

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

MAY 18, 2022

A regular meeting of the Board of Directors of Olivenhain Municipal Water District was held on Wednesday, May 18, 2022, via video conference and in person.

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, Meyers, Topolovac, and Watt. It was noted that the meeting was published via teleconference in accordance with Assembly Bill 361, which allows local or state legislative bodies to hold meetings via teleconference, makes meetings accessible electronically, and waives certain Brown Act provisions.

President Watt 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; Geoff Fulks, Operations Manager; Jeff Anderson, Park Supervisor; Steve Weddle, Engineering Services Supervisor; Joe Jansen, Administrative Analyst; Stephanie Kaufmann, Executive Secretary; Don MacFarlane, Consulting Engineer; and George Briest from G. Briest Consulting, Inc.

5. CONSIDER IMPLEMENTING ASSEMBLY BILL 361 THAT PROVIDES THE ABILITY TO MEET REMOTELY DUE TO THE GOVERNOR'S PROCLAIMED STATE OF EMERGENCY UNDER MODIFIED BROWN ACT REQUIREMENTS

President Watt moved to implement AB 361, seconded by Director Meyers, and approved by the following roll call vote:

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

6. ADOPTION OF AGENDA

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

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

7. PERSONAL APPEARANCES AND PUBLIC COMMENTS

There were no public comments.

8. PRESENTATION OF AWARDS AND HONORABLE MENTIONS

- * Annual Fourth Grade Poster Contest Winners
 - Indira Jayanti, Stone Ranch Elementary
 - Ariana Lemle, Flora Vista Elementary
 - Emalyn Negrea, Flora Vista Elementary
- * Jeff Fuchs – Utility II – Promotion – April
- * Jaime Tovar – Utility III – 5 Years – April
- * Shawn Patterson – Records & Contracts Coordinator – 5 Years – May
- * Paul Zamora – Field Services Technician I – New Hire – May
- * Omar Martinez – Utility III – New Hire – May

President Watt announced and congratulated the fourth grade poster contest winners.

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

9. CONSIDER APPROVAL OF THE MINUTES OF THE MARCH 30, 2022, SPECIAL MEETING AND THE APRIL 20, 2022, REGULAR BOARD OF DIRECTORS MEETING

President Watt had minor punctuation and grammatical edits to the March 30 and April 20 Minutes.

Director Meyers moved to approve the amended minutes of the March 30, 2022, Special Meeting and the April 20, 2022, Regular Board of Directors meeting, seconded by President Watt and approved by the following roll call vote:

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

10. 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 AWARD OF A CONTRACT WITH EXPO TECHNOLOGIES CORPORATION IN THE AMOUNT OF \$71,966 FOR THE HARRIS PIPELINES CATHODIC PROTECTION REPLACEMENT PROJECT AND AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF THE DISTRICT

- C-d CONSIDER UPDATE ON THE LAKES SEWER FORCE MAIN EMERGENCY PROJECT, AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF OMWD, AND ORDER A NOTICE OF COMPLETION BE FILED

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

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

- 11. CONSIDER ADOPTION OF AN ORDINANCE AMENDING THE DISTRICT’S ADMINISTRATIVE AND ETHICS CODE (Article 3 – Organization of Staff and Article 4 – Classified Positions)

Human Resources Manager Joslin presented the report.

Upon motion by Director Guerin and a second by President Watt, Ordinance 500 was adopted by the following roll call vote:

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

- 12. CONSIDER ADOPTION OF AN ORDINANCE AMENDING THE DISTRICT’S ADMINISTRATIVE AND ETHICS CODE (Article 26 – Regulations of the Elfin Forest Recreational Reserve and other District Parks)

Park Supervisor Anderson presented the report.

Upon motion by Director Guerin and a second by President Watt, Ordinance 501 was adopted by the following roll call vote:

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

13. CONSIDER APPROVAL OF OLIVENHAIN MUNICIPAL WATER DISTRICT'S BIENNIAL OPERATING AND CAPITAL BUDGET FISCAL YEARS 2023 AND 2024 (FINAL DRAFT)

Finance Manager Selamat presented the final draft of the Biennial Operating and Capital Budget for Fiscal Years 2023 and 2024. The final budget will be considered for adoption at the June 22 board meeting.

