

Notice is hereby given that the Rainbow Municipal Water District Board of Directors will hold Closed Session at 12:00 p.m. and Open Session at 1:00 p.m. Tuesday, September 22, 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
 - Agustin Angeles
 - City of Banning/Armenta
 - HazMat Trans, Inc.
 - B. **Conference with Legal Counsel-Potential Litigation Against Agency (Government Code §54956.9(b))**
 - Water Service to 32891 Mountain View Road
 - C. **General Manager's Performance Evaluation (Government Code §54957.6)**
 - *General Manager Performance Review (Walson)*
7. **REPORT ON POTENTIAL ACTION FROM CLOSED SESSION**

Time Certain: 1:00 p.m.

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

(*) - Asterisk indicates a report is attached.

**9. 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.*

10. ANNIVERSARY ACKNOWLEDGEMENT – MARK CLINE (20 YEARS)

***11. APPROVAL OF MINUTES**

- A. August 25, 2009 - Regular Board Meeting

12. 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

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

- A. Budget and Finance Committee
 - 1. July 9, 2009 Minutes
- B. Communications Committee
- C. Engineering Committee
 - 1. August 4, 2009 Minutes

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. DISCUSSION AND POSSIBLE ACTION TO APPOINT BILL BARKER TO THE BUDGET AND FINANCE COMMITTEE

(The Budget and Finance Committee recommends the Board appoint Bill Barker as a member of the Budget and Finance Committee.)

(Staff Recommendation: The Board appoints Bill Barker to the Budget and Finance Committee.)

(*) - Asterisk indicates a report is attached.

***B. DISCUSSION AND POSSIBLE ACTION TO RATIFY CHANGE ORDER NUMBER 4, NORTH RESERVOIR REHABILITATION PROJECT**

(The North Reservoir Rehabilitation Construction Contract was awarded in March 2009. Since construction started there have been four change orders for the project. The fourth change order is to install a cast in place pipeline line (CIPP) between the outlet box and isolation valve vault, underneath the eastern dam. Change Order Number 4 is necessary due to the condition of the outlet pipe.)

(Staff Recommendation: Ratify the execution of Change Order Number 4 in the amount of \$42,889 for the North Reservoir Rehabilitation Project.)

***C. DISCUSSION AND POSSIBLE ACTION TO APPROVE FIRST AMENDMENT TO WATER PURCHASE AGREEMENT BETWEEN RAINBOW MUNICIPAL WATER DISTRICT AND POSEIDON RESOURCES**

(The First Amendment to Water Purchase Agreement extends the delivery deadline in the original agreement. This extension is necessary because of the extensive delays resulting from litigation over this project.)

(Staff Recommendation: The Board approve the First Amendment subject to final approval by District General Counsel.)

BOARD ACTION ITEMS

***15. DISCUSSION AND POSSIBLE ACTION TO AWARD CONSTRUCTION CONTRACT FOR CONNECTION 6 MODIFICATIONS**

(Connection 6 Modifications project is listed in the District's 2009/10 CIP list. The intent of this project is to simplify and reduce the amount of facilities and pipelines within the Connection 6 area. The CIP budget for Connection 6 Modifications is \$270,000 which covers contract costs as well as staff costs.)

(Staff Recommendation: Authorize staff to execute a construction contract in the amount of \$181,000 to Genesis Construction for the Connection 6 Rehabilitation.)

***16. DISCUSSION AND POSSIBLE ACTION TO APPROVE A DESIGN CONTRACT FOR THE NORTH FEEDER PIPELINE REHABILITATION PROJECT**

(The North Feeder Pipeline Rehabilitation is not listed in the 2009/10 CIP budget. The pipeline "feeds" water from the North Reservoir/Connection 9 to Rainbow Proper, underneath Interstate 15 freeway. The pipeline experienced two main line leaks. Initial review shows both internal and external corrosion of the pipeline wall at the point of failure-something that is very unusual and troubling.)

(Staff Recommendation: Authorize staff to execute a Professional Services Agreement with Willdan Engineering for the Basis of Design Report for the North Feeder Pipeline Preliminary Design Project for a contract cost not to exceed \$72,084.)

17. DISCUSSION AND POSSIBLE ACTION TO SET THE DATE FOR A PUBLIC HEARING FOR THE PURPOSE OF ADJUSTING WATER RATE

(RMWD will need to consider adjusting water rates (both commodity and fixed charges) in order to fully fund the mandated covering of its four reservoirs. Rate adjustments would potentially affect all ratepayers of the District and may include commodity rates, fixed meter charges as well as the consideration of a new reservoir fee.)

(Staff Recommendation: A Public Hearing date be set for January 26, 2010.)

***18. DISCUSSION AND POSSIBLE ACTION TO ADOPT RESOLUTION 09-11 AMENDING THE LINCOLN 457(b) DEFERRED COMPENSATION PLAN**

(The RMWD Deferred Compensation Plan is a 457 plan which was originally adopted by Resolution No. 92-14 on April 16, 1992. By adopting this Plan, the District offered an additional mechanism for its employees to accumulate retirement funds supplementing the CalPERS retirement plan the District offers to all employees. Resolution 09-11 amends the Plan to incorporate mandated provisions. The amendments contained in Resolution 09-11 include participation for active duty military personnel, increased access to contributions by victims of hardship and disasters, and suspension of loan repayments.)

(*) - Asterisk indicates a report is attached.

