



LAS VIRGENES MUNICIPAL WATER DISTRICT
4232 Las Virgenes Road, Calabasas CA 91302

MINUTES
REGULAR MEETING

9:00 AM

November 17, 2020

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag was led by Michael Hart.

1. CALL TO ORDER AND ROLL CALL

The meeting was called to order at **9:00 a.m.** by Board President Lewitt via teleconference in the Board Room at Las Virgenes Municipal Water District headquarters at 4232 Las Virgenes Road, Calabasas, CA 91302. The meeting was conducted via teleconference pursuant to the provisions of the Governor's Executive Order, N-29-20, which suspended certain requirements of the Ralph M. Brown Act to support social distancing guidelines associated with response to the coronavirus (COVID-19) outbreak. Josie Guzman, Clerk of the Board, conducted the roll call.

Present: Directors Charles Caspary, Jay Lewitt, Lynda Lo-Hill, Len Polan, and Lee Renger

Absent: None

Staff Present: David Pedersen, General Manager
Joe McDermott, Director of Engineering and External Affairs
Don Patterson, Director of Finance and Administration
John Zhao, Director of Facilities and Operations
Josie Guzman, Clerk of the Board
Wayne Lemieux, District Counsel

2. APPROVAL OF AGENDA

Director Caspary moved to approve the agenda. Motion seconded by Director Polan.

Motion carried unanimously by roll call vote.

3. PUBLIC COMMENTS

John Zhao introduced new employee Anthony Throckmorton, Electrician, who was hired on August 10, 2020. Mr. Throckmorton stated that he was excited to work for the District.

4. CONSENT CALENDAR

A List of Demands: November 17, 2020: Receive and file

B Minutes Regular Meeting of November 3, 2020

C Directors' Per Diem – October 2020: Ratify

D Monthly Cash and Investment Report: September

Receive and file the Monthly Cash and Investment Report for September 2020.

E Financial Review: First Quarter of Fiscal Year 2020-21

Receive and file the financial review for the first quarter of Fiscal Year 2020-21.

F Fiscal year 2021-22 Proposed Sanitation Rate for Consolidated Sewer Maintenance District: Topanga Tax Zone

Approve a monthly billing rate of \$54.50 per Equivalent Residential Unit for the Consolidated Sewer Maintenance District, Topanga Tax Zone, for Fiscal Year 2021-22.

G Tract No. 53138 (Deerlake Ranch): Approval of Scope Change

Authorize the Director of Engineering and External Affairs to execute Scope Change No. 4 with Envicom Corporation, in the amount of \$5,596, to provide additional support for responses to the public comments received for the environmental document for Tract No. 53138, Deerlake Ranch.

H Conforming Update to Las Virgenes Municipal Water District Code: Miscellaneous Fees and Penalties

Pass, approve, and adopt proposed Resolution No. 2584, codifying new or updated miscellaneous fees and penalties.

RESOLUTION NO. 2584

A RESOLUTION OF THE BOARD OF DIRECTORS OF LAS VIRGENES MUNICIPAL WATER DISTRICT AMENDING RESOLUTION NO. 2468 (ADMINISTRATIVE CODE)

AS IT RELATES TO FEES AND PENALTIES

(Reference is hereby made to Resolution No. 2584 on file in the District's Resolution Book, and by this reference the same is incorporated herein.)

I Resolution of Intent for Continuation of Potable Water Standby Charge

Pass, approve, and adopt proposed Resolution No. 2585, a Resolution of Intent for continuing the Standby Charge pursuant to the Municipal Water District Law of 1911; order notification for those properties that changed ownership since the last Standby Charge Assessment; order publication of a Notice of Public Hearing in a newspaper of general circulation once a week for a two-week period; and set a public hearing on the matter for 9:00 a.m. on January 5, 2021.

RESOLUTION NO. 2585

A RESOLUTION OF THE BOARD OF DIRECTORS OF LAS VIRGENES MUNICIPAL WATER DISTRICT INITIATING PROCEEDINGS FOR THE CONTINUATION OF THE ATER AVAILABILTIY OR STANDBY CHARGE FOR THE FISCAL YEAR COMMENCIND JULY 1, 2021.

(Reference is hereby made to Resolution No. 2585 on file in the District's Resolution Book, and by this reference the same is incorporated herein.)

Director Lo-Hill moved to approve the Consent Calendar. Motion seconded by Director Renger. Motion carried unanimously by roll call vote.

