



BOARD MEETING AGENDA
Monday, December 23, 2013
Regular Meeting - 7:00 P.M.

Directors
Manny Fernandez
Tom Handley
Pat Kite
Anjali Lathi
Jennifer Toy

Officers
Richard B. Currie
*General Manager/
District Engineer*

David M. O'Hara
Attorney

1. Call to Order.

2. Pledge of Allegiance.

3. Roll Call.

Motion

4. Minutes of the December 9, 2013 Regular Board Meeting.
Motion approving the Minutes of December 9, 2013 as submitted.

5. Written Communications.

6. Oral Communications.

The public may provide oral comments at regular and special Board meetings; however, whenever possible, written statements are preferred (to be received at the Union Sanitary District office at least one working day prior to the meeting). This portion of the agenda is where a member of the public may address and ask questions of the Board relating to any matter within the Board's jurisdiction that is not on the agenda. If the subject relates to an agenda item, the speaker should address the Board at the time the item is considered. Oral comments are limited to three minutes per individuals, with a maximum of 30 minutes per subject. Speaker's cards will be available in the Boardroom and are to be completed prior to discussion.

Motion

7. Approving Signature Authority for the Deputy General Manager *(to be reviewed by the Personnel Committee).*

Information

8. Identify Potential Dates for a Joint Board of Directors Meeting with Alameda County Water District *(to be reviewed by the Legal/Community Affairs Committee).*

Information

9. Develop Scope of Future Outreach Program Workshop *(to be reviewed by the Legal/Community Affairs Committee).*

Information

10. Schedule for General Manager's Performance Evaluation *(to be reviewed by the Personnel Committee).*

Information

11. EBDA Commission Report.

Information

12. Legislative Update for December *(to be reviewed by the Legislative Committee).*

Motion

13. General Manager's Contract – Retiree Medical Benefits

14. Committee Meeting Reports *(No Board action is taken at Committee meetings):*

- ✓ *Legal/Community Affairs, Monday, 12/16/13, 3:30 p.m.*
- ✓ *Legislative, Wednesday, 12/18/13, 1:00 p.m.*
- ✓ *Personnel, Wednesday, 12/18/13, 5:00 p.m.*

✓

Information 15. General Manager's Report (*information on recent issues of interest to the Board*).

16. Other Business:

- ✓ *Comments and questions. Directors can share information relating to District business and are welcome to request information from staff.*
 - ✓ *Scheduling matters for future consideration.*
-

17. Adjournment - *The Board will adjourn to the next Regular Board Meeting on Monday, January 13, 2014 in the Boardroom at 7:00 p.m.*

The Public is welcome to provide oral comments at Regular and Special Board meetings. Whenever possible, we request that written statements be provided to the District at least one working day prior to the meeting. If the subject relates to an agenda item, the speaker should address the Board at the time the item is considered. If the subject is within the Board's jurisdiction but not on the agenda, the speaker will be heard at the time "Oral Communications" is scheduled. Oral Communications is limited to three minutes per individual, with a maximum of 30 minutes per subject. Speaker's cards are available in the Boardroom and should be completed prior to discussion of the agenda item and handed to the Clerk. The facilities at the District Offices are wheelchair accessible. Any attendee requiring other special accommodations at the meeting should contact the General Manager's office at (510) 477-7503 at least one working day ahead of the meeting.

THE PUBLIC IS WELCOME TO ATTEND.



5072 Benson Road
Union City, CA 94587
(510) 477-7500

NOTICE OF COMMITTEE MEETING

All meetings will be held in the
General Manager's Office

**BOARD MEETING
December 23, 2013**

Committee Membership:

Budget and Finance	Directors Jennifer Toy and Pat Kite (Alt. - Anjali Lathi)
Construction Committee	Directors Tom Handley and Manny Fernandez (Alt. – Pat Kite)
Legal/Community Affairs	Directors Anjali Lathi and Tom Handley (Alt. – Manny Fernandez)
Legislative Committee	Directors Pat Kite and Anjali Lathi (Alt. – Tom Handley)
Personnel Committee	Directors Jennifer Toy and Manny Fernandez (Alt. – Anjali Lathi)
Audit Committee	Directors Jennifer Toy and Tom Handley

Legal/Community Affairs Committee, Monday, December 16, 2013, 3:30 p.m.

8. Identify Potential Dates for a Joint Board of Directors Meeting with Alameda County Water District
 9. Develop Scope of Future Outreach Program Workshop
-

Legislative Committee, Wednesday, December 18, 2013, 1:00 p.m.

12. Legislative Update for December
-

Personnel Committee, Wednesday, December 18, 2013, 5:00 p.m.

7. Approving Signature Authority for the Deputy General Manager
10. Schedule for General Manager's Performance Evaluation

Committee meetings may include teleconference participation by one or more Directors .
(Gov. Code Section 11123)

Committee Meeting are open to the public. Only written comments will be considered. No action will be taken.

