

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

OCTOBER 14, 2020

A regular meeting of the Board of Directors of Olivenhain Municipal Water District was held on Wednesday, October 14, 2020 at the district office, 1966 Olivenhain Road, Encinitas, California via video conference.

President Sprague called the meeting to order at 4:06 p.m. Following the Pledge of Allegiance, the Assistant Secretary called the roll. Directors present were Guerin, Sprague, Topolovac, and Watt. Director Kephart joined the meeting via teleconference at 4:13 p.m. It was noted that Directors Guerin, Kephart, Sprague, Topolovac, and Watt participated in the meeting 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 Sprague declared a quorum present and ordered the meeting to proceed. In attendance via video conference were Kimberly Thorner, General Manager; 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; Teresa Chase, Administrative Analyst; Jessica Cleaver, Administrative Analyst; and Stephanie Kaufmann, Executive Secretary.

Additionally, the following phone numbers called into the meeting: (619) 994-4175 and (858) 243-6374.

5. ADOPTION OF AGENDA

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

AYES:	Directors Guerin, Sprague, Topolovac, and Watt
NOES:	None
ABSTAIN:	None
ABSENT:	Kephart

6. PERSONAL APPEARANCES AND PUBLIC COMMENTS

There were no personal appearances or public comments.

7. PRESENTATION OF AWARDS AND HONORABLE MENTIONS

Presentation of awards and honorable mentions will be presented at a later date.

8. CONSIDER APPROVAL OF THE MINUTES OF THE SEPTEMBER 9, 2020 REGULAR BOARD OF DIRECTORS MEETING

Director Watt moved to approve the September 9, 2020 Regular Board of Directors meeting minutes, seconded by Director Guerin and approved by the following roll call vote:

AYES:	Directors Guerin, Sprague, Topolovac, and Watt
NOES:	None
ABSTAIN:	None
ABSENT:	Kephart

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 ACCEPTANCE OF THE 504 WHISPER WIND DRIVE WATER SERVICE INSTALL PROJECT (RANDY GREENSLATE) INTO THE DISTRICT'S SYSTEM AND ORDER A NOTICE OF COMPLETION FILED

C-c CONSIDER A RESOLUTION AUTHORIZING THE APPLICATION FOR FUNDING FROM THE COUNTY OF SAN DIEGO'S "COMMUNITY DEVELOPMENT BLOCK GRANT"

C-d CONSIDER ADOPTION OF A RESOLUTION RECOGNIZING THE ANNUAL NATIONAL DAY OF ADVOCACY, "IMAGINE A DAY WITHOUT WATER," BEING HELD ON OCTOBER 21, 2020

Director Kephart joined the meeting at 4:13 p.m.

President Sprague moved to authorize the Consent Calendar items, seconded by Director Guerin and approved by the following roll call vote:

AYES:	Directors Guerin, Kephart, Sprague, Topolovac, and Watt
NOES:	None
ABSTAIN:	None
ABSENT:	None

10. CONSIDER THE CALENDAR FOR THE 2021 OLIVENHAIN MUNICIPAL WATER DISTRICT'S BOARD MEETINGS

Director Topolovac requested to add the Safety Committee Meetings to the board calendar. The board concurred.

President Sprague moved to approve the board meeting dates for the 2021 calendar year, seconded by Director Kephart and approved by the following roll call vote:

AYES:	Directors Guerin, Kephart, Sprague, Topolovac, and Watt
NOES:	None
ABSTAIN:	None
ABSENT:	None

11. CONSIDER ADOPTION OF AN ORDINANCE AMENDING OLIVENHAIN MUNICIPAL WATER DISTRICT'S ADMINISTRATIVE AND ETHICS CODE (Article 8—Water Rates and Charges and Article 9—Rules Relating to Customer Accounts)

Upon motion by Director Kephart and a second by President Sprague, Ordinance 477 was adopted by the following roll call vote:

AYES:	Directors Guerin, Kephart, Sprague, Topolovac, and Watt
NOES:	None
ABSTAIN:	None
ABSENT:	None

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

Administrative Analyst Cleaver presented the informational report. No board action was required.

13. REVIEW GENERAL MANAGER'S DECLARATION OF 4S WATER RECLAMATION FACILITY AND CIELO PUMP STATION ENERNOC CONTROLS REMOVAL AND CIELO PUMP STATION AUTOMATIC TRANSFER SWITCH REPLACEMENT AS AN EMERGENCY PROJECT IN ACCORDANCE WITH CALIFORNIA PUBLIC CONTRACT CODE SECTION 1102, INCLUDING APPROVAL OF A CONTRACT WITH GLOBAL POWER GROUP INCORPORATED FOR AN AMOUNT NOT TO EXCEED \$135,000, APPROPRIATION OF \$150,000 TO THE PROJECT BUDGET, AND AUTHORIZATION OF THE GENERAL MANAGER TO SIGN ON BEHALF OF THE DISTRICT

Operations Manager Fulks presented the report.

