

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

August 17, 2022

A regular meeting of the Board of Directors of Olivenhain Municipal Water District was held on Wednesday, August 17, 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, Meyers, Topolovac, and Watt. It was noted that Director Guerin was absent. 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; Jennifer Joslin, Human Resources Manager; Geoff Fulks, Operations Manager; Lindsey Stephenson, Engineering Manager; Brian Sodeman, Customer Service and Public Affairs Supervisor; Steve Weddle, Engineering Services Supervisor; Teresa Chase, Administrative Analyst; Melody Colombo, Administrative Analyst; Stephanie Kaufmann, Executive Secretary; Don MacFarlane, Consulting Engineer; and Meena Westford, Executive Policy Advisor, Colorado River, Metropolitan Water District of Southern California.

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, Meyers, Topolovac, and Watt
NOES:	None
ABSTAIN:	None
ABSENT:	Director Guerin

6. ADOPTION OF AGENDA

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

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

7. PERSONAL APPEARANCES AND PUBLIC COMMENTS

There were no public comments.

8. PRESENTATION OF AWARDS AND HONORABLE MENTIONS

- * Diana Spencer – Customer Service Representative I – New Hire – June
- * Cameron Adams – WTP Operator Level II – GYO Promotion – July
- * Shane Sullivan – WTP Operator Level III – 5 Years – August
- * Christian Alvarez – Utility I – New Hire – August
- * Ernesto Fuentes – Equipment Technician – New Hire – August
- * Paul Martinez – Engineering Technician I – New Hire – August

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

9. CONSIDER APPROVAL OF THE MINUTES OF THE JULY 20, 2022, REGULAR BOARD OF DIRECTORS MEETING

Director Meyers moved to approve the minutes of the July 20, 2022, Regular Board of Directors meeting, seconded by President Watt, and approved by the following roll call vote:

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

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 UPDATE ON THE COVID-19 EMERGENCY DECLARATION

C-d CONSIDER A RESOLUTION APPROVING THE APPLICATION FOR GRANT FUNDS FROM THE COUNTY OF SAN DIEGO COMMUNITY ENHANCEMENT PROGRAM FOR THE ELFIN FOREST RECREATIONAL RESERVE EQUINE INCLINE REHABILITATION PROJECT

- C-e CONSIDER AWARD OF A CONTRACT WITH C.E. WILSON CORPORATION IN THE AMOUNT OF \$448,150 FOR THE VALVE REPLACEMENT PROJECT EXCAVATION AND PAVING SUPPORT SERVICES FOR FISCAL YEAR 2023 AND AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF OMWD
- C-f CONSIDER ADOPTION OF A RESOLUTION MAKING CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS TO EXPAND THE OVERFLOW PARKING LOT AT ELFIN FOREST RECREATIONAL RESERVE AND CONSTRUCT A 0.5-MILE LINKAGE TRAIL BETWEEN WAY UP TRAIL AND EQUINE INCLINE TRAIL AT ELFIN FOREST RECREATIONAL RESERVE (IF GRANT FUNDING IS RECEIVED), AND ORDER A NOTICE OF EXEMPTION BE FILED WITH THE COUNTY CLERK, COUNTY OF SAN DIEGO
- C-g CONSIDER APPROPRIATION OF \$176,000 TO FISCAL YEAR 2023 SMALL CAPITAL ITEM BUDGET FOR VEHICLE PURCHASES THAT WERE SCHEDULED TO BE DELIVERED IN FISCAL YEAR 2022 AND WERE DELAYED DUE TO SUPPLY CHAIN CONSTRAINTS
- C-h CONSIDER A RESOLUTION APPROVING THE APPLICATION FOR GRANT FUNDS FROM THE RECREATIONAL TRAILS PROGRAM

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

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

11. CONSIDER ADOPTION OF A RESOLUTION HONORING LISA MAXWELL FOR 25 YEARS OF DEDICATED SERVICE

President Watt moved to adopt Resolution 2022-20, seconded by Director Bruce-Lane, and approved by the following roll call vote:

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

12. CONSIDER INFORMATIONAL PRESENTATION FROM METROPOLITAN WATER DISTRICT ON THE FUTURE OF THE COLORADO RIVER

Metropolitan Water District of Southern California's Colorado River Executive Policy Advisor, Meena Westford presented the informational report.

13. CONSIDER ADOPTING A POSITION ON THE DELTA CONVEYANCE PROJECT

Administrative Analyst Colombo presented the report.

President Watt moved to adopt a position of support for the Delta Conveyance Project, as proposed by staff in their report, seconded by Director Topolovac. The motion failed by the following roll call vote:

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

Director Meyers moved to adopt a position of support for the preferred alternative for the Delta Conveyance Project, as proposed, seconded by President Watt, and approved by the following roll call vote:

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

14. CONSIDER SETTING A TIME AND PLACE FOR A PUBLIC HEARING TO CONSIDER THE OLIVENHAIN MUNICIPAL WATER DISTRICT'S WATER CAPACITY FEES FOR 2022 (September 14, 2022 – 5:30 P.M.)

