



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

MINUTES
SPECIAL MEETING

5:00 PM

June 25, 2019

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag was led by Caleb Behunin.

1. CALL TO ORDER AND ROLL CALL

The meeting was called to order at **5:00 p.m.** by Board President Lewitt 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 Charles Caspary, Jay Lewitt, Lynda Lo-Hill, Len Polan, and Lee Renger.

Absent: None

Staff Present: David Pedersen, General Manager
Sherri Paniagua, Human Resources Manager
Dave Roberts, Resource Conservation Manager
John Zhao, Interim Director of Facilities and Operations
Josie Guzman, Clerk of the Board
Keith Lemieux, District Counsel

2. APPROVAL OF AGENDA

Director Caspary moved to approve the agenda. Motion seconded by Director Renger. Motion carried unanimously.

3. PUBLIC COMMENTS

None.

4. CONSENT CALENDAR

A List of Demands: June 25, 2019: Ratify

B Minutes: Regular Meeting of June 11, 2019: Approve

C MuniTemps Municipal Staffing Solutions: Amendment

Authorize the General Manager to increase the amount of the contract with MuniTemps Municipal Staffing Solution by \$6,900, from \$36,750 to \$43,650, to fulfill temporary staffing needs for the remainder of Fiscal Year 2018-19.

D Increase to Annual Purchase Order for National Plant Services

Authorize the General Manager to increase the annual purchase order with National Plant Services by \$15,000, from \$31,000 to \$46,000, for the period of July 1, 2018 through June 30, 2019.

E Resolution 2554 Changing the Date of Regular Board Meetings: Correction

Pass, approve and adopt corrected Resolution No. 2554, amending Resolution No. 2468 (Administrative Code) as it relates to the date of regular Board meetings.

CORRECTED RESOLUTION NO. 2554

A RESOLUTION OF THE BOARD OF DIRECTORS OF LAS VIRGENES MUNICIPAL WATER DISTRICT AMENDING RESOLUTION NO. 2468 (ADMINISTRATIVE CODE) AS IT RELATES TO THE DATE OF DISTRICT MEETINGS

(Reference is hereby made to Resolution No. 2554 on file in the District's Resolution Book and by this reference the same is incorporated herein.)

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 Recap of 2019 Solar Cup Participation by Calabasas High School and Oaks Christian School

Steven Baird, Public Affairs Associate, provided a PowerPoint presentation of the 2019 Solar Cup. He noted that the District sponsored Calabasas High School, who placed 10th overall and won the "Hottest Boat" in the Veterans' Division, and Oaks Christian School, who placed 5th overall in the Rookie Division.

Greg Gillis-Smith, Oaks Christian School engineering teacher, expressed his appreciation for the Board's support.

Caleb Behunin noted that he participated in Oak Christian School's Solar Cup Team, and he expressed his appreciation for the Board's support.

B MWD Representative Report

Glen Peterson, MWD Representative, reported that he participated in the signing of the Colorado River Drought Contingency Plan at Hoover Dam on May 20th. He also reported that Sylvia Ballin from the City of San Fernando was reappointed to the MWD Board of Directors; the MWD Board took an opposed unless amended position on SB 1 (Atkins): the California Environmental, Public Health, and Workers Defense Act; continued closed session negotiations regarding litigation with San Diego County Water Authority; and hired Abel Salinas as the new Ethics Officer. He responded to a question regarding the appointment of a new member to the Colorado River Board by stating that the San Diego County Water Authority had appointed a new member to the Board, whose appointment was recently approved by Governor Newsom. He also responded to a question regarding the pending Lake Mead shortage/surplus outlook by stating that the U. S. Bureau of Reclamation had not yet completed the accounting for last year.

