

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

5:00 PM

June 7, 2021

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag was led by Len Polan.

1. CALL TO ORDER AND ROLL CALL

The meeting was called to order at **5:00 p.m.** by Chair Tjulander in-person and 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 in-person and 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 (via teleconference), Polan, Renger (via teleconference), Shapiro (arrived at 5:11 p.m. via teleconference), Tjulander, and Wall (via teleconference).

Absent: None.

2. APPROVAL OF AGENDA

Director Orkney moved to approve the agenda. Motion seconded by Director Polan. Motion carried by the following roll call vote:

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

3. PUBLIC COMMENTS

None.

4. CONSENT CALENDAR

A Minutes: Regular Meeting of May 3, 2021: Approve

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

AYES: Caspary, Lewitt, Lo-Hill, Nye, Orkney, Polan, Renger, Tjulander, Wall

NOES: None

ABSTAIN: None

ABSENT: Shapiro

5. ILLUSTRATIVE AND/OR VERBAL PRESENTATION AGENDA ITEMS

A State and Federal Legislative Update

Director Orkney reported that she participated in the JPA Virtual Washington D.C. lobbying trip and that it went very well. She stated that the participants gained the Congressional representatives' attention and there were less distractions. She commended Ana Schwab, federal lobbyist for the JPA with Best Best & Krieger LLP (BBK), for representing the JPA in Washington D.C.

Ana Schwab, federal lobbyist for the JPA with BBK, stated that she was pleased that the Legislative Director for Congresswoman Julia Brownley was engaged in the discussions, as well as Congressman Ted Lieu and Congressman Brad Sherman who expressed interest in assisting the JPA.

Director Lewitt reported that he also participated in the JPA Virtual Washington D.C. lobbying trip, and he acknowledged Ms. Schwab for organizing the virtual meetings.

Ms. Schwab noted that BBK staff followed-up with the Congressional representatives and U.S. Bureau of Reclamation officials following the virtual meetings and received positive feedback. She noted that one of the asks was related to the Alternative Water Source Pilot Program that was included in S. 914, the Senate State Revolving Fund (SRF) Reauthorization Bill, which was not currently included in H.R. 1915, the House version of the SRF Reauthorization Bill. She noted that previously H.R. 1497 was the House version of the SRF Reauthorization Bill, and BBK and many others worked to seek an amendment for the Alternative Water Source Pilot Program to allow those who received Title XVI Feasibility Study funds to also be eligible for the Alternative Water Source Pilot Program. She also reported that the President's proposed budget was released, which included funding for the U.S. Environmental Protection Agency and portions for the U.S. Bureau of Reclamation; however, it did not include U.S. Bureau of Reclamation Title XVI Infrastructure Improvements for the Nation Act (WIIN) funding because this program would be sunsetting this year. She stated that BBK would advocate on the JPA's behalf to ensure that the program continues.

Director Caspary acknowledged Ms. Schwab for coordinating the preparation meeting held before the meetings with the Congressional representatives. He stated that the engagement from Congressman Lieu and Congressman Sherman was outstanding, and that they appeared to be very interested in assisting the JPA.

Director Shapiro connected to the teleconference at 5:11 p.m.

Lowry Crook, federal lobbyist for the JPA with BBK, responded to a question regarding H.R. 2660, Withstanding Attempts to Encroach on our Resources (WATER) Act, by stating that the previous Administration narrowed the protections of the Clean Water Act in July 2020 for a large percentage of wetlands that were not connected to traditional streams of navigable waters and for all ephemeral streams. He noted that this was not an issue in California due to abundant protections. He stated that the new Administration would likely reverse the previous Administration's rules, restore some protections for isolated wetlands and ephemeral streams, and expand the protections of the Clean Water Act.

Syrus Devers, state lobbyist for the JPA with Best Best & Krieger LLP (BBK), presented the state legislative update, and reported that the Senate Budget Subcommittees would be presenting their reports to the full Budget Committees. He noted that BBK advocated for the Senate's Draft Drought Relief Plan and the draft budget bill for \$3.457 billion for future negotiations with the Assembly and the Governor's Office. He stated that it was likely that the details for the proposed \$3.457 billion budget bill would be resolved in trailer bills. He also stated that the Association of California Water Agencies (ACWA) and the California Municipal Utilities Association (CMUA) would hold regular calls with lobbyists regarding the budget process. He noted that Governor Gavin Newsom expressed an interest in low-income rate relief through the State Water Resources Control Board, and there was concern with possible limits and delays. He noted that there was concern with time constraints to hire new staff or create programs to administer the rate relief funds, which must be administered through existing channels. He also noted that BBK was providing suggestions for low-income rate relief to be disbursed directly to agencies rather than to customers whose accounts were in arrears. He also reported that ACWA and CMUA were seeking funds for Integrated Regional Water Management Programs. He noted that although there was much discussion regarding low-income rate relief, there were many people from all income levels who suffered financial impacts due to the COVID-19 pandemic, and impacts from the COVID-19 pandemic needed to be the triggering language for rate relief funds.

