



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

**MINUTES**  
**REGULAR MEETING**

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9:00 AM

January 4, 2022

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance to the Flag was led by Darrell Johnson.

**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 suspended certain requirements of the Ralph M. Brown Act to support social distancing guidelines associated with response to the coronavirus (COVID-19) outbreak. Susan Brown, Administrative Assistant, conducted the roll call.

Present: Directors Charles Caspary, Jay Lewitt, Lynda Lo-Hill (via teleconference), Len Polan, and Lee Renger (via teleconference)

Absent: None

Staff Present: David Pedersen, General Manager  
Joe McDermott, Director of Engineering and External Affairs (via teleconference)  
Don Patterson, Director of Finance and Administration  
John Zhao, Director of Facilities and Operations  
Josie Guzman, Clerk of the Board  
Sue Brown, Administrative Assistant  
Keith Lemieux, District Counsel (via teleconference)

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

Director Polan moved to approve the agenda and findings of Resolution No. 2603 (AB 361) regarding use of teleconferencing. Motion seconded by Director Caspary. Motion carried unanimously by roll call vote.

**3. PUBLIC COMMENTS**

There were no public comments.

Joe McDermott, Director of Engineering and External Affairs, introduced new employee Lilliam Leyton, Customer Service Representative. The Board welcomed Ms. Leyton to the District.

John Zhao, Director of Facilities and Operations, introduced Thomas Bodenhamer, Water Distribution Operator I. The Board welcomed Mr. Bodenhamer to the District.

**4. CONSENT CALENDAR**

Director Polan pulled Item 4C for discussion.

**A List of Demands: January 4, 2022: Receive and file**

**B Minutes Regular Meeting of December 21, 2021: Approve**

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

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

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

Director Polan referred to the new format of MWD's Water Supply Conditions Report, and inquired regarding the location of the Colorado River Resources showing 99 percent of normal and projected Colorado River Aqueduct diversions of 1,076,000 acre-feet. General Manager David Pedersen responded that MWD updated the format of the report to show the percent of normal snowfall and the percent of normal precipitation. He stated that the report reflected 82 percent of normal snowfall in the Upper Colorado River Basin and 99 percent of normal precipitation. He also stated that he could provide feedback to MWD to better reflect where the actual precipitation was occurring. Director Polan requested clarity on the presentation in the future.

Director Polan moved to receive and file Item 4C. Motion seconded by Director Caspary. Motion carried unanimously by roll call vote.

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

## **A Legislative and Regulatory Updates**

Ana Schwab, federal lobbyist with Best Best & Krieger LLP (BBK), provided an update regarding H.R. 5376, the Build Back Better Act, which was not yet passed by the Senate. She noted that the Build Back Better Act included a number of water and wastewater provisions. She also noted that the federal government funding deadline was moved to February 18th, and Congress would need to determine whether to do an omnibus bill or pass individual appropriations bills.

Lowry Crook, federal lobbyist with BBK, provided an update regarding the Army Corps of Engineers' nationwide permitting that authorizes expedited general permits for projects that have gone through the National Environmental Policy Act (NEPA) process and have minimal impacts to waters of the United States. He stated that the Army Corps of Engineers finalized 42 permits, which included a nationwide permit specifically for water reclamation and reuse projects.

General Manager David Pedersen responded to a question regarding whether the nationwide permitting would apply to the Pure Water Project Las Virgenes-Triunfo (Pure Water Project) by stating that he was unaware of a federal nexus requiring an Army Corps of Engineers' nationwide permit. Ms. Schwab added that federal agencies were realizing the need for flexibility so that these types of projects may move forward.

Ms. Schwab responded to a question regarding the timeline to apply for federal funding for the Pure Water Project by stating that she would include this information in her next written report. Mr. Crook added that the Infrastructure Bill would provide funding for water programs over the next five years, and the Build Back Better Act could provide water provision funding over the next ten years.

Syrus Devers, state lobbyist with Best Best & Krieger LLP (BBK), noted that there was funding available in the state budget for water recycling projects; however, a program for the funding was not yet developed. He also noted the District would benefit from funding at a later time once the Pure Water Project was further along. He reported that Assemblywoman Lorena Gonzalez resigned from the State Assembly to be a leader at the California Labor Federation, which resulted in shifts of several Assembly Committee Chair positions. He noted that Assemblywoman Rebecca Bauer-Kahan was appointed as Chair of the Water, Parks, and Wildlife Committee, and it was important for the water industry to communicate water issues in Southern California with Assemblywoman Bauer-Kahan. He also noted that new committee assignments would occur in February. He provided an update regarding AB 1434 (Friedman), which seeks to reduce indoor water use efficiency standards. He stated that it appeared that the requirements of the Conservation Bill Package Study from 2018 were met, and AB 1434 would be amended to adopt the recommendations from the study. He also stated that it did not appear that the study covered the critical issues of financing infrastructure or stranded costs of water facilities. He noted that the new bill introduction period began on January 3rd, and Senator Bill Dodd introduced a bill related to metering of water diversions. He also noted that the Association of California Water Agencies (ACWA) was on track to introduce an alternative to AB 1434.

