



**LAS VIRGENES MUNICIPAL WATER DISTRICT**  
 4232 Las Virgenes Road, Calabasas, California

**MINUTES**  
**REGULAR MEETING**

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5:00 PM

November 23, 2010

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance to the Flag was given by President Caspary.

**1. CALL TO ORDER AND ROLL CALL**

**A** Call to order and roll call.

The meeting was called to order at 5:00 p.m. by President Caspary in the District offices. Assistant Deputy Secretary Conklin called the roll. Those answering present were Directors Bowman, Caspary, Renger and Smith.

Prior to the board meeting, Director Peterson reported that his arrival would be delayed due to his attendance at today's MWD meetings.

**2. APPROVAL OF AGENDA**

**A** Approval of agenda.

*On a motion by Director Lee Renger, seconded by Director Jeff Smith, the Board of Directors voted 4-0 -1 to Approve the Regular Board Meeting of November 23, 2010, as presented.*

*AYES: Director(s) Bowman , Caspary , Renger , Smith*

*ABSENT: Director(s) Peterson*

**3. PUBLIC COMMENTS**

No speaker cards were received from the public.

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

**A** Las Virgenes Municipal Water District Comprehensive Annual Financial Report for the Fiscal Year Ending June 30, 2010 and Federal Single Audit

Receive and file the CAFR and Federal Single Audit for Fiscal Year 2009/10.

Mr. Nitin Patel, Partner, Diehl Evans & Company, LLP gave a presentation during which district management's and auditors' responsibilities, audit worked performed, financial reports, audit opinion (financial statements), single audit for federal grant monies, management letter, communications to audit committee, summary of district's basic financial statements; and new pronouncements were discussed.

Director Peterson arrived at 5:10 p.m. during Mr. Patel's presentation.

*On a motion by Director Joseph Bowman, seconded by Director Lee Renger, the Board of Directors voted 5-0 to Approve the recommendations as presented.*

*AYES: Director(s) Bowman , Caspary , Peterson , Renger , Smith*

## **B Legislative and Regulatory Updates**

General Manager Mundy stated Kathy Cole, MWD Legislative Representative would be in attendance at the December 14, 2010 board meeting. Director Bowman discussed ACWA's flyer to Federal Affairs Committee members, which included the topics of earmarks, WRDA, and Safe Water Drinking Act.

## **5. CONSENT CALENDAR**

*On a motion by Director Glen Peterson, seconded by Director Joseph Bowman, the Board of Directors voted 4-0 -1 to Approve Consent Calendar 5A as presented in the recommendation. Director Caspary abstained from the vote as he was absent from both the September 28, 2010 and October 12, 2010 board meetings.*

*AYES: Director(s) Bowman , Peterson , Renger , Smith*

*ABSTAIN: Director(s) Caspary*

*On a motion by Director Glen Peterson, seconded by Director Joseph Bowman, the Board of Directors voted 5-0 to Approve Consent Calendar 5B-5D as presented in the recommendations.*

*AYES: Director(s) Bowman , Caspary , Peterson , Renger , Smith*

**A Minutes: Regular Meetings of September 28, 2010 and October 12, 2010. Approve**

**B List of Demands: November 23, 2010 Approve**

**C Investment Report for the Month of October 2010. Approve**

**D Claim submitted by Sherri Squires: Deny the claim submitted by Sherri Squires and direct staff to inform Ms. Squires of the potential for a leak adjustment. Deny**

## **6. TREASURER**

No report was given.

## **7. BOARD OF DIRECTORS**

**A ACWA General Session Membership Meeting and Voting Delegate**

The Board of Directors to designate a representative to serve as voting delegate and attend the ACWA General Session meeting on Wednesday, December 1, 2010, and if necessary, on Thursday, December 2, 2010.

The Board of Directors discussed determination of the voting delegate. Director Peterson

stated if the Board President attends the conference they normally serve as voting delegate. Board President Caspary agreed to serve as voting delegate and requested that Board Vice President Renger serve as an alternate voting delegate in the event he is unable to attend the General Session while at the ACWA Fall Conference.

