

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

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5:00 PM

June 5, 2023

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance to the Flag was led by Leon Shapiro.

**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. Susan Brown, Administrative Assistant, conducted the roll call.

Present: Directors Burns, Caspary, Coradeschi, Lewitt, Nye, Orkney, Polan, Shapiro, Tjulander, and Wall  
Absent: None

**2. APPROVAL OF AGENDA**

Director Caspary moved to approve the agenda. Motion seconded by Director Shapiro. Motion carried 10-0 by the following vote:

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

**3. PUBLIC COMMENTS**

None.

**4. CONSENT CALENDAR**

**A Minutes: Regular Meeting of May 1, 2023: Approve**

**B Statement of Revenues, Expenses, and Changes in Net Position: April 2023**

Receive and file the Statement of Revenues, Expenses, and Changes in Net Position for the period ending on April 30, 2023.

**C Las Virgenes-Triunfo Joint Powers Authority Conflict of Interest Code: Amendment**

Pass, approve, and adopt proposed Resolution No. 31, amending the Conflict of Interest Code.

**RESOLUTION NO. 31**

**A RESOLUTION OF THE GOVERNING BOARD OF THE LAS VIRGENES-TRIUNFO JOINT POWERS AUTHORITY REPEALING RESOLUTION NO. 12 DEALING WITH THE CONFLICT OF INTEREST CODE AND ADOPTING IN LIEU THEREOF A NEW CONFLICT OF INTEREST CODE**

(Reference is hereby made to Resolution No. 31 on file in the JPA's Resolution Book and by this reference the same is incorporated herein.)

Director Coradeschi moved to approve the Consent Calendar. Motion seconded by Director Orkney. Motion carried 10-0 by the following vote:

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

NOES: None

ABSTAIN: None

ABSENT: None

**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 the federal debt ceiling was signed into law, which would set federal funding limits for the next two years, and Congress would need to finalize 12 appropriations bills by the end of December. She stated that short-term continuing resolutions would likely need to be adopted by the end of September. She also stated that appropriation committees would begin to consider appropriation bills. She also reported that the House of Representatives passed a bill to address energy and permitting; however, this bill had not yet been taken up by the Senate. She noted that the JPA previously supported the extension of the National Pollution Discharge Elimination System (NPDES) permit from five years to ten years; however, this was not yet included in bill packages. She also provided an

update regarding the Supreme Court's ruling on Sackett v. EPA related to Clean Water Act protections and permitting requirements for wetlands in the United States. Lowry Crook, federal lobbyist for the JPA with BBK, stated that the impacts of the Supreme Court's ruling would remove over 51 percent of the nation's wetlands from the Clean Water Act's jurisdiction, including permitting and mitigation requirements.

Ms. Schwab reported that several bills were introduced related to per- and polyfluoroalkyl substances (PFAS). She stated that the public comment period ended on May 30th for the EPA's proposed National Primary Drinking Water Regulation's maximum contaminant level (MCL). She also stated that the EPA proposed a rule to designate perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS) as hazardous substances under Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), and the EPA was seeking comment on designating seven additional PFAS chains and PFAS as a class under CERCLA. She responded to a question regarding the status of liability exemptions to public agencies from PFAS regulations by stating that Senator Cynthia Lummis introduced a bill that had not yet been taken up by committee, and liability exemptions would ensure that ratepayers would be protected and not liable for the pollution caused by manufacturers.

Syrus Devers, state lobbyist for the JPA with BBK, reported that Governor Gavin Newsom issued a press release regarding infrastructure permit streamlining and budget trailer bills. He stated that trailer bills included streamlining drought and flood projects to move excess flood waters into underground storage. He provided an update regarding water rights bills, and stated that a position would be presented for the Board's consideration regarding AB 755 (Papan) Water, Public Entity, Cost-of-Service Analysis. He stated that he was working on a budget request to allow State Water Project-Dependent Areas to have access to all of MWD's water sources. He noted that the Governor's May budget revise showed a \$31 billion deficit, and it was likely that MWD and the Los Angeles Department of Water and Power would shift their focus on water bonds.

