

**LAS VIRGENES – TRIUNFO
JOINT POWERS AUTHORITY
MINUTES
REGULAR MEETING**

5:00 PM

April 4, 2022

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag was led by Jane Nye.

1. CALL TO ORDER AND ROLL CALL

The meeting was called to order at **5:00 p.m.** by Vice Chair Shapiro 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 Assembly Bill 361, which suspended certain requirements of the Ralph M. Brown Act to support social distancing guidelines associated with response to the coronavirus (COVID-19) outbreak. Susan Brown, Administrative Assistant, conducted the roll call.

Present: Directors Caspary, Lo-Hill, Nye, Orkney, Polan, Renger, Shapiro, Tjulander, and Wall.

Absent: Lewitt

2. APPROVAL OF AGENDA AND APPROVAL OF FINDINGS OF RESOLUTION NO. 16 (AB 361)

Director Polan moved to approve the agenda and approve the findings of Resolution No. 16 (AB 361). Motion seconded by Director Tjulander. Motion carried by the following roll call vote:

AYES: Caspary, Lo-Hill, Nye, Orkney, Polan, Renger, Shapiro, Tjulander, Wall

NOES: None

ABSTAIN: None

ABSENT: Lewitt

3. PUBLIC COMMENTS

None.

4. **CONSENT CALENDAR**

Director Polan pulled Item 4C for discussion.

A Minutes: Regular Meeting of March 7, 2022: Approve

B Statement of Revenues, Expenses, and Changes in Net Position: February 2022

Receive and file the Statement of Revenues, Expenses, and Changes in Net Position for the period ending February 28, 2022.

D Tapia Summer Season TMDL Compliance and Meter Replacement Project: Scope Change No. 6

Authorize the Administering Agent/General Manager to approve Scope Change No. 6, in the amount of \$5,934, for Stantec Consulting Services, Inc., to provide additional professional services for the Tapia Summer Season TMDL Compliance and Meter Replacement Project.

Director Polan moved to approve Consent Calendar Items 4A, 4B, and 4D. Motion seconded by Director Renger. Motion carried by the following roll call vote:

AYES: Caspary, Lo-Hill, Nye, Orkney, Polan, Renger, Shapiro, Tjulander, Wall

NOES: None

ABSTAIN: None

ABSENT: Lewitt

4. **CONSENT CALENDAR – SEPARATE ACTION ITEM**

C Hach WIMS Software Programming: Increase of Purchase Order

Authorize the Administering Agent/General Manager to approve an increase to the purchase order with Data Clarifier Solutions, in the amount of \$20,450, for additional programming services related to the water Information Management System software.

Brett Dingman, Water Reclamation Manager, responded to questions regarding the additional programming services and software updates.

Director Polan moved to approve Consent Calendar Item 4C. Motion seconded by Director Renger. Motion carried by the following roll call vote:

AYES: Caspary, Lo-Hill, Nye, Orkney, Polan, Renger, Shapiro, Tjulander, Wall

NOES: None

ABSTAIN: None

ABSENT: Lewitt

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

A State and Federal Legislative Update

Lowry Crook, federal lobbyist for the JPA with Best Best & Krieger LLP (BBK), reported that Congress passed the annual appropriations bill. He also reported that the Fiscal Year 2023 budget proposal was released, which included significant funding increases to parts of the U.S. Environmental Protection Agency (EPA) and the U.S. Department of the Interior. He noted that Congressional representatives were continuing discussions regarding funding for climate, water, and provisions to exempt water conservation rebates from taxable income. He also noted that legislators were continuing discussions related to long- and short-term actions to address the current drought.

Ana Schwab, federal lobbyist for the JPA with BBK, provided an update regarding H.R. 7283, the Stream Act, which would reauthorize the U.S. Bureau of Reclamation Title XVI grant funding program. She noted that an application was submitted on behalf of the JPA for a Title XVI grant for the Pure Water Project Las Virgenes-Triunfo. She also noted that H.R. 7283 would provide support for water storage and make technical corrections to the Infrastructure Investment and Jobs Act. She reported that BBK staff was reaching out to the JPA's Congressional delegation, including Senator Dianne Feinstein, Senator Alex Padilla, Congressman Brad Sherman, Congresswoman Julia Brownley, and Congressman Ted Lieu, to invite them to tour the Pure Water Demonstration Facility. She stated that she hoped that the visit by Senator Feinstein's office would coincide with the next JPA meeting. She responded to a question regarding whether H.R. 535, the Special Districts Provide Essential Services Act, would provide COVID-19 relief funding by stating that this bill was one of the first iterations of COVID-19 relief support. She noted that this bill did not pass; however, S. 91 included a provision in the American Rescue Act that allowed local governments, counties, and states to make transfers of COVID-19 relief funds to special districts. She also responded to a question regarding H.R. 692, the Recognition of Local Interests in the National Environmental Policy Act of 1969 (NEPA) Decision Making, by stating that this bill would determine the venue for judicial review of agency action under NEPA.

