



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

**MINUTES  
REGULAR MEETING**

5:00 PM

September 9, 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 **5:01 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  
Brett Dingman, Water Reclamation Manager  
Carlos Reyes, Director of Resource Conservation and Public Outreach  
Joseph Lillio, Finance Manager  
Wayne Lemieux, District Counsel

**2. APPROVAL OF AGENDA**

**A** Approval of agenda

General Manager Pedersen indicated that staff had received speaker cards from a number of people for items 9B and 9D, thus the Board may consider moving those items up on the agenda for the benefit of the public.

Director Renger moved to approve the agenda with the noted changes, moving item 9B and 9D following public comments. Motion seconded by Director Steinhardt. Motion carried unanimously.

Board President Caspary stated that staff had also received a speaker card for item 9A, which was also intended to be included on the change in order of the agenda. There were no objections.

### **3. PUBLIC COMMENTS**

There were no public comments on items not on the agenda. Thus, Board President Caspary proceeded to call public speakers for item 9B first.

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

#### **B Mow-no-Mow Turf Removal Program: Synthetic Turf Eligibility**

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

Carlos Reyes, Director of Resource Conservation and Public Outreach presented the staff report and commented that at the meeting of March 11, 2014, the Board considered the eligibility of synthetic turf for incentives under the lawn removal Mow-no-Mow program and that at that time the proposal failed by a 2-1-2 vote; subsequent to that, the Board had directed staff to bring back that item for the Board to reconsider it. Mr. Reyes informed the Board that there has been a high level of interest in this program lately as a result of the drought declaration and the District's watering restrictions; spoke about the length of time the District had been offering the turf removal program, which was two-years; that in the first 6-months of the program, the District had 14 customers who participated; however, that in the last 10-months, the interest had increased significantly with 52 completed projects to date and 83 more reservations pending.

Mr. Reyes stated that currently Metropolitan Water District allows the use of synthetic turf, but that the District does not, primarily because the District had taken the approach of promoting California friendly gardens with drought tolerant plants; spoke about how with the recent drought more and more customers are very interested in this program as a way to responding to the drought; in terms of funding, Mr. Reyes stated that initially staff had a budget of \$44,000 that ran out, then staff requested MWD to increase the funding to \$200,000 and that amount also quickly ran out; that to date, the District had requested an allocation of \$600,000, which shows the level of interest. He commented that some of the customers interested in the program who have been in contact with the District about this, are present to offer public comment in support of the program of allowing synthetic turf as part of the Mow-no-Mow Turf Removal Program.

Following Mr. Reyes's presentation, Board President Caspary called upon those speakers in support of synthetic turf.

#### **Public Comments on item 9B**

The following speakers made comments in support of the District allowing for synthetic turf as an option as part of the Mow-no-Mow program.

Jay Lewitt (Agoura Hills), Susan Hammond (Agoura Hills), Jon Blake (Agoura Hills), Tom Casey, Calabasas Car Care Tire Pros, Business Owner, Clark Canfield (Agoura Hills), Carol Henry (Calabasas), Sean Packer (Oak Park), and Brad Rinehart (Agoura Hills). Clerk of the Board Betancur informed the Board that there were also several emails sent to the District to be included in the record from Patti Jo Wolfson (Agoura Hills) and Denise Ross (Agoura Hills), both of whom also expressed support for including synthetic turf as an option as part of the District's Mow-no-Mow program.

There were a number of questions to staff from the Board including the issue of pros and cons of the concept of artificial turf.

Carlos Reyes, Director of Resource Conservation and Public Outreach stated that the two main pros are: 1) provides for customer choices; and 2) MWD covers the cost of rebates anyway, thus it is in the District's best interest to take advantage of the program.

Board President Caspary commented that Las Virgenes Municipal Water District rate-payers are already paying for that benefit because they contribute to the program as part of the wholesale cost of water. Director Steinhardt stated that he would like to add another dollar to the incentive program. Director Peterson stated that this is a very expensive program and that the point is to have the right mix of incentives to enable people to make a change and it is not intended to make the most money for people.

Director Steinhardt moved to approve the eligibility of synthetic turf for incentives through the District's Mow-no-Mow Turf Removal Program. Director Renger seconded the motion. Following a brief discussion, the Board agreed to amend the motion to state that the eligibility requirements of the District's Mow-No-Mow Program are to match that of Metropolitan Water District's incentive program policy, which has no prohibition against artificial turf to be used as part of the turf removal program. Motion carried unanimously.

**D Request for Leak Adjustment by June Slayton.**

Consider three potential options to resolve the leak adjustment request by June Slayton, select the preferred approach and direct staff accordingly.

General Manager Pedersen presented the staff report and provided a brief summary on the subject; and that staff is presenting three alternatives for the Board to consider.

