



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

**MINUTES**  
**REGULAR MEETING**

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5:00 PM

October 27, 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. Assistant Deputy Secretary Conklin called the roll. Those answering present were Directors Bowman, Caspary, Renger and Smith.

Director(s) absent: Peterson - excused.

**2. APPROVAL OF AGENDA**

**A** Approval of the agenda.

Director of Facilities and Operations Lippman requested agenda item 9B Proposed Underwriter for Bond Refinancing, followed by agenda item 9A First Quarter Financial Review and Spotlight on LVMWD be heard immediately following agenda item 7A Review and Consideration of Adjusted Rate Tiers and Determination of an Updated Prop 218; and that agenda item 8F Water Shortage Committee appointment of Tim Weaver in Division 5 be added to the agenda.

Legal Counsel Lemieux notified the Board that the need for a committee member appointment was discovered subsequent to the posting of the agenda.

*On a motion by Director Lee Renger, seconded by Director Joseph Bowman, the Board of Directors voted 4-0 -1 to Approve the agenda as amended.*

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

*ABSENT: Director(s) Peterson*

**3. PUBLIC COMMENTS**

One speaker card was received from Howard Rodgers who commented on conservation related to sprinkler maintenance by landscape companies; and the District's Landscape Fair of October 24, 2009.

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

**A Legislative Update**

Public Affairs and Communications Manager Reinhardt provided an update on legislative activities including SBX7-1; 20% reduction in water usage by year 2020 and cooperative partnership between California Landscape Contractors Association and the Resource Conservation District and Mountains Restoration Trust.

**5. CONSENT CALENDAR**

**A Minutes: Regular Meeting of September 8, 2009. Approve**

**B List of Demands: 10/27/09. Approve**

**C Investment Report for the Month of September 2009. Approve**

**D Investment Review for the Third Quarter 2009. Receive and File**

Director Bowman commented on cash analysis versus reserves, which continue to rise.

*On a motion by Director Lee Renger, seconded by Director Joseph Bowman, the Board of Directors voted 4-0 -1 to Approve*

*Consent Calendar items 5A-5D as presented.*

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

*ABSENT: Director(s) Peterson*

**6. TREASURER**

None.

**7. GENERAL MANAGER**

**A Review and Consideration of Adjusted Rate Tiers and Determination of an Updated Prop 218 Notification**

Direct staff as to the Boards preference for spreading the MET increase across the rate tiers and make a determination if an updated Prop 218 Notice is required.

Financial Analyst Hamilton gave a presentation on rate increases utilizing Option 1-Percent Increase and Option 2-Unit Value Increase. Director of Finance and Administration Schmidt stated General Manager Mundy recommends the Board approve Option 2, which spreads the cost equally across all rate tiers.

Legal Counsel Lemieux discussed the Prop 218 Notification as it relates to the two proposed options being presented to the Board.

*On a motion by Director Lee Renger, seconded by Director Joseph Bowman, the Board of Directors voted 2-2 -1 to maintain percentage increases.*

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

*On a motion by Director Jeff Smith, seconded by Director Charles Caspary, the Board of Directors voted 2-2 -1 to Approve the straight pass through of \$0.21 per 748 gallons of water.*

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

Rescheduled to November 10, 2009, due to a lack of quorum for selecting of Option 1 or Option 2 as a methodology for the pass through of Metropolitan Water District increases

***As stated during "2. Approval of the Agenda" the category of FINANCE AND ADMINISTRATION agenda items 9B-Proposed Underwriter for Bond Refinancing and 9A-First Quarter Financial Review and Spotlight on LVMWD were presented to the Board prior to the agenda items in the category of "8. FACILITIES AND OPERATIONS" being heard.***

## **8. FACILITIES AND OPERATIONS**

- A** Adopt Mitigated Negative Declaration and Accept Project Alternatives Study for the 1235-ft Backbone Improvements Program Project

Receive and File Report #2433.00 Project Alternatives Study for the 1235-ft Backbone Improvements - Preliminary Design Memorandum; approve and adopt the Mitigated Negative Declaration Report #2433.10 for the 1235-ft Backbone Improvements Project with the Mitigation Measures identified therein; adopt the Mitigation Monitoring and Reporting Program developed for the project (Appendix F); and direct staff to file the Notice of Determination and Finding of Diminimus Impact with the Recorder for the County of Los Angeles.

*On a motion by Director Joseph Bowman, seconded by Director Jeff Smith, the Board of Directors voted 4-0 -1 to Approve the recommendations as presented.*

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

- B** Approve Request for Proposals (Phase I) for 1235-ft Backbone Improvements Program Project

Approve the Request for Proposals for the preparation of the final design report, plans and specifications for the Calabasas Pipeline 1235-ft Backbone Improvements Program Project; approve the Request for Proposals for the preparation of the final design report, plans and specifications for Agoura Hills Pipeline from Cornell Pump Station to Thousand Oaks Boulevard.

*On a motion by Director Lee Renger, seconded by Director Charles Caspary, the Board of Directors voted 4-0 -1 to Approve the recommendations as presented.*

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

- C** 24" Recycled Water (REW) Pipeline from Mulholland Hwy. to the Tapia Water Reclamation Facility Project - Award of Contract (Blois Construction, Inc.)

