



**DUE TO THE COVID-19 STATE OF EMERGENCY AND PURSUANT TO WAIVERS TO CERTAIN BROWN ACT PROVISIONS UNDER THE GOVERNOR'S EXECUTIVE ORDERS, THIS MEETING IS BEING CONDUCTED VIA TELECONFERENCE AND THERE WILL BE NO PHYSICAL LOCATION FROM WHICH MEMBERS OF THE PUBLIC MAY PARTICIPATE.**

**MEMBERS OF THE PUBLIC ARE ENCOURAGED TO PARTICIPATE IN THE BOARD MEETING OPEN SESSION BY GOING TO <https://us02web.zoom.us/j/83494947350> OR BY CALLING 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: 834 9494 7350). (CLOSED SESSION WILL NOT BE ACCESSIBLE TO MEMBERS OF THE PUBLIC; HOWEVER, INSTRUCTIONS FOR SUBMITTING PUBLIC COMMENT ON CLOSED SESSION ITEMS ARE PROVIDED IN ITEM #4.)**

MEMBERS OF THE PUBLIC WISHING TO ADDRESS THE BOARD UNDER PUBLIC COMMENT OR ON A SPECIFIC AGENDA ITEM MAY SUBMIT WRITTEN 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 PUBLIC 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, June 22, 2021**

**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, June 22, 2021, 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\_\_\_ Rindfleisch\_\_\_**
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 wishing to address the Board on matters regarding the Closed Session agenda should email or mailing their comments to the Board Secretary one hour before the Closed Session scheduled start time. All written public comments will be read to the Board prior to their adjournment to Closed Session. Any person wishing to speak to the Board regarding Closed Session agenda items may do so 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 (Government Code §54956.9(d)(2))**

\* One Item

(\*) - 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 Labor Negotiators (Government Code §54957.6 and §54957)

Agency Designated Representatives

Tom Kennedy  
Karleen Harp  
Tracy Largent

Discussions regarding labor negotiations for:

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

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

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

**13. 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."*

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

**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).**

*Under Oral Communications, any person wishing to address the Board on 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.*

**\*15. APPROVAL OF MINUTES**

A. May 25, 2021 - Regular Board Meeting

**\*16. 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 May 27, 2021
  - 2. CSDA
  - 3. LAFCO
  - 4. San Luis Rey Watershed Council
  - 5. Santa Margarita River Watershed Watermaster Steering Committee
  - 6. 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: Brown Act and Proposition 218 Update 150152-0005

**17. COMMITTEE REPORTS**

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

Time Certain: 1:00 p.m. Public Hearing

**\*18. PUBLIC HEARING**

**A. DISCUSSION AND POSSIBLE ACTION TO ADOPT ORDINANCE NO. 21-02 FOR ID 1  
STANDBY CHARGES**

*(Ordinance No. 21-02 establishes water availability charges for all of the Rainbow Municipal Water District Improvement District – Improvement District No. 1.)*

