

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

MARCH 6, 2019

A regular meeting of the Board of Directors of Olivenhain Municipal Water District was held on Wednesday, March 6, 2019 at the District office, 1966 Olivenhain Road, Encinitas, California.

President Sprague called the meeting to order at 4:00 p.m. Following the Pledge of Allegiance, the Assistant Secretary called the roll. Directors present were Kephart, Sprague, Topolovac, and Watt. It was noted that Director Guerin was absent.

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; George Briest, Engineering Manager; Dave Smith, Operations Manager; Tom Wood, Human Resources Manager; John Carnegie, Customer Services Manager; and Stephanie Kaufmann, Executive Secretary.

Also in attendance were David Kiess from J.R. Filanc Construction, George Foote from Stanek Constructors, district employees Brian Sodeman – Customer Service and Public Affairs Supervisor; Chad Williams – Engineering Supervisor; John Onkka – Water Reclamation Facility Supervisor; Phillip Reed – Utility III; and Shawn Patterson – Administrative Assistant.

5. ADOPTION OF AGENDA

Director Watt moved to adopt the agenda, seconded by Director Topolovac and carried unanimously with Director Guerin absent.

6. PERSONAL APPEARANCES AND PUBLIC COMMENTS

There were no personal appearances or public comments.

7. PRESENTATION OF AWARDS AND HONORABLE MENTIONS

- * Phillip Reed – Utility III – GYO Promotion
- * Chad Williams – Water Education Foundation Water Leaders Program
- * ACWA’s 2019 “Most Effective Agency on Federal Issues” Award
- * San Diego Section CWEA Award – Plant of the Year – Small

Mr. Reed and Mr. Williams were congratulated by the board and all in attendance.

8. CONSIDER APPROVAL OF THE MINUTES OF THE FEBRUARY 13, 2019 REGULAR BOARD OF DIRECTORS MEETING

Director Topolovac moved to approve the February 13, 2019 meeting minutes, seconded by President Sprague and carried unanimously with Director Guerin absent.

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; AND MONTHLY INVESTMENT REPORTS (JANUARY 2019)

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 (JANUARY 2019)

C-c CONSIDER A RESOLUTION CONCURRING IN THE NOMINATION OF PAUL E. DOREY TO THE EXECUTIVE COMMITTEE OF THE ASSOCIATION OF CALIFORNIA WATER AGENCIES JOINT POWERS INSURANCE AUTHORITY

C-d CONSIDER A RESOLUTION AUTHORIZING THE APPLICATION FOR FUNDING FROM THE UNITED STATES BUREAU OF RECLAMATION’S “WATERSMART: WATER AND ENERGY EFFICIENCY GRANTS” PROGRAM AND AUTHORIZING THE EXECUTION OF A GRANT AGREEMENT WITH THE UNITED STATES BUREAU OF RECLAMATION

Director Watt moved to authorize the Consent Calendar items, seconded by Director Kephart and carried unanimously with Director Guerin absent.

10. CONSIDER APPROVAL OF A CONTRACT WITH STANEK CONSTRUCTORS, INC. IN THE AMOUNT OF \$2,295,000 FOR THE 4S WATER RECLAMATION FACILITY UV DISINFECTION REPLACEMENT PROJECT AND AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF THE DISTRICT

George Foote from Stanek Constructors indicated that Stanek submitted all of the required documents with the exception of the Bid Form Checklist. He requested the board waive the minor irregularity of the missing Bid Form Checklist and approve a contract with Stanek.

David Kiess from J.R. Filanc Construction provided that Filanc submitted all required documents along with the Bid Form Checklist in the bid packet. He thought that Stanek should be

considered non-responsive and the project be awarded to Filanc Construction.

General Counsel Smith stated that the contract and bid documents authorize the board to waive irregularities and that this instance would qualify as an irregularity that is within the board's discretion.

President Sprague moved approve a contract with Stanek Constructors, Inc. in the amount of \$2,295,000 for construction of the UV Disinfection Replacement Project at the 4S Water Reclamation Facility and authorize the General Manager to sign on behalf of the district, seconded by Director Watt and carried unanimously with Director Guerin absent.

