



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

MINUTES
REGULAR MEETING

9:00 AM

August 16, 2022

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag was led by Mercedes Acevedo.

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/Acting Clerk of the Board, conducted the roll call.

Present: Directors Charles Caspary, Jay Lewitt, Lynda Lo-Hill, Len Polan, 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/Acting Clerk of the Board
Keith Lemieux, District Counsel

2. APPROVAL OF AGENDA AND APPROVAL OF FINDINGS OF RESOLUTION NO. 2609 (AB 361)

Director Renger moved to approve the agenda and findings of Resolution No. 2609 (AB 361). Motion seconded by Director Caspary. Motion carried unanimously.

3. PUBLIC COMMENTS

None.

4. CONSENT CALENDAR

Director Polan pulled Item 4E for discussion.

A List of Demands: August 16, 2022: Receive and file

B Minutes Regular Meeting of July 19, 2022: Approve

C Directors' Per Diem – July 2022: Ratify

D Continuation of Local State of Emergency Due to Water Shortage from Statewide Drought

Approve the continuation of a local emergency declaration due to water shortage from the statewide drought.

F Monthly Cash and Investment Report: June 2022

Receive and file the Monthly Cash and Investment Report for June 2022.

Director Polan moved to approve the Consent Calendar Items 4A, 4B, 4C, 4D, and 4F. Motion seconded by Director Renger. Motion carried unanimously.

4. CONSENT CALENDAR – SEPARATE ACTION ITEM

E Fiscal Year 2021-22 Capacity Fee Report

Receive and file the Fiscal Year 2021-22 Capacity Fee Report.

Brian Richie, Finance Manager, responded to questions regarding the collection of capacity fees, including fees collected from the Deerlake Ranch Project. He noted that capacity fees should be expended within a five-year period.

Director Polan moved to approve the Consent Calendar Items 4E. Motion seconded by Director Renger. Motion carried unanimously.

5. ILLUSTRATIVE AND/OR VERBAL PRESENTATION AGENDA ITEMS

A Legislative and Regulatory Updates

Joe McDermott, Director of Engineering and External Affairs, reported that the State Legislature reconvened on August 1st, the Senate and Assembly would have until August 31st to pass bills, and Governor Gavin Newsom would have until September 30th to sign any bills into law. He noted that AB 2142 (Gabriel), Income Taxes: Exclusion: Turf Replacement Water Conservation Program, would exempt turf replacement rebates from income taxes; however, this bill conflicted with another bill that was sent to the Senate causing the bill to be placed on a 72-hour hold pending amendments to reconcile the conflicts. He also reported that the federal \$750 billion Inflation Reduction Act was passed by the Senate the previous week and would be signed into law. He noted that the act included \$4 billion for drought relief funding, which would be associated through the U.S. Bureau of Reclamation and the Colorado River System. He stated that funds would be used to purchase water rights, address climate change, and take the pressure off of the Colorado River System.

Board President Lewitt addressed concerns with MWD being aware that the Colorado River was running low and should implement water conservation restrictions at the present time. He inquired whether there was anything that the District could do immediately to address this concern. General Manager David Pederson responded that this suggestion was made to MWD and the MWD Board was considering the feedback received.

Director Caspary stated that he believed the Colorado River states only had until the end of August to develop a plan to cut the draw from the Colorado River before the U.S. Department of the Interior becomes involved. Director Lo-Hill added that MWD would be issuing a press release later in the day regarding the need to cut back water by 2 to 4 million acre-feet.

B Drought and Water Supply Conditions Update

Ursula Bosson, Customer Service Manager, presented the Customer Service Drought Metrics report.

Joe McDermott, Director of Engineering and External Affairs, reported that 3.6 million gallons of potable water was augmented to the reclaimed water system in June, and 51 million gallons of potable water was augmented to the reclaimed water system in July. He also reported that 22,000 gallons of reclaimed water was picked up from the Rancho Las Virgenes recycled water fill station in June, and 85,000 gallons was picked up in July.

