

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

MAY 19, 2021

A regular meeting of the Board of Directors of Olivenhain Municipal Water District was held on Wednesday, May 19, 2021 at the district office, 1966 Olivenhain Road, Encinitas, California via video conference.

President Watt called the meeting to order at 4:02 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 the meeting was published 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 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; Jeff Anderson, Parks Supervisor; Dan Bean, Construction Supervisor; John Onkka, Water Reclamation Facilities Supervisor; Jesica Cleaver, Administrative Analyst; and Stephanie Kaufmann, Executive Secretary. Also in attendance was Neal Meyers, who was appointed and sworn in under item 19.

Additionally, the following phone numbers called into the meeting: (858) 243-6374 and (760) 753-9632.

5. ADOPTION OF AGENDA

Director Topolovac moved to adopt 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

6. PERSONAL APPEARANCES AND PUBLIC COMMENTS

There were no public comments.

7. PRESENTATION OF AWARDS AND HONORABLE MENTIONS

Service Awards and Promotions from 2020

- * Don Hussey – Systems Operations Supervisor – 20 years – April 2020
- * Vinnie Bruzzi – Equipment Technician – New Hire – April 2020
- * Devin Rodriguez – Utility II – Promotion – April 2020
- * John McCaw – Utility II – Promotion – April 2020
- * Gabriela Saffiote – Human Resources Analyst – 5 years – May 2020
- * Shawnn Schaub – Park Ranger II – 15 years – May 2020
- * Erik Harp – Information Technology Supervisor – 20 years – May 2020

Current Service Awards, Promotions and Honorable Mentions

- * Jeff Fuchs – Utility I – New Hire – March 2021
- * Jared Graffam – Financial Analyst II – Promotion – April 2021
- * Tess Garnica – Department Assistant I (Engineering) – New Hire – April 2021
- * American Public Works Association’s San Diego and Imperial County Chapter Honor Award – Unit AA Pipeline Rehabilitation Project
- * American Public Works Association’s San Diego and Imperial County Chapter Project of the Year Award - 4S Ranch Water Reclamation Facility’s Ultraviolet Disinfection System Project
- * California Water Environment Association’s San Diego Section 2020 Plant of the Year Award - 4S Ranch Water Reclamation Facility

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 APRIL 14, 2021 REGULAR BOARD OF DIRECTORS MEETING AND THE MAY 12, 2021 SPECIAL BOARD OF DIRECTORS MEETING

Director Guerin moved to approve the minutes of the April 14, 2021 Regular Board of Directors meeting and the May 12, 2021 Special 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 ACCEPTANCE OF THE WESTMONT ENCINITAS FIRE DETECTOR CHECK AND WATER SERVICE (2) INSTALL PROJECT AND ABANDON EXISTING WATER SERVICE (ENCINITAS SENIOR LIVING, LP) INTO THE DISTRICT’S SYSTEM AND ORDER A NOTICE OF COMPLETION FILED
- C-d CONSIDER ACCEPTANCE OF THE 2902 AND 2920 LONE JACK ROAD FIRE HYDRANT AND WATER SERVICE (2) INSTALL PROJECT (GARRETT) INTO THE DISTRICT’S SYSTEM AND ORDER A NOTICE OF COMPLETION FILED
- C-e CONSIDER APPROVAL OF THE SIXTH AMENDMENT TO THE CONSULTING PROFESSIONAL SERVICES AGREEMENT WITH NOSSAMAN LLP FOR GOVERNMENT RELATIONS AND GRANT SUPPORT SERVICES
- C-f CONSIDER APPROVAL OF A MUTUAL AID AGREEMENT PROVIDING FOR EMERGENCY ASSISTANCE AMONG THE SAN DIEGO COUNTY WATER AUTHORITY AND ITS MEMBER AGENCIES

Director Topolovac moved to authorize the Consent Calendar items, seconded by Director Bruce-Lane and approved by the following roll call vote:

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

- 10. ADOPTION OF A RESOLUTION HONORING EDMUND K. SPRAGUE FOR HIS YEARS OF SERVICE REPRESENTING DIVISION 5 ON THE BOARD OF DIRECTORS

President Watt moved to adopt Resolution 2021-09, 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 ANNUAL UPDATE OF THE DISTRICT’S FIVE YEAR STAFFING ANALYSIS

Director Topolovac moved to approve the annual update of the Staffing Analysis with the addition of one IT Systems Administrator, 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. CONSIDER APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT WITH DUDEK IN THE AMOUNT OF \$299,611 FOR PRELIMINARY AND FINAL DESIGN SERVICES FOR THE 4S RANCH WATER RECLAMATION FACILITY HEADWORKS SCREENING SYSTEM IMPROVEMENTS PROJECT, APPROPRIATE \$130,000 TO THE FY 20/21 PROJECT BUDGET WITHOUT CHANGING THE OVERALL PROJECT BUDGET, AND AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF THE DISTRICT