14. CONSIDER APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT WITH HAZEN AND SAWYER IN THE AMOUNT OF \$234,549 FOR THE DAVID C. MCCOLLOM WATER TREATMENT PLANT FOURTH STAGE CENTRIFUGE ADDITION PROJECT AND AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF THE DISTRICT

President Watt moved to approve a professional services agreement with Hazen and Sawyer in the amount of \$234,549 for design services as part of the David C. McCollom Water Treatment Plant Fourth Stage Centrifuge Addition 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, Meyers, Topolovac, and Watt
NOES: None
ABSTAIN: None
ABSENT: None

15. CONSIDER APPROVAL OF AMENDMENT NO. 1 TO CANYON HYDRO IN THE AMOUNT OF \$200,375 FOR CHANGES TO THE DAVID C. MCCOLLOM WATER TREATMENT PLANT ENERGY RECOVERY TURBINE REHABILITATION PROJECT, APPROPRIATE \$200,000 TO THE PROJECT BUDGET, AND AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF THE DISTRICT

Director Guerin moved to approve Amendment No. 1 to the agreement with Canyon Hydro in the amount of \$200,375 for changes required due to unforeseen conditions on the David C. McCollom Water Treatment Plant Energy Recovery Turbine Project, appropriate \$200,000 to the project budget, and authorize the General Manager to sign on behalf of the district, seconded by Director Meyers, and approved by the following roll call vote:

AYES: Directors Bruce-Lane, Guerin, Meyers, Topolovac, and Watt

NOES: None
ABSTAIN: None
ABSENT: None

16. CONSIDER APPROVAL OF GENERAL LIABILITY, PROPERTY, AUTOMOBILE, EQUIPMENT, TERRORISM, EXCESS, AND CYBERSECURITY INSURANCE POLICIES FOR FISCAL YEAR 2023 WITH ALLIED WORLD SPECIALTY INSURANCE COMPANY IN AN AMOUNT NOT TO EXCEED \$420,078 AUTHORIZING THE GENERAL MANAGER TO SIGN ON BEHALF OF THE DISTRICT, AND DIRECTING STAFF TO CONSIDER QUOTES FROM RISK-SHARING POOLS IN FUTURE REQUESTS FOR QUOTATIONS

Customer Services Manager Carnegie presented the report.

Director Meyers moved to approve the quote for \$420,078 from Allied World Specialty Insurance Company for general liability, property, automobile, equipment, terrorism, excess, and cybersecurity insurance policies for FY 2023, to consider quotes from both independent carriers and risk-sharing pools in future Requests for Quotations for insurance coverage, to begin the eligibility assessment process with ACWA JPIA, and to increase the district's excess liability coverage by \$5 million for an additional cost of \$62,000 and total coverage amount of \$16 million, seconded by Director Bruce-Lane, and approved by the following roll call vote:

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

17. CONSIDER ADOPTION OF A RESOLUTION ELECTING TO HAVE SEWER SERVICE FEES FOR THE SANTA LUZ AFFORDABLE HOUSING AREA AND BLACK MOUNTAIN RANCH EAST CLUSTERS PROJECT WITHIN THE 4S RANCH SANITATION DISTRICT COLLECTED ON THE COUNTY TAX ROLLS FOR THE FISCAL YEAR JULY 1, 2022 TO JUNE 30, 2023 AND TO CERTIFY SAID FEES WITH THE SAN DIEGO COUNTY ASSESOR

President Watt moved to group agenda Items 17, 18, and 19 together and adopt Resolution No. 2022-12, Resolution No. 2022-13, and Resolution No. 2022-14, seconded by Director Guerin, and carried by the following roll call vote:

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

18. CONSIDER ADOPTION OF A RESOLUTION ELECTING TO HAVE SEWER SERVICE FEES WITHIN THE RANCHO CIELO SANITATION DISTRICT COLLECTED ON THE COUNTY TAX

