

**MINUTES OF THE ENGINEERING AND OPERATIONS COMMITTEE MEETING  
OF THE RAINBOW MUNICIPAL WATER DISTRICT  
AUGUST 7, 2019**

1. **CALL TO ORDER** – The Engineering and Operations Committee Meeting of the Rainbow Municipal Water District on August 7, 2019 was called to order by Chairperson Nelson at 3:00 p.m. in the Board Room of the District, 3707 Old Highway 395, Fallbrook, CA 92028. Chairperson Nelson, presiding.

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL:**

**Present:** Member Prince, Member Stittle, Member Taufer, Member Brazier, Member Marnett, Member Nelson.

**Also Present:** General Manager Kennedy, Executive Assistant Washburn, District Engineer Strapac, Associate Engineer Powers, Project Manager Williams, Meters Services Supervisor Chandler.

**Absent:** Member Ratican, Operations Manager Gutierrez, Engineering Technician Rubio.

One member of the public was present.

4. **SEATING OF ALTERNATES**

There were no alternates seated.

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

Mr. Nelson noted Mr. Kennedy has requested an item be added to the agenda regarding the upcoming SDCWA emergency shutdown. Mr. Nelson noted this would be added as Item #14A.

6. **PUBLIC COMMENT RELATING TO ITEMS NOT ON THE AGENDA (Limit 3 Minutes)**

There were no comments.

7. **COMMITTEE MEMBER COMMENTS**

Mr. Taufer commented on the discussion the Committee had regarding the process of record of survey related to the gap and suggested an alternative method of handling the issue was not addressed. He recommended a lot line adjustment should be conducted according to the Subdivision Map Act. He noted the PLAT process would require simply filing a Certificate of Compliance with the County of San Diego.

Mr. Kennedy explained the challenge was the survey showed the small parcel remains technically owned by the individuals who split the other lots; therefore, staff has been working with Legal Counsel to try to contact those individuals as required by law. He stated the District has been

unsuccessful in receiving a response to date and should a response not be received by August 20, 2019, the District will propose to the Board that they commence Quiet Title Action which is essentially filing with the court to take ownership of this stranded parcel. He pointed out there are specific legal rules to follow which are being followed and that if the matter is not resolved otherwise, there will be an item on the August agenda for Board consideration. He mentioned these steps were discussed previously with the committee.

Mr. Taufer said the gap is not a legal parcel. Mr. Kennedy explained it was also not something to which the District has title. Mr. Strapac added staff has explored the Certificate of Title process. Mr. Kennedy pointed out although there may be some other methodology for addressing this matter, staff was deferring this matter to the Legal Counsel team hired by the Board and taking their advice on the issue.

Mr. Nelson appreciated Mr. Taufer's concerns and desire to find a more expeditious means of addressing this matter; however, with this matter being resolved by the end of August it will be at the same place when the committee meets next. Mr. Taufer stated he just wanted to bring this forth as a comment to take another look at where the District was going and all the options available.

Mr. Prince asked if Mr. Taufer believed RMWD owns both lots; therefore, a lot adjustment could be acquired. Mr. Taufer stated it could be done under the Subdivision Map Act. Mr. Prince explained there was a previous owner and this was the challenge. Discussion ensued.

Mr. Nelson applauded the article in the newsletter spotlighting RMWD's Engineering Department.

**\*8. APPROVAL OF MINUTES**

**A. June 5, 2019**

Mr. Nelson noted approving these minutes were put on hold due to a question regarding the gap being discussed in a prior meeting. Ms. Washburn stated the minutes provided were the updated draft provided by Ms. Rubio for Committee consideration.

***Motion:***

***To approve the minutes.***

***Action: Approve, Moved by Member Brazier, Seconded by Member Stitle.***

***Vote: Motion carried by unanimous vote (summary: Ayes = 6).***

***Ayes: Member Prince, Member Stitle, Member Taufer, Member Brazier, Member Marnett, Member Nelson.***

**B. July 3, 2019**

***Motion:***

***To approve the minutes.***

***Action: Approve, Moved by Member Stitle, Seconded by Member Brazier.***

***Vote: Motion carried by unanimous vote (summary: Ayes = 6).***

***Ayes: Member Prince, Member Stitle, Member Taufer, Member Brazier, Member Marnett, Member Nelson.***

**9. DISCUSSION REGARDING REQUEST TO REDUCE METER SIZE AT TERRACE AT SAN LUIS REY**

Mr. Strapac gave a presentation titled "The Terrace at San Luis Rey HOA". He pointed out RMWD received a formal written request from The Terrace at San Luis Rey Homeowners Association (HOA) to reduce several of their onsite meters that feed multiple residents. He introduced The Terrace at San Luis Rey HOA representative, Brett Maurits.