Syrus Devers, state lobbyist for the JPA with BBK, reported that a support position was submitted on behalf of the JPA regarding AB 2247 (Bloom), Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) and PFAS Products and Product Components: Publicly Accessible Reporting Platform. He provided an update regarding SB 1157 (Hertzberg) related to indoor water efficiency standards, and noted that a letter was sent on behalf of the JPA in opposition unless amended because the bill was not supported by studies and due to impacts to the Pure Water Project Las Virgenes-Triunfo. He also provided an update regarding SB 2811 (Bennett) regarding water recycling for new large commercial buildings. He stated

that there was concern with water recycling at the individual building level and impacts to the JPA were unknown; therefore, a letter was sent in opposition unless amended. He also reported that the JPA signed onto a letter with the Association of California Water Agencies (ACWA) for AB 2639 (Quirk), Water Quality Control Plans and Water Rights Permits. He asked the Board for feedback regarding AB 1944 (Lee) and AB 2449 (Rubio) related to open meeting laws beyond the declaration of emergency to allow for video conferencing. He noted that AB 1944 (Lee) would allow video conferencing and public access, and agenda posting would not be required for those attending offsite. He also noted that AB 2449 (Rubio) included provisions to prohibit a governing body from taking any action should the video feed become interrupted, to allow public participation in person or via video conferencing, and to require instructions for public participation be included on the agenda. Following much discussion, it was the consensus of the Board to support the proposed open meeting bills. Mr. Devers stated that he would follow up with ACWA on preparing a recommended position to either support the bills or support if amended. He also responded to a question regarding the status of SB 1219, State Water Resources Control Board Dissolution: Blue Ribbon Commission, by stating that the bill was pulled and referred to the Environmental Quality Committee for amendment.

B Pure Water Project Las Virgenes-Triunfo: Update

Oliver Slosser, Engineering Program Manager, presented the report. He noted that a Special JPA Board meeting would be held on May 18th for a Strategic Planning Workshop, and the Jacobs Team would present architectural concepts for the advanced water purification facility (AWPF). He responded to a question regarding whether the AWPF would be designed for the current amount of effluent produced at the Tapia Water Reclamation Facility (Tapia) or if there would be room for expansion by stating that the facility would be planned as a 7.5-million-gallons-per-day (MGD) facility, which would handle nearly all of the excess water from Tapia. He also noted that the facility would only run at full capacity during the wet winter months, there would be capacity to add additional flow during the dry season, and the Jacobs Team would be instructed to consider future expansion needs. He also responded to a question regarding whether the design would be specific to both proposed sites by stating that much of the architectural work would be based on the Agoura Road site; however, both sites were still under consideration in the environmental review process. He also responded to questions regarding the meeting with the Mountains Recreation & Conservation Authority regarding initial pipeline alignment options and the potential to reconvene the Independent Advisory Panel.

Joe McDermott, Director of Engineering and External Affairs, noted that a Pure Water Coffee Brew Event would be held at the Pure Water Demonstration Facility on May 14th at 9:00 a.m., which would showcase the safety of pure water and how water is used daily. He stated that invitations would first be sent to the list from the Influential People Outreach Program (iPOP), followed by the community at large.

6. **ACTION ITEMS**

A Centrate Treatment Tank No. 2 Cleaning: Authorization of Purchase Order

Authorize the Administering Agent/General Manager to issue a purchase order to National Plant Services, in the amount of \$69,200, for Centrate Treatment Tank No. 2.

Brett Dingman, Water Reclamation Manager, presented the report. He responded to questions regarding the size of the tank, the jet-mix aeration system, placement of solidified centrate in the dewatering area behind the sprayfields, and groundwater monitoring at the sprayfields for nitrogen.

Director Renger moved to approve Item 6A. Motion seconded by Director Tjulander.

Motion carried by the following roll call vote:

AYES: Caspary, Lo-Hill, Nye, Orkney, Polan, Renger, Shapiro, Tjulander, Wall
NOES: None
ABSTAIN: None
ABSENT: Lewitt

B Rancho Las Virgenes Composting Facility Woolsey Fire Repair Project: Final Acceptance

Authorize the Administering Agent/General Manager to execute a Notice of Completion and have the same recorded; waive liquidated damages associated with delays during construction; and, in the absence of claims from subcontractors and others, release the retention in the amount of \$80,596.05, 30-calendar days after filing the Notice of Completion for the Amendment Bin and Conveyance Modification - Rancho Las Virgenes Composting Facility Woolsey Fire Repair Projects.

Mercedes Acevedo, Assistant Engineer, presented the report. She responded to questions regarding fire hardening measures at the facility.

