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MEMBERS OF THE PUBLIC WISHING TO SUBMIT WRITTEN COMMENT TO THE BOARD UNDER PUBLIC COMMENT OR ON A SPECIFIC AGENDA ITEM MAY SUBMIT COMMENTS TO OUR BOARD SECRETARY BY EMAIL AT DWASHBURN@RAINBOWMWD.COM OR BY MAIL TO 3707 OLD HIGHWAY 395, FALLBROOK, CA 92028. ALL WRITTEN COMMENTS RECEIVED **AT LEAST ONE HOUR IN ADVANCE OF THE MEETING** 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, March 22, 2022

Closed Session 11:30 a.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

Board of Directors Meeting Schedule Regular Board meetings are normally scheduled for the 4th 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.

Public Input on Specific Agenda Items and those items not on the Agenda, Except Public Hearings 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.

Public Items 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.

Agenda Posting and Materials 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.

Board meetings 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.

If you have special needs 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 11:30 a.m. and Open Session at 1:00 p.m. Tuesday, March 22, 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))
* Two Items
 - B. Consider Information Report on Cyber Security (Government Code §54957(a))

(*) - Asterisk indicates a report is attached.

- C. Conference with Legal Counsel - Anticipated Initiation of Litigation (Government Code §54956.9(d)(4))

* Three Items

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. 22-10 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.

(*) - Asterisk indicates a report is attached.

16. EMPLOYEE RECOGNITIONS

- A. Excellence Coin Awards
 - 1. Renee Rubio

***17. APPROVAL OF MINUTES**

- A. February 22, 2022 - Regular Board Meeting

***18. 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 February 24, 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 Immunity

19. COMMITTEE REPORTS

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

BOARD ACTION ITEMS

- *20. CONSIDER APPROVAL OF THE FORM OF A FINANCING AGREEMENT WITH WESTERN ALLIANCE BUSINESS TRUST FOR \$9,750,000 AT 3.55% INTEREST FOR 20 YEARS AND APPROVING THE BUDGET FOR THE WHOLESALE WATER EFFICIENCY CAPITAL PROJECTS**
(Consider approval of financing for the Wholesale Water Efficiency Projects and approval of their budgets for \$9,700,000.)
- *21. DISCUSSION AND POSSIBLE ACTION TO APPROVE A SEWER SERVICE AGREEMENT BETWEEN RAINBOW MUNICIPAL WATER DISTRICT AND GIRD VALLEY INC. FOR THE MONSERATE WINERY IN DIVISION 3**
(The Monserate Winery, on Gird Road, is being developed with several new facilities. The Sewer Service Agreement aims to establish clear guidelines and limits to the quantity of wastewater which is permitted to be discharged by the Monserate Winery into District facilities.)

(*) - Asterisk indicates a report is attached.

- *22. **POSSIBLE ACTION TO ADOPT RESOLUTION OF NECESSITY NO. 22-09, AUTHORIZING THE ACQUISITION OF EASEMENTS BY EMINENT DOMAIN FROM A PORTION OF THE “COUNTY FEE OWNED UNUSED ROAD” LOCATED NORTH OF HWY 76 AND WEST OF S. MISSION RD, BONSALL, CA 92003 (DIV 2)**
(The Lift Station 1 Replacement Project is needed in order to provide wastewater services to the Citro Development, which includes over 900 new homes. The construction of the project requires the acquisition of various easements along the proposed alignment.)
- *23. **DISCUSSION AND POSSIBLE ACTION TO ADOPT ORDINANCE NO. 22-07 AMENDING AND UPDATING ADMINISTRATIVE CODE CHAPTER 2.06 – COMMITTEES AND SECTION 2.06.010 – COMMITTEES POLICY**
(At their February 22, 2022, meeting, the Board reviewed Administrative Code Section 2.06.010 – Committees Policy and requested that staff include the policy guidelines related to Board Member conduct at meetings be incorporated into the Committees Policy. This item is to provide the Board with an opportunity to consider the proposed amendments and updates prepared by staff.)
- *24. **DISCUSSION AND POSSIBLE ACTION TO ADOPT ORDINANCE NO. 22-08 AMENDING AND UPDATING ADMINISTRATIVE CODE CHAPTERS 9.04, 9.05, AND 9.07**
(Periodic updates to policies within the RMWD Administrative Code are necessary to update changes in terminology and to add clarification.)
- *25. **DISCUSSION AND POSSIBLE ADOPTING ORDINANCE NO. 22-09 AMENDING AND UPDATING ADMINISTRATIVE CODE CHAPTERS 8.01, 8.03, 8.04, 8.11, & 8.14**
(An update to the policy related to water services has been prepared for Board consideration. All changes comply with the Senate Bill 998 regarding water shutoffs.)
- *26. **DISCUSSION AND POSSIBLE ACTION TO ADOPT ORDINANCE NO. 22-10 AMENDING AND UPDATING ADMINISTRATIVE CODE CHAPTER 8.20 AND SECTION 8.20.010.01**
(Staff reviewed Administrative Code Chapter 8.20 and determined amendments and updates to the Code are essential to ensure public health. This update clarifies that testing is mandatory. The update also defines the responsibilities of both RMWD and the homeowner.)
- 27. **BOARD MEMBER REQUESTS FOR AUTHORIZATION TO ATTEND UPCOMING MEETINGS / CONFERENCES / SEMINARS**

BOARD INFORMATION ITEMS

- 28. **PRESENTATION ON DRONE USE AT RAINBOW MUNICIPAL WATER DISTRICT (REQUESTED BY DIRECTOR GASCA)**
- 29. **PIPELINE 4 REPAIR UPDATE**
- 30. **DEVELOPMENT PRESENTATION**
- *31. **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

(*) - Asterisk indicates a report is attached.

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

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

33. ADJOURNMENT - To Tuesday, April 26, 2022 at 1:00 p.m.

ATTEST TO POSTING:

Pam Moss

Pam Moss

Secretary of the Board

3-17-22 @ 11:30 a.m.

Date and Time of Posting

Outside Display Cases

(*) - Asterisk indicates a report is attached.

BOARD OF DIRECTORS

March 22, 2022

SUBJECT

BOARD OF DIRECTORS CONSIDER ADOPTING RESOLUTION NO. 22-10 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 time, 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 February 22, 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. 22-10 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

March 22, 2022

RESOLUTION NO. 22-10

**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, the Board of Directors approved a Resolution renewing the virtual meeting authorization pursuant to AB 361 on February 22, 2022; 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 February 22, 2022. 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 22nd day of March 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
FEBRUARY 22, 2022**

1. **CALL TO ORDER** - The Regular Meeting of the Board of Directors of the Rainbow Municipal Water District on February 22, 2022 was called to order by President Hamilton at 12:02 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.

2. **ROLL CALL**

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

Also Present: General Manager Kennedy, Legal Counsel Smith, Executive Assistant Washburn, Information and Technology Manager Khattab.

Also Present Via Teleconference or Video Conference:

Legal Counsel Duran-Brown, Engineering and CIP Program Manager Williams.

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)**

Mr. Williams mentioned the District received an additional easement on LS1 that needs to be added to Item #6B. Legal Counsel clarified this could be addressed as part of the existing matter listed under Item #6B.

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 12:05 p.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

* One Case

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

* Two Items

The meeting reconvened at 1:15 p.m.

7. REPORT ON POTENTIAL ACTION FROM CLOSED SESSION

This item was address 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 February 22, 2022 was called to order by President Hamilton at 1:19 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, Director Stewart *(arrived at 1:23 p.m. via video conference).*

Also Present: General Manager Kennedy, Legal Counsel Smith, Executive Assistant Washburn, Information and Technology Manager Khattab, Finance Manager Largent, Customer Service and Communications Supervisor, Operations Manager Gutierrez, Human Resources Manager Harp, Accounting Specialist Martinez, Construction Crew Leader Nault, Human Resources Assistant Ramirez.

Also Present Via Teleconference or Video Conference:

Legal Counsel Pellman, Human Resources Manager Harp, Project Manager Tamimi, Associate Engineer Powers, Engineering and CIP Program Manager Williams, Project Manager Parra, Wastewater Superintendent Zuniga, Construction and Meters Supervisor Lagunas, Engineering Technician Rubio.

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

(*) - Asterisk indicates a report is attached.

***11. BOARD OF DIRECTORS CONSIDER ADOPTING RESOLUTION NO. 22-04 RENEWING STATE OF EMERGENCY FINDINGS FOR ASSEMBLY BILL 361 (AB 361)**

Motion:

To adopt Resolution No. 22-04.

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 Moss.

Absent: Director Stewart.

12. REPEAT REPORT ON POTENTIAL ACTION FROM CLOSED SESSION

Legal Counsel reported the Board met in Closed Session to discuss three items and 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.

Director Stewart joined the meeting at 1:23 p.m.

15. ORAL/WITTEN 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 oral or written communications.

16. EMPLOYEE RECOGNITIONS

- A. Service Awards**
 - 1. Wayne Nault (15 Years)

Mr. Kennedy acknowledged Wayne Nault has been in the District's construction division for fifteen years and was currently a crew leader who has been doing great work mentoring others and being a good resource for newer employees. He presented Mr. Nault with a plaque and check in recognition of his service and tenure.

(*) - Asterisk indicates a report is attached.

- B.** Excellence Coin Awards
 - 1. Laura Martinez

Mr. Kennedy explained as part of the Excellence Coin Program, recognizing staff members as nominated by their peers and how Laura Martinez has received all five coins. He mentioned Ms. Martinez manages the District’s payroll, payables, and receivables. He presented Ms. Martinez with a plaque in recognition of her achievements.

- 2. Renee Rubio

This recognition was deferred to the March Board meeting.

***17. APPROVAL OF MINUTES**

- A.** January 25, 2022 - Regular Board Meeting

Motion:

To approve the minutes as presented.

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 Moss, Director Stewart.

***18. 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 said he had nothing to report.

- B.** Representative Report (Appointed Representative)

- 1. SDCWA
 - A.** Summary of Board Meeting January 27, 2022

Mr. Kennedy introduced Jim Fisher, SDCWA Director of Operations, was present to give a presentation regarding the repairs about to take place on Pipeline 4.

Mr. Fisher presented background, shared where line breaks have taken place over the past few years, steps taken to mitigate the issues in the past, and what steps will be taken between March 1-10, 2022. He noted there is a required shutdown from MWD Skinner Water Treatment Plant to the Twin Oaks Water Treatment. He pointed out the impacted agencies have been notified including residence who may be impacted in the event of a pipeline failure as well as during the construction process.

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Director Mack inquired as to the length of the section of stick. Mr. Fisher clarified for this pipeline they are 24' long; 48' of pipeline as well as mentioned the length depends on the diameters, type of construction, and its weight coupled with the ability to pick it up and being transported. He noted it weighs thousands of pounds.

Director Gasca asked if this section of pipe was part of the lining project that took place a while ago. Mr. Fisher stated it was not. Director Gasca inquired as to whether replacement of the stick will accelerate or delay the relining in this area. Mr. Fisher explained this would not be known until the repair works begins.

Discussion ensued.

Director Mack inquired as to the determination as to why the metal was breaking. Mr. Fisher noted it could be for a number of potential reasons which he listed.

Director Gasca asked if there was any seismic action that could have contributed. Mr. Fisher explained this could be a contributing factor in some cases; however, it was not the case with this pipeline.

The Board thanked Mr. Fisher for attending the Board meeting and providing this information.

Mr. Kennedy provided a SDCWA report noting the Special Administrator and Finance Committee met on February 10, 2022 at which review of the Financial Strategy Work Group which was looking at a number of items took place. He pointed out as part of the long-range financing plan adopted in 2021, the City of San Diego, along with many other counterparts, encouraged SDCWA to find a way to make water more affordable. Mr. Kennedy pointed out that SDCWA's response was to create a PR campaign to convince people that water is cheap, which is not what the Board had expected.

2. CSDA

Mr. Kennedy reported the quarterly dinner took place virtually on February 17, 2022.

Mr. Kennedy noted CSDA has offered discounts for multiple attendees at the Special District Leadership Academy scheduled to take place in April in San Diego.

3. LAFCO

Mr. Kennedy reported the Special District Advisory Committee will be meeting soon and how a workgroup has been convened to talk about some of the proposed amendments to the Out of Agency Service Agreements.

4. Santa Margarita River Watershed Watermaster Steering Committee

There was no report given.

5. ACWA

Director Gasca reported the Governor unveiled his proposed state budget of \$286 billion which included an additional \$750 million general fund for drought response packet focused on immediate drought response needs. He noted some of the funds and grants that may be of interest to RMWD. He asked whether RMWD has an outreach program interfacing.

(*) - Asterisk indicates a report is attached.

Mr. Kennedy mentioned RMWD has been approached by LAFCO regarding whether RMWD would want to participate in mailing a survey out to its farming customers in order to gather information for State ag funding efforts. He stated once LAFCO agreed to cover the costs of mailing these out, Ms. Gray worked in conjunction with LAFCO to get these surveys prepared and mailed today. Director Moss requested for a copy of the mailer be provided to each of the Board Members.

Director Stewart inquired as whether there were funds for turf conversion. Director Gasca confirmed there were funds. Mr. Kennedy explained this would run through RMWD and funneled through to SDCWA or MWD. Ms. Gray stated she would be updating information related to turf conversation on the District website under “news” and “programs”.

Director Gasca encouraged staff to be proactive in seeking as much funds as possible.

Director Gasca announced the California/Nevada AWWA Spring Conference will be held in April and the 2022 ACWA Spring Conference in May.

Director Gasca mentioned there was a call for nomination for ACWA Region 10. It was noted the Resolution requires Board approval which was not on this agenda for consideration; therefore, the Board decided to wait until next year.

C. Meeting, Workshop, Committee, Seminar, Etc. Reports by Directors (AB1234)
1. Board Seminar/Conference/Workshop Training Attendance Reports

Director Moss reported she attended the Best Practices workshop and how she found it very helpful and would recommend any new RMWD Board Members be introduced to key staff members as well as a tour with the General Manager. It was noted these steps are part of Board Member orientation; however, when Director Moss joined the Board, it was during the pandemic and some steps were unavailable.

Director Moss also noted how another takeaway from the workshop was related to how committee members should conform to a businesslike and respectful manner, conduct themselves in a way that is conducive to helping the operation as opposed to being disruptive, as well as willing to participate on a regular basis.

D. Directors Comments

Director Mack expressed appreciation to the crews who worked on fixing the recent main line breaks that occurred on Rice Canyon as well as those notifying the customers when the water service was going to resume. He inquired as to when the asphalt would be replaced. Mr. Gutierrez stated the paving would take place on Monday, February 28, 2022, and would not require a full road closure.

E. Legal Counsel Comments
1. Attorney Report: CEQA and Proposition 218 Updates

Legal Counsel summarized the information contained in the written report provided. Discussion followed.

19. COMMITTEE REPORTS

A. Budget and Finance Committee

Mr. Nelson reported the committee considered the mid-year operating and capital budget which will be presented to the Board at this meeting as well as discussed wholesale water efficiency projects. He also mentioned there was a presentation that described all of the development projects on RMWD’s books that may be of interest to the Board. Ms. Largent offered to send a copy of the presentation to the Board Members.

B. Communications and Customer Service Committee

Mr. Khattab shared Mr. Shute had commented he needed to leave the meeting; however, he wanted to provide an update to be read into the record to include the committee covered backflow notifications, customer survey, emergency notification projects, Lift Station 1 logo, and recruitment as their February meeting.

Director Mack inquired about the Lift Station 1 logo. Ms. Gray clarified this was regarding the signage for the Lift Station 1 project.

C. Engineering and Operations Committee

Mr. Nelson reported the committee discussed the mid-year budget review, wholesale water efficiency projects, as well as the Notice of Completion before the Board today which the committee recommended be approved. He added there were some proposed changes to the Administrative Code that will be reviewed during the bulk of the March committee meetings.

PUBLIC HEARING

***20. PUBLIC HEARING TO CONSIDER ADOPTING RESOLUTION NO. 22-08 REVISING BOUNDARIES OF THE DIRECTOR DIVISIONS FOR THE RAINBOW MUNICIPAL WATER DISTRICT**

President Hamilton opened the Public Hearing at 2:34 p.m.

Mr. Khattab shared a presentation titled “Redistricting Demographics” as he reviewed the information contained in the presentation as well as noting the proposed changes to the divisions.

Mr. Kennedy pointed out these were the findings staff wanted to ensure the Board was aware of before approving the division changes as proposed.

President Hamilton closed the Public Hearing at 1:44 p.m.

President Hamilton inquired as to whether there were any comments from the public to which there was no response. Ms. Washburn confirmed there were no written comments received.

Motion:

To approve Option 1 – Adopt Resolution No. 22-08 establishing the revised Director divisions as presented and direct staff to submit the revised divisions to the San Diego County Registrar of Voters.

(*) - Asterisk indicates a report is attached.

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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 Moss, Director Stewart.

Mr. Kennedy clarified this was the District's second required hearing and that the electronic files will be sent to the Registrar of Voters for their review as well as likely publish something in the newsletter or possibly on customer bills communicating division boundaries have changed.

Mr. Kennedy thanked Mr. Khattab for his assistance and hard work on this project.

CONSENT CALENDAR ITEMS

21. NOTICE OF COMPLETION AND ACCEPTANCE OF THE NORTH RIVER ROAD SEWER MANHOLE REHABILITATION, DIVISION 2

***22. DISCUSSION AND POSSIBLE ACTION TO APPROVE ORDINANCE NO. 22-06 - AMENDING AND UPDATING ADMINISTRATIVE CODE SECTION 1.02.020 – CONFLICT OF INTEREST**

Motion:

To approve the Consent Calendar.

Action: Approve, Moved by Director Stewart, 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.

BOARD ACTION ITEMS

***23. FISCAL YEAR 2021-22 MID-YEAR OPERATING AND CAPITAL BUDGET REVIEW AND ADJUSTMENTS**

Mr. Kennedy introduced this item noting this has been reviewed by some of the committees and that Ms. Largent will be giving two presentations today including one on the wholesale efficiency projects.

Ms. Largent gave a presentation title "Wholesale Water Efficiency Projects" providing a brief description and status update for each project. She noted staff was presenting the projects to the Board today and plans to move forward next month with the Budget and Finance Committee in March.

Ms. Largent pointed out the chief goal of the project package is the elimination of the transportation costs RMWD is charged by SDCWA which is \$173.00 per acre foot and is anticipated to increase to \$193.00 next year. She stated historically this rate has been increasing by 10%-15% (approximately \$20.00 per acre foot per year). She explained the elimination of this cost can be achieved by installation of pump stations that move water from the District's northern to southern zones and into the Morro Tank Reservoir as well as some of the other additional important benefits.

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Ms. Largent reviewed each of the five projects included in the packet as well as noted the financing costs for these projects total \$9.7 million which has been reduced approximately \$3 million by doing the Wilt Road and Gird Road upsized inhouse.

Ms. Largent stated staff looked at analysis with financing based on 3.38% interest rate which was the preliminary rate received from Pacific Western Bank, with financing over 15 years, and have reached out to three financial institutions for quotes. She stated she was in the process of finalizing the Pacific Western and Wells Fargo quotes and how Chase Bank does not usually deal directly with smaller or mid-size water authorities and would prefer RMWD hire a financial advisor.

Ms. Largent presented three different scenarios noting the first was based on 13,000 acre feet of water purchases, RMWD would have a cost savings estimate of \$3.5 million over the 15-year term of the loan. She stated this would be with the transportation escalation rate equal to what the historical trend has been and once the loan has been paid in full, RMWD will have approximately \$1.5-\$2 million per year in cost savings after the loan is paid off. She explained the second scenario included the same transportation rate escalations, but with 10,000 acre feet of water purchases which resulted in RMWD breaking even over the life of the loan and experience approximately \$1 million in cost savings per year after loan payoff. She described the third scenario as including 13,000 acre feet of water purchases with the SDCWA model of transportation rate increases resulting in RMWD still breaking even over the 15-year term of the loan and have savings of \$500,000 following loan payoff. She concluded with noting all these scenarios were very conservative.

Ms. Largent pointed out it was important to not just look at the savings presented, but also remember the other benefits such as increased redundancy during shutdowns.'

President Hamilton asked if an analysis of the trends within areas of the District relative to water conservation. He provided an example that if RMWD has seen a 20% drop in overall water purchases year in and year out, the model could be impacted if 80% of that came from Division 2 or from an even distribution across the District. Discussion ensued.

Mr. Nelson expressed concern with the anticipated increase in federal interest rates; therefore, he encouraged the Board to give staff the appropriate guidance and authority to take advantage of locking in an interest rate. President Hamilton clarified his request was informational only. Discussion followed.

Ms. Largent stated she will continue negotiating the rates with both banks.

Ms. Largent gave a separate presentation on the mid-year budget adjustments as she reviewed the information it contained. She pointed out the adjustments included an extra \$125,000 for the emergency shutdown, adding funds for inventory adjustment which has not been included in previous budgets, and a new folding/insert machine for mailing communications. She pointed out some costs have been added back into Engineering that had been cut in prior years as well as some certifications. She referenced a deduction to the budget for Risk Management because the deductible has been increased from \$5 million to \$10 million. She concluded with noting the total amount is a \$223,000 increase for operating expenses.

Ms. Largent shared a presentation on the proposed capital budget adjustments noting the adopted capital budget totaled \$15.8 million and were proposing a reduction of \$1.6 million which is an 11% decrease to bring it down to \$14 million. She pointed out these were not savings on projects, but rather timing of projects. She explained why she found \$14 million to be a

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reasonable expectation for what staff has been producing in their capital spending. She concluded with noting it would be ideal to keep the target balances at a minimum of 1-2 years of the five-year average CIP.

Ms. Largent noted some of the adjustment to wastewater which involved mainly just moving out the Thoroughbred Lift Station 1 timing which reflected a reduction of \$1.5 million. She presented the five-year projected balance for the wastewater fund.

President Hamilton asked for clarification that when he sees capital improvement projects with negative numbers, it should be assumed it was a timing issue as opposed to a project that will not be done. Ms. Largent confirmed this was correct.

Motion:

To approve Option 1 – Approve Amended Operating Budget FY 2021-22 as provided in Attachment A with a Projected Net Budget Operating Expense Increase of \$223,000 Water Capital Project Decrease of \$403,610 and Waste Water Decrease of \$1,263,242.

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

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

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

- *24. ADOPT RESOLUTION NO. 22-05 FIXING THE TIME AND PLACE OF HEARING AND MEETING ON PROPOSED WATER AVAILABILITY CHARGES FOR IMPROVEMENT DISTRICT NO. 1**

Motion:

To adopt Resolution No. 22-05.

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

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

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

- *25. DISCUSSION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. 22-06 ESTABLISHING CLASSIFICATIONS AND MONTHLY PAY RANGES FOR DISTRICT EMPLOYEES AND GENERAL MANAGER EFFECTIVE FEBRUARY 22, 2022 THROUGH JUNE 30, 2022**

Ms. Harp confirmed this item was to add a titles and compensation ranges that will have no fiscal impact. She mentioned an employee who has been primarily a line locator, but classified as a utility worker, provided notice of their retirement effective at the end of March. She explained this change was to change the title and job description be updated to line locator when recruiting to fill this position so that it is more accurate of what the job entails.

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Ms. Harp pointed out this resolution will add the Utility Line Locator and Senior Utility Line Locator job classifications to the pay grade schedules for Utility Worker II or Utility Worker III. She noted the retiree was a Utility Worker III; therefore, regardless of which classification the District hires into, it will be the same budgetary impact for the replacement employee.

Motion:

To accept Option 1 – Approve Resolution No. 22-06.

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

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

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

***26. DISCUSSION AND POSSIBLE ACTION TO ADOPT RESOLUTION NO. 22-07 RECOGNIZING THE CITY OF OCEANSIDE WATER UTILITIES DEPARTMENT AND COUNTY OF SAN DIEGO BONSALL ROAD STATION FOR ASSISTING WITH UNPRECEDENTED WATER MAIN BREAKS THE WEEK OF JANUARY 17, 2022**

Mr. Gutierrez stated as the title for this item states, RMWD wants to thank these organizations for their assistance with the seven unprecedented main breaks that occurred the week of January 17, 2022. He mentioned how much these crews went above and beyond what they normally do to help RMWD ratepayers.

Motion:

To proceed with this.

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

President Hamilton inquired as to the delivery of this resolution. Mr. Kennedy noted staff may show up at one of the City of Oceanside's meetings and make a public comment as well as try to get on the County Board of Supervisors agenda. He pointed out, if this proves to be too difficult, those crew members who assisted will be invited to the March RMWD meeting and recognize them directly.

Director Gasca recommended the resolution be split into two separate resolutions with one directed at each. President Hamilton inquired as to how the Board would approve two separate resolutions. Legal Counsel clarified the resolutions could be split into two using the same language as provided in the body of the resolution and be approved with one vote taken by the Board.

Mr. Kennedy directed Ms. Washburn to split Resolution No. 22-07 into two separate resolutions with one for each agency assigning them with two different numbers such as Resolution No. 22-07A and 22-07B.

Director Moss amended her original motion.

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Motion:

To approve the split Resolution No. 22-07 into two resolutions worded the same, but with one for each.

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

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

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

27. DISCUSSION AND POSSIBLE APPOINTMENT OF JULIE JOHNSON TO SERVE AS A MEMBER OF THE ENGINEERING AND OPERATIONS COMMITTEE

Motion:

To appoint Julie Johnson to the Engineering and Operations Committee.

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

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

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

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

Director Mack stated he would like to attend the 2022 ACWA Spring Conference as well as the CSDA Special Districts Leadership Academy.

Director Gasca stated he would like to attend the 2022 ACWA Spring Conference, including the JPIA event the day before the conference begins, as well as the 2022 AWWA Spring Conference in Anaheim.

Director Stewart stated he would also like to attend the 2022 ACWA Spring Conference.

President Hamilton called for a break at 3:29 p.m.

The meeting reconvened at 3:36 p.m.

BOARD INFORMATION ITEMS

***29. DISCUSSION REGARDING THE HUTTON / LINE P PUMP STATION SUMMARY REPORT, DIVISION 1**

Mr. Kennedy mentioned this item was placed on the agenda to allow for an opportunity to update the Board as well as summarize the work done regarding land acquisition for the Hutton and Turner Pump Stations (aka Line P). He said this was also to provide an opportunity for members of the public to address the Board and speak about this matter in public.

Mr. Williams reported there were no public attendees requesting to comment on this matter.

(*) - Asterisk indicates a report is attached.

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President Hamilton inquired about the different pump station styles and whether there was a way to mitigate placing something more appealing on the property owner's land.

Director Moss stated if RMWD were to proceed on placing the pump station on a property owner's lot, that the District attempt to make the building look more complimentary to the property owner's main residence. Mr. Williams provided an example as to how these stations can look exactly like the property owner's residence.

Director Moss asked for the timeline. Mr. Kennedy stated once land is acquired and a settlement is reached in terms of the design of the pump station, the pumps, etc., it will take approximately one year to construct.

***30. REVIEW OF ADMINISTRATIVE CODE SECTION 2.06.010 – COMMITTEES POLICY**

Mr. Kennedy noted Director Moss had recommended there be an opportunity to review this policy.

President Hamilton asked if there was any place in the Administrative Code related to code of conduct or decorum in meetings. Ms. Washburn clarified there is a policy; however, it may be for Board Members only and not necessarily committee members.

Director Moss shared input from the recent workshop she attended and how it was the responsibility of any committee member to work as a team with a united approach, have appropriate conduct, take an active role in their committee, be responsive to the needs of the committee and be available for the entire meeting unless in the event of an emergency.

Director Moss recommended the relevant sections of the Administrative Code related to Board Member conduct at meetings be incorporated into the appropriate sections of the Administrative Code for both Board Members and Committee Members.

Mr. Kennedy said staff would find the relevant sections of the Administrative Code and prepare proposed adjustments for the Board to consider at their March meeting.

***31. 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

(*) - Asterisk indicates a report is attached.

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- F. Check Register
- G. Directors' Expenses Report
- H. Credit Card Breakdown
- I. RMWD Properties

Ms. Harp stated she looked forward to seeing everyone at the RMWD Employee Appreciation Banquet on March 5th.

Discussion went to Item #32.

Discussion returned from Item #32.

Mr. Gutierrez reported on the Water Service Upgrade Project (WSUP) noting crews have completed exchanging the bulk of the meters meaning the cleanup list was currently being worked on. He noted Concord has approximately 160 meters remaining on the RTU list, and the outstanding balance of meters will fall to internal staff. He stated it was staff's intent to come to the Board soon with a Notice of Completion. He confirmed the project was 99% complete.

Director Gasca inquired as to how many units can be completed within a week. Mr. Gutierrez replied noting Concord has stated their 160 meters would be completed in the next two and one-half weeks.

Director Mack asked questions regarding the work that has been completed throughout his division and how there are boxes and tape remaining. Mr. Gutierrez explained RMWD crews had excavated and put tape up at these sites, another crew would return to do the exchange, and a final crew dedicated to backfilling would come to finish the job. Discussions followed.

The information and financial items were filed.

Discussion went to Item #33.

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

It was noted proposed changes to the Administrative Code Committee Policy, Wholesale Water Efficiency Projects, employee recognition for Ms. Rubio, developer presentation, an updated on the Pipeline 4 repairs, and a presentation regarding state funding for water conservation would be on the next Board meeting agenda.

Discussion returned to Item #31.

33. ADJOURNMENT

The meeting was adjourned by Director Hamilton to a regular meeting on March 22, 2022, at 1:00 p.m.

The meeting was adjourned at 3:59 p.m.

Hayden Hamilton, Board President

Dawn M. Washburn, Board Secretary

(*) - Asterisk indicates a report is attached.



SUMMARY OF FORMAL BOARD OF DIRECTORS' MEETING FEBRUARY 24, 2022

1. Amendment 1 to the service contract with Bob Turner's Crane Services, Inc., dba: Bob's Crane Service, for crane rental with operator services.
The Board authorized the General Manager to execute Amendment 1 to the Contract with Bob's Crane Services, in the amount of \$150,000 for crane rental with operator services, increasing the not-to-exceed amount from \$150,000 to \$300,000.
2. Amendment 3 to the service contract with Co's Traffic Control, Inc., for traffic control services.
The Board authorized the General Manager to execute Amendment 3 to the Contract with Co's Traffic Control in the amount of \$150,000 for traffic control services, increasing the not-to-exceed amount from \$650,000 to \$800,000.
3. Construction contract with J.F. Shea Construction, Inc. for the Pipeline 4 West Lilac Urgent Repair Project.
The Board ratified the construction contract with J.F. Shea Construction, Inc. in the amount of \$1,135,000 for the Pipeline 4 West Lilac Urgent Repair project.
4. Change Orders to Gracon, LLC for the Rancho Peñasquitos Hydroelectric Facility Improvements Project.
The Board accepted staff executed Change Orders 1 through 7 for a total of \$383,382, and authorized the General Manager, or designee, to execute a pending change order up to \$280,000 to revise the construction sequence for the project.
5. Professional services contracts with Kleinfelder, Inc.; Kennedy / Jenks Consultants, Inc.; and Tetra Tech for professional structural engineering, architectural, and geotechnical services, as-needed.
The Board authorized the General Manager, or designee, to award professional services contracts to Kleinfelder, Inc. for \$350,000; Kennedy/Jenks Consultants, Inc. for \$350,000; and Tetra Tech for \$300,000 for structural engineering, architectural, and geotechnical services, as-needed for a period of five years.
6. Professional services contracts with Richard Brady and Associates, Inc.; Hunter Pacific Group; and The Engineering Partners, Inc. for controls and electrical engineering services, as-needed.
The Board authorized the General Manager, or designee, to award professional services contracts to Richard Brady and Associates, Inc. for \$500,000; Hunter Pacific Group for \$250,000; and The Engineering Partners, Inc. for \$250,000 for controls and electrical engineering services, as-needed for a period of five years.



7. Professional services contract with Black & Veatch Corporation for the 2023 Water Facilities Master Plan in an amount not to exceed \$2,850,000.
The Board authorized the General Manager to award a professional services contract with Black & Veatch Corporation to provide planning services to prepare the 2023 Water Facilities Master Plan for a 30-month period in an amount not to exceed \$2,850,000.
8. Monthly Treasurer's Report on Investments and Cash Flow.
The Board noted and filed the Treasurer's report.
9. Approve actions from Special A&F Committee Meeting.
A) The Board adopted the Proposed Budget Policy with an amendment that the Board is to receive a draft two weeks prior to the March Board meeting; B) approved the Rate Design Development with the Financial Strategy Work Group being provided with regular monthly updates on the progress of future rate development efforts; and, C) approved that the Financial Strategy Work Group will receive a presentation and provide a recommendation to the Board on the proposed alternative rate design structure after SDCWA staff has worked with Member Agency Managers (and their staff).
10. Approval of Minutes.
The Board approved the minutes of the Formal Board of Directors' meeting of January 27, 2022, and Special Board meeting of January 13, 2022.
11. Assembly Bill 361 Continued Determination Acknowledging the Governor of the State of California's Proclamation of a State of Emergency and of Remote Teleconference Meetings of the Legislative Bodies of San Diego County Water Authority due to the Emergency Pursuant to Brown Act Provisions.
The Board acknowledged the Governor's proclaimed State of Emergency, and approve continued remote teleconference meetings of the legislative bodies of San Diego County Water Authority due to the emergency pursuant to Brown Act after reconsidering the circumstances and finding that state or local officials continue to impose or recommend measures to promote social distancing.
12. Employment of retired annuitant as temporary Assistant General Manager and exception of 180-day wait period.
The Board adopted Resolution No. 2022-06, a resolution of the Board of Directors of the San Diego County Water Authority approving exception to the 180-day waiting period to hire a CalPERS retired annuitant in accordance with Government Code sections 7522.56 and 21224.



TO: Rainbow Municipal Water District
FROM: Alfred Smith
DATE: March 22, 2022
RE: Attorney Report: Government Immunity
501668-0002

I. INTRODUCTION.

This attorney report provides an update on recent case law confirming the government immunity doctrine for local agencies. In *City of Chico v. Superior Court*, the Third District Court of Appeal confirmed the immunity of local government agencies for injuries caused by a natural condition on public property. The decision in the *Chico* case confirms immunity for injuries caused by a natural condition of unimproved public property, even where a public entity made changes to the property's natural condition.

II. BACKGROUND.

Plaintiff Wendy McKenzie was injured by a falling tree branch while jogging on a bike path in Lower Bidwell Park, a municipal park owned by the City. Bidwell Park is a municipal park established in 1905 and is comprised of 3,670 acres. The park is a naturally occurring riparian woodland located within the Sacramento River Basin. South Park Drive is designated a Class I bike path by the City, and provides pedestrian access through the park.

The subject tree is a 130-year-old Valley Oak tree and predates the establishment of the area as a municipal park. Valley Oaks are endemic to California and indigenous to the Sacramento River Basin.

The City argued the area of Valley Oak trees where the branch fell, as well as the subject tree itself, qualified as unimproved public property — and the presence of South Park Drive does not alter that. The City asserted: “the falling of the subject branch was, in and of itself, an unpredictable, natural condition of the tree. Trees are living organisms and naturally lose branches or even fall.” Further, the City argued this case “is precisely the type of situation contemplated by the Legislature when it enacted [s]ection 831.2, namely, encouraging public access to recreational areas without imposing liability on public entities when injuries are caused by natural conditions.”

In support of its summary judgment motion, the City provided the declaration of an arborist, who opined: “The subject tree is a Valley Oak (*Quercus lobata*), a tree

species that is susceptible to the phenomenon of unexpected branch failure that is generally described as ‘Sudden Branch Drop.’ Sudden Branch Drop . . . is a sudden unanticipated failure of a tree branch with little or no discernible defect; often associated with long, horizontal branches and warm temperatures.” The City also cited deposition testimony that unexpected breakage of a tree limb usually is a result of high temperatures, often associated with dehydration of the tissues, constituting an unpredictable event.

The plaintiff countered by arguing the branch failed due to years of neglect resulting in “a heavy, overloaded, and horizontally growing branch that overwhelmed the point of attachment between the branch and the trunk.” The plaintiff asserted: “This excessive weight combined with the horizontal growth characteristic created a dangerous condition of public property that should and would have been obvious to any properly trained arborist conducting a basic ground-level assessment. The City’s failure to engage in any standard maintenance and risk mitigation allowed this dangerous condition to exist.”

The plaintiff also argued the park — in the middle of Chico and with two million annual visitors — is not the type of public land contemplated for natural condition immunity. The plaintiff suggested natural condition immunity applies only to “primitive regions of the state, and not to an urban park in an urban setting, with the subject tree constituting part of the City’s urban forest.”

Regarding the subject tree, the plaintiff noted calluses evinced pruning both on the fallen branch and other parts of the tree. The plaintiff asserted: “such pruning could push growth to the remaining branches. Such pruning, by altering the size and structure of the tree and branch, effectively eliminates the tree’s natural and unimproved character.” The plaintiff further argued: “the City previously pruned the subject tree, but failed to properly manage the tree in any form for at least 18 years prior to the incident, as it had not even inspected the tree since 1999 to ensure that its prior pruning did not exacerbate the tree’s dangerous condition.” The plaintiff did not, however, alleged facts supporting a finding that the previous pruning *actually caused* the branch to break.

III. COURT’S ANALYSIS.

The plaintiff sued the City for maintaining a dangerous condition of public property. The City moved for summary judgment based on Government Code section 831.2’s immunity from liability for injuries caused by a natural condition of unimproved public property. The trial court denied summary judgment, finding triable issues of fact on whether the injuries were caused by a natural condition of unimproved public property. The City appealed.

The Court of Appeal ruled in favor of the City. The appellate court ruled that the City was entitled to Government Code section 831.2 immunity as a matter of law. In support of its ruling, the Court of Appeal noted that Section 831.2 was enacted to

ensure that public entities will not prohibit public access to recreational areas because of the burden and expense of defending against personal injury suits and of placing such land in a safe condition. The appellate court stated:

“By requiring that those using unimproved public property assume the risk of injury caused by natural conditions there, the Legislature assured that such areas remain open to the public. To that end, section 831.2 provides: Neither a public entity nor a public employee is liable for an injury caused by a natural condition of any unimproved public property, including but not limited to any natural condition of any lake, stream, bay, river or beach. Section 831.2 immunity is absolute and applies regardless of whether the public entity had knowledge of the dangerous condition or failed to give warning. Section 831.2 is given broad application and should not be construed narrowly.”

For a plaintiff to avoid the natural condition immunity, the Court of Appeal stated there must be a “causal nexus between the dangerous condition and either human conduct or an artificial improvement. The immunity applies unless an improvement or human conduct created, contributed to, or exacerbated the degree of, the danger associated with a natural condition.”

Examining the condition of the park and the alleged injuries, the court found that the natural growth of indigenous trees in natural habitats is a natural condition. Pruning did not change that. Despite the pruning, the continued growth of the tree was a natural condition. That the branch fell on (and the injury occurred on) an improved path did not change that the condition was on unimproved public property. There was no evidence that the pruning caused the branch to fall. At most, there was evidence it affected the diameter of the branches, which did not cause branches to drop.

The appellate court further noted that improvement of a portion of a publicly owned land area does not remove the immunity from the unimproved areas. The court found: “The reasonableness of this rule is apparent. Otherwise, the immunity as to an entire park area improved in any way would be demolished. This would, in turn, seriously thwart accessibility and enjoyment of public lands by discouraging the construction of such improvements.”

The Court of Appeal concluded:

“Section 831.2 unambiguously immunizes a city from liability for an injury caused by a natural condition of any unimproved public property Accordingly, natural condition immunity extends to any unimproved public property, and surrounding improvements are immaterial absent a causal nexus between those improvements and the dangerous condition of the public property.”

The City also argued it is immune for injuries caused by a condition of a path to recreational activities, under Government Code section 831.4 (trail immunity). Because the Court of Appeal concluded that natural condition immunity under section 831.2 applied as a matter of law, the Court did not reach the City's additional trail immunity argument.

IV. CONCLUSION.

The appellate court's decision in *Chico* provides valuable precedent immunizing local agencies from liability for alleged injuries on public land. The *Chico* decision confirms that Government Code § 831.2's immunity for injuries caused by a natural condition of unimproved public property protects local agencies from alleged injuries, even if the agency made improvements or changes to the natural condition of publicly owned land, and even if the public land is located in a high traffic modernized area.

To thwart this governmental immunity, the plaintiff must allege and demonstrate a causal nexus between a dangerous condition and either human conduct or an artificial improvement that created, contributed to, or exacerbated the degree of danger associated with a natural condition.

AES

BOARD OF DIRECTORS

March 22, 2022

SUBJECT

CONSIDER APPROVAL OF THE FORM OF A FINANCING AGREEMENT WITH WESTERN ALLIANCE BUSINESS TRUST FOR \$9,750,000 AT 3.55% INTEREST FOR 20 YEARS AND APPROVING THE BUDGET FOR THE WHOLESALE WATER EFFICIENCY CAPITAL PROJECTS

BACKGROUND

Over the past five years, the District has been assessing a group of projects, referred to by staff as the Wholesale Water Efficiency Projects. These projects will eliminate the transportation cost charged for water from the San Diego County Water Authority (SDCWA). They will also eliminate the need for temporary pump rental and setup during both planned and emergency SDCWA shutdowns, improve redundancy during shutdowns, increase efficiency in moving water from the District's northern to southern zones and from the Morro area and eliminate noisy pumps and fuel tanks sitting beside the road or near residential areas.

These projects will eliminate the \$173/AF transportation charge for water delivered through SDCWA connections 3, 6, and 11. This rate is estimated to increase to \$193/AF for CY 2023 and has escalated 10%, 14%, and 15% for the past three years. Savings will also come from eliminating costs associated with rental and setup of temporary pumps that are needed during the shutdowns. These temporary pumps are frequently needed last minute due to emergency or unplanned SDCWA shutdowns and require staff time to assist with setup and maintenance. The rental pumps are also needed for planned shutdowns, generally every other year. The rental pumps take about two to three for delivery, setup, and testing for water quality results. Qualitative benefits of the projects include elimination of noisy pumps beside the road and homes, and increased redundancy of water delivery options. These qualitative benefits translate into monetary benefits when considering possible lawsuits or availability of temporary pumps in emergencies, as the District is experiencing with the 10-day emergency shutdown by SDCWA in the southern zone, on pipeline 4, scheduled for February 28 through March 10.

The District contacted Chase Bank, Union Bank, Wells Fargo, and Western Alliance Bank to obtain proposals for the project financing. Chase declined to work with the District without the use of a Financial Advisor. Union Bank has not yet responded with an offer. Wells Fargo does not finance utility projects for more than 8-10 years. Western Alliance had the most experience working with utilities in our area and have provided a proposal letter with a 20-year term at 3.55% interest (Attachment C).

DESCRIPTION

Cost Savings:

For 13,000 AF in water purchases, cost savings have been estimated at \$11.7M over the 20-year term of the loan, which includes the savings from the transportation rate on 37% of water purchases, savings on pump rental, cost to operate and maintain the new assets, loan principle, and loan interest estimated at 3.55%. At 10,000 AF in water purchases, cost savings have been estimated at \$3.6M over the 20-year term of the loan. The estimated life of these assets is 55 years. Following the loan payoff, the estimated cost savings for the 13,000 AF level is \$2 Million per year and for 10,000 AF is \$1.4 Million per year. This cost savings estimate is based on water purchases of 13,000 AF. Water demand has been on a steady decline in correlation with the rising cost of water. Water purchases for FY19, FY20, and FY21 were 14,654 AF, 14,479 AF, 16,972 AF, with an estimate of 15,900 for FY 22. These purchases are down

significantly from FY 2000-2009, which averaged 29,351 AF per year. Due to this steady decline, we have determined 13,000AF and 10,000 AF as reasonable purchase levels for conservative analysis.

These cost savings do not calculate the benefit of reliability, redundancy, customer satisfaction (or lack of dissatisfaction), and risk mitigation.

Projects:

The total funding request is \$9,750,000. The current proposed budget request is for \$9,700,000 for five projects. The difference in \$50,000 was added by the financial institution to cover contingencies. See Attachment A for funding by year.

Weese Permanent Emergency Interconnect Pump Station (#600008) has a proposed budget of \$1,325,000. This project includes purchase and installation of a pump station to move water from Oceanside's Weese Water Treatment Plant into the District's southern Gopher zone, critical for the Wholesale Water Efficiency effort. The design phase is complete.

Hutton and Turner Pump Stations (#600013) has a proposed budget of \$5,350,000. This project includes purchase and installation of two pump stations, similar to what was installed for the Rainbow Heights Pump station. These pump stations will provide water to the Hutton and Turner Tank zones. The pump stations will transport water supply from the District's northern zone into the southern zone, which is critical for the Wholesale Water Efficiency effort. This project is in the design phase.

Morro Pump Station has a proposed budget of \$1,525,000. This project retrofits the existing Morro Pump Station due to the existing pump and motor controls being obsolete. These upgrades are needed with Morro Tank being brought back into service. The upgrades are critical for the Wholesale Water Efficiency effort. The project will allow transport of water supply to the Morro Tank zone.

Wilt Road Feeder 18" Water Line (#600078) has a proposed budget of \$1,050,000. This project is for installation and material of an 18-inch water line along Wilt Road from Canonita Drive/Wilt Road through Peony Drive/Citrus Drive and a tie-in at Citrus/Vern, composing of over 5,000 linear feet. The project is critical for the Wholesale Water Efficiency effort. The project will allow transport of water supply to the Morro zone and Morro Reservoir. The design is nearly complete, and this will be an in-house installation.

Gird Road 1,600' Upsize from 12" to 18" (#600079) has a proposed budget of \$450,000. This project replaces an existing 12-inch water line with an 18-inch or larger water line along Gird Road, comprising of approximately 1,600 linear feet. The project is critical for the Wholesale Water Efficiency effort. The project will allow transport of water supply to various parts of the district. The design is complete, and this will be an in-house installation.

Another component of the Wholesale Water Efficiency effort included the Rice Canyon Pipeline from the Rice Canyon Tank. However, this project has been funded and is in construction. This is Phase I of the project. Another phase would take it from Horsecreek to Dulin Road. The Ocean Breeze development would be the third phase taking it from Dulin to W. Lilac.

Summary:

The compilation of these Wholesale Water Efficiency projects is required in their entirety to obtain the full cost benefit referred to above. The projects will be required once detachment is complete, but staff felt it was important to analyze these projects independent of detachment.

District staff has met numerous times with the Budget & Finance Committee and the Engineering and Operations Committee to review the project package and cost savings analysis. Both committees were in support of bringing this to the Board at the February Board meeting. The Budget & Finance Committee encouraged staff to bring this to the February Board meeting, ahead of the federal government's planned increase in interest rates. Rates are expected to go up 50 basis points of a quarter of a point. A small increase in interest rates of .5% from 3.55% to 4.05% would cost \$607,280 over the life of the loan.

Attachments:

Attachment A – Wholesale Water Efficiency Project Proposed Budgets

Attachment B – Wholesale Water Efficiency Project PowerPoint

Attachment C – Western Alliance Loan Proposal

POLICY/STRATEGIC PLAN KEY FOCUS AREA

Strategic Focus Area One: Fiscal Responsibility – This action will approve financing for the Wholesale Water Efficiency projects, which will reduce future transportation costs and add reliability and redundancy.

Strategic Focus Area Four: Fiscal Responsibility – This action will provide low-cost water to finance these projects before the interest rates increase.

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

The fiscal impact of these projects includes expenditures equal to the estimated budget of \$9,700,000 for the five projects. The projects are also estimated to provide a cost-saving of \$1 Million to \$1.5 Million per year once the 15-year debt has been satisfied.

The Board has multiple options:

Option 1:

- Authorize the General Manager to execute the financing agreement for \$9,750,000 and approve the Wholesale Water Capital Project budgets for \$9,700,000 for the five projects.
- Make a determination that the action defined herein does not constitute a “project” as defined by CEQA.

Option 2:

- Reject approval to execute the financing agreement for \$9,750,000 and reject the Wholesale Water Capital Project budgets for \$9,700,000 for the five projects.
- Make a determination that the action defined herein does not constitute a “project” as defined by CEQA.

Option 3:

Provide other direction to staff.

STAFF RECOMMENDATION

Staff recommends option 1.


