

**MINUTES OF THE MEETING OF THE  
BOARD OF DIRECTORS OF  
UNION SANITARY DISTRICT/UNION SANITARY DISTRICT FINANCING  
AUTHORITY  
February 27, 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  
Alisa Gordon, Human Resources Manager  
Gus Carillo, Enhanced Treatment and Site Upgrade Program Coordinator  
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 SPECIAL BOARD MEETING OF FEBRUARY 6, 2023**

It was moved by Director Handley, seconded by Secretary Toy, to Approve the Minutes of the Special Board Meeting of February 6, 2023. Motion carried with the following vote:

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

**APPROVE MINUTES OF THE UNION SANITARY DISTRICT BOARD MEETING OF FEBRUARY 13, 2023**

It was moved by Vice President Fernandez, seconded by Secretary Toy, to Approve the Minutes of the Board Meeting of February 13, 2023. Motion carried with the following vote:

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

**JANUARY 2023 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 A RESOLUTION TO TERMINATE 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 was required to review the status of emergency action at each subsequent meeting until the emergency action was terminated and authorize continuation of the emergency action. McGuire and Hester completed the repairs on both sewer lines. Staff recommended the Board consider a resolution to terminate the emergency action to repair two sewer lines in the City of Fremont damaged by fiber optic line installation.

It was moved by Director Kite, seconded by Secretary Toy, to Adopt Resolution No. 2995 Terminating the Emergency for the Repair of Two Sewer Lines in the City of Fremont Damaged by Fiber Optic Line Installation. Motion carried with the following vote:

AYES: Handley, Fernandez, Kite, Lathi, Toy

NOES: None

ABSTAIN: None

ABSENT: None

**####**

## RESOLUTION NO. 2995

### TERMINATING THE EMERGENCY FOR THE REPAIR OF TWO SEWER LINES IN THE CITY OF FREMONT DAMAGED BY FIBER OPTIC LINE INSTALLATION

**WHEREAS**, two gravity sewer mains in the City of Fremont located at (1) the intersection of Paseo Padre Parkway and Washington Blvd; and (2) the intersection of Fremont Blvd. and Clipper Court, were damaged by a private third-party contractor installing 5G fiber optic lines in City's right-of-way; and

**WHEREAS**, the District was not able to reach resolution with the contractor and its insurance company regarding the completion of the repair and reimbursement to the District; and

**WHEREAS**, given the upcoming wet weather season and time required to complete the work, it was necessary for the District to expeditiously proceed with the repair, while concurrently working toward resolution of the reimbursement of funding from the contractor; and

**WHEREAS**, the damaged sewer mains created a clear and imminent threat, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, and essential public services; and

**WHEREAS**, on September 12, 2022, the Board of Directors of Union Sanitary District adopted Resolution No. 2982, pursuant to the District's Purchasing Policy and California Public Contract Code (PCC) Section 20806, to allow for emergency contracting without competitive bidding in accordance with the requirements of PCC Section 22050, finding that based on substantial evidence presented before the Board, the emergency would not permit a delay resulting from the competitive solicitation of bids for the repair of the District's two gravity sewer mains, and that the action was necessary to respond to the emergency; and

**WHEREAS**, Resolution No. 2982 further authorized staff to proceed with the repair or replacement of the two gravity sewer mains and the procurement of the necessary equipment, services, and supplies for that purpose without giving notice for bids to let contracts; and

**WHEREAS**, the Board reviewed the status of the emergency at each subsequent meeting of the Board of Directors, and on September 26, 2022, October 10, 2022, October 24, 2022, November 14, 2022, December 12, 2022, January 09, 2023, January 23, 2023, February 13, 2023, adopted a motion to authorize continuation of Resolution No. 2982 and the emergency until the emergency action was completed; and

**WHEREAS**, the repairs to the two gravity sewer mains and the site restoration work have been completed.

**NOW, THEREFORE, BE IT RESOLVED, BY THE UNION SANITARY DISTRICT BOARD OF DIRECTORS, BASED ON THE STAFF REPORT AND ORAL AND WRITTEN TESTIMONY, AS FOLLOWS:**

1. The Board finds that the emergency that began on September 12, 2022, due to the damage caused by a private third-party contractor, as declared by Resolution No. 2982 and continued through further action of the Board, no longer exists; that the emergency action is complete; and that there is no longer a need to continue the action.

2. The Board hereby declares that the emergency action, as declared by Resolution No. 2982 and continued through further action of the Board, is hereby terminated.

