

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

APRIL 14, 2021

A regular meeting of the Board of Directors of Olivenhain Municipal Water District was held on Wednesday, April 14, 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; Brian Sodeman, Customer Service and Public Affairs Supervisor; Brandon Barnick, Field Services Supervisor; Dan Bean, Construction Supervisor; John Onkka, Water Reclamation Facilities Supervisor; Teresa Chase, Administrative Analyst; Jesica Cleaver, Administrative Analyst; and Stephanie Kaufmann, Executive Secretary.

Additionally, the following phone numbers called into the meeting: (760) 215-9552, (760) 473-1651, (760) 815-5902, (858) 243-6374, and (858) 875-7420.

5. ADOPTION OF AGENDA

General Manager Thorner requested to remove item C-h from the agenda. The item will be heard at a later date.

Director Topolovac moved to accept the changes to the agenda, 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

Director Sprague moved to adopt the amended agenda, 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

6. PERSONAL APPEARANCES AND PUBLIC COMMENTS

Sheri Powers and Richard Murphy both spoke to express their opposition and concern of speeding cars with the recent paving of Canyon de Oro by a private party.

7. PRESENTATION OF AWARDS AND HONORABLE MENTIONS

Service Awards and Promotions from 2020

* Don Hussey – System Operations Supervisor – 20 years – April 2020

Current Service Awards, Promotions and Honorable Mentions

* Geronimo Rodriguez – Control Technician I – New Hire – March 2021

* Manuel Gomez – Field Services Technician I – New Hire – March 2021

* Sean Peterson – Backflow and Cross Connection Coordinator II – 5 years

* Kelvin Ku – Field Services Technician I – 5 years

* Stephanie Kaufmann – Executive Secretary – 5 years

* Leo Mendez – Accounting Supervisor – 5 years

The employees were congratulated on their years of service, promotions, and transfers. New employees were welcomed by the board.

8. CONSIDER APPROVAL OF THE MINUTES OF THE MARCH 17, 2021 REGULAR BOARD OF DIRECTORS MEETING

Director Topolovac moved to approve the minutes of the March 17, 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; REIMBURSEMENT OF EXPENSES TO BOARD MEMBERS AND STAFF; AND 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 2021 AS WATER AWARENESS MONTH, MAY 2-8, 2021 AS NATIONAL DRINKING WATER WEEK, AND MAY 16-22, 2021 AS NATIONAL PUBLIC WORKS WEEK
- C-d CONSIDER 2021 ANNUAL OBJECTIVES AND TIGER TEAM STATUS REPORT
- C-e CONSIDER ACCEPTANCE OF THE MORNING SUN PRESSURE REDUCING STATION ABANDONMENT PROJECT (ATOM ENGINEERING CONSTRUCTION, INC) INTO THE DISTRICT’S SYSTEM AND ORDER A NOTICE OF COMPLETION FILED
- C-f CONSIDER APPROVAL OF PRIVATE ENCROACHMENT PERMIT NO. 410 FOR 16269 DOVE CANYON ROAD (DOVE CANYON LEASING, LLC) AND ORDER THE PERMIT BE RECORDED
- C-g CONSIDER ACCEPTANCE OF THE ELFIN VISTA LANE FIRE DETECTOR CHECK AND WATER SERVICE INSTALL PROJECT (CRAIG LEWIS) INTO THE DISTRICT’S SYSTEM AND ORDER A NOTICE OF COMPLETION FILED
- C-i CONSIDER ADOPTION OF A RESOLUTION GOVERNING WATER AND SEWER SERVICE TO AFFORDABLE HOUSING UNITS FOR LOWER INCOME HOUSEHOLDS AND RESCINDING RESOLUTION NO. 2016-05
- C-j CONSIDER ACCEPTANCE OF THE LUSARDI CANYON CATHODIC PROTECTION UPGRADES PROJECT (HENKELS & MCCOY, INC.) INTO THE DISTRICT’S SYSTEM AND ORDER A NOTICE OF COMPLETION FILED
- C-k CONSIDER A RESOLUTION GOVERNING THE DISTRICT’S GRANT APPLICATION TO UNITED STATES BUREAU OF RECLAMATION FOR FUNDING UNDER THE WATER INFRASTRUCTURE IMPROVEMENTS FOR THE NATION ACT PROGRAM FOR THE NORTH SAN DIEGO WATER REUSE 2020 PROJECT

Director Topolovac moved to authorize the amended Consent Calendar items, 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

10. CONSIDER UPDATE ON THE SAN DIEGUITO VALLEY BRACKISH GROUNDWATER DESALINATION PROJECT (INFORMATIONAL ITEM)

Assistant General Manager Randall and Geoscience consultant Brian Villalobos presented the informational report.

