

**LAS VIRGENES – TRIUNFO  
JOINT POWERS AUTHORITY  
MINUTES  
SPECIAL MEETING**

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5:00 PM

October 12, 2022

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance to the Flag was led by Eric Schlageter.

**1. CALL TO ORDER AND ROLL CALL**

The meeting was called to order at **5:00 p.m.** by Chair 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 Caspary (via teleconference), Lewitt, Lo-Hill, Nye, Orkney (via teleconference), Polan, Renger (via teleconference), Shapiro (via teleconference), Tjulander, and Wall.

Absent: None

**2. APPROVAL OF AGENDA AND ADOPTION OF RESOLUTION NO. 20 (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. 20, reauthorizing the revised use of teleconferencing for public meetings pursuant to the Brown Act provisions enacted by Assembly Bill 361.**

**RESOLUTION NO. 20**

**A RESOLUTION OF THE GOVERNING BOARD OF THE LAS VIRGENES – TRIUNFO JOINT POWERS AUTHORITY REAUTHORIZING THE REVISED USE**

## **OF TELECONFERENCING FOR PUBLIC MEETINGS**

(Reference is hereby made to Resolution No. 20 on file in the JPA's Resolution Book and by this reference the same is incorporated herein.

Director Lo-Hill moved to approve the agenda and pass, approve, and adopt Resolution No. 20 (AB 361). Motion seconded by Director Polan. Motion carried unanimously by roll call vote.

### **3. PUBLIC COMMENTS**

None.

### **4. CONSENT CALENDAR**

**A Minutes: Regular Meeting of September 6, 2022 and Special Meeting of September 8, 2022: Approve**

**B Financial Review for Fiscal Year 2021-22**

**Receive and file the financial review for Fiscal Year 2021-22, and adopt the updated Capital Improvement Program Budget for Fiscal Year 2022-23.**

**C Statement of Revenues, Expenses, and Changes in Net Position: July 2022**

**Receive and file the Statement of Revenues, Expenses, and Changes in Net Position for the period ending July 31, 2022.**

Director Caspary lost connection to the teleconference at 5:04 p.m.

Director Polan moved to approve the Consent Calendar. Motion seconded by Director Wall. Motion carried by the following roll call vote:

AYES: Lewitt, Lo-Hill, Nye, Orkney, Polan, Renger, Shapiro, Tjulander, Wall

NOES: None

ABSTAIN: None

ABSENT: Caspary

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

**A State and Federal Legislative Update**

Director Caspary reconnected to the teleconference at 5:05 p.m.

Ana Schwab, federal lobbyist for the JPA with Best Best & Krieger LLP (BBK),

reported that a letter was sent in opposition to S. 4295 (Warner), The Financial Data Transparency Act of 2022, which would mandate burdensome reporting requirements should the JPA issue municipal bonds and would go against current law. Lowry Crook, federal lobbyist for the JPA with BBK, added that the Senate was considering the possibility of attaching S. 4295 to the National Defense Authorization Act, which was the reason for going on record opposing S. 4295.

Ms. Schwab also reported that Congress adopted a continuing resolution to fund the federal government through December 16th, and an omnibus appropriations bill would likely be passed in December. She stated that she would provide an update regarding Committee Chair appointments in December. She responded to a question regarding the bill matrix by stating that the report covered all of the bills followed by BBK during the 117th Congressional Session from January 3, 2021 through January 2, 2023. She also responded to a question regarding H.R. 8682, Federal Infrastructure Bank Act of 2022, by stating that this bill had not moved forward, but could return in the next Congress for reconsideration. She also responded to a question regarding whether H.R. 3112, Western Water Recycling and Drought Relief Act of 2021, might be of value to the JPA by stating that BBK staff would follow-up on the specific provisions of this bill.

Syrus Devers, state lobbyist for the JPA with BBK, presented a summary of several bills listed in the state legislative report. He responded to a question regarding any bills dealing with microplastics in water by stating that there were no state bills regarding this topic in the past year; however BBK would monitor for any proposed bills. He also responded to a question regarding the status of the State Water Resources Control Board's case related to its inability to curtail pre-1914 water rights, which it had lost in the 6th District Court of Appeals, by stating that he would follow-up.

Chair Lewitt noted that he and Administering Agent/General Manager David Pedersen met with Senator Bob Hertzberg regarding concerns with SB 1157, Indoor Water Use Efficiency Standards, and noted that Governor Gavin Newsom included a signing message in the bill to protect investments in water recycling.

## **B Pure Water Project Las Virgenes-Triunfo: Update**

Oliver Slosser, Engineering Program Manager, presented the report. He noted that 12 comment letters were received in response to the Program Environmental Impact Report for the Pure Water Project Las Virgenes-Triunfo, and two letters were received requesting an extension to the comment period. He also noted that the comment period would not be extended upon advice of legal counsel. He stated that the Environmental Impact Report would be presented to the Board for adoption in December. He reminded the Board that the Pure Beer Event would be held in November at an offsite location, where the public may sample beer brewed using pure water. He stated that staff was transitioning into the procurement process, and would begin to develop the contract documents and release the

Request for Proposals/Request for Qualifications in January. He responded to a question regarding feedback received following the presentation at the Oak Park Municipal Advisory Council (MAC) by stating that the presentation was generally well received, and presentations were also well received at local City Council meetings. He also responded to a question regarding who requested an extension to the comment period by stating that letters were received from Ventura County Supervisor Linda Parks and Dr. Janice Smets from Oak Park MAC.

