

**MINUTES OF THE REGULAR BOARD MEETING
OF THE BOARD OF DIRECTORS OF THE
RAINBOW MUNICIPAL WATER DISTRICT
APRIL 25, 2023**

1. **CALL TO ORDER** - The Regular Meeting of the Board of Directors of the Rainbow Municipal Water District on April 25, 2023, was called to order by President Hamilton at 12:01 p.m. in the Board Room of the District, 3707 Old Highway 395, Fallbrook, CA 92028. President Hamilton presiding.

2. **ROLL CALL**

Present: Director Gasca, Director Hamilton, Director Mack, Director Moss, Director Townsend-Smith.

Also Present: General Manager Kennedy, Legal Counsel Smith, Executive Assistant Washburn, Information Systems Specialist Espino, Engineering and CIP Program Manager Williams, Human Resources Manager Harp.

Also Present Via Teleconference or Video Conference:

Legal Counsel Duran-Brown.

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

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

There were no amendments to the agenda.

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

There were no members of the public in attendance; therefore, the instructions were not read aloud.

5. **ORAL/WRITTEN COMMUNICATIONS FROM THE PUBLIC OPPORTUNITY FOR MEMBERS OF THE PUBLIC TO ADDRESS THE BOARD REGARDING CLOSED SESSION AGENDA ITEMS (Government Code § 54954.2).**

There were no comments.

The meeting adjourned to Closed Session at 12:02 p.m.

6. **CLOSED SESSION**

A. Conference with Legal Counsel-Anticipated Litigation (Government Code §54956.9(d)(2))

* Two Items

(*) - Asterisk indicates a report is attached.

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

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

- C. Appointment of Public Employee – General Manager Pursuant to Government Code §54957

The meeting reconvened at 12:44 p.m.

7. REPORT ON POTENTIAL ACTION FROM CLOSED SESSION

This item was addressed under Item #11.

Time Certain: 1:00 p.m.

8. **REPEAT CALL TO ORDER** - The Regular Meeting of the Board of Directors of the Rainbow Municipal Water District on April 25, 2023 was called to order by President Hamilton at 1:00 p.m. in the Board Room of the District, 3707 Old Highway 395, Fallbrook, CA 92028. President Hamilton presiding.

9. **PLEDGE OF ALLEGIANCE**

10. **REPEAT ROLL CALL**

Present: Director Gasca, Director Hamilton, Director Mack, Director Moss, Director Townsend-Smith.

Also Present: General Manager Kenney, Legal Counsel Smith, Executive Assistant Washburn, Finance Manager Largent, Human Resources Manager Harp, Operations Manager Gutierrez, Engineering and CIP Program Manager Williams, Wastewater Superintendent Zuniga, Utility Worker Hand, Construction Crew Leader Nault, Human Resources Assistant Ramirez.

Also Present Via Teleconference or Video Conference:

Senior Project Manager Tamimi, Grant Specialist Kim, Accounting Supervisor Poole, Engineering Technician Rubio, Construction and Meters Supervisor Lagunas, Administrative Analyst Barrow, Information Technology Manager Khattab, Information Systems Specialist Espino.

Four members of the public were present for Open Session in person, via teleconference or video conference.

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

Legal Counsel reported the Board met in Closed Session to discuss four items. He stated there were two reportable actions with the first being the Board directing staff to move forward with a Settlement Agreement regarding damages due to an alleged main break at 530 Stewart Canyon and the other being the court formally dismissing the appellant's appeal on the matter of TC Construction, Inc. versus Rainbow Municipal Water District. He reported although Rainbow Municipal Water District won the TC Construction, Inc. matter at trial court, TC Construction, Inc.

(*) - Asterisk indicates a report is attached.

filed an appeal; however, because TC Construction, Inc. failed to file their opening brief within the deadline, it was formally dismissed by the court.

Director Gasca excused himself from the meeting at 1:01 p.m.

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

There were no amendments to the agenda.

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

President Hamilton read aloud the instructions for those attending the meeting via teleconference or video conference.

14. 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.

15. EMPLOYEE RECOGNITIONS

A. Service Awards

1. Chris Hand – 15 Years

Mr. Kennedy mentioned Chris Hand has been a part of the wastewater department since joining RMWD. He presented Mr. Hand with a plaque and check in recognition of his tenure.

