



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

375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

**AGENDA
Tuesday, April 11, 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. In Re Consolidated Cases Re East Bay Municipal Utility District Pipeline Project, Specification 1861, Contra Costa County Superior Court Case No. C04-01493
 - b. Gas Pipeline Explosion Cases; Coordinated Actions, Contra Costa County Superior Court, Judicial Council Coordination Proceeding No. 4433
2. Consideration of appointment of public employee pursuant to Government Code section 54957: General Counsel.

(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

PRESENTATION:

- Award from the Northern California Chapter of International Public Management Association for Excellence for Innovation in Human Resources

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 9 recommendations including 3 Resolutions)

1. Approve the Regular Meeting Minutes of March 28, 2006.
2. File correspondence with the Board.
3. Authorize an agreement with Bay Valve Service and Engineering, Inc. in an estimated annual amount of \$65,986 to attach valve extensions to District valves and then clean, test and certify that no leaks in the valves or related assembly joints exist during the period April 15, 2006 to April 14, 2008, with one option to renew for an additional one-year period under Request for Proposal No. PUR 037.
4. Authorize an amended agreement with Level III Services, Inc. from the original contract amount of \$70,000 annually to an estimated annual amount of \$120,000 to fulfill customer orders from the District's new on-line store for the remainder of FY06, with a one-year option through June 2007.
5. Authorize actions related to Proposition 50 Department of Water Resources Water Conservation Grants:
 - 5.1 Authorize the acceptance of two water conservation grants from the California Department of Water Resources for a total of \$200,000 for: (1) a study on the merits of submetering in the multi-family sector (\$150,000); and (2) the development of a WaterSmart new business water use efficiency guidebook (\$50,000). (Resolution)
 - 5.2 Authorize an agreement with Chris Brown Consulting in an amount not to exceed \$100,000 to prepare a guidebook on water use efficiency for new businesses.
6. Approve the sale of the Mulholland Pumping Plant property, Orinda, to Maysam Kahili for \$310,000. (Resolution)
7. Approve the Water Supply Assessment requested by the City of Alameda for the Alameda Landing Mixed Use Project, pursuant to California Water Code, Sections 10910-10915.
8. 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.
9. Appoint the Director of Engineering and Construction. (Resolution)

DETERMINATION AND DISCUSSION:

10. Legislative Update:
 - Receive Legislative Report No. 5-06 and consider positions on the following bills:
AB 3074 (Salinas) – Local Government: Reorganization; SB 1308 (Battin) – Bribery;
SB 1359 (Torlakson) – Subsurface Installations: Excavations; SB 1429 (Morrow) –
Punitive Damages: Product Liability; SB 1604 (Margett) – Public Contracts: Bids and
Disputes; and SB 1649 (Alarcon) – Parks and Recreation: Outdoor Environmental
Education Program
 - Update on Legislative Issues of Interest to EBMUD
11. Adopt a Resolution expressing the Board of Directors' opposition to the proposed ballot initiative (SA2005RF0147) dealing with product liability and immunity from punitive damages. (Resolution)
12. General Manager's Report:
 - Monthly Report – March 2006
 - Water Supply Update

REPORTS AND DIRECTOR COMMENTS:

13. Committee Reports:
 - Planning
 - Finance/Administration
 - Legislative/Human Resources
 - DSRSD/EBMUD Recycled Water Authority (DERWA)
14. Director Comments.

ADJOURNMENT:

The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, April 25, 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 EB MUD 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.