



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

**MINUTES**  
**REGULAR MEETING**

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9:00 AM

March 2, 2021

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance to the Flag was led by Stephen Bigilen.

**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  
Keith Lemieux, District Counsel

**2. APPROVAL OF AGENDA**

Director Polan moved to approve the agenda. Motion seconded by Director Lo-Hill.

Motion carried unanimously by roll call vote.

**3. PUBLIC COMMENTS**

John Zhao, Director of Facilities and Operations, introduced new employee Anthony “Tony” Audenino, Maintenance Mechanic I. The Board welcomed Mr. Audenino to the District.

Don Patterson, Director of Finance and Administration, introduced new employee Anthony Evangelista, Network and Security Technician. The Board welcomed Mr. Evangelista to the District.

**4. CONSENT CALENDAR**

Director Polan pulled Item 4E for discussion.

**A List of Demands: March 2, 2021: Receive and file**

**B Minutes Regular Meeting of February 16, 2021: Approve**

**C Budget Planning Calendar for Fiscal Year 2021-22**

**Receive and file the Budget Planning Calendar for Fiscal Year 2021-22.**

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

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

Director Lo-Hill moved to approve the Consent Calendar Items 4A, 4B, 4C, and 4D. Motion seconded by Director Polan. Motion carried unanimously by roll call vote.

**4. CONSENT CALENDAR – SEPARATE ACTION ITEM**

**E Water Supply Conditions Update: Receive and file**

Director Polan moved to approve Consent Calendar Item 4E. Motion seconded by Director Caspary.

Director Polan inquired regarding the snowpack levels in the Upper Colorado River Basin and possible drought conditions. General Manager David Pedersen responded that the Upper Basin has been in a state of drought since 2000, and it was currently measuring 79 percent of average. He stated that the most concerning trend on the Colorado River System was that runoff was only a fraction of historic levels, and water was not reaching the tributary river systems. He noted that the Lake Mead Storage/Surplus Outlook projected a 60 percent shortage in 2022 and an 82 percent shortage in 2023. He stated that there would likely be a water shortage for the Colorado River System beginning next

year. He also stated that the declaration of a water shortage for the Colorado River System and Lake Mead dropping below elevation 1,075 feet would trigger implementation of the Drought Contingency Plan where some basin states would need to begin cutting back on the amount of water they receive. He also stated that evaporation, transpiration, and natural consumptive plant demand were causing the water to not reach the tributaries, not feed Lake Powell, and ultimately not reach Lake Mead.

Motion carried unanimously by roll call vote.

## **5. ILLUSTRATIVE AND/OR VERBAL PRESENTATION AGENDA ITEMS**

### **A Legislative and Regulatory Updates**

Joe McDermott, Director of Engineering and External Affairs, noted that the Board received a copy of a letter of support sent to Senator Henry Stern and other lawmakers regarding a \$1 billion request for funding to assist customers with their delinquent utility bills. He stated that the California Municipal Utilities Association (CMUA) and the Association of California Water Agencies (ACWA) asked their members to submit letters of support. He reported that the deadline to submit legislative bills had passed, and 2,361 bills were introduced at the state level. He stated that District staff would be tracking 22 bills that could impact District operations. He noted that AB 1500 (Garcia), the Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022, was a \$6.7 billion bond measure, and SB 45 (Allen), the Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2020, was a similar bond measure for \$5.5 billion. He stated that CMUA had taken a support if amended position on SB 45, and the District would likely take a similar position on both of these bills because they include funding for water and wastewater utilities. He expressed concern with AB 1434 (Friedman), Urban Water Use Objectives: Indoor Residential Water Use, regarding indoor residential water use standards. He noted that current law established 55 gallons per capita daily (GPCD) as the standard for indoor residential water use standard, which would decrease to 50 GPCD beginning on January 1, 2030. He stated that AB 1434 would establish the standard for indoor residential water use as 48 GPCD beginning on January 1, 2023 until January 1, 2025; 44 GPCD beginning on January 1, 2025; and 40 GPCD beginning on January 1, 2030. He also stated that staff would monitor this bill closely and likely oppose. He noted that staff would attend the CMUA Legislative Committee Meeting on March 11th. Mr. McDermott also noted that he, General Manager David Pedersen, and Syrus Devers from Best Best & Krieger would meet on March 4th to discuss the 22 bills that the District would monitor using the Board's adopted legislative policy principles. He also reported that staff met with the South Coast Air Quality Management District (AQMD) staff regarding tentative changes to the regulations for emergency generator runtime. He noted that District staff discussed testing and maintenance hours and the 200 hours allowed for running generators during emergencies. He noted that AQMD was working on allowing the District additional runtime; however, there was concern with the California Air Resources Board (CARB) regulations. He stated that the District was requesting additional hours above the allowable 200 hours for Public Safety Power Shutoff (PSPS) events to warm up and cool down the emergency generators before and

after scheduled PSPS events and to support smooth transitions to and from backup emergency power sources.

Director Caspary inquired whether AQMD was informed of the District's solar generating capability, and the likelihood that emergency generators could have the same level of generating capability. He noted that AQMD did not have a replacement funding program for emergency generators. Mr. McDermott responded that District staff discussed the possibility of an offset with solar generating capability; however, AQMD did not consider this as an offset because much of the electricity is produced outside of the region. General Manager David Pedersen added that legislative authority would likely be required for AQMD to establish a new replacement funding program. He stated that the District's strategy was to seek flexibility without a requirement for replacement. He also stated that the District's solar investments were generally helpful for the discussion as it demonstrates the District is making large investments to reduce its air emissions.

