



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

MINUTES
REGULAR MEETING

5:00 PM

September 10, 2013

PLEDGE OF ALLEGIANCE

At the request of Board President Charles Caspary, the Pledge of Allegiance to the Flag was led by Director Leonard Polan.

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 Board President Caspary in the District offices. Deputy Secretary, Kimmey Conklin called the roll. Those answering present were Directors Charles Caspary, Glen Peterson, Leonard Polan, Lee Renger and Barry Steinhardt.

2. APPROVAL OF AGENDA

A Approval of agenda

On a motion by Director Lee Renger, seconded by Director Leonard Polan, the Board of Directors voted 5-0 to Approve the agenda for the Regular Board Meeting of September 10, 2013, as presented.

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

3. PUBLIC COMMENTS

No speaker cards were received from the public.

4. ILLUSTRATIVE AND/OR VERBAL PRESENTATION AGENDA ITEMS

A Ad Hoc Committee Report: Probability Analysis

Ad Hoc Committee Member/Director Polan discussed the scope of work prepared by the committee, reported the committee agreed on all items except for one, which was in the event of "an extreme scenario", Director Polan for and Director Renger against.

Board President Caspary stated he does not believe the scope of work is ready for a Request for Proposals as there are no deliverables such as cost, policy for acceptable risk, and deadlines.

Director Polan inquired as to whether the scope of work could be developed now (Caspary: the reason as Board President he formed an ad hoc committee was to determine cost, acceptable risk policy, scope of work, etc.); Director Renger stated he does not believe after reviewing the information that a probability analysis would be helpful.

General Manager, David Pedersen spoke to a University of California, Irvine post doctorate student, the student reviewed documents posted to the District's web page and reported there has been no follow-up since September 4th. Director Polan inquired as to whether this is deliverable within one month, was told the person is available now, but not during October, so it's now or November. Director Steinhardt stated he was concerned that General Manager Pedersen spoke to someone when he is in favor of the tank. Board President Caspary reiterated that he appointed a committee to develop a scope of work; Director Polan stated that he does not agree and that the committee developed a scope of work.

A summary of Board comments included: concerned in regards to the General Manager speaking to a potential analyst and giving the person information; another board member does not see how the General Manager speaking with a consultant would taint the process; Director Steinhardt said he was told in September 2012 that he could not contact a consultant; in September 2012 the point being made was questions are to be posed to the Board, not outside of the Board, we have professional staff who deal with consultants, the scope of work is a policy decision and is not on board with the scope of work, we have a policy that the District will have clean water and serve it to customers, not on board with serving dirty water to customers.

Board President Caspary stated the scope of work is not ready to go out for proposals, he is disbanding the committee, and stated the District will design things based on engineering standards, not on a probability analysis.

Director Steinhardt, Director Polan and Board President Caspary discussed the topics of experience; Las Virgenes losses due to not building or higher insurance rates to customers, if so opposed then issue a personal guarantee; if you are a businessman then you would not object to a probability analysis; committee is disbanded; the science of water management is moving forward, referenced the Netherlands where voters are taking on hydroinformatics and water supply; when you look at AWWA (American Water Works Association), ANSI (American National Standards Institute), and International Standards Association, hydroinformatics is not mentioned; it is too new of a technology.

Board President Caspary called for the next agenda item. Director Steinhardt inquired of Legal Counsel, Wayne Lemieux as to whether the discussion could continue or if the Board President had the authority to end the discussion. Legal Counsel Lemieux reported yes that as Board President, Director Caspary had formed the Ad Hoc Committee and had disbanded the committee, Director Steinhardt accepted legal counsel's ruling.

B Legislative and Regulatory Updates

General Manager Pedersen reported on legislative correspondence issued by the District including AB 803 (Gomez) Water Recycling Act of 2013 (support) and SB 731 (Steinberg) California Environmental Quality Act and Sustainable Communities Strategy (oppose).

Director Peterson reported on AB 145 (Perea) to move duties and responsibilities of the Drinking Water Program from the California Department of Public Health (CDPH) to the State

Water Resources Control Board (SWRCB), which is considered "gut and amend" and the Governor will be looking at the proposed bill in 2014.

5. CONSENT CALENDAR

A Minutes: Regular Meeting of August 13, 2013. Approve

B List of Demands: September 10, 2013. Approve

C Directors' Per Diem: August 2013. Ratify

On a motion by Director Glen Peterson, seconded by Director Lee Renger, the Board of Directors voted 5-0 to Approve Consent Calendar 5A-5C as presented in the recommendations.

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

6. TREASURER

No report was given.

Board Treasurer Polan inquired as to whether or not the \$31,000 check to CS Engineering had been cashed yet or not (Legal Counsel Lemieux's office is currently working on the settlement agreement).

7. BOARD OF DIRECTORS

A ACWA Committee Appointment Nominations for 2014-2015 Term

Accept and consider ACWA committee appointment nominations, select candidates for ACWA committee appointment consideration, and authorize the General Manager to sign and return the completed Committee Consideration Form to ACWA no later than September 30, 2013.

General Manager Pedersen discussed current board member and staff participation on ACWA Committees, inquired as to board member interest in serving for the 2014-2015 term, and reported on proposed staff considerations.

Interested board member considerations included: Director Peterson: State Legislative Committee; Director Polan: Water Management Committee; and Director Renger: Water Quality Committee.

