

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

# MINUTES REGULAR MEETING

5:00 PM November 12, 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 5:00 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 Glen Peterson, the Board of Directors voted 5-0 to Approve the agenda for the Regular Meeting of November 12, 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 Emergency Preparedness Update

Administrative Services Coordinator, Doug Anders and Water System and Facilities Manager, Larry Miller gave a presentation entitled "Emergency Response Functional Exercise", dated November 5, 2013, which discussed the Emergency Response Plan (ERP); purpose of the exercise; expectations and preparation; Incident Command Management functions; other agency interactions including Los Angeles Department of Water and Power, Department of

Water Resources, State Water Project, Department of Safety of Dams, Regional Water Quality Control Board, Federal Emergency Management Agency; and staff training.

A summary of Board comments included: were problems discovered (none that were significant, forms were used versus computers due to potential outages); is there a fuel stabilizer (a "fuel doctor" is used as part of regular maintenance); process is similar to Community Emergency Response Team (CERT); if radio communication goes out at Metropolitan Water District or Department of Water and Power is there somewhere we have service without relays (yes); is there a "to-do" check-list (yes); Department of Water Resources has a 3.2 earthquake threshold in their ERP for employees reporting to work (all District employees reported to work after the Northridge earthquake, and in the event of a 5.0 or larger earthquake a dam inspection is performed).

Director of Facilities and Operations, David Lippman stated the next steps were to hold a "Town Hall" meeting to notify all employees of the ERP process.

Board President Caspary stated the General Manager and/or Board President can declare an emergency, but wants to make sure nothing falls through the cracks (General Manager, David Pedersen stated there could be a hotline set-up with a message as to whether employees should report to work or not; Director of Facilities and Operations Lippman stated in the past it has served the District well to have all employees respond).

## **B** Presentation Regarding Leasing Options for Vacant District Properties

Authorize the General Manager to issue a Request for Proposals for a real estate agent to list a short-term lease for Building No. 1 and a long-term lease for the suite in Building No. 8 and to obtain a proposal from Waronzof & Associates to assist with development of a Request for Proposals to engage a property development firm to solicit compatible build-to-suit, long-term opportunities for governmental or quasi-governmental agencies.

General Manager Pedersen stated that staff is trying to generate the most revenue possible for Building #1, and in doing so a consultant had been hired to provide recommendations for potential use of the site.

Timothy Lowe, Principal with Waronzof & Associates gave a presentation entitled "Preliminary Financial Feasibility Analysis: LVMWD Campus Excess Land", which discussed evaluation and development options for the site; site and building conditions; market conditions; potential use alternatives; existing building if renovated; new Commercial Limited (CL) Zoned building; new public (agency) building; financial analysis summary; suggested strategy; and anticipated timeline.

A summary of Board comments included: \$12.9 million to construct a new building (Lowe: does not believe additional money should be spent on the existing building; recommends a short-term rental of Building #1; options include a ground lease with the District as the developer, or developer has a sub-lease with agency, which is typically 20-years, developers are very good about finding tenants for their buildings, reiterated not to spend more money on the existing building and to rent short-term); surety bond from developer (Lowe: renting agency would request a construction bond, most common for land rent to be paid once building is occupied; District Counsel, Wayne Lemieux reported this type of arrangement for ground leases is fairly common; Lowe: the method is known as a "public/private partnership", or "P3", most commonly used by laboratories, technical corporations, or Fish and Wildlife); not sure a 50,000 square foot building could be constructed unless subterranean (Lowe: ran a capacity analysis, sister-type building would require subterranean parking), likes concept of short-term leases; is remodel an option (Lowe: the building is practically at the end of its useful life, don't spend a lot of money now, let someone else "bird-dog"); floor-area-ratio (FAR), CL 2

Zone, is there an option with City of Calabasas to increase FAR (Lowe: he is not involved in that process, but has seen permissable FAR of 1-2, but after 1 parking becomes an issue); what happens if "agency" building is leased for only 20 of the possibly 40-year usable life (Lowe: could be a minor issue), clarification in regards to if an "agency" building was left after 20-years could a private company lease for the other 20 years (Lowe: City of Calabasas would determine whether termination of lease was okay, or approve for other uses; General Manager Pedersen stated this is the situation that currently exists, legal non-conforming, private versus public use; Lowe: CL Zoning and lot line adjustment could be adjusted again, City of Calabasas has a vested interest in tax base and employment, every real estate transaction has the potential for difficulties, believes right now developer building and leasing is the best option); is there a high potential for an "agency" lease (Lowe: statement of work did not include this type of analysis, but there is a lot of activity in regards to agencies needing specialized facilities, recommends ground lease option).

