



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

MINUTES
SPECIAL MEETING

11:30 AM

November 3, 2020

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag was led by Charles Caspary.

1. CALL TO ORDER AND ROLL CALL

The meeting was called to order at **11:32 a.m.** by Board President Lewitt via teleconference in the Board Room at Las Virgenes Municipal Water District headquarters at 4232 Las Virgenes Road, Calabasas, CA 91302. The meeting was conducted via teleconference pursuant to the provisions of the Governor's Executive Order, N-29-20, which suspended certain requirements of the Ralph M. Brown Act to support social distancing guidelines associated with response to the coronavirus (COVID-19) outbreak. Josie Guzman, Clerk of the Board, conducted the roll call.

Present: Directors Charles Caspary, Jay Lewitt, Lynda Lo-Hill (connected to the teleconference at 11:35 a.m.), Len Polan, and Lee Renger

Absent: None

Staff Present: David Pedersen, General Manager
Joe McDermott, Director of Engineering and External Affairs
Don Patterson, Director of Finance and Administration
John Zhao, Director of Facilities and Operations
Josie Guzman, Clerk of the Board
Keith Lemieux, District Counsel

2. APPROVAL OF AGENDA

Director Polan moved to approve the agenda. Motion seconded by Director Renger.

Motion carried unanimously by the following roll call vote:

AYES: Caspary, Lewitt, Polan, Renger

NOES: None

ABSTAIN: None

ABSENT: Lo-Hill

3. PUBLIC COMMENTS

Director Lo-Hill connected to the teleconference at 11:35 a.m.

Ned Davis, City Council Member from the City of Westlake Village, referred to the Calleguas-Las Virgenes Interconnection Project and noted that the City was working with the District to install broadband conduit as part of the project. He asked the Board to consider joining efforts to increase broadband connectivity in the region and to support extending the broadband conduit in the portion of the trench beyond the boundaries of the City. He noted that eight years ago the City was invited to support the mission of the Tri-County Broadband Consortium. He also noted that the County of Ventura partnered with Magellan Advisors, LLC, to create a plan for a countywide fiber optic network. He stated that the COVID-19 pandemic had forced the need for broadband in daily life, including remote learning and working from remote locations. He suggested the District would have an opportunity to adopt a collaborative approach for a "Dig Once" open trench policy as it works on installing water pipes throughout the communities it serves.

A discussion ensued regarding Council Member Davis' request and support for receiving a presentation from Magellan Advisors, LLC.

Don Patterson, Director of Finance and Administration, introduced Thieu Chau, who was recently hired as a Senior Accounting Technician. Mr. Chau stated that he was looking forward to working for the District.

John Zhao, Director of Facilities and Operations, introduced Angelo Bullicer, who was recently hired as a Water Reclamation Plant Operator I. Mr. Bullicer stated that he was looking forward to working for the District.

Mr. Zhao also introduced Immer Cabrera, who was recently hired as a Collections Systems Mechanic II. Mr. Cabrera stated that he was looking forward to working for the District.

4. CONSENT CALENDAR

A List of Demands: November 3, 2020: Receive and file

B Minutes Regular Meeting of October 20, 2020: Approve

C Water Supply Conditions Update

Receive and file.

D Response to Coronavirus (COVID-19) Pandemic: Continuation of Emergency

Approve the continuation of an emergency declaration for response to the coronavirus (COVID-19) pandemic.

Director Polan moved to approve the Consent Calendar. Motion seconded by Director Caspary. Motion carried unanimously by roll call vote.

5. ILLUSTRATIVE AND/OR VERBAL PRESENTATION AGENDA ITEMS

A Recognition of Director Lee Renger for 15 Years of Service

General Manager David Pedersen recognized Director Lee Renger for 15 Years of Service on the Las Virgenes Municipal Water District Board of Directors. Board President Lewitt acknowledged Director Renger for his intellect and honesty.

B Legislative and Regulatory Updates

Joe McDermott, Director of Engineering and External Affairs, provided an update regarding negotiations with the South Coast Air Quality Management District (SCAQMD) on the proposal to change its rules dealing with exceeding emergency generator runtime limits during a Public Safety Power Shutoff (PSPS) event and testing and maintenance. He noted that the working group would meet in December, and if sufficient progress was not made in the negotiations, the District would work with the California Mutual Utilities Association (CMUA) and the District's lobbyist from Best Best & Krieger to introduce a spot bill for a renewed legislative effort next year. He also reported that no federal COVID-19 relief stimulus package was expected until after the election.

