

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

OCTOBER 13, 2021

A regular meeting of the Board of Directors of Olivenhain Municipal Water District was held on Wednesday, October 13, 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, Meyers, Topolovac, and Watt. 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, make 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; 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; Leo Mendez, Accounting Supervisor; Teresa Chase, Administrative Analyst; Joe Jansen, Administrative Analyst; Stephanie Kaufmann, Executive Secretary; Fieldman Rolapp consultants Lora Carpenter and Robert Porr; and Lawrence Chan from Stradling.

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 Meyers and approved by the following roll call vote:

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

6. ADOPTION OF AGENDA

Director Topolovac moved to adopt the agenda, seconded by Director Bruce-Lane and approved by the following roll call vote:

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

7. PERSONAL APPEARANCES AND PUBLIC COMMENTS

There were no public comments.

8. PRESENTATION OF AWARDS AND HONORABLE MENTIONS

Service Awards and Promotions from 2020

- * Cameron Adams – Utility II – Promotion – October 2020
- * Jay Turman – Field Services Technician II – Promotion – December 2020
- * Morgan Ferguson – Field Services Technician II – Promotion – December 2020

Current Service Awards, Promotions, and Honorable Mentions

- * Kris Kuenzi – Utility I – New Hire – September 2021

The employees were congratulated on their promotions. The new employee was welcomed by the board.

9. CONSIDER APPROVAL OF THE MINUTES OF THE SEPTEMBER 8, 2021 REGULAR BOARD OF DIRECTORS MEETING

Director Meyers moved to approve the minutes of the September 8, 2021 Regular Board of Directors meeting minutes, 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: 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; AND REIMBURSEMENT OF EXPENSES TO BOARD MEMBERS AND STAFF
- C-b CONSIDER APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT WITH PETERSON STRUCTURAL ENGINEERS INC. IN THE AMOUNT OF \$169,561.50 FOR INSPECTION, STRUCTURAL AND SEISMIC ANALYSIS, AND DEVELOPMENT OF A REHABILITATION PLAN FOR OMWD'S PRESTRESSED CONCRETE WATER STORAGE TANKS AND AUTHORIZE THE GENERAL MANAGER SIGN ON BEHALF OF THE DISTRICT

- C-c CONSIDER APPROVAL OF PRIVATE ENCROACHMENT PERMIT NO. 414 FOR 9556 DEL DIOS HIGHWAY (PHILLIPS LIVING TRUST DTD 01-31-06) AND ORDER THE PERMIT BE RECORDED
- C-d CONSIDER ACCEPTANCE OF THE 1509 ENCINITAS BOULEVARD FIRE DETECTOR CHECK AND WATER SERVICE INSTALL PROJECT (DAN FLOIT AND ENC STORAGE, LLC) INTO OMWD'S SYSTEM AND ORDER A NOTICE OF COMPLETION FILED
- C-e CONSIDER VOTE TO AMEND BYLAWS OF THE CALIFORNIA SPECIAL DISTRICTS ASSOCIATION
- C-f CONSIDER APPROVAL OF A PROFESSIONAL SERVICES AGREEMENT WITH SAN DIEGO BUILDING MAINTENANCE FOR DISTRICT-WIDE JANITORIAL SERVICES IN THE AMOUNT OF \$64,752 PER YEAR FOR 3-YEARS WITH TWO (2) OPTIONAL 1-YEAR EXTENSIONS AND AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF OMWD

President Watt moved to authorize the Consent Calendar, 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:	Guerin

- 11. CONSIDER ADOPTION OF A RESOLUTION OF THE OLIVENHAIN MUNICIPAL WATER DISTRICT AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$5,500,000 REVENUE BONDS, SERIES 2021A AND NOT TO EXCEED \$4,500,000 REFUNDING REVENUE BONDS, SERIES 2021B BY THE OMWD FINANCING AUTHORITY ON BEHALF OF THE DISTRICT AND APPROVING THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS IN CONNECTION THEREWITH AND CERTAIN OTHER MATTERS

Director Meyers moved to adopt Resolution 2021-23 and approve legal documents included in the resolution in order to proceed with the issuance of the 2021A Revenue Bonds and 2021B Refunding Revenue Bonds by the OMWD Financing Authority and authorize the General Manager to execute certain bond documents in connection with the Bonds for the District, 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:	Guerin

- 12. CONSIDER THE OMWD FINANCING AUTHORITY JPA MEETING (See Separate Agenda)

President Watt conducted the OMWD Financing Authority (Joint Powers Authority) board meeting. The minutes for the OMWD Financing Authority board meeting are attached as Exhibit “A.”