Administering Agent/General Manager David Pedersen stated that the MWD Board had discussed taking a position on bond measures as one of their priorities, with the top priority for a \$1.8 billion bond for water recycling funding and regional and interregional conveyance.

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

Oliver Slosser, Engineering Program Manager, presented the report. He noted that seven firms submitted proposals for the Advanced Water Purification Facility Progressive Design Build Procurement, and three of the seven firms would be selected for the short list. He responded to a question regarding decreased fouling of the membrane filtration at the Pure Water Demonstration Facility (PWDF) by stating that staff was continuing to use the PWDF to test membranes from different

manufacturers, and staff would work with the selected progressive design build firm to select equipment for the full-sized advanced water treatment facility.

Mr. Slosser provided an overview of project grant and loan applications, and stated that staff was working on the draft 1211 wastewater change petition application to the State Water Resources Control Board for the Tapia Water Reclamation Facility. He responded to a question regarding when the City of Ventura had applied for a Water Infrastructure Financing and Innovation Act (WIFIA) loan by stating that he was not aware; however, the JPA would have one year from submittal of the Letter to Intent to submit its WIFIA application.

Administering Agent/General Manager David Pedersen responded to a question regarding whether pretreatment programs would add to the cost of the project by stating that there would be a change in applying chemicals and it was not expected to be a major cost. Eric Schlageter, Principal Engineer, added that the disinfection byproduct could be addressed early in the process, otherwise it might increase the cost of the project if further treatment is needed.

Don Patterson, Director of Finance and Administration, responded to a question regarding WIFIA funding, whether the state would consider geographic locations, and whether the City of Ventura's WIFIA loan would affect the JPA receiving a WIFIA loan by stating that the City of Ventura applied for its WIFIA loan in 2021. He stated and once the invitation to apply for a WIFIA loan is received, it would be up to the JPA to ensure that all requirements are met. He also stated that a \$100,000 application fee would need to be submitted with the WIFIA application. He noted that the JPA was on schedule to do what was necessary to secure a WIFIA loan in the amount of \$184 million.

## 6. **ACTION ITEMS**

### **A Rescheduling of July 3, 2023 Regular JPA Board Meeting**

**Consider cancelling the regular JPA Board Meeting on July 3, 2023, and schedule a special JPA Board Meeting on July 10, 2023.**

Susan Brown, Administrative Assistant, presented the report.

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

Director Orkney noted that she would not be available to meet on July 10, 2023.

Motion carried 9-1 by the following vote:

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

NOES: Orkney

ABSTAIN: None

ABSENT: None

**B Fiscal Year 2023-24 Proposed JPA Budget**

**Adopt the proposed Fiscal Year 2023-24 JPA Budget.**

Debbie Rosales, Financial Analyst II, presented the report and a PowerPoint presentation. She responded to questions regarding Capital Improvement Project carryforward, with the largest being the Pure Water Project Las Virgenes-Triunfo.

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

Motion carried 10-0 by the following vote:

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

NOES: None

ABSTAIN: None

ABSENT: None

**C Malibou Lake Siphon Replacement Project: Adoption of Mitigated Negative Declaration and Authorization of Call for Bids**

**Adopt the Mitigated Negative Declaration, authorize the Administering Agent/General Manager to execute and file a Notice of Determination with the Los Angeles County Clerk, and authorize issuance of a call for bids for the Malibou Lake Siphon Replacement Project.**

Alex Leu, Senior Engineer, presented the report.

Director Coradeschi moved to approve Item 6C. Motion seconded by Director Burns.

Motion carried 10-0 by the following vote:

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

NOES: None

ABSTAIN: None

ABSENT: None

**D Tapia Water Reclamation Facility: Flood Protection Evaluation Update**

**Receive and file the Tapia Water Reclamation Facility Flood Protection Evaluation Update.**

Alex Leu, presented the report and a PowerPoint presentation.

Dr. Xiaoqing Zeng, Supervising Engineer for Stetson Engineers, discussed the future removal of Rindge Dam, which would not provide additional flood benefits to the Tapia Water Reclamation Facility (Tapia).

