



TO PARTICIPATE IN THE MEETING VIA VIDEO OR TELECONFERENCE, GO TO <https://rainbowmwd.zoom.us/j/85664315900> OR CALL 1-669-900-6833 or 1-669-444-9171 or 1-309-205-3325 or 1-312-626-6799 or 1-564-217-2000 or 1-689-278-1000 (WEBINAR/MEETING ID: 856 6431 5900).

MEMBERS OF THE PUBLIC WISHING TO SUBMIT WRITTEN COMMENT TO THE BOARD UNDER PUBLIC COMMENT OR ON A SPECIFIC AGENDA ITEM MAY SUBMIT COMMENTS TO OUR BOARD SECRETARY BY EMAIL AT [DWASHBURN@RAINBOWMWD.COM](mailto:DWASHBURN@RAINBOWMWD.COM) OR BY MAIL TO 3707 OLD HIGHWAY 395, FALLBROOK, CA 92028. ALL WRITTEN COMMENTS RECEIVED **AT LEAST ONE HOUR IN ADVANCE OF THE MEETING** WILL BE READ TO THE BOARD DURING THE APPROPRIATE PORTION OF THE MEETING. THESE PUBLIC COMMENT PROCEDURES SUPERSEDE THE DISTRICT’S STANDARD PUBLIC COMMENT POLICIES AND PROCEDURES TO THE CONTRARY.

**RAINBOW MUNICIPAL WATER DISTRICT BOARD MEETING**

**Tuesday, February 28, 2023**                      **Closed Session 12:30 p.m.**                      **Open Session 1:00 p.m.**

**THE PURPOSE OF THE REGULAR BOARD MEETING IS TO DISCUSS THE ATTACHED AGENDA**

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**District Office**                                      **3707 Old Highway 395**                                      **Fallbrook, CA 92028**

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**Board Agenda Policies**

Board of Directors Meeting Schedule Regular Board meetings are normally scheduled for the 4<sup>th</sup> Tuesday of the month with Open Session discussions starting time certain at 1:00 p.m.

Breaks It is the intent of the Board to take a ten-minute break every hour and one-half during the meeting.

Public Input on Specific Agenda Items and those items not on the Agenda, Except Public Hearings Any person of the public desiring to speak shall fill out a “Speaker’s Slip”, encouraging them to state their name, though not mandatory. Such person shall be allowed to speak during public comment time and has the option of speaking once on any agenda item when it is being discussed. Speaking time shall generally be limited to three minutes unless a longer period is permitted by the Board President.

Public Items for the Board of Directors' agenda must be submitted in writing and received by the District office no later than 10 business days prior to a regular Board of Directors' Meeting.

Agenda Posting and Materials Agendas for all regular Board of Directors’ meetings are posted at least seventy-two hours prior to the meeting on bulletin boards outside the entrance gate and the main entrance door of the District, 3707 Old Highway 395, Fallbrook, California 92028. The agendas and all background material may also be inspected at the District Office.

You may also visit us at [www.rainbowmwd.com](http://www.rainbowmwd.com).

Time Certain Agenda items identified as “time certain” indicate the item will not be heard prior to the time indicated.

Board meetings will be audio and video recorded with copies available upon request. Requests for audio recordings will be fulfilled once draft minutes for such meeting have been prepared. There are no costs associated with obtaining copies of audio and video recordings; however, these recordings will only be retained according to the policies provided in the District’s Administrative Code. Copies of public records are available as a service to the public; a charge of \$.10 per page up to 99 pages will be collected and \$.14 per page for 100 pages or more.

If you have special needs because of a disability which makes it difficult for you to participate in the meeting or you require assistance or auxiliary aids to participate in the meeting, please contact the District Secretary, (760) 728-1178, by at least noon on the Friday preceding the meeting. The District will attempt to make arrangements to accommodate your disability.

(\*) - Asterisk indicates a report is attached.