Public Comment item 9D

June Slayton provided a brief recap of the comments offered at the Board meeting of August 12, 2014, outlining the issues that lead to the leak and the amount of money she had to spend in trying to correct it.

Director Steinhardt moved to approve option 2 as described in the staff report. Motion seconded by Director Polan. Following a brief discussion, Director Renger stated that he would prefer to approve option 1. Director Peterson offered a substitute motion in the form of a friendly amendment. Both the maker of the motion (Director Steinhardt) and the seconder (Director Polan) concurred and accepted the amendment. Motion carried unanimously.

**9 A Resolution in Support of the Water Quality, Supply and Infrastructure Improvement Act of 2014.**

**Pass, approve and adopt Resolution No. 2461, expressing support for the Water Quality, Supply and Infrastructure Improvement Act of 2014.**

**RESOLUTION NO. 2461: A RESOLUTION OF THE BOARD OF DIRECTORS OF LAS VIRGENES MUNICIPAL WATER DISTRICT IN SUPPORT OF THE WATER QUALITY, SUPPLY AND INFRASTRUCTURE IMPROVEMENT ACT OF 2014.**

(Reference is hereby made to Resolution No. 2461 in file in the District's Resolution Book and by reference the same is incorporated herein and made part hereof.)

Public Comment Item 9A

Hal Helsley, resident of Calabasas, spoke in support of this item stating that this is long overdue, spoke about the earthquake in Napa and the potential impact of similar events on the water system that originates in the Delta; stated that an earthquake in the Delta could potentially create a wave action that would deposit salt water into the fresh water system.

Director Renger moved to adopt Resolution No. 2461, a Resolution of the Board of Directors of Las

Virgenes Municipal Water District in support of the Water Quality, Supply and Infrastructure Improvement Act of 2014. Motion seconded by Board President Caspary. Motion carried unanimously.

#### 4 CONSENT CALENDAR

- A **List of Demands: September 9, 2014. Approve**
- B **Minutes: Regular Meeting of August 26, 2014. Approve**
- C **Director's Per Diem: August 2014. Ratify**

Director Polan moved to approve the consent calendar items 4A-C. Motion seconded by Director Peterson. Motion carried unanimously.

#### 5 ILLUSTRATIVE AND/OR VERBAL PRESENTATION AGENDA ITEMS

##### A **Legislative and Regulatory Updates**

General Manager Pedersen updated the Board on the issue of several legislative bills impacting Water in California and commented that the Governor had received a three bill package on the groundwater reform, consisting of three bills; AB1739 (Dickinson), SB1168 (Pavley) and SB1319 (Pavley). He spoke about the background on these bills and the key provisions as it relates to ground water; spoke about the interim Ground Water Sustainability Plan for the basins that are in need; that the indication is that the Governor will sign these bills and that staff will continue to monitor the progress.

#### 6 TREASURER

Director Polan stated that he had reviewed all invoices and checks cut and that he found them to be in order and thus had no comments.

#### 7 BOARD OF DIRECTORS

##### A **General Manager Employment Agreement: Consideration of Amendment.**

**Approve an amendment to the existing Employment Agreement for the General Manager to provide that upon termination of employment without cause, the District shall continue to pay the salary and medical/dental premiums of the General Manager for a period of nine-months; and authorize the Board President to execute an amendment to the Employment Agreement for the same in a form approved by District Legal Counsel.**

Board President Caspary stated that he had put this back on the agenda for a time when all Board Members were present to discuss and provide feedback. He made reference to the Closed session item relative to the discussion of the performance evaluation of the General Manager in June 2014, and that at that time, there was a discussion that it did not appear that an increase in compensation was warranted but a specific suggestion was made by a Director to determine whether a contract addition for allowing the private use of a District's supplied automobile would be of value to the General Manager. Consequently, the Board, upon consensus, directed the Board President to discuss that concept or other options that might be attractive with the General Manager, provided it did not result in an increase in compensation.

Board President Caspary further stated that this was discussed with the General Manager who explained that the use of an automobile was not something that was of value to him; there were a number of other options entertained and the General Manager expressed an interested in an increase in the period that he would be receiving compensation in the event that he was terminated without cause; he stated that was something of value to him.

Board President Caspary commented that there is no financial impact associated with this action unless the District terminates the employment agreement without cause and stated the suggestion he was recommending to the Board was an increase in the severance that will be due to the General Manager, if he was terminated without cause, would be 9-months of compensation and medical/dental for the same period.

Board President Caspary also noted that he had asked staff to survey other agencies in terms of their severance packages for termination without cause and these comparisons range from one agency having none to three agencies having 12-months or the remaining term of the contract, whichever is less with the statutory limit being up to 18-months.

Director Renger moved to approve as recommended by Board President Caspary. Director Peterson seconded.

