

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

5:00 PM

July 7, 2014

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag was led by Chairman, Charles Caspary.

1. CALL TO ORDER AND ROLL CALL

A Call to order and roll call

The meeting was called to order at **5:03 p.m.** by Board Chairman Caspary in the Oak Park Library. Daryl Betancur, Clerk of the Board conducted the roll call.

Present: Directors, Polan, Renger, Steinhardt, Caspary, Iceland, Orkney, Paule, and Wall
Absent: Peterson, McReynolds

2. APPROVAL OF AGENDA

A Approval of agenda

Administering Agent/General Manager Pedersen indicated that there were no proposed changes to the agenda.

On a motion by Director Paule, seconded by Director Iceland, the Board voted 8-0 to approve the agenda as presented. Motion carried unanimously.

3. PUBLIC COMMENTS

None.

4. CONSENT CALENDAR

A Minutes: Regular Meeting of June 2, 2014

Director Polan moved to approve the minutes of the regular meeting of June 2 as presented. Motion seconded by Director Renger. Motion carried unanimously.

5. ILLUSTRATIVE AND/OR VERBAL PRESENTATION AGENDA ITEMS

A Rehabilitation of 18-inch Recycled Water Pipeline Phase II: Engineering Services

Accept the proposal and authorize the Administering Agent/General Manager to execute a professional services agreement with HDR for engineering services in the amount of \$31,500 for the Rehabilitation of 18-inch Recycled Water Pipeline Phase II Project.

Administering Agent/General Manager Pedersen presented the staff report and stated that this project is the second phase of a two phase project to control corrosion on the 18-inch Recycled Water Pipeline, which runs from the Tapia Treatment Plant up to Mulholland Highway; explained what area was covered under phase I and what areas will be covered under phase II. Further, Mr. Pedersen spoke relative to the scope of work, which is to evaluate the pipeline for electrical conductivity and that an engineering firm specializing in corrosion control will have to evaluate it by testing the steel pipeline and joints and making recommendations relative to the type of corrosion control mechanisms for the pipeline.

There were several comments and questions from the Board relative to whether or not continuity was a requirement of the phase I project and whether or not staff was sure it was done correctly; the age of the pipeline, which is 43 years old; the lifecycle of the pipeline; whether or not there is going to be a phase III from Mulholland to the terminus; as well as the permits required for access to do the work. Additionally, Chairman Caspary inquired about the vacuum excavation process and whether or not this can be done horizontally or at least diagonally.

David Lippman, Director of Facilities and Operations stated that staff was not able to include this work under the scope of work during phase I, thus staff determined that it was best to come back and do the testing at this time. Further, staff responded that, as it relates to Phase III, that there is a different pipeline that is installed from Mulholland north to the Recycled Water Pump Station that was installed at a later date and has not yet experienced the same of failure on that pipeline.

Director Orkney moved to approve as presented. Motion seconded by Director Polan. Motion carried unanimously.

B Tapia Water Reclamation Facility NPDES Effluent Limit Exceedences: Consideration of Settlement Offer No. R4-2011-0157-M, Expedited Payment Program.

Determine whether or not to accept Settlement Offer R-4-2011-0157-M from the Los Angeles Regional Water Quality Control Board, involving participation in the Expedited Payment Program and payment of \$72,000 in penalties, for settlement of alleged violations of the NPDES Permit for Tapia Water Reclamation Facility.

Administering Agent/General Manager Pedersen presented the staff report stating that this item was discussed at the June 2, JPA meeting; that this item is related to alleged exceedences going back to 2011; that in June, the Board had deferred in taking any action because staff wanted to obtain input from the Board and to take more time to respond to the Regional Board with the legal perspective on the affirmative defense regarding the turbidity violations. Mr. Pedersen provided a detailed recap relative to the 9 turbidity violations still pending and the circumstances surrounding the cause of these, which is attributed to the severity of several storms that occurred at that time.

Administering Agent/General Manager Pedersen commented that the District is faced with a deadline for acceptance of the expedited payment program, which is July 14, prior to the next JPA meeting; stated that the JPA will be required to pay \$71,000 in penalties; in exchange the Regional Board would agree not to pursue any further discretionary action and penalties, which can be substantial; that the 9 exceedences contested amount to \$27,000 and that if the Regional Board accepts the District's contention as to these meeting the definition of a natural disaster pursuant to the requirements of the Water Code; then the amount of the penalty would be reduced to \$45,000.

Mr. Pedersen stated that because staff does not know what actions the Regional Board will take and given the approaching deadline; that staff recommends that the Board consider authorizing the Administering Agent/General Manager to accept the settlement offer from the Regional Board in an amount up to \$72,000.

There were several comments and questions from the Board regarding the timeframe for a response from the Regional Board; comments related to the acceptance of the offer as a reasonable approach; the contention of the JPA to the Regional Board being a compelling argument; and the possibility of evaluating options to avoid turbidity exceedences in the future.

Director Steinhardt moved to accept the recommendation. Motion seconded by Director Renger. Motion carried by the following vote:

AYES: Director(s): Renger, Steinhardt, Caspary, Iceland, Orkney, Paule, and Wall
NOES: Director(s): None
ABSTAIN: Director(s): Polan

6. BOARD COMMENTS

Director Orkney thanked Clerk of the Board Betancur for the binders provided for the agenda and asked if the logo of Triunfo Sanitation District could also be placed on the front page of the agenda packet; also made comments relative to something she saw in the paper and it was a picture of the grounds around the State Capitol in Sacramento, which are brown due to the lack of water; that she is glad to see more and more people in her neighborhood removing turf and that it appears that the conservation message is getting through to the community.

7. ADMINISTERING AGENT/GENERAL MANAGER REPORT

None

8. FUTURE AGENDA ITEMS

Director Orkney stated that it is time to look at the JPA agreement as it relates to recycled water allocations. District Counsel Lemieux commented that there was a document in the agenda packet, which talks about water allocations and clarifies this issue.

9. INFORMATION ITEMS

Director Paule commented that on Item C the Audit Services Acceptance proposal, he wanted to know why the JPA was not consulted at all in the selection of the Auditor.

Chairman Caspary stated that the Las Virgenes Board had discussed it and that it was an oversight.

Don Patterson, Director of Finance and Administration briefed the Board regarding the process of the selection of the Auditor.

Director Polan requested a copy of the JPA agreement.

Director Orkney asked questions relative to Item D, regarding the allocation ratio for vehicle expenses and asked for a more detailed explanation. Don Patterson, Director of Finance and Administration provided responses and agreed to provide more information.

A Board Meeting Follow-up Items

B Tapia Headworks Grit Conveyor: Final Acceptance

C Independent Audit Services: Acceptance of Proposal

D Joint Powers Authority Fiscal Year 2014-15 Budget: Follow-up Items

10. PUBLIC COMMENTS

None.

11. CLOSED SESSION


The Board recessed to closed session at 6:52 p.m. and reconvened at 6:58 p.m.

A. Conference with District Counsel- Existing Litigation pursuant to Government Code Section 54956.9 (a).

1. Las Virgenes Municipal Water District v. Onsite Power Systems, Inc.
2. Las Virgenes – Triunfo Joint Powers Authority v. United States Environmental Protection Agency and Heal the Bay, Inc. v. Lisa P. Jackson

12. ADJOURNMENT

Seeing no further business to come before the Board, the meeting was duly adjourned at 6:59 p.m.



Charles Caspary, Chair

ATTEST:



Steven Iceland, Vice Chair