

MINUTES
REGULAR MEETING OF THE
BOARD OF DIRECTORS
LAS VIRGENES MUNICIPAL WATER DISTRICT

January 13, 2009

1 The Board of Directors of Las Virgenes Municipal Water District met in Regular Meeting at 4232 Las Virgenes Road, in Calabasas, California, at 5:00 PM on Tuesday, January 13, 2009

President Bowman called the meeting to order at 5:00 PM

The Pledge of Allegiance to the Flag was given, led by President Bowman.

Secretary Smith called the roll. Those answering present were Directors Bowman, Caspary, Peterson, Renger and Smith.

The Chair declared a quorum present.

2 General Manager Mundy stated there was an addition to Closed Session and Legal Counsel Lemieux notified the Board that there had been a counter offer in regards to LVMWD v. On-Site Power Systems, Inc., which required Board direction prior to the next Joint Powers Authority meeting on February 2, 2009. It was then moved by Director Caspary, seconded by Director Renger, and unanimously carried, that the agenda for the Regular Meeting of January 13, 2009 be approved as amended with an additional item in closed session for the On-site case because the need to take action has arisen subsequent to the posting of the agenda.

3 General Manager Mundy, as the Board appointed Deputy Secretary administered the Oath of Office to Joseph M. Bowman (Division 4) and Charles P. Caspary (Division 1) for a full term of office expiring January 7, 2013.

4 Citizen of the Month - the Board of Directors presented a Proclamation in Special Recognition of Las Virgenes Unified School District upon the 50th Anniversary of Las Virgenes Municipal Water District to Superintendent of Schools, Dr. Donald Zimring. Metropolitan Water District Senior Resource Specialist Alice Webb Cole was also present during the presentation. Las Virgenes Unified School District was also recognized as a recipient of Public Sector Rebates totaling \$118,340.

5 A Web Page Update - General Manager Mundy discussed the District's redesigned web page and stated the Board would be notified when the site went live, tentatively January 2009.

B Legislative Update - General Manager Mundy provided a legislative update related to the Federal Stimulus Package.

6 Election of Officers and Appointment of Deputies: It was moved by Director Peterson, seconded by Director Smith, and carried by a vote of 4/5 with Director Caspary abstaining from the vote, that Charles Caspary be elected President of the Board of Directors. It was moved by Director Bowman, seconded by Director Peterson, and unanimously carried that Lee Renger be elected Vice President of the Board of Directors. It was moved by Director Renger, seconded by President Caspary, and unanimously carried that Glen Peterson be elected Secretary of the Board of Directors. Glen Peterson, Secretary of Las Virgenes Municipal Water District appointed John R. Mundy as Deputy Secretary and Kimmey Conklin as Assistant Deputy Secretary during his term of office. It was moved by Director Bowman, seconded by Director Peterson, and unanimously carried that Jeff Smith be elected Treasurer of the Board of Directors. Jeff Smith, Treasurer of Las Virgenes Municipal Water District appointed Sandra Schmidt as Deputy Treasurer during his term of office. Director Caspary as Board President assumed the gavel at 5:23 p.m.

7 Public Comments – A Speaker Request Card was received from Michael Piszker who spoke on the topics of gray water and water conservation. Upon direction from the Board, General Manager Mundy stated the topic of gray water would appear on a future agenda in either February or March 2009.

8 A Public Hearing - Potable Water Replacement Fund Standby Charge – One written comment was received from Richard Khatibi, who was approved under District policy for a deferral. It was moved by Director Renger, seconded by Director Peterson, and unanimously carried, that full reading of the proposed ordinance as it relates to continuation of the Water Replacement Fund Standby Charge for fiscal year commencing July 1, 2009, be waived. It was moved by Director Renger, seconded by Director Peterson, and unanimously carried, by a roll call vote of, Ayes: 5; Noes: 0; Abstain: 0; Absent: 0, that Rules and Regulations for Water Standby Charge Deferrals be approved and the proposed ordinance as it relates to continuation of the Water Replacement Fund Standby Charge for fiscal year commencing July 1, 2009, be given first reading by title only.

B Public Hearing – Water Use Restrictions – 2 Speaker Request Cards were received. Hal Helsley spoke on the topic of drought tolerant plants; and requested the District participate in community outreach related to edible foods for planters and provided a handout containing photos of 19 edible garden photos to the Board. Will Stokes stated he agreed with Mr. Helsley's statements regarding plants and edible foods; and added that the District should work closely with hotels and restaurants to conserve water through the use of pitchers for beverage refills versus utilizing new cups and glasses. Director Smith requested the Water Conservation Ordinance language in section 2. Amendment, 3-4.404 Water Conservation Measures (a) (1) be amended to read "and only as necessary to protect the public health and safety," striking "provided hardscape washing is permitted as necessary". The Board requested a clause be added to 5. Amendment, 3-4.408 Enforcement designating fines collected in this section would be deposited into a special fund and utilized for water conservation appliances and processes. It was moved by Director Peterson, seconded by Director Bowman, and unanimously carried, that full reading of the proposed ordinance amending Ordinance 11-86-161 (Las Virgenes Code) as it relates to Water Conservation, be waived. It was moved by Director Peterson, seconded by Director Renger, and unanimously carried, by a roll call vote of, Ayes: 5; Noes: 0; Abstain: 0; Absent: 0, that the proposed ordinance amending Ordinance 11-86-161 (Las Virgenes Code) as it relates to Water Conservation be approved and be given first reading by title only.

