



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

MINUTES
REGULAR MEETING

5:00 PM

August 14, 2012

PLEDGE OF ALLEGIANCE

At the request of President Renger, the Pledge of Allegiance to the Flag was led by Director of Facilities and Operations Lippman.

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 called 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 August 14, 2012, as presented.

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

3. PUBLIC COMMENTS

One speaker card was received from the public: (1) Dan Zaharoni who represents a senior housing development located at 26705 Malibu Hills Road in Calabasas, discussed loan funding schedule; requested a payment plan for connection fees and asked the Board to place an item on the next agenda for consideration.

President Renger instructed staff to place an item on the August 28, 2012 board meeting agenda to discuss Mr. Zaharoni's request.

4. ILLUSTRATIVE AND/OR VERBAL PRESENTATION AGENDA ITEMS

A Legislative and Regulatory Updates

No report was given by staff.

5. CONSENT CALENDAR

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

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

A Minutes: Regular Meeting of July 10, 2012. Approve

B List of Demands: August 14, 2012. Approve

C Directors' Per Diem: July 2012. Ratify

6. TREASURER

Treasurer Steinhardt stated the accounts payable checks were in order.

7. BOARD OF DIRECTORS

A General Manager Recruitment: Proposed Benefits

The Board of Directors to discuss benefits for use in the General Manager recruitment brochure and provide direction to staff and consultant.

Director Steinhardt requested "7. A - General Manager Recruitment: Proposed Benefits" be moved to Closed Session. Legal Counsel Lemieux stated 97% of the items related to compensation were required to be discussed during Open Session.

Human Resources Manager Paniagua stated this was on the agenda at the request of a board member who wished to discuss benefits included in the recruitment brochure.

Director Bowman stated the brochure in general was inadequate and that it also did not adequately describe what Las Virgenes does, and is disappointed in the brochure.

Board discussions and considerations included: likes Mission Statement in brochure, but one item needs language clarification; providing of a District vehicle versus mileage reimbursement; is brochure a formal agreement (Mr. Lemieux stated the contract itself is the formal agreement not the recruitment brochure); and life insurance/sick leave provisions.

*On a motion by Director Joseph Bowman, seconded by Director Glen Peterson, the Board of Directors voted 5-0 to Approve editing of the brochure as follows (1) **REMOVE "Performance bonus may be applied"**; (2) clarify Mission Statement language "These services include": **REPLACE with "we value"**; and (3) PERS Retirement: **REMOVE "3% COLA and retiree benefits"**.*

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 editing of the brochure as follows (1) Page 1/Paragraph 1 "provides wastewater and potable water services": **ADD "recycled water"**; (2) **Remove "Develop a compensation philosophy with the Board"**; (3) and **CHANGE "Prepare" to "Implement" an asset management plan.***

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

*On a motion by Director Lee Renger, seconded by Director Joseph Bowman, the Board of Directors voted 5-0 to Approve editing the brochure as follows (1) **ADD** to bottom of Compensation and Benefits "**final compensation and benefits to be negotiated with successful applicant**"; (2) Grade 5 certification in water treatment or wastewater **CHANGE "or" to "and/or"**; and (3) **REMOVE "Life Insurance \$50k plus one years' salary"**.*

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

*On a motion by Director Barry Steinhardt, seconded by Director Lee Renger, the Board of Directors voted 5-0 to Approve editing the brochure as follows (1) **REMOVE** the last four bullets of the Compensation and Benefits section "**Education reimbursement up to \$685 per course, no limit on number of courses; Internally administered FSA program for child care and medical expenses; Comprehensive EAP program, including legal and special services; \$500 for annual physical.**"; and (2) **REMOVE "Unlimited accrual of sick leave at 12 days per year"**.*

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

B Joint Powers Insurance Authority (JPIA) Board of Directors Representatives

The Board of Directors to appoint one member of the board of directors to serve as the District's JPIA Director Representative; and appoint one officer, member of the governing board, or employee of the District to serve as the JPIA Alternate Representative.

On a motion by Director Barry Steinhardt, seconded by Director Glen Peterson, the Board of Directors voted 5-0 to Approve the appointment of Director Glen Peterson to serve as the JPIA Director Representative and Director Barry Steinhardt to serve as the JPIA Alternate Representative.

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

At 5:38 p.m., Director of Facilities and Operations Lippman requested the Board defer hearing "7. C - Labor Relations Negotiator" until Mr. Peter Brown arrived; and stated that Mr. Brown had been notified by staff his presence was not needed at the board meeting until 6:00 p.m.

C Labor Relations Negotiator

Designate Peter Brown, with the firm Liebert Cassidy Whitmore, as Labor Relations Negotiator.

Human Resources Manager Paniagua introduced Mr. Peter Brown. Board comment and staff response included: what other firms were considered (Burke, Williams and Sorensen, LLP and Bill Avery of William Avery and Associates).

Ms. Paniagua stated Mr. Brown was highly recommended by other agencies and his experience is detailed in his bio, which is included in the agenda; and if selected for labor negotiations he was prepared to discuss the employee compensation and benefits Closed Session item.

Board comments and proposed labor negotiator responses: what is your negotiating style (has been an attorney with Liebert Cassidy Whitmore for 23 years and his main focus is on labor negotiations, stated his style is assertive, but isn't a "bulldog"; has had few impasses, concession bargaining efficient, stated re-opener with SEIU is not limited in scope); glad managers formed a coalition separate from the Office and General Units (has negotiations experience with Danny Carrillo of SEIU who is present at tonight's board meeting along with Pamm Fair, important to have a good and respectful relationship with employees and SEIU); admires staff, be sensitive to their positions, Board must be competitive, but must also work for ratepayers (works with agencies on relationships to meet agreements and also be cognizant of

finances, has represented agencies with a \$4 million surplus all the way down to agencies who are on the verge of bankruptcy); is this a dress rehearsal for becoming the permanent negotiator (provides Board the ability to evaluate his work to see if they want his as the permanent negotiator).

