



**BOARD OF DIRECTORS  
EAST BAY MUNICIPAL UTILITY DISTRICT**

---

375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

---

**AGENDA  
Tuesday, January 10, 2006**

**REGULAR CLOSED SESSION  
11:00 a.m., Board Room**

**ROLL CALL:**

**PUBLIC COMMENT:** The Board of Directors is limited by State law to providing a brief response, asking questions for clarification, or referring a matter to staff when responding to items that are not listed on the agenda.

**BROWN ACT BRIEFING:**

1. Presentation of the Brown Act and the Ethics Policy of the EBMUD Board of Directors.

**ANNOUNCEMENT OF CLOSED SESSION AGENDA:**

1. Existing litigation pursuant to Government Code section 54956.9(a):  
  
In Re Consolidated Cases Re East Bay Municipal Utility District Pipeline Project, Specification 1861, Contra Costa County Superior Court Case No. C04-01493
2. Significant exposure to litigation pursuant to Government Code section 54956.9(b): three matters.
3. Conference with labor negotiators Dennis Diemer, Artis Dawson, Gwen McDonald, and Mark Berenberg pursuant to Government Code section 54957.6: Employee organizations International Federation of Professional and Technical Engineers, Local 21, AFL-CIO; International Union of Operating Engineers, Stationary Engineers, Local 39, AFL-CIO; and Locals 444 and 2019, American Federation of State, County and Municipal Employees, AFL-CIO.

*(The Board will hold Closed Session in Conference Room 8A/B)*

**REGULAR BUSINESS MEETING**  
**1:15 p.m., Board Room**

**ROLL CALL:**

**BOARD OF DIRECTORS:**

- Pledge of Allegiance
- Election of Officers

**PRESENTATIONS:**

- Present Director John A. Coleman with 15-year pin for service to the Board of Directors
- Present Director Doug Linney with 5-year pin for service to the Board of Directors

**ANNOUNCEMENTS FROM CLOSED SESSION:**

**PUBLIC COMMENT:** The Board of Directors is limited by State law to providing a brief response, asking questions for clarification, or referring a matter to staff when responding to items that are not listed on the Agenda.

**CONSENT CALENDAR:** (Single motion and vote approving 15 recommendations including 3 Resolutions)

1. Approve the Regular Meeting Minutes of December 13, 2005.
2. File correspondence with the Board.
3. Award a contract to the lowest responsive/responsible bidder ERS Industrial Services, Inc. in the amount of \$595,227.13 for construction of Water Treatment Plant Filter Repair – San Pablo Pilot under Specification 1945.
4. Award a contract to the lowest responsive/responsible bidder Jeffco Painting & Coating, Inc. in the amount of \$320,145 for construction of the North Richmond Water Reclamation Plant Clarifier Recoat Project under Specification SD 300.
5. Authorize an agreement with Systems Consulting in an amount not to exceed \$815,000 for services supporting the Materials Management Information System. This agreement includes a two-year contract from March 1, 2006 until February 29, 2008, with three one-year options to renew.
6. Authorize an agreement with TNT Enterprises in an amount not to exceed \$150,000 for backhoe operator training, testing, and certification during the period of January 12, 2006 to January 31, 2007.
7. Authorize an amendment to the agreement with The Bailey Construction Equipment Inc. to increase the contract ceiling to \$210,290 to complete the existing Cal/OSHA mobile crane training, testing, and certification program.

**CONSENT CALENDAR:** (Continued)

8. Authorize an amendment to the agreement with E2 Consulting Engineers, Inc. in an amount not to exceed \$656,338 for additional flow monitoring services in support of the studies being performed for the Wet Weather Infrastructure Evaluation Project.
9. Authorize the Freeport Regional Water Authority to enter into a funding agreement with the Sacramento County Department of Transportation at an estimated net cost of \$1,800,000 to design and construct medians and coordinate road improvements.
10. Amend Position Resolution No. 33502-05 to implement a new classification of Information Systems Administrator II and reallocate one position of Information Systems Administrator to the new classification. (Resolution)
11. Authorize EBMUD to apply for a Proposition 50 Chapter 3 Funding Program Grant for the construction of the Hayward Intertie Project. (Resolution)
12. Authorize an amendment to an agreement with Evans/McDonough Company Inc. in an amount not to exceed \$150,000 annually for customer research services during the period January 11, 2006 – December 30, 2006, with an option for two additional one-year periods.
13. Authorize the Office of General Counsel to continue the employment of the law firm of Clarence & Dyer, LLP for services of special counsel related to providing representation in administrative and judicial proceedings.
14. Authorize the Office of the General Counsel to continue the employment of the law firm of Wulfsberg Reese Colvig & Firstman for services of special counsel related to construction matters and construction litigation.
15. Appoint Assistant Attorney with the title of Attorney III. (Resolution)

**DETERMINATION AND DISCUSSION:**

16. Legislative Update:
  - Update on Legislative Issues of Interest to EBMUD
  - Federal Legislative Initiatives for 2006
17. Authorize an agreement with Clear Channel Outdoor, Inc. to manage outdoor advertising services at two District sites for the period beginning January 10, 2006 and ending May 1, 2027. In exchange for the use of District property, EBMUD will receive revenue based on the advertising revenue generated.
18. Authorize District Mutual Aid Efforts in Response to Hurricane Katrina.

**DETERMINATION AND DISCUSSION: (Continued)**

19. General Manager's Report:
- Annual Standing Committees Report
  - FY06 Summary of Board Committee Agendas
  - EBMUD Sponsorships
  - Monthly Report – December 2005
  - Water Supply Update

**REPORTS AND DIRECTOR COMMENTS:**

20. Committee Reports:
- Legislative/Human Resources
  - Planning
21. Director Comments.

**ADJOURNMENT:**

*The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, January 24, 2006 in the Administration Center Board Room, 375 Eleventh Street, Oakland, California.*

*If you require a disability-related modification or accommodation to participate in an EBMUD public meeting please call the Office of the Secretary (510) 287-0404. We will make reasonable arrangements to ensure accessibility. Some special equipment arrangements may require 48 hours advance notice.*