



THIS MEETING WILL BE CONDUCTED WITH IN PERSON ATTENDANCE PERMITTED WITH LIMITED CAPACITY IN ACCORDANCE WITH COUNTY AND STATE COVID GUIDELINES, INCLUDING MASK REQUIREMENTS FOR ALL THOSE ATTENDING IN PERSON. PARTICIPATION WILL ALSO BE AVAILABLE VIA VIDEO CONFERENCE OR TELECONFERENCE.

TO PARTICIPATE IN THE MEETING VIA VIDEO OR TELECONFERENCE, GO TO <https://rainbowmwd.zoom.us/j/86048264853> OR CALL 1-669-900-6833 or 1-346-248-7799 or 1- 253-215-8782 or 1-301-715-8592 or 1-312-626-6799 or 1-929-205-6099 (WEBINAR/MEETING ID: 860 4826 4853).

MEMBERS OF THE PUBLIC WISHING TO SUBMIT WRITTEN COMMENT TO THE BOARD UNDER PUBLIC COMMENT OR ON A SPECIFIC AGENDA ITEM MAY SUBMIT COMMENTS TO OUR BOARD SECRETARY BY EMAIL AT DWASHBURN@RAINBOWMWD.COM OR BY MAIL TO 3707 OLD HIGHWAY 395, FALLBROOK, CA 92028. ALL WRITTEN COMMENTS RECEIVED **AT LEAST ONE HOUR IN ADVANCE OF THE MEETING** WILL BE READ TO THE BOARD DURING THE APPROPRIATE PORTION OF THE MEETING. THESE PUBLIC COMMENT PROCEDURES SUPERSEDE THE DISTRICT’S STANDARD PUBLIC COMMENT POLICIES AND PROCEDURES TO THE CONTRARY.

RAINBOW MUNICIPAL WATER DISTRICT BOARD MEETING

Tuesday, December 7, 2021 **Closed Session 11:30 a.m.** **Open Session 1:00 p.m.**

THE PURPOSE OF THE REGULAR BOARD MEETING IS TO DISCUSS THE ATTACHED AGENDA

District Office **3707 Old Highway 395** **Fallbrook, CA 92028**

Board Agenda Policies

Board of Directors Meeting Schedule Regular Board meetings are normally scheduled for the 4th Tuesday of the month with Open Session discussions starting time certain at 1:00 p.m.

Breaks It is the intent of the Board to take a ten-minute break every hour and one-half during the meeting.

Public Input on Specific Agenda Items and those items not on the Agenda, Except Public Hearings Any person of the public desiring to speak shall fill out a “Speaker’s Slip”, encouraging them to state their name, though not mandatory. Such person shall be allowed to speak during public comment time and has the option of speaking once on any agenda item when it is being discussed. Speaking time shall generally be limited to three minutes, unless a longer period is permitted by the Board President.

Public Items for the Board of Directors' agenda must be submitted in writing and received by the District office no later than 10 business days prior to a regular Board of Directors' Meeting.

Agenda Posting and Materials Agendas for all regular Board of Directors' meetings are posted at least seventy-two hours prior to the meeting on bulletin boards outside the entrance gate and the main entrance door of the District, 3707 Old Highway 395, Fallbrook, California 92028. The agendas and all background material may also be inspected at the District Office.

You may also visit us at www.rainbowmwd.com.

Time Certain Agenda items identified as “time certain” indicate the item will not be heard prior to the time indicated.

Board meetings will be audio and video recorded with copies available upon request. Requests for audio recordings will be fulfilled once draft minutes for such meeting have been prepared. There are no costs associated with obtaining copies of audio and video recordings; however, these recordings will only be retained according to the policies provided in the District’s Administrative Code. Copies of public records are available as a service to the public; a charge of \$.10 per page up to 99 pages will be collected and \$.14 per page for 100 pages or more.

If you have special needs because of a disability which makes it difficult for you to participate in the meeting or you require assistance or auxiliary aids to participate in the meeting, please contact the District Secretary, (760) 728-1178, by at least noon on the Friday preceding the meeting. The District will attempt to make arrangements to accommodate your disability.

(*) - Asterisk indicates a report is attached.

