

**MINUTES OF THE REGULAR BOARD MEETING  
OF THE BOARD OF DIRECTORS OF THE  
RAINBOW MUNICIPAL WATER DISTRICT  
MARCH 23, 2021**

1. **CALL TO ORDER** - The Regular Meeting of the Board of Directors of the Rainbow Municipal Water District on March 23, 2021 was called to order by President Hamilton at 12:00 p.m. in the Board Room of the District, 3707 Old Highway 395, Fallbrook, CA 92028. (*Due to COVID restrictions the meetings are being held virtually.*) President Hamilton presiding.

2. **ROLL CALL**

**Present:** Director Gasca (*via video conference*), Director Hamilton (*via video conference*), Director Mack (*via video conference*), Director Rindfleisch (*via teleconference*), Director Moss (*via video conference*).

**Also Present Via Teleconference or Video Conference:**

General Manager Kennedy, Legal Counsel Smith, Executive Assistant Washburn, Human Resources Manager Harp, Finance Manager Largent, Information and Technology Manager Khattab, Information and Technology Specialist Espino.

No members of the public were present via teleconference or video teleconference 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**

President Hamilton did not read instructions allowed due to the fact there were no public members present.

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 12:01 p.m.*

6. **CLOSED SESSION**

- A. Conference with Legal Counsel-Anticipated Litigation (Government Code §54956.9(d)(2))

\* One Item

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

**B. Conference with 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 Supervisors and Confidential Employees  
Rainbow Exempt Employees Association

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

This item was addressed under Item #11.

***The meeting reconvened at 1:06 p.m.***

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 March 23, 2021 was called to order by President Hamilton at 1:13 p.m. in the Board Room of the District, 3707 Old Highway 395, Fallbrook, CA 92028. *(Due to COVID restrictions the meetings are being held virtually.)* President Hamilton presiding.

**9. PLEDGE OF ALLEGIANCE**

**10. REPEAT ROLL CALL**

**Present:** Director Gasca *(via video conference)*, Director Hamilton *(via video conference)*, Director Mack, Director Rindfleisch *(via teleconference)*, Director Moss *(via video conference)*.

**Also Present Via Teleconference or Video Conference:**

General Manager Kennedy, Legal Counsel Smith, Executive Assistant Washburn, Engineering and Capital Improvement Program Manager Williams, Operations Manager Gutierrez, Human Resources Manager Harp, Finance Manager Largent, Associate Engineer Powers, Customer Service and Communications Supervisor Gray, Construction and Maintenance Supervisor Lagunas, Wastewater Superintendent Zuniga, Project Manager Tamimi, Engineering Technician Rubio, Utility Worker Veenstra, Information and Technology Manager Khattab, Information and Technology Specialist Espino.

Ten members of the public were present for Open Session via teleconference or video conference.

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

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

Legal Counsel reported the Board met in Closed Session to discuss two items for which there was no reportable action.

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

There were no amendments to the agenda.

**13. 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.

**14. ORAL/Written COMMUNICATIONS FROM THE PUBLIC OPPORTUNITY FOR MEMBERS OF THE PUBLIC TO ADDRESS THE BOARD REGARDING ITEMS NOT ON THIS AGENDA (Government Code § 54954.2).**

There were no comments.

**15. EMPLOYEE RECOGNITIONS**

**A. Victor Veenstra (20 Years)**

Mr. Kennedy stated Victor Veenstra has worked in the wastewater department for many years and how he is a key player who assists in managing almost seventy miles of sewer mains and pump stations. He thanked Mr. Veenstra for his tenure noting service award and check will be presented to him at the earliest convenience.

**\*16. APPROVAL OF MINUTES**

**A. February 23, 2021 - Regular Board Meeting**

**B. March 8, 2021 – Special Board Meeting**

***Motion:***

***To approve the minutes as written.***

***Action: Approve, Moved by Director Moss, Seconded by Director Gasca.***

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

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

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

**\*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)**

There was no report given.

