



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

MINUTES
REGULAR MEETING

9:00 AM

February 21, 2023

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. Josie Guzman, Clerk of the Board, conducted the roll call.

Present: Directors Gary Burns, Charles Caspary, Andy Coradeschi, Jay Lewitt, and Len Polan.

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
Josie Guzman, Clerk of the Board
Steven O'Neill, District Counsel

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

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

3. PUBLIC COMMENTS

There were no public comments.

John Zhao, Director of Facilities and Operations, introduced newly hired employee Akansha Arora, Laboratory Assistant. The Board welcomed Ms. Arora to the District.

Don Patterson, Director of Finance and Administration, introduced newly hired employee Christian Noriega, Purchasing/Warehouse Specialist. The Board welcomed Mr. Noriega to the District.

4. CONSENT CALENDAR

Director Polan asked to pull Item 4B for discussion.

A List of Demands: February 21, 2023: Receive and file

C Directors' Per Diem: January 2023: Ratify

Director Caspary moved to the Consent Calendar Items 4A and 4C. Motion seconded by Director Coradeschi. Motion carried unanimously.

4. CONSENT CALENDAR – SEPARATE ACTION ITEM

B Minutes Regular Meeting of February 7, 2023: Approve

Director Polan moved to approve Consent Calendar Item 4B. Motion seconded by Director Coradeschi.

Director Polan referred to the portion of the minutes that referred to the District's Landscape Transformation Program, and he inquired regarding the status of this program. Joe McDermott, Director of Engineering and External Affairs, stated that the program would provide tools and resources for customers to transform their landscaping, and additional information would be presented at the Strategic Planning Workshop.

Motion carried unanimously.

5. ILLUSTRATIVE AND/OR VERBAL PRESENTATION AGENDA ITEMS

A MWD Representative Report

Glen Peterson, MWD Representative, reported that the MWD Board held a retreat in Temecula, and several MWD Member Agency General Managers were in attendance. He noted that the MWD Board met in closed session to discuss San Diego County Water

Authority (SDCWA) v. MWD, et al., and there was no reportable action. He also noted that SDCWA had asked to stay proceedings in the lawsuit. He reported that the MWD retreat included a review of climate change conditions and vulnerability, discussion on conditions and trends of water supply sources, and discussion on water resource planning including the Colorado River and the State Water Project. He noted that he emphasized the need to push forward with projects that would benefit the District's service area and convey more water from the Colorado River. He also noted that he formed a group with MWD Directors Nancy Sutley and Jacque McMillan to discuss how they as Directors could interface with staff and the MWD Board to ensure that their priorities are considered. He stated that the most important issue coming from the MWD Board retreat was prioritizing MWD's core business. He also reported that four new Directors were inducted: Jacque McMillan from Calleguas Municipal Water District, Karl Seckel from Municipal Water District of Orange County, Juan Garza from Central Basin Municipal Water District, Desi Alvarez from West Basin Municipal Water District. He also noted that he received his 30-year pin for serving on the MWD Board, and he expressed his appreciation to the Board for their support. He responded to a question regarding the timeline to convey water from the Colorado River to the District's service area by stating that one proposal would involve connecting to the Sepulveda and the Venice Feeders within the next few years. He also responded to a question regarding whether MWD Chair Adán Ortega was in support of the concept for the connection to the Sepulveda Feeder by stating that Chair Ortega was aware that the District was in a difficult situation; however, it did not appear that this was his priority.

General Manager David Pedersen responded to a question regarding the timelines, goals, and next steps in receiving water through the Sepulveda Feeder by stating that he would be attending an MWD workshop later in the day to discuss the State Water Project Dependent Area Member Agency East-West Conveyance Study, including a project schedule.

Mr. Peterson responded to a question regarding the MWD Board's discussion regarding raising revenue without raising rates by stating that the MWD Board discussed whether to have more fixed charges as an alternative.

