

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

5:00 PM

July 1, 2024

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag was led by David Rydman.

1. CALL TO ORDER AND ROLL CALL

The meeting was called to order at **5:00 p.m.** by Chair Jay Lewitt in the Board Room at Las Virgenes Municipal Water District headquarters at 4232 Las Virgenes Road, Calabasas, CA 91302. Josie Guzman, Clerk of the Board, conducted the roll call.

Present: Directors Burns, Caspary, Coradeschi, Jarecky, Lewitt, Nye, Polan, Shapiro (arrived at 5:01 p.m.), Tjulander and Wall

Absent: None

2. APPROVAL OF AGENDA

Director Wall moved to approve the agenda. Motion seconded by Director Coradeschi. Motion carried 9-0 by the following vote:

AYES: Burns, Caspary, Coradeschi, Jarecky, Lewitt, Nye, Polan, Tjulander, Wall

NOES: None

ABSTAIN: None

ABSENT: Shapiro

3. PUBLIC COMMENTS

None.

Director Shapiro arrived at 5:01 p.m.

4. CONSENT CALENDAR

A Minutes: Regular Meeting of June 3, 2024: Approve

B Statement of Revenues, Expenses, and Changes in Net Position: May 2024

Receive and file the Statement of Revenues, Expenses, and Changes in Net Position for the period ending on May 31, 2024.

Director Caspary moved to approve the Consent Calendar. Motion seconded by Director Tjulander. Motion carried 10-0 by the following vote:

AYES: Burns, Caspary, Coradeschi, Jarecky, Lewitt, Nye, Polan, Shapiro, Tjulander, Wall

NOES: None

ABSTAIN: None

ABSENT: None

5. ILLUSTRATIVE AND/OR VERBAL PRESENTATION AGENDA ITEMS

A State and Federal Legislative Update

Ana Schwab, federal lobbyist for the JPA with Best Best & Krieger LLP (BBK), reported that the U.S. Supreme Court ruled on three court cases, which would impact the JPA. She stated that the rulings would reduce the ability of administrative agencies, such as the U.S. Environmental Protection Agency (EPA), Department of the Interior, Fish Wildlife Services, and National Marine Fisheries Service, to associate, promulgate, and enforce rules, and their ability to receive or have an action against them should an injury occur. She reported that the first case dealt with the Securities and Exchange Commission (SEC) where the Supreme Court ruled that administrative law judges with a civil suit against the SEC could not decide on a civil matter as the matter would need to go before a jury. She also reported that the second case overturned 40 years of environmental and agency precedent by overturning *Chevron v. Natural Resources Defense Council* (Chevron doctrine) in a case titled *Loper Bright Enterprises v. Raimondo*. She explained that the National Marine Fisheries Services required fisherman to pay to have an observer on their vessels, and the question was whether this went beyond the statute permitted for the agency to interpret. She also stated that the third case was *Corner Post v. Board of Governors of the Federal Reserve System*. She explained that previously a case had to be brought against a final rule within six years of the rule being promulgated; however, the Supreme Court ruled that the six-year trigger begins when the injury occurs by the party.

Lowry Crook, federal lobbyist for the JPA with BBK, stated that with the loss of the Chevron doctrine and the less solid statute of limitations for challenging federal regulations, he believed the court's role would be larger, agency rulemaking would be slower, and there could be more stays of new regulations while they are litigated in court.

Ms. Schwab also reported that the maximum contaminant levels (MCLs) for perfluorooctanoic acid (PFOA) and perfluorooctanoic sulfonate (PFOS) were now in effect, and the JPA would have three years to come into compliance for monitoring and five years for meeting the standards. She also stated that Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) designations for PFOA and PFOS would go into effect on July 8, 2024. She noted that the EPA was being sued by a group of Texas farmers who indicated that the EPA did not do enough to address per- and polyfluoroalkyl substances (PFAS) in biosolids. She stated there were a few exemptions in CERCLA; however, lawsuits were being filed. She also reported that the House of Representatives was continuing to work on the Fiscal Year 2025 appropriations; however, the Senate had not yet set a date for its review and a continuing resolution was likely to be adopted in September.

Mr. Crook reported the House of Representatives marked up the Water Resources Development Act (WRDA), which contained provisions that would make water supply a core mission of the U.S. Army Corps of Engineers. He stated that the WRDA provisions could also result in having the U. S. Army Corps of Engineers prioritize updating water control manuals to keep more water storage in California for the State Water Project or where projects have water or supply benefits in addition to flood control. He commented that he expected a WRDA bill would pass after the election.

