



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

MINUTES
REGULAR MEETING

9:00 AM

October 19, 2021

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag was led by Joe McDermott.

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 Assembly Bill 361, which exempts 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 (via teleconference), 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
Darrell Johnson, Water Systems Manager
Josie Guzman, Clerk of the Board
Keith Lemieux, District Counsel
Wayne Lemieux, District Counsel

2. APPROVAL OF AGENDA

Director Renger moved to approve the agenda. Motion seconded by Director Polan. Motion carried unanimously by roll call vote.

3. PUBLIC COMMENTS

None.

4. CONSENT CALENDAR

Director Lo-Hill asked to pull Item 4C for discussion.

A List of Demands: October 19, 2021: Receive and file

B Minutes Regular Meeting of October 5, 2021: Approve

D Monthly Cash and Investment Report: July 2021

Receive and file the Monthly Cash and Investment Report for July 2021.

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

4. CONSENT CALENDAR – SEPARATE ACTION ITEM

C Directors' Per Diem – September 2021: Ratify

Director Lo-Hill suggested that the Board address whether Board Members may receive per diem compensation when attending tours of District facilities. General Manager David Pedersen responded that the Las Virgenes Municipal Water District Code allows per diem compensation when a Board Member serves as a representative of the Board. He stated that Board Members could receive per diem compensation when attending tours of District facilities with elected officials and high level officials, such as the MWD General Manager.

Director Polan moved to approve Item 4C. 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 approved naming the overlook at Lake Mathews in honor of former MWD Director Don Galleano; authorized an agreement for the preparation of environmental documentation for the Regional Recycled Water Program; authorized an agreement with Arizona parties to support the development of the Regional Recycled Water Program; reviewed the City of Beverly Hills Final Mitigated Negative Declarations and addendum for the Beverly Hills Desalter Project; authorized five agriculture leases in the Palo Verde Valley; adopted the Board's

Statement of Commitment to Diversity, Equity, and Inclusion; continued conducting Department Head evaluations; and presented a commendatory resolution honoring former General Manager Jeff Kightlinger. He noted that a presentation was provided regarding beginning the application process for MWD tours and having the tours begin in Fall 2022. He responded to a question regarding impacts to the District from a zero percent State Water Project allocation by stating that the allocation had not yet been determined and could affect farmers more than it would affect MWD. He also responded to a question regarding MWD's position on bringing water from the Mississippi River by stating that this would likely not happen due to the thousands of miles and mountain ranges that would need to be crossed.

B Legislative and Regulatory Updates

Joe McDermott, Director of Engineering and External Affairs, reported that a stop gap measure for federal funding was approved through December 3rd. He also reported that the U.S. Environmental Protection Agency released a roadmap to address per- and polyfluoroalkyl substances (PFAS). He noted that lobbying efforts continued to focus on placing the responsibility of PFAS on manufacturers.

Director Caspary reported that the Association of California Water Agencies (ACWA) State Legislative Committee would hold its annual meeting on October 29th, and he asked for suggestions to support certain legislation. Mr. McDermott responded that he would follow-up with General Manager David Pedersen and Syrus Devers, state lobbyist with Best Best & Krieger LLP (BBK).

C Drought and Water Supply Conditions Update: Receive and file

General Manager David Pedersen presented the report and reviewed MWD's Update on Water Supply and Drought Management. He noted that the water level in Lake Oroville was at a historical low level of 22 percent of normal, and San Luis Reservoir was at 11 percent of normal. He also noted that in 2023 there would be a six percent likelihood that MWD might need to begin contributing water supplies to shore up the level in Lake Mead pursuant to the Lower Basin Drought Contingency Plan. He also noted that the percentage would jump to 64 percent in 2024. He reviewed a graphic showing that runoff to the Colorado River did not materialize this year, which was an emerging trend for the past five years and also an emerging trend in the State Water Project. He stated that these trends were due to higher temperatures, which were causing evaporation and infiltration before the water reaches the reservoirs. He addressed the anticipated zero percent allocation from the State Water Project. He stated that MWD was working closely with the California Department of Water Resources (DWR), and noted that Article 18A of the State Water Project contracts indicated that in the event there was inadequate water supply in the State Water Project to meet demands, DWR would endeavor to provide a minimal health and safety amount of water. He noted that MWD had begun the process to estimate a number to submit to DWR, which would be 55 gallons of water per person per day, assuming indoor water use only. He also noted that the District asked MWD to include a minimal amount of water for the urban wildland interface to address wildfire risks and some industrial, commercial, and institutional water use. He suggested that the Board

take initial actions in response to the drought conditions, including activating Stage 3 of the District's Water Shortage Contingency Plan at a Board meeting in November. He noted that it was expected that Governor Gavin Newsom would impose mandatory water conservation measures. He also recommended that staff schedule presentations to the local City Councils regarding the drought conditions.

A discussion ensued regarding drawing from Las Virgenes Reservoir in early 2022 and operating the Westlake Filtration Plant to help supplement limited water supply, and encouraging customers to enroll in the WaterSmart Customer Portal to track their water consumption.

General Manager David Pedersen noted that he received a message from MWD during the Board meeting that Governor Newsom would issue an Executive Order later in the day to declare the entire state to be in a drought emergency. He recommended that staff bring back a report at the November 2nd Board meeting regarding working towards increasing the number of customers enrolled in the WaterSmart Customer Portal; bringing back a local drought emergency declaration and escalating the response to Stage 3 of the Water Shortage Contingency Plan; providing a briefing for local City Councils; and considering some basic water use restrictions, such as imposing outdoor irrigation restrictions.