 Tracy Largent, CPA
 Finance Manager

March 22, 2022

Wholesale Water Efficiency Capital Project Budgets:

Project #	Project Name	Year-to-Date	Year 1	Year 2	Year 3	Year 4	Year 5
		Expended	Proposed	Planned	Planned	Planned	Planned
		12/31/2021	Budget	Budget	Budget	Budget	Budget
		FY 21/22	FY 21/22	FY 22/23	FY 23/24	FY 24/25	FY 25/26
600008	Weese WTP Permanent Emergency Interconnect Pump Station	\$ -	\$ 25,000	\$ 825,000			
600013	Hutton & Turner Pump Stations (SDCWA Shutdowns)	88,421	500,000	4,750,000	100,000		
	Morro Pump Station		50,000	650,000	825,000		
600035	Tank and Reservoir Mixing Upgrades	34,421					
600078	Wilt Road Feeder (18 inch Water Line)	34,993	134,000	1,194,000			
600079	Gird Road 1,600' upsize from 12" to 18" or larger	-	50,000	597,000			
Total		\$157,835	\$759,000	\$8,016,000	\$925,000	\$0	\$0
Budgeted		-	-	-	-	-	-
Potential Financing		\$157,835	\$759,000	\$8,016,000	\$925,000	\$0	\$0



Fiscal Year 2021-22 Rainbow MWD

■ Wholesale Water Efficiency Projects & Funding Plan

Wholesale Water Efficiency Projects

Plan Benefits & Goals:

- Elimination of Transportation Costs \$173/AF
 - Current cost has escalated 10-15%/year
- Increases redundancy during shutdowns
- Increases efficiency in moving water from the Northern to Southern zones and into the Morro tank zone
- Elimination of rental costs for temporary pumps
- Elimination of fuel tanks sitting on the side of the road waiting to get hit
- No more noisy pumps!
- No more scrambling for unplanned shutdowns!

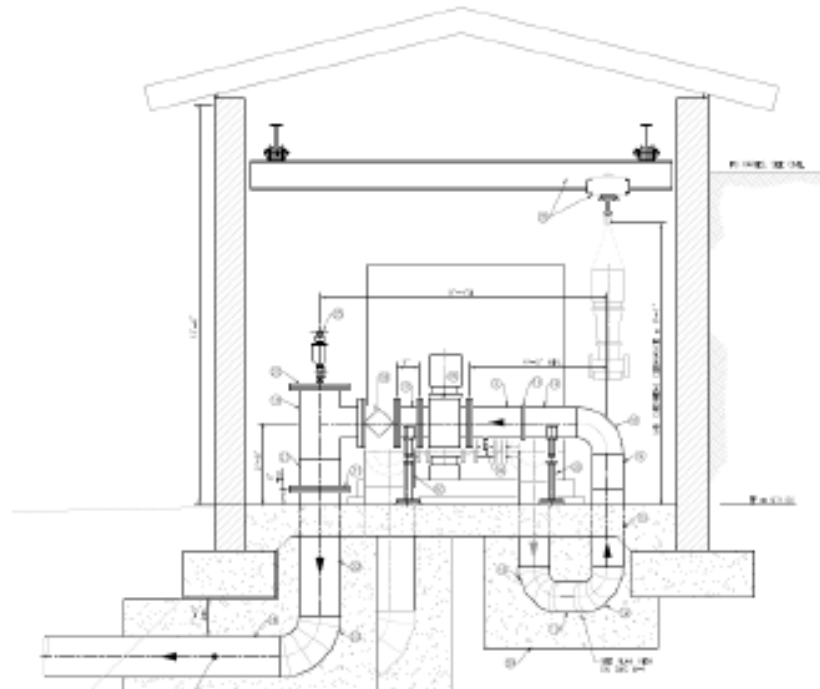
Weese WTP Permanent Emergency Interconnect and Pump Station, Division 1

Project Number: 600008

Project Manager: Malik Tamimi

DESCRIPTION: This project includes purchase and installation of a pump station to move water from Oceanside's Weese Water Treatment Plant into the District's southern Gopher zone, critical for the Wholesale Water Efficiency effort.

STATUS: The design phase is complete. The anticipated completion is Q4 of 2023. Funding is Pending



Hutton and Turner Pump Stations, Division 1

Project Number: 600013

Project Manager: TBD

DESCRIPTION: This project includes purchase and installation of two pump stations, similar to what was installed for the Rainbow Heights Pump station. These pump stations will provide water to the Hutton and Turner Tank zones. The pump stations will transport water supply from the District's northern zone into the southern zone, which is critical for the Wholesale Water Efficiency effort.

STATUS: The project is in the design phase. The anticipated completion is Q3 of 2023. Funding



Morro Pump Station Upgrades, Division 2

Project Number: TBD

Project Manager: TBD

DESCRIPTION: This project retrofits the existing Morro Pump Station due to the existing pump and motor controls being obsolete. These upgrades are needed with Morro Tank being brought back into service. The upgrades are critical for the Wholesale Water Efficiency effort. The project will allow transport of water supply to the Morro Tank zone.

STATUS: The project is unfunded, but would typically fall under the District's Water Fund. The Project's anticipated completion date falls within the next five year period.



Wilt Road Feeder (18-Inch Water Line), Division 3

Project Number: 600078

Project Manager: Malik Tamimi

DESCRIPTION: This project is for installation and material of an 18-inch water line along Wilt Road from Canonita Drive/Wilt Road through Peony Drive/Citrus Drive and a tie-in at Citrus/Vern, composing of over 5,000 linear feet. The project is critical for the Wholesale Water Efficiency effort. The project will allow transport of water supply to the Morro zone and Morro Reservoir.

STATUS: The design is nearly complete, and this will be an in-house installation. The Project's anticipated completion date is Q1 of 2023. Funding is pending.



Gird Road Water Main Upsize, Division 3

Project Number: 600079

Project Manager: TBD

DESCRIPTION: This project replaces an existing 12-inch water line with an 18-inch or larger water line along Gird Road, comprising of approximately 1,600 linear feet. The project is critical for the Wholesale Water Efficiency effort. The project will allow transport of water supply to various parts of the district.

STATUS: The design is nearly complete, and this will be an in-house installation. Once funded, anticipated construction would commence in Q1 of 2023. Funding is pending.











Wholesale Water Efficiency Projects

Plan Costs:

- **\$9,700,000** Total Proposed Budget
 - Weese Interconnect and Pressure Station \$1,325,000
 - Hutton & Turner Pump Stations \$5,350,000
 - Morro Pump Station \$1,525,000
 - Wilt Road Feeder \$1,050,000
 - Gird Road Upsize \$450,000

Financing based on:

- \$9,750,000
- 3.55% interest estimate
- 20 Years

Three Quotes Requested:

- Pacific Western
- Wells Fargo
- Chase

Wholesale Water Efficiency Projects

Cost Savings Assumptions include:

- Estimated life of assets is 55 years.
- Savings from the transportation rate on 37% of water purchases
- Savings on pump rentals
- Cost to operate and maintain new assets
- Water Purchases 10,000 – 13,000 AF
- Transportation cost escalation
 - Historical
 - SDCWA projection

Cost Savings Scenarios:

- Scenario 1 - **13,000 AF** Water Purchases
 - **Cost Savings Estimate is \$11.7M** over the 20-year term of the loan:
 - Transportation Rate escalation equal to **historic trend**
 - **\$1.5-\$2 Million per year cost savings after loan payoff**
- Scenario 2 - **10,000 AF** Water Purchases
 - **Cost Savings Estimate is \$3.6M** over the 20-year term of the loan:
 - Transportation Rate escalation equal to **historic trend**
 - **\$1.4 Million per year cost savings after loan payoff**
- Scenario 3 - **13,000 AF** Water Purchases
 - **Breakeven** over the 20-year term of the loan:
 - Transportation Rate escalation equal to **SDCWA model**
 - **\$.5 Million per year cost savings after loan payoff**

Plan Benefits & Goals:

- Elimination of Transportation Costs \$173/AF
 - Current cost has escalated 10-15%/year
- **Increases redundancy during shutdowns**
- **Increases efficiency in moving water from the Northern to Southern zones and into the Morro tank zone**
- **Elimination of rental costs for temporary pumps**
- **Elimination of fuel tanks sitting on the side of the road waiting to get hit**
- **No more noisy pumps!**
- **No more scrambling for unplanned shutdowns!**

March 7, 2022

Ms. Tracy Largent, CPA
Finance Manager
Rainbow Municipal Water District
3707 Old Highway 395
Fallbrook, California 92028

Re: Rainbow Municipal Water District 2022 Water Revenue Loan (the “2022 Loan”)

Dear Ms. Largent:

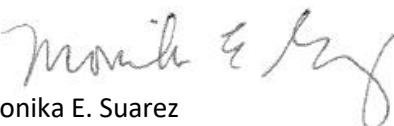
On behalf of Western Alliance Business Trust and Western Alliance Bank, we are pleased to provide the following proposal for the 2022 Loan, which is subject to the Lender’s final credit approval process. It should be emphasized that the following is only a proposal and is not intended, nor should it be construed to be, a commitment to lend money. Rather, this proposal should be viewed as an expression of our interest, to be used as a basis for continued discussions.


Western Alliance Bank’s Public and Nonprofit Finance group offers financing solutions for state and local governments and nonprofit organizations. With a level of sector-specific expertise that stands out in the industry, we serve clients from special districts, school districts and cities to local charities and larger nonprofit institutions such as universities, hospitals and senior living facilities. The group’s team of leading professionals has significant experience, and has structured and closed over 250 municipal and nonprofit loans since 2011, totaling more than \$2 billion.

This proposal is preliminary and subject to change based on negotiations between the Lender and the Borrower and is provided to you solely for the purpose described herein and may not be disclosed to, or relied upon by, any other party other than the Borrower’s advisors and consultants without prior written consent of Western Alliance Bank or its affiliated entities.

We are pleased that you have asked us to consider your request. We look forward to assisting you with this transaction and appreciate your business. If you have any questions, please feel free to contact Monika E. Suarez at (213) 362-5277 or Joshua J. Lentz at (602) 346-7467.

Submitted on behalf of Western Alliance Bank and its affiliate, Western Alliance Business Trust.


Monika E. Suarez
Managing Director


Joshua J. Lentz
Senior Vice President

PROPOSED LENDING PARAMETERS

These proposed lending parameters are an expression of interest based on the mutual understanding of the financing request and terms and conditions, all of which are pending the Lender’s consideration, analysis and final credit approval. Any final financing commitments are subject to approval by appropriate administrative authorities of the Lender and other analysis we deem appropriate, with the results of such review and analysis being satisfactory to us in our sole discretion. The Lender is not obligated to provide this financing until such time as you are notified in writing by the Lender of the Lender’s commitment and you have executed mutually acceptable loan documents. No action, verbal remarks, or any other communication shall obligate the Lender to provide this financing until the Lender has issued a final, written commitment. The terms and conditions outlined below are not intended to be all-inclusive but rather set forth a framework for further discussions and are subject to change or addition.

All capitalized terms used herein and not defined herein, including Appendix A, shall have the meanings given them in the Installment Purchase Agreement to be prepared the District’s legal counsel.

Borrower:	Rainbow Municipal Water District (the “Borrower” or the “District”)
Lender:	Western Alliance Business Trust or a wholly owned affiliate of Western Alliance Bank (the “Lender”)
Tax Status:	Interest on the 2022 Loan shall be excluded from gross income for federal income tax purposes and exempt from California personal income taxes.
Purpose:	Proceeds from the 2022 Loan are to be used to: <ol style="list-style-type: none">1) to finance upgrades to the Water System, which includes replacement of pipes, pumps and valves and other water infrastructure (the “Project”);2) pay for costs associated with the execution and delivery of the 2022 Loan.
Loan Structure:	Installment Purchase Agreement, by and between the District and the Lender (the “2022 Installment Purchase Agreement”).
Commitment Amount:	\$9,750,000
Final Maturity Date:	April 1, 2042
Interest Payment Dates:	Semi-annual interest payments on each April 1 and October 1 commencing October 1, 2022 through April 1, 2042. Interest on the 2022 Loan is to be computed on the basis of a year comprised of 360 days consisting of twelve (12) months of thirty (30) days each.
Principal Payment Dates:	Annual principal payments on each April 1 commencing April 1, 2023 through April 1, 2042.

Interest Rate Pricing: The 2022 Loan will be made without original issue discount or premium and will bear a fixed rate of interest based on the following formula assuming a 12 year weighted average maturity:

77% of sum of the 12-Year USD Semi-Annual Interest Rate Swap Rate – Mid Rate (~ 1.86% as of March 7, 2022) plus 2.75% (tax-exempt fixed rate) ~ **3.55%.***

The interest rate on the 2022 Loan may be locked no earlier than 30 days prior to closing following all necessary approvals.

Security: The District will irrevocably pledge all of the Gross Revenues to the punctual payment of the 2022 Installment Payments. The pledge will constitute a first lien on the Gross Revenues for the payment of the 2022 Installment Payments.

Additional Parity Obligations: The District will not issue any obligations payable from Gross Revenues senior or superior to the Parity Obligations and the 2022 Loan. The District may issue or incur Additional Parity Obligations (the “Additional Parity Obligations”) based on the parity test provide using (a) Net Revenues in the last Fiscal Year for which audited financial information is available, or (b) an average annual Net Revenues for the prior 36-month period, producing at least 120% of the maximum annual debt service on the existing Parity Obligations and the Additional Parity Obligations.

Rate Covenant: To the fullest extent permitted by law, the District will fix and prescribe rates and charges for the Enterprise which are reasonably expected to be at least sufficient to yield, during each Fiscal Year, Net Revenues equal to at least 120% of the 2022 Installment Payments and debt service for the Parity Obligations for such Fiscal Year.

Reserve Requirement: No requirement.

Prepayment Provisions: **Optional Prepayment: Refinancing of the 2022 Loan.**
The District, at its option and from proceeds of a refinancing of the 2022 Loan, may prepay the 2022 Installment Payments, in whole or in part, on any date on and after April 1, 2032. This option shall be exercised by the District by giving written notice to the Lender, of the exercise of such option at least thirty (30) days prior to the date of prepayment.

Optional Prepayment: Excess Cash.
The District, at its option and from proceeds of excess cash on hand with the District, may prepay the 2022 Installment Payments, in part, on any date on and after October 1, 2023. This option shall be exercised by the District by giving written notice to the Lender, of the exercise of such option at least thirty (30) days prior to the date of prepayment.

* Preliminary, subject to change, market conditions and credit approval.

Insurance Claims and Eminent Domain Proceeds.

The District may or shall, as the case may be, prepay from the net proceeds from insurance claims and eminent domain proceeds on any date, all or any part of the unpaid 2022 Installment Payments at a prepayment price equal to the sum of the principal components prepaid plus accrued interest thereon to the date of prepayment.

Events of Default: Events of Default shall include those that are deemed standard and customary for transactions of this nature all of which shall be subject to satisfactory review by the Lender and the Lender’s Counsel.

**Representations/
Warranties/Covenants:** Legal documentation will contain customary affirmative and negative covenants as well as usual representations and warranties for like situated borrowers acceptable to the Lender and the Lender’s Counsel.

Legal Opinion(s): Opinions of District’s Legal Counsel, among other things, as to:

- 1) treatment of interest payments as tax-exempt obligations under the IRS Code and treatment of interest payments as exempt from State of California personal income taxes;
- 2) the validity and enforceability of the 2022 Loan, the irrevocable pledge of Gross Revenues being duly and validly authorized pursuant to the law, and lien priority of the Gross Revenue pledge; and
- 3) such other opinions as the Lender may require.

Conditions Precedent: Prior to the funding of the 2022 Loan by the Lender, the following conditions precedent shall have occurred, all of which shall be in form and substance satisfactory to the Lender and the Lender’s Counsel:

- 1) satisfactory review by the Lender’s Counsel of any outstanding agreements entered into by the District which may impact the security for the 2022 Loan or the obligations of the District with respect to the 2022 Installment Payments;
- 2) any authorizing resolution(s) of the District as required for the execution, delivery and repayment of the 2022 Loan;
- 3) a parity obligation certificate providing sufficient evidence and calculations that the District can incur the 2022 Loan;
- 4) opinions as required by the Lender and the Lender’s Counsel;
- 5) properly executed documents in form and substance satisfactory to the Lender and the Lender’s counsel evidencing or supporting the repayment of the 2022 Loan; and
- 6) additional conditions precedent that the Lender and the Lender’s Counsel consider customary and reasonably appropriate for the proposed funding of the 2022 Loan.

- Loan Treatment:** The Lender will book the 2022 Loan as a loan, and, therefore, the 2022 Loan will be funded by the Lender under the following conditions:
- 1) the 2022 Loan shall not be registered or otherwise qualified for sale under the “Blue Sky” laws;
 - 2) no CUSIP numbers will be obtained for the 2022 Loan pursuant to Municipal Rulemaking Board Rule G-34(a)(i)(F) (See “Assignment and Participation”);
 - 3) no official statement or similar offering document has been prepared in connection with the private placement of the 2022 Loan; and
 - 4) the Lender will sign a letter of representations in a form acceptable to the Lender’s Counsel.
- Origination Fee:** None
- Other Fees Due at Closing:** The Borrower shall be obligated to pay all delivery costs, including legal fees of the Lender’s Counsel and the California Investment and Advisory Commission’s reporting fee. The Lender’s Counsel fee will be capped at \$10,000 for the 2022 Loan.
- District Legal Counsel:** Nossaman LLP / Los Angeles, California
- Lender’s Counsel:** Stradling Yocca Carlson & Rauth, a Professional Corporation / Newport Beach, California
- Estimated Funding Date:** On around March 31, 2022
- No Fiduciary Relationship:** Inasmuch as the 2022 Loan represents a negotiated transaction, the Borrower understands, and hereby confirms, that the Lender is not acting as a fiduciary of the Borrower, but rather is acting solely in its capacity as a lender, for its own account. The Borrower acknowledges and agrees that
- 1) the transaction contemplated herein is an arm’s length commercial transaction between the Borrower and the Lender and its affiliates;
 - 2) in connection with such transaction, the Lender and its affiliates are acting solely as a principal and not as an advisor including, without limitation, a “Municipal Advisor” as such term is defined in Section 15B of the Securities and Exchange Act of 1934, as amended, and the related final rules (the “Municipal Advisor Rules”);
 - 3) the Lender and its affiliates are relying on the bank exemption in the Municipal Advisor Rules;
 - 4) the Lender and its affiliates have not provided any advice or assumed any advisory or fiduciary responsibility in favor of the Borrower with respect to the transaction contemplated hereby and the discussions, undertakings and procedures leading thereto;
 - 5) the Lender and its affiliates have financial and other interests that differ from those of the Borrower; and
 - 6) the Borrower has consulted with its own financial, legal, accounting, tax and other advisors, as applicable, to the extent it deemed appropriate.

Reporting Requirements: The District shall provide the books and accounts of the Enterprise, which shall include a statement of revenues and expenditure and changes in fund balance, a balance sheet of cash flow, to be audited annually by an independent certified public accountant (the “Audited Finance Statements”), and the District shall provide the Lender with a copy of the Audited Financial Statements within 270 days after the close of the Fiscal Year end.

The District shall provide the Lender with a copy of its adopted budget each year within thirty (30) days after adoption.

The District shall furnish at the Lender request such additional information that the Lender may from time to time reasonably request.

Assignment and Participation:

The intent of the Lender is to book the 2022 Loan as a loan and hold the 2022 Loan to maturity or the optional prepayment dates; however, the Lender retains the right to assign or participate out its interest in the 2022 Loan and will request the Borrower to agree to such assignment or participation. The Lender acknowledges and agrees that the 2022 Loan may only be transferred to a “Qualified Institutional Buyer” or an “Accredited Investor” within the meaning of the Securities Act of 1933, as amended.

Proposal – 2022 Loan
Rainbow Municipal Water District
March 7, 2022
Page 7

PROPOSAL ACCEPTED AND AGREED TO:

RAINBOW MUNICIPAL WATER DISTRICT

By: _____

Name: _____

Title: _____

Date: _____

APPENDIX

DEFINITIONS

- Enterprise:** “Enterprise” means the District’s water system, including all facilities, works, properties and structures of the District for the treatment, transmission and distribution of potable and non-potable water, including all contractual rights to water supplies, transmission capacity supply, easements, rights-of-way and other works, property or structures necessary or convenient for such facilities, together with all additions, betterments, extension and improvements to such facilities or any part thereof hereafter acquired or constructed (but for purposes only to the extent the components of the Enterprise may be legally transferred by the District).
- Gross Revenues:** “Gross Revenues” will mean all gross income and revenue received or receivable by the District from the ownership and operation of the Enterprise, calculated in accordance with Generally Accepted Accounting Principles, including all rates, fees and charges (including fees for connecting to the Enterprise and any water stand-by or water availability charges or assessments) received by the District for the Enterprise and all other income and revenue howsoever derived by the District from the Enterprise or arising from the Enterprise; provided, however, that (i) any specific charges levied for the express purpose of reimbursing others for all or a portion of the cost of the acquisition or construction of specific facilities, (ii) customers’ deposits or any other deposits subject to refund until such deposits have become the property of the District, or (iii) the proceeds of any special assessments or special taxes levied upon real property within any improvement district served by the District and pledged solely for the purpose of paying special assessment bonds or special tax obligations of the District, are not Gross Revenues and are not subject to the lien of under the 2022 Loan. Gross Revenues will include amounts on deposit in the revenue fund which have been previously released from the pledge and lien of the 2022 Loan.
- Maintenance and Operation Costs:** “Maintenance and Operation Costs” will mean the reasonable and necessary costs and expenses paid by the District for maintaining and operating the Enterprise, including but not limited to the reasonable expenses of management and repair and other costs and expenses necessary to maintain and preserve the Enterprise in good repair and working order, and including but not limited to administrative costs of the District attributable to the Enterprise and the financing thereof. Maintenance and Operation Costs will not include (a) interest expenses related to indebtedness, (b) depreciation, replacement and obsolescence charges or reserves therefor, (c) amortization of intangibles or other bookkeeping entries of a similar nature, and (d) capital expenditures.

- Net Revenues:** “Net Revenues” will mean for any period, all of the Gross Revenues during such period less all of the Maintenance and Operation Costs during such period.
- 2022 Installment Payments:** Debt service payments of principal and/or interest scheduled to be paid by the District under the Installment Purchase Agreement (the “2022 Installment Payments”).
- Parity Obligations:** “Parity Obligations” will mean all bonds, notes, loan agreements, installment sale agreements, leases or other obligations of the District, payable from and secured by a pledge and lien upon the Water Revenues incurred on parity with the payment of the 2022 Installment Payments, including, but not limited to:
- 1) the Funding Agreement, dated November 16, 2012 between the State of California Department of Public Health (“SCDPH”) and the District, for Project Number 3710016-008C (Morro Reservoir);
 - 2) the Funding Agreement, dated November 16, 2012 between SCDPH and the District, for Project Number 3710016-004C (Beck);
 - 3) the Lease/Purchase Agreement, dated as of September 1, 2018, by and between the District and ZB, N.A.; and
 - 4) the Installment Purchase Contract, dated as of October 1, 2018, by and between the District and ZMFU II, Inc.
- Fiscal Year:** The term “Fiscal Year” means the twelve (12) months beginning on July 1st and ending on the following June 30th.

BOARD OF DIRECTORS

March 22, 2022

SUBJECT

DISCUSSION AND POSSIBLE ACTION TO APPROVE A SEWER SERVICE AGREEMENT BETWEEN RAINBOW MUNICIPAL WATER DISTRICT AND GIRD VALLEY INC. FOR THE MONSERATE WINERY IN DIVISION 3

BACKGROUND

The Monserate Winery, on Gird Road, is being developed with several new facilities including a restaurant with wine tasting, a barrel room, three event venues, a wine making building with facilities for catering, and office space. The land was previously occupied by a golf course and related facilities. The Major Use Permit Modification was approved on February 21, 2020. District staff reviewed plans for both private and public water and sewer improvements related to the project and approved plans in February 2021. In March 2021, Gird Valley, Inc. and the District entered into an Agreement for the Construction of Facilities to be Dedicated to the Rainbow Municipal Water District and construction began on the water and sewer facilities.

Due to the change of use documented in the Major Use Permit Modification approved on February 21, 2020, the existing sewer permit and proposed sewer system required an analysis to determine if additional EDUs were required according to the Administrative Code section 9.05.070. An analysis was conducted by Dexter Wilson Engineering, Inc. and a final report was submitted on February 18, 2022. The analysis presents a calculation for the number of sewer EDUs required to serve the Monserate Winery with the use of facilities as described in the Major Use Permit Modification. The calculation proposes a total requirement of 29.4 sewer EDUs to serve the facility. The calculation was reviewed by District staff and found to be acceptable.

DESCRIPTION

The Sewer Service Agreement (Agreement) aims to establish clear guidelines and limits to the quantity of wastewater which is permitted to be discharged by the Monserate Winery into District facilities. The Agreement clarifies the EDUs previously allocated to the property and the EDUs required to serve the property under the approved Major Use Permit Modification by referencing the calculations set forth by the Sewer Service Analysis. The Agreement defines the required sewer capacity fees which will be paid to the District and outlines the Developer's and the District's obligations. The Agreement is subject to the approval of both Gird Valley, Inc. and the District Board of Directors.

POLICY/STRATEGIC PLAN KEY FOCUS AREA

Strategic Focus Area Four: Fiscal Responsibility
Strategic Focus Area Five: Customer Service

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

By approving the Sewer Service Agreement, Gird Valley, Inc. is obligated to pay \$96,056.80 in sewer capacity fees before expanding the use of the sewer connections.

Option 1:

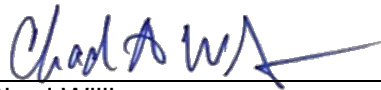
- Approve the Sewer Service Agreement (Exhibit A) by and between Rainbow Municipal Water District and Gird Valley, Inc.
- Authorize the General Manager to execute the agreement.
- Make a determination that the action defined herein does not constitute a “project” as defined by CEQA.

Option 2:

- Provide other direction to staff.

STAFF RECOMMENDATION

Staff recommends Option 1.



Chad Williams
Engineering and CIP Program Manager

03/22/2022



RAINBOW MUNICIPAL WATER DISTRICT
3707 OLD HIGHWAY 395, FALLBROOK, CALIFORNIA 92028
TELEPHONE (760) 728-1178 FAX (760) 728-2575

**SEWER SERVICE AGREEMENT
BY AND BETWEEN RAINBOW MUNICIPAL WATER DISTRICT
AND GIRD VALLEY, INC**

**PROJECT: MONSERATE WINERY, MUP: PDS2018-MUP-74-165W1
RMWD PROJECT NO. 700046
CONTRACT NO. 22-03**

This sewer service agreement (“Agreement”) is made on this **22nd** day of **March 2022**, (“Commencement Date”) by and between **Rainbow Municipal Water District** (“District”), a municipal water district organized under the Municipal Water District Law of 1911, and **Gird Valley, Inc** (“Developer”). Each of District and Developer are interchangeably referred to as a “Party” to the Agreement herein, and are collectively referred to as the “Parties”.

RECITALS

- A. Developer is the legal owner of real property located in Bonsall, in San Diego County, State of California, which real property lies within the jurisdictional service area of the District, identified as Assessor’s Parcel Numbers: **124-330-04-00, 124-330-14-00, 124-330-15-00, 124-330-20-00, 107-420-14-00, 107-420-16-00, 107-420-17-00** (the “Real Property”).
- B. District entered into a contractually binding agreement with Fallbrook Country Club to provide public sewer service to APN 107-240-51-00 and 124-333-04-00 in the amount of 1 EDU for a bathroom on a golf course dated February 22, 1982.
- C. District approved Sewer Permit Application No. 618 for the Fallbrook Golf Club on October 11, 1991 for 21.6 EDUs.
- D. The Major Use Permit Modification for PDS2018-MUP-74-165W1 was approved February 21, 2020.
- E. Developer submitted Calculation of Sewer EDUs for the Monserate Winery, Attachment A, pertaining to the change in use documented in the Major Use Permit Modification on February 18, 2022. The calculation concluded that a total of 29.4 EDUs are required for the Monserate Winery.

F. District and Developer desire to consolidate, update and memorialize past agreements, applications, and commitments for sewer capacity for the Monserate Winery through execution of this Sewer Service Agreement. As required by the District's Administrative Code, Section 9.05.

G. District acknowledges that it currently has sufficient capacity to serve the Monserate Winery, and that it is in the best interest of the District for this development to occur.

NOW, THEREFORE, in consideration of these recitals and the mutual covenants contained herein, the District and the Developer agree as follows:

AGREEMENT

1. **Warranties.** The foregoing recitals are true and correct. The undersigned, for themselves and the Party on whose behalf they execute this Agreement, warrant and represent that they have full power and authority to bind said Party to the obligations and benefits set forth in this Agreement.
2. **Credit of Sewer Capacity Fees.** District hereby acknowledges the total of 22.6 EDUs previously approved for sewer capacity in connection with Fallbrook Country Club and Fallbrook Golf Club and credits Developer with same. The fees paid in exchange for the number of EDUs and sewer capacity allocated to Developer are non-refundable, per the District's policy, pursuant to District Administrative Code section 9.05.
3. **Capacity Fees.** In accordance with District Administrative Code sections 9.05, If a change in use occurs, additional fees may be required. The amount due upon approval of this Sewer Service Agreement shall be \$96,056.80 for 6.8 EDUs, the difference between the 29.4 EDUs required for the Monserate Winery under the Major Use Permit Modification and the 22.6 EDUs previously credited to the Developer. The capacity fees were calculated according to the uses described in the Calculation of Sewer EDUs for the Monserate Winery, Attachment A. Wastewater generated from the winemaking process is not accounted for in the calculations of capacity fees and will require further studies, additional fees, and an industrial waste permitting process before being accepted into the Rainbow Municipal Water District sewer system.
4. **Term.** **This (service commitment) Agreement shall become effective on the date of mutual execution by the Parties, and shall not terminate.**
5. **Developer's Obligations.**
 - a. Permittee agrees to hold District harmless from any and all claims, demands, actions, damages, costs, expenses, compensation, causes of action and rights, in law or in equity, in the nature of an administrative procedure or otherwise (known, unknown, contingent, accrued, inchoate, or otherwise) that Permittee may have against the District, related to, arising from and/or pertaining in any way to the payments made to the District for sewer service fees for the Monserate Winery.
 - b. Permittee further agrees to pay the District the full amount of sewer capacity fees required by the District to serve the Monserate Winery, at the then current rates in effect at the time of approval of this Sewer Service Agreement.

ambiguity between this Agreement, Developer's Application, the Construction Agreement, or any other document attached hereto or incorporated by reference herein, this Agreement shall control as between the Parties.

11. Governing Law/Venue. The interpretation, validity and enforcement of this Agreement shall be governed by and construed under the laws of the State of California. The appropriate venue for any action brought to enforce or declare its terms shall be brought in the appropriate state or federal court in or nearest to the North County Judicial District for the County of San Diego.
12. Severability. Should any provisions herein be found or deemed invalid or in contravention of California law, such provision shall be deemed not a part of this Agreement. All other provisions of this Agreement shall remain valid and enforceable and shall remain in full force and effect.
13. Modification. This Agreement may only be modified by written agreement signed by the Parties.
14. No Third Party Beneficiary. This Agreement shall inure to the benefit of and be binding upon the Parties. This Agreement is not intended to and shall not be for the benefit of third parties who are not expressly included herein.
15. Attorneys' Fees and Costs. In the event any legal action or proceeding to interpret or enforce the terms of, or obligations arising from, this Agreement – including mediation or arbitration – or to recover damages for breach of this Agreement, the Party prevailing in any such action or proceeding shall be entitled to recover from the non-prevailing Party all reasonable attorneys' fees, costs, and expenses incurred by the prevailing Party.
16. Further Assurances. The Parties hereby covenant and agree that the Parties will execute such other and further documents and instruments as are or may become necessary or convenient to effectuate and carry out the terms of this Agreement.
17. Headings. The headings contained in this Agreement have been inserted for convenience only and in no way define or limit the scope or interpretation of this Agreement.
18. Entire Agreement. This Agreement, together with all attachments hereto, constitutes the entire agreement between the Parties with respect to the subject matter hereof, and all prior or contemporaneous agreements, understandings, representations and statements, oral or written, are superseded.
19. Attachments. All attachments referred to herein are hereby incorporated by reference into this Agreement as though fully set forth in the body of this Agreement.
20. Waiver. No covenant, term or condition, or the breach thereof, shall be deemed waived except by written consent of the Party against whom the waiver is claimed. Any waiver of the breach of any covenant, term, or condition shall not be deemed to be a waiver of any preceding or succeeding breach of the same or any other covenant, term, or condition. Acceptance by District of any performance by Developer after such time that the performance is due shall not be deemed a waiver of any preceding breach by Developer other than the failure of

performance expressly accepted, regardless of the District's knowledge of such preceding breach at the time of acceptance. No delay or omission by either Party in exercising any relief or power accruing upon non-compliance or failure of performance by the other Party shall impair or be construed as a waiver thereof, unless an intention to waive is expressly set forth in a writing signed by the waiving Party.

21. Warranties. District and Developer covenant and represent that each respective Party has the full authority to execute, deliver, and perform this Agreement, and that each Party has fully complied with all requirements imposed by law as necessary for the Party to create a lawful and binding Agreement for the term of this Agreement. Each individual signing this Agreement for the District represents and warrants that he or she has the full power and authority, and legal right, to execute this Agreement on behalf of the District, and that the District has taken all necessary actions to authorize the individual signing on behalf of the District's behalf to do. Each individual signing this Agreement on behalf of Developer represents and warrants that he or she has the full power and authority, and the legal right, to execute this Agreement on behalf of Developer, and that Developer has taken all necessary actions to authorize the individual signing on Developer's behalf to do so.
22. Force Majeure. If either Party, except as otherwise herein specifically provided, shall be delayed or prevented from performing any act required hereunder, by reason of strikes, lock-outs, labor problems, inability to procure materials, fire, unusual weather conditions, failure of power or other utilities, applicable governmental laws or regulations (other than those reasonably foreseeable in connection with the uses contemplated by this Agreement), riots, insurrection, war or other reason of a like nature, not the fault of the Party so delayed, then performance of such act shall be excused for the period necessary to accommodate such delay.
23. Understanding. Each Party hereto acknowledges that the Party has reviewed this Agreement and has had an opportunity to consult legal counsel, and that the normal rule of construction that ambiguities are resolved against the drafting Party shall not be employed in the interpretation of this Agreement or any subsequent amendments hereto.
24. Counterparts. This Agreement may be executed in counterparts, which, taken together, shall be construed as a single, complete Agreement.

IN WITNESS WHEREOF, the Parties, for themselves, do hereby agree to the full performance of the covenants herein and have caused this Agreement to be executed on the date first set forth above.

RAINBOW MUNICIPAL WATER
DISTRICT

GIRD VALLEY, INC. DEVELOPER

Name: Tom Kennedy

Name: Jade Work

Title: General Manager

Title: President

DISTRICT'S GENERAL COUNSEL

DEVELOPER'S COUNSEL

Name: Alfred E. Smith, II of Nossaman LLP

Name: _____

Title: General Counsel

Title: _____

BOARD OF DIRECTORS

March 22, 2022

SUBJECT

POSSIBLE ACTION TO ADOPT RESOLUTION OF NECESSITY NO. 22-09, AUTHORIZING THE ACQUISITION OF EASEMENTS BY EMINENT DOMAIN FROM A PORTION OF THE "COUNTY FEE OWNED UNUSED ROAD" LOCATED NORTH OF HWY 76 AND WEST OF S. MISSION RD, BONSTALL, CA 92003 (DIV 2)

BACKGROUND

District staff and the consultant Kennedy Jenks and Associates (KJ) completed the design for the Lift Station 1 Replacement Project (Project) in the Summer of 2021. The Project includes the construction of the following:

- Thoroughbred Lift Station and appurtenant pipeline modifications
- Force main from Thoroughbred Lift Station to Old River Road
- Upsize of existing sewer line along Highway 76
- Gravity Main to proposed Thoroughbred Lift Station from Olive Hill Road

The Project is needed in order to provide wastewater services to the Citro Development, which includes over 900 new homes. The gravity main to the Thoroughbred Lift Station from Olive Hill Road requires the acquisition of various easements along the proposed alignment. The Upsize of the existing sewer line along Highway 76 also requires the acquisition of various easements. A total of four easements were identified as requiring acquisition. A segment of the sewer pipeline alignment crossed a "County Fee Owned Unused Road" North of Highway 76 and West of S. Mission Road in Bonsall (the "Property"). During the design of the Project, KJ was told by County Public Works staff that an encroachment permit was sufficient for the segment of pipeline within the Property. District staff was later informed by the County's Asset Management Division that the sewer pipeline across the Property would require the acquisition of an easement.

A California Licensed Surveyor was hired in February of 2022 and prepared legal descriptions and plat maps for the permanent easement and temporary construction easement needed from the Property for the Project. The permanent easement is 20 feet wide, while the temporary construction easement is, on average, approximately 30 feet wide. The total permanent easement is 4,080 square feet and the temporary construction easement is 5,891 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 for a period of 18 months from the start of construction.

A qualified appraiser was hired to value the easement interests necessary for the Project. The fair market value of the easement interests in the Property is \$1,610. The District sent an offer letter to the County on February 23, 2022. The offer letter presented the full fair market value based on the appraisal. To date, District staff and the County have not been able to come to an agreement on the purchase of the easement interests. It is worth noting that the District previously presented an offer for similar easement interests along the sewer alignment in an adjacent parcel also owned by the County and was told by County staff

that the District should move forward with acquiring the easements by eminent domain. The Property and corresponding easement interests at issue here are located within Division 2.

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 provide wastewater services to the Citro Development and other commercial and residential developments. In order to construct and operate the Project, the District must acquire interests in the property located North of Highway 76 and West of S. Mission Road in Bonsall (County Fee Owned Unused Road).

Resolution of Necessity	Property Owner	Assessor Parcel Number	Property Interests To Be Acquired By the District
22-09	County of San Diego	NA	4,080 square foot Permanent Easement and 5,891 square foot Temporary Construction Easement

The property interests sought are more fully described and depicted in the Exhibits attached to Resolution of Necessity No. 22-09.

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 County 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 County and will continue to do so throughout the process. However, a negotiated purchase has not been achieved and the District must adopt a Resolution of Necessity and file an eminent domain action 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 certified mail to the County 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 owner 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 Two: Asset Management. The increases in sewer flows expected with the addition of the Citro Development make it necessary to install several key sewer facilities to safely and reliably convey wastewater to the Oceanside outfall.

ENVIRONMENTAL

Lift Station I Replacement Project is subject to CEQA review because the proposed project fits into the definition of a "project" under Public Resources Code Section 21065 requiring discretionary approval by the District and because it could result in a significant effect on the environment. The IS Checklist was prepared to determine the appropriate environmental document to satisfy CEQA requirements: an Environmental Impact Report, an MND, or a Negative Declaration. The analysis in this IS Checklist supported the conclusion that the project would not result in significant environmental impacts with the incorporation of mitigation measures; therefore, an MND was prepared and adopted by resolution 21-02 on January 26, 2021 by the District Board of Directors. It was also filed with the County of San Diego and uploaded to the State Clearinghouse. No further action is required.

BOARD OPTIONS/FISCAL IMPACTS

Total fiscal impact for the easement interests is \$1,610. Pursuit of the eminent domain process and associated expenses are considered part of the District's CIP and is budgeted in the 5-Year Capital Fund. Sufficient funds were budgeted under project 530001 and will account for the anticipated eminent domain process and expenses.

Option 1:

- 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 a Resolution of Necessity No. 22-09, by a two-thirds vote, for the acquisition of the necessary easements by eminent domain on the property located at North of Highway 76 and West of S. Mission Road in Bonsall, CA 92003 (County Fee Owned Unused Road).
- Authorize the General Manager to proceed with all condemnation filings and proceedings necessary to acquire the interests in the subject parcel.

Option 2:

- Provide other direction to staff.

STAFF RECOMMENDATION

Staff recommends Option 1.



Chad Williams
Engineering and CIP Program Manager

3/22/2022

RESOLUTION NO. 22-09

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 THE PROPERTY LOCATED NORTH OF HIGHWAY 76 AND WEST OF SOUTH MISSION ROAD, BONSALL, COUNTY OF SAN DIEGO

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 North of Highway 76 and West of South Mission Road, in Bonsall, an unincorporated community within San Diego County, for public use, to wit: Acquisition of property for Phase 1 of the Lift Station 1 Replacement 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 4,080 square foot permanent easement in the property located North of Highway 76 and West of South Mission Road, 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 5,891 square foot temporary construction easement in the property located North of Highway 76 and West of South Mission Road, as described and depicted more specifically in Exhibit “2” attached hereto and incorporated herein for the purposes of all necessary and convenient activities associated with the Project (“TCE”). The TCE shall be valid for a period of not more than eighteen (18) 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 March 4, 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 March 22, 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 22nd day of March 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. N/A

For valuable consideration, the receipt of which is hereby acknowledged, **COUNTY OF SAN DIEGO, A POLITICAL SUBDIVISION OF THE STATE OF CALIFORNIA** as Grantor, hereby grants and conveys 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, a 4,080 square foot non-exclusive easement and right of way 20 feet in width 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 for any and all purposes, together with any easement roads and appurtenances within the right-of-way, including but not limited to conduits and cables for communication purposes, at such location and elevations, upon, along, over and under the hereinafter described right-of-way 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 right-of-way 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 right-of-way 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 North of Highway 76, West of South Mission Road, 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 Grantor 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.

Grantor, its 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 Grantor's consent and without paying any additional compensation to Grantor or Grantor's 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 Grantor and its 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.

Grantor expressly warrants and represents that Grantor has the power to grant this easement in accordance with its terms.

IN WITNESS WHEREOF, the Grantor executed this Instrument this ____ day of _____ 2022.

Owner: **COUNTY OF SAN DIEGO, A POLITICAL SUBDIVISION OF THE STATE OF CALIFORNIA**

By: _____
(Type Name/Entity Here) Date _____

Its: _____
(Type Title Here)

(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

EXHIBIT "A"
LEGAL DESCRIPTION

VESTING: COUNTY OF SAN DIEGO

PERMANENT EASEMENT

THAT PORTION OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 20 TOWNSHIP 10 SOUTH RANGE 3 WEST SAN BERNARDINO BASE AND MERIDIAN IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, BEING A 20 FOOT WIDE STRIP LYING 10.00 EACH SIDE OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT AN ANGLE POINT IN THE NORTHWESTERLY RIGHT OF WAY OF 11-SD-76 AS SHOWN ON SHEET 5 OF 7 OF RECORD OF SURVEY MAP NO. 21849 FILED NOVEMBER 6, 2014 AS FILE NO. 2014-0485097 IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, BEING THE NORTHWESTERLY TERMINUS OF A LINE BEARING SOUTH 51°40'53" EAST WITH A DISTANCE OF 24.384m AND LABELED "NEW STATE RIGHT OF WAY", AS SHOWN ON SAID RECORD OF SURVEY;

THENCE ALONG SAID LINE AND SAID NORTHWESTERLY RIGHT OF WAY SOUTH 51°40'53" EAST 41.81 FEET TO THE **TRUE POINT OF BEGINNING**;

THENCE LEAVING SAID LINE AND SAID NORTHWESTERLY RIGHT OF WAY NORTH 41°09'42" EAST 12.14 FEET;

THENCE NORTH 42°58'21" EAST 188.64 FEET TO A POINT ON A 25.00 FOOT RADIUS CURVE, ON A LINE LABELED "EXISTING RIGHT OF WAY", BEING SOUTHEASTERLY OF "F" LINE AND NORTHERLY OF "H" LINE AS SHOWN ON CALTRANS MONUMENTATION MAP MS 791 ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY AND THE TERMINUS OF SAID LINE.

THE SIDELINES OF SAID 20.00 FOOT WIDE STRIP TO BE EXTENDED OR SHORTENED TO MEET AT ANGLE POINTS AND TO TERMINATE ON SAID LINE BEARING SOUTH 51°40'53" EAST TO THE SOUTHWEST AND ON SAID LINE LABELED "EXISTING RIGHT OF WAY" AS SHOWN ON SAID MONUMENTATION MAP 791 TO THE NORTHEAST.

BEARINGS AND DISTANCES DESCRIBED HEREIN ARE BASED ON CALIFORNIA COORDINATE SYSTEM OF 1983 (1991.35 EPOCH) ZONE 6. ALL DISTANCES ARE GRID DISTANCES, MULTIPLY BY 1.0000488 TO OBTAIN GROUND DISTANCES.

CONTAINING 4,080 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.

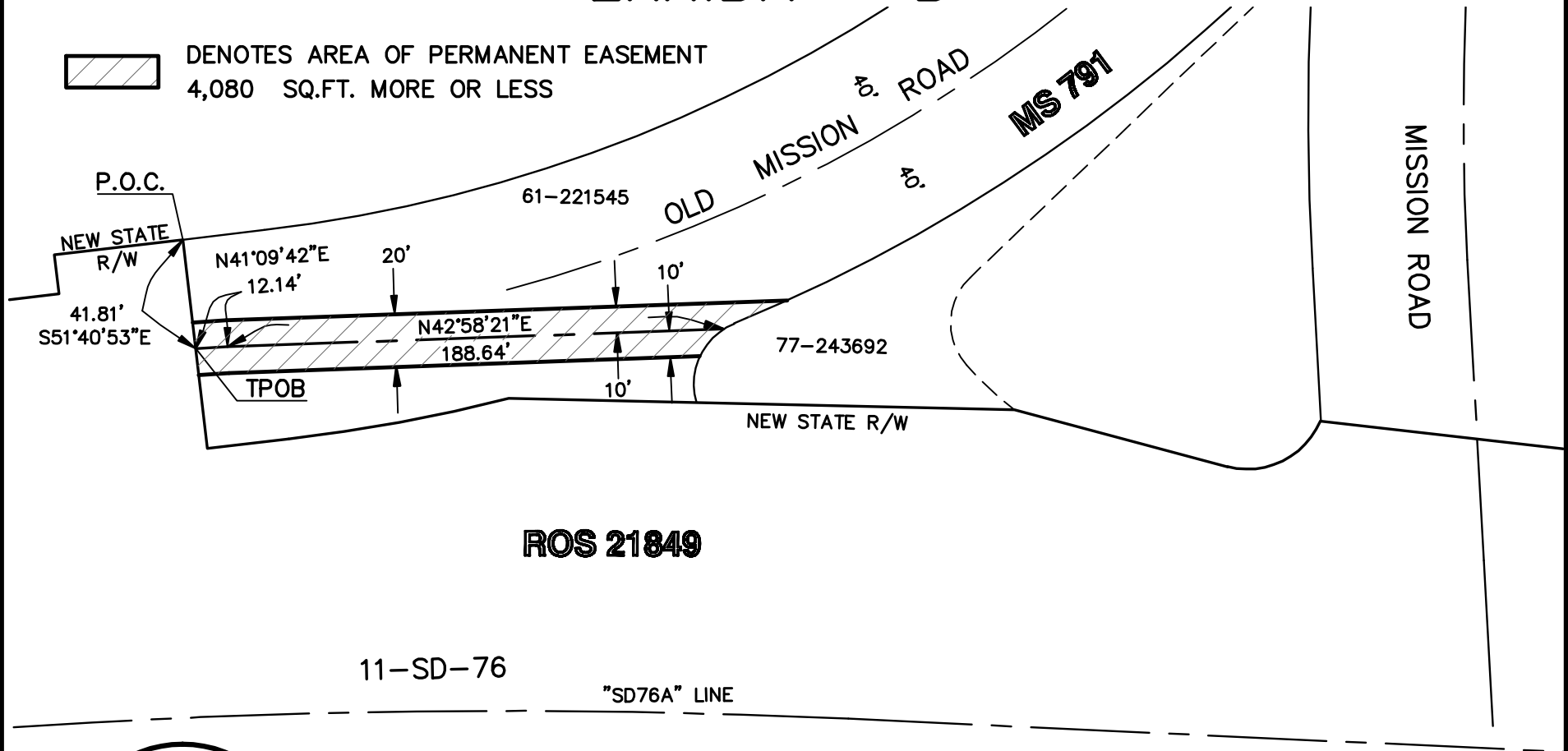
FEBRUARY 1, 2022
DATE



EXHIBIT B

EXHIBIT "B"

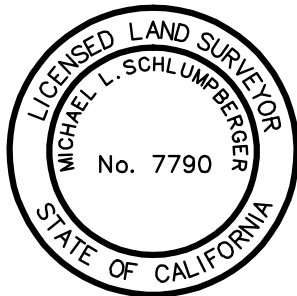
 DENOTES AREA OF PERMANENT EASEMENT
4,080 SQ.FT. MORE OR LESS



ROS 21849

11-SD-76

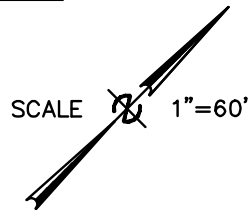
"SD76A" LINE



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

[Signature]
FEBRUARY 1, 2022
MICHAEL L. SCHLUMBERGER, PLS 7790

BEARINGS AND DIMENSIONS SHOWN HEREON ARE BASED ON ROS 21849. BEARINGS ARE BASED ON CCS83 (1991.35 EPOCH) ZONE 6, DISTANCES ARE GRID DISTANCES. MULTIPLY BY 1.0000488 TO OBTAIN GROUND DISTANCES.



