

LAS VIRGENES - TRIUNFO JOINT POWERS AUTHORITY MINUTES

5:00 PM

March 4, 2013

PLEDGE OF ALLEGIANCE

At the request of Chair McReynolds, the Pledge of Allegiance to the Flag was led by Director Wall.

1. CALL TO ORDER AND ROLL CALL

A Call to order and roll call

The meeting was called to order at 5:02 p.m. by Chair McReynolds in the Oak Park Library. Clerk of the Board Conklin called the roll. Those answering present were Directors Caspary, Iceland, McReynolds, Orkney, Paule, Peterson, Polan, Renger, Steinhardt and Wall.

2. APPROVAL OF AGENDA

A Approval of agenda

On a motion by Director Michael Paule, seconded by Director Charles Caspary, the Board of Directors voted 10-0 to Approve the JPA Regular Board Meeting agenda of March 4, 2013, as presented.

AYES: Director(s) Caspary , Iceland , McReynolds , Orkney , Paule , Peterson , Polan , Renger , Steinhardt , Wall

3. PUBLIC COMMENTS

Members of the public may now address the Board of Directors **ON MATTERS NOT APPEARING ON THE AGENDA**, but within the jurisdiction of the Board. No action shall be taken on any matter not appearing on the agenda unless authorized by Subdivision (b) of Government Code Section 54954.2

No speaker cards were received from the public.

4. ILLUSTRATIVE AND/OR VERBAL PRESENTATION AGENDA ITEMS

A Strategy to Address Proposed Regulatory Standards for Malibu Creek

Review and provide feedback on the draft strategy report to address proposed regulatory standards for Malibu Creek.

Administering Agent/General Manager Pedersen presented "Strategy to Address Proposed Regulatory Standards for Malibu Creek" (to be used as a "playbook") discussing purpose and goal, five strategy components, regulatory process, public outreach, political advocacy (some cities have Environmental Committees we can meet with), we don't have direct access to those in charge of EPA, but we do have access to Regional Water Quality Control Board

(RWQCB) and State Water Quality Control Board (SWQCB), submit letters of support for SWRCB for preferred candidates; economic considerations, scientific investigations, summary and conclusions; and provided a report on his trip to Washington D.C. (Director of Facilities and Operations Lippman and Las Virgenes Director Peterson were also in attendance) during which meetings were held with Congresspersons Julia Brownley and Brad Sherman; representatives from the offices of Congressmen Henry Waxman and Buck McKeon, Senators Dianne Feinstein and Barbara Boxer; and EPA's Denise Keehner to discuss the TMDL.

Triunfo Legal Counsel Mathews commented on Ojai Valley Sanitation's extended implementation period, but stated additional constituents were added to their TMDL.

A summary of JPA Board comments included: look at other contributors (horses, manure, etc.); reorder strategy (scientific investigations should be no less than "2."); contact Ventura County (at Council meeting, so it becomes part of the record) and Oak Park MAC as part of stakeholder process; discuss the amount of money invested within the past five years and what the cost of abandoned facilities would be; as part of the outreach include the likely cost per person spent on a regulation that may not be attainable; balance of economic/regulatory, burden of unfair shouldering of costs; use of conflicting regulations as part of outreach (EPA v. RWQCB); has another TMDL like this been adopted before (Pedersen: no, this would be the first); brine disposal cost, conceptual, there are plants that can deal with this, but there would need to be an ocean outfall (Pedersen: brine not considered in 2005, brine disposal would require approximately 100 trucks per day and where do you take it to); work with Pepperdine on scientific investigation since they are in the watershed (support via in-kind services); look at landfill as part of scientific investigation; include algae as part of the scientific investigation; look at Calleguas' brine project and difficulties.

Pedersen stated the document would be updated with the JPA Board comments and updated periodically as things change.

