



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

375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

**AGENDA
Tuesday, October 24, 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):

East Bay Municipal Utility District v. Shell Oil Company et al.
San Francisco County Superior Court, Case No. CGC-04-431386
2. Significant exposure to litigation pursuant to Government Code section 54956.9(b): one matter.
3. Conference with labor negotiators Dennis Diemer, Artis Dawson, Gwen McDonald, Michael Wallis, and Mark Berenberg pursuant to Government Code section 54957.6: Employee organization Local 444, American Federation of State, County and Municipal Employees.

(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 5 recommendations)

1. Approve the Special Meeting Minutes of October 6, 2006 and Regular Meeting Minutes of October 10, 2006.
2. File correspondence with the Board.
3. Award a contract to the lowest responsive/responsible bidder, Power Engineers, Inc., in the amount of \$2,040,667 for construction of the Upcountry Microwave Upgrade Project under Specification 1952.
4. Authorize an agreement with Waters Corporation (Waters) in the amount of \$41,000 annually for instrument service at the Laboratory during the period November 1, 2006 to October 30, 2007 with 3 options to renew for an additional 1-year period.
5. Authorize an agreement with KW Emerson, Inc., in an amount not to exceed \$94,776 for the installation of a seven-foot diameter spillway culvert at the Lake Camanche Rabbit Creek Causeway.

DETERMINATION AND DISCUSSION:

6. Legislative Update:
 - Update on Legislative Issues of Interest to EBMUD
7. Approve the following amendment and agreement to The Freeport Project Joint Exercise Of Powers Agreement:
 - 7.1 Authorize a second amendment to the Joint Exercise of Powers Agreement creating the Freeport Regional Water Authority (FRWA) to clarify member agency representatives' roles in overseeing the operations and maintenance of the joint facilities; (Resolution)
 - 7.2 Authorize a Delivery and Cost-Sharing Agreement with FRWA for the delivery of water from, and cost-sharing of operations and maintenance costs for, the Freeport Regional Water Project (FRWP); and
 - 7.3 Recommend FRWA approval of an Operations Agreement with the Sacramento County Water Agency (SCWA).
8. Authorize construction agreements of the Freeport Project Joint Facilities and EBMUD Pipeline for the Folsom South Canal:
 - 8.1 Authorize initiation of construction of Freeport Regional Water Project facilities to be constructed by the Freeport Regional Water Authority (FRWA).
 - 8.2 Authorize an agreement with FRWA in the estimated amount of \$37 million to construct and manage construction of the EBMUD-owned pipeline connecting the joint facilities to the Folsom South Canal.

DETERMINATION AND DISCUSSION: (Continued)

9. General Manager's Report:
- Claremont Tunnel Seismic Upgrade Project: Report on Readiness for Upcoming Final Winter 2006-07 Outage

REPORTS AND DIRECTOR COMMENTS:

10. Committee Reports:
- Planning
 - Finance/Administration
 - Legislative/Human Resources
 - Special Planning
 - EBMUD/EBRPD Liaison
11. Director Comments.

ADJOURNMENT:

The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, November 14, 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.