



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

**MINUTES**  
**REGULAR MEETING**

9:00 AM

October 15, 2024

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance to the Flag was led by John Zhao.

**1. CALL TO ORDER AND ROLL CALL**

The meeting was called to order at **9:00 a.m.** by Board President Lewitt in the Board Room at Las Virgenes Municipal Water District headquarters at 4232 Las Virgenes Road, Calabasas, California 91302. Director Burns participated from the teleconference location at The Hotel Ego Residence, Calle Bembo, 4785 San Marco, Venice, Italy; and Director Polan participated from the teleconference location at 31755 Bedfordhurst Court, Westlake Village, California 91361. Josie Guzman, Clerk of the Board, conducted the roll call.

**Present:** Directors Gary Burns (via teleconference), Charles Caspary, Andy Coradeschi, Jay Lewitt, and Len Polan (via teleconference).

**Absent:** None

**Staff Present:** David Pedersen, General Manager  
Joe McDermott, Assistant General Manager  
Sophia Crocker, Human Resources Manager  
Darrell Johnson, Director of Water Operations  
Eric Schlageter, Director of Engineering and Facilities  
Josie Guzman, Clerk of the Board  
Keith Lemieux, District Counsel

**2. APPROVAL OF AGENDA**

Director Caspary moved to approve the agenda. Motion seconded by Director Coradeschi. Motion carried 5-0 by the following roll call vote:

AYES: Burns, Caspary, Coradeschi, Lewitt, Polan

NOES: None

ABSTAIN: None

ABSENT: None

### **3. PUBLIC COMMENTS**

There were no public comments.

Eric Schlageter, Director of Engineering and Facilities, introduced new employee Antonio Bautista, Collections Systems Mechanic I. The Board welcomed Mr. Bautista to the District.

Darrell Johnson, Director of Water Operations, introduced new employee Andy Kellogg, Water Reclamation Plant Operator-in-Training. The Board welcomed Mr. Kellogg to the District.

Joe McDermott, Assistant General Manager, introduced new employee Todd Rainville, Field Operations Technician I. The Board welcomed Mr. Rainville to the District.

### **4. CONSENT CALENDAR**

**A List of Demands: October 15, 2024: Receive and file**

**B Minutes Regular Meeting of October 1, 2024: Approve**

**C Directors' Per Diem: September 2024: Ratify**

**D Approval of Memorandum of Understanding with Supervisor, Professional, and Confidential Unit: October 12, 2024 through December 31, 2027.**

**Authorize the General Manager to execute the proposed Memorandum of Understanding with the Supervisor, Professional and Confidential Unit for a term of October 12, 2024 through December 31, 2027.**

**E Contractual Services Agreement with Ontario Refrigeration: Amendment**

**Authorize the General Manager to execute a contract amendment with Ontario Refrigeration, in the amount of \$50,050, for the current term ending on May 31, 2025, and approve an increase to the fourth renewal term ending on May 31, 2024, for a total not-to-exceed amount of \$100,000, for quarterly maintenance and repairs for all District HVAC systems.**

**F Contract Laboratory Services: Amendment**

Authorize the General Manager to approve an increase to the professional services agreement with Weck Laboratories, Inc., in the amount of \$64,178.29; and approve an increase for the 2025 fourth contract renewal for a total annual not-to-exceed amount of \$255,000, plus the change in the Consumer Price Index.

**G Water Main Break at 5745 Parkmor Road: Continuation of Emergency Declaration**

Approve the continuation of an emergency declaration due to a 12-inch water main break at 5745 Parkmor Road in the City of Calabasas.

Director Coradeschi moved to approve the Consent Calendar. Motion seconded by Director Caspary. Motion carried 5-0 by the following roll call vote:

AYES: Burns, Caspary, Coradeschi, Lewitt, Polan  
NOES: None  
ABSTAIN: None  
ABSENT: None

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

**A MWD Representative Report**

Board President Lewitt, MWD Representative, reported that the MWD Board approved agreements with Western Canal Water District and Richvale Irrigation District for water transfer options and first rights of refusal for 2025 through 2027. He stated that this water transfer could be an option for water supply in dry years; however, MWD would pay \$500,000 merely to have this option. He noted that the MWD Board would meet on October 21st to consider MWD's General Manager Adel Hagekhalil's employment. He also noted that the MWD Board was experiencing issues regarding the Delta Conveyance Project, water rights, Colorado River with the six states and Indian Tribes, MWD employees' unions and morale, budget deficits, and the lawsuit with San Diego County Water Authority.