B. Excellence Coin Awards

1. Wayne Nault

Mr. Kennedy stated Wayne Nault was the twelfth employee to receive all five excellence coins, noting he has been recognized with nine total coin awards and honorable mentions with most being in the Teamwork category. He mentioned Mr. Nault has been with RMWD since 2007 and is a part of the construction team. He presented Mr. Nault with a plaque in recognition of this achievement.

***16. APPROVAL OF MINUTES**

A. March 28, 2023 - Regular Board Meeting

Motion:

To approve the minutes as written.

Action: Approve, Moved by Director Mack, Seconded by Director Moss.

(*) - Asterisk indicates a report is attached.

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

Ayes: Director Hamilton, Director Mack, Director Moss, Director Townsend-Smith.

Absent: Director Gasca.

***17. 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)

President Hamilton stated he received a letter from Vista Irrigation District regarding their 100th anniversary celebration and have requested a support resolution which he will have placed on the May agenda.

B. Representative Report (Appointed Representative)

1. SDCWA

A. Summary of Board Meeting March 23, 2023

Mr. Kennedy reported the next meeting will be held on April 27th and how the main topic under consideration will be the budget as well as SDCWA's proposed rate increases. He provided details on SDCWA's rate calculation processes now and in the past.

2. CSDA

Mr. Kennedy announced the Quarterly Dinner Meeting will be held on May 18, 2023, at the Butcher Shop.

3. LAFCO

Mr. Kennedy reported the detachment staff report is supposed to be released later today and will be available for a 45-day public review period. He noted the public notice for the hearing on June 5, 2023, has been published in the newspaper at which time this matter will go before the commission for consideration. He mentioned RMWD's public members will be notified of the public hearing encouraging anyone interested to submit their comments to LAFCO. He also noted there will be a Town Hall Meeting held at FPUD's offices on May 17, 2023, at 6:00 p.m. for any customers who may be interested in hearing more details related to the detachment.

4. Santa Margarita River Watershed Watermaster Steering Committee

President Hamilton reported on the most recent meeting noting the Diamond Valley Reservoir is approximately 64% full, and Lake Skinner approximately 89%. He mentioned when the report was released, the State Water Project allocation was at 75%, but was now at 100%. He pointed out Metropolitan Water District would be utilizing the State Water Project water to fill the reservoirs as quickly as possible.

President Hamilton stated the only other item reported related to the Conjunctive Use Project was the restoration of the dam or levy that broke on Camp Pendleton was still under repair at a higher cost than initially anticipated.

(*) - Asterisk indicates a report is attached.

President Hamilton concluded with noting the next meeting will be held in June.

5. ACWA

Director Mack announced the 2023 ACWA Spring Conferenced will be held in Monterey on May 7-11, 2023.

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

1. Board Seminar/Conference/Workshop Training Attendance Reports

Director Moss reported on the Delta Water Tour noting they were dumping 25,000 cubic feet per second over the spillway located at the Oroville Dam due to not having another location at which to place the water. She shared some of the interested highlights experienced during the tour.

D. Directors Comments

There were no comments.

E. Legal Counsel Comments

1. Attorney Report: Water Rights Update

Legal Counsel summarized the information contained in the written report. Discussion ensued.

18. COMMITTEE REPORTS

A. Budget and Finance Committee

Mr. Nelson reported on the committee April 11, 2023, meeting noting a thorough briefing on the Water and Wastewater Cost of Service Plan was received from Ms. Largent and IB Consulting providing a good idea of what the program is going to look like and presented. He mentioned the committee also discussed Item #20 before the Board today and how the committee recommended the Board move forward with the payment plan as recommended by the staff.

B. Engineering and Operations Committee

Mr. Nelson reported the committee met on April 5, 2023, during which the committee received two interesting updates. He noted the key takeaway from the San Luis Rey Groundwater Study update is that the consultant has been making good progress and that an analysis of options resulting in an indication as to whether there is a feasible project and the location of such is anticipated soon. He also talked about the headquarters development update and how the committee members learned the fire department has decided they will not be able to participate in the joint use facility as originally planned. He stated the consensus of the committee members was that RMWD may need to get aggressive about proceeding on this project alone and what steps may need to be taken to prepare for when the market situation improves.

