



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

MINUTES  
REGULAR MEETING

5:00 PM

March 11, 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. Joanne Bodenhamer called the roll. Those answering present were Directors Charles Caspary, Glen Peterson, Barry Steinhardt, Leonard Polan and Lee Renger.

2. APPROVAL OF AGENDA

A Approval of agenda

There were no changes to the agenda. However, General Manager Pedersen suggested a change in the order of the agenda as there were people in the audience to speak on behalf of item 8A for the 5 MG Tank Project. Additionally, a consultant for item 11A was present to speak about the Potable Water Master Plan Update. At the time, Director Caspary only had one speaker card for item 10. The agenda was approved as presented.

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

*AYES: Director(s) Caspary, Peterson, Polan, Renger, Steinhardt  
NOES: None*

3. PUBLIC COMMENTS

No public speaker cards were received.

4. **CONSENT CALENDAR**

- A **List of Demands: March 11, 2014. Approve**
- B **Directors' Per Diem: February 2014. Ratify**
- C **Minutes: Regular Meeting of January 28, 2014. Approve**

Director Polan noted that there was a typo on page 8 of 18 of the revised minutes.  
Director Caspary stated that it is on item 7B.

*On a motion by Director Glen Peterson, seconded by Director Lee Renger, the Board of Directors voted 5-0 to approve the Consent Calendar as presented in the recommendations. Motion carried as follows:*

*AYES: Director(s) Caspary, Peterson, Polan, Renger, Steinhardt  
NOES: None*

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

A **Legislative and Regulatory Updates**

General Manager Pedersen spoke about the Governor signing two drought response bills SB103 and SB104; on March 1st they were signed by the Governor; the bills provide \$687 million dollars in drought relief funds for different programs; MWD has compiled a list of shovel ready projects; AB 1671, Frazier (Jim Frazier represents Dist. 11) proposed bill that would require the Legislature to approve the water conveyance improvements for the Bay-Delta, the District and water community oppose; support letter was recently signed for SWRCB policy to provide low-interest loans for recycled water projects; signed support letter for USEPA to continue funding for water research; Water Bond Proposals; 2 key bills viable within the water community.

6. **TREASURER**

Treasurer Polan stated that he reviewed the check runs and found everything to be consistent and in order. He posed a question relative to how the District performs rodent control at the dam with staff providing a satisfactory response.

7. **BOARD OF DIRECTORS**

A **Board Meeting Minutes and Video Recording Retention**

Determine the appropriate format and level-of-detail for Board meeting minutes; select a retention period for the Board meeting video recordings; and direct staff accordingly.

General Manager Pedersen reported that Director Steinhardt requested to bring this item back for discussion; a future agenda item with two things was requested for talking point minutes and considering the retention on the videos for a 50-year period.

As it relates to the minutes, in September 2012 the Board discussed how the minutes are to be prepared and decided that a summary transcription would suffice and that they be kept in perpetuity as the official record; on March 12, 2013, the District began video recording all meetings, which have been kept; there was no retention for these recordings at the time.

District Counsel Mr. Lemieux articulated what the requirements were for both regular and special meetings noting that some basic elements need to be captured such as day, type of meeting, attendance, motions and seconds, actions taken and adjournment time.

Further, Mr. Lemieux stated that under the Public Records Act the video recordings retention period is one year; and that it used to be 6 months; that there is no legal requirement to transcribe anybody's verbatim comments.

General Manager Pedersen suggested that the two items be considered together; if summary style minutes are opted, the video could be saved in conjunction with it for reference at a future time. It wouldn't be problematic for the District if the Board chose to save the videos in perpetuity along with the summary minutes.

With respect to the video recordings, Director Renger stated that 50 years is too long; that 10 years is longer than he would like to see; he proposed to keep the videos for five years and summarize the talking points; Director Caspary asked if he wanted to use the same wording already adopted by the Board of "summary transcription" with Director Renger stating yes. (Following that discussion, Director Peterson seconded the motion).

Director Steinhardt made several comments relative to the minutes, among these, that the staff works hard to prepare the minutes; that is hard to transcribe them precisely even though they try; that he is often asked to sign minutes he feels are inaccurate and that this is why he has concerns in signing them. He further stated that the video recordings are 100% accurate and suggested that bullet points on the minutes may be appropriate with a notation to refer to the video, which will help to provide a greater level of transparency.

Director Polan seconded the motion and commented that he attended the Legislative Symposium in Sacramento and that key items discussed were on transparency and why we need to care; that they spoke about these very same issues; Director Steinhardt's motion is supported and he wants everything to be as transparent as possible.

