

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

MEMBERS OF THE PUBLIC ARE ENCOURAGED TO PARTICIPATE IN THE BOARD MEETING OPEN SESSION BY GOING TO <u>https://us02web.zoom.us/j/83332541428</u> OR BY CALLING 1-669-900-6833 or 1-346-248-7799 or 1-253-215-8782 or 1-301-715-8592 or 1-312-626-6799 or 1-929-205-6099 (WEBINAR/MEETING ID: 833 3254 1428) (CLOSED SESSION WILL NOT BE ACCESSIBLE TO MEMBERS OF THE PUBLIC; HOWEVER, INSTRUCTIONS FOR SUBMITTING PUBLIC COMMENT ON CLOSED SESSION ITEMS ARE PROVIDED IN ITEM #4.)

MEMBERS OF THE PUBLIC WISHING TO ADDRESS THE BOARD UNDER PUBLIC COMMENT OR ON A SPECIFIC AGENDA ITEM MAY SUBMIT WRITTEN COMMENTS TO OUR BOARD SECRETARY BY EMAIL AT <u>DWASHBURN@RAINBOWMWD.COM</u> OR BY MAIL TO 3707 OLD HIGHWAY 395, FALLBROOK, CA 92028. ALL PUBLIC COMMENTS RECEIVED <u>AT LEAST ONE HOUR IN ADVANCE OF THE MEETING</u> WILL BE READ TO THE BOARD DURING THE APPROPRIATE PORTION OF THE MEETING. THESE PUBLIC COMMENT PROCEDURES SUPERSEDE THE DISTRICT'S STANDARD PUBLIC COMMENT POLICIES AND PROCEDURES TO THE CONTRARY.

### RAINBOW MUNICIPAL WATER DISTRICT BOARD MEETING

Tuesday, January 26, 2021

Closed Session 12:00 p.m. Open Session 1:00 p.m.

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

District Office	3707 Old Highway 395	Fallbrook, CA 92028

#### Board Agenda Policies

<u>Board of Directors Meeting Schedule</u> Regular Board meetings are normally scheduled for the 4<sup>th</sup> Tuesday of the month with Open Session discussions starting time certain at 1:00 p.m.

Breaks It is the intent of the Board to take a ten-minute break every hour and one-half during the meeting.

<u>Public Input on Specific Agenda Items and those items not on the Agenda, Except Public Hearings</u> Any person of the public desiring to speak shall fill out a "Speaker's Slip", encouraging them to state their name, though not mandatory. Such person shall be allowed to speak during public comment time and has the option of speaking once on any agenda item when it is being discussed. Speaking time shall generally be limited to three minutes, unless a longer period is permitted by the Board President.

<u>Public Items</u> for the Board of Directors' agenda must be submitted in writing and received by the District office no later than 10 business days prior to a regular Board of Directors' Meeting.

<u>Agenda Posting and Materials</u> Agendas for all regular Board of Directors' meetings are posted at least seventy-two hours prior to the meeting on bulletin boards outside the entrance gate and the main entrance door of the District, 3707 Old Highway 395, Fallbrook, California 92028. The agendas and all background material may also be inspected at the District Office.

You may also visit us at www.rainbowmwd.com.

Time Certain Agenda items identified as "time certain" indicate the item will not be heard prior to the time indicated.

<u>Board meetings</u> will be audio and video recorded with copies available upon request. Requests for audio recordings will be fulfilled once draft minutes for such meeting have been prepared. There are no costs associated with obtaining copies of audio and video recordings; however, these recordings will only be retained according to the policies provided in the District's Administrative Code. Copies of public records are available as a service to the public; a charge of \$.10 per page up to 99 pages will be collected and \$.14 per page for 100 pages or more.

<u>If you have special needs</u> because of a disability which makes it difficult for you to participate in the meeting or you require assistance or auxiliary aids to participate in the meeting, please contact the District Secretary, (760) 728-1178, by at least noon on the Friday preceding the meeting. The District will attempt to make arrangements to accommodate your disability.

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 26, 2021, at the District Office located at 3707 Old Highway 395, Fallbrook, CA 92028. At any time during the session, the Board of Directors Meeting may adjourn to Closed Session to consider litigation or to discuss with legal counsel matters within the attorney client privilege.

