

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

AUGUST 18, 2021

A regular meeting of the Board of Directors of Olivenhain Municipal Water District was held on Wednesday, August 18, 2021 at the district office, 1966 Olivenhain Road, Encinitas, California in person and via video conference.

President Watt called the meeting to order at 4:01 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 Governor Newsom's Executive Order, 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 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; Jason Hubbard, Engineering Manager; John Carnegie, Customer Services Manager; Geoff Fulks, Operations Manager; Jennifer Joslin, Human Resources Manager; Don MacFarlane, Consulting Engineer; Steve Weddle, Engineering Services Supervisor; Brian Sodeman, Customer Service and Public Affairs Supervisor; Tom Arellano, Water Treatment Plant Supervisor; Don Hussey, Systems Operations Supervisor; John Onkka, Water Reclamation Facilities Supervisor; and Stephanie Kaufmann, Executive Secretary. SDCWA Deputy General Manager Dan Denham was also in attendance.

Additionally, the following phone numbers called into the meeting: (818) 642-9119, (760) 230-9173, and (619) 339-7875.

5. ADOPTION OF AGENDA

Director Guerin moved to adopt the agenda, 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. PERSONAL APPEARANCES AND PUBLIC COMMENTS

Santa Fe Irrigation District Board Member, Dana Frieauf addressed the board, requesting their vote for the ACWA - Region 10 board vacancy.

7. PRESENTATION OF AWARDS AND HONORABLE MENTIONS

Service Awards and Promotions from 2020

- \*Raymond Motas – Water Reclamation Operator III – 15 years – September
- \*Jose Rodriguez – Valve Maintenance Technician I – 15 years – September

Current Service Awards, Promotions, and Honorable Mentions

- \* A Better Way Award – Shawnn Schaub – Park Ranger II
- \* Jesus Hernandez – Water Treatment Plant Operator III – New Hire – July
- \* Giovanni Santana – Utility II – Promotion – July
- \* Amy Hill – Customer Service Representative I – New Hire – August

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

8. CONSIDER APPROVAL OF THE MINUTES OF THE JULY 14, 2021 REGULAR BOARD OF DIRECTORS MEETING

Director Topolovac moved to approve the minutes of the July 14, 2021 Regular Board of Directors meeting minutes, 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

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; 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 ADOPTION OF A RESOLUTION RECOGNIZING SEPTEMBER 19-24, 2021 AS POLLUTION PREVENTION WEEK

C-d CONSIDER ACCEPTANCE OF THE MIRA COSTA COLLEGE BUILDING B200 4-INCH FIRE DETECTOR CHECK INSTALL PROJECT (MIRA COSTA COMMUNITY COLLEGE DISTRICT) INTO THE DISTRICT'S SYSTEM AND ORDER A NOTICE OF COMPLETION FILED

C-e CONSIDER ACCEPTANCE OF THE STRATFORD HOA PIPELINE LEAK EMERGENCY REPAIR AND PAVING RESTORATION PROJECT (PIPERIN CORPORATION) INTO THE DISTRICT'S SYSTEM AND ORDER A NOTICE OF COMPLETION FILED

President Watt moved to pull Consent Item C-f. The board concurred.

President Watt moved to authorize the Consent Calendar with the exception of item C-f, 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

C-f CONSIDER LEASE AGREEMENT RENEWAL WITH CARTER'S HAY AND GRAIN FOR 10-YEAR CONSECUTIVE TERM AND AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF THE DISTRICT

Amanda Rogers spoke in support of renewing the Carter's Hay and Grain lease and brought letters of support from the community.

Director Guerin moved to authorize item C-f, 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

10. CONSIDER INFORMATIONAL BRIEFING WITH SDCWA ON THE DELTA CONVEYANCE, SALTON SEA, AND REGIONAL CONVEYANCE

SDCWA Deputy General Manager Dan Denham presented the informational report. The board thanked him for the presentation.

11. CONSIDER INFORMATIONAL REPORT ON WATER USE EVALUATION SERVICES AND CONSERVATION-RELATED OUTREACH

Customer Service and Public Affairs Supervisor Sodeman and Steve Sherman of California Landscape Technologies presented the informational report.

Items 12 and 13 were heard together.

12. CONSIDER APPROVAL OF THE OLIVENHAIN MUNICIPAL WATER DISTRICT'S CAPACITY FEES AND ADOPTION OF AN ORDINANCE AMENDING THE DISTRICT'S ADMINISTRATIVE AND ETHICS CODE (Article 13 – Policy for District Facilities)

NOTE: The meeting was in recess  
from 6:29 p.m. to 6:51 p.m.

Upon motion by Director Topolovac and a second by Director Guerin, Ordinance 491 was adopted by the following roll call vote:

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

13. 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 Topolovac moved to adopt Resolution 2021-19, 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

14. CONSIDER APPROVAL OF A COOPERATIVE AGREEMENT WITH THE STATE OF CALIFORNIA IN THE AMOUNT OF \$200,000 FOR THE CONSTRUCTION OF THE MANCHESTER RECYCLED WATER PIPELINE PROJECT CONNECTION TO THE SAN ELIJO JOINT POWERS AUTHORITY RECYCLED WATER PIPELINE AND AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF THE DISTRICT

President Watt moved to approve a Cooperative Agreement with the State Of California, through its Department of Transportation (Caltrans) in the amount of \$200,000 for the construction of the Manchester Recycled Water Pipeline Project connection to the San Elijo Joint Powers Authority recycled water pipeline and authorize the General Manager to sign on behalf of OMWD, 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

