

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

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5:00 PM

December 13, 2022

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance to the Flag was led by Lee Renger.

**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 Burns, Caspary, Coradeschi, Lewitt, Nye, Orkney, Polan, Shapiro, Tjulander (via teleconference), and Wall.

Absent: None

**2. APPROVAL OF AGENDA AND ADOPTION OF RESOLUTION NO. 24 (AB 361)**

**A Approval of Agenda and Reauthorization of Revised Use of Teleconferencing for Public Meetings**

Director Caspary moved to approve the agenda and pass, approve, and adopt proposed Resolution No. 24 (AB 361). Motion seconded by Director Orkney. Motion carried unanimously by roll call vote.

**RESOLUTION NO. 24**

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

(Reference is hereby made to Resolution No. 24 on file in the JPA's Resolution Book and by this reference the same is incorporated herein.)

**3. PUBLIC COMMENTS**

There were no public comments.

Chair Lewitt introduced and welcomed new JPA Directors Gary Burns and Andy Coradeschi.

Director Burns stated that he was impressed with the JPA's operations.

Director Coradeschi stated that he was happy to serve on the JPA Board, and that he was impressed with the JPA's operations.

**4. CONSENT CALENDAR**

Director Polan pulled Items 4E and 4F for discussion.

**A Minutes: Regular Meeting of November 7, 2022: Approve**

**B Time and Location of Regular JPA Board Meetings**

**Pass, approve, and adopt proposed Resolution No. 22 establishing the time and location for regular meetings.**

**RESOLUTION NO. 22**

**A RESOLUTION OF THE GOVERNING BOARD OF THE LAS VIRGENES – TRIUNFO JOINT POWERS AUTHORITY ESTABLISHING THE TIME AND LOCATION FOR REGULAR MEETINGS**

(Reference is hereby made to Resolution No. 22 on file in the JPA's Resolution Book and by this reference the same is incorporated herein.)

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

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

**D Tapia WRF Summer Season TMDL Compliance and Meter Replacement Project: Time Extension**

**Authorize the Administering Agent/General Manager to approve Change Order No. 5 to Pacific Hydrotech Corporation for a no-cost time extension of**

**104 calendar days for the Tapia WRF Summer Season TMDL Compliance and Meter Replacement Project.**

**G Title 22 Recycled Water Engineering Report Update: Approval of Scope Change**

**Authorize the Administering Agent/General Manager to execute Scope Change No. 1, in the amount of \$16,795, to Larry Walker Associates for the Title 22 Recycled Water Engineering Report Update.**

Director Polan moved to approve Consent Calendar Items 4A through 4D and Item 4G. Motion seconded by Director Caspary. Motion carried unanimously by roll call vote.

**4. CONSENT CALENDAR – SEPARATE ACTION ITEMS**

Director Polan moved to approve Consent Calendar Items 4E and 4F. Motion seconded by Director Coradeschi.

**E Tapia Aluminum Sulfate Tank Replacement Project: Award of Design**

**Accept the proposal from Pacific Advanced Civil Engineering, Inc.; and authorize the agreement in the amount of \$87,965, for design and engineering servings during construction for the Tapia Aluminum Sulfate Tank Replacement Project.**

Veronica Hurtado, Assistant Engineer, responded to a question regarding the life cycle of the proposed storage tank by stating that staff was evaluating options for proposed materials as this item was for the design of the tank.

**F Tapia Selector Channel Wall Infill Project: Call for Bids**

**Find that the work is exempt from the provisions of the California Environmental Quality Act, and authorize the Administering Agent/General Manager to issue a call for bids for the Tapia Selector Channel Wall Infill Project.**

Director Polan noted that he meant to pull Item 4G as he had a question regarding the requirement for the District to provide an updated Title 22 Recycled Water Engineering Report by November 2021. Oliver Slosser, Engineering Program Manager, responded that the report was submitted to the State Department of Water Resources, and it was currently under review.

Motion carried unanimously by roll call vote for Items 4E and 4F.

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

## **A Recognition of JPA Director Lee Renger**

Director Shapiro, on behalf of Triunfo Water & Sanitation District, presented a plaque to former Director Lee Renger in recognition of his service on the JPA Board.

Former Director Renger expressed his appreciation for serving on the JPA Board.

Chair Lewitt presented a plaque to former Director Renger received from the City of Hidden Hills in recognition of his service.

