



# City Manager's Weekly Update

Week ending July 15, 2011

## UPCOMING MEETINGS

- 7/18** City Council Meeting,  
7:00 p.m., Chambers
- 7/19** Civic and Cultural  
Committee Meeting,  
4:00 p.m.,  
Sister Cities Gallery
- 7/21** CC/SLUSD Liaison  
Committee Meeting -  
CANCELLED
- 7/25** Rules and Communications  
Committee Meeting,  
4:30 p.m.,  
Sister Cities Gallery
- 7/25** City Council Closed  
Session, 6:00 p.m.,  
City Manager's Large  
Conference Room
- 7/25** City Council Work Session,  
6:30 p.m., Helen Lawrence  
South Offices Conference  
Room



**To: City Council**

**From: Lianne Marshall, Interim City Manager**

I am pleased to introduce the new Weekly Update. I hope you find it useful and informative. I would like to thank all of the staff who contributed to the effort, particularly Mary Foster for the new design and putting it all together. Have a great weekend!

## **Mark Your Calendar**

### Downtown Parking Management Update (staff report attached)

- Third Community Meeting – Tuesday, **July 19, 6:00 to 7:00 p.m.**, Sister Cities Gallery
- The City is reviewing how well parking functions throughout the downtown and intends to create a parking management strategy. Some of the goals include high garage utilization, convenient customer parking, minimal impact to residential areas, and efficient utilization of parking resources. This project was discussed by the Business and Housing Development Committee at its April 14 meeting.
- Staff has met with parking technology companies and consultants, and held two community meetings to date: one meeting with the Downtown Association to gain input from business and property owners; and a second meeting for office employees who park in the garage.
- A third community meeting scheduled for Tuesday, July 19, is to gather feedback from area residents. To educate the public about the community meeting, a postcard announcing the parking meeting was mailed to approximately 400 downtown residents, a [press release](#) was distributed, a [City News update](#) is included on the City's website, and the event is listed on the City's website calendar.
- Based on input received and continued research and analysis, staff will report our findings to the Business and Housing Development Committee in the future. Should the report include recommendations for changes, additional community meetings will be held. Major changes to parking will be brought to the City Council for consideration.

### Broadband Strategy Update

- Tuesday, **July 19, 12:00 - 1:00 p.m.**, San Leandro Senior Community Center
- Tuesday, **July 26, 8:00 - 9:00 a.m.**, Davis Street Transfer Station Education Center, 2516 Davis Street
- As part of the City's project to develop a Broadband strategy, the City will hold two public workshops for San Leandro business owners, commercial landlords, property owners, and real estate brokers to gain feedback on the availability of broadband internet service to commercial properties.

- In addition, San Leandro businesses are encouraged to complete a short online survey on broadband availability at [www.sanleandro.org/broadband](http://www.sanleandro.org/broadband).
- Information regarding the public workshops and the on-line survey have been distributed to the community via [press releases](#), a Chamber public service announcement, listing as a [City News item](#) on the City's home page, and as the lead article in the City's July [Community Development Update](#). Meeting information can also be found on the City's web calendar.
- The goal of the Broadband Strategy is to ensure that San Leandro is well positioned to attract and retain high-tech and data intensive businesses. Please feel free to distribute the link to the survey to any and all San Leandro businesses.

## Council Information

### Branding and Marketing Strategy Update

- The business working group held a final meeting on Monday to provide input on a Marketing Communications Plan for Visitor Attraction and Economic Development.
- The Placemaking Group has been working with a group of City and business stakeholders for the past few months to identify San Leandro's brand and develop a marketing plan to attract visitors and boost the City's business attraction and retention efforts.
- Information regarding the City's brand, the City's strengths, weaknesses, opportunities and threats as well as a marketing plan is scheduled to be presented at the July 25 Council Work Session.
- The message for visitors is: *San Leandro is the place for shopping, dining, recreation, family activities, entertainment, and miles of shoreline in the heart of the Bay Area.*
- The message for economic development is: *San Leandro is a choice Bay Area location with unlimited potential for entrepreneurial technology companies, small business/retail, precision and specialty foods manufacturing, clean tech, and just-in-time distribution/warehousing.*

### City Council Rules and Communications Committee Agenda Items (attached)

- Attached for your information is the City Council Rules and Communications Committee list of upcoming agenda items

### Public Records Requests Log (attached)

- The City receives several requests for public records each month, some requiring extensive research and review; while necessary, it is a significant impact to staff time.
- The attached Public Records Requests log includes the requests for records received by the Police Department (since March) and City Clerk's Office for the first half of 2011.

### Summary of AB109 and Impacts to Local Jurisdictions (attached)

### Zero Percent Employer Paid Member Contribution (EPMC) for Elected Officials

- Recent information received from the CalPERS Contracts Maintenance Unit indicates that the City is free to implement the 0% EPMC for Councilmembers (formal approval from PERS is not required so long as the affected group has approved the change).
- However, CalPERS indicated that the City should not split EPMC rates in the middle of the pay period – it is too cumbersome for both PERS and Payroll to reconcile two different salary bases/reported earnings and contribution rates.
- Since PERS does not allow retroactivity to July 1 (prior to Council approval), **Councilmembers will begin paying their member contributions effective July 16, 2011**. This will give the Finance Department adequate time to complete the plan setup and thoroughly test the new plan, through W2s.

## Council Follow-up

### Brown Act Article (attached and hard copy in packet)

- Attached is an article entitled “The Brown Act and the Perils of Electronic Communication” from the June edition of *Western City* that addresses Brown Act issues related to use of email and social media.
- The Rules and Communications Committee is reviewing these issues in their discussions on the draft Social Media Policy.

### Prohibition on Keeping Chickens and Bees (highlights attached)

- At the July 5 City Council meeting, the prohibition on keeping chickens and bees was referred to the Rules and Communications Committee for discussion, with a request to provide background on the previous Committee discussion of this item.
- The Business and Housing Development Committee considered this issue at its meeting on September 10, 2009, and did not wish any changes made to the current ordinances (see attached Highlights).
- Staff will be recommending that the Business and Housing Development Committee, rather than the Rules and Communications Committee, consider this matter.

## Business News

### Businesses in the News (articles attached)

- **Energy Recovery Inc.** announced the planned consolidation of its North American manufacturing operations. The company plans to move its operations in Michigan to its headquarters and production center in San Leandro. This is part of their corporate strategy to diversify into new strategic market segments and to accelerate the launch of next-generation products. Approximately 20 new jobs are anticipated to be added by the end of the year with approximately six of these jobs to be relocated from Michigan.
- **OSisoft** announced its selection as a 2011 Microsoft Partner of the Year Award Winner. The Sustainability Partner of the Year Award recognizes exceptional partners who have delivered software and technology innovations built on the Microsoft platform that help organizations around the world reduce their impact on the environment. OSisoft’s PI System helps customers across multiple industries make informed decisions about energy and environment related challenges.