B Legislative and Regulatory Updates

Jeremy Wolf, Legislative Program Manager, reported that February 17th was the final day to submit bills, and a total of 2,632 bills were introduced. He also reported that Senator Diane Feinstein announced that she would not seek reelection. He noted that he provided comment at the State Water Board workshop regarding potential impacts of the request by the Mono Lake Committee to reduce Mono Lake water supplies for the Los Angeles Department of Water and Power (LADWP). He stated that the State Water Resources Control Board (SWRCB) would consider whether Mono Lake's declining water level and associated ecological impacts would constitute an emergency that outweighed LADWP's right to divert up to 16,000 acre-feet of water supplies annually. He noted that LADWP's position was supported by several agencies and organizations. He reported that staff would monitor SB 366 (Caballero), The California Water Plan Long-Term Supply Targets, which was sponsored by the California Municipal Utilities Association (CMUA). He also reported that a ballot measure titled the Taxpayer Protection and Government

Accountability Act initiated by the California Business Roundtable, qualified for the 2024 ballot. He noted that the League of California Cities would be leading a coalition to defeat this ballot measure due to several concerns. He also reported that Governor Gavin Newsom suspended environmental laws to store additional Delta water in reservoirs. He also reported that he, Board President Lewitt, Director Coradeschi, Director Polan, Director of Engineering and External Affairs Joe McDermott, and Operations Manager David Rydman from Triunfo Water & Sanitation District would be attending the Association of California Water Agencies (ACWA) Washington DC Water Conference February 28th through March 2nd, and they would meet with Congressional Representatives Julia Brownley and Brad Sherman, staff from Senator Diane Feinstein and Alex Padilla's offices, staff from the U.S. Bureau of Reclamation and the Transportation and Infrastructure Committee, and the Israeli Embassy. He responded to a question regarding whether the Taxpayer Protection and Government Accountability Act ballot measure would strengthen Proposition 218 by stating that he would follow-up on impacts to Proposition 218 and Proposition 26. He also responded to a question regarding whether there was a sunset date for the Governor's suspension of environmental laws to storing Delta water by stating that it was his understanding that there was no sunset date.

C Drought and Water Supply Conditions Update

Joe McDermott, Director of Engineering and External Affairs, presented the report and provided updates to capacity levels at the Oroville Reservoir, San Luis Reservoir, and Lake Powell. He addressed Governor Newsom's Executive Order N-3-23, which acknowledged the improving hydrologic conditions on the State Water Project, and asking the State Water Board to consider modifying requirements for reservoir releases or diversions and containing the water for future health and safety needs. He noted that there was concern that saltwater would move inland by not releasing freshwater due to the suspension of environmental laws. He also noted that state agencies are to send recommendations to Governor Newsom by April 28th regarding any further actions, if any, that would be necessary for ongoing emergency drought response, and whether any existing provisions in the Governor's proclamations and executive orders related to the drought emergency were no longer needed to prepare for and mitigate the effects of drought conditions.

General Manager David Pedersen responded to a question regarding the impacts of saltwater moving inland by stating this would affect the ecosystem in the Delta. He noted that the location was an estuary where saltwater and freshwater mix, and it moved throughout the year based on tide and hydrology. He also noted that this temporary urgency change petition to the State Water Board was not unprecedented, and it would provide flexibility for two months. He also responded to a question regarding the status of placing an underwater saltwater barrier to the Delta in the Carquinez Strait by stating that he would follow-up.

Ursula Bosson, Customer Service Manager, presented the Customer Service Drought Metrics. She responded to a question regarding the status of completing requested water surveys by stating that Valley Soils and Waterwise Consulting were continuing to conduct

water surveys. Mr. McDermott noted that staff was experiencing difficulties with connecting to customers to schedule their requested water surveys. Craig Jones, Resource Conservation Manager, added that the number of requested water surveys dated back to the beginning of the emergency drought declaration.

Ms. Bosson responded to a question regarding whether feedback was received from customers when flow restriction devices were removed by stating that a door tag was placed with a phone number to contact the District if customers had questions. Mr. McDermott added that an e-notification and billing insert would be sent with updated frequently asked questions (FAQs), including information on flow restriction devices.

