



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, May 26, 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
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.*

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

**\*9. APPROVAL OF MINUTES**

- A. April 28, 2009 - Regular Board Meeting

**\*10. COMMITTEE REPORTS (Approved Minutes have been attached for reference only.)**

- A. Budget and Finance Committee  
    1. March 26, 2009 Minutes  
    2. April 2, 2009 Minutes  
B. Communications Committee  
C. Engineering Committee

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

**\*11. PUBLIC HEARING ON IMPROVEMENT DISTRICT NO. 1 WATER STANDBY CHARGES AND DISCUSSION AND POSSIBLE ACTION TO ADOPT ORDINANCE NO. 09-06, ESTABLISHING READINESS TO SERVE WATER SERVICE STANDBY ASSESSMENTS OR AVAILABILITY CHARGES FOR ALL OF THE RAINBOW MUNICIPAL WATER DISTRICT IMPROVEMENT DISTRICT NO. 1 (REQUESTED BY: GENERAL MANAGER)**

*(This Ordinance establishes water availability charges for all of the Rainbow Municipal Water District Improvement District – Improvement District No. 1.)*

*(Staff Recommendation: Board of Directors approve Ordinance 09-06.)*

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

**\*12. PUBLIC HEARING ON IMPROVEMENT DISTRICT NO. 6 WATER STANDBY CHARGES AND DISCUSSION AND POSSIBLE ACTION TO ADOPT ORDINANCE NO. 09-07, ESTABLISHING READINESS TO SERVE WATER SERVICE STANDBY ASSESSMENTS OR AVAILABILITY CHARGES FOR ALL OF THE RAINBOW MUNICIPAL WATER DISTRICT IMPROVEMENT DISTRICT NO. 6 (REQUESTED BY: GENERAL MANAGER)**

*(This Ordinance establishes water availability charges for all of the Rainbow Municipal Water District Improvement District – Improvement District No. 6.)*

*(Staff Recommendation: Board of Directors approve Ordinance 09-07.)*

**BOARD ACTION ITEMS**

**\*13. REQUEST BY MR. WALLACE BENWARD TO ADDRESS THE BOARD REGARDING THE MORRIS RANCH DEVELOPMENT. DISCUSSION AND POSSIBLE ACTION.**

*(Staff received the attached letter from Excel Engineering requesting Mr. Benward be allowed to address the Board regarding the 90 lot Morris Ranch Development on Gopher Canyon. On April 16<sup>th</sup> Staff met with Excel Engineering to review sewer service to the proposed development. The depth of the sewer line exceeded the maximum allowed in RMWD's standard specifications and "drop manhole" are the issues. RMWD's standards allow drop manholes with the approval of the District Engineer. As a result the District Engineer and General Manager advised the engineers from Excel that RMWD would not approve the plans as submitted.)*

*(Staff Recommendation: As proposed the sewer system for the Morris Ranch Development does not meet current RMWD design requirements, will result in increased operating costs, create an odor nuisance problem, and may compromise employee safety. Accordingly, staff recommends the Board deny Mr. Benward's request for a variance from RMWD standards.)*

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

**14. CONSENT CALENDAR**

*(The consent calendar items are matters voted on together by a single motion unless separate action is requested by a Board member, staff or member of the audience.)*

**\*A. ACTION PURSUANT TO ITS AUTHORIZATION UNDER RESOLUTION 09-04, AS OF THIS DATE OF MAY 26, 2009, THE BOARD ORDERS AND ESTABLISHES THE SPECIAL ELECTION DATE OF AUGUST 25, 2009, IN COMPLIANCE WITH ELECTIONS CODE 1405(A)**

*(At the April meeting the Board approved Resolution 09-04 authorizing and calling for a mail ballot election for the purpose of amending Ordinance 95-1 to include prequalified sources of loan funding. This Board action establishes August 25, 2009, as the Special Election Date.)*

*(Staff Recommendation: That, pursuant to its authorization under Resolution 09-04, as of this date of May 26, 2009, the Board orders and establishes the special election date of August 25, 2009, in compliance with Elections Code section 1405(a).)*

