

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

October 18, 2023

A regular meeting of the Board of Directors of Olivenhain Municipal Water District was held on Wednesday, October 18, 2023, at the district office, 1966 Olivenhain Road, Encinitas, California.

President Guerin called the meeting to order at 4:00 p.m. Following the Pledge of Allegiance, the Assistant Secretary called the roll. Directors present were Guerin, Hahn, Meyers, San Antonio, and Watt.

President Guerin 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; John Carnegie, Customer Services Manager; Jennifer Joslin, Human Resources Manager; Lindsey Stephenson, Engineering Manager; Steve Weddle, Engineering Services Supervisor; Leo Mendez, Accounting Supervisor; Teresa Chase, Administrative Analyst; Joe Jansen, Administrative Analyst; Don MacFarlane, Consulting Engineer; Stephanie Kaufmann, Executive Secretary; Robert Kreutzer, Department Assistant; and Tim Schuette, Safety and Risk Compliance Administrator.

5. ADOPTION OF AGENDA

Director Watt moved to adopt the agenda, seconded by Director Hahn, and approved unanimously.

6. PERSONAL APPEARANCES AND PUBLIC COMMENTS

There were no personal appearances or public comments.

7. PRESENTATION OF AWARDS AND HONORABLE MENTIONS

Current Service Awards, Promotions, and Honorable Mentions

- * Marcela Novy – Accountant I – 5 Years – October
- * Jared Graffam – Financial Analyst II – 5 Years – October
- * Government Finance Officers Association Certificate of Achievement for Excellence in Financial Reporting – 28th Year

The employees were congratulated by the board. Accounting Supervisor Mendez presented the award to the board.

8. CONSIDER APPROVAL OF THE MINUTES OF THE SEPTEMBER 20, 2023, REGULAR BOARD OF DIRECTORS

Director Watt moved to approve the minutes of the September 20, 2023, Regular Board of Directors Meeting, seconded by Director Meyers, and approved unanimously.

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; REIMBURSEMENT OF EXPENSES TO BOARD MEMBERS AND STAFF

C-b CONSIDER ANNUAL OBJECTIVES AND TIGER TEAM STATUS REPORT

C-d CONSIDER ACCEPTANCE OF THE 6901 SPYGLASS LANE FIRE DETECTOR CHECK AND FIRE HYDRANT INSTALLATION PROJECT (OAKHURST BUILDERS) INTO OMWD'S SYSTEM AND ORDER A NOTICE OF COMPLETION BE FILED

C-e CONSIDER APPROVAL OF A CONTRACT WITH KDC, INC., DBA KDC SYSTEMS IN THE AMOUNT OF \$1,927,241 FOR THE CONSTRUCTION OF THE PROGRAMMABLE LOGIC CONTROLLER REPLACEMENT PROJECT AND AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF OMWD

Director Watt requested to pull item C-c.

President Guerin moved to approve Consent Calendar items C-a, C-b, C-d, and C-e, seconded by Director San Antonio, and approved unanimously.

C-c CONSIDER APPROVAL OF A LEASE AGREEMENT BETWEEN DISH WIRELESS, LLC AND OLIVENHAIN MUNICIPAL WATER DISTRICT TO CONTINUE ALLOWING COMMUNICATIONS FACILITIES AT THE GATY II RESERVOIR SITE, PER A PREVIOUS BOARD APPROVAL ASSIGNING THE EXISTING LEASE TO DISH, AND AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF OMWD

Engineering Manager Stephenson presented item C-c to the board.

Director Watt moved to approve the Consent Calendar item C-c, seconded by Director San Antonio, and approved unanimously.

10. CONSIDER THE CALENDAR FOR THE 2024 OLIVENHAIN MUNICIPAL WATER DISTRICT'S BOARD MEETINGS

Director Meyers moved to adopt the 2024 Olivenhain Municipal Water District Board Meeting Calendar, seconded by Director Watt, and approved unanimously.

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

Administrative Analyst Jansen presented the report.