# AGENDA

- 1. CALL TO ORDER
- 2. ROLL CALL: Gasca Hamilton Mack Moss Rindfleisch
- 3. ADDITIONS/DELETIONS/AMENDMENTS TO THE AGENDA (Government Code §54954.2)

## 4. INSTRUCTIONS TO ALLOW PUBLIC COMMENT ON AGENDA ITEMS FROM THOSE ATTENDING THIS MEETING VIA TELECONFERENCE OR VIDEO CONFERENCE

**CHAIR TO READ ALOUD** - "If at any point, anyone would like to ask a question or make a comment and have joined this meeting with their computer, they can click on the "Raise Hand" button located at the bottom of the screen. We will be alerted that they would like to speak. When called upon, please unmute the microphone and ask the question or make comments in no more than three minutes.

Those who have joined by dialing a number on their telephone, will need to press \*6 to unmute themselves and then \*9 to alert us that they would like to speak.

A slight pause will also be offered at the conclusion of each agenda item discussion to allow public members an opportunity to make comments or ask questions."

# 5. ORAL/WRITTEN COMMUNICATIONS FROM THE PUBLIC

OPPORTUNITY FOR MEMBERS OF THE PUBLIC TO ADDRESS THE BOARD REGARDING CLOSED SESSION AGENDA ITEMS (Government Code § 54954.2).

Under Oral Communications, any person wishing to address the Board on matters regarding the Closed Session agenda should email or mailing their comments to the Board Secretary one hour before the Closed Session scheduled start time. All written public comments will be read to the Board prior to their adjournment to Closed Session. Any person wishing to speak to the Board regarding Closed Session agenda items may do so by calling (760) 728-1178, listening for "Thank you for calling Rainbow Municipal Water District ....", dialing Extension 429, and entering pin 8607 at the Closed Session scheduled start time. Once all public comment is heard, this call will be disconnected, and the Board will adjourn to Closed Session. To participate in the Open Session portion of the meeting, please follow the instructions provided at the top of Page 1 of this agenda. Speaking time shall generally be limited to three minutes unless a longer period is permitted by the Board President.

### 6. CLOSED SESSION

- **A.** Conference with Legal Counsel-Anticipated Litigation (Government Code §54956.9(d)(2))
  - \* Two Items
- **B.** Conference with Labor Negotiators (Government Code §54957.6 and §54957)

Agency Designated Representatives

Tom Kennedy Karleen Harp

Discussions regarding labor negotiations for:

Rainbow Employees Association Rainbow Association of Supervisor and Confidential Employees Rainbow Exempt Employees Association

# 7. REPORT ON POTENTIAL ACTION FROM CLOSED SESSION

Time Certain: 1:00 p.m.

- 8. REPEAT CALL TO ORDER
- 9. PLEDGE OF ALLEGIANCE
- 10. REPEAT ROLL CALL
- 11. REPEAT REPORT ON POTENTIAL ACTION FROM CLOSED SESSION
- 12. REPEAT ADDITIONS/DELETIONS/AMENDMENTS TO THE AGENDA (Government Code §54954.2)

## 13. REPEAT INSTRUCTIONS TO ALLOW PUBLIC COMMENT ON AGENDA ITEMS FROM THOSE ATTENDING THIS MEETING VIA TELECONFERENCE OR VIDEO CONFERENCE

**CHAIR TO READ ALOUD** - "If at any point, anyone would like to ask a question or make a comment and have joined this meeting with their computer, they can click on the "Raise Hand" button located at the bottom of the screen. We will be alerted that they would like to speak. When called upon, please unmute the microphone and ask the question or make comments in no more than three minutes.

Those who have joined by dialing a number on their telephone, will need to press \*6 to unmute themselves and then \*9 to alert us that they would like to speak.

A slight pause will also be offered at the conclusion of each agenda item discussion to allow public members an opportunity to make comments or ask questions."

## 14. PRESENTATION OF BOARD MEMBER ELECTION CERTIFICATES

# 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 wishing to address the Board on matters not on this agenda should indicate their desire to speak or may email or mail their comments to the Board Secretary one hour before the Open Session scheduled start time. All written public comments received will be read to the Board during the appropriate portion of the meeting. No action will be taken on any oral communications item since such item does not appear on this Agenda, unless the Board of Directors makes a determination that an emergency exists or that the need to take action on the item arose subsequent to posting of the Agenda (Government Code §54954.2). Speaking time shall generally be limited to three minutes unless a longer period is permitted by the Board President.