General Manager David Pedersen responded to a question regarding the availability of grant funding for design costs for the Pure Water Project by stating that design grants, known as planning grants, generally had very small funding amounts. He stated that the most benefit in grant programs for the Pure Water Project would be in the form of construction grants.

Director Caspary noted that the ACWA State Legislative Committee would meet on January 7th to discuss AB 1434 and other proposed bills. He expressed concern should AB 1434 move forward as the District would see a 20 percent reduction in flows to the Pure Water Project's Advanced Water Purification Facility over the next nine years and would experience difficulties in maintaining a sewer system that was designed to flow at certain minimum levels.

## 6. TREASURER

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

## 7. FACILITIES AND OPERATIONS

### A Distribution System and Pump Station Valve Replacements

**Authorize the General Manager to issue a purchase order to Toro Enterprises Inc., in the amount of \$172,928, for the distribution system and pressure reducing station valve replacements.**

Darrell Johnson, Water Systems Manager, presented the report.

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

### B Award of Fiscal Year 2021-22 Vehicle Replacement Program

**Authorize the General Manager to issue a purchase order to Fritts Ford of Riverside, in the amount of \$44,882.95 plus tax, for one Ford F250 regular cab utility bed service truck.**

Shawn Triplett, Facilities Maintenance Supervisor, presented the report.

Director Caspary moved to approve Item 7B. Motion seconded by Director Polan.

Mr. Triplett responded to questions regarding the quote received for the vehicle compared to the manufacturer's suggested retail price.

Motion carried unanimously by roll call vote.

## 8. FINANCE AND ADMINISTRATION

**A Continuation of Potable Water Standby Charge: Public Hearing, Introduction, and First Reading**

**Waive the full reading and call for proposed Ordinance No. 284 to be given first reading by title only for continuation of the potable water standby charge.**

**ORDINANCE NO. 284**

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF LAS VIRGENES MUNICIPAL WATER DISTRICT AS IT RELATES TO STANDBY CHARGES FOR THE FISCAL YEAR COMMENCING JULY 1, 2022**

(Reference is hereby made to Ordinance No. 284 on file in the District's Ordinance Book and by this reference the same is incorporated herein.)

Board President Lewitt provided introductory remarks.

Josie Guzman, Clerk of the Board, reported that the District published a notice of public hearing in *The Las Virgenes – Calabasas Enterprise* on December 23 and 30, 2021, and approximately 2,197 postcards were mailed to new residents within the service area.

General Manager David Pedersen explained the purpose of the Water Standby Charge. He noted that the second reading and adoption of proposed Ordinance No. 284 would take place at the February 1, 2022 Regular Board meeting.

Board President Lewitt opened the public hearing at 9:41 a.m.

There were no public comments.

Ms. Guzman confirmed that the District did not receive any written or verbal comments.

Board President Lewitt closed the public hearing at 9:42 a.m.

General Manager David Pedersen responded to a question regarding the mailing of postcards by stating that postcards were mailed only to property owners that were new to the District.

Director Caspary moved to waive the full reading and call for proposed Ordinance No. 284 to be given first reading by title only, waive further reading, and introduce Ordinance No. 284. Motion seconded by Director Polan. Motion carried unanimously by roll call vote.

Keith Lemieux, District Counsel, read Ordinance No. 284 by title only.

**B Independent Auditing Services: Award**

**Accept the proposal from RAMS and authorize the General Manager to execute a**

**three-year professional services agreement in the annual amount of \$45,260 for the first three years, with two one-year renewal options using a three percent annual escalator, to provide independent auditing services.**

Brian Richie, Finance Manager presented the report.

Director Polan moved to approve Item 8B. Motion seconded by Director Lo-Hill.

Scott Manno, representing Rogers, Anderson, Malody, & Scott LLP (RAMS), introduced himself.

Director Lo-Hill stated that the Audit Committee met with representatives from RAMS, and recommended that the Board accept their proposal.

Motion carried unanimously by roll call vote.

**9. INFORMATION ITEMS**

- A Claim by Frank and Jeri Churchill**
- B Claim by Wagon Road Ranchos**
- C Final Report on Excess Vacation Accruals**

**10. NON-ACTION ITEMS**

**A Organization Reports**

None.

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

None.

