

**LAS VIRGENES - TRIUNFO  
JOINT POWERS AUTHORITY  
AGENDA**

**4232 Las Virgenes Road, Calabasas, CA 91302**

**February 1, 2021, 5:00 PM**

Public Participation for Meetings of Las Virgenes - Triunfo Joint Powers Authority in Response to COVID-19

On March 4, 2020, Governor Newsom proclaimed a State of Emergency in California as a result of the threat of COVID-19. On March 17, 2020, Governor Newsom issued Executive Order N-29-20 (superseding the Brown Act-related provisions of Executive Order N-25-20 issued on March 12, 2020), which allows a local legislative body to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to observe and to address the local legislative body. Pursuant to Executive Order N-29-20, please be advised that members of the Las Virgenes - Triunfo Joint Powers Authority Board of Directors will participate in meetings via teleconferencing.

**PUBLIC PARTICIPATION:** Pursuant to Executive Order N-29-20 and given the current health concerns, members of the public can access and request to speak at meetings live on-line, with audio and limited video, at [www.LVMWD.com/JPALiveStream](http://www.LVMWD.com/JPALiveStream). In addition, members of the public can submit written comments electronically for consideration at [www.LVMWD.com/JPALiveStream](http://www.LVMWD.com/JPALiveStream). To ensure distribution to the members of the Las Virgenes - Triunfo Joint Powers Authority Board of Directors prior to consideration of the agenda, please submit comments 24 hours prior to the day of the meeting. Those comments, as well as any comments received after 5:00 P.M., will be distributed to the members of the Board of Directors and will be made part of the official public record of the meeting. Contact Josie Guzman, Executive Assistant/Clerk of the Board at (818) 251-2123 or [jguzman@lvmwd.com](mailto:jguzman@lvmwd.com) with any questions.

**ACCESSIBILITY:** If requested, the agenda and backup materials will be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Any person who requires a disability-related modification or accommodation, in order to observe and/or offer public comment may request such reasonable modification, accommodation, aid, or service by contacting the Executive Assistant/Clerk of the Board by telephone at (818) 251-2123 or via email to [jguzman@lvmwd.com](mailto:jguzman@lvmwd.com) no later than 8:00 AM on the day of the scheduled meeting.

Members of the public wishing to address the Las Virgenes-Triunfo Joint Powers Authority (JPA) Board of Directors are advised that a statement of Public Comment Protocols is available from the Clerk of the Board. Prior to speaking, each speaker is asked to review these protocols, complete a speakers' card, and hand it to the Clerk of the Board. Speakers will be recognized in the order the cards are received.

The Public Comments agenda item is presented to allow the public to address the Board on matters not on the agenda. The public may also present comments on matters on the agenda; speakers for agendized items will be recognized at the time the item is called up for discussion.

Materials prepared by the JPA in connection with the subject matter on the agenda are available for public inspection at 4232 Las Virgenes Road, Calabasas, CA 91302. Materials prepared by the JPA and distributed to the Board during this meeting are available for public inspection at the meeting or as soon thereafter as possible. Materials presented to the Board by the public will be maintained as part of the records of these proceedings and are available upon request to the Clerk of the Board.

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## **PLEDGE OF ALLEGIANCE**

### **1 CALL TO ORDER AND ROLL CALL**

### **2 APPROVAL OF AGENDA**

### **3 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

### **4 CONSENT CALENDAR**

Matters listed under the Consent Calendar are considered to be routine, non-controversial and normally approved with one motion. If discussion is requested by a member of the Board on any Consent Calendar item, or if a member of the public wishes to comment on an item, that item will be removed from the Consent Calendar for separate action.

#### **A Minutes: Regular Meeting of January 4, 2021 (Pg. 4)**

Approve.

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

#### **A Pure Water Project Las Virgenes-Triunfo: Update**

#### **B State and Federal Legislative Update (Pg. 11)**

**C Concept for Regional Landscape Conversion Partnership (Pg. 17)**

**6 ACTION ITEMS**

**A Independent Audit Services: Renewal (Pg. 19)**

Determine whether or not to approve the second one-year renewal option with The Pun Group, and, if approved, authorize the Administering Agent/General Manager to execute the agreement, in the amount of \$6,356, for independent audit services.

**7 BOARD COMMENTS**

**8 ADMINISTERING AGENT/GENERAL MANAGER REPORT**

**9 FUTURE AGENDA ITEMS**

**10 INFORMATION ITEMS**

**A Rancho Las Virgenes Composting Facility: Temporary Waiver of Bulk Loading Fee (Pg. 21)**

**B Implementation of Operations Data Management, Analytics and Decision Support System: IOSight iGreen (Pg. 23)**

**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

**12 ADJOURNMENT**

Pursuant to Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and applicable federal rules and regulations, requests for a disability-related modification or accommodation, including auxiliary aids or services, in order to attend or participate in a meeting, should be made to the Executive Assistant/Clerk of the Board in advance of the meeting to ensure availability of the requested service or accommodation. Notices, agendas, and public documents related to the Board meetings can be made available in appropriate alternative format upon request.

**LAS VIRGENES – TRIUNFO  
JOINT POWERS AUTHORITY  
MINUTES  
REGULAR MEETING**

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5:00 PM

January 4, 2021

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance to the Flag was led by Ken Pun.

