



LAS VIRGENES MUNICIPAL WATER DISTRICT
4232 Las Virgenes Road, Calabasas, California

MINUTES
REGULAR MEETING

5:00 PM

October 13, 2009

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag was given by President Caspary.

1. CALL TO ORDER AND ROLL CALL

A Call to order and roll call.

The meeting was called to order at 5:00 p.m. by President Caspary in the District offices. Secretary Peterson called the roll. Those answering present were Directors Bowman, Caspary, Peterson, Renger and Smith.

2. APPROVAL OF AGENDA

A Approval of the agenda.

On a motion by Director Lee Renger, seconded by Director Glen Peterson, the Board of Directors voted 5-0 to Approve the agenda for the Regular Meeting of October 13, 2009 as presented.

AYES: Director(s) Bowman , Caspary , Peterson , Renger , Smith

3. PUBLIC COMMENTS

One speaker card was received from Kambiz Taleghani representing Las Flores Orchards who spoke in regards to their recent billing; and the possibility of banking water for commercial/seasonal water users.

4. ILLUSTRATIVE AND/OR VERBAL PRESENTATION AGENDA ITEMS

A Public Hearing - Water Rates - Pass through of Metropolitan Water District wholesale water rate increase

Direct staff to prepare an ordinance for Board consideration to pass through the Metropolitan

Water District wholesale water rate increase of September 1, 2009 and include provisions to pass through future increases from Metropolitan when they occur.

Director of Finance and Administration Schmidt gave a presentation entitled "Proposed Water Commodity Rate Increase". Three speaker cards were received related to the Public Hearing; (1) Brian Boudreau; (2) Art Guglielmi and (3) Howard Rodgers - comments included why were rate increases needed by Metropolitan Water District - has Las Virgenes questioned the need for these increases; customers are conserving as requested and since revenue is down MWD wants a rate increase to make up the difference when they should be cutting back on expenses and employee costs.

President Caspary requested staff provide the board with a comparison of rates if Metropolitan increase was equally distributed between all tiers.

B Legislative Update

Public Affairs and Communications Manager Reinhardt provided a legislative update, including SBX7 1-Delta/Water Legislative Package and AB 1061-water efficient landscapes.

5. CONSENT CALENDAR

Prior to making motions for approval of the Consent Calendar, Director Bowman requested a discussion of 5F Claim - Mrs. Anthony Smaldino; and asked General Manager Mundy for verification that Las Virgenes was not at fault. General Manager Mundy stated that staff had investigated and verified that Las Virgenes was not at fault prior to recommending denial of the claim.

A Minutes: Regular Meeting of August 25, 2009.

B List of Demands: October 13, 2009.

C Directors' Per Diem: September 2009.

D Water Education Foundation, San Joaquin River Restoration Tour: Board of Directors attendance at the Water Education Foundation, San Joaquin River Restoration Tour on November 12-13, 2009.

E Urban Water Institute, 2009 Clean Water Conference: Board of Directors attendance at the Urban Water Institute 2009 Clean Water Conference on November 16-17, 2009.

F Claim - Mrs. Anthony Smaldino: Deny the claim submitted by Mrs. Anthony Smaldino.

*On a motion by Director Lee Renger, seconded by Director Charles Caspary, the Board of Directors voted 5-0 to Approve Consent Calendar 5A-5F as presented.
AYES: Director(s) Bowman , Caspary , Peterson , Renger , Smith*

6. TREASURER

Treasurer Smith reported on his meeting with Director of Finance and Administration Schmidt regarding bond restructuring.

7. GENERAL MANAGER

A Claim: Tony Shirloo, 3571 Pansy Drive, Calabasas

Accept the request by Mr. Shirloo for consideration of leave to present a late claim and direct staff to review the claim in developing a recommendation to the Board for either rejection of the claim, payment of the claim as presented or some other amount as determined by staff's

review.

On a motion by Director Lee Renger, seconded by Director Joseph Bowman, the Board of Directors voted 5-0 to Approve the recommendation as presented.

AYES: Director(s) Bowman , Caspary , Peterson , Renger , Smith

8. FACILITIES AND OPERATIONS

A Carbon Tower Media Replacement: Authorization of Purchase Order

Waive the formal bidding process; and authorize the General Manager to issue a Purchase Order in an amount not to exceed \$38,000.00 (accounting for sales tax) to Carbon Activated Corporation.

On a motion by Director Lee Renger, seconded by Director Jeff Smith, the Board of Directors voted 5-0 to Approve the recommendations as presented.

AYES: Director(s) Bowman , Caspary , Peterson , Renger , Smith

B Modifications to Flow Diversion Structure on El Cañon Ave Project: Contract Acceptance and Release of Retention

Ratify Change Order No. 1, as a no-cost total extension of 112 days, for this project with Timothy J. Ferrie, Inc.; 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 \$53,995.00 to Timothy J. Ferrie, Inc.; and that in the absence of claims from subcontractors and others, release retention in the amount of \$5,996.00, thirty-five days after filing the Notice of Completion.

On a motion by Director Glen Peterson, seconded by Director Lee Renger, the Board of Directors voted 5-0 to Approve the recommendations as presented.

AYES: Director(s) Bowman , Caspary , Peterson , Renger , Smith

C Tapia Water Reclamation Facility BNR Project Centrate Treatment Project: Acceptance

Ratify Change Order No. 6 in the amount of \$30,398.92; 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 \$54,118.80 to Pascal & Ludwig Constructors; and in the absence of claims from subcontractors and others, release retention in the amount of \$194,192.06 within thirty calendar days after filing the Notice of Completion for the Tapia Water Reclamation Facility BNR Centrate Treatment Project.