**B Legislative and Regulatory Updates**

Jeremy Wolf, Legislative Program Manager, reported that Governor Gavin Newsom signed approximately 1,000 new bills and vetoed 183 bills. He stated that the most common reason for the vetoed bills were due to funding and policy issues. He noted that SB 366, (Caballero), The California Water Plan, Long-Term Supply Targets, was vetoed due to ongoing cost to the Department of Water Resources and other state agencies, and because of the release of the 2023 California Water Plan. He also reported that three bills related to Proposition 218 reform were signed by Governor Newsom. He stated that District staff would provide a report at the next Board meeting for a recommendation to introduce a legislative bill regarding water theft. He also reported that the District would submit comments as part of a coalition regarding the U.S. Environmental Protection Agency's (EPA) per- and polyfluoroalkyl substances (PFAS) interim disposal and

destruction guidance. He stated that the comments would highlight the need for disposal and destruction that supports regulatory compliance for the current and expected PFAS regulations. He also reported that Direct Potable Reuse regulations became effective October 1st. He noted that the Federal Bureau of Reclamation and the California Department of Water Resources decided to curtail additional water flows intended to support endangered fish in the Sacramento-San Joaquin River Delta this Fall. He noted that a coalition of environmental and fishing groups indicated that flows, known as Fall X2 water release, were vital to the Delta Smelt and other endangered fish. He read from an article by CalMatters regarding the U.S. EPA investigating claims that California's management of the state's largest estuary, the San Francisco Bay and Delta rivers, has discriminated on the basis of race, color, and national origin with its failure to update Bay-Delta water quality standards, which involved how much water is diverted to cities and farms. The article also indicated that approximately 90 percent of people surveyed in low-income communities of color in the Sacramento-San Joaquin Delta region reported that they eat locally caught fish four or more days per week, and people of color were disproportionately harmed by contamination of the fish they eat caused by water diversions.

Director Caspary stated that the *Wall Street Journal* published an editorial regarding a lawsuit that the City of San Francisco filed against the EPA regarding water quality of discharge into the San Francisco Bay. He noted that the City of San Francisco was claiming that the EPA standards were less than straight forward and had many uncertainties.

## 6. TREASURER

Director Coradeschi stated that he reviewed the expenditures.

Brian Richie, Finance Manager, responded to a question regarding the payment schedule to MWD by stating that MWD invoices were paid on a 90-day timeframe via electronic funds transfer.

## 7. EXTERNAL AFFAIRS

### A **Multi-Agency Feasibility Study on Delivery of Proposed OceanWell Water: Authorization**

**Authorize the General Manager to sign a Letter of Intent and Reimbursement Agreement with seven partnering agencies, and to execute a professional services agreement with HDR Engineering, Inc., in the amount of \$99,926 to perform a feasibility study on the future delivery of proposed OceanWell water.**

Joe McDermott, Assistant General Manager, presented the report.

John Zhao, Retired Annuitant, provided an update regarding OceanWell's development of a subsurface desalinization system. He noted that OceanWell secured nearly \$1 million grant funding from the U.S. Bureau of Reclamation and MWD, and had mobilized the pilot

desalination pod at the Las Virgenes Reservoir site. He stated that the systems would be tested, and a "Grand Splash" ribbon-cutting event would be held later in the year. He spoke regarding the purpose of the study to determine concepts for the onshore conveyance system, which would include pipelines, pumping stations, and other facilities, and explore regulatory and institutional issues that would prevent this water from being conveyed to inland water agencies.

Director Coradeschi moved to approve Item 7A. Motion seconded by Director Caspary.

General Manager David Pedersen responded to a question regarding the current cost of water supply from the Carlsbad desalination plant by stating that he believed it was approximately \$3,000 range, and that he could follow-up.

Mr. Zhao responded to a question regarding concerns from environmental groups for the construction of Water Farm No. 1 off the Malibu coast by stating that Heal the Bay and the Sierra Club had expressed support for this type of technology. He also responded to questions regarding outreach to the City of Malibu and the use of renewable energy.

Motion carried 5-0 by the following roll call vote:

AYES: Burns, Caspary, Coradeschi, Lewitt, Polan

NOES: None

ABSTAIN: None

ABSENT: None

## **8. NON-ACTION ITEMS**

### **A Organization Reports**

Director Caspary reported that he attended the Santa Monica Bay Restoration Commission (SMBRC) Governing Board Meeting on October 10th, where they approved a resolution in support of the City of Los Angeles Comprehensive Plastics Reduction Program and a resolution in support of adding the Commission as an advisory member to the Steering Committee for the County's Clean Safe Water Program. He noted that the Clean Safe Water Program was adopted by the voters, and generates \$280 million annually for cleaning water quality and promoting recharge as a primary method of increasing local water supply. He also noted that the EPA's National Estuary Program promotes projects to clean runoff and non-stormwater related flows for approximately \$600,000 annually, and the State Coastal Conservancy's Coastal Habitat Restoration Project would have a \$10 million budget for the next three fiscal years. He stated that local projects to clean water that goes into Santa Monica Bay and the ocean included the City of Agoura Hills Low Flow Interconnection Project for stormwater and non-stormwater related flows, and Caltrans runoff cleanup projects. He also stated that he asked staff from The Bay Commission to produce a color-coded aerial map showing different water cleanup projects. He also reported that the Resource Conservation District of the Santa Monica Mountains would have a seat available on the Governing Board. He noted that there were concerns that the Santa Monica Mountains had aquifers and sufficient water

needed to be left in Malibu Creek to promote water supply for nature and wildlife. He also reported that he and Katherine Pease from Heal the Bay would be stepping down from the SMBRC Governing Board, and General Manager David Pedersen was currently the Alternate.