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

The meeting was called to order at **5:00 p.m.** by Chair Lewitt via teleconference in the Board Room at Las Virgenes Municipal Water District headquarters at 4232 Las Virgenes Road, Calabasas, CA 91302. The meeting was conducted via teleconference pursuant to the provisions of the Governor’s Executive Order, N-29-20, which suspended certain requirements of the Ralph M. Brown Act to support social distancing guidelines associated with response to the coronavirus (COVID-19) outbreak. Josie Guzman, Clerk of the Board, conducted the roll call.

Present: Directors Caspary, Lewitt, Lo-Hill, Nye, Orkney, Polan, Renger, Shapiro, Tjulander, and Wall.  
Absent: None.

**2. CHAIR/VICE CHAIR****A Annual Transition of JPA Chair and Vice Chair**

**Recognize Triunfo Water & Sanitation District Chair Ray Tjulander as Chair and Las Virgenes Municipal Water District Board President Jay Lewitt as Vice Chair of the Las Virgenes – Triunfo Joint Powers Authority for calendar year 2021.**

The JPA Board transitioned its officers with Triunfo Water & Sanitation District Chair Ray Tjulander as Chair and Las Virgenes Municipal Water District Board President Jay Lewitt as Vice Chair for calendar year 2021.

**3. APPROVAL OF AGENDA**

Director Caspary moved to approve the agenda. Motion seconded by Director Polan. Motion carried unanimously by roll call vote.

**4. PUBLIC COMMENTS**

None.

**5. CONSENT CALENDAR**

**A Minutes: Regular Meeting of December 7 2020: Approve**

Director Polan moved to approve the Consent Calendar. Motion seconded by Director Orkney. Motion carried unanimously by roll call vote.

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

**A Pure Water Project Las Virgenes-Triunfo: Update**

Administering Agent/General Manager David Pedersen reported that Jacobs Engineering began the team chartering process, which would be a key element for the Pure Water Project Las Virgenes-Triunfo program implementation plan. He stated that the team chartering process would ensure that all individuals involved in working on this effort would be well aligned with respect to the goals and objectives, and understand their individual roles and responsibilities in achieving the goals and objectives of the project. He introduced Dan Speicher from Jacobs Engineering, who assisted with the team chartering process.

Mr. Speicher presented the team charter and provided an overview of the team alignment and chartering sessions.

Eric Schlageter, Principal Engineer, provided an overview of the team charter plaque containing results from the team alignment and chartering sessions, including preferred behaviors on how the team would deliver the project through cohesion, trust, collaboration, and agility; identification of items critical to the project's success; the project's purpose or mission statement; identification of roles and responsibilities of various team members during the course of work; and the team's commitment to the program.

Mr. Speicher noted that the team chartering sessions were conducted virtually. He acknowledged the team on their efforts to produce a positive, collaborative, and successful start to this program.

Administering Agent/General Manager David Pedersen acknowledged Mr. Speicher for his assistance and leadership in the team chartering process, and stated that the JPA Board would be an integral part of the program's success.

Mr. Speicher responded to a question regarding the JPA Board's role in the team charter by explaining the nine-function wheel, which included outreach and communication, and stated that the entire organization would share all aspects of

the program.

Administering Agent/General Manager noted that the nine-function wheel also included governance and decision-making, which would be an important role for the Board. He shared an enlarged version of the team charter and provided an overview of each section.

Mr. Speicher responded to a question regarding the insights discovery methodology used to assess team member preferences relative to communications and interactions.

Administering Agent/General Manager David Pedersen stated that the team charter would be a roadmap on how to proceed, and copies would be provided to the team members, posted in conference rooms, and posted in the Board room. He also stated that the Board was welcome to provide input on the team charter.

## **B State and Federal Legislative Update**

Ana Schwab, federal lobbyist for the JPA with Best Best & Krieger LLP (BBK), presented the federal legislative update, and noted that the 116th Congress passed an omnibus appropriations package for the remainder of the fiscal year, including a COVID-19 relief package and the Water Resources Development Act (WRDA). She also reported that the Water Infrastructure Finance and Innovation Act (WIFIA) loan program was funded at \$65 million. She noted that BBK worked on matters related to Title XVI and WaterSMART funding. She also noted that Congresswoman Grace Napolitano's priority to add water and wastewater assistance to low-income households had passed and was added to the Low-Income Home Energy Assistance Program. She stated that BBK would continue to monitor this program for any impacts to the JPA. She also reported that the House of Representatives and the Senate had passed the veto override of the National Defense Authorization Act (NDAA). She stated that BBK would continue to monitor the NDAA for perfluoroalkyl and polyfluoroalkyl substances (PFAS) and perfluorooctanesulfonic acid (PFOS) regulations. She also stated that BBK would monitor the Senate election in Georgia and the transition to the new President.

Syrus Devers, state lobbyist for the JPA with Best Best & Krieger LLP (BBK), presented the state legislative update, and noted that it was expected that the state legislature would push back its opening date beyond January 11th due to positive COVID-19 test results amongst staff at the State Capitol. He also noted that the Golden 1 Center Arena would be set up to accommodate social distancing for the legislators. He stated that it was uncertain whether the legislature would introduce new bills, and committee deadlines would need to be adjusted if the reopening were to be delayed another week. He noted that Governor Gavin Newsom and others wanted to approve urgency legislation regarding education, housing, COVID-19 vaccinations, and the budget.

