

**MINUTES OF A SPECIAL MEETING OF THE  
BOARD OF DIRECTORS OF THE  
OTAY WATER DISTRICT  
December 15, 2015**

1. The meeting was called to order by President Lopez at 3:40 p.m.

2. ROLL CALL

Directors Present: Croucher, Lopez, Robak, Smith and Thompson

Directors Absent: None

Staff Present: General Manager Mark Watton, Asst. General Counsel Richard Romero, Asst. GM German Alvarez, Chief Financial Officer Joe Beachem, Finance Managers Rita Bell and Kevin Koeppen, District Secretary Susan Cruz and others per attached list.

3. PLEDGE OF ALLEGIANCE

4. APPROVAL OF AGENDA

A motion was made by Director Smith, and seconded by Director Robak and carried with the following vote:

Ayes: Directors Croucher, Lopez, Robak, Smith and Thompson

Noes: None

Abstain: None

Absent: None

to approve the agenda.

5. 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

No one wished to be heard.

ACTION ITEMS

6. BOARD

a) RESCIND BOARD ACTION TO CREATE THE DISTRICT OPTIMIZATION AD HOC COMMITTEE

Assistant General Counsel Richard Romero indicated that this item is to correct an unintended consequence of including the Ad Hoc District Optimization Committee in a motion by the board at the special board meeting held on November 18, 2015. By including it as part of the motion, it constituted a formal action of the board to implement a standing committee. By rescinding the action, it would leave it up to the discretion of the board to create an Ad Hoc Committee.

A motion was made by Director Thompson, and seconded by Director Robak and carried with the following vote:

Ayes: Directors Croucher, Lopez, Robak, Smith and Thompson  
Noes: None  
Abstain: None  
Absent: None

to rescind the action taken by the board at the November 18 special board meeting to create a District Optimization Committee.

#### RECESS TO CLOSED SESSION

#### 7. CLOSED SESSION

The board recessed to closed session at 3:46 p.m. to discuss the following matters:

- a) CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION  
Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9:

1 CASE

- b) CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION  
[GOVERNMENT CODE §54956.9]

MARK COZIAHR, ET AL. vs. OTAY WATER DISTRICT, SAN DIEGO COUNTY WATER AUTHORITY, ET AL.; CASE NO. 37-2015-00023413

#### RETURN TO OPEN SESSION

#### 8. REPORT ON ANY ACTIONS TAKEN IN CLOSED SESSION. THE BOARD MAY ALSO TAKE ACTION ON ANY ITEMS POSTED IN CLOSED SESSION

The board reconvened at 5:49 p.m. and Assistant General Counsel Romero indicated that the board met in closed session and took no reportable actions.

#### 9. ADJOURNMENT

With no further business to come before the Board, President Lopez adjourned the meeting at 5:49 p.m.

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President

ATTEST:

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District Secretary