



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

**MINUTES**  
**REGULAR MEETING**

---

9:00 AM

September 20, 2022

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance to the Flag was led by Jim Korkosz.

**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 (via teleconference), Len Polan (via teleconference), and Lee Renger

Absent: None

Staff Present: David Pedersen, General Manager  
Craig Jones, Acting Resource Conservation Manager  
Don Patterson, Director of Finance and Administration  
John Zhao, Director of Facilities and Operations  
Susan Brown, Administrative Assistant  
Keith Lemieux, District Counsel

**2. APPROVAL OF AGENDA**

Director Caspary moved to approve the agenda and findings of Resolution No. 2609 (AB

361). Motion seconded by Director Renger. Motion carried unanimously by roll call vote.

**3. PUBLIC COMMENTS**

None.

**4. CONSENT CALENDAR**

**A List of Demands: September 20, 2022: Receive and file**

**B Minutes Regular Meeting of September 6, 2022: Approve**

**C Directors' Per Diem – August 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.**

**E Colorado River Water Users Association Annual Conference: Board Member Attendance**

**Authorize Board Member attendance and per diem compensation for the Colorado River Water Users Association Annual Conference, which will be held December 14 through 16, 2022, in Las Vegas, Nevada.**

**F SCADA Software Annual Support and Maintenance Agreement: Renewal**

**Authorize the General Manager to execute a three-year agreement with AVEVA Select California (formally Wonderware California), in the amount of \$101,670 plus applicable taxes, for support and maintenance of the Supervisory Control and Data Acquisition (SCADA) system software.**

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

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

**A MWD Representative Report**

Glen Peterson, MWD Representative, reported that the pipe joint repairs on the Upper Feeder were completed. He also reported that the MWD Board adopted a resolution to continue remote teleconference Board meetings; authorized an increase to the existing contract with Carollo Engineers, Inc., for owner's advisor services for the Sepulveda Feeder Pump Stations; deferred action on the revision and restatement of Bay-Delta Policies until next month due to several concerns from the public and environmental

groups; authorized an increase of \$8.5 million to the agreement for final design and architectural support services for the housing and property improvements at MWD's desert facilities; and approved an increase to the agreement for ongoing assistance and advice regarding personnel compliance investigations. He noted that the Executive Committee would discuss nominations for the MWD Chair next week, and an election would take place in October. He also reported that he would be attending the Biennial Colorado River Symposium in Santa Fe, New Mexico later in the week. He noted that this year was the 100th anniversary of the Colorado River Compact, which divided the Colorado River into the Upper and Lower Basins for the seven states and established the allotment for each basin. He also reported that he would be attending the Colorado River Board's tour of the Colorado River next week. He responded to a question regarding the status of the Draft Environmental Impact Report (DEIR) for the Delta Conveyance Project by stating that the DEIR was released for public review and public comment.

Board President Lewitt noted that Jeff Kightlinger, former General Manager for MWD, provided a presentation regarding the Upper Basin states during the Association of California Water Agencies (ACWA) Region 8 Program. He also noted that Mr. Kightlinger mentioned that the Upper Basin states had not used all of their water allocation because they did not have the same amount of growth as the southern states; however, they were now experiencing growth and may want additional water, which would impact water resources from the Colorado River. Mr. Peterson responded that the Upper Basin is required to deliver 8.5 million acre-feet of water to the southern states; however, this amount of water was not available due to climate change, global warming, and other issues. He noted that the allocation was set during a wet period, and currently there was only between nine to 12 million acre-feet of water coming from the Colorado River. He expressed concern that the Upper Basin states were not conserving water at this time, and they would have projects that would take more water. He also noted that the U.S. Bureau of Reclamation does not control much in the Upper Basin compared to the Lower Basin.

## **B Legislative and Regulatory Updates**

General Manager David Pedersen noted that letters were sent to the Congressional delegation thanking them for writing letters of support for the JPA's application for the U.S. Bureau of Reclamation Title XVI-WIIN Program. He also noted that staff was in the process of preparing the Water Infrastructure Finance and Innovation Act (WIFIA) application for the Pure Water Project Las Virgenes-Triunfo, and staff would work with staff from Best Best & Krieger, the District's lobbyists, to seek letters of support. He reported that a letter was sent to Governor Gavin Newsom asking that he consider a signing message when he signs SB 1157, (Hertzberg), which would lower the existing indoor gallons per capita daily (GPCD) water use efficiency standard, to highlight the importance and the connection between indoor water usage and water recycling, and calling on the State Water Board to include a specific variance or adjustment to address this issue.

