

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

5:00 PM

March 28, 2019

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag was led by Director Susan Pan.

1. CALL TO ORDER AND ROLL CALL

The meeting was called to order at **5:00 p.m.** by Chair Orkney at Oak Park Library, 899 Kanan Road, in Oak Park, California. Josie Guzman, Clerk of the Board, conducted the roll call.

Present: Directors Caspary, Lo-Hill, Orkney, Pan, Polan, Renger, Shapiro, Tjulander, and Wall.
Absent: Director Lewitt

2. APPROVAL OF AGENDA

Administering Agent/General Manager David Pedersen requested that Item 12A be removed from the agenda as there was no update.

Director Caspary moved to approve the agenda. Motion seconded by Director Tjulander. Motion carried by the following vote:

AYES: Caspary, Lo-Hill, Orkney, Pan, Polan, Renger, Shapiro, Tjulander, Wall
NOES: None
ABSTAIN: None
ABSENT: Lewitt

3. PUBLIC COMMENTS

None.

4. CONSENT CALENDAR

A Minutes: Regular Meeting of March 4, 2019

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

AYES: Caspary, Lo-Hill, Orkney, Pan, Polan, Renger, Shapiro, Tjulander, Wall
NOES: None
ABSTAIN: None
ABSENT: Lewitt

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

A Pure Water Project Las Virgenes-Triunfo: Update

Administering Agent/General Manager David Pedersen stated that the update would be covered under Item 6B, and he noted the new website for the project: www.ourpureh2o.com.

6. **ACTION ITEMS**

A Heal the Bay's "Bring Back the Beach" Event: Attendance

Authorize one Board Member from each agency and the Administering Agent/General Manager to attend the Heal the Bay "Bring Back the Beach" Event at the cost of \$600 per person.

Administering Agent/General Manager David Pedersen presented the report.

Chair Orkney moved to authorize LVMWD Director Jay Lewitt or his appointee, TSD Director Leon Shapiro, and Administering Agent/General Manager David Pedersen to attend the event, and approve Item 6A. Motion seconded by Director Polan. Motion carried by the following vote:

AYES: Caspary, Lo-Hill, Orkney, Pan, Polan, Renger, Shapiro, Tjulander, Wall
NOES: None
ABSTAIN: None
ABSENT: Lewitt

B Pure Water Demonstration Project Call for Bids

Approve the issuance of a Call for Bids for the Pure Water Project Demonstration Project.

David Lippman, Director of Facilities and Operations, presented the report. He responded to questions related to the amount of grant funding received for the project.

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

AYES: Caspary, Lo-Hill, Orkney, Pan, Polan, Renger, Shapiro, Tjulander, Wall
NOES: None
ABSTAIN: None
ABSENT: Lewitt

C Rancho Solar Generation Project Phase II: Approval of Power Purchase Agreement

Pass, approve, and adopt proposed Resolution No. 6, making findings, authorizing, and approving execution of an energy service contract with Borrego Solar System, Inc.; authorize the Administering Agent/General Manager to execute a Change of Scope for TerraVerde Renewable Partners, LLC, in the amount of \$101,283, for services during construction; and appropriate additional reimbursable funding, in the amount of \$120,000, for the Rancho Solar Generation Project Phase II.

RESOLUTION NO. 6

A RESOLUTION OF THE GOVERNING BOARD OF THE LAS VIRGENES-TRIUNFO JOINT POWERS MAKING FINDINGS, AUTHORIZING, AND APPROVING EXECUTION OF AN ENERGY SERVICE CONTRACT

(Reference is hereby made to Resolution No. 6 on file in the JPA's Resolution Book and by this reference the same is incorporated herein.)

John Zhao, Principal Engineer, presented the report. He responded to several questions posed by the Board related to the power purchase agreement,

Bob Jalalpour, representing Borrego Solar System, Inc., responded to questions regarding the formation of Las Virgenes Solar 1, LLC, and the financing structure for the solar facility, which would be financed through revenue generated from the 25-year term of the power purchase agreement.

A discussion ensued regarding the requirement for the solar provider to make repairs as soon as possible, and remove and properly dispose of damaged solar panels or incur a large penalty.

Administering Agent/General Manager David Pedersen noted that staff was recommending execution of an energy service contract with Borrego Solar System, Inc., due to its track record and success. He noted that their investors would ensure that the solar facility is functional.

Olivia Corkedale, representing TerraVerde Renewable Partners, LLC, responded to a question regarding provision of earthquake coverage by stating that Borrego Solar System, Inc. would adhere to the standard insurance requirements outlined in the agreement. She stated that she did not believe there was a provision for earthquake coverage because it is difficult and expensive to secure; however, the design of the array is made with seismic considerations. John Mathews, TSD Legal Counsel, confirmed that there is no provision for earthquake coverage in the agreement.

Ms. Corkedale also responded to a question regarding the formation of Las Virgenes Solar 1, LLC, by stating that the formation is a standard contracting strategy under a power purchase agreement and the lender would be responsible for any financial risks.