12. CONSIDER DISCUSSION AND APPROVAL OF PROPOSED ADJUSTMENTS TO THE OLIVENHAIN MUNICIPAL WATER DISTRICT FIRE FLOW TEST FEE, METER INSTALLATION FEES, METER TEST FEE, AND ENCROACHMENT PERMIT MINIMUM DEPOSITS FOR 2023 AND ADOPT AN ORDINANCE AMENDING OLIVENHAIN MUNICIPAL WATER DISTRICT'S ADMINISTRATIVE AND ETHICS CODE (Article 8 – Water Rates & Charges, Article 13 – Policy for District Facilities, and Article 10 – Encroachment Permits)

Upon motion by Director Watt and a second by Director Guerin, Ordinance 511 was approved by the following roll call vote:

AYES:	Directors Guerin, Hahn, Meyers, San Antonio, and Watt
NOES:	None
ABSTAIN:	None
ABSENT:	None

13. CONSIDER AN UPDATE ON THE RATE REIMBURSEMENT CREDIT PROGRAM AND PROVIDE DIRECTION TO STAFF

Director Watt moved to accelerate the Rate Reimbursement Credit Program by increasing the current credit of 6.9 cents to 11 cents for each unit of water billed from March 2024 to December 2024 to help offset the impact of higher costs of water from San Diego County Water Authority on OMWD customer water bills.

Directors Meyers and Hahn requested accelerated Rate Reimbursement Credit Program estimate options over three years, four years, and five years.

Director Watt amended the motion to proceed with the notice to the customers that the board will be considering water rates in January as required by Proposition 218, notice that the 2024 Rate Reimbursement Credit will be 11 cents, to return with various estimate options to accelerate the credit over different scenarios, and to revisit the Rate Reimbursement Credit at the end of 2024 as part of the Cost of Service Study, seconded by Director Meyers, and approved unanimously.

14. INFORMATIONAL REPORTS

A. President's Report

President Guerin reported that she met with Encinitas Council Member Ehlers on recycled water use in parks.

B. General Manager's Report

General Manager Thorner reported that the new Operations Manager will be starting at the end of October. She also reported that the district is evaluating per- and polyfluoroalkyl substances (PFAS) class action settlements.

C. Consulting Engineer’s Report

Consulting Engineer MacFarlane’s report was included in the board packet.

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

SDCWA representative Meyers reported the governor signed AB 399 and that meetings have continued in evaluating SDCWA’s rate structure.

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

H.

SDCWA Board Meeting Prep (Sep 26)

Director Meyers met with the General Manager.

Safety Committee Meeting (Sep 27)

Directors Hahn and Meyers attended the meeting.

North County Work Group Meeting (Sep 27)

Director Meyers attended the meeting.

Conference Call with the General Manager (Sep 27)

President Guerin had a conference call with the General Manager.

Public Policy Committee Meeting - VIP Legislative Tour (Oct 3)

Directors Guerin and Watt attended the tour.

Health Expo (Oct 4)

Directors Meyers and San Antonio attended the event.

VIP Tour (Oct 5)

Director Meyers attended the tour.

EFRR Volunteer Appreciation BBQ (Oct 7)

Director Meyers attended the event.

Neighborhood 1 Sewer Pump Station Project Tour (Oct 10)

Director Meyers attended the tour.

Public Policy Committee Meeting - Legislative Tour (Oct 11)

Director Watt attended the tour.

Neighborhood 1 Sewer Pump Station Project Tour (Oct 12)

Directors San Antonio and Hahn attended the tour.

Board packet review (Oct 16)

Director Watt had a conference call with the General Manager.

Board Packet Review (Oct 16)

Director Meyers met with the General Manager.

Meeting with Council Member Ehlers (Oct 16)

Director Guerin met with Council Member Ehlers to discuss recycled water use in parks.

I. **Board Comments**

There were no board comments.

15. **CORRESPONDENCE**

Correspondence was provided in the board packet.

16. AUTHORIZATION TO ATTEND UPCOMING MEETINGS / CONFERENCES / SEMINARS

There were no meetings requiring authorization to attend.

17. FUTURE AGENDA ITEMS

There were no future agenda items added.

18. CONSIDER PUBLIC COMMENTS

There were no additional public comments.

NOTE: The meeting was in Closed Session
from 5:38 p.m. to 5:57 p.m.

19. CLOSED SESSION

A) CONSIDER POTENTIAL LITIGATION – ONE CASE [PURSUANT TO GOVERNMENT CODE SECTION 54956.9]

B) CONFER WITH LEGAL COUNSEL – EXISTING LITIGATION – SIMEK VS. OMWD [PURSUANT TO GOVERNMENT CODE SECTION 54956.9] • Additional Facts: Litigation served September 25, 2023.

C) CONSIDER GENERAL MANAGER PERFORMANCE EVALUATION [PURSUANT TO GOVERNMENT CODE SECTION 54957] • Additional Facts: Receive packet; full review and compensation discussion to be held on November 15, 2023.

20. OPEN SESSION

There was no reportable action from Closed Session.

21. ADJOURNMENT

President Guerin adjourned the meeting at 5:58 p.m.

Christy Guerin, President
Board of Directors
Olivenhain Municipal Water District

ATTEST:

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