



January 8, 2008

Next Resolution No. 01-08-2378  
Next Ordinance No. 01-08-253

LAS VIRGENES MUNICIPAL WATER DISTRICT  
4232 Las Virgenes Road  
Calabasas, California

AGENDA  
REGULAR MEETING

CLOSING TIME FOR AGENDA IS 8:30 A.M. ON THE TUESDAY PRECEDING THE REGULAR BOARD MEETING. GOVERNMENT CODE SECTION 54954.2 PROHIBITS BOARD TAKING ACTION ON ITEMS NOT ON POSTED AGENDA UNLESS AN EMERGENCY, AS DEFINED IN GOVERNMENT CODE SECTION 54956.5 EXISTS OR UNLESS OTHER REQUIREMENTS OF GOVERNMENT CODE SECTION 54954.2(B) ARE MET.

5:00 p.m.

JANUARY 8, 2008

PLEDGE OF ALLEGIANCE

1. CALL TO ORDER AND ROLL CALL

The meeting was called to order at \_\_\_ p.m. by \_\_\_ in the District offices, and the secretary called the roll.

<u>Board of Directors</u>	<u>Present</u>	<u>Left</u>	<u>Absent</u>
Joseph M. Bowman, President	_____	_____	_____
Lee Renger, Vice President	_____	_____	_____
Jeff Smith, Secretary	_____	_____	_____
Charles Caspary, Treasurer	_____	_____	_____
Glen Peterson, MWD Representative	_____	_____	_____

2. APPROVAL OF AGENDA

It was moved by Director \_\_\_\_, seconded by Director \_\_\_\_, and \_\_\_\_, that the agenda for the Regular Meeting of January 8, 2008, be approved as presented/amended.

3. PUBLIC FORUM

A Public Hearing - Potable Water Replacement Fund Standby Charge

Moved by Director \_\_\_\_, seconded by Director \_\_\_\_, and \_\_\_\_, that full reading of the proposed ordinance amending Ordinance 11-86-161 (LVMWD Code) as it relates to continuation of the Water Replacement Fund Standby Charge for fiscal year commencing July 1, 2008, be waived.

Moved by Director\_\_\_\_\_, seconded by Director\_\_\_\_\_, and\_\_\_\_\_, by the following roll call vote, that Rules and Regulations for Water Standby Charge Deferrals be approved and the proposed ordinance amending Ordinance 11-86-161 (LVMWD Code) as it relates to continuation of the Water Replacement Fund Standby Charge for fiscal year commencing July 1, 2008, be given first reading by title only.

- B Members of the Public may address the Board on items that do not appear on the agenda; and on items within the jurisdiction of the Board, providing that no action shall be taken on any item not appearing on the agenda unless authorized by Subdivision (b) of Government Code Section 54954.2. The President of the Board may limit the time available for each subject and each speaker.

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

- A Legislative Update
- B Drought Management Update

5. **CONSENT CALENDAR**

- A Minutes: Regular Meetings of November 13, 2007 and November 27, 2007. APPROVE
- B List of Demands – 12/26/07 and 01/08/08. APPROVE
- C Directors' Per Diem for December 2007. RATIFY
- D Investment Report for the Month of November 2007. APPROVE

Moved by Director\_\_\_\_\_, seconded by Director\_\_\_\_\_, and\_\_\_\_\_, that Consent Calendar Items 5A-5D be approved and adopted as presented.

6. **TREASURER**

Miscellaneous Report from Treasurer

7. **FACILITIES & OPERATIONS**

Corrosion Control Program

Moved by Director\_\_\_\_\_, seconded by Director\_\_\_\_\_, and\_\_\_\_\_, that the board receive and file LVMWD Report No. 2396.00 entitled "2007 Corrosion Control Program Report" dated November 2007.

8. **RESOURCE CONSERVATION & PUBLIC OUTREACH**

Malibu Fires

Moved by Director \_\_\_\_\_, seconded by Director \_\_\_\_\_, and \_\_\_\_\_, that the board waive the outstanding charges for the billing period during which a home was destroyed or rendered uninhabitable; reduce the bill for water consumed based on usage patterns from previous years, on a case-by-case basis, for customers whose homes were not rendered uninhabitable but used an extraordinary amount of water for structure protection; grant credit to any District customer who experiences a fire-related loss or extraordinary usage as a result of a future wildfire event; all of the above actions are subject to the review and approval of the General Manager.