Right-Of-Way Engineering Services, Inc.
615 South Tremont Street • Oceanside, CA 92054
(760) 637-2700 row@roweng.net
Job No.: 2006-0023-11

RAINBOW MUNICIPAL WATER DISTRICT

VESTING: COUNTY OF SAN DIEGO

DATE: FEBRUARY 1, 2022

SHEET 1 OF 1

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. N/A

FOR GOOD AND VALUABLE CONSIDERATION, the receipt and sufficiency of which is hereby acknowledged, **COUNTY OF SAN DIEGO, A POLITICAL SUBDIVISION OF THE STATE OF CALIFORNIA** as Grantor, does 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 5,891 square foot temporary construction easement ("Temporary Construction Easement") over, above, on, under, in, along, across and through that certain portion of Grantor's real property located North of Highway 76, West of South Mission Road, 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 here to 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 Thoroughbred Lift Station Project ("Project").

The Temporary Construction Easement shall expire on the date ("Expiration Date") that is not more than eighteen (18) months from the commencement of construction within the TCE Area, as established in a written notice given to Grantor 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.

Grantor covenants, by and for itself, its 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 Grantor 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 Grantor 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 Easement; (ii) use, control and occupy the TCE Area; (iii) have access to, ingress to, and egress from the TCE Area; (iv) use and temporarily place and operate tools, equipment, machinery, and materials on the TCE Area; and (v) trim, cut, or clear away any trees, brush, or other vegetation or flora, including, without limitation, the roots thereof, located within the TCE Area.

Prior to the Expiration Date, Grantor shall not grant or dedicate any easement, right or other interest in, to, on, under or over the TCE Area without obtaining the prior written consent of Grantee, which may be granted or withheld in Grantee's sole and unfettered discretion.

At the expiration of the Temporary Construction Easement, Grantee or its authorized agent(s) shall restore the TCE Area to a condition as near as practicable to the condition that existed prior to Grantee's operations; provided, however, that Grantee's restoration obligations shall not apply with respect to reasonable wear and tear or any changed condition or circumstance not resulting from Grantee's operations, negligence or greater fault. Additionally, Grantee shall not be required to restore any vegetation, landscaping or improvements for which the Grantor has been paid, to the pre-existing condition. Further, it is understood that, upon said expiration or termination of the Temporary Construction Easement, Grantee shall have no other or further obligation, liability or duty in connection with the Property.

The covenants contained in this Instrument shall run with the land.

IN WITNESS WHEREOF, the Grantor executed this Instrument this ____ day of _____ 2022.

Owner: **COUNTY OF SAN DIEGO, A POLITICAL SUBDIVISION OF THE STATE OF CALIFORNIA**

By: _____
(Type Name/Entity Here) Date

Its: _____
(Type Title Here)

(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 Right of Way

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

EXHIBIT "A"
LEGAL DESCRIPTION

VESTING: COUNTY OF SAN DIEGO

TEMPORARY CONSTRUCTION EASEMENT

THAT PORTION OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 20 TOWNSHIP 10 SOUTH RANGE 3 WEST SAN BERNARDINO BASE AND MERIDIAN IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

COMMENCING AT AN ANGLE POINT IN THE NORTHWESTERLY RIGHT OF WAY OF 11-SD-76 AS SHOWN ON SHEET 5 OF 7 OF RECORD OF SURVEY MAP NO. 21849 FILED NOVEMBER 6, 2014 AS FILE NO. 2014-0485097 IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, BEING THE NORTHWESTERLY TERMINUS OF A LINE BEARING SOUTH 51°40'53" EAST WITH A DISTANCE OF 24.384m AND LABELED "NEW STATE RIGHT OF WAY", AS SHOWN ON SAID RECORD OF SURVEY;

THENCE ALONG SAID LINE AND SAID NORTHWESTERLY RIGHT OF WAY SOUTH 51°40'53" EAST 31.80 FEET;

THENCE LEAVING SAID LINE AND SAID NORTHWESTERLY RIGHT OF WAY NORTH 41°09'42" EAST 12.80 FEET;

THENCE NORTH 42°58'21" EAST 126.80 FEET TO THE **TRUE POINT OF BEGINNING**;

THENCE CONTINUING NORTH 42°58'21" EAST 86.62 FEET TO A POINT ON A NON-TANGENT CURVE HAVING A RADIUS OF 640.00 Feet, ON A LINE LABELED "EXISTING RIGHT OF WAY", AS SHOWN ON CALTRANS MONUMENTATION MAP MS 791 ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, BEING SOUTHEASTERLY OF "F" LINE A RADIAL LINE TO WHICH BEARS SOUTH 69°22'23" EAST;

THENCE NORTHERLY ALONG SAID LINE LABELED "EXISTING RIGHT OF WAY" AND ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 4°19'05" AN ARC DISTANCE OF 48.23 FEET;

THENCE LEAVING SAID LINE SOUTH 42°58'21" WEST 130.50 FEET;

THENCE SOUTH 47°01'39" EAST 20.00 FEET TO THE **TRUE POINT OF BEGINNING**.

TOGETHER WITH

THAT PORTION OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 20 TOWNSHIP 10 SOUTH RANGE 3 WEST SAN BERNARDINO BASE AND MERIDIAN IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

COMMENCING AT AN ANGLE POINT IN THE NORTHWESTERLY RIGHT OF WAY OF 11-SD-76 AS SHOWN ON SHEET 5 OF 7 OF RECORD OF SURVEY MAP NO. 21849 FILED NOVEMBER 6, 2014 AS FILE NO. 2014-0485097 IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, BEING THE NORTHWESTERLY TERMINUS OF A LINE BEARING SOUTH 51°40'53" EAST WITH A DISTANCE OF 24.384m AND LABELED "NEW STATE RIGHT OF WAY", AS SHOWN ON SAID RECORD OF SURVEY;

THENCE ALONG SAID LINE AND SAID NORTHWESTERLY RIGHT OF WAY SOUTH 51°40'53" EAST 51.82 FEET TO THE **TRUE POINT OF BEGINNING**;

THENCE LEAVING SAID LINE AND SAID NORTHWESTERLY RIGHT OF WAY NORTH 41°09'42" EAST 11.49 FEET;

THENCE NORTH 42°58'21" EAST 179.11 FEET TO A NON-TANGENT CURVE HAVING A RADIUS OF 25.00 FEET, ON A LINE LABELED "EXISTING RIGHT OF WAY", AS SHOWN ON CALTRANS MONUMENTATION MAP MS 791 ON FILE IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, BEING SOUTHEASTERLY OF "F" LINE AND NORTHERLY OF "H" LINE, A RADIAL LINE TO WHICH BEARS SOUTH 70°12'48" WEST;

THENCE SOUTHEASTERLY ALONG SAID LINE LABELED "EXISTING RIGHT OF WAY" AND ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 41°18'32" AND ARC DISTANCE OF 18.02 FEET TO SAID NORTHWESTERLY RIGHT OF WAY OF 11-SD-76;

THENCE LEAVING SAID CURVE ALONG SAID NORTHWESTERLY RIGHT OF WAY SOUTH 46°18'19" WEST 71.21 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, HAVING A RADIUS OF 640.00 FEET (RECORD 195.072m PER ROS 21849) CONCAVE NORTHWESTERLY A RADIAL LINE TO WHICH BEARS SOUTH 59°18'50" EAST;

THENCE CONTINUING ALONG SAID NORTHWESTERLY RIGHT OF WAY AND SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 7°37'57" AN ARC DISTANCE OF 85.26 FEET (RECORD 25.986m PER ROS 21849);

THENCE CONTINUING ALONG SAID NORTHWESTERLY RIGHT OF WAY SOUTH 38°19'07" WEST 31.04 FEET (RECORD 9.460m PER ROS 21849);

THENCE CONTINUING ALONG SAID NORTHWESTERLY RIGHT OF WAY NORTH 51°40'53" WEST 28.18 FEET TO THE **TRUE POINT OF BEGINNING**.

BEARINGS AND DISTANCES DESCRIBED HEREIN ARE BASED ON CALIFORNIA COORDINATE SYSTEM OF 1983 (1991.35 EPOCH) ZONE 6. ALL DISTANCES ARE GRID DISTANCES, MULTIPLY BY 1.0000488 TO OBTAIN GROUND DISTANCES.

CONTAINING 5,891 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.

FEBRUARY 9, 2022
DATE

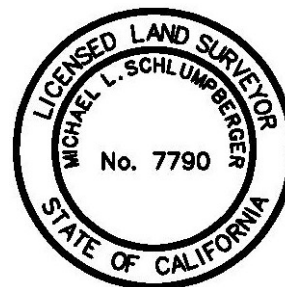

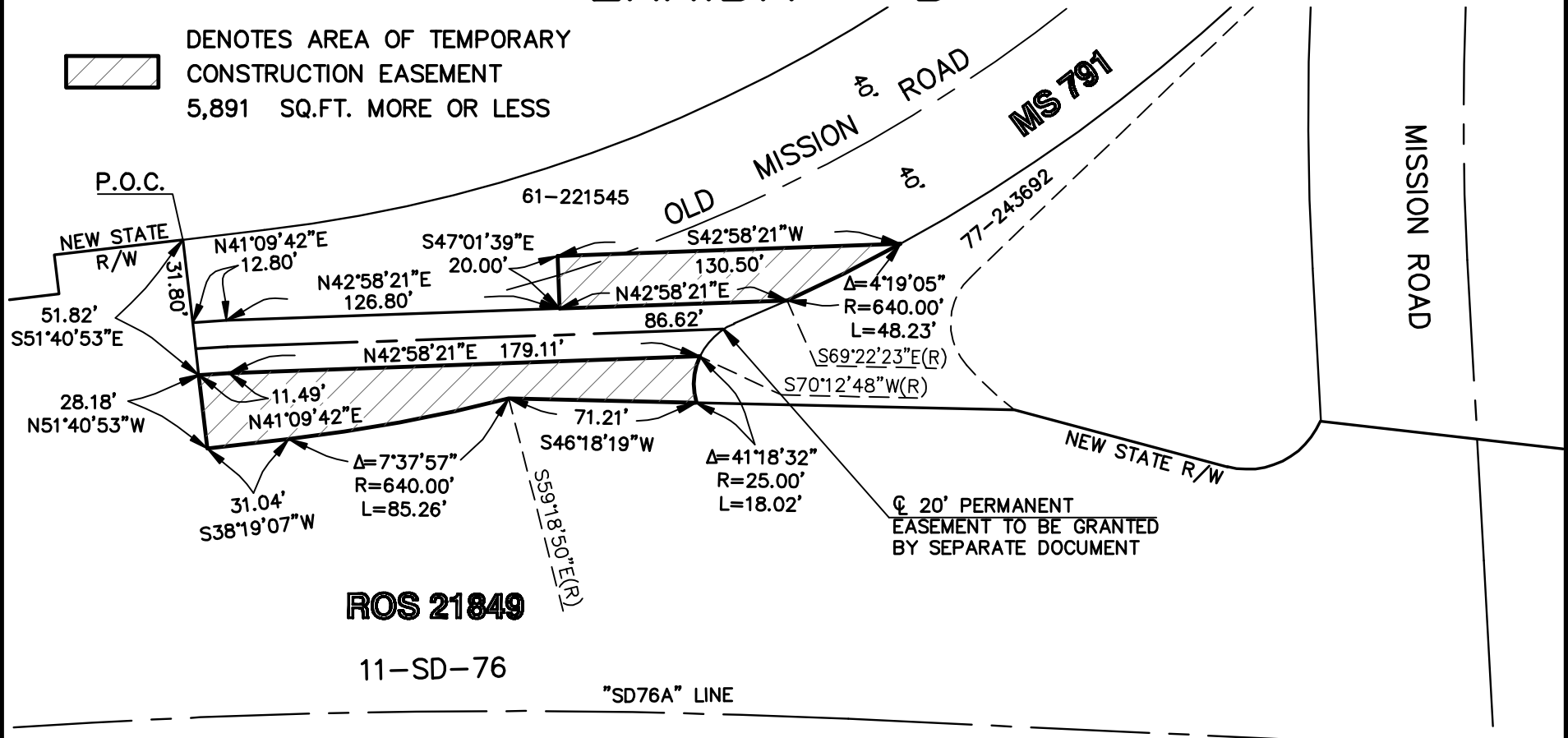


EXHIBIT B

EXHIBIT "B"

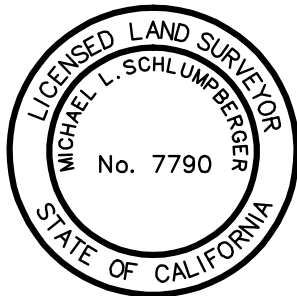
 DENOTES AREA OF TEMPORARY CONSTRUCTION EASEMENT
5,891 SQ.FT. MORE OR LESS



ROS 21849

11-SD-76

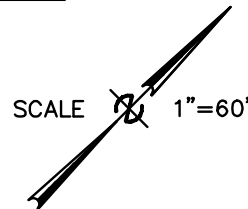
"SD76A" LINE



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

Michael L. Schlumpberger
FEBRUARY 9, 2022
MICHAEL L. SCHLUMPBERGER, PLS 7790

BEARINGS AND DIMENSIONS SHOWN HEREON ARE BASED ON ROS 21849. BEARINGS ARE BASED ON CCS83 (1991.35 EPOCH) ZONE 6, DISTANCES ARE GRID DISTANCES. MULTIPLY BY 1.0000488 TO OBTAIN GROUND DISTANCES.



Right-Of-Way Engineering Services, Inc.
615 South Tremont Street • Oceanside, CA 92054
(760) 637-2700 row@roweng.net
Job No.: 2006-0023-11

RAINBOW MUNICIPAL WATER DISTRICT

VESTING: COUNTY OF SAN DIEGO

DATE: FEBRUARY 9, 2022

SHEET 1 OF 1

BOARD OF DIRECTORS

March 22, 2022

SUBJECT

DISCUSSION AND POSSIBLE ACTION TO ADOPT ORDINANCE NO. 22-07 AMENDING AND UPDATING ADMINISTRATIVE CODE CHAPTER 2.06 – COMMITTEES AND SECTION 2.06.010 – COMMITTEES POLICY

BACKGROUND

Director Moss had requested an item be placed on the February 22, 2022 Board meeting agenda providing an opportunity for the Board to review its current Administrative Code policy related to committee member conduct at meetings.

DESCRIPTION

At their February 22, 2022, meeting, the Board reviewed Administrative Code Section 2.06.010 – Committees Policy. Director Moss requested that staff include the policy guidelines related to Board Member conduct at meetings be incorporated into the Committees Policy.

Staff has prepared proposed revisions to Administrative Code Section 2.06.010 for Board consideration. These proposed changes include:

- 1) A breakdown of each section within the policy separating out different subsections for easier reference.
- 2) A reference to the Code of Ethics policy provided in Administrative Code Title 2 that apply to both Board and committee members alike.

This item is to provide the Board with an opportunity to consider the proposed amendments and updates to Administrative Code Chapter 2.06 and Section 2.06.010 as provided. Both redline and non-redline versions of the proposed revisions are attached for reference.

POLICY/STRATEGIC PLAN KEY FOCUS AREA

Since Standing Committees are advisory to the Board and impact 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

Option 1:

- Adopt Ordinance No. 22-07 amending and updated Administrative Code Chapter 2.06 and Section 2.06.010 as presented.
- Make a determination that the action defined herein does not constitute a “project” as defined by CEQA.

Option 2:

- Adopt Ordinance No. 22-07 amending and updating Administrative Code Chapter 2.06 and Section 2.06.010 with revisions.
- Make a determination that the action defined herein does not constitute a “project” as defined by CEQA.

Option 3:

- Deny adoption of Ordinance No. 22-07 and provide staff with direction.

STAFF RECOMMENDATION

Staff supports direction.



Tom Kennedy, General Manager

March 22, 2022

Ordinance No. 22-07

**Ordinance of the Board of Directors of the Rainbow Municipal Water District
Amending and Updating Administrative Code
Chapter 2.06 and Section 2.06.010 – Committees Policy**

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 2.06: Committees
Section 2.06.010: Committees 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 22nd day of March 2022.

AYES:
NOES:
ABSTAIN:
ABSENT:

Hayden Hamilton, Board President

ATTEST:

Dawn Washburn, Board Secretary

Chapter 2.06 COMMITTEES

Sections:

2.06.010 Committees Policy

2.06.010.01 Purpose

2.06.010.02 Membership

2.06.010.03 Appointment of Chairpersons and Vice Chairpersons

2.06.010.04 Term

2.06.010.05 Committee Meeting Agenda and Minutes

2.06.010.06 Establishing Quorums, Seating of Alternates, and Member Absences

2.06.010.07 Code of Ethics

2.06.010.08 Standing Committees

2.06.010.08.1 Budget and Finance Committee

2.06.010.08.2 Engineering and Operations Committee

2.06.010.08.3 Communications and Customer Service Committee

Section 2.06.010 Committees Policy

2.06.010.01 Purpose

The Board shall organize committees that are advisory to the Board with regards to matters within their respective areas of responsibility. Committees may study, advise and make recommendations to the Board on matters within the committee's area of responsibility. Committee recommendations shall be communicated to the Board. The authority of committees is limited to advisory recommendations only. Committees may provide recommendations for the Board to consider, which recommendations may be considered, adopted, amended or rejected by the Board in the Board's sole discretion. The Board may refer a recommendation back to the committee for reevaluation whenever the Board deems additional evaluation is required. Committees shall have no authority to take action or otherwise render decisions that are binding upon the Board or District staff.

2.06.010.02 Membership

- Each committee shall have at least four and no more than seven regular members appointed by a simple majority vote of the Board.
- Each committee may also have up to two alternate committee members appointed by a simple majority of the Board.
- Committees may be comprised of Directors, staff, and legal ratepayers of the District. Committee members must reside within District boundaries. Committee members must be registered voters within District boundaries and must maintain a primary domicile within District boundaries for the duration of their tenure. The Board in its sole discretion may determine at any time whether a committee member properly resides within the District.
- Each committee shall designate their own chairperson, but that Chairperson may not also serve as an elected member of the Board of Directors.
- In order to promote attendance by Directors at Committee meetings without inadvertently creating a violation of the Ralph M. Brown Act, no more than one member of the Board of Directors may sit as a member on a Committee. Directors that are not members of a committee may attend as observers but are allowed to participate at the Committee's request.
- Members of the committees serve at the pleasure of the Board. The Board has authority to remove committee members at any time in the Board's sole discretion.

2.06.010.03- Appointment of Chairpersons and Vice Chairpersons

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- Each committee may elect a vice-chairperson, but that vice-chairperson may not also serve as an elected member of the Board of Directors.
- Members of committees, including the chairperson and vice-chairperson shall serve until their successors are appointed.
- The chairperson of a committee is its presiding officer.
- In the absence of the chairperson, the vice-chairperson shall perform the duties of the chairperson.
- The chairperson and vice-chairperson are not deprived of any of the rights and privileges of a committee member by reason of being the presiding officer.
- All committee communications must go through the designated committee chairperson.

2.06.010.04 Term

The chairperson and vice-chairperson will hold their positions for one calendar year.

Committee members will serve a term of four years and may be reappointed at the will of the Board.

2.06.010.05 Committee Meeting Agenda and Minutes

Committee meetings shall be open to the public and held in accordance with the provisions of the Ralph M. Brown Act. At least 72 hours before a committee meeting, the Secretary shall post an agenda containing a brief, general description of each item of business to be discussed at the committee meeting. The posting shall be freely accessible to the public. No action shall be taken by secret ballot at a committee meeting.

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2.06.010.06 Establishing Quorums, Seating of Alternates, and Member Absences

A majority of the members of each committee shall constitute a quorum for the transaction of business.

Only regular members of the committee are entitled to make, second or vote on any motion or other action of the committee.

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2.06.010.07 Code of Ethics

All Board appointed members of the District's Standing Committees shall conform to the same Code of Ethics Policy guidelines described in Administrative Code Title 2. All appointed members of the District's Standing Committees represent the Board of Directors on these committees and as such are held to the same expectations. Any members who fail to comply with these guidelines are subject to their appointment being revoked as stipulated.

Committee Members and alternates shall comply with the obligations and responsibilities of office including the obligation to comply with the disclosure requirements of the Political Reform Act (Form 700). The reporting categories made applicable to the Directors by Rainbow Municipal Water District's local conflict of code shall apply to the members of the committee members.

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2.06.010.08 Standing Committees

2.06.010.08.1 Budget and Finance Committee

The Committee shall work in concert with the General Manager, Treasurer, and Finance Manager of the District.

The Committee shall be responsible for the review of District finances including: rates, fees, charges and other sources of revenue; budget; audit; investments; insurance; and other financial matters.

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The Committee shall work in concert with the General Manager, Engineering department head, and Operations Manager.

The Committee shall be responsible to review matters of design, construction, replacement, and repair of the District facilities and property, including: the Capital Improvement Program; contractor selection process; contractor management programs; and other engineering-related matters.

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**Chapter 2.06
COMMITTEES**

Sections:

- 2.06.010 Committees Policy**
- 2.06.010.01 Purpose**
- 2.06.010.02 Membership**
- 2.06.010.03 Appointment of Chairpersons and Vice Chairpersons**
- 2.06.010.04 Term**
- 2.06.010.05 Committee Meeting Agenda and Minutes**
- 2.06.010.06 Establishing Quorums, Seating of Alternates, and Member Absences**
- 2.06.010.07 Code of Ethics**
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BOARD OF DIRECTORS

March 22, 2022

SUBJECT

DISCUSSION AND POSSIBLE ACTION TO ADOPT ORDINANCE NO. 22-08 AMENDING AND UPDATING ADMINISTRATIVE CODE SECTIONS 9.04, 9.05, AND 9.07, SEWER POLICY

BACKGROUND

Periodic updates to policies within the RMWD Administrative Code are necessary to update changes in terminology and to add clarification.

DESCRIPTION

An update to the policy related to sewer services has been prepared for Board consideration.

Chapter 9.04 – Size, Location and Installation of Laterals has been updated to ensure District requirements of hiring a Class A contractor are clear when relocating sewer laterals. In addition, language was added to establish authority to apply a fine for illegal connections for reference when a fine is objected by a customer.

Chapter 9.05 - Sewer Permits has been updated to provide consistency in land use designations between documents, allow for time extensions, and include authority to reference when additional fees, deposits, or charges apply. It was also updated to establish authority for a Development consultation deposit and set a deadline of two years for developers to perform development analysis. In addition, language was changed to clarify when capacity fees are to be paid, to reference the ordinance of established fees, remove the option to pay capacity fees by cash, to ensure an amendment to the Sewer Service Agreement is completed prior to renewing a service commitment, and to provide the District flexibility to determine the best form of security for the construction project.

Chapter 9.07 – Equivalent Dwelling Units Established has been updated to simplify the process of locating the classes of services as well as include a missing class and include authority for reference when a Sewer Analysis Study is required for special circumstances.

POLICY/STRATEGIC PLAN KEY FOCUS AREA

Strategic Focus Area Four: Fiscal Responsibility
Strategic Focus Area Five: Customer Service

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

The Policy will have limited fiscal impact on the District.

Option 1:

- Adopt Ordinance No. 22-08 Amending and Updating Administrative Code Chapters 9.04, 9.05, and 9.07.
- Make a determination that the action defined herein does not constitute a “project” as defined by CEQA.

Option 2:

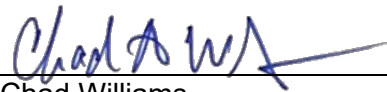
- Adopt Ordinance No. 22-08 Amending and Updating Administrative Code Chapters 9.04, 9.05, and 9.07 with Board Recommended revisions.
- Make a determination that the action defined herein does not constitute a “project” as defined by CEQA.

Option 3:

- Provide other direction to staff.

STAFF RECOMMENDATION

Staff recommends Option 1.



Chad Williams
Engineering and CIP Program Manager

03/22/2022

Ordinance No. 22-08

**Ordinance of the Board of Directors of the Rainbow Municipal Water District
Amending and Updating Administrative Code
Title 9 – Sewer, Chapters 9.04, 9.05, and 9.07**

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 9.04:	Size Location and Installation of Laterals
Chapter 9.05:	Sewer Permits
Chapter 9.07:	Equivalent Dwelling Units Established

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 22nd day of March 2022.

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

Hayden Hamilton, Board President

Dawn Washburn, Board Secretary

**PROPOSED NON-ADMINISTRATIVE AMENDMENTS TO
ADMINISTRATIVE CODE TITLE 9 - SEWER**

Chapter/Section/Subsection/Paragraph	Proposed Amendment and Purpose
Chapter 9.04 – Size, Location and Installation of Laterals, Section 9.04.030 – Relocating Sewer Laterals	<p>Amendment: Adding “Customer must hire a private contractor with a Class A - General Engineering license to make modifications to the sewer lateral per District’s standards.”</p> <p>Purpose: To ensure District requirements are clear when relocating sewer laterals.</p>
Chapter 9.04 – Size, Location and Installation of Laterals, Section 9.04.040 - Illegal Connections	<p>Amendment: Adding “The District may apply a fine for illegal connections.”</p> <p>Purpose: To include authority to reference when a fine is objected by a customer. Since the fine will vary per the investigation results, no set amount is provided.</p>
Chapter 9.05 – Sewer Permits, Section 9.05.010 - Applications, Paragraph 9.05.010.01.7	<p>Amendment: Adding “The Land Use: Single Family Dwelling, Multiple Dwelling, Restaurant, Commercial, Industrial, or other.” to the list of required information.</p> <p>Purpose: To be consistent with established land use designations as well as the Sewer Service Connection Application.</p>
Chapter 9.05 – Sewer Permits, Section 9.05.020 - Terms of Sewer Application, Paragraph 9.05.020.01	<p>Amendment: Adding “Applicant may submit a formal written request addressed to the General Manager or their designee for a one-time extension of up to six months. For an extension to be considered, any difference in application fees, including but not limited to capacity fees, associated with the application must be paid in full. Approval of extension shall be granted at the sole discretion of the General Manager or their designee.”</p> <p>Purpose: To allow the applicant an additional six months to connect to District facilities.</p>
Chapter 9.05 – Sewer Permits, Section 9.05.070 – Change in Use, First Paragraph	<p>Amendment: Adding “Permits are limited to the type and number of EDU’s authorized by the permit to be used on the parcel identified in the permit. If a change in use occurs, including but not limited to, remodeling, enlargement, or new buildings, additional fees, deposits, and charges may be required in an amount set forth by the District per the most current Board-approved Water and Sewer Rates and Charges adopted by ordinance.”</p> <p>Purpose: To include authority to reference when additional fees, deposits or charges apply.</p>

<p>Chapter 9.05 – Sewer Permits, Section 9.05.080 - Sewer Service Commitments of More than Five EDU’s; Parcels, Subsection 9.05.080.01 – Development Consultation Deposit</p>	<p>Amendment: Adding 9.05.080.01 Development Consultation Deposit</p> <p>9.05.080.01.1 Prior to meeting or consulting with District staff regarding development potential, the developer must deposit an amount set forth by the District per the most current Board-approved Engineering Services Fees and Plan Check and Inspection Deposits adopted by ordinance. The developer may submit a formal written request addressed to the General Manager or their designee for a refund of the deposit balance at which time meetings and consultations with District staff shall cease.</p> <p>9.05.080.01.2 At the conclusion of two years, deposit balances minus administrative costs shall be refunded to the developer. Developer may submit a formal written request addressed to the General Manager or their designee for an extension of up to one year. An additional deposit may be required. Approval of extension shall be granted at the sole discretion of the General Manager or their designee.</p> <p>Purpose: To establish authority for a development consultation deposit. Also, to set a deadline of two years for developers to perform development analysis.</p>
<p>Chapter 9.05 – Sewer Permits, Section 9.05.080 - Sewer Service Commitments of More than Five EDU’s; Parcels, Section 9.05.080.02 – Application for Availability, Subsection 9.05.08.02.2</p>	<p>Amendment: Adding “9.05.080.02.2 Pay to the District a non-refundable processing fee in an amount set forth by the District per the most current Board-approved Engineering Services Fees and Plan Check and Inspection Deposits adopted by ordinance.”</p> <p>Purpose: To reference the ordinance of established fees.</p>
<p>Chapter 9.05 – Sewer Permits, Section 9.05.080 - Sewer Service Commitments of More than Five EDU’s; Parcels, Subsection 9.05.080.03- Project Availability Letters</p>	<p>Amendment: No commitment shall be made until a Sewer Service Agreement for sewer connection has been executed and capacity fees have been paid in accordance with these rules and regulations.</p> <p>Purpose: To replace the word “application” with Sewer Service Agreement throughout Section 9.05 for consistency. Also, to reaffirm when capacity fees are to be paid.</p>
<p>Chapter 9.05 – Sewer Permits, Section 9.05.080 - Sewer Service Commitments of More than Five EDU’s; Parcels, Subsection 9.05.080.04 - Application for Commitment, Subsection 9.05.080.04.2</p>	<p>Amendment: Adding “Pay to the District a non-refundable processing fee in an amount set forth by the District per the most current Board-approved Engineering Services Fees and Plan Check and Inspection Deposits adopted by ordinance.”</p> <p>Purpose: To reference ordinance of established fees.</p>

<p>Chapter 9.05 – Sewer Permits, Section 9.05.080 - Sewer Service Commitments of More than Five EDU’s; Parcels, Subsection 9.05.080.05 - Project Facility Commitment Forms, Paragraph 9.05.080.05.2</p>	<p>Amendment: Adding 9.05.080.05.2 The applicant completes a Sewer Service Agreement and pays to the District a fee in the amount of 50% of the connection fees required to serve the entire project in order to ensure that sewer capacity is available. The fee may be paid by check, money order, cashier’s check, or Automated Clearing House (ACH). Prior to issuance of building permits, the remaining 50% connection fees shall be paid in full by check, money order, cashier’s check, or ACH. The 50% connection fees previously secured shall be applied to the total balance due.</p> <p>Purpose: To remove payment by cash. Also, to specify when the full remaining 50% connection fees are due to the District.</p>
<p>Chapter 9.05 – Sewer Permits, Section 9.05.080 - Sewer Service Commitments of More than Five EDU’s; Parcels, Subsection 9.05.080.05 - Project Facility Commitment Forms, Paragraph 9.05.080.05.3</p>	<p>Amendment: Adding “The District’s service commitment shall be effective for a five-year term. The service commitment may be renewed for one additional five-year term upon application amendment of the Sewer Service Agreement and payment to the District of a fee equal to the difference between fees previously paid and the current fee rates at the time of renewal.”</p> <p>Purpose: To ensure an amendment to the Sewer Service Agreement is completed prior to renewing the service commitment.</p>
<p>Chapter 9.05 – Sewer Permits, Section 9.05.080 - Sewer Service Commitments of More than Five EDU’s; Parcels, Subsection 9.05.080.07 – Other Conditions</p>	<p>Amendment: Remove “The agreement shall be secured by a bond, or other security, in a form and amount satisfactory to the District, guaranteeing the completion of such construction...”</p> <p>Purpose: Provide the District flexibility to determine the best form of security for the construction project.</p>
<p>Chapter 9.05 – Sewer Permits, Section 9.05.090 – Extension of Facilities, Subsection 9.05.090.01</p>	<p>Amendment: Remove 9.05.090.01 A bond, or other security, in a form and amount satisfactory to the District, guaranteeing the completion of such construction within the time specified in the agreement.</p> <p>Purpose: Provide the District flexibility to determine the best form of security for the construction project.</p>
<p>Chapter 9.07 – Equivalent Dwelling Units Established, Section 9.07.010 - Classes of Service</p>	<p>Amendment: Alphabetizing the classes of service chart and including Dental Office EDUs.</p> <p>Purpose: To simplify the process of locating the classes of services as well as include a missing class.</p>

Chapter 9.07 – Equivalent Dwelling Units
Established, Section 9.07.020 - Calculation for
Unlisted

Amendment: For types of sewer use other than those provided in the classes of service set forth above, the District Representative shall determine the number of EDU's for which a permit may be issued based upon the estimated daily volume of wastewater to be discharged and concentrations of Biochemical Oxygen Demand (BOD) and Suspended Solids (SS) in such wastewater. At its sole discretion, the District may require the developer, at the developer's sole expense, to provide a Sewer Analysis Study from a licensed Professional Engineer.

Purpose: To include authority for reference when a Sewer Analysis Study is required for special circumstances.

Chapter 9.04
SIZE, LOCATION AND INSTALLATION OF LATERALS

- Sections:**
- 9.04.010 Sewer and Connections**
 - 9.04.020 Limitations on Sewer Connections**
 - 9.04.030 Relocating Sewer Laterals Sewers**
 - 9.04.040 Illegal Connections**

Section 9.04.010 Sewer and Connections

The District shall determine and specify in the permit: the size, location, and manner of accomplishing the installation of a lateral sewer. The size, slope, alignment, materials of construction of the customers building sewer, and the method to be used in excavating, placing of the pipe, jointing, testing, and backfilling of the trench, shall conform to the District's standard specifications.

Section 9.04.020 Limitations on Sewer Connections

No sewer connection shall be allowed except on the following conditions:

9.04.020.01 ___ A separate and independent lateral sewer shall be provided for every building.

9.04.020.02 ___ A single 'granny unit' will be allowed to connect to the sewer lateral serving the primary residence of the parcel.

9.04.020.03 ___ When a property with a lateral sewer is subdivided, such lateral sewer shall be considered as serving the lot or parcels of land which it directly or first enters.

9.04.020.04 ___ Lots with differing assessors' parcel numbers must have separate sewer laterals. Parcels under the same ownership are still required to have separate laterals.

9.04.020.05 ___ A common private sewer system for residential developments is prohibited for developments in which individuals, such as single unit dwelling units, condominiums, and townhouses own the dwelling units.

Section 9.04.030 Relocating ~~Sewer~~ Laterals ~~Sewer~~

Should a sewer lateral ~~sewer~~, installed pursuant to the request of the applicant, owner, or customer, be of the wrong size or at a wrong location and not in accordance with approved plans or the District's standard specifications, the cost of all changes required to correct the situation shall be paid by the applicant, owner, or customer. Customer must hire a private contractor with a Class-A general engineering license to make modifications to the sewer lateral per District's standards.

Section 9.04.040 Illegal Connections

No person shall make a connection to facilities of the District without a permit or except as provided in the permit issued by the District. Specifically, but not by way of limitation, no swimming pool drains, roof down-spouts, exterior foundation drains, areaway drains, or other building sewer or building drain which, in turn is connected directly or indirectly to a District sewerage facility. The District may disconnect such connections at the expense of the person responsible for or using such connection. The District may apply a fine for illegal connections.

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**Chapter 9.05
SEWER PERMITS**

Sections:

- 9.05.010 Applications**
- 9.05.020 Terms of Sewer Application**
- 9.05.020.01 Term of Application**
- 9.05.020.02 Application Not Transferrable**
- 9.05.030 Applications Based on EDU's**
- 9.05.040 Determination of EDU's**
- 9.05.050 Issuance of Building Permit**
- 9.05.060 Septic Tank Conversion**
- 9.05.070 Change In Use**
- 9.05.080 Sewer Service Commitments of More than 5 EDU's; ParcelsSubdivisions**
- 9.05.080.01 Development Consultation Deposit**
- 9.05.080.02 Application for Availability**
- 9.05.080.03 Project Facility Availability Forms**
- 9.05.080.04 Application for Commitment**
- 9.05.080.05 Project Facility Commitment Forms**
- 9.05.080.06 Permit for Sewer Connection**
- 9.05.080.07 Other Conditions**
- 9.05.090 Extension of Facilities**
- 9.05.090.03 Satisfaction of Conditions**
- 9.05.090.05 Rights of District**

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Section 9.05.010 Applications

9.05.010.01 Applications for a permit for sewer connections shall be submitted on a form ~~provided~~~~prepared~~ by the District which shall, among other things, require the following information:

9.05.010.01.1 —The name, address, and telephone number of the owner of the property for which the application is made.

9.05.010.01.2 —The name, address, and telephone number of the property owner's authorized representative, if the application is made by such a representative.

9.05.010.01.3 —The address ~~or description~~ of the property for which the application is made.

9.05.010.01.4 —The assessors' parcel number for the parcel.

9.05.010.01.5 —The location of the District's nearest sewer system pipeline.

9.05.010.01.6 —The applicant's proposed use of the property.

a. —~~9.05.010.1.7~~ Whether the application is for a new building, ~~or new~~ use, or for the conversion of the use of an existing building.

b. —~~9.05.010.1.8~~ Whether the application is for a change in the use of property for which a connection to a District's sewer system exists.

9.05.010.01.79 —~~The Land Use: Single Family Dwelling, Multiple Dwelling, Restaurant, Commercial, Industrial, or other. Whether the application is for a subdivision.~~

9.05.010.01.840 The estimated number of units to be served.

Section 9.05.020 Terms of Sewer Application

Applications for sewer connection shall be granted upon completion of an application as set for in Section 9.05.010 and payment of fees to the District based upon the sewer capacity estimated to be required to serve a parcel or parcels (also referred to herein as "connection fees"). The District will establish an account identifying the parcel to record the application and associated payments. The District may use the funds paid under this Section to perform any work required to serve the parcel.

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9.05.020.01 Term of Application

Application for sewer connection shall be issued for a term of two years. If no connection is made it shall expire and all rights of the application holder resulting from the issuance of such application shall terminate. Fees paid on the application that has ves expired will be refunded minus administrative costs to the applicant listed on the sewer application. Applicant may submit a formal written request addressed to the General Manager or their designee for a one-time extension of up to six months. For an extension to be considered, any difference in application fees, including but not limited to capacity fees, associated with the application must be paid in full. Approval of extension shall be granted at the sole discretion of the General Manager or their designee. If connection is made prior to the application's expiration, the application will become an authorized sewer permit and shall remain in effect so long as sewer service is required for that parcel. Once a lateral connection is made to the District's facilities and stubbed out to the property, the account is considered active and will incur sewer service changes per District policy.

9.05.020.02 Application Not Transferrable

An application for sewer connection relates to and authorizes a connection to the District's sewer system for a parcel of land and uses specifically set forth in the application. An application may not be transferred to or used for a parcel of land which is not specifically described in the application. An application may not be used for a use not specifically set forth in the application.

If applicant desires to sell the property during the term of the application and transfer the application to the future owner with the same parcel of land and use, the applicant must submit in writing to the District of the transfer. Otherwise, at the expiration of the application for sewer connection, the connection fees minus administrative costs, will be refunded to the applicant. The parcel and use described in the application must be the same and the new owner must complete a new application. The term of the application will remain the same.

Section 9.05.030 Applications Based on EDU's

Applications for sewer connection shall be issued with the amount of connection fee to be paid based on a comparison of the daily volume of wastewater (Q), which will be discharged into the sewer system from the building or buildings for which an application is sought, and the average daily volume of wastewater discharged from a single--family residence in the District (one Equivalent Dwelling Unit). Applications shall be for the number of EDU's, as determined or estimated by the District, to be used on the property.

Section 9.05.040 Determination of EDU's

For classes of non-single family dwelling sewer service for which the volume, Biochemical Oxygen Demand (BOD) and Suspended Solids (SS) in wastewater can be determined by sampling, or based on existing empirical data, a schedule shall be calculated relating the flow and strength of the wastes discharged as a multiple of EDU's.

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Section 9.05.050
Issuance of Building Permit

An application shall not expire and need not be renewed if, prior to the date of the expiration of its term, a building permit has been issued by the County of San Diego for the building or buildings described in the District's application and the application holder provides a copy of the building permit to the District. In such case, the District's application shall expire upon the expiration of the building permit if connection is not made to the District's sewer system for the building or buildings described thereon prior to the date of the expiration of the building permit. This subsection does not apply to applications for subdivisions.

Section 9.05.060
Septic Tank Conversion

The holder of an application issued for a sewer connection for an existing building connected to an onsite septic tank or leach field disposal system must complete the connection of such a building to the sewer system within the initial 365-day term of the application, and such an application may not be renewed. Septic tanks removed from service must be properly abandoned per State and County of San Diego standards.

Section 9.05.070
Change in Use

Permits are limited to the type and number of EDU's authorized by the permit to be used on the parcel identified in the permit. If a change in use occurs, including but not limited to, remodeling, enlargement, or new buildings, additional fees, deposits, and charges may be required in an amount set forth by the District per the most current Board-approved Water and Sewer Rates and Charges adopted by ordinance. Connection charges shall be based on the rates and policies in existence at the time the change or expansion of use. No parcel of property for which a permit for sewer connection is outstanding shall be used for a use different than the use stated in the permit or which will result in a greater volume of wastewater or in wastewater having a greater concentration of BOD or SS being discharged into District's sewer system unless the owner of such parcel makes application for and is issued a permit for sewer connection for each additional EDU or portion thereof of wastewater flow or each additional EDU based on the increased concentration of BOD or SS in the wastewater which will be discharged from said parcel upon the commencement of such different use.

Application for permits for sewer connections for new buildings or for existing buildings that are to be remodeled, renovated, or enlarged shall be accompanied by final plans for such a building, remodeling, renovation, or enlargements and a letter or other certification from the Department of Planning and Land Use of the County of San Diego indicating that such plans will be approved for issuance of a building permit upon issuance by the District of an application for sewer connection.

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Section 9.05.080

Sewer Service Commitments of More than Five EDU's; ParcelsSubdivisions

9.05.080.01 Development Consultation Deposit

9.05.080.01.1 Prior to meeting or consulting with District staff regarding development potential, the developer must deposit an amount set forth by the District per the most current Board-approved Engineering Services Fees and Plan Check and Inspection Deposits adopted by ordinance. The developer may submit a formal written request addressed to the General Manager or their designee for a refund of the deposit balance at which time meetings and consultations with District staff shall cease.

9.05.080.01.2 At the conclusion of two years, deposit balances minus administrative costs shall be refunded to the developer. Developer may submit a formal written request addressed to the General Manager or their designee for an extension of up to one year. An additional deposit may be required. Approval of extension shall be granted at the sole discretion of the General Manager or their designee.

9.05.080.024 Application for Availability

Application for issuance of a Project Facility Availability FormLetter described in the following section may be submitted to the District on a form approved by the District, and must meet the following conditions, and other conditions as the District may require:

9.05.080.024.1 File with the District a preliminary parcel or subdivision map and such other information as the District may require.

9.05.080.024.2 Pay to the District a non-refundable processing fee in an amount set forth by the District per the most current Board-approved Engineering Services Fees and Plan Check and Inspection Deposits adopted by ordinance.

9.05.080.032 Project Facility Availability FormsLetters

Upon compliance by applicant with the requirements of the previous paragraphs, and if the District has adequate capacity or expects to have adequate capacity, the District may complete and issue the Project Facility Availability FormLetter or equivalent form to allow processing of a tentative parcel map or tentative subdivision map. The formletter shall certify that the District has, or expects to have, capacity available to serve the proposed subdivision. The formletter shall not be a commitment on the part of the District to have or make capacity in the District's sewer system available to the proposed subdivision. No commitment shall be made until a Sewer Service Agreement applications for sewer connection has ve been issuedexecuted and capacity fees have been paid in accordance with these rules and regulations.

The issuance of a Project Facility Availability FormLetter and processing fee shall have the sole effect of entitling the applicant to be considered along with other applicants for the issuance of permits for sewer connection which the District may issue and shall not create any right or entitlement in the applicant to obtain a permit for sewer connection from the District. The Project Facility Availability FormLetter identifies conditions the applicant

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much address prior to service commitment.

9.05.080.043 Application for Commitment

Application for issuance of a Project Facility Commitment Form~~Letter~~ described in the following section may be submitted to the District on a form approved by the District, and must meet the following conditions, and other conditions as the District may require:

9.05.080.043.1 —File with the District a parcel or subdivision map and such other information as the District may require.

9.05.080.043.2 —Pay to the District a non-refundable processing fee in an amount set forth by the District per the most current Board-approved Engineering Services Fees and Plan Check and Inspection Deposits adopted by ordinance.

9.05.080.054 Project Facility Commitment FormsLetters

Upon compliance by applicant with the requirements of the previous paragraphs and subject to the following conditions, the District may complete and issue the Project Facility Commitment Form~~Service Commitment Letter (“Will Serve Letter”)~~ or equivalent forms, stating that sewer service is committed to parcels or subdivision, and the terms of such commitment and conditions which must be satisfied for service.

9.05.080.054.1 —The District has adequate capacity or expects to have adequate capacity.

9.05.080.054.2 —The applicant completes a Sewer Service Agreement and pays to the District a fee in the amount of 50% of the connection fees required to serve the entire project in order to ensure that sewer capacity is available. The fee may be paid by check, in cash or money order, cashier’s check, or Automated Clearing House (ACH), secured by a bond, letter of credit, time certificate of deposit, or other security satisfactory to the District, in a form and amount satisfactory to the District. Prior to issuance of building permits, the remaining 50% connection fees shall be paid in full by check, money order, cashier’s check, or ACH. The 50% connection fees previously secured shall be applied to the total balance due.

9.05.080.054.3 —The District’s service commitment shall be effective for a five-year term. The service commitment may be renewed for one additional five-year term upon application~~amendment of the Sewer Service Agreement~~ and payment to the District of a fee equal to the difference between fees previously paid and the current fee rates at the time of renewal.

9.05.080.054.4 —All fees paid for service commitment are non-refundable. The District may draw upon the fees to preserve its service commitment. The District will provide applicant 90 days’ notice of the District’s intent to use any security provided as a deposit prior to any such use. If the funds are not immediately available to the District at the expiration of its notice, the District’s service commitment will expire.

9.05.080.065 Permit for Sewer Connection

Upon ~~application~~Sewer Service Agreement and subject to the following conditions, the District shall issue sewer permits for, and shall reserve sewer capacity to serve, the property covered by each approved subdivision map and any other project requiring more than five EDU’s on more than one parcel. If the project is abandoned or changes ownership, the new owner must complete a new ~~application~~Sewer Service Agreement for service for all remaining connections. All connection fees shall be brought current by payment of the difference between fees originally paid and the current fees.

9.05.080.065.1 An approved and recorded subdivision map, or in the event the applicationSewer Service Agreement concerns a project requiring more than five EDU’s on more than one parcel that is not a subdivision, ~~other approved documentation~~ must be filed with the District. If the tentative map contemplates the filing of multiple file maps, the

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District's commitment shall not terminate if the first final map is filed within the term of the District's service commitment and subsequent maps are filed within the time provided by law. If the time for processing a tentative map is extended by the County of San Diego, the District may, but shall not be obligated to, extend its service commitment.

9.05.080.065.2 —All connection fees shall be brought current by payment of difference between fees originally paid and the current fee rates.

9.05.080.065.3 —All other conditions and provisions, including those contained in Sewer Permits, Project Facility Commitment Forms~~Letters~~, and Project Facility Availability Forms~~Letters~~, are satisfied within the term of the District's service commitment.

9.05.080.065.4 Permits issued for lots within a subdivision shall not expire and need not be renewed if all ~~of~~ the following have occurred prior to the expiration of the initial term or a renewal term thereof:

9.05.080.065.4.1 —The final subdivision map or final parcel map for the subdivision has been approved by the Board of Supervisors of the County of San Diego and filed in the office of the County Recorder.

9.05.080.065.4.2 —The sewer system within the subdivision has been installed and accepted by the District.

9.05.080.065.5 —Notwithstanding the foregoing provisions of this section, at any time after ten years from the date of filing a final subdivision map, the District shall have the option of terminating permits for those parcels in the subdivision which have not connected to the District's sewer system.

9.04.080.065.6 —Notwithstanding the foregoing provisions of this section, at any time a subdivision requires the execution of an amendment to either the County Joint Use Agreement or the District's Developer Sewer Service Agreement all connection fees shall be brought current by payment of the difference between fees originally paid and the current fee rates.

9.05.080.076 Other Conditions

The District may require as a condition of service, recordation of any final map or providing of service, that applicant, owner, or customer construct or enter into a written agreement to construct, at applicant's sole cost, any necessary or desirable sewer facilities to enable the District to provide sewer service to the property. The agreement shall be secured by a bond, ~~letter of credit, time certificate of deposit~~ or other security, in a form and amount satisfactory to the District, guaranteeing the completion of such construction within the time specified in the agreement in accordance with detailed plans approved by the District for such construction. In addition, the District may require delivery to the District of executed documents, in forms acceptable to the District, for any easements on private or

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other property, which are necessary or desirable for the construction, operation and maintenance of such sewer facilities.

Section 9.05.090
Extension of Facilities

If property for which an application for a permit for sewer connection is made is not adjacent to a District trunk sewer, or if the trunk sewer or other facilities have inadequate capacity, the applicant shall, at the time of filing application, enter into a written agreement with the District whereby the applicant agrees to construct, at applicant's sole cost, the necessary expansion of the District's sewer facilities to enable the District to provide sewer service to the property. The agreement shall require applicant to provide to the District, within 180 days of the date of the issuance of the application for sewer connection, as a condition thereto:

9.05.090.01 A bond, ~~irrevocable letter of credit, time certificate of deposit~~ or other security, in a form and amount satisfactory to the District, guaranteeing the completion of such construction within the time specified in the agreement.

