



THIS MEETING WILL BE CONDUCTED WITH IN PERSON ATTENDANCE PERMITTED WITH LIMITED CAPACITY IN ACCORDANCE WITH COUNTY AND STATE COVID GUIDELINES, INCLUDING MASK REQUIREMENTS FOR ALL THOSE ATTENDING IN PERSON. PARTICIPATION WILL ALSO BE AVAILABLE VIA VIDEO CONFERENCE OR TELECONFERENCE.

TO PARTICIPATE IN THE MEETING VIA VIDEO OR TELECONFERENCE, GO TO <https://rainbowmwd.zoom.us/j/87968646224> OR CALL 1-669-900-6833 or 1-346-248-7799 or 1- 253-215-8782 or 1-301-715-8592 or 1-312-626-6799 or 1-929-205-6099 (WEBINAR/MEETING ID: 879 6864 6224).

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, October 26, 2021                      Closed Session 12:00 p.m.                      Open Session 1:00 p.m.**

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

<b>District Office</b>	<b>3707 Old Highway 395</b>	<b>Fallbrook, CA 92028</b>
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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.

Notice is hereby given that the Rainbow Municipal Water District Board of Directors will hold Closed Session at 12:00 p.m. and Open Session at 1:00 p.m. Tuesday, October 26, 2021, 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\_\_\_\_**
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 wishing to address the Board on matters regarding the Closed Session agenda should email or mailing their comments to the Board Secretary one hour before the Closed Session scheduled start time. All written public comments will be read to the Board prior to their adjournment to Closed Session. Any person wishing to speak to the Board regarding Closed Session agenda items may do so 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))

\* Two Items

- B. Conference with Legal Counsel - Existing Litigation Pursuant to Government Code Section 54956.9(d)(1)

\* Rainbow Municipal Water District v. Blum, Inc., et al.

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

7. REPORT ON POTENTIAL ACTION FROM CLOSED SESSION

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 wishing to address the Board on 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. APPROVAL OF MINUTES

A. September 28, 2021 - Regular Board Meeting

\*16. 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)

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

- B. Representative Report (Appointed Representative)
  - 1. SDCWA
    - A. Summary of Board Meeting September 23, 2021
  - 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
    - A. Conference Report – Director Moss
- D. Directors Comments
- E. Legal Counsel Comments
  - 1. Attorney Report: Water Shut-Off Moratorium and Statute of Limitations for Water Fee Challenges

**17. COMMITTEE REPORTS**

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

**CONSENT CALENDAR ITEMS**

- \*18. A. **DISCUSSION AND POSSIBLE ACTION TO APPROVE ORDINANCE NO. 21-07 - AMENDING AND UPDATING ADMINISTRATIVE CODE SECTION 1.02.020 – CONFLICT OF INTEREST**  
*(As the positions change at the District, a review of the Administrative Code Section 1.02.020 - Conflict of Interest Code is conducted to determine whether those positions listed in the Conflict of Interest Code need to be updated accordingly.)*
- B. **NOTICE OF COMPLETION AND ACCEPTANCE OF INFRASTRUCTURE FOR THE HORSE CREEK RIDGE DEVELOPMENT BY D.R. HORTON (DIVISION 4, 5)**  
*(A portion of the facilities for the Horse Creek Ridge Development have been constructed per plans and inspected and tested per the specifications. All punch list items have been completed and as-builts delivered to the District. Upon acceptance by the Board, the improvements become part of the District water and sewer system and Staff takes over operation and maintenance.)*
- C. **DISCUSSION AND POSSIBLE ACTION TO APPROVE AND EXECUTE JOINT AGREEMENT TO IMPROVE MAJOR SUBDIVISION COUNTY OF SAN DIEGO TRACT NO. 5354-3 (VTM5354R2, A PORTION OF PDS2019-LDMJIP-50069, PA-5B) FOR CITRO DEVELOPMENT (DIVISION 4)**  
*(As part of the project, the developer (Tri Pointe Homes) will be constructing significant water and sewer infrastructure and paying capacity fees. In order to construct a subdivision in San Diego County, an agreement must be signed by the affected parties/agencies and the developer. Execution of this agreement falls under the purview of the Board of Directors.)*

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

## **BOARD ACTION ITEMS**

- \*19. DISCUSSION AND POSSIBLE ACTION TO ADOPT RESOLUTION NO. 21-19 – AUTHORIZING VIRTUAL MEETINGS IN ACCORDANCE WITH ASSEMBLY BILL 361 (AB 361)**  
*(On September 16, 2021, Governor Newsom signed Assembly Bill 361 (“AB 361”), which incorporated into California state law some aspects of the teleconferencing rules that have applied by Executive Order to local public agencies during the COVID-19 pandemic. Notably, because AB 361 included an urgency measure, the law was immediately effective as of the date of the Governor’s signature. AB 361 provides that it sunsets on January 1, 2024. This will be the first meeting at which the Board will consider invoking AB 361 in alignment with the stipulated requirements. Should the Board adopt Resolution No. 21-19, the Board will consider taking action at each subsequent meeting following the stipulated requirements for such.)*
- 20. DISCUSSION AND POSSIBLE ACTION FOR SOLE SOURCE SELECTION OF PRE-MANUFACTURED PUMP STATIONS FROM ENGINEERED FLUID SOLUTIONS, INC (EFI), CENTRALIA, IL (ALL DIVISIONS)**  
*(EFI is one of the few manufacturers who provides pre-fabricated skid mounted pump station systems within the Southern California region, and has been identified by staff as the preferred sole-source vendor for pre-fabricated pump stations for the Hutton, Turner, and Dentre De Lomas Pump Station Projects.)*
- \*21. CONSIDER AWARD OF CONSTRUCTION CONTRACT IN THE AMOUNT OF \$15,181,157 WITH JAMES W. FOWLER COMPANY FOR THE LS-1 REPLACEMENT PROJECT PHASE 1 IN DIVISION 1, 2, AND 4**  
*(The Lift Station 1 Replacement project consists of several sewer facilities necessary to expand capacity in the District’s collection system. The construction of the project was bid to pre-qualified contractors.)*
- \*22. AWARD OF PROFESSIONAL SERVICES AGREEMENT WITH VALLEY CONSTRUCTION MANAGEMENT FOR THE LS-1 REPLACEMENT PROJECT PHASE 1 IN DIVISION 1**  
*(The District will need the assistance of a full time construction manager and inspector for the Lift Station 1 Replacement Project to ensure that the project is constructed per the plans and specifications, constructed on time and on budget, facilitate communication between the contractor and third parties, and prepare and maintain construction documentation.)*
- 23. DISCUSSION AND POSSIBLE ACTION REGARDING THE RAINBOW HEIGHTS PUMP STATION REHABILITATION PROJECT TO APPROPRIATE AN ADDITIONAL \$1,050,000 IN PROJECT COST TO THE CIP BUDGET (DIVISION 5)**  
*(The Rainbow Heights Pump Station Rehabilitation Project was expected to be completed before June 30, 2021, the end of the Fiscal Year, however delays occurred after the current Fiscal Year Budget was finalized and adopted by the Board of Directors. An appropriation of funds in the current budget would allow for the completion of construction.)*
- 23A. DISCUSSION AND POSSIBLE ACTION TO EXECUTE THE URBAN WATER SHORTAGE CONTINGENCY PLAN AND DECLARE A LEVEL 1 WATER SHORTAGE SCENARIO IN RESPONSE TO THE STATEWIDE STATE OF EMERGENCY DUE TO DROUGHT**  
*(On October 19, 2021, Governor Gavin Newsom proclaimed a State of Emergency to exist statewide due to drought. The District’s Water Shortage Contingency Plan outlines how to address water shortage scenarios using demand reduction measures as well as other actions. The Board will consider implementing the plan consistent with a level 1 water shortage scenario.)*
- 24. BOARD MEMBER REQUESTS FOR AUTHORIZATION TO ATTEND UPCOMING MEETINGS / CONFERENCES / SEMINARS**

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

**BOARD INFORMATION ITEMS**

**25. INFORMATION REGARDING STATE WATER AND WASTER WATER ARREARAGE PROGRAM**  
*(The State Water Board (SWB) created a new program to provide relief to community water and wastewater systems for unpaid bills related to the pandemic.)*

**25A. DISCUSSION REGARDING BOARD MEMBER APPOINTMENT PROCESS**

**26. REDISTRICTING UPDATE**

**\*27. RECEIVE AND FILE INFORMATION AND FINANCIAL ITEMS**

**A. General Manager Comments**

1. Meetings, Conferences and Seminar Calendar

**B. Communications**

1. Staff Training Report - Largent

**C. Operations Comments**

1. Operations Report

**D. Engineering Comments**

1. Engineering Report

2. As-Needed Services Expenditures Summary

3. RMWD Sewer Equivalent Dwelling Units (EDU's) Status

**E. Human Resource & Safety Comments**

1. Human Resources Report

2. Organizational Chart

**F. 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

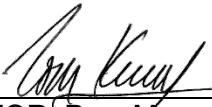
**H.** Credit Card Breakdown

**I.** RMWD Properties

**28. LIST OF SUGGESTED AGENDA ITEMS FOR THE NEXT REGULAR BOARD MEETING**

**29. ADJOURNMENT - To Tuesday, DECEMBER 7, 2021, at 1:00 p.m.**

**ATTEST TO POSTING:**

  
\_\_\_\_\_  
FOR: Pam Moss  
Secretary of the Board

10-21-21 @ 12:45 p.m.  
\_\_\_\_\_  
Date and Time of Posting  
Outside Display Cases

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

**MINUTES OF THE REGULAR BOARD MEETING  
OF THE BOARD OF DIRECTORS OF THE  
RAINBOW MUNICIPAL WATER DISTRICT  
SEPTEMBER 28, 2021**

1. **CALL TO ORDER** - The Regular Meeting of the Board of Directors of the Rainbow Municipal Water District on September 28, 2021, was called to order by President Hamilton at 12:05 p.m. in the Board Room of the District, 3707 Old Highway 395, Fallbrook, CA 92028. *(All meetings are being held with in person attendance following County and State COVID guidelines as well as virtually.)* President Hamilton presiding.

2. **ROLL CALL**

**Present:** Director Gasca, Director Hamilton, Director Mack, Director Moss, Director Rindfleisch.

**Also Present:** General Manager Kennedy, Legal Counsel Smith, Executive Assistant Washburn, Engineering and CIP Program Manager Williams, Information Systems Specialist Espino.

No members of the public were present via teleconference or video conference before Closed Session.

3. **ADDITIONS/DELETIONS/AMENDMENTS TO THE AGENDA (Government Code §54954.2)**

There were no amendments to the agenda.

3. **INSTRUCTIONS TO ALLOW PUBLIC COMMENT ON AGENDA ITEMS FROM THOSE ATTENDING THIS MEETING VIA TELECONFERENCE OR VIDEO CONFERENCE**

President Hamilton did not read these instructions due to no public members attending the meeting via teleconference or video conference.

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).**

There were no comments.

*The meeting adjourned to Closed Session at 12:07 p.m.*

6. **CLOSED SESSION**

A. Conference with Legal Counsel-Anticipated Litigation (Government Code §54956.9(d)(2))

\* Three Items

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

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- B.** Conference with Legal Counsel - Existing Litigation Pursuant to Government Code Section 54956.9(d)(1)

\* Rainbow Municipal Water District v. Blum, Inc., et al.

**The meeting reconvened at 1:14 p.m.**

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

This item was discussed under Item #8.

Time Certain: 1:00 p.m.

**8. REPEAT CALL TO ORDER**

The Regular Meeting of the Board of Directors of the Rainbow Municipal Water District on September 28, 2021 was called to order by President Hamilton at 1:16 p.m. in the Board Room of the District, 3707 Old Highway 395, Fallbrook, CA 92028. *(All meetings are being held with in person attendance following County and State COVID guidelines as well as virtually.)* President Hamilton presiding.

**9. PLEDGE OF ALLEGIANCE**

**10. REPEAT ROLL CALL**

**Present:** Director Gasca, Director Hamilton, Director Mack, Director Moss, Director Rindfleisch *(arrived at 1:22 p.m. via video conference)*.

**Also Present:** General Manager Kennedy, Legal Counsel Smith, Executive Assistant Washburn, Engineering and CIP Program Manager Williams, Operations Manager Gutierrez, Finance Manager Largent, Information Systems Specialist Espino, Accounting Specialist Martinez.

**Also Present Via Teleconference or Video Conference:**

Human Resources Manager Harp, Associate Engineer Powers, Customer Service and Communications Supervisor Gray, Information Technology Manager Khattab, Wastewater Superintendent Zuniga, Senior Accountant Rubio, Project Manager Parra, Construction and Maintenance Supervisor Lagunas, Engineering Technician Rubio.

Nine members of the public were present for Open Session with one in person and eight via teleconference or video conference.

**11. REPEAT REPORT ON POTENTIAL ACTION FROM CLOSED SESSION**

Legal Counsel reported the Board met in Closed Session to discuss four items noting the one reportable action was the Board rejected the claim for alleged damages submitted by Maggie Tiehen Rawlinson.

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



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**12. REPEAT ADDITIONS/DELETIONS/AMENDMENTS TO THE AGENDA (Government Code §54954.2)**

There were no amendments to the agenda.

**13. REPEAT INSTRUCTIONS TO ALLOW PUBLIC COMMENT ON AGENDA ITEMS FROM THOSE ATTENDING THIS MEETING VIA TELECONFERENCE OR VIDEO CONFERENCE**

President Hamilton read aloud the instructions for those attending the meeting via teleconference or video conference.

**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).**

There were no public comments.

**15. EMPLOYEE RECOGNITIONS**

**A. Laura Martinez (5 Years)**

Mr. Kennedy acknowledged Laura Martinez, RMWD's Accounting Specialist, who does an amazing job very efficient and effectively regardless of the situation. He noted Ms. Martinez is a model of those who thrive working remotely. He thanked Ms. Martinez for her service and presented her with a check and plaque in recognition of her tenure.

***Director Rindfleisch rejoined the meeting at 1:22 p.m.***

**\*16. APPROVAL OF MINUTES**

**A. August 24, 2021 - Regular Board Meeting**

***Motion:***

***To approve the Regular Board meeting minutes for August 24, 2021.***

***Action: Approve, Moved by Director Mack, Seconded by Director Moss.***

***Vote: Motion carried by unanimous roll call vote (summary: Ayes = 5).***

***Ayes: Director Gasca, Director Hamilton, Director Mack, Director Rindfleisch, Director Moss.***

(\*) - 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)**

President Hamilton commended Mr. Gutierrez for an excellent job in organizing and arranging the Heli-Hydrant event. Director Moss commended all staff members who participated in putting the ceremonious event together.

President Hamilton provided a report on the redistricting pre-map meeting he attended. He mentioned some of the highlights as well as shared some of the matters of interest.

**B. Representative Report (Appointed Representative)**

**1. SDCWA**

**A. Summary of Board Meeting August 26, 2021**

Mr. Kennedy reported SDCWA staff and leadership put forward a Long Range Financing Plan with which the City of San Diego disagreed. He mentioned the City offered a motion coupled with a prepared set of amendments to what SDCWA wanted to do related to their long-range financing plan which was approved. He noted the City's motion pushed forward amendments stating it was unnecessary to collect an extra amount at this time for the purpose of increasing debt service coverage, a requirement that a third party review SDCWA's Cost of Service Analysis, as well as require SDCWA put their cost of service a rate information out to the Member Agencies including a breakdown cost to each, as well as SDCWA needed to review their water supply mix as part of a policy matter. He pointed out there were a number of people who spoke against the amendment for various reasons; however, because he favored having more transparency from SDCWA and more information going forward, he supported the City's amendments. He mentioned some of the steps being taken toward team building.

**2. CSDA**

Director Mack reported on the CSDA Annual Conference which he found to be the best conference to date noting the application for recouping money directly related to COVID expenses would be going online October 1<sup>st</sup> -October 15<sup>th</sup>. Mr. Kennedy reported RMWD did not have too many expenses directly related to COVID. Ms. Largent pointed out RMWD would only qualify if funds were not already in the District's operating budget.

Director Moss reported she also attended the CSDA Annual Conference and how she learned a great deal as well as found it to be an excellent introduction to more of an overview of how municipal districts like RMWD have to operate.

Director Mack mentioned he learned a great deal about legalities involved with giving away public funds unless there is a benefit to the District. He noted he requested clarification regarding assisting ratepayers with their water bills and inquired as to whether the Board approved the Gilligan matter was it illegal. Director Moss pointed out the benefit would be not putting a customer out of business and RMWD receive nothing. Ms. Largent added as noted in the staff report, specific funds that were not collected from the ratepayers were utilized in this situation.

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

**3. LAFCO**

Mr. Kennedy reported LAFCO was looking at amending the law making Out of Agency Service Agreements subject to LAFCO review.

**4. Santa Margarita River Watershed Watermaster Steering Committee**

There was no report given.

**5. ACWA**

Director Gasca announced the 2021 ACWA Fall Conference will be held November 30-December 2, 2021, at the Pasadena Convention Center. He also mentioned Metropolitan Water District (MWD) has implemented voluntary water supply restrictions. Mr. Kennedy explained some of the agencies are putting forth voluntary response programs to show something was being done to address the recent drought conditions.

Director Gasca reported ACWA’s Executive Director visited Padre Dam to see their water purification project presentation and how Padre Dam may also roll off or detach from SDCWA which was affectively the same.

Director Gasca pointed out October 2-10, 2021, was Water Professionals Appreciation Week and suggested RMWD do something acknowledging such. Mr. Kennedy noted Ms. Harp was in attendance and may have something planned.

**C. Meeting, Workshop, Committee, Seminar, Etc. Reports by Directors (AB1234)**

**1. Board Seminar/Conference/Workshop Training Attendance Reports**

Mr. Kennedy pointed out there is a requirement in the Administrative Code requiring a written or verbal report be provided whenever Board Members attend seminars, conferences, workshops, etc. for which they are being compensated by the District and how some reports are outstanding. Ms. Washburn mentioned the reports missing from Directors Moss and Gasca, respectively due to their absence at the May Board meeting.

**D. Directors Comments**

There were no comments.

**E. Legal Counsel Comments**

**1. Attorney Report: Clean Water Act**

Legal Counsel summarized the information contained in the written report related to the Clean Water Act provided in the agenda packet. He also referenced the report he provided as a handout related to AB 361 related to the Brown Act and the new requirements for that need to be invoked by RMWD.

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

**18. COMMITTEE REPORTS**

**A. Budget and Finance Committee**

Mr. Nelson reported the committee met on September 14<sup>th</sup> and how Ms. Largent had basically completed all of the work required for meeting with the auditors which was extraordinary and directly related to the processes and procedures Ms. Largent had put into place with the assistance of Ms. Martinez and Ms. Rubio. He pointed out the committee voted unanimously to recommend the Board deny the request for a variance which was before the Board for consideration today.

**B. Communications and Customer Service Committee**

Mr. Shute reported the committee met on September 2<sup>nd</sup> during which discussion took place regarding the shutdown and possible communication options, latest status of the telephone system replacement project, enhancing emergency notification program. He also noted the committee reviewed the RAWs pamphlet, received an update on WSUP, talked about the impact of new meters on Flume devices, as well as delayed the appointment of officers until their October meeting.

**C. Engineering and Operations Committee**

Mr. Nelson reported the meeting was cancelled due to lack of a quorum; however, there was an informal discussion that took place regarding the Thoroughbred project during which time information was exchanged.

**BOARD ACTION ITEMS**

**\*19. CONSIDER APPROVAL OF AMENDMENTS TO THE ANNEXATION AGREEMENT BETWEEN TRI POINTE HOMES, VALLEY CENTER MUNICIPAL WATER DISTRICT AND RAINBOW MUNICIPAL WATER DISTRICT AND THE PARTICIPATION AGREEMENT FOR THE DESIGN, CONSTRUCTION AND FUNDING OF PORTIONS OF THE RICE CANYON PIPELINE AND RELATED FACILITIES**

Mr. Kennedy explained this was related to the Annexation Agreement between RMWD, Valley Center, and Tri Pointe (then Pardee) to which Valley Center does not need to be a party to because it is related to terms between RMWD and Tri Pointe to this amendment. He noted the other portion has to do with funding of the Rice Canyon pipeline which was approved last month.

Mr. Williams pointed out both amendments are before the Board today and how both require amendments to both agreements. He noted the Annexation Agreement has a cap right now of allowing Tri Point Homes to construct 422 dwellings prior to the District’s Lift Station #1 Replacement Project being completely on line. He explained Tri Point Homes has requested that the number of homes be increased to 572 homes prior to the completion of the project. He mentioned staff has vetted this and recommends this be accepted. He pointed out upon receipt of Board approval the Annexation Agreement would be amended.

Mr. Kennedy explained the reason RMWD had this was to allow time for RMWD to get the project designed and built. He stated staff was comfortable with increasing the number of homes noting the benefit to the District is the more homes built faster the sooner RMWD would receive the CFD money which would help pay for some of these things. He pointed out staff has been consulted and how they were confident with managing the extra sewer flows created by the additional homes.

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

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He said the reason these two agreements were being taken together is that the changes in the Rice Canyon Pipeline Agreement will also financially benefit the developer and District.

Mr. Williams explained when the Participation Agreement was first presented, the costs were unknown because the project was still in the design phase; however, hard numbers have since been determined. He pointed out how in the Participation Agreement there were contingencies percentages, administration costs, as well as lines where the District would pay Tri Point Homes interest that have since been significantly reduced following staff heavily negotiating these terms with Tri Point Homes; therefore, an amended Participation Agreement was being presented as part of this item for Board consideration.

Director Gasca said one of the most important aspects of this combined effort is getting the Rice Canyon Transmission line complete. President Hamilton agreed.

President Hamilton inquired as to whether once all 572 homes are built would exceed RMWD's service capacity limits with the City of Oceanside. Mr. Kennedy pointed out this development will not take RMWD over its capacity limits with the City of Oceanside and how staff was extremely confident RMWD can handle the increased flows. Discussion ensued.

***Motion:***

***To accept Option 1 as presented – Approve the Amendment to the Annexation Agreement and authorize the General Manager to execute the Amendment on behalf of the District, approve the Amendment to the Participation Agreement for the Design, Construction and Funding of Portions of the Rice Canyon Pipeline and Related Facilities and Authorize the General Manager to execute the Amendment on behalf of the District, and make a finding that the Project was adequately evaluated under the 2020 Addendum to the Pardee Final Environmental Impact Report.***

***Action: Approve, Moved by Director Moss, Seconded by Director Mack.***

***Vote: Motion carried by unanimous roll call vote (summary: Ayes = 5).***

***Ayes: Director Gasca, Director Hamilton, Director Mack, Director Rindfleisch, Director Moss.***

**20. NOTICE OF COMPLETION AND ACCEPTANCE OF INFRASTRUCTURE FOR THE GOLF GREEN ESTATES DEVELOPMENT**

Mr. Williams noted the contractor has completed all the punch list items and the development was complete. He said upon filing the Notice of Completion, RMWD will accept all facilities within the District's system and begin the contractor's one-year warranty period.

Discussion ensued regarding the location of the development.

***Motion:***

***To approve Option 1 – Accept the Golf Green Estates Improvements as complete and as shown on the approved plans, approve Filing the Notice of Completion, add installation costs of \$1,000,209.95 to the District's valuation, and make a finding that the action herein does not constitute a "project" as defined by CEQA.***

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

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**Action: Approve, Moved by Director Gasca, Seconded by Director Hamilton.**

**Vote: Motion carried by unanimous roll call vote (summary: Ayes = 5).**

**Ayes: Director Gasca, Director Hamilton, Director Mack, Director Rindfleisch, Director Moss.**

**\*21. DISCUSSION AND POSSIBLE ACTION ON A CUSTOMER REQUEST TO HAVE ALL FIXED FEES FROM AUGUST 2019 BE REFUNDED BACK TO THE CUSTOMER**

Ms. Largent explained Donnie Dabbs with Briggs Tree Company had contacted the District requesting all fees related to one of the accounts credited back to them claiming their accounting department had been paying the bills in error. She stated after researching this matter further, it was found this customer had actually been working on this specific APN with the Engineering Department as well as with Mr. Kennedy. She pointed out after reviewing extensive emails regarding the meter, it appears Mr. Dabbs had entered into a private agreement with a landowner to take over use of this meter without first establishing an easement agreement or setting up the actual service between the parties. She noted Mr. Dabbs has since taken ownership of this meter as well as the parcel and was paying the bill regularly; however, he has applied for a refund totaling \$6,378 in fees for the time period in question. She said staff was recommending the Board deny this request based on the customer stating this was his meter on multiple occurrences.

Mr. Kennedy added he and Mr. Williams did meet with Mr. Dabbs to discuss the Bonsall Reservoir matter and although Mr. Dabbs had discussed having issues getting water through the area in question, he never mentioned he would be anticipating a reimbursement. He stated it was not until Mr. Dabbs worked through taking ownership of the subject meter and parcel that he applied for reimbursement. He pointed out any reimbursement of duly applied charges paid would be considered a gift of public funds situation and since staff does not have a mechanism to unilaterally address this type of situation; therefore, this request was being presented to the Board for consideration.

Director Moss stated Mr. Dabbs' negotiations should not be with RMWD, but rather with the other party. President Hamilton pointed out the other option available would be for Mr. Dabbs to discontinue service should he not want to pay the bill.

Ms. Largent pointed out staff and the Budget and Finance Committee recommend the Board deny this request.

**Motion:**

**To adopt Option 2 – Deny the adjustment**

**Action: Approve, Moved by Director Moss, Seconded by Director Mack.**

**Vote: Motion carried by unanimous roll call vote (summary: Ayes = 5).**

**Ayes: Director Gasca, Director Hamilton, Director Mack, Director Rindfleisch, Director Moss.**

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

**22. CONSIDER COMMITTEE MEMBER REAPPOINTMENTS FOR FLINT NELSON**

Ms. Washburn pointed out Mr. Nelson's term for serving on both the Engineering and Operations Committee as well as the Budget and Finance Committee would be expiring and that although the Engineering and Operations Committee did not meet last month to make a formal recommendation, this was being presented to the Board to consider reappointment to both.

Mr. Kennedy thanked Mr. Nelson for all the tremendous work he has given and value he has brought to the RMWD ratepayers. President Hamilton and Director Moss thanked Mr. Nelson for a great job.

**Motion:**

**To approve Option 1 - Reappoint Flint Nelson to the Engineering and Operations Committee as well as the Budget and Finance Committee.**

**Action: Approve, Moved by Director Hamilton, Seconded by Director Gasca.**

**Vote: Motion carried by unanimous roll call vote (summary: Ayes = 5).**

**Ayes: Director Gasca, Director Hamilton, Director Mack, Director Rindfleisch, Director Moss.**

**23. BOARD MEMBER REQUESTS FOR AUTHORIZATION TO ATTEND UPCOMING MEETINGS / CONFERENCES / SEMINARS**

Directors Gasca, Moss, and Mack expressed an interest in attending the 2021 ACWA Fall Conference.

**Motion:**

**To approve attendance at the 2021 ACWA Fall Conference for Directors Gasca, Moss, and Mack.**

**Action: Approve, Moved by Director Hamilton, Seconded by Director Gasca.**

**Vote: Motion carried by unanimous roll call vote (summary: Ayes = 5).**

**Ayes: Director Gasca, Director Hamilton, Director Mack, Director Rindfleisch, Director Moss.**

**BOARD INFORMATION ITEMS**

**24. WATER SERVICE UPGRADE PROJECT UPDATE**

Mr. Gutierrez reported the project was 73% complete noting the areas in which crews were currently working. He noted the average exchange rate was approximately 20-30 meters per day and how the estimated completion date would be early 2022. He mentioned some of the issues encountered with ordering supplies as well as how the budget spend ratio for this project was looking very good.

**Director Mack excused himself from the meeting at 2:28 p.m.**

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

**\*25. 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. Treasury Report (June FY20-21 Revised)

Mr. Kennedy shared the Certificate of Recognition in honor of the dedication of the Heli-Hydrant from Assemblymember Marie Waldron, Certificate of Recognition for an Innovative Water Supply System from Senator Brian Jones, as well as the County of San Diego Proclamation declaring September 14, 2021, to be Rapid Arial Water Supply (RAWS) Day. Discussion followed.

Director Gasca recommended a process for seeking funding. Ms. Harp updated the Board on the status of the grant writer position.

**26. LIST OF SUGGESTED AGENDA ITEMS FOR THE NEXT REGULAR BOARD MEETING**

It was noted an amendment to the Administrative Code including the grant writer position in the Conflict of Interest Code and contracts from Engineering will be on the next committee agenda.

**27. ADJOURNMENT**

***The meeting was adjourned by Director Hamilton to a regular meeting on October 26, 2021, at 1:00 p.m.***

The meeting was adjourned at 2:45 p.m.

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**Hayden Hamilton, Board President**

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**Dawn M. Washburn, Board Secretary**

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





## SUMMARY OF FORMAL BOARD OF DIRECTORS' MEETING SEPTEMBER 23, 2021

- 8.1 Monthly Treasurer's Report on Investments and Cash Flow.  
The Board noted and filed the Treasurer's report.
- 8.2 Agreement with Oracle USA, Inc. to renew the Enterprise Resource Planning System software annual maintenance and support agreements.  
The Board authorized the General Manager to renew the Enterprise Resource Planning System software annual maintenance and support agreements with Oracle USA, Inc. for two years at a total cost of \$623,274.35.
- 8.3 Adopt the Water Authority's 2021 Long-Range Financing Plan.  
The Board adopted the Water Authority's 2021 Long-Range Financing Plan including the following: 1) Include within the Long-Range Financing Plan (LRFP) document, the following: a) A section regarding affordability and the impact SDCWA rates have upon individual ratepayers, and that SDCWA will provide a plan for reviewing its expenditures and resources with the goal of mitigating rate increases as much as possible; and, b) Keep the current legal Debt Service Coverage Ratio at 1.2x and leave the target level at 1.5x; 2) During the mid-term budget cycle, beginning in Fiscal Year 2023, SDCWA will prepare a Five-Year Financial Projection to serve as a framework for the following year's budget development and rate setting processes. As part of this process SDCWA will inform the Board as to the actual cash to debt mix and will take into consideration not only the impact on CWA's ratings, but also the intergenerational equity; 3) SDCWA will retain as-needed, third-party consultant(s) to review cost of service studies, rate designs, and the CIP planning and prioritization; 4) SDCWA will provide an excel version of the rate model spreadsheet used in the preparation of the LRFP that includes the projected impact to each rate category to all member agencies and the Board of Directors; 5) SDCWA will work to identify transfer opportunities for its contracted water supplies given the changing demand climate, and provide an update to the Board of Directors; and 6) SDCWA to request the same from MWD.
- 8.4 Reimbursement Agreement with City of Poway for design of the new treated water connection and Poway 5 Flow Control Facility.  
The Board authorized the General Manager, or designee, to execute the design reimbursement agreement with the City of Poway for supporting the new treated water connection and Poway 5 Flow Control Facility.
- 8.5 Contract with Southwest Valve & Equipment, Inc. to purchase butterfly valves.  
The Board authorized the General Manager, or designee, to award a contract to Southwest Valve & Equipment, Inc. to purchase two 72-inch butterfly valves in the amount of \$646,868.75 for the Pipeline 5 Relining from Twin Oaks Valley Road to Crossover Pipeline Turnout project.

8.6 Closed Session.

The Board approved the General Manager or her designee agreeing to the following condition: If there is federal money available to pay for the potential project, CVWD and the Water Authority get first priority on that funding if it requires matching funds, but the Indian Water Authority gets first priority on any federal funding that does not require matching funds (up to the amount of their obligation).

8.7 Approval of Minutes.

The Board approved the minutes of the Special Administrative and Finance Committee meeting of August 12, 2021 and the Formal Board of Directors' meeting of August 26, 2021.

## BOARD OF DIRECTORS CONFERENCE/SEMINAR REPORT

<b>ATTENDEE NAME(S):</b>	Pam Moss
<b>TITLE OF TRAINING/CONFERENCE/WORKSHOP/CLASS:</b>	ACWA Spring Virtual Conference
<b>DATE(S) ATTENDED:</b>	5/12 - 5/13 cancelled to 5/14
<b>AGENCY HOSTING TRAINING/CONFERENCE/WORKSHOP/CLASS:</b>	ACWA
<b>LOCATION:</b>	Virtual
<b>DESCRIPTION OF TOPIC(S)/LEARNING EXPERIENCE:</b>	
<p>Attended the Wildfire resilience plan session and it basically covered what had happened in the previous years fires. the only emphasis being - plan for your staff to be able to access vehicles and water. There was no new insights other than to state better planning needed to take place in the forrest management.</p> <p>Proposition 218 discussion provided a better understanding of the rate requirements and and introduction to how we must arrive at rates and fees.</p>	
<b>WHAT KEY INFORMATION OBTAINED IS MOST BENEFICIAL TO RMWD?</b>	
<p>Primarily the 218 discussion providing a better understanding of how we are able to charge and what we may or may not do, which helped me to determine appropriate actions on items that are discussed and voted upon regarding rates and the structures of rates. And how we may respond to ratepayers requests and why.</p>	





**TO:** Rainbow Municipal Water District  
**FROM:** Alfred Smith  
**DATE:** October 26, 2021  
**RE:** Attorney Report: Water Shut-Off Moratorium and Statute of Limitations for Water Fee Challenges

501668-0002

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**I. INTRODUCTION.**

This attorney report provides an update on two recent legislative developments. On September 23, 2021, Governor Newsom signed Senate Bill 155 (“SB 155”). SB 155 extended and expanded the water service shut-off moratorium for non-payment until December 31, 2021.

Senate Bill 323 (“SB 323”) shortens the statute of limitations for lawsuits challenging local agency water and sewer fees. A challenge to new or increased water or sewer rates must now be brought within 120 days. SB 323 applies to rates for both retail and wholesale water and sewer fees adopted or increased after January 1, 2022.

**II. WATER SHUT-OFF MORATORIUM.**

Until recently, Gov. Gavin Newsom’s executive orders indicated that the moratorium on termination of water service to residential customers and small businesses in critical infrastructure sectors for nonpayment would expire on Sept. 30, 2021. California’s Budget Act, which created the California Water and Wastewater Arrearage Payment Program, previously contemplated the moratorium ending on that same date, with certain exceptions relating to the Arrearage Payment Program.

Responding to the call from environmental justice advocates to extend the moratorium on customer water utility shutoffs, a last minute budget bill extended the September 30th shut off date to December 31, 2021. This date is applicable for all “community water systems” and customers, regardless of if they utilized the water arrearage payment program funding—which is how the moratorium was structured in prior bills. SB 155 defines “community water system” to include any public water system that serves at least 15 service connections used by yearlong residents or regularly serves at least 25 yearlong residents of the area served by the system.