## **C Water Supply Conditions Update: Receive and file**

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

General Manager David Pedersen noted that he and Joe McDermott, Director of Engineering and External Affairs, were working on an adjustment for the difference in evapotranspiration (ET) values due to hotter and drier weather conditions as the ET value was 27 percent higher. He stated that the ET value would adjust the 36 percent reduction number to approximately 45 percent.

Ms. Bosson responded to a question regarding the number of flow restrictors devices installed by stating that 76 were installed in total. She noted that 1,600 accounts had exceeded their water budget by four exceedances or more; however, not all accounts were subject to having a flow restrictor device installed. She stated that she would review the number of accounts that could have a flow restrictor device installed and report back to the Board. She also responded to a question regarding whether customers who had a flow restrictor device installed had improved their water usage by stating that the District was receiving positive results. She noted that CBS News had broadcast a report regarding significant water use reductions by certain celebrities. Board President Lewitt asked staff to forward the link to the CBS News report to the Board.

## 6. TREASURER

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

## 7. FINANCE AND ADMINISTRATION

### A Internal Audit Services: Award

**Accept the proposal from Eide Bailly, LLP, and authorize the General Manager to execute a five-year professional services agreement, in the amount of \$50,000, for internal audit services.**

Don Patterson, Director of Finance and Administration, presented the report. He noted that the initial contract amount would cover the cost of the risk assessment, one audit, and development of the audit plan, and funds for future fiscal years audits would be included in future budgets. He introduced Roger Alfaro and Audrey Donovan from Eide Bailly, LLP.

Mr. Alfaro stated that he and his staff would work to prepare a formal risk assessment, develop an audit plan, and perform internal audits.

Director Renger moved to approve Item 7A. Motion seconded by Director Caspary.

Mr. Patterson responded to questions regarding presenting the completed District-wide risk assessment and audit plan to the Board in Closed Session.

Motion carried by the following roll call vote:

AYES: Caspary, Lewitt, Lo-Hill, Renger  
NOES: None  
ABSTAIN: None  
ABSENT: Polan (temporarily lost his teleconference connection)

**8. ENGINEERING AND EXTERNAL AFFAIRS**

**A Kimberly Pressure Reducing Station No. 45 Rehabilitation Project: Award**

**Award a construction contract to Hank Co Inc., in the amount of \$184,049, and reject all remaining bids upon receipt of the duly executed contract documents for the Kimberly Pressure Reducing Station No. 45 Rehabilitation Project.**

Alex Leu, Senior Engineer, presented the report.

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

Mr. Leu responded to a question regarding whether increasing air circulation could reduce equipment deterioration by stating that circulation in the pressure reduction station would improve after it is moved above ground, which would also prevent equipment deterioration.

Darrell Johnson, Water Systems Manager, responded to a question regarding whether the grass surrounding the pump station could be replaced with drought tolerant landscaping by stating that the grass was maintained by the homeowners association, as well as the hedges and trees.

Motion carried by the following roll call vote:

AYES: Caspary, Lewitt, Lo-Hill, Renger  
NOES: None  
ABSTAIN: None  
ABSENT: Polan (temporarily lost his teleconference connection)

**9. INFORMATION ITEMS**

**A GFOA Distinguished Budget Presentation Award**

Director Lo-Hill acknowledged Finance staff on receiving the GFOA Distinguished Budget Presentation Award.