9.05.090.02 Detailed plans approved by the District, and any easements on private property or other property which are necessary or desirable for the construction, operation, and maintenance of such sewer facilities.

9.05.090.03 —Satisfaction of Conditions

If an applicant has entered into an agreement with the District for the extension of the District's sewer system, the applicant shall have 180 days following the date of application to deliver to the District the security to guarantee the completion of such construction and the detailed plans or easement documents provided for in the agreement. If an applicant fails to provide such security or deliver such plans or easement documents to the District within such time, application for sewer connection shall automatically terminate.

9.05.090.04 _____ See also, ~~Chapter 6.05~~ Water and Sewer Line Extension ~~policy~~ for more detail.

9.05.090.05 —Rights of District

Upon the failure of an applicant to pay fees and charges or to provide such security and deliver such plans and easement documents within the times herein allowed, the application shall automatically terminate.

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Chapter 9.07
EQUIVALENT DWELLING UNITS ESTABLISHED

Sections:

9.07.010	Classes of Service
9.07.020	Calculation for Unlisted
9.07.030	Final Determination

Section 9.07.010
Classes of Service

The District has determined the following EDU's for each of the following classes of service:

	<u><i>Class</i></u>	<u><i>EDU's</i></u>
4	Single Family Residential, Apartment, Condominium, Duplex or Mobile Home Each Unit	
	<u><i>Square Footage</i></u>	
	≤1,250	0.80
	1,251 to 2,000	1.00
	2,001 to 3,000	1.20
	3,001 to 4,500	1.50
	4,501 to 6,000	2.00
	<u><i>>6,000</i></u>	Case by Case
2	Motel or Hotel	
	* Each Living Unit With a Kitchen	0.80
	* Each Living Unit Without a Kitchen	0.40
3	A Separate Business, Retail Shop, Office or Packing House Equipped with Restroom Facilities or Not So Equipped but Located in a Building Complex with Common Restroom Facilities	
	* Up to 1,000 Square Feet of Floor Space	1.20
	* For Each Additional 1,000 Square Feet of Gross Floor Space or Part Thereof	0.80
4	Automobile Service Station	
	* Providing RV Holding Tank Disposal Station	2.00
	* Four or Under Gas Pumps	0.80
	* Over Four Gas Pumps	1.00
5	Church, Fraternal Lodge or Similar Auditorium; For Each Unit of Seating Capacity for 200 Persons	1.00
6	Bakery	1.00
7	Theatre: For Each Unit of Seating Capacity for 200 Persons	1.40
8	Hospital, Per Bed	0.40
9	Convalescent or Boarding Home, Per Bed	0.40
10	Labor Camp, Per Bed	0.10

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	Schools (Public or Private)	
	* Elementary Schools, Per Each 60 Students or Part Thereof, Plus	1.20
	* Junior High Schools, Per Each 40 Students or Part Thereof, Plus Staff	1.20
	* High Schools, Per Each 30 Students or Part Thereof, Plus Staff	1.20
11	(The number of students shall be the rated capacity of planned school determined by State of California Department of Education or shall be average daily attendance of students plus the staff at the school during preceding fiscal year determined in accordance with the Education Code of the State of California)	
12	Mortuary	1.20
13	Car Wash	1.20
14	Grocery Store	1.20
15	Self-Service Laundry, Per Each Washing Machine	0.40
	Restaurants	
	* Base (Using Non-Disposable Tableware)	2.70
	— Add Per Each 7 Seats or Part Thereof	1.20
16	* Base (Using Disposable Tableware)	1.20
	— Add Per Each 21 Seats or Part Thereof	1.20
17	Swimming Pool with Restrooms	1.20
18	Spas with Restrooms	1.20
19	Country Clubs with Common Restroom Facilities — Each Additional Shower Unit, Wash Closet or Fixture	1.20

<u>LAND USE</u>	<u>EDU(s)</u>
<u>Single-Family Residential Apartment, Condominium, Duplex or Mobile Home, Each Unit:</u> <u>Square Footage</u> <u>≤1,250..... 0.8 EDU</u> <u>1,251 to 2,000..... 1.0 EDU</u> <u>2,001 to 3,000..... 1.2 EDU</u> <u>3,001 to 4,500 1.5 EDU</u> <u>4,501 to 6,000..... 2.0 EDU</u> <u>>6,000..... Case by Case</u>	Calculated by square footage.
<u>A separate Business, Retail Shop, Office or Packing House Equipped with restroom facilities or not so equipped but located in a Building or Complex with common restroom facilities:</u>	
<u>Up to 1,000 square feet of floor space.</u>	<u>1.20</u>
<u>For each additional 1,000 square feet of gross floor space or part thereof.</u>	<u>0.80</u>
<u>Automobile Service Stations:</u>	
<u>Providing RV Holding Tank Disposal Station</u>	<u>2.00</u>
<u>Four or Under Gas Pumps</u>	<u>0.80</u>
<u>Over Four Gas Pumps</u>	<u>1.00</u>
<u>Bakery</u>	<u>1.00</u>
<u>Car Wash</u>	<u>1.20</u>
<u>Church, Fraternal Lodge or similar auditorium for each unit of seating capacity for 200 persons.</u>	<u>1.00</u>
<u>Convalescent Hospital / Boarding Home - Per Bed</u>	<u>0.40</u>
<u>Country Clubs with Common Restroom Facilities – Each additional Shower Unit, Wash closet and/or fixture.</u>	<u>1.20</u>

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<u>Dentist Office - Per Practitioner</u>	<u>1.20</u>
<u>Grocery Store</u>	<u>1.20</u>
<u>Hospital - Per Bed</u>	<u>0.40</u>
<u>Labor Camp - Per Bed</u>	<u>0.10</u>
<u>Laundry (Self-Serve) - Each Washing Machine</u>	<u>0.40</u>
<u>Mortuary</u>	<u>1.20</u>
<u>Motel or Hotel:</u>	
<u>Each Living Unit with a Kitchen</u>	<u>0.80</u>
<u>Each Living Unit without a Kitchen</u>	<u>0.40</u>
<u>Restaurants:</u>	
<u>Base (Using Non-Disposable Tableware)</u>	<u>2.70</u>
<u>Per Each 7 Seats or Part Thereof</u>	<u>1.20</u>
<u>Base (Using Disposable Tableware)</u>	<u>1.20</u>
<u>Per Each 21 Seats or Part Thereof</u>	<u>1.20</u>
<u>Schools (Public or Private):</u>	
<u>Elementary Schools, Per Each 60 Students, Plus Staff</u>	<u>1.20</u>
<u>Junior High Schools, Per Each 40 Student, Plus Staff</u>	<u>1.20</u>
<u>High Schools, Per Each 30 Students, Plus Staff</u>	<u>1.20</u>
<i>(The number of students shall be the rated capacity of planned schools as determined by State of California Department of Education or shall be the average daily attendance of students plus the staff at the school during the preceding fiscal year determined in accordance with the Education Code of the State of California.)</i>	
<u>Spas with Restrooms</u>	<u>1.20</u>
<u>Swimming Pool with Restrooms</u>	<u>1.20</u>
<u>Theatre - 200 Seating Capacity</u>	<u>1.40</u>

Section 9.07.020
Calculation for Unlisted

For types of sewer use other than those provided in the classes of service set forth above, the District Representative shall determine the number of EDU's for which a permit may be issued based upon the estimated daily volume of wastewater to be discharged and concentrations of Biochemical Oxygen Demand (BOD) and Suspended Solids (SS) in such wastewater. At its sole discretion, the District may require the developer, at the developer's sole expense, to provide a Sewer Analysis Study from a licensed Professional Engineer.

Section 9.07.030
Final Determination

The District Representative may review the EDU determination no earlier than one year after the date of the issuance of the permit or one year after the date of full occupancy of the building or buildings for which the permit is issued. Based upon actual metered water usage, or other method, the District Representative will determine the actual daily volume of wastewater being discharged into the District's sewer system and based thereon may re-determine the EDU's for which a permit is required. If based upon such re-determination additional EDU's over those for which the permit was issued are required, the permit holder shall make application to the District for the amendment of the permit to include such additional EDU's and shall pay to the District the required additional fee. If such re-determination indicated that less EDU's are required than the number of EDU's for which the permit was issued, the District may refund, without interest, to the applicant who paid the permit fee the excess amount of the fee which was paid, and may amend the permit by

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indicating thereon the correct number of EDU's for which it is issued; provided that, the EDU's shall not be reduced to less than one EDU.

This Administrative Code does not alter or affect contractual obligations of the District concerning sewer commitment and EDU purchase or reservations predating the adoption of this Code. All such commitments are grandfathered into this Administration Code as provided in those contracts or other commitments.

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Chapter 9.04
SIZE, LOCATION AND INSTALLATION OF LATERALS

Sections:

- 9.04.010 Sewer and Connections**
- 9.04.020 Limitations on Sewer Connections**
- 9.04.030 Relocating Sewer Laterals**
- 9.04.040 Illegal Connections**

**Section 9.04.010
Sewer and Connections**

The District shall determine and specify in the permit: the size, location, and manner of accomplishing the installation of a lateral sewer. The size, slope, alignment, materials of construction of the customers building sewer, and the method to be used in excavating, placing of the pipe, jointing, testing, and backfilling of the trench, shall conform to the District's standard specifications.

**Section 9.04.020
Limitations on Sewer Connections**

No sewer connection shall be allowed except on the following conditions:

- 9.04.020.01** A separate and independent lateral sewer shall be provided for every building.
- 9.04.020.02** A single 'granny unit' will be allowed to connect to the sewer lateral serving the primary residence of the parcel.
- 9.04.020.03** When a property with a lateral sewer is subdivided, such lateral sewer shall be considered as serving the lot or parcels of land which it directly or first enters.
- 9.04.020.04** Lots with differing assessors' parcel numbers must have separate sewer laterals. Parcels under the same ownership are still required to have separate laterals.
- 9.04.020.05** A common private sewer system for residential developments is prohibited for developments in which individuals, such as single unit dwelling units, condominiums, and townhouses own the dwelling units.

**Section 9.04.030
Relocating Sewer Laterals**

Should a sewer lateral, installed pursuant to the request of the applicant, owner, or customer, be of the wrong size or at a wrong location and not in accordance with approved plans or the District's standard specifications, the cost of all changes required to correct the situation shall be paid by the applicant, owner, or customer. Customer must hire a private contractor with a Class-A general engineering license to make modifications to the sewer lateral per District's standards.

**Section 9.04.040
Illegal Connections**

No person shall make a connection to facilities of the District without a permit or except as provided in the permit issued by the District. Specifically, but not by way of limitation, no swimming pool drains, roof down-spouts, exterior foundation drains, areaway drains, or other building sewer or building drain which, in turn is connected directly or indirectly to a District sewerage facility. The District may disconnect such connections at the expense of the person responsible for or using such connection. The District may apply a fine for illegal connections.

**Chapter 9.05
SEWER PERMITS**

Sections:

- 9.05.010 Applications**
- 9.05.020 Terms of Sewer Application**
- 9.05.020.01 Term of Application**
- 9.05.020.02 Application Not Transferrable**
- 9.05.030 Applications Based on EDU's**
- 9.05.040 Determination of EDU's**
- 9.05.050 Issuance of Building Permit**
- 9.05.060 Septic Tank Conversion**
- 9.05.070 Change In Use**
- 9.05.080 Sewer Service Commitments of More than 5 EDU's; Parcels**
- 9.05.080.01 Development Consultation Deposit**
- 9.05.080.02 Application for Availability**
- 9.05.080.03 Project Facility Availability Forms**
- 9.05.080.04 Application for Commitment**
- 9.05.080.05 Project Facility Commitment Forms**
- 9.05.080.06 Permit for Sewer Connection**
- 9.05.080.07 Other Conditions**
- 9.05.090 Extension of Facilities**
- 9.05.090.03 Satisfaction of Conditions**
- 9.05.090.05 Rights of District**

Section 9.05.010 Applications

9.05.010.01 Applications for a permit for sewer connections shall be submitted on a form provided by the District which shall, among other things, require the following information:

9.05.010.01.1 The name, address, and telephone number of the owner of the property for which the application is made.

9.05.010.01.2 The name, address, and telephone number of the property owner's authorized representative, if the application is made by such a representative.

9.05.010.01.3 The address of the property for which the application is made.

9.05.010.01.4 The assessors' parcel number for the parcel.

9.05.010.01.5 The location of the District's nearest sewer system pipeline.

9.05.010.01.6 The applicant's proposed use of the property.

- a. Whether the application is for a new building, new use, or for the conversion of the use of an existing building.
- b. Whether the application is for a change in the use of property for which a connection to a District's sewer system exists.

9.05.010.01.7 The Land Use: Single Family Dwelling, Multiple Dwelling, Restaurant, Commercial, Industrial, or other.

9.05.010.01.8 The estimated number of units to be served.

Section 9.05.020 Terms of Sewer Application

Applications for sewer connection shall be granted upon completion of an application as set for in Section 9.05.010 and payment of fees to the District based upon the sewer capacity estimated to be required to serve a parcel or parcels (also referred to herein as "connection fees"). The District will establish an account identifying the parcel to record the application and associated payments. The District may use the funds paid under this Section to perform any work required to serve the parcel.

9.05.020.01 Term of Application

Application for sewer connection shall be issued for a term of two years. If no connection is made it shall expire and all rights of the application holder resulting from the issuance of such application shall terminate. Fees paid on the application that have expired will be refunded minus administrative costs to the applicant listed on the sewer application. Applicant may submit a formal written request addressed to the General Manager or their designee for a one-time extension of up to six months. For an extension to be considered, any difference in application fees, including but not limited to capacity fees, associated with the application must be paid in full. Approval of extension shall be granted at the sole discretion of the General Manager or their designee. If connection is made prior to the application's expiration, the application will become an authorized sewer permit and shall remain in effect so long as sewer service is required for that parcel. Once a lateral connection is made to the District's facilities and stubbed out to the property, the account is considered active and will incur sewer service charges per District policy.

9.05.020.02 Application Not Transferrable

An application for sewer connection relates to and authorizes a connection to the District's sewer system for a parcel of land and uses specifically set forth in the application. An application may not be transferred to or used for a parcel of land which is not specifically described in the application. An application may not be used for a use not specifically set forth in the application.

If applicant desires to sell the property during the term of the application and transfer the application to the future owner with the same parcel of land and use, the applicant must submit in writing to the District of the transfer. Otherwise, at the expiration of the application for sewer connection, the connection fees minus administrative costs, will be refunded to the applicant. The parcel and use described in the application must be the same and the new owner must complete a new application. The term of the application will remain the same.

Section 9.05.030 Applications Based on EDU's

Applications for sewer connection shall be issued with the amount of connection fee to be paid based on a comparison of the daily volume of wastewater (Q), which will be discharged into the sewer system from the building or buildings for which an application is sought, and the average daily volume of wastewater discharged from a single-family residence in the District (one Equivalent Dwelling Unit). Applications shall be for the number of EDU's, as determined or estimated by the District, to be used on the property.

Section 9.05.040 Determination of EDU's

For classes of non-single family dwelling sewer service for which the volume, Biochemical Oxygen Demand (BOD) and Suspended Solids (SS) in wastewater can be determined by sampling, or based on existing empirical data, a schedule shall be calculated relating the flow and strength of the wastes discharged as a multiple of EDU's.

Section 9.05.050
Issuance of Building Permit

An application shall not expire and need not be renewed if, prior to the date of the expiration of its term, a building permit has been issued by the County of San Diego for the building or buildings described in the District's application and the application holder provides a copy of the building permit to the District. In such case, the District's application shall expire upon the expiration of the building permit if connection is not made to the District's sewer system for the building or buildings described thereon prior to the date of the expiration of the building permit. This subsection does not apply to applications for subdivisions.

Section 9.05.060
Septic Tank Conversion

The holder of an application issued for a sewer connection for an existing building connected to an onsite septic tank or leach field disposal system must complete the connection of such a building to the sewer system within the initial 365-day term of the application, and such an application may not be renewed. Septic tanks removed from service must be properly abandoned per State and County of San Diego standards.

Section 9.05.070
Change in Use

Permits are limited to the type and number of EDU's authorized by the permit to be used on the parcel identified in the permit. If a change in use occurs, including but not limited to, remodeling, enlargement, or new buildings, additional fees, deposits, and charges may be required in an amount set forth by the District per the most current Board-approved Water and Sewer Rates and Charges adopted by ordinance. Connection charges shall be based on the rates and policies in existence at the time the change or expansion of use. No parcel of property for which a permit for sewer connection is outstanding shall be used for a use different than the use stated in the permit or which will result in a greater volume of wastewater or in wastewater having a greater concentration of BOD or SS being discharged into District's sewer system unless the owner of such parcel makes application for and is issued a permit for sewer connection for each additional EDU or portion thereof of wastewater flow or each additional EDU based on the increased concentration of BOD or SS in the wastewater which will be discharged from said parcel upon the commencement of such different use.

Application for permits for sewer connections for new buildings or for existing buildings that are to be remodeled, renovated, or enlarged shall be accompanied by final plans for such a building, remodeling, renovation, or enlargements and a letter or other certification from the Department of Planning and Land Use of the County of San Diego indicating that such plans will be approved for issuance of a building permit upon issuance by the District of an application for sewer connection.

Section 9.05.080
Sewer Service Commitments of More than Five EDU's; Parcels

9.05.080.01 Development Consultation Deposit

9.05.080.01.1 Prior to meeting or consulting with District staff regarding development potential, the developer must deposit an amount set forth by the District per the most current Board-approved Engineering Services Fees and Plan Check and Inspection Deposits adopted by ordinance. The developer may submit a formal written request addressed to the General Manager or their designee for a refund of the deposit balance at which time meetings and consultations with District staff shall cease.

9.05.080.01.2 At the conclusion of two years, deposit balances minus administrative costs shall be refunded to the developer. Developer may submit a formal written request addressed to the General Manager or their designee for an extension of up to one year. An additional deposit may be required. Approval of extension shall be granted at the sole discretion of the General Manager or their designee.

9.05.080.02 Application for Availability

Application for issuance of a Project Facility Availability Forms described in the following section may be submitted to the District on a form approved by the District, and must meet the following conditions, and other conditions as the District may require:

9.05.080.02.1 File with the District a preliminary parcel or subdivision map and such other information as the District may require.

9.05.080.02.2 Pay to the District a non-refundable processing fee in an amount set forth by the District per the most current Board-approved Engineering Services Fees and Plan Check and Inspection Deposits adopted by ordinance.

9.05.080.03 Project Facility Availability Forms

Upon compliance by applicant with the requirements of the previous paragraphs, and if the District has adequate capacity or expects to have adequate capacity, the District may complete and issue the Project Facility Availability Form or equivalent form to allow processing of a tentative parcel map or tentative subdivision map. The form shall certify that the District has, or expects to have, capacity available to serve the proposed subdivision. The form shall not be a commitment on the part of the District to have or make capacity in the District's sewer system available to the proposed subdivision. No commitment shall be made until a Sewer Service Agreement for sewer connection has been executed and capacity fees have been paid in accordance with these rules and regulations.

The issuance of a Project Facility Availability Form and processing fee shall have the sole effect of entitling the applicant to be considered along with other applicants for the issuance of permits for sewer connection which the District may issue and shall not create any right or entitlement in the applicant to obtain a permit for sewer connection from the District. The Project Facility Availability Form identifies conditions the applicant must address prior to service commitment.

9.05.080.04 Application for Commitment

Application for issuance of a Project Facility Commitment Form described in the following section may be submitted to the District on a form approved by the District, and must meet the following conditions, and other conditions as the District may require:

9.05.080.04.1 File with the District a parcel or subdivision map and such other information as the District may require.

9.05.080.04.2 Pay to the District a non-refundable processing fee in an amount set forth by the District per the most current Board-approved Engineering Services Fees and Plan Check and Inspection Deposits adopted by ordinance.

9.05.080.05 Project Facility Commitment Forms

Upon compliance by applicant with the requirements of the previous paragraphs and subject to the following conditions, the District may complete and issue the Project Facility Commitment Form or equivalent forms, stating that sewer service is committed to parcels or subdivision, and the terms of such commitment and conditions which must be satisfied for service.

9.05.080.05.1 The District has adequate capacity or expects to have adequate capacity.

9.05.080.05.2 The applicant completes a Sewer Service Agreement and pays to the District a fee in the amount of 50% of the connection fees required to serve the entire project in order to ensure that sewer capacity is available. The fee may be paid by check, money order, cashier's check, or Automated Clearing House (ACH). Prior to issuance of building permits, the remaining 50% connection fees shall be paid in full by check, money order, cashier's check, or ACH. The 50% connection fees previously secured shall be applied to the total balance due.

9.05.080.05.3 The District's service commitment shall be effective for a five-year term. The service commitment may be renewed for one additional five-year term upon amendment of the Sewer Service Agreement and payment to the District of a fee equal to the difference between fees previously paid and the current fee rates at the time of renewal.

9.05.080.05.4 All fees paid for service commitment are non-refundable. The District may draw upon the fees to preserve its service commitment. The District will provide applicant 90 days' notice of the District's intent to use any security provided as a deposit prior to any such use. If the funds are not immediately available to the District at the expiration of its notice, the District's service commitment will expire.

9.05.080.06 Permit for Sewer Connection

Upon Sewer Service Agreement and subject to the following conditions, the District shall issue sewer permits for, and shall reserve sewer capacity to serve, the property covered by each approved subdivision map and any other project requiring more than five EDU's on more than one parcel. If the project is abandoned or changes ownership, the new

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owner must complete a new Sewer Service Agreement for service for all remaining connections. All connection fees shall be brought current by payment of the difference between fees originally paid and the current fees.

9.05.080.06.1 An approved and recorded subdivision map, or in the event the Sewer Service Agreement concerns a project requiring more than five EDU's on more than one parcel that is not a subdivision, must be filed with the District. If the tentative map contemplates the filing of multiple file maps, the District's commitment shall not terminate if the first final map is filed within the term of the District's service commitment and subsequent maps are filed within the time provided by law. If the time for processing a tentative map is extended by the County of San Diego, the District may, but shall not be obligated to, extend its service commitment.

9.05.080.06.2 All connection fees shall be brought current by payment of difference between fees originally paid and the current fee rates.

9.05.080.06.3 All other conditions and provisions, including those contained in Sewer Permits, Project Facility Commitment Forms, and Project Facility Availability Forms, are satisfied within the term of the District's service commitment.

9.05.080.06.4 Permits issued for lots within a subdivision shall not expire and need not be renewed if all the following have occurred prior to the expiration of the initial term or a renewal term thereof:

9.05.080.06.4.1 The final subdivision map or final parcel map for the subdivision has been approved by the Board of Supervisors of the County of San Diego and filed in the office of the County Recorder.

9.05.080.06.4.2 The sewer system within the subdivision has been installed and accepted by the District.

9.05.080.06.5 Notwithstanding the foregoing provisions of this section, at any time after ten years from the date of filing a final subdivision map, the District shall have the option of terminating permits for those parcels in the subdivision which have not connected to the District's sewer system.

9.04.080.06.6 Notwithstanding the foregoing provisions of this section, at any time a subdivision requires the execution of an amendment to either the County Joint Use Agreement or the District's Developer Sewer Service Agreement all connection fees shall be brought current by payment of the difference between fees originally paid and the current fee rates.

9.05.080.07 Other Conditions

The District may require as a condition of service, recordation of any final map or providing of service, that applicant, owner, or customer construct or enter into a written agreement to construct, at applicant's sole cost, any necessary or desirable sewer facilities to enable the District to provide sewer service to the property. The agreement shall be secured by a bond, or other security, in a form and amount satisfactory to the District, guaranteeing the completion of such construction within the time specified in the agreement in

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accordance with detailed plans approved by the District for such construction. In addition, the District may require delivery to the District of executed documents, in forms acceptable to the District, for any easements on private or other property, which are necessary or desirable for the construction, operation and maintenance of such sewer facilities.

Section 9.05.090
Extension of Facilities

If property for which an application for a permit for sewer connection is made is not adjacent to a District trunk sewer, or if the trunk sewer or other facilities have inadequate capacity, the applicant shall, at the time of filing application, enter into a written agreement with the District whereby the applicant agrees to construct, at applicant's sole cost, the necessary expansion of the District's sewer facilities to enable the District to provide sewer service to the property. The agreement shall require applicant to provide to the District, within 180 days of the date of the issuance of the application for sewer connection, as a condition thereto:

9.05.090.01 A bond or other security, in a form and amount satisfactory to the District, guaranteeing the completion of such construction within the time specified in the agreement.

9.05.090.02 Detailed plans approved by the District, and any easements on private property or other property which are necessary or desirable for the construction, operation, and maintenance of such sewer facilities.

9.05.090.03 **Satisfaction of Conditions**

If an applicant has entered into an agreement with the District for the extension of the District's sewer system, the applicant shall have 180 days following the date of application to deliver to the District the security to guarantee the completion of such construction and the detailed plans or easement documents provided for in the agreement. If an applicant fails to provide such security or deliver such plans or easement documents to the District within such time, application for sewer connection shall automatically terminate.

9.05.090.04 See also, Water and Sewer Line Extension policy for more detail.

9.05.090.05 **Rights of District**

Upon the failure of an applicant to pay fees and charges or to provide such security and deliver such plans and easement documents within the times herein allowed, the application shall automatically terminate.

Chapter 9.07
EQUIVALENT DWELLING UNITS ESTABLISHED

Sections:

9.07.010	Classes of Service
9.07.020	Calculation for Unlisted
9.07.030	Final Determination

**Section 9.07.010
Classes of Service**

The District has determined the following EDU's for each of the following classes of service:

LAND USE	EDU(s)
Single-Family Residential Apartment, Condominium, Duplex or Mobile Home, Each Unit:	Calculated by square footage.
<u>Square Footage</u>	
≤1,250..... 0.8 EDU	
1,251 to 2,000..... 1.0 EDU	
2,001 to 3,000..... 1.2 EDU	
3,001 to 4,500 1.5 EDU	
4,501 to 6,000..... 2.0 EDU >6,000..... Case by Case	
A separate Business, Retail Shop, Office or Packing House Equipped with restroom facilities or not so equipped but located in a Building or Complex with common restroom facilities:	
Up to 1,000 square feet of floor space.	1.20
For each additional 1,000 square feet of gross floor space or part thereof.	0.80
Automobile Service Stations:	
Providing RV Holding Tank Disposal Station	2.00
Four or Under Gas Pumps	0.80
Over Four Gas Pumps	1.00
Bakery	1.00
Car Wash	1.20
Church, Fraternal Lodge or similar auditorium for each unit of seating capacity for 200 persons.	1.00
Convalescent Hospital / Boarding Home - Per Bed	0.40
Country Clubs with Common Restroom Facilities – Each additional Shower Unit, Wash closet and/or fixture.	1.20
Dentist Office - Per Practitioner	1.20
Grocery Store	1.20
Hospital - Per Bed	0.40
Labor Camp - Per Bed	0.10
Laundry (Self-Serve) - Each Washing Machine	0.40
Mortuary	1.20
Motel or Hotel:	
Each Living Unit with a Kitchen	0.80
Each Living Unit without a Kitchen	0.40
Restaurants:	
Base (Using Non-Disposable Tableware)	2.70
Per Each 7 Seats or Part Thereof	1.20
Base (Using Disposable Tableware)	1.20
Per Each 21 Seats or Part Thereof	1.20
Schools (Public or Private):	
Elementary Schools, Per Each 60 Students, Plus Staff	1.20
Junior High Schools, Per Each 40 Student, Plus Staff	1.20

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High Schools, Per Each 30 Students, Plus Staff	1.20
<i>(The number of students shall be the rated capacity of planned schools as determined by State of California Department of Education or shall be the average daily attendance of students plus the staff at the school during the preceding fiscal year determined in accordance with the Education Code of the State of California.)</i>	
Spas with Restrooms	1.20
Swimming Pool with Restrooms	1.20
Theatre - 200 Seating Capacity	1.40

Section 9.07.020
Calculation for Unlisted

For types of sewer use other than those provided in the classes of service set forth above, the District Representative shall determine the number of EDU's for which a permit may be issued based upon the estimated daily volume of wastewater to be discharged and concentrations of Biochemical Oxygen Demand (BOD) and Suspended Solids (SS) in such wastewater. At its sole discretion, the District may require the developer, at the developer's sole expense, to provide a Sewer Analysis Study from a licensed Professional Engineer.

Section 9.07.030
Final Determination

The District Representative may review the EDU determination no earlier than one year after the date of the issuance of the permit or one year after the date of full occupancy of the building or buildings for which the permit is issued. Based upon actual metered water usage, or other method, the District Representative will determine the actual daily volume of wastewater being discharged into the District's sewer system and based thereon may re-determine the EDU's for which a permit is required. If based upon such re-determination additional EDU's over those for which the permit was issued are required, the permit holder shall make application to the District for the amendment of the permit to include such additional EDU's and shall pay to the District the required additional fee. If such re-determination indicated that less EDU's are required than the number of EDU's for which the permit was issued, the District may refund, without interest, to the applicant who paid the permit fee the excess amount of the fee which was paid, and may amend the permit by indicating thereon the correct number of EDU's for which it is issued; provided that, the EDU's shall not be reduced to less than one EDU.

This Administrative Code does not alter or affect contractual obligations of the District concerning sewer commitment and EDU purchase or reservations predating the adoption of this Code. All such commitments are grandfathered into this Administration Code as provided in those contracts or other commitments.

BOARD OF DIRECTORS

March 22, 2022

SUBJECT

DISCUSSION AND POSSIBLE ADOPTING ORDINANCE NO. 22-09 AMENDING AND UPDATING ADMINISTRATIVE CODE CHAPTERS 8.01, 8.03, 8.04, 8.11, & 8.14

BACKGROUND

Periodic updates to policies within the RMWD Administrative Code are necessary to update changes in terminology and to add clarification.

DESCRIPTION

An update to the policy related to water services has been prepared for Board consideration.

Chapters 8.01 - District Rules and Regulations and 8.03 - Areas Served have been updated to provide clear direction to staff for types of water service, including an update from TSAWR to PSAWR, as well as other minor changes in terminology.

Chapter 8.04 - Establishment of Water Service has been updated to include requirements for transfer of service when a property is sold and meter removals. The Administrative Code was ambiguous to the requirements making enforcement by staff difficult. The updates also include clarification on the length of time a water service application can be active, and the steps required in the event the property is sold. Prior to this ruling, there were applications that remained open for more than ten years.

Chapter 8.11 - Connection and Meter Charges has been updated to include direction on meter downsize requirements, water service commitments of more than five subdivisions, application for availability, project availability letters, application for commitment and project commitment letters.

Chapter 8.14 – Discontinuance of Service provides clarifications, specifically to the requirements to enter into a payment extension plan when an account has been reported to the county tax roll for collection.

All changes comply with the Senate Bill 998 regarding water shutoffs.

POLICY/STRATEGIC PLAN KEY FOCUS AREA

Administrative Code Chapter 8.01 - District Rules and Regulations, 8.03 - Areas Served, 8.04 - Establishment of Water Service, 8.11 - Connection and Meter Charges, and 8.14 - Discontinuance of Service

Strategic Focus Area Five: Customer Service

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

Option 1:

- Adopt Ordinance No. 22-09 Amending and Updating Administrative Code Chapters 8.01, 8.03, 8.04, 8.11, and 8.14.
- Make a determination that the action defined herein does not constitute a “project” as defined by CEQA.

Option 2:

- Adopt Ordinance No. 22-09 Amending and Updating Administrative Code Chapters 8.01, 8.03, 8.04, 8.11, and 8.14 with Board recommended revisions.
- Make a determination that the action defined herein does not constitute a “project” as defined by CEQA.

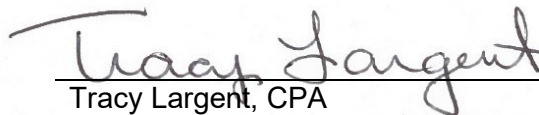
Option 3:

- Provide staff with direction.

The policy will have limited fiscal impact on the district.

STAFF RECOMMENDATION

Staff recommends Option 1.



Tracy Largent, CPA
Finance Manager

March 22, 2022

Ordinance No. 22-09

**Ordinance of the Board of Directors of the Rainbow Municipal Water District
Amending and Updating Administrative Code
Title 8 – Water, Chapters 8.01, 8.03, 8.04, 8.11, and 8.14**

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 8.01:	District Rules and Regulations_Water
Chapter 8.03:	Area Served
Chapter 8.04:	Establishment of Water Service
Chapter 8.11:	Connection and Meter Charges
Chapter 8.14:	Discontinuance and Restriction of Service

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 22nd day of March 2022.

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

Hayden Hamilton, Board President

ATTEST:

Dawn Washburn, Board Secretary

**PROPOSED NON-ADMINISTRATIVE AMENDMENTS TO
ADMINISTRATIVE CODE TITLE 8 - WATER**

Chapter/Section/Subsection/Paragraph	Proposed Amendment and Purpose
Section 8.01.020 – Availability of Facilities	<p>Amendment: Replacing “New Water Service Application” with “Water Service Connection Application” if service to the parcel does not currently exist...”</p> <p>Purpose: To update the name of the water service application and remove the requirement for the New Services Request form.</p>
Section 8.01.040 – Purpose	<p>Amendment: Adding clarification that the District is not committing to providing water service or guaranteeing that capacity will be available at the time of application.</p> <p>Purpose: To clarify the language.</p>
Subsection 8.03.020.02, Section 8.03.030, Subsection 8.03.030.01-8.03.030.04, Section 8.03.040	<p>Amendment: Replacing “character” with “classification”.</p> <p>Purpose: To update the language.</p>
Section 8.03.030 – Character of Service	<p>Amendment: Replacing “Character” with “Classification” of Service and “TSAWR Domestic” and “TSAWR Commercial” with “PSAWR Domestic” and “PSAWR Commercial”.</p> <p>Purpose: To update the language.</p>
Subsection 8.03.030.06 – Agricultural with Residence	<p>Amendment: Removing “Water usage will be billed on a tiered rate”.</p> <p>Purpose: To update per policy change.</p>
Subsection 8.03.030.08 – PSAWR (Permanent Special Agricultural Water Rate)	<p>Amendment: Updating this section from “Transitional Special Agricultural Water Rate” to Permanent Special Agricultural Water Rate” and any applicable language.</p> <p>Purpose: To update per SDCWA policy changes.</p>
Subsection 8.03.030.9	<p>Amendment: Removal of “TSAWR (Transitional Special Agricultural Water Rate) Commercial language.</p> <p>Purpose: To update per SDCWA policy changes.</p>
Section 8.04.010 – Board of Director’s Approval	<p>Amendment: Updating four or more parcels to more than five.</p> <p>Purpose: To be consistent with Section 8.11.05 Water Service Commitments.</p>

Section 8.04.020 – Application for Regular Water Service	<p>Amendment: Updating the “New Water Service Request” application with “Water Service Connection Application”.</p> <p>Purpose: To update the name for the water service application.</p>
Subsection 8.04.020.03	<p>Amendment: Updating language to specify the application for new water service shall include but not be limited to the APN and removing “the description of which shall be satisfactory to the District’s General Manager”.</p> <p>Purpose: To clarify the description of parcel requirement.</p>
Subsection 8.04.020.06	<p>Amendment: Replacing “The date on which the Applicant desires service” with “Indicate the parcel land use for character of service determination”.</p> <p>Purpose: To be consistent with the requirement in the water service connection application.</p>
Subsection 8.04.020.10	<p>Amendment: Adding language that is included in the Water Service Connection Application i.e. terms, expiration rights, transfer requirements, and extensions.</p> <p>Purpose: To update the Policy with established Water Service Connection Application requirements.</p>
Subsection 8.04.030.01	<p>Amendment: Replacing “within an area requiring a future line” with “in an area that could otherwise be served with a water main...”</p> <p>Purpose: To clarify language regarding when remote meters will be granted.</p>
Subsection 8.04.030.02	<p>Amendment: Adding additional language regarding remote meter requirements.</p> <p>Purpose: To clarify the District’s authority and the applicant’s requirements.</p>
Subsection 8.04.040.01	<p>Amendment: Adding “and an established non-refundable installation fee.”</p> <p>Purpose: To include a statement for the non-refundable installation fee.</p>
Subsection 8.04.040.02	<p>Amendment: Replacing “charge” with “fee”.</p> <p>Purpose: To use consistent language.</p>

Subsection 8.04.040.04	<p>Amendment: Updating language that installation or relocation of a construction meter shall be performed by District staff only, there is a fee and at least a two-business day notice to request this service, and that should a contractor perform relocation, a \$500.00 fine will be charged to the customer’s account.</p> <p>Purpose: To update language and include the applicable fine.</p>
Subsection 8.04.040.06	<p>Amendment: Updating language that extensions for construction meters may be granted for additional six-month periods at the discretion of the District Representative and that the applicant must notify the District when the construction meter is no longer required and schedule a date for pickup.</p> <p>Purpose: To provide language regarding extensions and scheduling of construction meter pickups.</p>
Section 8.11.010 – Commencement of Service	<p>Amendment: Changing title from “Connection and Meter Charges” to “Commencement of Service”.</p> <p>Purpose: To update language.</p>
Section 8.11.030 – Transfer of Meter	<p>Amendment: Removal of language “...unless the service is changed. If, at any time, conditions require a larger size or different type of meter than already installed, the Customer shall pay the current meter and service installation charge for the new connection (less a credit to be determined by the District) and any additional capacity charges”.</p> <p>Purpose: To remove language that does not apply to this section.</p>
Subsection 8.11.040.01.1	<p>Amendment: Inclusion of the customer must hire a “private” contractor with a “Class-A general engineering license.</p> <p>Purpose: To clarify the type of contractor license that is required.</p>
Subsection 8.11.040.01.3	<p>Amendment: Adding the sentence “A new application may be submitted with the applicable payment at the current fees”.</p> <p>Purpose: To allow the applicant to submit a new application if the current fees are paid.</p>
Subsection 8.11.040.03 – Reduction in Meter Size	<p>Amendment: Adding detail requirements and steps for reduction of meter size requests.</p> <p>Purpose: To provide authority to reference when applicants are requesting a reduction in meter size and to conform with Ordinance 21-03. It also updates to consistent language.</p>

Subsection 8.11.040.05 – Fire Service Meters	<p>Amendment: Inclusion of the sentence “Administrative and inspection fees shall apply.</p> <p>Purpose: To provide authority to reference when fees apply.</p>
Subsection 8.11.040.06 – Meter Relocation	<p>Amendment: The addition of an “A Class” license.</p> <p>Purpose: To clarify the type of contractor license that is required.</p>
Subsection 8.11.040.10 – Removal of Water Service	<p>Amendment: Delete the MOU and replace with the Meter Removal Agreement.</p> <p>Purpose: Added the option to allow the customer to pay the lesser of the unpaid O&M fees in the event of a future upsize OR the difference in capacity. This change makes the code consistent with when any customer upsizes. To provide authority to reference.</p>
Section 8.11.050 – Water Service Commitments of More than Five Parcels, Subsection 8.11.050.01 – Development Consultation Deposit	<p>Amendment: Adding 8.11.050.01 Development Consultation Fee</p> <p>8.11.050.01.1 Prior to meeting or consulting with District staff regarding development potential, the developer must deposit an amount set forth by the District per the most current Board-approved Engineering Services Fees and Plan Check and Inspection Deposits adopted by ordinance. The developer may submit a formal written request addressed to the General Manager or their designee for a refund of the deposit balance at which time meetings and consultations with District staff shall cease.</p> <p>8.11.050.01.2 At the conclusion of two years, deposit balances minus administrative costs shall be refunded to the developer. Developer may submit a formal written request addressed to the General Manager or their designee for an extension of up to one year. An additional deposit may be required. Approval of extension shall be granted at the sole discretion of the General Manager or their designee.</p> <p>Purpose: To establish authority for a development consultation deposit. Also, to set a deadline of two years for developers to perform development analysis.</p>
Section 8.11.050 – Water Service Commitments of More than Five Parcels, Subsection 8.11.050.02 – Application for Availability and Subsection 8.11.050.03 – Project Facility Availability Forms	<p>Amendment: Adding the conditions regarding the application for issuance of a Project Facility Availability.</p> <p>Purpose: To clarify the approval requirements for issuance of a Project Facility Availability request.</p>

Section 8.11.050 – Water Service Commitments of More than Five Parcels, Subsection 8.11.050.04 – Application for Commitment and Subsection 8.11.050.05 – Project Facility Commitment Forms	<p>Amendment: Adding the conditions regarding the application for issuance of a Project Facility Commitment.</p> <p>Purpose: To clarify the approval requirements for issuance of a Project Facility Commitment request.</p>
Section 8.14.010 – Discontinuance of Water Service	<p>Amendment: Updating the section title to include “Water”.</p> <p>Purpose: To use consistent language.</p>
Subsection 8.14.010.01 – Discontinuance of Water Service for Nonpayment	<p>Amendment: Including a new subsection.</p> <p>Purpose: To provide authority to reference regarding nonpayment.</p>
Subsection 8.14.010.02 – Exceptions for Discontinuance of Water Service for Nonpayment	<p>Amendment: Providing subsection with a title.</p> <p>Purpose: To use consistent language.</p>
Section 8.14.020 – Notice of Proposed Discontinuance of Water Service	<p>Amendment: Updating the section title replacing “Notice of Proposed Termination”.</p> <p>Purpose: To update language.</p>
Subsection 8.14.020.01 – Time of Notice	<p>Amendment: Clarifying a notice warning the customer will be mailed and replacing “date of mailing the District’s bill for such service” with “date the bill is generated”.</p> <p>Purpose: To update language.</p>
Subsection 8.14.020.03.3	<p>Amendment: Replacing “termination” with “discontinuance of water service”.</p> <p>Purpose: To update language.</p>
Subsection 8.14.020.03.4	<p>Amendment: Removing “financial assistance plan” and adding “as set forth in this policy” removing “through the District”.</p> <p>Purpose: To update language.</p>
Subsection 8.14.020.04 – Elders; Dependent Adults	<p>Amendment: Replacing “termination” with “discontinuance of water service”.</p> <p>Purpose: To update language.</p>
Subsection 8.14.020.05 – No Discontinuance of Water Service on Holidays	<p>Amendment: Replacing “termination” with “discontinuance of water service”.</p> <p>Purpose: To update language.</p>
Subsection 8.14.030.01 – Right of Customer	<p>Amendment: See Redline.</p> <p>Purpose: Information was added to assist with administrative clarity and comply with Senate Bill 998 regarding water shutoffs.</p>

Subsection 8.14.020.02 – Authority to Allow for Payment Extension Plan	<p>Amendment: See Redline.</p> <p>Purpose: Information was added to assist with administrative clarity and comply with Senate Bill 998 regarding water shutoffs.</p>
Subsection 8.14.030.03 – Failure to Comply with the Payment Extension Plan	<p>Amendment: See Redline.</p> <p>Purpose: Information was added to assist with administrative clarity and comply with Senate Bill 998 regarding water shutoffs.</p>
Section 8.14.040 – Discontinuance of Service to Master Meters	<p>Amendment: Replacing “inform the actual users of the service, by means of a notice” with “notify the customer of record” and updating “ten calendar days” to “15 calendar days”.</p> <p>Purpose: Information was added to assist with administrative clarity and comply with Senate Bill 998 regarding water shutoffs.</p>
Section 8.14.080 – Customer’s Request for Discontinuance of Service	<p>Amendment: Removing this section in its entirety.</p> <p>Purpose: This is not something the District offers because it would be contradictory to other areas of the administrative code.</p>
Subsection 8.14.100 – Termination for Nonpayment	<p>Amendment: Removing this section in its entirety.</p> <p>Purpose: This is addressed in an earlier section.</p>
Subsection 8.14.110 – Application of Deposit	<p>Amendment: Removing this section in its entirety.</p> <p>Purpose: Deposits historically have not been taken from customers for new services.</p>

**Chapter 8.01
DISTRICT RULES AND REGULATIONS (WATER)**

Sections:

- 8.01.0100** Scope
- 8.01.0240** Availability of Facilities
- 8.01.0320** Contracts or Permits
- 8.01.0430** Purpose
- 8.01.0540** Construction of Facilities
- 8.01.0650** Land Use Decisions
- 8.01.0760** Terms and Conditions

Section 8.01.0~~10~~¹⁰⁰ **Scope**

These regulations apply to potable water service from the District; fees and deposits to cover the cost thereof; the rates for water delivered; the time and manner of payment for services rendered; regulations regarding water usage; protection of the system from mechanical and health hazards; and rules for charges for extending mains and permitting connections to existing mains. This Section does not apply to recycled water service.

Section 8.01.0~~20~~²⁴⁰ **Availability of Facilities**

Water service is provided by the Rainbow Municipal Water District subject to the availability of facilities or adequate capacity in facilities, funds, or financing for the construction of all of the foregoing. This service is available under the rules and regulations of the District, as amended from time to time. Customers shall sign a ~~New Water Service~~ [Connection Application](#) ~~if service to the parcel does not currently exist and~~ [Application for New Services Requests](#), acknowledging the terms and conditions under which service may be available.

Section 8.01.0~~30~~³²⁰ **Contracts or Permits**

The District is subject to contracts or permits from various other agencies such as, but not limited to; the United States Environmental Protection Agency (EPA) and the California State Water Resources Control Board. Such contracts or permits may limit use of existing or future capacity or facilities. The availability of such service is intended to be furnished to each member of the public or each segment of the public on the same basis to all such Applicants, Owners, or Customers similarly situated and desiring service.

Section 8.01.0~~40~~⁴³⁰ **Purpose**

The District was formed and activated primarily for the purpose of providing water service. The District has constructed facilities or acquired capacity to provide such service. Prior to submitting an application, each Applicant shall verify the existence of available capacity and the probable duration of such availability. Facts necessary for such verification may be obtained from the District; ~~however, —However~~ ~~the~~ District providing such information is **not committing a commitment** to provide water service or ~~guaranteeing a guarantee~~ that capacity will be available at the time of application.

Section 8.01.0~~50~~⁵⁴⁰ **Construction of Facilities**

The facilities planned for construction within the District are set forth in the Water Master Plan as amended from time to time. The Water Master Plan concerns transmission and distribution of water.

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Section 8.01.0650
Land Use Decisions

The District neither determines nor intends to determine or participate in land use decisions or the accomplishment of any plan of development of various Owners of undeveloped property within the District. The District, subject to such land use decisions by others and subject to all provisions of law including, but not limited to, the California Environmental Quality Act (CEQA), will exert all reasonable efforts to have facilities and capacity available to provide service to the extent and on the conditions already described.

Section 8.01.0760
Terms and Conditions

District Customers must comply with the terms and conditions set forth in this Administrative Code, as well as the terms and conditions set forth in all District resolutions, rules and ordinances. To the extent the terms and conditions of this Administrative Code may be inconsistent or in conflict with the terms and conditions of any prior District ordinances, resolutions, rules, or regulations, the terms of this Administrative Code shall prevail and such inconsistent or conflicting terms and provisions of prior ordinances, resolutions, rules and regulations are hereby repealed.

Chapter 8.03
AREA SERVED

Sections:

- 8.03.010 Service Area
- 8.03.020 General
- 8.03.030 Classification~~Character~~ of Service
- 8.03.030.01 Single Family Residential
- 8.03.030.02 Multi-Family Residential
- 8.03.030.03 Commercial
- 8.03.030.04 Institutional
- 8.03.030.05 Construction
- 8.03.030.06 Agricultural with Residence
- 8.03.030.07 Agricultural Without Residence
- 8.03.030.08 PSAWR (Permanent~~TSAWR (Transitional~~ Special Agricultural Water Rate)
Domestic
- ~~8.03.030.9 TSAWR (Transitional Special Agricultural Water Rate) Commercial~~
- 8.03.040 Classification~~Character~~ of Service Change

Section 8.03.010 Service Area

The Rules and Regulations pertain to water service to land or improvements (or both) lying within the boundaries of the District unless otherwise stated. The District's primary obligation is to provide water service to persons within its boundaries subject to the availability of facilities, capacity, and supply to provide such services.

Section 8.03.020 General

8.03.020.01 ___-The District will furnish water service throughout its corporate area under the general conditions outlined in these rules and regulations. To be eligible to receive service, the parcel to be served must abut a District easement or road right-of-way in which a District water main is installed, except where a remote meter has been approved per District Administrative Code.

8.03.020.02 ___-The District will endeavor to supply water in sufficient quantities and at adequate pressures to meet the needs and requirements of all Applicants and Customers. This service will be furnished under the District's rate schedules according to the ~~class,~~ characterclassification or type of service offered by the District. The classifications are as follows:

1. ___-Regular
2. ___-Construction/Temporary
3. ___-Fire Service

Section 8.03.030 Classification~~Character~~ of Service

Water users will be billed at the rates established by the Board of Directors for the following types of service:

1. Single Family Residential
2. Multi-Family Residential
3. Commercial
4. Institutional
5. Construction
6. Agricultural with Residence
7. Agricultural without Residence
8. ~~TP~~SAWR Domestic
9. ~~TP~~SAWR Commercial

8.03.030.01 ___-Single Family Residential

Service under this ~~classification~~character is applicable to single-family dwellings and duplexes. A duplex is a house of single structure consisting of two separate family dwellings.

