

**NOTICE OF A REGULAR MEETING  
OF THE BOARD OF DIRECTORS OF THE  
OLIVENHAIN MUNICIPAL WATER DISTRICT  
1966 Olivenhain Road, Encinitas, CA 92024  
Tel: (760) 753-6466 • Fax: (760) 753-5640  
VIA TELECONFERENCE AND IN PERSON**

Pursuant to AB3035, effective January 1, 2003, any person who requires a disability related modification or accommodation in order to participate in a public meeting shall make such a request in writing to Stephanie Kaufmann, Executive Secretary, for immediate consideration.

DATE: WEDNESDAY, NOVEMBER 15, 2023

**TIME: 4:00 P.M.**

PLACE: HYBRID REGULAR MEETING VIA ZOOM AND IN-PERSON, AND REMOTE LOCATION FOR DIRECTOR HAHN OF 4535 COMMERCE STREET, VIRGINIA BEACH, VA 23462

The meeting is being held virtually as a convenience to the public. The meeting will not stop or suspend its in-person meeting should a technological interruption occur with respect to the Zoom or call-on options listed on the agenda.

**For Zoom Participation:**

[www.zoom.us/join](https://www.zoom.us/join)

Meeting ID: 860 6283 3131

Passcode: 532865

**For Zoom Call-in Only:**

Call: (669) 900-9128

Meeting ID: 860 6283 3131

Passcode: 532865

**Public Participation/Comment:** Members of the public can participate in the meeting by emailing your comments on an agenda item to the Board Secretary at [skaufmann@olivenhain.com](mailto:skaufmann@olivenhain.com) or address the board directly in real-time under either of the public comment sections. If you do not receive a confirmation email that your comment has been received, please call (760) 632-4648 or address the board under either of the public comment sections to ensure that your comments are heard in real-time. The subject line of your email should clearly state the item number you are commenting on and should include your name and phone number. All comments will be emailed to the Board of Directors.

*NOTE: ITEMS ON THE AGENDA MAY BE TAKEN OUT OF SEQUENTIAL ORDER  
AS THEIR PRIORITY IS DETERMINED BY THE BOARD OF DIRECTORS*

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
4. DETERMINATION OF A QUORUM
5. ADOPTION OF AGENDA

6. PERSONAL APPEARANCES AND PUBLIC COMMENTS

7. PRESENTATION OF AWARDS AND HONORABLE MENTIONS

- \* John Onkka – Water Reclamation Facilities Supervisor – 15 Years – October
- \* Jesus Vasquez – Utility I – New Hire – October
- \* Salden Stone – Utility I – New Hire – October
- \* Jesse Bartlett-May – Operations Manager – New Hire – October

2023 Pure Excellence Award winners:

Congressman Scott Peters – Legislator of the Year  
MiraCosta College – Customer of the Year  
California Landscape Technologies – Business of the Year  
BCK Programs, LLC – Educator of the Year  
Rich Riemer – Volunteer of the Year

8. CONSIDER APPROVAL OF THE MINUTES OF THE OCTOBER 18, 2023, REGULAR BOARD OF DIRECTORS MEETING

9. CONSENT CALENDAR

*NOTE: ANY ITEM MAY BE REMOVED FROM THE CONSENT CALENDAR  
FOR DISCUSSION*

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 A RESOLUTION GOVERNING THE DISTRICT'S GRANT APPLICATION SUBMITTED TO THE UNITED STATES BUREAU OF RECLAMATION FOR FUNDING UNDER THE WATER INFRASTRUCTURE IMPROVEMENTS FOR THE NATION ACT PROGRAM FOR THE NORTH SAN DIEGO WATER REUSE 2020 PROJECT
C-c	CONSIDER ACCEPTANCE OF THE 20475 ELFIN FOREST ROAD WATER SERVICE INSTALLATION PROJECT (TODD VERWERS) INTO OMWD'S SYSTEM AND ORDER A NOTICE OF COMPLETION FILED

10. CONSIDER AWARD OF A CONTRACT WITH GSE CONSTRUCTION COMPANY INC. IN THE AMOUNT OF \$2,315,300 FOR THE CONSTRUCTION OF THE DAVID C. MCCOLLOM WATER TREATMENT PLANT STAGE 4 UPGRADES PROJECT AND AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF OMWD

11. CONSIDER APPROVAL OF CHANGE ORDER NO. 5 WITH ORION CONSTRUCTION CORPORATION FOR \$106,763 FOR THE 4S RANCH NEIGHBORHOOD 1 SEWER PUMP STATION REPLACEMENT PROJECT, AND AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF OMWD

12. CONSIDER AND DISCUSS OLIVENHAIN MUNICIPAL WATER DISTRICT'S RATE REIMBURSEMENT CREDIT
13. INFORMATIONAL REPORTS
  - A. PRESIDENT
  - B. GENERAL MANAGER
  - C. CONSULTING ENGINEER
  - D. GENERAL COUNSEL
  - E. SAN DIEGO COUNTY WATER AUTHORITY REPRESENTATIVE
  - F. LEGISLATIVE
  - G. TWELVE MONTH CALENDAR / OTHER MEETINGS / REPORTS BY BOARD MEMBERS PER AB 1234
  - H. BOARD COMMENTS
14. CORRESPONDENCE
15. AUTHORIZATION TO ATTEND UPCOMING MEETINGS / CONFERENCES / SEMINARS
16. FUTURE AGENDA ITEMS
17. CONSIDER PUBLIC COMMENTS
18. CLOSED SESSION
  - A) CONSIDER POTENTIAL LITIGATION – ONE CASE [PURSUANT TO GOVERNMENT CODE SECTION 54956.9]
  - B) CONSIDER LITIGATION – SIMEK [PURSUANT TO GOVERNMENT CODE SECTION 54956.9] • Additional Facts: Claim received on March 9, 2023. Claim rejected and tendered to OMWD's insurance on March 9, 2023.
  - C) CONSIDER EXISTING LITIGATION – CLASS ACTION SETTLEMENT WITH 3M COMPANY AND DUPONT [PURSUANT TO GOVERNMENT CODE SECTION 54956.9]
  - D) CONSIDER GENERAL MANAGER REVIEW [PURSUANT TO GOVERNMENT CODE SECTION 54957] • Additional Facts: Receive packet; full review and compensation discussion to be held on November 15, 2023.
19. OPEN SESSION
20. CONSIDER GENERAL MANAGER'S (A) 2023 INCENTIVE AND (B) 2024 COMPENSATION
21. ADJOURNMENT



# Memo

To: Board of Directors  
From: Stephanie Kaufmann, Executive Secretary  
Via: Kimberly A. Thorner, General Manager  
Subject: BOARD MEETING MINUTES

---

Draft minutes of the most recently held Board of Directors meeting will be provided separately. Following board approval, the minutes will be posted on OMWD's website.

# Memo

Date: November 15, 2023  
To: Olivenhain Municipal Water District Board of Directors  
From: Rainy Selamat, Finance Manager  
Via: Kimberly Thorner, General Manager  
Subject: **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**

---

The following monthly financial reports are enclosed for review and approval by the Board of Directors:

- October 2023 Summary of payment of listed warrants from the District's checking account and listed transfer of funds.
- October 2023 Monthly Summary of Reimbursement Expenses to Board Members and Staff.

The District's June, July, August, and September Financial Statements (typically item C-b) and the Monthly Investment Reports will be available for review and approval by the Board after the fiscal year 2022/23 financial audit is completed in November 2023.

Olivenhain Municipal Water District  
Proposed Motions for November 15, 2023 Board of Directors Meeting  
October 2023 Activities  
Consent Calendar Item # C-a

Proposed Motions:

- I. That the following warrants and transfers be approved:

Regular Account	Warrants - by check	034359 ✓	to	034502 ✓	\$	1,077,932.59
	Warrants - by EFT	EFT000000000725 ✓	to	EFT000000000782 ✓		1,027,748.03
						<hr/> 2,105,680.62 ✓
	ACH Payments - Payroll					216,121.53
	Wire - SDCWA - Monthly Purchased Water Payment					2,820,087.80
	ACH Payments - Payroll					223,872.67
	Wire - SDCWA - Capacity Fees					31,637.00
					\$	<hr/> 5,397,399.62 ✓

Major Category of Disbursements


Total warrants from the District's checking account:

\$ 2,105,680.62 ✓

Following is a breakdown of this total by major categories:

<u>Category</u>	
Outside services	\$ 1,036,256.04
Inventory and supplies	360,933.33
Utilities	182,472.20
Repairs and maintenance	30,378.97
Other	11,345.76
Refunds	4,823.01
Insurance	469,130.31
Permit Fees	10,341.00
Total	<hr/> \$ 2,105,680.62 ✓

Sincerely,

  
Rainy K. Selamat/Finance Manager

Olivenhain Municipal Water District  
Proposed Motions for November 15, 2023 Board of Directors Meeting  
October 2023 Activities

California Bank and Trust

Regular Account

Warrants - by check	034359	to	034502	\$	1,077,932.59	
Warrants - by EFT	EFT000000000725	to	EFT000000000782		1,027,748.03	
					<u>2,105,680.62</u>	✓
10/12/2023 ACH Payments - Payroll					216,121.53	
10/16/2023 Wire - SDCWA - Monthly Purchased Water Payment					2,820,087.80	
10/26/2023 ACH Payments - Payroll					223,872.67	
10/26/2023 Wire - SDCWA - Capacity Fees					31,637.00	
			Total	\$	<u>5,397,399.62</u>	✓

Approved:

For Board Consideration and Approval

**Olivenhain Municipal Water District**  
**October 2023 Warrant List - Check & EFT**

Number	Date	Name	Amount	Inv Reference	Multiple Invoices?
034359	10/4/2023	45 Ranch Gasoline & Car Wash	915.59	WWTP GASONLINE & CAR WASH	
034360	10/4/2023	Alfa Laval Inc.	42,186.01	Contingency plan spare parts for existing centrifuge at WTP	Yes
034361	10/4/2023	Alpha Mechanical, Inc	2,298.00	4G RSVR COMM BLDG A/C UNIT	
034362	10/4/2023	American Conservation & Billing Solutions, Inc.	3,251.00	10/23 AQUA HAWK SERVICES	
034363	10/4/2023	American Messaging	60.82	L1-072035	
034364	10/4/2023	Amil Kumar	128.31	REF:1081290_145540	
034365	10/4/2023	Bee Rescue LLC	960.00	AKITA LANE	Yes
034366	10/4/2023	Boot World Inc	307.15	Safety Boots	Yes
034367	10/4/2023	BreakAway Promo	1,523.79	UNIFORM SHIRTS	
034368	10/4/2023	Dominic Brunozzi	169.07	SEMINAR EXPENSE REIMB	
034369	10/4/2023	City Treasurer	7,606.31	620000109372	
034370	10/4/2023	County Of San Diego	50.00	UNIT A P/L RPLCMNT NOE FILING	Yes
034371	10/4/2023	Edco Waste & Recycling	632.83	25-4A 861816	Yes
034372	10/4/2023	Fallbrook Printing Corp	357.79	AMI POSTCARD	Yes
034373	10/4/2023	Federal Express Corp	128.44	1178-0442-9	
034374	10/4/2023	Grangetto's Ag. Supply	108.70	SUPPLIES	
034375	10/4/2023	Hill Brothers Chemical Company	3,641.53	WWTP CHEMICALS	
034376	10/4/2023	Michael Hughes	108.63	REF:1055838_239925	
034377	10/4/2023	Mirvat Ilaiian	82.46	REF:1015569_137220	
034378	10/4/2023	Miscowater	659.43	OIL SIGHT GLASS KIT (WWTP)	
034379	10/4/2023	Napa Auto Parts	876.07	8/23 SUPPLIES	
034380	10/4/2023	NBS	11,371.05	QUARTERLY ADMIN SERVICE FEE	
034381	10/4/2023	Nick Boess	125.00	EDUCATION INCENTIVE	
034382	10/4/2023	Pacific Pipeline Supply	2,669.40	FLANGE COUPLINGS	Yes
034383	10/4/2023	Parkhouse Tire Inc	1,107.26	BA07 TIRES	Yes
034384	10/4/2023	Republic Services	6,541.70	4-4530-0333405	Yes
034385	10/4/2023	Republic Services #661	728.59	3-0661-1001776	
034386	10/4/2023	Theresa Meza	68.04	REF:1087917_131960	
034387	10/4/2023	TS Industrial Supply	48.63	WTP SUPPLIES	
034388	10/4/2023	UniFirst Aid Corp	231.34	FIRST AID SUPPLIES	
034389	10/11/2023	AT & T	24.67	9391056562	
034390	10/11/2023	Bee Rescue LLC	240.00	1544 TUCKER LANE	
034391	10/11/2023	BreakAway Promo	1,008.98	OMWD SWEATSHIRTS	
034392	10/11/2023	California State Disbursement Unit	123.23	Garnishment	
034393	10/11/2023	Christian Adams	3.76	REF:1091697_197765	
034394	10/11/2023	County Of San Diego	4,520.00	RW PLAN REVIEWS/INSPECTIONS	Yes
034395	10/11/2023	DXP Enterprises, Inc.	4,933.94	WTP PREVENTATIVE MAINTENANCE SERVICES	
034396	10/11/2023	ESS	672.00	WW ALARM MONITORING SERVICES	Yes
034397	10/11/2023	Fallbrook Printing Corp	3,059.16	MY WATER USE POSTCARDS-20K POSTCARDS	
034398	10/11/2023	Ferguson Enterprises Inc. #1083	322.17	1" U-Branch Twinsetter	Yes
034399	10/11/2023	Fieldman, Rolapp & Assoc	781.00	CONSULTING SERVICES FOR BRACKISH GW PROJECT	
034400	10/11/2023	Franchise Tax Board	293.64	Garnishment	
034401	10/11/2023	Hoch Consulting	3,508.68	Design Services for RW pipeline extension project	Yes
034402	10/11/2023	Infosend	3,556.67	8/23 MAINTENANCE FEE	
034403	10/11/2023	Infrastructure Engineering Corporation	575.00	NBHD SPS Rpt Design Support CO#3	Yes
034404	10/11/2023	Integrity Municipal Systems	1,303.00	WW ODOR SCRUBBER SERVICES	
034405	10/11/2023	Ken Polk	40.16	REF:1088407_103585	
034406	10/11/2023	Morton Salt Inc	6,131.74	WTP CHEMICALS	
034407	10/11/2023	Nathan Rasch	91.37	REF:1091617_201870	
034408	10/11/2023	Pacific Pipeline Supply	5,649.20	Gate valves, brass nipples, copper pipe	Yes
034409	10/11/2023	RECON Environmental, Inc.	797.25	RANCHO PASEANA REVEGETATION	
034410	10/11/2023	Richard Ressel	150.38	REF:1083706_194215	
034411	10/11/2023	Ryan Herco	483.67	PVC Parts	Yes
034412	10/11/2023	S D G & E	264.85	400000078	
034413	10/11/2023	San Diego Building Maintenance	5,396.00	9/23 JANITORIAL SERVICES	
034414	10/11/2023	San Diego Gas & Electric	56,687.48	Utilities	Yes
034415	10/11/2023	SDCWA PUBLIC AFFAIRS DEPT - COWU	110.00	10/17 LUNCH MTG - KT, MH	
034416	10/11/2023	State Water Resources	110.00	WW GRADE 2 CERT - BRUNOZZI	
034417	10/11/2023	Superior Elec. Motor Service, Inc.	12,339.45	Repairs for 4S WRF Influent Filter Pump	Yes
034418	10/11/2023	TASC	464.62	9/23 VEBA ADMIN/CLAIMS FEES	
034419	10/11/2023	USA Blue Book	330.34	WWTP SUPPLIES (Gloves)	
034420	10/11/2023	Verizon Connect Fleet USA, LLC	924.85	100000112726	
034421	10/11/2023	Water Quality Specialists	12,770.00	WTP TEMPORARY SERVICES	
034423	10/18/2023	AT & T	1,045.99	9391056789	Yes
034424	10/18/2023	California Breakers Inc	11,750.89	BREAKER RECONDITIONING, REPLACEMENT CONTACTS, WTP DRAIN PUMP SERVICES	Yes
034425	10/18/2023	Cinci Anderson	113.02	REF:1084898_209395	
034426	10/18/2023	City Treasurer	777.05	620000109372	
034427	10/18/2023	City Treasurer	701.76	9/23 METER CHARGE	
034428	10/18/2023	Complete Office	7,030.69	Purchase & Install Office Furniture for GM (Credenza) & Finance Manager (Desk\Worksurface)	Yes
034429	10/18/2023	Corodata Shredding, Inc	69.87	SHREDDING SERVICES	
034430	10/18/2023	Don & Lisa Adair	1,266.38	REF:1090591_303080	
034431	10/18/2023	DXP Enterprises, Inc.	4,933.94	WTP SERVICES - REPAIR BACKUP PUMP	
034432	10/18/2023	Jason Emerick	222.00	CWEA CSN 111 EXAM FEE REIMB	
034433	10/18/2023	Escondido Metal Supply	240.31	SUPPLIES	Yes
034434	10/18/2023	ESS	382.75	OMWD HQ FIRE ALARM SERVICE	
034435	10/18/2023	Ferguson Enterprises Inc. #1083	2,003.89	COUPLINGS AND OTHER MATERIALS	Yes
034436	10/18/2023	First Choice Technology	160.16	13001474	Yes