Eric Schlageter, Principal Engineer, responded to a question regarding Los Angeles County Department of Public Works (LACDPW) designation of a Capital Flood 500-year event, which was not recognized by the Federal Emergency Management Agency (FEMA). He stated that although Tapia was at high risk for flooding, it was not a standard of practice that a facility would be designed for a one-in-500-year flood event, and a significant investment of \$10 to \$20 million range would be needed to address the flood wall at Tapia. He also stated that LACDPW designed the new Malibu Canyon Bridge for a 100-year flood event.

A discussion ensued regarding bringing back a plan to monitor the topography of the channel, establishing a long-term policy regarding mitigation measures to clear debris in Malibu Creek, and keeping in mind a potential water main extension along Malibu Canyon Road.

Administering Agent/General Manager David Pedersen stated that repairs would be done to the flap gates to keep floodwater from backing up into Tapia, and staff would continue to track FEMA funding to fund additional flood protection measures. He also stated that staff would continue to track storm events and evaluate how high floodwaters rise on the flood wall, and evaluate whether the modeling was reflective of what occurs at Tapia.

Director Coradeschi moved to approve Item 6D. Motion seconded by Director Orkney.

Motion carried 9-1 by the following vote:

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

NOES: Polan

ABSTAIN: None

ABSENT: None

**E Pure Water Project Las Virgenes-Triunfo: Update on Public Outreach Plan**

**Receive and file an update on the public outreach plan and provide feedback on new or additional outreach activities that should be considered for the Pure Water Project Las Virgenes-Triunfo.**

Mike McNutt, Public Affairs and Communications Manager, presented the report and a PowerPoint presentation.

A discussion ensued regarding outreach efforts to schools in the Triunfo Water &

Sanitation District service area; conducting a follow-up community-wide survey regarding acceptance of the project; reaching out to the media to share information regarding the project; posting a photo gallery of visitors to the Pure Water Demonstration Facility on the website; and inviting Los Angeles County Supervisor Leslie Horvath to tour the Pure Water Demonstration Facility.

Director Burns moved to approve Item 6E. Motion seconded by Director Shapiro.

Motion carried 10-0 by the following vote:

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

NOES: None

ABSTAIN: None

ABSENT: None

**F Pure Water Project Las Virgenes-Triunfo: Continued Engagement of Independent Advisory Panel**

**Accept the proposal from the National Water Research Institute and authorize the Administering Agent/General Manager to execute a professional services agreement, in the amount of \$77,704, for administration and facilitation of an Independent Advisory Panel on the Pure Water Project Las Virgenes-Triunfo.**

Oliver Slosser, Engineering Program Manager, presented the report. He responded to questions regarding the cost and scope of the work, and reconvening the Independent Advisory Panel to further consult on the reservoir modeling and validate the tracer testing protocol.

Director Orkney moved to approve Item 6F. Motion seconded by Director Caspary.

Motion carried 10-0 by the following vote:

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

NOES: None

ABSTAIN: None

ABSENT: None

**7. BOARD COMMENTS**

The Board commended staff for their efforts on the Tapia Water Reclamation Facility: Flood Protection Evaluation Update.

Director Orkney also commended staff for their public outreach efforts for the Pure

Water Project Las Virgenes-Triunfo.

Director Shapiro stated that he was pleased to learn the history of the Malibou Lake Siphon and how the region tied together on the advancement of the area. He reported that he attended Heal the Bay's "Bring Back the Beach" event along with Director Caspary and Administering Agent/General Manager David Pedersen. He noted that many people at the event were aware of the Pure Water Project Las Virgenes-Triunfo and the value it would bring to the region.

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

Administering Agent/General Manager David Pedersen reported that flow in Malibu Creek measured 37.3 cubic feet per second (CFS); discharge to 005 effluent outfall had ceased; sewage was no longer being diverted to the City of Los Angeles; and demand for compost had increased.

**9. FUTURE AGENDA ITEMS**

None.

**10. INFORMATION ITEMS**

There were no information items.

**11. PUBLIC COMMENTS**

None.

**12. ADJOURNMENT**

Seeing no further business to come before the Board, the meeting was duly adjourned at **7:26 p.m.**

Jane Nye

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Jane Nye, Chair

ATTEST:

Jay Lewitt

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Jay Lewitt, Vice Chair