

MINUTES OF A REGULAR MEETING
OF THE BOARD OF DIRECTORS OF THE
OLIVENHAIN MUNICIPAL WATER DISTRICT

January 18, 2023

A regular meeting of the Board of Directors of Olivenhain Municipal Water District was held on Wednesday, January 18, 2023, via video conference and in person.

President Guerin called the meeting to order at 4:00 p.m. Following the Pledge of Allegiance, the Assistant Secretary called the roll. Directors present were Guerin, Hahn, Meyers, San Antonio, and Watt. It was noted that the meeting was published via teleconference in accordance with Assembly Bill 361, which allows local or state legislative bodies to hold meetings via teleconference, makes meetings accessible electronically, and waives certain Brown Act provisions.

President Guerin declared a quorum present and ordered the meeting to proceed. In attendance were Kimberly Thorner, General Manager; Alfred Smith, General Counsel; Joey Randall, Assistant General Manager; Jennifer Joslin, Human Resources Manager; Geoff Fulks, Operations Manager; Rainy Selamat, Finance Manager; Lindsey Stephenson, Engineering Manager; Teresa Chase, Administrative Analyst; Joe Jansen, Administrative Analyst; Stephanie Kaufmann, Executive Secretary; Don MacFarlane, Consulting Engineer; and Scott McClelland from Encina Wastewater Authority.

Additionally, the following phone numbers called into the meeting: (805) 427-2084, (858) 243-6374, (760) 710-7331, (619) 884-6556, (619) 985-0940, and (619) 778-3800.

5. CONSIDER IMPLEMENTING ASSEMBLY BILL 361 THAT PROVIDES THE ABILITY TO MEET REMOTELY DUE TO THE GOVERNOR'S PROCLAIMED STATE OF EMERGENCY UNDER MODIFIED BROWN ACT REQUIREMENTS

Director Watt moved to implement AB 361, seconded by Director Meyers, and approved by the following roll call vote:

AYES:	Directors Guerin, Hahn, Meyers, San Antonio, and Watt
NOES:	None
ABSTAIN:	None
ABSENT:	None

6. ADOPTION OF AGENDA

Director Watt moved to adopt the agenda, seconded by Director Hahn, and approved by the following roll call vote:

AYES:	Directors Guerin, Hahn, Meyers, San Antonio, and Watt
NOES:	None
ABSTAIN:	None
ABSENT:	None

7. PERSONAL APPEARANCES AND PUBLIC COMMENTS

There were no public comments.

8. PRESENTATION OF AWARDS AND HONORABLE MENTIONS

Current Service Awards, Promotions, and Honorable Mentions

- *Diana Spencer – Department Assistant I – Transfer – December
- *Vanessa Rivera – Operations Coordinator – New Hire – December
- *Jason Emerick – WRF Operator III – 15 Years – January
- *Mike Salazar – Systems Operator II – 15 Years – January

The employees were congratulated by the board.

9. CONSIDER APPROVAL OF THE MINUTES OF THE DECEMBER 14, 2022, REGULAR BOARD OF DIRECTORS MEETING, MINUTES OF THE DECEMBER 14, 2022 ANNUAL BOARD OF DIRECTORS MEETING OF THE OMWD FINANCE CORPORATION, AND MINUTES OF THE DECEMBER 14, 2022 BOARD OF DIRECTORS MEETING OF THE OMWD FINANCING AUTHORITY (JOINT POWERS AUTHORITY)

Director Meyers made a motion to update the language in Item 12 to state “discuss the policy issue of Board Members versus General Managers being on the Water Authority Board and keeping or changing the representative on the SDCWA Board of Directors.”

Director Guerin moved to approve the amended minutes of the December 14, 2022 Regular Board of Directors meeting, minutes of the December 14, 2022 annual Board of Directors meetings of the OMWD Finance Corporation, and minutes of the December 14, 2022 Board of Directors meeting of the OMWD Financing Authority, seconded by Director Watt, and approved by the following roll call vote:

AYES:	Directors Guerin, Hahn, Meyers, San Antonio, and Watt
NOES:	None
ABSTAIN:	None
ABSENT:	None

10. CONSENT CALENDAR

- C-a CONSIDER ADOPTION OF A MOTION APPROVING THE PAYMENT OF LISTED WARRANTS FROM THE DISTRICT’S REVOLVING AND REGULAR ACCOUNTS; LISTED TRANSFERS OF FUNDS; REIMBURSEMENT OF EXPENSES TO BOARD MEMBERS AND STAFF; AND MONTHLY INVESTMENT REPORT
- C-b CONSIDER ADOPTION OF A MOTION APPROVING THE DISTRICT’S CONSOLIDATED STATEMENT OF NET POSITION, CONSOLIDATED STATEMENT OF REVENUES, EXPENSES, AND CHANGES IN NET POSITION, CONSOLIDATED STATEMENT OF CASH FLOWS, CONSOLIDATED ACTUAL VS BUDGET SUMMARY, AND CONSTRUCTION IN PROGRESS REPORT