**Olivenhain Municipal Water District**  
**October 2023 Warrant List - Check & EFT**

Number	Date	Name	Amount	Inv Reference	Multiple Invoices?
034437	10/18/2023	HHS Construction, LLC	1,504.73	REF:1092536_303535	
034438	10/18/2023	Hi-Line Electric Company, Inc.	1,791.80	WIRES, GROMMETS, O-RINGS, AND OTHER MATERIALS	
034439	10/18/2023	Home Depot/Gecf	8,984.89	9/23 SUPPLIES	Yes
034440	10/18/2023	Illuminato Mogavero	125.00	EDUCATION INCENTIVE	
034441	10/18/2023	Jeff Friis	10.04	REF:1076952_234380	
034442	10/18/2023	John Restaino	100.70	REF:1089404_213015	
034443	10/18/2023	Kayla Hyvonen	55.48	REF:1090589_160235	
034444	10/18/2023	Napa Auto Parts	464.04	9/23 SUPPLIES	
034445	10/18/2023	Pacific Pipeline Supply	690.93	18X30 Air Vac Enclsr Sandstone	Yes
034446	10/18/2023	Jaroht Inc., dba	78.00	760-489-9971	
034447	10/18/2023	Pamela Vizanko	14.55	REF:1082704_203035	
034448	10/18/2023	Patriot Environmental	701.50	WWTP ROLLOFF BIN SERVICES	
034449	10/18/2023	Raftelis Financial Consultant	251.25	CONSULTING SERVICES	
034450	10/18/2023	Rancho Santa Fe Community Svcs	39,044.26	9/23 47.3 AC/FT RECYCLED WTR	
034451	10/18/2023	Rebecca Cantrell	69.85	REF:1085011_153335	
034452	10/18/2023	Republic Services	2,024.05	4-4530-0333405	
034453	10/18/2023	Republic Services #661	4,322.42	3-0661-2000037	Yes
034454	10/18/2023	San Diego County Recorder	53.00	EP #421 RECORDING FEE	Yes
034455	10/18/2023	San Diego Gas & Electric	86,831.59	Utilities	Yes
034456	10/18/2023	San Elijo Joint Powers Auth.	45,423.30	9/23 24.7 AC/FT RECYCLED WTR	
034457	10/18/2023	Santa Fe Irrigation Dist	5,749.22	008128-009	Yes
034458	10/18/2023	Sonsray Machinery LLC	7,514.00	BA07 SERVICES	Yes
034459	10/18/2023	Spice Of Life Inc	1,350.00	2023 HEATLH FAIR	
034460	10/18/2023	State Water Resources	150.00	WW GRADE 3 RENEW-EMERICK	
034461	10/18/2023	Traffic Supply Inc	295.07	PARKING SIGNS	
034462	10/18/2023	TS Industrial Supply	297.01	MISC TOOLS	
034463	10/25/2023	AG Tech Llc	1,088.40	WW BIOSOLIDS DISPOSAL SVCS	
034464	10/25/2023	AT & T	80.54	9391059578	
034465	10/25/2023	Brightview Landscape Services	12,090.00	WEIGAND RSVR TREE CLEANUP	Yes
034466	10/25/2023	California State Disbursement Unit	123.23	Garnishment	
034467	10/25/2023	Corodata	379.26	OFFSITE RECORDS STORAGE	
034468	10/25/2023	County Of San Diego	3,808.00	RECYCLED H2O PERMITS	Yes
034469	10/25/2023	County Of San Diego	2,013.00	AIR POLLUTION CONTROL DISTRICT FEES	Yes
034470	10/25/2023	County of San Diego, RCS	171.00	9/23 RADIO SERVICES	
034471	10/25/2023	D&H Water Systems	49.48	WTP SUPPLIES	
034472	10/25/2023	Encinitas Ford	233.11	FB46 SUPPLIES	Yes
034473	10/25/2023	Escondido Metal Supply	7.54	PARKS SUPPLIES	
034474	10/25/2023	Fallbrook Printing Corp	1,652.53	AMI POSTCARD	Yes
034475	10/25/2023	Ferguson Enterprises Inc. #1083	2,024.35	2"C300 90 Fip X Fip Angle Vlv	Yes
034476	10/25/2023	Geoscience Support Svcs, Inc.	36,309.50	Consulting for San Dieguito Valley Groundwater Desal	Yes
034477	10/25/2023	Guardian	948.60	11/23 DENTAL ADMIN FEES	
034478	10/25/2023	Gabriel Hernandez	1,822.33	WEFTEC CONF EXPENSE REIMB	
034479	10/25/2023	Infosend	9,009.50	WATER BILL STATEMENTS	
034480	10/25/2023	Infrastructure Engineering Corporation	21,375.00	CONSULTING FOR HYDRAULIC MODEL/MASTER PLAN AND OTHER DISTRICT PROJECTS	Yes
034481	10/25/2023	Interstate Battery Of San Diego Inc	731.64	SHOP SUPPLIES	Yes
034482	10/25/2023	Leslie Henderson	643.19	REF:1026393_115135	
034483	10/25/2023	Morton Salt Inc	6,233.86	WTP CHEMICALS	
034484	10/25/2023	Orion Construction Corporation	472,862.50	4S Ranch N1SPS Replacement Project	Yes
034485	10/25/2023	Pacific Pipeline Supply	4,518.13	PVC, gaskets, clamps, etc.	Yes
034486	10/25/2023	Pacific Safety Center	890.00	TRENCHING & EXCAVATION	Yes
034487	10/25/2023	Palomar Health	370.00	PRE-EMPLOYMENT PHYSICAL	
034488	10/25/2023	PWLC I, INC	14,848.00	LANDSCAPE MAINTENANCE	Yes
034489	10/25/2023	Samba Holdings Inc	218.16	DRIVER RECORD MONITORING	
034490	10/25/2023	San Diego Gas & Electric	13,793.21	Utilities	Yes
034491	10/25/2023	State Water Resources	90.00	T3 CERT RENEWAL - S.SULLIVAN	
034492	10/25/2023	Steven Malvig	131.70	REF:1090669_127215	
034493	10/25/2023	Stuart Gordon	80.42	REF:1012383_301405	
034494	10/25/2023	Sunbelt Rentals, Inc.	138.19	PROPANE	
034495	10/25/2023	Susan Chamberlin	159.84	REF:1037599_221160	
034496	10/25/2023	TASC	125.00	Q3 TRUSTEE FEE (VEBA)	
034497	10/25/2023	Tetra Tech Inc	4,258.87	PLC Replacement Design	Yes
034498	10/25/2023	Kim Thorner	100.26	EXPENSE REIMBURSEMENT	
034499	10/25/2023	Two Oaks Sweeping LLC	700.00	OMWD HQ LOT SWEEPING	
034500	10/25/2023	Underground Service Alert	447.50	DIG ALERT TICKETS	
034501	10/25/2023	West Coast Sand & Gravel	1,446.17	YARD MATERIALS	
034502	10/25/2023	West Yost & Associates, Inc	6,755.00	Support for Manchester Recycled Water site connections	Yes
EFT000000000725	10/4/2023	ACWA - JPIA	3,696.00	FCA4061471 (4S RANCH RSVR INSURANCE)	
EFT000000000726	10/4/2023	Standard Insurance Co.	5,997.96	10/23 LTD, LIFE INSURANC PREM	
EFT000000000727	10/4/2023	Southern Counties Lubricants, LLC.	14,381.83	FUEL SUPPLIES	Yes
EFT000000000728	10/4/2023	Evoqua Water Technologies	276.76	WWTP PREVENT MAINT SERVICES	
EFT000000000729	10/4/2023	McMaster-Carr Supply Co.	152.19	WWTP SUPPLIES	
EFT000000000730	10/4/2023	Panatrack, Inc.	3,372.00	9/23-8/24 ANNUAL MAINTENANCE	
EFT000000000731	10/4/2023	Radwell International, Inc.	8,751.49	Mitsubishi FR-F840 VFD	Yes
EFT000000000732	10/4/2023	Volt Management Corp DBA	1,956.96	WTP INTERN W/E 9/8/23	Yes
EFT000000000733	10/4/2023	Martin Marietta Materials Inc	684.99	YARD MATERIALS	Yes
EFT000000000734	10/4/2023	GEI Consultants, Inc	6,644.00	8/23 AS NEEDED WTR QUALITY SVC	
EFT000000000735	10/4/2023	Rusty Wallis Inc.	4,290.00	WTP CHEMICALS	
EFT000000000736	10/4/2023	Aqua Metric	109,566.43	MXUS FOR AMI PROJECT	Yes
EFT000000000737	10/4/2023	Nobel Systems	1,355.00	GIS UPDATES	Yes
EFT000000000738	10/4/2023	CDW Government Inc	2,693.26	IT SUPPLIES	Yes
EFT000000000739	10/4/2023	Harrington Industrial Plastics Inc	3,345.74	WTP SUPPLIES	
EFT000000000740	10/4/2023	ACWA - JPIA	141,523.13	11/23 GROUP INSURANCE PREM	
EFT000000000741	10/4/2023	Wateruse Association	4,422.00	2024 MEMBERSHIP DUES	
EFT000000000742	10/4/2023	McMaster-Carr Supply Co.	132.57	SUPPLIES	
EFT000000000743	10/4/2023	CyberlinkASP Technology	17,987.81	HOSTING SERVICES AND DEDICATED SERVERS - SEPT AND OCT	Yes

**Olivenhain Municipal Water District**  
**October 2023 Warrant List - Check & EFT**

Number	Date	Name	Amount	Inv Reference	Multiple Invoices?
EFT000000000744	10/4/2023	Global Power Group Inc	614.58	WWTP PREVENT MAINT SERVICES	
EFT000000000745	10/4/2023	Nossaman LLP	6,750.00	LOBBYING SERVICES	
EFT000000000746	10/4/2023	Water for People	66.00	WTRPL 10/12/2023	
EFT000000000747	10/18/2023	Dudek	41,543.35	Engineering Services for the Wastewater Master Plan Update, 4S Ranch Headworks Screening	Yes
EFT000000000748	10/18/2023	Peterson Structural Engineers, Inc.	9,844.00	Design Services for Tank Safety Improvements (D120130)	Yes
EFT000000000749	10/18/2023	DLM Engineering Inc	15,206.36	ENGINEER CONSULTING SERVICES	Yes
EFT000000000750	10/18/2023	Hasa	9,403.43	WWTP CHEMICALS	
EFT000000000751	10/18/2023	Woodard & Curran	1,438.75	NSDWRC GRANT ADMIN SUPPORT	Yes
EFT000000000752	10/18/2023	Volt Management Corp DBA	652.32	WTP INTERN W/E 9/15/23	
EFT000000000753	10/18/2023	WREGIS	1.12	RENEW ENERGY FEE	
EFT000000000754	10/18/2023	Parsons	762.23	Preliminary and Final Design Services for Unit A N, RSF Pipeline Rep Project	Yes
EFT000000000755	10/18/2023	Martin Marietta Materials Inc	1,551.33	YARD MATERIALS	Yes
EFT000000000756	10/18/2023	Aqua Metric	13,394.83	3/4" meters (qty 60)	Yes
EFT000000000757	10/18/2023	CDW Government Inc	1,632.15	IT SUPPLIES	Yes
EFT000000000758	10/18/2023	Nossaman LLP	72,758.36	8/23 LEGAL SERVICES	Yes
EFT000000000759	10/18/2023	Insight Public Sector, Inc.	6,875.30	M365 G3 Unified GCC SU O365 G3 Sub Per User	Yes
EFT000000000760	10/18/2023	Western Hose & Gasket	1,788.00	WTP SUPPLIES	Yes
EFT000000000761	10/18/2023	Harrington Industrial Plastics Inc	57.26	WTP SUPPLIES	
EFT000000000762	10/25/2023	ACWA - JPIA	316,500.00	AUTO & GEN'L LIABILITY INSURANCE	
EFT000000000763	10/25/2023	Peterson Structural Engineers, Inc.	7,962.80	Design Services for Tank Safety Improvements (D120130)	Yes
EFT000000000764	10/25/2023	Vallecitos Water District	40,468.69	RECLAIMED WATER SALES	
EFT000000000765	10/25/2023	Southern Counties Lubricants, LLC.	10,316.48	FUEL SUPPLIES	
EFT000000000766	10/25/2023	Mesa Products	705.35	SUPPLIES	Yes
EFT000000000767	10/25/2023	Evoqua Water Technologies	276.76	WWTP PREVENT MAINT SERVICES	
EFT000000000768	10/25/2023	Panatrack, Inc.	9,440.33	Zebra TC73 Smartphone Scanners (3) for Inventory	Yes
EFT000000000769	10/25/2023	Calif. Surveying & Drafting Supply	281.02	BLUE PAINT (ENG LINE LOCATING)	
EFT000000000770	10/25/2023	Woodard & Curran	4,179.75	KT Approved PSA with Woodard & Curran for San Dieguito Desal Project	Yes
EFT000000000771	10/25/2023	BlueWater Strategies Ilc	78,000.00	Consulting services	
EFT000000000772	10/25/2023	Volt Management Corp DBA	1,304.64	WTP INTERN W/E 9/22 & 9/29	
EFT000000000773	10/25/2023	NexusTek Phoenix	5,376.75	CLOUD SUPPORT	Yes
EFT000000000774	10/25/2023	Water Quality Specialists	12,870.00	WTP TEMPORARY SERVICES	
EFT000000000775	10/25/2023	The Pun Group LLP	8,500.00	6/30/23 AUDIT SERVICES	
EFT000000000776	10/25/2023	Transnet Investigative Group Inc.	639.95	PRE-EMPLOYMENT BACKGROUND	Yes
EFT000000000777	10/25/2023	Martin Marietta Materials Inc	1,620.00	DUMB BOBTAIL	
EFT000000000778	10/25/2023	Charlotte Raybourn Speaker Management, LLC	3,000.00	MOTIVATIONAL SPEAKER	
EFT000000000779	10/25/2023	Whitson CM	450.00	9/23 OMWD HQ SITE INSPECTIONS	
EFT000000000780	10/25/2023	CDW Government Inc	9,958.78	CDWG PROFESSIONAL SERVICES, PC PURCHASE	Yes
EFT000000000781	10/25/2023	Harrington Industrial Plastics Inc	261.24	WTP SUPPLIES	
EFT000000000782	10/25/2023	Water for People	66.00	WTRPL 10/26/2023	
			<u>2,105,680.62</u>		

**Olivenhain Municipal Water District**  
**Monthly Directors Fee and Reimbursed Expenses for Directors and Staff**  
**October 2023**

<u>Name</u>	<u>Payment Date</u>	<u>Check#/ Credit Card</u>	<u>Meals &amp; Lodging</u>	<u>Travel &amp; Transport</u>	<u>Other</u>	<u>Total Reimbursed Expenses</u>	<u>Directors Fee*</u>
Director Guerin			0.00	0.00	0.00	0.00	600.00
			0.00	0.00	0.00	0.00	600.00
Director Hahn			0.00	0.00	0.00	0.00	450.00
			0.00	0.00	0.00	0.00	450.00
Director Meyers			0.00	0.00	0.00	0.00	750.00
			0.00	0.00	0.00	0.00	750.00
Director San Antonio			0.00	0.00	0.00	0.00	450.00
			0.00	0.00	0.00	0.00	450.00
Director Watt			0.00	0.00	0.00	0.00	600.00
			0.00	0.00	0.00	0.00	600.00
General Manager Thorner	10/25/2023	34498	100.26	0.00	0.00	100.26	
			100.26	0.00	0.00	100.26	
Human Resources Manager Joslin			0.00	0.00	0.00	0.00	
			0.00	0.00	0.00	0.00	
Finance Manager Selamat			0.00	0.00	0.00	0.00	
			0.00	0.00	0.00	0.00	
Operations Manager Fulks			0.00	0.00	0.00	0.00	
			0.00	0.00	0.00	0.00	
Engineering Manager Stephenson			0.00	0.00	0.00	0.00	
			0.00	0.00	0.00	0.00	
Assistant General Manager Randall			0.00	0.00	0.00	0.00	
			0.00	0.00	0.00	0.00	
Customer Service Manager Carnegie			0.00	0.00	0.00	0.00	
			0.00	0.00	0.00	0.00	

\*September and October Per Diems.

