

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

June 22, 2022

A regular meeting of the Board of Directors of Olivenhain Municipal Water District was held on Wednesday, June 22, 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; Lindsey Stephenson, Engineering Manager; Steve Weddle, Engineering Services Supervisor; Teresa Chase, Administrative Analyst; Joe Jansen, Administrative Analyst; Stephanie Kaufmann, Executive Secretary; Don MacFarlane, Consulting Engineer; Julio Morales, Urban Water Futures; 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 Topolovac moved to adopt the agenda, 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

7. PERSONAL APPEARANCES AND PUBLIC COMMENTS

There were no public comments.

8. PRESENTATION OF AWARDS AND HONORABLE MENTIONS

- \* WaterSmart Landscape Contest Winners – Mike and Cathy Godfrey
- \* Devin Rodriguez – Utility II – Rehired – May
- \* Rob Kreutzer – Department Assistant I – Transfer – May
- \* Lindsey Stephenson – Engineering Manager – New Hire – June
- \* Colette Barrow – Operations Coordinator – 5 Years – June
- \* APWA Project of the Year – Indian Head Canyon Pipeline Restoration Project
- \* APWA Project of the Year – El Camino Real Potable Water Pipeline Replacement Project
- \* Presentation of Governance Certificates from CSDA’s Chris Palmer to Directors Bruce-Lane, Guerin, and Meyers

Administrative Analyst Chase and President Watt congratulated the landscape contest winners.

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

Engineering Services Supervisor Weddle presented the APWA awards to the board.

CSDA’s Chris Palmer presented the governance certificates to Directors Bruce-Lane, Guerin, and Meyers.

9. CONSIDER APPROVAL OF THE MINUTES OF THE MAY 18, 2022, REGULAR BOARD OF DIRECTORS MEETING

Director Meyers moved to approve the minutes of the May 18, 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 VOTE FOR SOUTHERN NETWORK (SEAT B) REPRESENTATIVE TO THE CALIFORNIA SPECIAL DISTRICTS ASSOCIATION BOARD OF DIRECTORS
- C-d CONSIDER ACCEPTANCE OF THE VALVE REPLACEMENT EXCAVATION AND PAVING SUPPORT SERVICES PROJECT FOR FY 2021-2022 (PIPERIN CORPORATION) INTO THE DISTRICT’S SYSTEM AND ORDER A NOTICE OF COMPLETION FILED
- C-e CONSIDER ADOPTION OF A RESOLUTION ESTABLISHING THE APPROPRIATION LIMIT AND AUTHORIZING THE APPLICATION OF PROCEEDS OF TAXES FOR FISCAL YEAR 2022-2023

President Watt pulled item C-c from the Consent Calendar.

Director Guerin moved to authorize the Consent Calendar, with the exception of item C-c, 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

- C-c CONSIDER VOTE FOR SOUTHERN NETWORK (SEAT B) REPRESENTATIVE TO THE CALIFORNIA SPECIAL DISTRICTS ASSOCIATION BOARD OF DIRECTORS

Director Bruce-Lane moved to vote for incumbent Don Bartz for the Southern Network’s Seat B Representative to the California Special Districts Association Board of Directors, seconded by Director Topolovac, 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 PROPOSED OLIVENHAIN MUNICIPAL WATER DISTRICT PENSION FUNDING POLICY

Finance Manager Selamat presented the report.

Director Topolovac moved to adopt the proposed policy to address OMWD’s Unfunded Pension Liability, 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

12. CONSIDER ADOPTION OF A RESOLUTION OF THE BOARD OF DIRECTORS OF THE OLIVENHAIN MUNICIPAL WATER DISTRICT APPROVING OPERATIONS, MAINTENANCE, AND CAPITAL IMPROVEMENT BUDGET FOR FISCAL YEARS 2023 AND 2024

Finance Manager Selamat presented the report.

