



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

**MINUTES**  
**REGULAR MEETING**

5:00 PM

November 22, 2011

**PLEDGE OF ALLEGIANCE**

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

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

**A** Call to order and roll call

The meeting was called to order at 5:01 p.m. by President Renger in the District offices. Assistant Deputy Secretary Conklin called the roll. Those answering present were Directors Caspary, Peterson, Renger and Steinhardt. Directors absent: Bowman.

**2. APPROVAL OF AGENDA**

**A** Approval of agenda

General Manager Mundy stated Legal Counsel Keith Lemieux requested an amendment to the agenda. Mr. Lemieux stated on November 22, 2011, the District had received written correspondence from the undisclosed affected party in regards to Closed Session 12. B Conference with District Counsel (Government Code Section 54957 (b)): 1. Public Employee Discipline/Dismissal/Release and that the employee has the right to be heard in public. The affected party had requested the agenda item be heard in Open Session, therefore their name, Rommel Marzan could now be entered into the public record. Mr. Lemieux further stated that prior to any action taken on the item the Board would first need to continue its deliberation in Closed Session. The Board agreed to honor the request of Mr. Marzan. Based on this decision Mr. Lemieux requested an Open Session item be added as 3. B Public Comments and stated deliberations would take place in Closed Session as stated on the agenda; and any Board actions or decisions would be reported to the public afterward in Open Session.

*On a motion by Director Charles Caspary, seconded by Director Glen Peterson, the Board of Directors voted 4-0 -1 to Approve the Regular Board Meeting of November 22, 2011, as*

*amended by the recommendations of Legal Counsel Keith Lemieux.*

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

*ABSENT: Director(s) Bowman*

### **3. PUBLIC COMMENTS**

A. Public Comments for matters not appearing on the agenda: no speaker cards were received from the public.

B. Public Comments - Public Employee Discipline/Dismissal/Release - Rommel Marzan: one speaker card was received from Lita Z. Biejo who spoke concerning the discipline of Rommel Marzan. Ms. Biejo provided her background and that of her family and expressed her concern for justice in the Marzan matter. She stated she has known Mr. Marzan since he was a child and is friends with his parents and indicated that in her opinion he should not be terminated.

### **4. ILLUSTRATIVE AND/OR VERBAL PRESENTATION AGENDA ITEMS**

#### **A Legislative and Regulatory Updates**

General Manager Mundy stated no report would be given tonight and reminded the Board, Kathy Cole would provide the annual legislative update on December 13, 2011.

### **5. CONSENT CALENDAR**

*On a motion by Director Glen Peterson, seconded by Director Charles Caspary, the Board of Directors voted 4-0 -1 to Approve Consent Calendar 5A-5D as presented in the recommendations.*

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

*ABSENT: Director(s) Bowman*

**A Minutes: Special Meetings of October 20, 2011 and October 21, 2011. Approve**

**B List of Demands: November 22, 2011. Approve**

**C Investment Report for the Month of September 2011. Approve**

**D Investment Review for the Third Quarter 2011. Receive and File**

### **6. TREASURER**

Treasurer Steinhardt stated he had reviewed the list of demands and corresponding vouchers and found one item of interest - a complimentary iPod issued to an employee, upon further investigation it was noted the employee who received the item had returned it to the vendor.

Director Caspary asked General Manager Mundy what the District's policy is in regards to gifts. Mr. Mundy stated there is a policy in place and that gifts cannot be accepted by any staff members, food items typically sent only during holiday periods were required to be shared amongst all employees, and an email reminder is issued to staff each year as a reminder of the policy.

### **7. BOARD OF DIRECTORS**

#### **A ACWA General Session Membership Meeting and Voting Delegate**

The Board of Directors to designate a representative to serve as voting delegate and attend the ACWA General Session meeting on Wednesday, November 30, 2011, and if necessary, on Thursday, December 1, 2011.

*On a motion by Director Charles Caspary, seconded by Director Barry Steinhardt, the Board of Directors voted 4-0 -1 to Approve as recommended by General Manager Mundy the appointment of President Renger as the ACWA voting delegate.  
 AYES: Director(s) Caspary , Peterson , Renger , Steinhardt  
 ABSENT: Director(s) Bowman*

**B** ACWA Health Benefits Authority (HBA) Nomination for Open Unexpired Position - Southern Region Member

The Board of Directors to discuss nominations, if any, for ACWA HBA southern region; and authorize execution of a Resolution to be filed with ACWA HBA no later than Friday, December 2, 2011.