There was a question posed by Director Peterson regarding procedure on making a motion; he commented that Mr. Steinhardt's motion to amend procedurally needs to be accepted by the original motion maker as well as the seconder; however, if a substitute motion is made that does not amend the original motion but replaces it. Mr. Steinhardt then replaced his motion with a substitute one.

There was a brief discussion about the cost of holding video recording; that if the minutes are a bullet point summary of the agenda items that people then can refer to video on line to supplement the information.

Director Caspary asked legal counsel as to which motion gets disposed of first, the original motion or the substitute one with Mr. Lemieux indicating that the substitute one gets dealt with first as a matter of procedure.

Director Peterson stated that he does not want to have the videos held more than five years and that to hold them for 50 years is too long.

Director Renger also commented that the 50 year retention is also too long.

Mr. Steinhardt made several comments including that for transparency purposes an accurate record needs to be retained; that a majority of the Board was in favor of more brief minutes and that such minutes have been diluted over time.

A substantive discussion ensued regarding the length of the minutes which are averaging 18 pages for one meeting; that summary transcriptions are reflective of the accurate record; and that he supports video recordings.

*On a motion by Director Barry Steinhardt, seconded by Director Polan, the Board of Directors voted 2-3 on the substitute motion; a roll vote was taken and failed due to a lack of quorum. Motion carried as follows:*

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

Director Peterson commented that when events of the past get destroyed, it is the right of any Director to have retention of anything they think is of historical value.

*On a motion by Director Glen Peterson, seconded by Director Lee Renger, the Board of Directors voted 3-2 to approve the original motion. Motion carried as follows:*

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

#### **B Amended Minutes: Regular Meeting of January 14, 2014**

Approve the amended minutes for the regular Board meeting of January 14, 2014.

Director Steinhardt made several comments regarding what he believes are inaccuracies with the minutes and that the summary minutes do not properly reflect the record. Director Caspary noted that all Directors were given an equal opportunity to present corrections by the 3rd of March and that some members chose not to exercise that privilege.

*On a motion by Director Lee Renger, seconded by Director Glen Peterson, the Board of Directors voted 3-2 to approve as presented. Motion carried as follows:*

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

#### **C Agenda Preparation and Placement of Items on Future Agendas**

Receive and file the memorandum prepared by the District's Legal Counsel entitled Agenda Preparation and Placement of Items on Future Agendas.

Mr. Lemieux, District Counsel spoke relative to the preparation and placement of items on future agendas with General Manager Pedersen stating that he will bring a schedule to the Board for updates to the Las Virgenes Municipal Water District Administrative Code.

Director Steinhardt inquired as to whether or not the proposed changes would eliminate Directors putting things on the agendas with Mr. Pedersen indicating "no" and that there are inconsistencies in the Administrative Code.

*On a motion by Director Lee Renger, seconded by Director Glen Peterson, the Board of Directors voted 3-0 -2 to as presented. Motion carried as follows:*

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

#### **D. Service Recognition Policy: Consideration of Amendment**

Consider an amendment to the District's current Service Recognition Policy to clarify its applicability to Board Members.

General Manager Pedersen spoke on the District's Service Recognition Policy and asked if the Board should be included in the Policy. It was noted that currently the Board receives a certificate of service recognition.

A brief discussion took place regarding the item.

On a motion by Director Barry Steinhardt, seconded by Director Polan, the Board of Directors voted 2-3 to move this item to another meeting. Motion died due to a lack of quorum. Motion carried as follows:

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

*On a motion by Director Lee Renger, seconded by Director Barry Steinhardt, the Board of Directors voted 5-0 for the Board of Directors to receive one-year and five-year service award pins. Motion carried as follows:*

AYES: Director(s) Caspary, Peterson, Polan, Renger, Steinhardt  
NOES: None

## 8. FACILITIES AND OPERATIONS

### A **Backbone Improvements Program 5-Million-Gallon Tank: Memorandum of Understanding with City of Westlake Village**

Approve and execute the Memorandum of Understanding with the City of Westlake Village, outlining mitigation measures for the construction of the 5-Million-Gallon Tank Project; and authorize the General Manager to implement additional mitigation measures that may be deemed necessary during the progress of construction.

General Manager Pedersen presented the staff report and stated that the Memorandum of Understanding (MOU) includes categories and has been prepared properly.

President Caspary asked the Board if there were any questions on the subject.

The Board asked what "properly operating mufflers" means with General Manager Pedersen providing an answer and making reference to the matrix presented.

There was a brief discussion where Board members' questions were adequately answered.

*On a motion by Director Glen Peterson, seconded by Director Lee Renger, the Board of Directors voted 3-2 to approve as presented. Motion carried as follows:*

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

## 9. FINANCE AND ADMINISTRATION

### A **Professional Independent Audit Services: Approval of Request for Proposals**

Approve the Request for Proposals for professional independent audit services.

