



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

**MINUTES  
REGULAR MEETING**

5:00 PM

April 28, 2015

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance to the Flag was led by Sumac Elementary School 5th Grader, Erika Tousseau.

**1. CALL TO ORDER AND ROLL CALL**

The meeting was called to order at **5:00 p.m.** by Board President Glen Peterson in the District offices. Joanne Bodenhamer, Interim Clerk of the Board conducted the roll call.

Present: Director(s): Caspary, Lewitt, Peterson, Polan and Renger  
Absent: Director(s):

**2. APPROVAL OF AGENDA**

Legal Counsel Wayne Lemieux requested to remove item 12.A.1 from the Closed Session agenda.

On a motion by Director Polan and seconded by Director Caspary, the Board voted unanimously to approve the agenda with the removal of item 12.A.1.

**3. PUBLIC COMMENTS**

Pat Clark of 26838 Hot Springs Place addressed the Board and asked them to consider raising the rebate amount for turf replacement to \$3.00 or \$3.75 per square foot.

Director Caspary stated that Board previously considered increasing the amount and it may be considered again; he informed Mr. Clark that the

Director Renger asked Mr. Clark about the size of turf area he was looking at removing. (Mr. Clark: approximately 1,100 sq. ft.)

**4. CONSENT CALENDAR**

**A Minutes: Regular Meeting of April 14, 2015**

**B List of Demands: April 28, 2015**

**C Investment Report for the Month of March 2015**

On a motion by Director Renger and seconded by Director Caspary, the Board voted unanimously to approve the Consent Calendar.

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

**A Poster Contest Awards Ceremony**

President Peterson presented the awards to the top 12 finalists for the 22nd Annual Water Awareness Poster Contest. The 12 finalists were selected out of 2,300 entries. Their artwork will be featured in the District's desktop calendar for 2016. Mr. Peterson also recognized the educators from the local schools.

The Ann Dorgelo Water Awareness Perpetual Trophy was awarded to Bay Laurel Elementary School. Principal Jeremy Resnick accepted the trophy.

A brief recess was taken for the families and educators to exit the room. The meeting reconvened at **5:20 p.m.**

**B Legislative and Regulatory Updates**

General Manager David Pedersen gave a brief update on the legislative items including AB 471, Water Energy Nexus, which would allow water projects that reduce greenhouse gas emissions through energy efficiency to qualify for funding under the Greenhouse Gas Reduction Fund, and AB 349, which would preventing HOAs from banning synthetic turf. Also, Mr. Pedersen reported that the State Water Resources Control Board would be issuing emergency regulations in response to the Governor's April 1st Executive Order; the District submitted a comment letter on the regulations.

**C Water Supply Conditions and Drought Response**

General Manager Pedersen gave an update on the current water supply conditions and referred to the summary included in the agenda package.

Director of Resource Conservation and Public Outreach Carlos Reyes gave an update on the District's Mow-No-Mow Turf Removal Program.

Mr. Reyes answered questions from the Board.

6. **TREASURER**

Director Lewitt stated that the report was in order.

7. **RESOURCE CONSERVATION AND PUBLIC OUTREACH**

Public Speakers:

Mr. Robert Singer of 2301 Stokes Canyon Road addressed the Board regarding the Mow-No-Mow Program stating that he was displeased that the District gave money back to customers taking out their turf when the people who are voluntarily reducing their use should be recognized; he inquired about tiered rate structures and stated he is in favor of them; he asked for the District to run an analysis of swimming pools in the area and asked about what could be done in an emergency with pool water; he also suggested the District showcase areas planted with drought-tolerant landscaping or lawn removal samples.

A brief discussion with the Board took place to answer Mr. Singer's questions.

