

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

September 18, 2024

A regular meeting of the Board of Directors of Olivenhain Municipal Water District was held on Wednesday, September 18, 2024, at the district office, 1966 Olivenhain Road, Encinitas, California.

President Guerin called the meeting to order at 4:02 p.m. Following the Pledge of Allegiance, the Assistant Secretary called the roll. Directors present were Guerin, Hahn, Meyers, San Antonio, and Watt.

President Guerin declared a quorum present and ordered the meeting to proceed. In attendance were Kimberly Thorner, General Manager; Alfred Smith, General Counsel; Don MacFarlane, Consulting Engineer; Joey Randall, Assistant General Manager; Rainy Selamat, Finance Manager; Jennifer Joslin, Human Resources Manager; John Carnegie, Customer Services Manager; Lindsey Stephenson, Engineering Manager; Jesse Bartlett-May, Operations Manager; Steve Weddle, Engineering Services Supervisor; Brian Sodeman, Customer Service and Public Affairs Supervisor; Leo Mendez, Accounting Supervisor; Stephanie Kaufmann, Executive Secretary; and Robert Kreutzer, Department Assistant.

5. ADOPTION OF AGENDA

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

6. PERSONAL APPEARANCES AND PUBLIC COMMENTS

There were no personal appearances or public comments.

7. PRESENTATION OF AWARDS AND HONORABLE MENTIONS

* 2024 CSDA Exceptional Public Outreach & Advocacy Award (Large District Category) - Engage and Influence Program

Customer Services Manager Carnegie presented the award to the board.

8. CONSIDER APPROVAL OF THE MINUTES OF THE AUGUST 14, 2024, REGULAR BOARD OF DIRECTORS MEETING

Director Hahn moved to approve the minutes of the August 14, 2024, Regular Board of Directors meeting, seconded by Director Watt, and approved unanimously.

9. CONSENT CALENDAR

C-a	CONSIDER ADOPTION OF A MOTION APPROVING THE PAYMENT OF LISTED WARRANTS FROM THE DISTRICT’S REVOLVING AND REGULAR ACCOUNTS; LISTED TRANSFERS OF FUNDS; REIMBURSEMENT OF EXPENSES TO BOARD MEMBERS AND STAFF
C-c	CONSIDER ADOPTION OF A RESOLUTION MAKING CALIFORNIA ENVIRONMENTAL QUALITY ACT EXEMPTION FINDINGS FOR THE 4S RANCH WATER RECLAMATION FACILITY HEADWORKS SCREENING SYSTEM, OFF-SPECIFICATION AND WET WEATHER DIVERSION, AND STRAINER IMPROVEMENTS PROJECT AND AUTHORIZE A NOTICE OF EXEMPTION BE FILED WITH THE SAN DIEGO COUNTY CLERK AND THE STATE CLEARINGHOUSE AT THE GOVERNOR’S OFFICE OF PLANNING AND RESEARCH

Director Hahn moved to pull item C-b from the Consent Calendar.

President Guerin moved to approve the Consent Calendar items C-a and C-c, seconded by Director Watt, and approved unanimously.

C-b	CONSIDER APPROVAL OF A CONTRACT WITH TC CONSTRUCTION COMPANY, INC. IN AN AMOUNT NOT TO EXCEED \$200,000 FOR AS-NEEDED AND EMERGENCY ON-CALL GENERAL CONTRACTOR SERVICES FOR FISCAL YEAR 2025 AND AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF OMWD
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After discussion, Director Hahn moved to approve Consent Calendar item C-b, seconded by Director Watt, and approved unanimously.

10. CONSIDER APPROVAL OF THE OLIVENHAIN MUNICIPAL WATER DISTRICT’S 2024 WATER CAPACITY FEES AND ADOPTION OF AN ORDINANCE AMENDING SECTION 13.11 OF THE DISTRICT’S ADMINISTRATIVE AND ETHICS CODE - OMWD CAPACITY FEES BY ZONE (Article 13 – Policy for District Facilities)

Finance Manager Selamat presented the report.

Upon motion by Director Watt, and a second by President Guerin, Ordinance 519 was approved by the following roll call vote:

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

11. CONSIDER ADOPTION OF A RESOLUTION MAKING CALIFORNIA ENVIRONMENTAL QUALITY ACT EXEMPTION FINDINGS TO ESTABLISH WATER CAPACITY FEES WITHIN ZONES OF BENEFIT IN THE DISTRICT, AND ORDER A NOTICE OF EXEMPTION BE FILED WITH THE COUNTY CLERK OF THE COUNTY OF SAN DIEGO AND THE STATE CLEARINGHOUSE AT THE GOVERNOR’S OFFICE OF PLANNING AND RESEARCH

Director Watt moved to adopt Resolution 2024-16, seconded by Director San Antonio, and approved unanimously.

