

**MINUTES OF THE REGULAR BOARD MEETING  
OF THE BOARD OF DIRECTORS OF THE  
RAINBOW MUNICIPAL WATER DISTRICT  
APRIL 25, 2017**

1. **CALL TO ORDER** - The Regular Meeting of the Board of Directors of the Rainbow Municipal Water District on April 25, 2017 was called to order by President Brazier at 11:35 a.m. in the Board Room of the District, 3707 Old Highway 395, Fallbrook, CA 92028. President Brazier presiding.

2. **ROLL CALL**

**Present:** Director Brazier, Director Hamilton, Director Mack, Director Stewart  
(arrived at 11:15 a.m.).

**Also Present:** General Manager Kennedy, Legal Counsel Smith, Executive Assistant Washburn, Administrative Analyst Gray, Associate Engineer Powers, Engineering Manager Kirkpatrick, Finance Manager Martinez, Human Resources Manager Harp, Operations Manager Milner, Superintendent Maccarrone, Superintendent Walker, Superintendent Zuniga, Meter Crew Leader Diaz.

**Absent:** Director Gasca.

No members of the public were present before for Open Session. Three members of the public were present for Open Session.

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

Mr. Kennedy requested that discussion on Item #21 be added to Closed Session and that Item #21 Open Session discussion be held after Item #10 to accommodate those attending to discuss this item.

4. **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 11:36 a.m.*

5. **CLOSED SESSION**

- A. Conference with Labor Negotiators (Government Code §54957.6 and §54957)

Agency Designated Representatives

Tom Kennedy  
Karleen Harp

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

Discussions regarding labor negotiations for:

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

- B. Conference with Legal Counsel–Anticipated Litigation (Government Code §54956.9(d)(2))
  - One Matter
- C. Conference with Legal Counsel–Anticipated Litigation (Government Code §54956.9(d)(2))
  - One Matter

***The meeting reconvened at 1:04 p.m.***

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

Legal Counsel reported the Board met in Closed Session to conference with the labor negotiators, conference with Legal Counsel on anticipated litigation on two separate items. He stated there was no reportable action. He also confirmed Item #21 was also discussed in Closed Session.

*Discussion went to Item #9.*

*Discussion returned from Item #25.*

Legal Counsel stated for the record the Board met in Closed Session to continue the conference with labor negotiators pursuant to Government Code Sections 54957.6 and 54957 and there was no reportable action.

*Discussion returned to Item #25.*

Time Certain: 1:00 p.m.

**7. PLEDGE OF ALLEGIANCE**

*Discussion went to Item #10.*

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

This was provided under Item #6.

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

President Brazier noted Item #21 would be discussed after Item #10 in Open Session.

*Discussion went to Item #7.*

**10. 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.

Discussion went to Item #21.

**\*11. APPROVAL OF MINUTES**

**A. March 28, 2017 - Regular Board Meeting**

Legal Counsel pointed out the correction noted on in the motion on Item #17 in the March 28, 2017 minutes. He noted the Resolution provided for consideration was numbered 17-12 but the agenda had it listed as number 17-10; therefore, the approval in the motion was for Resolution No. 17-12.

Director Hamilton noted the amendment made on Agenda Item #6 was made by Director Stewart as opposed to him. Ms. Washburn noted the revision.

***Motion:***

***Accept the minutes as amended.***

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

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

***Ayes: Director Brazier, Director Hamilton, Director Mack, Director Stewart.***

***Absent: Director Gasca***

**12. 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 (President Brazier)**

There was no report given.

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

**1. SDCWA**

Mr. Kennedy reported he attended the Metropolitan Water District (MWD) Board meeting with the SDCWA delegates where there was a small victory on SDCWA's side in that MWD had originally proposed a fixed charge on treatment costs which was something SDCWA had requested for a very long time. He provided a brief background on this matter including the way the voting took place.