President Sprague moved to approve a contract with Global Power Group Incorporated for an amount not to exceed \$135,000, appropriate \$150,000 to the project

budget, and authorize the General Manager to sign on behalf of the District, seconded by Director Watt and approved by the following roll call vote:

AYES: Directors Guerin, Kephart, Sprague, Topolovac, and Watt
NOES: None
ABSTAIN: None
ABSENT: None

14. CONSIDER APPROVAL OF A CONTRACT WITH REBUILD-IT SERVICES GROUP, LLC IN THE AMOUNT OF \$99,208 FOR THE 4S RANCH WATER RECLAMATION FACILITY CLARIFIER DRIVES REPLACEMENT PROJECT AND AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF THE DISTRICT

Director Watt moved to approve a contract with Rebuild-It Service Group, LLC in the amount of \$99,208 for construction of the Clarifier Drives Replacement Project at the 4S Ranch Water Reclamation Facility and authorize the General Manager to sign on behalf of the District, seconded by Director Kephart and approved by the following roll call vote:

AYES: Directors Guerin, Kephart, Sprague, Topolovac, and Watt
NOES: None
ABSTAIN: None
ABSENT: None

15. CONSIDER A STATUS UPDATE ON THE NEW AND REMODELED OPERATIONS AND ADMINISTRATION FACILITIES PROJECT AND APPROVAL OF CHANGE ORDERS NO. 8 AND 9 IN THE AMOUNT OF \$58,206 TO KEETON CONSTRUCTION COMPANY, INC. AND AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF THE DISTRICT

President Sprague moved to approve Change Orders No. 8 and 9 in the amount of \$58,206 with Keeton Construction Company, Inc. for additional work and authorize the General Manager to sign on behalf of the District, seconded by Director Guerin and approved by the following roll call vote:

AYES: Directors Guerin, Kephart, Sprague, Topolovac, and Watt
NOES: None
ABSTAIN: None
ABSENT: None

16. CONSIDER ANNUAL OBJECTIVES AND TIGER TEAM STATUS REPORT

Administrative Analyst Chase presented the informational report. No board action was required.

17. CONSIDER UPDATE ON THE GENERAL MANAGER’S DECLARED COVID-19 EMERGENCY

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

18. INFORMATIONAL REPORTS

A. President’s Report

President Sprague did not have anything to report.

B. General Manager’s Report

General Manager Thorner reported that CWA is looking to add a connection for the City of Poway at the Ramona Pipeline. As a stakeholder, OMWD will be participating in informational meetings as part of the feasibility process.

Consulting Engineer’s Report

Consulting Engineer MacFarlane’s written report was distributed to the board.

C. General Counsel’s Report

General Counsel Smith provided a written report that was included in the board packet.

D. San Diego County Water Authority Report

Director Guerin provided an update that new officers took office October 1, 2020 and committee members will be assigned by November 2020. She reported that the Vallecitos Water District filed a lawsuit against CWA regarding a contract issue. Lastly, she indicated that the vote for the second phase of the Regional Conveyance System Study project will be voted on at the November board meeting.

E. Legislative Report

The Legislative Report was included in the board packet.

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

Conference Call with the GM (Sep 10)

Director Watt had a conference call with the General Manager.

APWA Virtual Awards Ceremony (Sep 10)

Director Watt participated in the virtual awards ceremony.

Virtual COWU Meeting (Sep 15)

Director Watt participated in the virtual COWU Meeting.

Conference Call with the GM - CWA Issues (Sep 15)

Director Guerin had a conference call with the General Manager to discuss CWA issues.

Conference Call with the GM (Sep 16)

Director Kephart had a conference call with the General Manager.

Document Signing (Sept 17)

Director Kephart met with the Executive Secretary Kaufmann to sign District documents.

Conference Call with the GM - CWA Issues (Sep 22)

Director Guerin had a conference call with the General Manager to discuss CWA issues.

Conference Call with the GM - CWA Issues (Sep 24)

Director Guerin had a conference call with the General Manager to discuss CWA issues.

AB 1825 Sexual Harassment Training (Sep 25)

Director Guerin completed the training.

Conference Call with the GM - CWA Issues (Sep 28)

Director Guerin had a conference call with the General Manager to discuss CWA issues.

Conference Call with the GM (Sep 30)

Director Topolovac had a conference call with the General Manager.

Conference Call with the GM (Oct 12)

Directors Guerin and Kephart both had conference calls with the General Manager.

19. CORRESPONDENCE

Correspondence was provided in the board packet.

20. AUTHORIZATION TO ATTEND UPCOMING MEETINGS / CONFERENCES / SEMINARS

There were no meetings requiring authorization to attend.

21. FUTURE AGENDA ITEMS

No future agenda items were requested.

22. CONSIDER PUBLIC COMMENTS

There were no public comments.

NOTE: The meeting was in recess
from 6:07 p.m. to 6:16 p.m.

NOTE: The meeting was in closed session
from 6:16 p.m. to 7:06 p.m.

23. CLOSED SESSION

A) 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.

B) 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.

C) CONSIDER CLAIM – SILVERWOOD RESIDENCE [PURSUANT TO GOVERNMENT CODE SECTION 54956.9] • Additional Facts: Claim received on September 10, 2020.

D) CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION – ONE CASE [PURSUANT TO GOVERNMENT CODE SECTION 54956.9(D)(2)]

- 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 18, 2020.

24. OPEN SESSION

There was no reportable action from Closed Session.

25. ADJOURNMENT

President Sprague adjourned the meeting at 7:06 p.m.

Edmund K. Sprague, President
Board of Directors
Olivenhain Municipal Water District

ATTEST:

Robert M. Kephart, Secretary
Board of Directors
Olivenhain Municipal Water District