

**MINUTES OF THE REGULAR BOARD MEETING  
OF THE BOARD OF DIRECTORS OF THE  
RAINBOW MUNICIPAL WATER DISTRICT  
JANUARY 26, 2021**

1. **CALL TO ORDER** - The Regular Meeting of the Board of Directors of the Rainbow Municipal Water District on January 26, 2021 was called to order by Vice President Hamilton at 12:03 p.m. in the Board Room of the District, 3707 Old Highway 395, Fallbrook, CA 92028. *(Due to COVID restrictions the meetings are being held virtually.)* Vice President Hamilton presiding.

2. **ROLL CALL**

**Present:** Director Gasca *(via video conference)*, Director Hamilton *(via video conference)*, Director Mack, Director Rindfleisch *(via video conference)*, Director Moss *(via video conference)*.

**Also Present Via Teleconference or Video Conference:**

General Manager Kennedy, Legal Counsel Smith, Executive Assistant Washburn, Human Resources Manager Harp, Information and Technology Manager Khattab.

No members of the public were present via teleconference or video teleconference before Closed Session.

3. **ADDITIONS/DELETIONS/AMENDMENTS TO THE AGENDA (Government Code §54954.2)**

There were no changes to the agenda.

4. **INSTRUCTIONS TO ALLOW PUBLIC COMMENT ON AGENDA ITEMS FROM THOSE ATTENDING THIS MEETING VIA TELECONFERENCE OR VIDEO CONFERENCE**

Vice President read aloud the instructions for those attending via teleconference or video conference.

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).**

There were no comments.

*The meeting adjourned to Closed Session at 12:05 p.m.*

6. **CLOSED SESSION**

- A. Conference with Legal Counsel-Anticipated Litigation (Government Code §54956.9(d)(2))

\* Two Items

(\*) - Asterisk indicates a report is attached.

**B. Conference with Labor Negotiators (Government Code §54957.6 and §54957)**

Agency Designated Representatives

Tom Kennedy  
Karleen Harp

Discussions regarding labor negotiations for:

Rainbow Employees Association  
Rainbow Association of Supervisor and Confidential Employees  
Rainbow Exempt Employees Association

**7. REPORT ON POTENTIAL ACTION FROM CLOSED SESSION**

***The meeting reconvened at 1:18 p.m.***

Time Certain: 1:00 p.m.

**8. REPEAT CALL TO ORDER**

The Regular Meeting of the Board of Directors of the Rainbow Municipal Water District on January 26, 2021 was called to order by Vice President Hamilton at 1:18 p.m. in the Board Room of the District, 3707 Old Highway 395, Fallbrook, CA 92028. *(Due to COVID restrictions the meetings are being held virtually.)* Vice President Hamilton presiding.

**9. PLEDGE OF ALLEGIANCE**

**10. REPEAT ROLL CALL**

**Present:** Director Gasca *(via video conference)*, Director Hamilton *(via video conference)*, Director Mack, Director Rindfleisch *(via video conference)*, Director Moss *(via video conference)*.

**Also Present Via Teleconference or Video Conference:**

General Manager Kennedy, Legal Counsel Smith, Executive Assistant Washburn, Engineering and Capital Improvement Manager Williams, Finance Manager Largent, Human Resources Manager Harp, Operations Manager Gutierrez, Information and Technology Manager Khattab, Meter Services Supervisor Wilson, Construction and Maintenance Supervisor Lagunas, Customer Service and Communications Supervisor Gray, Associate Engineer Powers, Project Manager Tamimi, Customer Service Representative Stalker, Engineering Technician Rubio.

Eight members of the public were present for Open Session via teleconference or video teleconference.

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

Legal Counsel reported the Board met in Closed Session to discuss three items noting there was no reportable action.

(\* ) - Asterisk indicates a report is attached.

**12. REPEAT ADDITIONS/DELETIONS/AMENDMENTS TO THE AGENDA (Government Code §54954.2)**

There were no changes to the agenda.

**13. REPEAT INSTRUCTIONS TO ALLOW PUBLIC COMMENT ON AGENDA ITEMS FROM THOSE ATTENDING THIS MEETING VIA TELECONFERENCE OR VIDEO CONFERENCE**

Vice President read aloud the instructions for those attending via teleconference or video conference.

**14. PRESENTATION OF BOARD MEMBER ELECTION CERTIFICATES**

Mr. Kennedy shared a virtual presentation of the Board Member election certificates that were not available at the December Board meeting.