**MINUTES OF THE MEETING OF THE
BOARD OF DIRECTORS OF
UNION SANITARY DISTRICT
DECEMBER 9, 2013**

1. CALL TO ORDER

President Lathi called the Board to Order at 7:00 p.m.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

PRESENT: Manny Fernandez, Vice President
Tom Handley, Director
Pat Kite, Director
Anjali Lathi, President
Jennifer Toy, Secretary

ABSENT: None

STAFF: Rich Currie, General Manager
Rich Cortes, Manager, Business Services
Sami Ghossain, Manager, Technical Services
Tim Grillo, Coach, Research & Support
Dave Livingston, Manager, Treatment & Disposal Services
Ed McCormick, Deputy General Manager
Andy Morrison, Manager, Collection Services
David O'Hara, Legal Counsel
Robert Simonich, Manager, Fabrication, Maintenance & Construction
Tom Graves, Assistant to the General Manager/Board Secretary

CONSULTANTS: None

VISITORS: None

4. **APPROVAL OF THE MINUTES OF NOVEMBER 25, 2013**

Action

On a motion made by Director Kite and seconded by Director Handley, the Minutes of the Board of Directors Meeting of November 25, 2013 were approved. The motion carried unanimously.

5. **WRITTEN COMMUNICATIONS**

There were no official written communications.

6. **ORAL COMMUNICATIONS**

There were no oral communications.

7. **RESOLUTION NO. 2720, ACCEPTING THE CONSTRUCTION OF THE HAYWARD MARSH PIPELINE REHABILITATION PROJECT FROM MCGUIRE AND HESTER AND AUTHORIZING THE ATTORNEY FOR THE DISTRICT TO RECORD A NOTICE OF COMPLETION**

Manager Ghossain presented the report. The design of the rehabilitation of the 30-inch discharge forcemain was completed in-house by the District's engineering staff in June 2013. Staff issued the Notice to Proceed to McGuire and Hester on August 6, 2013. The 60-day project was scheduled to be completed on October 4, 2013. Staff granted a time extension of thirty five (35) additional days to complete Contract Change Order No. 1, and McGuire and Hester substantially completed the project on November 7, 2013. USD staff provided construction management services for the project.

The Contractor has completed all work on the Punch List and the District has assumed beneficial use of the Project.

Action

On a motion made by Director Fernandez and seconded by Director Handley, the Board approved Resolution No. 2720, Accepting the Construction of the Hayward Marsh Pipeline Rehabilitation Project from McGuire and Hester and Authorizing the Attorney for the District to Record a Notice of Completion. The motion carried unanimously.

8. **THIS ITEM WAS PULLED BY STAFF**

9. **RESOLUTION NO. 2722, ACCEPTING THE CONSTRUCTION OF THE HEADWORKS IMPROVEMENTS PROJECT FROM ANDERSON PACIFIC ENGINEERING CONSTRUCTION, INC. AND AUTHORIZING THE ATTORNEY FOR THE DISTRICT TO RECORD A NOTICE OF COMPLETION**

On November 12, 2012, the Board awarded the Project's construction contract to APEC in the amount of \$1,731,200. The Scope of the Project included:

- Replacing the belt conveyor that transfers removed screenings to a disposal bin with two (2) shaftless screw conveyors.
- Installing two (2) water spray-type washer/compactors.
- Upgrading the existing channel aeration/grit suspension system.
- Upgrading the existing PLC 21 at the Headworks Building.
- Relocating the existing hydrogen peroxide system (utilized for odor control) from its temporary location near the Headworks Building to the abandoned chemical containment area near the Degritter Building.

Staff issued the Notice to Proceed to APEC on December 4, 2012 with a scheduled completion date of November 1, 2013. Staff granted a time extension of fourteen calendar days to complete Contract Change Order No. 21, and APEC substantially completed all contract work on November 15, 2013. Total Change Orders were 4.6% of the construction cost.

The District has assumed beneficial use of the Project. Some punchlist and administrative requirements remain to be done.

Action

On a motion made by Director Kite and seconded by Director Handley, the Board approved Resolution No. 2722, Accepting the Construction of the Headworks Improvements Project from Anderson Pacific Engineering Construction, Inc. and Authorizing the Attorney for the District to Record a Notice of Completion. The Motion carried unanimously.

9.1 **APPROVING A MOTION TO CANCEL THE BOARD OF DIRECTORS MEETING OF DECEMBER 23, 2013.**

GM Currie suggested that there were several items the Board could take up on December 23, 2013, if it was inclined to meet. By consensus, Boardmembers expressed a willingness to meet on that date. No further action is required, since the Board is already scheduled to meet on that date.

INFORMATION ITEMS

10. CONSIDER MODIFICATIONS TO ORDINANCE NO. 35 CONCERNING CAPACITY FEES FOR RESTAURANTS

GM Currie stated that in 1997, the Board of Directors approved a 50% subsidy for connection (capacity) fees for new restaurants in the Tri-Cities. The original subsidy was to expire after five years, but was extended in 2001 and 2006 for additional 5-year periods. Based on the diminished application for permits for full service restaurants, the Board let the subsidy expire in 2011, at the recommendation of staff. Recently, the issue of reinstating the subsidy was proposed again, and it will be discussed at the Legal/Community Affairs Committee. Based upon that discussion, the Board may provide direction to staff, or direct staff to prepare a revision to Ordinance No. 35 for consideration at a future meeting.