## **C Annual Financial Statements and Independent Auditor's Report**

### **Receive and file the Fiscal Year 2019-20 JPA Financial Statements and Independent Auditor's Report.**

Administering Agent/General Manager David Pedersen provided introductory remarks.

Ken Pun, representing The Pun Group, reported that he and his colleague, Coley Delaney, met with the Audit Committee prior to the Board meeting.

Coley Delaney, representing The Pun Group, provided a PowerPoint presentation summarizing the JPA Financial Statements and Independent Auditors' Reports for the Fiscal Year Ending June 30, 2020. He stated that the audit included unmodified opinion audit results and no reported communicating internal control related matters identified in the audit.

A discussion ensued regarding the Pure Water Project Las Virgenes – Triunfo capital outlay cash flow, increased recycled water sales by Las Virgenes Municipal Water District, administrative charges from Las Virgenes Municipal Water District to the JPA for pension expenses, and listing land and land rights and the recycled water system as capital assets at book value as opposed to market rate.

Director Lo-Hill noted that she participated in the Audit Committee meeting just prior to the Board meeting, and the Committee was confident with the audit.

Director Shapiro moved to approve Item 6A. Motion seconded by Director Polan. Motion carried unanimously by roll call vote.

## **7. ACTION ITEMS**

### **A Centrate Treatment 24-inch Pump Suction Header and Valve Replacement Project: CEQA Determination and Construction Award**

**Find that the work is exempt from the provisions of the California Environmental Quality Act; award a construction contract to J.R. Filanc Construction Company, Inc., in the amount of \$101,000; and reject all remaining bids upon receipt of the duly executed contract documents for the Centrate Treatment 24-inch Pump Suction Header and Valve Replacement Project.**

Mercedes Acevedo, Assistant Engineer, presented the report. She responded to a question regarding whether the contractor had previously performed work for the JPA by stating that although the contractor had not performed work for the JPA, the contractor's references indicated that the contractor performed well in pipeline work.

Administering Agent/General Manager David Pedersen noted that he was familiar and had worked with the contractor in the past. He stated that the contractor was a large company known for performing large water and wastewater projects.

Director Polan moved to approve Item 7A. Motion seconded by Director Wall. Motion carried unanimously by roll call vote.

**8. BOARD COMMENTS**

None

**9. ADMINISTERING AGENT/GENERAL MANAGER REPORT**

Administering Agent/General Manager David Pedersen reported that the Tapia Water Reclamation Facility received 2.8 inches of rain from December 27th through 29th. He noted that peak flow was measured at 15 million gallons per day (MGD) as a result of the rainfall. He also reported that five employees were in quarantine due to either testing positive or being exposed to COVID-19. He noted that there were no operational impacts as a result of the quarantine, and business would continue to be conducted as normal in large part due to the measures taken to work remotely or in smaller teams. He also noted that a letter was sent to the State's COVID-19 Task Force recommending that water and wastewater employees who were essential workers be given Category 1B priority to receive the COVID-19 vaccine. He stated that the federal government, through the Centers for Disease Control and Prevention (CDC), considered water and wastewater workers as essential workers; however, they parsed the category of essential workers into two categories: Frontline Essential Workers and all Other Essential Workers. He also stated that water and wastewater workers were categorized as Other Essential Workers, and the letter to the State's COVID-19 Task Force asked that it consider water and wastewater workers as Frontline Essential Workers so that they may receive the vaccination. He also reported that two items would be presented on the Las Virgenes Municipal Water District Board meeting agenda regarding consideration of a temporary waiver of bulk loading fee for compost at the Rancho Las Virgenes Compositing Facility and implementation of an operations data management, analytics, and decision support system to help manage the recycled water system. He stated that these items would be brought back at the next JPA Board meeting as information items.

Director Orkney requested clarification on which items would be presented to the Las Virgenes Municipal Water District Board versus the JPA Board in regard to JPA-related business.

Director Renger inquired regarding the status of the program to test for deoxyribonucleic acid (DNA) to detect coronavirus in the effluent. Administering Agent/General Manager David Pedersen responded that the program had worked well. He noted that staff conducted sampling and testing, and staff had not found



the markers in the wastewater. He also noted that the broader wastewater community found this to be a good early indicator of a surge in COVID-19 cases. He commented that the Los Angeles County Sanitation District considered this program as being a leading indicator, and they could see the quantity of ribonucleic acid (RNA) material in wastewater increase before caseloads are tested positive. He stated that because there was a relatively low case rate in the service area, staff had not seen this to be a powerful tool; however, it was helpful in the broader community.

Brett Dingman, Water Reclamation Manager, responded to a question regarding the status of sample taking by stating that staff had taken samples until there was no longer any freezer space available to store the samples. He noted that staff requested sending additional samples to Stanford University and were waiting to receive a response.

**10. FUTURE AGENDA ITEMS**

None.

**11. PUBLIC COMMENTS**

None.

