

**LAS VIRGENES – TRIUNFO
JOINT POWERS AUTHORITY
MINUTES
REGULAR MEETING**

5:00 PM

February 1, 2021

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag was led by Lynda Lo-Hill.

1. CALL TO ORDER AND ROLL CALL

The meeting was called to order at **5:00 p.m.** by Chair Tjulander 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 Caspary, Lewitt, Lo-Hill, Nye, Orkney, Polan, Renger, Shapiro, Tjulander, and Wall.

Absent: None.

2. APPROVAL OF AGENDA

Director Polan moved to approve the agenda. Motion seconded by Director Wall. Motion carried unanimously.

3. PUBLIC COMMENTS

None.

4. CONSENT CALENDAR

A Minutes: Regular Meeting of January 4, 2021: Approve

Director Orkney lost connection to the teleconference at 5:03 p.m.

Director Lo-Hill moved to approve the Consent Calendar. Motion seconded by Director Lewitt. Motion carried by the following roll call vote:

AYES: Caspary, Lewitt, Lo-Hill, Nye, Polan, Renger, Shapiro, Tjulander, Wall
NOES: None
ABSTAIN: None
ABSENT: Orkney

5. ILLUSTRATIVE AND/OR VERBAL PRESENTATION AGENDA ITEMS

A Pure Water Project Las Virgenes-Triunfo: Update

Director Orkney reconnected to the teleconference at 5:05 p.m.

Joe McDermott, Director of Engineering and External Affairs, noted that a letter to the editor was published in *The Acorn* newspaper questioning the water quality and the anticipated cost of the Pure Water Project Las Virgenes-Triunfo (Pure Water Project). He stated that staff would provide a response to be included in *The Acorn*, as well as an advertisement regarding the JPA's position on the project. He noted that based on the survey conducted by Pepperdine University, it was expected that 75 percent of the population would be in favor of the project from a water quality standpoint. He also noted that 498 online survey responses were received from customers regarding the project, which would assist staff in making changes to the outreach plan. He stated that survey results would be tentatively presented at the next Board meeting. He also reported that Jacobs Engineering would provide written monthly summaries describing the work accomplished in the last 30 days and scheduled activities. He noted that Operations staff was preparing to conduct N-Nitrosodimethylamine (NDMA) challenge testing at the Pure Water Demonstration Facility, which would evaluate levels of the disinfectant byproduct for the treatment process. He stated that the testing would be conducted over several weeks to confirm that NDMA is removed or destroyed to meet drinking water standards. He noted that staff was working on scheduling three separate workshops for the Pure Water Project related to water augmentation, alternative delivery methods, and the program implementation plan. He suggested dates for each workshop, which would all be held from 9:00 a.m. to 12:00 p.m. The Board agreed to hold the first workshop on February 22nd, the second workshop on March 29th, and the third workshop on April 28th.

Chair Tjulander stated that he was pleased with staff's response to the editorial in *The Acorn* newspaper.

B State and Federal Legislative Update

Anna Schwab, federal lobbyist for the JPA with Best Best & Krieger LLP (BBK), presented the federal legislative update. She reported that President Joe Biden was moving swiftly with a number of Executive Orders including the Water of the United States (WOTUS) Rule, Endangered Species Rules, nationwide permitting, National Environmental Policy Act (NEPA), and Clean Water Act Rule on 401

certifications. She also noted that a list of revoked Executive Orders was included in the written report. She stated that the new Administration issued a memorandum to freeze regulations that were under review. She explained that options could include reopening the regulations for public comment to extend the rulemaking process, allowing the rules to go forward, or implementing the Congressional Review Act. She also stated that there was hesitation to implement the Congressional Review Act because it would stop an agency rule from putting forward a materially similar rule in the future. She also reported that budget resolutions for Fiscal Year 2020-21 and Fiscal Year 2021-22 would be passed this year. She noted that last year the COVID-19 Omnibus Package was placed in the proposed appropriations for Fiscal 2021; however, a budget bill was not passed. She stated that the Congressional leadership would put forward a budget bill that would allow passage of new COVID-19 relief measures with simple majorities. She also stated that this approach would likely also be used to pass an infrastructure package; however, there would be no "pay for" language regarding the means to pay for an infrastructure package especially when major automobile companies are moving towards fully electric vehicles, which would reduce the amount of gas tax revenue. She also reported that BBK would work with trade association partners, key stakeholders, and members of Congress on efforts to reauthorize Title XVI funding.

