



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

MINUTES
REGULAR MEETING

9:00 AM

February 1, 2022

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag was led by John Zhao.

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. Josie Guzman, Clerk of the Board, conducted the roll call.

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

Absent: None

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

2. APPROVAL OF AGENDA AND APPROVAL OF FINDINGS OF RESOLUTION NO. 2603 (AB 361)

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

3. PUBLIC COMMENTS

None.

4. CONSENT CALENDAR

A List of Demands: February 1, 2022: Receive and file

B Minutes Regular Meeting of January 18, 2022: Approve

C Water Supply Conditions Update: Receive and file

D Budget Planning Calendar for Fiscal Years 2022-24

Receive and file the Budget Planning Calendar for Fiscal Years 2022-24.

E Monthly Cash and Investment Report: December 2021

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

Director Caspary moved to approve the Consent Calendar. Motion seconded by Director Lo-Hill. Motion carried unanimously by roll call vote.

5. ILLUSTRATIVE AND/OR VERBAL PRESENTATION AGENDA ITEMS

A Legislative and Regulatory Updates

Joe McDermott, Director of Engineering and External Affairs, reported that the period for two-year bill to pass out of their house of origin ended on January 31st, and two-year bills that did not advance at the end of this period would not move forward. He noted that the deadline for new bill introductions would be on February 18th. He reported that SB 230 (Portantino) was the only two-year bill that had advanced to the Assembly, which would establish a science advisory panel to review constituents of emerging concern in drinking water as opposed to the Legislature setting arbitrary limits. He also reported that the Association of California Water Agencies (ACWA) would advocate for an additional \$100 million for recycling projects over and above what Governor Gavin Newsom included in his recent budget proposal. He noted that Governor Newsom proposed \$400 million over three years for both water recycling and groundwater cleanup projects.

6. TREASURER

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

7. **BOARD OF DIRECTORS**

A Authorization of Woolsey Fire Relief for 1709 Lechusa Drive

Authorize the General Manager to apply the Woolsey Fire relief to offset the cost for upgrade from a 3/4-inch meter to a one-inch meter at 1709 Lechusa Drive.

General Manager David Pedersen provided the report.

Director Polan moved to approve Item 7A. Motion seconded by Director Lo-Hill.

General Manager David Pedersen responded to questions regarding the circumstances related to the meter servicing 1709 Lechusa Drive.

Motion carried unanimously by roll call vote.

8. **FINANCE AND ADMINISTRATION**

A Potable Water Standby Charge: Adoption

Waive the full reading and give second by title only; pass, approve, and adopt proposed Ordinance No. 284 as it relates to continuation of the Potable Water Replacement Fund Standby Charge for Fiscal Year 2022-23; and order publication within 15 days of adoption using a summary of the Ordinance.

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.)

Brian Richie, Finance Manager, presented the report.

Director Polan moved to approve Item 8A. Motion seconded by Director Lo-Hill. Motion carried unanimously by roll call vote.

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

9. **ENGINEERING AND EXTERNAL AFFAIRS**

A Stationary Emergency Generators for Critical Potable Water Pump Stations: Award

Award a construction contract to Eco Energy Solutions, Inc., dba High Volt Electric, in the amount of \$1,948,130; and reject all remaining bids upon receipt of the duly executed contract documents.

Mercedes Acevedo, Assistant Engineer, presented the report.

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

Ms. Acevedo responded to questions regarding the new diesel generators and the grant award, which would cover 75 percent of the total eligible cost of the project. She also responded to a question regarding the bid documents specifying the provision of new generators and limitation on outdated equipment. She stated that the District could request receiving the newest model generators that meet Air Quality Management District standards and California Codes. She also responded to a question regarding the provision of staff training on the new generators.

Motion carried unanimously by roll call vote.

B Las Virgenes Reservoir (Westlake) Dam Settlement Report

Receive and file the 2021 Las Virgenes Reservoir (Westlake) Dam Settlement Report

Mercedes Acevedo, Assistant Engineer, presented the report.

Director Lo-Hill moved to receive and file Item 9B. Motion seconded by Director Polan.

Ms. Acevedo responded to questions regarding the crack repairs to the spillway and monitoring for deterioration. Eric Schlageter, Principal Engineer, added that the cracks in the spillway were found to be cosmetic and no degradation was found that would warrant further evaluation of the internal reinforcing steel. He stated that the focus of the repairs was to seal any minor cracks to prevent any water intrusion.

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 Executive Committee Meeting on January 20th, where they reviewed items to place on the February 17th Governing Board Meeting agenda. He stated that these items would include appointments and reappointments to the Technical Advisory Committee, presentation of the draft Santa Monica Bay National Estuary Program (NEP) Fiscal Year 2023 Work Plan, and a presentation by Los Angeles Sanitation and Environment on the Hyperion 2035 Vision for 100 percent water recycling program. He noted that the Committee scheduled a stakeholders' workshop regarding the 2023 Draft

NEP) Work Plan for February 24th. He also noted that the Committee met in closed session regarding potential litigation, and there was no reportable action taken. He also reported that he attended the Association of California Water Agencies (ACWA) State Legislative Committee meeting on January 28th, and noted that the ACWA Spring Conference would be held in person in Sacramento. He also reported that the ACWA Washington D.C. Conference was rescheduled to July. He noted that ACWA was focusing on seeking additional infrastructure funding for dam safety and investigation, and treatment of per- and polyfluoroalkyl substances (PFAS). He also noted that the California Water Association asked ACWA to consider extending the arrearages period for past due water bills. He noted that Assemblywoman Laura Friedman was expected to introduce a new bill seeking to reduce indoor water use standards. He also reported that the State Water Resources Control Board would meet on February 10th to review new regulations on water use efficiency. He noted that there was an effort by the Planning and Conservation League to examine existing water rights and how they might be changed due to climate change. He also reported that SB 230 (Portantino) would establish a five-year program to study contaminants of emerging concern.