**12. ADJOURNMENT**

Seeing no further business to come before the Board, the meeting was duly adjourned at **6:15 p.m.**

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Ray Tjulander, Chair

ATTEST:

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Jay Lewitt, Vice Chair



**To:** Las Virgenes-Triunfo JPA Board of Directors and Staff  
**From:** John Freshman, Ana Schwab, and Lowry Crook  
**Date:** January 22, 2021  
**RE:** Federal Report

### **The Biden Administration**

On January 20, President Joe Biden and Vice President Kamala Harris were sworn into office. President Biden promised swift action on his first day of office, and proceeded to issue executive orders and actions that are effective immediately. Biden signed an executive order that revokes many of Trump's recent executive orders on federal regulation.

The six revoked Executive Orders related to regulation are:

- Executive Order 13771 of January 30, 2017 (Reducing Regulation and Controlling Regulatory Costs),
- Executive Order 13777 of February 24, 2017 (Enforcing the Regulatory Reform Agenda),
- Executive Order 13875 of June 14, 2019 (Evaluating and Improving the Utility of Federal Advisory Committees),
- Executive Order 13891 of October 9, 2019 (Promoting the Rule of Law Through Improved Agency Guidance Documents),
- Executive Order 13892 of October 9, 2019 (Promoting the Rule of Law Through Transparency and Fairness in Civil Administrative Enforcement and Adjudication),
- Executive Order 13893 of October 10, 2019 (Increasing Government Accountability for Administrative Actions by Reinvigorating Administrative PAYGO).

The Administration also issued a memorandum that freezes regulations that are under review. For any rules that have not yet been published in the Federal Register, those rules are frozen and will need review from the appropriate department or agency head. For rules that have been published in the Federal Register but have not yet taken effect, the memo requests that these rules' effective dates are postponed for 60 days. The directive includes regulatory action and guidance documents. Affected issues will include those related to the Navigable Waters Protection Rule, the Nationwide Permit Rule, the new NEPA rule, and Endangered Species Act provisions. We will continue to closely track and stay engaged on these issues.

Below are among the affected regulations and actions:

#### *Council on Environmental Quality:*

- "Update to the Regulations Implementing the Procedural Provisions of the National Environmental Policy Act," 85 Fed. Reg. 43304 (July 16, 2020).

#### *Department of Defense:*

- Reissuance and Modification of Nationwide Permits, 86 Fed. Reg. 2744 (January 13, 2021).



- The Navigable Waters Protection Rule: Definition of ‘Waters of the United States, 85 FR 22250 (April 21, 2020).

*Environmental Protection Agency:*

- “National Primary Drinking Water Regulations: Lead and Copper Rule Revisions,” 86 Fed. Reg. 4198 (January 15, 2021).
- “NPDES Electronic Reporting Rule—Phase 2 Extension,” 85 Fed. Reg. 69189 (November 2, 2020).
- “Drinking Water: Final Action on Perchlorate,” 85 Fed. Reg. 43990 (July 21, 2020).
- “Clean Water Act Section 401 Certification Rule,” 85 Fed. Reg. 42210 (July 13, 2020).
- “The Navigable Waters Protection Rule: Definition of ‘Waters of the United States,’” 85 Fed. Reg. 22250 (April 21, 2020). (Also DOD)

*Interior:*

- Revisions to ESA Section 4: “Endangered and Threatened Wildlife and Plants; Regulations for Listing Species and Designating Critical Habitat,” 84 Fed. Reg. 45020 (August 27, 2019).
- Revisions to ESA Section 7: “Endangered and Threatened Wildlife and Plants; Regulations for Interagency Cooperation,” 84 Fed. Reg. 44976 (August 27, 2019).
- Definition of “Habitat”: “Endangered and Threatened Wildlife and Plants; Regulations for Designating Critical Habitat,” 85 Fed. Reg. 82376 (December 18, 2020).
- Critical Habitat 4(b)(2) Exclusions: “Endangered and Threatened Wildlife and Plants; Regulations for Listing Endangered and Threatened Species and Designating Critical Habitat,” 85 Fed. Reg. 81411 (December 16, 2020).

**Federal Agency Leadership**

The Biden Administration announced its top leadership positions for the federal agencies. Many of Biden’s appointees, which will require Senate confirmation hearings and approval, served in the Obama Administration or as civil servants at the state-level. Biden’s Cabinet is the most diverse Cabinet in U.S. history. Across federal agencies, there will be a renewed commitment to advancing climate policy, aiding underserved communities, and achieving racial equity.

A few top appointments include:

*Environmental Protection Agency:* Michael Regan was appointed as Administrator of the EPA. He heads North Carolina’s Department of Environmental Quality and has focused on perfluoroalkyl substances cleanups and coal ash. Although it has not yet been announced, Radhika Fox is said to be the pick to lead the Office of Water. Fox is the CEO of the nonprofit U.S. Water Alliance and has pushed for investment in water infrastructure and environmental justice.

*Secretary of Interior:* Representative Deb Haaland was appointed for Secretary of Interior. If confirmed, she will be the first Native American to serve in a Cabinet role. Tanya Trujillo was selected to serve as principal deputy assistant secretary for water and science, overseeing the



Bureau of Reclamation. Currently, Trujillo is the Lower Basin project director for the Colorado River Sustainability Campaign.

*Secretary of Transportation:* Due to growing calls for a major infrastructure package, Secretary of Transportation will be a crucial role in the new administration. Pete Buttigieg was appointed for the position.

*Secretary of Health and Human Services:* Xavier Becerra was appointed for Secretary of Health and Human Services. Becerra has served as Attorney General of California since 2017.