General Manager Pedersen formally introduced the new Director of Finance and Administration, Mr. Donald Patterson who joins LVMWD from the City of Santa Monica where he was the Assistant Director of Finance; Mr. Patterson commented on the item, stating that the item is to solicit services for

independent audit services; the previous contract concluded with an audit of the fiscal year 2012/13; the RFP is a request for a 3-year contract with two 1-year options to extend.

*On a motion by Director Leonard Polan, seconded by Director Barry Steinhardt, the Board of Directors voted 5-0 to approve the Request for Proposal (RFP) as presented. Motion carried as follows:*

*AYES: Director(s) Caspary, Peterson, Polan, Renger, and Steinhardt  
NOES: None*

## **B Claim by Melody Woodman**

Deny the claim from Melody Woodman.

General Manager Pedersen gave an overview of the claim received from Melody Woodman stating that the claim is very vague; it alleges that there was a pinhole leak in copper piping and that it was possibly caused by corrosion due to additives in the water supply by the District; estimated damages are \$20,000; staff recommends to deny the claim; Legal Counsel has reviewed the claim and concurs.

Director Peterson commented that if the person lives in Calabasas, they are very unlikely to have received any water that has anything in it because water does not go all the way from Westlake to Calabasas; there are no additives in the water; this is a frivolous claim.

*On a motion by Director Glen Peterson, seconded by Director Lee Renger, the Board of Directors voted 5-0 to deny the claim as presented. Motion carried as follows:*

*AYES: Director(s) Caspary, Peterson, Polan, Renger, Steinhardt  
NOES: None*

## **C Proposed Revisions to Management Handbook Approve the proposed revisions to the Management Handbook**

General Manager Pedersen presented the changes to the Management Handbook and spoke about establishing benefits for non-represented employees commenting that the majority of the employees are represented by bargaining units, however, there are four non-represented employees/positions which include the three Directors and the Human Resources Manager; that the proposed changes reflect establishing new tiers for medical insurance coverage which would only apply to non-represented employees hired after January 1, 2014; that the change consists of two parts, their medical coverage would be covered at 98% of the lowest premium HMO family plan as opposed to what is currently provided which is the PPO family plan; retiree benefit will be 75% of the least expensive plan for the retiree only; the current benefit is 75% of the PPO plan plus one dependent; it does involve a cost savings to the District; the recommendation is to approve the changes to the handbook; included in the agenda package is a version with the red-line changes.

Director Steinhardt suggested that the lowest plan price be used, not the lowest HMO plan with Mr. Pedersen, General Manager stating that this will be amended.

Director Polan confirmed that the new handbook would not insure any dependents for retirees.

*On a motion by Director Glen Peterson, seconded by Director Len Polan, the Board of Directors voted 5-0 to as presented with the proposed amendments. Motion carried as follows:*

*AYES: Director(s) Caspary, Peterson, Polan, Renger, Steinhardt  
NOES: None*

## **D Reduction to CalPERS Employer Paid Member Contribution**

Pass, approve and adopt the proposed Resolution No. 03-11-2453, identifying the change in amount of Employer Paid Member Contributions (EPMC) for the District's unrepresented management employees; and approve the updated salary schedule reflecting the proposed salary range adjustments.

General Manager Pedersen presented an overview of the item stating that the action requires a Resolution which is included; Director positions will receive a 9% increase in the upper range of the salary levels which will allow for a 2% allowance for a performance based increase; the Human Resources Manager will receive a 1% increase; the Board memo was clarified with respect to the comparison made to the M/SPC Bargaining Unit, theirs was not off-set, one-for-one as it appeared to be indicated in the staff report.

Director Steinhardt stated that he had requested a survey on similar positions which he has not received; a lengthy discussion took place on the subject with Director Caspary adding that there was never a consensus of the Board to provide a salary survey.

*On a motion by Director Lee Renger, seconded by Director Glen Peterson, the Board of Directors voted 3-1-1 to as presented. Motion carried as follows:*

*AYES: Director(s) Caspary, Peterson, and Renger NOES: Director(s) Steinhardt  
ABSTAIN: Director(s) Polan*

## **10. RESOURCE CONSERVATION AND PUBLIC OUTREACH**

### **A Mow-No-Mow Turf Removal Program: Update and Eligibility of Synthetic Turf**

Approve the eligibility of synthetic turf for incentives under the District's Mow-No-Mow Turf Removal Program.

There was one public speaker card from Susan Hammond of Calabasas who spoke about water conservation inclusion of synthetic turf in Mow no Mow rebate program as another eligible product; she stated that the Spring Green Expo had three vendors with artificial turf; 22 gallons of water are conserved in a year installing turf in the normal home. Director Peterson asked if her turf is located in the sun and if it gets hot with Ms. Hammond answering affirmatively that it is in the sun, but not sure if it gets hot.