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8.03.030.02 -Multi-Family Residential

Service under this ~~classificationcharacter~~ is applicable to multi-family dwellings of three or more units.

8.03.030.03 -Commercial

Service under this ~~classificationcharacter~~ is applicable to commercial enterprises including, but not limited to, retail stores, markets, hotels, clinics, storage warehouses, churches, nursing homes, businesses and professional offices.

8.03.030.04 -Institutional

Service under this ~~classificationcharacter~~ is applicable to institutional establishments dedicated to public service including, but not limited to, school, university, hospital, prison, or government fFacility. Applicable to publicly owned establishments.

8.03.030.05 -Construction

Service under this ~~classificationcharacter~~ is applicable to temporary water service that is facilitated through a fire hydrant, blow-off, or other appurtenance selected at the sole discretion of the District for construction purposes; such as construction of a dwelling, or grading of land or other purpose where water is not needed permanently. Relocation is performed by District staff only. Should a contractor perform relocation, a \$500.00 fine will be charged to customer's account.

8.03.030.06 -Agricultural with Residence

Service under this ~~classificationcharacter~~ is applicable to residences with associated water used by ranches, nurseries, flower growers, and any endeavor accepted as an agricultural service as defined by Section 8.02.030 of the Administrative Code. Applicant must also have a domestic structure on the property. ~~Water usage will be billed on a tiered rate.~~

8.03.030.07 -Agricultural without Residence

Service under this ~~classificationcharacter~~ will have no residential use. Applicable to water used by ranches, nurseries, flower growers, and any endeavor accepted as an agricultural service as defined by Section 8.02.030 of the Administrative Code.

8.03.030.08 -~~TSAWRPSAWR~~ (~~TransitionalPermanent~~ Special Agricultural Water Rate) ~~Domestic~~

Service under this ~~classificationcharacter~~ is applicable to ~~customerresidences~~ with associated water used by ranches, nurseries, flower growers, and any endeavor accepted as an agricultural service as defined by Section 8.02.030 of the Administrative Code. ~~Water usage will be billed on a tiered rate.~~ The San Diego County Water Authority (SDCWA) ~~TransitionalPermanent~~ Special Agricultural Water Rate Program (~~TSAWRPSAWR~~) provides discounted wholesale supply pricing for qualified retail agricultural customers (~~TSAWRPSAWR~~ customers) within its service area. ~~The supply pricing differential results from the TSAWR customers not paying the additional costs associated with the SDCWA developed supplemental supplies, including but not limited to the Imperial Irrigation District Transfer Supply, the All American and Coachella Canal~~

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~~Lining Supply, the Carlsbad Seawater Desalination Supply, and the SDCWA Storage Charge.~~ In exchange for a reduced wholesale cost of water, ~~TSAWRPSAWR~~ customers receive a lower level of retail supply and must be prepared to reduce consumption when, by the amount, and for the period of time as determined necessary by the SDCWA. In electing to participate in the ~~TSAWRPSAWR~~, the District is subject to the ~~TSAWRPSAWR~~ implementation policies adopted by the SDCWA. The Customer must file a ~~Certification and AcknowledgementPSAWR Enrollment Form~~ with the District. Copies of said requirements are available in the District Office. It is the obligation of the Customer to apply for and demonstrate eligibility of Customer's use for participation in the special program prior to receiving this discounted class of service. Customer must affirmatively accept the condition that service may be interrupted during water supply shortages before ~~others~~other classes of service are interrupted.

~~8.03.030.9 TSAWR (Transitional Special Agricultural Water Rate) Commercial~~

~~Service under this character is applicable to water used by ranches, nurseries, flower growers, and any endeavor accepted as an agricultural service as defined by Section 8.02.030 of the Administrative Code. The San Diego County Water Authority (SDCWA) Transitional Special Agricultural Water Rate Program (TSAWR) provides discounted wholesale supply pricing for qualified retail agricultural customers (TSAWR customers) within its service area. The supply pricing differential results from the TSAWR customers not paying the additional costs associated with the SDCWA developed supplemental supplies, including but not limited to the Imperial Irrigation District Transfer Supply, the All American and Coachella Canal Lining Supply, the Carlsbad Seawater Desalination Supply, and the SDCWA Storage Charge. In exchange for a reduced wholesale cost of water, TSAWR customers receive a lower level of retail supply and must be prepared to reduce consumption when, by the amount, and for the period of time as determined necessary by the SDCWA. In electing to participate in the TSAWR, the District is subject to the TSAWR implementation policies adopted by the SDCWA. The Customer must file a Certification and Acknowledgement Form with the District. Copies of said requirements are available in the District Office. It is the obligation of the Customer to apply for and demonstrate eligibility of Customer's use for participation in the special program prior to receiving this discounted class of service. Customer must affirmatively accept the condition that service may be interrupted during water supply shortages before others classes of service are interrupted.~~

8.03.040

ClassificationCharacter of Service Change

Water users are billed by their designation of ClassificationCharacter of Service or Rate Class. Election to change ClassificationCharacter of Service by the customer can be requested once a calendar year. The customer must demonstrate that the property meets the definition prescribed in Administrative Code Section 8.03.030 CharacterClassification of Service for proposed change. CharacterClassification of Service proposed changes are subject to the approval of the General Manager and/or Finance Manager.

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**Chapter 8.04
ESTABLISHMENT OF WATER SERVICE**

Sections:

- 8.04.010 Board of Director's Approval**
- 8.04.020 Application for Regular Water Service**
- 8.04.030 Application for a Remote Meter**
- 8.04.040 Application for Construction Water Service**
- 8.04.050 Changes in Premises Served**

Section 8.04.010
Board of Director's Approval

Any Request for installation or acceptance of water facilities to serve more than five (5) ~~four (4)~~ ~~or more~~ parcels shall be subject to Board approval.

Section 8.04.020
Application for Regular Water Service

Effective November 1, 2014, all new water service accounts shall be established and held in the legal (record) Owner's name as shown on the San Diego County Assessor's Tax Roll.

Each Applicant for water service must sign and file in the District's Office, a New Water Service Connection Application on a form provided by the District, an application for New Water Service Request (NWSR) which will set forth:

8.04.020.01 Proof of Ownership of the parcel to be served

8.04.020.02 The name, address, and telephone number of the Applicant.

8.04.020.03 A description of the parcel to be served by said application shall include but not be limited to the Assessor Parcel Number (APN). ~~(the description of which shall be satisfactory to the District's General Manager.)~~

8.04.020.04 An Agreement on the part of the Applicant to abide by the Rules and Regulations of the District, as amended from time to time, signed by the property Owner

8.04.020.05 An agreement on the part of the Applicant that water delivered through the connection will be used only on the property described in the application.

8.04.020.06 Indicate the parcel land use for character of service determination. ~~The date on which Applicant desires service.~~

8.04.020.07 If the Applicant's property does not adjoin the District right-of-way, the Applicant must provide proof of an easement that may be utilized by the Applicant to bring his/her water line to the District's right of way.

8.04.020.08 If a meter is being purchased on behalf of the legal Owner by another individual, written authorization to do so shall be provided.

8.04.020.09 Before the District commits to provide new water service to a property, or to provide increased water service to a property receiving water service from the District's municipal water system, and as a condition of such new or increased water service, the landowner requesting such water service shall enter into an agreement with the District providing for the landowner's assignment of any rights to divert or extract local groundwater supplies for the benefit of the property to receive new or increased water service ("Property"), in return for water service from the District, upon such terms as may be provided by the District Representative.

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This section does not apply to any other property that is not the Property. As an additional condition of District water service, the District may require the landowner to grant to the District any water production facilities located on the Property, together with an easement providing the District with the right to access, operate, maintain and replace such water production facilities.

The Board may waive the requirements set forth in this Section when it is in the public interest to do so. Following the landowner's and the water utility director's execution of the agreement, the District shall cause the agreement to be recorded against the Property. The agreement shall run with the land and bind all successors in interest of the Property.

Nothing in this ordinance shall grant, or be deemed to grant, a right to District water service and nothing in this ordinance shall require, or be deemed to require, the District to provide water service to any party.

8.04.020.10 The application for water connection service shall be issued for a term of two years. If no connection is made it shall expire and all rights of application holder resulting from the issuance of such application shall terminate. Fees paid on the application that has expired will be refunded minus administrative costs to the applicant listed on the application.

If, prior to the expiration date of the water service connection application, a building permit has been issued by the County of San Diego or governing agency for the building or buildings described in this application, and a copy of the building permit is provided to the District, the application shall not expire and need not be renewed. In such case, the District's application shall expire upon the expiration of the building permits.

If connection complying with all District Standards is made prior to the expiration of the application (or building permit per above), the application will become an authorized water service permit for the subject property(s) to receive potable water from the District's water system in accordance with all District rules and regulations related to the use described in this water service connection application. Once a service connection is made to the District facilities and extended to the property, the account is considered active and will incur monthly water service charges.

If owner desires to sell the property during the term of this water service connection application and transfer the water service connection application with the same parcel of land and use, the applicant must submit written notice of the proposed transfer to the District. The new owner must then complete a new application and the expiration date will remain the same.

Applicant may submit a formal written request addressed to the General Manager or their designee for a one-time extension of up to six months. For an extension to be considered, any difference in application fees, including but not limited to capacity fees, associated with the application must be paid in full. Approval of extension shall be granted at the sole discretion of the General Manager or their designee.

8.04.021

Notwithstanding the forgoing, at the District's discretion, a tenant or lessee of property may request water service for a property, provided a completed and signed Owner-Tenant application for water service is submitted to the District by the Owner or Property Manager of the identified

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property in accordance with Section 8.04.020. The application shall also include: ~~(i) a statement by the Owner that he or she authorizes water service for the identified property;~~ (ii) the signature of the tenant or lessee stating that he or she will be the party responsible for making monthly payments to the District for water services delivered to the identified property; and (iii) an acknowledgement by the Owner that he or she accepts liability for any delinquent or unpaid water charges associated with the identified property, including any penalties and interest related thereto. Such acknowledgment shall be renewed in writing by the Owner or Customer at any change in tenancy at the subject property; however, a failure by the Owner or Customer to renew this acknowledgment in writing shall not excuse the Owner or Customer from any liability associated with delinquent or unpaid water charges, including any penalties or interest related thereto, associated with the District's water service to the property.

8.04.022

If account holder is the legal (record) Owner of service property as shown on the San Diego County Assessor's Tax Roll and has become delinquent on account where service is scheduled to be terminated, the non-owner residential occupant(s) may establish water service directly. The non-owner residential occupant(s) will not be required to pay the delinquent bill maintained under the legal Owner. In order to establish service in the non-owner residential occupant(s) name, security deposit equal to twice the estimated average periodic bill will be required. 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. Acceptable methods of the security deposit are ~~cash, check, money order, cashier's check, and District accepted payment cards~~ and Automated Clearing House (ACH) only. No interest shall be paid on any deposit.

8.04.023

During the transfer of residential property ownership from one owner to another, the current owner of a property may request that the District discontinue service and transfer the service to the proposed subsequent owner in a limited term temporary service agreement. In order to establish residential service in the proposed owner's name, the account for the current owner must be current and an Exiting Owner form must be submitted. ~~In addition, the proposed owner must provide a security deposit equal to twice the estimated average periodic bill.~~

The new proposed owner will submit a New Owner form with all the required information to set up service in their name ~~enter into a written agreement with the District related to the temporary service of water and the term of this temporary service will be 45 days. The proposed owner shall submit information to the District at the close of escrow that conforms to the requirements of Section 8.04.020 of this Administrative Code. Failure to provide this information within 30 days of escrow closing the given time limit will result in the termination of water service to the property. Applicants may request one additional extension to this agreement in extraordinary circumstances, but the approval of any extension will be at the sole discretion of the General Manager. The water and sewer bill becomes a charge against the property on which the water and sewer are furnished and against the owner of the property.~~

~~The security deposit will be returned to the depositor or credited to their account after proof of ownership is provided to the District as long as the depositor has maintained a timely paid, delinquent free account record during the temporary service period. The security deposit can be cash or cashier's check. No interest shall be paid on any deposit.~~

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Section 8.04.030 Application for a Remote Meter

The District may approve applications for water service to parcels which do not abut a District water main. As a condition of service, if the parcel abuts a future line extension as identified in the District's Master Plan, the remote meter Applicant may be required to contribute an estimated prorated cost for a future line extension or meet other terms and conditions established by the Board.

8.04.030.01 Remote meters shall be granted only when the District determines that:

- A line extension for fire flow or looping is not required, and
- Under no circumstances shall more than three (3) parcels receive remote service within an area requiring a future line that could otherwise be served with a water main extension, and
- Approval from the fire department with jurisdiction in the area for the remote meter, and
- Proof of private easement for the private lateral is provided.

8.04.030.02 Remote meters are subject to District approval. At the time of application Applicant shall submit a Remote Meter Request with the appropriate fee. If approved, Applicant must complete the steps in Section 8.04.020, in addition to executing a Remote Water Service Agreement. The Applicant ~~and~~ shall also furnish a ~~copy of~~ letter of approval from the Fire Department, and a copy of all recorded easements granting the right to the property Owner of the parcel to be served to install and maintain a private water line from the District main to the Applicant's parcel. Before installation of the remote meter, easements must be staked by a licensed land surveyor.

Section 8.04.040 Application for Construction Water Service

8.04.040.01 Each Applicant for temporary water service (construction meter) shall sign and file in the District's Office an application setting forth information which the District may reasonably require and pay the following:

- The application shall be accompanied by an established refundable deposit against unpaid water use and an established non-refundable installation fee.
- A monthly service charge will be applied for the period of time the meter is available for Applicant's use.
- Once all fees and deposits have been provided the District will install a construction meter at a location of the District's choosing within two business days of the date of the deposit.

8.04.040.02 The Applicant may request relocation of a construction meter to another location for an established feecharge.

8.04.040.03 Billing will be monthly and include an operation and maintenance fixed fee,

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plus the charge for the water used during the billing period.

8.04.040.04 Installation or Relocation of a construction meter shall be ~~performed~~ done by District ~~staff~~ employees only. There is a fee and at least a ~~two-business~~ two-business day notice to request this service. Should a contractor perform relocation, a \$500.00 fine will be charged to the customer's account.

8.04.040.05 Applicant shall not use water service in a manner which causes sudden pressure surges that may cause damage to the District's water system.

8.04.040.06 Construction meters are available for a maximum period of 6 months. Extensions may be granted for additional ~~six-months~~ six-month periods at the discretion of the District Representative. Applicant must notify the District when the construction meter is no longer required and schedule a date for pickup.

8.04.040.07 Applicants shall comply with all rules and regulations of the District. Applicants agree to pay for any damage or loss of District facilities resulting from such use.

Section 8.04.050 Changes in Premises Served

Customers making any material change in the size, character of service or extent of their water systems or their operations, shall immediately give the District written notice of the extent and nature of such change.

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**Chapter 8.11
CONNECTION AND METER CHARGES**

Sections:

- 8.11.010** **Commencement of Service**
- 8.11.020** **Fees and Charges**
- 8.11.030** **Transfer of Meter**
- 8.11.040** **Water Capacity Charge**
- 8.11.040.01** **Application**
- 8.11.040.02** **Capacity Charge for Increasing Meter Size**
- 8.11.040.03** **Reduction in Meter Size**
- 8.11.040.04** **Exchange of Meter for Multiple Smaller Meters**
- 8.11.040.05** **Fire Service Meters**
- 8.11.040.06** **Meter Relocation**
- 8.11.040.07** **Transfer of Capacity Charges or Meters**
- 8.11.040.08** **Reimbursement of Capacity Charges**
- 8.11.040.09** **San Diego County Water Authority (SDCWA) Capacity Charges**
- 8.11.040.10** **Removal of Water ServiceMeter**
- 8.11.050** **Water Service Commitments of More than Five Parcels**
- 8.11.050.01** **Development Consultation Fee**
- 8.11.050.02** **Application for Availability**
- 8.11.050.03** **Project Facility Availability Forms**
- 8.11.050.04** **Application for Commitment**
- 8.11.050.05** **Project Facility Commitment Forms**

Section 8.11.010
Connection and Meter Charges**Commencement of Service**

Service will be commenced after submittal of an application and on payment to the District of the applicable fees, charges, and deposits as set forth in this Section.

Section 8.11.020
Fees and Charges

At the time an Applicant files an application for a service connection and as a condition of District's acceptance of said application, the Applicant shall pay to the District the amount in the established, current published fee schedule. If said application is for a connection to District facilities constructed as provided under this policy or to other line extensions or facilities being acquired by the District under an agreement that requires the District to make an additional charge for said connection, then the Applicant shall also pay to the District such sum as the District is obligated to pay under the agreement for acquisition of said facilities.

Section 8.11.030
Transfer of Meter

No installation or meter charge will be billed upon the change of oOwnership or property, ~~unless the service is changed. If, at any time, conditions require a larger size or different type of meter than already installed, the Customer shall pay the current meter and service installation charge for the new connection (less a credit to be determined by the District) and any additional capacity charges.~~ If the meter being transferred does not conform to these Rules and Regulations, it shall be changed to conform at the time of transfer.

Section 8.11.040
Water Capacity Charge

8.11.040.01 **Application**

8.11.040.01.1 ___ A water capacity charge shall be paid at the time of the District's approval of an application for a permanent water service. Customer must hire a private contractor with a Class-A general engineering license to install water service per District's standards. Any capacity charges shall be in addition to charges for the actual cost of labor and materials necessary to make the physical connection to the water system by the contractor.

8.11.040.01.4.2 ___ The capacity charge shall be based on the potential water demands which the Applicant can derive from the District's system and shall be established and adjusted by the Board of Directors from time to time. Funds collected by the District from the capacity charge shall be utilized for capital of facilities used to supply water service within the District.

8.11.040.01.4.3 ___ The application for water service shall be issued for a term of two years. If no connection is made it shall expire and all rights of application holder resulting from the issuance of such application shall terminate. Fees paid on the application that has expired will be refunded

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minus administrative costs to the applicant listed on the application. A new application may be submitted with the applicable payment at the current fees.

8.11.0430.014.4 ~~If applicant~~ desires to sell the property during the term of the application transfer to the future owner with the same parcel of land and use, the applicant must submit in writing to the District of the transfer. Otherwise, at the expiration of the application for water connection, the connection fees minus administrative costs, will be refunded to the applicant. The parcel and use described in the application must be the same and the new owner must complete a new application. The term of the application will remain the same.

8.11.0430.02 Capacity Charge for Increasing Meter Size

If a property owner wishes to increase the size of a water meter serving their property and the District determines that such a larger size meter is appropriate, the difference between the current capacity charge of the new meter and the current capacity charge of the existing meter to be replaced shall be the total capacity charge to be collected. In the event property owner replaces a smaller meter with a larger meter, they must abandon the existing smaller meter lateral. Additional administrative and inspection fees shall apply.

8.11.0430.03 Reduction in Meter Size

Reduction of meter size is subject to District approval. The water usage history for the property will be reviewed by the District to determine if a smaller meter is capable of meeting the water usage demands and capacity class requirements. The water usage would have to demonstrate the most current 12-month average at the requested lower sized meter. The pProperty owner must complete all required District forms and provide proof of ownership. If approval is granted by the District for the meter capacity class downsize, the owner will be required to sign a Meter Downsize Agreement and their account must be current. If in the future a larger water meter is required due to higher water usage, the owner will be required to pay all the past District Operations and Maintenance (O&M) 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 or pay the difference between their current meter size and the increased meter size, whichever is less.

No capacity charge shall be imposed upon and no credit or refund shall be made to a property owner replacing an existing water meter with a meter of smaller size, whether or not any capacity charge was in effect for the larger meter when it was obtained. The difference in capacity between the larger and smaller meter is lost. ~~If the reduction is approved, customer account must be current.~~

8.11.0430.04 Exchange of Meter for Multiple Smaller Meters

Owners of parcels presently receiving water service through a District meter that subdivide their property and apply to exchange their original meter for smaller meters to new legal parcels will be given a credit toward the new capacity charges for the new meters. This credit is equal to the amount of capacity for the meter being replaced at the current capacity charge rate for that meter size. Meters must be downsized and installed

concurrently in order to receive credit. Additional administrative and inspection fees s shall apply.

8.11.0~~43~~0.05 Fire Service Meters

No capacity charge shall be imposed upon a property owner for a water meter obtained and used solely for fire protection purposes. Should it be later determined that other water uses are being made from a fire service meter, the then appropriate capacity charge shall be immediately due and payable or service shall be immediately discontinued. Administrative and inspection fees shall apply.

8.11.0~~43~~0.06 Meter Relocation

Meters shall not be relocated to other parcels of land within the District unless the parcels are abutting and owned by the same Owner. Owner must hire a private contractor with an "A" Class license to abandon the existing meter lateral and install a new meter lateral per District Standards. Owner must pay appropriate inspection fees to the District. Relocation of meters is subject to the approval of General Manager.

8.11.0~~43~~0.07 Transfer of Capacity Charges or Meters

Neither capacity charges nor meters shall be transferable to other parcels of land within the District unless the parcels are abutting and owned by the same oOwner. Transfer of capacity charges or meters are subject to the approval of the General Manager.

~~8.11.0~~8.11.0~~43~~0.08 Reimbursement of Capacity Charges

Once the water meter for which capacity charges have been paid has been installed in the District's water system and inspected and accepted by the District, no portion of the capacity charges paid for that meter shall be reimbursable.

8.11.0~~43~~0.09 San Diego County Water Authority (SDCWA) Capacity Charges

~~As required by Section 5.9 of the County Water Authority Act, the District as a member agency of the San Diego County Water Authority shall collect and remit to the Authority the capacity charges imposed by the Authority. The Ordinance of the Authority in effect at the time that a water meter is obtained from the District shall govern the amount of the charge, the persons liable therefore, and the procedures to be followed. The District shall not provide a water meter to a property owner until the property owner has paid to the District the applicable capacity charge of the Authority.~~

~~8.11.0~~8.11.0~~43~~0.10 Removal of Water ~~Meter~~Service

If the oOwner of vacant property being serviced no longer requires service and wants a meter removed permanently, the ~~owner~~Customer must provide a written request to the District. In addition, the oOwner must ~~enter into a Memorandum of Understandingsign a~~ Meter Removal Agreement with the District that outlines the terms of the removal of the water meter, including the forfeiture of capacity rights in the system. The District will seal the meter service and remove the meter. The ~~Engineering Department District~~ will determine whether the meter lateral will or will not be removed. Per Section 8.11.030.7 no

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portion of the capacity charges paid for that meter shall be reimbursable. If the Owner requires a meter to serve the property in the future, the owner must pay all the appropriate O&M fees at the current rates from the effective date of the Meter Removal Agreement to the effective date of the request or pay the current capacity fees, whichever is less, and capacity fees associated with the purchase of a new water meter at the time of the request. Customer account must be current before removal of water meter.

Section 8.11.050

Water Service Commitments of More than Five Parcels

8.11.050.01 Development Consultation Fee

8.11.050.01.1 Prior to meeting or consulting with District staff regarding development potential, the developer must deposit an amount set forth by the District per the most current Board-approved Engineering Services Fees and Plan Check and Inspection Deposits adopted by ordinance. The developer may submit a formal written request addressed to the General Manager or their designee for a refund of the deposit balance at which time meetings and consultations with District staff shall cease.

8.11.050.01.2 At the conclusion of two years, deposit balances minus administrative costs shall be refunded to the developer. Developer may submit a formal written request addressed to the General Manager or their designee for an extension of up to one year. An additional deposit may be required. Approval of extension shall be granted at the sole discretion of the General Manager or their designee.

8.11.050.02 Application for Availability

Application for issuance of a Project Facility Availability Forms described in the following section may be submitted to the District on a form approved by the District, and must meet the following conditions, and other conditions as the District may require.

8.11.050.02.1 File with the District a preliminary parcel or subdivision map and such other information as the District may require.

8.11.050.02.2 Pay the District a non-refundable processing fee in an amount set forth by the District per the most current Board-approved Engineering Services Fees and Plan Check and Inspection Deposits adopted by ordinance.

8.11.050.03 Project Facility Availability Forms

Upon compliance by applicant with the requirements of the previous paragraphs, and if the District has adequate capacity or expects to have adequate capacity, the District may complete and issue the Project Facility Availability Forms or equivalent forms to allow processing of a tentative parcel map or tentative subdivision map. The form shall certify that the District has, or expects to have, capacity available to serve the proposed parcels or subdivision. The form shall not be a commitment on the part of the District to have or make capacity in the District's water system available to the proposed parcels or subdivision. No commitment shall be made until applications for water connection have been issued in accordance with these rules and regulations.

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The issuance of Project Facility Availability Forms and processing fees shall have the sole effect of entitling the applicant to be considered along with other applicants for the issuance of water service connection which the District may issue and shall not create any right or entitlement in the applicant to obtain water service connection from the District. The Project Facility Availability Forms identify conditions the applicant must address prior to service commitment.

8.11.050.04 Application for Commitment

Application for issuance of Project Facility Commitment Forms described in the following section may be submitted to the District on a form approved by the District, and must meet the following conditions, and other conditions as the District may require:

8.11.050.04.1 File with the District a parcel or subdivision map and such other information as the District may require.

8.11.050.04.2 Pay to the District a non-refundable processing fee in an amount set forth by the District per the most current Board-approved Engineering Services Fees and Plan Check and Inspection Deposits adopted by ordinance.

8.11.040.05 Project Facility Commitment Forms

Upon compliance by applicant with the requirements of the previous paragraphs and subject to the following conditions, the District may complete and issue the Project Facility Commitment Forms or equivalent forms, stating that water service is committed to parcels or subdivision, and the terms of such commitment and conditions which must be satisfied for service.

Chapter 8.14
DISCONTINUANCE AND RESTRICTION OF SERVICE

Sections:

- 8.14.010 Discontinuance of Water Service

- ~~8.14.010.01 Discontinuance of Water Service for Nonpayment~~
- ~~8.14.010.02 Exceptions for Discontinuance of Water Service for Nonpayment~~
- 8.14.020 Notice of Proposed Discontinuance of Water Service~~Termination~~
- 8.14.020.01 Time of Notice
- 8.14.020.02 Form of Notice
- 8.14.020.03 48-Hour Notice
- 8.14.020.04 Elders; Dependent Adults
- 8.14.020.05 No Discontinuance of Water Service~~Termination~~ on Holidays
- 8.14.030 Payment Extension Plan for Delinquent Bills
- 8.14.030.01 Right of Customer
- 8.14.030.02 Authority to Allow for Payment Extension Plan
- 8.14.030.03 Failure to Comply with the Payment Extension Plan
- 8.14.040 Discontinuance of Service to Master Meters
- 8.14.050 Service Detrimental to District and/or Customer
- 8.14.060 Fraud
- 8.14.070 Noncompliance
- ~~8.14.080 Customer's Request for Discontinuance of Service~~
- 8.14.0890 Water Use for Other than Premises
- ~~8.14.100 Termination for Nonpayment~~
- ~~8.14.110 Application of Deposit~~

Section 8.14.010
Discontinuance of Water Service

Service may be discontinued for any one of the following reasons:

8.14.010.01 Discontinuance of Water Service for Nonpayment

A customer's water service will be discontinued for non-payment for services furnished to the customer by the District if not paid in full within sixty-five (65) days. The customer's water service will be discontinued until the amount is paid.

8.14.010.024 Exceptions for Discontinuance of Water Service for Nonpayment

Delinquency in the payment of any bill, except that residential service shall not be discontinued for nonpayment in the following situations:

~~_____8.14.010.024.1~~ During the pendency of any investigation by the District of a ~~c~~Customer dispute or complaint.

~~_____8.14.010.024.2~~ District has received notice of a stay in bankruptcy which precludes ~~discontinuance of water service~~~~termination.~~

~~_____8.14.010.024.3~~ Any violation by the ~~c~~Customer of any rules and regulations of the District governing water service.

Section 8.14.020
Notice of Proposed Discontinuance of Water Service~~Termination~~

8.14.020.01 _____ Time of Notice

At least fifteen (15) calendar days before any proposed discontinuance of service for nonpayment of a delinquent account, the District will mail a notice ~~to the Customer~~ warning ~~customer-~~ of the delinquency and proposed discontinuance. Such notice will be given not earlier than nineteen (19) calendar days from the ~~date the bill is generated~~~~date of mailing~~ ~~the District's bill for such service.~~

8.14.020.02 _____ Form of Notice

The notice of the proposed discontinuance of service will include all of the following information:

8.14.020.02.1 _____ The name and address of the ~~c~~Customer whose account is delinquent.

8.14.020.02.2 _____ The amount of the delinquency.

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8.14.020.02.3 The date by which payment or arrangements for payment is required in order to avoid discontinuance.

8.14.020.02.4 The procedure by which the cCustomer may initiate a complaint or request an investigation concerning service or charges, unless the District's bill for services contains a description of that procedure.

8.14.020.02.5 The procedure by which the cCustomer may request a Payment Extension Plan of the unpaid charges.

8.14.020.02.6 The procedure for the cCustomer to obtain information on the availability of financial assistance.

8.14.020.02.7 The telephone number and name of a representative of the District who can provide additional information or institute arrangements for payment.

8.14.020.03 48-Hour Notice

At least forty-eight (48) hours prior to the actual ~~discontinuance of water~~ termination of service, the District will use its best efforts to ~~personally contact the premises of~~ notify the cCustomer. ~~If the District is unable to contact such a person, it will leave a written notice on the premises of the property to which service is to be terminated.~~ The ~~notification~~ personal and written notice shall contain the following:

8.14.020.03.1 The name and address of the cCustomer whose account is delinquent.

8.14.020.03.2 The amount of the delinquency.

8.14.020.03.3 The date by which payment or arrangements for payment is required in order to avoid discontinuance of water servicetermination.

8.14.020.03.4 The procedure for the cCustomer to obtain information on the availability of the ~~financial assistance plan~~ (Payment Extension Plan) as set forth in this policy ~~through the District~~.

8.14.020.03.5 The telephone number of a representative of the District who can provide additional information or institute arrangements for payment.

8.14.020.04 Elders; Dependent Adults

District shall, upon request by or on behalf of any residential customer who is 65 years of age or older, or who is a dependent adult, as defined by California law, also provide notices that the cCustomer's account is past due and subject to discontinuance of water servicetermination to a designated third party. The designated third party must provide written consent to receive such notices on a form prescribed by the General Manager. Third party notices shall be sent concurrently with the notices to the cCustomer. The third

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party shall not thereby become responsible for the delinquent account; nor shall such notice delay or prevent discontinuance of water service ~~termination of service~~.

8.14.020.05 - No Discontinuance of Water Service Termination on Holidays

District shall not discontinue ~~terminate~~ any water service for nonpayment on any Saturday, Sunday, legal holiday or other day on which the business office of the District is closed. Any notices of discontinuance of water service ~~termination~~ for such days shall not be effective until the next business day.

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Section 8.14.030
Payment Extension Plan for Delinquent Bills

8.14.030.01 Right of Customer

~~Any residential cCustomer shall have the right to make a formal request to be placed on a Payment Extension Plan for any account on which they are delinquent by completing the required processes set forth below, within thirteen (13) calendar days of receipt of a the mailing of receiving a shut-off notice, to make a request for an extension of the payment period of the bill asserted to be beyond the means of the Customer to pay in full during the normal period for payment. Payment Extension Plans do not include current monthly charges; therefore, all current balances are to be paid in conjunction with any Payment Extension Plan agreed upon amounts.~~

- ~~1) Contact a District Customer Service Representative formally requesting being placed on a Payment Extension Plan specifying the amount of time necessary to amortize the unpaid balance of the account not to exceed twelve (12) months.~~
- ~~2) The District will provide a formal Payment Extension Plan Agreement to the customer for review and signature to be returned to the District within seventy-two (72) hours or three (3) business days of receipt.~~

~~Any customer with an account that has been registered with the County of San Diego for tax lien may also apply for a Payment Extension Plan following these same processes; however, such customers will be required to place a down payment equal to no less than 20% of their outstanding balance. The District will notify the County to release the lien once a payment agreement has been signed and 20% payment received.~~

~~The request shall be reviewed by the General Manager. The review will include consideration of whether the Customer will be permitted to amortize the unpaid balance of the account over a reasonable period of time, not to exceed twelve (12) months.~~

8.14.030.02 Authority to Allow for Payment Extension Plan

~~Upon receipt of a signed Agreement, tThe Department SupervisorGeneral Manager will consider and may is authorized to grant permission to for the unpaid balance to be amortized over the period of time stipulated in the Agreement. the unpaid balance over a reasonable period of time, not to exceed twelve (12) months. Any approved Payment Extension Plan Agreement will be fully executed by the Department Supervisor with the original kept on file at the District and a copy provided to the customer.~~

~~Any agreement to amortize shall be in writing.~~

8.14.030.03 Failure to Comply with the Payment Extension Plan

~~Oncef a Payment Extension Plan Agreement is grantedauthorized, no discontinuance of service will be effective for any cCustomer complying with such Agreement as described in the Customer Rights section of this policy. if the Customer also keeps the account current as charges accrue in each subsequent billing period. In the event f a cCustomer fails to comply with an approved the Payment Extension Plan Agreement, the District will not discontinue service upon providing the customer with at least forty-eight~~

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~~(48) hour notice prior to service interruption. without giving notice to the Customer at least forty eight (48) hours prior to discontinuance of the conditions the Customer is required to meet to avoid discontinuance.~~

~~Additional Payment Extension Plan Agreements will not be granted to any customer who has failed to comply with a previously approved agreement for at least one year from the date of non-compliance.~~

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Section 8.14.040
Discontinuance of Service to Master Meters

Whenever the District furnishes residential service to a master meter or furnishes individually metered service to a multi-unit residential structure, mobile home park, or farm labor camp where the oOwner, manager, or farm labor employer is listed by the District as the cCustomer of record, the District will make every good faith effort to ~~notify inform~~ the customer of record~~actual users of the service, by means of a notice~~, when the account is in arrears, that service will be discontinued within ~~fifteen~~ ten (150) calendar days.

Section 8.14.050
Service Detrimental to District and/or Customers

The District will not establish service to a cCustomer's system if the operation of the cCustomer's system will be detrimental to the service of other District cCustomers. The District will discontinue water service to any cCustomer who continues to operate equipment in a manner which is detrimental to the District or to its other cCustomers, after said cCustomer has been directed by the District to cease so doing. Included in detrimental acts by the cCustomer is non-compliance with waste discharge requirements in the use of public sewers.

Section 8.14.060
Fraud

The District will have the right to refuse or to discontinue water service at any time to protect the District from fraud.

Section 8.14.070
Noncompliance

The District will have the right to discontinue water service to a cCustomer for noncompliance with or violation of any ordinance or rule or regulation of the District.

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Section 8.14.080
~~Customer's Request for Discontinuance of Service~~

~~The District will, at a Customer's written request, discontinue service on a temporary basis if the account is in good standing at the time of the request. Customers desiring to discontinue service should notify the District in writing at least two days prior to vacating the premises.~~

Section 8.14.0890
Water Use for Other than Premises

If the ~~c~~Customer shall use or deliver water delivered by the District outside the boundaries of the Rainbow Municipal Water District or on premises not described in the application for service, the District will have the right to refuse or to discontinue water service to said ~~c~~Customer.

Section 8.14.100
Termination for Nonpayment

~~A Customer's water service will be discontinued for non-payment of a bill for water, materials or services furnished to the Customer if the bill is not paid within sixty-five (65) days after presentation. The Customer's water service will be discontinued until the amount is paid.~~

Section 8.14.110
Application of Deposit

~~Any deposit made by a Customer will be applied after shutoff to the delinquent bills and penalties. The Customer's water service will be discontinued until the total amount owing is paid and a deposit is re-established, if applicable.~~

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**Chapter 8.01
DISTRICT RULES AND REGULATIONS (WATER)**

Sections:

- 8.01.010** **Scope**
- 8.01.020** **Availability of Facilities**
- 8.01.030** **Contracts or Permits**
- 8.01.040** **Purpose**
- 8.01.050** **Construction of Facilities**
- 8.01.060** **Land Use Decisions**
- 8.01.070** **Terms and Conditions**

Section 8.01.010

Scope

These regulations apply to potable water service from the District; fees and deposits to cover the cost thereof; the rates for water delivered; the time and manner of payment for services rendered; regulations regarding water usage; protection of the system from mechanical and health hazards; and rules for charges for extending mains and permitting connections to existing mains. This Section does not apply to recycled water service.

Section 8.01.020

Availability of Facilities

Water service is provided by the Rainbow Municipal Water District subject to the availability of facilities or adequate capacity in facilities, funds, or financing for the construction of all of the foregoing. This service is available under the rules and regulations of the District, as amended from time to time. Customers shall sign a Water Service Connection Application if service to the parcel does not currently exist acknowledging the terms and conditions under which service may be available.

Section 8.01.030

Contracts or Permits

The District is subject to contracts or permits from various other agencies such as, but not limited to; the United States Environmental Protection Agency (EPA) and the California State Water Resources Control Board. Such contracts or permits may limit use of existing or future capacity or facilities. The availability of such service is intended to be furnished to each member of the public or each segment of the public on the same basis to all such Applicants, Owners, or Customers similarly situated and desiring service.

Section 8.01.040

Purpose

The District was formed and activated primarily for the purpose of providing water service. The District has constructed facilities or acquired capacity to provide such service. Prior to submitting an application, each Applicant shall verify the existence of available capacity and the probable duration of such availability. Facts necessary for such verification may be obtained from the District; however, the District providing such information is **not** committing to provide water service or guaranteeing that capacity will be available at the time of application.

Section 8.01.050

Construction of Facilities

The facilities planned for construction within the District are set forth in the Water Master Plan as amended from time to time. The Water Master Plan concerns transmission and distribution of water.

Section 8.01.060
Land Use Decisions

The District neither determines nor intends to determine or participate in land use decisions or the accomplishment of any plan of development of various Owners of undeveloped property within the District. The District, subject to such land use decisions by others and subject to all provisions of law including, but not limited to, the California Environmental Quality Act (CEQA), will exert all reasonable efforts to have facilities and capacity available to provide service to the extent and on the conditions already described.

Section 8.01.070
Terms and Conditions

District Customers must comply with the terms and conditions set forth in this Administrative Code, as well as the terms and conditions set forth in all District resolutions, rules and ordinances. To the extent the terms and conditions of this Administrative Code may be inconsistent or in conflict with the terms and conditions of any prior District ordinances, resolutions, rules, or regulations, the terms of this Administrative Code shall prevail and such inconsistent or conflicting terms and provisions of prior ordinances, resolutions, rules and regulations are hereby repealed.

**Chapter 8.03
AREA SERVED**

Sections:

- 8.03.010 Service Area**
- 8.03.020 General**
- 8.03.030 Classification of Service**
 - 8.03.030.01 Single Family Residential**
 - 8.03.030.02 Multi-Family Residential**
 - 8.03.030.03 Commercial**
 - 8.03.030.04 Institutional**
 - 8.03.030.05 Construction**
 - 8.03.030.06 Agricultural with Residence**
 - 8.03.030.07 Agricultural Without Residence**
 - 8.03.030.08 PSAWR (Permanent Special Agricultural Water Rate)**
- 8.03.040 Classification of Service Change**

Section 8.03.010
Service Area

The Rules and Regulations pertain to water service to land or improvements (or both) lying within the boundaries of the District unless otherwise stated. The District's primary obligation is to provide water service to persons within its boundaries subject to the availability of facilities, capacity, and supply to provide such services.

Section 8.03.020
General

8.03.020.01 The District will furnish water service throughout its corporate area under the general conditions outlined in these rules and regulations. To be eligible to receive service, the parcel to be served must abut a District easement or road right-of-way in which a District water main is installed, except where a remote meter has been approved per District Administrative Code.

8.03.020.02 The District will endeavor to supply water in sufficient quantities and at adequate pressures to meet the needs and requirements of all Applicants and Customers. This service will be furnished under the District's rate schedules according to the classification or type of service offered by the District. The classifications are as follows:

1. Regular
2. Construction/Temporary
3. Fire Service

Section 8.03.030
Classification of Service

Water users will be billed at the rates established by the Board of Directors for the following types of service:

1. Single Family Residential
2. Multi-Family Residential
3. Commercial
4. Institutional
5. Construction
6. Agricultural with Residence
7. Agricultural without Residence
8. PSAWR Domestic
9. PSAWR Commercial

8.03.030.01 Single Family Residential

Service under this classification is applicable to single-family dwellings and duplexes. A duplex is a house of single structure consisting of two separate family dwellings.

8.03.030.02 Multi-Family Residential

Service under this classification is applicable to multi-family dwellings of three or more units.

8.03.030.03 Commercial

Service under this classification is applicable to commercial enterprises including, but not limited to, retail stores, markets, hotels, clinics, storage warehouses, churches, nursing homes, businesses and professional offices.

8.03.030.04 Institutional

Service under this classification is applicable to institutional establishments dedicated to public service including, but not limited to, school, university, hospital, prison, or government facility. Applicable to publicly owned establishments.

8.03.030.05 Construction

Service under this classification is applicable to temporary water service that is facilitated through a fire hydrant, blow-off, or other appurtenance selected at the sole discretion of the District for construction purposes; such as construction of a dwelling, or grading of land or other purpose where water is not needed permanently. Relocation is performed by District staff only. Should a contractor perform relocation, a \$500.00 fine will be charged to customer's account.

8.03.030.06 Agricultural with Residence

Service under this classification is applicable to residences with associated water used by ranches, nurseries, flower growers, and any endeavor accepted as an agricultural service as defined by Section 8.02.030 of the Administrative Code. Applicant must also have a domestic structure on the property.

8.03.030.07 Agricultural without Residence

Service under this classification will have no residential use. Applicable to water used by ranches, nurseries, flower growers, and any endeavor accepted as an agricultural service as defined by Section 8.02.030 of the Administrative Code.

8.03.030.08 PSAWR (Permanent Special Agricultural Water Rate)

Service under this classification is applicable to customer with associated water used by ranches, nurseries, flower growers, and any endeavor accepted as an agricultural service as defined by Section 8.02.030 of the Administrative Code. The San Diego County Water Authority (SDCWA) Permanent Special Agricultural Water Rate Program (PSAWR) provides discounted wholesale supply pricing for qualified retail agricultural customers (PSAWR customers) within its service area. In exchange for a reduced wholesale cost of water, PSAWR customers receive a lower level of retail supply and must be prepared to reduce consumption when, by the amount, and for the period of time as determined necessary by the SDCWA. In electing to participate in the PSAWR, the District is subject to the PSAWR implementation policies adopted by the SDCWA. The Customer must file a *PSAWR Enrollment Form* with the District. Copies of said requirements are available in the District Office. It is the obligation of the Customer to apply for and demonstrate eligibility of Customer's use for participation in the special program prior to receiving this

discounted class of service. Customer must affirmatively accept the condition that service may be interrupted during water supply shortages before other classes of service are interrupted.

8.03.040

Classification of Service Change

Water users are billed by their designation of Classification of Service or Rate Class. Election to change Classification of Service by the customer can be requested once a calendar year. The customer must demonstrate that the property meets the definition prescribed in Administrative Code Section 8.03.030 Classification of Service for proposed change. Classification of Service proposed changes are subject to the approval of the General Manager and/or Finance Manager.

Chapter 8.04
ESTABLISHMENT OF WATER SERVICE

Sections:

- 8.04.010** **Board of Director's Approval**
- 8.04.020** **Application for Regular Water Service**
- 8.04.030** **Application for a Remote Meter**
- 8.04.040** **Application for Construction Water Service**
- 8.04.050** **Changes in Premises Served**

Section 8.04.010
Board of Director's Approval

Any Request for installation or acceptance of water facilities to serve more than five (5) parcels shall be subject to Board approval.

Section 8.04.020
Application for Regular Water Service

Effective November 1, 2014, all new water service accounts shall be established and held in the legal (record) Owner's name as shown on the San Diego County Assessor's Tax Roll.

Each Applicant for water service must sign and file in the District's Office, a New Water Service Connection Application which will set forth:

8.04.020.01 Proof of Ownership of the parcel to be served

8.04.020.02 The name, address, and telephone number of the Applicant.

8.04.020.03 A description of the parcel to be served by said application shall include but not be limited to the Assessor Parcel Number (APN).

8.04.020.04 An Agreement on the part of the Applicant to abide by the Rules and Regulations of the District, as amended from time to time, signed by the property Owner

8.04.020.05 An agreement on the part of the Applicant that water delivered through the connection will be used only on the property described in the application.

8.04.020.06 Indicate the parcel land use for character of service determination.

8.04.020.07 If the Applicant's property does not adjoin the District right-of-way, the Applicant must provide proof of an easement that may be utilized by the Applicant to bring his/her water line to the District's right of way.

8.04.020.08 If a meter is being purchased on behalf of the legal Owner by another individual, written authorization to do so shall be provided.

8.04.020.09 Before the District commits to provide new water service to a property, or to provide increased water service to a property receiving water service from the District's municipal water system, and as a condition of such new or increased water service, the landowner requesting such water service shall enter into an agreement with the District providing for the landowner's assignment of any rights to divert or extract local groundwater supplies for the benefit of the property to receive new or increased water service ("Property"), in return for water service from the District, upon such terms as may be provided by the District Representative.

This section does not apply to any other property that is not the Property. As an additional condition of District water service, the District may require the landowner to grant to the District any water production facilities located on the Property, together with an easement providing the District with the right to access, operate, maintain and replace such water production facilities.

The Board may waive the requirements set forth in this Section when it is in the public interest to do so. Following the landowner's and the water utility director's execution of the agreement, the District shall cause the agreement to be recorded against the Property. The agreement shall run with the land and bind all successors in interest of the Property.

Nothing in this ordinance shall grant, or be deemed to grant, a right to District water service and nothing in this ordinance shall require, or be deemed to require, the District to provide water service to any party.

8.04.020.10 The application for water connection service shall be issued for a term of two years. If no connection is made it shall expire and all rights of application holder resulting from the issuance of such application shall terminate. Fees paid on the application that has expired will be refunded minus administrative costs to the applicant listed on the application.

If, prior to the expiration date of the water service connection application, a building permit has been issued by the County of San Diego or governing agency for the building or buildings described in this application, and a copy of the building permit is provided to the District, the application shall not expire and need not be renewed. In such case, the District's application shall expire upon the expiration of the building permits.

If connection complying with all District Standards is made prior to the expiration of the application (or building permit per above), the application will become an authorized water service permit for the subject property(s) to receive potable water from the District's water system in accordance with all District rules and regulations related to the use described in this water service connection application. Once a service connection is made to the District facilities and extended to the property, the account is considered active and will incur monthly water service charges.

If owner desires to sell the property during the term of this water service connection application and transfer the water service connection application with the same parcel of land and use, the applicant must submit written notice of the proposed transfer to the District. The new owner must then complete a new application and the expiration date will remain the same.

Applicant may submit a formal written request addressed to the General Manager or their designee for a one-time extension of up to six months. For an extension to be considered, any difference in application fees, including but not limited to capacity fees, associated with the application must be paid in full. Approval of extension shall be granted at the sole discretion of the General Manager or their designee.

Notwithstanding the forgoing, at the District's discretion, a tenant or lessee of property may request water service for a property, provided a completed and signed Owner-Tenant application for water service is submitted to the District by the Owner or Property Manager of the identified property in accordance with Section 8.04.020. The application shall also include the signature of the tenant or lessee stating that he or she will be the party responsible for making monthly payments to the District for water services delivered to the identified property; and (iii) an acknowledgement by the Owner that he or she accepts liability for any delinquent or unpaid water charges associated with the identified property, including any penalties and interest related thereto. Such acknowledgment shall be renewed in writing by the Owner or Customer at any change in tenancy at the subject property; however, a failure by the Owner or Customer to renew this acknowledgment in writing shall not excuse the Owner or Customer from any liability associated with delinquent or unpaid water charges, including any penalties or interest related

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thereto, associated with the District's water service to the property.

If account holder is the legal (record) Owner of service property as shown on the San Diego County Assessor's Tax Roll and has become delinquent on account where service is scheduled to be terminated, the non-owner residential occupant(s) may establish water service directly. The non-owner residential occupant(s) will not be required to pay the delinquent bill maintained under the legal Owner. In order to establish service in the non-owner residential occupant(s) name, security deposit equal to twice the estimated average periodic bill will be required. 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. Acceptable methods of the security deposit are check, money order, cashier's check and Automated Clearing House (ACH) only. No interest shall be paid on any deposit.

During the transfer of residential property ownership from one owner to another, the current owner of a property may request that the District discontinue service and transfer the service to the proposed subsequent owner in a limited term temporary service agreement. In order to establish residential service in the proposed owner's name, the account for the current owner must be current and an Exiting Owner form must be submitted.