Director Gasca rejoined the meeting at 1:34 p.m.

(*) - Asterisk indicates a report is attached.

C. Communications and Customer Service Committee

Ms. Harp reported on the April 6, 2023, committee meeting noting Mr. Kennedy provided an update on the water supply situation as well as SDCWA's projected rate increases. She stated the committee discussed RMWD becoming a field trip destination for the local high school and how this has been scheduled for April 27, 2023, in conjunction with a Take Your Kids to Work Day for the children of staff members. She mentioned discussions also included content planning for the District newsletter including a promotional piece asking for volunteers to serve on RMWD's three standing committees as well as preparation for the recent Avocado Festival for which she provided feedback.

Director Gasca pointed out one of the tremendous improvements was having two booths to allow for much better ventilation. He also mentioned he has shared some comments with Ms. Harp in terms of what types of improvements could be made following the transition in staff members overseeing this event. President Hamilton shared improvements ideas as well. Ms. Harp noted the feedback received as well as other observations have been documented for future reference.

Director Gasca noted most of the conversations in which he engaged related to the detachment resulted in some being disgusted with the fact the LAFCO hearing was scheduled for early morning hours when it most difficult for those who work to attend. He said he promised those who were unable to attend the LAFCO hearing would find a link in the literature for the May 17th Town Hall Meeting for them to utilize for attending the meeting virtually and make any comments. He mentioned some of the focus discussion points he had shared with those with whom he spoke.

BOARD ACTION ITEMS

***19. CONSIDER SETTING THE DATE AND TIME FOR A PUBLIC HEARING TO CONSIDER ADOPTING INCREASES IN THE RATES FOR RAINBOW MUNICIPAL WATER DISTRICT WATER AND WASTEWATER FEES EFFECTIVE JULY 1, 2023**

Ms. Largent gave a presentation titled "Proposed Adjustments of Water and Wastewater Rates" while reviewing RMWD's various options of which one would need to be selected for inclusion in the Proposition 218 notices which will be mailed out on May 11, 2023.

Ms. Largent provided a background related to the need for a Cost of Service Study including inflation resurgence and supply chain challenges significantly adding to the cost of capital projects, necessary investments in aging pipes, pumps, treatments facilities, and other infrastructure, as well as operating ad energy cost escalations. She pointed out the full Cost of Service study will be made available on the District's website.

Ms. Largent reviewed the key assumptions noting the rate study was very conservative as a means of planning for worst case scenarios. Director Gasca inquired as to whether inflation rates were incorporated into the rate model. Ms. Largent pointed out where inflation is included as part of the key assumptions. She talked about the importance of reevaluating rates with each budget cycle.

Ms. Largent stated the current wastewater financial position noting the reason why wastewater rates had not increased since 2018. She reviewed the wastewater planned capital projects, wastewater projections, as well as the options for wastewater noting the proposed percentage increases over the next five years including the impacts of such.

(*) - Asterisk indicates a report is attached.

Director Gasca inquired as to RMWD's prior study wastewater rates shown as \$73.58. Ms. Largent explained five years ago, the Board was presented with proposed rate increases over five years of which only the first year was approved; however, if the increases were implemented over the entire five years, \$73.58 would be the current wastewater rates today.

Ms. Largent presented the current water financial position, including the current rates-cash flow, water spending by category for FY23, current rates-reserve balances, water reserves, and proposed water financial plan. She pointed out that per the current Administrative Code, RMWD is required to have sixty days of O&M (not including purchased water) and how that should really be at 90 days according to industry standard. She noted RMWD should have at least two years of the five-year average CIP to avoid being placed in an uncomfortable situation in the event of a catastrophic emergency, inflation, or changes to the budget for a major project. She mentioned RMWD should get its Rate Stabilization Fund back up to 10% of rate revenues as well as make sure the liability self-insurance fund is funded. The total water funds should be approximately \$30M-\$35M target depending on the Capital depending on the Capital Improvement Plan.

