

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

1. **CALL TO ORDER** – The Engineering and Operations Committee Meeting of the Rainbow Municipal Water District on March 2, 2022, was called to order by Chairperson Nelson at 3:30 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 Brazier *(via teleconference)*, Member Gasca, Member Marnett, Member Johnson *(via video conference)*, Member McKesson, Member Nelson,

Also Present: General Manager Kennedy, Executive Assistant Washburn, Finance Manager Largent, Construction and Meters Supervisor Lagunas, Cross-Connection Control and Backflow Technician Galloway, Information Systems Specialist Espino, Wastewater Superintendent Zuniga.

Also Present Via Teleconference or Video Conference:

Engineering and CIP Program Manager Williams, Associate Engineer Powers, Project Manager Tamimi, Project Manager Parra, Construction and Meters Supervisor Lagunas, Engineering Technician Rubio.

One member of the public was 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. February 2, 2022

Motion:

To approve the minutes.

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

Vote: Motion passed (summary: Ayes = 5, Noes = 0, Abstain = 1).

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

9. GENERAL MANAGER COMMENTS

Mr. Kennedy stated there may be another update related to the COVID-19 masking requirements; however, RMWD was now open with mask requirements for only unvaccinated attendees.

Mr. Kennedy reported LAFCO would be considering the Municipal Service Review (MSR) for North County which includes Rainbow, Fallbrook, North County Fire, and a County Service Area in the Fallbrook Region and parts of Rainbow. He noted this was supposed to be approved in February; however, there were a few issues with how LAFCO interprets financial results which have been expressed to LAFCO and will be addressed by a number of speakers from this area at their March 7th meeting.

Discussion ensued.

10. ENGINEERING AND CIP PROGRAM MANAGER COMMENTS

Mr. Williams provided an update on the Rainbow Heights Pump Station project, noting it was in the punch list stage which was anticipated to be completed in the next couple of weeks with a Notice of Completion going to the committee and Board at their respective April meetings. Mr. McKesson expressed interest in taking a facilities tour.

Mr. Williams gave an update on the Lift Station 1 project. He pointed out per the committee's request regarding evaluating different methods other than micro tunneling, staff has conducted an analysis; however, to keep the project bidding on schedule, staff recommended to proceed as is with micro-tunneling and then coordinate once a contractor was on board. He stated staff believes it now has a valued engineering proposal that will be presented to the April committee and Board meeting once Mr. Kennedy and Legal Counsel have an opportunity to review it. Discussion followed.

Mr. Williams provided an update on the Rice Canyon 18" Pipeline Project noting a great deal of hard rock has been hit coming down the alignment which has expended most of the contingency funds. He also reported during the course of this project that for the first time in ten years a Gnatcatcher has decided to nest on RMWD's alignment which has resulted in a biologist monitoring the situation. He noted change orders will be forthcoming related to these matters.

Mr. Williams reported the cathodic protection for the Rainbow Valley Boulevard was scheduled for drilling the wells to start this past week; however, the County of San Diego has notified staff the encroachment permit has been delayed 6-8 additional weeks. Mr. Nelson asked if these delays on the critical path. Mr. Williams confirmed they were since drilling cannot start without a permit from the County; however, the contract was not yet impacted.

Mr. Williams provided a report on the emergency generator contract noting this was originally the grant funding RMWD received in the amount of \$300,000 which was reallocated to two generators with one placed at the Gomez Pump Stations and the other at the Magee Pump Station. He pointed out the order was placed on June 30, 2021 with an expected delivery date of February 2, 2022; however, the delivery date has changed four times with the current expected delivery date of early April and late June 2022. He stated in addition RMWD were notified by Bay City Electric and Kohler that RMWD had the option of either paying additional \$13,656 to keep RMWD's order due to the manufacturers' increased costs or cancel the order. He said because RMWD needs and wants these generators, RMWD paid the additional costs.

Mr. Williams updated the committee on the Hutton and Turner Pump Station noting staff has procured the Turner Pump Station easement and were in the process of coordinating with SDG&E to get easements and identify power. He mentioned these steps cannot be taken with Hutton as of yet, but progress continues to be made.

