

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

DECEMBER 9, 2020

A regular meeting of the Board of Directors of Olivenhain Municipal Water District was held on Wednesday, December 9, 2020 at the district office, 1966 Olivenhain Road, Encinitas, California via video conference.

President Sprague called the meeting to order at 4:02 p.m. Following the Pledge of Allegiance, the Assistant Secretary called the roll. Directors present were Bruce-Lane, Guerin, Sprague, Topolovac, and Watt. It was noted that Directors Guerin, Bruce-Lane, Sprague, Topolovac, and Watt participated in the meeting via teleconference in accordance with Governor Newsom's Executive Order, which allows for local or state legislative bodies to hold meetings via teleconference, to make meetings accessible electronically, and waives certain Brown Act provisions as stated in Item 11 of the Executive Order.

President Sprague declared a quorum present and ordered the meeting to proceed. In attendance via video conference were Kimberly Thorner, General Manager; Alfred Smith, General Counsel; Joey Randall, Assistant General Manager; Rainy Selamat, Finance Manager; Jason Hubbard, Engineering Manager; John Carnegie, Customer Services Manager; Geoff Fulks, Operations Manager; Jennifer Joslin, Human Resources Manager; Don MacFarlane, Consulting Engineer; Teresa Chase, Administrative Analyst; and Stephanie Kaufmann, Executive Secretary.

Additionally, the following phone number called into the meeting: (213) 210-6095.

5. ADOPTION OF AGENDA

Assistant General Manager Randall requested to add by 4/5ths vote the following agenda item that arose after the posting of the agenda.

CONSIDER APPROVAL OF A FOURTH AMENDMENT TO THE ORIGINAL PURCHASE AGREEMENT WITH THE ESCONDIDO CREEK CONSERVANCY FOR THE PURCHASE OF APN 223-081-04-00, 223-081-05-00, 223-082-23-00, AND 223-082-04-00 (GATY PARCELS) AND AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF THE DISTRICT

President Sprague moved to adopt the amended agenda adding the Fourth Amendment to the Original Purchase Agreement with the Escondido Creek Conservancy for the Gaty Parcels as a regular agenda item (item 10a), seconded by Director Watt and approved by the following roll call vote:

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

6. PERSONAL APPEARANCES AND PUBLIC COMMENTS

There were no personal appearances or public comments.

7. PRESENTATION OF AWARDS AND HONORABLE MENTIONS

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

8. CONSIDER APPROVAL OF THE MINUTES OF THE NOVEMBER 18, 2020 REGULAR BOARD OF DIRECTORS MEETING

President Sprague moved to approve the November 18, 2020 Regular Board of Directors meeting minutes, seconded by Director Watt and approved by the following roll call vote:

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

9. CONSENT CALENDAR

C-a CONSIDER ADOPTION OF A MOTION APPROVING THE PAYMENT OF LISTED WARRANTS FROM THE DISTRICT'S REVOLVING AND REGULAR ACCOUNTS; LISTED TRANSFERS OF FUNDS; REIMBURSEMENT OF EXPENSES TO BOARD MEMBERS AND STAFF (NOVEMBER); AND MONTHLY INVESTMENT REPORT

C-b CONSIDER ADOPTION OF A MOTION APPROVING THE DISTRICT'S CONSOLIDATED STATEMENTS OF NET POSITION, CONSOLIDATED STATEMENTS OF REVENUES, EXPENSES, AND CHANGES IN NET POSITION, CONSOLIDATED STATEMENT OF CASH FLOWS, CONSOLIDATED ACTUAL VS BUDGET SUMMARY, AND CONSTRUCTION IN PROGRESS REPORTS

C-c CONSIDER ADOPTION OF A RESOLUTION SUPPORTING THE DISTRICT'S EMPLOYEE SAFETY AND WELLNESS PROGRAMS

C-d CONSIDER APPROVAL OF ANNUAL REVISIONS TO THE DISTRICT'S RECORDS RETENTION SCHEDULE

C-e CONSIDER ANNUAL REVIEW OF THE OLIVENHAIN MUNICIPAL WATER DISTRICT'S INVESTMENT POLICY

C-f CONSIDER REVISIONS TO THE LEGISLATIVE GUIDELINES FOR 2021

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

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

10a. CONSIDER APPROVAL OF A FOURTH AMENDMENT TO THE ORIGINAL PURCHASE AGREEMENT WITH THE ESCONDIDO CREEK CONSERVANCY FOR THE PURCHASE OF APN 223-081-04-00, 223-081-05-00, 223-082-23-00, AND 223-082-04-00 (GATY PARCELS) AND AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF THE DISTRICT

