

**MINUTES OF THE MEETING OF THE  
BOARD OF DIRECTORS OF  
UNION SANITARY DISTRICT/UNION SANITARY DISTRICT FINANCING  
AUTHORITY  
February 13, 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**

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  
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  
Marcus Lee, Treatment and Disposal Services Coach  
Trieu Nguyen, IT Administrator  
Michelle Powell, Communications and Intergovernmental Relations Coordinator  
May Bautista, Administrative Specialist  
Sharon Anderson, Administrative Specialist

VISITORS: Monique Spyke, PFM Managing Director

**APPROVE MINUTES OF THE UNION SANITARY DISTRICT BOARD MEETING OF JANUARY 23, 2023**

It was moved by Vice President Fernandez, seconded by Director Kite, to Approve the Minutes of the Board Meeting of January 23, 2023. Motion carried with the following vote:

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

**FISCAL YEAR 2023 SECOND QUARTER MANAGED INVESTMENT AND PORTFOLIO REPORT FROM PFM**

This item was reviewed by the Investment/Portfolio Ad Hoc Committee. PFM Managing Director Spyke provided an overview of the FY 23 Second Quarter Managed Investment Portfolio Report included in the Board meeting packet.

**WRITTEN COMMUNICATIONS**

There were no written communications.

**PUBLIC COMMENT**

There was no public comment.

**REVIEW AND CONSIDER APPROVAL OF POLICY NO. 2060, DEBT MANAGEMENT POLICY**

This item was reviewed by the Budget and Finance Committee. Business Services Manager/CFO Carlson stated minor administrative updates and language clarifications had been incorporated into the Policy. Staff recommended the Board review and consider approval of proposed changes to Policy No. 2060, Debt Management Policy.

It was moved by Secretary Toy, seconded by Vice President Fernandez, to Approve Policy No. 2060, Debt Management Policy. Motion carried with the following vote:

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

**REVIEW AND CONSIDER APPROVAL OF SIDE LETTER AGREEMENT BETWEEN SEIU LOCAL 1021 AND THE DISTRICT REGARDING MODIFYING SECTIONS IN THE MOU TO INCLUDE CLASSIFIED LIMITED DURATION EMPLOYEES**

This item was reviewed by the Personnel Committee. Human Resources Manager Gordon stated a desk item had been distributed to correct some misspellings within the side letter included in the Board meeting packet. Human Resources Manager Gordon further stated the District and SEIU negotiated a side letter to define "Limited Duration" as positions having a duration of seven to ten years. The Limited Duration position status

was created as a new employment designation that may be applied to both classified and unclassified job classifications. The provisions of the side letter to include the Limited Duration designation were voted on and accepted by members of SEIU Local 1021. Staff recommended the Board review and consider approval of changes to the Side Letter Agreement between SEIU Local 1021 and the District modifying sections in the MOU to include Classified Limited Duration Employees.

It was moved by Director Kite, seconded by Vice President Fernandez, to Approve the Side Letter Agreement Between SEIU Local 1021 and the District Regarding Modifying Sections in the MOU to Include Classified Limited Duration Employees.

Motion carried with the following vote:

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

**AUTHORIZE THE GENERAL MANAGER TO EXECUTE AN AGREEMENT WITH PG&E TO RELOCATE THE EXISTING PRIMARY ELECTRICAL SERVICE FOR THE ALVARADO WASTEWATER TREATMENT PLANT SITE**

This item was reviewed by the Engineering and Information Technology Committee. Enhanced Treatment and Site Upgrade Program Manager Pipkin stated the Enhanced Treatment and Site Upgrade (ETSU) Phase 1A Aeration Basin Modifications Project will include construction of a new 12kV switchgear. The switchgear will be the new point of electrical service connection with PG&E for the entire treatment plant site. The ETSU Phase 1A Aeration Basin contractor will provide, install, and test the new switchgear as well as make all electrical connections to the treatment plant. PG&E will install the new meter, power pole, and cabling required to connect the new switchgear to the PG&E system as well as removal of existing power poles and cabling. Staff recommended the Board authorize the General Manager to execute an agreement with PG&E to relocate the existing primary electrical service for the Alvarado Wastewater Treatment Plant Site.

It was moved by Director Handley, seconded by Director Kite to Authorize the General Manager to Execute an Agreement with PG&E to Relocate the Existing Primary Electrical Service for the Alvarado Wastewater Treatment Plant Site. Motion carried with the following vote:

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

**AUTHORIZE STAFF TO PROCEED WITH A LONG BLOCK EXCHANGE FOR COGENERATION ENGINE NO. 2**

This item was reviewed by the Engineering and Information Technology Committee. General Manager Eldredge summarized the background for this item. Electrical and Technology Coach Pachmayer stated the District's Jenbacher cogeneration engines

require an engine block replacement every 60,000 hours of operation as part of routine maintenance. Cogeneration engine No. 2's engine block will soon reach the end of its useful life and will be due for replacement. Staff estimates the lead time to procure a replacement engine block to be eight to ten months. The costs associated with the engine block exchange were outlined in the Board meeting packet, with a total cost of \$511,271.94. Staff recommended the Board authorize staff to proceed with a long block exchange for Cogeneration Engine No. 2.

