

OTAY WATER DISTRICT

BOARD OF DIRECTORS MEETING  
DISTRICT BOARDROOM

2554 SWEETWATER SPRINGS BOULEVARD  
SPRING VALLEY, CALIFORNIA

**WEDNESDAY**

**November 4, 2009**

**3:30 P.M.**

**AGENDA**

1. ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. APPROVAL OF AGENDA
4. PUBLIC PARTICIPATION – OPPORTUNITY FOR MEMBERS OF THE PUBLIC TO SPEAK TO THE BOARD ON ANY SUBJECT MATTER WITHIN THE BOARD'S JURISDICTION BUT NOT AN ITEM ON TODAY'S AGENDA

**CONSENT CALENDAR**

5. ITEMS TO BE ACTED UPON WITHOUT DISCUSSION, UNLESS A REQUEST IS MADE BY A MEMBER OF THE BOARD OR THE PUBLIC TO DISCUSS A PARTICULAR ITEM:
  - a) APPROVE A PROFESSIONAL CORROSION SERVICES AGREEMENT WITH SCHIFF ASSOCIATES FOR FISCAL YEARS 2010 AND 2011 (ENDING JUNE 30, 2011) FOR THE CATHODIC PROTECTION PROGRAM IN AN AMOUNT NOT-TO-EXCEED \$250,000
  - b) UPDATE REPORT REGARDING THE PREPARATION OF THE DISTRICT'S SUBAREA PLAN FOR THE JOINT WATER AGENCIES NATURAL COMMUNITY CONSERVATION PLAN/HABITAT CONSERVATION PLAN
  - c) ACCEPT THE DISTRICT'S AUDITED FINANCIAL STATEMENTS, INCLUDING THE INDEPENDENT AUDITORS' UNQUALIFIED OPINION, FOR FISCAL YEAR ENDED JUNE 30, 2009
  - d) REJECT GARY AND MARY TIMM CLAIM
  - e) APPROVE AN AGREEMENT WITH NEW CINGULAR WIRELESS PCS, LLC, A DELAWARE LIMITED LIABILITY COMPANY (NEW CINGULAR) FOR THE INSTALLATION OF A COMMUNICATIONS FACILITY AT THE 832-1&2 RESERVOIR SITE

- f) APPROVE AN AGREEMENT WITH NEW CINGULAR WIRELESS PCS, LLC, A DELAWARE LIMITED LIABILITY COMPANY FOR THE INSTALLATION OF A COMMUNICATIONS FACILITY AT THE 1200-1 RESERVOIR SITE

#### ACTION ITEMS

##### 6. FINANCE AND ADMINISTRATION

- a) ADOPT RESOLUTION NO. 4150 APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A PURCHASE AND SALE AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE SALE OF THE SELLER'S PROPOSITION 1A RECEIVABLE FROM THE STATE; AND DIRECTING AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH (BEACHEM)

##### 7. BOARD

- a) DISCUSSION OF 2009 BOARD MEETING CALENDAR

#### INFORMATIONAL ITEMS

##### 8. THESE ITEMS ARE PROVIDED TO THE BOARD FOR INFORMATIONAL PURPOSES ONLY. NO ACTION IS REQUIRED ON THE FOLLOWING AGENDA ITEMS.

- a) UPDATE REPORT REGARDING THE ONGOING MONITORING OF THE WATER RATE FORECAST (BEACHEM)
- b) UPDATE REPORT ON CONTRACTING NON-CORE DISTRICT SERVICES (WILLIAMSON)
- c) UPDATE REPORT ON FISCAL YEAR 2009 STRATEGIC PLAN AND PERFORMANCE MEASURES REPORT AND REPORT ON AWWA SELF-ASSESSMENT SURVEY (STEVENS)

#### REPORTS

##### 9. GENERAL MANAGER'S REPORT

- a) SAN DIEGO COUNTY WATER AUTHORITY UPDATE

##### 10. DIRECTORS' REPORTS/REQUESTS

##### 11. PRESIDENT'S REPORT

#### RECESS TO CLOSED SESSION

12. CLOSED SESSION

- a) CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION [GOVERNMENT CODE §54956.9(a)]
  - (I) INFRASTRUCTURE ENGINEERING CORP. v. OTAY WATER DISTRICT, COUNTY OF SAN DIEGO, SUPERIOR COURT, CASE NO. 37-2008-00093876-CU-BC-CTL
  - (II) MULTIPLE CASES RELATED TO THE FENTON BUSINESS CENTER AND FILED WITH THE SUPERIOR COURT OF THE COUNTY OF SAN DIEGO CONSOLIDATED UNDER CASE NO. 37-2007-00077024-CU-BC-SC

RETURN TO OPEN SESSION

- 13. REPORT ON ANY ACTIONS TAKEN IN CLOSED SESSION. THE BOARD MAY ALSO TAKE ACTION ON ANY ITEMS POSTED IN CLOSED SESSION
- 14. ADJOURNMENT

All items appearing on this agenda, whether or not expressly listed for action, may be deliberated and may be subject to action by the Board.

The Agenda, and any attachments containing written information, are available at the District's website at [www.otaywater.gov](http://www.otaywater.gov). Written changes to any items to be considered at the open meeting, or to any attachments, will be posted on the District's website. Copies of the Agenda and all attachments are also available through the District Secretary by contacting her at (619) 670-2280.

If you have any disability which would require accommodation in order to enable you to participate in this meeting, please call the District Secretary at (619) 670-2280 at least 24 hours prior to the meeting.

Certification of Posting

I certify that on October 30, 2009, I posted a copy of the foregoing agenda near the regular meeting place of the Board of Directors of Otay Water District, said time being at least 72 hours in advance of the regular meeting of the Board of Directors (Government Code Section §54954.2).

Executed at Spring Valley, California on October 30, 2009.

  
Susan Cruz, District Secretary