**B. Representative Report (Appointed Representative)**

**1. SDCWA**

**A. Summary of Board Meeting February 25, 2021**

Mr. Kennedy noted there was an item to reissue debt for a series of debt SDCWA needs to refinance to extend the payments. He mentioned he sought clarification from SDCWA's General Counsel regarding whether if a member agency were to vote in favor in the reissuance of debt would obligate that member agency to some specific payment over time related to the current percentage of SDCWA consumption to which General Counsel replied no. He also noted the Urban Water Management Plan numbers have been revised; however, some of the numbers appeared to be a little high which may still be amended.

President Hamilton inquired about the modified SDCWA meeting agenda regarding an item to consider waiving a late fee incurred by RMWD. Mr. Kennedy explained the last payment wired on the 15<sup>th</sup> of the month did not go through because out of a technical glitch. He noted although the payment was made reissued the following morning, RMWD still incurred a \$12,000 late fee for one day in late fees for which Mr. Kennedy has already requested be waived.

**2. CSDA**

Director Mack reported the legislative committee met for several hours during which time committee members were sought for input. He noted of particular interest was seeking support for a bill for California special districts to be reimbursed for COVID-related expenses and how a compromise was reached on setting a limit of \$35,000 to spend on seeking such support for this bill while providing education about special districts. He mentioned CSDA wanted to hear from each agency noting their support of this effort; however, after speaking with Mr. Kennedy who was not in favor in supporting CSDA in this manner, he did not send an email to CSDA. He noted discussions on this matter will continue on March 26, 2021.

**3. LAFCO**

Mr. Kennedy reported he attended a Special District Advisory Committee meeting during which the main focus was trying to resolve the challenges with the Resource Conservation District as well as the Upper San Luis Rey RCD.

**4. San Luis Rey Watershed Council**

Mr. Kennedy noted has been in contact with another agency also experiencing issues with reaching the Council to no avail. He suggested unless someone can be tracked down, RMWD may want to consider disengaging from the Council by sending a certified letter as a matter of record.

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

**5. Santa Margarita River Watershed Watermaster Steering Committee**

President Hamilton noted the next meeting will be held in April.

**6. ACWA**

Mr. Kennedy referenced the coalition letter emailed to the Board in support of SB323-Local Government: Water and Sewer Service: Legal Actions. Legal Counsel pointed out this letter was discussed by both the ACWA and CSDA Legal Affairs Committees respectively noting their support of this bill as a means of stopping the nuisance as well as shortening the lawsuit filing statute of limitations to six months.

Director Gasca mentioned ACWA News published a great article on cyber security including a toolbox for preparedness RMWD may be interested in getting access to. He also noted the 2021 Virtual Spring Conference will be held May 12-13.

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

**1. Board Seminar/Conference/Workshop Training Attendance Reports**

President Hamilton mentioned all the Board Members received an invite to attend required Harassment Training from the District. Ms. Washburn confirmed every Director except Director Moss would be required to complete this training this year. President Hamilton encouraged those who need to complete the training check their calendars and take advantage of this opportunity being provided by the District.

**D. Directors Comments**

Director Mack thanked staff for their work in getting RMWD the recently \$300,000 grant.

**E. Legal Counsel Comments**

**1. Attorney Report: Clean Water Act Update**

Legal Counsel summarized the information contained in the written report.

President Hamilton asked for clarification if RMWD would only have exposure would be through its relationship and interest in the Oceanside discharge. Mr. Kennedy stated although this was one of them, there are a number of different areas that could potentially cause issues; therefore, he would not sell it short.

**18. COMMITTEE REPORTS**

**A. Budget and Finance Committee**

Ms. Largent reported the committee added Mr. Williams as an alternate member, received an update on the backflow charge investigation, reviewed the budget calendar plan as well as the finance packet.

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

**B. Communications and Customer Service Committee**

President Hamilton reported the committee received a briefing on the District offices reopening, discussed reviewing the annual water quality report introduction, received an update on the WSUP program, continued review of the committee strategic plan goals and objectives, received an update on the online processor changes, explored avenues for conducting customer input surveys, and discussed the PSAWR marketing communication campaign.

**C. Engineering and Operations Committee**

Mr. Williams reported the process improvement discussion was postponed. He noted the committee was informed the North River Road Phase III Sewer Rehabilitation Project was out for bid, received COVID updates and reopening the District offices, discussed the Dentro de Lomas paving project for which the committee made a recommendation for Board approval, received an overview of the 2021 Sewer System Management Plan, as well as received updates on the District headquarters development study, backflow charge investigation, and WSUP program.