C Legislative and Regulatory Updates

General Manager David Pedersen reported that the District sent a letter to Senator Henry Stern in opposition unless amended to AB (402) Quirk: Funding Stabilization Program, as well as letter to Assemblymember Bill Quirk in support of SB 414 (Caballero): The Small System Water Authority Act of 2019. He also reported that the District signed onto two coalition letters with the Association of California Water Agencies (ACWA) related to the Safe Drinking Water Budget Trailer Bill. He noted that the first letter was in support of AB 100, which would implement the program without a water tax, and the second letter was in opposition to SB 101, which would expand the program to include more than disadvantaged communities and low-income areas.

D Water Supply Conditions Update

Dave Roberts, Resource Conservation Manager, presented the report.

6. TREASURER

Director Lo-Hill stated that the Treasurer's report was in order.

7. FACILITIES AND OPERATIONS

A Emergency Interconnection with Los Angeles County Waterworks District No. 29, Malibu: Approval of Term Sheet and Authorization to Execute Agreement

Approve the term sheet and authorize the General Manager to execute an agreement, in a form approved by District Counsel, for an emergency interconnection with Los Angeles County Waterworks District No. 29, Malibu.

General Manager David Pedersen presented the report.

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

Mark Pestrella, Director of Public Works with the Los Angeles County Department of Public Works, asked for the Board's support in approving the agreement for the emergency interconnection. He expressed concern regarding fire, earthquake, landslides, and other outages affecting the area. He stated that Waterworks District No. 29 would design and build a one-mile, 12-inch water main at its own cost along Encinal Canyon Road and connect to the District's system near the northern boundary of Malibu, which would provide an emergency water supply during a natural disaster or other emergency.

Director Caspary noted that a 12-inch meter contains inaccuracies at low flow, and the maintenance flow of 50 gallons per minutes (GPM) might require separate metering. He asked staff to consider this in the design and approval, as well as consider the subsystem that would feed this interconnection to ensure strength and redundancy at the pump station and tank system. General Manager David Pedersen responded that the plan is to install a compound meter to measure the low and high flows and plans are already underway to install an emergency generator at the Seminole Pump Station.

Director Polan inquired regarding the District's liability related to indemnification and the possibility of inverse condemnation. Keith Lemieux, District Counsel, responded that inverse condemnation is included in the Constitution, and the agreement could not include much with regard to inverse condemnation with the exception of an indemnification provision. He stated that the agreement includes a provision regarding reciprocal indemnification, and there is limiting language regarding the District's indemnification of the County, such as the District's failure to supply water through the meter.

Nick DuVally, Fire Marshal with the Los Angeles County Fire Department, expressed support for the proposed agreement for an emergency interconnection to ensure reliability of the water systems, especially at the west end of Malibu.

Director Lo-Hill inquired regarding the high risk areas for landslides. Mr. Pestrella responded that the Malibu Mesa and the canyon areas are vulnerable to landslides. He noted that geologic surveys would be conducted of the Encinal Canyon area.

Reva Feldman, City Manager for the City of Malibu, noted that the City of Malibu was very concerned with the availability of water and water pressure in the Encinal Canyon area. She expressed her appreciation for the Board's consideration in approving the agreement for an emergency interconnection.

Motion carried unanimously.

8. NON-ACTION ITEMS

A Organization Reports

Director Caspary reported that he attended the ACWA State Legislative Committee meeting on June 14th, where they reviewed several proposed bills including AB 933 (Petrie-Norris): Ecosystem Resilience; Watershed Protection; Watershed Coordinators. He noted that he expressed concern to the Legislative Analyst that the bill included a clause where it would not be subject to the Administrative Procedures Act. He stated that he would also discuss his concerns with General Manager David Pedersen and work with ACWA to implement a policy principle for bills that seek an exemption from the Administrative Procedures Act. He also reported that he attended the Santa Monica Bay Restoration Commission meeting on June 20th. He noted that the U.S. Environmental Protection Agency (EPA) conducted a performance evaluation of the Santa Monica Bay National Estuary Program Work Plan and governance structure and would consider whether the Ballona Wetlands Restoration should be a brackish or freshwater marsh.