There was a substantial discussion on this item with Directors Steinhardt and Polan stating that they had not seen the comparison. Director Renger pointed out that a synopsis of the comparisons was included in the staff report; while Board President Caspary stated that he had not made it available to any Board Member and that the information was available to review at this time. Board President Caspary passed the comparison to Director Steinhardt for review. Further, Director Steinhardt objected to providing 9-months of severance and to the notion that there is no financial impact.

Board President Caspary called for the question. Motion carried by the following roll call vote:

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

## **8 FINANCE AND ADMINISTRATION**

### **A Janitorial Services: Award**

**Accept the bid from and authorize the General Manager to execute a one-year contract with Commercial Cleaning Systems in the amount of \$61,568.52, with four one-year renewal options.**

Director Steinhardt moved to approve as recommended by staff. Motion seconded by Director Renger. Motion carried unanimously.

## **9 RESOURCE CONSERVATION AND PUBLIC OUTREACH**

### **C Proposed Policy Addressing Miscellaneous Water Uses and Practices.**

**Approve the proposed policy addressing miscellaneous water uses and practices and authorize the General Manager to implement the policy during the current drought.**

General Manager Pedersen stated that on August 12, 2014, the Board had adopted a Resolution and an Ordinance establishing watering restrictions; that at that meeting, there was a detailed discussion about the use of water for cleaning solar panels, and staff was asked to bring back an item to address this issue.

The Board recessed to a short break at **6:52 p.m.** and reconvened at **6:55 p.m.**

General Manager Pedersen commented that since the passage of the watering restriction resolution, there have been other miscellaneous uses of water that have come up and that questions have arisen from customers on this matter. Mr. Pedersen asked Mr. Reyes to present the staff report.

Carlos Reyes, Director of Resource Conservation and Public Outreach explained the overarching policy

and spoke relative to the proposed language of what the policy would read, which is similar to the policy that the state has adopted in the sense that it does not go into the details as to how the results should be achieved; stated that the policy would be used by staff to guide deviations from the District's current watering restrictions.

There was a substantial discussion on the subject of watering restrictions and whether or not the District can restrict activities on irrigation systems using private wells or non-District water sources. Members of the Board expressed concern about this item stating that the District has no control over the use of private wells, and if the District has no control, whether or not the District can exempt them.

Mr. Reyes outlined the process for exemptions to the policy, which can be made on a case-by-case basis. After a lengthy discussion, the Board directed staff that under the column that relates to irrigation using private wells or non-District water sources, staff remove, "*exempt from days and hours restrictions but...*"

#### Public Comment on Item 9C

Hal Helsley, resident of Calabasas, spoke in relation to something that is missing in the policy and that is the issue of draining and filling a swimming pool; he stated that this should not be allowed except by obtaining a permit to do so. Spoke on the issue of control of ground water and stated he is adamantly against it.

On the issue of the refilling swimming pools, Mr. Reyes suggested to strike that item out and have staff do more research on it as to what other agencies are doing in terms of refilling of swimming pools and report back.

Director Peterson moved to accept staff's recommendation with the noted changes to the language related to irrigation using private wells or non-District water sources. Motion seconded by Director Polan. Motion carried unanimously.

## **10 LEGAL SERVICES**

### **A Update of Las Virgenes Municipal Water District Code: Review Session No. 3**

Review the proposed updates to Title 3, Potable Water Service, of the Las Virgenes Municipal Water District Code and provide feedback to staff and the District's Legal Counsel.

General Manager Pedersen indicated that this is the third review session for the Code update process; that the agenda packet has three versions that are color coded; staff summarized 5-key issues, which involve some change to the code as written. Spoke relative to the issue of capacity fees in relation to public schools and stated that the current code as written provides for exemption for all public agencies including public schools; that this is supported by a provision under Government Code section 54999.3; that staff is proposing that the Board consider narrowing this exemption in order to bring this in alignment with the statute as it pertains to public schools and not the broad category of all public agencies; the caveat being that this proposed language will become the new codified language that the Board can always consider making exemptions for other public agencies on a case-by-case basis.

Mr. Pedersen briefed the Board on other substantial changes and a lengthy discussion ensued about the issue of capacity fees as it applies to construction of public school facilities and whether or not the San Marcos statute also applies to public parks. District Counsel Lemieux made brief statements relative to the applicability of the San Marcos decision on public agencies.

Other issues discussed included the impact of any proposed Code changes on other public agencies; whether the District is going to impose fees for new construction to the local cities if these changes become part of the code; whether or not there is consensus on the issue of whether schools paying the actual cost rather than the average.

The Board asked staff to flag this as a non-consensus item and bring it back for further discussion.