**BOARD ACTION ITEMS**

**\*19. DISCUSSION AND POSSIBLE ACTION TO ADOPT RESOLUTION NO. 21-08 APPROVING AN INITIAL STUDY / MITIGATED NEGATIVE DECLARATION AND A MITIGATION MONITORING AND REPORTING PROGRAM UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT FOR GOPHER CANYON WATER PIPELINE IMPROVEMENT PROJECT**

Mr. Williams explained this IS/MND was related to the Gopher Canyon Water Pipeline Improvement Project that was initially put out for bid in 2020 as part of the PUP project; however, it was pulled due to CEQA concerns. He said once researched, it was determined the IS/MND needed to be completed and how Helix Environmental was hired to provide the District with assistance. He mentioned RMWD completed the public review period for which two comments were received to which District staff has replied.

Mr. Williams noted Joanne Dramko was present to answer any questions.

Discussion ensued.

Director Moss inquired as to whether the documents expire. Ms. Dramko stated the documents do not expire; however, should something change in the manner in which it is described, revisions may be required.

***Motion:***

***To approve Option 1 – Adopt Resolution 21-08 for the Gopher Canyon Water Pipeline Improvements Project IS/MND and MMRP (included as Appendix G of the IS/MND), approve the Gopher Canyon Water Pipeline Improvements Project, and approve filing the Notice of Determination for the IS/MND***

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

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

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

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

**\*20. DISCUSSION AND POSSIBLE ACTION TO APPROVE A CONTRACT CHANGE ORDER FOR THE BROWN AND CALDWELL PROFESSIONAL SERVICES AGREEMENT FOR THE PREPARATION OF THE DISTRICT'S 2020 URBAN WATER MANAGEMENT PLAN IN THE AMOUNT OF \$35,981**

Mr. Williams explained this was for a Change Order in the amount of \$35,981 noting RMWD was required by law to prepare the Urban Water Management Plan once every five years which staff was in the process of updating the 2015 plan. He stated RMWD entered into a Professional Services Agreement with Brown and Caldwell to prepare this report on behalf of the District in July 2020; however, in September 2020 the Department of Water Resources issued several new requirements not covered under Brown and Caldwell's original scope. He said District staff has been working with Brown and Caldwell to redefine the scope which resulted in this change order in the amount of \$35,981 which includes nine new tasks as part of these new requirements. He noted the total new contact amount would be \$85,590 should this change order be approved by the Board today. He pointed out the report is due by July 2021 and how staff was currently on schedule to prepare the document by this deadline.

Mr. Williams introduced Lisa Skutecki from Brown and Caldwell who was present to answer any questions.

Director Gasca asked about the information to be provided as part of this report and whether come of it would be useful in RMWD's action with LAFCO. Mr. Kennedy explained this was a fairly standard report and how RMWD is not describing EMWD as its current wholesale provider, therefore, it was not a detachment defined plan. Director Gasca pointed out there were tasks associated with water supplier reliability as well as drought risk assessment which he believed would be a benefit as an independent organization. Mr. Kennedy said RMWD has already provided ample studies about supplier reliability associated with the detachment to LAFCO but this could be added to those; however, since the detachment is contingent on a LAFCO approval which is not complete yet, it does not analyze EMWD source specifically.

***Motion:***

***To approve Option 1 – Authorize the General Manager to execute a Change Order to the Professional Services Agreement with Brown and Caldwell to provide complete the District's 2020 UWMP in compliance with new DWR requirements in the amount of \$35,981 and make a determination that the action identified herein does not constitute a "project" as defined by CEQA.***

***Action: Approve, Moved by Director Moss, Seconded by Director Rindfleisch.***

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

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

**21. DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE AWARD OF THE CONSTRUCTION CONTRACT FOR THE DENTRO DE LOMAS ROAD IMPROVEMENTS PROJECT**

Mr. Gutierrez provided background on the work conducted by Operations. He talked about a recent main line break that took place in this area noting the first step was beginning the work to add a pressure regulating station to drop the pressure in the entire impacted neighborhood. He pointed out the station may not prevent main line breaks; however, should one occur in the future, it would not be so catastrophic. He pointed out this project was scheduled to be completed at a later date; however, it was moved forward.