A discussion ensued regarding conducting outreach to customers to ask that they turn off irrigation during the fall and winter; providing instructions on the use of the WaterSmart Customer Portal; and considering whether the Board should take action immediately to declare a local drought emergency and escalate to Stage 3 of the Water Shortage Contingency Plan.

Wayne Lemieux, District Council, advised that the Board could take action based on an emergency that had arisen subsequent to the posting of the agenda; however, the Board might consider taking action at the next Board meeting in order to have a resolution presented declaring the local drought emergency.

General Manager David Pedersen suggested that the Board could make a motion that based on the current and emerging conditions to declare a local drought emergency and escalate to Stage 3 of the Water Shortage Contingency Plan, and direct staff to bring back a resolution at the next Board meeting with the findings and specific actions that would be recommended in response.

Director Caspary moved to amend the agenda because the need to take action to address an emergency had arisen subsequent to the posting of the agenda. Motion seconded by Director Polan.

A discussion ensued regarding concerns with declaring an immediate local drought emergency and receiving public input prior to declaring an emergency.

Joe McDermott, Director of Engineering and External Affairs, suggested that a press release could be issued to inform the public that the Board would be considering declaring a local drought emergency and escalating to Stage 3 of the Water Shortage Contingency

Plan at the November 2nd Board meeting.

Director Caspary withdrew his motion.

A discussion ensued regarding reaching out to Calleguas Municipal Water District and the City of Los Angeles to take similar action in order to conserve water and raise water levels in Castaic Lake and San Luis Reservoir.

General Manager David Pedersen responded to a question regarding how water was delivered from the State Water Project and the minimal amount of water that DWR would supply to support health and safety needs per Article 18A of the State Water Project contract when contractors are unable to provide another source of water. He noted that each State Water Project contractor must estimate their demands to meet health and safety needs, and subtract any other supplies that they have available.

Director Polan moved to prepare a statement of a modified nature to publish to the public that the Board was preparing to enter Stage 3 of the Water Shortage Contingency Plan. Motion seconded by Director Renger.

A discussion ensued regarding issuing a press release without the need for a motion and posting it on the District's website.

Director Polan withdrew his motion.

General Manager David Pedersen responded to a question regarding MWD's efforts, which would include working with the City of Los Angeles to take water from the Colorado River in order to preserve supplies from the State Water Project, seeking long-term alternatives such as making major improvements to its transmission system to move water from the Colorado River, and seeking supplemental water supplies. He summarized that the Board was interested in issuing a press release immediately that would express the Board's interest in having an item brought back at the November 2nd Board meeting to take an escalating action that could include declaring a local drought emergency and escalating to a Stage 3 Water Shortage Contingency Plan level, include findings to support the declaration, and to give the public an opportunity to share their input.

6. TREASURER

Director Lo-Hill stated that the Treasurer's report was in order, and noted that the interviews for auditing services were rescheduled.

7. BOARD OF DIRECTORS

A Proposed 2022 Board Meeting Calendar

Review the proposed 2022 Board Meeting Calendar and make any scheduling adjustments.

Josie Guzman, Clerk of the Board, presented the report.

The Board discussed cancelling the May 3, 2022 Regular Meeting due to a conflict with the ACWA Spring Conference; keeping the July 5, 2022 and September 6, 2022 Regular Meetings; cancelling the October 4, 2022 Regular Meeting; scheduling a Special Meeting on October 6, 2022; cancelling the October 18, 2022 Regular Meeting; and scheduling a Special Meeting on October 19, 2022.

Director Polan moved to approve the 2022 Board Meeting Calendar as amended. Motion seconded by Director Lo-Hill. Motion carried unanimously by roll call vote.

B ACWA General Session Membership Meeting and Election of Officers

Authorize the Board President to serve as the District's voting delegate for the ACWA General Session Membership Meeting on December 1, 2021, and provide him with feedback on voting preferences.

General Manager David Pedersen presented the report.

Board President Lewitt stated that he would speak with the candidates prior to casting the District's vote. The Board agreed.

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

8. INFORMATION ITEMS

A Claim by Joey Newman

B 2021 Orange County Oil Spill

Director Lo-Hill acknowledged General Manager David Pedersen for providing the report.

General Manager David Pedersen noted that the current estimate of the oil spill was 25,000 gallons rather than 144,000 gallons as originally estimated.

C SB 594 (Glazer): Timeline for Completion of Redistricting

9. NON-ACTION ITEMS

A Organization Reports

Director Caspary noted that the Santa Monica Bay Restoration Commission Governing Board would meet on October 21st, where they would receive a report from the U.S. Environmental Protection Agency regarding DDT contamination and an update on the Ocean DDT Disposal Site.

B Director's Reports on Outside Meetings

None.

C General Manager Reports

(1) General Business

General Manager David Pedersen reminded the Board that a tour of the Pure Water Demonstration Project would be held on October 20th for representatives from the City of Thousand Oaks. He noted that the tour was noticed as a Special JPA Meeting as a quorum of the JPA Board was expected.

(2) Follow-Up Items

General Manager David Pedersen noted that a report regarding Contaminants of Emerging Concern would be included on the November 1st JPA agenda, and a report regarding District vehicle branding would be included on the November 16th LVMWD agenda.

D Directors' Comments

None.

10. FUTURE AGENDA ITEMS

None.

11. PUBLIC COMMENTS

None.

12. CLOSED SESSION

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

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

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; Donald Patterson, Director of Finance and Administration; and Sophia Crocker, Human

Resources Manager

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

The Board recessed to Closed Session at 10:45 a.m. and reconvened to Open Session at 11:54 a.m.

Keith Lemieux, District Counsel, announced that the Board received reports during the Closed Session, and there was no reportable action.

13. OPEN SESSION AND ADJOURNMENT

Seeing no further business to come before the Board, the meeting was duly adjourned at 11:54 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)