

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

JULY 15, 2020

A regular meeting of the Board of Directors of Olivenhain Municipal Water District was held on Wednesday, July 15, 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 4:26 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-35-20, 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; Jennifer Joslin, Acting Human Resources Manager; Steve Weddle, Engineering Services Supervisor; Tom Arellano, Water Treatment Plant Supervisor; Don MacFarlane, Consulting Engineer; Stephanie Kaufmann, Executive Secretary; Teresa Chase, Administrative Analyst; Jesica Cleaver, Administrative Analyst; and Cindy Pecile, Engineering and Right of Way Coordinator.

The following phone numbers called into the meeting: (714) 337-1570, (858) 243-6374, and (905) 399-7055.

5. ADOPTION OF AGENDA

President Sprague moved to adopt the agenda, 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

6. PERSONAL APPEARANCES AND PUBLIC COMMENTS

There were no personal appearances or public comments.

7. PRESENTATION OF AWARDS AND HONORABLE MENTIONS

Presentation of awards and honorable mentions will be presented at a later date.

8. CONSIDER APPROVAL OF THE MINUTES OF THE JUNE 17, 2020 REGULAR BOARD OF DIRECTORS MEETING

President Sprague moved to approve the June 17, 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 REPORT

C-c CONSIDER APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT WITH DLM ENGINEERING, INC. IN THE AMOUNT OF \$196,000 FOR PLANNING SERVICES AND AUTHORIZE THE GENERAL MANAGER TO SIGN ON OMWD'S BEHALF

C-d CONSIDER ACCEPTANCE OF THE 16591 RIO VISTA ROAD WATER SERVICE INSTALL PROJECT (CONSTRUCTION WEST) INTO THE DISTRICT'S SYSTEM AND ORDER A NOTICE OF COMPLETION FILED

C-e CONSIDER ACCEPTANCE OF THE 16627 RIO VISTA ROAD FIRE DETECTOR CHECK AND WATER SERVICE INSTALL PROJECT (JEFFREY BRAND) INTO THE DISTRICT'S SYSTEM AND ORDER A NOTICE OF COMPLETION FILED

- C-f CONSIDER ACCEPTANCE OF THE RANCHO SANTA FE LAKES UNIT NO. 4 PRESSURE REDUCING STATION PROJECT (LENNAR HOMES OF CALIFORNIA, INC.) INTO THE DISTRICT’S SYSTEM AND ORDER A NOTICE OF COMPLETION FILED
- C-g CONSIDER ACCEPTANCE OF THE 6804 CALLE PORTONE 4-INCH FIRE SERVICE INSTALL PROJECT (HCC INVESTORS, LLC) INTO THE DISTRICT’S SYSTEM AND ORDER A NOTICE OF COMPLETION FILED
- C-h CONSIDER ACCEPTANCE OF THE PARCEL 4 COPPER CREST ROAD WATER SERVICE INSTALL PROJECT (KEITH G. JOHNSON AND DEANNE E. JOHNSON) INTO THE DISTRICT’S SYSTEM AND ORDER A NOTICE OF COMPLETION FILED

President Sprague moved to authorize the Consent Calendar items, 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

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

Administrative Analyst Cleaver presented the informational report. No board action was required.

- 11. CONSIDER APPROVAL OF A SECOND AMENDMENT TO THE ORIGINAL PURCHASE AGREEMENT WITH THE ESCONDIDO CREEK CONSERVANCY FOR THE PURCHASE OF APN 223-081-04-00, 223-081-05-00, 223-082-23-00, AND 223-082-04-00 (GATY PARCELS) AND AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF THE DISTRICT

Director Watt moved to approve a second amendment to the original purchase agreement with The Escondido Creek Conservancy in the amount of \$1.975 million for purchase of the following District-owned parcels: APN 223-081-04-00, 223-081-05-00, 223-082-23-00, and 223-082-04-00 (Gaty Parcels), 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

It was noted that Director Kephart joined the meeting at 4:26 p.m.