Director Handley asked whether the subsidy makes a material difference or not.

Director Lathi said it makes sense to have some sort of subsidy, and is worth exploring in Committee and discussing in the Board meeting in January. Regarding the GM's suggestion of implementing a 2-3 year trial, Director Lathi felt 5 years would be more appropriate.

11. PROVIDE COMMENTS TO STAFF ON OUTREACH MATERIALS FOR THE LATERAL CONDITION STUDY

GM Currie stated that staff has initiated a lateral pilot study for the purpose of assessing the condition of older laterals in the District's service area. Staff has tentatively selected four neighborhoods for the lateral condition assessment and will begin the process of notifying homeowners in the coming months. A draft notification has been prepared that will be sent to homeowners to inform them of the project and to give them the option to opt-out.

Director Handley suggested making a sewer inspection video available on our website.

Director Kite asked where the 4 neighborhoods are located, and DGM McCormick stated that all 3 are in Fremont, and 1 is in Newark.

Director Handley suggested that the District inform the Cities before we mail out the flyers.

Director Fernandez stated that it's a beneficial service for homeowners.

12. CONSIDER CREATING A CUSTOMER FOCUS GROUP TO PROVIDE FEEDBACK ON THE PUBLIC WEBSITE

USD staff will be soliciting input from various Teams at the District that most frequently utilize the District's website to provide information to customers. This input will provide suggestions for enhancing the look, feel and functionality of the District's website to better serve our customer's needs.

It is suggested that we develop a focus group consisting of a subset of customers who have recently filled out surveys as part of the USD newsletter contest. These customers have shown interest in USD and have visited our website. Because they have voluntarily participated in the contest, contact information is available and there may be a higher degree of willingness to participate. We will be seeking comments about our current website and recommendations for improvements, including additional information desired.

13. CHECK REGISTER

Director Handley had a question about a repair call on Page 9. Manager Simonich replied that it was for repair of an instrument that measures vibrations.

Director Kite inquired if any more meetings are scheduled with Newark homeowners about the flattop project. Manager Ghossain said that additional meetings will be scheduled, and the new contractor will be introduced as well.

14. COMMITTEE MEETING REPORTS

The following committees met: Construction and Legal/Community Affairs.

15. GENERAL MANAGER'S REPORT

Mr. Currie reported the following:

- a) The organizational chart has been updated to reflect Ed McCormick's new responsibilities overseeing Collections Services and the Technical Support Group (formerly known as Technical Support & Customer Services).
- b) Ric Pipkin has been promoted to TPO Coach (Night), and Armando Lopez has moved to TPO Coach (Day).
- c) Collections Services has surpassed 365 days without an OSHA-reportable accident.
- d) We have received a letter of resignation from one of our Plant Operators, who will be moving to Oregon.
- e) On the Friday after Thanksgiving, we experienced a grease-related 600 gallon spill.
- f) The Jarvis Avenue potholing project is continuing, and Manager Ghossain told Director Kite that USD service vehicles may be there for a few days.
- g) The Hayward Marsh Study went out for proposals to evaluate the cost of restoring the marsh, and other options for storage. Out of five proposals received, 2 consultants have been selected to present to us. Interviews will be on December 10, 2013.
- h) GM Currie met with ACWD GM Walt Wadlow regarding a joint meeting of both boards in a Workshop format to share the latest information from both Boards.

16. OTHER BUSINESS

Director Lathi asked about an article on “a clearer bay” in The Argus. (We will provide in the next packet). She also mentioned that the City of Fremont now has a Concierge for small businesses, and suggested the District may want to reach out.

17. ADJOURNMENT

At 7:28 p.m., the Board adjourned to the next Regular Board Meeting on Monday, December 23, 2013 in the Boardroom at 7:00 p.m.

SUBMITTED:

ATTEST:

TOM GRAVES
DISTRICT CLERK

JENNIFER TOY
SECRETARY

APPROVED:

ANJALI LATHI
PRESIDENT

Adopted this 25th day of December, 2013.



Directors
Manny Fernandez
Tom Handley
Pat Kite
Anjali Lathi
Jennifer Toy

Officers
Richard Currie
*General Manager/District
Engineer*

David M. O'Hara
Attorney

DATE: December 17, 2013

MEMO TO: Board of Directors - Union Sanitary District

FROM: Richard B. Currie, General Manager/District Engineer

SUBJECT: Agenda Item No. 7 - Meeting of December 23, 2013
Approve Signature Authority for the Deputy General Manager

Recommendation

Modify the Purchasing Policy to include signature authority for the Deputy General Manager for up to \$50,000.