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

## **2. CSDA**

Mr. Kennedy stated he has been trying unsuccessfully to meet with Mr. Barnett with respect to the Little Hoover Commission ideas for Special Districts. He noted the video contest winners will be announced and presented awards at the next CSDA Quarterly Dinner Meeting. He pointed out there was no entries received from the Bonsall School District; therefore, the Go Pro RMWD ordered for this purpose will go unawarded for now. He mentioned the Quarterly meeting is scheduled for May 18, 2017.

## **3. LAFCO**

There was no report given.

## **4. San Luis Rey Watershed Council**

Director Stewart announced the meeting will be held tomorrow at the Pala Community Center at 1:00 p.m. which will be the first time he will attend as RMWD's representative. President Brazier pointed out there was continuous effort to have a member of agriculture serve on the Council.

Mr. Kennedy noted some of the matters that may be addressed at the Council meetings that could be pertinent to RMWD.

## **5. Santa Margarita Watershed Council**

Director Hamilton stated he attended his second meeting last week of which there was nothing to report except for the addition of the Anza Group to the Council seat and how until an agreement is in place nothing the Council seeks can be funded. He noted the next meeting is July 18, 2017.

### **C. Meeting, Workshop, Committee, Seminar, Etc. Reports by Directors (AB1234)**

Mr. Kennedy reported he, Director Gasca and Director Mack attended the recent Council of Water Utilities meeting at which the Gary Arant, General Manager of Valley Center Municipal Water District who talked about California Water 3.0.

Director Stewart shared his opinion about how the State of California has used the drought to reinstitute its power and control over all water use irrespective of supply. He said it appears Governor Brown's administration is attempting to do is nothing short of a complete takeover in this entire area of control of what the industry, such as RMWD, can do in trying to provide water service to the local customers.

Director Mack reported on the Water Reliability Coalition event and the awards presented to the City of Oceanside for going above and beyond for finding different means for reusable water as well as the Stone Brewery and City of San Diego for use of pure water. Discussion followed.

### **D. Directors Comments**

Director Mack talked about how he attended the Avocado Festival to participate in providing information at the RMWD booth. President Brazier thanked all the RMWD staff members who participated in all aspects of coordinating the District's presence at the event.

President Brazier reported on the April 24, 2017 FPUD Board meeting she attended noting there was discussion regarding park maintenance entity FPUD wishes to develop with the County. She pointed out the intention is to set up an entity that will maintain the public parks located in downtown Fallbrook; however, they want to tax everyone within the 92028 zip code area which includes a great deal of residents outside of FPUD boundaries who have had no notification or input on this matter. She cautioned everyone to be aware of this matter in that there could be taxes assessed without prior notification. Director Stewart inquired as to how FPUD could go beyond their District boundaries. Mr. Kennedy explained there would have to be a vote of all the residents.

Discussion returned from Item #13.

Mr. Kennedy pointed out the Directors were provided with comments regarding items discussed at this meeting from Director Gasca in his absence. President Brazier asked that the customer name, Bob Coleman, Director Gasca referred to in his notes should be added to the March 28, 2017 minutes. Ms. Washburn offered to listen to the recording of the March 28, 2017 meeting and will make the revision if the name is formally stated.

Discussion went to Item #14.

- E. Legal Counsel Comments
  - 1. Public Works Project Bidding Update (501668-0002)

Legal Counsel reported on a recent case the California Supreme Court rejected regarding public works bidding requirements.

Legal Counsel invited everyone to a reception being hosted by Nossaman at the upcoming ACWA Conference on Tuesday, May 9, 2017 from 6:30-8:30 p.m. at the Perry House.

**\*13. COMMITTEE REPORTS (Approved Minutes have been attached for reference only.)**

- A. Budget and Finance Committee
  - 1. March 14, 2017 Minutes

Mr. Stitle reported the committee reviewed the draft audit. Mrs. Martinez noted a second review has been completed and a final draft will be presented at both the committee and Board meetings scheduled in May.

