



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

**MINUTES**  
**REGULAR MEETING**

9:00 AM

December 21, 2021

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance to the Flag was led by Oliver Slosser.

**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, Jay Lewitt, Lynda Lo-Hill (via teleconference), Len Polan, and Lee Renger

Absent: None

Staff Present: John Zhao, Acting General Manager/Director of Facilities and Operations  
Joe McDermott, Director of Engineering and External Affairs  
Don Patterson, Director of Finance and Administration  
Josie Guzman, Clerk of the Board  
Wayne Lemieux, District Counsel (via teleconference)

**2. APPROVAL OF AGENDA AND APPROVAL OF FINDINGS OF RESOLUTION NO. 2603 (AB 361) REGARDING USE OF TELECONFERENCING**

Director Caspary moved to approve the agenda and findings of Resolution No. 2603 (AB

361) regarding use of teleconferencing. Motion seconded by Director Polan. Motion carried unanimously by roll call vote.

### **3. PUBLIC COMMENTS**

Carey Peck addressed his previous request for the Board to consider the provision of a will serve letter and financial relief for upgrading the water meter on his property in order to rebuild his house, which was destroyed in the Woolsey Fire. He noted that it was discovered that the water meter that he believed was assigned to him 30 years ago was actually assigned to someone else. He stated that he paid for the new water meter, and he asked the Board to consider providing him financial relief to upgrade his water meter. He stated that he was hoping to begin rebuilding in January, and he was waiting on receiving the plan approval for the foundation. John Zhao, Acting General Manager/Director of Facilities and Operations, noted that staff was continuing to search the District's records and would continue to work with Mr. Peck.

Steve Hopwood, representing Mont Calabasas HOA, accompanied by Paul Spencer, Jesse Hooker, and Glen Kulik, stated that he was present to address a claim that he filed on behalf of the HOA for damages to the HOA's front entry gate due to a pressure regulator that had burst. John Zhao, Acting General Manager/Director of Facilities and Operations, noted that an item regarding this matter was on the agenda as Closed Session Item 13C.

Paul Spencer stated that the amount of settling caused by water that leaked into the ground could potentially cause pothole sinkage, and he asked the Board to expedite the claim process. Mr. Hopwood added that a temporary repair was done with a hot patch, and he expressed concern with potential damage to vehicles and safety issues.

Jesse Hooker stated that the HOA's insurance adjustor would provide a determination based on insurance coverage. He also stated that he prepared the damage estimate based on insurance industry standards using Xactimate software.

### **4. CONSENT CALENDAR**

Director Polan pulled Item 4D for discussion.

- A List of Demands: December 21, 2021: Receive and file**
- B Minutes Regular Meeting of November 2, 2021: Approve**
- C Directors' Per Diem – November 2021: Ratify**

Director Polan moved to approve Consent Calendar Items 4A, 4B, and 4C. Motion seconded by Director Renger. Motion carried unanimously by roll call vote.

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

- D CIS Software: Annual Support and Maintenance Agreement**

**Authorize the General Manager to execute an annual support and maintenance agreement with Advanced Utility Systems, in the amount of \$81,390.97, plus applicable taxes, for the District's Customer Information System software.**

Ivo Nkwenji, Information Systems Manager, responded to questions regarding security and encryption of personal information in the CIS software.

Joe McDermott, Director of Engineering and External Affairs, responded to a question regarding satisfaction with the services provided by the vendor. Darrell Johnson, Water Systems Manager, added that staff expanded the use of the CIS software program.