## Correspondence from Other Agencies

### San Lorenzo Unified School District

- “The Seamless Summer Feeding Program” (press release attached)
- San Lorenzo Teacher Goes for World Championship in Finland (press release attached)
- National Merit Scholars
  - Hannah Mori – Semi-Finalist Scholar
  - Victor Chen – Commended Scholar

### San Leandro Historical Society

- Day at the Casa – Sunday, July 31, 11:30 a.m. to 3:00 p.m., Casa Peralta, 384 West Estudillo Avenue [www.sanleandrohistory.org](http://www.sanleandrohistory.org)

## CITY OF SAN LEANDRO

### STAFF REPORT

**Date:** July 12, 2011  
**To:** Lianne Marshall, Interim City Manager  
**From:** Luke Sims, Community Development Director  
**By:** Cynthia Battenberg, Business Development Manager  
**Subject:** DOWNTOWN PARKING MANAGEMENT STRATEGY

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With the City's new the 395 space, LEED certified, four-story downtown parking garage scheduled to be completed in summer 2012, the City is reviewing how well parking functions throughout the downtown and intends to create a parking management strategy. A draft strategy will likely be presented to the City Council and rolled out in phases. The plan is to have new parking garage technology in place when the downtown garage opens.

The goals of this project are to make modifications to downtown parking which support the following:

- High garage utilization - convenient and secure parking for retail and office employees
- Convenient customer parking - high turnover rates in the Plaza shopping center
- Efficient utilization of parking spaces
- Minimal impact to residential areas
- Reduced administrative costs of billing
- Efficient enforcement
- Efficient utilization of parking resources
- Parking Fund break even

This project is a partnership between Community Development, Engineering & Traffic, Finance, Police, and Public Works department staff. To date, the parking team has met with numerous parking technology vendors and consultants and held two public meetings to gain input from business and property owners as well as the office employees who park in the garage.

A community meeting is scheduled for Tuesday, **July 19**, from 6:00 p.m. to 7:00 p.m. in the Sister Cities Gallery at San Leandro City Hall to gather feedback from area residents regarding effective employee parking strategies, the implementation of license plate reader enforcement technology, the creation of parking zones, and the effectiveness of parking meters versus strictly enforced timed free parking and other parking related issues.

A postcard (see below) announcing the parking outreach meeting was mailed to approximately 400 downtown residents on June 30.

**DOWNTOWN PARKING*****We Need Your Input!***

**July 19, 2011 • 6:00 pm - 7:00 pm**  
**San Leandro City Hall**  
**Sister Cities Gallery • 835 E. 14th Street**

All interested parties are encouraged to attend this meeting hosted by the City of San Leandro to discuss the creation of a parking management system and provide feedback on:

Permit Parking • Parking Zones • Timed Pay Parking • Meters  
Enforcement and Technology for the New Garage

*For more information contact, Reh-Lin Chen in the Transportation and Engineering Department at:  
577-3438 or [rchen@sanleandro.org](mailto:rchen@sanleandro.org)*

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2011

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## CITY COUNCIL RULES &amp; COMMUNICATIONS COMMITTEE

Meeting Date	Item	Staff Person or Dept	Date Referred	Comments/Disposition
<del>Jul 28</del> Jul 25	<i>(Continued)</i> Proposed Polystyrene Food Service Ware Ban Ordinance	PW	Cont. from 6/23	
	<i>(Continued)</i> Consideration of Social Media Policy	Rayan/Rich	Cont. from 6/23	
	<i>(Continued)</i> Council Redistricting	Clerk/GIS/CD /CAO	Cont. from 6/23	
<b>FUTURE ITEMS</b>				
Sep 22	Discussion Regarding Paperless Council and Committee Agenda Packets	Rayan	5/5/11 Rules	
Nov	Review of Amended Parking Regulations for Oversized Vehicles		Cont. from 5/5/11	
Dec 22	Review of Agenda Management/Streaming Audio/Video recording of Council Meetings/Use of PEG funds		Cont. from 1/27/11	
	Providing Press Releases to Online News Wires	Kathy	3/16/11 Mayor	
	Providing Board & Commission Members w/Notification of Important Community Meetings	Kathy	3/16/11 Mayor	
	<i>(Continued)</i> Streamline Reporting Out of Council Committee Highlights and Recommendations		Cont. from 3/24/11	
	Consideration of Extending Retention Period for Council Meeting Audio Recordings	Marian/Rayan	5/16/11 CC	
	Consideration of Earlier Publication/Delivery of the City Council Agenda		6/20/11 CC	
	Consider Changing the City Council Meeting Day from Monday to Tuesday		6/23/11 Rules	
	Creation of a City Council Sustainability Committee	PW & CMO	Deferred from 1/11	
	Cable Channel 15 Maintenance	Rayan/Kathy	6/8/11	

## CITY OF SAN LEANDRO

## PUBLIC RECORDS REQUESTS

JAN 1 - JUN 30, 2011

Date of Request	Requester	Responding Dept	Description of Request
01/03/11	Diana Leguizamo/Dzine Square, Inc.	Finance	Business license for AMA Thes, 16265 East 14th Street, San Leandro, CA 94578
01/10/11	Thomas Peele/Bay Area News Grp	Human Resources/ Information Systems	Employee & elected officials salaries/compensation for 2010
01/21/11	Adam Phillips/Ticket Kick	City Clerk	Redflex agreement; red light camera public announcements and warning notices
02/01/11	Angela Abreu	Community Development	Ownership information for 1408 Pearson Avenue
02/01/11	Mike Katz	City Clerk	2nd semi-annual campaign statements for 2010
02/03/11	Jennifer Gardella	City Clerk	Certified Minutes for 02/02/04; 10/04/04; 11/01/04; 12/20/04; 01/18/05; 03/06/06; 07/16/07
02/03/11	Monica Peralta/Trimming Land Co., Inc.	City Clerk	Current tree trimming contract
02/04/11	Mike Katz	City Clerk	2nd semi-annual campaign statements for 2010 (David Anderson)
02/08/11	Amy Sylvestri/San Leandro Times	City Clerk	2nd semi-annual campaign statements for 2010
02/10/11	Mike Katz	City Clerk	Form 700 AO for Councilmember Cutter, Mayor Cassidy and Police Chief Spagnoli
02/22/11	Ed Bailey via Lyzanne Alfonso	City Clerk	Ordinance banning the use of lead in soldering of copper tubing
02/23/11	Mike Katz	City Clerk	Petition for rehearing, ICFG v COSL
unk	Jill Repogle/SL Patch via Jayne Williams	City Clerk	Petition for rehearing, ICFG v COSL
03/04/11	Mike Katz	Finance/City Attorney/Human Resources	Records regarding the City's use of legal services, legal costs, legal settlements, and legal judgments
03/04/11	Joseph Campbell	City Clerk	Agreements between City and American Golf Corporation related to the operation and management of the Monarch Bay Golf Course and Wedges Grill
03/08/11	Mike Katz	Police	Homicide and rape clearance rates for 2005-2010
03/22/11	Mike Carpenter	Community Development	Permits issued for BLD2008-00155 (776 Woodland Avenue); 1240 147th Avenue; 1796 Carpenter Street
03/23/11	SJSU student	City Clerk	Form 460s for 2008 and 2010 elections
03/24/11	Saul Allweiss, Esq.	Police/City Clerk	Workers Comp records for Officer Shedd
03/25/11	Lisa/San Leandro Costco	City Clerk	Agreement with ACI
03/25/11	Jesus Armas	City Clerk	Letter from Lydia Tan relating to April 6, 2009 City Council meeting item on BRIDGE Housing
03/25/11	Margarita Lacabe	Information Systems	Emails to and from Steven Tavares and the City Council and City staff between 09/01/09 and 12/31/10
04/05/11	Kim Ashley/Newdorf Legal	City Clerk	Email retention policy
04/05/11	Denise Kaplan	City Clerk	04/12/11 Facilities and Transportation Committee agenda
04/06/11	Gary J.	City Clerk	Parking ticket processing contract
04/08/11	Anonymous	City Clerk	Smoking ordinance
04/08/11	Anonymous	City Clerk	Noise regulations
04/08/11	Hendy Huang	City Clerk	2010 San Leandro census data
4/11/2011	Mike Katz	Police/City Clerk	Redflex Customer Management Reports from 2006-2009
04/11/11	Dee Kerry	City Clerk	04/11/11 Council agenda

