

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

MARCH 18, 2020

A regular meeting of the Board of Directors of Olivenhain Municipal Water District was held on Wednesday, March 18, 2020 at the district office, 1966 Olivenhain Road, Encinitas, California.

President Sprague called the meeting to order at 4:01 p.m. Following the Pledge of Allegiance, the Assistant Secretary called the roll. Directors present were Guerin, Kephart, Sprague, Topolovac, and Watt. It was noted that Directors Guerin, Kephart, Topolovac, and Watt participated in the meeting via teleconference in accordance with Governor Newsom's Executive Order N-25-20, 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 Sprague 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; Jason Hubbard, Engineering Manager; and Stephanie Kaufmann, Executive Secretary.

Also in attendance were Consulting Engineer Don MacFarlane and Don Hussey – Systems Operations Supervisor.

5. ADOPTION OF AGENDA

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

AYES:	Directors Guerin, Kephart, 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

All presentations of awards and honorable mentions listed on the agenda will be presented at a later board meeting.

8. CONSIDER APPROVAL OF THE MINUTES OF THE FEBRUARY 12, 2020 REGULAR BOARD OF DIRECTORS MEETING

Director Watt moved to approve the February 12, 2020 Regular Board of Directors meeting minutes, seconded by Director Kephart and approved by the following roll call vote:

AYES: Directors Guerin, Kephart, 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; 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 REPORTS
- C-c CONSIDER NOMINATIONS FOR THE CALIFORNIA SPECIAL DISTRICTS ASSOCIATION BOARD OF DIRECTORS – SEAT C
- C-d CONSIDER ACCEPTANCE OF THE 6847 VIA DEL CHARRO FIRE DETECTOR CHECK INSTALL PROJECT (K. D. FAMILY TRUST DTD 8-17-2017) INTO THE DISTRICT’S SYSTEM AND ORDER A NOTICE OF COMPLETION FILED
- C-e CONSIDER ACCEPTANCE OF THE 9433 MT. ISRAEL ROAD WATER SERVICE INSTALL AND ABANDON EXISTING SERVICE PROJECT (G. T. BEATTIE) INTO THE DISTRICT’S SYSTEM AND ORDER A NOTICE OF COMPLETION FILED
- C-f CONSIDER APPROVAL OF A LEASE AGREEMENT BETWEEN VERIZON WIRELESS LLC AND THE OLIVENHAIN MUNICIPAL WATER DISTRICT FOR RELOCATED COMMUNICATIONS FACILITIES AT THE GATY 2 RESERVOIR SITE AND AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF THE DISTRICT

- C-g CONSIDER ACCEPTANCE OF THE LUSARDI CREEK PIPELINE RESTORATION PROJECT (CHARLES KING COMPANY) INTO THE DISTRICT’S SYSTEM AND ORDER A NOTICE OF COMPLETION FILED

- C-h CONSIDER ACCEPTANCE OF THE DAVID C. MCCOLLOM WATER TREATMENT PLANT PLATE SETTLER NO. 2 REHABILITATION PROJECT (PARKSON CORPORATION) INTO THE DISTRICT’S SYSTEM AND ORDER A NOTICE OF COMPLETION FILED

- C-i CONSIDER ACCEPTANCE OF THE DAVID C. MCCOLLOM WATER TREATMENT PLANT CHEMICAL CONTAINMENT AREA FLOOR COATING PROJECT (PARADA PAINTING, INC.) INTO THE DISTRICT’S SYSTEM AND ORDER A NOTICE OF COMPLETION FILE

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

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

- 10. CONSIDER APPROVAL OF A CONTRACT WITH ATOM ENGINEERING CONSTRUCTION, INC. IN THE AMOUNT OF \$387,962 FOR THE MORNING SUN PRS ABANDONMENT PROJECT, INCREASE THE OVERALL PROJECT BUDGET BY \$90,000, AND AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF THE DISTRICT

Director Watt moved to approve a contract with AToM Engineering Construction, Inc. for the construction of the Morning Sun PRS Abandonment Project in the amount of \$387,962, increase the overall project budget by \$90,000, 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 Guerin, Kephart, Sprague, Topolovac, and Watt
NOES: None
ABSTAIN: None
ABSENT: None

- 11. CONSIDER APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT WITH VALLEY CONSTRUCTION MANAGEMENT IN THE AMOUNT OF \$302,676 FOR CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES FOR THE MANCHESTER AVENUE POTABLE WATER PIPELINE REPLACEMENT PROJECT AND AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF THE DISTRICT

Director Guerin moved to approve a Professional Services Agreement with Valley Construction Management for construction management and inspection services for the Manchester Avenue potable water pipeline replacement project (project) in the amount of \$302,676 and authorization for the General Manager to sign on behalf of the District, seconded by Director Kephart and approved by the following roll call vote:

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

12. CONSIDER A PRESENTATION OF THE MITIGATION MONITORING AND REPORTING PROGRAM FOR THE MANCHESTER AVENUE RECYCLED WATER PROJECT, ADOPTION OF A RESOLUTION CERTIFYING THE FINAL INITIAL STUDY/MITIGATED NEGATIVE DECLARATION FOR THE PROJECT AND ORDER A NOTICE OF DETERMINATION BE FILED WITH THE COUNTY CLERK

Director Topolovac moved to adopt Resolution No. 2020-02 certifying the Final IS/MND and directing the General Manager to file a Notice of Determination with the County Clerk, seconded by Director Kephart and approved by the following roll call vote:

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

President Sprague requested to combine items 13 and 14. The board concurred and the items were presented together.

