



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

375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

**AGENDA  
Tuesday, August 13, 2013**

**REGULAR CLOSED SESSION  
10:30 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. *United States of America, et al. v. East Bay Municipal Utility District*  
USDC, N.D. Cal., Case No. CV 09-0186 RS
  - b. *United States of America, et al. v. J-M Manufacturing Co., Inc., et al.*  
USDC, C.D. Cal., Case No. CV-06-0055 GW
  - c. *In Re Municipal Derivatives Antitrust Litigation*  
Judicial Panel on Multidistrict Litigation (MDL) Docket No. 1950  
No. 08-02516 (VM) (GWG) (S.D.N.Y.)
2. Significant exposure to litigation pursuant to Government Code section 54956.9(b): two matters.
3. 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, Michael Rich and Lisa Sorani 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**

- Secretary of the District Lynelle M. Lewis' 20 Years of Service Award

**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 9 recommendations, including 1 resolution)

1. Approve the Regular Meeting Minutes of July 23, 2013.
2. File correspondence with the Board.
3. Authorize a cost sharing agreement with the Central Valley Regional Water Quality Control Board in an amount not to exceed \$417,500 for each party to fund modifications to the Penn Mine landfill.
4. Authorize an agreement with GovStor, Inc. in the amount of \$870,000 for the delivery, installation, technical training, one-year support and maintenance of the Oracle Storage Area Network at the Administration Building during the period August 13, 2013 to July 31, 2014, with two options to renew for an additional one-year period for maintenance support in an annual amount estimated to be \$75,000, for a total amount not to exceed \$1,020,000.
5. Authorize the General Manager to execute the following agreements to develop a long-term water transfer project with the Placer County Water Agency (PCWA):
  - 5.1. A Memorandum of Understanding with PCWA to cost-share on the environmental and technical work needed to develop a transfer agreement, including a commitment for the District to reimburse PCWA up to a total estimated \$953,000 for consulting services and processing fees.
  - 5.2. A Letter of Agreement with the U.S. Bureau of Reclamation (Reclamation) to fund Reclamation's efforts to develop and approve a Warren Act contract necessary to implement the project, with the total reimbursement commitment estimated at up to \$100,000.

6. Authorize an agreement with Rimini Street, Inc. in an amount not to exceed \$150,000 annually for software maintenance services for the PeopleSoft Human Resources Information System and Financial Information System during the five-year period August 13, 2013 to August 12, 2018.
7. Approve the Water Supply Assessment requested by the City of Alameda for the Alameda Point Project pursuant to California Water Code Sections 10910-10915.
8. Authorize the Office of General Counsel to continue employment of the law firm of Barg, Coffin, Lewis & Trapp, LLP, for special counsel services related to environmental regulatory and environmental litigation matters.
9. Fix the ad valorem tax rate for Special District No. 1 (SD-1) to cover debt service in the amount of \$4,227,750 on Wastewater System General Obligation Bond Series F for FY14 at a rate of \$0.0066 per \$100 of assessed value for properties located within the service area of SD-1. *(Resolution)*

**DETERMINATION AND DISCUSSION:**

10. Legislative Update:
  - Updates on Legislative Issues of Interest to EBMUD
11. Award a contract and authorize agreements relating to the Dingee Pipeline and Claremont Center Aqueducts Replacements Project.
  - 11.1. Award a contract to the lowest responsive/responsible bidder, Ranger Pipelines, Inc. in the amount of \$22,000,000 for construction under Specification 2059.
  - 11.2. Authorize an agreement with Consolidated CM, Inc. in an amount not to exceed \$716,991 to provide construction management assistance.
  - 11.3. Authorize an agreement amendment with Cooper Pugeda Management, Inc. in an amount not to exceed \$221,398 to provide construction scheduling services.
12. Conduct a second and final reading, and vote on an ordinance amending the EBMUD Employees' Retirement System Ordinance (Ordinance No. 40) to amend sections 2(dd), 11(b), and 36(j)(3).*(Second Reading and Vote – Ordinance No. 360-13)*
13. General Manager's Report:
  - Monthly Report – July 2013

**REPORTS AND DIRECTOR COMMENTS:**

14. Committee Reports:
  - Sustainability/Energy
  - Finance/Administration
  - Planning
15. Director Comments.

**ADJOURNMENT:**

***The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, September 10, 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, August 13    | <b>Planning Committee</b><br>Foulkes (Chair), Linney,<br>McIntosh                    | 10:00 a.m.<br>Training Resource Center | <ul style="list-style-type: none"> <li>Annual Readiness Report</li> </ul>                 |
|                       | <b>Legislative/Human Resources Committee</b><br>McIntosh (Chair), Coleman,<br>Mellon |  | <i>Cancelled</i>  |
|                       | <b>Board of Directors</b>  | 10:30 a.m.<br>1:15 p.m.                | <ul style="list-style-type: none"> <li>Closed Session</li> <li>Regular Meeting</li> </ul> |
| Tuesday, August 27    | <b>Finance/Administration Committee</b><br>Coleman (Chair), Linney,<br>Patterson     |  | <i>Cancelled</i>  |
|                       | <b>Board of Directors</b>  |  | <i>Cancelled</i>  |
| Monday, September 2   | <b>Labor Day</b>   |  | <i>District Offices Closed</i>  |
| Monday, September 9   | <b>Admission Day</b>   |  | <i>District Offices Closed</i>  |
| Tuesday, September 10 | <b>Planning Committee</b><br>Foulkes (Chair), Linney,<br>McIntosh                    | TBD<br>Training Resource Center        | <ul style="list-style-type: none"> <li>Closed Session</li> <li>Regular Meeting</li> </ul> |
|                       | <b>Legislative/Human Resources Committee</b><br>McIntosh (Chair), Coleman,<br>Mellon | TBD<br>Training Resource Center        |   |
|                       | <b>Board of Directors</b>  | 11:00 a.m.<br>1:15 p.m.                |   |

