

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

5:00 PM

April 3, 2023

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag was led by Janna Orkney.

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

Present: Directors Burns, Caspary, Coradeschi, Lewitt, Nye, Orkney, Polan, Tjulander, and Wall
Absent: Director Shapiro

2. APPROVAL OF AGENDA

Director Polan moved to approve the agenda. Motion seconded by Director Orkney. Motion carried by the following vote:

AYES: Burns, Caspary, Coradeschi, Lewitt, Nye, Orkney, Polan, Tjulander, Wall
NOES: None
ABSTAIN: None
ABSENT: Shapiro

3. PUBLIC COMMENTS

None.

4. CONSENT CALENDAR

A Minutes: Regular Meeting of February 6, 2023: Approve

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

February 2023

Receive and file the Statement of Revenues, Expenses, and Changes in Net Position for the period ending on February 28, 2023.

C Budget Planning Calendar for Fiscal Year 2023-24

Receive and file the Budget Planning Calendar for Fiscal Year 2023-24.

Director Caspary moved to approve the Consent Calendar. Motion seconded by Director Lewitt. Motion carried by the following vote:

AYES: Burns, Caspary, Coradeschi, Lewitt, Nye, Orkney, Polan, Tjulander, Wall

NOES: None

ABSTAIN: None

ABSENT: Shapiro

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 Congress passed a resolution of disapproval under the Congressional Review Act for the waters of the United States (WOTUS) rule and the Senate was expected to vote on the resolution; however, President Joe Biden indicated that he would veto the resolution if passed by the Senate. She also reported that BBK was monitoring negotiations to increase the debt limit. She also reported that BBK prepared a legal alert regarding the EPA's proposed maximum contaminant levels (MCLs) for six of the most common per- and polyfluoroalkyl substances (PFAS). She noted that BBK would prepare comments to the EPA by the May 30th deadline.

Lowry Crook, federal lobbyist for the JPA with BBK, stated that the EPA's proposed regulations for MCLs for PFAS were lower than California's proposed notification levels. He expressed concern that proposed MCLs for two types of PFAS had not had analysis conducted, which were required before issuing regulations.

Ms. Schwab responded to a question regarding discussions of water and wastewater as passive receivers of PFAS from wastewater treatment. She noted that there were outstanding questions regarding PFAS levels once the wastewater is treated and what could be done with PFAS remnants. She also noted that the Science Advisory Board would be holding public meetings to discuss biosolids.

Syrus Devers, state lobbyist for the JPA with BBK, provided an update regarding AB 1572 (Friedman), which would prohibit watering of non-functional turf with potable water. He noted that the California Municipal Utilities Association (CMUA)

and the Association of California Water Agencies (ACWA) were seeking amendments to this proposed bill. He also noted that all policy bills would need to clear their committees by April 28th. He also reported that AB 460 (Bauer-Kahan), State Water Resources Control Board: Water Rights and Usage Interim Relief Procedures, was proposing to modernize water rights bills and was referred to two committees. He stated that he was working with ACWA and CMUA to oppose this and other water rights bills.

B Pure Water Project Las Virgenes-Triunfo: Project Update and Presentation on Procurement and Delivery

Oliver Slosser, Engineering Program Manager, presented the report.

Administering Agent/General Manager David Pedersen responded to a question regarding the amount of the MWD Local Resources Program (LRP) application by stating that there was no amount as MWD would pay for water produced over time as the project is operating, which could be between \$350 to \$400 per acre-foot and which could equate to \$15 to \$20 million over the term of the contract.

Mr. Slosser provided a PowerPoint presentation regarding the project procurement and delivery. He responded to questions regarding design bid build, the types of agencies that utilize design bid build, and working with legal counsel on contractual documents and the Request for Qualifications.

A discussion ensued regarding consideration to form a JPA Board subcommittee for the selection process of design bid build; reasons why it was not recommended to form a JPA Board subcommittee so that the Board could remain unbiased in case of a potential bid protest and to ensure that the bidding processes was carried out correctly; and the delivery methods for the AWPF, conveyance, and ancillary projects.

