



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

MINUTES
SPECIAL MEETING

9:00 AM

August 31, 2021

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag was led by Angela Saccareccia.

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 (via teleconference), Jay Lewitt, Lynda Lo-Hill, Len Polan, and Lee Renger

Absent: None

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

2. APPROVAL OF AGENDA

Director Renger moved to approve the agenda. Motion seconded by Director Lo-Hill.

Motion carried unanimously by roll call vote.

3. PUBLIC COMMENTS

Zezziska Cevallos stated that she recently filed a claim against the District, in the amount of \$7,135, for reimbursement of plumbing expenses and installation of a water pressure booster pump following the District's installation of a new smart water meter. She noted that the water pressure was measuring approximately 20 psi following installation of the new meter and that she contacted the District; however, no action was taken. She stated that she hired a plumber who installed a water pressure booster pump, and the water pressure was now measuring about 70 psi. She requested reimbursement of plumbing expenses and installation of the water pressure booster pump. Josie Guzman, Executive Assistant/Clerk of the Board, noted that Ms. Cevallos' claim had been received.

General Manager David Pedersen stated that staff would investigate Ms. Cevallos' claim and prepare a recommendation for the Board's consideration at a future Board meeting. He also stated that staff would contact Ms. Cevallos in advance of the meeting.

4. CONSENT CALENDAR

A List of Demands: August 31, 2021: Receive and file

B Minutes Regular Meeting of August 17, 2021: Approve

C Water Supply Conditions Update: Receive and file

D Claim by Brian Sevack

Deny the claim submitted on behalf of Brendan Sevack

E Claim by Farzaneh Shirloo

Deny the claim submitted on behalf of Farzaneh Shirloo.

F Annual Report: Records Review and Destruction

Authorize the destruction of records in accordance with the District's records retention schedule and the Las Virgenes Municipal Water District Code.

Director Lo-Hill 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 MWD Representative Report

Glen Peterson, MWD Representative, reported that former MWD Chairman Michael

Gage, who served on the MWD Board from January 1991 to September 1993, had recently passed away. He noted that MWD Director John Murray, representing the City of Los Angeles, and MWD Director Michael Hogan, representing the San Diego County Water Authority, would be stepping down from the Board. He also reported that the MWD Board authorized preparation of a Commendatory Resolution for former MWD General Manager Jeff Kightlinger, and adopted a resolution levying ad valorem property taxes for Fiscal Year 2021-22. He noted that LVMWD had an assessed value of approximately \$27,408,000,000, and its vote entitlement would be 0.81 percent. For comparison, the District uses about two percent of the water sold by MWD. He also reported that the MWD Board adopted a Water Supply Alert resolution; authorized a ten-year agreement with Urban Park to continue managing the marina recreation facility at Diamond Valley Lake; and approved recommendations from the Shaw Law Group's independent review of allegations related to equal employment opportunity policies and practices with the exception of one for the Equal Employment Office (EEO) Manager. As approved, the EEO Manager would report to the General Manager rather than the MWD Board. He noted that MWD General Manager Adel Hagekhalil would visit the District on September 1st to tour District facilities with Board President Jay Lewitt, General Manager David Pedersen, District staff, and himself. He also reported that water supplies were dire for the State Water Project, and the hydroelectric plant at Lake Oroville was shut down due to very low water levels. He stated that a water shortage might need to be declared next year for the Colorado River Basin. He noted that MWD was working with the Central Arizona Water Conservation District (CAWCD) and Southern Nevada Water Authority (SNWA) to purchase water from the Palo Verde Irrigation District to augment water storage at Lake Mead. He also reported that Tonya Trujillo, Assistant Secretary for Water and Science from the U.S. Department of Interior, provided a report to the MWD Board. He responded to a question regarding preferential water rights when MWD rates were discussed by stating the preferential water rates do not exist in the state; however, they exist in the MWD Act. He noted that state law would override preferential water rights, and water for health and human safety needs would be the priority. He also responded to a question regarding whether the District would be prevented from purchasing two percent of the water from MWD based on the entitlement by stating that he believed that state law would take precedence during a water shortage because water should be shared based upon need, health and safety.

