

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

December 14, 2022

A regular meeting of the Board of Directors of Olivenhain Municipal Water District was held on Wednesday, December 14, 2022, via video conference and in person.

President Watt called the meeting to order at 4:00 p.m. Following the Pledge of Allegiance, the Assistant Secretary called the roll. Directors present were Guerin, Hahn, Meyers, San Antonio, and Watt. It was noted that the meeting was published via teleconference in accordance with Assembly Bill 361, which allows local or state legislative bodies to hold meetings via teleconference, makes meetings accessible electronically, and waives certain Brown Act provisions.

President Watt declared a quorum present and ordered the meeting to proceed. In attendance were Kimberly Thorner, General Manager; Alfred Smith, General Counsel; Joey Randall, Assistant General Manager; Jennifer Joslin, Human Resources Manager; Geoff Fulks, Operations Manager; Rainy Selamat, Finance Manager; Lindsey Stephenson, Engineering Manager; Steve Weddle, Engineering Services Supervisor; Leo Mendez, Accounting Supervisor; Jared Graffam, Financial Analyst II; Teresa Chase, Administrative Analyst; Joe Jansen, Administrative Analyst; Stephanie Kaufmann, Executive Secretary; and Don MacFarlane, Consulting Engineer.

Director Meyers was sworn in and took his Oath of Office from General Counsel Smith.

6. CONSIDER IMPLEMENTING ASSEMBLY BILL 361 THAT PROVIDES THE ABILITY TO MEET REMOTELY DUE TO THE GOVERNOR'S PROCLAIMED STATE OF EMERGENCY UNDER MODIFIED BROWN ACT REQUIREMENTS

President Watt moved to implement AB 361, seconded by Director Guerin, and approved by the following roll call vote:

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

7. ADOPTION OF AGENDA

Director Meyers moved to adopt the agenda, seconded by Director Guerin, and approved by the following roll call vote:

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

8. PERSONAL APPEARANCES AND PUBLIC COMMENTS

Diane Nygaard from Preserve Calevara spoke regarding consent item C-o.

9. PRESENTATION OF AWARDS AND HONORABLE MENTIONS

Current Service Awards, Promotions, and Honorable Mentions

- \*Michelle McMahon – IT Coordinator – 5 Years – August
- \*Amy Hill – Customer Service Representative II – GYO Promotion – November
- \*Phillip Reed – Water Treatment Plant Operator II – Transfer – November
- \*George Lomeli – Water Treatment Plant Operator III – Promotion – November

The employees were congratulated by the board.

10. CONSIDER APPROVAL OF THE MINUTES OF THE NOVEMBER 16, 2022, REGULAR BOARD OF DIRECTORS MEETING

Director Meyers moved to approve the minutes of the November 16, 2022, Regular Board of Directors meeting, seconded by Director Hahn, and approved by the following roll call vote:

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

11. 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; AND MONTHLY INVESTMENT REPORTS
- C-b CONSIDER ADOPTION OF A MOTION APPROVING THE DISTRICT'S CONSOLIDATED STATEMENT OF NET POSITION, CONSOLIDATED STATEMENT OF REVENUES, EXPENSES, AND CHANGES IN NET POSITION, CONSOLIDATED STATEMENT OF CASH FLOWS, CONSOLIDATED ACTUAL VS BUDGET SUMMARY, AND CONSTRUCTION IN PROGRESS REPORT
- C-c CONSIDER ANNUAL REVIEW OF THE OLIVENHAIN MUNICIPAL WATER DISTRICT'S INVESTMENT POLICY AND APPROVE THE PROPOSED CHANGES FOR CALENDAR YEAR 2023
- C-d CONSIDER ANNUAL REVIEW OF THE OLIVENHAIN MUNICIPAL WATER DISTRICT'S BOARD DESIGNATED FUND BALANCES (RESERVES) POLICY