Mr. Maurits addressed the committee noting the property consists of 57 units of which 19 duplex units currently fed with 1" meters. He pointed out this was a 50-year-old complex with some of the meters appearing to be the originals. He mentioned the HOA has a \$225,000 budget with \$108,000 alone spent on just water over the past three years. He noted the HOA went to Mission Conservation District and hired a water manager that provides landscape services both of which provided the HOA with an audit. He said the HOA has \$90,000 budgeted over the next 18 months to start revamping the sprinkler systems and drought tolerant landscaping over the property's 11 acres. He noted the HOA pays for the watering and when it was considered to go to sub-metering with the costs being passed on to the homeowners, the idea was unwelcomed.

Mr. Prince asked for confirmation the services are owned by the HOA. Mr. Maurits confirmed the HOA does own the services, not the individual property owners. He pointed out there have been laterals found to be broken that have since been prepared.

Ms. Brazier asked if the reduction in size of so many meters have any impact on fire protection. Mr. Maurits noted he was a retired fireman and believes the fire hydrant watering system was sufficient.

Mr. Kennedy asked if there was a third option to offer to the homeowners in terms of an agreement stating the District will agree to the downsizing and the property owners will agree to the District conducting an annual review to ensure the proposed changes have been made to the property. Mr. Strapac pointed out another option would be leaving the meters where they are but bill at the smaller meter size rates.

Mr. Prince asked if there was a high pressure issue in the area. Mr. Maurits stated some of the high pressure concerns are possibly due to aging infrastructure. He added all the 1 ½" meters have classified either commercial or single family; therefore, the HOA has been paying premium rates all along. He requested the property be categorized as agricultural with residence. Mr. Kennedy offered to review the classifications to determine if the property qualifies. Mr. Prince asked for clarification as to HOA's being considered commercial. Mr. Kennedy confirmed HOA's are commercial; however, there is an irrigation only rate class which could be considered by the Budget and Finance Committee.

Mr. Nelson asked if this HOA had not come to the District to address this matter, would they have continued to exceed the 130 unit limitation and by bringing this issue to the District have they brought jeopardy upon themselves by doing what they believed to be the right thing. Mr. Kennedy confirmed the District and HOA have held many discussions regarding different ways to address the matter. Mr. Nelson inquired as to whether there are other meters throughout the District regularly exceeding the monthly average for what their capacity is supposed to be because obviously this has been going on for quite some time unbeknownst to the District.

Ms. Brazier asked why the District did not know what was occurring. Mr. Kennedy explained the chart presented by Mr. Strapac establishing those criteria was recently adopted approximately one year ago when the capacity classes were established at which time there was a great deal of discussion regarding enforcing the limitations. He noted the rate model RMWD was working on developing last year to try to implement using the average consumption to set the fixed rates did not quite come into fruition last year. He said the simplest way to send the message was to make the meter the right size as well as have the rate structure adjust based on the customer's rolling annual average consumption. Discussion ensued regarding how the original meter sizes were determined.

Ms. Brazier proposed since the HOA was already exceeding the amount for all but one of their current 1 ½" meters but have plans to reduce their consumption in the near future, could RMWD bill them for the 2" meters for the time being and should the time be short enough the consumption will reduce itself. Mr. Kennedy confirmed this was one of the options to be considered. Mr. Nelson inquired as to the HOA's timeframe for implementing the xeriscape. Mr. Maurits said it would take approximately 18-months realistically.

Mr. Maurits noted he would provide documentation to Mr. Strapac demonstrating the HOA remains under approximately 130 units of water. Ms. Brazier noted xeriscaping would also serve as a good means of providing fire protection.

Mr. Nelson asked if the committee would like to make a recommendation to the Board. Mr. Strapac explained at this time staff was seeking committee input in terms of what options should be explored by staff prior to seeking formal approval from the committee or Board of Directors. Mr. Nelson recalled the Board passed an item to be included in the Administrative Code setting up a mechanism whereby if customers wanted to reduce the size of their meters, those customers would come to the Engineering and Operations Committee first and then an action went forward to the Board of Directors. Ms. Brazier stated it is in the Administrative Code that this committee is to make a recommendation to the Board. Mr. Nelson explained in order for Mr. Maurits to get what is being requested, this matter needs to go to the Board; therefore, the committee can take action today making a recommendation to the Board or provide feedback to staff to allow time for additional time to work on this matter after which time it can come back to the committee for Board recommendation or directly to the Board for consideration.

Mr. Prince suggested reaching an agreement that works in terms of reducing the meter size was the only item to be resolved. Mr. Kennedy pointed out the HOA has been demonstrating they are working hard to reduce their consumption; therefore, he would suggest making a recommendation to downsize the other meters with an express agreement that should the 1 ½" meter average consumption within twelve months, then that meter will be increased to a 2" meter. Ms. Brazier agreed with the District not having to change out the meter at the expense and dislocation if unnecessary and this would be incentive to reduce the consumption sooner.