**15. 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).**

There were no comments.

**\*16. APPROVAL OF MINUTES**

**A.** December 8, 2020 - Regular Board Meeting

***Motion:***

***To approve the minutes.***

***Action: Approve, Moved by Director Mack, Seconded by Director Moss.***

***Vote: Motion carried by unanimous roll call vote (summary: Ayes = 5).***

***Ayes: Director Gasca, Director Hamilton, Director Mack, Director Rindfleisch, Director Moss.***

**\*17. 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

There was no report given.

(\*) - Asterisk indicates a report is attached.

**B. Representative Report (Appointed Representative)**

**1. SDCWA**

Mr. Kennedy reported the meeting will be on Thursday and how one of the main topics will be regarding the Urban Water Management Forecasts. He noted RMWD's forecasts show either flat to declining sales; therefore, the District was not forecasting any increases because to do so would be to ignore what has been seen over the last few years. He pointed out information will be collected by the General Managers to be presented to SDCWA to receive some feedback.

Mr. Kennedy also referenced the letter received and shared with the RMWD Board Members from SDCWA's General Counsel regarding his comments made at RMWD's December Board meeting which he stands by. He stated his responsibility as the RMWD representative at SDCWA is to relate to the RMWD Board what he observes, and his impressions as opposed to just reading the meeting minutes. He stated the manner in which and the fact that the RCS project has been pushed forward has been regrettable due to the waste of money it will be to the RMWD ratepayers.

Mr. Kennedy noted the SDCWA Board Chair also recently appointed new committees including a newly created Financial Strategy Working Group whose work has not yet been defined.

Director Mack inquired about an email he recently received from the Chair of SDCWA stating they were thrilled with the judge's ruling in favor of SDCWA to receive the attorney's fees. Mr. Kennedy confirmed this was for the attorneys fee portion on the award; however, the amount has yet to be calculated.

**2. CSDA**

Director Mack recalled how he applied to be appointed to a CSDA committee, but never received a confirmation of appointment email. He said he recently received an email to attend a CSDA Legislative Committee meeting; however, he did not attend because his appointment had not been confirmed. He stated he will reach out to CSDA to see if his appointment has been made.

Mr. Kennedy announced there will be a CSDA quarterly meeting held virtually in February.

**3. LAFCO**

Mr. Kennedy reported there would be a LAFCO meeting on Monday; however, at the recent Special District Advisory Committee, the topic of discussion was related the resource conservation districts which will also be discussed at the regular LAFCO meeting.

**4. San Luis Rey Watershed Council**

Director Gasca said he has attempted to reach out to the Council; however, he has not received any response.

**5. Santa Margarita River Watershed Watermaster Steering Committee**

Vice President Hamilton reported the main topic of discussion at the quarterly meeting was related to the Indian Tribe and other interested parties have basically agreed to all terms and now the process involved getting the legal documents prepared to submit to the judge. He noted the next meeting will be held on April 20, 2021.

(\* ) - Asterisk indicates a report is attached.

## 6. ACWA

Director Mack said he received an email from ACWA announcing the Spring Conference was coming up in the next few months. He confirmed this conference would be held virtually.

- C. Meeting, Workshop, Committee, Seminar, Etc. Reports by Directors (AB1234)
  - 1. Board Seminar/Conference/Workshop Training Attendance Reports

There were no reports.

### D. Directors Comments

Vice President Hamilton inquired about the results of the pilot project that took place in late 2020.

- E. Legal Counsel Comments
  - 1. Attorney Report: COVID-19 Vaccination Updates for Employers 501668-0002

Legal Counsel summarized the information contained in his written report.

## 18. COMMITTEE REPORTS

### A. Budget and Finance Committee

Mr. Nelson reported the committee reviewed and recommended the Board approve the two variance requests before the Board today for consideration. He noted there was also discussed a few other related matters as well as elected officers for the year with him continuing to serve as the Chair and Randy Ross as Vice Chairperson.

### B. Communications and Customer Service Committee

Vice President Hamilton reported the committee received an update on the payment portal change, WSUP status and its preliminary results being reported out to the ratepayers.

### C. Engineering and Operations Committee

Mr. Nelson reported the committee received an overall review on Item #27 before the Board today for consideration. He noted the committee was recommending the Board approve the reappointment of Robert Marnett and appointment of Helene Brazier as members on the committee. He mentioned the committee also received an update on the WSUP program and will elect their committee officers at their next meeting.

