

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

JUNE 17, 2020

A regular meeting of the Board of Directors of Olivenhain Municipal Water District was held on Wednesday, June 17, 2020 at the District office, 1966 Olivenhain Road, Encinitas, California via video conference.

President Sprague called the meeting to order at 4:03 p.m. Following the Pledge of Allegiance, the Assistant Secretary called the roll. Directors present were Guerin, Sprague, Topolovac, and Watt. Director Kephart joined the meeting at 4:19 p.m. It was noted that Directors Guerin, Kephart, Sprague, Topolovac, and Watt participated in the meeting via teleconference in accordance with Governor Newsom's Executive Order N-33-20, 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 via video conference were Kimberly Thorner, General Manager; Joey Randall, Assistant General Manager; Rainy Selamat, Finance Manager; Jason Hubbard, Engineering Manager; John Carnegie, Customer Services Manager; Geoff Fulks, Operations Manager; Steve Weddle, Engineering Services Supervisor; Brian Sodeman, Customer Service and Public Affairs Supervisor; Mark Wilson, Field Services Supervisor; Don MacFarlane, Consulting Engineer; and Stephanie Kaufmann, Executive Secretary.

5. ADOPTION OF AGENDA

President Sprague moved to postpone Closed Session Item 26-B until the July 15 Board Meeting, seconded by Director Watt and approved by the following roll call vote:

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

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

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

6. PERSONAL APPEARANCES AND PUBLIC COMMENTS

There were no personal appearances or public comments.

7. PRESENTATION OF AWARDS AND HONORABLE MENTIONS

President Sprague recognized Purchasing/Warehouse Clerk Briant as being named the Water Utility Hero of the Week for the San Diego Region. He also complimented Systems Operator III Calm, Utility I Arellano, and Utility III Castro for going above and beyond in helping a customer who sent in a thank you note.

8. CONSIDER APPROVAL OF THE MINUTES OF THE MAY 20, 2020 REGULAR BOARD OF DIRECTORS MEETING

President Sprague moved to approve the May 20, 2020 Regular Board of Directors meeting minutes, seconded by Director Topolovac and approved by the following roll call vote:

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

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 MONTHLY INVESTMENT REPORT

C-b CONSIDER ADOPTION OF A MOTION APPROVING THE DISTRICT'S CONSOLIDATED STATEMENTS OF NET POSITION, CONSOLIDATED STATEMENTS 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 VOTE FOR SOUTHERN NETWORK (SEAT C) REPRESENTATIVE TO THE CALIFORNIA SPECIAL DISTRICTS ASSOCIATION BOARD OF DIRECTORS

C-d CONSIDER APPROVAL OF THE FIFTH AMENDMENT TO THE CONSULTING PROFESSIONAL SERVICES AGREEMENT WITH NOSSAMAN LLP FOR GOVERNMENT RELATIONS AND GRANT WRITING SERVICES

C-e CONSIDER ACCEPTANCE OF THE DAVID C. MCCOLLOM WATER TREATMENT PLANT TRAIN 8 MEMBRANE REPLACEMENT ON-SITE SUPPORT PROJECT (SUEZ WATER TECHNOLOGIES AND SOLUTIONS) INTO THE DISTRICT'S SYSTEM AND ORDER A NOTICE OF COMPLETION FILED

- C-f CONSIDER ACCEPTANCE OF THE DAVID C. MCCOLLOM WATER TREATMENT PLANT FIRST STAGE MEMBRANE FIBER REPAIRS PROJECT (SUEZ WATER TECHNOLOGIES AND SOLUTIONS) INTO THE DISTRICT’S SYSTEM AND ORDER A NOTICE OF COMPLETION FILED
- C-g CONSIDER ACCEPTANCE OF THE 4S RANCH WATER RECLAMATION FACILITY TERTIARY FILTER REHABILITATION PROJECT (J.R. FILANC CONSTRUCTION COMPANY, INC.) INTO THE DISTRICT’S SYSTEM AND ORDER A NOTICE OF COMPLETION FILED
- C-h CONSIDER ACCEPTANCE OF THE UNIT AA PIPELINE EMERGENCY REHABILITATION PROJECT (CASS ARRETA CORPORATION) INTO THE DISTRICT’S SYSTEM AND ORDER A NOTICE OF COMPLETION FILED
- C-i CONSIDER ACCEPTANCE OF THE INDIAN HEAD CANYON PIPELINE EMERGENCY RESTORATION PROJECT (CASS ARRETA CORPORATION) INTO THE DISTRICT’S SYSTEM AND ORDER A NOTICE OF COMPLETION FILED
- C-k CONSIDER ADOPTION OF A RESOLUTION ESTABLISHING THE APPROPRIATION LIMIT AND AUTHORIZING THE APPLICATION OF PROCEEDS OF TAXES FOR FISCAL YEAR 2020-2021