Background

The Deputy General Manager position was filled in July of 2013 in preparation for the retirement of the GM in the Summer/Fall of 2014. As part of the transition, the DGM is assuming greater levels of responsibility and is managing a variety of projects. It is appropriate for the position to have signature authority for day to day operations.

Staff is recommending that the Board approve signature authority in the amount of \$50,000 for all elements currently assigned to the General Manager. This includes the following:

- Requisitions for the purchase of Goods, Non-Professional Services, Special Projects, Maintenance and Repair Projects and Professional Services
- Purchase of inventory stock goods
- Miscellaneous Project Expenditures Not Specifically Budgeted

It is recommended that the Deputy GM also be authorized to approve invoices and payments not exceeding 115% of the contract amount for the following:

- Invoices which are billed under a contract previously authorized by the Board of Directors
- Contractor Invoices for Progress Payments for approved construction projects
- Consultant Invoices for Approved Task Orders and Amendments
- Requisitions for Budgeted Projects

It is recommended that the Deputy GM have authority to enter into contracts up to \$50,000 for goods, non-professional services, maintenance and repair projects, special projects and professional services, including contract amendments, using ECB, Non-ECB/Board Discretionary Funds (NECB), Structural Renewal and Replacement Fund (RNWL) and/or Capacity Funds (CPTY).

It is recommended that the Deputy General Manager also be authorized to approve individual expenditures from the Board approved Vehicle and Equipment R&R fund for purchases of the vehicles and equipment listed in the budget and made with those funds, regardless of amount, provided the budget is not exceeded by more than 15%.

This signature authority will expire when the Deputy General Manager position becomes vacant due to the retirement of the General Manager.



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Officers
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*General Manager/
District Engineer*

David M. O'Hara
Attorney

DATE: December 13, 2013
MEMO TO: Board of Directors - Union Sanitary District
FROM: Richard B. Currie, General Manager/District Engineer
SUBJECT: Agenda Item No. 8 - Meeting of December 23, 2013
**Identify Potential Dates for a Joint Board of Directors'
Meeting with Alameda County Water District**

Recommendation

Identify potential days of the week or dates in March when a joint agency meeting can be held.

Background

A joint meeting of the Boards of Directors of Union Sanitary District and Alameda County Water District has been proposed for March 2014. The purpose of the joint meeting will be to update each agency's Board on the latest programs and projects undertaken by the sister agency. The meeting will also provide an opportunity to discuss common issues and potential projects or programs for joint efforts in the future. One suggested topic is service connection (lateral) insurance programs.

ACWD's Board meets on the second Thursday of each month, with their upcoming March meeting scheduled for March 13, 2014. USD meetings for March include:

Regular Board Meeting:	Monday, March 10
Regular Board Meeting:	Monday, March 24
Committee Meetings:	March 5-7 and March 19-21
GM out of Office	March 25-28

There are currently no workshops scheduled for March.

Staff is recommending hosting the meeting at USD and conducting the proceedings in a workshop type format.



Directors
Manny Fernandez
Tom Handley
Pat Kite
Anjali Lathi
Jennifer Toy

Officers
Richard B. Currie
*General Manager/
District Engineer*

David M. O'Hara
Attorney

DATE: December 13, 2013

MEMO TO: Board of Directors - Union Sanitary District

FROM: Richard B. Currie, General Manager/District Engineer

SUBJECT: Agenda Item No. 9 - Meeting of December 23, 2013
Develop Scope of a Future Outreach Program Workshop

Recommendation

None. Information only.

Background

Many Board members have made suggestions and comments for expanding and updating USD's public outreach program. Staff is planning to hold a workshop in January or February to discuss Board suggestions and staff ideas and develop a work plan going forward for implementing changes to our program.

The purpose of this agenda item at the Board meeting is to clarify specific topics that the Board may wish to discuss at the workshop. This will allow staff to develop an agenda and materials in advance of the workshop to facilitate the discussion.

Potential topics include:

- Future newsletter format
- Future newsletter design
- Development of a USD video for plant tours and other events
- Distribution of outreach materials and frequency of distribution
- Changes to the household FOG outreach program
- Lobby messaging
- Budget for outreach



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*General Manager/
District Engineer*

David M. O'Hara
Attorney

DATE: December 17, 2013

MEMO TO: Board of Directors - Union Sanitary District

FROM: Richard B. Currie, General Manager/District Engineer

SUBJECT: Agenda Item No. 10 - Meeting of December 23, 2013
**Schedule for General Manager's Performance Evaluation for
FY13**

Recommendation

None. Information only.

Background

The annual performance evaluation for the General Manager typically occurs in January each year and includes a series of meetings with the Board of Directors. For the Calendar Year ending 2013, the following schedule is proposed for the GM's annual review.

January 8, 2014	GM provides background information to the Board.
January 13	Closed Session following the regular Board meeting. GM presents summary of information to the Board for consideration and answers questions from the Board.
January 15 or 16	Closed Session - Board discusses GM performance and presents evaluation to GM
January 27	Open Session in Regular Board meeting. Board discusses General Manager's salary and benefits and announces any changes.
February 10	Board adopts changes to General Manager's Contract.