Ms. Largent shared the proposed financial plan noting she would be sharing various scenarios, all of which bring RMWD to the same general level by FY28 assuming all the assumptions are correct. She provided details related to the listed water capital projects as well as explained the water projections and how each year feeds into the next. Discussion ensued.

Ms. Largent referenced the slide showing the sales by customer class for the prior ten years, noting the residential ranges stayed pretty flat despite significant growth during that period, but agriculture (green) has decreased by approximately 50%. She shared a chart showing the water purchases from fiscal year 2020/21 through 2023/24 (budget).

Ms. Largent presented considerations related to the water rate design categories. She pointed out a significant portion of the District's costs are fixed as well as noted decreasing demands will increase fixed cost recovery. Director Gasca recommended these types of graphs be made available to the public at the upcoming Avocado Festival.

Ms. Largent pointed out of the five scenarios for revenue adjustment projections being presented, the rate study was recommending Scenario 2 with an 8% increase; however, per the Board's request, Scenario 1 with a 9% increase was also being presented. She provided details for each of the five scenarios including the respective fixed cost recovery percentages, revenue adjustment percentages, projected sales, advantages, and disadvantages for each. Discussions ensued.

Ms. Largent pointed out Scenario 2 provides for more stable revenue recovery, less impact on agriculture, as well as delays the risk of Scenarios 4 and 5 which would have significant impact on RMWD's residential customers over time. She mentioned the benefits of Scenario 2 include the ability to continue to provide safe and reliable water, provide continuous 24/7 365 wastewater collection services, eliminate the operating deficit while building up reserves, leverage technology to benefit RMWD customers, as well as replacement of aging infrastructure resulting in reduced breaks and emergency shutdowns. She stated at this time staff was recommending the Board open the public hearing today for June 27, 2023, with adoption of Scenario 2 for both wastewater and water as presented being provided in the Proposition 218 rate notices to be mailed out by May 13, 2023.

Director Moss inquired as to what type of debt finding is possible in RMWD's current state. Ms. Largent stated RMWD has a good story to share with banking institutions of which she has already reached out to many. Director Moss asked what type of interest rates would be looking at. Ms. Largent said she has not received this information as of yet; however, she recommends RMWD go for a \$5M loan now to keep the balances from dropping too low. Discussion followed.

Director Gasca inquired as to why staff was recommending Scenario 2 as opposed to Scenario 1. Ms. Largent explained she was sensitive to the impact on residential as well as agriculture and was looking for that balance. Director Gasca said it was his perspective that if RMWD was going to receive backlash after having prolonged this matter for two years already due to the delay in the detachment efforts, would it not be better to avoid going through the same again by not going with the best scenario that could prevent such backlash from reoccurring. He expressed concern that if the detachment is unsuccessful or delayed for a lengthy period of time, this could significantly impact the District.

Ms. Largent pointed out the difference between Scenario 1 and Scenario 2 for average residential customers is \$20 versus \$18 per month. Director Moss recommended proceeding with Scenario 1. Mr. Kennedy noted this would be up to the Board to decide.

Director Townsend-Smith inquired as to how Scenario 1 would impact agricultural users. Ms. Largent stated 35% of agricultural users on Scenario 1 would have a less than 5% annual bill impact and 27% would have a 5%-10% increase. She pointed out some agricultural users have large water bills on variable.

President Hamilton stated less than 5% was inflationary. Mr. Kennedy noted it was important to recognize 1% of those agricultural customers use a significant amount of water; therefore, even a small percent increase makes a difference as to whether they continue as growers or not. He said it is in the interest of the single-family users to have a robust agricultural presence assisting with paying the bills; otherwise, single-family users will be heavily impacted should agriculture leave.

Ms. Largent stated she was initially recommending Scenario 2 for the water side due to not having Scenario 1 information until after it was recommended to be added by the Board; however, she would have most likely recommended Scenario 1 to the Board.

Motion:

To approve staff recommendation Option 1 – Set the date and time for a public hearing to consider adopting increases in the rates for Rainbow Municipal Water District water and wastewater service fees for June 27, 2023, at 1:00 p.m. with Rate Scenario 1 for water and Rate Scenario 2 for wastewater.

Action: Approve, Moved by Director Moss, Seconded by Director Gasca.