11. CONSIDER SETTING A TIME AND PLACE FOR A PUBLIC HEARING TO CONSIDER OLIVENHAIN MUNICIPAL WATER DISTRICT'S 2020 URBAN WATER MANAGEMENT PLAN, WATER SHORTAGE CONTINGENCY PLAN, AND AN AMENDMENT TO OMWD'S 2015 URBAN WATER MANAGEMENT PLAN (MAY 19, 2021 – 5:30 P.M.)

President Watt moved to set a Public Hearing date to receive public comments regarding the adoption of OMWD's 2020 UWMP update, Water Storage Contingency Plan, and an amendment to OMWD's 2015 UWMP for Wednesday, May 19, 2021, at 5:30 p.m; 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

12. INFORMATIONAL REPORT ON THE PROCEDURE TO FILL THE BOARD VACANCY IN DIVISION 5 AND REQUEST FOR BOARD TO DECLARE ITS INTENT ON THE PROCESS FOR FILING THE VACANCY

There was discussion about holding a Special Election or making an appointment to the Division 5 vacancy.

President Watt moved to approve the timeline to fill the Division 5 vacancy by an appointment effective May 19, 2021 and to hold a Special Meeting on May 12, 2021 for the candidate interviews, 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

13. CONSIDER AN ADDITIONAL APPROPRIATION OF \$98,500 FOR THE AMI EXPANSION PROJECT FOR FISCAL YEAR 2021 WITHOUT CHANGING THE OVERALL PROJECT BUDGET

President Watt moved to appropriate an additional \$98,500 for the AMI Expansion Project in Fiscal Year 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

14. CONSIDER APPROVAL OF PLACING THE ONE-TIME PAYMENT RECEIVED FROM SAN DIEGO COUNTY WATER AUTHORITY IN THE AMOUNT OF \$2,039,332.40 FOR METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA RATE CASE REBATE IN THE DISTRICT'S RATE STABILIZATION FUND TO BE USED TO MITIGATE FUTURE WATER RATE INCREASES

Director Bruce-Lane requested board notification when these rebate funds are moved from the Rate Stabilization Fund. The Board concurred and General Manager Thorner indicated that staff will make a report to the Board when this transfer occurs since transfer of funds to/from the Rate Stabilization Fund requires Board approval.

Director Topolovac moved to approve to placement of the rebate payment received from San Diego County Water Authority (SDCWA) in the amount of \$2,039,332.40 into the district's Rate Stabilization Fund-Water and be used to offset increases in OMWD's cost of water operation, 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 DISCUSSION AND APPROVAL OF OLIVENHAIN MUNICIPAL WATER DISTRICT'S COVID RELIEF PROGRAM

After discussion, President Watt moved to implement a COVID Relief Program. Motion died for lack of a second.

16. CONSIDER INFORMATIONAL REPORT ON WATER SUPPLY CONDITIONS AND LONG-TERM WATER USE EFFICIENCY LEGISLATION

Administrative Analyst Cleaver presented the informational report.

17. CONSIDER DEVELOPMENT OF A WET WEATHER INCENTIVE PROGRAM FOR RECYCLED WATER DELIVERIES IN OMWD'S SOUTHEASTERN RECYCLED WATER SYSTEM

Operations Manager Fulks presented the report.

President Watt moved to develop a Wet Weather Incentive Program, seconded by Director Bruce-Lane and carried by the following roll call vote:

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

18. CONSIDER ADOPTION OF AN ORDINANCE AMENDING THE DISTRICT'S ADMINISTRATIVE AND ETHICS CODE (Article 2 – Organization of Board of Directors)

Upon motion by Director Guerin and a second by Director Watt, Ordinance 486 was adopted by the following roll call vote:

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

19. CONSIDER UPDATE ON THE COVID-19 EMERGENCY DECLARATION

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

20. INFORMATIONAL REPORTS

A. President's Report

President Watt attended the San Diego North Economic Development Council's Virtual Economic Summit. He also reported that he received a thank you card from a customer.

