

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

MARCH 17, 2021

A regular meeting of the Board of Directors of Olivenhain Municipal Water District was held on Wednesday, March 17, 2021 at the district office, 1966 Olivenhain Road, Encinitas, California 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, Sprague, Topolovac, and Watt. It was noted that Directors Bruce-Lane, Guerin, Sprague, Topolovac, and Watt participated in the meeting via teleconference in accordance with Governor Newsom's Executive Order, which allows for local or state legislative bodies to hold meetings via teleconference, to make meetings accessible electronically, and waives certain Brown Act provisions as stated in Item 11 of the Executive Order.

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; Geoff Fulks, Operations Manager; Jennifer Joslin, Human Resources Manager; Don MacFarlane, Consulting Engineer; Steve Weddle, Engineering Services Supervisor; Brain Sodeman, Customer Service and Public Affairs Supervisor; Dan Bean, Construction Supervisor; Don Hussey, System Operations Supervisor; Brandon Barnick, Field Services Supervisor; John Onkka, Water Reclamation Facilities Supervisor; Raftelis Consultant Sudhir Pardiwala; Mike Enkerlin, Christina Fromme, and Wesley Schultz from Aquai Technologies; and Stephanie Kaufmann, Executive Secretary.

Additionally, the following phone number called into the meeting: (858) 243-6374.

5. ADOPTION OF AGENDA

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

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

6. PERSONAL APPEARANCES AND PUBLIC COMMENTS

There were no personal appearances or public comments.

7. PRESENTATION OF AWARDS AND HONORABLE MENTIONS

Service Awards and Promotions from 2020

- * Marcus Barard – Cathodic Protection Technician – Promotion – March 2020
- * Justin Fichtelman – Valve Maintenance Technician I – 5 years – March 2020
- * Jeff Herrmann – Field Services Technician I – Lateral Transfer – March 2020
- * Tim Sheppard – Backflow and Cross Connection Coordinator I – Rehire – March 2020

Current Service Awards, Promotions and Honorable Mentions

- * Colette Barrow – Operations Coordinator – Promotion – February 2021
- * George Lomeli – Field Services Technician I – New Hire – February 2021
- * Giovanni Santana – Utility I – New Hire – March 2021
- * Cathy Collier – Project Accountant II – Retirement – 25 Years of Service
- * GFOA Distinguished Budget Presentation Award

The employees were congratulated on their years of service, promotions, and transfers. New employees were welcomed by the board. The GFOA Distinguished Budget award was presented by Finance Manager Selamat to the board.

8. CONSIDER APPROVAL OF THE MINUTES OF THE FEBRUARY 10, 2021 REGULAR BOARD OF DIRECTORS MEETING

Director Guerin moved to approve the minutes of the February 10, 2021 Regular Board of Directors meeting minutes, seconded by Director Sprague and approved by the following roll call vote:

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

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; AND 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 NOMINATIONS FOR THE CALIFORNIA SPECIAL DISTRICTS ASSOCIATION BOARD OF DIRECTORS
- C-e CONSIDER APPROVAL OF THE TENTH AMENDMENT TO THE CONSULTING PROFESSIONAL SERVICES AGREEMENT WITH BLUEWATER STRATEGIES LLC FOR LEGISLATIVE OUTREACH SERVICES PERTAINING TO THE NORTH SAN DIEGO COUNTY REGIONAL RECYCLED WATER PROJECT
- C-f CONSIDER ACCEPTANCE OF THE ELFIN VISTA LANE LOT 1 WATER SERVICE RELOCATION AND ABANDON EXISTING WATER SERVICE PROJECT (BAUMGARTNER FAMILY SURVIVORS 1992 TRUST) INTO THE DISTRICT’S SYSTEM AND ORDER A NOTICE OF COMPLETION FILED
- C-g CONSIDER ACCEPTANCE OF THE 1170 VIA DI FELICITA ROAD WATER SERVICE INSTALL PROJECT (AMANDA GOODMAN PAPAY) INTO THE DISTRICT’S SYSTEM AND ORDER A NOTICE OF COMPLETION FILED
- C-h CONSIDER ACCEPTANCE OF THE 4S RANCH WATER RECLAMATION FACILITY CLARIFIER DRIVE REPLACEMENT PROJECT (REBUILD-IT SERVICES GROUP, LLC) INTO THE DISTRICT’S SYSTEM AND ORDER A NOTICE OF COMPLETION FILED
- C-i CONSIDER A RESOLUTION CONCURRING THE NOMINATION OF MELODY MCDONALD TO THE EXECUTIVE COMMITTEE OF THE ASSOCIATION OF CALIFORNIA WATER AGENCIES JOINT POWERS INSURANCE AUTHORITY
- C-k CONSIDER APPROVAL OF AGREEMENTS WITH KYOCERA DOCUMENT SOLUTIONS AND US BANK FOR MANAGED PRINT SERVICES IN THE AMOUNT OF \$1,876.50 PER MONTH FOR 60 MONTHS AND AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF THE DISTRICT

