



**DUE TO THE CURRENT COVID-19 SITUATION AND PURSUANT TO WAIVERS TO CERTAIN BROWN ACT PROVISIONS, THIS MEETING IS BEING CONDUCTED VIA TELECONFERENCE AND THERE WILL BE NO PHYSICAL LOCATION FROM WHICH MEMBERS OF THE PUBLIC MAY PARTICIPATE**

**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](mailto: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, January 25, 2022    Closed Session 12:00 p.m.    Open Session 1:00 p.m.**

**THE PURPOSE OF THE REGULAR BOARD MEETING IS TO DISCUSS THE ATTACHED AGENDA**

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**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 4<sup>th</sup> 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](http://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, January 25, 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. **CALL TO ORDER**
2. **ROLL CALL: Gasca\_\_\_\_ Hamilton\_\_\_\_ Mack\_\_\_\_ Moss\_\_\_\_ Stewart\_\_\_\_**
3. **ADDITIONS/DELETIONS/AMENDMENTS TO THE AGENDA (Government Code §54954.2)**
4. **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."*

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).**

***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.***

6. **CLOSED SESSION**
  - A. Conference with Legal Counsel – Anticipated Litigation Pursuant to Government Code §54956.9(d)(4) Significant Exposure to Litigation

\* One Case

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

- B. Conference with Legal Counsel - Existing Litigation Pursuant to Government Code Section 54956.9(d)(1)
  - \* Rainbow Municipal Water District v. Blum, Inc., et al.
- C. Conference with Legal Counsel-Anticipated Litigation (Government Code §54956.9(d)(2))
  - \* One Item

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

Time Certain: 1:00 p.m.

**8. REPEAT CALL TO ORDER**

**9. PLEDGE OF ALLEGIANCE**

**10. REPEAT ROLL CALL**

- \*11. BOARD OF DIRECTORS CONSIDER ADOPTING RESOLUTION NO. 22-03 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.)*

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

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

- 14. 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."*

- 15. 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***

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

*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.*

**\*16. APPROVAL OF MINUTES**

- A. December 7, 2021 - Regular Board Meeting
- B. January 6, 2022 - Special Board Meeting

**\*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)
- B. Representative Report (Appointed Representative)
  - 1. SDCWA
  - 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: Public Records Act 501668-0002

**18. COMMITTEE REPORTS**

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

**PUBLIC HEARINGS**

**\*19. PUBLIC HEARING TO CONSIDER ADOPTING REVISED BOUNDARIES OF THE DIRECTOR DIVISIONS FOR THE RAINBOW MUNICIPAL WATER DISTRICT**

*(In accordance with the Constitution of the State of California and the Constitution of the United States, the Rainbow Municipal Water District is required to adjust the boundaries of the political subdivisions within the district after each decennial census is complete. This item is the first of two formal public hearings related to the proposed new Director divisions. A second public hearing will be held at the February 2022 Board of Directors meeting.)*

**\*20. DISCUSSION AND POSSIBLE ACTION TO ADOPT A RESOLUTION OF NECESSITY, RESOLUTION NO. 22-02, AUTHORIZING THE ACQUISITION OF EASEMENTS BY EMINENT DOMAIN FROM A PORTION OF THE PROPERTY LOCATED AT 5858 CAMINO DEL CIELO, BONSALL, CA 92003 IN DIVISION 1**

*(Designing and constructing the Hutton and Turner Pump Stations for regular use in transporting water from the Morro Zone to the Hutton and Turner Tanks will allow the District to use a larger ratio of water from a less expensive source and will ensure the availability of water during SDCWA Aqueduct shutdowns. The construction of the project requires the acquisition of an easement.)*