5. **CONSENT CALENDAR**

A Minutes: Special Meeting of January 28, 2013 and Regular Meeting of February 4, 2013.
Approve

Director Iceland requested a portion of his comments under "7. Board Comments" be revised to read "for their support and public outreach materials" for the February 2nd; and Director Polan requested a portion of his comments under "6. G Solar Energy Project" be revised to read "performance loss over" 20 years.

On a motion by Director Charles Caspary, seconded by Director Steven Iceland, the Board of Directors voted 10-0 to Approve the recommendation as presented and to include the amended language as requested by Directors Iceland and Polan.

AYES: Director(s) Caspary , Iceland , McReynolds , Orkney , Paule , Peterson , Polan , Renger , Steinhardt , Wall

6. **ACTION ITEMS**

A Budget Planning Calendar for Fiscal Year 2013-14

Receive and file.

Director of Finance and Administration Hicks stated the Infrastructure Investment Plan (IIP) is normally included as part of the budget, but since the master plans will be reviewed next year Las Virgenes is using the IIP from last year and provided the JPA Board a document

reflecting "Budgeted vs. Actual Operating Expenditures-Last Ten Fiscal Years" (Legal Counsel Lemieux cautioned the only item on the agenda is the calendar and the budget should not be discussed (Pedersen stated an item would be brought back on April 1st); and Financial Analyst Hamilton stated the budget numbers were just received last week, so they have not been reviewed by staff yet; numbers were similar to last fiscal year; a three year average is used; and expected revenues are down by \$300,000.

A summary of JPA Board comments included: is Southern California Edison meter issue resolved (Director of Facilities and Operations Lippman stated "no", but we found out the Public Utilities Commission (PUC) only allows going back for a period of three years); if revenues are down was sewer/water conservation looked at (Hamilton: no, which is why the actual three year average is used; water cost at distribution not production); are TMDL costs included in net rate (Lippman: budget included disposal, but we don't know what the TMDL costs will be); source of water, will costs reflect savings due to winter months conservation.

Director Orkney requested the wholesale rate be looked at on April 1, 2013.

On a motion by Director Leonard Polan, seconded by Director Lee Renger, the Board of Directors voted 10-0 to Approve the recommendation as presented.

AYES: Director(s) Caspary , Iceland , McReynolds , Orkney , Paule , Peterson , Polan , Renger , Steinhardt , Wall

B Primary Tank Rehabilitation Project: Approval of Request for Proposals

Approve the Request for Proposals for evaluation of the condition of the concrete, recommendation on the best rehabilitation method, and preparation of plans and specifications for the Primary Tank Rehabilitation Project.

A summary of JPA Board comments included: clarification on Page 2, Scope of Work clarifier/sedimentation (Pedersen: same); concrete breakdown (Lippman: sulphuric acid, each tank is in varying form of decay, tanks will be rehabilitated one per year for five years); tank coating (Lippman: will be looked at); have a consultant tell us what needs to be done and then bid the recommended process (Pedersen: self-interest if doing both, it's best to go through a two-step process and Lippman: design, bid, build); problems if spread out over five years (Lippman: tanks need to be used during rehabilitation process, which is the reason for one tank per year); and fiberglass Scope of Work (Lippman: enclosed tank).

On a motion by Director Lee Renger, seconded by Director Steven Iceland, the Board of Directors voted 10-0 to Approve the recommendations as presented.

AYES: Director(s) Caspary , Iceland , McReynolds , Orkney , Paule , Peterson , Polan , Renger , Steinhardt , Wall

C Rancho Las Virgenes Third Digester: Award of Construction Engineering and Management and Materials Testing Services

Approve the proposal from Kennedy/Jenks Consultants to perform construction engineering and management services in the amounts of \$265,670.00 and \$280,000.00, respectively. Approve the proposal from Geolabs-Westlake Village for material testing in the amount of \$19,538.00. Appropriate \$565,208.00 for construction engineering and management and materials testing required for the project.

Director of Facilities and Operations Lippman stated after publication of the agenda another material testing bid was received in the amount of \$25,000.