6. ACTION ITEMS

A Tapia Secondary Clarifier Rehabilitation Project: Condition Assessment, Engineering Design, Bidding, and Construction Services

Accept the proposal from Pacific Advanced Civil Engineering, Inc., and authorize the Administering Agent/General Manager to execute a professional services agreement, in the amount of \$96,880, for the condition assessment, engineering design, bidding, and construction services for the Tapia Water Reclamation Facility Secondary Clarifier Rehabilitation Project.

Alex Leu, Senior Engineer, presented the report. He responded to a question regarding the other proposals received, which included additional testing that was deemed unnecessary; the rehabilitation needed to extend the life of the secondary clarifiers; and the scope of work to assess the condition of the concrete.

Director Polan moved to approve Item 6A. Motion seconded by Director Tjulander. Motion carried by the following vote:

AYES: Burns, Caspary, Coradeschi, Lewitt, Nye, Orkney, Polan, Tjulander, Wall
NOES: None
ABSTAIN: None
ABSENT: Shapiro

B Tapia Selector Channel Wall Infill Project: Award

Award a construction contract to Taylor Jane Construction, LP, in the amount of \$258,035; reject all remaining bids upon receipt of duly executed contract documents; and re-appropriate funding, in the amount of \$396,219.19, from CIP No. 10745 – 003 Discharge Point Rehabilitation Project to CIP No. 10809 – Tapia Selector Channel Wall Infill Project.

Alex Leu, Senior Engineer, presented the report.

Director Coradeschi moved to approve Item 6B. Motion seconded by Director Caspary. Motion carried by the following vote:

AYES: Burns, Caspary, Coradeschi, Lewitt, Nye, Orkney, Polan, Tjulander, Wall
NOES: None
ABSTAIN: None
ABSENT: Shapiro

7. BOARD COMMENTS

Director Polan addressed negative comments that were posted on NextDoor regarding the Pure Water Project Las Virgenes-Triunfo, and he suggested that the Board Members communicate with the public that the JPA was taking their best interests into consideration.

Chair Nye noted that Triunfo Water & Sanitation District would place an information booth at the reopening of the Oak Park Lagoon event where staff would have an opportunity to conduct public outreach regarding the Pure Water Project Las Virgenes-Triunfo.

Director Caspary noted that the EPA mandated the cleanup of discharge from Malibu Creek, and it would have cost the JPA hundreds of millions of dollars to meet the EPA's mandate. He also noted that the JPA opposed the EPA's mandate and entered into litigation; however, the JPA was unable to obtain relief from the court. He stated that there was a community process to seek alternatives, which led to the Pure Water Project Las Virgenes-Triunfo. He suggested educating the public regarding the history of the EPA's mandate and the project.

8. ADMINISTERING AGENT/GENERAL MANAGER REPORT

Administering Agent/General Manager David Pedersen reported that the Fiscal Year 2023-24 JPA Preliminary Budget and Capital Improvement Program would be presented at the May 1st JPA Board Meeting. He noted that a tour of Pure Water Soquel would be provided on May 8th, which would coincide with ACWA Spring Conference, and he extended an invitation to the JPA Board. He also reported that the avoidance period for discharge to Malibu Creek would begin on April 15th, and staff would begin to operate the Sprayfields and 005 Discharge to the Los Angeles River system. He noted that staff would notify the Regional Water Quality Control Board for authorization to discharge to the creek during a rain event. He also reported that a recommendation would be provided to the LVMWD Board at the April 18th Board Meeting to deactivate the Water Shortage Contingency Plan due to improved water supply conditions. He also reported that demand for compost had increased. He noted that the Tapia Water Reclamation Facility experienced a failure to one of the effluent pumps, which was in the shop to have the motor rewound. He also reported that following recent rain the flow in Malibu Creek measured 1,559 cubic feet per second (CFS) and peak flow into the Tapia Water Reclamation Facility was 9.5 million gallons per day (MGD). He noted that two groundwater wells in Westlake Village were in an artesian flowing condition, and water was diverted to keep it from flowing into the sidewalk and street.

9. FUTURE AGENDA ITEMS

Director Orkney requested a future agenda item regarding public outreach for the Pure Water Project Las Virgenes-Triunfo as an action item.

10. PUBLIC COMMENTS

None.

11. ADJOURNMENT

Seeing no further business to come before the Board, the meeting was duly adjourned at **6:16 p.m.**



Jane Nye, Chair

ATTEST: 

Jay Lewitt, Vice Chair