- C-e CONSIDER ADOPTION OF A RESOLUTION SUPPORTING THE DISTRICT'S EMPLOYEE SAFETY AND WELLNESS PROGRAMS
- C-h CONSIDER UPDATE ON THE COVID-19 EMERGENCY DECLARATION
- C-i CONSIDER ADOPTION OF A RESOLUTION APPROVING THE UPDATED FLEXIBLE BENEFITS PLAN DOCUMENTS FOR OMWD ACCORDING TO SECTION 125 OF THE INTERNAL REVENUE CODE
- C-j CONSIDER ACCEPTANCE OF THE RIO VISTA ROAD MAIN EXTENSION 244A (RICHARD D. BAGLEY) INTO OMWD'S SYSTEM AND ORDER A NOTICE OF COMPLETION FILED
- C-k CONSIDER ACCEPTANCE OF THE AVENIDA DE POMPEII MAIN EXTENSION 255 (THOMAS BACHE) INTO OMWD'S SYSTEM AND ORDER A NOTICE OF COMPLETION FILED
- C-l CONSIDER APPROVAL OF A LANDLORD CONSENT AND RELEASE AGREEMENT BETWEEN T-MOBILE USA, INC AND OLIVENHAIN MUNICIPAL WATER DISTRICT ALLOWING ASSIGNMENT OF THE EXISTING T-MOBILE CELLULAR COMMUNICATIONS LEASE AND FACILITIES AT THE GATY 2 RESERVOIR SITE TO DISH WIRELESS, LLC AND AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF OMWD
- C-m CONSIDER APPROVAL OF A SECOND AMENDMENT TO A LEASE BETWEEN THE OLIVENHAIN MUNICIPAL WATER DISTRICT AND NEXTEL COMMUNICATIONS TO ALLOW RELOCATED COMMUNICATIONS FACILITIES AT THE 4G RESERVOIR SITE AND AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF OMWD
- C-n CONSIDER ADOPTION OF A RESOLUTION FOR THE LUSARDI CREEK MAIN EXTENSION 153 RECYCLED WATER VALVE REPLACEMENT AND FLOW METER INSTALLATION PROJECT AND AUTHORIZE A NOTICE OF EXEMPTION BE FILED WITH THE COUNTY CLERK, COUNTY OF SAN DIEGO

President Watt requested to pull item C-o from the Consent Calendar for public comment.

- C-o CONSIDER APPROVAL OF PRIVATE ENCROACHMENT PERMIT NO. 419 FOR PLANTING OF WATER WISE AND NATIVE PLANTS ON OMWD EASEMENT 632 BETWEEN THE LA COSTA OAKS COMMUNITY ASSOCIATION AND THE ARTERRO COMMUNITIES AND ORDER THE PERMIT BE RECORDED

Diane Nygaard from non-profit Preserve Calavera spoke on item C-o and requested that the board waive the fee for Private Encroachment Permit No. 419.

Engineering Services Supervisor Weddle presented the report.

Director Guerin moved to waive the fee for Private Encroachment Permit No. 419 due to the fact that Preserve Calavera is a non-profit, seconded by President Watt, and approved by the following roll call vote:

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

Director Meyers requested to pull item C-f and C-g from the Consent Calendar.

C-f CONSIDER APPROVAL OF ANNUAL REVISIONS TO THE DISTRICT’S RECORDS RETENTION SCHEDULE

Director Meyers requested to research and add as one of the OMWD’s annual objectives, a review and survey of the Email Retention Policy.

C-g CONSIDER REVISIONS TO THE LEGISLATIVE GUIDELINES FOR 2023

Director Meyers requested to add the following language to the Water Use Efficiency section of the Legislative Guidelines: “Facilitates and encourages the development and use of new agricultural technologies (e.g., vertical farming, integrated remote soils moisture monitoring, hydroponics) resulting in irrigation water savings and other “Agtech” irrigation water savings technologies.” The board concurred.

Director Hahn requested clarification on consent items C-a, C-b, C-l, and C-m.

Director Meyers moved to authorize the Consent Calendar as amended, seconded by Director Guerin, and approved by the following roll call vote:

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

12. CONSIDER DISCUSSION OF BOARD OFFICERS AND COMMITTEE ASSIGNMENTS TO TAKE PLACE AT THE JANUARY 2023 BOARD MEETING

Director Meyers expressed interest in serving as OMWD’s representative CalDesal associate member.

Director Meyers moved to add an agenda item to discuss the policy on OMWD’s representative on the San Diego County Water Authority board, seconded by Director San Antonio.

President Watt moved to add an agenda item to discuss the policy on OMWD’s board officer rotation, specifically the office of President, seconded by Director Guerin.

13. CONSIDER A RESOLUTION NOMINATING A CANDIDATE AS A MEMBER OF THE ASSOCIATION OF CALIFORNIA WATER AGENCIES REGION 10 BOARD OF DIRECTORS

The board did not nominate a candidate at this time.

14. CONSIDER APPROVAL OF THE DISTRICT’S FISCAL YEAR 2021-2022 AUDITED FINANCIAL STATEMENTS AND ANNUAL COMPREHENSIVE FINANCIAL REPORT FOR FISCAL YEARS ENDED JUNE 30, 2022 AND 2021 (FINAL DRAFT)

Accounting Supervisor Mendez, Ken Pun, and Coley Delaney from the Pun Group presented the report.

