

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

SEPTEMBER 8, 2021

A regular meeting of the Board of Directors of Olivenhain Municipal Water District was held on Wednesday, September 8, 2021 at the district office, 1966 Olivenhain Road, Encinitas, California in person and via video conference.

President Watt called the meeting to order at 4:00 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 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; Steve Weddle, Engineering Services Supervisor; Tom Arellano, Water Treatment Plant Supervisor; Mark Wilson, Construction Supervisor; John Onkka, Water Reclamation Facilities Supervisor; Stephanie Kaufmann, Executive Secretary; and Fieldman Rolapp consultant Lora Carpenter.

5. 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

6. PERSONAL APPEARANCES AND PUBLIC COMMENTS

There were no public comments.

7. PRESENTATION OF AWARDS AND HONORABLE MENTIONS

Service Awards and Promotions from 2020

- * Rudy Petrovski – Instrument Control Technician II – 15 years – September 2020
- * Sean Stevenson – Water Treatment Plant Operator III – 15 years – September 2020
- * Tammi Bowman – Accountant I – 5 years – October 2020
- * Marlo Reed – Inspector II – 20 years – October 2020
- * Brandon Barnick – Field Services Supervisor – GYO Promotion – October 2020
- * Jennifer Joslin – Human Resources Manager – GYO Promotion – October 2020

Current Service Awards, Promotions and Honorable Mentions

- * William Broadhead – Water Reclamation Operator III – 5 years – August
- * Josh Westbrook – Utility III – New Hire – August

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

8. CONSIDER APPROVAL OF THE MINUTES OF THE AUGUST 18, 2021 REGULAR BOARD OF DIRECTORS MEETING

President Watt moved to approve the minutes of the August 18, 2021 Regular Board of Directors meeting minutes, 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

9. CONSENT CALENDAR

- C-a CONSIDER ADOPTION OF A RESOLUTION MAKING CEQA FINDINGS FOR THE RANCHO PASEANA RECYCLED WATER METER PROJECT AND ORDER A NOTICE OF EXEMPTION BE FILED WITH THE COUNTY CLERK, COUNTY OF SAN DIEGO
- C-b CONSIDER VOTING FOR THE ASSOCIATION OF CALIFORNIA WATER AGENCIES REGION 10 BOARD OF DIRECTORS
- C-c CONSIDER APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT WITH WEST YOST IN THE AMOUNT OF \$136,000 FOR ON-SITE RECYCLED WATER SUPPORT SERVICES FOR THE MANCHESTER AVENUE RECYCLED WATER PIPELINE PROJECT AND AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF OMWD

Director Guerin moved to authorize the Consent Calendar, 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

10. CONSIDER ADOPTION OF AN ORDINANCE AMENDING THE DISTRICT'S ADMINISTRATIVE AND ETHICS CODE (Article 8 – Water Rates & Charges and Article 25 – Use of Reclaimed and Non-Potable Water) AND ADOPTING A WET WEATHER INCENTIVE PROGRAM FOR RECYCLED WATER DELIVERIES IN THE DISTRICT'S SOUTHEASTERN RECYCLED WATER SYSTEM

Operations Manager Fulks presented the report.

Upon motion by Director Guerin and a second by Director Bruce-Lane, Ordinance 492 was adopted by the following roll call vote:

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

11. CONSIDER UPDATE ON ELFIN FOREST RECREATIONAL RESERVE (INFORMATIONAL ITEM)

Park Supervisor Anderson presented the informational report. No board action was required.

Director Guerin moved to add a future agenda item to complete a financial analysis to fully or partially fund an EFRR Parking Lot Expansion Project, seconded by President Watt.