Notes:

- (1) Reviewed and discussed with the Finance Committee (02/05/18).
- (2) Reimbursement of expenses are in compliance with Article 19 of the District's Administrative and Ethics Code.
- (3) Travel and other expenses charged to District's credit cards and paid by the District are recorded and maintained separately.

# Memo

Date: November 15, 2023  
To: Olivenhain Municipal Water District Board of Directors  
From: Joe Jansen, Administrative Analyst  
Via: Kimberly A. Thorner, General Manager  
Subject: **CONSIDER A RESOLUTION GOVERNING THE DISTRICT'S GRANT APPLICATION SUBMITTED TO THE UNITED STATES BUREAU OF RECLAMATION FOR FUNDING UNDER THE WATER INFRASTRUCTURE IMPROVEMENTS FOR THE NATION ACT PROGRAM FOR THE NORTH SAN DIEGO WATER REUSE 2020 PROJECT**

---

## Purpose

The purpose of this agenda item is to authorize OMWD's General Manager to submit an application to United States Bureau of Reclamation for Water Infrastructure Improvement for the Nation Act funding via Title XVI for the North San Diego Water Reuse Coalition's "2020 Project."

## Recommendation

Staff recommends approval of the resolution.

## Alternative(s)

- The board may choose against the adoption of the resolution; however, this alternative could preclude the achievement of grant funds.

- The board may direct staff as otherwise deemed appropriate.

### **Background**

On December 16, 2016, President Barack Obama signed the Water Infrastructure Improvements for the Nation Act and included the reform and revitalization of the Title XVI program to a competitive grant program.

In 2017, North San Diego Water Reuse Coalition partners, consisting of nine local water and wastewater agencies, completed the Title XVI Feasibility Study for the 2020 Project and submitted it to USBR for review. The Feasibility Study for the 2020 Project was completed and approved by USBR in May 2017.

In August 2017, the Coalition submitted the 2020 Project to USBR for its WaterSMART grant program but was unsuccessful. Although not approved for funding, BlueWater Strategies indicated that the 2020 Project was included on the USBR Water Resources and Planning Division's top-scoring projects list.

Following the completion of the FY 17 grant competition, BlueWater Strategies coordinated a debriefing meeting in January 2018 with USBR to determine specific evaluation criteria categories where the 2020 Project's grant application could be improved for Title XVI competition.

USBR and Department of Interior recommendations were incorporated into a second Title XVI WIIN grant application submitted in June 2019. In December 2020, OMWD received notification from USBR that the 2019 application was not selected to be forwarded to Congress for approval. Despite the application's recommendation for funding, USBR's recommendations were discarded in favor of uncompetitive choices at the Office of Management and Budget level.

In April 2021, the board voted to approve Resolution 2021-08, which authorized the submission of an April 2021 grant application. In August 2021, OMWD received notice that the Coalition had been awarded a \$6.1 million grant from the Title XVI program.

In January 2022, USBR released another funding opportunity for Title XVI water recycling projects under the WIIN Act. In February 2022, the board voted to approve Resolution 2022-07, which approved submitting an application for the grant. In August 2022, OMWD received notice that the Coalition had been awarded an additional \$17.8 million grant from the Title XVI program. The incremental award increased the total grant funding amount to \$23.9 million in support of the 2020 Project, which at that time

included projects totaling \$124.5 million in project costs. OMWD's portion of the combined grant awards totals over \$3.6 million that will help offset project costs for ratepayers.

### **Fiscal Impact**

There are no costs associated with the adoption of this resolution.

If the resolution is approved, staff intends to submit the 2020 Project to USBR for its WaterSMART grant program to compete for an award to be divided among the Coalition partners. Through this program, USBR may provide up to 25 percent of total planning, design, and construction project costs. A local funding match of at least 75 percent is required for the total 2020 Project cost. The 2020 Project costs total over \$124.5 million and the Coalition could be eligible for another award of approximately \$6.1 million with over \$600,000 of that award being allocated to OMWD projects. If successful with the application, this additional award would bring the total funding amount up to \$30 million, which is the award program ceiling.

### **Discussion**

On September 28, 2023, USBR released a funding opportunity for Title XVI water recycling projects under the WIIN Act. This funding opportunity is for sponsors of water recycling projects with a completed Title XVI Feasibility Study that had been reviewed by USBR, found to meet all the requirements, and been transmitted to Congress by USBR. The 2020 Project is eligible to compete, and applications are due on December 7, 2023.

Pending board approval of the attached resolution, staff intends to submit on behalf of the Coalition a 2023 grant application for the remaining funds that the project is eligible for, up to the full 25 percent of the total project cost. Adoption of this resolution is required for funding eligibility and would need to be included in the final application packet.

*Attachments: Resolution*

RESOLUTION NO. 2023-xx

RESOLUTION OF THE OLIVENHAIN MUNICIPAL WATER DISTRICT  
BOARD OF DIRECTORS GOVERNING THE DISTRICT'S GRANT  
APPLICATION SUBMITTED TO THE UNITED STATES BUREAU OF  
RECLAMATION FOR FUNDING UNDER THE WATER  
INFRASTRUCTURE IMPROVEMENTS FOR THE NATION ACT  
PROGRAM FOR THE NORTH SAN DIEGO WATER REUSE 2020  
PROJECT

WHEREAS, the North San Diego Water Reuse Coalition is undertaking the 2020 Project that will develop regional recycled water infrastructure to increase the capacity and connectivity of the recycled water storage and distribution systems of Coalition members and maximize reuse of available wastewater supplies; and

WHEREAS, the 2020 Project supports regional objectives, including reducing ocean discharges, offsetting potable demands, increasing water supply availability and reliability, and building regional partnerships; and

WHEREAS, a Title XVI Feasibility Study was prepared for the 2020 Project and approved by the United States Bureau of Reclamation on May 8, 2017; and

WHEREAS, the United States Bureau of Reclamation released on September 28, 2023, a Water Infrastructure Improvements for the Nation Act (WIIN) program Funding Opportunity Announcement for its WaterSMART: Title XVI WIIN Act Water Reclamation and Reuse Projects grant program; and

WHEREAS, Olivenhain Municipal Water District will prepare an application in response to the Funding Opportunity Announcement for the WaterSMART: Title XVI WIIN Act Water Reclamation and Reuse Projects grant program.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Olivenhain Municipal Water District as follows:

1. Agreement Execution. The General Manager of Olivenhain Municipal Water District, Kimberly A. Thorner, has the legal authority to enter into an agreement with United States Bureau of Reclamation on behalf of Olivenhain Municipal Water District.
2. Application Review and Support. The General Manager of Olivenhain Municipal Water District, Kimberly A. Thorner, has reviewed and supports the application being submitted by Olivenhain Municipal Water District to United States Bureau of Reclamation for the funding of the Regional Recycled Water 2020 Project under the WaterSMART: Title XVI WIIN Act Water Reclamation and Reuse Projects grant program.

3. Commitment of Funds. Olivenhain Municipal Water District is financially capable of providing the funds necessary to complete the project as outlined in the application's funding plan.
4. Coordination with United States Bureau of Reclamation. Olivenhain Municipal Water District is committed to working with United States Bureau of Reclamation to meet established deadlines for entering into a grant agreement.
5. Effective Date. This resolution shall be effective as of November 15, 2023.

PASSED, ADOPTED, AND APPROVED at a regular meeting of the Board of Directors of Olivenhain Municipal Water District held on Wednesday, November 15, 2023.

---

Christy Guerin, President  
Board of Directors  
Olivenhain Municipal Water District

ATTEST:

---

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



# Memo

Date: November 15, 2023  
To: Olivenhain Municipal Water District Board of Directors  
From: Paul Martinez, Engineering Technician I  
Via: Kimberly A. Thorner, General Manager  
Subject: **CONSIDER ACCEPTANCE OF THE 20475 ELFIN FOREST ROAD WATER SERVICE INSTALLATION PROJECT (TODD VERWERS) INTO OMWD'S SYSTEM AND ORDER A NOTICE OF COMPLETION FILED**

---

## Purpose

The purpose of this agenda item is to consider acceptance of the transfer of the facilities constructed by Todd Verwers (Developer) into OMWD's system and authorize the filing of a Notice of Completion with the San Diego County Recorder.

## Recommendation

Staff recommends acceptance of the potable water facilities into OMWD's system.

## Alternative(s)

None; the Project is complete, and facilities were constructed according to the approved plans to OMWD's Standard Specifications and Drawings per the Development Construction Agreement.

## **Background**

The 20475 Elfin Forest Road Water Service Installation Project (Project) is located on Elfin Forest Road, east of Fortuna del Sur in Director Division 1 (Director San Antonio). The Project consisted of the installation of a 2" water service.

OMWD entered into an agreement with the Developer in June of 2023 to construct the facilities and dedicate said facilities to OMWD. The facilities are now complete and have been built in accordance with the approved plans and OMWD Standard Specifications and Drawings. The warranty period will terminate one (1) year following the acceptance of the facilities by OMWD's Board.

## **Fiscal Impact**

There is no fiscal impact to accepting the facilities into OMWD's system. The new assets will be reported to Finance for capitalization.

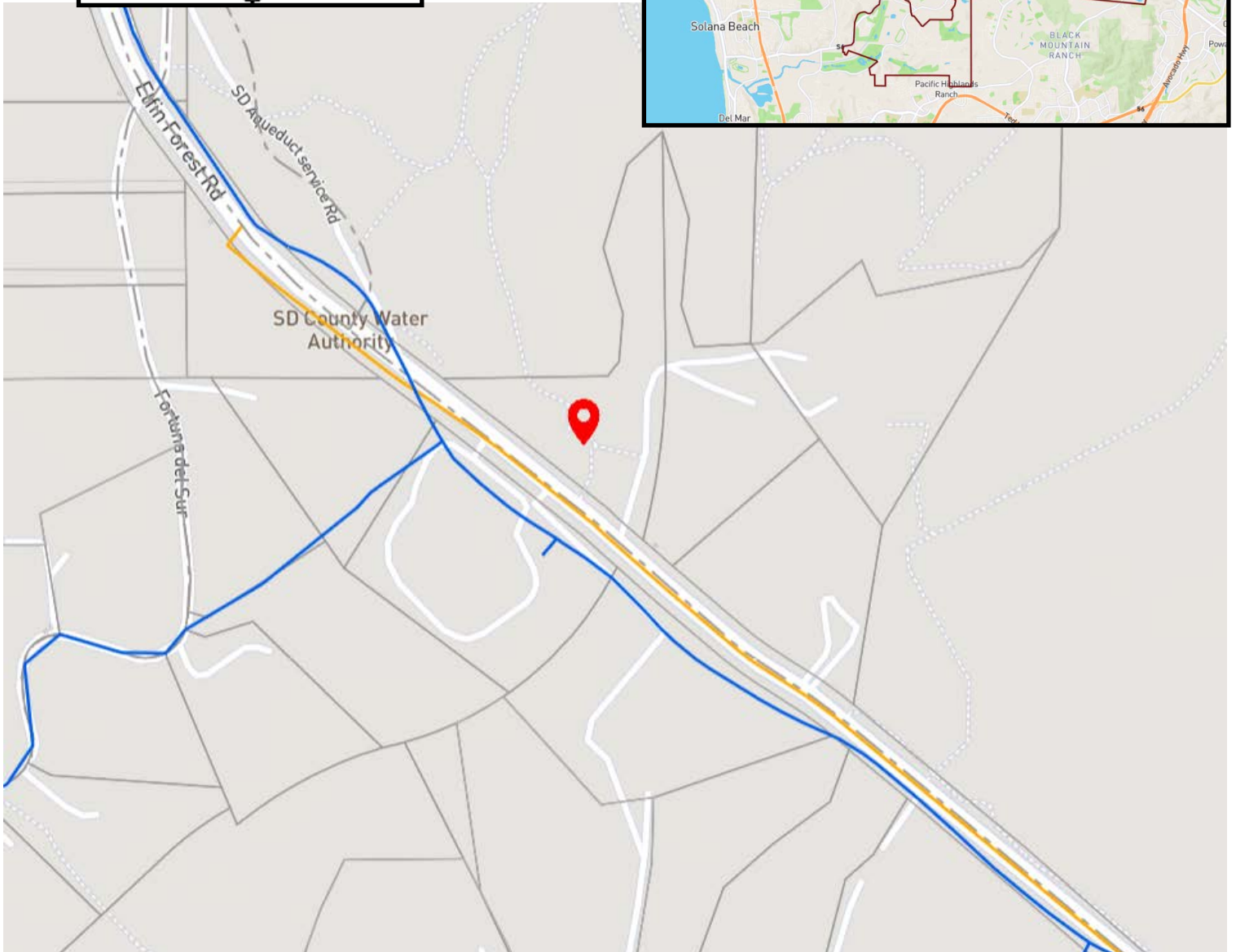
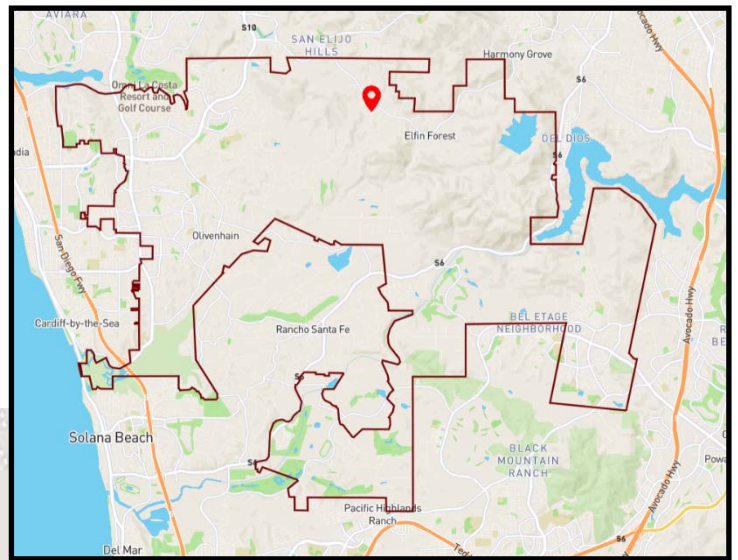
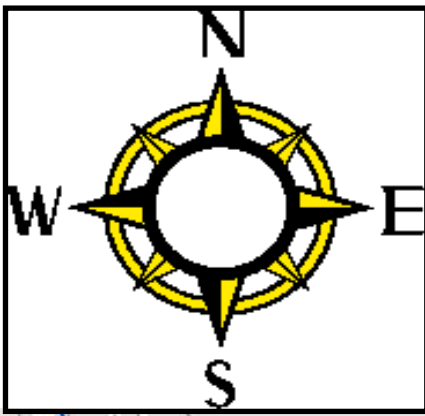
## **Discussion**

Staff is available to answer questions.

*Attachments:*

*Location Map*

*Notice of Completion*



**LOCATION MAP**  
**20475 ELFIN FOREST ROAD**  
**DISTRICT PROJECT NO.**  
**W590316**

**RECORDING REQUESTED BY &  
WHEN RECORDED RETURN TO:**

Olivenhain Municipal Water District  
1966 Olivenhain Road  
Encinitas, California, 92024-5699

(This space for recorder's use)

**NOTICE OF COMPLETION**

NOTICE IS HEREBY GIVEN that the facilities shown on improvement plans for Parcel 679-090-28-00 of Map No. 08434, recorded on 15<sup>th</sup> of February 1979. Recording located in the County of San Diego, State of California for which Todd Verwers, ("Developer") contracted with the OLIVENHAIN MUNICIPAL WATER DISTRICT ("Owner," in fee, of the facilities), headquartered at 1966 Olivenhain Road, Encinitas, CA 92024, have been completed in accordance with the approved plans and Standard Specifications as of September 26<sup>th</sup>, 2023. The facilities have been accepted by the Board of Directors of the OLIVENHAIN MUNICIPAL WATER DISTRICT on this 15<sup>th</sup> day of November 2023.

In witness whereof this Notice of Completion has been executed under authority from the Board of Directors of said OLIVENHAIN MUNICIPAL WATER DISTRICT by Kimberly A. Thorner, General Manager.

KIMBERLY A. THORNER, being first duly sworn, deposes and says that she is General Manager of the OLIVENHAIN MUNICIPAL WATER DISTRICT and is familiar with the facts stated in the foregoing Notice of Completion executed for and on behalf of said Agency, that she has read the foregoing Notice of Completion and knows the contents thereof and that the same are true.

