

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

5:00 PM

February 6, 2023

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag was led by Andy Coradeschi.

1. CALL TO ORDER AND ROLL CALL

The meeting was called to order at **5:00 p.m.** by Chair Jane Nye 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 Burns, Caspary, Coradeschi, Lewitt, Nye, Orkney, Polan, Shapiro, Tjulander, and Wall

Absent: None

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

Director Orkney moved to approve the agenda and approve the findings of Resolution No. 24 (AB 361). Motion seconded by Director Tjulander. Motion carried unanimously.

3. PUBLIC COMMENTS

None.

4. CONSENT CALENDAR

A Minutes: Special Meeting of January 9, 2023: Approve

B Statement of Revenues, Expenses, and Changes in Net Position:

December

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

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

5. ILLUSTRATIVE AND/OR VERBAL PRESENTATION AGENDA ITEMS

A State and Federal Legislative Update

Ana Schwab, federal lobbyist for the JPA with Best Best & Krieger LLP (BBK), reported that Senator Alex Padilla was appointed as a Subcommittee Chair on the Senate Committee on Environment and Public Works, and was also serving as the Subcommittee Chair on the Senate Committee on Fisheries, Water, and Wildlife which has jurisdiction on the Clean Water Act and Safe Drinking Water Act. She noted that typically the President's budget was due by February 6th; however, it was expected that the budget would be released on March 9th. She also noted that the Congressional budget resolutions would be due in April. She stated that BBK would monitor budget and appropriations for Fiscal Year 2024 for programs that are important to the JPA and for the Pure Water Project Las Virgenes-Triunfo. She also stated that the new legislative matrix would be presented to the Board beginning in March.

Syrus Devers, state lobbyist for the JPA with BBK, reported that there was discussion in the legislature regarding modernizing water rights, and an informational hearing was scheduled in the Assembly on February 28th. He also reported that there were discussions regarding changing beneficial water use for agriculture and low-income rate assistance. He also reported that he participated in a meeting with Assemblymember Jesse Gabriel, which was facilitated by Jeremy Wolf, Legislative Program Manager.

Ms. Schwab responded to a question regarding water rights as it relates to the Colorado River by stating that there were some discussions specifically from the Natural Resources Committee; however, the committee would not be able to take any specific action at this time in terms of directives as they would need to be negotiated amongst the U.S. Bureau of Reclamation and the seven states.

Lowry Crook, federal lobbyist for the JPA with BBK, noted that the U.S. Bureau of Reclamation launched the process of imposing a settlement regarding the Colorado River if the seven states could not agree on a settlement. He noted that discussions were continuing and comments were being considered in the National Environmental Policy Act (NEPA) process for what the U.S. Bureau of Reclamation could propose as a potential solution if the states could not agree to a settlement.

Ms. Schwab noted that was also a Supreme Court case considered on March 20th regarding the Navajo Nations from Arizona versus the U.S. Department of the Interior, as well as another case against the State of Arizona. She stated that there was a question of trying to reallocate the water rights only to move water in other sources; however, it was not likely that the Supreme Court would reopen the negotiations from the 1920s and it could become a more traditional tribe issue.

Director Lewitt noted that he participated in the call with Assemblymember Gabriel, who expressed interest in touring the Pure Water Project Las Virgenes-Triunfo.

Mr. Devers responded to a question regarding any discussion related to hearings of the California Air Resources Board regarding zero emission vehicles and advanced clean fleet that would be mandated for California by stating that the California Municipal Utilities Association (CMUA) was very focused on this issue and BBK would be heavily involved in monitoring this issue in the coming year.

Administering Agent/General Manager David Pedersen responded to a question regarding South Coast Air Quality Management District's (AQMD) rules for running emergency generators during times of emergency and during public safety power shutoffs (PSPS) by stating that AQMD granted a compromise to allow for testing and maintenance of emergency generators for an extra ten hours in a single year as long as the average over multiple years would average 20 hours.

B Pure Water Project Las Virgenes-Triunfo: Update

Oliver Slosser, Engineering Program Manager, presented the report. He noted that staff was finalizing the foundational documents that would be used by the progressive design-build team, including the conceptual design report for the Advanced Water Treatment Facility (AWTF), pipeline alignment study, and flow equalization study for the Tapia Water Reclamation Facility. He also noted that staff finalized the Year Two Report for the Pure Water Demonstration Facility, which was posted on the website, and staff was now focusing on funding, financing, and procurement. He stated that staff assisted with completing the State Revolving Fund application, and would assist with completing the Water Infrastructure Financing and Innovation Act (WIFIA) application. He also stated that staff discussed the Local Resource Program (LRP) funding application with MWD staff. He noted that staff was working with legal counsel on developing the contract documents for the progressive design-build, and would review the Request for Qualifications for the first phase of procurement with the Jacobs Team. He stated that staff would bring back a more detailed presentation regarding procurement at a future JPA Board meeting.

Administering Agent/General Manager David Pedersen responded to a question regarding the amount of funding available in MWD's LRP program by stating that funding could be provided over a 15 to 20-year term for \$15 to \$20 million.

6. ACTION ITEMS

A Malibou Lake Siphon Repair Project: Scope Change No. 2

Authorize the Administering Agent/General Manager to approve Scope Change No. 2 to HDR, Inc., in the amount of \$30,800, to acquire permanent and temporary construction easements for the Malibou Lake Siphon Repair Project.