A discussion ensued regarding the requirement to maintain 2.5 cubic feet per second (CFS) flows in Malibu Creek to protect native fish.

## **B Director's Reports on Outside Meetings**

None.

## **C General Manager Reports**

### **(1) General Business**

General Manager David Pedersen stated that an item would be included on a future agenda to appoint a new Representative to the Santa Monica Bay Restoration Commission Governing Board. He reported that he attended the MWD Business Model Retreat with Member Agencies on October 10th and 11th. He stated that MWD wanted to review its business model due to a pattern of declining retail water sales due to water conservation, and the need to invest in water supply reliability to adapt to changing climate. He stated that the Member Agencies would develop recommendations for MWD's business model, which would be presented to the MWD Board next year. He mentioned that the Pure Beer event held on October 10th was well attended, and he acknowledged staff for their efforts in organizing this event. He reminded the Board that a special meeting would be held on October 29th, and the November 5th meeting would be canceled. He noted that staff from Calleguas Municipal Water District (Calleguas) suggested scheduling a joint meeting with the LVMWD Board to discuss the Delta Conveyance Project. He noted that the MWD Board would consider funding for the Delta Conveyance Project in December for final design and permitting. He stated that without this funding the Department of Water Resources would be unable to complete those processes. He stated that Calleguas staff proposed holding the joint Board meeting on November 20th at 4:00 p.m. at Calleguas. He also reported that updates to the Board Room were nearing completion with the addition of the District's logo and signage. He stated that the dedication of the Glen D. Peterson Board Room would be held on December 2nd at 11:00 a.m.

### **(2) Follow-Up Items**

None.

## **D Directors' Comments**

Director Caspary acknowledged staff for their efforts in organizing the Pure Beer event. He suggested that additional lighting be installed to better illuminate the Mission Statement in the Board Room.

Director Coradeschi echoed Director Caspary's comments regarding the Pure Beer event.

Board President Lewitt echoed Director Caspary's comments regarding the Pure Beer event. He noted that there was great acceptance of the Pure Water Project Las Virgenes-Triunfo, and the event was attended by the City of Agoura Hills Mayor and several Councilmembers, as well as Triunfo Water & Sanitation Director Leon Shapiro.

Director Burns commended Director Caspary for his service to the District.

## **9. FUTURE AGENDA ITEMS**

Director Polan moved to have a legal study on the effect of the conflict for the need to remove wastewater as a drinking source, the request from non-governmental organizations (NGO's) to keep water in the creek, and which would take precedence. Motion seconded by Director Burns.

Director Polan clarified that his motion would be for a legal study on the ultimate outcome of who gets the water when the District is in a serious drought when Malibu Creek runs below 2.5 cubic feet per second (CFS), and when water is needed for the Pure Water Project Las Virgenes-Triunfo for drinking purposes. He inquired what needed to be done to build support for the argument that water is needed for drinking purposes instead of water being placed into the environment should there be a declared an emergency.

A discussion ensued regarding the federally endangered species protection in Malibu Creek, which would have precedence over production of potable water; the regulatory framework for summertime compliance, which involves discharging potable water to the creek to meet the fish flow needs and which would not take away water that has the ability to go to the Advanced Water Purification Facility; and a request for a presentation regarding the requirements for Malibu Creek.

## **10. PUBLIC COMMENTS**

Josie Guzman, Clerk of the Board, noted that the Board received a copy of Kali Alana Maciejewski's written public comment regarding her tort claim for Closed Session Item 11A.

## **11. CLOSED SESSION**

### **A Conference with District Counsel – Anticipated Litigation (Government Code Section 54956.9(d)(2): Four items**

**Tort claims by Kali Alana and Michael Maciejewski; Mulholland, LLC; Joseph Mermelshtayn; and Mark Zonder.**

The Board recessed to Closed Session at **10:16 a.m.** and reconvened to Open Session at **10:40 a.m.** Director Polan was absent.

Keith Lemieux, District Counsel, reported that the Board met in Closed Session and there was no reportable action for the tort claim by Kali Alana and Michael Maciejewski. He also reported that the Board denied the tort claims by Mulholland, LLC; Joseph Mermelshtayn; and Mark Zonder.

**12. OPEN SESSION AND ADJOURNMENT**


Seeing no further business to come before the Board, the meeting was duly adjourned at **10:41 a.m.**





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

ATTEST:



Gary Burns, Secretary  
Board of Directors  
Las Virgenes Municipal Water District

(SEAL)