Director Caspary reported that he attended the Association of California Water Agencies (ACWA) State Legislative Committee meeting on October 30th, where they discussed the potential for validation actions on water agencies' rates prior to litigation by ratepayers, ability for water agencies to impose larger penalties for water theft, and possible legislation to support the continuation of virtual meetings after Governor Gavin Newsom's Executive Order related to the Ralph M. Brown Act public meeting requirements is lifted. He noted that the State Water Resources Control Board was conducting a survey regarding the prohibition of water shutoffs and financial impacts stemming from Governor Newsom's Executive Order, and ACWA had established a working group on the matter. He also reported that the ACWA State Legislative Committee discussed a climate resiliency bond proposed by The Nature Conservancy and other agencies, which would be introduced in the upcoming state legislative session to qualify for the 2022 ballot. He noted that the ACWA Fall Conference would include a program to analyze actions and issues before the Supreme Court. He also noted that the Committee would continue to hold teleconferences and virtual webinars for the foreseeable future.

Board President Lewitt asked staff to continue to work towards acquiring new and

replacement emergency backup generators for the District.

6. TREASURER

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

7. FINANCE AND ADMINISTRATION

A Wasteful Recycled Water Use Penalties: Adoption

Pass, approve, and adopt proposed Resolution No. 2583, finding that wasteful recycled water use is a violation of the District's rules and regulations and subject to escalating administrative penalties.

RESOLUTION NO. 2583

A RESOLUTION OF THE BOARD OF DIRECTORS OF LAS VIRGENES MUNICIPAL WATER DISTRICT AMENDING RESOLUTION NO. 2468 (ADMINISTRATIVE CODE) AS IT RELATES TO PENALTIES AND ENFORCEMENT THEREOF FOR WASTEFUL RECYCLED WATER USE

(Reference is hereby made to Resolution No. 2583 on file in the District's Resolution, and this reference the same is incorporated herein.)

Don Patterson, Director of Finance and Administration, presented the report.

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

Joe McDermott, Director of Engineering and External Affairs, responded to a question regarding outreach efforts to recycled water customers to ensure they adjust their irrigation systems for the upcoming cooler temperatures.

Mr. Patterson responded to a question regarding the proposed penalties, which would be consistent with penalties for wasteful potable water use.

Keith Lemieux, District Counsel, provided an overview of the proposed revised Administrative Code section related to penalties for wasteful water use.

General Manager David Pedersen addressed the proposal to discontinue recycled water service for wasteful water use by stating that California law requires the prevention of wasteful water use and water leaks. He noted that it would be unusual for the District to terminate recycled water service, and the service would only typically be turned off for a customer who was unreachable or otherwise absent.

Mr. Lemieux responded to questions regarding enforcement, imposition of fines, and installation of flow restrictors for wasteful recycled water use.

Dave Roberts, Resource Conservation Manager, responded to a question regarding the possible increased cost of disposing recycled water at the Rancho Las Virgenes Farm Sprayfields by stating that the sprayfield operations would be adaptive to the disposal of recycled water, and he did not believe there would be an increase in costs.

General Manager David Pedersen noted that staff had discussed the possibility of implementing seasonal penalties; however, staff believed this would be confusing to customers. He also stated that the goal would be changing the mindset of customers regarding wasteful recycled water use rather than imposing penalties. He noted that AB 1668 and SB 606 related to water conservation mandates included recycled water conservation standards, which would be established beginning in 2023.

Director Renger lost connection to the teleconference at 12:58 p.m.

Motion carried by the following roll call vote:

AYES: Caspary, Lewitt, Lo-Hill, Polan
NOES: None
ABSTAIN: None
ABSENT: Renger

8. ENGINEERING AND EXTERNAL AFFAIRS

A Policy for Repair or Replacement of Failed Backflow Prevention Devices: Approval

Approve a Policy for the Repair or Replacement of Failed Backflow Prevention Devices.

Ursula Bosson, Customer Service Manager, presented the report.

Director Renger reconnected to the teleconference at 1:00 p.m.

Director Lo-Hill moved to approve Item 8A. Motion seconded by Director Polan.