SB 155 took effect immediately and applies to:

- every community water system, regardless of participation in the Arrearage Payment Program;
- all delinquent payments, regardless of when the delinquency occurred; and
- all classes of customers (not just residential customers and small businesses in critical infrastructure sectors, as under the Governor's executive order).

The overarching takeaway: water service cannot be terminated for nonpayment until *at least* December 31, 2021. Even then, water agencies are required to establish compliance with all pre-existing legal requirements and procedures before shutting off water service due to nonpayment.

### **III. Senate Bill 323: 120-Day Statute of Limitations For Water and Sewer Rates**

Challenges to new or increased water or sewer rates must be brought within 120 days pursuant to Senate Bill 323. SB 323 applies to rates for both retail and wholesale water and sewer fees adopted or increased after January 1, 2022.

#### **A. Agency Liability**

Before SB 323 was signed and enacted, a plaintiff seeking to challenge water or sewer rates could generally bring an action for a refund for amounts paid within the preceding year, or could seek to invalidate the rates within 3 years of payment. This meant, for example, that an agency could be sued many years after water or sewer rates were adopted so long as those rates are still imposed, and even for some time after new rates are adopted.

#### **B. SB 323 Specifics**

With the enactment of SB 323, plaintiffs must bring a challenge to new or increased water or sewer rates within 120 days of the effective date or date of final passage, adoption, or approval of the ordinance or resolution adopting the water or sewer rate.

Proposition 218 requires local agencies to mail a notice of proposed new or increased water or sewer rates to property owners and tenants directly responsible for the bill at least 45 days before the public hearing on the rate increases. In order to take advantage of SB 323's statute of limitations for retail water or sewer rates, the notice must include a statement that there is a 120-day statute of limitations for challenging the rates. No such requirement applies to wholesale rates.

SB 323 does not apply where there is another statute that establishes a more specific time or procedure for challenging water or sewer service rates. The statute of limitations also does not apply to legal actions arising from billing errors, such as

overbilling resulting from incorrect implementation of otherwise validly approved water or sewer service rates.

### **C. Agency Relief**

SB 323 is consistent with other statutes of limitations governing other types of fees, including capacity fees and certain types of electric fees. The perpetual risk of challenge causes uncertainty and prevents public agencies from effectively planning for the future, while placing vital public revenues at risk. Together, these statutes afford relief to agencies furnishing necessary public services by providing finality for legal exposure to rate challenges.

Notably, SB 323 requires challenges to be brought by way of a reverse validation action, a legal process most commonly used to challenge bond and other debt issuances. This is the very procedure the Legislature created to help ensure certainty in municipal finances, and so applies naturally to ensure certainty in future revenue for local agencies. Indeed, gas and electric rate challenges are already subject to validation, as are “connection” or “capacity” fees imposed by utilities. SB 323 makes the validation statutes applicable equally across all of these utility sectors and charges. As a result, while agencies can simply wait for this new statute of limitations to expire and validate their rates by operation of law, they also have the option to take the initiative and affirmatively pursue validation in court immediately after adopting rates, potentially creating even greater certainty.

SB 323 was sponsored by the Association of California Water Agencies (“ACWA”) and authored by Senator Anna Caballero (D-Salinas). Nearly 100 public agencies were part of a coalition in support of SB 323.

AES





## BOARD OF DIRECTORS

October 26, 2021

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### SUBJECT

DISCUSSION AND POSSIBLE ACTION TO APPROVE ORDINANCE NO. 21-07 - AMENDING AND UPDATING ADMINISTRATIVE CODE SECTION 1.02.020 – CONFLICT OF INTEREST

### BACKGROUND

As the positions change at the District, a review of the Administrative Code Section 1.02.020 - Conflict of Interest Code is conducted to determine whether those positions listed in the Conflict of Interest Code need to be updated accordingly.

The budget for fiscal year 2021-2022 included a new job classification for a Grant Specialist, which will be responsible for seeking and securing grant funding for the District. This position's purpose is significant to the success of the District's financial goal of securing non-rate-based funding sources. In addition, the job will directly impact the District's operations, as the incumbent will need to make policy recommendations to ensure the District complies with grant requirements.

### DESCRIPTION

The proposed changes to Administrative Code Section 1.02.020 include the following updates as approved by the Board of Directors at their July 27, 2021 meeting which is to add the position of Grant Specialist to the list of designated positions.

### POLICY/STRATEGIC PLAN KEY FOCUS AREA

Strategic Focus Area Three: Workforce Development

### ENVIRONMENTAL

In accordance with CEQA guidelines Section 15378, the action before the Board does not constitute a "project" as defined by CEQA and further environmental review is not required at this time.

### BOARD OPTIONS/FISCAL IMPACTS

- 1) Approve Ordinance No. 21-07 amending and updating Administrative Code Section 1.02.020.
- 2) Approve Ordinance No. 21-07 amending and updating Administrative Code Section 1.02.020 with revisions.
- 3) Do not approve Ordinance No. 21-07 amending and updating Administrative Code Section 1.02.020 and provide staff with direction.

Any fiscal impacts were discussed at the July 27, 2021 Board meeting.

**STAFF RECOMMENDATION**

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Staff recommends adopting Option 1.



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Tom Kennedy, General Manager

October 26, 2021

**Ordinance No. 21-07**

**Ordinance of the Board of Directors of the Rainbow Municipal Water District  
Amending and Updating Administrative Code  
Section 1.02.020 – Conflict of Interest**

WHEREAS, the Rainbow Municipal Water District has, from time to time, adopted various rules and regulations for the operation of the District; and

WHEREAS, certain of those rules and regulations require updating to reflect best practices, as well as changes in applicable laws; and

WHEREAS, the Board of Directors has determined that changes in the rules or regulations of the District shall occur solely by amendment to the Administrative Code;

NOW, THEREFORE,

BE IT ORDAINED by the Board of Directors of Rainbow Municipal Water District as follows:

1. The following rules and regulations of the District, collected are hereby adopted and shall be incorporated into the Administrative Code, consisting of:

Section 1.02.020: Conflict of Interest

2. The General Manager is hereby directed to update the Administrative Code to reflect the approval of these rules and regulations, and to assign or reassign the numbering of the Administrative Code as necessary to codify these rules and regulations as amended.

3. This ordinance shall take effect immediately upon its adoption on this 26th day of October 2021.

**AYES:**  
**NOES:**  
**ABSTAIN:**  
**ABSENT:**

\_\_\_\_\_  
Hayden Hamilton, Board President

**ATTEST:**

\_\_\_\_\_  
Dawn Washburn, Board Secretary



**Section 1.02.020**  
**Conflict of Interest**

**1.02.020.01** The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code Regs. Section 18730) that contains the terms of a standard conflict of interest code and may be incorporated by reference in any agency's code. After public notice and hearing, the standard code may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act.

**1.02.020.02** Therefore, the terms of 2 California Code of **Regulations Section 18730** and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating positions, and establishing disclosure requirements, shall constitute the conflict of interest code of the Rainbow Municipal Water District.

**1.02.020.03** Individuals holding designated and non-designated positions shall file their Statements of Economic Interest with Rainbow Municipal Water District, which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008.) Upon receipt of the statements for the Board Members and General Manager, the Board Secretary shall make and retain copies and forward the originals of these statements to the County Board of Supervisors. Statements for all other designated employees shall be retained by Rainbow Municipal Water District.

Any public officials who manage public investments shall be considered non-designated positions under Government Code section 87200 and shall make the disclosures required by law. Originals of all Statements of Economic Interest filed by non-designated positions will be maintained at the District office.

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*M:\Administration\Confidential\Administrative Code Current Policies\Title 1\Conflict of Interest 1.02.020.docx* \Approved 8-3-05 by Ordinance No. 05-07\Amended and Updated 7-21-06 by Resolution No. 06-10\Approved 11-17-06 by Ordinance No. 06-09\Amended and Updated 8-26-08 by Resolution No. 08-10\Approved 10-28-08 by Ordinance No. 08-11\Amended and Updated 06-26-12 by Ordinance No. 12-02\Amended and Updated 4-23-13 by Ordinance No. 13-04\Amended and Updated 4-22-14 by Ordinance No. 14-02\Amended and Updated 8-26-14 by Ordinance No. 14-06\Amended and Updated 2-24-15 by Ordinance No. 15-04\Amended and Updated 1-26-16 by Ordinance No. 16-02\Amended and Updated 3-22-16 by Ordinance No. 16-04\Amended and Updated 1-23-18 by Ordinance No. 18-02\Amended and Updated 3-27-18 by Ordinance No. 18-05\Amended and Updated 5-22-18 by Ordinance No. 18-12\Amended and Updated 8-28-18 by Ordinance No. 18-19\Amended and Updated 12-4-18 by Ordinance No. 18-27\Amended and Updated 6-25-19 by Ordinance No. 19-06\Amended and Updated 9-24-19 by Ordinance No. 19-12\Amended and Updated 1-28-20 by Ordinance No. 20-01\Amended and Updated 6-23-20 by Ordinance No. 20-06\Amended and Updated 12-8-20 by Ordinance No. 20-12\ **DRAFT**

**Appendix A**  
**Rainbow Municipal Water District Conflict of Interest Code**

**Preamble**

Any person designated in Section I of this Appendix who is unsure of any right or obligation arising under this Code may request a formal opinion or letter of advice from the FPPC or an opinion from Rainbow Municipal Water District's General Counsel. (Gov. Code § 83114; 2 CCR § 18730(b)(11).) A person who acts in good faith in reliance on an opinion issued to them by the FPPC shall not be subject to criminal or civil penalties for so acting, provided that all material facts are stated in the opinion request. (Gov. Code § 83114(a).)

Opinions rendered by General Counsel do not provide any statutory defense to an alleged violation of conflict of interest statutes or regulations. The prosecuting agency may, but is not required to, consider a requesting party's reliance on General Counsel's opinion as evidence of good faith. In addition, Rainbow Municipal Water District may consider whether such reliance should constitute a mitigating factor to any disciplinary action that Rainbow Municipal Water District may bring against the requesting party under Government Code section 91003.5.

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## Part I - Designated Positions

<u>Designated Employees</u>	<u>Categories Disclosed</u>
Members of the Board of Directors	All
General Manager	All
General Counsel	All
Engineering and Capital Improvement Program Manager	All
Operations Manager	All
Human Resources Manager	All
Information Technology Manager	All
Construction/Maintenance Supervisor	All
Water Operations Supervisor	All
Wastewater Superintendent	All
Associate Engineer	All
Senior Accountant	All
Purchasing & Inventory Control Specialist I/II	All
Risk Management Officer	All
Senior Engineering Inspector	All
Cross Connection Control and Backflow Technician	All

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Information Technology and Applications Analyst and Senior Information Technology and Applications Analyst	All
Information Systems Specialist I/II/III	All
Project Manager	All
Meter Services Supervisor	All
Customer Service and Communications Supervisor	All
<u>Grant Specialist</u>	<u>All</u>
<sup>1</sup> Consultants	2

### Part II – Non-Designated Positions

Finance Manager	Pursuant to Applicable Laws
Standing District Committee Members	2
Auditor	2

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<sup>1</sup> With respect to consultants, the General Manager may determine in writing that a particular consultant, although a “designated employee,” is hired to perform a range of duties that is limited in scope and thus is not required to comply with the written disclosure requirements described in these categories. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The General Manager’s determination is a public record and shall be retained for public inspection by Rainbow Municipal Water District in the same manner as this Conflict of Interest Code. Nothing herein excuses any such consultant from any other provision of this Conflict of Interest Code.

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## Part III - Disclosure Categories

### Category 1.

A designated employee or person in this category shall report all interests in real property, and investments in, and income from, business entities of the type to operate or provide any of the following:

- Accounting or auditing services
- Banks and savings and loans
- Computer hardware or software, or computer services or consultants
- Communications equipment or services
- Insurance brokers and agencies
- Insurance adjusting, claims auditing or administration, or underwriting services
- Office equipment or supplies
- Personnel and employment companies and services
- Printing or reproduction services, publications, and distribution
- Securities, investment or financial services companies
- Title insurance and escrow
- Construction supplies, service or equipment
- Engineering and surveying services
- Land development services

### Category 2.

A designated employee in this category shall disclose all business positions in, investments in, and income from any business of the type to provide personnel, services, supplies, material, machinery, or equipment to Rainbow Municipal Water District and is associated with the job assignment or position of the designated employee or person.

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**Appendix B**  
**Statement of Duties of Employees of**  
**and Consultants to Rainbow Municipal Water District**

Members of the Board of Directors

The Board of Directors acts as the Rainbow Municipal Water District's governing body. Members of the Board of Directors formulate general policy and programs of Rainbow Municipal Water District, and each member of the Board of Directors is therefore designated.

General Manager

General Manager oversees the day-to-day operations of Rainbow Municipal Water District and participates in the formulation and implementation of the policies and programs of Rainbow Municipal Water District and is therefore designated.

General Counsel

General Counsel, currently hired on a contract basis, advises Rainbow Municipal Water District on its day-to-day activities, including its relationships with the independent contractors who serve in a staff capacity to Rainbow Municipal Water District, and compliance with applicable laws and regulations. General Counsel participates in the formulation and implementation of the policies and programs of Rainbow Municipal Water District and is therefore designated.

Finance Manager

An employee of the Rainbow Municipal Water District, the Finance Manager is Rainbow Municipal Water District's Chief Financial Officer and helps manage the finances of Rainbow Municipal Water District. The Finance Manager makes reports from time to time on the financial results of operations of Rainbow Municipal Water District and recommends fiscal policies to the Board of Directors. The Finance Manager "manages public investments" within the meaning of applicable regulations and is therefore not designated.

Engineering and Capital Improvement Program Manager

The Engineering and Capital Improvement Program Manager provides oversight of engineering services to Rainbow Municipal Water District, including implementation of capital replacement projects and participates in the formulation of Rainbow Municipal Water District's general policies and programs in the area of engineering and is therefore designated.

Operations Manager

The Operations Manager oversees the operation and maintenance of the water and wastewater lines and structures, participates in the formulation of Rainbow Municipal Water District's general policies and programs in the area of operations and maintenance and is therefore designated.

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### Human Resources Manager

The Human Resources Manager plans, directs and oversees the following programs and activities: human resources; risk management and safety; labor relations; workers' compensation, property and liability insurance and is therefore designated.

### Information Technology Manager

The Information Technology Manager manages Rainbow Municipal Water District's information technology staff, services and systems, user support, specific applications support, hardware and software installation, troubleshooting and maintaining computer systems, telephony, and mobile services. This position also supervises the purchasing, inventorying, maintenance and the disposing of computing and communication devices, hardware and software and is therefore designated.

### Construction/Maintenance Supervisor

The Construction/Maintenance Supervisor has supervisory responsibilities to direct and oversee the Construction Division. This position coordinates and manages the installation, maintenance and repair of water mains, service lines, fire hydrants and other related appurtenances used in the District water distribution, treatment and storage facilities and is therefore designated.

### Water Operations Supervisor

The Water Operations Supervisor has supervisory responsibilities to direct and oversee the Water Operations Division. This position will coordinate and manage the installation, maintenance, repair and operation of District water distribution, treatment, pumping and storage facilities and is therefore designated.

### Wastewater Superintendent

The Wastewater Superintendent has managerial responsibility to direct and oversee the Wastewater Division. This position coordinates and manages the repair, maintenance and operation of the wastewater pumping and collection system as well as may assist with installation, maintenance and repair of water distribution facilities and is therefore designated.

### Associate Engineer

The Associate Engineer performs a variety of routine and semi-routine professional level civil engineering work in the research, design and construction of water and sewer capital improvement and construction projects as well as reviews development plans and is therefore designated.

### Senior Accountant

The Senior Accountant performs highly complex and professional accounting and financial analysis to provide accurate and timely financial statements and reports to management, the Board, other government agencies, and the public and serves as a subject matter expert and is therefore designated.

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### Purchasing & Inventory Control Specialist I/II

The Purchasing & Inventory Control Specialist I/II has responsibility for all functions associated with the warehouse including purchasing, receiving and inventory control and administration of the office cleaning contract as well as maintaining inventory of parts and supplies and is therefore designated.

### Risk Management Officer

The Risk Management Officer has responsibility for the planning and administration of the District programs and services related to safety, security, emergency preparedness, environmental compliance functions, and processing claims and is therefore designated.

### Senior Engineering Inspector

The Senior Engineering Inspector performs highly specialized and complex public works construction inspection work. This position acts as the District's representative on the construction site for the expressed intent of enforcement of District construction standards and regulations and is therefore designated.

### Cross-Connection Control and Backflow Technician

The Cross-Connection Control and Backflow Technician performs a variety of work in connection with implementing and enforcing the cross-connection control programs including the Backflow Prevention Program, inspects, tests, and repairs backflow devices, and creates and submits results, records, and related documentation and is therefore designated.

### Information Technology and Applications Analyst /Senior IT and Applications Analyst

The Senior Information Technology and Applications Analyst/Senior Information and Applications Analyst position monitors, maintains, troubleshoots, and diagnoses hardware, software, database and network problems and identifies courses of action and is therefore designated.

### Information Systems Specialist I/II/III

The Information Systems Specialist I/II/III provides technical assistance to end users of computer hardware, software, printers, and mobile devices and assists in configuring and administering Rainbow Municipal Water District's electronic records management system and is therefore designated.

### Project Manager

The Project Manager manages Capital Improvement Projects (CIP) and development projects related to the design and construction of water and wastewater distribution and collection systems. Manages projects from start to finish, from project planning to final inspection. Coordinates with District staff, contractors, and other agencies to deliver projects and is therefore designated.

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### Meter Services Supervisor

The Meters Services Supervisor supervises and participates in work related to water services, oversees the cross-connection control and backflow testing programs, tests water services including pressure regulators, water meters, meter boxes, backflow devices and associated appurtenances, and responds to escalated customer service inquiries regarding customer water use and water service issues and is therefore designated.

### Customer Service and Communications Supervisor

The Customer Service and Communications Supervisor oversees activities and staff in the Customer Service Department, handles complex and escalated customer service issues, administrative and professional activities in support of public relations, community outreach, and educational programs and is therefore designated.

### Grant Specialist

The Grant Administrator researches, develops, writes, and submits grant applications and proposals for the core purpose of acquiring grant funding from a variety of organizations and sources as well as manages funding agreements, completes required reporting and reimbursement invoicing to ensure funding requirements are met and is therefore designated.

### Auditor

Rainbow Municipal Water District has contracted with one or more accounting firms to handle financial audits of Rainbow Municipal Water District's finances and investments. These firms implement decisions of the Rainbow Municipal Water District's Board of Directors. Because these auditors' duties are restricted in the manner described herein, they do not participate in the formulation and implementation of the policies and programs of Rainbow Municipal Water District, and also do not "manage public investments" within the meaning of applicable regulations; therefore, the Auditor(s) shall be considered non-designated positions and will file Statements of Economic Interest forms with the District only for public review and information purposes.

### Standing District Committee Members

A member or alternate committee member of a Rainbow Municipal Water District standing committee serves at the pleasure of the Board. These committees are advisory to the Board with regard to matters within their respective areas of responsibility. A committee has jurisdiction to consider and make a recommendation to other committees and to the Board regarding any item of business within the responsibility of the committee. Committee recommendations shall be communicated to the Board. A committee may consider other matters referred to it by the Board. Therefore, standing district committee members shall be considered non-designated positions and will file Statements of Economic Interest forms with the District only for public review and information purposes.

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**Section 1.02.020**  
**Conflict of Interest**

**1.02.020.01** The Political Reform Act (Government Code Section 81000, et seq.) requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code Regs. Section 18730) that contains the terms of a standard conflict of interest code and may be incorporated by reference in any agency's code. After public notice and hearing, the standard code may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act.

**1.02.020.02** Therefore, the terms of 2 California Code of **Regulations Section 18730** and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendix designating positions, and establishing disclosure requirements, shall constitute the conflict of interest code of the Rainbow Municipal Water District.

**1.02.020.03** Individuals holding designated and non-designated positions shall file their Statements of Economic Interest with Rainbow Municipal Water District, which will make the statements available for public inspection and reproduction. (Gov. Code Section 81008.) Upon receipt of the statements for the Board Members and General Manager, the Board Secretary shall make and retain copies and forward the originals of these statements to the County Board of Supervisors. Statements for all other designated employees shall be retained by Rainbow Municipal Water District.

Any public officials who manage public investments shall be considered non-designated positions under Government Code section 87200 and shall make the disclosures required by law. Originals of all Statements of Economic Interest filed by non-designated positions will be maintained at the District office.

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**Appendix A**  
**Rainbow Municipal Water District Conflict of Interest Code**

**Preamble**

Any person designated in Section I of this Appendix who is unsure of any right or obligation arising under this Code may request a formal opinion or letter of advice from the FPPC or an opinion from Rainbow Municipal Water District's General Counsel. (Gov. Code § 83114; 2 CCR § 18730(b)(11).) A person who acts in good faith in reliance on an opinion issued to them by the FPPC shall not be subject to criminal or civil penalties for so acting, provided that all material facts are stated in the opinion request. (Gov. Code § 83114(a).)

Opinions rendered by General Counsel do not provide any statutory defense to an alleged violation of conflict of interest statutes or regulations. The prosecuting agency may, but is not required to, consider a requesting party's reliance on General Counsel's opinion as evidence of good faith. In addition, Rainbow Municipal Water District may consider whether such reliance should constitute a mitigating factor to any disciplinary action that Rainbow Municipal Water District may bring against the requesting party under Government Code section 91003.5.

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## Part I - Designated Positions

<u>Designated Employees</u>	<u>Categories Disclosed</u>
Members of the Board of Directors	All
General Manager	All
General Counsel	All
Engineering and Capital Improvement Program Manager	All
Operations Manager	All
Human Resources Manager	All
Information Technology Manager	All
Construction/Maintenance Supervisor	All
Water Operations Supervisor	All
Wastewater Superintendent	All
Associate Engineer	All
Senior Accountant	All
Purchasing & Inventory Control Specialist I/II	All
Risk Management Officer	All
Senior Engineering Inspector	All
Cross Connection Control and Backflow Technician	All

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Information Technology and Applications Analyst and Senior Information Technology and Applications Analyst	All
Information Systems Specialist I/II/III	All
Project Manager	All
Meter Services Supervisor	All
Customer Service and Communications Supervisor	All
Grant Specialist	All
<sup>1</sup> Consultants	2

### Part II – Non-Designated Positions

Finance Manager	Pursuant to Applicable Laws
Standing District Committee Members	2
Auditor	2

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<sup>1</sup> With respect to consultants, the General Manager may determine in writing that a particular consultant, although a “designated employee,” is hired to perform a range of duties that is limited in scope and thus is not required to comply with the written disclosure requirements described in these categories. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The General Manager’s determination is a public record and shall be retained for public inspection by Rainbow Municipal Water District in the same manner as this Conflict of Interest Code. Nothing herein excuses any such consultant from any other provision of this Conflict of Interest Code.

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A designated employee or person in this category shall report all interests in real property, and investments in, and income from, business entities of the type to operate or provide any of the following:

- Accounting or auditing services
- Banks and savings and loans
- Computer hardware or software, or computer services or consultants
- Communications equipment or services
- Insurance brokers and agencies
- Insurance adjusting, claims auditing or administration, or underwriting services
- Office equipment or supplies
- Personnel and employment companies and services
- Printing or reproduction services, publications, and distribution
- Securities, investment or financial services companies
- Title insurance and escrow
- Construction supplies, service or equipment
- Engineering and surveying services
- Land development services

#### Category 2.

A designated employee in this category shall disclose all business positions in, investments in, and income from any business of the type to provide personnel, services, supplies, material, machinery, or equipment to Rainbow Municipal Water District and is associated with the job assignment or position of the designated employee or person.

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**Appendix B**  
**Statement of Duties of Employees of**  
**and Consultants to Rainbow Municipal Water District**

Members of the Board of Directors

The Board of Directors acts as the Rainbow Municipal Water District's governing body. Members of the Board of Directors formulate general policy and programs of Rainbow Municipal Water District, and each member of the Board of Directors is therefore designated.

General Manager

General Manager oversees the day-to-day operations of Rainbow Municipal Water District and participates in the formulation and implementation of the policies and programs of Rainbow Municipal Water District and is therefore designated.

General Counsel

General Counsel, currently hired on a contract basis, advises Rainbow Municipal Water District on its day-to-day activities, including its relationships with the independent contractors who serve in a staff capacity to Rainbow Municipal Water District, and compliance with applicable laws and regulations. General Counsel participates in the formulation and implementation of the policies and programs of Rainbow Municipal Water District and is therefore designated.

Finance Manager

An employee of the Rainbow Municipal Water District, the Finance Manager is Rainbow Municipal Water District's Chief Financial Officer and helps manage the finances of Rainbow Municipal Water District. The Finance Manager makes reports from time to time on the financial results of operations of Rainbow Municipal Water District and recommends fiscal policies to the Board of Directors. The Finance Manager "manages public investments" within the meaning of applicable regulations and is therefore not designated.

Engineering and Capital Improvement Program Manager

The Engineering and Capital Improvement Program Manager provides oversight of engineering services to Rainbow Municipal Water District, including implementation of capital replacement projects and participates in the formulation of Rainbow Municipal Water District's general policies and programs in the area of engineering and is therefore designated.

Operations Manager

The Operations Manager oversees the operation and maintenance of the water and wastewater lines and structures, participates in the formulation of Rainbow Municipal Water District's general policies and programs in the area of operations and maintenance and is therefore designated.

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### Human Resources Manager

The Human Resources Manager plans, directs and oversees the following programs and activities: human resources; risk management and safety; labor relations; workers' compensation, property and liability insurance and is therefore designated.

### Information Technology Manager

The Information Technology Manager manages Rainbow Municipal Water District's information technology staff, services and systems, user support, specific applications support, hardware and software installation, troubleshooting and maintaining computer systems, telephony, and mobile services. This position also supervises the purchasing, inventorying, maintenance and the disposing of computing and communication devices, hardware and software and is therefore designated.

### Construction/Maintenance Supervisor

The Construction/Maintenance Supervisor has supervisory responsibilities to direct and oversee the Construction Division. This position coordinates and manages the installation, maintenance and repair of water mains, service lines, fire hydrants and other related appurtenances used in the District water distribution, treatment and storage facilities and is therefore designated.

### Water Operations Supervisor

The Water Operations Supervisor has supervisory responsibilities to direct and oversee the Water Operations Division. This position will coordinate and manage the installation, maintenance, repair and operation of District water distribution, treatment, pumping and storage facilities and is therefore designated.

### Wastewater Superintendent

The Wastewater Superintendent has managerial responsibility to direct and oversee the Wastewater Division. This position coordinates and manages the repair, maintenance and operation of the wastewater pumping and collection system as well as may assist with installation, maintenance and repair of water distribution facilities and is therefore designated.

### Associate Engineer

The Associate Engineer performs a variety of routine and semi-routine professional level civil engineering work in the research, design and construction of water and sewer capital improvement and construction projects as well as reviews development plans and is therefore designated.

### Senior Accountant

The Senior Accountant performs highly complex and professional accounting and financial analysis to provide accurate and timely financial statements and reports to management, the Board, other government agencies, and the public and serves as a subject matter expert and is therefore designated.

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#### Purchasing & Inventory Control Specialist I/II

The Purchasing & Inventory Control Specialist I/II has responsibility for all functions associated with the warehouse including purchasing, receiving and inventory control and administration of the office cleaning contract as well as maintaining inventory of parts and supplies and is therefore designated.

#### Risk Management Officer

The Risk Management Officer has responsibility for the planning and administration of the District programs and services related to safety, security, emergency preparedness, environmental compliance functions, and processing claims and is therefore designated.

#### Senior Engineering Inspector

The Senior Engineering Inspector performs highly specialized and complex public works construction inspection work. This position acts as the District's representative on the construction site for the expressed intent of enforcement of District construction standards and regulations and is therefore designated.

#### Cross-Connection Control and Backflow Technician

The Cross-Connection Control and Backflow Technician performs a variety of work in connection with implementing and enforcing the cross-connection control programs including the Backflow Prevention Program, inspects, tests, and repairs backflow devices, and creates and submits results, records, and related documentation and is therefore designated.

#### Information Technology and Applications Analyst /Senior IT and Applications Analyst

The Senior Information Technology and Applications Analyst/Senior Information and Applications Analyst position monitors, maintains, troubleshoots, and diagnoses hardware, software, database and network problems and identifies courses of action and is therefore designated.

#### Information Systems Specialist I/II/III

The Information Systems Specialist I/II/III provides technical assistance to end users of computer hardware, software, printers, and mobile devices and assists in configuring and administering Rainbow Municipal Water District's electronic records management system and is therefore designated.

#### Project Manager

The Project Manager manages Capital Improvement Projects (CIP) and development projects related to the design and construction of water and wastewater distribution and collection systems. Manages projects from start to finish, from project planning to final inspection. Coordinates with District staff, contractors, and other agencies to deliver projects and is therefore designated.

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### Meter Services Supervisor

The Meters Services Supervisor supervises and participates in work related to water services, oversees the cross-connection control and backflow testing programs, tests water services including pressure regulators, water meters, meter boxes, backflow devices and associated appurtenances, and responds to escalated customer service inquiries regarding customer water use and water service issues and is therefore designated.

### Customer Service and Communications Supervisor

The Customer Service and Communications Supervisor oversees activities and staff in the Customer Service Department, handles complex and escalated customer service issues, administrative and professional activities in support of public relations, community outreach, and educational programs and is therefore designated.

### Grant Specialist

The Grant Administrator researches, develops, writes, and submits grant applications and proposals for the core purpose of acquiring grant funding from a variety of organizations and sources as well as manages funding agreements, completes required reporting and reimbursement invoicing to ensure funding requirements are met and is therefore designated.

### Auditor

Rainbow Municipal Water District has contracted with one or more accounting firms to handle financial audits of Rainbow Municipal Water District's finances and investments. These firms implement decisions of the Rainbow Municipal Water District's Board of Directors. Because these auditors' duties are restricted in the manner described herein, they do not participate in the formulation and implementation of the policies and programs of Rainbow Municipal Water District, and also do not "manage public investments" within the meaning of applicable regulations; therefore, the Auditor(s) shall be considered non-designated positions and will file Statements of Economic Interest forms with the District only for public review and information purposes.

### Standing District Committee Members

A member or alternate committee member of a Rainbow Municipal Water District standing committee serves at the pleasure of the Board. These committees are advisory to the Board with regard to matters within their respective areas of responsibility. A committee has jurisdiction to consider and make a recommendation to other committees and to the Board regarding any item of business within the responsibility of the committee. Committee recommendations shall be communicated to the Board. A committee may consider other matters referred to it by the Board. Therefore, standing district committee members shall be considered non-designated positions and will file Statements of Economic Interest forms with the District only for public review and information purposes.

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## BOARD OF DIRECTORS

October 26, 2021

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## SUBJECT

NOTICE OF COMPLETION AND ACCEPTANCE OF INFRASTRUCTURE FOR THE HORSE CREEK RIDGE DEVELOPMENT BY D.R. HORTON (DIVISION 4, 5)

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## BACKGROUND

The Horse Creek Ridge Development which is located east of I-15 on Horse Ranch Creek Road has installed water and sewer facilities to serve the development. The development consists of 741 residential units and a sports complex. The backbone facilities including water and sewer mains in Horse Ranch Creek Road, SR-76, Andalusian Way, Gold Palomino Way, and Friesian Way, as well as the Pankey Lift Station and the associated sewer force main were accepted by the Board of Directors on October 23, 2018. The onsite facilities which serve individual single and multi-family residential units have not yet been accepted. These improvements were included in the following Joint Use Agreements between the County, Rainbow Municipal Water District, and the developer, D.R. Horton:

1. Joint Agreement No. 2 to Improve Major Subdivision County of San Diego Tract No. 5338-2, Lot 148 (MF-1)
2. Joint Agreement No. 2 to Improve Major Subdivision County of San Diego Tract No. 5338-2, Lot 149 (MF-2)
3. Joint Agreement No. 2 to Improve Major Subdivision County of San Diego Tract No. 5338-2
4. Joint Agreement No. 2 to Improve Major Subdivision County of San Diego Tract No. 5338-3
5. Joint Agreement No. 2 to Improve Major Subdivision County of San Diego Tract No. 5338-4

The initial agreements took effect on November 20, 2014, and February 4, 2015. Since then, construction of the facilities has been completed.

## DESCRIPTION

Facilities completed and ready for acceptance include the water and sewer facilities as depicted in the following improvement plans:

1. Rainbow Municipal Water District Horse Creek Ridge Multifamily 148 Water and Sewer Improvement Plans
2. Rainbow Municipal Water District Horse Creek Ridge Multifamily 149 Water and Sewer Improvement Plans
3. Public Improvement Plans For: Horse Creek Ridge Unit 2 – R1
4. Public Improvement Plans For: Horse Creek Ridge Unit 3 – R2
5. Public Improvement Plans For: Horse Creek Ridge Unit 4 – R3

The improvements include approximately:

- 15,675 lf of Sewer Main
- 103 Manholes
- 13,548 lf of Water Main with Appurtenances

All facilities have been constructed per plans and inspected and tested per the specifications. All punch list items have been completed and as-builts delivered to the District. Upon acceptance by the Board, the improvements become part of the District water and sewer system and Staff takes over operation and

maintenance. There is a one-year warranty period for all improvements which commences after Board acceptance. The release of Performance and Payment bonds will be coordinated with the County of San Diego in accordance with the Joint Use Agreements between the County, District and Developer. Installation costs of \$3,740,684 will be added to the District's total valuation along with all other costs associated with the project.

**POLICY/STRATEGIC PLAN KEY FOCUS AREA**

Strategic Focus Area Two: Asset Management. In addition to maintaining the physical condition of the District's existing Infrastructure, it is important to ensure that all new infrastructure is properly accepted administratively and incorporated into the District's records.

**ENVIRONMENTAL**

In accordance with CEQA guidelines Section 15378, the action before the Board of filing a Notice of Completion and accepting facilities, does not constitute a "project" as defined by CEQA and further environmental review is not required at this time.

**BOARD OPTIONS/FISCAL IMPACTS**

The construction costs of the improvements, totaling \$3,740,684, will be added to the District's asset valuation under project number 700009. The final amount of other costs associated with the project will be added to the District's asset valuation once year end financials have been completed.

Option 1:

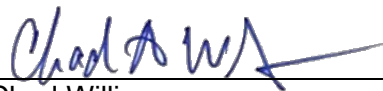
- Accept the Horse Creek Ridge Improvements as complete and as shown on the approved plans.
- Approve Filing the Notice of Completion.
- Add installation costs of \$3,740,684 to the District's valuation.
- Make a finding that the action herein does not constitute a "project" as defined by CEQA.

Option 2:

- Provide other direction to staff.

**STAFF RECOMMENDATION**

Staff recommends Option 1.