13. CONSIDER APPROVAL OF CHANGE ORDER NO. 5 IN THE AMOUNT OF \$297,815 WITH TEICHERT ENERGY & UTILITIES GROUP AND ACCEPTANCE OF THE EL CAMINO REAL PIPELINE REPLACEMENT AND GREEN BIKE LANE PROJECT INTO OMWD’S SYSTEM, AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF OMWD, AND ORDER A NOTICE OF COMPLETION BE FILED

Director Topolovac moved to approve Change Order No. 5 in the amount of \$297,815 with Teichert Energy & Utilities Group and accept the El Camino Real Pipeline Replacement and Green Bike Lane project into OMWD’s system, authorize the General Manager to sign on behalf of OMWD, and authorize the filing of a Notice of Completion with the San Diego County Recorder, 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:	Guerin

14. CONSIDER ANNUAL OBJECTIVES AND TIGER TEAM STATUS REPORT

Administrative Analyst Chase presented the report.

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

Operations Manager Fulks presented the report.

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

Administrative Analyst Jansen presented the report.

17. CONSIDER THE CALENDAR FOR THE 2022 OLIVENHAIN MUNICIPAL WATER DISTRICT’S BOARD MEETINGS

President Watt moved to approve the proposed board meeting dates for calendar year 2022, seconded by Director Topolovac and approved by the following roll call vote:

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

18. CONSIDER ADOPTION OF AN ORDINANCE AMENDING THE DISTRICT'S ADMINISTRATIVE AND ETHICS CODE (Article 8 - Water Rates & Charges and Article 10 - Encroachment Permits)

Accounting Supervisor Mendez presented the report.

Upon motion by Director Topolovac and a second by Director Bruce-Lane, Ordinance 495 was adopted by the following roll call vote:

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

19. CONSIDER REVIEW OF OMWD'S POSITIONS ON THE BAY DELTA CONVEYANCE PROJECT, SALTON SEA ISSUES, AND UPDATES ON SDCWA'S PROPOSED REGIONAL CONVEYANCE SYSTEM

General Manager Thorner presented the report.

Director Topolovac moved to maintain OMWD's support for the Bay Delta Conveyance Project, develop a position consistent with San Diego County Water Authority on Salton Sea issues, and maintain opposition to SDCWA's Regional Conveyance System, and direct the General Manager to revisit OMWD's position on SDCWA's Regional Conveyance System once the next milestone report is released by SDCWA in summer 2022, 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: Guerin

20. CONSIDER UPDATE ON THE COVID-19 EMERGENCY DECLARATION

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

21. INFORMATIONAL REPORTS

A. President's Report

President Watt reported that the most recent census data has been collected and that staff has engaged a consultant to assist with the redistricting effort. There will be a full report to the board early next year. He also attended a meeting to discuss the historical background on OMWD and SDWD consolidation efforts with the General Manager and the City of Encinitas.

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 Report

General Manager Thorner reported that she was supportive of the City of San Diego's motion on the Long Range Financing Plan and that it promoted transparency. She also reported that the board retreat was delayed until January to accommodate an in person meeting.

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

Meeting with the General Manager - Board Meeting Debrief (Sep 9)

President Watt met with the General Manager.

Document Signing (Sep 9)

Director Topolovac met with the Board Secretary to sign documents.

San Diego Botanic Garden Party (Sep 11)

Director Meyers attended the event.

Conference Call with the General Manager to discuss Consolidation & Negotiation Issues (Sep 13)

President Watt met with the General Manager.

EFRR Clean-Up (Sep 18)

Directors Bruce-Lane and Meyers attended the clean-up event.

WaterReuse Annual Conference (Sep 19-21)

Director Bruce-Lane attended the conference virtually.

Meeting with the General Manager - OMWD Compensation Review/History (Sep 20)

Director Meyers met with the General Manager and President Watt listened in on the meeting.

Finance Committee Meeting (Sep 22)

President Watt attended the meeting.

Conference Call with the General Manager to discuss an update from Finance Committee Meeting (Sep 23)

Director Guerin had a call with the General Manager.

Special District Leadership Academy Conference (Sep 26-29)

Director Meyers attended the conference.