## \*16. APPROVAL OF MINUTES

A. December 8, 2020 - Regular 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
- **B.** Representative Report (Appointed Representative)
  - 1. SDCWA
  - 2. CSDA
  - 3. LAFCO
  - **4.** San Luis Rey Watershed Council
  - 5. Santa Margarita River Watershed Watermaster Steering Committee
  - 6. ACWA
- **C.** Meeting, Workshop, Committee, Seminar, Etc. Reports by Directors (AB1234)
  - 1. Board Seminar/Conference/Workshop Training Attendance Reports
- **D.** Directors Comments
- E. Legal Counsel Comments
  - 1. Attorney Report: COVID-19 Vaccination Updates for Employers 501668-0002

## 18. COMMITTEE REPORTS

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

## **CONSENT CALENDAR**

- \*19. APPROVAL OF RESOLUTION NO. 21-01 ESTABLISHING CHECK SIGNING AUTHORITY (The purpose of this resolution is to update the current established check signing responsibility to the current authorized signers of checks due to changes on the Board of Directors.)
- \*20. DISCUSSION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. 21-05 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 JANUARY 26, 2021 THROUGH JUNE 30, 2021

(The grade structure included in Resolution No. 21-05 adds new job titles into the salary grade structure.)

21. POSSIBLE ACTION TO CONSENT TO THE EXTENSION OF THE JOINT AGREEMENTS TO IMPROVE MAJOR SUBDIVISION FOR COUNTY OF SAN DIEGO TRACT NO. 5338-2 THROUGH 5338-6, HORSE CREEK RIDGE

(D.R. Horton Los Angeles Holding Company, Inc. has requested an extension of the Joint Agreements with the District and County of San Diego regarding the Horse Creek Ridge Development Construction. The extension of the agreements will accommodate the completion of the construction. The County may approve this extension with the consent of the District.)

#### **BOARD ACTION ITEMS**

# \*22. DISCUSSION AND POSSIBLE APPOINTMENT OF BOARD OFFICERS AND REPRESENTATIVES

(Due to the November 8, 2020 election results with a change in the Board of Directors and Administrative Code Section 3.01.030, the Board will need to consider appointments of the Board Officers and Representatives as well as Board Member committee assignments.)

## \*23. DISCUSSION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. 21-03 OF THE BOARD OF DIRECTORS OF THE RAINBOW MUNICIPAL WATER DISTRICT APPOINTING A REPRESENTATIVE TO THE BOARD OF DIRECTORS OF THE SAN DIEGO COUNTY WATER AUTHORITY (SDCWA)

(The term of office for Mr. Kennedy as RMWD's representative on the SDCWA Board will expire on February 2, 2021; thereby creating the need for the Board to appoint a SDCWA representative.)

### \*24. CONSIDER ADOPTING RESOLUTION NO. 21-04 DESIGNATING ANOTHER DISTRICT'S REPRESENTATIVE AS PROXY VOTE TO THE SAN DIEGO COUNTY WATER AUTHORITY (SDCWA) IN THE ABSENCE OF THE RAINBOW MUNICIPAL WATER DISTRICT (RMWD) REPRESENTATIVE

(As part of this meeting, the Board considered adopting Resolution No. 21-03 appointing a RMWD representative to the Board of Directors of the SDCWA. In the event an appointment was made, this item is to provide the Board with an opportunity to designate another District's representative as proxy vote to the SDCWA in the absence of the named RMWD representative.)

## \*25. CONSIDER ACTION TO APPROVE A THREE-YEAR CONTRACT RENEWAL WITH SOFTCHOICE, INC. FOR THE LICENSING OF MICROSOFT OFFICE 365, OFFICE ADVANCED THREAT PROTECTION, AZURE SECURITY, SQL SERVER AND WINDOWS LICENSING

(The District has a contract with Softchoice for our Microsoft Enterprise Agreement and Select Plus Licensing which provides the District with access to Office products such as Word, Excel, Power Point and Outlook for all District employees and also allows for employees to utilize Office products to store files and collaborate on the cloud such as OneDrive, SharePoint and Teams. Renewing the existing contract for another three years will give the District a seamless continuation of the use of these products.)

### \*26. DISCUSSION AND POSSIBLE ACTION TO ADOPT RESOLUTION NO. 21-02 APPROVING AN INITIAL STUDY / MITIGATED NEGATIVE DECLARATION AND A MITIGATION MONITORING AND REPORTING PROGRAM UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT FOR LIFT STATION NO. 1 REPLACEMENT PROJECT

(Request that the Board of Directors approve IS/MND for the Lift Station No. 1 Replacement project and adopt Resolution 21-02. The IS/MND presents an analysis and mitigation measures to address potential environmental impacts associated with the sewer improvement project, in compliance with the California Environmental Quality Act (CEQA).)