*On a motion by Director Glen Peterson, seconded by Director Charles Caspary, the Board of Directors voted 4-0 -1 to Approve based on the recommendation of Director Peterson, nomination of Kern County Water Agency's Steven Ruettgers and execution of the related Resolution to be filed with ACWA.  
 AYES: Director(s) Caspary , Peterson , Renger , Steinhardt  
 ABSENT: Director(s) Bowman*

**C** Local Agency Formation Commission (LAFCO) Representative: Nomination of Candidate

The Board of Directors, if interested, may nominate a candidate for appointment as special district representative to the Los Angeles Local Agency Formation Commission.

*On a motion by Director Charles Caspary, seconded by Director Glen Peterson, the Board of Directors voted 4-0 -1 to Move this item to December 13, 2011, to provide additional time for consideration of a possible nominee.  
 AYES: Director(s) Caspary , Peterson , Renger , Steinhardt  
 ABSENT: Director(s) Bowman*

**8. FINANCE AND ADMINISTRATION**

**A** Claim from Andre Carpiac

Deny the claim from Andre Carpiac.

*On a motion by Director Lee Renger, seconded by Director Glen Peterson, the Board of Directors voted 4-0 -1 to Approve the recommendation as presented.  
 AYES: Director(s) Caspary , Peterson , Renger , Steinhardt  
 ABSENT: Director(s) Bowman*

**B** Claim from Anne Swartwood

Deny the claim from Anne Swartwood.

*On a motion by Director Barry Steinhardt, seconded by Director Lee Renger, the Board of Directors voted 4-0 -1 to Approve the recommendation as presented.  
 AYES: Director(s) Caspary , Peterson , Renger , Steinhardt  
 ABSENT: Director(s) Bowman*

**C** First Quarter Financial Review

Receive and file.

General Manager Mundy stated no connection fees had been received during the first quarter of fiscal year 2011-12; and to note a correction to Page-FR1211-1, which should read "FY11-12 Year to Date at September 30".

*On a motion by Director Glen Peterson, seconded by Director Charles Caspary, the Board of Directors voted 4-0 -1 to Approve the recommendation as presented.*

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

*ABSENT: Director(s) Bowman*

#### **D Change of Employer Paid Member Contributions**

Pass, approve and adopt the proposed Resolution No. 11-11-2426 identifying the change in amount of Employer Paid Member Contributions (EPMC) for the Manager/Supervisor, Professional and Confidential (M/SPC) Employees Association.

#### **RESOLUTION NO. 11-11-2426: A RESOLUTION OF THE BOARD OF DIRECTORS OF LAS VIRGENES MUNICIPAL WATER DISTRICT FOR PAYING AND REPORTING EMPLOYER PAID MEMBER CONTRIBUTIONS (EPMC)**

(Reference is hereby made to Resolution No. 11-11-2426 on file in the District's Resolution Book and by this reference the same is incorporated herein and made a part of hereof.)

General Manager Mundy stated the proposed resolution was necessary for CalPERS to recognize the change of Employer Paid Member Contributions (EPMC), effective January 1, 2012 for the Management Unit and Supervisor, Professional & Confidential Unit Memorandums of Understanding, wherein both Units will be paying 1% of the 7% employee's contribution, resulting in Las Virgenes paying a decreased rate of 6% of the 7% employee's contribution.

*On a motion by Director Charles Caspary, seconded by Director Lee Renger, the Board of Directors voted 4-0 -1 to Approve the recommendation as presented.*

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

*ABSENT: Director(s) Bowman*

#### **E Proposed Insurance Providers for Plan Renewals**

Authorize the General Manager to execute a renewal of a one year contract with MetLife Insurance Company to provide dental Insurance coverage at an annual cost of \$160,248; authorize the General Manager to execute a two year contract with VSP to provide vision insurance coverage at an annual cost of \$14,890; and authorize the General Manager to execute a two year contract with Lincoln Financial to provide life insurance, short and long term insurance at an annual cost of \$26,134, \$22,671 and \$33,798 respectively.

Sherry Skarda of Poms & Associates discussed renewal rates and options associated with employee benefit plans including dental, vision, basic life and accidental death and dismemberment, short and long term disability, and responded to Board inquiries in regards to quote information provided in her presentation.