## **CONSENT CALENDAR**

### **\*19. APPROVAL OF RESOLUTION NO. 21-01 ESTABLISHING CHECK SIGNING AUTHORITY**

### **\*20. DISCUSSION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. 21-05 — A RESOLUTION OF THE BOARD OF DIRECTORS OF RAINBOW MUNICIPAL WATER DISTRICT ESTABLISHING CLASSIFICATIONS AND MONTHLY PAY RANGES FOR DISTRICT EMPLOYEES AND THE GENERAL MANAGER EFFECTIVE JANUARY 26, 2021 THROUGH JUNE 30, 2021**

(\* ) - Asterisk indicates a report is attached.

**21. POSSIBLE ACTION TO CONSENT TO THE EXTENSION OF THE JOINT AGREEMENTS TO IMPROVE MAJOR SUBDIVISION FOR COUNTY OF SAN DIEGO TRACT NO. 5338-2 THROUGH 5338-6, HORSE CREEK RIDGE**

***Motion:***

***To approve the Consent Calendar items.***

***Action: Approve, Moved by Director Rindfleisch, Seconded by Director Mack.***

***Vote: Motion carried by unanimous roll call vote (summary: Ayes = 5).***

***Ayes: Director Gasca, Director Hamilton, Director Mack, Director Rindfleisch, Director Moss.***

**BOARD ACTION ITEMS**

**\*22. DISCUSSION AND POSSIBLE APPOINTMENT OF BOARD OFFICERS AND REPRESENTATIVES**

Director Gasca nominated Hayden Hamilton to serve as Board President.

Vice President Hamilton nominated Miguel Gasca to serve as Vice President.

Director Mack nominated Tracy Largent to serve as Treasurer.

Director Rindfleisch nominated Pam Moss to serve as Board Secretary.

Director Gasca nominated Michael Mack to serve as the CSDA representative.

It was noted Tom Kennedy would continue to serve as the LAFCO representative.

Vice President Hamilton nominated Tom Kennedy to serve as the SDCWA representative.

It was noted Director Rindfleisch was appointed by the Board to serve on the Budget and Finance Committee and Director Gasca to serve on the Engineering and Operations Committee at the December 8, 2020 Board meeting and Vice President Hamilton will continue to serve on the Communications and Customer Service Committee.

Vice President Hamilton offered to remain the representative at the Santa Margarita River Watershed Watermaster Steering Committee.

It was noted Director Gasca would continue to serve as the San Luis Rey Watershed Council and Director Rindfleisch as the Alternate.

It was noted Director Gasca would serve as the ACWA representative and Director Mack as the Alternate.

(\* ) - Asterisk indicates a report is attached.

***Motion:***

***To approve all the positions as noted.***

***Action: Approve, Moved by Director Gasca, Seconded by Director Moss.***

***Vote: Motion carried by unanimous roll call vote (summary: Ayes = 5).***

***Ayes: Director Gasca, Director Hamilton, Director Mack, Director Rindfleisch, Director Moss.***

- \*23. DISCUSSION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. 21-03 OF THE BOARD OF DIRECTORS OF THE RAINBOW MUNICIPAL WATER DISTRICT APPOINTING A REPRESENTATIVE TO THE BOARD OF DIRECTORS OF THE SAN DIEGO COUNTY WATER AUTHORITY (SDCWA)**

***Motion:***

***To nominate Tom Kennedy.***

***Action: Approve, Moved by Director Mack, Seconded by Director Moss.***

***Vote: Motion carried by unanimous roll call vote (summary: Ayes = 5).***

***Ayes: Director Gasca, Director Hamilton, Director Mack, Director Rindfleisch, Director Moss.***

- \*24. CONSIDER ADOPTING RESOLUTION NO. 21-04 DESIGNATING ANOTHER DISTRICT'S REPRESENTATIVE AS PROXY VOTE TO THE SAN DIEGO COUNTY WATER AUTHORITY (SDCWA) IN THE ABSENCE OF THE RAINBOW MUNICIPAL WATER DISTRICT (RMWD) REPRESENTATIVE**

President Hamilton inquired as to who should be appointed. Mr. Kennedy stated it was up to the Board to decide who they would like to appoint.

Mr. Kennedy pointed out there was a requirement for Mr. Kennedy to notify to proxy when he is unable to attend a SDCWA meeting.