Director Polan moved to approve Item 4D. 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 amended the Capital Improvement Plan to include projects that would improve water supply reliability in the Rialto Pipeline services area; awarded a contract to upgrade the domestic water treatment systems at the five Colorado River Aqueduct pumping plants; authorized the General Manager to enter into the 500+ Plan Memorandum of Understanding to facilitate near-term actions necessary to maintain the elevation of water in Lake Mead; authorized the General Manager to enter into agreements to purchase water, lease groundwater return capacity, exchange water, and to convey water in the State Water Project facilities; adopted a resolution to support an application with the California Department of Water Resources (DWR) for supplemental grant funds for regional water conservation efforts; retained current procedural rules with amendments to the Administrative Code to provide that a parliamentary ruling by the Chair of a committee or the MWD Board may be overruled by a majority vote; and inducted new Director Lois Fong-Sakai from the San Diego County Water Authority. He addressed concerns regarding MWD's efforts to supply water to the District, and noted that the sizing of the connection from the Colorado River to the District was set at 50 cubic feet per second (CFS) in the early 1960s. He also noted that it was known at that time that the State Water Project would be built. He stated that resizing the connection from the Colorado River would be difficult due to having to go through various communities, and connecting over the Sepulveda Pass would be very expensive due to pumping and electrical costs. He also stated that in the past MWD had programs to store water, such as in the Las Posas Basin; however, the water from the basin was of very poor quality. He noted that other MWD programs included water storage in the Arvin Edison Water Storage District, Semitropic Water Storage District, and Kern Delta Water District; however, there was concern with the water being suitable for drinking. He stated that MWD contracted for 75,000 acre-feet of storage in the Antelope Valley, and noted that the water could be delivered by being placed into the east branch, into the west branch, or placed into the Los Angeles Aqueduct. He presented the Northern Sierra Precipitation: 8-Station Index and stated that water levels were well above average. He also stated that Lake Oroville would need to spill water for flood control purposes

should the state experience five atmospheric rivers. He explained that a zero percent allocation from the State Water Project meant that the DWR was being conservative. He stated that six to eight feet of snow was expected in the Northern Sierras in the coming week, and water was available in storage. He responded to a question regarding whether the State Water Project allocation would be revisited by stating that the DWR usually revisits the allocation monthly after conducting snow studies.

Board President Lewitt noted that the District imported 100 percent of its water from the State Water Project and received very little water from the Colorado River. He also noted that the District's ratepayers contribute towards the cost of Diamond Valley Lake and infrastructure for Colorado River water. He suggested investigating whether the District could have long-term access to Colorado River water.

Mr. Peterson noted that the water in Diamond Valley Lake was from the State Water Project. He stated that there were several new water source projects, such as the Los Angeles Department of Water and Power Project NEXT which would build a pipeline from the Hyperion Water Reclamation Plant to the Joseph Jensen Water Treatment Plant and which would be a better project than building an isolated water line for potable water.

A discussion ensued regarding asking MWD Assistant General Manager/Chief Operating Officer Deven Upadhyay to provide a presentation regarding options for water supply from the State Water Project and the Colorado River. A discussion also ensued regarding asking Curt Schmutte from MWD provide an update on the Sacramento-San Joaquin River Delta.

## **B Legislative and Regulatory Updates**

Joe McDermott, Director of Engineering and External Affairs, noted that a copy of a comment letter to the State Water Resources Control Board requesting modification to the Drought Conservation Emergency Regulation was provided to the Board. He stated that the comment letter requested not prohibiting the use of an existing irrigation system to irrigate trees located in medians and parkways, and instead focus on eliminating excess runoff from medians and parkways. He reported that staff was working with Best Best & Krieger LLP, the District's lobbying firm, to send a letter to the District's delegation in Washington D.C. to ensure they were aware that the District was dependent on the State Water Project for its water source. He noted that H.R. 3684 Bipartisan Infrastructure Plan included a Buy America provision, and stated that there was concern with the current breakdown in the supply chain and the price of materials and supplies. He also stated that staff was contemplating sending letters expressing concern to the District's delegation in Washington D.C. and to federal agencies that distribute grant funding and loans.

## **C Drought and Water Supply Conditions Update: Receive and file**

Joe McDermott, Director of Engineering and External Affairs, presented the report. He noted that the Northern Sierras Precipitation: 8-Station Index had increased to 23 percent due to recent storms. He also noted that Lake Oroville was at 33 percent of normal. He

stated that another 450,000 acre-feet of water would be needed in Lake Oroville before the Department of Water Resources (DWR) would reconsider the State Water Project allocation. He also stated that the DWR would release an allocation study on January 5, 2022. He reported that the MWD Managers Meeting was held on December 17th, where they discussed Human Health and Safety Supplies (HHS), which would provide minimum water supplies to the District for human health and safety purposes of 55 gallons per person per day. He stated that provision of HHS prohibit outdoor water use. He noted that several coordination meetings with State Water Project purveyors would be held in the coming months to discuss HHS impacts to customers.

