



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

MINUTES
REGULAR MEETING

5:00 PM

June 12, 2018

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag was led by Lynda Lo-Hill.

1. CALL TO ORDER AND ROLL CALL

The meeting was called to order at **5:00 p.m.** by Board President Peterson 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, Len Polan, Glen Peterson, and Lee Renger.
Absent: Director Jay Lewitt
Staff Present: David Pedersen, General Manager
David Lippman, Director of Facilities and Operations
Joe McDermott, Director of Resource Conservation and Public Outreach
Don Patterson, Director of Finance and Administration
Josie Guzman, Clerk of the Board
Wayne Lemieux, District Counsel

2. APPROVAL OF AGENDA

General Manager David Pedersen asked the Board to consider adding an item to the agenda for Closed Session, Anticipated Litigation, pursuant to Government Code Section 54956.9(d)(2) and (e)(3). He stated that the need to add the item arose after the agenda was posted and action was required prior to the next Regular Board Meeting.

Director Renger moved to add the Closed Session item and approve the agenda as amended. Motion seconded by Director Polan. Motion carried by the following vote:

AYES: Caspary, Peterson, Polan, Renger
NOES: None
ABSTAIN: None
ABSENT: Lewitt

3. PUBLIC COMMENTS

None.

4. CONSENT CALENDAR

Board President Peterson noted that a letter was submitted by Armorcast Products Company for Item 4E requesting that the award of water utility boxes and covers be denied due to concerns with the proposed plastic meter boxes. He also noted that a letter was submitted from Indian Hills Mobile Home Village for Item 4F, which included additional information regarding the contractor who installed the new pressure regulator equipment. Director Caspary asked to pull Item 4E for discussion.

A List of Demands: June 12, 2018: Ratify

B Minutes: Regular Meeting of May 22, 2018: Approve

C Directors' Per Diem – May 2018: Ratify

D Monthly Cash and Investment Report – April 2018

Receive and file the Monthly Cash and Investment Report for April 2018.

F Claim by Indian Hills Mobile Home Village, et al.

Deny nine claims from the Indian Hills Mobile Home Village and residents.

G Renewal of Dog Park Agreement with the City of Calabasas

Execute an Agreement for the Management of the Dog Park on District Property with the City of Calabasas, in the amount of \$1 annually, with expiration of a five-year term on September 30, 2023.

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

AYES: Caspary, Peterson, Polan, Renger
NOES: None
ABSTAIN: None

ABSENT: Lewitt

4. **CONSENT CALENDAR – Separate Action Item**

E Water Utility Boxes and Covers: Award

Accept the bid from Dangelo Company and authorize the General Manager to issue a one-year purchase order, in the amount of \$68,427.65, with four one-year renewal options.

Director Caspary inquired whether staff had investigated Armorcast Product Company's (Armorcast) concerns with the proposed plastic meter boxes. Darrell Johnson, Customer Service Supervisor, responded that staff had not contacted other agencies regarding the claims submitted by Armorcast on concerns with plastic meter boxes; however, the H-20 rated boxes were selected due to their higher traffic rating and ability to reduce injuries to employees from lifting. Don Patterson, Director of Finance and Administration, added that the Request for Proposals required the supplier to provide independent verification of meeting the H-20 standards set by the American National Standards Institute Society of Telecommunication Engineers. He noted that the respondent to the Request for Proposals provided independent verification that their boxes met the specified standards. He also noted that Armorcast did not submit a proposal.

Director Caspary moved to approve Item 4E. Motion seconded by Director Renger. Motion carried by the following vote:

AYES: Caspary, Peterson, Polan, Renger

NOES: None

ABSTAIN: None

ABSENT: Lewitt

5. **ILLUSTRATIVE AND/OR VERBAL PRESENTATION AGENDA ITEMS**

A Legislative and Regulatory Updates

Joe McDermott, Director of Resource Conservation and Public Outreach, presented the report. He noted that SB 623, the water tax/budget trailer bill, was not included in the Governor's budget; however, the bill could move forward as a standalone bill with no appropriation. He reported that on May 31st, Governor Brown signed SB 606 and AB 1606 related to *Making Conservation as a California Way of Life*. He stated that staff would bring back information regarding how these new laws would impact the District's 20 percent by 2020 mandate and District operations. He also reported that SB 998, Discontinuance of Residential Water Service, moved to the Assembly Committee on Environmental Safety and Toxic Materials. He noted that letters in opposition were sent to Senator Stern and Assemblymember Bloom, and copies of the letters were provided to the Board. He also reported that AB 2050, the Small Water System Authority Act, moved to the Senate with minor amendments. He reported that Senator Kamala Harris introduced federal legislation for the Water Affordability Act of 2018, which would include

a program for low-income sewer and water assistance and award grants to water agencies. He noted that the Association of California Water Agencies (ACWA) supports this bill.

B Water Supply Conditions Update

Joe McDermott, Director of Resource Conservation and Public Outreach, presented the report.