President Hamilton asked if these stations were the same twelve standardized ones the District purchased. Mr. Gutierrez explained they would be mixed; however, it depends on the location. Mr. Kennedy added it would also depend on the noise component in which case they would be in a box to reduce the noise levels.

Mr. Williams stated after the recent main break, District staff met with County of San Diego personnel on site during which time it was agreed upon the restoration limits of paving are 17,500 square feet of new asphalt needed due to the sufficient damage caused by the break. He pointed out the District put this project out to bid to which twelve proposals were submitted. He reported Kirk Paving is the lowest responsible and responsive bidder and how they are aware this item was before the Board for consideration. He said should the Board approve Option 1 this project will be awarded to Kirk Paving and District staff will immediately begin the necessary processes.

Mr. Williams pointed out Dentro de Lomas as well as several other roads within the County of San Diego are a part of the North County Overlay; therefore, District staff is in constant contact with the County keeping them apprised of the timeline associated with this project so the County can complete their overlay project.

***Motion:***

***To approve the sum and award the contract.***

***Action: Approve, Moved by Director Moss, Seconded by Director Gasca.***

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

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

**\*22. DISCUSSION AND POSSIBLE ACTION TO APPROVE A MUTUAL AID AGREEMENT PROVIDING FOR EMERGENCY ASSISTANCE AMONG THE SAN DIEGO COUNTY WATER AUTHORITY AND ITS MEMBER AGENCIES**

Mr. Gutierrez explained a Mutual Aid Agreement essentially is an agreement between agencies to provide resources to include personnel in the event of emergencies. He noted RMWD generally utilizes mutual aid in certain circumstances for which RMWD is invoiced and how this type of scenario occurs on a fairly regular basis. He pointed out the Mutual Aid Agreement before the Board today is to ensure RMWD would be compensated by SDCWA in the event RMWD is called upon to provide emergency assistance.

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



Mr. Kennedy explained there have been some slight modifications made to the agreement provided in the agenda packet; therefore, he would recommend the Board approve this agreement pending Legal Counsel's review.

President Hamilton asked if this item could be deferred for a month. Mr. Gutierrez explained it was a pretty significant undertaking to get the general managers at every agency to sign off on the agreement.

***Motion:***

***To approve the amended agreement upon Legal Counsel approval prior to the General Manager's signing the agreement.***

***Action: Approve, Moved by Director Hamilton, Seconded by Director Moss.***

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

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

**23. DISCUSSION AND POSSIBLE ACTION AS TO HOW TO APPLY THE FUNDS RECEIVED BY THE DISTRICT RELATED TO PROCEEDS FROM THE LAWSUIT BETWEEN THE SAN DIEGO COUNTY WATER AUTHORITY AND METROPOLITAN WATER DISTRICT**

Mr. Kennedy announced RMWD received a check totaling approximately \$1.3 million that has been deposited and added to the District's non-operating reserves for this year where it will remain until it is allocated based Board direction. He noted the purpose of this discussion

Mr. Kennedy mentioned there were three public comments received suggesting RMWD send the money directly back to each ratepayer on a pro-rata basis. He stated although this was theoretically possible, he explained why it may be administratively challenging to determine exactly which existing customers would be eligible since this money is for water delivered in 2011-2012.

Mr. Kennedy stated per discussions regarding this matter with Legal Counsel, the main goal was to make sure it is equitable; therefore, staff recommends placing the monies into RMWD's general or capital improvement reserves where it would benefit all the ratepayers equally as well as administratively feasible to accomplish.

Director Moss stated it would not be worth the time and money to try and return the money to potential or past ratepayers; therefore, it may be wiser to place it in the capital reserve at this time for future use.

President Hamilton agreed with Director Moss noting some of the monies could be placed in the capital improvements reserve and another portion on the general fund for rate stabilization which both would benefit the ratepayers. Director Moss suggested it may be prudent to determine where the money is most needed and divide it up on a percentage basis. Ms. Largent stated this could be taken into consideration as part of both the budget and rate setting processes.