General Manager David Pedersen responded to a question regarding supplementing potable water from Las Virgenes Reservoir when it should be storing a six-month supply of water for emergency purposes by stating that the reservoir was currently at 75 percent of capacity, and District staff was being mindful in drawing water from the reservoir. He noted that supplement was typically needed in the summer months, and staff had encountered several operational challenges that required more supplement than normal. He noted that the District was successful in requesting recycled water customers to conserve recycled water. He also noted that he met with representatives from Pepperdine University to discuss reducing their recycled water use.

Mr. McDermott responded to a question regarding the status of requests for water surveys by stating that the District received approximately 1,000 commitment forms with requests for surveys; however, surveys were delayed due to limited resources. He noted that the District was utilizing the services of Valley Soils and Waterwise Consulting to assist with conducting the surveys.

A discussion ensued regarding concerns the use of potable water for outdoor irrigation.

John Zhao, Director of Facilities and Operations, responded to a question regarding supplementing potable water with 4.5 million gallons per day from Las Virgenes Reservoir. He noted that the Westlake Filtration Plant had been operational for the past two months, and normally the reservoir would be at 80 percent capacity for this time of year. General Manager David Pedersen stated that staff would bring back a report regarding potable supplement, creek flow augmentation, and historical information on Las Virgenes Reservoir's capacity levels.

Mr. Zhao provided a brief update regarding recycled water fill stations installed at the local cities.

C Responses to Patrick Garrett's Presentation: LVMWD Billing Issues

Joe McDermott, Director of Engineering and External Affairs, presented the report. He responded to questions regarding how evapotranspiration (ET) rates were calculated, and the change to using a single number based on the next month's projected ET value and the average ET of the same month three years prior.

General Manager David Pedersen responded to a question regarding whether the District was using data for water budgeting from the 600 micro-climates throughout the service area by stating that there was a half kilometer grid that was developed and each customer's meter was mapped and associated with that grid. He stated that staff would consider the best way to make this data available so that customers may confirm their bill.

Mr. McDermott noted that staff was in the process of producing an animated video to help customers better understand their water budget. He noted that 75 percent of customers stayed below their water budget in July, and 70 percent of customers have not incurred penalties since December. He also noted that currently ten percent of customers were subject to installation of a flow restriction device.

Director Lo-Hill noted corrections to the formula and stated that references to "conservation factor (to feet)" should be "conversion factor." She also noted that the website indicated that the plant factor was .8 or .55 depending on variables, turf was 1.0, and native plants were .05. She suggested that this needed to be clarified or individualized. She also suggested that the .5 drought factor should be included on a customer's bill. General Manager David Pedersen noted that the drought factor was currently .8; however, it was updated to .55 for new landscape. Director Lo-Hill suggested that all customers should be made aware that their drought factor was .8.

Lo-Hill also suggested providing the three-year average of the past ET values for the same month instead of an estimated water budget. She stated that the 150 percent buffer was important, and customers should not be penalized if they are unaware of their goal. She spoke in support of some type of mechanism for customers to report their own mistakes made to their water budget instead of reporting it as a leak. She suggested revisiting excessive penalty "counts" and implementing an electronic means for customers to request a penalty waiver instead of contacting the District by phone. She expressed concern that the three-month average from the previous year would coincide with the current billing cycle, and she spoke in support of moving quickly towards a fixed billing cycle. She also addressed the use of the WaterSmart tool for customers to receive alerts on high water bills and high water use.

General Manager David Pedersen responded to a question regarding the possibility of no outdoor irrigation after September 1st by stating that MWD would not require making a change to outdoor irrigation restrictions based on water use data, and the next decision point would be made by December 1st. He noted that the six State Water Project-dependent member agencies were tracking well and meeting targets. He also stated that staff would take the Board's feedback to improve the billing system and provide the data more clearly to customers.

