



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

MINUTES
REGULAR MEETING

9:00 AM

July 19, 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 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 (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
Darrell Johnson, Water Systems Manager
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 approve the findings of Resolution No. 2609 (AB 361). Motion seconded by Director Polan. Motion carried unanimously by roll call vote.

3. PUBLIC COMMENTS

Patrick Garrett, District customer, provided a presentation regarding his concerns related to the calculation of outdoor water budgets for billing purposes. He stated that the District's website indicated that the calculation for outdoor water budgets was the average of evapotranspiration (ETo) for certain days and adjusted for the number of days in a cycle; however, he found that the ETo shown on his bill was not an average but rather the cumulative daily ETo values. He also stated that his water bill did not contain the information needed to calculate his bill, and he suggested that drought and plant factors should be included. He noted that his actual water budget was within the estimate only four times in the last 14 months. He responded to a question regarding the degree of error by stating that in his opinion his billing was incorrect 70 percent of the time. He also stated that the new smart meter was an improvement and included the capability of downloading specific dates since 2018; however, he did not have the capability of downloading current information. He stated that the only way for him to calculate the amount of water used was to bring up and write down the information, and then calculate the sums manually. He also expressed concern with the one-day a week watering restriction due to the varying number of days in a billing cycle. He stated that the varying number of days in a cycle could cause an impact on his water efficiency scale, and place him in the next higher category with a higher cost for water usage. He commented that it was his understanding that penalties were imposed to modify behavior, and if someone could establish that they had a leak, then this should not count toward penalties.

Board President Lewitt stated that staff would review Mr. Garrett's information and bring back a recommendation at a future board meeting.

4. CONSENT CALENDAR

- A List of Demands: July 19, 2022: Receive and file**
- B Minutes Regular Meeting of July 5, 2022: Approve**
- C Directors' Per Diem – June 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.

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

5. ILLUSTRATIVE AND/OR VERBAL PRESENTATION AGENDA ITEMS

A Report and Debrief on Washington DC Trip

General Manager David Pedersen reported that he, Board President Lewitt, Director Caspary, Director Polan, and Director of Engineering and External Affairs Joe McDermott attended the Association of California Water Agencies (ACWA) Washington DC Conference the previous week.

Director Polan stated that the conference covered several topics, including the amount of water that comes from the natural forest; funding for treating different areas for wildfires; Water Resources Development Act funding; changing the renewal of National Pollutant Discharge Elimination System (NPDES) permits from five years to 10 years; S.4231 STREAM Act; the strategic dilemma of water resilience, sustainability, and affordability; and the U.S. Geological Survey not continuously monitoring the hydrology of the West. He stated that he was surprised to learn that highly treated wastewater containing fluorides combines with carbon and produces perfluoroalkyl and polyfluoroalkyl substances (PFAS). He also stated that he was interested in exploring whether PFAS was being produced in the District's wastewater treatment output.

Director Caspary acknowledged the ACWA Federal Affairs Committee for sponsoring the conference. He also acknowledged staff from Best Best & Krieger, LLP, the District's lobbyists, for scheduling visits with legislators and their staff. He noted that the group shared information regarding the Pure Water Project Las Virgenes-Triunfo (Pure Water Project), issues related to funding restrictions, and concerns regarding provisions of the Buy America, Build America (BABA) Act.

Board President noted that Ana Schwab and Lowry Crook from BBK assisted with strategizing discussions regarding the background of the Las Virgenes - Triunfo Joint Powers Authority; history of the Pure Water Project; drought and impacts related to the drought; and concerns with the BABA Act, which could delay the Pure Water Project and increase the cost of the project by \$20 to \$40 million. He noted that a meeting was held with John Watts from Senator Feinstein's office to discuss the drought, the Pure Water Project, and the BABA Act, and Mr. Watts confirmed that the JPA was applying for the appropriate funding sources. He noted that meetings were held with staff from Senator Alex Padilla's office, staff from Congresswoman Grace Napolitano's office, and Gary Gold, Deputy Assistant Secretary of Water and Science, from the U. S. Bureau of Reclamation, who expressed support for the Pure Water Project. He also noted that staff was working with BBK to seek an exemption from the BABA Act, and held a virtual meeting with the White House Office of Intergovernmental Affairs and the Council on Environmental Quality. He also noted that meetings were held with Congressman Brad Sherman to discuss concerns with the BABA Act, and with Congresswoman Julia Brownley to seek her support as a leader on District issues. He also noted that a meeting was held with Abby Schneider, Executive Legislative Representative from Metropolitan Water District of Southern California (MWD), to discuss redundancy and other sources of water.