- C-c CONSIDER 2022 ANNUAL OBJECTIVES FINAL STATUS REPORT
- C-d CONSIDER ACCEPTANCE OF THE 7841 ARTESIAN WATER SERVICE & FIRE DEPARTMENT CONNECTION INSTALL (COLE DAVIS CONSTRUCTION) INTO OMWD’S SYSTEM AND ORDER A NOTICE OF COMPLETION FILED
- C-e CONSIDER ACCEPTANCE OF THE CAMINO LIMA MAIN EXTENSION 251 (RICHARD D. BAGLEY) INTO OMWD’S SYSTEM AND ORDER A NOTICE OF COMPLETION FILED
- C-f CONSIDER UPDATE ON THE COVID-19 EMERGENCY DECLARATION

Director Hahn inquired about line items in item C-a.

Director Hahn moved to authorize the Consent Calendar, seconded by President Guerin, and approved by the following roll call vote:

AYES:	Directors Guerin, Hahn, Meyers, San Antonio, and Watt
NOES:	None
ABSTAIN:	None
ABSENT:	None

- 11. CONSIDER INFORMATIONAL REPORT AND OPPORTUNITY TO SIGN ON AS ADVOCACY AGENCY FOR ENCINA WASTEWATER AUTHORITY’S POTABLE REUSE PROJECT

Encina Wastewater Authority General Manager Scott McClelland presented the report.

Director Watt moved to sign on as an Advocacy Agency for Encina Wastewater Authority’s Potable Reuse Project, seconded by Director Hahn and approved by the following roll call vote:

AYES:	Directors Guerin, Hahn, Meyers, San Antonio, and Watt
NOES:	None
ABSTAIN:	None
ABSENT:	None

- 12. CONSIDER DRAFT ANNUAL OBJECTIVES AND INCENTIVE PAY FOR CALENDAR YEAR 2023

General Manager Thorner and Administrative Analyst Chase reviewed this item and requested board input. The final annual objectives will be included on the February 15, 2023 consent calendar.

President Guerin requested the following annual objective be added:

Under Goal 2, add Objective 14 to sign on as an Advocacy Agency for Encina Wastewater Potable Reuse Project.

Director Meyers requested the following annual objectives be added:

Under Goal 3, add Objective 22 - Investigate legal obligations for providing access for disabled persons at EFRR; report findings to EFRR Executive Committee.

Under Goal 8, add Objective 54 – Increase customer/agricultural awareness of hydroponics; report efforts to Ad Hoc Customer Outreach and Conservation Committee.

Under Goal 11, add Objective 65 - Coordinate tours for board members of existing brackish groundwater desalination facilities similar in size to proposed OMWD facility.

Under Goal 5, Objective 35 - Reassess the email record retention policy, including a survey of other public agencies, and report findings to the board.

Under Goal 8, add Objective 55 - Investigate cost, feasibility, and potential viewer engagement of live public streaming of OMWD public meetings.

It was determined that the Ad Hoc Customer Outreach and Conservation Committee evaluate the existing graywater outreach materials and assess the need for additional information/outreach. The committee would report back with any updates to the full board.

President Guerin moved to approve a maximum potential amount of incentive pay of \$7,200 plus 5.5% (\$376) in Consumer Price Index (CPI) totaling \$7,576 for the General Manager for CY 2023, to be reviewed and determined by the board at the November 2023 board meeting, seconded by Director Hahn, and approved by the following roll call vote:

AYES:	Directors Guerin, Hahn, Meyers, San Antonio, and Watt
NOES:	None
ABSTAIN:	None
ABSENT:	None

13. CONSIDER ADOPTION OF AN ORDINANCE AMENDING THE DISTRICT'S ADMINISTRATIVE AND ETHICS CODE (Article 2 – Organization of Board of Directors) REGARDING ROTATION AND ELECTION OF OFFICERS

Assistant General Manager Randall presented the report.

There was consensus to remove the paragraph “All Board Members are eligible for the office of Treasurer, provided they have served a term of no less than one full year on the board. The Treasurer or Deputy Treasurer, having been duly appointed by the Board of Directors, may also choose to pass on filling this position. Appointment to Treasurer and

Deputy Treasurer can only be enacted with board consensus and term eligibility” from the proposed Ordinance.