Mr. Williams noted the Groundwater Request for Proposal for the San Luis Rey Return Flow Recovery Project is now on the District's website and has been advertised with a solicitation due date of March 25th. He noted the goal was to bring this to both the committee and Board in April.

Ms. Brazier asked if Kohler moves the dates again, was RMWD subject to additional fees. Mr. Williams explained the fee increase was not necessarily associated with the rescheduling of delivery, but rather with the cost of parts, shipping, etc.; however, this could be a possibility. Mr. Kennedy pointed out these generators were grant funded which was a positive offset.

Mr. McKesson inquired as to whether there was any type of recourse in the generator agreements. Mr. Kennedy explained there may be some recourse; however, it could be more costly to enforce such and possibly have to wait longer for these much-needed generators.

Mr. Nelson inquired as to the progress with the easement progress of securing the easements related to the Lift Station 1. Mr. Williams provided a brief update noting some of this matter was still a part of Closed Session discussions with the Board.

11. OPERATIONS MANAGER COMMENTS

There were no comments.

12. COMMITTEE MEMBER COMMENTS

There were no comments.

13. BOARD ACTION UPDATES

Mr. Nelson reported the Notice of Completion for the North River Road project and appointment of Ms. Johnson to this committee were both approved by the Board.

14. WATER SERVICE UPGRADE PROJECT (WSUP) PROGRAM UPDATE (OPERATIONS)

Mr. Lagunas reported the project was 97% complete with 300 meters remaining with approximately 150 being addressed by the contractor and the other 150 by inhouse staff which are the more complicated or larger meters. He stated it was anticipated this project would be completed by the time this committee meets again in March.

Mr. Gasca asked what type of feedback has been received from the community over the course of this time. Mr. Kennedy mentioned that a system was set up where the District took liability for the damages after 36" past the meters and how out of 8,700 meters, only eleven claims were settled totaling \$8,257. He pointed out this was remarkable and a testament to the crews doing a great job on a project of this size.

15. REVIEW OF ACTION TAKEN FOR PROVIDING TEMPORARY PUMPS TO HANDLE SDCWA SHUTDOWN (OPERATIONS)

Mr. Kennedy stated the SDCWA shutdown went into effect at 12:00 a.m. on March 1, 2022.

Steve Coffey, RMWD's Operations Supervisor, reported RMWD was notified by SDCWA approximately one month ago they needed to conduct an emergency shutdown on Pipeline 4. He mentioned because this was an unplanned shutdown, it was a common pipeline shutdown that has occurred in the past; therefore, staff knew exactly what needed to be done in terms of ordering four diesel pumps from Rain for Rent to be strategically placed at predetermined locations. He pointed out with the recent reconnection of the 14" pipeline at Olive Hills Estates, staff decided to place a temporary pump at this location to determine if it would work again which was successful.

Mr. Coffey noted the pumps are running during the day and are cut during night hours to lessen potential noise nuisance.

Mr. Nelson inquired as to if this was the matter which Ms. Johnson reached out to him about. Ms. Johnson stated it is now on the website and Monday residents in the area that are impacted received information from RMWD.

16. DRONE PRESENTATION (OPERATIONS)

Mr. Kennedy introduced this item as a discussion regarding drones including their potential applications and well as some of the challenges associated with deploying them for commercial use.

Mr. Lagunas shared a presentation prepared by Mr. Gutierrez reviewing the information it contained including certifications and licensing, training, different uses, and potential impacts to the District. He pointed out when a photograph is taken for commercial uses, such as RMWD, it requires certification and licensing which would need to be renewed every two years. He noted each of the steps involved with meeting these requirements.

Mr. Lagunas reviewed drone pricing and limitations, other agencies currently utilizing drones, as well as the costs involved with contracting private drone services.

Mr. Kennedy mentioned RMWD has inquired about utilizing drones when the staircases were added to the tanks at which time this was denied. Mr. Lagunas shared a few pictures and video samples taken with someone's personal drone as a test.

Mr. Kennedy stated although he could not justify spending a great deal of money purchasing an expensive drone, having someone employed with the District who is certified to operate a drone may be something to work through with the Human Resources Department and bargaining units. He solicited the committee members for input.