***Motion:***

***To appoint Gary Arant of Valley Center Municipal Water District.***

***Action: Approve, Moved by Director Gasca, Seconded by Director Mack.***

***Vote: Motion carried by unanimous roll call vote (summary: Ayes = 5).***

***Ayes: Director Gasca, Director Hamilton, Director Mack, Director Rindfleisch, Director Moss.***

**\*25. CONSIDER ACTION TO APPROVE A THREE-YEAR CONTRACT RENEWAL WITH SOFTCHOICE, INC. FOR THE LICENSING OF MICROSOFT OFFICE 365, OFFICE ADVANCED THREAT PROTECTION, AZURE SECURITY, SQL SERVER AND WINDOWS LICENSING**

Mr. Kennedy explained this was the retail provider for the Microsoft products RMWD needs to relicense every few years. He pointed out Microsoft sets the pricing.

***Motion:***

***To approve Option 1 : Approve Softchoice’s Microsoft Enterprise Agreement and Select Plus Agreement with Microsoft for the Suite of Microsoft Products for \$70,590 which will be paid equally on the anniversary date for the next three (3) years, make a finding that this action does not constitute a “project” as defined by CEQA, and authorize the General Manager to execute a contract with Softchoice, Inc. to renew the contract.***

***Action: Approve, Moved by Director Moss, Seconded by Director Hamilton.***

***Vote: Motion carried by unanimous roll call vote (summary: Ayes = 5).***

***Ayes: Director Gasca, Director Hamilton, Director Mack, Director Rindfleisch, Director Moss.***

**\*26. DISCUSSION AND POSSIBLE ACTION TO ADOPT RESOLUTION NO. 21-02 APPROVING AN INITIAL STUDY / MITIGATED NEGATIVE DECLARATION AND A MITIGATION MONITORING AND REPORTING PROGRAM UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT FOR LIFT STATION NO. 1 REPLACEMENT PROJECT**

Mr. Williams noted the ISMND has been completed. He explained the project Kennedy Jenks was currently working on consists of the Thoroughbred Lift Station, Thoroughbred Force Main, Olive Hill Road Gravity Main and the gravity main upsizing along Highway 76. He stated the public comment period has concluded with two comments received which have been provided responses.

Director Gasca inquired as to whether this was supplemental work done specific to this project. Mr. Kennedy stated the Programmatic EIR was still underway; however, this project needed to move forward prior to that being completed due to the Meadowood development coming on board.

Director Moss inquired as to whether this was the area where Mr. Kennedy pointed out the rights-of-way were crossing through parking lots. Mr. Kennedy confirmed this was that site.

***Motion:***

***To accept Option 1 - Adopt Resolution 21-02 for the Lift Station 1 Replacement Project IS/MND and MMRP (included as Appendix G of the IS/MND), approve the Lift Station 1 Replacement Project, and approve Filing the Notice of Determination for the IS/MND.***

***Action: Approve, Moved by Director Gasca, Seconded by Director Moss.***

(\*) - Asterisk indicates a report is attached.

***Vote: Motion carried by unanimous roll call vote (summary: Ayes = 5).***

***Ayes: Director Gasca, Director Hamilton, Director Mack, Director Rindfleisch, Director Moss.***

**\*27. DISCUSSION AND POSSIBLE ACTION TO AWARD A PROFESSIONAL SERVICES AGREEMENT TO HOCH CONSULTING TO PROVIDE DESIGN SERVICES FOR THE HUTTON AND TURNER PUMP STATIONS**

Mr. Williams explained RMWD issued Requests for Proposals to which proposals were received that were both reviewed by staff and some members of the Engineering and Operations Committee. He noted this was a two-part pump station project. He mentioned when SDCWA has shutdowns throughout the year, RMWD must bring in rental pump stations and generators; however, these pump stations will become permanent with one having its own emergency generator onsite and the other requiring a rental one. He shared pictures of the approximate site locations.

Director Gasca reiterated his request to include the Division in which the projects are located in the staff action letters.

Discussion ensued related to the site locations.

Director Moss explained why Camino Del Cielo makes a better location.

Director Mack asked why one of the pump stations would not have a permanent emergency generator. Mr. Kennedy explained this was due to location, what the property owners will accept, site and noise constraints as well as cost. He noted the analysis conducted showed the extra level of redundancy did not appear to be as critical. Director Mack inquired as to the roughly estimated cost would be to add another permanent generator. Mr. Kennedy estimated the costs to be approximately \$100,000-\$200,000.