Director Topolovac moved to approve a Fourth Amendment to the Original Purchase Agreement with The Escondido Creek Conservancy for purchase of the following district owned parcels: APN 223-081-04-00, 223-081-05-00, 223-082-23-00, and 223-082-04-00 (Gaty Parcels), seconded by Director Watt and approved by the following roll call vote:

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

10. CONSIDER DISCUSSION OF BOARD OFFICERS AND COMMITTEE ASSIGNMENTS TO TAKE PLACE AT THE JANUARY 2021 BOARD MEETING

Director Bruce-Lane requested to have a discussion to add a CWA Subcommittee. This item will be added and discussed under the board committees agenda item at the January 13 board meeting.

There was board consensus to approve the following Board Officer positions; Director Watt as President, Director Bruce-Lane as Vice President, Director Guerin as Treasurer, Director Sprague as Secretary, and Director Topolovac as Director.

11. CONSIDER APPROVAL OF THE DISTRICT’S FISCAL YEAR 2019-2020 AUDITED FINANCIAL STATEMENTS AND COMPREHENSIVE ANNUAL FINANCIAL REPORT (FINAL DRAFT)

Auditor Ken Pun from the Pun Group presented the audit results.

President Sprague moved to approve the Fiscal Year 2019-2020 Audited Financial Statements and the Final Draft of the District’s Fiscal Year 2019-2020 Comprehensive Annual Financial Report, seconded by Director Watt and approved by the following roll call vote:

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

12. CONSIDER ADOPTION OF AN ORDINANCE AMENDING OLIVENHAIN MUNICIPAL WATER DISTRICT’S ADMINISTRATIVE AND ETHICS CODE (Article 2 – Organization of Board of Directors)

Upon motion by President Sprague and a second by Director Topolovac, Ordinance 480 was adopted by the following roll call vote:

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

13. CONSIDER APPROVAL OF AN AGREEMENT WITH UTILITY SERVICE PARTNERS PRIVATE LABEL INC FOR MARKETING OF THE SERVICE LINE WARRANTY PROGRAM AND AUTHORIZE THE GENERAL MANAGER TO SIGN ON OMWD’S BEHALF

Director Guerin moved to approve an agreement with Utility Service Partners Private Label Inc. for marketing of the service line warranty program and authorize the General Manager to sign on behalf of the district. The motion failed for lack of a second.

14. CONSIDER INFORMATIONAL REPORT ON THE DISTRICT’S HEALTH AND FITNESS PROGRAMS

Human Resources Manager Joslin presented the informational report. No board action was required.

15. CONSIDER ADOPTION OF AN ORDINANCE AMENDING THE OLIVENHAIN MUNICIPAL WATER DISTRICT’S ADMINISTRATIVE AND ETHICS CODE (ARTICLE 4 – CLASSIFIED POSITIONS)

Upon motion by President Sprague and a second by Director Watt, Ordinance 481 was adopted by the following roll call vote:

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

16. CONSIDER ADOPTION OF A RESOLUTION FOR APPLICATION TO THE LOCAL AGENCY FORMATION COMMISSION FOR EXPANSION OF SEWER LATENT POWERS AND AN AMENDMENT TO THE DISTRICT SEWER SPHERE OF SERVICE TO INCLUDE THE AVION PROJECT (LENNAR HOMES OF CALIFORNIA, INC, 84 MULTI-FAMILY DWELLING UNITS)

President Sprague moved to approve Resolution 2020-26 to begin the process of making an application to the Local Agency Formation Commission pursuant to Government Code 56654 for 1) annexation to the district's 4S Ranch Sanitation District and expansion of the district's Sewer Latent Powers and 2) amending the district's Sewer Sphere of Service to allow the district to provide wastewater service to the proposed 84 multi-family dwelling units of the Avion Project by Lennar Homes of California, Inc; seconded by Director Topolovac and approved by the following roll call vote:

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

17. CONSIDER ACCEPTANCE OF THE NEW AND REMODELED OPERATIONS AND ADMINISTRATION FACILITIES PROJECT (KEETON CONSTRUCTION, INC) INTO THE DISTRICT'S SYSTEM, AND ORDER A NOTICE OF COMPLETION FILED

President Sprague moved to accept the New and Remodeled Operations and Administration Facilities project constructed by Keeton Construction, Inc. into the district's system and authorize the filing of a Notice of Completion with the San Diego County Recorder, seconded by Director Guerin and approved by the following roll call vote:

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

18. CONSIDER UPDATE ON THE 4S WATER RECLAMATION FACILITY AND CIELO PUMP STATION ENERNOC CONTROLS REMOVAL AND CIELO PUMP STATION AUTOMATIC TRANSFER SWITCH REPLACEMENT EMERGENCY PROJECT

Operation Manager Fulks presented the informational report. No board action was required.

19. CONSIDER UPDATE ON THE COVID-19 EMERGENCY DECLARATION

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

20. CONSIDER THE OMWD FINANCE CORPORATION ANNUAL MEETING (See Separate Agenda)

President Sprague conducted the OMWD Finance Corporation annual meeting. The minutes for the OMWD Finance Corporation meeting are attached as Exhibit “A.”

21. CONSIDER THE OMWD FINANCING AUTHORITY (JOINT POWERS AUTHORITY) BOARD MEETING (See Separate Agenda)

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

22. INFORMATIONAL REPORTS

A. President’s Report

President Sprague did not have anything to report.

B. General Manager’s Report

General Manager Thorner provided a written report that was included in the board packet.

C. Consulting Engineer’s Report

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

D. General Counsel’s Report

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

E. San Diego County Water Authority Report

Director Guerin provided an update that Phase B of the Regional Conveyance System Study was approved by .05% and that the Vice Chair vote will take place at a special board meeting on December 3.

F. Legislative Report

The Legislative Report was included in the board packet.

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

Document Signing District Offices (Nov 23)

Director Kephart signed documents with Executive Secretary Kaufmann.

Teleconference with the GM (Nov 25)

Directors Guerin and Watt had individual teleconferences with the General Manager.

Teleconference with the GM (Nov 30)

Director Guerin had a teleconference meeting with the General Manager to discuss CWA issues.

ACWA JPIA Zoom Meeting (Nov 30)

Director Watt participated in the virtual meeting.

Facilities Committee Meeting (Dec 2)

Director Watt participated in the committee meeting.

Swearing in of Board Member Kristie Bruce-Lane (Dec 2)

Directors Topolovac and Watt participated in the swearing in of the new board member.

Virtual End of the Year Luncheon Zoom (Dec 3)

Directors Topolovac and Watt participated in the virtual luncheon.

Teleconference with the GM (Dec 8)

Director Topolovac had a teleconference meeting with the General Manager.

Teleconference with GM (Dec 8)

Director Guerin had a teleconference meeting with the General Manager to discuss CWA issues.

AB 1234 Ethics Training and AB1825 Sexual Harassment Training (Dec 8)

Director Bruce-Lane completed the trainings.

23. CORRESPONDENCE

Correspondence was provided in the board packet.

24. AUTHORIZATION TO ATTEND UPCOMING MEETINGS / CONFERENCES / SEMINARS

There were no meetings requiring authorization to attend.

25. FUTURE AGENDA ITEMS

Director Bruce-Lane requested to have a discussion to add a CWA Subcommittee. This item will be added and discussed under the board committees agenda item at the January 13 board meeting.

26. CONSIDER PUBLIC COMMENTS

There were no public comments.

NOTE: The meeting was in recess  
from 6:08 p.m. to 6:16 p.m.

NOTE: The meeting was in closed session  
from 6:16 p.m. to 6:46 p.m.

27. CLOSED SESSION

A. CONSIDER CLAIM – HILLSIDE PATIO HOMES HOA [PURSUANT TO GOVERNMENT CODE SECTION 54956.9] • Additional Facts: Claim received on August 17, 2020. Claim rejected on September 9, 2020.

B. CONSIDER INFORMATIONAL REPORT ON CYBERSECURITY

28. OPEN SESSION

President Sprague reported that the board received a report on cyber security and



pending litigation.

29. ADJOURNMENT

President Sprague adjourned the meeting at 6:47 p.m.