Director Meyers moved to set the 2022 potable water capacity fees public hearing for September 14, 2022, at 5:30 p.m. at the District's office, seconded by Director Topolovac, and approved by the following roll call vote:

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

15. CONSIDER APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT WITH TETRA TECH IN THE AMOUNT OF \$299,750 FOR PRELIMINARY AND FINAL DESIGN OF THE PROGRAMMABLE LOGIC CONTROLLER REPLACEMENT PROJECT AND CONSIDER AN INCREASED APPROPRIATION BY ACCELERATING THE FUTURE 10 YEAR CIP AND ALLOCATE \$1,360,000 TO FISCAL YEAR 2023 AND 2024 AND AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF OMWD

Director Topolovac moved to approve a professional services agreement with Tetra Tech in the amount of \$299,750 for design services as part of the Programmable Logic Controller Replacement project, approve an appropriation adjustment to the board approved project budget of \$1,360,000 to Fiscal Year 2023 and 2024, and authorize the General

Manager to sign on behalf of the Olivenhain Municipal Water District, seconded by President Watt, and approved by the following roll call vote:

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

16. CONSIDER DISCUSSION AND APPROVAL OF PROPOSED ADJUSTMENTS TO THE OLIVENHAIN MUNICIPAL WATER DISTRICT WATER RELATED SERVICE FEES FOR 2022 AND ADOPT AN ORDINANCE AMENDING OLIVENHAIN MUNICIPAL WATER DISTRICT'S ADMINISTRATIVE AND ETHICS CODE (Article 8 – Water Rates & Charges)

Accounting Supervisor Mendez presented the report.

Upon motion by President Watt and a second by Director Meyers, Ordinance 503 was adopted by the following roll call vote:

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

17. CONSIDER AND APPROVE A TREATMENT OPTION FOR THE THIRD AND FOURTH PAYMENTS RECEIVED FROM SAN DIEGO COUNTY WATER AUTHORITY (SDCWA) OF APPROXIMATELY \$499,000 FOR REFUNDS ON ATTORNEY FEES IN THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA (MWD) LITIGATION OF APPROXIMATELY \$499,000

Director Meyers moved to authorize the attorney fee refunds received from SDCWA of approximately \$499,000 to be placed in the District's Water Revenue Fund (Operating Reserves), seconded by Director Topolovac, and approved by the following roll call vote:

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

18. CONSIDER AMENDMENT TO THE CONFLICT OF INTEREST CODE OF THE OLIVENHAIN MUNICIPAL WATER DISTRICT

President Watt moved to adopt the updated Conflict of Interest Code of the Olivenhain Municipal Water District, seconded by Director Bruce-Lane, and approved by the following roll call vote:

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

19. INFORMATIONAL REPORTS

A. President's Report

President Watt reported that he attended the beginning of the new employee tour and that he will be attending the City of Carlsbad's 2022 State of the Community.

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 the SDCWA court case with MWD concluded in July and the court is expected to release the ruling in October. She also reported that she has been nominated to be Secretary of the SDCWA Board.

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

EFRR Docent Appreciation BBQ (July 21)

Directors Bruce-Lane and Meyers attended the event.

Board Meeting Debrief (July 22)

President Watt met with the General Manager.

Conference Call with the General Manager (July 25)

Director Meyers had a call with the General Manager.

ACWA Region 10 Event (Aug 2)

Directors Meyers and Watt attended the event hosted by the District.

Document Signing with the Executive Secretary (Aug 8)

President Watt signed documents with the Executive Secretary, however, he declines a per diem for this meeting.

Finance Committee Meeting (Aug 9)

President Watt attended the committee meeting.

New Employee Tour Introduction (Aug 10)

President Watt attended the introduction of the tour.

Conference Call with the General Manager (Aug 15)

President Watt had a conference call with the General Manager.

H. **Board Comments**

Director Meyers thanked staff for all of their work on the ACWA Region 10 event that District hosted.

20. **CORRESPONDENCE**

Correspondence was provided in the board packet.

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

There were no meetings requiring authorization to attend.

22. **FUTURE AGENDA ITEMS**

There were no future agenda items added.

23. **CONSIDER PUBLIC COMMENTS**

There were no public comments.

NOTE: The meeting was in recess
from 5:49 p.m. to 5:57 p.m.

NOTE: The meeting was in Closed Session
from 5:57 p.m. to 6:05 p.m.

24. 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.

25. OPEN SESSION

There was no reportable action from closed session.

26. ADJOURNMENT

President Watt adjourned the meeting at 6:05 p.m.

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

ATTEST:

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