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

## **CONSENT CALENDAR ITEMS**

- \*21. DISCUSSION AND POSSIBLE ACTION TO ADOPT ORDINANCE NO. 22-02 AMENDING AND UPDATING TITLE PAGES FOR ADMINISTRATIVE CODE TITLES 4, 5, 6, AND 7**  
*(As part of the ongoing policy review, it was realized some minor formatting revisions were necessary only to the title pages for Administrative Code Title 4, 5, 6, and 7, respectively. Staff prepared proposed amendments to provide formatting consistency throughout the Administrative Code.)*
- \*22. DISCUSSION AND POSSIBLE ACTION TO ADOPT ORDINANCE NO. 22-03 AMENDING AND UPDATING ADMINISTRATIVE CODE CHAPTER PAGES FOR TITLE 5 – FINANCE AND ADMINISTRATION**  
*(As part of the ongoing policy review, it was realized the title pages for Chapters 5.01-5.09 were named inconsistent with all other Administrative Code chapters. Staff prepared proposed updates to the document names themselves; therefore, the revisions will only be reflected in the footer for each.)*
- \*23. DISCUSSION AND POSSIBLE ACTION TO ADOPT ORDINANCE NO. 22-04 AMENDING AND UPDATING VARIOUS ADMINISTRATIVE CODE CHAPTERS, SECTIONS, AND SUBSECTIONS INCLUDED IN TITLE 8 – WATER**  
*(As part of the ongoing process, staff conducted a review of RMWD’s Administrative Code and found there were minor updates to be made to various chapters, sections, and subsections throughout Title 8. These updates include number sequencing, typographical and grammatical corrections, and formatting updates. Staff has prepared proposed amendments to provide consistency throughout the Code.)*
- \*24. DISCUSSION AND POSSIBLE ACTION TO ADOPT ORDINANCE NO. 22-05 AMENDING AND UPDATING VARIOUS ADMINISTRATIVE CODE CHAPTERS, SECTIONS, AND SUBSECTIONS INCLUDED IN TITLE 9 – SEWER**  
*(As part of the ongoing process, staff conducted a review of RMWD’s Administrative Code and found there were minor updates to be made to various chapters, sections, and subsections throughout Title 9. These updates include number sequencing, typographical and grammatical corrections, and formatting updates. Staff has prepared proposed amendments to provide consistency throughout the Code.)*


## **BOARD ACTION ITEMS**

- \*25. 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 CAPACITY CLASS WATER USE AGREEMENT (Division 3)**  
*(The property owner of APN 107-410-37-00 has requested a variance from Ordinance 21-03.)*
- \*26. DISCUSSION AND POSSIBLE ACTION TO APPROVE A VARIANCE FROM MAXIMUM CAPACITY AND 12 MONTH ROLLING AVERAGE REQUIREMENTS IN ORDER TO DOWNSIZE FROM A 1 ½” TO A 1” METER. (Division 1)**  
*(The property owner of APN 127-271-50-00 has requested a variance from Ordinance 21-03.)*
- \*27. DISCUSSION AND POSSIBLE ACTION TO ADOPT ORDINANCE NO. 22-01 AMENDING AND UPDATING ADMINISTRATIVE CODE SECTIONS 2.03.010.04 – LEGITIMATE EXPENSES AND 4.01.110 – EMPLOYEE BUSINESS EXPENSES**  
*(Staff has reviewed both Administrative Code Sections 2.03.010.04 and 4.01.110 in which meal and incidental expense reimbursements are addressed for both staff and Board Members and have determined the Board may want to consider updating the reimbursements limits to the overall daily “Meal and Incidental Expenses Total” as published by the IRS guidelines for the region in which the course of travel or attending an authorized activity occurs. Also, staff prepared proposed revisions to bring both above-referenced sections into alignment in terms of exceptions.)*

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

- 28. DISCUSSION AND POSSIBLE APPOINTMENT OF STEVE MCKESSON TO SERVE AS A MEMBER OF THE ENGINEERING AND OPERATIONS COMMITTEE**  
*(At their December 4, 2021, meeting, the Engineering and Operations Committee voted to recommend that that Board appoint Steve McKesson to serve as a member.)*
- \*29. BOARD MEMBER REQUESTS FOR AUTHORIZATION TO ATTEND UPCOMING MEETINGS / CONFERENCES / SEMINARS**  
*(Director Moss has remitted two separate requests for conferences for Board consideration.)*
- \*30. RECEIVE AND FILE INFORMATION AND FINANCIAL ITEMS**
- A. General Manager Comments**
    - 1. Meetings, Conferences and Seminar Calendar
  - B. Communications**
    - 1. Staff Training Report – D. & R. Rubio
    - 2. Staff Training Report – Largent
    - 3. Staff Training Report – Gutierrez
  - 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
      - 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
- 31. LIST OF SUGGESTED AGENDA ITEMS FOR THE NEXT REGULAR BOARD MEETING**
- 32. ADJOURNMENT - To Tuesday, February 22, 2022, at 1:00 p.m.**

**ATTEST TO POSTING:**

  
 \_\_\_\_\_  
 Pam Moss  
 Secretary of the Board

1-18-22 @ 4:10 p.m.  
 \_\_\_\_\_  
 Date and Time of Posting  
 Outside Display Cases

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