Ms. Schwab mentioned that the Democratic and Republican parties would be holding national conventions in the summer, and Legislators would be attending conventions instead of holding sessions in Washington D.C.

Ms. Schwab responded to a question regarding how the decision regarding the *Loper Bright Enterprises v. Raimondo* would affect state agencies by stating that the ruling pertained to the Administrative Procedures Act, which dictates and guides federal agencies' formal and informal rulemaking. Mr. Crook added that the ruling was limited to federal agencies; however, the ruling could perhaps have some indirect impact to state agencies.

Ms. Schwab also responded to a question regarding impacts from the Supreme Court's ruling on federal regulatory powers of intra-basin river flows by stating that this ruling would have an impact on the Colorado River.

Syrus Devers, state lobbyist for the JPA with Syrus Devers Advocacy LLC, reported that SB 366 (Caballero), The California Water Plan, Long-Term Supply Targets, was moving forward, and SB 1255 (Durazo), Public Water Systems, Needs Analysis, Water Rate Assistance Program, would likely to move forward. He noted that concerns with this bill were shared with the Association of California Water Agencies (ACWA). He provided an update regarding the Climate Resilience Bond, which proposes to include \$3.8 billion for safe drinking water, drought, flood, and water resilience. He noted that the bond also included \$386 million for water

recycling. He recommended that the JPA watch the bond and not take a position. He responded to a question regarding whether the Metropolitan Water District of Southern California (MWD) would only receive \$75 million for regional conveyance as part of this bond by stating that \$75 million was included for water storage with the Water Investment Storage Program. He commented that he was not sure whether this amount was earmarked for conveyance, and he would need to research whether these funds would be dedicated to MWD. He also responded to a question regarding whether funding was included for saltwater or brackish water desalination by stating that funding was included for brackish water desalination.

B Pure Water Project Las Virgenes-Triunfo: Update

Oliver Slosser, Engineering Program Manager, presented the report. He stated that he would bring back architectural renderings for the Advanced Water Purification Facility (AWPF), and schedule a second architectural theme workshop in August. He responded to a question regarding the introductory meetings held with the Cities of Agoura Hills and Thousand Oaks by stating that the meetings were held to identify personnel to coordinate preconstruction activities. He also responded to a question regarding commissioning the full-scale AWPF slated for 2027 by stating that staff were in discussions with the Walsh Team regarding the Phase 2 schedule. He stated that the initial goal was to begin commissioning in 2027 and have full startup by 2028, the deadline for regulatory compliance would be 2030, and 2028 was still the target for full startup. He also responded to a question regarding the 60 percent design by stating that the 60 percent design was scheduled for December 2025 due to the regulatory deadline. He also responded to a question regarding a geological survey of the AWPF site by stating that the Walsh Team planned a geological survey to take additional borings to identify geological locations for final siting of the facility. He also responded to a question regarding meetings with Urban Water Group by stating that a meeting was held with Urban Water Group and RRM Design for an initial site walk and to discuss possibilities for a public benefit at the AWPF site. He also responded to a question regarding the projected cost of the project due to inflation by stating that the \$364 million projected cost was developed during conceptual design, and staff was working with the Walsh Team to produce an updated estimate.

6. ACTION ITEMS

A Pure Water Project Las Virgenes-Triunfo: Update on Public Outreach Plan

Receive and file an update on the Pure Water Project Las Virgenes-Triunfo Outreach Plan, and provide feedback on new or additional outreach activities for the Pure Water Project Las Virgenes-Triunfo.

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

Director Burns moved to approve Item 6A. Motion seconded by Director Polan.

A discussion ensued regarding concerns with advertisements for water treatment and water softening systems and informing the public that pure water is better than these types of systems; communicating to the public that Southern California has had water reuse since the 1960s; compiling a list of civic organizations to invite to tour the Pure Water Demonstration Facility; differentiating the Pure Water Project Las Virgenes-Triunfo and the Advanced Water Purification Facility; using a different term for adding chemicals to produce pure water such as adding materials or polishing water; providing presentations and distributing flyers at the local elementary schools; providing a presentation at a community event in Oak Park; touring the route for the reverse osmosis concentrate pipeline; marketing campaign for the Landscape Transformation Program; seeking local celebrities to provide a public service announcement; and installing a sign at the Advanced Water Purification Facility site.

Motion carried 10-0 by the following vote:

AYES: Burns, Caspary, Coradeschi, Jarecky, Lewitt, Nye, Polan, Shapiro, Tjulander, Wall

NOES: None

ABSTAIN: None

ABSENT: None

**B Purchase and Sale Agreement for Solar Renewable Energy Credits:
Authority**

Authorize the Administering Agent/General Manager to execute a purchase and sale agreement for the sale of Solar Renewable Credits generated by the JPA's four-megawatt solar energy generation facility.

