



**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, September 12, 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
  - c. In Re Consolidated Cases Re East Bay Municipal Utility District Pipeline Project, Specification 1861, Contra Costa County Superior Court, Case No. C04-01493
  - d. McCarthy v. East Bay Municipal Utility District et al., Contra Costa County Superior Court, Case No. RGO5226095
  - e. San Joaquin Electric, Inc. v. Monterey Mechanical Company et al., Alameda County Superior Court, Case No. RG04180541
2. Significant exposure to litigation pursuant to Government Code section 54956.9(b): one matter.
3. Initiation of litigation pursuant to Government Code section 54956(c): two matters.

***(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

**PRESENTATIONS:**

- Affirmative Action Office Recognition by Alameda County CalWORKS Program
- CASA 2006 Organizational Innovation Award for Excellence Workforce Planning Academies
- Safety Excellence Award for Zero Loss-Time Injuries in FY06 in Aqueduct Section

**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 3 Resolutions)

1. Approve the Regular Meeting Minutes of August 8, 2006.
2. File correspondence with the Board.
3. Consent to withdrawal of the low bid of D. Garrison Roofing and Construction Co., Inc., and award a contract to the lowest responsive/responsible bidder, CAWC Waterproofing & Restoration, in the amount of \$802,331 for construction of the Administration Building Leak Correction and Exterior Caulking Replacement Project under Specification 1962.
4. Approve the assignment of the contracts for backfill pick-up, trench spoils disposal and delivery of wet concrete, previously awarded under Board Motion Nos. 132-04, 055-04 and 200-04 from Specialty Crushing, Inc. to East Bay Rock Corporation. The remaining values on these contracts are \$90,183, \$20,913 and \$2,545 respectively for the remaining contracts which end September 30, 2007, March 31, 2007 and September 30, 2006, respectively.
5. Authorize an extension to an existing Verizon Wireless Internet service contract providing wireless Internet access to the District's field computer users for an estimated amount of \$120,000 per year for a one year period from October 1, 2006, through September 30, 2007, with option to extend for two additional one-year periods.
6. Authorize an agreement with DRS Marine Inc., in an amount not to exceed \$200,000 annually for diver services in water treatment and raw water facilities during the period October 1, 2006, to June 30, 2007, with four options to renew for an additional one-year period under Proposal PUR 041.

**CONSENT CALENDAR: (Continued)**

7. Authorize the acceptance of an Anadromous Fish Restoration Program grant from the US Fish & Wildlife Service to support the District's lower Mokelumne River Spawning Habitat Improvement Project in the amount of \$100,000. (Resolution)
8. Authorize the acceptance of an Aqueduct Leak Detection Study Grant from the United States Bureau of Reclamation to support the District's Leak Detection and Pipeline Assessment Project in the amount of \$300,000. (Resolution)
9. Authorize the acceptance of a water conservation grant from the California Department of Water Resources for a total of \$217,000 for the development of a water use efficiency product rating and labeling program. (Resolution)
10. Approve the Water Supply Assessment requested by the City of Oakland for the 1938 Broadway Mixed-Use Project, pursuant to California Water Code, Sections 10910-10915.
11. Authorize the Office of General Counsel to continue the employment of the law firm of Bowles and Verna, for specialized legal services related to construction, insurance and public liability claims and litigation matters.
12. 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.
13. Authorize the Office of the General Counsel to continue the employment of the law firm of Wulfsberg Reese Colvig & Firstman for specialized legal services related to construction matters and construction litigation.

**DETERMINATION AND DISCUSSION:**

14. Legislative Update:
  - Update on Legislative Issues of Interest to EBMUD
15. Approve the appointment of 17 stakeholder representatives to the Mokelumne Watershed Master Plan Community Liaison Committee.
16. General Manager's Report:
  - Request for use of the Briones Reservoir for the 2016 Olympics
  - Election of Retired Member of the Retirement Board
  - Monthly Report – August 2006

**REPORTS AND DIRECTOR COMMENTS:**

17. Committee Reports:
  - Legislative/Human Resources
  - *Special Planning*
  - DSRSD/EBMUD Recycled Water Authority (DERWA)
18. Director Comments.

Regular Meeting of  
September 12, 2006  
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**ADJOURNMENT:**

*The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, September 26, 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.*

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