Mr. Prince inquired as to whether there was a limit set for 1 ½" meters installed a long time ago. Mr. Kennedy agreed there was not an expressed limit on how much water could be consumed. Mr. Prince asked now that there was a limit set, could it be imposed on the HOA when the meters were in place prior to establishing the limitations. Mr. Kennedy explained the limits were not imposed right now; however, when a customer makes a request for the District to downsize their meters, these criteria are being examined. Mr. Prince asked Mr. Maurits knowing they are requesting a downsize does the HOA have a problem with having consumption limitations. Mr. Maurits stated when the HOA Board discussed this matter, it was unanimous on the meter downsizing, but the upsizing was a bit of surprise which he needed to relay back to the HOA Board.

Mr. Prince asked if the HOA goes to ¾” meters not located in a high-pressure zone, would RMWD still require the HOA to sign a high-pressure agreement to indemnify the District from any damage. Mr. Maurits stated the HOA currently has two test meters and have not noticed a change in water pressure.

Mr. Nelson solicited the committee members for input as to making a recommendation to the Board to allow downsizing the 1” meters to ¾” meters and allowing the 1 ½” meters to remain in place being billed as they have been for a period of time stipulated in an agreement between RMWD and HOA that the HOA will undertake the conversion to xeriscape at which time the District would not increase the meter size. Ms. Brazier agreed with the recommendation. Mr. Maurits stated he would be in favor of taking an agreement to the HOA Board for consideration.

***Motion:***

***This committee recommends to the Board, with staff doing the appropriate implementation, the HOA be allowed to downsize the 1” meters to ¾” meters, the 1 ½” meters will remain in place and continue to be billed as 1 ½” meters with the HOA and General Manager executing an agreement establishing a timeline to be evaluated in 18 months to determine whether the usage has been reduced enough to qualify for a 1 ½” meter.***

***Action: Approve, Moved by Member Brazier, Seconded by Member Marnett.***

***Vote: Motion carried by unanimous vote (summary: Ayes = 6).***

***Ayes: Member Prince, Member Stitle, Member Taufer, Member Brazier, Member Marnett, Member Nelson.***

## **10. UPDATE ON MISCELLANEOUS PIPELINE REPLACEMENT**

Mr. Powers updated the committee on the miscellaneous pipeline replacement project. He mentioned the next submittal expected was a 60% middle in three weeks. He explained three additional stretches of pipeline had connections to be located by staff after which the consultant needed to survey as well as the areas where the pipeline was to be installed to incorporate them into the 60% design. He noted to get those locations easements had to be cleared, connections were located, and the survey was complete allowing the consultant to move forward. He added members of RMWD’s meter department met the consultant in the field to locate all the meters to be relocated into roadways as part of this project.

Mr. Marnett asked who would be responsible for paying for the meter relocations. Mr. Kennedy stated RMWD was responsible for those costs. He directed staff to get agreements for easements to each of the remote meters according to the Administrative Code. Mr. Strapac mentioned staff worked with the property attorney who described the process for quitclaiming part of the District’s easement to the other homeowner essentially granting them the sliver of easement. Mr. Kennedy stated as long as it was specific with legal rights in place, this should suffice.

Mr. Nelson noted at the July 5, 2019 committee meeting Mr. Strapac confirmed the project to be completed at the end of August and asked if it was still on schedule. Mr. Strapac stated due to the unanticipated delay, the schedule may be a little behind. Mr. Nelson asked if there were any changes to scope and budget for this project. Mr. Strapac said there have not been changes to either.

## **11. UPDATE ON VIA ARARAT PIPELINE REPLACEMENT**

Mr. Powers noted the project did go out for bid and the Board approved the construction contract. He mentioned the pre-construction meeting will be held with the contractor on August 8, 2019. He explained some delay in getting the contract executed post Board approval; however, the documents were executed on July 29, 2019. He stated the Notice to Proceed will be signed by the District Engineer and contract at the pre-construction meeting with the construction timeline set at forty-five days.

Mr. Kennedy introduced Chad Williams, RMWD's new Project Manager.

## **\*12. AS-NEEDED SERVICES EXPENDITURES SUMMARY**

Mr. Strapac referenced the list of current projects provided. He mentioned there was another project RMWD was involved in due to a line being severed when homes were developed on Old Highway 395. He noted the design fee would be approximately \$70,000. Discussion ensued as-needed services available.

Mr. Marnett asked if the fees were being divided into smaller tasks. Mr. Kennedy explained the amounts provided on the list are for each of the assignments given to the as-need consultants. Discussion followed.

