



Notice is hereby given that the Rainbow Municipal Water District Board of Directors will hold Closed Session at 11:00 a.m. and Open Session at 1:00 p.m. Tuesday, August 30, 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 (Government Code §54956.9(d)(2))  
\* Three Items
  - B. Appointment, Employment; Evaluation of Performance – General Manager (Government Code §54957(B)(1))

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

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. 22-24 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 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. **EMPLOYEE RECOGNITIONS**

- A. Excellence Coin Awards
1. Bernardo Nunez
  2. Dawn Washburn

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

**\*17. PUBLIC HEARING**

**A. DISCUSSION AND POSSIBLE ACTION TO ADOPT RESOLUTION NO. 22-23 TO CERTIFY A PROGRAM ENVIRONMENTAL IMPACT REPORT FOR THE DISTRICT'S WATER AND SEWER FACILITIES PLAN (DISTRICT WIDE)**

*(District has prepared a Program Environmental Impact Report (PEIR) for its Water and Sewer Facilities Plan. The PEIR analyzes the District's reasonably foreseeable projects and maintenance and construction activities to meet the requirements of the California Environmental Quality Act.)*

**\*18. APPROVAL OF MINUTES**

A. July 26, 2022 - Regular Board Meeting

**\*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)

B. Representative Report (Appointed Representative)

1. SDCWA

A. Summary of Board Meeting July 28, 2022

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: Government Claims Act

**20. COMMITTEE REPORTS**

A. Budget and Finance Committee

B. Engineering and Operations Committee

C. Communications and Customer Service Committee

**CONSENT CALENDAR ITEMS**

**21. NOTICE OF COMPLETION AND ACCEPTANCE OF RAPID AERIAL WATER SUPPLY (RAWS) AT THE PALA MESA TANK SITE (DIVISION 3)**

*(Rapid Aerial Water Supply was a collaborative project between the District, North County Fire Protection District, and Cal Fire San Diego Unit which included the installation of an open-top steel tank for use by aircrews fighting fires. All facilities have been constructed per plan with no change orders.)*

**\*22. DISCUSSION AND POSSIBLE ACTION TO APPROVE AND EXECUTE JOINT AGREEMENT TO IMPROVE MAJOR SUBDIVISION COUNTY OF SAN DIEGO TRACT NO. 5354-4 (VTM5354R2, PDS2019-LDMJIP-50070, PA-5C) FOR CITRO DEVELOPMENT (DIVISION 4)**

*(As part of the project, the developer (Tri Pointe Homes) will be constructing significant water and sewer infrastructure and paying capacity fees. In order to construct a subdivision in San Diego County, an agreement must be signed by the affected parties/agencies and the developer. Execution of this agreement falls under the purview of the Board of Directors.)*

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

- 23. CONSENT TO THE OMISSION OF SIGNATURES FROM THE FINAL MAP FOR COUNTY OF SAN DIEGO TRACT NO. 5354-4, AND MAKE A FINDING THAT THE FINAL MAP WILL NOT UNREASONABLY INTERFERE WITH THE FREE AND COMPLETE EXERCISE OF THE DISTRICT'S EASEMENTS (DIVISION 4)**  
*(The District holds an easement within the boundaries of Tract No. 5354-4 which will not be affected by the recording of the Final Map for Tract No. 5354-4. The Final Map may not be recorded without a signature omission letter from the District stating that the Final Map will not unreasonably interfere with the free and complete exercise of the District's Easements.)*

#### **BOARD ACTION ITEMS**

- \*24. DISCUSSION AND POSSIBLE ACTION TO APPROVE A CONTRACT CHANGE ORDER WITH HOCH CONSULTING FOR DESIGN OF THE HUTTON & TURNER PUMP STATIONS IN THE AMOUNT OF \$299,061 & EXTEND THE CONTRACT THROUGH FEBRUARY 24, 2023 (DIVISION 1)**  
*(The Board approved a design contract with Hoch Consulting on January 26, 2021 in the amount of \$166,148 for the replacement of the temporary pumps which supply the Hutton and Turner tanks with permanent pump stations. A change order is needed to complete the design for the Hutton and Turner pump stations and include a design for a third pump station known as Dentro De Lomas pump station.)*
- \*25. CONSIDER APPROVAL OF A CONTRACT CHANGE ORDER FOR THE CASS ARRIETA CONTRACT WITH TRI-POINTE HOMES FOR \$80,000, AND AN AMENDMENT TO THE PARTICIPATION AGREEMENT FOR THE RICE CANYON TANK TRANSMISSION MAIN PROJECT (DIVISION 5)**  
*(Hard rock excavation has completely exhausted the remaining contingency and an additional Participation Agreement Amendment is needed to increase the total maximum project cost from \$5,502,373 to a not to exceed amount of \$5,582,373. This change is a \$80,000 cost increase, which includes outstanding expenses related to hard rock, projected expenditures and replenishment of 15% of the project's contingency.)*
- \*26. DISCUSSION AND POSSIBLE ACTION TO ADOPT ORDINANCE NO. 22-16 UPDATING AND AMENDING ADMINISTRATIVE CODE SECTION 5.02.010 – CENTRALIZED PURCHASING**  
*(The update to the RMWD Administrative Procurement Code is necessary due to the acceptance of federal funding.)*
- \*27. DISCUSSION AND POSSIBLE ACTION TO APPROVE A VARIANCE REQUEST REQUESTING AN ADJUSTMENT IN WATER USAGE (Division 1)**  
*(Discussion and possible action to approve a variance request for an adjustment following a missed meter read.)*
- 28. DISCUSSION AND POSSIBLE ACTION REGARDING THE APPOINTMENT; EMPLOYMENT; EVALUATION OF PERFORMANCE; OR COMPENSATION OF THE GENERAL MANAGER**  
*(The Board may take action regarding the appointment, employment, performance or compensation of the General Manager.)*
- 29. BOARD MEMBER REQUESTS FOR AUTHORIZATION TO ATTEND UPCOMING MEETINGS / CONFERENCES / SEMINARS**

#### **BOARD INFORMATION ITEMS**

- 30. GRANT PROGRAM UPDATE**
- 31. DATA CONFERENCE UPDATE**

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

**\*32. REVIEW AND DISCUSS THE RENEWABLE ENERGY BILL CREDIT TRANSFER PROGRAM AND POTENTIAL OPPORTUNITIES FOR RAINBOW MUNICIPAL WATER DISTRICT (DISTRICT WIDE)**  
*(Various programs were evaluated to determine the eligibility and availability of SDG&E solar programs including the Net Energy Metering (NEM) and Renewable Energy Bill Credit Transfer (RES-BCT) programs. Renewable Energy Bill Credit Transfer (RES-BCT) program, which allows public agency renewable generation at one site to offset SDG&E bills at other sites was determined to be the best option, however the program has been fully subscribed for years and shows no sign of reopening.)*

**\*33. 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
    - 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

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

**35. ADJOURNMENT - To Tuesday, September 27, 2022 at 1:00 p.m.**

**ATTEST TO POSTING:**

*Pam Moss*  
Pam Moss  
Secretary of the Board

8-22-22 @ 12:45 p.m.  
Date and Time of Posting  
Outside Display Cases

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