Director Caspary moved to approve Item 6B. Motion seconded by Director Orkney.
Motion carried by the following roll call vote:

AYES: Caspary, Lo-Hill, Nye, Orkney, Polan, Renger, Shapiro, Tjulander, Wall
NOES: None
ABSTAIN: None
ABSENT: Lewitt

C Infrastructure Investment Plan: Fiscal Years 2022-23 through 2031-32

Receive and file the Infrastructure Investment Plan for Fiscal Years 2022-23 through 2031-32.

Eric Schlageter, Principal Engineer, presented the report.

Brett Dingman, Water Reclamation Manager, responded to a question regarding the Rancho Las Virgenes – New Flare by stating that a larger flare was needed as the methane gas generation was higher than the capacity of the existing flare.

Administering Agent/General Manager David Pedersen responded to a question regarding JPA expenses for the recycled water system by stating that the JPA Backbone Recycled Water System was generally the original system that was constructed to move water from the Tapia Water Reclamation Facility to Reservoir No. 2, through the recycled water pump station to the east and to the west. He noted that the Calabasas Park Recycled Water Main Extension would support the JPA Backbone Recycled Water System, and staff would provide a presentation regarding the project at a future meeting. He also responded to a question regarding the Recycled Water Pump Station Battery Energy Storage System by stating that this project was related to the Rancho Las Virgenes Composting Facility Solar and Battery Energy System.

Mr. Schlageter responded to a question regarding the Parkway Tank Rehabilitation Project by stating that staff would bring back additional information at the May 9th JPA Board meeting. He also responded to a question regarding the purpose of the Tapia Effluent Pump Station 4160 Volt Feeder Relocation Project by stating that the existing feed was experiencing signs of corrosion. He also responded to a question regarding an updated cost estimate for the Pure Water Project Las Virgenes-Triunfo by stating that estimating the cost was challenging due to inflation and commodity price fluctuations; however, staff would provide an update to the Board during the mid-cycle budget review. He also responded to a question regarding the Tapia Airline Repair Project by stating that a portion of the airline needed to be repaired, and a highline might be needed for the repair.

Director Orkney moved to approve Item 6C. Motion seconded by Director Wall. Motion carried by the following roll call vote:

AYES: Caspary, Lo-Hill, Nye, Orkney, Polan, Renger, Shapiro, Tjulander, Wall

NOES: None

ABSTAIN: None

ABSENT: Lewitt

7. BOARD COMMENTS

Director Orkney stated that she was pleased with Administering Agent/General

Manager David Pedersen and MWD General Manager Adel Hagekhalil's editorial regarding the drought that was published in *The Acorn*.

8. ADMINISTERING AGENT/GENERAL MANAGER REPORT

Administering Agent/General Manager David Pedersen noted that the state was experiencing severe drought conditions, and staff was working with the Metropolitan Water District of Southern California and Calleguas Municipal Water District to understand the impacts and prepare for drought. He reported that the flow in Malibu Creek measured 949 cubic feet per second (CFS) during the recent rain event, and it was now measuring at 14.3 CFS. He also reported that Director Caspary participated in a meeting with staff and with California State Parks to discuss flood concerns related to the Tapia Water Reclamation Facility (Tapia). He noted that California State Parks was working on the removal of Rindge Dam, which would create a positive impact on the hydraulic profile of Malibu Creek. He also provided an update regarding the Malibu Lake Siphon Rehabilitation Project and stated that design work was moving forward. He noted that staff was working on preparing a contingency plan for running a bypass in case a siphon were to fail, and the contingency plan would be presented to the Board for consideration. He also noted that the next JPA meeting would be held on May 9th as the May 2nd meeting was canceled due to a conflict with the Association of California Water Agencies (ACWA) Spring Conference. He also noted that a Special JPA Board meeting would be held on May 18th for a Strategic Planning Workshop. He suggested promoting the recycled water fill station and compost giveaway as drought measures are implemented so that customers may keep their plants healthy. He responded to a question regarding the status of COVID-19 wastewater surveillance data collected at Tapia by stating that the data was most useful for viewing trends for the different COVID-19 variants, such as Omicron. He stated that he would follow-up on whether testing was being conducted for the newest variant.

9. FUTURE AGENDA ITEMS

None.

10. INFORMATION ITEMS

A **Rancho Solar Generation Project Phase 2: Indifference Payment and Cost Savings**

Administering Agent/General Manager David Pedersen recognized John Zhao, Director of Facilities and Operations, and TerraVerde on their efforts for the Rancho Solar Generation Project.

11. PUBLIC COMMENTS

None.

12. ADJOURNMENT

Seeing no further business to come before the Board, the meeting was duly adjourned at **6:44 p.m.**



Jay Lewitt, Chair

ATTEST:



Leon E. Shapiro, Vice Chair