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, December 7, 2021, 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. **ROLL CALL: Gasca___ Hamilton___ Mack___ Moss___ Stewart___**
3. **ADDITIONS/DELETIONS/AMENDMENTS TO THE AGENDA (Government Code §54954.2)**
4. **INSTRUCTIONS TO ALLOW PUBLIC COMMENT ON AGENDA ITEMS FROM THOSE ATTENDING THIS MEETING VIA TELECONFERENCE OR VIDEO CONFERENCE**

CHAIR TO READ ALOUD - "If at any point, anyone would like to ask a question or make a comment and have joined this meeting with their computer, they can click on the "Raise Hand" button located at the bottom of the screen. We will be alerted that they would like to speak. When called upon, please unmute the microphone and ask the question or make comments in no more than three minutes.

*Those who have joined by dialing a number on their telephone, will need to press *6 to unmute themselves and then *9 to alert us that they would like to speak.*

A slight pause will also be offered at the conclusion of each agenda item discussion to allow public members an opportunity to make comments or ask questions."

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 email or mailing their comments to the Board Secretary one hour before the Closed Session scheduled start time. All written public comments will be read to the Board prior to their adjournment to Closed Session. Any person wishing to speak to the Board regarding Closed Session agenda items may do so by calling (760) 728-1178, listening for "Thank you for calling Rainbow Municipal Water District", dialing Extension 429, and entering pin 8607 at the Closed Session scheduled start time. Once all public comment is heard, this call will be disconnected, and the Board will adjourn to Closed Session. To participate in the Open Session portion of the meeting, please follow the instructions provided at the top of Page 1 of this agenda. Speaking time shall generally be limited to three minutes unless a longer period is permitted by the Board President.

6. **CLOSED SESSION**
 - A. Conference with Legal Counsel – Anticipated Litigation Pursuant to Government Code §54956.9(d)(4) Significant Exposure to Litigation
 - * Four Cases
 - B. Conference with Legal Counsel – Existing Litigation Pursuant to Government Code §54956.9(d)(1)
 - * TC Construction Company, Inc. v. Rainbow Municipal Water District, et al.

(*) - Asterisk indicates a report is attached.

- C. Conference with Legal Counsel - Existing Litigation Pursuant to Government Code Section 54956.9(d)(1)
 - * Rainbow Municipal Water District v. Blum, Inc., et al.
- D. Conference with Legal Counsel-Anticipated Litigation (Government Code §54956.9(d)(2))
 - * One Item
- E. Appointment, Employment; Evaluation of Performance – General Manager (Government Code §54957(B)(1))

7. REPORT ON POTENTIAL ACTION FROM CLOSED SESSION

Time Certain: 1:00 p.m.

- 8. REPEAT CALL TO ORDER
- 9. PLEDGE OF ALLEGIANCE
- 10. REPEAT ROLL CALL
- *11. **BOARD OF DIRECTORS CONSIDER ADOPTING RESOLUTION NO. 21-27 RENEWING STATE OF EMERGENCY FINDINGS FOR ASSEMBLY BILL 361 (AB 361)**
(A majority of the RMWD Board of Directors invoked AB361 at their October 26, 2021 meeting and to comply with AB361, the Board must reconsider the circumstances of emergency at all subsequent meetings.)
- 12. REPEAT REPORT ON POTENTIAL ACTION FROM CLOSED SESSION
- 13. REPEAT ADDITIONS/DELETIONS/AMENDMENTS TO THE AGENDA (Government Code §54954.2)
- 14. REPEAT INSTRUCTIONS TO ALLOW PUBLIC COMMENT ON AGENDA ITEMS FROM THOSE ATTENDING THIS MEETING VIA TELECONFERENCE OR VIDEO CONFERENCE
CHAIR TO READ ALOUD - *“If at any point, anyone would like to ask a question or make a comment and have joined this meeting with their computer, they can click on the “Raise Hand” button located at the bottom of the screen. We will be alerted that they would like to speak. When called upon, please unmute the microphone and ask the question or make comments in no more than three minutes.*

*Those who have joined by dialing a number on their telephone, will need to press *6 to unmute themselves and then *9 to alert us that they would like to speak.*

A slight pause will also be offered at the conclusion of each agenda item discussion to allow public members an opportunity to make comments or ask questions.”
- 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).**
Under Oral Communications, any person wishing to address the Board on matters not on this agenda should indicate their desire to speak or may email or mail their comments to the Board Secretary one hour before the Open Session scheduled start time. All written public comments received will be read to the Board during the appropriate portion of the meeting. 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

(*) - Asterisk indicates a report is attached.