## **B State and Federal Legislative Update**

Ana Schwab, federal lobbyist for the JPA with Best Best & Krieger LLP (BBK), reported that budget negotiations were announced which would avoid the need for a year-long continuing resolution. She stated that BBK would monitor provisions and funding for programs such as U.S. Bureau of Reclamation Title XVI Water Reclamation and Reuse and Water Infrastructure Finance and Innovation Act (WIFIA), which would be integral for the Pure Water Project Las Virgenes-Triunfo. She also reported that Senator Joe Manchin's permitting reform proposal was not likely to pass when the Senate considers the National Defense Authorization Act. She noted that the Water Resources Development Act was included in the National Defense Authorization Act, which would be the primary authorization bill for the Army Corps of Engineers. She also noted that the per- and polyfluoroalkyl substances (PFAS) provision was removed from this bill. She responded to a question regarding the projected deficit in the next fiscal year by stating that she would follow-up and provide a report. She also responded to a question regarding the substance of the permitting reform bill by stating that most of the bill dealt with the timing that regulators have in order to approve permits, time limit of a permit, and the purpose of the permit.

Syrus Devers, state lobbyist for the JPA with BBK, was unable to provide a verbal report due to technical difficulties.

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

Administering Agent/General Manager David Pedersen presented the report. He responded to a question regarding the draft roadmap for evaluating the viability of water augmentation source opportunities.

Director Caspary acknowledged staff and the Jacobs Team for meeting a number of important goals for the Programmatic Environmental Impact Report (PEIR). He noted that the JPA needed to comply with stringent regulations imposed by the U.S. Environmental Protection Agency for Malibu Creek. He stated that the project would balance seasonal demand for reclaimed water, and create a resource to

supplement regional water supplies.

**6. ACTION ITEMS**

**A Fiscal Year 2021-22 Annual Financial Statements and Independent Auditor's Report**

**Receive and file the Fiscal Year 2021-22 Annual Financial Statements and Independent Auditor's Report.**

Brian Richie, Finance Manager, presented the report. He introduced Brianna Schultz from Rogers, Anderson, Malody, & Scott, LLP.

Brianna Schultz, Auditor Manager, reviewed the JPA's responsibility for the audit, responsibilities of the auditor, audit process, auditor's unmodified opinion, and other key points.

Director Nye reported that she and members of the LVMWD and TWSD Finance Committees met with the auditors prior to the JPA Board meeting, and they accepted the audit report.

Mr. Richie responded to a question regarding impacts to operations due to the cost savings from vacancies in administrative support staff by stating that operations was not significantly impacted.

Don Patterson, Director of Finance and Operations, responded to a question regarding impacts related to recruitment by stating the labor market was very challenging. He noted that there were several retirements in the Finance and Administrative Division and the Succession Plan was fully implemented, which would assist in preparing for future vacancies.

Director Caspary moved to approve Item 6A. Motion seconded by Director Polan. Motion carried unanimously by roll call vote.

**B Certification of the Final Programmatic Environmental Impact Report and Approval of the Pure Water Project Las Virgenes-Triunfo**

**Pass, approve, and adopt proposed Resolution No. 23, approving the Pure Water Project Las Virgenes-Triunfo, certifying the Final Programmatic Environmental Impact Report, adopting the environmental findings, mitigation measures, statement of overriding considerations, and mitigation monitoring and reporting program, and selecting 30800 Agoura Road in the City of Agoura Hills as the preferred site for the proposed Advanced Water Purification Facility; and authorize the Administering Agent/General Manager to sign a Notice of Determination to be filed with the Los Angeles and Ventura County Clerks and State Clearinghouse for the Pure Water**

**Project Las Virgenes-Triunfo.**

**RESOLUTION NO. 23**

**A RESOLUTION OF THE GOVERNING BOARD OF THE LAS VIRGENES – TRIUNFO JOINT POWERS AUTHORITY CERTIFYING THE FINAL PROGRAMMATIC ENVIRONMENTAL IMPACT REPORT, APPROVING THE PURE WATER PROJECT LAS VIRGENES- TRIUNFO, AND ADOPTING THE ENVIRONMENTAL FINDINGS, MITIGATION MEASURES, STATEMENT OF OVERRIDING CONSIDERATIONS, AND MITIGATION MONITORING AND REPORTING PROGRAM**

**(Reference is hereby made to Resolution No. 23 on file in the JPA's Resolution Book and by this reference the same is incorporated herein.)**

Oliver Slosser, Engineering Program Manager, presented the report and a PowerPoint presentation.