12. CONSIDER APPROVAL OF THE PROPOSED ADJUSTMENTS TO CERTAIN WATER-RELATED SERVICE FEES FOR 2024 AND ADOPT AN ORDINANCE AMENDING OLIVENHAIN MUNICIPAL WATER DISTRICT’S ADMINISTRATIVE AND ETHICS CODE (Article 8 – Water Rates and Charges)

Accounting Supervisor Mendez presented the report.

Director Meyers moved to direct staff to bring an item back at a future date to discuss developing a policy for the frequency of reviewing certain water-related service fees.

Director Hahn amended the motion to include the methodology used for calculating fees. Director Meyers supported the amended motion.

Upon amended motion by Director Hahn, and a second by Director Watt, Ordinance 520 was approved, and staff was directed to bring an item back at a future date to discuss developing a policy of the frequency of reviewing certain water-related service fees and the methodology for calculating the fees was approved by the following roll call vote:

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

13. CONSIDER CANCELLING THE WEDNESDAY, NOVEMBER 13, 2024 REGULAR BOARD MEETING AND SCHEDULING A SPECIAL BOARD MEETING ON WEDNESDAY, NOVEMBER 6, 2024 AT 5:00 P.M.

President Guerin moved to cancel the Wednesday, November 13, 2024 Regular Board Meeting and schedule a Special Board Meeting on Wednesday, November 6, 2024, seconded by Director Meyers, and approved unanimously.

14. CONSIDER ADOPTION OF AN ORDINANCE AMENDING OLIVENHAIN MUNICIPAL WATER DISTRICT’S ADMINISTRATIVE AND ETHICS CODE (Article 9—Rules Relating to Customer Accounts and Section 13.9 – Policy for District Facilities)

Upon motion by President Guerin, and a second by Director Watt, Ordinance 521 was approved by the following roll call vote:

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

15. CONSIDER INFORMATIONAL REPORT ON WATER USE EFFICIENCY REGULATIONS

Customer Service and Public Affairs Supervisor Sodeman provided the informational report.

16. CONSIDER THE FOLLOWING ACTIONS RELATED TO THE SAN DIEGUITO VALLEY GROUNDWATER PROJECT:

Customer Scott Maloni spoke in support of staff's recommendation on the San Dieguito Valley Groundwater Project.

Assistant General Manager Randall presented the report.

- A. RECEIVE INFORMATIONAL REPORT ON STATUS OF COMMUNITY PROJECT FUNDING GRANT
- B. INCREASE THE FISCAL YEAR 2025 APPROPRIATION FOR THE SAN DIEGUITO GROUNDWATER DESALINATION PROJECT IN THE AMOUNT OF \$1,100,000
- C. APPROVE DRAFT PRINCIPLES OF UNDERSTANDING WITH MR PROPCO, LLC, INCLUDING AUTHORIZING AND APPROVING THE GENERAL MANAGER TO NEGOTIATE EASEMENT PURCHASES IN AN AMOUNT NOT TO EXCEED \$65,000
- D. AUTHORIZE THE GENERAL MANAGER TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH GEOSCIENCE SUPPORT SERVICES, INC. IN THE AMOUNT OF \$1,209,022
- E. CONSIDER ADOPTION OF A RESOLUTION MAKING CEQA FINDINGS AND ORDERING A NOTICE OF EXEMPTION BE FILED WITH THE SAN DIEGO COUNTY CLERK AND THE STATE CLEARINGHOUSE AT THE GOVERNOR'S OFFICE OF PLANNING AND RESEARCH

Director Watt moved to conditionally approve the increase the fiscal year 2025 appropriation for the San Dieguito Valley Groundwater Desalination Project in the amount of \$1,100,000, to conditionally authorize the General Manager to enter into a professional services agreement with Geoscience Support Services, Inc. in the amount of \$1,209,022, to conditionally adopt Resolution 2024-17 making CEQA findings and order a Notice of Exemption be filed, contingent upon bringing back item C – the Draft Principles of Understanding with MR Propco, LLC as a Closed Session item at the October board meeting for consideration, seconded by Director San Antonio, and approved unanimously.

17. INFORMATIONAL REPORTS

- A. President's Report

President Guerin reported on an editorial written by Assemblymember Waldron supporting SB 366.

B. General Manager’s Report

General Manager Thorner’s report was included in the board packet. She also reported that a LAFCO Special Districts Advisory Committee meeting will take place at OMWD on Friday, September 20.

C. Consulting Engineer’s Report

Consulting Engineer MacFarlane did not have a report this month.