Bill Heitkamp, Backflow Inspector, responded to a question regarding inspection of the school district's backflow prevention devices by stating that the school district maintenance staff conduct testing and repairs of their own backflow devices. He noted that the District inspects the school district's fire protection systems.

Motion carried unanimously by roll call vote.

B Update to Opt-Out Policy for Advanced Meter Program (AMR/AMI): Approval

Approve an updated Advanced Meter Opt-Out Policy

Craig Jones, Management Analyst II, presented the report and PowerPoint presentation.

Director Caspary moved to approve Item 8B. Motion seconded by Director Renger.

Mr. Jones responded to a question regarding whether non-AMI meters could easily be converted to an advanced meter by stating that all customers would receive a new meter body. He noted that the meter interface unit (MIU) would not be attached to the advanced meter for customers who chose to opt-out. However, he explained that an MIU could easily be added at a later date.

A discussion ensued regarding the proposed charges to customers who choose to opt-out, customers' ability to set up notifications and monitor their water use by using the WaterSmart Customer Portal, and the frequency that evapotranspiration data is uploaded.

Director Lo-Hill referred to the opt-out requirements policy and suggested changing the limitation for customers with inefficient tier usage (150 percent over the customer's allotted budget) to those with wasteful water usage (200 percent over the customer's allocated budget). Director Caspary supported Director Lo-Hill's suggestion.

Director Caspary amended his motion to include changing the limitation for customers with inefficient tier usage (150 percent over the customer's allotted budget) to those with wasteful water usage (200 percent over the customer's allocated budget). Amended motion seconded by Director Renger.

Motion carried unanimously by roll call vote.

**C Installation of Flow Restriction Devices on Specified Delinquent Accounts:
Approval**

Pass, approve, and adopt proposed Resolution No. 2582, authorizing the installation of flow restriction devices on specified delinquent accounts.

RESOLUTION NO. 2582

A RESOLUTION OF THE BOARD OF DIRECTORS OF LAS VIRGENES MUNICIPAL WATER DISTRICT AMENDING RESOLUTION NO. 2468 (ADMINISTRATIVE CODE) AS IT RELATES TO THE INSTALLATION OF FLOW RESTRICTION DEVICES FOR NONPAYMENT OF A DELINQUENT ACCOUNT

(Reference is hereby made to Resolution No. 2582 on file in the District's Resolution, and this reference the same is incorporated herein.)

Ursula Bosson, Customer Service Manager, presented the report.

Director Polan moved to approve Item 8C. Motion seconded by Director Caspary.

Ms. Bosson responded to a question regarding whether the District had filed small claims court actions against customers with past due, defaulted accounts by stating that the

District had not filed any small claims court actions.

Joe McDermott, Director of Engineering and External Affairs, responded to a question regarding the District's liability for installing flow restriction devices by stating that staff engaged the District's legal counsel to provide a written opinion. He noted that customers would be given ample advance notice prior to the installation of a flow restriction device, and the customer would be informed that their fire suppression and irrigation systems would not function properly.

Keith Lemieux, District Counsel, stated that the District would have immunity for loss of water to fire flow equipment following the installation of a flow restriction device. He noted that liability would be dependent on the facts and circumstances on an individual case, and that it was his understanding that any action for property damage would be covered under the District's insurance policy.

General Manager David Pedersen stated that he could share a copy of District Counsel's written legal opinion with the Board for discussion in Closed Session at the next Board meeting. He noted that delinquent accounts would have had water service shut off for non-payment, and the fire suppression system would have been inoperable prior to the Governor's Executive Order prohibiting water service shutoff for non-payment due to the COVID-19 pandemic.

Director Caspary withdrew his second to the motion. He urged staff to consider filing small claims court actions against delinquent, high water use customers.

Board President Lewitt seconded the original motion by Director Polan. He expressed concern with the amount of time involved in filing small claims court actions and suggested that installation of a flow restriction device would be more effective in bringing customers' accounts current.

Director Lo-Hill noted that staff installed a flow restriction device at her meter to test the water flow, and she suggested that all of the Directors experience having a flow restriction device installed. She also suggested that the Board table the item and that the Board revisit it once they have tested the flow restriction device.

Ms. Bosson relayed a message from Andy Arenas, Construction Supervisor, stating that some fire suppression systems operate through a separate service line and, therefore, would not be affected by a flow restriction device.