Mr. Nelson said after giving this more consideration, it struck him that routine inspection of the District rights-of-way and easements to ensure they are properly maintained would have been a potential use or in the event rapid deployment is necessary when a water leak cannot be located. He noted the public relations aspect would not be something he would find necessary.

Mr. McKesson stated he was quite surprised RMWD did not have this capability. He said he would wholeheartedly support this from those areas that have been discussed. He cautioned not to minimize the public relations aspect. He pointed out utilizing a drone would capture and archive invaluable information that would be used over time. He noted the cost would be approximately \$1,000 for a decent sized drone, staff certification, PC equipment to capture, process, house, and store data, as well as the software could easily outpace the cost of the drone itself.

Mr. Gasca explained his interest was based on when a staff member utilized a drone, it was found useful. He asked about the costs associated with operating the drone and whether it could allow for work to be done without having to travel in a vehicle. He expressed how important it was to understand these things to determine if there is potential savings.

Mr. Kennedy offered to have staff look at more cost-effective way of doing something and provide the committee with an update.

Discussion ensued regarding the way drones are used at the other agencies that were listed.

Ms. Johnson mentioned SDG&E utilizes drones and how certification is easily available at community colleges such as Mira Costa. She agreed this was something worth looking into, especially in areas that would be very efficient.

Mr. Nelson noted there was potential interest. Mr. Kennedy stated staff will identify the utilizing rate and such and report back to the Board.

***17. REVIEW OF PROPOSED AMENDMENTS TO ADMINISTRATIVE CODE CHAPTER 8.20 – CROSS-CONNECTION CONTROL (OPERATIONS)**

Mr. Lagunas introduced Alex Galloway as RMWD's new Cross-Connection Control and Backflow Technician who was present to discuss the proposed policy changes and answer any questions.

Mr. Nelson stated he believes staff has the knowledge, expertise, and experience to understand what needs to be amended in the Administrative Code; however, he wanted to know what drove staff to undertake this sweeping set of changes in Chapter 8.20. Mr. Kennedy explained one main factor was the current policy does not conform with the newer Title 22 regulations and another was related to the District's backflow testing program itself is not described in the Administrative Code. He pointed out the District execute and implement this program, but it is no codified in any detail, so some of these proposed changes were to add it.

Mr. Kennedy pointed out RMWD customers own their backflow devices which creates more of gray area as it pertains to RMWD conducting the testing; therefore, by adding the program to the Administrative Code would not only clearly identify the program, but also clarify whether this is a voluntary or mandatory program with levels of enforcement.

Mr. Nelson asked was RMWD in part being driven to do this because the District has an onerous number of disputes and contentious incidents with customers regarding this matter. Mr. Kennedy explained it was not an onerous number; however, staff was here to execute the Board's direction and if there is a section of the Administrative Code that is unclear, it becomes the responsibility of staff to try to interpret the policy. Mr. Galloway said nobody has issue with the testing being conducted, but more about not understanding why their device is failing and their neighbors did not and expense expectations.

Mr. Kennedy stated the policy is very focused on the technical aspects, but not the program. He mentioned Legal Counsel has confirmed RMWD could make the testing mandatory.

Mr. Galloway added the main thing regarding the Water Service Upgrade Project (WSUP) was there was a certain amount of time after the contractor replaced the meter during which RMWD was obligated to do whatever it takes to repair a leaking backflow device. He explained if it is a quick flushing out of the backflow aside from an issue related to WSUP, there is a gray area in that if there are any parts that need to be replaced, it would be the customer's responsibility or notice will be provided in the event a backflow needs to be repaired.

Mr. Nelson asked if RMWD was documenting the rules that up to now had been defined by practice and passed from one employee to another which will now be codified. Mr. Kennedy confirmed as well as added the proposed amendments will ensure staff is operating from the same policy that has been analyzed, reviewed, and has established as a policy by the Board of Directors.

Mr. Nelson asked by creating rules and documenting it, was there any chance the codification would result in less proactive flexibility on the part of staff. Mr. Lagunas explained the policy contains literature stating the RMWD was willing to take apart the backflow to make any east repairs but will not rebuild a backflow which requires parts. He noted all of this will be explained to the customer prior to proceeding. Mr. Kennedy added the policy language provides for flexibility; however, if a repair involves ordering parts to fix a device, that would be the customer's responsibility.