Conference Call with the General Manager - Hit Hydrant (Sep 27)

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

Conference Call with the General Manager - SDCWA Meeting w/ Chair request (Sept 29)

Director Guerin had a call with the General Manager.

Meeting with the General Manager - Process for Upcoming Redistricting Efforts (Sep 29)

President Watt had a meeting with the General Manager.

CSUSM Report to the Community (Sep 30)

President Watt attended the event virtually.

Insurance Subcommittee Meeting (Oct 5)

Directors Guerin and Meyers attended the meeting.

Meeting with the SDCWA Chair (Oct 5)

Director Guerin attended the meeting.

Conference Call with the General Manager (Oct 5)

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

Heath & Wellness Expo (Oct 6)

President Watt attended the event.

History of SDWD and OMWD Consolidation Meeting (Oct 11)

President Watt attended the meeting.

Document Signing (Oct 11)

Directors Topolovac and Watt met with the Board Secretary to sign documents.

Encinitas State of the City (Oct 12)

Directors Bruce-Lane, Meyers, and Watt attended the event.

22. **CORRESPONDENCE**

Correspondence was provided in the board packet.

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

There were no meetings requiring authorization to attend.

24. FUTURE AGENDA ITEMS

No future agenda items were requested.

25. CONSIDER PUBLIC COMMENTS

There were no public comments.

NOTE: The meeting was in recess
from 6:18 p.m. to 6:25 p.m.

NOTE: The meeting was in closed session
from 6:25 p.m. to 6:47 p.m.

26. 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) CONSIDER CLAIM – BRITTNEY BIRANVAND PERSONAL INJURY [PURSUANT TO GOVERNMENT CODE SECTION 54956.9] • Additional Facts: Incident occurred on March 9, 2021. Claim received on September 9, 2021.
- E) CONSIDER GENERAL MANAGER REVIEW [PURSUANT TO GOVERNMENT CODE SECTION 54957] • Additional Facts: Receive packet; full review and compensation discussion to be held on November 17, 2021.

27. OPEN SESSION

The board received a report in closed session. There was board direction to staff to reject the Brittney Biranvand claim.

28. ADJOURNMENT

President Watt adjourned the meeting at 6:48 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

MINUTES OF THE BOARD OF DIRECTORS MEETING
OF THE OMWD FINANCING AUTHORITY
(JOINT POWERS AUTHORITY)

October 13, 2021

A meeting of the Board of Directors of the OMWD Financing Authority (Joint Powers Authority) was held on Wednesday, October 13, 2021 at the district office, 1966 Olivenhain Road, Encinitas, California.

President Watt called the meeting to order at 4:41 p.m. Following the Pledge of Allegiance, the Assistant Secretary called the roll. Directors present were Bruce-Lane, Meyers, Topolovac, and Watt. Director Guerin was absent. It was noted that the meeting was published via teleconference in accordance Assembly Bill 361, which allows for local or state legislative bodies to hold meetings via teleconference, make 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; 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; Leo Mendez, Accounting Supervisor; Teresa Chase, Administrative Analyst; Joe Jansen, Administrative Analyst, Stephanie Kaufmann, Executive Secretary; Fieldman Rolapp consultants Lora Carpenter and Robert Porr; and Lawrence Chan from Stradling.

5. ADOPTION OF AGENDA

President Watt moved to adopt the agenda as presented, 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:	Guerin

6. PERSONAL APPEARANCE AND PUBLIC COMMENTS

There was no one present to comment.

7. CONSIDER ADOPTION OF A RESOLUTION OF THE OMWD FINANCING AUTHORITY AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$5,500,000 REVENUE BONDS, SERIES 2021A AND NOT TO EXCEED \$4,500,000 REFUNDING REVENUE BONDS, SERIES 2021B AND APPROVING THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS IN CONNECTION THEREWITH AND CERTAIN OTHER MATTERS

Director Topolovac moved to adopt Resolution 2021-24 and its exhibits for issuance of 2021A Revenue Bonds and 2021B Refunding Revenue Bonds of the OMWD Financing Authority and give

authorization to the General Manager to execute certain bond documents in connection with the OMWD Financing Authority Revenue Bonds, Series 2021A and Refunding Revenue Bonds, Series 2021B for the District, 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:	Guerin

8. ADJOURNMENT

President Watt adjourned the meeting at 4:43 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