Reject the bid submitted by Minco Construction as non-responsive; reject the protest from E.J. Meyer Co., on the basis that the protest objection is overruled; award the Schedule A contract

to construct the 24" Recycled Water (REW) Pipeline from Mulholland Hwy. to the Tapia Water Reclamation Facility Project to Blois Construction, Oxnard, CA., in the amount of \$2,450,945.00; and that all remaining bids be rejected upon receipt of duly executed contract documents.

*On a motion by Director Lee Renger, seconded by Director Jeff Smith, the Board of Directors voted 4-0 -1 to Approve the recommendations as presented.*

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

*ABSENT: Director(s) Peterson*

**D** 24" Recycled Water (REW) Pipeline from Mulholland Hwy. to the Tapia Water Reclamation Facility Project - Professional Services During Construction

Approve the proposal by Rincon Consultants for \$32,111.00 for arborist environmental support services during construction.

*On a motion by Director Joseph Bowman, seconded by Director Lee Renger, the Board of Directors voted 4-0 -1 to Approve the recommendation as presented.*

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

*ABSENT: Director(s) Peterson*

**E** Malibu Canyon Apartments - Installation of Backflow Protection

Authorize the General Manager to issue a purchase order to Timothy J. Ferrie, Inc. in the amount of \$33,350 for installation of backflow devices and meter/ball valve replacements.

*On a motion by Director Lee Renger, seconded by Director Charles Caspary, the Board of Directors voted 4-0 -1 to Approve the recommendation as presented.*

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

*ABSENT: Director(s) Peterson*

**F** Water Shortage Committee Appointment

*On a motion by Director Joseph Bowman, seconded by Director Charles Caspary, the Board of Directors voted 4-0 -1 to Approve the appointment of Tim Weaver to the Water Shortage Committee for Division 5.*

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

*ABSENT: Director(s) Peterson*

**9. FINANCE AND ADMINISTRATION**

**B** Proposed Underwriter for Bond Refinancing

Approve the underwriting firm of Stone and Youngberg for the proposed bond refinancing.

Jim Cervantes gave a presentation regarding Stone & Youngberg in regards to the company's history, core business and experience with municipal bonds.

*On a motion by Director Jeff Smith, seconded by Director Lee Renger, the Board of Directors voted 4-0 -1 to Approve the recommendation as presented.*

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

*ABSENT: Director(s) Peterson*

**A** First Quarter Financial Review and Spotlight on LVMWD

Receive and file.

*On a motion by Director Lee Renger, seconded by Director Joseph Bowman, the Board of Directors voted 4-0 -1 to Approve the recommendation as amended to receive and file the First Quarter Financial Review and Spotlight on LVMWD; and that staff will work with President Caspary on inclusion of a separate line item on future quarterly financial reports related to penalties collected from customers versus penalties billed by Metropolitan Water District.*

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

*ABSENT: Director(s) Peterson*

## **10. INFORMATION ITEMS**

**A** Quarterly Consultant Report Ending September 30, 2009

**B** Water Shortage Update - September 2009

## **11. NON-ACTION ITEMS**

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

None.

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

Director Renger discussed his attendance at the AWA breakfast on October 15, 2009, which included a discussion of forming a Delta Protection Committee.

**C** General Manager Reports

Director of Facilities and Operations Lippman provided an update regarding general business of the District including The Acorn editorials and Landscape Fair.

**D** Director's Comments

President Caspary commented on the Landscape Fair of October 24, 2009 and the upcoming Regional Water Quality Control Board Public Hearing of November 5, 2009 during which a Basin Plan Amendment (prohibiting septic discharges) for the Malibu Civic Center Area will be heard.

## **12. FUTURE AGENDA ITEMS**

Director Bowman requested that reserve policies be reviewed sooner than later.

## **13. CLOSED SESSION**

The meeting adjourned into Closed Session at 6:59 p.m.

**A** **Conference with District Counsel - Existing Litigation:**

1. Cooper, et al. v. Calabasas Park Estates, et al.
2. Mehta Construction Company v. LVMWD
3. Arnaldes v. EH Excavation, Inc. and Las Virgenes Municipal Water District
4. Personnel - Negotiations - Employee Compensation & Benefits

## **14. OPEN SESSION AND ADJOURNMENT**

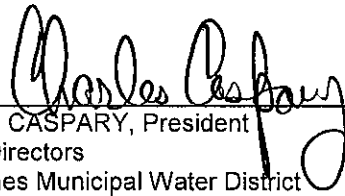
The meeting readjoined into Open Session at 7:35 p.m.

*On a motion by Director Lee Renger, seconded by Director Charles Caspary, the Board of Directors voted 4-0 -1 to Approve the settlement agreement 13.A3. Arnaldes v. EH Excavation, Inc. and Las Virgenes Municipal Water District.*

*The Chair declared the meeting adjourned at 7:40 p.m.*

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

*ABSENT: Director(s) Peterson*



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

ATTEST:



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

(SEAL)