## CITY OF SAN LEANDRO

## PUBLIC RECORDS REQUESTS

JAN 1 - JUN 30, 2011

Date of Request	Requester	Responding Dept	Description of Request
04/12/11	Margarita Lacabe	Information Systems	Emails to and from Steven Tavares and the City Council and City staff between 01/01/11 and 04/08/11
04/12/11	Mike Katz	City Clerk	Copy of 4/11 CC work session presentation on CalPERS
04/20/11	Robert Johnson via Mary Ann Perini/FN	Finance	List of uncashed checks and unclaimed funds
04/22/11	Jeff Falbo/Edge Point	Finance	List of uncashed checks and unclaimed funds
04/18/11	Roger Jones	Police/City Clerk	Collision statistics for 04/18/11 Council report on red light camera
04/22/11	Mike Katz	Police/City Clerk	Final Redflex agreement
04/26/11	Jim Lissner	PD/City Clerk	PDF files of staff report and supplement for Item 10A on 04/18/11 Council agenda; final Redflex agreement
04/27/11	Robert Hansen/Sheet Metal Workers' International Assn, Local Union No. 104, Compliance Dept	Eng & Transp	Bid results for WPCP Rehab Project
04/27/11	Mike Katz	Police	Redflex Redlight Offender Statistics (2006-2010)
04/27/11	Maria/Mountain Pacific Survey	City Clerk	Award of WPCP Rehabilitation Project
04/28/11	Matt Salcido	Human Resources	Names, job titles, salaries, and hire dates for IS positions
05/04/11	Robert Hansen/Sheet Metal Workers' International Assn, Local Union No. 104, Compliance Dept	Finance/Public Works	Certified payrolls and information for Building Management System Project, Bid No. 10.11-009
05/06/11	Tim Little/Bay Area Roofers Labor-Management Trust	Eng & Transp	Bid results for Roof Replacement and Accessories (Year 3) Project
05/06/11	Francisco Garcia/United Union of Roofers, Waterproofers and Allied Workers	Eng & Transp	Bid results for Estudillo Callan 2008 Parking Garage Project
05/11/11	Mia Ousley	City Clerk	Policy on Council's support/Opposition on legislation
05/19/11	Law Office of Mary Lynn Hansen for Patricia Turnbull	Police	Any and all SLPD protocols, procedures, and training manuals
05/23/11	Jenny Goudeau/Kimco Realty Corporation	Community Development/City Manager's Ofc/Eng & Transp	Declaration of Easements, Covenants and Restrictions made April 1986 by Retail Property Development Group for Fashion Faire Shopping Center at 15100 Hesperian Blvd
04/12/11; 05/23/11	Karen Flaherty	Eng & Transp	Traffic signal phasing diagram and timing chart for the intersectin of Floresta Blvd/Halcyon Drive and Washington Avenue
05/25/11	Tom Saunders	City Clerk	Ordinance re: new RV parking regulations
05/31/11	Mike Katz	City Clerk	PowerPoint presentations from 5/23/11 Council work session
06/03/11	Jenny Goudeau/Kimco Realty Corporation	City Clerk	Development Agreement, Agreement Concerning Easements, and Agreement to Conditions re: 15100 Hesperain Blvd
06/07/11	Jiyun Cho/AP Wireless Infrastructure Partners, LLC via Mike Balkaldin	Eng & Transp	Wireless communications site lease agreements
06/08/11	Harry Metaxas	Community Development	Tape of 06/02/11 BZA meeting
06/13/11	Larry Olson	Human Resources	CalPERS records for Larry Olson from 1978
06/15/11	Sanjia Ross	City Clerk	Ordinance relating to San Leandro Marina

## CITY OF SAN LEANDRO

## PUBLIC RECORDS REQUESTS

JAN 1 - JUN 30, 2011

<b>Date of Request</b>	<b>Requester</b>	<b>Responding Dept</b>	<b>Description of Request</b>
06/20/11	Jim McGrath	Community Development	Tape of 06/02/11 BZA meeting
06/22/11	Mike Katz	Police	Electronic copy of video clips shown by SLPD Lt. Lemmon at 4/4/11 City Council Meeting
06/24/11	Wafaa Aborashed	Community Development/City Manager's Ofc	Port of Oakland/San Leandro insulation program records and all updates on city progress
06/27/11	Adrian J. Webber/Downey Brand LLP	Eng & Transp	Bidding results pertaining to San Leandro road resurfacing projects specifying the use of asphalt-rubber seal coat or asphalt-rubber chip seal where Intermountain Slurry Seal, Inc. or Granit Construction, Inc. submitted a bid
06/27/11	Chris Crow	Community Development	CUP for Linen Life Gallery, 770 East 14th St.

### Summary of AB109 and Impacts to Local Jurisdictions

#### **A Summary of what Realignment is and is not:**

- **Realignment is prospective only and will go into effect on October 1, 2011**, when persons convicted of certain crimes will be incarcerated at the local level and certain persons who would have been on state parole will, instead, come under local post-release local supervision.
- **No one who is currently in state prison, or anyone convicted prior to October 1, 2011 will be released or transferred to local custody pursuant to realignment.**
- **After October 1, 2011 persons convicted of most non-violent, non-serious, non-sex offenses will serve their sentences at the local level.** Persons convicted of violent, serious, or sex offenses will continue to serve their sentences in state prison. Additionally, anyone who has a prior conviction that is serious, violent or giving rise to a sex registration requirement will be required to serve their sentence in state prison irrespective of the current charge for which they were convicted.
- **After October 1, 2011, state parole functions will be bifurcated.** The state will continue to supervise 3<sup>rd</sup> strikers, individuals with a serious or violent commitment offense, high risk sex offenders as defined by CDCR, as well as Mentally Disordered Offenders.
- **After October 1, 2011, counties will have the responsibility of supervising anyone convicted of a non-violent offense, irrespective of priors; anyone convicted of a non-serious offense, irrespective of priors; and sex offenders who have not been classified as high-risk sex offenders by CDCR.**
- **After October 1, 2011 post-release revocations are capped at 180 days, and revocations would be served at the local level. Similarly, parole violations - with the exception of parolees previously sentenced to a term of life - will also be served at the local level.** If a post-release-local supervision person has no violations for a period of six months, the local supervising authority has the authority to discharge them from post-release local supervision. In the same way, state parole has the authority to discharge any low level offenders who are on parole after the implementation of realignment after six months if no violations have occurred.
- **There is no funding provided for front-line law enforcement through realignment.** All money goes to county for dispersement. Although the Administration has committed to providing an independent source of funding for front-line law enforcement for costs attributable to realignment duties, that funding has yet to materialize. Cal Chiefs continues to work on making sure that commitment is actualized, but our best short-term source of funding is the CCP Executive Committees.