D. General Counsel’s Report

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

E. San Diego County Water Authority (SDCWA) Report

SDCWA representative Meyers reported that there is a SDCWA board meeting on September 19. He also reported that Amy Chen, SDCWA’s Director of the Metropolitan Water District Program, will be retiring.

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 (Aug 15)

Director Meyers attended the meeting.

Public Outreach & Conservation Committee Meeting (Aug 20)

Directors Guerin and San Antonio attended the meeting.

Conference Call with the General Manager RE: SDCWA Committees, Rates, and Board Meeting (Aug 20)

Director Meyers had a call with the General Manager.

Urban Water Institute Conference (Aug 22)

Director San Antonio attended the conference.

EFRR Executive Committee Meeting (Aug 26)

Directors San Antonio and Watt attended the meeting.

Conference Call with the General Manager RE: Calle Barcelona (Sep 6)

Director Meyers had a call with the General Manager.

Conference Call with the General Manager RE: OMWD Issues (Sep 9)

Director Watt had a call with the General Manager.

CSDA Annual Conference (Sep 9-10)

Director San Antonio attended the conference.

Conference Call with the General Manager RE: Customer Issue SDCWA/OMWD (Sep 9)

Director Meyers had a call with the General Manager.

Conference Call with the General Manager RE: Press Release (Sep 12)

President Guerin had a call with the General Manager.

Conference Call with the General Manager RE: OMWD Board Packet (Sep 16)

Director Meyers had a call with the General Manager.

Conference Call with the General Manager RE: Board Meeting (Sep 17)

Director Watt had a call with the General Manager.

Board Meeting Pre-Briefing (Sep 17)

President Guerin attended the meeting.

H. **Board Comments**

There were no board comments.

18. CORRESPONDENCE

Correspondence was provided in the board packet.

19. AUTHORIZATION TO ATTEND UPCOMING MEETINGS / CONFERENCES / SEMINARS

There were no meetings requiring authorization to attend.

20. FUTURE AGENDA ITEMS

Staff will return with item 16C – the Draft Principles of Understanding with MR Propco, LLC as a Closed Session item at the October 16 board meeting for discussion.

Staff will also bring an item back at a future date to discuss developing a policy for the frequency of reviewing certain water-related service fees and the methodology used for calculating the fees.

21. CONSIDER PUBLIC COMMENTS

There were no additional public comments.

NOTE: The meeting was in Recess
from 5:58 p.m. to 6:12 p.m.

NOTE: The meeting was in Closed Session
from 6:12 p.m. to 6:56 p.m.

22. CLOSED SESSION

A) CONSIDER LITIGATION – OLIVENHAIN MUNICIPAL WATER DISTRICT v. COUNTY OF SAN DIEGO [PURSUANT TO GOVERNMENT CODE SECTION 54956.9]

B) CONSIDER LITIGATION – STANLEY D. JONES ET AL. VS. OLIVENHAIN MUNICIPAL WATER DISTRICT [PURSUANT TO GOVERNMENT CODE SECTION 54956.9]

C) DISCUSSION OF THE WIEGAND PARCELS [PURSUANT TO GOVERNMENT CODE SECTION 54956.8]

- PROPERTIES UNDER NEGOTIATION: APN NUMBERS: 257-401-11, 257-401-12
- NEGOTIATORS: GENERAL MANAGER THORNER AND ASSISTANT GENERAL MANAGER RANDALL
- UNDER NEGOTIATION: PRICE AND TERMS ON THE ABOVE PARCELS

- D) CONSIDER LITIGATION – CalPERS [PURSUANT TO GOVERNMENT CODE SECTION 54956.9]

23. OPEN SESSION

General Counsel Smith stated that there was no reportable action from Closed Session.

24. AUTHORIZE THE GENERAL MANAGER TO ENTER INTO AMENDMENT NO. 2 TO THE PURCHASE AND SALE AGREEMENT AND ESCROW INSTRUCTIONS FOR THE SALE OF ADDITIONAL SURPLUS LAND (APNS 257-401-11, 257-401-12)

Director Meyers moved to authorize the General Manager to enter into Amendment No. 2 to the Purchase and Sale Agreement and Escrow Instructions, seconded by Director Watt, and approved unanimously.

25. CONSIDER AND ADOPT A RESOLUTION OF THE OLIVENHAIN MUNICIPAL WATER DISTRICT BOARD OF DIRECTORS APPROVING AMENDMENTS TO AND DELEGATING DUTIES AND RESPONSIBILITIES OVER DISTRICT-SPONSORED RETIREMENT PLANS

Director Watt moved to adopt Resolution 2024-18, seconded by Director San Antonio, and approved unanimously.

26. ADJOURNMENT

President Guerin adjourned the meeting at 7:01 p.m.

Christy Guerin, President
Board of Directors
Olivenhain Municipal Water District

ATTEST:

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