11. CONSIDER STAFF-RECOMMENDED INCREASES TO THE OLIVENHAIN MUNICIPAL WATER DISTRICT COMMODITY WATER RATES AND FIRE METER CHARGES EFFECTIVE MARCH 31, 2019 AND ADOPTION OF AN ORDINANCE AMENDING THE DISTRICT'S ADMINISTRATIVE AND ETHICS CODE (Article 8 – Water Rates and Charges)

After discussion, upon motion by President Sprague and a second by Director Kephart, Ordinance 464 was approved by the following roll call vote:

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

12. CONSIDER APPROVAL OF A WATER RESOURCES AND GROUNDWATER DEVELOPMENT AGREEMENT WITH SURF CUP SPORTS, LLC AND AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF THE DISTRICT

Director Topolovac moved to approve a water resources and groundwater development agreement with Surf Cup Sports, LLC for the Design Pilot Phase of the San Dieguito Valley Brackish Groundwater Desalination Project and authorize the General Manager to sign on behalf of the district, seconded by Director Kephart and carried unanimously with Director Guerin absent.

13. CONSIDER DECLARATION OF THE OLIVENHAIN ROAD WATER MAIN AND VALVE REPLACEMENT AS AN EMERGENCY PROJECT IN ACCORDANCE WITH CALIFORNIA PUBLIC CONTRACT CODE SECTION 1102 AND APPROPRIATION OF ADEQUATE* FUNDS TO COVER THE COST OF THE REPAIR FROM THE FY 18-19 PIPELINE REPLACEMENT CAPITAL PROJECT FUND

President Sprague moved to consider a declaration of the Olivenhain Road water main and valve replacement as an Emergency Project in accordance with California Public Contract Code Section 1102 and appropriate \$110,000 to cover the cost of the repair from the FY 18-19 Pipeline

Replacement Capital Project Fund, seconded by Director Watt and carried unanimously with Director Guerin absent.

14. INFORMATIONAL REPORTS

A. President's Report

President Sprague had nothing to report.

B. General Manager's Report

General Manager Thorner had nothing to report.

C. Consulting Engineer's Report

Consulting Engineer MacFarlane's report will be provided at the March 27 Board Meeting.

D. General Counsel's Report

General Counsel Smith provided a written report that was included in the board packet. He also stated that he was on the Legal Advisory Committee for CSDA.

E. San Diego County Water Authority Report

General Manager Thorner reported that Gail Goldbreg was appointed as CWA's representative on the Metropolitan Water District board. She also reported the retirement of the CWA General Manager Maureen Stapleton. Deputy General Manager Sandy Kerl will be the Acting General Manager in the interim.

F. Legislative Report

The Legislative Report was included in the board packet.

G. LAFCO Report

President Sprague reported on the March 4 LAFCO meeting where the Reserve Policy and the Open-Space and Agricultural Preservation Policy was discussed.

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

ACWA JPIA Webinar - Robert's Rules Made Simple (Feb 19)

Director Kephart attended the webinar.

Finance Committee Meeting (Feb 20)

Directors Sprague and Watt attended the meeting.

CSDA Quarterly Dinner (Feb 20)

Directors Kephart and Sprague attended the dinner.

CWA Comment Meeting (Feb 25)

Director Guerin attended the comment meeting.

North County Water Group Meeting (Feb 27)

Director Guerin attended the meeting.

Safety Committee Meeting (Feb 28)

Director Topolovac attended the meeting.

Urban Water Institute Conference (Feb 27 - Mar 1)

Directors Kephart and Watt attended the conference.

Outreach Committee Meeting (Mar 5)

Directors Sprague and Watt attended the meeting.

15. **CORRESPONDENCE**

Correspondence was provided in the board packet.

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

Director Watt moved to approve the request for Director Kephart to attend SDCWA's Citizens Water Academy in San Diego, CA on March 7, March 13, and March 23, 2019, seconded by President Sprague and carried unanimously with Director Guerin absent.

17. FUTURE AGENDA ITEMS

No future agenda items were requested.

18. CONSIDER PUBLIC COMMENTS

There were no public comments.

NOTE: The meeting was in recess
from 5:18 p.m. to 5:42 p.m.

NOTE: The meeting was in closed session
from 5:42 p.m. to 5:45 p.m.

19. CLOSED SESSION

A) CONSIDER CLAIM FROM NEWPORT PACIFIC INC. [PURSUANT TO GOVERNMENT CODE SECTION 54956.9] • Additional Facts: Claim received on January 4, 2019 and rejected by the board on February 13, 2019.

20. OPEN SESSION

There was no reportable action from closed session.

21. ADJOURNMENT

President Sprague adjourned the meeting at 5:45 p.m.

Robert F. Topolovac, Vice President
Board of Directors
Olivenhain Municipal Water District

ATTEST:

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