### **117<sup>th</sup> Congress**

Democrats secured control of the House of Representatives, Senate, and the White House. On inauguration day, Vice President Harris swore in three new, Democratic senators: Alex Padilla (D-CA), Jon Ossoff (D-GA), and Raphael Warnock (D-GA). Senator Alex Padilla, the former secretary state of California, was appointed by Governor Gavin Newsom to fill Harris's Senate seat.

Now, the Senate is split 50-50 between the Republican and Democratic caucuses, with Vice President Kamala Harris casting tie-breaking votes. The narrow control allows Democrats to serve as chairman in committee, call hearings, and decide policy priorities. Senator Chuck Schumer (D-NY) is the new Senate Majority Leader, replacing Minority Leader Mitch McConnell, who has lead the GOP-controlled Senate since 2015. As Majority Leader, Schumer will determine which bills come to the floor for votes. The unique 50-50 split will result in a power-sharing agreement between Schumer and McConnell. The agreement will include the number of seats each caucus will have on Senate committees and whether the filibuster will remain intact—Schumer has received pressure from his caucus members to remove the filibuster, a key tool for the minority.

The Democratic control in Congress will allow the incoming Biden administration to swiftly receive approval for Biden's Cabinet nominations and other executive vacancies. The administration will be able to collaboratively work with House Speaker Nancy Pelosi and Majority Leader Chuck Schumer to make additional coronavirus relief a first priority, as well prioritizing infrastructure, climate change, and healthcare policy plans.

### **Congressional Review Act**

Among issues the Biden administration and Congress will focus on is the rollback of several Trump-era regulations. In the past several months, the Trump administration has finalized several rules, including many environmental issues. Biden can use executive order action on many policies, but has limited ability to halt effective rules and regulations. Congress has the ability to use a federal law called the Congressional Review Act (CRA) to repeal agency rules by a simple majority vote. The law is not subject to filibuster rules. Additionally, the courts are unable to review a CRA decision. With Democrats controlling the House and Senate, they can repeal regulations that were finalized in the past sixty consecutive legislative days. However, Congress



will have to be cautious in its repeal power because once an agency rule is appealed, the administration is unable to draft a new regulation that is “substantially the same.” The repeal tool has become more frequently utilized in recent years. In 2017, during the first months of the Trump administration, Republicans in Congress used the CRA to eradicate 14 rules issued by the Obama administration.

### **COVID-19 Relief**

The Biden Administration released its \$1.9 trillion COVID-19 package, titled American Rescue Plan. Among the widespread aid, the plan will reimburse state and local governments for emergency paid leave and extend emergency paid leave through September 30, 2021. It includes \$5 billion for the Low-Income Home Energy Assistance Program (LIHEAP), which now includes water utility assistance. A main component of the package is \$350 billion set aside for state and local governments. The funding is intended to support public workers, effective vaccination distribution, testing, reopening schools, and maintaining other vital services. COVID-19 relief is the Administration’s first priority, as such, more details will be announced as negotiations are made.



To: Las Virgenes -Triunfo JPA  
From: Syrus Devers, Best Best & Krieger  
Date: January 25th, 2021  
Re: Monthly Report

The Legislature did convene as announced on January 11th and began work on the Governor's Budget on the 14th. The Legislature will continue to operate remotely for the foreseeable future. Below are some of the relevant highlights of the budget and significant bills that were introduced the first week.

**The Budget:**

As previously reported, California's economy performed better than expected during the pandemic: about \$26 billion or \$15.5 billion depending on who you ask. (The \$15.5 billion estimate is from the Legislative Analyst's Office (LAO), which means that is the correct number.) Newsom's budget proposes a large number of one-time spending proposals to shore up weaknesses in the economy due to the pandemic. While the LAO concurs that aggressive measures are needed to address the impacts of the lockdown, it questions some of the Governor's assumptions and further points out that the proposals were crafted prior to the last round of federal stimulus approved in December. The LAO encouraged the Legislature to reconsider how COVID relief might be better tailored to benefit those who did not receive federal funds. The LAO raised red flags about the overall direction of the budget and proposed reserves, noting that if the budget was adopted as proposed it would cause operating deficits in the range of \$11 billion by 2024-25. A brief quote from the LAO's budget review explains the short-term budget proposals:

The Governor's budget includes \$5 billion in actions he proposes the Legislature adopt within the next few weeks. First, the Governor proposes \$2 billion for in-person instruction grants connected to a school reopening proposal. We are concerned this proposal sets unfeasible time lines. Second, the Governor proposes providing \$2.4 billion in tax refunds to low-income taxpayers, which we think could be more targeted. Third, we agree the Governor's proposal to provide \$550 million in small business grants is worth considering. Fourth, the Governor's proposal to waive fees for individuals and businesses directly affected by the state's stay-at-home orders is reasonable.

The full report is available here: <https://lao.ca.gov/Publications/Report/4309>

The Governor’s budget included significant spending on natural resources as one way to stimulate the economy. BB&K will report on the relevant water policy spending issues as they are addressed through the subcommittee process in the coming weeks.