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

Ayes: Director Gasca, Director Hamilton, Director Mack, Director Moss.

Noes: Director Townsend-Smith.

Director Townsend-Smith asked how the ratepayers are notified. Ms. Largent explained she is required to send a rate notice by May 13, 2023 which is forty-five days prior to the June 27, 2023 Board meeting. She noted the notices will be mailed to every RMWD property owner, published in the District newsletter, on the website, and newspaper, as well as discussed at the Town Hall Meeting. Director Moss urged staff to ensure all submeter users are also notified. Ms. Largent clarified every property owner registered with the County will receive notices in the mail.

***20. DISCUSSION AND POSSIBLE ACTION TO APPROVE A 24 MONTH PAYMENT PLAN FOR ACCOUNT 005458-000**

Ms. Largent explained this request came from a customer in Division 5 who had an illegal connection on their meter. She noted it sounds as though when the customer purchased from a contractor who got the house repossessed. She stated this customer was unaware of the illegal connection; however, when a leak occurred, staff had sent them a letter as well as charged them the amount to repair the leak in the amount of \$5,521.27. She said after some back-and-forth communication, the customer accepted responsibility, but requested a 24-month payment plan to pay RMWD.

Motion:

To accept the 24-month payment plan.

Action: Approve, Moved by Director Moss, Seconded by Director Hamilton.

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

Ayes: Director Gasca, Director Hamilton, Director Mack, Director Moss, Director Townsend-Smith.

***21. DISCUSSION AND POSSIBLE ACTION TO ADOPT RESOLUTION NO. 23-07 AUTHORIZING SUBMITTAL OF APPLICATION FOR CALFIRE GRANT FOR WHICH RAINBOW MUNICIPAL WATER DISTRICT IS ELIGIBLE**

Ms. Largent explained this was a grant application RMWD would like to remit for easement maintenance that will allow for more robust removal of trees and things throughout the easement. She stated it appears RMWD may qualify for approximately \$160,000; however, this resolution must be approved by the Board before applying for the grant.

Mr. Kennedy pointed out staff will share a presentation on easement management later in today's meeting.

Motion:

To adopt Staff Recommendation Option 1 - Adopt the attached Resolution No. 23-07 authorizing submittal of application for CalFire grant for which Rainbow Municipal Water District is eligible.

Action: Approve, Moved by Director Gasca, Seconded by Director Hamilton.

(*) - Asterisk indicates a report is attached.

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

Ayes: Director Gasca, Director Hamilton, Director Mack, Director Moss, Director Townsend-Smith.

***22. DISCUSSION AND POSSIBLE ACTION TO QUITCLAIM EASEMENTS FOR THE CAMPUS PARK WEST DEVELOPMENT (DIVISION 4)**

Mr. Williams explained this item was for a proposed mix-use master plan community development of approximately 116 acres. He noted RMWD has existing easements within the parcel. He recalled similar quitclaims have been considered by the Board when RMWD has existing facilities that are either abandoned or relocated as new roads and tract maps come through. He stated in this case, these easements are no longer needed or new ones will be created as the project develops. He gave a brief background on the area to be developed as well as stated the requested easements do not have any existing RMWD facilities nor are any being proposed on the developer's plans. He concluded with noting, after review by staff and Legal Counsel, there are no known foreseen negative consequences for the current or planned infrastructure updates; therefore, staff requests the Board authorize Option 1.

Mr. Hubbell noted there are some unoccupied easements that need to be cleared up as part of the final map process. He pointed out up until last week, the goal was to break ground in September 2023; however, due to ongoing plan and issue resolutions, the decision has been made to push this out to September 2024.

Mr. Kennedy asked if there would be any retail built in the area. Mr. Hubbell said although this has not been confirmed, there is strong interest from various commercial retailers.

Motion:

To accept Option 1 – Make a determination that the action defined herein does not constitute a “project” as defined by CEQA and authorize the General Manager to execute the quitclaim deed associated with the easements which are no longer needed by the District.

Action: Approve, Moved by Director Moss, Seconded by Director Hamilton.

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

Ayes: Director Gasca, Director Hamilton, Director Mack, Director Moss.

Abstain: Director Townsend-Smith.