- **The Board of Supervisors in each county has until August 1, 2011 to designate a county agency to be responsible for post-release supervision and to inform CDCR of that designation. Some counties have already made that designation while others are still deliberating that issue.**
- **This Post-Release Local Supervision and its parameters are to be developed by each individual county's Community Corrections Partnership Executive Committee. The CCP Executive Committee will have the responsibility of developing a public safety realignment plan for that county. The CCP Executive Committee plan will become operative unless rejected by 4 members of the Local Board of Supervisors. In the event the Board of Supervisors takes that action, the realignment plan will be returned to the CCP Executive Committee for further action. PLEASE NOTE THAT A POLICE CHIEF WILL BE ON EACH CCP EXECUTIVE COMMITTEE IN THE STATE.**
- **Local chiefs' organization should make contact with the Chief Probation Officer in your county if they have not already, and provide them with the name of the police chief that will serve on that county's CCP Executive Committee. Other members of the CCP Executive Committee will include the chief probation officer (who sits as chair), the county sheriff, district attorney and public defender, the presiding judge of the county superior court (or their designee), as well as a representative from either the County Department of Social Services, Mental Health, or Alcohol and Substance Abuse Programs. The CCP Executive Committees will effectively be the body that will be making local operational and allocation decisions.**
- **Police Chiefs should take advantage of their presence on the CCP Executive Committee to make efforts to obtain a share of realignment funds for those increased duties for front-line law enforcement that are the result of realignment. The state realignment allocations go only to counties, and this board is the forum that police chiefs should use to obtain a share of those funds.**

# The Brown Act and the Perils Of Electronic Communication

by Kara Ueda

**Technology makes it easy to unintentionally violate California's open meeting law.**

*Local public officials are often frequent and zealous users of technology and social media. Given the rapid speed with which people can now send e-mails and text messages and post comments online, a casual e-mail conversation between two city council members or an offhand comment on a newspaper website may quickly and inadvertently turn into a "meeting" under the Brown Act.*

## About the Brown Act

Most members of legislative bodies (including city councils, commissions, boards and committees) soon learn upon taking office that a quorum of their membership may not meet to discuss official business unless the meeting complies with the Brown Act. Often referred to as California's open meeting law, the Brown Act provides that members of a legislative body may hold a meeting when a majority of them — at the same time and place — "hear, discuss, deliberate or take action on" an item within their subject matter jurisdiction.

To hold a lawful meeting under the Brown Act, a local agency must, among other things, provide public notice about the meeting for a certain time period and ensure that the public can access the meeting. Thus, if a city council (for example) has five

members, three of the five may not meet at a restaurant to discuss city business unless the city has posted public notice about the meeting and otherwise complies with the Brown Act.

The Brown Act does not prohibit individual members of a legislative body from separately providing their own comments and opinions about a matter. A commissioner may write a newspaper editorial about an item the commission approved, and a city council member may give a speech or tweet about local projects under way in the city. Nor does the Brown Act prohibit "one-way" communications where, for example, a city manager transmits a communication to the entire council by e-mail. The "passive receipt" of a document by public officials is different from a commission's or city council's collective action or discussion.

*continued*

## About Legal Notes

*This column is provided as general information and not as legal advice. The law is constantly evolving, and attorneys can and do disagree about what the law requires. Local agencies interested in determining how the law applies in a particular situation should consult their local agency attorneys.*

*Kara Ueda is a partner with the law firm of Best Best & Krieger, LLP, and can be reached at <kara.ueda@bbklaw.com> or (916) 551-2822.*

Western City, June 2011

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*The Brown Act and the Perils of Electronic Communication, continued***More Resources Online**

For additional related sources, read the online version of this article at [www.westerncity.com](http://www.westerncity.com).

**An In-Depth Guide to the Brown Act**

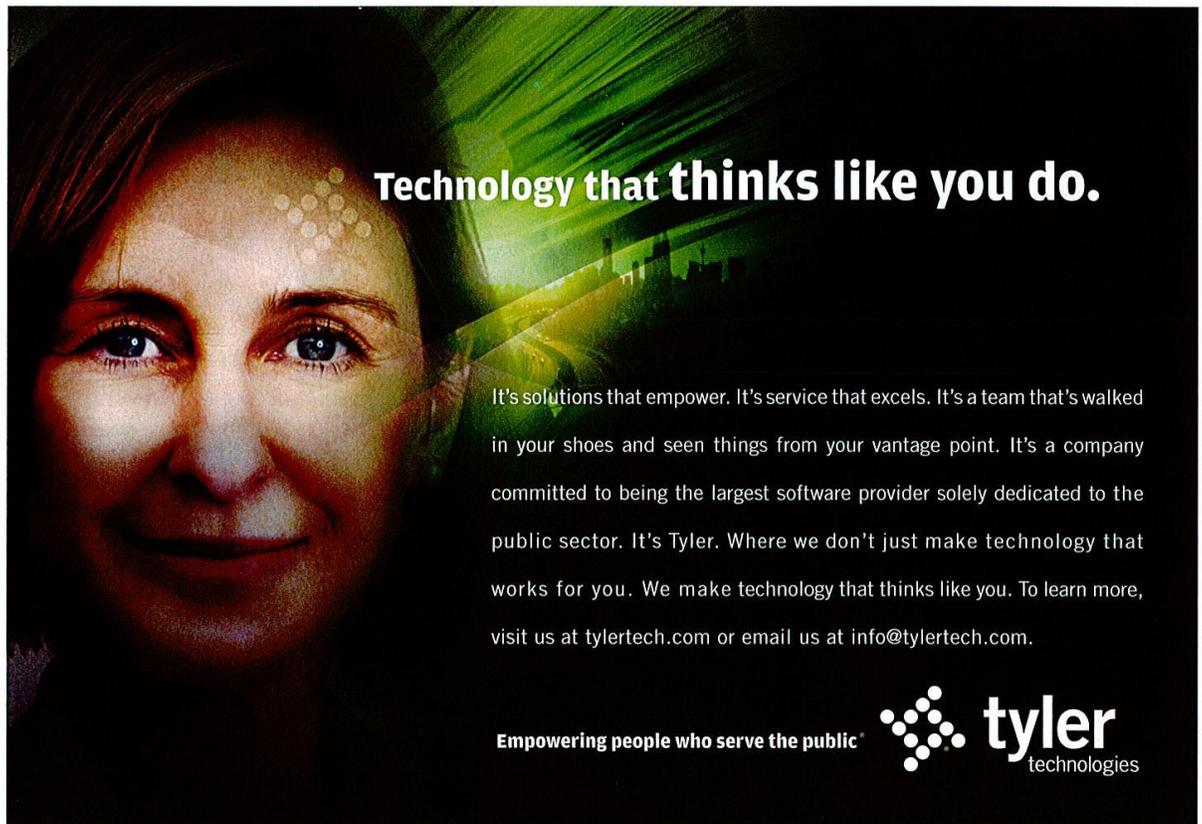
The League publishes a guide to the Brown Act for the non-lawyer, which is updated periodically. *Open & Public IV: A Guide to the Ralph M. Brown Act* is available free online at [www.cacities.org/opengovernment](http://www.cacities.org/opengovernment).

