

**MINUTES OF THE REGULAR BOARD MEETING  
OF THE BOARD OF DIRECTORS OF THE  
RAINBOW MUNICIPAL WATER DISTRICT  
SEPTEMBER 27, 2022**

1. **CALL TO ORDER** - The Regular Meeting of the Board of Directors of the Rainbow Municipal Water District on September 27, 2022 was called to order by President Hamilton at 12:01 p.m. in the Board Room of the District, 3707 Old Highway 395, Fallbrook, CA 92028. *(All meetings are being held with in-person attendance following County and State COVID guidelines as well as virtually.)* President Hamilton presiding.

2. **ROLL CALL**

**Present:** Director Gasca, Director Hamilton, Director Mack, Director Moss, Director Stewart.

**Also Present:** General Manager Kennedy, Legal Counsel Smith, Executive Assistant Washburn, Engineering and CIP Program Manager Williams, Finance Manager Largent, Information Technology Manager Khattab, Human Resources Manager Harp, Customer Service Representative Kilmer.

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

Legal Counsel Duran-Brown.

No members of the public were present in person, via teleconference or video conference before Closed Session.

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

There were no amendments to the agenda.

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

There were no members of the public in attendance; therefore, the instructions were not read aloud.

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 12:03 p.m.***

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

**6. CLOSED SESSION**

- A. Conference with Legal Counsel-Anticipated Litigation (Government Code §54956.9(d)(2))
  - \* Two Items
- B. Appointment of Public Employee – General Manager Pursuant to Government Code §54957

***The meeting reconvened at 1:11 p.m.***

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

This item was addressed under Item #12.

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 September 27, 2022 was called to order by President Hamilton at 1:11 p.m. in the Board Room of the District, 3707 Old Highway 395, Fallbrook, CA 92028. *(All meetings are being held with in-person attendance following County and State COVID guidelines as well as virtually.)* President Hamilton presiding.
- 9. **PLEDGE OF ALLEGIANCE**
- 10. **REPEAT ROLL CALL**

**Present:** Director Gasca, Director Hamilton, Director Mack, Director Moss, Director Stewart.

**Also Present:** General Manager Kennedy, Legal Counsel Smith, Executive Assistant Washburn, Engineering and CIP Program Manager Williams, Operations Manager Gutierrez, Information Technology Manager Khattab, Finance Manager Largent, Project Manager Tamimi, Customer Service and Communications Supervisor Gray, Customer Service Representative Kilmer.

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

Human Resources Manager Harp, Project Manager Parra, Grant Specialist Kim, Construction and Meters Supervisor Lagunas, Wastewater Superintendent Zuniga, Customer Service and Communications Supervisor Gray, Engineering Technician Rubio.

One member of the public was present for Open Session in person, via teleconference or video conference.

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

**\*11. BOARD OF DIRECTORS CONSIDER ADOPTING RESOLUTION NO. 22-26 RENEWING STATE OF EMERGENCY FINDINGS FOR ASSEMBLY BILL 361 (AB 361)**

***Motion:***

***To adopt Resolution No. 22-26.***

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

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

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

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

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

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

There were no amendments to the agenda.

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

There were no public members reported to be in attendance via teleconference or video conference; therefore, the instructions were not read aloud.

**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. August 30, 2022 - Regular Board Meeting**

***Motion:***

***To approve the minutes.***

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

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

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

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

**\*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 (Director Hamilton)**

President Hamilton announced there was an event being held by the Southern California Water Coalition meeting he was interested in attending and encouraged the other Board Members interested in the California perspective on the future of the Colorado River to attend.

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

**1. SDCWA**

**A. Summary of Board Meeting August 25, 2022**

Mr. Kennedy reported there have been two meetings since the RMWD Board met last. He noted in August, the contract was approved for the new SDCWA general counsel who will start October 3, 2022 with whom he looks forward to working.

Mr. Kennedy reported the SDCWA Board Officers were voted upon during the September meeting. He shared the results of the votes including how they may have been impacted. He also mentioned there was also discussion regarding a matter involving Rick Carey, a RMWD customer, related to a SDCWA easement that crosses Mr. Carey's land that they have been trying to quitclaim or abandon. He noted Mr. Carey had expressed an interest in addressing this matter in person; however, after realizing he was unable to do so due to medical reasons and requesting a continuance, it was decided by SDCWA to proceed anyways.

**2. CSDA**

There was no report.

**3. LAFCO**

Mr. Kennedy reported LAFCO did not meet.

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

President Hamilton reported the committee will meet next month.

**5. ACWA**

Director Gasca announced the 2022 Fall Conference will be held November 29<sup>th</sup>-December 1<sup>st</sup> in Indian Wells as well as the JPIA will meet on November 28<sup>th</sup>-November 29<sup>th</sup>. He said he would be interested in attending the Corporate Water Stewardship gathering related to how companies are addressing water risks and would make his request under Item #20.

