



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

MINUTES
REGULAR MEETING

5:00 PM

September 24, 2013

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag was led by Board President, Charles Caspary.

1. CALL TO ORDER AND ROLL CALL

A Call to order and roll call

The meeting was called to order at 5:03 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

Board President Caspary requested "4.B Actuarial Study of Retiree Health Liabilities (OPEB)" be heard prior to "4.A Las Virgenes Unified School District: Approval and Presentation of Check for 4/5 Science Team Water-Related Curriculum" as additional representatives from the school district had not yet arrived.

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 24, 2013, as amended.

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 Las Virgenes Unified School District: Approval and Presentation of Check for 4/5 Science Team Water-Related Curriculum

Approve a check to Las Virgenes Unified School District in the amount of \$107,000 to fund the water-related curriculum taught by the 4/5 Science Team for Fiscal Year 2013-14.

Public Affairs Associate, Deborah Low discussed the partnership and funding, and provided a summary of activities the District participates in with Las Virgenes Unified School District (LVUSD).

On a motion by Director Barry Steinhardt, seconded by Director Charles Caspary, the Board of Directors voted 5-0 to Approve the recommendation as presented.

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

The Board of Directors presented a check in the amount of \$107,000 to representatives of LVUSD including Superintendent Dr. Dan Stepenosky, Board Members Jill Gaines and Leslie Stein, Chief Business Official Karen Kimmel, and Director of Instruction Evan Bartelheim; also present were the Fourth and Fifth Grade Science Team teachers.

Ms. Stein thanked the District for its partnership and water awareness efforts, and her sentiments were echoed by Dr. Stepenosky.

B Actuarial Study of Retiree Health Liabilities (OPEB)

Accept the Actuarial Study of Retiree Health Liabilities as of June 30, 2013, prepared by Total Compensation Systems, Inc., and authorize the General Manager to pay the Annual Required Contribution, less the pay-as-you-go amount for current retirees, on a quarterly basis.

Geoff Kischuk, Total Compensation Systems, Inc. discussed the actuarial report he prepared entitled "Las Virgenes Municipal Water District Actuarial Study of Retiree Health Liabilities As of June 30, 2013", which discusses liabilities and costs for retiree benefits; "pay as you go" funding of retiree benefits; and his recommendations for future valuations.

Board President Caspary requested scheduling of a discussion between the Board of Directors and staff in regards to pre-funding and understanding of Other Post-Employment Benefits (OPEB).

On a motion by Director Barry Steinhardt, seconded by Director Leonard Polan, the Board of Directors voted 5-0 to Approve the recommendations as presented.

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

C Legislative and Regulatory Updates

No report was given.

5. CONSENT CALENDAR

A Minutes: Regular Meetings of August 27, 2013 and September 10, 2013. Approve

B List of Demands: September 24, 2013. Approve

C Investment Report for the Month of August 2013. Approve

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.

7. BOARD OF DIRECTORS

A **Calabasas 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 Calabasas Road following informal bidding procedures in an amount not to exceed \$700,000.

Director of Facilities and Operations, David Lippman provided an update including: slip-lining, pressure testing and disinfection of the deteriorated water main has been completed; work on tie-ins is underway; staff anticipates the final acceptance/end of the emergency declaration will be presented for Board consideration on October 22nd; and the emergency repairs are still expected to remain under the \$700,000 authorization limit.

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

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

8. FACILITIES AND OPERATIONS

A **Communications Site Lease Agreement: Morrison Tank (Woodglen Drive and Ridgebrook Drive, Agoura Hills, CA)**

Authorize the General Manager to execute a communications site lease agreement with New Cingular Wireless PCS, LLC for the Morrison Tank site.

Director of Facilities and Operations Lippman discussed potential revenue and location of proposed cell sites.