9. **NON-ACTION ITEMS**

- A. Organization Reports
  - (1) MWD
  - (2) Other
- B. Directors' Reports on Outside Meetings
- C. Information Items
- D. General Manager Reports

10. **FUTURE AGENDA ITEMS/DIRECTOR COMMENTS**

11. **PUBLIC FORUM**

Members of the Public may address the Board on items that appear on the agenda; and on items within the jurisdiction of the Board, providing that no action shall be taken on any item not appearing on the agenda unless authorized by Subdivision(b) of Government Code Section 54954.2. The President of the Board may limit the time available for each subject and each speaker.

12. **CLOSED SESSION**

Conference with District Counsel – Existing Litigation  
Cooper, et al. vs. Calabasas Park Estates, et al.  
Smith, et al. vs. Calabasas Park Estates, et al.

13. **OPEN SESSION AND ADJOURNMENT**

**UPCOMING EVENTS**

CASA Conference	January 9-12, 2008
Special District Conference	February 7-8, 2008
ACWA 2008 Washington D.C. Conference	February 26-28, 2008
ACWA Spring Conference	May 6-9, 2008

**ORDINANCE**

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF LAS VIRGENES  
MUNICIPAL WATER DISTRICT AS RELATES TO STANDBY CHARGES FOR  
THE FISCAL YEAR COMMENCING JULY 1, 2008**

**BE IT ORDAINED BY THE BOARD OF DIRECTORS OF LAS VIRGENES MUNICIPAL WATER DISTRICT** as follows:

**Section 1. Purpose**

This ordinance fixes and continues a standby charge to be levied against each lot or parcel within the district for the fiscal year commencing July 1, 2008, for the purpose of financing the district's potable water replacement program. This charge is imposed pursuant to the Municipal Water District Law.

**Section 2. Findings**

The Board of Directors finds, determines and declares as follows:

- (a) The board has provided a duly published and mailed notice of public hearing and has conducted a public hearing to consider adoption of a standby assessment;
- (b) The board has considered the written and oral comments presented by interested parties concerning the assessment;
- (c) The district has approved a categorical exemption for the project under the California Environmental Quality Act;
- (d) The standby assessment will be used to pay for a portion of the cost of the potable water replacement programs instituted by the district;
- (e) It is in the best interests of the district and the community which it serves to pay for a portion of water programs from the proceeds of standby assessments because landowners benefit from maintaining available water supply.

**Section 3. Standby Charge**

An annual standby charge in the amount of \$10.00 per acre for parcels over one acre, and \$10.00 for each parcel of land of less than one acre is hereby levied against all land within the district for the fiscal year commencing July 1, 2008. A description of the lands (by assessor parcel number) affected by the assessment is on file with the secretary.

**Section 4. Collection**

The Board of Supervisors and Auditor of the County of Los Angeles are hereby directed to levy, collect and remit to the district this standby charge at the time and in the manner required by law for the levying of taxes for county purposes.

**Section 5. Deferrals**

- (a) A property owner may request a complete or partial deferral from the standby charge by filing a written request by April 1st during the fiscal year for which the deferral is sought. The deferral shall be processed and evaluated in accordance with this section.

- (b) The following property is eligible for deferral:
- (i) Property owned and occupied by a federal, state or local governmental agency.
  - (ii) Property permanently dedicated to open-space.
  - (iii) Property which cannot use water supplied by the district due to restrictions imposed by deed or governmental agencies with land use jurisdiction.
  - (iv) Property which cannot reasonably be expected to derive any benefit from facilities constructed with the proceeds of the water standby charge.
- (c) If the general manager approves the request, the charges paid by the applicant shall be refunded and no charge shall be levied for subsequent years. The applicant shall execute an agreement to repay the charges with interest if the property ceases to be eligible for the deferral. The agreement shall be recorded.
- (d) If the general manager denies the request, the applicant may appeal denial of the deferral by the general manager by filing a written request for review within 10-days after the general manager's decision. The board shall promptly consider the request for review. The decision of the board shall be final.
- (e) The general manager shall adopt reasonable rules and regulations to implement this section.