The new proposed owner will submit a New Owner form with all the required information to set up service in their name. Failure to provide this information within 30 days of escrow closing will result in the termination of water service to the property. The water and sewer bill becomes a charge against the property on which the water and sewer are furnished and against the owner of the property.

Section 8.04.030 Application for a Remote Meter

The District may approve applications for water service to parcels which do not abut a District water main. As a condition of service, if the parcel abuts a future line extension as identified in the District's Master Plan, the remote meter Applicant may be required to contribute an estimated prorated cost for a future line extension or meet other terms and conditions established by the Board.

8.04.030.01 Remote meters shall be granted only when the District determines that:

- A line extension for fire flow or looping is not required, and
- Under no circumstances shall more than three (3) parcels receive remote service in an area that could otherwise be served with a water main extension, and
- Approval from the fire department with jurisdiction in the area for the remote meter, and
- Proof of private easement for the private lateral is provided.

8.04.030.02 Remote meters are subject to District approval. At the time of application Applicant shall submit a Remote Meter Request with the appropriate fee. If approved, Applicant must complete the steps in Section 8.04.020, in addition to signing a Remote Water Service Agreement. The Applicant shall also furnish a letter of approval from the Fire Department, and a copy of all recorded easements granting the right to the property Owner of the parcel to be served to install and maintain a private water line from the District

main to the Applicant's parcel. Before installation of the remote meter, easements must be staked by a licensed land surveyor.

Section 8.04.040 **Application for Construction Water Service**

8.04.040.01 Each Applicant for temporary water service (construction meter) shall sign and file in the District's Office an application setting forth information which the District may reasonably require and pay the following:

- The application shall be accompanied by an established refundable deposit against unpaid water use and an established non-refundable installation fee.
- A monthly service charge will be applied for the period of time the meter is available for Applicant's use.
- Once all fees and deposits have been provided the District will install a construction meter at a location of the District's choosing within two business days of the date of the deposit.

8.04.040.02 The Applicant may request relocation of a construction meter to another location for an established fee.

8.04.040.03 Billing will be monthly and include an operation and maintenance fixed fee, plus the charge for the water used during the billing period.

8.04.040.04 Installation or Relocation of a construction meter shall be performed by District staff only. There is a fee and at least a two-business day notice to request this service. Should a contractor perform relocation, a \$500.00 fine will be charged to the customer's account.

8.04.040.05 Applicant shall not use water service in a manner which causes sudden pressure surges that may cause damage to the District's water system.

8.04.040.06 Construction meters are available for a maximum period of 6 months. Extensions may be granted for additional six-month periods at the discretion of the District Representative. Applicant must notify the District when the construction meter is no longer required and schedule a date for pickup.

8.04.040.07 Applicants shall comply with all rules and regulations of the District. Applicants agree to pay for any damage or loss of District facilities resulting from such use.

Section 8.04.050 **Changes in Premises Served**

Customers making any material change in the size, character of service or extent of their water systems or their operations, shall immediately give the District written notice of the extent and nature of such change.

**Chapter 8.11
CONNECTION AND METER CHARGES**

Sections:

- 8.11.010 Commencement of Service**
- 8.11.020 Fees and Charges**
- 8.11.030 Transfer of Meter**
- 8.11.040 Water Capacity Charge**
 - 8.11.040.01 Application**
 - 8.11.040.02 Capacity Charge for Increasing Meter Size**
 - 8.11.040.03 Reduction in Meter Size**
 - 8.11.040.04 Exchange of Meter for Multiple Smaller Meters**
 - 8.11.040.05 Fire Service Meters**
 - 8.11.040.06 Meter Relocation**
 - 8.11.040.07 Transfer of Capacity Charges or Meters**
 - 8.11.040.08 Reimbursement of Capacity Charges**
 - 8.11.040.09 San Diego County Water Authority (SDCWA) Capacity Charges**
 - 8.11.040.10 Removal of Water Service**
- 8.11.050 Water Service Commitments of More than Five Parcels**
 - 8.11.050.01 Development Consultation Fee**
 - 8.11.050.02 Application for Availability**
 - 8.11.050.03 Project Facility Availability Forms**
 - 8.11.050.04 Application for Commitment**
 - 8.11.050.05 Project Facility Commitment Forms**

**Section 8.11.010
Commencement of Service**

Service will be commenced after submittal of an application and on payment to the District of the applicable fees, charges, and deposits as set forth in this Section.

**Section 8.11.020
Fees and Charges**

At the time an Applicant files an application for a service connection and as a condition of District's acceptance of said application, the Applicant shall pay to the District the amount in the established, current published fee schedule. If said application is for a connection to District facilities constructed as provided under this policy or to other line extensions or facilities being acquired by the District under an agreement that requires the District to make an additional charge for said connection, then the Applicant shall also pay to the District such sum as the District is obligated to pay under the agreement for acquisition of said facilities.

**Section 8.11.030
Transfer of Meter**

No installation or meter charge will be billed upon the change of ownership or property. If the meter being transferred does not conform to these Rules and Regulations, it shall be changed to conform at the time of transfer.

**Section 8.11.040
Water Capacity Charge**

8.11.040.01 Application

8.11.040.01.1 A water capacity charge shall be paid at the time of the District's approval of an application for a permanent water service. Customer must hire a private contractor with a Class-A general engineering license to install water service per District's standards. Any capacity charges shall be in addition to charges for the actual cost of labor and materials necessary to make the physical connection to the water system by the contractor.

8.11.040.01.2 The capacity charge shall be based on the potential water demands which the Applicant can derive from the District's system and shall be established and adjusted by the Board of Directors from time to time. Funds collected by the District from the capacity charge shall be utilized for capital of facilities used to supply water service within the District.

8.11.040.01.3 The application for water service shall be issued for a term of two years. If no connection is made it shall expire and all rights of application holder resulting from the issuance of such application shall terminate. Fees paid on the application that has expired will be refunded minus administrative costs to the applicant listed on the application. A new application may be submitted with the applicable payment at the current fees.

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8.11.040.01.4 If applicant desires to sell the property during the term of the application transfer to the future owner with the same parcel of land and use, the applicant must submit in writing to the District of the transfer. Otherwise, at the expiration of the application for water connection, the connection fees minus administrative costs, will be refunded to the applicant. The parcel and use described in the application must be the same and the new owner must complete a new application. The term of the application will remain the same.

8.11.040.02 Capacity Charge for Increasing Meter Size

If a property owner wishes to increase the size of a water meter serving their property and the District determines that such a larger sized meter is appropriate, the difference between the current capacity charge of the new meter and the current capacity charge of the existing meter to be replaced shall be the total capacity charge to be collected. In the event property owner replaces a smaller meter with a larger meter, they must abandon the existing smaller meter lateral. Additional administrative and inspection fees shall apply.

8.11.040.03 Reduction in Meter Size

Reduction of meter size is subject to District approval. The water usage history for the property will be reviewed by the District to determine if a smaller meter is capable of meeting the water usage demands and capacity class requirements. The water usage would have to demonstrate the most current 12-month average at the requested lower sized meter. The property owner must complete all required District forms and provide proof of ownership. If approval is granted by the District for the meter capacity class downsize, the owner will be required to sign a Meter Downsize Agreement and their account must be current. If in the future a larger water meter is required due to higher water usage, the owner will be required to pay all the past District Operations and Maintenance (O&M) 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 or pay the difference between their current meter size and the increased meter size, whichever is less.

No capacity charge shall be imposed upon and no credit or refund shall be made to a property owner replacing an existing water meter with a meter of smaller size, whether or not any capacity charge was in effect for the larger meter when it was obtained. The difference in capacity between the larger and smaller meter is lost.

8.11.040.04 Exchange of Meter for Multiple Smaller Meters

Owners of parcels presently receiving water service through a District meter that subdivide their property and apply to exchange their original meter for smaller meters to new legal parcels will be given a credit toward the new capacity charges for the new meters. This credit is equal to the amount of capacity for the meter being replaced at the current capacity charge rate for that meter size. Meters must be downsized and installed concurrently in order to receive credit. Additional administrative and inspection fees shall apply.

8.11.040.05 Fire Service Meters

No capacity charge shall be imposed upon a property owner for a water meter obtained and used solely for fire protection purposes. Should it be later determined that other water uses are being made from a fire service meter, the then appropriate capacity charge shall be immediately due and payable or service shall be immediately discontinued. Administrative and inspection fees shall apply.

8.11.040.06 Meter Relocation

Meters shall not be relocated to other parcels of land within the District unless the parcels are abutting and owned by the same Owner. Owner must hire a private contractor with an "A" Class license to abandon the existing meter lateral and install a new meter lateral per District Standards. Owner must pay appropriate inspection fees to the District. Relocation of meters is subject to the approval of General Manager.

8.11.040.07 Transfer of Capacity Charges or Meters

Neither capacity charges nor meters shall be transferable to other parcels of land within the District unless the parcels are abutting and owned by the same owner. Transfer of capacity charges or meters are subject to the approval of the General Manager.

8.11.040.08 Reimbursement of Capacity Charges

Once the water meter for which capacity charges have been paid has been installed in the District's water system and inspected and accepted by the District, no portion of the capacity charges paid for that meter shall be reimbursable.

8.11.040.09 San Diego County Water Authority (SDCWA) Capacity Charges

As required by Section 5.9 of the County Water Authority Act, the District as a member agency of the San Diego County Water Authority shall collect and remit to the Authority the capacity charges imposed by the Authority. The Ordinance of the Authority in effect at the time that a water meter is obtained from the District shall govern the amount of the charge, the persons liable therefore, and the procedures to be followed. The District shall not provide a water meter to a property owner until the property owner has paid to the District the applicable capacity charge of the Authority.

8.11.040.10 Removal of Water Service

If the owner of vacant property being serviced no longer requires service and wants a meter removed permanently, the owner must provide a written request to the District. In addition, the owner must sign a Meter Removal Agreement with the District that outlines the terms of the removal of the water meter, including the forfeiture of capacity rights in the system. The District will seal the meter service and remove the meter. The District will determine whether the meter lateral will or will not be removed. Per Section 8.11.030.7 no portion of the capacity charges paid for that meter shall be reimbursable. If the Owner requires a meter to serve the property in the future, the owner must pay all the O&M fees at the current rates from the effective date of the Meter Removal Agreement to the effective date of the request or pay the current capacity fees, whichever is less.

Section 8.11.050
Water Service Commitments of More than Five Parcels

8.11.050.01 Development Consultation Fee

8.11.050.01.1 Prior to meeting or consulting with District staff regarding development potential, the developer must deposit an amount set forth by the District per the most current Board-approved Engineering Services Fees and Plan Check and Inspection Deposits adopted by ordinance. The developer may submit a formal written request addressed to the General Manager or their designee for a refund of the deposit balance at which time meetings and consultations with District staff shall cease.

8.11.050.01.2 At the conclusion of two years, deposit balances minus administrative costs shall be refunded to the developer. Developer may submit a formal written request addressed to the General Manager or their designee for an extension of up to one year. An additional deposit may be required. Approval of extension shall be granted at the sole discretion of the General Manager or their designee.

8.11.050.02 Application for Availability

Application for issuance of a Project Facility Availability Forms described in the following section may be submitted to the District on a form approved by the District, and must meet the following conditions, and other conditions as the District may require.

8.11.050.02.1 File with the District a preliminary parcel or subdivision map and such other information as the District may require.

8.11.050.02.2 Pay the District a non-refundable processing fee in an amount set forth by the District per the most current Board-approved Engineering Services Fees and Plan Check and Inspection Deposits adopted by ordinance.

8.11.050.03 Project Facility Availability Forms

Upon compliance by applicant with the requirements of the previous paragraphs, and if the District has adequate capacity or expects to have adequate capacity, the District may complete and issue the Project Facility Availability Forms or equivalent forms to allow processing of a tentative parcel map or tentative subdivision map. The form shall certify that the District has, or expects to have, capacity available to serve the proposed parcels or subdivision. The form shall not be a commitment on the part of the District to have or make capacity in the District's water system available to the proposed parcels or subdivision. No commitment shall be made until applications for water connection have been issued in accordance with these rules and regulations.

The issuance of Project Facility Availability Forms and processing fees shall have the sole effect of entitling the applicant to be considered along with other applicants for the issuance of water service connection which the District may issue and shall not create any right or entitlement in the applicant to obtain water service connection from the District. The Project Facility Availability Forms identify conditions the applicant must address prior to service commitment.

8.11.050.04 Application for Commitment

Application for issuance of Project Facility Commitment Forms described in the following section may be submitted to the District on a form approved by the District, and must meet the following conditions, and other conditions as the District may require:

8.11.050.04.1 File with the District a parcel or subdivision map and such other information as the District may require.

8.11.050.04.2 Pay to the District a non-refundable processing fee in an amount set forth by the District per the most current Board-approved Engineering Services Fees and Plan Check and Inspection Deposits adopted by ordinance.

8.11.040.05 Project Facility Commitment Forms

Upon compliance by applicant with the requirements of the previous paragraphs and subject to the following conditions, the District may complete and issue the Project Facility Commitment Forms or equivalent forms, stating that water service is committed to parcels or subdivision, and the terms of such commitment and conditions which must be satisfied for service.

Chapter 8.14
DISCONTINUANCE AND RESTRICTION OF SERVICE

Sections:

- 8.14.010 Discontinuance of Water Service**
- 8.14.010.01 Discontinuance of Water Service for Nonpayment**
- 8.14.010.02 Exceptions for Discontinuance of Water Service for Nonpayment**
- 8.14.020 Notice of Proposed Discontinuance of Water Service**
- 8.14.020.01 Time of Notice**
- 8.14.020.02 Form of Notice**
- 8.14.020.03 48-Hour Notice**
- 8.14.020.04 Elders; Dependent Adults**
- 8.14.020.05 No Discontinuance of Water Service on Holidays**
- 8.14.030 Payment Extension Plan for Delinquent Bills**
- 8.14.030.01 Right of Customer**
- 8.14.030.02 Authority to Allow for Payment Extension Plan**
- 8.14.030.03 Failure to Comply with the Payment Extension Plan**
- 8.14.040 Discontinuance of Service to Master Meters**
- 8.14.050 Service Detrimental to District and/or Customer**
- 8.14.060 Fraud**
- 8.14.070 Noncompliance**
- 8.14.08 Water Use for Other than Premises**

Section 8.14.010
Discontinuance of Water Service

Service may be discontinued for any one of the following reasons:

8.14.010.01 Discontinuance of Water Service for Nonpayment

A customer's water service will be discontinued for non-payment for services furnished to the customer by the District if not paid in full within sixty-five (65) days. The customer's water service will be discontinued until the amount is paid.

8.14.010.02 Exceptions for Discontinuance of Water Service for Nonpayment

Delinquency in the payment of any bill, except that residential service shall not be discontinued for nonpayment in the following situations:

8.14.010.02.1 During the pendency of any investigation by the District of a customer dispute or complaint.

8.14.010.02.2 District has received notice of a stay in bankruptcy which precludes discontinuance of water service.

8.14.010.02.3 Any violation by the customer of any rules and regulations of the District governing water service.

Section 8.14.020
Notice of Proposed Discontinuance of Water Service

8.14.020.01 Time of Notice

At least fifteen (15) calendar days before any proposed discontinuance of service for nonpayment of a delinquent account, the District will mail a notice warning customer of the delinquency and proposed discontinuance. Such notice will be given no earlier than nineteen (19) calendar days from the date the bill is generate.

8.14.020.02 Form of Notice

The notice of the proposed discontinuance of service will include all of the following information:

8.14.020.02.1 The name and address of the customer whose account is delinquent.

8.14.020.02.2 The amount of the delinquency.

8.14.020.02.3 The date by which payment or arrangements for payment is required in order to avoid discontinuance.

8.14.020.02.4 The procedure by which the customer may initiate a complaint or request an investigation concerning service or charges, unless the District's bill for services contains a description of that procedure.

8.14.020.02.5 The procedure by which the customer may request a Payment Extension Plan of the unpaid charges.

8.14.020.02.6 The procedure for the customer to obtain information on the availability of financial assistance.

8.14.020.02.7 The telephone number and name of a representative of the District who can provide additional information or institute arrangements for payment.

8.14.020.03 48-Hour Notice

At least forty-eight (48) hours prior to the actual discontinuance of water service, the District will use its best efforts to notify the customer. The notification shall contain the following:

8.14.020.03.1 The name and address of the customer whose account is delinquent.

8.14.020.03.2 The amount of the delinquency.

8.14.020.03.3 The date by which payment or arrangements for payment is required in order to avoid discontinuance of water service.

8.14.020.03.4 The procedure for the customer to obtain information on the availability of the Payment Extension Plan as set forth in this policy.

8.14.020.03.5 The telephone number of a representative of the District who can provide additional information or institute arrangements for payment.

8.14.020.04 Elders; Dependent Adults

District shall, upon request by or on behalf of any residential customer who is 65 years of age or older, or who is a dependent adult, as defined by California law, also provide notices that the customer's account is past due and subject to discontinuance of water service to a designated third party. The designated third party must provide written consent to receive such notices on a form prescribed by the General Manager. Third party notices shall be sent concurrently with the notices to the customer. The third party shall not thereby become responsible for the delinquent account; nor shall such notice delay or prevent discontinuance of water service.

8.14.020.05 No Discontinuance of Water Service on Holidays

District shall not discontinue any water service for nonpayment on any Saturday, Sunday, legal holiday or other day on which the business office of the District is closed. Any notices of discontinuance of water service for such days shall not be effective until the next business day.

Section 8.14.030
Payment Extension Plan for Delinquent Bills

8.14.030.01 Right of Customer

Any customer shall have the right to make a formal request to be placed on a Payment Extension Plan for any account on which they are delinquent by completing the required processes set forth below within thirteen (13) calendar days of receipt of a shut-off notice. Payment Extension Plans do not include current monthly charges; therefore, all current balances are to be paid in conjunction with any Payment Extension Plan agreed upon amounts.

- 1) Contact a District Customer Service Representative formally requesting being placed on a Payment Extension Plan specifying the amount of time necessary to amortize the unpaid balance of the account not to exceed twelve (12) months.
- 2) The District will provide a formal Payment Extension Plan Agreement to the customer for review and signature to be returned to the District within seventy-two (72) hours or three (3) business days of receipt.

Any customer with an account that has been registered with the County of San Diego for tax lien may also apply for a Payment Extension Plan following these same processes; however, such customers will be required to place a down payment equal to no less than 20% of their outstanding balance. The District will notify the County to release the lien once a payment agreement has been signed and 20% payment received.

8.14.030.02 Authority to Allow for Payment Extension Plan

Upon receipt of a signed Agreement, the Department Supervisor will consider and may grant permission for the unpaid balance to be amortized over the period of time stipulated in the Agreement. Any approved Payment Extension Plan Agreement will be fully executed by the Department Supervisor with the original kept on file at the District and a copy provided to the customer.

8.14.030.03 Failure to Comply with the Payment Extension Plan

Once a Payment Extension Plan Agreement is granted, no discontinuance of service will be effective for any customer complying with such Agreement as described in the Customer Rights section of this policy. In the event a customer fails to comply with an approved Payment Extension Plan Agreement, the District will discontinue service upon providing the customer with at least forty-eight (48) hour notice prior to service interruption.

Additional Payment Extension Plan Agreements will not be granted to any customer who has failed to comply with a previously approved agreement for at least one year from the date of non-compliance.

Section 8.14.040
Discontinuance of Service to Master Meters

Whenever the District furnishes residential service to a master meter or furnishes individually metered service to a multi-unit residential structure, mobile home park, or farm labor camp where the owner, manager, or farm labor employer is listed by the District as the customer of record, the District will make every good faith effort to notify the customer of record when the account is in arrears that service will be discontinued within fifteen (15) calendar days.

Section 8.14.050
Service Detrimental to District and/or Customers

The District will not establish service to a customer's system if the operation of the customer's system will be detrimental to the service of other District customers. The District will discontinue water service to any customer who continues to operate equipment in a manner which is detrimental to the District or to its other customers, after said customer has been directed by the District to cease so doing. Included in detrimental acts by the customer is non-compliance with waste discharge requirements in the use of public sewers.

Section 8.14.060
Fraud

The District will have the right to refuse or to discontinue water service at any time to protect the District from fraud.

Section 8.14.070
Noncompliance

The District will have the right to discontinue water service to a customer for noncompliance with or violation of any ordinance or rule or regulation of the District.

Section 8.14.080
Water Use for Other than Premises

If the customer shall use or deliver water delivered by the District outside the boundaries of the Rainbow Municipal Water District or on premises not described in the application for service, the District will have the right to refuse or to discontinue water service to said customer.

BOARD OF DIRECTORS

March 22, 2022

SUBJECT

DISCUSSION AND POSSIBLE ACTION TO ADOPT ORDINANCE NO. 22-10 AMENDING AND UPDATING ADMINISTRATIVE CODE CHAPTER 8.20 AND SECTION 8.20.010.01

BACKGROUND

The California Code of Regulations (CCR) requires public water systems to protect water supplies from contamination by implementing a cross-connection control program. The scope of a comprehensive cross-connection control program must include provisions for the protection of the drinking water supply through the installation of appropriate backflow prevention assemblies at all water users' connections where a hazard or potential hazard to the water supply is identified by the public water system.

The Water Supplier shall protect the public water supply from contamination by the implementation of a cross-connection control program; the program, or any portion thereof, may be implemented directly by the water supplier or by means of a contract with a local health agency, or with another agency approved by the health agency.

- (a) *The adoption of operating rules or ordinances to implement the cross-connection program.*
- (b) The conducting of surveys to identify water user premises where cross-connections are likely to occur.
- (c) The provisions of backflow protection by the water user at the user's connection or within the user's premises or both.
- (d) The provision of at least one person trained in cross-connection control to carry out the cross-connection program.
- (e) The establishment of a procedure or system for testing backflow preventers.
- (f) The maintenance of records of locations, tests, and repairs of backflow preventers.

(Title 17, Section 7584).

DESCRIPTION

A cross-connection is created when drinking water piping connects the various plumbing fixtures in businesses or homes. If improperly protected, contamination can result when a backflow event occurs, allowing contaminants to reverse flow from the fixture and equipment to the drinking water supply. A backflow prevention device protects potable water supplies from contamination or pollution due to backflow. The cross-connection control technician administers the cross-connection control program. Staff has reviewed Administrative Code Chapter 8.20 and determined that amendments and updates to the Code are essential to ensure public health. This update clarifies that testing is mandatory. The update also defines the responsibilities of both RMWD and the homeowner. Below is a list of the proposed amendments:

8.20.010.02.1 - Legal Authority: Adds plainly worded language to legal authority.

8.20.010.03 - Definitions: Adds verbiage to the definition for health hazard; added definitions include “passive purge” and “Pressure Vacuum Breaker Assembly.”

8.20.010.04 - Cross-Connection Protection Requirements: Adds a general provision section which further defines where protection is required, types of protection required, and Table 1 for clarification.

8.20.010.51 - Approved Backflow Prevention Assemblies: Defines in detail types of assemblies removing the vagueness of the previous code.

8.20.010.05.3 - Backflow Prevention Assembly Testing and Maintenance: Clarifies that testing is the responsibility of RMWD and mandatory. Clearly states what staff is responsible for and what the homeowner is responsible for.

8.20.010.07.01 - Water Service Termination: Deletes previous single paragraph from the old version and adds detailed conditions for water service termination.

8.20.010.09 – User Supervisor: Replaces “Systems to be Open for Inspection, Installation, and Testing” section.

8.20.100, 8.20.110, 8.20.120, 8.20.130, 8.20.140, 8.20.150, and 8.20.160: Removed in their entirety.

POLICY/STRATEGIC PLAN KEY FOCUS AREA

Strategic Focus Area Two: Asset Management

Strategic Focus Area Four: Fiscal Responsibility

Strategic Focus Area Five: Customer Service

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

Option 1:

- Adopt Ordinance No. 22-10 amending and updated Administrative Code Section 8.20.010.01 as presented.
- Make a determination that the action defined herein does not constitute a “project” as defined by CEQA.

Option 2:

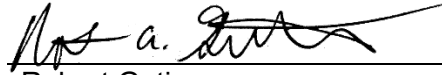
- Adopt Ordinance No. 22-10 amending and updating Administrative Code Section 8.20.010.01 with revisions.
- Make a determination that the action defined herein does not constitute a “project” as defined by CEQA.

Option 3:

- Deny adoption of Ordinance No. 22-10 and provide staff with direction.

STAFF RECOMMENDATION

Staff supports direction.



Robert Gutierrez
Operations Manager

03/22/2022

Ordinance No. 22-10

**Ordinance of the Board of Directors of the Rainbow Municipal Water District
Amending and Updating Administrative Code
Chapter 8.20 and Section 8.20.010**

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 8.20: Cross-Connection Control
Chapter 8.20.010: Cross-Connection Control 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 22nd day of March 2022.

AYES:
NOES:
ABSTAIN:
ABSENT:

Hayden Hamilton, Board President

ATTEST:

Dawn Washburn, Board Secretary

**Chapter 8.20
CROSS-CONNECTION CONTROL**

Sections:

- ~~8.20.010 Purpose~~
- ~~8.20.020 Legal Basis for Program~~
- ~~8.20.030 Definitions~~
- ~~8.20.040 Degree of Hazard~~
- ~~8.20.050 Backflow Prevention Device General Requirements~~
- ~~8.20.060 Appeal Procedure~~
- ~~8.20.070 Protection Required Before System Connection~~
- ~~8.20.080 Backflow Prevention Device Installation, Replacement, Relocation, and Repair~~
- ~~8.20.090 Systems to be Open for Inspection and Installation~~
- ~~8.20.100 Backflow Prevention Device Required~~
- ~~8.20.110 Certification of Backflow Prevention Devices~~
- ~~8.20.120 Existing Devices~~
- ~~8.20.130 Inspections and Testing Responsibility~~
- ~~8.20.140 Noncompliance, Penalties~~
- ~~8.20.150 Monthly Charges~~
- ~~8.20.160 Interpretation of Provisions~~
- 8.20.010 Cross-Connection Control Policy
- 8.20.010.01 Purpose
- 8.20.010.02 Legal Basis and Authority for Program
- 8.20.010.02.1 Legal Basis
- 8.20.010.02.2 Authority
- 8.20.010.03 Definitions
- 8.20.010.04 Cross-Connection Protection Requirements
- 8.20.010.04.1 General Provisions
- 8.20.010.04.2 Where Protection is Required
- 8.20.010.04.3 Type of Protection Required
- 8.20.010.05 Backflow Prevention Assemblies
- 8.20.010.05.1 Approved Backflow Prevention Assemblies
- 8.20.010.05.2 Backflow Prevention Assembly Installation
- 8.20.010.05.3 Backflow Prevention Assembly Testing and Maintenance
- 8.20.010.06 Requests for New Services
- 8.20.010.06.1 Water System Survey
- 8.20.010.06.2 Customer Notification – Assembly Installation
- 8.20.010.06.3 Backflow Prevention Assembly Removal
- 8.20.010.07 Water Service Termination
- 8.20.010.07.1 General
- 8.20.010.07.2 Basis for Termination
- 8.20.010.07.3 Water Service Termination Procedures
- 8.20.010.08 Backflow Prevention Assembly Fees
- 8.20.010.09 User Supervisor

Section 8.20.010

Cross-Connection Control Policy

8.20.010.01 Purpose

The purpose of this ~~policy~~chapter is to:

- A. ~~_____ To p~~Protect the District system from the possibility of contamination or pollution, by isolating within customer systems such contaminants or pollutants that have the potential to backflow into the District's potable water system; and
- B. ~~_____ To p~~Provide for an ongoing program of cross-connection control which will systematically and effectively prevent the contamination or pollution of the District's potable water system; and
- C. ~~_____ Meet or exceed~~ Federal and State regulations pertaining to cross-connection— control issues.

8.20.010.0220 Legal Basis and Authority Basis for Program

~~All legal authorities and references shall be current versions and revisions.~~

Authority

- ~~1. _____ Code of Federal Regulations, Safe drinking Water Act—most current~~
- ~~2. _____ Code of California Regulations, Titles 17 and 22~~
- ~~3. _____ State of California Water Code, Chapter 1, Section 110. Chapter 8, Section 500 and Chapter 723, Sections 13553, 13554.2, and 13554.3~~
- ~~4. _____ American Water Works Association Manual of Water Supply Practices M14~~
- ~~5. _____ University of Southern California (USC Manual)—latest or current edition~~
- ~~6. _____ California Plumbing Code (CPC)~~
- ~~7. _____ Rainbow Municipal Water District Administrative Code~~

8.20.010.02.1 Legal Basis

All legal authorities and references shall be current versions and revisions.

- 1. The purpose of this ordinance is to protect the public water supply against actual potential cross-connection by isolating within the premises contamination that may occur because of some undiscovered or unauthorized cross-connection on the premises.

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2. To eliminate existing connections between drinking water systems and other sources of water that are not approved as safe and potable for human consumption.
3. To eliminate cross-connections between drinking water systems and sources of contamination.
4. To prevent the making of cross-connections in the future.
5. To maintain the backflow prevention program by administering an inspection and testing program of backflow prevention assemblies installed at the meter.

These regulations are adopted pursuant to the state of California Code of Regulations, Title 17, Public Health entitled "Regulations Relating to Cross-Connections." It is unlawful for any person, firm, or corporation at any time to make or maintain or cause to be made or maintained, temporarily or permanently, for any period of time whatsoever, any cross-connection between plumbing pipes or water fixtures being served with water by the District water department and any other source of water supply to maintain any sanitary fixture or other source of water supply or to maintain any sanitary fixture or other appurtenances or fixtures which by reason of their construction may cause or allow backflow of water or other substances into the water supply system of the District and/or the service of water pipes or fixtures of any consumer of the District.

8.20.010.02.2 Authority

1. Code of Federal Regulations, Safe drinking Water Act - most current
2. Code of California Regulations, Titles 17 and 22
3. State of California Water Code, Chapter 1, Section 110. Chapter 8, Section 500 and Chapter 723, Sections 13553, 13554.2, and 13554.3
4. American Water Works Association Manual of Water Supply Practices M14
5. University of Southern California (USC Manual) – latest or current edition
6. California Plumbing Code (CPC)
7. Rainbow Municipal Water District Administrative Code

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8.20.010.0303 Definitions

Whenever in this chapter or in any document where they govern, the following terms are used, they shall be defined as follows:

"Air-Gap" is 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. An approved air-gap shall be at least double the diameter of the supply pipe, measured vertically, above the top of the rim of the vessel; provided however, that in no case shall the air-gap be less than one inch.

"Approved" means accepted by the District as meeting an applicable specification stated or cited in this chapter suitable for the proposed use.

"Auxiliary Water Supply" means any water supply, other than the District's system available to a customer system. These auxiliary supplies 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 waters may be polluted or contaminated, or they may be objectionable, and constitute an unacceptable water source over which the District does not have control.

"Agricultural Properties" is a parcel, lot, grove or residence of any size which is used for an agrarian nature, whether for commercial purposes or not. Typical uses would include, but not be limited to, the practice of cultivating crops, the breeding and raising of livestock, aquaculture and any other form of husbandry.

"Backflow" means the reversal of flow of water or mixtures of water and other liquids, gases or other substances into the District's distribution pipes of water from any source or sources.

"Backflow Preventer" means a device or means designed to prevent backflow or backsiphonage.

"Backpressure" means 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.

"Backsiphonage" means the flow of water (or other liquids, mixtures or substances) into the District system from any source caused by the reduction of pressure in the District system.

"Board" means Board of Directors of the Rainbow Municipal Water District.

"Certified Backflow Tester" means 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.

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~~"Contamination" means the impairment of the quality of the potable water by sewage, industrial fluids, waste liquids or any other compounds or other materials to a degree which creates an actual hazard to the public health through poisoning or the spreading of disease.~~

~~"Control" means the right and power over the quality of water.~~

~~"Cross-Connection" means 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. A water service connection between the District system and a customer system which is cross connected to a contaminated fixture, industrial fluid system or with a potentially contaminated supply or auxiliary water system, constitutes one type of cross-connection. Other types of cross-connections include connectors such as swing connections, removable sections, four way plug valves, spools, dummy sections of pipe, swivel or change over devices, sliding multiport tubes, solid connections, garden hoses, etc.~~

~~"Cross-Connection Control by Containment" means the installation of an approved backflow prevention device in any customer system chosen as practical for the water service connection.~~

~~"District" means Rainbow Municipal Water District.~~

~~"Double Check-Detector Backflow Prevention Assembly" (DCDA) means a specially Designed assembly composed of a line size approved double check valve assembly with a bypass containing a specific water meter and an approved double check valve assembly. The meter shall register accuracy for only very low rates of flow up to 3 GPM.~~

~~"Double Check Valve Backflow Prevention Assembly" an assembly composed of two (2) independently acting, approved check valves, including tightly closing resilient seated shut-off valves attached at each end of the assembly and fitted with properly located resilient seated test cocks.~~

~~"Health Hazard" means any condition, device or practice in the customer system, or its operation, which endangers, or in the judgment of the District, has the potential to endanger the health and well-being of any water customer.~~

~~"Industrial Fluids System" means 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.~~

~~"Locked-off" means any water service which has been shut off at the meter by the District.~~

~~"Manager" means General Manager of the Rainbow Municipal Water District or their authorized representative.~~

~~"Nonpotable Water" means water which is not safe for human consumption or which is of questionable potability.~~

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~~"Plumbing Hazard" means an internal or plumbing type cross-connection in a customer/user's potable water system that may be either a pollution or a contamination-type hazard.~~

~~"Pollution" means 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 to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such waters for domestic use.~~

~~"Pollution Hazard" means an actual or potential threat to the physical properties, or to the potability, of the District system, which would constitute a nuisance or be aesthetically objectionable or could cause damage to the District system, but would not be dangerous to health.~~

~~"Potable water" means any water which, according to recognized standards is safe for human consumption.~~

~~"Potable water service connection" means the terminal end of a service connection from the District system (where the District loses control over the water at its point of delivery to the customer system), being the downstream end of the meter. There should be no unprotected tees/take-offs from the service line upstream of any backflow prevention device. Service connections shall also include temporary connections from a fire hydrant and all other temporary or emergency water service connections from the District system.~~

~~"Public Health Agency" means the State Water Resources Control Board or other relevant authority having jurisdiction.~~

~~"Reduced Pressure Principle Device" (RP) means 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.~~

~~"Reduced Pressure Principle-Detector Backflow Assembly (RPDA)" means 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~~

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~~shall register for only very low rates of flow up to 3 GPM and shall show a registration for all rates of flow.~~

~~“Residential Properties” is a parcel or lot with at least one residence regardless of the lot size, with a primary purpose of providing a dwelling that serves as living quarters for one or more families and does not meet the definition of an “Agricultural Property”.~~

~~“Title 17” means California Code of Regulations, Title 17, Public Health Regulations relating to cross-connection.~~

~~“Unlocked” means any water service previously shut off by the District which has been turned back on by the District.~~

~~“Used Water” means any water supplied by the District from the District system to a customer system that has passed through the metered water service connection and is no longer under the control of the District.~~

~~“Water System” The water system is made up of two parts; namely, the District system and the customer systems:~~

~~The District system consists of the storage, treatment and distribution facilities under the complete control of the District, up to the point where the customer system begins (immediately after the water meter).~~

~~The customer systems consist of all water components beyond the water meter.~~

For the purposes of this policy, the following words and phrases have the following meanings:

“ABPA”: American Backflow Prevention Association.

“ASSE”: American Society of Sanitary Engineers.

“AWWA”: American Water Works Association.

“Air-Gap Separation (AG)”: A physical break between a supply pipe and a receiving vessel. The airgap shall be at least double the diameter of the supply pipe measured vertically above the top rim of vessel, no less than one inch.

“Approved Backflow Prevention Assembly”: An assembly or physical separation that has been designed specifically for preventing the backflow of water/liquid, gas from entering the system, which has passed laboratory and field evaluation tests performed by a recognized testing organization which has demonstrated their competency to the California Department of Health Services.

“Approved Water Supply”: Any water supply whose potability is regulated by a state or local health agency.

“Auxiliary Supply”: Any water supply on or available to the premises other than the District water supply.

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"AWWA Standard": An official standard developed and approved by the American Water Works Association (AWWA).

"Backflow": A flow condition, caused by a differential in pressure, that causes the flow of water or other liquids, gases, mixtures, or substances into the distributing pipes of a potable supply of water from any source other than an approved water supply. Back siphonage or back pressure are causes of backflow.

"Consumer's Water System": Is defined as and includes all facilities beyond the service meter. The system or systems may include both potable and non-potable water systems.

"Contamination": A degradation of the quality of the potable water by any foreign substance which creates a hazard to the public health, or which may impair the usefulness or quality of the water.

"Cross-Connection": As used in this chapter, is any unprotected actual or potential connection between a potable water system used to supply water for drinking purposes and any source or system containing unapproved as safe, wholesome, and potable. Bypass arrangements, jumper connections, removable sections, swivel or changeover assemblies, or other assemblies through which backflow could occur, shall be considered to be cross-connections.

"Cross-Connection Control Specialist": A person by title or designated by the General Manger who ensures all service connections are protected by approved backflow devices or by abating and eliminating cross-connections.

"District": Rainbow Municipal Water District.

"District Water System": The source facilities and distribution system under the control of the Rainbow Municipal Water District up to and including the meter.

"Double Check Detector Check Assembly (DCDA)": A backflow prevention assembly consisting of a line size double check valve assembly in parallel with a detector meter and water size double check valve assembly. Each double check valve assembly is to be equipped with property located test cocks and a tightly closing shut-off valve at the end of the assembly.

"Double Check Valve Assembly (DCA)": An assembly of at least two independently acting check valves including tightly closing shut-off valves on each side of the check valve assembly and test cocks available for testing the water tightness of each check valve.

"Dual Check Valve Device (DC)": A line dual check valve that is installed immediately after the water meter on residential services. This device is non testable.

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"Degree of Hazard": Is derived from an evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system.

1. **"Health Hazard"** is any condition, assembly, or practice in the water supply system and its operation which could or may create a danger to the health and well-being of the water consumer.
2. **"Plumbing Hazard"** is a type of plumbing cross-connection in a consumer's potable water system that has not been properly protected by an approved airgap or approved backflow prevention assembly.
3. **"Pollution Hazard"** is an actual or potential threat to the physical properties of the water system or to the potability of the public or the consumer's potable water system, but which would constitute a nuisance or be aesthetically objectionable or could cause damage to the system or its appurtenances but would not be dangerous to health.
4. **"System Hazard"** is an actual or potential threat of severe damage to the physical properties of the public potable water system or the consumer's potable water system of a pollution or contamination which would have a protracted effect on the quality of the potable water in the system.

"Health Agency": Refers to the California Department of Health Services.

"Local Health Agency": Refers to the County of San Diego Department of Environmental Health.

"Passive Purge": Refers to a type of fire sprinkler system that serves all toilets in addition to fire sprinklers, allowing water to circulate throughout the entire system on a regular basis and, therefore, avoiding stagnation.

"Person": An individual, corporation, company, association, partnership, municipality, public utility, or other public body or institution.

"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 to a degree which does not create an actual hazard to the public health, but which does adversely and unreasonably affect such waters for domestic use.

"Premises": Any and all areas on a customer's property which are served or have the potential to be served by the public water system.

"Pressure Vacuum Breaker Assembly (PVB)": Refers to a backflow prevention assembly containing a spring loaded check valve and a spring loaded air-inlet valve which opens when the pressure approaches

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atmospheric. The unit shall include two tightly closing shut-off valves located at each end of the assembly and two test cocks properly located for testing the device. Can be used for internal protection but NOT meter protection.

"Public Water System": A system for the provision of piped water to the public for human consumption which has five or more service connections or regularly serves an average of twenty-five (25) individuals daily at least sixty (60) days out of the year.

"Rainbow Municipal Water District": RMWD.

"Reclaimed Water": A wastewater which as a result of treatment is suitable for uses other than potable use.

"Recycled Water": See Reclaimed Water.

"Reduced Pressure - Detector Check Assembly (RPDA)": A backflow prevention assembly consisting of a line-size reduced pressure principal assembly in parallel with a detector meter and meter-size reduced pressure principal assembly. Each reduced pressure principal assembly is to be equipped with properly located test cocks and a tightly closing shut-off valve at each end of the assembly.

"Reduced Pressure Principal Backflow Prevention Assembly (RPA)": An assembly incorporating two or more check valves and an automatically operating differential relief valve located between the two checks, a tightly closing shut-off valve on each side of the check valve assembly and equipped with necessary test cocks for testing.

"Service Connection": Refers to the point of connection of a user's piping to the District's facilities.

"User Supervisor": Refers to the person on site who is responsible for the monitoring of the backflow prevention devices and for the avoidance of cross-connections.

"Water User": Any person obtaining water from an approved water supply system.

8.20.010.0404 Cross-Connection Protection Requirements Degree of Hazard

~~The District's Cross-Connection Control Specialist will evaluate the degree of potential health hazard to the public water supply as a result of conditions existing on a customer/user's premises. The Cross-Connection Control Specialist will consider the following as a non-exclusive basis for determining if a hazard exists or has the potential to exist:—~~

- ~~The existence of an actual cross-connection;~~
- ~~The nature of material handled on the property;~~
- ~~The probability of a backflow occurring;~~

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~~The degree of piping system complexity and the potential for system modification.~~

~~Commercial:~~

~~All meters serving commercial properties are required to have District approved backflow devices installed.~~

~~Agricultural:~~

~~All meters serving Agricultural Properties are required to have District approved backflow devices installed.~~

~~Residential:~~

~~A backflow device would not be required unless one or more of the following conditions apply:~~

- ~~• Pressure in the customers system that may exceed the water pressure in the District system (onsite pumps, elevation, etc.)~~
- ~~• Auxiliary water system (well, etc.)~~
- ~~• Storage of chemicals, fertilizers, pesticides or any other substance in sufficient quantities or in a manner that has the potential to contaminate the water system.~~
 - ~~• For Residential Properties, the District's Cross-Connection Control Specialist may conduct an inspection of the user's property to determine if potential cross-connections have been mitigated through the use of approved measures, such as the installation of approved anti-siphon hose bibs, air gaps on swimming pool fill lines, anti-siphon backflow preventers on irrigation systems, etc.~~

8.20.010.04.1 General Provisions

1. Unprotected cross-connections with the public water supply are prohibited.
2. Whenever backflow protection has been found necessary, the District will require the water user to install an approved backflow prevention assembly by and at their expense for continued services or before a new service will be granted.
3. Wherever backflow protection has been found necessary on a water supply line entering a water user's premises, then any and all water supply lines from the District's' mains entering such premises, buildings, or structures shall be protected by an approved backflow prevention assembly. The type of assembly to be installed will be in accordance with the requirements of this chapter.
4. The Cross-Connection Control Specialist shall give notice in writing to all District customers who are required to install an approved backflow prevention device at each potable water service connection. Within the time prescribed by the

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General Manager or designee, which shall not be less than sixty (60) days, the customer shall install such approved device(s) at the customer's own expense; and failure or refusal or inability on the part of the customer to install said device(s) shall immediately constitute grounds for discontinuing water service to the metered water service connections until the required device(s) have been properly installed.

5. The District shall maintain records of all approved backflow devices installed in the water system. The District shall also keep records regarding the certification of all devices. Testing of backflow devices shall be done at least annually or more often as the District deems necessary, depending on the degree of hazard. It is the District's primary responsibility to ensure that all testing and record keeping conforms to State Health regulations relating to cross-connections.

8.20.010.04.2 Where Protection is Required

1. Each service connection from the District's water system for supplying water to premises having an auxiliary water supply shall be protected against backflow of water from the premises into the public water system.
2. Each service connection from the District's water system for supplying water to any premises on which any substance is handled in such fashion as to allow its entry into the water system shall be protected against backflow of the water from the premises into the public system. This shall include the handling water originating from the District's water system which have been subjected to deterioration in sanitary quality.
3. Backflow prevention assemblies shall be installed on the service connection to any premises having (a) internal cross-connection that cannot be permanently corrected and controlled to the satisfaction of the state or local health department and the District, or (b) intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impractical or impossible to ascertain whether or not cross-connections exist.

8.20.010.04.3 Type of Protection Required

1. The type of protection that shall be provided to prevent backflow into the approved water supply shall be commensurate with the degree of hazard that exists on the consumer's premises. The type of protective assembly that may be required (listing in an increasing level of protection) includes: Reduced Pressure Principal Backflow Prevention Assembly (RPA), and an Air-Gap Separation (AG). The water user may choose a higher level of protection than required by the District. The minimum types of backflow protection required to protect the water supply, at the user's water connection with varying degrees of hazard, are illustrated in Table 1 below. Situations which are not covered in Table 1 shall be evaluated on a case-by-case basis and the appropriate backflow protection shall be determined by the District or health agency.

2. Two or more services supplying water from different street mains to the same building or premises through which an inter-street main flow may occur, shall have at least a standard check valve on each water service to be located adjacent to and on the property side of the respective meters. This check valve shall not be considered adequate if backflow protection is deemed necessary to protect the District's mains from pollution or contamination; in such cases, the installation of approved backflow assemblies at such service connection shall be required.

<u>Table 1</u> <u>Type of Backflow Protection Required</u>	
<u>Degree of Hazard</u>	<u>Minimum Type of Backflow Protection</u>
<u>Sewage and Hazardous Substances</u>	
<u>1. Premises where the public water system is used to supplement the reclaimed water supply.</u>	<u>AG</u>

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2.	<u>Premises where reclaimed water is used and there is no interconnection with the potable water system. This does not include a single-family residence that has a sewage lift pump. An RP may be provided in lieu of an AG if approved by the health agency and the District.</u>	<u>AG</u>
3.	<u>Premises where hazardous substances are handled in any manner in which the substances may enter a potable water system. This does not include a single-family residence that has a sewage lift pump. An RP may be provided in lieu of an AG if approved by the health agency and the District.</u>	<u>AG</u>
4.	<u>Premises where there are irrigation systems into which fertilizers, herbicides, or pesticides, are, or can be, injected.</u>	<u>RPA</u>
<u>Auxiliary Water Supplies</u>		
1.	<u>Premises where there is an unapproved auxiliary water supply which is interconnected with the public water system. An RP may be provided in lieu of an AG if approved by the health agency and the District.</u>	<u>AG</u>
2.	<u>Premises where there is an unapproved auxiliary water supply and there are no interconnections with the public water system. A DC may be provided in lieu of an RP if approved by the health agency and the District.</u>	<u>RPA</u>
<u>Fire Protection Systems</u>		
1.	<u>Premises where the fire system is directly supplied from the public water system and there is an unapproved auxiliary water supply on or to the premises (not interconnected).</u>	<u>RPDA</u>
2.	<u>Premises where the fire system is supplied from the public water system and interconnected with an unapproved auxiliary water supply. An RP may be provided in lieu of an AG if approved by the health agency and the District.</u>	<u>AG</u>
3.	<u>Premises where the fire system is supplied from the public water system and where either elevated storage tanks or fire pumps which take suction from the private reservoirs or tanks are used.</u>	<u>RPDA</u>
4.	<u>Premises where a fire system is interconnected with more than one service connection from the District water system and no other system hazard exists.</u>	<u>RPDA</u>
<u>Other Systems</u>		
1.	<u>Premises where a booster pump is required on the service connection line.</u>	<u>DCA</u>
2.	<u>Premises where there is a well</u>	<u>RPA</u>
3.	<u>Premises where there is intricate plumbing and piping arrangements or where entry to all portions of the premises is restricted or not easily accessible for inspection purposes, making it impossible or impossible to ascertain whether or not cross-connections exist.</u>	<u>RPA</u>

8.20.010.050.050

Backflow Prevention Assemblies Device – General Requirements

~~The District is responsible for the protection of the potable water system from potential contamination or pollution due to the backflow of contaminants or pollutants through the potable water service connections.~~

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~~An approved backflow prevention device is required at all potable water service connections except for the following:~~

- ~~(1) Any water service connection for single or duplex Residential Properties where the connection is one inch (1") or smaller and the degree of hazard does not rise to the level requiring a backflow device as determined by the District's Cross-Connection Control Specialist.~~
- ~~(2) Any water service connection which is locked off, provided however, that before water service may be unlocked the customer shall comply with all of the backflow prevention provisions of this chapter.~~

~~The Cross Connection Control Specialist shall give notice in writing to all District customers who are required to install an approved backflow prevention device at each potable water service connection. Within the time prescribed by the General Manager or designate, which shall not be less than sixty (60) days, the customer shall install such approved device(s) at the customer's own expense; and failure or refusal or inability on the part of the customer to install said device(s) shall immediately constitute grounds for discontinuing water service to the metered water service connections until the required device(s) have been properly installed.~~

~~The District shall maintain records of all approved backflow devices installed in the water system. The District shall also keep records regarding the certification of all devices. The District shall be responsible for notifying each customer/user when a device is required to be installed or tested. Testing of backflow devices shall be done at least annually or more often as the District deems necessary, depending on the degree of hazard. It is the District's primary responsibility to ensure that all testing and record keeping conforms to State Health regulations relating to cross-connections.~~

8.20.010.05.1 Approved Backflow Prevention Assemblies

1. Only backflow prevention assemblies approved by the California Department of Health Services shall be acceptable for installation by a water user connected to the District's potable water system.
2. The District will provide, upon request, to any affected customer a list of approved backflow prevention assemblies.