*On a motion by Director Joseph Bowman, seconded by Director Lee Renger, the Board of Directors voted 5-0 to Approve Board President Caspary as voting delegate and Board Vice President Renger as alternate voting delegate representing Las Virgenes MWD.  
AYES: Director(s) Bowman , Caspary , Peterson , Renger , Smith*

## **B City of Calabasas - Proposed Changes to Building Codes**

The Board of Directors to provide direction to staff as how to proceed with the proposed City of Calabasas code Section 112.3.3 Authority to Disconnect Water Utility.

General Manager Mundy discussed the City of Calabasas' proposed changes to their building codes and his conversation with their City Manager, Tony Coroalles. Director of Facilities and Operations Lippman discussed his attendance at the City of Calabasas meeting of November 10, 2010, during which their proposed Ordinances were heard and eventually tabled due to the lack of time the city council had to review the proposed changes and opposition from the public.

Legal Counsel O'Neill stated the discussion is approaching Closed Session status, and since the information from the City Manager was provided subsequent to the posting of the agenda the Board could opt to add this matter to Closed Session for further consideration.

*On a motion by Director Joseph Bowman, seconded by Director Lee Renger, the Board of Directors voted 5-0 to Approve unanimously, an addition to the November 23, 2010 agenda of Closed Session 13.B 6. City of Calabasas - Proposed Changes to Building Codes.  
AYES: Director(s) Bowman , Caspary , Peterson , Renger , Smith*

## **8. FACILITIES AND OPERATIONS**

### **A 24" Recycled Water (REW) Pipeline from Tapia State Park to Mulholland Highway - Final Acceptance**

Approve the execution of a Notice of Completion by the Secretary of the Board for and on behalf of the District and have the same recorded; and that in the absence of claims from subcontractors and others, release retention in the amount of \$350,239.18 thirty calendar days after filing the Notice of Completion for the 24" Recycled Water (REW) Pipeline from Tapia State Park to Mulholland Highway.

*On a motion by Director Glen Peterson, seconded by Director Lee Renger, the Board of Directors voted 5-0 to Approve the recommendations as presented.  
AYES: Director(s) Bowman , Caspary , Peterson , Renger , Smith*

## **9. LEGAL SERVICES**

### **A Proposed Ordinance Amendment: Schedule of Rate Adjustments**

The full reading of the proposed Ordinance No. 11-10-264, amending Ordinance No. 11-86-161 (Las Virgenes Code) As it Relates to Commodity Charges for Potable Water Service be waived, and the Board order publication within 30-days of adoption using a summary of the ordinance.

The Board by a roll call vote of Ayes: Noes: Abstain: Absent: that the proposed Ordinance No. 11-10-264, amending Ordinance No. 11-86-161 (Las Virgenes Code) As it Relates to Commodity Charges for Potable Water Service, given second reading by title only, be passed, approved and adopted as presented.

**ORDINANCE NO. 11-10-264: AN ORDINANCE OF THE BOARD OF DIRECTORS OF LAS VIRGENES MUNICIPAL WATER DISTRICT AMENDING ORDINANCE NO. 11-86-161 (LAS VIRGENES CODE) AS IT RELATES TO COMMODITY CHARGES FOR POTABLE WATER SERVICE.**

(Reference is hereby made to Ordinance No. 11-10-264 on file in the District's Ordinance Book and by this reference the same is incorporated herein and made a part of hereof.)

*On a motion by Director Lee Renger, seconded by Director Glen Peterson, the Board of Directors voted 5-0 to Approve as presented the recommendations in Paragraph 1.  
AYES: Director(s) Bowman , Caspary , Peterson , Renger , Smith*

*On a motion by Director Glen Peterson, seconded by Director Lee Renger, the Board of Directors voted 5-0 to Approve by a roll call vote of Ayes: 5; Noes: 0; Abstain: 0; Absent:0, which was administered by Assistant Deputy Secretary Conklin, the recommendations as presented in Paragraph 2. Legal Counsel O'Neill gave the second reading of Ordinance 11-10-264 by title only.  
AYES: Director(s) Bowman , Caspary , Peterson , Renger , Smith*

**10. INFORMATION ITEMS**

**A** Water Shortage Update - October 2010

General Manager Mundy discussed Las Virgenes being 2% over their allocation. Director Peterson discussed the Department of Water Resources allocation is higher than last year; MWD will be deciding on allocations in December or January; and aquifer over-drafting.

