



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/84755528706> 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: 847 5552 8706).

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, August 24, 2021

Closed Session 11:30 a.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

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 11:30 a.m. and Open Session at 1:00 p.m. Tuesday, August 24, 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___ Rindfleisch___**
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.

- C. Appointment, Employment; Evaluation of Performance – General Manager (Government Code §54957(B)(1))

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.

Time Certain: 1:00 p.m. Public Hearing

***15. PUBLIC HEARING**

- A. PUBLIC HEARING TO CONSIDER ADOPTING ORDINANCE 21-03 AUTHORIZING INCREASES IN THE RATES FOR RAINBOW MUNICIPAL WATER DISTRICT SERVICE FEES EFFECTIVE SEPTEMBER 1, 2021

(Board to consider adopting Ordinance 21-03 that would set the new rates effective September 1, 2021.)

(*) - Asterisk indicates a report is attached.

***16. APPROVAL OF MINUTES**

- A. July 27, 2021 - Regular Board Meeting

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

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

- A. President's Report (Director Hamilton)
- B. Representative Report (Appointed Representative)
 - 1. SDCWA
 - A. Summary of Board Meeting July 22, 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
- D. Directors Comments
- E. Legal Counsel Comments
 - 1. Attorney Report: CEQA Updates 58211376-1

18. COMMITTEE REPORTS

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

BOARD ACTION ITEMS

***19. DISCUSSION AND POSSIBLE ACTION TO QUITCLAIM WATER EASEMENT ON NORTH COUNTY FIRE PROTECTION DISTRICT PROPERTY AT THE INTERSECTION OF PALA MESA DRIVE AND OLD HWY 395 APN 125-050-69-00**

(North County Fire Protection will be constructing a new fire station at the intersection of Pala Mesa Drive and Old Highway 395. There are four water easements that are no longer needed by the District that need to be vacated in order to construct the fire station. The District does not have any existing or planned infrastructure within the easements.)

***20. CONSIDER AND APPROVE A REQUEST TO QUITCLAIM WATER EASEMENTS ON RICE CANYON ROAD FOR THE CITRO DEVELOPMENT (FKA MEADOWOOD) WITH TRI POINTE HOMES**

(The District entered into a Participation Agreement for the Design, Construction, and Funding of the Rice Canyon Pipeline and Related Facilities from the Rice Canyon Reservoir through the Citro development project. The District has existing easements over portions this development site, and agreed to vacate any existing easements on the project site which were not needed for the proposed improvements.)

(*) - Asterisk indicates a report is attached.