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

AYES: Caspary, Lo-Hill, Pan, Polan, Renger, Shapiro, Tjulander, Wall
NOES: Orkney
ABSTAIN: None
ABSENT: Lewitt

D Leak on 21-inch Trunk Sewer: Declaration of Emergency

Pass, approve, and adopt proposed Resolution No. 7, declaring an emergency that requires immediate action without delay to repair a leak on a 21-inch trunk sewer.

RESOLUTION NO. 7

A RESOLUTION OF THE GOVERNING BOARD OF THE LAS VIRGENES-TRIUNFO JOINT POWERS AUTHORITY FINDING THAT AN EMERGENCY WILL NOT PERMIT A DELAY RESULTING FROM A COMPETITIVE SOLICITATION FOR REPAIR OF A 21-INCH TRUNK SEWER ON THE WEST SIDE OF LAS VIRGENES ROAD, SOUTH OF THE CENTRATE TREATMENT FACILITY

(Reference is hereby made to Resolution No. 7 on file in the JPA's Resolution book and by this reference the same is incorporated herein.)

David Lippman, Director of Facilities and Operations, presented the report. He responded to questions related to the repair using newer materials with newer technology. He noted that staff believes the damage was caused by the Woolsey Fire, and the damaged 21-inch trunk sewer was added to the request for reimbursement from the Federal Emergency Management Agency (FEMA).

Administering Agent/General Manager David Pedersen responded to a question regarding the recommendation for the Board to adopt a resolution by stating that the proposed resolution was presented so that the Board may make certain legal findings related to the declaration of emergency and actions in response to the emergency.

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

AYES: Caspary, Lo-Hill, Orkney, Pan, Polan, Renger, Shapiro, Tjulander, Wall

NOES: None

ABSTAIN: None

ABSENT: Lewitt

E Woolsey Fire Facility Repair Project Nos. 1 and 3: Award of Design Contracts

Accept the proposal from M6 Consulting, Inc.; authorize the Administering Agent/General Manager to execute a professional services agreement, in the amount of \$121,380 contingent upon the LVMWD's approval of its share of the cost; and appropriate \$46,955 for the JPA's share of the engineering design and support services during construction for the Woolsey Fire Facility Repair Project No. 1.

Accept the proposal from L. Newman Design Group, Inc.; authorize the Administering Agent/General Manager to execute a professional services agreement, in the amount of \$122,105 contingent upon the LVMWD's approval of its share of the cost; and appropriate \$46,112.25 for the JPA's share of the engineering design and support services during construction for the Woolsey Fire Facility Repair Project No. 3.

John Zhao, Principal Engineer, presented the report.

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

AYES: Caspary, Lo-Hill, Orkney, Pan, Polan, Renger, Shapiro, Tjulander, Wall

NOES: None

ABSTAIN: None

ABSENT: Lewitt

F JPA Infrastructure Investment Plan: Fiscal Years 2019-20 through 2023-24

Receive and file the JPA Infrastructure Investment Plan for Fiscal Years 2019-20 through 2023-24.

Angela Saccareccia, Finance Manager, provided an update regarding the two-year budget process.

Doug Anders, Administrative Services Coordinator, presented the report and supplementary pages.

Staff responded to several questions posed by the Board regarding the recommended appropriation changes to several program areas including the costs to repair JPA facilities due to the Woolsey Fire, which would be recovered through insurance, California Office of Emergency Services, and FEMA reimbursement.

Chair Orkney requested an additional explanation for the Appropriation Variance Analysis for Fiscal Year 2019-20 through Fiscal Year 2023-24 and the reason funds were not spent. Mr. Lippman responded that staff would include a footnote with an explanation.

Director Polan moved to receive and file Item 6F. Motion seconded by Director Caspary. Motion carried by the following vote:

AYES: Caspary, Lo-Hill, Orkney, Pan, Polan, Renger, Shapiro, Tjulander, Wall
NOES: None
ABSTAIN: None
ABSENT: Lewitt

7. BOARD COMMENTS

Director Polan noted that he attended the WaterReuse Annual Conference, where a discussion was held regarding the definition of stormwater.

8. ADMINISTERING AGENT/GENERAL MANAGER REPORT

Administering Agent/General Manager David Pedersen reported that Directors Lewitt, Orkney, Polan, and Tjulander, as well as TSD General Manager Mark Norris, Director Resource Conservation and Public Outreach Joe McDermott, and himself would be attending the annual Washington D.C. lobbying trip. He also noted that the Malibu Creek avoidance period would begin in mid-April.

9. FUTURE AGENDA ITEMS

None.

10. INFORMATION ITEMS

A State and Federal Legislative Update

Chair Orkney noted that copies of the report were provided to the Board.

11. **PUBLIC COMMENTS**

None.

12. **CLOSED SESSION** – (This item was removed from the agenda.)

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

Zusser Company, Inc. v. Las Virgenes Municipal Water District

13. **ADJOURNMENT**

Seeing no further business to come before the Board, the meeting was duly adjourned at **6:39 p.m.**



Janna Orkney, Chair

ATTEST: 

Jay Lewitt, Vice Chair