Notice is hereby given that the Rainbow Municipal Water District Board of Directors will hold Closed Session at 12:30 p.m. and Open Session at 1:00 p.m. Tuesday, February 28, 2023, at the District Office located at 3707 Old Highway 395, Fallbrook, CA 92028. At any time during the session, the Board of Directors Meeting may adjourn to Closed Session to consider litigation or to discuss with legal counsel matters within the attorney client privilege.

## **AGENDA**

1. **CALL TO ORDER**
2. **ROLL CALL: Gasca\_\_\_ Hamilton\_\_\_ Mack\_\_\_ Moss\_\_\_ Townsend-Smith\_\_\_**
3. **ADDITIONS/DELETIONS/AMENDMENTS TO THE AGENDA (Government Code §54954.2)**
4. **INSTRUCTIONS TO ALLOW PUBLIC COMMENT ON AGENDA ITEMS FROM THOSE ATTENDING THIS MEETING VIA TELECONFERENCE OR VIDEO CONFERENCE**

***CHAIR TO READ ALOUD*** - "If at any point, anyone would like to ask a question or make a comment and have joined this meeting with their computer, they can click on the "Raise Hand" button located at the bottom of the screen. We will be alerted that they would like to speak. When called upon, please unmute the microphone and ask the question or make comments in no more than three minutes.

*Those who have joined by dialing a number on their telephone, will need to press \*6 to unmute themselves and then \*9 to alert us that they would like to speak.*

*A slight pause will also be offered at the conclusion of each agenda item discussion to allow public members an opportunity to make comments or ask questions."*

5. **ORAL/WRITTEN COMMUNICATIONS FROM THE PUBLIC OPPORTUNITY FOR MEMBERS OF THE PUBLIC TO ADDRESS THE BOARD REGARDING CLOSED SESSION AGENDA ITEMS (Government Code § 54954.2).**

***Under Oral Communications, any person in attendance wishing to address the Board regarding Closed Session agenda items should indicate their desire to speak by filling out and submitting a "Speaker's Slip" to the Board Secretary before the meeting begins. Any person attending the meeting remotely wishing to address the Board regarding Closed Session agenda items may email or mail in their comments to the Board Secretary one hour before the Closed Session scheduled start time to be read to the Board prior to their adjournment to Closed Session or may speak to the Board by calling (760) 728-1178, listening for "Thank you for calling Rainbow Municipal Water District ....", dialing Extension 429, and entering pin 8607 at the Closed Session scheduled start time. Once all public comment is heard, this call will be disconnected, and the Board will adjourn to Closed Session. To participate in the Open Session portion of the meeting, please follow the instructions provided at the top of Page 1 of this agenda. Speaking time shall generally be limited to three minutes unless a longer period is permitted by the Board President.***

6. **CLOSED SESSION**
  - A. Conference with Legal Counsel-Anticipated Litigation (Government Code §54956.9(d)(2))  
\* One Item

7. **REPORT ON POTENTIAL ACTION FROM CLOSED SESSION**

(\* ) - Asterisk indicates a report is attached.

Time Certain: 1:00 p.m.

8. REPEAT CALL TO ORDER
9. PLEDGE OF ALLEGIANCE
10. REPEAT ROLL CALL
11. REPEAT REPORT ON POTENTIAL ACTION FROM CLOSED SESSION
12. REPEAT ADDITIONS/DELETIONS/AMENDMENTS TO THE AGENDA (Government Code §54954.2)
13. REPEAT INSTRUCTIONS TO ALLOW PUBLIC COMMENT ON AGENDA ITEMS FROM THOSE ATTENDING THIS MEETING VIA TELECONFERENCE OR VIDEO CONFERENCE

**CHAIR TO READ ALOUD** - *"If at any point, anyone would like to ask a question or make a comment and have joined this meeting with their computer, they can click on the "Raise Hand" button located at the bottom of the screen. We will be alerted that they would like to speak. When called upon, please unmute the microphone and ask the question or make comments in no more than three minutes.*

*Those who have joined by dialing a number on their telephone, will need to press \*6 to unmute themselves and then \*9 to alert us that they would like to speak.*

*A slight pause will also be offered at the conclusion of each agenda item discussion to allow public members an opportunity to make comments or ask questions."*

14. ORAL/WRITTEN COMMUNICATIONS FROM THE PUBLIC OPPORTUNITY FOR MEMBERS OF THE PUBLIC TO ADDRESS THE BOARD REGARDING ITEMS NOT ON THIS AGENDA (Government Code § 54954.2).