OLIVENHAIN MUNICIPAL WATER DISTRICT

Date: \_\_\_\_\_, 2023

By: \_\_\_\_\_  
Kimberly A. Thorner  
General Manager

District Project No. W590316 – 20475 Elfin Forest Road Water Service Installation

# Memo

Date: November 15, 2023  
To: Olivenhain Municipal Water District Board of Directors  
From: Lindsey Stephenson, Engineering Manager  
Via: Kimberly A. Thorner, General Manager  
Subject: **CONSIDER AWARD OF A CONTRACT WITH GSE CONSTRUCTION COMPANY, INC. IN THE AMOUNT OF \$2,315,300 FOR THE CONSTRUCTION OF THE DAVID C. MCCOLLOM WATER TREATMENT PLANT STAGE 4 UPGRADES PROJECT AND AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF OMWD**

---

## Purpose

The purpose of this agenda item is to consider award of a contract with GSE Construction Company, Inc. (GSE) in the amount of \$2,315,300 to construct the David C. McCollom Water Treatment Plant (DCMWTP) Stage 4 Upgrades (Project) and authorize the General Manager to sign on behalf of the Olivenhain Municipal Water District (OMWD).

## Recommendation

Staff recommends awarding a contract to GSE in the amount of \$2,315,300 for construction of the Project and to authorize the General Manager to sign on behalf of OMWD.

## **Alternative(s)**

The Board could elect to:

- Reject all bids and direct staff to re-bid the Project;
- Elect to delay the Project until a future date; or
- Proceed in a manner as otherwise directed by the Board.

## **Background**

OMWD owns and operates the DCMWTP, located in Director Division 1 (San Antonio), which provides the main source of drinking water to its constituents.

The DCMWTP treatment utilizes a series of processes in the production of high-quality drinking water that meets or exceeds regulatory standards. The treatment begins with screening the incoming raw water through strainers then followed by Stage 1 and Stage 2 of ultrafiltration membrane treatment. The Stage 1 reject water is treated by the Stage 2 ultrafiltration membranes. The filtrate from Stage 2 is blended with Stage 1 influent. To maximize water recovery, Stage 2 reject is treated by gravity settlers (Stage 3). The thickened sludge from Stage 3 is stored in two sludge storage tanks and pumped to a single centrifuge (Stage 4). Dewatered residuals are collected in roll-off containers and trucked off-site.

The DCMWTP currently utilizes one centrifuge for the dewatering of the sludge. While the existing centrifuge can typically handle the range of water treatment residuals historically generated at the DCMWTP, the equipment is over 10 years old and is a critical asset at the DCMWTP. In addition, with other future improvements planned at the DCMWTP, flows to Stage 4 will increase. A capacity reliability study completed by Hazen and Sawyer in 2017, recommended adding a second unit to enhance reliability, redundancy, and operational flexibility. Furthermore, DCMWTP is experiencing more challenging water quality exacerbated by fluctuating source water, and is looking forward to future improvements, such as recovering more strainer backwash, both of which increase the amount of solids to be processed. As such, ancillary residuals handling equipment, including the centrate tank size and centrate feed pump, were increased during design to accommodate increased solids processing capacity, continue to meet regulatory requirements, and provide operational flexibility.

To complete the design of the Project, a Request for Proposal for preliminary and final design services for the Project was advertised in January 2022. Two proposals were

received, and Hazen and Sawyer was selected to complete the design, in accordance with Administrative and Ethics Code Section 6.9. Once the design was completed, the contract documents for the Project were prepared to advertise for bid.

A Request for Proposals for construction management and inspection services for the project was advertised in September 2023. Two proposals were received and are currently being reviewed by staff.

### **Fiscal Impact**

The Project was included in the FY 24 budget (CIP Project Number D120096) to upgrade the fourth stage system and increase system reliability and operational flexibility.

Is this a Multi Fiscal Year Project? **Yes**

In which FY did this capital project first appear in the CIP budget? **2021**

Total Project Budget: **\$3,340,000**

Current Fiscal Year Appropriation: **\$3,007,180**

To Date Approved Appropriations: **\$3,340,000**

Target Project Completion Date: **April 2025**

Expenditures and Encumbrances as of October 20, 2023: **\$353,329**

Is this change order within the appropriation of this fiscal year? **N/A**

If this change order is outside of the appropriation, Source of Fund: **N/A**

### **Discussion**

In accordance with Administrative and Ethics Code Section 6.2E, staff publicly issued a Request for Bids for the Project on September 28, 2023 and advertised the Project. Following the bid posting, a non-mandatory pre-bid meeting was held. One addendum was issued during the bidding process to respond to questions received by contractors. Five (5) bids were publicly received on October 31, 2023, and a summary of the bids are presented in the following table.

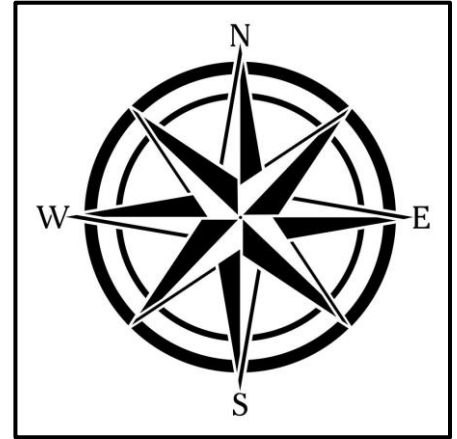
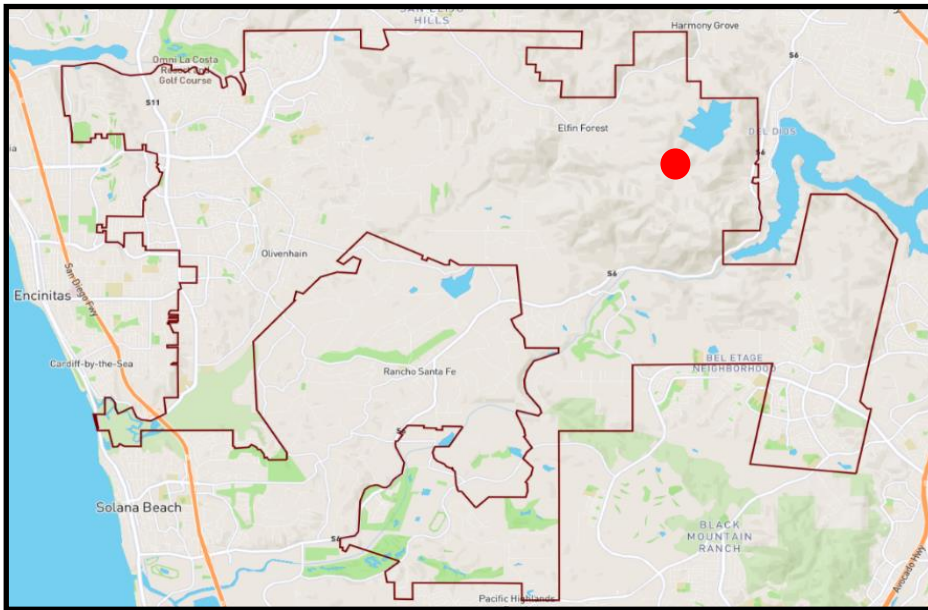
<b>Contractor</b>	<b>Total Bid Schedule A</b>
GSE Construction Company, Inc.	\$2,315,300
Jennette Company, Inc.	\$2,357,489
Tharsos Inc.	\$2,363,000
J.R. Filanc Construction Company, Inc.	\$2,510,000
Orion Construction Corporation	\$2,643,489

The apparent lowest responsive and responsible bid was received from GSE in the amount of \$2,315,300. Staff has reviewed the apparent low bid and their qualifications and recommends GSE as the lowest responsive and responsible bidder and therefore recommends awarding a contract to GSE in the amount of \$2,315,300.

Staff is available to answer questions.

*Attachment(s):*  
*Project Site Map*  
*Bid Results*





## LOCATION MAP

### DCMWTP 4<sup>TH</sup> STAGE IMPROVEMENTS PROJECT

DISTRICT PROJECT NO. D120096



David C. McCollom Water Treatment Plant Stage 4 Upgrades Bid Opening 10.31.2023 at 2pm				
Contractor	Bid Schedule A Total	Bid Form Checklist (Y/N)	Addendum No. 1 (Y/N)	Bid Bond (Y/N)
GSE Construction Company, Inc.	\$2,315,300	Y	Y	Y
Jennette Company, Inc.	\$2,357,489	Y	Y	Y
Tharsos Inc.	\$2,363,000	N	Y	Y
J.R. Filanc Construction Company, Inc.	\$2,510,000	Y	Y	Y
Orion Construction Corporation	\$2,643,489	Y	Y	Y

# Memo

Date: November 15, 2023  
To: Olivenhain Municipal Water District Board of Directors  
From: Steven Weddle, Engineering Services Supervisor  
Via: Kimberly A. Thorner, General Manager  
Subject: **CONSIDER APPROVAL OF CHANGE ORDER NO. 5 WITH ORION CONSTRUCTION CORPORATION FOR \$106,763 FOR THE 4S RANCH NEIGHBORHOOD 1 SEWER PUMP STATION REPLACEMENT PROJECT, AND AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF OMWD**

---

## Purpose

The purpose of this agenda item is to consider approval of Contract Change Order (CCO) No. 5 for the 4S Ranch Neighborhood 1 Sewer Pump Station Replacement Project (Project) with Orion Construction Corporation (Orion) in the amount of \$106,763, and authorize the General Manager to sign on behalf of Olivenhain Municipal Water District (OMWD). No additional appropriation is necessary for this change order, as adequate budget funds remain.

## Recommendation

Staff recommends approval of the change order and authorization for the General Manager to sign on behalf of OMWD.

### **Alternative(s)**

The Board could elect to not approve the change order and direct staff to re-negotiate, table the item for further closed session discussion, or otherwise proceed in a manner directed by the Board.

### **Background**

The 4S Ranch Neighborhood 1 Sewer Pump Station (NBHD1 SPS) is located at the south end of 4S Ranch Parkway near the 4S Ranch Sports Park/Boys & Girls Club of Greater San Diego and Stone Ranch Elementary School in Director Division 4 (Hahn). The facility was constructed in 2000 by 4S Kelwood and dedicated to OMWD in 2002 as a part of the 4S Ranch Water Reclamation Facility (4S WRF) expansion. The NBHD1 SPS collects tributary flows from customers in the south end of the 4S Ranch development, including Black Mountain Ranch East Clusters, Heritage Bluffs, and the Avion developments. NBHD1 SPS pumps the effluent up 4S Ranch Parkway and over to the 4S Water Reclamation Facility on Dove Canyon Road through sewer force mains. The pump station consists of two (2) pumps: one (1) submersible pump in a wet well and one (1) centrifuge pump located in an above-ground, previously unconditioned structure along with the electrical equipment.

Originally contemplated in 2015 in the Capital Improvement Plan for 4S Ranch and Rancho Cielo Wastewater Systems report published by Dudek, the Project was placed for bid in 2019, and then canceled and postponed until fiscal year 2020/2021 to allow for funding and completion of other high priority infrastructure projects, such as the El Camino Real Pipeline Replacement.

Following a successful bid in Fall of 2021, the Board awarded the contract to Orion in February 2022 for \$6,123,000 to begin work on replacement of this critical asset.

### **Fiscal Impact**

Funds for Change Order 5 are available within the current appropriations for the Project (CIP D700004).

Is this a Multi Fiscal Year Project? **Yes**

In which FY did this capital project first appear in the CIP budget? **FY 2014**

Total Project Budget: **\$8,132,000**

Current Fiscal Year Appropriation: **\$400,000**

To Date Approved Appropriations: **\$8,132,000**

Target Project Completion Date: **Spring 2024**

Expenditures and Encumbrances as of (Oct 24, 2023): **\$7,726,407.26**

Is this change order within the appropriation of this fiscal year? **Yes**

### **Discussion**

Following award in February 2022, the Project was delayed by supply chain materials procurement issues on large electrical equipment. In accordance with Administrative and Ethics Code Section 6.8C, CCO No. 1, a no-cost time extension was signed by the General Manager in August 2022 to account for that delay and extend the contract completion date to September 20, 2023. The Project then broke ground in October of 2022, where Orion unexpectedly encountered excessive ground water

CCO No. 2 was approved by the Board in February 2023, in the amount of \$141,650, and extended the contract completion to November 2023. The work completed under CCO No. 2 largely accounted for excess dewatering and unsuitable, oversaturated soils encountered onsite through mid-January 2023.

Following the Board action in February 2023 on CCO No. 2, construction progressed where additional unsuitable, oversaturated soils were encountered, excess dewatering

continued, and additional unforeseen conditions were encountered requiring modifications to the scope of work. This accounted for CCO No. 3 and CCO No. 4 approved by the Board in May 2023, in the combined amount of \$223,344.

Construction continued to progress where more unfavorable soils conditions were encountered. Excess dewatering continued, primarily related to the dry pit – the largest excavation onsite. This reflects work occurring from April to October 2023. The following modifications to the scope of work were required as shown in in the table below:

<b>Proposed Change Order # (PCO) and Description</b>	<b>Date</b>	<b>Initiated by</b>	<b>Value</b>	<b>Time (Consecutive Calendar Days)</b>	<b>Caused by Excessive Infiltration Water</b>
PCO#13 Excess Dewatering	Oct. 2023	Orion	\$5,213.69	0	X
PCO#14 Unsuitable Soils, Excess Haul off	Oct. 2023	Orion	\$96,628.75	0	X
PCO#16 Soil Stabilization at Dry Pit Slab	Oct. 2023	Orion	\$4,920.85	0	X
<b>Proposed PCO Total</b>	--	--	<b>\$106,763.29</b>	<b>0</b>	--

A summary of the contract and change orders to date is presented in the following table. If approved, the approximate cumulative change order value through CCO No. 5 amounts to 7% of the total construction contract and the new completion date will be March 5, 2024. Approximately 80% of approved and proposed change orders to date are affiliated with the excess infiltration water conditions present on site.

<b>Authorization</b>	<b>Date</b>	<b>Authorized by</b>	<b>Value</b>	<b>Time (Consecutive Calendar Days)</b>
Original Contract	Feb. 16, 2022	Board	<b>\$6,123,000</b>	300
Issued Notice to Proceed	April 20, 2022	--	--	--
CCO No. 1	Aug. 3, 2022	General Manager	<b>\$0</b>	218
CCO No. 2	Feb. 15, 2023	Board Approved	<b>\$141,650</b>	68
CCO No. 3	May 17, 2023	Board Approved	<b>\$44,325</b>	41
CCO No. 4	May 17, 2023	Board Approved	<b>\$179,019</b>	58
Proposed CCO No. 5	November 15, 2023	Pending Board Approval	<b>\$106,763</b>	0
<b>Total Previous Approved CCOs</b>	--	<b>Board/ General Manager</b>	<b>\$364,994</b>	<b>385</b>
<b>Total Proposed CCOs</b>	--	<b>Pending Board</b>	<b>\$106,763</b>	<b>0</b>
<b>Total CCOs to Date (If Approved)</b>	--	<b>Pending Board</b>	<b>\$471,757</b>	<b>385</b>
<b>New Contract Value (if approved)</b>	--	--	<b>\$6,594,757</b>	<b>685</b>

Staff recommends approval of CCO No. 5 in the amount of \$106,763 to Orion to account for changed work to date, due to infiltration water issues on the Project site. As the underground work is nearly complete, staff anticipates another two months of future change order work associated with the infiltration water changed conditions, which is anticipated to result in an additional future change order.

Staff is available to answer any questions.

*Attachments:*  
CCO No. 5



### CONTRACT CHANGE ORDER

Owner: **OLIVENHAIN MUNICIPAL WATER DISTRICT**

OMWD File No. D-700004

Project: **4S Ranch Neighborhood 1 Sewer Pump Station  
Replacement Project**

Contractor: **Orion Construction Corporation**

CONTRACT CHANGE ORDER NO. 05

Date 10/23/23

The Contractor is hereby authorized and directed to make the herein described changes from the Plans and Specifications or do the following work not included in the Plans and Specifications for the construction of this project. Payment to the contractor for these change order items shall provide full compensation for all equipment, materials, labor, field and home office overhead, indirect and consequential costs, mark-ups, and profit necessary to complete the work. By executing this contract change order, the contractor agrees to proceed with this work as a change order per the contract documents and waives any rights to additional compensation arising out of work listed in this change order, including without limitation, any claims relating to any cumulative effect of change orders, delays, productivity impact or interruption.

