



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

MINUTES
REGULAR MEETING

5:00 PM

June 28, 2011

PLEDGE OF ALLEGIANCE

At the request of President Renger the Pledge of Allegiance to the Flag was given by Director Bowman.

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 call 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 Glen Peterson, seconded by Director Charles Caspary, the Board of Directors voted 5-0 to Approve the Regular Board Meeting of June 28, 2011, as presented.

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

3. PUBLIC COMMENTS

Nine speaker cards were received from the public; (1) Valerie Burkholder commented on smart meters; (2) Manuela Saul commented on smart meters (privacy/cancer concerns); (3) Rina Baraz-Nehdar commented on smart meters (consider customer needs when setting policy/diversity of customer needs); (4) Mary Hubbard, representing Malibu Canyon Community Association commented on smart meters (radiation/consumer rights to know/privacy); (5) Nolan Burkholder commented on smart meters (water, electric, gas - controls relinquished to agencies versus customers); (6) Liz Barris commented on smart meters (stated she is not a district customer - is experiencing heart arrhythmia from the "mesh

network", which bounces from house to house/Class B carcinogen/blocks benefits of cancer drug Tamoxifen); (7) Ellen Frank commented on smart meters (stated she works with healthcare professionals and the small amount of radio frequencies emitted by smart meters adds up when combined with other devices such as cell phones to create health issues/constitutional rights); (8) Kiku Iwata commented on smart meters (served by Burbank Water & Power, wants choice and this is not a governmental requirement); and (9) Liat Samouhi, representing the Citizens Review Association commented on smart meters (privacy, fundamental laws of democracy, consumer education (disclose model number, emissions, etc. of actual meters used), consumer rights, at risk population "children, elderly and those with medical problems", choice, analog meters work fine).

4. ILLUSTRATIVE AND/OR VERBAL PRESENTATION AGENDA ITEMS

A Legislative and Regulatory Updates

General Manager Mundy stated there would be no legislative report given.

5. CONSENT CALENDAR

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

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

On a motion by Director Joseph Bowman, seconded by Director Charles Caspary, the Board of Directors voted 5-0 to Approve the entire Consent Calendar 5A-5C as presented in the recommendations.

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

A Minutes: Regular Meeting of April 26, 2011. Approve

B List of Demands: June 28, 2011. Approve

C Investment Report for the Month of May 2011. Approve

6. TREASURER

Treasurer Steinhardt stated he had reviewed the list of demands, which appears to be in order.

7. BOARD OF DIRECTORS

A ACWA Health Benefits Authority (HBA) Ballot - Northern California

The Board of Directors to discuss whether or not to submit a ballot for two northern region representatives (two votes for Position 1 and two votes for Position 2 - the same person may not fill both Director positions) to serve on the ACWA HBA Board of Directors until December 31, 2012; and if the Las Virgenes Board opts to vote, authorize the General Manager to execute the ballot as the Agency representative no later than Wednesday, July 6, 2011.

On a motion by Director Glen Peterson, seconded by Director Charles Caspary, the Board of Directors voted 4-1 to Authorize the General Manager to execute the ACWA Health Benefits Authority Ballot - Northern California, no later than July 6, 2011 for Position 1 - Bruce Rupp and Position 2 - Dennis Michum.

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

NOES: Director(s) Steinhardt

B ACWA Region 8 Nominating Committee

The Board of Directors to determine nomination support, if any, and authorize execution of the associated resolution to be transmitted to ACWA on June 30, 2011.

On a motion by Director Lee Renger, seconded by Director Charles Caspary, the Board of Directors voted 5-0 to Approve supporting the nomination of Barry Steinhardt.
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 Authorize execution of a Resolution supporting Barry Steinhardt for an ACWA Region 8 Board Member position, to be submitted by June 30, 2011.
AYES: Director(s) Bowman , Caspary , Peterson , Renger , Steinhardt

C Minutes: Regular Meeting of May 24, 2011.