ROLLS FOR THE FISCAL YEAR JULY 1, 2022 TO JUNE 30, 2023 AND TO CERTIFY SAID FEES WITH THE SAN DIEGO COUNTY ASSESOR

19. CONSIDER ADOPTION OF A RESOLUTION ELECTING TO HAVE SEWER SERVICE FEES WITHIN THE 4S RANCH SANITATION DISTRICT COLLECTED ON THE COUNTY TAX ROLLS FOR THE FISCAL YEAR JULY 1, 2022 TO JUNE 30, 2023 AND TO CERTIFY SAID FEES WITH THE SAN DIEGO COUNTY ASSESOR

20. CONSIDER UPDATE ON THE COVID-19 EMERGENCY DECLARATION

General Manager Thorner provided the informational report.

21. INFORMATIONAL REPORTS

A. President's Report

President Watt reported that he attended the ACWA JPIA meeting in Sacramento, the San Dieguito Water District centennial celebration, the San Diego North Economic Development Council's (SDNEDC) Economic Summit, and filmed a mitigation video for the district. He also reported that he will be attending the APWA awards luncheon.

B. General Manager's Report

General Manager Thorner's report was included in the board packet. She invited the board to the David C. McCollom Water Treatment Plant's 20th Anniversary employee luncheon on June 8.

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 (SDCWA) Report

General Manager Thorner reported that the SDCWA General Counsel interviews are almost finished, and the selected candidates will meet and interview with the full board, that she has continued to participate on the Fiscal Strategy Work Group, and that the refund of legal rates will be discussed in SDCWA's Closed Session.

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 / Board Comments

Board Meeting Debrief (Apr 21)

President Watt met with the General Manager.

Creek to Bay Clean-Up (Apr 23)

Director Bruce-Lane attended the event.

Safety Committee Meeting (Apr 26)

Director Topolovac attended the committee meeting.

Conference Call with the General Manager (Apr 28)

President Watt had a conference call with the General Manager.

ACWA JPIA Board of Directors Meeting (May 2)

President Watt attended the meeting.

ACWA Spring Conference (May 3-5)

Director Meyers attended the conference.

Finance Committee Meeting (May 9)

Directors Guerin and Watt attended the committee meeting.

SDWD Centennial Celebration (May 10)

Directors Meyers and Watt attended the event.

SDNEDC Economic Summit (May 11)

Directors Meyers and Watt attended the event.

Filming for Mitigation Efforts Video (May 17)

President Watt was filmed for the mitigation video.

22. CORRESPONDENCE

Correspondence was provided in the board packet.

23. AUTHORIZATION TO ATTEND UPCOMING MEETINGS / CONFERENCES / SEMINARS

There were no meetings requiring authorization to attend.

24. FUTURE AGENDA ITEMS

There were no future agenda items.

25. CONSIDER PUBLIC COMMENTS

There were no public comments.

NOTE: The meeting was in recess
from 5:47 p.m. to 5:54 p.m.

NOTE: The meeting was in closed session
from 5:54 p.m. to 6:05 p.m.

26. CLOSED SESSION

- A) CONSIDER LITIGATION – 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 LITIGATION – OLIVENHAIN MUNICIPAL WATER DISTRICT VS. GEOMAT TESTING LABORATORIES, INC., ET AL. [PURSUANT TO GOVERNMENT CODE SECTION 54956.9]
- D) CONSIDER CLAIM – PALMER CLAIM [PURSUANT TO GOVERNMENT CODE SECTION 54956.9] • Additional Facts: Claim received on May 5, 2022.
- E) CONSIDER GENERAL COUNSEL REVIEW [PURSUANT TO GOVERNMENT CODE SECTION 54957] • Additional Facts: Preliminary input provided on May 18, 2022; full review to be held on June 22, 2022.

27. OPEN SESSION

The board received a report in closed session. The board directed staff to reject the Palmer claim.

28. ADJOURNMENT

President Watt adjourned the meeting at 6:05 p.m.

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

ATTEST:

Robert F. Topolovac, Secretary
Board of Directors
Olivenhain Municipal Water District