President Watt moved to approve the fiscal year 2021-2022 audited Financial Statements and Annual Comprehensive Financial Report, seconded by Director Guerin, and approved by the following roll call vote:

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

15. CONSIDER ANNUAL REPORT ON DISTRICT PENSION FUNDING STATUS AND APPROVAL OF THE RECOMMENDED PENSION FUNDING PLAN FOR 2022, INCLUDING A FUND TRANSFER FROM WATER OPERATING FUND TO WATER PENSION STABILIZATION FUND IN THE AMOUNT OF \$715,000 AND A FUND TRANSFER FROM WASTEWATER OPERATING FUND TO WASTEWATER PENSION STABILIZATION FUND IN THE AMOUNT OF \$71,000 PER THE BOARD APPROVED PENSION FUNDING POLICY

Finance Manager Selamat presented the report.

Director Guerin moved to approve the pension funding plans for 2022, which include: (1) making a \$311,000 Additional Discretionary Payment (ADP) before December 31, 2022 and (2) modifying the amortization schedule of the District’s Unfunded Accrued Liability (UAL) over a period of 13 years or a 13-year “Fresh Start” resulting in an interest savings of approximately \$146,976 for the District, approve a \$715,000 transfer from the Water Operating Fund to the Water Pension Stabilization Fund and a \$71,000 transfer from the Wastewater Operating Fund to the Wastewater Pension Stabilization Fund to pay for the \$311,000 ADP before December 31, 2022, and to provide funds for future ADPs so that the District will be able to achieve its pension funding target stated in the policy, seconded by Director Meyers, and approved by the following roll call vote:

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

16. CONSIDER ADOPTION OF AN ORDINANCE AMENDING THE OLIVENHAIN MUNICIPAL WATER DISTRICT’S ADMINISTRATIVE AND ETHICS CODE (Article 4 – Classified Positions and Article 5 – Working Hours, Employee Benefits)

Upon motion by President Watt and a second by Director Guerin, Ordinance 505 was adopted by the following roll call vote:

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

NOTE: The meeting was in recess  
from 6:02 p.m. to 6:09 p.m.

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

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

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

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

19. INFORMATIONAL REPORTS

A. President’s Report

President Watt reported that there will be an agenda item if there is further information available on the Fallbrook/Rainbow detachments, and that he will be passing the Presidency to Director Guerin at the January meeting.

B. General Manager’s Report

General Manager Thorner reported that Chair Katz from the San Diego County Water Authority is scheduled to come to the January meeting along with a

presentation on the North County One Water Project from Encina Wastewater Authority's General Manager, Scott McClelland. She also reported that the draft Prospectus on the Fallbrook and Rainbow detachments will be presented at the Special Districts Advisory Committee meeting for additional comments. Lastly, OMWD has sold the most Water for People Nut Baskets and won the "Nuttiest Place to Work" award.

C. Consulting Engineer's Report

Consulting Engineer MacFarlane's written report was included in the board packet. He also reported that Metropolitan Water District (MWD) declared a regional drought emergency for all of their service area and that all agencies are voluntarily reducing their use of imported water. MWD will consider allocations in April.

D. General Counsel's Report

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

E. San Diego County Water Authority (SDCWA) Report

General Manager Thorner reported that there is a special meeting to discuss the intake of the Claude "Bud" Lewis Carlsbad Desalination Plant. She also reported that California will not be in mandatory allocations on the Colorado River in 2023 due to California's senior water rights. There are currently voluntary conservation agreements in place and the state is at voluntary Level 2 water use reduction actions.

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

**CSDA Quarterly Dinner (Nov 17)**

Director Meyers attended the dinner meeting.

**Meeting with the General Manager (Nov 22)**

Director Guerin met with the General Manager to discuss committees.

**Conference Call with the General Manager (Nov 22)**

Director Meyers had a conference call with the General Manger to discuss the Fallbrook/Rainbow detachment.

**Nossaman ACWA Reception (Nov 29)**

President Watt attended the reception.

**ACWA JPIA Meeting and ACWA Fall Conference (Nov 28-30)**

President Watt attended the meeting and conference.

**Swearing in of New Board Members (Dec 1)**

Directors Guerin, Hahn, Meyers, San Antonio, and Watt attended the ceremony.

**Conference Call with the General Manager (Dec 2)**

President Watt had a conference call with the General Manager to discuss LAFCO issues.

**AB 1234 Ethics Training (Dec 10)**

Director Hahn completed his training.

**Conference Call with the General Manager (Dec 12)**

Director Meyers had a conference call with the General Manager to discuss the board meeting.

**Conference Call with the General Manager (Dec 12)**

President Watt had a conference call with the General Manager to discuss the board meeting.

H. **Board Comments**

There were no board comments.

20. **CORRESPONDENCE**

Correspondence was provided in the board packet.

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



There were no meetings requiring authorization to attend.