5. ILLUSTRATIVE AND/OR VERBAL PRESENTATION AGENDA ITEMS

A MWD Representative Report

Glen Peterson, MWD Representative, reported that the MWD Board tabled action to authorize an agreement with the Southern Nevada Water Authority to support the development of the Regional Recycled Water Program. He also reported that the MWD Board approved contracts related to the Prestressed Concrete Cylinder Pipe Rehabilitation Program; moved up the schedule for the Calabasas Feeder Rehabilitation Project; approved a change order in the amount of \$150,000 to cover the cost of federal steel tariffs for rubber-lined butterfly valves at the F. E. Weymouth Water Treatment Plant; approved an amendment to the Regional Recycled Water Program Agreement with the County Sanitation District No. 2 of Los Angeles County; authorized an agreement with Securitas to provide security services for a maximum period of five years for \$55 million; authorized an increase of \$500,000 to the agreement with the architect for master planning activities in support of the District Housing and Property Improvement Program; entered into a contract with outside legal counsel to conduct an independent review of allegations of systemic Equal Employment Opportunity related discrimination, harassment, and retaliation and related concerns; and elected Director Judy Abdo to serve a second term as Board Secretary, effective January 1, 2021. He responded to

questions regarding the Prestressed Concrete Cylinder Pipe Rehabilitation Program and the Calabasas Feeder Rehabilitation Project schedule.

C Presentation by Magellan Advisors, LLC, on Broadband Planning for Ventura County's Future: Collaborative Development of a Regional Network

This item was presented out of sequence.

Jory Wolf, representing Magellan Advisors, LLC, presented a map of the concept for building a broadband network throughout the County of Ventura, which would be comprised of fiber and wireless networks. He stated that the concept would be to provide aerial and in-ground fiber network in the County of Ventura to improve economic development, quality of life, distance learning, telework, telehealth, and other Internet applications for businesses, residents, anchor institutions, and government. He also stated that the County of Ventura was funding the collaborative project, and his company was working with all of the cities and utilities in the County of Ventura, the Association of Water Agencies of Ventura County, water districts, and cities outside of Ventura County including Westlake Village, Agoura Hills, and Santa Clarita. He stated that the goal would be to connect a network with city facilities, county facilities, fire stations, hospitals, police stations, colleges, universities, and school districts. He noted that applications would be submitted for grant funding, the network would be built over three to five years, and there would be opportunities for joint build. He stated that the concept would be to lower the cost to build by inviting service providers to join and build with them, lease the assets from them, consider a private-public partnership to market, operate, and maintain the public assets once they are built, and possibly lease some of the public assets to areas that do not have adequate broadband. He noted that AT&T announced it would be abandoning its DSL network, which would cause a lack of service in underserved areas. He responded to a question regarding whether there was a successful model of this approach in California by stating that the South Bay Regional Fiber Network would be launching virtually that morning, and would connect 15 cities in the South Bay, four county facilities, two Caltrans facilities, and two Los Angeles County Metro facilities. He also responded to a question regarding benefits to District customers by stating that businesses would have more robust broadband from 200 megabytes down and 11 megabytes up to 10 gigabytes down and up. He also responded to a question regarding security measures by stating that there would be a higher level of service through a Class 1 network with Class 1 security, and it would be managed by service providers who would have very strict mandates for security, service, and reliability. He also responded to a question regarding the cost per unit by stating that a household would pay approximately \$80 per month for one gigabyte down and one gigabyte up compared to approximately \$70 per month for 200 megabytes down and 11 megabytes up. He also responded to a question regarding benefits to the District in joining the collaborative effort by stating that benefits could include better pricing, better resiliency and backup, most of the conduit would be underground and protected from wind and fire, and would provide better Internet connectivity. He also stated that District customers would have better access to the District's databases, including real time monitoring of water consumption.

Mr. Wolf concluded his presentation and stated that if the District were interested in participating it would be valuable to know where the District's facilities and underground

or aerial assets were located so that they would be able to partner with the District and use some of the District's assets. He also stated that it would be useful to know where the District might have capital projects and construction where they could pay their incremental share of the construction to place conduit and fiber underground. He responded to a question regarding a timeframe for the District to provide a response by stating that they are putting together a Request for Information for the service providers, and they would need this information in two weeks should the District want to share its assets as being available. He stated that it was not necessary for the District to be part of the RFI release, and the District could continue conversations and provide a response in one month.

B Presentation by Michael Hart on a Proposal for a Memorial Park at the Rancho Las Virgenes Farm Sprayfields

Michael Hart provided a video presentation on a proposal for a Memorial Park at the Rancho Las Virgenes Farm Sprayfields. He suggested that the sprayfields could provide a natural or green burial site, which could produce revenue for the Pure Water Project Las Virgenes-Triunfo. He stated that a natural memorial park would protect, preserve, and enhance the landscape and open space in the Santa Monica Mountains; provide public access to nature; and create services and jobs. He also stated that his proposal could be a cooperative effort between the District and the City of Calabasas. He explained that a natural memorial park included natural burial as one use and uses environmentally friendly burial methods. He stated that trees, natural stones, and other materials would be used in place of elaborate headstones, graves would be mapped using a global positioning system, and every burial site would be marked with an identifying device. He shared estimated revenue and expense assumptions, and suggested that a memorial park could bring \$5 million in revenue during the first year. He responded to a question regarding whether any special legislation would be required by stating that the District might consider partnering with the City of Calabasas and address state regulations, traffic, noise, and opposition from neighbors.

