



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

MINUTES
REGULAR MEETING

9:00 AM

May 17, 2022

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag was led by Sophia Crocker.

1. CALL TO ORDER AND ROLL CALL

The meeting was called to order at **9:00 a.m.** by Board President Lewitt 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, Len Polan (via teleconference), 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
John Zhao, Director of Facilities and Operations
Susan Brown, Administrative Assistant
Josie Guzman, Clerk of the Board
Keith Lemieux, District Counsel

2. APPROVAL OF AGENDA AND ADOPTION OF RESOLUTION NO. 2609 (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. 2609, reauthorizing the revised use of teleconferencing for public meetings pursuant to the Brown Act provisions enacted by Assembly Bill 361

RESOLUTION NO. 2609

A RESOLUTION OF THE BOARD OF DIRECTORS OF LAS VIRGENES MUNICIPAL WATER DISTRICT REAUTHORIZING THE REVISED USE OF TELECONFERENCING FOR PUBLIC MEETINGS

(Reference is hereby made to Resolution No. 2609 on file in the District’s Resolution Book and by this reference the same is incorporated herein.)

General Manager David Pedersen asked to move Item 8B to follow the Consent Calendar in order to hear public comment. He also asked the Board to consider adding an item to the agenda, as the need arose after the agenda was posted, for Closed Session, Conference with District Counsel – Anticipated Litigation, pursuant to Government Code Section 54956.9(b), significant exposure to litigation, one case.

Director Renger moved to approve the agenda as amended by moving Item 8B to follow the Consent Calendar; the addition of a Closed Session for Conference with District Counsel – Anticipated Litigation, pursuant to Government Code Section 54956.9(b), significant exposure to litigation, one case; and pass, approve, and adopt Resolution No. 2609 (AB 361). Motion seconded by Director Caspary. Motion carried unanimously by roll call vote.

3. PUBLIC COMMENTS

None.

4. CONSENT CALENDAR

Director Caspary pulled Item 4B, Minutes Special Meeting of April 12, 2022, and Regular Meeting of April 19, 2022 for discussion.

A List of Demands: May 17, 2022: Receive and file

C Directors’ Per Diem – April 2022: Ratify

D Ultimate (Roth) Staffing Services: Amendment

Authorize the General Manager to increase the annual amount of the contract with Ultimate (Roth) Staffing Services by \$45,000 for Fiscal Year 2021-22, and authorize a not-to-exceed amount of \$100,000 for temporary staffing for Fiscal Year 2022-23.

E Advanced Utility Systems Customer Information System: Change Order

Authorize the General Manager to approve a change order to Advanced Utility Systems, in the amount of \$20,000, for additional programming services associated with the Customer Information System.

Director Lo-Hill moved to approve the Consent Calendar Items 4A, 4C, 4D, and 4E. Motion seconded by Director Renger. Motion carried unanimously.

4. CONSENT CALENDAR – SEPARATE ACTION ITEM

B Minutes: Special Meeting of April 12, 2022, and Regular Meeting of April 19, 2022: Approve

Director Caspary noted a correction to the Minutes from the Regular Meeting of April 19, 2022, Item 11A, Organization Reports, in that the Governing Board of the Santa Monica Bay Restoration Commission would meet in the LVMWD Board Room on June 16th.

Director Caspary moved to approve Consent Calendar Item 4B, Special Meeting of April 12, 2022, and Regular Meeting of April 19, 2022 as corrected. Motion seconded by Director Renger. Motion carried unanimously by roll call vote.

8. GENERAL MANAGER

B Continuation of State of Emergency and Stage 3 – Water Shortage Emergency and Implementation of New Water Use Restrictions with Enforcement Measures

Conduct a public hearing, and pass, approve, and adopt proposed Resolution No. 2608, declaring a continuing state of emergency due to water shortage from drought conditions in the State of California, continuing the Water Shortage Contingency Plan at Stage 3 – Water Shortage Emergency, and implementing new water use restrictions with associated enforcement measures.