Lowry Crook, federal lobbyist for the JPA with BBK, provided an update regarding perfluoroalkyl and polyfluoroalkyl substances (PFAS) and perfluorooctanesulfonic acid (PFOS) regulations. He noted that the prior Administration issued a determination to move forward with the regulatory process for PFAS and PFOA under the Safe Drinking Water Act, and solicited a 60-day comment period to regulate PFAS under the Superfund Law. He stated that this would present some risk based on water agencies' biosolids or effluent that may fall into the regulatory net. He also stated that this determination could get pulled back because the current Administration might view the 60-day comment period as a stalling period, and the Administration might want to commence on this matter sooner. He also stated that the current Administration could outline an infrastructure package at the February 23rd address to the joint session of Congress.

Ms. Schwab responded to a question regarding proposed solutions to the gas tax deficit in general by stating that there was discussion regarding alternatives to the gas tax, which had not been raised in several years. She stated that given the goals of the current Administration, airlines and automobile companies would need to find other "pay for" provisions to advance the country's infrastructure in a meaningful manner.

Syrus Devers, state lobbyist for the JPA with BBK, presented the state legislative update, and noted that the state budget process was just beginning. He noted that new bills needed be introduced by February 19th in accordance with the state's calendar for its biennial legislative session. He also noted that when bills are first introduced, they need to sit for 30 days and not be amended nor heard in

accordance with the state constitution; therefore, no policy committee meetings would be planned until March, which could change for bills introduced earlier in December or January. He provided an update regarding SB 233 (Dodd), Discontinuance of Residential Water Service, which would extend the water shutoff provisions from SB 998 (Dodd), Discontinuation of Residential Water Service: Urban and Community Water Systems. He noted that there was much opposition to SB 998 when it passed, and BBK would work diligently to oppose SB 223. He stated that SB 223 was relevant to the JPA because one of the provisions indicated that if an agency bills for water and sewer service on the same bill and the customer pays only the portion equal to the water bill, the customer's bill would not be found as being delinquent. He expressed concern with this language from the proposed bill, and noted that the amount of delinquencies had increased during the COVID-19 pandemic and due to the water shutoff moratorium for nonpayment.

Director Caspary noted that based on the State Water Resources Control Board's surveys, delinquencies ranged from low single digits to 12 percent for various agencies across the state. Mr. Devers responded that the Water Board had initially asked for a voluntary request for information from water agencies; however, it did not receive much response.

Director Caspary noted that the Association of California Water Agencies' (ACWA's) State Legislative Committee deferred a recommendation on SB 222 (Dodd), the Water Affordability Assistance Program, until a conversation be held with Senator Dodd's staff to address ACWA's concerns. Mr. Devers responded that BBK was concerned with some administrative issues related to SB 222 and would likely recommend opposing the bill. He stated that there was concern that a water tax would come forth.

Mr. Devers also provided an update regarding the recall efforts for Governor Gavin Newsom.

C Concept for Regional Landscape Conversion Partnership

Dave Roberts, Resource Conservation Manager, presented the report. He responded to a question regarding the purpose of the greenhouse facility by stating that the greenhouse would be the first step in initiating the program to grow plants cultivated by seeds from native and climate appropriate plants, which would then be repotted and moved outdoors. He also stated that the greenhouse facility would provide enough plants to initiate the program, and the JPA could then explore opportunities for partnering with local native plant nurseries. He responded to a question regarding whether authorization was needed from the U.S. Environmental Protection Agency by stating that staff would follow-up.

Director Caspary expressed a potential concern related to competition with private growers who have a history of working with local governmental agencies in providing drought tolerant materials as part of a formal program. He noted that Las

Virgenes Municipal Water District collects penalties from customers who have used water wastefully, and the use of penalty funds was restricted to water conservation programs. He stated that the Regional Landscape Conversion Partnership Program was a good concept; however, he expressed concern with ensuring long-lasting reductions in water usage without having professional guidance for customers.

Director Orkney expressed concern with potential financial impacts to local retail nurseries. Mr. Roberts responded that one of the ideas of the program would be to partner with local nurseries to elevate and accelerate the sale of native plants. He stated that local nurseries could receive assistance with marketing the program and become a distribution point for the program, which would bring in customers. He noted that the Mountains Restoration Trust would bring a fellow from the University of California, Los Angeles who could potentially develop a business model for the program.