**10. NON-ACTION ITEMS**

**A Organization Reports**

Director Caspary reported that he attended the Santa Monica Bay Restoration Commission (SMBRC) Executive Committee Meeting on September 15th. He noted that



elections for the Executive Committee would take place in February at a Regular Governing Board Meeting, and the election for Chair would take place in December. He stated that he asked SMBRC staff to consider rescheduling the election of the Chair until after the new Executive Committee is seated. He also stated that the Executive Committee approved the agenda for the Governing Board Meeting scheduled in October, which would include a presentation from Watershed Coordinators from the North, Central, and South Santa Monica Bay Watershed Area Steering Committees – Safe Clean Water Program. He also reported that he attended meetings of the ACWA Steelhead Work Group. He noted that Southern Steelhead was listed by the U.S. Environmental Protection Agency (EPA) as an endangered species, and the California Department of Fish and Wildlife was proposing to list Southern Steelhead as an endangered species under the California Endangered Species Act. He noted that ACWA was working to ensure that the State would use science when deciding whether to list the Southern Steelhead as an endangered species. He also noted that United Water Conservation District receives much of its water supply from Lake Piru, and listing the Southern Steelhead as an endangered species would adversely impact this water supply due to a no-take provision where not one steelhead could be killed. He also reported that ACWA requested that scientists be asked to conduct a peer review of the state's report, and comments would be due to ACWA by the end of September.

## **B Director's Reports on Outside Meetings**

Board President Lewitt reported that he attended the ACWA Federal Affairs Committee Meeting on September 14th. He noted that ACWA requested the extension of the 60-day comment period related to the EPA's proposed rules designating per- and polyfluoroalkyl substances (PFAS) as hazardous substances. He stated that water agencies could face liability as responsible parties due to the proposed EPA rule, and that he believed liability should be the responsibility of the manufacturers. He also reported that the ACWA Federal Affairs Committee received updates regarding the funding from the Inflation Reduction Act to address drought impacts to the Colorado River and climate-smart forestry activities, WRDA Bill 2022, and Farm Bill 2022. He also reported that he attended the WateReuse California Annual Conference in San Francisco. He noted that General Manager David Pedersen would serve as the next President of WateReuse California. He noted that Dr. David Sedlak from the University of California Berkley provided a presentation regarding challenges related to water reuse. He also reported that he attended the ACWA Region 8 Program on September 19th where Jeff Kightlinger provided a presentation regarding adaption to California water.

Director Caspary noted that the District was augmenting Malibu Creek flows as a condition of the National Pollutant Discharge Elimination System (NPDES) permit, with 2.5 cubic feet per second (CFS) as the minimum flow. He stated that Southern Steelhead had not been an issue due to Rindge Dam, which limits any steelhead that tries to come upstream to spawn. He also stated that the upper reaches of Malibu Creek would become potential spawning grounds once Rindge Dam is removed. He expressed concern that listing Southern Steelhead as an endangered species would cause serious impacts to the District. He also expressed concern with potential flooding issues at the Tapia Water Reclamation Facility (Tapia) due to the creek bed gaining elevation and minimization to the head space from floodwalls.

A discussion ensued regarding consideration of the removal of Rindge Dam as part of the upcoming flood study for Tapia.

**C General Manager Reports**

(1) General Business

General Manager David Pedersen reported that the District was experiencing water savings in both the potable and recycled water systems, and no potable water supplement was needed to the recycled water system as of September 18th. He also reported that the flow in Malibu Creek measured 12.6 cubic feet per second (CFS), and there was no need for potable water supplement. He also reported that Las Virgenes Reservoir is at 72 percent of capacity. He noted that there was algal bloom in the reservoir, and water was not being produced from the reservoir temporarily. He also noted that staff was planning on applying copper sulfate to mitigate the algal bloom, and operation of Westlake Filtration Plant might begin on September 22nd.

John Zhao, Director of Facilities and Operations, responded to a question regarding recent recycled water disposal in the sprayfield by stating that the sprayfield was used throughout the summer to keep the vegetation alive so that vegetation may absorb more water in the shorter months.

(2) Follow-Up Items

None.

**D Directors' Comments**

Director Lo-Hill stated that she was pleased to learn that the recycled water system was not being supplemented with potable water.

Director Polan reported that he also attended the WaterReuse California Conference in San Francisco.

**11. FUTURE AGENDA ITEMS**

None.

**12. PUBLIC COMMENTS**

None.

**13. ADJOURNMENT**

Seeing no further business to come before the Board, the meeting was duly adjourned at **10:06 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)