



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

**MINUTES**  
**REGULAR MEETING**

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5:00 PM

January 25, 2011

**PLEDGE OF ALLEGIANCE**

At the request of President Renger, the Pledge of Allegiance to the Flag was given by Director 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 Renger in the District offices. Assistant Deputy Secretary Conklin called the roll. Those answering present were Directors Bowman, Caspary, Peterson, Renger and Steinhardt.

**2. APPROVAL OF AGENDA**

**A** Approval of agenda.

*On a motion by Director Charles Caspary, seconded by Director Lee Renger, the Board of Directors voted 5-0 to Approve the Regular Board Meeting of January 25, 2011 as presented.*

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

**3. PUBLIC COMMENTS**

Two speaker cards were received from the public. (1) Stan Slaton representing Westlake Pet Hotel LLC who addressed the Board in regards to capital facility fees (ERUs) and stated Las Virgenes staff had made an error when calculating these fees, and the District is now saying an additional \$28,000 is due. Mr. Slaton does not feel that he should have to pay these fees as it was an error made by the District and had he known he may have reconsidered the scope of the project. President Renger directed staff to place this item on the next agenda and to notify Mr. Slaton as to the date and time of the board meeting; and (2) Mr. Arlen Miller representing The Miller Family Companies who wanted to thank the Board for their

consideration at the January 11, 2011 board meeting in regards to continuing their existing modified lease agreement (Mr. Miller arrived as the title "4A - Legislative and Regulatory Updates" was being read and was allowed to speak immediately following 4A).

General Manager Mundy stated he would schedule the Westlake Pet Hotel for the regular meeting of February 22, 2011; and make notification to Mr. Slaton.

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

##### **A Legislative and Regulatory Updates**

Director of Resource Conservation and Public Outreach Reyes provided an overview of the Public Goods Charge. President Renger polled the Board, and directed General Manager Mundy to issue opposition correspondence related to this issue.

#### **5. CONSENT CALENDAR**

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

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

##### **A List of Demands: January 25, 2011. Approve**

##### **B Investment Report for the Month of December 2010. Approve**

#### **6. TREASURER**

Treasurer Steinhardt stated he had met with Director of Finance and Administration Hicks to review the check run, received clarification on septic services and would return to District offices during the week to complete the invoice review process.

#### **7. BOARD OF DIRECTORS**

##### **A Calleguas-Las Virgenes Public Financing Authority (PFA)**

Discuss and confirm availability for the next Regular Meeting of the Calleguas-Las Virgenes Public Financing Authority to be held on Wednesday, May 4, 2011 at 4:00 p.m. in the Las Virgenes MWD board room.

After confirmation of Board availability, President Renger directed General Manager Mundy to proceed with scheduling of the next Calleguas-Las Virgenes Public Financing Authority meeting to be held on Wednesday, May 4, 2011, 4:00 p.m. in the Las Virgenes MWD board room.

#### **8. FACILITIES AND OPERATIONS**

##### **A 1,235 Backbone Improvement Project: 5-Million Gallon Tank Site(Reference District Report No. 2468.00)**

Provide staff direction on the selection of a preferred site for the 5-million gallon tank site associated with the 1,235-foot Backbone Improvements Program.

Director of Facilities and Operations Lippman provided an overview and discussed various options for the project including site access, visual impacts, costs, and excavation safety.

The Board of Directors requested staff provide (1) the cost of blasting compared to the entire

project cost; (2) obtain an analysis from blast expert; (3) keep blasting as far away from dam and fill as possible; (4) have expert look at stress to dam from the weight of the tank when filled; (5) schedule a tour with the Board of Directors and the blast expert and invite the City of Westlake Village manager and engineer; and (6) review reliability of HDPE pipe.

**B Resolutions 01-11-2410 and 01-11-2411 Authorizing the General Manager to Enter Into Funding Agreements with the Bureau of Reclamation**

Approve Resolutions Number 01-11-2410 and 01-11-2411 authorizing the General Manager to submit grant applications for project funding under the WaterSMART Development of Feasibility Studies under the Title XVI Water Reclamation and Reuse Program and under the WaterSMART: Water and Energy Efficiency Grants For FY2011.