15. CONSIDER APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT WITH NINYO & MOORE GEOTECHNICAL AND ENVIRONMENTAL SCIENCES CONSULTANTS IN THE AMOUNT OF \$104,600 FOR GEOTECHNICAL SERVICES FOR THE MANCHESTER AVENUE POTABLE WATER PIPELINE REPLACEMENT AND MANCHESTER AVENUE RECYCLED WATER PIPELINE PROJECTS AND AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF THE DISTRICT

Director Meyers moved to approve a Professional Services Agreement with Ninyo & Moore Geotechnical and Environmental Sciences Consultants in the amount of \$104,600 for geotechnical services for the Manchester Avenue Potable Water Pipeline Replacement and Manchester Avenue Recycled Water Pipeline projects and authorize the General Manager to sign on behalf of OMWD, 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

16. CONSIDER APPROVAL OF A 2-YEAR PROFESSIONAL SERVICES AGREEMENT WITH INFRASTRUCTURE ENGINEERING CORPORATION (IEC) FOR AS-NEEDED HYDRAULIC MODELING SERVICES IN THE AMOUNT OF \$75,000 AND AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF THE DISTRICT

Director Meyers moved to approve a 2-year Professional Services Agreement with Infrastructure Engineering in the amount of \$75,000 for as-needed hydraulic modeling services and authorize the General Manager to sign on behalf of OMWD, 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

17. CONSIDER PRESENTATION ON ENTERPRISE ASSET MANAGEMENT WORK ORDER BACKLOG (INFORMATIONAL ITEM)

There was board consensus to move item 17 to a future date.

18. CONSIDER AWARD OF A CONTRACT WITH PIPERIN CORPORATION IN THE AMOUNT OF \$384,500 FOR THE VALVE REPLACEMENT PROJECT EXCAVATION AND PAVING SUPPORT SERVICES FOR FISCAL YEAR 2021-2022 AND AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF THE DISTRICT

President Watt moved to award a contract to Piperin Corporation in the amount of \$384,500 for the FY 2021-2022 Valve Replacement Project Excavation and Paving Support Services and authorize the General Manager to sign on behalf of OMWD, 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

19. CONSIDER UPDATE ON THE COVID-19 EMERGENCY DECLARATION

General Manager Thorner presented the informational report. No board action was required.

20. INFORMATIONAL REPORTS

A. President's Report

President Watt reported that he and Director Meyers met with General Manager Thorner to discuss a potential new committee. It was decided that the Conservation Committee would be the appropriate committee to discuss the subject matter. President Watt also reported that he and Director Bruce-Lane participated in the EFRR Executive Committee Meeting that discussed off-leashed dogs and fee parking that will be brought to the full board. Lastly, he reported that he and Director Bruce-Lane participated in the Personnel Committee Meeting where they discussed the upcoming labor negotiations.

B. General Manager's Report

General Manager Thorner's report was included in the board packet. She added that the governor has called for 15% voluntary cut back on water use but is seeking clarification. She also reported that there are talks that if your region is not in a drought emergency, then you will not receive any state relief funding for infrastructure.

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 Report

General Manager Thorner reported that she along with eight other agencies voted no on the Brownstein Hyatt Farber Schreck contract for \$3,605,592 because it contained work on the Regional Conveyance System Study. She also reported that the long-range financial plan is under way and will be presented to the full board in September.

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

**Conference Call with the General Manager RE: Board Measures (July 15)**

Director Bruce-Lane Call had a conference call with the General Manager.

**Meeting with the General Manager RE: CWA Issues (July 15)**

Director Guerin met with the General Manager.

**Conference Call with the General Manager RE: Board Meeting Debrief (July 16)**

President Watt had a conference call with the General Manager.

**Innovation Meeting (July 29)**

Director Meyers and Watt met with the General Manager.

**Portal Questions Meeting (July 29)**

Director Meyers met with Staff for an in-depth meeting on the customer portal.

**Finance Committee Meeting (Aug 3)**

Directors Guerin and Watt attended the Finance Committee Meeting.

**Conference Call with the General Manager (Aug 3)**

Director Bruce-Lane had a conference call with the General Manager.

**Conference Call with the General Manager RE: Meeting Protocols (Aug 9)**

President Watt had a conference call with the General Manager.

**EFRR Executive Committee Meeting (Aug 10)**

Directors Bruce-Lane and Watt attended the meeting.

**Personnel Committee Meeting (Aug 17)**

Directors Bruce-Lane and Watt attended the committee meeting.

21. CORRESPONDENCE

Correspondence was provided in the board packet.

22. AUTHORIZATION TO ATTEND UPCOMING MEETINGS / CONFERENCES / SEMINARS

There were no meetings requiring authorization to attend.

23. FUTURE AGENDA ITEMS

No future agenda items were requested.

24. CONSIDER PUBLIC COMMENTS

There were no public comments.

NOTE: The meeting was in closed session  
from 7:31 p.m. to 7:40 p.m.

25. CLOSED SESSION

- A) CONSIDER CLAIM – 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) CONFERENCE WITH LEGAL COUNSEL: ANTICIPATED LITIGATION – ONE CASE [PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(4)]

26. OPEN SESSION

President Watt announced that there was no reportable action from closed session.

26. ADJOURNMENT

President Watt adjourned the meeting at 7:40 p.m.

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

ATTEST:

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Robert F. Topolovac, Secretary  
Board of Directors  
Olivenhain Municipal Water District