DATE: December 17, 2013

MEMO TO: Board of Directors - Union Sanitary District

FROM: Richard B. Currie, General Manager/District Engineer

SUBJECT: Agenda Item No. 12- December 23, 2013
**LEGISLATIVE COMMITTEE UPDATE ON STATE, NATIONAL
AND REGIONAL ISSUES OF INTEREST TO THE BOARD**

California

Legislative Summary. Attached is a table summarizing various bill tracked throughout the legislative session in 2013 and the final disposition of those bills. The most significance are discussed below.

AB218 Dickenson – Employment Applications. Signed by the Governor, this bill prohibits a public agency from considering an applicant's criminal history prior to determining qualifications. In effect, this law prohibits initial screening of candidates based on criminal background. Criminal background may be considered after testing or screening used to determine candidate qualification.

AB279 Dickenson – Investment Options. This bill allows public agencies to place deposits in USD or State chartered Banks, Savings and Loans and Credit Unions up to a maximum of 30% of the investment portfolio. Previous language restricted investments to Certificates of Deposit.

AB537 Bonta – Labor Impasse Procedures. Initially, there were several provisions in the bill that were troublesome to public agencies, including unilateral implementation of mediation and automatic acceptance of a contract by a governing body if no action was take on tentative agreements after 30 days. These provisions were eliminated and the final bill provides for the Union to file an unfair labor practice following a rejection of a tentative agreement, and also declares that arbitration articles in MOUs are enforceable. It also requires a government agency to vote on the final tentative agreements within 30 days after receiving them.

AB543 Campos – CEQA Document Translation. The bill originally proposed that the lead agency be required to translate CEQA documents into any language that was the primary language spoken by 5% or more of the population impacted by the project. This was later amended to 25%. The bill passed in the Assembly but was held in a Senate Committee.

AB1140 Daly – Prevailing Wages. Vetoed by the Governor, the bill proposed to disallow the current practice of establishing prevailing wages for a project based on the wage rates in place at the time of the bid. Instead, this bill would have allowed adjustments to wages, and thus adjustments to contracts, every 6 months. This would have placed an administrative burden on public agencies to track and ensure proper payment.

AB1149 Campos – Electronic Security. If an electronic security breach occurs in which confidential information regarding customers or employees is stolen or accessed, the bill requires public agencies to inform those impacted by the breach in a prescribed manner. This law formerly applied only to State agencies. This bill was signed by the Governor.

AB1235 Gordon – Financial Training for Board Members. As introduced, this bill would require elected officials to participate in a 4-hour financial training during the course of each term in office. This bill was vetoed by the Governor.

ACA8 Blumenfield – Local Government Financing. As proposed, this Assembly Constitutional Amendment would reduce the requirement for voter approval of a tax or rate increase from 2/3 vote to a 55% majority for public improvements facilities. The bill would also apply the 55% approval standard to passage of bonds to fund public works projects, including sewer system improvements. This bill was passed in the Assembly but held in Senate Committee.

SB407 Hill – Local Government Executive Contracts. Signed by the Governor, this new law prohibits public agencies from entering into a contract with a chief executive or deputy chief executive that includes provisions for automatic contract renewal with provisions for salary increase in excess of the Cost of Living Adjustment. This includes executives hired from outside the organization under contract.

SB727 Jackson - Pharmaceutical Products. This bill would require pharmaceutical companies doing business in California to develop and implement a take-back program in consultation with local governments. This bill was withdrawn from consideration in Committee and may re-appear in the second year of the legislative session.

SB571 Yee – Brown Act. Signed by the Governor, this law extends reporting requirements on votes taken in open session. Votes taken on all matters in open session must note how each member of the governing body voted.

Federal Issues - Will be included in next Report.

Local and Regional Issues - Will be included in next report.

Summary of Bills of Interest to USD in 2013

Bill	Author	Subject	Description	Final Disposition 2013
30	Perea	SRF Small communities fund	This bill removes the sunset date for the Small Community Grant (SCG) Fund for wastewater plants. Eliminates the \$50 million cap. This program is funded by a portion of the SRF Loan program interest.	Signed by the Governor
AB39	Skinner	Proposition 39 Funding	Makes provisions for funds raised through prop 39 to be available to schools and public agencies. (CASA to pursue greater benefit for public agencies)	Passed assembly but held in Senate suspense file.
145	Perea	Drinking Water Regulations	Would move drinking and recycled water regulations from the jurisdiction of the Department of Public Health to the SWRCB. Potentially benefits recycled water agencies. ACWA opposes. CASA Watch.	Held in appropriations committee.
AB 164	Wieckowski	Infrastructure projects	Would require public-private partnerships on public works projects include provisions for performance and payment bonds	Signed by the Governor
AB194	Campos	Public Criticism during public meetings	Would make it a misdemeanor for chair of a public entity to prohibit a speaker from criticizing an agency during public testimony.	Hearing cancelled, withdrawn by author.
AB218	Dickinson	Employment Applications – Criminal Background	This would prohibit a public agency from asking about or evaluating criminal history prior to determining qualifications.	Signed by Governor
279	Dickenson	Financial Instruments	Allows agencies to deposit funds in qualifying Banks, Savings and Loans and Credit Unions. Limits investments to 30% of portfolio.	Signed by Governor
295	(Committee)	State Water Bond	\$11 Billion for water projects implementation.	Held in Appropriations Committee.
371	Salas	Biosolids	New bill to allow Kern County to ban biosolids application on unincorporated areas.	Held in Inactive file.