On a motion by Director Joseph Bowman, seconded by Director Jeff Smith, the Board of Directors voted 5-0 to Approve the recommendations as presented.

AYES: Director(s) Bowman , Caspary , Peterson , Renger , Smith

D Tapia Water Reclamation Facility Biological Nutrient Reduction Project Phase I and II: Acceptance

Ratify Change Order No. 6 as a no-cost time extension of an additional 14 calendar days; 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 for each project; approve the final Progress Payment, in the amount of \$10,190.70 to Spiess Construction Company, Inc; and in the absence of claims from subcontractors and others, release retention in the amount of \$334,358.86 thirty calendar days after filing the Notice of Completion for the Tapia Water

Reclamation Facility Biological Nutrient Reduction Project Phase I.

Approve the final Progress Payment in the amount of \$5,560.20 to Spiess Construction Company, Inc; and in the absence of claims from subcontractors and others, release retention in the amount of \$37,826.00 thirty calendar days after filing the Notice of Completion for the Tapia Water Reclamation Facility Biological Nutrient Reduction Project Phase II.

*On a motion by Director Joseph Bowman, seconded by Director Lee Renger, the Board of Directors voted 5-0 to Approve the recommendations as presented.
AYES: Director(s) Bowman , Caspary , Peterson , Renger , Smith*

E Tapia Major Tertiary Filters Maintenance: Authorization of Purchase Order

Waive the formal bidding process; and authorize the General Manager to issue a Purchase Order in an amount not to exceed \$55,000 to Carbon Activated Corporation.

*On a motion by Director Glen Peterson, seconded by Director Lee Renger, the Board of Directors voted 5-0 to Approve the recommendations as presented.
AYES: Director(s) Bowman , Caspary , Peterson , Renger , Smith*

9. FINANCE AND ADMINISTRATION

A Proposed Refunding Bond Issue

Direct staff to proceed with preparations for refinancing the outstanding bond issue; approve the selection of James Fabian of Fieldman, Rolapp and Associates as Financial Advisor; approve the selection of Lisa Greer Quateman, Esq., of Quateman LLP as Special Counsel; approve the selection of Brian P. Forbath of Stradling Yocca Carlson and Rauth as Disclosure Counsel; approve the selection of Debra Young of Bank of New York Mellon Trust Co. as Trustee.

*On a motion by Director Glen Peterson, seconded by Director Lee Renger, the Board of Directors voted 5-0 to Approve the recommendations as amended to include Director Peterson's request that General Manager Mundy, Director of Finance and Administration Schmidt and Treasurer Smith take the lead on bond refinancing and to discontinue the process at any point in time when Net Present Value savings becomes less than 5%.
AYES: Director(s) Bowman , Caspary , Peterson , Renger , Smith*

10. RESOURCE CONSERVATION AND PUBLIC OUTREACH

A Contract for Mailing Customer Bills and Notices

Authorize the General Manager to approve a one-year contract with Ventura Printing (formerly Business Mailing Center).

*On a motion by Director Joseph Bowman, seconded by Director Jeff Smith, the Board of Directors voted 5-0 to the recommendation as presented.
AYES: Director(s) Bowman , Caspary , Peterson , Renger , Smith*

B Contract for Small Utility Enterprise License Agreement

Authorize the General Manager to execute the Small Utility Enterprise License Agreement for a period of three years at \$25,000.00 per year (plus tax).

On a motion by Director Joseph Bowman, seconded by Director Charles Caspary, the Board of Directors voted 5-0 to the recommendation as presented.

AYES: Director(s) Bowman , Caspary , Peterson , Renger , Smith

11. INFORMATION ITEMS

A Claim: Robert Van Klootwyk

12. NON-ACTION ITEMS

A Organization Reports(1) MWDa. Representative Report/Agenda(s)(2)Other

(1) MWD Representative Peterson provided an update regarding general business of Metropolitan Water District including the employee association memorandums of understanding being pulled from the October 13, 2009 MWD agenda.

(2) President Caspary reported on his attendance at the Santa Monica Restoration Foundation meeting of October 15, 2009 during which the State of the Bay report was discussed.

B Director's Reports on Outside Meetings

Directors Bowman and Caspary reported on their attendance at the October 8-9, 2009, ACWA Region 8, 9 and 10 Conference including Delta; water pricing and development of groundwater.

C General Manager Reports

General Manager Mundy provided an update regarding general business of the District including temporary emergency water supply to Hidden Valley - possible good will for future groundwater aquifers; and upcoming events.

D Director's Comments

13. FUTURE AGENDA ITEMS

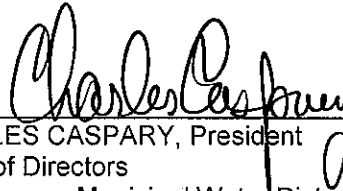
14. CLOSED SESSION

A Conference with District Counsel - Existing Litigation: Cooper, et al. v. Calabasas Park Estates, et al.; Mehta Construction Company v. LVMWD; Arnaldes v. EH Excavation, Inc. and Las Virgenes Municipal Water District; Personnel - Negotiations - Employee Compensation & Benefits

The meeting adjourned into Closed Session at 7:26 p.m.

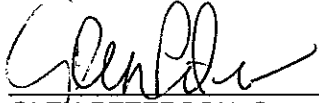
15. OPEN SESSION AND ADJOURNMENT

The meeting reconvened into Open Session at 7:35 p.m. and the Chair declared the meeting adjourned at 7:36 p.m.



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

ATTEST:



GLENN PETERSON, Secretary
Board of Directors
Las Virgenes Municipal Water District

(SEAL)