- *19. DISCUSSION AND POSSIBLE ACTION TO APPROVE THE SEAWATER DESALINATION PROGRAM AGREEMENT AMONG THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA, THE SAN DIEGO COUNTY WATER AUTHORITY, CARLSBAD MUNICIPAL WATER DISTRICT, CITY OF OCEANSIDE, OLIVENHAIN MUNICIPAL WATER DISTRICT, RAINBOW MUNICIPAL WATER DISTRICT, RINCON DEL DIABLO MUNICIPAL WATER DISTRICT, SANTA FE IRRIGATION DISTRICT, SWEETWATER AUTHORITY, VALLECITOS WATER DISTRICT, AND VALLEY CENTER MUNICIPAL WATER DISTRICT**
(This agreement documents the terms and conditions under which Metropolitan Water District, San Diego County Water Authority and Desal Partners will operate and finance the Carlsbad Desalination Project. This document is in final draft form, but is subject to minor modifications pending final review and approval by MWD legal counsel and board.)
(Staff Recommendation: The Board approve the agreement and direct the General Manager to execute the agreement, subject to final review and approval by the MWD staff and Board. If there are substantive changes in the agreement as a result of the MWD review the agreement shall be brought back to the Board for consideration.)
- *20. DISCUSSION AND POSSIBLE ACTION TO AMEND ORDINANCE 08-01-AN ORDINANCE OF RAINBOW MUNICIPAL WATER DISTRICT ADOPTING A DROUGHT RESPONSE CONSERVATION PROGRAM**
(Last year RMWD enacted Ordinance 08-01, commonly referred to as our Drought Ordinance. The ordinance includes specific watering restrictions based on the various Drought Response Levels. At present, our policy-as do most policies in the county-require that beginning in November customers must cut back to watering no more than one day per week, regardless of the weather. Overall, our customers are doing a good job of meeting their conservation goals and the RMWD is well under our allocation. Accordingly, staff recommends the Ordinance be modified to strike the mandatory winter limit of watering one day per week, and instead give the General Manager the discretion to set the watering days per week to no more than three days per week based on overall water conservation performance. Under this scenario the district could still establish the one day per week schedule if circumstances dictate.)
(Staff Recommendation: The Board review the proposed amendments and provide comments to staff. Staff will bring a final version of the revised Ordinance to the board in October for consideration.)
- *21. DISCUSSION AND POSSIBLE ACTION ON WATER DEMAND OFFSET WAIVER FROM DISTRICT'S DROUGHT ORDINANCE**
(In 2008 the District implemented Ordinance 08-01. In the early 2009 the District declared a Drought Response Level Two, limiting meter sales and installations. Ordinance 08-01 provides for new service sales and installations if, "The Applicant provides substantial evidence of an enforceable binding commitment that water demands for the project will be offset prior to the provision of a new water meter(s) to the satisfaction of RMWD." The District has been approached by potential customers inquiring about how they would go about providing such substantial evidence. A potential option would be to develop an "evaporation offset" account that would help pay for covering the District's reservoirs since covering the reservoirs will stop evaporation, preventing evaporation saves water, and saving water will offset new demands.)
(Staff supports Board direction.)
- *22. DISCUSSION AND POSSIBLE ACTION ON MAIN OFFICE RESTROOM REHABILITATION**
(RMWD employs 15 people in the main office, 12 of them women. The staff facilities are in need of expansion, specifically the women's restroom. The current women's restroom has a single stall, shared by 12 employees and the public. Additionally, the State Labor Code requires the District to provide a private room for nursing mothers (Labor Code 1030-1033. In addition, both existing restroom are not handicapped accessible per the American's with Disabilities Act (ADA). In the 2009/2010 CIP the District budgeted \$50,000 to modify the women's restroom and install additional toilets. Staff has prepared a plan that will provide two additional toilets, a quiet room, a new meeting room and make the existing restrooms ADA compliant.)
(Staff Recommendation: Authorize the purchase, installation and furnishing of a bathroom/quiet room/office space modular building to be placed alongside the main office and conversion of existing facilities to ADA compliant restrooms. Cost of project shall not exceed \$51,500.)

(*) - Asterisk indicates a report is attached.

- *23. CONSIDERATION AND POSSIBLE ACTION TO RESCIND RESOLUTION 09-09 (REQUESTED BY: DIRECTOR GRIFFITHS)**
(No information provided.)
(Staff Recommendation: Lacking information on this item, staff has no recommendation.)
- 24. REQUEST TO SUBMIT A LETTER OF APOLOGY TO MR. STEPHEN A. WOODS OF THE CALIFORNIA DEPARTMENT OF PUBLIC HEALTH REGARDING THE WRONGFUL MARKING OF QUESTION 5B ON PRE-APPLICATION #3710016-007 (REQUESTED BY: DIRECTOR GRIFFITHS)**
(No information provided.)
(Staff Recommendation: Lacking information on this item, staff has no recommendation.)
- *25. RECEIVE AND FILE INFORMATION ITEMS FOR AUGUST 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
 - 8. Project Management Report
 - C. District Engineer Comments**
 - 1. Engineering Report
 - D. Human Resource Manager Comments**
 - 1. Changes in Personnel
 - 2. Organizational Chart
- *26. RECEIVE AND FILE FINANCIAL STATEMENTS AND INFORMATION FOR AUGUST 2009**
- A. 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. Water Purchases & Sales Summary
 - 8. Statistical Summary
 - 9. Cost Recovery of Repairs to District Property Caused by the General Public
 - 10. Policies and Procedures for the Collection of Delinquent Customer Accounts
 - 11. Metropolitan IAWP Reduction Program
 - 12. Metropolitan SAWR Reduction Program
 - 13. RMWD Domestic Reduction Program
 - 14. Projected CIP Cash Flow
- 27. LIST OF SUGGESTED AGENDA ITEMS FOR THE NEXT REGULAR BOARD MEETING**

(*) - Asterisk indicates a report is attached.

28. **ADJOURNMENT - To Tuesday, October 27, 2009 at 1:00 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.