

LEUCADIA WASTEWATER DISTRICT
Minutes of a Regular Board Meeting
October 14, 2009

A regular meeting of the Board of Directors of the Leucadia Wastewater District (LWD) was held Wednesday, October 14, 2009 at 5:00 p.m., at the District Administration Office at 1960 La Costa Ave., Carlsbad, California.

1. Call to Order

President Kulchin called the meeting to order at 5:00 p.m.

2. Roll Call

DIRECTORS PRESENT: Kulchin, Juliussen, Hanson, and Sullivan
DIRECTORS ABSENT: Omsted
OTHERS PRESENT: General Manager Paul Bushee, District Counsel Wayne Brechtel, Administrative Services Manager Chuck LeMay, Project Manager Robin Morishita, Executive Assistant Trisha Hill, Richard Duffey with Brownell and Duffey, and Steve Deering with Dudek

3. Pledge of Allegiance

4. Approval of Agenda

Upon a motion duly made by Director Sullivan, seconded by Vice President Juliussen, and carried, the Board of Directors approved the agenda.

5. Public Comment

There was no public comment.

6. Presentations and Awards

None.

7. Consent Calendar

- A. Minutes for the following meetings:
 - September 9, 2009 Regular Board Meeting
 - October 1, 2009 Community Affairs Committee Meeting
 - October 6, 2009 Engineering Committee Meeting
- B. Demands for September/October 2009
 - Payroll Checks Numbered 14467 – 14529; General Checking – Checks numbered 38340 – 38494; voided checks numbered 38440 (reissued) and 38449
- C. Operations Report. (A copy was included in the original October 14, 2009 Agenda)
- D. Finance Report. (A copy was included in the original October 14, 2009 Agenda)

Upon a motion duly made by Director Sullivan, seconded by Vice President Juliussen, and carried, the Board of Directors approved the consent calendar.

8. Encina Wastewater Authority (EWA) Reports

A. Encina Wastewater Authority Report – September 30, 2009 Board meeting.

Vice President Juliussen reported on EWA's September 30, 2009 Board meeting.

9. Committee Reports

A. Community Affairs Committee meeting was held on October 1, 2009.

Director Sullivan reported that the CAC reviewed and commented on the details for the Open House Event; the layout and tour plan; the photos for the display boards; the draft banner for the event; and the final invitations for the event.

Director Sullivan also reported that the CAC reviewed and commented on the draft text of the 2010 winter newsletter. The focus of the 2010 winter newsletter will be the open house event.

B. Engineering Committee (EC) meeting was held on October 6, 2009.

Vice President Juliussen reported that the EC reviewed the amendment to the Dudek Construction Management Services Agreement for the Site Improvement Project, and Resolution No. 2204 revising the LWD's Standard Specifications and Procedures for the Wastewater Facilities. He noted that these items will be reviewed by the Board later tonight.

He also reported that staff provided status reports on the Mountain Vista Project and the status of the Site Improvement Project.

10. Old Business

None.

11. New Business

A. Recommend that the Board of Directors Authorize the General Manager to execute Amendment No. 1 to the Dudek Construction Management Services Agreement for the Site Improvement Project in an amount not to exceed \$83,996.00.

PM Morishita presented the subject recommendation stating the Engineering Committee reviewed this item at the October 6, 2009 meeting.

PM Morishita provided an overview of the work that is included in the scope of work for the construction management services. PM Morishita explained the need to extend Dudek's services agreement and noted that Dudek has provided excellent CM services throughout the project.

Vice President Juliussen noted that changes orders for the project are relatively low and Dudek's fee for the contract extension is fair and reasonable.

Following discussion, upon a motion duly made by Director Sullivan, seconded by Vice President Juliussen, and carried with Director Omsted absent, the Board of Directors authorized the General Manager to execute an Amendment no. 1 to the Dudek Construction Management Services Agreement for the Site Improvement Project in an amount not to exceed \$83,996.00.

- B. Recommend that the Board of Directors adopt Resolution No. 2204 Revising the Leucadia Wastewater Districts' Standard Specifications and Procedures for Wastewater Facilities.

DE Deering provided copies of the updated Standard Spec to the Board members.

DE Deering presented the subject recommendation. DE Deering stated that the last time the District updated its Standard Spec was in November 2006. DE Deering explained the reasons for updating the Standard Spec and described the changes and updates.

Following discussion, Resolution No. 2204 was passed and adopted by the following vote:

AYES: Directors Sullivan, Kulchin, Hanson, and Juliussen
NOES: None
ABSENT: Omsted
ABSTAIN: None

- C. Review of Brown Act in regards to Board of Directors Meeting Date.