B. General Manager's Report

General Manager Thorner provided a written report that was included in the board packet. She also reported that the district won the state section CWEA's Plant of the Year (Small) Award for the 4SWRF.

C. Consulting Engineer's Report

Consulting Engineer MacFarlane's written report was distributed 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 Report

General Manager Thorner reported that she expressed her opposition to SB 222 (the Low Income Water Rate Assistance bill) that would require agencies to forgive past debt of customers. She spoke in favor of the Poway connection of the Ramona pipeline. She also spoke on SDCWA's inappropriate use of consultants to lobby their own member agencies to interfere with a proxy vote selection. She indicated that she would also be supportive of establishing an ethics office.

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

Conference Call with the GM – Board Meeting Review (March 18)

President Watt had a call with the General Manager.

Conference Call with the GM - Pure Water and WaterReuse (March 18)

Director Bruce-Lane had a call with the General Manager. She requested not to receive a per diem for this meeting.

Conference Call with the GM - CWA Issues (March 22)

Director Guerin had a call with the General Manager.

Conference Call with the GM - CWA Issues (March 22)

President Watt had a call with the General Manager.

Elfin Forest Recreational Reserve Executive Committee Meeting (March 23)

Directors Bruce-Lane and Watt participated in the committee meeting.

Finance Committee Meeting (March 23)

Directors Guerin and Watt participated in the committee meeting.

ACWA'S Regulatory Landscape Webinar (March 24)

Director Bruce-Lane participated in the webinar.

SDLA Module 1 - Part 1 (March 24)

Director Bruce-Lane completed Module 1, Part 1.

SDLA Module 1 - Part 2 (March 25)

Director Bruce-Lane completed Module 1, Part 2.

Conference Call with the GM - CWA Issues (March 25)

Director Guerin had a call with the General Manager.

Conference Call with the GM - CWA Issues (March 29)

President Watt had a call with the General Manager.

Conference Call with the GM (March 30)

Director Topolovac had a call with the General Manager.

ACWA Federal Water Issue Series: Session 3 - First 100 Days of the Biden Admin. (March 31)

Director Bruce-Lane participated in the webinar.

SDLA Module 2 - Part 1 (April 12)

Director Bruce-Lane completed Module 2, Part 1.

Meeting with the GM (April 12)

Director Topolovac had a meeting with the General Manager.

SDLA Module 2 - Part 2 (April 13)

Director Bruce-Lane completed Module 2, Part 2.

SDNEDC Economic Summit (April 13)

Director Watt participated in the Economic Summit.

21. CORRESPONDENCE

Correspondence was provided in the board packet.

22. AUTHORIZATION TO ATTEND UPCOMING MEETINGS / CONFERENCES / SEMINARS

There were no meetings requiring authorization to attend.

23. FUTURE AGENDA ITEMS

Director Bruce-Lane made a motion to add an agenda item to move the Board Meetings to 6:00 p.m. Motion died for lack of a second.

24. CONSIDER PUBLIC COMMENTS

There were no public comments.

NOTE: The meeting was in recess
from 6:29 p.m. to 6:39 p.m.

NOTE: The meeting was in closed session
from 6:39 p.m. to 7:10 p.m.

25. CLOSED SESSION

- A) CONSIDER LITIGATION – HILLSIDE PATIO HOMES HOA [PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1)] • Additional Facts: Claim received on August 17, 2020. Claim rejected on September 9, 2020. Lawsuit received on December 22, 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 LITIGATION – GEOMAT TESTING LABORATORIES, INC. [PURSUANT TO GOVERNMENT CODE SECTION 54956.9] • Additional Facts: Submitted claim on December 4, 2019.
- E) CONSIDER CLAIM – TRAVELERS COMMERCIAL INSURANCE COMPANY [PURSUANT TO GOVERNMENT CODE SECTION 54956.9] • Additional Facts: Claim received on March 18, 2021.

26. OPEN SESSION

The board received a report in closed session. There was board direction to staff to reject the Travelers Commercial Insurance Company claim.

27. ADJOURNMENT

President Watt adjourned the meeting at 7:11 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