**11. NON-ACTION ITEMS**

**A** Organization Reports(1) MWD a. Representative Report/Agenda(s); (2)Other

(1) MWD Representative Peterson discussed general business of Metropolitan including the State Water Project tour of November 12-13, 2010, which MWD 2011 Chairman Foley attended; Westlands Water District's withdrawal from the Bay Delta Conservation Plan; and hiring of a consultant to evaluate cell tower sites and payments.

(2) None.

**B** Director's Reports on Outside Meetings

Directors Renger and Bowman reported on their attendance at the November 18, 2010, AWA meeting during which the saline issue in Oxnard Plain was discussed; and an excellent presentation was made by the three of the local water wholesaler General Managers.

Director Caspary reported on his attendance at the MWD 20 x 2020 Summit of November 10, 2010, during which MWD 2010 Chairman Brick discussed ongoing work to ensure water reliability for Southern California; and that representatives from Nature Conservancy and Water Research Foundation provided valuable information. Director Caspary also discussed an invitation he received from Santa Monica Bay Restoration Foundation to hear speaker Peter Douglas of the California Coastal Commission, the event is being held at the Annenberg Beach House.

## **C** General Manager Reports

General Manager Mundy provided an update regarding general business of the district including the upcoming ACWA Fall Conference; overview to Triunfo at the JPA meeting of 12/06/10 (Triunfo will have three new board members - Iceland, McReynolds and Wall); creek avoidance ended on November 15th; Solar Cup boat under construction; Financial Analyst Hamilton was recognized for "distinguished budget award"; State Controller's Office requested salary and benefit data (President Caspary asked that providing of this information be a priority and also submitted prior to the State's deadline); November 30th publishing of the annual Notice of Expense Reimbursement (Director Peterson requested in the future that this information be provided in alphabetical order versus date of expense order); and customer inquiry regarding T-Mobile cell tower contract - if not executed within 180 day the contract is automatically considered terminated.

## **D** Director's Comments

Director Bowman requested an update for City of Los Angeles recycled water be provided to the JPA Board of Directors.

## **12. FUTURE AGENDA ITEMS**

None.

The meeting adjourned to break at 6:17 p.m.

## **13. CLOSED SESSION**

The meeting reconvened to Closed Session at 6:25 p.m.

### **A Conference with District Counsel - Anticipated Litigation (Government Code Section 54956.9(b): one case):**

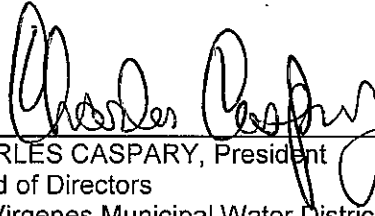
1. Disclosure of identity of the parties would prejudice the interests of the District.

### **B Conference with District Counsel - Existing Litigation (Government Code Section 54956.9(a)):**

1. Cooper, et al. v. Calabasas Park Estates, et al.
2. San Diego County Water Authority v. Metropolitan Water District, et al.
3. Arnaldes v. EH Excavation, Inc. and Las Virgenes Municipal Water District
4. Butler Enterprises, L.P. v. Las Virgenes Municipal Water District
5. Tort Claim - Susan and Les Gould

## **14. OPEN SESSION AND ADJOURNMENT**

The Chair declared the meeting adjourned at 6:42 p.m.

  
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CHARLES CASPARY, President  
Board of Directors  
Las Virgenes Municipal Water District

ATTEST:

  
\_\_\_\_\_  
GLEN PETERSON, Secretary  
Board of Directors  
Las Virgenes Municipal Water District

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

(SEAL)