The Board of Directors to discuss the recommended modification; and direct staff to either maintain the language as approved by the General Manager, or to modify the language as suggested to clarify the motion of May 24, 2011, Item 10A Water Supply Allocation Program - Additional Administrative Cost.

On a motion by Director Charles Caspary, seconded by Director Lee Renger, the Board of Directors voted 4-0 -1 to Approve modification of the May 24, 2011 Minutes, Item 10A Water Supply Allocation Program - Additional Administrative Costs to read "refunding of all surcharges as previously approved, less the administrative costs for implementing water allocations, distributed equally to all customers".

Director Bowman abstained from the vote as he was not present at the May 24, 2011 regular board meeting.
AYES: Director(s) Caspary , Peterson , Renger , Steinhardt
ABSTAIN: Director(s) Bowman

8. GENERAL MANAGER**A Records Management and Library Services - Contract Amendment No. 2**

The Board of Directors approve Amendment No. 2 to the Agreement for Professional Services between Las Virgenes Municipal Water District and Ictus Consulting, LLC in the amount of \$43,680 for Fiscal Year 2011-12.

On a motion by Director Glen Peterson, seconded by Director Charles Caspary, the Board of Directors voted 4-1 to Approve the recommendation as presented.

Director Steinhardt opposed due to the requested rate increase during this economy.
AYES: Director(s) Bowman , Caspary , Peterson , Renger
NOES: Director(s) Steinhardt

9. FACILITIES AND OPERATIONS**A 1,235-Foot Backbone Improvement Program: Evaluation of Blasting Excavation, Proposed 5 MG Tank at Las Virgenes Reservoir**

Receive and file LVMWD Report #2433.02 "Evaluation of Blasting Excavation, Proposed 5 MG Tank at Las Virgenes Reservoir, May 2011."

Director of Facilities and Operations Lippman discussed LVMWD Report #2433.02, entitled

"Evaluation of Blasting Excavation Proposed 5 MG Tank at Las Virgenes Reservoir" dated May 2011, prepared by AECOM.

After discussion by the Board, President Renger directed staff to amend the report as recommended by Director Caspary to include prior photos taken at the proposed tank sites; and to bring forward on July 26, 2011, an agenda item discussing the proposed 5 MG tank.

B Tapia Water Reclamation Facility Gates & Drives Replacement - Award of Contract

Award the contract to construct the improvements for the Tapia Gates & Drive Replacement Project to Spiess Construction Co. in the amount of \$245,800; and that all remaining bids be rejected upon receipt of duly executed contract documents. Appropriate additional funds in the amount of \$100,000 under CIP Job No. 10451.

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

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

C Tapia Water Reclamation Facility Roof Repairs

Authorize the General Manager to issue a purchase order to Midstate Sheetmetal, Inc. in the amount of \$90,895.00 for the replacement of four roofs at Tapia, and appropriate \$25,000.00 to CIP Job #10459.

On a motion by Director Glen Peterson, seconded by Director Barry Steinhardt, the Board of Directors voted 5-0 to Approve the recommendations as presented.

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

10. FINANCE AND ADMINISTRATION

A Prepayment of PERS Fiscal Year 2011-12 Expense (Not OPEB)

Authorize prepayment of the PERS expense for FY11-12, to be paid between July 1 and July 15, 2011.

On a motion by Director Barry Steinhardt, 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 Proposed Ordinance: Amended Sanitation Rates for Fiscal Year 2011-12

The full reading of the proposed Ordinance, amending Ordinance No. 11-86-161 (Las Virgenes Code) As It Relates To Residential and Nonresidential Sanitation Service Charges, be waived, 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, amending Ordinance No. 11-86-161 (Las Virgenes Code), As It Relates To Residential and Nonresidential Sanitation Service Charges be given first reading by title only.

On a motion by Director Glen Peterson, seconded by Director Charles Caspary, 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 roll call vote of Ayes: 5; Noes: 0; Abstain: 0;

*Absent: 0; conducted by Assistant Deputy Secretary Conklin, the recommendations as presented in paragraph two. Director Caspary gave the first reading by title only.
AYES: Director(s) Bowman , Caspary , Peterson , Renger , Steinhardt*

11. RESOURCE CONSERVATION AND PUBLIC OUTREACH

A Integrated Regional Water Management Plan Support

Provide \$7,500 to fulfill the local match requirements of the \$1 million state planning grant to update the Greater Los Angeles County Integrated Regional Water Management Plan (GLAC IRWMP).

