



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

MINUTES
REGULAR MEETING

9:00 AM

August 3, 2021

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag was led by Len Polan.

1. CALL TO ORDER AND ROLL CALL

The meeting was called to order at **9:00 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 (via teleconference), 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 (via teleconference)
Keith Lemieux, District Counsel

2. APPROVAL OF AGENDA

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

3. PUBLIC COMMENTS

There were no public comments.

John Zhao, Director of Facilities and Operations, introduced new employee Tony Gagnon, Water Distribution Operator I. The Board welcomed Mr. Gagnon to the District. Mr. Gagnon expressed his appreciation for the opportunity to work at the District.

4. CONSENT CALENDAR

A List of Demands: August 3, 2021: Receive and file

B Minutes Regular Meeting of July 20, 2021: Approve

C Water Supply Conditions Update: Receive and file

D Interim Human Resources Manager Services: Extension

Authorize the General Manager to execute a contract extension with MV Cheng & Associates, Inc., in the amount of \$35,000, to provide interim Human Resources Manager services through August 27, 2021.

E 2021 Colorado River Symposium Virtual Forum: Board Member Attendance

Authorize Board Member attendance and per diem compensation for the 2021 Colorado River Symposium Virtual Forum "Navigating Through Crisis."

F Change Orders for Annual Agreements and Purchase Orders: Authorization

Authorize the General Manager to approve change orders to Quinn Power Systems, Inc., in the amount of \$3,365.85; Chemtreat, Inc., in the amount of \$952.28; Emission Compliant Controls, in the amount of \$3,763.65; and G.I. Industries, in the amount of \$8,500.

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

Director Caspary referred to Item 4F, change order to G.I. Industries, and asked staff to verify which qualified companies were used by the local cities for refuse pickup and disposal prior to going out to bid for these services.

5. ILLUSTRATIVE AND/OR VERBAL PRESENTATION AGENDA ITEMS

A Legislative and Regulatory Updates

Joe McDermott, Director of Engineering and External Affairs, reported that the State Legislature would work on several budget trailer bills after returning from recess. He noted that a drought package would be included among the trailer bills, and the budget bill had set aside \$85 million for recycled water and groundwater clean-up projects. However, \$50 million would be dedicated exclusively to the Pure Water San Diego Project, which would leave \$35 million for other recycled water and groundwater clean-up projects. He also noted that staff and Syrus Devers, the District's state lobbyist from Best Best & Krieger LLP, met with Assemblymember Richard Bloom and would soon meet with Senator Henry Stern to ask that they sign onto a letter requesting \$500 million for recycled water projects. He provided an update regarding proposed legislation seeking changes to the Brown Act: AB 361(Rivas), Open Meetings, Local Agencies, Teleconferences; AB 703 (Rubio), Open Meetings, Local Agencies, Teleconferences; and AB 339 (Lee), Local Government, Open and Public Meetings. He stated that AB 703 would allow teleconferencing of public meetings; however, a quorum of the governing body would be required to meet in a single location within the service area. He noted that AB 339 would only apply to city councils and county boards. He also noted that the Association of California Water Agencies (ACWA), the California Municipal Utilities Association (CMUA), and other agencies expressed support for AB 361 as it would allow local agencies to use teleconferencing without complying with the teleconferencing requirements during a declared state of emergency. He also reported that the South Coast Air Quality Management District (AQMD) held a workshop on July 29th regarding tentative changes to the regulations for emergency generator runtimes and Public Safety Power Shutoff (PSPS) events. He noted that the negotiated language regarding an additional three hours of runtime hours for warm-up and cool down of emergency generators during PSPS events was included in new Rule 118.1. He also noted that other entities such as universities were seeking relief from regulations for emergency generator runtimes; however, they were not included as they likely do not provide essential health and safety services to the public. He stated that adoption of the rule change would likely occur on October 1st following the California Environmental Quality Act (CEQA) process. He also reported that Governor Gavin Newsom issued an emergency proclamation on July 30th to relieve demand on the electrical grid during extreme weather events. He noted that there was an anticipated shortage of several thousand megawatts of electricity due to warmer temperatures and lower reservoir levels that reduce the amount of hydroelectric power. He stated that the proclamation asked agencies to expedite clean energy projects and included a provision that the use of stationary generators would be deemed an emergency use during a period running from two hours at the beginning of the effective time of the California Independent System Operator (CAISO) Grid Warning or Grid Emergency notice to one hour after the end of the effective time. He stated that should CAISO declare a grid shortage after August 15th, the District could run the Tapia Water Reclamation Facility on its emergency generators to take the load off of the electric grid and not incur penalties.

General Manager David Pedersen responded to a question regarding SB 273 (Hertzberg), Water Quality, Municipal Wastewater Agencies, by stating that this bill would authorize wastewater agencies to manage stormwater and dry weather runoff. He stated that this bill would not impact the District, and it was likely the bill would pass. He also responded to a question regarding whether CAISO could request that the District relieve demand on the electric grid by stating that CAISO could place a request; however, the

request would not be considered a mandate. He noted that staff raised concern with incurring additional operating costs for running stationary generators, and there were discussions regarding developing a program for reimbursement. He stated that staff would follow-up regarding the costs for running stationary generators compared to Southern California Edison's costs.

