

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, April 27, 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-Anticipated Litigation (Government Code §54956.9)
 - 30465 & 30516 Old River Road, Bonsall, CA
 - C. Conference with Real Property Negotiators (Government Code §54956.8)
 - 4355 Citrus Drive, Fallbrook, CA

Agency Negotiators: Dave Seymour and Brian Lee
Under Negotiation: Price and Terms
 7. **REPORT ON POTENTIAL ACTION FROM CLOSED SESSION**
- Time Certain: 1:00 p.m.
8. **REPEAT REPORT ON POTENTIAL ACTION FROM CLOSED SESSION**
 9. **REPEAT ADDITIONS/DELETIONS/AMENDMENTS TO THE AGENDA (Government Code §54954.2)**

(*) - Asterisk indicates a report is attached.

**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. ANNIVERSARY ACKNOWLEDGEMENT – THOMAS SJUNESON (10 YEARS)

***12. APPROVAL OF MINUTES**

- A. March 23, 2010 - Regular 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. March 4, 2010 Minutes
- B. Communications Committee
 - 1. March 1, 2010 Minutes
- C. Engineering Committee
 - 1. February 2, 2010 Minutes
 - 2. March 2, 2010 Minutes

BOARD ACTION ITEMS

***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.)
(Staff supports Board direction.)*

(*) - Asterisk indicates a report is attached.

- *16. A RESOLUTION OF RAINBOW MUNICIPAL WATER DISTRICT APPROVING AN AMENDED AND RESTATED WATER PURCHASE AGREEMENT BETWEEN THE RAINBOW MUNICIPAL WATER DISTRICT AND POSEIDON RESOURCES (CHANNELSIDE) LLC; MAKING FINDINGS REGARDING THE ENVIRONMENTAL EFFECTS OF THE AGREEMENT, AND AUTHORIZING THE FILING OF A NOTICE OF DETERMINATION**
(By approving the Amended Water Purchase Agreement, Rainbow Municipal Water District will be acting as a responsible agency for the Project under CEQA. CEQA requires responsible agencies to adopt findings in connection with the approval of its portion of the Project.)
(Staff Recommendation: The Board approve Resolution 10-08, subject to any final modifications recommended by District Counsel.)
- 17. DISCUSSION ON EVAPORATION OFFSET ACCOUNT**
(During its March 2010 meeting the Board directed staff and the Engineering Committee to review Director Walson's proposal regarding the Evaporation Offset Account and return a recommendation to the Board. At its April meeting the Engineering Committee reviewed Director Walson's proposal and discussed it at length. The Engineering Committee rejected Director Walson's numbers. After considerable discussion the Engineering Committee voted to recommend an Evaporation Offset Account price of \$10,187 per 0.40 acre-feet of estimated yearly consumption.)
(Staff Recommendation: Vote to approve the Engineering Committee's recommendation and set a price of \$10,187 per 0.40 acre-feet of estimated yearly consumption for an Evaporation Offset Account.)
- *18. DISCUSSION AND POSSIBLE ACTION ON REQUEST FOR DOMESTIC METER PURCHASES**
(The District has received requests to purchase water meters: One 1" domestic meter from Mr. Jack Hendrickson; two 1" domestic meters from Mr. Jim Patapoff; and twelve 1" domestic meters from K. Hovnanian.)
(Staff Recommendation: Authorize staff to sell the requested domestic meters at the current price including any evaporation offset fees.)
- 19. DISCUSSION AND POSSIBLE ACTION ON METER EASEMENTS ALONG RANGER ROAD**
(In late March Peter Arnold contacted the District requesting information on reducing the 1.5" meter serving his parcel. During the discussion Mr. Arnold claimed that other District meters were located on his property without permission. Those remote meters serve neighboring parcels. Staff interpreted the discussion as Mr. Arnold would provide the District an easement for those remote meters if the District would waive the fee to reduce his meter. After review staff has determined that easements do exist for the meters and that on two previous occasions Mr. Arnold has already agreed to provide any additional easements that may be required. Currently, staff does not believe that additional easements are required. Mr. Arnold requested information on how to address the Board concerning this issue but did not provide a written request. Staff is presenting this action item should Mr. Arnold attend today's meeting and desires to address the Board.)
- 20. DISCUSSION AND POSSIBLE ACTION ON BECK GEOTECHNICAL STUDY**
(At its January 2010 meeting the Board directed staff to solicit proposals for a geotechnical study of Beck Reservoir. The intent of the study will be to determine what is necessary to secure a California Department of Safety of Dams (DSOD) permit for operating Beck Reservoir.)
(Staff recommendation will be provided at Board meeting.)
- 21. DISCUSSION AND POSSIBLE ACTION ON DESIGN Q3 PIPELINE RESTORATION**
(The District is working to finalize plans and specifications for repair of the Q3 Pipeline crossing the San Luis Rey River. A pre-design report has been prepared by J.C. Heden and Associates. Staff is concerned about high velocity considering that Q3 is a transmission line under high pressure (300psi) and located in an inaccessible area. Because it is the quickest and most cost effective solution for one of the needed pipelines, staff has directed the consultant to move forward with design of a 16-inch carrier pipeline installed within the existing 22-inch steel pipeline.)
(Staff Recommendation: Authorize staff to install three 16-inch pipelines.)

(*) - Asterisk indicates a report is attached.

- *22. DISCUSSION AND POSSIBLE ACTION ON NOTICE OF NECESSITY FOR LIFT STATION 2**
(The District is coordinating with the Singh Trust to secure property for construction of Lift Station 2. The preferred course of action for both parties is to acquire the property through eminent domain procedure. Resolution 2010-07 is required to secure the property through eminent domain procedures.)
(Staff Recommendation: Approve Resolution 10-07.)
- 23. DISCUSSION AND POSSIBLE ACTION TO ISSUE AN RFP FOR A PUMP BOOSTING SYSTEM BETWEEN MORRO RESERVOIR AND BECK RESERVOIR (REQUESTED BY: DIRECTOR GRIFFITHS)**
(Text provided by Director Griffiths with a proposed resolution option.)
(Staff has evaluated this option more than two years ago and rejected it because it was not cost effective. Accordingly, staff recommends the Board reject this proposal.)
- *24. RECEIVE AND FILE INFORMATION ITEMS FOR MARCH 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
 - D. Human Resource Manager Comments**
 - 1. Changes in Personnel
 - 2. Organizational Chart
- *25. RECEIVE AND FILE FINANCIAL STATEMENTS AND INFORMATION FOR MARCH 2010**
- A. Finance Manager Comments**
 - 1. Interim Financial Statement
 - 2. Monthly Investment Report
 - 3. Directors' Expense
 - 4. Check Register
 - 5. Water Purchases & Sales Summary
 - 6. Statistical Summary
 - 7. Metropolitan IAWP Reduction Programs
 - 8. Metropolitan SAWR Reduction Program
 - 9. RMWD Domestic Reduction Program
 - 10. Projected CIP Cash Flow Report
 - 11. Current Capital Improvement Projects
- 26. LIST OF SUGGESTED AGENDA ITEMS FOR THE NEXT REGULAR BOARD MEETING**

(*) - Asterisk indicates a report is attached.

27. **ADJOURNMENT - To Tuesday, May 25, 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.