***Motion:***

***To adopt Option 1 - Award a Professional Services Agreement to Hoch Consulting to provide design services for the Hutton and Turner Pump Station Project not to exceed \$166,149, make a finding that this action does not constitute a "project" as defined by CEQA, and authorize the General Manager to execute a contract for the design of the Hutton and Turner Pump Stations with Hoch Consulting.***

***Action: Approve, Moved by Director Hamilton, Seconded by Director Moss.***

***Vote: Motion carried by unanimous roll call vote (summary: Ayes = 5).***

***Ayes: Director Gasca, Director Hamilton, Director Mack, Director Rindfleisch, Director Moss.***

**\*28. DISCUSSION AND POSSIBLE ACTION TO APPROVE A VARIANCE FROM MAXIMUM CAPACITY AND 12 MONTH ROLLING AVERAGE REQUIREMENTS IN ORDER TO DOWNSIZE FROM A 1 1/2" TO A 3/4" METER**

Ms. Largent explained the customer was requesting to downsize their meter. She noted the current lot size was three acres, but the customer was within the 12-month rolling average

(\*) - Asterisk indicates a report is attached.

maximum. She pointed out customers are usually required to be under a 1/2 acre; however, since they have purchased the property they have been well below the average for that meter size, have made a great deal of changes to the property, and, according to their application, are no longer utilizing the property for agriculture, they are requesting a variance.

President Hamilton inquired about the meter requirement for sprinkler systems and whether this is part of the process for considering a variance. Director Moss stated it may be wise for the District to require the fire department to sign off on the meter downsizes in terms of sprinkler system requirements. Ms. Largent agreed to include this as part of the Administrative Code updates.

***Motion:***

***To approve the variance to Ordinance No. 19-04.***

***Action: Approve, Moved by Director Gasca, Seconded by Director Hamilton.***

***Vote: Motion carried by unanimous roll call vote (summary: Ayes = 5).***

***Ayes: Director Gasca, Director Hamilton, Director Mack, Director Rindfleisch, Director Moss.***

**\*29. DISCUSSION AND POSSIBLE ACTION TO APPROVE A VARIANCE FROM ORDINANCE 19-04 TO ALLOW A LOT, LARGER THAN 0.5 ACRES, TO QUALIFY FOR CAPACITY CLASS "B" 3/4" METER AND APPROVE THE CAPACITY CLASS WATER USE AGREEMENT**

Ms. Largent explained the Terrace Downs HOA had previously done a downsize of 20 meters after which they spent time changing to drought-tolerant landscaping with a plan to come back to the Board at this later time to request additional downsizes. She noted the request was for 16 meters to move from a 1" to a 3/4". She pointed out it was confirmed there are no indoor fire sprinklers and they are well below the required 50 units per month to be a 3/4" meter. She added this request has been coordinated with the WSUP to not switch these out until this matter came before the Board for consideration.

***Motion:***

***To approve Option 1 – Approve the variance to Ordinance 19-04 to allow a property larger than 0.5 acres to qualify for capacity class B.***

***Action: Approve, Moved by Director Gasca, Seconded by Director Hamilton.***

***Vote: Motion passed (summary: Ayes = 3, Noes = 0, Abstain = 1).***

***Ayes: Director Gasca, Director Hamilton, Director Mack.***

***Abstain: Director Moss.***

***Absent: Director Rindfleisch.***

(\*) - Asterisk indicates a report is attached.

**30. DISCUSSION AND POSSIBLE ACTION TO APPROVE WAIVING OF LATE FEES FOR FEBRUARY 2021 FOR CUSTOMERS SET UP ON AUTOPAY**

Mr. Kennedy mentioned this has been discussed with the committees as part of the process of changing the online payment portal. He stated there are approximately 1,000 customers utilizing autopay who need to re-enroll in the new system; therefore, the Board may want to consider granting a waiver of late fees for the month of February to provide an opportunity for these autopay customers to get signed up on the new system.

Director Moss said she has had no mail delivered on some of these situations; therefore, she agreed with approving the waiver.

Ms. Largent stated the postcards were mailed out the previous Friday, an online announcement has been made, and an article will be included in the newsletter.

