

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

JANUARY 19, 2022

A regular meeting of the Board of Directors of Olivenhain Municipal Water District was held on Wednesday, January 19, 2022 at the district office, 1966 Olivenhain Road, Encinitas, California in person and via video conference.

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

President Watt declared a quorum present and ordered the meeting to proceed. In attendance via video conference were Kimberly Thorner, General Manager; Alfred Smith, General Counsel; Joey Randall, Assistant General Manager; Rainy Selamat, Finance Manager; Jason Hubbard, Engineering Manager; John Carnegie, Customer Services Manager; Jennifer Joslin, Human Resources Manager; Geoff Fulks, Operations Manager; Brian Sodeman, Customer Service and Public Affairs Supervisor; Steve Weddle, Engineering Services Supervisor; Tim Schuette, Safety and Risk Compliance Administrator; Teresa Chase, Administrative Analyst; Joe Jansen, Administrative Analyst; Stephanie Kaufmann, Executive Secretary; Don MacFarlane, Consulting Engineer; Chris Chaffee from Redistricting Partners; and Doug Gillingham from Gillingham Water.

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

AYES:	Directors Bruce-Lane, Guerin, Meyers, Topolovac, and Watt
NOES:	None
ABSTAIN:	None
ABSENT:	None

6. ADOPTION OF AGENDA

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

AYES:	Directors Bruce-Lane, Guerin, Meyers, Topolovac, 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

2021 OMWD Awards Program Winners

* Al Bates – Volunteer of the Year (Follow Up from November Meeting)

Current Service Awards, Promotions, and Honorable Mentions

* Lindsay Taylor – Customer Service Representative I – New Hire – December

* Robert Kreutzer – Customer Service Representative I – New Hire – January

* Larry Watt – Board President – 10 years – January

The employees were welcomed and President Watt was congratulated on his years of service.

9. CONSIDER APPROVAL OF THE MINUTES OF THE DECEMBER 15, 2021 REGULAR BOARD OF DIRECTORS MEETING, MINUTES OF THE DECEMBER 15, 2021 ANNUAL BOARD OF DIRECTORS MEETING OF THE OMWD FINANCE CORPORATION, AND MINUTES OF THE DECEMBER 15, 2021 BOARD OF DIRECTORS MEETING OF THE OMWD FINANCING AUTHORITY (JOINT POWERS AUTHORITY)

Director Guerin moved to approve the minutes of the December 15, 2021 Regular Board of Directors meeting, minutes of the December 15, 2021 annual Board of Directors meetings of the Finance Corporation, and minutes of the December 15, 2021 Board of Directors meeting of the OMWD Financing Authority, seconded by Director Topolovac and approved by the following roll call vote:

AYES:	Directors Bruce-Lane, Guerin, Meyers, Topolovac, 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

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 A RESOLUTION APPROVING THE APPLICATION FOR GRANT FUNDS FROM THE RECREATIONAL TRAILS PROGRAM FOR THE ELFIN FOREST RECREATIONAL RESERVE OVERFLOW PARKING LOT EXPANSION PROJECT
- C-d CONSIDER A RESOLUTION APPROVING THE APPLICATION FOR GRANT FUNDS FROM THE LAND AND WATER CONSERVATION FUND
- C-e CONSIDER ACCEPTANCE OF THE BEACON FIRE DETECTOR CHECK INSTALL PROJECT (AP BEACON CARLSBAD, LP) INTO OMWD'S SYSTEM AND ORDER A NOTICE OF COMPLETION FILED
- C-f CONSIDER 2021 ANNUAL OBJECTIVES FINAL STATUS REPORT
- C-g CONSIDER APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT WITH CANYON HYDRO IN THE AMOUNT OF \$383,072 FOR THE DAVID C. MCCOLLOM WATER TREATMENT PLANT ENERGY RECOVERY TURBINE REHABILITATION PROJECT AND AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF THE DISTRICT

President Watt inquired about item C-g and the warranty length on the turbines. Operations Manager Fulks indicated the warranty on the turbines was 18 months when purchased in 2013. He also mentioned that the turbines contribute to a significant savings in electrical costs each year.

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

AYES:	Directors Bruce-Lane, Guerin, Meyers, Topolovac, and Watt
NOES:	None
ABSTAIN:	None
ABSENT:	None

- 11. CONSIDER ADOPTION OF A RESOLUTION OF THE BOARD OF DIRECTORS OF THE OLIVENHAIN MUNICIPAL WATER DISTRICT HONORING KIMBERLY A. THORNER FOR 25 YEARS OF DEDICATED SERVICE

Director Guerin moved to adopt Resolution 2022-01, seconded by President Watt and approved by the following roll call vote:

AYES:	Directors Bruce-Lane, Guerin, Meyers, Topolovac, and Watt
NOES:	None
ABSTAIN:	None
ABSENT:	None

12. CONSIDER A PRESENTATION ON THE SAN DIEGUITO VALLEY BRACKISH GROUND WATER DESALINATION PROJECT ECONOMIC FEASIBILITY CONSIDERATIONS (INFORMATIONAL REPORT)

Assistant General Manager Randall, Consulting Engineer MacFarlane, and consultant Doug Gillingham presented the informational report.