General Manager David Pedersen responded to a question regarding the possibility of seeking legislation for emergency generators by stating that although the bill introduction deadline had passed, staff was in contact with Senator Bill Dodd's office to possibly amend a bill that is no longer viable to address this issue, if necessary.

A discussion ensued regarding the possibility of receiving financial assistance from the state to offset customers' delinquent utility bills, the installation of flow restriction devices for customers in the excessive water use category or for customers that had not made payment arrangements, and tools that the District could use to determine customer financial hardship. Board President Lewitt expressed an interest in receiving additional information to increase the installation of flow restriction devices for wasteful water use customers.

Director Caspary referred to SB 222 (Dodd), the Water Affordability Assistance Program, and noted that ACWA suggested that this program should be treated as a fiscal program as opposed to being under the direction and control of the State Water Resources Control Board. He noted that other agencies within the state were familiar with fiscal assistance programs and had data available regarding customers identified as low-income.

## **6. TREASURER**

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

## **7. BOARD OF DIRECTORS**

### **A ACWA/JPIA Executive Board Election: Nomination of Melody McDonald**

**Pass, approve, and adopt proposed Resolution No. 2590, concurring in the nomination of Melody McDonald to the Executive Committee of the Association of California Water Agencies/Joint Powers Insurance Authority.**

**RESOLUTION NO. 2590**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF LAS VIRGENES MUNICIPAL WATER DISTRICT CONCURRING IN NOMINATION TO THE EXECUTIVE COMMITTEE OF THE ASSOCIATION OF CALIFORNIA WATER AGENCIES/JOINT POWERS INSURANCE AUTHORITY (“ACWA/JPIA”)**

(Reference is hereby made to Resolution No. 2590 on file in the District’s Resolution Book and by this reference the same is incorporated herein.)

General Manager David Pedersen presented the report.

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

**8. NON-ACTION ITEMS**

**A Organization Reports**

This item was included with the Director’s Reports on Outside Meetings.

**B Director’s Reports on Outside Meetings**

Director Polan reported that he participated in the WaterReuse Virtual Symposium on March 1st, where it was noted that public approval of potable water reuse had increased to 98 percent following a tour of MWD’s Regional Recycled Water Project in Carson. He stated that he was eager for the opening of the Pure Water Demonstration Facility for in-person tours. He referred to the earlier discussion regarding emergency generator testing and noted that discussion was held during the symposium regarding public trust in having high quality water delivered using the best intentions and best science.

Board President Lewitt stated that public trust was the reason he supported working on the LV Tap Program to demonstrate the delivery of safe, clean water from the tap as a first step towards the Pure Water Project Las Virgenes-Triunfo.

Director Caspary reported that he attended the Santa Monica Bay Restoration Commission (SMBRC) Governing Board meeting on February 18th. He noted that there was much public comment in opposition to the California Department of Fish and Wildlife’s restoration plan for the Ballona Wetlands. He also reported that the Board adopted a Memorandum of Understanding for the Integrated Regional Water Management Program, and elected Gloria Gray as one of the Vice Chairs of the Governing Board. He noted that the Santa Monica Bay Conservation and Management Plan would be presented for approval in the next 60 days. He also reported that he attended the Santa Monica Bay Stakeholders Workshop on February 24th regarding development of the Santa Monica Bay National Estuary Program Fiscal Year 2022 Annual Work Plan. He stated that a major component of projects important to the U.S. Environmental Protection Agency would provide \$0.5 million per year for The Bay Foundation for restoration projects. He noted there were several individuals who oppose

a substantial project in the Ballona Wetlands, and some members of the public expressed concern with the plan to move a substantial amount of dirt and temporarily displace some wildlife.

## **C General Manager Reports**

### (1) General Business

General Manager David Pedersen reported that he was participating in work group discussions with MWD on its rate refinement process. He noted that MWD was working with member agencies to review its rate structure and specifically address the Water Stewardship Charge. He noted that the MWD Finance and Insurance Committee would provide updates regarding this matter. He stated that the work group would work on preparing guiding principles for rates and discuss alternatives for the Water Stewardship Charge. He also noted that representatives from the San Diego County Water Authority and the City of Angeles were participating in the work group.

### (2) Follow-Up Items

None.

## **D Directors' Comments**

Director Lo-Hill mentioned that she viewed the virtual tour of the Pure Water Demonstration Facility, and she commended staff on a well done presentation. She asked for information regarding the irrigation needs of the Demonstration Garden, including the amount of water needed for installation and maintenance, how that amount of water use compared to the allocated water budget, and the accuracy of evapotranspiration rates. Dave Roberts, Resource Conservation Manager, responded that staff was working on compiling this information, which should be completed in the spring. Joe McDermott, Director of Engineering and External Affairs, added that the information would be shared with the Board.

Board President Lewitt thanked General Manager David Pedersen for providing information regarding the implementation of the new on-line single statewide COVID-19 vaccine eligibility system, MyTurn.

## **9. FUTURE AGENDA ITEMS**

None.

## **10. PUBLIC COMMENTS**

None.

## **11. CLOSED SESSION**

**A Threat to Public Services of Facilities (Government Code Section 54957(a)):  
Consultation with Ivo Nkwenji, Security Operations Manager**

The Board recessed to Closed Session at 9:57 a.m. and reconvened to Open Session at 10:36 a.m.

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

**12. OPEN SESSION AND ADJOURNMENT**

Seeing no further business to come before the Board, the meeting was duly adjourned at 10:36 a.m.



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

ATTEST:



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Lee Renger, Secretary  
Board of Directors  
Las Virgenes Municipal Water District

(SEAL)