#### DESCRIPTION OF CHANGE

1. The heavily saturated conditions encountered during the construction of wet well required additional dewatering above what was called out for in the contract documents. The work includes additional dewatering wells, pumps, and maintenance. The cost of this work is \$5,213.69. Zero (0) calendar days are added for this work. See PCO #13 for details.
2. The heavily saturated conditions encountered during the construction of wet well required the contractor to export additional material for disposal that should have been able to be stockpiled on site for final backfilling based on the conditions described in the contract documents. In addition, due to the heavy weight of the saturated soils, haul off loads had to be limited in size resulting in additional trucking. The cost of this work is \$96,628.75. Zero (0) calendar days are added for this work. See PCO #14 for details.
3. The heavily saturated conditions encountered during the construction of wet well required the contractor to place a filter fabric around the foundation rack per the direct of the geotechnical engineer to provide a stable subgrade. The cost of this work is \$4,920.85. See PCO # 16 for details. Zero (0) calendar days are added for this work.

**Original Contract Amount: \$6,123,000.00**

**Total Previous Change Orders (Through CCO #4): \$364,994.18**

**Total This Change Order: \$106,763.29**

**Revised Contract Amount: \$6,594,757.47**

It is agreed that 0 consecutive calendar day(s) extension of time will be allowed by reason of this change. The original completion date was February 14, 2023 and the revised completion date is March 5, 2024 (including weather delays).

Prepared by Construction Manager

Paul Mochel, Valley Construction Management

Accepted by CONTRACTOR

Approved by OWNER

By: 

By: \_\_\_\_\_

Date: 10/25/23

Date: \_\_\_\_\_

NOTE: Attention is called to the sections in the General Provisions on Scope of Work and Estimates and



Payments. THIS CHANGE ORDER IS NOT EFFECTIVE UNTIL APPROVED BY OWNER.

Distribution: ☐ Owner ☐ Contractor ☐ Engineer ☐ Finance

# Memo

Date: November 15, 2023  
To: Olivenhain Municipal Water District Board of Directors  
From: Rainy K. Selamat, Finance Manager  
Via: Kimberly A. Thorner, General Manager  
Subject: **CONSIDER AND DISCUSS OLIVENHAIN MUNICIPAL WATER DISTRICT'S RATE REIMBURSEMENT CREDIT PROGRAM AND DIRECT STAFF AS APPROPRIATE**

---

## Purpose

To seek direction from the Board (on the attached presentation) on the proposed Rate Reimbursement Credit (RRC) amount for 2024.

## Recommendation

Staff previously recommended a credit of \$0.11 per unit of water sold for 2024 and a review of the RRC program as part of the 2024 Water Cost of Service Study (COSS) to ensure a plan is in place for a phase-out of the program as available funds are exhausted. The Board requested additional options for more than \$0.11 per unit of water sold for 2024, which are included for consideration. Regardless of which RRC amount is chosen by the Board for 2024, staff recommends that the program be reviewed at the end of 2024 as part of the COSS.

## **Alternatives**

Based on the Board's instruction at the October meeting, staff has included two (2) other alternatives for accelerating the RRC for consideration. Alternative 1 was proposed by staff and presented to the Board for consideration and discussion at the October 2023 board meeting.

## **Background**

The District received two water rate refund payments of approximately \$3.6 million in total from San Diego County Water Authority (SDCWA) in 2021. SDCWA refund payments were for damages and interest as a result of the Water Stewardship Rate Charges that had been unlawfully assessed by Metropolitan Water District of Southern California against SDCWA's purchased water costs that were passed on to all SDCWA member agencies, including OMWD, from 2011-2017.

At the February 2022 meeting, the Board adopted an ordinance to pass-through SDCWA refund payments through a Rate Reimbursement Credit program at 6.9 cents per unit of water billed over 6 years to line up with the SDCWA overcharge period (between 2011-2017). The RRC program was implemented on March 1, 2022. Customers have received the RRC of 6.9 cents per unit of potable water billed since then.

At the September 2023 meeting, the Board instructed staff to provide an update on the RRC program and to evaluate the possibility of a higher water rate credit per unit than the current credit of 6.9 cents per unit of water billed, in order to reduce the burden on customers for having to bear the double-digit increase (11.8%) in all-inclusive untreated purchased water costs from SDCWA starting January 1, 2024. Increased purchased water wholesale costs are the main driver for OMWD's proposed water rate increases for 2024. A revenue adjustment of 7.4% is currently being considered by the Board for OMWD's water rates and charges for 2024 to pass through increases in purchased water wholesale costs and annual inflation adjustments based on San Diego Consumer Price Index, which would become effective March 1, 2024.

At the October 2023 meeting, staff proposed an increase to the current water rebate credit of 6.9 cents to 11 cents per unit of water billed for 2024 for Board consideration. Staff recommended that funds available in the RRC program be reviewed with the Board as part of 2024 Water Cost of Service Rate Study (COSS) for implementation of future water credits (March 1, 2025 and beyond).

## **Fiscal Impact**

The District received two rate rebate payments from SDCWA totaling \$3,661,916.91 in 2021. From March 2022 to September 2023, the District refunded \$732,988 of the rate refund payments to customers.

Due to cool and wet weather conditions, actual water consumption was significantly less than the water consumption projection used for calculating the 6.9 cents credit in late 2021. Staff estimates the remaining balance available in the RRC program as of March 1, 2024, will be about \$2.73 million to be used for future water credits.

## **Discussion**

Since the last RRC discussion with the Board, staff performed additional analyses on the RRC amount, which are included as alternatives in the attached for presentation and discussion with the Board. Each alternative presented includes assumptions, such as: high/low water consumption scenarios, estimated monthly customer savings from RRC, and the anticipated expiration date.

Staff is of the opinion that the RRC program will need to be reviewed with the Board again next year as part of 2024 COSS to discuss a phase-out plan. Staff is also of the opinion that the District would need a minimum of 2 years to gradually reduce the credit following an acceleration to minimize the RRC impact on customers' water bills depending on each alternative.

Staff will be available for discussion with the Board during the meeting.

*Attachment: Presentation*

# Rate Reimbursement Credit (RRC) Alternatives

Board Meeting  
November 15, 2023



# Background

- RRC program was approved by the Board in November 2021 to refund customers \$3.6 million in rate refund payments received from SDCWA/MWD rate litigation
- RRC program has been implemented since March 1, 2022 @ 6.9 cents per unit of water billed
  - Est. RRC expiration date: 2/28/2028 – 6 years after 3/1/22
- RRC total refunded through Sept. 2023: \$ 732,988
- Estimated RRC amount available on March 1, 2024: \$2.73 million

# Sample Water Bill

## Illustrating Water Rebate Credit to Customer



Municipal Water District  
1966 Olivenhain Road • Encinitas CA 92024  
760-753-6466 • www.olivenhain.com

### ACCOUNT SUMMARY

Name:	Peter Smith
Customer-Account Number:	1035000-185000
Service Address:	800 Sunshine Ln Encinitas CA 92024-5640
Statement Date:	08/31/2021
Balance Forward - Pay Immediately:	\$0.00
Total Current Charges- Due 9/25/2021:	\$155.92
<b>Total Amount Due:</b>	<b>\$155.92</b>

	Meter #	Meter Size	Previous Date	Previous Read	Current Date	Current Read	Usage	Days
Potable Water	61000000	3/4"	07/02/21	1402	08/03/21	1425	23	32

### BILLING DETAILS

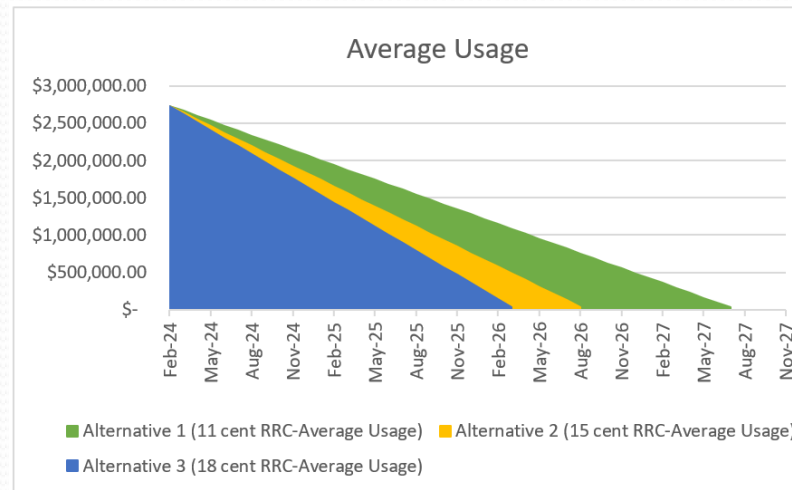
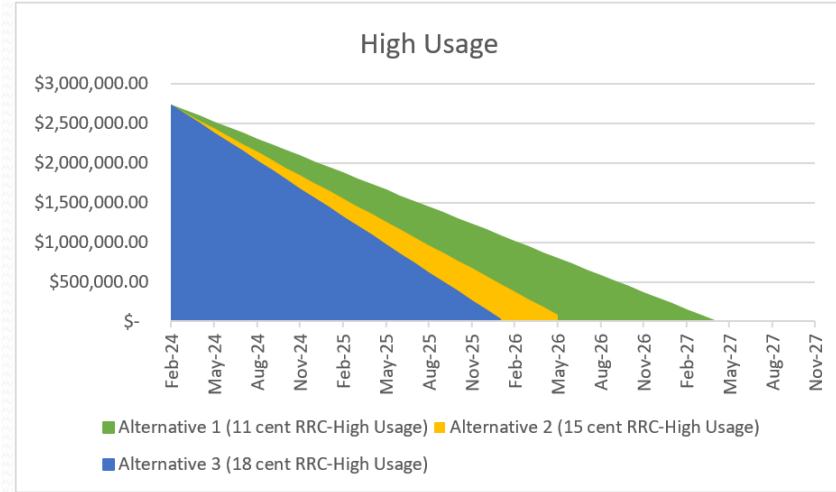
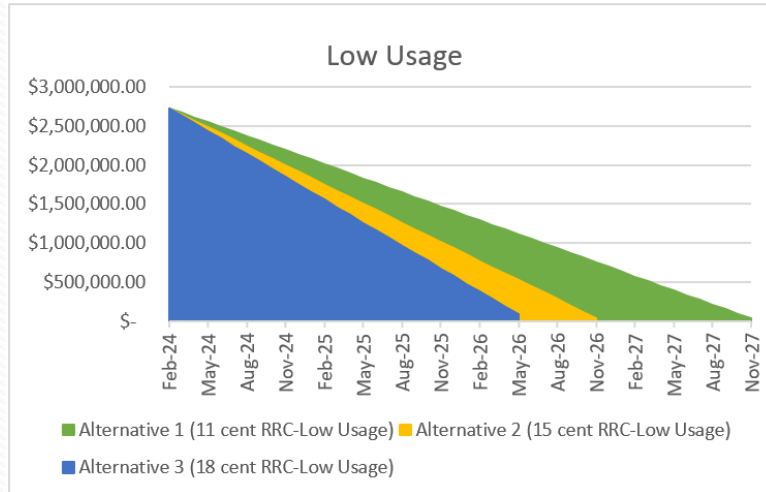
Previous Balance			\$73.80
Payment – CheckFree			-\$73.80
<b>Balance Forward - Pay Immediately</b>			<b>\$0.00</b>
<b>Potable Water - Domestic</b>			
<b>Water Consumption</b>	<b>Usage</b>	<b>Rate</b>	<b>Charges</b>
Tier 1: 0-6 units	6	\$3.68	\$22.08
Tier 2: 7-23 units	17	\$5.34	\$90.78
<b>Other Charges</b>			<b>Charges</b>
Water Rebate Credit			(\$1.59)
<b>Service Charges</b>			
SDCWA Infrastructure Access Charge			\$4.24
System Access Charge			\$40.41
<b>Total Current Charges due 9/25/2021</b>			<b>\$155.92</b>
<b>TOTAL AMOUNT DUE:</b>			<b>\$155.92</b>

# Staff Recommendation from October 2023 Board Meeting

- Staff recommends increasing the RRC from 6.9 cents to 11 cents for consumption beginning March 1, 2024 to February 28, 2025.
- Review RRC with the Board as part of 2024 water cost of service study to start planning for ramping down RRC program until RRC rebate funds are used
  - gradually reduce water rebate credit
  - take a minimum of 2 years to accomplish



# RRC Expiration Timeline for Illustration



# RRC Alternatives Matrix

Description	Alternative 1 (Proposed)	Alternative 2	Alternative 3
RRC per Unit	\$ 0.11	\$ 0.15	\$ 0.18
Est. RRC Rebate Balance at 2/28/2024	\$ 2,730,000	\$ 2,730,000	\$ 2,730,000
Annual Credit Amount Based on Low Usage (2023 - Wet Year)	\$ 719,000	\$ 980,000	\$ 1,176,000
Estimated RRC Program Expiration Date	November 2027	November 2026	May 2026
Annual Credit Amount Based on Average Usage (2023 & 2021)	\$ 791,000	\$ 1,078,000	\$ 1,294,000
Estimated RRC Program Expiration Date	July 2027	August 2026	March 2026
Annual Credit Amount Based on High Usage (2021 - Dry Year)	\$ 862,000	\$ 1,176,000	\$ 1,411,000
Estimated RRC Program Expiration Date	April 2027	May 2026	January 2026
RRC Savings on Median Residential Customer @ 13 units	\$ 1.43	\$ 1.95	\$ 2.34
Monthly Water Bill at 03/01/24	\$ 117.62	\$ 117.62	\$ 117.62
RRC Savings as a % of monthly water bill	1.2%	1.7%	2.0%
RRC Savings on Average Residential Customer Bill @ 23 units	\$ 2.53	\$ 3.45	\$ 4.14
Monthly Water Bill at 03/01/24	179.02	179.02	179.02
RRC Savings as a % of monthly water bill	1.4%	1.9%	2.3%

# Action Items:

- Select an alternative to accelerate RRC for 2024 to help offset the impact of proposed 7.4% revenue adjustment on OMWD customer water bills
- Review the RRC program in 2024 for March 1, 2025 credit and thereafter as part of Water Cost of Service Study
  - Goal: planning for ramping down/phasing out RRC until RRC rebate funds are utilized
- Projected rebate funds available in RRC will be reported to the Board annually

# Questions?

# Memo

**A**

To: Olivenhain Municipal Water District Board of Directors

Subject: INFORMATIONAL REPORTS  
PRESIDENT

---

Any report will be oral at the time of the Board meeting.

# Memo

**B**

To: Olivenhain Municipal Water District Board of Directors

Subject: INFORMATIONAL REPORTS  
GENERAL MANAGER

---

Any written report will be attached; any oral report will be provided at the time of the Board Meeting.