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

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

Director Moss reported she attended the SDLA and received her certificate in Governance Training. She shared some of the key points covered she found interesting including getting proactive with our own Board and the ratepayers. She noted there was another session regarding labor relations, bargaining units, and compensation and how it is really important to work with those to retain good employees while keeping with clean practices. She mentioned another agency present had brought up the fact that their bargaining units have approached the District to renegotiate their COLA due to the current inflation to prevent loss of staff even though it was not during their regular MOU negotiations timeframe. She stated this was something RMWD may want to consider doing to stay ahead of the curve and lessen the risk of losing the great team Mr. Kennedy has put together.

Director Moss complimented everyone for the proactive action taken to get a very low interest rate on RMWD's debt. She noted there were also discussions about planning and the Brown Act. She said she found this event to be time well spent and appreciated the opportunity to attend.

- D. Directors Comments**

There were no comments.

- E. Legal Counsel Comments**

- 1. Attorney Report: Endangered Species Update**

Legal Counsel summarized the information contained in the written report as well as read aloud the Supreme Court's statement regarding denying review of the matter. Discussions ensued.

## **18. COMMITTEE REPORTS**

- A. Budget and Finance Committee**

Ms. Largent reported the committee did not meet in August.

- B. Engineering and Operations Committee**

Mr. Williams reported the committee focused on two presentations, one of which will be shared with the Board today on RMWD's grant research and coordination. He noted staff was working on coordinating calendars for facility tours which will be presented at the October meeting.

- C. Communications and Customer Service Committee**

Ms. Gray reported the committee was currently working on two outreach programs for public relations including a plan to make RMWD a tour destination for schools in the area as well as possibly committees around the District so they can become more familiar as to what RMWD brings to the community. She noted the other is related to increased outreach for those customers residing in HOA's or submetered residential developments for whom RWMD does not have contact information. She concluded with noting the committee was working on recruiting more members.

Ms. Gray mentioned RMWD has received positive feedback on how great the staff has been at the Gird Road project site.

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

## **BOARD ACTION ITEMS**

### **\*19. DISCUSSION AND POSSIBLE ACTION TO ADOPT RESOLUTION NO. 22-25 AUTHORIZING SUBMITTAL OF APPLICATIONS FOR ALL CALRECYCLE GRANTS FOR WHICH RAINBOW MUNICIPAL WATER DISTRICT IS ELIGIBLE**

Ms. Largent explained to apply for any CalRecycle grants, RMWD's Board of Directors is required to adopt a resolution. She noted RMWD currently has a grant in the works for refill stations at the local schools which is something requested for RMWD for quite some time.

#### ***Motion:***

***To adopt Option 1 – Adopt the attached Resolution No. 22-25 authorizing submittal of applications for all CalRecycle grants for which Rainbow Municipal Water District is eligible.***

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

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

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

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

President Hamilton said he would like to attend the Southern California Water Coalition Meeting on October 6, 2022.

Directors Stewart and Gasca stated they would each like to attend the 2022 ACWA Fall Conference with Director Gasca attending the JPIA portion as well.

#### ***Motion:***

***To approve Director Hamilton's attendance at the Southern California Water Coalition Meeting.***

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

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

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

## **BOARD INFORMATION ITEMS**

### **21. RMWD GRANT RESEARCH AND COORDINATION PRESENTATION**

Ms. Kim gave a brief introduction of herself before discussing the types of grant funding she has been researching. She stated there were three opportunities she was currently tracking with two of the most interest to RMWD being competitive or formula grants. She explained the difference between these two of types of grants.

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

Ms. Kim reviewed her current processes including a general timeline, team involvement, current awards, and ongoing activities. She shared the grant SharePoint spreadsheet she created to assist RMWD with staying organized internally in terms of identifying and tracking grant opportunities, identifying projects eligible for funding, scheduling and coordinating team meetings, as well as soliciting for and collecting input and feedback from staff.

Director Gasca requested Ms. Kim to discuss her research and progress with grants pertaining to heli-hydrant sites to determine what may be available in the future. Ms. Kim mentioned one of the grant opportunities she had initially thought would work for future heli-hydrant sites resulted in being classified as preventative as opposed to response activities; therefore, it did not qualify. Director Gasca inquired as to how Ms. Kim would track down federal funding that may be available for these types of facilities. Ms. Kim stated the one she shared was federal funding that was made available to CalOES to whom RMWD would submit their application. She stated if CalOES accepted the application, they would cover 25% of the cost share required for the project and federal funding would cover the remaining 75%.

Ms. Largent pointed out Ms. Kim has a list of federal, state, and local agencies that she utilizes to search for grant opportunities. Ms. Kim displayed the list and Ms. Largent pointed out this information was now all centralized as opposed to being parsed out to the different department managers.

President Hamilton recommended the grants SharePoint spreadsheet be made available to the Board Members in the event they come across potential grant opportunities while attending conferences as well as track what is transpiring with grant funding opportunities. Ms. Kim offered to send the Board Member invites to the SharePoint spreadsheet via email. She noted any revisions made by the Board would be appear in track changes; therefore, they will be easily identifiable.

