

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.

BOARD OF DIRECTORS

January 25, 2022

SUBJECT

BOARD OF DIRECTORS CONSIDER ADOPTING RESOLUTION NO. 22-03 RENEWING STATE OF EMERGENCY FINDINGS FOR ASSEMBLY BILL 361 (AB 361)

BACKGROUND

On September 16, 2021, Governor Newsom signed Assembly Bill 361 (“AB 361”), which incorporated into California state law some aspects of the teleconferencing rules that have applied by Executive Order to local public agencies during the COVID-19 pandemic. Notably, because AB 361 included an urgency measure, the law was immediately effective as of the date of the Governor’s signature. AB 361 provides that it sunsets on January 1, 2024.

Benefits

Benefits of operating under AB 361 during the COVID-19 pandemic, as opposed to under the normal open meeting laws, include the following:

- Agendas need not be posted at all teleconference locations;
- Each teleconference location need not be identified in the notice and agenda of the meeting;
- Each teleconference location need not be accessible to the public; and
- A quorum of the members of the legislative body do not need to participate in the meeting from locations within the boundaries of the territory over which the public agency exercises jurisdiction.

Requirements

Following are requirements for invoking AB 361 the first time that a public agency does so:

1. There must be a “proclaimed state of emergency,” as there is currently, in that the Governor’s State of Emergency Declaration, issued on March 4, 2020, has not been lifted, and
2. One of the following three circumstances must exist:
 1. State or local officials have imposed or recommended measures to promote social distancing.
 2. The meeting is held to determine, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to health or safety of attendees.
 3. The majority of the legislative body has voted that, as a result of the emergency, meeting in person would present imminent risk to the health or safety of attendees.

If a public agency wishes to consider invoking AB 361 for subsequent meetings, the following is required:

1. The proclaimed state of emergency must remain active; or
2. State or local officials have imposed or recommended measures to promote social distancing; and
3. Not later than 30 days after teleconferencing for the first time under the AB 361 rules, *and every 30 days thereafter*, the Legislative body shall make the following findings by majority vote:
 - The legislative body has reconsidered the circumstances of emergency, and at least one of the following circumstances exist:
 1. The state of emergency continues to directly impact the ability of the members to meet safely in person; or
 2. State or local officials continue to impose or recommend measures to promote social distancing.

If a public agency invokes AB 361, the following notice and public participation requirements apply:

Notice Requirements

- Each notice of the meeting and agenda must identify the means by which members of the public may access the meeting and offer public comment by a call-in option or an internet-based service option (does not need to be both).

Public Participation Requirements

- Cannot require public comments to be submitted in advance of the meeting (although the agency may provide this as an option along with the call-in or internet-based service option).
- Public must be able to attend via call-in option or internet-based service option (does not need to be both).
- Public must be able to address the legislative body “directly” via call-in option or internet-based service option.
- The public agency must provide an opportunity for the public to address the Legislative body and “offer comment in real time.”
- If there is a disruption that prevents the public agency from broadcasting the meeting using the call-in option or internet based service option, or if there is a disruption within the public agency’s control that prevents members of the public from offering public comments using the call-in option or internet-based service option, the body “shall take no further action on items appearing on the agenda until public access to the meeting via the call-in option or internet-based service option is restored.”
- Timing of Public Comment Period
 - If a legislative body does not provide a timed public comment period, but takes public comment separately on each agenda item, it shall allow a “reasonable amount of time per agenda item to allow public members the opportunity to provide public comment,” including time for members of the public to register to provide comment or otherwise be recognized for the purpose of providing public comment.

- If a legislative body provides a timed general public comment period that does not correspond to a specific agenda item, it shall not close the public comment period or the opportunity to register until the timed general public comment period has lapsed.
- If a legislative body provides a timed public comment period for each agenda item, it shall not close the public comment period or the opportunity to register until the timed public comment has elapsed.

DESCRIPTION

Continuing Legislative Findings

On October 26, 2021, the Board of Directors approved a Resolution authorizing virtual meetings in accordance with Assembly Bill 361. The Board of Directors approved a Resolution renewing the virtual meeting authorization pursuant to AB 361 on January 6, 2022. In order to continue virtual meetings, AB 361 requires that the Board adopt the legislative findings discussed above every 30 days, for as long as the Board wishes to continue virtual meetings.

ENVIRONMENTAL

In accordance with CEQA guidelines Section 15378, the action before the Board does not constitute a "project" as defined by CEQA and further environmental review is not required at this time.

BOARD OPTIONS/FISCAL IMPACTS

1. Adopt the attached Resolution No. 22-03 renewing virtual meetings in accordance with Assembly Bill 361.
2. Do not invoke AB 361 and provide staff with direction.

STAFF RECOMMENDATION

Staff supports direction.



Tom Kennedy, General Manager

January 25, 2022

RESOLUTION NO. 22-03

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
RAINBOW MUNICIPAL WATER DISTRICT
RENEWING REMOTE TELECONFERENCE MEETINGS
IN ACCORDANCE WITH ASSEMBLY BILL 361 (AB361)**

WHEREAS, COVID-19 (also known as the “Coronavirus Disease”) is a respiratory disease that has spread across the globe, with thousands of confirmed cases in California; and

WHEREAS, according to data from Johns Hopkins University, the COVID-19 pandemic has caused the death of more than 68,796 Californians as of October 1, 2021; and

WHEREAS, social distancing measures decrease the chance of spreading COVID-19; and

WHEREAS, the Rainbow Municipal Water District is committed to preserving and fostering public access, transparency, observation, and participation in meetings of the Board of Directors and Committee meetings; and

WHEREAS, all meetings of the Board of Directors and Standing Committees are open and public as required by the Ralph M. Brown Act, Government Code sections 54950 – 54963, so that any member of the public may attend, observe, and participate in a meaningful way; and

WHEREAS, Government Section 54953 (b) (3) of the Brown Act allows a local legislative body to hold public meetings by teleconference and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to attend and to address the local legislative body, as long as the following requirements are met:

1. Each teleconference location from which a member is participating is noticed on the agenda;
2. Each teleconference location is accessible to the public;
3. Members of the public must be able to address the body at each teleconference location;
4. At least one member of the legislative body must be physically present at the location specified in the meeting agenda; and

5. During teleconference meetings, at least a quorum of the members of the local body must participate from locations within the local body's territorial jurisdiction; and

WHEREAS, the Brown Act, as amended by AB 361 (2021), at Government Code section 54953(e) *et seq.*, allows for remote observation and participation in meetings by members of a legislative body and members of the public without compliance with the requirements of Government Code section 54953(b)(3), subject to certain conditions; and

WHEREAS, the initial required condition is a declaration of a state of emergency by the Governor pursuant to the California Emergency Services Act at Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state and within the boundaries of the Rainbow Municipal Water District, caused by conditions as described in Government Code section 8558; and

WHEREAS, the Governor's Proclamation of a State of Emergency includes area within the boundaries of the Rainbow Municipal Water District; and

WHEREAS, Government Code Section 54953(e)(3)(A-B) added by AB 361 provides an alternative to having public meetings in accordance with Government Code Section 54953(b)(3) when the Rainbow Municipal Water District has reconsidered the circumstances of the COVID-19 state of emergency and that the following circumstances exist:

1. The state of emergency as a result of COVID-19 continues to directly impact the ability of the members of Board of Directors and the members of the Standing Committees to meet safely in person; and
2. The State of California and the County of San Diego continue to recommend measures to promote social distancing.

WHEREAS, Government Code Section 54953(e) *et seq.* further requires that state or local officials have imposed or recommended measures to promote social distancing or the legislative body finds that meeting in person would present an imminent risk to the health or safety of attendees; and

WHEREAS, such conditions now exist in the Rainbow Municipal Water District's territorial boundaries in that (i) State and Local officials recommend social distancing measures and (ii) emergency conditions evidenced by COVID-19 and its variants create ongoing COVID-19 cases, hospitalizations, and deaths, such that COVID-19 continues to pose an imminent risk to the public; and

WHEREAS, the Rainbow Municipal Water District affirms that it will allow for observation and participation by Board Members, Committee members and the public via Zoom in an effort to protect the constitutional and statutory rights of all attendees; and

WHEREAS, on October 26, 2021, the Board of Directors approved a Resolution authorizing virtual meetings in accordance with Assembly Bill 361; and

WHEREAS, Government Code Section 54953 (e)(3) requires that the Rainbow Municipal Water District review the need and make findings for continuing the teleconferencing as authorized by AB 361 at least once every thirty days until the Governor terminates the state of emergency.

NOW, THEREFORE, THE RAINBOW MUNICIPAL WATER DISTRICT HEREBY FINDS, DECLARES, AND RESOLVES AS FOLLOWS:

Section 1. The above recitals are true and correct and are incorporated herein by this reference.

Section 2. The Rainbow Municipal Water District finds that the state of emergency conditions related to COVID-19 as set forth in the Governor's Proclamation of Emergency are on-going.

Section 3. The Rainbow Municipal Water District further finds that state and county officials recommend social distancing conditions to prevent imminent risk to in-person meeting attendees.

Section 4. The Rainbow Municipal Water District hereby recognizes and affirms the existence and conditions of a state of emergency as proclaimed by the Governor and by state and local officials; and the Rainbow Municipal Water District affirms, authorizes, and proclaims the existence of a local emergency throughout its territorial boundaries.

Section 5. The Rainbow Municipal Water District finds that the state of emergency as a result of COVID-19 continues to directly impact the ability of members of the Board, Committees and the public to meet safely in person, and that COVID-19 continues to pose an imminent health risk to the public.

Section 6. The Rainbow Municipal Water District hereby authorizes the Board of Directors and Committee members to conduct their meetings without compliance with Government Code section 54953(b)(3), and to instead comply with the remote meeting requirements as authorized by Government Code section 54953(e) *et seq.*

Section 7. The Board President and Board Secretary are authorized and directed to take all actions reasonably necessary to carry out the intent and purpose of this Resolution, including, conducting open and public meetings remotely in accordance with Government Code section 54953(e) *et seq.*, and other applicable provisions of the Brown Act, for all Board of Directors and Standing Committee meetings.

Section 8. This Resolution shall renew the virtual meeting authorization adopted by the Board of Directors on October 26, 2021. This renewed virtual meeting authorization shall take effect immediately upon its adoption and shall be effective until either (i) thirty days after the adoption of this Resolution, or (ii) such time as the Rainbow Municipal Water District

adopts a Subsequent Resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the Board of Directors and Standing Committees may continue to meet remotely, without compliance with Government Code section 54953(b)(3), but otherwise as permitted by Government Code section 54953(e) *et seq.*

PASSED AND ADOPTED at a meeting of the Board of Directors of the Rainbow Municipal Water District held on the 25th day of January 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Hayden Hamilton, Board President

ATTEST:

Dawn M. Washburn, Board Secretary

**MINUTES OF THE REGULAR BOARD MEETING
OF THE BOARD OF DIRECTORS OF THE
RAINBOW MUNICIPAL WATER DISTRICT
DECEMBER 7, 2021**

1. **CALL TO ORDER** - The Regular Meeting of the Board of Directors of the Rainbow Municipal Water District on December 7, 2021, was called to order by President Hamilton at 11:32 a.m. in the Board Room of the District, 3707 Old Highway 395, Fallbrook, CA 92028. *(All meetings are being held with in-person attendance following County and State COVID guidelines as well as virtually.)* President Hamilton presiding.

2. **ROLL CALL**

Present: Director Gasca, Director Hamilton, Director Mack, Director Moss *(via teleconference)*, Director Stewart.

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

Also Present Via Teleconference or Video Conference:

Information Technology Manager Khattab, Legal Counsel Pellman, 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 11:33 a.m.

(*) - Asterisk indicates a report is attached.

6. CLOSED SESSION

- A. Conference with Legal Counsel – Anticipated Litigation Pursuant to Government Code §54956.9(d)(4) Significant Exposure to Litigation
 - * Four Cases
- B. Conference with Legal Counsel – Existing Litigation Pursuant to Government Code §54956.9(d)(1)
 - * TC Construction Company, Inc. v. Rainbow Municipal Water District, et al.
- C. Conference with Legal Counsel - Existing Litigation Pursuant to Government Code Section 54956.9(d)(1)
 - * Rainbow Municipal Water District v. Blum, Inc., et al.
- D. Conference with Legal Counsel-Anticipated Litigation (Government Code §54956.9(d)(2))
 - * One Item
- E. Appointment, Employment; Evaluation of Performance – General Manager (Government Code §54957(B)(1))

The meeting reconvened at 1:16 p.m.

7. REPORT ON POTENTIAL ACTION FROM CLOSED SESSION

This item was addressed under Item #12.

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 December 7, 2021 was called to order by President Hamilton at 1:16 p.m. in the Board Room of the District, 3707 Old Highway 395, Fallbrook, CA 92028. *(All meetings are being held with in-person attendance following County and State COVID guidelines as well as virtually.)* President Hamilton presiding.

9. PLEDGE OF ALLEGIANCE

10. REPEAT ROLL CALL

Present: Director Gasca, Director Hamilton, Director Mack, Director Moss *(via teleconference)*, Director Stewart.

(*) - Asterisk indicates a report is attached.

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Also Present:

General Manager Kennedy, Legal Counsel Smith, Executive Assistant Washburn, Engineering and CIP Program Manager Williams, Operations Manager Gutierrez, Finance Manager Largent, Human Resources Manager Harp, Water Operations Supervisor Coffey, Utility Worker Simpson, Human Resources Assistant Ramirez, Information Systems Specialist Espino.

Also Present Via Teleconference or Video Conference:

Associate Engineer Powers, Information Technology Manager Khattab, Project Manager Parra, Information Technology Manager Khattab, Engineering Technician Rubio, Construction and Maintenance Supervisor Lagunas, Project Manager Tamimi, Legal Counsel Pellman, Legal Counsel Duran-Brown, Wastewater Superintendent Zuniga, .

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

***11. BOARD OF DIRECTORS CONSIDER ADOPTING RESOLUTION NO. 21-27 RENEWING STATE OF EMERGENCY FINDINGS FOR ASSEMBLY BILL 361 (AB 361)**

Motion:

To adopt Resolution No. 21-27.

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

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

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

12. REPEAT REPORT ON POTENTIAL ACTION FROM CLOSED SESSION

Legal Counsel reported the Board met in Closed Session to discuss eight items and that there was no reportable action.

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

There were no amendments to the agenda.

14. 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.

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).

There were no comments.

(*) - Asterisk indicates a report is attached.

16. CAL FIRE AND NORTH COUNTY HELI-HYDRANT PRESENTATION

Aviation Battalion Chief Nick Brown for Cal Fire San Diego noted it was approximately one year ago today that RMWD's Operations Manager, Robert Gutierrez, reached out to him regarding the Heli-Hydrant tank located in the Orange County area to see if there was any interest in installing one of these tanks within the RMWD service area to which he replied he was very interested. He talked about how he and Mr. Gutierrez immediately started collaborating on finding a location at which a Heli-Hydrant could be installed.

Chief Brown stated although it has not been used as of yet, he wanted to express his sincere appreciation to RMWD for the efforts put forth on this project noting how much this Heli-Hydrant will do to protect this community. He pointed out not only has the relationship and bond created between Cal Fire and RMWD throughout this entire Heli-Hydrant project shed light on the County Board of Supervisors, all other water districts, and other fire agencies, it also brought everyone together to assist with the recent Aruba Fire because the relationship was created prior to the incident as opposed to after.

Chief Brown stated on behalf of Cal Fire of San Diego, thanked the Board, constituents, and everyone who made this project worthwhile because it will make a difference. He introduced Chief Kevin Mahr.

Deputy Fire Chief Kevin Mahr for North County Fire Protection District noted the relationship formed between the three agencies was unprecedented at this time and how it was all accredited to RMWD. He mentioned Mr. Gutierrez was only at RMWD for a few weeks before reaching out to him to establish a relationship and how since then Mr. Gutierrez has had incredible ideas and done nothing but bring RMWD into alignment for emergency purposes and responses throughout the mutual response areas. He stated the Heli-Hydrant was just another example of the progression the RMWD organization has shown toward protection to the communities to which it provides services, including the establishment of getting common communications with the 800mghz radio system that has made responses more efficient.

Chief Mahr thanked the Board for approving both the radio system and Heli-Hydrant budgetary items. He presented a plaque recognizing the RMWD and its Board of Directors for being proactive in supporting the installation of the first Rapid Aerial Water Support System within the San Diego County. He also presented a Challenge Coin to each of the RMWD Directors, Mr. Kennedy, and Mr. Gutierrez.

Chief Brown presented another plaque recognizing Mr. Gutierrez for his outstanding leadership and progressiveness in the installation of the first Rapid Aerial Water Supply System with San Diego County. He noted this was an example of exemplary leadership and collaboration between agencies to find ways to improve the safety and wellbeing of the communities each serve.

President Hamilton presented RMWD Challenge Coins to both Chief Brown and Chief Mahr, respectively, in the spirit of cooperation noting how appreciative the Board was to have the support of both Cal Fire San Diego and the North County Fire Protection District.

Mr. Gutierrez expressed his appreciation for the recognition as well as the bond created between the agencies which will better serve the public. He also mentioned Vallecitos Municipal Water District has expressed an interest in potentially installing a Heli-Hydrant within their service area and would like to visit RMWD's as part of their decision-making process.

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Director Gasca noted his excitement when he learned Mr. Gutierrez had taken this step forward. He said staff has really laid down the challenge to the Board in that they have a responsibility to reach out to the North County Fire Protection District Board to see how the two agencies can collaborate along the same lines and do things better in every way possible. He expressed his appreciation for the work done and how it was cutting edge, which is exactly where the agencies need to be, especially in the arena of fire which impacts everyone.

17. EMPLOYEE RECOGNITIONS

A. Scott Simpson (15 Years)

Mr. Kennedy mentioned Scott Simpson started at RMWD as a laborer on the water service crew and has since moved over to the Valve Maintenance crew. He noted Mr. Simpson was also a drone pilot who has taken pictures of the pipeline exposed up in the Rainbow area which was very helpful. He presented Mr. Simpson with a plaque and check in recognition of his dedication and service.

***18. APPROVAL OF MINUTES**

A. October 26, 2021 - Regular Board Meeting

B. November 17, 2021 – Special Board Meeting

Motion:

To approve the minutes from October 26, 2021 and November 17, 2021.

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

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

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

Abstain: Director Stewart.

***19. 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 reported the recent Town Hall meeting went very well with several people in attendance both in person and virtually.

(*) - Asterisk indicates a report is attached.

- B.** Representative Report (Appointed Representative)
 - 1.** SDCWA
 - A.** Summary of Board Meeting October 28, 2021
 - B.** Summary of Board Meeting November 18, 2021

Mr. Kennedy noted as he reported previously, when the City indicated SDCWA had to provide five-year capital planning notices as well as start evaluating how to offload some of the take or pay contracts, SDCWA came back with a proposal for approximately \$1 million for three full time employees and consultants to produce this work. He added although this was a bitter pill to swallow, this sort of transparency and communications from SDCWA was vital and important for decisions to be made going forward as well as should the drought continue and the State declare mandatory cutbacks, it is likely SDCWA will go under in their take or pay contracts in their total demands because they are that close to an edge. He pointed out there will be additional meetings held to go through additional specific implements of that and bringing it forward to the General Manager's Group as well to look at how they are looking at starting to revise rate structures and such. He noted SDCWA was looking at increasing some type of fixed charge that goes per meter, assessed valuation, or something similar which is unlikely to pass. He noted there was supposed to be a Board Retreat to look at the divisiveness of SDCWA over the summer; however, it has not happened or been scheduled as of yet.

2. CSDA

Director Mack reported the legislative committee met in late October at which the introduced the gentleman who took Dillon's place. He mentioned the legislation has agreed to have a Special District Week that may also become national in the future. He noted CSDA has always awarded one recipient with the Legislator of the Year Award; however, there will now be three recipients.

Director Mack stated there was discussion regarding AB361 which RMWD already had in place. He also reported although he wanted to be considered for the CSDA Legislative Committee again, he unfortunately did not receive the email or notification until after the period for selection had passed and was very disappointed that he was not able to reapply. Discussion followed.

Mr. Kennedy announced RMWD's Transparency Certificate of Excellence accreditation renewal has been approved by CSDA. Discussion ensued regarding the requirements for renewing RMWD's District of Distinction accreditation.

Director Mack reported on the San Diego CSDA Chapter Quarterly Dinner meeting that took place in November and how discussions took place regarding certification and recertification processes being significantly impacted by the pandemic. Mr. Gutierrez stated the State shut down all testing during the pandemic, but later started offering testing online to help catch up with the certification processes; however, the processes have been significantly impacted with it taking approximately one year to obtain certifications or recertifications. Ms. Harp provided examples of how some RMWD crew members have been impacted by these changes.

3. LAFCO

Mr. Kennedy reported LAFCO released their draft Municipal Service Review (MSR) for the Fallbrook region (RMWD, FPUD, and North County Fire) for a 45-day public comment period. He stated staff has provided some comments already and will be submitting a few more. He mentioned how he testified at the LAFCO meeting on Monday indicating that the loss of agricultural users and water sales has a) damaged our economy, and b) made it difficult on the finances of everyone in the Fallbrook region. He noted he also indicated this was the main motivator for the

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detachment proceedings currently underway. He pointed out the draft MSR was published on the website.

4. Santa Margarita River Watershed Watermaster Steering Committee

There was no report given.

5. ACWA

Director Mack reported on the 2021 ACWA Fall Conference during which he participated in the JPIA voting process associated with updating their bylaws, discussions took place regarding cyber liability, and election results and board vacancies were mentioned.

Director Moss reported she attended the SDCWA end of pipeline session which she did not find too beneficial; however, the sessions she attended regarding acquisitions and sales were very educational and helpful.

Director Stewart stated the ACWA Conference may have been less than what was anticipated; however, it was the first in-person conference since the pandemic as well as held at a new venue. He mentioned he attended Sexual Harassment Training while at the conference.

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

1. Board Seminar/Conference/Workshop Training Attendance Reports

This item was addressed under Item #19B5.

D. Directors Comments

Director Stewart stated he was looking forward to serving on the Board representing Division 4 and made himself available for his constituents to contact him should they need assistance with anything. He noted the areas that are part of Division 4.

E. Legal Counsel Comments

1. Attorney Report: Water Quality Update 501668-0002

Legal Counsel summarized the information contained in his written report regarding a recent Ninth Circuit decision that has raised a great deal of concern in the public water supplier community because it takes a very expansive interpretation of the Resource Conservation Recovery Act. He clarified this was a federal legislation. Discussion ensued.

Legal Counsel provided a copy of the year end summary of cases of interest to local agencies for their information. Director Moss requested a copy of the handout.

20. COMMITTEE REPORTS

A. Budget and Finance Committee

Mr. Nelson reported the committee met on November 16th to discuss several items before the Board today for consideration the committee recommended for approval. He noted pointed out Ms. Largent asked the committee for input as to how the money received from the MWD lawsuit should be utilized; therefore, the committee will be weighing in on this a later date. He concluded

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with pointing out Item #31 was to appoint a member of the Board to serve on this committee due to the recent resignation of Mr. Rindfleisch.

B. Communications and Customer Service Committee

Mr. Shute reported the committee met the previous week during which time they received quite a few updates on various topics. He thanked Mr. Stewart for his participation and contributions while serving on the committee as well as congratulated him for his reappointment to the Board of Directors. He encouraged ramping up recruitment for the three committee as well as congratulated RMWD with regards to the Top Workplace distinction that the District earned.

President Hamilton noted the Top 2021 Workplace award was done by the employees without management's involvement. Ms. Harp explained the survey was conducted by a nationwide research company over the summer who in turn submits their information to local newspapers to name top workplaces based on the results of their surveys in comparison to how other employers performed in each category in each region. Mr. Kennedy noted there were Zoom backgrounds and email signatures that will be circulated to employees and the Board for use.

C. Engineering and Operations Committee

Mr. Nelson reported has met twice since the Board last met. He noted on November 3rd, the committee recommended approve Item #24 before the Board today. He also pointed out at the December 1st meeting, there were no items on which the committee was asked to make a recommendation; however, there were two Request for Proposals the committee will be reviewing. He announced Phase 3 of the manhole lining project was 98% complete as well as mentioned the committee was looking forward to seeing the cathodic protection work progress.

BOARD ACTION ITEMS

***21. PRESENTATION AND ACCEPTANCE OF THE AUDIT REPORT AND FINANCIAL STATEMENTS FOR FISCAL YEAR ENDING JUNE 30, 2021**

Ms. Largent introduced Ryan Domino who gave a short presentation the audit process and results after which she will follow up with an overview of the financials.

Mr. Domino reviewed the audit responsibilities, processes, report, SAS115, as well as the Audit Communications letter. He mentioned the only thing that impacted the District was GASB 98 which has determined the name "Comprehensive Annual Financial Report" will now be titled the "Annual Comprehensive Financial Report". He said in summary, LSL was engaged to conduct a financial audit which resulted in an unmodified opinion which is the best and highest opinion that can be rendered, they came across no material weaknesses, significant deficiencies or material non-compliance, and there were no other significant audit issues or findings to communicate.

Director Stewart commended Ms. Largent for a remarkably clean and complimentary report noting the accounting system and staff has made huge progress since he previously served on the Board three years ago.

Director Gasca inquired as to how long the audit process took to complete. Ms. Largent mentioned this year was a great deal more efficient than last year noting it only took one week to complete.

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Director Mack asked if the audit report is something that is submitted to the State or kept on file at the District. Ms. Largent answered these are kept on file with the District, but also published on the website for public access.

Director Moss excused herself from the meeting at 2:30 p.m.

Motion:

To accept the audit report and financial statements for fiscal year ending June 30, 2021.

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

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

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

Absent: Director Moss.

Discussion went to Item #22.

Discussion returned from Item #34.

Ms. Largent shared a presentation as she reported the District had a great year financially. She pointed out going 2.5 years the District went without rate increases resulted in less than full recovery and brought the projected reserves level the Board approved amounts; however, the higher than budgeted sales last year combined with the rate increase implemented in August put the District in a conservative financial position. She noted once the audit is complete, the fund balances are allocated according to the Cash Reserve Policy as she highlighted key points provided in the presentation.

Ms. Largent pointed out the amount of savings generated with the Water Service Upgrade Project (WSUP). Director Gasca asked for clarification. Mr. Kennedy explained the savings were the result of the ABM contract cancellation and bringing the project in-house. Discussion followed.

President Hamilton asked if water sales were tracking pretty much where they were last year which is above the forecast plan. Mr. Kennedy explained this was yet to be determined due to changes in the weather.

President Hamilton inquired about the loan titled "SRF Beck". Mr. Kennedy clarified this was the title given by the State; however, it was the loan that paid for the covers on all three of the reservoir floating covers.

Discussion returned to Item #35.

***22. 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 3/4" METER AND APPROVE THE CAPACITY CLASS WATER USE AGREEMENT (Division 3)**

Ms. Largent explained the customer was requesting a variance to downsize to a 3/4" meter from their existing 1" meter on a 1.3 acre parcel. She noted RMWD does not usually allow for a downsize to a 3/4" meter unless they have requested variance from the Board as well as have their usage below 50 units per month. She pointed out this customer does not have their usage

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below the required 50 units per month; therefore, staff was requesting the variance be denied at this time and have the customer reapply when they can show they are twelve months of usage below 50 units.

President Hamilton asked whether the customer could not reapply for another twelve months. Ms. Largent stated if the customer continues their current usage for the next three months, they should be able to reapply at that time.

Motion:

To approve Option 2 - Deny the variance request.

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

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

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

Absent: Director Moss.

***23. 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, 3/4" METER AND APPROVE THE CAPACITY CLASS WATER USE AGREEMENT (Division 5)**

Ms. Largent explained this was another request from a customer who currently has a 1.5" meter asking to be downsized to a 3/4" meter. She noted the customer is on an 11.92 acre parcel and are using zero units per month which is obviously below the required 50 units per month; therefore, staff was recommending approval of this variance.

Director Mack inquired as to whether this property has a well that attributes to their zero usage. Mr. Kennedy explained it used to be agricultural land that no longer has a grove.

Motion:

To approve Option 1 – Approve the variance to Ordinance 21-03 to allow a property larger than 0.5 acres to qualify for capacity class B and approve the New Water Service Agreement.

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

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

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

Absent: Director Moss.

(*) - Asterisk indicates a report is attached.

***24. DISCUSSION AND POSSIBLE ACTION TO APPROVE A CONTRACT CHANGE ORDER FOR THE HELIX ENVIRONMENTAL CONTRACT TO PREPARE A PROGRAMMATIC ENVIRONMENTAL IMPACT REPORT FOR DISTRICT FACILITIES IN THE AMOUNT OF \$65,140 AND EXTENSION OF CONTRACT TERM THROUGH JUNE 30, 2022. (DISTRICT WIDE)**

Mr. Williams confirmed this contract had expired at the end of November 2021 as well as pointed out this matter was brought to the Engineering and Operations Committee for their review. He explained when the District first started this contract with Helix Environmental to prepare the Programmatic Environmental Impact Report (PEIR), it was only for certain sections of water and sewer pipelines and how it was during the course of working with Helix that District staff decided to go ahead and encompass all District water and sewer facilities. He stated staff was in support of Option 1; however, he wanted to note that this change order does also include a credit of \$11,050 for a hydrology water quality technical report that was no longer necessary. He concluded with noting, if approved, this contract would be extended as well as encompass all facilities. Mr. Kennedy added this was an extremely important project that will help streamline the District's environmental review and compliance efforts as well as save a great deal of money in the future.

Motion:

To approve Option 1 – Appropriate an additional \$65,140 in project costs for the CIP budget for this project, authorize the General Manager to execute a Change Order to the Professional Services Agreement with Helix Environmental to provide additional scope of services in the development of the PEIR in the amount of \$65,140, extend the contract term from November 29, 2021 to June 30, 2022, and make a determination that the action identified herein does not constitute a “project” as defined by CEQA.

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

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

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

Absent: Director Moss.

***25. CONSIDER AWARD OF A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$345,000 WITH CORRPRO COMPANIES, INC. FOR RAINBOW VALLEY BLVD CATHODIC PROTECTION PROJECT IN DIVISION 5**

Mr. Williams stated the District went out to bid for the cathodic protection project for which three bids were received with one from Corrpro Companies for \$345,000.00, another from Farwest Corrosion Control Company for \$524,703.14, and the last one being from Kay Construction Company in the amount of \$722,404.19.

Mr. Williams explained this project was originally started before RMWD had design and the engineer's estimates; therefore, regardless of which direction taken, staff was requesting an additional allocation of funds as mentioned in the staff report. He noted out of the three bids received, Corrpro was reviewed by staff as the lowest and responsive bidder; however, the District has received a bid protest from the second low bidder, Farwest Corrosion Control Company. He stated staff has been in contact with Legal Counsel as well as Mr. Kennedy regarding this matter.

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Mr. Williams pointed out there were three options before the Board for consideration. President Hamilton stated on advice of Legal Counsel after considering all facts, circumstances, and applicable law, as well as the facts and objections set forth in the bid protest filed by Farwest, it is recommended that the Board reject the low bid of Corpro.

Motion:

To approve Option 3 with the following direction – 1) Appropriate an additional \$380,000 in project costs for the CIP budget for this project; 2) Approve the Construction Agreement with Farwest Corrosion Control in the amount of \$524,703.14; 3) Authorize the General Manager to execute the Construction Contract; and 4) Make the determination that the project is categorically exempt from CEQA.

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

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

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

Absent: Director Moss.

***26. DISCUSSION AND POSSIBLE ACTION TO APPROVE A CONTRACT CHANGE ORDER FOR HELIX ENVIRONMENTAL CONTRACT TO CONDUCT CULTURAL AND TRIBAL MONITORING FOR THE RICE CANYON PIPELINE PROJECT IN THE AMOUNT OF \$115,000 (DIVISION 4 & 5)**

Mr. Kennedy stated as part of building the Rice Canyon Pipeline Project that is immediately adjacent to some very significant cultural resources of local bands and tribal monitoring of the excavations is recommended based on the potential proximity to cultural resources and anything similar. He mentioned although the Pala Tribe does not believe they will find much on the hill involved; however, some of the paths have been used both by game and people for thousands of years so there may be some potential. He pointed out most of the money involved in this contract will pay for the person from the tribes to be onsite for 100 days. He mentioned staff chose to go this route due to the way it was structured and how a Master Agreement may result in which all parties will agree that when projects are being conducted in certain areas, the tribes will be paid directly as opposed to going through consultants to ensure all tribal resources are protected.

Director Gasca asked if there would be a monitor actively on site during all the construction work. President Hamilton clarified there would be an archaeological as well as a tribal expert. Mr. Kennedy pointed out there are situations where trust is developed between the tribal person on site and those conducting the work where they may not be monitoring every move; however, this would be a matter of trust.

Director Gasca inquired as to whether there were any biological concerns associated with this project. Mr. Kennedy stated the biological concerns were handled through a CEQA amendment with one item mitigated through the process.

Mr. Williams mentioned a representative from the Rincon Band of Indians as well as Helix Environmental trained the contractor on what to do, what to look for, and how to handle the situation in the event something is found. He noted the first progress meeting was held today and how so far everything was going very well with all parties pleased. He also pointed out in this case, it was preferred and requested RMWD go through Helix Environmental on this project.

(*) - Asterisk indicates a report is attached.

Motion:

To approve Option 1 – Approve the change order request for the Helix Environmental As-Needed Consultant Contract No. 20-03, authorize the General Manager to execute the change order on behalf of the District, and appropriate an additional \$115,000 of project costs to the Rice Canyon Pipeline Project (Project No. 600034).

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

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

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

Absent: Director Moss.

***27. DISCUSSION AND POSSIBLE ACTION TO ADOPT RESOLUTIONS OF NECESSITY, RESOLUTION NOS. 21-22, 21-23, 21-24, AND 21-25, AUTHORIZING THE ACQUISITION OF EASEMENTS BY EMINENT DOMAIN FROM PORTIONS OF THE PROPERTIES LOCATED AT 5555 MISSION RD, 5517-27 MISSION RD, 5256 MISSION RD, AND APN 126-230-68, BONSALL, CA 92003 IN DIVISION 2**

Mr. Williams reported Resolution No. 21-23 was no longer needed due to the matter being resolved prior to commencement of this meeting.

Mr. Williams explained staff was bringing forth the pursuit of easement acquisition through the eminent domain process for the Lift Station 1 Replacement Project Phase I. He noted the easements were all located within Division 2. He stated staff recommendation was approval of Option 1 with the striking of Resolution No. 21-23 as noted previously.

Director Stewart inquired as to whether Resolution No. 21-23 was for the property located at 5517-27 Mission Road. Mr. Williams confirmed this was correct and that RMWD has reached an agreement with this landowner and are proceeding accordingly.

Mr. Williams pointed out this is not saying RMWD was going to eminent domain, but rather continuing the negotiation process while starting a six-month clock in the event any terms cannot be agreed upon between the two parties at which time RMWD would go to eminent domain. He reported all parties were notified this public hearing would be occurring today as well as informed that this mailer would go out. He noted District staff has had communications with all parties explaining the process.

Douglas Gravelle, outside counsel for 2Go Tesoro Company which has interest in the property 5555 Mission Road. He inquired as to whether a letter he remitted to the District dated December 1, 2021 has been made part of the administrative record before he provided a much more abbreviated discussion. Mr. Kennedy confirmed this would be made part of the administrative record.

Mr. Gravelle noted one of the primary concerns, as discussed in the letter, is the fact that the post easement will encroach over and across an underground storage tank (“UST”) farm at the property. He explained if the actual pipeline situated in the center of the easement, it might just be beyond the boundaries of the UST farm, the easement itself will clearly encroach over and into the UST farm which obviously raises a number of concerns, including safety during the installation of a

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pipeline. He strongly encouraged the Board to delay or defer consideration of the Resolution of Necessity (“RON”) until such further time as the parties can further their discussions. He stated although he agrees with starting the process, he also wanted to remind the Board that the Board needs to live or die by the bond that they adopt now. He stated should the Board adopt Resolution No. 21-22 today, they are going to have to justify it to the court why they adopted such with an easement that runs through a tank farm without strong substantial justification; therefore, it was for this reason he again strongly encouraged the Board to consider deferring or reconsidering this for that property at this time.

Mr. Kennedy deferred to Legal Counsel as to how the Board should move forward on this particular acquisition. Legal Counsel Duran-Brown said it was up to the Board; however, as Mr. Williams had stated, this was not something RMWD was going to go and file tomorrow which allows time to work with the engineers and look at the easement location. She stated because of how long the court process takes to get possession of the property in order to start construction of the project, it is recommended that the resolution be adopted today and then continuing to work with the property owner on concerns they may have. She explained should RMWD not be able to realign or adjust the easement in the end, it would be a matter of compensation after determining how much damage is this going to cause the property owner with appraisers analyzing such which would become part of the litigation RMWD would file.

Director Gasca inquired as to what engineers Legal Counsel was referring. Mr. Kennedy stated it would be the engineers at RMWD and Kennedy Jenks as well as those who drew this up and those who have the drawings as to where the fuel tanks are located. Mr. Williams pointed out RMWD also has a contractor on board who will have ideas and possibly methods as well; therefore, the District was in a position where evaluations can continue. Discussion ensued.

Mr. Kennedy pointed out there appears to be some room for this thing to move a little bit to the south of the tanks.

Mr. Williams asked Mr. Gravelle as to whether he was questioning the pipeline, but rather the width of the easement over the tank farm. Mr. Gravelle confirmed this was correct; however, it was possible the pipeline itself may also encroach upon the tank farm but that was too difficult to determine.

Discussion ensued.

Director Stewart stated he was sure Mr. Gravelle realizes there is a commonality of interest in that RMWD does not want to be on top of the tanks, but the District also has a need for the project to be able to move forward and for the clock to start. He pointed out the clock can be stopped at any time with ease, but right now it was a matter of creating a horizon of six months that will provide ample time to find an amicable solution. Mr. Gravelle explained the point he was making that by adopting RON today, it would be the one RMWD would need to live with if the District gets to the point where it needs to file suit and moving forward; however, District’s Counsel may have a different point of view.

President Hamilton deferred to Legal Counsel. Legal Counsel Duran-Brown stated the best information RMWD has now is that the pipeline is not to interfere with the underground storage tanks, the width of the easement may; however, this is the District’s alignment and the location has been identified as the best for this project. She noted if it turns out RMWD can adjust the alignment or work with the property owner on this matter, that’s great, but what RMWD was trying to look at was here is the alignment, here is the easement that is needed, and all of the information from engineers has said RMWD was not going to interfere with that UST farm. She explained if RMWD

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was to proceed to eminent domain to acquire the easement before the Board today, it would be located in a manner that is acceptable and appropriate. She said if there are concerns after that, those would be addressed in litigation with damage claims the property owner.

President Hamilton inquired as to whether RMWD could amend the easement between now and when the clock runs out in six months. Legal Counsel Duran-Brown stated if the Board adopts a RON, the District has six months to file an eminent domain action. She added because of the timing RMWD has with its contractor, RMWD may end up filing prior to the six months, but if RMWD was to work with the property owner on a location which alleviates all their concerns, she does not see why RMWD could not enter into a settlement or other stipulated agreement. She noted this can happen in the litigation as well. She pointed out if RMWD ultimately wants to adjust the easement area on its own accord, another resolution could be brought to the Board for consideration. President Hamilton asked if this process would reset the clock. Legal Counsel Duran-Brown confirmed it would reset the clock.

Mr. Kennedy explained it was staff's intention to get the engineering details worked out in a way that satisfies the property owner's issue and come to a common agreement without pushing this matter through to the courts; however, staff also wanted to get this on the calendar.

President Hamilton expressed concern that Mr. Gravelle's comment sounded as though RMWD was locking itself in; therefore, he wanted to get a better understanding. Legal Counsel Duran-Brown stated this was essentially correct in terms of this resolution; however, that does not mean it cannot be adjusted in the future and bring it back before the Board for consideration or with an agreement with the property owner.

Motion:

To approve Option 1 as modified to remove Resolution No. 21-23 – Receive public testimony, make a determination that the action identified herein was sufficiently analyzed in the Initial Study Mitigated Negative Declaration adopted by the Board in Resolution No. 21-02 on January 26, 2021 and does not require additional analysis, adopt Resolutions of Necessity Nos. 21-22, 21-24, and 21-25, by a two-thirds vote, for the acquisition of the necessary easements by eminent domain on properties located at 5555 Mission Road, North of Hwy 76 and West of S. Mission Road (APN 126-230-68), and 5256 Mission Road, Bonsall, CA 92003.

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

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

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

Absent: Director Moss.

(*) - Asterisk indicates a report is attached.

***28. DISCUSSION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. 21-28 — 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 DECEMBER 7, 2021, THROUGH JUNE 30, 2022**

Ms. Harp explained staff was recommending an update to the approved pay grade structures. She stated in an effort to ensure the District remains optimally staffed, it was being recommended to add two new job classifications to the pay grade and ranges with the first being for a Construction and Meters Supervisor. She mentioned the existing Meters Supervisor position was not in existence until 2018; however, since that time there had two different supervisors in that position with the most recent leaving in July 2021. She stated although RMWD did conduct a search for a replacement for that position, the Construction and Maintenance Supervisor was overseeing both departments. She explained it was during this time that the District re-evaluated its long-term needs which has resulted in staff making this recommendation that a new combined construction and meters supervisor classification be created. She concluded with noting the additional headcount would be used somewhere else in the organization which would be brought to the Board for consideration in the future.

Ms. Harp talked about the second recommended classification, Senior Fleet Mechanic. She pointed out two levels current exist for this series; therefore, this would be adding a third. She noted this was a single incumbent position with the mechanic reporting directly to the Operations Manager and that although, it is not a supervisory role, it does perform a great deal of project management tasks, budgeting advisory, as well as other responsibilities that a higher-level title and pay grade would likely be more representative of the duties performed. She concluded with noting this change would not add to the District's headcount, but rather create a promotional pathway.

Mr. Kennedy mentioned this was something in recognition of two excellent RMWD employees. He stated Esa Lagunas has proven to be a very organized and professional individual as well as how the District would not operate well without Rene Del Rio who keeps every truck and other machinery in good working order. He added in the current job market, individuals like Mr. Del Rio are in very high demand and how he has been topped out in his pay grade when his performance is well above his job description.

Motion:

To approve Option 1 – Approve Resolution No. 21-28.

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

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

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

Absent: Director Moss.

(*) - Asterisk indicates a report is attached.

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***29. DISCUSSION AND POSSIBLE ACTION TO ADOPT ORDINANCE NO. 21-08 AMENDING AND UPDATING ADMINISTRATIVE CODE SECTION 2.03.010.02 – COMPENSATION**

Mr. Kennedy explained the amendment is an update to modify any meetings with the General Manager be scheduled, in-person, related to a specific topic, as well as be approximately one hour or more in length.

Motion:

To approve Option 1 – Adopt Ordinance No. 21-08 amending and updated Administrative Code Section 2.03.010.02 as presented.

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

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

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

Absent: Director Moss.

***30. APPROVAL OF RESOLUTION NO. 21-26 ESTABLISHING CHECK SIGNING AUTHORITY**

Mr. Kennedy stated this was a housekeeping item related to the recent change on the Board of Directors removing Carl Rindfleisch and adding Bill Stewart as a designated check signer.

Motion:

To approve Option 1 – Approve attached Resolution No. 21-26.

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

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

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

Absent: Director Moss.

31. DISCUSSION AND POSSIBLE ACTION UPDATING BOARD OF DIRECTOR MEMBERSHIP ON STANDING COMMITTEES

Mr. Kennedy stated this item was to adjust the Board Member appointments to the committees noting Director Stewart has resigned from the Communications and Customer Service Committee on November 30, 2021. He pointed out the Board may want to consider appointing Director Stewart to serve on the Budget and Finance Committee to fill the current vacancy.

Motion:

To appoint Director Stewart to the Budget and Finance Committee.

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

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

(*) - Asterisk indicates a report is attached.

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

Absent: Director Moss.

Director Gasca inquired as to whether Carl Rindfleisch served as District representatives on for one of the other organizations. Ms. Washburn replied he served as the alternate to the San Luis Rey Watershed Council; however, that Council has not met for quite some time.

Director Mack noted Mr. Rindfleisch also served on the Headquarters Development Study Ad-Hoc Committee. Mr. Kennedy deferred to Legal Counsel as to whether the Board would be able to appoint someone to this ad-hoc committee at this time. Legal Counsel indicated the Board may act on this matter under this item. Mr. Kennedy mentioned Director Moss had previously expressed an interest on serving on this committee.

Motion:

To appoint Director Moss to serve on the Headquarters Development Study Ad-Hoc Committee.

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

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

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

Absent: Director Moss.

***32. CONSIDER ESTABLISHING THE 2022 REGULAR BOARD MEETING SCHEDULE**

Ms. Washburn pointed out the CSDA Annual Conference was the only event that would conflict with the proposed RMWD Regular Board Meeting schedule; thus, the Board may want to consider adjusting the schedule for August 2022.

Motion:

To accept the calendar as stated with the exception of the August 23rd date being changed to August 30th.

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

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

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

Absent: Director Moss.

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

There were no requests.

(*) - Asterisk indicates a report is attached.

BOARD INFORMATION ITEMS

***34. CASH RESERVE POLICY 5.03.220 COMPLIANCE REPORT**

Ms. Largent stated she had a presentation to go with Item #21.

Discussion went to Item #21.

35. REDISTRICTING UPDATE

Discussion returned from Item #21.

Mr. Kennedy stated after seeking input from the both the Board and committee members, if there was no additional input or feedback provided, this will come to the Board in January for consideration.

Discussion went to Item #36.

***36. 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 (October)
 - 3. As-Needed Services Expenditures Summary (November)
 - 4. 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

Mr. Gutierrez reported the Water Services Upgrade Project was 84% complete.

The information and finance items were received and filed.

Discussion went to Item #37.

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

It was noted the redistricting and mid-year budget preview should be on the next meeting agenda.

(*) - Asterisk indicates a report is attached.

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Discussion went to Item #38.

38. ADJOURNMENT

The meeting was adjourned by President Hamilton to a regular meeting on January 25, 2022, at 1:00 p.m.

The meeting was adjourned at 3:34 p.m.

Hayden Hamilton, Board President

Dawn M. Washburn, Board Secretary

(*) - Asterisk indicates a report is attached.

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**MINUTES OF THE SPECIAL BOARD MEETING
OF THE BOARD OF DIRECTORS OF THE
RAINBOW MUNICIPAL WATER DISTRICT
JANUARY 6, 2022**

1. **CALL TO ORDER** - The Special Meeting of the Board of Directors of the Rainbow Municipal Water District on January 6, 2022, was called to order by President Hamilton at 8:09 a.m. in the Board Room of the District, 3707 Old Highway 395, Fallbrook, CA 92028. *(This meeting was held with limited in-person attendance following County and State COVID guidelines as well as virtually.)* President Hamilton presiding.

2. **ROLL CALL**

Present: Director Gasca *(via video conference)*, Director Hamilton *(via video conference)*, Director Mack *(via video conference)*, Director Moss *(arrived at 8:13 a.m. via video conference)*, Director Stewart *(via video conference)*.

Also Present: Executive Assistant Washburn.

Also Present Via Teleconference or Video Conference:

General Manager Kennedy, Legal Counsel Smith, Human Resources Manager Harp, Information Technology Manager Khattab, Information Systems Specialist Espino.

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 8:10 a.m.

6. **CLOSED SESSION**

A. Appointment, Employment, Evaluation of Performance – Public Employees (Government Code § 54957(B)(1))

(*) - Asterisk indicates a report is attached.

7. REPORT ON POTENTIAL ACTION FROM CLOSED SESSION

This item was addressed under Item #11.

The meeting reconvened at 10:13 a.m.

Time Certain: 10:00 a.m.

8. REPEAT CALL TO ORDER

The Special Meeting of the Board of Directors of the Rainbow Municipal Water District on January 6, 2022 was called to order by President Hamilton at 10:13 a.m. in the Board Room of the District, 3707 Old Highway 395, Fallbrook, CA 92028. *(This meeting was held with limited in-person attendance following County and State COVID guidelines as well as virtually.)* President Hamilton presiding.

9. PLEDGE OF ALLEGIANCE

10. REPEAT ROLL CALL

Present: Director Gasca *(via video conference)*, Director Hamilton *(via video conference)*, Director Stewart *(via video conference)*.

Absent: Director Mack, Director Moss.

Also Present: Executive Assistant Washburn, Information Systems Specialist Espino.

Also Present Via Teleconference or Video Conference:

General Manager Kennedy, Legal Counsel Smith, Human Resources Manager Harp, Information Technology Manager Khattab, Operations Manager Gutierrez.

No 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 one item and there was no reportable action.

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

There were no amendments to the agenda.

(*) - Asterisk indicates a report is attached.

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13. REPEAT 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.

14. ORAL/Written COMMUNICATIONS FROM THE PUBLIC OPPORTUNITY FOR MEMBERS OF THE PUBLIC TO ADDRESS THE BOARD REGARDING ITEMS ON THIS AGENDA

There were no comments.

BOARD ACTION ITEMS

***15. BOARD OF DIRECTORS CONSIDER ADOPTING RESOLUTION NO. 22-01 RENEWING STATE OF EMERGENCY FINDINGS FOR ASSEMBLY BILL 361 (AB 361)**

Motion:

To approve Option 1 – Adopt the attached Resolution No. 22-01 renewing virtual meetings in accordance with Assembly Bill 361.

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

Vote: Motion carried by unanimous roll call vote (summary: Ayes = 3).

Ayes: Director Gasca, Director Hamilton, Director Stewart.

Absent: Director Mack, Director Moss.

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

There were no requests.

Discussion returned from Item #17.

Director Stewart pointed out he will be completing the required AB1234 Ethics Training Course online.

Discussion went to Item #18.

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

There were no items listed.

Discussion returned to Item #16.

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18. ADJOURNMENT - To Tuesday, January 25, 2022, at 1:00 p.m.

The meeting was adjourned by President Hamilton to a regular meeting on January 25, 2022, at 1:00 p.m.

The meeting was adjourned at 10:17 a.m.

Hayden Hamilton, Board President

Dawn M. Washburn, Board Secretary

(*) - Asterisk indicates a report is attached.



TO: Rainbow Municipal Water District
FROM: Alfred Smith
DATE: January 25, 2022
RE: Attorney Report: Public Records Act
501668-0002

I. INTRODUCTION.

This attorney report provides an update on a recent Court of Appeal decision involving the Public Records Act. In *Getz v. County of El Dorado*, the Third District Court of Appeal held that a Public Records Act (“PRA”) request that required a public agency to review over 42,500 emails from specified email addresses was not overly burdensome because the emails requested were easy to locate and not claimed to be privileged.

In the *Getz* case, the County of El Dorado received a PRA request to provide electronic copies of any and all emails between any County employee or official and anyone with four different email domains. The County did not provide the emails. The County argued it would be unduly burdensome to review over 42,500 emails that met the request criteria to determine if each email was relevant or subject to an exemption from disclosure. The County instead provided an index of the 42,500 emails including sender, recipient, subject line, and date sent.

The trial court ruled that the County was correct in refusing to produce tens of thousands of emails because the PRA request required the overly burdensome task of reviewing the records for responsiveness and potentially applicable exemptions from disclosure. The Court of Appeal reversed, finding that to establish a PRA request is “overly burdensome,” an agency must assert more than the burden of having to review a large volume of records. Instead, the agency must (1) demonstrate with substantial evidence that the *gathering* of the records would be overly burdensome; or (2) demonstrate specific reasons why a particular exemption might apply to the records.

II. BACKGROUND.

Dean Getz is a member of the Serrano El Dorado Owners Association, the HOA at a community developed and managed by the Parker Development Company (“Parker”). Getz suspected that Parker mismanaged the development and expressed concerns about communications between Parker and the County. To that end, Getz initially requested “all development plans, proposals, reports and applicable

correspondence, including electronic/email records by and between the County and any other party pertaining to a planned development.”

The County spent approximately 80 hours identifying and reviewing records responsive to Getz’s request. Upon reviewing the records produced by the County, Getz believed not all records were provided and expanded the scope of the request to include all emails sent from January 2013 and August 1, 2018, between any email address from four domains associated with Parker and any County employee, regardless of their content.

In response to this request, the County prepared an index of over 40,000 potentially responsive emails for Getz. The County estimated it would take 40 to 50 business days to review all of the emails, and requested that Getz identify a narrower set of records in which he was interested. After some further discussion, Getz refused to narrow the request. The County accordingly refused to provide the records.

III. COURT’S ANALYSIS.

Getz filed suit against the County. The County prevailed at the trial court level. The lower court agreed that Getz’s request was overbroad and imposed an undue burden on the County. Getz appealed the trial court decision, seeking disclosure of the 40,000 records collected by the County.

On appeal, the County argued that (1) some of the emails it gathered were likely not “public records” related to Getz’s request; and (2) it would take an inordinate amount of time to review the records for potentially applicable exemptions under the PRA -- including emails exempt because of a common interest between the County and Parker in separate litigation unrelated to the Serrano El Dorado Owners Association.

The Court of Appeal rejected the County’s arguments. The appellate court interpreted the definition of public records broadly to include all emails sent or received by County employees using their County email addresses. The Court of Appeal dismissed the County’s claim that it would need to review the emails for unrelated or personal emails because of the absence of any evidence from the County that any of the emails fell in those categories.

The Court of Appeal further dismissed the County’s “passing reference to various statutory exemptions from disclosure in the Public Records Act.” The appellate court found the County did not provide sufficient evidence to demonstrate the County would actually need to review all the records for the applicability of such exemptions. For example, the Court found that the County failed to prove a sufficient basis for the County’s claim that it would need to review all 40,000 records to determine if any were draft documents or contained exempt attorney-client communications.

In the absence of a more substantive showing of evidence from the County that it needed to closely review each of the 40,000 emails it found, the Court of Appeals found that the amount of work that would be necessary to review these records for potential exemptions did not constitute an undue burden on the County. Instead, the Court framed the “overly burdensome” inquiry solely in the context of the effort required to identify responsive records. The Court stated: “an agency cannot resist disclosure based on the burden stemming from actions needed to assuage an abstract fear of improvident disclosure, a fear that could be avoided by simply setting privileged documents apart.” In support of this finding, the Court noted that the County was able to relatively quickly gather the 40,000 emails electronically with relevant search terms.

The dissenting opinion disagreed, asserting that the relevant inquiry was not whether the County could show the request called for exempt or privileged material, but how burdensome it would have been for the County to make that determination. The Court’s majority opinion countered by stating: “the County cannot simply declare that it must always review every responsive email to determine if any, or part of any, contain exempt or privileged information. The volume of email correspondence in the modern era will always be an order of magnitude greater than those records formerly sought in a request under the Public Records Act.”

IV. CONCLUSION.

Taking into account what it refers to as the nature of modern email correspondence, the appellate court’s ruling in *Getz* takes a restrictive view of a local agency’s ability to reject overly burdensome public records act requests. With the ability to electronically index, filter and find records with search terms, the *Getz* case requires an agency asserting an unduly burdensome objection to assert more than the volume of records required to be produced or searched.

To properly object under the ruling in *Getz*, an agency must demonstrate that (1) the request was not specific enough for the agency to identify the requested records; (2) there is a likelihood the agency will have to go through each email to check for applicable privileges or exemptions; (3) information exists in the records to establish a claim of privilege; (4) the records likely contain private information; or (5) there is substantial evidence to establish the records fall within another PRA disclosure exemption.

The *Getz* ruling encourages agencies to be proactive in identifying, labeling and separating privileged and non-privileged electronic communications so when voluminous public records requests are made, agencies can more easily and justifiably filter out privileged or exempt information.

Other key takeaways for local agencies under the *Getz* opinion include:

- Public agencies may still ask a requester to narrow the request. However, where a PRA request is not narrowed down by the requester, agencies must demonstrate with substantial evidence that the *gathering* of the records would be overly burdensome.
- Agencies asserting that a PRA request is overly burdensome because of the need to review records for applicable exemptions, must demonstrate specific reasons why a particular exemption might apply to the records.
- While agencies are not *required* by the PRA to create a “privilege log,” agencies are encouraged to keep a record of the basis and rationale for withholding the specific record. If challenged, that record will help support the “substantial evidence” standard set forth in the *Getz* case.

Finally, the dissenting opinion in *Getz* suggests that the Legislature revise the Public Records Act to address the burden imposed when email records are requested in volume because the existing statutes do not provide a clear pathway for local agencies.

AES

BOARD OF DIRECTORS

January 25, 2022

SUBJECT

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

BACKGROUND

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. These processes were described in detail at previous Board of Directors meetings as well in meetings of all three committees.

In total, since August 2021 the District has agendized the redistricting process is numerous publicly noticed and publicly accessible meetings. The topic was included on five Board of Directors meetings as well as 14 committee meetings. During these meetings staff received feedback from all interested parties as they completed the calculations that resulted in the proposed new Director divisions.

DESCRIPTION

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.

Under the laws of the State of California and the United States, as well as according to numerous standards set under case law, there are several guiding principles for redistricting. Foremost among the criteria which will be used at a municipal level is the requirement that divisions must be substantially equal in population. Doing so ensures that each person's vote counts the same. The legal basis for this is the Equal Protection Clause of the 14th Amendment to the Constitution. However, this does not mean that the population of each district must be exactly the same. For non-Congressional districts, the accepted standard is a maximum population variance of no more than 10 percent.