**RESOLUTION NO. 01-11-2410**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF LAS VIRGENES MUNICIPAL WATER DISTRICT AUTHORIZING THE GENERAL MANAGER TO ENTER INTO AGREEMENTS FOR FUNDING WITH THE UNITED STATES DEPARTMENT OF INTERIOR, BUREAU OF RECLAMATION FOR THE RECYCLED WATER SEASONAL STORAGE AND SYSTEM EXPANSION FEASIBILITY STUDY**

**RESOLUTION NO. 01-11-2411**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF LAS VIRGENES MUNICIPAL WATER DISTRICT AUTHORIZING THE GENERAL MANAGER TO ENTER INTO AGREEMENTS FOR FUNDING WITH THE UNITED STATES DEPARTMENT OF INTERIOR, BUREAU OF RECLAMATION FOR THE DISTRICT-WIDE AUTOMATIC METER READING/ADVANCED METERING INFRASTRUCTURE (AMR/AMI) PROJECT**

(Reference is hereby made to Resolution No. 01-11-2410 and Resolution No. 01-11-2411 on file in the District's Resolution Book and by this reference the same is incorporated herein and made a part of hereof.)

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

**9. FINANCE AND ADMINISTRATION**

**A Facsimile Signatures on District Checks**

Approve Resolution No. 01-11-2412 authorizing the use of facsimile signatures for district checks.

**RESOLUTION NO. 01-11-2412**

**RESOLUTION NO. 01-11-2412 OF THE BOARD OF DIRECTORS OF LAS VIRGENES MUNICIPAL WATER DISTRICT USE OF FACSIMILE SIGNATURES IN RELATION TO DEPOSIT ACCOUNTS**

(Reference is hereby made to Resolution No. 01-11-2412 in the District's Resolution Book and by this reference the same are incorporated and made a part thereof.)

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

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

## **10. RESOURCE CONSERVATION AND PUBLIC OUTREACH**

### **A Customer Bill Presentment and Payment System, Approve Proposal from Best Practice Systems, Inc.**

Authorize the General Manager to execute an Electronic Commerce Service Agreement with Best Practice Systems, Inc. to provide an electronic bill presentment and payment system.

Director of Resource Conservation and Public Outreach Reyes responded to questions regarding whether two systems would be maintained and paid for simultaneously, what the estimated costs for both programs would be, and an estimate for how many customers would convert to the proposed system. Mr. Reyes said this information is difficult to provide as it is the sole decision of each individual customer as to the payment method used and whether or not they opt to continue receiving a paper bill.

Director Steinhardt requested an estimate of how many customer we anticipate going green. Customer Service Manager Palma stated the estimate is approximately 10% of customers per year.

One speaker card was received from Howard Rodgers, who stated that we should not assume electronic payers will want to discontinue receiving paper bills, he would like to see monthly billings in order to have usage information sooner, and so that a smaller amount would be billed monthly versus the larger amount bi-monthly.

*On a motion by Director Glen Peterson, seconded by Director Charles Caspary, the Board of Directors voted 5-0 to Approve the recommendation as presented.*

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

### **B Water Shortage Update - December 2010**

In light of the improved water supply conditions in California, discuss the status of the Water Shortage Allocation Program and provide direction to staff.

Director of Resource Conservation and Public Outreach Reyes discussed recommended options for the Water Shortage Allocation Program based on current water availability.

One speaker card was received from Howard Rodgers, representing Mountain View HOA who agreed with President Renger's concerns that customers who already incurred and paid surcharges July 1, 2010 through December 31, 2010 would be penalized in comparison to customers who would incur, but would not pay surcharges during the period of January 1, 2011 through June 30, 2011 as a result of this action.

The Board requested Legal Counsel Lemieux provide them with the title of, and process for issuance of an amending resolution, which will be effective on February 1, 2011.

*On a motion by Director Glen Peterson, seconded by Director Barry Steinhardt, the Board of Directors voted 5-0 to Approve issuance of a Resolution (number to be determined at the conclusion of this evening's board meeting) Amending the existing Resolution As It Relates To Surcharges For Conservation Purposes.*

*On January 25, 2011, Resolution No. 01-11-2413 was assigned as unanimously approved by the Board of Directors with an effective date of February 1, 2011.*

***Resolution No. 01-11-2413***

**A RESOLUTION OF THE BOARD OF DIRECTORS OF LAS VIRGENES MUNICIPAL WATER DISTRICT AMENDING RESOLUTION NO. 05-10-2404 AS IT RELATED TO SURCHARGES FOR CONSERVATION PURPOSES**

*(Reference is hereby made to Resolution No. 01-11-2413 on file in the District's Resolution Book and by this reference the same is incorporated herein and made a part of hereof.)*

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

**11. LEGAL SERVICES**

**A Potable Water Replacement Fund Standby Charge**

The full reading of the proposed Ordinance No. 01-11-265 as it relates to continuation of the Water Replacement Fund Standby Charge for fiscal year commencing July 1, 2011, be waved, 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. 01-11-265 as it relates to continuation of the Water Replacement Fund Standby Charge for fiscal year commencing July 1, 2011, given second reading by title only, be passed, approved and adopted as presented.