Mr. Stitle also talked about a lengthy discussion that took place regarding CalPERS and its potential impact on the RMWD labor agreements. Mr. Kennedy stated RMWD was not currently in any sort of unmanageable situation.

Mr. Kennedy pointed out when questions come about regarding the current RMWD labor contract negotiations at the committee level during the negotiations process, RMWD staff will not be permitted to provide any answers or discuss related topics.

- B. Communications Committee**  
1. March 6, 2017 Minutes

Mrs. Gray reported the committee members now have badges to wear at public community functions. She also noted there was discussion regarding the naming RMWD's facilities as well as preparation for the Avocado Festival. She also pointed out, InfoSend, Inc. presented information on the services they will provide RMWD.

Director Hamilton pointed out the multiple options RMWD will have available for getting information out to the public in the bills once InfoSend, Inc. is in place.

- C. Engineering Services Committee**  
1. March 1, 2017 Minutes

Mrs. Kirkpatrick pointed out two items recommended by the committee are on this agenda for Board consideration. She noted there was discussion regarding the Indirect Potable Reuse preliminary design including looking at other alternatives for getting another source of water for RMWD. She stated the committee discussed capacity fees, providing a contractors courtesy list, as well as an update to the Pump Station 1 project.

Discussion returned to Item #12D.

## **BOARD ACTION ITEMS**

- \*14. DISCUSSION AND POSSIBLE ACTION REGARDING EXECUTION OF A JOINT AGREEMENT TO IMPROVE MAJOR SUBDIVISION COUNTY OF SAN DIEGO TRACT NO. 5532-1 AND A JOINT IRREVOCABLE STANDBY LETTER OF CREDIT FOR TOPA TOPA PLACE**

Mrs. Kirkpatrick explained these are typical agreements when major subdivisions with improvements with the County and RMWD are required bonding for improvements. She pointed out this was for water improvements only totaling approximately \$144,000. She stated this item was to authorize the general manager to execute a joint agreement with the County for the bonding of these improvements.

***Motion:***

***Approve Option 1 - Authorize the General Manager to execute Joint Agreements with the County of San Diego.***

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

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

***Ayes: Director Brazier, Director Hamilton, Director Mack, Director Stewart.***

***Absent: Director Gasca.***

Discussion went to Item #15.

**\*15. DISCUSSION AND POSSIBLE ACTION TO APPROVE CONTRACT CHANGE ORDER FOR LIFT STATION NO. 1 REPLACEMENT PROJECT**

Mrs. Kirkpatrick displayed a map of the project site noting the aspects included in the replacement.

Discussion ensued regarding odor control with minimal impact.

Mrs. Kirkpatrick pointed out public input is collected during the CEQA environmental review.

***Motion:***

***Approve Option 1 - Authorize staff to execute a change order with Kennedy/Jenks Consultants for a price not-to-exceed \$526,647.***

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

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

***Ayes: Director Brazier, Director Hamilton, Director Mack, Director Stewart.***

***Absent: Director Gasca.***

Discussion went to Item #16.

**\*16. DISCUSSION AND POSSIBLE ACTION TO AWARD A PROFESSIONAL SERVICES CONTRACT TO PROVIDE DESIGN SERVICES FOR THE SDCWA EMERGENCY PUMP STATION PROJECT**

Mr. Powers gave a presentation noting the purpose of this project is to replace the temporary pump stations with permanent ones. He noted today staff was seeking approval from the Board for the design of two permanent pump stations (Moosa Pump Station and Line P Station).

Mr. Powers talked about the project including how RMWD will have complete payback sometime before or in early 2026. He mentioned many benefits involve avoiding risks associated with temporary pump stations including vandalism and vehicle accidents, labor being available for other tasks as opposed to preparing for setting up temporary pump stations, as well as savings on fuel and energy costs.