Director Bruce-Lane requested to pull Consent Calendar Item C-d for further discussion.

President Watt requested to pull Consent Calendar Item C-j for further discussion.

Director Sprague moved to authorize the Consent Calendar items with the exception of Items C-d and C-j, seconded by Director Topolovac and approved by the following roll call vote:

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

C-d CONSIDER APPROVAL OF THE TENTH AMENDMENT TO THE AGREEMENT FOR JOINT COST SHARING BETWEEN OLIVENHAIN MUNICIPAL WATER DISTRICT, CARLSBAD MUNICIPAL WATER DISTRICT, VALLECITOS WATER DISTRICT, CITY OF OCEANSIDE, LEUCADIA WASTEWATER DISTRICT, SAN ELIJO JOINT POWERS AUTHORITY, RINCON DEL DIABLO MUNICIPAL WATER DISTRICT, SANTA FE IRRIGATION DISTRICT, AND CITY OF ESCONDIDO FOR JOINT FEDERAL LEGISLATIVE OUTREACH EFFORTS PERTAINING TO THE NORTH SAN DIEGO COUNTY REGIONAL RECYCLED WATER PROJECT

Director Bruce-Lane inquired about the last round of Title XVI grant funding and why the Coalition’s application was not approved. General Manager Thorner responded that the Coalition was put on the recommended list of grant winners by the U.S. Bureau of Reclamation (USBR), but the Office of Management and Budget removed the Coalition from the list and added their own recipients to circumvent the USBR process. The USBR indicated that they would review the Coalition’s application for possible funding again this year.

Director Bruce-Lane moved to approve Item C-d, seconded by President Watt and approved by the following roll call vote:

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

C-j CONSIDER APPROVAL OF A FIFTH AMENDMENT TO THE ORIGINAL PURCHASE AGREEMENT WITH THE ESCONDIDO CREEK CONSERVANCY FOR THE PURCHASE OF APN 223-081-04-00, 223-081-05-00, 223-082-23-00, AND 223-082-04-00 (GATY PARCELS) AND AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF THE DISTRICT

President Watt inquired about what the district is doing with the revenues from the sale of these parcels. General Manger Thorner indicated that the proceeds from the sale of the surplus properties will offset revenue for capital projects and put into the capital fund to keep costs low for ratepayers.

President Watt moved to approve Item C-j, seconded by Director Topolovac and approved by the following roll call vote:

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

10. CONSIDER SETTING A TIME AND PLACE FOR A PUBLIC HEARING TO CONSIDER ADOPTING INCREASES IN THE RATES FOR OLIVENHAIN MUNICIPAL WATER DISTRICT WASTEWATER SERVICE FEES EFFECTIVE JULY 1, 2021 AND AN ORDINANCE AUTHORIZING THE DISTRICT TO PASS THROUGH INCREASES TO THE DISTRICT’S COST OF OPERATIONS AND MAINTENANCE AND CAPITAL FACILITIES (Public Hearing tentatively scheduled for May 19, 2021 – 5:30 p.m.)

