

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, February 23, 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 Legal Counsel-Real Property Negotiations (Government Code §54956.8)
 - 4355 Citrus Drive, Fallbrook, CA
 - 30465 & 30516 Old River Road, Bonsall, CA
 - 1541 Sleeping Indian, Oceanside, CA

Negotiators: Dave Seymour, General Manager
Brian Lee, District Engineer
 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 **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.*

*11. **APPROVAL OF MINUTES**

A. January 26, 2010 - 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. January 7, 2010 Minutes

B. Communications Committee

1. January 4, 2010 Minutes

C. Engineering Committee

1. January 5, 2010 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. **ADOPT RESOLUTION 10-04 AND RESOLUTION 10-05 FIXING THE TIME AND PLACE OF HEARINGS AND MEETINGS ON PROPOSED WATER AVAILABILITY CHARGES FOR IMPROVEMENT DISTRICT NO. 1 AND IMPROVEMENT DISTRICT NO. 6 (REQUESTED BY: GENERAL MANAGER)**

(As part of the annual process for setting the water availability charges for Improvement Districts No. 1 and No. 6, it is necessary to hold a public hearing on proposed charges. Proposed date is May 25, 2010 at the RMWD regular Board meeting.)

(Staff Recommendation: Board approves Resolutions 10-04 and 10-05.)

BOARD ACTION ITEMS

(*) - Asterisk indicates a report is attached.

- *15. DISCUSSION AND POSSIBLE ACTION TO APPROVE THE AMENDED AND RESTATED WATER PURCHASE AGREEMENT BY AND BETWEEN RAINBOW MUNICIPAL WATER DISTRICT AND POSEIDON RESOURCES**
(Poseidon Resources has requested amendments to the original water purchase agreement for the Carlsbad Desalination Plant. Peter MacLaggan will attend the board meeting to answer questions regarding the proposed contract amendment.)
(Counsel is currently reviewing the proposed amendments and will be prepared to comment at the Board meeting. Staff supports Board direction.)
- 16. DISCUSSION AND POSSIBLE ACTION MODIFYING THE DISTRICT'S ALLOCATION OF WATER RECEIVED FROM THE CARLSBAD DESALINATION PLANT**
(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.)
- *17. DISCUSSION AND POSSIBLE ACTION ON AUTHORIZATION TO EXECUTE CHANGE ORDER NUMBER 4 FOR MORRO RESERVOIR REHABILITATION PROJECT**
(In April 2008 the District awarded a contract to Hilts Consulting Group for the design and construction management of improvements to the Morro Reservoir. The original not-to-exceed cost was\$766,700. In October 2009 the District requested an update from the consultant on work efforts required to complete the project. Change Order Number 4 (CO#4) is based on those negotiations with the consultant.)
(Staff Recommendation: Staff and Engineering Committee recommend Option 1 authorize staff to execute CO#4 for a not-to-exceed amount of \$382,000.)
- 18. DISCUSSION AND POSSIBLE ACTION REGARDING FRONT OFFICE SECURITY**
(Review of security measures and practices involving front office and Customer Service. Placed on the agenda at the request of members of the board.)
(Staff supports Board direction.)
- *19. RECEIVE AND FILE INFORMATION ITEMS FOR JANUARY 2010**
- 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

(*) - Asterisk indicates a report is attached.

***20. RECEIVE AND FILE FINANCIAL STATEMENTS AND INFORMATION FOR JANUARY 2010**

A. Finance Manager Comments

1. Interim Financial Statement
2. Monthly Investment Report
3. Visa Breakdown
4. Directors' Expense
5. Check Register
6. Office Petty Cash
7. Water Purchases & Sales Summary
8. Statistical Summary
9. Cost Recovery of Repairs to District Property Caused by the General Public
10. Metropolitan IAWP Reduction Programs
11. Metropolitan SAWR Reduction Program
12. RMWD Domestic Reduction Program
13. Projected CIP Cash Flow Report
14. Current Capital Improvement Projects
15. RMWD Project Budgets

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

22. ADJOURNMENT - To Tuesday, March 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.