



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

MINUTES
REGULAR MEETING

9:00 AM

March 16, 2021

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag was led by Josie Guzman.

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 (connected to the teleconference at 9:09 a.m.)

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 Caspary.

Motion carried by the following roll call vote:

AYES: Caspary, Lewitt, Lo-Hill, Polan

NOES: None

ABSTAIN: None

ABSENT: Renger

3. PUBLIC COMMENTS

None.

4. CONSENT CALENDAR

A List of Demands: March 16, 2021: Receive and file

B Minutes: Regular Meeting of March 2, 2021: Approve

C Directors' Per Diem: February 2021: Ratify

D Monthly Investment Report: December 2020

Receive and file the Monthly Investment Report for December 2020.

E Resolution Authorizing Use of Electronic Signature: Correction

Pass, approve, and adopt proposed Resolution No. 2591, authorizing the use of electronic signatures.

RESOLUTION NO. 2591

A RESOLUTION OF THE BOARD OF DIRECTORS OF LAS VIRGENES MUNICIPAL WATER DISTRICT RESCINDING RESOLUTION NO. 2580 AND AMENDING LAS VIRGENES MUNICIPAL WATER DISTRICT CODE AS IT RELATES TO ELECTRONIC SIGNATURES

(Reference is hereby made to Resolution No. 2591 on file in the District's Resolution Book and by this reference the same is incorporated herein.)

F Resolution Authorizing Establishment of a Post Employment Health Plan

Pass, approve, and adopt proposed Resolution No. 2592, authorizing the General Manager to establish an employee-funded post employment health plan for unrepresented employees.

RESOLUTION NO. 2592

A RESOLUTION OF THE BOARD OF DIRECTORS OF LAS VIRGENES MUNICIPAL

WATER DISTRICT AUTHORIZING PARTICIPATION IN A POST EMPLOYMENT HEALTH PLAN (PEHP)

(Reference is hereby made to Resolution No. 2592 on file in the District's Resolution Book and by this reference the same is incorporated herein.)

G Amendments to Agreements for Laboratory Services: Approval

Authorize the General Manager to extend the term of the annual purchase order with Weck Laboratories, Inc., through January 18, 2021, and increase the amount by \$6,000; and authorize the General Manager to extend the term of the professional services agreement with Eurofins Eaton Analytical, Inc., through March 15, 2021, and increase the amount by \$25,000 for state-certified laboratory services.

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

- AYES: Caspary, Lewitt, Lo-Hill, Polan
- NOES: None
- ABSTAIN: None
- ABSENT: Renger

5. ILLUSTRATIVE AND/OR VERBAL PRESENTATION AGENDA ITEMS

A MWD Representative Report

Director Renger connected to the teleconference at 9:09 a.m.

Glen Peterson, MWD Representative, reported that the MWD Board inducted new Directors Dennis Erdman, Adan Ortega, and Miguel Luna. He also reported that the MWD Board authorized an agreement with San Bernardino Valley Municipal Water District for access to surplus water supplies and mutual aid during emergencies or outages. He noted that water would be available for member agencies and would not be subject to State Water Project allocations. He also reported that the MWD Board authorized an increase to the contract amount with Shaw Law Group to conduct an independent review of allegations related to equal employment opportunity policies and practices, and authorized filing cross-complaints in the litigation with San Diego County Water Authority. He responded to a question regarding the timetable for MWD to hire its new General Manager by stating that he believed in-person interviews with candidates would be held soon, and the new General Manager should be hired by June.