Director Glen Peterson requested a sign be put up offering a ground lease.

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

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

#### C Special District Leadership Foundation: Transparency Certificate of Excellence

Public Affairs and Communications Manager, Jeff Reinhardt gave a presentation entitled "Community Transparency Review", which discussed the Special District Leadership Foundation (SDLF) basic requirements/website requirements/outreach-best practices requirements for obtaining of the "District Transparency Certificate of Excellence", valid for two-years and a community transparency review conducted by Greg Ramirez, City Manager, City of Agoura Hills; Bridget Karl, Chief Executive Officer, Calabasas Chamber of Commerce; and Kathleen Sterling, Editor and Publisher, Las Virgenes Enterprise.

Director Polan inquired as to whether video recording of board meetings was a requirement (Reinhardt: no), wants to continue video recording forever, and also reported that he had met with General Manager Pedersen regarding dashboard information for reservoir.

Board President Caspary thanked staff on their great work in obtaining the certification.

## **D** Legislative and Regulatory Updates

General Manager Pedersen reported that Kathy Cole from Metropolitan Water District would be providing an annual legislative update on December 10th.

Board President Caspary asked about the river salt and nutrient plan (Pedersen: State Water Resources Control Board to develop a salt and nutrient management plan, need to keep an eye on the process due to Los Angeles River (005) discharge, recycled water easily meets current standards, new standards could cause problems).

#### 5. CONSENT CALENDAR

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

- A Minutes: Regular Meeting of October 8, 2013. Approve
- B List of Demands: November 12, 2013. Approve

#### C Directors' Per Diem: October 2013. Ratify

## 6. TREASURER

Treasurer Polan stated he had met with Interim Director of Finance and Administration, Joseph Lillio; questioned two items (1) CS Engineering check # 64148 in the amount of \$31,425.71 (General Manager Pedersen stated the original check had expired and needed to be reissued, and that a settlement agreement had been executed); (2) Untangle, Inc. check #64201 \$1,080.00, item was for a hard-drive; and reported all other checks were in order.

#### 7. BOARD OF DIRECTORS

## A ACWA General Session Membership Meeting and Election of Officers

Designate a representative to serve as the District's voting delegate for the ACWA General Session Membership Meeting on Wednesday, December 4, 2013, and authorize the General Manager to execute the required Proxy Form with ACWA.

On a motion by Director Glen Peterson, seconded by Director Lee Renger, the Board of Directors voted 5-0 to Approve designation of Board President, Charles Caspary to serve as the District's voting delegate for the ACWA General Session Membership Meeting on Wednesday, December 4, 2013, and authorize the General Manager to execute the required Proxy Form with ACWA.

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

Director Steinhardt discussed correspondence from Cucamonga Valley Water District, Director, Kathleen Tiegs who has expressed an interest in the ACWA Statewide position of Vice President.

Board President Caspary inquired as to preferences in regards to voting slate or voting from floor nominations (Peterson: there were concerns in regards to the Vice President slate candidate due to their opposition to the Bay Delta Conservation Plan (BDCP)).

Director Steinhardt stated he knows both people, Director Tiegs would do a good job, Peer Swan was nominated, but maybe Director Peterson has more information (Peterson: Peer has his own ideas opposite of ACWA's leadership, Kathy is very dedicated and he thinks she would be a good Vice President; Caspary: will ACWA's Board revisit (Peterson: not sure)).

Director Polan inquired as to how a floor nomination works (Peterson: day before election nominations from the floor would be considered); does the Board need to give the Board President direction, or does he vote his own conscience (Peterson: conscience decision).

Director Steinhardt said he is confused as to why ACWA who has good people working for them selected a slate and then did not support it (Board President Caspary concurred and stated it was troubling that someone could get on the ACWA Board that would be detrimental to this District).

Board President Caspary requested General Manager Pedersen place an item on the agenda of November 26th to provide an update in the event additional information is received prior to the vote taking place.

#### **B** Annual Report: Records Review and Destruction

Authorize the destruction of records as presented.

Board Secretary Steinhardt reported that he had reviewed a sampling of boxes and found one record from former Las Virgenes Director, Tad Mattock that he deemed to be of historical

value, and one check to Dish Network that had been cashed by the District, which a customer had sent to us in error.