On a motion by Director Charles Caspary, seconded by Director Lee Renger, the Board of Directors voted 5-0 to Approve the ACWA committee nominations as requested by board members and staff to include: Director, Glen Peterson: State Legislative Committee; Director, Leonard Polan: Water Management Committee; Director, Lee Renger: Water Quality Committee; Finance Manager, Joseph Lillio: Finance Committee; Director of Facilities and Operations, David Lippman: Energy Committee; Human Resources Manager, Sherri Paniagua: Personnel and Benefits Committee; and Public Affairs and Communications Manager, Jeff Reinhardt: Communications Committee; and authorize the General Manager to sign and return the completed Committee Consideration Form to ACWA no later than September 30, 2013.

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

B ACWA Region 8 Board Election Ballot

Determine whether to vote for the Nominating Committee's Recommended Slate or individual Board Candidate nominations; if voting for individual candidates, select candidates for Chair, Vice Chair and Board Members (maximum of five); and authorize the General Manager to execute and return the completed ballot to ACWA no later than September 30, 2013.

On a motion by Director Glen Peterson, seconded by Director Charles Caspary, the Board of Directors voted 5-0 to Approve voting for the Nominating Committee's Recommended Slate, and authorizing the General Manager to execute and return the completed ballot to ACWA no later than September 30, 2013.

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

C Calabastas Road 10-inch Water Main Repair and Replacement: Continuation of Emergency Authorization

Approve continuation of the emergency authorization for the General Manager to replace approximately 1,500 feet of deteriorated 10-inch water main on Calabastas Road following informal bidding procedures in an amount not to exceed \$700,000.

Director of Facilities and Operations Lippman provided an update including: on September 9th, two-thirds of the water main repair and replacement was sterilized and pressure tested; within 2-3 weeks the other one-third of the water main repair and replacement should be complete; and paving will be done once the entire repair and replacement project has been completed.

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

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

8. NON-ACTION ITEMS

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

(1) MWD Representative Peterson reported on general business of Metropolitan Water District including: MWD Director, Michael T. Hogan who represents San Diego County Water Authority was sworn in; September 10th was the last board meeting for Edward C. Little who represented West Basin Municipal Water District; PCCP (prestressed concrete cylinder pipe) replacement program throughout MWD was approved; adoption of CEQA determination for Foundational Actions Funding Program; authorization to implement New Conservation Program Incentives (\$0.50 to \$1.00 for turf replacement); and long-term lease of MWD headquarters building.

Director Polan commented on an article in The Acorn regarding Triunfo Sanitation District's alternative landscaping program, which includes drought tolerant plants in-lieu of turf (Director of Resource Conservation and Public Outreach, Carlos Reyes stated yes, customers can do this or mulch in-lieu of rock; General Manager Pedersen stated the district is looking at MWD in context of water conservation incentives); Director Peterson asked about Camp David Gonzales (General Manager Pedersen stated no, but that staff will contact them).

(2) Director Steinhardt reported on his attendance at an ACWA Region 8 meeting; John Kemmerer and Cindy Lin took a tour of the watershed, saw the salts and believes the tour will result in a better working relationship with EPA.

Director Peterson stated Ruskin Hartley was appointed as Heal the Bay's new Chief Executive Officer, and that Las Virgenes should meet with him as soon as possible.

B Director's Reports on Outside Meetings

No reports were given.

C General Manager Reports (1) General Business; (2) Follow-Up Items

(1) General Manager Pedersen provided an update on general business of the District

including: Las Virgenes Unified School District (LVUSD) had submitted a \$107,000 invoice for sponsorship of their 4/5 Science Program and that staff intended on having the Board approve the payment and present the check to LVUSD at the September 24th board meeting; inquired as to whether or not the Las Virgenes Board would like the LVMWD agendas to have page numbering similar to the process requested at the September 3rd JPA Board Meeting (the Board responded "yes"); September 26th is AWA's event at Reagan Library; and there will be a watershed tour for elected officials and city managers on September 28th.

(2) General Manager Pedersen stated there was nothing to report in regards to follow-up items.

D Director's Comments

Director Polan stated he is concerned about water bottle plastics and would like to try and educate school-aged children in regards to abuse of the environment and believes this is a Board policy (Board President Caspary stated we can ask the school district, but not force them; Director Peterson stated this should be a future agenda item). Director Polan stated he would discuss with Board President Caspary and General Manager Pedersen.

Director Renger stated he saw activity on the bench at the solar site (General Manager Pedersen stated yes, the contractor is setting up and a ground-breaking ceremony will be planned).

Director Polan inquired about the status of the pump overhaul agenda item tabled at the last board meeting (General Manager Pedersen reported the item would be presented to the Board for consideration on September 24th).

9. FUTURE AGENDA ITEMS

None.

10. PUBLIC COMMENTS

No speaker cards were received from the public.

The meeting convened into break at 5:55 p.m.

11. CLOSED SESSION

The meeting reconvened into Closed Session at 6:00 p.m.

A Conference with District Counsel – Existing Litigation (Government Code Section 54956.9(a)):

1. Dorna S. McKee v. Las Virgenes Municipal Water District
2. Las Virgenes Municipal Water District v. Millgee Investment Company, Inc.

B Conference with District Counsel - Potential Litigation (Government Code Section 54956.9): One Case

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


C Conference with District Counsel – Existing Litigation:

1. Heal the Bay, Inc. v. Lisa P. Jackson

12. OPEN SESSION AND ADJOURNMENT


The meeting convened into Open Session at 6:05 p.m. No reportable actions were taken during Closed Session.

The Chair declared the meeting adjourned at 6:07 p.m. in memory of those affected by 9/11.



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

ATTEST:



BARRY STEINHARDT, Secretary
Board of Directors
Las Virgenes Municipal Water District

(SEAL)