B Legislative and Regulatory Updates

Joe McDermott, Director of Engineering and External Affairs, reviewed the Legislation and LVMWD/JPA Position Dashboard. He noted that the District sent a letter opposing AB 1434 (Friedman), Urban Water Use Objectives: Indoor Residential Water Use, which

would lower the state's indoor residential water use standards without performing collaborative studies and investigation. He expressed concern that this bill would set water conservation targets to 48 gallons per capita daily and would not allow SB 606 and AB 1668, Water Management Planning, the opportunity to be implemented as originally intended. He also reported that a coalition letter was sent opposing AB 377 (Rivas), Water Quality: Impaired Waters, which would require all California surface waters to be fishable, swimmable, and drinkable by January 1, 2050. He expressed concern that this bill would eliminate due process associated with the issuance of NPDES permits, and noted that the oppose position was taken through the Association of California Water Agencies (ACWA) and the California Association of Sanitation Agencies (CASA). He also reported that the District sent a letter supporting AB 703 (Rubio), Open Meeting: Local Agencies: Teleconferences, which would modernize open meeting laws to enhance public access to public meetings through teleconferencing. He also reported that letters of support were sent on behalf of the Las Virgenes-Triunfo Joint Powers Authority (JPA) regarding H.R. 1319, the American Rescue Plan Act of 2021, urging support for provisions for the Lower Income Home Energy Assistance Program (LIHEAP), funding for infrastructure for water utilities, and paid sick leave and family leave credits for public agencies. He also reported that the District would be sending a letter supporting S.4129 (Wicker), the Lifting Our Communities through Advance Liquidity for Infrastructure Act, which would restore advanced refunding of municipal bonds and could assist with cost-effective financing of the Pure Water Project Las Virgenes-Triunfo. He also reported that the District sent a letter in support, if amended, of SB 45 (Portantino), the Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022, urging the Senate Natural Resource and Water Committee to set aside \$1.5 billion for water recycling projects. He noted that there was an effort to request the state to set aside surplus tax revenue to assist customers in paying their delinquent utility bills as a result of financial hardships related to the COVID-19 pandemic.

Director Caspary reported that he attended the ACWA State Legislative Committee meeting on March 12th where they considered taking positions on approximately 50 bills. He noted that ACWA staff had originally proposed being in favor of AB 818 (Bloom), Solid Waste: Pre-moistened Nonwoven Disposable Wipes, which would place restrictions on flushable wipes. He stated that ACWA had changed its position to support the bill. Mr. McDermott stated that staff would send a letter in support of this bill.

Mr. McDermott responded to a question regarding AB 703 by stating that the bill would allow public agencies to follow revised noticing requirements and continue to allow teleconferencing options for public meetings for broader public access, which was currently occurring under Governor Gavin Newsom's Executive Order to suspend certain requirements of the Ralph M. Brown Act to support social distancing guidelines associated with response to the COVID-19 pandemic. General Manager David Pedersen added that there were two other similar bills that would likely be merged; however, those bills would require closed captioning and translation services for public meetings. He stated that ideally the timing of the passage of AB 703 would coordinate with lifting the Governor's Executive Order.

Mr. McDermott reported that staff met with South Coast Air Quality Management District

(AQMD) representatives regarding tentative changes to the regulations for emergency generator runtime. He noted that AQMD staff was in contact with the California Air Resources Board (CARB) to discuss changes to regulations related to increasing runtime for emergency generator maintenance and testing limits to 45 hours every two years, and to allow for running a generator up to 30 hours in any single year as long as the runtime does not exceed 45 hours every two years. He also noted that the District was requesting an additional three hours of runtime before and after each Public Safety Power Shutoff (PSPS) event to warm up and cool down the emergency generators and support smooth transitions to and from backup emergency power sources. These hours would be in addition to those allowed for the duration of the PSPS event. He also reported that staff asked Best Best & Krieger, the District's lobbyist, to schedule teleconference meetings with Congressional Members and/or staff for the first week in April in lieu of an annual Washington D.C. lobbying trip. He stated that participants would include two Board members from the District and two Board members from Triunfo Water & Sanitation District.

C Water Supply Conditions Update

Joe McDermott, Director of Engineering and External Affairs, presented the report and noted that precipitation as measured by the 8-Station Index was 52 percent of normal and snowpack in the Sierras was 65 percent of normal.