13. CONSIDER SUMMARY OF FUNDING PURSUITS FOR ELFIN FOREST RECREATIONAL RESERVE OVERFLOW PARKING LOT EXPANSION PROJECT (INFORMATIONAL REPORT)

Park Supervisor Anderson presented the informational report.

14. CONSIDER ADOPTION OF AN ORDINANCE AMENDING THE OLIVENHAIN MUNICIPAL WATER DISTRICT'S ADMINISTRATIVE AND ETHICS CODE (ARTICLE 5 – WORKING HOURS, EMPLOYEE BENEFITS)

Upon motion by President Watt and a second by Director Topolovac, Ordinance 498 was adopted by the following roll call vote:

AYES:	Directors Bruce-Lane, Guerin, Meyers, Topolovac, and Watt
NOES:	None
ABSTAIN:	None
ABSENT:	None

15. CONSIDER CONTINUATION OF SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY (SDRMA) FOR WORKERS' COMPENSATION INSURANCE

Safety and Risk Compliance Administrator Schuette presented the report.

President Watt moved to continue the workers' compensation program with SDRMA, seconded by Director Bruce-Lane and approved by the following roll call vote:

AYES:	Directors Bruce-Lane, Guerin, Meyers, Topolovac, and Watt
NOES:	None
ABSTAIN:	None
ABSENT:	None

16. CONSIDER AWARD OF A CONTRACT WITH ORION CONSTRUCTION CORPORATION IN THE AMOUNT OF \$177,000 FOR THE CONSTRUCTION OF THE LONE JACK PRESSURE REDUCING STATION REPLACEMENT PROJECT AND AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF OMWD

Director Meyers moved to approve a contract with Orion Construction Corporation in the amount of \$177,000 for construction of the Lone Jack Pressure Reducing Station

Replacement Project and authorize the General Manager to sign on behalf of OMWD, seconded by Director Guerin and approved by the following roll call vote:

AYES:	Directors Bruce-Lane, Guerin, Meyers, Topolovac, and Watt
NOES:	None
ABSTAIN:	None
ABSENT:	None

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

Administrative Analyst Jansen presented the informational report.

18. CONSIDER DRAFT ANNUAL OBJECTIVES AND INCENTIVE PAY FOR CALENDAR YEAR 2022

General Manager Thorner and Staff Analyst Chase reviewed this item and requested board input. The final annual objectives will be included on the February 16, 2022 consent calendar.

There was board consensus to make minor edits to the following draft annual objectives:

Objective 3 - Partner with Asterra on satellite leak detection program and present findings to Facilities Committee.

Objective 28 - Investigate cost/benefit alternatives for photovoltaic systems at Elfin Forest Interpretive Center Honoring Susan J. Varty to meet year-round power demands; submit a project for consideration in fiscal year 2023 budget.

There was board consensus to add the following objectives for calendar year 2022:

Employee Relations - In coordination with local law enforcement, conduct active shooter training education/drills.

Cost Efficiency/Customer Service - Review current and potential cost-sharing and/or resource-sharing opportunities with other local agencies with a board committee.

Cost Efficiency/Customer Service - Add a minimum of 500 households to the My Water Use portal.

Community Relations - Explore outreach efforts to increase customer e-newsletter participation by 500 subscribers.

Discharge Permit for 4S Plant - Continue to work with SWRCB on options/potential for a 4SWRF discharge permit and report findings to Facilities Committee by December 2022.

Update Webpage - Update webpage to enhance user experience, including making the encroachment permit process and rebate programs more easily accessible.

Director Topolovac moved to approve a maximum potential amount of incentive pay of \$7,200 for the General Manager for CY 2022, to be reviewed and determined by the board at the November 2022 board meeting, seconded by Director Guerin and approved by the following roll call vote:

AYES:	Directors Bruce-Lane, Guerin, Meyers, Topolovac, and Watt
NOES:	None
ABSTAIN:	None
ABSENT:	None

19. CONSIDER UPDATE ON THE COVID-19 EMERGENCY DECLARATION

General Manager Thorner provided the informational report.

20. PUBLIC HEARING TO CONSIDER ADJUSTMENTS TO OLIVENHAIN MUNICIPAL WATER DISTRICT'S DIRECTOR DIVISION BOUNDARIES (5:30 P.M.)

President Watt announced that this was the time and place for Public Hearing #2 to consider adjustments to Olivenhain Municipal Water District's director division boundaries.

General Manager Thorner stated that the notice of public hearing was published in the San Diego Union Tribune on Wednesday, January 5, 2022 and Wednesday, January 12, 2022. OMWD coordinated with Redistricting Partners to assist in the redistricting process. California Elections Code Section 22000 requires special districts to adjust their division boundaries by a resolution after each federal decennial census. Using the census as the basis, special districts are to adjust the boundaries of the director divisions so that the divisions are as equal in population as possible. Although only one public hearing is required by law, OMWD chose to hold three public hearings at the December 15, 2022, January 19, 2022, and February 16, 2022 board meetings. A resolution will be presented to the board for consideration after the February 16, 2022 public hearing to approve the final division boundaries by the April 17, 2022 deadline.