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.

16. CAL FIRE AND NORTH COUNTY HELI-HYDRANT PRESENTATION

17. EMPLOYEE RECOGNITIONS

- A. Scott Simpson (15 Years)

***18. APPROVAL OF MINUTES**

- A. October 26, 2021 - Regular Board Meeting
- B. November 17, 2021 – Special Board Meeting

***19. 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)
- B. Representative Report (Appointed Representative)
 - 1. SDCWA
 - A. Summary of Board Meeting October 28, 2021
 - B. Summary of Board Meeting November 18, 2021
 - 2. CSDA
 - 3. LAFCO
 - 4. Santa Margarita River Watershed Watermaster Steering Committee
 - 5. ACWA
- C. Meeting, Workshop, Committee, Seminar, Etc. Reports by Directors (AB1234)
 - 1. Board Seminar/Conference/Workshop Training Attendance Reports
- D. Directors Comments
- E. Legal Counsel Comments
 - 1. Attorney Report: Water Quality Update 501668-0002

20. COMMITTEE REPORTS

- A. Budget and Finance Committee
- B. Communications and Customer Service Committee
- C. Engineering and Operations Committee

BOARD ACTION ITEMS

***21. PRESENTATION AND ACCEPTANCE OF THE AUDIT REPORT AND FINANCIAL STATEMENTS FOR FISCAL YEAR ENDING JUNE 30, 2021**

(Annually, the District contracts for the preparation of an independent audit and compilation of the year-end financial statements with a Certified Public Accountant (CPA) firm. The Board of Directors will consider accepting the June 30, 2021 audit of the District by the CPA firm of Lance, Soll & Lunghard, LLP.)

(*) - Asterisk indicates a report is attached.

- *22. DISCUSSION AND POSSIBLE ACTION TO APPROVE A VARIANCE FROM ORDINANCE 21-03 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 (Division 3)**
(The property owner of APN 124-396-01-00, Dany Jensen, has requested a variance from Ordinance 21-03 to downsize an existing 1" meter on a 1.38 acre parcel to a 3/4 inch meter and reduce his monthly fixed fees.)
- *23. DISCUSSION AND POSSIBLE ACTION TO APPROVE A VARIANCE FROM ORDINANCE 21-03 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 (Division 5)**
(The property owner of APN 109-233-10-00, William McEaney, has requested a variance from Ordinance 21-03 to downsize an existing 1.5" meter on a 11.92 acre parcel to a 3/4" meter and reduce his monthly fixed fees.)
- *24. DISCUSSION AND POSSIBLE ACTION TO APPROVE A CONTRACT CHANGE ORDER FOR THE HELIX ENVIRONMENTAL CONTRACT TO PREPARE A PROGRAMMATIC ENVIRONMENTAL IMPACT REPORT FOR DISTRICT FACILITIES IN THE AMOUNT OF \$65,140 AND EXTENSION OF CONTRACT TERM THROUGH JUNE 30, 2022. (DISTRICT WIDE)**
(Helix Environmental provided an amendment to the scope of work to augment existing efforts and include the holistic approach of analyzing all District pipeline facilities. The additional scope of work includes analysis of all water and sewer pipelines, increased number of presentations, hearing attendance, coordination, and meetings.)
- *25. CONSIDER AWARD OF A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$345,000 WITH CORRPRO COMPANIES, INC. FOR RAINBOW VALLEY BLVD CATHODIC PROTECTION PROJECT IN DIVISION 5**
(In the Fall of 2020, District staff identified a pipeline from Rainbow Heights Pump Station along 8th street and Rainbow Valley Blvd to Rainbow Hills Pump Station as a suitable pilot project for the cathodic protection program. The District received three (3) bids from contractors and one protest letter. District Legal Counsel has reviewed the bids and protest and will advise the Board as to the correct course of action at the Board meeting.)
- *26. DISCUSSION AND POSSIBLE ACTION TO APPROVE A CONTRACT CHANGE ORDER FOR HELIX ENVIRONMENTAL CONTRACT TO CONDUCT CULTURAL AND TRIBAL MONITORING FOR THE RICE CANYON PIPELINE PROJECT IN THE AMOUNT OF \$115,000 (DIVISION 4 & 5)**
(The District has determined that there may be artifacts and culturally sensitive areas of the ancestors of the ethnographic Luiseno in the area of the Rice Canyon Pipeline Project. A thorough effort will be put forth in protecting those resources during the construction of the Project. District staff has determined that cultural and tribal monitoring will be implemented for this Project to further the protection of the cultural resources of our tribal neighbors.)
- *27. DISCUSSION AND POSSIBLE ACTION TO ADOPT RESOLUTIONS OF NECESSITY, RESOLUTION NOS. 21-22, 21-23, 21-24, AND 21-25, AUTHORIZING THE ACQUISITION OF EASEMENTS BY EMINENT DOMAIN FROM PORTIONS OF THE PROPERTIES LOCATED AT 5555 MISSION RD, 5517-27 MISSION RD, 5256 MISSION RD, AND APN 126-230-68, BONSALL, CA 92003 IN DIVISION 2**
(The Lift Station 1 Replacement Project is needed in order continue to provide wastewater services in a safe and efficient manner.. The construction of the project requires the acquisition of various easements along the proposed alignment.)

