



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 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

District Office	3707 Old Highway 395	Fallbrook, CA 92028
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Board Agenda Policies

Board of Directors Meeting Schedule Regular Board meetings are normally scheduled for the 4th 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.

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

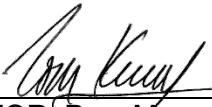
H. Credit Card Breakdown

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.