***Director Rindfleisch left the meeting at 2:10 p.m.***

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

**Motion:**

**To leave the money in place and send a valuation to the Budget and Finance Committee to make a determination as how to best utilize the funds.**

**Action: Approve, Moved by Director Gasca, Seconded by Director Moss.**

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

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

**Absent: Director Rindfleisch.**

**24. CONSIDERATION OF REQUEST BY THE SAN DIEGO LOCAL AGENCY FORMATION COMMISSION FOR ADDITIONAL FUNDS FOR THE PROCESSING OF THE DISTRICT'S APPLICATION FOR DETACHMENT FROM THE SAN DIEGO COUNTY WATER AUTHORITY AND CONCURRENT ANNEXATION INTO EASTERN MUNICIPAL WATER DISTRICT**

Mr. Kennedy noted when the application was filed with LAFCO, a fee was paid totaling approximately \$25,000 after which LAFCO requested another \$25,000 which RMWD paid. He reported that as part of the 2019 resolution authorizing the application itself, the Board specifically directed the general manager to pay additional application fees as required by LAFCO to avoid having to come to the Board each time LAFCO requested additional monies. He said now that a year has passed since which time LAFCO has hired a consultant to review rather voluminous reports, they are requesting an additional \$50,000. He explained the main reason this was being presented to the Board was not for approval because they have already given him authority to pay the additional fees, but rather to inform the Board as to what was transpiring and how the process was taking much longer than expected. He pointed out the facts of the law have not changed; however, there are changes to the process primarily through obstruction tactics of SDCWA.

Director Moss stated she recalled approving this as a part of the Budget and Finance Committee.

Director Mack asked if LAFCO explained exactly for what the \$50,000 would be utilized. Mr. Kennedy stated RMWD did not receive an itemized list; however, when LAFCO hired consultants and taking into consideration the volume of material needing review, more time is being spent which costs money.

Mr. Kennedy pointed out while it is known the RMWD Board is committed to seeing this process through and how the \$50,000 is not much, the real costs are associated with the delay in the processes where every month RMWD and FPUD are not detached it costs the combined ratepayers \$800,000 per month as opposed to saving \$10 million per year which would be shared between the two agencies. Director Moss asked if there was a way to make this public. Mr. Kennedy stated RMWD and FPUD were trying to communicate in the most effective manner to get the desired results; however, the message is being sent.

Director Mack asked if there was an update from the committee Supervisor Jacob established. Mr. Kennedy stated there was a virtual public meeting scheduled for April 5<sup>th</sup> at 1:30 p.m. for anyone interested to attend. President Hamilton noted direct links to these meetings are provided on LAFCO's website.

***Motion:***

***To authorize the General Manager to pay the additional \$50,000.***

***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 Moss.***

***Absent: Director Rindfleisch.***

**\*25. DISCUSSION AND POSSIBLE ACTION TO APPROVE THE FIVE (5) YEAR UPDATE TO THE SEWER SYSTEM MANAGEMENT PLAN**

Mr. Gutierrez gave a presentation highlighting some aspects of the Sewer System Management Plan noting this plan describes all the activities RMWD utilizes to manage its wastewater system. He noted this plan came about in 2006 and is required to be entirely updated and approved by the Board every five years.

***Director Rindfleisch rejoined the meeting at 2:35 p.m.***

Mr. Kennedy pointed out flushable wipes is an ongoing problem. Director Moss suggested RMWD post something prominent on the website and in the newsletter regarding the importance of not flushing wet wipes. President Hamilton stated this was something to be brought to the Communications and Customer Service Committee for communicating this to the public. Ms. Gray offered to put something on the website immediately following the conclusion of this meeting as well as confirmed there was an article ready to be published in the next newsletter edition. Ms. Washburn confirmed an item will be included on the Communications and Customer Service Committee agenda for discussion.

Director Mack asked to which agency this document is to be filed. Mr. Gutierrez stated it is to be filed with the Regional Water Quality Control Board, posted to the website, and made accessible to the public.

***Motion:***

***To approve the Sewer System Management Plan as amended.***

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

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

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

**26. DISCUSSION AND POSSIBLE ACTION AMENDING AND UPDATING ADMINISTRATIVE CODE SECTION 2.03.010 – REMUNERATION AND REIMBURSEMENT POLICY**

Mr. Kennedy recalled at the February meeting, staff sought input from the Board Members regarding meetings to be compensable meetings and meal reimbursement. He mentioned some responses were received; however, not response from everyone. He noted the action letter included feedback from Directors Mack and Rindfleisch as well as a recent request for meal reimbursement for meals purchased by directors for consumption during Closed Sessions.