A discussion ensued regarding continuing to conduct outreach and tours of the Pure Water Demonstration Facility, and holding additional pure water tasting events.

## 6. ACTION ITEMS

### **A Pure Water Project Las Virgenes-Triunfo: Cost, Funding and Financing Update**

**Approve a budget of \$364 million for the Pure Water Project Las Virgenes-Triunfo; and pass, approve, and adopt proposed Resolution No. 21, authorizing the Administering Agent/General Manager to sign and submit a letter of interest and application for a financing agreement through the Water Infrastructure Finance and Innovation Act.**

#### **RESOLUTION NO. 21**

**A RESOLUTION OF THE GOVERNING BOARD OF THE LAS VIRGENES – TRIUNFO JOINT POWERS AUTHORITY AUTHORIZING THE ADMINISTERING AGENT/GENERAL MANAGER AS THE REPRESENTATIVE FOR THE WATER INFRASTRUCTURE FINANCE AND INNOVATION ACT FUNDING AND DEDICATING A SOURCE OF REVENUE FOR LOAN AGREEMENTS**

(Reference is hereby made to Resolution No. 21 on file in the JPA's Resolution Book and by this reference the same is incorporated herein.

Administering Agent/General Manager David Pedersen provided introductory remarks.

Don Patterson, Director of Finance and Administration, provided a PowerPoint presentation regarding the Pure Water Project Las Virgenes-Triunfo cost update.

The following consultants were introduced: Jennifer Phillips and Anna James from Jacobs Engineering Group (Jacobs); and Greg Swartz, Halina de la Rosa, and Mathilde Taborda from Piper Sandler.

The consultants continued the PowerPoint presentation with an overview of project cost estimate, potential system requirements, concept design process, cost

breakdown, financing plan, and estimated bill impacts.

The Board engaged in discussion and provided feedback regarding the proposed size of the Advanced Water Purification Facility, analysis of the flow equalization system, and capacity for future expansion,

Director Caspary moved to approve Item 6A. Motion seconded by Director Renger.

Mr. Patterson continued the PowerPoint presentation and reviewed the user fee and rate impacts and next steps. He responded to questions regarding Water Infrastructure Finance and Innovation Act (WIFIA) and State Revolving Funds (SRF) financing.

Motion carried unanimously by roll call vote.

## **B Annual Toxicity Testing and Reporting: Authorization**

**Authorize the Administering Agent/General Manager to execute a one-year agreement with Aquatic Bioassay & Consulting Laboratories, Inc., in the amount of \$162,750, for toxicity testing and reporting, including four one-year renewal options based on a 5% annual escalator.**

Director Orkney departed from the teleconference at 6:35 p.m.

Doug Anders, Administrative Services Coordinator, presented the report.

Director Wall moved to approve Item 6B. Motion seconded by Director Tjulander.

Mr. Anders responded to a question regarding other laboratories that might perform toxicity testing and reporting by stating that the next closest laboratory was located in Bakersfield, which would require samples to be shipped overnight. He noted that staff was delivering the samples to Aquatic Bioassay and Consulting Laboratories, located in Ventura. Brett Dingman, Water Reclamation Manager, added that make-up water is added for toxicity testing, which would also make it difficult to ship samples for testing.

Motion carried by the following roll call vote:

AYES: Caspary, Lewitt, Lo-Hill, Nye, Polan, Renger, Shapiro, Tjulander, Wall

NOES: None

ABSTAIN: None

ABSENT: Orkney

## **7. BOARD COMMENTS**

Director Polan provided comments regarding marketing and working with the

public to make the Pure Water Project Las Virgenes-Triunfo more appealing. He noted that staff provided a presentation at the last Las Virgenes Municipal Water District Board meeting regarding earned media, and stated that the District accumulated \$125 million worth of earned media value. He suggested finding a method of similar value.

Director Lo-Hill reported that she attended the Colorado River Symposium in Santa Fe, New Mexico, where presentations included discussion on declining water supply in the Colorado River. She also reported that she attending a Fire Department hardening class and learned about designing fire-safe outdoor landscaping.

Director Renger commended Administering Agent/General Manager David Pedersen on his rebuttal to a Letter to the Editor that was published in *The Acorn* regarding the Pure Water Project Las Virgenes-Triunfo.

**8. ADMINISTERING AGENT/GENERAL MANAGER REPORT**

Administering Agent/General Manager David Pedersen reported that the flow in Malibu Creek measured 18.3 cubic feet per second (CFS). He noted that staff was working closely with recycled water customers to conserve recycled water use, which minimized the need for potable water supplement. He also reported that he was invited to provide a presentation regarding the Pure Water Project Las Virgenes-Triunfo at the Los Angeles Regional Water Quality Control Board meeting on November 10th at Culver City Hall. He noted the panel discussion would include the Los Angeles Department of Water and Power's Operation NEXT and MWD's Pure Water Southern California. He reminded the Board that the next JPA Board meeting would be held on November 7th.

**9. FUTURE AGENDA ITEMS**

None.

**10. INFORMATION ITEMS**

None.

**11. PUBLIC COMMENTS**

None.

**12. ADJOURNMENT**

Seeing no further business to come before the Board, the meeting was duly adjourned at **6:44 p.m.**



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Jay Lewitt, Chair

ATTEST:



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Leon E. Shapiro, Vice Chair