Motion carried by the following roll call vote:

AYES: Lewitt, Lo-Hill, Polan, Renger

NOES: Caspary

ABSTAIN: None

ABSENT: None

D On-Call Construction Management and Inspection Services: Award

Accept the proposal from NV5, and authorize the General Manager to execute a one-year professional services agreement, in the amount of \$300,000, with four one-year renewal options for on-call construction management and inspection services.

Oliver Slosson, Senior Engineer, presented the report.

Director Lo-Hill moved to approve Item 8D. Motion seconded by Director Polan.

Eric Schlageter, Principal Engineer, responded to a question regarding the consultant's familiarity with applicable codes by stating that each project Request for Proposals would include the plans and specifications as reference and the consultant would provide additional assistance as opposed to leading a project. He also stated that the consultant would provide assistance in construction management and inspection services for upcoming projects for rehabilitation of various aging infrastructure.

Motion carried unanimously by roll call vote.

E Smart Irrigation Controller Program for 2021-22: Award

Find that sole-source contracting is warranted due to the unique product, expertise and experience of the recommended vendors, and authorize the General Manager to execute two-year agreements with Valley Soil, Inc., in an amount not-to-exceed \$495,000, for program administration and smart controller installations, and with Rachio, Inc., in an amount not-to-exceed \$5,000, for website maintenance, discounted controllers, and administration of customer cost-share payments for the Smart Irrigation Controller Program for 2021-22.

Dave Roberts, Resource Conservation Manager, presented the report and PowerPoint presentation.

Director Renger moved to approve Item 8E. Motion seconded by Director Polan. Motion carried unanimously by roll call vote.

9. INFORMATION ITEMS

A Stationary Emergency Generators for Critical Potable Water Pump Stations: Grant Award

10. NON-ACTION ITEMS

A Organization Reports

Director Caspary reported that he attended the Santa Monica Bay Restoration Commission (SMBRC) Governing Board meeting on October 22nd, where they approved

a resolution regarding the adoption of Municipal Separate Storm Sewer System (MS4) Permits. He also reported that the Governing Board discussed public access at the Ballona Wetlands Ecological Reserve. He noted that the Department of Fish and Wildlife provided a letter indicating that the existing programs were sufficient. He also noted that the Governing Board would discuss changes to the Memorandum of Understanding with the Bay Foundation regarding National Estuary Program funds. He also reported that the SMBRC Executive Committee would meet on November 17th.

B Director's Reports on Outside Meetings

None.

C General Manager Reports

(1) General Business

General Manager David Pedersen noted that the Tap-In 2020 sessions would be held on November 5th and 12th. He reminded the Board that a special Board meeting would be held on November 10th for an update on the Five-Year Rate Study. He noted that Michael Hart would provide a presentation at the November 17th Board meeting regarding his suggestion for a memorial park at the Rancho Las Virgenes Farm Sprayfields. He stated that he would also invite representatives from Magellan Advisors, LLC, to provide a presentation regarding regional efforts for a publicly-owned fiber optic network. He referred to the flow restrictor policy and suggested initially focusing on the properties that do not have fire suppression systems and bringing back a Closed Session discussion on the matter for a conference with District Counsel.

(2) Follow-Up Items

General Manager David Pedersen stated that crack repair work was scheduled for November 9th at the Las Virgenes Reservoir Spillway. He reported that the District now had the ability to send text messages to customers and employees using the Everbridge Nixle system. He noted that the text messaging service was used the previous week to notify customers when a contractor drilled into a pipeline in the Latigo area.

D Directors' Comments

Director Polan commended General Manager David Pedersen on his presentation earlier in the day during the ACWA Region 8 Program regarding the Pure Water Project Las Virgenes-Triunfo.

11. FUTURE AGENDA ITEMS

Director Caspary moved to have staff bring back a report regarding the District's financial impacts due to the COVID-19 pandemic, including copies of the responses to the mandatory questionnaire requested by the State Water Resources Control Board and a report on the efficiency and effectiveness of the District's current financial collections


policy and practices. Motion seconded by Director Renger.

12. PUBLIC COMMENTS

None.

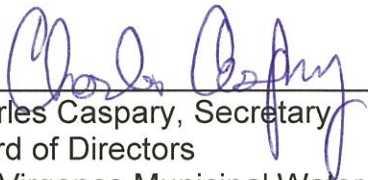
13. ADJOURNMENT

Seeing no further business to come before the Board, the meeting was duly adjourned at 2:03 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)