This 10% variance rule is not statutory, it is court derived and based on years of case law going back to the US Supreme Court decision of Reynolds v. Sims in 1964. Other factors may cause plans with greater variances to withstand court challenge and plans with less than 10% variance to fail.

The Supreme Court also identified what it called "Traditional Redistricting Principles" in a 1993 North Carolina case, Shaw v. Reno, mentioning "compactness, contiguity and respect for political subdivisions" as examples. In Miller v. Johnson (1995), it added, "respect for ... communities defined by actual shared interests." Again in Bush v. Vera (1996) the Court added, "maintaining... traditional boundaries" to the list.

Finally, in 1997 it added "maintaining... district cores" and "protecting incumbents from contests with each other" through *Abrams v. Johnson*.

- **Compactness.** Unlike population variance, there is no commonly accepted single measure of compactness that seems to apply to RMWD. Most of the compactness measures have been developed for testing Congressional districts, which can be prone to meandering across vast stretches of a state. Given the geographic confines of the District, such measures tend to be overly complex.
- **Contiguity.** All of the geographic areas of a district should connect to one another. The creation of "islands" within other divisions should be avoided if at all possible.
- **Respect for Political Subdivisions.** This criterion translates best to districting efforts that hope to preserve the integrity of smaller political units within a larger body. At the District level we applied this principle to voter precincts. In California, precincts are the smallest geographic unit of voter registration and administration. In the Rainbow MWD service area these precincts range in size from as few as 8 persons to over 1000. By using existing voter precincts our revised divisions will seamlessly integrate into the processes used by the San Diego County Registrar of Voters.
- **Respect for Communities of Interest.** Here the goal is to group people with like interests together so that an elected representative can articulate their views.
- **Maintaining District Cores.** To the extent possible, districts should be drawn in such a way as to preserve the core of existing districts. Development of redistricting scenarios frequently began by modifying the existing plan in such a way to minimize the number of voter precincts that were shifted from one district to another.
- **Maintaining Constituent Relationships.** To the extent possible, districts should be drawn in such a way as to avoid situations where incumbents would be in contests with each other.

In addition to these principles, we also consider the expected growth of the population over the next ten years. If possible, those divisions where growth is planned should be on the lower side of the ideal average population so that as growth progresses the imbalance is mitigated somewhat.

The data from the Census Bureau was processed by staff and a total population was calculated to be 23,533. As a comparison, the population of the District from the 2010 census was 19,611. This represents an increase in population of just under 20% between the 2010 and 2020 census efforts.

It should be noted here that even though a census is supposed to be a precise enumeration of population, the data comes in the form of census tracts which do not align at all with voter precincts or the District boundaries. The methods used to convert census data that did not match our boundaries into population estimates for each voter precinct is an estimate – albeit a carefully calculated one with as little potential error as the data would allow. The table below shows the census data applied to our current Director divisions:

Division	Population	Deviation
Division 1	4454	-5.36%
Division 2	5016	6.58%
Division 3	4150	-11.83%
Division 4	5485	16.54%
Division 5	4428	-5.92%
Total	23533	
Average	4707	

This table shows that the existing divisions significantly exceed the 10% variance threshold. Specifically, it was clear that increased growth in Division 4 had brought that division well out of balance. Staff used an iterative process to move voter precincts around to try to lower the overall deviation in population. In addition, since Division 4 is expected to receive additional growth (along with Division 1 to a lesser extent), staff tried to create a revised set of division boundaries that had Divisions 1 and 4 a bit below average so that future growth would create more balance rather than less balance in population.

After several iterations, staff developed a set of proposed division boundaries that met all the criteria established above and presented those proposed boundaries to the Board and Committees in public meetings during the fall of 2021. Input was solicited and after receiving feedback the final staff recommended divisions are presented in the table below and in the attached exhibits.

Division	Population	Deviation
Division 1	4620	-1.84%
Division 2	4716	0.19%
Division 3	4854	3.14%
Division 4	4653	-1.14%
Division 5	4691	-0.34%
Total	23533	
Average	4707	

This proposed option has a total variance of population of less than 5% and the divisions that have below average population are those where there are development projects either under construction now or in final planning stages. We anticipate the total deviation to decrease over the next several years but cannot make predictions as to what the variance will be for the 2030 census.

Once the preliminary boundaries were established staff did a deeper dive into census demographic data. The goal of this effort was to determine if there were any clearly identifiable communities of interest based on race that would be disrupted by the change. After a thorough review of the data the demographic data showed no significant differences in the racial makeup of any divisions. Changes in all major racial categories before and after redistricting were generally less than 1% and never larger than 3%. A full presentation on demographic data will be made at the Board meeting.

POLICY/STRATEGIC PLAN KEY FOCUS AREA

The establishment or revision of the political subdivisions of the District is a fundamental element of the selection of elected Board members of the District and as such impacts all of the Strategic Plan Key Focus Areas

BOARD OPTIONS/FISCAL IMPACTS

There are no fiscal impacts with the revision to the District’s Director division boundaries. Since this item is a public hearing to solicit input from the public there is no action at this time. Any action will be completed after the second public hearing in February 2022.

ENVIRONMENTAL

In accordance with CEQA guidelines Section 15378, the action before the Board does not constitute a “project” as defined by CEQA and further environmental review is not required at this time.

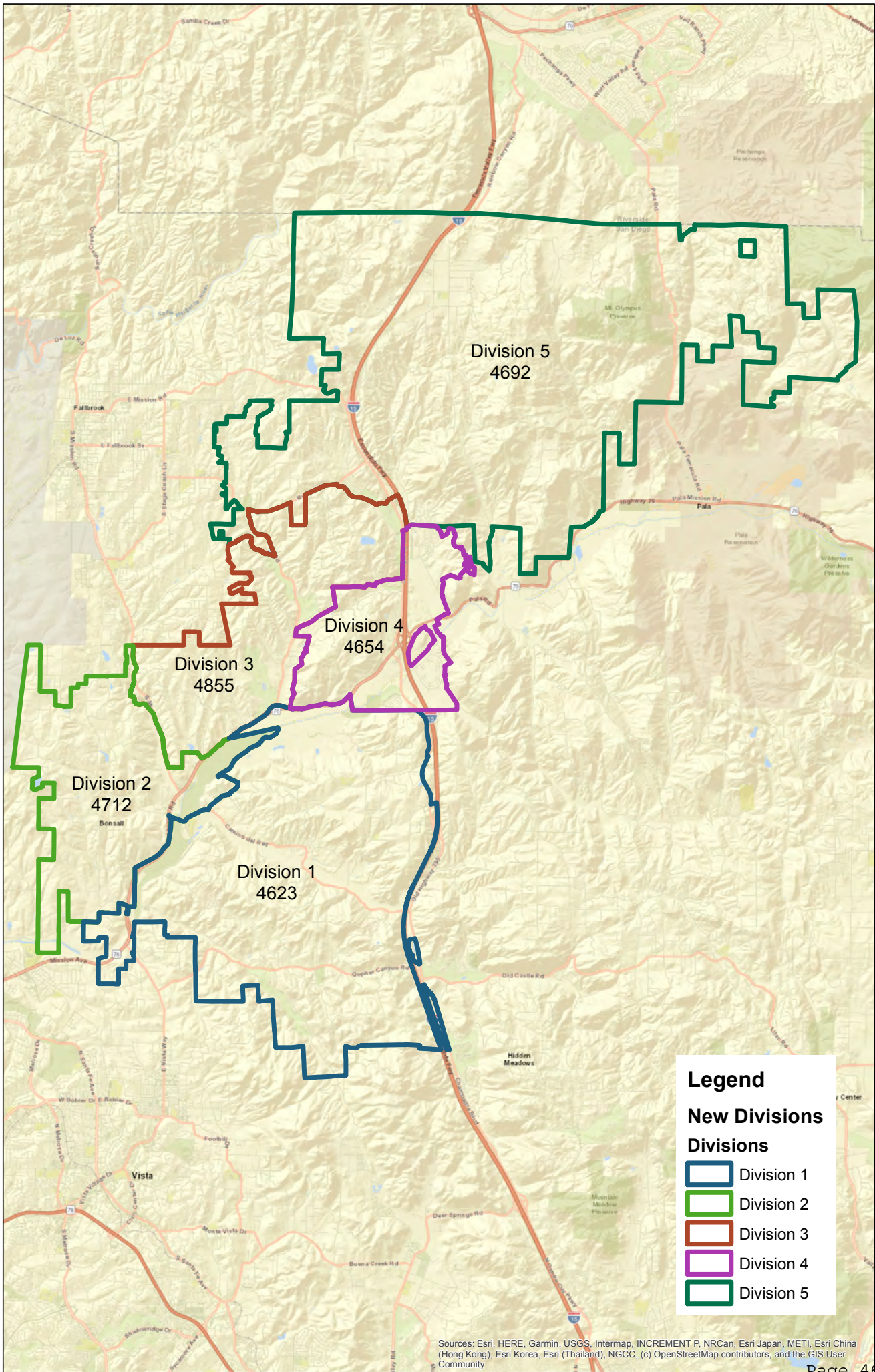
STAFF RECOMMENDATION

There is no recommendation as this is a public hearing only.



Tom Kennedy
General Manager

January 25, 2022



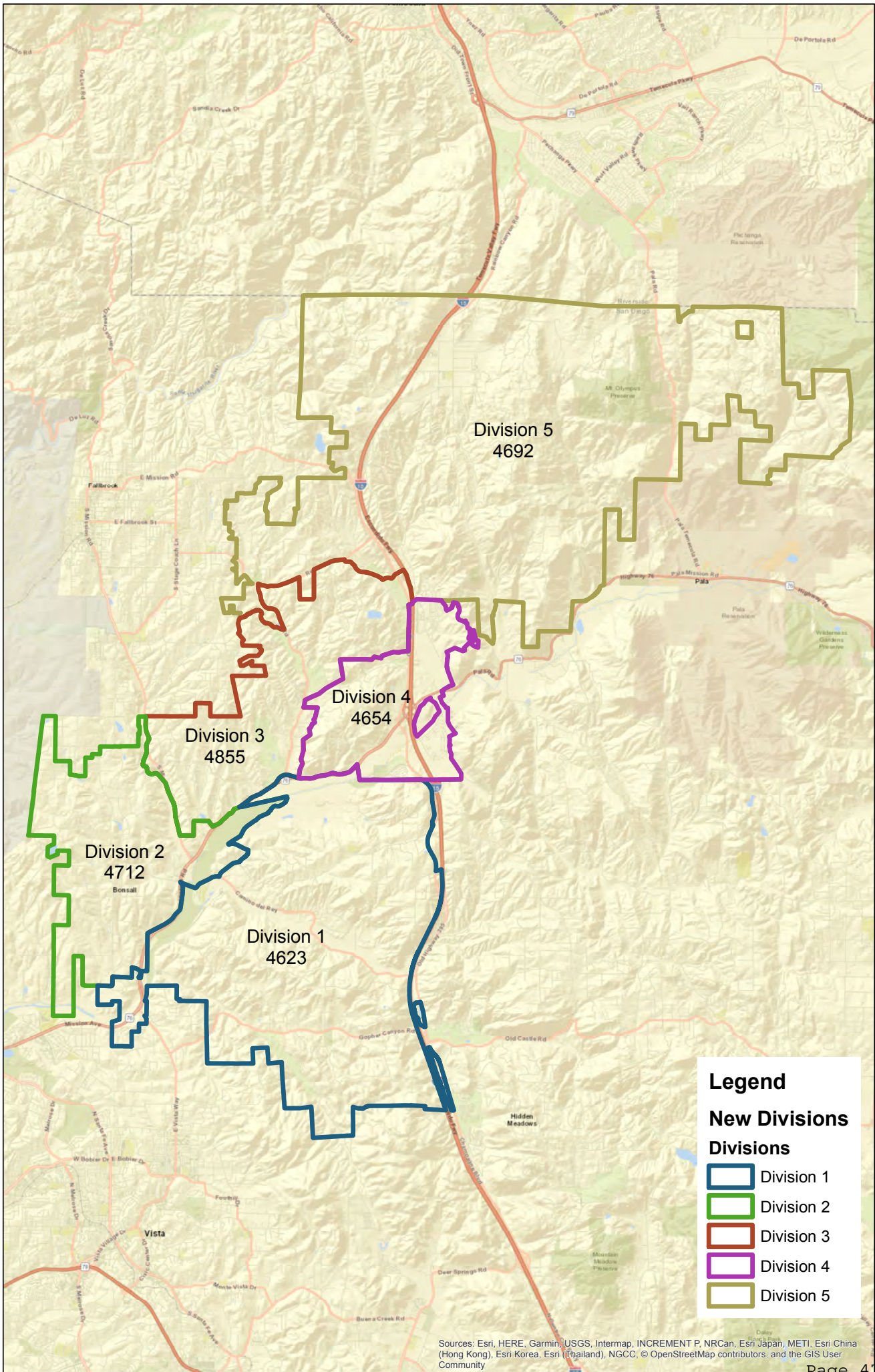
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New Divisions

Divisions

- Division 1
- Division 2
- Division 3
- Division 4
- Division 5

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community



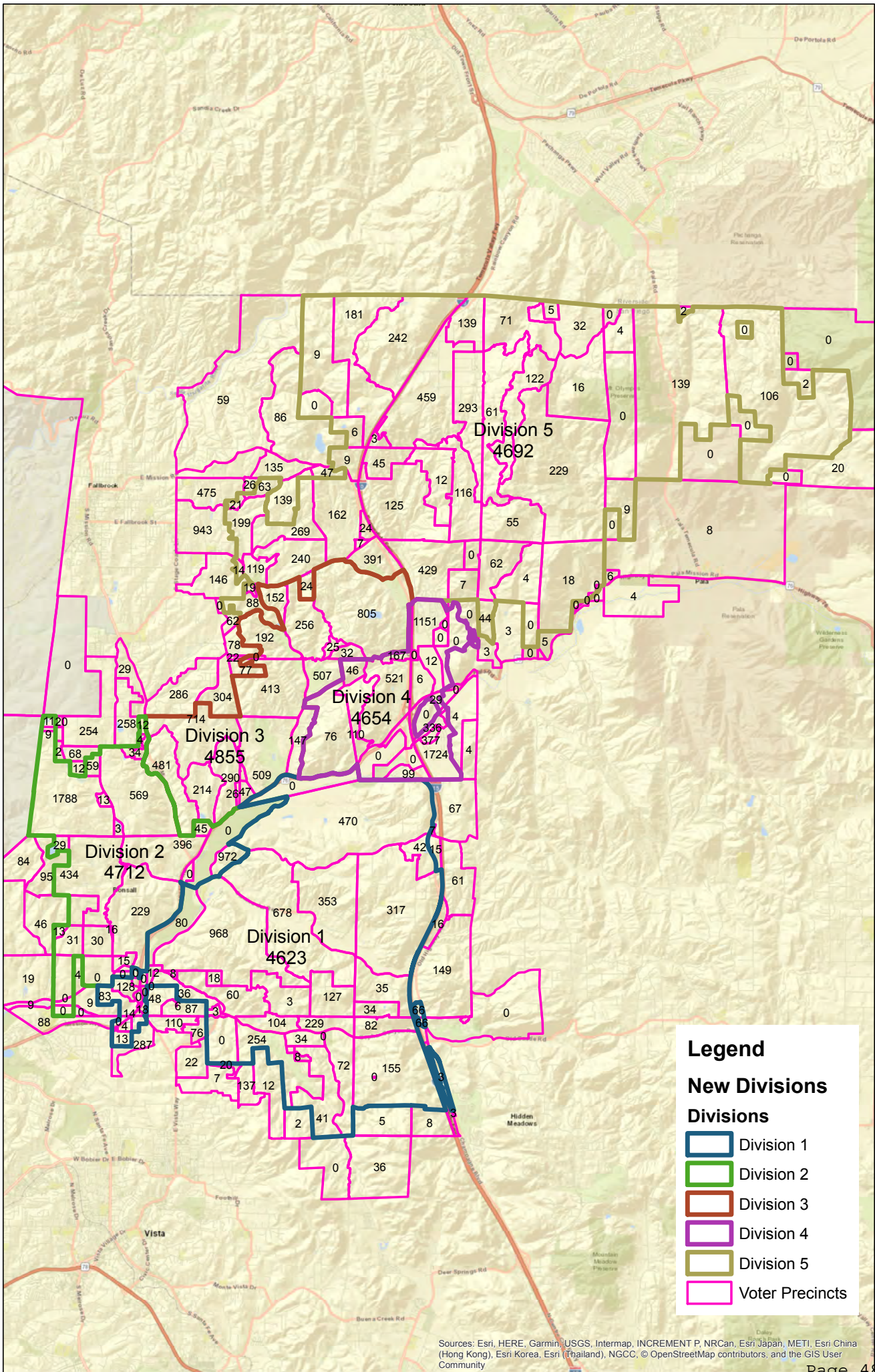
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New Divisions

Divisions

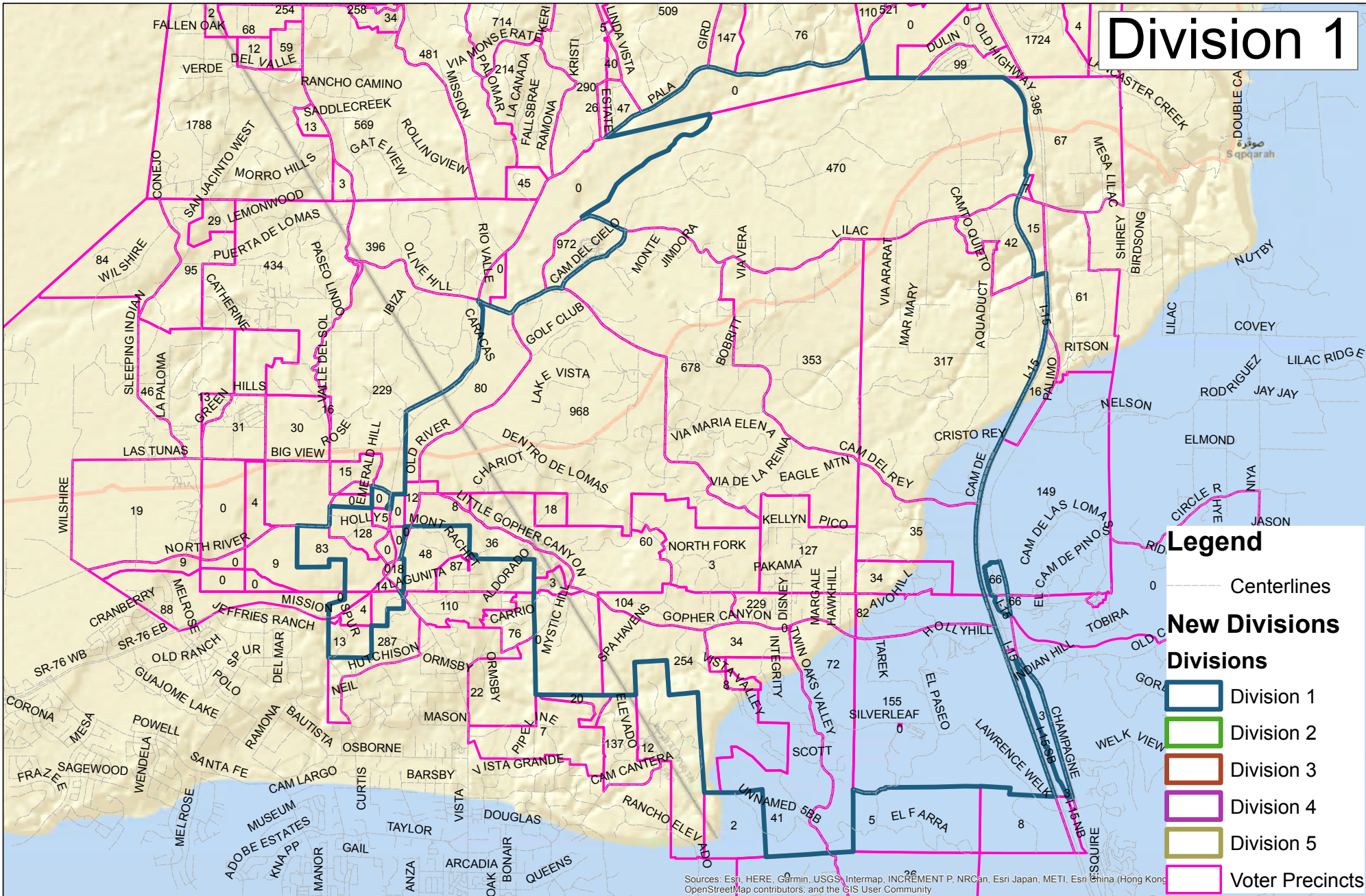
- Division 1
- Division 2
- Division 3
- Division 4
- Division 5

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, © OpenStreetMap contributors, and the GIS User Community



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Division 1

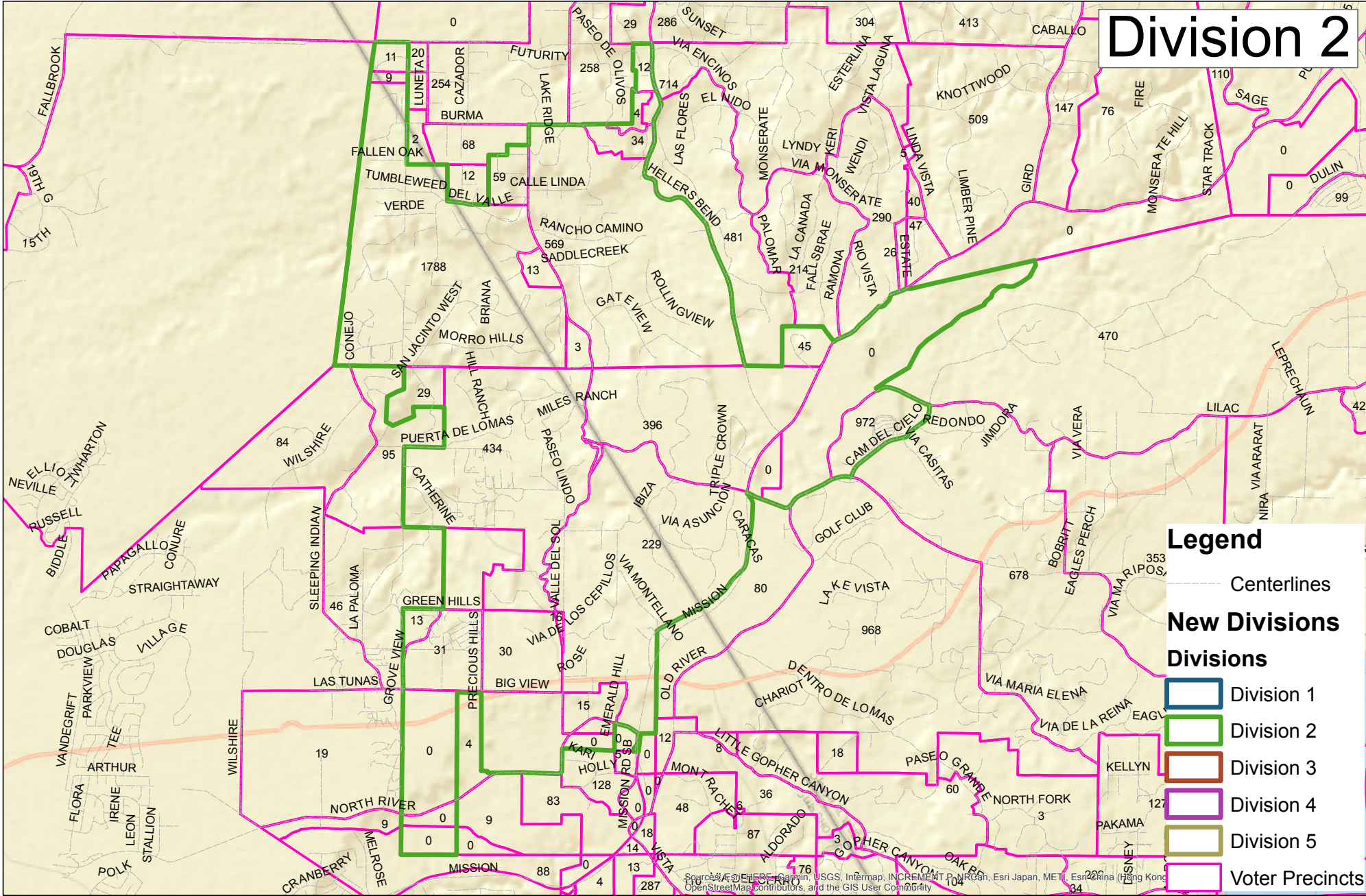


Legend








- Centerlines
- New Divisions
- Divisions
 - Division 1
 - Division 2
 - Division 3
 - Division 4
 - Division 5
- Voter Precincts

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), OpenStreetMap contributors, and the GIS User Community

Division 2

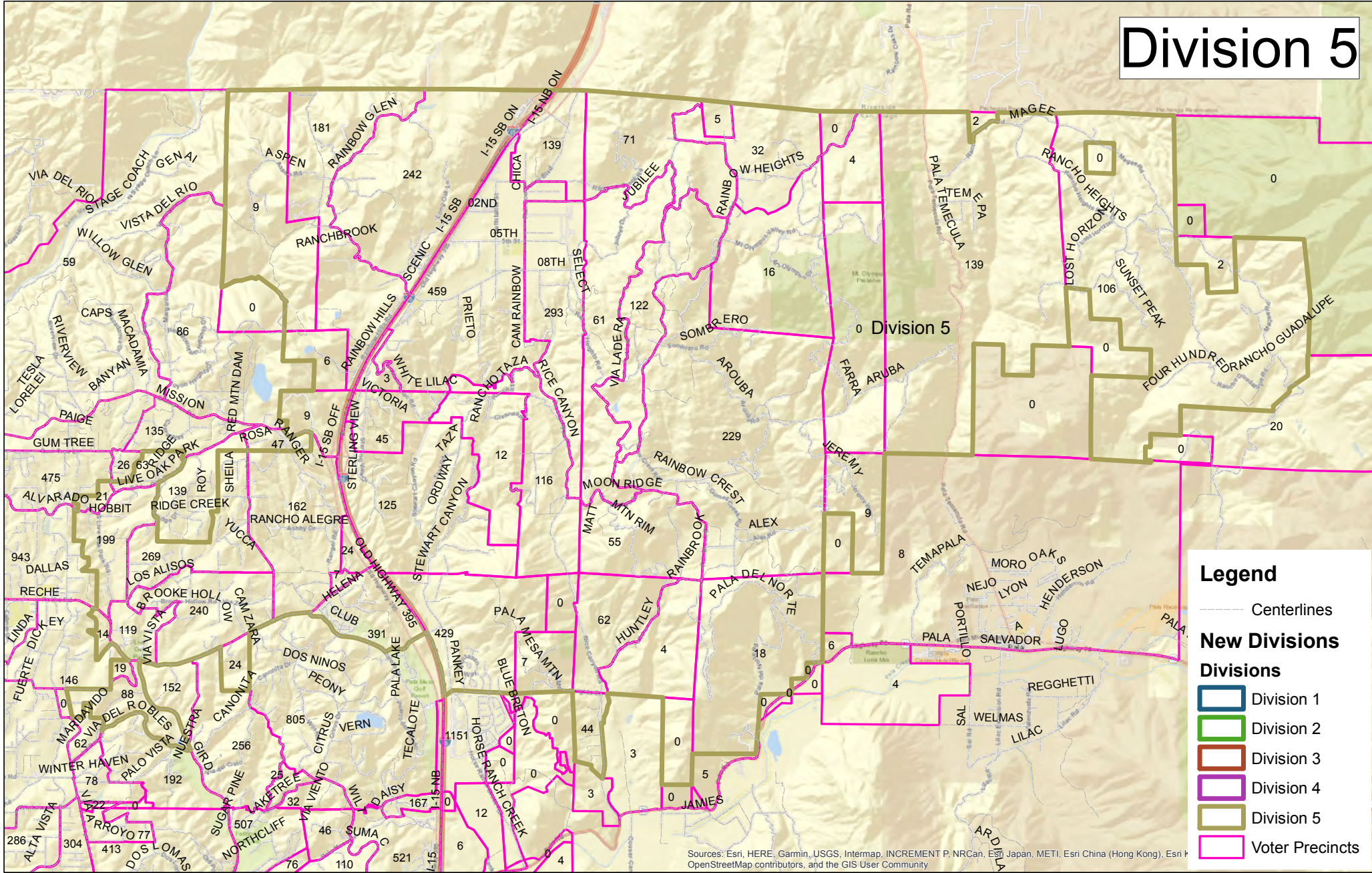


Legend

-  Centerlines
- New Divisions**
- Divisions**
-  Division 1
-  Division 2
-  Division 3
-  Division 4
-  Division 5
-  Voter Precincts

Source: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Swisstopo, DeLorme, NAVTEQ, OpenStreetMap contributors, and the GIS User Community

Division 5



Legend

- Centerlines
- New Divisions**
- Divisions**
- Division 1
- Division 2
- Division 3
- Division 4
- Division 5
- Voter Precincts

Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Swisstopo, Mapbox, OpenStreetMap contributors, and the GIS User Community

BOARD OF DIRECTORS

January 25, 2022

SUBJECT

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, BONSALE, CA 92003 IN DIVISION 1

BACKGROUND

District staff and Hoch Consulting have been working on the design plans for the future Hutton and Turner pump stations. The Hutton, Turner, and Gopher Canyon Tanks and the pressure zones they supply regularly receive water from San Diego County Water Authority (SDCWA) connections. However, the SDCWA aqueduct is shutdown at least once per year for inspection and maintenance. During these shutdowns, the District rents, installs and operates temporary pump stations in up to four strategic locations to pump water to the tanks. The Board has already approved a design contract for the replacement of temporary pumps and connection piping at the Weese Water Filtration Plant to pump water to the Gopher Tank. In addition, the Board approved a design contract for the replacement of the temporary pumps which supply Hutton and Turner Tanks.

While the initial design of these pump stations was underway, it became apparent that the regular use of these pumps for moving water from the Morro Zone to the South Zones would allow the District to realize savings of \$173 per Acre Foot of water by importing water from the Metropolitan Water District connections in the North instead of the SDCWA connections, even when the SDCWA aqueduct is operational. District staff has been working with Hoch Consulting on the design of two permanent pump stations: Hutton Pump Station and Turner Pump Station. Locations for the placement of the pump stations were identified and found to be suitable for the project. In order to move forward with the project, the District needs to acquire a permanent and temporary construction easement for the Hutton Pump Station site.

A California Licensed Surveyor was hired in February of 2021 and prepared legal descriptions and plat maps for the permanent easement and temporary construction easement needed for the Hutton Pump Station project. The permanent easement is for an area of 4,308 square feet, while the temporary construction easement is for an area of 1,412 square feet. The temporary construction easement is needed for all necessary and convenient activities associated with construction of the Project, including to maneuver equipment and store materials during construction and is limited to a 12-month period.

A qualified appraiser was hired to value the easement interests necessary for the Hutton Pump Station project. The fair market value of the easement interests is \$58,900.

On November 3, 2021, the District sent an offer letter to the property owners for the purchase of the aforementioned permanent and temporary easements. The offer letter presented the full fair market value based on the appraisal. District staff has been working with the property owners to negotiate a resolution and agreement. To date, District staff and the property owners have not been able to come to an agreement on the purchase of the permanent and temporary easements. The easements are located within Division 1.

DESCRIPTION

The Board of Directors is being asked to consider the adoption of a Resolution of Necessity to acquire the property interests described below for the Project. The Project is required to ensure the District is able to import water from the Metropolitan Water District connections in the North and to be able to use the proposed pump stations including the proposed Hutton Pump Station project to move water in the south zone. In order to construct and operate the Project, the District must acquire interests in the 5858 Camino Del Cielo property as follows:

Resolution of Necessity	Property Owner	Assessor Parcel Number	Property Interests To Be Acquired By the District
22-02	Kyle B. James Kathrine A. James	127-010-05	4,308 square foot Permanent Easement and 1,412 square foot Temporary Construction Easement

The property interests sought are more fully described and depicted in the Exhibits attached to Resolution of Necessity No. 22-02.

Pursuant to applicable requirements of law, the District had the easement interests it proposes to acquire appraised. The appraisal resulted in an offer being sent to the owners of the above-referenced property for the full appraisal amount, as described in the background section, along with a summary of information from the appraisal. The power of eminent domain is used by the District only as a last resort to obtain the property interests necessary for the Project. The District has attempted to negotiate with the property owners and will continue to do so throughout the process. However, a negotiated purchase has not been achieved, and the District must adopt Resolutions of Necessity and file eminent domain actions as expeditiously as possible.

California eminent domain law provides that a public entity may not commence an eminent domain proceeding on a property until its governing body has adopted a Resolution of Necessity. That resolution may only be adopted after the governing body has given each party with an interest in the affected property, or its representatives, a reasonable opportunity to appear and be heard on the following matters, and the governing body makes the following findings:

- Whether the public interest and necessity require the project for which the property is sought to be acquired;
- Whether the project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
- Whether the property sought to be acquired by eminent domain and described in the Resolution of Necessity is necessary for the proposed project; and
- Whether the offer required by Section 7267.2 of the California Government Code has been made to the property owner.

A notice of this hearing was sent by first class mail and certified mail to the property owners as prescribed by law. The notice stated the District's intent to consider the adoption of a Resolution of Necessity, the right of the property owners to appear and be heard on the issues set forth above, and that failure to file a written request to appear would result in a waiver of the right to appear and be heard.

POLICY/STRATEGIC PLAN KEY FOCUS AREA

Strategic Focus Area One: Water Resources. 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. Easements are required to construct the pump stations.

ENVIRONMENTAL

The Pursuit of eminent domain process does not constitute a project subject to CEQA guidelines.

BOARD OPTIONS/FISCAL IMPACTS

The fiscal impact for this easement purchase is \$58,900. Pursuit of the eminent domain process and associated expenses are also an additional cost above the compensation amount and is taken into consideration in budgeting. Adequate funds will be requested under the category of wholesale water efficiency projects, project number 600013. A midyear adjustment will be needed to account for the anticipated eminent domain process and expenses.

Option 1:

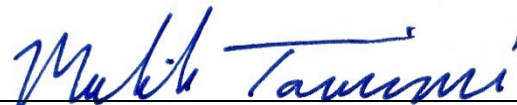
- Receive public testimony
- Make a determination that the eminent domain process does not constitute a project that is subject to CEQA guidelines.
- Adopt a Resolution of Necessity No. 22-02 by a two-thirds vote, for the acquisition of the necessary easements by eminent domain on property located at 5858 Camino Del Cielo, Bonsall, CA 92003
- Authorize the General Manager to proceed with all condemnation filings and proceedings necessary to acquire the interests in the subject parcels

Option 2:

- Provide other direction to staff.

STAFF RECOMMENDATION

Staff recommends Option 1.



For Chad Williams
Engineering and CIP Program Manager

01/25/2022

RESOLUTION NO. 22-02

**RESOLUTION OF THE BOARD OF DIRECTORS OF RAINBOW
MUNICIPAL WATER DISTRICT FINDING AND DETERMINING THAT
THE PUBLIC INTEREST AND NECESSITY REQUIRE THE
ACQUISITION BY EMINENT DOMAIN OF AN INTEREST IN REAL
PROPERTY FOR PUBLIC USE AND AUTHORIZING AND DIRECTING
CONDEMNATION OF PORTIONS OF SAN DIEGO COUNTY
ASSESSOR PARCEL NUMBER 127-010-05**

WHEREAS, the Rainbow Municipal Water District (“District”) is organized and operates pursuant to the Municipal Water District Law of 1911 commencing with Section 71000 of the California Water Code; and

WHEREAS, public safety, welfare, convenience, interest and necessity requires the District to acquire interests in the property located at 5858 Camino Del Cielo, in Bonsall, an unincorporated community within San Diego County, for public use, to wit: Acquisition of property for the Hutton and Turner Pump Stations Project (the “Project”); and

WHEREAS, the property interests described hereinafter are to be acquired for public use, namely, for public water system purposes, pursuant to the authority conferred upon the District to acquire property by eminent domain by Article I, Section 19, of the California Constitution, California Water Code sections 71693 and 71694, and California Code of Civil Procedure sections 1240.010-1273.050; and

WHEREAS, the property to be acquired for the Project includes a 4,308 square foot permanent easement in the property which bears San Diego Assessor’s Parcel Number 127-010-05, as described and depicted more specifically in Exhibit “1” attached hereto and incorporated herein for the purposes of public utilities and general utility purposes including sewer, access, and maintenance purposes; and

WHEREAS, the property to be acquired for the Project also includes a 1,412 square foot temporary construction easement in the property which bears San Diego County Assessor’s Parcel Number 127-010-05, as described and depicted more specifically in Exhibit “2” attached hereto and incorporated herein for the purposes of all necessary and convenience activities associated with the Project (“TCE”). The TCE shall be valid for a period of not more than twelve (12) months. It shall commence seven (7) days from the date upon which the District or its authorized representative provides the owner with written notice of its intent to commence construction utilizing the TCE. The District shall either protect in place or replace in kind any improvement located within the TCE area. At the expiration of the TCE, the District or its agents shall restore the TCE area to a condition as near as practicable to the condition that existed immediately prior to the commencement of construction; and

WHEREAS, pursuant to California Code of Civil Procedure section 1245.235, on January 5, 2022, there was mailed a Notice of Hearing on the Intent of the District to consider adoption of a Resolution of Necessity for acquisition by eminent domain of the real property as described and depicted more specifically in Exhibits “1” and “2” herein (the “Property”). The Notice of Hearing was mailed to the listed address of all persons whose names appear on the last equalized county assessment roll as the owner or owners of the Property; and

WHEREAS, pursuant to California Code of Civil Procedure section 1245.235 and the Executive Order N-29-20 issued by Governor Gavin Newsom, the District scheduled a hearing for January 25, 2022 at 1:00 pm to take place both at the District Office located at 3707 Old Highway 395, Fallbrook, CA 92028 and via Zoom (accessible by videoconference and teleconference), gave to each owner or owners whose property is to be acquired notice and a reasonable opportunity to appear at said hearing and to be heard on the matters referred to in section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, said hearing has been held by the District and each owner or owners whose property is to be acquired by eminent domain were afforded an opportunity to be heard on those matters specified in the District's Notice of Hearing on the Intent to consider adoption of a Resolution of Necessity as referred to in section 1240.030 of the California Code of Civil Procedure; and

WHEREAS, the District may adopt a Resolution of Necessity pursuant to section 1240.040 of the California Code of Civil Procedure.

NOW, THEREFORE, IT IS HEREBY RESOLVED, DETERMINED AND ORDERED, by the Board of Directors of the Rainbow Municipal Water District, by a vote of two-thirds or more of its members, as follows:

1. The Recitals set forth above are incorporated herein and made an operative part of this Resolution.
2. The District has complied with the requirements of California Code of Civil Procedure Section 1245.235 regarding notice and hearing.
3. The public use for which the Property is to be acquired is for the construction and maintenance of the Project, a public water system improvement, as more fully described hereinabove. California Water Code sections 71693 and 71694 authorize the District to acquire by eminent domain property and interests in property necessary for such purpose and for all uses incidental and convenient thereto.
4. The Project is necessary to ensure sufficient sewer capacity for all new residential and commercial developments occurring near the Property. The public interest and necessity require the acquisition by eminent domain proceedings of the real property interests as described and depicted more specifically in Exhibits "1" and "2" attached hereto and incorporated by this reference.
5. In accordance with California Code of Civil Procedure Section 1245.230, the District finds, determines and declares each of the following:
 - a. The public interest and necessity require the proposed Project;
 - b. The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and least private injury;
 - c. The above-described Property, legally described and depicted in Exhibits "1"

and “2”, are necessary for the proposed Project;

- d. The offer required by section 7267.2 of the California Government Code has been made to the owner or owners of record.
6. Pursuant to sections 1240.510 and 1240.610 of the Code of Civil Procedure, to the extent the Property is already devoted to a public use, the use proposed by this Project is a more necessary public use than the use to which the Property, or any portion thereof, is already devoted, or, in the alternative, is a compatible public use which will not unreasonably interfere with or impair the continuance of the public use to which the Property, or any portion thereof, is already devoted.
7. The District is hereby authorized and empowered to acquire the Property by eminent domain for the Project.
8. Legal Counsel for the District (“Counsel”) is hereby authorized, empowered and directed to take all steps necessary to acquire the Property in the name of and on behalf of the District by eminent domain, and is authorized to institute and prosecute to completion such legal proceedings as may be required in connection therewith. Counsel is also authorized to take such steps as may be authorized and required by law, and to make such security deposits as may be required by order of court and to permit the District to take possession of and use the Property at the earliest possible time. Counsel is further authorized to correct any errors or to make or agree to any non-material changes to the legal description of the Property that are deemed necessary for the conduct of the condemnation action or other proceedings or transactions required to acquire the Property. Counsel is further authorized, subject to the approval of the District, to compromise and settle such eminent domain proceedings, if such settlement can be reached, and in that event, to take all necessary action to complete the acquisition, including entering into stipulations as to judgment and other matters, and cause all payments to be made.
9. This Resolution shall take effect upon adoption.

PASSED AND ADOPTED at a meeting of the Board of Directors of the Rainbow Municipal Water District held on the 25th day of January 2022 by the following vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

Hayden Hamilton, Board President

ATTEST:

Dawn Washburn, Board Secretary

Exhibit 1

RECORDING REQUESTED BY:

Rainbow Municipal Water District

WHEN RECORDED RETURN TO:

District Engineer
Rainbow Municipal Water District
3707 Old Highway 395
Fallbrook, California 92028

GRANT OF EASEMENT

NO FEE REQUIRED PER
GOVERNMENT CODE SECTION 6103
DEED TRANSFER TAX: \$ 0
EXEMPT UNDER SEC. 11922 OF
REVENUE TAXATION CODE

Assessor's Parcel No. 127-010-05

For valuable consideration, the receipt of which is hereby acknowledged, **KYLE BRENT JAMES AND KATHERINE ANNE JAMES, HUSBAND AND WIFE**, collectively as Grantors, do hereby grant and convey to Rainbow Municipal Water District (RMWD), a municipal water district formed pursuant to the Municipal Water District Act of 1911 as amended, as Grantee, its successors and assigns, an exclusive easement and right of way in, upon, over, under, and across the lands hereinafter described, to erect, install, construct, reconstruct, replace, repair, alter, operate, maintain, inspect and use, a pipeline or pipelines, a pump station, radio tower, and generators, for any and all purposes, together with any easement roads and appurtenances within the easement, including but not limited to conduits and cables for communication purposes, at such location and elevations, upon, along, over and under the hereinafter described easement as Grantee may now or hereafter deem convenient and necessary from time to time, together with right of ingress thereto and egress therefrom to and along said easement by a practical route or routes, in, upon, over, and across the hereinafter described lands, together with the right to clear and keep clear said easement from buildings and structures.

The lands in which said easement and right-of-way is hereby granted are situated in the County of San Diego, State of California, more commonly known as **5858 Camino del Cielo, Bonsall, CA 92003** and are particularly described as follows:

(SEE ATTACHED
LEGAL DESCRIPTION EXHIBIT "A", AND PLAT EXHIBIT "B" MADE A PART HEREIN)

It is further understood and agreed that no other easement or easements shall be granted on, under, over said easement and right-of-way by Grantors to any person, firm or corporation without the previous written consent of said Grantee, so long as no utility or access easement provided for herein may or will cause or require the relocation, repair or alteration of any of Grantee's facilities, including a pipeline or pipelines, or otherwise affect Grantee's facilities or Grantee's access to such facilities in any way. This easement shall remain exclusive as to the precise location and situs of Grantee's facilities.

Grantors, their heirs, successors and assigns, shall not erect or construct, or permit to be erected or constructed, any building, fences, walls, or other structures of any kind, and no trees shall be installed, constructed, erected, placed, planted or maintained in any portion of the easement and right-of-way, and no shrubs or other plants or vegetation shall be placed, planted or maintained in the portion of the easement and right-of-way which is included within any road, and that no changes in the alignment or grading of any

such road will be made without prior written consent of Grantee. It is further understood and agreed that Grantor shall not drill any well or wells within the limits of said easement and right-of-way.

Grantee may, at any time, increase its use of the easement, change the location of pipelines or other facilities within the boundaries of the easement, or modify the size of existing pipelines or other improvements as it may determine in its sole discretion from time to time, without Grantors' consent and without paying any additional compensation to Grantors or Grantors' heirs, successors, or assigns, provided Grantee does not expand its use of the easement beyond the easement boundaries described above.

Grantee shall have the right to transfer and assign this easement in whole or in part being hereby granted to the Grantee.

It is also understood and agreed by the parties hereto that Grantors and their successors or assigns, shall not increase or decrease, or permit the increase or decrease of, the existing ground elevations of the above described easement and right-of-way, existing at the time this document is executed, without the written consent of Grantee.

Grantors expressly warrant and represent that Grantors have the power to grant this easement in accordance with its terms.

IN WITNESS WHEREOF, the Grantors executed this instrument this ____ day of _____ 2022.

Owner: **KYLE BRENT JAMES**

By: _____
Kyle Brent James

_____ Date

Owner: **KATHERINE ANNE JAMES**

By: _____
Katherine Anne James

_____ Date

(Signatures must be notarized. Notary form attached.)

Approved as to Form
Rainbow Municipal Water District

Alfred E. Smith, District Attorney

_____ Date

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

County of San Diego)

)

On _____, before me, _____, Notary Public

personally appeared _____ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed this instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____
Signature of Notary Public

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the Grant of Easement

dated _____ from _____

to the Rainbow Municipal Water District, formed pursuant to the Municipal Water District Act of 1911, is hereby accepted by order of Board of Director's Resolution No. 02-13, dated July 3, 2002, authorizing the General Manager to accept and record Grants of Right of Way on behalf of said District.

RAINBOW MUNICIPAL WATER DISTRICT

Dated _____ By _____
General Manager

Project Name: _____

Water Atlas Page No. _____ Checked by: _____ Date: _____

EXHIBIT "A"
LEGAL DESCRIPTION

ASSESSOR PARCEL NUMBER: 127-010-05

VESTING: KYLE BRENT JAMES AND KATHERINE ANNE JAMES, HUSBAND AND WIFE

PERMANENT EASEMENT

THAT PORTION OF PARCEL 34 AS SHOWN ON RECORD OF SURVEY MAP NO. 3834 FILED FEBRUARY 6, 1956 AS FILE NO. 16286 IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHERLY END OF A LINE THAT BEARS NORTH 0°40' EAST A DISTANCE OF 49.15 FEET ON THE EASTERLY SIDE OF THAT 60.00 FOOT WIDE EASEMENT RESERVED FOR ROAD AS SHOWN ON SAID RECORD OF SURVEY MAP NO 3834 WITHIN SAID PARCEL 34;

THENCE ALONG SAID EASEMENT AND SAID LINE NORTH 0°40'00" EAST 24.87 FEET TO THE **TRUE POINT OF BEGINNING**;

THENCE CONTINUING ALONG SAID EASEMENT AND SAID LINE NORTH 0°40'00" EAST 24.28 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 30.00 FEET;

THENCE CONTINUING ALONG SAID EASEMENT NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 103°53'10" AN ARC LENGTH OF 54.39 FEET TO THE NORTH LINE OF SAID PARCEL 34 BEING A REVERSE CURVE, CONCAVE NORTHERLY HAVING A RADIUS OF 630.00 FEET;

THENCE LEAVING SAID EASEMENT EASTERLY ALONG SAID NORTH LINE AND SAID CURVE THROUGH A CENTRAL ANGLE OF 4°54'03" AN ARC LENGTH OF 53.89 FEET;

THENCE LEAVING SAID NORTH LINE SOUTH 00°40'00" WEST 42.00 FEET;

THENCE NORTH 89°47'32" WEST 90.00 FEET TO THE **TRUE POINT OF BEGINNING**.

CONTAINING 4,308 SQUARE FEET MORE OR LESS.

ATTACHED HERETO AND MADE A PART HEREOF IS A PLAT LABELED EXHIBIT "B".

THIS REAL PROPERTY DESCRIPTION HAS BEEN PREPARED BY ME, OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYORS ACT.



MICHAEL SCHLUMPBERGER, LS 7790
RIGHT-OF-WAY ENGINEERING SERVICES, INC.

November 1, 2021

DATE

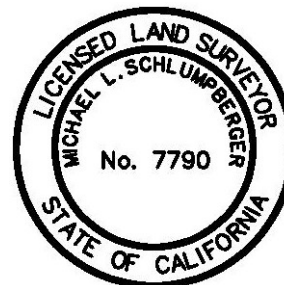
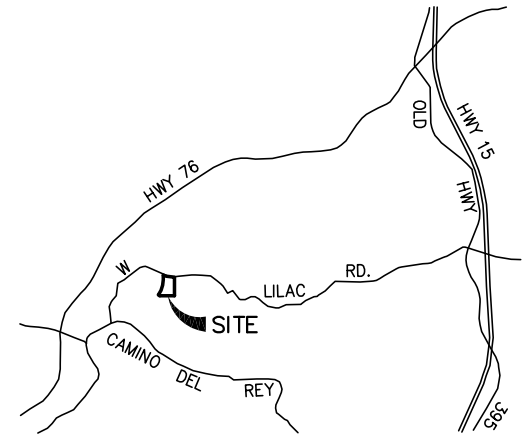
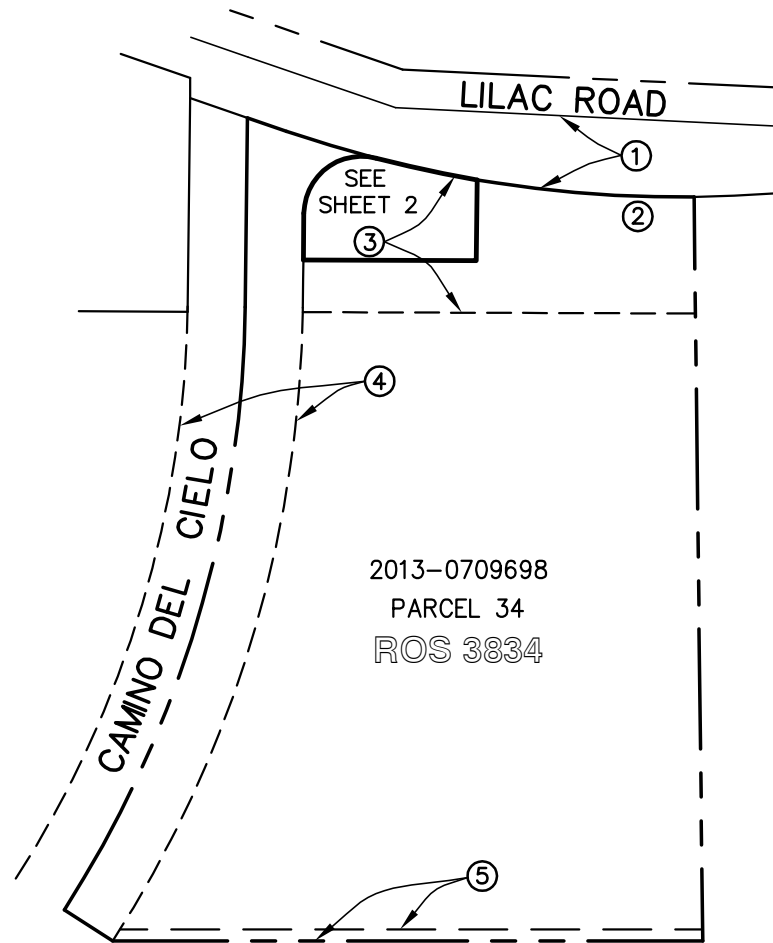


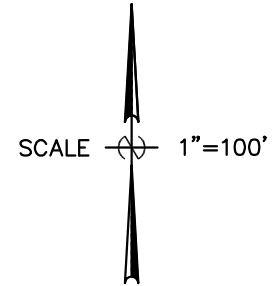
EXHIBIT "B"

EXISTING EASEMENTS

- ① EASEMENT FOR COUNTY ROAD REC. IN BK. 5957 PG. 286 OF O.R.
- ② PRIVILEGE AND RIGHT TO EXTEND DRAINAGE STRUCTURES AND EXCAVATIONS AND EMBANKMENT SLOPES BEYOND THE LIMITS OF RIGHT OF WAY WHERE REQUIRED FOR CONSTRUCTION AND MAINTENANCE OF COUNTY HIGHWAY RECORDED JANUARY 30, 1956 IN BOOK 5957 PAGE 286 O.R.
- ③ RIGHT TO CONSTRUCT WATER LINES RESERVED IN BK. 5521, PG. 358, REC. 2/7/1955 OF O.R., AND BK. 5553, PG. 177, REC. 3/3/1955 OF O.R., FOR PURPOSES OF CONNECTING TO A MUTUAL WATER COMPANY LINE. EXACT LOCATIONS CANNOT BE DETERMINED FROM RECORD.
- ④ 60' EASEMENT RESERVED FOR ROAD AS SHOWN ON ROS 3834 GRANTED IN VARIOUS DEEDS OF RECORD
- ⑤ 6' EASEMENT FOR TRANSMISSION OF ELECTRICITY TO SDGE RECORDED SEPTEMBER 4, 1959 IN BOOK 7867 PAGE 342 O.R.



VICINITY MAP
NO SCALE



THIS PLAT WAS PREPARED BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYOR'S ACT

Michael L. Schlumpberger
November 1, 2021
MICHAEL L. SCHLUMPBERGER, PLS 7790

BEARINGS AND DIMENSIONS SHOWN HEREON ARE BASED ON RECORD OF SURVEY 3834

RAINBOW MUNICIPAL WATER DISTRICT

VESTING: KYLE BRENT JAMES AND KATHERINE ANNE JAMES, HUSBAND AND WIFE

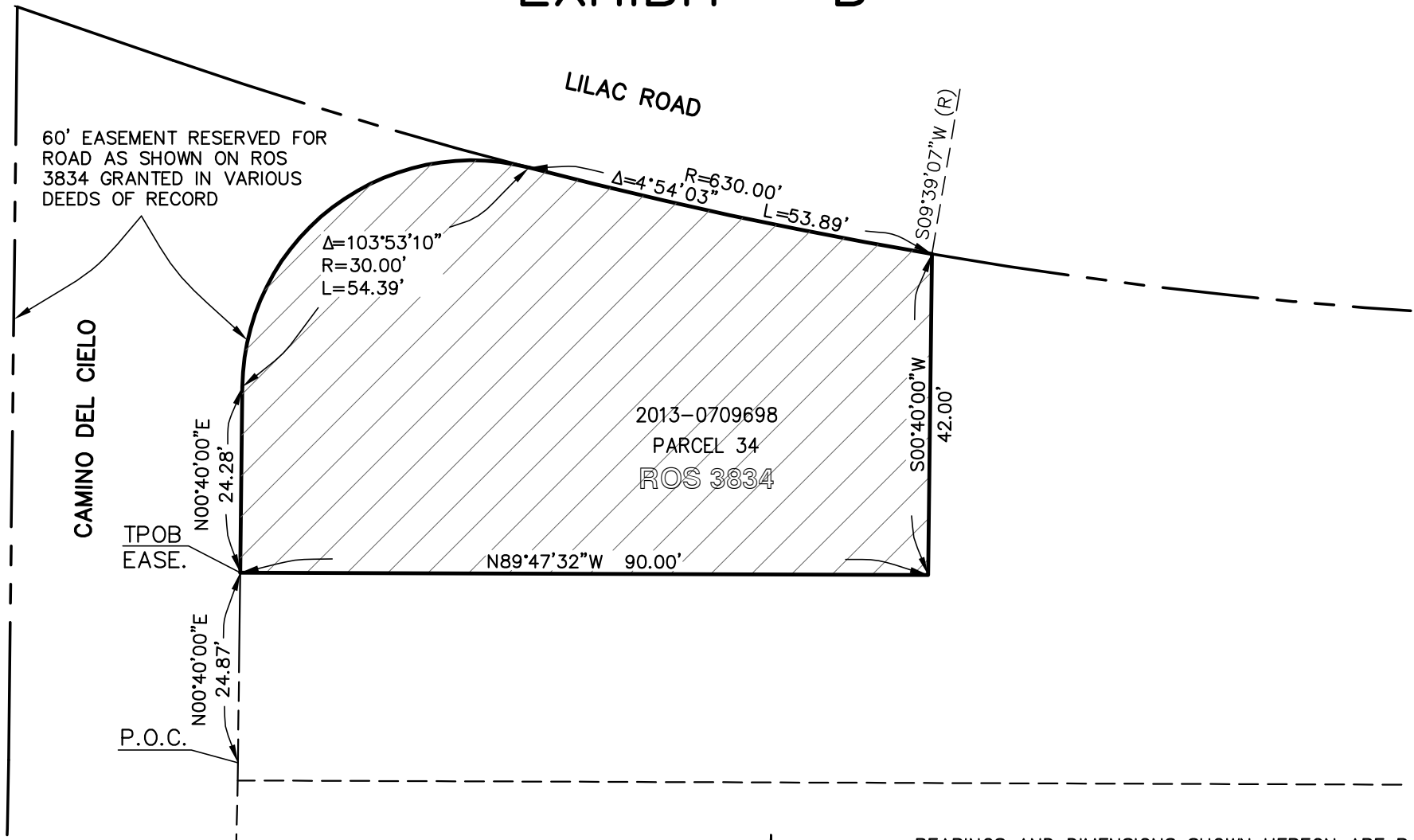
DATE: JULY 1, 2021


SHEET 1 OF 2

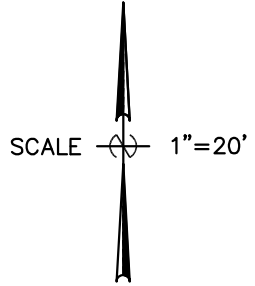
Right-Of-Way Engineering Services, Inc.

