

**MINUTES OF THE ENGINEERING AND OPERATIONS COMMITTEE MEETING
OF THE RAINBOW MUNICIPAL WATER DISTRICT
NOVEMBER 2, 2022**

1. **CALL TO ORDER** – The Engineering and Operations Committee Meeting of the Rainbow Municipal Water District on November 2, 2022, was called to order by Chairperson Nelson at 3:32 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.)* Chairperson Nelson, presiding.

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL:**

Present: Member Nelson, Member Brazier *(arrived at 3:37 p.m. via teleconference)*, Member Marnett, Member Gasca *(arrived at 3:33 p.m.)*, Member Johnson.

Also Present: General Manager Kennedy, Executive Assistant Washburn, Operations Manager Gutierrez, Engineering and CIP Program Manager Williams, Project Manager Tamimi, Alternate Largent, Information Systems Specialist Espino.

Absent: Member McKesson.

Also Present Via Teleconference or Video Conference:

Grant Specialist Kim, Human Resources Manager Harp, Administrative Analyst Rubio, Risk Management Officer Esnard, Construction and Meters Supervisor Lagunas.

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

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

Mr. Nelson read aloud the instructions for those attending the meeting via teleconference or video conference.

5. **SEATING OF ALTERNATES**

There were no alternates seated.

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

There were no amendments to the agenda.

7. **PUBLIC COMMENT RELATING TO ITEMS NOT ON THE AGENDA (Limit 3 Minutes)**

There were no comments.

***8. APPROVAL OF MINUTES**

A. October 5, 2022

Mr. Marnett pointed out the word “semantics” on Page 8 of 25 should be “schematics”.

Motion:

To approve the minutes as revised.

Action: Approve, Moved by Member Johnson, Seconded by Member Gasca.

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

Ayes: Member Gasca, Member Johnson, Member Marnett, Member Nelson.

Absent: Member Brazier, Member McKesson.

9. GENERAL MANAGER COMMENTS

Mr. Kennedy provide a brief update on the recent LAFCO Special Advisory Committee meeting noting LAFCO has released a prospectus related to the detachment outlining where they are leaning toward in writing their report. He mentioned there were a few findings with which RMWD agrees as well as disagrees, including language that LAFCO law can supersede the County Water Authority Act for which lawyers are still working on putting forth their rationale. He pointed out it was found through the work of Dr. Hanemann that the water supply from Eastern Municipal Water District (EMWD) is reliable and sufficient.

Mr. Kennedy noted an idea was being put forward postulating that the impact of SDCWA's Metropolitan Water District (MWD) voting rights could be an issue for which they proposed a possible solution which may be illegal according to the MWD Act in regard to voting rights. He said after RMWD staff reviewed MWD Board minutes to tabulate all the votes over the last ten years, it was found only one would have changed based on the proposed transfer of votes.

Mr. Kennedy pointed out LAFCO has postulated that they do believe there will be a financial impact to SDCWA should the detachment occur which LAFCO has tabulated to be \$12.8 million per year of loss of net revenue which LAFCO wants RMWD and FPUD to mitigate for a period of five years which totals \$64 million. He noted LAFCO does indicate the two pump stations (one for RMWD and one for FPUD) that have been in the planning stages since the late 1990's for which both agencies have been paying will not have to be built by SDCWA. He stated SDCWA agreed they would save approximately \$40 million with not having to build these pump stations. He noted this amount should subtracted from the \$64 million but is still under review.

Member Brazier joined the meeting at 3:37 p.m.

Mr. Kennedy stated LAFCO has published the prospectus asking for comments to be submitted by November 30, 2022 at which point they will be preparing their final report. He noted LAFCO has tentatively scheduled the first hearing at the commission for the first Monday in February, 2023. He concluded with mentioning RMWD and FPUD will be preparing specific responses to this prospectus.

Mr. Marnett stated it sounds as though it was close to SDCWA not being owed anything based on the calculations. Mr. Kennedy agreed noting all the arguments have been made related to this matter.

Mr. Nelson inquired as to how much money has been paid toward these two pump stations. Mr. Kennedy stated the storage charge since 2003 or 2004 totals approximately \$20-\$25 million. Mr. Nelson asked when staff looked at how much money has been paid for these assets, is the time value of money was considered. Discussion ensued.

10. ENGINEERING AND CIP PROGRAM MANAGER COMMENTS

Mr. Williams reported the first of the two identical facility tours took place on November 1, 2022 thanking those who attended as well as the staff members who assisted with making it possible. He noted the next tour will be on November 10, 2022. He noted Ms. Johnson sent a thank you to staff for the tour.

Mr. Nelson echoed Ms. Johnson's thank you stating the tour was fun, educational, and a great deal was seen.

Discussion returned from Item #11.

Mr. Gasca stated when each of the sites were visited, there was a great deal of brush and trees that should be cut back to allow the ability to drive around outside the fence. It was noted this was a constant battle and how contractors are hired to conduct weed abatement. Mr. Gasca inquired as to whether there were other local correctional institutions who have similar programs as the CDF had previously. Discussion ensued.