RESOLUTION NO. 2608

A RESOLUTION OF THE BOARD OF DIRECTORS OF LAS VIRGENES MUNICIPAL WATER DISTRICT DECLARING A CONTINUING STATE OF EMERGENCY DUE TO WATER SHORTAGE FROM DROUGHT IN THE STATE OF CALIFORNIA, CONTINUING THE WATER SHORTAGE CONTINGENCY PLAN AT STAGE 3 – WATER SHORTAGE EMERGENCY AND IMPLEMENTING NEW WATER USE RESTRICTIONS AND ASSOCIATED ENFORCEMENT MEASURES

(Reference is hereby made to Resolution No. 2608 on file in the District's Resolution Book and by this reference the same is incorporated herein.)

Board President Lewitt provided introductory remarks.

Josie Guzman, Clerk of the Board, presented an affidavit certifying that a notice of the public hearing was published in the *Los Angeles Daily News* on May 10, 2022.

Board President Lewitt opened the public hearing at **9:06 a.m.**

Laura Beth Heisen asked that all customers be treated fairly regarding water use restrictions. She shared the measures she had taken to convert her landscaping to reduce water usage. She expressed concern that water use restrictions would impact trees and property values, and create fire risks. She suggested that the District assist customers by increasing rebates, visiting their properties to recommend water conservation measures, and providing education on the use of rain barrels.

Director Renger suggested that Ms. Heisen visit the Sustainability Garden to view different types of native and drought tolerant plants.

A discussion ensued regarding water use restrictions applying to the outdoor water budget only, availability of a *Frequently Asked Questions* on water conservation posted on the District's website, water budget versus historical usage, water budget based on total irrigated area and evapotranspiration rate, and focusing on irrigating trees to protect their health.

General Manager David Pedersen provided an overview from the Town Hall Meeting, which was held on May 12th.

Joe McDermott, Director of Engineering and External Affairs, presented the report and a PowerPoint Presentation.

There were no additional public comments.

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

Board President Lewitt closed the public hearing at **9:48 a.m.**

A discussion ensued regarding fire resistant landscaping being subject to drying out and being susceptible to fire, warming climate change, low-fuel landscaping options, availability of wildland fire risk rating, and sharing the link to the wildland fire risk factor on the District's website to help customers make changes to their landscaping.

General Manager David Pedersen responded to a question regarding the ability for customers to bank their water conservation if they are below their water budget by stating that staff would advise against banking as it would be difficult to administer such a program; however, this could be a topic for discussion.

A discussion ensued regarding educating customers regarding the eight minutes maximum total irrigation per day per station; the use of high-efficiency nozzles or micro-sprayers that are allowed to run for 15 minutes per day per station; the difference between volumetric limit options versus one day per week outdoor watering; including neighboring agencies' watering restrictions in the *Frequently Asked Questions* document; continuing

to seek water sources for fire suppression before a fire occurs; and the ability for customers to hand water and use drip systems to irrigate their landscaping on any day.

General Manager David Pedersen responded to questions regarding reduction of irrigation with recycled water by 25 percent in order to conserve this resource to meet the high demand in the summer, and minimizing the need to supplement the recycled water system with potable water in the summer.

A discussion ensued regarding the requirement to supplement Malibu Creek with potable water during the summer as part of the National Pollutant Discharge Elimination System (NPDES) permit, and requesting an exemption to this requirement due to the state of emergency.

General Manager David Pedersen stated that staff would provide updates to the Board at each Board meeting regarding drought response and potable water supplement to Malibu Creek.

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

5. ILLUSTRATIVE AND/OR VERBAL PRESENTATION AGENDA ITEMS

A Proclamation Recognizing Robert Robins for 33 Years of Service

Board President Lewitt read a proclamation recognizing Robert Robins upon his retirement following 33 years of service. Mr. Robins was not present to receive the proclamation, and the proclamation would be mailed to his address.