On motion duly made and seconded, this resolution was adopted by the following vote on February 27, 2023:

AYES: Fernandez, Handley, Kite, Lathi, Toy

NOES: None

ABSENT: None

ABSTAIN: None

DocuSigned by:



3397F6A1FD28476

Anjali Lathi  
President, Board of Directors  
Union Sanitary District

Attest:

DocuSigned by:



65C35C4360914D0

Jennifer Toy  
Secretary, Board of Directors  
Union Sanitary District

**Certificate Of Completion**

Envelope Id: CF317A6326F340C1B2BCDF2292CE6E0F

Status: Completed

Subject: Complete with DocuSign: Reso No. 2995.pdf

Source Envelope:

Document Pages: 2

Signatures: 2

Envelope Originator:

Certificate Pages: 5

Initials: 0

Regina McEvoy

AutoNav: Enabled

5072 Benson Road

Envelope Stamping: Enabled

Union City, CA 94587

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

Reginam@unionsanitary.ca.gov

IP Address: 50.227.238.26

**Record Tracking**

Status: Original

Holder: Regina McEvoy

Location: DocuSign

2/28/2023 10:13:33 AM

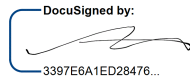
Reginam@unionsanitary.ca.gov

**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: 174.194.136.5  
Signed using mobile**Timestamp**

Sent: 2/28/2023 10:16:23 AM

Viewed: 3/1/2023 12:35:02 PM

Signed: 3/1/2023 12:35:11 PM

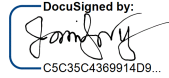
**Electronic Record and Signature Disclosure:**

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:  
  
C5C35C4369914D9...Signature Adoption: Drawn on Device  
Using IP Address: 76.126.165.32

Sent: 2/28/2023 10:16:23 AM

Viewed: 3/1/2023 9:04:57 AM

Signed: 3/1/2023 9:05:04 AM

**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

2/28/2023 10:16:23 AM

Certified Delivered

Security Checked

3/1/2023 9:04:57 AM

Envelope Summary Events	Status	Timestamps
Signing Complete	Security Checked	3/1/2023 9:05:04 AM
Completed	Security Checked	3/1/2023 12:35:11 PM

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

Electronic Record and Signature Disclosure
--

**AUTHORIZE THE GENERAL MANAGER TO EXECUTE AN AGREEMENT AND TASK ORDER NO. 1 WITH BROWN AND CALDWELL FOR THE DIGESTER EFFICIENCY EVALUATION**

This item was reviewed by the Engineering and Information Technology Committee. Technical Services Manager Chau stated Task Order No. 1 would authorize Brown and Caldwell to perform an evaluation of the District's current infrastructure to identify improvements to the Plant's heat loop system. Brown and Caldwell would also determine the feasibility of implementing gas lance mixing at Primary Digesters No. 4 through 6 and installing a storage/blending tank for providing a combined sludge feed to the primary digesters. A description of tasks to be included in the evaluation, the scope of services, and fee for Task Order No. 1 were summarized in the Board meeting packet. Staff recommended the Board authorize the General Manager to execute an agreement and Task Order No. 1 with Brown and Caldwell in the amount of \$353,491 for the Digester Efficiency Evaluation.

It was moved by Vice President Fernandez, seconded by Director Kite, to Execute an Agreement and Task Order No. 1 with Brown and Caldwell in the Amount of \$353,491 for the Digester Efficiency Evaluation. Motion carried with the following vote:

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

**AUTHORIZE THE GENERAL MANAGER TO EXECUTE THE FOURTH AMENDMENT TO THE TEMPORARY SEWER SIPHON CONNECTION AGREEMENT WITH LENNAR HOMES OF CALIFORNIA FOR THE GATEWAY STATION WEST, BRIDGEWAY DEVELOPMENT IN THE CITY OF NEWARK**

This item was reviewed by the Legal/Community Affairs Committee. Technical Services Manager Chau stated Lennar Homes requested a six-month extension to their Temporary Sewer Siphon Connection Agreement with the District. The Agreement allows Lennar to operate a temporary sewer siphon until a permanent gravity sewer main has been constructed. Lennar will be required to close the Hickory Street-Seawind Way intersection in Newark to disconnect the temporary sewer siphon and install the permanent gravity sewer within Seawind Way. The City has not allowed Lennar to close the aforementioned intersection due to another developer's construction activities nearby. Lennar anticipates they will begin work in March 2023. The proposed Fourth Amendment will extend the term of the Agreement of August 31, 2023. In addition, the Fourth Amendment would require Lennar to provide an additional \$20,000 to reimburse the District for maintenance of the temporary siphon and an additional \$5,000 for administrative costs; the Fourth Amendment would also provide that all deposit amounts will be non-refundable. Staff recommended the Board execute the Fourth Amendment to the Temporary Sewer Siphon Connection Agreement with Lennar Homes of California for the Gateway Station West, Bridgeway Development in the City of Newark, in the form included in the Board meeting packet subject to minor revisions that may be approved by the General Manager in consultation with General Counsel.



It was moved by Director Handley, seconded by Secretary Toy, to Authorize the General Manager to Execute the Fourth Amendment to the Temporary Sewer Siphon Connection Agreement with Lennar Homes of California for the Gateway Station West, Bridgeway Development in the City of Newark, in the Form Included in the Board Packet Subject to Minor Revisions that may be Approved by the General Manager in Consultation with General Counsel. Motion carried with the following vote:

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

### **COVID-19 AND AB 361 UPDATE**

General Manager Eldredge provided an update regarding COVID-19 impacts on District operations and coordination efforts. District Counsel Murphy provided an update regarding AB 361 and the end of the Governor's State of Emergency Declaration effective February 28, 2023. Effective March 1, 2023, all Board meetings will be held in person at the District office.