Penny Sylvester, City Councilmember from the City of Agoura Hills, acknowledged the JPA Board for their leadership in seeking new ways to reclaim and reuse water. She expressed concern with the bulk mass of walls facing Agoura Road, and she suggested that the wall either be reduced in size, staggered, or have vegetation planted to blend in with the area. She inquired regarding the relocation of the existing oak trees, and suggested that the relocated oak trees be placed as a barrier between the Advanced Water Purification Facility and the existing apartment complex. She also inquired whether the JPA would be willing to work with the City regarding the existing trail to create trail advancements elsewhere within the city limits, the possibility of installing dark sky compliant lighting at the rear of the property in order to mitigate impacts to wildlife and neighboring residents, and working with the City to regularly monitor sound impacts and coordinating with City departments during construction to ensure that construction activities and noise would be kept to a minimum.

Andrew Graf, Attorney with Adams Broadwell Joseph & Cordoza on behalf of the County Line Alliance for Sustainable Projects (CLASP), read from his prepared statement expressing concern that the PEIR did not address impacts to the groundwater basin including overuse and contamination; potential air quality and health risks from construction activities; impacts to biological resources including the existence of sensitive plants and wildlife in the project area; and the revisions to the Biological Resources Mitigation Measures. He asked that the JPA direct staff to recirculate a revised PEIR, and to not consider approval and adoption of the PEIR until a revised PEIR is recirculated for public review.

Director Caspary moved to approve Item 6B including Errata No. 1. Motion seconded by Director Wall.



Motion carried unanimously by roll call vote.

**C Rancho Solar and Battery Energy Storage Project: Award**

**Conduct a public hearing and upon its conclusion: 1) pass, approve, and adopt proposed Resolution No. 25, authorizing the Administering Agent/General Manager to execute of all necessary agreements in the forms approved by JPA Counsel; and 2) authorize the Administering Agent/General Manager to execute a scope change with TerraVerde Energy, LLC, in the amount of \$15,028, for the additional cost to negotiate with Tesla, circulate a second Request for Proposals, and negotiate terms with Distributed Solar Development, LLC (DSD) for the Rancho Solar and Battery Energy Storage Systems Project.**

John Zhao, Director of Facilities and Operations, presented the report.

Josie Guzman, Clerk of the Board, confirmed that a notice of public hearing was given at least two weeks in advance in accordance with Government Code Section 4217.12 by posting a copy of the notice of public hearing on the bulletin boards at Las Virgenes Municipal Water District Headquarters and at the cities of Agoura Hills and Westlake Village on November 29, 2022, and posted on the website on November 29, 2022.

Chair Lewitt opened the Public Hearing at 6:06 p.m.

There were no public comments.

Chair Lewitt closed the Public Hearing at 6:07 p.m.

Director Orkney moved to approve Item 6B. Motion seconded by Director Polan.

Mr. Zhao responded to questions regarding the additional federal tax credit, which was included in the Inflation Reduction Act, the offset of higher Southern California Edison costs, lower rates from Distributed Solar Development (DSD) compared to Tesla, and the removal and disposal of the Battery Energy Storage System after its 25-year life cycle.

Motion carried unanimously by roll call vote.

**7. BOARD COMMENTS**

Director Shapiro referred to alternating the location of JPA meetings between Las Virgenes Municipal Water District (LVMWD) and Triunfo Water & Sanitation District's (TWSD), and stated that the new dais for the TWSD Board Room was not complete and a replacement was expected to be delivered. He suggested that the JPA board meetings continue to be held at LVMWD pending the completion of

the TWSD Board Room.

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

Administering Agent/General Manager David Pedersen reported that recent rain at the Tapia Water Reclamation Facility (Tapia) measured 4.14 inches, and the flow in Malibu Creek measured 1,244 cubic feet per second (CFS). He also reported that peak flow at Tapia measured from 6.5 million gallons per day (MGD) to 9.7 MGD. He reminded the Board that the January 3, 2023 JPA Board Meeting was canceled, and a Special Meeting would be held on January 9, 2023, where the transition of JPA Chair and Vice Chair would take place.

**9. FUTURE AGENDA ITEMS**

None.

**10. PUBLIC COMMENTS**

None.

**11. ADJOURNMENT**

Seeing no further business to come before the Board, the meeting was duly adjourned at **6:17 p.m.**





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Jay Lewitt, Chair

ATTEST:



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Leon E. Shapiro, Vice Chair