Director Stewart noted this was a project designed to keep costs down. President Brazier added these are utilized in multiple settings to simplify maintenance.

Director Hamilton asked where the station will be located at Moosa Creek. Mr. Kennedy explained it would be located on the north side of the creek. Mrs. Kirkpatrick mentioned she had a conversation with the property owners regarding the proposed easement to which they expressed displeasure. It was noted the existing temporary pump site was located just outside the SDCWA easement and how the future pump station would also be outside the easement. Discussion followed regarding the best location at Moosa Creek which would be determined once the pipeline is installed.

Director Hamilton inquired as to the difference in the pricing of the two pump stations. Mr. Powers explained these differences were due to different components necessary at the separate locations.

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

Director Mack asked about the material of the pump station cover. Mr. Powers answered pre-fabricated concrete. Mr. Kennedy pointed out although RMWD could build in the flood plain, there needs to be careful consideration in the location to ensure there would not be damage caused in the event of a flood.

Director Mack suggested a write-up be included on the customer billing statements pertaining to this project showing the ratepayers RMWD was thinking smarter as well as including the payback expectations. Discussion followed.

***Motion:***

***To approve Option 1 - Authorize staff to award a Professional services contract to Dudek to provide design services for the SDCWA emergency pump station project not to exceed \$84,923.***

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

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

***Ayes: Director Brazier, Director Hamilton, Director Mack, Director Stewart.***

***Absent: Director Gasca.***

Discussion went to Item #17.

**\*17. DISCUSSION AND POSSIBLE ACTION TO APPROVE ORDINANCE NO. 17-03 AMENDING AND UPDATING ADMINISTRATIVE CODE SECTION 8.20 – CROSS CONNECTION CONTROL**

Ms. Washburn pointed out the only revisions made were to correct the numbering that was out of sequence and not to any content.

***Motion:***

***Approve Ordinance No. 17-03.***

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

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

***Ayes: Director Brazier, Director Hamilton, Director Mack, Director Stewart.***

***Absent: Director Gasca.***

Discussion went to Item #18.

**\*18. DISCUSSION AND POSSIBLE ACTION AMENDING AND UPDATING MEMBERSHIPS/ SUBSCRIPTIONS POLICY**

Mr. Kennedy pointed out the memberships/subscriptions policy had not been updated in ten years; therefore, the policy has been updated. He solicited for Board input.

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

Director Hamilton requested the list be in alphabetical order. Ms. Washburn confirmed she would make this change.

***Motion:***

***Approve Option 1 - Approve the amended and updated Memberships/Subscriptions Policy as provided.***

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

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

***Ayes: Director Brazier, Director Hamilton, Director Mack, Director Stewart.***

***Absent: Director Gasca.***

*Discussion went to Item #19.*

**19. DISCUSSION AND POSSIBLE ACTION REGARDING RMWD BOARD MEMBERS AND GENERAL MANAGER ATTENDING THE CSDA SPECIAL DISTRICT LEADERSHIP ACADEMY IN JULY 2017**

Mr. Kennedy explained the webinar options are no longer available; therefore, the Board needs to determine how they would like to proceed with participate in the required training to achieve the District of Distinction award.

It was noted should Board Members decide to drive to the academy, mileage would be reimbursed.

Discussion ensued regarding the timeframe for completing the necessary training.

Director Stewart shared why it would be worth the investment for Board Members to attend.

Director Hamilton noted he was unable to attend both the June and July academy.

It was determined Directors Mack, Gasca, and Stewart will attend the academy in July, 2017.

***Motion:***

***Approve Option 1 - Approve attendance and all costs associated with attending the CSDA Special District Leadership Academy in Napa Valley July 9-12, 2017 to meet the District of Distinction Accreditation requirements for one or more RMWD Board Members (Fiscal Impact for Four Attendees: Approximately \$5,800-\$6,800).***

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

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

***Ayes: Director Brazier, Director Hamilton, Director Mack, Director Stewart.***

***Absent: Director Gasca.***

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

Discussion went to Item #20.

