



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

**MINUTES**  
**SPECIAL MEETING**

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5:00 PM

October 13, 2016

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag was led by Doug Anders.

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

The meeting was called to order at **5:00 p.m.** by Board President Peterson in the Board Room at Las Virgenes Municipal Water District headquarters at 4232 Las Virgenes Road, Calabasas CA 91302. Josie Guzman, Clerk of the Board, conducted the roll call.

Present: Directors Charles Caspary, Jay Lewitt, Len Polan, Lee Renger, and Glen Peterson

Absent: None

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

**2. APPROVAL OF AGENDA**

District Counsel Wayne Lemieux stated there was no update for Closed Session Item 13B, and he recommended that it be removed from the agenda.

Director Caspary moved to approve the agenda as amended. Motion seconded by Director Renger. Motion carried unanimously.

**3. PUBLIC COMMENTS**

General Manager David Pedersen congratulated Darrell Johnson on his promotion as Customer Service Manager, effective October 24, 2016. He noted that Mr. Johnson's promotion would create an opportunity to recruit a new Facilities Maintenance Supervisor.

**4. CONSENT CALENDAR**

**A List of Demands: October 13, 2016 - Ratify**

**B Minutes: Special Meeting of September 23, 2016, and Regular Meeting of September 27, 2016 - Approve**

**C Directors' Per Diem – September 2016 - Ratify**

**D Monthly Cash and Investment Report – August 2016**

**Receive and file the monthly cash and investment report for August 2016.**

**E Carlsbad Desalination Plant Tour: Board Member Attendance**

**Authorize Board Member attendance and per diem compensation for the Carlsbad Desalination Plant Tour on October 19, 2016.**

**F Deferred Compensation Program: Compliance with Internal Revenue Code Section 414(h)(2)**

**Pass, approve and adopt proposed Resolution No. 2500, providing for employee contributions to 401(a) plan under Internal Revenue Code Section 414(h)(2).**

**RESOLUTION NO. 2500**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF LAS VIRGENES MUNICIPAL WATER DISTRICT PROVIDING FOR EMPLOYEE CONTRIBUTIONS TO 401(A) PLAN UNDER INTERNAL REVENUE CODE SECTION 414(H)(2)**

(Reference is hereby made to Resolution No. 2500 on file in the District's Resolution Book and by this reference the same is incorporated herein.)

Director Renger moved to approve the Consent Calendar as presented. Motion seconded by Director Caspar. Motion carried unanimously.

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

**A Legislative and Regulatory Updates**

General Manager David Pedersen noted that MWD Executive Legislative Representative Kathy Cole would provide the annual legislative update at the December 13th Board Meeting. He reported that staff submitted a comment letter to the California Regional Water Quality Control Board regarding the 2013 Malibu Creek Watershed Nutrients and Sedimentation Implementation Plan, and staff would be attending the public hearing scheduled on November 10th.

**B Water Supply Conditions and Drought Response**

General Manager David Pedersen noted that the water conservation level for September came in at 20 percent. Board President Peterson added that MWD had achieved 19 percent water conservation region-wide and Diamond Valley Lake was currently 70 percent full.

**6. TREASURER**

Director Lewitt stated that the Treasurer's report was in order.

**7. FACILITIES AND OPERATIONS**

**A Air-Vacuum Relief Valve Relocation Project: Design Services Scope Increase**

**Authorize the General Manager to execute a scope change for the professional services agreement with M6 Consulting, Inc., in the amount of \$8,450, for the Air-Vacuum Relief Valve Relocation Project.**

General Manager David Pedersen presented the report.

Director Polan moved to approve Item 7A. Motion seconded by Director Caspary. Motion carried unanimously.

**8. FINANCE AND ADMINISTRATION**

**A Claim from Norma Baker**

**Deny the claim from Norma Baker.**

General Manager David Pedersen presented the report.

Director Lewitt moved to deny the claim from Norma Baker. Motion seconded by Director Renger. Motion carried unanimously.