B Legislative and Regulatory Updates

Joe McDermott, Director of Engineering and External Affairs, reported that the budget reconciliation process was proceeding at the federal level, and bills would need to be reconciled by September 15th. He noted that the budget committees were reviewing 12 appropriation bills, and the committees would report to the House of Representatives and the Senate on whether the bills were consistent with the budget targets that were set by resolution. He also noted that the House of Representatives would review the infrastructure bill after Labor Day. He also reported that September 10th would be the last day of the State Legislative session. He noted that AB 361 (Rivas), Open Meetings, Local Agencies, Teleconferences, which would modify rules for public meetings, was sent to the Senate floor for a third reading. He also noted that AB 818 (Bloom), Solid Waste, Pre-moistened Nonwoven Disposable Wipes, was on the Senate floor for a vote. He also

noted that SB 273 (Hertzberg), Water Quality, Municipal Wastewater Agencies, would allow stormwater agencies and wastewater agencies to form joint powers authorities to treat urban runoff and stormwater at wastewater treatment plants. He stated that this bill was also sent to the Senate floor for a vote. He also noted that SB 533 (Stern), Electrical Corporations, Wildfire Mitigation Plans, De-energization, related to mandates for hardening of the electrical grid, was sent to the Assembly floor for a vote. He stated that the District sent a letter of support, if amended, and offered suggested amendments; however, no amendments were taken. He also reported that he and Ursula Bosson, Customer Service Manager, attended the State Water Resources Control Board's (SWRCB) webinar regarding the California Water and Wastewater Arrearage Payment Program (CWWAPP) on August 19th, which would provide funding to address residential and commercial past due water and wastewater accounts accrued between March 4, 2020 and June 15, 2021. He noted that industrial and agricultural customers were ineligible. He also explained that water agencies would need to complete and submit the Community Water Systems Survey by September 10th, and the survey would assist the SWRCB in determining how to distribute relief funds. He also noted that funds would begin to be distributed on November 1, 2021, and water agencies may be required to issue IRS Form 1099-C to customers who receive debt relief over \$600. He stated that water agencies would not receive additional credit for being proactive in minimizing arrearages, such as for the installation of flow restriction devices, and that the funds could only be used initially for past due water accounts.

A discussion ensued regarding concerns with arrearages on wastewater accounts, possible extension of the water shutoff prohibition for past due accounts to December 31, 2021, and whether local vineyards were considered agricultural.

Keith Lemieux, District Counsel, responded to a question regarding AB 361 by stating that the Board may need to take action to either declare a local state of emergency or rely on the County's local state of emergency to continue holding hybrid in-person/teleconference Board meetings after September 30, 2021. Mr. McDermott added that AB 361 would take effect immediately on September 10th, if passed.

6. TREASURER

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

7. FACILITIES AND OPERATIONS

A Phase 2 White Paper on *Tapping into Available Capacity in Existing Infrastructure to Create Water Supply and Water Quality Solutions: Final Report*

Receive and file and final report for the Phase 2 White Paper on *Tapping into Available Capacity in Existing Infrastructure to Create Water Supply and Water Quality Solutions.*

General Manager David Pedersen presented the report.

Director Lo-Hill moved to approve Item 7A. Motion seconded by Director Renger.

A discussion ensued regarding addressing water quality from stormwater runoff; managing stormwater runoff storage; addressing pollutants in stormwater runoff; considering opportunities for stormwater runoff as a new water source; and reminding the public not to fertilize their landscaping before a storm event.

Director Caspary commented that he believed dry-weather diversion facilities that bring additional supply to the water treatment facility would likely fall under Measure W funding, which was generating revenue in the County of Los Angeles.

General Manager David Pedersen responded to a question regarding how the District could benefit from treating stormwater runoff by stating that there would be an opportunity for the District to support the local cities. He noted that the Los Angeles Regional Water Quality Board recently adopted its new MS4 permit, which would collectively cost the cities in Los Angeles County \$28 to \$30 billion over the next 20 years. He stated that the District would have an opportunity to assist the cities, reduce the overall cost to its shared ratepayers and help benefit the Las Virgenes-Triunfo Pure Water Project.

Motion carried unanimously by roll call vote.

8. FINANCE AND ADMINISTRATION

None.

9. ENGINEERING AND EXTERNAL AFFAIRS

A Water Conservation Enforcement Efforts in Response to Drought

Receive and file a report on Water Conservation Enforcement Efforts in Response to Drought.

Ursula Bosson, Customer Service Manager, presented the report.

Director Polan moved to approve Item 9A. Motion seconded by Director Renger.

A discussion ensued regarding current water conservation efforts and prevention of wasteful water use; contracting with a security company to conduct water use compliance inspection services; conducting outreach to inform customers of water conservation enforcement; having staff follow-up with wasteful water users who were sent letters regarding overwatering or excessive runoff; promoting reporting wasteful water use via e-mail to stopthewaste@lvmwd.com; ensuring that people who report water waste remain anonymous; asking local dog walkers to report water waste; following-up with Rachio on whether they could send a text or email to customers who have weather-based irrigation controller to remind them not to irrigate their landscaping between 10:00 a.m. and 5:00 p.m.; including a compliance time limit on the violation letter; asking customers to encourage their neighbors to conserve water; and placing wasteful water use door

hangers next to dog waste dispensers or at dog parks so that dog walkers may place them at properties where there is overwatering or excessive runoff.

