

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

August 16, 2023

A regular meeting of the Board of Directors of Olivenhain Municipal Water District was held on Wednesday, August 16, 2023, at the district office, 1966 Olivenhain Road, Encinitas, California. It was noted that Director Meyers was teleconferencing in from 145 Miners Trail Road, Aspen, CO 81611.

President Guerin called the meeting to order at 4:00 p.m. Following the Pledge of Allegiance, the Assistant Secretary called the roll. Directors present were Guerin, Hahn, Meyers, San Antonio, and Watt.

President Guerin 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; John Carnegie, Customer Services Manager; Jennifer Joslin, Human Resources Manager; Lindsey Stephenson, Engineering Manager; Steve Weddle, Engineering Services Supervisor; Leo Mendez, Accounting Supervisor; Don MacFarlane, Consulting Engineer; Stephanie Kaufmann, Executive Secretary; Robert Kreutzer, Department Assistant; and George Mileon, Senior Systems Administrator.

5. ADOPTION OF AGENDA

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

AYES:	Directors Guerin, Hahn, Meyers, San Antonio, and Watt
NOES:	None
ABSTAIN:	None
ABSENT:	None

6. PERSONAL APPEARANCES AND PUBLIC COMMENTS

There were no personal appearances or public comments.

7. PRESENTATION OF AWARDS AND HONORABLE MENTIONS

There was no presentation of awards or honorable mentions this meeting.

8. CONSIDER APPROVAL OF THE MINUTES OF THE JULY 19, 2023, REGULAR BOARD OF DIRECTORS

Director Hahn moved to approve the minutes of the July 19, 2023, Regular Board of Directors Meeting, seconded by Director Watt, and approved by the following roll call vote:

AYES: Directors Guerin, Hahn, Meyers, San Antonio, 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; AND REIMBURSEMENT OF EXPENSES TO BOARD MEMBERS AND STAFF
- 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 MCCRINK RANCH (UNIT 6) DEVELOPMENT WATER FACILITIES INSTALLATION PROJECT (LENNAR HOMES OF CALIFORNIA, INC.) INTO OMWD’S SYSTEM AND ORDER A NOTICE OF COMPLETION BE FILED
- C-d CONSIDER ACCEPTANCE OF THE AVION DEVELOPMENT SEWER FACILITIES INSTALLATION PROJECT (LENNAR HOMES OF CALIFORNIA, INC.) INTO OMWD’S SYSTEM AND ORDER A NOTICE OF COMPLETION BE FILED
- C-e CONSIDER VOTING FOR THE ASSOCIATION OF CALIFORNIA WATER AGENCIES REGION 10 BOARD OF DIRECTORS

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

AYES: Directors Guerin, Hahn, Meyers, San Antonio, and Watt
NOES: None
ABSTAIN: None
ABSENT: None

10. CONSIDER ADOPTION OF AN ORDINANCE AMENDING THE OLIVENHAIN MUNICIPAL WATER DISTRICT’S ADMINISTRATIVE AND ETHICS CODE (Article 4 – Classified Positions, Article 5 – Working Hours, Employee Benefits, Article 20 – Employer-Employee Relations, and Article 21 – Safety Provisions and Practices)

Upon motion by President Guerin and a second by Director Watt, Ordinance 509 was adopted by the following roll call vote:

AYES: Directors Guerin, Hahn, Meyers, San Antonio, and Watt
NOES: None
ABSTAIN: None
ABSENT: None

Agenda Items 11 and 12 were heard together.

11. CONSIDER APPROVAL OF THE OLIVENHAIN MUNICIPAL WATER DISTRICT'S 2023 CAPACITY FEES AND ADOPTION OF AN ORDINANCE AMENDING SECTION 13.11 OF THE DISTRICT'S ADMINISTRATIVE AND ETHICS CODE – OMWD CAPACITY FEES BY ZONE

Upon motion by Director Watt and a second by President Guerin, Ordinance 510 was adopted by the following roll call vote:

AYES: Directors Guerin, Hahn, Meyers, San Antonio, and Watt
NOES: None
ABSTAIN: None
ABSENT: None