Director Mack noted he has changed his mind since providing staff with his input in that there is time involved with preparing for meetings Board Members attend. He mentioned how during one of the recent CSDA Legislative Committees, it was stated everyone participating were retired and had time to serve; however, this was not necessarily true especially in his case who has school-aged children. He stated he was not an advocate for Board Members to be compensated for any meeting Board Members attend regardless of the length of the meeting with the decision as to whether be compensated being left to the individual director to decide.

Director Rindfleisch suggested RMWD adopt a policy comparable to what other local agencies, such as FPUD, have in place in that it would allow for more congruency and consistency with what is being practiced such as monthly meetings with the General Manager. He added required trainings, committee membership and such provide opportunity for Directors to put their best foot forward. He suggested there was an item in the Administrative Code to allow for meal reimbursement to be consumed during Closed Sessions starting at 12:00 p.m.; therefore, in lieu of having lunch brought in by the District, meals purchased for this purpose should be reimbursable. He pointed out he had provided staff with more details as to what he believes should be considered compensable or reimbursable. Ms. Washburn noted his comments were included in the action letter provided for this item for Board reference.

Director Moss agreed with Director Rindfleisch noting she works full time and how serving on the Board is a time commitment for which she set aside other obligations so she can focus on district-related business.

Mr. Kennedy pointed out the challenge for amending the Administrative Code was the need for more detail. He proposed staff attempt to draft amendments and updates to the policy for Board consideration at the April Board meeting. He noted FPUD's list of compensable meetings was a little different than RMWD's; however, this may be a point of reference for proposed revisions. Director Rindfleisch pointed out he was not seeking matching the FPUD list exactly; however, he was suggesting committee meetings, required trainings by local, state, and federal governments.

Mr. Kennedy offered to incorporate standing and ad hoc committees as potentially compensable meetings, one monthly meeting with the General Manager, and all required or Board-recommended trainings for Board consideration. President Hamilton agreed should there be opportunities to attend training the Board encourages or supports for RMWD to achieve a certain level of standards should be compensable.

Director Mack agreed with Director Rindfleisch in that any compensation should be retroactive to January 1, 2021.

Ms. Washburn inquired as to whether the Board would also like to take this opportunity to amend the policy to remove the requirement for advance requests for attendance. Mr. Kennedy pointed out this section of the policy was added by a previous Board which has since not been practiced on a regular basis which was to create a level of transparency. He asked the Board for input.

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

President Hamilton said for the matter of transparency, if a Board Member is to be compensated for attending a conference, there should be some documentation required in order to justify why the District is paying for attendance as well as compensation. Mr. Kennedy noted how sometimes these advance requests are not provided in alignment with Board meetings which creates more steps to be taken. President Hamilton reiterated if Board Members are attending something not required, the District needs documents as to the benefits to the District and its ratepayers for transparency purposes.

Mr. Kennedy suggested listing the recurring conferences be added to the list of compensable items to eliminate the requirement for pre-authorization. He pointed out, Board Members would still be required to provide a written or oral report after attending these events prior to receiving compensation. Director Mack suggested including required training as well.

Director Mack asked Ms. Washburn what would be easier. Mr. Kennedy pointed out the goal would not only be lessening staff's workload, but also continue to ensure transparency; therefore, he recommended listing the standard events with a requirement that prior to receiving compensation, Board Members who attend any events for which they are to be compensated provide a written or oral report before receiving compensation. President Hamilton pointed out in addition to compensation, there are also costs associated with attending these events such as registration, accommodations, and transportation. Ms. Washburn stated the easiest would be if a Director knows they want to attend an event, a request for attendance should be provided in advance as opposed to after a request is made.

It was noted Ms. Washburn and Mr. Kennedy would prepare proposed revisions based on the input provided to present to the Board in April.

No action taken.