Director Guerin moved to adopt Resolution 2022-16, approving the General Manager’s Recommended Biennial Operating and Capital Budget for Fiscal Years 2023 and 2024, seconded by Director Topolovac, and approved by the following roll call vote:

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

13. CONSIDER UPDATE ON THE EMERGENCY WATER CONSERVATION REGULATION

Administrative Analyst Jansen presented the informational report.

The board requested additional public education and outreach as the state ramps up conversation requirements.

14. CONSIDER SETTING A TIME AND PLACE FOR A PUBLIC HEARING TO CONSIDER OLIVENHAIN MUNICIPAL WATER DISTRICT’S PUBLIC HEALTH GOAL REPORT (JULY 20, 2022 – 5:30 P.M.)

Director Topolovac moved to set the Public Hearing to consider Olivenhain Municipal Water District’s Public Health Goal Report for the period 2019-2021 for July 20, 2022 at 5:30 p.m., 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 UPDATE ON THE COVID-19 EMERGENCY DECLARATION

General Manager Thorner provided the informational report.

16. INFORMATIONAL REPORTS

A. President's Report

President Watt reported that he attended the new employee tour and that he met with the City of Encinitas City Manager.

B. General Manager's Report

General Manager Thorner's report was included in the board packet.

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 SDCWA is deciding between to the final two General Counsel candidates, and that there will be a drought press conference at the June 23 board meeting.

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 with the General Manager (May 19)**

President Watt met with the General Manager.

**2022 APWA Awards Ceremony (May 19)**

Directors Guerin, Meyers, and Watt attended the luncheon.

**Active Shooter Training (May 19)**

Director Meyers attended the training.

**Conference Call with the General Manager RE: UWI/CSDA, Aqua Hawk Deployment (May 24)**

Director Meyers had a conference call with the General Manager.

**Active Shooter Training (May 26)**

Directors Topolovac and Watt attended the training.

**Conference Call with the General Manager RE: General Counsel Review (May 27)**

President Watt had a conference call with the General Manager.

**Meeting with the General Manager and Assistant General Manager RE: General Counsel Review Input (June 2)**

President Watt met with the General Manager and Assistant General Manager.

**DCMWTP 20th Anniversary Luncheon (June 8)**

Directors Bruce-Lane, Meyers, Topolovac, and Watt attended the luncheon.

**Conference Call with the General Manager RE: General Counsel Review and Tours (June 13)**

President Watt had a conference call with the General Manager.

**New Employee Tour (June 16)**

President Watt presented at the beginning of the tour.

**Meeting with Encinitas City Manager Antil (June 20)**

President Watt met with the Encinitas City Manager.

17. **CORRESPONDENCE**

Correspondence was provided in the board packet.

18. **AUTHORIZATION TO ATTEND UPCOMING MEETINGS / CONFERENCES / SEMINARS**

There were no meetings requiring authorization to attend.

19. FUTURE AGENDA ITEMS

Director Bruce-Lane requested a board item to incorporate a protocol on background signage used during virtual meetings into the Administrative and Ethics Code, seconded by Director Guerin.

President Watt requested an informational report on OMWD's Fleet Maintenance Program, seconded by Director Topolovac.

20. CONSIDER PUBLIC COMMENTS

There were no public comments.

NOTE: The meeting was in recess  
from 5:13 p.m. to 5:22 p.m.

NOTE: The meeting was in closed session  
from 5:22 p.m. to 5:54 p.m.

21. 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 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.

OPEN SESSION

President Watt provided direction to staff in closed session.

22. OPEN SESSION DISCUSSION OF GENERAL COUNSEL COMPENSATION

After discussion by the board, Director Guerin moved to approve a rate increase to the General Counsel’s contract in the amount of 5% for general counsel services, and 3% for special counsel services, effective July 1, 2022, 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

23. ADJOURNMENT

President Watt adjourned the meeting at 6:14 p.m.

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

ATTEST:

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Kimberly A. Thorner, Assistant Secretary  
Board of Directors  
Olivenhain Municipal Water District