13. CONSIDER APPROVAL OF THE NINTH 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
14. CONSIDER APPROVAL OF THE NINTH 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

President Watt moved to approve the ninth amendment to the agreement between the North San Diego County Regional Recycled Water Project (NSDCRRWP) partner agencies in order to share costs for federal legislative outreach pertaining to the NSDCRRWP and approve an amendment to the existing professional services agreement with BlueWater Strategies llc, for federal legislative outreach services for the North San Diego County Regional Recycled Water Project, seconded by Director Kephart and approved by the following roll call vote:

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

15. CONSIDER APPROVAL OF CONSTRUCTION CHANGE ORDER NO. 1 TO CE WILSON CORPORATION IN THE AMOUNT OF \$5,895.91, AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF THE DISTRICT, ACCEPT THE RANCHO SANTA FE ROAD PIPELINE CONDITION ASSESSMENT PROJECT INTO THE DISTRICT’S SYSTEM, AND ORDER A NOTICE OF COMPLETION FILED

Director Kephart moved to approve Construction Change Order No. 1 for additional work, authorize the General Manager to sign on behalf of the District, accept the Rancho Santa Fe Road Pipeline Condition Assessment into the District’s system, and authorize the filing of a Notice of Completion with the San Diego County Recorder, seconded by Director Topolovac and approved by the following roll call vote:

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

16. REVIEW GENERAL MANAGER’S DECLARATION OF THE LA COSTA VALE UNIT NO. 3 PIPELINE PROJECT AS AN EMERGENCY PROJECT IN ACCORDANCE WITH CALIFORNIA PUBLIC CONTRACT CODE SECTION 1102, INCLUDING APPROVAL OF A TIME AND MATERIAL CONTRACT WITH C.E. WILSON CORPORATION FOR AN AMOUNT NOT TO EXCEED \$150,000 AND AUTHORIZATION OF THE GENERAL MANAGER TO SIGN ON BEHALF OF THE DISTRICT, AND CONSIDER ADOPTION OF A RESOLUTION MAKING CEQA FINDINGS FOR THE LA COSTA VALE UNIT NO. 3 PIPELINE PROJECT AND ORDERING THAT A NOTICE OF EXEMPTION BE FILED WITH THE COUNTY CLERK, COUNTY OF SAN DIEGO

Director Watt moved to approve a time and material contract with C.E. Wilson Corporation for an amount not to exceed \$150,000 for pipeline investigation and authorization for the General Manager to sign on behalf of the District, and adopt Resolution No. 2020-03 making California Environmental Quality Act findings to authorize staff to file a Notice of Exemption for the La Costa

Vale Unit No. 3 Pipeline Project with the San Diego County Clerk, seconded by Director Guerin and approved by the following roll call vote:

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

17. INFORMATIONAL REPORTS

A. President's Report

President Sprague advised all to take precautions and stay safe during the next few weeks.

B. General Manager's Report

General Manager Thorner declared a COVID-19 Emergency Declaration on March 12, 2020. She indicated that laptops have been ordered for employees to work remotely, critical supplies have been ordered, non-vital construction work has ceased, meetings will happen via conference call unless the meetings are so small that 6 feet of distance can be maintained, upcoming public tours have been postponed, and large conferences and large outside group meetings/trainings are delayed until further notice. She will continue to provide updates at each subsequent board meeting.

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 reported that SDCWA has taken steps similar to OMWD in response to COVID-19. It has closed to the public with certain employees working remotely.

F. Legislative Report

The Legislative Report is attached.

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

Pure Water Oceanside Event (Feb 15)

Directors Sprague and Watt attended the event.

COWU Breakfast (Feb 18)

Director Kephart attended the breakfast meeting.

Urban Water Institute Spring Conference (Feb 19-21)

Director Kephart attended the conference.

CWA Comment Meeting (Feb 19)

Director Guerin attended the meeting with the General Manager.

CSDA Quarterly Dinner (Feb 20)

Director Sprague and Watt attended the dinner meeting.

Safety Committee Meeting (Feb 27)

Directors Kephart and Topolovac attended the committee meeting.

18. CORRESPONDENCE

Correspondence was provided in the board packet.

19. AUTHORIZATION TO ATTEND UPCOMING MEETINGS / CONFERENCES / SEMINARS

There were no meetings requiring authorization to attend.

20. FUTURE AGENDA ITEMS

No future agenda items were requested.

21. CONSIDER PUBLIC COMMENTS

There were no public comments.

NOTE: The meeting was in recess
from 4:55 p.m. to 4:58 p.m.

NOTE: The meeting was in closed session
from 4:58 p.m. to 5:34 p.m.

22. 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) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION – TWO CASES [PURSUANT TO GOVERNMENT CODE SECTION 54956.9(D)(2)]

23. OPEN SESSION

There was no reportable action from closed session.

24. ADJOURNMENT

President Sprague adjourned the meeting at 5:34 p.m.

Edmund K. Sprague, President
Board of Directors
Olivenhain Municipal Water District

ATTEST:

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