***Motion:***

***To approve Option 1 – Approve waiving late fees for Autopay Customers for February 2021.***

***Action: Approve, Moved by Director Moss, Seconded by Director Gasca.***

***Vote: Motion carried by unanimous roll call vote (summary: Ayes = 4).***

***Ayes: Director Gasca, Director Hamilton, Director Mack, Director Moss.***

***Absent: Director Rindfleisch.***

**31. CONSIDER COMMITTEE MEMBER REAPPOINTMENTS**

Mr. Kennedy explained this item was for the Board to consider reappointing one member from the Engineering and Operations Committee and another from the Communications and Customer Service Committee.

***Motion:***

***To approve Option 1 – Reappoint all the committee members seeking reappointment.***

***Action: Approve, Moved by Director Hamilton, Seconded by Director Mack.***

***Vote: Motion carried by unanimous roll call vote (summary: Ayes = 4).***

***Ayes: Director Gasca, Director Hamilton, Director Mack, Director Moss.***

***Absent: Director Rindfleisch.***

**32. DISCUSSION AND POSSIBLE ACTION TO APPOINT HELENE BRAZIER TO SERVE AS A MEMBER OF THE ENGINEERING AND OPERATIONS COMMITTEE**

***Motion:***

***To approve Option 1 – Appoint Helene Brazier to serve as a member of the public on the Engineering and Operations Committee.***

(\*) - Asterisk indicates a report is attached.

**Action: Approve, Moved by Director Hamilton, Seconded by Director Gasca.**

**Vote: Motion carried by unanimous roll call vote (summary: Ayes = 4).**

**Ayes: Director Gasca, Director Hamilton, Director Mack, Director Moss.**

**Absent: Director Rindfleisch.**

**\*33. DISCUSSION AND POSSIBLE ACTION SUPPORTING A NOMINATION TO ACWA BOARD OF DIRECTORS REGION 10**

Mr. Kennedy explained this item was to find out if anyone on the Board was interested in being nominated to serve on the ACWA Board of Directors to finish out a term that became vacant.

Director Moss asked what this position would involve. Legal Counsel stated ACWA was the largest coalition of public water agencies within the State of California. He suggested the benefit for RMWD having someone serve on the Board would be having a vote on significant policies, being able to share matters of interest to agencies throughout the state with the Board so they can decide whether RMWD should cast their vote at ACWA in support or opposition of at ACWA on matters affecting the statewide water community.

Director Gasca mentioned there was one seat available for San Diego County which is the one ACWA was seeking to fill.

Director Moss asked Mr. Kennedy for input. Mr. Kennedy said there was not a super time-consuming position; however, the Board Members will be required to attend the conferences and there will be some politicking involved on behalf of the District. He noted there will be some expenses to RMWD in terms of travel expenses related to conference attendance once the conferences are conducted in person as opposed to virtually. He added this would be an opportunity to raise the District's stature and how the net overall benefit to the ratepayers would be increasing the District's knowledge on regional issues.

It was noted the current President is from Irvine Ranch which is a part of Region 10.

Director Mack supported nominating Director Moss for this position. Director Hayden noted this was a one-year appointment and how it would assist with name recognition.

**Motion:**

**To nominate Director Moss to this position.**

**Action: Approve, Moved by Director Mack, Seconded by Director Hamilton.**

**Vote: Motion carried by unanimous roll call vote (summary: Ayes = 5).**

**Ayes: Director Gasca, Director Hamilton, Director Mack, Director Rindfleisch, Director Moss.**

**34. BOARD MEMBER REQUESTS FOR AUTHORIZATION TO ATTEND UPCOMING MEETINGS / CONFERENCES / SEMINARS**

Mr. Kennedy noted there was some required training to be completed by the current Board Members to meet the District of Distinction requirements. He pointed out Director Moss will need to complete the required Governance Training and how Director Moss and Director Rindfleisch would also need to apply for the Certificate in Special District Governance, respectively, before RMWD can remit an application for the District of Distinction in 2023. He mentioned there are some virtual Special District Leadership Academy courses being held in March, April, and May that will assist in meeting the Governance Training requirements. He recommended Director Moss meet with Ms. Washburn regarding these scheduled courses as they will be helpful, especially to a new Board Member in addition to meeting the training requirements.

President Hamilton asked Ms. Washburn to notify the Board when their regulatory training is due. Ms. Washburn stated she has calendar reminders scheduled so when the expiration dates approach, she will be contacting the respective Board Members.

Director Mack expressed interest in attending the ACWA Spring Conference.