- *21. DISCUSSION AND POSSIBLE ACTION TO APPROVE A CONTRACT CHANGE ORDER FOR THE MASTERCRAFT PROFESSIONAL SERVICES AGREEMENT FOR THE PREPARATION OF ADDITIONAL SITE PLANS AND ON-GOING PROJECT MANAGEMENT IN THE AMOUNT OF \$28,787**
(The District has requested that Mastercraft perform additional services not covered in the original scope of services. The contract change order includes the addition of two new Tasks 12 and 13 and increasing the authorized amount in Task 7 for the additional scope of work provided in this contract change order.)
- 22. NOTICE OF COMPLETION AND ACCEPTANCE OF THE DENTRO DE LOMAS ROAD IMPROVEMENTS**
(All facilities have been constructed per plans, inspected, and tested per specifications. Upon acceptance by the Board, the improvements become part of the District system and Staff takes over operation and maintenance.)
- *22A. PIPELINE PROJECT TO APPROPRIATE AN ADDITIONAL \$1.825M IN PROJECT COST TO THE CIP BUDGET AND AUTHORIZE THE GENERAL MANAGER TO NEGOTIATE THE ANNEXATION AND PARTICIPATION AGREEMENT WITH TRI POINTE HOMES**
(Action Letter and any attachments to be provided under separate cover.)
- *23. DISCUSSION AND POSSIBLE ACTION TO APPROVE A VARIANCE FROM ORDINANCE 19-04 TO ALLOW A LOT, LARGER THAN 0.5 ACRES, TO QUALIFY FOR CAPACITY CLASS “B” AND APPROVE THE CAPACITY CLASS WATER USE AGREEMENT (Division 3)**
(The property owner of APN 107-250-51-00, Bradley Idhe, has requested a variance from Ordinance 19-04 to downsize an existing 1” meter on a 2.32 acre parcel to a 3/4- inch meter and reduce his monthly fixed fees.)
- *24. DISCUSSION AND POSSIBLE ACTION TO APPROVE A LEAK ADJUSTMENT FOR DECEMBER 2020 BILL REFLECTING SPIKE IN USAGE A TOTAL ADJUSTMENT OF \$170.80. (Division 2)**
(Kelly Bonner, customer at 4174 S Mission Road, has requested a leak adjustment.)
- *25. DISCUSSION AND POSSIBLE ACTION TO APPROVE A VARIANCE FROM MAXIMUM CAPACITY AND 12 MONTH ROLLING AVERAGE REQUIREMENTS IN ORDER TO DOWNSIZE FROM A 1 1/2” TO A 1” METER. (Division 1)**
(The property owner of APN 126- 180-42-00 has requested a variance from Ordinance 19-04.)
- 26. EXPIRATION OF CALIFORNIA EXECUTIVE ORDER N-42-20 MORATORIUM FOR WATER SHUT-OFFS UPDATE**
(The expiration of the executive order on September 30, 2021, will result in staff following Administrative Code section 8.14.010-Discontinuance of Service.)
- 27. DISCUSSION AND POSSIBLE ACTION REGARDING THE APPOINTMENT; EMPLOYMENT; EVALUATION OF PERFORMANCE; OR COMPENSATION OF THE GENERAL MANAGER**
(The Board may take action regarding the appointment, employment, performance or compensation of the General Manager.)
- *28. DISCUSSION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. 21-18 — A RESOLUTION OF THE BOARD OF DIRECTORS OF RAINBOW MUNICIPAL WATER DISTRICT ESTABLISHING CLASSIFICATIONS AND MONTHLY PAY RANGES FOR DISTRICT EMPLOYEES AND THE GENERAL MANAGER EFFECTIVE AUGUST 24, 2021, THROUGH JUNE 30, 2022**
(In compliance with state and CalPERS regulations, the District maintains a Salary Grade structure that includes all job titles, salary grade levels, and monthly salary ranges for each grade. The table is available for public review, accessible from the RMWD website, and is published on a website hosted by the California State Controller.)

(*) - Asterisk indicates a report is attached.

- *29. **DISCUSSION AND POSSIBLE ACTION REGARDING ASSOCIATION OF CALIFORNIA WATER AGENCIES (ACWA) REGION 10 BOARD ELECTION FOR THE 2022-2023 TERM**
(RMWD received notice that it was time to elect the 2022-2023 ACWA Region 10 chair, vice chair, and board members who will represent and serve the members of Region 10 which includes San Diego County.)
- *30. **DISCUSSION AND POSSIBLE ACTION TO ADOPT ORDINANCE NO. 21-05 AMENDING AND UPDATING ADMINISTRATIVE CODE CHAPTER 6.05 – WATER AND SEWER LINE EXTENSIONS AND SECTION 6.06.010 – PARCEL MAPS**
(As part of the ongoing policy review, updates were made to some of the sections and subsections included in Title 6 while keeping policies in alignment with the District’s current practices. These are formatting and numbering changes only – there are no changes to policy or contents.)
- *31. **DISCUSSION AND POSSIBLE ACTION TO ADOPT ORDINANCE NO. 21-06 AMENDING AND UPDATING ADMINISTRATIVE CODE SECTION 2.03.010 – REMUNERATION AND REIMBURSEMENT POLICY**
(Proposed revisions to Administrative Code Section 2.03.010 (Subsection 2.03.010.04) for addressing situations in the event District-paid trips are cancelled due to unforeseen circumstances have been drafted for Board consideration.)
- 32. **BOARD MEMBER REQUESTS FOR AUTHORIZATION TO ATTEND UPCOMING MEETINGS / CONFERENCES / SEMINARS**

BOARD INFORMATION ITEMS

- 33. **2021 REDISTRICTING PROCESS UPDATE**
- 34. **MORRO MIXERS UPDATE**
- *35. **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
- 36. **LIST OF SUGGESTED AGENDA ITEMS FOR THE NEXT REGULAR BOARD MEETING**

(*) - Asterisk indicates a report is attached.

37. **ADJOURNMENT - To Tuesday, September 28, 2021, at 1:00 p.m.**

ATTEST TO POSTING:



FOR: Pam Moss
Secretary of the Board

8-23-21 @ 4:45 p.m.

Date and Time of Posting
Outside Display Cases

(*) - Asterisk indicates a report is attached.