## **BOARD INFORMATION ITEMS**

### **20. STAFFING ANALYSIS**

Mr. Kennedy mentioned part of this discussion is to address upcoming customer growth which involves putting together a staffing analysis.

Mrs. Harp gave a very high-level overview of the analysis conducted to date including some conclusions and preliminary recommendations derived with her in partnership with the other RMWD department heads.

Director Stewart suggested a thorough review of the condition of the current facilities may also contribute in this process. He stated the biggest component in the balance is looking at RMWD's financial capability within its current rate structure to go forward with replacement projects on expensive to maintain lines. He added this would be a means of determining as to whether RMWD would be able to save money with better facilities or if more staffing would be necessary to manage the facilities.

Mrs. Harp solicited the Board for key questions they would like addressed in the final report.

Director Mack inquired as to how many hours a part time employee would need to work. Mrs. Harp noted the candidate would need to be able to assist at a mid-level range.

Director Hamilton talked about training costs and turnover versus department size. Discussion ensued regarding career laddering and boomeranging opportunities for some positions.

Director Stewart inquired about overtime. Mrs. Harp explained the staffing analysis does not include overtime; however, when all RMWD staff has been on the asset management program for approximately one year, it can be determined the causation for overtime.

Mrs. Harp noted she would also like to pull data regarding the amount of time necessary for cross training as well as acclimating those new to positions.

Director Mack asked if a cost analysis of part time needed to get a specific task completed versus contracting that task out. Mr. Kennedy explained other resources will be considered in the analysis process in terms of costs, resource constraints, etc. President Brazier noted outsourcing does not always live up to its projections for the good of RMWD as discovered prior to the creation of an internal engineering department.

Mr. Kennedy pointed out the analysis will need to coincide with the budget.

Director Hamilton clarified the purpose of this analysis was to ensure the District was working as efficiently as possible with its current staffing levels. Mr. Kennedy confirmed this was true and with the collection of data determinations would be made in terms of the types of staffing levels that may be necessary to ensure efficiency.

It was noted this was a document that will be updated annually.

Discussion went to Item #22.

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

## 21. INFORMATIONAL UPDATE ON MOOSA CREST PIPELINE EMERGENCY REPAIRS

Gary Bousquet, Senior Engineering Manager with the San Diego County Water Authority (SDCWA), commented on the Moosa Creek project. He explained there has been some discussion between SDCWA and RMWD regarding RMWD's pipe break. He stated SDCWA was in the process of designing an engineered channel over the SDCWA pipelines to protect them from future potential erosion that could come from the creek. He said SDCWA was committed to working with RMWD on what SDCWA was doing and any repair relocation efforts RMWD may have to its pipeline. He pointed out the basically from the SDCWA engineering standpoint, their goal was to determine if RMWD would be making any repairs in this area so they can incorporate that into SDCWA's design effort and if not, then SDCWA will take care of it on their end and resolve any differences the two agencies may have at a later date.

Mark Hattam, General Counsel at SDCWA, introduced himself to the Board. He said although he would not be going into details about the Moosa Creek issue; however, he wanted to express he wanted RMWD to be aware it was very important to SDCWA that RMWD know SDCWA was not treating RMWD any differently than the rest of the member agencies. He stated SDCWA was very concerned in all circumstances about any cost shifting issues in that they need to make sure none of the members are paying or benefiting disproportionately in cases when something happens like it did with this pipe break in order to be careful to try to apportion that costs correctly. He reiterated SDCWA wants to protect and preserve the rights of SDCWA. He noted there was an issue about whether this was a formal claim as noted in correspondence between SDCWA and Mr. Kennedy and how SDCWA was treating the matter more a reservation of rights on behalf of SDCWA; however, SDCWA understands under RMWD's code asking for a repair could be construed to be a formal claim. He pointed out SDCWA's letter was asking if RMWD would repair the work and if not then SDCWA would need to repair it. He explained part of the SDCWA project is to make sure their pipe is protected in that location due to it being almost exposed because of the blow out that happened. He stated there will be costs associated with this and SDCWA's request was RMWD repair it and if RMWD states it will not, SDCWA may have to make the repair and will track the costs and reserve the rights to deal with it once they know what all the costs. He explained SDCWA wanted RMWD to be aware of this process and how it was a basic protection of rights SDCWA has to do under the circumstances when these types of things happened.