Chad Williams  
Engineering and CIP Program Manager

10/26/2021

## BOARD OF DIRECTORS

October 26, 2021

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### SUBJECT

DISCUSSION AND POSSIBLE ACTION TO APPROVE AND EXECUTE JOINT AGREEMENT TO IMPROVE MAJOR SUBDIVISION COUNTY OF SAN DIEGO TRACT NO. 5354-3 (VTM5354R2, A PORTION OF PDS2019-LDMJIP-50069, PA-5B) FOR CITRO DEVELOPMENT (DIVISION 4)

### BACKGROUND

The Citro development, formerly Meadowood, on the border of the Rainbow Municipal Water District ("District") boundaries has been in process for several years. The development consists, generally, of 844 residences, that include some high-density homes. The Board approved an Out of Agency Service Agreement and an Annexation Agreement in April 2020 which committed the District to provide water and sewer service to the Citro development. On July 23, 2021 the Certificate of Completion for the "Meadowood Reorganization" Annexation to Rainbow Municipal Water District with Concurrent Detachment from Valley Center Municipal Water District LAFCO File No. RO20-10 et al. was recorded by the County of San Diego, completing the annexation of the Citro development into Rainbow Municipal Water District.

The Residential development is located immediately East of Horse Ranch Creek Road, East of I-15 and north of SR-76. Improvement Plans for most of the planning areas, including Planning Area 5B, have been approved by the District. Tri Pointe Homes IE-SD, Inc., agreed to construct public improvements to serve the development per the "Joint Agreement to Improve Major Subdivision County of San Diego Tract 5354-3. (See "Exhibit 1")

### DESCRIPTION

As part of the project, the developer (Tri Pointe Homes) will be constructing significant water and sewer infrastructure and paying capacity fees. In order to construct a subdivision in San Diego County, an agreement must be signed by the affected parties/agencies and the developer. Execution of this agreement falls under the purview of the Board of Directors.

This action is needed to formalize the standard County agreements for this type of development. Any delay could add a month to the final step necessary to complete the regulatory approvals of the project. This is a standard agreement that follows the County's joint template agreement for public works to be owned by the County and District and built by the developer.

### POLICY/STRATEGIC PLAN KEY FOCUS AREA

Strategic Focus Area Two: Asset Management. Construction of this project will add new customers to the District, ensuring long-term viability. The development will also help system looping within the distribution system, which aids in flexibility in operations and overall system water quality.

**ENVIRONMENTAL**

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In accordance with CEQA guidelines Section 15378, the action before the Board does not constitute a “project” as defined by CEQA and further environmental review is not required at this time.

**BOARD OPTIONS/FISCAL IMPACTS**

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There is no additional direct Fiscal Impact to this action. Board options include:

Option 1:

- Approve the Joint Agreement to Improve Major Subdivision County of San Diego Tract No. 5354-3 (VTM5354R2, A PORTION OF PDS2019-LDMJIP-50069, PA-5B)
- Authorize the General Manager, Engineering and CIP Program Manager, and General Counsel to make appropriate adjustments to certain details contained in the agreement and then execute the agreement once adjustments, if any, are completed.
- Make a determination that the action before the Board does not constitute a “project” as defined by CEQA.

Option 2:

- Provide other direction to District staff.

**STAFF RECOMMENDATION**

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Staff recommends Option 1.



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Chad Williams  
Engineering and CIP Program Manager

10/26/2021

**BOARD OF DIRECTORS**

October 26, 2021

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**SUBJECT**

DISCUSSION AND POSSIBLE ACTION TO ADOPT RESOLUTION NO. 21-19 – AUTHORIZING VIRTUAL MEETINGS IN ACCORDANCE WITH ASSEMBLY BILL 361 (AB 361)

**BACKGROUND**

On September 16, 2021, Governor Newsom signed Assembly Bill 361 (“AB 361”), which incorporated into California state law some aspects of the teleconferencing rules that have applied by Executive Order to local public agencies during the COVID-19 pandemic. Notably, because AB 361 included an urgency measure, the law was immediately effective as of the date of the Governor’s signature. AB 361 provides that it sunsets on January 1, 2024.

**Benefits**

Benefits of operating under AB 361 during the COVID-19 pandemic, as opposed to under the normal open meeting laws, include the following:

- Agendas need not be posted at all teleconference locations;
- Each teleconference location need not be identified in the notice and agenda of the meeting;
- Each teleconference location need not be accessible to the public; and
- A quorum of the members of the legislative body do not need to participate in the meeting from locations within the boundaries of the territory over which the public agency exercises jurisdiction.

**Requirements**

Following are requirements for invoking AB 361 the first time that a public agency does so:

1. There must be a “proclaimed state of emergency,” as there is currently, in that the Governor’s State of Emergency Declaration, issued on March 4, 2020, has not been lifted, and
2. One of the following three circumstances must exist:
  1. State or local officials have imposed or recommended measures to promote social distancing.
  2. The meeting is held to determine, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to health or safety of attendees.
  3. The majority of the legislative body has voted that, as a result of the emergency, meeting in person would present imminent risk to the health or safety of attendees.

If a public agency wishes to consider invoking AB 361 for subsequent meetings, the following is required:

1. The proclaimed state of emergency must remain active; or
2. State or local officials have imposed or recommended measures to promote social distancing; and
3. Not later than 30 days after teleconferencing for the first time under the AB 361 rules, and every 30 days thereafter, the Legislative body shall make the following findings by majority vote:
  - The legislative body has reconsidered the circumstances of emergency, and at least one of the following circumstances exist:
    1. The state of emergency continues to directly impact the ability of the members to meet safely in person; or
    2. State or local officials continue to impose or recommend measures to promote social distancing.

If a public agency invokes AB 361, the following notice and public participation requirements apply:

### **Notice Requirements**

- Each notice of the meeting and agenda must identify the means by which members of the public may access the meeting and offer public comment by a call-in option or an internet-based service option (does not need to be both).

### **Public Participation Requirements**

- Cannot require public comments to be submitted in advance of the meeting (although the agency may provide this as an option along with the call-in or internet-based service option).
- Public must be able to attend via call-in option or internet-based service option (does not need to be both).
- Public must be able to address the legislative body “directly” via call-in option or internet-based service option.
- The public agency must provide an opportunity for the public to address the Legislative body and “offer comment in real time.”
- If there is a disruption that prevents the public agency from broadcasting the meeting using the call-in option or internet based service option, or if there is a disruption within the public agency’s control that prevents members of the public from offering public comments using the call-in option or internet-based service option, the body “shall take no further action on items appearing on the agenda until public access to the meeting via the call-in option or internet-based service option is restored.”
- Timing of Public Comment Period
  - If a legislative body does not provide a timed public comment period, but takes public comment separately on each agenda item, it shall allow a “reasonable amount of time per agenda item to allow public members the opportunity to provide public comment,” including time for members of the public to register to provide comment or otherwise be recognized for the purpose of providing public comment.

- If a legislative body provides a timed general public comment period that does not correspond to a specific agenda item, it shall not close the public comment period or the opportunity to register until the timed general public comment period has lapsed.
- If a legislative body provides a timed public comment period for each agenda time, it shall not close the public comment period or the opportunity to register until the timed public comment has elapsed.

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**DESCRIPTION**

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**Continuing Legislative Findings**

The legislative findings discussed above will be required every 30 days, for as long as the Board continues to authorize virtual meetings in accordance with Assembly Bill 361.

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**ENVIRONMENTAL**

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In accordance with CEQA guidelines Section 15378, the action before the Board does not constitute a "project" as defined by CEQA and further environmental review is not required at this time.

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**BOARD OPTIONS/FISCAL IMPACTS**

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1. Adopt the attached Resolution No. 21-19 authorizing virtual meetings in accordance with Assembly Bill 361.
2. Do not invoke Assembly Bill 361 and provide staff with direction.

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**STAFF RECOMMENDATION**

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Staff supports direction.



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Tom Kennedy, General Manager

October 26, 2021





**RESOLUTION NO. 21-19**

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE RAINBOW MUNICIPAL WATER DISTRICT AUTHORIZING REMOTE TELECONFERENCE MEETINGS IN ACCORDANCE WITH ASSEMBLY BILL 361**

**WHEREAS**, COVID-19 (also known as the “Coronavirus Disease”) is a respiratory disease that has spread across the globe, with thousands of confirmed cases in California; and

**WHEREAS**, according to data from Johns Hopkins University, the COVID-19 pandemic has caused the death of more than 68,796 Californians as of October 1, 2021; and

**WHEREAS**, social distancing measures decrease the chance of spreading COVID-19; and

**WHEREAS**, the Rainbow Municipal Water District is committed to preserving and fostering public access, transparency, observation, and participation in meetings of the Board of Directors and Committee meetings; and

**WHEREAS**, all meetings of the Board of Directors and Standing Committees are open and public as required by the Ralph M. Brown Act, Government Code sections 54950 – 54963, so that any member of the public may attend, observe, and participate in a meaningful way; and

**WHEREAS**, Government Section 54953 (b) (3) of the Brown Act allows a local legislative body to hold public meetings by teleconference and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to attend and to address the local legislative body, as long as the following requirements are met:

1. Each teleconference location from which a member is participating is noticed on the agenda;
2. Each teleconference location is accessible to the public;
3. Members of the public must be able to address the body at each teleconference location;
4. At least one member of the legislative body must be physically present at the location specified in the meeting agenda; and
5. During teleconference meetings, at least a quorum of the members of the local body must participate from locations within the local body’s territorial jurisdiction; and

**WHEREAS**, the Brown Act, as amended by AB 361 (2021), at Government Code section 54953(e) *et seq.*, allows for remote observation and participation in meetings by members of a legislative body and members of the public without compliance with the requirements of Government Code section 54953(b)(3), subject to certain conditions; and

**WHEREAS**, the initial required condition is a declaration of a state of emergency by the Governor pursuant to the California Emergency Services Act at Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state and within the boundaries of the Rainbow Municipal Water District, caused by conditions as described in Government Code section 8558; and

**WHEREAS**, the Governor's Proclamation of a State of Emergency includes area within the boundaries of the Rainbow Municipal Water District; and

**WHEREAS**, Government Code Section 54953(e)(3)(A-B) added by AB 361 provides an alternative to having public meetings in accordance with Government Code Section 54953(b)(3) when the Rainbow Municipal Water District has reconsidered the circumstances of the COVID-19 state of emergency and that the following circumstances exist:

1. The state of emergency as a result of COVID-19 continues to directly impact the ability of the members of Board of Directors and the members of the Standing Committees to meet safely in person; and
2. The State of California and the County of San Diego continue to recommend measures to promote social distancing.

**WHEREAS**, Government Code Section 54953(e) *et seq.* further requires that state or local officials have imposed or recommended measures to promote social distancing or the legislative body finds that meeting in person would present an imminent risk to the health or safety of attendees; and

**WHEREAS**, such conditions now exist in the Rainbow Municipal Water District's territorial boundaries in that (i) State and Local officials recommend social distancing measures and (ii) emergency conditions evidenced by COVID-19 and its variants create ongoing COVID-19 cases, hospitalizations, and deaths, such that COVID-19 continues to pose an imminent risk to the public; and

**WHEREAS**, the Rainbow Municipal Water District affirms that it will allow for observation and participation by Board Members, Committee members and the public via Zoom in an effort to protect the constitutional and statutory rights of all attendees; and

**WHEREAS**, Government Code Section 54953 (e)(3) requires that the Rainbow Municipal Water District review the need and make findings for continuing the teleconferencing as authorized by AB 361 at least once every thirty days until the Governor terminates the state of emergency.

**NOW, THEREFORE, THE RAINBOW MUNICIPAL WATER DISTRICT HEREBY FINDS, DECLARES, AND RESOLVES AS FOLLOWS:**

**Section 1.** The above recitals are true and correct and are incorporated herein by this reference.

**Section 2.** The Rainbow Municipal Water District finds that the state of emergency conditions related to COVID-19 as set forth in the Governor's Proclamation of Emergency are on-going.

**Section 3.** The Rainbow Municipal Water District further finds that state and county officials recommend social distancing conditions to prevent imminent risk to in-person meeting attendees.

**Section 4.** The Rainbow Municipal Water District hereby recognizes and affirms the existence and conditions of a state of emergency as proclaimed by the Governor and by state and local officials; and the Rainbow Municipal Water District affirms, authorizes, and proclaims the existence of a local emergency throughout its territorial boundaries.

**Section 5.** The Rainbow Municipal Water District finds that the state of emergency as a result of COVID-19 continues to directly impact the ability of members of the Board, Committees and the public to meet safely in person, and that COVID-19 continues to pose an imminent health risk to the public.

**Section 6.** The Rainbow Municipal Water District hereby authorizes the Board of Directors and Committee members to conduct their meetings without compliance with Government Code section 54953(b)(3), and to instead comply with the remote meeting requirements as authorized by Government Code section 54953(e) *et seq.*

**Section 7.** The Board President and Board Secretary are authorized and directed to take all actions reasonably necessary to carry out the intent and purpose of this Resolution, including, conducting open and public meetings remotely in accordance with Government Code section 54953(e) *et seq.*, and other applicable provisions of the Brown Act, for all Board of Directors and Standing Committee meetings.

**Section 8.** This Resolution shall take effect immediately upon its adoption and shall be effective until either (i) thirty days after the adoption of this Resolution, or (ii) such time as the Rainbow Municipal Water District adopts a Subsequent Resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the Board of Directors and Standing Committees may continue to meet remotely, without compliance with Government Code section 54953(b)(3), but otherwise as permitted by Government Code section 54953(e) *et seq.*

**PASSED AND ADOPTED** at a meeting of the Board of Directors of the Rainbow Municipal Water District held on the 26th day of October 2021, by the following vote:

**AYES:**  
**NOES:**  
**ABSENT:**  
**ABSTENTIONS:**

\_\_\_\_\_  
Hayden Hamilton, Board President

ATTEST:

\_\_\_\_\_  
Dawn Washburn, Board Secretary

### BOARD OF DIRECTORS

October 26, 2021

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### SUBJECT

DISCUSSION AND POSSIBLE ACTION FOR SOLE SOURCE SELECTION OF PRE-MANUFACTURED PUMP STATIONS FROM ENGINEERED FLUID SOLUTIONS, INC (EFI), CENTRALIA, IL (ALL DIVISIONS)

### BACKGROUND

Topography within the Rainbow Municipal Water District (District) creates situations of both high and low pressure issues throughout its water system which require the use of booster pump stations or pressure reducing stations to manage. Over the past several years, the District has been purchasing and installing pre-manufactured pressure reducing (PR) stations manufactured by Engineered Fluid Solutions, Inc. (EFI). These PR stations have proven to be of a high quality, cost effective, and provide a standardization for maintenance by the District's Operations Department.

EFI also provides design and manufacturing of potable water and recycled water pump stations. Fabrication of the pump stations is performed in a controlled factory environment which results in a customized station at a pre-fabricated cost. Each station is designed and fabricated "in-house" to the customer's specifications and delivered as a ready to assemble skid mounted unit. Other companies also provide skid mounted or pre-fabricated pump stations but do not offer the level of customization, ability to meet the customer's specifications, or quality control offered by EFI.

### DESCRIPTION

The District has recent experience with an EFI designed/fabricated pump station at the Rainbow Heights Pump Station. The District is also currently working with EFI for the design and fabrication of the Hutton and Turner potable water pump stations as well as a pump station on Dentro De Lomas which will provide the District with the ability to pump water from the Metropolitan Water District into the District's system. This is currently achieved through the use of temporary pump stations which are rented as needed on a case by case basis.

EFI is one of the few manufacturers who provides pre-fabricated skid mounted pump station systems. Within the Southern California region, dozens of agencies have utilized them to provide cost-effective and well-designed stations. These agencies include Fallbrook PUD, City of Oceanside, Olivenhain Municipal Water District, Padre Dam Municipal Water District, Vallecitos Water District and many others. The benefits of pre-manufactured stations are numerous. They are less costly than site-built stations – frequently 25%-40% less. The shop welded and coated pipe is of much higher quality. Installation is simplified through design considerations that include skid mounted systems which can be connected to supply and discharge headers for simplified construction. In addition, by standardizing on a common design for the stations, ongoing maintenance costs are reduced as District staff do not need to train on multiple designs and have a common set of spare parts (valves, fittings, etc). For this reason, EFI has been identified by staff as the preferred sole-source vendor for pump stations.

The draft Action Item was reviewed by the Engineering and Operations Committee during the meeting on October 6, 2021. The Committee recommended the authorization of sole source selection of pre-manufactured pump stations from EFI for up to four pump stations. This will allow the Committee to consider more options if available for future projects.

**POLICY/STRATEGIC PLAN KEY FOCUS AREA**

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Strategic Focus Area Two: Asset Management. This selection will help with District-wide pressure management as well as standardization of facilities.

**ENVIRONMENTAL**

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In accordance with CEQA guidelines Section 15378, the action before the Board does not constitute a “project” as defined by CEQA and further environmental review is not required at this time. When a project goes out to bid for the installation of these pump stations, an appropriate CEQA statement will be included in the Board Action Item at that time.

**BOARD OPTIONS/FISCAL IMPACTS**

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The intent of this action is not to purchase the pump stations but to allow District Staff to specify the use of pre-manufactured pump stations from Engineered Fluid Solutions, Inc (EFI). There is no immediate fiscal impact.

The following options exist for the Board’s consideration.

Option 1:

- Make a finding that the action before the Board does not constitute a “project” as defined by CEQA.
- Authorize the sole source selection of pre-manufactured pump stations from Engineered Fluid Solutions, Inc (EFI), for procurement within the District in order to capitalize on timing, quality, and cost savings for the Turner, Hutton, and Dentro De Lomas pump stations.

Option 2:

- Provide other direction to staff.

**STAFF RECOMMENDATION**

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Staff Recommends Option 1.



Chad Williams  
Engineering and CIP Program  
Manager

10/26/2021



# BOARD ACTION

## BOARD OF DIRECTORS

October 26, 2021

### SUBJECT

CONSIDER AWARD OF CONSTRUCTION CONTRACT IN THE AMOUNT OF \$15,181,157 WITH JAMES W. FOWLER COMPANY FOR THE LS-1 REPLACEMENT PROJECT PHASE 1 IN DIVISION 1, 2, AND 4

### BACKGROUND

District staff has been working with the engineering consulting firm Kennedy Jenks to complete the Lift Station 1 Replacement Project Phase I with improvements located in Division 1, 2, and 4. The design plans for the project were finalized over the summer and is made up of the following four components (Exhibit A):

- (1) Thoroughbred Lift Station and appurtenant pipeline modifications
- (2) Force main from Thoroughbred Lift Station to Old River Road
- (3) Upsize of existing sewer line along Highway 76
- (4) Gravity Main to proposed Thoroughbred Lift Station from Olive Hill Road

The sewer improvements are needed to accommodate the Citro development which includes construction of over 900 homes. The CEQA analysis and filing for the project was completed earlier this year as well as issuance of the Caltrans encroachment permit. Acquisition of easements are also currently underway for the project. A request for proposals was also released on August 23, 2021 for construction management and inspection services and a consultant is being recommended for award of a professional services agreement at this October Board meeting to support the project.

### DESCRIPTION

The District released a request for qualifications on August 23, 2021 for the LS-1 Replacement Project Phase 1. A total of eight contractors submitted their qualifications on September 13, 2021, of which only seven qualified. On September 20, 2021, the District released the LS-1 Replacement Project Phase I bid package for public bidding. It was advertised in the Daily Journal, posted on the District's website and E-BidBoard. Only the seven pre-qualified contractors were eligible to submit bids.

On October 21, 2021, the District received five bids from the list of prequalified contractors. The bid open commenced via a zoom teleconference from the District's Board Room. Instructions on how to attend the meeting were included in the bid package. The following is a list of contractors and their bids.

<u>Contractor Name</u>	<u>Bid Amount</u>
1. James W. Fowler Co.	\$15,181,157
2. TC Construction	\$16,712,000
3. SCW Contracting	\$17,161,710
4. J.R. Filanc Construction	\$17,628,600
5. Pacific Hydrotech	\$18,196,150

The lowest bidder was James W. Fowler Co. with the bid amount of \$15,181,157. The Engineer's Opinion of Probable Cost was \$16,674,000. Staff has evaluated bids and there were no irregularities with the lowest bidder James W. Fowler Co. The bid was complete, and the licenses and bonding were correct and in place. Staff recommends award to the lowest bidder James W. Fowler Co.

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**POLICY/STRATEGIC PLAN KEY FOCUS AREA**

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Strategic Focus Area Two: Asset Management. The increases in sewer flows expected with the addition of the Citro Development make it necessary to install several key sewer facilities to safely and reliably convey wastewater to the Oceanside outfall.

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**ENVIRONMENTAL**

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Lift Station I Replacement Project is subject to CEQA review because the proposed project fits into the definition of a "project" under Public Resources Code Section 21065 requiring discretionary approval by the District and because it could result in a significant effect on the environment. The IS Checklist was prepared to determine the appropriate environmental document to satisfy CEQA requirements: an Environmental Impact Report, an MND, or a Negative Declaration. The analysis in this IS Checklist supported the conclusion that the project would not result in significant environmental impacts with the incorporation of mitigation measures; therefore, an MND was prepared and adopted by resolution 21-02 on January 26, 2021 District Board of Directors. It was also filed with the County of San Diego and uploaded to the State Clearinghouse. No further action is required.

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**BOARD OPTIONS/FISCAL IMPACTS**

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Adequate funds are available and were budgeted in the Five-Year Wastewater CIP Plan for project number 530001.

Option 1:

- (1) Allocate funding and approve the Construction Agreement with James W. Fowler Co. in the amount of \$15,181,157.
- (2) Authorize the General Manager to execute the construction contract.
- (3) Make a determination that the action identified herein was sufficiently analyzed in the Initial Study Mitigated Negative Declaration adopted by the Board in Resolution No. 21-02 on January 26, 2021 and does not require additional analysis.

Option 2:

- (1) Provide other direction to staff.

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**STAFF RECOMMENDATION**

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Staff recommends Option 1.



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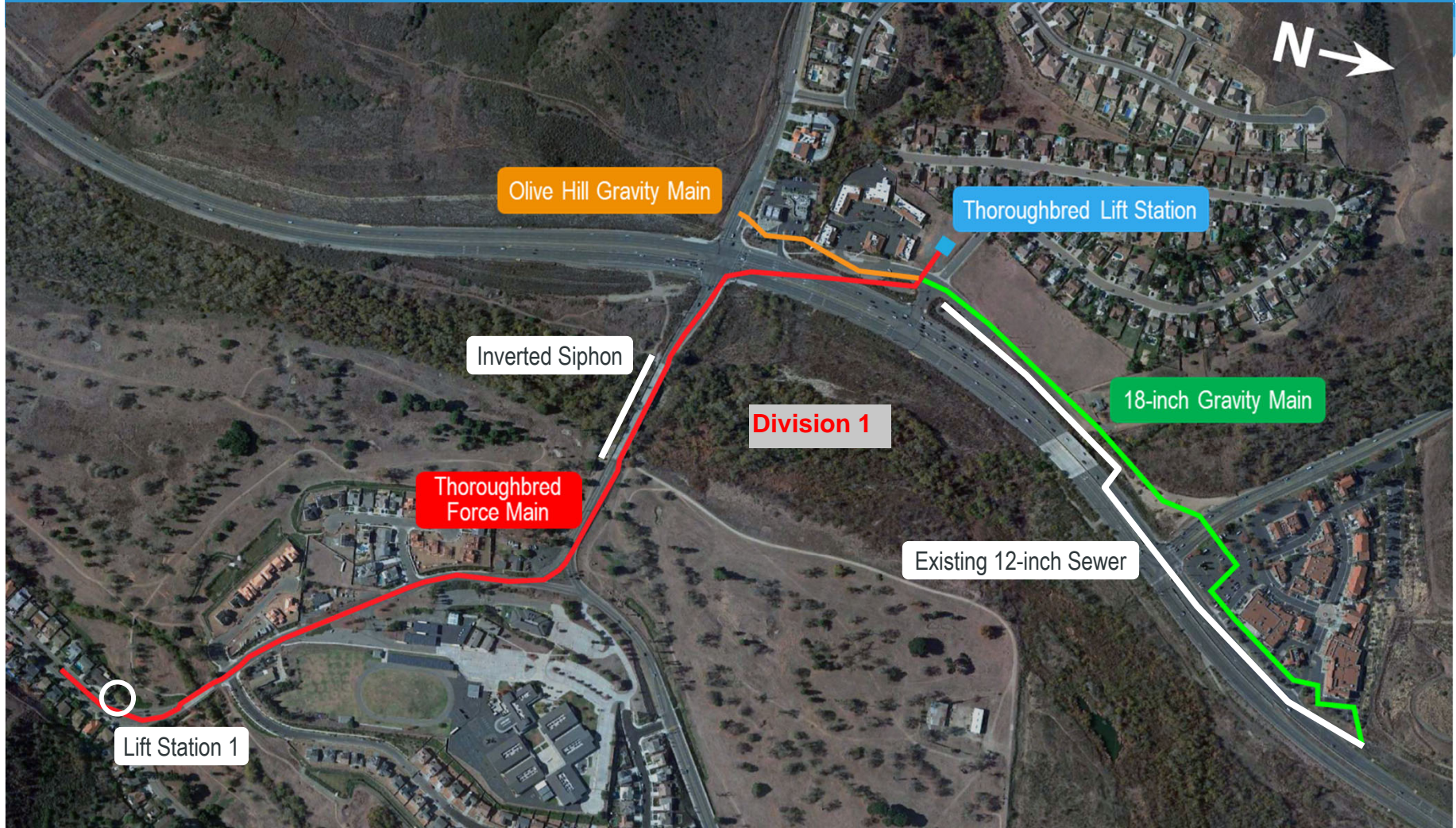
Chad Williams  
Engineering and CIP Program Manager

October 26, 2021



# EXHIBIT A SITE MAP

## LS1 Replacement Phase I – Thoroughbred LS Project Overview





**BOARD OF DIRECTORS**

October 26, 2021

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**SUBJECT**

AWARD OF PROFESSIONAL SERVICES AGREEMENT WITH VALLEY CONSTRUCTION MANAGEMENT FOR THE LS-1 REPLACEMENT PROJECT PHASE 1 IN DIVISION 1

**BACKGROUND**

At the Board of Directors meeting on April 28, 2020, the District entered into an Agreement for Out-of-Agency Service with Valley Center Municipal Water District and an Annexation Agreement with Pardee Homes to provide water and wastewater service to the Citro Development (formerly known as Meadowood), which includes construction of over 900 homes. An analysis of the District's existing wastewater conveyance system prepared by Dexter Wilson Engineering, Inc. projected the need for the following projects located in Division 1 in order to serve the Citro Development:

- (1) Thoroughbred Lift Station and appurtenant pipeline modifications
- (2) Force main from Thoroughbred Lift Station to Old River Road
- (3) Upsize of existing sewer line along Highway 76
- (4) Gravity Main to proposed Thoroughbred Lift Station from Olive Hill Road

District staff and the consultant Kennedy Jenks and Associates have completed the design for the above listed projects. The construction bid package was released for public bidding for pre-qualified contractors on September 20, 2021 and bid open on October 21, 2021. The District will need the assistance of a full time construction manager and inspector for this project to ensure that the project is constructed per the plans and specifications, constructed on time and on budget, facilitate communication between the contractor and third parties, and prepare and maintain construction documentation.

**DESCRIPTION**

The District released a request for proposals (RFP) on August 23, 2021 for construction management and inspection services. The RFP was advertised in the Daily Journal and posted on the District's website. Proposals were due on September 20, 2021 at 3:00pm. The District received a total of five proposals from the following consultants.

- (1) Hoch Consulting
- (2) IEC
- (3) TKE Engineering, Inc.
- (4) Valley Construction Management
- (5) Wallace & Associates Consulting, Inc.

District staff and Engineering and Operations Committee members reviewed all the proposals and scored each one based on (1) approach to work (30%), (2) project management and team qualifications (35%), and (3) project experience (35%). The scores were averaged and ranged from 92% to 77%. The cost

estimates ranged from \$1,629,550 to \$1,184,363. Valley Construction Management scored the highest of all five consultants and their proposed fee was \$1,490,745.

The District invited Valley Construction Management to an interview on October 5 2021. The interview panel included both staff and an Engineering and Operations Committee member. The Team concurred after the interview that Valley Construction Management was well qualified for this project. Furthermore, District staff also successfully negotiated a 5% decrease in their proposed fee estimate. Staff's recommendation was presented at the October 6, 2021 Engineering and Operations Committee where the Committee unanimously voted in favor of recommending board award of a professional services agreement to Valley Construction Management. Their total proposed cost estimate with the 5% negotiated reduction was \$1,423,717 for a period of 28 months. Services include one month for pre-bid services, 24-months for the anticipated construction duration starting with the contractor's Notice to Proceed (NTP) for construction management and inspection services and three months of post construction services during the closeout period.

Staff is asking the Board to consider entering in a Professional Services Agreement with Valley Construction Management to provide construction management and inspection services for this project. A copy of the proposed professional services agreement has been added for reference (Exhibit A).

**POLICY/STRATEGIC PLAN KEY FOCUS AREA**

Strategic Focus Area Two: Asset Management. The increases in sewer flows expected with the addition of the Citro Development make it necessary to install several key sewer facilities to safely and reliably convey wastewater to the Oceanside outfall.

**ENVIRONMENTAL**

In accordance with CEQA guidelines Section 15378, the action before the Board does not constitute a "project" as defined by CEQA for entering into a professional services agreement for construction management and inspection services. An Initial Study/Mitigated Negative Declaration was previously adopted for this construction project and filed with the County and State.

**BOARD OPTIONS/FISCAL IMPACTS**

Adequate funds are available and were budgeted in the Five-Year Wastewater CIP Plan for project number 530001.

Option 1:

- (1) Approve a professional services agreement with Valley Construction Management for a not to exceed amount of \$1,423,717.
- (2) Authorize the General Manager to execute the professional services agreement.
- (3) Make a determination that the action identified herein does not constitute a "project" as defined by CEQA.

Option 2:

- (1) Provide other direction to staff.

**STAFF RECOMMENDATION**

Staff recommends Option 1.



Chad Williams  
Engineering and CIP Program Manager

October 26, 2021

# EXHIBIT A



**RAINBOW MUNICIPAL WATER DISTRICT  
3707 S. HIGHWAY 395  
FALLBROOK CA 92028  
(760) 728-1178**

## **PROFESSIONAL SERVICES AGREEMENT**

**PROJECT: TITLE**  
**Project No. 000000, Contract No. 21-00**

THIS AGREEMENT ("Agreement") is made and entered into this \_\_\_\_\_ day of Month, 2021 by and between the **RAINBOW MUNICIPAL WATER DISTRICT**, a municipal water district, hereinafter designated as "**DISTRICT**", and \_\_\_\_\_, a **California corporation [or other type of organization]**, hereinafter designated as "**CONSULTANT**"

### **RECITALS**

- A.** DISTRICT desires to obtain Professional Consulting Services from an independent contractor for the above-named Project.
- B.** CONSULTANT has submitted a proposal to provide professional services for DISTRICT in accordance with the terms set forth in this Agreement.
- C.** DISTRICT desires to contract with CONSULTANT as an independent contractor and CONSULTANT desires to provide services to DISTRICT as an independent contractor.
- D.** CONSULTANT has demonstrated its competence and professional qualifications necessary for the satisfactory performance of the services designated herein by virtue of its experience, training, education, and expertise.

**NOW THEREFORE, THE PARTIES MUTUALLY AGREE AS FOLLOWS:**

### **1. PROFESSIONAL SERVICES PROVIDED BY CONSULTANT.**

- 1.1** The professional services to be performed by CONSULTANT shall consist of the following: **Engineering services to \_\_\_\_\_**. The scope of services is more particularly defined in Exhibit "A", attached and made a part hereof. Any additional engineering services will be requested in writing as set forth in Section 19.
- 1.2** In performing the services set forth in Exhibit "A", CONSULTANT shall work closely with DISTRICT'S General Manager or Authorized Representative and staff in performing services in accordance with this Agreement in order to receive clarification as to the result

# EXHIBIT A

that DISTRICT expects to be accomplished by CONSULTANT. The General Manager or Authorized Representative, shall be DISTRICT'S authorized representative in the interpretation and enforcement of all services performed in connection with this Agreement.

1.3 CONSULTANT represents that its employees have the qualifications and skills necessary to perform the services under this Agreement in a competent, professional manner, without the advice or direction of DISTRICT. This means CONSULTANT is able to fulfill the requirements of this Agreement. Failure to perform all services required under this Agreement constitutes a material breach of the Agreement.

## 2. TERM AND TIMING REQUIREMENTS.

2.1 This Agreement will become effective on the date stated above, and will continue in effect until the earlier of the completion of services provided for in this Agreement or until terminated as provided under Section 14 of this Agreement.

2.2 CONSULTANT'S performance of services under this Agreement shall be in accordance with the schedule outlined below unless otherwise modified in writing as set forth in Section 19. Failure by CONSULTANT to strictly adhere to these timing requirements may result in termination of this Agreement by DISTRICT.

Task	Due Date
Notice to Proceed	Month, Day, Year
Progress Report	Month, Day, Year
Final Submittal	Month, Day, Year

2.3 CONSULTANT shall submit all requests for extensions of time for performance in writing to the General Manager or Authorized Representative no later than two (2) business days after the commencement of the cause of any unforeseeable delay beyond CONSULTANT'S control and in all cases prior the date on which performance is due if possible. The General Manager or Authorized Representative shall review all such requests and may grant reasonable time extensions for unforeseeable delays which are beyond CONSULTANT'S control.

2.4 For all time periods not specifically set forth herein, CONSULTANT shall respond in the most expedient and appropriate manner under the circumstances, by telephone, fax, hand delivery, e-mail or mail.

## 3. STUDY CRITERIA AND STANDARDS.

3.1 All services shall be performed in accordance with applicable DISTRICT, county, state and federal Codes and criteria. In the performance of its professional services,

# EXHIBIT A

CONSULTANT shall use the degree of care and skill ordinarily exercised by CONSULTANTS performing the same or similar work under similar conditions.

## **4. INDEPENDENT CONTRACTOR.**

4.1 CONSULTANT'S relationship to DISTRICT shall be that of an independent contractor in performing all services hereunder. DISTRICT will not exercise any control or direction over the methods by which CONSULTANT shall perform its services and functions. DISTRICT'S sole interest and responsibility is to ensure that the services covered in this Agreement are performed in a competent, satisfactory and legal manner. The parties agree that no services, act, commission or omission of CONSULTANT or its employee(s) pursuant to this Agreement shall be construed to make CONSULTANT or its employee(s) the agent, employee or servant of DISTRICT. CONSULTANT and its employee(s) are not entitled to receive from DISTRICT vacation pay, sick leave, retirement benefits, Social Security, workers' compensation, disability benefits, unemployment benefits or any other employee benefit of any kind.