C Las Virgenes Municipal Water District Comprehensive Water Conservation Plan Fiscal Years 2018-19

Receive and file the Comprehensive Water Conservation Plan (CWCP) for Fiscal Years 2018-20, and provide feedback to staff for potential refinements to the CWCP.

Dave Roberts, Resource Conservation Manager, presented a PowerPoint presentation. He noted that he and Mike McNutt, Public Affairs and Communications Manager, met with staff from the City of Beverly Hills regarding its high water use account review and one-on-one customer consultation program. He responded to questions regarding the effectiveness of the City of Beverly Hills' program in reducing individuals' water usage through personal outreach to property house managers, tenants, and homeowners. He also responded to a question regarding the basis of the data used in developing the criteria for Options 1, 2 and 3 for the Weather Based Irrigation Controller (WBIC) program by stating that the data was based on staff's experience. He stated that staff would provide an update after the WBIC program is implemented. He also responded to a question regarding the selection of the WBIC supplier by stating that staff would seek a WBIC that has a flow meter associated with it to determine how much water is used indoors as compared to outdoors.

Director Caspary inquired regarding the number of rain barrels given away to customers. He noted that he had previously suggested reaching out to customers who were given rain barrels to determine whether they continue to use them, and if not perhaps give them to someone else. Dave Roberts, Resource Conservation Manager, responded that approximately 350 rain barrels were given away in 2016 and MWD gave away approximately 50 rain barrels the previous five years. He stated that staff could include in the outreach program to reach out to the customers who received rain barrels to determine whether or not they are being used, and if not they could be repurposed. He also noted that staff is looking to select more aesthetically-pleasing barrels.

A video entitled "Southern California Inland Native Garden", depicting the use of native plants for landscaping, was presented to the Board.

Director Renger moved to receive and file Item 5C. Motion seconded by Director Caspary.

A discussion ensued regarding staff obtaining copies of other agencies' staff reports on turnkey WBIC programs to see what issues they faced and learn from their experience.

Another discussion ensued regarding the proposed WBIC program and the need for customers to have WIFI access so that information could be transmitted to their smartphone or computer.

Motion carried by the following vote:

AYES: Caspary, Peterson, Polan, Renger
NOES: None
ABSTAIN: None
ABSENT: Lewitt

6. TREASURER

Director Renger stated that the Treasurer's report was in order.

7. GENERAL MANAGER

A Unrepresented Employees Compensation

Authorize the General Manager to execute revisions to the Management Handbook and to implement a 3.5 percent increase to base salaries for unrepresented employees.

General Manager David Pedersen presented the report.

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

A discussion ensued regarding the amount of time off given by other agencies for jury duty service and concerns with granting unlimited time off for jury duty service.

Director Caspary moved to amend the motion to include that up to 240 hours per fiscal year be granted for jury duty service. Motion seconded by Director Renger.

Motion carried by the following vote:

AYES: Caspary, Peterson, Polan, Renger
NOES: None
ABSTAIN: None
ABSENT: Lewitt

Board President requested that consideration for a "most favored nation" clause be given for this group in the future.

8. FINANCE AND ADMINISTRATION

A Approval of Memoranda of Understanding with Management and the Supervisor, Professional, and Confidential Units: June 1, 2018 through December 31, 2018

Authorize the General Manager to execute Memoranda of Understanding with the Management Unit and Supervisor, Professional, and Confidential Unit for a term of June 1, 2018 through December 31, 2018.

General Manager David Pedersen presented the report. He noted typographical errors in Article 6 Compensation in both MOUs, which should indicate that they would be effective the first pay period in June 2018.

Director Renger moved to approve Item 9A as amended. Motion seconded by Director Caspary. Motion carried by the following vote:

AYES: Caspary, Peterson, Polan, Renger
NOES: None
ABSTAIN: None
ABSENT: Lewitt

9. RESOURCE CONSERVATION AND PUBLIC OUTREACH

A State Water Supply Infrastructure, Water Conveyance, Ecosystem and Watershed Protection and Restoration and Drinking Water Protection Act of 2018

Receive an oral presentation and direct staff to return to the Board with a resolution supporting the State Water Supply Infrastructure, Water Conveyance Ecosystem and Watershed Protection and Restoration and Drinking Water Protection Act of 2018.

Joe McDermott, Director of Resource Conservation and Public Outreach, presented the report. He responded to a question regarding whether grants or loans would be funded from this bond by stating that grants would be funded for recycling projects, which would be administered by the State Water Resources Control Board (State Board). He noted that the State Board would seek a minimum 50 percent match.