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

12. LEGAL SERVICES

A District Counsel Report: C.T. & F., Inc. v. Las Virgenes Municipal Water District

*On a motion by Director Glen Peterson, seconded by Director Joseph Bowman, the Board of Directors voted 5-0 to Authorize the General Manager to execute the settlement agreement, as previously approved with C.T. & F.
AYES: Director(s) Bowman , Caspary , Peterson , Renger , Steinhardt*

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 Colorado River Board; Bay Delta Committee meeting; Palo Verde solar; Sacramento Days event; ACWA Health Benefits Authority (HBA) - their Board approved covering expenses related to HBA meetings versus the individual Director's agency; and Barbara Duggen, ACWA Director of Member Benefits is retiring at the end of July.

(2) Director Caspary reported on his attendance at the June 16, 2011, Santa Monica Bay Restoration Commission meeting, which included discussions of their history and structure; and adoption of the 2011-12 workplan. Director Bowman reported on his attendance at the AWA meeting of June 16, 2011, during which a presentation on recycled water was given, and requested the Board receive copies of the materials.

At 7:10 p.m. during Organization Reports, ACWA sent an email to staff requesting member agencies provide opposition letters in regards to SB 931 (Vargas) Public Employee Organizations.

Legal Counsel Nave notified the Board the item could be added to the agenda as the request was received subsequent to the posting of the agenda if approved by a 4/5 vote.

*On a motion by Director Lee Renger, seconded by Director Charles Caspary, the Board of Directors voted 5-0 to Approve the addition of an agenda item discussing SB 931 Public Employee Organizations to the June 28, 2011 Regular Board Meeting agenda.
AYES: Director(s) Bowman , Caspary , Peterson , Renger , Steinhardt*

On a motion by Director Joseph Bowman, seconded by Director Charles Caspary, the Board of Directors voted 5-0 to Approve General Manager Mundy issuing a letter to the California State Assembly in opposition of SB 931 (Vargas) Public Employee

*Organizations.**AYES: Director(s) Bowman , Caspary , Peterson , Renger , Steinhardt***B** Director's Reports on Outside Meetings

None.

C General Manager Reports

General Manager Mundy provided an update regarding general business of the district including Administrative Services Officer Eubanks discussions with the City of Los Angeles pertaining to sewer contracts, which yielded a credit to Las Virgenes of approximately \$500,000 (Director Bowman requested a letter of commendation and a proclamation for her service be issued to Ms. Eubanks respectively, for her efforts and impending retirement from the district); additional retirements include Robert Ingram and David Grubb; Upper Oaks (formerly New Millennium) community outreach to ensure tank does not run out of water (new pumps were ordered as approved by the Board, but there has been a delay in the delivery date) - Director Caspary requested staff mention the use of recycled water on private property for common areas/overtaxing on system; and issuance of a press release regarding future compost giveaway dates.

D Director's Comments

Director Bowman requested staff provide information on fiscal monies for district-wide reserve fund; and since there are 3-4 retirees by August when is the Board going to see a schedule of what the district is going to do in regards to workforce planning (General Manager Mundy stated staff still needed to determine which positions would be filled and/or eliminated).

Director Steinhardt reported on his attendance at the City of Westlake Village Council meeting of June 22, 2011, during which a presentation was made to Camp David Gonzales for their participation in the Solar Cup.

14. FUTURE AGENDA ITEMS

None.

15. CLOSED SESSION

The meeting adjourned to break at 7:30 p.m.

The meeting reconvened into Closed Session at 7:35 p.m.

A Labor Negotiations (Government Code Section 543957.6):

1. Employee Compensation & Benefits

16. OPEN SESSION AND ADJOURNMENT

The Chair declared the meeting adjourned at 7:53 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)