Mr. Hattam stated SDCWA does want to work cooperatively with RMWD. He said SDCWA would like to coordinate any work done at the site so that it is done as efficiently and inexpensively as possible. He concluded by noted SDCWA will keep RMWD in the loop and have engaged an engineer to review the pipe break issue to determine some issues and in turn will notify RMWD of the results of the reports once they are completed. He reiterated should SDCWA be forced to do the repairs, they will keep track of the costs and address those with RMWD when they have all the information.

Director Hamilton asked if the SDCWA chief engineer has initiated any contacts with RMWD's staff to discuss this matter. Mr. Bousquet said it was his understanding SDCWA has been working relative to the repair and how RMWD may be considering going to a different location. Mr. Bousquet stated outside of requesting the damaged area be fixed, nothing has been discussed regarding SDCWA's easement. Mrs. Kirkpatrick stated RMWD was trying to stay away from SDCWA's right-of-way.

Director Mack referenced a letter to SDCWA from Mr. Kennedy in where it states the pipe runs from north to south and when the break happened causing damage it was on the south side. He pointed out SDCWA was laying claim for erosion on the north side; therefore, he would like to know SDCWA's thought process as to the assumption the water flowing south caused damage to the north. Mr. Bousquet stated the preliminary thought was that because there was such a large volume of water that came out of that location it would cause a great deal of turmoil and scour that possibly caused damage to that part of the slope. He stated he understands this is questioned and contested by RMWD which is why SDCWA's independent engineer has been authorized to conduct an engineering analysis. He mentioned the first thought was based on SDCWA's engineering observation and not a complete engineering analysis. He reiterated once the results are provided by SDCWA's independent engineer, they will be shared with RMWD and then proceed from there.

Director Stewart stated the issue was not the pipe break, but rather the accelerated flows from the drainage going into the creek that neither SDCWA nor RMWD caused came from another source. He noted the amount of water that came out of RMWD's pipe after it was smashed by trees going down a river that did not formerly carry that type of flow even in big storms. He pointed out that the leak from the RMWD pipeline would have been about 1%-3% of the flows that were in the creek at the time the damage occurred to SDCWA's facilities. He said RMWD was hopeful that as SDCWA conducts its analysis, they will understand, too, it was a relatively de minimis amount of water compared to what was coming down the pipe. He concluded noting RMWD was hoping this is the way this matter will progress because RMWD does not see its flow as being substantial as compared to the swollen creek that damaging both RMWD and SDCWA facilities.

Mr. Kennedy provided an update noting the bridge has been ordered and final design of the foundation to either side would be cleared through SDCWA. He mentioned RMWD was working with the property owners on right-of-way, the easements have been appraised as well, and the final pipe design is nearly complete with an anticipated installation date set for June 2017. He confirmed the bridge would be 120' long x 6' wide which is expected to be completed in mid to late May. He added RMWD did meet with the Army Corps of Engineers and received clearance.

Mr. Kennedy pointed out after discussions with RMWD's Legal Counsel, RMWD does believe this was a claim under Government Code 910. He pointed out the Board can act upon the claim or not; however, should the Board not act on the claim, it would be deemed rejected.

President Brazier said with a claim having been made according to RMWD's perception, she wanted to solicit the Board as to if the Board would like to make a motion as to what should be done about the claim.