**Under Oral Communications, any person in attendance wishing to address the Board regarding matters not on this agenda should indicate their desire to speak by filling out and submitting a "Speaker's Slip" to the Board Secretary before the meeting begins. Any person attending remotely wishing to address the Board regarding matters not on this agenda should indicate their desire to speak or may email or mail their comments to the Board Secretary one hour before the Open Session scheduled start time. All written public comments received will be read to the Board during the appropriate portion of the meeting.** *No action will be taken on any oral communications item since such item does not appear on this Agenda, unless the Board of Directors makes a determination that an emergency exists or that the need to take action on the item arose subsequent to posting of the Agenda (Government Code §54954.2). Speaking time shall generally be limited to three minutes unless a longer period is permitted by the Board President.*

15. EMPLOYEE RECOGNITIONS

- A. Service Awards
  1. Ahmed Khattab – 5 Years
  2. Chris Daugherty – 5 Years
- B. Excellence Coin Awards
  1. Ed Bradley
  2. Malik Tamimi

- \*16. APPROVAL OF MINUTES

- A. January 24, 2023 - Regular Board Meeting

(\*) - Asterisk indicates a report is attached.

**\*17. BOARD OF DIRECTORS' COMMENTS/REPORTS**

Directors' comments are comments by Directors concerning District business, which may be of interest to the Board. This is placed on the agenda to enable individual Board members to convey information to the Board and to the public. There is to be no discussion or action taken by the Board of Directors unless the item is noticed as part of the meeting agenda.

- A. President's Report (Director Hamilton)
- B. Representative Report (Appointed Representative)
  - 1. SDCWA
    - A. Summary of Board Meeting January 26, 2023
  - 2. CSDA
  - 3. LAFCO
  - 4. Santa Margarita River Watershed Watermaster Steering Committee
  - 5. ACWA
- C. Meeting, Workshop, Committee, Seminar, Etc. Reports by Directors (AB1234)
  - 1. Board Seminar/Conference/Workshop Training Attendance Reports
- D. Directors Comments
- E. Legal Counsel Comments
  - 1. Attorney Report: Employment and Sewer System Law Update – 61313486\_1

**18. COMMITTEE REPORTS**

- A. Budget and Finance Committee
- B. Engineering and Operations Committee
- C. Communications and Customer Service Committee

**CONSENT CALENDAR ITEMS**

**\*19. NOTICE OF COMPLETION AND ACCEPTANCE OF THE RAINBOW VALLEY BLVD CATHODIC PROTECTION PROJECT (DIVISION 5)**

*(The RVBD Cathodic Protection project was the first stage in a program to protect the District's metal pipelines by installing cathodic protection (CP) to prevent corrosion of the pipelines. This project installed CP along a pipeline from Rainbow Heights Pump Station along 8th street to the Rainbow Valley Blvd Pump Station. The project is now complete and requesting a Notice of Completion to start the one (1) year warranty period.)*

**\*20. NOTICE OF COMPLETION AND ACCEPTANCE OF INFRASTRUCTURE FOR MALABAR RANCH ESTATES BY MALABAR RANCH, LLC. (DIVISION 3)**

*(Malabar Ranch Estates was a proposed development of 34 single family residences located Fallbrook. After completing 20 of the proposed homes, installation of all the proposed sewer and water pipelines, the original Owner passed away. The District has been working with Heirs to the Owner to complete final items to close out the project. The project is now complete and requesting a Notice of Completion. Due to the age of the project the District is waving the one (1) year warranty period.)*

**\*21. CONSIDER APPROVAL OF AN AGREEMENT TO ASSUME JOINT AGREEMENT TO IMPROVE MAJOR SUBDIVISION, JOINT LIEN CONTRACT AND HOLDING AGREEMENT FOR SAN DIEGO TRACT NO. 4736-1 (DIVISION 1)**