***23. DISCUSSION AND POSSIBLE ACTION TO APPOINT HEATHER MITCHELL AS AN ALTERNATE MEMBER TO THE COMMUNICATIONS AND CUSTOMER SERVICE COMMITTEE**

President Hamilton pointed out there would be an update and modified discussion on this item.

Mr. Kennedy reported unfortunately after the end of her first week at RMWD, Ms. Mitchell decided this position was not the right fit for her and chose to resign; therefore, the recruitment process will start again.

(*) - Asterisk indicates a report is attached.

Mr. Kennedy stated since this item was on the agenda, he thought this would be the appropriate place in the meeting for Director Moss to provide the Board with an update related to her situation.

Director Moss stated after forty years of being a real estate agent, she decided to sell her home; however, as opposed to taking some time to get through the process of doing so, it sold in three days. She said due to this situation, she will need to be moved out of the area as well as resign as the Division 1 director effective May 1, 2023. She noted although this was not what she wanted or planned for, she very much enjoyed the experience, knowledge, and relationships.

Mr. Kennedy explained once Director Moss is no longer living within Division 1, the seat on RMWD's Board of Directors becomes vacant and an appointment must be made within sixty days. He stated a 15-day Notice of Vacancy will need to be posted in three locations within Division 1. He mentioned one of the blessings of RMWD's committee systems is that there are members who have been involved with RMWD for several years, such as Julie Johnson. He noted Ms. Johnson was the former chair of the Communications and Customer Service Committee as well as a candidate in the most recent Division 1 elections. He said although Ms. Johnson has expressed an interest in being appointed to fill the vacancy, she will need to apply as indicated in the Notice of Vacancy. He pointed out the appointment can be made at either the May or June Board meeting following Board direction to put out a special mailing within the next week or so to all the Division 1 property owners.

Director Moss stated it served her well to serve on the committee for five years before deciding to seek election. She said it was a big advantage and may be a great head start for Ms. Johnson.

Mr. Kennedy stated an appointment cannot be made today; however, an opportunity to have discussion. He solicited direction from the Board as to how they would like staff to proceed.

President Hamilton stated he would like for a direct mailer to be sent to all of Division 1 to ensure everyone is notified of the vacancy. Director Townsend-Smith agreed.

Mr. Kennedy pointed out if the Board does not make an appointment within sixty days, the County Board of Supervisors will appointment someone on behalf of RMWD. Director Townsend-Smith suggested the vacancy notices be mailed as soon as possible and asked how long it would take for these to be sent. Ms. Largent stated she and Ms. Harp will work on this together to ensure they were mailed soon.

***24. SAN DIEGO COUNTY CONSOLIDATED REDEVELOPMENT OVERSIGHT BOARD CALL FOR BALLOTS**

Mr. Kennedy noted this was the call for ballots for a board in which RMWD does not have an interest; however, LAFCO needs as many votes as possible. He pointed out there were two candidates from which the Board to choose.

Motion:

To vote for Patrick Sanchez.

Action: Approve, Moved by Director Gasca, Seconded by Director Hamilton.

(*) - Asterisk indicates a report is attached.

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

Ayes: Director Gasca, Director Hamilton, Director Mack, Director Moss, Director Townsend-Smith.

***25. ACWA 2023 BOARD OFFICERS' ELECTION – AUTHORIZED VOTING REPRESENTATIVE FORM**

Ms. Washburn pointed out the purpose for this form was due ACWA no longer conducting the elections at their Conferences. Mr. Kennedy added after receiving feedback, ACWA has changed their elections to be done electronically; therefore, they are asking for a designated voting representative.

Motion:

To appoint Miguel Gasca as the ACWA Authorized Voting Representative.

Action: Approve, Moved by Director Hamilton, Seconded by Director Moss.

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

Ayes: Director Gasca, Director Hamilton, Director Mack, Director Moss, Director Townsend-Smith.

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

Director Mack, Mr. Kennedy, and Mr. Williams stated they were interested in attending the 2023 CSDA Annual Conference in August.