Mr. McDermott responded to a question regarding the reason that the bills fluctuate from 25 to 35 days per month by stating that this was due to the manual meter reading process. He stated that the fluctuation in the billing cycle would end once AMI is fully deployed by October. He also responded to a question regarding whether the District's invoice vendor could be pressed to reflect the District's needs to include additional information on the bills by stating that staff would reach out to the vendor. He noted that space was limited on the bills; however, customers were directed to the website for additional information.

A discussion ensued regarding informing customers that outdoor irrigation would still be allowed after September 1st, water conservation was still required, and the next decision regarding outdoor irrigation restrictions would be made by December 1st.

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 Candidate

Nominate candidates, if any, for consideration to fill the vacancy as the independent special district voting member position on the Los Angeles County Local Agency Formation Commission.

General Manager David Pedersen presented the report.

No action was taken by the Board.

8. FINANCE AND ADMINISTRATION

A Proposed New Position: Legislative Program Manager

Approve a new Legislative Program Manager classification and position at Salary Range M108, and increase the salaries and wages in Engineering and External Affairs Administration Division by \$283,303 in Fiscal Year 2022-23 Budget and \$292,168 in Fiscal Year 2023-24 Budget.

Sophia Crocker, Human Resources Manager, presented the report.

Director Caspary moved to approve Item 8A. Motion seconded by Director Renger.

A discussion ensued regarding the job duties and educational background required of the proposed position, as well as the determination of the salary range.

Motion carried unanimously.

9. ENGINEERING AND EXTERNAL AFFAIRS

A Twin Lakes Pump Station Pipeline Project: Scope Change No. 2

Authorize the General Manager to execute Scope Change No. 2, in the amount of \$35,000 for Hamner, Jewell and Associates, to provide additional easement acquisition support services for the Twin Lakes Pump Station Pipeline Project.

Mercedes Acevedo, Assistant Engineer, presented the report.

Director Polan moved to approve Item 9A. Motion seconded by Director Renger. Motion carried unanimously.

10. NON-ACTION ITEMS

A Organization Reports

Director Caspary reported that he attended a virtual Association of California Water Agencies (ACWA) meeting regarding the proposed Southern Steelhead regulations. He noted that United Water Conservation District was preparing to file a writ of mandate claiming that the State Department of Fish and Wildlife had not followed the law in proposing to adopt this regulation. He also noted that ACWA was seeking new science that might be germane to listing the Southern Steelhead as an endangered species. He also reported that the Santa Monica Bay Restoration Commission Governing Board would meet virtually on August 18th.

B Director's Reports on Outside Meetings

Director Lo-Hill reported that she attended MWD Committee Meetings on August 15th. She noted that three committee meetings considered State Water Project-dependent areas and issues, and General Manager David Pedersen spoke on behalf of that item. She also noted that Board President Lewitt would speak at the MWD Board Meeting later in the day. She also reported that there was a unanimous vote in favor of committing to regional reliability to all member agencies. She also reported that she attended the California Association of Sanitation Agencies (CASA) Annual Conference August 10th through 12th, where she attended sessions regarding microplastics and per- and polyfluoroalkyl substances (PFAS).

Director Polan noted that there was previous discussion that PFAS was created by the mixture of carbon and fluorine in the water, and he inquired whether the District's recycled water was tested for PFAS. General Manager David Pedersen responded that wastewater, recycled water, and biosolids were tested and PFAS were found. He noted that PFAS concentration was reduced through the wastewater concentration process. He also noted that staff would look into whether PFAS is created in the system. John Zhao, Director of Facilities and Operations, added that staff was unsuccessful in testing compost for PFAS as testing methods were not available.