Motion carried unanimously by roll call vote.

B Website Management and Public Meeting Agenda Software: Award

Accept the proposal from Granicus, Inc., and authorize the General Manager to execute a three-year agreement, in the amount of \$75,604.43, for website management and public meeting agenda software services.

Mike McNutt, Public Affairs and Communications Manager, presented the report.

Director Caspary moved to approve Item 9B. Motion seconded by Director Polan.

A discussion ensued regarding the redesign of the District's website; bringing the website redesign to the Board for review; promotion of reporting wasteful water use via e-mail to stopthewaste@lvmwd.com; including photographs depicting the beauty of the service area; and the breakdown of the costs for the website management and public meeting agenda software services.

Motion carried unanimously by roll call vote.

10. NON-ACTION ITEMS

A Organization Reports

Director Caspary reported that he attended the Santa Monica Bay Restoration Commission Governing Board meeting on August 19th. He noted that the Governing Board approved the revised Memorandum of Agreement (MOA) with The Bay Foundation for the Santa Monica Bay National Estuary Program, which clarified roles and responsibilities and identified record sharing provisions. He also noted that record sharing provisions were the subject of litigation that was settled several years ago. He stated that there was a hearing regarding record sharing provisions for a lawsuit filed by the Ballona Wetlands Land Trust, and the preliminary ruling appeared to be favorable to the Commission. However, the Ballona Wetlands Land Trust representative informed the Governing Board that if the revised MOA was approved as proposed he would file a new lawsuit regarding this issue. He also reported that the Southern California Coastal Water Research Project (SCCWRP) would hold a Microplastics Health Effects Workshop Webinar on September 9th, regarding the effectiveness of various testing methodologies to determine the amount of microplastics in various water bodies and treated wastewater from publicly-owned treatment plants. He stated that he would share the webinar link with the Board. He also reported that the City of Los Angeles Sanitation and Environment was unable to provide a presentation regarding its investigation of the sewage discharge incident at the Hyperion Water Reclamation Plant. He noted that the City of Los Angeles Board of Public Works held a Town Hall Meeting on August 18th on the sewage discharge incident, and stated that he would share a copy of the meeting recording link.

Board President Lewitt suggested that SCCWRP sample the purified water from the Pure Water Demonstration Facility to test for microplastics. Director Caspary responded that SCCWRP might address treatment methodologies from ordinary wastewater treatment plants. He noted that it was discussed during the recent California Association of Sanitation Agencies (CASA) Annual Conference that ordinary technologies may remove up to 98 percent of microplastics. He stated that he was unaware if SCWWRP provided research on advanced water treatment facilities; however, they could be asked whether they have studied the effectiveness of microplastics removal through advanced water treatment facilities.

Director Caspary responded to a question regarding the Los Angeles County Department of Public Health's report regarding the Hyperion Water Reclamation Plant sewage discharge incident by stating that there was no written summary; however, the presentation could be viewed on the Commission's website.

B Director's Reports on Outside Meetings

Director Lo-Hill reported that she attended the Southern California Water Coalition webinar regarding the Phase 2 White Paper on August 10th.

C General Manager Reports

(1) General Business

General Manager David Pedersen noted that due to conflicts with upcoming holidays, the Las Virgenes –Triunfo Joint Powers Authority would hold a special meeting on September 13th, and the LVMWD Board would hold a special meeting on September 15th. He reported that the flow in Malibu Creek was measuring 3.08 cubic feet per second, and there was no need for water augmentation. He noted that MWD Representative Glen Peterson, Board President Jay Lewitt, and staff would provide an overview and tour of District facilities to MWD General Manager Adel Hagekhalil on September 1st. He also reported that an in-person vote center would be situated in the old Board Room in Building No. 1 beginning on September 4th for the upcoming California Gubernatorial Recall Election. He responded to a question regarding whether supplement to Malibu Creek flows during the summer would be required during several years of severe drought by stating that augmentation to Malibu Creek flows was required as part of the NPDES discharge permit, and there were no exceptions to this provision. He noted that the system of augmenting flows to Malibu Creek would be part of the environmental review process for the Pure Water Project Las Virgenes-Triunfo. He also noted that the Southern Steelhead was listed as a federally-endangered species, and the State of California was considering listing the Southern Steelhead as a California-endangered species.

(2) Follow-Up Items

General Manager David Pedersen noted that options to better identify District vehicles would be placed on the agenda for the September 15th Special Board Meeting or the October 5th Regular Board Meeting.

D Directors' Comments

None.

11. FUTURE AGENDA ITEMS

None.

12. PUBLIC COMMENTS

None.

13. ADJOURNMENT

Seeing no further business to come before the Board, the meeting was duly adjourned at **10:57 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)