615 South Tremont Street · Oceanside, CA 92054
(760) 637-2700 row@roweng.net
Job No.: 2006-0023-11

EXHIBIT "B"



 DENOTES AREA OF PERMANENT EASEMENT
4,308 SQ.FT. MORE OR LESS



BEARINGS AND DIMENSIONS SHOWN HEREON ARE BASED ON RECORD OF SURVEY 3834

RAINBOW MUNICIPAL WATER DISTRICT	
VESTING: KYLE BRENT JAMES AND KATHERINE ANNE JAMES, HUSBAND AND WIFE	
DATE: JULY 1, 2021	SHEET 2 OF 2

Exhibit 2

RECORDING REQUESTED BY:

Rainbow Municipal Water District

WHEN RECORDED RETURN TO:

District Engineer
Rainbow Municipal Water District
3707 Old Highway 395
Fallbrook, California 92028

GRANT OF TEMPORARY CONSTRUCTION EASEMENT

NO FEE REQUIRED PER
GOVERNMENT CODE SECTION 6103
DEED TRANSFER TAX: \$ 0
EXEMPT UNDER SEC. 11922 OF
REVENUE TAXATION CODE

Assessor's Parcel No. 127-010-05

FOR GOOD AND VALUABLE CONSIDERATION, the receipt and sufficiency of which is hereby acknowledged, **KYLE BRENT JAMES AND KATHERINE ANNE JAMES, HUSBAND AND WIFE**, collectively as Grantors, do hereby grant and convey to Rainbow Municipal Water District (RMWD), a municipal water district formed pursuant to the Municipal Water District Act of 1911 as amended, as Grantee, and its successors and assigns, a temporary construction easement ("Temporary Construction Easement") over, above, on, under, in, along, across and through that certain portion of Grantors' real property located at 5858 Camino del Cielo, Bonsall, County of San Diego, State of California, more particularly described in the legal description attached hereto as EXHIBIT A and depicted or illustrated on the map or drawing attached hereto as EXHIBIT B and incorporated herein by reference ("TCE Area"), for the purpose of all necessary and convenient activities associated with the construction of the Hutton and Turner Pump Stations Project ("Project").

The Temporary Construction Easement shall expire on the date ("Expiration Date") that is not more than twelve (12) months from the commencement of construction within the TCE Area, as established in a written notice given to Grantors by or on behalf of Grantee seven (7) days before Grantee intends to commence utilizing the TCE Area. Upon the Expiration Date, the then-owners of record of the above-referenced property shall have the right to request and, thereafter, receive from Grantee a duly executed and acknowledged instrument in writing whereby Grantee quitclaims or otherwise releases its interest in the Temporary Construction Easement, but not the other terms and provisions of this Instrument, to the said then-owner of record of the above-referenced property, and may cause same to be recorded in Official Records of San Diego County, California.

Grantors covenant, by and for themselves, their heirs, successors and assigns, including, without limitation, any voluntary and involuntary successor(s)-in-interest to the above-referenced property or any part thereof, that Grantors shall not, without the express prior written consent of Grantee, erect, place, or maintain any improvement, or undertake any other activity, which may interfere with the use of the Temporary Construction Easement Area; and Grantors shall not permit the erection, placement, or maintenance of any improvement, or undertaking of any other activity, which may interfere with the use of the Temporary Construction Easement Area, including, without limitation, the erection of any building, wall, fence, structure or other improvement within the Temporary Construction Easement Area.

Grantee's use of the Temporary Construction Easement shall include, without limitation, the right and privilege of Grantee and its employees, agents, representatives, contractors, subcontractors and workmen to: (i) perform all activities as may be necessary to facilitate the purposes of the Temporary Construction

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

County of San Diego)

)

On _____, before me, _____, Notary Public

personally appeared _____ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed this instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

Signature of Notary Public

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by the Grant of Temporary Construction Easement dated _____ from _____

to the Rainbow Municipal Water District, formed pursuant to the Municipal Water District Act of 1911, is hereby accepted by order of Board of Director's Resolution No. 02-13, dated July 3, 2002, authorizing the General Manager to accept and record Grants of Right of Way on behalf of said District.

RAINBOW MUNICIPAL WATER DISTRICT

Dated _____

By _____

General Manager

Project Name: _____

Water Atlas Page No. _____ Checked by: _____ Date: _____

EXHIBIT "A"
LEGAL DESCRIPTION

ASSESSOR PARCEL NUMBER: 127-010-05

VESTING: KYLE BRENT JAMES AND KATHERINE ANNE JAMES, HUSBAND AND WIFE

TEMPORARY CONSTRUCTION EASEMENT

THAT PORTION OF PARCEL 34 AS SHOWN ON RECORD OF SURVEY MAP NO. 3834 FILED FEBRUARY 6, 1956 AS FILE NO. 16286 IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHERLY END OF A LINE THAT BEARS NORTH 0°40' EAST A DISTANCE OF 49.15 FEET ON THE EASTERLY SIDE OF THAT 60.00 FOOT WIDE EASEMENT RESERVED FOR ROAD AS SHOWN ON SAID RECORD OF SURVEY MAP NO 3834 WITHIN SAID PARCEL 34;

THENCE ALONG SAID EASEMENT AND SAID LINE NORTH 0°40'00" EAST 14.87 FEET TO THE **TRUE POINT OF BEGINNING**;

THENCE CONTINUING ALONG SAID EASEMENT AND SAID LINE NORTH 0°40'00" EAST 34.28 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 30.00 FEET;

THENCE CONTINUING ALONG SAID EASEMENT NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 103°53'10" AN ARC LENGTH OF 54.39 FEET TO THE NORTH LINE OF SAID PARCEL 34 BEING A REVERSE CURVE, CONCAVE NORTHERLY HAVING A RADIUS OF 630.00 FEET;

THENCE LEAVING SAID EASEMENT EASTERLY ALONG SAID NORTH LINE AND SAID CURVE THROUGH A CENTRAL ANGLE OF 5°49'13" AN ARC LENGTH OF 64.00 FEET;

THENCE LEAVING SAID NORTH LINE SOUTH 00°40'00" WEST 50.42 FEET;

THENCE NORTH 89°47'32" WEST 100.00 FEET TO THE **TRUE POINT OF BEGINNING**.

EXCEPTING THEREFROM

THAT PORTION OF PARCEL 34 AS SHOWN ON RECORD OF SURVEY MAP NO. 3834 FILED FEBRUARY 6, 1956 AS FILE NO. 16286 IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHERLY END OF A LINE THAT BEARS NORTH 0°40' EAST A DISTANCE OF 49.15 FEET ON THE EASTERLY SIDE OF THAT 60.00 FOOT WIDE EASEMENT RESERVED FOR ROAD AS SHOWN ON SAID RECORD OF SURVEY MAP NO 3834 WITHIN SAID PARCEL 34;

THENCE ALONG SAID EASEMENT AND SAID LINE NORTH 0°40'00" EAST 24.87 FEET TO THE **TRUE POINT OF BEGINNING**;

THENCE CONTINUING ALONG SAID EASEMENT AND SAID LINE NORTH 0°40'00" EAST 24.28 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 30.00 FEET;

THENCE CONTINUING ALONG SAID EASEMENT NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 103°53'10" AN ARC LENGTH OF 54.39 FEET TO THE NORTH LINE OF SAID PARCEL 34 BEING A REVERSE CURVE, CONCAVE NORTHERLY HAVING A RADIUS OF 630.00 FEET;

THENCE LEAVING SAID EASEMENT EASTERLY ALONG SAID NORTH LINE AND SAID CURVE THROUGH A CENTRAL ANGLE OF 4°54'03" AN ARC LENGTH OF 53.89 FEET;

THENCE LEAVING SAID NORTH LINE SOUTH 00°40'00" WEST 42.00 FEET;
THENCE NORTH 89°47'32" WEST 90.00 FEET TO THE **TRUE POINT OF BEGINNING**.
CONTAINING 1,412 SQUARE FEET MORE OR LESS.

ATTACHED HERETO AND MADE A PART HEREOF IS A PLAT LABELED EXHIBIT "B".

THIS REAL PROPERTY DESCRIPTION HAS BEEN PREPARED BY ME, OR UNDER MY DIRECTION, IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYORS ACT.



MICHAEL SCHLUMPBERGER, LS 7790
RIGHT-OF-WAY ENGINEERING SERVICES, INC.

November 1, 2021

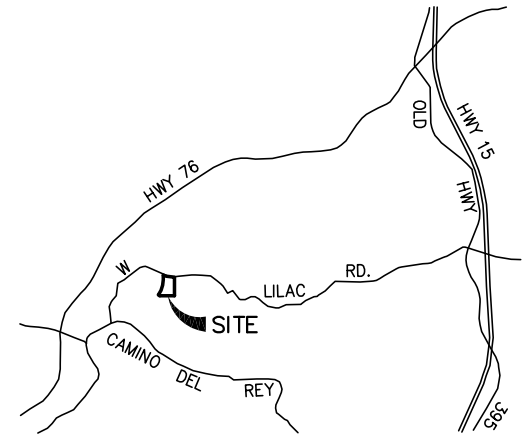
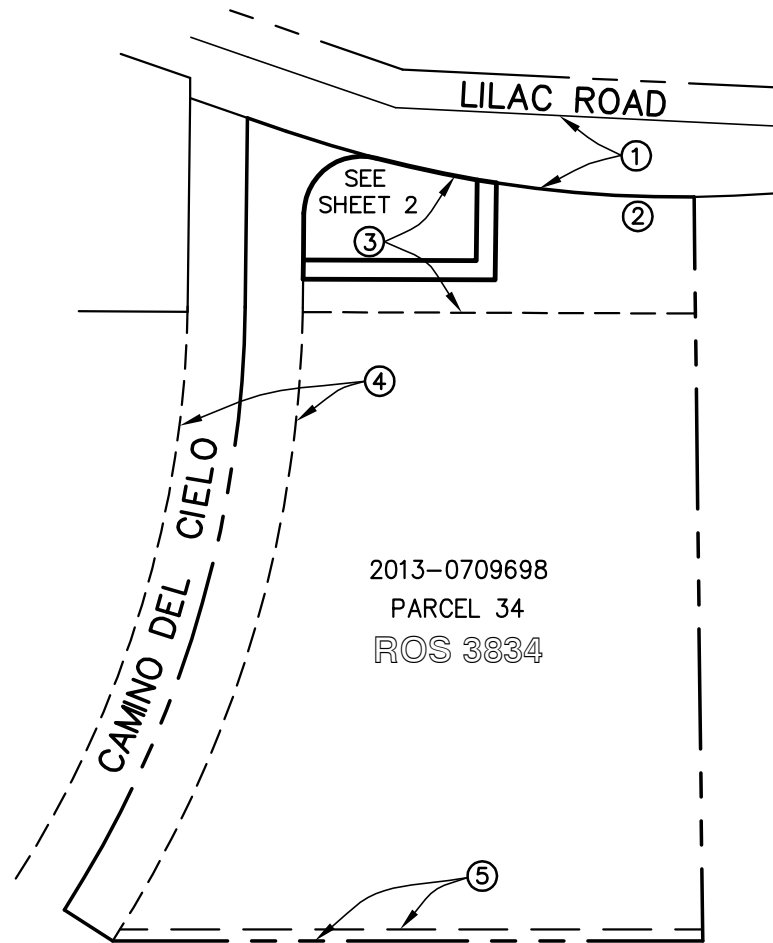
DATE



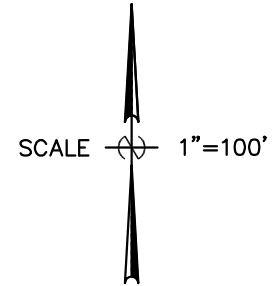
EXHIBIT "B"

EXISTING EASEMENTS

- ① EASEMENT FOR COUNTY ROAD REC. IN BK. 5957 PG. 286 OF O.R.
- ② PRIVILEGE AND RIGHT TO EXTEND DRAINAGE STRUCTURES AND EXCAVATIONS AND EMBANKMENT SLOPES BEYOND THE LIMITS OF RIGHT OF WAY WHERE REQUIRED FOR CONSTRUCTION AND MAINTENANCE OF COUNTY HIGHWAY RECORDED JANUARY 30, 1956 IN BOOK 5957 PAGE 286 O.R.
- ③ RIGHT TO CONSTRUCT WATER LINES RESERVED IN BK. 5521, PG. 358, REC. 2/7/1955 OF O.R., AND BK. 5553, PG. 177, REC. 3/3/1955 OF O.R., FOR PURPOSES OF CONNECTING TO A MUTUAL WATER COMPANY LINE. EXACT LOCATIONS CANNOT BE DETERMINED FROM RECORD.
- ④ 60' EASEMENT RESERVED FOR ROAD AS SHOWN ON ROS 3834 GRANTED IN VARIOUS DEEDS OF RECORD
- ⑤ 6' EASEMENT FOR TRANSMISSION OF ELECTRICITY TO SDGE RECORDED SEPTEMBER 4, 1959 IN BOOK 7867 PAGE 342 O.R.



VICINITY MAP
NO SCALE



THIS PLAT WAS PREPARED BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE PROFESSIONAL LAND SURVEYOR'S ACT

Michael L. Schlumberger
November 1, 2021
MICHAEL L. SCHLUMBERGER, PLS 7790

BEARINGS AND DIMENSIONS SHOWN HEREON ARE BASED ON RECORD OF SURVEY 3834

RAINBOW MUNICIPAL WATER DISTRICT

VESTING: KYLE BRENT JAMES AND KATHERINE ANNE JAMES, HUSBAND AND WIFE

DATE: JULY 1, 2021

SHEET 1 OF 2

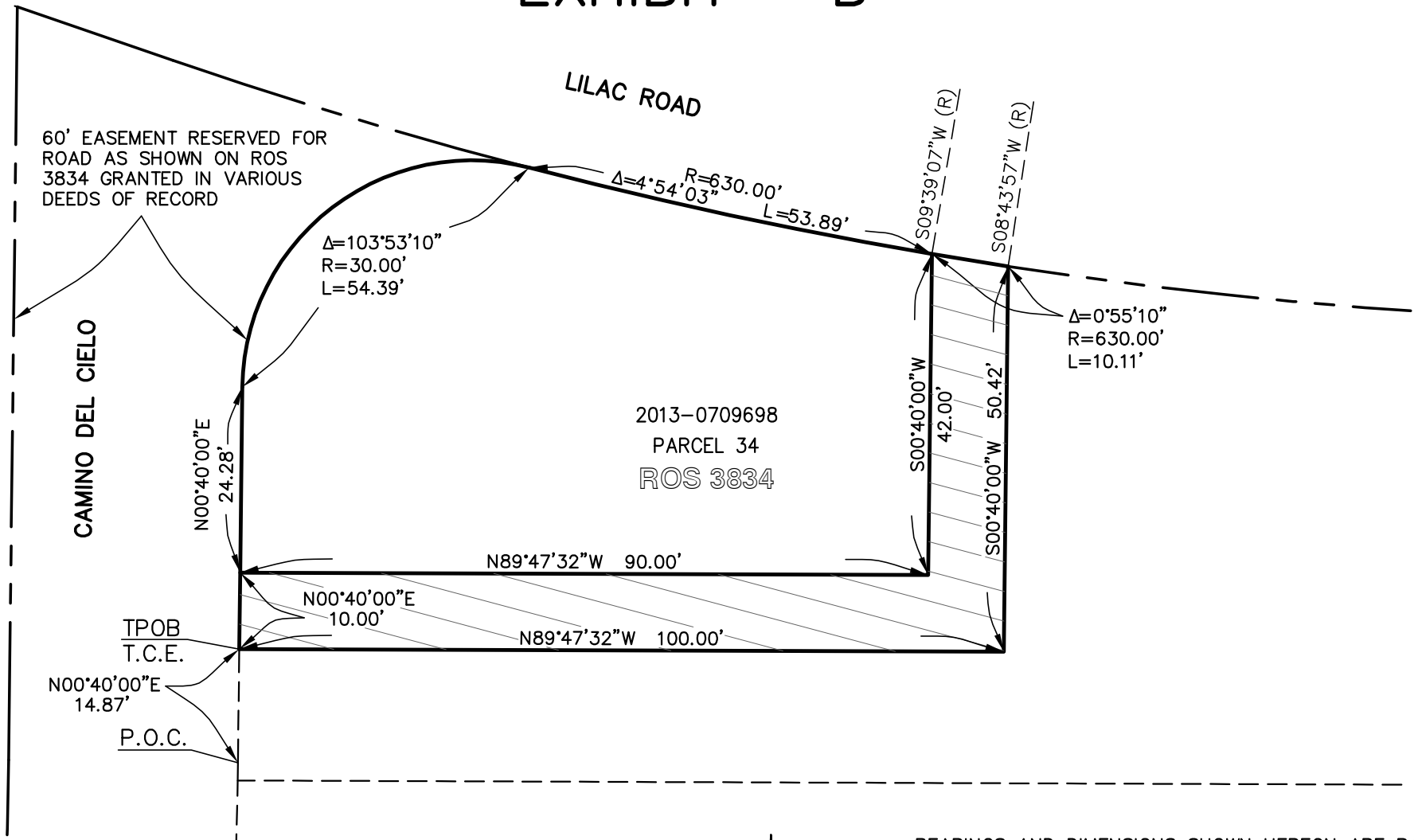
Right-Of-Way Engineering Services, Inc.

615 South Tremont Street · Oceanside, CA 92054

(760) 637-2700 row@roweng.net

Job No.: 2006-0023-11

EXHIBIT "B"



60' EASEMENT RESERVED FOR ROAD AS SHOWN ON ROS 3834 GRANTED IN VARIOUS DEEDS OF RECORD

CAMINO DEL CIELO

LILAC ROAD

2013-0709698
PARCEL 34
ROS 3834

TPOB
T.C.E.
N00°40'00"E
14.87'
P.O.C.

N00°40'00"E
24.28'

Δ=103°53'10"
R=30.00'
L=54.39'

Δ=4°54'03"
R=630.00'
L=53.89'

S09°39'07"W (R)

S08°43'57"W (R)

Δ=0°55'10"
R=630.00'
L=10.11'

N89°47'32"W 90.00'

N00°40'00"E
10.00'

N89°47'32"W 100.00'

S00°40'00"W
42.00'

S00°40'00"W
50.42'

BEARINGS AND DIMENSIONS SHOWN HEREON ARE BASED ON RECORD OF SURVEY 3834

RAINBOW MUNICIPAL WATER DISTRICT

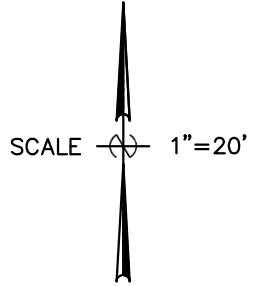
VESTING: KYLE BRENT JAMES AND KATHERINE ANNE JAMES, HUSBAND AND WIFE

DATE: JULY 1, 2021

SHEET 2 OF 2



DENOTES AREA OF TEMPORARY CONSTRUCTION EASEMENT 1,412 SQ.FT. MORE OR LESS



BOARD OF DIRECTORS

January 25, 2022

SUBJECT

DISCUSSION AND POSSIBLE ACTION TO ADOPT ORDINANCE NO. 22-02 AMENDING AND UPDATING ADMINISTRATIVE CODE TITLE PAGES FOR TITLE 4 – PERSONNEL RULES AND REGULATIONS, TITLE 5 – FINANCE AND ADMINISTRATION, TITLE 6 – ENGINEERING, AND TITLE 7 – OPERATIONS AND SAFETY

BACKGROUND

As part of the ongoing policy review, it was realized some minor formatting revisions were necessary only to the title pages for Administrative Code Titles 4, 5, 6, and 7, respectively.

DESCRIPTION

Staff prepared proposed amendments to the title pages for Administrative Code Titles 4, 5, 6, and 7, respectively for Board consideration. These proposed amendments are to provide formatting consistency throughout the Administrative Code.

Both redline and non-redline versions of the proposed revisions have been attached for reference.

POLICY/STRATEGIC PLAN KEY FOCUS AREA

Strategic Focus Area One: Water Resources
Strategic Focus Area Two: Asset Management
Strategic Focus Area Three: Workforce Development
Strategic Focus Area Four: Fiscal Responsibility
Strategic Focus Area Five: Customer Service
Strategic Focus Area Six: Communication

ENVIRONMENTAL

In accordance with CEQA guidelines Section 15378, the action before the Board does not constitute a “project” as defined by CEQA and further environmental review is not required at this time.

BOARD OPTIONS/FISCAL IMPACTS

- 1) Adopt Ordinance No. 22-02 amending and updating Administrative Code Titles 4, 5, 6, and 7 as presented.
- 2) Adopt Ordinance No. 22-02 amending and updating Administrative Code Titles 4, 5, 6, and 7 with revisions.
- 3) Deny adoption of Ordinance No. 22-02 and provide staff with direction.

STAFF RECOMMENDATION

Staff supports direction.



Tom Kennedy, General Manager

January 25, 2022

Ordinance No. 22-02

**Ordinance of the Board of Directors of the Rainbow Municipal Water District
Amending and Updating Administrative Code Titles 4–7**

WHEREAS, the Rainbow Municipal Water District has, from time to time, adopted various rules and regulations for the operation of the District; and

WHEREAS, certain of those rules and regulations require updating to reflect best practices, as well as changes in applicable laws; and

WHEREAS, the Board of Directors has determined that changes in the rules or regulations of the District shall occur solely by amendment to the Administrative Code;

NOW, THEREFORE,

BE IT ORDAINED by the Board of Directors of Rainbow Municipal Water District as follows:

1. The following rules and regulations of the District, collected are hereby adopted and shall be incorporated into the Administrative Code, consisting of:

Title 4:	Personnel Rules and Regulations
Title 5:	Finance and Administration
Title 6:	Engineering
Title 7:	Operations and Safety

2. The General Manager is hereby directed to update the Administrative Code to reflect the approval of these rules and regulations, and to assign or reassign the numbering of the Administrative Code as necessary to codify these rules and regulations as amended.

3. This ordinance shall take effect immediately upon its adoption on this 25th day of January 2022.

AYES:
NOES:
ABSTAIN:
ABSENT:

Hayden Hamilton, Board President

ATTEST:

Dawn Washburn, Board Secretary

Title~~TITLE~~ 4
PERSONNEL RULES AND REGULATIONS

Chapters:

4.01 Personnel Rules and Regulations

M:\Administration\Confidential\Administrative Code Current Policies\Amendments and Updates Not Approved\Personnel Rules and Regulations Title 4.docx~~M:\Administration\Confidential\Administrative Code Current Policies\Title 4\Personnel Rules and Regulations Title 4.docx~~ \Added and Approved 6-26-07 by Ordinance No. 07-05\Amended and Updated 7-6-17 by Ordinance No. 17-06\Amended and Updated 2-25-20 by Ordinance No. 20-04\DRAFT

~~Title~~**TITLE 5**
FINANCE AND ADMINISTRATION

Chapters:

- 5.01 Banking**
- 5.02 Purchasing**
- 5.03 Investment Policy**
- 5.04 Fixed Assets**
- 5.05 Public Records**
- 5.06 Internal Controls: Fraud and Similar or Related Inappropriate Conduct**
- 5.07 Unclaimed Checks Policy**
- 5.08 District Communication Systems**
- 5.09 Vehicle Policies**

M:\Administration\Confidential\Administrative Code Current Policies\Amendments and Updates Not Approved\Finance and Administration Title 5.docx~~M:\Administration\Confidential\Administrative Code Current Policies\Title 5\Finance and Administration Title 5.docx~~
*Approved 8-3-05 by Ordinance No. 05-07\Amended and Updated 7-22-08 by Ordinance No. 08-09\Amended and Updated 9-18-18 by Ordinance No. 18-21\Amended and Updated 7-27-21 by Ordinance No. 21-04***DRAFT**

**Title 6
ENGINEERING**

Chapters:

- 6.01 Engineering Department Role**
- 6.02 Master Plan**
- 6.03 California Environmental Quality Act**
- 6.04 Specifications**
- 6.05 Water and Sewer Line Extensions**
- 6.06 Parcel Maps**
- 6.07 Construction of Water and Sewer Facilities**
- 6.08 Reimbursement**
- 6.09 Inspection**
- 6.10 Rights-Of-Way**

~~Title~~**TITLE 7**
OPERATIONS AND SAFETY

Title 4
PERSONNEL RULES AND REGULATIONS

Chapters:

4.01 Personnel Rules and Regulations

**Title 5
FINANCE AND ADMINISTRATION**

Chapters:

- 5.01 Banking**
- 5.02 Purchasing**
- 5.03 Investment Policy**
- 5.04 Fixed Assets**
- 5.05 Public Records**
- 5.06 Internal Controls: Fraud and Similar or Related Inappropriate Conduct**
- 5.07 Unclaimed Checks Policy**
- 5.08 District Communication Systems**
- 5.09 Vehicle Policies**

**Title 6
ENGINEERING**

Chapters:

- 6.01 Engineering Department Role**
- 6.02 Master Plan**
- 6.03 California Environmental Quality Act**
- 6.04 Specifications**
- 6.05 Water and Sewer Line Extensions**
- 6.06 Parcel Maps**
- 6.07 Construction of Water and Sewer Facilities**
- 6.08 Reimbursement**
- 6.09 Inspection**
- 6.10 Rights-Of-Way**

Title 7
OPERATIONS AND SAFETY

BOARD OF DIRECTORS

January 25, 2022

SUBJECT

DISCUSSION AND POSSIBLE ACTION TO ADOPT ORDINANCE NO. 22-03 AMENDING AND UPDATING ADMINISTRATIVE CODE CHAPTER PAGES FOR TITLE 5 – FINANCE AND ADMINISTRATION

BACKGROUND

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.

DESCRIPTION

Staff prepared proposed amendments to the chapter pages for Administrative Code Chapters 5.01-5.09 for Board consideration. These proposed amendments are to update the name of each chapter cover page consistent with all other Administrative Code chapters. In this case, the proposed updates solely impact the document names themselves; therefore, they will only be reflected in the footer for each.

Both redline and non-redline versions of the proposed revisions have been attached for reference.

POLICY/STRATEGIC PLAN KEY FOCUS AREA

Strategic Focus Area One: Water Resources
Strategic Focus Area Two: Asset Management
Strategic Focus Area Three: Workforce Development
Strategic Focus Area Four: Fiscal Responsibility
Strategic Focus Area Five: Customer Service
Strategic Focus Area Six: Communication

ENVIRONMENTAL

In accordance with CEQA guidelines Section 15378, the action before the Board does not constitute a “project” as defined by CEQA and further environmental review is not required at this time.

BOARD OPTIONS/FISCAL IMPACTS

- 1) Adopt Ordinance No. 22-03 amending and updating Administrative Code Chapters 5.01-5.09 as presented.
- 2) Adopt Ordinance No. 22-03 amending and updating Administrative Code Chapters 5.01-5.09 with revisions.
- 3) Deny adoption of Ordinance No. 22-03 and provide staff with direction.

STAFF RECOMMENDATION

Staff supports direction.



Tom Kennedy, General Manager

January 25, 2022

Ordinance No. 22-03

**Ordinance of the Board of Directors of the Rainbow Municipal Water District
Amending and Updating Administrative Code
Chapters 5.01-5.09**

WHEREAS, the Rainbow Municipal Water District has, from time to time, adopted various rules and regulations for the operation of the District; and

WHEREAS, certain of those rules and regulations require updating to reflect best practices, as well as changes in applicable laws; and

WHEREAS, the Board of Directors has determined that changes in the rules or regulations of the District shall occur solely by amendment to the Administrative Code;

NOW, THEREFORE,

BE IT ORDAINED by the Board of Directors of Rainbow Municipal Water District as follows:

1. The following rules and regulations of the District, collected are hereby adopted and shall be incorporated into the Administrative Code, consisting of:

- Chapter 5.01: Banking
- Chapter 5.02: Purchasing
- Chapter 5.03: Investment Policy
- Chapter 5.04: Fixed Assets
- Chapter 5.05: Public Records
- Chapter 5.06: Internal Controls: Fraud and Similar or Related Inappropriate Conduct
- Chapter 5.07: Unclaimed Checks Policy
- Chapter 5.08: District Communications Systems
- Chapter 5.09: Vehicle Policies

2. The General Manager is hereby directed to update the Administrative Code to reflect the approval of these rules and regulations, and to assign or reassign the numbering of the Administrative Code as necessary to codify these rules and regulations as amended.

3. This ordinance shall take effect immediately upon its adoption on this 25th day of January 2022.

**AYES:
NOES:
ABSTAIN:
ABSENT:**

Hayden Hamilton, Board President

ATTEST:

Dawn Washburn, Board Secretary

**Chapter 5.01
BANKING**

Sections:

- 5.01.010** **Check Signers**
- 5.01.020** **Accounts Payable Signers**
- 5.01.030** **Payroll - Signers**

**Chapter 5.02
PURCHASING**

Sections:

- 5.02.010 Centralized Purchasing**
- 5.02.020 Purchasing Procedures**
- 5.02.030 Purchase Requests**
- 5.02.040 Purchase Orders**
- 5.02.050 Alternative Methods of Procurement**
- 5.02.050.01 Check Requests**
- 5.02.050.02 Petty Cash**
- 5.02.050.03 Credit Card Expenditures**
- 5.02.060 Emergency Purchases**
- 5.02.070 Open Purchase Orders**
- 5.02.080 Quantities to be Purchased**
- 5.02.090 Value Purchasing**
- 5.02.100 Quotations**
- 5.02.110 Professional Services-Requests for Proposals**
- 5.02.120 Insurance/Licensing**
- 5.02.130 Departmental Responsibilities**
- 5.02.140 Formal Bids**
- 5.02.150 Contract Delivery/Inspection**
- 5.02.160 Invoices**
- 5.02.170 Duties and Functions of Assigned District Purchasing Agent**
- 5.02.180 Purchasing Department**
- 5.02.190 Purchasing Department - Relationship between District and Vendors**
- 5.02.200 Purchasing Approval and Change Order Limits**

**Chapter 5.03
INVESTMENT POLICY**

Sections:

- 5.03.010 Investment Policy Purpose**
- 5.03.020 Investment Policy Scope**
- 5.03.030 Investment Policy Prudence**
- 5.03.040 Investment Policy Objectives**
- 5.03.040.01 Investment Policy Safety of Principal**
- 5.03.040.02 Investment Policy Liquidity**
- 5.03.040.03 Investment Policy Yield**
- 5.03.050 Investment Policy Maturity Matrix**
- 5.03.060 Investment Policy Performance Evaluation**
- 5.03.070 Investment Policy Delegation of Authority**
- 5.03.080 Investment Policy Reporting**
- 5.03.090 Investment Policy Ethics and Conflicts of Interest**
- 5.03.100 Investment Policy Safekeeping and Securities**
- 5.03.110 Investment Policy Investments Secured by Full Faith and Credit**
- 5.03.120 Investment Policy Qualified Brokers/Dealers**
- 5.03.130 Investment Policy Collateral Requirements**
- 5.03.140 Investment Policy Risk Tolerance**
- 5.03.150 Investment Policy Authorized Investments**
- 5.03.160 Investment Policy Legislative Changes**
- 5.03.170 Investment Policy Interest Earnings**
- 5.03.180 Investment Policy Limiting Market Value Erosion**
- 5.03.190 Investment Policy Portfolio Management Activity**
- 5.03.200 Investment Policy Review**
- 5.03.210 Investment Policy Glossary Terms**
- 5.03.220 Cash Reserves Policy**
- 5.03.220.01 Purpose**
- 5.03.220.02 Operating Reserves**
- 5.03.220.03 Capital Reserves**
- 5.03.220.04 Water Capital Projects Reserve (Fund 60)**
- 5.03.220.05 Wastewater Replacement Reserve (Fund 52)**
- 5.03.220.06 Wastewater Expansion Reserve (Fund 53)**
- 5.03.220.07 Liability Self Insurance Reserve (03-00-13104)**
- 5.03.220.08 Debt Service Reserve**
- 5.03.220.09 New Water Sources Reserve (Fund 26)**
- 5.03.220.10 Water Rate Stabilization Reserve (Fund 05)**

**Chapter 5.04
FIXED ASSETS**

Sections:

- 5.04.010 Capital Asset Policy**
- 5.04.010.01 Policy Statement**
- 5.04.010.02 Definitions**
- 5.04.010.03 Policy Review**

**Chapter 5.05
PUBLIC RECORDS**

Sections:

- 5.05.010 Public Records Policy**
- 5.05.020 Public Records Definitions**
- 5.05.030 Public Records Exempt from Disclosure**
- 5.05.040 Public Records Procedure for Inspection**
- 5.05.050 Records Retention Policy**
 - 5.05.050.01 Records Retention – District Records**
 - 5.05.050.01.1 District Records Retention Management Guide**
 - 5.05.050.02 Records Retention – Legal Records**
 - 5.05.050.02.1 Legal Records Retention Management Reference Guide**
 - 5.05.050.03 Records Retention – Human Resources Records**
 - 5.05.050.03.1 Human Resources Records Retention Management Reference Guide**
 - 5.05.050.04 Records Retention – Finance Records**
 - 5.05.050.04.1 Finance Records Retention Management Reference Guide**
 - 5.05.050.05 Records Retention – Engineering Records**
 - 5.05.050.05.1 Engineering Records Retention Management Reference Guide**
 - 5.05.050.06 Records Retention – Operations Records**
 - 5.05.050.06.1 Operations Records Retention Management Reference Guide**
 - 5.05.050.07 Records Retention – IT Records**
 - 5.05.050.07.1 IT Records Retention Management Reference Guide**
 - 5.05.050.08 Records Retention – Risk Management Records**
 - 5.05.050.08.1 Risk Management Retention Management Reference Guide**

Chapter 5.06
INTERNAL CONTROLS:
FRAUD AND SIMILAR OR RELATED INAPPROPRIATE CONDUCT

Sections:

- 5.06.010 Background**
- 5.06.020 Scope of Policy**
- 5.06.030 Policy**
- 5.06.040 Actions Constituting Fraud**
- 5.06.050 Other Inappropriate Conduct**
- 5.06.060 Employee Responsibilities**
- 5.06.070 Investigation Responsibilities**
- 5.06.080 Confidentiality**
- 5.06.090 Authorization for Investigating Suspected Fraud**
- 5.06.100 Reporting Procedures**
- 5.06.110 Termination**
- 5.06.120 Administration**

Chapter 5.07
UNCLAIMED CHECKS POLICY

Sections:
5.07.010 Unclaimed Checks Policy

Chapter 5.08
DISTRICT COMMUNICATION SYSTEMS

Sections:

- 5.08.010** **District Cell Phone Purpose**
- 5.08.020** **District Cell Phone Policy and Guidelines**

**Chapter 5.09
VEHICLE POLICIES**

Sections:

- 5.09.010 Vehicle Replacement Policy**
- 5.09.020 Vehicle Definitions**
- 5.09.030 Vehicle Use Policy**
- 5.09.040 Vehicle Responsibilities**
- 5.09.050 Vehicle Assignments**
- 5.09.060 Vehicle Assignments for After Hours**
- 5.09.070 Vehicle Assignments to Administrative Personnel**
- 5.09.080 Vehicle Assignments for Emergencies**
- 5.09.090 Vehicle Assignments for Outside of District Travel**
- 5.09.100 Vehicle Licensing and Insurance**
- 5.09.110 Vehicle Marking**
- 5.09.120 Vehicle Personal Use, Passengers and Private Goods**

**Chapter 5.01
BANKING**

Sections:

- 5.01.010** **Check Signers**
- 5.01.020** **Accounts Payable Signers**
- 5.01.030** **Payroll - Signers**

**Chapter 5.02
PURCHASING**

Sections:

- 5.02.010 Centralized Purchasing**
- 5.02.020 Purchasing Procedures**
- 5.02.030 Purchase Requests**
- 5.02.040 Purchase Orders**
- 5.02.050 Alternative Methods of Procurement**
- 5.02.050.01 Check Requests**
- 5.02.050.02 Petty Cash**
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- 5.02.120 Insurance/Licensing**
- 5.02.130 Departmental Responsibilities**
- 5.02.140 Formal Bids**
- 5.02.150 Contract Delivery/Inspection**
- 5.02.160 Invoices**
- 5.02.170 Duties and Functions of Assigned District Purchasing Agent**
- 5.02.180 Purchasing Department**
- 5.02.190 Purchasing Department - Relationship between District and Vendors**
- 5.02.200 Purchasing Approval and Change Order Limits**

**Chapter 5.03
INVESTMENT POLICY**

Sections:

- 5.03.010 Investment Policy Purpose**
- 5.03.020 Investment Policy Scope**
- 5.03.030 Investment Policy Prudence**
- 5.03.040 Investment Policy Objectives**
- 5.03.040.01 Investment Policy Safety of Principal**
- 5.03.040.02 Investment Policy Liquidity**
- 5.03.040.03 Investment Policy Yield**
- 5.03.050 Investment Policy Maturity Matrix**
- 5.03.060 Investment Policy Performance Evaluation**
- 5.03.070 Investment Policy Delegation of Authority**
- 5.03.080 Investment Policy Reporting**
- 5.03.090 Investment Policy Ethics and Conflicts of Interest**
- 5.03.100 Investment Policy Safekeeping and Securities**
- 5.03.110 Investment Policy Investments Secured by Full Faith and Credit**
- 5.03.120 Investment Policy Qualified Brokers/Dealers**
- 5.03.130 Investment Policy Collateral Requirements**
- 5.03.140 Investment Policy Risk Tolerance**
- 5.03.150 Investment Policy Authorized Investments**
- 5.03.160 Investment Policy Legislative Changes**
- 5.03.170 Investment Policy Interest Earnings**
- 5.03.180 Investment Policy Limiting Market Value Erosion**
- 5.03.190 Investment Policy Portfolio Management Activity**
- 5.03.200 Investment Policy Review**
- 5.03.210 Investment Policy Glossary Terms**
- 5.03.220 Cash Reserves Policy**
- 5.03.220.01 Purpose**
- 5.03.220.02 Operating Reserves**
- 5.03.220.03 Capital Reserves**
- 5.03.220.04 Water Capital Projects Reserve (Fund 60)**
- 5.03.220.05 Wastewater Replacement Reserve (Fund 52)**
- 5.03.220.06 Wastewater Expansion Reserve (Fund 53)**
- 5.03.220.07 Liability Self Insurance Reserve (03-00-13104)**
- 5.03.220.08 Debt Service Reserve**
- 5.03.220.09 New Water Sources Reserve (Fund 26)**
- 5.03.220.10 Water Rate Stabilization Reserve (Fund 05)**

**Chapter 5.04
FIXED ASSETS**

Sections:

- 5.04.010 Capital Asset Policy**
- 5.04.010.01 Policy Statement**
- 5.04.010.02 Definitions**
- 5.04.010.03 Policy Review**

**Chapter 5.05
PUBLIC RECORDS**

Sections:

- 5.05.010 Public Records Policy**
- 5.05.020 Public Records Definitions**
- 5.05.030 Public Records Exempt from Disclosure**
- 5.05.040 Public Records Procedure for Inspection**
- 5.05.050 Records Retention Policy**
 - 5.05.050.01 Records Retention – District Records**
 - 5.05.050.01.1 District Records Retention Management Guide**
 - 5.05.050.02 Records Retention – Legal Records**
 - 5.05.050.02.1 Legal Records Retention Management Reference Guide**
 - 5.05.050.03 Records Retention – Human Resources Records**
 - 5.05.050.03.1 Human Resources Records Retention Management Reference Guide**
 - 5.05.050.04 Records Retention – Finance Records**
 - 5.05.050.04.1 Finance Records Retention Management Reference Guide**
 - 5.05.050.05 Records Retention – Engineering Records**
 - 5.05.050.05.1 Engineering Records Retention Management Reference Guide**
 - 5.05.050.06 Records Retention – Operations Records**
 - 5.05.050.06.1 Operations Records Retention Management Reference Guide**
 - 5.05.050.07 Records Retention – IT Records**
 - 5.05.050.07.1 IT Records Retention Management Reference Guide**
 - 5.05.050.08 Records Retention – Risk Management Records**
 - 5.05.050.08.1 Risk Management Retention Management Reference Guide**

Chapter 5.06
INTERNAL CONTROLS:
FRAUD AND SIMILAR OR RELATED INAPPROPRIATE CONDUCT

Sections:

- 5.06.010 Background**
- 5.06.020 Scope of Policy**
- 5.06.030 Policy**
- 5.06.040 Actions Constituting Fraud**
- 5.06.050 Other Inappropriate Conduct**
- 5.06.060 Employee Responsibilities**
- 5.06.070 Investigation Responsibilities**
- 5.06.080 Confidentiality**
- 5.06.090 Authorization for Investigating Suspected Fraud**
- 5.06.100 Reporting Procedures**
- 5.06.110 Termination**
- 5.06.120 Administration**

Chapter 5.07
UNCLAIMED CHECKS POLICY

Sections:

5.07.010 Unclaimed Checks Policy

Chapter 5.08
DISTRICT COMMUNICATION SYSTEMS

Sections:

- 5.08.010** **District Cell Phone Purpose**
- 5.08.020** **District Cell Phone Policy and Guidelines**

**Chapter 5.09
VEHICLE POLICIES**

Sections:

- 5.09.010 Vehicle Replacement Policy**
- 5.09.020 Vehicle Definitions**
- 5.09.030 Vehicle Use Policy**
- 5.09.040 Vehicle Responsibilities**
- 5.09.050 Vehicle Assignments**
- 5.09.060 Vehicle Assignments for After Hours**
- 5.09.070 Vehicle Assignments to Administrative Personnel**
- 5.09.080 Vehicle Assignments for Emergencies**
- 5.09.090 Vehicle Assignments for Outside of District Travel**
- 5.09.100 Vehicle Licensing and Insurance**
- 5.09.110 Vehicle Marking**
- 5.09.120 Vehicle Personal Use, Passengers and Private Goods**

BOARD OF DIRECTORS

January 25, 2022

SUBJECT

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

BACKGROUND

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 – Water. These changes include number sequencing, typographical and grammatical corrections, and formatting updates.

DESCRIPTION

Some of the proposed updates to Administrative Code Title 8 include:

- Chapter and subsection title updates.
- Section and subsection number sequencing updates to provide consistency throughout the entire Code.

Other proposed minor changes are typographical and grammatical errors as well as formatting updates.

NOTE - Administrative Code Chapters 8.01, 8.03, 8.04, 8.11, 8.14 and 8.20 are currently in the review process and have not been made a part of these proposed updates. These Chapters will be presented to the Board for consideration once their respective review processes are complete.

Both a redline version and non-redline version have been attached.

POLICY/STRATEGIC PLAN KEY FOCUS AREA

As the foundation for all our operations, the Administrative Code supports all District Key Focus Areas. It is a living document that will continue to be reviewed and adapted to meet the policy and strategic needs of the District.

ENVIRONMENTAL

In accordance with CEQA guidelines Section 15378, the action before the Board does not constitute a "project" as defined by CEQA and further environmental review is not required at this time.

BOARD OPTIONS/FISCAL IMPACTS

1. Adopt Ordinance No. 22-04 amending and updating various chapters, sections and subsections included in Title 8 – Water as proposed.
2. Adopt Ordinance No. 22-04 amending and updating various chapters, sections and subsections included in Title 8 – Water as proposed with revisions.
3. Deny adoption of Ordinance No. 22-04 and provide staff with direction.

STAFF RECOMMENDATION

Staff recommends Option 1.



Tom Kennedy, General Manager

January 25, 2022

Ordinance No. 22-04

**Ordinance of the Board of Directors of the Rainbow Municipal Water District
Amending and Updating Various Administrative Code
Chapters, Sections, and Subsections Included in Title 8 - Water**

WHEREAS, the Rainbow Municipal Water District has, from time to time, adopted various rules and regulations for the operation of the District; and

WHEREAS, certain of those rules and regulations require updating to reflect best practices, as well as changes in applicable laws; and

WHEREAS, the Board of Directors has determined that changes in the rules or regulations of the District shall occur solely by amendment to the Administrative Code;

NOW, THEREFORE,

BE IT ORDAINED by the Board of Directors of Rainbow Municipal Water District as follows:

1. The following rules and regulations of the District, collected are hereby adopted and shall be incorporated into the Administrative Code, consisting of:

- Title 8: Water
- Chapter 8.02: Definitions
- Chapter 8.05: Notices
- Chapter 8.06: Installations
- Chapter 8.07: Water Waste
- Chapter 8.08: Automatic Shut-Off Valves
- Chapter 8.09: Water Service Line
- Chapter 8.10: Shortage of Supply and Interruption of Service
- Chapter 8.12: Rendering and Payment of Bills
- Chapter 8.13: Disputed Bills
- Chapter 8.15: Meter Tests and Adjustment of Bills
- Chapter 8.16: Supply to Separate Parcels and Resale of Water
(Title Page Only)
- Chapter 8.17: Control of Plant and Operations
- Chapter 8.18: Complaints
- Chapter 8.19: By-Passes and Tampering
- Chapter 8.21: Pressure *(Title Page Only)*
- Chapter 8.22: Schedules, Tariffs or Lists
- Chapter 8.23: Access to Premises *(Title Page Only)*
- Chapter 8.24: General
- Chapter 8.25: Inspection *(Title Page Only)*
- Chapter 8.26: Severability
- Chapter 8.27: Penalties
- Chapter 8.28: Judicial Review
- Chapter 8.29: Water Conservation Requirement
- Chapter 8.30: Leak Policy

2. The General Manager is hereby directed to update the Administrative Code to reflect the approval of these rules and regulations, and to assign or reassign the numbering of the Administrative Code as necessary to codify these rules and regulations as amended.

3. This ordinance shall take effect immediately upon its adoption on this 25th day of January 2022.

AYES:
NOES:
ABSTAIN:
ABSENT:

Hayden Hamilton, Board President

ATTEST:

Dawn Washburn, Board Secretary

~~Title~~ **TITLE 8**
WATER

Chapters:

- 8.01 ~~_____~~ District Rules and Regulations (Water)
- 8.02 ~~_____~~ Definitions
- 8.03 ~~_____~~ Area Served
- 8.04 ~~_____~~ Establishment of Water Service
- 8.05 ~~_____~~ Notices
- 8.06 ~~_____~~ Installations
- 8.07 ~~_____~~ **Water** Waste
- 8.08 ~~_____~~ Automatic Shut-Off Valves
- 8.09 ~~_____~~ Water Service Line
- 8.10 ~~_____~~ Shortage of Supply and Interruption of Service
- 8.11 ~~_____~~ Connection and Meter Charges
- 8.12 ~~_____~~ Rendering and Payment of Bills
- 8.13 ~~_____~~ Disputed Bills
- 8.14 ~~_____~~ Discontinuance and Restriction of Service
- 8.15 ~~_____~~ Meter Tests and Adjustment of Bills
- 8.16 ~~_____~~ Supply to Separate Parcels and Resale of Water
- 8.17 ~~_____~~ Control of Plant and Operations
- 8.18 ~~_____~~ Complaints
- 8.19 ~~_____~~ By-Passes and Tampering
- 8.20 ~~_____~~ Cross-Connection Control
- 8.21 ~~_____~~ Pressure
- 8.22 ~~_____~~ Schedules, Tariffs or Lists
- 8.23 ~~_____~~ Access to Premises
- 8.24 ~~_____~~ General
- 8.25 ~~_____~~ Inspection
- 8.26 ~~_____~~ Severability
- 8.27 ~~_____~~ Penalties
- 8.28 ~~_____~~ Judicial Review
- 8.29 ~~_____~~ Water Conservation Requirements
- 8.30 ~~_____~~ Leak Policy

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Chapter 8.02
DEFINITIONS

Sections:

8.02.010	Abut District Line
8.02.020	Active Park and School Ground Areas
8.02.030	Agricultural Purposes
8.02.040	Air-Gap
8.02.050	Applicant
8.02.060	Approved
8.02.070	Auxiliary Water Supply
8.02.080	Backflow
8.02.090	Backflow Preventer
8.02.100	Backpressure
8.02.110	Backsiphonage
8.02.120	Blow-Off
8.02.130	Board of Directors
8.02.140	Certified Backflow Tester
8.02.150	Conservation Offset
8.02.160	Construction Meter
8.02.170	Construction Purposes
8.02.180	Contamination
8.02.190	Control
8.02.200	Cross-Connection
8.02.210	Cross-Connection Control by Containment
8.02.220	Customer
8.02.230	Customer System
8.02.240	Degree of Hazard
<u>8.02.250</u>	<u>Department Supervisor</u>
8.02.2650	Distribution Main
8.02.2760	Distribution System
8.02.2870	District
8.02.2980	District Representative
8.02.300290	Domestic and Municipal Purposes
8.02.3100	Fire Protection
8.02.3240	General Manager
8.02.3320	Greywater
8.02.3430	Health Hazard
8.02.3540	Industrial Fluids System
8.02.3650	Industrial Waste
8.02.3760	Industrial Waste Treatment Plant or Facility
8.02.3870	Meter
8.02.3980	Micro Irrigation Systems/Equipment
8.02.400390	Nonpotable Water
8.02.4100	Payment Date
8.02.4240	Persons
8.02.4320	Plan Check & Inspection
8.02.4430	Plumbing Hazard
8.02.4540	Pollution
8.02.4650	Pollution Hazard
8.02.4760	Potable Water
8.02.4870	Potable Water Service Connection
8.02.4980	Premises

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8.02.500490	Presentation or Date of Presentation
8.02.5100	Property Owner or Owner
8.02.5240	Public Health Agency
8.02.5320	Reclaimed Water
8.02.5430	Recreational and Ornamental Lakes and Ponds
8.02.5540	Reduced Pressure Principle Device (RP)
8.02.5650	Reduced Pressure Principle-Detector Backflow Assembly (RPDA)
8.02.5760	Remote Meters
8.02.5870	Rules and Regulations
8.02.5980	Schedules, Tariffs or Lists
8.02.600590	Sealed Meter
8.02.6100	Secondary Water Main
8.02.6240	Security Deposit
8.02.6320	Surcharge
8.02.6430	System Hazard
8.02.6540	Temporary Customer
8.02.6650	Termination of Service
8.02.6760	Title 17
8.02.6870	Transmission
8.02.6980	Units of Measurement
8.02.700690	Used Water
8.02.7100	Water Capacity Fee
8.02.7240	Water Distribution System
8.02.7320	Water Source
8.02.7430	Water Supervisor
8.02.7540	Water System

The definitions in this sub-section shall be used to interpret this Section, unless otherwise apparent from the context.

Section 8.02.010
Abut District Line

Abut District Line: Parcels abut a District line where they are crossed by a District line, or where a line runs along the boundary of a parcel in an easement or other right of way.

Section 8.02.020
Active Park and School Ground Areas

Active Park and School Ground Areas: Areas designated by public agencies and private schools for specific sporting and recreational activities and areas traditionally used for active play or recreation where turf is an integral part of the activity.

Section 8.02.030
Agricultural Purposes

Agricultural Purposes: The growing or raising, in conformity with recognized practices of farming, for the purposes of commerce, trade, or industry, or for use by public educational or correctional institutions, of agricultural, horticultural, or floricultural products. Such products shall be for human consumption, for the market, or for the feeding of fowl or livestock. Products are to be grown or raised on a parcel of land having an area of not less than one acre utilized exclusively for such purposes.

Section 8.02.040
Air-Gap

Air-Gap: A means of backflow prevention utilizing the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture or other device and the flood level rim of said vessel.

Section 8.02.050
Applicant

Applicant: Any person, firm, corporation, association or agency that applies for water service from the District.

Section 8.02.060
Approved

Approved: Accepted by the District as meeting an applicable specification stated or cited in this chapter or as suitable for the proposed use except as otherwise provided in this Article 8.

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Section 8.02.070
Auxiliary Water Supply

Auxiliary Water Supply: Any water supply available to a Customer, other than the District's system. These auxiliary source of supply may include water from other purveyor's public potable water supply or any natural source(s) such as a well, spring, river, stream, harbor, etc., or used waters or industrial fluids. These supplies constitute a water source over which the District does not have control. There is a risk that they may be polluted, contaminated, or objectionable.

Section 8.02.080
Backflow

Backflow: The undesirable reversal of water flow or mixtures of water and other liquids, gases or other substances into the Districts distribution pipes of water from any source or sources other than its intended source.

Section 8.02.090
Backflow Preventer

Backflow Preventer: A device or means designed to prevent backflow or backsiphonage.

Section 8.02.100
Backpressure

Backpressure: Any elevation of pressure in the downstream piping system (by pump, elevation of piping, or steam and/or air pressure) above the supply pressure at the point of consideration, which would cause, or tend to cause, a reversal of the normal direction of flow.

Section 8.02.110
Backsiphonage

Backsiphonage: The flow of water (or other liquids, mixtures or substances) into the District system from any source other than its intended source, caused by the sudden reduction of pressure in the District system.

Section 8.02.120
Blow-Off

Blow-Off: A District facility which is used to drain water mains for purposes of repair and maintenance.

Section 8.02.130
Board of Directors

Board or Board of Directors: The governing board of the District, consisting of five (5) elected representatives.

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Section 8.02.140
Certified Backflow Tester

Certified Backflow Tester: A person who has proven their ability to test backflow prevention assemblies to the satisfaction of the District and the San Diego County Department of Environmental Health.

Section 8.02.150
Conservation Offset

Conservation Offset: The implementation of proven conservation techniques which, when installed, will result in a reduction equal to demand of the proposed use. Calculation of demand and saving shall be performed or verified by the District Representative based upon non-drought conditions.

Section 8.02.160
Construction Meter

Construction Meter: A meter attached to a fire hydrant or other appurtenance and used for construction purposes in incremental periods of six months or less.

Section 8.02.170
Construction Purposes

Construction Purposes: A temporary service that is facilitated through a fire hydrant or a blow-off for construction purposes; such as construction of a dwelling, or grading of land or other purpose where water is not needed permanently. Construction meters may not be used for agricultural purposes.

Section 8.02.180
Contamination

Contamination: the impairment of the quality of the potable water by sewage, industrial fluids or waste liquids, compounds or other materials to a degree which creates a potential hazard to public health.

Section 8.02.190
Control

Control: The right and power over the sanitary quality of water.

Section 8.02.200
Cross-Connection

Cross-Connection: Any physical connection, or arrangement of piping or fixtures, between two otherwise separate piping systems, one of which contains potable water and the other of which contains nonpotable water, industrial fluids, or fluids of questionable safety, through which, or because of which, backflow may occur into the District's system.

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Section 8.02.210
Cross-Connection Control by Containment

Cross-Connection Control by Containment: The installation of an approved backflow prevention device in any Customer system at the water service connection.

Section 8.02.220
Customer

Customer: The person in whose name water service is furnished, as evidenced by the signature on the application or request for water service. In the absence of a signed application, the receipt and payment of bills regularly issued in that person's name shall suffice, regardless of the identity of the actual user of the service. The water bill shall be the responsibility of the person in whose name the meter service is held. In the event the water service is in the name of a renter or lessee, the ultimate responsibility for the bill shall be in the legal Owner or Owners of the property, as shown on the County Assessor's Tax Roll. The District requires a signed application by both Tenant and Owner when property is a rental.

Section 8.02.230
Customer System

Customer System: The Customer systems consist of all water components beyond the metered water service connections owned by the Customer.

Section 8.02.240
Degree of Hazard

Degree of Hazard: The term derived from an evaluation of the potential risk to public health and the adverse effect of the hazard upon the District system.

Section 8.02.250
Department Supervisor

Department Supervisor: The designee granted this authority by the General Manager.

Section 8.02.2650
Distribution Main

Distribution Main: A pipeline with the primary intent to distribute water to Customers through laterals installed on the pipeline.

Section 8.02.2760
Distribution System

Distribution System: The distribution system shall include the water delivery system from the source to the Customer systems.

Section 8.02.2870
District

District: The Rainbow Municipal Water District.

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Section 8.02.2980
District Representative

District Representative: General Manager or their designee.

Section 8.02.300290
Domestic and Municipal Purposes

Domestic and Municipal Purposes: The use of water for residential, public, commercial, industrial, and recreational purposes served by the District, but not including water used for agricultural purposes.

Section 8.02.3100
Fire Protection

Fire Protection: Actions or facilities for prevention or suppression of fires as directed by the fire Marshal or Fire Prevention officer with jurisdiction over the local area involved.

Section 8.02.3210
General Manager

General Manager: The General Manager of the District or designee authorized by the Board or the General Manager to act in their behalf.