Other major topics discussed included: capacity fee agreements whereby staff is proposing to require an irrevocable letter of credit in lieu of property lien; sizing of service connections; leak adjustment policy; and clarification on the delineation of ownership of potable water facilities between the customer and the District because this is important in processing claims.

In summary, the Board expressed support for the proposed updates except that the change to the language for capacity fees in section 3-2.206 (San Marcos Case) should be treated as a "non-consensus item" as stated above and brought back to the Board separately to consider the ramifications; the Board also made comments relative to the issue of car washing, clarifying that it related to individuals washing their cars at home.

## **11 INFORMATION ITEMS**

### **A State and Federal Drinking Water Standards for Radioactivity Monitoring.**

General Manager Pedersen gave a brief report and stated that this item is presented at the request of Director Polan regarding water quality monitoring for radioactivity and staff has provided a summary of Title 22 requirements; spoke about this being a complex issue because of the level of monitoring, reduced monitoring and the process that is required to conduct such monitoring. He spoke about the District's levels being very low.

Brett Dingman, Water Reclamation Manager commented that there are two parameters that are reported in the Consumer Confidence Report and that they are gross beta particle activity and uranium and that there are also requirements for testing for radium.

## **12 NON-ACTION ITEMS**

### **A Organization Reports**

#### (1) MWD

Director Peterson reported that MWD had reviewed the General Manager, the General Counsel, Auditor and Ethics Officer; that the Executive Committee had recommended a 4% raise for three of these Officers and 15% for the Ethics Officer. Spoke about the process taken to reach this level of increase and that the full Board ultimately approved smaller increases. Commented that Chairman Record had recognized Gloria Gray for service on the Delta Stewardship council and lastly, that the MWD Board had also approved a Resolution in support of Proposition 1.

#### (2) Other

Director Steinhardt reported on Region 8, which had their meeting by telephone to discuss some pressing issues; they decided to form a committee with Michael Touley being the Vice Chair to head that committee; spoke about having had another teleconference with Regions 8, 9, and 10 Planning Committee to discuss the logistics associated with the upcoming event on October 25-26; commented that District Counsel Lemieux would be contacted to support the event financially.

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

None.

### **C General Manager Reports**

(1) General Business

General Manager Pedersen reported on a water-main leak, which occurred in Hidden Hills on September 3rd on Long Valley Road and that there was a timely and effective response by District staff; commented on a meeting that had with the Westlake Lake Management Association and the City of Westlake Village to discuss the situation with the Lake and the use of water to supplement it; reminded the Board about the audit committee meeting schedule for Tuesday, September 16 at 1:00 p.m. in the District's office.

(2) Follow-Up Items

Director Polan made reference to a water conservation conference coming up on October 7-10 organized by WaterSmart Innovations 2014 and stated that he would like to attend.

**D Director's Comments**

Director Polan stated that since General Manager Pedersen reported on the leak in Hidden Hills, he wanted to know if the District had a preventative maintenance program for water pipes and whether or not there has been any progress on that subject. General Manager Pedersen agreed to report back on that issue.

**13 FUTURE AGENDA ITEMS**

Director Renger stated that he would like staff to bring back the swimming pool permit idea and as part of that request, he asked for staff to look into what kind of requirements will there be and what limitations on that in terms of time, how bad the water is or what have you and to explore the possibility of giving customers a price break for doing refilling their pools.

Board President Caspary stated that to his recollection, the subject of swimming pools was coming back as a result of the earlier discussion on item 9C. General Manager Pedersen stated that Director Renger's request could be brought back in conjunction with the earlier item discussed earlier.

Director Steinhardt requested that the discussion of adding a dollar to the Mow-no-Mow program be placed on a future agenda.

Board President Caspary stated that he would like staff to bring back information on MWD's total budget in relation to its incentive programs.

**14 PUBLIC COMMENTS**

None.

**15 CLOSED SESSION**

District Counsel Lemieux stated the had nothing new to report. Therefore, there was no need for closed session.

**A Conference with District Counsel- Public Employment Performance Evaluation  
Pursuant to Government Code Section 54957  
Title of Position: General Manager**

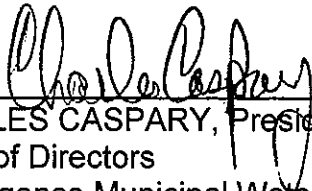
**B Conference with District Counsel- Existing Litigation.  
Pursuant to Government Code Section 54956.9 (a):**



1. San Diego County Water Authority v. Metropolitan Water District of Southern California, et al.
2. Las Virgenes- Triunfo Joint Powers Authority v. United States Environmental Protection Agency and Heal the Bay, Inc. v. Lisa P. Jackson.

**16 OPEN SESSION AND ADJOURNMENT**

Seeing no further business to come before the Board, the meeting was duly adjourned at **8:09 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)