

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

February 21, 2024

A regular meeting of the Board of Directors of Olivenhain Municipal Water District was held on Wednesday, February 21, 2024, at the district office, 1966 Olivenhain Road, Encinitas, California.

Vice President Hahn called the meeting to order at 4:00 p.m. Following the Pledge of Allegiance, the Assistant Secretary called the roll. Directors present were Hahn, Meyers, San Antonio, and Watt. It was noted that President Guerin was absent.

Vice President Hahn 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; John Carnegie, Customer Services Manager; Jennifer Joslin, Human Resources Manager; Lindsey Stephenson, Engineering Manager; Jesse Bartlett-May, Operations Manager; Leo Mendez, Accounting Supervisor; Teresa Chase, Administrative Analyst; Don MacFarlane, Consulting Engineer; Stephanie Kaufmann, Executive Secretary; Robert Kreutzer, Department Assistant; Tim Schuette, Safety and Risk Compliance Administrator; Sudhir Pardiwala and John Wright from Raftelis; and Adrienne Beatty, ACWA JPIA CEO, and Jennifer Jobe, Director of Pooled Programs at ACWA JPIA.

5. ADOPTION OF AGENDA

Director Watt moved to adopt the agenda, seconded by Director Meyers, and approved unanimously.

6. PERSONAL APPEARANCES AND PUBLIC COMMENTS

There were no personal appearances or public comments.

7. PRESENTATION OF AWARDS AND HONORABLE MENTIONS

Current Service Awards, Promotions, and Honorable Mentions

- * Tiger Team/A Better Way Award – WTP Strainer Fabrication – George Lomeli
- * National Blood Donor Month Proclamation from City of Encinitas

Water Treatment Facilities Supervisor DeWindt and Water Treatment Plant Operator III Lomeli presented on the idea for the Better Way Award.

As blood drive coordinators, Park Supervisor Anderson, Systems Operator III Calm, and Administrative Analyst Colombo presented the proclamation. The board thanked the group for all of their efforts.

8. CONSIDER APPROVAL OF THE MINUTES OF THE JANUARY 17, 2024, REGULAR BOARD OF DIRECTORS MEETING

Director Watt moved to approve the minutes of the January 17, 2024 Regular Board of Directors meeting, seconded by Director San Antonio, and approved unanimously.

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 REPORTS
- 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 REPORTS
- C-c CONSIDER ADOPTION OF A RESOLUTION HONORING LAKESIDE WATER DISTRICT'S 100-YEAR ANNIVERSARY
- C-d CONSIDER ADOPTION OF A RESOLUTION PROCLAIMING MAY 2024 AS WATER AWARENESS MONTH, MAY 5-11, 2024 AS NATIONAL DRINKING WATER WEEK, AND MAY 19-25, 2024 AS NATIONAL PUBLIC WORKS WEEK
- C-e CONSIDER ACCEPTANCE OF THE VALVE REPLACEMENT EXCAVATION AND PAVING SUPPORT SERVICES PROJECT FOR FY 2022-2023 AND THE RANCHO CIELO SEWER PUMP STATION FLOW METER INSTALLATION PROJECT (C.E. WILSON CORPORATION) INTO OMWD'S SYSTEM AND ORDER NOTICES OF COMPLETION FILED
- C-g CONSIDER ACCEPTANCE OF THE SIETE LEGUAS MAIN EXTENSION 1B (TECHBILT, INC.) INTO OMWD'S SYSTEM AND ORDER A NOTICE OF COMPLETION FILED
- C-h CONSIDER ACCEPTANCE OF THE LUSARDI PHASE III CATHODIC PROTECTION REPLACEMENT PROJECT INTO OMWD'S SYSTEM AND ORDER A NOTICE OF COMPLETION FILED
- C-i CONSIDER APPROVAL OF PRIVATE ENCROACHMENT PERMIT NO. 426 FOR THE DONALD D. ADAIR REVOCABLE TRUST TO INSTALL TWO GATES WITHIN EASEMENT 1704 LOCATED AT 16798 CALLE HERMOSA AND ORDER THE PERMIT BE RECORDED
- C-j CONSIDER APPROVAL OF PRIVATE ENCROACHMENT PERMIT NO. 426 FOR THE DONALD D. ADAIR REVOCABLE TRUST TO INSTALL TWO GATES WITHIN EASEMENT 1704 LOCATED AT 16798 CALLE HERMOSA AND ORDER THE PERMIT BE RECORDED

- C-k CONSIDER ADOPTION OF A RESOLUTION OF THE BOARD OF DIRECTORS OF THE OLIVENHAIN MUNICIPAL WATER DISTRICT DESIGNATING DEPOSITORIES AND AUTHORIZING INVESTMENTS FOR THE MONEY OF THE DISTRICT AND DESIGNATING THE SIGNATORIES FOR THE MANAGEMENT OF THE DISTRICT DEPOSITS AND RESCINDING RESOLUTION 2023-02

- C-l CONSIDER ADOPTION OF A RESOLUTION MAKING CEQA EXEMPTION FINDINGS FOR THE WATER RATE INCREASES, DEMAND REDUCTION RATE ADJUSTMENTS, AND RATE REIMBURSEMENT CREDITS AND ORDERING A NOTICE OF EXEMPTION BE FILED WITH THE COUNTY CLERK OF THE COUNTY OF SAN DIEGO AND THE STATE CLEARINGHOUSE

- C-m CONSIDER APPROVAL OF THE THIRTEENTH AMENDMENT TO THE CONSULTING PROFESSIONAL SERVICES AGREEMENT WITH BLUEWATER STRATEGIES LLC FOR LEGISLATIVE OUTREACH SERVICES PERTAINING TO NORTH SAN DIEGO WATER REUSE COALITION PROJECTS

Director Watt requested to pull item C-f from the Consent Calendar.