Section 8.02.3320
Greywater

Greywater: Household wastewater other than toilet water, i.e., water from the laundry, shower, tub, bathroom and kitchen sinks.

Section 8.02.3430
Health Hazard

Health Hazard: Any condition, device or practice in the District system, or its operation, which in the judgment of the District may create a danger to the health and well-being of any water Customer.

Section 8.02.3540
Industrial Fluids System

Industrial Fluids System: Any system containing a fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, system, pollution or plumbing hazard if introduced into the District system.

Section 8.02.3650
Industrial Waste

Industrial Waste: Any liquid or solid waste substance, other than domestic sewage, from any producing, manufacturing, or processing operation of any nature.

Section 8.02.3760
Industrial Waste Treatment Plant or Facility

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Industrial Waste Treatment Plant or Facility: Any works or devices for the treatment of industrial waste prior to its discharge into the District sewer facilities.

Section 8.02.3870
Meter

Meter: Any device registering the flow or the amount of water passing through a service connection.

Section 8.02.3980
Micro Irrigation Systems/Equipment

Micro Irrigation Systems/Equipment: Low pressure, low volume methods of water application. These devices include drip emitters, T-tape, micro sprayers, minisprinklers, twirlers, and spaghetti tubing. Pop-up sprinklers are not considered low volume, low pressure irrigation systems/equipment.

Section 8.02.400390
Nonpotable Water

Nonpotable Water: Water which does not meet state and federal standards for safe drinking water and is not safe for human consumption.

Section 8.02.4190
Payment Date

Payment Date: The date on which payment is received in the District offices or approved payment location, from a Customer in funds which can be deposited into a normal bank. The postmark date of a payment mailed to the District is not considered the payment date. Payments received after the close of business at the offices of the District will be considered to have been received on the next business day.

Section 8.02.4240
Persons

Persons: Any individual, firm, association, organization, business trust or company.

Section 8.02.4320
Plan Check & Inspection

Plan Check & Inspection Deposit: Monies provided to the District by the Applicant at the time of submission of improvement plans for the District's approval. The amount of deposit shall be determined by the General Manager and shall cover all costs related to the project.

Section 8.02.4430
Plumbing Hazard

Plumbing Hazard: Any cross connection in a Customer plumbing system that has not been properly protected by an air-gap separation or backflow prevention.

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Section 8.02.4540
Pollution

Pollution: The presence of any foreign substance (organic, inorganic or biological) in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness or quality of the water.

Section 8.02.4650
Pollution Hazard

Pollution Hazard: An actual or potential threat to the physical properties of the District system, including water quality, which would constitute a nuisance or be aesthetically objectionable or could cause damage to the District system.

Section 8.02.4760
Potable Water

Potable Water: Water which meets state and federal safe drinking water standards.

Section 8.02.4870
Potable Water Service Connection

Potable Water Service Connection: The terminal end of a service connection from the District water system (that is where the District relinquishes control over the water at its point of delivery to the Customer system), being the downstream end of the meter. Service connections shall also include water service connections from a fire hydrant and all other temporary or emergency water service connections.

Section 8.02.4980
Premises

Premises: The integral property or area, including the improvements to which water service is (or will be) provided. Premises shall be limited to a single parcel.

Section 8.02.500490
Presentation or Date of Presentation

Presentation or "Date of Presentation": The date on which bills for water service to any Customer are deposited in the United States mail, postage prepaid, to their address as it appears upon the records of the District or delivered personally to a Customer.

Section 8.02.5100
Property Owner or Owner

Property Owner or Owner: The holder of legal title to property receiving water service, contract purchaser, or lessee under a lease with any unexpired term of more than one (1) year, to be held jointly with the lessee and the holder of the title.

Section 8.02.5240
Public Health Agency

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Section 8.02.5320
Reclaimed Water

Reclaimed Water: Water which, as a result of treatment of wastewater, is suitable for a direct beneficial use or controlled use that would not otherwise occur. Reclaimed water shall comply with Title 22 of the California Code of Regulations as well as regulations from the County of San Diego Department of Environmental Health.

Section 8.02.5430
Recreational and Ornamental Lakes and Ponds

Recreational and Ornamental Lakes and Ponds: Bodies of water which are not swimming pools, water storage reservoirs for potable water or irrigation purposes, or pools which maintain rare plant or animal species.

Section 8.02.5540
Reduced Pressure Principle Device (RP)

Reduced Pressure Principle Device (RP): A backflow prevention device consisting of an assembly of two independently operating approved check valves with an automatically operating differential relief valve between the two check valves, tightly closing shut-off valves on either side of the check valves, plus properly located test cocks for the testing of the check and relief valves. The entire assembly shall meet the design and performance specifications and approval of a recognized and approved testing agency for backflow prevention assemblies. The device shall operate to maintain the pressure in the zone between the two check valves at a level less than the pressure of the inlet device. At cessation of normal flow the pressure between the two check valves shall be less than the pressure at the inlet of the device. In case of leakage of either of the check valves, the differential relief valve shall operate to maintain the reduced pressure in the zone between the check valves by discharging to the atmosphere. When the inlet pressure is two pounds per square inch or less, the relief valve shall open to the atmosphere. To be approved, these devices must be readily accessible for inline maintenance and testing and be installed in a location where no part of the device will be submerged.

Section 8.02.5650
Reduced Pressure Principle-Detector Backflow Assembly (RPDA)

Reduced Pressure Principle-Detector Backflow Assembly (RPDA): A specially designed assembly composed of a line-size approved reduced pressure principle backflow prevention assembly with a bypass containing a specific water meter and an approved reduced pressure principle backflow prevention assembly. The meter shall register for only very low rates of flow up to 3 GPM and shall show a registration for all rates of flow.

Section 8.02.5760
Remote Meters

Remote Meters: Service connections which may be provided to parcels which do not abut a District water main.

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Section 8.02.5870
Rules and Regulations

Rules and Regulations: The entire body of effective rates, tolls, rentals, charges, ordinances, rules and regulations, collectively of the District.

Section 8.02.5980
Schedules, Tariffs or Lists

Schedules, Tariffs or Lists: Water rates, service connection charges, capacity fees or other charges for water service, materials, equipment and labor furnished by the District, as approved by the Board of Directors.

Section 8.02.600590
Sealed Meter

Sealed Meter: Any meter in which the District has closed and sealed the service connection valve on the District side of the meter.

Section 8.02.6190
Secondary Water Main

Secondary Water Main: Extensions of primary distribution mains constructed and dedicated to the District by a developer or property Owner.

Section 8.02.6240
Security Deposit

Security Deposit: Monies required to be deposited with the District for the purpose of guaranteeing payment of utility bills rendered for water or sewer service.

Section 8.02.6320
Surcharge

Surcharge: A charge imposed by the District for the provision of a special service not normally provided by the District, such as situations involving unusual quantity or quality requirements.

Section 8.02.6430
System Hazard

System Hazard: An actual or potential threat of severe damage to the physical properties of the water system or of pollution or contamination which would have an adverse effect on the quality of the potable water in the District system.

Section 8.02.6540
Temporary Customer

Temporary Customer: Any Customer for whom a temporary service connection has been approved by the District.

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Section 8.02.650
Termination of Service

Termination of Service: Discontinuance of water service either by the District or as requested by the Customer.

Section 8.02.670
Title 17

Title 17: California Code of Regulations, Title 17, Public Health Regulations relating to cross-connection.

Section 8.02.680
Transmission

Transmission Main: A pipeline with the primary intent to transport water from the source to distribution mains. The installation of service laterals is restricted on transmission mains.

Section 8.02.690
Units of Measurement

Units of Measurement: A unit of 100 cubic feet, equivalent to 748 gallons, is the volume by which water is metered and billed by the District.

Section 8.02.700
Used Water

Used Water: Any water supplied by the District from the District system to a Customer after it has passed through the metered water service connection and is no longer under the control of the District.

Section 8.02.710
Water Capacity Fee

Water Capacity Fee: A charge imposed by the District for obtaining water service or service capacity.

Section 8.02.720
Water Distribution System

Water Distribution System: Individually or collectively any water facilities financed, constructed and dedicated to the District by an Applicant, Owner or Customer or which are the result of local initiative and financing in tracts and subdivisions, as well as non-commercial or industrial developments, which have been accepted by the District.

Section 8.02.730
Water Source

Water Source: The water source shall include all components of the facilities utilized in the production, treatment, storage and delivery of water to the distribution system.

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Section 8.02.7~~43~~0
Water Supervisor

Water Supervisor: In industrial or commercial application, a water supervisor will be designated by the District. An individual designated as water supervisor will be responsible for keeping abreast of cross-connection regulations and maintenance of commercial and industrial water systems to prevent cross-connection or other sanitary effects from occurring on these types of water systems.

Section 8.02.7~~5~~40
Water System

Water System: The water system consists of the source and the distribution system under the control of the District, including the water meter, which is owned by the District.

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**Chapter 8.05
NOTICES**

Sections:

- 8.05.010** Notices of Interruption of Service
- 8.05.020** Notices from Customers

Section 8.05.010
Notices of Interruption of Service

Notices of interruption of service from the District to a Customer will normally be given in writing, either delivered personally or mailed to the address as it appears in the billing records. In emergencies where a delay may result in impaired service or in hazards to the Customers, the public or the District's facilities, the District may resort to verbal notices given by telephone or by personal contact. Service may be interrupted without notification, if necessary.

Section 8.05.020
Notices from Customers

Notices from a Customer to the District shall be given in written communication hand delivered or mailed to the District office.

**Chapter 8.06
INSTALLATIONS**

Sections:

- 8.06.010 Service Connections**
- 8.06.020 Cross-Connections**
- 8.06.030 Backflow Devices**
- 8.06.040 Booster Pumps**
- 8.06.050 Ownership**
- 8.06.060 Maintenance**

Section 8.06.010
Service Connections

The District reserves the right to approve the size, number and location of all service connections. No more than one service connection may be extended to any single parcel without the consent of the District. The District will inspect all new installations. Only authorized employees or contractors of the District may change, repair, replace or remove service connections and meters. All meter registers shall be sealed by the District at the time of installation, and no seal shall be broken or altered except by the District's authorized employee or agent.

Section 8.06.020
Cross-Connections

A cross-connection is unprotected connection between any part of the District's potable water supply system and a source or system which potentially contains water or a substance not approved for human consumption. By-pass arrangements, jumper connections, removable sections, swivel or changeover devices, or other devices through which backflow could occur, shall be considered to be cross-connections.

Cross-connections are to be avoided. Whenever any cross-connection exists, the District's water supply shall be protected at the Customer's expense against backflow by the installation of approved protective backflow devices as specified by this code, the Health and Safety Code of the State of California, and all rules and regulations adopted by any other regulatory body having jurisdiction.

Section 8.06.030
Backflow Devices

Whenever backflow protection is necessary on a water supply line entering a Customer's premises, or when more than one domestic or irrigation service connection supplies water to a single premises, water supply lines from the District's mains entering such premises, buildings or structures shall be protected by an approved backflow device, regardless of the use of the additional water supply lines. Installation and maintenance of approved backflow devices are the responsibility of the Customer. Under requirements of the Title 17, any Customer property that has any potential hazards, such as a fertilizer injection system or private wells, must have an approved backflow device installed immediately downstream of the water meter in accordance with Section 8.20. This device shall be tested yearly to determine it is functioning satisfactorily. Testing must be performed by a person possessing a valid Certificate of Competence issued by the San Diego County Connection Control Certification Program.

Section 8.06.040
Booster Pumps

When a Customer chooses to install a booster pump on the service to any premises, such pump shall be equipped with a low pressure cut-off switch designed to shut off the pump when the pressure drops below a safe operating level. Appropriate backflow protection will be required. It shall be the duty of the Customer to maintain the cut-off device in proper working order.

Low-pressure cut-off device certification shall be by a person deemed competent by the District.

**Section 8.06.050
Ownership**

All service connections, meters or measuring devices, mains and appurtenances connected to the District's distribution system shall become the property of the District after installation and final inspection, and shall be operated and maintained by the District. Dedication of such mains and appurtenances to the District shall be made, in a form acceptable for recording, prior to commencement of service through any new system. No Customer shall have the right to tamper with any part of said meter or recording device. The District may immediately shut off the water and apply a penalty fee for any Customer violating this rule.

**Section 8.06.060
Maintenance**

8.06.060.01 The District will be responsible for the maintenance and repair of the service connection from the main line up to and including the meter. The Customer is responsible for maintenance and repair of the service connection beyond the meter. District costs for repairs that are the result of the Customer's negligence in the operation of the Customer's water distribution system shall be billed to and paid by the Customer.

8.06.060.02 The Customer shall, at all times, keep the meter box in place and in good repair, free of dirt and debris, and see that the surrounding area is reasonably clear to permit access and protect the meter. Noncompliance may result in the District's cleaning the area and billing the cost of such cleaning to the Owner.

8.06.060.03 The District will, at all reasonable times, have the right of access to a Customer's premises for any purpose normally connected with the furnishing of water service as a condition of Customer's water service. The District shall have the right to remove any and all property owned by the District on the Customer's premises upon the termination of service.

8.06.060.04 The District will not be responsible for any loss or damage caused by any act of a Customer or their representatives when installing, maintaining or operating the Customer's water system.

Chapter 8.07
WATER WASTE

Sections:

8.07.020 Water Waste Policy

Section 8.07.010
Water Waste Policy

Waste of water by a Customer, if not discontinued within one day after written notice by the District, will be sufficient cause for suspension or termination of service.

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Chapter 8.08
AUTOMATIC SHUT-OFF VALVES

Sections:

8.08.010 Automatic Shut-Off Valve Provisions

Section 8.08.010
Automatic Shut-Off Valves Provisions

Approved automatic shut-off valves may be installed by Customers. Such valves shall be designed to provide a uniform shut off of flow over a period of not less than thirty (30) seconds for meter sizes two-inches and under. Automatic shut-off valves larger than two-inches in size shall be submitted to the District Representative for approval prior to installation in the system.

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**Chapter 8.09
WATER SERVICE LINE**

Sections:

8.09.010 Water Service Line Policy

Section 8.09.010
Water Service Line Policy

District shall prescribe the size and location of the water service line, the water service connection, the water meter and any and all other appurtenances needed to provide water service. Applicant shall install the water service line to a curb line or property line of Customer's property abutting upon a public right-of-way, such as a street, highway, alley, easement, lane or road (other than a freeway) in which is installed a water main of the District. In the event it is impractical to install a meter abutting a public right-of-way or within a District easement, the District Representative may approve a different location if the property Owner provides the District, at no cost to the District, a recorded easement granting the right to install and maintain water service facilities at such location. All water service lines shall be constructed to the requirements of the District's Standards and Specifications in effect at the time of installation. All construction within the District shall comply with applicable state and federal safety standards.

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Chapter 8.10
SHORTAGE OF SUPPLY AND INTERRUPTION OF SERVICE

Sections:

- 8.10.010 Shortage and Interruption**
- 8.10.020 Temporary Suspension for Repairs**
- 8.10.030 Apportionment of Supply During Times of Shortage**

**Section 8.10.010
Shortage and Interruption**

The District shall endeavor to furnish continuous and sufficient supply of water to its Customers to avoid any shortage or interruptions of delivery. It cannot, however, guarantee complete freedom from interruptions. The District will not be liable for interruptions or shortage of supply, nor for any loss or damage occasioned by its failure to supply water.

**Section 8.10.020
Temporary Suspension for Repairs**

The District will have the right to suspend service temporarily for the purpose of making necessary repairs or improvements to its system without notice. In all cases where practicable, the District shall endeavor to give the Customers who may be affected reasonable notice.

**Section 8.10.030
Apportionment of Supply Dduring Times of Shortage**

During times of shortage of supply, the District will apportion its available supply of water among its Customers in accordance with:

- 8.10.030.01** The provisions of the Municipal Water District Act 1911, as amended, and
- 8.10.030.02** Any Board approved allocation system.

**Chapter 8.12
RENDERING AND PAYMENT OF BILLS**

Sections:

- 8.12.010** **Rendering of Bills**
- 8.12.020** **Payment of Bills**
- 8.12.020.01** **Delinquent**
- 8.12.020.024** **Unreadable Water Meters – Estimated Water Bill**
- 8.12.020.02.14.1** **Calculating the Estimated Bill**
- 8.12.020.035** **Responsibility of Water Bill; Notices to Residential Occupants**
- 8.12.020.046** **Delinquent Account Fees**
- 8.12.020.057** **Collection of Unpaid Bills by Lien**

**Section 8.12.010
Rendering of Bills**

Bills will be rendered once a month.

**Section 8.12.020
Payment of Bills**

All bills for water or for service or materials are due and payable upon receipt. Failure to receive a bill does not relieve a customer of liability for payment.

8.12.020.01 ——— Delinquent

8.12.020.01.12 — Bills are issued to cover the preceding billing period. Payment is due and payable upon receipt and delinquent thirty (30) days after the billing date. At that time, a delinquent charge will be added to the unpaid balance. If said bills are not paid within sixty-five (65) days of the billing date, the District may discontinue service until all charges have been paid in full, provided that residential services may be discontinued per Sections 8.13 and 8.14. An established turn-on charge will be made to restore service following discontinuance.

If a payment made by check or credit card is not honored by the issuing bank for any reason, the District will inform the Customer of the returned payment. The Customer shall have five (5) business days to pay the full amount with cash or certified check only. If the Customer does not pay in full within the allotted time, the District will discontinue service, provided that residential services may be discontinued per Sections 8.13 and 8.14.

8.12.020.01.23 — Any Customer desiring water service from the District who has had service discontinued for non-payment of a bill at any time or whose check has been returned by the Customer's bank shall be required to post a security deposit equal to twice the estimated average periodic bill.

8.12.020.01.23.1 — This deposit is in addition to the payment of all charges due and any applicable re-establishment of service charges

8.12.020.01.23.2 — The General Manager may waive or adjust the security deposit requirement with sufficient written justification.

8.12.020.01.23.3 — The security deposit will be returned to the depositor two (2) years after the last lock-off for non-payment, if the depositor has maintained a timely paid, delinquent free account record during the two-year period, or when the account is paid in full on termination of service, whichever occurs first.

8.12.020.01.23.4 — The security deposit can be cash, a certificate of deposit, letter of credit or bond, or any other comparable guarantees approved by the District's General Manager. No interest shall be paid on any deposit.

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8.12.020.024_ ~~_____~~ **Unreadable Water Meters – Estimated Water Bill**

The District will make every attempt to read the meter monthly. However, when the meter is broken or is determined to be unreadable, the amount to be billed will be estimated. The estimated bill will be determined in the following manner:

~~_____~~ **8.12.020.024.1** ~~_____~~ **Calculating the Estimated Bill**

The Customer's water usage during a like month in the year immediately preceding the billing cycle in which the meter became broken or was determined to be unreadable shall be used in calculating the estimated bill. If this history is not available, water usage during the month immediately preceding the billing cycle shall be used in calculating the estimated bill.

When a meter malfunctions, the meter shall be repaired or replaced at the District's expense. If a meter is abused or broken by Customer, the Customer shall bear the cost involved repairing or replacing the meter. A bill describing the material and labor involved in the project shall be presented to the Customer and shall be paid in full.

8.12.020.035 **Responsibility for Water Bill; Notices to Residential Occupants**

Payment of the water bill shall be the responsibility of the Customer. The District requires a signed application by both Tenant and Owner when the property is a rental.

An unpaid or delinquent bill is the responsibility of the person in whose name the water service is held. If the Customer is the non-occupant owner, manager or operator of a residence, District shall make every good faith effort to inform the residential occupants by written notice when the account is delinquent that service will be terminated in 10 days, including an additional 5 days if notice is by mail. The notice shall inform the residents that they have the right to become a customer of the District without being required to pay the delinquent bill, provided it is feasible to provide separately metered service to such residents.

Where services is provided through a master meter to a multi-unit residential structure or structures, or mobile-home park, the District will comply with the additional requirements of section 10009.1 of the Public Utilities Code for notice to residents and offering residential reasonable conditions for service to the property prior to termination of service. The General Manager shall issue guidelines for assistance to residential users served by a master meter and a form for such notice and requirements for requesting separate service. In the event the service is in the name of a renter or lessee, water service will not be re-established in the name of such renter or lessee or any other current or subsequent renter or lessee, but shall be established and held in the legal (record) Owner's name as shown on the San Diego County Assessor's Tax Roll.

8.12.020.046 **Delinquent Account Fees**

The Board of Directors shall establish from time to time certain fees for delinquent accounts and service fees for various actions related to delinquent accounts. The District will have the ability to waive one late/delinquent fee upon request by customer within a two-year period, preceding the date of the late bill.

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8.12.020.057 Collection of Unpaid Bills by Lien

The following measures may be taken to make collection of any bill in excess of \$20.00 which remains delinquent 63 days after the date of bill issue.

8.12.020.057.1 ___-After the 63-day delinquent period, a written notice will be sent to the legal Owner of the land or property, as shown in the San Diego Assessor's tax roll, notifying the legal Owner of the land or property of accruing unpaid water and other service charges that may become a lien on such property.

8.12.020.057.2 ___Five business days after the date of notification referenced in Section 8.12.020.7.1 herein, The District may secure payment of unpaid water bills and other service charges by filing for record (i.e., lien) in the office of the San Diego County Recorder, a certificate specifying the amount of such charges and the name and address of the person liable there for.

8.12.020.057.3 ___-In May of each calendar year, the legal Owner of the land or property will be notified in writing any accrued unpaid water bills or other service charges as well as a \$45.00 service charge will be turned over to the County Tax Assessor's tax roll for that calendar year for collection. If water bills and other service charges remain unpaid, a second written notification will be sent to the legal Owners of the land or property in June of same calendar year.

8.12.020.057.4 ___-On August 1st of each calendar year all unpaid water bills and service charges for that calendar year will be sent to the San Diego County Tax Assessor's tax roll for collection.

8.12.020.057.5 ___-From the time of recordation of the certificate, the amount required to be paid, together with interest and penalties, constitutes a lien upon all real property in the county owned by the person or afterwards and, before the lien expires, acquired by them.

8.12.020.057.6 ___-The lien has the force, priority, and effect of a judgment lien and shall continue for 10 years from the date of the filing of the certificate unless sooner released or otherwise discharged and may be extended by filing for record a new certificate.

**Chapter 8.13
DISPUTED BILLS**

Sections:

- 8.13.010** Bill Dispute
- 8.13.020** Customer Rights
- 8.13.030** Resolution of Disputed Bills
- 8.13.0430.5** Review of Dispute

**Section 8.13.010
Bill Dispute**

A dispute is when a customer has advised the District that their most recent bill may not be accurate due to clerical or meter errors, and they wish to have the bill investigated to determine if the charges and meter reads are accurate.

**Section 8.13.020
Customer Rights**

Any Customer will have the right to initiate a complaint or request an investigation by filing a written request with the District within thirty (30) days of the date of the issuance of the water bill.

**Section 8.13.030
Resolution of Disputed Bills**

Should any Customer wish to dispute a bill and turn in the required form, the District shall notify the Customer in writing that:

8.13.030.01 While the bill is disputed the customer should continue to keep their account current or set up a payment plan with the District if necessary;

8.13.030.02 That upon receipt of notice of dispute, the General Manager will determine the proper person to investigate the matter and advise the Customer of District findings;

8.13.030.03 If the account is current, service will not be discontinued pending the outcome of the investigation; and.

8.13.030.04 That failure of Customer to keep the account current during the dispute process will result in continuation of the collections process for the delinquent bills.

**~~Section 8.13.0430-5~~
Review of Dispute**

The review of a complaint or request will be completed within thirty (30) calendar days of receipt. The decision of the District will be final and provided in writing and any necessary adjustments to a customer's account that need to be made will be completed within five (5) days.

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Chapter 8.15
METER TESTS AND ADJUSTMENT OF BILLS

Sections:

- 8.15.010** Tests
- 8.15.020** Adjustment of Bills for Meter Errors
 - 8.15.020.01** Fast Meters
 - 8.15.020.02** Slow Meters
 - 8.15.020.03** Non-registering Meters

Section 8.15.010 Tests

~~8.15.010.1~~ A Customer may request the District test the meter upon making a deposit with the District.

~~8.15.010.2~~ The deposit will be returned if the meter is found to register more than five percent (5%) above true registration. If the error is less than five percent (5%), the deposit will be retained by the District. The Customer may be present when the District conducts the test, and, upon the request of the Customer, a written report showing the results of the test performed will be furnished to the Customer within ten (10) days after completion of the test.

Section 8.15.020 Adjustment of Bills for Meter Errors

8.15.020.01 Fast Meters

When, upon test a meter is found to be registering more than five (5%) fast, the District will refund to the Customer the amount of overage, based on the corrected meter readings, for the preceding two (2) months.

8.15.020.02 Slow Meters

When, upon test a meter is found to be registering more than ten percent (10%) slow, the District will bill the Customer for the amount of the underage, based on corrected meter readings for the preceding two (2) months.

8.15.020.03 Non-registering Meters

It is the Customer's responsibility to report immediately whenever a meter fails to register. When upon test a meter is found to be non-registering, the District will bill the Customer for a calculated amount of water consumed but not registered for a maximum period of three (3) months. Bills to cover the period during which the meter did not register will be based upon the Customer's prior water usage taken in connection with subsequent usage correctly metered, the District's experience with other Customers in the same class, and the general characteristics of the Customer's operations.

Chapter 8.16
SUPPLY TO SEPARATE PARCELS AND RESALE OF WATER

Sections:

- 8.16.010** **One Service per Parcel**
- 8.16.020** **Resale of Water**

Chapter 8.17
CONTROL OF PLANT AND OPERATIONS

Sections:
8.17.010 Control of Plant and Operations

Section 8.17.010
Control of Plant and Operations

All reservoirs, pumps, pipe lines, gates, meters, and other property of the District shall be under the exclusive management and control of the General Manager appointed by the Board of Directors, and no person except District employees shall have any right to operate said reservoirs, pumps, pipe lines, gates, meters, or other District property, in any manner.

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**Chapter 8.18
COMPLAINTS**

Sections:
8.18.010 Complaints

Section 8.18.010
Complaints

The General Manager will attempt to resolve all complaints regarding service. Any person wishing to present a matter to the Board shall so inform the General Manager. The General Manager will place the matter on the Board Agenda for action at the next un-posted regularly scheduled meeting.

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Chapter 8.19
BY-PASSES AND TAMPERING

Sections:

8.19.010 **By-Pass**
8.19.020 **Tampering**
8.19.030 **Water Theft**

Section 8.19.010
By-Pass

No by-pass, cross-connection or other connection between the meter and the District's mains, or directly to the District's mains, shall be made, installed or maintained by any unauthorized individual.

Section 8.19.020
Tampering

Tampering with, injuring in any way District facilities, or changing the adjustment on any meter register is prohibited. The District may immediately shut off the water of any Customer violating this rule.

Notwithstanding anything set forth in these Policies, the valve installed on the discharge side of the meter or service connection is the Customer's responsibility to operate and maintain. However, the Customer shall not remove the valve from the installation.

Section 8.19.030
Water Theft

Any individual found stealing water from District facilities may be reported to appropriate authorities and a written notice stating the nature of the violation including any associated fines will be mailed to the offender. District will determine all fines based on the extent of the violation with a minimum of \$500.

**Chapter 8.21
PRESSURE**

Sections:
8.21.010 Pressure

Chapter 8.22
SCHEDULES, TARIFFS OR LISTS

Sections:
8.22.010 Schedules, Tariffs or Lists

Section 8.22.010
Schedules, Tariffs or Lists

The Board of Directors, by motion or resolution may approve one or more schedules, tariffs or lists, setting forth the water rates, service connection charges, or other charges to be made by the District for water service or for property and labor furnished by the District, which shall agree with and not conflict with the Ordinances of the District. Said schedules, tariffs or lists become appendices to these Rules and Regulations and shall go into effect on the date set at their adoption by the Board, and shall establish the charges to be paid by the Customer to the District.

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**Chapter 8.23
ACCESS TO PREMISES**

Sections:
8.23.010 Access to Premises

**Chapter 8.24
GENERAL**

Sections:

- 8.24.010 Waiver or Modification**
- 8.24.020 Amendment**
- 8.24.030 Availability**

**Section 8.24.010
Waiver or Modification**

No officer, agent or employee of the District has any authority to alter, change, amend, waive or add to any of these Rules and Regulations.

**Section 8.24.020
Amendment**

These Rules and Regulations may be repealed and amended, or new rules and regulations adopted, at the pleasure of the Board of Directors.

**Section 8.24.030
Availability**

These Rules and Regulations shall be available in the office of the District and, at any time any application for service is received by the District, a copy of said Rules and Regulations shall be delivered to said Applicant, and said Applicant acknowledges receipt thereof in signing the application for service.

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**Chapter 8.25
INSPECTION**

Sections:
8.25.010 Inspection

**Chapter 8.26
SEVERABILITY**

Sections:
8.26.010 Severability

Section 8.26.010
Severability

If any section, subsection, sentence, clause or phrase of these rules and regulations is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining portions of these rules and regulations if the remaining portions can be reasonably interpreted to carry out the intent of the Board. In such instances, the Board declares that it would have passed these rules and regulations without the invalid or unconstitutional section, subsection, clause or phrase thereof.

**Chapter 8.27
PENALTIES**

Sections:
8.27.010 Penalties

Section 8.27.010
Penalties

Any person, firm, corporation, association or agency found to be violating any provision of these rules and regulations shall be served by the District with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. This provision is in addition to and not by way of derogation of any other remedies or procedures available to the District by law, regulation or pursuant to any of the provisions of these rules and regulations.

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**Chapter 8.28
JUDICIAL REVIEW**

Sections:
8.28.010 Judicial Review

Section 8.28.010
Judicial Review

Judicial review of any decision of the District, its Board, General Manager or employee may be pursuant to Section 1094.5 of the California Code of Civil Procedure only if a petition for a writ of mandate is filed within the time limits specified in Section 1094.6 of the California Code of Civil Procedure.

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**Chapter 8.29
WATER CONSERVATION REQUIREMENTS**

Sections:

- 8.29.010 Water Conservation Requirements**
- 8.29.020 Indoor Fixtures and Appliances**
- 8.29.030 Landscape Requirements**
- 8.29.040 Local Supply Use Requirements**
- 8.29.050 Compliance with Other Regulations**

Section 8.29.010
Water Conservation Requirements

Conservation and local supply use requirements of this section apply to all new residential and commercial developments or redevelopments. The landscape requirements also apply to any re-landscaping that is subject to review by the District and/or the County of San Diego.

Section 8.29.020
Indoor Fixtures and Appliances

- All water fixtures and appliances installed must be high-efficiency. “High-efficiency” means fixtures and appliances that comply with the most efficient specifications under the EPA WaterSense or Energy Star programs, as in effect at the time of installation commences.

Section 8.29.030
Landscape Requirements

8.29.030.01 -All landscapes must be designed and managed consistent with requirements of the County of San Diego and/or local agency having jurisdiction within which the property is located.

8.29.030.02 -Any covenants, Conditions, and Restrictions (CC&Rs) pertaining to a new subdivision/development shall not limit or prohibit the use and maintenance of low water use plant materials and the use of artificial turf, and shall require property owners to design and maintain their landscapes consistent with the County’s, or applicable local agency having jurisdiction, regulations.

8.29.030.03 -Dedicated irrigation meters shall be installed in:

- All parks and common areas with 5,000 square feet or more of irrigated landscape
- Commercial sites with 5,000 square feet or more of irrigated landscape

8.29.030.04 -In compliance with the District’s Administrative Code Article pressure regulators must be installed when and where appropriate to maximize the life expectancy and efficiency of the irrigation system.

8.29.030.05 -New commercial development must install separate, dual-distribution systems for potable and recycled water. Residential development must install recycled water lines to irrigated common areas.

Section 8.29.040
Local Supply Use Requirements

It is the policy of the District that other local sources of water, such as reclaimed water and groundwater, shall be used within its jurisdiction to reduce the demand for imported potable water

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for any appropriate use when it is economically, financially, and technically feasible and consistent with legal requirements preservation of public health, safety and welfare and the environment.

Section 8.29.050

Compliance with Other Regulations

The requirements of this Section shall not be interpreted in any way to limit the owner's obligation to comply with any other applicable federal, state, or local laws and regulations.

**Chapter 8.30
LEAK POLICY**

Sections:

- 8.30.010** **Leak Policy**
- 8.30.020** **Criteria and Procedure**
- 8.30.030** **Temporary Policy Suspension**

Section 8.30.010 Leak Policy

A courtesy leak adjustment on water used is available to customers who experience above average water consumption due to leaks. The leak adjustments will be limited to 2 billing periods and will also be limited to one adjustment every 60 months. The 60-month period begins the first month of the billing period following the last billing period for which the loss of water adjustment was prepared.

8.30.020 Criteria and Procedure

- a) A leak appeal form must be properly completed by the customer and submitted with original repair receipts within 30 days of the statement date of an affected bill.
- b) The customer has to have taken reasonable attempts to mitigate the leak.
- c) An adjustment will be considered if the water consumption for the billing period(s) appealed by the customer is at least 50% more than the property's monthly average corresponding seasonal water consumption, as evidenced by the historical water consumption available for the property.
 - i. If the previous historical consumption for the corresponding season is not present, then the consumption must be at least 50% more than the property's historical average consumption.
- d) The repair must be completed within 30 days of the statement date of an affected bill.
- e) The adjustment will only be applied to the water consumption rate charge and the variable pumping charge. Adjustments will not be applied to other fixed or variable charges such as; RMWD O&M charge, SDCWA Fixed Charge, backflow, fixed pumping or sewer charges.
- f) The value of the adjustment will be determined by applying the wholesale rate to all usage above 10 units.
- g) No adjustment shall exceed \$750. Should the value of the adjustment exceed \$750, the customer may submit additional information for consideration by the District's Communications and Customer Service Committee who will review this information and make a recommendation to the District's Board of Directors to consider a variance from this policy.

8.30.030 Temporary Policy Suspension

Should a customer be impacted by a large-scale disaster the Board has the right to temporarily suspend this policy.

**Title 8
WATER**

Chapters:

- 8.01 District Rules and Regulations (Water)**
- 8.02 Definitions**
- 8.03 Area Served**
- 8.04 Establishment of Water Service**
- 8.05 Notices**
- 8.06 Installations**
- 8.07 Water Waste**
- 8.08 Automatic Shut-Off Valves**
- 8.09 Water Service Line**
- 8.10 Shortage of Supply and Interruption of Service**
- 8.11 Connection and Meter Charges**
- 8.12 Rendering and Payment of Bills**
- 8.13 Disputed Bills**
- 8.14 Discontinuance and Restriction of Service**
- 8.15 Meter Tests and Adjustment of Bills**
- 8.16 Supply to Separate Parcels and Resale of Water**
- 8.17 Control of Plant and Operations**
- 8.18 Complaints**
- 8.19 By-Passes and Tampering**
- 8.20 Cross-Connection Control**
- 8.21 Pressure**
- 8.22 Schedules, Tariffs or Lists**
- 8.23 Access to Premises**
- 8.24 General**
- 8.25 Inspection**
- 8.26 Severability**
- 8.27 Penalties**
- 8.28 Judicial Review**
- 8.29 Water Conservation Requirements**
- 8.30 Leak Policy**

**Chapter 8.02
DEFINITIONS**

Sections:

- 8.02.010** Abut District Line
- 8.02.020** Active Park and School Ground Areas
- 8.02.030** Agricultural Purposes
- 8.02.040** Air-Gap
- 8.02.050** Applicant
- 8.02.060** Approved
- 8.02.070** Auxiliary Water Supply
- 8.02.080** Backflow
- 8.02.090** Backflow Preventer
- 8.02.100** Backpressure
- 8.02.110** Backsiphonage
- 8.02.120** Blow-Off
- 8.02.130** Board of Directors
- 8.02.140** Certified Backflow Tester
- 8.02.150** Conservation Offset
- 8.02.160** Construction Meter
- 8.02.170** Construction Purposes
- 8.02.180** Contamination
- 8.02.190** Control
- 8.02.200** Cross-Connection
- 8.02.210** Cross-Connection Control by Containment
- 8.02.220** Customer
- 8.02.230** Customer System
- 8.02.240** Degree of Hazard
- 8.02.250** Department Supervisor
- 8.02.260** Distribution Main
- 8.02.270** Distribution System
- 8.02.280** District
- 8.02.290** District Representative
- 8.02.300** Domestic and Municipal Purposes
- 8.02.310** Fire Protection
- 8.02.320** General Manager
- 8.02.330** Greywater
- 8.02.340** Health Hazard
- 8.02.350** Industrial Fluids System
- 8.02.360** Industrial Waste
- 8.02.370** Industrial Waste Treatment Plant or Facility
- 8.02.380** Meter
- 8.02.390** Micro Irrigation Systems/Equipment
- 8.02.400** Nonpotable Water
- 8.02.410** Payment Date
- 8.02.420** Persons
- 8.02.430** Plan Check & Inspection
- 8.02.440** Plumbing Hazard
- 8.02.450** Pollution
- 8.02.460** Pollution Hazard
- 8.02.470** Potable Water
- 8.02.480** Potable Water Service Connection
- 8.02.490** Premises
- 8.02.500** Presentation or Date of Presentation

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8.02.510	Property Owner or Owner
8.02.520	Public Health Agency
8.02.530	Reclaimed Water
8.02.540	Recreational and Ornamental Lakes and Ponds
8.02.550	Reduced Pressure Principle Device (RP)
8.02.560	Reduced Pressure Principle-Detector Backflow Assembly (RPDA)
8.02.570	Remote Meters
8.02.580	Rules and Regulations
8.02.590	Schedules, Tariffs or Lists
8.02.600	Sealed Meter
8.02.610	Secondary Water Main
8.02.620	Security Deposit
8.02.630	Surcharge
8.02.640	System Hazard
8.02.650	Temporary Customer
8.02.660	Termination of Service
8.02.670	Title 17
8.02.680	Transmission
8.02.690	Units of Measurement
8.02.700	Used Water
8.02.710	Water Capacity Fee
8.02.720	Water Distribution System
8.02.730	Water Source
8.02.740	Water Supervisor
8.02.750	Water System

The definitions in this sub-section shall be used to interpret this Section, unless otherwise apparent from the context.

Section 8.02.010
Abut District Line

Abut District Line: Parcels abut a District line where they are crossed by a District line, or where a line runs along the boundary of a parcel in an easement or other right of way.

Section 8.02.020
Active Park and School Ground Areas

Active Park and School Ground Areas: Areas designated by public agencies and private schools for specific sporting and recreational activities and areas traditionally used for active play or recreation where turf is an integral part of the activity.

Section 8.02.030
Agricultural Purposes

Agricultural Purposes: The growing or raising, in conformity with recognized practices of farming, for the purposes of commerce, trade, or industry, or for use by public educational or correctional institutions, of agricultural, horticultural, or floricultural products. Such products shall be for human consumption, for the market, or for the feeding of fowl or livestock. Products are to be grown or raised on a parcel of land having an area of not less than one acre utilized exclusively for such purposes.

Section 8.02.040
Air-Gap

Air-Gap: A means of backflow prevention utilizing the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture or other device and the flood level rim of said vessel.

Section 8.02.050
Applicant

Applicant: Any person, firm, corporation, association or agency that applies for water service from the District.

Section 8.02.060
Approved

Approved: Accepted by the District as meeting an applicable specification stated or cited in this chapter or as suitable for the proposed use except as otherwise provided in this Article 8.

Section 8.02.070
Auxiliary Water Supply

Auxiliary Water Supply: Any water supply available to a Customer, other than the District's system. These auxiliary source of supply may include water from other purveyor's public potable water supply or any natural source(s) such as a well, spring, river, stream, harbor, etc., or used waters or industrial fluids. These supplies constitute a water source over which the District does not have control. There is a risk that they may be polluted, contaminated, or objectionable.

Section 8.02.080
Backflow

Backflow: The undesirable reversal of water flow or mixtures of water and other liquids, gases or other substances into the Districts distribution pipes of water from any source or sources other than its intended source.

Section 8.02.090
Backflow Preventer

Backflow Preventer: A device or means designed to prevent backflow or backsiphonage.

Section 8.02.100
Backpressure

Backpressure: Any elevation of pressure in the downstream piping system (by pump, elevation of piping, or steam and/or air pressure) above the supply pressure at the point of consideration, which would cause, or tend to cause, a reversal of the normal direction of flow.

Section 8.02.110
Backsiphonage

Backsiphonage: The flow of water (or other liquids, mixtures or substances) into the District system from any source other than its intended source, caused by the sudden reduction of pressure in the District system.

Section 8.02.120
Blow-Off

Blow-Off: A District facility which is used to drain water mains for purposes of repair and maintenance.

Section 8.02.130
Board of Directors

Board or Board of Directors: The governing board of the District, consisting of five (5) elected representatives.

Section 8.02.140
Certified Backflow Tester

Certified Backflow Tester: A person who has proven their ability to test backflow prevention assemblies to the satisfaction of the District and the San Diego County Department of Environmental Health.

Section 8.02.150
Conservation Offset

Conservation Offset: The implementation of proven conservation techniques which, when installed, will result in a reduction equal to demand of the proposed use. Calculation of demand and saving shall be performed or verified by the District Representative based upon non-drought conditions.

Section 8.02.160
Construction Meter

Construction Meter: A meter attached to a fire hydrant or other appurtenance and used for construction purposes in incremental periods of six months or less.

Section 8.02.170
Construction Purposes

Construction Purposes: A temporary service that is facilitated through a fire hydrant or a blow-off for construction purposes; such as construction of a dwelling, or grading of land or other purpose where water is not needed permanently. Construction meters may not be used for agricultural purposes.

Section 8.02.180
Contamination

Contamination: the impairment of the quality of the potable water by sewage, industrial fluids or waste liquids, compounds or other materials to a degree which creates a potential hazard to public health.

Section 8.02.190
Control

Control: The right and power over the sanitary quality of water.

Section 8.02.200
Cross-Connection

Cross-Connection: Any physical connection, or arrangement of piping or fixtures, between two otherwise separate piping systems, one of which contains potable water and the other of which contains nonpotable water, industrial fluids, or fluids of questionable safety, through which, or because of which, backflow may occur into the District's system.

Section 8.02.210
Cross-Connection Control by Containment

Cross-Connection Control by Containment: The installation of an approved backflow prevention device in any Customer system at the water service connection.

Section 8.02.220
Customer

Customer: The person in whose name water service is furnished, as evidenced by the signature on the application or request for water service. In the absence of a signed application, the receipt and payment of bills regularly issued in that person's name shall suffice, regardless of the identity of the actual user of the service. The water bill shall be the responsibility of the person in whose name the meter service is held. In the event the water service is in the name of a renter or lessee, the ultimate responsibility for the bill shall be in the legal Owner or Owners of the property, as shown on the County Assessor's Tax Roll. The District requires a signed application by both Tenant and Owner when property is a rental.

Section 8.02.230
Customer System

Customer System: The Customer systems consist of all water components beyond the metered water service connections owned by the Customer.

Section 8.02.240
Degree of Hazard

Degree of Hazard: The term derived from an evaluation of the potential risk to public health and the adverse effect of the hazard upon the District system.

Section 8.02.250
Department Supervisor

Department Supervisor: The designee granted this authority by the General Manager.

Section 8.02.260
Distribution Main

Distribution Main: A pipeline with the primary intent to distribute water to Customers through laterals installed on the pipeline.

Section 8.02.270
Distribution System

Distribution System: The distribution system shall include the water delivery system from the source to the Customer systems.

Section 8.02.280
District

District: The Rainbow Municipal Water District.

Section 8.02.290
District Representative

District Representative: General Manager or their designee.

Section 8.02.300
Domestic and Municipal Purposes

Domestic and Municipal Purposes: The use of water for residential, public, commercial, industrial, and recreational purposes served by the District, but not including water used for agricultural purposes.

Section 8.02.310
Fire Protection

Fire Protection: Actions or facilities for prevention or suppression of fires as directed by the fire Marshal or Fire Prevention officer with jurisdiction over the local area involved.

Section 8.02.320
General Manager

General Manager: The General Manager of the District or designee authorized by the Board or the General Manager to act in their behalf.

Section 8.02.330
Greywater

Greywater: Household wastewater other than toilet water, i.e., water from the laundry, shower, tub, bathroom and kitchen sinks.

Section 8.02.340
Health Hazard

Health Hazard: Any condition, device or practice in the District system, or its operation, which in the judgment of the District may create a danger to the health and well-being of any water Customer.

Section 8.02.350
Industrial Fluids System

Industrial Fluids System: Any system containing a fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, system, pollution or plumbing hazard if introduced into the District system.

Section 8.02.360
Industrial Waste

Industrial Waste: Any liquid or solid waste substance, other than domestic sewage, from any producing, manufacturing, or processing operation of any nature.

Section 8.02.370
Industrial Waste Treatment Plant or Facility

Industrial Waste Treatment Plant or Facility: Any works or devices for the treatment of industrial waste prior to its discharge into the District sewer facilities.

Section 8.02.380
Meter

Meter: Any device registering the flow or the amount of water passing through a service connection.

Section 8.02.390
Micro Irrigation Systems/Equipment

Micro Irrigation Systems/Equipment: Low pressure, low volume methods of water application. These devices include drip emitters, T-tape, micro sprayers, minisprinklers, twirlers, and spaghetti tubing. Pop-up sprinklers are not considered low volume, low pressure irrigation systems/equipment.

Section 8.02.400
Nonpotable Water

Nonpotable Water: Water which does not meet state and federal standards for safe drinking water and is not safe for human consumption.

Section 8.02.410
Payment Date

Payment Date: The date on which payment is received in the District offices or approved payment location, from a Customer in funds which can be deposited into a normal bank. The postmark date of a payment mailed to the District is not considered the payment date. Payments received after the close of business at the offices of the District will be considered to have been received on the next business day.

Section 8.02.420
Persons

Persons: Any individual, firm, association, organization, business trust or company.

Section 8.02.430
Plan Check & Inspection

Plan Check & Inspection Deposit: Monies provided to the District by the Applicant at the time of submission of improvement plans for the District's approval. The amount of deposit shall be determined by the General Manager and shall cover all costs related to the project.

Section 8.02.440
Plumbing Hazard

Plumbing Hazard: Any cross connection in a Customer plumbing system that has not been properly protected by an air-gap separation or backflow prevention.

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**Section 8.02.450
Pollution**

Pollution: The presence of any foreign substance (organic, inorganic or biological) in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness or quality of the water.

**Section 8.02.460
Pollution Hazard**

Pollution Hazard: An actual or potential threat to the physical properties of the District system, including water quality, which would constitute a nuisance or be aesthetically objectionable or could cause damage to the District system.

**Section 8.02.470
Potable Water**

Potable Water: Water which meets state and federal safe drinking water standards.

**Section 8.02.480
Potable Water Service Connection**

Potable Water Service Connection: The terminal end of a service connection from the District water system (that is where the District relinquishes control over the water at its point of delivery to the Customer system), being the downstream end of the meter. Service connections shall also include water service connections from a fire hydrant and all other temporary or emergency water service connections.

**Section 8.02.490
Premises**

Premises: The integral property or area, including the improvements to which water service is (or will be) provided. Premises shall be limited to a single parcel.

**Section 8.02.500
Presentation or Date of Presentation**

Presentation or "Date of Presentation": The date on which bills for water service to any Customer are deposited in the United States mail, postage prepaid, to their address as it appears upon the records of the District or delivered personally to a Customer.

**Section 8.02.510
Property Owner or Owner**

Property Owner or Owner: The holder of legal title to property receiving water service, contract purchaser, or lessee under a lease with any unexpired term of more than one (1) year, to be held jointly with the lessee and the holder of the title.

**Section 8.02.520
Public Health Agency**

Public Health Agency: The State of California Water Resources Control Board.

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Section 8.02.530
Reclaimed Water

Reclaimed Water: Water which, as a result of treatment of wastewater, is suitable for a direct beneficial use or controlled use that would not otherwise occur. Reclaimed water shall comply with Title 22 of the California Code of Regulations as well as regulations from the County of San Diego Department of Environmental Health.

Section 8.02.540
Recreational and Ornamental Lakes and Ponds

Recreational and Ornamental Lakes and Ponds: Bodies of water which are not swimming pools, water storage reservoirs for potable water or irrigation purposes, or pools which maintain rare plant or animal species.

Section 8.02.550
Reduced Pressure Principle Device (RP)

Reduced Pressure Principle Device (RP): A backflow prevention device consisting of an assembly of two independently operating approved check valves with an automatically operating differential relief valve between the two check valves, tightly closing shut-off valves on either side of the check valves, plus properly located test cocks for the testing of the check and relief valves. The entire assembly shall meet the design and performance specifications and approval of a recognized and approved testing agency for backflow prevention assemblies. The device shall operate to maintain the pressure in the zone between the two check valves at a level less than the pressure of the inlet device. At cessation of normal flow the pressure between the two check valves shall be less than the pressure at the inlet of the device. In case of leakage of either of the check valves, the differential relief valve shall operate to maintain the reduced pressure in the zone between the check valves by discharging to the atmosphere. When the inlet pressure is two pounds per square inch or less, the relief valve shall open to the atmosphere. To be approved, these devices must be readily accessible for inline maintenance and testing and be installed in a location where no part of the device will be submerged.

Section 8.02.560
Reduced Pressure Principle-Detector Backflow Assembly (RPDA)

Reduced Pressure Principle-Detector Backflow Assembly (RPDA): A specially designed assembly composed of a line-size approved reduced pressure principle backflow prevention assembly with a bypass containing a specific water meter and an approved reduced pressure principle backflow prevention assembly. The meter shall register for only very low rates of flow up to 3 GPM and shall show a registration for all rates of flow.

Section 8.02.570
Remote Meters

Remote Meters: Service connections which may be provided to parcels which do not abut a District water main.

Section 8.02.580
Rules and Regulations

Rules and Regulations: The entire body of effective rates, tolls, rentals, charges, ordinances, rules and regulations, collectively of the District.

Section 8.02.590
Schedules, Tariffs or Lists

Schedules, Tariffs or Lists: Water rates, service connection charges, capacity fees or other charges for water service, materials, equipment and labor furnished by the District, as approved by the Board of Directors.

Section 8.02.600
Sealed Meter

Sealed Meter: Any meter in which the District has closed and sealed the service connection valve on the District side of the meter.

Section 8.02.610
Secondary Water Main

Secondary Water Main: Extensions of primary distribution mains constructed and dedicated to the District by a developer or property Owner.

Section 8.02.620
Security Deposit

Security Deposit: Monies required to be deposited with the District for the purpose of guaranteeing payment of utility bills rendered for water or sewer service.

Section 8.02.630
Surcharge

Surcharge: A charge imposed by the District for the provision of a special service not normally provided by the District, such as situations involving unusual quantity or quality requirements.

Section 8.02.640
System Hazard

System Hazard: An actual or potential threat of severe damage to the physical properties of the water system or of pollution or contamination which would have an adverse effect on the quality of the potable water in the District system.

Section 8.02.650
Temporary Customer

Temporary Customer: Any Customer for whom a temporary service connection has been approved by the District.

Section 8.02.660
Termination of Service

Termination of Service: Discontinuance of water service either by the District or as requested by the Customer.

Section 8.02.670
Title 17

Title 17: California Code of Regulations, Title 17, Public Health Regulations relating to cross-connection.

Section 8.02.680
Transmission

Transmission Main: A pipeline with the primary intent to transport water from the source to distribution mains. The installation of service laterals is restricted on transmission mains.

Section 8.02.690
Units of Measurement

Units of Measurement: A unit of 100 cubic feet, equivalent to 748 gallons, is the volume by which water is metered and billed by the District.

Section 8.02.700
Used Water

Used Water: Any water supplied by the District from the District system to a Customer after it has passed through the metered water service connection and is no longer under the control of the District.

Section 8.02.710
Water Capacity Fee

Water Capacity Fee: A charge imposed by the District for obtaining water service or service capacity.

Section 8.02.720
Water Distribution System

Water Distribution System: Individually or collectively any water facilities financed, constructed and dedicated to the District by an Applicant, Owner or Customer or which are the result of local initiative and financing in tracts and subdivisions, as well as non-commercial or industrial developments, which have been accepted by the District.

Section 8.02.730
Water Source

Water Source: The water source shall include all components of the facilities utilized in the production, treatment, storage and delivery of water to the distribution system.

Section 8.02.740
Water Supervisor

Water Supervisor: In industrial or commercial application, a water supervisor will be designated by the District. An individual designated as water supervisor will be responsible for keeping abreast of cross-connection regulations and maintenance of commercial and industrial water systems to prevent cross-connection or other sanitary effects from occurring on these types of water systems.

Section 8.02.750
Water System

Water System: The water system consists of the source and the distribution system under the control of the District, including the water meter, which is owned by the District.

**Chapter 8.05
NOTICES**

Sections:

8.05.010 Notices of Interruption of Service

8.05.020 Notices from Customers

Section 8.05.010
Notices of Interruption of Service

Notices of interruption of service from the District to a Customer will normally be given in writing, either delivered personally or mailed to the address as it appears in the billing records. In emergencies where a delay may result in impaired service or in hazards to the Customers, the public or the District's facilities, the District may resort to verbal notices given by telephone or by personal contact. Service may be interrupted without notification, if necessary.

Section 8.05.020
Notices from Customers

Notices from a Customer to the District shall be given in written communication hand delivered or mailed to the District office.

**Chapter 8.06
INSTALLATIONS**

Sections:

- 8.06.010 Service Connections**
- 8.06.020 Cross-Connections**
- 8.06.030 Backflow Devices**
- 8.06.040 Booster Pumps**
- 8.06.050 Ownership**
- 8.06.060 Maintenance**

Section 8.06.010
Service Connections

The District reserves the right to approve the size, number and location of all service connections. No more than one service connection may be extended to any single parcel without the consent of the District. The District will inspect all new installations. Only authorized employees or contractors of the District may change, repair, replace or remove service connections and meters. All meter registers shall be sealed by the District at the time of installation, and no seal shall be broken or altered except by the District's authorized employee or agent.

Section 8.06.020
Cross-Connections

A cross-connection is unprotected connection between any part of the District's potable water supply system and a source or system which potentially contains water or a substance not approved for human consumption. By-pass arrangements, jumper connections, removable sections, swivel or changeover devices, or other devices through which backflow could occur, shall be considered to be cross-connections.

Cross-connections are to be avoided. Whenever any cross-connection exists, the District's water supply shall be protected at the Customer's expense against backflow by the installation of approved protective backflow devices as specified by this code, the Health and Safety Code of the State of California, and all rules and regulations adopted by any other regulatory body having jurisdiction.

Section 8.06.030
Backflow Devices

Whenever backflow protection is necessary on a water supply line entering a Customer's premises, or when more than one domestic or irrigation service connection supplies water to a single premises, water supply lines from the District's mains entering such premises, buildings or structures shall be protected by an approved backflow device, regardless of the use of the additional water supply lines. Installation and maintenance of approved backflow devices are the responsibility of the Customer. Under requirements of the Title 17, any Customer property that has any potential hazards, such as a fertilizer injection system or private wells, must have an approved backflow device installed immediately downstream of the water meter in accordance with Section 8.20. This device shall be tested yearly to determine it is functioning satisfactorily. Testing must be performed by a person possessing a valid Certificate of Competence issued by the San Diego County Connection Control Certification Program.

Section 8.06.040
Booster Pumps

When a Customer chooses to install a booster pump on the service to any premises, such pump shall be equipped with a low pressure cut-off switch designed to shut off the pump when the pressure drops below a safe operating level. Appropriate backflow protection will be required. It shall be the duty of the Customer to maintain the cut-off device in proper working order.

Low-pressure cut-off device certification shall be by a person deemed competent by the District.

**Section 8.06.050
Ownership**

All service connections, meters or measuring devices, mains and appurtenances connected to the District's distribution system shall become the property of the District after installation and final inspection, and shall be operated and maintained by the District. Dedication of such mains and appurtenances to the District shall be made, in a form acceptable for recording, prior to commencement of service through any new system. No Customer shall have the right to tamper with any part of said meter or recording device. The District may immediately shut off the water and apply a penalty fee for any Customer violating this rule.

**Section 8.06.060
Maintenance**

8.06.060.01 The District will be responsible for the maintenance and repair of the service connection from the main line up to and including the meter. The Customer is responsible for maintenance and repair of the service connection beyond the meter. District costs for repairs that are the result of the Customer's negligence in the operation of the Customer's water distribution system shall be billed to and paid by the Customer.

8.06.060.02 The Customer shall, at all times, keep the meter box in place and in good repair, free of dirt and debris, and see that the surrounding area is reasonably clear to permit access and protect the meter. Noncompliance may result in the District's cleaning the area and billing the cost of such cleaning to the Owner.

8.06.060.03 The District will, at all reasonable times, have the right of access to a Customer's premises for any purpose normally connected with the furnishing of water service as a condition of Customer's water service. The District shall have the right to remove any and all property owned by the District on the Customer's premises upon the termination of service.

8.06.060.04 The District will not be responsible for any loss or damage caused by any act of a Customer or their representatives when installing, maintaining or operating the Customer's water system.

**Chapter 8.07
WATER WASTE**

Sections:

8.07.020 Water Waste Policy

Section 8.07.010
Water Waste Policy

Waste of water by a Customer, if not discontinued within one day after written notice by the District, will be sufficient cause for suspension or termination of service.

