



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

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375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

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**AGENDA  
Tuesday, March 28, 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.

**ANNOUNCEMENT OF CLOSED SESSION AGENDA:**

1. Existing litigation pursuant to Government Code section 54956.9(a):
  - a. East Bay Municipal Utility District v. Shell Oil Company et al., San Francisco County Superior Court, Case No. CGC-04-431386
  - b. Gas Pipeline Explosion Cases; Coordinated Actions, Contra Costa County Superior Court, Judicial Council Coordination Proceeding No. 4433
2. Significant exposure to litigation pursuant to Government Code section 54956.9(b): one matter.

*(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

**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 14 recommendations, including 2 Resolutions.)

1. Approve the Regular Meeting Minutes of March 14, 2006.
2. File correspondence with the Board.
3. Award a contract to the lowest responsible/responsive bidder Smith-Blair, Inc. in the estimated annual amount of \$41,005 for supplying 6" and 8" service clamps for the District for the period beginning April 1, 2006 and ending March 31, 2008, with two options to renew for additional one-year periods under Proposal No. 0614.
4. Award a contract to the lowest responsible/responsive bidder Tension Envelope Corporation in the estimated annual amount of \$81,785 for supplying billing envelopes for the District mailroom for the period beginning April 1, 2006 and ending March 31, 2007, with three options to renew for additional one-year periods under Proposal No. 0621.
5. Award a contract to the lowest responsive/responsible bidder GSE Construction Company, Inc. in the amount of \$1,894,800 for construction of the Main Wastewater Treatment Plant Primary Sedimentation Tank Rehabilitation – Phase 3 – under Specification SD 299.
6. Award a contract to the lowest responsive/responsible bidder ValleyCrest Landscape Maintenance in the amount of \$2,896,860 for the East Bayshore Recycled Water Project Landscape Irrigation Customer Retrofits under Specification RW 9205.
7. Authorize an agreement with Pacific Gas and Electric Company in an amount not to exceed \$1,917,540 to perform design services for providing a 230 kilovolts electrical transmission service to the proposed Camanche Pumping Plant.

**CONSENT CALENDAR:** (Continued)

8. Authorize the General Manager or his designee to approve expenditures up to 15 percent over the amount of general and professional services agreements, but not to exceed \$60,000, if necessary to satisfactorily complete the work.
9. Approve implementation of the fourth year general salary increase of 2.6% in accordance with the 2003-2007 Memoranda of Understanding between the District and AFSCME Locals 2019 and 444, Stationary Engineers Local 39, and IFPTE Local 21, and authorize a 2.6% salary increase for managers, confidential employees and other non-represented employees.  
(Resolution)
10. Approve revisions to the following District Policies: Policy 1.09 – Purchasing and Materials Management; Policy 2.06 – East Bay Municipal Utility District Drug and Alcohol Misuse Policy; Policy 4.01 – Employee Earnings and Payroll Determination; and Policy 8.02 – Biosolids Management.  
(Resolution)
11. Authorize the Office of General Counsel to continue the employment of the law firm of Bowles and Verna for specialized services related to construction and insurance litigation matters.
12. Authorize the Office of General Counsel to retain the law firm of Hanson, Bridgett, Marcus, Vlahos & Rudy, LLP, for specialized legal services related to construction claims and litigation.
13. Authorize the Office of General Counsel to continue the employment of the law firm of Janssen Doyle, LLP for specialized legal services in support of the District's polybutylene litigation.
14. Authorize the Office of General Counsel to continue the employment of the law firm of Reed Smith, LLP for specialized legal services in support of the District's polybutylene litigation.

**DETERMINATION AND DISCUSSION:**

15. Legislative Update:
  - Receive Legislative Report No. 4-06 and consider positions on the following bills: AB 32 (Pavley) – Greenhouse Gas Emissions; AB 2252 (Strickland) – Environmental Impact Report; AB 2402 (Ruskin) – Public Water Systems: Treatment; AB 2444 (Klehs) – Motor Vehicle Mitigation Fees; AB 2479 (Villines) – Noxious Weeds; AB 2496 (Laird) – Water Conservation: Low Flush Water Closets; AB 2515 (Ruskin) – Water Conservation; SB 1640 (Kuehl) – Water; and HR 4167 (Rogers) – National Uniformity Food Act of 2005
  - Update on Legislative Issues of Interest to EBMUD

**DETERMINATION AND DISCUSSION:** (Continued)

16. Consider Cost of Living Adjustment to Board of Directors' Salary.
17. General Manager's Report:
  - Water Supply Update

**REPORTS AND DIRECTOR COMMENTS:**

18. Committee Reports:
  - *Special* Planning
  - Legislative/Human Resources
  - Planning
  - Finance/Administration
19. Director Comments.

**ADJOURNMENT:**

*The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, April 11, 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.*