Director Watt requested to pull Consent Calendar item C-j.

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

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

- C-j CONSIDER APPROVAL OF AN INFORMATION TECHNOLOGY (IT) SUPPORT SERVICES AGREEMENT WITH B WEBER CONSULTING LLC FOR THE FINANCIAL ENTERPRISE RESOURCE PLANNING (ERP) AND UTILITY BILLING SYSTEMS ON AN AS-NEEDED BASIS NOT TO EXCEED \$96,500 AND AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF THE DISTRICT

Director Watt inquired if it was necessary to have a consultant manage the updates and implementation for the two software systems listed in the contract.

General Manager Thorner stated that the software requires multiple upgrades and updates throughout the year and that we do not have a dedicated in-house staff person that specializes in the maintenance of this software.

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

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

It was noted that Director Kephart joined the meeting at 4:19pm.

10. CONSIDER REVISIONS TO 2020 ANNUAL OBJECTIVES IMPACTED BY COVID-19

President Sprague moved to approve the revisions to the 2020 annual objectives and stretch objectives based on the realities of the COVID-19 pandemic and its effects on OMWD operations, 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

11. CONSIDER ADOPTION OF AN ORDINANCE AMENDING THE OLIVENHAIN MUNICIPAL WATER DISTRICT'S ADMINISTRATIVE AND ETHICS CODE (Article 8—Water Rates & Charges and Article 9—Rules Relating to Customer Accounts)

After discussion by the Board, it was determined that \$75.00 is an appropriate monthly fee to charge customers for opting out of meter reading via AMI.

Director Topolovac moved to keep the existing ordinance, in which case the monthly cost to customers for opting out of meter reading via AMI would remain \$75.00, seconded by Director Kephart and approved by the following roll call vote:

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

12. CONSIDER ADOPTION OF AN ORDINANCE AMENDING THE DISTRICT'S ADMINISTRATIVE AND ETHICS CODE (Article 3—Organization of Staff; Article 4—Classified Positions; and Article 5 – Working Hours, Employee Benefits)

Upon motion by Director Kephart and a second by Director Topolovac, Ordinance 477 was adopted by the following roll call vote:

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

13. CONSIDER APPROVAL OF AN ENCROACHMENT AGREEMENT WITH VALLECITOS WATER DISTRICT FOR INSTALLATION OF ADVANCED METERING INFRASTRUCTURE FACILITIES AT THE DOUBLE PEAK RESERVOIR SITE AND AUTHORIZING THE GENERAL MANAGER TO SIGN ON OMWD'S BEHALF, AND CONSIDER ADOPTION OF A RESOLUTION MAKING CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS FOR THE ADVANCED METERING INFRASTRUCTURE PROJECT AND ORDER THAT A NOTICE OF EXEMPTION BE FILED WITH THE COUNTY CLERK, COUNTY OF SAN DIEGO

President Sprague moved to approve an encroachment agreement with Vallecitos Water District, authorize the General Manager to sign the encroachment agreement on OMWD's behalf, and approve Resolution No. 2020-10, 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

14. CONSIDER APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT WITH WEST YOST ENGINEERING MANAGEMENT IN THE AMOUNT OF \$143,500 FOR RECYCLED WATER SITE INSPECTIONS, TESTING, AND DOCUMENTATION SERVICES FOR NEW AND EXISTING RECYCLED WATER SITES AND AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF THE DISTRICT

President Sprague moved to approve an agreement with West Yost in the amount of \$143,500 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