Wayne Lemieux, District Counsel, responded to a request for comment by stating that the District only had the powers granted to it by legislation as a special district, which would not include operating a cemetery either alone or in concert with another entity. He stated that any change would require legislation.

A discussion ensued regarding the natural memorial park being used for cremation only, dedication of land in perpetuity, amount of parkland in Calabasas for public use, water conservation, and involvement by the U.S. Environmental Protection Agency (EPA).

Mr. Lemieux noted that the sprayfields included deed restrictions, which were separate from EPA grant conditions for use of the property to allow human remains to be placed on land that was acquired with EPA grant funds. He stated that the EPA would need to be approached to review deed restrictions to allow burials on the site.

Board President Lewitt informed Mr. Hart that staff would follow-up with him regarding his proposal.

D Legislative and Regulatory Updates

Joe McDermott, Director of Engineering and External Affairs, stated that not much action was expected at the federal level during the lame duck session. He noted that the stakeholders were scheduled to meet in December regarding negotiations with the South Coast Air Quality Management District (SCAQMD) on the proposal to change its rules dealing with exceeding emergency generator runtime limits during a Public Safety Power Shutoff (PSPS) event and testing and maintenance.

E Water Supply Conditions Update

No additional report was provided.

6. TREASURER

Director Lo-Hill stated that the Treasurer's report was in order.

7. BOARD OF DIRECTORS

A Response to Coronavirus (COVID-19) Pandemic: Continuation of Emergency

Approve the continuation of an emergency declaration for response to the coronavirus (COVID-19) pandemic.

Ursula Bosson, Customer Service Manager, presented the report. She noted that staff contacted 10 property owners to inform them of their tenants' past due accounts, and the property owners agreed to contact their tenants to request that they pay their past due balances.

Director Polan moved to approve Item 7A. Motion seconded by Director Lo-Hill. Motion carried unanimously by roll call vote.

8. FACILITIES AND OPERATIONS

A Proposed Organizational Changes for Facilities and Operations Department

Approve the elimination of one limited-term Water Reclamation Plant Operator I/II position (Salary Grade 42/62), effective December 31, 2020; retitling of a Laboratory Supervisor position (M88) to a Water Quality Supervisor position (M88); and addition of one limited-term Water Distribution Operator I/II position (Salary Grade 32/42)

John Zhao, Director of Facilities and Operations, presented the report.

Director Caspary moved to approve Item 8A. Motion seconded by Director Lo-Hill.

Mr. Zhao responded to a question regarding the ability to attract the most qualified applicants for the proposed limited term Water Distribution Operator I/II position by stating that the position would be advertised as a permanent position. He explained that for budgeting purposes the position would be for a limited term, and the position would be eliminated once a vacancy became available within the Construction Crew.

Motion carried unanimously by roll call vote.

9. FINANCE AND ADMINISTRATION

A Proposed Insurance Provider Plan Renewals: Approve.

Accept the proposal from MetLife and authorize the General Manager to execute a two-year contract, in the amount of 4161,556 for the first year with up to a 5% increase for the second year, for employee dental insurance; and accept the proposal from Anthem Blue Cross and authorize the General Manager to execute a one-year contract, in the amount of \$74,337, for employee life and accidental death and dismemberment insurance, short- and long-term disability coverage and an Employee Assistance Program.

Sherri Paniagua, Human Resources Manager, presented the report.

Director Caspary moved to approve Item 9A. Motion seconded by Director Renger. Motion carried unanimously by roll call vote.

B Claim by Evelyn Hicks

Deny the claim by Evelyn Hicks.

General Manager David Pedersen presented the report.

Director Renger moved to deny the claim by Evelyn Hicks. Motion seconded by Director Polan. Motion carried unanimously by roll call vote.

C Claim by Joe Spano

Deny the claim by Joe Spano

General Manager David Pedersen presented the report.

Director Lo-Hill moved to deny the claim by Joe Spano. Motion seconded by Director Renger.

A discussion ensued regarding staff's investigation of the water heater's recirculation pump.

Motion carried unanimously by roll call vote.

10. ENGINEERING AND EXTERNAL AFFAIRS

A Stationary Emergency Generators for Critical Potable Water Pump Stations Project: Approval of Scope Change

Authorize the General Manager to execute Scope Change No. 1 with Hamner and Jewel, in the amount of \$16,780, to provide additional property acquisition services for the Stationary Emergency Generator for Critical Potable Water Pump Stations Project.

