

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

March 15, 2023

A regular meeting of the Board of Directors of Olivenhain Municipal Water District was held on Wednesday, March 15, 2023, at the district office, 1966 Olivenhain Road, Encinitas, California.

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.

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; John Carnegie, Customer Services Manager; Jennifer Joslin, Human Resources Manager; Geoff Fulks, Operations Manager; Rainy Selamat, Finance Manager; Lindsey Stephenson, Engineering Manager; Steve Weddle, Engineering Services Supervisor; Mark Wilson, Operations Supervisor; John Onkka, Water Reclamation Facilities Supervisor; Stephanie Kaufmann, Executive Secretary; and Don MacFarlane, Consulting Engineer.

5. ADOPTION OF AGENDA

Director Watt moved to adopt the agenda, seconded by Director Hahn, 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

*Jeff Fuchs – Utility III – Promotion – February

*Adam Calm – Systems Operator III – 20 Years – March

*Phillip Reed – Water Treatment Plant Operator II – 10 Years – March

*California Water Environment Association’s San Diego Section 2022 Plant of the Year (Small) Award – 4S Ranch Water Reclamation Facility

All employees were recognized and congratulated for their excellent contributions and years of service.

8. A) CONSIDER APPROVAL OF THE MINUTES OF THE JANUARY 18, 2023, REGULAR BOARD OF DIRECTORS MEETING

Director Meyers moved to approve the minutes of the January 18, 2023, Regular Board of Directors meeting, seconded by Director Hahn, and carried unanimously.

B) CONSIDER APPROVAL OF THE MINUTES OF THE FEBRUARY 15, 2023, REGULAR BOARD OF DIRECTORS MEETING

Director Meyers moved to approve the minutes of the February 15, 2023, Regular Board of Directors meeting, seconded by President Guerin, and carried 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 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 ADOPTION OF A RESOLUTION PROCLAIMING MAY 2023 AS WATER AWARENESS MONTH, MAY 7-13, 2023 AS NATIONAL DRINKING WATER WEEK, AND MAY 21-27, 2023 AS NATIONAL PUBLIC WORKS WEEK
- C-d PROVIDE UPDATE ON 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, AND TO INFORM THE BOARD OF THE GENERAL MANAGER'S APPROVAL OF CONTRACT CHANGE ORGER NO. 1 IN THE AMOUNT OF \$6,700 WITH JENNETTE COMPANY
- C-e CONSIDER ACCEPTANCE OF THE OLIVENHAIN MUNICIPAL WATER DISTRICT LANDSCAPE HEADQUARTERS COURTYARD PROJECT INTO OMWD'S SYSTEM AND ORDER A NOTICE OF COMPLETION FILED
- C-f CONSIDER ACCEPTANCE OF THE LUSARDI PHASE II CATHODIC PROTECTION REPLACEMENT PROJECT INTO OMWD'S SYSTEM AND ORDER A NOTICE OF COMPLETION FILED
- C-g CONSIDER ACCEPTANCE OF THE 4255 COLONY TERRACE WATER SERVICE INSTALL (TIM MILLIGAN) INTO OMWD'S SYSTEM AND ORDER A NOTICE OF COMPLETION FILED
- C-h CONSIDER ACCEPTANCE OF THE 16969 DOVE CANYON ROAD FIRE HYDRANT INSTALL (KA-MAO, LLC.) INTO OMWD'S SYSTEM AND ORDER A NOTICE OF COMPLETION FILED

Director Hahn requested to pull item C-a from the Consent Calendar.

President Guerin moved to authorize Consent Calendar items C-b through C-h, seconded by Director Watt, and carried unanimously.

Director Hahn inquired about several expenses on item C-a. Staff answered his questions and provided background of the expenses.

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

10. CONSIDER ACCEPTANCE OF THE MANCHESTER AVENUE AND SOUTH EL CAMINO REAL RECYCLED WATER PIPELINES PROJECT INTO OMWD'S SYSTEM AND ORDER A NOTICE OF COMPLETION FILED, AND APPROVE DEDUCTIVE CLOSE-OUT CONTRACT CHANGE ORDER NO. 3

Engineering Manager Stephenson presented the report.

Director Watt moved to accept the Manchester Avenue and South El Camino Real Recycled Water Pipelines Project into OMWD's system and authorize the filing of a Notice of Completion with the San Diego County Recorder, seconded by Director San Antonio, and carried unanimously.

11. CONSIDER AWARD OF A CONTRACT WITH ANGUS ASPHALT INC. IN THE AMOUNT OF \$406,836 FOR THE AC AND CONCRETE PAVING MAINTENANCE AND SWPPP DRAINAGE IMPROVEMENT PROJECT, TRANSFER \$200,000 FROM CAPITAL RESERVE FUND, AND AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF OMWD

Engineering Services Supervisor Weddle presented the report.

Director Watt moved to approve a contract with Angus Asphalt Inc. in the amount of \$406,836 for the construction of the Asphalt Concrete and Concrete Paving Maintenance and Storm Water Pollution Prevention Plan Drainage Improvement Project, to approve a transfer from the Capital Reserve Fund, and authorize the General Manager to sign on behalf of OMWD, seconded by Director Meyers, and carried unanimously.

