



**THIS MEETING WILL BE CONDUCTED WITH IN PERSON ATTENDANCE PERMITTED. THE CDC STILL RECOMMENDS MASKING FOR ALL INDIVIDUALS BUT IS NOT MANDATORY. 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/82521741222> 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: 825 2174 1222).**

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, June 28, 2022**

**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**

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**District Office**

**3707 Old Highway 395**

**Fallbrook, CA 92028**

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**Board Agenda Policies**

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

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

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

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

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

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

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

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

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

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, June 28, 2022, 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\_\_\_\_ Stewart\_\_\_\_**
3. **ADDITIONS/DELETIONS/AMENDMENTS TO THE AGENDA (Government Code §54954.2)**
4. **INSTRUCTIONS TO ALLOW PUBLIC COMMENT ON AGENDA ITEMS FROM THOSE ATTENDING THIS MEETING VIA TELECONFERENCE OR VIDEO CONFERENCE**

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

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

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

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

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

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

\* Two Items

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

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

\* TC Construction Company, Inc. v. Rainbow Municipal Water District, et al.

C. Consider Information Report on Cyber Security (Government Code §54957(a))

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. **BOARD OF DIRECTORS CONSIDER ADOPTING RESOLUTION NO. 22-14 RENEWING STATE OF EMERGENCY FINDINGS FOR ASSEMBLY BILL 361 (AB 361)**

*(A majority of the RMWD Board of Directors invoked AB361 at their October 26, 2021 meeting and to comply with AB361, the Board must reconsider the circumstances of emergency at all subsequent meetings.)*

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

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

14. **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."*

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

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

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

**\*16. APPROVAL OF MINUTES**

- A. May 24, 2022 - 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 May 26, 2022
  - 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: Water Rates

**18. COMMITTEE REPORTS**

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

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

**\*19. PUBLIC HEARINGS**

- A. **DISCUSSION AND POSSIBLE ACTION TO ADOPT ORDINANCE NO. 22-14 FOR ID 1 STANDBY CHARGES**  
*(Ordinance No. 22-14 establishes water availability charges for all of the Rainbow Municipal Water District Improvement District – Improvement District No. 1.)*
- B. **DISCUSSION AND POSSIBLE ACTION TO ADOPT RESOLUTION NO. 22-18 APPROVING THE AMENDED AND RESTATED RESOLUTION TO CONFIRM PARTICIPATION IN SCIP**  
*(Adoption of Resolution 22-18 will amend and restate the District joining the Statewide Community Infrastructure Program, authorizing the California Statewide Communities Development Authority to accept property owner applications, special assessments, form assessment districts, community facilities districts within the District, terms and conditions of community facilities district financing, acquisition agreements, and other authorizing actions.)*

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

## **BOARD ACTION ITEMS**

- 20. CONSENT TO THE OMISSION OF SIGNATURES FROM THE FINAL MAP FOR COUNTY OF SAN DIEGO TRACT NO. 5354-4, AND MAKE A FINDING THAT THE FINAL MAP WILL NOT UNREASONABLY INTERFERE WITH THE FREE AND COMPLETE EXERCISE OF THE DISTRICT'S EASEMENTS (DIVISION 4)**  
*(The District holds an easement within the boundaries of Tract No. 5354-4 which will not be affected by the recording of the Final Map for Tract No. 5354-4. The Final Map may not be recorded without a signature omission letter from the District stating that the Final Map will not unreasonably interfere with the free and complete exercise of the District's Easements.)*
- \*21. DISCUSSION AND POSSIBLE ACTION TO ADOPT RESOLUTION NO. 22-14 APPROVING FISCAL YEAR 2022-2023 OPERATING & CAPITAL IMPROVEMENT BUDGET**  
*(The Operating & Capital Improvement Budget for FY 2022-2023 has been reviewed by the Board of Directors, Budget and Finance Committee, and staff and is being presented to the Board for final adoption.)*
- \*22. DISCUSSION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. 22-16 — 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 JULY 1, 2022 THROUGH JUNE 30, 2023**  
*(The grade structure included in Resolution No. 22-16 Draft A is revised to reflect the new pay grades in accordance with the MOUs between the District and the bargaining units. Draft B of Resolution No. 22-16 adjust the pay grades in accordance with the MOUs and adds new job classifications in accordance with the Staffing Analysis.)*
- \*23. DISCUSSION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. 20-17 — A RESOLUTION OF THE BOARD OF DIRECTORS OF THE RAINBOW MUNICIPAL WATER DISTRICT CONSENTING TO ENTER THE JOINT PROTECTION PROGRAMS OF THE ASSOCIATION OF CALIFORNIA WATER AGENCIES/JOINT POWERS INSURANCE AUTHORITY**  
*(Resolution No. 22-17 provides consent for the District to enter the Joint Protection Programs of the Association of California Water Agencies/Joint Powers Insurance Authority.)*
- \*23A. DISCUSSION AND POSSIBLE ACTION TO ADOPT RESOLUTION NO. 22-19 RESCINDING RESOLUTION OF NECESSITY, NO. 22-02, PERTAINING TO REAL PROPERTY LOCATED AT 5858 CAMINO DEL CIELO, BONSALL, CA 92003**  
*(Adoption of Resolution No. 22-19 will rescind the Resolution of Necessity, Resolution No. 22-02, which authorized the acquisition by eminent domain of an interest in real property for public use and authorized and directed condemnation of portions of San Diego County Assessor's Parcel Number 127-010-05.)*
- \*24. DISCUSSION AND POSSIBLE ACTION FOR A VARIANCE REQUEST FROM CUSTOMER (AVALOS) FOR THE DIFFERENCE IN ACCOUNT CLASS RATES FROM JUNE 2021 TO APRIL 2022 (Division 1)**  
*(RMWD received a request from customer, Amanda Avalos, requesting her account be changed from Agricultural Domestic to Single Family Residential due to high monthly operation and maintenance fees.)*
- \*25. DISCUSSION AND POSSIBLE ACTION REGARDING CSDA 2022 BOARD OF DIRECTORS ELECTIONS SEAT B**  
*(RMWD received an email with the link to cast the RMWD vote as well as notifying that the ballot ends at 5:00 p.m. on July 16, 2022 as well as a letter of support from Don Bartz, General Manager for Phelan Pinon Hills CSD.)*
- 26. BOARD MEMBER REQUESTS FOR AUTHORIZATION TO ATTEND UPCOMING MEETINGS / CONFERENCES / SEMINARS**

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

**BOARD INFORMATION ITEMS**

**\*27. STATEMENT OF AUDITING STANDARDS (SAS) 114 PLANNING LETTER**

**\*28. 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*

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

**30. ADJOURNMENT - To Tuesday, July 26, 2022 at 1:00 p.m.**

**ATTEST TO POSTING:**

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

6-22-22 @ 10:30 a.m.  
\_\_\_\_\_  
Date and Time of Posting  
Outside Display Cases

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