

**MINUTES OF THE MEETING OF THE
BOARD OF DIRECTORS OF
UNION SANITARY DISTRICT
April 8, 2013**

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

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

ABSENT: None

STAFF: Richard Currie, General Manager/District Engineer
Richard Cortes, Business Services Manager
Jesse Gill, Technical Support & Customer Services Manager
Sami Ghossain, Capital Improvements Projects Coach
Dave Livingston, Treatment & Disposal Services Manager
Andy Morrison, Collection Services Manager
David O'Hara, Legal Counsel
Tom Graves, Assistant to the General Manager/Board Secretary

CONSULTANTS: None

VISITORS: None

4. APPROVAL OF THE MINUTES OF MARCH 23, 2013

On a motion made by Director Handley and seconded by Director Lathi, the Minutes of the Board of Directors Meeting of March 23, 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. **This item was withdrawn.**

8. **NOMINATION OF REPRESENTATIVE TO CALIFORNIA SPECIAL DISTRICTS ASSOCIATION (CSDA) BOARD OF DIRECTORS.**

On a motion made by Director Handley and seconded by Director Fernandez, the Board voted to support the candidacy of Sherry Sterrett for Region 3, Seat B. The motion carried unanimously.

INFORMATION ITEMS

9. **CONSTRUCTION CONTRACT FOR THE I-680 AT SABERCAT ROAD SANITARY SEWER RELOCATION PROJECT.**

Jesse Gill reported that there are some bid irregularities that are being examined and reviewed by legal counsel. He expects to be able to come to the Board at the next regularly scheduled meeting with a recommendation for awarding the contract.

10. **EARTH DAY 2013 UPDATE.**

Jesse Gill said that teams of Environmental Compliance (EC) employees will be at public outreach events on April 20th with Washington Hospital and the City of Fremont, and on April 23rd at Ohlone College. Staff will share info on pollution prevention, toxic products in the home, unused medications disposal, Integrated Pest Management (IPM), etc., and will also be handing out informational pamphlets and items for younger children. The District will be placing an ad in the Tri-City Voice on April 16th to advertise the events. Mr. Currie indicated that materials on IPM were requested by Director Lathi and are available to any of the Board members.

11. **JANUARY CASA CONFERENCE SUMMARY**

Legal Counsel Dave O'Hara presented an update on the conference. On the conference schedule itself, he said a survey by CASA members indicated that 70% would prefer 2 conferences per year instead of 3, but that firm dates and schedules have yet to be determined. He also discussed the CSRMA presentation on workers' comp, potential changes in the SRF loan program, and items from the attorney's committee.

12. CHECK REGISTER

Director Handley inquired about the percentage of employees who are qualified in CPR training. Rich Currie replied approximately 66% of full time employees are CPR-trained.

Mr. Handley also inquired about a cost difference in business cards for employees, and Rich Cortes said he would check into it and let him know via email.

Director Kite inquired about a payment for "Local Limits and Wastewater Treatability." Jesse Gill replied that the charge was in connection with the NPDES permit and a requirement for a local limits study that establishes discharge limits for industries. He said RMC Water & Environment had been hired as consultants to perform the study.

Director Kite also inquired about payment to Nelson Staffing Solutions. Mr. Currie replied this was for a temporary employee serving as receptionist after he retirement of a full-time employee.

13. COMMITTEE MEETING REPORTS

The following Committees met: Legislative, Construction, and Legal/Community Affairs.

14. GENERAL MANAGER'S REPORT.

Rich Currie reported that the District has successfully completed another month with no spills.

The power was out for several hours today at the Newark Pump Station, reinforcing the need for more reliable communications between the pump station and the plant. We are evaluating switching to microwave data transmission.

The District issued a Notice to Proceed last Friday on the Cogeneration project. "

PG&E approved our grant application for the Cogeneration Project in the amount of \$3.38M, instead of the \$4M we had applied for. We are looking into the reason for the difference.

Randy Ryuto, longtime Environmental Compliance Inspector, is retiring from the District on April 19th.

The monitoring and recovery of the chlorine leak is going very well. There has been no detection of chlorine along the perimeter of the plant. Concentrations of chlorine are also dropping quickly from the two holes that were dug near the leak. We foresee a wrap up in the near future.

14. GENERAL MANAGER'S REPORT (continued)

A group of employees is going to the Monterey Water Pollution Control Plant, which was recommended to us as an agency that has good safety procedures. We will go and share experiences with them as a part of our ongoing effort.

CSRMA, our insurance carrier, will be onsite for appraisals next week.

The proposition 218 press release is going out next week. Mr. Currie distributed a copy of the draft for the Board's review.

15. OTHER BUSINESS:

Director Kite asked Legal Counsel to address the recent Santa Clara Superior Court case regarding electronic communications and public employees and officials. Dave O'Hara responded that although the case has no bearing upon any other case, it is an interesting issue, and one that he will continue to follow and advise the Board on as circumstances warrant. Essentially, a Santa Clara County Superior Court judge has ruled that electronic communications on private electronic devices may be discoverable in cases where a request for public information has been made. Mr. O'Hara believes the ruling is impractical on its face, and poses great technical difficulties. It remains to be seen if the City of San Jose will appeal the decision.