Director Guerin moved to approve a Professional Services Agreement with Dudek in the amount of \$299,611 for preliminary and final design services for the 4S Ranch Water Reclamation Facility Headworks Screening System Improvement project, appropriate \$130,000 from the FY 2021/2022 project budget to the FY 2020/2021 project budget, and authorize the General Manager to sign on behalf of the district, 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 APPROVAL OF CHANGE ORDER NO. 3 IN THE AMOUNT OF \$91,770 WITH TEICHERT ENERGY & UTILITIES GROUP FOR THE EL CAMINO REAL PIPELINE REPLACEMENT AND GREEN BIKE LANE PROJECT

Director Sprague moved to approve Change Order No. 3 with Teichert Energy & Utilities Group in the amount of \$91,770 for the El Camino Real Pipeline Replacement and Green Bike Lane project and authorize the General Manager to sign on behalf of the district, 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

Item 18 was heard next on the agenda.

18. CONSIDER UPDATE ON THE COVID-19 EMERGENCY DECLARATION

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

Item 20 was heard next on the agenda.

20. INFORMATIONAL REPORTS

A. President's Report

President Watt indicated that Director Topolovac expressed his desire to serve as Secretary in Director Sprague's absence. The board concurred and an Ordinance for approval will be added to the June 16 board meeting agenda. President Watt appointed Director Meyers to the Safety, Facilities and Conservation Committees to take over for former Director Sprague.

B. General Manager's Report

General Manager Thorner provided a written report that was included in the board packet. She also reported that she will be speaking at an AWWA Women in Water event the following week.

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 the litigation with Vallecitos Water District had been settled. There was also approval of an MOU with the Teamsters that came out of Closed Session. General Counsel Hattam opined that the Oceanside/OMWD proxy vote issue was not illegal. General Manager Thorner also reported that she has lunch scheduled with Chair Croucher and that there was an announcement of General Counsel Hattam's retirement effective in August.

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

Meeting with Jim M. (Apr 22)

Director Watt met with a potential Division 5 applicant.

Personnel Committee Meeting (Apr 27)

Directors Bruce-Lane and Watt attended a committee meeting.

San Dieguito Valley Groundwater Desalination Design Pilot Well Community Meeting (Apr 27)

Directors Bruce-Lane, Topolovac, and Watt attended the virtual meeting.

Safety Committee Meeting (Apr 28)

Directors Sprague and Topolovac attended the committee meeting.

Personnel Committee Meeting (May 4)

Directors Bruce-Lane and Watt attended the committee meeting.

Conference Call - SDCWA Issues (May 4)

Director Guerin had a conference call with the General Manager.

Conference Call – SDCWA Issues GM/GC Review Input (May 7)

Director Guerin had a conference call with the General Manager.

ACWA JPIA Meeting (May 10)

President Watt participated in the ACWA JPIA Meeting.

Conference Call - Meeting Prep. (May 11)

President Watt had a conference call with the General Manager.

Special Board Meeting (May 12)

Directors Bruce-Lane, Guerin, Sprague, Topolovac, and Watt attended the Special Board Meeting.

SDLA Module 3 - Part 1 (May 12)

Director Bruce-Lane completed Part 1 of Module 3 for her Special District Leadership Academy certificate.

SDLA Module 3 - Part 2 (May 13)

Director Bruce-Lane completed Part 2 of Module 3 for her Special District Leadership Academy certificate.

APWA Virtual Awards Luncheon (May 13)

President Watt attended the virtual luncheon.

Conference Call (May 13)

President Watt had a conference call with the General Manager.

Conference Call (May 18)

Director Topolovac had a conference call with the General Manager.

Item 14 was heard next on the agenda.

14. **PUBLIC HEARING TO CONSIDER OLIVENHAIN MUNICIPAL WATER DISTRICT'S 2020 URBAN WATER MANAGEMENT PLAN, WATER SHORTAGE CONTINGENCY PLAN, AND AN AMENDMENT TO THE 2015 URBAN WATER MANAGEMENT PLAN (5:30 P.M.)**

President Watt announced that this was the time and place for a Public Hearing to consider the Olivenhain Municipal Water District's 2020 Urban Water Management Plan, Water Shortage Contingency Plan, and an Amendment to the 2015 Urban Water Management Plan.

General Manager Thorner stated that notices requesting input on the plan were sent more than 60 days prior to the public hearing to all water management agencies, wastewater agencies, and cities in and adjacent to the district's service area. The purpose of the Urban Water Management Plan is to adequately demonstrate OMWD's water supply reliability over the next 25 years. It provides details on the reliability of imported water supplies that serve the San Diego region as well as other resources utilized by OMWD. An Ordinance will be presented for consideration at the June 16 board meeting to approve the final Urban Water Management Plan, Water Shortage Contingency Plan, and amendment to OMWD's 2015 Urban Water Management Plan for submission to the Department of Water Resources by the July 1, 2021 deadline.