**PASSED, APPROVED and ADOPTED** this    day of    .

\_\_\_\_\_  
President

ATTEST:

\_\_\_\_\_  
Secretary

(SEAL)

MINUTES  
REGULAR MEETING OF THE  
BOARD OF DIRECTORS  
LAS VIRGENES MUNICIPAL WATER DISTRICT

November 13, 2007

1 The Board of Directors of Las Virgenes Municipal Water District met in Regular Meeting at 4232 Las Virgenes Road, in Calabasas, California, at 5:00 PM on Tuesday, November 13, 2007.

President Bowman called the meeting to order at 5:01 PM

The Pledge of Allegiance to the Flag was given in honor of our Veterans, led by President Bowman.

President Bowman noted: Directors Bowman, Caspary, Peterson and Renger were present.

Directors not present: Smith - Excused

The Chair declared a quorum present.

2 It was moved by Director Peterson, seconded by Director Renger and carried unanimously, that the agenda for the Regular Meeting of November 13, 2007 be approved as presented.

3 Public Forum – Carl Herman, Chair of the Conejo Las Virgenes Future Foundation gave an overview of the Foundation, and thanked the Board of Directors for providing office space for the Foundation office. President Bowman stated it is a privilege to be a member of the Foundation. Director Renger presented President Bowman with his 5<sup>th</sup> year anniversary gift. President Bowman stated it is a pleasure to work with the Board of Directors.

4 Legislative Update – presented by Kathleen Cole, Executive Legislative Representative, Metropolitan Water District (MWD). Ms. Cole gave an overview on legislation at the state level in 2007, accompanied by a written summary of water-related bills. Over 964 bills were passed by the legislature and there were more bills concerning water conservation this year than in the past year. Ms. Cole also discussed 2008 water supply issues, including issues surrounding the Delta. She distributed a MWD handout that identified Delta issues and potential solutions.

5 It was moved by Director Renger, seconded by Director Peterson and carried unanimously that Consent Calendar Items 5A-5I be approved and adopted as presented.

A Minutes: Regular Meeting of September 25, 2007. APPROVE

B List of Demands – 11/13/07. APPROVE

C Directors' Per Diem for October 2007. RATIFY

D Quitclaim Deed to clear title of a Limited Water Service Agreement recorded January 28, 1974 as Instrument No. 1765 in Book, M4583, Page 871. Board to approve quitclaim to Thomas & Scheila Pozzouli; the President and Secretary of the Board execute the Quitclaim Deed; and direct staff to file the appropriate documents with the County Recorder. APPROVE

- E Resolution of Intent – Potable Water Standby Charge: Approve and adopt as presented Resolution 11-07-2372 initiating proceedings for the continuation of the Water Availability or Standby Charge for the Fiscal Year commencing July 1, 2007, set the Public Hearing for 5:00 PM January 8, 2008 as delineated in the Resolution, and approve the Letter Agreement for professional services with Datastream Business Solutions, Inc. in an amount not to exceed \$19,000 per year (not including postage) for a two year period. APPROVE
- F LVMWD Reports 2389.00, 2389.01 and 2389.02, Volumes I – III of the 2007 Integrated Water System Master Plan. RECEIVE & FILE
- G Water System Design Report for 340 Kanan Rd. (LVMWD Report No. 2392.00) and conclusions and recommendations contained in the report. APPROVE
- H Board of Directors attendance at the Delta Vision Workshop on December 5, 2007. APPROVE
- I Board of Directors attendance at the Special District Institute Conference February 7-8, 2008. APPROVE

6 Miscellaneous Report from Treasurer – Director Caspary met with the auditors and stated a report will be presented at the next board meeting.

7 General Manager Mundy and Director of Finance and Administration mentioned the website was over 10 years old and needs to be updated. It will be more informative and user friendly. Information Systems Manager Matthews presented the Request for Proposals for the Web Redesign and Content Management System. He stated the new website will include a Content Management System. It was moved by Director Peterson, seconded by Director Caspary, and carried unanimously that the board approve the Request for Proposals for web redesign and content management system.