Director Polan asked if there is a need to scan documents (General Manager Pedersen deferred to Deputy Secretary Conklin who stated that it was important for vital records such as ordinances, resolutions, minutes, easements, etc. to be scanned for the purpose of research and copied to acid-free paper; a project had been started to complete this process, the staff person conducting the process was no longer with the agency, but that all ordinances and resolutions had been completed and minutes had been started); he would like process to be completed.

Board President Caspary directed General Manager Pedersen to look at having this process completed within 12-months.

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

## C Local Agency Formation Commission (LAFCO) Alternate: Nomination of Candidate

Nominate a candidate, if any, for consideration to fill a vacant position as an independent special district alternate representative on the Los Angeles County Local Agency Formation Commission.

The Board of Directors discussed whether there was interest in serving on the LAFCO Board, and hearing none no action was taken on the agenda item.

## D Minutes: Regular Meeting of September 24, 2013

Approve the revised Minutes: Regular Meeting of September 24, 2013, as presented.

Board President Caspary reported Director Steinhardt was handing out a document related to the September 24th minutes and that on October 22nd he had requested changes be made, Clerk of the Board Conklin made revisions October 23rd; and that the Board had unanimously authorized summary transcriptions, but Director Steinhardt wanted verbatim transcription on one item.

Director Steinhardt: he had twenty communications with the public, he is the Board Secretary to Las Virgenes Municipal Water District and that his transcription should be included in the minutes (Polan: incorporate; Peterson: quoting not needed, difficult for our secretary, we have meetings on video, summary is good, everyone can view the videos, and there is a lot of work doing verbatim); tape destroyed after 12-months, not verbatim on all items, but yes on controversial items and not each time (Caspary: we have a trained professional to transcribe minutes and the Board approved summary transcription); minutes were accurate to Board motion and Board approved summary minutes (Peterson: refer people to video)

Board President Caspary read the September 25, 2012, unanimous Board action, which states "approve recording of all board meetings; maintaining each recording for a period of one year; and a summary transcription of all board meetings to be maintained in perpetuity as the official set of minutes".

On a motion by Director Barry Steinhardt, seconded by Director Leonard Polan, the Board of Directors voted 2-3 to Approve including Director Steinhardt's transcription language into the minutes of September 24, 2013, as they pertain to "8A - Communications Site Lease Agreement: Morrison Tank (Woodglen Drive and

Ridgebrook Drive, Agoura Hills, CA"). AYES: Director(s) Polan, Steinhardt

NOES: Director(s) Caspary , Peterson , Renger

On a motion by Director Charles Caspary, seconded by Director Lee Renger, the Board of Directors voted 3-2 to Approve the recommendation to "Approve the revised Minutes: Regular Meeting of September 24, 2013, as presented."

Director Steinhardt inquired as to his responsibility is as Board Secretary (District Counsel, Wayne Lemieux: not responsible for accuracy of minutes, Board Secretary is attesting to Board President's signature).

AYES: Director(s) Caspary , Peterson , Renger

NOES: Director(s) Polan, Steinhardt

## 8. **GENERAL MANAGER**

#### A Fiscal Year 2013-14 Tactical Actions and Activities

Approve the proposed Fiscal Year 2013-14 Tactical Actions and Activities.

General Manager Pedersen discussed the Status of Tactical Activities and Actions - Fiscal Year 2012-13, dated November 7, 2013, and Proposed Fiscal Year 2013-14 Tactical Actions and Activities.

Polan: hold a separate session for objectives (Peterson concurs and expressed concerns in regards to "develop plan and timeline for recycled water storage", statement is weak-need timeliness, Triunfo needs to get in line and benchmarks need to be established); Steinhardt: incorporate into workshop; likes report, but "completed" or "on-going" possibly change language to continually evolving; Caspary: staff can come up with language.

Polan: completed 2013 - done annually (Steinhardt: some items will never be completed).

On a motion by Director Barry Steinhardt, 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

#### 9. FINANCE AND ADMINISTRATION

#### A Proposed Insurance Providers for Plan Renewals

Authorize the General Manager to execute a two-year renewal with VSP Vision Care for vision insurance coverage at an annual cost of \$17,219; and a three-year contract with Sun Life Financial for life, short-term disability and long-term disability insurance coverage, including Employe Assistance Program services, at a total annual cost of \$69,059.

Human Resources Manager, Sherri Paniagua discussed plan renewals for short/long-term disability, life insurance (great quote from Sun Life with a 3-year rate guarantee), vision plan (VSP had an increase due to the Affordable Care Act); the dental plan was brought back last year (rate guarantee expires 12/31/14); and stated the total package resulted in a \$52,020 savings over 3-years.