There were not any members of the public in attendance who wished to speak and there were no comments received from the public.

President Watt announced that the Public Hearing was closed and reconvened the meeting of the Board of Directors.

15. PUBLIC HEARING TO CONSIDER WASTEWATER SERVICE FEE INCREASES FOR 4S RANCH AND RANCHO CIELO SANITATION DISTRICTS OVER A FIVE-YEAR PERIOD STARTING IN FISCAL YEAR 2021/22 (5:30 p.m.)

President Watt announced that this was the time and place for a Public Hearing to consider Wastewater Service Fee increases for 4S Ranch and Rancho Cielo Sanitation Districts over a five-year period starting in FY 2021/2022.

General Manager Thorner stated that notice of the public hearing was published in the Union Tribune on Friday, May 7 and Friday, May 14, 2021 and a notice was mailed to property owners with the 4S Ranch and Rancho Cielo Sanitation Districts to comply with Proposition 218. At the March 17, 2021 board meeting, the board discussed the proposed wastewater service fee adjustments. The district retained Raftelis Financial Consultants to conduct a Wastewater Rate Study to determine the necessary wastewater operating and maintenance costs and capital infrastructure needs of the 4S Ranch Sanitation District and Rancho Cielo Sanitation District.

There were not any members of the public in attendance who wished to speak and there was one written comment received from the public.

President Watt announced that the Public Hearing was closed and reconvened the meeting of the Board of Directors.

Items 16 and Item 17 were combined and heard as one item.

16. CONSIDER APPROVAL OF OLIVENHAIN MUNICIPAL WATER DISTRICT'S SEWER (WASTEWATER) SERVICE FEE INCREASES FOR 4S RANCH AND RANCHO CIELO SANITATION DISTRICTS OVER A FIVE-YEAR PERIOD STARTING IN FISCAL YEAR 2021/22 AND ADOPTION OF AN ORDINANCE AMENDING THE DISTRICT'S ADMINISTRATIVE AND ETHICS CODE (Article 28 – Sanitation Districts and Use of Rules and Regulations)

Upon motion by Director Guerin and a second by Director Topolovac, Ordinance 487 was adopted by the following roll call vote:

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

17. CONSIDER ADOPTION OF A RESOLUTION MAKING CEQA EXEMPTION FINDINGS FOR THE WASTEWATER RATE INCREASES AND ORDERING A NOTICE OF EXEMPTION BE FILED WITH THE COUNTY CLERK OF THE COUNTY OF SAN DIEGO

Director Guerin moved to approve increases to the district’s wastewater rates and charges for the next five fiscal years (2022-2026) to cover the costs of wastewater operations, maintenance, and capital facilities, and adopt Resolution 2021-10 to file the Notice of Exemption, seconded by Director Sprague and approved by the following roll call vote:

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

NOTE: The meeting was in recess
from 6:04 p.m. to 6:16 p.m.

19. CONSIDER THE APPOINTMENT AND SWEARING IN OF NEAL MEYERS TO FILL THE UNEXPIRED TERM OF OFFICE FOR THE DIVISION 5 DIRECTOR

President Watt moved to appoint and swear in Mr. Neal Meyers to fill the Division 5 vacancy, 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

Mr. Neal Meyers was sworn in by General Counsel Smith.

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

No future agenda items were requested.

24. CONSIDER PUBLIC COMMENTS

There were no public comments.

It was noted that Director Meyers recused himself from Closed Session Items A and D due to a conflict of interest and left the room for those items.

NOTE: The meeting was in closed session
from 6:39 p.m. to 7:45 p.m.

25. 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 – ONE CASE [PURSUANT TO GOVERNMENT CODE SECTION 54956.9]
- E) CONSIDER OMWD LABOR NEGOTIATIONS (Negotiation Team – General Manager, Kimberly Thorner; Staff: HR Manager, Jennifer Joslin) [PURSUANT TO GOVERNMENT CODE SECTION 54957.6] • Additional Facts: Discuss Upcoming Negotiations.
- F) CONSIDER LITIGATION – OLIVENHAIN MUNICIPAL WATER DISTRICT VS. GEOMAT TESTING LABORATORIES, INC., ET AL. [PURSUANT TO GOVERNMENT CODE SECTION 54956.9]
- G) CONSIDER GENERAL COUNSEL REVIEW [PURSUANT TO GOVERNMENT CODE SECTION 54957] • Additional Facts: Preliminary input provided on May 19, 2021; full review to be held on June 16, 2021.

26. OPEN SESSION

The board received a report and directed staff in closed session. There was no reportable action.

27. ADJOURNMENT

President Watt adjourned the meeting at 7:45 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