***Motion:***

***The Board reject the claim.***

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

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

***Ayes: Director Brazier, Director Hamilton, Director Mack, Director Stewart.***

***Absent: Director Gasca***

Mr. Kennedy asked SDCWA to have their independent engineer to contact RMWD's Engineering Manager to assist with SDCWA's analysis. He pointed out there has not been any discussion between the two agencies other than a brief discussion in a right-of-way meeting and not anything about the causation from an operation or engineering standpoint which would be an important part to resolve this matter. He noted updates will be provided to the Board as to the ongoing emergency repair as progress continues.

Director Hamilton said he was hopeful RMWD would be able to work with SDCWA on addressing the water issue which was the flow down the creek. Mr. Hattam noted he has expressed to RMWD that SDCWA was interested in hearing any facts or information as to the cause of the water flows to determine if there is potential liability there from another source, SDCWA was certainly interested in hearing about it and possibly joining in with the facts and merits.

Discussion went to Item #11.

## **22. DISCUSSION ON STRATEGIC GOALS AND OBJECTIVES FOR FISCAL YEAR 2017-2018**

Mr. Kennedy gave a presentation for the 2017 Strategic Plan Workshop. He noted this provides for an opportunity to received feedback from the Board on items they would like to add to the list. He and other staff members provided information and updates on some of the items listed as well as proposed in each of the categories.

Director Mack noted implementing a new phone system should be included under Customer Service.

It was also suggested RMWD join in the Rainbow Days event. Mrs. Gray agreed to research this event and find out what it would take for the District to participate.

Mr. Kennedy mentioned a revised list will be presented to the Board at their next meeting.

Discussion went to Item #23.

## **\*23. RECEIVE AND FILE INFORMATION AND FINANCIAL ITEMS FOR MARCH/APRIL 2017**

- A. General Manager Comments**
  - 1. Meetings, Conferences and Seminar Calendar
- B. Communications**
  - 1. Ratepayer Communications
- C. Operations Comments**
  - 1. Operations Report
- D. Engineering Comments**
  - 1. Engineering Report
- E. Human Resource & Safety Comments**
  - 1. Human Resources Report
- F. Finance Manager Comments**
  - 1. Interim Financial Statement
  - 2. Credit Card Breakdown
  - 3. Directors' Expense
  - 4. Check Register
  - 5. Water Sales Summary
  - 6. RMWD Sewer Equivalent Dwelling Units (EDU's) Status

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

***Motion:***

***Receive and file information and financial items.***

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

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

***Ayes: Director Brazier, Director Hamilton, Director Mack, Director Stewart.***

***Absent: Director Gasca.***

*Discussion went to Item #24.*

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

It was noted the budget, audit, staffing analysis, capacity fees, salary and compensation study, and public hearing for Improvement District 1 (ID1) should be on the next agenda. It was also decided the May 23, 2017 meeting would be held jointly with the Budget and Finance Committee.

**25. ADJOURNMENT - To Tuesday, May 23, 2017 at 1:00 p.m.**

President Brazier announced this meeting will adjourn to the Rainbow Public Facilities Corporation annual meeting after which the Board will reconvene the regular Board meeting and adjourn to Closed Session.

***The meeting was adjourned with a motion made by Director Hamilton and seconded by Director Stewart to the annual Rainbow Public Facilities Corporation at 4:12 p.m.***

***The Regular Board meeting reconvened at 4:24 p.m.***

***The Regular Board meeting adjourned to Closed Session at 4:24 p.m.***

***The Regular Board meeting reconvened at 5:47 p.m.***

*Discussion returned to Item #6.*

***The meeting was adjourned with a motion made by Director Brazier to a regular meeting on May 23, 2017, at 1:00 p.m.***

The meeting was adjourned at 5:48 p.m.

---

**Helene Brazier, Board President**

---

**Dawn M. Washburn, Board Secretary**