B Director's Reports on Outside Meetings

Director Polan reported that he attended the Association of Water Agencies of Ventura County (AWAVC) WaterWise Program on January 20th, where a presentation was provided by Eric Boldt, Warning Coordination Meteorologist from the National Oceanic and Atmospheric Administration/National Weather Service. He noted that there was much rain in December; however, not much rain had fallen since December.

Director Lo-Hill reported that she attended the MWD Special Board Meeting on January 25th where the MWD Board considered MWD Chairwoman Gloria Gray's recommendations for appointment of Committee Chairs and Vice Chairs, and Vice Chairs to the MWD Board. She noted that the MWD Board failed to approve Chairwoman Gray's recommendations.

Board President Lewitt reported that he also attended the MWD Special Board Meeting. He noted that an article was published in the *Los Angeles Times* regarding the MWD Board's vote against Chairwoman Gray's recommended appointments. He expressed concern that the MWD Board appeared to be fractured and that the issue appeared to be diversity. He also expressed concern that in the meantime good water policy would not be promoted, and he suggested asking MWD Representative Glen Peterson for additional information. He also reported that he attended the AWAVC WaterWise Program, and noted that this year could be an underperforming year if no rain were to fall in the coming months. He asked that the District continue to promote water conservation.

Director Lo-Hill reported that she also attended the AWAVC WaterWise Program.

C General Manager Reports

(1) General Business

General Manager David Pedersen reported that on January 20th, the California

Department of Water Resources (DWR) announced an increase to the State Water Project allocation from zero percent to 15 percent. He noted that the District issued a press release acknowledging the increase and also acknowledging the need to continue to focus on water conservation. He stated that this announcement would help to delay the need for human health and safety deliveries from the State Water Project during the current water year. He also stated that the District needed to begin to consider the next water year in case there is no early season rain and snow, be very mindful of the water supply conditions, and focus on water conservation. He responded to a question regarding DWR's rationale for a 15 percent allocation by stating that the DWR conducted a thorough analytical process to determine the allocation by evaluating snowpack, reservoir levels, and water supply conditions to come up with a 90 percent exceedance level for the proposed deliveries. He also responded to a question regarding the average allocation to the District over the past 20 years by stating that the allocation was previously 35 or 40 percent and as high as 50+ percent. He noted that MWD estimates that a 35 percent allocation is generally needed to balance supply and demand, maintaining the same storage levels as the prior year. Board President Lewitt suggested messaging to the customers that a 35 percent allocation from the State Water Project was needed, and the 15 percent allocation was a deficit by 20 percent.

General Manager David Pedersen also reported that sloughing was occurring on the slope between the Rancho Las Virgenes Composting Facility and Headquarters along Las Virgenes Road due to recent rain events and saturated soil. He noted that staff was working with the City of Calabasas on the best approach to address this issue. He also reported that the California Association of Sanitation Agencies (CASA) would hold its Washington D.C. Policy Forum on February 28th and March 1st, and the Association of California Water Agencies (ACWA) rescheduled its Washington D.C. Conference to July. He provided an updated regarding COVID-19 response and noted that the District was experiencing improved conditions. He recommended that the District continue to keep Headquarters open to the public by appointment only through February 11th, and to reopen to the public with normal business operations effective February 14th.

John Zhao, Director of Facilities and Operations, responded to a question regarding whether the District received results from its participation in the COVID-19 wastewater epidemiology study by stating that results were received from the samples submitted three months ago. He noted that the District was participating in a new national sanitary sewer surveillance system program, and he would follow-up with information on the frequency of sending samples for the new program.

(2) Follow-Up Items

General Manager David Pedersen stated that staff would follow-up with MWD staff to provide an update on the Delta Conveyance Project at a future Board meeting.

D Directors' Comments

Director Polan inquired regarding the status of MWD's Long-Term Solutions for State Water Project Dependent Areas. General Manager David Pedersen responded that MWD

would soon begin to perform a severe or extreme drought assessment, and MWD staff would simultaneously present a recommendation to the MWD Board to proceed with feasibility studies for two projects that would be helpful to the region to consider a potential expansion of the Greg Avenue Pump Station and reverse flow in the Sepulveda Feeder. He stated that District staff would speak to these items when presented at the MWD Committee meetings.

Director Caspary acknowledged staff on their efforts in securing a Federal Emergency Management Agency (FEMA) and California Office of Emergency Services (CalOES) grant for the Stationary Emergency Generators for Critical Potable Water Pump Stations Project. He noted that after the Woolsey Fire, representatives from CalOES indicated that funding would be available to assist residents and utilities. He asked staff to communicate the award of the project to the local cities served by these facilities. He noted that fire insurance for District customers had become quite expensive, and he believed that these types of projects would help to mitigate the cost increases in fire insurance going forward. He also asked that the local cities be asked to share this information with their residents and insurers.

11. FUTURE AGENDA ITEMS

None.

12. PUBLIC COMMENTS

None.

13. CLOSED SESSION

A Conference with District Counsel – Existing Litigation (Government Code Section 54956.9(a)):

National Fire & Marine Insurance Company as Subrogee for Knight-Calabasas LLC v. Las Virgenes Municipal Water District

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

The Board recessed to Closed Session at **9:55 a.m.** and reconvened to Open Session at **10:46 a.m.**

Keith Lemieux, District Counsel, announced that the Board received reports for Closed

Session Items 13A and 13B, and there was no reportable action.

14. OPEN SESSION AND ADJOURNMENT

Seeing no further business to come before the Board, the meeting was duly adjourned at **10:48 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)