Bill	Author	Subject	Description	Final Disposition 2013
AB436	Jones-Sawyer	Inverse Condemnation	Would apply proportional fault in inverse condemnation cases.	Passed in Assembly, Hearing cancelled in Senate
537	Bonta	Labor Impasse Procedures	Amended to exclude many troublesome provisions such as unilateral implementation of mediation and that any tentative agreement be considered approved if submitted to the governing body and no action is taken after 30 days. States that rejection of a tentative agreement does not preclude filing an unfair labor practice and declares arbitration articles are enforceable.	Signed by Governor
543	Campos	CEQA – document translation	Originally required translation of CEQA documents to any language where that language was the primary language spoken by 5% of the service area population, amended to 25%.	Passed in Assembly, Hearing cancelled in Senate Committee
616	Bocanegra	Labor Impasse Disputes	If there is a dispute about whether impasse exists, the decision will be submitted to PERB for determination of impasse before Fact Finding is initiated.	Passed Assembly, held in Senate Committee.
AB642	Rendon	Newspaper of General Circulation – Web sites	Would establish criteria for an internet news site to become a “newspaper” of general circulation	Pulled from Consideration by Author
AB792	Mullin	Utility User Tax	Provides an exemption from paying utility user tax on energy consumption if the source is “clean energy”.	Signed by Governor
803	Gomez	Water Recycling Act of 2013	Removes some violations and reporting for spills of recycled water. Establishes monitoring criteria for Direct Potable Reuse.	Signed by Governor
AB811	Lowenthal	Underground Piping	Originally creating a training and certification program for underground utility marking, amended to just create a data base of incidents where damage has occurred, lines were mismarked, near accidents or violations occurred. Intent is to help stress the importance of properly marking utilities. Sponsored by USA.	Signed by Governor

Bill	Author	Subject	Description	Final Disposition 2013
AB941	Rendon	State Controller Audits	The bill would authorize the Controller to conduct an audit or investigation of local government if they make findings that an agency is not complying with State financial requirements, grant agreements, or local ordinances. Increases fines for failure to submit financial reports after 2 years.	Held in Appropriations Committee.
AB1090	Fong	Conflict of Interest Code	Revises FPPC laws to expand violations of financial interest provisions. Additional detail will be provided by USD's attorney at a later date.	Signed by Governor
AB1140	Daly	Prevailing Wages	Disallows current practice of using prevailing wage during bid as the basis for the contract and allows update every 6 months. Difficult to administer and may put owner on the hook.	Vetoed
1149	Campos	Electronic Security	Requires local government agencies to inform employees and customers of electronic security breach.	Signed by Governor
1200		Agricultural Reuse	Combine recycled tertiary treated wastewater with Agricultural Impound on a trial basis to evaluate success of supplementing agricultural water supply. Project for San Francisco Regional Water Board.	Vetoed
AB1212	Levine	"Or Equal" provisions	Would prohibit an Owner from requiring a bidder to submit an "or equal" substitute prior to bid opening.	Held in Committee
AB1235	Gordon	Mandatory Financial Training	Would require elected officials to participate in a 4-hour financial training once per term of office.	Vetoed
AB1248	Cooley	Internal Controls	Would require the Controller to develop internal control guidelines for local agencies to prevent and detect financial errors and fraud.	Signed by Governor

Bill	Author	Subject	Description	Final Disposition 2013
AB1336	Frazier	Prevailing Wage	Would increase filing time for violation from 180 days to 18 years. (Originally 3 years)	Signed by Governor
ACA8	Blumenfield	Local Government Financing	Would reduce the requirement for voter approval of a tax or rate increase from 2/3 to 55% for public improvements and facilities or police and fire buildings. 55% would apply for approval to enter bond indebtedness to fund wastewater and sewer systems among other public works projects.	Passed by Assembly, Held in Senate Committee
322	Hueso	Recycled Water	Feasibility study for developing uniform regulatory criteria for direct potable reuse projects. Expert panel in 2014.	Signed by Governor
SB338	Hill	Teleconference Meetings	Would reduce posting requirements for teleconference locations outside the agency's jurisdiction to 24 hours prior to meeting.	Withdrawn by Author
407	Hill	Local Government	Would prohibit a contract with a chief executive or deputy of a public agency from including an automatic renewal provision that includes a salary increase in excess of the Cost of Living Adjustment. Includes contract employees.	Signed by Governor
425		Public Works Projects	Creates an optional Peer Review Program for public works projects to promote transparency. Defines a chartering process to define how to select peers.	Signed by Governor
556	Corbett	Non-governmental agencies – uniforms/logos	Would prohibit non-governmental organizations from wearing uniform or otherwise displaying the logo of a public agency, on uniforms or vehicles, even if they are providing services for that agency. Would allow with prescribed disclaimer. Bill created by Union to oppose contracting out.	Passed Senate. Sent to Inactive File in Assembly.
594	Hill	Use of Public Resources	Would restrict advocates/lobbyists from using public agency funds for political campaigns. Additional information will be provided by USD's attorney at a later date.	Signed by Governor

