions.

First Quarterly Report on the Enhanced Treatment and Site Upgrade Program for FY23

This item was reviewed by the Engineering and Information Technology Committee. Enhanced Treatment and Site Upgrade Program Manager Pipkin provided an overview of the quarterly report and responded to Boardmember questions.

Check Register

There were no questions regarding the check register.

COMMITTEE MEETING REPORTS:

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

GENERAL MANAGER'S REPORT:

- General Manager Eldredge provided an update on the Treatment Plant's performance during recent rain events and commended District staff for their prompt response throughout the New Year's holiday weekend.
- The General Manager will present a District overview at the Newark Optimist meeting on January 17, 2023.
- The conference hotels for the upcoming CASA and NACWA conferences have been sold out.
- The District received a reimbursement from PG&E as a result of the September 2022 heat wave response.


OTHER BUSINESS:

There was no other business.


ADJOURNMENT:

The meeting was adjourned at 4:50 p.m. to the next Regular Board Meeting to be held virtually on Monday, January 23, 2023, at 4:00 p.m.


SUBMITTED:

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REGINA McEVOY
BOARD CLERK

ATTEST:

DocuSigned by:

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JENNIFER TOY
SECRETARY

APPROVED:

DocuSigned by:

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ANJALI LATHI
PRESIDENT

Adopted this 23rd day of January 2023

Certificate Of Completion

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Anjali Lathi
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 Union Sanitary District
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Signature

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

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