**Legislation:**

Two Significant bills have been introduced that will concern the JPA. Both are by Senator Dodd and they follow up his legislation from 2018, SB 998, prohibiting water shutoffs for failure to pay. SB 222 seeks to create the “Water Affordability Assistance Fund” in the budget to provide direct assistance to low-income rate payers. The unanswered question is the funding source. If it is funded by a tax on water it will not matter how well it is written, but the bill gives no indication of how the author proposes to pay for the program. The bill also creates new reporting requirements to the State Water Resources Control Board concerning water rates and number of shutoffs for nonpayment that public water agencies might not support. The full text of the bill can be found here:

[https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=202120220SB222](https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB222)

The other is SB 223, which extends the shutoff provisions from SB 998 and is likely to be controversial. The majority of the bill makes the existing shutoff prohibitions applicable to very small water agencies with fewer than 200 connections, but it also proposes new restrictions, some of which may violate Proposition 218. The bill proposes waiving debt for unpaid water bills, and waiving reconnection fees, under specified circumstances. Both proposals raise the issue of some ratepayers subsidizing others, which may violate Proposition 218’s requirement that all fees must be for property-related services. Obviously these are complex issues that will require further analysis prior to the bill being heard in committee. The first committee hearings will likely be in mid to late March, although they may start earlier if the Legislature deems it necessary.

**Recall Effort:**

Rescue California, the same group that spearheaded the recall effort against Gray Davis, claims to have 1.2 million signatures of the 1.5 million needed to qualify a recall initiative. They also claim to have \$1.7 cash on hand, which is a respectable amount at this early stage of the process, but Newsom still enjoys a 57% approval rating despite recent missteps over the state’s response to the COVID pandemic. By comparison, Gray Davis had a 26% approval rating when he was recalled.



February 1, 2021 JPA Board Meeting

TO: JPA Board of Directors

FROM: Engineering and External Affairs

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**Subject : Concept for Regional Landscape Conversion Partnership**

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**SUMMARY:**

This item is being brought to the JPA Board as an illustrative item to provide background information on a potential partnership opportunity for a regional landscape conversion program and the siting of a greenhouse facility at the JPA's Rancho Las Virgenes Composting Facility. Staff seeks preliminary feedback from the Board on the conceptual proposal before continuing to develop the partnership.

**FISCAL IMPACT:**

No

**ITEM BUDGETED:**

No

**DISCUSSION:**

In 2018, LVMWD completed a Comprehensive Water Conservation Plan that outlined various programs and activities aimed to conserve water and comply with new statewide regulatory mandates for water-use efficiency. The plan was subsequently updated, and LVMWD staff have monitored the performance of the various conservation efforts. Included in the plan was a Landscape Conversion Initiative that seeks to develop regional partnerships to assist property owners with landscape transformation efforts that involve converting water intensive landscapes to more efficient landscape designs and vegetation.

As part of the initiative, staff have been developing program concepts and opportunities for regional collaboration that have recently resulted in an emerging partnership opportunity with the Mountains Restoration Trust, Tree People and Malibu Foundation. The partnership would be intended to support regional landscape transformation efforts and provide opportunities for property owners to learn more about water-efficient landscaping. The initial endeavor of the partnership would be to launch a program similar to the successful Garden in a Box Program implemented by Resource Central in Boulder, Colorado. The Garden in a Box Program provides materials for pre-designed and themed gardens (i.e. pollinator or meadow gardens). Each garden includes a planting plan and enough plants for a ten-foot by ten-foot garden area. Pre-packaging the gardens has proved to relieve much of the anxiety and apprehension that

participants normally experience as an impediment to converting their gardens to more water-efficient landscaping.

Efforts related to the proposed partnership were initiated in fall 2020 when staff was approached with the idea of placing a greenhouse facility at the Rancho Las Virgenes Composting Facility or Farm Sprayfields to assist with the launch of the program. The Malibu Foundation has offered to provide funding for the greenhouse and program startup. Tree People and the Mountains Restoration Trust have offering to operate the greenhouse and implement the program.

Prepared by: Dave Roberts, Resource Conservation Manager

February 1, 2021 JPA Board Meeting

TO: JPA Board of Directors

FROM: Finance & Administration

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**Subject : Independent Audit Services: Renewal**

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**SUMMARY:**

On April 29, 2019, the JPA Board authorized the Administering Agent/General Manager to execute a one-year professional services agreement with The Pun Group for JPA independent audit services, in the amount of \$6,000, with four one year renewal options using a 3% annual escalator, to provide independent audit services. In February 2020, the Board authorized the Administering Agent/General Manager to execute the first one-year renewal option. At this time, staff recommends that the Board determine whether or not to approve the second one-year renewal option.

**RECOMMENDATION(S):**

Determine whether or not to approve the second one-year renewal option with The Pun Group, and, if approved, authorize the Administering Agent/General Manager to execute the agreement, in the amount of \$6,356, for independent audit services.

**FISCAL IMPACT:**

Yes

**ITEM BUDGETED:**

Yes

**FINANCIAL IMPACT:**

The cost of this action is \$6,356, which constitutes a 3% annual increase. Sufficient funds are available for the service in the adopted Fiscal Year 2020-21 JPA Budget.

**DISCUSSION:**

The Pun Group was selected in 2019 through a competitive process that included interviews by the JPA's Audit Committee. The firm presented a comprehensive approach to audit services, demonstrated thorough knowledge of current and upcoming Government Accounting Standards Board (GASB) requirements and proposed a team with a track record of successfully performing government agency audits. The Pun Group recently completed the

JPA's Fiscal Year 2019-20 audit in compliance with the contract requirements and auditing standards. At this time, staff recommends that the Board determine whether or not to approve the second one-year renewal option.