**ORDINANCE NO. 01-11-265**

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF LAS VIRGENES MUNICIPAL WATER DISTRICT AS IT RELATES TO STANDBY CHARGES FOR THE FISCAL YEAR COMMENCING JULY 1, 2011.**

*(Reference is hereby made to Ordinance 01-11-265 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 Charles Caspary, seconded by Director Lee Renger, the Board of Directors voted 5-0 to Approve the recommendations as presented in paragraph one.*  
*AYES: Director(s) Bowman , Caspary , Peterson , Renger , Steinhardt*

*On a motion by Director Glen Peterson, seconded by Director Charles Caspary, the Board of Directors voted 5-0 to Approve by a roll call vote conducted by Assistant Deputy Secretary Conklin the recommendations as presented in paragraph two.*

*Legal Counsel Lemieux gave the second reading of Ordinance No. 01-11-265 by title only.*

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

**12. INFORMATION ITEMS**

**A Electronic Recycle Program**

**B Second Quarter Consultant's Report**

**13. NON-ACTION ITEMS**

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

(1) MWD Representative Peterson discussed general business of Metropolitan including solar

at Diamond Valley Lake; 90 staff retiring; budget with proposed 7.5% increase next year; and a request was made to staff for review of possible use of ACWA medical plans.

(2) Director Peterson reported on his attendance at the ACWA HBA meeting of January 13-14, 2011, which included a discussion of bylaws.

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

Directors Bowman, Caspary and Peterson reported on their attendance at the AWA WaterWise Breakfast of January 20, 2011, which included discussions by National Weather Service: Atmospheric Jet Stream; United Water Conservation District: groundwater levels, trends in basins, and recharge in basin plan; and migration of sea water.

Directors Bowman and Steinhardt reported on their attendance at the CASA Mid Year Conference of January 12-14, 2011, which included the topics of South Coast Water District's difficulties with EPA in regards to their desalination plan; Marine Life Protection Act; Roberta Larson reported on regulations versus laws - 3 levels (nuisance, unnecessary and debate - environment/high costs); Federal Affairs (efforts to cut \$100 billion from the budget, not much money for infrastructure, expect more regulations from EPA); Title XVI; Mark Lawler made an excellent presentation on biosolids (General Manager Mundy noted the article in The Ventura County Star that Santa Paula residents are upset over hauling trucks); Governor Brown expected to go after Special District reserves allowing for one year of operating expenses only; agencies need to have on-going communications with the public versus "hit and miss" when an urgent matter arises; and transparency to the public.

Director Steinhardt reported on his January 20, 2011 speech at The Agoura-Oak Park-Conejo Valley Chamber of Commerce meeting.

Director Caspary stated the Santa Monica Bay Restoration Commission published their report entitled "Urban Coast", which will be available in the District's library.

## **C General Manager Reports**

General Manager Mundy provided an update regarding general business of the district including correspondence from Valley Circle HOA in regards to multi-family billing practices, and upcoming calendar events.

## **D Director's Comments**

Director Bowman provided dates as to when he will be out of town.

## **14. FUTURE AGENDA ITEMS**

None.

The meeting adjourned to break at 7:44 p.m.

## **15. CLOSED SESSION**

The meeting reconvened to Closed Session at 7:50 p.m.

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

1. San Diego County Water Authority v. Metropolitan Water District, et al.
2. Butler Enterprises, L.P. v. Las Virgenes Municipal Water District

3. C.T. & F., Inc. v. Las Virgenes Municipal Water District
4. Langer v. 3M Company, et al.
5. Central Basin Municipal Water District v. Water Replenishment District of Southern California, et al.

**B Conference with District Counsel - Anticipated Litigation (Government Code Section 54956.9(b) (3) (C): one case):**

1. Marine Shale Processors Site PRP Group

**16. OPEN SESSION AND ADJOURNMENT**

The meeting reconvened into Open Session at 8:01 p.m.

*On a motion by Director Charles Caspary, seconded by Director Barry Steinhardt, the Board of Directors voted 5-0 to Approve a settlement payment to Marine Shale Processors PRP Group in the amount of \$4,000.00.*

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

The Chair declared the meeting adjourned at 8:03 p.m.

*Lee Renger*

LEE RENGER, President  
Board of Directors  
Las Virgenes Municipal Water District

ATTEST:

*Charles Caspary*

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

(SEAL)