*On a motion by Director Barry Steinhardt, seconded by Director Charles Caspary, the Board of Directors voted 4-0 -1 to Defer taking action on plan renewals at this time; bring the renewal options back on December 13, 2011, and to include as directed by the Board - ACWA Delta Dental quotes for restorative (fillings), oral surgery, endodontics, comparative analysis for what is required by the employee contracts versus what the proposed quotes provide, quantify 85% (estimated average cost), further consideration of 90th percentile, and utilization of services within the provider networks; verify with ACWA whether there is an eye wear rider option with Kaiser plans; and to approve termination of life insurance coverage (\$25,000 per person) for the Board of Directors.*

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

*ABSENT: Director(s) Bowman*

**9. INFORMATION ITEMS****A Claim from J. Baskerville****10. NON-ACTION ITEMS****A Organization Reports(1) MWDa. Representative Report/Agenda(s); (2)Other**

(1) MWD Representative Peterson stated today's Metropolitan meeting had been canceled and there would be a Bay Delta meeting on December 13, 2011.

(2) Director Peterson reported on his attendance at the November 2, 2011, annual water tour of Ventura County sponsored by AWA and Farm Bureau of Ventura County, which included a tour of the Casitas Dam.

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

Directors Caspary, Renger and Steinhardt reported on their attendance at the November 17, 2011, AWA Breakfast during which the General Manager's of Casitas, Calleguas and United Water discussed local area water issues.

**C General Manager Reports**

General Manager Mundy discussed holiday office closures; upcoming calendar events; invitations to City of Westlake Village and City of Agoura Hills reorganizations; end of creek avoidance on November 15, 2011 - berm was open and discharge began; and stated pass through notices had been mailed to customers on November 17, 2011.

**D Director's Comments**

Director Caspary discussed the upcoming State Water Board meeting of December 6, 2011, during which there would be a discussion regarding the Los Angeles Basin Plan - Chapter 7; and his attendance at the November 14, 2011, City of Hidden Hills council meeting during which a proclamation was presented to commemorate the City's 50th Anniversary.

**11. FUTURE AGENDA ITEMS**

Director Caspary commented on an article he saw in regards to a SCADA system in Illinois being hacked into and requested staff provide an analysis on this type of occurrence wherein passwords are stolen by software providers, and to provide a confidential report during the first quarter of 2012 regarding cyber security and emergency preparedness.

**12. CLOSED SESSION**

The meeting adjourned into Closed Session at 6:28 p.m.

**A Conference with District Counsel - Existing Litigation (Government Code Section 54956.9 (a)): 1. Las Virgenes Municipal Water District v. Weber; 2. Rosco Holdings, Inc. v. Las Virgenes Municipal Water District, et. al.**

At 6:31 p.m. all staff present (General Manager Mundy and Director of Facilities and Operations Lippman) were asked to leave the board room where upon Legal Counsel Keith Lemieux conferenced with the Board of Directors in regards to the Closed Session personnel matter.

**B Conference with District Counsel (Government Code Section 54957(b)): 1. Public**

## Employee Discipline/Dismissal/Release

At 6:35 p.m. the Closed Session meeting adjourned into Open Session. At this time Clerk of the Board Conklin notified staff and four members of the public who were present and waiting outside the board room area that they could re-enter the meeting, including Lita Z. Biejo who spoke during public comments.

Mr. Lemieux reported in Open Session that he had provided a report to the Board and staff in regards to LVMWD v. Weber; no report was given on Rossco Holdings, Inc. v. LVMWD; and had provided a report to the Board in regards to the public employee closed session item during which staff was not present.

*On a motion by Director Charles Caspary, seconded by Director Glen Peterson, the Board of Directors voted 4-0 -1 to Confirm the Board of Director's decision to reject the employee's appeal; and to uphold termination by the General Manager of Rommel Marzan.*

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

*ABSENT: Director(s) Bowman*

### **13. OPEN SESSION AND ADJOURNMENT**

The Chair declared the meeting adjourned at 6:38 p.m.

*Lee Renger*

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LEE RENGER, President  
Board of Directors  
Las Virgenes Municipal Water District

ATTEST:

*Charles Caspary*

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CHARLES CASPARY, Secretary  
Board of Directors  
Las Virgenes Municipal Water District

(SEAL)