Director Polan moved to approve Item 9A. Motion seconded by Director Renger. Motion carried by the following vote:

AYES: Caspary, Peterson, Polan, Renger
NOES: None
ABSTAIN: None
ABSENT: Lewitt

10. NON-ACTION ITEMS

A Organization Reports

(1) MWD Representative Report/Agenda(s)

Board President Peterson noted that the Colorado River Board would meet on June 13th to elect a new Chair. He reported that he attended the MWD Board meeting earlier in the day, and noted that Board Member Mark Gold objected to Congressman Ken Calvert and Congressman David Valadao's riders in the draft spending budget related to exempting the California WaterFix from judicial review. He also noted that Board Member Gold requested an agenda item for the MWD Board to take a position on this matter; however, a majority of the Executive Committee would need to support taking a position. He also reported that the MWD Board approved payment in the amount of \$708,800 to support the Colorado River Board for the coming fiscal year.

(2) Other

Director Caspary reported that the Santa Monica Bay Restoration Committee and the Watershed Advisory Council would meet on June 21st to review the Work Plan for the Bay Restoration Project. He noted that the Environmental Protection Agency mandated several changes to the plan, and there are competing interests who want to have funds dedicated to the Ballona Wetlands Restoration or some other restoration project. He noted that Proposition 84 provided grant funds for environmental restoration projects, and the California Coastal Conservancy determined that several project would not be able to meet the deadline to use those funds. He stated that these grant funds would be repurposed and identified for other projects. He also stated that subsequently it was determined that Proposition 50 funding included the same sunset issue as Proposition 84, and the California Coastal Conservancy would need to provide notice that Proposition 50 funds will become available.

B Director's Reports on Outside Meetings

None.

C General Manager Reports

(1) General Business

General Manager David Pedersen reported staff had followed up on Proposition 12 funding and found that projects anticipated to receive those funds would not meet the deadline. He noted that staff discussed Proposition 12 guidelines and proposed submitting a grant application for the Pure Water Demonstration Project and a grant application for the Summertime Compliance Nitrogen Removal Project at the Tapia Water Reclamation Facility. He also stated that staff would follow-up on Proposition 50 and Proposition 84 funding. He further reported that approval was received today for the required flow augmentation to Malibu Creek, which would begin later in the week to trim the flow in Malibu Creek up to 2.5 cubic feet per second (CFS).

(2) Follow-Up Items

D Directors' Comments

None.

11. FUTURE AGENDA ITEMS

Board President Peterson requested an item to discuss a tribute to recognize former Director Hal Helsley. He noted that Director Helsley served on the Board for 20 years and he implemented the composting plant. Director Renger suggested also discussing taking part in the grove that will be planted at King Gillette Ranch.

12. PUBLIC COMMENTS

Jason Schulz, resident of the Indian Hills Mobile Home Village, stated that he understood the developer would be responsible for his claim and inquired whether he could expect to be contacted by the developer. David Lippman, Director of Facilities and Operations, responded that either the developer or the contractor would contact Mr. Schulz. He noted that staff spoke with the developer's representative who is working with their contractor to accept the responsibility. He also noted that the developer assured staff they had withheld payment to their contractor to cover the cost of the claims.

Mr. Schulz spoke in support of all District employees being provided the same amount of time off for jury duty service. He also inquired whether the residents of the Indian Hills Mobilehome Village would be eligible for the District's water conservation programs. General Manager David Pedersen responded that staff would follow-up with Mr. Schulz. Board President Peterson suggested that Mr. Schulz visit the bewaterwise.com website for water conservation information.

13. CLOSED SESSION

Added Item:

Conference with District Counsel - Anticipated Litigation (Government Code Section 54956.9(d)(2) and (e)(3): EEOC Complaint

A Public Employee Performance Evaluation (Government Code Section 54957):

Title: General Manager

B Conference with Labor Negotiators (Government Code Section 54957.6):

Agency Designated Representatives: Las Virgenes Municipal Water District Board of Directors

Unrepresented Employee: General Manager

The Board recessed to Closed Session at 6:21 p.m. and reconvened to Open Session at 6:44 p.m.

For the added Closed Session Item related to Anticipated Litigation, District Counsel Wayne Lemieux reported that the Board authorized the General Manager and District Counsel to proceed.

There was no reportable action for Closed Session Item 13A.

For Closed Session Item 13B, Director Caspary moved to authorize the Board President to sign an amendment to the General Manager's employment agreement reflecting a salary of \$280,000 annually, effective at the beginning of the next pay period. Motion seconded by Director Polan. Motion carried by the following vote:

AYES: Caspary, Peterson, Polan, Renger

NOES: None

ABSTAIN: None

ABSENT: Lewitt

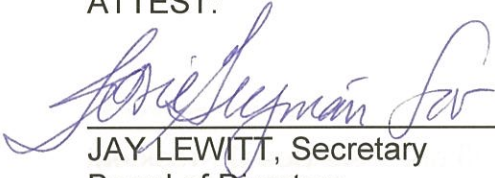
14. OPEN SESSION AND ADJOURNMENT

Seeing no further business to come before the Board, the meeting was duly adjourned at 6:45 p.m.



GLEN PETERSON, President
Board of Directors
Las Virgenes Municipal Water District

ATTEST:



JAY LEWITT, Secretary
Board of Directors
Las Virgenes Municipal Water District

(SEAL)