Director Sprague moved to set the Public Hearing to consider the adoption of increases in the wastewater service fees effective July 1, 2021 and adopt an Ordinance authorizing the district to pass through increases to the district’s cost of operations and maintenance and capital facilities for May 19, 2021, seconded by Director Guerin and approved by the following roll call vote:

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

11. CONSIDER ADOPTION OF AN ORDINANCE AMENDING THE DISTRICT’S ADMINISTRATIVE AND ETHICS CODE (Article 8 – Water Rates and Charges) TO TAKE EFFECT ON APRIL 1, 2021

Upon motion by Director Sprague and a second by Director Topolovac, Ordinance 485 was adopted by the following roll call vote:

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

12. CONSIDER ADOPTION OF A RESOLUTION MAKING CEQA EXEMPTION FINDINGS FOR THE WATER RATE INCREASES AND DEMAND REDUCTION RATE ADJUSTMENTS AND ORDERING A NOTICE OF EXEMPTION BE FILED WITH THE COUNTY CLERK OF THE COUNTY OF SAN DIEGO

Director Sprague moved to adopt Resolution No. 2021-04 that declares the Board’s intention to increase water rates and charges and to implement Demand Reduction Rate Adjustments to comply with California Environmental Quality Act (CEQA), State of California CEQA guidelines and to authorize the filing of a Notice of Exemption, seconded by Director Guerin and approved by the following roll call vote:

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

ABSENT: None

13. CONSIDER APPROVAL OF A THREE-YEAR AGREEMENT WITH NOBEL SYSTEMS, INC. FOR CONTINUED SERVICE ON THE DISTRICT’S GEOGRAPHIC INFORMATION SYSTEM AND ENTERPRISE ASSET MANAGEMENT INTEGRATION SUPPORT IN THE AMOUNT OF \$447,480 AND AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF THE DISTRICT

Engineering Manager Hubbard, Engineering Services Supervisor Weddle, Inspector Bumcrot, Field Services Supervisor Barnick, and Systems Operator II Calm presented the report.

President Watt moved to approve a three-year Professional Services Agreement with three (3) one-year option extensions with Nobel Systems, Inc. for geographic information system and Enterprise Asset Management integration support in the amount of \$447,480, and authorize the General Manager to sign on behalf of the District, seconded by Director Topolovac and approved by the following roll call vote:

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

14. CONSIDER APPROVAL OF CHANGE ORDER NO. 6 WITH C.E. WILSON CORPORATION IN THE AMOUNT OF \$28,400, APPROPRIATE \$50,000 TO THE VALVE REPLACEMENT PROJECT BUDGET, AND AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF THE DISTRICT

Director Sprague moved to approve Change Order No.6 with C.E. Wilson Corporation, appropriate funds in the amount of \$50,000 to the Valve Replacement Project and authorize the General Manager to sign on behalf of the district, seconded by Director Guerin and approved by the following roll call vote:

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

15. CONSIDER AGREEMENT WITH AQUAI TECHNOLOGIES FOR PARTICIPATION IN INDOOR WATER CONSUMPTION PILOT STUDY

Mike Enkerlin, Chris Fromme, and Wesley Schultz from AQUI Technologies presented the report.

Director Guerin moved to approve an agreement with Aquai Technologies to conduct the water conservation pilot study, seconded by Director Sprague and approved by the following roll call vote:

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

16. CONSIDER REPORT ON EQUALIZED AND LEVELIZED BILLING (INFORMATIONAL ITEM)

Customer Services Manager Carnegie and Finance Manager Selamat presented the informational report.

17. CONSIDER APPROVAL OF 2021 ANNUAL OBJECTIVE GOAL No. 1 STRETCH OBJECTIVE No. 11 – REVISIONS TO THE EXISTING DEVELOPER AGREEMENT

Engineering Services Supervisor Weddle presented the report.

President Watt moved to approve the revisions to the Work for Others Construction Agreement, seconded by Director Topolovac and approved by the following roll call vote:

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

18. CONSIDER UPDATE ON THE COVID-19 EMERGENCY DECLARATION

General Manager Thorner presented the informational report. No board action was required.