Ms. Schwab responded to a question regarding seeking COVID-19 relief funds that were distributed to cities for special districts by stating that it would be up to the individual cities to transfer funds to a special district. She stated that BBK staff would be available to draft letters to cities to ask for distribution of Coronavirus State and Local Fiscal Recovery Funds, established by the American Rescue Plan Act of 2021, for capital improvement projects.

B Pure Water Project Las Virgenes-Triunfo: Update

Joe McDermott, Director of Engineering and External Affairs, reported that the *Taste the Water, Tour the Garden* events began in May with 27 attendees. He noted that staff had received positive responses, and attendees appeared to be optimistic about the Pure Water Project Las Virgenes-Triunfo (Pure Water Project). He stated that people may register for tours at www.ourpureh2o.com, and staff would monitor COVID-19 social gathering restrictions by the Los Angeles County Department of Public Health to determine when tours may be given inside of the Pure Water Demonstration Facility. He also reported that recruitment would take place for a new Engineering Program Manager position, who would take the lead in managing the Pure Water Project. He responded to questions regarding the number of people who have registered for tours; outreach efforts through social media, the newspaper, and through emails sent to individuals identified in the Influential People Outreach Program (iPOP); and cross-training operators at the Pure Water Demonstration Facility.

Director Orkney expressed an interest in reviewing the iPOP list to ensure that it was up-to-date. Mr. McDermott responded that he would share the list with the Board.

Eric Schlageter, Principal Engineer, noted that a workshop for the Pure Water Project Program Implementation Plan would be held during the special JPA Board meeting scheduled on June 16th from 9:00 a.m. to 12:00 p.m. He stated that staff would bring back the final Program Implementation Plan at the July 6th JPA meeting for approval based on feedback received at the workshop. He noted that the Program Implementation Plan would consist of the project delivery approach, regulatory permitting strategies, environmental compliance, cost estimate, baseline cost-loaded schedule, and outreach plan.

6. ACTION ITEMS

A Financial Review: Third Quarter of Fiscal Year 2020-21

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

Don Patterson, Director of Finance and Administration, presented the report.

Angela Saccareccia, Finance Manager, provided a PowerPoint presentation and reviewed the Fiscal Year 2020-21 budget versus actuals, comparison to prior year and budget, and share of net uses of funds.

Eric Schlageter, Principal Engineer, responded to questions regarding the net uses of funds budget of \$26 million versus actual budget of \$17 million by stating that this was mostly due to delays with capital projects, such as the Summer Season

TMDL Compliance Project and the contract expenses not yet met or exceeded for Jacobs Engineering Group. Administering Agent/General Manager David Pedersen added that the Summer Season TMDL Compliance Project to build a pipeline from Piuma Road to the Tapia Water Reclamation Facility was delayed because staff had anticipated coordinating this project with the County of Los Angeles bridge replacement project on Malibu Canyon Road Bridge over Malibu Creek.

Ms. Saccareccia responded to questions regarding the increase in operating expenses in Fiscal Year 2020-21 compared to Fiscal 2019-20, which was due to increased labor hours for the Pure Water Demonstration Facility, increased energy costs, increased pumping costs due to increased recycled water sales, and a delay in solar energy savings. Mr. Patterson added that labor costs had increased due to cross-training at the Pure Water Demonstration Facility, increased overtime in response to the COVID-19 pandemic, and increased focus on sanitation projects.

Director Lo-Hill moved to receive and file Item 6A. Motion seconded by Director Polan. Motion carried unanimously by roll call vote.

B Fiscal Year 2021-22 JPA Budget: Review of Proposed Changes

Review and provide feedback on the proposed changes for the Fiscal Year 2021-22 JPA Budget

Angela Saccareccia, Finance Manager, presented the report and PowerPoint presentation, and reviewed the proposed changes to the operating budget and to the Capital Improvement Projects budget. She responded to questions regarding additional lab sampling at the Pure Water Demonstration Facility and deferral of certain Capital Improvement Projects.