**E-Mail Exchanges May Constitute Serial Meetings**

Similarly, the Brown Act prohibits public officials from doing in successive steps what they cannot do in one step. More specifically, the Brown Act provides that a majority of a legislative body may not use any series of communications, either directly or through intermediaries, to discuss, deliberate or take action on any item of business that is within the legislative body's subject matter jurisdiction. Serial meetings typically occur by either a "hub and spoke" or a "daisy chain" meeting.

***Hub and Spoke Meetings***

A hub and spoke meeting occurs when one person acts as the center and communicates with members of the legislative body. For example, Council Member Newman cannot call Council Member Oliver to discuss an item of city business and then call Council Member Peoples to discuss his conversation with council member Oliver. In this meeting Council Member Newman was the hub, and the other two council members were the spokes. Hub and spoke meetings may also occur by e-mail if the individual members e-mail each other instead of calling.



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### *Daisy Chain Meetings*

A serial meeting may also occur if Council Member Newman calls Council Member Oliver to discuss an item of city business, and then Council Member Oliver calls Council Member Peoples to discuss the same thing. This type of communication is also called a daisy chain meeting. This type of meeting is particularly likely to occur by e-mail due to the ease of forwarding e-mails.

### **Serial Meetings in Cyberspace**

The Internet provides numerous opportunities for local officials to post their thoughts and opinions about city issues. Local bloggers report on city news and sometimes provide a running commentary of council and commission meetings as they happen. And most newspapers have websites where members of the public can — and frequently do — comment on the articles. When these entries or articles are especially timely or controversial, they practically invite comments by interested residents and local officials.

As of this writing, no court has specifically ruled on the intersection of comments posted on the Internet and the Brown Act's requirements. However, the same serial meeting rules that apply to e-mail may likely apply to other online conduct such as commenting about online news stories.

The potential danger with the online world is the speed with which a simple comment on a blog, a Facebook status update, a photo or newspaper article may rapidly become a discussion about city business by a quorum of the legislative body. For example, a local blogger may post an entry about an upcoming planning commission agenda item. Proponents and opponents both weigh in on the blog comments. A planning commissioner reads the entry and also posts a comment about the item. A second planning commissioner also decides to post a comment, and then a third planning commissioner responds to the first two commissioners.

### *Looking for Footnotes?*

A fully footnoted version of this article is available online at [www.westerncity.com](http://www.westerncity.com).

Thus, a discussion among the three of them ensues electronically on the Internet.

Did the planning commissioners violate the Brown Act? At first glance, it may seem that the planning commissioners did not violate the Brown Act if the blog is available for any member of the public to read. The planning commissioners may believe that basic open government principles were followed because they were not trying to have a secret meeting to discuss official business, and anyone could read their electronic conversation. But the planning commissioners also did not have their electronic conversation pursuant to a noticed meeting under the Brown Act. Instead, they used a series of communications to discuss and deliberate on an item within their subject matter jurisdiction.

The sheer openness of a conversation is not the critical factor under the Brown Act. For example, the three commissioners could have instead met in one of their living rooms and live-streamed their conversation on the Internet as it was occurring. That video would also be public and available for everyone to see and possibly to comment on as it was happening. This in-person living room conversation about city business, though, would not comply with the Brown Act.

In addition, an issue may raise particular legal and practical sensitivities where any type of comment may not be wise. For example, if a local agency will consider a matter where a person is owed certain due process rights or if an agency is

involved in pending litigation, local officials should first contact their city attorney for advice on whether they should be making *any* type of comment, regardless of the forum or medium. These considerations are separate and apart from Brown Act issues.

### **Conclusion**

While the use of new technology offers important advantages in keeping individuals up to date and informed, the speed with which messages may be sent and comments posted can have drawbacks if public officials inadvertently find themselves in the midst of an e-mail conversation or conversation thread with other members of their commission or city council. The law may eventually catch up to the current technology, but until it does public officials should continue to abide by the general Brown Act principles regardless of whether the communication is in person or online. ■

*The potential danger with the online world is the speed with which a simple comment on a blog, a Facebook status update, a photo or newspaper article may rapidly become a discussion about city business by a quorum of the legislative body.*

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**CITY OF SAN LEANDRO****CITY COUNCIL BUSINESS AND HOUSING DEVELOPMENT COMMITTEE**

**September 10, 2009  
4:00 p.m. – 5:30 p.m.**

**San Leandro City Hall  
835 East 14<sup>th</sup> Street  
San Leandro, California  
Sister Cities Gallery**

**HIGHLIGHTS**

Committee Members: Chair Stephens, Councilmember Reed and Councilmember Souza

City staff present: City Manager Hollister, Community Development Director Sims, Business Development Manager Battenberg, Planning Manager Livermore, Housing Manager Liao, Senior Development Project Specialist Penaranda, Business Development Analyst Kay, Housing Specialist Hom and Project Specialist Ricard

Public present: Ian Grant (Ghirardelli Chocolate Company)

The meeting was called to order at 4:03 p.m.

**1. Discussion Regarding Development of the Industrial Competitiveness Grant Program and an Energy Efficiency Resource Fair Planned for October 8.**

Business Development Analyst Kay provided the Committee with an overview of the Industrial Competitiveness Grant Program (see attached memo). Kay explained that the Program encourages and facilitates energy efficiency improvements at industrial facilities, creating cost savings for these businesses and helping to meet the City's environmental goals. Program funding of \$150,000 is included in the adopted FY 2009-10 budget for the West San Leandro/MacArthur Blvd (WSL/Mac) Redevelopment Project Area.

In order to provide information about the Program and other resources available to the industrial businesses, the Office of Business Development is planning to hold an Energy Efficiency Resource Fair on October 8, 2009 at the San Leandro Library. This event will include a short program and an opportunity for businesses to network with vendors and consultants.