**\*27. DISCUSSION AND POSSIBLE ACTION REGARDING LAFCO CALL FOR NOMINATIONS FOR ALTERNATE SPECIAL DISTRICT MEMBER ELECTION**

Mr. Kennedy reported a vacancy has become available due to the resignation of Erin Lump. He noted the alternate would vote in the absence of a primary member.

Mr. Kennedy asked Legal Counsel for input as to any restrictions that would apply should one of RMWD's Board Members be seated to serve as an alternate and a matter related to RMWD is under consideration at a LAFCO meeting. Legal Counsel stated if there was an issue being discussed specific to RMWD, the RMWD Director serving as an alternate would need to recuse themselves from such discussions.

President Hamilton expressed an interest in being nominated.

***Motion:***

***To nominate Hayden Hamilton to serve as an alternate special district member.***

***Action: Approve, Moved by Director Moss, Seconded by Director Mack.***

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

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

***Ayes: Director Gasca, Director Mack, Director Rindfleisch, Director Moss.***

***Abstain: Director Hamilton.***

**\*28. DISCUSSION AND POSSIBLE ACTION TO ADOPT RESOLUTION NO. 21-09 CONCURRENCE THE NOMINATION OF JO MACKENZIE TO THE CSDA BOARD OF DIRECTORS**

Mr. Kennedy pointed out Ms. MacKenzie has served on the CSDA Board of Directors for many years and has asked local agencies to concur her nomination.

***Motion:***

***To adopt Resolution No. 21-09.***

***Action: Approve, Moved by Director Hamilton, Seconded by Director Moss.***

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

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

**29. DISCUSSION AND POSSIBLE APPOINTMENT OF CHAD WILLIAMS TO SERVE AS AN ALTERNATE MEMBER OF THE BUDGET AND FINANCE COMMITTEE**

Mr. Kennedy noted a while ago, it was recommended managers serve as alternates on both the Engineering and Operations Committee and Budget and Finance Committee, respectively. He stated since Mr. Williams has been appointed as the full time Engineering and Capital Improvement Program Manager, staff was recommended he be appointed to serve as an alternate member of the Budget and Finance Committee.

***Motion:***

***To approve the appointment of Chad Williams to Serve as an alternate member of the Budget and Finance Committee.***

***Action: Approve, Moved by Director Gasca, Seconded by Director Moss.***

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

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

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

Director Gasca stated he would like to request attendance at the virtual ACWA spring conference.

Ms. Washburn confirmed Director Mack has already been registered and Director Moss' registration will be confirmed.

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

***Motion:***

***To approve Director Gasca attendance at the virtual 2021 ACWA Spring Conference.***

***Action: Approve, Moved by Director Moss, Seconded by Director Mack.***

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

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

Mr. Kennedy pointed out going forward, a vote for Board approval for Director attendance at these recurring conferences may no longer be necessary pending updates to the Administrative Code.

**BOARD INFORMATION ITEMS**

**31. OAKCREST ESTATES WASTEWATER TREATMENT PLANT PERMIT UPDATE**

Mr. Gutierrez updated the Board on the Oakcrest Estates Wastewater Treatment Plant permit noting ever since the 1980's RMWD has assisted Oakcrest Estates with their sewer system. He explained Oakcrest Estates has its own wastewater treatment facility which generates too much waste to go into a septic system and RMWD does not have any wastewater lines extending that far; therefore, the wastewater is treated on site and sprayed on the hillsides as a means of watering which has been legal for many years. He mentioned in the 1980's RMWD was added to the permit to operate the system and how the District's job was to provide oversight to Oakcrest. He pointed out in 2013, the Regional Board changed the regulations to require a higher level of certification to operate the treatment plant, which RMWD did not have in place causing Oakcrest to hire a private treatment company to assist with running their plant utilizing certified treatment operators.

Mr. Gutierrez continued to explain how in 2019 there were heavy rains which resulted in the Oakcrest sewer treatment facility to overrun which caught the attention of the Regional Board resulting in a site visit. He stated Oakcrest was cited for several violations for which they started working directly with the Regional Board to alleviate the situation. He said as of August 2020, the Regional Board rescinded Oakcrest's small wastewater system permit and assigned the facility to the general permit for wastewater systems. He explained all the steps that took place and the fact that these actions were never brought to RMWD's attention.