Keith Lemieux, District Counsel, responded to a question regarding impacts of AB 361 to the District by stating that this bill would only apply during a declared emergency. He noted that the Governor's executive order was set to expire on September 30th, and the goal of AB 361 would be to become effective once the Governor's executive order expired. He stated that the bill would allow the Board to declare an emergency locally and decide on its duration. He also stated that he believed AB 361 would expire in 2024 and would include other provisions that would take effect in 2024. He noted that AB 703 would be a revision to the existing teleconferencing rules in the Brown Act, and AB 339 would require teleconferencing for cities and counties with populations over 250,000.

Director Lo-Hill acknowledged staff on their efforts on the changes to AQMD's regulations for emergency generator runtimes and PSPS events.

6. TREASURER

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

7. BOARD OF DIRECTORS

A ACWA Committee Appointment Nominations for 2022-2023 Term

Select candidates for ACWA committee appointment or re-appointment consideration, and authorize the General Manager to sign and return the completed Committee Consideration Form to ACWA no later than September 30, 2021.

General Manager David Pedersen presented the report.

Director Renger moved to approve Item 7A. Motion seconded by Director Polan. Motion carried unanimously by roll call vote.

8. INFORMATION ITEMS

A Impact of Accessory Dwelling Units (ADUs) on Water Distribution System

Joe McDermott, Director of Engineering and External Affairs, responded to questions regarding the methodology used to determine the additional demand on the water distribution system from ADUs, and the estimated average number of new ADUs per year in the service area.

Director Caspary suggested following up with the local jurisdictions in five years regarding the number of ADUs so that the District may respond proactively.

9. NON-ACTION ITEMS

A Organization Reports

None.

B Director's Reports on Outside Meetings

Director Polan reported that he attended the virtual Association of Water Agencies of Ventura County WaterWise Program on July 22nd, which included presentations on recycled water projects and brackish water treatment.

Director Lo-Hill reported that she attended the virtual Los Angeles Regional Water Quality Control Board public hearing on the Phase I MS4 NPDES Permit.

Board President Lewitt reported that he attended the virtual MWD Audit and Ethics Committee Meeting on July 27th, where they discussed accounting and administrative controls for travel expense reimbursements for Board Directors and staff and the General Auditor's Business Plan for Fiscal Year 2021-22.

C General Manager Reports

(1) General Business

General Manager David Pedersen reported that the County of Los Angeles Elections Division contacted the District regarding the possibility of the District providing a vote center location for the September 14, 2021 California Gubernatorial Recall Election. He noted that the Board Room would not be available; however, he had suggested the use of the old Board Room in Building No. 1. He stated that Elections staff visited the old Board Room and accepted it as a vote center location on a preliminary basis. He noted that people entering the building would be able to view the Pure Water Demonstration Facility on their way to the vote center. He also stated that staff would ensure that the Elections Division would provide the necessary insurance coverage and reimburse the District to offset any costs incurred. He provided an update regarding COVID-19 impacts to the District and noted that two employees had recently tested positive for the virus. He stated that neither of the cases were conveyed at the workplace; however, the two positive cases affected nine other employees. He noted that five of these employees were not verified to be COVID-19 vaccinated and were required to quarantine for 10 days. He also noted that the other four employees were verified to be COVID-19 vaccinated; therefore, no quarantine was needed. He stated that the District was encouraging employees to be vaccinated and was sharing information regarding the benefits of being vaccinated. He also stated that 53 percent of District employees were verified to be COVID-19 vaccinated, and the goal was to have the number of verified COVID-19 vaccinated increase to not impact District operations and not expose the public and employees to the virus. He noted that the California Public Employment Relations Board (PERB) confirmed that public agencies had the right to mandate vaccinations, and public agencies were required to meet and confer in good faith regarding potential impacts of non-compliance with such a policy. He stated that staff would bring back strategies at a

future Board meeting to improve the vaccination rate in the workplace, and he asked the Board to provide feedback during the Directors' Comments portion of the agenda. He responded to a question regarding encouraging people who use the vote center to tour the Pure Water Demonstration Facility by stating that staff would follow up with the Elections Division on whether flyers could be made available as people enter the building and to ensure that the District follows all election protocols.

(2) Follow-Up Items

General Manager David Pedersen noted that the employees vacation accrual 90-day update would be provided at the September 15th Special Board Meeting.

D Directors' Comments

Director Caspary suggested that the District offer the Johnson & Johnson vaccine for District employees should they have concerns with RNA vaccines. He expressed concern with the 53 percent employee vaccination rate compared to the higher customer base vaccination rate.

Director Renger suggested requiring full vaccination for employees or requiring weekly testing.

Director Polan expressed support for a District policy to mandate vaccinations for employees.

Board President Lewitt stated that he would request a future agenda item to discuss options to improve the vaccination rate in the workplace for the safety of employees.

Director Lo-Hill encouraged all employees to be vaccinated and to be as safe as possible.

10. FUTURE AGENDA ITEMS

Board President Lewitt requested a future agenda item to discuss options to increase the percentage of District employees with verified COVID-19 vaccination status.

Director Polan moved for a future agenda item to discuss a plan to address properties with overwatering/excessive runoff. Motion seconded by Board President Lewitt.

11. PUBLIC COMMENTS

None.

12. ADJOURNMENT

Seeing no further business to come before the Board, the meeting was duly adjourned at **10:04 a.m.**



Jay Lewitt, President
Board of Directors
Las Virgenes Municipal Water District

ATTEST:



Lee Renger, Secretary
Board of Directors
Las Virgenes Municipal Water District

(SEAL)