NOTE: The meeting was in recess
from 6:05 p.m. to 6:15 p.m.

19. INFORMATIONAL REPORTS

A. President's Report

President Watt announced that Director Sprague had an announcement. Director Sprague shared his resignation from the Board of Directors, Division 5 effective May 19, 2021.

B. General Manager's Report

General Manager Thorner provided a written report that was included in the board packet and announced the 4S Ranch Water Reclamation Facility has won the California Water Environmental Association's San Diego Section Plant of the Year award and is in the running for the state award. She also announced that she will be speaking at the virtual Women in Water event on March 18, 2021. It was also reported that OMWD has been awarded \$500,000 in grant funding from United States Bureau of Reclamation's WaterSMART Water and Energy Efficiency program for the Advanced Metering Infrastructure Project.

C. Consulting Engineer's Report

Consulting Engineer MacFarlane's written report was distributed to the board. Director Bruce-Lane requested that Consulting Engineer MacFarlane include uncaptured water outflow in his report. Consulting Engineer MacFarlane will include the data in his next report.

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 she requested at the last SDCWA Board Meeting that the Urban Water Management Plan underlying assumptions be shared with member agencies and that water use efficiency regulations be taken into account as they go into effect before the next update. She also reported that the district has received a one-time payment of \$2,039,332.40 from SDCWA for the Metropolitan Water District rate case rebate.

E. Legislative Report

The Legislative Report was included in the board packet.

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

Teleconference with the GM (Feb 11)

President Watt had a teleconference meeting with the General Manager.

Document Signing (Feb 16)

Directors Sprague and Watt signed documents with Executive Secretary Kaufmann.

Urban Water Institute Virtual Conference (Feb 17-18)

Director Bruce-Lane attended the conference.

CSDA Virtual Quarterly Meeting (Feb 18)

Director Bruce-Lane attended the meeting. She has requested that no per diem be requested.

Teleconference with the GM (Feb 23)

Director Topolovac had a teleconference meeting with the General Manager.

ACWA's Congressional Speech Program - ACWA DC Conference (Feb 24)

Director Bruce-Lane attended the conference.

Safety Committee Meeting (Feb 25)

Director Topolovac participated in the committee meeting.

WaterReuse Symposium (March 1)

Director Bruce-Lane attended the conference.

Public Policy Committee Meeting (March 3)

Directors Guerin and Topolovac attended the committee meeting.

Document Signing (March 9)

Director Guerin signed documents with the finance department.

WaterReuse Symposium – Water Reuse 101 (March 15)

Director Bruce-Lane attended the conference.

WaterReuse Symposium – Water Recycling and Public Health (March 16)

Director Bruce-Lane attended the conference.

Teleconference with the GM (March 16)

Director Guerin had a teleconference meeting with the General Manager.

20. CORRESPONDENCE

Correspondence was provided in the board packet.

21. AUTHORIZATION TO ATTEND UPCOMING MEETINGS / CONFERENCES / SEMINARS

There were no meetings requiring authorization to attend.

22. FUTURE AGENDA ITEMS

Director Guerin requested a future agenda item to update Article 2 of the Administrative and Ethics Code to require the support of two board members to add an agenda item to a future board meeting's agenda.

23. CONSIDER PUBLIC COMMENTS

There were no public comments.

NOTE: The meeting was in recess
from 6:16 p.m. to 6:27 p.m.

NOTE: The meeting was in closed session
from 6:27 p.m. to 7:23 p.m.

24. 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 POTENTIAL LITIGATION – ONE CASE [PURSUANT TO GOVERNMENT CODE SECTION 54956.9]
- D) CONSIDER POTENTIAL LITIGATION – GEOMAT TESTING LABORATORIES, INC. [PURSUANT TO GOVERNMENT CODE SECTION 54956.9] • Additional Facts: Submitted claim on December 4, 2019.

25. OPEN SESSION

The board directed staff in closed session.

26. ADJOURNMENT

President Watt adjourned the meeting at 7:23 p.m.

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

ATTEST:

Kimberly A. Thorner, Assistant Secretary
General Manager
Olivenhain Municipal Water District