Board meetings have been held at 4:00 p.m. since the onset of the pandemic. The return to in-person Board meetings will begin a six-month trial period for holding Board meetings at 4:00 p.m. At the end of the trial period, staff will present an item to the Board summarizing feedback received regarding the 4:00 p.m. meeting start time.

Due to the earlier start time, the Board directed staff to forgo providing meals for special meetings and workshops and to instead provide light snacks and water.

### **INFORMATION ITEMS:**

#### **Check Register**

There were no questions regarding the check register.

### **COMMITTEE MEETING REPORTS:**

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

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

- General Manager Eldredge stated Work Group scorecards had been suspended since the onset of the pandemic. Since that time, the Monthly Operations report has been redesigned to include much of the same information that was previously part of the scorecard reports. There have also been additional opportunities for Coaches and other staff to present during Board meetings. For these reasons, General Manager Eldredge proposed the Work Group Scorecards be discontinued. The Board agreed with the General Manager's recommendation.
- Alameda County Water District (ACWD) requested a member of the Board participate as a judge for their annual Water Clips video contest. The guest judge will view and score the video entries April 17 – 21 and will attend the ACWD Board

meeting of May 17, 2023, when the winners will be recognized. Director Handley volunteered to participate as a judge on behalf of the District.

- General Manager Eldredge provided an update regarding the District's Environmental Outreach Representative's presentations to school sites within the District service area and the new application required for all Fremont Unified School District visitors.
- District staff will volunteer as readers for Read Across America at Delaine Eastin Elementary School in Union City.


**OTHER BUSINESS:**

There was no other business.

**ADJOURNMENT:**


The meeting was adjourned at 4:44 p.m. to the next Regular Board Meeting to be held in the Boardroom on Monday, March 13, 2023, at 4:00 p.m.

**SUBMITTED:**

DocuSigned by:  
  
E550CBBC143D4D7


REGINA McEVOY  
BOARD CLERK

**ATTEST:**

DocuSigned by:  
  
C5C35C4369914D9

JENNIFER TOY  
SECRETARY

**APPROVED:**

DocuSigned by:  
  
3397E6A1ED28476...

ANJALI LATHI  
PRESIDENT

Adopted this 13<sup>th</sup> day of March 2023

**Certificate Of Completion**

Envelope Id: 0340F95A3F394B609A866F341B96D906	Status: Completed
Subject: Complete with DocuSign: 02272023 Minutes.pdf	
Source Envelope:	
Document Pages: 10	Signatures: 3
Certificate Pages: 5	Initials: 0
AutoNav: Enabled	Envelope Originator:
Envelope Stamping: Enabled	Regina McEvoy
Time Zone: (UTC-08:00) Pacific Time (US & Canada)	5072 Benson Road
	Union City, CA 94587
	Reginam@unionsanitary.ca.gov
	IP Address: 50.227.238.26

**Record Tracking**

Status: Original	Holder: Regina McEvoy	Location: DocuSign
3/15/2023 3:49:13 PM	Reginam@unionsanitary.ca.gov	

**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: 107.196.101.34

**Timestamp**

Sent: 3/15/2023 3:50:15 PM  
 Viewed: 3/15/2023 5:47:23 PM  
 Signed: 3/15/2023 5:47:57 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:  
  
 C5C35C4369914D9...  
 Signature Adoption: Drawn on Device  
 Using IP Address: 76.126.165.32

Sent: 3/15/2023 3:50:16 PM  
 Viewed: 3/15/2023 3:58:58 PM  
 Signed: 3/15/2023 3:59:07 PM

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

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

DocuSigned by:  
  
 E550CBBC143D4D7...  
 Signature Adoption: Pre-selected Style  
 Using IP Address: 50.227.238.26

Sent: 3/15/2023 3:50:16 PM  
 Viewed: 3/15/2023 3:50:23 PM  
 Signed: 3/15/2023 3:50:28 PM

**Electronic Record and Signature Disclosure:**  
 Not Offered via DocuSign

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

<b>Carbon Copy Events</b>	<b>Status</b>	<b>Timestamp</b>
---------------------------	---------------	------------------

<b>Witness Events</b>	<b>Signature</b>	<b>Timestamp</b>
-----------------------	------------------	------------------

<b>Notary Events</b>	<b>Signature</b>	<b>Timestamp</b>
----------------------	------------------	------------------

<b>Envelope Summary Events</b>	<b>Status</b>	<b>Timestamps</b>
--------------------------------	---------------	-------------------

Envelope Sent	Hashed/Encrypted	3/15/2023 3:50:16 PM
Certified Delivered	Security Checked	3/15/2023 3:50:23 PM
Signing Complete	Security Checked	3/15/2023 3:50:28 PM
Completed	Security Checked	3/15/2023 5:47:57 PM

<b>Payment Events</b>	<b>Status</b>	<b>Timestamps</b>
-----------------------	---------------	-------------------

<b>Electronic Record and Signature Disclosure</b>
---