November 15, 2023

Board of Directors  
Olivenhain Municipal Water District  
1966 Olivenhain Road  
Encinitas, CA 92024

The following are brief highlights of the District's departmental operations for the month of  
**October 2023:**

<b>Operations &amp; Maintenance</b>	<b>October 2023</b>	<b>September 2023</b>
<b>David C. McCollom Water Treatment Plant (DCMWTP) Total Production</b>	527.2 million gallons	606.8 million gallons
<b>DCMWTP Average Daily Production</b>	17.0 million gallons	20.2 million gallons
<b>DCMWTP Peak Day Production</b>	23 million gallons	23 million gallons
<b>Source Water Blend (% State Project Water)</b>	58.7 %	62
<b>Total Deliveries to Vallecitos Water District</b>	265.24 acre feet 86.42 million gallons	257.79 acre feet 84 million gallons
<b>4S and Rancho Cielo Sewer Systems Total Inflow</b>	37.75 million gallons	37.36 million gallons
<b>4S and Rancho Cielo Sewer Systems Average Daily Inflow</b>	1,217,940 gallons	1,245,309 gallons
<b>4S and Rancho Cielo Sewer Systems Peak Day Inflow</b>	1,272,644 gallons	1,336,447 gallons
<b>4S and Rancho Cielo Sewer Systems Low Day Inflow</b>	1,165,650 gallons	1,188,904 gallons
<b>4S Water Reclamation Facility (4SWRF) Average Daily Production</b>	801,519 gallons	918,214 gallons
<b>4SWRF Peak Day Production</b>	1,217,356 gallons	1,297,896 gallons
<b>4SWRF Total to Recycled Water Distribution System</b>	24.85 million gallons	27.54 million gallons
<b>4S Recycled Water Storage Pond Volume</b>	56 acre feet	104 acre feet
<b>Repaired Potable Water Main Leak(s)</b>	0	0
<b>Repaired Potable Water Service Lateral Assembly Leak(s)</b>	3	4
<b>Repaired Recycled Water Main Leak(s)</b>	0	0
<b>Repaired Recycled Water Service Lateral Leak(s)</b>	0	0
<b>Repaired Hit Fire Hydrant Lateral Assembly Leak(s)</b>	2	3
<b>Replaced Valve(s) Monthly Total</b>	2	0
<b>Replaced Valve(s) Calendar Year to Date</b>	61	57
<b>Recycled Water Use Site Inspections &amp; Visits</b>	29	4
<b>Recycled Water Use Site Cross Connection Tests</b>	0	1
<b>Cross Connection Site Surveys</b>	0	1
<b>Backflow Inspections &amp; Testing (New)</b>	1	4
<b>IT Help Requests</b>	27	31
<b>Customer Services</b>	<b>October 2023</b>	<b>September 2023</b>
<b>Customer Calls and Inquiries</b>	2,347	2,058
<b>Total Monthly Bills Issued</b>	22,991	22,970
<b>Service Orders</b>	801	549
<b>New Potable Meters</b>	0	0
<b>New Fire Meters</b>	0	0
<b>New Recycled Water Meters</b>	0	0

Advanced Metering Infrastructure (AMI) Troubleshooting Investigations	114	114
<b>Customer Services - Continued</b>	<b>October 2023</b>	<b>September 2023</b>
Automated Meter Reading (AMR) Troubleshooting	19	23
Stopped/Underperforming Meters Replaced	95	83
Meter Transceiver Units (MXU) Upgraded to AMI	291	107
Meter Accuracy Tests Performed	0	8
Water Use Evaluations	7	13
Water Use Violation Reports	5	5
Workshops, Events, and Tours	2	2
High-Efficiency Clothes Washer Rebate Applications	8	6
Weather-Based Irrigation Controller Rebate Applications	6	8
Hose Irrigation Controller Rebate Applications	0	0
High-Efficiency Rotating Nozzle Rebate Applications	0	1
High-Efficiency Toilet Rebate Applications	0	0
Rain Barrel Rebate Applications	0	0
Flow Monitor Device Rebate Applications	3	0
Turf Removal Project Rebate Applications	3	0
Social Media Posts	15	12
News Releases/Media Advisories	1	1
<b>EFRR</b>	<b>October 2023</b>	<b>September 2023</b>
Special Use/Event Permits	3	2
Parking Notices	25	22
Incident Reports	6	7
Vehicle Count	3,768	3,758
Trail Use Count	8,179	6,287
Days Closed Due to Rain/Red Flag	0	0
Days Interpretive Center (IC) Open	15	13
Number of IC Visitors	325	253
Volunteer Trail Patrol Shifts	4	5
Volunteer Docent Hours	82	74
Total Number of Docents	65	61
<b>Finance</b>	<b>October 2023</b>	<b>September 2023</b>
Infosend Payments (ACH and Credit Card)	12,333	11,579
OMWD Auto Debit Payments	314	1,164
California Bank & Trust Lockbox Payments	3,034	2,625
Over the Counter Payments	471	497
Check-free, Metavante and Chase	4,438	4,048
Finance Calls and Walk-ins	65	34
Service Orders Processed	12	6
Service Orders Closed Out	0	2
Purchase Orders	13	16
Inventory Items Received	356	620
Invoices Processed	554	464
Payroll Direct Deposits Processed	243	240
Accounts Payable Checks and Electronic Fund Transfers	304	355



## **ENGINEERING DEPARTMENT**

### **Engineering Manager Lindsey Stephenson Highlights for October 2023:**

4S Ranch Neighborhood 1 Sewer Pump Station Replacement Project continued to progress through construction. The Asphalt and Concrete Maintenance Project construction is nearing completion; the contractor is in final punch list phase. Work is continuing on the Bob Topolovac Memorial Courtyard and is nearing completion. Lusardi Phase III Cathodic Protection Replacement Project construction has commenced. The Recycled Water Pipeline Extensions Project was awarded, contracting is progressing, and construction is anticipated to start later this year. Staff continued planning and design efforts on multiple CIP projects. Staff continued to handle developer requests, continued to assist other departments with engineering-related work, and continued to manage OMWD's right of ways and cell sites.

## **HUMAN RESOURCES DEPARTMENT**

### **Human Resources Manager Jennifer Joslin Highlights for October 2023:**

Human Resources staff conducted new hire orientations and safety training for the new Operations Manager, two new Utility I employees, and a San Diego County Water Authority intern. Coordinated the Grow Your Own (GYO) recruitments for the vacant Systems Operator I and new Collection System Operator I/II/III position. Hosted the annual Health and Wellness Expo event with multiple benefits representatives on-site. Participated in the Disability Interactive Process virtual training provided by Liebert Cassidy Whitmore. Records staff processed multiple public records act requests. Safety staff participated in a WebEOC user event facilitated by the County of San Diego and attended the Water Agencies Emergency Collaborative (WAEC) meeting. Distributed the safety awards to staff for achieving 365 days without a preventable lost time employee injury.

## **OPERATIONS & MAINTENANCE**

### **Operations Highlights for October 2023:**

Source water blend has slightly decreased since last month and is currently at 55% State Water Project. A new aeration blower has been ordered, as presented at the September Board meeting, and it is expected to be delivered to 4S Water Reclamation Facility by early November. Old equipment has been removed and the site has been prepped for the early November arrival of the new equipment by Instrument Control Technician and Pump & Motor Technician staff. IT staff continues to make upgrades and patches to critical network appliances. Field staff also checked fuel status of remote site backup generators in preparation of SDG&E Public Safety Power Shutoff events due to Santa Anna winds. System Operations continues to provide extensive support to Ardurra on the Potable Water/Recycled Water Updated Master Plan, including uploading of data from 21 temporary pressure recorders that were installed throughout the Potable System. Gardendale & Village Park West Pressure Reducing Station Replacement Capital Improvement Project preparation commenced with System Operations performing valve isolation to determine valve quality. Construction replaced a 20-inch valve at Cielo Reservoir, with support from System Operations, and finished installation of conduit and concrete footing for 20-foot pole needed to

mount solar panels as part of the Extension 153 Recycled Water Flowmeter Vault Project. Construction successfully installed 8 cad welds on Lusardi Canyon's steel main and raised 9 buried valve can lids on Camino San Bernardo.

### **CUSTOMER SERVICES DEPARTMENT**

#### **Customer Services Manager John Carnegie Highlights for October 2023:**

Published October issue of *Watching Water* newsletter; mailed 288 postcards notifying customers affected by the next Advanced Metering Infrastructure Expansion Project phase of upcoming work and the My Water Use dashboard; mailed letter to approximately 700 customers enrolled in OMWD's Direct Payment Program to encourage them to transition to online autopay; held a VIP facilities tour for board guests; submitted comment letter to State Water Resources Control Board on Proposed Regulations on Making Water Conservation a California Way of Life; submitted comment letter to Department of Water Resources on California's Water Plan Update 2023; and received notification that Metropolitan Water District of Southern California will provide a \$3,000 grant for the production of informational signage at David C. McCollom Water Treatment Plant.

At EFRR, held seven "Habitat" field trips for Escondido Unified School District students; completed installation of new solar charge controller and inverter at interpretive center; hosted quarterly meeting and training for EFRR volunteers; held appreciation BBQ for volunteers; and trained two new docents.

### **FINANCE DEPARTMENT**

#### **Finance Manager Rainy Selamat Highlights for October 2023:**

Finalized FY 2023 Annual Comprehensive Financial Report and Single Audit Report with auditors for presentation to the Finance Committee; completed annual review of water related service fees; reviewed District Pension Funding Policy based on the most recent CalPERS actuarial report; reviewed the District's Annual Investment Policy and presented proposed updates for 2024; staff attended meeting with District grant consultant for title XVI grant funding; completed and submitted OMWD annual reconciliation and Permanent Special Agricultural Water Rate Program annual assessment report to SDCWA; worked on the District's Rate Reimbursement Program and presented alternatives and recommendation to the Board; kicked off Wastewater Cost of Service Study with Raftelis and Engineering staff; held semi-annual CIP meeting; attended meetings with OMWD staff and SDCWA Member Agency Rate Water Group with GM Thorner RE: proposed methodology for increasing SDCWA's fixed cost recovery and cost allocation to member agencies; spent time on buying securities for District investment through approved investment brokers; and provided guidance to staff in handling accounting and finance housekeeping items.

### **ASSISTANT GENERAL MANAGER:**

#### **The Assistant General Manager reports the following for October 2023:**

Presented San Dieguito Groundwater Project details to City of San Diego Staff, attended the San

Diego Integrated Regional Water Advisory Meeting, San Diego North Economic Development Council Board Meeting and the California Resources Board Training Webinar on Advanced Clean Fleet (ACF) Regulations, led OMWD VIP Tour, toured NBH1 Sewer Pump Station Project, engaged in meetings with consultants and continued project management efforts on San Dieguito Valley Brackish Groundwater Project, dedicated significant time to personnel matters, employee recruitment, and claims management.

**GENERAL MANAGER:**

**The General Manager reports the following for October 2023:**

General Manager Thorner participated in an SDCWA Finance Planning Work Group Meeting, toured the Neighborhood 1 Sewer Pump Station project site with board members, hosted a Public Policy Committee Meeting VIP Legislative Tour with representatives from Senate President pro-Tempore Atkins' and Assemblymember Maienschein's office, led coalition of member agencies who jointly submitted a SDCWA voting structure change letter to Assemblywoman Boerner for legislative consideration in 2024, held a semi-annual CIP meeting, attended the WaterReuse Executive Committee Meeting, attended the Member Agency Managers Meeting, attended the Council of Water Utilities meeting, attended the North County Managers Breakfast Meeting, met with President Guerin and Council Member Ehlers on recycled water in parks, attended the North County Work Group virtual meeting, attended the statewide General Managers Water Solutions Summit at Irvine Ranch Water District, significant coordination with Finance Manager on revisions to Rate Reimbursement Credit Program and input on fixed rates at SDCWA, participated in a Member Agency Manager/Member Agency Finance Officer Rate Workgroup Meeting, participated in member agency GM workgroup on fixed rates at SDCWA, dedicated significant time to public records requests, subpoenas, customer issues, legal matters including PFAS litigation, Neighborhood 1, Hillside Patio HOA, and property sales issues, and personnel matters.

# Memo

C

To: Olivenhain Municipal Water District Board of Directors

Subject: INFORMATIONAL REPORTS

CONSULTING ENGINEER

---

Any written report will be attached; any oral report will be provided at the time of the Board Meeting.

# Memo

D

To: Olivenhain Municipal Water District Board of Directors

Subject: INFORMATIONAL REPORTS

GENERAL COUNSEL

---

Any written report will be attached; any oral report will be provided at the time of the Board Meeting.



**TO:** Olivenhain Municipal Water District

**FROM:** Alfred Smith

**DATE:** November 15, 2023

**RE:** Attorney Report: Surplus Land Act  
150152-0005

---

**I. INTRODUCTION.**

This attorney report provides an update on recent legislation amending the Surplus Lands Act ("the Act"). Governor Newsom recently signed Senate Bill 747 and Assembly Bill 480. These two bills provide additional flexibility for local public agencies disposing of surplus lands by (1) clarifying the type of leases subject to the Act; (2) expanding the definition of "exempt" surplus land; and (3) clarifying the definition of "valid legal housing restrictions" for which surplus land exemptions apply under the Act.

**II. THE SURPLUS LANDS ACT.**

The Surplus Lands Act, codified in Government Code Sections 54220 *et. seq.*, establishes requirements for public agencies intending to sell or lease surplus property. Under the Act, public agencies must take a formal action declaring property "surplus;" provide advance notice to certain interested parties of the proposed disposition; and negotiate in good faith with interested parties, with a particular emphasis on prioritizing the development of affordable housing.

The Act was passed by the California Legislature in 1968 in response to land availability and affordability concerns in the State's housing market. The Act's stated intent is to increase the availability of real property in California for affordable housing development by requiring the prioritization of affordable housing when disposing of public lands no longer necessary for agency use. The Act seeks to serve this purpose by imposing requirements on public agencies disposing of land that in turn essentially grants affordable housing developers a priority right to acquire the land. Some other groups (e.g., school districts, parks and recreation districts, etc.) are also granted priority rights under the Act.

Recent legislation and regulations have significantly broadened the scope of the Act. Most notably, legislation and guidance published by the California Department of Housing and Community Development ("HCD") imposed new requirements on public agencies and penalties for dispositions that violate the Act (See Assembly Bill 1486,

Ting, 2019). This legislation created additional notification and procedural requirements, including a broader set of formal governing board actions to declare properties "exempt surplus land." These modifications expanded the State's regulatory authority under the Act and created confusion among public agencies, particularly surrounding guidance by HCD that the Act applied to leases of more than 5 years, where no such requirement was found in the text of the Act.

### **III. SENATE BILL 747 and ASSEMBLY BILL 480**

Together, Senate Bill 747 and Assembly Bill 480 provide much-needed clarification and increased flexibility for public agencies disposing of surplus property. Among other changes, the amendments:

- Clarify that while the Act does apply to certain leases, it does not apply to leases of 15 years or less (including any renewal options); nor does the Act apply to leases under which no development or demolition will occur, regardless of lease term.
- Create new categories of "exempt" surplus land, including where the property sold for development includes a required minimum percentage of affordable housing units; for parcels that are under half an acre in size which are not contiguous to land owned by a state or local agency and used for open space or affordable housing purposes; land owned by public-use airports; certain lands owned by agencies whose primary mission relates to public transportation; and certain lands transferred to community land trusts.
- Clarify that "valid legal restrictions" for purposes of determining whether land is exempt surplus land include contractual rights agreed to prior to Sept. 30, 2019, which prevent the use of the property for housing.
- Permit agencies to issue 30 day notices of exemption findings, instead of requiring formal governing board action for certain exemption categories.
- Clarify the restrictions on certain activities agencies may take prior to the noticing process to allow agencies to obtain appraisals and conduct other due diligence; and, for certain affordable housing projects covered by exemptions, to issue Requests for Qualifications or Requests for Proposals and enter into leases, options and exclusive negotiating agreements.
- Clarify that property that is retained for the "agency's use" (and therefore not surplus land) includes property owned by a port that is used to support logistics uses, sites for broadband equipment or wireless facilities, and waste disposal sites.

- Prohibit the imposition of financial penalties for violating the Act for non-substantive violations that do not impact the availability or construction of affordable housing.

Assembly Bill 480 recognizes that the selling and leasing of publicly owned land can be a long, drawn-out process. The bill accordingly provides public agencies with an extended timeline to take advantage of a special exception to the Act. For public agencies that entered into an exclusive negotiating agreement (“ENA”) prior to the passage of AB 1486, AB 480 allows those agencies to comply with the pre-AB 1486 version of the Act for such dispositions (the “ENA exception”). This is helpful because the prior version of the Act was much less stringent.

Prior to the passage of AB 480, the deadline to utilize the ENA exemption was Dec. 31, 2022. This means that if an agency and a developer (or other entity) were party to an ENA prior to the passage of AB 1486 but did not complete the contemplated disposition by Dec. 31, 2022, then the ENA was essentially deemed null and void, and the agency was forced to comply with the new version of the Act (thereby completely disregarding the contractual rights of not only the agency but also the developer or other third-party). Now, the deadline to utilize the ENA exemption has been extended to December 31, 2027, which means that any of these “dead” ENAs will be revived, and the parties to the ENA can move forward with their contemplated transaction.

#### **IV. CONCLUSION.**

Together Senate Bill 747 and Assembly Bill 480 provide additional flexibility for local public agencies disposing of surplus lands by clarifying the type of leases subject to the Act, expanding the definition of “exempt” surplus land, and clarifying the definition of “valid legal housing restrictions” for exemption purposes. In addition, private developers which saw their ENAs with public agencies expire as a result of AB 1486 now have their contractual rights restored (at least until Dec. 31, 2027).

AES



**Olivenhain Municipal Water District  
Schedule of Legal Costs  
Paid July 1 through September 30, 2023**

**Nossaman LLP**

District General	\$	76,727
District Board		11,288
Litigation		52,835
District CIP		8,692
Total		<u>149,542</u>

**Rutan & Tucker**

San Dieguito Valley Groundwater Project		<u>3,773</u>
-----------------------------------------	--	--------------

**Liebert Cassidy**

Employment Relations Consortium Membership (FY 24)		<u>3,580</u>
----------------------------------------------------	--	--------------

Total Legal Costs Paid	<b>\$</b>	<b><u>156,895</u></b>
------------------------	-----------	-----------------------

# Memo

E

To: Olivenhain Municipal Water District Board of Directors

Subject: INFORMATIONAL REPORTS

SAN DIEGO COUNTY WATER AUTHORITY REPRESENTATIVE

---

Any report will be oral at the time of the Board meeting.