Director Watt moved to adopt Ordinance 506, Section 2.1 of Article 2 with the proposed updates to include the current directors, current terms, and add the language “All Board Members are eligible for the office of President, Treasurer, Secretary, and appointment to the San Diego County Water Authority representative per Sec. 2.18, provided they have served no less than one year on the board,” seconded by President Guerin, and adopted by the following roll call vote:

AYES:	Directors Guerin, Hahn, Meyers, and Watt
NOES:	Director San Antonio
ABSTAIN:	None
ABSENT:	None

14. CONSIDER ELECTION OF OFFICERS FOLLOWED BY COMMITTEE ASSIGNMENTS MADE BY THE 2022-2023 BOARD PRESIDENT

President Guerin moved to approve the following officer positions: Director Guerin – President, Director Hahn – Vice President, Director Meyers – Treasurer, Director Watt – Secretary, Director San Antonio – Director, seconded by Director Watt, and approved by the following roll call vote:

AYES:	Directors Guerin, Hahn, Meyers, San Antonio, and Watt
NOES:	None
ABSTAIN:	None
ABSENT:	None

President Guerin appointed the following committee assignments:

Standing Finance Committee – Directors Meyers and Watt
Standing Personnel Committee – Directors Guerin and Hahn
Standing Safety Committee – Directors Hahn and Meyers
Ad Hoc Facilities Subcommittee – Directors Guerin and Watt
Ad Hoc Customer Outreach and Conservation Subcommittee – Directors Guerin and San Antonio
Ad Hoc Cybersecurity Subcommittee – Directors Hahn and San Antonio
Ad Hoc Public Policy Subcommittee – Directors Guerin and Watt
EFRR Executive Committee – Directors San Antonio and Watt
CalDesal Associate Member – Director Meyers
It was noted that the ACWA JPIA representative would be decided before May.

15. CONSIDER BOARD DISCUSSION AND DIRECTION ON POLICY RELATIVE TO SAN DIEGO COUNTY WATER AUTHORITY (SDCWA) REPRESENTATIVE AND DISCUSS ACTION TO REPLACE CURRENT SDCWA REPRESENTATIVE

Directors Meyers and Hahn expressed their opinions that elected representatives and not the General Manager should be OMWD's representative at SDCWA if there is an elected representative willing and able to serve.

President Guerin indicated that General Manager Thorner just received an excellent performance review and that the board was pleased with her performance as OMWD's SDCWA representative.

General Manager Thorner offered that the majority of the SDCWA Board Members are appointed and not elected officials.

Director Hahn moved to replace General Manager Thorner, OMWD's current SDCWA representative with Director Meyers, seconded by Director San Antonio.

Director Watt indicated that he was willing and able to be the representative if needed but is more than happy with General Manager Thorner as the representative. He stated having concerns with two new board members removing the current SDCWA representative at their second meeting on the board.

President Guerin expressed concerns that this replacement was political vindictiveness and asked Director Meyers how he was going to navigate the conflicts of having done legal work for Carlsbad, the City of Encinitas, and Vista.

Director Meyers noted that he doesn't represent the City of Carlsbad, Vista, or the City of Encinitas and that he has completely disassociated himself from the firm that did.

Director Hahn reiterated that he is looking at the issue of the SDCWA representative as a policy issue and that if there was an elected official who is willing to take on the position, then that is who should be the representative. Director San Antonio agreed.

Director Watt indicated that there were two elected officials interested and asked for clarity on the motion as there were two directors interested, including himself. Director Hahn clarified that his motion was to replace the General Manager with Director Meyers.

Director Hahn's motion to replace General Manager Thorner, OMWD's current SDCWA representative with Director Meyers was approved by the following roll call vote:

AYES:	Directors Hahn, Meyers, and San Antonio
NOES:	Directors Guerin and Watt
ABSTAIN:	None
ABSENT:	None

General Manager Thorner updated the board that there is an approval and certification process by SDCWA for any new SDCWA appointment and that OMWD's approved proxy, Mike Hogan, will vote for OMWD at the January SDCWA board meeting. Once the minutes from the meeting are approved, a certified copy will be sent to SDCWA.

NOTE: The meeting was in recess
from 6:30 p.m. to 6:45 p.m.

16. CONSIDER INFORMATIONAL REPORT ON WATER SUPPLY CONDITIONS AND LONG-TERM WATER USE EFFICIENCY LEGISLATION

Administrative Analyst Jansen presented the informational report.

