

Notice is hereby given that the Rainbow Municipal Water District Board of Directors will hold Closed Session at 11:30 a.m. and Open Session at 1:00 p.m. Tuesday, January 26, 2010, 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
 - B. Conference with Labor Negotiators (Government Code §54957.6 and §54957)

Agency Designated Representatives
Dave Seymour

Discussions regarding labor negotiations for:

Rainbow Employee Association
Rainbow Association of Supervisor and Confidential Employees
 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. **REPEAT ADDITIONS/DELETIONS/AMENDMENTS TO THE AGENDA (Government Code §54954.2)**

10. **MOMENT OF SILENCE FOR RECOGNITION OF SERVICE FOR TOM WARNER**

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).**

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.*

*12. **APPROVAL OF MINUTES**

- A. December 1, 2009 - Regular Board Meeting
- B. January 7, 2010 – Special Board Meeting

13. **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

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

- A. Budget and Finance Committee
 - 1. November 5, 2009 Minutes
 - 2. December 3, 2009 Minutes
- B. Communications Committee
 - 1. November 2, 2009 Minutes
 - 2. December 7, 2009 Minutes
- C. Engineering Committee
 - 1. November 3, 2009 Minutes

15. **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. **MAGEE AND GOMEZ TANK REPAINTING**

(Due to the current condition of both Gomez and Magee tanks, District staff and Utility Services Company (USC) are recommending the exterior of both tanks be completely repainted. USC is obligated for the repainting of the tanks under the existing maintenance contract agreement.)

(*) - Asterisk indicates a report is attached.

(Staff Recommendation: Authorize Staff to direct contractor to paint tanks Desert Sand and Tank White.)

(*) - Asterisk indicates a report is attached.

BOARD ACTION ITEMS

- *16. DISCUSSION AND POSSIBLE ACTION ON LINE Q3 CROSSING SAN LUIS REY RIVER**
(Line Q3 is one of five major water lines that originally delivered water across the San Luis Rey River for the District. In December of 2009 the Q3 crossing failed, leaving the District with only one pipeline to supply water across the San Luis Rey River. The District asked RBF consulting to prepare a technical memo detailing options available for reestablishing a river crossing at Line Q3. In the memo RBF recommends that RMWD inspect Line Q3 to see if we can determine why and how the pipeline failed.)
(Staff Recommendation: Authorize staff to move forward with a field study of Line Q3 for a budget cost not to exceed \$30,000 with the intent to combine the design and construction of both crossings once Line Q3 conditions have been examined.)
- *17. DISCUSSION AND POSSIBLE ACTION ON AWARD OF CONTRACT FOR PUMP STATION SWITCH GEAR CONSTRUCTION**
(Pump Station Switch Gear is listed in the 2009/10 CIP Budget. The intent of this project is to install electrical switch gear at pump stations 1 and 6 that will allow a trailer mounted generator to quickly supply power to the pump station during emergencies. Five bids were received. Staff has verified the low bid proposals and found the lowest responsive bid to be FALCON General Engineering, Inc.)
(Staff Recommendation: Award contract to FALCON General Engineering, Inc. for a not to exceed cost of \$216,112.)
- *18. BACKFLOW TESTING PROGRAM REQUEST FOR PROPOSALS**
(The District has contracted out the required annual backflow prevention device testing and repair since 2003. The current contract expires in February, 2010. Staff sent out a Request for Proposal to test all backflow devices annually to 36 firms and received one response from Palomar Specialties, the current contractor.)
(Staff Recommendation: Authorize the General Manager to enter into a 3 year contract with Palomar Specialties, Inc. for backflow device testing and repair. The fiscal impact is approximately \$180,000 annually. These charges are passed on to the customer on a monthly basis so there is no net cost to the District.)
- *19. DISCUSSION AND POSSIBLE ACTION TO TAKE STEPS NECESSARY TO PLACE A MEASURE ON THE JUNE 8, 2010 BALLOT TO BORROW UP TO \$1.2 MILLION FOR THE PURPOSE OF STUDYING ALTERNATIVES TO BRING BECK RESERVOIR INTO COMPLIANCE WITH LONG TERM 2 ENHANCED SURFACE WATER TREATMENT RULES, INCLUDING EVALUATING POTENTIAL GEOTECHNICAL ISSUES, AND TO DESIGN FINAL CONSTRUCTION PLANS AND SPECIFICATIONS FOR THE PROJECT AND ADOPT RESOLUTION 10-03 AUTHORIZING THE GENERAL MANAGER TO PREPARE APPLICATION FOR FEASIBILITY FUNDS**
(In December RMWD received an invitation to apply for Safe Drinking Water State Revolving Fund (SRF) planning funding to bring Beck Reservoir into compliance with Long Term 2 Enhanced Surface Water Treatment Rules. Preliminary estimates are that RMWD will require approximately \$1.2 million to study alternatives. Since the District recently received SRF funding for North and Northside Reservoirs, it must receive voter approval prior to accepting additional funding.)
(Staff Recommendation: The Board direct Staff to prepare a Resolution to place a measure on the June 8 ballot for the purpose of borrowing up to \$1.2 million to study alternatives and geotechnical issues and prepare a final design necessary to bring Beck Reservoir into compliance with Long Term 2 Enhanced Surface Water Treatment Rules, and to bring the Resolution to the Board at the February meeting for approval.)
- *20. CONSIDERATION AND ACTION TO APPROVE RESOLUTION NO. 10-02, REQUESTING SAN DIEGO COUNTY WATER AUTHORITY APPROVE THE LOCAL WATER SUPPLY DEVELOPMENT PROGRAM FUNDING FOR THE CARLSBAD SEAWATER DESALINATION PROJECT**
(Poseidon Resources, on behalf of the Desal Partners, intends to submit the attached application package to the San Diego County Water Authority to be considered for funding under the local water supply development program (LWSDP). LWSDP funding helps offset high cost of processing water.)
(Staff Recommendation: The Board support the Desal Partners by approval Resolution No.10-02.)
- 21. DISCUSSION AND POSSIBLE ACTION MODIFYING THE DISTRICT'S ALLOCATION OF WATER RECEIVED FROM THE CARLSBAD DESALINATION PLANT**