## **SUMMARY OF FORMAL BOARD OF DIRECTORS' MEETING OCTOBER 26, 2023**

1. Monthly Treasurer's Report on Investments and Cash Flow.  
The Board noted and filed the Treasurer's report.
2. Establish 2024 Board meeting dates.  
The Board approved combining the November and December Board meeting dates to November 21, 2024, and approved the 2024 Board meeting dates calendar.
3. Amendment to Agreement with Kinnectics, LLC, for As-Needed Organizational Support Consulting Services.  
The Board authorized the General Manager, or designee, to execute a second amendment to the professional services contract with Kinnectics, LLC, to provide as-needed organizational support services for an additional two years, for an additional amount of \$182,013.
4. Amendment to extend the agreement with Industrial Scientific Corporation for Lease of Air Monitoring Equipment System.  
The Board approved amending the agreement with Industrial Scientific Corporation for continued services to the Water Authority through December 31, 2024 by \$60,189.78 for a period of 14 additional months; increasing total contract funding to an amount not to exceed \$206,364.96.
5. Maximo Application Suite License Renewal.  
The Board authorized the General Manager to renew a licensing agreement with Second-to-None Solutions, Inc. (STONS), for a second year of Maximo Application Suite software licenses for an additional \$107,760. The renewal will increase the licensing agreement from \$135,643.20 to a new, cumulative two-year total of \$243,403.20.
6. Resolution considering the Final Environmental Impact Report (EIR) for Escondido Research and Technology Center Specific Plan; approving the project and authorizing the filing of a Notice of Determination; and authorizing the General Manager to execute the Purchase and Sale Agreement for the real property and improvements, located at, or to be located at, 1960 Citracado Parkway, Escondido for use as the Operations and Maintenance Facility.  
The Board adopted Resolution No. 2023-31 that: a. Resolves that the Final Environmental Impact Report (EIR) adopted by the City of Escondido as Lead Agency complies with the California Environmental Quality Act (CEQA) and the State CEQA Guidelines; that no further environmental analysis is required for the action of the San Diego County Water Authority (Water Authority), and approves the project and authorizes the filing of a Notice of Determination (NOD); and, b. Authorizes the General Manager to execute a purchase and sale agreement, in the form provided, with such minor modifications as subsequently approved by the General Manager and General Counsel, to purchase the real property and improvements located at, or to be located at, 1960 Citracado Parkway, Escondido, for an amount not-to-exceed \$38,760,360, plus customary closing costs and fees.



7. Construction contract with Kiewit Infrastructure West Co. for the Southern First Aqueduct Structures Rehabilitation project.  
The Board authorized the General Manager, or designee, to award a construction contract to Kiewit Infrastructure West Co. in the amount of \$41,554,000 for the Southern First Aqueduct Structures Rehabilitation project.
8. Professional services contracts with Pure Technologies U.S. Inc., and Pipeline Inspection and Condition Analysis Corporation for pipeline condition assessment of the First Aqueduct.  
The Board approved the following actions to support the condition assessment of the First Aqueduct pipelines: a. authorized the General Manager to award a professional services contract to Pure Technologies U.S. Inc., for a not-to-exceed amount of \$1,999,000 for pipeline condition assessment services for a period of three years; and, b. authorized the General Manager to award a professional services contract to Pipeline Inspection and Condition Analysis Corporation, for a not-to-exceed amount of \$3,170,000 for pipeline condition assessment services for a period of three years.
9. Construction contract with Kiewit Infrastructure West Co. for the Helix 9 Flow Control Facility project.  
The Board authorized the General Manager, or designee, to award a construction contract to Kiewit Infrastructure West Co. in the amount of \$9,017,500 for the Helix 9 Flow Control Facility project.
10. Approval of Minutes.  
The Board approved the minutes of the Special Board of Directors' meeting of September 7, 2023 and the Formal Board of Directors' meeting of September 28, 2023.
11. ACTION FOLLOWING CLOSED SESSION  
The Board approved a salary adjustment of 8.75% for the General Counsel to match cost-of-living increase provided to represented employees on June 30, 2023, and a mid-year evaluation in June 2024.

# Memo

F

To: Olivenhain Municipal Water District Board of Directors

Subject: INFORMATIONAL REPORTS  
LEGISLATIVE REPORT

---

Any written report will be attached; any oral report will be provided at the time of the Board Meeting.



# NOSSAMAN LLP | Memorandum

**TO:** Olivenhain Municipal Water District (OMWD)  
**FROM:** Ashley Walker, Senior Policy Advisor, Nossaman LLP  
Jennifer Capitolo, Jennifer M. Capitolo and Associates LLC  
**DATE:** November 8, 2023  
**RE:** November 2023 Public Policy Report

---

## **State Legislative Update:**

**Status of the Legislature:** The Legislature remains on recess until the second year of the 2-year session begins on January 3, 2024. The FY 2024-24 State Budget proposal will be released by the Governor by January 10, 2024.

**Legislative Delegation Tours:** Nossaman is working with OMWD to set up tours with the Legislative Delegation. These tours are focused on building relationships, and education on OMWD's projects that are in need of funding. These tours will happen in the fall and winter.

**Legislation:** OMWD took several positions on legislation this year, as outlined below.

- **AB 30 (Ward): Atmospheric rivers: research: reservoir operations.** This bill renames the Atmospheric Rivers program as the Atmospheric Rivers Research and Forecast Improvement Program: Enabling Climate Adaptation Through Forecast-Informed Reservoir Operations and Hazard Resiliency Program and requires the Department of Water Resources to research, develop, and implement new observations, prediction models, novel forecasting methods, and tailored decision support systems to improve predictions of atmospheric rivers and their impacts on water supply, flooding, post-wildfire debris flows, and environmental conditions.

*Current position: Support.*

*Status: This bill was signed by the Governor.*

- **AB 399 (Boerner) Water Ratepayers Protections Act of 2023: County Water Authority Act: exclusion of territory: procedure.** This bill enacts the Water Ratepayers Protections Act of 2023, which requires a member agency to receive majority voter approval of its electorate, and the entire county water authority's electorate, before it can detach from a county water authority. OMWD put in a letter to the Author requesting amendments be added to the bill. The requested amendment proposed that the voting structure at the County Water Authority be changed from a weighted vote to a combination majority weighted vote/majority agency vote to ensure that decisions made by the SDCWA Board of Directors are in the best interest the Water Authority, as a whole, and not just the few large agencies.

Nossaman met with the Author's office and the Assemblywoman is not open to the proposed amendment in this bill, as they believe the voting structure amendment is not related to the issue they are trying to address in AB 399 with the departure of a Member Agency. They are willing to discuss the voting structure issue in the fall. Nossaman will work to set up a meeting in the fall to discuss this issue.

Current position: Watch.

Status: This bill was signed by the Governor.

- **AB 755 (Papan): Water: public entity: cost-of-service analysis.** Requires a public entity, whenever conducting a cost-of-service analysis, to identify the total incremental costs incurred by all the major water users and the total incremental costs incurred by all the low volume water users in the single-family residential class.

Current position: Watch.

Status: This bill was signed by the Governor.

- **AB 838 (Connolly): California Water Affordability and Infrastructure Transparency Act of 2023.** This bill would place additional requirements to public water systems by having them provide specified information and data related to the average water bill paid by customers at intervals determined by the State Water Board.

Current position: Oppose.

Status: This bill is dead for the year.

- **AB 1072 (Wicks): Water conservation and efficiency: low-income residential customers.** Seeks to ensure local rebates are available to low-income and disadvantaged communities. Olivenhain MWD strongly supports access to rebates for water efficient fixtures and landscapes for these communities, but recognizes there are barriers to participation. The approach this bill takes to ensuring access to these programs, however, is not workable as it potentially violates Proposition 218 requirements and directs inappropriate state funding for these purposes.

Current position: Oppose unless amended.

Status: This bill is dead for the year.

- **AB 1337 (Wicks): State Water Resources Control Board: water diversion curtailment.** Authorizes SWRCB to issue a curtailment order for any diversion, regardless of basis of right, when water is not available under the diverter's priority of right, and makes the failure to comply with a curtailment order a trespass.

Current position: Oppose.

Status: This bill is dead for the year.

- **AB 1567 (Garcia): Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, Clean Energy, and Workforce Development Bond Act of 2024.** Places a \$15.955 billion climate resilience general obligation bond before the voters on the March 5, 2024, Primary Election ballot.

Current position: Support.



Status: This bill is a two-year bill and will be eligible to move forward in 2024.

- **AB 1572 (Friedman): Potable water: nonfunctional turf.** This bill would create a regulatory structure around a prohibition on the use of potable water for the irrigation of nonfunctional turf on properties other than single-family homes. We do not oppose banning irrigation of certain nonfunctional turf with potable water, but have concerns regarding the current definition of nonfunctional turf, scope, and compliance structure provided for in AB 1572.

Current position: Watch.

Status: This bill was signed by the Governor.

- **AB 1594 (Garcia): Medium- and heavy-duty zero-emission vehicles: public agency utilities.** This bill would require that any state regulation applicable to essential public agency utility vehicles ensures that those vehicles can support a public agency utility's ability to maintain reliable water and electric service, respond to disasters in an emergency capacity, and provide mutual aid assistance statewide and nationwide.

Current position: Support.

Status: This bill was signed by the Governor.

- **AB 1637 (Irwin): Local government: internet websites and email addresses.** This bill would require local governments to ensure that their public-facing internet websites and email addresses use a ".gov" or ".ca.gov" domain name, no later than January 1, 2029.

Current position: Comments on concerns.

Status: This bill was signed by the Governor.

- **SB 23 (Caballero): Water supply and flood risk reduction projects: expedited permitting.** ACWA is sponsoring SB 23 which would streamline the regulatory permitting of water supply and flood risk reduction projects.

Current position: Support.

Status: This bill is dead for the year.

- **SB 366 (Caballero): The California Water Plan: long-term supply targets.** CMUA is sponsoring this legislation intended to transform California's water planning efforts from a process where we are managing for scarcity to a future where there is enough water for all beneficial uses.

Current position: Support.

Status: This bill is dead for the year.

- **SB 411 (Portantino): Open meetings: teleconferences: bodies with appointed membership.** This bill ensures alternate teleconferencing provisions indefinitely to boards, an advisory boards of a local agency and commissions. This measure will allow boards and commissions to continue to serve their constituents uninterrupted by extending appropriate COVID-19 pandemic provisions.



Current position: Support.

Status: This bill was signed by the Governor.

- **SB 867 (Allen): Drought, Flood, and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, Park Creation and Outdoor Access, and Clean Energy Bond Act of 2024.** Authorizes a \$15.5 billion climate resilience bond to be placed before voters at an unspecified election.

Current position: Support.

Status: This bill is a two-year bill and will be eligible to move forward in 2024.

**Governor's Actions and Executive Orders:** The following actions have been taken by the Governor since the last report. This list is compiled from CalOES, California Health and Human Services, California Department of Public Health, and FEMA.

- October 28: Cal OES announced the approval in September of \$28,997.10 in California Disaster Assistance Act (CDAA) funding to help Placer County cover eligible costs it incurred related to the repair and/or replacement of public property and infrastructure along Gorman Ranch Road caused by the Mosquito Fire in 2022.
- October 27: Cal OES announced the approval in late September of \$45,483.08 in California Disaster Assistance Act (CDAA) funding to help Tuolumne County cover eligible costs associated with debris removal generated by the Washington Fire.
- October 27: Governor Gavin Newsom announced that Caltrans approved \$192 million in California Climate Investment funds for 136 public transportation projects that will cut pollution and create more affordable transportation options, especially for disadvantaged communities.
- October 27: Governor Gavin Newsom and San Francisco leaders announced the formation of a new joint law enforcement task force to investigate opioid-linked deaths and poisonings in the city. The new task force will include personnel from the San Francisco Police Department (SFPD), the San Francisco District Attorney's Office (SFDA), the California Highway Patrol (CHP), and the California National Guard (CalGuard).
- October 18: Governor Gavin Newsom authorized the immediate expansion of funds to bolster safety and security at religious institutions in California amid the ongoing conflict in the Middle East.

### **Water Quality:**

**Cross-Connection Control Policy Handbook:** The State Water Resources Control Board held a workshop on the draft Cross-Connection Control Policy Handbook (CCCPH) on Wednesday, October

18, 2023. At the workshop, the State Water Board discussed the latest edits to the Final Draft CCCPH and the need for input from interested parties following adoption. The State Water Board is expected to adopt the CCCPH at a future Board Meeting in 2023.

**Electronic Annual Report:** On November 2, 2023, the State Water Resources Control Board (SWRCB) hosted a [virtual electronic Annual Report \(eAR\)](#) Input Forum to discuss the new Clearinghouse Annual Inventory Report (CAIR) for the annual Supply and Demand data and other updates to the eAR for 2024.

**Direct Potable Reuse:** On October 19, the State Water Board released a [Notice of Public Availability of Changes to Proposed Direct Potable Reuse Regulations \(DPR Regulations\) and Addition of Material to the Rulemaking Record](#). [Changes to the proposed DPR regulations](#) include the use of an alternative treatment mechanism for pathogen control, additional total organic carbon flexibility for reservoirs, and the entities required to participate in a joint plan. Written comments due November 6 by 12:00 pm

### **Water Use Efficiency:**

**Hydrologic Conditions:** Atmospheric rivers have begun to hit the northwestern part of the state bringing welcome rainfall and some early snowfall at the highest elevations in northern California. Most reservoirs continue to have high carry-over storage levels. Abnormally dry conditions are currently limited to small areas in the northeast and southeast parts of the state. The Governor's emergency drought provisions ended in early August. A strong El Nino condition is in place and will be felt in coming months, yet experts continue to warn that this may not necessarily deliver a wet winter.

### **State Water Board:**

**Long-term Water Conservation Standards Rulemaking:** The water community Coalition, led by ACWA and including CMUA, AWWA CA NV, WaterReuse, CalWEP, CWA and other regional organizations, worked to develop comments on the State Water Resources Control Board's (State Water Board) proposed regulation for "Making Water Conservation a California Way of Life". During a 13-hour SWRCB hearing on October 4, over one hundred people commented, the vast majority on behalf of water suppliers who requested comprehensive revisions to the regulations to reduce costs and highlighted many additional policy and technical concerns. At the end of the hearing, at 9:30 PM Board members discussed among themselves the major issues and indicated that they understood the concerns and directed staff to host working groups to discuss comments made by participants. Written comments were due October 17, 2023. Nossaman expects to continue to advocate with the Coalition that the State Water Board substantially revise the proposal in response to comments. The Board has indicated that another version of the regulation may be released in early 2024 for another round of comments. The Board is currently planning to adopt a final regulation before August 17, 2024, and it could become effective by October 2024.

### **Other :**

**California Water and Wastewater Extended Arrearage Payment Program:** On November 1, the State Water Board opened the 60-day application period for the [California Water and Wastewater Extended Arrearage Payment Program \(Arrearage Payment Program\) Guidelines](#). The expanded Arrearage Payment Program will provide payments to water and wastewater customer arrearages for the period of March 4, 2020, through December 31, 2022.

# Memo

G, H

To: Olivenhain Municipal Water District Board of Directors

Subject: INFORMATIONAL REPORTS

TWELVE MONTH CALENDAR / OTHER MEETINGS /

REPORTS / BOARD COMMENTS

---

Any report will be oral at the time of the Board meeting. Please refer to the TWELVE MONTH Calendar (attached) for meetings attended.

**TWELVE MONTH CALENDAR OF EVENTS (AS OF 11/8/23)**

Date(s)	Event	Time	Location	Attending Board Member(s)	Additional Information (Speakers' Topic, Cohosts, etc.)
<b><u>OCTOBER 2023</u></b>					
19-Oct	Conference Call with the General Manager RE: NBH1 Sewer Pump Station and Board Meeting Comments			Watt	
20-Oct	NBH1 Sewer Pump Station Project Site Tour			Watt	
26-Oct	Conference Call with the General Manager RE: Sun Vista Park and OMWD			Guerin	
30-Oct	Meeting with the General Manager RE: CWA Issues			Meyers	
<b><u>NOVEMBER 2023</u></b>					
2-Nov	Finance Committee Meeting	1:00 PM	Boardroom	Meyers, Watt	
8-Nov	Employee Motivational Speaker Event		Boardroom	Meyers, Watt	
8-Nov	QSA 20th Anniversary Celebration	5:00 -7:30 PM	The Alexandria at Torrey Pines	Guerin	
14-Nov	Board Meeting Pre-Briefing			Guerin	

# Memo

To: Olivenhain Municipal Water District Board of Directors

Subject: INFORMATIONAL REPORTS

CORRESPONDENCE

---

Any correspondence is attached.