A summary of Board comments included: Director Steinhardt inquired as to what Morrison Ranch Estates Homeowners' Association said (General Manager Pedersen: Las Virgenes has not talked to HOA yet, contacting the HOA is part of Cingular's entitlement process), then he wants to table the item (Lippman: doesn't want Las Virgenes to become the planning agency, which is part of City of Agoura Hills process), again he wants to talk to HOA first; Director Renger: inquired as to how far the cell tower is from the nearest residence (Lippman: site plan shows distance, and City of Agoura Hills will contact HOA as part of the public comment process and they will also notify the community through the CUP (Conditional Use Permit) process); Director Peterson inquired as to whether there is a cell site there now (Lippman: no), then why isn't the site at the tank versus down the hill (Rob Searcy, CES/Prescott Communications Inc. representing Cingular stated the area around the tank is too small, other agencies do not want cell sites attached to their tanks; line of sight issues; looked at school site first and was asked to look at tank site; put landscaping around site); Director Steinhardt inquired as to why a tree type site isn't being considered (Searcy stated they would not be opposed to a tree type site); Director Peterson: what about transmission lines (Searcy stated they have an agreement with SCE); Legal Counsel, Wayne Lemieux stated City of Agoura Hills will have to look at the request differently, Las Virgenes looks at use only, City looks at planning process, Las Virgenes has control over property; Director Polan: if we approve the motion and applicant moves forward can we rescind in the future (Lemieux: no, but a termination clause could be added to the lease agreement).

On a motion by Director Lee Renger, add right of refusal clause and vote once City approves (Board President Caspary stated Las Virgenes is not a planning agency and allow City of Agoura Hills to conduct their process, proper place to oppose is at City of Agoura Hills Planning Commission); Director Renger reiterated add right to terminate after City of Agoura Hills reviews. **A vote was not taken on the motion.**

On a motion by Director Charles Caspary, seconded by Director Glen Peterson, to reject the lease agreement now. **A vote was not taken on the motion.**

Additional Board comments included: Director Polan asked how this will affect AT&T (Searcy: redundant and troubling, isn't clear as to what is wanted); Director Peterson stated the reason he seconded Director Caspary's motion was AT&T needs to do outreach up front before land use is considered; Director Polan asked if outreach can be done first (Searcy: needs landlord approval first); Director Peterson asked Prescott to get a letter from Morrison HOA stating they do not oppose the project, providing the letter acts as good faith before land use is approved.

On a motion by Director Barry Steinhardt, seconded by Director Leonard Polan, the Board of Directors voted 5-0 to Approve a substitute motion to table "8.A: Communications Site Lease Agreement: Morrison Tank (Woodglen Drive and Ridgebrook Drive, Agoura Hills, CA)", until Prescott Communications Inc. on behalf of Cingular Wireless can obtain a letter from Morrison HOA stating approval of, or no objection to the project.

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

B Twin Lakes Pump Station: Pump No. 1 Overhaul

Waive formal bidding requirements for the overhaul of Pump No. 1 at Twin Lakes Pump Station; authorize the General Manager to issue a purchase order in the amount of \$33,109.39 to California Centrifugal Pump, Inc.; and appropriate additional funds in the amount of \$15,525 to complete the work.

In response to questions asked by the Board of Directors on August 27, 2013, Water System and Facilities Manager, Larry Miller gave a presentation entitled "Twin Lakes Pump # 1 Q&A-World Class Maintenance Management", which discusses management of maintenance (preventative, predictive, corrective, planned, unplanned, emergency); use of AMMS (Advanced Maintenance Management System); and equipment numbering.

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

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

9. FINANCE AND ADMINISTRATION

A General Liability and Property Insurance Renewal

Approve the insurance proposal by Tolman & Wiker Insurance Services, LLC in the amount of \$746,412.80, for the term of October 1, 2013, through October 1, 2014.

On a motion by Director Charles Caspary, 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

B Call for Bids: Below Ground Vault Access Cover Retrofit Program

Approve the Notice Inviting Sealed Proposals and proposed bid schedule for the Below Ground Vault Access Cover Retrofit Program.

