



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

375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

**AGENDA
Tuesday, April 22, 2008**

**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. Raymond Maxwell v. EBMUD, et al.
Alameda County Superior Court, Case No. RG 07319004
2. Significant exposure to litigation pursuant to Government Code section 54956.9(b): two matters.
3. Initiation of litigation pursuant to Government Code section 54956.9(c): 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 13 recommendations including 1 resolution)

1. Approve the Regular Meeting Minutes of April 8, 2008.
2. File correspondence with the Board.
3. Award a contract to Gutermann, Inc. in an amount not to exceed \$456,750 for leak detection equipment for the Berkeley Pipeline Leak Detection Project.
4. Award a contract to the lowest responsive/responsible bidder, Corrpro Companies, Inc., in the amount of \$233,664 for construction of the Mokelumne Aqueducts Groundbed Replacement Project under Specification 1978.
5. Authorize a three year contract with Athens Administrators with two options to extend for additional two year periods each in the estimated total amount of \$4,244,819 to serve as the District's Third Party Administrator and provide claims administration and benefits to injured workers in support of the District's workers' compensation program. The three year contract period begins June 15, 2008 and ends June 30, 2011.
6. Authorize an agreement with Industrial Employer and Distributors Association in the amount of \$350,556 to provide expert labor relations negotiating and consulting services during the four-year period of July 1, 2008 through June 30, 2012.
7. Authorize an agreement with Official Payments, Corp. at no cost to the District for credit card, debit card, and electronic checking services offered to customers via phone and Internet for a term of 3 years beginning, April 23, 2008 and ending April 22, 2011, with two one-year options, for a total of five years.
8. Authorize an agreement with TERRA/GeoPentech in an amount not to exceed \$1,149,355 for the safety review of Camanche Embankments.
9. Authorize agreements with Veolia Es Industrial Services, Jack Doheny Supplies, Ricker Machinery Company and AES Enterprises, Inc. for fully maintained and operated hydro-excavation services or rental of hydro-excavation equipment on various District projects for the period from April 23, 2008 through March 31, 2010, and increase the currently authorized aggregate annual amount for these types of services from \$100,000 to \$250,000.
10. Authorize a settlement agreement with the City of Lodi providing the terms and conditions under which Lodi will dismiss its protest of the District's petition for time extension on the Camanche water rights permit.
11. Approve the Sewer System Management Plan Work Plan and Schedule for the Camanche and Pardee Recreation Areas to comply with State regulatory requirements.
12. Authorize the Office of General Counsel to continue the employment of the law firm of Foster & Associates for specialized legal services related to labor and employment law and litigation matters.

CONSENT CALENDAR (continued):

13. Adopt a Resolution fixing the ward boundaries from which EBMUD Directors are elected for the November 4, 2008 General Election. (Resolution)

DETERMINATION AND DISCUSSION:

14. Consider Recommendations on Collection of Delinquent Water Charges from Tenant-Occupied Single-Family and Multi-Family Residential Properties.
15. Legislative Update:
- Receive Legislative Report No. 04-08 and consider positions on the following bills: AB 1654 (Huffman) Integrated Regional Water Management Planning Act; AB 2153 (Krekorian) Building Standards: Water Conservation; AB 2187 (Caballero) Mortgages: Foreclosure; AB 2504 (DeSaulnier) Sacramento-San Joaquin Delta: Tourism and Marketing Plan; AB 2586 (Torrico) Residential Tenancies; AB 2763 (Laird) Invasive Pests: Advance Planning: Assessments; AB 2765 (Huffman) Pest Eradication: Aerial Use of Pesticide: Public Hearing: Notice; SB 1334 (Calderon) Drinking Water: Pipes and Fittings: Lead Content; SB 1395 (Corbett) Lead Plumbing: Monitoring and Compliance Testing; SB 1404 (Lowenthal) Plant Labeling; SB 1518 (Correa) Water Charges, Meters, and Submeters: Multiunit Residential Structures
 - Update on Legislative Issues of Interest to EBMUD
16. Consider adopting a Resolution opposing the aerial spraying for the Light Brown Apple Moth eradication program until an environmental assessment and documentation are completed in full compliance with the California Environmental Quality Act determining the health and environmental impacts, alternative measures, and needed mitigations. (Resolution)
17. In accordance with Policy 9.03, Water Supply Availability and Deficiency, consider the potential impacts of a predicted 2008 water supply shortage and actions that could encourage customers to expand their ongoing efforts to use water wisely.
- a. File the Water Supply Availability and Deficiency Report in conformance with Policy 9.03, and declare that the District's water supply is deficient for meeting customer demands in 2008.
 - b. Implement the 2008 Water Shortage Response Plan in accordance with District Policy 9.03, Water Supply Availability and Deficiency, to achieve an average annual 15% voluntary customer demand reduction through a comprehensive water conservation and customer outreach program, and prepare to increase water storage through supplemental supply agreements.
18. General Manager's Report.

REPORTS AND DIRECTOR COMMENTS:

19. Committee Reports:
 - Planning
 - Legislative/Human Resources
 - EBMUD/EBRPD Liaison

20. Director Comments.

ADJOURNMENT:

The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, May 13, 2008 in the Administration Center Board Room, 375 Eleventh Street, Oakland, California.

Disability Notice

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.

Document Availability

Materials related to an item on this Agenda that have been submitted to the EBMUD Board of Directors within 72 hours prior to this meeting are available for public inspection in EBMUD's Office of the Secretary at 375 11th Street, Oakland, California, during normal business hours.

BOARD CALENDAR

Date	Meeting	Time/Location	Topics
Tuesday, April 22	WSMP 2040 Workshop #8 Board of Directors	8:30 a.m. Training Resource Center 11:00 a.m. 1:15 p.m.	<ul style="list-style-type: none"> • Closed Session • Regular Meeting
Tuesday, May 13	Planning Committee Linney (Chair), Foulkes, Katz Finance/Administration Mellon (Chair), Coleman, Patterson Legislative/Human Resources Coleman (Chair), Linney, Patterson Board of Directors	8:00 a.m. Training Resource Center 9:15 a.m. Training Resource Center 10:00 a.m. Training Resource Center 11:00 a.m. 1:15 p.m.	<ul style="list-style-type: none"> • Closed Session • Regular Meeting
Monday, May 26	HOLIDAY		Offices Closed
Tuesday, May 27	Mid-Cycle Budget Workshop Board of Directors	8:30 a.m. Training Resource Center 11:00 a.m. 1:15 p.m.	<ul style="list-style-type: none"> • Closed Session • Regular Meeting