***Motion:***

***To approve Director Mack attending the 2021 ACWA Spring Conference virtually.***

***Action: Approve, Moved by Director Hamilton, Seconded by Director Gasca.***

***Vote: Motion carried by unanimous roll call vote (summary: Ayes = 5).***

***Ayes: Director Gasca, Director Hamilton, Director Mack, Director Rindfleisch, Director Moss.***

**BOARD INFORMATION ITEMS**

**35. COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) PRESENTATION**

Ms. Largent gave a presentation as she summarized the information contained in the report. She noted this was the first time RMWD has prepared this report and asked the Board to contact her with any feedback, input, or suggestions for improvement. She confirmed this report was available on the District's website.

President Hamilton asked if this was a required report. Ms. Largent explained it is required the District is audited and its financials are put out annually and how this report will assist the District in obtaining financing should that be deemed necessary in the future.

**36. STRATEGIC PLAN REVIEW**

Mr. Kennedy stated a draft of the Strategic Plan was sent to the Board Members. He acknowledged Director Moss's comments to add the accomplishments from the 2016 version to this updated version which will be included in the cover letter to recognize the strides made. He solicited input from the remaining Board Members and asked for any feedback to be provided within the next few weeks. He said if no comments are received from the Board, staff will proceed in finalizing the plan to bring to the Board for approval.

(\*) - Asterisk indicates a report is attached.

Mr. Kennedy pointed out staff was currently working on a CIP Strategic Plan which will be brought to the Board as part of the mid-year budget adjustments next month.

**\*37. DISCUSSION REGARDING POSSIBLY AMENDING AND UPDATING ADMINISTRATIVE CODE SECTION 2.03.010 – REMUNERATION AND REIMBURSEMENT POLICY**

Mr. Kennedy noted there was a question relating to Board Member compensation for serving on and attending committee meetings as well as reimbursement for lunches purchased by Directors on Board meeting days when Closed Sessions start before 1:00 p.m. He referenced the memo including the action taken by the Board in 2008 noting staff was seeking input from the current Board since this action was taken twelve years ago.

Director Rindfleisch stated by adding the permissible per diem to the Administrative Code, it encourages participation and putting your best foot forward which is most likely why other agencies allow compensation for committee participation.

President Hamilton noted he believed committees consists of voluntary members with voluntary participation; therefore, he finds it difficult to pay individuals who are participating with ratepayers on a voluntary basis. He said he thinks this sends a wrong signal. He said in terms of ad hoc committees, Board Members do spend a great deal more time and energy participating in this committees as opposed to the time spent participating on standing committees.

Director Mack suggested possibly setting a timeframe spent on District business such as any more than one hour be compensable because everyone's time is valuable.

Director Rindfleisch added some of the other items that have allowed for per diem such as COWU and CSDA are sometimes on the shorter side of committee meetings which is the genesis of his thoughts. He reiterated by compensating Board Members will encourage participation and more accountability; however, he understood President Hamilton's concerns in that compensating some Board Members when the remaining committee members are serving on a volunteer basis could be viewed as challenges. He pointed out those volunteers also did not put forth the expense and time to run for election or apply for a job, so this was something to think about.

Director Moss stated she tends to agree with Director Rindfleisch's comments.

Director Gasca stated there are a number of ratepayers volunteering their time to serve on the standing committees; therefore, the Board Members should also volunteer their time as well.

Mr. Kennedy recommended he and Ms. Washburn put together proposed revisions to the Administrative Code to include the input provided by the Board for consideration at the February meeting.

President Hamilton said relative to committees, was RMWD one of the few agencies with ratepayers participating in its committees which is a very unique distinction when it comes to the issue of compensations. He said if a someone is assigned to work on a committee by management or the Board, that is one scenario, but when dealing with a committee made up of volunteer ratepayers, the Board could be treading on thin ice by putting compensation as a participatory factor. He said ad hoc committees are different in that they take up a considerable amount of time and work.

Mr. Kennedy offered to separate ad hoc and standing committees.

(\*) - Asterisk indicates a report is attached.

Director Gasca said he understands Director Rindfleisch's point of view and if compensation for participating on standing committees were approved by this Board, he would continue to decline compensation for his participation which is something that would be something each individual Board Member could decide to do as well.