Jim Korkosz, Facilities Manager, presented the report.

David Purdick, representing Terra Verde Energy, provided a PowerPoint presentation.

Director Coradeschi moved to approve Item 6B. Motion seconded by Director Polan.

Mr. Purdick responded to questions regarding the sale of solar renewable credits.

Motion carried 10-0 by the following vote:

AYES: Burns, Caspary, Coradeschi, Jarecky, Lewitt, Nye, Polan, Shapiro, Tjulander, Wall

NOES: None
ABSTAIN: None
ABSENT: None

C Pure Water Project Las Virgenes-Triunfo: Second Grant Application for U.S. Bureau of Reclamation WaterSMART Title XVI WIIN Act Funding

Pass, approve, and adopt proposed Resolution No. 34, authorizing the submittal of a grant funding application to and execution of a grant funding agreement with the U.S. Bureau of Reclamation for the Pure Water Project Las Virgenes-Triunfo.

RESOLUTION NO. 24

A RESOLUTION OF THE GOVERNING BOARD OF LAS VIRGENES – TRIUNFO JOINT POWERS AUTHORITY AUTHORIZING THE ADMINISTERING AGENT/GENERAL MANAGER, OR DESIGNEE, TO APPLY FOR, RECEIVE FUNDS, ENTERING INTO A COOPERATIVE AGREEMENT, AND ADMINISTER A GRANT FOR THE WATERSMART: TITLE XVI WIIN ACT WATER RECLAMATION AND REUSE PROJECGS GRANT

(Reference is hereby made to Resolution No. 34 on file in the JPA's Resolution Book and by this reference the same is incorporated herein.)

Oliver Slosser, Engineering Program Manager, presented the report.

Director Caspary moved to approve Item 6C. Motion seconded by Director Jarecky.

Motion carried 10-0 by the following vote:

AYES: Burns, Caspary, Coradeschi, Jarecky, Lewitt, Nye, Polan, Shapiro, Tjulander, Wall

NOES: None

ABSTAIN: None

ABSENT: None

7. BOARD COMMENTS

Director Shapiro expressed concern regarding the overuse of acronyms for the Pure Water Project Las Virgenes-Triunfo and the Advanced Water Purification Facility. He noted that the Pure Water Project Las Virgenes-Triunfo was the overall program, and the Advanced Water Purification Facility was one component of the project. He asked everyone to be mindful of the two separate terms.

Director Polan spoke in support of having a social space at the Advanced Water Purification Facility to provide a place for tours, students, and City Councils, and to possibly rent meeting room space.

Chair Lewitt acknowledged Mike McNutt, Public Affairs and Communications Manager, for providing a presentation to the Agoura Hills City Council. He noted that Mayor Illece Buckley Weber attended the Pure Pizza event.

Director Burns suggested holding Board retreats at the Advanced Water Purification Facility and allowing space to host others, such as OceanWell and desalination. Chair Lewitt suggested that this be discussed at the next architectural theme workshop.

Director Jarecky reported that he attended the Pure Pizza event, and noted that many people commended the taste of the pizza and shaved ice made with pure water. He acknowledged staff for a well-planned event, and he stated that he hoped pure water would be provided at an event in Oak Park.

8. ADMINISTERING AGENT/GENERAL MANAGER REPORT

Administering Agent/General Manager David Pedersen reported that the flow in Malibu Creek measured 2.5 cubic feet per second (CFS), and there was no need for fish flow augmentation at this time. He provided an update regarding the Malibu Lake Siphon Replacement Project, and noted that the new siphon was installed, and construction of the manholes had commenced. He also reported that an underground water leak had occurred in the hot water boiler system of the digesters at the Rancho Las Virgenes Composting Facility. He stated that staff were working on replacing the hot water pipeline, which was found to be corroded and uncoated, and staff would bring back an item on the agenda for the Board to appropriate funds for the repair. A photograph of the corroded pipe was shared with the Board.

9. FUTURE AGENDA ITEMS

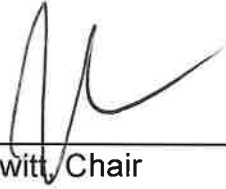
None.

10. PUBLIC COMMENTS

None.

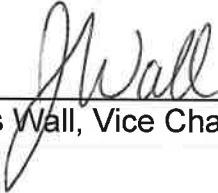
11. ADJOURNMENT

Seeing no further business to come before the Board, the meeting was duly adjourned at 6:54 p.m.



Jay Lewitt, Chair

ATTEST:



James Wall, Vice Chair