**B Utility Bill Printing, Mailing, and Lockbox Services: Award**

Accept the proposal from RT Lawrence Corporation and authorize the General Manager to execute a five-year agreement, in an estimated average annual amount of \$24,000, for retail lockbox services; and accept the proposal from InfoSend, Inc., authorize the General Manager to execute a three-year agreement, in an estimated annual amount of \$140,000, for bill printing and mailing service.

General Manager David Pedersen presented the report.

Director Caspary moved to approve Item 8B. Motion seconded by Director Polan.

A discussion ensued regarding the District's oversight and quality control for billing accuracy and the criteria for conducting manual verification of water meters in case of misreads.

Motion carried unanimously.

## 9. INFORMATION ITEMS

### A Board of Directors Appointments: Charles Caspary to Division 1 and Leonard Polan to Division 4

Board President Peterson congratulated Directors Caspary and Polan on their reappointment to the Board of Directors.

## 10. NON-ACTION ITEMS

### A Organization Reports

#### (1) MWD Representative Report/Agenda(s)

Board President Peterson reported that he attended meetings at MWD earlier in the day and Randy Record was reelected as Chairman of the Board for a two-year term. He also reported that there was controversy regarding the Delta Fix and how to attribute costs to member agencies. He noted that he would be attending a meeting next week with the Central Arizona Project Board of Directors to discuss the Colorado River.

#### (2) Other

Director Caspary reported that he would be attending the Santa Monica Bay Restoration Commission meeting on October 20th.

### B Director's Reports on Outside Meetings

None.

### C General Manager Reports

(1) General Business

General Manager David Pedersen noted the following upcoming events: Calabasas Pumpkin Festival on October 15th and 16th; Agoura Road Widening Ribbon Cutting Ceremony on October 18th at 10:00 a.m.; Carlsbad Desalination Plant Tour on October 19th; Association of Water Agencies of Ventura County WaterWise Breakfast on October 20th; and Agoura Hills State of the City Address Luncheon on October 26th.

(2) Follow-Up Items

**D Directors' Comments**

None.

**11. FUTURE AGENDA ITEMS**

None.

**12. PUBLIC COMMENTS**

None.

**13. CLOSED SESSION**

The Board recessed to Closed Session at **5:18 p.m.** to discuss the following item:

**A Conference with District Counsel – Potential Litigation (Government Code Section 54956.9):**

1. Las Virgenes Municipal Water District v. The Harp, LLC dba NuLife Treatment Centers

**B Conference with District Counsel – Existing Litigation (Government Code Section 54956.9(a)): (This item were removed from the agenda.)**

1. Las Virgenes – Triunfo Joint Powers Authority v. United States Environmental Protection Agency and Heal the Bay, Inc. v. Lisa P. Jackson (TMDL cases)
2. Las Virgenes – Triunfo Joint Powers Authority v. United States Environmental Protection Agency (FOIA case)

**14. OPEN SESSION AND ADJOURNMENT**

The Board reconvened to Open Session at **5:20 p.m.**

District Counsel Wayne Lemieux reported that during the Closed Session staff requested authorization to file an unlawful detainer and post the three-day notice to quit against The Harp, LLC dba NuLife Treatment Centers for non-payment of rent, and authorization to file any future unlawful detainers and post any future three-day notices to quit against The Harp, LLC dba NuLife Treatment Centers for any future non-payment of rent.

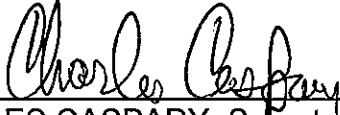
Director Caspary moved to authorize staff to file the unlawful detainer and post the three-day notice to quit against The Harp, LLC dba NuLife Treatment Centers for non-payment of rent, and authorize staff file any future unlawful detainers and post any future three-day notices to quit against The Harp, LLC dba NuLife Treatment Centers for any future non-payment of rent. Motion seconded by Director Renger. Motion carried unanimously.

Seeing no further business to come before the Board, the meeting was duly adjourned at **5:21 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)