



THIS MEETING WILL BE CONDUCTED WITH IN PERSON ATTENDANCE PERMITTED WITH LIMITED CAPACITY IN ACCORDANCE WITH COUNTY AND STATE COVID GUIDELINES, INCLUDING MASK REQUIREMENTS FOR ALL THOSE ATTENDING IN PERSON. 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, February 22, 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

District Office 3707 Old Highway 395 Fallbrook, CA 92028

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, February 22, 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
 - B. Conference with Legal Counsel - Anticipated Litigation (Government Code §54956.9(d)(2))
 - * Two Items

(*) - Asterisk indicates a report is attached.

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. 22-04 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.*

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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 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. **EMPLOYEE RECOGNITIONS**

A. **Service Awards**

1. **Wayne Nault (15 Years)**

(*) - Asterisk indicates a report is attached.

- B. Excellence Coin Awards
 - 1. Laura Martinez
 - 2. Renee Rubio

***17. APPROVAL OF MINUTES**

- A. January 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 January 27, 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: CEQA and Proposition 218 Updates

19. COMMITTEE REPORTS

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

PUBLIC HEARING

***20. PUBLIC HEARING TO CONSIDER ADOPTING RESOLUTION NO. 22-08 REVISING 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. The goal of redistricting is to adjust the boundaries so that each division has "substantially" equal population. The 2020 Census was performed although the ongoing pandemic and other issues delayed the delivery of census data to local governments until late in 2021. Upon receipt of the data from the Census Bureau, District staff, led by IT Manager Ahmed Khattab, carefully processed the data using both standard census processing techniques and some innovative processes to increase the accuracy of the calculations. This item is the second of two formal public hearings related to the proposed new Director divisions. A first public hearing was held at the January 2022 Board of Directors meeting.)

(*) - Asterisk indicates a report is attached.

CONSENT CALENDAR ITEMS

- 21. NOTICE OF COMPLETION AND ACCEPTANCE OF THE NORTH RIVER ROAD SEWER MANHOLE REHABILITATION, DIVISION 2**
(The North River Road Manhole Rehabilitation project included the repair and rehabilitation of 53 sewer manholes along the 15-inch diameter VCP sanitary sewer pipeline located in North River Road between Mission Road (upstream) and Stallion Drive (downstream). All facilities have been constructed per plans, inspected, and tested per specifications. Upon acceptance by the Board, the improvements become part of the District sanitary sewer system and Staff takes over operation and maintenance.)
- *22. DISCUSSION AND POSSIBLE ACTION TO APPROVE ORDINANCE NO. 22-06 - AMENDING AND UPDATING ADMINISTRATIVE CODE SECTION 1.02.020 – CONFLICT OF INTEREST**
(As the positions change at the District, a review of the Administrative Code Section 1.02.020 - Conflict of Interest Code is conducted to determine whether those positions listed in the Conflict of Interest Code need to be updated accordingly.)

BOARD ACTION ITEMS

- *23. FISCAL YEAR 2021-22 MID-YEAR OPERATING AND CAPITAL BUDGET REVIEW AND ADJUSTMENTS**
(Mid-year is customarily a suitable time to compare budget estimates with the first half of actual data and make appropriate adjustments where deemed necessary for the balance of the Fiscal Year. The District's budget for the year has come in as expected with the exception of some unexpected expenses.)
- *24. ADOPT RESOLUTION NO. 22-05 FIXING THE TIME AND PLACE OF HEARING AND MEETING ON PROPOSED WATER AVAILABILITY CHARGES FOR IMPROVEMENT DISTRICT NO. 1**
(As part of the annual process for setting the water availability charges for Improvement District No. 1, it is necessary to hold a public hearing on the proposed charges. The Board will take this opportunity to set a public hearing on the entry of charges and fees for Improvement District No. 1. Upon approval of Resolution No. 22-05, the public hearing will be set for June 28, 2022 at 1:00 p.m. at the District Headquarters.)
- *25. DISCUSSION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. 22-06 ESTABLISHING CLASSIFICATIONS AND MONTHLY PAY RANGES FOR DISTRICT EMPLOYEES AND GENERAL MANAGER EFFECTIVE FEBRUARY 22, 2022 THROUGH JUNE 30, 2022**
(In compliance with state and CalPERS regulations, the District maintains a Salary Grade structure that includes all job titles, salary grade levels, and monthly salary ranges for each grade. The table is available for public review, accessible from the Rainbow MWD website, and is published on a website hosted by the California State Controller.)
- *26. DISCUSSION AND POSSIBLE ACTION TO ADOPT RESOLUTION NO. 22-07 RECOGNIZING THE CITY OF OCEANSIDE WATER UTILITIES DEPARTMENT AND COUNTY OF SAN DIEGO BONSALL ROAD STATION FOR ASSISTING WITH UNPRECEDENTED WATER MAIN BREAKS THE WEEK OF JANUARY 17, 2022**
(The Rainbow Municipal Water District Board of Directors will take this opportunity to consider adopting Resolution No. 22-07 formally acknowledging and extending its profound appreciation to both the City of Oceanside Water Utility Department and County of San Diego Bonsall Road Station for their assistance in mitigating the impacts of seven main breaks in a five-day period.)
- 27. DISCUSSION AND POSSIBLE APPOINTMENT OF JULIE JOHNSON TO SERVE AS A MEMBER OF THE ENGINEERING AND OPERATIONS COMMITTEE**
(On February 2, 2022, a majority of the Engineering and Operations Committee members voted to approve a recommendation that the Board appoint Julie Johnson to serve as a member.)
- 28. BOARD MEMBER REQUESTS FOR AUTHORIZATION TO ATTEND UPCOMING MEETINGS / CONFERENCES / SEMINARS**

(*) - Asterisk indicates a report is attached.

BOARD INFORMATION ITEMS

***29. DISCUSSION REGARDING THE HUTTON / LINE P PUMP STATION SUMMARY REPORT, DIVISION 1**

(The Hutton / Line P Pump Station Summary (Summary) is intended to provide background and chronological summary of the District's efforts to establish a permanent Hutton Pump Station formerly known as Line P Permanent Emergency Pump Station. This summary was prepared at the request of the Board to clarify the justification for pursuing eminent domain for the easement required for the pump station.)

***30. REVIEW OF ADMINISTRATIVE CODE SECTION 2.06.010 – COMMITTEES POLICY**

(This item is to provide an opportunity for the Board of Directors to review the current Administrative Code policy related to the District's standing committees.)

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

A. General Manager Comments

1. Meetings, Conferences and Seminar Calendar

B. Operations Comments

1. Operations Report

C. Engineering Comments

1. Engineering Report
2. As-Needed Services Expenditures Summary
3. RMWD Sewer Equivalent Dwelling Units (EDU's) Status

D. Human Resource & Safety Comments

1. Human Resources Report

E. 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

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

33. ADJOURNMENT - To Tuesday, March 22, 2022 at 1:00 p.m.

ATTEST TO POSTING:

Pam Moss
Pam Moss
Secretary of the Board

2-15-22 @ 8:45 a.m.
Date and Time of Posting
Outside Display Cases

(*) - Asterisk indicates a report is attached.