

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

FEBRUARY 12, 2020

A regular meeting of the Board of Directors of Olivenhain Municipal Water District was held on Wednesday, February 12, 2020 at the district office, 1966 Olivenhain Road, Encinitas, California.

Vice President Topolovac 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, Kephart, Topolovac, and Watt. It was noted that President Sprague was absent.

Vice President Topolovac 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; Rainy Selamat, Finance Manager; Jason Hubbard, Engineering Manager; John Carnegie, Customer Services Manager; and Stephanie Kaufmann, Executive Secretary.

Also in attendance were Consulting Engineer Don MacFarlane, Engineering Consultant George Briest, district employees Brian Sodeman – Customer Service and Public Affairs Supervisor; Don Hussey – Systems Operations Supervisor; Erik Harp – Telemetry & IT Supervisor; Steven Weddle – Engineering Supervisor; John Onkka – Water Reclamation Facilities Supervisor; Karen Ogawa – Engineering Project Administrator; and Shawn Patterson – Department Assistant.

5. ADOPTION OF AGENDA

Director Kephart moved to adopt the agenda, seconded by Director Guerin and carried unanimously with President Sprague absent.

6. PERSONAL APPEARANCES AND PUBLIC COMMENTS

There were no personal appearances or public comments.

7. PRESENTATION OF AWARDS AND HONORABLE MENTIONS

- * California Water Environment Association Outreach Award
- * California Water Environment Association Mechanical Technician of the Year – Dominic Brunozzi
- * Mike Salazar – Systems Operator II – GYO Promotion
- * Bryan Rickards – Systems Operator I – GYO Promotion
- * Marcus Barard – Cathodic Protection Technician – Promotion

- * Evan DeWindt – WTP Operator IV – 10 years

The employees were welcomed and congratulated by all in attendance.

8. CONSIDER APPROVAL OF THE MINUTES OF THE JANUARY 15, 2020 REGULAR BOARD OF DIRECTORS MEETING

Director Watt moved to approve the January 15, 2020 Regular Board of Directors meeting minutes, seconded by Director Kephart and carried unanimously with President Sprague absent.

9. 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 STATEMENTS OF NET POSITION, CONSOLIDATED STATEMENTS OF REVENUES, EXPENSES, AND CHANGES IN NET POSITION, CONSOLIDATED STATEMENT OF CASH FLOWS, CONSOLIDATED ACTUAL VS BUDGET SUMMARY, AND CONSTRUCTION IN PROGRESS REPORTS
- C-d CONSIDER APPROVAL OF GRANT OF RIGHT OF WAY EASEMENTS OVER DISTRICT-OWNED PARCELS APN 264-591-12-00 AND 264-591-13-00 TO BENEFIT APN 223-081-04-00, 223-081-05-00, 223-082-23-00, AND 223-082-04-00 (GATY PARCELS) AND ORDER THE EASEMENTS BE RECORDED
- C-e CONSIDER ACCEPTANCE OF THE 18568 CALLE FLORES FIRE SERVICE INSTALL PROJECT (MICHAEL WRIGHT) INTO THE DISTRICT'S SYSTEM AND ORDER A NOTICE OF COMPLETION FILED
- C-f CONSIDER APPROVAL OF PRIVATE ENCROACHMENT PERMIT NO. 394 FOR 1330 DESERT ROSE WAY (KRISTEN ENLOE LYONS) AND ORDER THE PERMIT BE RECORDED
- C-g CONSIDER ACCEPTANCE OF THE UNIT B PIPELINE EMERGENCY REPAIR PROJECT (CASS ARRIETA) INTO THE DISTRICT'S SYSTEM AND ORDER A NOTICE OF COMPLETION FILED
- C-h CONSIDER FINALIZING THE ANNUAL OBJECTIVES FOR CALENDAR YEAR 2020

- C-i CONSIDER A RESOLUTION AUTHORIZING THE APPLICATION FOR FUNDING FROM THE UNITED STATES BUREAU OF RECLAMATION’S “WATERSMART GRANTS: SMALL-SCALE WATER EFFICIENCY PROJECTS” PROGRAM AND AUTHORIZING THE EXECUTION OF A GRANT AGREEMENT WITH THE UNITED STATES BUREAU OF RECLAMATION
- C-j CONSIDER NOMINATIONS FOR THE CALIFORNIA SPECIAL DISTRICTS ASSOCIATION BOARD OF DIRECTORS

Vice President Topolovac pulled item C-c from the Consent Calendar.

Director Watt moved to authorize the Consent Calendar items with the exception of item C-c, seconded by Director Guerin and carried unanimously with President Sprague absent.

- C-c CONSIDER APPROVAL OF A CONTRACT WITH JMD LANDSCAPE, INC IN THE AMOUNT OF \$309,794.30 FOR THE 4S RANCH WATER RECLAMATION FACILITY OVERFLOW STORAGE POND LANDSCAPE REHABILITATION PROJECT AND AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF THE DISTRICT

General Manager Thorner, Engineering Manager Hubbard, and Engineering Supervisor Weddle clarified that all three bids had either a bidding error or an inconsistency and that staff correctly calculated all bids. It was also noted that the pond landscape rehabilitation site is in a highly visible location that consists of seven acres (seventeen acres including the pond) with encroaching plant species, irrigation issues, and aging landscape.

Director Topolovac moved to approve consent item C-c, seconded by Director Kephart and carried unanimously with President Sprague absent.

