

**MINUTES OF THE SPECIAL BOARD MEETING
OF THE BOARD OF DIRECTORS OF THE
RAINBOW MUNICIPAL WATER DISTRICT
SEPTEMBER 23, 2008**

1. **CALL TO ORDER** - The Special Meeting of the Board of Directors of the Rainbow Municipal Water District on September 23, 2008 was called to order by President Petty at 4:00 p.m. in the Board Room of the District, 3707 Old Highway 395, Fallbrook, CA 92028. President Petty presiding.

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL:**

Present: Director Griffiths
Director Lucy
Director McManigle
President Petty
Director Walson

Absent: None

Also Present: General Manager Seymour
District Engineer Lee
Board Secretary Washburn
Human Resources Administrator Bush
Legal Counsel Moser
Legal Counsel Osugi

Six members of the public were present.

4. **PUBLIC COMMENT RELATING TO ITEMS ON THE AGENDA**

Jack Wireman referenced the potential litigation item listed under the Closed Session items and inquired as to whether or not it was for RMWD suing other persons. Legal Counsel clarified it was about suing or threats of litigation against the District. Mr. Wireman expressed concern that the Brown Act stated that potential litigation was for possible suits filed by RMWD and not the other way around. Legal Counsel reiterated it was for threats of litigation either way.

Mr. Wireman inquired as to how the whole system works when cases are listed under potential litigation in terms of RMWD suing somebody, especially if the target would be notified at this time. Legal Counsel explained that the rationale for this provision is that in a case where RMWD sues somebody, there may be complications in serving them if they are made aware they are being sued. Discussion ensued regarding the possibilities of a target of a lawsuit being notified.

Bud Swanson stressed that he would imagine that RMWD would notify parties of a potential lawsuit against them before it became a court matter.

(*) - Asterisk indicates a report is attached.

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The meeting adjourned to Closed Session at 4:03 p.m.

The meeting reconvened at 5:09 p.m.

Time: 4:03 p.m.

5. 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
 - Update on San Luis Rey MWD and Pardee Annexation
 - Agustin Angeles
 - Cahuilla Band of Indians
- B. Conference with Legal Counsel – Potential Litigation (Government Code §54926.9(c))**
- 2 Cases
- C. General Manager’s Performance Evaluation (Government Code §54957.6)**
- General Manager Annual Performance Review

The meeting reconvened at 5:09 p.m.

6. REPORT ON POTENTIAL ACTION FROM CLOSED SESSION

President Petty reported a decision was made on the update on San Luis Rey Municipal Water District and Pardee Annexation to pull the Tolling Agreement. He noted there was a split in the vote of 4-1 with Director Walson being the one dissenting vote.

President Petty reported the Board gave direction to Legal Counsel on the other items; however, there was no reportable action.

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

8. ADJOURNMENT - To Tuesday, September 23, 2008, at 5:00 p.m.

The meeting was adjourned with a motion made by Director Petty to a regular meeting on September 23, 2008, at 5:00 p.m.

(*) - Asterisk indicates a report is attached.

The meeting was adjourned at 5:11 p.m.

Rua Petty, Board President

Dawn M. Washburn, Board Secretary

(*) - Asterisk indicates a report is attached.