B MWD Representative Report

Glen Peterson, MWD Representative, offered his condolences for the passing of Dave Roberts, Resource Conservation Manager. He reported that the MWD Board approved a resolution to continue remote teleconference meeting pursuant to the Brown Act; authorized preparation of a commendatory resolution for General Manager Ned Hyduke who would be retiring from Palo Verde Irrigation District; approved waiver of applicable provisions of the MWD Administrative Code and authorized the Chair to appoint Members, Chairs, and Vice-Chairs of Committees to fill current vacancies; amended the Capital Improvement Plan to include replacement of an expansion joint on the Upper Feeder at the Santa Ana River Bridge; authorized an agreement in the amount of \$700,000 for final design for security upgrades at the Joseph Jensen Water Treatment Plant; authorized an increase in the amount of \$1.5 million for the legal services contract with Manatt, Phelps & Phelps, LLP related to the litigation with the San Diego County Water Authority; and voted to not release the Shaw Law Group investigation reports related to equal employment opportunity complaints by MWD employees.

Board President Lewitt departed from the meeting at 9:38 a.m. Vice President Polan presided over the remainder of the meeting.

Mr. Peterson continued his report and noted that Jerry Gladbach from the Santa Clarita Valley Water Agency and former President of ACWA had passed away. He also noted that the August 16th MWD Agenda would include an action item for a commitment to address water supply concerns. He responded to a question regarding the status of voluntary agreements for the Colorado River by stating that a committee was appointed to deal with negotiations. He noted that the Upper Basin was comprised of four independent countries, and the U. S. Bureau of Reclamation did not have control over their use. He also responded to a question regarding the potential for litigation related to not releasing the Shaw Law Group's investigation reports by stating that the MWD Board erred on the side of transparency, and that the Ethics Officer expected interviews to be confidential. He also responded to a question regarding the briefings from the State Water Project-dependent areas report by stating that proposals would be brought back at the August 16th MWD Board meeting. He noted that there was a series of briefing sheets that included all of the various ideas submitted, and he would share copies with the Board.

C Drought and Water Supply Conditions Update

Joe McDermott, Director of Engineering and External Affairs, presented the Water Supply Conditions Update.

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

Mr. McDermott noted that potable water use in June 2022 had reduced 37 percent compared to June 2020, and potable water use had reduced 54 percent compared to June 2013.

Director Caspary noted that the ETo factor was not working in the District's favor as the ETo requirements for plants was substantially higher from 2020, which would affect water budgets.

Ms. Bosson continued the presentation and discussed the number of WaterSmart unique portal visits.

Mr. McDermott stated that staff would conduct additional outreach efforts on recycled water conservation, and future reports would include information on the amount of potable water used to augment the recycled water system. He also stated that staff would continue to focus outreach efforts to customers that are not conserving potable water. He noted that MWD reduced the District's allocation by 73 percent; however, District-wide water conservation was only at 37 percent. He also noted that the District was drawing from the emergency water supply in Las Virgenes Reservoir.

A discussion ensued regarding reaching out to the largest reclaimed water customers, such as the Los Angeles County Sanitation District, golf courses, and Pepperdine University, regarding the need to conserve recycled water.

Mr. McDermott responded to a question regarding the importance of conserving recycled water by stating that conservation was due to the scarcity of water. He noted that recycled water was reflected in the rate study, and the cost of recycled water had increased. He also noted that penalties applied to the use of recycled water and recycled water would be augmented with potable water in August and September, which was the reason for the 25 percent reduction factor and to conserve recycled water supply for future beneficial reuse.

6. **TREASURER (This item was heard after Item 8C)**

7. **BOARD OF DIRECTORS**

A Tapia WRF Summer Season TMDL Compliance and Meter Replacement Project: Construction Change Order No. 4

Authorize the General Manager to approve Change Order No. 4 to Pacific Hydrotech Corporation, providing a no-cost time extension of 122 calendar days for the Tapia WRF Summer Season TMDL Compliance and Meter Replacement Project.

Veronica Hurtado, Assistant Engineering presented the report.