Mike McNutt, Public Affairs and Communications Manager, noted that the District placed two full-page advertisements in *The Acorn* and the *Las Virgenes-Calabasas Enterprise* thanking customers on their water conservation efforts during the drought emergency.

A discussion ensued regarding informing customers when a flow restriction device is removed, and educating customers on how to stay within their water budgets.

6. TREASURER

Director Coradeschi stated that he reviewed the monthly billing from MWD where he learned that the District pays approximately \$1,100 per acre-foot for water. He also noted that \$400,000 was budget for a new backhoe and \$2.5 million was budgeted for the next few years to replace equipment due to emission issues.

John Zhao, Director of Facilities and Operations, noted that due to the proposed clean fleet regulation public agencies would be required to ensure that 50 percent of vehicle and equipment purchases are zero-emission beginning in 2024 and 100 percent of vehicle and equipment purchases are zero-emission by 2027.

7. FACILITIES AND OPERATIONS

A **Tapia Water Reclamation Facility and Building No. 7 HVAC Replacement Projects: Final Acceptance**

Authorize the General Manager to execute Notices of Completion for the Tapia Water Reclamation Facility HVAC Replacement Project and Building No. 7 HVAC Replacement Project, and have the same recorded; and, in the absence of claims from subcontractors and others, release the retention, in the amount of \$39,350.60 for the Tapia Water Reclamation Facility HVAC Replacement Project, and \$26,259.36 for the Building No. 7 HVAC Replacement Project, 30-calendar days after filing the Notices of Completion.

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

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

Steven O'Neill, District Counsel, responded to a question regarding whether a lien could be filed against a public project by stating that generally a public project could not have a lien filed against it; however, there were procedures for stop notices and change orders.

Motion carried unanimously.

8. FINANCE AND ADMINISTRATION

A Information System Disaster Recovery and Business Continuity System: Approval.

Approve the quotation from Kambrian Corporation, and authorize the General Manager to execute an agreement, in the amount of \$75,833.45, for the purchase of two Unitrends disaster recovery appliances with three years of maintenance and on-line cloud storage.

Andrew Spear, Principal Technology Analyst, presented the report.

Director Polan moved to approve Item 8A. Motion seconded by Director Burns.

Mr. Spear responded to questions regarding immutable backup storage, location of cloud storage, and satisfaction with Kambrian Corporation's services.

Motion carried unanimously.

9. NON-ACTION ITEMS

A Organization Reports

Director Caspary reported that he attended the Santa Monica Bay Restoration Commission (SMBRC) Governing Board meeting on February 16th, and noted that Jonathan Bishop from the State Water Resources Control Board was elected as the Chair of the Governing Board. He also noted that Gloria Gray from West Basin Municipal Water District, Katherine Pease from Heal the Bay, Bruce Reznik from Los Angeles Waterkeeper, Clark Stevens from the Resource Conservation District of the Santa Monica Mountains, and Councilwoman Traci Park from Los Angeles City Council District 11 were elected as Vice-Chairs. He also noted that the Technical Advisory Committee to The Bay Commission would be filling two vacancies, and the State of the Bay Report would be released in May. He also noted that Marissa Caringella, SMRBC Chief Administrative Director, had taken a position with United Water Conservation District. He reported that the U.S. Environmental Protection Agency's five-year evaluation on the Santa Monica Bay National Estuary Program's progress in the Santa Monica Bay would be due next year, as well as the National Estuary Program annual report for the period ending September 30, 2022. He noted that the Bipartisan Infrastructure Law included \$900 thousand per year for five years towards restoration work in the National Estuary Program. He also noted that the SMBRC would hold a workshop on February 23rd regarding the Action Plan for the Santa Monica Bay Restoration.

B Director's Reports on Outside Meetings

Director Polan reported that he attended the Association of Water Agencies of Ventura County (AWAVC) WaterWise Program on February 16th where an overview was provided regarding the January rainstorm damages in Ventura County.

