



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, April 28, 2009, 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. **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 indicate their desire to speak by filling out and submitting a blue "Speaker's Slip" to the Board Secretary before the meeting begins. *Speaking time shall generally be limited to three minutes, unless a longer period is permitted by the Board President.*
6. **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. Conference with Legal Counsel–Existing Litigation (Government Code §54956.9(a))
    - Engineering Systems Inc./MIOX/Dudek & Associates
    - HazMat Trans, Inc. Claim
    - Desal Partnership Litigation
    - Agustin Angeles
    - Cahuilla Band of Indians
  - B. Conference with Legal Counsel-Potential Litigation (Government Code §54956.9(b))
    - 8000M L.L.C.
7. **REPORT ON POTENTIAL ACTION FROM CLOSED SESSION**

Time Certain: 1:00 p.m.

8. **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.*
9. **ANNIVERSARY ACKNOWLEDGEMENT – JOHN MACCARRONE (5 YEARS)**

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

**\*10. SIGNING CEREMONY FOR THE MEMORANDUM OF UNDERSTANDING BETWEEN THE RAINBOW MUNICIPAL WATER DISTRICT AND THE RAINBOW MUNICIPAL WATER DISTRICT EXEMPT EMPLOYEES**

*(RMWD and the RMWD Exempt Employees have reached agreement on a successor Memorandum of Understanding covering the period from July 1, 2009 through June 30, 2012. The Board approved this successor MOU at the March Board Meeting.)*

*(Staff Recommendation: The Board President and Operations Manager (the representative of the Exempt Employees) execute the agreement.)*

**\*11. APPROVAL OF MINUTES**

A. March 24, 2009 - Regular Board Meeting

B. April 2, 2009 – Special Board Meeting/Budget and Finance Committee Meeting

**\*12. COMMITTEE REPORTS (Approved Minutes have been attached for reference only.)**

A. Budget and Finance Committee

1. March 5, 2009 Minutes

B. Communications Committee

1. March 2, 2009 Minutes

C. Engineering Committee

1. March 3, 2009 Minutes

**BOARD ACTION ITEMS**

**\*13. FISCAL YEAR 2009-2010 BUDGET ADOPTION**

*(The Operating and Capital Budget for 2009-2010 has been reviewed in public session by the Board of Directors, Budget and Finance Committee and staff. This proposed Operating and Capital Budget is now presented to the Board for discussion and possible adoption.)*

*(Staff and Budget Committee Recommendation: The Board adopt the 2009-2010 Operating and CIP Budget.)*

**\*14. A RESOLUTION OF THE BOARD OF DIRECTORS OF THE RAINBOW MUNICIPAL WATER DISTRICT CALLING AND GIVING NOTICE OF A SPECIAL MAIL BALLOT ELECTION TO BE HELD IN SAID DISTRICT ON TUESDAY, AUGUST 25, 2009, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED ELECTORS OF THE DISTRICT, A MEASURE AMENDING ORDINANCE 95-1 RELATING TO THE APPROVAL OF PARTICIPATION IN FEDERAL AND STATE LOAN ASSISTANCE PROGRAMS; REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO TO PERMIT THE REGISTRAR OF VOTERS TO CONDUCT SUCH ELECTION; AUTHORIZING THE BOARD SECRETARY OR HER DULY AUTHORIZED AGENTS TO CARRY OUT THE NECESSARY PROCEDURES FOR SUCH ELECTION; AND DIRECTING THE GENERAL COUNSEL OF THE WATER DISTRICT TO PREPARE AN IMPARTIAL ANALYSIS OF THE MEASURE**

*(Resolution 09-04 authorizes and calls for a mail ballot election for the purpose of amending Ordinance 95-1 to include prequalified sources of loan funding and establishes August 25<sup>th</sup> as the election date.)*

*(Staff Recommendation: The Board approve Resolution 09-04, subject to the final revisions deemed necessary by the General Manager or General Counsel, and direct staff and counsel to proceed with the Special Mail Ballot Election to Amend Ordinance 95-1.)*

**15. CONSIDERATION AND POSSIBLE ACTION TO DECLARE THE EXISTENCE OF A DROUGHT RESPONSE LEVEL 2 CONDITION AND IMPLEMENT MANDATORY LEVEL 2 CONSERVATION MEASURES**

*(At its April 14 meeting the Board of Directors of the Metropolitan Water District of Southern California (MWD) declared a Level 2 "Drought Alert" condition, and established mandatory curtailment levels of about 13 percent for Municipal and Industrial (M&I) deliveries, beginning July 1 and San Diego County Water Authority will consider MWD's action at its April 23, 2009 meeting.)*

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

*(Staff Recommendation: The Board declare that a Drought Response Level 2 condition exists and direct staff to take the necessary steps to implement Level 2 conservation measures.)*

**\*16. DISCUSSION AND POSSIBLE ACTION ON DEVELOPER REQUEST FOR RENEWAL OF 78 EQUIVALENT DWELLING UNIT (EDU) PERMITS**

*(On March 14, 2005, TM 82 Associates, LLC purchased 78 sewer EDUs from RMWD for a planned development. TM 82 Associates, through their attorney, has requested a one year extension for all 78 permits.)*

*(Staff Recommendation: Approve renewal of 78 EDU permits for a period of one year; March 14, 2009 to March 13, 2010, if the Developer provides a permit renewal fee of \$137,670 by May 15, 2009.)*

**\*17. LAFCO 2009 SPECIAL DISTRICTS ELECTION**

*(In early 2009 LAFCO solicited nominations for one regular Special District member and one LAFCO alternate Special District member. All eligible nominations were forwarded to the Nominating Committee and now ballots have been submitted for our full Board's consideration.)*

*(Staff supports direction.)*

**18. 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**

1. LAFCO

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

**D. Directors Comments**

**\*19. RECEIVE AND FILE FINANCIAL STATEMENTS AND INFORMATION FOR MARCH 2009**

**A. Finance Manager Comments**

1. Interim Financial Statement
2. Monthly Investment Report
3. Visa Breakdown
4. Directors' Expense
5. Check Register
6. Water Purchases & Sales Summary
7. Statistical Summary
8. Cost Recovery of Repairs to District Property Caused by the General Public
9. Metropolitan IAWP Reduction Program

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

**\*20. RECEIVE AND FILE INFORMATION ITEMS FOR MARCH 2009**

**A. General Manager Comments**

1. Meetings, Conferences and Seminar Calendar

**B. Operations & Maintenance Manager Comments**

1. Tank Maintenance
2. Water Services Report
3. Water Operations Report
4. Valve Maintenance Report
5. Wastewater Services Report
6. Safety and Emergency Planning Report
7. Meter Services Report
8. Cross Connection Report
9. Project Management Report

**C. District Engineer Comments**

1. Engineering Report

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

**22. ADJOURNMENT - To Tuesday, May 26, 2009 at 11:00 a.m.**

**ATTEST TO POSTING:**

---

George McManigle  
Secretary of the Board

---

Date and Time of Posting  
Outside Display Cases

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