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

## **BOARD ACTION ITEMS**

- \*19. DISCUSSION AND POSSIBLE ACTION TO ADOPT RESOLUTION NO. 21-13, APPROVING A SUCCESSOR MEMORANDUM OF UNDERSTANDING BETWEEN THE RAINBOW MUNICIPAL WATER DISTRICT AND THE RAINBOW EMPLOYEE ASSOCIATION**  
*(The existing Memorandum of Understanding (MOU) with the Rainbow Employee Association expires on June 30, 2021. The proposed successor MOU covers the period of July 1, 2021 through June 30, 2026.)*
- \*20. DISCUSSION AND POSSIBLE ACTION TO ADOPT RESOLUTION NO. 21-14, APPROVING A SUCCESSOR MEMORANDUM OF UNDERSTANDING BETWEEN THE RAINBOW MUNICIPAL WATER DISTRICT AND THE RAINBOW ASSOCIATION OF SUPERVISORS AND CONFIDENTIAL EMPLOYEES**  
*(The existing Memorandum of Understanding (MOU) with the Rainbow Association of Supervisors and Confidential Employees expires on June 30, 2021. The proposed successor MOU covers the period of July 1, 2021 through June 30, 2026.)*
- \*21. DISCUSSION AND POSSIBLE ACTION TO ADOPT RESOLUTION NO. 21-15, APPROVING A SUCCESSOR MEMORANDUM OF UNDERSTANDING BETWEEN THE RAINBOW MUNICIPAL WATER DISTRICT AND THE RAINBOW EXEMPT EMPLOYEES**  
*(The existing Memorandum of Understanding (MOU) with the Rainbow Exempt Employees expires on June 30, 2021. The proposed successor MOU covers the period of July 1, 2021 through June 30, 2025.)*
- \*22. DISCUSSION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. 21-16 — A RESOLUTION OF THE BOARD OF DIRECTORS OF RAINBOW MUNICIPAL WATER DISTRICT ESTABLISHING CLASSIFICATIONS AND MONTHLY PAY RANGES FOR DISTRICT EMPLOYEES AND THE GENERAL MANAGER EFFECTIVE JULY 1, 2021 THROUGH JUNE 30, 2022**  
*(The grade structure included in Resolution No. 21-16 is revised to reflect the new pay grades per the Pay Grade adjustments terms in the proposed successor MOUs between the District and the bargaining units. Resolution No. 21-16 rescinds Resolution No. 21-05.)*
- \*23. PRESENTATION, DISCUSSION AND POSSIBLE ACTION TO ADOPT RESOLUTION NO. 21-12 APPROVING FISCAL YEAR 2021-2022 OPERATING & CAPITAL IMPROVEMENT BUDGET**  
*(This proposed FY 2021-2022 Budget is now presented to the Board for final adoption.)*
- 24. CONSIDER SETTING THE DATE AND TIME FOR A PUBLIC HEARING TO CONSIDER ADOPTING INCREASES IN THE RATES FOR RAINBOW MUNICIPAL WATER DISTRICT SERVICE FEES EFFECTIVE SEPTEMBER 1, 2021**  
*(This action item is only to set the date and time for the public hearing and authorize staff to release the appropriate public notifications for both the hearing and information on how to protest the rate increase.)*
- \*25. 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**  
*(The property owner of APN 172-021-61-00 has requested a variance from Ordinance 19-04.)*
- 26. DISCUSSION AND POSSIBLE ACTION REGARDING CHANGE ORDERS TO THE FOLLOWING AS-NEEDED CONTRACTS: LAND SURVEYING SERVICES, CIVIL ENGINEERING SERVICES, REAL ESTATE APPRAISAL SERVICES, CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES, AND ENVIRONMENTAL SERVICES**  
*(District staff proposes a re-allocation of funds among the existing as-needed services contracts with a net change of zero dollars and an extension of one year to the as-needed land surveying services contracts. The requested change orders would enable the District to continue to cost effectively complete projects in the most time efficient manner possible.)*

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

- \*27. CSDA 2020 BOARD OF DIRECTORS ELECTIONS SEAT A**  
*(Each of CSDA's six (6) networks has three seats on the Board and the candidates are either a board member or management-level employee of a member district located in our Network. Each Regular Member (district) in good standing shall be entitled to vote for one (1) person to represent its Network in Seat A.)*
- \*28. BOARD MEMBER REQUESTS FOR AUTHORIZATION TO ATTEND UPCOMING MEETINGS / CONFERENCES / SEMINARS**

**BOARD INFORMATION ITEMS**

- \*29. STATEMENT OF AUDITING STANDARDS (SAS) 114 PLANNING LETTER**  
*(The attached letter describes planning stages of the audit for the year ended June 30, 2021.)*
- 30. ENERGY PROCUREMENT UPDATE**
- \*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
    - 2. Budget vs. Actuals
    - 3. Fund Balance & Developer Projections
    - 4. Treasury Report
    - 5. Five Year Water Purchases Demand Chart
    - 6. Water Sales Summary
    - 7. Check Register
    - 8. Directors' Expenses Report
    - 9. Credit Card Breakdown
    - 10. RMWD Properties
- 32. LIST OF SUGGESTED AGENDA ITEMS FOR THE NEXT REGULAR BOARD MEETING**
- 33. ADJOURNMENT - To Tuesday, July 27, 2021 at 1:00 p.m.**

**ATTEST TO POSTING:**

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| <br><hr style="width: 100%;"/> Pam Moss<br>Secretary of the Board | 6-14-21 @ 11:30 a.m.<br><hr style="width: 100%;"/> Date and Time of Posting<br>Outside Display Cases |
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(\*) - Asterisk indicates a report is attached.