4.2 CONSULTANT shall be solely responsible for paying all federal and state employment and income taxes, for carrying workers' compensation insurance and for otherwise complying with all other employment requirements with respect to CONSULTANT or its employee(s). CONSULTANT agrees to indemnify, defend and hold DISTRICT harmless from any and all liability, damages or losses (including attorney's fees, costs, penalties and fines) DISTRICT suffers as a result of CONSULTANT'S failure comply with the foregoing.

4.3 CONSULTANT shall be solely responsible for the performance of any of its employees, agents, or subcontractors under this Agreement. CONSULTANT represents and warrants that CONSULTANT customarily engages in the independently established trade and business of the same nature as the work to be performed under this Agreement.

4.4 CONSULTANT shall have no authority, express or implied, to act on behalf of as an agent, or to bind DISTRICT to any obligation whatsoever, unless specifically authorized in writing by the General Manager or Authorized Representative. If CONSULTANT'S services relate to an existing or future DISTRICT construction contract, CONSULTANT shall not communicate directly with, nor in any way direct the actions of, any bidder for that construction contract without the prior written authorization by the General Manager or Authorized Representative.

## **5. WORKERS' COMPENSATION INSURANCE.**

5.1 By CONSULTANT'S signature hereunder, CONSULTANT certifies that CONSULTANT is aware of the provisions of Section 3700 of the California Labor Code requiring every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that code, and CONSULTANT will comply with such provisions before commencing the performance of the services of this Agreement.

## **6. INDEMNIFICATION, HOLD HARMLESS AND DEFENSE.**

6.1 All officers, agents, employees and subcontractors, and their agents, who are employed by CONSULTANT to perform services under this Agreement, shall be deemed officers,

# EXHIBIT A

agents and employees of CONSULTANT. To the extent and in any manner permitted by law, CONSULTANT shall defend, indemnify, and hold DISTRICT, its directors, officers, employees, authorized volunteers and agents, and each of them free and harmless from any claims, demands, liability from loss, damage, or injury to property or persons, including wrongful death, that arise out of, pertain to, or relate to the negligence, recklessness or willful misconduct of CONSULTANT, including CONSULTANT'S officers, employees and agents, in connection with the services required by this Agreement, including without limitation, the payment of reasonable attorneys' fees and costs. In no event shall the cost to defend charged to the CONSULTANT exceed the CONSULTANT'S proportionate percentage of fault, as determined by a court of law. The foregoing indemnity, hold harmless and defense obligation of CONSULTANT shall apply except to the extent the loss, damage or injury is caused by the sole negligence or willful misconduct of an indemnified party.

- 6.2** To the extent and in any matter permitted by law, CONSULTANT shall defend, indemnify and hold DISTRICT, its directors, officers, employees, authorized volunteers and agents, and each of them free and harmless from and against any and all actions, proceedings, damages, costs, expenses, penalties or liabilities, in law or equity, of every kind or nature whatsoever, arising out of, related to or incident to a breach of any governmental law or regulations, compliance with which is the responsibility of CONSULTANT, except any violation of law due to the DISTRICT'S negligence or willful misconduct.
- 6.3** CONSULTANT shall defend, at CONSULTANT'S own cost, expense and risk, any and all such aforesaid claims, suits, actions or other legal proceedings of every kind that may be brought or instituted against DISTRICT or DISTRICT'S directors, officers, employees, authorized volunteers and agents, and each of them. DISTRICT shall be consulted regarding and approve of the selection of defense counsel.
- 6.4** CONSULTANT shall pay and satisfy any judgment, award or decree that may be rendered against DISTRICT or its directors, officers, employees, authorized volunteers and agents, and each of them, in any and all such aforesaid claims, suits, action or other legal proceeding. CONSULTANT shall not agree without DISTRICT'S prior written consent, to any settlement which would require DISTRICT to pay any money or perform some affirmative act, including in the case of intellectual property infringement any payment of money or performance of some affirmative act to continue using CONSULTANT Products.
- 6.5** CONSULTANT'S indemnification, hold harmless and defense obligation shall survive the termination or expiration of this Agreement.

**7. LAWS, REGULATIONS AND PERMITS.**

- 7.1** CONSULTANT shall give all notices required by law and comply with all laws, ordinances, rules and regulations pertaining to the conduct of the services required by this Agreement. CONSULTANT shall be liable for, and bear all costs resulting from, any violations of the law in connection with services furnished by CONSULTANT, except any violation of the law due to the DISTRICT'S negligence or willful misconduct.
- 7.2** CONSULTANT shall comply with all of the following requirements with respect to any services as a Building/Construction Inspector, Field Soils and Material Tester, or Land Surveyor, as those trades are defined by the California Department of Industrial Relations ("DIR").



# EXHIBIT A

- a) CONSULTANT agrees to comply with and require its subcontractors to comply with the requirements of California Labor Code sections 1720 *et seq.* and 1770 *et seq.*, and California Code of Regulations, title 8, section 16000 *et seq.* (collectively, “Prevailing Wage Laws”) and any additional applicable California Labor Code provisions related to such work including, without limitation, payroll recordkeeping requirements. CONSULTANT and its subcontractors shall pay not less than the prevailing rate of per diem wages as determined by the Director of the DIR for all services described in this Section 7.2 of the Agreement and as required by law. The general prevailing wage determinations can be found on the DIR website at: [www://dir.ca.gov/dslr](http://www.dir.ca.gov/dslr). Copies of the prevailing rate of per diem wages may be accessed at the DISTRICT’S administrative office and shall be made available upon request. CONSULTANT shall make copies of the prevailing rates of per diem wages for each craft, classification or type of worker needed to execute the services described in this Section 7.2 of the Agreement available to interested parties upon request, and shall post and maintain copies at CONSULTANT’S principal place of business and at all sites where services are performed. Penalties for violation of Prevailing Wage Laws may be assessed in accordance with such laws. For example, CONSULTANT shall forfeit, as a penalty to the DISTRICT, Two Hundred Dollars (\$200) for each calendar day, or portion thereof, for each workman paid less than stipulated prevailing rates for services performed under this Agreement by CONSULTANT, or any subcontractor under CONSULTANT, in violation of Prevailing Wage Laws.
- b) CONSULTANT and each of its subcontractors shall keep accurate payroll records showing the name, address, social security number, work classification, straight time and overtime hours worked each day and week, and the actual per diem wages paid to each journeyman, apprentice, worker, or other employee employed by CONSULTANT or subcontractor in connection with the services performed pursuant to this Agreement. Each payroll shall be certified, available for inspection, and copies thereof furnished as prescribed in California Labor Code sections 1771.4(a)(3)(A) and 1776, including any required redactions. CONSULTANT shall keep the DISTRICT informed as to the location of the records and shall be responsible for the compliance with these requirements by all subcontractors. CONSULTANT shall inform the DISTRICT of the location of the payroll records, including the street address, city and county and shall, within five (5) working days, provide a notice of a change of location and address. Penalties for noncompliance include a forfeiture of One Hundred Dollars (\$100) per calendar day, or portion thereof, for each worker until strict compliance is effectuated, which may be deducted from any moneys due to CONSULTANT.
- c) Eight (8) hours of work shall constitute a legal day’s work. CONSULTANT and any subcontractors shall forfeit, as a penalty to the DISTRICT, Twenty-Five Dollars (\$25) for each worker employed in the execution of services pursuant to this Agreement by CONSULTANT or any subcontractor under him for each calendar day during which such worker is required or permitted to work more than eight (8) hours in any one (1) calendar day and forty (40) hours in any calendar week in violation of the provisions of the California Labor Code, in particular, sections 1810 to 1815, thereof, inclusive, except services performed by employees of CONSULTANT and its subcontractors in excess of eight (8) hours per day at not less than the rates published by the California Department of Industrial Relations.

# EXHIBIT A

- d) CONSULTANT'S attention is directed to the provisions of California Labor Code sections 1777.5, 1777.6 and 1777.7 concerning employment of apprentices by CONSULTANT or any of its subcontractors. If applicable to the services performed under the Agreement, CONSULTANT shall comply with such apprenticeship requirements and submit apprentice information to the DISTRICT. Information relative to apprenticeship standards, wage schedules and other requirements may be obtained from the DIR or the Division of Apprenticeship Standards. Knowing violations of section 1777.5 will result in forfeiture not to exceed One Hundred Dollars (\$100) or Three Hundred Dollars (\$300), depending on the circumstances, for each calendar day of non-compliance pursuant to section 1777.7.
- e) CONSULTANT shall require any subcontractors performing services described in this Section 7.2 of the Agreement to comply with all the above.
- f) CONSULTANT must be, and must require, all subcontractors performing services described in this Section 7.2 to be, registered with and have paid the annual fee to the DIR prior to execution of this Agreement pursuant to Labor Code Section 1725.5. No contractor or subcontractor may be listed on a bid proposal for a public works project, or perform services described in this Section 7.2, unless registered with the DIR pursuant to Labor Code Section 1725.5. No contractor or subcontractor may be awarded a contract for public work on a public works project, or perform services described in this Section 7.2, unless registered with the DIR pursuant to Labor Code Section 1725.5. The performance of services described in this Section 7.2 is subject to compliance monitoring and enforcement by the DIR

## 8. **SAFETY.**

In carrying out CONSULTANT'S services, CONSULTANT shall at all times, exercise all necessary precautions for the safety of employees appropriate to the nature of the services and the conditions under which the services are to be performed, and be in compliance with all federal, state and local statutory and regulatory requirements including State of California, Division of Industrial Safety (Cal/OSHA) regulations, and the U.S. Department of Transportation Omnibus Transportation Employee Testing Act (as applicable). Safety precautions as applicable shall include instructions in accident prevention for all employees such as safe walkways, scaffolds, fall protection, ladders, bridges, gang planks, confined space procedures, trenching & shoring, equipment and wearing apparel as are necessary or lawfully required to prevent accidents or injuries.

## 9. **INSURANCE.**

### 9.1 **INSURANCE COVERAGE AND LIMITS.**

CONSULTANT shall provide and maintain at all times during the performance of this Agreement, insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the services hereunder by CONSULTANT, its agents, representatives, employees or subcontractors. Claims made policies shall not satisfy these insurance requirements unless CONSULTANT notifies DISTRICT and obtains DISTRICT'S prior written consent to the use of such claims made policies.

# EXHIBIT A

**Coverage** – CONSULTANT shall maintain coverage at least as broad as the following:

- a) Coverage for Professional Liability appropriate to CONSULTANT'S profession covering CONSULTANT'S wrongful acts, negligent actions, errors or omissions. The retroactive date (if any) is to be no later than the effective date of this Agreement.
- b) Insurance Services Office Commercial General Liability Coverage (Occurrence Form CG 0001).
- c) Insurance Services Office Automobile Liability Coverage (Form CA 0001), covering Symbol 1 (any auto).
- d) Workers' Compensation insurance as required by the State of California and Employers Liability insurance.

**Limits** - CONSULTANT shall maintain limits no less than the following:

- a) Professional Errors and Omissions Liability - One million dollars (\$1,000,000) per claim and two million dollars (\$2,000,000) annual aggregate.

Professional Errors and Omissions Liability is required if CONSULTANT provides or engages in any type of professional services including, but not limited to engineers, architects and construction management.

- b) General Liability - One million dollars (\$1,000,000) per occurrence for bodily injury, personal injury and property damage. If Commercial General Liability Insurance or other form with a general aggregate limit or products-completed operations aggregate limit is used, either the general aggregate limit shall apply separately to the project/location (with the ISO CG 2503, or ISO CG 2504, or insurer's equivalent endorsement provided to DISTRICT) or the general aggregate limit and products-completed operations aggregate limit shall be twice the required occurrence limit.
- c) Automobile Liability - One million dollars (\$1,000,000) for bodily injury and property damage each accident limit.
- d) Workers' Compensation insurance with statutory limits as required by California law and Employer's Liability insurance with a limit of no less than One Million Dollars (\$1,000,000) per accident for bodily injury or disease.

**9.2 REQUIRED PROVISIONS.** The insurance policies are to contain, or be endorsed to contain the following provisions:

- a) DISTRICT, its directors, officers, or employees are to be covered as insureds on the CGL and auto policies with respect to liability arising out of automobiles owned, leased, hired, or borrowed by on or behalf of CONSULTANT; and with respect to liability arising out of services or operations performed by or on behalf of CONSULTANT including materials, parts, or equipment furnished in connection with such services

# EXHIBIT A

or operations. General liability coverage can be provided in the form of an endorsement to CONSULTANT'S insurance (at least as broad as ISO Form CG 20 10, 11 85 or both CG 20 10 and CG 20 37 forms if later revisions used). The coverage shall contain no special limitations on the scope of protection afforded to DISTRICT, its directors, officers, employees, or authorized volunteers. The Project Name shall also be included.

- b) For any claims related to the services provided hereunder, CONSULTANT'S insurance shall be primary insurance as respects DISTRICT, its directors, officers, employees, and authorized volunteers. Any insurance, self-insurance, or other coverage maintained by DISTRICT, its directors, officers, or employees shall not contribute to it.
- c) Each insurance policy specified above are to state or be endorsed to state that coverage shall not be canceled except after thirty (30) days prior written notice (ten (10) days for non-payment of premium) by U.S. mail has been provided to DISTRICT.
- d) In the event any change is made in the insurance carrier, scope of coverage or retroactive date of professional liability coverage required under this Agreement (if applicable), CONSULTANT shall notify DISTRICT prior to any changes.

**9.3 PROFESSIONAL WARRANTY.** CONSULTANT represents and warrants that: (a) the Professional Services will be performed in a professional and workmanlike manner with a degree of care, skill and competence that is consistent with generally accepted industry standards reasonably expected of similar types of engagements, and (b) the Deliverables will substantially conform to the description and specifications set forth in Exhibit "A" for the specified period after delivery or if none stated, a period of XX days after the date of delivery ("Warranty Period"). To the extent any Professional Services or Deliverables do not substantially conform to the foregoing warranties, CONSULTANT shall promptly re-perform the Professional Services and/or resubmit the Deliverables. If after receiving notice of non-conformity CONSULTANT determines that the Professional Services cannot be performed or the Deliverables cannot reasonably be delivered pursuant to the specifications, within the Warranty Period, DISTRICT may elect to remedy or receive such Professional Services or Deliverable through another contractor and CONSULTANT shall reimburse DISTRICT within 30 days of request by DISTRICT. This warranty will apply only if: (a) no modification, alteration or addition has been made to the Deliverable(s) other than with CONSULTANT'S written consent; and (b) receives written notification of the breach during the applicable Warranty Period.

CONSULTANT warrants that any drawings and specifications, reports or other documents submitted by Contractor to Agency shall be complete and unambiguous and in compliance with all applicable codes, ordinances, statutes, regulations, and laws.

**9.4 WAIVER OF SUBROGATION.** CONSULTANT hereby agrees to waive rights of subrogation which any insurer of CONSULTANT may acquire from CONSULTANT by

# EXHIBIT A

virtue of the payment of any loss. CONSULTANT agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation. The Workers' Compensation policy shall be endorsed with a waiver of subrogation in favor of DISTRICT for all services performed by CONSULTANT, its employees, agents and subcontractors.

**9.5 DEDUCTIBLES AND SELF-INSURED RETENTIONS.** Any deductible or self-insured retention must be declared to and approved by DISTRICT. At the option of DISTRICT, the insurer shall either reduce or eliminate such deductibles or self-insured retention.

**9.6 ACCEPTABILITY OF INSURERS.** Insurance is to be placed with insurers having a current A.M. Best rating of no less than A:VII or equivalent or as otherwise acceptable to DISTRICT.

**9.7 EVIDENCES OF INSURANCE.** Prior to execution of this Agreement, CONSULTANT shall furnish DISTRICT with original certificates and amendatory endorsements, or copies of the applicable insurance language, effecting coverage required by this Agreement. All certificates and endorsements are to be received and approved by DISTRICT before services commence. However, failure to obtain the required documents prior the services beginning shall not waive CONSULTANT'S obligation to provide them.

CONSULTANT shall, upon demand of DISTRICT at any time, deliver to DISTRICT complete, certified copies or all required insurance policies, including endorsements, required by this Agreement.

**9.8 SUBCONTRACTORS.** In the event that CONSULTANT employs subcontractors as part of the services covered by this Agreement, it shall be the CONSULTANT'S responsibility to require and verify that each subcontractor meets the minimum insurance requirements specified in this Agreement.

**10. NO CONFLICT OF INTEREST.**

If CONSULTANT is providing services related to a DISTRICT project, CONSULTANT shall not be financially interested in any other contract necessary for the undertaking of the project. For the limited purposes of interpreting this section, CONSULTANT shall be deemed a "district officer or employee", and this section shall be interpreted in accordance with California Government Code Section 1090. In the event that CONSULTANT becomes financially interested in any other contract necessary for the undertaking of the project, this Agreement shall be null and void and DISTRICT shall be relieved of any responsibility whatsoever to provide compensation under the terms and conditions of any such contract for those services performed by CONSULTANT.

**11. OWNERSHIP OF DOCUMENTS.**

All documents, drawings, reports, and specifications, including details, computations, code, scripts, workflows, and other documents, prepared or provided by CONSULTANT under this Agreement shall be the property of DISTRICT. DISTRICT agrees to hold CONSULTANT free and harmless from any claim arising from any use, other than the purpose intended, of the documents and all preliminary sketches, schematics, preliminary plans, architectural perspective renderings, working drawings, including details, computations, and other documents, prepared or provided by CONSULTANT. CONSULTANT may retain a copy of

# EXHIBIT A

all material produced under this Agreement for the purpose of documenting their participation in this Project.

## 12. CONFIDENTIAL INFORMATION.

Any written, printed, graphic, or electronically or magnetically recorded information furnished by DISTRICT for CONSULTANT'S use are the sole property of DISTRICT. CONSULTANT and its employee(s) shall keep this information in the strictest confidence and will not disclose it by any means to any person except with DISTRICT'S prior written approval, and only to the extent necessary to perform the services under this Agreement. This prohibition also applies to CONSULTANT'S employees, agents, and subcontractors. On termination or expiration of this Agreement, CONSULTANT shall promptly return any such confidential information in its possession to DISTRICT.

## 13. COMPENSATION.

13.1 For services performed by CONSULTANT in accordance with this Agreement, DISTRICT shall pay CONSULTANT in accordance with the schedule of billing rates set forth in Exhibit "A", attached hereto and incorporated herein by reference. This is a Time-and-Materials contract. Overtime work must be authorized by the DISTRICT. No hourly rate changes shall be made during the term of this Agreement. **CONSULTANT'S compensation for all services performed in accordance with this Agreement shall not exceed the total contract price of \$\_\_\_\_\_.** No services shall be performed by CONSULTANT in excess of the total contract price without prior written approval of the General Manager or Authorized Representative. CONSULTANT shall obtain approval from the General Manager or Authorized Representative prior to performing any services that result in incidental expenses to the DISTRICT.

13.2 CONSULTANT shall maintain accounting records including the following information:

- a) Names and titles of employees or agents, types of services performed, and times and dates of all services performed in connection with Agreement that is billed on an hourly basis.
- b) All incidental expenses including reproductions, computer printing, postage, mileage billed at current Internal Revenue Service ("IRS") Rate, and subsistence.

13.3 CONSULTANT'S accounting records shall be made available to DISTRICT Accounting Manager, for verification of billings, within a reasonable time of the Accounting Manager's request for inspection.

13.4 CONSULTANT shall submit monthly invoices to DISTRICT. DISTRICT will make partial payments to CONSULTANT not to exceed the total contract price within thirty (30) days of receipt of invoice, subject to the approval of the General Manager or Authorized Representative. ***Each application for partial payment shall be accompanied with a Progress Report summarizing the status of the services performed.***

13.5 DISTRICT reserves the right to withhold payments for services to cover potential or nonconforming services. Additionally, the DISTRICT may elect not to make a particular payment if any of the following exists:

# EXHIBIT A

- a) CONSULTANT with or without knowledge, made any misrepresentation of substantial and material nature with respect to any information furnished to DISTRICT.
- b) CONSULTANT took an action without receiving DISTRICT'S prior approval as required under this Agreement.
- c) CONSULTANT is in default of a term or condition of this Agreement.

**13.6** CONSULTANT shall ensure that any report generated under this Agreement shall comply with Government Code Section 7550.

## **14. TERMINATION OF AGREEMENT.**

**14.1 TERMINATION FOR CAUSE.** If DISTRICT ("demanding party") has a good faith belief that CONSULTANT is not complying with the terms of this Agreement or is deemed non-responsive or non-responsible, DISTRICT will give written notice of the default (with reasonable specificity) to CONSULTANT and demand the default to be cured within ten (10) calendar days of the notice. Responsive is defined as conforming with material requirements and responsible is defined as possessing the attributes of trustworthiness, quality, fitness, capacity, and experience to satisfactorily perform the contract.

If CONSULTANT fails to cure the default within ten (10) calendar days of the notice, or if more than ten (10) calendar days are reasonably required to cure the default, and CONSULTANT fails to give adequate assurance and due performance within ten (10) calendar days of the notice, DISTRICT may terminate this Agreement upon written notice to CONSULTANT. In the event of a material breach of any representation or term of this Agreement by CONSULTANT that is not curable or results in a threat to health or safety, DISTRICT may immediately terminate this Agreement by providing written notice and without a cure period.

Upon termination, DISTRICT will pay CONSULTANT for any services completed up to and including the date of termination of this Agreement, in accordance with the compensation Section 13. DISTRICT will be required to compensate CONSULTANT only for services performed in accordance with the Agreement up to and including the date of termination. DISTRICT shall not pay for loss profit or overhead/extended overhead fees and at its sole discretion may deduct fees for any non-conforming or non-complying work.

**14.2 TERMINATION FOR CONVENIENCE.** DISTRICT will have the express right to terminate this Agreement at any time without cause by giving seven (7) consecutive days advanced written notice to CONSULTANT. This Agreement shall be automatically terminated without further action of any party upon expiration of the seven (7) day period.

Promptly upon receipt of any termination notice from the DISTRICT, CONSULTANT shall cease all further work and services, except as otherwise expressly directed by the DISTRICT in the written termination notice. In the event the DISTRICT exercises its termination right, CONSULTANT shall be paid only for work and services performed and approved by the DISTRICT to the date this Agreement terminates. The DISTRICT will have the express right to withhold any payment otherwise due CONSULTANT to correct

# EXHIBIT A

any labor or materials determined to be defective by the DISTRICT at the time of termination.

All plans, maps, drawings, reports, designs, or other writings of any type or nature prepared by CONSULTANT as a result of this Agreement shall become and remain the sole property of the DISTRICT. All such writings shall be provided to the DISTRICT not later than seven (7) consecutive days after termination of this Contract for any reason. All labor, supplies, work and materials provided by CONSULTANT in conjunction with this Agreement will become and remain the sole property of the DISTRICT.

## **15. ASSIGNMENT AND DELEGATION.**

**15.1** This Agreement and any portion thereof shall not be assigned or transferred, nor shall any of CONSULTANT'S duties be delegated or subcontracted, without the express written consent of DISTRICT. Any attempt to assign or delegate this Agreement without the express written consent of DISTRICT shall be void and of no force or effect. Consent by DISTRICT to one assignment shall not be deemed to be consent to any subsequent assignment.

**15.2** This Agreement shall inure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

## **16. AUDIT DISCLOSURE.**

Pursuant to Government Code section 8546.7, if the Agreement is over ten thousand dollars (\$10,000), it is subject to examination and audit of the State Auditor, at the request of DISTRICT or as part of any audit of DISTRICT, for a period of three (3) years after final payment under the Agreement. CONSULTANT shall cooperate with any such examination or audit at no cost to DISTRICT.

## **17. ENTIRE AGREEMENT.**

This Agreement, and the attached Exhibit "A", comprise the entire integrated understanding between DISTRICT and CONSULTANT concerning the services to be performed pursuant to this Agreement and supersedes all prior negotiations, representations, or agreements whether express or implied, oral or written. The express terms hereof control and supersede any course of performance and/or usage of the trade inconsistent with any of the terms herein. In the event of any conflict between the provisions of the Agreement and the Exhibit(s), the terms of the Agreement shall prevail.

## **18. INTERPRETATION OF THE AGREEMENT.**

**18.1** The interpretation, validity, and enforcement (including, without limitation, provisions concerning limitations of actions) of the Agreement shall be governed by and construed under the laws of the State of California, notwithstanding any conflict-of-laws doctrines of such state or other jurisdiction to the contrary and without the aid of any canon, custom or rule requiring construction against the draftsman. The Agreement does not limit any other rights or remedies available to DISTRICT.

**18.2** CONSULTANT shall be responsible for complying with all applicable local, state, and federal laws whether or not said laws are expressly stated or referred to herein.



# EXHIBIT A

**18.3** Should any provision herein be found or deemed to be invalid, the Agreement shall be construed as not containing such provision, and all other provisions which are otherwise lawful shall remain in full force and effect, and to this end the provisions of this Agreement are severable.

**18.4** Each and every provision of law and clause required by law to be inserted in this Agreement shall be deemed to be inserted herein, and the Agreement shall be read and enforced as though they were included herein. If through mistake of otherwise any such provision is not inserted, or is not correctly inserted, then upon application of either party, the Agreement shall forthwith by physically amended to make such insertion.

**19. AGREEMENT MODIFICATION.**

This Agreement may not be modified orally or in any manner other than by an agreement in writing signed by the parties hereto.

**20. DISPUTE RESOLUTION.**

Upon the written demand of either party, any dispute, claim, or controversy arising out of or relating to this Agreement or the breach, termination, enforcement, interpretation, or validity thereof, shall be first submitted to mediation the cost of which shall be borne equally by the parties, if not resolved pursuant to the Government Claims Act, Government Code section 900 *et seq.* if applicable, and prior the commencement of any legal action or other proceeding. Any mediation shall take place in the State of California, County of San Diego, and shall be concluded within sixty (60) days of the written demand, unless such time is extended by mutual written consent of the parties. Nothing herein waives or excuses compliance with the California Government Claims Act.

In the event mediation has not been successfully concluded within the time allowed, any dispute, claim or controversy arising out of or relating to this Agreement or the breach, termination, enforcement, interpretation, or validity thereof, including the determination of the scope or applicability of this agreement to arbitrate, shall be determined by arbitration in the State of California, County of San Diego, before one arbitrator. The arbitration shall be administered by JAMS pursuant to its Comprehensive Arbitration Rules and Procedures if the amount in controversy is equal or greater than Two Hundred Fifty Thousand Dollars (\$250,000), or pursuant to its Streamlined Arbitration Rules and Procedures if the amount in controversy is less than Two Hundred Fifty Thousand Dollars (\$250,000). The use of arbitration shall allow full discovery by all parties associated with the dispute or claim. Judgment on the award may be entered in any court having jurisdiction. This clause shall not preclude the parties from seeking provisional remedies in aid of arbitration from a court of competent jurisdiction. The arbitrator may, in the award, allocate all or a part of the costs of the arbitration, including the fees of the arbitrator and the reasonable attorneys' fees of the prevailing party. If either party petitions to confirm, correct or vacate the award as provided by Chapter 4, of Title 9 of the California Code of Civil Procedure (commencing with Section 1285), the prevailing party shall be entitled as part of his or its costs to reasonable attorneys' fees to be fixed by the Court.

**21. JURISDICTION, FORUM AND VENUE.**

Except as otherwise required by Section 20 of this Agreement concerning dispute resolution, the proper jurisdiction, forum and venue for any claims, causes of action or other

# EXHIBIT A

proceedings concerning this Agreement shall be in the state and federal courts located in the State of California, northern district of the County of San Diego. DISTRICT and CONSULTANT agree not to bring any action or proceeding arising out of or relating to this Agreement in any other jurisdiction, forum or venue. DISTRICT and CONSULTANT hereby submit to personal jurisdiction in the State of California for the enforcement of this Agreement and hereby waive any and all personal rights under the law of any state to object to jurisdiction within the State of California for the purposes of any legal action or proceeding to enforce this Agreement whether on grounds of inconvenient forum or otherwise.

**22. MAILING ADDRESSES.**

Notices given pursuant to this Agreement shall be deemed communicated as of the earlier of the day of receipt or the fifth (5<sup>th</sup>) calendar day after deposit in the United States mail, postage prepaid, and addressed to the following:

**DISTRICT:**                   **Rainbow Municipal Water District**  
                                      **3707 Old Hwy 395**  
                                      **Fallbrook, CA 92028**  
                                      **Phone: (760) 728-1178**

**CONSULTANT:**               \_\_\_\_\_

  \_\_\_\_\_

  \_\_\_\_\_

  \_\_\_\_\_

Notices delivered personally will be deemed communicated as of actual receipt.

**23. SIGNATURES.**

Each party represents that the individual executing this Agreement on its behalf has the right, power, legal capacity and authority to enter into and to execute this Agreement on behalf of such party.

**24. COUNTERPARTS.**

This Agreement may be executed in counterparts, each of which shall constitute an original, but all of which together shall constitute one and the same agreement, and the signature of any party to any counterpart shall be deemed to be a signature to, and may be appended to, any other counterpart.

**25. ATTORNEY'S FEES.**

In the event of a dispute arising under terms of this Agreement, it is agreed that the prevailing party may be awarded reasonable attorneys' fees and actual costs.

**IN WITNESS WHEREOF** the parties hereto for themselves, their heirs, executors, administrators, successors, and assigns do hereby agree to the full performance of the covenants herein contained and have caused this Agreement to be executed.

# EXHIBIT A

# EXHIBIT A

**CONSULTANT** \_\_\_\_\_

**RAINBOW MUNICIPAL WATER DISTRICT** \_\_\_\_\_

By \_\_\_\_\_  
**CONSULTANT**

By \_\_\_\_\_  
**TOM KENNEDY, GENERAL MANAGER**

\_\_\_\_\_  
PRINT NAME

Date: \_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_  
**Attest: Executive Secretary**

\_\_\_\_\_  
**Federal Employer ID #**

\_\_\_\_\_  
**Approved as to Form:  
Alfred Smith, General Counsel**

**NOTARY ACKNOWLEDGEMENT OF CONSULTANT MUST ACCOMPANY THIS DOCUMENT**

### BOARD OF DIRECTORS

October 26, 2021

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### SUBJECT

DISCUSSION AND POSSIBLE ACTION REGARDING THE RAINBOW HEIGHTS PUMP STATION REHABILITATION PROJECT TO APPROPRIATE AN ADDITIONAL \$1,050,000 IN PROJECT COST TO THE CIP BUDGET (DIVISION 5)

### BACKGROUND

The Rainbow Heights Pump Station is the largest of the Rainbow Municipal Water District's (RMWD) seven potable water pump stations. It pumps water from the North Zone to the four-million-gallon Rainbow Heights Tank. The Rainbow Heights Zone extends north to the Magee Pump Station, which serves the Magee Zone, and is separated from the Gomez Zone to the east and south by closed valves. The Rainbow Heights Zone is the sole supply to the Magee Zone and serves as an emergency supply for the Gomez, Vallecitos, and North Zones. Demands in the Rainbow Heights Zone are approximately 0.54 MGD, 1.7 acre feet per day and are a mix of domestic and agriculture use.

The Rainbow Heights Pump Station Rehabilitation Project was initiated due to two large natural gas motors requiring replacement. The project scope includes the demolition of the existing Rainbow Heights Pump Station and demolition of the abandoned 8<sup>th</sup> Street Pump Station which is across the street from the Rainbow Heights Pump Station site. Also included is the purchasing and installation of a factory-built booster pump station, necessary site improvements including grading, yard piping, valves, flow meter, paving and fencing, and ancillary electrical and controls upgrades including an engine driven electric generator.

The construction contract was awarded to Orion Construction by the Board of Directors on May 26, 2020 and the construction is currently in progress. The project was expected to be completed before June 30, 2021, the end of the Fiscal Year, however delays occurred after the current Fiscal Year Budget was finalized and adopted by the Board of Directors. These delays include the following:

- April 6, 2021: Existing transform does not have enough room for conduits from the new switchboard. Need SDG&E inspector to review and provide direction.
- May 6, 2021: SDG&E Inspector on site to verify alternative connection through the side of the transformer. Put on list for conduit inspection for May 17, 2021
- May 17, 2021: SDG&E inspected conduits. Still need to have Switchgear inspected. After switchgear is inspected, SDG&E Inspector to release project to construction crews to schedule work to perform shutdown and pull new wire.
- May 25, 2021: SDG&E inspected switchgear and inspector said the Switchgear should have a main breaker (design didn't have main breaker) but he needed to talk to his superiors.
- June 2, 2021: SDG&E decided the switchgear will need to have a main breaker lockout assembly added and GFI testing by a third party.
- June 7, 2021: GFI testing completed of switchgear
- June 8, 2021: Lockout assembly installed
- June 9, 2021: SDG&E Inspected lockout assembly and GFI test results. Project now released to construction for scheduling of the shutdown.

- June 17, 2021: SDG&E noticed RMWD they need a release send to SDG&E on RMWD letter head.
- June 18, 2021: Release letter sent to SDG&E from RMWD
- June 28, 2021: SDG&E notified RMWD that the address on the release letter did not match the address on the SDG&E work order. Clarification needed.
- July 6, 2021: RMWD sent release to SDG&E with correct address. The address on the plans did not match the plans on the work order.
- July 26, 2021: SDG&E confirmed shutdown for August 3, 2021.
- August 3, 2021: SDG&E shutdown and new switch board energized.

## **DESCRIPTION**

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The construction contract was awarded to Orion Construction for a not to exceed amount of \$2,637,397. The total budgeted amount for the project was \$2,769,267 in Fiscal Year 21. At the time the current fiscal year budget was adopted, it was expected that the project would be completed by June 30, 2021, however, as described above, there was a four month delay to get the SDG&E shutdown scheduled which in turn delayed construction. The Year to Date spending on this project at the end of Fiscal Year 21 was \$1,387,883. Thus, \$1,381,384 was left unspent from the budgeted amount. The remaining budgeted amount left unspent at the end of Fiscal Year 21 was not included in the approved budget for the current fiscal year. Therefore, the remaining cost to complete the project is not currently within the approved budget.

A Contract Change Order was approved on September 14, 2021 for \$74,267.00 and the addition of 309 calendar days, which extends the contract completion date to January 11, 2022. This brought the total contract amount to \$2,711,664. Currently, the expected cost to complete the project is \$1,050,000 including the remaining work to be done by the Contractor and Construction Manager as well as District Staff. The appropriation of funds is being brought to the Board of Directors now because the project is ongoing and this matter cannot wait until the Mid-year budget process.

## **POLICY/STRATEGIC PLAN KEY FOCUS AREA**

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Strategic Focus Area Four: Fiscal Responsibility. Appropriating the funds in a timely manner to continue progress on the Rainbow Heights Pump Station Rehabilitation Project will prevent further delays to the construction.