### \*27. DISCUSSION AND POSSIBLE ACTION TO AWARD A PROFESSIONAL SERVICES AGREEMENT TO HOCH CONSULTING TO PROVIDE DESIGN SERVICES FOR THE HUTTON AND TURNER PUMP STATIONS

(The District issued an RFP to provide design services for the Hutton and Turner Pump Stations Project. The evaluation of the proposals determined that Hoch Consulting ranked the highest and was deemed most qualified to perform design services for the District.)

## \*28. 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 3/4" METER

(The property owner of APN 121-130-72-00 has requested a variance from Ordinance 19-04.)

\*29. DISCUSSION AND POSSIBLE ACTION TO APPROVE A VARIANCE FROM ORDINANCE 19-04 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

(The Terrace Downs HOA has requested a variance from Ordinance 19-04 to downsize 16 of their existing 1" meters on an 8.85 acre parcel to 16 3/4" inch meters.)

# 30. DISCUSSION AND POSSIBLE ACTION TO APPROVE WAIVING OF LATE FEES FOR FEBRUARY 2021 FOR CUSTOMERS SET UP ON AUTOPAY

(The Board will consider approving staff not assessing a late charge to any customers enrolled in autopay for the transition month of February 2021.)

#### 31. CONSIDER COMMITTEE MEMBER REAPPOINTMENTS

(Per Administrative Code Section 2.06.010, committee members are to be reappointed by the Board every four years.)

32. DISCUSSION AND POSSIBLE ACTION TO APPOINT HELENE BRAZIER TO SERVE AS A MEMBER OF THE ENGINEERING AND OPERATIONS COMMITTEE

(Due to November 8, 2020 general election results, Ms. Brazier no longer qualifies to serve as a Board representative on this committee. Per their December 2, 2020 meeting, the Engineering and Operations Committee recommend the Board appoint Ms. Brazier to serve on this committee as a member of the public.)

#### \*33. DISCUSSION AND POSSIBLE ACTION SUPPORTING A NOMINATION TO ACWA BOARD OF DIRECTORS REGION 10

(The Region 10 Nominating Committee is looking for ACWA members who are interested in leading the direction of ACWA Region 10 for the remainder of the 2020-2021 term. The Board is seeking candidates from Region 10 to fill one board vacancy.)

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

### **BOARD INFORMATION ITEMS**

35. COMPREHENSIVE ANNUAL FINANCIAL REPORT (CAFR) PRESENTATION

### 36. STRATEGIC PLAN REVIEW

\*37. DISCUSSION REGARDING POSSIBLY AMENDING AND UPDATING ADMINISTRATIVE CODE SECTION 2.03.010 – REMUNERATION AND REIMBURSEMENT POLICY

(This item is to provide an opportunity for the Board to consider possibly updating and amending Administrative Code Section 2.03.010 to specify which meetings are to be eligible for compensation with possible inclusion of ad hoc as well as standing committees.)

#### **\*38.** RECEIVE AND FILE INFORMATION AND FINANCIAL ITEMS

- A. General Manager Comments
  - **1.** Meetings, Conferences and Seminar Calendar
- B. Communications
  - **1.** Staff Training Report
- C. Operations Comments
  - **1.** Operations Report November
  - 2. Operations Report December

#### 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

## F. Finance Comments

- **1.** Board Information Report December
- 2. Budget vs. Actual Fund 1, 2, and 3 October
- 3. Fund Balance Projections October
- 4. Treasury Report October
- 5. Five Year Demand October
- 6. Water Sales Summary October
- 7. Check Register October
- 8. Directors' Expenses October
- 9. Credit Card Breakdown October
- **10.** Developer Projections October
- **11.** RMWD Properties October
- **12.** Board Information Report January
- **13.** Budget vs. Actual Fund 1, 2, and 3 November
- **14.** Fund Balance Projections November
- **15.** Treasury Report November
- **16.** Five Year Demand November
- **17.** Water Sales Summary November
- **18.** Check Register November
- **19.** Directors' Expenses November
- **20.** Credit Card Breakdown November
- **21.** Developer Projections November
- 22. RMWD Properties November

## **39. LIST OF SUGGESTED AGENDA ITEMS FOR THE NEXT REGULAR BOARD MEETING**

## 40. ADJOURNMENT - To Tuesday, February 23, 2021 at 1:00 p.m.

## ATTEST TO POSTING:

FOR: Carl Rindflesich Secretary of the Board

1-18-21 @ 3:45 p.m.

Date and Time of Posting Outside Display Cases