



Notice is hereby given that the Rainbow Municipal Water District Board of Directors will hold a regular meeting at 5:00 p.m. on Tuesday, December 2, 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. October 28, 2008 - Regular Board Meeting
- \*6. **COMMITTEE REPORTS (Approved Minutes have been attached for reference only.)**
  - A. Budget and Finance Committee
    1. October 2, 2008 Minutes
  - B. Communications Committee
    1. October 6, 2008 Minutes
  - C. Engineering Committee
    1. October 7, 2008 Minutes
7. **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.*

## **BOARD ACTION ITEMS**

- \*8. **DISCUSSION AND POSSIBLE ACTION ON AWARD OF CONTRACT FOR CONSTRUCTION OF THE NORTH AND NORTHSIDE RESERVOIRS REHABILITATION PROJECT**

*(RMWD requested bids from qualified contractors for the North and Northside Reservoirs Rehabilitation project. The proposed work consists of site modifications and improvements including the installation of a floating cover and liner, inlet/outlet piping, security fencing, and associated facilities. The bid opening was conducted on November 13<sup>th</sup> with Pacific Hydrotech being the lowest responsible bidder. Both bids from Pacific Hydrotech and SCW Contracting were reviewed by Legal Counsel due to inconsequential irregularities which the District has the authority to waive.)*

*(Staff Recommendation: Waive the identified bid irregularities and authorize staff to execute a contract with Pacific Hydrotech for a cost not to exceed \$5,153,162. Authorize a project budget of \$7,454,862, which includes a 10% contingency.)*
- \*9. **PER DIEM PAYMENTS TO DIRECTOR GRIFFITHS (REQUESTED BY DIRECTOR GRIFFITHS)**

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

*(On four occasions during 2007 and 2008 Director Griffiths received per diem payments and mileage reimbursements totaling \$704.00 for attendance at meetings of the Santa Margarita Watershed Council. The Board had not appointed Director Griffiths as the agency representative to the Santa Margarita Watershed Council so the payments must be returned to the District.)*

*(Staff Recommendation: Director Griffiths reimburse the District the amount paid in error of \$704.00.)*

**10. DISCUSSION AND POSSIBLE ACTION TO CLARIFY DUTIES OF APPOINTED DIRECTORS (REQUESTED BY DIRECTOR GRIFFITHS)**

*(Director Griffiths provided some clarifications of the duties of appointed directors to be considered in order to avoid misunderstandings.)*

*(Staff Recommendation: The Board defer action on this item to the January Biannual Organizational Meeting to be held at the January 2009 Board when the Board would typically make such designations. At the January 2007 Board Meeting the minutes specifically state that Director Petty was appointed as representative for CSDA and SDCWA; Director McManigle was appointed representative for the Economic Study Group; and Director Griffiths was appointed representative to LAFCO and the San Luis Rey Watershed Council. Staff has no objections to Director Griffiths' recommendation, but suggests clarification as to the references to MWD in section 1, since the RMWD appointee to the SDCWA is not an appointee to MWD. Also, if the intent in section 3 is to retroactively appoint Director Griffiths to represent the District at the Santa Margarita River Watershed Authority, Legal Counsel has previously indicated that would be problematic.)*

**11. CONSIDERATION AND POSSIBLE ACTION TO APPOINT NEW ENGINEERING COMMITTEE MEMBER**

*(The Engineering Committee would like to recommend the appointment of Kurt Saxon as an Alternate Committee Member.)*

*(Staff Recommendation: The Board appoints Kurt Saxon to the Engineering Committee as an Alternate Member.)*

**\*12. DISCUSSION AND POSSIBLE ACTION TO ADOPT ORDINANCE 08-14, UPDATING AND AMENDING ADMINISTRATIVE CODE SECTION 2.09 COMMITTEES**

*(At present Section 2.09 of the Administrative Code, which establishes the rules by which District Committees are formed, is silent on how many board members may sit on a District committee. The proposed revisions would be to limit committee membership to one board member per committee and will foster attendance by non-committee board members at committee meetings without creating the potential for Brown Act violations.)*

*(Staff Recommendation: The Board approve Ordinance 08-14 to become effective with appointments made at the January 2009 Biannual Organizational Meeting.)*

**\*13. DISCUSSION AND POSSIBLE ACTION TO ADOPT ORDINANCE 08-15, UPDATING AND AMENDING ADMINISTRATIVE CODE SECTION 3.05.010 MINUTES POLICY**

*(Section 3.05.010 of the District's Administrative Code required the District to retain audio recordings of regular and special meetings of the Board of Directors for an indefinite period of time. This has resulted in the need to store numerous boxes of recordings, and in the event of a public records request or subpoena, staff is required to listen to the tapes to determine if they contain the requested information. In some cases this can take many hours of staff time. In addition, at some point in time the existing tapes will need to be converted to digital format or they may eventually become unusable. There is no legal requirement to keep audio copies of meetings; the written minutes are the official record of the meetings.)*

*(Staff Recommendation: The Board approved the proposed amendment to Administrative Code Section 3.05.010 Minutes Policy.)*

**\*14. DISCUSSION AND POSSIBLE ACTION TO ADOPT ORDINANCE 08-17, UPDATING AND AMENDING ADMINISTRATIVE CODE SECTION 3.01.010 REGULAR MEETINGS**