Bill	Author	Subject	Description	Final Disposition 2013
SB727	Jackson	Pharmaceutical product stewardship	Would require pharmaceutical companies doing business in California to develop and implement a pharmaceutical take-back program plan. Requires consultation with local governments.	Committee hearing cancelled. May become 2 year bill.
SB731	Steinberg	CEQA Reforms	Several bills were consolidated into SB731. Very complex bill that CASA feels ultimately makes CEQA even more burdensome on public agencies, including preparation of more documents.	Withdrawn from consideration, will become a 2 year bill.
751	Yee	Brown Act	Requires that for all votes taken in open session, voting of each member must be recorded. Requires roll call vote for any decision made during a teleconference meeting.	Signed by Governor
SB785	Wolk	Design-build Procurement	Would implement a state-wide design build program that would expand use of D-B for certain public works projects.	Placed in Inactive file by Author
SCA 3	Leno	Brown Act & Public Records Act	Would restore Brown Act and Public Records Act and find them not to be a State mandate, therefore requiring local agencies to bear the cost of implementing in the future.	Passed by both houses. Will go to California Primary.

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San Francisco Bay waters are becoming clearer, but that may mean threats from algae growth

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San Francisco Bay is becoming clearer.

Decades of tidal action have finally washed away most of the mess created 150 years ago by Gold Rush miners who blasted apart hillsides in the Sierra Nevada. The result was millions of tons of mud, gravel and sand that made its way downriver and ended up in the bay, clouding its waters and coating the bottom with a level of silt up to 3 feet thick.

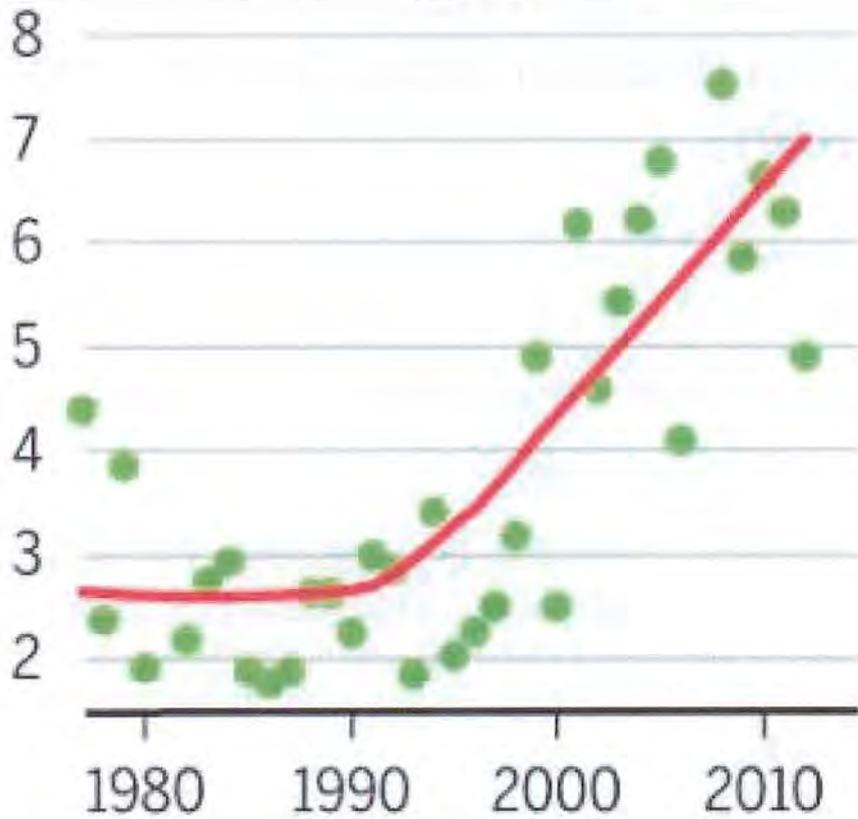
Most of the silt, scientists say, has now moved out to the ocean.

But what sounds like good environmental news has a significant downside: The clearer water is letting in more sunlight -- and that's causing a big increase in the amount of algae blooming in the bay.

Algae on the rise

Over the last two decades, concentrations of chlorophyll — a pigment found in algae — have tripled during the summer months in south San Francisco Bay.