Director Lo-Hill mentioned that she contacted Mr. McDermott regarding the water supply conditions, and he provided a copy of the Northern Sierra Precipitation 8-Station Index, which showed the historical total water year precipitation. Mr. McDermott stated that he would email a copy of the 8-Station Index to the Board and share a copy at the next Board meeting.

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 and provided a comparison of water agencies that have adopted customer e-billing and autopay options. She stated that she would email a copy of the comparison to the Board. She noted that other agencies had contacted the District regarding its policy on installing flow restriction devices.

General Manager David Pedersen reported that recent changes to state guidelines would allow all employees with emergency response functions to be eligible for the COVID-19

vaccine, which would include all District employees. He also reported that the County of Los Angeles was now in the red tier and several restrictions were relaxed. He stated that the District would implement reopening to the public beginning on March 22nd with several restrictions:

- All visitors must wear a facemask and practice social distancing protocols.
- The front counter would be open to the public Monday through Thursday from 8:00 a.m. to 12:00 p.m. for non-cash payments for up to two customers at a time.
- Appointments would be available for the Technical Services Counter.

General Manager David Pedersen stated that the current plan for holding in-person Board meetings would be that meetings could take place once the county is in the orange tier.

Director Lo-Hill moved to approve Item 7A. Motion seconded by Director Caspary.

A discussion ensued regarding publicizing the reopening via the website and social media, including noting that payments could continue to be made by phone or online.

Motion carried unanimously by roll call vote.

8. FINANCE AND ADMINISTRATION

A **Water Operations SCADA Servers and Equipment Reconfiguration: Award**

Accept the proposal from The Rovisys Company and authorize the General Manager to execute a professional services agreement, in the amount of \$128,356, to migrate and reconfigure server and network equipment for the Water Operations SCADA servers and equipment reconfiguration.

Ivo Nkwenji, Information Systems Manager, presented the report.

Director Caspary moved to approve Item 8A. Motion seconded by Director Polan.

Mr. Nkwenji responded to a question regarding security certification from The Rovisys Company (Rovisys) by stating that Rovisys would need to ensure that the system is secure in writing in accordance with the District's security assessment protocol and provide assurance as part of the agreement. He also responded to a question regarding whether artificial intelligence would be used by stating that there would be no artificial intelligence involved as the system feeds into the control panels to the SCADA system. He noted that the District's servers would store the application that control the SCADA system.

Motion carried unanimously by roll call vote.

9. ENGINEERING AND EXTERNAL AFFAIRS

A Jim Bridger and Long Valley Road Water Main Replacement Project: Final Acceptance

Approve an additional appropriation, in the amount of \$47,582.57, to reconcile the final project cost; authorize the General Manager to execute a Notice of Completion and have the same recorded; waive liquidated damages associated with delays during construction; and, in the absence of claims from subcontractors and others, release the retention, in the amount of \$28,851.40, 30-calendar days after filing the Notice of Completion for the Jim Bridger and Long Valley Water Main Replacement Project.

Oliver Slosser, Senior Engineer, presented the report.

Director Caspary moved to approve Item 9A. Motion seconded by Director Lewitt.

Director Caspary commended District staff and the contractor for working concurrently while the City of Hidden Hills conducted underground work as part of a project with Southern California Edison.

Motion carried unanimously by roll call vote.

B Saddle Peak and Cordillera Tanks Rehabilitation Project: Approval of Scope Change

Authorize the General Manager to approve Scope Change No. 1 with CSI Inspection Services, Inc., in the amount of \$27,675, for additional professional coating inspection services associated with the Saddle Peak and Cordillera Tanks Rehabilitation Project.

Veronica Hurtado, Assistant Engineer, presented the report.

Director Polan moved to approve Item 9B. Motion seconded by Director Lo-Hill.

Ms. Hurtado responded to a question regarding the rebid of the project and working with two separate contractors by stating that the project was rebid because only one viable bid was initially received at twice the budgeted amount. She noted that the project was rebid with the schedules separated, which allowed awarding the project to two separate bidders.

