



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

**MINUTES  
REGULAR MEETING**

5:00 PM

April 22, 2014

**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 5:02 p.m. by Board President Caspary in the District offices. Daryl Betancur, Clerk of the Board conducted the roll call.

Present: Directors, Polan, Renger, Steinhardt, Peterson and Board President Caspary.

Absent: None

Staff Present: David Pedersen, General Manager  
Daryl Betancur, Clerk of the Board  
David Lippman, Director of Facilities and Operations  
Carlos Reyes, Director of Resource Conservation and Public Outreach  
Don Patterson, Director of Finance and Administration  
Wayne Lemieux, District Counsel

**2. APPROVAL OF AGENDA**

A Approval of agenda

General Manager Pedersen indicated that there were no changes to the agenda.

On a motion by Director Renger, seconded by Director Polan, the Board of Directors voted 5-0 to approve the agenda as presented. Motion carried unanimously.

**3. PUBLIC COMMENTS**

None

**4. CONSENT CALENDAR**

- A List of Demands: April 22, 2014. Approve**
- B Investment Report for the Month of March, 2014. Receive and File**
- C Investment Review: First Quarter of Calendar Year 2014. Receive and File.**
- D Minutes: Regular Meeting of February 25, 2014; and Regular Meeting of March 11, 2104.**

Director Polan Stated he wanted to discuss item 4C the Investment Review Report. Item 4C was subsequently pulled from the consent calendar for a separate discussion.

On a motion by Director Peterson, seconded by Director Renger, the Board of Directors voted 5-0 to approve the Consent Calendar items 4A, 4B and 4D. Motion carried unanimously. Item 4C was pulled for a separate discussion.

**4C. Investment Report for the Month of March, 2014.**

Director Polan stated that he wanted to discuss this item privately with Mr. Patterson, Director of Finance and Administration and following that discussion bring the item back at the next meeting.

On a motion by Director Steinhardt, seconded by Director Renger the Board of Directors voted 4-1 to bring the item back and allow Director Polan to discuss as requested. Motion carried by the following roll call vote:

AYES: Director(s): Polan, Renger, Steinhardt and Peterson  
NOES: Director(s): None  
ABSTAIN: Director(s): Board President Caspary

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

**A Legislative and Regulatory Updates**

General Manager Pedersen reported on: SB 1014 (Jackson) that involved the statewide drug take back program; that the JPA submitted a letter of support; that the bill did not have the support of the business community thus the bill is on hold. Mr. Pedersen reported on regulatory items including: the water main break on February 4, 2014 on Barrymore Drive, which caused some erosion to the road; that on April 11 a letter was received from the Regional Water Quality Control Board what is essentially an order to submit information regarding the incident because there was some sediment that was washed into Solstice Creek as a result of the break and Heal the Bay alerted the Regional Water Quality Control Board. He spoke about next steps including submitting an incident report to the Regional Board explaining what happened, the level of response and other mitigating steps. Mr. Pedersen stated he will report back as more information becomes available.

There was a brief discussion relative to the dimensions of the pipe and the reasons it had failed with staff providing responses and indicating that it was installed in the early 60's and that its failure was attributed to corrosion and an original installation defect.

**6. TREASURER**

Nothing to report.

**7. BOARD OF DIRECTORS**

**A ACWA General Session Membership Meeting: Designation of Voting Delegate**

**Designate a voting delegate for the ACWA General Session Membership meeting of May 7, 2014 and provide the delegate with feedback on the proposed by-law amendments recommended by the ACWA Board of Directors.**

Director Steinhardt moved to have President Caspary be the designated delegate with President Caspary stating that he is not expected to attend and therefore the Board should consider nominating another member. Director Steinhardt then moved to nominate Vice President Peterson to be the designated delegate. Said motion was seconded by Director Polan.

Additionally, feedback is to be provided to the delegate relative to the proposed by-law amendments, so President Caspary asked if the amendments to the by-laws are acceptable to Vice President Peterson and to the Region 8 delegate. Mr. Steinhardt provided clarifying comments on this topic.

Director Steinhardt moved to nominate Vice President Peterson as the delegate and to also accept the proposed changes to the by-laws. Motion seconded by Director Polan and carried unanimously.

**B Safe and Professional Work Environment for Employees: Approval of Five-Signature Statement.**

Board President Caspary asked if there were any questions from the Board, seeing none, he entertained a motion to approve. Director Peterson moved to approve the five-signature statement as presented, seconded by Director Renger.