John Zhao, Acting General Manager/Director of Facilities and Operations, responded to a question regarding whether MWD's stored water supplies would be sufficient to supply some water for outdoor use by stating that should there be a zero percent State Water Supply allocation and if HHS were to be applied, MWD's existing water supply would only last until March.

**6. TREASURER**

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

**7. BOARD OF DIRECTORS**

**A Local Agency Formation Commission (LAFCO): Nomination of Candidates for Special District Voting Member and Alternate**

**Nominate candidates, if any, for consideration to fill upcoming vacancies as the independent special district voting member and alternate positions on the Los Angeles County Local Agency Formation Commission.**

Acting General Manager John Zhao presented the report.

No action was taken by the Board.

**8. FINANCE AND ADMINISTRATION**

**A Fiscal Year 2020-21 Annual Comprehensive Financial Report**

**Receive and file the Fiscal Year 2020-21 Annual Comprehensive Financial Report.**

Don Patterson, Director of Finance and Administration, provided introductory remarks.

Gary Caporicci, representing The Pun Group, provided a PowerPoint presentation and responded to questions posed by the Board.

Director Caspary moved to receive and file Item 8A. Motion seconded by Director Renger.

Director Lo-Hill noted that the Audit Committee met with Mr. Caporicci prior to the Board

meeting, and they were impressed with the report and performance of the Annual Comprehensive Financial Report.

Motion carried unanimously by roll call vote.

**B Approval of Memorandum of Understanding with Supervisor, Professional, and Confidential Unit: January 1, 2022 through December 31, 2024.**

**Authorize the General Manager to execute the proposed Memorandum of Understanding with the Supervisor, Professional, and Confidential Unit for a term of January 1, 2022 through December 31, 2024.**

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

Director Caspary moved to approve Item 8B. Motion seconded by Director Polan. Motion carried unanimously by roll call vote.

**9. ENGINEERING AND EXTERNAL AFFAIRS**

**A Calleguas-Las Virgenes Interconnection Project: Final Acceptance**

**Authorize the General Manager to approve Change Order No. 4 with Sully Miller Contracting Company, in the amount of \$383,491.65, and Scope Change No. 2 with Cannon Corporation, in the amount of \$18,000; approve the execution of a Notice of Completion and have the same recorded in Los Angeles and Ventura counties; 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 \$235,941.09, 30-calendar days after filing the Notice of Completion for the Calleguas-Las Virgenes Interconnection Project.**

Oliver Slosser, Engineering Program Manager, presented the report.

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

Mr. Slosser responded to questions regarding the time limit for contractors to submit change orders requests and the contractor's agreement to absorb half of the cost of Change Order Request No. 7 as part of Change Order No. 4.

Motion carried unanimously by roll call vote.

**B Rancho Las Virgenes Composting Facility Woolsey Fire Repairs: Approval of Change Order**

**Authorize the General Manager to approve Change Order No. 7 to Pacific Hydrotech Corporation, in the amount of \$43,915.87, for additional electrical and HVAC work associated with the Rancho Las Virgenes Composting Facility Woolsey Fire Repairs.**

Mercedes Acevedo, Assistant Engineer, presented the report.

Director Polan moved to approve Item 9B. Motion seconded by Director Renger.

Ms. Acevedo responded to questions regarding the possibility of additional repair work by stating that she believed this was the last of the repairs pending discovery of additional fire damage. She also responded to a question regarding whether the composting facility was in full operation by stating that the facility continued to be partially operational.

Don Patterson, Director of Finance and Operations, responded to a question regarding whether the insurance company would reimburse the District for staff time by stating that some staff costs were reimbursable pending negotiations with the insurance company.

Motion carried unanimously by roll call vote.

**C Kimberly Pressure Reducing Station No. 45 Rehabilitation Project: CEQA Determination and Call for Bids**

**Find that the work is exempt from the provisions of the California Environmental Quality Act and authorize a Call for Bids for the Kimberly Pressure Reducing Station No. 45 Rehabilitation Project.**

Oliver Slosser, Engineering Program Manager, presented the report.

Director Renger moved to approve Item 9C. Motion seconded by Director Caspary.

Eric Schlageter, Principal Engineer, responded to a question regarding potential view impacts with placing the pressure reducing station aboveground by stating that the trend was to place stations aboveground for safety and access reasons, as well as the potential for less corrosion.

Director Polan asked staff to include a location map when consideration to award the project is brought back to the Board.