(*) - Asterisk indicates a report is attached.

- *28. DISCUSSION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. 21-28 — 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 DECEMBER 7, 2021, THROUGH JUNE 30, 2022**
(In compliance with state and CalPERS regulations, the District maintains a Salary Grade structure that includes all job titles, salary grade levels, and monthly salary ranges for each grade. The table is available for public review, accessible from the Rainbow MWD website, and is published on a website hosted by the California State Controller.)
- *29. DISCUSSION AND POSSIBLE ACTION TO ADOPT ORDINANCE NO. 21-08 AMENDING AND UPDATING ADMINISTRATIVE CODE SECTION 2.03.010.02 – COMPENSATION**
(At their October 26th meeting, it was determined this subsection should include more definitive language in that in-person meetings or telephone conversations with the General Manager qualify for compensation if such monthly meetings or conversations cumulatively added up to a certain amount of time. Staff has drafted a proposed amendment to include more definitive language for Board consideration.)
- *30. APPROVAL OF RESOLUTION NO. 21-26 ESTABLISHING CHECK SIGNING AUTHORITY**
(The purpose of this resolution is to update the current established check signing responsibility to the current authorized signers of checks due to changes on the Board of Directors.)
- 31. DISCUSSION AND POSSIBLE ACTION UPDATING BOARD OF DIRECTOR MEMBERSHIP ON STANDING COMMITTEES**
(This item is to provide the Board of Directors with an opportunity to consider appointing one Board Member to the Budget and Finance Committee and removing one Board Member from the Communications and Customer Service Committee. The only mandatory action is reducing the number of Board Members on the Communications and Customer Service Committee by one.)
- *32. CONSIDER ESTABLISHING THE 2022 REGULAR BOARD MEETING SCHEDULE**
(The Board will consider establishing the 2022 Regular Board Meeting schedule.)
- 33. BOARD MEMBER REQUESTS FOR AUTHORIZATION TO ATTEND UPCOMING MEETINGS / CONFERENCES / SEMINARS**

BOARD INFORMATION ITEMS

- *34. CASH RESERVE POLICY 5.03.220 COMPLIANCE REPORT**
(Reserve balances have been adjusted to comply with the Board Cash Reserve Policy 5.03.220.)
- 35. REDISTRICTING UPDATE**
- *36. RECEIVE AND FILE INFORMATION AND FINANCIAL ITEMS**
- A. General Manager Comments**
 - 1. Meetings, Conferences and Seminar Calendar
 - B. Operations Comments**
 - 1. Operations Report
 - C. Engineering Comments**
 - 1. Engineering Report
 - 2. As-Needed Services Expenditures Summary (October)
 - 3. As-Needed Services Expenditures Summary (November)
 - 4. RMWD Sewer Equivalent Dwelling Units (EDU's) Status
 - D. Human Resource & Safety Comments**
 - 1. Human Resources Report

(*) - Asterisk indicates a report is attached.

E. 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

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

38. ADJOURNMENT - To Tuesday, January 25, 2022, at 1:00 p.m.

ATTEST TO POSTING:

Pam Moss

Pam Moss
Secretary of the Board

11-22-21 @ 9:45 a.m.

Date and Time of Posting
Outside Display Cases

(*) - Asterisk indicates a report is attached.