15. CONSIDER ADOPTION OF A RESOLUTION OF THE BOARD OF DIRECTORS OF THE OLIVENHAIN MUNICIPAL WATER DISTRICT APPROVING THE OPERATIONS, MAINTENANCE, AND CAPITAL IMPROVEMENT BUDGET FOR FISCAL YEARS 2021 AND 2022

President Sprague moved to adopt Resolution No. 2020-11, approving the Biennial Operating and Capital Budget for Fiscal Years 2021 and 2022, seconded by Director Watt and approved by the following roll call vote:

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

16. 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, 2020 TO JUNE 30, 2021 AND TO CERTIFY SAID FEES WITH THE SAN DIEGO COUNTY ASSESSOR

President Sprague moved to group agenda Items 16, 17, and 18 together and adopt Resolution No. 2020-12, Resolution No. 2020-13, and Resolution No. 2012-14, 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. 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, 2020 TO JUNE 30, 2021 AND TO CERTIFY SAID FEES WITH THE SAN DIEGO COUNTY ASSESSOR

18. CONSIDER ADOPTION OF A RESOLUTION ELECTING TO HAVE SEWER SERVICE FEES FOR THE SANTALUZ 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, 2020 TO JUNE 30, 2021 AND TO CERTIFY SAID FEES WITH THE SAN DIEGO COUNTY ASSESSOR

19. CONSIDER APPROVAL OF AN AS-NEEDED ENVIRONMENTAL SUPPORT SERVICES AGREEMENT TO RECON ENVIRONMENTAL, INC. FOR A TOTAL NOT TO EXCEED \$150,000 AND AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF THE DISTRICT

President Sprague moved to approve the as-needed environmental support services agreement with RECON Environmental, Inc. in an amount not to exceed \$150,000 and authorize 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

20. CONSIDER UPDATE ON THE GENERAL MANAGER’S DECLARED COVID-19 EMERGENCY

General Manager Thorner presented the report. No Board action was required.

21. INFORMATIONAL REPORTS

A. President’s Report

President Sprague did not have anything to report.

B. General Manager’s Report

General Manager Thorner announced that she was selected for the SDLAFCO Ad Hoc Fallbrook-Rainbow-CWA Advisory Committee. She also announced that OMWD’s “AAA” bond rating was reaffirmed with a stable outlook.

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 provided an update on the SDCWA budget process and thanked the General Manger and staff for their assistance.

F. Legislative Report

The Legislative Report is attached.

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

GM Teleconference (May 27)

Director Guerin had a teleconference meeting with the General Manager to discuss CWA issues.

GM Teleconference (June 1)

Director Guerin had a teleconference meeting with the General Manager to discuss CWA Regional Conveyance issues.

GM Teleconference (June 3)

Director Watt had a teleconference meeting with the General Manager.

GM Teleconference (June 5)

Director Guerin had a teleconference meeting with the General Manager to discuss CWA issues.

Document Signing (June 8)

Director Kephart met with Executive Secretary Kaufmann to sign documents.

GM Teleconference (June 8)

Director Watt had a teleconference meeting with the General Manager.

GM Teleconference (June 8)

Director Guerin had a teleconference meeting with the General Manager to discuss CWA issues.

GM Teleconference (June 9)

Director Watt had a teleconference meeting with the General Manager.

GM Teleconference (June 10)

Director Topolovac had a teleconference meeting with the General Manager.

Virtual Neighborhood Meeting - Manchester Ave Potable Project (June 11)

Director Watt attended the virtual meeting.

GM Teleconference (June 8)

Director Guerin had a teleconference meeting with the General Manager to discuss CWA issues.

GM Teleconference (June 15)

Director Guerin had a teleconference meeting with the General Manager to discuss CWA issues and Director Watt had a teleconference meeting with the General Manager.

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**

No future agenda items were requested.

25. **CONSIDER PUBLIC COMMENTS**

There were no public comments.

NOTE: The meeting was in closed session
from 5:46 p.m. to 5:54 p.m.

26. **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 – ONE CASE [PURSUANT TO GOVERNMENT CODE SECTION 54956.9(D)(2)]**

27. **OPEN SESSION**

The Board directed staff as appropriate on closed session items.

28. **ADJOURNMENT**

President Sprague adjourned the meeting at 5:54 p.m.

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

ATTEST:

Robert M. Kephart, Secretary
Board of Directors
Olivenhain Municipal Water District