

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

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5:00 PM

December 6, 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 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 Caspary, Lewitt, Lo-Hill, Nye, Orkney (via teleconference),  
Polan, Shapiro, Tjulander, and Wall.  
Absent: Renger

**2. APPROVAL OF AGENDA AND ADOPTION OF RESOLUTION NO. 14 (AB 361)**

**A Approval of Agenda and Reauthorization of Revised use of Teleconferencing for Public Meetings**

**Approve the Agenda and pass, approve, and adopt proposed Resolution No. 14, reauthorizing the revised use of teleconferencing for public meetings pursuant to the Brown Act provisions enacted by Assembly Bill 361**

**RESOLUTION NO. 14**

**A RESOLUTION OF THE GOVERNING BOARD OF THE LAS VIRGENES-TRIUNFO JOINT POWERS AUTHORITY REAUTHORIZING THE REVISED USE OF TELECONFERENCING FOR PUBLIC MEETINGS**

(Reference is hereby made to Resolution No. 14 on file in the JPA's Resolution

Book and by this reference the same is incorporated herein.)

Director Polan moved to approve Item 2A. Motion seconded by Director Shapiro. 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

**3. PUBLIC COMMENTS**

None.

Chair Tjulander reordered the agenda to receive the presentation for Item 5C, followed by Items 5A and 5B.

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

**C Annual Financial Statements and Independent Auditor's Report**

David Siris, representing The Pun Group, provided a PowerPoint presentation summarizing the JPA Financial Statements and Independent Auditors' Reports for the Fiscal Year Ending June 30, 2021. He stated that the audit included an unmodified opinion of the audit results and that no reported or communicated internal control related matters were identified in the audit. He responded to a question regarding decreased assets by stating that decreased assets were offset by a decrease in liabilities.

Chair Tjulander noted that Mr. Siris met with the Audit Committee prior to the Board meeting, and the Committee was pleased with the audit results.

Director Wall moved to receive and file Item 5C. Motion seconded by Director Caspary. 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

**A State and Federal Legislative Update**

Ana Schwab, federal lobbyist for the JPA with Best Best & Krieger LLP (BBK), presented the federal legislative update, and provided a summary of H.R. 3684, the Bipartisan Infrastructure Plan, which was signed into law. She stated there would be a five-year window where funding from the infrastructure bill would be

put into place, and federal agencies would prepare for the 60-day comment period to implement new programming and/or new provisions. She also stated that Congress moved the appropriations deadline for Fiscal Year 2022 to February 18, 2022, and notices of funding opportunities would likely not be released until March or April.

Lowry Crook, federal lobbyist for the JPA with BBK, noted that the infrastructure bill added \$1 billion to the regular funding amounts for Title XVI over the next five years for water recycling projects. He also noted that \$550 million would be for existing programs to support water recycling over the next five years, and \$450 million to create a new large scale water recycling program to support water recycling projects over \$500 million in size.

Ms. Schwab noted that the infrastructure bill might have expanded the Buy America provisions, and stated that she would report back on the findings of these provisions that might impact JPA projects. She also noted that the House of Representatives passed the Build Back Better Act, and was waiting on a vote by the Senate. She stated that this bill would provide provisions for water and wastewater infrastructure. Mr. Crook added that the plan included a provision that would exclude water conservation rebates as taxable income, which would relieve the burden to water agencies in issuing IRS forms for the rebates.

Director Lewitt noted that he attended the Association of California Water Agencies (ACWA) Federal Affairs Committee meeting during the ACWA Fall Conference, and there was a discussion on whether it might be useful to meet with elected officials in person in Washington, D.C. Ms. Schwab responded that a number of members and their staff were not meeting in person, and most meetings were being conducted virtually. She noted that the JPA had successful virtual meetings in early 2021, and it was possible to have meaningful virtual meetings with elected officials and staff.

Ms. Schwab responded to a question regarding the \$450 million reserved for recycled water projects in excess of \$500 million in size by stating that the U.S. Bureau of Reclamation was in the process of putting together stakeholder meetings. She noted that several groups were advocating that those who receive this funding could not receive other Title XVI construction funds, which would provide agencies such as the JPA a more competitive position for the remaining Title XVI funds.

Ms. Schwab also responded to a question regarding the status of the funding roadmap by stating that federal agencies were beginning to develop the funding provisions. She explained that notices for funding opportunities would be released early next year for established programs, and BBK would keep the JPA and staff informed. She also responded to a question regarding whether the JPA could ask Congresswoman Julia Brownley to earmark and sponsor the Pure Water Project Las Virgenes-Triunfo (Pure Water Project) for special consideration by stating that

the Pure Water Project was not currently in a position to expend funds by the deadline for earmarks required this year; however, BBK would monitor for future opportunities and would work with the JPA and staff on best positioning it to apply and utilize the funds in the future by the designated deadlines. She also responded to a question regarding the status of the bill to change NPDES permit terms from five to ten years by stating that this bill was previously introduced by Representative John Garamendi as part of the SRF Reauthorization. She noted that the bill did not move forward; however, BBK would continue to monitor the bill.