PRESENTATION

27. RIGHT-OF-WAY CLEARING UPDATE PRESENTATION

Mr. Williams gave a presentation noting how the program has really evolved since 2019 and how RMWD has not gone back out for bid, but rather have running it more on an ad-hoc/as-needed basis. He mentioned discussions with the Fire Marshal take place each year as well as with customers who have easements on their properties. He talked about the bidding processes that have taken place regarding this type of work.

Mr. Williams provided a breakdown in the monies spent on easement maintenance from FY19/20 through FY22/23 noting most of the work has been done by mainly RMWD's system operators. He displayed photographs of Beck Reservoir noting this must be cleared per the Fire Marshal's requirement for fire protection of property on the northerly and westerly sides as well as for compliance with the Department of Safety Dams. He confirmed regardless of Beck Reservoir having water in it or not, it cannot be removed from the list of registered dams within the State of California. He pointed out RMWD owns the 4.6 acres located directly to the west of Beck Reservoir that also must be cleared and how staff was in the process of being appraised for possible sale. Discussion followed.

(*) - Asterisk indicates a report is attached.

Mr. Williams shared photographs of the clearing maintenance at various tanks, reservoirs, roads, and utility easements, as well as Connections #6 and #9, Morro Pump Station, and District headquarters. He noted the ongoing efforts will include identifying supplemental grant funding, conducting land surveys, maintenance, and row easement coordination, implementing Programmatic Environmental Impact Report (P.E.I.R.) mitigation measures, performing in-house easement inspections, populating easement inspection layers in RMWD GIS, as well as contracting as-needed long-term maintenance.

Director Mack excused himself from the meeting at 3:00 p.m.

Director Townsend-Smith asked for the costs. Mr. Williams stated approximately \$200,000 per year is spent on clearing maintenance as well as offered to provide the Board with a cost breakdown. Discussion ensued.

BOARD INFORMATION ITEMS

28. DISCUSSION REGARDING POLICY FOR SERVICE ANIMALS ATTENDING RMWD PUBLIC MEETINGS (REQUESTED BY: DIRECTOR HAMILTON)

President Hamilton explained due to circumstances, he and Ms. Washburn reviewed the current Administrative Code and found a policy does not exist relative to service animals attending any RMWD activities. He suggested RMWD may be in better stead by having a policy in the Administrative Code addressing whether service animals are welcome or not welcome.

Ms. Harp mentioned she reached out to RMWD's liability insurance carrier, ACWA/JPIA who in turn stated they would provide RMWD, as a member agency, with legal advice as well as sample policies. She pointed out ACWA/JPIA recommended RMWD prohibit non-certified trained service animals due to liability risks associated with such. She explained various options for welcoming service animals and solicited the Board for their input as to what approach they would prefer. She noted the importance of distinguishing between public and staff; therefore, having separate policies may be best.

Director Gasca expressed his concern with those with service animals receiving preferential treatment to the detriment of the health of others who have allergic reactions to animals.

Mr. Kennedy pointed out there are now options in place that do not exclude members of the public from participating in RMWD's public meetings.

President Hamilton directed staff to continue investigating this matter a little further and provide the Board with a set of recommendations for consideration.

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

- A. General Manager Comments**
 - 1. Meetings, Conferences and Seminar Calendar
- B. Communications**
 - 1. Staff Training Report
- C. Operations Comments**
 - 1. Operations Report

(*) - Asterisk indicates a report is attached.

- 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
- F. Finance Comments**
 - 1. Board Information Report
 - A. Budget vs. Actuals
 - B. Fund Balance & Developer Projections
 - C. Treasury Report
 - D. Five Year Water Purchases Demand Chart
 - E. Water Sales Summary
 - F. Check Register
 - G. Directors' Expenses Report
 - H. Credit Card Breakdown
 - I. RMWD Properties
 - J. Grant Progress Report

The information and financial items were received and filed.

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

It was noted Vista Irrigation District's 100th anniversary support resolution, appointment of the Director for Division 1, and budget review should be on the next Board meeting agenda.

31. ADJOURNMENT

The meeting was adjourned by President Hamilton to the annual Rainbow Public Facilities Corporation annual meeting.

The meeting was adjourned at 3:14 p.m.

Hayden Hamilton, Board President

Dawn M. Washburn, Board Secretary

(*) - Asterisk indicates a report is attached.