Kay then briefed the Committee on Ghirardelli's investment in energy efficiency projects in recent years, and advised the Committee a small \$3,608 grant is recommend to support Ghirardelli's planned Phase 2 lighting retrofit, using funds from the Joint Project Area's Commercial Rehabilitation Program (as Ghirardelli is not in the WSL/Mac Project Area).

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September 10, 2009  
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The Committee discussed the program and inquired into how it was funded and how it would be advertised. Business Development Manager Battenberg explained that the program was funded out of Redevelopment tax increment funding and a mailing would be sent out all eligible businesses.

## 2. Discussion Regarding Update of Planned Zoning Code Amendments

Planning Manager Livermore provided the Committee with an update regarding the Zoning Code Amendments currently being explored by Planning staff (see attached memo). Livermore explained that these updates are designed to clear up internal contradictions in the code, comply with state law and address issues raised by the City Council. Staff is currently planning to take the first of the amendments to the Planning Commission and City Council this fall.

The Committee had a lengthy discussion regarding the proposed Zoning Code Amendments and the effects they may have. They expressed particular concern over allowing urban agriculture within the City limits and allowing Flea Markets to be conditionally permitted in large industrial buildings. The Committee directed staff to not move forward with either of these Zoning Code Amendments.

## 3. Update on Development Projects

- a. Homelessness Prevention and Rapid Re-Housing Program: Housing Specialist Hom updated the Committee on it's recent homeless prevention activity. Hom explained that in August, while the City Council was in recess, the City in conjunction with Building Futures with Women and Children (BFWC) applied for a \$1.5 million grant from the state Homelessness Prevention and Rapid Re-Housing Program (HPRP) funds.

If the State approves the grant the funds will be used to coordinate and implement a county-wide, integrated HPRP service system and establish a Mid County Housing Resource Center at the Davis Street Resource Family Center (DSFRC).

To leverage HPRP funds, the Redevelopment Agency will provide \$20,000 to DSFRC to support affordable rental housing placement activities.

- b. Outdoor Furniture: Business Development Manager Battenberg informed the Committee that the outdoor furniture for Tapioca Express has arrived and is being utilized. Agency staff has been working with the restaurant owners surrounding the new Joaquin Plaza to create desirable outdoor dining areas. To date, staff has assisted Los Pericos Taqueria, Tapioca Express and Sergio's to select quality furniture and umbrellas. The Agency will be contributing up to 50% of the cost of this furniture through the Façade Improvement Program, as well as assisting the business owners in acquiring the necessary permits. The furniture for Los Pericos has been shipped and should arrive very soon, however Sergio's Pizzeria will hold off on installing its outdoor furniture until next spring.

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- c. Palma Plaza: Senior Business Specialist Penaranda explained to the Committee that the Redevelopment Agency is exploring providing assistance to the property of owner of Palma Plaza to demolish and remove the freestanding shack/shed building at the corner of the shopping center.

Penaranda explained that the building has posed a constant nuisance with its various Code compliance problems (i.e. Building, Fire, Health, Zoning, and Community Compliance). The appearance of the detached building is poorly outdated, incongruous and a detraction in comparison to the newer shopping center on the property. The removal of the unsightly building and its replacement with landscaping and two new parking spaces would be a significant improvement to the property.

Preliminary cost estimates for this work are approximately \$35,000. Staff thinks the benefit to the City may justify paying 100% of the cost. The Committee agreed that the demolition of the building is a priority, however recommended the 75% Agency contribution level.

- d. Crystal Eagle Award: Business Development Manager Battenberg informed the Committee that the Redevelopment Agency won the prestigious Crystal Eagle Award – see handout attached and included in the packet.
- e. Links Appreciation Lunch: The West San Leandro LINKS Shuttle Service (LINKS) has served over one-million riders since its inception in 2001. The LINKS has been successfully operating for the past eight years providing free and reliable transportation from the downtown San Leandro BART station to the western industrial employment core of the City. To celebrate this milestone, the San Leandro Transportation Management Organization (SLTMO) will be hosting a Ridership Appreciation Event on Wednesday September 30<sup>th</sup> from 11:00 to 1:00 at the North Face parking lot, 2013 Farallon Drive.

**4. Public Comments:** None

**5. Committee Member Comments:** None

**6. Adjourn:** The meeting adjourned at 5:30 p.m.

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## CITY OF SAN LEANDRO

### MEMORANDUM

**Date:** September 10, 2009  
**To:** City Council Business and Housing Development Committee  
**From:** Luke Sims, Community Development Director  
**Via:** Kathleen Livermore, Planning Manager  
**By:** Phil Millenbah, Senior Planner  
**Subject:** Discussion Regarding Zoning Code Amendments

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Staff is in the process of drafting changes to the City's zoning code and is expecting to bring forward the changes to the Planning Commission and City this Fall. The amendments to the zoning code include:

**Retail Box.** Staff is preparing zoning code text changes and General Plan Amendments that would ban on stores exceeding 100,000 sq ft and devoting more than 5% of floor space to the sale of non-taxable goods. The supporting General Plan Amendments must address the following issues: a. Commercial development must predominately serve the local community, not wider region; b. all commercial development must be compatible and consistent in size with the surrounding built environment, particularly residential uses, and/or; c. high priority is to be given to preservation and expansion of existing businesses and prevention of new commercial development on the periphery of the community.

**Urban Agriculture.** Urban Agriculture amendments will included additions to zoning code to allow beekeeping and chickens. The changes would allow one hive as long as certain conditions are met such as providing water and having sufficient setbacks, and the chicken ordinance will allow up to 6 chickens per household (no roosters).

**Water Efficient Landscaping.** In 2006, the state legislature passed AB 1881, known as the Water Conservation in Landscaping Act, which required the State Department of Water Resources to update the State Model Water Efficient Landscape Ordinance by 2009. Cities must adopt ordinances that are "at least as effective" as the model ordinance by January 1, 2010.

The City of San Leandro Zoning Code already establishes landscaping requirements in Article 19, and encourages the reduction of water use. The State Model differs from these

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existing requirements in a number of ways that need to be reconciled. Overall the requirements of the Model Ordinance are significantly more restrictive than existing regulations, but apply to fewer developments.

**Other amendments requiring minor text changes:**

- 1) Outdoor Storage (no CUP required in certain zones)
- 2) Accessory Structures (setback/height standards)
- 3) Dental labs (permitted in zones allowing medical uses)
- 4) Definition (article 3) of "Day Care General"
- 5) Prohibition of paving in front yard setback (beyond driveway requirements)
- 6) Roll up doors in the commercial zones (standards for allowing some roll up doors)
- 7) Large family day care definition
- 8) Telecom. Making the telecom section in Article 16 consistent with the detailed lists where towers, alt. towers and antennae are permitted or to be built pursuant to CUP/Administrative Review permits in Articles 6 and 7.
- 9) Flea Markets (defining them and establishing where they would be conditionally permitted).