Chapter 8.08
AUTOMATIC SHUT-OFF VALVES

Sections:

8.08.010 Automatic Shut-Off Valve Provisions

Section 8.08.010
Automatic Shut-Off Valve Provisions

Approved automatic shut-off valves may be installed by Customers. Such valves shall be designed to provide a uniform shut off of flow over a period of not less than thirty (30) seconds for meter sizes two-inches and under. Automatic shut-off valves larger than two-inches in size shall be submitted to the District Representative for approval prior to installation in the system.

**Chapter 8.09
WATER SERVICE LINE**

Sections:

8.09.010 Water Service Line Policy

Section 8.09.010
Water Service Line Policy

District shall prescribe the size and location of the water service line, the water service connection, the water meter and any and all other appurtenances needed to provide water service. Applicant shall install the water service line to a curb line or property line of Customer's property abutting upon a public right-of-way, such as a street, highway, alley, easement, lane or road (other than a freeway) in which is installed a water main of the District. In the event it is impractical to install a meter abutting a public right-of-way or within a District easement, the District Representative may approve a different location if the property Owner provides the District, at no cost to the District, a recorded easement granting the right to install and maintain water service facilities at such location. All water service lines shall be constructed to the requirements of the District's Standards and Specifications in effect at the time of installation. All construction within the District shall comply with applicable state and federal safety standards.

Chapter 8.10
SHORTAGE OF SUPPLY AND INTERRUPTION OF SERVICE

Sections:

- 8.10.010 Shortage and Interruption**
- 8.10.020 Temporary Suspension for Repairs**
- 8.10.030 Apportionment of Supply During Times of Shortage**

**Section 8.10.010
Shortage and Interruption**

The District shall endeavor to furnish continuous and sufficient supply of water to its Customers to avoid any shortage or interruptions of delivery. It cannot, however, guarantee complete freedom from interruptions. The District will not be liable for interruptions or shortage of supply, nor for any loss or damage occasioned by its failure to supply water.

**Section 8.10.020
Temporary Suspension for Repairs**

The District will have the right to suspend service temporarily for the purpose of making necessary repairs or improvements to its system without notice. In all cases where practicable, the District shall endeavor to give the Customers who may be affected reasonable notice.

**Section 8.10.030
Apportionment of Supply During Times of Shortage**

During times of shortage of supply, the District will apportion its available supply of water among its Customers in accordance with:

- 8.10.030.01** The provisions of the Municipal Water District Act 1911, as amended, and
- 8.10.030.02** Any Board approved allocation system.

Chapter 8.12
RENDERING AND PAYMENT OF BILLS

Sections:

- 8.12.010 Rendering of Bills**
- 8.12.020 Payment of Bills**
- 8.12.020.01 Delinquent**
- 8.12.020.02 Unreadable Water Meters – Estimated Water Bill**
- 8.12.020.02.1 Calculating the Estimated Bill**
- 8.12.020.03 Responsibility of Water Bill; Notices to Residential Occupants**
- 8.12.020.04 Delinquent Account Fees**
- 8.12.020.05 Collection of Unpaid Bills by Lien**

**Section 8.12.010
Rendering of Bills**

Bills will be rendered once a month.

**Section 8.12.020
Payment of Bills**

All bills for water or for service or materials are due and payable upon receipt. Failure to receive a bill does not relieve a customer of liability for payment.

8.12.020.01 Delinquent

8.12.020.01.1 Bills are issued to cover the preceding billing period. Payment is due and payable upon receipt and delinquent thirty (30) days after the billing date. At that time, a delinquent charge will be added to the unpaid balance. If said bills are not paid within sixty-five (65) days of the billing date, the District may discontinue service until all charges have been paid in full, provided that residential services may be discontinued per Sections 8.13 and 8.14. An established turn-on charge will be made to restore service following discontinuance.

If a payment made by check or credit card is not honored by the issuing bank for any reason, the District will inform the Customer of the returned payment. The Customer shall have five (5) business days to pay the full amount with cash or certified check only. If the Customer does not pay in full within the allotted time, the District will discontinue service, provided that residential services may be discontinued per Sections 8.13 and 8.14.

8.12.020.01.2 Any Customer desiring water service from the District who has had service discontinued for non-payment of a bill at any time or whose check has been returned by the Customer's bank shall be required to post a security deposit equal to twice the estimated average periodic bill.

8.12.020.01.2.1 This deposit is in addition to the payment of all charges due and any applicable re-establishment of service charges

8.12.020.01.2.2 The General Manager may waive or adjust the security deposit requirement with sufficient written justification.

8.12.020.01.2.3 The security deposit will be returned to the depositor two (2) years after the last lock-off for non-payment, if the depositor has maintained a timely paid, delinquent free account record during the two-year period, or when the account is paid in full on termination of service, whichever occurs first.

8.12.020.01.2.4 The security deposit can be cash, a certificate of deposit, letter of credit or bond, or any other comparable guarantees approved by the District's General Manager. No interest shall be paid on any deposit.

8.12.020.02 Unreadable Water Meters – Estimated Water Bill

The District will make every attempt to read the meter monthly. However, when the meter is broken or is determined to be unreadable, the amount to be billed will be estimated. The estimated bill will be determined in the following manner:

8.12.020.02.1 Calculating the Estimated Bill

The Customer's water usage during a like month in the year immediately preceding the billing cycle in which the meter became broken or was determined to be unreadable shall be used in calculating the estimated bill. If this history is not available, water usage during the month immediately preceding the billing cycle shall be used in calculating the estimated bill.

When a meter malfunctions, the meter shall be repaired or replaced at the District's expense. If a meter is abused or broken by Customer, the Customer shall bear the cost involved repairing or replacing the meter. A bill describing the material and labor involved in the project shall be presented to the Customer and shall be paid in full.

8.12.020.03 Responsibility for Water Bill; Notices to Residential Occupants

Payment of the water bill shall be the responsibility of the Customer. The District requires a signed application by both Tenant and Owner when the property is a rental.

An unpaid or delinquent bill is the responsibility of the person in whose name the water service is held. If the Customer is the non-occupant owner, manager or operator of a residence, District shall make every good faith effort to inform the residential occupants by written notice when the account is delinquent that service will be terminated in 10 days, including an additional 5 days if notice is by mail. The notice shall inform the residents that they have the right to become a customer of the District without being required to pay the delinquent bill, provided it is feasible to provide separately metered service to such residents.

Where services is provided through a master meter to a multi-unit residential structure or structures, or mobile-home park, the District will comply with the additional requirements of section 10009.1 of the Public Utilities Code for notice to residents and offering residential reasonable conditions for service to the property prior to termination of service. The General Manager shall issue guidelines for assistance to residential users served by a master meter and a form for such notice and requirements for requesting separate service. In the event the service is in the name of a renter or lessee, water service will not be re-established in the name of such renter or lessee or any other current or subsequent renter or lessee but shall be established and held in the legal (record) Owner's name as shown on the San Diego County Assessor's Tax Roll.

8.12.020.04 Delinquent Account Fees

The Board of Directors shall establish from time to time certain fees for delinquent accounts and service fees for various actions related to delinquent accounts. The District will have the ability to waive one late/delinquent fee upon request by customer within a two-year period, preceding the date of the late bill.

8.12.020.05 Collection of Unpaid Bills by Lien

The following measures may be taken to make collection of any bill in excess of \$20.00 which remains delinquent 63 days after the date of bill issue.

8.12.020.05.1 After the 63-day delinquent period, a written notice will be sent to the legal Owner of the land or property, as shown in the San Diego Assessor's tax roll, notifying the legal Owner of the land or property of accruing unpaid water and other service charges that may become a lien on such property.

8.12.020.05.2 Five business days after the date of notification referenced in Section 8.12.020.7.1 herein, The District may secure payment of unpaid water bills and other service charges by filing for record (i.e., lien) in the office of the San Diego County Recorder, a certificate specifying the amount of such charges and the name and address of the person liable there for.

8.12.020.05.3 In May of each calendar year, the legal Owner of the land or property will be notified in writing any accrued unpaid water bills or other service charges as well as a \$45.00 service charge will be turned over to the County Tax Assessor's tax roll for that calendar year for collection. If water bills and other service charges remain unpaid, a second written notification will be sent to the legal Owners of the land or property in June of same calendar year.

8.12.020.05.4 On August 1st of each calendar year all unpaid water bills and service charges for that calendar year will be sent to the San Diego County Tax Assessor's tax roll for collection.

8.12.020.05.5 From the time of recordation of the certificate, the amount required to be paid, together with interest and penalties, constitutes a lien upon all real property in the county owned by the person or afterwards and, before the lien expires, acquired by them.

8.12.020.05.6 The lien has the force, priority, and effect of a judgment lien and shall continue for 10 years from the date of the filing of the certificate unless sooner released or otherwise discharged and may be extended by filing for record a new certificate.

**Chapter 8.13
DISPUTED BILLS**

Sections:

- 8.13.010 Bill Dispute**
- 8.13.020 Customer Rights**
- 8.13.030 Resolution of Disputed Bills**
- 8.13.040 Review of Dispute**

**Section 8.13.010
Bill Dispute**

A dispute is when a customer has advised the District that their most recent bill may not be accurate due to clerical or meter errors, and they wish to have the bill investigated to determine if the charges and meter reads are accurate.

**Section 8.13.020
Customer Rights**

Any Customer will have the right to initiate a complaint or request an investigation by filing a written request with the District within thirty (30) days of the date of the issuance of the water bill.

**Section 8.13.030
Resolution of Disputed Bills**

Should any Customer wish to dispute a bill and turn in the required form, the District shall notify the Customer in writing that:

8.13.030.01 While the bill is disputed the customer should continue to keep their account current or set up a payment plan with the District if necessary;

8.13.030.02 That upon receipt of notice of dispute, the General Manager will determine the proper person to investigate the matter and advise the Customer of District findings;

8.13.030.03 If the account is current, service will not be discontinued pending the outcome of the investigation; and.

8.13.030.04 That failure of Customer to keep the account current during the dispute process will result in continuation of the collections process for the delinquent bills.

**Section 8.13.040
Review of Dispute**

The review of a complaint or request will be completed within thirty (30) calendar days of receipt. The decision of the District will be final and provided in writing and any necessary adjustments to a customer's account that need to be made will be completed within five (5) days.

Chapter 8.15
METER TESTS AND ADJUSTMENT OF BILLS

Sections:

- 8.15.010 Tests**
- 8.15.020 Adjustment of Bills for Meter Errors**
- 8.15.020.01 Fast Meters**
- 8.15.020.02 Slow Meters**
- 8.15.020.03 Non-registering Meters**

**Section 8.15.010
Tests**

A Customer may request the District test the meter upon making a deposit with the District.

The deposit will be returned if the meter is found to register more than five percent (5%) above true registration. If the error is less than five percent (5%), the deposit will be retained by the District. The Customer may be present when the District conducts the test, and, upon the request of the Customer, a written report showing the results of the test performed will be furnished to the Customer within ten (10) days after completion of the test.

**Section 8.15.020
Adjustment of Bills for Meter Errors**

8.15.020.01 Fast Meters

When, upon test a meter is found to be registering more than five (5%) fast, the District will refund to the Customer the amount of overage, based on the corrected meter readings, for the preceding two (2) months.

8.15.020.02 Slow Meters

When, upon test a meter is found to be registering more than ten percent (10%) slow, the District will bill the Customer for the amount of the underage, based on corrected meter readings for the preceding two (2) months.

8.15.020.03 Non-registering Meters

It is the Customer's responsibility to report immediately whenever a meter fails to register. When upon test a meter is found to be non-registering, the District will bill the Customer for a calculated amount of water consumed but not registered for a maximum period of three (3) months. Bills to cover the period during which the meter did not register will be based upon the Customer's prior water usage taken in connection with subsequent usage correctly metered, the District's experience with other Customers in the same class, and the general characteristics of the Customer's operations.

Chapter 8.16
SUPPLY TO SEPARATE PARCELS AND RESALE OF WATER

Sections:

8.16.010 **One Service per Parcel**

8.16.020 **Resale of Water**

Chapter 8.17
CONTROL OF PLANT AND OPERATIONS

Sections:

8.17.010 Control of Plant and Operations

Section 8.17.010
Control of Plant and Operations

All reservoirs, pumps, pipe lines, gates, meters, and other property of the District shall be under the exclusive management and control of the General Manager appointed by the Board of Directors, and no person except District employees shall have any right to operate said reservoirs, pumps, pipe lines, gates, meters, or other District property, in any manner.

**Chapter 8.18
COMPLAINTS**

Sections:

8.18.010 Complaints

Section 8.18.010
Complaints

The General Manager will attempt to resolve all complaints regarding service. Any person wishing to present a matter to the Board shall so inform the General Manager. The General Manager will place the matter on the Board Agenda for action at the next un-posted regularly scheduled meeting.

Chapter 8.19
BY-PASSES AND TAMPERING

Sections:

8.19.010	By-Pass
8.19.020	Tampering
8.19.030	Water Theft

Section 8.19.010
By-Pass

No by-pass, cross-connection or other connection between the meter and the District's mains, or directly to the District's mains, shall be made, installed or maintained by any unauthorized individual.

Section 8.19.020
Tampering

Tampering with, injuring in any way District facilities, or changing the adjustment on any meter register is prohibited. The District may immediately shut off the water of any Customer violating this rule.

Notwithstanding anything set forth in these Policies, the valve installed on the discharge side of the meter or service connection is the Customer's responsibility to operate and maintain. However, the Customer shall not remove the valve from the installation.

Section 8.19.030
Water Theft

Any individual found stealing water from District facilities may be reported to appropriate authorities and a written notice stating the nature of the violation including any associated fines will be mailed to the offender. District will determine all fines based on the extent of the violation with a minimum of \$500.

**Chapter 8.21
PRESSURE**

Sections:

8.21.010 Pressure

Chapter 8.22
SCHEDULES, TARIFFS OR LISTS

Sections:

8.22.010 Schedules, Tariffs or Lists

Section 8.22.010
Schedules, Tariffs or Lists

The Board of Directors, by motion or resolution may approve one or more schedules, tariffs or lists, setting forth the water rates, service connection charges, or other charges to be made by the District for water service or for property and labor furnished by the District, which shall agree with and not conflict with the Ordinances of the District. Said schedules, tariffs or lists become appendices to these Rules and Regulations and shall go into effect on the date set at their adoption by the Board, and shall establish the charges to be paid by the Customer to the District.

Chapter 8.23
ACCESS TO PREMISES

Sections:

8.23.010 Access to Premises

**Chapter 8.24
GENERAL**

Sections:

- 8.24.010 Waiver or Modification**
- 8.24.020 Amendment**
- 8.24.030 Availability**

Section 8.24.010
Waiver or Modification

No officer, agent or employee of the District has any authority to alter, change, amend, waive or add to any of these Rules and Regulations.

Section 8.24.020
Amendment

These Rules and Regulations may be repealed and amended, or new rules and regulations adopted, at the pleasure of the Board of Directors.

Section 8.24.030
Availability

These Rules and Regulations shall be available in the office of the District and, at any time any application for service is received by the District, a copy of said Rules and Regulations shall be delivered to said Applicant, and said Applicant acknowledges receipt thereof in signing the application for service.

**Chapter 8.25
INSPECTION**

Sections:

8.25.010 Inspection

**Chapter 8.26
SEVERABILITY**

Sections:

8.26.010 Severability

Section 8.26.010
Severability

If any section, subsection, sentence, clause or phrase of these rules and regulations is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining portions of these rules and regulations if the remaining portions can be reasonably interpreted to carry out the intent of the Board. In such instances, the Board declares that it would have passed these rules and regulations without the invalid or unconstitutional section, subsection, clause or phrase thereof.

**Chapter 8.27
PENALTIES**

Sections:

8.27.010 Penalties

Section 8.27.010
Penalties

Any person, firm, corporation, association or agency found to be violating any provision of these rules and regulations shall be served by the District with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations. This provision is in addition to and not by way of derogation of any other remedies or procedures available to the District by law, regulation or pursuant to any of the provisions of these rules and regulations.

**Chapter 8.28
JUDICIAL REVIEW**

Sections:

8.28.010 Judicial Review

Section 8.28.010
Judicial Review

Judicial review of any decision of the District, its Board, General Manager or employee may be pursuant to Section 1094.5 of the California Code of Civil Procedure only if a petition for a writ of mandate is filed within the time limits specified in Section 1094.6 of the California Code of Civil Procedure.

Chapter 8.29
WATER CONSERVATION REQUIREMENTS

Sections:

- 8.29.010** **Water Conservation Requirements**
- 8.29.020** **Indoor Fixtures and Appliances**
- 8.29.030** **Landscape Requirements**
- 8.29.040** **Local Supply Use Requirements**
- 8.29.050** **Compliance with Other Regulations**

Section 8.29.010
Water Conservation Requirements

Conservation and local supply use requirements of this section apply to all new residential and commercial developments or redevelopments. The landscape requirements also apply to any re-landscaping that is subject to review by the District and/or the County of San Diego.

Section 8.29.020
Indoor Fixtures and Appliances

- All water fixtures and appliances installed must be high-efficiency. “High-efficiency” means fixtures and appliances that comply with the most efficient specifications under the EPA WaterSense or Energy Star programs, as in effect at the time of installation commences.

Section 8.29.030
Landscape Requirements

8.29.030.01 All landscapes must be designed and managed consistent with requirements of the County of San Diego and/or local agency having jurisdiction within which the property is located.

8.29.030.02 Any covenants, Conditions, and Restrictions (CC&Rs) pertaining to a new subdivision/development shall not limit or prohibit the use and maintenance of low water use plant materials and the use of artificial turf and shall require property owners to design and maintain their landscapes consistent with the County’s, or applicable local agency having jurisdiction, regulations.

8.29.030.03 Dedicated irrigation meters shall be installed in:

- All parks and common areas with 5,000 square feet or more of irrigated landscape
- Commercial sites with 5,000 square feet or more of irrigated landscape

8.29.030.04 In compliance with the District’s Administrative Code Article pressure regulators must be installed when and where appropriate to maximize the life expectancy and efficiency of the irrigation system.

8.29.030.05 New commercial development must install separate, dual-distribution systems for potable and recycled water. Residential development must install recycled water lines to irrigated common areas.

Section 8.29.040
Local Supply Use Requirements

It is the policy of the District that other local sources of water, such as reclaimed water and groundwater, shall be used within its jurisdiction to reduce the demand for imported potable water for any appropriate use when it is economically, financially, and technically feasible and consistent with legal requirements preservation of public health, safety and welfare and the environment.

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Section 8.29.050
Compliance with Other Regulations

The requirements of this Section shall not be interpreted in any way to limit the owner's obligation to comply with any other applicable federal, state, or local laws and regulations.

**Chapter 8.30
LEAK POLICY**

Sections:

- 8.30.010 Leak Policy**
- 8.30.020 Criteria and Procedure**
- 8.30.030 Temporary Policy Suspension**

**Section 8.30.010
Leak Policy**

A courtesy leak adjustment on water used is available to customers who experience above average water consumption due to leaks. The leak adjustments will be limited to 2 billing periods and will also be limited to one adjustment every 60 months. The 60-month period begins the first month of the billing period following the last billing period for which the loss of water adjustment was prepared.

**8.30.020
Criteria and Procedure**

- a) A leak appeal form must be properly completed by the customer and submitted with original repair receipts within 30 days of the statement date of an affected bill.
- b) The customer has to have taken reasonable attempts to mitigate the leak.
- c) An adjustment will be considered if the water consumption for the billing period(s) appealed by the customer is at least 50% more than the property's monthly average corresponding seasonal water consumption, as evidenced by the historical water consumption available for the property.
 - i. If the previous historical consumption for the corresponding season is not present, then the consumption must be at least 50% more than the property's historical average consumption.
- d) The repair must be completed within 30 days of the statement date of an affected bill.
- e) The adjustment will only be applied to the water consumption rate charge and the variable pumping charge. Adjustments will not be applied to other fixed or variable charges such as; RMWD O&M charge, SDCWA Fixed Charge, backflow, fixed pumping or sewer charges.
- f) The value of the adjustment will be determined by applying the wholesale rate to all usage above 10 units.
- g) No adjustment shall exceed \$750. Should the value of the adjustment exceed \$750, the customer may submit additional information for consideration by the District's Communications and Customer Service Committee who will review this information and make a recommendation to the District's Board of Directors to consider a variance from this policy.

**8.30.030
Temporary Policy Suspension**

Should a customer be impacted by a large-scale disaster the Board has the right to temporarily suspend this policy.

BOARD OF DIRECTORS

January 25, 2022

SUBJECT

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

BACKGROUND

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 - Sewer. These changes include number sequencing, typographical and grammatical corrections, and formatting updates.

DESCRIPTION

Some of the proposed updates to Administrative Code Title 9 include:

- Chapter and subsection title updates.
- Section and subsection number sequencing updates to provide consistency throughout the entire Code.

Other proposed minor changes are typographical and grammatical errors as well as formatting updates.

NOTE - Administrative Code Chapters 9.04, 9.05, and 9.07 are currently in the review process and have not been made a part of these proposed updates. These Chapters will be presented to the Board for consideration once their respective review processes are complete.

Both a redline version and non-redline version have been attached.

POLICY/STRATEGIC PLAN KEY FOCUS AREA

As the foundation for all our operations, the Administrative Code supports all District Key Focus Areas. It is a living document that will continue to be reviewed and adapted to meet the policy and strategic needs of the District.

ENVIRONMENTAL

In accordance with CEQA guidelines Section 15378, the action before the Board does not constitute a "project" as defined by CEQA and further environmental review is not required at this time.

BOARD OPTIONS/FISCAL IMPACTS

1. Adopt Ordinance No. 22-05 amending and updating various chapters, sections and subsections included in Title 9 - Sewer as proposed.
2. Adopt Ordinance No. 22-05 amending and updating various chapters, sections and subsections included in Title 9 – Sewer as proposed with revisions.
3. Deny adoption of Ordinance No. 22-05 and provide staff with direction.

STAFF RECOMMENDATION

Staff recommends Option 1.



Tom Kennedy, General Manager

January 25, 2022

Ordinance No. 22-05

**Ordinance of the Board of Directors of the Rainbow Municipal Water District
Amending and Updating Various Administrative Code
Chapters, Sections, and Subsections Included in Title 9 - Sewer**

WHEREAS, the Rainbow Municipal Water District has, from time to time, adopted various rules and regulations for the operation of the District; and

WHEREAS, certain of those rules and regulations require updating to reflect best practices, as well as changes in applicable laws; and

WHEREAS, the Board of Directors has determined that changes in the rules or regulations of the District shall occur solely by amendment to the Administrative Code;

NOW, THEREFORE,

BE IT ORDAINED by the Board of Directors of Rainbow Municipal Water District as follows:

1. The following rules and regulations of the District, collected are hereby adopted and shall be incorporated into the Administrative Code, consisting of:

Title 9: Sewer
Chapter 9.03: Use of Public Sewers
Chapter 9.06: Sewer Service Charges and Fees
Chapter 9.08: Quality of Sewage
Chapter 9.09: Waste Flow Pre-Treatment
Chapter 9.10: Industrial Permits
Chapter 9.11: Entry Upon Private Property to Enforce Provisions
Chapter 9.12: Grease, Oil and Sand Interceptors
Chapter 9.13: Users Outside of District
Chapter 9.14: Implementation of Provisions
Chapter 9.15: Challenges to Provisions
Chapter 9.16: Revocation or Suspension of Permits
Chapter 9.17: Violation-Responsibility for Loss or Damage
Chapter 9.18: Enforcement Measures in Case of Delinquency

2. The General Manager is hereby directed to update the Administrative Code to reflect the approval of these rules and regulations, and to assign or reassign the numbering of the Administrative Code as necessary to codify these rules and regulations as amended.

3. This ordinance shall take effect immediately upon its adoption on this 25th day of January 2022.

AYES:
NOES:
ABSTAIN:
ABSENT:

Hayden Hamilton, Board President

ATTEST:

Dawn Washburn, Board Secretary

**Title 9
SEWER**

Chapters:

- 9.01 General Provisions**
- 9.02 Definitions**
- 9.03 Use of Public Sewers**
- 9.04 Size, Location and Installation of Laterals**
- 9.05 Sewer Permits**
- 9.06 Sewer Service Charges and Fees**
- 9.07 Equivalent Dwelling Units Established**
- 9.08 Quality of Sewage**
- 9.09 Waste Flow Pre-Treatment**
- 9.10 Industrial Permits**
- 9.11 Entry Upon Private Property to Enforce Provisions**
- 9.12 Grease, Oil and Sand Interceptors**
- 9.13 Users Outside of District**
- 9.14 Implementation of Provisions**
- 9.15 Challenges to Provisions**
- 9.16 Revocation or Suspension of Permits**
- 9.17 Violation-Responsibility for Loss or Damage**
- 9.18 Enforcement Measures in Case of Delinquency**

Chapter 9.01
GENERAL PROVISIONS

Sections:

- 9.01.010 Policy
- 9.01.020 Limitations on Powers to Serve

Section 9.01.010
Policy

The general policy of the District is to furnish sewer service to properties within its boundaries, provided it has facilities, capacity, funds and financing for the providing of such service and it is reasonably able to do so. The District does not make land use or zoning decisions. Such decisions are the responsibility of other units of government.

Section 9.01.020
Limitations on Powers to Serve

The District is a public agency formed pursuant to the Municipal Water District Law of 1911, as amended. It is subject to the provisions of that law, as well as other state and federal statutes, such as the California Environmental Quality Act, and state and federal regulations, such as those issued by the Environmental Protection Agency and the Regional Water Quality Control Board. The providing of sewer service by the District is subject to all applicable laws and regulations. Any District agreement or commitment to serve is subject to, and subordinated to, any future such lawful conditions.

**Chapter 9.03
USE OF PUBLIC SEWERS**

Sections:

9.03.010

Policy

9.03.020

Conditions of Service

Section 9.03.010
Policy

Upon issuance of a permit and connection to the District's sewerage facilities, sewer service will be provided by the District. Service shall be available only in accordance with the District's rules and regulations, as well as applicable federal and state statutes, contracts and regulations, and the terms of the permit and of any agreement with applicant, owner or customer.

Section 9.03.020
Conditions of Service

Sewer service shall be subject to the following conditions:

9.03.020.01___Applicant, owner and customer shall adhere to requirements prescribed by these rules and regulations and to any additional requirements prescribed by the Manager or by the Board, or both, to ~~insure~~ensure compliance with the District's rules and regulations as to the quality and quantity of sewage which the District is willing to receive into its facilities.

9.03.020.02___All fees and charges of the District shall be paid when due. Application for service to any property will be granted only if all connection fees, service charges, charges, delinquent bills, and penalties due and charged to or against said property by District are paid; and if the service application was signed by the then owner of the property. Sewer service fees shall be included in the monthly water bills of the District. The fees and charges of the District are set by separate Ordinance or Resolution and may be changed by the District from time to time.

**Chapter 9.06
SEWER SERVICE CHARGES AND FEES**

Sections:
9.06.010 Policy

Section 9.06.010
Policy

Sewer service charges or fees are those as set by District Ordinance.

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**Chapter 9.08
QUALITY OF SEWAGE**

Sections:

- 9.08.010 Excluded from Issuing Permit**
- 9.08.020 Quality or Quantity Agreements**
- 9.08.030 Responsibility for Maintenance**

Section 9.08.010
Excluded from Issuing Permit

No permit shall be issued for, nor shall any person discharge, or cause to be discharged, any of the following-described substances into any District sewerage facility:

9.08.010.01 Any gasoline, benzene, naphtha, fuel oils, or other flammable or explosive liquid, solid or gas.

9.08.010.02 Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure or other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewerage works.

9.08.010.03 Any waters or wastes containing toxic or poisonous solids, liquids, or gases, in sufficient quantity, either by singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.

9.08.010.04 Any noxious or malodorous gas or substance capable of creating a public nuisance.

9.08.010.05 Any waters or wastes causing a temperature higher than 85 degrees Fahrenheit in any District trunk sewer.

9.08.010.06 Any waters of wastes containing more than 0.5 parts per million of dissolved sulfides.

9.08.010.07 Any waters or wastes having a pH lower than 6.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the District.

9.08.010.08 Any waters or wastes containing more than 200 parts per million, by weight, of fat, oil or grease.

9.08.010.09 Any garbage which is not shredded so that all particles are less than one-half inch in any dimension.

9.08.010.10 Any suspended solids of such character and quantity that unusual attention or expense is required to handle such materials in trunk sewers or at the sewage treatment plant.

9.08.010.11 Any wastes containing compounds which are not removable by the District's facilities for reclaimable sewage consistent with the requirements established from time to time by the California Regional Water Quality Control Board San Diego Region, or any other state or federal agency which may establish discharge requirement for the District.

9.08.010.12 From any restaurant or food preparation establishment unless a District-approved grease trap is provided.

9.08.010.13 ___ Any brine waste from an on-site regenerating water-softening unit or reverse osmosis unit.

9.08.010.14 ___ Cooling tower blowdown water.

9.08.010.15 ___ Stormwater, including discharge from yard, area, or roof drains.

9.08.010.16 ___ Swimming pool drain water.

9.08.010.17 ___ Septic tank effluent.

9.08.010.18 ___ Septic tank pumped materials.

Section 9.08.020 Quality or Quantity Agreements

9.08.020.01 ___ The District Representative may require special agreements in those instances where a proposed discharge may have a deleterious effect or cause an additional load upon any works, processes, or equipment of the District or the receiving waters, or if such discharge, either individually or in conjunction with other discharges, either at present or in the future, may either interfere with the accomplishment of the District plan, create a hazard or a public nuisance, increase the cost of meeting applicable discharge requirements, or preclude the District from meeting its discharge requirements or any other sewer collection systems, or other facilities, including, any other applicable state or federal requirement, in the alternative, the District Representative may:

9.08.020.01.1 ___ Reject the wastes and shut off water supply 10 days after written notice and hearing by the Board;

9.08.020.01.2 ___ Require pretreatment to an acceptable condition for discharge to the public sewers;

9.08.020.01.3 ___ Require control over the quantities and rates of discharge; and/or,

9.08.020.01.4 ___ —Require payment to cover the added cost of handling and treating the wastes not covered by existing sewer charges.

9.08.020.02 ___ If the District Representative permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be reviewed and approved by the District Representative.

Section 9.08.030 Responsibility for Maintenance

The applicant, owner or customer is responsible for maintenance of the lateral sewer. Any lateral sewer shall be cleared and cleaned by the applicant, owner or customer at their own expense. Any main or trunk sewer will be repaired or reconstructed by the District at the cost of the District, unless the situation necessitating such repair or reconstruction is the result of abnormal use or damage to such facilities, in which case such repair or reconstruction will be done at the expense of the person responsible for such abnormal use or damage.

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Amended and Approved 12-6-11 by ~~Per~~ Ordinance No. 11-06
Amended and Updated 12-8-20 by Ordinance No. 20-13
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Chapter 9.09
WASTE FLOW PRE-TREATMENT

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**Chapter 9.10
INDUSTRIAL PERMITS**

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Chapter 9.11
ENTRY UPON PRIVATE PROPERTY TO ENFORCE PROVISIONS

Sections:
9.11.010 Policy

Section 9.11.010
Policy

The Manager or his/her authorized representative shall have the right to enter upon the customer's premises during reasonable hours for the purpose of inspecting the customer's sewer system and to ~~insure~~ensure compliance with these rules and regulations, and the provision that all cross connections be properly protected.

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Chapter 9.12
GREASE, OIL AND SAND INTERCEPTORS

Sections:

9.12.010 Policy

9.12.010.06 Design

9.12.010.07 Location

9.12.010.08 Sizing Grease Interceptors

9.12.010.09 Sizing Criteria

9.12.010.10 Effluent Sampling

9.12.010.11 Abandoned Grease Interceptors

Section 9.12.010
Policy

9.12.010.01 Grease, oil and sand interceptors or traps shall be provided at the owner's expense when, in the judgment of the Manager or designee, such devices are necessary for the proper handling of liquid wastes containing grease or oil in excessive amounts or any flammable wastes, sand or other harmful materials which can be trapped. Prior to the installation of any interceptor or trap, drawings and specifications shall be submitted to the District for approval. All interceptors and traps shall be located so as to be readily accessible for cleaning and inspection.

9.12.010.02 Grease and oil interceptors or traps shall be constructed of impervious materials capable of withstanding sudden and extreme changes in temperature. All such devices shall be of substantial construction, watertight, and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight, unless otherwise authorized by the District Representative or designee.

9.12.010.03 Owners of such grease and oil interceptors or traps are required to maintain records of pumping including site where pumpings are ultimately disposed.

9.12.010.04 All grease, oil and sand interceptors or traps shall be maintained in effective operation at all times by and at the expense of the user. Waste discharge from fixtures and equipment in establishments which may contain grease, including but not limited to, scullery sinks, pot and pan sinks, dish washing machines, soup kettles and floor drains located in areas where grease-containing materials may exist, may be drained into the sanitary waste through the interceptor when approved by the District.

Toilets, urinals and other similar fixtures shall not waste through the interceptor.

9.12.010.05 All waste shall enter the interceptor through the inlet pipe only.

9.12.010.06 Design:

9.12.010.06.1 Interceptors shall be constructed in accordance with the design approved by the District and shall have a minimum of two compartments with fittings designed for grease retention.

9.12.010.06.2 There shall be an adequate number of manholes to provide access for cleaning all areas of an interceptor: a minimum of one per ten feet of interceptor length. Manhole covers shall be gastight in construction having a minimum-opening dimension of twenty inches.

9.12.010.06.3 In areas where traffic may exist the interceptor shall be designed to have adequate reinforcement and cover.

9.12.010.07 Location:

9.12.010.07.1 Each grease interceptor shall be so installed and connected so that it shall be at all times easily accessible for inspection, cleaning and removal of the intercepted grease. A grease interceptor may not be installed in any part of a building where food is handled. Location of the grease interceptor shall meet the approval of the District Representative.

9.12.010.07.2 Interceptors shall be placed as close as practical to the fixtures it serves.

9.12.010.08 Sizing Grease Interceptors

Each business establishment for which a grease interceptor is _____ required shall have an interceptor, which shall serve only that establishment.

9.12.010.09 Sizing Criteria:

As referenced in the current Uniform Plumbing Code.

9.12.010.10 Effluent Sampling:

An effluent sampling box on grease interceptors is required by the District. District personnel may sample and inspect for adequacy at any time.

9.12.010.11 Abandoned Grease Interceptors:

Abandoned grease interceptors shall be pumped and filled as required for abandoned sewers and sewage disposal facilities in the most current Uniform Plumbing Code.

Chapter 9.13
USERS OUTSIDE OF DISTRICT

Sections:
9.13.010 Policy

Section 9.13.010
Policy

The Board of Directors of the District may establish by agreement or Resolution the fees and charges and such other conditions as it deems appropriate that shall be imposed for providing sewer service to premises located outside of the District provided, that such fees and charges shall not be less than would apply to similar service within the District. Any agreement approved or Resolution adopted by the Board of Directors of the District shall comply with the requirements and limitations of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 or successor statute (Title 5, Division 3 of the California Government Code) and procedures established by the San Diego Local Agency Formation Commission ("LAFCO"), including obtaining LAFCO approval.

Chapter 9.14
IMPLEMENTATION OF PROVISIONS

Sections:
9.14.010 Policy

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Section 9.14.010
Policy

The District shall implement the provisions of this chapter in conjunction with adopted policies, Ordinances, Resolutions and standards. If greater improvements are required in any case, The District shall require those greater improvements.

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Chapter 9.15
CHALLENGES TO PROVISIONS

Sections:
9.15.010 Policy

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Section 9.15.010
Policy

Any person desiring to challenge any provision of this chapter must submit the grounds for challenge with supporting authority in writing, to the Board of Directors of the District for consideration. Failure to do so shall be grounds to bar any subsequent suit on the grounds of failure to exhaust administrative remedies.

**Chapter 9.16
REVOCATION OR SUSPENSION OF PERMITS**

Sections:

- 9.16.010 Enforcement Authority**
- 9.16.020 Disconnection of Facilities**
- 9.16.030 Notice**
- 9.16.040 Emergency Termination**
- 9.16.050 Alternative Surcharge**
- 9.16.060 Resumption of Service**

Section 9.16.010 Enforcement Authority

The General Manager is charged with the duty of enforcing the provisions of this chapter and the rules and regulations herein provided.

Section 9.16.020 Disconnection of Facilities

The General Manager may recommend to the Board of Directors revocation or suspension of the permit issued to any person in the event of a violation by the permittee of any provision of any applicable state, federal or local law or this chapter or any of the rules and regulations adopted in the manner provided for herein. Following notice and a hearing before the Board of Directors, the District may disconnect from the public sewer and sewer connection, main line sewer, or other facility which is constructed, connected or used without a permit, or constructed, connected or used contrary to any of the provisions of any applicable state, federal or local law or this chapter or the rules and regulations adopted as provided for herein. When a premises has been disconnected, it shall not be reconnected until the violation for which it was disconnected has ceased or been remedied and a reasonable charge for such disconnection and reconnection, as established by the General Manager, has been paid. If the General Manager determines that the violation is creating an emergency endangering the public health, safety or welfare, the General Manager may temporarily suspend or revoke the permit pending notice and a hearing before the Board of Directors of the District.

Section 9.16.030 Notice

The General Manager shall give not less than ten days' notice of intention to recommend disconnection of a premises or to suspend or revoke a permit, stating the reasons therefore, and may grant a reasonable time for elimination of the violation; provided, however, that if the General Manager determines that the danger is imminent, and such action is necessary for the immediate protection of the health, safety or welfare of persons or property, or for the protection of the sewer system, any premises may be temporarily disconnected and service terminated concurrently with the giving of such notice, pending notice and a hearing before the Board of Directors of the District. Notice shall be given to the occupant of the premises, if any, and to the owner of record of the property as shown upon the last equalized assessment roll of the County of San Diego by United States mail, registered or certified, return receipt requested, postage prepaid and by posting such notice on the premises.

Section 9.16.040 Emergency Termination

In an emergency situation, as determined by the General Manager, service may be terminated on an interim basis by the General Manager for a period up to 30 days from the date of such decision by the General Manager.

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**Section 9.16.050
Alternative Surcharge**

As an alternative to termination, the District may establish a surcharge on the continuation of sewer service by the District for a reasonable time until such time as the applicant, owner or customer has taken action to comply with all the District's service requirements. The amount of any such surcharge shall be established by the District in its reasonable discretion.

**Section 9.16.060
Resumption of Service**

Any request to re-establish service subsequent to termination of sewer service by the District shall be in the manner prescribed for initially obtaining service from the District, and may include the collection of a security deposit and other terms and conditions to assure compliance with the District's rules and regulations. The amount, manner and terms shall be as determined by the General Manager.

Chapter 9.17
VIOLATION-RESPONSIBILITY FOR LOSS OR DAMAGE

Sections:
9.17.010 Policy

Section 9.17.010
Policy

Any person violating any provision of this chapter, or any rule or regulation adopted as herein provided shall be liable for all damage to the sewer system incurred as a result of such violation and for any increase in the cost of maintenance or repair resulting from such violation.

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Chapter 9.18
ENFORCEMENT MEASURES IN CASE OF DELINQUENCY

Sections:
9.18.010 Policy

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Section 9.18.010
Policy

When any fee or charge imposed by this chapter or any other fee Resolution or Ordinance becomes delinquent, the General Manager is authorized to disconnect the property from the District's sewerage system. Prior to such disconnection, at least ten days' written notice shall be given to the occupant and to the owner of record of the property by United States mail and by posting the notice on the property. The property shall be disconnected upon expiration of the ten days unless the occupant has provided the General Manager with a letter from a medical doctor licensed in California indicating that termination of service will aggravate an existing medical condition of the occupant. When a property has been disconnected it shall not be reconnected until all delinquent fees and charges have been paid together with a reasonable charge for such disconnection and reconnection as established by the General Manager plus the penalties provided herein.

**Title 9
SEWER**

Chapters:

- 9.01 General Provisions**
- 9.02 Definitions**
- 9.03 Use of Public Sewers**
- 9.04 Size, Location and Installation of Laterals**
- 9.05 Sewer Permits**
- 9.06 Sewer Service Charges and Fees**
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- 9.16 Revocation or Suspension of Permits**
- 9.17 Violation-Responsibility for Loss or Damage**
- 9.18 Enforcement Measures in Case of Delinquency**

**Chapter 9.01
GENERAL PROVISIONS**

Sections:

- 9.01.010 Policy**
- 9.01.020 Limitations on Powers to Serve**

Section 9.01.010
Policy

The general policy of the District is to furnish sewer service to properties within its boundaries, provided it has facilities, capacity, funds and financing for the providing of such service and it is reasonably able to do so. The District does not make land use or zoning decisions. Such decisions are the responsibility of other units of government.

Section 9.01.020
Limitations on Powers to Serve

The District is a public agency formed pursuant to the Municipal Water District Law of 1911, as amended. It is subject to the provisions of that law, as well as other state and federal statutes, such as the California Environmental Quality Act, and state and federal regulations, such as those issued by the Environmental Protection Agency and the Regional Water Quality Control Board. The providing of sewer service by the District is subject to all applicable laws and regulations. Any District agreement or commitment to serve is subject to, and subordinated to, any future such lawful conditions.

**Chapter 9.03
USE OF PUBLIC SEWERS**

Sections:

9.03.010

Policy

9.03.020

Conditions of Service

Section 9.03.010
Policy

Upon issuance of a permit and connection to the District's sewerage facilities, sewer service will be provided by the District. Service shall be available only in accordance with the District's rules and regulations, as well as applicable federal and state statutes, contracts and regulations, and the terms of the permit and of any agreement with applicant, owner or customer.

Section 9.03.020
Conditions of Service

Sewer service shall be subject to the following conditions:

9.03.020.01 Applicant, owner and customer shall adhere to requirements prescribed by these rules and regulations and to any additional requirements prescribed by the Manager or by the Board, or both, to ensure compliance with the District's rules and regulations as to the quality and quantity of sewage which the District is willing to receive into its facilities.

9.03.020.02 All fees and charges of the District shall be paid when due. Application for service to any property will be granted only if all connection fees, service charges, charges, delinquent bills, and penalties due and charged to or against said property by District are paid; and if the service application was signed by the then owner of the property. Sewer service fees shall be included in the monthly water bills of the District. The fees and charges of the District are set by separate Ordinance or Resolution and may be changed by the District from time to time.

Chapter 9.06
SEWER SERVICE CHARGES AND FEES

Sections:

9.06.010 Policy

Section 9.06.010
Policy

Sewer service charges or fees are those as set by District Ordinance.

**Chapter 9.08
QUALITY OF SEWAGE**

Sections:

- 9.08.010 Excluded from Issuing Permit**
- 9.08.020 Quality or Quantity Agreements**
- 9.08.030 Responsibility for Maintenance**

Section 9.08.010
Excluded from Issuing Permit

No permit shall be issued for, nor shall any person discharge, or cause to be discharged, any of the following-described substances into any District sewerage facility:

9.08.010.01 Any gasoline, benzene, naphtha, fuel oils, or other flammable or explosive liquid, solid or gas.

9.08.010.02 Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure or other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewerage works.

9.08.010.03 Any waters or wastes containing toxic or poisonous solids, liquids, or gases, in sufficient quantity, either by singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant.

9.08.010.04 Any noxious or malodorous gas or substance capable of creating a public nuisance.

9.08.010.05 Any waters or wastes causing a temperature higher than 85 degrees Fahrenheit in any District trunk sewer.

9.08.010.06 Any waters of wastes containing more than 0.5 parts per million of dissolved sulfides.

9.08.010.07 Any waters or wastes having a pH lower than 6.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the District.

9.08.010.08 Any waters or wastes containing more than 200 parts per million, by weight, of fat, oil or grease.

9.08.010.09 Any garbage which is not shredded so that all particles are less than one-half inch in any dimension.

9.08.010.10 Any suspended solids of such character and quantity that unusual attention or expense is required to handle such materials in trunk sewers or at the sewage treatment plant.

9.08.010.11 Any wastes containing compounds which are not removable by the District's facilities for reclaimable sewage consistent with the requirements established from time to time by the California Regional Water Quality Control Board San Diego Region, or any other state or federal agency which may establish discharge requirement for the District.

9.08.010.12 From any restaurant or food preparation establishment unless a District-approved grease trap is provided.

9.08.010.13 Any brine waste from an on-site regenerating water-softening unit or reverse osmosis unit.

- 9.08.010.14 Cooling tower blowdown water.
- 9.08.010.15 Stormwater, including discharge from yard, area, or roof drains.
- 9.08.010.16 Swimming pool drain water.
- 9.08.010.17 Septic tank effluent.
- 9.08.010.18 Septic tank pumped materials.

Section 9.08.020
Quality or Quantity Agreements

9.08.020.01 The District Representative may require special agreements in those instances where a proposed discharge may have a deleterious effect or cause an additional load upon any works, processes, or equipment of the District or the receiving waters, or if such discharge, either individually or in conjunction with other discharges, either at present or in the future, may either interfere with the accomplishment of the District plan, create a hazard or a public nuisance, increase the cost of meeting applicable discharge requirements, or preclude the District from meeting its discharge requirements or any other sewer collection systems, or other facilities, including, any other applicable state or federal requirement, in the alternative, the District Representative may:

9.08.020.01.1 Reject the wastes and shut off water supply 10 days after written notice and hearing by the Board;

9.08.020.01.2 Require pretreatment to an acceptable condition for discharge to the public sewers;

9.08.020.01.3 Require control over the quantities and rates of discharge; and/or,

9.08.020.01.4 Require payment to cover the added cost of handling and treating the wastes not covered by existing sewer charges.

9.08.020.02 If the District Representative permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be reviewed and approved by the District Representative.

Section 9.08.030
Responsibility for Maintenance

The applicant, owner or customer is responsible for maintenance of the lateral sewer. Any lateral sewer shall be cleared and cleaned by the applicant, owner or customer at their own expense. Any main or trunk sewer will be repaired or reconstructed by the District at the cost of the District, unless the situation necessitating such repair or reconstruction is the result of abnormal use or damage to such facilities, in which case such repair or reconstruction will be done at the expense of the person responsible for such abnormal use or damage.

**Chapter 9.09
WASTE FLOW PRE-TREATMENT**

(Intentionally Left Blank)

**Chapter 9.10
INDUSTRIAL PERMITS**

(Intentionally Left Blank)

Chapter 9.11
ENTRY UPON PRIVATE PROPERTY TO ENFORCE PROVISIONS

Sections:

9.11.010 Policy

Section 9.11.010
Policy

The Manager or his/her authorized representative shall have the right to enter upon the customer's premises during reasonable hours for the purpose of inspecting the customer's sewer system and to ensure compliance with these rules and regulations, and the provision that all cross connections be properly protected.

Chapter 9.12
GREASE, OIL AND SAND INTERCEPTORS

Sections:

- 9.12.010 Policy**
- 9.12.010.06 Design**
- 9.12.010.07 Location**
- 9.12.010.08 Sizing Grease Interceptors**
- 9.12.010.09 Sizing Criteria**
- 9.12.010.10 Effluent Sampling**
- 9.12.010.11 Abandoned Grease Interceptors**

Section 9.12.010
Policy

9.12.010.01 Grease, oil and sand interceptors or traps shall be provided at the owner's expense when, in the judgment of the Manager or designee, such devices are necessary for the proper handling of liquid wastes containing grease or oil in excessive amounts or any flammable wastes, sand or other harmful materials which can be trapped. Prior to the installation of any interceptor or trap, drawings and specifications shall be submitted to the District for approval. All interceptors and traps shall be located so as to be readily accessible for cleaning and inspection.

9.12.010.02 Grease and oil interceptors or traps shall be constructed of impervious materials capable of withstanding sudden and extreme changes in temperature. All such devices shall be of substantial construction, watertight, and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight, unless otherwise authorized by the District Representative or designee.

9.12.010.03 Owners of such grease and oil interceptors or traps are required to maintain records of pumping including site where pumpings are ultimately disposed.

9.12.010.04 All grease, oil and sand interceptors or traps shall be maintained in effective operation at all times by and at the expense of the user. Waste discharge from fixtures and equipment in establishments which may contain grease, including but not limited to, scullery sinks, pot and pan sinks, dish washing machines, soup kettles and floor drains located in areas where grease-containing materials may exist, may be drained into the sanitary waste through the interceptor when approved by the District.

Toilets, urinals and other similar fixtures shall not waste through the interceptor.

9.12.010.05 All waste shall enter the interceptor through the inlet pipe only.

9.12.010.06 **Design**

9.12.010.06.1 Interceptors shall be constructed in accordance with the design approved by the District and shall have a minimum of two compartments with fittings designed for grease retention.

9.12.010.06.2 There shall be an adequate number of manholes to provide access for cleaning all areas of an interceptor: a minimum of one per ten feet of interceptor length. Manhole covers shall be gastight in construction having a minimum-opening dimension of twenty inches.

9.12.010.06.3 In areas where traffic may exist the interceptor shall be designed to have adequate reinforcement and cover.

9.12.010.07 Location

9.12.010.07.1 Each grease interceptor shall be so installed and connected so that it shall be at all times easily accessible for inspection, cleaning and removal of the intercepted grease. A grease interceptor may not be installed in any part of a building where food is handled. Location of the grease interceptor shall meet the approval of the District Representative.

9.12.010.07.2 Interceptors shall be placed as close as practical to the fixtures it serves.

9.12.010.08 Sizing Grease Interceptors

Each business establishment for which a grease interceptor is required shall have an interceptor, which shall serve only that establishment.

9.12.010.09 Sizing Criteria

As referenced in the current Uniform Plumbing Code.

9.12.010.10 Effluent Sampling

An effluent sampling box on grease interceptors is required by the District. District personnel may sample and inspect for adequacy at any time.

9.12.010.11 Abandoned Grease Interceptors

Abandoned grease interceptors shall be pumped and filled as required for abandoned sewers and sewage disposal facilities in the most current Uniform Plumbing Code.

Chapter 9.13
USERS OUTSIDE OF DISTRICT

Sections:
9.13.010 Policy

Section 9.13.010
Policy

The Board of Directors of the District may establish by agreement or Resolution the fees and charges and such other conditions as it deems appropriate that shall be imposed for providing sewer service to premises located outside of the District provided, that such fees and charges shall not be less than would apply to similar service within the District. Any agreement approved or Resolution adopted by the Board of Directors of the District shall comply with the requirements and limitations of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 or successor statute (Title 5, Division 3 of the California Government Code) and procedures established by the San Diego Local Agency Formation Commission ("LAFCO"), including obtaining LAFCO approval.

Chapter 9.14
IMPLEMENTATION OF PROVISIONS

Sections:
9.14.010 Policy

Section 9.14.010
Policy

The District shall implement the provisions of this chapter in conjunction with adopted policies, Ordinances, Resolutions and standards. If greater improvements are required in any case, The District shall require those greater improvements.

Chapter 9.15
CHALLENGES TO PROVISIONS

Sections:
9.15.010 Policy

Section 9.15.010
Policy

Any person desiring to challenge any provision of this chapter must submit the grounds for challenge with supporting authority in writing, to the Board of Directors of the District for consideration. Failure to do so shall be grounds to bar any subsequent suit on the grounds of failure to exhaust administrative remedies.

Chapter 9.16
REVOCATION OR SUSPENSION OF PERMITS

Sections:

- 9.16.010** **Enforcement Authority**
- 9.16.020** **Disconnection of Facilities**
- 9.16.030** **Notice**
- 9.16.040** **Emergency Termination**
- 9.16.050** **Alternative Surcharge**
- 9.16.060** **Resumption of Service**

Section 9.16.010
Enforcement Authority

The General Manager is charged with the duty of enforcing the provisions of this chapter and the rules and regulations herein provided.

Section 9.16.020
Disconnection of Facilities

The General Manager may recommend to the Board of Directors revocation or suspension of the permit issued to any person in the event of a violation by the permittee of any provision of any applicable state, federal or local law or this chapter or any of the rules and regulations adopted in the manner provided for herein. Following notice and a hearing before the Board of Directors, the District may disconnect from the public sewer and sewer connection, main line sewer, or other facility which is constructed, connected or used without a permit, or constructed, connected or used contrary to any of the provisions of any applicable state, federal or local law or this chapter or the rules and regulations adopted as provided for herein. When a premises has been disconnected, it shall not be reconnected until the violation for which it was disconnected has ceased or been remedied and a reasonable charge for such disconnection and reconnection, as established by the General Manager, has been paid. If the General Manager determines that the violation is creating an emergency endangering the public health, safety or welfare, the General Manager may temporarily suspend or revoke the permit pending notice and a hearing before the Board of Directors of the District.

Section 9.16.030
Notice

The General Manager shall give not less than ten days' notice of intention to recommend disconnection of a premises or to suspend or revoke a permit, stating the reasons therefore, and may grant a reasonable time for elimination of the violation; provided, however, that if the General Manager determines that the danger is imminent, and such action is necessary for the immediate protection of the health, safety or welfare of persons or property, or for the protection of the sewer system, any premises may be temporarily disconnected and service terminated concurrently with the giving of such notice, pending notice and a hearing before the Board of Directors of the District. Notice shall be given to the occupant of the premises, if any, and to the owner of record of the property as shown upon the last equalized assessment roll of the County of San Diego by United States mail, registered or certified, return receipt requested, postage prepaid and by posting such notice on the premises.

Section 9.16.040
Emergency Termination

In an emergency situation, as determined by the General Manager, service may be terminated on an interim basis by the General Manager for a period up to 30 days from the date of such decision by the General Manager.

Section 9.16.050
Alternative Surcharge

As an alternative to termination, the District may establish a surcharge on the continuation of sewer service by the District for a reasonable time until such time as the applicant, owner or customer has taken action to comply with all the District's service requirements. The amount of any such surcharge shall be established by the District in its reasonable discretion.

Section 9.16.060
Resumption of Service

Any request to re-establish service subsequent to termination of sewer service by the District shall be in the manner prescribed for initially obtaining service from the District and may include the collection of a security deposit and other terms and conditions to assure compliance with the District's rules and regulations. The amount, manner and terms shall be as determined by the General Manager.

Chapter 9.17
VIOLATION-RESPONSIBILITY FOR LOSS OR DAMAGE

Sections:

9.17.010 Policy

Section 9.17.010
Policy

Any person violating any provision of this chapter, or any rule or regulation adopted as herein provided shall be liable for all damage to the sewer system incurred as a result of such violation and for any increase in the cost of maintenance or repair resulting from such violation.

Chapter 9.18
ENFORCEMENT MEASURES IN CASE OF DELINQUENCY

Sections:

9.18.010 Policy

Section 9.18.010
Policy

When any fee or charge imposed by this chapter or any other fee Resolution or Ordinance becomes delinquent, the General Manager is authorized to disconnect the property from the District's sewerage system. Prior to such disconnection, at least ten days' written notice shall be given to the occupant and to the owner of record of the property by United States mail and by posting the notice on the property. The property shall be disconnected upon expiration of the ten days unless the occupant has provided the General Manager with a letter from a medical doctor licensed in California indicating that termination of service will aggravate an existing medical condition of the occupant. When a property has been disconnected it shall not be reconnected until all delinquent fees and charges have been paid together with a reasonable charge for such disconnection and reconnection as established by the General Manager plus the penalties provided herein.

BOARD OF DIRECTORS

January 25, 2022

SUBJECT

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 3/4" METER AND APPROVE THE CAPACITY CLASS WATER USE AGREEMENT (Division 3)

BACKGROUND

The District identifies specific rate classes under District Ordinance No. 21-03 that are assigned to parcels according to meter size. Meter sizes are recommended based on lot size and water usage. The district board has determined criteria that allows customers to apply for variances from the assigned rate class provided that the parcel does not exceed the maximum units for the lower meter size being requested.

District staff has determined that a reasonable amount of time to assess usage is 12 months. For a parcel to move to a 3/4" rate class they should not exceed 50 units (one unit equals one hundred cubic feet ["CCF"]) of water use per month on average, for any 12- month period, based on the 12-month rolling average (month determined by scheduled meter reading cycle). According to Ordinance 21-03 which states "Lot size less than 21,780 sqft (0.5 acres) may qualify for a 3/4 inch meter."

The property owner of APN 107-410-37-00, Sue Webb, has requested a variance from Ordinance 21-03 to downsize an existing 1" meter on a 1.60 acre parcel to a 3/4 inch meter and reduce her monthly fixed fees. According to the attached variance application (See Attachment A), the customer would like to downsize her meter to reduce her monthly bill and does not have fire sprinklers at this residence. **The rolling 12 - month average for the property is 27 units per month, which is under the required 50 units.**

DESCRIPTION

The capacity charges were developed by Wildan and Raftelis through a comprehensive study and analysis of the value of District assets and the maximum day use patterns of existing customers with particular meter sizes. The reference meter size for capacity class B is 3/4-inch. According to the Raftelis analysis, the maximum allowable usage for capacity class B is 50 units (one unit equals one hundred cubic feet ["CCF"]) per month, or 1.38 AF/yr. The lot size requirement was included in the ordinance to protect the District from customers over using their intended capacity.