Director Moss said she believes there is a distinction when Board Members should or should not be paid. She stated she understands both sides; however, as a member of the public serving on one of the standing committees for a very long time, she would not have been offended if a Board Member participating on the committee was compensated. She noted it is a time and effort commitment and should be evaluated for the different types of meetings. President Hayden stated this could be left to the individual discretion of the Director to decide if their participation warrants compensation.

Mr. Kennedy said this input was helpful and option will be prepared for the Board to consider at the February Board meeting in hopes of reach a general consensus of the Board. He reiterated the fact the Administrative Code states compensation would be granted, does not mean the Directors need to seek compensation. He noted determining how to break out putting a time limit on meetings may be more challenging. He pointed out there may be a need to discuss adding compensation for meetings such as COWU, CSDA Quarterly Dinner Meetings as the Board sees fit.

President Hamilton pointed out there is a maximum limit on how many meetings for which an elected official may be compensated.

Director Mack said he truly appreciates information provided by Board Members serving as the District's representative at other organizations and recognizes there is time spent which is valuable.

**\*38. RECEIVE AND FILE INFORMATION AND FINANCIAL ITEMS**

**A. General Manager Comments**

1. Meetings, Conferences and Seminar Calendar

**B. Communications**

1. Staff Training Report

**C. Operations Comments**

1. Operations Report – November
2. Operations Report - December

**D. Engineering Comments**

1. Engineering Report
2. As-Needed Services Expenditures Summary
3. RMWD Sewer Equivalent Dwelling Units (EDU's) Status

**E. Human Resource & Safety Comments**

1. Human Resources Report

**F. Finance Comments**

1. Board Information Report – December
2. Budget vs. Actual Fund 1, 2, and 3 - October
3. Fund Balance Projections - October
4. Treasury Report - October
5. Five Year Demand - October
6. Water Sales Summary - October
7. Check Register - October
8. Directors' Expenses - October

(\*) - Asterisk indicates a report is attached.

9. Credit Card Breakdown - October
10. Developer Projections - October
11. RMWD Properties – October
12. Board Information Report – January
13. Budget vs. Actual Fund 1, 2, and 3 – November
14. Fund Balance Projections – November
15. Treasury Report – November
16. Five Year Demand – November
17. Water Sales Summary – November
18. Check Register – November
19. Directors' Expenses – November
20. Credit Card Breakdown – November
21. Developer Projections – November
22. RMWD Properties – November

Mr. Kennedy said after giving this recurring item some consideration in terms of whether a motion and vote is necessary before the discussion. Legal Counsel stated once the reports provided are reviewed, there is no requirement for the Board to make a motion and take a vote to receive and file these items.

Mr. Kennedy announced Mr. Williams has been promoted to fill the engineering vacancy and was now the Engineering and Capital Improvement Program Manager.

Mr. Gutierrez provided a presentation updating the Board on the work being conducted relative to pressure reducing stations. He noted RMWD saved approximately \$10,000 on one of these projects utilizing inhouse staff as opposed to outside contractors and how there were ten more to complete. Director Mack suggested something be published on the website or in the newsletter notifying the customers of the savings.

Mr. Gutierrez also updated the Board on the current sewer lining project noting 10,000 feet of pipe has been lined which in turn has extended the lifespan of that pipe by approximately 25-50 years as well as eliminated the need to pay Oceanside for drain water treatment.

Mr. Gutierrez and Mr. Williams shared photographs relating to the recent pilot project. Mr. Kennedy reported the project was an overall success; however, RMWD wants to explore more options.

***Director Rindfleisch excused himself from the meeting at 3:13 p.m.***

President Hayden referenced the Operations Report asking whether RMWD charges the contractor when the pump was jammed with their rope. Mr. Gutierrez explained because it is difficult to determine the origin of the object, the District does not charge the contractors.

***The information and financial items were received and filed.***

### **39. LIST OF SUGGESTED AGENDA ITEMS FOR THE NEXT REGULAR BOARD MEETING**

It was noted the mid-year budget adjustment, strategic plan, renumeration and reimbursement Administrative Code updates, setting the public hearing for ID 1, WSUP program progress report with water loss audit review should be on the next meeting agenda.

(\*) - Asterisk indicates a report is attached.

**40. ADJOURNMENT**

*The meeting was adjourned by President Hamilton to a regular meeting on February 23, 2021, at 1:00 p.m.*

The meeting was adjourned at 3:28 p.m.

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**Hayden Hamilton, Board President**

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**Dawn M. Washburn, Board Secretary**