*(The Bonsall Oaks development is a large proposed residential development located on Gopher Canyon Rd. The original developer, Bonsall Oaks II, LLC., would like to sell Lots 25-167, Map 13856 to second developer, 24th Avenue Investments, LLC. The assumption agreement indicates that second developer will assume all responsibilities and legal requirements for Lots 25-167 and removes original developer as liable for the same lots.)*

**PRESENTATIONS**

**22. SEWER RATE ADJUSTMENTS**

(\* ) - Asterisk indicates a report is attached.

## **BOARD ACTION ITEMS**

- \*23. ADOPT RESOLUTION NO. 23-04 FIXING THE TIME AND PLACE OF HEARING AND MEETING ON PROPOSED WATER AVAILABILITY CHARGES FOR IMPROVEMENT DISTRICT NO. 1**  
*(As part of the annual process for setting the water availability charges for Improvement District No. 1, it is necessary to hold a public hearing on the proposed charges. The Board will take this opportunity to set a public hearing on the entry of charges and fees for Improvement District No. 1. Upon approval of Resolution No. 23-04, the public hearing will be set for June 27, 2023 at 1:00 p.m. at the District Headquarters.)*
- \*24. FISCAL YEAR 2022-23 MID-YEAR OPERATING AND CAPITAL BUDGET REVIEW AND ADJUSTMENTS**  
*(Mid-year is customarily a suitable time to compare budget estimates with the first half of actual data and make appropriate adjustments where deemed necessary for the balance of the Fiscal Year. The District's budget for the year has come in as expected with the exception of some unexpected expenses.)*
- \*25. CONSIDERATION OF REQUEST BY THE SAN DIEGO LOCAL AGENCY FORMATION COMMISSION FOR ADDITIONAL FUNDS FOR THE PROCESSING OF THE DISTRICT'S APPLICATION FOR DETACHMENT FROM THE SAN DIEGO COUNTY WATER AUTHORITY AND CONCURRENT ANNEXATION INTO EASTERN MUNICIPAL WATER DISTRICT**  
*(This agenda item is to consider additional processing fees requested by LAFCO related to the Application for Detachment from the San Diego County Water Authority.)*
- \*26. DISCUSSION AND POSSIBLE ACTION TO APPROVE A CHANGE ORDER WITH ORTIZ CONSTRUCTION FOR THE RAINBOW WATER QUALITY IMPROVEMENT PROJECT - WATER MAIN AND SERVICE RELOCATION PROJECT (600077) IN THE AMOUNT OF \$240,000 (DIVISION 5)**  
*(The Rainbow Water Quality Improvement project is a joint project with the County of San Diego to install green infrastructure in the form of subsurface wetland channels along Fifth St., Huffstatler St. and Rainbow Valley Blvd. A construction change order is to address the hard rock encountered during excavation.)*
- \*27. DISCUSSION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. 23-05 — A RESOLUTION ESTABLISHING CLASSIFICATIONS AND MONTHLY PAY RANGES FOR DISTRICT EMPLOYEES AND THE GENERAL MANAGER EFFECTIVE FEBRUARY 28, 2023, THROUGH JUNE 30, 2023**  
*(In compliance with state and CalPERS regulations, the District maintains a Salary Grade structure that includes all job titles, salary grade levels, and monthly salary ranges for each grade. The table is available for public review, accessible from the Rainbow MWD website, and is published on a website hosted by the California State Controller.)*
- \*28. DISCUSSION AND POSSIBLE APPOINTMENT OF CYNTHIA GRAY TO SERVE AS A MEMBER OF THE COMMUNICATIONS AND CUSTOMER SERVICE COMMITTEE**  
*(On June 28, 2016, Cynthia Gray was appointed by the Board to serve as an alternate member of the Communications and Customer Service Committee as a district employee. At their February 2, 2023, meeting, Ms. Gray notified the members of the committee that although she would be retiring as an RMWD employee effective February 3, 2023, she would like to continue serving on the committee as a member of the public. The committee members voted to recommend the Board appoint Cynthia Gray to serve as a member of the committee.)*
- \*29. DISCUSSION AND POSSIBLE ACTION TO ADOPT ORDINANCE NO. 23-02 UPDATING AND AMENDING ADMINISTRATIVE CODE SECTIONS 5.05.010, 5.5.020, and 5.05.030**  
*(Effective January 1, 2023, the California Public Records Act was recodified and reorganized pursuant to Assembly Bill 473 effective January 1, 2023. Upon review of RMWD's Administrative Code policies, it was found Sections 5.05.010, 5.05.020, and 5.05.030 needed to be updated with the new Government Code references.)*