## **ENVIRONMENTAL**

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In accordance with CEQA guidelines Section 15378, the action before the Board does not constitute a “project” as defined by CEQA and further environmental review is not required at this time.

## **BOARD OPTIONS/FISCAL IMPACTS**

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Capital Budgets are approved for one (1) year only, with forecast going out five (5) years. Though the project cost was approved for FY 2020/21, the project was not completed in that time frame. The appropriation of funds to complete the construction will add \$1,050,000 to the current fiscal year budget. Sufficient funds currently exist in the Water Capital Fund.

Option 1:

- Appropriate \$1,050,000 to the CIP Budget for the completion of construction of the Rainbow Heights Pump Station Rehabilitation Project.
- Make a finding that the action before the Board does not constitute a “project” as defined by CEQA.

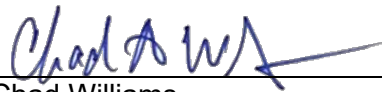
Option 2:

- Provide other direction to Staff.

**STAFF RECOMMENDATION**

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Staff recommends Option 1.



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Chad Williams  
Engineering and CIP Program Manager

10/26/2021





## BOARD OF DIRECTORS

October 26, 2021

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### SUBJECT

DISCUSSION AND POSSIBLE ACTION TO EXECUTE THE URBAN WATER SHORTAGE CONTINGENCY PLAN AND DECLARE A LEVEL 1 WATER SHORTAGE SCENARIO IN RESPONSE TO THE STATEWIDE STATE OF EMERGENCY DUE TO DROUGHT

### BACKGROUND

On October 19, 2021, Governor Gavin Newsom proclaimed a State of Emergency to exist statewide due to drought. The northern parts of the state have been under a State of Emergency for months but this proclamation expanded the impact to Southern California. Excerpts from the aforementioned proclamation state the following:

*“Climate change continues to intensify the impacts of droughts on our communities, environment, and economy, and California is in a second consecutive year of dry conditions, resulting in drought in all parts of the State.”*

*“The meteorological summer in California and the rest of the western United States was the hottest on record.”*

*“Long-term weather forecasts for the winter rainy season, dire storage conditions of California’s largest reservoirs, low moisture content in native vegetation, and parched soils, magnify the likelihood that drought impacts will continue in 2022 and beyond.”*

*“To preserve the State’s surface and groundwater supplies and better prepare for the potential for continued dry conditions next year, local water suppliers are directed to execute their Urban Water Shortage Contingency Plans and agricultural Drought Plans at a level appropriate to local conditions that takes into account the possibility of a third consecutive dry year.”*

### DESCRIPTION

The District’s Water Shortage Contingency Plan (WSCP) was adopted at the Board meeting in May 2021. The primary component of the WSCP is how it addresses water shortage scenarios. The plan addresses six stages of drought. Water shortage scenarios are defined in six (6) levels ranging from Level 1 – less than 10% shortage of available water supply to Level 6 – more than 50% shortage of available water supply. The District’s WSCP has identified 25 demand reductions measures to be implemented at varying stages of water shortage levels to offset a potential shortage in supply.

The State of Emergency proclamation constitutes a level 1 water shortage scenario as defined by the WSCP, “water supply conditions are sufficient to meet 90 to 100% of projected unconstrained demand for the next two years.” The demand reduction actions to be implemented during a level 1 water shortage scenario are as follows:

1. Prohibit the application of potable water on outdoor landscapes in a manner that causes excessive runoff such that water flows onto adjacent property, non-irrigated areas, private and public walkways, roadways, parking lots or structures.
2. Prohibit the use of a hose that dispenses potable water to wash a motor vehicle, except where the hose is fitted with a shut-off nozzle or device attached to it that causes it to cease dispensing water immediately when not in use. This does not apply to commercial growers and nurseries.
3. Prohibit the application of potable water to driveways and sidewalks.
4. Prohibit the use of potable water in a fountain or other decorative water feature, except where the water is part of a recirculating system.
5. Prohibit the application of potable water to outdoor landscapes during and within 48 hours after measurable rainfall. This does not apply to commercial growers and nurseries.
6. Prohibit the serving of drinking water other than upon request in eating or drinking establishments, including but not limited to restaurants, hotels, cafes, cafeterias, bars, or other public places where food or drink are served and/or purchased.
7. Limit residential and commercial landscape irrigation to no more than three (3) assigned days per week on a schedule established by the General Manager and posted by the District. This does not apply to commercial growers and nurseries.
8. Prohibit the irrigation with potable water of ornamental turf on public street medians.
9. Prohibit the irrigation with potable water of landscapes outside of newly constructed homes and buildings in a manner inconsistent with regulations or other requirements established by the California Building Standards Commission and the Department of Housing and Community Development.

In addition to the demand reduction actions, the WSCP identified Supply Augmentation and Other Actions which are to be implemented at various water shortage levels. In a level 1 water shortage scenario, the District will expand the public information campaign by offering workshops and/or increase the use of bill inserts. This applies to all five Divisions within the District.

## **POLICY/STRATEGIC PLAN KEY FOCUS AREA**

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Strategic Focus Area One: Water Resources. Implementation of the shortage response actions identified in the WSCP is intended to reduce water demand during a water shortage scenario. Executing the WSCP will preserve the State's surface and groundwater supplies and better prepare for the potential for continued dry conditions next year.

## **ENVIRONMENTAL**

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In accordance with CEQA guidelines Section 15378, the action before the Board does not constitute a "project" as defined by CEQA and further environmental review is not required at this time.

## **BOARD OPTIONS/FISCAL IMPACTS**

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The demand reduction actions as well as the supply augmentation and other actions implemented during a level 1 water shortage scenario are expected to decrease consumption by 9.66%. This reduction in consumption will impact revenues however, this is necessary to reduce the gap between the expected supply and unconstrained demand.

Option 1:

- Make a finding that the action before the Board does not constitute a "project" as defined by CEQA
- Execute the Urban Water Shortage Contingency Plan and declare a level 1 water shortage scenario in response to the statewide state of emergency due to drought.

Option 2:

- Provide other direction to staff.

**STAFF RECOMMENDATION**

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Staff recommends Option 1.



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Chad Williams  
Engineering and CIP Program  
Manager

10/26/2021





## BOARD INFORMATION

### BOARD OF DIRECTORS

October 26, 2021

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### SUBJECT

INFORMATION REGARDING STATE WATER AND WASTEWATER ARREARAGE PROGRAM

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### DESCRIPTION

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Through \$985 million in federal funding allocated by the state legislature, the State Water Board (SWB) created a new program to provide relief to community water and wastewater systems for unpaid bills related to the pandemic. The funding will cover water debt from residential and commercial customers accrued between March 4, 2020 and June 15, 2021. Funding to eligible community water systems who have applied will be disbursed through January 31, 2022.

The District submitted a total of \$1,480,166 in unpaid customer debt for this time period. This included both water and wastewater. The program also allows the District to claim up to 3% in administration fees. The criteria for allocating this credit to customers is only that there was an unpaid balance between the time period of March 4, 2020 and June 15, 2021. If these balances have already been submitted to the county for tax role collection, this state water board has directed districts to apply this program's credit to the customer's account for future bills.

This is not additional income to the district. The program pays the bill for the customer who had an unpaid balance during this time period. The district has not yet received these funds to credit customer accounts, but the state has indicated it received a significantly lower amount of requested funds than what is available.

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Tracy Largent, CPA  
Finance Manager

October 26, 2021



## MEETINGS/SEMINARS/CONFERENCES/WORKSHOPS

<b>VARIABLE</b>					
<b>DATE</b>	<b>2021</b>	<b>MEETING</b>	<b>LOCATION</b>	<b>ATTENDEES</b>	<b>POST</b>
November	4	SDCWA Special Board Meeting	SDCWA	GM	N/A
November	15	CSDA – San Diego Chapter	(Location to be Announced) 6:00 p.m.	Mack	N/A
November	*	LAFCO Special Meeting	2550 Fifth Avenue, Suite 725, San Diego, CA 92103 – 9:30 a.m.	(As Advised by GM)	N/A
November	*	LAFCO Ad Hoc Committee Meeting	2550 Fifth Avenue, Suite 725, San Diego, CA 92103 – 10:00 a.m.	(As Advised by GM)	N/A
November	*	Santa Margarita River Watershed Watermaster Steering Committee	Rancho California Water District	Hamilton	N/A

\* To Be Announced

## MEETINGS/SEMINARS/CONFERENCES/WORKSHOPS

<b>RECURRING</b>					
<b>DATE</b>	<b>2021</b>	<b>MEETING</b>	<b>LOCATION</b>	<b>ATTENDEES</b>	<b>POST</b>
November	1	LAFCO	2550 Fifth Avenue, Suite 725, San Diego, CA 92103 – 10:00 a.m.	As Advised by GM	N/A
November	3	Engineering & Operations Committee Meeting	RMWD Board Room 3:00 p.m.	Appointed Director, General Manager	10/29
November	4	Communications & Customer Service Committee Mtg.	RMWD Board Room 3:30 p.m.	Appointed Director, General Manager	10/29
November	9	Budget & Finance Committee Mtg.	RMWD Board Room 1:00 p.m.	Appointed Director, General Manager	10/29
November	9	SDCWA GM's Meeting	SDCWA, San Diego 9:30 a.m.	General Manager	N/A
November	17	North County Work Group	Rincon Del Diablo, Escondido 7:30 a.m.	All Directors on a Rotating Schedule, General Manager	N/A
November	18	SDCWA Full Board Meeting	SDCWA Board Room, 3-5 p.m.	General Manager	N/A
November	19	NC Managers	Golden Egg 7:45 a.m.	General Manager	N/A
December	1	Engineering & Operations Committee Meeting	RMWD Board Room 3:00 p.m.	Appointed Director, General Manager	11/19
December	2	Communications and Customer Service Committee Meeting	RMWD Board Room 3:30 p.m.	Appointed Director, General Manager	11/19
December	6	LAFCO	2550 Fifth Avenue, Suite 725, San Diego, CA 92103 – 10:00 a.m.	As Advised by GM	N/A
December	7	RMWD General Board	RMWD Board Room (Start Time to Be Determined)	All Directors	11/19
December	14	Budget and Finance Committee Meeting	RMWD Board Room 1:00 p.m.	Appointed Director, General Manager	11/19
December	17	NC Managers	Golden Egg 7:45 a.m.	General Manager	N/A



## MEETINGS/SEMINARS/CONFERENCES/WORKSHOPS

- **CHANGES – ADDITIONS - DELETIONS:**

1. SDCWA has combined their November and December Special Board Meetings to be held on November 4, 2021.
2. SDCWA has combined their November and December Regular Board Meetings to be held on November 18, 2021.
3. North County Water Group has combined their November and December meeting to be held on November 17, 2021 to coincide with the SDCWA Regular Board meeting.
4. There will not be a Member Agency Managers Meeting in December 2021.

~NOTE~ Some or all the meetings listed may be held via teleconference or cancelled due to the current COVID-19 situation. Please contact the District with any inquiries.





## STAFF TRAINING REPORT

<b>ATTENDEES NAME(S):</b>	Tracy Largent
<b>TITLE OF TRAINING/CONFERENCE/WORKSHOP/CLASS:</b>	CSDA Pre Conference - So You Want To Be A GM
<b>DATE(S) ATTENDED:</b>	8/29/2021-9/2/2021
<b>AGENCY HOSTING TRAINING/CONFERENCE/WORKSHOP/CLASS:</b>	CSDA
<b>LOCATION:</b>	Monterey, CA
<b>BRIEF DESCRIPTION:</b>	
<p>I attended an all day pre-conference class called So You Want To Be A General Manager. The class was very informative on what it takes to be an effective General Manager. The class presenter was Scott Carroll, the GM from Costa Mesa Sanitary District. There were three other GMs that spoke. They all stressed that a GM does not need to have an operations or technical background. Each one discussed vital traits of a GM. We were given group assignments and opportunities to speak to the group. At the end of the class, there was a speed coaching where we had a set amount of time with each of about 10 GMs. The class and experience was beneficial. I solidified my confidence in pursuing the GM role at the District.</p> <p>Other classes attended were Brown Act, Capital Projects, Crisis Communication and Reserve Policy for Special Districts. These were classes that I brought back information to use in reviewing practices at the District.</p> <p>I was able to network with many different districts. Taking the pre-conference amplified the networking. Thank you to the Board for recommending I go early and attend this training!</p>	



**BOARD OF DIRECTORS**

October 26, 2021

**SUBJECT**

Operations Report for September 2021

**DESCRIPTION**

Activities for Operations & Maintenance Division

**CONSTRUCTION & MAINTENANCE DEPARTMENT:**

	Repairs	Installations	Leaks
<b>Mainline</b>	1		1
<b>Service</b>	1		1
<b>Hydrants</b>	1		
<b>Valves</b>		4	
<b>Meters</b>		3	
<b>Blow-Offs</b>	3		
<b>Air Vacs</b>	1		1
<b>Annual Totals</b>	46	80(260')	31

- Assisted with Water Service Upgrade Project (WSUP).
- Repaired Los Padres mainline Leak on 8" CMLC.
- Installed 6" Tee with 3 Gate valves on Monserate Hill.
- Installed barrier gate at Jeremy way.
- Rehab of Aruba Rd to Pala-Temecula with (60% complete).
- Repaired 3 Blow-offs: Via Ladera, Daisy/Pala Mesa, and Brushwood.
- Re-Installed Moonridge Cla-Val.

**WATER OPERATIONS AND VALVE MAINTENANCE DEPARTMENT:**

**Water Operations:**

- Performed washout and collected Bac-Ts on Morro tank to bring back online.
- Performed Morro Res zone testing for increased MET water flows with GV-25 on Esterlina.
- Performed (0) fire flow tests. **Total for the year (3).**
- Collected all tank/reservoirs nitrification samples.
- Performed routine maintenance/rebuilding on (6) pressure station CLA VAL's.

**Valve Maintenance:**

<b>Monthly Totals</b>	<b>Valves (Distribution)</b>	<b>Appurtenance Valves</b>	<b>Annual Totals</b>
<b>Exercised</b>	58	54	<b>967</b>
<b>Inoperable</b>	2	6	<b>63</b>
<b>Repaired</b>	0	0	<b>0</b>
<b>Replaced</b>	0	6	<b>22</b>
<b>Installed</b>	0	0	<b>0</b>

**Valve Maintenance completed and oversaw the following:**

- 262 utility locates completed- **Annual Total (1958)**.
- Assisted with (8) shutdowns- **Annual Total (64)**.
- Raised (1) fire hydrants (installed breakaway spools).
- Replaced (1) air/vacs (1) wharf heads (4) Fire hydrant (0) gate valve.
- Painted 125 appurtenances- **Annual Total (650)**.

**METERS DEPARTMENT:**

**WSUP:**

- The Water Service Upgrade Project (WSUP) is **74%** complete.
- Concord is working on routes 3, 1, and 10.
- Concord has replaced six thousand four hundred thirty meters (6430).

**Backflows:**

- **Four hundred ninety-six (496) backflows** were tested in September, and **3,674** backflow inspections completed so far this year.

**Customer Service Requests:**

- **One hundred sixty-six (166)** total resolved Service Requests for September.
- **669** total resolved Check Bills for September.
- **7782** Year to date total Service Requests/ check bills.

**WASTEWATER DEPARTMENT:**

Monthly, Semi-Annual and Annual Reports: California Integrated Water Quality System (CIWQS): Confirmation # 2608529 Reported: "No-Spill Report" for Month: September 2021.

**Lift Stations:**

On September 13, 2021, Golf club drive dry well – Installed air ventilation system to keep sewer pumps cooled.

September 13, 2021, Rancho Viejo dry well – Installed air ventilation system in keeping sewer pumps cooled.

**Collection System:**

Annual fog inspections: Meet and review food service establishments' BMP's and monitor grease limits and educational awareness.

Basin # 1 Gopher canyon sewer line cleaning operations:

Total footage cleaned: 3,915'

Manholes inspected:16

**Customer service:** (3) manholes on Ramona Drive damaged need replaced.

Customer: Colwell

Address: 4380 Ramona Drive Fallbrook

Ramona Drive – (3) manholes repaired due to wear and tear K\_3 # 76, K\_3 # 3, and K\_3 # 1

**Projects:**

Review Thoroughbred plans Kennedy Jenks.

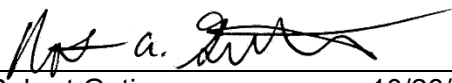
North River Road Phase III manhole, frame, and cover repairs.

**Mutual Aid: Month of September 2021**

California Highway patrol – Traffic control services busy highway.

V&A data science services – Collection system assessment.

Houston & Harris – CCTV inspections and sewer line cleaning.

  
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Robert Gutierrez 10/26/2021  
Operations Manager





**BOARD OF DIRECTORS**

October 26, 2021

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**SUBJECT**

Engineering Report for September 2021

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**DESCRIPTION**

**CAPITAL PROJECTS:**

Hutton and Turner Pump Stations (Hoch Consulting): The Consultant is working on the preliminary design for both sites. District staff is assessing the potential need for another pump station off Dentre De Lomas and will be looking into updating the hydraulic model to determine feasibility.

Morro Reservoir Disinfection System Upgrade (Stevie-D-Services): District staff completed site modifications to incorporate modified Ammonia and Chlorine injection equipment and the consultant completed the SCADA programming to use the modified Ammonia and Chlorine injection. District staff is monitoring the system operation and working with Stevie-D Services to adjust dosing to maximize its efficiency over the next several months.

North River Road Sewer Manhole Rehabilitation (Sancon): The manhole frames and covers were replaced in late September 2021 and manhole rehabilitation is scheduled to begin in mid/late October 2021 after inspection of the existing manholes is completed by the contractor. Work is scheduled to be complete by the end of the calendar year.

Pressure Reducing Station Projects: Installation of two pressure reducing stations at Pala Mesa Resort commenced in May 2021. Pressure reducing stations at Canonita Drive and Pala Lake Drive were installed in June 2021. The second pressure reducing station at Pala Lake South is scheduled to start in October 2021.

Programmatic Environmental Impact Report (Helix Env.): Helix Environmental continues to work on the technical reports to support the PEIR. Three of the four consultation panel meetings were held in September with local tribes. The fourth one will be scheduled in October.

Rainbow Heights Pump Station Replacement (Orion Construction Corp): Construction is continuing on the project. Pump cans and discharge piping have been set and the EFI prefabricated pump station is scheduled for delivery on October 29, 2021. Testing and commissioning is scheduled to start early/mid November 2021 and the project is expected to be completed by late December 2021.

Rainbow Heights Road Pipe Installation – Cal Fire Camp: District crews installed approximately 2,000 linear feet of 8-inch PVC water line and four (4) fire hydrants towards the end of Rainbow Heights Road to extend the District's existing water line closer to Cal-Campfire. The final punch list item, road repair was completed in September 2021.

Rainbow Valley Blvd. Cathodic Protection (Corrpro,Co., Inc): The project proposes to install cathodic protection on a water main starting at Rainbow Heights Pump Station to Rainbow Hills Pump Station along 8<sup>th</sup> Street, Rainbow Valley Road, and Frontage Road. Final design plans will be reviewed by staff in October 2021.

Rice Canyon Tank 18-Inch Transmission Line (Dexter Wilson Eng.): The District entered into a Participation Agreement with Tri Pointe Homes, which outlines the responsibilities of the Developer and District for construction of a water main and reimbursement. Two bids were received for construction of facilities and both were above the engineer's estimate. The Board approved appropriating additional funds to the CIP budget for this project to increase the overall project budget to \$5.2M. An amendment to the Participation Agreement was approved at the September 2021 Board Meeting. Tri Pointe Homes is moving forward with awarding a construction contract to Cass-Arrietta Construction.

Thoroughbred and Schoolhouse Lift Stations (Kennedy Jenks Assoc.): The consultant is moving forward with design of the following: 1) Thoroughbred Lift Station, 2) Force Main from Thoroughbred Lift Station to Old River Road, 3) Olive Hill Road Gravity Main Improvements (appurtenant to Lift Station), and 4) Upsize of existing Sewer Line along Highway 76. The final design was submitted to the District in July 2021 and was reviewed by staff in August 2021. A solicitation for contractor requests for qualifications (RFQ) was advertised and qualification packages were due on September 14, 2021. The District received eight submittals and successfully pre-qualified seven (7) contractors. The construction bid package was released for public bidding to seven (7) pre-qualified contractors on September 20, 2021. The bid opening is scheduled for October 21, 2021.

Also requests for proposals (RFP) for Construction Management and Inspection Services were advertised and due on September 20, 2021. The District received five (5) proposals and intends to recommend the highest scored consultant to the Board for award of a professional services agreement at the October 2021 meeting.

Urban Water Management Plan (Brown & Caldwell): The District is required to update its 2015 Urban Water Management Plan (UWMP) and Water Shortage Contingency Plan (WSCP) to meet California Water Code every 5-years. The District hired Brown and Caldwell to help prepare both plans. The WSCP and UWMP were approved after holding a public hearing at the May 2021 Board Meeting. Both documents were submitted to the Department of Water Resources in June 2021. A no cost time extension change order to extend the Brown and Caldwell professional services agreement was completed in September 2021 to address any technical comments from Department of Water Resources.

Wilt Road Pipeline Project (Omnis): The District executed an assignment letter with Omnis for the design of a new 18-inch water line. This water line consists of approximately 6,000 linear feet of 18-inch PVC in Wilt Road beginning at the intersection of Wilt Road and Canonita Drive along Wilt Road and Peony Drive to the intersection of Peony Drive and Citrus Drive. Design work commenced in June 2021 and District staff reviewed and commented on the 30% design plans in September 2021. District staff is discussing potential tie-in to a larger transmission main in the vicinity of Peony Drive and Citrus Drive, the south east tie-in point of connection.

**MAJOR DEVELOPER PROJECTS:**

Bonsall Oaks (formally Polo Club): 164 SFR / 205.8 EDUs – A third amendment to the unrecorded joint agreement to improve major subdivision Tract No. 4736-1 was made and entered on July 28, 2020 between the Developer, County of San Diego and the District. District staff are completing several plan reviews for the Developer. A pre-construction meeting was scheduled on September 13, 2021. The Developer requested revisions to the Construction and Sewer Agreements. The revised agreements were sent to the District's Legal Counsel for review. Both agreements were executed in September 2021. The developer paid 50% of the sewer connection fees and the agreement is effective for five years from the

date of execution (9/16/26). The contractor is on site working on sewer and storm drain. Plans have not been signed by the County.

Campus Park West (JPSD, LLC): Residential and Commercial development. District staff received pre-plan information and first plan check submittal on September 8, 2021.

Fairview-Lilac Del Cielo (Bonsall LLC): 73 Units / 77.8 Sewer EDUs – The Developer paid 50% of the sewer connection fees and the agreement is effective for five (5) years from the date of execution (12/31/24). The SCIP was executed on May 12, 2021, which allows the developer to be reimbursed from bond proceeds for water and sewer capacity fees. All water meters have been purchased for this Developer, a total of 75. The Contractor has tested water and sewer for half of the project. The water main has been tested and accepted. The Contractor has one more section to test on the sewer main. All other sections have passed District inspections. The Developer is working on meter installs and sewer connections.

Golf Green Estates (Development Solutions): 94 SFR / 120.3 Sewer EDUs – This project is located across from Bonsall Elementary School on Old River Road. All water meters have been purchased for this Development, a total of 97. This Development was accepted by the Board of Directors at the September 28, 2021 Board Meeting. Staff is working with the Developer on project closeout logistics, including recording of the Notice of Completion.

Horse Creek Ridge (D.R. Horton): 627 SFR/MF, 430 Water Meters (Reduced by 124 Water Meters) / 723.9 Sewer EDUs – On Highway 76 and Horse Ranch Creek Road. Currently inspecting meter installs, meter releases and sewer connections. All the water meters have been purchased - 430. Staff is working with the Developer on final inspections and project closeout. Staff continues to review various CFD reimbursement packages submitted by the developer. This Development is expected to come to the Board for acceptance in October 2021.

Horse Creek Ridge Unit 6R5 Promontory (Richmond American Homes): 116 Units, 124 Water Meters (includes irrigation plus 3 SF meters purchased by DRH) / 169.5 Sewer EDUs - On Highway 76 and Horse Ranch Creek Road. D.R. Horton, master developer of HCR sold Unit 6-R5, 124 lots, Promontory Subdivision to Richmond American Homes. Currently the sewer EDUs are covered under an agreement with D.R. Horton. All water meters have been purchased for this Development, a total of 116. The District's Senior Inspector is inspecting meter installs, meter releases and sewer connections.

Malabar Ranch (Davidson Communities): 31 SFR / 29 EDUs - On Via Monserate / La Canada. There are 17 out of 31 homes built. Developer needs to complete the waterline relocation and punch list items.

Citro (Tri Pointe) (formally Meadowood by Pardee Homes): Approximately 844 Units, 926.6 Sewer EDUs - On Pala Road/Horse Ranch Creek Road. The developer is grading the project now. The Board has entered into an Out of Agency Service Agreement and an Annexation Agreement with the Developer. The annexation of the development was recorded in July 2021. District staff has completed plan reviews for improvements in Horse Ranch Creek Road, Planning Area 1, Planning Area 3, Planning Area 4, Planning Area 5A, Planning Area 5B, and the Final Map. Plan Reviews continue for Planning Area 5C. The contractor is onsite constructing and testing water and sewer infrastructure. The Developer has purchased 17 meters to date. An Amendment to the Annexation and Participation Agreements were approved by the Board in September 2021.

Ocean Breeze Ranch: The District completed review of the revised water and sewer system analysis reports, conditions of approval, and improvement plans in December 2020. District staff also reviewed an exhibit showing a Utility Conflict and provided comments in January 2021. The Developer needs to address comments before water and sewer improvement plans will be approved.

Pala Mesa Highlands (Beazer Homes): 124 SFR / 160.2 Sewer EDUs – On Old Highway 395. One of the required Pressure Reducing Stations has not yet been installed. Currently inspecting meter installs, meter

releases and sewer connections. All water meters have been purchased for this Development, a total of 129. The contractor is working on the final punch list.

**MINOR DEVELOPER PROJECTS:**

Cal-A-Vie (Spa Havens) Water Main Extension on Spa Havens Way: Plans have received final approval and the Grant of Easement for the waterline improvements has been recorded.

Doud Waterline Extension: District staff has completed one plan check.

Melanie Lane Waterline Extension (Monserate Place, LLC): District staff has completed one plan check.

Monserate Winery: District staff approved final plans. Developer has begun construction. Staff is working with the Developer regarding the Sewer EDU Analysis.

Walker Farm Road: District staff is completing plan checks.

Whitman Waterline Extension: District staff is completing plan checks.

**OTHER:**

ITEMS	NO#	ITEMS	NO#
Water Availability Letters	1	Water Meters Purchased	12
Sewer Availability Letters	0	Sewer EDUs Purchased	0
Water Commitment Letters	1	Jobs Closed:	
Sewer Commitment Letters	1	McGowan Waterline Extension	

Chad Williams 10/26/21  
Engineering & CIP Program Manager

**AS-NEEDED CONTRACT EXPENDITURES REPORT  
AUGUST 2021**

CONTRACT INFO	FUND SOURCE	ASSIGN. NO.	STATUS	DATED	DESCRIPTION	AUTHORIZED AMOUNT	NOT TO EXCEED AMOUNT	INVOICED TO DATE	CURRENT BALANCE
<b>Title:</b> As-Needed Land Surveying Services <b>Firm:</b> Johnson-Frank & Assoc. <b>Expires:</b> 8/29/2022* (C#18-16) *One year extension.	NON-CIP	2019-01	Closed	5/14/2019	Topography - Dentre De Lomas Road repair.		\$ 5,115.40	\$ 5,115.40	
	NON-CIP	2019-02	Closed	8/6/2019	Easement review - McDowell / Mead.		\$ 4,100.00	\$ 1,404.25	
	NON-CIP	2020-03	Closed	9/19/2020	Survey & Reset Monument on Los Alisos Lane.		\$ 6,079.00	\$ 4,297.76	
	CIP	2021-04	Open	5/3/2021	Prepare Plat Map - Thoroughbred Lift Station		\$ 11,592.00	\$ -	
						\$ 50,000.00	\$ 26,886.40	\$ 10,817.41	\$ 39,182.59
<b>Title:</b> As-Needed Land Surveying Services <b>Firm:</b> KDM Meridian, Inc. <b>Expires:</b> 8/29/2022* (C#18-14) *One year extension.	NON-CIP	2018-01	Closed	9/11/2018	Stake easement on Morro Hills due to 20" watermain failure.		\$ 7,280.00	\$ 7,278.75	
	CIP	2019-02	Closed	1/9/2019	RMWD "Base Map" to perform in-house design of proposed water facilities on Via Ararat.		\$ 5,800.00	\$ 5,800.00	
	CIP	2019-03	Cancelled	---	Assignment Cancelled - 4 PTR Plottable Easements.		\$ -	\$ -	
	CIP	2019-04	Closed	4/24/2019	Stake easement on Gird Road for construction project.		\$ 5,400.00	\$ 5,400.00	
	CIP	2019-05	Closed	6/18/2019	Legal and Plat for Campbell - Via Ararat.		\$ 1,195.00	\$ 1,195.00	
	NON-CIP	2019-06	Closed	10/24/2019	Stake easement on Via Oeste Drive and Laketree Drive.		\$ 10,900.00	\$ 7,725.00	
	CIP	2019-07	Closed	11/8/2019	Easements for new PS on W. Lilac/Via Ararat.		\$ 4,100.00	\$ 1,100.00	
	NON-CIP	2020-08	Closed	4/6/2020	Linda Vista Drive - Mainline Break.		\$ 5,563.00	\$ 5,562.50	
	CIP	2020-09	Closed	4/6/2020	Gird Road - Winery easement analysis and exhibit.		\$ 7,680.00	\$ 6,900.00	
	CIP	2020-10	Closed	9/1/2020	Additional Gird Road - Winery easement analysis and new exhibit.		\$ 5,320.00	\$ 5,320.00	
	CIP	2020-11	Closed	11/6/2020	Easement for Hialeah PRS - Via De La Reina.		\$ 3,990.00	\$ 2,545.00	
	NON-CIP	2020-12	Closed	12/3/2020	Stake easement - Winterhaven Court		\$ 4,490.00	\$ 3,527.50	
	NON-CIP	2020-13	Closed	12/16/2020	Legal and Plat for Gird Road - Winery.		\$ 5,460.00	\$ 5,460.00	
	CIP	2021-14	Open	1/29/2021	Survey & staking of easements - Rancho Amigos. Auth \$815 over. (Staff evaluating if more work may be needed.)		\$ 7,530.00	\$ 8,345.00	
	CIP	2021-15	Open	5/27/2021	Survey & staking of easement - Turner Pump Station. (Staff evaluating if more work may be needed.)		\$ 5,665.00	\$ 5,665.00	
NON-CIP	2021-16	Open	7/22/2021	Prepare documentation to file a quit claim for Rainbow easement at Fire Station 4.		\$ 1,500.00	\$ -		
NON-CIP	2021-17	Open	7/29/2021	Pepare documentation for new easement and quit claim documentation for existing easement.		\$ 7,240.00	\$ -		
						\$ 150,000.00	\$ 89,113.00	\$ 71,823.75	\$ 78,176.25
<b>Title:</b> As-Needed Land Surveying Services <b>Firm:</b> Right-of-Way Eng. <b>Expires:</b> 8/29/2022* (C#18-15) *One year extension.	NON-CIP	2019-00A	Closed	5/15/2019	Title Reports, Legals & Plats - Los Sicomoros.		\$ 7,705.00	\$ 7,705.00	
	NON-CIP	2019-00B	Closed	6/18/2019	Adams Property Easement - Ranger Road.		\$ 1,885.00	\$ 1,885.00	
	CIP	2019-00C	Closed	6/30/2019	Pardee Easement - North River.		\$ 2,875.00	\$ 2,875.00	
	NON-CIP	2019-01	Closed	6/19/2019	Easement Survey - Grove View Road.		\$ 4,220.00	\$ 3,285.00	
	CIP	2019-02	Closed	10/3/2019	Easement Survey - Pala Mesa/Tecalote/Fire Rd/Pala Lake.		\$ 15,640.00	\$ 15,451.30	
	CIP	2019-03	Closed	11/6/2019	Easement Survey - Moosa Creek Pump Station. Restake and reconfigure easement authorized additional \$525.		\$ 5,675.20	\$ 5,675.20	
	CIP	2020-04	Closed	2/19/2020	Lemonwood Easement Location.		\$ 5,370.00	\$ 4,390.00	
CIP	2020-05	Closed	6/9/2020	Easement Survey - Hutton Pump Station.		\$ 5,687.50	\$ 4,577.50		