Syrus Devers, state lobbyist for the JPA with Best Best & Krieger LLP (BBK), presented the state legislative update. He noted that all of the programs that were funded in the budget would require comment periods, public hearings, public workshops, and monitoring. He also noted that Las Virgenes Municipal Water District was proactive in applying for arrearages funding for delinquent water accounts, and it appeared there would also be adequate funding for delinquent sanitation accounts. He reported that the IRS provided guidance that funds distributed from arrearages funding would not be taxable income; therefore, agencies would not be required to issue a Form 1099 to ratepayers. He provided an update regarding indoor water use efficiency standards in accordance with AB 1434 (Friedman), and noted that these standards were set in legislation in 2018; however, the COVID-19 pandemic had occurred and many people would continue to work remotely from home. He stated that this could have a measurable impact on indoor water use, and this needed to be accounted for in the standards. He also stated that should the state legislature want to move this bill forward, it would need to move it in late January. He noted that the State Water Resources Control Board held two public informational hearings on indoor water use efficiency standards.

## **B Pure Water Project Las Virgenes-Triunfo: Update**

Eric Schlageter, Principal Engineer, presented the report. He noted that the recruitment for the Engineering Program Manager was completed, and Oliver Slosser was selected for this position. He reported that staff met with the City of Thousand Oaks to discuss the tentative brine line alignment. He noted that another potential water augmentation source was identified in the Northern Malibu Creek Watershed, and the County of Ventura was pursuing a feasibility study to divert dry and wet weather flows to the sewer system. He reported that staff would meet with the City of Thousand Oaks, Calleguas Municipal Water District (Calleguas), and Camrosa Water District (Camrosa) as part of the Regional Water Resource Planning Committee to discuss future opportunities for developing local water supply sources, such as groundwater supply at the wells and potentially excess effluent from the Hill Canyon Treatment Plant. He also reported that staff met with City of Agoura representatives to discuss requirements for potential utilization of the Agoura Road site. He stated that staff shared that the JPA understood the sensitive nature of the Agoura Road Corridor and the Ladyface view shed should the Agoura Road site be selected for the project location. He stated that staff was moving forward with all of the environmental studies with a goal of having the

environmental impact report adopted by late 2022. He responded to a question regarding the potential water augmentation source that was identified in the Northern Malibu Creek Watershed by stating that Medea Creek was likely the source. He also responded to a question regarding the excess effluent from Hill Canyon Treatment Plant by stating that there was a level of commitment to Camrosa and other downstream purveyors for these flows. He stated that there was a potential for the Pure Water Project to receive any excess water that is not already committed to downstream purveyors of that effluent. He noted that this could potentially benefit the City of Thousand Oaks by allowing them to avoid developing desalters or other advanced treatment facilities to develop water supply projects within the city. He also responded to a question regarding feedback from the City of Agoura Hills regarding the Agoura Road property by stating that a presentation would be provided to the City Council regarding the JPA's interest of the property and the commitment to ensure that the project would fit within that corridor.

Director Lewitt suggested scheduling a site visit of the Agoura Road property for the Agoura Hills City Council.

**4. CONSENT CALENDAR**

**A Minutes: Regular Meeting of November 1, 2021: Approve**

**B Financial Review: First Quarter of Fiscal Year 2021-22**

**Receive and file the financial review for the first quarter of Fiscal Year 2021-22.**

**C Tapia WRF Summer Season TMDL Compliance and Meter Replacement Project: Approval of Scope Change**

**Authorize the Administering Agent/General Manager to approve Scope Change No. 5 to Stantec Consulting Services, Inc., in the amount of \$19,373, for additional design services associated with the Tapia Water Reclamation Facility Summer Season Total Maximum Daily Load Compliance and Meter Replacement Project.**

Director Polan moved to approve the Consent Calendar. Motion seconded by Director Lewitt. 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

**6. ACTION ITEMS**

**A Multi-Site Battery Energy Storage System Project: Award**

**Conduct a public hearing and upon its conclusion: (1) find that the work is exempt from the provisions of the California Environmental Quality Act; (2) pass, approve, and adopt proposed Resolution No. 15, authorizing and approving the execution of all necessary agreements in the forms approved by JPA Counsel; and (3) authorize the Administering Agent/General Manager to execute a scope change for TerraVerde Energy, LLC, in the amount of \$161,725, to provide construction and installation support services for the Multi-Site Battery Energy Storage System Project.**

**RESOLUTION NO. 15**

**A RESOLUTION OF THE GOVERNING BOARD OF THE LAS VIRGENES-TRIUNFO JOINT POWERS AUTHORITY MAKING FINDINGS, AUTHORIZING AND APPROVING EXECUTION OF A SOLAR POWER PURCHASE AGREEMENT WITH BATTERY ENERGY STORAGE SERVICES, A BATTERY ENERGY STORAGE SYSTEM (BESS) SUPPLY AND INSTALLATION AGREEMENT, A BESS SERVICES AGREEMENT AND A PERFORMANCE DATA PROVIDER (PDP) SERVICES AGREEMENT WITH TESLA, INC.**

(Reference is hereby made to Resolution No. 15 on file in the JPA's Resolution Book and by this reference the same is incorporated herein.)

