

(*) - Asterisk indicates a report is attached.

Notice is hereby given that the Rainbow Municipal Water District Board of Directors will hold a regular meeting at 11:00 a.m. on Tuesday, January 22, 2008, 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. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL: Griffiths_____ Lucy_____ McManigle_____ Petty_____ Walson_____**
4. **ADDITIONS/DELETIONS/AMENDMENTS TO THE AGENDA (Government Code §54954.2)**
5. **APPROVAL OF MINUTES**
 - A. December 4, 2007 - Regular Board Meeting
6. **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 by filling out and submitting a blue "Speaker's Slip" to the Board Secretary before the meeting begins. *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.*
7. **MEMORANDUM OF UNDERSTANDING (MOU) SIGNING CEREMONY**
- *8. **COMMITTEE REPORTS (Approved Minutes have been attached for reference only.)**
 - A. Budget and Finance Committee
 1. September 27, 2007 Minutes
 2. October 4, 2007 Minutes
 3. November 1, 2007 Minutes
 4. December 6, 2007 Minutes
 - B. Communications Committee
 1. December 3, 2007 Minutes
 - C. Engineering Committee
 1. September 20, 2007 Minutes
 2. October 2, 2007 Minutes
 3. November 6, 2007 Minutes
9. **CLOSED SESSION**

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.

- A. Potential litigation (Government Code §54956.9 (b)(1)
 - * Application for Leave to Present Late Claim
 - * San Luis Rey Municipal Water District

(*) - Asterisk indicates a report is attached.

B. Conference with Labor Negotiators (Government Code §54957.6 and §54957)

Agency Designated Representatives

Dave Seymour
Gene Buckley
René Bush

Discussions regarding labor negotiations for:

Rainbow Exempt Employees
Rainbow Employees Association
Rainbow Association of Supervisors and Confidential Employees

C. Conference with Legal Counsel–Anticipated Litigation (Government Code §54956.9(b)(1))

- Pardee Homes Pre-Annexation Agreement

D. Conference with Legal Counsel–Existing Litigation (Government Code §54956.9(a))

- Engineering Systems Inc./MIOX/Dudek & Associates

10. REPORT ON POTENTIAL ACTION FROM CLOSED SESSION

**11. 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).**

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BOARD ACTION ITEMS

***12. BOARD CONSIDERATION AND POSSIBLE ACTION REGARDING AN APPEAL OF THE
INTERIM AGRICULTURAL WATER PROGRAM (IAWP) BY MR. C.J. HERMOSILLO
(REQUESTED BY: GENERAL MANAGER)**

(Mr. Hermosillo has requested an opportunity to address the Board of Directors regarding his request to either be allocated additional water under the IAWP or be allowed to exit the program due to his circumstances.)

(Staff Recommendation: Entering into the IAWP program was a business decision Mr. Hermosillo made in June 2006. At that time the rewards and risks were known. Allowing any user to opt out of the program at this time requires the remaining participant to conserve an amount greater than thirty percent. At present RMWD has no additional water to reallocate. Accordingly, staff recommends the Board of Directors deny Mr. Hermosillo's request to be allowed to exit from the IAWP and deny his request for an additional allocation.)

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- 13. DISCUSSION AND POSSIBLE ACTION ON WASTEWATER LIFT STATION 2 (REQUESTED BY: PRESIDENT PETTY)**
(At its January 8, 2008 meeting, the Engineering Committee voted 43 to recommend replacement of Lift Station 2 at a budgetary cost of \$2,000,000. The District has contracted with Water 3 Engineering to conduct an assessment of Lift Station 2. A draft copy of the assessment will be provided at the Board meeting.)
(Staff Recommendation: Authorize the General Manager to issue a Request for Proposal (RFP) and award a contract to the most qualified engineering firms for design and construction management services to replace Lift Station 2.)
- *14. DISCUSSION AND POSSIBLE ACTION ON A REVISED WATER CONSERVATION AND EMERGENCY WATER CONSERVATION PLAN AND APPROVAL OF ORDINANCE 08-01)**
(The current RMWD Water Conservation and Emergency Water Conservation Plan - Ordinance 91-5 - was last adopted in 1991. This proposed plan includes language describing the relationship between the IAWP and M&I reductions, and includes a restriction on new water meter sales in the event M&I rationing reaches ten percent or greater.)
(Staff Recommendation: The Board approve the revised Water Conservation and Emergency Water Conservation Plan (Ordinance 08-01) subject to changes that result from discussion during the Board meeting, and direct staff to work with Legal Counsel to prepare a final Ordinance to be executed by the Board President.)
- *15. DISCUSSION AND POSSIBLE ACTION ON AUTHORIZATION TO ISSUE A REQUEST FOR PROPOSAL (RFP) FOR DESIGN SERVICES - PUMP STATION NUMBER 3 (VALLECITOS PUMP STATION)**
(The two-pump Vallecitos station was constructed in the 1960s and has undergone numerous repairs since it was originally installed. In June 2007 the Board awarded a contract with J.C. Heden & Assoc. to conduct an independent and thorough audit of PS3. A schedule and cost estimate has been provided with the agenda for the Board's review.)
(Staff Recommendation: Authorize the General Manager to issue a Request for Proposal (RFP) and award a contract to the most qualified engineering firms for the design and construction management of the Vallecitos Pump Station for a cost not to exceed \$82,500. The Design will be based on Option 3 as identified in the Pre-Design Report prepared by J.C. Heden & Assoc. dated November, 2007.)
- 16. DISCUSSION AND POSSIBLE ACTION TO SET THE DATE FOR A PUBLIC HEARING (REQUESTED BY: FINANCE MANAGER)**
(On June 28, 2007 SDCWA passed Ordinance 2007-12 that adjusted the fixed rates for calendar year 2008. Additionally, on December 4, 2007 the RMWD Board approved a new methodology for calculating the SDCWA Pass Through Charges. The new methodology fully exempts Certified Agricultural customers from the Emergency Storage Charge. The Board is required to set a date for a public hearing to allow rate payers the opportunity to express opinions and concerns.)
(Staff Recommendation: Set the public hearing for March 25, 2008.)
- 17. DISCUSSION AND POSSIBLE ACTION TO ACCEPT CREDIT CARD PAYMENTS FROM CUSTOMERS FOR WATER AND SEWER CHARGES (REQUESTED BY: FINANCE MANAGER)**
(RMWD receives in excess of 30 requests per month from customers desiring to make payments via credit card. Accepting credit card payments would allow customers the ability to pay their water or sewer bills on the internet at www.officialpayments.com or over the telephone using a toll free number. Many of the San Diego County water agencies utilize Official Payments Corp. as a third party internet payment service for credit card customers.)
(Staff Recommendation: Staff recommends the Board authorize the General manager to enter into an agreement with Official Payments Corp. for credit card payments.)