B MWD Representative Report

Glen Peterson, MWD Representative, reported that the MWD Board adopted a resolution to continue its Water Standby Charge for Fiscal Year 2022-23; adopted the Climate Action Plan; awarded a contract to Blois Construction for electrical upgrades at three Sepulveda Feeder underground structures; awarded a contract to J.F. Shea Construction for Weymouth Water Treatment Plant improvements; awarded a contract to J.F. Shea Construction to procure materials and perform construction for the rehabilitation of portions of the Second Lower Feeder; expressed support for developing the Voluntary Agreement approach as an alternative in the State Water Quality Control Board's Bay-Delta Water Quality Control Plan Update; approved entering into a successor Memorandum of Understanding with the American Federation of State, County, and Municipal Employees Local 1902 with a 3.5 percent increase over the next three to five years; and appointed an Interim General Auditor. He noted that one of the Directors from the San Diego County Water Authority asked for a review of MWD's General Counsel and review of issues brought to the Board regarding the state audit; however, he noted that it was the Executive Committee's task to place items on the agenda. He also reported that he would be hosting the MWD Inspection Trip of Existing and Planned Enhancements to MWD's Infrastructure on May 18th.

B Legislative and Regulatory Updates

Joe McDermott, Director of Engineering and External Affairs, noted that a copy of a letter to Senator Dianne Feinstein was provided to the Board in support for funding opportunities from the Support to Rehydrate the Environment, Agriculture, and Municipalities (STREAM) Act. He provided an update on the May revise to Governor Gavin Newsom's state budget, and noted that Governor Newsom originally proposed \$750 million for water infrastructure projects; however, the Senate had proposed \$7.5 billion. He noted that the May revise only included \$100 million for water infrastructure projects.

C Drought and Water Supply Conditions Update: Receive and file

Joe McDermott, Director of Engineering and External Affairs, presented the Northern Sierra Precipitation 8-Station Index, and noted that the cumulative precipitation had increased slightly; however, precipitation was still below average and reservoirs remained low in capacity.

D Coronavirus (COVID-19) Pandemic: Customer-Related Impacts

Ursula Bosson, Customer Service Manager, presented the COVID-19 customer-related impacts. She responded to a question regarding the total unpaid balances compared to prior to the COVID-19 pandemic by stating that the total unpaid balances were \$394,972.74 and unpaid balances prior to the pandemic ranged from \$100,000 to \$200,000. She noted that unpaid balances could increase due to restrictions imposed by SB 998 (Dodd), Discontinuation of residential water service: urban and community water systems.

6. TREASURER

Director Lo-Hill stated that she would include the Treasurer's Report under Item 10A, Fiscal Years 2022-24 Two-Year Draft Budget.

7. BOARD OF DIRECTORS

A General District Election on November 8, 2022: Resolution No. 2607

Pass, approve, and adopt Proposed Resolution No. 2607, pertaining to a General District Election to be held in the District on Tuesday, November 8, 2022, and authorize the Board Secretary to submit certified copies of said resolution, completed Roster of Officeholders for Local Jurisdictions, and the District Boundary and Divisions Map to the Board of Supervisors and the Registrar-Recorder/County Clerk of the County of Los Angeles.

RESOLUTION NO. 2607

A RESOLUTION OF THE BOARD OF DIRECTORS OF LAS VIRGENES MUNICIPAL WATER DISTRICT REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO PERMIT THE REGISTRAR-RECORDER/COUNTY CLERK TO RENDER ELECTION SERVICES FOR A GENERAL DISTRICT ELECTION TO BE HELD ON NOVEMBER 8, 2022

(Reference is hereby made to Resolution No. 2607 on file in the District's Resolution Book and by this reference the same is incorporated herein.)