8.20.010.05.2 Backflow Prevention Assembly Installation

1. Backflow prevention assemblies shall be installed in a manner prescribed in Section 7603, Title 22 of the California Administrative Code. Location of the assemblies should be as close as practical to the user's connection and no further than eighteen (18) inches away from the meter. The District shall have the final authority in determining the required location of a backflow prevention assembly. Under particular circumstances, the District may accept a distance longer than eighteen (18) inches from

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the meter as long as the pipe material is brass or copper and approved by the Cross-Connection Control Specialist. Approved backflow prevention assemblies shall be protected when necessary from extreme weather or site conditions that could cause physical damage to or malfunction of the backflow prevention assembly.

a. Air-Gap Separation (AG). The AG shall be located on the user's side of and as close to the service connection as is practical. All piping from the service connection to the receiving tank shall be above grade and be entirely visible. No water use shall be provided from any point between the service connection and the AG. The water inlet piping shall terminate a distance of at least two pipe diameters of the supply inlet, but in no case less than one inch above the overflow rim of the receiving tank.

b. Reduced Pressure Principal Backflow Prevention Assembly (RPA). The approved RPA shall be installed on the user's side of the service connection and no more than eighteen (18) inches away. (Under particular circumstances, the District may accept a distance longer than eighteen (18) inches from the meter as long as the pipe material is brass or copper and approved by the Cross-Connection Control Specialist.) The assembly shall be installed so that the bottom of the relief valve is a minimum of twelve (12) inches above the grade and not more than thirty-six (36) inches above grade measured from the bottom of the assembly and with a minimum of twelve (12) inches side clearance. The assembly should be installed so that it is readily accessible for maintenance and testing.

8.20.010.05.3 Backflow Prevention Assembly Testing and Maintenance

1. Backflow prevention assemblies must be tested at least annually and immediately after installation, relocation, or repair. The District may require a more frequent testing schedule if it is

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deemed to be necessary. A report in a form acceptable to the District shall be filed each time an assembly is tested, relocated, or repaired. These assemblies shall be serviced, overhauled, or replaced whenever they are found to be defective and all costs of testing, repair, and maintenance shall be borne by the water user.

2. Testing of backflow preventers is required annually for all connections to the water system and is mandatory. Testing is the responsibility of RMWD and the results of testing shall be reported to the Cross-Connection Control Specialist on the required forms at the completion of the testing. Testing of brand-new backflow devices can be completed by a certified tester. Testing must be done by a person or persons certified in accordance with state standards and the tester's credentials must be approved by the RMWD. Any backflow preventer that fails the testing shall be repaired or replaced and retested at the owner's expense. If it is replaced, the type, make, model, and location of the backflow preventer will be reported to RMWD's Cross-Connection Control Specialist. All results of testing will be reported to RMWD and remain on file for no less than ten (10) years.
3. RMWD is not responsible for replacing gaskets, seats, seal diaphragms, backflow devices, ball valves or test cocks. The customer is responsible for all maintenance of the backflow device to include replacement of device.

8.20.010.0660 Requests for New Services Appeal Procedure

8.20.010.06.1 Water System Survey

1. The Cross-Connection Control Specialist shall review all requests for new services to determine if backflow protection is needed. Plans and specifications must be submitted to the Cross-Connection Control Specialist upon request for review of possible cross-connection hazards as a condition of service for new service connections. If it is determined that a backflow prevention assembly is necessary to protect the public water system, the required assembly must be installed before service will be granted.
2. The District may require an on-premises inspection to evaluate cross-connection

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hazards. The District will schedule an inspection appointment to each affected water user. Any customer who cannot or will not allow an on-premises inspection of their piping system shall be required to install the backflow prevention assembly the District considers necessary.

3. The District may require a reinspection for cross-connection hazards of any premises to which it serves water. The District will transmit a written notice requesting an inspection appointment to each affected water user. Any customer who cannot or will not allow an on-premises inspection of their piping system shall be required to install the backflow prevention assembly the District considers necessary.

8.20.010.06.2 Customer Notification — Assembly Installation

1. The District will notify the water user of the survey findings, listing corrective action to be taken if required. A period of thirty (30) days will be given to complete all corrective action required including installation of backflow prevention assemblies.
2. A second notice will be sent to each water user which does not take the required corrective action prescribed in the first notice within the thirty (30) day period allowed. The second notice will give the water user a second thirty (30) day period to take the required corrective action. If no action is taken within the second thirty (30) day period, the District may terminate water service to the affected water user until the required corrective actions are taken.

8.20.010.06.3 Backflow Prevention Assembly Removal

1. Approval must be obtained from the District before a backflow prevention assembly is removed or relocated. The District shall be notified if a backflow prevention assembly is repaired or replaced.
 - a. **Removal:** The use of an assembly may be discontinued and the assembly removed from service upon presentation of sufficient evidence to the District to verify that a hazard no longer exists or is not likely to be created in the future. Approved backflow prevention

assemblies shall not be bypassed, made inoperative or removed without specific written authorization by the Cross-Connection Control Specialist.

- b. **Relocation:** An assembly may be relocated following confirmation by the District that the relocation will continue to provide the required protection and satisfy installation requirements. A retest will be required following the relocation of the assembly.
- c. **Repair:** An assembly may be removed for repair, provided the water use is either discontinued until repair is completed and the assembly is returned to service, or the service connection is equipped with other backflow protection approved by the District. A retest will be required following the repair of the assembly.
- d. **Replacement:** An assembly may be removed and replaced provided the water use is discontinued until the replacement assembly is installed. All replacement assemblies must be approved by the District and must be commensurate with the degree of hazard involved.

~~Any customer wishing to appeal a determination of the requirement for installation of a backflow prevention device may do so, in writing, within forty five (45) days of the date of the first written notification. There will be an Appeal Hearing scheduled for the customer or customer representative to present their arguments against complying with either the directives or the schedule given in the notification. The Appeal Hearing Panel consists of the General Manager and any other staff deemed appropriate by the General Manager. The purpose of the hearing is to confirm, modify or deny the findings of the Cross-Connection Control Specialist. The decision of the Appeal Hearing Panel is final.~~

8.20.010.0770 Water Service Termination Protection Required Before System Connection

8.20.010.07.1 General

When the District encounters water uses that represent a clear and immediate hazard to the potable water supply that cannot be immediately abated, the District shall institute the procedure for discontinuing the District water service.

8.20.010.07.2 Basis for Termination

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Condition or water uses that create a basis for water service termination shall include, but are not limited to the following items:

1. Refusal to install a required backflow prevention assembly.
2. Refusal to test a backflow prevention assembly.
3. Refusal to repair a faulty backflow prevention assembly.
4. Refusal to replace a faulty backflow prevention assembly.
5. Direct or indirect connection between the District water system and a sewer line.
6. Unprotected direct or indirect connection between the District water system and an auxiliary water system.
7. A situation which presents an immediate health hazard to the District water system.

8.20.010.07.3 Water Service Termination Procedures

1. For conditions 8.20.010.07.2-1, 8.20.010.07.2-2, 8.20.010.07.2-3, the District will terminate service to a customer's premises after two written notices have been sent specifying the corrective action needed and the time period in which it must be done. If no action is taken within the allowed time period water service may be terminated.
2. For conditions 8.20.010.07.2-4, 8.20.010.07.2-5, 8.20.010.07.2-6, 8.02.010.07.2-7, the District will take the following steps:
 - a. Make reasonable effort to advise water user of intent to terminate water service.
 - b. Terminate water supply and lock service valve. The water service will remain inactive until correction of violations has been approved by the District.

~~No potable water service connection to any premises shall be placed in service by the District unless the District system is protected as required by this chapter. Service of water to any premises shall be immediately discontinued by the District if a backflow prevention device required by state laws and regulation and by this chapter is not installed, tested and maintained, or if it is found that a backflow prevention device has been removed, by-passed, or if an~~

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~~unprotected cross-connection exists on the premises. Service will not be restored until such conditions or defects are corrected.~~

8.20.010.08080 Backflow Prevention Assembly Fees Device Installation, Replacement, Relocation, and Repair

- ~~1. **Installation:** All backflow prevention devices shall be installed directly behind and as close to the meter as practical but no more than eight (8) feet away, per Rainbow Standards Drawing Number W-1. The device is to be installed before any branches, tees, valves and strainers in the water line. Two or more backflow prevention devices of the same type may be installed in parallel when approved by the District. All single device installations shall be the size of the meter or greater. Devices must be installed to the District's specifications. When the street pressure exceeds the maximum working pressure of the backflow device (150 PSI), a pressure regulator can be installed on the upstream leg of the backflow assembly. Pressure regulators can be installed on the downstream leg of the backflow assembly. The District will be the final authority in determining the required location of a backflow prevention device.
Backflow prevention devices shall be tested by a certified tester immediately after they are installed and not placed into service unless they are functioning as required.~~
- ~~2. **Replacement:** A device may be removed and replaced provided the water use is discontinued until the replacement device is installed and tested. All Replacement devices must be approved by the District.~~
- ~~3. **Relocation:** A device may be relocated following confirmation by the District that the relocation will continue to provide the required protection and satisfy installation requirements. A retest will be required following the relocation of the device;~~
- ~~4. **Repair:** A device may be removed for repair; provided the water use is either discontinued until repair is completed and the device is returned to service, or the service connection is equipped with other backflow protection approved by the District. A retest will be required following the repair of the device.
 - ~~A. A testing fee will be charged to any/all water users having an approved testable backflow prevention assembly of which the District conducts the test. This money is to be deposited into the Cross-Connection Fund. The amount of this fee will be set by a resolution.~~
 - ~~B. Upon noncompliance by a user following a first notice (after the time period in which the test must be done) regarding the periodic testing of the backflow prevention assembly, the District's representative shall have the option of either hiring a certified backflow assembly tester to test such assembly with all expenses; including an administrative fee, will be charged to the customer. This noncompliance can result in terminating water service or having the District test it. Nonpayment of the charge amount will result in termination of water service.~~~~

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~~8.20.010.09090~~ User Supervisor ~~Systems to be Open for Inspection, Installation and Testing~~

~~All customer/user systems shall be available for inspection, installation and testing at all reasonable times to authorized representatives of the District to determine whether cross-connections or other structural or sanitary hazards exist, including violations of this chapter. Refusal of an inspection will result in a mandatory requirement that the water service be locked off until a backflow device is installed, or an inspection reveals that no hazard exist. When such a condition becomes known, the District shall deny or immediately discontinue service to the premises by providing for a physical break in the service line until the customer has corrected the condition(s) in conformance with state laws and District ordinances relating to plumbing and water supplies and with regulations adopted pursuant thereto.~~

~~At each premises, a "User Supervisor" shall be designated by and at the expense of the water user. If no User Supervisor is appointed, the customer shall be considered as same. This User Supervisor shall be responsible for the monitoring of the backflow prevention assemblies and for the avoidance of cross-connections. In the event of contamination or pollution of the drinking water system due to a cross-connection on the premises, the District shall be promptly notified by the User Supervisor so that appropriate measures may be taken to overcome the contamination. The water user shall inform the District of the User Supervisor's identity on, as a minimum, an annual basis and whenever a change occurs.~~

~~8.20.100~~ ~~Backflow Prevention Device Required~~

~~The District will determine which one of the following backflow prevention devices is required: Reduced Pressure Principle Backflow Prevention Device (RP) or Reduced Pressure Principle-Detector Backflow Assembly (RPDA). Existing nonconforming devices may remain until they need replacement. If a hazard exist an approved device will be required. The District will be the final authority in determining what type of backflow prevention is required.~~

~~When required, a reduced pressure backflow preventer shall be installed immediately after the meter at each and every potable water service connection within the District as required by this chapter.~~

~~When required, Reduced Pressure Principle Backflow Prevention Device (RP) will be installed as close to the water service connection as possible. Such backflow protection will be required for but not limited to the following conditions:~~

- ~~• Sewage treatment plants;~~
- ~~• Manufacturing, processing or fabricating plants where toxic materials or water are pumped, processed or treated;~~
- ~~• Any location where the District deems the installation of a Reduced Pressure Principle Backflow Prevention Device (RP) is necessary.~~

~~8.20.110~~ ~~Certification of Backflow Prevention Devices~~

~~Any backflow prevention device required by this chapter shall be of a model and size approved by the District. The term "approved backflow prevention device" means a device that has been established by the American Water Works Association, as set forth in its publication entitled, M:\Administration\Confidential\Administrative Code Current Policies\Amendments and Updates Not Approved\Cross-Connection Control 8.20.docx~~M:\Administration\Confidential\Administrative Code Current Policies\Title 8\Cross-Connection Control 8.20.docx~~ \Amended and Updated 1-23-07 by Ordinance No. 07-03\Amended and Updated 11-18-14 by Ordinance No. 14-08\Amended and Updated 6-28-16 by Ordinance No. 16-11\Amended and Updated 4-25-17 by Ordinance No. 17-03\Amended and Updated 12-8-20 by Ordinance No. 20-13\ DRAFT~~

~~AWWA C511-89 Standards for Reduce Pressure Principle Backflow Prevention Devices, and meets the most current edition of the Manual of Cross-Connection Control of the Foundation for Cross-Connection Control and Hydraulic Research of the University of Southern California.~~

~~Final approval shall be evidenced by a certificate of approval issued by an approved testing laboratory, certifying full compliance with said AWWA Standards and FCC&HR Specifications.~~

~~The following testing laboratory is approved by the board to test and certify backflow preventers: Foundation for Cross-Connection Control and Hydraulic Research, University of Southern California, KAP-200 University Park MC-2531, Los Angeles, California 90089-2531.~~

~~Backflow preventers which may be subjected to back pressure or backsiphonage that have been fully tested and have been granted a certificate of approval by said approved laboratory and are listed on the laboratory's current list of approved devices may be used.~~

~~8.20.120~~ ~~Existing Devices~~

~~All presently installed backflow prevention devices previously approved by the District shall be deemed to comply with the requirements of this chapter provided such devices meet current performance and testing requirements. Existing devices which do not meet current performance or testing requirements shall be repaired or replaced by a backflow prevention device meeting the requirements of this chapter. Any such replacement cost will be borne by the customer/user.~~

~~Existing nonconforming devices may remain until they need replacement. If a hazard exists an approved device will be required. The District will be the final authority in determining what type of backflow prevention is required.~~

~~Any existing Double Check Detector Backflow Prevention Assembly (DCDA) devices needing to be replaced shall be replaced with a Reduced Pressure Principal Detector Backflow Prevention Assembly. Any existing Double Check Valve Backflow Prevention Assembly needing to be replaced shall be replaced with a Reduced Pressure Principal Device (RP) if a hazard exists.~~

~~Existing devices not required by this ordinance may be:~~

- ~~• Maintained and tested at owner's expense~~
- ~~• Removed at owner's expense if District determines no hazard exist~~

~~It is the customer's responsibility to notify the District if they wish to withdraw from the testing program under this provision. An inspection would be required before withdrawing or removing from the program.~~

~~8.20.130~~ ~~Inspections and Testing Responsibility~~

~~The customer/user is responsible for ensuring the annual testing and making any necessary repairs to pass the test. The District will maintain a record of testing performed and a calendar indicating when the next test is required. The District has retained the services of a licensed contractor to administer the testing and monitoring program. Customers may elect to be included in this monitoring group and their devices will be tested annually by the contractor. The District shall pass its actual cost for the testing on to the customer in a monthly cross-connection control fee.~~

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~~All other expenses where backflow prevention devices are installed, replaced, relocated, repaired or overhauled are the responsibility of the customer. All inspections and operational tests will be made by a certified tester. In those instances where the District deems the hazard to be great enough, it may require certified inspections at more frequent intervals. These inspections and tests shall be at the expense of the customer/user and shall be performed by a District-approved certified tester. It shall be the duty of the District to see that these timely tests are to be undertaken so that District personnel may witness the tests if it is so desired. These devices shall be repaired, overhauled or replaced at the expense of the customer/user whenever said devices are found to be defective. Records of such tests, repairs and overhaul shall be kept on file with the District.~~

~~8.20.140~~

~~Noncompliance, Penalties~~

~~In the event a customer is notified that a backflow device shall be installed or tested on the customer's service connection and a reasonable compliance time has been allowed by the District in which the customer has not complied with the District's request, then the customer's water service shall be locked off. The customer's water service shall remain locked until an approved backflow device is installed and/or tested by a certified backflow tester; and all unlock fees are paid.~~

~~If a device is found to be tampered with or any deliberate action to impede the function of the backflow device, the service will be locked immediately, and the customer will be responsible for paying all costs and fines associated with the violation.~~

~~8.20.150~~

~~Monthly Charges~~

~~Monthly charges will be established by the District as necessary. The purpose of such charges will be to cover the cost incurred by the District for regulation and enforcement of the cross-connection control regulations and annual testing of customer backflow devices and the repair, if necessary, to pass test.~~

~~8.20.160~~

~~Interpretation of Provisions~~

~~This chapter and Title 17 of the California Code of Regulations shall guide the District in the implementing and functioning of its backflow prevention program. In instances where this chapter does not define the application of the backflow prevention program the District shall rely on Title 17 of the California Code of Regulations for definition. In instances where this chapter or said Title 17 does not give definition then the District shall rely on the State Water Resources Control Board.~~

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Chapter 8.20
CROSS-CONNECTION CONTROL

Sections:

- 8.20.010 Cross-Connection Control Policy**
- 8.20.010.01 Purpose**
- 8.20.010.02 Legal Basis and Authority for Program**
- 8.20.010.02.1 Legal Basis**
- 8.20.010.02.2 Authority**
- 8.20.010.03 Definitions**
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- 8.20.010.5 Backflow Prevention Assemblies**
- 8.20.010.05.1 Approved Backflow Prevention Assemblies**
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- 8.20.010.06 Requests for New Services**
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- 8.20.010.07.2 Basis for Termination**
- 8.20.010.07.3 Water Service Termination Procedures**
- 8.20.010.08 Backflow Prevention Assembly Fees**
- 8.20.010.09 User Supervisor**

Section 8.20.010
Cross-Connection Control Policy

8.20.010.01 Purpose

The purpose of this policy is to:

- A. Protect the District system from the possibility of contamination or pollution, by isolating within customer systems such contaminants or pollutants that have the potential to backflow into the District's potable water system; and
- B. Provide for an ongoing program of cross-connection control which will systematically and effectively prevent the contamination or pollution of the District's potable water system; and
- C. Meet or exceed Federal and State regulations pertaining to cross-connection control issues.

8.20.010.02 Legal Basis and Authority for Program

8.20.010.02.1 Legal Basis

All legal authorities and references shall be current versions and revisions.

- 1. The purpose of this ordinance is to protect the public water supply against actual potential cross-connection by isolating within the premises contamination that may occur because of some undiscovered or unauthorized cross-connection on the premises.
- 2. To eliminate existing connections between drinking water systems and other sources of water that are not approved as safe and potable for human consumption.
- 3. To eliminate cross-connections between drinking water systems and sources of contamination.
- 4. To prevent the making of cross-connections in the future.
- 5. To maintain the backflow prevention program by administering an inspection and testing program of backflow prevention assemblies installed at the meter.

These regulations are adopted pursuant to the state of California Code of Regulations, Title 17, Public Health entitled "Regulations Relating to Cross-Connections." It is unlawful for any person, firm, or corporation at any time to make or maintain or cause to be made or maintained, temporarily or permanently, for any period of time whatsoever, any cross-connection between plumbing pipes or water fixtures being served with water by the District water department and any other source of water supply to maintain any sanitary fixture or other source of water supply or to maintain any sanitary fixture or other appurtenances or fixtures which by reason of their construction may cause or allow backflow of water or other substances into the water supply system of the District and/or the service of water pipes or fixtures of any consumer of the District.

8.20.010.02.2 **Authority**

1. Code of Federal Regulations, Safe drinking Water Act - most current
2. Code of California Regulations, Titles 17 and 22
3. State of California Water Code, Chapter 1, Section 110. Chapter 8, Section 500 and Chapter 723, Sections 13553, 13554.2, and 13554.3
4. American Water Works Association Manual of Water Supply Practices M14
5. University of Southern California (USC Manual) – latest or current edition
6. California Plumbing Code (CPC)
7. Rainbow Municipal Water District Administrative Code

8.20.010.03 **Definitions**

For the purposes of this policy, the following words and phrases have the following meanings:

“ABPA”: American Backflow Prevention Association.

“ASSE”: American Society of Sanitary Engineers.

“AWWA”: American Water Works Association.

"Air-Gap Separation (AG)": A physical break between a supply pipe and a receiving vessel. The airgap shall be at least double the diameter of the supply pipe measured vertically above the top rim of vessel, no less than one inch.

"Approved Backflow Prevention Assembly": An assembly or physical separation that has been designed specifically for preventing the backflow of water/liquid, gas from entering the system, which has passed laboratory and field evaluation tests performed by a recognized testing organization which has demonstrated their competency to the California Department of Health Services.

"Approved Water Supply": Any water supply whose potability is regulated by a state or local health agency.

"Auxiliary Supply": Any water supply on or available to the premises other than the District water supply.

"AWWA Standard": An official standard developed and approved by the American Water Works Association (AWWA).

"Backflow": A flow condition, caused by a differential in pressure, that causes the flow of water or other liquids, gases, mixtures, or substances into the distributing pipes of a potable supply of water from any source other than an approved water supply. Back siphonage or back pressure are causes of backflow.

"Consumer's Water System": Is defined as and includes all facilities beyond the service meter. The system or systems may include both potable and non-potable water systems.

"Contamination": A degradation of the quality of the potable water by any foreign substance which creates a hazard to the public health, or which may impair the usefulness or quality of the water.

"Cross-Connection": As used in this chapter, is any unprotected actual or potential connection between a potable water system used to supply water for drinking purposes and any source or system containing unapproved as safe, wholesome, and potable. Bypass arrangements, jumper connections, removable sections, swivel or changeover assemblies, or other assemblies through which backflow could occur, shall be considered to be cross-connections.

"Cross-Connection Control Specialist": A person by title or designated by the General Manger who ensures all service connections are protected by approved backflow devices or by abating and eliminating cross-connections.

"District": Rainbow Municipal Water District.

"District Water System": The source facilities and distribution system under the control of the Rainbow Municipal Water District up to and including the meter.

"Double Check Detector Check Assembly (DCDA)": A backflow prevention assembly consisting of a line size double check valve assembly in parallel with a detector meter and water size double check valve assembly. Each double check valve assembly is to be equipped with property located test cocks and a tightly closing shut-off valve at the end of the assembly.

"Double Check Valve Assembly (DCA)": An assembly of at least two independently acting check valves including tightly closing shut-off valves on each side of the check valve assembly and test cocks available for testing the water tightness of each check valve.

"Dual Check Valve Device (DC)": A line dual check valve that is installed immediately after the water meter on residential services. This device is non testable.

"Degree of Hazard": Is derived from an evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system.

1. **"Health Hazard"** is any condition, assembly, or practice in the water supply system and its operation which could or may create a danger to the health and well-being of the water consumer.
2. **"Plumbing Hazard"** is a type of plumbing cross-connection in a consumer's potable water system that has not been properly protected by an approved airgap or approved backflow prevention assembly.
3. **"Pollution Hazard"** is an actual or potential threat to the physical properties of the water system or to the potability of the public or the consumer's potable water system, but which would constitute a nuisance or be aesthetically objectionable or could cause damage to the system or its appurtenances but would not be dangerous to health.
4. **"System Hazard"** is an actual or potential threat of severe damage to the physical properties of the public potable water system or the consumer's potable water system of a pollution or contamination which would have a protracted effect on the quality of the potable water in the system.

"Health Agency": Refers to the California Department of Health Services.

"Local Health Agency": Refers to the County of San Diego Department of Environmental Health.

"Passive Purge": Refers to a type of fire sprinkler system that serves all toilets in addition to fire sprinklers, allowing water to circulate throughout the entire system on a regular basis and, therefore, avoiding stagnation.

"Person": An individual, corporation, company, association, partnership, municipality, public utility, or other public body or institution.

"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 to a degree which does not create an actual hazard to the public health, but which does adversely and unreasonably affect such waters for domestic use.

"Premises": Any and all areas on a customer's property which are served or have the potential to be served by the public water system.

"Pressure Vacuum Breaker Assembly (PVB)": Refers to a backflow prevention assembly containing a spring loaded check valve and a spring loaded air-inlet valve which opens when the pressure approaches atmospheric. The unit shall include two tightly closing shut-off valves located at each end of the assembly and two test cocks properly located for testing the device. Can be used for internal protection but NOT meter protection.

"Public Water System": A system for the provision of piped water to the public for human consumption which has five or more service connections or regularly serves an average of twenty-five (25) individuals daily at least sixty (60) days out of the year.

"Rainbow Municipal Water District": RMWD.

"Reclaimed Water": A wastewater which as a result of treatment is suitable for uses other than potable use.

"Recycled Water": See Reclaimed Water.

"Reduced Pressure - Detector Check Assembly (RPDA)": A backflow prevention assembly consisting of a line-size reduced pressure principal assembly in parallel with a detector meter and meter-size reduced pressure principal assembly. Each reduced pressure principal assembly is to be equipped with properly located test cocks and a tightly closing shut-off valve at each end of the assembly.

"Reduced Pressure Principal Backflow Prevention Assembly (RPA)": An assembly incorporating two or more check valves and an automatically operating differential relief valve located between the two checks, a tightly closing shut-off valve on each side of the check valve assembly and equipped with necessary test cocks for testing.

"Service Connection": Refers to the point of connection of a user's piping to the District's facilities.

"User Supervisor": Refers to the person on site who is responsible for the monitoring of the backflow prevention devices and for the avoidance of cross-connections.

"Water User": Any person obtaining water from an approved water supply system.

8.20.010.04 Cross-Connection Protection Requirements

8.20.010.04.1 General Provisions

1. Unprotected cross-connections with the public water supply are prohibited.
2. Whenever backflow protection has been found necessary, the District will require the water user to install an approved backflow prevention assembly by and at their expense for continued services or before a new service will be granted.
3. Wherever backflow protection has been found necessary on a water supply line entering a water user's premises, then any and all water supply lines from the District's' mains entering such premises, buildings, or structures shall be protected by an approved backflow prevention assembly. The type of assembly to be installed will be in accordance with the requirements of this chapter.
4. The Cross-Connection Control Specialist shall give notice in writing to all District customers who are required to install an approved backflow prevention device at each potable water service connection. Within the time prescribed by the General Manager or designee, which shall not be less than sixty (60) days, the customer shall install such approved device(s) at the customer's own expense; and failure or refusal or inability on the part of the customer to install said device(s) shall immediately constitute grounds for discontinuing water service to the metered water service connections until the required device(s) have been properly installed.
5. The District shall maintain records of all approved backflow devices installed in the water system. The District shall also keep records regarding the certification of all devices. Testing of backflow devices shall be done at least annually or more often as the District deems necessary, depending on the degree of hazard. It is the District's primary responsibility to ensure that all testing and record keeping conforms to State Health regulations relating to cross-connections.

8.20.010.04.2 Where Protection is Required

1. Each service connection from the District's water system for supplying water to premises having an auxiliary water supply shall be protected against backflow of water from the premises into the public water system.
2. Each service connection from the District's water system for supplying water to any premises on which any substance is handled in such fashion as to allow its entry into the water system shall be protected against backflow of the water from the premises into the public system. This shall include the handling water originating from the District's water system which have been subjected to deterioration in sanitary quality.
3. Backflow prevention assemblies shall be installed on the service connection to any premises having (a) internal cross-connection that cannot be permanently corrected and controlled to the satisfaction of the state or local health department and the District, or (b) intricate plumbing and piping arrangements or where entry to all portions of the premises is not readily accessible for inspection purposes, making it impractical or impossible to ascertain whether or not cross-connections exist.

8.20.010.04.3 Type of Protection Required

1. The type of protection that shall be provided to prevent backflow into the approved water supply shall be commensurate with the degree of hazard that exists on the consumer's premises. The type of protective assembly that may be required (listing in an increasing level of protection) includes: Reduced Pressure Principal Backflow Prevention Assembly (RPA), and an Air-Gap Separation (AG). The water user may choose a higher level of protection than required by the District. The minimum types of backflow protection required to protect the water supply, at the user's water connection with varying degrees of hazard, are illustrated in Table 1 below. Situations which are not covered in Table 1 shall be evaluated on a case-by-case basis and the appropriate backflow protection shall be determined by the District or health agency.

2. Two or more services supplying water from different street mains to the same building or premises through which an inter-street main flow may occur, shall have at least a standard check valve on each water service to be located adjacent to and on the property side of the respective meters. This check valve shall not be considered adequate if backflow protection is deemed necessary to protect the District's mains from pollution or contamination; in such cases, the installation of approved backflow assemblies at such service connection shall be required.

Table 1 Type of Backflow Protection Required		
Degree of Hazard	Minimum Type of Backflow Protection	
Sewage and Hazardous Substances		
1.	Premises where the public water system is used to supplement the reclaimed water supply.	AG
2.	Premises where reclaimed water is used and there is no interconnection with the potable water system. This does not include a single-family residence that has a sewage lift pump. An RP may be provided in lieu of an AG if approved by the health agency and the District.	AG
3.	Premises where hazardous substances are handled in any manner in which the substances may enter a potable water system. This does not include a single-family residence that has a sewage lift pump. An RP may be provided in lieu of an AG if approved by the health agency and the District.	AG
4.	Premises where there are irrigation systems into which fertilizers, herbicides, or pesticides, are, or can be, injected.	RPA
Auxiliary Water Supplies		
1.	Premises where there is an unapproved auxiliary water supply which is interconnected with the public water system. An RP may be provided in lieu of an AG if approved by the health agency and the District.	AG
2.	Premises where there is an unapproved auxiliary water supply and there are no interconnections with the public water system. A DC may be provided in lieu of an RP if approved by the health agency and the District.	RPA

Fire Protection Systems		
1.	Premises where the fire system is directly supplied from the public water system and there is an unapproved auxiliary water supply on or to the premises (not interconnected).	RPDA
2.	Premises where the fire system is supplied from the public water system and interconnected with an unapproved auxiliary water supply. An RP may be provided in lieu of an AG if approved by the health agency and the District.	AG
3.	Premises where the fire system is supplied from the public water system and where either elevated storage tanks or fire pumps which take suction from the private reservoirs or tanks are used.	RPDA
4.	Premises where a fire system is interconnected with more than one service connection from the District water system and no other system hazard exists.	RPDA
Other Systems		
1.	Premises where a booster pump is required on the service connection line.	DCA
2.	Premises where there is a well	RPA
3.	Premises where there is intricate plumbing and piping arrangements or where entry to all portions of the premises is restricted or not easily accessible for inspection purposes, making it impossible or impossible to ascertain whether or not cross-connections exist.	RPA

8.20.010.05 Backflow Prevention Assemblies

8.20.010.05.1 Approved Backflow Prevention Assemblies

1. Only backflow prevention assemblies approved by the California Department of Health Services shall be acceptable for installation by a water user connected to the District's potable water system.
2. The District will provide, upon request, to any affected customer a list of approved backflow prevention assemblies.

8.20.010.05.2 Backflow Prevention Assembly Installation

1. Backflow prevention assemblies shall be installed in a manner prescribed in Section 7603, Title 22 of the California Administrative Code. Location of the assemblies should be as close as practical to the user's connection and no further than eighteen (18) inches away from the meter. The District shall have the final authority in determining the required location of a backflow prevention assembly. Under particular circumstances, the District may accept a distance longer than eighteen (18) inches from the meter as long as the pipe material is brass or

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copper and approved by the Cross-Connection Control Specialist. Approved backflow prevention assemblies shall be protected when necessary from extreme weather or site conditions that could cause physical damage to or malfunction of the backflow prevention assembly.

- a. Air-Gap Separation (AG). The AG shall be located on the user's side of and as close to the service connection as is practical. All piping from the service connection to the receiving tank shall be above grade and be entirely visible. No water use shall be provided from any point between the service connection and the AG. The water inlet piping shall terminate a distance of at least two pipe diameters of the supply inlet, but in no case less than one inch above the overflow rim of the receiving tank.
- b. Reduced Pressure Principal Backflow Prevention Assembly (RPA). The approved RPA shall be installed on the user's side of the service connection and no more than eighteen (18) inches away. (Under particular circumstances, the District may accept a distance longer than eighteen (18) inches from the meter as long as the pipe material is brass or copper and approved by the Cross-Connection Control Specialist.) The assembly shall be installed so that the bottom of the relief valve is a minimum of twelve (12) inches above the grade and not more than thirty-six (36) inches above grade measured from the bottom of the assembly and with a minimum of twelve (12) inches side clearance. The assembly should be installed so that it is readily accessible for maintenance and testing.

8.20.010.05.3 Backflow Prevention Assembly Testing and Maintenance

1. Backflow prevention assemblies must be tested at least annually and immediately after installation, relocation, or repair. The District may require a more frequent testing schedule if it is deemed to be necessary. A report in a form acceptable to the District shall be filed each time

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an assembly is tested, relocated, or repaired. These assemblies shall be serviced, overhauled, or replaced whenever they are found to be defective and all costs of testing, repair, and maintenance shall be borne by the water user.

2. Testing of backflow preventers is required annually for all connections to the water system and is mandatory. Testing is the responsibility of RMWD and the results of testing shall be reported to the Cross-Connection Control Specialist on the required forms at the completion of the testing. Testing of brand-new backflow devices can be completed by a certified tester. Testing must be done by a person or persons certified in accordance with state standards and the tester's credentials must be approved by the RMWD. Any backflow preventer that fails the testing shall be repaired or replaced and retested at the owner's expense. If it is replaced, the type, make, model, and location of the backflow preventer will be reported to RMWD's Cross-Connection Control Specialist. All results of testing will be reported to RMWD and remain on file for no less than ten (10) years.
3. RMWD is not responsible for replacing gaskets, seats, seal diaphragms, backflow devices, ball valves or test cocks. The customer is responsible for all maintenance of the backflow device to include replacement of device.

8.20.010.06 Requests for New Services

8.20.010.06.1 Water System Survey

1. The Cross-Connection Control Specialist shall review all requests for new services to determine if backflow protection is needed. Plans and specifications must be submitted to the Cross-Connection Control Specialist upon request for review of possible cross-connection hazards as a condition of service for new service connections. If it is determined that a backflow prevention assembly is necessary to protect the public water system, the required assembly must be installed before service will be granted.
2. The District may require an on-premises inspection to evaluate cross-connection hazards. The District will schedule an inspection appointment to each affected water user. Any customer who cannot or will not allow an on-

premises inspection of their piping system shall be required to install the backflow prevention assembly the District considers necessary.

3. The District may require a reinspection for cross-connection hazards of any premises to which it serves water. The District will transmit a written notice requesting an inspection appointment to each affected water user. Any customer who cannot or will not allow an on-premises inspection of their piping system shall be required to install the backflow prevention assembly the District considers necessary.

8.20.010.06.2 Customer Notification — Assembly Installation

1. The District will notify the water user of the survey findings, listing corrective action to be taken if required. A period of thirty (30) days will be given to complete all corrective action required including installation of backflow prevention assemblies.
2. A second notice will be sent to each water user which does not take the required corrective action prescribed in the first notice within the thirty (30) day period allowed. The second notice will give the water user a second thirty (30) day period to take the required corrective action. If no action is taken within the second thirty (30) day period, the District may terminate water service to the affected water user until the required corrective actions are taken.

8.20.010.06.3 Backflow Prevention Assembly Removal

1. Approval must be obtained from the District before a backflow prevention assembly is removed or relocated. The District shall be notified if a backflow prevention assembly is repaired or replaced.
 - a. **Removal:** The use of an assembly may be discontinued and the assembly removed from service upon presentation of sufficient evidence to the District to verify that a hazard no longer exists or is not likely to be created in the future. Approved backflow prevention assemblies shall not be bypassed, made inoperative or removed without specific written authorization by the Cross-Connection Control Specialist.

- b. **Relocation:** An assembly may be relocated following confirmation by the District that the relocation will continue to provide the required protection and satisfy installation requirements. A retest will be required following the relocation of the assembly.
- c. **Repair:** An assembly may be removed for repair, provided the water use is either discontinued until repair is completed and the assembly is returned to service, or the service connection is equipped with other backflow protection approved by the District. A retest will be required following the repair of the assembly.
- d. **Replacement:** An assembly may be removed and replaced provided the water use is discontinued until the replacement assembly is installed. All replacement assemblies must be approved by the District and must be commensurate with the degree of hazard involved.

8.20.010.07 Water Service Termination

8.20.010.07.1 General

When the District encounters water uses that represent a clear and immediate hazard to the potable water supply that cannot be immediately abated, the District shall institute the procedure for discontinuing the District water service.

8.20.010.07.2 Basis for Termination

Condition or water uses that create a basis for water service termination shall include, but are not limited to the following items:

1. Refusal to install a required backflow prevention assembly.
2. Refusal to test a backflow prevention assembly.
3. Refusal to repair a faulty backflow prevention assembly.
4. Refusal to replace a faulty backflow prevention assembly.

5. Direct or indirect connection between the District water system and a sewer line.
6. Unprotected direct or indirect connection between the District water system and an auxiliary water system.
7. A situation which presents an immediate health hazard to the District water system.

8.20.010.07.3 Water Service Termination Procedures

1. For conditions 8.20.010.07.2-1, 8.20.010.07.2-2, 8.20.010.07.2-3, the District will terminate service to a customer's premises after two written notices have been sent specifying the corrective action needed and the time period in which it must be done. If no action is taken within the allowed time period water service may be terminated.
2. For conditions 8.20.010.07.2-4, 8.20.010.07.2-5, 8.20.010.07.2-6, 8.20.010.07.2-7, the District will take the following steps:
 - a. Make reasonable effort to advise water user of intent to terminate water service.
 - b. Terminate water supply and lock service valve. The water service will remain inactive until correction of violations has been approved by the District.

8.20.010.08 Backflow Prevention Assembly Fees

- A. A testing fee will be charged to any/all water users having an approved testable backflow prevention assembly of which the District conducts the test. This money is to be deposited into the Cross-Connection Fund. The amount of this fee will be set by a resolution.
- B. Upon noncompliance by a user following a first notice (after the time period in which the test must be done) regarding the periodic testing of the backflow prevention assembly, the District's representative shall have the option of either hiring a certified backflow assembly tester to test such assembly with all expenses; including an administrative fee, will be charged to the customer. This noncompliance can result in terminating water service or having the District test it. Nonpayment of the charge amount will result in termination of water service.

8.20.010.09 User Supervisor

At each premises, a “User Supervisor” shall be designated by and at the expense of the water user. If no User Supervisor is appointed, the customer shall be considered as same. This User Supervisor shall be responsible for the monitoring of the backflow prevention assemblies and for the avoidance of cross-connections. In the event of contamination or pollution of the drinking water system due to a cross-connection on the premises, the District shall be promptly notified by the User Supervisor so that appropriate measures may be taken to overcome the contamination. The water user shall inform the District of the User Supervisor’s identity on, as a minimum, an annual basis and whenever a change occurs.

MEETINGS/SEMINARS/CONFERENCES/WORKSHOPS

VARIABLE					
DATE	2022	MEETING	LOCATION	ATTENDEES	POST
April	14	SDCWA Special Board Meeting	SDCWA	GM	N/A
April	*	CSDA – San Diego Chapter	94 th Aero Squadron 8885 Balboa Avenue, San Diego	Mack	N/A
April	*	LAFCO Special Meeting	County Admin Center, Room 302 – 9:30am	(As Advised by GM)	N/A
April	*	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
April	*	San Luis Rey Watershed Council	Pala Administration Building 1:00 p.m.	Appointed Director	N/A
April	4	LAFCO	County Admin. Center Room 302 9:00 am	As Advised by GM	N/A
April	6	Engineering & Operations Committee Meeting	RMWD Board Room 3:30 p.m.	Appointed Director, General Manager	3/24
April	7	Communications & Customer Service Committee Mtg.	RMWD Board Room 3:30 p.m.	Appointed Director, General Manager	3/24
April	12	Budget & Finance Committee Mtg.	RMWD Board Room 1:00 p.m.	Appointed Director, General Manager	3/24
April	15	NC Managers	Golden Egg 7:45 a.m.	General Manager	N/A
April	19	Council of Water Utilities	Via Zoom (** 3 rd Tuesday in April, June, Aug, Oct)	All Directors, General Manager	N/A
April	19	SDCWA GM's Meeting	SDCWA, San Diego 9:00 a.m.	General Manager	N/A
April	26	RMWD General Board	RMWD Board Room (Start Time to Be Determined)	All Directors	4/19
April	27	North County Work Group (NCWG)	Rincon Del Diablo, Escondido 8:00 a.m.	General Manager	N/A
April	28	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.



BOARD OF DIRECTORS

March 22, 2022

SUBJECT

Operations Report for February 2022

DESCRIPTION

Activities for Operations & Maintenance Division

CONSTRUCTION & MAINTENANCE DEPARTMENT:

	Repairs	Installations	Leaks
Mainline	19		19
Service	3		5
Hydrants	1		1
Valves		1	
Meters			
Blow-Offs	1		
Air Vacs			
Running Totals	25	1	25

- Assisted Water Service Upgrade Project (WSUP) 97% complete.
- Cut and capped an 8” and 16” mainline at the intersection of Live Oak Park Rd and Gum Tree for preparation of County bridge renovation.
- The Pala Mesa Reducing Station is 100% complete.
- Provided material transportation assistance to paving contractor on Rice Canyon.
- 8 mainline leaks/breaks at: La Canada, Secret Lake, Rice Canyon Rd (x2), Dos Lomas, Katie Lendre, River Village, and Olive Hill.
- 3 Service leaks occurred: La Canada, Mission Rd, and Katie Lendre.
- 1 Hydrant lateral leak on Dos Lomas.

WATER OPERATIONS AND VALVE MAINTENANCE DEPARTMENT:

Water Operations:

- Assessed (1) Water Quality Complaint

- Performed (0) fire flow tests. **Total for year (0)**
- Collected all tank/reservoirs nitrification samples.
- Performed routine maintenance/rebuilding on (14) pressure stations (CLA VALs).
- Performed disinfection and bacteriological test on four (4) temporary pumps for SDCWA emergency shutdown.
- Installed fencing and soundproof panels at temporary pump stations.
- Placed Hutton tank back online.

Valve Maintenance:

Monthly Totals	Valves (Distribution)	Appurtenance Valves		Annual Totals
Exercised	65	27		215
Inoperable	2	2		7
Repaired				
Replaced				
Installed				

Valve Maintenance completed and/or oversaw the following:

- 264 utility locates were completed in the month of February - **Annual Total is five hundred-five (505).**
- Assisted with 13 shutdowns- **Annual Total (29).**
- Raised 0 fire hydrants (installed breakaway spools).
- Replaced 2 air/vacs, 0 wharf heads, 0 Fire hydrants, and 0 gate valves.
- Painted 75 appurtenances- **Annual Total (195).**

METERS DEPARTMENT:

Current Projects: Water Service Upgrade Project is 97% complete.

- Concord is working in route 23, 31, and 33.
- **Concord has replaced eight thousand four hundred and seventy-two meters (8472) thus far.**

Backflows:

- Five hundred seventy-nine (**579**) backflows were tested in the month of February.
- Nine hundred eighty-eight (**988**) backflows have been tested this year.

Customer Service Requests:

- 156 Service Request resolved in February.
- 318 Check Bills in February.
- 1118 Year to date total Service Requests and Check Bills.

WASTEWATER:

Monthly, Semi-Annual, and Annual Reports: California Integrated Water Quality System (CIWQS): Confirmation # 2619781 Reported: "No-Spill Report" for Month: February 2022.

Lift Stations:

February 22, 2022 – Horse Creek lift station removed existing 1,150 gpm impeller and installed a 900-gpm rated impeller in reducing sewer flows downstream

Collection System:

February 1,2022 through February 04,2022 - Crews cleaned sewer lines on West Lilac Road. Total footage cleaned was ten thousand six hundred twelve (10,612) feet.

February 16,2022 through February 18,2022 RMWD sewer crews cleaned Basin # 2. Furthermore, staff performed sewer line cleaning on North Cliff Drive and Lake Garden Road using a portable sewer trailer rental.

February 16 and 17,2022, Ayala Engineering vactor truck assisted the District in cleaning 6,338' of sewer lines and vacuumed sand from 28 manholes due to San Luis Rey Downs.

Customer Service:

February 01, 2022, at 4917 Lake Shore Ct, staff conducted Close Circuit Television Video per the customer's request to inspect lateral and possible tree roots from neighbor causing issues with plumbing.

February 11, 2022, at highway 76 and Monserate Hill Road. Customer expressed concerns about a bad sewer smell emanating at this location. RMWD sewer staff responded and found a manhole on highway 76 causing strong odors. Staff sealed the manhole and added odor beads to temporarily shield odors.

February 14, 2022, at 5202 Triple Crown Dr. customer stated neighbor is dumping raw sewage from his recreational vehicle into his private sewer lateral. RMWD staff responded to the call and advised homeowner.

PROJECTS:

Suez water technology & solutions company performing an odor study at lift stations # 5 and Horsecreek. Thoroughbred sewer lift station

Mutual Aid: Month of February 2022

B&C Crane services
 Safe T Lite
 Ayala Engineering / Vactor truck
 Haaker & United Rentals equipment


 Robert Gutierrez 3/22/2022
 Operations Manager

BOARD OF DIRECTORS

March 22, 2022

SUBJECT

Engineering Report for February 2022

DESCRIPTION

CAPITAL PROJECTS:

Hutton and Turner Pump Stations (Hoch Consulting): The hydraulic model was calibrated in January 2022. Engineering and Operations staff met with the design engineer to further discuss the proposed pump stations design and capacity. An additional meeting was held in February 2022 with the subconsultant that calibrated the model. A third pump station known as Dentre Pump Station is being considered. The Board took action to adopt a resolution of necessity to acquire the Hutton Pump Station easement site through the eminent domain process as the District and property owner on Camino Del Cielo have not come to an agreement on the easement acquisition. The District was successful in acquiring the Turner Pump Station site. The grant of easement was recorded with the County of San Diego.

Pressure Reducing Station Projects: Operations staff worked on the installation of the Pressure Reducing station off Tecalote Drive. The PRS was successfully installed and in operation. There are a few punchlist items remaining. Operations Construction Team will return to PRS installation projects in April as they will be assisting with the WSUP project in March.

Programmatic Environmental Impact Report (Helix Env.): Staff continues to review and comment on the Draft PEIR. Legal Counsel reviewed the Draft PEIR in February and anticipates completing their review and commenting in March. Additional CIP projects are being added to the PEIR for analysis. Once the internal comments are addressed, a draft PEIR may be released for Public Commenting in the next two months.

Rainbow Heights Pump Station Replacement (Orion Construction Corp): The 14-day test was successfully completed along with the punch list items. Pump 3 will require a seal replacement that is being considered warranty work. The NOC is expected to be brought to the Board in April 2022.

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. A preconstruction meeting was held in mid-January 2022. Farwest has approved submittals and is expecting to begin installation in early March 2022. The project is scheduled for completion by May 2022.

Rice Canyon Tank 18-Inch Transmission Line (Dexter Wilson Eng.): Cass Arrieta Construction started trench excavation in early January 2022 and construction is approximately 40% complete. All clearing and grubbing were completed ahead of the nesting bird breeding season. No cultural resources have been detected. Multiple unforeseen circumstances have impacted the progress of construction including a District-initiated change order, hard rock excavation and the presence of a California gnatcatcher. Progress meetings continue to occur with District staff, Tri-Pointe Homes, Cass Arrieta, and the project's environmental team every two weeks to provide updates on construction, discuss potential constraints, and ensure various environmental resources are being protected. Construction is still expected to be completed by the end of 2022. A budget adjustment and a Participation Agreement amendment will be brought forth at the April 2022 Engineering and

Operations Committee and Board of Directors meetings.

LS-1 Replacement Project -Thoroughbred and Schoolhouse Lift Stations (JW Fowler Co.): The project started construction in mid-January. The work is focused on the Lift Station site off Thoroughbred Lane. The site has been excavated to approximately 3' below finished grade. The contractor will complete the drilling of soldier piles for shoring of the emergency storage basin and begin excavation. District staff continues to work on the easement acquisition for the Arco, County and River Village sites. An offer letter was also submitted for another easement in the County Owned Fee Road property. District's design engineers were initially told an encroachment permit was sufficient but County Asset Management Division required an easement be acquired. There are four easements that have not been acquired to date. The County has provided comments on the Camino Del Rey Bridge and Moosa Creek Bridge design to hang the sewer line off the bridges. District staff responded to the County's comments.

