



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

375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

**AGENDA
Tuesday, September 10, 2013**

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. *Ameron International Corporation v. Sundt Construction, Inc.*
San Joaquin County Superior Court, Case No. 39-2009-00226920,
consolidated with *FRWA/EBMUD v. S.J. Louis Construction, Inc.*
Sacramento County Superior Court, Case No. 34-2009-0006690
 - b. *United States of America, et al. v. East Bay Municipal Utility District*
USDC, N.D. Cal., Case No. CV 09-0186 RS
2. Conference with Labor Negotiators Bruce Heid and Glenn Berkheimer from the Industrial Employers Distributors Association (I.E.D.A.), Alexander R. Coate, Carol Nishita, Eric Sandler, Delores Turner and Michael Rich pursuant to Government Code Section 54957.6: Employee Organizations International Federation of Professional and Technical Engineers AFL-CIO, Local 21; International Union of Operating Engineers, Local 39; and American Federation of State, County and Municipal Employees, Locals 444 and 2019.

(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:

- American Society of Civil Engineers Region 9 Award for the Sustainability Designed Mokelumne Watershed Headquarters Replacement Project

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 1 resolution)

1. Approve the Regular Meeting Minutes of August 13, 2013.
2. File correspondence with the Board.
3. Authorize an amendment to a contract with Jim Myers & Sons, Inc., in the amount of \$115,540, for a new not to exceed amount of \$1,070,217, to provide upgraded stainless steel cast bearings with the previously authorized replacement horizontal flocculator equipment for Upper San Leandro Water Treatment Plant and Sobrante Water Treatment Plant awarded under Proposal 1402.
4. Award a contract to the lowest responsive/responsible bidder Aramark Uniform Services, a division of Aramark Uniform and Career Apparel, LLC, in the estimated annual amount of \$74,460.96 for rental and laundry service of garments and for miscellaneous items used throughout the District for the period beginning September 10, 2013, and ending September 9, 2016, with two options to renew for an additional one-year period for a total estimated cost of \$372,304.80 under Proposal No. 1403.
5. Award a contract to the lowest responsive/responsible bidder, Aramark Uniform Services, a division of Aramark Uniform & Career Apparel, LLC, in the estimated annual amount of \$20,989.76 for supplying rental and laundry service of flame resistant garments used throughout the District during the period of September 10, 2013 through September 9, 2016, with two options to extend the contract for an additional one-year period, for a total estimated amount of \$104,948.80 under Proposal No. 1405.
6. Approve the assignment of the contract for the Interceptor Cleaning Phase 2B Services, previously awarded under Board Motion No. 078-12, from Proven Management, Inc. to Pipe and Plant Solutions, Inc.
7. Authorize the General Manager to enter into a wheeling agreement with Contra Costa Water District (CCWD) to facilitate the delivery of 2,000 acre-feet of water from the Woodbridge Irrigation District to CCWD.
8. Adopt a resolution of support for Yuba County Water Agency's (YCWA) change petition to the State Water Resources Control Board to add the Freeport Regional Water Project intake as a point of rediversion to YCWA's water right permit.

(Resolution)

9. Authorize the Office of General Counsel to continue the employment of the law firm of Foster Employment Law for specialized legal services related to labor and employment law and litigation matters.
10. Authorize the Office of General Counsel to continue the employment of the law office of Ginn & Crosby, LLP, for specialized legal services related to construction, contract, claims and litigation matters.
11. Authorize the Office of General Counsel to continue the employment of the law office of Hanson Bridgett, LLP, for specialized legal services related to construction, contract, claims and litigation matters.

DETERMINATION AND DISCUSSION:

12. Legislative Update:
 - Updates on Legislative Issues of Interest to EBMUD
13. Approve the proposed financing schedule for Fiscal Year 2014.
14. General Manager's Report:
 - Monthly Report – August 2013

REPORTS AND DIRECTOR COMMENTS:

15. Committee Reports:
 - Planning
16. Director Comments.

ADJOURNMENT:

The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, September 24, 2013 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, September 10	Planning Committee Foulkes (Chair), Linney, McIntosh	9:30 a.m. Training Resource Center	<ul style="list-style-type: none"> Annual Watershed Recreation Reports Mokelumne Environmental Benefits Program Regulatory Compliance Semi-Annual Report - March 2013 through August 2013 Water Quality Program Semi-Annual Update
	Legislative/Human Resources Committee McIntosh (Chair), Coleman, Mellon		<i>Cancelled</i>
	Board of Directors	11:00 a.m. 1:15 p.m.	<ul style="list-style-type: none"> Closed Session Regular Meeting
Tuesday, September 24	Finance/Administration Committee Coleman (Chair), Linney, Patterson	TBD Training Resource Center	
	Board of Directors	11:00 a.m. 1:15 p.m.	<ul style="list-style-type: none"> Closed Session Regular Meeting
Tuesday, October 8	Planning Committee Foulkes (Chair), Linney, McIntosh	TBD Training Resource Center	
	Legislative/Human Resources Committee McIntosh (Chair), Coleman, Mellon	TBD Training Resource Center	
	Board of Directors	11:00 a.m. 1:15 p.m.	<ul style="list-style-type: none"> Closed Session Regular Meeting
Tuesday, October 22	Sustainability/Energy Committee Linney (Chair), Foulkes, Katz	TBD Training Resource Center	
	Finance/Administration Committee Coleman (Chair), Linney, Patterson	TBD Training Resource Center	
	Board of Directors	11:00 a.m. 1:15 p.m.	<ul style="list-style-type: none"> Closed Session Regular Meeting