8A Three Tanks Renovation Project (2008) Kimberly, Woolsey, Mulwood Additional Engineering Services – It was moved by Director Caspary, seconded by Director Renger and carried unanimously that the board approve the Boyle Engineering Corp. proposal to provide additional engineering design services for the Three Tanks Renovation Project (2008) for \$38,600.

8B It was moved by Director Renger, seconded by Director Bowman and carried unanimously that the board approve moving item 8B after item 13 Closed Session on the agenda.

9A ACWA Officer Elections – It was moved by Director Peterson, seconded by Director Caspary and carried unanimously that the board designate President Bowman to serve as voting delegate and attend the ACWA General Session meeting on Wednesday, November 28, 2007, and, if necessary on Thursday, November 29, 2007.

9B National Water Resources Association (NRWA) California Caucus Ballot -- It was moved by Director Caspary, seconded by Director Peterson and carried unanimously that the board complete the ballot by nominating five representatives for the NWRA California Caucus on behalf of the Las Virgenes Municipal Water District.

- 10 A Organization Reports
  - (1) MWD – Director Peterson would like the meeting to be adjourned in Larry Gallagher's name who recently passed away. Director Bowman requested the meeting also be adjourned in the name of Berneice Bennett who passed away recently.
  - (2) Other – None
- B Directors' Reports on Outside meetings – Directors Caspary and Bowman reported on the Community Leaders Breakfast meeting they attended with Assemblymember Brownley as keynote speaker.

C Information Items  
Interim Agricultural Water Program

D General Manager Reports - General Manager Mundy provided the Board with an update on current district employee status -- four new employees have been hired, three employees have resigned. Mr. Mundy reminded the board that new rates are effective with November 1, 2007 invoices. November 27, 2007 the Malibu Council of Governments will feature Francine Diamond of the Regional Water Quality Control Board. Both Directors Bowman and Caspary would like to attend the meeting.

11 Future Agenda items/Director Comments -- President Bowman will be out of district next week.

12 Public Form --No speaker cards were received from the public.

13 The meeting convened into Closed session at 6:15 p.m.  
Conference with District Counsel -- Existing Litigation  
Cooper, et al. vs. Calabasas Park Estates, et al.  
Smith, et al. vs. Calabasas Park Estates, et al.

14 The meeting reconvened into Open Session at 6:39 p.m.

8B Request of Proposals for Preparation of CEQA Reviews -- It was moved by Director Peterson, seconded by Director Caspary and carried unanimously that the board approve the Request for Proposals for engineering services for Preparation of CEQA Reviews, Engineering Design Report, Plans and Specifications and Construction Support Services for the Calabasas Park Estates System Rehabilitation.

The Chair declared the meeting adjourned at 6:40 p.m. in honor of Larry Gallagher and Berneice Bennett.

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JOSEPH M. BOWMAN, President  
Board of Directors  
Las Virgenes Municipal Water District

ATTEST:

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JEFFERY A. SMITH, Secretary  
Board of Directors  
Las Virgenes Municipal Water District

(SEAL)



MINUTES  
REGULAR MEETING OF THE  
BOARD OF DIRECTORS  
LAS VIRGENES MUNICIPAL WATER DISTRICT

November 27, 2007

1 The Board of Directors of Las Virgenes Municipal Water District met in Regular Meeting at 4232 Las Virgenes Road, in Calabasas, California, at 5:00 PM on Tuesday, November 27, 2007.

President Bowman called the meeting to order at 5:02 PM

The Pledge of Allegiance to the Flag was given, led by Director Smith.

Directors present: Directors Bowman, Caspary, Renger and Smith were present.

Directors not present: Peterson at ACWA Conference

The Chair declared a quorum present.

2 It was moved by Director Smith, seconded by Director Bowman and carried unanimously, that the agenda for the Regular Meeting of November 27, 2007 be approved as presented.

3 Public Forum – No speaker cards were received from the public.

4 Illustrative and/or Verbal Presentation Agenda Items – None.

5 It was moved by Director Caspary, seconded by Director Renger and carried unanimously that Consent Calendar Items 5A-5E be approved and adopted as presented.