22. FUTURE AGENDA ITEMS

Two future agenda items were added at this meeting. Director Meyers moved to add an agenda item to discuss the policy issue of Board Members versus General Managers being on the Water Authority Board and keeping or changing the representative on the San Diego County Board of Directors, seconded by Director San Antonio. President Watt requested to discuss the policy on the board officer rotation, specifically the office of President, seconded by Director Guerin.

23. CONSIDER PUBLIC COMMENTS

There were no additional public comments.

24. PRESENTATION HONORING PRESIDENT WATT FOR HIS 2021-2022 TERM AS BOARD PRESIDENT

President Watt was honored for his service as President.

NOTE: The meeting was in Closed Session  
from 6:49 p.m. to 7:03 p.m.

25. CLOSED SESSION

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

26. OPEN SESSION

There was no reportable action from Closed Session.

27. ADJOURNMENT

President Watt adjourned the meeting at 7:03 p.m.

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Christy Guerin, 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 THE BOARD OF DIRECTORS MEETING  
OF THE OMWD FINANCING AUTHORITY  
(JOINT POWERS AUTHORITY)

December 14, 2022

A meeting of the Board of Directors of the OMWD Financing Authority (Joint Powers Authority) was held on Wednesday, December 14, 2022 at the district office, 1966 Olivenhain Road, Encinitas, California.

President Watt called the meeting to order at 6:09 p.m. The Assistant Secretary called the roll. Directors present were Guerin, Hahn, Meyers, San Antonio, and Watt. It was noted that the meeting was published via teleconference in accordance with Assembly Bill 361, which allows local or state legislative bodies to hold meetings via teleconference, makes meetings accessible electronically, and waives certain Brown Act provisions.

President Watt declared a quorum present and ordered the meeting to proceed. In attendance were Kimberly Thorner, General Manager; Alfred Smith, General Counsel; Joey Randall, Assistant General Manager; Jennifer Joslin, Human Resources Manager; Geoff Fulks, Operations Manager; Rainy Selamat, Finance Manager; Lindsey Stephenson, Engineering Manager; Steve Weddle, Engineering Services Supervisor; Leo Mendez, Accounting Supervisor; Jared Graffam, Financial Analyst II; Teresa Chase, Administrative Analyst; Joe Jansen, Administrative Analyst; Stephanie Kaufmann, Executive Secretary; and Don MacFarlane, Consulting Engineer.

5. ADOPTION OF AGENDA

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

AYES:	Directors Guerin, Hahn, Meyers, San Antonio, 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 (OMWD FINANCING AUTHORITY REVENUE BONDS SERIES 2021A, OMWD FINANCING AUTHORITY REVENUE BONDS SERIES 2021B, OMWD FINANCING AUTHORITY REVENUE BONDS SERIES 2016A, AND OMWD FINANCING AUTHORITY REVENUE BONDS SERIES 2009)

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

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

ABSTAIN: None

ABSENT: None

8. ADJOURNMENT

President Watt adjourned the meeting at 6:11 p.m.

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Christy Guerin, President  
Board of Directors  
Olivenhain Municipal Water District

ATTEST:

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Kimberly 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 14, 2022

An annual meeting of the Board of Directors of the OMWD Finance Corporation was held on Wednesday, December 14, 2022 at the district office, 1966 Olivenhain Road, Encinitas, California.

President Watt called the meeting to order at 6:11 p.m. The Assistant Secretary called the roll. Directors present were Guerin, Hahn, Meyers, San Antonio, and Watt. It was noted that the meeting was published via teleconference in accordance with Assembly Bill 361, which allows local or state legislative bodies to hold meetings via teleconference, makes meetings accessible electronically, and waives certain Brown Act provisions.

President Watt declared a quorum present and ordered the meeting to proceed. In attendance were Kimberly Thorner, General Manager; Alfred Smith, General Counsel; Joey Randall, Assistant General Manager; Jennifer Joslin, Human Resources Manager; Geoff Fulks, Operations Manager; Rainy Selamat, Finance Manager; Lindsey Stephenson, Engineering Manager; Steve Weddle, Engineering Services Supervisor; Leo Mendez, Accounting Supervisor; Jared Graffam, Financial Analyst II; Teresa Chase, Administrative Analyst; Joe Jansen, Administrative Analyst; Stephanie Kaufmann, Executive Secretary; and Don MacFarlane, Consulting Engineer.

5. ADOPTION OF AGENDA

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

AYES:	Directors Guerin, Hahn, Meyers, San Antonio, 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 SYSTEM REFUNDING REVENUE BONDS SERIES 2015A)

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

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

8. ADJOURNMENT

President Watt adjourned the meeting at 6:12 p.m.

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Christy Guerin, 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