



THIS MEETING WILL BE CONDUCTED WITH IN PERSON ATTENDANCE PERMITTED. THE CDC STILL RECOMMENDS MASKING FOR ALL INDIVIDUALS BUT IS NOT MANDATORY. 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/82521741222> 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: 825 2174 1222).

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 6, 2022	Closed Session 12:00 p.m.	Open Session 1:00 p.m.
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THE PURPOSE OF THE REGULAR BOARD MEETING IS TO DISCUSS THE ATTACHED AGENDA

District Office	3707 Old Highway 395	Fallbrook, CA 92028
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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 12:00 p.m. and Open Session at 1:00 p.m. Tuesday, December 6, 2022, 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. TERM EXTENSIONS FOR THE FOLLOWING BOARD OF DIRECTORS (Election Code §10507):

Director Miguel Gasca
Director William Stewart

2. CALL TO ORDER

3. ROLL CALL: Gasca___ Hamilton___ Mack___ Moss___ Stewart___

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

5. 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."

6. ORAL/WITTEN 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 in attendance wishing to address the Board regarding Closed Session agenda items should indicate their desire to speak by filling out and submitting a "Speaker's Slip" to the Board Secretary before the meeting begins. Any person attending the meeting remotely wishing to address the Board regarding Closed Session agenda items may email or mail in their comments to the Board Secretary one hour before the Closed Session scheduled start time to be read to the Board prior to their adjournment to Closed Session or may speak to the Board 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.

7. CLOSED SESSION

A. Appointment of Public Employee – General Manager (Government Code §54957)

(*) - Asterisk indicates a report is attached.

- B. Conference with Legal Counsel - Existing Litigation Pursuant to Government Code Section 54956.9(d)(1)

* TC Construction Company, Inc. v. Rainbow Municipal Water District, et al.

8. REPORT ON POTENTIAL ACTION FROM CLOSED SESSION

Time Certain: 1:00 p.m.

9. REPEAT CALL TO ORDER

10. PLEDGE OF ALLEGIANCE

11. REPEAT ROLL CALL

***12. BOARD OF DIRECTORS CONSIDER ADOPTING RESOLUTION NO. 22-29 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.)

13. REPEAT REPORT ON POTENTIAL ACTION FROM CLOSED SESSION

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

15. 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."

16. 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 in attendance wishing to address the Board regarding matters not on this agenda should indicate their desire to speak by filling out and submitting a "Speaker's Slip" to the Board Secretary before the meeting begins. Any person attending remotely wishing to address the Board regarding 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 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.

(*) - Asterisk indicates a report is attached.

***17. APPROVAL OF MINUTES**

- A. October 25, 2022 - Regular Board Meeting

***18. 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 27, 2022
 - B. Summary of Board Meeting November 17, 2022
 - 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: SB1439 Update

19. COMMITTEE REPORTS

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

CONSENT CALENDAR ITEMS

***20. CONSIDER APPROVAL OF LETTER OF CONSENT FOR TRANSFER OF CELL SITE LEASE AT 3707 OLD HWY 395, FALLBROOK, CA 92028 FROM SPRINT PCS/T-MOBILE TO DISH NETWORK (DIVISION 1)**

(As part of T-Mobile acquiring Spring PCS, the current tenant (Sprint PCS) is requesting the District to consent to the transfer and assignment of the above-referenced lease to Dish Network.)

***21. DISCUSSION AND POSSIBLE ACTION TO APPROVE A CHANGE ORDER WITH HAZARD CONSTRUCTION FOR THE LIVE OAK PARK ROAD BRIDGE WATER MAIN IMPROVEMENT PROJECT (600037) IN THE AMOUNT OF \$36,653.55 (DIVISION 5)**

(The District entered into a construction contract with Hazard Construction Engineering in May 2022 in the amount of \$507,700. A second change order requiring Board approval is needed to provide support brackets to install the 8-inch and 16-inch water mains.)

***22. DISCUSSION AND POSSIBLE ACTION TO AWARD THREE PROFESSIONAL SERVICES AGREEMENTS TO PROVIDE ON-CALL GEOTECHNICAL SERVICES (DISTRICT WIDE)**

(The District's On-Call Geotechnical services agreements have since expired. The District recently released a request for proposals, ranked each proposal, and selected the top three firms. Board approval is needed to enter into agreements with the recommended three firms.)

(*) - Asterisk indicates a report is attached.

- *23. DISCUSSION AND POSSIBLE ACTION TO AWARD THREE PROFESSIONAL SERVICES AGREEMENTS TO PROVIDE ON-CALL LAND SURVEYING SERVICES (DISTRICT WIDE)**
(The District's On-Call Land Surveying services agreements have since expired. The District recently released a request for proposals, ranked each proposal, and selected the top three firms. Board approval is needed to enter into agreements with the recommended three firms.)