The staff will draft an agreement, with Board authorization, whereby District will suspend the requirement to pay Fixed Charges beyond those applicable to capacity class B under District Ordinance No. 21-03 provided that the Parcel does not exceed a maximum of 50 units of water use per month on average, for any 12-month period, based on the 12-month rolling average (month determined by scheduled meter reading cycle). The agreement further stipulates the following to ensure the customer will be held accountable to comply with the purpose of Ordinance No. 21-03. In the event the Parcel exceeds a maximum of 50 units of water use per month on average, for any 12- month period, based on the 12-month rolling average, District will notify the Owner of the exceedance. Within 3 months from the date of the

notice, the Owner shall bring the Parcel's average monthly water use, based on the 12-month rolling average, below 50 units per month. In the event Owner does not bring the Parcel's average monthly water use, based on the 12- month rolling average, below 50 units per month within the 3 months immediately following the date of the notice, the Owner shall become obligated to pay District the additional water Capacity Fees, then in affect, corresponding with the capacity class that matches the Parcel's use over the 12-month period.

ATTACHMENTS

Attachment A Variance Request

POLICY/STRATEGIC PLAN KEY FOCUS AREA

Strategic Focus Area Five: Customer Service. This type of agreement allows the Board to fit the requests of an individual customer based on their specific use patterns which fall outside the expectations covered by the existing policy.

BOARD OPTIONS/FISCAL IMPACTS

If the Board approves the variance, the customer will save \$45.53 per month (assuming Single Family Residential rate) in monthly service charges to Rainbow MWD unless they exceed the intended capacity of 50 units/month.

- 1) Approve the variance to Ordinance 21-03 to allow a property larger than 0.5 acres to qualify for capacity class B and approve the New Water Service Agreement.
- 2) Deny the variance request.
- 3) Provide other direction to staff.

ENVIRONMENTAL

In accordance with CEQA guidelines Section 15378, the action before the Board does not constitute a "project" as defined by CEQA and further environmental review is not required at this time.

STAFF RECOMMENDATION

Staff recommends Option 1.



Tracy Largent, CPA
Finance Manager

January 25, 2022



ADMINISTRATIVE CODE VARIANCE APPLICATION

PROPERTY OWNER OR PRIMARY ACCOUNT HOLDER INFORMATION		
Owner Name: <u>Sue Webb</u>	Telephone No.: <u>760-473-1390</u>	
Address: <u>2320 Winter Haven Rd. Fallbrook, CA 92028</u>		
Email Address: <u>suewebb123@gmail.com</u>	Account No.: <u>009737-000</u>	
LOCATION OF PROPOSED ADMINISTRATIVE CODE VARIANCE		
Address: <u>2320 Winter Haven Rd. Fallbrook, CA</u>	APN: <u>107410-37</u>	Acres: <u>1.60</u>
SUPPORTING INFORMATION		
Specific section(s) of the Admin. Code for which this variance is being requested (<i>attach additional pages if needed</i>): <u>Ordinance 21-03</u>		
Reason why the variance should be approved including how the intent of the Admin. Code will be met (<i>attach additional pages if necessary</i>): <u>We currently have a 1" meter going to a 1 1/4" pipe to our house. We would like to change to a 3/4" meter. No fire sprinklers inside our home</u>		

Rainbow Municipal Water District (District) Provisions:

The purpose of a variance is to provide flexibility in application of regulations necessary to achieve the purposes of the Administrative Code. A variance is intended to resolve practical difficulties or unnecessary physical hardships that may result from strict adherence to the policies contained in the Administrative Code. The cost to the applicant of strict adherence with any provision of the Administrative Code shall not be the sole reason for granting a variance. This application is subject to the approval of the District Board of Directors.

I hereby certify that all information provided in this application is true.

S. Webb
Owner Signature

11/15/2021
Date



METER DOWNSIZE REQUEST

Date: 11-15-2021 Account No. 009737-000
Name: Sue Webb (Please Print) Phone No.: 760-473-1390

Service Address: 2320 Winter Haven Rd. Fallbrook, CA-92028
Billing Address:

Complete Downsize Meter Information (one request per meter):

Table with 3 columns: From (Capacity Class, Ref. Size) and To (Capacity Class, Ref. Size, Accessor's Parcel Number). Handwritten entries: C, 1', B, 3/4", 107-410-37.

Capacity Classes=Ref. Sizes: A = 5/8", B=3/4", C=1", D=1.5", E=2", F=3"

Indicate the reason for downsizing the existing water meter(s) Please circle one:

- a. Not using as much water
b. Agricultural Operations suspended
c. Other (Describe)

Reduce my monthly bill

The District will review the water usage history to determine if a smaller meter is capable of meeting the water usage demands and meet Capacity Class requirements. Please note - If you downsize to smaller than a 1-inch meter, you may not meet fire flow requirements.

If needed, the customer agrees to install a pressure regulator on their side of the meter and agrees to install at his/her cost a booster system to be owned, operated and maintained by the Owner/Agent, his/her successors and assigns.

When approval is granted by the District Engineer for the meter capacity class downsize, the owner will be required to sign/notarize a Meter Downsize Agreement.

BY SIGNING BELOW, THE APPLICANT DECLARES UNDER PENALTY OF PERJURY AS FOLLOWS:

- 1. I have the following legal authority to request meter downsizing as set forth above:
- I am the legal owner of the parcel(s) subject to this request and have attached proof of ownership.
- I am an authorized agent of the owner of the parcel(s) subject to this request and have attached proof of such authorization hereto.
2. I will immediately notify the Finance Manager of the District if any of the following occur at any point prior to completion of the meter downsizing: (a) I cease to have authority to request meter downsizing; (b) there is a change in ownership of the parcel(s) subject to this request; or (c) there is a change in control of water service under Chapter 8.04 of the Administrative Code.

3. I acknowledge that this request is subject to and approval is conditioned on compliance with District ordinances, rules and regulations, and the District's Administrative Code, including those provisions governing the size, number and location of service connections, governing who may request a connection and governing the terms of transfer.
4. I acknowledge that, if in the future a larger water meter is required due to higher water usage, I will be required to pay all-past District Operations and Maintenance fees starting from the effective date of the Meter Downsize Agreement through the effective date of the signing of the Meter Upsize Memorandum of Understanding.
5. I acknowledge that in the event the District determines that downsizing is not appropriate, I am responsible for bringing the account current by paying all unpaid fees assigned to the account and hereby agree to make any such payments.
6. I acknowledge that to the extent downsizing results in unused capacity, the District's obligation to recognize such unused capacity, if any, is subject to change and that I may not have a right to such unused capacity in the future. Chapter 8.11 of the Administrative Code.
7. In the event the District incurs any costs or suffers any damage as a result of any misrepresentation, any failure to notify the District of a change in authority to request meter downsizing, a change in ownership of the parcel(s) subject to this request, or a change in control of water service under Chapter 8.04 of the Administrative Code, or in the event this request is determined to be improper for any reason, I understand and agree that I will be solely responsible for, and will defend and indemnify the District from any such costs and damages, including but not limited to the District's reasonable attorney's fees.
8. I acknowledge that the District has the right to refuse or to discontinue water service at any time to protect the District from any fraud or for noncompliance with or violation of any ordinance or rule or regulation of the District arising from this request.

OWNER / AUTHORIZED AGENT:

Name: Sue Webb Date: 11-15-2021
Please Print

Signature: S. Webb

FINANCE DEPARTMENT ONLY:

Approved: Yes No

Comments: _____

_____ Date

_____ Finance Manager

BOARD OF DIRECTORS

January 25, 2022

SUBJECT

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)

BACKGROUND

The District identifies specific rate classes under District Ordinance No. 21-03 that are assigned to parcels according to meter size. Meter sizes are recommended based on lot size and water usage. The district board has determined criteria that allows customers to apply for variances from the assigned rate class provided that the parcel does not exceed the maximum units for the lower meter size being requested.

District staff has determined that a reasonable amount of time to assess usage is 12 months. For a parcel to move to a 1" rate class they should not exceed 80 units (one unit equals one hundred cubic feet ["CCF"]) of water use per month on average, for any 12- month period, based on the 12-month rolling average (month determined by scheduled meter reading cycle).

The property owner of APN 127-271-50-00 has requested a variance from Ordinance 21-03. According to her variance application, the owner states that the farmer next door was using her land and water. She noted that he no longer is on the property and there are only two adults in the house now. Over the last 12 months, the highest usage was 285 units in December 2020, and the most current usage was 12 units. **The rolling 12-month average for the property is 103.4 units per month, which is above the required 80 units.**

DESCRIPTION

The capacity charges were developed by Wildan and Raftelis through a comprehensive study and analysis of the value of District assets and the maximum day use patterns of existing customers with particular meter sizes. The reference meter size for capacity class C is 1-inch. According to the Raftelis analysis, the maximum allowable usage for capacity class C is 80 units (one unit equals one hundred cubic feet ["CCF"]) per month, or 1.38 AF/yr).

The staff will draft an agreement, with Board authorization, whereby District will suspend the requirement to pay Fixed Charges beyond those applicable to capacity class C under District Ordinance No. 21-03 provided that the Parcel does not exceed a maximum of 80 units of water use per month on average, for any 12-month period, based on the 12-month rolling average (month determined by scheduled meter reading cycle). The agreement further stipulates the following to ensure the customer will be held accountable to comply with the purpose of Ordinance No. 21-03: "In the event the Parcel exceeds a maximum of 80 units of water use per month on average, for any 12- month period, based on the 12-month rolling average, District will notify the Owner of the exceedance. Within 3 months from the date of the notice, the Owner shall bring the Parcel's average monthly water use, based on the 12-month rolling average, below 80 units per month. In the event Owner does not bring the Parcel's average monthly water

use, based on the 12- month rolling average, below 80 units per month within the 3 months immediately following the date of the notice, the Owner shall become obligated to pay District the additional water Capacity Fees, then in affect, corresponding with the capacity class that matches the Parcel's use over the 12-month period.”

ATTACHMENTS

Attachment A - Variance Application from customer.

POLICY/STRATEGIC PLAN KEY FOCUS AREA

Strategic Focus Area Five: Customer Service. This type of agreement allows the Board to fit the requests of an individual customer based on their specific use patterns which fall outside the expectations covered by the existing policy.

BOARD OPTIONS/FISCAL IMPACTS

If the Board approves the variance, the customer will save \$165.15 per month (assuming they stay on PSAWR Domestic) in monthly service charges to Rainbow MWD unless they exceed the intended capacity of 80 units/month.

- 1) Approve the variance to Ordinance 21-03 to allow a downsize of this meter from a 1 ½” to a 1”.
- 2) Deny the Downsize Request
- 3) Provide other direction to staff

ENVIRONMENTAL

In accordance with CEQA guidelines Section 15378, the action before the Board does not constitute a “project” as defined by CEQA and further environmental review is not required at this time.

STAFF RECOMMENDATION

Staff recommends Option 2.


Tracy Largent, CPA
Finance Manager

January 25, 2022



ADMINISTRATIVE CODE VARIANCE APPLICATION

PROPERTY OWNER OR PRIMARY ACCOUNT HOLDER INFORMATION		
Owner Name:	Victoria Frederica	Telephone No.: 585-683-0408
Address:	31926 Via Ararat Dr. Bonsall CA 92003	
Email Address:	V.Frederico81@gmail.com	Account No.:
LOCATION OF PROPOSED ADMINISTRATIVE CODE VARIANCE		
Address:	SAME	Acres:
SUPPORTING INFORMATION		
Specific section(s) of the Admin. Code for which this variance is being requested (attach additional pages if needed):		
Farmer next door was		
Reason why the variance should be approved including how the intent of the Admin. Code will be met (attach additional pages if necessary):		

using land + water.
He is no longer on property. There are only 2 adults in home with a lot less water use

Rainbow Municipal Water District (District) Provisions:

The purpose of a variance is to provide flexibility in application of regulations necessary to achieve the purposes of the Administrative Code. A variance is intended to resolve practical difficulties or unnecessary physical hardships that may result from strict adherence to the policies contained in the Administrative Code. The cost to the applicant of strict adherence with any provision of the Administrative Code shall not be the sole reason for granting a variance. This application is subject to the approval of the District Board of Directors.

I hereby certify that the information provided in this application is true.

[Signature]
Owner's Signature

6/28/21
Date

3707 Old Highway 395 • Fallbrook, CA 92028
Phone: (760) 726-1176 • Fax: (760) 728-2575 • www.rainbowmwd.com

\\RAND\Mnt\Engineering\Conf\44602 Form\Varian\20161003\VariancApplicatn.doc



METER DOWNSIZE REQUEST

Date: 6/26/21 Account No. 014149-000
Name: Victoria Frederico (Please Print) Phone No.: 585-683-0408
Service Address: 31926 Via Ararat Drive Bonsall CA
Billing Address: 92003

Complete Downsize Meter Information (one request per meter):

Table with 2 columns: From: Capacity Class (D), Ref. Size (1.5")

Table with 3 columns: To: Capacity Class (C), Ref. Size (1"), Accessor's Parcel Number (127-271-50-00)

Capacity Classes=Ref. Sizes: A = 5/8", B=3/4", C=1", D=1.5", E=2", F=3"

↑ cust. emailed confirmation

Indicate the reason for downsizing the existing water meter(s) Please circle one: of this meter size.

- a. Not using as much water
b. Agricultural Operations suspended
c. Other (Describe)

The District will review the water usage history to determine if a smaller meter is capable of meeting the water usage demands and meet Capacity Class requirements. Please note - If you downsize to smaller than a 1-inch meter, you may not meet fire flow requirements.

If needed, the customer agrees to install a pressure regulator on their side of the meter and agrees to install at his/her cost a booster system to be owned, operated and maintained by the Owner/Agent, his/her successors and assigns.

When approval is granted by the District Engineer for the meter capacity class downsize, the owner will be required to sign/notarize a Meter Downsize Agreement.

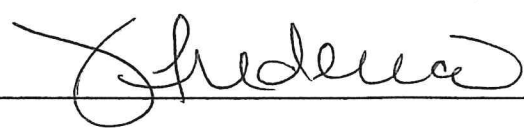
BY SIGNING BELOW, THE APPLICANT DECLARES UNDER PENALTY OF PERJURY AS FOLLOWS:

- 1. I have the following legal authority to request meter downsizing as set forth above:
- [x] I am the legal owner of the parcel(s) subject to this request and have attached proof of ownership.
- [] I am an authorized agent of the owner of the parcel(s) subject to this request and have attached proof of such authorization hereto.
2. I will immediately notify the Finance Manager of the District if any of the following occur at any point prior to completion of the meter downsizing: (a) I cease to have authority to request meter downsizing; (b) there is a change in ownership of the parcel(s) subject to this request; or (c) there is a change in control of water service under Chapter 8.04 of the Administrative Code.

3. I acknowledge that this request is subject to and approval is conditioned on compliance with District ordinances, rules and regulations, and the District's Administrative Code, including those provisions governing the size, number and location of service connections, governing who may request a connection and governing the terms of transfer.
4. I acknowledge that, if in the future a larger water meter is required due to higher water usage, I will be required to pay all-past District Operations and Maintenance fees starting from the effective date of the Meter Downsize Agreement through the effective date of the signing of the Meter Upsize Memorandum of Understanding.
5. I acknowledge that in the event the District determines that downsizing is not appropriate, I am responsible for bringing the account current by paying all unpaid fees assigned to the account and hereby agree to make any such payments.
6. I acknowledge that to the extent downsizing results in unused capacity, the District's obligation to recognize such unused capacity, if any, is subject to change and that I may not have a right to such unused capacity in the future. Chapter 8.11 of the Administrative Code.
7. In the event the District incurs any costs or suffers any damage as a result of any misrepresentation, any failure to notify the District of a change in authority to request meter downsizing, a change in ownership of the parcel(s) subject to this request, or a change in control of water service under Chapter 8.04 of the Administrative Code, or in the event this request is determined to be improper for any reason, I understand and agree that I will be solely responsible for, and will defend and indemnify the District from any such costs and damages, including but not limited to the District's reasonable attorney's fees.
8. I acknowledge that the District has the right to refuse or to discontinue water service at any time to protect the District from any fraud or for noncompliance with or violation of any ordinance or rule or regulation of the District arising from this request.

OWNER / AUTHORIZED AGENT:

Name: Victoria Frederico Date: 6/28/21
Please Print

Signature: 

FINANCE DEPARTMENT ONLY:

Approved: Yes No

Comments: _____

_____ Date

_____ Finance Manager

BOARD OF DIRECTORS

January 25, 2022

SUBJECT

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

BACKGROUND

Most of the annual conferences hosted by organizations such as CSDA and ACWA during the course of a year are held in various counties throughout the state of California. Over the past several years, RMWD's Administrative Code has been updated to provide for reasonable meal and incidental expense reimbursement for both employees and Board Members. Currently, policy limits the typical costs of meals in the region during which the course of travel and while attending the authorized activity with the reasonableness of meal expense reimbursement analyzed based on the guidelines published by the IRS located on the GSA website <http://www.gsa.gov/portal/category/100120>.

Recently, it has been realized the individual meal reimbursement amounts published in the IRS guidelines do not always align with the meal and incidental costs in the areas in which authorized activities occur. Staff has been asked to revisit areas within the Administrative Code in which meal and incidental reimbursements are addressed to determine whether proposed revisions should be brought to the Board for consideration.

DESCRIPTION

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 in the IRS guidelines for the region in which the course of travel or attending an authorized activity occurs as opposed to the individual meal and expense amounts provided in the same IRS guidelines.

Also, during this review process, it was found that exceptions provided in Administrative Code Section 4.01.110 were not made part of Section 2.03.010.04; therefore, staff is also proposing the Board consider bringing these two policies into alignment.

This item is to provide the Board with an opportunity to consider the proposed amendments and updates to Administrative Code Sections 2.03.010.04 and 4.01.110 as provided. Both redline and non-redline versions of the proposed are attached for reference.

POLICY/STRATEGIC PLAN KEY FOCUS AREA

Since the Board impacts all of our Key Focus Areas, this action item is related to all areas.

- Strategic Focus Area One: Water Resources
- Strategic Focus Area Two: Asset Management
- Strategic Focus Area Three: Workforce Development
- Strategic Focus Area Four: Fiscal Responsibility
- Strategic Focus Area Five: Customer Service
- Strategic Focus Area Six: Communication

ENVIRONMENTAL


In accordance with CEQA guidelines Section 15378, the action before the Board does not constitute a “project” as defined by CEQA and further environmental review is not required at this time.

BOARD OPTIONS/FISCAL IMPACTS

- 1) Adopt Ordinance No. 22-01 amending and updated Administrative Code Sections 2.03.010.04 and 4.01.110 as presented.
- 2) Adopt Ordinance No. 22.01 amending and updating Administrative Code Sections 2.03.010.04 and 4.01.110 with revisions.
- 3) Deny adoption of Ordinance No. 22-01 and provide staff with direction.

STAFF RECOMMENDATION

Staff supports direction.



Tom Kennedy, General Manager January 25, 2022

Ordinance No. 22-01

**Ordinance of the Board of Directors of the Rainbow Municipal Water District
Amending and Updating Administrative Code
Section 2.03.010.04 Legitimate Expenses and
Section 4.01.110 – Employee Business Expenses**

WHEREAS, the Rainbow Municipal Water District has, from time to time, adopted various rules and regulations for the operation of the District; and

WHEREAS, certain of those rules and regulations require updating to reflect best practices, as well as changes in applicable laws; and

WHEREAS, the Board of Directors has determined that changes in the rules or regulations of the District shall occur solely by amendment to the Administrative Code;

NOW, THEREFORE,

BE IT ORDAINED by the Board of Directors of Rainbow Municipal Water District as follows:

1. The following rules and regulations of the District, collected are hereby adopted and shall be incorporated into the Administrative Code, consisting of:

Section 2.03.010.04: Legitimate Expenses

Section 4.01.110: Employee Business Expenses

2. The General Manager is hereby directed to update the Administrative Code to reflect the approval of these rules and regulations, and to assign or reassign the numbering of the Administrative Code as necessary to codify these rules and regulations as amended.

3. This ordinance shall take effect immediately upon its adoption on this 25th day of January 2022.

AYES:

NOES:

ABSTAIN:

ABSENT:

Hayden Hamilton, Board President

ATTEST:

Dawn Washburn, Board Secretary

Section 2.03.010

Remuneration and Reimbursement Policy

Members of the Board of Directors are encouraged to attend in participate in professional meetings, educational conferences, or seminars when the purpose of such activities is to improve District operation. Board Members are also required to complete all local, state, and federal regulatory training.

2.03.010.01 Compensable Meetings

State Law limits Board member compensation to ten (10) compensable meetings per month (Water Code Section 20202). The RMWD Board shall not be eligible for compensation for more than six (6) compensable days per month.

2.03.010.02 Compensation

Members of the Board of Directors are eligible to receive compensation of \$150 for each day's attendance at the following:

- Rainbow Municipal Water District Meetings
 - Up to Two Board Meetings Per Month
 - Standing Committee Meetings as Board Appointed Member
 - Ad-Hoc Committee Meetings as Board Appointed Member
 - One Monthly In-Person Meeting with General Manager (To qualify for this, the meeting must be scheduled in advance, be related to a specific topic regarding the Board's oversight of the District and have a duration of at least one hour.)
- Regularly Scheduled Local Organization Meetings
 - Council of Water Utilities Monthly Meeting
 - San Diego Chapter of CSDA Quarterly Meeting
- Training and Conferences
 - Required Local, State and Federal Regulatory Training
 - ACWA Annual Spring and Fall Conferences
 - CSDA Annual Conference

Members of the Board of Directors will be appointed as the District's representative for local agencies and organizations. Board Members appointed to the following organizations are eligible to receive compensation of \$150 per day of attendance at meetings of the following organizations:

- San Luis Rey Watershed Council
- Santa Margarita River Watershed Watermaster Steering Committee

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- Association of California Water Agencies (ACWA)
- California Special Districts Association (CSDA)

Should two compensable meetings occur in a single day, the Board Member(s) in attendance shall be eligible for compensation of only \$150 for the entire day. In the event duplicate compensable meetings occur in the same month, the Board Member(s) in attendance shall be eligible, for more than one meeting in the same month without exceeding the number of meeting limitations provided herein under 2.03.010.01.

2.03.010.03 Training, Seminars and Conferences

In the event a Member of the Board of Directors wishes to attend any non-regulatory required training, seminars, and conferences and receive compensation for the event and travel/registration expenses, the Board member must present a written request for attendance in advance of the event start date during a regularly scheduled open session Board meeting for Board consideration during the standing agenda item for this practice included in each Board meeting agenda. The Board member requesting compensation and travel/registration expenses shall indicate the nature of the event and the benefits their attendance will bring to the District and its ratepayers. The full Board shall consider this information and take action to approve or disapprove the compensation and travel/registration expenses by a majority vote. Upon approval, the Board Member will be eligible for compensation of \$150 for each day at a non-required training, conference, or seminar after a written or verbal report is provided at the Board meeting immediately following the conclusion of the event.

Advance written requests and/or Board approval is not required for participation in online local, state, or federal regulatory training. In the event regulatory training is completed as part of a seminar or conference attended by a Board Member, the provisions provided herein under 2.03.010.03 will apply and the Board Member will be required to provide the District with a Certificate of Completion within fifteen (days) of completion.

2.03.010.04 Legitimate Expenses

Members of the Board of Directors shall be eligible for reimbursement for all legitimate expenses incurred in attending any meetings, seminars, conferences, or training as well as in making any trips on official business of the Board, when so authorized in accordance with the provisions provided in 2.03.010.03 and the following:

- Receipts for all expenses (hotel, food, beverages, parking fees, etc.) are remitted.
 - The following categories are excluded from reimbursement:
 1. Expenses incurred for other persons except those who have a direct bearing on conducting District business
 2. Personal Entertainment expenses
 3. Clothing and personal hygiene items
 4. Alcoholic beverages

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5. Items remaining the personal property of the individual
 6. Any expenses not related to District business
- Expenses to the District for training, education and conferences should be kept to a minimum by:
 1. Utilizing hotel(s) recommended by the event sponsor in order to obtain discount rates.
 2. Hotel accommodations will be made for the night before the event and expire on the day the event ends.
 3. Requesting reservations sufficiently in advance, when possible, to obtain discounted airfares and hotel rates.
 - If available, refundable airfares will be purchased for District travel so that in the event a trip is cancelled due to unforeseen circumstances, the District will be directly refunded any applicable funds to avoid being issued travel funds assigned to individual travelers for future use. Should refundable airfares not be available for purchase for District travel for a trip cancelled due to unforeseen circumstances, any travel funds reverted back to an individual traveler that is used by the traveler for non-District travel will be reimbursed to the District in full by the individual traveler no later than thirty (30) days following the use of these funds.
 - Expenses for meals, including non-alcoholic beverages and tips ordinarily associated with normal eating customs, shall be reimbursable. The reasonableness of meal expense reimbursement requests shall be based on the published IRS locally calculated meal and incidental guidelines located on the GSA website <http://www.gsa.gov/portal/category/100120> and the reimbursable amount shall be limited to the daily Meal and Incidental Expenses Total in the region during the course of travel and while attending the authorized activity.~~typical cost of meals in the region during the course of travel and while attending the authorized activity. The IRS publishes locally calculated meal and incidental expense guidelines that shall provide a basis for analyzing the reasonableness of meal expense reimbursement requests located on the GSA website <http://www.gsa.gov/portal/category/100120>. Exceptions to these limitations shall be made in situations where participation in the authorized activity makes it necessary to eat at a specific place or to attend special meal functions.~~
 - Expenses for meals purchased for the purpose of attending a District Board of Directors meeting and unforeseen circumstances prohibit the District from providing such shall be reimbursable. Reimbursements requested under this section shall comply with meal expense reimbursement requirements outlined above.
 - Reimbursement for the cost of the use of a Director's vehicle shall be on the basis of total miles driven and at the current rate specified by the Internal Revenue Service.

2.03.010.05 Limitations for Submitting Compensation and Reimbursement Requests

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To receive compensation or reimbursement for legitimate expenses Board Members are required to remit requests for compensation or reimbursement no later than sixty (60) days from the conclusion of the event or purchase is made.

Requests for compensation for completion of required regulatory training must be accompanied with the appropriate Certificate of Completion only if such certificate has not been provided to the District in advance of the request for compensation.

Any legitimate expense incurred prior to April 27, 2021 for which Board Members have not already received reimbursement will be retroactive to January 1, 2021 upon submittal of a request for reimbursement with the appropriate receipts attached.

2.03.010.06 Eligibility

Members of the Board of Directors are eligible for compensation and reimbursement for legitimate expenses as provided herein at their sole discretion.

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Section 4.01.110 Employee Business Expenses

Employees, including Board Members, are encouraged to attend educational conferences and professional meetings when the purpose of such activities is to improve District operation.

Employees will attend conferences, meetings, seminars, etc., on an as needed basis to be determined by the General Manager. The General Manager must pre-approve the costs of the program, transportation, lodging and meals.

It is the policy of the District to provide reimbursement to employees for expenses occurred while conducting District business and attending authorized seminars and schools. Employees must submit receipts for all reimbursed expenses (hotel, food, parking fees, etc.) Expenses are **not** to include other persons except those who have a direct bearing on conducting District business. The following categories are excluded from reimbursement:

1. Personal Entertainment expenses
2. Clothing and personal hygiene items
3. Alcoholic beverages
4. Items remaining the personal property of the individual
5. Any expenses not related to District business

Expenses to the District for employees' training, education and conferences should be kept to a minimum by utilizing recommendations for transportation and hotel accommodations put forth by the General Manager and by:

1. Utilizing hotel(s) recommended by the event sponsor in order to obtain discount rates.
2. Hotel accommodations will be made for the night before the event and expire on the day the event ends.
3. Requesting reservations sufficiently in advance, when possible, to obtain discounted airfares and hotel rates.

Expenses for meals, including non-alcoholic beverages and tips ordinarily associated with normal eating customs, shall be reimbursable. The reasonableness of meal expense reimbursement requests shall be based on the published IRS locally calculated meal and incidental guidelines located on the GSA website <http://www.gsa.gov/portal/category/100120> and the reimbursable amount shall be limited to the daily Meal and Incidental Expenses Total in the region during the course of travel and while attending the authorized activity. ~~typical cost of meals in the region during the course of travel and while attending the authorized activity. The IRS publishes locally calculated meal and incidental expense guidelines that shall provide a basis for analyzing the reasonableness of meal expense reimbursement requests located on the GSA website <http://www.gsa.gov/portal/category/100120>.~~ Exceptions to these limitations shall be made in situations where participation in the authorized activity makes it necessary to eat at a specific place or to attend special meal functions.

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Section 2.03.010

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2.03.010.04 Legitimate Expenses

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- Expenses for meals, including non-alcoholic beverages and tips ordinarily associated with normal eating customs, shall be reimbursable. The reasonableness of meal expense reimbursement requests shall be based on the published IRS locally calculated meal and incidental guidelines located on the GSA website <http://www.gsa.gov/portal/category/100120> and the reimbursable amount shall be limited to the daily Meal and Incidental Expenses Total in the region during the course of travel and while attending the authorized activity. Exceptions to these limitations shall be made in situations where participation in the authorized activity makes it necessary to eat at a specific place or to attend special meal functions.
- Expenses for meals purchased for the purpose of attending a District Board of Directors meeting and unforeseen circumstances prohibit the District from providing such shall be reimbursable. Reimbursements requested under this section shall comply with meal expense reimbursement requirements outlined above.
- Reimbursement for the cost of the use of a Director's vehicle shall be on the basis of total miles driven and at the current rate specified by the Internal Revenue Service.

2.03.010.05 Limitations for Submitting Compensation and Reimbursement Requests

To receive compensation or reimbursement for legitimate expenses Board Members are required to remit requests for compensation or reimbursement no later than sixty (60) days from the conclusion of the event or purchase is made.

M:\Administration\Confidential\Administrative Code Current Policies\Amendments and Updates Not Approved\Policy Updates for January 25 2022 Board Meeting\Remuneration and Reimbursement Policy 2.03.010_20220125_No Redline.docx\Approved 8-3-05 by Ordinance No. 05-07\Amended and Updated 7-21-06 by Ordinance No. 06-02\Amended and Updated 06-26-07 by Ordinance No. 07-08\Amended and Updated 2-24-09 by Ordinance No. 09-05\Amended and Updated 8-28-12 by Ordinance No. 12-03\Amended and Updated 10-24-17 by Ordinance No. 17-13\Amended and Updated 8-25-20 by Ordinance No. 20-08\Amended and Updated 12-08-20 by Ordinance No. 20-14\Amended and Updated 4-27-21 by Ordinance No. 21-01\Amended and Updated 8-24-21 by Ordinance No. 21-06\Amended and Updated 12-7-21 by Ordinance No. 21-08\DRAFT

Requests for compensation for completion of required regulatory training must be accompanied with the appropriate Certificate of Completion only if such certificate has not been provided to the District in advance of the request for compensation.

Any legitimate expense incurred prior to April 27, 2021 for which Board Members have not already received reimbursement will be retroactive to January 1, 2021 upon submittal of a request for reimbursement with the appropriate receipts attached.

2.03.010.06 Eligibility

Members of the Board of Directors are eligible for compensation and reimbursement for legitimate expenses as provided herein at their sole discretion.

Section 4.01.110 Employee Business Expenses

Employees, including Board Members, are encouraged to attend educational conferences and professional meetings when the purpose of such activities is to improve District operation.

Employees will attend conferences, meetings, seminars, etc., on an as needed basis to be determined by the General Manager. The General Manager must pre-approve the costs of the program, transportation, lodging and meals.

It is the policy of the District to provide reimbursement to employees for expenses occurred while conducting District business and attending authorized seminars and schools. Employees must submit receipts for all reimbursed expenses (hotel, food, parking fees, etc.) Expenses are **not** to include other persons except those who have a direct bearing on conducting District business. The following categories are excluded from reimbursement:

1. Personal Entertainment expenses
2. Clothing and personal hygiene items
3. Alcoholic beverages
4. Items remaining the personal property of the individual
5. Any expenses not related to District business

Expenses to the District for employees' training, education and conferences should be kept to a minimum by utilizing recommendations for transportation and hotel accommodations put forth by the General Manager and by:

1. Utilizing hotel(s) recommended by the event sponsor in order to obtain discount rates.
2. Hotel accommodations will be made for the night before the event and expire on the day the event ends.
3. Requesting reservations sufficiently in advance, when possible, to obtain discounted airfares and hotel rates.

Expenses for meals, including non-alcoholic beverages and tips ordinarily associated with normal eating customs, shall be reimbursable. The reasonableness of meal expense reimbursement requests shall be based on the published IRS locally calculated meal and incidental guidelines located on the GSA website <http://www.gsa.gov/portal/category/100120> and the reimbursable amount shall be limited to the daily Meal and Incidental Expenses Total in the region during the course of travel and while attending the authorized activity. Exceptions to these limitations shall be made in situations where participation in the authorized activity makes it necessary to eat at a specific place or to attend special meal functions.

BOARD OF DIRECTORS

January 25, 2022

SUBJECT

DISCUSSION AND POSSIBLE APPOINTMENT OF STEVE MCKESSON TO SERVE AS A MEMBER OF THE ENGINEERING AND OPERATIONS COMMITTEE

BACKGROUND

After regularly attending several Engineering and Operations Committee meetings, Steve McKesson expressed an interest in serving as a member which he officially reconfirmed at the November 3, 2021, committee meeting.

DESCRIPTION

At their December 4, 2021, meeting, the Engineering and Operations Committee voted to recommend that the Board appoint Steve McKesson to serve as a member.

POLICY/STRATEGIC PLAN KEY FOCUS AREA

Strategic Focus Area Four: Fiscal Responsibility
Strategic Focus Area Five: Customer Service
Strategic Focus Area Six: Communication

Administrative Code – Chapter 2.09 – Committees

ENVIRONMENTAL

In accordance with CEQA guidelines Section 15378, the action before the Board does not constitute a “project” as defined by CEQA and further environmental review is not required at this time.

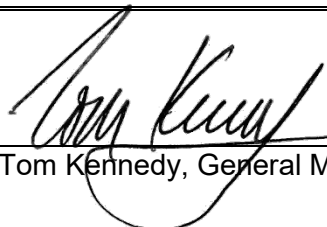
BOARD OPTIONS/FISCAL IMPACTS

- 1) Appoint Steve McKesson to serve as a member on the Engineering and Operations Committee.
- 2) Deny appointment of Steve McKesson to serve as a member on the Engineering and Operations Committee.

There are no known fiscal impacts.

STAFF RECOMMENDATION

Staff supports direction.



Tom Kennedy, General Manager

January 25, 2022



SEMINAR / CONFERENCE / WORKSHOP TRAINING ATTENDANCE REQUEST

Board Member	Pam Moss
Name of Conference	Best Practices Workshop
Date(s) / Time(s)	February 2-3. 9-12pm
Location	San Diego
Employee Contact Phone Number at Conference	Phone No. (714) 2969300
Vehicle	Mileage Reimbursement? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Registration	Yes
Hotel Accommodations	Unknown
Compensation for How Many Days	2
Other Costs (List Details)	
Total Cost	
Budgeted in GL Acct No.	03-20-75300

Brief Summary of Content –
Leadership Academy is necessary for Rainbow to receive District of distinction
Benefit to RMWD – Employee Will Learn –
Governance training and community and fiscal responsibility

Attach Seminar, Conference or Workshop Description

Pam Moss
Board Member Signature

12/15/2021
Date

GM Approval
(After approval: Original to Manager. Copy to Supervisor and Employee)

Date



SEMINAR / CONFERENCE / WORKSHOP TRAINING ATTENDANCE REQUEST

Board Member	Pam Moss
Name of Conference	Leadership Academy
Date(s) / Time(s)	April 3-6
Location	San Diego
Employee Contact Phone Number at Conference	Phone No. (714) 2969300
Vehicle	Mileage Reimbursement? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Registration	Yes
Hotel Accommodations	Yes
Compensation for How Many Days	4 days
Other Costs (List Details)	
Total Cost	
Budgeted in GL Acct No.	03-20-75300

Brief Summary of Content –	
Leadership Academy is necessary for Rainbow to receive District of distinction	
Benefit to RMWD – Employee Will Learn –	
Governance training and community and fiscal responsibility	

Attach Seminar, Conference or Workshop Description

Pam Moss
Board Member Signature

12/15/2021
Date

GM Approval
(After approval: Original to Manager. Copy to Supervisor and Employee)

Date

MEETINGS/SEMINARS/CONFERENCES/WORKSHOPS

VARIABLE					
DATE	2022	MEETING	LOCATION	ATTENDEES	POST
February	10	SDCWA Special Board Meeting	SDCWA	GM	N/A
February	17	CSDA – San Diego Chapter	94 th Aero Squadron 8885 Balboa Avenue, San Diego	Mack	N/A
February	*	LAFCO Special Meeting	County Admin Center, Room 302 – 9:30am	(As Advised by GM)	N/A
February	*	Santa Margarita River Watershed Watermaster Steering Committee	Rancho California Water District	Hamilton	N/A

* To Be Announced

MEETINGS/SEMINARS/CONFERENCES/WORKSHOPS

RECURRING					
DATE	2022	MEETING	LOCATION	ATTENDEES	POST
February	**	Council of Water Utilities	Via Zoom (** 3 rd Tuesday in April, June, Aug, Oct)	All Directors, General Manager	N/A
February	2	Engineering & Operations Committee Meeting	RMWD Board Room 3:30 p.m.	Appointed Director, General Manager	1/26
February	3	Communications & Customer Service Committee Mtg.	RMWD Board Room 3:30 p.m.	Appointed Director, General Manager	1/26
February	7	LAFCO	County Admin. Center Room 302 9:00 am	As Advised by GM	N/A
February	8	Budget & Finance Committee Mtg.	RMWD Board Room 1:00 p.m.	Appointed Director, General Manager	1/26
February	15	SDCWA GM's Meeting	SDCWA, San Diego 9:00 a.m.	General Manager	N/A
February	18	NC Managers	Golden Egg 7:45 a.m.	General Manager	N/A
February	22	RMWD General Board	RMWD Board Room (Start Time to Be Determined)	All Directors	2/16
February	23	North County Work Group (NCWG)	Rincon Del Diablo, Escondido 8:00 a.m.	General Manager	N/A
February	23*	San Luis Rey Watershed Council	Pala Administration Building 1:00 p.m.	Appointed Director	N/A
February	24	SDCWA Full Board Meeting	SDCWA Board Room, 3-5 p.m.	General Manager	N/A

MEETINGS/SEMINARS/CONFERENCES/WORKSHOPS

- **CHANGES – ADDITIONS - DELETIONS:**

1. * San Luis Rey Watershed Council has not held meetings in several months; therefore, this date is provided as a placeholder in the event meetings resume in 2022.

~NOTE~ Some or all the meetings listed may be held via teleconference or cancelled due the COVID-19 pandemic. Please contact the District with any inquiries.



STAFF TRAINING REPORT

ATTENDEES NAME(S):	
TITLE OF TRAINING/CONFERENCE/WORKSHOP/CLASS:	
DATE(S) ATTENDED:	
AGENCY HOSTING TRAINING/CONFERENCE/WORKSHOP/CLASS:	
LOCATION:	
DESCRIPTION OF TOPIC(S)/LEARNING EXPERIENCE:	



STAFF TRAINING REPORT

ATTENDEES NAME(S):	
TITLE OF TRAINING/CONFERENCE/WORKSHOP/CLASS:	
DATE(S) ATTENDED:	
AGENCY HOSTING TRAINING/CONFERENCE/WORKSHOP/CLASS:	
LOCATION:	
BRIEF DESCRIPTION:	



STAFF TRAINING REPORT

ATTENDEES NAME(S):	
TITLE OF TRAINING/CONFERENCE/WORKSHOP/CLASS:	
DATE(S) ATTENDED:	
AGENCY HOSTING TRAINING/CONFERENCE/WORKSHOP/CLASS:	
LOCATION:	
BRIEF DESCRIPTION:	

BOARD OF DIRECTORS

January 25, 2022

SUBJECT

Operations Report for November and December 2021

DESCRIPTION

Activities for Operations & Maintenance Division

CONSTRUCTION & MAINTENANCE DEPARTMENT:

	Repairs	Installations	Leaks
Mainline	3		3
Service	6		6
Hydrants	1		1
Valves		2	
Meters			
Blow-Offs	1		
Air Vacs	4		3
Annual Totals	76	102 appurtenances & 2260 ft. newlines	50

November

- Assisted with the Water Service Upgrade Project (WSUP).
- Repaired mainline breaks on Night Hernon and Avocado vista
- Removed and replaced a 14" valve on Via Palomar.
- Rebuilt wharf head lateral on Brook hollow due to a leak.
- Restored service lateral on Sugar Pine.

December

- Assisted with the Water Service Upgrade Project (WSUP).
- Repaired mainline breaks on Rainbow Glen, Shady Hill, Intersection of Wilt and Reche.
- Repaired air release valve lateral breaks on La Canada, Palomar Dr., and on an easement road south of Reche (Atkins)
- Restored service laterals on Wilt Rd, Peony Dr.,
- Relocated air release valve for county improvement project at the intersection of Rainbow Valley Blvd and Old Highway 395.
- installed 2 new gate valves on Tecolote Dr.
- Repaired Hydrant leak in the Pala Mesa Resort parking lot.

WATER OPERATIONS AND VALVE MAINTENANCE DEPARTMENT:

Water Operations:

November

- Performed (0) fire flow tests. **Total for the year (5).**
- Collected all tank/reservoirs nitrification samples.
- Performed routine maintenance/rebuilding on (3) pressure station CLA VAL's.
- Prepared for Rainbow Heights Pump Station activation/14-day testing

December

- Performed (2) fire flow tests. **Total for the year (7).**
- Collected all tank/reservoirs nitrification samples.
- Performed routine maintenance/rebuilding on (2) pressure station CLA VAL's.
- Completed 10-day SDCWA shutdown
- Annual winter flow isolation of Gomez and Rice tank
- Uninstalled temporary Moonridge diesel pump

Valve Maintenance:

Monthly Totals	Valves (Distribution)	Appurtenance Valves	Annual Totals
Exercised	53	16	1347
Inoperable	5	1	71
Repaired	0	0	0
Replaced	0	1	24
Installed	0	0	0

Valve Maintenance completed and oversaw the following:

- 184 utility locates completed- **Annual Total (2607).**
- Assisted with nine (11) shutdowns- **Annual Total (96).**
- Raised zero (0) fire hydrants (installed breakaway spools).
- Replaced (1) air/vacs (0) wharf heads (1) Fire hydrant (0) gate valve.
- Painted 10 appurtenances- **Annual Total (1030).**

METERS DEPARTMENT:

WSUP:

- The Water Service Upgrade Project (WSUP) is 89% complete
- Concord is working on routes 1, 2, 24, 35, 31, 33
- Concord has replaced seven thousand six hundred and fifty meters (7650)

Backflows:

- 492 backflows were tested in November and 366 backflows were tested in December.
- All backflow inspections have been completed this year **(5033)**

Customer Service Requests:

- 178 Service Request resolved in November and 175 in December.
- 930 Check Bills in November and 493 for December
- 10365 Year to date total Service Requests/ Check Bills.

WASTEWATER DEPARTMENT:

Monthly, Semi-Annual and Annual Reports: California Integrated Water Quality System (CIWQS): Confirmation # 2612638 Reported: "No-Spill Report" for Month: November 2021.

Monthly, Semi-Annual and Annual Reports: California Integrated Water Quality System (CIWQS): Confirmation # 2615543 Reported: "No-Spill Report" for Month: December 2021, 2021.

Annual State Water Resources Control Board Questionnaire (CIWQS) – Submitted electronically.

Lift Stations:

November 5, 2021 – Fallbrook Oaks lift station pump # 2 was not pumping. Two (2) days were spent troubleshooting with the District electrician, spot-checked all wiring & found fault at the pump start capacitor. Removed and replaced all capacitors and placed lift station back in service.

November 9, 2021 - Old River Road lift station pump # 1 removed original 15" pump impeller rated at 1,200 GPM. Updated with a smaller 10" impeller rated at pumping out 900 GPM out to the North River Road sewer outfall line. The new smaller Impeller has effectively controlled the hydraulic load on the sewer outfall line. Eliminating the need to throttle the effluent valve of the lift station. This new impeller has also created a more laminar flow throughout the land outfall on North River Road reducing spikes to less than 900 gpm.

November 10, 2021 – District staff received an odor complaint at Golf Club Drive. Removed existing frame and cover caulked and sealed entire wet well manhole cover and secured with new 3" x 36" diameter manhole ring and concrete mortar.

November 23, 2021 – Rancho Monserate lift station CPM services updated scrubber controls and installed a peristaltic pump rated at 20 psi. The new pump has an automatic failure system and pumps 0.5 oz of liquid through the nozzle (30 seconds of spray).

December 01, 2021 - Old River Road sewer lift station. Pump # 3 overhaul & replaced 75' of electrical cable to pump and controls. Pump # 3 had previously megged very low causing low gpm.

December 9, 2021 – Rancho Monserate generator nonoperational. Global Power on site troubleshooting ATS transfer switch. Confined space entry. GP technician made repairs generator back in service.

December 22, 2021 – First day Rainbow MWD borrowed and used FPU D sewer truck. Sewer siphon sewer line blocked /backing up ran 650' of 1" sewer line twice into sewer line blockage cleared for holidays.

December 28, 2021 - Old River Road lift station pump # 3 removed original 15" pump impeller rated at 1,200 GPM. Updated with a smaller 10" impeller rated at pumping out 900 GPM out to the North River Road sewer outfall line. The new smaller Impeller has effectively controlled the hydraulic load on the sewer outfall line. Eliminating the need to throttle the effluent valve of the lift station. This new impeller has also created a more laminar flow throughout the land outfall on North River Road reducing spikes to less than 900 gpm.

Collection System:

RMWD Wastewater team trained with Fallbrook Public Utility District in operating their vactor sewer truck.
Ruben Lopez: November 2, 3, and 4, (3) Days.
Chris Hand: November 9, 10, and 11, (3) Days.
Victor Veenstra: November 16, 17, and 18, (3) days.

December 07,2021 Mandatory RMWD Wastewater staff training at Fallbrook Public Utility District boardroom. Wastewater staff was trained on Vactor truck safety operations and sewer cleaning nozzle.

December 15,2021 – Ayala engineering repairs to Hwy 76 (5) sewer gravity manholes. Manholes in bad shape deteriorated & sulfide. Full entry confined space permit, pressure washed, concrete repaired, re lined. All sewer manholes passed spark test.

Projects:


SANCON performed work on North River Road, Phase III cleaning, and manhole interior rehabilitation (100% complete).

SUEZ Water Technologies & Solutions Co. Horsecreek lift station and Rancho Viejo Lift Station odor control trial/study.

FPUD sewer vactor loaner – Day usage cleaning and wet wells PM pending approval.

Mutual Aid: Months of November and December 2021

- CPM
- Liquid environmental services
- V&A data science services – Collection system assessment.
- Fallbrook Public Utility District
- Ayala Engineering
- Global Power



Robert Gutierrez 1/25/2022
Operations Manager

BOARD OF DIRECTORS

January 25, 2022

SUBJECT

Engineering Report for November and December 2021

DESCRIPTION

CAPITAL PROJECTS:

Hutton and Turner Pump Stations (Hoch Consulting): The Consultant continues to work on the design for both sites. District staff is assessing the potential need for another pump station off Dentro De Lomas and continues to work on updating the hydraulic model to determine feasibility. The preliminary 30 percent design was completed. The Consultant submitted the application with SDGE for power to both sites. Staff sent out easement acquisition offer letters in early November 2021 for both sites. Staff also executed an assignment letter with Helix Environmental to conduct the CEQA analysis.

Morro Reservoir Disinfection System Upgrade (Stevie-D-Services): The ammonia analyzers are not working correctly, and the vendor is scheduled to return in February 2022 to determine what the problem may be. District staff has not been dosing on the inflow as a result of this issue.

North River Road Sewer Manhole Rehabilitation (Sancon): Manhole rehabilitation was completed on December 6, 2021. A change order will be issued to reduce bid item quantities. Staff will prepare the notice of completion for acceptance by the Board in February 2022.

Pressure Reducing Station Projects: Operations staff continued to work on the installation of the Pressure Reducing station off Tecalote Drive. Staff anticipates the station installation and operation to be completed in January 2022.

Programmatic Environmental Impact Report (Helix Env.): All four consultation meetings were successfully held with local tribes. The draft PEIR was released for District review. Staff is reviewing and commenting on the Draft PEIR. A change order was approved at the December Board meeting for an extra \$65,140 and a contract time extension through June 30, 2022 to complete the project.

Rainbow Heights Pump Station Replacement (Orion Construction Corp): Testing and commissioning started in early December 2021. Pump 3 experienced issues and is currently offline while EFI remedies the situation. The project is expected to be completed by late January 2022. Punch list has been issued waiting on EFI to repair Pump 3.

Rainbow Valley Blvd. Cathodic Protection (Farwest CCC): The project proposes to install cathodic protection on a water main starting at Rainbow Heights Pump Station to Rainbow Hills Pump Station along 8th Street, Rainbow Valley Road, and Frontage Road. Farwest Corrosion Control Company was awarded the contractor on December 27, 2021. A preconstruction meeting will be scheduled for early January.

Rice Canyon Tank 18-Inch Transmission Line (Dexter Wilson Eng.): The District has approved nine (9) material submittals for the project and provided approval for the Contractor to begin construction at the November 16, 2021 pre-construction meeting. Cass Arrieta Construction started construction on December

1, 2021. To date, clearing and grubbing, potholing and a temporary highline have been installed. Pipe excavation for Phase I will begin January 5, 2022 and is expected to take 50 working days to complete. Recent rains delayed the project by eight (8) working days and construction is still expected to be completed by the end of the year. Cass Arrieta will start excavation the first week of January 2022.

LS-1 Replacement Project -Thoroughbred and Schoolhouse Lift Stations (JW Fowler Co.): The Notice to Proceed was issued on November 15, 2021. The preconstruction meeting was held December 15, 2021 with mobilization expected in mid-January 2022. District staff acquired one of the four easements needed for the project and continues to work with the other three property owners. Three resolutions of necessity were also adopted at the December 2021 Board meeting to start the eminent domain process for the three easements the District will need to acquire. Staff continues to work closely with the County to address comments on the design to hang the sewer pipeline along the Camino Del Rey Bridge and Moosa Creek Bridge. Two submittals to the County were completed in November and December 2021 to address their comments. District staff anticipates final comments in mid-January 2022 from the County.

Wilt Road Pipeline Project (Omnis): The District staff executed another assignment letter with Omnis to extend the design of the 16-inch proposed PVC water line to Citrus Drive. This adds an extra 1,300 linear feet of pipeline. The assignment letter covers design survey, utility coordination permitting, plan and profile, and base mapping.

MAJOR DEVELOPER PROJECTS:

Bonsall Oaks (formally Polo Club): 164 SFR / 205.8 EDUs – A third amendment to the unrecorded joint agreement to improve major subdivision Tract No. 4736-1 was made and entered on July 28, 2020 between the Developer, County of San Diego and the District. District staff are completing several plan reviews for the Developer. The Developer paid 50% of the sewer connection fees as required per the executed Sewer Agreement, which is effective for five years from the date of execution (9/16/26). The contractor is on site working on sewer and storm drain.

Campus Park West (JPSD, LLC): Residential and Commercial development. District staff received pre-plan information and first plan check submittal on September 8, 2021. Staff provided comments to the Developer on October 7, 2021. Staff is coordinating with the Developer to update the water and sewer service analysis reports for the development and provide information for the next plan submittal.

Citro (Tri Pointe) (formally Meadowood by Pardee Homes): Approximately 844 Units, 926.6 Sewer EDUs - On Pala Road/Horse Ranch Creek Road. The Developer is grading the project now. The Board has entered into an Out of Agency Service Agreement and an Annexation Agreement with the Developer. The annexation of the development was recorded in July 2021. District staff has completed plan reviews for improvements in Horse Ranch Creek Road, Planning Area 1, Planning Area 3, Planning Area 4, Planning Area 5A, Planning Area 5B, and the Final Map. Plan Reviews continue for Planning Area 5C. The District has entered Joint Agreements with the Developer and the County for a portion of the Development. The contractor is onsite constructing and testing water and sewer infrastructure. The Developer has purchased 52 meters to date.

Fairview-Lilac Del Cielo (Bonsall LLC): 73 Units / 77.8 Sewer EDUs – The Developer paid 50% of the sewer connection fees and the agreement is effective for five (5) years from the date of execution (12/31/24). The SCIP was executed on May 12, 2021, which allows the Developer to be reimbursed from bond proceeds for water and sewer capacity fees. All water meters have been purchased for this Developer, a total of 75. The Contractor has tested water and sewer for half of the project. The water main has been tested and accepted. The Contractor has one more section to test on the sewer main. All other sections have passed District inspections. The Developer is working on meter installs and sewer connections.

Golf Green Estates (Development Solutions): 94 SFR / 120.3 Sewer EDUs – This project is located across from Bonsall Elementary School on Old River Road. All water meters have been purchased for this Development, a total of 97. Staff is working with the Developer on project closeout logistics.

Horse Creek Ridge (D.R. Horton): 627 SFR/MF, 430 Water Meters / 723.9 Sewer EDUs – On Highway 76 and Horse Ranch Creek Road. Currently inspecting meter installs, meter releases and sewer connections. All the water meters have been purchased – 430. Staff is working with the Developer on final inspections and project closeout. Staff continues to review various CFD reimbursement packages submitted by the Developer.

Horse Creek Ridge Unit 6R5 Promontory (Richmond American Homes): 116 Units, 113 Water Meters (plus irrigation meters and 3 SF meters previously purchased by DRH) / 169.5 Sewer EDUs - On Highway 76 and Horse Ranch Creek Road. D.R. Horton, master Developer of HCR sold Unit 6-R5, 124 lots, Promontory Subdivision to Richmond American Homes. Currently the sewer EDUs are covered under an agreement with D.R. Horton. All water meters have been purchased for this Development, a total of 116. The District's Senior Inspector is inspecting meter installs, meter releases and sewer connections.

Malabar Ranch (Davidson Communities): 31 SFR / 29 EDUs - On Via Monserate / La Canada. There are 17 out of 31 homes built. Developer needs to complete the waterline relocation and punch list items.

Ocean Breeze Ranch: The District completed review of the revised water and sewer system analysis reports, conditions of approval, and improvement plans in December 2020. District staff also reviewed an exhibit showing a Utility Conflict and provided comments in January 2021. Staff responded to requests regarding expected costs for the Developer to move forward.

Pala Mesa Highlands (Beazer Homes): 124 SFR / 160.2 Sewer EDUs – On Old Highway 395. One of the required Pressure Reducing Stations has not yet been installed. Currently inspecting meter installs, meter releases and sewer connections. All water meters have been purchased for this Development, a total of 129. The contractor is working on the final punch list.

MINOR DEVELOPER PROJECTS:

Cal-A-Vie (Spa Havens) Water Main Extension on Spa Havens Way: Plans have received final approval and the Grant of Easement for the waterline improvements has been recorded.

Doud Waterline Extension: District staff has completed three plan reviews.

Melanie Lane Waterline Extension (Monserate Place, LLC): District staff has completed one plan check.

Monserate Winery: District staff approved final plans. Developer has begun construction. Staff is working with the Developer regarding the Sewer EDU Analysis.

Walker Farm Road: District staff has completed two plan checks.

Whitman Waterline Extension: District staff is waiting on plan submittal.