There was a brief discussion on this item with members of the Board including Director Steinhardt asking questions of staff for clarification. Among the questions asked included: number of verified incidents and the outcome of these with General Manager Pedersen indicating that there were a total number of seven and briefly commenting on their related status.

Director Steinhardt made comments relative to his objections in singling out residents in the Three Springs area as the basis for him not agreeing to sign the statement before the Board.

Board President Caspary sought to find consensus on this item to no avail and thus called for the question.

AYES: Director(s): Renger, Peterson and Board President Caspary  
NOES: Director(s): Polan and Steinhardt  
ABSTAIN: Director(s): None

Direction was given to staff to prepare an additional generalized statement supporting a safe and professional work environment for all employees and to bring back at a future meeting.

**C Backbone Improvement Program 5-Million-Gallon Tank Project: Process to Approach Individuals with Greatest Concern.**

General Manager Pedersen reported that this item was a request by Director Polan to talk about a process to approach individuals with greatest concern as it related to this project.

Mr. Pedersen spoke about the processes that were and are followed pertaining to this matter and explained in detail the process and how it works and what is being done.

There was a brief discussion on the following topics: blasting; noise, and the delivery of explosives.

Mr. Pedersen commented that he had met with the City Manager in Westlake Village and the City Engineer and discussed related issues including the delicate process of delivering explosives to the site.

## 8. FACILITIES AND OPERATIONS

### A Tapia Water Reclamation Facility Primary Clarified No. 1 Rehabilitation Project: Award of Construction Contract.

David Lippman, Director of Facilities and Operations presented the staff report and spoke briefly relative to the aspects of the project including: call for bids, and the given recommendation.

Director Peterson moved to approve as presented. Motion seconded by Director Renger and carried unanimously.

### B Castro Peak Communication Site Lease: Approval of Terms and Authorization to Execute Lease Agreement.

David Lippman, Director of Facilities and Operations presented the staff report and spoke about the item stating that this is an item related to communications. Mr. Lippman provided a brief summary of how these towers got installed at Castro Peak and that the record is not clear about when that happened; and that these communication towers were installed in a National Park Service facility based on a verbal agreement not a lease agreement. Mr. Lippman explained in detail the purpose as to why this lease is needed, who owns the property, access rights, lease terms, associated costs and other specifics.

There were several questions by the Board about: back up power in case of power outages; how much power equipment takes; battery power of our own; why not use the bigger tower; whether or not the lease price includes electricity; easement agreement; line of sight; communication radios; and SCADA being a part of the response system with Metropolitan; FCC relicensing and other related topics.

Director Renger moved to recommend a lease agreement with Communications Relay on the terms stated contingent upon a favorable response on the issue of relicensing. Motion seconded by Director Peterson and carried unanimously.

## 9. FINANCE AND ADMINISTRATION

### A Claim from Ray Stewart

General Manager Pedersen stated that the recommendation is to deny the claim and provided the basis for denial.

There were several questions related to water usage, water regulators and pressure. Staff indicated that an inspection was conducted some time ago and that the pressure was adjusted back to 75 psi.

Director Steinhardt moved to deny claim. Motion seconded by Director Polan and carried by the following roll call vote:

AYES: Director(s): Polan, Peterson, Steinhardt and Board President Caspary  
NOES: Director(s): Renger  
ABSTAIN: Director(s): None

Note: While made during the motion but not a part of it, the Board directed staff to work with claimant

on the issue of the water audit to find out the underlying issues relative to the water usage.

**B Approval of Detachment and Annexation of Malibu Heights Territory: Parcel Map No. 23897, APN# 4457-003-016; and APN # 4457-002-038.**

Director Renger moved to approve as presented, motion seconded by Director Polan and carried unanimously.

**10. LEGAL SERVICES**

General Manager Pedersen briefly stated that this is an effort to update the code and outlined the process that is to be followed.

District Counsel Lemieux presented the staff report and briefed the Board through Title 1 of the Code, which includes existing language and proposed language. Mr. Lemieux spoke about the proposed changes.

There was a substantial discussion on this item with questions answered by District Counsel particularly on the subject of what is approved by ordinance v. what is approved by way of Resolution. Following the discussion, the Board requested that a binder containing the changes both current and proposed be prepared and kept on file for each Board member in order to enable them to keep track of these changes. Further, the Board requested that a redline version be provided to them to facilitate their review of the material and that such material be presented to the Board more timely. There was no action on this item.