BOARD ACTION ITEMS

- *24. PRESENTATION AND ACCEPTANCE OF THE AUDIT REPORT AND FINANCIAL STATEMENTS FOR FISCAL YEAR ENDING JUNE 30, 2022**
(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, 2022 audit of the District by the CPA firm of Lance, Soll & Lunghard, LLP.)
- 25. PRELIMINARY MID-YEAR BUDGET ADJUSTMENTS PRESENTATION**
- *26. 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 ¾" METER AND APPROVE THE NEW WATER SERVICE APPLICATION (Division 3)**
(The property owner of APN 124-340-54-00, Evette Rosas-Ramirez, has requested a variance from Ordinance 21-03 to apply for a new ¾ inch water service on a 2 acre parcel.)
- *27. DISCUSSION AND POSSIBLE ACTION TO ADOPT RESOLUTION NO. 22-30 AUTHORIZING SUBMITTAL OF APPLICATION(S) FOR BEVERAGE CONTAINER RECYCLING GRANT FOR WHICH RAINBOW MUNICIPAL WATER DISTRICT IS ELIGIBLE**
(The board previously adopted resolution 22-25 on September 6, 2022. CalRecycle requested revisions to the adopted resolution and provided Rainbow Municipal Water District an extension on the due date to adopt the revised resolution.)
- *28. DISCUSSION AND POSSIBLE ACTION TO APPROVE A GROUND LEASE AND WATER SALES AGREEMENT WITH THE CITY OF OCEANSIDE FOR THE ROBERT A. WEESE FILTRATION PLANT INTERCONNECT PROJECT (DIVISION 1)**
(The District is working to construct permanent facilities to tie into the City of Oceanside's Weese Filtration Plant to provide the District with water during the SDCWA shutdowns. This lease and agreement fall within the District's wholesale water efficiency project to improve water reliability and increase water supply diversification.)
- *29. DISCUSSION AND POSSIBLE ACTION TO AWARD A PROFESSIONAL SERVICES AGREEMENT FOR JANITORIAL SERVICES AT THE DISTRICT HEADQUARTERS (DIVISION 1)**
(The District recently released a request for proposals for janitorial services at the District Headquarters, ranked each proposal and selected the top firm. Board approval is needed to enter into an agreement with the recommended firm.)
- *30. CONSIDER ESTABLISHING THE 2023 REGULAR BOARD MEETING SCHEDULE**
(The Board will consider establishing the 2023 Regular Board Meeting schedule.)
- *31. DISCUSSION AND POSSIBLE APPOINTMENT OF MEMBER OR MEMBERS OF THE COMMUNICATIONS AND CUSTOMER SERVICE COMMITTEE**
(The Board will have the opportunity to officially appoint any members of the public who notified the committee chairperson of their desire to serve as a committee member at the December 1, 2022 Communications and Customer Service Committee meeting.)
- *32. DISCUSSION AND POSSIBLE ACTION SUPPORTING A NOMINATION TO ACWA BOARD OF DIRECTORS REGION 10**
(The Region 10 Board is looking for ACWA members who are interested in leading the direction of ACWA Region 10 for the remainder of the 2022-2023 term.)

(*) - Asterisk indicates a report is attached.

33. BOARD MEMBER REQUESTS FOR AUTHORIZATION TO ATTEND UPCOMING MEETINGS / CONFERENCES / SEMINARS

BOARD INFORMATION ITEMS

34. DISCUSSION REGARDING MWD SURPLUS PALA PARCEL (REQUESTED BY DIRECTOR GASCA)

35. DISCUSSION REGARDING COLLABORATION WITH NORTH COUNTY FIRE PROTECTION DISTRICT CONCERNING PROVIDING SUPPORT IN DEALING WITH COMMUNITY ISO RATINGS, AGENCY EASEMENT AND PROPERTY CLEARING AS A FIRE PROTECTION, AND STRATEGIC INCREASE OF FIRE HYDRANTS (REQUESTED BY DIRECTOR GASCA)

***36. RECEIVE AND FILE INFORMATION AND FINANCIAL ITEMS**

A. General Manager Comments

1. Meetings, Conferences and Seminar Calendar

B. Communications

1. Staff Training Reports

C. Operations Comments

1. Operations Report

D. Engineering Comments

1. Engineering Report

2. As-Needed Services Expenditures Summary

3. RMWD Sewer Equivalent Dwelling Units (EDU's) Status

E. Human Resource & Safety Comments

1. Human Resources Report

2. Organizational Chart

F. Finance Comments

1. Board Information Report

A. Budget vs. Actuals

B. Fund Balance & Developer Projections

C. Treasury Report (Sept/Oct FY22-23)

D. Five Year Water Purchases Demand Chart

E. Water Sales Summary (September and October FY22-23)

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 24, 2023, at 1:00 p.m.

ATTEST TO POSTING:



Pam Moss

Secretary of the Board

11-21-22 @ 1:30 p.m.

Date and Time of Posting

Outside Display Cases

(*) - Asterisk indicates a report is attached.