(*) - Asterisk indicates a report is attached.

(RMWD entered into an agreement to purchase 7,500 acre-feet of water per year out of the Carlsbad Desalination Plant. For various reasons Poseidon, the operator of the plant, has inquired if we would consider reducing our contracted about to 5,000 acre-feet per year; a similar inquiry has been made to Valley Center Municipal Water District.)

(This item is intended as discussion item; any action would come at a later meeting.)

***22. DISCUSSION AND POSSIBLE ACTION ON FUNDING OPTIONS FOR CONSTRUCTION PROJECTS NECESSARY TO ATTAIN COMPLIANCE WITH LONG TERM 2 ENHANCED SURFACE WATER TREATMENT RULE (RESERVOIR PROJECTS)**

(Staff has presented funding options regarding our Reservoir Rehabilitation CIP program at the December and October meetings. The Budget and Finance Committee has also spent parts of three meetings reviewing the various options. The recommendation from both RMWD staff and the Budget and Finance Committee is to fund the construction of the reservoir projects with a fixed monthly meter charge.)

(Staff Recommendation: The meter surcharges recommended by the Budget and Finance Committee are justified and defensible and staff supports the recommendation (Option 1)-Approve the meter rate increase as presented.)

23. DISCUSSION AND POSSIBLE ACTION TO SET THE DATE FOR A PUBLIC HEARING FOR THE PURPOSE OF ADJUSTING WATER RATES AND CHARGES

(RMWD will need to consider adjusting water rates in order to fully fund the construction projects needed to attain compliance with the Department of Health Long Term 2 Enhanced Surface Water Treatment Rule for the four open reservoirs. At the regular meeting of December 1, 2009, the Board approved a public hearing date of March 23, 2010; however, should the Board not arrive at a decision regarding a rate proposal at the January 26, 2010 meeting, then it will be necessary to defer the public hearing date.)