**11. INFORMATIONAL ITEMS**

**A Backbone Improvement Program 5-Millon-Gallon Tank Project: Summary of April 10<sup>th</sup> Information Session and Follow-up Activities.**

General Manager Pedersen provided a summary of the April 10 information session that was held in Westlake Village on the blasting for the 5-Million Gallon Tank Project and that this item is presented because at that meeting there were concerns that warranted follow-up. Mr. Pedersen reported that there were a total of 46 attendees; three Westlake Village City Council members; all of Las Virgenes Board Members; 13 District staff and Consultants and construction team members; a reporter from the Ventura County Star, City of Westlake Village staff representative; as well as 23 residents.

Mr. Pedersen stated that the key part is on page 2 of the staff report, which outlines three major areas of concern including: 1) Emergency Preparedness; 2) Emergency Communications/Notification of Residents; and 3) Valley Fever Concern. Mr. Pedersen then spoke relative to each of these topics with more specificity and answered questions from the Board.

**12. NON-ACTION ITEMS**

**A Organization Reports**

(1) MWD

Director Peterson reported on the Executive Committee in the Bay Delta Committee where there was an excellent presentation about natural flows in the river and vegetation and that this presentation is on-line; that there are many agencies working together where everyone is working from the same science perspective; spoke about the final comment period for the Delta Plan, which is Friday the 13<sup>th</sup>. Further, he stated that on the Executive Committee meeting the big task was that the Board decided that they will hold their election at the next Board meeting believed to be May 8<sup>th</sup> for the Chair of the Board.

There were no other reports.

- (2) Other – None

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

None

**C General Manager Reports**

- (1) General Business

Mr. Pedersen reported on the Department of Water Resources, which increased the allocation from the State Water Project from 0 to 5%, which in essence provides a bit of relief in that there will be a small amount of water allocated in the current year. He further reported on the blasting, which began this week with several tests taking place and answered several questions on the subject. Mr. Pedersen also indicated that we had committed to posting on the web a map that shows the locations of the six seismographs and that this has been done; and that within 24 hours of each of the blasts we will post the data from the seismographs on a map with a table and data to show the readings and that the video will also be posted.

Mr. Pedersen stated that he would like to set up a date to go see the blasting work for the Board to go and observe the blasting.

- (2) Follow-Up Items

None.

**D Director's Comments**

Director Polan asked for a report on the rodenticide issue; commented on the issue of climate change v. drought definition. A brief discussion took place on this with clarification provided as to the terminology.

Director Peterson commented briefly on the amount of water that is in storage and what the programs are for distribution and allocation of these resources.

Board President Caspary made comments relative to the water conservation efforts and the drought measures.

**13. FUTURE AGENDA ITEMS**

Director Steinhardt requested to put on the agenda discussion of an item for video-taping all of the workshops, special meetings and any type of meeting the Board has.

**14. PUBLIC COMMENTS**

A formal request was made by Director Steinhardt to put the issue of video recording of meetings on the next agenda. Director Polan seconded.

Director Renger mentioned that the issue of the drought definition also be put on a future agenda. Director Polan moved to place this item on the agenda with Director Renger seconding the motion and carried.

There were no public comments from audience. Seeing none the Board recessed to closed session at 7:08 p.m. and reconvened to open session at 7: 12 p.m.

**15. CLOSED SESSION**

**A. Conference with District Counsel- Existing Litigation pursuant to Government Code Section 54956.9 (a).**

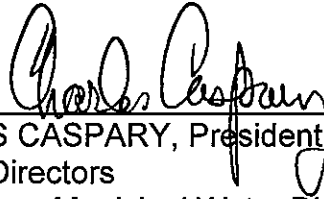
1. Las Virgenes – Triunfo Joint Powers Authority v. United States Environmental Protection Agency
2. Heal the Bay, Inc. v. Lisa P. Jackson

**B. Conference with District Counsel- Anticipated Litigation pursuant to Government Code Section 54956.9 (d) (2).**

1. Tort Claim of Seymour Howard
2. Tort Claim of A. Kazden
3. Undisclosed Matter

**16. OPEN SESSION AND ADJOURNMENT**

No actions were taken during closed session. Seeing no further business to come before the Board, the meeting was duly adjourned at 7:20 p.m.



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

ATTEST:



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

(SEAL)