Board President Lewitt reported that he also attended the CASA Annual Conference. He suggested that it would take a concentrated effort by CASA and water agencies to have a unified voice to argue that water agencies were not causing PFAS as the wastewater is treated, and blame should be placed on manufacturers instead. He commended Mike McNutt, Public Affairs and Communications Manager, on being a moderator during the conference and for showcasing the District. He also noted that John Ashford from the Hawthorn Group spoke regarding the political landscape in Washington D.C.

C General Manager Reports

(1) General Business

General Manager David Pedersen reported that the Pure Water Gelato event was held on August 13th, where approximately 250 people attended. He noted that Riki Clark, Public Affairs Associate II, conducted five tours of the Pure Water Demonstration Facility. He stated that the MWD Board would consider a resolution for a commitment to regional reliability to all State Water Project-dependent area agencies later in the day, and that the resolution outlined the issue statement, three policy principles, and a call to action for implementation. He also reported that Las Virgenes Reservoir was at 76 percent at capacity, and the flow in Malibu Creek measured 20.7 cubic feet per second (CFS) and augmentation was not needed. He noted that the District's request to receive additional water supply to address concern related to wildfires was unsuccessful, and staff proposed tentatively holding a wildfire and safety webinar on September 7th at 6:00 p.m. He stated that staff was seeking speakers from the Los Angeles County Fire Department, California Department of Forestry and Fire Protection (CAL FIRE), and Mountains Recreation and Conservation Authority, and the webinar would be informational and educational to address community concern and to be better prepared for wildfire. He reported that Governor Newsom released a new California Water Supply Strategy, and the document articulated a target of developing an additional 7 million acre-feet of new supply to make

up for the supply that was expected to be lost as a result of climate change. He noted that water recycling was at the top among one of the strategies making up 1.8 million acre-feet out of the 7 million acre-feet of new supply. He also noted that Governor Newsom made statements regarding moving away from the mindset of scarcity to one of developing new water supply. He also reported that the Calabasas Chamber of Commerce would be hosting the Mayoral Breakfast on August 18th to recognize outgoing Mayor Mary Sue Maurer and to introduce the Chamber's new Chief Executive Officer, Lisa Clayden. He also reported that Ventura County Supervisor Carmen Ramirez had passed away, and he suggested adjourning the meeting in her memory.

Board President Lewitt suggested inviting Governor Newsom to tour the Pure Water Demonstration Facility.

(2) Follow-Up Items

None.

D Directors' Comments

Director Renger reported that he attended the Pure Water Gelato event and that the event was impressive and well done. Joe McDermott, Director of Engineering and External Affairs, noted that Water Systems Consulting was assisting with organizing the events at the Pure Water Demonstration Facility, including the upcoming Brew Event.

Director Polan reported that he also attended the Pure Water Gelato event. He noted that Spectrum News ran an article regarding the drought and the water supply in Las Virgenes Reservoir. He inquired regarding the status of the legal aspect of having to supplement Malibu Creek. General Manager David Pedersen responded that District Counsel had previously provided a legal opinion, and staff would bring back an item at a future Board meeting regarding flow augmentation during a drought emergency.

11. FUTURE AGENDA ITEMS

None.

12. PUBLIC COMMENTS

None.

13. CLOSED SESSION

A Conference with District Counsel – Existing Litigation (Government Code Section 54656.9(a):

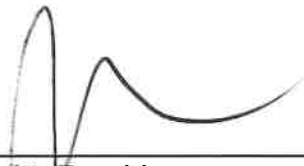
Las Virgenes Municipal Water District v. Southern California Edison

The Board recessed to Closed Session at 11:19 a.m. and reconvened to Open Session at 11:49 a.m.

Keith Lemieux, District Counsel, announced that the Board met in Closed Session and received a report from District Counsel, 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 11:50 a.m., in memory of Ventura County Supervisor Carmen Ramirez.



Jay Lewitt, President
Board of Directors
Las Virgenes Municipal Water District

ATTEST:



Lee Renger, Secretary
Board of Directors
Las Virgenes Municipal Water District

(SEAL)