OTHER:

ITEMS	NO#	ITEMS	NO#
Water Availability Letters	3	Water Meters Purchased	13
Sewer Availability Letters	2	Sewer EDUs Purchased	0
Water Commitment Letters	0	Jobs Closed:	
Sewer Commitment Letters	0		



For Chad Williams
Engineering & CIP Program Manager

1/25/22

AS-NEEDED CONTRACT EXPENDITURES REPORT
DECEMBER 2021

CONTRACT INFO	FUND SOURCE	ASSIGN. NO.	STATUS	DATED	DESCRIPTION	AUTHORIZED AMOUNT	NOT TO EXCEED AMOUNT	INVOICED TO DATE	CURRENT BALANCE
Title: As-Needed Land Surveying Services Firm: Johnson-Frank & Assoc. Expires: 8/29/2022* (C#18-16) *One year extension.	NON-CIP	2019-01	Closed	5/14/2019	Topography - Dentre De Lomas Road repair.		\$ 5,115.40	\$ 5,115.40	
	NON-CIP	2019-02	Closed	8/6/2019	Easement review - McDowell / Mead.		\$ 4,100.00	\$ 1,404.25	
	NON-CIP	2020-03	Closed	9/19/2020	Survey & Reset Monument on Los Alisos Lane.		\$ 6,079.00	\$ 4,297.76	
	CIP	2021-04	Open	5/3/2021	Prepare Plat Map - Thoroughbred Lift Station		\$ 22,403.50	\$ 22,403.50	
					CO-01 for \$0, No Cost Ext. BoD 6/22/21.	\$ 50,000.00	\$ 37,697.90	\$ 33,220.91	\$ 16,779.09
Title: As-Needed Land Surveying Services Firm: KDM Meridian, Inc. Expires: 8/29/2022* (C#18-14) *One year extension.	NON-CIP	2018-01	Closed	9/11/2018	Stake easement on Morro Hills due to 20" watermain failure.		\$ 7,280.00	\$ 7,278.75	
	CIP	2019-02	Closed	1/9/2019	RMWD "Base Map" to perform in-house design of proposed water facilities on Via Ararat.		\$ 5,800.00	\$ 5,800.00	
	CIP	2019-03	Cancelled	---	Assignment Cancelled - 4 PTR Plottable Easements.		\$ -	\$ -	
	CIP	2019-04	Closed	4/24/2019	Stake easement on Gird Road for construction project.		\$ 5,400.00	\$ 5,400.00	
	CIP	2019-05	Closed	6/18/2019	Legal and Plat for Campbell - Via Ararat.		\$ 1,195.00	\$ 1,195.00	
	NON-CIP	2019-06	Closed	10/24/2019	Stake easement on Via Oeste Drive and Laketree Drive.		\$ 10,900.00	\$ 7,725.00	
	CIP	2019-07	Closed	11/8/2019	Easements for new PS on W. Lilac/Via Ararat.		\$ 4,100.00	\$ 1,100.00	
	NON-CIP	2020-08	Closed	4/6/2020	Linda Vista Drive - Mainline Break.		\$ 5,563.00	\$ 5,562.50	
	CIP	2020-09	Closed	4/6/2020	Gird Road - Winery easement anlysis and exhibit.		\$ 7,680.00	\$ 6,900.00	
	CIP	2020-10	Closed	9/1/2020	Additional Gird Road - Winery easement analysis and new exhibit.		\$ 5,320.00	\$ 5,320.00	
	CIP	2020-11	Closed	11/6/2020	Easement for Hialeah PRS - Via De La Reina.		\$ 3,990.00	\$ 2,545.00	
	NON-CIP	2020-12	Closed	12/3/2020	Stake easement - Winterhaven Court		\$ 4,490.00	\$ 3,527.50	
	NON-CIP	2020-13	Closed	12/16/2020	Legal and Plat for Gird Road - Winery.		\$ 5,460.00	\$ 5,460.00	
	CIP	2021-14	Open	1/29/2021	Survey & staking of easements - Rancho Amigos. Auth \$815 over. (Staff evaluating if more work may be needed.)		\$ 7,530.00	\$ 8,345.00	
	CIP	2021-15	Closed	5/27/2021	Survey & staking of easement - Turner Pump Station. (Staff evaluating if more work may be needed.)		\$ 5,665.00	\$ 5,665.00	
	NON-CIP	2021-16	Closed	7/22/2021	Prepare documentation to file a quit claim for Rainbow easement at Fire Station 4.		\$ 1,500.00	\$ 1,500.00	
	NON-CIP	2021-17	Closed	7/29/2021	Bonsall Park prepare documentation for new easement and quit claim documentation for existing easement.		\$ 7,240.00	\$ 7,210.00	
					CO-01 for \$50K BoD 5/26/20, CO-02 for \$50K BoD 6/22/21.	\$ 150,000.00	\$ 89,113.00	\$ 80,533.75	\$ 69,466.25
Title: As-Needed Land Surveying Services Firm: Right-of-Way Eng. Expires: 8/29/2022* (C#18-15) *One year extension.	NON-CIP	2019-00A	Closed	5/15/2019	Title Reports, Legals & Plats - Los Sicomoros.		\$ 7,705.00	\$ 7,705.00	
	NON-CIP	2019-00B	Closed	6/18/2019	Adams Property Easement - Ranger Road.		\$ 1,885.00	\$ 1,885.00	
	CIP	2019-00C	Closed	6/30/2019	Pardee Easement - North River.		\$ 2,875.00	\$ 2,875.00	
	NON-CIP	2019-01	Closed	6/19/2019	Easement Survey - Grove View Road.		\$ 4,220.00	\$ 3,285.00	
	CIP	2019-02	Closed	10/3/2019	Easement Survey - Pala Mesa/Tecalote/Fire Rd/Pala Lake.		\$ 15,640.00	\$ 15,451.30	
	CIP	2019-03	Closed	11/6/2019	Easement Survey - Moosa Creek Pump Station. Restake and reconfigure easement authorized additional \$525.		\$ 5,675.20	\$ 5,675.20	
	CIP	2020-04	Closed	2/19/2020	Lemonwood Easement Location.		\$ 5,370.00	\$ 4,390.00	
	CIP	2020-05	Closed	6/9/2020	Easement Survey - Hutton Pump Station.		\$ 5,687.50	\$ 4,577.50	
	CIP	2020-06	Closed	7/30/2020	Easement Survey - Rainbow Heights Rd - Calfire Camp Site .		\$ 5,756.00	\$ 4,177.60	
CIP	2020-07	Closed	8/26/2020	Easement Survey - RHR - Calfire Camp Site Additional Services. Cancelled.		\$ 2,276.00	\$ -		
CIP	2020-08	Closed	10/19/2020	Easement Survey - OHE Rancho Del Caballo.		\$ 1,620.00	\$ 1,445.00		

AS-NEEDED CONTRACT EXPENDITURES REPORT
DECEMBER 2021

CONTRACT INFO	FUND SOURCE	ASSIGN. NO.	STATUS	DATED	DESCRIPTION	AUTHORIZED AMOUNT	NOT TO EXCEED AMOUNT	INVOICED TO DATE	CURRENT BALANCE
	CIP	2020-09	Closed	11/3/2020	Easement Survey - Rainbow Heights Rd. Westside - Calfire Camp Site.		\$ 11,521.00	\$ 8,449.20	
	CIP	2021-10	Closed	1/11/2021	Topographic Survey - Rainbow Heights Road		\$ 8,820.00	\$ 8,525.00	
	CIP	2021-11	Closed	1/19/2021	Easement Survey - Skycrest Drive.		\$ 7,710.00	\$ 4,162.60	
	CIP	2021-12	Open	2/4/2021	Easement Survey, Legal Desc./Plat Map - Camino Del Cielo. (Staff evaluating if more work may be needed.)		\$ 5,490.00	\$ 6,007.50	
	CIP	2021-13	Open	2/23/2021	Easement Survey/County ROW Marking, Topo Map - Camino Del Cielo. (Staff evaluating if more work may be needed.)		\$ 2,320.00	\$ 2,320.00	
	CIP	2021-14	Closed	2/23/2021	Easement Survey - Skycrest Drive.		\$ 4,720.00	\$ 795.00	
					CO-01 for \$50K BoD 5/26/20, CO-02 for \$50K BoD 6/22/21.	\$ 150,000.00	\$ 99,290.70	\$ 81,725.90	\$ 68,274.10
Title: As-Needed Civil Engineering Services	Both	2019-01	Closed	12/18/2019	PRS and other Schematic Design/Drafting Services.		\$ 10,000.00	\$ 7,527.50	
Firm: Dudek	CIP	2020-02	Closed	8/5/2020	Design of Hutton Pump Station Site - Assignment Cancelled.		\$ 1,787.50	\$ 1,787.50	
Expires: 6/25/2022 (C# 19-16)									
					CO-01 for (\$100K) BoD 6/22/21.	\$ 50,000.00	\$ 11,787.50	\$ 9,315.00	\$ 40,685.00
Title: As-Needed Civil Engineering Services	NON-CIP	2019-01	Closed	7/16/2019	PS&E Pavement Repair - Dentre De Lomas.		\$ 8,890.00	\$ 8,890.00	
Firm: Omnis Consulting, Inc.	CIP	2019-02	Closed	8/1/2019	Olive Hill Estates Transmission Water Main.		\$ 73,700.00	\$ 73,700.00	
Expires: 7/01/2022 (C#19-17)	CIP	2019-03	Closed	10/14/2019	Vista Valley Retaining Wall Design.		\$ 23,495.00	\$ 23,040.67	
	CIP	2019-04	Closed	12/3/2019	Sarah Ann to Gird Road Force Main Replacement.		\$ 22,790.00	\$ 22,790.00	
	CIP	2020-05	Closed	3/24/2020	Gird Road Water Main Upsize.		\$ 21,120.00	\$ 21,120.00	
	CIP	2020-06	Closed	8/5/2020	Caltrans Encroachment Permit Renewal.		\$ 6,410.00	\$ 3,670.00	
	NON-CIP	2020-07	Open	10/14/2020	Standard Drawing - CAD Updates.		\$ 4,400.00	\$ 2,200.00	
	NON-CIP	2020-08	Closed	10/29/2020	PEIR Pipe Alignment Analysis.		\$ 19,920.00	\$ 19,920.00	
	CIP	2021-09	Open	4/19/2021	Sarah Ann Waterline Replacement.		\$ 6,800.00	\$ 5,265.00	
	CIP	2021-10	Closed	4/19/2021	Rainbow Water Quality Improvement Relocation Design. Amended for additional design services.		\$ 13,900.00	\$ 13,900.00	
	CIP	2021-11	Open	6/9/2021	Wilt Road Water Pipeline Design.		\$ 45,905.00	\$ 33,214.00	
	CIP	2021-10A	Open	10/26/2021	Rainbow Water Quality Improvement Relocation Design. Amended for additional design services.		\$ 6,290.00	\$ 2,796.00	
	CIP	2021-12	Open	12/15/2021	Additional Services for Wilt Road Water Pipeline Design.		\$ 23,090.00		
					CO-01 for \$150K BoD 6/23/20.	\$ 300,000.00	\$ 276,710.00	\$ 230,505.67	\$ 69,494.33
Title: As-Needed Civil Engineering Services	CIP	2019-01	Open	12/18/2019	Live Oak Park Road Bridge Crossing.		\$ 42,020.00	\$ 30,685.00	
Firm: HydroScience Eng., Inc.									
Expires: 6/25/2022 (C#19-18)									
					CO-01 for (\$40K) BoD 6/22/21.	\$ 110,000.00	\$ 42,020.00	\$ 30,685.00	\$ 79,315.00
Title: As-Needed Real Estate Appraisal Services	CIP	2019-01	Closed	9/19/2019	North River Rd Easement Appraisal.		\$ 3,500.00	\$ 3,500.00	
Firm: Anderson & Brabant, Inc.	CIP	2020-02	Closed	2/19/2020	PRS Fire Road Appraisal.		\$ 7,500.00	\$ 7,500.00	
Expires: 6/25/2022 (C# 19-19)	CIP	2021-03	Open	4/28/2021	Hutton Pump Station Site Appraisal. (Staff authorized additional work.)		\$ 7,500.00	\$ 7,500.00	
	CIP	2021-04	Open	8/11/2021	Thoroughbred Lift Station Appraisal. (Four Reports)		\$ 17,500.00	\$ 17,500.00	

**AS-NEEDED CONTRACT EXPENDITURES REPORT
DECEMBER 2021**

CONTRACT INFO	FUND SOURCE	ASSIGN. NO.	STATUS	DATED	DESCRIPTION	AUTHORIZED AMOUNT	NOT TO EXCEED AMOUNT	INVOICED TO DATE	CURRENT BALANCE
					CO-01 for \$20K BoD 6/22/21.	\$ 40,000.00	\$ 36,000.00	\$ 36,000.00	\$ 4,000.00
Title: As-Needed Real Estate Appraisal Services	NON-CIP	2019-01	Closed	7/15/2019	Bonsall Reservoir Appraisal (to include rent value).		\$ 3,050.00	\$ 3,050.00	
Firm: ARENS Group, Inc.	CIP	2020-02	Closed	1/7/2020	Moosa Creek Pump Station Easement Appraisal.		\$ 5,350.00	\$ 6,542.50	
Expires: 6/11/22 (C# 19-20)	CIP	2020-03	Closed	1/7/2020	Hutton Pump Station Easement Appraisal.		\$ 3,400.00	\$ 3,400.00	
					CO-01 for \$20K BoD 6/22/21.	\$ 40,000.00	\$ 11,800.00	\$ 12,992.50	\$ 27,007.50
Title: As-Needed Geotechnical Services	CIP	2020-01	Closed	6/25/2020	Rainbow Heights Pump Station geotechnical exploration.		\$ 8,630.00	\$ 8,484.20	
Firm: Leighton Consulting, Inc.	CIP	2021-02	Open	4/15/2021	Turner Pump Station geotechnical exploration.		\$ 14,300.00	\$ 14,286.63	
Expires: 11/13/2022 (C# 19-39)	CIP	2021-03	Open	5/15/2021	Hutton Pump Station geotechnical exploration.		\$ 8,450.00	\$ 703.30	
						\$ 100,000.00	\$ 31,380.00	\$ 23,474.13	\$ 76,525.87
Title: As-Needed Geotechnical Services	NON-CIP	2020-01	Closed	3/26/2020	Dentro De Lomas - Geotech observation & material testing. Proj. #2		\$ 6,518.00	\$ 1,369.00	
Firm: Ninyo & Moore G.E.S.		2020-02	Closed	8/6/2020	Vista Valley Villas PRS geotech observation & material testing.		\$ 10,235.00	\$ 7,136.00	
Expires: 11/1/2022 (C# 19-40)		2021-03	Open	5/6/2021	Dentro De Lomas - Geotech observation & material testing. Proj. #1		\$ 6,097.00	\$ 4,104.00	
						\$ 100,000.00	\$ 22,850.00	\$ 12,609.00	\$ 87,391.00
Title: As-Needed Geotechnical Services	CIP	2020-01	Closed	7/7/2020	Olive Hills Estates Trans. Main geotech observation/field test.		\$ 36,619.00	\$ 17,563.00	
Firm: ATLAS (SCST, LLC)									
Expires: 11/20/2022 (C# 19-41)									
						\$ 100,000.00	\$ 36,619.00	\$ 17,563.00	\$ 82,437.00
Title: As-Needed Construction Management & Insp. Services	CIP	2020-01	Closed	3/13/2020	CM Support Services for the WSUP.		\$ 100,000.00	\$ 99,972.50	
Firm: Harris & Associates	CIP	2020-02	Closed	4/7/2020	Constructability design review of PUP-1.		\$ 6,270.00	\$ 5,280.00	
Expires: 1/28/2023 (C# 20-01)	NON-CIP	2020-03	Open	4/21/2020	Sewer North River Road - Emergency Repair.		\$ 11,000.00	\$ 4,389.33	
	CIP	2020-04	Open	9/21/2020	District Wide Inspection Services.		\$ 20,000.00	\$ 18,826.73	
					CO-01 for \$20K BoD 6/22/21.	\$ 170,000.00	\$ 137,270.00	\$ 128,468.56	\$ 41,531.44
Title: As-Needed Construction Management & Insp. Services							\$ -	\$ -	
Firm: Reilly Construction Mnmt.							\$ -	\$ -	
Expires: 1/28/23 (C# 20-02)							\$ -	\$ -	
					CO-01 for (\$100K) BoD 6/22/21.	\$ 50,000.00	\$ -	\$ -	\$ 50,000.00

**AS-NEEDED CONTRACT EXPENDITURES REPORT
DECEMBER 2021**

CONTRACT INFO	FUND SOURCE	ASSIGN. NO.	STATUS	DATED	DESCRIPTION	AUTHORIZED AMOUNT	NOT TO EXCEED AMOUNT	INVOICED TO DATE	CURRENT BALANCE
Title: As-Needed Environmental Services Firm: Helix Environmental Expires: 2/25/2023 (C# 20-03)	CIP	2020-01	Closed	5/13/2020	Pipeline Upgrade Project - Disney Lane - Cultural/ Biological Evals.		\$ 9,148.00	\$ 5,804.56	
	CIP	2020-02	Closed	5/13/2020	Pipeline Upgrade Project - Via Vera - Cultural/Biological Evals.		\$ 9,155.00	\$ 4,446.37	
	CIP	2020-03	Closed	5/14/2020	Pipeline Upgrade Project - Hutton Pump Station - Cultural/Biological Evals.		\$ 13,209.00	\$ 6,793.54	
	CIP	2020-04	Closed	5/14/2020	Pipeline Upgrade Project - Turner Pump Station - Cultural/Biological Evals.		\$ 13,209.00	\$ 7,683.26	
	CIP	2020-05	Closed	7/16/2020	North River Road Sewer Points Repair - Biological Survey.		\$ 3,900.00	\$ 3,136.05	
	CIP	2020-06	Closed	9/10/2020	Gopher Canyon Water Pipeline Impv. Project - CEQA IS/MND.		\$ 34,695.00	\$ 31,363.46	
	CIP	2021-07	Closed	3/25/2021	Rainbow Heights Pipe Installation - Bird Survey.		\$ 5,000.00	\$ 808.80	
	CIP	2021-08	Open	5/21/2021	RMWD HQ - Biological Survey & Buffer Mapping.		\$ 11,684.00	\$ 5,945.00	
	CIP	2021-09	Open	11/16/2021	CIP General Environmental Support Services		\$ 25,000.00		
	CIP	2021-10	Open	11/30/2021	Hutton & Turner Pump Stations - Cultural, Biological, Noise Reports. CEQA - IS/MND.		\$ 46,603.00		
	CIP	2021-11	Open	12/8/2021	Rice Canyon Pipeline - Cultural & Tribe Monitoring		\$ 111,400.00		
CO-01 for \$110K BoD 6/22/21. CO-02 for \$115K BoD 12/7/21.						\$ 325,000.00	\$ 283,003.00	\$ 65,981.04	\$ 259,018.96
Title: As-Needed Environmental Services Firm: Rincon Consultants Expires: 2/25/2023 (C# 20-04)	CIP	20-01	Closed	11/6/2020	Rainbow Heights Road Transmission Main Biological Survey.		\$ 3,240.00	\$ 3,234.75	
	CO-01 for (\$15K) BoD 6/22/21.						\$ 85,000.00	\$ 3,240.00	\$ 3,234.75
Title: As-Needed Environmental Services Firm: Michael Baker International Expires: 3/24/2023 (C# 20-05)							\$ -	\$ -	
	CO-01 for (\$15K) BoD 6/22/21.						\$ 85,000.00	\$ -	\$ -
						Total Authorized	Total Encumbrance	Total Expended	
						\$ 1,905,000	\$ 1,118,781	\$ 766,309	



**SEWER EQUIVALENT DWELLING UNITS (EDUs) STATUS REPORT
NOVEMBER/DECEMBER 2021**

STATUS SUMMARY	EDUs
Total Treatment Capacity Purchased from Oceanside	8,333.33
Less 5% Contractual Allowance	416.67
EDUs Set Aside by Board for Emergencies	60.00
EDUs Connected	5,289.02 *
EDUs Unconnected/Committed	1,239.17
Total EDUs Available for Purchase:	1,328.48

DEVELOPMENTS WITH UNCONNECTED/COMMITTED EDUs	EDUs	CAPACITY FEES PAID/CREDIT
Bonsall Oaks (Polo Club) - 164 (SF & Other)	205.80	\$ 2,907,119
Citro (fka Meadowood) - 844 (SF/MF)	926.60	\$ 10,500,000
Passarelle (HRC Commercial)	96.57	\$ -
Other Development w/5 or less EDUs - (SF & Other)	10.20	\$ 164,833
TOTAL UNCONNECTED:	1,239.17	\$ 13,571,952

Notes:

*There is a delay between connections and new account activations.

1. Bonsall Oaks paid initial 50% of Sewer Capacity Fees. Remaining 50% due prior to issuance of building permits.
2. CITRO Annexation Agreement 4/30/20 - Sewer Capacity \$10.5M to be paid by the CFD in mid-2022. Total EDUs committed 926.6. Total EDUs processed to date 348.2.
3. Passarelle last remaining EDUs.



BOARD INFORMATION

BOARD OF DIRECTORS

January 25, 2022

SUBJECT

HUMAN RESOURCES REPORT FOR DECEMBER 2021/JANUARY 2022

DESCRIPTION

Personnel changes, human resources activities, and safety report for December 2021/January 2022.

STAFFING CHANGES:

- **Construction and Meters Supervisor:** Esaud Lagunas was promoted to Construction and Meters Supervisor on December 8, 2021
- **Customer Service Representative:** The management team evaluated the staffing needs throughout the District to determine the best use of the headcount vacancy created by combining the Construction and Meters Supervisor positions into one role. The team unanimously determined that the Customer Service Department needs to maintain its current staffing level at three Customer Service Representatives, even after the Water Service Upgrade Project is complete. Josh Cruz was hired as a temporary Customer Service Representative in September 2020. He has demonstrated exceptional performance, so he was converted to regular full-time status to full this role.

WORKPLACE CULTURE:

- **District awarded Top Workplace honor by San Diego Union-Tribune:** The District was among 100 small employers named as Top Workplace based entirely on employee feedback gathered through a third-party survey administered by Energage LLC. The anonymous survey uniquely measures 15 culture drivers that are critical to the success of any organization, including alignment, execution, and connection. Specific strengths highlighted by Rainbow MWD employees included innovation and teamwork, two of the District's core values.

WORKFORCE RECOGNITION:

Coin Awards

PROFESSIONALISM

- **CARLOS RAMOS and FLOYD GRAVES:** Customer Ms. Rakestraw called to give accolades to Carlos and Floyd after they responded to her service request for a leak inspection. They responded promptly and addressed her concerns attentively. She wanted to ensure they were acknowledged for going above and beyond to meet their needs.

- CYNTHIA GRAY and CHRIS HEINCY: Customer Ms. Mielke mailed a thank you card in appreciation of Cynthia and Chris' outstanding, prompt, and empathetic service when responding to a request to check water quality. Ms. Mielke's dog had been ill, and she wanted to ensure it wasn't caused by the water quality. It was a huge relieve to her when it was determined that was not the case.

INTEGRITY

- LAURA MARTINEZ: After the FY20 audit, Laura presented a template for monthly reconciliation of all payable balance sheet accounts. She completed the reconciliations for 25 accounts as part of month-end, saving time at the end of the year and during the audit. Throughout the audit, Laura was lightning fast when responding to audit requests due to her research and knowledge of how to use the software more efficiently. Laura's software shortcuts are processes that the consultant didn't even know about! Her contributions contributed to a clean audit for the second year in a row. ***This is Laura's fifth coin, making her the second employee to earn all five Excellence Coins!***
- DAWN WASHBURN: After notarizing a high-pressure form for a customer, he tried to tip her. She politely declined but he left it on the counter anyway and left the lobby. She tried to return it to him, but he refused, so Dawn investigated and found a way to have it applied to his water account. She could have kept the money, and no one would have known, but true integrity is defined as what you do when no one is looking.
- ED BRADLEY: When Ed was scheduled to be off, a pump failed on Rainbow Heights Pump Station. This pump was critical to pump water for the next couple of days before a planned shutdown. Not getting it running would have caused a delay in the project, and hundreds of ratepayers could have been left without water. Ed tried to help by phone, but when it became clear that wasn't enough, he made arrangements to cut his leave short and come in to troubleshoot. He did this without being asked because he felt it was the right thing to do.

January 2022 RMWD Anniversaries:

- Claudia Ramirez, HR Assistant | January 10 – 3 years
- Corynn Stalker, Customer Service Rep I | January 27 – 2 years
- Katherine Kilmer, Customer Service Rep I | January 27 – 2 years

EMPLOYEE EVENTS:

Breakfast Burrito and Gift Exchange: Our Annual Burrito Day/Gift Exchange event returned on December 16, 2021, with COVID-19 safety protocols in place. Outdoor seating was available, and all employees wore masks while in line for food and while participating in the indoor gift exchange.

All-Star Sports Gala Employee Recognition Banquet: The banquet was scheduled for January 29, but due to the recent spike in COVID-19 cases in San Diego County, it has been rescheduled for Saturday March 5th.

SAFETY:

COVID-19 at the District:

The District has experienced an increase in COVID-19 cases as the community spread level increased throughout San Diego County. After a total of four positive cases in the first eleven months of 2021, there were four at the District between December 26 and the first week of January. Fortunately, these cases were not all at the same work location and had not been in contact with one another. In fact, some had been offsite due to remote work or PTO so there was no workplace exposure.

In addition to the positive cases, there were several more cases of employees required to quarantine due to an exposure, either at work or outside of work. The entire Customer Service Department was in quarantine at the same time the week of January 10-14, resulting in the need to close the lobby until it could be properly staffed.

In an effort to prevent workplace exposure, the District purchased rapid self-administered COVID-19 antigen tests and distributed them to all employees. Employees have been directed to use them in the following circumstances:

- If the employee has symptoms of COVID-19
- If the employee has a known exposure to a person who has tested positive for COVID-19
- To screen household members who have symptoms of COVID-19
- Before returning to work after quarantine

The rapid tests have already proven useful, as two employees used them on family members who turned out to be positive. This allowed the employees living with these family members to stay isolated and prevent spreading COVID-19 to other employees.

Incidents:

There were no lost time or modified duty due to a work-related incident.

Safety Training:

Vector Solutions online training: 18 completions for the December training period 2021.

Future planning to increase safety awareness throughout the district to include:

- Hazard Mitigation Plan
- Aboveground Storage Tank Policy Review
- Trench Rescue Training
- Regulatory Compliance for Water and Wastewater Systems
- California Hazardous Waste Management Training

Claims in Progress/Completed:

- Rogers- 4285 Sterling View Dr.
- Humphreys- 4300 Holly Lane

Tailgate/ Office Safety Trainings:

Confined Space Rescue



Karleen Harp, COSM
Human Resources Manager

01/25/2022



RESIDENTS AND CUSTOMERS
OF RAINBOW MUNICIPAL WATER DISTRICT

ELECTED BOARD OF DIRECTORS



GENERAL MANAGER
TOM KENNEDY



EXECUTIVE ASSISTANT
DAWN WASHBURN

DEPARTMENT MANAGERS



**HUMAN RESOURCES
MANAGER**
KARLEEN HARP



**INFORMATION
TECHNOLOGY MANAGER**
AHMED KHATTAB



OPERATIONS MANAGER
ROBERT GUTIERREZ



FINANCE MANAGER
TRACY LARGENT, CPA



**ENGINEERING & CIP
MANAGER**
CHAD WILLIAMS

**RISK MANAGEMENT
OFFICER**

**HUMAN RESOURCES
ASSISTANT**
PART-TIME

**INFORMATION SYSTEMS
SPECIALIST**

**TECHNICAL SERVICES
TEAM LEAD**

**ELECTRONIC /
ELECTRICAL TECHNICIAN**

**WASTER OPERATIONS
DIVISION**

**CONSTRUCTION &
MAINTENANCE DIVISION**

**METER SERVICES
DIVISION**

WASTEWATER DIVISION

**SENIOR ACCOUNTANT
BILLING SPECIALIST**

ACCOUNTING SPECIALIST

GRANT SPECIALIST

**PURCHASING &
INVENTORY CONTROL
SPECIALIST**

**DISTRICT SERVICES
REPRESENTATIVE**

**CUSTOMER SERVICE &
COMMUNICATIONS
SUPERVISOR**

**CUSTOMER SERVICE
REPRESENTATIVES (3)**

ASSOCIATE ENGINEER

PROJECT MANAGERS (2)

**SENIOR ENGINEERING
INSPECTOR**

**ENGINEERING
TECHNICIAN**

Mission

To provide our customers with reliable, high-quality water and water reclamation service in a fiscally sustainable manner.

Core Values

Responsibility | Teamwork | Innovation | Integrity | Professionalism



BOARD OF DIRECTORS

January 25, 2022

SUBJECT

FINANCE REPORT FOR JANUARY 2022

DESCRIPTION

Summary:

Water Sales:

Budgeted 13,500 AF

Actual November FYTD 21/22 7,707 AF

Actual November FYTD 20/21 8,734 AF

Actual November FYTD 19/20 8,440 AF

Actual November FYTD 18/19 9,216 AF

November FYTD 2021/2022 Budget vs Actual:

For FY 2021/22 (FY22), the board followed the recommendation of staff and committee to budget future sales lower and more in line with the most recent years' trends at 13,500 AF, with operating expenses being budgeted within this lower operating revenue level as well. FY 21 sales were 16,246 AF, adjusted for sales made per day within the FY.

Treasury Report:

Interest Revenue for November 2021 was \$7,368 compared to \$33,989 for the prior month. Loss from assets sales was \$380 compared to loss of \$14,506 for the prior month. Investment valuation was down by \$8,751 from the prior month.

Water Purchases & Water Sales:

The Five-Year Water Purchases Demand Chart (Attachment D) reports purchases; this data is available in real time. Purchases for the fiscal year ending June 30, 2021 are above the 5-year average (grey line). FY22 Purchases for the first four months are below FY 21 but above the budgeted purchases that would support 13,500 AF in sales.

The Water Sales Summary Report (Attachment E) represents water that was billed to customers, so the data is time delayed in comparison to the Five-Year Water Purchases Demand Chart. Water Loss from meter inaccuracy and breaks is also not included in the Five-Year Demand Chart since this data is from purchases. These two reports will not correlate unless they are both presented for the same date; we provide the purchases report in real time to provide the board with the most current demand information available.

Attachments:

- A. Budget vs Actuals (NOV FYTD21)
- B. Fund Balance & Developer Projections (FY22)
- C. Treasury Report (NOV FY21)
- D. Five-Year Water Purchases Demand Chart (through 1/4/2022)
- E. Water Sales Summary (NOV FY21)
- F. Check Register (NOV FY21)
- G. Directors' Expense Report (NOV FY21)
- H. Credit Card Breakdown (NOV FY21)
- I. RMWD Properties



Tracy Largent, CPA
Finance Manager

January 25, 2022

Statement of Revenues & Expenses Budget vs. Actual

Operating Funds (Water, Wastewater, & General Funds)

November 30, 2021



Positive = Over Budget

Negative = Under Budget

	FY 21/22 YTD Revenues/Expenditures	FY 21/22 YTD Operating Budget	YTD Variance \$	YTD Variance %	FY 21/22 Annual Operating Budget	Notes
Operating :						
41110-Water Sales-SF, MF, CM, IS	4,961,801	4,010,289	951,512	24%	9,624,692	
41112-Sewer Charges-Established Acct	1,189,177	1,564,440	-375,263	-24%	3,754,655	
42120-Monthly O & M Charges	3,839,833	4,312,290	-472,457	-11%	10,349,497	
42121-Monthly O&M Charges - CWA	2,228,455	2,184,546	43,908	2%	5,242,912	
43101-Operating Inc Turn On/Off Fees	0	2,083	-2,083	-100%	5,000	
43106-Operating Inc-Sewer Letter Fee	400	417	-17	-4%	1,000	
41120-Water Sales-Ag-Dom Non Cert	1,585,975	449,227	1,136,749	253%	1,078,144	
41160-Water Sales-Ag. Non Discount	2,558,359	1,650,773	907,587	55%	3,961,854	
41170-Water Sales-Construction	200,001	33,042	166,959	505%	79,300	
41180-Water Sales - Tsawr Com	1,764,381	1,579,245	185,136	12%	3,790,189	
41190-Water Sales-Sawr Ag/Dom	2,135,772	2,168,374	-32,602	-2%	5,204,097	
42130-Readiness-To-Serve Rev Id#1	15,195	122,971	-107,776	-88%	295,130	
42140-Pumping Charges	345,340	253,463	91,877	36%	608,312	
-Water Sales	20,824,688	18,331,159	2,493,530	14%	43,994,781	
43102-Operating Inc Penalty/Int Chgs	216,598	208,333	8,264	4%	500,000	
43104-Operating Inc. R.P. Charges	106,328	102,361	3,968	4%	245,665	
43108-Operating Inc Plan Check Rev.	1,860	43,750	-41,890	-96%	105,000	
43110-Operating Inc Inspections	1,088	8,333	-7,245	-87%	20,000	
43111-Operating Inc Install Fees Hyd	1,840	833	1,007	121%	2,000	
43114-Operating Inc-Miscellaneous	2,990	2,917	73	3%	7,000	
43116-New Meter Sales/Install Parts	9,225	16,667	-7,442	-45%	40,000	
43117-Notice Delivery Revenue	-122	2,083	-2,205	-106%	5,000	
-Other Operating Revenue	339,807	385,277	-45,470	-12%	924,665	
42200-Overhead Trs From Water Sewer	3,906,384	3,255,320	651,064	20%	7,812,768	
-Transfers from Water & Waste Water	3,906,384	3,255,320	651,064	20%	7,812,768	
REVENUE-Operating Revenue	25,070,880	21,971,756	3,099,124	14%	52,732,214	

Positive = Over Budget

Negative = Under Budget

	FY 21/22 YTD Revenues/Expenditures	FY 21/22 YTD Operating Budget	YTD Variance \$	YTD Variance %	FY 21/22 Annual Operating Budget	Notes
50001-Water Purchases	10,549,985	7,882,483	2,667,502	34%	18,917,958	Seasonal
50003-Water In Storage	-47,590	-	-47,590		-	
50005-Ready To Serve Charge	183,273	194,503	-11,230	-6%	466,806	FC estimate for budget
50006-Infrastructure Access Charge	310,750	312,935	-2,185	-1%	751,044	FC estimate for budget
50008-Ag Credit-Sawr	-240,923	-502,029	261,106	-52%	-1,204,869	
50010-Customer Service Charge	447,700	444,150	3,550	1%	1,065,960	
50011-Capacity Reservation Charge	184,985	192,283	-7,298	-4%	461,478	FC estimate for budget
50012-Emergency Storage Charge	637,770	644,048	-6,278	-1%	1,545,714	FC estimate for budget
50013-Supply Reliability Charge	401,275	409,078	-7,803	-2%	981,786	FC estimate for budget
-Cost of Purchased Water Sold	12,427,225	9,577,449	2,849,776	30%	22,985,877	
56101-Regular Salaries	2,413,805	2,185,819	227,986	10%	5,245,965	
56103-Overtime Paid Comptime Earn.	231,271	165,833	65,437	39%	398,000	
56202-Director's Compensation	8,400	5,833	2,567	44%	14,000	
56518-Duty Pay	28,314	25,805	2,509	10%	61,932	
56520-Deferred Comp-Employer Contrib	73,565	56,044	17,521	31%	134,505	
-Salary & Labor Expenses	2,755,355	2,439,334	316,021	13%	5,854,402	
56501-Employer's Share FICA SSI	141,754	127,472	14,282	11%	305,934	
56502-Employer's Share Medicare	38,847	32,010	6,837	21%	76,824	
56515-Worker's Compensation Ins	189,734	66,252	123,481	186%	159,006	
56516-State Unemployment Ins E.T.T.	1,553	5,102	-3,549	-70%	12,245	
-Taxes	371,888	230,837	141,051	61%	554,009	
56503-Medical Insurance	509,704	379,861	129,843	34%	911,667	
56504-Dental Insurance	40,110	33,937	6,172	18%	81,450	
56505-Vision Insurance	6,360	4,752	1,608	34%	11,405	
56506-Life S/T L/T Disability Ins	21,500	22,255	-755	-3%	53,412	
56507-Retirement-CalPERS	261,607	219,120	42,487	19%	525,888	
56511-Employee Uniform Allowance	14,117	10,114	4,003	40%	24,273	
56512-Employee Training/Tuition Reim	17,432	9,000	8,432	94%	21,600	
56513-Employee Relations	4,607	6,779	-2,172	-32%	16,270	
56524-Other Post Employment Benefits	11,199	-			-	
56530-Gasb 68 Pension	644,806	179,167	465,639	260%	430,000	Entire Year Paid in July
-Fringe Benefits	1,531,442	864,985	666,456	77%	2,075,965	
52176-Overhead Transfer To Gen Fund	3,906,384	3,255,320	651,064	20%	7,812,768	
-Transfers	3,906,384.00	3,255,320	651,064	20%	7,812,768	
60000-Equipment	18,927	26,875	-7,948	-30%	64,500	

ATTACHMENT A

Positive = Over Budget

Negative = Under Budget

	FY 21/22 YTD Revenues/Expenditures	FY 21/22 YTD Operating Budget	YTD Variance \$	YTD Variance %	FY 21/22 Annual Operating Budget	Notes
60100-Computers	159,014	41,875	117,139	280%	100,500	
63100-Equipment Maintenance	49,492	66,542	-17,050	-26%	159,700	
63102-Equipment Maintenance Contract	5,174	13,219	-8,045	-61%	31,725	
63200-Equipment Rental	22,811	40,417	-17,606	-44%	97,000	
63400-Kitchen Supplies	7,313	5,833	1,480	25%	14,000	
63401-Building Maintenance	45,077	50,292	-5,215	-10%	120,700	
63404-Backflow Expenses	40,056	59,583	-19,527	-33%	143,000	
63421-Fuel And Oil	85,594	62,500	23,094	37%	150,000	
63422-Repair Supplies Auto	44,544	29,167	15,377	53%	70,000	
65000-Property/Liability Insurance	484,466	291,667	192,800	66%	700,000	Entire Year Paid in July
65100-District Paid Insurance Claims	12,240	70,833	-58,593	-83%	170,000	
65200-Miscellaneous Expense	1	0	1	0%	0	
69000-Postage	11,696	19,375	-7,679	-40%	46,500	
70000-Professional Services	667,674	430,083	237,591	55%	1,032,200	
70100-Annual Audit Services	21,780	14,583	7,197	49%	35,000	
70300-Legal Services	179,802	200,000	-20,198	-10%	480,000	
70400-Bank Service Charges	27,471	25,000	2,471	10%	60,000	
72000-Supplies & Services	2,300,638	482,833	1,817,805	376%	1,158,800	Inventory is now being recorded monthly instead of at YE.
72001-Right Of Way Expenses	67,063	83,333	-16,271	-20%	200,000	
72010-Tank Maintenance	547,409	418,333	129,076	31%	1,004,000	
72150-Regulatory Permits	8,307	27,750	-19,443	-70%	66,600	
72200-Books & Resources	0	1,083	-1,083	-100%	2,600	
72400-Dues & Subscriptions	127,411	233,918	-106,507	-46%	561,403	
72500-Safety Supplies	27,793	25,208	2,585	10%	60,500	
72600-Sewer Line Cleaning	99,923	16,667	83,256	500%	40,000	
72700-Printing & Reproductions	1,771	3,021	-1,249	-41%	7,250	
72702-Public Notices & Advertising	273	729	-457	-63%	1,750	
72900-Stationary & Office Supplies	1,710	2,083	-373	-18%	5,000	
73000-Small Tools & Equipment	13,728	26,167	-12,439	-48%	62,800	
74000-Communicatons & Phone Bills	5,280	5,417	-137	-3%	13,000	
74100-Phone Bill	49,366	37,500	11,866	32%	90,000	
75300-Travel, Conferences & Training	12,497	32,821	-20,324	-62%	78,770	
75400-Workforce Development	5,592	20,125	-14,533	-72%	48,300	
75500-Recruitment	13,316	6,667	6,649	100%	16,000	
77000-Sewage Treat.-Oceanside Plant	1,813,705	517,587	1,296,118	250%	1,242,209	

Positive = Over Budget

Negative = Under Budget

	FY 21/22 YTD Revenues/Expenditures	FY 21/22 YTD Operating Budget	YTD Variance \$	YTD Variance %	FY 21/22 Annual Operating Budget	Notes
78000-Utilities - Electricity	379,454	244,792	134,662	55%	587,500	
78300-Hazardous Waster Material Disposal	0	4,167	-4,167	-100%	10,000	
78700-Utilities - Propane	2,591	6,250	-3,659	-59%	15,000	
78900-Trash Pick-Up	8,011	4,167	3,844	92%	10,000	
-Other Operating Expenses	7,368,968	3,648,461	3,720,507	102%	8,756,307	
EXPENSE-Operating Expense	28,361,261	20,016,387	8,344,875	42%	48,039,328	
Operating Revenue (Expenses)	-3,290,381	1,955,369	-5,245,751	-268%	4,692,887	
Non Operating :						
49301-Property Tax Rev. - Ad Valorem	51,153	210,417	-159,263	-76%	505,000	
-Property Tax Revenue	51,153	210,417	-159,263	-76%	505,000	
49200-Interest Revenues	70,748	-	70,748.26			
49203 - Change in Investment Valuation	-101,706	-	(101,706.13)			
-Investment Income	-30,958	-	(30,957.87)			
49050-Revenue Billing Adjustments	35	-	35		-	
49102-Non Oper Inc - NSF Check Fees	0	1,250	-1,250	-100%	3,000	
49107-Recycling Revenue	10,761	3,333	7,428	223%	8,000	
49108-Non Oper Inc-Rents And Leases	1,683	-	1,683			
49109-Miscellaneous Revenue	945,944	72,917	873,027	1197%	175,000	
49110 - Gain/Loss from Sale of Assets	-7,372	0	-7,372			
49114-Misc Revenue - Eng. Services	2,850	2,083	767	37%	5,000	
57050-Expense Billing Adjustments	-	-	-		-	
57525-Loan Costs	-	-	-		-	
-Other Nonoperating Revenue/Expense	953,901	79,583	874,318	1099%	191,000	
-Non Operating Revenue (Expenses)	974,096	290,000	684,096	236%	696,000	
Debt Service		989,511	-989,511	-100%	2,374,827	
Current Year Net Revenue Less Expense*	\$ (2,316,285)				\$ 3,014,060	

*Does not Include: Depreciation Expense

Operating & Debt Service Fund Balances

Fund Balances:	Water Operating	Wastewater Operating	General Operating	Rate Stabilization	New Water Sources	Debt Service	TOTAL
	FY 21/22	FY 21/22	FY 21/22	FY 21/22	FY 21/22	FY 21/22	FY 21/22
Beginning Available Balance	\$2,155,921	\$604,192	\$1,415,445	\$811,176	\$1,539,015	\$829,804	\$7,355,553
Transfer to Water Capital	(2,416,115)						(2,416,115)
Transfer to/from Rate Stabilization							0
Lawsuit Proceeds-Water Supplier	908,191						
Budgeted Operating Surplus (Loss)	2,818,557	195,502	8,492,768			(2,374,827)	9,132,000
Transfers In/(Out)			(8,492,768)			2,374,827	(6,117,941)
Projected Ending Available Balance	\$3,466,554	\$799,694	\$1,415,445	\$811,176	\$1,539,015	\$829,804	\$8,861,688

Completely Funded by FY25 & FY26



Water Capital - Fund 60 Projected Balance

	Year 1 <i>Adopted Budget</i> FY 21/22	Year 2 <i>Adopted Budget</i> FY 22/23	Year 3 <i>Adopted Budget</i> FY 23/24	Year 4 <i>Adopted Budget</i> FY 24/25	Year 5 <i>Adopted Budget</i> FY 25/26
Fund Balances:					
Beginning Available Balance*	\$8,555,327	\$5,075,636	\$4,912,127	\$5,050,059	\$8,162,721
Interfund Loan from Sewer**					
Transfer from Operating Reserves	2,416,115	5,783,725	2,892,536	2,535,388	5,619,379
Transfer from WSUP***					
Forecasted Capacity Fees	1,085,876	1,485,266	1,177,396	5,037,275	5,037,275
Total Available Funding	12,057,318	12,344,627	8,982,059	12,622,721	18,819,375
Proposed Budget - Capital Project Budgets-Wholesale Water Efficiency****	(3,375,000)	(1,825,000)			
Proposed Budget - Capital Project Budgets-Water	(5,352,103)	(7,009,375)	(4,915,000)	(5,575,000)	(6,800,000)
Adopted Budget CIP Funding Percent 80%	(6,981,682)	(7,432,500)	(3,932,000)	(4,460,000)	(5,440,000)
Projected Ending Available Balance	\$5,075,636	\$4,912,127	\$5,050,059	\$8,162,721	\$13,379,375

*Beginning balances are higher than expected due to higher sales, improved water loss, operational salaries/benefits being charged to WSUP, and year-end Wastewater fund true-ups.

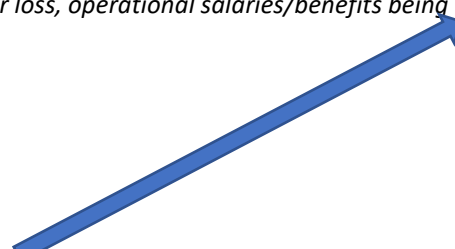
**Interfund Loan from Wastewater to Water not necessary.

***WSUP Transfer not necessary.

****Budget for Year 2 increased by \$1,825,000.

Target Balance

Minimum (1 year of 5-year average CIP)	\$ 5,649,236
Ideal Target (2 year of 5-year average CIP)	\$ 11,298,473



Water Capital Project Budgets:

Project #	Project Name	Year-to-Date	Year 1	Year 2	Year 3	Year 4	Year 5
		Expended 12/31/2021 FY 21/22	Adopted Budget FY 21/22	Planned Budget FY 22/23	Planned Budget FY 23/24	Planned Budget FY 24/25	Planned Budget FY 25/26
300007	Programatic EIR for Existing Easements	\$ 84,732	\$ 75,000				
300008	New District Headquarters	36,203	150,000	450,000	2,000,000		
600001	Rainbow Heights PS (#1) Upgrades/Recon*	954,741	1,050,000				
600002	Gird to Monserate Hill Water Line	-			140,000	1,400,000	
600003	San Luis Rey Imported Return Flow Recovery	9,894					600,000
600007	Pressure Reducing Stations	51,487	500,000	750,000	250,000	750,000	250,000
600009	Isolation Valve Installation Program	-	50,000	600,000	500,000	500,000	500,000
600015	Water Condition Assessment	744				50,000	
600017	Pressure Reducing Station Replacement Program (Combined with 60007)	281					
600019	Water System Monitoring Program	116,519	184,375	184,375	25,000		
600021	Pipeline Upgrade Project	-					
600026	Camino Del Rey Waterline Reloaction	142	100,000	2,000,000			
600030	Corrosion Prevention Program Development and Implementation	6,058	250,000	600,000	600,000	600,000	600,000
600037	Live Oak Park Road Bridge Replacement	1,523	600,000	-			
600040	Vallecitos PS Relocation	124		1,100,000	1,000,000		
600047	Communitty Power Resiliency Generator Grant (Generator at Sumac)	7,252	50,000				
600048	Northside Zone Supply Redundancy	-					500,000
600049	Gomez/Magee Pump Station Upgrades and Sumac Radio Tower	-	500,000	450,000	400,000		
600050	Lookout Mountain Electrical Upgrade	-				1,000,000	1,000,000
600051	North Feeder and Rainbow Hills Water Line Replacements	-				150,000	1,850,000
600055	Pipe Lining Pilot Project	123	-	350,000			
600058	Electrical Panel Switches	-	160,000				
600067	Pala Mesa Fairways 383 A and C	-				250,000	
600068	Sarah Ann Drive Line 400 A	-	100,000	275,000			
600069	Wilt Road (1331)	-					500,000
600071	Del Rio Estates Line Ext 503	-				250,000	
600072	Katie Lendre Drive Line	-	-	250,000			
600072	East Heights Line 147L	-					500,000
600073	East Heights Line 147A	-					250,000
600074	Via Zara - PUP	-				125,000	
600075	Roy Line Ext	-					250,000
600077	Rainbow Water Quality Improvement	15,710	950,000				
600080	Los Alisos South 243	-				500,000	
600081	Heli-Hydrant on Tank	114,455	149,728				
N/A	Department Level Capital Expenses	-	483,000				
Total		\$ 1,399,988	\$ 5,352,103	\$ 7,009,375	\$ 4,915,000	\$ 5,575,000	\$ 6,800,000

*Budget for Year 1 increased by \$1,050,000 per September 2021 Board Action.

Wholesale Water Efficiency Capital Project Budgets:

Project #	Project Name	Year-to-Date	Year 1	Year 2	Year 3	Year 4	Year 5
		Expended 12/31/2021 FY 21/22	Proposed Budget FY 21/22	Planned Budget FY 22/23	Planned Budget FY 23/24	Planned Budget FY 24/25	Planned Budget FY 25/26
600008	Weese WTP Permanent Emergency Interconnect and Pressure Station	\$ -	\$ 1,325,000				
600013	Hutton & Turner Pump Stations (SDCWA Shutdown Pump Stations)	88,421	5,350,000				
	Morro Pump Station		1,525,000				
600029	Via Ararat Drive Waterline Project	-					
600031	Olive Hill Estates Transmission Line Reconnection	-					
600034	Rice Canyon Tank Transmission PL to I-15/SR76 Corridor	30,797	3,375,000	1,825,000			
600035	Tank and Reservoir Mixing Upgrades	34,421					
600038	Blue Breton Water System Looping Project	-					
600078	Wilt Road Feeder (18 inch Water Line)	34,993	1,000,000				
600079	Gird Road 1,600' upsize from 12" to 18" or larger	-	500,000				
Total		\$188,632	\$13,075,000	\$1,825,000	\$0	\$0	\$0
Budgeted		30,797	3,375,000	1,825,000	-	-	-
Potential Financing		\$157,835	\$9,700,000	\$0	\$0	\$0	\$0

Wastewater - Fund 52 & 53 Projected Fund Balance

	Year 1	Year 2	Year 3	Year 4	Year 5
	<i>Adopted</i>	<i>Planned</i>	<i>Planned</i>	<i>Planned</i>	<i>Planned</i>
	<i>Budget</i>	<i>Budget</i>	<i>Budget</i>	<i>Budget</i>	<i>Budget</i>
	FY 21/22	FY 22/23	FY 23/24	FY 24/25	FY 25/26
Fund Balances:					
Beginning Available Balance*	\$6,430,455	\$4,203,056	\$2,682,324	\$1,174,702	\$5,894,168
Restricted CFD Funds (Citro)	5,000,000	5,000,000			
Interfund Loan**					
Transfer from Operating Reserves	500,000	500,000	500,000	500,000	500,000
Forecasted Sewer Connections	717,601	254,268	42,378	4,469,466	4,469,466
Less: Capital Project Budgets 100%	(8,445,000)	(7,275,000)	(2,050,000)	(250,000)	0
Projected Ending Available Balance	\$4,203,056	\$2,682,324	\$1,174,702	\$5,894,168	\$10,863,635

*Beginning balances are lower than expected due to year-end Wastewater fund true-ups.

**Interfund Loan from Wastewater to Water not necessary.

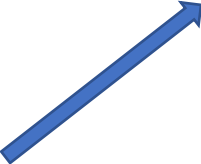
Target Balance

Minimum (1 year of 5-year average CIP)

\$ 3,604,000

Ideal Target (2 year of 5-year average CIP)

\$ 7,208,000



Wastewater Capital Project Budgets:

Project #	Project Name	Year-to-Date	Year 1	Year 2	Year 3	Year 4	Year 5
		Expended 12/31/2021 FY 21/22	Adopted Budget FY 21/22	Planned Budget FY 22/23	Planned Budget FY 23/24	Planned Budget FY 24/25	Planned Budget FY 25/26
530001	Thoroughbred Lift Station and Sewer Improvements/LS1 Replacement	\$ 271,830	\$ 8,000,000	\$ 7,000,000	\$ 250,000	\$ 250,000	\$ -
530006	Sewer System Rehabilitation Program	-	30,000				
530015	Sewer System Condition Assessment Program	-					
530017	N River Road Land Outfall Rehabilitation (Operations Project)	165,729	\$250,000				
530018	Fallbrook Oaks Forcemain and Manhole Replacement	-		\$150,000	\$1,650,000		
530020	Rancho Viejo LS Wet Well Expansion	-	100,000				
530021	Almendra Court, I-15 Crossing Sewer Rehabilitation	-			150,000		
530023	Replace Rancho Monserate LS Emergency Generator	-		125,000			
530024	Old River Road LS Equalization Basin	-					
530025	Old River Road LS to Stallion Outfall Repair (Combine with 530017)	-					
N/A	Department Level Capital Expenses	-	65,000				
N/A	City of Oceanside WW Plant	-					
		\$ 437,559	\$ 8,445,000	\$ 7,275,000	\$ 2,050,000	\$ 250,000	\$ -

Water Service Upgrade Project

	Project Savings
Original Contract	\$10,700,000
Estimated Expenses thru March 2022	(10,223,623)
Contract Savings	476,377
Internal Labor Utilization (Budgeted Operating Cost Reduction)*	970,811
Total Savings	\$ 1,447,187.55

**This is a budgeted operational cost reduction, which reduced expenses for water operating, resulting in a higher fund balance than anticipated in water operating. The resulting higher fund balance in water operating is a result of indirect use of the WSUP funds.*

Estimated Ending Zion Account Balance**	\$ 955,414.00
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***Of the total, \$629,272 is debt reserve, which reduces future operating/debt expenses.*

Rainbow MWD Developer Projections - Water

Installations

Developer/Development Name (Active) (Inactive)	Purchased	Anticipated Sales (Connections)						Water LF	PRS	Timing
		FY 20/21	FY 21/22	FY 22/23	FY 23/24	FY 24+	Total			
DR Horton/Horse Ridge Creek	430	25					25	34407	1	Completed/not yet board accepted
Richmond American Homes/Horse Ridge Creek	113						0			Completed/not yet board accepted
Campus Park West						9	9			
Four Star/Fairview (FKA Lilac Del Cielo)	75	51	24				75	2247	1	Recent Activity
Cal West/Golf Green Estates/SL Rey	97	28					28	5475		Completed/not yet board accepted
Beazer/Pala Mesa Highlands	129	25					25	10089	1	Completed/not yet board accepted
Bonsall Oaks/Polo Club						154	154	21531	3	
Ocean Breeze (Vessels)						396	396			
Rancho Viejo Phase 3						47	47			
Campus Park West						291	291			
Tripoint(FKA Parde)/Citro(FKA Meadowood)*		17	82	121	104	53	377		1	In Progress
Single Service Laterals		5	5	5	5	5	25			See Notes**
TOTAL WATER METERS	844.0	151	111	126	109	955	1,452			

Revenue Projections

Meter Size (in)	Revenue Per Meter (Existing)	Anticipated Sales					
		FY 20/21	FY 21/22	FY 22/23	FY 23/24	FY 24+	Total
5/8	6,241	51	24			330	405
3/4	10,401	90	82	117	102	597	988
1	16,642	6	5	7	7	21	46
1 1/2	27,043			1			1
2	62,406						-
3	124,812	2		1			3
4	208,020	2				7	9
Total		151	111	126	109	955	1,452
Total Revenue		\$2,019,897	\$1,085,876	\$1,485,266	\$1,177,396	\$10,074,549	\$15,842,984
Estimated Fee credits from CFD Reimbursement			(\$1,164,912)	(\$1,402,056)	(\$162,242)		(\$2,729,210)
Total Cash Revenue from Developer		\$2,019,897	(\$79,036)	\$83,210	\$1,015,154	\$10,074,549	\$13,113,774

Notes:

*Actual amount will vary depending on final agreements.

**Average from last 10 years.

Rainbow MWD Developer Projections - Sewer

Installations

Development Name (Active) (Inactive)	Purchased (EDUs)	Anticipated Sales (EDUs)							Sewer LF	IS	Timing
		FY 19/20	FY 20/21	FY 21/22	FY 22/23	FY 23/24	FY 24+	Total			
DR Horton/Horse Ridge Creek	723							0	29916	1	Completed/not yet board
Richmond American Homes/Horse Ridge Creek	169.5							0			Completed/not yet board
Campus Park West							9	9			
Four Star/Fairview (FKA Lilac Del Cielo)	77.8		7.5	31.4				39	1382		Recent
Cal West/Golf Green Estates/SL Rey	120.3		25.8					26	4318		Completed/not yet board
Beazer/Pala Mesa Highlands	160.18		35.7					36	11501		Completed/not yet board
Bonsall Oaks/Polo Club	102.9			6.4			89.8	96	21027		Recent
Ocean Breeze (Vessels)							479	479			Recent
Rancho Viejo Phase 3							47	47			Recent
Monserate Winery				10	15			25			
Campus Park West							5	5			
Tripoint(FKA Parde)/Citro(FKA Meadowood)*	368.4			422	422			844			
Misc. SFR	1.2		3	3	3	3	3	15			
TOTAL EDUs	1,723.28	-	72	473	440	3	633	1621			

Revenue Projections

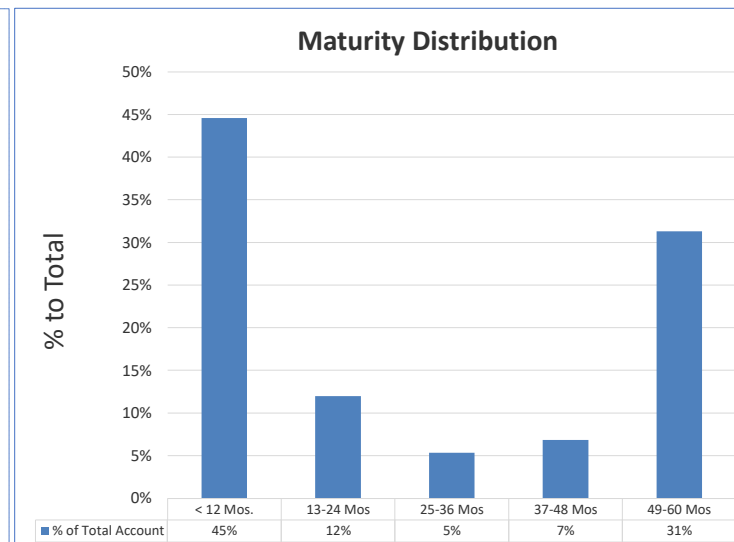
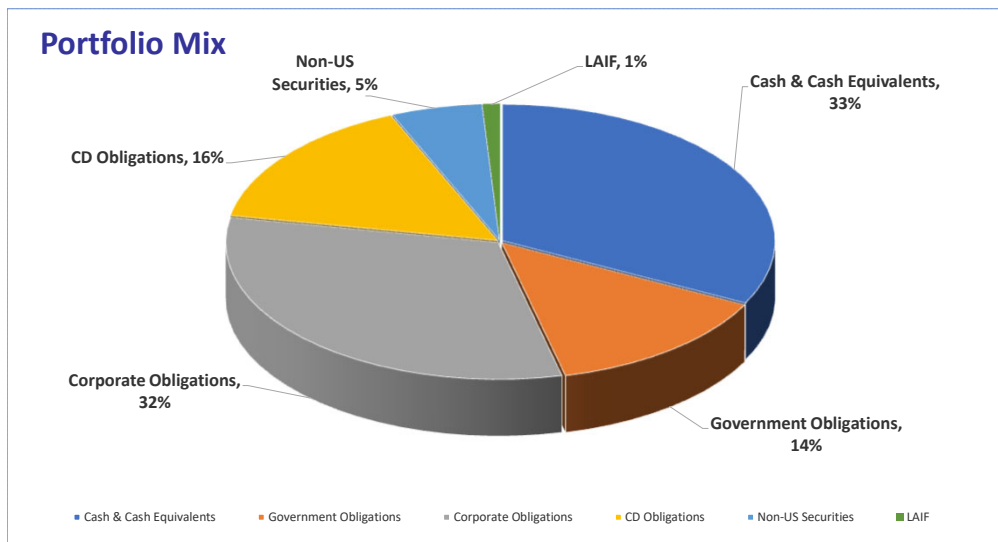
		Purchased (EDUs)	Anticipated Sales						
			FY 19/20	FY 20/21	FY 21/22	FY 22/23	FY 23/24	FY 24+	Total
Existing Fee	\$ 14,126	1,723.28		72	473	440	3	633	1,621
Meadowwood									
Total			-	72	473	440	3	633	1,621
Total Revenue			\$0	\$1,017,072	\$717,601	\$254,268	\$42,378	\$8,938,933	\$10,970,252 **

Notes:
 *Actual amount will vary depending on final agreements. \$10,500,000 will be paid from CFD.