12. CONSIDER APPROVAL OF AMENDMENT #1 TO CAROLLO ENGINEERS INC. (CAROLLO) IN THE AMOUNT OF \$108,013 FOR ADDITIONAL ENGINEERING SUPPORT SERVICES FOR THE 4S RANCH WATER RECLAMATION FACILITY ULTRAVIOLET DISINFECTION SYSTEM PROJECT, INCREASE THE OVERALL PROJECT BUDGET BY \$200,000 AND AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF THE DISTRICT

President Sprague moved to approve amendment #1 to the Carollo agreement in the amount of \$108,013 for additional engineering support services during construction for the Ultraviolet Disinfection Replacement project at the 4S Ranch Water Reclamation Facility, increase the overall project budget by \$200,000 to cover the Carollo amendment and increased construction management and staff time, 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 Guerin, Kephart, Sprague, Topolovac, and Watt
NOES: None
ABSTAIN: None
ABSENT: None

13. CONSIDER APPROVAL OF A CONTRACT WITH SUEZ WATER TECHNOLOGIES & SOLUTIONS IN THE AMOUNT OF \$6,900,271 FOR MEMBRANE REPLACEMENTS AND ON-SITE FIELD SERVICES FOR THE DAVID C. MCCOLLOM WATER TREATMENT PLANT AND AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF THE DISTRICT

President Sprague moved to approve a ten year contract with Suez Water Technologies in the amount of \$6,900,271 for membrane replacements and on-site field services at the David C. McCollom Water Treatment Plant 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

14. CONSIDER APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT WITH DUDEK IN THE AMOUNT OF \$75,550 FOR THE DAVID C. MCCOLLOM WATER TREATMENT PLANT PH CONTROL SYSTEM DESIGN AND AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF THE DISTRICT

President Sprague moved to approve a professional services agreement with Dudek in the amount of \$75,550 for design services as part of the David C. McCollom Water Treatment Plant pH Control System 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 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 TO DESIGNATE CHRISTY GUERIN WHO WILL CONTINUE TO SERVE AS THE DISTRICT REPRESENTATIVE ON THE BOARD OF DIRECTORS OF THE SAN DIEGO COUNTY WATER AUTHORITY FOR ANOTHER TERM EFFECTIVE AUGUST 1, 2020

Director Topolovac moved to designate Director Guerin who will continue to serve as the District representative on the Board of Directors of the San Diego County Water Authority, effective August 1, 2020, seconded by President Sprague and approved by the following roll call vote:

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

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

This is an informational update. No board action is required.

17. CONSIDER ANNUAL OBJECTIVES AND TIGER TEAM STATUS REPORT

Administrative Analyst Chase presented the informational update. No board action was required.

18. 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 participated in the first SDLAFCO Ad Hoc Advisory Committee on the Fallbrook and Rainbow Detachment and that OMWD is participating, along with 18 other agencies, in an economic analysis of the Regional Conveyance Study.

Consulting Engineer's Report

Consulting Engineer MacFarlane's written report was included in the board packet.

C. General Counsel's Report

General Counsel Smith provided a written report that was included in the board packet.

D. San Diego County Water Authority Report

Director Guerin reported that the Regional Conveyance Study item will be delayed until August and gave a brief update on the MWD litigation.

E. Legislative Report

The Legislative Report was included in the board packet.

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

GM Teleconference (June 22)

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

GM Teleconference (June 24)

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

GM Teleconference (June 25)

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

Safety Committee Meeting (June 25)

Directors Kephart and Topolovac participated in the virtual committee meeting.

GM Teleconference (June 29)

Director Watt had a teleconference meeting with the General Manager.

Document Signing (June 30)

Director Kephart met with Executive Secretary Kaufmann to sign documents.

GM Teleconference (June 30)

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

GM Teleconference (July 1)

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

GM Teleconference (July 8)

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

Document Signing (July 9)

Director Kephart and Sprague met with Executive Secretary Kaufmann to sign documents.

Document Signing (July 13)

Director Topolovac met with Executive Secretary Kaufmann to sign documents.

GM Teleconference (July 13)

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

GM Teleconference (July 14)

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.

19. **CORRESPONDENCE**

Correspondence was provided in the board packet.

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

There were no meetings requiring authorization to attend.

21. FUTURE AGENDA ITEMS

The board requested an update and presentation on the Regional Conveyance Study and the independent economic analysis.

22. CONSIDER PUBLIC COMMENTS

There were no public comments.

NOTE: The meeting was in closed session
from 5:28 p.m. to 5:38 p.m.

23. 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) CONSIDER GENERAL COUNSEL REVIEW [PURSUANT TO GOVERNMENT CODE SECTION 54957] • Additional Facts: Preliminary input provided on May 20, 2020; full review to be held on July 15, 2020.

24. OPEN SESSION

After discussion by the board, President Sprague moved to approve a rate increase to the General Counsel's contract in the amount of 3.5% effective July 1, 2020, seconded by Director Guerin and approved by the following roll call vote:

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

25. ADJOURNMENT

President Sprague adjourned the meeting at 5:51 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