Mr. Clark Canfield of 4118 North Lost Springs Drive addressed the Board regarding facts about the current drought situation; he stated it could be years until we are out of the drought; he has participated in several water trips with the District; he cited that 60 to 70% of water use is for landscaping, which needs to be reduced by half; he explained that common regional rebate reimbursements are set at \$3.00 per square foot and sometimes even up to \$4.00 per square foot, compared to installation costs for artificial turf of approximately \$7.50 per square foot; he also spoke about the \$85.00 rebate for rain barrels; he stated that allowing people to build is supporting water usage and believes a building moratorium should be considered.

**A Drought Response Actions: Adoption of Urgency Ordinance and Resolution to Restrict Water Usage and Approval of Budget for Enforcement Activities**

**Waive the full reading of proposed Urgency Ordinance No. 274, amending Ordinance No. 11-86-161 (Las Virgenes Code) as it relates to water conservation and water shortage; pass, approve and adopt the Urgency Ordinance, given first reading by title only, by a roll call vote; order publication within 30 days of adoption using a summary of the Urgency Ordinance; pass, approve and adopt Resolution No. 2463, establishing the water shortage level, restricting outdoor irrigation and repealing Resolution No. 2460; and approve a budget of \$100,000 to hire temporary staff to assist with enforcement of the District's watering restrictions over the next nine months.**

**URGENCY ORDINANCE NO. 274**

**AN URGENCY ORDINANCE OF THE BOARD OF DIRECTORS OF LAS VIRGENES MUNICIPAL WATER DISTRICT AMENDING ORDINANCE NO. 11-86-161 (LAS VIRGENES CODE) AS IT RELATES TO WATER CONSERVATION AND WATER SHORTAGE**

**(Reference is hereby made to Urgency Ordinance No. 274 on file in the District's Ordinance Book and by this reference the same is**

**RESOLUTION NO. 2463**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF LAS VIRGENES MUNICIPAL WATER DISTRICT ESTABLISHING THE WATER SHORTAGE LEVEL, RESTRICTING OUTDOOR IRRIGATION AND REPEALING RESOLUTION NO. 2460**

(Reference is hereby made to Resolution No. 2463 on file in the District's Resolution Book and by his reference the same is incorporated herein and made a part of hereof.)

On a motion by Director Renger and seconded by Director Polan, the Board voted unanimously to waive the full reading of the Urgency Ordinance.

On a motion by Director Caspary and seconded by Director Renger, the Board voted unanimously, by a roll call vote, to approve and adopt the Urgency Ordinance.

General Manager Pedersen reported that the proposed Resolution provides an outline of the next steps for the District in response to the drought emergency.

Mr. Reyes explained the key provisions contained in the Resolution and stated that customers will have specific days for watering, including recycled water irrigation.

A brief discussion took place regarding the staff recommendation.

Legal Counsel Lemieux spoke on the definition of measurable rain and discouraged the Board from attempting to further define the term absent clarification from the State Water Resources Control Board.

On a motion by Director Caspary and seconded by Director Lewitt, the Board voted unanimously to adopt the proposed Resolution and approve the budget of \$100,000 to hire temporary staff.

**8. INFORMATION ITEMS**

**A San Juan Capistrano Water Rate Litigation: Appellate Court Decision**

Legal Counsel Keith Lemieux briefed the Board on the decision for the City of San Juan Capistrano Water Rate Litigation; he explained that the decision concerned Proposition 218, Article 13D of the California Constitution in its application to inverted block rates; he stated that the plaintiffs brought the case complaining that Proposition 218 was being violated, specifically referring to a section of Proposition 218 that says property related fees must be set such that the fee reflects the proportional cost to each individual parcel.

**9. NON-ACTION ITEMS**

**A Organization Reports**

Director Peterson reported that MWD had an Executive Committee meeting and reviewed the items the General Manager proposed to change in response to his last review; he also gave an update on the resource agency approval process for the Bay Delta referencing a change from a Section 10 to a Section 7 permit; he also spoke on concerns with bromide, bromates and salinity coming into the Delta.