**C General Manager Reports**

- (1) General Business

General Manager David Pedersen acknowledged John Zhao, Director of Facilities and Operations, and the Department Directors for their efforts while he was on vacation. He reported that 7.52 inches of rain was measured at the Tapia Water Reclamation Facility (Tapia) during the recent storm event, and Tapia received a total 17 inches of rain in December. He also reported that the rain gauge at the Westlake Filtration Plant measured 13.8 inches of rain in December, the peak influent at Tapia during the rain storm measured 30.45 million gallons per day, and Malibu Creek flow measured 7,600 cubic feet per second. He also reported that roof and drainage leaks occurred in Building Nos. 7 and 8 during the rain storm, and water was pumped out from the parking garage. He noted that electrical power and SCADA communications were lost in the western portion

of the water system, which affected the Westlake Filtration Plant and the potable water system. He also reported that there were a series of water main breaks, leaks, and emergency calls that occurred during the holidays, and several District employees responded on Christmas Eve, Christmas Day, New Year's Eve, and New Year's Day. He stated that two of the water main breaks occurred in Latigo Canyon, which were corrosion related; one water main break occurred in Chatsworth on an asbestos cement pipe, which was caused by tree roots; and one water main break occurred on Cornell Road, which was corrosion related. He recognized the following employees for responding during the holidays: Frank Almaguer, Richard Alvarez, Perseus Ancheta, Andy Arenas, Duane Bockelman, Thomas Bodenhamer, Susan Brown, Robert De Vito, Tony Gagnon, Guillermo Garcia, Travis Garman, Steve Jackson, Darrell Johnson, Ron Jones, Lance Karafelas, Jim Korkosz, Spencer Lee, Mario Magaña, Jon Meredith, Joseph Montañó, Shawn Triplett, and Justin Walden. He noted that the MWD shutdown of the Foothill Feeder and the Joseph Jensen Water Treatment Plant began on January 3rd. John Zhao, Director of Facilities and Operations, added that the Westlake Filtration Plant began operating on December 27th in advance of the MWD shutdown.

General Manager David Pedersen also reported that Las Virgenes Reservoir received an abundance of runoff during the rain storms, which raised the reservoir level by four feet. He stated that this equated to \$400,000 worth of free water. Board President Lewitt asked that this information be shared via social media, including asking customers to be aware that water mains could break during rain events.

John Zhao, Director of Facilities and Operations, responded to questions regarding the acceleration of pipe corrosion during significant rain events and the restoration of SCADA communications following the power outage.

General Manager David Pedersen provided an update regarding the District's response to the COVID-19 Omicron variant surge and noted the District experienced an outbreak in late December, which triggered notification to the County of Los Angeles Department of Public Health. He stated that representatives from the Department of Public Health performed an inspection at the District, and they were very complementary of the actions taken by the District to protect employees from COVID-19. He also stated that the District re-implemented the emergency policy related to the COVID-19 surge, including six-foot social distancing and other safety protocols. He announced that Scott Harris, Resource Conservation Supervisor, and Laura Rockwell, Accounting Technician - Payroll, retired from the District, and he recognized them for their service. He noted that Governor Gavin Newsom's Executive Order prohibiting water service shutoff for nonpayment expired on December 31st, and he proposed that the District resume water service shutoff for nonpayment except for customers who are eligible for arrearages funding from the state. He noted that only the customers with past due accounts who were not eligible for arrearages funding would be notified of water service shutoff, and they would also be informed that they may enroll in a payment plan to return to good standing.

## (2) Follow-Up Items

General Manager David Pedersen stated that he asked MWD Assistant General Manager/Chief Operating Officer Deven Upadhyay to address MWD's plans to improve

water supply reliability to MWD State Water Project dependent service areas at the next Board meeting. He also stated that an update on the Delta Conveyance Project would be presented at a future Board meeting.

Director Lo-Hill asked General Manager David Pedersen follow up with a brief summary regarding the recent sewage spill in Long Beach.

#### **D Directors' Comments**

Director Caspary noted that the Northern Sierra Precipitation 8-Station Index jumped ahead of the wettest year on record as of January 3rd. He expressed his hope that these conditions would continue.

#### **11. FUTURE AGENDA ITEMS**

None.

#### **12. PUBLIC COMMENTS**

None.

#### **13. CLOSED SESSION**

##### **A Conference with District Counsel – Anticipated Litigation (Government Code Section 54956.9(d)(2): One item**

##### **Tort Claim by Kali Alana and Michael Maciejewski**

The Board recessed to Closed Session at **10:11 a.m.** and reconvened to Open Session at **10:36 a.m.**

Keith Lemieux, District Counsel, announced that the Board received a report during the Closed Session, and directed staff to send a letter rejecting the claim.

#### **14. 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)