For reference, the LVMWD Board considered a similar item on January 19, 2021. On a 4-1 vote and contingent upon similar action by the JPA Board, the LVMWD Board approved the second one-year renewal option with The Pun Group, authorized the General Manager to execute the agreement, in the amount of \$42,436, and directed staff to issue a Request for Proposals (RFP) for independent audit services before the end of the calendar year. The dissenting vote was cast by Board President Jay Lewitt due to concerns with the time and cost of recirculating an RFP, recognizing that a competitive solicitation was performed recently in 2019. Staff estimates that the process to recirculate an RFP for audit services would require approximately 30 to 40 hours, corresponding to a cost of \$4,000 to \$5,500.

Prepared by: Angela Saccareccia, Finance Manager

**INFORMATION ONLY**

February 1, 2021 JPA Board Meeting

TO: JPA Board of Directors

FROM: Facilities & Operations

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**Subject : Rancho Las Virgenes Composting Facility: Temporary Waiver of Bulk Loading Fee**

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On January 5, 2021, the LVMWD Board, acting as Administering Agent of the JPA, ratified the Administering Agent/General Manager's temporary waiver of the bulk-loading fee, beginning on December 1, 2020, and approved, in concept, a policy that allows the Administering Agent/General Manager to temporarily waive the bulk-loading fee in the future when compost inventory is expected to exceed the available storage capacity at the Rancho Las Virgenes Composting Facility. On January 19, 2021, the LVMWD Board approved a change to the Las Virgenes Municipal Water District Code to incorporate the new policy.

**SUMMARY:**

Staff recommended that the Board approve a policy that would allow the General Manager to temporarily waive the bulk compost-loading fee of \$8.00 per cubic yard when compost inventory is expected to exceed the available storage capacity at the Rancho Las Virgenes Composting Facility. From time-to-time, the quantity of compost at Rancho exceeds the amount that can be stored in the Cure Building. When this occurs, the excess material is temporarily stored outdoors until a vendor can schedule to pick up and haul away the compost for a nominal fee. Staff requested authority to temporarily suspend the bulk-loading fee to stimulate demand from bulk load customers for compost during these infrequent instances of excess supply. Under normal conditions, Section 7-1.105 of the Las Virgenes Municipal Water District Code establishes a bulk-loading fee of \$8.00 per cubic yard.

**FISCAL IMPACT:**

Yes

**ITEM BUDGETED:**

Yes

**FINANCIAL IMPACT:**

A temporary waiver of the bulk loading fee would result in a minor reduction in revenue for the composting operation; however, the waiver would also result in an avoided cost for picking up

and hauling away excess compost.

**DISCUSSION:**

The Rancho Las Virgenes Composting Facility was temporarily closed for construction of the Amendment Bin and Conveyance Modifications Project and due to damages from the 2018 Woolsey Fire. The facility was placed back in service in June 2020. The table provided below shows compost production and distribution data for June through October of 2018, as compared to the same period in 2020. As shown in the table, compost production is up approximately 55%, while compost delivery, through both the community giveaway program and bulk sales, is only 60% of the pre-shutdown/pre-pandemic levels.

For compost delivered, bulk sales are lagging by approximately 29% from pre-shutdown/pre-pandemic levels and the community giveaway program is down approximately 54%. Outreach to both the bulk sale customers and for the community giveaway program is on-going, and staff anticipates that waving the bulk-loading fee will stimulate additional participation from larger customers. To address the conditions, the General Manager temporarily waived the bulk-loading fee, beginning on December 1, 2020, pending ratification by the Board.

The increase in compost production, the second variable in the oversupply condition, is related to characteristics of the amendment being delivered. Staff is working with the current vendor (agreement expires on February 28, 2021) to deliver amendment that will reduce the overall volume of compost being produced. There is currently a request for bids for a new amendment agreement, and staff will also address the issue during the vendor selection process.

Compost Production and Deliveries (cubic yards)						
<b>2018</b>	Jun	Jul	Aug	Sep	Oct	Total
Compost Produced	516	688	636	800	516	3,156
Compost Delivered	904	574	940	305	425	3,148
<i>Compost Retained Onsite</i>	<u>(388)</u>	<u>114</u>	<u>(304)</u>	<u>495</u>	<u>91</u>	<u>8</u>
<b>2020</b>						
Compost Produced	267	1,419	1,032	1,066	1,092	4,876
Compost Delivered	-	-	699	570	609	1,878
<i>Compost Retained Onsite</i>	<u>267</u>	<u>1,419</u>	<u>333</u>	<u>496</u>	<u>483</u>	<u>2,998</u>

Prepared by: Doug Anders, Administrative Services Coordinator

## INFORMATION ONLY

February 1, 2021 JPA Board Meeting

TO: JPA Board of Directors

FROM: Facilities & Operations

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**Subject : Implementation of Operations Data Management, Analytics and Decision Support System: IOSight iGreen**

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On January 5, 2021, the LVMWD Board, acting as Administering Agent of the JPA, authorized the Administering Agent/General Manager to execute a Change of Scope for the professional services agreement with IOSight, in the amount of \$55,000, for engineering, programming and the first-year software-as-a-service (SaaS) fee to implement iGreen for the backbone recycled water system and the Pure Water Demonstration Facility; and authorized the Administering Agent/General Manager to approve annual purchase orders to IOSight, in the amount of \$43,000, for three years of SaaS fees associated with the potable water system, recycled water system and Pure Water Demonstration Facility.