Director Caspary inquired about smelt sampling (Peterson: there was no report on smelt sampling, but he explained that the troll did not go well).

(2) Other

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

Director Renger attended the AWA meeting and reported that they spoke about price elasticity and the lack of elasticity for water demands; he explained that the speaker favored using social media for communications and checking analytics; the keynote speaker also advised not to depend on consensus.

Director Lewitt reported on attending the AWA conference; he explained that there are applications that ratepayers can have on their phones to see when they fall into the next tier or to see if they have a leak; Director Lewitt would like to move forward on having the applications for District customers. Director Polan stated that Automated Meter Infrastructure (AMI) would play a role in the process.

## **General Manager Reports**

(1) General Business

(2) Follow-Up Items

## **C Director's Comments**

Director Polan reiterated his interest in having staff proceed with a drought-tolerant native landscaping demonstration garden at District Headquarters (Pedersen: the message is clear that the Board would like to move forward with this effort; initially there was merit to looking into doing the work in conjunction with improvements proposed for Building No. 1, but given the urgency of the drought and the importance of the item, staff will move ahead on a separate path). Director Polan added that he would be going to the City of Agoura Hills and various HOAs to discuss water conservation; he explained that there are customers who want to see the recycled water pipe installed, so they can access water for the green belts; he noted that the interest and awareness is vivid.

Director Polan reported that he purchased a garbage can for use as a rain barrel and during the rains he captures water off the roof.

Director Lewitt reported there are a lot of horses in Old Agoura and that the horse owners are appreciative that upcoming water budgets will recognize water needs for horses and other animals; Director Lewitt also reported that ABC News came to Agoura Hills to report on a homeowner who is in a fight with the homeowners association about replacing turf grass with synthetic turf; a meeting is being set up

with the association and homeowner to discuss the importance of replacing turf in light of the statewide drought emergency. Director Lewitt said that we would report back to the Board following the meeting.

Director Renger asked Legal Counsel Lemieux if it would be legal for the District to hire landscapers to do work for a demonstration garden in exchange for posting a sign (Lemieux: yes, under certain conditions).

Director Caspary commented that some people feel that stopping new development is a solution to conserve water, but he explained that property owners within the District's boundary have paid taxes to both the District and Metropolitan Water District to maintain the system over the years for the privilege of a future connection to the water system.

Director Caspary is pleased to see drought resistant showcases in every neighborhood throughout the District; he urged staff to contact the customers to see if they could publicize the Mow-No-Mow landscapes in *The Acorn*.

#### 10. FUTURE AGENDA ITEMS

None.

#### 11. PUBLIC COMMENTS

Members of the public may now address the Board of Directors **ON MATTERS NOT APPEARING ON THE AGENDA**, but within the jurisdiction of the Board. No action shall be taken on any matter not appearing on the agenda unless authorized by Subdivision (b) of Government Code Section 54954.2

No comment cards were received.

The Board announced that the meeting would be adjourned in memory of former employee Bob Bruhn who was one of the original six employees of the District; Director Peterson read a brief memoir of Mr. Bruhn written by Roger Huff, another former District employee.

#### 12. 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 and Heal the Bay, Inc. v. Lisa P. Jackson
2. Marzan v. Las Virgenes Municipal Water District

##### **B Conference with District Counsel – Public Employment Performance Evaluation (Government Code Section 54957):**

Title: General Manager

Facilitators: Irwin N. Jankovic, Ph.D. and Suresh Radhakrishnan,  
Metropolitan Water District of Southern California

The Board recessed to closed session at 6:49 p.m. and reconvened to open session at 7:39 p.m.

13. **OPEN SESSION AND ADJOURNMENT**

No reportable actions were taken during closed session.

The meeting was adjourned in memory of Bob Bruhn at 7:40 p.m.



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GLEN PETERSON, President  
Board of Directors  
Las Virgenes Municipal Water District

ATTEST:



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

(SEAL)