GM Bushee noted that Director Omsted requested this item be placed on the agenda for discussion. GM Bushee stated that Director Omsted attended a session at the recent CSDA Annual Conference, which pertained to the Brown Act. The session included a review of the Brown Act requirements for noticing and changing regular Board meeting dates. Director Omsted wanted to ensure that recent changes to LWD meeting dates were in compliance with the Brown Act.

GM Bushee stated that he asked General Counsel Brechtel to review this issue. GC Counsel subsequently reviewed the Brown Act and Resolution 948, which establishes LWD's regular Board meeting dates. GC Brechtel has confirmed that the recent changes to LWD Board meetings are in compliance with the Brown Act and Resolution 948 because the changes were made upon a motion of the Board at a regularly scheduled public meeting.

GM Bushee said that GC Brechtel also suggested that the Board consider reviewing and updating Resolution 948 because it has been in effect for over 20 years. As a follow-up, staff plans to present an updated resolution establishing LWD's regular Board meeting dates at the November 2009 meeting.

D. Potential Change to January 2010 Board of Directors Meeting Date.

ASM LeMay stated that the January 13, 2010 Board meeting conflicts with the CASA Conference that is scheduled for January 13 – 15, 2010. Staff is recommending that the Board of Directors discuss the possibility of rescheduling the January Board meeting to avoid the meeting date's conflict.

Following discussion, the Board of Directors rescheduled the January 13, 2009 Board of Directors meeting to Wednesday, January 20, 2009 at 5:00 p.m.

12. Information Items

A. Letter to General Manager Paul Bushee from CASA.

GM Bushee noted that he accepted the position of the Vice Chair of the CASA Manager's Committee.

Director Sullivan thanked Paul for accepting this position.

B. Site Improvement Project Update – August 2009.

PM Morishita presented the status of the Site Improvement Project (SIP) which included a PowerPoint overview. To date, change orders have totaled approximately \$454,418.32 which represents 4.94% of the original contract amount.

C. North County Times news article "Carlsbad: City to offer \$10,000 reward related to sewage spill."

GM Bushee noted that LWD field services staff assisted the city of Carlsbad with a recent sewage spill. GM Bushee added the article mentions LWD's assistance.

D. Holiday Dinner is scheduled for December 10, 2009.

EA Hill stated that the Holiday Dinner is scheduled for Thursday, December 10th at The Crossings in Carlsbad.

13. Directors' Meetings

A. Watereuse Conference was held at the Sheraton Seattle Hotel in Seattle, WA from September 13-16, 2009.

Director Sullivan reported that she and Director Omsted attended the conference. Director Sullivan stated the Watereuse conference was great, the attendance was up, and included people world wide. She attended various sessions regarding public outreach and educating the public on reuse of wastewater.

B. CSDA Annual Conference was held at the Renaissance Esmeralda in Indian Wells, CA from September 21 – 24, 2009.

Directors Kulchin, Juliussen, Sullivan, and Hanson reported they attended the CSDA Conference and attended various sessions regarding special district issues.

Each Board member reported on various sessions that they attended at the CSDA conference.

14. Comments, Questions or Requests by Directors

Vice President Juliussen commented on the Open House invitation list requesting to add the Board of Directors of Olivenhain MWD to the list.

Director Sullivan stated that the open house banner located outside on the fence looks great.

15. General Manager's Report

The following items were reported:

- GM Bushee reported that Mike Metts of Dudek is working with staff to advertise for a request for proposals for the ground water feasibility study.
- GM Bushee reported that Jeff Bills of Confidence Consulting will be facilitating the staff team building training on October 27, 2009.
- GM Bushee stated that staff provided a handout relating to recent water and wastewater bills reviewed by the Governor.

16. General Counsel's Report

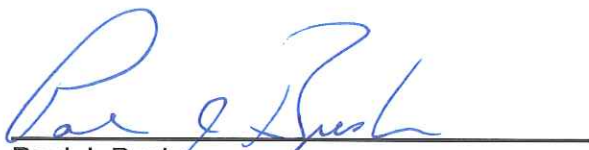
General Counsel Brechtel reported that the Governor vetoed SB 802 in regarding to reducing the retention amount from 10% to 5% for public work projects, and the Governor signed AB 1366, which regulates water softeners.

17. Adjournment

President Kulchin adjourned the meeting at 5:52 p.m.



David Kulchin, President



Paul J. Bushee
Secretary/General Manager
(SEAL)