Board President Lewitt reported that he also attended the AWAVC WaterWise Program on February 16th. He noted that Scott Holder, Hydrologist from Ventura County Watershed Protection, provided a comparison of the January rainstorm to the 2005 rainstorm. He expressed concern that time was being spent on weather-related issues and not on long-term reliable water supply such as the Pacific Ocean.

Director Caspary noted that Ojai Valley Sanitary District experienced sewer pipe breaks adjacent to San Antonio Creek, which caused a sewage spill into the Ventura River and the ocean. He also noted that the federal government was conducting an investigation.

Director Coradeschi reported that he also attended the AWAVC WaterWise Program on February 16th, and he concurred with Board President Lewitt's comment regarding the Pacific Ocean as a long-term reliable water supply.

Director Burns reported that he listened to the virtual MWD Board Retreat and noted that the MWD Board discussed financial issues.

Director Coradeschi reported that he also listened to the first day of the MWD Board Retreat, and stated that he was interested in learning of the conclusions from the retreat.

Director Caspary reported that he attended the ACWA State Legislative Committee Meeting on February 10th, where they discussed a potential \$10 to \$15 billion infrastructure bond measure. He noted that the committee was interested in having specific projects identified with implementation dates. He also noted that public agencies that used emergency generators as part of the load-shedding program were experiencing delays in receiving payment from the state to recover costs. John Zhao, Director of Facilities and Operations, responded that the District participated in this program for the past two years, and it took nearly one year to receive payment for its participation in 2021.

Director Burns noted that General Manager David Pedersen provided him a copy of a report from the Northern American Water and Power Alliance (NAWAPA) dated 1965. He stated that he was looking into speaking with political voices that could bring water from Canada to the northern terminus of the Colorado River, and that this was considered 70 years ago. General Manager David Pedersen noted that there was an act of Congress and other barriers that would prevent this from occurring; however, Ralph M. Parsons described water as being a continental issue in moving water.

C General Manager Reports

- (1) General Business

General Manager David Pedersen announced that Derek Krauss was promoted to Office

Customer Service Supervisor. He reported that MWD would hold a State Water Project Dependent Area Member Agency Workshop regarding the East-West Conveyance Study in the afternoon. He also reported that the City of Calabasas would hold a public forum on March 8th for utility providers that serve the city. He stated that representatives from Southern California Edison, The Gas Company, Charter Communications, and the District would attend to discuss the level of service provided and receive comments and concerns. He noted that the city cited increased gas prices, outages from Southern California Edison and Charter Communications, and the recent water main break on Parkway Calabasas. He also noted that he worked closely with City Manager Kindon Meik in preparing a detailed incident report regarding the water main break. He also noted that a report would be included on the next agenda regarding continuation of the flow restriction device program and a presentation by Mauricio Guardado, General Manager from United Water Conservation District, regarding regulatory challenges.

A discussion ensued regarding the MWD State Water Project Dependent Area Member Agency Workshop on the East-West Conveyance Study, communicating to MWD that conveying water to the Member Agencies on the westside should be the main priority, and inviting MWD Chair Adán Ortega to tour District facilities and learn of the gravity of the water supply to Member Agencies on the westside.

(2) Follow-Up Items

General Manager David Pedersen noted that an item regarding purchasing limits would be brought back at a future Board Meeting after a new Purchasing Supervisor is hired.

D Directors' Comments

Director Burns reported that as the Board Secretary he reviewed and signed the minutes and the notices of completion that were included in the agenda packet.

In response to the comments regarding water supply, Director Polan noted that the Colorado River headwaters had 120 percent of normal snowfall.

Director Coradeschi noted that General Manager David Pedersen provided a presentation at the California Water Commission on Drought meeting on February 15th. General Manager David Pedersen stated that the Commission was looking into long-term drought response, and he shared strategies for diversifying water supply portfolios including desalination.

10. FUTURE AGENDA ITEMS

None.

11. PUBLIC COMMENTS

None.



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

ATTEST:



Gary Burns, Secretary
Board of Directors
Las Virgenes Municipal Water District

(SEAL)