## **22. POTENTIAL HELI-HYDRANT LOCATIONS**

Mr. Gutierrez announced the County Board of Supervisors acted today to fund 50% of the Vallecitos and City of San Marcos heli-hydrant which will be the second in San Diego County. He noted part of this action was to establish additional heli-hydrants and heli-pods in San Diego County as well as provide authorization to procure additional hydrants and establish agreements for future locations. He pointed out this was approved by unanimously.

Mr. Gutierrez stated he has been in contact with the Chief of Operations and how RMWD was on their radar for additional heli-hydrant sites. He said they are well aware the Gomez tank and Rainbow Fire Center may be other potential locations. He mentioned the action taken today by the County Board of Supervisors is a positive step in the right direction.

Director Moss inquired as to where Mr. Gutierrez could envision an additional site in addition to those already mentioned. Mr. Gutierrez stated either south along the I-15 corridor or more west to capture parts of Vista, Oceanside and RMWD's western boundaries.

Director Gasca recommended RMWD reach out to Camp Pendleton to find out if there may be an opportunity to obtain federal funding. Mr. Gutierrez stated it would be best to find a site that a utility already owns and then schedule with the fire department to fly by the site at their leisure when they are in the area. He pointed out the fire department does not like to fly over interstates and highways whenever possible.

Mr. Kennedy noted the question for the Board would be whether RMWD should use its funds to work on the second location or wait until funding becomes available. President Hamilton stated it may be better to obtain grant funding if a project is shovel-ready; therefore, he would recommend proceeding in this manner. Director Moss agreed with President Hamilton.

Director Moss inquired as to how much money was needed to start the Gomez site. Mr. Gutierrez answered approximately \$88,000. Mr. Kennedy stated there is money in the construction budget for a project of this size; however, his preference would be to not start construction until Spring 2023 so it can be done before the next fire season which would allow for time for grant funds to become available.

Director Gasca recommended Ms. Kim interface with Congressman Issa's office regarding grant funding. Director Moss recommended staff speak with both the Pala and Pechanga Band of Indians to determine if they have funding available as well. Discussion ensued.

Mr. Gutierrez concluded with noting there was interest in flying RMWD's existing heli-hydrant on some practice runs. He said he will notify the Board when dates are confirmed.

### **23. DATA CONFERENCE UPDATE**

Mr. Khattab reported on the data conference he recently attending noting there was really good sessions including one on cybersecurity during which he met a gentleman who is going to assist RMWD with some direction on its cybersecurity initiative. He noted RMWD got its hands on working with a data science software called Studio R in Microsoft BI which he and Ms. Harp ran some tests to see what it can do for the District.

Mr. Khattab noted there was discussion regarding reducing the amount of water usage per capita from 55 gallons to 42 gallons by the year 2030. He mentioned the biggest challenge was determining how to calculate indoor water use from outdoor which generated a great deal of questions. He mentioned he met Flume at the conference and how they are collecting the data and selling it back to the water districts. He pointed out several districts were lobbying against receiving the data. Discussion followed.

Mr. Khattab stated there were some good discussions about how data analysis is utilized and how the Western Municipal Water District General Manager announced they had some analysis conducted on when they should run their pumps which saved them approximately \$25,000 per month on their electric bills.

Mr. Khattab noted during the second day is when there was a deep dive in the data collaboration. He mentioned there is a representative in New Mexico pushing for a Data Act Bill in the Senate which he read up on and found there was no mandatory requirements for RMWD to provide the data but that it would allow RMWD to build an infrastructure to do so after which the data would need to be provided. Discussion ensued.

Mr. Khattab pointed out there were discussions related to the importance of having data to remit to the State Water Board to apply for reimbursement via the water arrearages program for which RMWD already applied.

Discussion ensued regarding cybersecurity infrastructure.



**\*24. RECEIVE AND FILE INFORMATION AND FINANCIAL ITEMS**

- A. General Manager Comments**
  - 1. Meetings, Conferences and Seminar Calendar
- B. Communications**
  - 1. Staff Training Reports
    - A. Rene Del Rio
    - B. Kenny Diaz
    - C. Tracy Largent
    - D. Clem Taylor
- C. Operations Comments**
  - 1. Operations Report
- 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
    - A. Budget vs. Actuals
    - B. Fund Balance & Developer Projections
    - C. Treasury Report
    - D. Five Year Water Purchases Demand Chart
    - E. Water Sales Summary
    - F. Check Register
    - G. Directors' Expenses Report
    - H. Credit Card Breakdown
    - I. RMWD Properties
    - J. Treasury Report (JUN FY21-22 UPDATED)

The information and financial items were received and filed.

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

It was noted there will be several items related to engineering on-call services, a change order to Kennedy Jenks, and an audit review should be on the next agenda.

**26. ADJOURNMENT**

*The meeting was adjourned by President Hamilton to a regular meeting on October 25, 2022, at 1:00 p.m.*

The meeting was adjourned at 2:33 p.m.

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**Hayden Hamilton, Board President**

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**Dawn M. Washburn, Board Secretary**

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