It was moved by Director Kite, seconded by Secretary Toy to Authorize Staff to Proceed with a Long Block Exchange For Cogeneration Engine No. 2. Motion carried with the following vote:

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

**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 Vice President Fernandez, seconded by Director Handley 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: Handley, Fernandez, Kite, Lathi, Toy  
NOES: None  
ABSTAIN: None  
ABSENT: None

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

General Manager Eldredge and District Counsel Murphy 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. General Manager Eldredge stated the new Cal-OSHA regulations discontinued the requirement to perform daily health screenings. 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. 2994 Authorizing the Use of Teleconference Meetings in Compliance with AB 361. Motion carried with the following vote:

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

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**RESOLUTION NO. 2994**

**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.

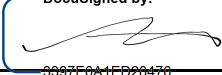
On motion duly made and seconded, this resolution was adopted by the following vote on February 13, 2023:

AYES: Fernandez, Handley, Kite, Lathi, Toy

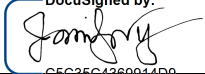
NOES: None

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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	sharona@unionsanitary.ca.gov
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**Signer Events**

Anjali Lathi  
 alathi@unionsanitary.ca.gov  
 Union Sanitary District  
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Jennifer Toy  
 jtoy@unionsanitary.ca.gov  
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## **INFORMATION ITEMS:**

### **Update on the Subsurface Investigation at the Alvarado Wastewater Treatment Plant**

This item was reviewed by the Engineering and Information Committee. Capital Improvements Projects Coach Bosick stated Alameda County Water District is responsible for regulating the groundwater supply within Union Sanitary District's service area. The purpose of the Plant's groundwater monitoring program is to document groundwater conditions in areas of concern at seven monitoring wells. In September 2022, Brown and Caldwell sampled the groundwater from the seven wells, analyzed the test results, and prepared a report. Conclusions from the 2022 groundwater monitoring event were outlined in the Board meeting packet.

### **Solar and Cogeneration Facilities Operational Update**

This item was reviewed by the Budget & Finance Committee. Capital Improvements Projects Coach Bosick stated the total benefit through December 31, 2022, for the Alvarado Wastewater Treatment Plant Solar Carport, constructed in 2011, was \$738,152 for an 82.9% simple payback. The total benefit to date for the Irvington Pump Station Solar Facility, constructed in 2012, was \$3,720,452 for a 129.8% simple payback. The total benefit to date for the Cogeneration Facility, constructed in 2014, was \$12,198,222 for an 82.8% simple payback.

### **Report on the East Bay Discharger's Authority Meeting of January 19, 2023**

President Lathi provided an overview of the EBDA meeting minutes included in the Board meeting packet.

### **Check Register**

There were no questions regarding the check register.

## **COMMITTEE MEETING REPORTS:**

The Budget & Finance, Engineering and Information Technology, and Personnel Committees met. The Investment/Portfolio Ad Hoc meeting was cancelled and individual briefings were conducted with Board members.

## **GENERAL MANAGER'S REPORT:**

- General Manager Eldredge provided an update on the ETSU Campus solar project and stated staff were researching the impact of Buy American requirements. Staff anticipates the Department of Energy, grant administrator for the program, will release further guidance in March 2023. Details will be shared with the Board as they become available.
- The District received late notice from the California Special Districts Association regarding an opportunity to meet with Assemblymember Lee's office. Enhanced Treatment and Site Upgrade (ETSU) Program Manager Pipkin presented to Assemblymember Lee's staff on behalf of the District outlining the ETSU program and the need for SRF funding. Assemblymember Lee was not able to attend the meeting.
- The Alameda County chapter of the California Special District's Association will hold its annual dinner on Monday, March 20, 2023, at the Redwood Canyon Golf Course in Castro Valley. Staff will share additional details with the Board via email.


**OTHER BUSINESS:**

There was no other business.


**ADJOURNMENT:**

The meeting was adjourned at 4:45 p.m. in memory of Alameda County Supervisor Richard Valle. The next Regular Board Meeting will be held virtually on Monday, February 27, 2023, at 4:00 p.m.


**SUBMITTED:**

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SHARON ANDERSON  
ADMINISTRATIVE SPECIALIST

**ATTEST:**

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JENNIFER TOY  
SECRETARY

**APPROVED:**

DocuSigned by:  
  
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ANJALI LATHI  
PRESIDENT

Adopted this 27<sup>th</sup> day of February 2023

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Envelopeld Stamping: Enabled	Regina McEvoy
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	Union City, CA 94587
	Reginam@unionsanitary.ca.gov
	IP Address: 50.227.238.26

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**Signer Events**

Anjali Lathi  
 alathi@unionsanitary.ca.gov  
 Union Sanitary District  
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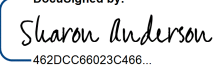
Jennifer Toy  
 jtoy@unionsanitary.ca.gov  
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Sharon Anderson  
 sharona@unionsanitary.ca.gov  
 Security Level: Email, Account Authentication (None)

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