Mr. Gasca expressed concern with potential fire hazards at this site, especially with the oak tree located at Rainbow Heights. Mr. Williams agreed to look into this matter.

Discussion went to Item #12.

11. OPERATIONS MANAGER COMMENTS

Mr. Gutierrez reported the Gird Road project was wrapping up, the pressure reducing station on North River Road was currently in the water quality testing process, and tests for the heli-hydrant were conducted approximately two weeks ago without any complications.

Discussion ensued regarding the tests conducted at the heli-hydrant.

Mr. Nelson inquired as whether the two pressure reducing station valves being replaced are reusable for something else. Mr. Gutierrez answered they are not as he explained the removal process.

Discussion returned to Item #10.

12. COMMITTEE MEMBER COMMENTS

Mr. Marnett asked whether he should share the data he took for the RF field strength from the Sprint towers in writing or verbally. Mr. Kennedy stated in light of the new tower being proposed

has gone by the wayside, it would be available for Mr. Marnett to share his findings with the committee at their December meeting.

Mr. Gutierrez clarified there have not been any further discussion regarding a second tank site.

Discussion went to Item #13.

13. BOARD ACTION UPDATES

Mr. Williams reported the Board approved a Change Order to Kennedy Jenks in the amount of \$40,000 extending their contract to July 2023, an award for four Professional Services Agreements for on-call civil engineering services, an award for two Professional Services to provide on-call real estate services, approval for a letter of consent for the transfer of the cell site, as well as a contract awarded for the Sumac Communications Tower and Battery backup for which a schematic will be brought forward once the draft is complete.

Mr. Marnett suggested staff measure the power consumption of the Sumac site to determine the baseline from which work to start work.

Discussion ensued regarding the staircase installed at Hutton tank.

Discussion went to Item #14.

***14. ON-CALL LAND SURVEYING SERVICES (ENGINEERING)**

Mr. Williams explained the committee was invited to assist staff in reviewing the proposals received; however, committee members did not participate in this one. He reported six proposals were received which were evaluated by staff. He noted three firms were selected with each being for a three-year term for \$100,000 and how these will be presented to the Board in December as part of the consent calendar.

Mr. Marnett inquired as to how the money is allocated. Ms. Largent answered the monies are charged to the project once the money is spent. Mr. Kennedy clarified these contracts are to have services available when a need arises as opposed to having to go through the whole procurement process each time.

Motion:

To recommend that the Board pursue Staff Recommendation Option 1 – Make a determination that the action defined herein does not constitute a “project” as defined by CEQA and authorize staff to award three (3) Professional Services Agreements in the amount of \$100,000 each to GIS Surveyors, KDM Meridian and Right-of-Way Engineering.

Action: Approve, Moved by Member Johnson, Seconded by Member Marnett.

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

Ayes: Member Brazier, Member Gasca, Member Johnson, Member Marnett, Member Nelson.

Absent: Member McKesson.

Discussion went to Item #15.

***15. ON-CALL GEOTECHNICAL SERVICES (ENGINEERING)**

Mr. Williams reported staff received nine proposals for on-call geotechnical services of which three were being recommended.

Motion:

To recommend that the Board adopt Staff Recommendation Option 1 – Make a determination that the action defined herein does not constitute a “project” as defined by CEQA and authorize staff to award three (3) Professional Services Agreements in the amount of \$100,000 each.

Action: Approve, Moved by Member Brazier, Seconded by Member Gasca.

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

Ayes: Member Brazier, Member Gasca, Member Johnson, Member Marnett, Member Nelson.

Absent: Member McKesson.

Discussion went to Item #16.

***16. CO-02 HAZARD CONSTRUCTION (ENGINEERING)**

Mr. Williams mentioned Change Order 01 was originally proposed as a single change order from the contractor, Hazard Construction that exceeded the general manager’s signing authority; however, this one does not. He pointed out this matter goes back to when the County first proposed this project. He noted RMWD has two waterlines that are strapped to either side of the existing bridge which the County is redoing. He stated during original discussions with the County, the County’s plans showed RMWD’s two water lines going all the way across the pipes with straps that support everything else. He explained in follow up meetings, the County’s plans changed and some of that stuff was removed which is why RMWD went back out to bid and awarded the portion of work to Hazard Construction to reinstall 8” and 16” pipes across due to the County having reconsidered its position (regardless of what was in writing or discussed with RMWD) that this work would not be included as part of their project to which RMWD eventually agreed.

Mr. Williams explained after the job was awarded, all of the brackets were removed from the County’s portion of the work. He noted Change Order 02 will be for the brackets to be replaced, coating, welding, etc. all of which could have and should have been completed under the County’s contract but was not. He said when the contractor submitted an RFI asking to how the County wanted these affixed to the bridge as well as how they wanted them coated and painted. He pointed out the County’s plans does say “by others” which defers to RMWD. He noted all of this work needed to be done, an owner-driven change order, nor was contractor trying to find extra work to be done, but rather simply omitted in the several conversations with the County.