Director Watt moved to approve the Consent Calendar with the exception of item C-f, seconded by Director San Antonio, and approved unanimously.

- C-f PROVIDE UPDATE ON THE RANCHO SANTA FE ROAD EMERGENCY LEAK REPAIR PROJECT AS AN EMERGENCY PROJECT IN ACCORDANCE WITH CALIFORNIA PUBLIC CONTRACT CODE SECTION 1102

Director Watt asked about the paving timeline on the Rancho Santa Fe Road Emergency Leak Repair Project. Operations Supervisor Bartlett-May provided an update to the board.

Director Watt moved to approve Consent Calendar item C-f, seconded by Director Hahn, and approved unanimously.

- 10. CONSIDER AN INFORMATIONAL REPORT FROM ACWA JPIA'S CHIEF EXECUTIVE OFFICER AND CONSIDER A RESOLUTION IMPLEMENTING ACWA JPIA'S COMMITMENT TO EXCELLENCE PROGRAM

Adrienne Beatty from ACWA JPIA presented an informational report. Customer Services Manager Carnegie presented the resolution for the Commitment to Excellence Program.

Director Watt moved to adopt Resolution 2024-06, seconded by Director Meyers, and approved unanimously.

- 11. CONSIDER PRELIMINARY WASTEWATER RATE AND CHARGE INCREASES BASED ON 2023 WASTEWATER RATE STUDY RESULTS (WORKSHOP)

Finance Manager Selamat, Sudhir Pardiwala, and John Wright from Raftelis presented the draft report. This item will be presented for final approval at the March board meeting.

12. CONSIDER APPROVAL OF ANNUAL OBJECTIVES AND INCENTIVE PAY FOR CALENDAR YEAR 2024

Administrative Analyst Chase presented the report.

Director Watt requested additional language to goal 62 to include project schedule updates and key decision dates on the San Dieguito Valley Brackish Groundwater Project.

Director Meyers moved to approve the annual objectives to include the additional language to goal 62, and to approve a maximum potential amount of incentive pay of \$7,596 for the General Manager for CY 2024, to be reviewed and determined by the board at the November 2024 board meeting, seconded by Director Watt, and approved unanimously.

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

Park Supervisor Anderson presented the informational report.

14. CONSIDER APPROVAL OF CHANGE ORDER NO. 6 WITH ORION CONSTRUCTION CORPORATION FOR \$72,070.82 FOR THE 4S RANCH NEIGHBORHOOD 1 SEWER PUMP STATION REPLACEMENT PROJECT, AND AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF OMWD

Engineering Services Supervisor Weddle presented the report.

Director San Antonio moved to approve Contract Change Order No. 6 for the 4S Ranch Neighborhood 1 Sewer Pump Station Replacement Project with Orion Construction Corporation in the amount of \$72,070.82 and to authorize the General Manager to sign on behalf of Olivenhain Municipal Water District, seconded by Director Hahn, and carried unanimously.

15. INFORMATIONAL REPORTS

A. President's Report

Director Guerin was not present this meeting.

B. General Manager's Report

General Manager Thorner provided a written report in addition to providing an update on the SDCWA stakeholders meeting of the Municipal Service Review.

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

SDCWA representative Meyers provided an update on the Metropolitan Water District board meeting.

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

ACWA Region 10 Meeting (Jan 22)

Director Meyers attended the meeting.

Safety Committee Meeting (Jan 24)

Directors Hahn and Meyers attended the meeting.

AB 1825 Harassment Training (Jan 27)

Director Watt completed the training.

AB 1234 Ethics Training (Jan 29)

Director Watt completed the training.

Meeting with Director Watt RE: Finance Pre-Brief and OMWD (Feb 5)

Director Watt met with the General Manager.

Finance Committee Meeting (Feb 7)

Directors Meyers and Watt attended the meeting.

Conference Call RE: Guidance on Upcoming Legislative Tours (Feb 13)

President Guerin had a call with the General Manager.

Conference Call with Director Meyers RE: MWD and Board Meeting (Feb 15)

Director Meyers had a call with the General Manager.

Board Meeting Pre-Briefing (Feb 20)

Director Watt met with the General Manager.

Board Meeting Pre-Briefing (Feb 20)

Director Hahn met with the General Manager.

H. **Board Comments**

There were no board comments.

16. **CORRESPONDENCE**

Correspondence was provided in the board packet.

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

There were no meetings requiring authorization to attend.

18. **FUTURE AGENDA ITEMS**

There were no future agenda items added.

19. **CONSIDER PUBLIC COMMENTS**

There were no additional public comments.

NOTE: The meeting was in Recess
from 6:44 p.m. to 6:57 p.m.

NOTE: The meeting was in Closed Session
from 6:57 p.m. to 7:21 p.m.

20. **CLOSED SESSION**

A) **CONSIDER LITIGATION – OLIVENHAIN MUNICIPAL WATER DISTRICT v. COUNTY OF SAN DIEGO [PURSUANT TO GOVERNMENT CODE SECTION 54956.9]**

- B) CONSIDER LITIGATION – STANLEY D. JONES ET AL. VS. OLIVENHAIN MUNICIPAL WATER DISTRICT [PURSUANT TO GOVERNMENT CODE SECTION 54956.9] • Additional Facts: Served December 15, 2023.
- C) 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.

21. OPEN SESSION

General Counsel Smith provided an update from closed session that the district agreed to a settlement and release agreement with Lynxt Enterprises, LLC and PARS Sorrento Valley Science Park 1, LP.

22. ADJOURNMENT

Vice President Hahn adjourned the meeting at 7:23 p.m.

Matthew R. Hahn, Vice President
Board of Directors
Olivenhain Municipal Water District

ATTEST:

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