- 10. CONSIDER APPROVAL OF A CONTRACT WITH HENKELS & MCCOY, INC. IN THE AMOUNT OF \$112,459 FOR THE LUSARDI CANYON CATHODIC PROTECTION UPGRADES PROJECT AND AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF THE DISTRICT

Director Kephart moved to approve a contract with Henkels & McCoy, Inc. in the amount of \$112,459 for the Lusardi Canyon Cathodic Protection Upgrades project and authorize the General Manager to sign on behalf of the District, seconded by Director Guerin and carried unanimously with President Sprague absent.

- 11. CONSIDER A STATUS UPDATE TO THE NEW AND REMODELED OPERATIONS AND ADMINISTRATION FACILITIES PROJECT

Engineering Manager Hubbard presented the informational report.

12. CONSIDER APPROVAL OF CONSULTANT CHANGE ORDER NO. 1 WITH SCHNEIDER CM FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE DISTRICT HEADQUARTERS NEW AND REMODELED OPERATIONS AND ADMINISTRATIVE FACILITIES PROJECT IN THE AMOUNT OF \$129,986 AND AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF THE DISTRICT

Director Guerin moved to approve Consultant Change Order No. 1 with Schneider CM in the amount of \$129,986 and authorize the General Manager to sign on behalf of the District, seconded by Director Kephart and carried unanimously with President Sprague absent.

13. CONSIDER UPDATE ON ELFIN FOREST RECREATIONAL RESERVE (INFORMATIONAL ITEM)

Parks Supervisor Anderson presented the informational report.

14. CONSIDER ADOPTION OF AN ORDINANCE AMENDING OLIVENHAIN MUNICIPAL WATER DISTRICT'S ADMINSTRATIVE AND ETHICS CODE (Article 26 – Regulations of the Elfin Forest Recreational Reserve and Other District Parks)

Upon motion by Director Watt and a second by Director Kephart, Ordinance 474 was adopted by the following roll call vote:

AYES: Directors Guerin, Kephart, Topolovac, and Watt
NOES: None
ABSTAIN: None
ABSENT: Sprague

15. CONSIDER PROPOSED MID-YEAR ADJUSTMENTS TO OLIVENHAIN MUNICIPAL WATER DISTRICT'S OPERATING AND CAPITAL BUDGET FOR FISCAL YEAR 2019-2020

Finance Manager Selamat presented the mid-year budget review.

Director Watt moved to approve staff-proposed changes to the fiscal year 2019-2020 operating and capital budget, seconded by Director Topolovac and carried unanimously with President Sprague absent.

16. CONSIDER INFORMATIONAL REPORT ON CONSERVATION LEGISLATION

Customer Service and Public Affairs Supervisor Sodeman presented the informational report.

17. REVIEW OF GENERAL MANAGER'S DECLARATION OF THE RANCHO SANTA FE ROAD PIPELINE CONDITION ASSESSMENT REPAIR PROJECT AS AN EMERGENCY PROJECT IN ACCORDANCE WITH CALIFORNIA PUBLIC CONTRACT CODE SECTION 1102, INCLUDING

APPROVAL OF A CONSTRUCTION CONTRACT CHANGE ORDER WITH CE WILSON IN THE AMOUNT OF \$85,000 FOR REPAIR OF THE PIPELINE AND A \$155,000 PROJECT BUDGET APPROPRIATION AND AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF THE DISTRICT

Director Watt moved to approve a construction contract change order with CE Wilson in the amount of \$85,000 for the pipeline repair, appropriate \$155,000 to the project budget, and authorize the General Manager to sign on behalf of the District, seconded by Director Guerin and carried unanimously with President Sprague absent.

NOTE: The meeting was in recess
from 6:25 p.m. to 6:51 p.m.

18. INFORMATIONAL REPORTS

A. President's Report

President Sprague was not present.

B. General Manager's Report

General Manager Thorner reported the Operations Manager interview schedule.

C. Consulting Engineer's Report

Consulting Engineer MacFarlane's written report was provided to the board at the meeting.

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

Director Guerin provided an update on the Rainbow/FPUD detachment and the MWD litigation.

F. Legislative Report

There was not a Legislative Report this meeting.

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

AB 1234 Ethics Training (Jan 20)

Director Guerin completed the training.

OMWD Luncheon (Jan 23)

Directors Kephart, Sprague, and Topolovac attended the luncheon.

San Diego Section CWEA Awards Banquet (Jan 25)

Director Kephart attend the event.

CWA Comment Meeting (Jan 29)

Director Guerin discussed CWA comments with the General Manager.

Finance Committee Meeting (Feb 3)

Directors Sprague and Watt attended the committee meeting.

19. CORRESPONDENCE

Correspondence was provided in the board packet.

20. AUTHORIZATION TO ATTEND UPCOMING MEETINGS / CONFERENCES / SEMINARS

There were no meetings requiring authorization to attend.

21. FUTURE AGENDA ITEMS

No future agenda items were requested.

22. CONSIDER PUBLIC COMMENTS

There were no public comments.

NOTE: The meeting was in closed session
from 7:01 p.m. to 7:09 p.m.

23. CLOSED SESSION

- A) 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.

- B) CONSIDER LITIGATION – SAN DIEGO GAS & ELECTRIC COMPANY VS. SC VALLEY ENGINEERING, INC; OMWD [PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1)]

24. OPEN SESSION

There was no reportable action from closed session.

25. ADJOURNMENT

Vice President Topolovac adjourned the meeting at 7:09 p.m.

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

ATTEST:

Robert M. Kephart, Secretary
Board of Directors
Olivenhain Municipal Water District`