**AS-NEEDED CONTRACT EXPENDITURES REPORT**

**AUGUST 2021**

CONTRACT INFO	FUND SOURCE	ASSIGN. NO.	STATUS	DATED	DESCRIPTION	AUTHORIZED AMOUNT	NOT TO EXCEED AMOUNT	INVOICED TO DATE	CURRENT BALANCE
	CIP	2020-06	Closed	7/30/2020	Easement Survey - Rainbow Heights Rd - Calfire Camp Site .		\$ 5,756.00	\$ 4,177.60	
	CIP	2020-07	Open	8/26/2020	Easement Survey - RHR - Calfire Camp Site Additional Services.		\$ 2,276.00	\$ -	
	CIP	2020-08	Closed	10/19/2020	Easement Survey - OHE Rancho Del Caballo.		\$ 1,620.00	\$ 1,445.00	
	CIP	2020-09	Closed	11/3/2020	Easement Survey - Rainbow Heights Rd. Westside - Calfire Camp Site.		\$ 11,521.00	\$ 8,449.20	
	CIP	2021-10	Closed	1/11/2021	Topographic Survey - Rainbow Heights Road		\$ 8,820.00	\$ 8,525.00	
	CIP	2021-11	Open	1/19/2021	Easement Survey - Skycrest Drive.		\$ 7,710.00	\$ 4,162.60	
	CIP	2021-12	Open	2/4/2021	Easement Survey, Legal Desc./Plat Map - Camino Del Cielo. (Staff evaluating if more work may be needed.)		\$ 5,490.00	\$ 5,467.50	
	CIP	2021-13	Open	2/23/2021	Easement Survey/County ROW Marking, Topo Map - Camino Del Cielo. (Staff evaluating if more work may be needed.)		\$ 2,320.00	\$ 2,320.00	
	CIP	2021-14	Open	2/23/2021	Easement Survey - Skycrest Drive.		\$ 4,720.00	\$ 795.00	
					CO-01 for \$50K BoD 5/26/20, CO-02 for \$50K BoD 6/22/21.	\$ 150,000.00	\$ 99,290.70	\$ 81,185.90	\$ 68,814.10
<b>Title: As-Needed Civil Engineering Services</b>	Both	2019-01	Closed	12/18/2019	PRS and other Schematic Design/Drafting Services.		\$ 10,000.00	\$ 7,527.50	
<b>Firm: Dudek</b>	CIP	2020-02	Closed	8/5/2020	Design of Hutton Pump Station Site - Assignment Cancelled.		\$ 1,787.50	\$ 1,787.50	
<b>Expires: 6/25/2022 (C# 19-16)</b>									
					CO-01 for (\$100K) BoD 6/22/21.	\$ 50,000.00	\$ 11,787.50	\$ 9,315.00	\$ 40,685.00
<b>Title: As-Needed Civil Engineering Services</b>	NON-CIP	2019-01	Closed	7/16/2019	PS&E Pavement Repair - Dentro De Lomas.		\$ 8,890.00	\$ 8,890.00	
<b>Firm: Omnis Consulting, Inc.</b>	CIP	2019-02	Closed	8/1/2019	Olive Hill Estates Transmission Water Main.		\$ 73,700.00	\$ 73,700.00	
<b>Expires: 7/01/2022 (C#19-17)</b>	CIP	2019-03	Closed	10/14/2019	Vista Valley Retaining Wall Design.		\$ 23,495.00	\$ 23,040.67	
	CIP	2019-04	Closed	12/3/2019	Sarah Ann to Gird Road Force Main Replacement.		\$ 22,790.00	\$ 22,790.00	
	CIP	2020-05	Closed	3/24/2020	Gird Road Water Main Upsize.		\$ 21,120.00	\$ 21,120.00	
	CIP	2020-06	Closed	8/5/2020	Caltrans Encroachment Permit Renewal.		\$ 6,410.00	\$ 3,670.00	
	NON-CIP	2020-07	Open	10/14/2020	Standard Drawing - CAD Updates.		\$ 4,400.00	\$ 2,200.00	
	NON-CIP	2020-08	Closed	10/29/2020	PEIR Pipe Alignment Analysis.		\$ 19,920.00	\$ 19,920.00	
	CIP	2021-09	Open	4/19/2021	Sarah Ann Waterline Replacement.		\$ 6,800.00	\$ 5,265.00	
	CIP	2021-10	Open	4/19/2021	Rainbow Water Quality Improvement Relocation Design.		\$ 13,900.00	\$ 8,560.00	
	CIP	2021-11	Open	6/9/2021	Wilt Road Water Pipeline Design.		\$ 45,905.00	\$ -	
					CO-01 for \$150K BoD 6/23/20.	\$ 300,000.00	\$ 247,330.00	\$ 189,155.67	\$ 110,844.33
<b>Title: As-Needed Civil Engineering Services</b>	CIP	2019-01	Open	12/18/2019	Live Oak Park Road Bridge Crossing.		\$ 42,020.00	\$ 30,685.00	
<b>Firm: HydroScience Eng., Inc.</b>									
<b>Expires: 6/25/2022 (C#19-18)</b>									
					CO-01 for (\$40K) BoD 6/22/21.	\$ 110,000.00	\$ 42,020.00	\$ 30,685.00	\$ 79,315.00

**AS-NEEDED CONTRACT EXPENDITURES REPORT  
AUGUST 2021**

CONTRACT INFO	FUND SOURCE	ASSIGN. NO.	STATUS	DATED	DESCRIPTION	AUTHORIZED AMOUNT	NOT TO EXCEED AMOUNT	INVOICED TO DATE	CURRENT BALANCE
<b>Title:</b> As-Needed Real Estate Appraisal Services <b>Firm:</b> Anderson & Brabant, Inc. <b>Expires:</b> 6/25/2022 (C# 19-19)	CIP	2019-01	Closed	9/19/2019	North River Rd Easement Appraisal.		\$ 3,500.00	\$ 3,500.00	
	CIP	2020-02	Closed	2/19/2020	PRS Fire Road Appraisal.		\$ 7,500.00	\$ 7,500.00	
	CIP	2021-03	Open	4/28/2021	Hutton Pump Station Site Appraisal. (Staff evaluating if more work may be needed.)		\$ 7,500.00	\$ 7,500.00	
	CIP	2021-04	Open	8/11/2021	Thoroughbred Lift Station Appraisal. (Four Reports)		\$ 17,500.00		
					CO-01 for \$20K BoD 6/22/21.	\$ 40,000.00	\$ 36,000.00	\$ 18,500.00	\$ 21,500.00
<b>Title:</b> As-Needed Real Estate Appraisal Services <b>Firm:</b> ARENS Group, Inc. <b>Expires:</b> 6/11/22 (C# 19-20)	NON-CIP	2019-01	Closed	7/15/2019	Bonsall Reservoir Appraisal (to include rent value).		\$ 3,050.00	\$ 3,050.00	
	CIP	2020-02	Closed	1/7/2020	Moosa Creek Pump Station Easement Appraisal.		\$ 5,350.00	\$ 6,542.50	
	CIP	2020-03	Closed	1/7/2020	Hutton Pump Station Easement Appraisal.		\$ 3,400.00	\$ 3,400.00	
					CO-01 for \$20K BoD 6/22/21.	\$ 40,000.00	\$ 11,800.00	\$ 12,992.50	\$ 27,007.50
<b>Title:</b> As-Needed Geotechnical Services <b>Firm:</b> Leighton Consulting, Inc. <b>Expires:</b> 11/13/2022 (C# 19-39)	CIP	2020-01	Closed	6/25/2020	Rainbow Heights Pump Station geotechnical exploration.		\$ 8,630.00	\$ 8,484.20	
	CIP	2021-02	Open	4/15/2021	Turner Pump Station geotechnical exploration.		\$ 14,300.00	\$ 14,286.63	
	CIP	2021-03	Open	5/15/2021	Hutton Pump Station geotechnical exploration.		\$ 8,450.00	\$ 249.80	
						\$ 100,000.00	\$ 31,380.00	\$ 23,020.63	\$ 76,979.37
<b>Title:</b> As-Needed Geotechnical Services <b>Firm:</b> Ninyo & Moore G.E.S. <b>Expires:</b> 11/1/2022 (C# 19-40)	NON-CIP	2020-01	Closed	3/26/2020	Dentro De Lomas - Geotech observation & material testing. Proj. #2		\$ 6,518.00	\$ 1,369.00	
		2020-02	Closed	8/6/2020	Vista Valley Villas PRS geotech observation & material testing.		\$ 10,235.00	\$ 7,136.00	
		2021-03	Open	5/6/2021	Dentro De Lomas - Geotech observation & material testing. Proj. #1		\$ 6,097.00	\$ -	
						\$ 100,000.00	\$ 22,850.00	\$ 8,505.00	\$ 91,495.00
<b>Title:</b> As-Needed Geotechnical Services <b>Firm:</b> ATLAS (SCST, LLC) <b>Expires:</b> 11/20/2022 (C# 19-41)	CIP	2020-01	Closed	7/7/2020	Olive Hills Estates Trans. Main geotech observation/field test.		\$ 36,619.00	\$ 17,563.00	
						\$ 100,000.00	\$ 36,619.00	\$ 17,563.00	\$ 82,437.00
<b>Title:</b> As-Needed Construction Management & Insp. Services <b>Firm:</b> Harris & Associates <b>Expires:</b> 1/28/2023 (C# 20-01)	CIP	2020-01	Closed	3/13/2020	CM Support Services for the WSUP.		\$ 100,000.00	\$ 99,972.50	
	CIP	2020-02	Closed	4/7/2020	Constructability design review of PUP-1.		\$ 6,270.00	\$ 5,280.00	
	NON-CIP	2020-03	Open	4/21/2020	Sewer North River Road - Emergency Repair.		\$ 11,000.00	\$ 4,389.33	
	CIP	2020-04	Open	9/21/2020	District Wide Inspection Services.		\$ 20,000.00	\$ 11,566.73	
					CO-01 for \$20K BoD 6/22/21.	\$ 170,000.00	\$ 137,270.00	\$ 121,208.56	\$ 48,791.44
<b>Title:</b> As-Needed Construction Management & Insp. Services <b>Firm:</b> Reilly Construction Mnmnt. <b>Expires:</b> 1/28/23 (C# 20-02)							\$ -	\$ -	
							\$ -	\$ -	
					CO-01 for (\$100K) BoD 6/22/21.	\$ 50,000.00	\$ -	\$ -	\$ 50,000.00

## AS-NEEDED CONTRACT EXPENDITURES REPORT

AUGUST 2021

CONTRACT INFO	FUND SOURCE	ASSIGN. NO.	STATUS	DATED	DESCRIPTION	AUTHORIZED AMOUNT	NOT TO EXCEED AMOUNT	INVOICED TO DATE	CURRENT BALANCE
<b>Title:</b> As-Needed Environmental Services <b>Firm:</b> Helix Environmental <b>Expires:</b> 2/25/2023 (C# 20-03)	CIP	2020-01	Closed	5/13/2020	Pipeline Upgrade Project - Disney Lane - Cultural/ Biological Evals.		\$ 9,148.00	\$ 5,804.56	
	CIP	2020-02	Closed	5/13/2020	Pipeline Upgrade Project - Via Vera - Cultural/Biological Evals.		\$ 9,155.00	\$ 4,446.37	
	CIP	2020-03	Closed	5/14/2020	Pipeline Upgrade Project - Hutton Pump Station - Cultural/Biological Evals.		\$ 13,209.00	\$ 6,793.54	
	CIP	2020-04	Closed	5/14/2020	Pipeline Upgrade Project - Turner Pump Station - Cultural/Biological Evals.		\$ 13,209.00	\$ 7,683.26	
	CIP	2020-05	Closed	7/16/2020	North River Road Sewer Points Repair - Biological Survey.		\$ 3,900.00	\$ 3,136.05	
	CIP	2020-06	Closed	9/10/2020	Gopher Canyon Water Pipeline Impv. Project - CEQA ISMND.		\$ 34,695.00	\$ 31,363.46	
	CIP	2021-07	Closed	3/25/2021	Rainbow Heights Pipe Installation - Bird Survey.		\$ 5,000.00	\$ 808.80	
	CIP	2021-08	Open	5/21/2021	RMWD HQ - Biological Survey & Buffer Mapping.		\$ 11,684.00	\$ 5,672.50	
					CO-01 for \$110K BoD 6/22/21.	\$ 210,000.00	\$ 100,000.00	\$ 65,708.54	\$ 144,291.46
<b>Title:</b> As-Needed Environmental Services <b>Firm:</b> Rincon Consultants <b>Expires:</b> 2/25/2023 (C# 20-04)	CIP	20-01	Closed	11/6/2020	Rainbow Heights Road Transmission Main Biological Survey.		\$ 3,240.00	\$ 3,234.75	
							\$ -	\$ -	
					CO-01 for (\$15K) BoD 6/22/21.	\$ 85,000.00	\$ 3,240.00	\$ 3,234.75	\$ 81,765.25
<b>Title:</b> As-Needed Environmental Services <b>Firm:</b> Michael Baker International <b>Expires:</b> 3/24/2023 (C# 20-05)							\$ -	\$ -	
							\$ -	\$ -	
					CO-01 for (\$15K) BoD 6/22/21.	\$ 85,000.00	\$ -	\$ -	\$ 85,000.00
						<b>Total Authorized</b>	<b>Total Encumbrance</b>	<b>Total Expended</b>	
						\$ 1,790,000	\$ 895,587	\$ 663,716	





**SEWER EQUIVALENT DWELLING UNITS (EDUs) STATUS REPORT  
SEPTEMBER 2021**

<b>STATUS SUMMARY</b>	<b>EDUs</b>
Total Treatment Capacity Purchased from Oceanside	8,333.33
Less 5% Contractual Allowance	416.67
EDUs Set Aside by Board for Emergencies	60.00
EDUs Connected	5,190.12 *
EDUs Unconnected/Committed	987.42
<b>Total EDUs Available for Purchase:</b>	<b>1,679.13</b>

<b>DEVELOPMENTS WITH UNCONNECTED/COMMITTED EDUs</b>	<b>EDUs</b>	<b>CAPACITY FEES PAID/CREDIT</b>
Bonsall Oaks (Polo Club) - 164 (SF & Other)	205.80	\$ 2,907,119
Citro (fka Meadowood) - 844 (SF/MF)	926.60	\$ 10,500,000
Fairview (Lilac Del Cielo) - 73 (SF)	77.80	\$ 1,098,998
Passarelle (HRC Commercial)	96.57	\$ -
Other Development w/5 or less EDUs - (SF & Other)	10.20	\$ 164,833
<b>TOTAL UNCONNECTED:</b>	<b>1,316.97</b>	<b>\$ 14,670,950</b>

**Notes:**

\*There is a delay between connections and new account activations.

1. Bonsall Oaks paid initial 50% of Sewer Capacity Fees. Remaining 50% due prior to issuance of building permits.
2. CITRO Annexation Agreement 4/30/20 - Sewer Capacity \$10.5M to be paid by the CFD. 470 EDUs are committed.
3. Fairview paid initial 50% of Sewer Capacity Fee. Remaining 50% to be credited by SCIP 5/12/21. All EDUs are committed.





# BOARD INFORMATION

## BOARD OF DIRECTORS

OCTOBER 26, 2021

### SUBJECT

HUMAN RESOURCES REPORT FOR SEPTEMBER/OCTOBER 2021

### DESCRIPTION

Personnel changes, human resources activities, and safety report for SEPTEMBER/OCTOBER 2021

### STAFF UPDATES:

- Welcome Lacy Sisler – New Grant Specialist! Start date: Monday, October 18.

### EMPLOYEE EVENTS:

- Water Professionals Appreciation Week- October 4-10
- Benefits Open Enrollment- October 14-October 29
- Employee Health Fair & Flu Shots- October 14
- Employee CIP Lunch & Learn- October 21
- 2<sup>nd</sup> Annual Drive-In To Fall Event – October 29

### COIN AWARDS:

Coin Recognition	Employee	Department	Coin Nomination
Integrity	Renee Rubio	Finance	Recently, we had a situation where mapped revenue accounts were posting to suspense. Renee reversed and reposted the revenue JEs for the entire year. This was over 250 journal entries that needed to be reversed and redone. Her effort demonstrated integrity as this could have been adjusted as an estimate, without anyone noticing. This type of performance is the reason we have been able to earn clean audits and awards for our budget and annual comprehensive financial statement.
Teamwork	Chad Williams	Engineering	Chad's efforts with coordinating the capital project priority analysis were outstanding. This led to a budget request that finance staff was able to present with confidence. An accurate multi-year capital plan was essential to completing the Cost of Service Study and 5 year rate increase proposal. Chad's teamwork approach and responsiveness add to a cohesive atmosphere between departments that is much appreciated.
Teamwork	Michael Gonzales; Esaud Lagunas; Ricardo Zaragoza; Steve Coffey; Ramon Zuniga	Operations	On Sunday September 5th 2021 the Aruba Fire started in the Gomez Creek area and Rainbow MWD Staff was requested to the ICP by the Incident Commander. Ramon responded arriving at the ICP while Esa arrived at the Heli-hydrant ensuring everything was working properly. Steve headed to Gomez tank and link up with CAL FIRE dozer crews who were trying to make entry at Pala Temecula gate. Ricardo headed over to Gomez Pump Station and activated the overhead sprinkler system. He also begin filling Gomez, Magee, and Rainbow Heights preparing for PSPS event. Staff stayed onsite for nearly five hours coordinating their efforts with the Aruba IC ensuring continuity of operations. The following two days staff attended incident action plan briefings representing RMWD.

Professionalism	Joshua Cruz	Customer Service	5-Star Google Review - Josh of Rainbow Water is an amazing employee and person. My husband and I had a horrific water bill sent to us and within 10 minutes of conversing with Josh the problem was solved and corrected. Josh was so knowledgeable about every detail of billing, meter reading and explaining exactly how the bills are handled. I now understand, and Rainbow had erred and double charged us. Everyone should check their bills to make sure that they are correct. We do autopay and if we didn't pay attention, we would be out a lot of money. Again, if you need help and to talk to someone at Rainbow Water, ask for Josh. He is wonderful. -Pamela Will
Innovation	Tom Kennedy; Robert Gutierrez	Operations	In special recognition of your unyielding dedication to the protecting of our community, through the innovative addition and installation of a 5,000 gallon heli-hydrant known as RAWS (Rapid Aerial Water Supply) RAWS has been recognized as the only the first in San Diego County and the second in the state of California in partnership with North County Fire District and Cal-Fire San Diego.
Teamwork	Bernie Nunez; Dennis Mendes; Danny Montes; Raheem Stephens; Esaud Lagunas; Michael Gonzalez; Bryan Ortiz; Wayne Nault	Construction	During a recent shutdown on Monserate hill the construction team worked amazing together. The job was complex and very involved, If it were not for the great teamwork skills they demonstrate on a day to day basis the job could have taken much longer or another shutdown would have to be scheduled and inconvenience the rate payers. The construction crew is the definition of teamwork! Great job guys !

**RISK MANAGEMENT:**

**Incidents**

There were no lost time or modified duty due to a work-related incident.

**Safety Training**

Vector Solutions online training: 50 completions for the September training period 2021

Future planning to increase safety awareness throughout the district to include:

- Confined Space Review
- Respirator Review
- ERP Review
- California Hazardous Waste Management Training
- Emergency Response Tabletop for Management Team

**Claims in Progress/Completed**

- Denys- 1020 Little Gopher
- Jensen- 35070 Rice Canyon
- Heald- 1622 Pala Lake

**Tailgate/ Office Safety Trainings**

Hydrogen Sulphide



Karleen Harp, COSM  
Human Resources Manager

10/26/2021



RESIDENTS AND CUSTOMERS  
OF RAINBOW MUNICIPAL WATER DISTRICT

ELECTED BOARD OF DIRECTORS



GENERAL MANAGER  
TOM KENNEDY



EXECUTIVE ASSISTANT  
DAWN WASHBURN

DEPARTMENT MANAGERS



HUMAN RESOURCES  
MANAGER  
KARLEEN HARP



INFORMATION  
TECHNOLOGY MANAGER  
AHMED KHATTAB



OPERATIONS MANAGER  
ROBERT GUTIERREZ



FINANCE MANAGER  
TRACY LARGENT, CPA



ENGINEERING & CIP  
MANAGER  
CHAD WILLIAMS

RISK MANAGEMENT  
OFFICER

HUMAN RESOURCES  
ASSISTANT  
PART-TIME

INFORMATION SYSTEMS  
SPECIALIST

TECHNICAL SERVICES  
TEAM LEAD

ELECTRONIC /  
ELECTRICAL TECHNICIAN

WASTER OPERATIONS  
DIVISION

CONSTRUCTION &  
MAINTENANCE DIVISION

METER SERVICES  
DIVISION

WASTEWATER DIVISION

SENIOR ACCOUNTANT  
BILLING SPECIALIST

ACCOUNTING SPECIALIST

GRANT SPECIALIST

PURCHASING &  
INVENTORY CONTROL  
SPECIALIST

DISTRICT SERVICES  
REPRESENTATIVE

CUSTOMER SERVICE &  
COMMUNICATIONS  
SUPERVISOR

CUSTOMER SERVICE  
REPRESENTATIVES (4)

ASSOCIATE ENGINEER

PROJECT MANAGERS (2)

SENIOR ENGINEERING  
INSPECTOR

ENGINEERING  
TECHNICIAN

**Mission**

To provide our customers with reliable, high-quality water and water reclamation service in a fiscally sustainable manner.

**Core Values**

*Responsibility | Teamwork | Innovation | Integrity | Professionalism*



## BOARD OF DIRECTORS

October 26, 2021

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### SUBJECT

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FINANCE REPORT FOR OCTOBER 2021

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### DESCRIPTION

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Summary:

#### **FY 2020/2021 Water Sales:**

Budgeted 13,500 AF

Actual August FYTD 20/21 3,437 AF

Actual August FYTD 19/20 3,401 AF

Actual August FYTD 18/19 3,308 AF

#### **August FYTD 2020/2021 Budget vs Actual:**

For FY 2020/21 (FY21), the board followed the recommendation of staff and committee to budget future sales lower and more in line with the most recent years' trends at 13,500 AF, with operating expenses being budgeted within this lower operating revenue level as well. FY 21 sales are 16,246 AD, adjusted for sales made per day within the FY.

#### **Treasury Report:**

Interest Revenue for August 2021 was \$16,583 compared to \$16,386 for the prior month. Gains from assets sales were \$2,190 for August 2021. Investment valuation was down \$13,379 from the prior month.

#### **Water Purchases & Water Sales:**

The Five-Year Water Purchases Demand Chart (Attachment D) reports purchases; this data is available in real time. Purchases for the fiscal year ending June 30, 2021 are above the 5-year average (grey line). FY22 Purchases for the first month are following the path of FY 21.

The Water Sales Summary Report (Attachment E) represents water that was billed to customers, so the data is time delayed in comparison to the Five-Year Water Purchases Demand Chart. Water Loss from meter inaccuracy and breaks is also not included in the Five-Year Demand Chart since this data is from purchases. These two reports will not correlate unless they are both presented for the same date; we provide the purchases report in real time to provide the board with the most current demand information available.

**Attachments:**

- A. Budget vs Actuals (AUG FYTD21)
- B. Fund Balance & Developer Projections (FY22)
- C. Treasury Report (AUG FY21)
- D. Five-Year Water Purchases Demand Chart (through 10/02/2021)
- E. Water Sales Summary (AUG FY21)
- F. Check Register (AUG FY21)
- G. Directors' Expense Report (AUG FY21)
- H. Credit Card Breakdown (AUG FY21)
- I. RMWD Properties

  
Tracy Largent, CPA  
Finance Manager

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October 26, 2021



## Statement of Revenues &amp; Expenses Budget vs. Actual

Operating Funds (Water, Wastewater, &amp; General Funds)

August 31, 2021



Positive = Over Budget

Negative = Under Budget

	FY 20/21 YTD Revenues/Expenditures	FY 20/21 YTD Operating Budget	YTD Variance \$	YTD Variance %	FY 21/22 Annual Operating Budget	Notes
<b>Operating :</b>						
41110-Water Sales-SF, MF, CM, IS	2,067,760	1,604,115	463,644	29%	9,624,692	
41112-Sewer Charges-Established Acct	511,122	625,776	-114,654	-18%	3,754,655	
42120-Monthly O & M Charges	1,364,289	1,724,916	-360,627	-21%	10,349,497	
42121-Monthly O&M Charges - CWA	859,949	873,819	-13,870	-2%	5,242,912	
43101-Operating Inc Turn On/Off Fees	0	833	-833	-100%	5,000	
43106-Operating Inc-Sewer Letter Fee	150	167	-17	-10%	1,000	
41120-Water Sales-Ag-Dom Non Cert	380,888	179,691	201,197	112%	1,078,144	
41160-Water Sales-Ag. Non Discount	922,725	660,309	262,416	40%	3,961,854	
41170-Water Sales-Construction	91,985	13,217	78,768	596%	79,300	
41180-Water Sales - Tsawr Com	972,627	631,698	340,929	54%	3,790,189	
41190-Water Sales-Sawr Ag/Dom	1,263,361	867,350	396,012	46%	5,204,097	
42130-Readiness-To-Serve Rev Id#1	0	49,188	-49,188	-100%	295,130	
42140-Pumping Charges	152,991	101,385	51,606	51%	608,312	
-Water Sales	8,587,847	7,332,463	1,255,383	17%	43,994,781	
43102-Operating Inc Penalty/Int Chgs	66,198	83,333	-17,135	-21%	500,000	
43104-Operating Inc. R.P. Charges	38,783	40,944	-2,161	-5%	245,665	
43108-Operating Inc Plan Check Rev.	1,860	17,500	-15,640	-89%	105,000	
43110-Operating Inc Inspections	1,088	3,333	-2,245	-67%	20,000	
43111-Operating Inc Install Fees Hyd	575	333	242	73%	2,000	
43114-Operating Inc-Miscellaneous	1,040	1,167	-127	-11%	7,000	
43116-New Meter Sales/Install Parts	6,075	6,667	-592	-9%	40,000	
43117-Notice Delivery Revenue	-80	833	-913	-110%	5,000	
-Other Operating Revenue	115,540	154,111	-38,571	-25%	924,665	
42200-Overhead Trs From Water Sewer	1,302,128	1,302,128	-0	0%	7,812,768	
-Transfers from Water & Waste Water	1,302,128	1,302,128	-0	0%	7,812,768	
<b>REVENUE-Operating Revenue</b>	<b>10,005,515</b>	<b>7,972,232</b>	<b>2,033,282</b>	<b>26%</b>	<b>47,833,393</b>	

## Attachment A

Positive = Over Budget

Negative = Under Budget

	FY 20/21 YTD Revenues/Expenditures	FY 20/21 YTD Operating Budget	YTD Variance \$	YTD Variance %	FY 21/22 Annual Operating Budget	Notes
50001-Water Purchases	5,072,593	3,152,993	1,919,600	61%	18,917,958	Seasonal
50003-Water In Storage	-174,041	-	-174,041		-	
50005-Ready To Serve Charge	73,309	77,801	-4,492	-6%	466,806	FC estimate for budget
50006-Infrastructure Access Charge	124,300	125,174	-874	-1%	751,044	FC estimate for budget
50008-Ag Credit-Sawr	-420,149	-200,812	-219,337	109%	-1,204,869	
50010-Customer Service Charge	179,080	177,660	1,420	1%	1,065,960	
50011-Capacity Reservation Charge	73,994	76,913	-2,919	-4%	461,478	FC estimate for budget
50012-Emergency Storage Charge	255,108	257,619	-2,511	-1%	1,545,714	FC estimate for budget
50013-Supply Reliability Charge	160,510	163,631	-3,121	-2%	981,786	FC estimate for budget
<b>-Cost of Purchased Water Sold</b>	<b>5,344,705</b>	<b>3,830,980</b>	<b>1,513,725</b>	<b>40%</b>	<b>22,985,877</b>	←
56101-Regular Salaries	672,235	874,328	-202,093	-23%	5,245,965	
56103-Overtime Paid Comptime Earn.	56,942	66,333	-9,392	-14%	398,000	
56202-Director's Compensation	750	2,333	-1,583	-68%	14,000	
56518-Duty Pay	7,920	10,322	-2,402	-23%	61,932	
56520-Deferred Comp-Employer Contrib	26,400	22,417	3,983	18%	134,505	
<b>-Salary &amp; Labor Expenses</b>	<b>764,246</b>	<b>975,734</b>	<b>-211,487</b>	<b>-22%</b>	<b>5,854,402</b>	←
56501-Employer's Share FICA SSI	43,319	50,989	-7,670	-15%	305,934	
56502-Employer's Share Medicare	10,668	12,804	-2,136	-17%	76,824	
56515-Worker's Compensation Ins	189,734	26,501	163,233	616%	159,006	
56516-State Unemployment Ins E.T.T.	485	2,041	-1,556	-76%	12,245	
<b>-Taxes</b>	<b>244,206</b>	<b>92,335</b>	<b>151,871</b>	<b>164%</b>	<b>554,009</b>	
56503-Medical Insurance	176,718	151,945	24,773	16%	911,667	
56504-Dental Insurance	12,814	13,575	-761	-6%	81,450	
56505-Vision Insurance	2,153	1,901	252	13%	11,405	
56506-Life S/T L/T Disability Ins	8,442	8,902	-461	-5%	53,412	
56507-Retirement-CalPERS	75,789	87,648	-11,859	-14%	525,888	
56511-Employee Uniform Allowance	3,147	4,046	-898	-22%	24,273	
56512-Employee Training/Tuition Reim	3,158	3,600	-442	-12%	21,600	
56513-Employee Relations	-275	2,712	-2,987	-110%	16,270	
56524-Other Post Employment Benefits	4,356	-	-		-	
56530-Gasb 68 Pension	644,806	71,667	573,139	800%	430,000	Entire Year Paid in July
<b>-Fringe Benefits</b>	<b>931,107</b>	<b>345,994</b>	<b>585,113</b>	<b>169%</b>	<b>2,075,965</b>	
52176-Overhead Transfer To Gen Fund	1,302,128	1,302,128	-0	0%	7,812,768	
<b>-Transfers</b>	<b>1,302,128.00</b>	<b>1,337,404</b>	<b>-35,276</b>	<b>-3%</b>	<b>8,024,423</b>	

**Attachment A**

Positive = Over Budget

Negative = Under Budget

	FY 20/21 YTD Revenues/Expenditures	FY 20/21 YTD Operating Budget	YTD Variance \$	YTD Variance %	FY 21/22 Annual Operating Budget	Notes
60000-Equipment	3,201	10,750	-7,549	-70%	64,500	
60100-Computers	122,541	16,750	105,791	632%	100,500	
63100-Equipment Maintenance	35,898	26,617	9,281	35%	159,700	
63102-Equipment Maintenance Contract	2,288	5,288	-3,000	-57%	31,725	
63200-Equipment Rental	8,254	16,167	-7,913	-49%	97,000	
63400-Kitchen Supplies	2,521	2,333	188	8%	14,000	
63401-Building Maintenance	23,715	20,117	3,598	18%	120,700	
63404-Backflow Expenses	6,412	23,833	-17,421	-73%	143,000	
63421-Fuel And Oil	22,366	25,000	-2,634	-11%	150,000	
63422-Repair Supplies Auto	13,354	11,667	1,687	14%	70,000	
65000-Property/Liability Insurance	483,295	116,667	366,628	314%	700,000	Entire Year Paid in July
65100-District Paid Insurance Claims	7,298	28,333	-21,036	-74%	170,000	
69000-Postage	2,292	7,750	-5,458	-70%	46,500	
70000-Professional Services	335,760	172,033	163,726	95%	1,032,200	
70100-Annual Audit Services	0	5,833	-5,833	-100%	35,000	
70300-Legal Services	0	80,000	-80,000	-100%	480,000	
70400-Bank Service Charges	14,326	10,000	4,326	43%	60,000	
72000-Supplies & Services	208,085	193,133	14,952	8%	1,158,800	
72001-Right Of Way Expenses	19,746	33,333	-13,587	-41%	200,000	
72010-Tank Maintenance	2,781	167,333	-164,553	-98%	1,004,000	
72150-Regulatory Permits	2,868	11,100	-8,232	-74%	66,600	
72200-Books & Resources	0	433	-433	-100%	2,600	
72400-Dues & Subscriptions	41,918	93,567	-51,649	-55%	561,403	
72500-Safety Supplies	7,421	10,083	-2,662	-26%	60,500	
72600-Sewer Line Cleaning	27,405	6,667	20,738	311%	40,000	
72700-Printing & Reproductions	0	1,208	-1,208	-100%	7,250	
72702-Public Notices & Advertising	200	292	-92	-31%	1,750	
72900-Stationary & Office Supplies	147	833	-687	-82%	5,000	
73000-Small Tools & Equipment	5,697	10,467	-4,769	-46%	62,800	
74000-Communicatons & Phone Bills	1,760	2,167	-407	-19%	13,000	
74100-Phone Bill	14,863	15,000	-137	-1%	90,000	
75300-Travel, Conferences & Training	2,232	13,128	-10,897	-83%	78,770	
75400-Workforce Development	200	8,050	-7,850	-98%	48,300	
75500-Recruitment	1,757	2,667	-910	-34%	16,000	

Positive = Over Budget

Negative = Under Budget

	FY 20/21 YTD Revenues/Expenditures	FY 20/21 YTD Operating Budget	YTD Variance \$	YTD Variance %	FY 21/22 Annual Operating Budget	Notes
77000-Sewage Treat.-Oceanside Plant	0	207,035	-207,035	-100%	1,242,209	
78000-Utilities - Electricity	69,013	97,917	-28,904	-30%	587,500	
78300-Hazardous Waster Material Disposal	0	1,667	-1,667	-100%	10,000	
78700-Utilities - Propane	0	2,500	-2,500	-100%	15,000	
78900-Trash Pick-Up	1,697	1,667	30	2%	10,000	
-Other Operating Expenses	1,491,308	1,459,384	31,924	2%	8,756,307	
<b>EXPENSE-Operating Expense</b>	<b>10,077,701</b>	<b>8,041,830</b>	<b>2,035,871</b>	<b>25%</b>	<b>48,250,982</b>	
<b>Operating Revenue (Expenses)</b>	<b>-72,186</b>	<b>-69,598</b>	<b>-2,588</b>	<b>4%</b>	<b>-417,589</b>	
<b>Non Operating :</b>						
49301-Property Tax Rev. - Ad Valorem	5,392	8,417	-3,025	-36%	50,500	
-Property Tax Revenue	5,392	75,833	-70,442	-93%	455,000	
49200-Interest Revenues	-	-	-			
-Investment Income	-	-	-			
49050-Revenue Billing Adjustments	37	-	37		-	
49102-Non Oper Inc - NSF Check Fees	-	500	-500	-100%	3,000	
49107-Recycling Revenue	10,761	1,333	9,428	707%	8,000	
49108-Non Oper Inc-Rents And Leases	1,683	-	1,683		-	
49109-Miscellaneous Revenue	10,003	29,167	-19,164	-66%	175,000	
49114-Misc Revenue - Eng. Services	1,450	833	617	74%	5,000	
57050-Expense Billing Adjustments	-	-	-		-	
57525-Loan Costs	-	-	-		-	
-Other Nonoperating Revenue/Expense	23,934	31,833	-7,900	-25%	191,000	
<b>-Non Operating Revenue (Expenses)</b>	<b>29,326</b>	<b>107,667</b>	<b>-78,341</b>	<b>-73%</b>	<b>646,000</b>	
Debt Service		395,805	-395,805	-100%	2,374,827	
<b>Current Year Net Revenue Less Expense*</b>	<b>\$ (42,861)</b>				<b>\$ (2,146,416)</b>	

\*Does not Include: Depreciation Expense

Operating & Debt Service Fund Balances

Fund Balances:	Water Operating	Wastewater Operating	General Operating	Rate Stabilization	New Water Sources	Debt Service	TOTAL
	FY 21/22	FY 21/22	FY 21/22	FY 21/22	FY 21/22	FY 21/22	FY 21/22
Beginning Available Balance	\$1,155,562	\$1,255,724	\$1,122,838	\$0	\$392,761	\$664,639	\$4,591,524
Transfer to Water Capital	(2,416,115)						(2,416,115)
Transfer to/from Rate Stabilization							0
Budgeted Operating Surplus (Loss)	2,818,557	195,502	8,492,768			(2,374,827)	9,132,000
Transfers In/(Out)			(8,492,768)			2,374,827	(6,117,941)
<b>Projected Ending Available Balance</b>	<b>\$1,558,004</b>	<b>\$1,451,226</b>	<b>\$1,122,838</b>	<b>\$0</b>	<b>\$392,761</b>	<b>\$664,639</b>	<b>\$5,189,468</b>