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

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

8. GENERAL MANAGER

A Emergency Recycled Water Distribution Program: Authorization

Authorize the General Manager to develop and implement an Emergency Recycled Water Distribution Program.

General Manager David Pedersen provided the report.

John Zhao, Director of Facilities and Operations, discussed the expansion of the recycled water filling station and identifying opportunities to offset potable water use with 2,000 to 3,000 gallons of recycled water per day for the horse riding arena in Hidden Hills and for hand watering trees. He stated that an existing 10,000 gallon water tank would be used to store recycled water on city property beginning in June, and staff would seek drought emergency funding from the U. S. Bureau of Reclamation. He also stated that this program would be expanded to each city if successful, and staff was also looking into providing recycled water fill stations on Saturdays at parks that have existing recycled water infrastructure. He noted that all recycled water users and haulers must receive training in accordance with state regulations, and staff was developing an online training program to expedite training.

Director Caspary moved to approve Item 8A. Motion seconded by Director Lo-Hill.

A discussion ensued regarding the implementation of the emergency temporary program as a tool to help customers irrigate their trees to keep them alive during the driest months, and promoting that recycled water is not safe for drinking.

Motion carried unanimously by roll call vote.

9. FACILITIES AND OPERATIONS

A Stunt Road Pump Station Pump Can Replacement: Award

Authorize the General Manager to execute an agreement with R-Help Construction Company, Inc., in the amount of \$161,250, for replacement of the pump can at the Stunt Road Pump Station.

Darrell Johnson, Water Systems Manager, presented the report.

Director Lo-Hill moved to approve Item 9A. Motion seconded by Director Renger.

Mr. Johnson responded to questions regarding the operation of the pump can, breaking concrete and installing slurry, and looking into 3-D modeling for future plans.

Motion carried unanimously by roll call vote.

B JBR Pump Station Fire Pump Replacement: Award

Authorize the General Manager to issue a purchase order to Power Flo Products, Inc. in the amount of \$78,950, plus freight and tax, for a replacement fire pump at JBR Pump Station.

Shawn Triplett, Facilities Maintenance Supervisor, presented the report.

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

Mr. Triplett responded to question regarding the operation of the fire pump to keep pressure in the fire hydrants.

Motion carried unanimously by roll call vote.

10. FINANCE AND ADMINISTRATION

A Fiscal Years 2022-24 Two-Year Draft Budget: Review

Review and provide feedback on the Fiscal Years 2022-24 Two-Year Draft Budget, and authorize the assignment of \$15 million from the Potable Water Enterprise and \$5 million from the Recycled Water Enterprise for the Pure Water Project Las Virgenes-Triunfo.

Debbie Rosales, Financial Analyst II, presented the report and a PowerPoint presentation.

Director Lo-Hill moved to approve Item 10A. Motion seconded by Director Renger.

Director Polan expressed concern with budget impacts and requested receiving copies of presentations prior to the Board Meeting.

Director Lo-Hill commented that she was impressed with the proposed budget and planning ahead for the drought. She noted that some agencies increase rates during a drought; however, the District had a rate stabilization fund and cost structure to prevent

rates from increasing during a drought.

A discussion ensued regarding preparing for impacts due to the reduction in outdoor water use during the mid-year budget review.

Motion carried by the following roll call vote:

AYES: Caspary, Lewitt, Lo-Hill, Renger
NOES: None
ABSTAIN: Polan
ABSENT: None

11. NON-ACTION ITEMS

A Organization Reports

Director Caspary reported that he attended the Association of California Agencies Joint Powers Insurance Authority (ACWA/JPIA) meeting on May 2nd, where they received a financial update and an update on investing in the California Water Insurance Fund.

B Director's Reports on Outside Meetings

None.