October 17, 2023

Submitted via: [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)

Mr. E. Joaquin Esquivel, Chair  
State Water Resources Control Board  
1001 I Street, 24th Floor  
Sacramento, CA 95814

Re: Comment Letter – Proposed Regulations on Making Water Conservation a California Way of Life

Dear Chairman Esquivel,

The undersigned organizations appreciate the opportunity to provide comments to the State Water Resources Control Board (State Water Board or Board) on the Proposed Regulations for Making

Conservation a California Way of Life (Regulations). We are a group of water suppliers who are subject to, and who have been actively involved in the development of, the Regulations that the State Water Board is charged with adopting pursuant to SB 606 and AB 1668 (together, the 2018 conservation legislation). All of us have a long-standing commitment to water use efficiency, as demonstrated by the substantial decreases in total and per capita water use that our customers have achieved, most at levels well beyond 20 x 2020 targets. We support the intent of the legislation to make conservation a way of life with cost effective water conservation programs that would achieve even greater efficiencies that we have already achieved.

Thank you also for the opportunity to provide comments at the Board workshop on October 4. It was a marathon session, and we appreciate the willingness of the Board to allow speakers from around the state to present information about the ways the Regulations would affect their operations, and the Board members staying to listen throughout. We also particularly appreciate the comments that various Board members made about the cost, feasibility, and timing of actions that water agencies will be required to take to meet the proposed Regulations, and more importantly whether or not our customers would be able to cost-effectively implement the measures that the Regulations would require. After all, it is the actions of our customers that will ultimately determine our ability to comply with the Regulations.

The Association of California Water Agencies (ACWA) has prepared and submitted a more comprehensive and detailed set of comments on the Regulations. We support most of the recommendations made in that letter, and some of the signatories to this letter are also signatories to the ACWA letter. This letter includes the few elements of the Regulations that are in addition to, or differ from, ACWA's comments. We are also providing in the attachment our recommended edits to the proposed Regulations. Before describing those elements and edits, we would like to draw the Board's attention to a recent report prepared for Mesa Water District by M.Cubed, which reviews the information provided in the Standardized Regulatory Impact Analysis (SRIA). That report is available at this link: [Mesa Water SRIA Review Tech Memo Final Sept 28.2023.pdf](#)

The SRIA estimates that the Regulations will impose at least \$13 billion in costs on California residents and businesses to meet these standards. However, according to M.Cubed's analysis, these costs are significantly underestimated. More significantly, the SRIA's projected benefits of \$15 billion not only double-counted \$4.5 billion in cost shifts, but the remaining \$10.5 billion in benefits is estimated from an erroneous projected reduction in water purchase costs. Using a sales-weighted adjustment to average costs to compute a more accurate statewide picture of potential savings, M.Cubed's calculations resulted in a 50% reduction in the SRIA's asserted benefits. San Juan Water District reviewed in more detail the cost data provided by its retail water agency customers, and their reduced wholesale water purchase costs would only be approximately 25% of the figure used by the SRIA. Many water agencies continue to adjust their fixed and variable rates to ensure that fixed costs remain funded. However, the actual reduction in water purchase costs underlying the SRIA's estimate of benefits may well more closely reflect the figures in San Juan's customer group, due to the fact that San Juan's current wholesale rates include fixed costs that comprise approximately 75% of the total price of their wholesale water supplies.



## COMMENTS ON SPECIFIC ELEMENTS OF THE REGULATIONS

### **Outdoor standards apply to “irrigable” lands**

The proposed Regulations limit the applicability of the outdoor standard to irrigated acreage, unless Board staff approve an additional 20% maximum of non-irrigated area that has become irrigated. This approach is not authorized by and is inconsistent with the statute, which states:

“The department, in coordination with the board, shall conduct necessary studies and investigations and recommend, no later than October 1, 2021, standards for outdoor residential use for adoption by the board in accordance with this chapter...

The standards shall apply to irrigable lands.” (Water Code §10609.6(a)(2)(B)) (emphasis added)

Notably, too, the primer prepared in 2018 by the Department of Water Resources (DWR) and Board staff also clearly note this statutory construct. On page eight of the primer, the following description is provided:

“Standards for outdoor residential water use that apply to residential irrigable lands, including provisions for swimming pools, spas, and ornamental water features that are artificially supplied with water, and incorporating principles of the Model Water Efficient Landscape Ordinance (MWELO) (CWC §10609.6)”. (emphasis added)

**Recommendation 1 – revise the references in the outdoor standard (including in the definition of residential landscape area) to “irrigable lands” and adjust the acreages used for determining outdoor usage budgets for all agencies accordingly.**

### **The Board can only adopt one regulatory standard**

The framework proposes to establish a series of outdoor landscape standards, starting with a landscape efficiency factor of 80% through June 30, 2030, then changing to 63% from that point in time through June 30, 2035, and then changing again thereafter to 55% for residential landscapes and 45% for CII landscapes. The 2018 legislation clearly states the Legislature’s intent to limit the Board’s authority to adopting a “one-time” standard, with promulgation of any future standards requiring specific additional authority to be provided to the Board by the Legislature. This limitation is described in Water Code §10609(b)(4):

“This chapter preserves the Legislature’s authority over long-term water use efficiency target setting and ensures appropriate legislative oversight of the implementation of this chapter by doing all of the following... Providing one-time-only authority to the department and board to adopt water use efficiency standards, except as explicitly provided in this chapter. Authorization to update the standards shall require separate legislation.” (Emphasis added.)

Furthermore, the Legislature states that the landscape efficiency factor values should reflect a factor that allows for “the amount of water necessary to efficiently irrigate both new and existing landscapes.” (Water Code Section 10609.9 – emphasis added). As described by numerous speakers at the October 4

workshop, and in multiple written comments regarding both the proposed framework for these Regulations released by Board staff in March 2023 and the recommendations submitted to the Board by the Department of Water Resources, the proposed 2035 standard would not provide adequate water supplies to existing landscapes.

**Recommendation 2 – revise the outdoor standards to specify that there will be one standard that uses an evapotranspiration adjustment factor of 0.63, to be applied to irrigable lands, starting in 2035.**

### **CII Program Reporting Must be Feasible**

ACWA is providing important comments and suggested edits on the requirements in the Regulations related to the appropriate scope of activities and responsibilities of water suppliers for commercial, industrial and institutional (CII) performance measures. As noted in Water Code Section 10608.12(n), performance measures include educational and outreach activities, audits, plans, and similar actions that can be conducted by water suppliers. Section 975(d)(3) of the Regulations contains citations to sections of the Regulations that don't exist, but it appears that the intent of that section is to seek information about the activities that water suppliers conduct to educate and interact with the CII account holders that are in the top 20% of water use category and the top 2.5% of water use category defined in Sections 974(c) and (d), respectively.

Water suppliers can provide information to CII customers about best management practices, but only the CII customers can actually implement them. Consequently, the reporting requirements in Section 975(d)(3) should be limited to the information that water suppliers can provide about their activities. Collecting information about activities conducted by CII customers, such as their implementation of best management practices, would be contingent upon the cooperation of CII customers, and may well not even be possible. Similarly, estimates about the amount of water saved would be speculative, at best, while increased agency costs would be certain.

**Recommendation 3 – delete Sections 975(d)(3)(C) and (D).**

### **CLOSING REMARKS**

Thank you again for the opportunity to provide comments to the State Water Board as it begins its formal rulemaking. We also very much appreciate the State Water Board staff's engagement with the water community. We look forward to collaborating further with the Board and staff to develop a regulatory framework that will reasonably, cost-effectively, and feasibly advance our shared goal of Making Water Conservation a California Way of Life in a manner that recognizes and accounts for every agency's unique circumstances, as well as the related costs and benefits of seeking each additional increment of water use efficiency.

Sincerely,

Larry B. McKenney, General Manager  
Amador Water Agency

Joe Duran, General Manager  
Orange Vale Water Company

Kristina Budak, P.E., Water Resources Director  
City of Bakersfield

David Coxey, General Manager  
Bella Vista Water District

Tony Goff, General Manager  
Calleguas Municipal Water District

J. M. Barrett, General Manager  
Coachella Valley Water District

Tom Moody, Director of Utilities  
City of Corona

Michael Moore, General Manager / CEO  
East Valley Water District

Greg Thomas, General Manager  
Elsinore Valley Municipal Water District

Jack Bebee, General Manager  
Fallbrook Public Utility District

Chris Berch, General Manager  
Jurupa Community Services District

Dave Pedersen, General Manager  
Las Virgenes Municipal Water District

Paul E. Shoenberger, P.E., General Manager  
Mesa Water District

Brian Macy, Interim General Manager  
Mission Springs Water District

Michele Donzé, General Manager  
Myoma Dunes Water Company

Kimberly A. Thorner, General Manager  
Olivenhain Municipal Water District

Dennis D. LaMoreaux, General Manager  
Palmdale Water District

Brent Byrne, General Manager  
Quartz Hill Water District

Kim Domingo, PE, General Manager  
Rosamond Community Services District

Tom Coleman, General Manager  
Rowland Water District

Miguel J. Guerrero, P.E., General Manager  
San Bernardino Municipal Water Department

John Mulligan, Public Works Director  
City of Sanger

Paul Helliker, General Manager  
San Juan Water District

Matthew Litchfield, P.E., General Manager  
Three Valleys Municipal Water District

Gary Arant, General Manager  
Valley Center Municipal Water District

Van Grayer, General Manager  
Vaughn Water Company

Greg A. Hammett, General Manager  
West Kern Water District

## ATTACHMENT

### Requested edits to proposed regulations

#### § 965. Definitions

...

(xx) “Residential landscape area” (RLA) means residential Irrigable ~~Irrigated area plus approved Irrigable Not Irrigated area~~, in square feet.

#### § 968. Outdoor Residential Water Use Standard

(a) (1) Through June 30, 2030~~5~~, the standard for efficient residential outdoor use (Soutdoor) shall be a landscape efficiency factor of 0.80.

~~(2) Beginning July 1, 2030, and through June 30, 2035, the standard for efficient residential outdoor use shall be a landscape efficiency factor of 0.63.~~

~~(32)~~ Beginning July 1, 2035, the standard for efficient residential outdoor use shall be a landscape efficiency factor of 0.55~~63~~.

...

(b) (2) Residential landscape area includes, for each supplier:

~~(A) The supplier’s unique square footage of Irrigable Irrigated area provided by the Department to the Board on October 3, 2022, or any updates thereafter, minus any landscape area that the Department categorizes as residential but that the supplier categorizes as CII.~~

~~(B) Through June 30, 2027, a supplier may include in its residential landscape area up to twenty percent of the supplier’s unique square footage of Irrigable Not Irrigated area provided by the Department to the Board on October 3, 2022, if the supplier’s actual urban water use for the reporting year, calculated in accordance with section 10609.22, is greater than the urban water use objective calculated pursuant to section 966 without inclusion of Irrigable Not Irrigated area.~~

#### § 975. Reporting

...

(d) No later than January 1, 2024, and by January 1 every year thereafter, each urban retail water supplier shall submit to the Department and the Board, for the previous state fiscal year, on a form provided by the Board, the following:

...

(3) Relevant and supporting data pursuant to section 974, including:

(A) The number of customers that exceed the threshold defined in section 974(a)(2).

(B) The number of customers for which the supplier has provided the information required pursuant to section 974(a)(2).

~~(C) For each of the classification categories specified in section 972 (a) and (b), the number of customers exceeding the threshold defined in section 974 (b), as well as the following:~~

~~(i) The practices implemented pursuant to section 974(b)~~

~~(ii) The implementation status of those practices~~

~~(iii) The estimated water saved as a result of those practices~~

~~(D) The number of customers that exceed the threshold defined in sections 974 (c) as well as the following:~~

~~(i) The practices implemented pursuant to section 974(b)~~

- ~~(ii) The implementation status of those practices~~
- ~~(iii) The estimated water saved as a result of those practices.~~

**Board of Directors**

Christy Guerin, President  
Matthew R. Hahn, Vice President  
Neal Meyers, Treasurer  
Lawrence A. Watt, Secretary  
Marco San Antonio, Director



**General Manager**  
Kimberly A. Thorner, Esq.  
**General Counsel**  
Alfred Smith, Esq.

October 19, 2023

Attn: Francisco Guzman  
California Water Plan Update 2023  
California Department of Water Resources  
715 P Street, 6<sup>th</sup> Floor  
Sacramento, CA 95814

**Re: Comments on California's Water Plan Update 2023**

Dear Francisco Guzman:

On behalf of Olivenhain Municipal Water District, I am writing to express support for the California Water Plan Update 2023, while noting some essential considerations that we believe are crucial for the successful implementation of the proposed plan. OMWD provides 87,000 customers in northern San Diego County with water, wastewater, recycled water, hydroelectric, and recreational services.

Specifically, our comments focus on two important goals: (1) ensuring water affordability, and (2) continuing to incentivize water supply development.

While the Department of Water Resources has acknowledged the challenges presented by Proposition 218 and the alignment of water rates with the cost of service, OMWD believes that a more comprehensive approach is necessary to effectively address the issue of water affordability for all Californians. The current approach, which emphasizes affordable and accessible water solely for low-income residents, lacks the necessary depth and inclusivity that is required to tackle ongoing affordability challenges. Not only are these challenges posed by future climate conditions and infrastructure costs, as noted in the Plan, but also by unfunded mandates and an ever more costly and complex regulatory environment, over which the state has direct control.

OMWD acknowledges the potential benefits of Low-Income Rate Assistance (LIRA) programs in addressing the escalating water affordability crisis faced by disadvantaged Californians. However, it is imperative that any future LIRA programs are administered in a manner that does not exacerbate the issue of affordability, especially for middle-class Californians (e.g., funding a LIRA program via a usage tax on water). OMWD suggests that these programs be overseen by a state agency such as the Department of Social Services, the core focus of which is providing support to the underprivileged, rather than burdening water retailers with responsibilities they are poorly equipped to assume. Ultimately, the costs incurred by water retailers to manage such programs would be passed through to ratepayers, resulting in heightened costs and reduced affordability for all customers in the state.



1966 Olivenhain Road • Encinitas, CA 92024 • 760-753-6466 • [www.olivenhain.com](http://www.olivenhain.com)

A Public Agency Providing Water Wastewater Services Recycled Water Hydroelectricity Elfin Forest Recreational Reserve



Regarding water supply, we commend the plan's focus on measures such as the expansion of recycled water and desalination, increased storage through stormwater capture, and improved water conservation efforts. However, it is essential that the leadership from the governor's office ensures the synchronization of all state agencies, with a particular emphasis on the State Water Resources Control Board aligning their policies with the objectives of the water supply development outlined in this plan. We suggest further dialogue with the SWRCB regarding potential conflicts arising from SWRCB imposing water use restrictions on recycled water, which conflicts with the expansion of recycled water as presented in the plan. Such conflicts could impede the successful development of recycled water supply, and it is crucial to address this issue collectively for a more effective and sustainable water management strategy.

OMWD supports the California Water Plan Updated 2023, and remains committed to contributing to the ongoing dialogue and collaborative efforts to address the complex challenges posed by the evolving water landscape in California. If you or your staff should need any additional details, please do not hesitate to contact me at 760-753-6466 or [kthorner@olivenhain.com](mailto:kthorner@olivenhain.com).

Regards,



Kimberly A. Thorner  
General Manager

CC: Honorable Gavin Newsom, Governor  
Ashley Walker, Nossaman, LLP ([awalker@nossaman.com](mailto:awalker@nossaman.com))

# Memo

To: Olivenhain Municipal Water District Board of Directors

Subject: AUTHORIZATION TO ATTEND UPCOMING MEETINGS /  
CONFERENCES / SEMINARS

---

The Board may desire to attend a meeting that requires Board approval.



# Memo

To: Olivenhain Municipal Water District Board of Directors

Subject: FUTURE AGENDA ITEMS

---

The Board may have items to be considered at a Future Board meeting.

# Memo

To: Olivenhain Municipal Water District Board of Directors

Subject: CONSIDER PUBLIC COMMENTS

---

There may be public comments before the Board meeting is adjourned.

# Memo

To: Olivenhain Municipal Water District Board of Directors

Subject: CLOSED SESSION

---

It may be necessary to go into Closed Session.

# Memo

To: Olivenhain Municipal Water District Board of Directors

Subject: OPEN SESSION

---

# Memo

To: Olivenhain Municipal Water District Board of Directors

Subject: ADJOURNMENT

---

We are adjourned.