<b>Water Capital - Fund 60 Projected Balance</b>					
	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
	<i>Adopted</i>	<i>Adopted</i>	<i>Adopted</i>	<i>Adopted</i>	<i>Adopted</i>
	<i>Budget</i>	<i>Budget</i>	<i>Budget</i>	<i>Budget</i>	<i>Budget</i>
<b>Fund Balances:</b>	FY 21/22	FY 22/23	FY 23/24	FY 24/25	FY 25/26
Beginning Available Balance	\$635,477	\$5,232,944	\$5,069,435	\$5,207,367	\$7,073,923
Interfund Loan from Sewer	5,000,000				
Transfer from Operating Reserves	2,416,115	5,783,725	2,892,536	2,535,388	5,619,379
Transfer from WSUP	2,000,000				
Forecasted Capacity Fees	1,323,034	1,485,266	1,177,396	3,791,169	3,791,169
Total Available Funding	11,374,626	12,501,935	9,139,367	11,533,923	16,484,471
Proposed Budget - Capital Project Budgets-Wholesale Water Efficiency	<del>(3,375,000)</del>	<del>(1,825,000)</del>			
Proposed Budget - Capital Project Budgets-Water	<del>(4,302,103)</del>	<del>(7,009,375)</del>	<del>(4,915,000)</del>	<del>(5,575,000)</del>	<del>(6,800,000)</del>
Adopted Budget CIP Funding Percent	80%	<del>(6,141,682)</del>	<del>(7,432,500)</del>	<del>(3,932,000)</del>	<del>(5,440,000)</del>
<b>Projected Ending Available Balance</b>	<b>\$5,232,944</b>	<b>\$5,069,435</b>	<b>\$5,207,367</b>	<b>\$7,073,923</b>	<b>\$11,044,471</b>

## Water Capital Project Budgets:

Project #	Project Name	Adjusted	Year 1	Year 2	Year 3	Year 4	Year 5
		Budget	Proposed	Planned	Planned	Planned	Planned
		FY 20/21	Budget	Budget	Budget	Budget	Budget
		FY 21/22	FY 22/23	FY 23/24	FY 24/25	FY 25/26	
300007	Programatic EIR for Existing Easements	\$ 209,963	\$ 75,000				
300008	New District Headquarters	120,000	150,000	450,000	2,000,000		
600001	Rainbow Heights PS (#1) Upgrades/Recon.	2,769,267					
600002	Gird to Monserate Hill Water Line	-			140,000	1,400,000	
600003	San Luis Rey Imported Return Flow Recovery	-					600,000
600007	Pressure Reducing Stations	362,182	500,000	750,000	250,000	750,000	250,000
600009	Isolation Valve Installation Program	11,158	50,000	600,000	500,000	500,000	500,000
600015	Water Condition Assessment	35,887				50,000	
600017	Pressure Reducing Station Replacement Program (Combined with 60007)	-					
600019	Water System Monitoring Program	26,250	184,375	184,375	25,000		
600021	Pipeline Upgrade Project	1,566,509					
600026	Camino Del Rey Waterline Reloaction	-	100,000	2,000,000			
600030	Corrosion Prevention Program Development and Implementation	16,375	250,000	600,000	600,000	600,000	600,000
600037	Live Oak Park Road Bridge Replacement	-	600,000	-			
600040	Vallecitos PS Relocation	-		1,100,000	1,000,000		
600047	Communitty Power Resiliency Generator Grant (Generator at Sumac)	-	50,000				
600048	Northside Zone Supply Redundancy	-					500,000
600049	Gomez/Magee Pump Station Upgrades and Sumac Radio Tower	-	500,000	450,000	400,000		
600050	Lookout Mountain Electrical Upgrade	-				1,000,000	1,000,000
600051	North Feeder and Rainbow Hills Water Line Replacements	-				150,000	1,850,000
600055	Pipe Lining Pilot Project	-	-	350,000			
600058	Electrical Panel Switches	35,000	160,000				
600067	Pala Mesa Fairways 383 A and C	-				250,000	
600068	Sarah Ann Drive Line 400 A	-	100,000	275,000			
600069	Wilt Road (1331)	-					500,000
600071	Del Rio Estates Line Ext 503	-				250,000	
600072	Katie Lendre Drive Line	-	-	250,000			
600072	East Heights Line 147L	-					500,000
600073	East Heights Line 147A	-					250,000
600074	Via Zara - PUP	-				125,000	
600075	Roy Line Ext	-					250,000
600077	Rainbow Water Quality Improvement	-	950,000				
600080	Los Alisos South 243	-				500,000	
600081	Heli-Hydrant on Tank	-	149,728				
N/A	Department Level Capital Expenses	335,400	483,000				
			0				
Total		\$ 5,487,991	\$ 4,302,103	\$ 7,009,375	\$ 4,915,000	\$ 5,575,000	\$ 6,800,000

**Wholesale Water Efficiency Capital Project Budgets:**

Project #	Project Name	Year 1	Year 2	Year 3	Year 4	Year 5
		<i>Proposed Budget</i>	<i>Planned Budget</i>	<i>Planned Budget</i>	<i>Planned Budget</i>	<i>Planned Budget</i>
		FY 21/22	FY 22/23	FY 23/24	FY 24/25	FY 25/26
600008	Weese WTP Permanent Emergency Interconnect and Pressure Station					
600013	Hutton & Turner Pump Stations (SDCWA Shutdown Pump Stations)	4,000,000				
600029	Via Ararat Drive Waterline Project					
600031	Olive Hill Estates Transmission Line Reconnection					
600034	Rice Canyon Tank Transmission PL to I-15/SR76 Corridor	3,375,000	1,825,000			
600035	Tank and Reservoir Mixing Upgrades					
600038	Blue Breton Water System Looping Project					
600078	Wilt Road Feeder (14 inch Water Line)	3,300,000				
600079	Gird Road 1,600' upsize from 12" to 18" or larger	1,000,000				
<b>Total</b>		<b>\$11,675,000</b>	<b>\$1,825,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>



**Wastewater - Fund 52 & 53 Projected Fund Balance**

	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
	<i>Adopted</i>	<i>Planned</i>	<i>Planned</i>	<i>Planned</i>	<i>Planned</i>
	<i>Budget</i>	<i>Budget</i>	<i>Budget</i>	<i>Budget</i>	<i>Budget</i>
<b>Fund Balances:</b>	FY 21/22	FY 22/23	FY 23/24	FY 24/25	FY 25/26
Beginning Available Balance	<b>\$12,544,474</b>	<b>\$7,335,408</b>	<b>\$5,102,786</b>	<b>\$3,095,164</b>	<b>\$7,324,519</b>
Restricted CFD Funds*	2,750,000				
Interfund Loan	(5,000,000)				
Forecasted Sewer Connections	5,485,934	5,042,378	42,378	4,479,355	4,479,355
Less: Capital Project B	<b>100%</b>	(8,445,000)	(7,275,000)	(2,050,000)	0
<b>Projected Ending Available Balance</b>	<b>\$7,335,408</b>	<b>\$5,102,786</b>	<b>\$3,095,164</b>	<b>\$7,324,519</b>	<b>\$11,803,874</b>

**Wastewater Capital Project Budgets:**

Project #	Project Name	<i>Adjusted</i>	<b>Year 1</b>	<b>Year 2</b>	<b>Year 3</b>	<b>Year 4</b>	<b>Year 5</b>
		<i>Budget</i>	<i>Adopted</i>	<i>Planned</i>	<i>Planned</i>	<i>Planned</i>	<i>Planned</i>
		<b>FY 20/21</b>	<b>FY 21/22</b>	<b>FY 22/23</b>	<b>FY 23/24</b>	<b>FY 24/25</b>	<b>FY 25/26</b>
530001	Thoroughbred Lift Station and Sewer Improvements	\$ 467,619	\$ 8,000,000	\$ 7,000,000	\$ 250,000	\$ 250,000	\$ -
530006	Sewer System Rehabilitation Program	-	30,000				
530015	Sewer System Condition Assessment Program	-					
530017	N River Road Land Outfall Rehabilitation (Operations Project)	1,191,363	\$250,000				
530018	Fallbrook Oaks Forcemain and Manhole Replacement	-		\$150,000	\$1,650,000		
530020	Rancho Viejo LS Wet Well Expansion	-	100,000				
530021	Almendra Court, I-15 Crossing Sewer Rehabilitation	-			150,000		
530023	Replace Rancho Monserate LS Emergency Generator	-		125,000			
530024	Old River Road LS Equalization Basin	-					
530025	Old River Road LS to Stallion Outfall Repair (Combine with 530017)	-					
N/A	Department Level Capital Expenses	310,000	65,000				
N/A	City of Oceanside WW Plant	200,000					
		<b>\$ 2,168,982</b>	<b>\$ 8,445,000</b>	<b>\$ 7,275,000</b>	<b>\$ 2,050,000</b>	<b>\$ 250,000</b>	<b>\$ -</b>

**Water Service Upgrade Projected Fund Balance**

Project Beginning Cash  
 \$ 10,773,189

**Fund Balances:**

	FY 20/21	FY 21/22	FY 22/23	FY 23/24
Beginning Available Balance	\$ 7,417,834	\$3,400,239	\$ 2,400,239	\$ 2,400,239
Less: Meter Replacement/Upgrade Project	(4,017,595)	(1,000,000)	0	0
<b>Projected Fund Balance</b>	<b>\$3,400,239</b>	<b>\$ 2,400,239</b>	<b>\$ 2,400,239</b>	<b>\$ 2,400,239</b>

**Capital Project Budgets:**

		Project Budgets					
GL Project #	Project Name	Actuals FY LTD 19/20	Budget FY 20/21	YTD Actuals FY 20/21	Budget FY 21/22	Budget FY 22/23	Budget FY 23/24
600027	Service Meter Replacement	\$2,314,316	\$1,300,000	\$1,747,365	\$500,000		
600028	Water Service Upgrade	1,041,039	2,800,000	2,270,230	500,000		
<b>Total</b>		<b>\$149,702</b>	<b>\$3,355,355</b>	<b>\$4,100,000</b>	<b>\$4,017,595</b>	<b>\$1,000,000</b>	<b>\$ -</b>

Rainbow MWD Developer Projections - Water

Installations

Developer/Development Name (Active) (Inactive)	Purchased	Anticipated Sales (Connections)						Water LF	PRS	Timing
		FY 20/21	FY 21/22	FY 22/23	FY 23/24	FY 24+	Total			
DR Horton/Horse Ridge Creek	274.8	23.8					23.8	34407	1	Completed/not yet board accepted
Richmond American Homes/Horse Ridge Creek	113						0			Completed/not yet board accepted
Campus Park West						9	9			
Four Star/Fairview (FKA Lilac Del Cielo)		14	62				76	2247	1	Recent Activity
Cal West/Golf Green Estates/SL Rey	77	20					20	5475		Completed/not yet board accepted
Beazer/Pala Mesa Highlands	104	27					27	10089	1	Completed/not yet board accepted
Bonsall Oaks/Polo Club						154	154	21531	3	
Ocean Breeze (Vessels)						396	396			
							0			
Rancho Viejo Phase 3						47	47			
Campus Park						53	53			
Tripoint(FKA Parde)/Citro(FKA Meadowood)*		23	82	121	104		53		1	In Progress
Single Service Laterals		5	5	5	5		5			See Notes**
<b>TOTAL WATER METERS</b>	<b>568.8</b>	<b>113</b>	<b>149</b>	<b>126</b>	<b>109</b>	<b>717</b>	<b>1,214</b>			

Revenue Projections

Meter Size (in)	Revenue Per Meter (Existing)	Purchased	Anticipated Sales					Total
			FY 20/21	FY 21/22	FY 22/23	FY 23/24	FY 24+	
5/8	6,241		14	62				76
3/4	10,401	531.8	90	82	117	102	697	1,088
1	16,642	0	5	5	7	7	20	44
1 1/2	27,043	34			1			1
2	62,406	3						-
3	124,812		2		1			3
4	208,020		2					2
<b>Total</b>		<b>568.8</b>	<b>113</b>	<b>149</b>	<b>126</b>	<b>109</b>	<b>717</b>	<b>1,214</b>
<b>Total Revenue</b>			<b>\$1,772,338</b>	<b>\$1,323,034</b>	<b>\$1,485,266</b>	<b>\$1,177,396</b>	<b>\$7,582,337</b>	<b>\$13,340,371</b>
<b>Estimated Fee credits from CFD Reimbursement</b>				<b>(\$1,164,912)</b>	<b>(\$1,402,056)</b>	<b>(\$162,242)</b>		<b>(\$2,729,210)</b>
<b>Total Cash Revenue from Developer</b>			<b>\$1,772,338</b>	<b>\$158,122</b>	<b>\$83,210</b>	<b>\$1,015,154</b>	<b>\$7,582,337</b>	<b>\$10,611,161</b>

Notes:  
 \*Actual amount will vary depending on final agreements.  
 \*\*Average from last 10 years.

Rainbow MWD Developer Projections - Sewer

Installations

Development Name (Active) (Inactive)	Purchased (EDUs)	Anticipated Sales (EDUs)							Sewer LF	LS	Timing	
		FY 19/20	FY 20/21	FY 21/22	FY 22/23	FY 23/24	FY 24+	Total				
DR Horton/Horse Ridge Creek	723								0	29916	1	Completed/n
Richmond American Homes/Horse Ridge Creek	169.5								0			Completed/n
Campus Park West								9	9			
Four Star/Fairview (FKA Lilac Del Cielo)	38.9		7.5	31.4					39	1382		Recent
Cal West/Golf Green Estates/SL Rey	94.5		25.8						26	4318		Completed/n
Beazer/Pala Mesa Highlands	126.88		35.7						36	11501		Completed/n
Bonsall Oaks/Polo Club	59.85							96.2	96	21027		Recent
Ocean Breeze (Vessels)								479	479			Recent
Rancho Viejo Phase 3								47	47			Recent
Campus Park									0	2251		
Tripoint(FKA Parde)/Citro(FKA Meadowood)*				422	422				844			
Misc. SFR			3	3	3	3	3	3	15			
<b>TOTAL EDUs</b>			-	72	456	425	3	634	1591			

Tripoint Citro

Revenue Projections

		Purchased (EDUs)	Anticipated Sales						
			FY 19/20	FY 20/21	FY 21/22	FY 22/23	FY 23/24	FY 24+	Total
Existing Fee	\$ 14,126	281.23		72	456	425	3	634	1,591
Meadowood		883							
<b>Total</b>			-	72	456	425	3	634	1,591
<b>Total Revenue</b>			\$0	\$1,017,072	\$5,485,934	\$5,042,378	\$42,378	\$8,958,709	\$20,546,472 **

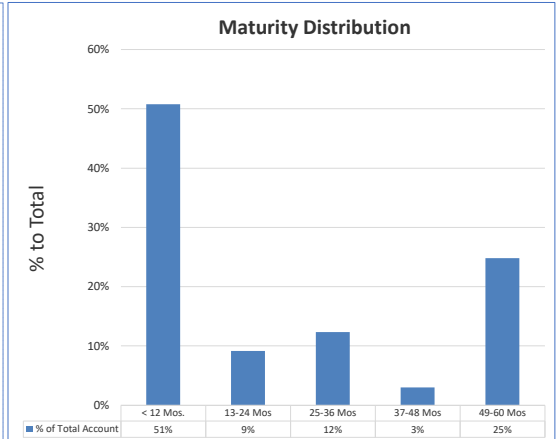
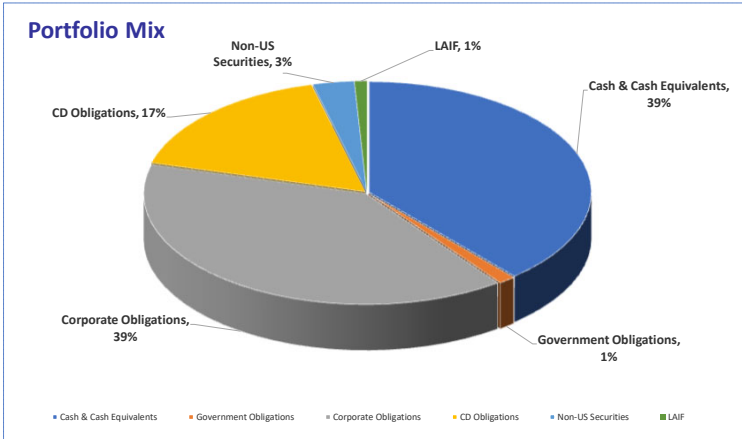
Notes:  
\*Actual amount will vary depending on final agreements. \$10,500,000 will be paid from CFD.



RAINBOW MUNICIPAL WATER DISTRICT  
 TREASURER'S MONTHLY REPORT OF INVESTMENTS  
 PORTFOLIO SUMMARY  
 8/31/2021



TYPE	ISSUER	CUSIP	Bond		Par Value	Cost Basis	Market Value*	Interest Rate	Yield to Maturity	Semi-Annual Interest	Days to Maturity	Object	
			Rating	Date of Maturity									
Money Market Funds	First American Government	31846V567				\$ 2,728,086	\$ 2,728,086				0	11508	
Trust	Willimington Trust	CSCDA 2017-01				\$ 50,000	\$ 50,000				0	10301	
Money Market Funds	Zions Bank	7326251D				\$ 629,245	\$ 629,245	2.090%			0	10310	
Money Market Funds	Zions Bank	7326250				\$ 1,329,862	\$ 1,329,862	2.060%			0	10311	
Money Market Funds	Zions Bank	7326251E				\$ 1,642,527	\$ 1,642,527	2.090%			0	10309	
Total Cash & Cash Equivalents					\$	\$ -	\$ 6,379,720	\$ 6,379,720					
Non-Callable	FEDERAL FARM CR BKS	3133EHRU9	Aaa	07/19/22	\$	\$ 200,000	\$ 200,938	\$ 203,176	1.900%	1.800%	\$ 1,909	322	11508
Total Government Obligations					\$	\$ 200,000	\$ 200,938	\$ 203,176					
Callable 9/10/25	AMERICAN HOND FIN CORP MTN	02665WDN8		09/10/25	\$	\$ 500,000	\$ 506,050	\$ 501,005	1.000%	1.300%	\$ 2,500	1471	11508
Stepped 1/26/26	BANK OF AMERICA	06048WK82		01/26/26	\$	\$ 1,000,000	\$ 997,000	\$ 980,640	0.610%	0.610%	\$ 3,050	1609	11508
Bullet	BANK OF AMERICA CORP	06051GEU9	A2	01/11/23	\$	\$ 475,000	\$ 490,794	\$ 494,651	3.300%	2.300%	\$ 7,838	498	11508
Callable 9/30/23	CITIGROUP INC	17298CKE7	A3	09/30/23	\$	\$ 1,000,000	\$ 1,000,000	\$ 995,290	1.000%	1.000%	\$ 5,000	760	11508
Callable 02/25/26	GOLDMAN SACHS GROUP INC SR NT	38143UH87		02/25/26	\$	\$ 500,000	\$ 556,750	\$ 551,925	3.750%	3.420%	\$ 9,375	1639	11508
Callable 05/28/26	JPMORGAN CHASE & CO	48128G3N8		05/28/26	\$	\$ 1,000,000	\$ 1,000,000	\$ 999,910	1.200%	1.200%	\$ 6,000	1731	11508
Callable 11/18/2021	MB FINL BK NA CHIC IL	55266CZJ8		11/18/21	\$	\$ 247,000	\$ 247,000	\$ 248,489	2.810%	2.850%	\$ 3,470	79	11508
Callable 6/27/2024	MORGAN STANLEY PVT BK PURCHA	61760AL49		06/24/24	\$	\$ 245,000	\$ 245,000	\$ 256,341	2.290%	2.250%	\$ 2,805	1028	11508
Callable 3/1/22	UNION BK CALIF N A MEDIUM TERM	90520EAH4	A2	04/01/22	\$	\$ 308,000	\$ 315,377	\$ 312,512	3.150%	1.900%	\$ 13,860	213	11508
Callable 3/1/22	UNION BK CALIF N A MEDIUM TERM	90520EAH4	A2	04/01/22	\$	\$ 290,400	\$ 297,355	\$ 294,654	3.150%	1.900%	\$ 13,860	213	11508
Callable 3/1/22	UNION BK CALIF N A MEDIUM TERM	90520EAH4	A2	04/01/22	\$	\$ 281,600	\$ 288,344	\$ 285,725	3.150%	1.900%	\$ 13,860	213	11508
Medium Term Note	WELLS FARGO CO MTN	94974BFY1		06/03/26	\$	\$ 500,000	\$ 567,925	\$ 561,825	4.100%	3.650%	\$ 10,250	1737	11508
Total Corporate Issues					\$	\$ 6,347,000	\$ 6,511,595	\$ 6,482,968					
FDIC Ins. CD	BMW BANK NORTH AMER	05580AMB7		03/29/23	\$	\$ 240,000	\$ 240,000	\$ 249,967	2.860%	2.900%	\$ 3,432	575	11508
FDIC Ins. CD	CAPITAL ONE BANK (USA) NAT	14021AW7		06/19/24	\$	\$ 245,000	\$ 245,000	\$ 258,000	2.520%	2.500%	\$ 3,087	1023	11508
FDIC Ins. CD	CAPITAL ONE NATL ASSN VA	14042RKL4		11/22/22	\$	\$ 250,000	\$ 250,000	\$ 256,770	2.400%	2.400%	\$ 3,000	448	11508
FDIC Ins. CD	FIRST NATL BK MCGREGOR TEX	32112UD46		06/28/24	\$	\$ 249,000	\$ 250,743	\$ 262,750	2.300%	2.150%	\$ 2,884	1032	11508
FDIC Ins. CD	FLAGSTAR BK FSB TROY MICH	33847E2K2		06/13/22	\$	\$ 245,000	\$ 246,749	\$ 249,594	2.440%	2.200%	\$ 3,010	286	11508
FDIC Ins. CD	GOLDMAN SACHS BK USA NY	38148PKT3		06/14/22	\$	\$ 245,000	\$ 245,000	\$ 249,415	2.340%	2.350%	\$ 2,867	287	11508
FDIC Ins. CD	JPMORGAN CHASE BK NA COLUMBU	48128UHS1		07/31/25	\$	\$ 249,000	\$ 249,000	\$ 246,722	0.550%	0.550%	\$ 685	1430	11508
FDIC Ins. CD	MERRICK BK SOUTH JORDAN UTAH	59013KBV7		07/31/24	\$	\$ 249,000	\$ 249,000	\$ 260,347	2.200%	2.200%	\$ 2,739	1065	11508
FDIC Ins. CD	MORGAN STANLEY	61747MF63		01/11/23	\$	\$ 246,000	\$ 246,000	\$ 254,160	2.630%	2.650%	\$ 3,235	498	11508
FDIC Ins. CD	SALLIE MAE BK SLT LAKE CITY	795450M44	Aaa	04/11/23	\$	\$ 240,000	\$ 240,000	\$ 250,342	2.900%	2.950%	\$ 3,480	588	11508
FDIC Ins. CD	STATE BK INDIA CHICAGO ILL	856283N69		06/26/25	\$	\$ 248,000	\$ 252,166	\$ 247,231	0.950%	0.940%	\$ 1,198	1395	11508
Total CD Obligations					\$	\$ 2,706,000	\$ 2,713,659	\$ 2,785,297					
Medium Term Note	Credit Suisse Ag New York	22550L2G5		8/7/2026	\$	\$ 500,000	\$ 501,205	\$ 497,305	1.250%	1.250%	\$ 3,133	1802	11508
Total Non-US Securities					\$	\$ 500,000	\$ 501,205	\$ 497,305					
Subtotal Long Term					\$	\$ 9,753,000	\$ 16,307,117	\$ 16,348,466					
Pooled Investment					\$	\$ 9,753,000	\$ 16,307,117	\$ 16,348,466					
<b>Portfolio Totals</b>	Local Agency Investment Fund (LAIF)**	1.000259932			\$	\$ 146,433	\$ 147,564				0	10103	
					\$	\$ 16,453,550	\$ 16,496,030						

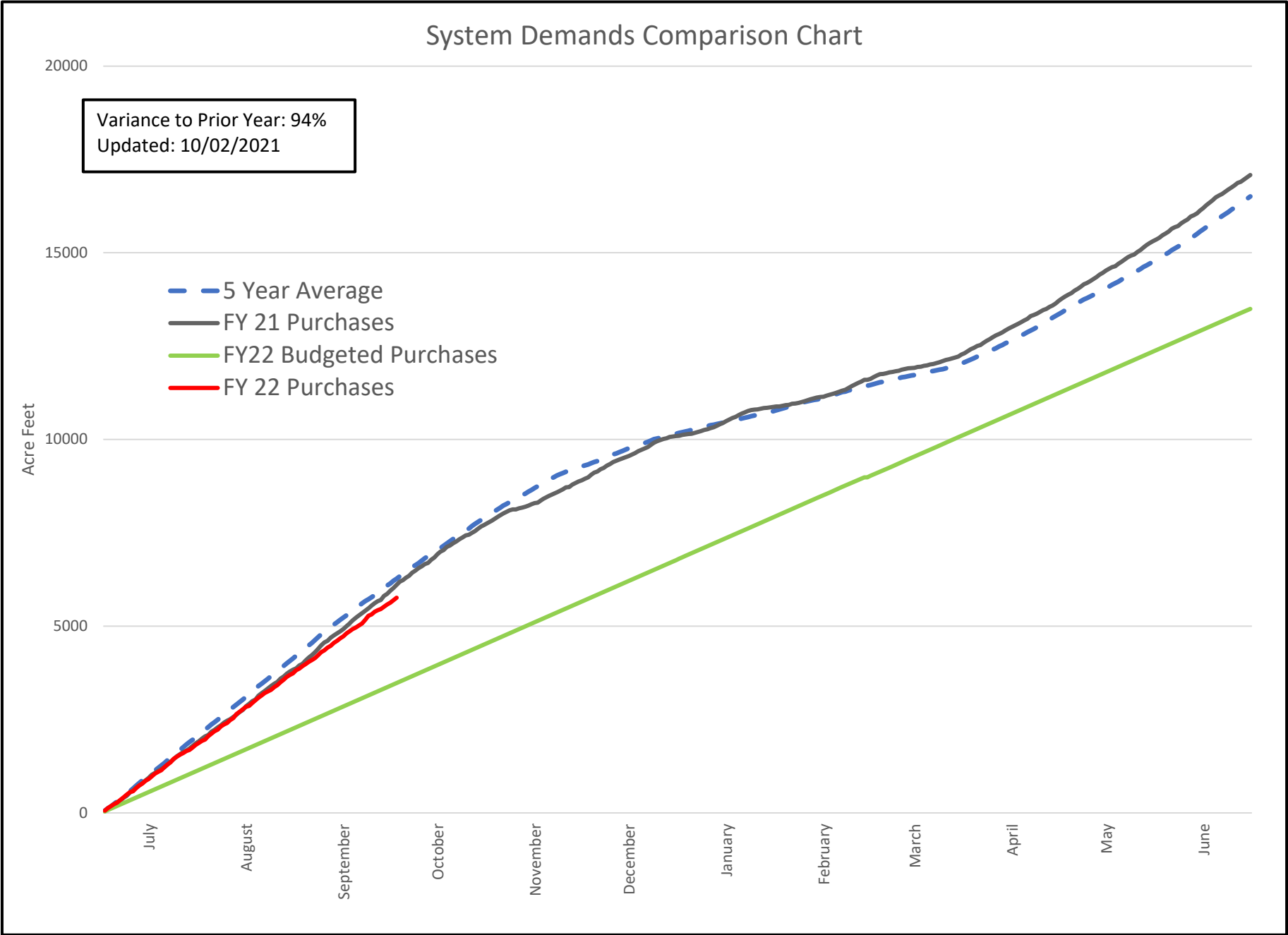


This monthly report accurately reflects all District pooled investments. It is in conformity with the Investment Administrative code section 5.03.080. The District has sufficient cash flow to meet six months of obligations. This is in effect is in compliance with the current Investment Policy.

*Tracy Largent*  
 Tracy Largent, Treasurer 10/4/2021

\*Source of Market Value - US Bank monthly statements  
 \*\*Source of LAIF FMV - CA State Treasurer Pooled Money Investment Account @ <https://www.treasurer.ca.gov/pmia-laif/reports/valuation.asp>







**Comparative Water Sales YTD from Prior Years**

**FISCAL YEAR 2021-2022**

Quantity of Meters	User Code	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	Acre Feet
549	AD	49,878	120,877											392
402	AG	126,020	156,517											649
271	CM	43,597	45,074											204
24	CN	9,809	7,353											39
21	IS	4,094	3,585											18
114	MF	14,171	12,501											61
	PC	105,195	87,728											443
	PD	104,423	101,695											473
319	SC	54,638	-											125
1012	SD	86,465	-											198
5851	SF	186,785	176,948											835
8563	Total	785,075	712,278	-	-	-	-	-	-	-	-	-	-	3,437

**FISCAL YEAR 2020-2021**

Quantity of Meters	User Code	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	Acre Feet
549	AD	34,763	39,406											170
402	AG	109,886	131,840											555
271	CM	43,615	49,777											214
24	CN	6,330	12,547											43
21	IS	2,513	2,972											13
114	MF	14,151	14,484											66
	PC	-	-											-
	PD	-	-											-
319	SC	137,945	133,502											623
1012	SD	186,337	204,966											898
5851	SF	169,793	186,711											818
8563	Total	705,333	776,205	-	-	-	-	-	-	-	-	-	-	3,401

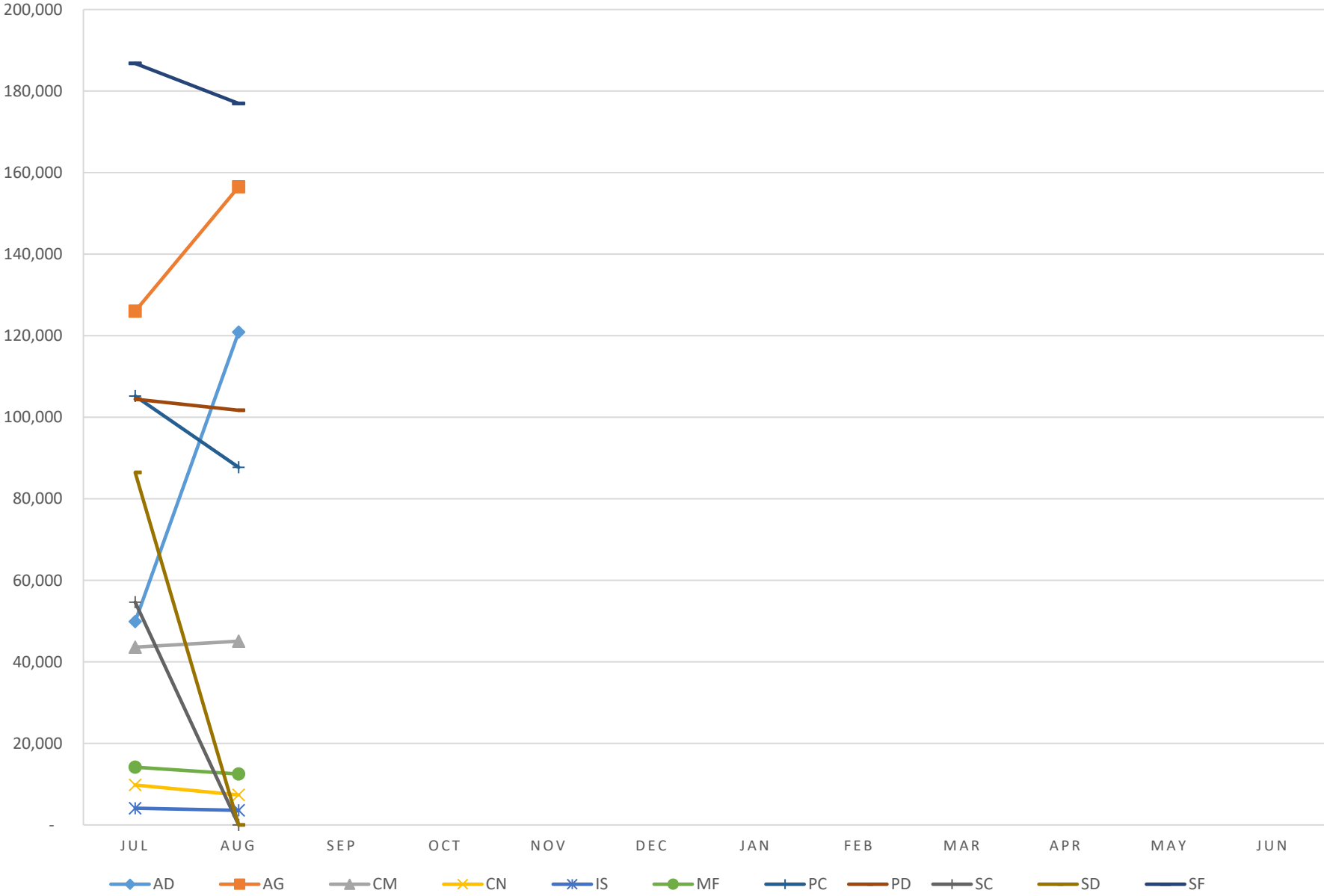
**FISCAL YEAR 2019-2020**

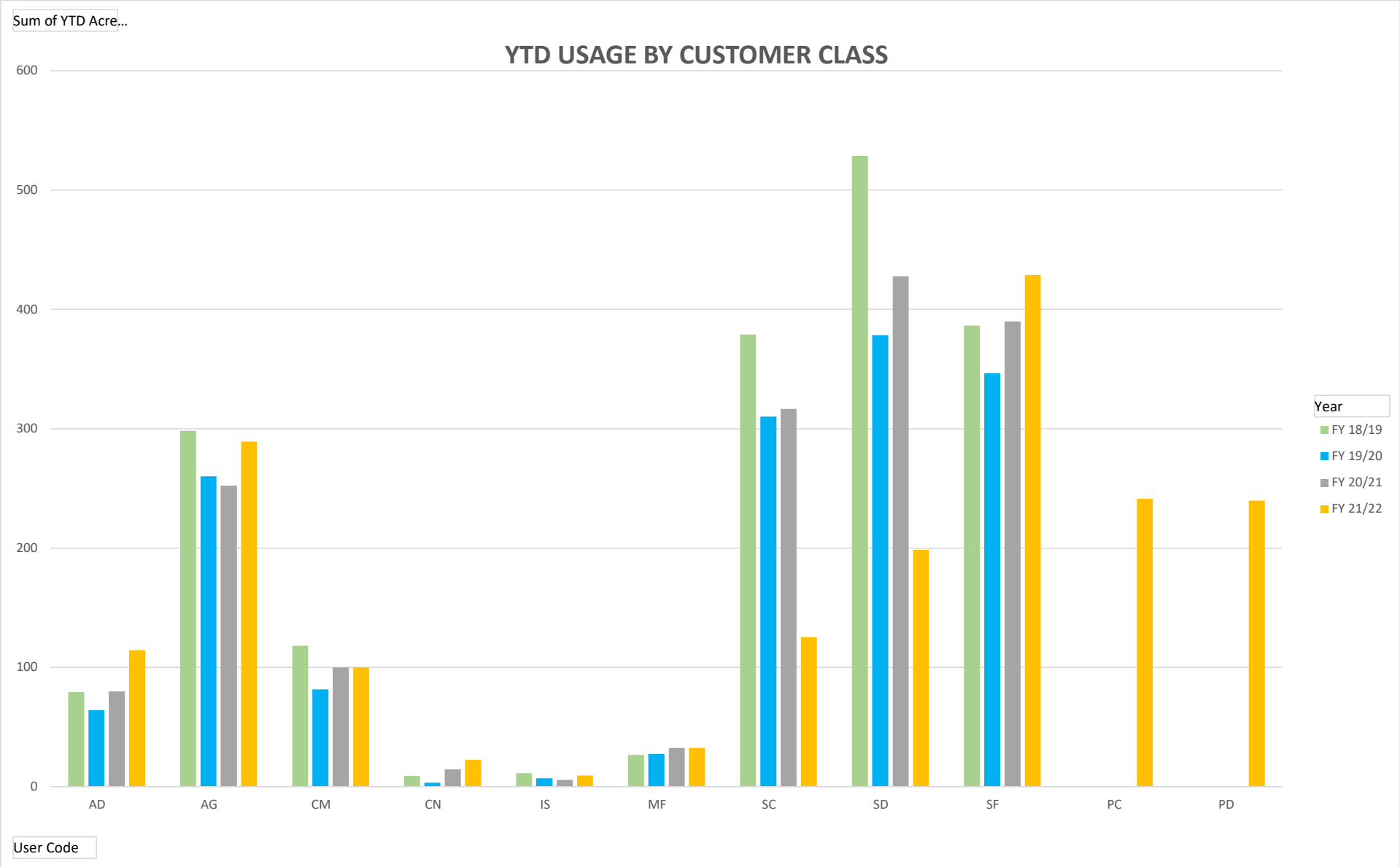
Quantity of Meters	User Code	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	Acre Feet
553	AD	28,018	36,530											148
400	AG	113,285	139,802											581
267	CM	35,561	46,750											189
19	CN	1,484	1,549											7
21	IS	3,060	1,799											11
114	MF	11,910	11,187											53
323	SC	135,069	157,307											671
1021	SD	164,817	213,262											868
5536	SF	150,907	188,769											780
8254	Total	644,111	796,955	-	-	-	-	-	-	-	-	-	-	3,308