Chair Tjulander opened the Public Hearing at 5:52 p.m.

John Zhao, Director of Facilities and Operations, presented the report. He noted that outreach was conducted to Native American Tribes as required by AB 52, Native Americans: California Environmental Quality Act, and no comments were received by the deadline; however, he received notification after the deadline on December 3rd from a Native American Tribe that they were interested in consulting with staff on this project. He stated that staff would bring back this item should there be any changes following the Native American Tribe's consultation.

There were no public comments.

Mr. Zhao responded to questions regarding ensuring that any potential flooding would be designed to flow downstream away from the solar sites and providing for the proper disposal of the batteries at the end of their life cycle. He also responded to a question regarding coordinating with the cogeneration system for additional cost savings.

Chair Tjulander closed the Public Hearing at 6:08 p.m.

Director Caspary moved to approve Item 6A. Motion seconded by Director Polan.

Director Caspary asked staff to review the Federal Emergency Management Agency (FEMA) flood elevation changes that might be mapped and adopted during the life of this project.

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

**B      Tapia Water Reclamation Facility HVAC System Replacement: Award**

**Accept the quotation from Gordian Group and authorize the Administering Agent/General Manager to issue a purchase order, in the amount of \$383,506.01, for replacement of the HVAC system at the Tapia Water Reclamation Facility.**

Jim Korkosz, Facilities Manager, presented the report.

Michael Celesta, representing Gordian Group, provided a PowerPoint presentation regarding procurement services through Sourcewell. He responded to questions regarding the competitive bid process based on construction procurement methods and the localized Construction Task Catalog.

Andy Lutkin, representing ACCO Engineered Services, responded to a question regarding the equipment to be furnished by stating that the equipment would be a Daikin variable refrigerant flow system, including an automation system that could be controlled remotely via computer.

Director Lo-Hill moved to approve Item 6B. 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

**C      Pump Replacement for Westlake Wells Nos. 1 and 2: Change Order**

**Authorize the Administering Agent/General Manager to approve a change order to General Pump Company, in the amount of \$62,347.88, for the replacement of pumps and appurtenant equipment for Westlake Wells Nos. 1 and 2.**

John Zhao, Director of Facilities and Operations, presented the report.

Director Polan moved to approve Item 6C. Motion seconded by Director Shapiro.

Mr. Zhao responded to questions regarding the wells by stating that the JPA constructed the wells to increase the supply of source water to the Tapia Water Reclamation Facility. He also responded to a question regarding the availability of non-corrosive pipes by stating that pipes would need to be coated to keep water from coming into contact with bare metal; however, corrosion could occur over time. He also responded to a question regarding whether the pump controllers could sense cavitation by stating that the pumps would be sized based on the water column elevation, and there would be no cavitation as long as the water column was maintained.

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 Tapia Tertiary Filter Media Replacement: Authorization of Purchase Order**

**Authorize the Administering Agent/General Manager to issue a purchase order to Karbonous, Inc., in the amount of \$92,914, for replacement of the media in Filter Nos. 7 and 8 at the Tapia Water Reclamation Facility.**

Administering Agent/General Manager David Pedersen presented the report.

Director Lewitt moved to approve Item 6D. 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

**7. BOARD COMMENTS**

Director Polan reported that he attended the Association of California Water Agencies (ACWA) Fall Conference, and noted that there was an effort to increase membership. He stated that ACWA could provide a stronger voice to cities compared to the League of California Cities, and suggested combining forces with the City of Thousand Oaks and Calleguas Municipal Water District to provide one message for water conservation and efficiency.



Director Orkney noted that ACWA changed the dues calculation for cities by excluding their Police and Fire Department budgets.

**8. ADMINISTERING AGENT/GENERAL MANAGER REPORT**

Administering Agent/General Manager David Pedersen reported that staff would be delivering compost to the Oak Park Community Garden.

**9. FUTURE AGENDA ITEMS**

None.

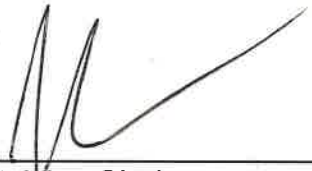
**10. PUBLIC COMMENTS**

None.

**11. ADJOURNMENT**

Seeing no further business to come before the Board, the meeting was duly adjourned at **6:38 p.m.**

  
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Ray Tjulander, Chair

ATTEST:   
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Jay Lewitt, Vice Chair