A Minutes: Regular Meetings of October 9, 2007 and October 23, 2007. APPROVE

B List of Demands – 11/27/07. APPROVE

C Investment Report for the Month of October 2007. RECEIVE & FILE

D Accept the potable water system for Parcel Map 21951; and Execute the Acceptance of Dedication for the water system by the President and the Secretary of the Board and have the same recorded conditional upon clear title recordation. APPROVE

E Accept the easements granted to LVMWD by Bradley N. Leff, Trustee of the Leff Trust dated November 19, 2007 for a detector check and ingress-egress within sectionalized land; and the secretary to execute the resolution of acceptance for and on behalf of the District. APPROVE

6 Miscellaneous Report from Treasurer – None.

7 Comprehensive Annual Financial Report – Mr. Nitin Patel from Diehl Evans provided a PowerPoint presentation and overview of the Comprehensive Annual Financial Report FY 2006-07. Director Caspary thanked Diehl Evans for their work on the audit; and President Bowman requested during the next audit, that Diehl Evans contact Triunfo Sanitation District prior to the audit becoming final. It was then moved by Director Renger, seconded by Director Caspary, and carried unanimously, that the LVMWD Comprehensive Annual Financial Report for the Fiscal Year ending June 30, 2007, be received and filed.

8 Mulholland Potable Water Pipeline Project, Phase 1B & 2A: Award of Contract – It was moved by Director Renger, seconded by Director Smith, and carried unanimously, that the board award the contract for the Mulholland Potable Water Pipeline Project Phase 1B and 2A to E.J. Meyer Company in

the amount of \$1,588,888; and that the remaining bids be rejected upon receipt of duly executed contract documents; approve the proposal by Boyle Engineering, Inc. in an amount not to exceed \$38,000 for services during construction; approve the proposal by Fugro West, Inc. in an amount not to exceed \$22,000 for geotechnical services during construction; approve the proposal by Padre and Associates in an amount not to exceed \$30,000 for environmental services during construction.

9 Drought Management Planning – It was moved by Director Renger, seconded by Director Caspary, and carried unanimously, that the board authorize staff to notify customers of an immediate call for a voluntary ten percent reduction in water use relative to their previous year's use; and to ask customers and the general public to review their current water use practices and eliminate or reduce wasteful water use practices.

10 A Organization Reports  
(1) MWD – None  
(2) Other – None

B Directors' Reports on Outside meetings – President Bowman and Director Caspary provided a verbal report and Director Renger provided each Director with a copy of his notes related to their attendance at the POWER Conference, which focused on global warming, energy, drought, reduction of water and AB 32. President Bowman discussed his attendance at the Council of Government meeting where Tracy Egoscue from the Regional Water Quality Control Board spoke in regards to Total Daily Maximum Loads, which were adopted in 2007 and the scheduled adoptions for 2008.

C Information Items - Proposed Water System Improvements by the City of Calabasas in Highlands Area.

D General Manager Reports - General Manager Mundy provided the Board with an update on the City of Agoura Hills 25<sup>th</sup> Anniversary Celebration, scheduling of Action Planning/General Manager review, fire response and water use, fluoridation began on 11/26/07 and allocation of water by the Department of Water Resources.

11 Future Agenda items/Director Comments – President Bowman would like information on the Santa Paula plant and the Los Angeles County Board of Supervisors action pertaining to landscaping. Director Caspary requested information on genetic profiling study.

12 Public Forum – No speaker cards were received from the public.

13 Closed Session - Legal Counsel Lemieux stated there was nothing to report in closed session, so the session can be cancelled.

