



BOARD OF DIRECTORS  
EAST BAY MUNICIPAL UTILITY DISTRICT

375 - 11th Street, Oakland, CA 94607

Office of the Secretary: (510) 287-0440

**AGENDA**  
**Wednesday, February 13, 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. 34-2009-00066909
2. Significant exposure to litigation pursuant to Government Code section 54956.9(b):  
one matter.
3. Conference with Labor Negotiators Glen 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

**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 6 recommendations.)

1. Approve the Regular and Special Meeting Minutes of January 22, 2013.
2. File correspondence with the Board.
3. Award a contract to the lowest responsive/responsible bidder, Mountain Cascade, Inc., in the amount of \$3,490,000 for construction of Danville No. 1 Pumping Plant Improvements under Specification 2054.
4. Authorize an amendment to the agreement with Official Payments Corporation for credit card, debit card, and e-check services to extend the expiration date of the agreement from April 22, 2013 to April 22, 2015.
5. Authorize a fourth amendment to an agreement with ICF Jones and Stokes an ICF International Company, in an amount not to exceed \$443,000, increasing the agreement value from \$980,000 to \$1,423,000 for specialized services in support of legal preparation for a water rights hearing before the State Water Resources Control Board.
6. Authorize the Office of General Counsel to continue the employment of the law firm Ellison, Schneider & Harris L.L.P. for services of special counsel related to electrical energy and water law.

**DETERMINATION AND DISCUSSION:**

7. Legislative Update:
  - Update on Legislative Issues of Interest to EBMUD
8. Ratify the General Manager's January 31, 2013 declaration of a District emergency in accordance with Policy 7.03 as a result of a leak on the 36-inch steel main serving the Dingee Pressure Zone. (Resolution)
9. Consider a resolution expressing support for a West Contra Costa Unified School District general waiver of the State of California statutory bonding capacity. (Resolution)
10. General Manager's Report:
  - Water Supply Update
  - Monthly Report - January 2013

**REPORTS AND DIRECTOR COMMENTS:**

11. Committee Reports:
  - Finance/Administration
12. Director Comments.

**ADJOURNMENT:**

***The next Regular Meeting of the Board of Directors will be held at 1:15 p.m. on Tuesday, February 26, 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.*

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## BOARD CALENDAR

<b>Date</b>	<b>Meeting</b>	<b>Time/Location</b>	<b>Topics</b>
<b>Tuesday, February 12</b>	<b>Lincoln's Birthday Holiday</b>		<ul style="list-style-type: none"> <li>• Offices Closed</li> </ul>
<b>Wednesday, February 13</b>	<b>FY14-15 Budget &amp; Strategic Plan Update Workshop</b>  <b>Planning Committee</b>  <b>Legislative/Human Resources Committee</b>  <b>Board of Directors</b>	8:30 a.m. Training Resource Center          11:00 a.m. 1:15 p.m.	<ul style="list-style-type: none"> <li>• Cancelled</li> <li>• Cancelled</li> <li>• Closed Session</li> <li>• Regular Meeting</li> </ul>
<b>Monday, February 18</b>	<b>President's Day Holiday</b>		<ul style="list-style-type: none"> <li>• Offices Closed</li> </ul>
<b>Tuesday, February 26</b>	<b>Energy/Sustainability Committee</b> Linney (Chair), Foulkes, Katz  <b>Finance/Administration Committee</b> Coleman (chair), Linney, Patterson  <b>Board of Directors</b>	TBD          10:00 a.m. Training Resource Center          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, March 12</b>	<b>Planning Committee</b> Foulkes (Chair), Linney, McIntosh  <b>Legislative/Human Resources Committee</b> McIntosh (Chair), Coleman, Mellon  <b>Board of Directors</b>	9:15 a.m. Training Resource Center          10:15 p.m. Training Resource Center          11:00 a.m. 1:15 p.m.	<ul style="list-style-type: none"> <li>• Closed Session</li> <li>• Regular Meeting</li> </ul>