**B. DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE RELEASE OF A CONSTRUCTION METER FOR THE NORTH/NORTHSIDE RESERVOIR REHABILITATION PROJECT**

*(At its regular March meeting, the Board awarded a construction contract to Pacific Hydrotech for the North/Northside Reservoir Rehabilitation project. This project is necessary for compliance with the "Long Term 2 Enhanced Surface Water Treatment Rule". Subsequent to awarding the contract the District declared a "Drought Response Level 2" condition per District Ordinance 08-01. Per Ordinance 08-01 Drought Response Level 2, no new temporary meters or permanent meters shall be provided unless the project is deemed necessary by the Board of Directors. Temporary meters include construction meters for District CIP projects; therefore, Staff is requesting the Board make a determination that the North/Northside Reservoir Rehabilitation project is necessary to protect the public's health, safety and welfare. Additionally, Staff is requesting the Board authorize the release of a construction meter for this project.)*

*(Staff Recommendation: Determine that the North/Northside Rehabilitation Project is necessary to protect the public's health, safety and welfare. Authorize the release of a construction meter for the North/Northside Reservoir Rehabilitation project.)*

**C. DISCUSSION AND POSSIBLE ACTION TO SET THE DATE FOR A PUBLIC HEARING FOR THE PURPOSE OF PASSING THROUGH WATER RATE INCREASES**

*(The governing board of the Metropolitan Water District of Southern California (MWD) has announced that it will increase wholesale water rates 19.7% effective September 1, 2009. The adjustments would affect both commodity rates and fixed fees. RMWD has maintained a policy of passing through all wholesaler rate adjustments. In order to meet the requirements of proposition 218, RMWD would need to hold a public hearing which requires a notification to all ratepayers at least 45 days prior to the hearing.)*

*(Staff Recommendation: A public hearing date be set for July 28, 2009.)*

**D. DISCUSSION AND POSSIBLE ACTION TO APPOINT TOM SOWDEN TO THE COMMUNICATIONS COMMITTEE**

*(The Communications Committee recommends that the Board appoint Tom Sowden as a member of the Communications Committee.)*

*(Staff Recommendation: The Board appoint Tom Sowden to the Communications Committee.)*

**\*E. DISCUSSION AND POSSIBLE ACTION TO APPROVE PROPOSED CALIFORNIA SPECIAL DISTRICTS ASSOCIATION (CSDA) BYLAW AMENDMENTS**

*(The CSDA is requesting approval of their proposed bylaw amendments that have been approved by their CSDA Elections and Bylaws Committee and the CSDA Board of Directors. The current CSDA bylaws require a majority vote of a quorum of Regular CSDA members.)*

*(Staff supports direction.)*

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

- \*F. **DISCUSSION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. 09-05, A RESOLUTION OF THE BOARD OF DIRECTORS OF THE RAINBOW MUNICIPAL WATER DISTRICT AUTHORIZING AN INTERFUND LOAN FROM THE WASTEWATER CIP FUND**  
*(At the March meeting, the Board directed Staff to work with legal counsel to prepare a resolution authorizing a loan from the wastewater capital improvement program (CIP) fund to the water CIP fund. The actual loan may not be required; however, staff desires to have the Resolution in place if such a loan is needed to meet short-term cash flow requirements. The proposed interfund loan can only be used for 1) construction of the Pala Mesa Reservoirs, 2) modifications necessary to attain compliance with regulations regarding uncovered drinking water storage reservoirs, and 3) relocation of District facilities necessitated by improvements to SR76.)*
  
- \*G. **DISCUSSION AND POSSIBLE ACTION IN SUPPORT OF THE CITY OF TEMECULA PROPOSED ANNEXATION OF THE SANTA MARGARITA AREA (REQUESTED BY: PRESIDENT PETTY)**  
*(At the April Board meeting discussion ensued regarding the City of Temecula's proposed annexation of the area referred to as the Santa Margarita area. Subsequent to the April meeting, Staff discovered that hearings were already underway and letters of support were needed by May 5. Accordingly, Staff submitted the attached letter of support.)  
(Staff supports Board direction.)*
  
