



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

375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

**AGENDA
Tuesday, November 14, 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):

Gas Pipeline Explosion Cases; Coordinated Actions, Contra Costa County Superior Court, Judicial Council Coordination Proceeding No. 4433
2. Significant exposure to litigation pursuant to Government Code section 54956.9(b): one matter.
3. Conference with Real Property Negotiator pursuant to Government Code section 54956.8 regarding conditions and terms of payment for a portion of APN 265-160-017, Contra Costa County, California. Negotiating parties: Director of Administration Artis Dawson, Manager of Real Estate Services Stephen Boeri and Manager of Watershed and Recreation Stephen Abbors for East Bay Municipal Utility District, and Orinda Union School District Superintendent of Schools, Frank Brunetti and Glen Isaacson, Principal of Conversion Management Association, Inc. for the Orinda Union School District

(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:

- Present an award to the District from the National Biosolids Partnership certifying the successful development and implementation of an environmental management system for its biosolids management program.

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 11 recommendations, including 3 Resolutions)

1. Approve the Regular Meeting Minutes of October 24, 2006.
2. File correspondence with the Board.
3. Award a contract to the lowest responsible, responsive bidder, Mount Lassen Trout Farms, Inc., in the estimated annual amount of \$57,177.65 for supplying approximately 19,000 pounds live Rainbow Trout to the Lafayette Reservoir from November 20, 2006 through September 30, 2008, under Proposal No. 0701A.
4. Award a contract to the lowest responsive/responsible bidder, TNT Industrial Contractors, Inc., in the amount of \$290,270 for construction of the Orinda Water Treatment Plant Sluice Gate Replacement under Specification No. 1961.
5. Authorize an agreement with Ameritech Computer Services, Inc. in an amount not to exceed \$50,000 annually for District wide printer, plotter and desktop scanner repair services during the two year period from November 14, 2006 to November 13, 2008 with an option to extend for two additional one-year periods.
6. Authorize an amendment to an agreement with the Water Environment Research Foundation (WERF) to provide the District with additional WERF grant funding in an amount not to exceed \$90,000, for the Wet Weather Effluent Blending Study; and authorize amendments to two existing consultant agreements to conduct additional field sampling and analytical lab work, in amounts as follows: BioVir Laboratories, Inc. in the amount of \$67,200; and Applied Marine Sciences, Inc. in the amount of \$13,600.
7. Approve revisions to the following District policies: Policy 3.05 – Effects of Extension of Water Beyond the Ultimate Service Boundary; Policy 3.08 – Advisory Election for Annexations Outside the Contra Costa County Urban Limit Line; Policy 4.21 – Land Sales – Use of Funds; Policy 7.01 – Aqueduct Rights-of-Way; Policy 7.03 – Emergency Preparedness; Policy 7.09 – Workplace Safety and Health; and Policy 8.01 – Non-Potable Water. (Resolution)
8. Approve the Water Supply Assessment requested by the City of Oakland for the Oak Knoll Naval Medical Center Project, pursuant to California Water Code, Sections 10910-10915.

CONSENT CALENDAR: (Continued)

9. Approve the following for the Upper San Leandro Dam Spillway and Channel Restoration Project Mitigated Negative Declaration and Project Implementation:
 - 9.1 Adopt the Mitigated Negative Declaration for the Upper San Leandro Dam Spillway and Channel Restoration Project, and adopt findings and a mitigation and monitoring program according to the California Environmental Quality Act (CEQA). (Resolution)
 - 9.2 Approve implementation of the Upper San Leandro Dam Spillway and Channel Restoration Project as described in the Mitigated Negative Declaration.
10. File the General Manager's Report and Recommendations for Revisions to the District's Recreation Use Fees, and set a Public Hearing for 2:00 pm on November 28, 2006 for consideration of the proposed changes.
11. Amend Position Resolution No. 33538-06 to reclassify one Civil Service exempt Capital Projects Manager position to the Civil Service class of Engineering Manager in the Engineering and Construction Department. (Resolution)

PUBLIC HEARING – 2:00 P.M.:

12. Conduct a public hearing to receive comments on a Resolution of Necessity for condemnation proceedings to acquire property rights in connection with the Freeport Regional Water Project.

DETERMINATION AND DISCUSSION:

13. Adopt a Resolution of Necessity for eminent domain proceedings for property acquisition of a 5.58 acre pumping plant parcel and related easements from Nestor Enterprises, LLC; and authorize the General Counsel to file eminent domain actions in Sacramento County Superior Court. (Requires five (5) votes) (Resolution)
14. Legislative Update:
 - State Legislative Proposals for the 2007 Legislative Session
 - Delta Initiatives 2007
 - Update on Legislative Issues of Interest to EBMUD
15. General Manager's Report:
 - Redwood Filter Plant Property, Castro Valley
 - Proposed Outreach to Reduce Water Demand During Seismic Work
 - Monthly Report – October 2006

REPORTS AND DIRECTOR COMMENTS:

16. Committee Reports:
- Planning
 - Finance/Administration
 - Legislative/Human Resources
 - *Special* Planning
 - *Special* Finance/Administration
17. Director Comments.

ADJOURNMENT:

The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, November 28, 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.