Amount of chlorophyll in micrograms per liter



Source: USGS

BAY AREA NEWS GROUP

"The bay is a very different place now than it was 15 years ago," said David Schoellhamer, a hydrologist with the U.S. Geological Survey.

Since 1993, the concentration of algae in the South Bay, which is shallower and receives less tidal action, has increased 105 percent -- 300 percent during the summer -- according to the USGS. In San Pablo Bay, it has jumped 72 percent.

All the algae hasn't yet turned into vast mats of floating green slime, like in Lake Erie, or generated "dead zones" like in the Gulf of Mexico, where low oxygen levels have killed fish and other marine life.

But the issue is increasingly raising concerns.

Scientists, state water regulators and operators of the 42 sewage treatment plants around the bay have stepped up research and planning over the past two years. They say that if algae levels continue to increase, sweeping new regulations that could cost from \$5 billion to \$10 billion may be imposed on the sewage plants to reduce the amount of nitrogen and phosphorus they put into the bay, both of which act as fertilizers.

"It's a high-priority issue. Our goal is to avoid serious water quality problems," said Naomi Feger, planning division chief of the San Francisco Bay Regional Water Quality Control Board in Oakland.

Over the next year, the water board will work on setting limits for nitrogen and phosphorus and begin computer modeling to see if moderate changes in the way sewage plants operate would reduce algae growth, Feger said.

A decision about whether to put in place mandatory new rules -- which could raise the monthly sewage bills for millions of Bay Area residents -- is at least five years away, she said.

Few Californians realize how much the Gold Rush reshaped their state's geography.

Starting in 1853, gold seekers began using a technique called "hydraulic mining" in the Sierra. Rather than just toting pick axes and shovels into the gold fields, mining crews would pump river water at high pressure through canvas hoses and giant water cannons with iron nozzles.

The jets scoured away entire hills. The practice, which was particularly intense near Nevada City at a site called the Malakoff Diggins, made some miners rich. But it created devastating erosion, sending torrents of mud and sand downstream.

Millions of tons of sediment clogged rivers and choked farmland. Finally, one furious farmer from Marysville sued to block the practice. In 1884, in California's first landmark environmental court case, San Francisco Judge Lorenzo Sawyer declared hydraulic mining to be "a public and private nuisance" and shut down the practice.

But the silt kept the bay cloudy for more than a century afterward. As the Bay Area's population grew, the nutrients from treated sewage pumped into the bay increased, but the silt kept the nutrients in check.

"If you applied a bunch of fertilizer to your garden but put a net over it that kept out the sun, that would prevent your plants from growing," explained David Senn, a senior scientist at the San Francisco Estuary Institute. "If you removed that shade, your plants would grow more rapidly."

Now the shade is being removed. The clarity of the bay increased 36 percent more on average from 1999 to 2007 than from 1991 to 1998.

"There is still some hydraulic mining sediment in the bay. It's not like it's all gone," Schoellhamer said. "But the bay is establishing a new equilibrium."

Phytoplankton, algae and other microscopic plant life in the bay are vital to its health. They provide food for fish, clams and other marine life. And they create oxygen.

How much is too much?

"Phytoplankton is like red wine," said Jim Cloern, a senior scientist with the U.S. Geological Survey who has studied the bay for nearly 40 years. "A glass a day is good for our health, but a bottle a day is bad for our health. The question is where are we now between the glass and the bottle?"

In addition to the Gold Rush sediment, Cloern said, two other things have helped keep algae blooms in check in years past: strong tidal action, and an abundance of clams and mussels consuming large amounts of algae.

In recent years, not only has the silt decreased, but so have the clams and mussels in many parts of the bay, Cloern said. That's because ocean conditions have led to more fish and crabs coming through the Golden Gate to eat them.

The sewage treatment plants haven't been increasing the amounts of nitrogen and phosphorus they are putting in the bay. But the bay's resistance to algae blooms has weakened.

"Climate change isn't fair either and we're going to have to deal with sea level rise," said Mike Connor, general manager of the East Bay Dischargers Authority, a public agency that represents six sewage treatment plants from Fremont to Livermore.

Connor said that the solution may be to recycle more treated sewage to irrigate golf courses and use in industrial cooling.

Already, 3 million gallons a day goes to cool the Calpine power plant in Hayward. San Leandro irrigates two golf courses with recycled water. San Jose and the Santa Clara Valley Water District are building a \$50 million recycled water plant in Alviso. New technology also is allowing sewage plants to convert phosphorus to fertilizer pellets that they can sell to farmers, he added.

Environmentalists say more scientific studies and the growing attention from regulators are key to finding a solution to the algae problem.

"If we do determine that something bad is happening and the wastewater treatment plants are the main cause, it's not like we can flip a switch overnight and upgrade all of these plants," said Ian Wrenn, a hydrologist with Baykeeper, a San Francisco nonprofit.

"It's a very slow-moving process. But I think a lot of the treatment plants see the writing on the wall."

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