Mr. Williams stated when this Change Order came through, the engineering team researched all of the backup notes related to this matter and found it all to be legitimate, but not as time sensitive.

Mr. Marnett asked if all of the funds were going to the same company performing all the County work. Mr. Williams confirmed this was correct.

Ms. Johnson stated it was her recommendation that this project be included in the next facilities tour. Mr. Williams explained this was not like other bridges; however, it was available to add to the list of stops.

Mr. Gasca said he was curious as to whether staff got the sense that the change/deletion was driven at the upper management level at the County. Mr. Williams stated he did not believe so based on the conversations being held with his and Mr. Gutierrez's counterparts at the County. He mentioned although the email exchanges were provided to the County that they sent to RMWD, the response was the County could see why RMWD may interpret it the way that they did; however, the County would not be doing it in the way RMWD thought.

Mr. Gasca inquired as to whether this matter was escalated at the County. Mr. Kennedy stated it was not due to the fact it would most like not get any type of traction. Mr. Williams added before going out to bid, RMWD asked the County to include the District's portion of work under their agreement so that an MOA could be drawn up to which the County responded this needed to be bid as RMWD's own separate CIP project; therefore, he does not believe it was escalated.

Ms. Johnson recommended continuing this item until a conversation can be had with the Supervisor since this was an impact to ratepayers. Mr. Williams noted when staff was in the process of negotiating the easements necessary for the Thoroughbred Lift Station Project and discussions were being held at staff level, the matter was escalated to Mr. Kennedy who reached out to Supervisor Desmond's office which did not make a difference.

Mr. Gasca stated he views this project in the same manner as the heli-hydrant project in terms of great coordination and synergy between agencies and how it should be the same in this case. Mr. Williams agreed the heli-hydrant was a great success; however, it was through different departments.

Ms. Johnson suggested matters like this need to be taken to the Supervisor's office in the future. She added it would be important to mention RMWD has been trying to work with the County at the time RMWD raises its rates. Mr. Williams pointed out this bridge is a covert crossing costing \$5.7 million plus RWMD's \$500,000 to replace. Ms. Johnson stated this was even more reason to take this to the Supervisor's office.

Mr. Gasca inquired to which contractor was assigned to this project. Mr. Williams stated Hazard Construction.

Mr. Nelson said although he reluctantly voted in favor of recommending this project being sole sourced to Hazard Construction, he was still inherently suspicious about everything that comes before this committee related to this contract. He noted although staff explained why fittings and brackets were not included in the original deal and staff has confirmed the costs for such have not been double up upon, he wanted to know if staff has gone into the marketplace to find out how much all of these components cost just to be sure RMWD is not being overcharged. Mr. Williams confirmed staff has conducted research into the costs and has found everything included in the documentation is legitimate. Discussion ensued.

Ms. Johnson inquired as to the timeframe for approving Change Order 02. Mr. Williams stated it was urgent since it exceeds the General Manager's spending authority and the Board not meeting again until December 6th at which time this will be considered and possibly approved. Ms. Johnson asked whether RMWD has a Memorandum of Understanding agreement that this is the final change. Mr. Kennedy stated it does not since it is never known when things come up.

Motion:

That the Board approve Staff Recommendation Option 1 – Authorize the General Manager to execute Change Order #2 to the Construction Contract with Hazard Construction Engineering in the amount of \$36,653.55, and make a determination that on April 26, 2022, the Board of Directors authorized the filing of a Notice of Determination with the San Diego County Clerk in accordance with Section 21152 of the California Public Resources Code and does not require additional analysis.

Action: Approve, Moved by Member Marnett, Seconded by Member Gasca.

Vote: Motion passed (summary: Ayes = 4, Noes = 1, Abstain = 0).

Ayes: Member Gasca, Member Johnson, Member Marnett, Member Nelson.

Noes: Member Brazier.

Absent: Member McKesson.

Ms. Johnson stated she wanted it known that many of the committee members wanted to say no in regards to this matter as well, but it is a project that needs to get done. She asked that it be noted the committee would like to have a conversation with the elected County Supervisor after the mid-term elections regarding this matter as well as the concern as to what has transpired with this project. Discussion ensued.

***17. AS-NEEDED SERVICES EXPENDITURES SUMMARY**

There were no comments.

18. LIST OF SUGGESTED AGENDA ITEMS FOR THE NEXT SCHEDULED ENGINEERING AND OPERATIONS COMMITTEE MEETING

It was noted staff would notify the committee members should there not be any items to bring to the committee before it meets again in January.

19. ADJOURNMENT

The meeting was adjourned by Member Nelson.

The meeting adjourned at 4:29 p.m.

Flint Nelson, Committee Chairperson

Dawn M. Washburn, Board Secretary