Motion carried unanimously by roll call vote.

10. NON-ACTION ITEMS

A Organization Reports

Director Polan reported that he was participating in the ongoing WateReuse Virtual Symposium, where the importance of education and holding tours of facilities were

discussed. He inquired whether the District had reached out to the medical community to seek their support of potable water reuse. General Manager David Pedersen responded that this topic could be discussed at a future Board meeting.

B Director's Reports on Outside Meetings

Director Caspary noted that he provided his report on the ACWA State Legislative Committee Meeting during Legislative and Regulatory Updates.

Board President Lewitt reported that he participated in the ACWA Virtual Legislative Symposium on March 11th. He noted that Senator Bill Dodd spoke regarding concerns with taking water for granted. He also noted that AB 222, the Water Affordability Assistance Program, focused on providing assistance to low income residents in the state, and it was not likely that the District would receive assistance for local residents who experienced financial hardship due to the COVID-19 pandemic.

Director Lo-Hill reported that she was participating in the ongoing WaterReuse Virtual Symposium. She also reported that she participated in the District's Annual International Women's Day Program on March 10th.

C General Manager Reports

(1) General Business

General Manager David Pedersen noted that the Las Virgenes-Triunfo Joint Powers Authority (JPA) would be recognized during the WaterReuse Symposium on March 22nd. He also reminded the Board of the Special Board Meeting scheduled on March 23rd from 9:00 a.m. to 1:00 p.m. for Board training. He noted that he would join the meeting at 10:00 a.m. as he would be providing a presentation for the American Water Works Association regarding the Woolsey Fire. He also reminded the Board that a Special JPA Board Meeting would be held on March 30th from 10:00 a.m. to 12:00 p.m. for a workshop regarding the Pure Water Project Las Virgenes-Triunfo Alternate Delivery Methods. He also reported that 0.15 inches of rain was recently recorded at the Tapia Water Reclamation Facility. He noted that District staff was working with Southern California Edison (SCE) for reimbursement of District's costs related to the previous year's power grid shortages in the state. He noted that Governor Newsom had asked utilities to lower demands, and the District complied by operating emergency back-up generators. He also noted that SCE expressed support in incentivizing the District.

(2) Follow-Up Items

None.

D Directors' Comments

Director Lo-Hill commended Board President Lewitt on his opinion letter regarding lessons learned from Texas' recent water emergency, which was published in *The Acorn*. Board President Lewitt acknowledged Mike McNutt, Public Affairs and Communications

Manager, for his assistance in preparing the opinion letter.

Board President Lewitt also acknowledged General Manager David Pedersen for taking a proactive approach to having the COVID-19 vaccine available to District employees.

11. FUTURE AGENDA ITEMS

None.

12. PUBLIC COMMENTS

None.

13. CLOSED SESSION

A Conference with Labor Negotiators (Government Code Section 54957.6):

Agency Designated Representatives: David W. Pedersen, General Manager; and Donald Patterson, Director of Finance and Administration

Employee Organizations: General and Office Units represented by the Service Employees International Union Local 721

B Conference with Labor Negotiators (Government Code Section 54957.6):

Agency Designated Representatives: David W. Pedersen, General Manager; and Donald Patterson, Director of Finance and Administration

Employee Organizations: Las Virgenes Manager, Supervisor, Professional, and Confidential Employees Association

The Board recessed to Closed Session at **10:35 a.m.** and reconvened to Open Session at **11:08 a.m.**

Keith Lemieux, District Counsel, announced that the Board received a report in Closed Session and authorized the General Manager to negotiate parameters related to employees' vacation accrual, and if agreed to by the employee organizations, staff is to bring back an Information Item at a future Board meeting.

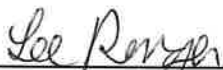
14. OPEN SESSION AND ADJOURNMENT

Seeing no further business to come before the Board, the meeting was duly adjourned at **11:09 a.m.**



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

ATTEST:



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

(SEAL)