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

AYES: Caspary, Lo-Hill, Polan, Renger

NOES: None

ABSTAIN: None

ABSENT: Lewitt

B General Manager Employment Agreement: Amendment

Authorize the Board President to execute an amendment to the General Manager’s employment agreement, in a form approved by District Counsel, reflecting a 5% base salary increase, effective July 20, 2022; one-time cash out of 120 hours of accrued vacation leave; and future year vacation leave cash out options at the same time and on the same basis as provided to Department Directors, beginning in 2023.

Don Patterson, Director of Finance and Administration, presented the report.

Director Caspary moved to approve Item 7B. Motion seconded by Director Lo-Hill. Motion carried by the following roll call vote:

AYES: Caspary, Lo-Hill, Polan, Renger

NOES: None

ABSTAIN: None

ABSENT: Lewitt

8. NON-ACTION ITEMS

A Organization Reports

Director Caspary reported that the Santa Monica Bay Restoration Commission Executive Committee would meet on July 21st. He noted that the Commission had previously resumed in-person meetings due to the expiration of Governor Gavin Newsom’s emergency order allowing remote meetings; however, the Governor had signed SB 189 which authorized virtual meetings under the Bagley-Keene Open Meeting Act through July 1, 2023.

B Director’s Reports on Outside Meetings

None.

C General Manager Reports

(1) General Business

General Manager David Pedersen reported that the flow in Malibu Creek measured 11 cubic feet per second (CFS) and augmentation was not needed. He noted that activity had increased at the Recycled Water Fill Stations, and free recycled water pickup was now available during weekdays. He reported that the average daily demand on the potable water system was 14 to 15 million gallons per day (MGD), which was significantly lower for this time of year, and water conservation in June was 37 percent. He noted that the District had one of the best water conservation numbers among comparable water agencies. He also noted the Regional Water Quality Control Board approved the extension of the District’s Time Schedule Order for chloride for the Los Angeles River discharges, and staff was in the process of renewing the NPDES permit for the Tapia

Water Reclamation Facility. He reported that Las Virgenes Reservoir was at 81 percent of capacity, and staff was continuing to monitor this water supply. He noted that staff was working on preparing a job description for a new Legislative and Governmental Affairs position, and an item would be brought back to the Board for consideration. He also noted that District staff was continuing to hold discussions with MWD executive staff regarding State Water Project-dependent areas. He stated that good progress was being made to clarify what policy statements could be made to address the issue. He responded to a question regarding the status of discussions with MWD regarding the allocation method used for the District's authorized draw from MWD without penalty by stating that the MWD executive team acknowledged that the application of the methodology had a disparate impact on the District. He noted that MWD was committed to exploring options to address the District's concerns, and there was discussion regarding the concept that no agency should have an impact that is greater than a different agency.

(2) Follow-Up Items

General Manager David Pedersen stated that staff would bring back an item with an analysis and suggestions in response to Patrick Garrett's concerns.

Director Caspary noted that the Treasurer's Report was not provided earlier during the meeting.

6. **TREASURER**

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

8. **NON-ACTION ITEMS (Continued)**

D Directors' Comments

Director Caspary expressed concern with the District's responsibility to supply potable water to maintain certain minimum flows in Malibu Creek in accordance with the terms of the NPDES permit. He asked staff to work with Legal Counsel in terms of what type of notice the Board might want to consider sending to the local municipalities and to the Regional Water Quality Control Board. He also expressed concern with the need to draw down from Las Virgenes Reservoir in order to meet water demand, and he suggested that augmenting flows in Malibu Creek should not be a priority.

Director Lo-Hill noted that a presentation was provided at the MWD Board meeting regarding how a resident was responding to change in drought and change in landscape. She stated that research showed that many landscape changes occur with new home sales, and 90 percent of the time the landscape is changed to drought tolerant plants. She noted that some customers are "turf angels" who have changed out their turf without seeking any rebate. She stated that one neighbor that changes out their turf often inspires other neighbors to do the same.

9. FUTURE AGENDA ITEMS

Director Caspary moved for a future agenda item to discuss the District's responsibility to supply potable water to maintain certain minimum flows in Malibu Creek in accordance with the terms of the NPDES permit. Motion seconded by Vice President Polan.

10. PUBLIC COMMENTS

None.

11. ADJOURNMENT

Seeing no further business to come before the Board, the meeting was duly adjourned at 10:29 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)