RAINBOW MUNICIPAL WATER DISTRICT
 TREASURER'S MONTHLY REPORT OF INVESTMENTS
 PORTFOLIO SUMMARY
 11/30/2021



TYPE	ISSUER	CUSIP	Bond		Par Value	Cost Basis	Market Value*	Interest Rate	Yield to Maturity	Semi-Annual Interest	Days to Maturity	Object	
			Rating	Date of Maturity									
Money Market Funds	First American Government Trust	31846V567			\$	\$ 1,031,509	\$ 1,031,509				0	11508	
	Willimington Trust	CSCDA 2017-01			\$	50,000	50,000				0	10301	
Money Market Funds	Zions Bank	7326251D			\$	629,286	629,286	2.090%			0	10310	
Money Market Funds	Zions Bank	7326250			\$	1,329,896	1,329,896	2.060%			0	10311	
Money Market Funds	Zions Bank	7326251E			\$	1,642,635	1,642,635	2.090%			0	10309	
Total Cash & Cash Equivalents					\$	-	\$ 4,683,326	\$ 4,683,326					
Non-Callable	FEDERAL FARM CR BKS	3133EHRU9	Aaa	07/19/22	\$	200,000	200,938	1.900%	1.800%	\$	1,909	231	11508
Non-Callable	FEDERAL HOME LOAN BKS	3130AP7B5		09/30/26	\$	800,000	800,000	0.500%	0.500%	\$	2,000	1765	11508
Non-Callable	FEDERAL HOME LOAN BKS	3130APAM7		10/14/26	\$	995,000	995,000	0.900%	0.900%	\$	4,478	1779	11508
Total Government Obligations					\$	1,995,000	\$ 1,995,938	\$ 1,975,474					
Callable 9/10/25	AMERICAN HOND FIN CORP MTN	02665WDN8		09/10/25	\$	500,000	506,050	1.000%	1.300%	\$	2,500	1380	11508
Stepped 1/26/26	BANK OF AMERICA	06048WK82		01/26/26	\$	1,000,000	498,500	0.610%	0.610%	\$	3,050	1518	11508
Callable 9/30/23	CITIGROUP INC	17298CKE7	A3	09/30/23	\$	1,000,000	1,000,000	1.000%	1.000%	\$	5,000	669	11508
Callable 05/28/26	JPMORGAN CHASE & CO	48128G3N8		05/28/26	\$	1,000,000	1,000,000	1.200%	1.200%	\$	6,000	1640	11508
Callable 6/27/2024	MORGAN STANLEY PVT BK PURCHA	61760AL49		06/24/24	\$	245,000	245,000	2.290%	2.250%	\$	2,805	937	11508
Callable 3/1/22	UNION BK CALIF N A MEDIUM TERM	90520EAH4	A2	04/01/22	\$	308,000	315,377	3.150%	1.900%	\$	4,967	122	11508
Callable 3/1/22	UNION BK CALIF N A MEDIUM TERM	90520EAH4	A2	04/01/22	\$	290,400	297,355	3.150%	1.900%	\$	4,683	122	11508
Callable 3/1/22	UNION BK CALIF N A MEDIUM TERM	90520EAH4	A2	04/01/22	\$	281,600	288,344	3.150%	1.900%	\$	4,541	122	11508
Callable 10/08/26	SYNCHRONY BANK	87165HE89		10/08/26	\$	248,000	248,000	0.950%	0.950%	\$	1,178	1773	11508
Callable 9/22/26	UNION BK SALT LAKE CITY UT - CD	90348JT59		09/22/26	\$	249,000	249,000	0.950%	0.950%	\$	1,183	1757	11508
Total Corporate Issues					\$	5,122,000	\$ 4,647,626	\$ 4,561,020					
FDIC Ins. CD	BMW BANK NORTH AMER	05580AMB7		03/29/23	\$	240,000	240,000	2.860%	2.900%	\$	3,432	484	11508
FDIC Ins. CD	CAPITAL ONE BANK (USA) NAT	1402TAW7		06/19/24	\$	245,000	245,000	2.520%	2.500%	\$	3,087	932	11508
FDIC Ins. CD	FLAGSTAR BK FSB TROY MICH	33847E2K2		06/13/22	\$	245,000	246,749	2.440%	2.200%	\$	3,010	195	11508
FDIC Ins. CD	GOLDMAN SACHS BK USA NY	38148PKT3		06/14/22	\$	245,000	245,000	2.340%	2.350%	\$	2,867	196	11508
FDIC Ins. CD	JPMORGAN CHASE BK NA COLUMBU	48128UHS1		07/31/25	\$	249,000	249,000	0.550%	0.550%	\$	685	1339	11508
FDIC Ins. CD	MERRICK BK SOUTH JORDAN UTAH	59013KBV7		07/31/24	\$	249,000	249,000	2.200%	2.200%	\$	2,739	974	11508
FDIC Ins. CD	MORGAN STANLEY	61747MF63		01/11/23	\$	246,000	246,000	2.630%	2.650%	\$	3,235	407	11508
FDIC Ins. CD	SALLIE MAE BK SLT LAKE CITY	795450M44	Aaa	04/11/23	\$	240,000	240,000	2.900%	2.950%	\$	3,480	497	11508
FDIC Ins. CD	STATE BK INDIA CHICAGO ILL	856283N69		06/26/25	\$	248,000	252,166	0.950%	0.940%	\$	1,198	1304	11508
Total CD Obligations					\$	2,207,000	\$ 2,212,916	\$ 2,249,124					
Medium Term Note	Credit Suisse Ag New York	22550L2G5		8/7/2026	\$	500,000	801,916	1.250%	1.250%	\$	5,012	1711	11508
Total Non-US Securities					\$	500,000	\$ 801,916	\$ 780,320					
Subtotal Long Term													
Pooled Investment					\$	9,824,000	\$ 14,341,722	\$ 14,249,264					
Portfolio Totals	Local Agency Investment Fund (LAIF)**	1.027055370				\$ 146,433	\$ 147,774				0	10103	
						\$ 14,488,155	\$ 14,397,038						



This monthly report accurately reflects all District pooled investments. It is in conformity with the Investment Administrative code section 5.03.080. The District has sufficient cash flow to meet six months of obligations. This is in effect is in compliance with the current Investment Policy.

Tracy Largent

1/4/2022

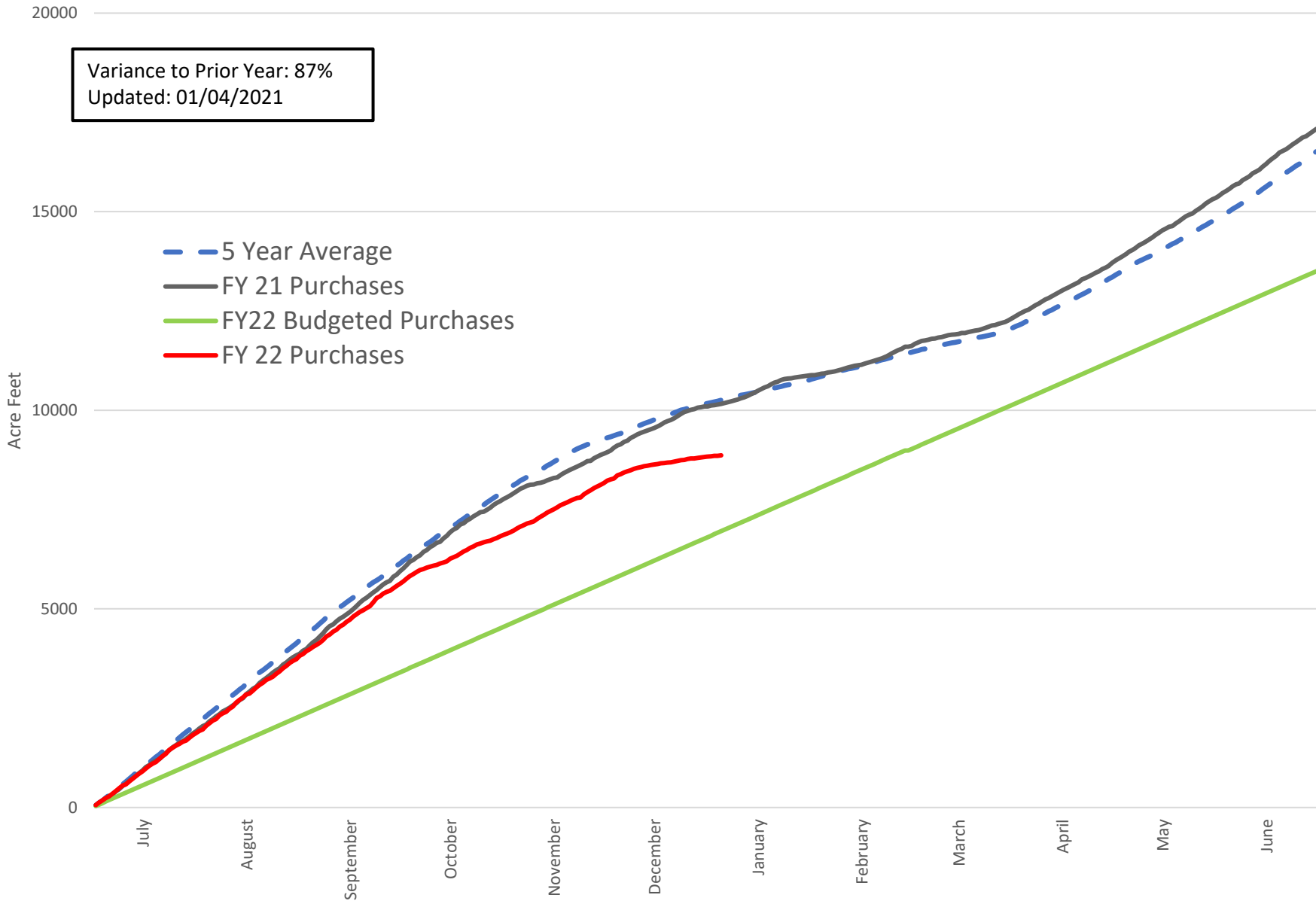
Tracy Largent, Treasurer

*Source of Market Value - US Bank monthly statements

**Source of LAIF FMV - CA State Treasurer Pooled Money Investment Account @ <https://www.treasurer.ca.gov/pmia-laif/reports/valuation.asp>

System Demands Comparison Chart

Variance to Prior Year: 87%
Updated: 01/04/2021



Comparative Water Sales YTD from Prior Years

FISCAL YEAR 2021-2022

Quantity of Meters	User Code	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	Acre Feet
549	AD	49,878	120,877	132,208	105,801	71,840								1,103
402	AG	126,020	156,517	188,678	141,035	94,403								1,622
271	CM	43,597	45,074	58,754	34,843	22,862								471
24	CN	9,809	7,353	8,900	4,999	8,247								90
21	IS	4,094	3,585	3,722	2,400	1,528								35
114	MF	14,171	12,501	14,634	11,363	10,797								146
	PC	105,195	87,728	98,194	76,152	51,934								962
	PD	104,423	101,695	108,445	85,321	56,327								1,047
319	SC	54,638	-	-	-	-								125
1012	SD	86,465	-	-	-	-								198
5851	SF	186,785	176,948	193,467	155,723	117,189								1,906
8563	Total	785,075	712,278	807,002	617,637	435,127	-	-	-	-	-	-	-	7,707

FISCAL YEAR 2020-2021

Quantity of Meters	User Code	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	Acre Feet
549	AD	34,763	39,406	46,230	42,502	34,921								454
402	AG	109,886	131,840	137,233	129,675	105,410								1,410
271	CM	43,615	49,777	48,946	49,458	35,129								521
24	CN	6,330	12,547	10,164	14,057	8,403								118
21	IS	2,513	2,972	3,359	3,231	1,698								32
114	MF	14,151	14,484	14,090	14,996	12,993								162
	PC	-	-	-	-	-								-
	PD	-	-	-	-	-								-
319	SC	137,945	133,502	160,919	156,961	123,278								1,636
1012	SD	186,337	204,966	223,721	229,964	179,016								2,351
5851	SF	169,793	186,711	189,918	189,511	157,332								2,051
8563	Total	705,333	776,205	834,580	830,355	658,180	-	-	-	-	-	-	-	8,734

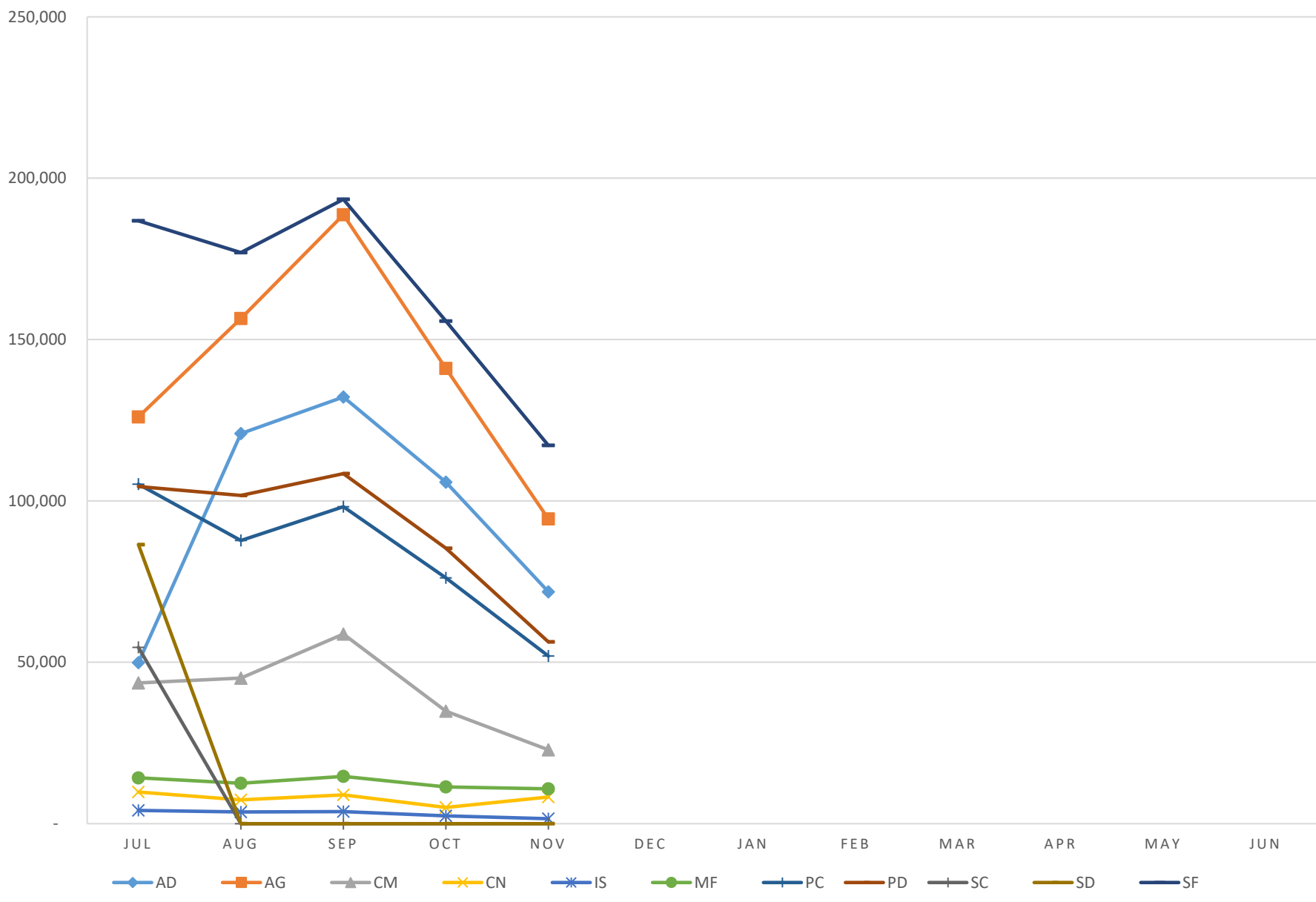
FISCAL YEAR 2019-2020

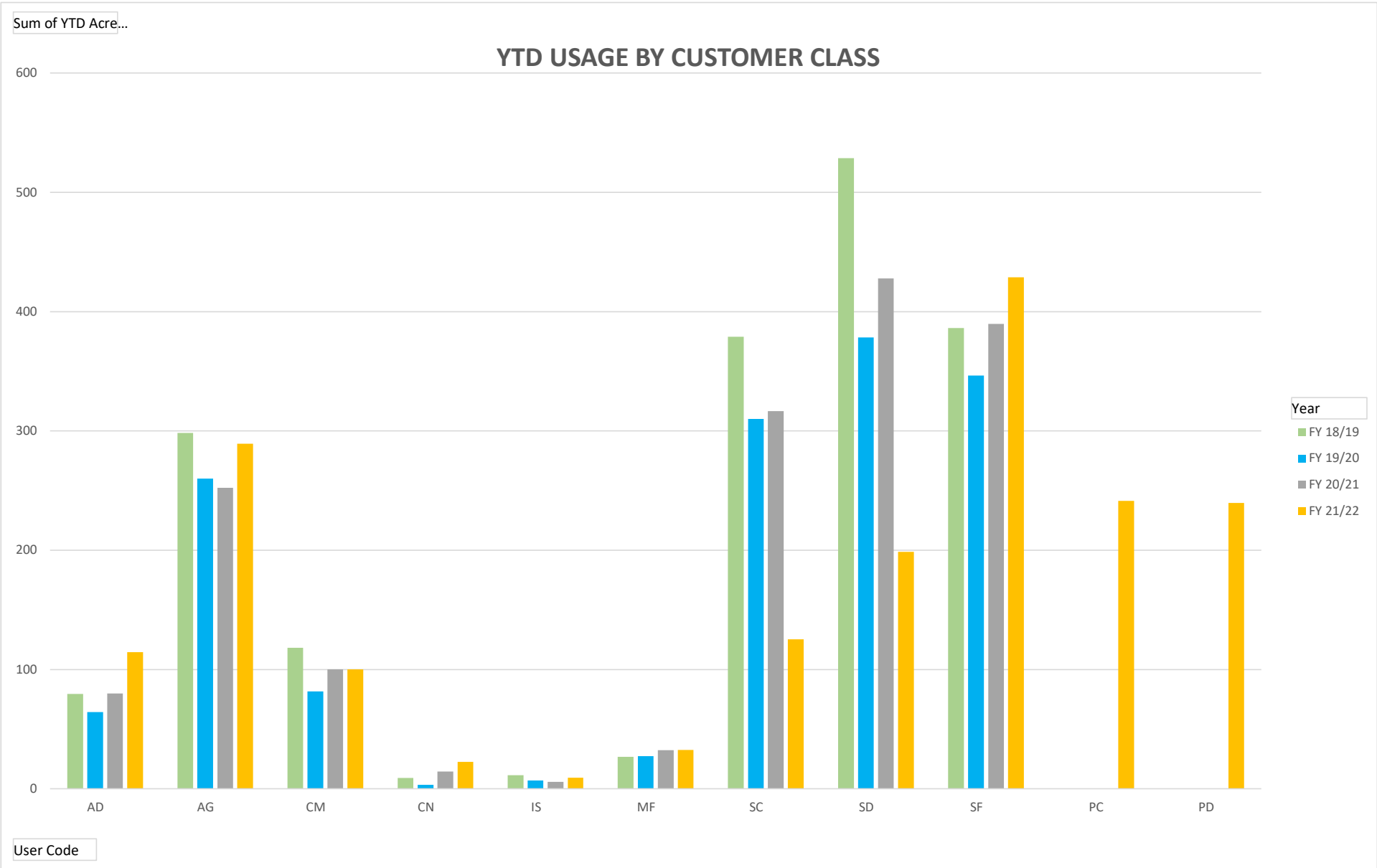
Quantity of Meters	User Code	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	Acre Feet
553	AD	28,018	36,530	36,506	32,640	37,164								392
400	AG	113,285	139,802	139,715	135,633	132,703								1,518
267	CM	35,561	46,750	44,883	40,374	29,303								452
19	CN	1,484	1,549	1,183	1,041	1,286								15
21	IS	3,060	1,799	1,946	2,046	2,048								25
114	MF	11,910	11,187	11,539	11,065	12,605								134
323	SC	135,069	157,307	156,337	136,485	152,308								1,693
1021	SD	164,817	213,262	218,596	179,714	207,689								2,259
5536	SF	150,907	188,769	182,811	153,331	174,251								1,951
8254	Total	644,111	796,955	793,516	692,329	749,357	-	-	-	-	-	-	-	8,440

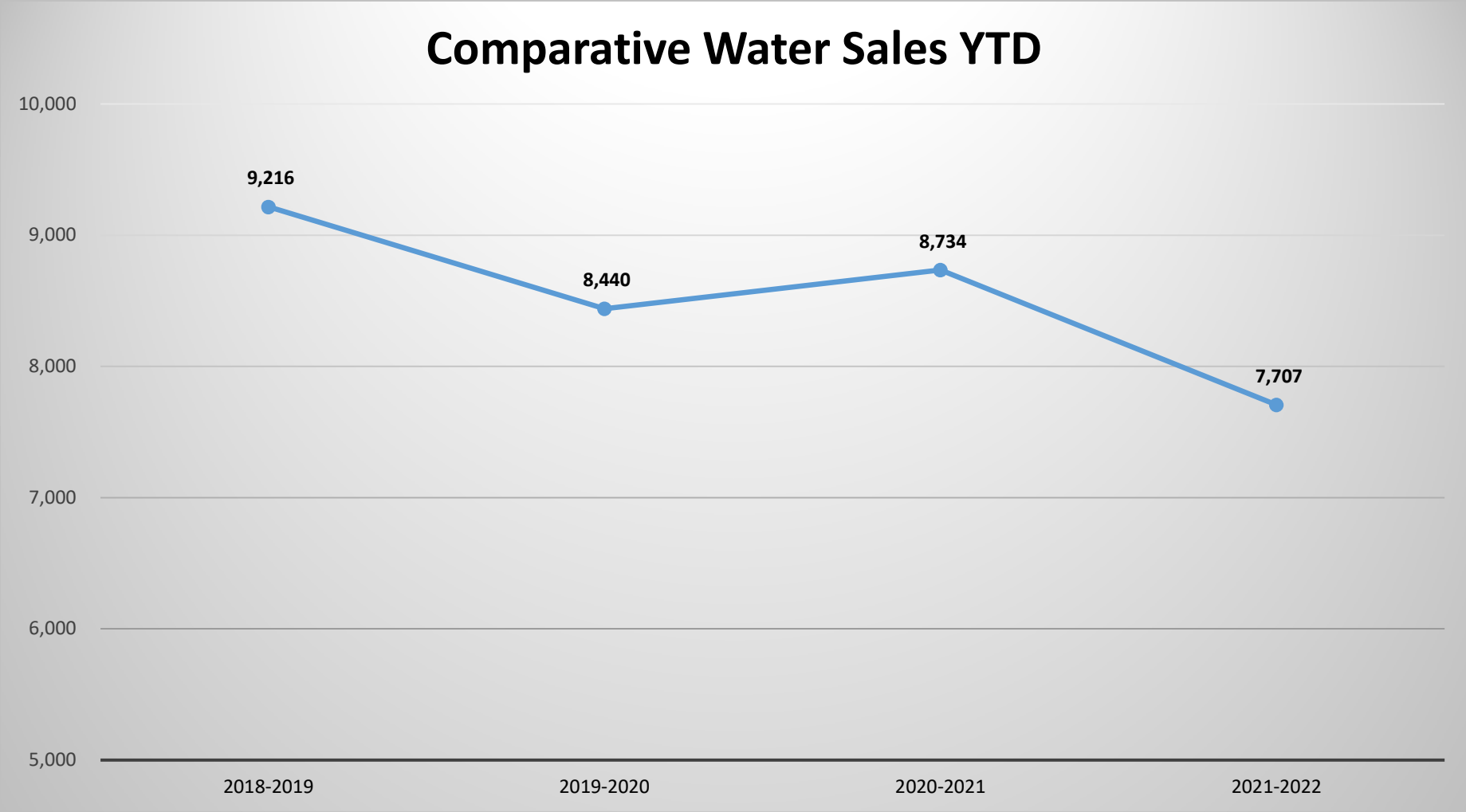
FISCAL YEAR 2018-2019

Quantity of Meters	User Code	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	Acre Feet
562	AD	34,648	47,312	45,104	28,007	29,134								423
402	AG	129,946	149,080	154,084	110,908	93,077								1,463
264	CM	51,483	67,254	66,114	36,283	24,307								563
23	CN	3,982	27,189	4,915	2,545	3,115								96
21	IS	4,964	3,824	3,852	3,447	2,161								42
112	MF	11,653	12,856	13,798	11,513	11,816								141
323	SC	165,088	203,887	203,899	134,052	132,762								1,928
1024	SD	230,264	264,247	273,401	189,659	170,318								2,589
5468	SF	168,323	192,173	207,384	146,492	144,114								1,971
8199	Total	800,351	967,822	972,551	662,906	610,804	-	-	-	-	-	-	-	9,216

USAGE BY CUSTOMER CLASS FY 21-22









Check Register November 2021

Description	Bank Transaction Code	Issue Date	Amount
CITY OF OCEANSIDE-INV 265621	WIRE	11/03/2021	1,813,704.85
HOME DEPOT CC - ALL (OCTOBER 2021 STATEMENT)	EFT	11/03/2021	3,745.88
AIRGAS USA, LLC	ACH	11/10/2021	302.39
APPLIED INDUSTRIAL TECH.	CHECK	11/10/2021	775.79
ARAMARK UNIFORM SERVICES	CHECK	11/10/2021	592.25
ASTRA INDUSTRIAL SERV.INC	ACH	11/10/2021	726.95
AYALA ENGINEERING, INC.	CHECK	11/10/2021	6,320.00
BABCOCK LABORATORIES, INC	ACH	11/10/2021	580.00
BP BATTERY INC.	ACH	11/10/2021	279.24
BRAX COMPANY, INC	CHECK	11/10/2021	9,194.52
CDW GOVERNMENT, INC.	CHECK	11/10/2021	1,217.23
CHRIS BROWN	ACH	11/10/2021	15,000.00
CIVILITY PARTNERS	CHECK	11/10/2021	2,187.50
COLONIAL LIFE & ACCIDENT INS.	CHECK	11/10/2021	60.71
COMMUNICATION SERVICES	ACH	11/10/2021	612.03
CONCORD ENVIRONMENTAL ENERGY, INC.	ACH	11/10/2021	60,150.88
COPY 2 COPY	CHECK	11/10/2021	69.44
CORE & MAIN LP	CHECK	11/10/2021	3,714.15
CORE-ROSION PRODUCTS	CHECK	11/10/2021	973.50
CRAIG SHOBE	CHECK	11/10/2021	505.00
CSDA, SAN DIEGO CHAPTER	CHECK	11/10/2021	90.00
CUSTOM TRUCK BODY & EQUIPMENT, INC.	ACH	11/10/2021	22,405.22
CWEA	CHECK	11/10/2021	192.00
DIAMOND ENVIRONMENTAL SERVICES	CHECK	11/10/2021	636.99
DITCH WITCH WEST	CHECK	11/10/2021	2,024.84

Description	Bank Transaction Code	Issue Date	Amount
DRAGON PRINTING EXPRESS	CHECK	11/10/2021	56.49
ERIC POOLE	CHECK	11/10/2021	3,740.00
FALLBROOK EQUIPMENT RENTAL	ACH	11/10/2021	1,200.00
FALLBROOK IRRIGATION SUPPLIES	CHECK	11/10/2021	43.54
FALLBROOK PROPANE GAS CO.	CHECK	11/10/2021	450.00
FALLBROOK WASTE AND RECYCLING	CHECK	11/10/2021	1,212.62
FEDEX	CHECK	11/10/2021	3,016.25
FERGUSON WATERWORKS #1083	CHECK	11/10/2021	22,253.73
FLUME TECH	CHECK	11/10/2021	233.35
FLYERS ENERGY LLC	ACH	11/10/2021	4,971.56
GIRD VALLEY INC	CHECK	11/10/2021	2,725.35
GOVERNMENT FINANCE OFFICERS ASSOCIATION	CHECK	11/10/2021	150.00
GOVERNMENTJOBS.COM, INC.	ACH	11/10/2021	7,703.27
GRANGETTO'S-FALLBROOK	CHECK	11/10/2021	143.81
HACH	CHECK	11/10/2021	213.40
HADRONEX, INC.	ACH	11/10/2021	23,376.58
HOUSTON AND HARRIS	CHECK	11/10/2021	2,611.25
ICONIX WATERWORKS (US) INC	ACH	11/10/2021	7,102.40
KYOCERA DOCUMENT SOLUTIONS AMERICA, INC.	CHECK	11/10/2021	9.00
LIQUID ENVIRONMENTAL SOLUTIONS OF CA, LLC	ACH	11/10/2021	210.00
MARGARET HOWELL	CHECK	11/10/2021	115.44
MARLENE G. HEALD	CHECK	11/10/2021	800.00
MISSION RESOURCE CONSERVATION DISTRICT	ACH	11/10/2021	575.00
MOBILE MODULAR	CHECK	11/10/2021	635.20
MODULAR BUILDING CONCEPTS, INC	CHECK	11/10/2021	1,536.51
PACIFIC PIPELINE SUPPLY	CHECK	11/10/2021	13,395.81
PALOMAR HEALTH	CHECK	11/10/2021	475.00
PARKHOUSE TIRE, INC.	ACH	11/10/2021	697.02
PERRAULT CORPORATION	CHECK	11/10/2021	8,646.81
PETERS PAVING & GRADING, INC	ACH	11/10/2021	15,025.00
POLLARDWATER	CHECK	11/10/2021	480.38
PRECISION MOBILE DETAILING	ACH	11/10/2021	764.50
QUINN COMPANY	CHECK	11/10/2021	4,872.08
RAIN FOR RENT RIVERSIDE	CHECK	11/10/2021	8,101.76

Description	Bank Transaction Code	Issue Date	Amount
ROTARY CLUB OF BONSALL	CHECK	11/10/2021	1,200.00
SAFETY-KLEEN	ACH	11/10/2021	844.59
SHERRY YETTER	CHECK	11/10/2021	115.44
SHRED-IT USA LLC	CHECK	11/10/2021	174.88
SOUTHWEST ANSWERING SERVICE, INC.	CHECK	11/10/2021	872.48
SPARLING INSTRUMENTS, LLC	CHECK	11/10/2021	3,477.88
STEVE PLYER	CHECK	11/10/2021	36.56
SUPERIOR READY MIX	CHECK	11/10/2021	1,505.18
T S INDUSTRIAL SUPPLY	CHECK	11/10/2021	5,376.15
TCN, INC	CHECK	11/10/2021	9.44
TNG SECURITY INC. DBA CALIFORNIA COMMERCIAL SECURITY	CHECK	11/10/2021	368.04
TOOLSHED EQUIPMENT RENTALS	CHECK	11/10/2021	204.72
TRACY LARGENT	CHECK	11/10/2021	5,250.00
TRAFFIC SAFETY SOLUTIONS, LLC	ACH	11/10/2021	9,270.75
UNDERGROUND SERVICE ALERT	ACH	11/10/2021	276.74
VISTA FENCE INCORPORATED	ACH	11/10/2021	9,098.00
WILLDAN FINANCIAL SERVICES	CHECK	11/10/2021	2,500.00
ADP - ADVICE OF DEBIT #591962965	EFT	11/12/2021	1,380.80
SDCWA WATER PURCHASE- SEPTEMBER 2021	WIRE	11/12/2021	2,702,933.38
NBS BENEFITS-ADMINISTRATION FEES	EFT	11/15/2021	75.00
ARAMARK UNIFORM SERVICES	CHECK	11/24/2021	1,335.96
ART'S TRENCH PLATE & KRAIL SERVICE CO, INC.	ACH	11/24/2021	1,407.50
AT&T	CHECK	11/24/2021	168.24
AT&T	CHECK	11/24/2021	202.65
AT&T LONG DISTANCE	CHECK	11/24/2021	33.72
BABCOCK LABORATORIES, INC	ACH	11/24/2021	94.50
BONSALL PEST CONTROL	CHECK	11/24/2021	200.00
BP BATTERY INC.	ACH	11/24/2021	1,130.65
BREAKERS ELECTRICAL SERVICE	CHECK	11/24/2021	325.00
CITIBANK AS ESCROW AGENT FOR CITY OF SAN DIEGO & ORION CONST	CHECK	11/24/2021	13,817.45
CLAUDIA RAMIREZ	CHECK	11/24/2021	701.85
COLONIAL LIFE & ACCIDENT INS.	CHECK	11/24/2021	60.71
CONCORD ENVIRONMENTAL ENERGY, INC.	ACH	11/24/2021	59,960.03
CORE & MAIN LP	CHECK	11/24/2021	7,316.19

Description	Bank Transaction Code	Issue Date	Amount
CORRPRO COMPANIES, INC.	CHECK	11/24/2021	4,047.77
COUNTY OF SAN DIEGO, RCS	CHECK	11/24/2021	793.08
CRAIG SHOBE	CHECK	11/24/2021	780.00
DAILY JOURNAL CORPORATION	CHECK	11/24/2021	429.00
DEXTER WILSON ENGINEERING	CHECK	11/24/2021	4,140.00
DIAMOND ENVIRONMENTAL SERVICES	CHECK	11/24/2021	441.13
DITCH WITCH WEST	CHECK	11/24/2021	57.94
FALLBROOK AUTO PARTS	CHECK	11/24/2021	442.64
FALLBROOK EQUIPMENT RENTAL	ACH	11/24/2021	2,050.00
FALLBROOK IRRIGATION SUPPLIES	CHECK	11/24/2021	8.42
FALLBROOK PUBLIC UTILITY DIST	CHECK	11/24/2021	26,236.51
FEDEX	CHECK	11/24/2021	91.58
FERGUSON WATERWORKS #1083	CHECK	11/24/2021	1,861.70
FLYERS ENERGY LLC	ACH	11/24/2021	5,249.91
FREEWAY TRAILER SALES	CHECK	11/24/2021	4,413.77
HACH	CHECK	11/24/2021	308.17
HARRIS & ASSOCIATES, INC.	ACH	11/24/2021	3,566.25
HAWTHORNE EQUIPMENT	CHECK	11/24/2021	5,405.74
HAWTHORNE MACHINERY COMPANY	CHECK	11/24/2021	1,767.16
HELIX ENVIRONMENTAL PLANNING INC	CHECK	11/24/2021	10,197.50
HOCH CONSULTING, APC	CHECK	11/24/2021	64,959.25
ICONIX WATERWORKS (US) INC	ACH	11/24/2021	54,226.18
IMPACT DESIGN	CHECK	11/24/2021	1,006.44
INFOSEND, INC.	CHECK	11/24/2021	6,443.43
JOHNSON-FRANK & ASSOCIATES, INC.	CHECK	11/24/2021	22,403.50
KENNEDY/JENKS CONSULTANTS INC	ACH	11/24/2021	51,078.75
KNIGHT SECURITY & FIRE SYSTEMS	ACH	11/24/2021	90.00
LINCOLN NATIONAL LIFE INSURANCE COMPANY	CHECK	11/24/2021	4,352.84
LIQUID ENVIRONMENTAL SOLUTIONS OF CA, LLC	ACH	11/24/2021	22,575.00
MARLENE IMIRZIAN & ASSOC. ARCHITECTS LTD	CHECK	11/24/2021	7,500.00
MICHAEL POWERS	CHECK	11/24/2021	149.00
MOTOROLA SOLUTIONS INC.	CHECK	11/24/2021	3,176.81
NINYO & MOORE GEOTECHNICAL & ENVIRONMENTAL SCIENCES CONSULTA	CHECK	11/24/2021	4,104.00
OMNIS CONSULTING INC.	CHECK	11/24/2021	3,684.00

Description	Bank Transaction Code	Issue Date	Amount
OPR COMMUNICATIONS, INC.	CHECK	11/24/2021	7,500.00
O'REILLY AUTO PARTS	CHECK	11/24/2021	478.82
ORION CONSTRUCTION CORPORATION	CHECK	11/24/2021	262,531.55
PACIFIC PIPELINE SUPPLY	CHECK	11/24/2021	29,975.64
PACIFIC SAFETY CENTER	CHECK	11/24/2021	2,795.00
PALOMAR HEALTH	CHECK	11/24/2021	504.00
PARKHOUSE TIRE, INC.	ACH	11/24/2021	335.60
PERRAULT CORPORATION	CHECK	11/24/2021	1,178.60
PETERS PAVING & GRADING, INC	ACH	11/24/2021	42,200.00
PRECISION MOBILE DETAILING	ACH	11/24/2021	418.50
PRINCIPAL LIFE INSURANCE COMPANY	ACH	11/24/2021	7,002.30
QTX MOBILE ACCESSORIES, INC.	CHECK	11/24/2021	1,272.36
QUINN COMPANY	CHECK	11/24/2021	4,872.08
RENE BUSH	ACH	11/24/2021	726.00
RICARDO ZARAGOZA	CHECK	11/24/2021	2,000.00
RIVER VILLAGE PROPERTIES	CHECK	11/24/2021	1,261.69
ROBCAR CORPORATION	CHECK	11/24/2021	9,700.00
RT LAWRENCE CORPORATION	ACH	11/24/2021	616.61
SAFETY-KLEEN	ACH	11/24/2021	643.61
SAN DIEGO COUNTY ASSESSOR/RECORDER/CLERK	CHECK	11/24/2021	40.00
SAN DIEGO GAS & ELECTRIC	CHECK	11/24/2021	66,924.14
SPECIAL DISTRICT RISK	CHECK	11/24/2021	303.62
SPECIALTY MOWING SERVICES, INC.	ACH	11/24/2021	6,302.50
STATE WATER RESOURCES CONTROL BOARD	CHECK	11/24/2021	1,665.00
STREAMLINE	CHECK	11/24/2021	300.00
SUPERIOR READY MIX	CHECK	11/24/2021	506.23
T S INDUSTRIAL SUPPLY	CHECK	11/24/2021	2,590.23
TEMECULA TROPHY CO.	CHECK	11/24/2021	11.96
THE LLOYD PEST CONTROL, INC	CHECK	11/24/2021	450.00
TIAA COMMERCIAL FINANCE, INC.	CHECK	11/24/2021	2,718.97
TRACY LARGENT	CHECK	11/24/2021	2,000.00
TRAFFIC SAFETY SOLUTIONS, LLC	ACH	11/24/2021	7,180.00
TRAFFIC SUPPLY, INC.	CHECK	11/24/2021	4,601.78
UNITED RENTALS NORTHWEST, INC	CHECK	11/24/2021	4,474.70

Description	Bank Transaction Code	Issue Date	Amount
US BANK	ACH	11/24/2021	291.67
UTILITY SERVICE CO.	ACH	11/24/2021	214,382.07
UTILITY SYSTEMS SCIENCE & SOFTWARE, INC.	CHECK	11/24/2021	965.00
VALLEY CONSTRUCTION MANAGEMENT	CHECK	11/24/2021	16,485.00
WEX - ADMINISTRATION FEES	EFT	11/24/2021	85.00
WINZER CORP	CHECK	11/24/2021	2,041.98
XYLEM INC	CHECK	11/24/2021	6,050.47
ZION BANCORPORATION, NATIONAL ASSOCIATION	ACH	11/24/2021	1,000.00
UNION BANK CC - DAUGHERTY (NOVEMBER STATEMENT)	EFT	11/29/2021	201.83
UNION BANK CC - DELRIO (OCTOBER & NOVEMBER STATEMENT)	EFT	11/29/2021	852.85
UNION BANK CC - DEMARY (NOVEMBER STATEMENT)	EFT	11/29/2021	85.25
UNION BANK CC - GUTIERREZ (OCTOBER & NOVEMBER STATEMENT)	EFT	11/29/2021	91.72
UNION BANK CC - HARP (OCTOBER & NOVEMBER STATEMENT)	EFT	11/29/2021	609.85
UNION BANK CC - KENNEDY (OCTOBER & NOVEMBER STATEMENT)	EFT	11/29/2021	242.26
UNION BANK CC - KHATTAB (OCTOBER & NOVEMBER STATEMENT)	EFT	11/29/2021	1,730.39
UNION BANK CC - LAGUNAS (OCTOBER & NOVEMBER STATEMENT)	EFT	11/29/2021	359.40
UNION BANK CC - LARGENT (OCTOBER & NOVEMBER STATEMENT)	EFT	11/29/2021	889.55
UNION BANK CC - KENNEDY (DECEMBER STATEMENT)-ADDITIONAL	EFT	11/30/2021	2,191.25
	Total:		5,958,003.45

**Director's Expenses
FY 2021-2022**

Disbursement Date	Description	Miguel Gasca	Claude Hamilton	Michael Mack	Carl Rindfleisch	Pam Moss
07/31/21	WATER AGENCIES ASSOC OF S.D. CSDA,SAN DIEGO CHAPTER CONFERENCES (CSDA, ACWA, etc.) TRAINING COUNCIL OF WATER UTILITIES DIRECTORS' PER DIEMS TRAVEL EXPENSES MILEAGE EXPENSE REIMBURSEMENT FROM DIRECTORS		\$ 150.00	\$ 150.00		\$ 150.00
	Monthly Totals	\$ -	\$ 150.00	\$ 150.00	\$ -	\$ 150.00
08/31/21	WATER AGENCIES ASSOC OF S.D. CSDA,SAN DIEGO CHAPTER CONFERENCES (CSDA, ACWA, etc.) TRAINING COUNCIL OF WATER UTILITIES DIRECTORS' PER DIEMS TRAVEL EXPENSES MILEAGE EXPENSE REIMBURSEMENT FROM DIRECTORS		\$ 150.00	\$ 450.00	\$ 150.00	\$ 450.00
	Monthly Totals	\$ -	\$ 150.00	\$ 491.44	\$ 150.00	\$ 450.00

**Director's Expenses
FY 2021-2022**

Disbursement Date	Description	Miguel Gasca	Claude Hamilton	Michael Mack	Carl Rindfleisch	Pam Moss
09/30/21	WATER AGENCIES ASSOC OF S.D. CSDA,SAN DIEGO CHAPTER CONFERENCES (CSDA, ACWA, etc.) TRAINING COUNCIL OF WATER UTILITIES DIRECTORS' PER DIEMS	\$ 150.00	\$ 150.00	\$ 750.00	\$ 300.00	\$ 450.00
	TRAVEL EXPENSES			\$ 770.40		\$ 1,125.86
	MILEAGE AND EXPENSES					
	REIMBURSEMENT FROM DIRECTORS					
	Monthly Totals	<u>\$ 150.00</u>	<u>\$ 150.00</u>	<u>\$ 1,520.40</u>	<u>\$ 300.00</u>	<u>\$ 1,575.86</u>
10/31/21	WATER AGENCIES ASSOC OF S.D. CSDA,SAN DIEGO CHAPTER CONFERENCES (CSDA, ACWA, etc.) TRAINING COUNCIL OF WATER UTILITIES DIRECTORS' PER DIEMS	\$ 150.00	\$ 150.00	\$ 300.00	\$ 300.00	\$ 150.00
	TRAVEL EXPENSES					
	MILEAGE AND EXPENSES					
	REIMBURSEMENT FROM DIRECTORS					
	Monthly Totals	<u>\$ 150.00</u>	<u>\$ 150.00</u>	<u>\$ 300.00</u>	<u>\$ 300.00</u>	<u>\$ 150.00</u>

**Director's Expenses
FY 2021-2022**

Disbursement Date	Description	Miguel Gasca	Claude Hamilton	Michael Mack	Carl Rindfleisch	Pam Moss	William Stewart
11/30/21	WATER AGENCIES ASSOC OF S.D. CSDA,SAN DIEGO CHAPTER CONFERENCES (CSDA, ACWA, etc.) TRAINING	\$ 725.00		\$ 725.00		\$ 725.00	
	COUNCIL OF WATER UTILITIES DIRECTORS' PER DIEMS	\$ 150.00	\$ 150.00	\$ 600.00			\$ 300.00
	TRAVEL EXPENSES			\$ 148.96			
	MILEAGE EXPENSE						
	REIMBURSEMENT FROM DIRECTORS						
	Monthly Totals	<u>\$ 875.00</u>	<u>\$ 150.00</u>	<u>\$ 1,473.96</u>	<u>\$ -</u>	<u>\$ 725.00</u>	<u>\$ 300.00</u>
12/31/21	WATER AGENCIES ASSOC OF S.D. CSDA,SAN DIEGO CHAPTER CONFERENCES (CSDA, ACWA, etc.) TRAINING						
	COUNCIL OF WATER UTILITIES DIRECTORS' PER DIEMS	\$ 150.00	\$ 150.00	\$ 450.00			
	TRAVEL EXPENSES						
	MILEAGE EXPENSE						
	REIMBURSEMENT FROM DIRECTORS						
	Monthly Totals	<u>\$ 150.00</u>	<u>\$ 150.00</u>	<u>\$ 450.00</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>
REPORT TOTAL FOR 2021:		\$ 1,325.00	\$ 900.00	\$ 4,385.80	\$ 750.00	\$ 3,050.86	\$ 300.00



AMERICAN EXPRESS

November 2021

GL Finance Code	GL Transaction Amount	Description
GL 03 20 75300	(650.00)	ACWA
GL 03 20 75300	270.00	ACWA
GL 03 44 60100	171.83	ALLIED ELECTRONICS
GL 03 44 60100	229.87	AMAZON #111-0472976-9596216
GL 01 34 72000	2,326.08	AMAZON #111-0661531-8905038/PO# 11880
GL 03 44 60100	50.20	AMAZON #111-0859227-1245066
GL 01 32 72000	61.98	AMAZON #111-2488560-7373017
GL 01 34 72000	17.14	AMAZON #111-3250019-0278613
GL 03 36 63422	160.21	AMAZON #111-3935192-5005030
GL 03 41 63401	9.69	AMAZON #111-3935192-5005030
GL 01 32 72000	(64.56)	AMAZON #111-5030799-7972231
GL 01 32 72000	64.56	AMAZON #111-5030799-7972231
GL 01 33 72000	29.80	AMAZON #111-5113691-6210613
GL 03 43 72000	328.60	AMAZON #111-6478916-1551411/PO# 11893
GL 03 44 60100	428.84	AMAZON #111-7639041-3695457
GL 03 44 60100	215.49	AMAZON #111-7645677-1643409
GL 03 44 60100	27.99	AMAZON #111-8351077-0945815
GL 01 34 72000	25.83	AMAZON #111-9067982-7533842
GL 03 44 60100	382.25	AMAZON #111-9289945-3033054
GL 03 44 60100	27.97	AMAZON #112-1479763-7306650
GL 03 43 72000	39.76	AMAZON #114-1010027-0911451/PO# 11926
GL 03 42 56513	69.85	AMAZON FIRE STICK
GL 03 42 56513	(69.85)	AMAZON FIRE STICK - CORPORATE REWARD
GL 03 44 60100	0.35	AMAZON WEB SERVICES
GL 03 41 72000	40.00	AMERICAN ACADEMY OF ENVIRONMENTAL ENGINEERING
GL 03 43 72000	249.95	AMERICAN SOCIETY
GL 03 42 56513	106.67	APPLE AIRTAGS

GL Finance Code	GL Transaction Amount	Description
GL 03 42 56513	(299.54)	APPLE TV & APPLE AIRTAGS - CORPORATE REWARDS
GL 03 43 72000	2.99	APPLE.COM
GL 03 44 72000	9.99	APPLE.COM
GL 03 44 72000	3.99	APPLE.COM
GL 03 44 60100	2,180.47	APPLE.COM
GL 03 44 60100	663.75	APPLE.COM
GL 03 44 72400	110.00	ATLASSIAN
GL 03 44 60100	40.00	AUTHORIZE.NET, 11-30-21
GL 03 41 63401	123.93	CAI SAFETY
GL 03 51 56512	(79.00)	CALCPA
GL 03 51 56512	79.00	CALCPA
GL 03 51 56512	158.00	CALCPA
GL 03 41 63400	283.00	COFFEE AMBASSADOR
GL 03 44 60100	192.50	CORELOGIC
GL 03 43 72000 800013	150.00	COVID CLINIC
GL 03 43 72000 800013	150.00	COVID CLINIC
GL 03 41 63401	84.80	CULLIGAN
GL 03 44 60100	39.44	DIRECT TV
GL 03 41 63400	76.50	FRUIT GUYS #5580700
GL 03 41 63400	38.25	FRUIT GUYS #5581289
GL 03 41 63400	76.50	FRUIT GUYS #5582151
GL 03 41 63400	38.25	FRUIT GUYS #5582980
GL 03 41 63401	270.54	GRAINGER #9041346199/PO# 11719
GL 01 33 72000	747.32	GRAINGER #9057790116/PO# 11766
GL 02 61 72000	63.24	GRAINGER #9059977059/PO# 11771
GL 03 43 72500	45.76	GRAINGER #9062441788/PO# 11704
GL 03 43 72500	929.77	GRAINGER #9074545311/PO# 11810
GL 60 99 72000 600027	213.36	GRAINGER #9090134462/PO# 11852
GL 03 36 63421	1,359.56	GRAINGER #9100015495/PO# 11877
GL 03 43 72500	133.80	GRAINGER #9108166357/PO# 11884
GL 03 43 72500	1,343.56	GRAINGER #9108166373/PO# 11884
GL 03 43 72500	103.57	GRAINGER #9108601973/PO# 11884
GL 03 43 72500	99.75	GRAINGER #9108601981/PO# 11884
GL 01 34 72000	112.88	GRAINGER #9114112163/PO# 11903

GL Finance Code	GL Transaction Amount	Description
GL 01 34 72000	345.21	GRAINGER #9114142004/PO# 11903
GL 03 41 74100	1,152.56	JIVE
GL 03 44 60100	705.90	MICROSOFT
GL 03 41 63400	750.00	NATUREBOX #12134
GL 03 43 72500	453.61	NEOBITS
GL 03 41 70300	3,301.50	NOSSAMAN #527147
GL 03 91 70300	1,384.50	NOSSAMAN #527147
GL 53 99 70300 530001	5,857.50	NOSSAMAN #527147
GL 03 91 70300 700027	142.00	NOSSAMAN #527147
GL 03 91 70300 700014	1,739.50	NOSSAMAN #527147
GL 03 91 70300 300020	4,782.00	NOSSAMAN #527148
GL 03 41 70300 300024	21,500.00	NOSSAMAN #527149
GL 03 41 70300 300022	247.50	NOSSAMAN #527150
GL 03 91 70300 700027	810.00	NOSSAMAN #527151
GL 03 41 70300	4,214.90	NOSSAMAN #527168
GL 03 91 70300	585.00	NOSSAMAN #527168
GL 53 99 70300 530001	3,932.50	NOSSAMAN #527168
GL 03 91 70300 300008	585.00	NOSSAMAN #527168
GL 03 42 56513	433.92	OCULUS
GL 03 42 56513	(1,086.40)	OCULUS & QUADCOPTER - CORPORATE REWARDS
GL 03 41 72900	183.03	OFFICE DEPOT #200695940001
GL 03 41 72900	6.44	OFFICE DEPOT #200696410001
GL 03 41 72900	238.77	OFFICE DEPOT #203333684001
GL 03 41 72900	1.71	OFFICE DEPOT #203344366001
GL 03 91 72000	276.91	OFFICE DEPOT #203502519001
GL 03 41 72900	60.70	OFFICE DEPOT #204741096001
GL 03 41 72900	130.92	OFFICE DEPOT #205372440001
GL 03 41 72900	28.27	OFFICE DEPOT #205438300001
GL 03 41 72900	35.13	OFFICE DEPOT #205453347001
GL 03 41 72900	66.24	OFFICE DEPOT #207533060001
GL 03 41 72900	62.27	OFFICE DEPOT #208958573001
GL 03 42 56513	(518.68)	PIT BOSS - CORPORATE REWARDS
GL 03 42 56513	522.56	PIT BOSS SMOKER
GL 03 41 75300	17.65	PREPASS

GL Finance Code	GL Transaction Amount	Description
GL 03 42 56513	652.49	QUADCOPTER
GL 03 41 60100	10.00	RING
GL 03 44 60100	140.00	SERVICE QUICK
GL 03 44 72000	9.21	SHUTTERFLY
GL 03 42 56513	195.74	SONOS PORTABLE SPEAKER
GL 03 42 56513	(195.74)	SONOS PORTABLE SPEAKER - CORPORATE REWARD
GL 03 41 72900	131.09	STAPLES
GL 03 43 56512	(795.00)	UCSD
GL 03 43 56512	795.00	UCSD
GL 03 43 72000	71.13	VILLAGE PIZZA
GL 03 44 60100	102.20	WASABI
GL 03 41 63401	305.96	WAXIE
GL 01 99 15260	50,936.12	WESTERN WATER #1307139-03/PO# 11551
GL 01 99 15260	221,724.07	WESTERN WATER #1308788-01/PO#11730
GL 03 36 72000	300.00	WHIP AROUND
GL 01 35 72000	35.00	ZOHO
GL 03 44 60100	299.87	ZOOM
	341,762.19	American Express (November Statement)

Rainbow Municipal Water District
Property spreadsheet

APN	Description of Use	Acreage
1023000800	North Reservoir	4.8
1023001100	U-1 Pump Station	0.14
1023005000	Rainbow Creek Crossing near North Reservoir	0.89
1023005300	Connection 9	0.01
1024300900	Pump Station across PS1 (not in use)	0.12
1025702000	U-1 Tanks	1.08
1026305400	Pump Station #1	0.33
1026602000	Booster Pump Station #4	0.03
1027001600	Pump Station #3	0.67
1071702800	Connection 7	1.60
1071702900	Pala Mesa Tank	10.35
1080206900	Northside Reservoir	9.23
1082210600	Beck Reservoir	27.25
1082210900	Near Beck Reservoir	4.82
1082211000	Near Beck Reservoir	6.23
1082211800	Near Beck Reservoir - Excess Property (not in use)	4.68
1084210600	Rice Canyon Tank	1.00
1084410300	Canonita Tank	2.41
1091410700	Gomez Creek Tank	1.00
1092310900	Rainbow Heights Tank	0.35
1092330300	Rainbow Heights Tank	0.99
1092341000	Rainbow Heights Concrete Tank - used for SCADA	1.74
1093101800	Vallecitos Tank	0.55
1093822800	Magee Tank	1.03
1093912400	Magee Pump Station	0.3
1100721000	Huntley Road Pump Station	0.52
1102203700	Huntley Chlorination Station (not in use)	0.2
1212011000	Morro Tank	0.31
1212011100	Morro Tank	4.85
1212011200	Morro Reservoir	13.01
1213300900	Morro Reservoir	6.79
1250703200	Sumac Reservoir (Not in Use)	1.72
1250902600	Headquarters	7.38
1250903400	Headquarters	4.43
1250903500	Headquarters	3.40
1250903800	Headquarters	17.03
1251002100	Rancho Viejo Lift Station #5	0.05
1252311800	Hutton Tank	1.39
1252312600	Hutton Tank	0.89
1260803100	Via de los Cepillos Easement	0.47
1261708700	Lift Station #2	0.08
1261708900	Lift Station #2	0.12
1263004200	Lift Station #1	0.01
1270710500	Bonsall Reservoir (Not in Use)	6.19
1270710600	Connection 6	0.28
1271512300	Turner Tank	15.12
1721404300	Gopher Canyon Tank	1.84
	<i>Total</i>	167.68