(Staff Recommendation: A Public Hearing date be set for April 27, 2010.)

***24. CONSIDERATION AND ACTION TO APPROVE RESOLUTION NO. 10-01, FINDING EXISTENCE OF A PUBLIC HEALTH AND SAFETY EMERGENCY AND APPROVING REPAIR AND/OR REPLACEMENT OF WATER LINE Q-3**

(In the early morning hours of December 8 water line Q-3 ruptured under the San Luis Rey River. The 22-inch steel line was built in 1995 and delivers water to the district's service area south of SR76. District Staff believes the situation is so critical as to constitute an emergency situation and request the Board approve Resolution No. 10-01 which will streamline repair and/or replacement of line Q-3, and will allow the District to borrow money-if necessary-to complete the project.)

(Staff Recommendation: The Board approve Resolution No. 10-01, which must be done by 4/5th vote to be effective.)

***25. DISCUSSION AND POSSIBLE ACTION ON BECK RESERVOIR STUDY CONTRACT WITH MALCOLM PIRNIE ENGINEERING**

(In 2009 the Engineering Committee visited FPUD's Red Mountain Reservoir UV Treatment Plant currently under construction. At the time staff began a dialog with the UV design engineer, Malcolm Pirnie, regarding RMWD's Beck Reservoir. Malcolm Pirnie has provided the District with the attached proposal to review the possibility of installing a UV treatment plant at Beck Reservoir and compare the UV option to the various covering options that may be available.)

(Staff Recommendation: Authorize staff to execute a time and material contract with Malcolm Pirnie for a not to exceed cost of \$84,200.)

(*) - Asterisk indicates a report is attached.

- *26. DISCUSSION AND POSSIBLE ACTION ON REQUEST OF DARIN PRINCE FOR METER FEE REDUCTION**
(RMWD received a letter from Mr. Darin Prince requesting a meter fee reduction. Staff extended the reduced meter fee offer in Winter 2009 to existing property owners in an effort to resolve the one meter-multiple parcel issue. The offer made to the original owner included an explicit deadline of April 30, 2009 to meet escrow closing deadlines and property transfer of ownership. The original property owner refused to work with the District. Since service to the property no longer exists and the property has transferred to a new owner with that knowledge, staff finds no reason to offer a reduced meter fee.)
(Staff Recommendation: Deny request for reduced meter fee.)
- *27. DISCUSSION AND POSSIBLE ACTION ON WATER INNOVATIONS MEMORANDUM OR UNDERSTANDING (MOU)**
(Staff has been in discussions with Water Innovations Power and Technology with a possible open reservoir cover technology that may comply with the State's Long Term 2 Enhanced Surface Water Treatment Rule (LT2). Discussions have reached a point where Water Innovations and Technology has requested that the parties enter into an MOU ratifying our efforts and understandings.)
(Staff Recommendation: Authorize the General Manager to execute the Memorandum of Understanding with Water Innovations Power and Technology. Authorize staff to create a project tracking number and budget \$5,000 for staff time to determine the proposed technology's applicability to the District's uncovered reservoirs.)
- *28. RECEIVE AND FILE INFORMATION ITEMS FOR NOVEMBER AND DECEMBER 2009**
- A. General Manager Comments**
 - 1. Meetings, Conferences and Seminar Calendar
 - 2. Recap of 2009 Activities
 - 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
- *29. RECEIVE AND FILE FINANCIAL STATEMENTS AND INFORMATION FOR NOVEMBER AND DECEMBER 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 Programs
 - 10. Metropolitan SAWR Reduction Program
 - 11. RMWD Domestic Reduction Program
 - 12. Projected CIP Cash Flow Report

(*) - Asterisk indicates a report is attached.

13. Operating and Capital Budgets Schedule

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

31. ADJOURNMENT - To Tuesday, February 23, 2010 at 1:00 p.m.

ATTEST TO POSTING:

George McManigle
Secretary of the Board

Date and Time of Posting
Outside Display Cases

(*) - Asterisk indicates a report is attached.