



**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, July 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. East Bay Municipal Utility District v. Shell Oil Company et al., San Francisco County Superior Court, Case No. CGC-04-431386
  - b. In Re Consolidated Cases re East Bay Municipal Utility District Pipeline Project, Specification 1861, Contra Costa County Superior Court, Case No. C04-01493
  - c. Gas Pipeline Explosion Cases; Coordinated Actions, Contra Costa County Superior Court, Judicial Council Coordinated Proceeding No. 4433
2. Significant exposure to litigation pursuant to Government Code section 54956.9(b): one matter.
3. Existing litigation pursuant to Government Code section 54956.9(b): Claim of Ms. Rhonda Gutierrez.
4. Conference with real property negotiator pursuant to Government Code section 54956.8 regarding terms of payment for Pacific Gas & Electric parcel, 511 Bear Creek Road, Orinda, California. Negotiating parties: Manager of Real Estate Services for East Bay Municipal Utility District, and Jeff Kohn, Corporate Real Estate Representative for PG&E.

*(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:**

- Present the AWWA “Partnership For Safe Water Phase IV Excellence in Water Treatment” Award to EBMUD for the Orinda Water Treatment Plant

**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 8 recommendations, including 3 Resolutions.)

1. File correspondence with the Board.
2. Authorize workstation and furniture purchases in FY07 in an amount not to exceed \$205,000 with vendors previously approved per Motion No. 175-02.
3. Authorize an agreement with Foster Farms for the acceptance, treatment and disposal of liquid poultry processing waste at the District’s Main Wastewater Treatment Plant for a period of five years beginning July 11, 2006 at a fee of \$0.05 per gallon in the first two years with an increase of \$0.005 per gallon in the third year, and an additional \$0.005 per gallon for the last two years.
4. Authorize an agreement with Peterson Power Division to perform an engine rebuild on the Maloney Pumping Plant’s natural gas engine for an amount not to exceed \$150,000.
5. Authorize staff to execute an Option to Purchase Real Property Agreement with the Hayward Area Recreation and Park District (HARD) and approve the sale of the Redwood Filter Plant property to HARD for \$15,500,000. (Resolution)
6. Approve the sale of the Mulholland Pumping Plant property, Orinda, to Reza Fakurnejad for \$265,000. (Resolution)
7. Authorize the Office of General Counsel to continue the employment of the law firm of Reed Smith, LLP in an additional amount not to exceed \$120,000 for specialized legal services in support of the District’s polybutylene litigation.
8. Appoint Manager of Water Operations effective July 11, 2006. (Resolution)

**DETERMINATION AND DISCUSSION:**

9. Legislative Update:
  - Update on Legislative Issues of Interest to EBMUD
10. Consider the canceling of the August 22, 2006 Closed Session and Regular Meetings of the Board of Directors.
11. Adopt a resolution expressing the Board of Directors' opposition to Proposition 90, dealing with Government acquisition and regulation of private property. (Resolution)
12. Introduction and first reading of an ordinance amending EBMUD Employees' Retirement System Ordinance (Ordinance No. 40) to amend Section 18, "Safeguards on Disability Retirement," and Section 40, "Corrections of Errors."  
(Introduction and First Reading Only – Ordinance)
13. General Manager's Report:
  - Monthly Report – June 2006
  - Semi-Annual Update on Board Committees

**REPORTS AND DIRECTOR COMMENTS:**

14. Committee Reports:
  - Utility/Energy
  - Legislative/Human Resources
  - DSRSD/EBMUD Recycled Water Authority (DERWA)
15. Director Comments.

**ADJOURNMENT:**

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