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

ATTEST:

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Kimberly A. Thorner, Assistant Secretary  
Board of Directors  
Olivenhain Municipal Water District

MINUTES OF AN ANNUAL MEETING  
OF THE BOARD OF DIRECTORS OF THE  
OMWD FINANCE CORPORATION

December 9, 2020

An annual meeting of the Board of Directors of the OMWD Finance Corporation was held on Wednesday, December 9, 2020 at the district office, 1966 Olivenhain Road, Encinitas, California.

President Sprague called the meeting to order at 5:44 p.m. Directors present were Bruce-Lane, Guerin, Sprague, Topolovac, and Watt. It was noted that Directors Guerin, Bruce-Lane, Sprague, Topolovac, and Watt participated in the meeting via teleconference in accordance with Governor Newsom’s Executive Order, which allows for local or state legislative bodies to hold meetings via teleconference, to make meetings accessible electronically, and waives certain Brown Act provisions as stated in Item 11 of the Executive Order.

President Sprague declared a quorum present and ordered the meeting to proceed. In attendance were Kimberly Thorner, General Manager; Alfred Smith, General Counsel; Joseph Randall, Assistant General Manager; Rainy Selamat, Finance Manager; Jason Hubbard, Engineering Manager; Geoff Fulks, Operations Manager; Jennifer Joslin, Human Resources Manager; John Carnegie, Customer Services Manager; and Stephanie Kaufmann, Executive Secretary.

5. ADOPTION OF AGENDA

Director Watt moved to adopt the agenda as presented, seconded by Director Topolovac and approved by the following roll call vote:

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

6. PERSONAL APPEARANCE AND PUBLIC COMMENTS

There was no one present to comment.

7. CONSIDER THE STATUS OF DEBT ISSUED BY THE NON-PROFIT CORPORATION (OLIVENHAIN MUNICIPAL WATER DISTRICT WATER SYSTEM REFUNDING REVENUE BONDS SERIES 2015A)

Director Watt moved to receive and accept the staff report, seconded by Director Topolovac and approved the following roll call vote:

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

8. ADJOURNMENT

President Sprague adjourned the meeting at 5:47 p.m.

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

ATTEST:

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Kimberly A. Thorner, Assistant Secretary  
General Manager  
Olivenhain Municipal Water District

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

December 9, 2020

A meeting of the Board of Directors of the OMWD Financing Authority (Joint Powers Authority) was held on Wednesday, December 9, 2020 at the district office, 1966 Olivenhain Road, Encinitas, California.

President Sprague called the meeting to order at 5:47 p.m. Directors present were Bruce-Lane, Guerin, Sprague, Topolovac, and Watt. It was noted that Directors Guerin, Bruce-Lane, Sprague, Topolovac, and Watt participated in the meeting via teleconference in accordance with Governor Newsom’s Executive Order, which allows for local or state legislative bodies to hold meetings via teleconference, to make meetings accessible electronically, and waives certain Brown Act provisions as stated in Item 11 of the Executive Order.

President Sprague declared a quorum present and ordered the meeting to proceed. In attendance were Kimberly Thorner, General Manager; Alfred Smith, General Counsel; Joseph Randall, Assistant General Manager; Rainy Selamat, Finance Manager; Jason Hubbard, Engineering Manager; Geoff Fulks, Operations Manager; Jennifer Joslin, Human Resources Manager; John Carnegie, Customer Services Manager; and Stephanie Kaufmann, Executive Secretary.

5. ADOPTION OF AGENDA

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

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

6. PERSONAL APPEARANCE AND PUBLIC COMMENTS

There was no one present to comment.

7. CONSIDER THE STATUS OF DEBT ISSUED BY THE OMWD FINANCING AUTHORITY (OMWDFINANCING AUTHORITY SEWER REVENUE BONDS SERIES 2018A, OLIVENHAINMUNICIPAL WATER DISTRICT WATER SYSTEM REFUNDING REVENUE BONDS SERIES 2016A, AND OMWD FINANCING AUTHORITY WATER REVENUE BONDS SERIES 2009)

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

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

ABSENT: None

8. ADJOURNMENT

President Watt adjourned the meeting at 5:49 p.m.

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

ATTEST:

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Kimberly A. Thorner, Assistant Secretary  
General Manager  
Olivenhain Municipal Water District