Mr. Lagunas noted mailers are being sent to customers notifying them know their device has failed which they have sixty days to make any repairs followed up with a second letter thirty days from before and a last letter stating the customer will be locked off because they have not followed up on their part. He stated this policy literature will assist in backing up the District which were not included in the policy previously.

Mr. Kennedy explained in reviewing some of the comments provided by Mr. Marnett and found most of them would be found in definitions which are provided by the State noting the District must have a conforming ordinance that complies with state law on its books; therefore, it may not be available to alter the State's definitions.

Mr. McKesson inquired as to whether there was any policy change being proposed that would negatively a customer to which they would be adverse. Mr. Kennedy explained the program would be run just as it is currently but would be documented as to what exactly the program is based on current practices. Mr. McKesson clarified he was speaking beyond backflow, but rather in general. Mr. Kennedy stated the proposed changes to the other policies were not related to the backflow program. Mr. Lagunas pointed out the only negative impact within Administrative Code Chapter 8.20 would be in the event a customer does not comply and they are shut off; however, this was state law.

Mr. Galloway provided context noting 76 notices were sent for the backflows that failed that month and how only 21 of those customers have provided feedback of which half have already provided him with completed updated test reports and the remaining have applied to have their backflow devices removed.

Mr. Nelson referred to the comments prepared by Mr. Marnett and asked how he would like to proceed. Mr. Marnett stated he was willing to work with the District policy editors. Mr. Kennedy offered to have Mr. Lagunas and Mr. Gutierrez schedule a time to meet with Mr. Marnett.

Mr. Nelson inquired as to what staff was seeking from this committee. Mr. Kennedy clarified staff wanted to get these proposed revisions into public meetings so that anyone who wanted to remit comments and how the main question for Chapter 8.20 was whether this should be mandatory.

Mr. Williams pointed out staff was planning to take the proposed changes provided under Items #17, #18, #19 to the Board in March for consideration. Mr. Kennedy clarified these policies would be going to the Board for consideration in March; therefore, staff would like a general consensus from the committee on the concept of the program elements from the committee would be helpful.

Mr. Nelson stated if staff was trying to codify what is current practice and make this clear, he personally did not believe he possesses the knowledge and experience to pass judgment on this; therefore, in the interest of due process he would like to staff to evaluate and fold in Mr. Marnett's comments where appropriate.

Ms. Johnson asked if the purpose was of this item was staff wanted to have committee input. Ms. Largent explained it was nice to have someone who is not so close to the process look at it before it is distributed out to the public or presented to the Board for consideration. Ms. Johnson asked if these proposed revisions would be going to the Board in March. Mr. Kennedy pointed out when staff is writing these policies, it is helpful to know how these are seen from the customer perspective.

Mr. Nelson solicited the committee members as to whether they would like to take action to recommend Board approval. Ms. Johnson mentioned the Budget and Finance Committee members have made recommendations that the Board approve policy revisions in the past.

Ms. Largent pointed out the policy revisions provided in Items #18 and #19 were for clarification of new service setup in terms of directing staff on exactly what steps to follow when someone is setting up new service with RMWD, addressing shutoffs, as well as easier on downsizing so that when someone downsizes and later chooses to upsize that they would either pay the difference in fixed fees over that time period or the difference between the smaller meter size and the larger one. She also mentioned the revisions to Chapter 9 were related to engineering.

Mr. Gasca said he was trying to understand why this backflow program was being implemented in the Administrative Code. He asked for clarification if the reason was that RMWD has operated in this area with tribal knowledge and there are multiple people who utilize these processes and that having it documented or codified will standardize and mean that the ratepayers will see the exact same service provided to them regardless of which of the employees is working in this area. Mr. Kennedy confirmed this was true as well as providing justification in recourse actions taken. Mr. Gasca stated he found this to be appropriate and good to have the policy updated rather than operating on tribal knowledge and that the committee should take action recommending the Board approve these revisions with a caveat that staff work with Mr. Marnett's comments.