Alex Leu, Senior Engineer, presented the report.

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

Mr. Leu responded to questions regarding whether the pipe was encased in concrete, working with a consultant regarding environmental permitting requirements, and the diameter of the existing pipe.

Motion carried unanimously.

B Clean Water and Drinking Water State Revolving Fund Applications for Pure Water Project Las Virgenes-Triunfo: Adoption of Resolutions

Pass, approve, and adopt proposed Resolution No. 26, authorizing a low-interest loan application for funding from the Clean Water State Revolving Fund; Resolution No. 27, authorizing loan reimbursement to the Clean Water State Revolving Fund; Resolution No. 28, authorizing a low-interest loan application for funding from the Drinking Water State Revolving Fund; Resolution No. 29, authorizing loan reimbursement to the Drinking Water State Revolving Fund; and Resolution No. 30, authorizing a grant application for funding from the State Water Resources Control Board Water Recycling Funding Program, all of which are for the Pure Water Project Las Virgenes-Triunfo.

RESOLUTION NO. 26

A RESOLUTION OF THE BOARD OF DIRECTORS OF LAS VIRGENES – TRIUNFO JOINT POWERS AUTHORITY AUTHORIZING APPLICATION FOR FUNDING FROM THE CLEAN WATER STATE REVOLVING FUND

(Reference is hereby made to Resolution No. 26 on file in the JPA's Resolution Book and by this reference the same is incorporated herein.)

RESOLUTION NO. 27

A RESOLUTION OF THE BOARD OF DIRECTORS OF LAS VIRGENES – TRIUNFO JOINT POWERS AUTHORITY AUTHORIZING REIMBURSEMENT

TO THE CLEAN WATER STATE REVOLVING FUND

(Reference is hereby made to Resolution No. 27 on file in the JPA's Resolution Book and by this reference the same is incorporated herein.)

RESOLUTION NO. 28

A RESOLUTION OF THE BOARD OF DIRECTORS OF LAS VIRGENES – TRIUNFO JOINT POWERS AUTHORITY AUTHORIZING APPLICATION FOR FUNDING FROM THE DRINKING WATER STATE REVOLVING FUND

(Reference is hereby made to Resolution No. 28 on file in the JPA's Resolution Book and by this reference the same is incorporated herein.)

RESOLUTION NO. 29

A RESOLUTION OF THE BOARD OF DIRECTORS OF LAS VIRGENES – TRIUNFO JOINT POWERS AUTHORITY AUTHORIZING REIMBURSEMENT TO THE DRINKING WATER STATE REVOLVING FUND

(Reference is hereby made to Resolution No. 29 on file in the JPA's Resolution Book and by this reference the same is incorporated herein.)

RESOLUTION NO. 30

A RESOLUTION OF THE BOARD OF DIRECTORS OF LAS VIRGENES – TRIUNFO JOINT POWERS AUTHORITY AUTHORIZING APPLICATION FOR FUNDING FROM THE STATE WATER RESOURCES CONTROL BOARD WATER RECYCLING FUNDING PROGRAM

(Reference is hereby made to Resolution No. 30 on file in the JPA's Resolution Book and by this reference the same is incorporated herein.)

Administering Agent/General Manager David Pedersen presented the report.

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

A discussion ensued regarding reimbursing the loan proceeds; securing low interest loans from the State Revolving Funds (SRF); applying for funding from both the Clean Water State Revolving Fund and the Drinking Water State Revolving Fund; the approximately two-year process to receive funding; entering into loan agreements for up to 30-year terms; and concerns that SFR funding might be used to backfill the state's budget deficit.

Motion carried unanimously.

7. BOARD COMMENTS

Director Lewitt reported that he attended the California Association of Sanitation Agencies (CASA) Winter Conference on January 25 through 27, 2023, and he suggested that everyone needed to learn more about per- and polyfluoroalkyl substances (PFAS).

Director Coradeschi reported that he also attended the CASA Winter Conference, and noted that he attended the session regarding PFAS and microplastics. He stated that PFAS could be detected everywhere, including the air. He also stated that the Pure Water Project Las Virgenes-Triunfo would remove PFAS from the treated water; however, PFAS would still be discharged to the ocean through the brine line.

Director Orkney reported that she also attended the CASA Winter Conference, including the session regarding PFAS and microplastics. She noted that industrial production was a major source of PFAS, and fortunately there was no industrial production in the JPA service area.

8. ADMINISTERING AGENT/GENERAL MANAGER REPORT

Administering Agent/General Manager David Pedersen reported that the flow in Malibu Creek measured 99 cubic feet per second (CFS). He also reported that the Tapia Water Reclamation Facility Flood Study was near completion, and a report would be provided to the Board in March or April. He stated that staff would seek opportunities for Federal Emergency Management Agenda (FEMA) funding to assist with paying for the cost of the project.

9. FUTURE AGENDA ITEMS

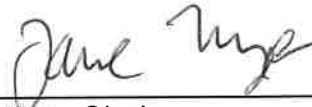
None.

10. PUBLIC COMMENTS

None.

11. ADJOURNMENT

Seeing no further business to come before the Board, the meeting was duly adjourned at **5:47 p.m.**



Jane Nye, Chair

ATTEST:



Jay Lewitt, Vice Chair