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18. LETTER TO BOARD OF SUPERVISORS REGARDING COORDINATION OF LAND USE AND WATER AVAILABILITY (REQUESTED BY: DIRECTOR PETTY)

19. DISTRICT POLICY TO DISTRIBUTE REMAINING SEWER EQUIVALENT DWELLING UNITS (EDU'S)

(The EDU Ad-Hoc Committee is in the process of formulating a draft policy for the distribution of the remaining sewer EDU's. The draft policy was not complete at the time the Board package was prepared. It will be distributed to the Board as soon as it becomes available.)

20. CONSENT CALENDAR

***A. DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 08-01 REGARDING AN EMERGENCY AWARD OF CONTRACT FOR EROSION CONTROL PROTECTION WORK FOR FIRE DAMAGED FACILITIES (REQUESTED BY: DISTRICT ENGINEER)**

(The October 2007 Rice Canyon wildfire burned all vegetation on the dam faces and hillsides surrounding Pala Mesa, North, Northside and Beck Reservoirs. The lack of vegetation now creates the potential for erosion damage during upcoming winter storms. The Board awarded a contract to install erosion control measures on the burned areas of District facilities. Due to the emergency nature of the work, Legal Counsel is recommending that the Board adopt Resolution 08-01 regarding the modified procedures to secure a contract. This resolution will assist the District in collecting FEMA funds.)

(Staff Recommendation: Adopt Resolution 08-01, identifying the October wildfires and subsequent threat of erosion as an emergency situation.)

***B. AGENCY SHOP AGREEMENT BETWEEN THE RAINBOW EMPLOYEES' ASSOCIATION AND THE RAINBOW MUNICIPAL WATER DISTRICT (REQUESTED BY: GENERAL MANAGER)**

(The Agency Shop Agreement requires that as a condition of continued employment with RMWD all bargaining units employees represented by the Association will join the Association and pay Association Dues, pay a fee for representation, or in the case of a Religious exemption, pay a fee equal to the Agency Fee to be donated to selected charities.)

(Staff Recommendation: The Board approve the Agency Shop Agreement between the Rainbow Employees' Association and the Rainbow Municipal Water District.)

BOARD INFORMATIONAL ITEMS

***21. A. General Manager Comments**

1. Meetings, Conferences and Seminar Calendar
2. DHS Update
3. Oceanside Back Bill Claim
4. ACWA/JPIA President's Special Recognition Award
5. Redistricting of District Boundaries

B. Finance Manager Comments

1. Interim Financial Statement
2. Monthly Investment Report
3. Visa Breakdown
4. Directors' Expense
5. Check Register
6. Current Capital Improvement Projects
7. Current Non-Capital Projects
8. Water Purchases & Sales Summary – July through December 2007

(*) - Asterisk indicates a report is attached.

9. December 2007 Statistical Summary
10. Cost Recovery of Repairs to District Property Caused by the General Public
11. IAWP Update

C. Operations & Maintenance Manager Comments

1. Water Services Report for November, 2007
2. Water Services Report for December, 2007
3. Water Operations Report for November, 2007
4. Water Operations Report for December, 2007
5. Valve Maintenance Report for November, 2007
6. Valve Maintenance Report for December, 2007
7. Wastewater Services Report for November, 2007
8. Wastewater Services Report for December, 2007
9. Safety and Emergency Planning Report for November 2007
10. Safety and Emergency Planning Report for December, 2007

D. District Engineer Comments

1. Engineering Report

E. Human Resource Administrator Comments

1. Changes in Personnel
2. Organizational Chart

22. 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 Petty)

1. SDCWA
2. CSDA

B. Representative Report (Director Griffiths)

1. LAFCO
2. San Luis Rey Watershed Council

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

D. Directors Comments

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

24. ADJOURNMENT - To Tuesday, February 26, 2008 at 11:00 a.m.

ATTEST TO POSTING:

George McManigle
Secretary of the Board

Date and Time of Posting
Outside Display Cases

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