Eric Schlageter, Principal Engineer, presented the report.

Director Caspary moved to approve Item 10A. Motion seconded by Director Lo-Hill. Motion carried unanimously by roll call vote.

B Twin Lakes Pump Station Pipeline Project: Approval of Scope Change

Authorize the General Manager to execute Scope Change No. 2 with Kennedy/Jenks Consultants, Inc., in the amount of \$56,305, to provide for additional professional services for the Twin Lakes Pump Station Pipeline Project.

Eric Schlageter, Principal Engineer, presented the report.

Director Caspary moved to approve Item 10B. Motion seconded by Director Renger. Motion carried unanimously by roll call vote.

11. INFORMATION ITEMS

A Claim by Ronda Onesto

12. NON-ACTION ITEMS

A Organization Reports

None.

B Director's Reports on Outside Meetings

Director Polan reported that he attended the virtual Southern California Water Coalition's (SCWA) Annual Event on November 12th, where General Manager David Pedersen received the first annual Kathy Cole Award.

Director Lo-Hill reported that she also attended the virtual SCWA's Annual Event, and congratulated General Manager David Pedersen on receiving his award. She also reported that she attended the Tap-in 2020 event on November 12th and acknowledged

staff on their efforts. She noted that she attended the virtual MWD Board meeting in October, where the Board received statistics related to the rebound effect for water usage after a drought. She noted that Australia experienced a 40 percent rebound three years after a drought, Northern California experienced a 45 percent rebound over six years, and Southern California experienced a 19 percent rebound after six years. She stated that the finding showed positive changes that Southern California customers were asked to make. She asked the Board to consider allowing her to attend Colorado State University's Water in the West Symposium later in the week.

Director Caspary moved to approve Director Lynda Lo-Hill's attendance and per diem compensation to attend University of Colorado's Water in the West Symposium. Motion seconded by Director Polan. Motion carried unanimously by roll call vote.

Board President Lewitt acknowledged General Manager David Pedersen on receiving the SCWC Kathy Cole Award and read the award announcement. General Manager David Pedersen thanked the Board for their support.

C General Manager Reports

(1) General Business

General Manager David Pedersen reported that the Malibu Creek discharge prohibition period ended on November 15th.

(2) Follow-Up Items

General Manager David Pedersen stated that staff would bring back a report at the December 1, 2020 Board meeting regarding the financial impacts to the District due to the COVID-19 pandemic, including the survey response to the State Water Resources Control Board. He also stated that staff would bring back a report at the January 5, 2021 Board meeting regarding the District's collection policy and practices, along with a review of the effectiveness of the same. He also stated that staff would bring back an Information Item at the December 7, 2020 JPA Board meeting regarding the theoretical and actual efficiency of the advanced treatment process for the Pure Water Project Las Virgenes-Triunfo, including the amount of energy needed and the ability to recapture energy on the downstream side of the reverse osmosis process.

D Directors' Comments

None.

13. FUTURE AGENDA ITEMS

Director Lo-Hill moved for a report on the District's efforts to remind customers that their sanitation billing is based on the number of people in the household and to provide them with the opportunity to update their information with the District. Motion seconded by Board President Lewitt.

14. PUBLIC COMMENTS

None.

15. CLOSED SESSION

A Conference with District Counsel – Potential Litigation (Government Code Section 54956.9(b), Significant Exposure to Litigation): One case

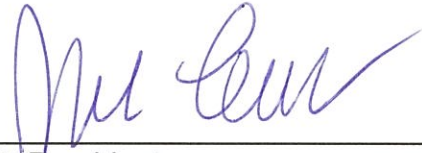
In the opinion of District Counsel, disclosure of the identity of the litigants would be prejudicial to the District.

The Board recessed to Closed Session at **11:04 a.m.** and reconvened to Open Session at **11:12 a.m.**

Wayne Lemieux, District Counsel, announced that the Board received a report in Closed Session, and there was no reportable action taken.

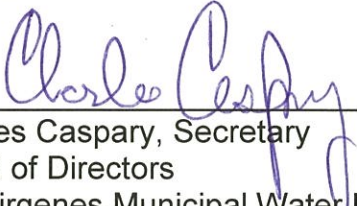
16. OPEN SESSION AND ADJOURNMENT

Seeing no further business to come before the Board, the meeting was duly adjourned at **11:12 a.m.**



Jay Lewitt, President
Board of Directors
Las Virgenes Municipal Water District

ATTEST:



Charles Caspary, Secretary
Board of Directors
Las Virgenes Municipal Water District

(SEAL)