14 The Chair declared the meeting adjourned at 6:08 p.m.

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JOSEPH M. BOWMAN, President  
Board of Directors  
Las Virgenes Municipal Water District

ATTEST:

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JEFFERY A. SMITH, Secretary  
Board of Directors  
Las Virgenes Municipal Water District

(SEAL)



January 8, 2008 Board Meeting

TO: Board of Directors
FROM: Facilities & Operations

Subject Corrosion Control Program – Receive and File Report

SUMMARY

On June 13, 2006, the Board approved a proposal from Harper & Associates Engineering, Inc. to provide services for reviewing and testing existing cathodic protection systems, reviewing data previously collected on the test stations installed over the potable water transmission line, evaluating two sludge tanks at Rancho and the aeration tanks and digesters at Tapia, recommending corrective actions or a monitoring program, and preparation of an Operations and Maintenance Manual. The services also included identifying and prioritizing projects, including installation of more cathodic protection systems, if necessary, and repair and upgrade of existing cathodic protection systems. Staff estimated a total cost of \$712,000 for projects identified in this report. Currently funding in the amount of \$215,000 is available for this year's proposed projects. The remaining proposed projects with an estimated cost of \$497,000 will be included in the upcoming proposed five-year Infrastructure Investment Plan for the Board's approval.

Harper & Associates Engineering has completed the scope and prepared a final report for the above scope.

RECOMMENDATION

Receive and file LVMWD Report No. 2396.00 entitled "2007 Corrosion Control Program Report" dated November 2007.

FINANCIAL IMPACT

Current project cost is \$59,385.00. The CIP Budget provides funding for the Cathodic Protection Program under work order 10341. The Joint Powers Authority portion of the project will be approximately \$10,000, which will be charged to the Joint Powers Authority at project close.

Lindsay Cao, Associate Engineer, prepared this report.

Signature of David R. Lippman, Date 12/20/07, Director of Facilities and Operations

Signature of John R. Mundy, Date 12/20/07, General Manager



**January 8, 2008 Board Meeting**

TO: Board of Directors  
FROM: Resource Conservation and Public Outreach

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**Subject: Malibu Fires**

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**SUMMARY**

The fires that swept through Malibu in late 2007 damaged, destroyed or threatened the homes of several LVMWD customers. During those fires, some customers used metered water in an attempt to protect their structures. In some instances, firefighters used customer water sources to both fight the fire and replenish the tanks on their trucks. In one televised example, a fire-fighting helicopter repeatedly drew water from a privately-owned swimming pool. Finally, over 40 customer homes were destroyed and several more were damaged; in certain instances, metered water may have escaped until crews arrived to shut off service after those homes collapsed.

The meters for the Corral Fire neighborhood were not read until late December. Staff is requesting authority from the Board to adjust bills for those homes that were impacted by the fire event, provided the District receives a request for adjustment from a customer in the fire area. We received verbal inquiries from two customers who were in the zone of the first Malibu fire but to date, we have not received a formal request for assistance from those property owners. The following recommendations are submitted for Board approval as a result of the 2007 Malibu fires.

**RECOMMENDATION**

1. Waive the outstanding charges for the billing period during which a home was destroyed or rendered uninhabitable.
2. Reduce the bill for water consumed based on usage patterns from previous years, on a case-by-case basis, for customers whose homes were not rendered uninhabitable but used an extraordinary amount of water for structure protection.
3. Grant credit to any District customer who experiences a fire-related loss or extraordinary usage as a result of a future wildfire event.
4. All of the above actions are subject to the review and approval of the General Manager.

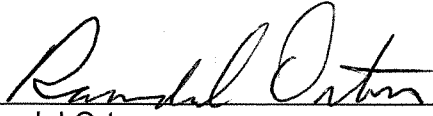
**DISCUSSION**

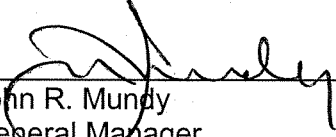
Precedence for adjustments related to wildfire was set by the District in the aftermath of the 1993 fire that swept through Malibu Canyon to the coast. Following that fire event, the LVMWD board authorized adjustments similar to those proposed in this document. Other adjustments were authorized by LVMWD board actions in response to fires in the service area in 1978 and 1982.

**FINANCIAL IMPACTS**

The District does not yet have a reliable list of the number of homes damaged or destroyed in the fires; a good faith estimate places the number somewhere between 40 and 50. Based on those figures, if every impacted homeowner requested relief, the accumulated waivers could be in the vicinity of \$10,000.

Jeff Reinhardt, Customer Service & Public Affairs Manager prepared this report.

 12-18-07  
Randal Orton Date  
Interim Director,  
Resource Conservation & Public Outreach

 12/19/07  
John R. Mundy Date  
General Manager