B Director's Reports on Outside Meetings

Director Lo-Hill reported that she attended the Association of Water Agencies of Ventura County (AWAVC) WaterWise Breakfast meeting on June 20th, where a presentation was provided by Harold Edwards, Chief Executive Officer of the Limoneira Company, regarding preparing for future water needs. She stated that she was impressed to learn about agricultural users of water.

Board President Lewitt reported that he also attended the AWAVC WaterWise Breakfast meeting. He noted that Mr. Edwards indicated that Limoneira was using 50 percent less water than it did 30 years ago, and they were in the process of building a new housing development. He also noted that Mr. Edwards was interested in learning about the Pure Water Project Las Virgenes-Triunfo.

Director Renger reported that he also attended the AWAVC WaterWise Breakfast meeting. He noted that Mr. Edwards discussed entering into agreements with neighboring water users and suppliers; however, he did not mention how they came to the terms of the agreements. He also noted that Mr. Edwards mentioned that one residential lot would take the same amount of water as a lemon grove of the same area.

Director Polan reported that he also attended the AWAVC WaterWise Breakfast meeting and stated that he was impressed with the clarity and scope of Mr. Edwards' presentation of Limoneira's 130-year history.

Director Caspary reported that he attended a Los Angeles Regional Water Quality Control Board (Regional Board) Watershed Coordinators Workshop in Ventura County regarding a Regional Municipal Separate Storm Sewer System (MS4) permit for Ventura County. He noted that the Regional Board is looking into stormwater as a resource and a potential partnership with the District. He also noted that a draft program is expected to be completed in August, and the Regional Board would consider the final permit in February.

C General Manager Reports

(1) General Business

General Manager David Pedersen mentioned he would be on vacation the first week of July, and Joe McDermott would cover the Las Virgenes - Triunfo Joint Powers Authority (JPA) meeting in his absence. He noted that the JPA meeting would be held on July 1st, which would include a recommendation to award a construction contract for the Pure Water Demonstration Project, and a presentation of the Pure Water Demonstration Garden conceptual plans. He reminded the Board that the regular Board meetings would be held the first and third Tuesday of the month beginning in August. He also reminded the Board that the California Association of Sanitation Agencies (CASA) Annual Conference would be held August 21st through 23rd in San Diego.

Director Polan noted that the WaterReuse Symposium would include a tour of City San Diego's Pure Water Project and San Diego County Water Authority's Carlsbad Ocean Desalination Facility on September 8th.

(2) Follow-Up Items

D Directors' Comments

Director Lo-Hill noted that filming had begun for the Pure Water Demonstration Project, and she assisted by washing some vegetables from her garden.

9. FUTURE AGENDA ITEMS

None.

10. PUBLIC COMMENTS

None.

11. CLOSED SESSION

A. Conference with District Counsel – Existing Litigation (Government Code Section 54956.9(a)):

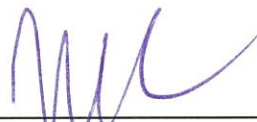
Jackson McPherson v. Las Virgenes Municipal Water district (California Superior Court Case No. BC711424)

The Board recessed to Closed Session at **6:28 p.m.** and reconvened to Open Session at **6:39 p.m.**

Keith Lemieux, District Counsel, announced that the Board met in Closed Session and authorized the Board President to sign a settlement agreement in the amount of \$15,000.

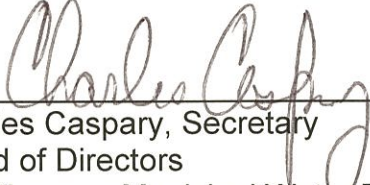
12. OPEN SESSION AND ADJOURNMENT

Seeing no further business to come before the Board, the meeting was duly adjourned at 6:40 p.m.



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

ATTEST:



Charles Caspary, Secretary
Board of Directors
Las Virgenes Municipal Water District

(SEAL)