Steinhardt: familiar with Sun Life sales representative Andre Carter, it's a huge company (Sherry Skarda, Senior Vice President, Poms & Associates commented that Sun Life was not previously available in California, they have a beneficial rate and contract); common that rates are lower when a new company comes into the market, but once the contract ends then rates increase (Polan: likes the A+ company rating).

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

## 10. RESOURCE CONSERVATION AND PUBLIC OUTREACH

## A Landscape Maintenance Services: Agreement with Villa Esperanza Services

Authorize the General Manager to execute a one-year agreement with two (2) one-year renewal options with Villa Esperanza Services to provide landscape maintenance services in an amount not to exceed \$4,783.00 per month.

Director of Resource Conservation and Public Outreach, Carlos Reyes introduced Charles Bloomquist, Director - West Region for Villa Esperanza Services, who thanked Las Virgenes for their partnership, stated four people who live locally and have developmental issues are employed as part of this agreement.

Board President Caspary stated he appreciates Villa Esperanza's staff, the work they do and that the services are cost effective.

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) Caspary, Peterson, Polan, Renger, Steinhardt

## 11. LEGAL SERVICES

## A Resolution of Intent for Continuation of Potable Water Standby Charge

Pass, approve and adopt the proposed Resolution of Intent (Resolution No. 11-13-2447) continuing the Standby Charge pursuant to the Municipal Water District Law of 1911; order notification of properties that changed ownership since the last Standby Charge assessment; order publication of a Notice of Public Hearing in a newspaper of general circulation once a week for a two-week period; and set a Public Hearing for 5:00 p.m. on January 14, 2014, to consider the continuation of the Standby Charge.

#### **RESOLUTION NO. 11-13-2447**

A RESOLUTION OF THE BOARD OF DIRECTORS OF LAS VIRGENES MUNICIPAL WATER DISTRICT INITIATING PROCEEDINGS FOR THE CONTINUATION OF THE WATER AVAILABILITY OR STANDBY CHARGE FOR THE FISCAL YEAR COMMENCING JULY 1, 2014.

(Reference is hereby made to Resolution No. 11-13-2447 on file in the District's Resolution Book and by this reference the same is incorporated herein and made a part of hereof.)

On a motion by Director Charles Caspary, 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

#### 12. INFORMATION ITEMS

## A Regional BDCP Briefing and Proposed 2014 Water Summit

General Manager Pedersen discussed incorporating a water summit along with the Bay Delta Conservation Plan (BDCP), but there was not enough time to prepare, believes Director Steinhardt wanted a more comprehensive summit on BDCP, Statewide Water Action Plan (SWAP), Total Maximum Daily Load (TMDL), water conservation and 20% x 2020; and stated

staff would report back in 2014 on summit.

Steinhardt: when will this go on the agenda (Pedersen: late January or early February and the item will include a proposed date, itinerary and speakers; Polan: a water summit is a great idea).

## **B** Bond Financing of Capital Improvement Projects

Director Steinhardt stated he requested an agenda item, not an information only item (General Manager Pedersen stated the item is on the agenda, but not as an action item).

Board President Caspary stated he directed General Manager Pedersen to put the item on the agenda as information only, and inquired as to whether he would like a tax put on people to build the 5-million-gallon tank (Peterson: Chair determines agenda, make a motion to add to an agenda as an action item).

Director Polan: put on under future agenda items; Steinhardt: do I need to ask at each meeting; Renger: sure; Steinhardt: we aren't putting on agenda?; Polan: the Chair determined information only not action item.

C Rancho Las Virgenes Third Digester Construction: Approval of Change Order No. 3

## 13. NON-ACTION ITEMS

#### A Organization Reports

- (1) MWD
  - a. Representative Report/Agenda(s)
- (2) Other
- (1) MWD Representative Peterson stated there was no Metropolitan Water District (MWD) meeting today therefore he will provide a report on November 26th; State Water Project tour of November 1-3, had a variety of people in attendance including an FBI Agent, two MWD employees who live in Fountainwood, Len Polan and his wife, and that this was one of the best tours we have had.

Polan: Panoche Water District treats water for salinity as there is too much in the water; \$33-million reverse osmosis plant to process water, solar treating devices, solar distillers (Peterson: separates selenium and salt); Mendota Pool put salmon back in San Joaquin Feather River by Oroville; tremendous trip; enjoyed Edmonston Plant; Director Peterson has an encyclopedia of water knowledge.