12. CONSIDER ADOPTION OF A RESOLUTION MAKING CALIFORNIA ENVIRONMENTAL QUALITY ACT EXEMPTION FINDINGS TO ESTABLISH WATER CAPACITY FEES WITHIN ZONES OF BENEFIT IN THE DISTRICT, AND ORDER A NOTICE OF EXEMPTION BE FILED WITH THE COUNTY CLERK OF THE COUNTY OF SAN DIEGO

Director Watt moved to adopt Resolution 2023-15, seconded by President Guerin, and approved by the following roll call vote:

AYES: Directors Guerin, Hahn, Meyers, San Antonio, and Watt
NOES: None
ABSTAIN: None
ABSENT: None

13. CONSIDER FEASIBILITY OF POTENTIAL VIEWER ENGAGEMENT OF LIVE PUBLIC STREAMING OF OMWD PUBLIC MEETINGS AND PRESENT FINDINGS FROM THE SURVEY OF OTHER LOCAL PUBLIC AGENCIES

Director Meyers moved to approve option 2 and utilize existing Zoom capabilities to allow teleconference or video viewing of the board meetings with the option for public comment and continue to archive the audio and video recordings per the required length in the records retention schedule, seconded by Director Watt, and approved by the following roll call vote:

AYES: Directors Guerin, Hahn, Meyers, San Antonio, and Watt
NOES: None
ABSTAIN: None

ABSENT: None

14. INFORMATIONAL REPORTS

A. President's Report

President Guerin reported that the General Manager will be providing an update on AB 399 under the Legislative Report.

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 report was included in the board packet.

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

SDCWA representative Meyers reported on SDCWA's new General Manager, Dan Denham, the Fallbrook/Rainbow detachment, and the upcoming SDCWA retreat.

President Guerin inquired as to who was on the SDCWA General Manager Contract Negotiations Work Group. Director Meyers indicated that he would report back with the members at a later date.

F. Legislative Report

The Legislative Report was included in the board packet and General Manager Thorner provided an update on AB 399.

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

Safety Committee Meeting (July 26)

Directors Hahn and Meyers attended the meeting.

Southern California Water Coalition Quarterly Luncheon (July 28)

Director Meyers attended the luncheon.

Conference Call with the General Manager RE: Court Case Update and AB 399 (July 28)

President Guerin had a call with the General Manager.

Conference Call with the General Manager RE: Court Case Update (July 30)

Director Watt had a call with the General Manager.

Employee Forum (Aug 1)

Director Watt presented at the employee forum.

Kid's Day (Aug 2)

Director Watt attended the event.

Conference Call RE: SDCWA Board Meeting Comments (Aug 3)

Director Meyers had a call with the General Manager.

Public Policy Conference Call (Aug 4)

Directors Guerin and Watt had a conference call with the General Manager.

Finance Committee Meeting (Aug 8)

Directors Meyers and Watt attended the Finance Committee Meeting.

Meeting with the General Manager RE: SDCWA Special Meeting (Aug 10)

Director Meyers met with the General Manager.

Conference Call with the General Manager RE: Customer Issues and HOA Water Use (Aug 10)

President Guerin had a call with the General Manager.

Conference Call with the General Manager RE: SD LAFCO MSR Issues (Aug 11)

Director Watt had a call with the General Manager.

Board Meeting Pre-Briefing (Aug 15)

President Guerin attended the meeting with the General Manager.

H. Board Comments

There were no board comments.

NOTE: The meeting was in Closed Session
from 4:47p.m. to 5:04 p.m.

15. 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 POTENTIAL LITIGATION – ONE CASE [PURSUANT TO GOVERNMENT CODE SECTION 54956.9]

16. OPEN SESSION

Regarding the Hillside Patio HOA litigation, General Counsel Smith reported that a settlement and principles had been reached by all parties. It is in the process of being finalized and will be available to the public upon request once finalized.

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 Guerin moved to add an agenda item to discuss and provide possible direction on the SDCWA detachment litigation, AB 399, and the SDCWA Municipal Service Review, seconded by Director Meyers.

20. CONSIDER PUBLIC COMMENTS

There were no additional public comments.

21. ADJOURNMENT

President Guerin adjourned the meeting at 5:07 p.m.

Christy Guerin, President
Board of Directors
Olivenhain Municipal Water District

ATTEST:

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