Director Shapiro stated that he perceived the program as a logical expansion of the programs developed by the individual JPA partners for educating their constituents on the benefits of moving toward use of drought resistant plants. He noted that the Tree People had programs on using rain barrels, native plantings, and setting up gardens. He stated that he shared the same concerns regarding not competing with local nurseries; however, he indicated that he could see the merits of educating the community and allowing them the opportunity to obtain the materials needed to start their own gardens.

6. ACTION ITEMS

A Independent Audit Services: Renewal

Determine whether or not to approve the second one-year renewal option with The Pun Group, and, if approved, authorize the Administering Agent/General Manager to execute the agreement, in the amount of \$6,356, for independent audit services.

Administering Agent/General Manager David Pedersen presented the report.

Director Polan moved to approve the second one-year renewal option with The Pun Group, and authorize the Administering Agent/General Manager to execute the agreement, in the amount of \$6,356, for independent audit services. Motion seconded by Chair Tjulander.

A discussion ensued regarding whether to direct staff to issue a Request for Proposals (RFP) for independent audit services before the end of the calendar year as this was not included in staff's recommendation. Keith Lemieux, JPA Counsel, noted that there was interest by the Las Virgenes Municipal Water District Board of Directors to have the same auditor as the JPA, and stated that the item

was to approve extending the contract with the understanding that there could be a future action regarding issuing an RFP.

Director Polan inquired whether staff could bring back the concept of issuing an RFP in order to determine the cost to the JPA. Administering Agent/General Manager David Pedersen responded that staff would bring back an item regarding issuing an RFP at a future meeting.

Motion carried unanimously by roll call vote.

7. **BOARD COMMENTS**

None.

8. **ADMINISTERING AGENT/GENERAL MANAGER REPORT**

Administering Agent/General Manager David Pedersen reported that 1.61 inches of rain was measured at the Tapia Water Reclamation Facility (Tapia) on January 28th and 29th, which increased the daily average flow from 7.5 million gallons per day (MGD) to 8.3 million MGD, and increased the peak flow to 13 MGD. He noted that very little inflow and infiltration went into the sewer system primarily due to previous dry weather conditions. He also reported that the retrieval cable for the Landia Pump, a submersible pump at the Tapia aeration basins, broke while staff was attempting to perform maintenance. He stated that the pump could not be retrieved, and staff turned it off to avoid damage and arranged for a rental pump to temporarily continue operation. He also stated that staff would drain the basin to safely retrieve the pump. He also reported that Centrifuge No. 2 at the Rancho Las Virgenes Composting Facility would be placed back into service on February 4th. He provided an update regarding the volume of compost at the Rancho Las Virgenes Compositing Facility, and noted the availability of 3,000 cubic yards with 1,000 cubic yards stored inside the Cure Building and 2,000 cubic yards stored outside. He stated that outreach efforts had increased regarding the availability of compost with pickups offered Monday through Saturday and the bulk-loading fee waived; however, demand for compost remained low. He also stated that staff contacted soil amendment companies; however, they did not have need for additional compost material. He noted that compost would be spread on the sprayfields, and staff would bring back an item regarding the possibility of temporarily discontinuing composting and restoring the operation of the conveyance system that was damaged during the Woolsey Fire. He also noted that the biosolids hauler agreed to honor their previous pricing for offsite hauling.

Director Polan stated that he meant to provide Board Comments to report that he attended the California Association of Sanitation Agencies (CASA) Virtual Winter Conference, where he attended a presentation regarding future financing, debt coverage ratios, financial evaluations by rating agencies, and the financial impacts due to the COVID-19 pandemic.

9. **FUTURE AGENDA ITEMS**

None.

10. **INFORMATION ITEMS**

A **Rancho Las Virgenes Composting Facility: Temporary Waiver of Bulk Loading Fee**

B **Implementation of Operations Data Management, Analytics, and Decision Support System: IOSight iGreen**

11. **PUBLIC COMMENTS**

None.

12. **ADJOURNMENT**

Seeing no further business to come before the Board, the meeting was duly adjourned at **6:13 p.m.**



Ray Tjulander, Chair

ATTEST:



Jay Lewitt, Vice Chair