A summary of JPA Board comments included: wasn't the area dugout and recompacted

(Lippman: yes); other bids besides Kennedy/Jenks (Lippman: construction services along with design); what are the internal staff costs if both proposals are approved (Lippman: \$30,000-\$45,000); how many firms were contacted for both projects (Principal Engineer Zhao: some of the firms would not bid unless they were also awarded the design and one bidder was too far away; Lippman: testing has a limited number of qualified bidders); where are we in regards to Capital Improvement Plan (Lippman: we are looking at additional funds); always concerned when additional appropriations are needed; staff ensures work is done correctly (Lippman: yes).

Director of Facilities and Operations Lippman also stated the project is complex due to concrete, steel, mechanical and technical components (Pedersen: this request is within 9.75% of the total project cost).

On a motion by Director Janna Orkney, seconded by Director Charles Caspary, the Board of Directors voted 10-0 to Approve the recommendations as presented.

AYES: Director(s) Caspary , Iceland , McReynolds , Orkney , Paule , Peterson , Polan , Renger , Steinhardt , Wall

D Resident Tours of JPA's Wastewater Treatment Facilities

Approve the proposal for JPA Board Members to be designated on a rotating basis, and depending on their availability, to host resident tours of the JPA's wastewater treatment facilities.

Director Orkney stated she objected at the last meeting, why does everything have to be codified when the process has worked fine in the past, why make the process so formal, and if we are going to formalize the process then start with the JPA Chair and JPA Vice Chair.

A summary of additional JPA Board comments included: leave two slots open one for a Las Virgenes Director and one for a Triunfo Director in the event they want to attend (Pedersen: Director names would appear on the itinerary if they opted to attend and Reyes: generally it's only new board members who join the tours); advertising (Reyes: The Acorn and web page, Las Virgenes and Triunfo customers are given priority); how do we know where the public saw the ad for the tour (a questionnaire is handed out at the end of the tour and one of the questions is "how did you hear about the tour"); believes JPA Board participation is a good idea.

Chair McReynolds stated Triunfo's participation in the quarterly wastewater tours was discussed at their last meeting and it was determined "yes" they would participate.

Director Orkney requested quarterly wastewater tours reference "JPA" on the web page.

On a motion by Director Michael Paule, seconded by Director Michael McReynolds, the Board of Directors voted 10-0 to Approve the recommendations as presented.

AYES: Director(s) Caspary , Iceland , McReynolds , Orkney , Paule , Peterson , Polan , Renger , Steinhardt , Wall

7. BOARD COMMENTS

Director Caspary reported that Marina Del Rey Anglers had been nominated for and had won a seat on the Santa Monica Bay Restoration Commission.

Director Peterson requested a "follow-up" process be started, similar to one utilized by Metropolitan for both the Las Virgenes and JPA Boards.

Director Renger requested information on the lagoon opening (Reyes: no official ceremony has been planned yet, but more information should be available in a couple of weeks and Pedersen: watershed tour of Malibu Creek will put regulations into context).

Director Polan requested an 11 x 17 map showing the location of District facilities.

8. FUTURE AGENDA ITEMS

None.

9. INFORMATION ITEMS

The meeting adjourned into break at 6:55 p.m.

10. CLOSED SESSION

The meeting convened into Closed Session at 6:58 p.m.


A Conference with District Counsel - Potential Litigation (Government Code Section 54956.9): Two Cases

1. In the opinion of District Counsel, disclosure of the identity of the litigants would be prejudicial to the district.

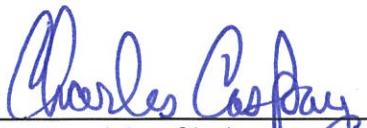
11. ADJOURNMENT

The meeting reconvened into Open Session at 7:24 p.m. and the Chair declared the meeting adjourned at 7:25 p.m.

No reportable actions were taken during Closed Session.


Michael McReynolds, Chair

ATTEST:


Charles Caspary, Vice Chair