Administering Agent/General Manager responded to a question regarding the increase for lighting improvements at the Pure Water Demonstration Facility chemical storage area and control room.

The report was received and filed.

C Financial Advisor Services for Pure Water Project Las Virgenes-Triunfo: Award

Authorize the Administering Agent/General Manager to execute an initial five-year agreement with Piper Sandler, in an amount not to exceed \$100,000, with the option to extend for up to five additional years for financial advisor services related to the Pure Water Project Las Virgenes-Triunfo.

Don Patterson, Director of Finance and Administration, presented the report.

Director Renger lost connection to the teleconference during the presentation.

Greg Swartz, representing Piper Sandler, responded to a question regarding seeking financing for the JPA as a whole and as individual agencies depending on the funding source.

Director Caspary moved to approve Item 6C. Motion seconded by Director Polan. Motion carried by the following roll call vote:

AYES: Caspary, Lewitt, Lo-Hill, Nye, Orkney, Polan, Shapiro, Tjulander, Wall

NOES: None

ABSTAIN: None

ABSENT: Renger

**D Rancho Las Virgenes Composting Facility Centrifuge No. 1 Repairs:
Award of Purchase Order**

Accept the quotation from CentriTEK and authorize the Administering Agent/General Manager to issue a purchase order, in the amount of \$69,732.50, for repairs to Centrifuge No. 1 at the Rancho Las Virgenes Composting Facility.

Brett Dingman, Water Reclamation Manager, presented the report, and responded to questions regarding centrate treatment.

Director Renger reconnected to the teleconference at 6:31 p.m.

Director Caspary moved to approve Item 6D. Motion seconded by Director Polan. Motion carried unanimously by roll call vote.

**E Rancho Las Virgenes Composting Facility Woolsey Fire Repairs:
Approval of Change Order No. 4**

Authorize the Administering Agent/General Manager to approve Change Order No. 4 to Pacific Hydrotech Corporation, in the amount of \$10,439.70, for additional electrical repairs at the Rancho Las Virgenes Composting Facility.

Oliver Slosser, Senior Engineer, presented the report.

A discussion ensued regarding the reason the work for this project was done through the issuance of change orders to companies that held construction contracts for work at the Rancho Las Virgenes Composting Facility in order to expedite the completion of repairs and restore the operation to the facility caused by the Woolsey Fire.

Director Caspary moved to approve Item 6E. Motion seconded by Director Orkney. Motion carried unanimously by roll call vote.

7. BOARD COMMENTS

Chair Tjulander inquired regarding the date and time for the Pure Water Project Program Implementation Plan workshop and whether the meeting would be held in-person. Administering Agent/General Manager David Pedersen responded that the workshop was scheduled for June 16th from 9:00 a.m. to 12:00 p.m. as an in-person meeting with the option to participate virtually.

8. ADMINISTERING AGENT/GENERAL MANAGER REPORT

Administering Agent/General Manager David Pedersen reported that the flow in Malibu Creek was measuring 4.4 cubic feet per second, and there was no need for water augmentation. He also reported that one-hundredth of an inch of rain was reported earlier in the day at the Tapia Water Reclamation Facility (Tapia). He also reported that the filter media replacement at Tapia was completed. He responded to a question regarding the status of Las Virgenes Municipal Water District's response to the COVID-19 pandemic by stating that the District prepared a multi-phased return to on-site work plan, and staff were spending 50 percent of their time in the office on average. He noted that Cal/OSHA was in the process of developing new rules on the use of facemasks, and legal counsel had advised that employees be encouraged to be vaccinated and voluntarily inform Human Resources whether they had been vaccinated.

Don Patterson, Director of Finance and Administration, stated that under the current County of Los Angeles guidelines every participant attending an in-person meeting must wear a facemask regardless of vaccination status. He also stated that under the proposed Cal/OSHA rules a facemask would not be required if everyone in a room was vaccinated. He also stated that the District would wait on which rule the County of Los Angeles would propagate after Cal/OSHA issues its new rule, and employees would be asked to voluntarily demonstrate that they were vaccinated by showing proof of vaccination.

9. FUTURE AGENDA ITEMS

None.

10. PUBLIC COMMENTS

None.

11. ADJOURNMENT

Seeing no further business to come before the Board, the meeting was duly adjourned at **6:47 p.m.**



Ray Tjulander, Chair

ATTEST:



Jay Lewitt, Vice Chair