On a motion by Director Lee Renger, 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

C Approval of Financial Policy 11: Recycled Water Operations Reserves

Approve the draft Policy 11: Recycled Water Operations Reserves, as written, to be included in the adopted Financial Policies of Las Virgenes Municipal Water District.

*On a motion by Director Leonard Polan, seconded by Director Barry Steinhardt, the Board of Directors voted 5-0 to Approve the recommendation as presented.
AYES: Director(s) Caspary , Peterson , Polan , Renger , Steinhardt*

10. INFORMATION ITEMS

- A 1,235 Ft. Backbone Improvements Project Calabasas Pipeline: Change Order No. 1**
- B Local Agency Formation Commission (LAFCO): Call of Meeting to Select LAFCO Alternate Member Replacement for Balance of Current Term**
- C Seismic Valve Report for Potable and Recycled Water Tanks**

Director of Facilities and Operations Lippman stated in June, the Board inquired about seismic valves; there is merit to using them, the dilemma is how to set-up accelerometers; met with vendor regarding high/low priorities, recommends in Fiscal Year 2014-15 starting a program to replace starting with top six high priority locations.

11. 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: Edward C. Little retired and LAFCO representative Don Dear will take his place; ethics meeting on September 24th to discuss procedures; Bay Delta presentation (Yolo Bypass and salmon rookeries, weir from Sacramento to Yolo to make a better fish ladder); negotiations for who is going to pay for Bay Delta; re-negotiate State Water Project; and attended Water Environment Federation annual meeting in New Mexico.

(2) None.

B Director's Reports on Outside Meetings

None.

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: U.S. Bureau of Reclamation recommended that the seasonal storage feasibility study be approved as a Title XVI study; Call for Suggestions judging panel to meet on September 25th; and upcoming calendar events (September 28th watershed tour for elected officials, October 1st TMDL presentation in Ventura County, October 5th Reyes Adobe Days, conflicting events on October 17th (AWA, Greater Los Angeles Water Summit, ACWA Region 10), October 18th solar project ground-breaking).

(2) General Manager Pedersen stated information on follow-up items was included in board folders.

D Director's Comments

Director Polan requested an update on Building # 1 (General Manager Pedersen stated the Board previously requested land use options and a consultant is looking at this, and Director of Facilities and Operations Lippman stated staff will be discussing Building # 1 with the Board on October 22nd); could building be used for an interactive museum type facility to show community how water gets to our area, outreach is his focus, letter to Felicia Marcus (General Manager Pedersen stated a letter had been issued to her, but no response had been received, she is currently on a speaker circuit and it's premature to lobby her right now due to Regional Board ex parte rules); further information on cost to comply (Legal Counsel Lemieux stated this is a Closed Session discussion item).

12. FUTURE AGENDA ITEMS

None.

13. PUBLIC COMMENTS

No speaker cards were received from the public.

The meeting convened into break at 7:24 p.m.

14. CLOSED SESSION

The meeting reconvened into Closed Session at 7:27 p.m.

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

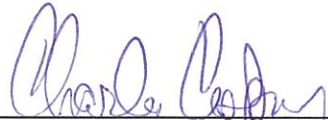
1. Las Virgenes Municipal Water District v. Millgee Investment Company, Inc.
2. Las Virgenes - Triunfo Joint Powers Authority v. United States Environmental Protection Agency
3. Heal the Bay, Inc. v. Lisa P. Jackson

15. OPEN SESSION AND ADJOURNMENT

The meeting convened into Open Session at 7:36 p.m.

Legal Counsel Lemieux provided a report on Closed Session: the case entitled "Las Virgenes Municipal Water District v. Millgee Investment Company, Inc." had been settled based on direction from the Board of Directors; and requested an Open Session report be provided on October 8, 2013.

The Chair declared the meeting adjourned at 7:37 p.m.



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

ATTEST:



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

(SEAL)