9 It was moved by Director Peterson, seconded by Director Bowman, and carried unanimously, that Consent Calendar Items 9A-9E be approved as presented.

- A Minutes: Regular Meeting of November 11, 2008. APPROVE
- B List of Demands – 12/23/08. RATIFY and 01/13/09. APPROVE
- C Directors' Per Diem for December 2008. RATIFY
- D Investment Report for the Month of November 2008. APPROVE
- E Claims Submitted by Robert Rodriguez. DENY

10 Miscellaneous Report from Treasurer – None

11 A It was moved by Director Peterson, seconded by Director Bowman, and unanimously carried, that the Board accept the proposal from ESA for an Environmental Constraints Assessment for a potential recycled water reservoir at April Canyon, for a total contract amount, not to exceed, \$29,600.

B It was moved by Director Smith, seconded by Director Renger, and unanimously carried, that the Board award the contract for the Installation of Woolsey Tank Seismic Anchors Project to Spiess Construction, in the amount of \$85,470.00; and that all remaining bids be rejected upon receipt of duly executed contract documents; award the contract for the Mechanical Work: Woolsey and Indian Hills Tanks Project to Crosno Construction, in the amount of \$80,900.00; and that all remaining bids be rejected upon receipt of duly executed contract documents; and award the contract for the Painting and Coating Work: Woolsey and Indian Hills Tanks Project to RPI Coating, in the amount of \$413,000.00; and that all remaining bids be rejected upon receipt of duly executed contract documents.

C It was moved by Director Bowman, seconded by Director Peterson, and unanimously carried, that the Board ratify Change Order No. 1 in the amount of \$1,594.00; approve the execution of a Notice of Completion by the Secretary of the Board for and on behalf of the District and have the same

recorded; approve the final Progress Payment, in the amount of \$1,434.60 to California Spectra Instrumentation, Inc; and in the absence of claims from subcontractors and others, release retention in the amount of \$6,154.40 within thirty days after recordation of the Notice of Completion for the Lift Station Electrical and Controls Modifications Project.

12 It was moved by Director Renger, seconded by Director Smith, and unanimously carried, that the Board approve the Agreement for Professional Services with General Code for the purchase and installation of NovusAgenda Software in the amount of \$26,800.

13 A General Manager Mundy stated upon Board approval, the General Manager would be authorized to execute the Limited Service Agreement – Release of Lien and Encumbrance form. Legal Counsel Lemieux stated Board delegation of this process to the General Manager was authorized by the Las Virgenes Code. Director Peterson requested that the Board be notified by the General Manager of all Release of Lien and Encumbrance forms executed by the District. It was then moved by Director Bowman, seconded by President Caspary, and unanimously carried, that the Board approve the Limited Service Agreement 'Release of Lien and Encumbrance' form.

B Directors Bowman, Peterson and Caspary respectively requested additional information be provided to the Board related to why the W. Litten Land Preparation contract amount decreased; scope of work clarifications and is it possible for District staff to perform this work; and whether or not there was a change in hourly rates and if yes, when. It was moved by Director Bowman, seconded by Director Peterson, and unanimously carried, that the Board table the award of contract for the Sprayfield Operations & Maintenance Services; and that the recommendation be brought back with clarifications at the January 27, 2009 meeting.

14 A Organization Reports

(1) MWD Representative Peterson provided an update regarding general business of Metropolitan Water District including incentive programs and water allocations.

(2) Other – President Caspary stated that Fran Pavley replaced Sheila Kuehl on the Executive Committee Governing Board of Santa Monica Bay Restoration Commission; and discussed the Commission's work plan and recycled water.

B Directors' Reports on Outside meetings – None

C Information Items - None

D General Manager Reports – General Manager Mundy provided an update regarding a December 19, 2008 meeting with Fran Pavley during which general District business and the State budget crisis were discussed; and setting of a date for the Action Plan/General Manager Review Workshop. The Board unanimously selected Saturday, March 7, 2009 at 9:00 a.m. for the Workshop.

E Director's Comments – Director Bowman requested General Manager Mundy provide the Board with updates related to reserves, the administrative code, workforce planning and Washington D.C. legislative activities. Director Bowman requested MWD Representative Peterson provide an update regarding MWD's budget estimating.

15 Future Agenda Items – None

16 The meeting convened into Closed Session at 7:10 p.m.

Conference with District Counsel - Potential Litigation

A In the opinion of District Counsel, disclosure of the identity of the litigant would be prejudicial to the district.

Conference with District Counsel – Existing Litigation

B Gerling America Insurance Company v. Woodland Construction, Inc. et al

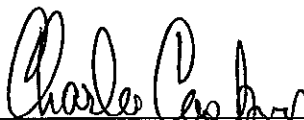
C Gerling America Insurance Company v. Vikron, Inc. et al

D Cooper, et al. v. Calabasas Park Estates, et al

E Mehta Construction Company v. LVMWD

F LVMWD v. On-site Power Systems, Inc.

17 The meeting reconvened into Open Session at 7:42 p.m. The Chair declared the meeting adjourned at 7:43 p.m.



Charles Caspary, President
Board of Directors
Las Virgenes Municipal Water District

ATTEST:



Glen Peterson, Secretary
Board of Directors
Las Virgenes Municipal Water District

(SEAL)