Mr. Nelson expressed his pleasure with the processes.

## **\*13. REVIEW OF ADMINISTRATIVE CODE SECTION 2.09 - COMMITTEES**

Mr. Nelson noted this item was added as part of the recommendation made by the Board President at the July 23, 2019 regular Board meeting as part of an evaluation process in which the committee can participate. He said today was mostly intended to introduce this item to the committee with the idea that the committee will discuss this policy as a whole at their next meeting.

Ms. Brazier stated it was important to understand this was not an arbitrary review; however, a means of addressing the responsibility and authority of the committee members in that they are not vetted or have any responsibility for any recommendations made to the Board for consideration, especially any variance of the Administrative Code. She explained the Board does value committee input; however, it is the Board's responsibility and accountability to approve on those recommendations.

Mr. Nelson noted this will be on the next committee agenda at which time he would like to receive committee input as to the purview of the committee's work.

Mr. Prince agreed with the review process noting the committee is part of the process which make working at RMWD better overall. Mr. Nelson mentioned some items specific to his interests included focusing more on looking at the CIP as an overall entity to ensure CIP projects are appropriately assessed as well as pre-project planning to find and address any anticipated obstacles. He noted he would like to meet with Mr. Strapac to discuss finding a way for the committee to look at and understand all the capital projects on a more regular basis. Mr. Kennedy pointed out he and Mr. Strapac were already in discussions regarding these same interests with a goal set for Fall 2019. Discussion ensued.

Mr. Strapac mentioned engineering is time constrained due to little staff devoted to many items. He noted he and Mr. Powers have less than 50% of their time in a month available solely for projects. He stated attending and preparing for committee minutes takes up 6% of their time. He

pointed out RMWD is in constant flux with the CIP. Ms. Brazier added Mr. Nelson's suggestion may take time, but it will buy the staff understanding and support at both the committee and Board levels. Discussion ensued.

Mr. Nelson reminded the committee has the ability to oversee, recommend, provide external input on engineering matters at RMWD, but the committee does not run the engineering department or the District. Ms. Brazier added everything the committee wants done costs staff time, opportunities, supplies, etc.

Mr. Kennedy pointed out today was a good example of how effective a committee can be in that discussions are held in the open with compromised solutions on record. He also noted approved committee minutes will not be provided as part of the Board agenda meeting packets.

Ms. Brazier suggested the reappointment of committee members as required according to the Administrative Code be reconsidered at the next committee meeting. Mr. Kennedy recommended this be considered at all the upcoming committee meetings.

Mr. Nelson challenged the committee members to give the operations committee consideration as to what should be the next steps. Mr. Kennedy recommended utilizing the particular metrics provided by EAM on which Mr. Gutierrez may want to talk about at future meetings as a means of measuring the department's effectiveness. Discussion ensued.

#### **14. LIST OF SUGGESTED AGENDA ITEMS FOR THE NEXT SCHEDULED ENGINEERING AND OPERATIONS COMMITTEE MEETING**

Discussion went to Item #14A.

It was noted the following items will be on the next committee meeting agenda:

- Miscellaneous Pipeline Replacement
- Via Ararat Pipeline Replacement
- As Needed Services Expenditures Summary
- Committee Policy Review
- Sewer Pipe Lining Project

#### **14A. ANTICIPATED SAN DIEGO COUNTY WATER AUTHORITY EMERGENCY SHUTDOWN**

(This item was added per Item #5.)

Mr. Kennedy announced last week RMWD was notified by SDCWA of a leak near Moosa Creek which was later determined to be on a SDCWA pipeline. He noted should SDCWA shutdown this pipeline, all RMWD's sources of supply west of I-15 will be gone with limited connectivity. He added this shutdown will impact RMWD, Rancho Water, Western MWD, Valley Center MWD, Oceanside, Vallecitos, and FPUD. He mentioned some of the discussion held between RMWD and SDCWA regarding this matter and how SDCWA was planning a three-day shutdown sometime in the next two weeks. He pointed out some of the challenges including notifying the affected customers in a short period of time. He agreed to keep the committee updated on this matter.

Mr. Kennedy clarified customers will not be out of water completely but will be asked to limit their inside water use and not conduct any outside irrigation for the duration of the shutdown.

Discussion ensued regarding acquiring local water supplies.

Mr. Nelson asked how ratepayers will be advised at to the shutdown. Mr. Kennedy stated once SDCWA sets a date, a reverse 911 call will be made, emails will be sent, and use of local media will be sought. Discussion followed.

Discussion went to Item #14.

## **15. ADJOURNMENT**

The meeting was adjourned by Chairperson Nelson.

The meeting was adjourned at 4:48 p.m.

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**Flint Nelson, Committee Chairperson**

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**Dawn M. Washburn, Board Secretary**