Motion carried unanimously by roll call vote.

**10. NON-ACTION ITEMS**

**A Organization Reports**

Director Caspary reported that he attended the Santa Monica Bay Restoration Commission (SMBRC) Governing Board Meeting, where they reelected the seven Governing Board representatives. He noted that legal counsel for The Bay Foundation announced a request for appeal related to litigation with the Ballona Wetlands Land Trust. He also reported that the Administrative Director of the SMBRC requested that the District provide a presentation on the Pure Water Project Las Virgenes-Triunfo in early 2022. He stated that he would work with the General Manager and staff on scheduling a date for

the presentation. He noted that the SMBRC's authority to hold their meetings via teleconference would end in January, and the Administrative Director was seeking a meeting location with audiovisual equipment. He suggested that the SMBRC could hold meetings in the District's Board Room. He stated that he would follow-up with staff.

## **B Director's Reports on Outside Meetings**

Director Lo-Hill reported that she attended the Colorado River Water Users Association Conference the previous week.

Board President Lewitt reported that he also attended the Colorado River Water Users Association Conference.

## **C General Manager Reports**

### **(1) General Business**

John Zhao, Acting General Manager/Director of Facilities and Operations, reported that 3.64 inches of rain was measured at the Tapia Water Reclamation Facility, peak flow measured 23 million gallons per day, and Malibu Creek flow measured 2,500 cubic feet per second. He also reported that MWD's Foothill Feeder and the Joseph Jensen Water Treatment Plant would be offline from January 2 through 12, 2022; therefore, the Westlake Filtration Plant would be operating from December 27, 2021 through January 12, 2022. He noted that staff was monitoring regulations related to COVID-19. He also noted that CalOSHA's regulation would become effective January 14, 2022. He shared a video and photograph of the various utility lines affected by the recent water main break, which occurred on Agoura Road. He informed the Board that the January 3, 2022 Las Virgenes – Triunfo Joint Powers Authority Meeting would be canceled, and the next LVMWD Board meeting would be held on January 4, 2022. He responded to a question regarding the cause of the main break on Agoura Road by stating the damage was caused by corrosion. He also responded to a question regarding whether the District had a program to check for leaks by stating that the District did not have a program to check for leaks in the public right-of-way

Steve Hopwood requested to speak and referred to the pressure regulator that had burst at the entrance to Mont Calabasas HOA. He inquired whether the District had a program to evaluate the condition of pressure regulators. Mr. Zhao responded that a valve had broken at Mont Calabasas HOA as opposed to a pressure regulator. He noted that the District had a program to replace and test pressure regulators, and that he would follow-up with Mr. Hopwood after the meeting.

### **(2) Follow-Up Items**

None.

## **D Directors' Comments**



Director Renger noted that the James Webb Telescope was scheduled to launch on December 25th, which would take the place of the Hubble Space Telescope.

**11. FUTURE AGENDA ITEMS**

None.

**12. PUBLIC COMMENTS**

None.

**13. CLOSED SESSION**

**A Conference with Labor Negotiator (Government Code Section 54957.6):**

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

**Employee Organizations: Supervisor, Professional and Confidential Employees Association**

**B Conference with Labor Negotiator (Government Code Section 54957.6):**

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

**Employee Organizations: General and Office Units represented by Service Employees International Union (SEIU), Local 721**

**C Conference with District Counsel – Pending Litigation (Government Code Section 54956.9(a)):**

**Mont Calabastas HOA v. Las Virgenes Municipal Water District**

Director Caspary departed from the meeting at 11:32 a.m.

The Board recessed to Closed Session at **11:32 a.m.** and reconvened to Open Session at **12:10 p.m.**

Wayne Lemieux, District Counsel, announced that the Board received reports during the Closed Session.

Director Renger moved to deny the claim filed by Mont Calabastas HOA. Motion seconded by Director Polan. Motion carried by the following roll call vote:

AYES: Lewitt, Lo-Hill, Polan, Renger

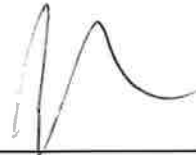
NOES: None

ABSTAIN: None

ABSENT: Caspary

**14. OPEN SESSION AND ADJOURNMENT**

Seeing no further business to come before the Board, the meeting was duly adjourned at **12:10 p.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)