17. CONSIDER APPROVAL OF AN AGREEMENT WITH SUBRECIPIENTS OF THE TITLE XVI WATER RECLAMATION AND REUSE FISCAL YEAR 2021 GRANT AWARD FOR THE NORTH SAN DIEGO WATER REUSE COALITION REGIONAL RECYCLED WATER PROGRAM)

President Guerin moved to approve an agreement to establish responsibilities for North San Diego Water Reuse Coalition Regional Recycled Water Program grant subrecipients that will allow OMWD to perform in accordance with the terms of the Title XVI Fiscal Year 2021 grant agreement with the US Bureau of Reclamation, seconded by Director Watt, and approved by the following roll call vote:

AYES:	Directors Guerin, Hahn, Meyers, San Antonio, and Watt
NOES:	None
ABSTAIN:	None
ABSENT:	None

18. REVIEW GENERAL MANAGER'S DECLARATION OF THE 4S WATER RECLAMATION FACILITY WIRING AND CHEMICAL FEED EMERGENCY REPLACEMENT PROJECT AS AN EMERGENCY PROJECT IN ACCORDANCE WITH CALIFORNIA PUBLIC CONTRACT CODE SECTION 1102, INCLUDING APPROVAL OF A TIME AND MATERIAL CONSTRUCTION CONTRACT WITH SOUTHERN GENERAL CORPORATION FOR AN AMOUNT NOT TO EXCEED \$120,400, APPROPRIATE \$224,000 TO THE PROJECT BUDGET, AND AUTHORIZATION OF THE GENERAL MANAGER TO SIGN ON BEHALF OF THE DISTRICT, AND CONSIDER ADOPTION OF A RESOLUTION MAKING CEQA FINDINGS AND ORDERING THAT A NOTICE OF EXEMPTION BE FILED WITH THE COUNTY CLERK, COUNTY OF SAN DIEGO

Director Watt moved to review and affirm the General Manager's emergency declaration, including approval of a not-to-exceed, time and material construction contract with Southern General Corporation, and adopt Resolution 2023-01 which makes CEQA findings for declaration of the 4S Ranch Water Reclamation Facility Wiring and Chemical Feed Emergency Replacement Project as an Emergency Project exempt from CEQA, seconded by Director Hahn, and approved by the following roll call vote:

AYES: Directors Guerin, Hahn, Meyers, San Antonio, and Watt
NOES: None
ABSTAIN: None
ABSENT: None

19. CONSIDER NOMINATIONS FOR A REGULAR SPECIAL DISTRICT MEMBER FOR THE SAN DIEGO LOCAL AGENCY FORMATION COMMISSION

There was no board action taken.

20. INFORMATIONAL REPORTS

A. President’s Report

President Guerin did not have anything to report.

B. General Manager’s Report

General Manager Thorner reported that detachment will be heard at multiple San Diego LAFCO meetings. She also reported that the 4S Ranch Water Reclamation Facility won Plant of the Year – small category from San Diego Chapter of California Water Environment Association.

C. Consulting Engineer’s Report

Consulting Engineer MacFarlane’s written report was included in the board packet.

D. General Counsel’s Report

General Counsel Smith provided a written report that was included in the board packet.

E. San Diego County Water Authority (SDCWA) Report

General Manager Thorner reported that there was a special meeting to discuss the Claude “Bud” Lewis Carlsbad Desalination Plant. The SDCWA board authorized the General Manager to execute a water purchase agreement contract administration memorandum for the final phase of intake and discharge system modifications.

F. Legislative Report

The Legislative Report was included in the board packet.

G. Twelve Month Calendar/Other Meetings/Reports by Board Members Per AB 1234

H. **New Director Legal Briefing with General Counsel Meeting with the General Manager (Dec 19)**

Directors Hahn and San Antonio attended the briefing.

New Board Member Tour (Dec 20)

Directors Hahn and San Antonio attended the tour.

Festivus (Dec 21)

Director Watt attended the event.

Conference Call with the General Manager RE: Emergency Declaration (Jan 3)

President Guerin had a call with the General Manager.

Board Meeting Pre-Briefing (Jan 17)

President Guerin met with the General Manager.

Board Meeting Pre-Briefing (Jan 17)

Director Meyers met with the General Manager.

I. **Board Comments**

There were no board comments.

21. **CORRESPONDENCE**

Correspondence was provided in the board packet.

22. **AUTHORIZATION TO ATTEND UPCOMING MEETINGS / CONFERENCES / SEMINARS**

There were no meetings requiring authorization to attend.

23. **FUTURE AGENDA ITEMS**

There were no future agenda items added.

24. **CONSIDER PUBLIC COMMENTS**

There were no additional public comments.

25. ADJOURNMENT

President Guerin adjourned the meeting at 7:25 p.m.

Christy Guerin, President
Board of Directors
Olivenhain Municipal Water District

ATTEST:

Lawrence A. Watt, Secretary
Board of Directors
Olivenhain Municipal Water District