On a motion by Director Glen Peterson, 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

8. FACILITIES AND OPERATIONS

A 2012 Las Virgenes Dam - Settlement Report

Receive and file the Las Virgenes Dam Settlement Report No. 2498.00

Director of Facilities and Operations Lippman discussed the dam settlement report and provided an overview of the findings.

On a motion by Director Lee Renger, 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 Air Conditioning Controls Upgrade for Headquarters Campus Buildings #7 and #8

Authorize the General Manager to approve the upgrade to the HVAC system on building eight and building seven and award the contract to West Coast Power Solutions.

Board comments and staff responses included questions as to why vendors would bid on one building but not the other (vendors were not questioned, but in two instances bids were submitted only on one building, but not the other); and what confidence level does staff have with West Coast (confident that West Coast Power Solutions will provide good service).

On a motion by Director Glen Peterson, 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

C Building #1 Improvements

Approve the proposal from Eric Rohlfing (also known as ENRdesign) for a total amount of \$25,750 to provide Architectural, Structural and Electrical construction drawings and specifications to install a new elevator, add a circular driveway around the building and establish additional parkings, a monument sign and landscape lighting and controls.

Director of Facilities and Operations Lippman provided an overview of additional work to be performed by Eric Rohlfing (ENRdesign) in conjunction with authorization received at the board meeting of June 12, 2012.

On a motion by Director Lee Renger, 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

D Tapia Influent Pipeline and Valve Replacement Project - Ratification of Change Order No. 2

Ratify Change Order No. 2 in the amount of \$11,028.00; \$5,367.00 attributed to the Tapia Influent Pipeline & Valve Replacement Project; \$5,661.00 attributed to the Tapia Influent Pipeline Rehabilitation Project.

Director of Facilities and Operations Lippman stated the additional expenditure was the result of unknown field conditions and that the General Manager had administratively approved the change order.

On a motion by Director Glen Peterson, seconded by Director Lee Renger, the Board of Directors voted 5-0 to Approve the recommendation as presented.

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

9. NON-ACTION ITEMS

A Organization Reports(1) MWD a. Representative Report/Agenda(s); (2) Other

(1) MWD Representative Peterson reported on general business of the Metropolitan Water District including the regular MWD meeting of August 14th had been adjourned to August 21st due to tax rolls and stated he would be attending a Colorado River board meeting on August 15th.

(2) Director Peterson reported on his attendance at the ACWA State Legislative meeting of August 10th and stated Jean-Michel Cousteau had given an excellent presentation at CASA.

Director Steinhardt reported on his attendance at CASA and stated Mr. Cousteau's presentation was excellent; filtered/bottled water discussions; and Stanford presenter provided good information, but very technical.

B Director's Reports on Outside Meetings

Director Bowman reported on his attendance at CASA and the CASA Federal Affairs Committee meeting, topics presented and/or discussed were loosening of conflict rules, EPA regulations are too stringent, aerial spraying of pesticides, Representative Tom McClintock's bill related to citizen suits will probably not go through (H.R. 3544 Federal Water Pollution Control Act), district branding presentation by Lois Humphreys former Leucadia board member, infrastructure bills, Governor Brown's tax initiatives if not passed will have a significant effect on education, statewide biosolids disposal (Class B biosolids not accepted in Kern County), and very technical, but excellent presentation by Dr. Luthy from Stanford.

Director Bowman requested that Public Affairs and Communications Manager Reinhardt provide a state/federal legislative update at a future meeting pertaining to pharmaceutical disposal.

Mr. Peter Brown arrived at 5:55 p.m. and at this point in the board meeting "7. C - Labor Relations Negotiator" was considered.

C General Manager Reports

In the General Manager's absence, Director of Facilities and Operations Lippman provided an update on general business of the District including upcoming calendar events and the draft 218 Notice, which had been provided in board folders.

D Director's Comments

Director Bowman stated there were outstanding fundamental issues with the Raftelis rate study report and that he had met with General Manager Mundy regarding his concerns. Legal Counsel Lemieux stated this item was on the August 28th agenda and that he would provide a report on the nexus required for fund transfers at that time as the item is not listed on tonight's agenda and is therefore not open to a detailed discussion.

Directors Peterson and Renger stated they wished Mr. Martin Jansen was in the audience as they planned to address his comments in regards to water use at vineyards and water use for firefighting respectively as Mr. Jansen had questioned water use at their personal properties.

10. FUTURE AGENDA ITEMS

President Renger reiterated future agenda items including (1) payment plan for senior housing, (2) prescription disposal legislative update, and (3) legal counsel's report on fund transfer nexus requirements.

The meeting adjourned to break at 6:32 p.m.

11. CLOSED SESSION

The meeting reconvened into Closed Session at 6:37 p.m.

A Labor Negotiations (Government Code Section 54957.6):

1. Employee Compensation and Benefits

B Conference with District Counsel - Property Lease (Government Code Section 54956.8):

1. Millgee Investment Company, Inc.

C Conference with District Counsel - Existing Litigation (Government Code Section 54956.9(a)):

1. Weber v. Las Virgenes Municipal Water District

12. OPEN SESSION AND ADJOURNMENT

The meeting convened into Open Session at 7:03 p.m. No reportable actions were taken during Closed Session.

The Chair declared the meeting adjourned at 7:04 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)