



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

375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

**AGENDA  
Tuesday, December 11, 2012**

**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. *Charles J. Aitken v. City of Berkeley, et al.*  
Alameda County Superior Court, Case No. RG07316022
  - b. *EBMUD v. E-D Coat, Inc.*  
Alameda County Superior Court, Case No. RG12650364
2. Initiation of litigation pursuant to Government Code section 54956.9(c): one matter.
3. Conference with Labor Negotiators Alexander R. Coate, Carol Nishita, 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, Local 2019.

*(The Board will hold Closed Session in Conference Room 8A/B)*

**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 13 recommendations including 3 resolutions.)

1. Approve the Regular Meeting Minutes of November 27, 2012.
2. File correspondence with the Board.
3. Award a contract to the lowest responsible/responsive bidder, Mosiac Crop Nutrition in the annual estimated amount of \$478,000 for supplying liquid hydrofluosilicic acid (fluoride) for District Water Treatment Plants for the period beginning January 1, 2013 and ending December 31, 2013 with one option to renew for an additional one-year period under Proposal No.1305.
4. Authorize an agreement with Konecranes, Inc. in an estimated annual amount of \$85,718 for crane inspection and minor repair at multiple District locations during the period December 15, 2012 to December 14, 2016, with four options to renew for an additional one-year period under RFP No. PUR 074.
5. Authorize a sole source contract with General Electric Energy Management in the amount of \$1,771,950 to inspect, remove, design, furnish, test, deliver, replace, and commission the stator windings for Pardee Powerhouse Unit Nos. 1 and 2 hydropower generators, including all accessories to complete the rewind.
6. Authorize an amendment to the agreement with Aspen Technology, Inc. in an amount not to exceed an additional \$193,030, to extend the agreement for software maintenance support services for the District's operations/network data historian system to June 30, 2017.
7. Authorize an amendment to the agreement with Pacific Gas & Electric Company for High-Efficiency Clothes Washer Rebate Program services in an amount not to exceed \$125,000 from January 1, 2013 through June 30, 2014, with an option to renew for two additional one-year periods through June 30, 2016 for a total amount of \$375,000.
8. Authorize an amendment to extend the agreement with the City of San Leandro for the provision of sewer agency billing and collection services from December 27, 2012 to June 30, 2013.
9. 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.
10. 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.
11. Approve a resolution declaring the results of the election held on November 6, 2012 for the Directors in Wards 1, 5 and 6 of the East Bay Municipal Utility District. (Resolution)
12. Approve an amendment to the Memorandum of Understanding between the District and AFSCME Local 444 in order to comply with AB 340, the California Public Employees' Pension Reform Act. (Resolution)
13. Adopt restated District 401(a) Deferred Compensation Plan, effective January 1, 2013 to make clarifying changes. (Resolution)

**DETERMINATION AND DISCUSSION:**

14. Accept the East Bay Community Choice Aggregation Preliminary Analysis and provide direction to staff on next steps.
15. Legislative Update:
  - Update on Legislative Issues of Interest to EBMUD
16. Approve the execution of a remarketing agreement and related supporting documents for the \$62.6 million Wastewater System Revenue Refunding Bonds, Series 2011A, and approve the appointment of JP Morgan as the remarketing agent. Also approve, in connection with all District Wastewater Bonds authorization for the District to provide, and bond trustee to rely upon, instructions and directions provided by the District by electronic means. (Resolution)

**REPORTS AND DIRECTOR COMMENTS:**

17. General Manager's Report:
  - Water Supply Update
  - Monthly Report - November 2012
18. Committee Reports:
  - Finance/Administration
  - Planning
  - Legislative/Human Resources
19. Director Comments.

**ADJOURNMENT:**

*The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, January 8, 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
<b>Tuesday, December 11</b>	<b>Planning Committee</b> Linney (Chair), Foulkes, McIntosh	9:30 a.m. Training Resource Center	<ul style="list-style-type: none"> <li>• 39th Avenue Reservoir Replacement Project</li> <li>• Water Conservation Rebate Update</li> </ul>
	<b>Legislative/Human Resources Committee</b> McIntosh (Chair), Katz, Mellon	10:15 a.m. Training Resource Center	<ul style="list-style-type: none"> <li>• Project Labor Agreements</li> <li>• Legislative Update</li> </ul>
	<b>Board of Directors</b>	11:00 a.m. 1:15 p.m.	<ul style="list-style-type: none"> <li>• Closed Session</li> <li>• Regular Meeting</li> </ul>
<b>Tuesday, December 25</b>	<b>Christmas Day</b>		<ul style="list-style-type: none"> <li>• Offices Closed</li> </ul>
<b>Tuesday, January 1, 2013</b>	<b>New Years Day</b>		<ul style="list-style-type: none"> <li>• Offices Closed</li> </ul>
<b>Tuesday, January 8</b>	<b>Planning Committee</b> Linney (Chair), Foulkes, McIntosh	9:15 a.m. Training Resource Center	
	<b>Legislative/Human Resources Committee</b> McIntosh (Chair), Katz, Mellon	10:15 a.m. Training Resource Center	<ul style="list-style-type: none"> <li>• Legislative Update</li> </ul>
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