Press Release

July 13, 2011, 4:32 a.m. EDT

# Energy Recovery Inc Consolidates North American Operations

## Company Streamlines Manufacturing Operations, Reducing Expenses and Improving Efficiency



SAN LEANDRO, Calif., Jul 13, 2011 (BUSINESS WIRE) -- Energy Recovery Inc [/quotes/zigman/109992 ERII +5.33%](#), a leader in the design and development of energy recovery devices for desalination and other industrial processes, today announced the planned consolidation of its North American manufacturing operations. Under the plan, the company will move its operations in Michigan, where its pumps and turbochargers are currently assembled, and relocate those activities to its existing headquarters and production center in San Leandro, California. ERI expects the consolidation to significantly reduce costs, improve efficiencies and enhance research and development efforts, positioning the company to experience increased profitability in subsequent years.

To implement this consolidation, the company expects to record non-recurring expenses in the current year of approximately \$4.7 million--which includes a loss on sale of \$1.3 million, moving costs of \$0.4 million, and employee severance and other estimated transition costs of approximately \$1.8 million. ERI anticipates that the consolidation will generate recurring cost savings in subsequent years on the order of \$3.0 million, resulting mainly from reductions in headcount and other overhead expenses. ERI expects the impact of the consolidation on cash flow to be minimal.

Beyond cost savings, this initiative allows the company to streamline and accelerate its research and development plans and achieve enhanced focus on bringing new products to market. "While we regret the impact of the plan on our Michigan employees, consolidation is the right decision for our shareholders and customers," said Thomas S. Rooney, chief executive officer of ERI. "This is a great opportunity for the company to streamline its manufacturing operations, reduce production costs and improve its financial performance. In keeping with our corporate strategy to diversify into new strategic market segments of large addressable size, the consolidation will also allow us to accelerate the launch of next-generation products."

### **About Energy Recovery Inc**

Energy Recovery Inc [/quotes/zigman/109992 ERII +5.33%](#) designs and develops energy recovery devices that significantly reduce energy consumption in desalination and other industrial processes. Energy Recovery's prominence in the desalination market includes notable technologies such as the PX Pressure Exchanger(TM) (PX(TM)) devices, the ERI(TM) TurboCharger hydraulic turbine energy recovery devices and the ERI(TM) AquaBold(TM) and ERI(TM) AquaSpire(TM) high-pressure pumps. In total, Energy Recovery has more than 12,000 devices installed, reducing the carbon footprint of desalination by saving 1 GW of energy and offsetting CO2 emissions by more than 5.2 million tons per year. The company is headquartered in the San Francisco Bay Area with offices in key centers worldwide, including Madrid, Shanghai, and the United Arab Emirates. For more information about Energy Recovery Inc, please visit [www.energyrecovery.com](http://www.energyrecovery.com) .

This press release includes "forward-looking statements" within the meaning of Section 27A of the Securities Act of 1933, as amended, and Section 21E of the Securities Exchange Act of 1934, as amended. These forward-looking statements include our expectation that the consolidation of our Michigan and California operations will reduce costs, improve efficiencies, enhance research and development efforts and help accelerate the Company's diversification into new markets. Because such forward-looking statements involve risks and uncertainties, the Company's actual results may differ materially from the predictions in those forward-looking statements. Factors that could cause actual results to differ materially include, but are not limited to, unexpected costs or delays in the consolidation, our inability to maintain product quality and timely fulfill orders during the transition, higher outsourcing costs than expected, loss of key employees or the failure of the consolidation to yield expected cost reductions, economies of scale or expected synergies, and other risks detailed in the Company's filings with the Securities and Exchange Commission ("SEC"). All forward-looking statements are made as of today, and the Company assumes no obligation to update such statements. For more details relating to the risks and uncertainties that could cause actual results to differ materially from those anticipated in our forward-looking statements, please refer to the Company's SEC filings.

SOURCE: Energy Recovery Inc

Press Release

## **OSIsoft Announces Its Selection As Microsoft Sustainability Partner Of The Year**

**Business Wire**

07/10/11 - 01:07 PM EDT

OSIsoft, LLC ( [www.osisoft.com](http://www.osisoft.com)), the leader in real-time data infrastructure solutions, today announced its selection as a 2011 Microsoft Partner of the Year Award Winner. From nearly 3,000 partner entries submitted this year for the Worldwide Partner Conference (WPC) 2011 Awards program, OSIsoft's PI System was selected by Microsoft judges as the winner in the category, Sustainability Partner of the Year. This is the inaugural year for Microsoft to present the Sustainability Partner of the Year Award, a category which recognizes exceptional partners who have delivered software and technology innovations built on the Microsoft platform that help organizations around the world reduce their impact on the environment.

“For their continued commitment to helping customers solve their environmental impact challenges, OSIsoft is recognized by Microsoft as this year's Sustainability Partner of the Year,” said Rob Bernard, chief environmental strategist for Microsoft. “OSIsoft's PI System illustrates the critical role of information in helping customers across multiple industries make informed decisions about energy and environment related challenges.”

Sustainability in its simplest terms is about an enterprise's long term survivability and conducting business in a way that protects economic and environmental resources while upholding social responsibilities. Organizations need to tackle sustainability with a comprehensive, enterprise-wide approach and implement a culture of continuous improvement.

“Your achievement represents the commitment to deliver innovative products and services built on Microsoft technologies that positively change and impact our mutual customers' business,” said Simon Witts, corporate vice president, Enterprise & Partner Group, Microsoft Corp. “OSIsoft's products play an important role in the manufacturing and industrial facilities of our customers. As the PI System's market presence expands, its users gain additional experience and lessons on how to leverage the infrastructure for innovation and continuous improvement.”

OSIsoft's PI System has been at the core of managing resources and empowering data-driven decision making for 30 years. The PI System supports sustainability efforts of diverse companies by providing an infrastructure for continuous improvement that has proven positive business impact and payback. For example, the PI System provides a unique approach to data visibility that is broadly applicable to many industries. There are thousands of OSIsoft customers worldwide, and with the changes in PI System 2010 and the embedded adoption of Microsoft SQL Server and Microsoft SharePoint, these customers will all, over time, be installing and or expanding their installations, relying on key Microsoft technologies.

“The PI System provides answers to today’s business problems and an infrastructure to build toward tomorrow’s opportunities,” said Bernard Morneau, president of OSIssoft. “The PI System provides our customers with the ability to gain true real-time operational insight into their businesses through the use of an information infrastructure that can span global operations. With a solid, globally scalable infrastructure in place built on a Microsoft platform, OSIssoft’s customers are much better positioned to build their sustainability strategies successfully.” OSIssoft’s customer base has been using the PI System for quantitative measurement of efficiency and effective resource management over the past 30 years. As a result, customers have found new ways to expand their sustainability strategies through the ability to connect the C-suite to the shop floor in a secure and scalable way.

OSIssoft has enabled customers such as Kodak, Alcoa, IBM Burlington, Halifax Regional Water Commission, and Water Corporation (visit [www.osissoft.com/sustainability](http://www.osissoft.com/sustainability) for more examples) to reduce and manage energy and water consumption, resulting in millions of dollars of cost reduction and revenue growth - real business and environmental value. The PI System provides customers with true, real-time operational insight into their businesses by measuring, recording and visualizing the activity of equipment and processes across an organization.