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

*(Administrative Code Action 3.01.010, Regular Meetings, requires we reconsider the date, time and place of the regular Board meetings at least annually at any organizational meeting of the Board. Last year we incorporated quarterly night meetings in order to encourage attendance at those meetings.)*  
*(Staff Recommendation: The night meetings have not increased attendance. Staff recommends the Board adopt Ordinance 08-17.)*

- \*15. DISCUSSION AND POSSIBLE ACTION TO ADOPT ORDINANCE 08-16, UPDATING AND AMENDING ADMINISTRATIVE CODE SECTION 5.05.050.02.04 AUDIO RECORDINGS**  
*(Administrative Code Section 05.05.050.02.04 required the District to retain audio recordings of meetings of the Board of Directors for an indefinite period of time, and to make a copy of the recording accessible to the public for a period of one year. There is no legal requirement to keep audio recordings of meetings; the written minutes are the official record of the meetings.)*  
*(Staff Recommendation: The Board approve the proposed amendment to Administrative Code Section 05.05.050.02.04 Audio Recordings of Board Meetings Retention Policy.)*
- \*16. DISCUSSION AND POSSIBLE ACTION ON PHASE 2 PRELIMINARY DAM SAFETY EVALUATION OF PALA MESA DAM AND RESERVOIR**  
*(A key part of the District's long term goal regarding Beck Pressure Zone is the reactivation of Pala Mesa Reservoir. This would provide the District with an 8.8 million gallon operational storage reservoir within the Beck Zone and complies with California Department of Public Health requirements for meeting the Long Term 2 Enhanced Surface Water Treatment Rule. The process of reactivating Pala Mesa consists of two actions, one being obtaining a Division of Safety of Dams permit for a drinking water reservoir.)*  
*(Staff Recommendation: Authorize staff to establish a project budget of \$290,000 for the Phase 2 Preliminary Dam Safety Evaluation of Pala Mesa Dam and Reservoir, including an estimated \$30,000 for staff time and contingency. Authorize the General Manager to execute a contract with Psomas for a not-to-exceed amount of \$260,000.)*
- \*17. DISCUSSION AND POSSIBLE ACTION TO APPROVE RESOLUTION 08-12; EMPLOYER PAID MEMBER CONTRIBUTIONS TO THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM**  
*(Internal Revenue Code Section 414(h)(2) allows public agencies to designate required employees contributions as being picked-up by the employer and treated as employer contributions for tax purposes. The effect of the pick-up is to defer tax on employee contribution amounts until the member retires and receives retirement benefits, or separates from employment and takes a refund of contributions. CalPERS is requiring all affected public agencies to provide a copy of their existing pick-up resolutions to ensure ongoing compliance with federal tax reporting requirements. If the pick-up resolution does not exist then we have until 12/31/08 to adopt an appropriate resolution.)*  
*(Staff Recommendation: Adoption of Resolution 08-12.)*
- 18. DISCUSSION AND POSSIBLE ACTION REGARDING STANDARD NORTH COUNTY REAL ESTATE DISCLOSURE (REQUESTED BY: DIRECTOR LUCY)**  
*(Information will be presented at the December Board Meeting.)*  
*(Staff supports Board direction.)*
- \*19. DISCUSSION AND POSSIBLE ACTION REGARDING SAN DIEGO REGIONAL WATER QUALITY CONTROL BOARD CONDITIONAL WAIVER NO. 4 – DISCHARGES FROM AGRICULTURAL AND NURSERY OPERATIONS (REQUESTED BY: DIRECTOR MCMANIGLE)**  
*(The San Diego Regional Water Quality Control Board is imposing a new program that will affect agricultural customers in our service area. RMWD may create a monitoring group to help customers comply with the terms of the program.)*  
*(Staff supports Board direction.)*
- 20. 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

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

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

**\*21. RECEIVE AND FILE FINANCIAL STATEMENTS AND INFORMATION FOR OCTOBER 2008**

- A. **Finance Manager Comments**
  - 1. Interim Financial Statement
  - 2. Monthly Investment Report
  - 3. Visa Breakdown
  - 4. Directors' Expense
  - 5. Office Petty Cash
  - 6. Check Register
  - 7. Current Capital Improvement Projects
  - 8. Water Purchases & Sales Summary
  - 9. Statistical Summary
  - 10. Cost Recovery of Repairs to District Property Caused by the General Public
  - 11. Metropolitan IAWP Reduction Program

**\*22. RECEIVE AND FILE INFORMATION ITEMS FOR OCTOBER 2008**

- A. **General Manager Comments**
  - 1. Meetings, Conferences and Seminar Calendar
- B. **Operations & Maintenance Manager Comments**
  - 1. Water Services Report
  - 2. Water Operations Report
  - 3. Valve Maintenance Report
  - 4. Wastewater Services Report
  - 5. Safety and Emergency Planning Report
  - 6. Meter Services Report
  - 7. Cross Connection Report
  - 8. Project Management Report
- C. **District Engineer Comments**
  - 1. Engineering Report
- D. **Human Resource Administrator Comments**

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

**24. ADJOURNMENT - To Tuesday, January 26, 2009 at 11:00 a.m.**

**ATTEST TO POSTING:**

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

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George McManigle  
Secretary of the Board

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Date and Time of Posting  
Outside Display Cases

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