- \*H. **DISCUSSION AND POSSIBLE ACTION TO APPROVE ORDINANCE 09-08 AMENDING AND UPDATING THE ADMINISTRATIVE CODE SECTION 3.01.010 REGULAR MEETINGS**  
*(Currently RMWD regular meetings start at 11:00 a.m. with Closed Session discussions being held at 11:00 time certain and Open Session starting at 1:00 p.m. Over the past several months, Closed Session discussions have required no more than one and one-half hours to complete; therefore, Staff would like to recommend the meeting start time be changed to 11:30 a.m. The remaining terms and conditions will remain unchanged.)  
(Staff Recommendation: The Board adopt Ordinance 09-08.)*
  
- \*I. **ACTION TO ADOPT A RESOLUTION OF THE BOARD OF DIRECTORS OF THE RAINBOW MUNICIPAL WATER DISTRICT CONFIRMING DECLARATION OF A DROUGHT RESPONSE LEVEL 2 DROUGHT ALERT CONDITION**  
*(Resolution 09-06 confirms the declaration made by the Board of Directors of RMWD on April 28, 2009, that a Drought Response Level 2 condition exists and giving direction to District staff to take the necessary steps to implement Level 2 conservation measures.)  
(Staff Recommendation: Approval of Resolution 09-06.)*

**BOARD ACTION ITEMS (CONTINUED)**

- 15. **DISCUSSION AND POSSIBLE ACTION REGARDING AMERICAN RECOVER AND REINVESTMENT ACT/SAFE DRINKING WATER STATE REVOLVING FUND LOAN FOR NORTH AND NORTHSIDE RESERVOIR REHABILITATION PROJECT**  
*(In early May RMWD received notice that its North and Northside Rehabilitation Project has been included in the 2009 American Recovery and Reinvestment Act (ARRA) Summary of Fundable Projects. The funding allocates \$6.8 million to the project and is comprised of a 50 percent grant/50 percent low interest loan. As of the posting of the agenda for this meeting there was no Board action required; however, approval for ARRA funding is happening very quickly so this item was placed on the agenda in the event the District is notified that Board action is needed by the meeting date.)  
(Staff Recommendation: As of the preparation of the agenda there is no staff recommendation.)*

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

**16. DISCUSSION AND POSSIBLE ACTION TO SUBMIT COMMENTS REGARDING REGIONAL BOARD TENTATIVE ORDER R9-2009-0004, WASTE DISCHARGE REQUIREMENTS FOR THE GREGORY CANYON LANDFILL (REQUESTED BY: PRESIDENT PETTY)**

*(The Regional Board staff has issued Tentative Order R9-2009-0004, the proposed discharge requirements for the Gregory Canyon Landfill. Writing comments regarding the Tentative Order are due before July 12, 2009. District Staff intends to submit written comments prior to the July 12 deadline and would like Board input.)*

*(Staff is soliciting comments from the Board for inclusion in the District's response to the Regional Board.)*

**17. DISCUSSION AND POSSIBLE ACTION REGARDING LANDSCAPING THE OPEN AREA PARKING LOT – MAIN CAMPUS (REQUESTED BY: DIRECTOR WALSON)**

*(Director Walson has requested this item be placed on the agenda.)*

*(Staff supports Board 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. Meeting, Workshop, Committee, Seminar, Etc. Reports by Directors (AB1234)**

**C. Directors Comments**

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

**A. Finance Manager Comments**

1. Interim Financial Statement
2. Monthly Investment Report
3. Visa Breakdown
4. Directors' Expense
5. Check Register
6. Office Petty Case
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

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

**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

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

- 8. Project Management Report
- C. District Engineer Comments**
  - 1. Engineering Report
- D. Human Resource Manager Comments**
  - 1. Changes in Personnel

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

22. **ADJOURNMENT - To Tuesday, June 23, 2009 at 11:00 a.m.**

**ATTEST TO POSTING:**

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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.