Utilities are also using the PI System to help deliver on the promise of the Smart Grid for Sustainability. The PI System is the backbone of Microsoft’s Smart Energy Reference Architecture (SERA) because it is the only way to measure all of the millions of data points from generation to transmission to smart meters.

To deliver these intelligence and efficiency capabilities at the scale required by global operations, the PI System is built on Microsoft’s Enterprise platform, including Microsoft Windows Server 2008 R2, Microsoft SQL Server 2008 R2, Microsoft SharePoint 2010, Microsoft Silverlight, Microsoft Lync 2010, Microsoft Office 2010, and Microsoft PowerPivot.

For more information about OSIssoft’s sustainability efforts, visit [www.osissoft.com/sustainability](http://www.osissoft.com/sustainability) or visit us at the Microsoft Worldwide Partner Conference at booth 323 from July 10-14 in Anaheim, California.

### **About OSIssoft, LLC**

OSIssoft ([www.osissoft.com](http://www.osissoft.com)) delivers the PI System, the industry standard in enterprise infrastructure, for management of real-time data and events. With installations in 110 countries spanning the globe, the OSIssoft PI System is used in manufacturing, energy, utilities, life sciences, data centers, facilities, and the process industries. This global installed base relies upon the OSIssoft PI System to safeguard data and deliver enterprise-wide visibility into operational, manufacturing and business data. The PI System enables users to manage assets, mitigate risks, comply with regulations, improve processes, drive innovation, make business decisions in real time, and to identify competitive business and market opportunities.

Founded in 1980, OSIsoft, LLC is headquartered in San Leandro, CA, with operations worldwide and is privately held. Learn more about OSIsoft and the PI System at [www.osisoft.com/sustainability](http://www.osisoft.com/sustainability).



## PRESS RELEASE

SAN LORENZO UNIFIED SCHOOL DISTRICT  
15510 Usher Street  
San Lorenzo, CA 94580

Dr. Dennis Byas  
Superintendent  
Nutrition

Sandee Larsen  
Director, Child  
510-317-4660

The San Lorenzo Unified School District (SLZUSD) is very pleased to announce that we will continue to feature its “The Seamless Summer Feeding Program” during the summer days when our schools are in session.

This Program is for **All San Lorenzo Unified School District community members** and it provides **FREE MEALS** to SLZUSD community members who meet the follow criteria: **ALL** Children 18 years or younger and persons 19 or older with a physical or mental disability, whom also participates in a public or private education programs during the school year.

Meals at no charge will be served **MONDAY TROUGH THURSDAY (except for the week of 6/21 & 7/4 which will be Tues-Fri)** at the following locations: Bohannon Middle School; Colonial Acres Elementary; Corvallis Elementary, Hillside Elementary & Lorenzo Manor Elementary;

SITE	DATE & TIMES	ADDRESS
<u>Colonial Acres Elementary</u> Breakfast Lunch	July 11- Aug 11 8:15am-8:25am 12:25pm-12:35pm	17115 Meekland Ave Hayward
<u>Corvallis Elementary</u> Breakfast Lunch	June 21-July 21 8:15am-8:25am 10:45am-10:55am	14790 Corvallis Street San Leandro
<u>Hillside Elementary</u> Breakfast Lunch	June 20-July 28 8:30am-8:40am 12:15pm-12:25pm	15980 Marcella Street San Leandro
<u>Lorenzo Manor Elementary</u> Lunch	July 25-Aug 11 11:45am-11:55am	18250 Bengal Ave Hayward
<u>Bohannon Middle School</u> Breakfast Lunch	June 21-July 28 7:55am-8:05am 11:15-am-11:25am	800 Bockman Road San Lorenzo

## San Lorenzo teacher goes for world championship in Finland

By [Chris Metinko, Oakland Tribune](#)

Posted: 06/15/2011 12:00:00 AM PDT Updated: 06/15/2011 04:57:39 AM PDT

The current fourth-ranked player in the world of men's tennis is Andy Murray. In golf, that distinction belongs to Steve Stricker.

**P.T. Lovern** also holds that ranking.



Not quite as familiar with Lovern as the names Murray and Stricker? That's because most are not familiar with the sport of footbag.

"The best way I can describe it is a mix of martial arts, volleyball and soccer," said **Lovern, a PE teacher at Bohannon Middle School in San Lorenzo** and an Oakland resident.

That's about as succinct a description of the sport as possible.

In footbag, players line up on opposite sides of a 5-foot-high net and exchange volleys of a "footbag" -- think hacky sack -- back and forth. Just like volleyball, there are spikes and digs, but of course players must use their feet, making for some dramatic aerial artistry as players try to score.

The sport is similar to sepak takraw -- popular in countries such as Thailand, Laos and the Philippines.

As for the 36-year-old Lovern, he should be able to describe the sport. He's been playing since he was in college at Southern Illinois University.

In 1995, he traveled to San Francisco to take part in the sport's world championship and eventually moved to the Bay Area to start his teaching career. In 2003, Lovern founded The Chaos Footbag Club in Oakland -- taking the place of the old Bay Area Footbag League in the South Bay.

Lovern has helped make Chaos one of the most successful footbag clubs in the world. The club plays host annually to the Green Cup in Oakland, a major tournament in the sport -- and Lovern himself won the world championships in doubles in 2004 and 2008. He also won a mixed doubles championship just last month at the team's Green Cup event -- which drew players from as far as Montreal and even Berlin -- to go along with numerous other tournament wins.

In August, he heads to Helsinki for the sport's world championships.

"The sport's gotten pretty big in Europe," said Lovern, who in his spare time also coaches the Bohannon soccer team. "It's not really up to that level here."

Lovern promotes the sport and his team mainly through the Internet -- websites, YouTube and Facebook -- but is realistic about its fight for respectability.

"It's not hacky sack," he said. "But it'll never beat the reputation of hacky sack. There's a certain stigma there."

Lovern said the sport could gain popularity if it gained a major sponsor and got a spot in something like ESPN's X Games competition. However, Lovern admits it's hard to attract new players -- mainly because the sport is so hard to learn.

"The learning curve is so steep," Lovern said. "There's no immediate success. You just lose and lose and lose."

Lovern, however, doesn't lose much.

He's one of the most decorated U.S. footbaggers ever, and his skills even got him a bit part in the 2008 Adam Sandler movie "You Don't Mess with the Zohan" as a hacky sack player on the beach in Cabo San Lucas.

"They flew us down to Cabo," he said. "That was sweet."

How much longer Lovern can keep his place as one of the best in the world is a question even he can't quite answer. He practices three times a week and numerous injuries -- torn hamstrings, calf muscles and even a meniscus -- have taken their toll during his 16 years of play.

"You do it as long as you can," Lovern shrugs.

One thing Lovern does believe he knows is who will be victorious at the sport's Super Bowl this August in Finland.

"We're going to win it," he said. "That's how we're going to do."