Ms. Brazier stated she would abstain on these three votes because she did not feel comfortable voting to recommend or not. Mr. Nelson stated he appreciated and understood Ms. Brazier's position.

Motion:

To recommend the Board approve the staff amendments to the Administrative Code Chapter 8.20 conditioned upon looking at the material Mr. Marnett provided and incorporating those comments appropriately.

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

Vote: Motion passed (summary: Ayes = 5, Noes = 0, Abstain = 1).

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

Abstain: Member Brazier.

***18. REVIEW OF PROPOSED AMENDMENTS TO ADMINISTRATIVE CODE CHAPTERS 8.01, 8.03, 8.04, 8.11 AND 8.14 (OPERATIONS/ENGINEERING/FINANCE)**

Mr. Nelson solicited comments, questions, and feedback from the committee members.

Mr. Marnett stated he read the entire section and found it to be much cleaner than those provided for Chapter 8.20. He complimented staff for their great work on putting together the breakdown of the proposed revisions to these Administrative Code sections.

Motion:

That this committee recommend the Board approve the proposed amendments to Administrative Code Chapters 8.01, 8.03, 8.04, 8.11, and 8.14 with the condition that they will be reviewed by the staff of the three comments proposed by Mr. Marnett with appropriate action taken thereon.

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

Vote: Motion passed (summary: Ayes = 5, Noes = 0, Abstain = 1).

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

Abstain: Member Brazier.

Mr. Kennedy thanked staff for compiling the breakdown of the more pertinent changes for referencing. Mr. Nelson agreed this was very helpful.

***19. REVIEW OF PROPOSED AMENDMENTS TO ADMINISTRATIVE CODE CHAPTERS 9.04, 9.05, 9.07 (ENGINEERING)**

Mr. Nelson stated he reviewed the proposed revisions and found them very straight forward.

Motion:

That the committee recommend the Board approve the proposed amendments to Chapters 9.04, 9.05, and 9.07 with no additional changes.

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

Vote: Motion passed (summary: Ayes = 5, Noes = 0, Abstain = 1).

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

Abstain: Member Brazier.

Mr. McKesson inquired as to how frequent the Administrative Code policies are overhauled. Mr. Nelson stated it is ongoing.

Ms. Washburn stated the entire Administrative Code was adopted in 2005 and has been updated regularly as needed. She referenced Mr. Marnett's first comment inquiring about the ordinances provided in the footnotes in each page of the Administrative Code noting these footnotes are tracking when updates have been incorporated by which RMWD ordinance number and the date approved by the Board of Directors.

Mr. Kennedy added it was not until much later than 2005 that most of the chapters found in Title 8 of the Administrative Code had not been incorporated.

20. DEVELOPMENT LOCATION UPDATE (ENGINEERING)

Mr. Williams shared a presentation titled "Development Location Update" that was already shared with the Budget and Finance Committee.

Member Nelson excused himself from the meeting at 5:11 p.m.

Discussions ensued as Mr. Williams reviewed each project was reviewed during the presentation.

Mr. McKesson requested a copy of the presentation be sent to the Engineering and Operations Committee members. Mr. Williams acknowledged the request and asked Ms. Washburn to share the presentation link and PDF format with the committee. Ms. Washburn agreed.

21. AS-NEEDED SERVICES EXPENDITURES SUMMARY (ENGINEERING)

Mr. Williams explained this report was for the month of February during which there were six new assignments.

Mr. McKesson deferred this item to the next meeting to allow for Mr. Nelson's questions to be addressed.

Mr. Marnett inquired about the project listed as Live Oak Park Road Bridge Crossing. Mr. Kennedy explained the County was replacing the bridge on Live Oak Park at which RMWD has two pipelines that will need to be capped off and replaced when the bridge is replaced. Mr. Williams mentioned staff will reinstall the two waterlines off to the side.

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

It was noted the standard recurring items and any items that come up between this meeting and the next should be on the next committee agenda.

23. ADJOURNMENT

The meeting was adjourned by Vice Chairperson McKesson.

The meeting adjourned at 5:40 p.m.

Flint Nelson, Committee Chairperson

Dawn M. Washburn, Board Secretary