Mr. Gutierrez said when he investigated this matter further, he was able to confirm unbeknownst to RMWD, the District was officially no longer on the permit. This relieves RMWD of any responsibility for the operations, maintenance, or permitting for this facility.

**32. DISTRICT HEADQUARTERS STUDY UPDATE**

Mr. Kennedy shared a presentation as he provided an update on the District Headquarters Study. He talked about some of the restrictions as well as two design concepts. He reviewed the selection process and next steps associated with this study.

Director Moss said when looking at the higher density, it may work better and how building condominiums could significantly shorten the District's timeline significantly. Discussion ensued.

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

President Hamilton stated a possible land swamp was to be under consideration. Mr. Kennedy stated this would certainly be a part of the discussions. Discussion followed.

Director Gasca asked which firm was developing the road map. Mr. Kennedy answered Mastercraft. Director Gasca inquired about the expected timelines. Mr. Kennedy stated he anticipated presenting this matter to the Board in May for consideration.

Director Rindfleisch expressed concern this plan may generate a great deal of scrutiny from people in the area more houses were being developed without having commercial development. Mr. Kennedy mentioned he has been told there was some movement started in getting a commercial development started. Director Rindfleisch asked where the development area was zoned for commercial development. Mr. Kennedy explained it was the area where the model airplanes are currently flown just north of Highway 76. Director Rindfleisch inquired as to whether any entitlements have been granted. Mr. Kennedy stated authorization has been granted; however, they were waiting for more homes to be developed to meet the rooftop count requirements.

Director Rindfleisch asked Mr. Kennedy if there was any interest in retail development to which Mr. Kennedy replied he did not but would look into it further. Director Rindfleisch inquired as to whether there has been any discussion regarding development the empty lot located across from the District entrance. Mr. Kennedy noted this property was owned by Caltrans and that the County would have first right of refusal to purchase that land.

**33. FOLLOW UP TO CUSTOMER INQUIRIES RECEIVED BY DIRECTORS (REQUESTED BY DIRECTOR MOSS)**

Director Moss shared her recent experiences when receiving inquiries from her constituents. She stated although she brings the matter to Mr. Kennedy's attention, she would like the outcome to circle back to her so she would be able to follow up with those making the inquiries. Mr. Kennedy offered to report back the Director on customer inquiries as well as provide guidance in terms of the appropriate response.

Director Gasca mentioned he also had an encounter with a constituent who took an interest in the lot RMWD has been leasing out. Mr. Kennedy stated the contact information has been provided to Mr. Williams for follow up.

**\*34. RECEIVE AND FILE INFORMATION AND FINANCIAL ITEMS**

**A. General Manager Comments**

1. Meetings, Conferences and Seminar Calendar

**B. Operations Comments**

1. Operations Report

**C. Engineering Comments**

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

**D. Human Resource & Safety Comments**

1. Human Resources Report

**E. Finance Comments**

1. Board Information Report
2. Budget to Actual Fund 1, 2, and 3 January
3. Fund Balance & Developer Projections

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



4. Treasury Report
5. Five Year Water Purchases Demand Chart
6. Water Sales Summary
7. Check Register
8. Directors' Expenses Report
9. Credit Card Breakdown
10. RMWD Properties

Mr. Kennedy pointed out with many staff and Board Members having been vaccinated and how the District may be able to return to in-person meetings in the near future depending on the CDC requirements which will continue to be monitored by staff over the next few weeks.

President Hamilton requested five-year averages be provided in each of the curves should it not be too confusing.

The information and financial items were received and filed.

President Hamilton asked Ms. Harp to read the RMWD Challenge Coin Program recipients into the record. Ms. Harp stated mentioned Bryan Rose and Scott Simpson were honorably mentioned in Teamwork and that Carols Ramos received the integrity coin making him the first recipient of all five of the challenge coins.

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

It was noted proposed amendments and updates to Administrative Code Section 2.03.010, an update on the radio tower grant, backflow testing resolution, and a preliminary budget review will be on the next agenda.

#### **36. ADJOURNMENT**

***The meeting was adjourned by Director Hamilton to a regular meeting on April 27, 2021 at 1:00 p.m.***

The meeting was adjourned at 3:53 p.m.

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**Hayden Hamilton, Board President**

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**Dawn M. Washburn, Board Secretary**