12. CONSIDER ADOPTION OF AN ORDINANCE AMENDING THE DISTRICT'S ADMINISTRATIVE AND ETHICS CODE (Article 26 – Regulations of the Elfin Forest Recreational Reserve and other District Parks)

Upon motion by Director Guerin and a second by Director Meyers, Ordinance 493 was adopted by the following roll call vote:

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

13. CONSIDER ADOPTION OF A RESOLUTION OF THE BOARD OF DIRECTORS OF THE OLIVENHAIN MUNICIPAL WATER DISTRICT REGARDING ITS INTENTION TO ISSUE TAX-

EXEMPT OBLIGATIONS FOR WASTEWATER (SEWER) CAPITAL IMPROVEMENT PROJECTS

Finance Manager Selamat and Lora Carpenter from Fieldman Rolapp presented the report.

President Watt moved to adopt Resolution 2021-21, 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 ADOPTION OF AN ORDINANCE AMENDING THE DISTRICT'S ADMINISTRATIVE AND ETHICS CODE (Article 6 – Regulations Governing Purchases & Surplus Sales)

Upon motion by Director Guerin and a second by President Watt, Ordinance 494 was adopted 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 presented the informational report. No board action was required.

16. INFORMATIONAL REPORTS

A. President's Report

President Watt reported that at the last Safety Committee Meeting there was a request for an Ad Hoc Insurance Committee Meeting to review the insurance policies in greater detail. President Watt appointed Directors Guerin and Meyers to serve on the Ad Hoc Insurance Committee.

B. General Manager's Report

General Manager Thorner reported that she participated in a Zoom meeting with WateReuse California and State Water Resources Control Board Chair Esquivel

where they discussed recycled water and the reasons it should not be included in drought restrictions and cutbacks.

C. Consulting Engineer's Report

There was not a Consulting Engineer's report this meeting.

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 the Cost of Service Study is underway and the board will be discussing it at the September board meeting. She also noted that there will be a board teambuilding retreat in October.

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 RE: Board Meeting Debrief (Aug 19)

President Watt had a call with the General Manager.

CSDA Quarterly Dinner (Aug 19)

Director Bruce-Lane attended the dinner.

Safety Committee Meeting (Aug 22)

Directors Meyers and Topolovac attended the meeting via Zoom.

Conference Call RE: Water Loss & Customer Inquiries (Aug 24)

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

Conference Call RE: Safety Committee & Insurance Committee (Aug 25)

President Watt had a call with the General Manager.

Meeting RE: Safety Committee & Insurance Issues (Aug 26)

Director Meyers met with the General Manager.

Conference Call RE: CWA Issues (Aug 31)

Director Guerin had a call with the General Manager.

San Dieguito Valley Brackish Valley Groundwater Project Site Tour (Sept 7)

Director Bruce-Lane toured the project site.

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 a future agenda item to complete a financial analysis to fully or partially fund an EFRR Parking Lot Expansion Project, seconded by President Watt.

20. **CONSIDER PUBLIC COMMENTS**

There were no public comments.

NOTE: The meeting was in recess
from 5:52 p.m. to 5:57 p.m.

NOTE: The meeting was in closed session
from 5:57 p.m. to 7:14 p.m.

21. **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)]
- E) CONSIDER CLAIM – SAN DIEGO GAS AND ELECTRIC [PURSUANT TO GOVERNMENT CODE SECTION 54956.9] • Additional Facts: Incident occurred on July 10, 2019. Claim received on July 23, 2021.
- F) CONSIDER OMWD LABOR NEGOTIATIONS (Negotiation Team – General Manager, Kimberly Thorner; HR Manager, Jennifer Joslin) [PURSUANT TO GOVERNMENT CODE SECTION 54957.6] • Additional Facts: Update on Negotiations.

22. OPEN SESSION

President Watt announced that there was board consensus to return the San Diego Gas and Electric’s claim received on July 23, 2021 as late in accordance with the district’s Administrative and Ethics Code Article 23 and Government Code Sections 901, 911.,2 and 911.3.

23. ADJOURNMENT

President Watt adjourned the meeting at 7:15 p.m.

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

ATTEST:

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