**SUMMARY:**

In March 2020, the General Manager executed a professional services agreement with IOSight, in the amount of \$33,000, for a trial implementation of its iGreen data management, analytics and decision support system for LVMWD's potable water system. iGreen provides a connection between multiple, existing data platforms, such as the Supervisory Control and Data Acquisition (SCADA) System and Laboratory Information Management System (LIMS), to provide real-time trending and operational data management. The trial implementation was successful and supported operations staff to effectively manage the increasingly complex potable water system.

With the successful implementation of iGreen for the potable water system, staff proposed to expand the use of the tool to the backbone recycled water system and Pure Water Demonstration Facility. There was a one-time engineering and programming cost of \$45,000 for IOSight to incorporate approximately 700 operating data points (tags) associated with the recycled water system and Pure Water Demonstration Facility into iGreen. Also, there was a \$10,000 annual software as a service (SaaS) fee, in addition to the annual \$33,000 SaaS fee that was already paid by LVMWD for the potable water system. As such, the total on-going annual cost for iGreen was \$43,000, which includes software upgrades, data hosting and technical support.

Staff recommended authorization for the General Manager to proceed with implementation of iGreen, in the amount of \$55,000, for the recycled water system and Pure Water Demonstration Facility. In addition, staff recommended authorization for the General Manager

to approve annual purchase orders for the SaaS fee, in the amount of \$43,000, for three years.

**FISCAL IMPACT:**

Yes

**ITEM BUDGETED:**

Yes

**FINANCIAL IMPACT:**

The total first-year cost of this action is \$55,000, consisting of \$45,000 for one-time engineering and programming and \$10,000 for the first year of the software-as-a-service (SaaS) fee. The \$10,000 SaaS fee consists of \$5,000 for the recycled water system and \$5,000 for the Pure Water Demonstration Facility. For future years, the on-going annual cost is \$43,000, which consists of the \$10,000 SaaS fee for the recycled water system and Pure Water Demonstration Facility, plus a \$33,000 SaaS fee for the potable water system. In addition, the iGreen implementation will result in an annual cost-savings, in the amount of \$12,000, associated with discontinuing the use of an existing H2O Innovations software program called InterlogX for the Pure Water Demonstration Facility. As such, the net on-going annual cost is \$31,000.

The costs associated with the potable water system are LVMWD-only; whereas, the costs associated with the backbone recycled water system and Pure Water Demonstration Facility would be allocated to the JPA. Sufficient funds for the JPA's share of the costs are available in the adopted Fiscal Year 2020-21 JPA Budget, and the amount for the future SaaS fee will be included in future fiscal year budgets.

**DISCUSSION:**

On September 9, 2019, LVMWD facilitated a visit to Southern California for a delegation of Israeli trade officials and entrepreneurs. During the visit, staff were exposed to innovative technologies offered by a variety of Israeli companies. One company that stood out was IOSight, which offers a user-friendly data management, analytics and decision support system for water and wastewater utilities. The system, know as iGreen, allows utility operators to aggregate data from multiple discrete sources to generate trends and dashboards that support operational decision making. iGreen is currently deployed by the City of Chicago for its Jardine and Sawyer Water Purification Plants. The solution is provided in the form of software-as-a-service (SaaS), which is cloud- based and avoids the need for investment in new hardware or software.

**Trial Implementation for LVMWD's Potable Water System:**

In March 2020, the General Manager executed a professional services agreement with IOSight, in the amount of \$33,000, for a trial implementation of its iGreen data management, analytics and decision support system for the District's potable water system. iGreen provides



a connection between the District's existing multiple data platforms, such as its Supervisory Control and Data Acquisition (SCADA) System and Laboratory Information Management System (LIMS), to provide real-time trending and operational data management. The trial implementation was successful and supported operations staff to effectively manage the increasingly complex potable water system.

Proposed Implementation for Recycled Water System and Pure Water Demonstration Facility:

The recently commissioned Pure Water Demonstration Facility is highly automated and has a robust internal control system; however, the facility is isolated from the rest of the JPA. Staff evaluated the facility's needs and recommends that it be integrated with similar systems used to operate the JPA's other major facilities. The IOSight iGreen system can provide this connection, which with other minor system enhancements, would support the JPA's operational and data management needs. In addition, implementation of the iGreen system would be helpful for the operation of the backbone recycled water system.

Since the iGreen system communicates directly with JPA's SQL database, and is physically isolated from the operating SCADA system, it provides a secure means to access operational data without exposing the SCADA system to outside Internet traffic. The JPA would retain control of all operating data generated and the security of the data.

In addition to the implementation of the iGreen system described herein, a fiber optic connection with Building No. 1 is recommended to support greater bandwidth for communications with the Pure Water Demonstration Facility. The additional cost of the new fiber optic connection is estimated to be \$29,000 and can be authorized separately under the Administering Agent/General Manager's authority.

Prepared by: John Zhao, P.E., Director of Facilities and Operations