There were several comments made by Board members including that San Francisco has used artificial turf in dog parks and has had run-off; he is not in favor of the product as a District policy; that is very expensive and that Las Vegas has a policy that they cannot change landscaping back to grass once it is taken out; he requested an agenda item to review that policy.

Director Steinhardt moved to table the item.

General Manager Pedersen gave an overview of the item and introduced Dr. Randal Orton who presented on Mow-No-Mow; he reviewed the strategies for compliance and the historical conservation; the new program update; reclaimed water conversion and conservation incentives; new device incentives; public agency incentives; targeted fitness center incentives; turf removal incentives; will it save water challenges; what causes drought rebound; irrigation during rain prohibited; and program outlook.

The item was properly discussed and questions from the Board were satisfactorily answered.

Scott Harris spoke briefly about the item.

Jeff Reinhardt spoke about the response from the customers.

*On a motion by Director Glen Peterson, seconded by Director Charles Caspary, the Board of Directors voted 2-1-2 to approve as presented. The motion failed due to a lack of quorum. Motion carried as follows:*

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

**B 2014 Water Summit: Proposed Timing and Preliminary Program**

Review the proposed timing and preliminary program for the 2014 Water Summit and provide feedback to staff on the proposal.

General Manager Pedersen presented the staff report and indicated that Senator Fran Paley was scheduled for April 3rd and that a Federal perspective would be provided by the U.S. Bureau of Reclamation; he asked for feedback for the proposed date; Directors Renger, Peterson and Caspary were available to be there on the 3rd; Director Steinhardt is not available on that date.

**11. INFORMATION ITEMS**

**A Potable Water System Master Plan Update: Preliminary Review**

Roger with Kennedy/Jenks Consultants gave an update on the Master Plan.

There was a brief discussion on this item and questions were answered.

**B Backbone Improvements Program 5-Million-Gallon Tank: Change Order No. 1**

There were no questions on the item.

**12. NON-ACTION ITEMS**

**A Organization Reports**

- (1) MWD
  - a. Representative Report/Agenda(s)

- (2) Other

Director Peterson reported on MWD's reports; they have two new Directors, Steve Blois and Yvonne Arceneaux; he also spoke about the Feinstein and Vallejo bills.

Director Steinhardt asked about a Director bringing up something about a standby charge. Director Peterson commented that \$5 million has been spent on conservation this year.

The item was discussed briefly.

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

Director Polan reported that he attended the Legislative Symposium and Senator Jean Fuller gave a great presentation on the water bond issue and transparencies.



Director Steinhardt reported that during lunch at the Legislative Symposium, someone announced that the Delta is going away and there are a lot of people who believe that.

Director Peterson reported that Metropolitan is hosting a tour of their facilities.

**C General Manager Reports**

- (1) General Business
- (2) Follow-Up Items

General Manager Pedersen reported that the Form 700's needed to be turned in. The upcoming calendar items and follow-up items were reviewed.

**D Director's Comments**

Director Polan spoke about the controversy of Bay Delta Plan and passed an article around.

Director Renger attended the Westlake City Council Meeting and reported one of the Directors had informed others that the dynamite explosions would be quite larger than they were originally informed.

Director Peterson referred to an article in the Acorn about him replacing his lawn which he stated is a Bermuda grass lawn; Director Peterson allows Keystone Camp to be run on his property; he is a wine maker and is losing his grapes.

**13. FUTURE AGENDA ITEMS**

Director Polan made a motion to add a future agenda item to restrict the change of landscaping to grass and to check with Las Vegas on their policies. Director Renger seconded the motion.

**14. PUBLIC COMMENTS**

No public speaker cards were received. The Board recessed to a break at 8:26 p.m. and reconvened at 8:30 p.m.

**15. CLOSED SESSION**

Closed session started at 8:30 p.m.

**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
3. San Diego County Water Authority v. Metropolitan Water District of Southern California, et al.
4. Pacific Bell Telephone Company v. Las Virgenes Municipal Water District, et al.

**B Conference with Labor Negotiator (Government Code Section 54957.6(a)):**

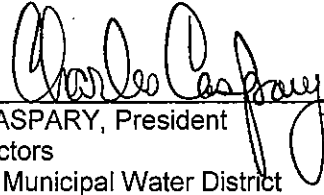
Agency designated representative: David W. Pedersen, General Manager

Unrepresented employees: Director of Finance and Administration, Director of Facilities and Operations, Director of Resource Conservation and Public Outreach, and Human Resources Manager.

**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 8:53 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)