12. CONSIDER NOMINATIONS FOR THE CALIFORNIA SPECIAL DISTRICTS ASSOCIATION BOARD OF DIRECTORS

There were not any board members interested at this time.

13. CONSIDER VOTE FOR THE SAN DIEGO LOCAL AGENCY FORMATION COMMISSION REGULAR AND ALTERNATE SPECIAL DISTRICT MEMBER POSITIONS

Director Meyers moved to vote for James Pennock as the regular special district member and David Drake as the alternate special district member positions on the San Diego Local Agency Formation Commission, seconded by Director Watt, and carried unanimously.

14. CONSIDER A RESOLUTION CONCURRING IN THE NOMINATION OF OLIVER SMITH TO THE EXECUTIVE COMMITTEE OF THE ASSOCIATION OF CALIFORNIA WATER AGENCIES JOINT POWERS INSURANCE AUTHORITY

Director Watt moved to approve Resolution 2023-05 concurring in the nomination of Oliver Smith to the Executive Committee of the Association of California Water Agencies Joint Powers Insurance Authority, seconded by President Guerin, and approved unanimously.

15. CONSIDER A RESOLUTION CONCURRING IN THE NOMINATION OF JIM PENNOCK TO THE EXECUTIVE COMMITTEE OF THE ASSOCIATION OF CALIFORNIA WATER AGENCIES JOINT POWERS INSURANCE AUTHORITY

Director Watt moved to approve Resolution 2023-06 concurring in the nomination of Jim Pennock to the Executive Committee of the Association of California Water Agencies Joint Powers Insurance Authority, seconded by President Guerin, and approved unanimously.

16. INFORMATIONAL REPORTS

A. President's Report

President Guerin congratulated staff on their safety record and announced that the Public Policy Committee (Guerin and Watt) has met with multiple legislators requesting funds for water loss minimization projects. She also reported that the Helix Water District Board President, Kathleen Hedberg contacted her and requested support on Helix's SDCWA rate comment letter.

B. General Manager's Report

General Manager Thorner reported that the Fallbrook/Rainbow detachment is scheduled to be heard at the LAFCO Special Districts Advisory Committee this week and will be brought back to the full LAFCO board by June. She also reported on the proposed SDCWA rate increase and the impact that it could have on all member agencies.

C. Consulting Engineer's Report

Consulting Engineer MacFarlane's was sent 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 (SDCWA) Report

The SDCWA Report was included in the board packet.

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

Water Infrastructure Meetings with Assemblymember Boerner Horvath, Assemblymember Maienschein's Office, and Senate President pro Temp Atkins' Office (Feb 16)

Directors Guerin and Watt attended the meetings.

CalDesal Conference (Feb 16-17)

Director Meyers attended the conference.

Groundwater Briefing (Feb 22)

Director Hahn attended the briefing.

Conference Call with the General Manager RE: ACWA JPIA Candidates and OMWD Issues (Feb 24)

President Guerin had a call with the General Manager.

Engineering & Customer Services Briefing (Mar 2)

Directors San Antonio and Watt attended the briefing.

Water Infrastructure Meeting with Senator Brian Jones (Mar 3)

Director Watt attended the meeting.

Conference Call with the General Manager RE: Encinitas Environmental Awards (Mar 6)

Director Watt had a call with the General Manager.

CalDesal Conference Debrief (Mar 7)

Director Meyers attended the debrief.

Board Meeting Pre-Briefing (Mar 14)

President Guerin attended the pre-briefing.

Safety Luncheon (Mar 15)

Director Meyers attended the luncheon.

H. **Board Comments**

Director Meyers attended the CalDesal Conference and reported that regulatory hurdles as it relates to desalination project was discussed. He also reported that he will be attending the State Water Project Tour April 14-15.

17. **CORRESPONDENCE**

Correspondence was provided in the board packet.

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

There were no meetings requiring authorization to attend.

19. **FUTURE AGENDA ITEMS**

Director Hahn requested to add an agenda item on livestreaming the OMWD Board Meetings. General Manager Thorner indicated that this request is already an annual objective that will be researched and reported back to the board this year.

20. **CONSIDER PUBLIC COMMENTS**

There were no additional public comments.

NOTE: The meeting was in Closed Session
from 5:21 p.m. to 5:55 p.m.

21. **CLOSED SESSION**

A) CONSIDER LITIGATION – HILLSIDE PATIO HOMES HOA [PURSUANT TO GOVERNMENTCODE SECTION 54956.9] • Additional Facts: Claim received on August 17, 2020. Claim rejected on September 9, 2020.

- B) CONSIDER CLAIM – WELLS CLAIM [PURSUANT TO GOVERNMENT CODE SECTION 54956.9] • Additional Facts: Claim received on March 9, 2023.
- C) CONSIDER CLAIM – SIMEK CLAIM [PURSUANT TO GOVERNMENT CODE SECTION 54956.9] • Additional Facts: Claim received on March 9, 2023

22. OPEN SESSION

General Counsel Smith reported that the Closed Session claims in items 21B and 21C were rejected and tendered to OMWD’s insurance.

23. ADJOURNMENT

President Guerin adjourned the meeting at 5:57 p.m.

Christy Guerin, President
Board of Directors
Olivenhain Municipal Water District

ATTEST:

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