**FISCAL YEAR 2018-2019**

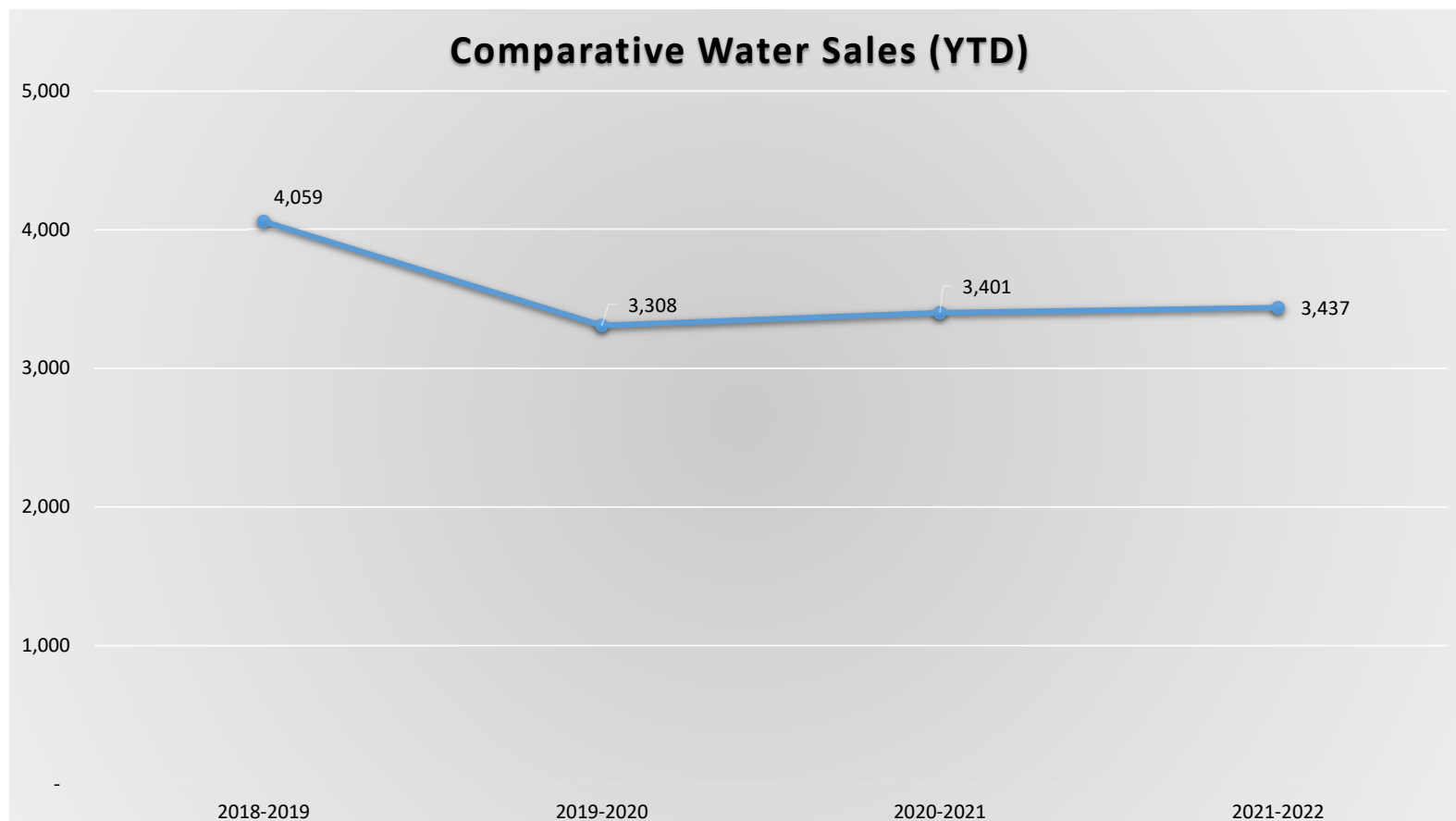
Quantity of Meters	User Code	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	Acre Feet
562	AD	34,648	47,312											188
402	AG	129,946	149,080											641
264	CM	51,483	67,254											273
23	CN	3,982	27,189											72
21	IS	4,964	3,824											20
112	MF	11,653	12,856											56
323	SC	165,088	203,887											847
1024	SD	230,264	264,247											1,135
5468	SF	168,323	192,173											828
8199	Total	800,351	967,822	-	-	-	-	-	-	-	-	-	-	4,059

### USAGE BY CUSTOMER CLASS FY 21-22





## Comparative Water Sales YTD from Prior Years





## Check Register

### August 2021

Description	Bank Transaction Code	Issue Date	Amount
AGRO DYNAMICS LLC	CHECK	08/06/2021	986.80
AIRGAS USA, LLC	ACH	08/06/2021	1,104.51
ARAMARK UNIFORM SERVICES	CHECK	08/06/2021	944.21
ARC DYNAMICS INC	CHECK	08/06/2021	817.40
BAVCO	CHECK	08/06/2021	3,222.87
BOOT BARN INC	CHECK	08/06/2021	1,124.67
BOOT WORLD, INC	ACH	08/06/2021	189.93
BP BATTERY INC.	ACH	08/06/2021	130.94
BRAND ASSASSINS	ACH	08/06/2021	1,978.75
CHRIS DAUGHERTY	CHECK	08/06/2021	120.00
CLAUDIA RAMIREZ	CHECK	08/06/2021	548.15
COLONIAL LIFE & ACCIDENT INS.	CHECK	08/06/2021	60.71
COPY 2 COPY	CHECK	08/06/2021	69.44
CORE & MAIN LP	CHECK	08/06/2021	7,497.51
COUNTY OF S.D. DEPT OF ENVIRONMENTAL HEALTH	CHECK	08/06/2021	2,408.00
CRAIG SHOBE	CHECK	08/06/2021	415.00
CUSTOM TRUCK BODY & EQUIPMENT, INC.	ACH	08/06/2021	8,505.76
D & H WATER SYSTEMS INC	CHECK	08/06/2021	249.47
DIAMOND ENVIRONMENTAL SERVICES	CHECK	08/06/2021	556.05
DITCH WITCH WEST	CHECK	08/06/2021	1,876.30
DOTY BROS EQUIPMENT CO.	CHECK	08/06/2021	1,825.00
DRAGON PRINTING EXPRESS	CHECK	08/06/2021	1,672.58
ESAUD LAGUNAS	CHECK	08/06/2021	1,693.60
FALLBROOK AUTO PARTS	CHECK	08/06/2021	5,591.11
FALLBROOK IRRIGATION SUPPLIES	CHECK	08/06/2021	742.56

Description	Bank Transaction Code	Issue Date	Amount
FALLBROOK LOCAL LOCKSMITH	CHECK	08/06/2021	97.33
FALLBROOK PUBLIC UTILITY DIST	CHECK	08/06/2021	3,770.35
FALLBROOK WASTE AND RECYCLING	CHECK	08/06/2021	1,696.90
FLEET TRUCK & AUTO SHOP INC.	ACH	08/06/2021	3,034.52
FLUME TECH	CHECK	08/06/2021	583.36
FLYERS ENERGY LLC	ACH	08/06/2021	7,491.58
FREEWAY TRAILER SALES	CHECK	08/06/2021	284.15
GIL FRANCO, TIRE HAULER	CHECK	08/06/2021	297.00
GOLDEN STATE INDUSTRIAL COATINGS, INC.	CHECK	08/06/2021	9,550.00
GREG TOOLEY	CHECK	08/06/2021	1,315.86
HAL HAYS CONSTRUCTION INC	CHECK	08/06/2021	1,656.86
HALDI CONSTRUCTION	CHECK	08/06/2021	1,043.84
HELIX ENVIRONMENTAL PLANNING INC	CHECK	08/06/2021	5,953.75
HILL BROTHERS CHEMICAL CO.	CHECK	08/06/2021	889.59
HOME DEPOT CC - ALL (JULY 2021 STATEMENT)	EFT	08/06/2021	2,894.59
ICON UTILITY SERVICES	CHECK	08/06/2021	2,094.03
ICONIX WATERWORKS (US) INC	ACH	08/06/2021	9,245.07
IMPACT DESIGN	CHECK	08/06/2021	110.37
INFOR (US), INC.	ACH	08/06/2021	2,540.00
INFOSEND, INC.	CHECK	08/06/2021	5,429.31
JOHN VOGEL	CHECK	08/06/2021	1,475.54
KATHERINE CANALES	CHECK	08/06/2021	1,825.00
KENNY'S STRAWBERRY FARMS	CHECK	08/06/2021	1,509.18
KEVIN MILLER	ACH	08/06/2021	363.00
KNIGHT SECURITY & FIRE SYSTEMS	ACH	08/06/2021	2,288.00
KNOCKOUT PEST CONTROL& TERMITE, INC.	CHECK	08/06/2021	200.00
L.N. CURTIS & SONS	CHECK	08/06/2021	90.74
LEIGHTON CONSULTING, INC.	CHECK	08/06/2021	8,186.05
LINCOLN NATIONAL LIFE INSURANCE COMPANY	CHECK	08/06/2021	4,225.87
MARIA BRNDIAR	CHECK	08/06/2021	57.72
MOBILE MODULAR	CHECK	08/06/2021	3,499.30
MODULAR BUILDING CONCEPTS, INC	CHECK	08/06/2021	1,315.63
MORGAN COMPANY	CHECK	08/06/2021	1,143.45



Description	Bank Transaction Code	Issue Date	Amount
O'REILLY AUTO PARTS	CHECK	08/06/2021	923.67
PACIFIC PIPELINE SUPPLY	CHECK	08/06/2021	2,164.98
PARADISE CHEVROLET CADILLAC	ACH	08/06/2021	64.36
PARKHOUSE TIRE, INC.	ACH	08/06/2021	1,410.69
PERRAULT CORPORATION	CHECK	08/06/2021	15,208.17
PETER HINTZOGLOU	CHECK	08/06/2021	56.03
PETERS PAVING & GRADING, INC	ACH	08/06/2021	6,675.00
PETTY CASH - ADMINISTRATION	CHECK	08/06/2021	377.97
POLLARDWATER	CHECK	08/06/2021	1,086.27
POLLUTION CONTROL DISTRICT COUNTY OF SAN DIEGO, AIR	CHECK	08/06/2021	1,231.00
PRECISION MOBILE DETAILING	ACH	08/06/2021	410.00
PURCHASE POWER PITNEY BOWES, INC	CHECK	08/06/2021	68.53
QUALITY ARG INC	ACH	08/06/2021	330.00
QUALITY CHEVROLET	ACH	08/06/2021	445.06
QUALITY GATE COMPANY	ACH	08/06/2021	170.00
QUINN COMPANY	CHECK	08/06/2021	699.70
RAMONA PAVING & CONSTRUCTION	CHECK	08/06/2021	1,189.24
RANCHO FORD LINCOLN MERCURY	CHECK	08/06/2021	255.67
RHO MONSERATE C.C.H.A.	CHECK	08/06/2021	442.29
ROLLIN C BUSH	CHECK	08/06/2021	5,674.80
RONALD THOMPSON	CHECK	08/06/2021	85.99
SAN DIEGO FRICTION PRODUCTS, INC.	CHECK	08/06/2021	968.84
SAN DIEGO GAS & ELECTRIC	CHECK	08/06/2021	6,569.97
SAN DIEGO LAFCO	CHECK	08/06/2021	60,000.00
SCW CONTRACTING CORPORATION	ACH	08/06/2021	1,825.00
SHRED-IT USA LLC	CHECK	08/06/2021	174.88
SOUTH BAY FOUNDRY	CHECK	08/06/2021	4,956.50
SPECIALTY MOWING SERVICES, INC - W9	ACH	08/06/2021	19,746.00
T S INDUSTRIAL SUPPLY	CHECK	08/06/2021	4,626.62
T.E. ROBERTS	CHECK	08/06/2021	1,825.00
TCN, INC	CHECK	08/06/2021	6.48
TEMECULA VALLEY PAINT, INC.	CHECK	08/06/2021	206.07
TNG SECURITY INC. DBA CALIFORNIA COMMERCIAL SECURITY	CHECK	08/06/2021	368.04

Description	Bank Transaction Code	Issue Date	Amount
TRAFFIC SAFETY SOLUTIONS, LLC	ACH	08/06/2021	6,290.00
TRAFFIC SUPPLY, INC.	CHECK	08/06/2021	463.48
TRIPONTE HOMES	CHECK	08/06/2021	1,576.96
UNDERGROUND SERVICE ALERT	ACH	08/06/2021	407.09
UNITED RENTALS NORTHWEST, INC	CHECK	08/06/2021	472.60
VSS INTERNATIONAL INC.	CHECK	08/06/2021	1,807.06
WALTERS WHOLESALE	CHECK	08/06/2021	720.97
WATERLINE TECHNOLOGIES INC.	CHECK	08/06/2021	4,492.85
WELLS FARGO BANK	CHECK	08/06/2021	1,000.00
WESTERN LANDSCAPE MAINTENANCE PLUS, INC.	ACH	08/06/2021	532.51
WILLDAN FINANCIAL SERVICES	CHECK	08/06/2021	5,000.00
SDCWA WATER PURCHASE- JUN 2021	WIRE	08/11/2021	2,374,325.00
T5941_UNION BANK CC - KENNEDY (JULY STATEMENT).PDF	EFT	08/11/2021	122.80
UNION BANK CC - DAUGHERTY (JULY STATEMENT)	EFT	08/11/2021	129.62
UNION BANK CC - LAGUNAS (JULY STATEMENT)	EFT	08/11/2021	337.73
NBS BENEFITS-ADMINISTRATION FEES	EFT	08/16/2021	125.00
ACWA-JPIA	ACH	08/20/2021	86,770.96
AIRGAS USA, LLC	ACH	08/20/2021	278.73
ANDERSON & BRABANT, INC.	CHECK	08/20/2021	3,500.00
ARAMARK UNIFORM SERVICES	CHECK	08/20/2021	866.31
AT&T	CHECK	08/20/2021	167.82
AT&T	CHECK	08/20/2021	554.00
AZUGA, INC.	CHECK	08/20/2021	1,136.95
BABCOCK LABORATORIES, INC	ACH	08/20/2021	635.00
BAVCO	CHECK	08/20/2021	1,663.88
BEN PALDINO	CHECK	08/20/2021	115.44
BONSALL CHAMBER OF COMMERCE	CHECK	08/20/2021	165.00
BONSALL PEST CONTROL	CHECK	08/20/2021	200.00
BOOT BARN INC	CHECK	08/20/2021	164.85
BRAND ASSASSINS	ACH	08/20/2021	1,780.31
BROWN & CALDWELL	ACH	08/20/2021	32,930.39
CDW GOVERNMENT, INC.	CHECK	08/20/2021	3,437.65
CHRIS BROWN	ACH	08/20/2021	15,000.00

Description	Bank Transaction Code	Issue Date	Amount
COLONIAL LIFE & ACCIDENT INS.	CHECK	08/20/2021	60.71
CONCORD ENVIRONMENTAL ENERGY, INC.	ACH	08/20/2021	84,631.27
CORE & MAIN LP	CHECK	08/20/2021	4,048.88
COUNTY OF SAN DIEGO, RCS	CHECK	08/20/2021	770.70
CSDA, SAN DIEGO CHAPTER	CHECK	08/20/2021	150.00
CUSTOM TRUCK BODY & EQUIPMENT, INC.	ACH	08/20/2021	101,415.80
D & H WATER SYSTEMS INC	CHECK	08/20/2021	1,007.88
DAWN M LUNA	CHECK	08/20/2021	82.61
DELL BUSINESS CREDIT	CHECK	08/20/2021	104.06
DIAMOND ENVIRONMENTAL SERVICES	CHECK	08/20/2021	602.41
DITCH WITCH WEST	CHECK	08/20/2021	262.09
ESAUD LAGUNAS	CHECK	08/20/2021	614.62
ESRI	CHECK	08/20/2021	10,000.00
FALLBROOK AUTO PARTS	CHECK	08/20/2021	130.53
FEDEX	CHECK	08/20/2021	479.06
FERGUSON WATERWORKS #1083	CHECK	08/20/2021	32,864.90
FLYERS ENERGY LLC	ACH	08/20/2021	4,579.93
FREDDY ESPINO	CHECK	08/20/2021	155.09
GLENN CHAVEZ CONSTRUCTION	CHECK	08/20/2021	102,250.00
HADRONEX, INC.	ACH	08/20/2021	29,406.00
HARRIS & ASSOCIATES, INC.	ACH	08/20/2021	29,370.00
HARRISON'S EQUIPMENT	CHECK	08/20/2021	150.00
HAWTHORNE EQUIPMENT	CHECK	08/20/2021	3,300.78
HELIX ENVIRONMENTAL PLANNING INC	CHECK	08/20/2021	12,014.07
HOUSTON AND HARRIS	CHECK	08/20/2021	20,061.25
ICONIX WATERWORKS (US) INC	ACH	08/20/2021	5,646.57
INFOR (US), INC.	ACH	08/20/2021	1,030.00
INFOSEND, INC.	CHECK	08/20/2021	5,186.41
INNOVYZE, INC.	CHECK	08/20/2021	4,519.50
JAMES SJUNESON	CHECK	08/20/2021	184.86
KENNEDY/JENKS CONSULTANTS INC	ACH	08/20/2021	60,904.87
KIMBALL MIDWEST	CHECK	08/20/2021	801.93
KNOCKOUT PEST CONTROL& TERMITE, INC.	CHECK	08/20/2021	100.00

Description	Bank Transaction Code	Issue Date	Amount
LABORS TRAINING & COMMUNITY DEVELOPMENT ALLIANCE	CHECK	08/20/2021	80.00
LINCOLN NATIONAL LIFE INSURANCE COMPANY	CHECK	08/20/2021	4,215.63
LYNN TRENDEL	CHECK	08/20/2021	97.68
MUNICIPAL SEWER TOOLS	CHECK	08/20/2021	1,325.33
NORTHERN TOOL & EQUIPMENT	CHECK	08/20/2021	216.67
NUTRIEN AG SOLUTIONS, INC	CHECK	08/20/2021	647.96
OCCUPATIONAL HEALTH CENTERS OF CA, A MEDICAL CORP	CHECK	08/20/2021	185.00
O'REILLY AUTO PARTS	CHECK	08/20/2021	111.60
PACIFIC PIPELINE SUPPLY	CHECK	08/20/2021	10,632.67
PALOMAR BACKFLOW	ACH	08/20/2021	680.72
PERRAULT CORPORATION	CHECK	08/20/2021	382.51
POLLUTION CONTROL DISTRICT COUNTY OF SAN DIEGO, AIR	CHECK	08/20/2021	460.00
PRECISION MOBILE DETAILING	ACH	08/20/2021	932.50
PRINCIPAL LIFE INSURANCE COMPANY	CHECK	08/20/2021	4,136.20
PUBLIC POLICY STRATEGIES, INC.	CHECK	08/20/2021	15,000.00
QUALITY CHEVROLET	ACH	08/20/2021	54.90
RAIN FOR RENT RIVERSIDE	CHECK	08/20/2021	14,931.85
RAMON ZUNIGA	CHECK	08/20/2021	1,457.99
RENE BUSH	ACH	08/20/2021	726.00
RT LAWRENCE CORPORATION	ACH	08/20/2021	620.44
RUBEN LOPEZ	CHECK	08/20/2021	265.00
SAN DIEGO GAS & ELECTRIC	CHECK	08/20/2021	61,730.63
SOUTHWEST ANSWERING SERVICE, INC.	CHECK	08/20/2021	872.48
SPECIAL DISTRICT RISK	CHECK	08/20/2021	21,084.74
STEPHEN COFFEY	CHECK	08/20/2021	200.00
STREAMLINE	CHECK	08/20/2021	300.00
SULAK FAMILY TRUST	CHECK	08/20/2021	57.72
SUPERIOR READY MIX	CHECK	08/20/2021	1,484.92
T S INDUSTRIAL SUPPLY	CHECK	08/20/2021	6,798.76
TEMECULA TROPHY CO.	CHECK	08/20/2021	58.73
TIAA COMMERCIAL FINANCE, INC.	CHECK	08/20/2021	3,245.48
TOTAL COMPENSATION SYSTEMS, INC.	CHECK	08/20/2021	1,000.00
TRAFFIC SUPPLY, INC.	CHECK	08/20/2021	1,097.67

Description	Bank Transaction Code	Issue Date	Amount
UNDERGROUND SERVICE ALERT	ACH	08/20/2021	72.04
WATER & ENERGY CONSULTING	CHECK	08/20/2021	11,200.00
WATERLINE TECHNOLOGIES INC.	CHECK	08/20/2021	2,922.18
PUBLIC POLICY STRATEGIES, INC.	CHECK	08/26/2021	7,500.00
		<b>Total:</b>	<b>3,511,575.82</b>



**Director's Expenses  
FY 2021-2022**

Disbursement Date	Description	Miguel Gasca	Claude Hamilton	Michael Mack	Carl Rindfleisch	Pam Moss
07/31/21	WATER AGENCIES ASSOC OF S.D. CSDA,SAN DIEGO CHAPTER CONFERENCES (CSDA, ACWA, etc.) TRAINING COUNCIL OF WATER UTILITIES DIRECTORS' PER DIEMS		\$ 150.00	\$ 150.00		\$ 150.00
	TRAVEL EXPENSES MILEAGE EXPENSE					
	<b>REIMBURSEMENT FROM DIRECTORS</b>					
	Monthly Totals	\$ -	\$ 150.00	\$ 150.00	\$ -	\$ 150.00
08/31/21	WATER AGENCIES ASSOC OF S.D. CSDA,SAN DIEGO CHAPTER CONFERENCES (CSDA, ACWA, etc.) TRAINING COUNCIL OF WATER UTILITIES DIRECTORS' PER DIEMS		\$ 150.00	\$ 450.00		\$ 450.00
	TRAVEL EXPENSES MILEAGE EXPENSE			\$ 41.44		
	<b>REIMBURSEMENT FROM DIRECTORS</b>					
	Monthly Totals	\$ -	\$ 150.00	\$ 491.44	\$ -	\$ 450.00
<b>REPORT TOTAL (Fiscal Year 2021-22):</b>		<b>\$ -</b>	<b>\$ 300.00</b>	<b>\$ 641.44</b>	<b>\$ -</b>	<b>\$ 600.00</b>







## AMERICAN EXPRESS

August 2021

GL Finance Code	GL Transaction Amount	Description
GL 03 42 56513	111.58	1-800-FLOWERS
GL 03 41 56511	232.13	4IMPRINT #21485364
GL 03 41 63401	81.30	CULLIGAN
GL 03 51 75300	210.00	ALASKA AIRLINES
GL 03 43 72000	199.95	AMERICAN SOCIETY #1001757968
GL 03 44 60100	0.35	AMAZON WEB SERVICES
GL 03 44 60100	(890.98)	AMAZON #111-1942144-2328208
GL 03 44 60100	145.46	AMAZON #111-1598650-8276221
GL 03 44 60100	29.65	AMAZON #111-5925894-3275466
GL 03 44 60100	1,002.04	AMAZON #111-6667186-7471417
GL 03 44 60100	(28.88)	AMAZON #111-0410117-4953055
GL 03 44 60100	192.87	AMAZON #111-9182340-7513045
GL 03 36 72000	324.82	AMAZON #112-0668547-8982615
GL 03 43 72500 800013	193.59	AMAZON #112-2537872-3470644
GL 03 44 60100	192.08	AMAZON #111-5667332-5854639
GL 03 44 60100	26.80	AMAZON #111-1354554-4557815
GL 03 44 60100	1,018.17	AMAZON #111-5765851-0789824
GL 03 44 60100	39.94	AMAZON #111-0410117-4953055
GL 03 44 60100	457.38	AMAZON #111-7023335-6369061
GL 03 44 60100	21.52	AMAZON #111-4095914-9291447
GL 03 44 60100	53.43	AMAZON #111-4167456-3661856
GL 03 44 60100	301.69	AMAZON #111-6607487-8388205
GL 03 41 72900	17.18	AMAZON #111-5783097-2472256
GL 03 43 72000	330.88	AMAZON #112-3081790-8420207/PO# 11604
GL 03 44 60100	85.12	AMAZON #111-4174600-3967467
GL 03 44 60100	87.25	AMAZON #111-9432385-5940210
GL 03 43 72500 800013	111.03	AMAZON #112-4470486-3955409

GL Finance Code	GL Transaction Amount	Description
GL 03 43 72500	983.24	AMAZON #112-7367735-8540242/PO# 11575
GL 03 43 72000	2.99	APPLE.COM
GL 03 44 72400	110.00	ATLASSIAN
GL 03 44 60100	40.00	AUTHORIZE.NET, 08-31-21
GL 03 42 75500	200.00	BROWN & CALDWELL
GL 03 51 75300	100.00	CSDA
GL 03 20 75300	65.00	CSDA
GL 01 35 75300	880.00	AWWA
GL 03 41 63400	201.75	COFFEE AMBASSADOR
GL 03 44 60100	192.50	CORELOGIC
GL 03 44 60100	60.00	DIGITAL RIVER
GL 03 44 60100	39.44	DIRECT TV
GL 01 35 73000	216.49	FOXFURY #3722
GL 01 34 72000	694.20	GLACIER ICE
GL 03 43 72500	10.24	GRAINGER #9013813440/PO# 11618
GL 03 43 72500	50.35	GRAINGER #9014526439/PO# 11618
GL 01 34 72000	25.22	GRAINGER #9002147156/PO# 11602
GL 01 32 72000	104.51	GRAINGER #9002147156/PO# 11602
GL 01 34 72000	175.98	GRAINGER #9002200211/PO# 11602
GL 60 99 72000 600028	189.65	GRAINGER #9008892029/PO# 11615
GL 03 43 72500	264.22	GRAINGER #9011463834/PO# 11618
GL 03 43 72500	348.21	GRAINGER #9011658474/PO# 11618
GL 01 34 72000	654.68	GRAINGER #9960228360/PO# 11567
GL 01 33 72000	107.84	GRAINGER #9960228360/PO# 11567
GL 01 32 72000	230.80	GRAINGER #9960228360/PO# 11567
GL 03 43 72500	1,224.30	GRAINGER #9011837789/PO# 11618
GL 03 36 63421	1,881.01	GRAINGER #9014957626/PO# 11638
GL 03 42 56513	37.30	I SEE ME
GL 01 35 72000	2,979.83	BRAND ASSASSINS
GL 03 41 74100	972.65	JIVE
GL 03 42 75500	549.00	JPIA
GL 03 42 75500	549.00	JPIA
GL 03 42 75500	549.00	JPIA
GL 03 44 72400	870.00	LOGMEIN.COM

GL Finance Code	GL Transaction Amount	Description
GL 03 44 72400	75.00	LOGMEIN.COM
GL 03 42 75500	188.00	MC JOB POST
GL 03 44 72400	130.00	MISAC
GL 03 44 60100	343.20	AZURE
GL 03 41 63400	750.00	NATUREBOX #11808
GL 03 42 75500	119.00	NEOGOV
GL 03 41 70300	6,851.50	NOSSAMAN #524231
GL 60 99 70300 600013	1,881.50	NOSSAMAN #524231
GL 53 99 70300 530017	568.00	NOSSAMAN #524231
GL 03 91 70300	3,124.00	NOSSAMAN #524231
GL 03 41 70300	2,017.20	NOSSAMAN #524241
GL 03 91 70300	2,047.50	NOSSAMAN #524241
GL 53 99 70300 530017	162.50	NOSSAMAN #524241
GL 03 41 70300 300020	7,587.00	NOSSAMAN #524232
GL 03 41 70300 300024	10,834.50	NOSSAMAN #524233
GL 03 41 70300 300022	550.00	NOSSAMAN #524235
GL 03 41 70300 300008	1,545.10	NOSSAMAN #524236
GL 03 41 70300 700027	2,340.00	NOSSAMAN #524237
GL 03 41 70300 300027	5,329.20	NOSSAMAN #524238
GL 03 41 72900	59.73	OFFICE DEPOT #186826286001
GL 03 41 63401	77.57	OFFICE DEPOT #181975373001
GL 03 41 72900	119.28	OFFICE DEPOT #183960583001
GL 03 41 72900	166.01	OFFICE DEPOT #183409590001
GL 02 61 72000	227.48	OFFICE DEPOT #179841081001
GL 03 41 63401	795.39	OFFICE DEPOT #184077693001
GL 03 20 75300	35.94	PALA MESA MARKET
GL 03 41 75300	40.96	PALA MESA MARKET
GL 03 42 56513	500.00	PALA MESA RESORT
GL 03 51 75300	256.80	PORTOLA HOTEL
GL 03 41 75300	17.65	PREPASS
GL 03 44 60100	10.00	RING
GL 03 41 63400	76.50	FRUIT GUYS #5572481
GL 03 41 63400	38.25	FRUIT GUYS #5571848
GL 03 41 63400	76.50	FRUIT GUYS #5570966

GL Finance Code	GL Transaction Amount	Description
GL 03 41 63400	38.25	FRUIT GUYS #5570180
GL 03 44 60100	21.40	WASABI
GL 01 34 72000	300.00	WATERWISE
GL 03 41 63401	78.66	WAXIE
GL 03 41 63401	359.83	WAXIE
GL 60 99 72000 600028	2,693.75	WESTERN WATER #1307886-00/PO# 11616
GL 01 99 15260	4,605.88	WESTERN WATER #1307139-00/PO# 11551
GL 03 36 72000	300.00	WHIP AROUND
GL 03 41 75300	62.15	Z CAFE
GL 01 35 72000	35.00	ZOHO
GL 03 44 72400	299.87	ZOOM
	<b>77,841.80</b>	<b>American Express (August Statement)</b>

Rainbow Municipal Water District  
Property spreadsheet

APN	Description of Use	Acreage
1023000800	North Reservoir	4.8
1023001100	U-1 Pump Station	0.14
1023005000	Rainbow Creek Crossing near North Reservoir	0.89
1023005300	Connection 9	0.01
1024300900	Pump Station across PS1 (not in use)	0.12
1025702000	U-1 Tanks	1.08
1026305400	Pump Station #1	0.33
1026602000	Booster Pump Station #4	0.03
1027001600	Pump Station #3	0.67
1071702800	Connection 7	1.60
1071702900	Pala Mesa Tank	10.35
1080206900	Northside Reservoir	9.23
1082210600	Beck Reservoir	27.25
1082210900	Near Beck Reservoir	4.82
1082211000	Near Beck Reservoir	6.23
1082211800	Near Beck Reservoir - Excess Property (not in use)	4.68
1084210600	Rice Canyon Tank	1.00
1084410300	Canonita Tank	2.41
1091410700	Gomez Creek Tank	1.00
1092310900	Rainbow Heights Tank	0.35
1092330300	Rainbow Heights Tank	0.99
1092341000	Rainbow Heights Concrete Tank - used for SCADA	1.74
1093101800	Vallecitos Tank	0.55
1093822800	Magee Tank	1.03
1093912400	Magee Pump Station	0.3
1100721000	Huntley Road Pump Station	0.52
1102203700	Huntley Chlorination Station (not in use)	0.2
1212011000	Morro Tank	0.31
1212011100	Morro Tank	4.85
1212011200	Morro Reservoir	13.01
1213300900	Morro Reservoir	6.79
1250703200	Sumac Reservoir (Not in Use)	1.72
<b>1250902600</b>	<b>Headquarters</b>	<b>7.38</b>
<b>1250903400</b>	<b>Headquarters</b>	<b>4.43</b>
<b>1250903500</b>	<b>Headquarters</b>	<b>3.40</b>
<b>1250903800</b>	<b>Headquarters</b>	<b>17.03</b>
1251002100	Rancho Viejo Lift Station #5	0.05
1252311800	Hutton Tank	1.39
1252312600	Hutton Tank	0.89
1260803100	Via de los Cepillos Easement	0.47
1261708700	Lift Station #2	0.08
1261708900	Lift Station #2	0.12
1263004200	Lift Station #1	0.01
1270710500	Bonsall Reservoir (Not in Use)	6.19
1270710600	Connection 6	0.28
1271512300	Turner Tank	15.12
1721404300	Gopher Canyon Tank	1.84
	<i>Total</i>	<b>167.68</b>