(\* ) - Asterisk indicates a report is attached.

- \*30. **DISCUSSION AND POSSIBLE ACTION TO ADOPT ORDINANCE NO. 23-01 UPDATING AND AMENDING ADMINISTRATIVE CODE SECTIONS 5.05.050.01 (RECORDS RETENTION-DISTRICT RECORDS) AND 5.05.050.02 (RECORDS RETENTION-LEGAL RECORDS)**  
*(A review of RMWD's current record retention policy specifically related to district and legal records was conducted to determine whether Administrative Code Section 5.05.050.01 (Records Retention-District Records) and/or Section 5.05.050.02 (Records Retention-Legal Records) required updating. During this review process, it was determined both of these policies required some revisions to align with the District's current practices.)*
  
- \*31. **DISCUSSION AND POSSIBLE ACTION REGARDING CSDA BOARD OF DIRECTORS CALL FOR NOMINATIONS: SEAT C**  
*(The Elections and Bylaws Committee is looking for Independent Special District Board Members or their General Managers who are interested in leading the direction of the California Special Districts Association for the 2024-2026 term.)*
  
- \*31A. **DISCUSSION AND POSSIBLE ACTION TO ADOPT RESOLUTION NO. 23-06 CONCURRING IN NOMINATION TO THE EXECUTIVE COMMITTEE OF THE ASSOCIATION OF CALIFORNIA AGENCIES JOINT POWERS INSURANCE AUTHORITY (ACWA/JPIA)**  
*(This item is to provide the Board with an opportunity to consider supporting VCMWD's Director Oliver Smith's appointment to the JPIA Executive Committee.)*
  
- 32. **BOARD MEMBER REQUESTS FOR AUTHORIZATION TO ATTEND UPCOMING MEETINGS / CONFERENCES / SEMINARS**

**BOARD INFORMATION ITEMS**

- \*33. **RECEIVE AND FILE INFORMATION AND FINANCIAL ITEMS**
  - A. **General Manager Comments**
    - 1. Meetings, Conferences and Seminar Calendar
  - B. **Operations Comments**
    - 1. Operations Report
  - C. **Engineering Comments**
    - 1. Engineering Report
    - 2. As-Needed Services Expenditures Summary
    - 3. RMWD Sewer Equivalent Dwelling Units (EDU's) Status
  - D. **Human Resource & Safety Comments**
    - 1. Human Resources Report
  - E. **Finance Comments**
    - 1. Board Information Report
      - A. Budget vs. Actuals
      - B. Fund Balance & Developer Projections
      - C. Treasury Report
      - D. Five Year Water Purchases Demand Chart
      - E. Water Sales Summary
      - F. Check Register
      - G. Directors' Expenses Report
      - H. Credit Card Breakdown
      - I. RMWD Properties
      - J. Grant Progress Report
  
- 34. **LIST OF SUGGESTED AGENDA ITEMS FOR THE NEXT REGULAR BOARD MEETING**

(\* ) - Asterisk indicates a report is attached.

35. ADJOURNMENT - To Tuesday, March 28, 2023, at 1:00 p.m.

ATTEST TO POSTING:

*Pam Moss*  
Pam Moss  
Secretary of the Board

2-27-23 @ 11:45 a.m.  
Date and Time of Posting  
Outside Display Cases

(\*) - Asterisk indicates a report is attached.