There were not any members of the public in attendance who wished to speak and there were no comments received from the public.

President Watt announced that the Public Hearing was closed and reconvened the meeting of the Board of Directors.

Chris Chaffee from Redistricting Partners presented a report on potential plans.

Directors Guerin and Meyers expressed support for Draft Plan C.

President Watt indicated that he made edits to Divisions 2, 3, and 5 on Draft Plans B and C to avoid the splitting of HOAs and streets into different boundaries.

There was board consensus to have President Watt submit his proposed changes to Draft Plans B and C to staff to distribute to Redistricting Partners. These edits will be made and brought back to the February 16 Public Hearing as Draft Plans D and E with updated deviation and population numbers. Draft Plans D and E will be sent to the board and posted on the redistricting webpage prior to the Public Hearing.

21. REVIEW OF GENERAL MANAGER’S DECLARATION OF THE CIRCO DIEGUENO COURT LEAK REPAIR PROJECT AS AN EMERGENCY PROJECT IN ACCORDANCE WITH CALIFORNIA PUBLIC CONTRACT CODE SECTION 1102, INCLUDING APPROVAL OF A TIME AND MATERIAL CONSTRUCTION CONTRACT WITH C.E. WILSON CORPORATION FOR AN AMOUNT NOT TO EXCEED \$150,000, APPROPRIATE \$215,000 TO THE PROJECT BUDGET FROM THE PIPELINE REPLACEMENT PROJECT BUDGET, AND AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF THE DISTRICT, AND CONSIDER ADOPTION OF A RESOLUTION MAKING CEQA FINDINGS AND ORDERING A NOTICE OF EXEMPTION BE FILED WITH THE SAN DIEGO COUNTY CLERK

Director Guerin moved to affirm the General Manager’s emergency declaration of the Circo Diegueno Court Leak Repair Project as an emergency project, approve a time and material construction contract with C.E. Wilson Corporation for an amount not to exceed \$150,000, appropriate \$215,000 to the project budget from the pipeline replacement project budget, authorize the General Manager to sign on behalf of the district, adopt a resolution making CEQA findings, and order a Notice of Exemption be filed with the San Diego County Clerk, seconded by Director Topolovac and approved by the following roll call vote:

AYES:	Directors Bruce-Lane, Guerin, Meyers, Topolovac, and Watt
NOES:	None
ABSTAIN:	None
ABSENT:	None

22. INFORMATIONAL REPORTS

- A. President’s Report

President Watt reported that Item 22 G. under Informational Reports will now include board comments.

- B. General Manager’s Report

General Manager Thorner’s report was included in the board packet.

C. Consulting Engineer’s Report

Consulting Engineer MacFarlane’s written report was distributed to the board.

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 Report

General Manager Thorner reported that the General Counsel recruitment process underway and that she will be serving on the Financial Strategy Work Group.

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 / Board Comments

Safety Committee Meeting (Dec 22)

Directors Meyers and Topolovac attended the committee meeting.

Conference Call with the General Manager - Board Meeting Debrief (Dec 22)

President Watt had a call with the General Manager.

AB 1234 – Ethics Training Due (Dec 27)

President Watt completed his training.

Conference Call with the General Manager - COVID Issues (Jan 6)

President Watt had a call with the General Manager.

Conference Call with the General Manager - AB 361 Issues (Jan 8)

President Watt had a call with the General Manager.

Conference Call with the General Manager - Board Meeting (Jan 10)

President Watt had a call with the General Manager.

23. CORRESPONDENCE

Correspondence was provided in the board packet.

24. AUTHORIZATION TO ATTEND UPCOMING MEETINGS / CONFERENCES / SEMINARS

There were no meetings requiring authorization to attend.

25. FUTURE AGENDA ITEMS

No future agenda items were requested.

26. CONSIDER PUBLIC COMMENTS

There were no public comments.

NOTE: The meeting was in closed session
from 6:30 p.m. to 6:37 p.m.

27. CLOSED SESSION

- A) CONSIDER CLAIM – HILLSIDE PATIO HOMES HOA [PURSUANT TO GOVERNMENT CODE SECTION 54956.9] • Additional Facts: Claim received on August 17, 2020. Claim rejected on September 9, 2020.
- B) CONSIDER LITIGATION – LYNXT ENTERPRISES, LLC VS. PARS SORRENTO VALLEY SCIENCE PARK 1, LP [PURSUANT TO GOVERNMENT CODE SECTION 54956.9] • Additional Facts: OMWD was served a complaint as a nominal defendant.
- C) CONSIDER LITIGATION – OLIVENHAIN MUNICIPAL WATER DISTRICT VS. GEOMAT TESTING LABORATORIES, INC., ET AL. [PURSUANT TO GOVERNMENT CODE SECTION 54956.9]

28. OPEN SESSION

There were no reportable actions from closed session.

29. ADJOURNMENT

President Watt adjourned the meeting at 6:39 p.m.

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

ATTEST:

Robert F. Topolovac, Secretary
Board of Directors
Olivenhain Municipal Water District