(2) Director Steinhardt reported he had hosted the November 2nd quarterly potable tour, and stated people are trying to get water agency jobs.

## **B** Director's Reports on Outside Meetings

Director Polan reported on his attendance at the October 30th State of the City - Agoura Hills meeting he attended during which he met Tim Pershing and Melanie Abe.

## **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: Triunfo Sanitation District (TSD) re-initiated discussions on participating in a recycled water storage project, an estimate of expenditures to date was provided to District Manager, Mark Norris with total costs to date of \$200,000, TSD's share is approximately 29.4% or \$60,000, if they chose to participate then he would recommend time for TSD to budget the funds; WateReuse Specialty Conference of October 16-17 discussed direct potable reuse, 2016 prospects look good; expense reimbursements report; suggestion box at Rancho Las Virgenes Composting Facility (Peterson: make sure it's marked as a Joint Powers Authority (JPA) facility), upstairs-headquarters, downstairs-headquarters for feedback (Renger: is feedback on-line (Pedersen: yes, and feedback is also on individual web pages with copies of feedback to the Board); and upcoming meetings (AWA Bus Trip on November 14th (Polan); AWA WaterWise Breakfast on November 21st; November 26th board meeting; District offices are closed on November 28th and 29th; JPA board meeting December 2nd; ACWA Conference December 3rd-6th).

Polan inquired as to whether the December 24th board meeting would be held (Conklin: December 10th agenda will have an item to discuss cancellation of the meeting).

Additionally, General Manager Pedersen stated Hidden Valley working with Calleguas on supplying water, their wells are dry, water trucks are being used and not from authorized sources (Peterson: are they paying for water (Pedersen: one meter yes as it was a construction meter, the other meter no). Peterson and Polan: this is theft (Pedersen: a cease and desist order will be issued); Polan: is water for landscaping or drinking (Pedersen: unsure of use, but one of the sites grows avocados).

General Manager Pedersen stated recycled water use needs to be looked at; Calleguas has tried to remedy the situation in the past, but homeowners did not follow through); Polan: where do we go with this (Pedersen: we should issue cease and desist order, and talk to Calleguas about a solution); Peterson: do we know what water was being used for on construction meter (Pedersen: no); Caspary: it would be nice if Hidden Valley let us put recycled water into their aquifer, and partner with Calleguas (Renger: problem with recycled water aquifer (Pedersen: there is a permitting process); Pedersen commented in the cease and desist, put a statement in the order for reconvening of meeting to resolve water service issues (Peterson: Hidden Valley concerned about water, if available then growth to area).

#### **D** Director's Comments

Director Polan: does Board have a position on Drinking Water Program move to State Water Resources Control Board (Caspary: Las Virgenes took an oppose position; Pedersen: Governor appears to be doing a reorganization and it looks like the move will happen, Kathy Cole will discuss on December 10th and there is also an agenda item scheduled for November 26th to discuss as the move may benefit recycled water, but not potable); is it appropriate to discuss with State Assemblymembers (Peterson: met with Senator Fran Pavley, State is an advocate of move, MWD is against); illegal rock dam at Triunfo Creek, wants a copy of minimum flow (Pedersen: will provide a copy; Peterson: water rights issue); concerned about carbon in air, reduce carbon footprint of the District; fuel cell cars; improvements at treatment plant (Pedersen: closed session item).

Director Renger: 18-wheeler was backing into dog park (Lippman: truck was for solar project).

#### 14. FUTURE AGENDA ITEMS

Director Steinhardt requested an item be placed on the agenda as an action item, not an information only item to discuss bond financing for the 5-million-gallon tank.

Board President Caspary: Board can approve bonds.

A vote was taken to determine whether to add bond financing to an upcoming agenda as an action item.

On a motion by Director Barry Steinhardt, seconded by Director Leonard Polan, the Board of Directors voted 2-3 to Approve placing a future action item on an agenda to discuss bond financing for the 5-million-gallon tank.

AYES: Director(s) Polan , Steinhardt

NOES: Director(s) Caspary , Peterson , Renger

#### 15. PUBLIC COMMENTS

No speaker cards were received from the public.

#### 16. CLOSED SESSION

District Counsel Lemieux reported there was no need to hold Closed Session.

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

- 1. Las Virgenes Triunfo Joint Powers Authority v. United States Environmental Protection Agency
- 2. Heal the Bay, Inc. v. Lisa P. Jackson

#### 17. OPEN SESSION AND ADJOURNMENT

The Chair declared the meeting adjourned at 8:35 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)