C General Manager Reports

(1) General Business

General Manager David Pedersen acknowledged District customers and Board Members for participating in the Town Hall Meeting. He stated that District customers were working hard to assist the District in achieving water conservation. He noted that the MWD Inspection Trip of Existing and Planned Enhancements to MWD's Infrastructure would occur the following day, which would include visiting key infrastructure facilities that move water from MWD's system to the region and potential improvements that could be implemented to provide the District a more reliable water supply. He reported that the flow in Malibu Creek measured 8.3 cubic feet per second (CFS). He noted that the County of Los Angeles had recalibrated the gauging station, which was having a favorable effect on the flow volume. He also reported that a significant electrical outage occurred the night of the Town Hall Meeting in the underground vault under the District's parking lot, which affected District Headquarters and the recycled water pump station. He noted that backup power was available to support District operations, and Southern California Edison worked around the clock to restore power in time for the Pure Water Coffee Brew Event. He noted that Governor Gavin Newsom was in Southern California visiting MWD/Los Angeles County Sanitation District's Recycled Water Demonstration Facility. He stated that the District would take the opportunity of Governor Newsom's visit to encourage more investment in water recycling.

(2) Follow-Up Items

General Manager David Pedersen stated that Greg Swartz from Piper Sandler would provide an update on interest rates and inflation at the next JPA Board Meeting, including financing impacts to the Pure Water Project Las Virgenes-Triunfo. He also stated that an update regarding Treasury Inflation-Protected Security (TIPS) would be presented at a future Board meeting.

Joe McDermott noted that approximately 100 people attended the Pure Water Coffee Brew Event on May 14th. He also noted that Riki Clark, Public Affairs Associate II, conducted six tours of the Pure Water Demonstration Facility. He stated that a gelato event would be held in the summer, and a craft beer event would be held in the fall at an offsite venue.

D Directors' Comments

Board Member Lewitt stated that he attended the Pure Water Coffee Brew Event and the coffee tasted great. He noted that John Zhao, Director of Facilities and Operations, turned off the machines to lessen the noise level in the Pure Water Demonstration Facility, and he suggested that the machines be turned off during future tours. He stated that everyone enjoyed the event, and the District had earned the trust from many people.

12. FUTURE AGENDA ITEMS

None.

13. PUBLIC COMMENTS

Col. John Moriarity addressed his tort claim under Item 14B, and asked the Board to consider approving his claim for \$1,000.

14. CLOSED SESSION

A Conference with Real Property Negotiators (Government Code Section 54956.8):

Property: 4232 Las Virgenes Road, Building No. 1

District Negotiators: David W. Pedersen, General Manager; Don Patterson, Director of Finance and Administration, and Keith Lemieux, Legal Counsel

Negotiating Parties: Las Virgenes Municipal Water District and the Resource Conservation District of the Santa Monica Mountains

Under Negotiation: Price and terms of potential lease

B Conference with District Counsel – Anticipated Litigation (Government Code Section 54956.9(d)(2)):

Tort Claims by Justin Bruening, Scott McAboy, John Moriarity, and Dr. Sanford and Joan Weitzbuch

C Conference with District Counsel – Anticipated Litigation (Government Code Section 54956.9(b), Significant Exposure to Litigation): One case (This item was added to the agenda.)

The Board recessed to Closed Session at 11:30 a.m., and reconvened to Open Session at 12:58 p.m.

Keith Lemieux, District Counsel, reported that the Board received a report for Closed Session Item 14A, and there was no reportable action. He also reported that the Board received reports for Closed Session Item 14B, and the Board denied by claim by Justin Bruening and gave instruction to staff to notify the claimant; denied the claim by Col. John Moriarity and gave instruction to staff to reach out to Col. Moriarity with a potential way to resolve the claim; and received reports on the claims by Scott McAboy and Dr. Sanford and Joan Weitzbuch, and there were no reportable actions taken on those two claims. He also reported that the Board received a report for Closed Session Item 14C, and there was no reportable action.

15. OPEN SESSION AND ADJOURNMENT

Seeing no further business to come before the Board, the meeting was duly adjourned at 12:59 p.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)