Wilt Road Pipeline Project (Omnis): The Design Engineer continues to work on this project. It has been delayed due to issues with attaining the survey for the project.

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 pulled off-site and is waiting for materials. The Developer continues to submit plan reviews for future phases of the project.

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. An initial review of improvement plans was completed by District staff in February 2022. 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 71 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 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.

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, including the provision of as-built plans.

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.

West Lilac Farms: 28 Lots – Via Ararat/Aqueduct Road. District staff are working with the developer regarding preliminary planning efforts.

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.

Carefield Senior Living: District staff have completed one plan check.

Doud Waterline Extension: District staff has completed three plan checks. District is working with Developer on finalizing easements for proposed facilities.

Melanie Lane Waterline Extension (Monserate Place, LLC): District staff have completed one plan check.

Monserate Winery: District staff approved final plans. Developer has begun construction. The Board is expected to consider approval of a Sewer Service Agreement at the March 2022 Board Meeting.

Pala Mesa Market: District staff have completed one plan check.

Walker Farm Road: District staff have completed two plan checks.

Whitman Waterline Extension: District staff are waiting on plan submittal.

OTHER:

ITEMS	NO#	ITEMS	NO#
Water Availability Letters	0	Water Meters Purchased	23
Sewer Availability Letters	0	Sewer EDUs Purchased	0
Water Commitment Letters	0	Jobs Closed: Golf Green Estates Development	
Sewer Commitment Letters	0		



Chad Williams 3/22/22
Engineering & CIP Program Manager

**AS-NEEDED CONTRACT EXPENDITURES REPORT
FEBRUARY 2022**

CONTRACT INFO	FUND SOURCE	ASSIGN. NO.	STATUS	DATED	DESCRIPTION	CONTRACT AMOUNT	AUTHORIZED ASSIGNMENT	INVOICED TO DATE	CONTRACT BALANCE
CONTRACT AMOUNT						\$ 50,000.00			
Title: As-Needed Land Surveying Services Firm: Johnson-Frank & Assoc. Expires: 8/29/2022* (C#18-16) *One year extension. CO-01 for \$0, No Cost Ext. BoD 6/22/21.	NON-CIP	2019-01	Closed	5/14/2019	Topography - Dentro 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	\$ 2,695.75
	NON-CIP	2020-03	Closed	9/19/2020	Survey & Reset Monument on Los Alisos Lane.		\$ 6,079.00	\$ 4,297.76	\$ 1,781.24
	CIP	2021-04	Closed	5/3/2021	Prepare Plat Map - Thoroughbred Lift Station		\$ 22,403.50	\$ 22,403.50	\$ -
					Unspecified		\$ 12,302.10	\$ -	\$ 12,302.10
TOTALS:						\$ 50,000.00		\$ 33,220.91	\$ 16,779.09
CONTRACT AMOUNT						\$ 150,000.00			
Title: As-Needed Land Surveying Services Firm: KDM Meridian, Inc. Expires: 8/29/2022* (C#18-14) *One year extension. CO-01 for \$50K BoD 5/26/20, CO-02 for \$50K BoD 6/22/21.	NON-CIP	2018-01	Closed	9/11/2018	Stake easement on Morro Hills due to 20" watermain failure.		\$ 7,280.00	\$ 7,278.75	\$ 1.25
	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	\$ 3,175.00
	CIP	2019-07	Closed	11/8/2019	Easements for new PS on W. Lilac/Via Ararat.		\$ 4,100.00	\$ 1,100.00	\$ 3,000.00
	NON-CIP	2020-08	Closed	4/6/2020	Linda Vista Drive - Mainline Break.		\$ 5,563.00	\$ 5,562.50	\$ 0.50
	CIP	2020-09	Closed	4/6/2020	Gird Road - Winery easement analysis and exhibit.		\$ 7,680.00	\$ 6,900.00	\$ 780.00
	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	\$ 1,445.00
	NON-CIP	2020-12	Closed	12/3/2020	Stake easement - Winterhaven Court		\$ 4,490.00	\$ 3,527.50	\$ 962.50
	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	\$ (815.00)
	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	\$ 30.00
				Unspecified		\$ 60,887.00		\$ 60,887.00	
TOTALS:						\$ 150,000.00		\$ 80,533.75	\$ 69,466.25
CONTRACT AMOUNT						\$ 150,000.00			
Title: As-Needed Land Surveying Services Firm: Right-of-Way Eng. Expires: 8/29/2022* (C#18-15) *One year extension. CO-01 for \$50K BoD 5/26/20, CO-02 for \$50K BoD 6/22/21.	NON-CIP	2019-0A	Closed	5/15/2019	Title Reports, Legals & Plats - Los Sicomoros.		\$ 7,705.00	\$ 7,705.00	\$ -
	NON-CIP	2019-0B	Closed	6/18/2019	Adams Property Easement - Ranger Road.		\$ 1,885.00	\$ 1,885.00	\$ -
	CIP	2019-0C	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	\$ 935.00
	CIP	2019-02	Closed	10/3/2019	Easement Survey - Pala Mesa/Teocalote/Fire Rd/Pala Lake.		\$ 15,640.00	\$ 15,451.30	\$ 188.70
	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	\$ 980.00
	CIP	2020-05	Closed	6/9/2020	Easement Survey - Hutton Pump Station.		\$ 5,687.50	\$ 4,577.50	\$ 1,110.00
	CIP	2020-06	Closed	7/30/2020	Easement Survey - Rainbow Heights Rd - Calfire Camp Site .		\$ 5,756.00	\$ 4,177.60	\$ 1,578.40
	CIP	2020-07	Closed	8/26/2020	Easement Survey - RHR - Calfire Camp Site Additional Services. Cancelled.		\$ 2,276.00	\$ -	\$ 2,276.00
CIP	2020-08	Closed	10/19/2020	Easement Survey - OHE Rancho Del Caballo.		\$ 1,620.00	\$ 1,445.00	\$ 175.00	

**AS-NEEDED CONTRACT EXPENDITURES REPORT
FEBRUARY 2022**

CONTRACT INFO	FUND SOURCE	ASSIGN. NO.	STATUS	DATED	DESCRIPTION	CONTRACT AMOUNT	AUTHORIZED ASSIGNMENT	INVOICED TO DATE	CONTRACT BALANCE
	CIP	2020-09	Closed	11/3/2020	Easement Survey - Rainbow Heights Rd. Westside - Calfire Camp Site.		\$ 11,521.00	\$ 8,449.20	\$ 3,071.80
	CIP	2021-10	Closed	1/11/2021	Topographic Survey - Rainbow Heights Road		\$ 8,820.00	\$ 8,525.00	\$ 295.00
	CIP	2021-11	Closed	1/19/2021	Easement Survey - Skycrest Drive.		\$ 7,710.00	\$ 4,162.60	\$ 3,547.40
	CIP	2021-12	Closed	2/4/2021	Easement Survey, Legal Desc./Plat Map - Camino Del Cielo. (Staff to evaluate if more work may be needed.)		\$ 5,490.00	\$ 6,007.50	\$ (517.50)
	CIP	2021-13	Closed	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	\$ 3,925.00
	CIP	2022-15	Closed	1/25/2022	Old Mission Road (LS-1) - Legal Description & Plat Map		\$ 2,940.00	\$ 2,940.00	\$ -
	CIP	2022-16	Open	2/1/2022	River Village-Daniels Market (LS-1) - Staking Easements Centerlines/Limits		\$ 1,470.00	\$ -	\$ 1,470.00
					Unspecified		\$ 47,769.30		\$ 47,769.30
					TOTALS:	\$ 150,000.00		\$ 84,665.90	\$ 66,804.10
	CONTRACT AMOUNT					\$ 50,000.00			
Title: As-Needed Civil Engineering Services Firm: Dudek Expires: 6/25/2022 (C# 19-16) CO-01 for (\$100K) BoD 6/22/21.	Both	2019-01	Closed	12/18/2019	PRS and other Schematic Design/Drafting Services.		\$ 10,000.00	\$ 7,527.50	\$ 2,472.50
	CIP	2020-02	Closed	8/5/2020	Design of Hutton Pump Station Site - Assignment Cancelled.		\$ 1,787.50	\$ 1,787.50	\$ -
					Unspecified		\$ 38,212.50	\$ -	\$ 38,212.50
					TOTALS:	\$ 50,000.00		\$ 9,315.00	\$ 40,685.00
	CONTRACT AMOUNT					\$ 300,000.00			
Title: As-Needed Civil Engineering Services Firm: Omnis Consulting, Inc. Expires: 7/01/2022 (C#19-17) CO-01 for \$150K BoD 6/23/20.	NON-CIP	2019-01	Closed	7/16/2019	PS&E Pavement Repair - Dentre De Lomas.		\$ 8,890.00	\$ 8,890.00	\$ -
	CIP	2019-02	Closed	8/1/2019	Olive Hill Estates Transmission Water Main.		\$ 73,700.00	\$ 73,700.00	\$ -
	CIP	2019-03	Closed	10/14/2019	Vista Valley Retaining Wall Design.		\$ 23,495.00	\$ 23,040.67	\$ 454.33
	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	\$ 2,740.00
	NON-CIP	2020-07	Open	10/14/2020	Standard Drawing - CAD Updates.		\$ 4,400.00	\$ 2,200.00	\$ 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	\$ 1,535.00
	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	\$ 12,691.00
	CIP	2021-10A	Open	10/26/2021	Rainbow Water Quality Improvement Relocation Design. Amended for additional design services.		\$ 6,290.00	\$ 2,796.00	\$ 3,494.00
	CIP	2021-12	Open	12/15/2021	Additional Services for Wilt Road Water Pipeline Design.		\$ 23,090.00	\$ -	\$ 23,090.00
	NON-CIP	2021-13	Open	2/3/2022	Rice Canyon Road - Prepare Street Improvement Plans		\$ 8,630.00	\$ -	\$ 8,630.00
					Unspecified		\$ 14,660.00	\$ -	\$ 14,660.00
					TOTALS:	\$ 300,000.00		\$ 230,505.67	\$ 69,494.33
	CONTRACT AMOUNT					\$ 110,000.00			
Title: As-Needed Civil Engineering Services Firm: HydroScience Eng., Inc. Expires: 6/25/2022 (C#19-18) CO-01 for (\$40K) BoD 6/22/21.	CIP	2019-01	Open	12/18/2019	Live Oak Park Road Bridge Crossing.		\$ 42,020.00	\$ 39,755.00	\$ 2,265.00
	CIP	2022-02	Open	2/2/2022	Additional Services for Live Oak Park Road Bridge Crossing. Bid Support/Engineering Services during Construction.		\$ 24,290.00	\$ -	\$ 24,290.00
					Unspecified		\$ 43,690.00	\$ -	\$ 43,690.00
					TOTALS:	\$ 110,000.00		\$ 39,755.00	\$ 70,245.00

**AS-NEEDED CONTRACT EXPENDITURES REPORT
FEBRUARY 2022**

CONTRACT INFO	FUND SOURCE	ASSIGN. NO.	STATUS	DATED	DESCRIPTION	CONTRACT AMOUNT	AUTHORIZED ASSIGNMENT	INVOICED TO DATE	CONTRACT BALANCE
	CONTRACT AMOUNT					\$ 40,000.00			
Title: As-Needed Real Estate Appraisal Services Firm: Anderson & Brabant, Inc. Expires: 6/25/2022 (C# 19-19) CO-01 for \$20K BoD 6/22/21.	CIP	2019-01	Closed	9/19/2019	North River Rd Easement Appraisal.		\$ 3,500.00	\$ 3,500.00	\$ -
	CIP	2020-02	Closed	2/19/2020	PRS Fire Road Appraisal.		\$ 7,500.00	\$ 7,500.00	\$ -
	CIP	2021-03	Closed	4/28/2021	Hutton Pump Station Site Appraisal. (Staff authorized additional work.)		\$ 7,500.00	\$ 7,500.00	\$ -
	CIP	2021-04	Closed	8/11/2021	Thoroughbred Lift Station Appraisal. (Four Reports)		\$ 17,500.00	\$ 17,500.00	\$ -
	CIP	2022-05	Open	2/1/2022	S. Mission Road (LS-1) - Fair Market Appraisal		\$ 3,500.00	\$ -	\$ 3,500.00
					Unspecified		\$ 500.00	\$ -	\$ 500.00
TOTALS:						\$ 40,000.00		\$ 36,000.00	\$ 4,000.00

**AS-NEEDED CONTRACT EXPENDITURES REPORT
FEBRUARY 2022**

CONTRACT INFO	FUND SOURCE	ASSIGN. NO.	STATUS	DATED	DESCRIPTION	CONTRACT AMOUNT	AUTHORIZED ASSIGNMENT	INVOICED TO DATE	CONTRACT BALANCE
Title: As-Needed Real Estate Appraisal Services Firm: ARENS Group, Inc. Expires: 6/11/22 (C# 19-20) CO-01 for \$20K BoD 6/22/21.	CONTRACT AMOUNT					\$ 40,000.00			
	NON-CIP	2019-01	Closed	7/15/2019	Bonsall Reservoir Appraisal (to include rent value).		\$ 3,050.00	\$ 3,050.00	\$ -
	CIP	2020-02	Closed	1/7/2020	Moosa Creek Pump Station Easement Appraisal.		\$ 5,350.00	\$ 6,542.50	\$ (1,192.50)
	CIP	2020-03	Closed	1/7/2020	Hutton Pump Station Easement Appraisal.		\$ 3,400.00	\$ 3,400.00	\$ -
					Unspecified		\$ 28,200.00	\$ -	\$ 28,200.00
TOTALS:						\$ 40,000.00		\$ 12,992.50	\$ 27,007.50
Title: As-Needed Geotechnical Services Firm: Leighton Consulting, Inc. Expires: 11/13/2022 (C# 19-39)	CONTRACT AMOUNT					\$ 100,000.00			
	CIP	2020-01	Closed	6/25/2020	Rainbow Heights Pump Station geotechnical exploration.		\$ 8,630.00	\$ 8,484.20	\$ 145.80
	CIP	2021-02	Closed	4/15/2021	Turner Pump Station geotechnical exploration.		\$ 14,300.00	\$ 14,286.63	\$ 13.37
	CIP	2021-03	Open	5/15/2021	Hutton Pump Station geotechnical exploration.		\$ 8,450.00	\$ 703.30	\$ 7,746.70
					Unspecified		\$ 68,620.00	\$ -	\$ 68,620.00
TOTALS:						\$ 100,000.00		\$ 23,474.13	\$ 76,525.87
Title: As-Needed Geotechnical Services Firm: Ninyo & Moore G.E.S. Expires: 11/1/2022 (C# 19-40)	CONTRACT AMOUNT					\$ 100,000.00			
	NON-CIP	2020-01	Closed	3/26/2020	Dentro De Lomas - Geotech observation & material testing. Proj. #2		\$ 6,518.00	\$ 1,369.00	\$ 5,149.00
		2020-02	Closed	8/6/2020	Vista Valley Villas PRS geotech observation & material testing.		\$ 10,235.00	\$ 7,136.00	\$ 3,099.00
		2021-03	Open	5/6/2021	Dentro De Lomas - Geotech observation & material testing. Proj. #1		\$ 6,097.00	\$ 4,104.00	\$ 1,993.00
		2021-04	Open	2/9/2022	Rice Canyon Road Improvements geotech observation & material testing.		\$ 3,422.00	\$ -	\$ 3,422.00
					Unspecified		\$ 73,728.00	\$ -	\$ 73,728.00
TOTALS:						\$ 100,000.00		\$ 12,609.00	\$ 87,391.00
Title: As-Needed Geotechnical Services Firm: ATLAS (SCST, LLC) Expires: 11/20/2022 (C# 19-41)	CONTRACT AMOUNT					\$ 100,000.00			
	CIP	2020-01	Closed	7/7/2020	Olive Hills Estates Trans. Main geotech observation/field test.		\$ 36,619.00	\$ 17,563.00	\$ 19,056.00
					Unspecified		\$ 63,381.00	\$ -	\$ 63,381.00
TOTALS:						\$ 100,000.00		\$ 17,563.00	\$ 82,437.00
Title: As-Needed Construction Management & Insp. Services Firm: Harris & Associates Expires: 1/28/2023 (C# 20-01) CO-01 for \$20K BoD 6/22/21.	CONTRACT AMOUNT					\$ 170,000.00			
	CIP	2020-01	Closed	3/13/2020	CM Support Services for the WSUP.		\$ 100,000.00	\$ 99,972.50	\$ 27.50
	CIP	2020-02	Closed	4/7/2020	Constructability design review of PUP-1.		\$ 6,270.00	\$ 5,280.00	\$ 990.00
	NON-CIP	2020-03	Open	4/21/2020	Sewer North River Road - Emergency Repair.		\$ 11,000.00	\$ 8,548.61	\$ 2,451.39
	CIP	2020-04	Closed	9/21/2020	District Wide Inspection Services.		\$ 20,000.00	\$ 19,981.73	\$ 18.27
	CIP	2022-05	Open	1/6/2022	Continued District Wide Inspection Services.		\$ 20,000.00	\$ -	\$ 20,000.00
				Unspecified		\$ 12,730.00	\$ -	\$ 12,730.00	
TOTALS:						\$ 170,000.00		\$ 133,782.84	\$ 36,217.16
Title: As-Needed Construction Management & Insp. Services Firm: Reilly Construction Mmnt. Expires: 1/28/23 (C# 20-02) CO-01 for (\$100K) BoD 6/22/21.	CONTRACT AMOUNT					\$ 50,000.00			
					Unspecified		\$ 50,000.00		\$ 50,000.00
							\$ -	\$ -	\$ -
TOTALS:						\$ 50,000.00		\$ -	\$ 50,000.00

**AS-NEEDED CONTRACT EXPENDITURES REPORT
FEBRUARY 2022**

CONTRACT INFO	FUND SOURCE	ASSIGN. NO.	STATUS	DATED	DESCRIPTION	CONTRACT AMOUNT	AUTHORIZED ASSIGNMENT	INVOICED TO DATE	CONTRACT BALANCE
CONTRACT AMOUNT						\$ 325,000.00			
Title: As-Needed Environmental Services	CIP	2020-01	Closed	5/13/2020	Pipeline Upgrade Project - Disney Lane - Cultural/ Biological Evals.		\$ 9,148.00	\$ 5,804.56	\$ 3,343.44
Firm: Helix Environmental	CIP	2020-02	Closed	5/13/2020	Pipeline Upgrade Project - Via Vera - Cultural/Biological Evals.		\$ 9,155.00	\$ 4,446.37	\$ 4,708.63
Expires: 2/25/2023 (C# 20-03)	CIP	2020-03	Closed	5/14/2020	Pipeline Upgrade Project - Hutton Pump Station - Cultural/Biological Evals.		\$ 13,209.00	\$ 6,793.54	\$ 6,415.46
CO-01 for \$110K BoD 6/22/21. CO-02 for \$115K BoD 12/7/21.	CIP	2020-04	Closed	5/14/2020	Pipeline Upgrade Project - Turner Pump Station - Cultural/Biological Evals.		\$ 13,209.00	\$ 7,683.26	\$ 5,525.74
	CIP	2020-05	Closed	7/16/2020	North River Road Sewer Points Repair - Biological Survey.		\$ 3,900.00	\$ 3,136.05	\$ 763.95
	CIP	2020-06	Closed	9/10/2020	Gopher Canyon Water Pipeline Impv. Project - CEQA IS/MND.		\$ 34,695.00	\$ 31,363.46	\$ 3,331.54
	CIP	2021-07	Closed	3/25/2021	Rainbow Heights Pipe Installation - Bird Survey.		\$ 5,000.00	\$ 808.80	\$ 4,191.20
	CIP	2021-08	Open	5/21/2021	RMWD HQ - Biological Survey & Buffer Mapping.		\$ 11,684.00	\$ 5,945.00	\$ 5,739.00
	CIP	2021-09	Open	11/16/2021	CIP General Environmental Support Services		\$ 25,000.00	\$ 3,362.50	\$ 21,637.50
	CIP	2021-10	Open	11/30/2021	Hutton & Turner Pump Stations - Cultural, Biological, Noise Reports. CEQA - IS/MND.		\$ 46,603.00	\$ 16,953.20	\$ 29,649.80
	CIP	2021-11	Open	12/8/2021	Rice Canyon Pipeline - Cultural & Tribe Monitoring		\$ 111,400.00	\$ 13,698.74	\$ 97,701.26
	CIP	2022-12	Open	1/10/2022	LS-1 Environmental Compliance		\$ 48,798.00	\$ -	\$ 48,798.00
					Unspecified		\$ (6,801.00)	\$ -	\$ (6,801.00)
					TOTALS:	\$ 325,000.00		\$ 99,995.48	\$ 225,004.52
CONTRACT AMOUNT						\$ 85,000.00			
Title: As-Needed Environmental Services	CIP	20-01	Closed	11/6/2020	Rainbow Heights Road Transmission Main Biological Survey.		\$ 3,240.00	\$ 3,234.75	\$ 5.25
Firm: Rincon Consultants					Unspecified		\$ 81,760.00	\$ -	\$ 81,760.00
Expires: 2/25/2023 (C# 20-04)									
CO-01 for (\$15K) BoD 6/22/21.					TOTALS:	\$ 85,000.00		\$ 3,234.75	\$ 81,765.25
CONTRACT AMOUNT						\$ 85,000.00			
Title: As-Needed Environmental Services									
Firm: Michael Baker International									
Expires: 3/24/2023 (C# 20-05)									
CO-01 for (\$15K) BoD 6/22/21.					Unspecified		\$ 85,000.00	\$ -	\$ 85,000.00
					TOTALS:	\$ 85,000.00		\$ -	\$ 85,000.00



**SEWER EQUIVALENT DWELLING UNITS (EDUs) STATUS REPORT
FEBRUARY 2022**

STATUS SUMMARY	EDUs
Total Treatment Capacity Purchased from Oceanside	8,333
Less 5% Contractual Allowance	417
EDUs Set Aside by Board for Emergencies	60
EDUs Connected	5,514 *
EDUs Unconnected/Committed	947
Total EDUs Available for Purchase:	1,396

DEVELOPMENTS WITH UNCONNECTED/COMMITTED EDUs	EDUs	CAPACITY FEES PAID/CREDIT
Bonsall Oaks (Polo Club) - 164 (SF & Other)	206	\$ 2,907,119
Citro (fka Meadowood) - 844 (SF/MF)	634	\$ 10,500,000
Passarelle (HRC Commercial)	97	\$ -
Other Development w/5 or less EDUs - (SF & Other)	10	\$ 164,833
TOTAL UNCONNECTED:	947	\$ 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 376.2 and 292.6 connected.
3. Passarelle last remaining EDUs.

BOARD OF DIRECTORS

MARCH 22, 2022

SUBJECT

HUMAN RESOURCES REPORT FOR FEBRUARY/MARCH 2022

DESCRIPTION

Personnel changes, human resources activities, and safety report for FEBRUARY/MARCH 2022

STAFF UPDATES:

Chuck Faust has announced his retirement effective April 1, 2022. Chuck has served the District for 14 years and has been a Utility Worker in the Valve Maintenance Department assigned primarily to conduct utility line locations for the past few years.

RECRUITMENT:

- An offer has been accepted for the Grant Specialist position, and she is scheduled to start on March 28, 2022.
- An internal candidate, Thomas Sjuneson, has been offered the Utility Line Locator position and will start in that role on April 4, 2022.

EVENTS:

All Star Sports Gala: Successfully executed on Saturday, March 5, 2022. Congratulations to the winners!

- Rookie of the Year: Freddy Espino
- MVP: Bernardo Nunez
- Coach of the Year: Robert Gutierrez
- Hall of Fame Award: Delia Rubio
- Outstanding Team Performance: Construction Department
- Best Play Award: WSUP & RAWs Heli Hydrant

Brown Bag Breakfast Learning Event: Retirement Plans – Thursday, March 17, 2022.

MARCH ANNIVERSARIES:

- 3/12/2001 VICTOR VEENSTRA 21 years
- 3/17/2008 KENNY DIAZ 14 years
- 3/22/2021 FLOYD GRAVES 1 year
- 3/24/2003 BRYAN ROSE 19 years

COIN AWARDS:

Coin Recognition	Employee	Department	Coin Nomination
TEAMWORK HONORABLE MENTION	Cynthia Gray Dawn Washburn Delia Rubio Michael Powers	Customer Service	The employees nominated for this coin award worked for months and held multiple meetings working as a team to update sections of the Admin Code. The edits that were made ensure that the District is protected and that its processes are transparent. Previous to these revisions, the Admin

	Amanda Constant		Code was either silent or did not accurately reflect current processes. This often-left Staff unsure how to proceed and exposed the District to differing interpretations.
PROFESSIONALISM	Daniel Montez	Construction	On 2/8/2022, RMWD Construction Crew responded to a leak at Secret Lake Ln (work order 204291). The 8" CMLC water main was leaking at a joint. The HOA president in this neighborhood called Esaud and said the following: "Thank you so much for sending a good crew out for the repair. For a rating between 1 and 10, they were a 10 . The operator did an excellent job. Thank you so much. I appreciate it."
PROFESSIONALISM HONORABLE MENTION	Bernardo Nunez	Construction	
	Dennis Mendez	Construction	
	Scott Simpson Bryan Rose	Valve Maint. Valve Maint.	

RISK MANAGEMENT:

COVID-19 Response

- The District implemented a new COVID-19 Supplemental Sick Pay Policy in accordance with California’s new law that took effect February 19, 2022.
- There have been 8 positive cases at the District so far this year, and none within the past month.
- There have been 14 employee exposure quarantines so far this year, and 2 within the past month.
- In accordance with the CDC reclassifying San Diego County’s community spread level as Low, and the California Department of Public Health’s new health orders on face coverings issued on February 28, the District no longer requires indoor face coverings. The District is following the CDPH’s guidance of strongly recommending face coverings for all individuals, regardless of vaccination status.

Property and Liability and Worker’s Compensation Insurance Renewal

- The District submitted the renewal questionnaire to SDRMA to receive a quote for the 2022-2023 fiscal year. The early estimate offered to the District was between \$581,763 and \$613,694.
- The District completed applications to join the insurance pools with ACWA-JPIA and JPRIMA.
- ACWA-JPIA is scheduled to conduct site visits and document reviews on April 5-6, 2022 to evaluate our level of risk to make a determination as to whether we will be accepted into the pool and provide us with rate quotes as applicable.
- The District issued an RFP for a property, liability, and worker’s compensation broker to aid the District in marketing the District’s coverage lines to the broader insurance marketplace to determine whether rates from the shared risk pools are the most competitive option available to the District.

Incidents

There were no lost time or modified duty due to a work-related incident.

Safety Training

Vector Solutions online training: 23 completions for the February training period 2022.

Future planning to increase safety awareness throughout the district to include:

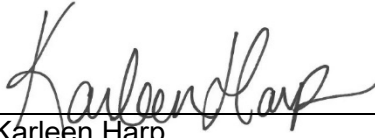
- Hazard Mitigation Plan
- Aboveground Storage Tank Policy Review
- Trench Rescue Training March 28
- California Hazardous Waste Management Training

Claims in Progress/Completed

- Vista Valley Golf Course- 29354 Vista Valley Dr.
- Cal-A-Vie- 29402 Spa Havens Way, Vista, CA, 92084
- Batchelor- 2839 Lakemont Dr, Fallbrook, CA, 92028

Tailgate/ Office Safety Trainings

HAZCOM



Karleen Harp
Human Resources Manager

3/22/2022

BOARD OF DIRECTORS

March 22, 2022

SUBJECT

FINANCE REPORT FOR MARCH 2022

DESCRIPTION

Summary:

Water Sales:

Budgeted 13,500 AF

Actual January FYTD 21/22 9,392 AF

Actual January FYTD 20/21 10,770 AF

Actual January FYTD 19/20 9,453 AF

Actual January FYTD 18/19 10,666 AF

January 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.

Fund Balance Projections:

Operating Fund Balances have been adjusted to comply with the Board Cash Reserve Policy 5.03.220. The Rate Stabilization Fund is being funded over a five-year period to be fully funded to the board approved level by FY 26.

The New Water Sources Reserve Fund, established by the RMWD Board, sets aside funds to study and acquire alternate water sources for the purpose of reducing the District's reliance on imported water. The reserve is funded by the Water Service portion of the Standby Charge collected by the San Diego County Tax Collector from all parcels within the district. It reflects 38.1% of the revenue received from property tax revenues.

Capital Fund Balances have been updated to reflect the proposed mid-year budget adjustments for Water and Wastewater. The Water Capital Fund reflects a higher available balance than was presented during the FY 22 budget planning process due to the operational costs that were charged to the WSUP project.

The Wholesale Water Efficiency project budgets are being presented under separate cover to the board for budget approval but are included here in their planning phase.

Treasury Report:

Interest Revenue for December 2021 was \$7,010.85 compared to \$16,802 for the prior month. Loss from assets sales was \$0 compared to loss of \$0 for the prior month. Investment valuation was down by \$121,620 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 six 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 (JAN FYTD22)
- B. Fund Balance & Developer Projections (FY22)
- C. Treasury Report (JAN FY22)
- D. Five-Year Water Purchases Demand Chart (through 3/1/2022)
- E. Water Sales Summary (JAN FY22)
- F. Check Register (JAN FY22)
- G. Directors' Expense Report (JAN FY22)
- H. Credit Card Breakdown (JAN FY22)
- I. RMWD Properties


Tracy Largent, CPA
Finance Manager

March 22, 2022

Statement of Revenues & Expenses Budget vs. Actual

Operating Funds (Water, Wastewater, & General Funds)

January 31, 2022



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	6,256,602	5,614,404	642,198	11%	9,624,692	
41112-Sewer Charges-Established Acct	1,719,871	2,190,215	-470,345	-21%	3,754,655	
42120-Monthly O & M Charges	5,572,262	6,037,206	-464,945	-8%	10,349,497	
42121-Monthly O&M Charges - CWA	3,132,224	3,058,365	73,859	2%	5,242,912	
43101-Operating Inc Turn On/Off Fees	0	2,917	-2,917	-100%	5,000	
43106-Operating Inc-Sewer Letter Fee	700	583	117	20%	1,000	
41120-Water Sales-Ag-Dom Non Cert	2,074,713	628,917	1,445,795	230%	1,078,144	
41160-Water Sales-Ag. Non Discount	3,145,013	2,311,082	833,932	36%	3,961,854	
41170-Water Sales-Construction	282,451	46,258	236,193	511%	79,300	
41180-Water Sales - Tsawr Com	2,048,616	2,210,943	-162,327	-7%	3,790,189	
41190-Water Sales-Sawr Ag/Dom	2,439,848	3,035,723	-595,876	-20%	5,204,097	
42130-Readiness-To-Serve Rev Id#1	169,407	172,159	-2,752	-2%	295,130	
42140-Pumping Charges	422,279	354,848	67,430	19%	608,312	
-Water Sales	27,263,984	25,663,622	1,600,362	6%	43,994,781	
43102-Operating Inc Penalty/Int Chgs	39,219	291,667	-252,448	-87%	500,000	
43104-Operating Inc. R.P. Charges	152,982	143,305	9,677	7%	245,665	
43108-Operating Inc Plan Check Rev.	1,860	61,250	-59,390	-97%	105,000	
43110-Operating Inc Inspections	1,088	11,667	-10,578	-91%	20,000	
43111-Operating Inc Install Fees Hyd	2,760	1,167	1,593	137%	2,000	
43114-Operating Inc-Miscellaneous	4,430	4,083	347	8%	7,000	
43116-New Meter Sales/Install Parts	12,500	23,333	-10,833	-46%	40,000	
43117-Notice Delivery Revenue	-122	2,917	-3,039	-104%	5,000	
-Other Operating Revenue	214,717	539,388	-324,671	-60%	924,665	
42200-Overhead Trs From Water Sewer	3,906,384	4,557,448	-651,064	-14%	7,812,768	
-Transfers from Water & Waste Water	3,906,384	4,557,448	-651,064	-14%	7,812,768	
REVENUE-Operating Revenue	31,385,085	30,760,458	624,627	2%	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	12,422,070	11,035,476	1,386,594	13%	18,917,958	Seasonal
50003-Water In Storage	-170,356	-	-170,356		-	
50005-Ready To Serve Charge	256,582	272,304	-15,721	-6%	466,806	FC estimate for budget
50006-Infrastructure Access Charge	435,924	438,109	-2,185	0%	751,044	FC estimate for budget
50008-Ag Credit-Sawr	-269,628	-702,840	433,213	-62%	-1,204,869	
50010-Customer Service Charge	625,375	621,810	3,565	1%	1,065,960	
50011-Capacity Reservation Charge	261,897	269,196	-7,298	-3%	461,478	FC estimate for budget
50012-Emergency Storage Charge	895,388	901,667	-6,278	-1%	1,545,714	FC estimate for budget
50013-Supply Reliability Charge	564,906	572,709	-7,803	-1%	981,786	FC estimate for budget
-Cost of Purchased Water Sold	15,022,158	13,408,428	1,613,730	12%	22,985,877	
56101-Regular Salaries	3,024,000	3,060,146	-36,146	-1%	5,245,965	
56103-Overtime Paid Comptime Earn.	282,993	232,167	50,827	22%	398,000	
56202-Director's Compensation	8,400	8,167	233	3%	14,000	
56518-Duty Pay	33,000	36,127	-3,127	-9%	61,932	
56520-Deferred Comp-Employer Contrib	84,126	78,461	5,665	7%	134,505	
-Salary & Labor Expenses	3,432,519	3,415,068	17,452	1%	5,854,402	
56501-Employer's Share FICA SSI	182,355	178,461	3,893	2%	305,934	
56502-Employer's Share Medicare	48,343	44,814	3,529	8%	76,824	
56515-Worker's Compensation Ins	201,095	92,753	108,342	117%	159,006	
56516-State Unemployment Ins E.T.T.	13,826	7,143	6,683	94%	12,245	
-Taxes	445,619	323,172	122,447	38%	554,009	
56503-Medical Insurance	577,324	531,806	45,518	9%	911,667	
56504-Dental Insurance	46,589	47,512	-924	-2%	81,450	
56505-Vision Insurance	7,233	6,653	580	9%	11,405	
56506-Life S/T L/T Disability Ins	26,953	31,157	-4,205	-13%	53,412	
56507-Retirement-CalPERS	307,723	306,768	955	0%	525,888	
56511-Employee Uniform Allowance	16,252	14,159	2,093	15%	24,273	
56512-Employee Training/Tuition Reim	18,075	12,600	5,475	43%	21,600	
56513-Employee Relations	5,366	9,491	-4,125	-43%	16,270	
56524-Other Post Employment Benefits	12,288	-			-	
56530-Gasb 68 Pension	644,806	250,833	393,973	157%	430,000	Entire Year Paid in July
-Fringe Benefits	1,662,608	1,210,980	451,629	37%	2,075,965	
52176-Overhead Transfer To Gen Fund	3,906,384	4,557,448	-651,064	-14%	7,812,768	
-Transfers	3,906,384.00	4,557,448	-651,064	-14%	7,812,768	
60000-Equipment	19,491	37,625	-18,134	-48%	64,500	

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	169,210	58,625	110,585	189%	100,500	
63100-Equipment Maintenance	62,053	93,158	-31,105	-33%	159,700	
63102-Equipment Maintenance Contract	5,174	18,506	-13,332	-72%	31,725	
63200-Equipment Rental	29,441	56,583	-27,142	-48%	97,000	
63400-Kitchen Supplies	8,512	8,167	345	4%	14,000	
63401-Building Maintenance	58,821	75,658	-16,837	-22%	129,700	
63404-Backflow Expenses	40,441	83,417	-42,975	-52%	143,000	
63421-Fuel And Oil	106,743	87,500	19,243	22%	150,000	
63422-Repair Supplies Auto	50,291	40,833	9,458	23%	70,000	
65000-Property/Liability Insurance	484,466	277,083	207,383	75%	475,000	Entire Year Paid in July
65100-District Paid Insurance Claims	13,892	99,167	-85,275	-86%	170,000	
65200-Miscellaneous Expense	1	0	1	0%	0	
69000-Postage	15,861	27,125	-11,264	-42%	46,500	
70000-Professional Services	438,648	622,533	-183,885	-30%	1,067,200	
70100-Annual Audit Services	21,780	20,417	1,363	7%	35,000	
70300-Legal Services	315,423	300,417	15,007	5%	515,000	
70400-Bank Service Charges	40,735	35,000	5,735	16%	60,000	
72000-Supplies & Services	1,315,679	864,675	451,004	52%	1,482,300	
72001-Right Of Way Expenses	76,828	116,667	-39,839	-34%	200,000	
72010-Tank Maintenance	547,409	585,667	-38,258	-7%	1,004,000	
72150-Regulatory Permits	49,437	38,850	10,587	27%	66,600	
72200-Books & Resources	0	1,517	-1,517	-100%	2,600	
72400-Dues & Subscriptions	338,411	337,110	1,301	0%	577,903	
72500-Safety Supplies	30,597	35,292	-4,694	-13%	60,500	
72600-Sewer Line Cleaning	105,215	23,333	81,881	351%	40,000	
72700-Printing & Reproductions	1,771	4,229	-2,458	-58%	7,250	
72702-Public Notices & Advertising	273	1,021	-748	-73%	1,750	
72900-Stationary & Office Supplies	1,710	2,917	-1,207	-41%	5,000	
73000-Small Tools & Equipment	17,050	36,633	-19,583	-53%	62,800	
74000-Communicatons & Phone Bills	6,220	7,583	-1,363	-18%	13,000	
74100-Phone Bill	50,161	52,500	-2,339	-4%	90,000	
75300-Travel, Conferences & Training	21,200	50,033	-28,832	-58%	85,770	
75400-Workforce Development	5,592	28,175	-22,583	-80%	48,300	
75500-Recruitment	13,316	9,333	3,983	43%	16,000	
77000-Sewage Treat.-Oceanside Plant	1,813,705	724,622	1,089,083	150%	1,242,209	

Positive = Over Budget

Negative = Under Budget

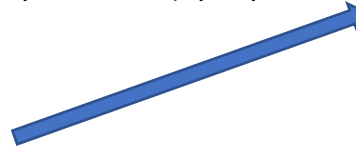
	FY 21/22 YTD Revenues/Expenditures	FY 21/22 YTD Operating Budget	YTD Variance \$	YTD Variance %	FY 21/22 Annual Operating Budget	Notes
78000-Utilities - Electricity	452,017	342,708	109,309	32%	587,500	
78300-Hazardous Waster Material Disposal	0	5,833	-5,833	-100%	10,000	
78700-Utilities - Propane	4,825	8,750	-3,925	-45%	15,000	
78900-Trash Pick-Up	8,950	5,833	3,116	53%	10,000	
-Other Operating Expenses	6,741,352	5,225,096	1,516,257	29%	8,957,307	
EXPENSE-Operating Expense	31,210,641	28,140,191	3,070,450	11%	48,240,328	
Operating Revenue (Expenses)	174,444	2,620,267	-2,445,823	-93%	4,491,887	
Non Operating :						
49301-Property Tax Rev. - Ad Valorem	402,005	294,583	107,422	36%	505,000	
-Property Tax Revenue	402,005	294,583	107,422	36%	505,000	
49200-Interest Revenues	84,329	-	84,329.38			
49203 - Change in Investment Valuation	-169,286	-	(169,286.37)			
-Investment Income	-84,957	-	(84,956.99)			
49050-Revenue Billing Adjustments	-981,631	-	-981,631		-	
49102-Non Oper Inc - NSF Check Fees	0	1,750	-1,750	-100%	3,000	
49107-Recycling Revenue	10,761	4,667	6,095	131%	8,000	
49108-Non Oper Inc-Rents And Leases	1,683	-	1,683			
49109-Miscellaneous Revenue	979,343	102,083	877,260	859%	175,000	
49110 - Gain/Loss from Sale of Assets	-17,638	0	-17,638			
49114-Misc Revenue - Eng. Services	5,200	2,917	2,283	78%	5,000	
49201-Grant Revenue	1,002,381	-	1,002,380.89			
57050-Expense Billing Adjustments	-	-	-		-	
57525-Loan Costs	-	-	-			
-Other Nonoperating Revenue/Expense	1,000,099	111,417	888,682	798%	191,000	
-Non Operating Revenue (Expenses)	1,317,147	406,000	911,147	224%	696,000	
Debt Service		1,385,316	-1,385,316	-100%	2,374,827	
Current Year Net Revenue Less Expense*	\$ 1,491,591				\$ 2,813,060	

*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)	2,595,557	195,502	8,492,768			(2,374,827)	8,909,000
Transfers In/(Out)			(8,492,768)			2,374,827	(6,117,941)
Projected Ending Available Balance	\$3,243,554	\$799,694	\$1,415,445	\$811,176	\$1,539,015	\$829,804	\$8,638,688

Completely Funded by FY25 & FY26



Water Capital - Fund 60 Projected Balance

	Year 1	Year 2	Year 3	Year 4	Year 5
	<i>Adjusted</i>	<i>Adopted</i>	<i>Adopted</i>	<i>Adopted</i>	<i>Adopted</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*	\$8,555,327	\$5,095,506	\$5,340,122	\$3,130,054	\$4,577,716
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	12,364,497	9,410,054	10,702,716	15,234,370
Less Proposed Capital Project Budgets-Water	(6,961,812)	(7,024,375)	(6,280,000)	(6,125,000)	(6,600,000)
Projected Ending Available Balance	\$5,095,506	\$5,340,122	\$3,130,054	\$4,577,716	\$8,634,370

*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-up

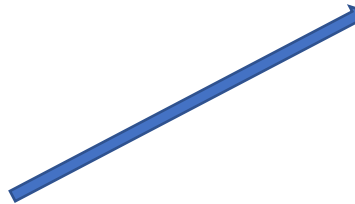
**Interfund Loan from Wastewater to Water not necessary.

***WSUP Transfer not necessary.

****Budget for Year 2 increased by \$1,825,000.

Target Balance

Minimum (1 year of 5-year average CIP)	\$	6,598,237
Ideal Target (2 year of 5-year average CIP)	\$	13,196,475



Water Capital Project Budgets:		Year-to-Date	Original	Adopted	Board Action	Remaining	Proposed Mid-Year Budget Adjustments	Year 1	Year 2	Year 3	Year 4	Year 5	
		Expended 12/31/2021	Proposed Budget	Budget @80%	Budget Increases			Total Budget	Adjusted Budget	Planned Budget	Planned Budget	Planned Budget	Planned Budget
#	Project	FY 21/22	FY 21/22	FY 21/22	FY 21/22	FY 21/22	FY 21/22	FY 21/22	FY 22/23	FY 23/24	FY 24/25	FY 25/26	
300007	Programatic EIR for Existing Easements**	\$ 84,732	\$ 75,000	\$ 60,000	\$ 65,140	\$ 125,140	40,408	\$ 77,625	202,765	\$ 50,000			
300008	New District Headquarters	36,203	150,000	120,000		120,000	83,797	(45,000)	75,000	450,000	2,000,000		
600001	Rainbow Heights PS (#1) Upgrades/Recon*	954,741			1,050,000	1,050,000	95,259	523,672	1,573,672				
600002	Gird to Monserate Hill Water Line	-								140,000	1,400,000		
600003	San Luis Rey Imported Return Flow Recovery	9,894					(9,894)	200,000	200,000	600,000		600,000	
600007	Pressure Reducing Stations	51,487	500,000	400,000		400,000	348,513	(250,000)	150,000	150,000	500,000	150,000	
600009	Isolation Valve Installation Program	-	50,000	40,000		40,000	40,000	460,000	500,000	100,000	500,000	500,000	
600015	Water Condition Assessment	744					(744)				50,000		
600017	Pressure Reducing Station Replacement Program (Combined with 60007)	281					(281)						
600019	Water System Monitoring Program	116,519	184,375	147,500		147,500	30,981	36,875	184,375	184,375	25,000		
600021	Pipeline Upgrade Project	-											
600026	Camino Del Rey Waterline Reloaction	142	100,000	80,000		80,000	79,858	(55,000)	25,000	25,000	25,000		
600030	Corrosion Prevention Program Development and Implementation****	6,058	250,000	200,000	380,000	580,000	573,942	58,000	638,000	600,000	600,000	600,000	
600034	Rice Canyon Tank Transmission PL to I-15/SR76 Corridor***	30,797	3,375,000	2,700,000	115,000	2,815,000	2,784,203	(115,000)	2,700,000	2,700,000			
600035	Morro Mixing	34,421					(34,421)	123,000	123,000				
600037	Live Oak Park Road Bridge Replacement	1,523	600,000	480,000		480,000	478,477	(430,000)	50,000	550,000			
600040	Vallecitos PS Relocation	124					(124)			500,000	1,400,000	200,000	
600041	Gird Road Water Improvements (PUP)												
600043	Eagles Perch Water Pipeline Improvements (PUP)												
600047	Community Power Resiliency Generator Grant (Generator at Sumac)	7,252	50,000	40,000		40,000	32,748	10,000	50,000	50,000			
600048	Northside Zone Supply Redundancy	-										150,000	
600049	Gomez/Magee Pump Station Upgrades and Sumac Radio Tower	-	500,000	400,000		400,000	400,000	(400,000)	-	650,000	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	-	-			(123)						
600058	Electrical Panel Switches	-	160,000	128,000		128,000	128,000	(48,000)	80,000	80,000	90,000		
600062	Tecalote Drive Water Main Replacement (PUP)												
600067	Pala Mesa Fairways 383 A and C	-									250,000		
600068	Sarah Ann Drive Line 400 A	-	100,000	80,000		80,000	80,000	(50,000)	30,000	35,000	1,500,000		
600069	Wilt Road (1331)	-										150,000	
600070	Katie Lendre Drive Line (PUP)										250,000		
600071	Del Rio Estates Line Ext 503										250,000		
600072	East Heights Line 147L											150,000	
600073	East Heights Line 147A											250,000	
600074	Via Zara - PUP										125,000	250,000	
600075	Roy Line Ext											250,000	
600077	Rainbow Water Quality Improvement	15,710	950,000	760,000		760,000	744,290	(610,000)	150,000	800,000			
600080	Los Alisos South 243											150,000	
600081	Heli-Hydrant on Tank	114,455	149,728	119,782		119,782	5,327	110,218	230,000				
N/A	Department Level Capital Expenses	-	483,000	386,400		386,400	386,400		386,400				
Total		\$ 1,465,206	\$ 7,194,103	\$ 5,755,282	\$ 1,610,140	\$ 7,365,422	\$ 5,900,216	\$ (403,610)	\$ 6,961,812	\$ 7,024,375	\$ 6,280,000	\$ 6,125,000	\$ 6,600,000

*Budget for Year 1 increased by \$1,050,000 per September 2021 Board Action.

0

**Budget for Year 1 increased by \$65,140 per December 2021 Board Action.

***Budget for Year 1 increased by \$115,000 per December 2021 Board Action.

****Budget for Year 1 increased by \$380,000 per December 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 Pump Station	\$ -	\$ 25,000	\$ 825,000	\$ 475,000		
600013	Hutton & Turner Pump Stations (SDCWA Shutdowns)	88,421	500,000	4,850,000			
	Morro Pump Station		50,000	650,000	825,000		
600029	Via Ararat Drive Waterline Project	-					
600031	Olive Hill Estates Transmission Line Reconnection	-					
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	134,000	916,000			
600079	Gird Road 1,600' upsize from 12" to 18" or larger	-	50,000	400,000			
Total		\$157,835	\$759,000	\$7,641,000	\$1,300,000	\$0	\$0
Budgeted		-	-	-	-	-	-
Potential Financing		\$157,835	\$759,000	\$7,641,000	\$1,300,000	\$0	\$0

Wastewater - Fund 52 & 53 Projected Fund Balance

	Year 1	Year 2	Year 3	Year 4	Year 5
Fund Balances:	<i>Adjusted</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
Beginning Available Balance*	\$6,430,455	\$5,466,297	\$3,945,565	\$2,437,943	\$6,157,410
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%	(7,181,759)	(7,275,000)	(2,050,000)	(1,250,000)	0
Projected Ending Available Balance	\$5,466,297	\$3,945,565	\$2,437,943	\$6,157,410	\$11,126,876

*Beginning balances are lower than expected due to year-end Wastewater fund true-ups.

**Interfund Loan from Wastewater to Water not necessary.

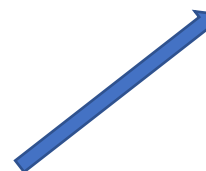
Target Balance

Minimum (1 year of 5-year average CIP)

\$ 3,551,352

Ideal Target (2 year of 5-year average CIP)

\$ 7,102,703



Wastewater Capital Project Budgets:

Project #	Project Name	Year-to-Date Expended 12/31/2021	Adopted Budget FY 21/22	Remaining Budget FY 21/22	Proposed Year Budget Adjustments FY 21/22	Mid-Year Budget Adjustments FY 21/22	Year 1 Adjusted Budget FY 21/22	Year 2 Planned Budget FY 22/23	Year 3 Planned Budget FY 23/24	Year 4 Planned Budget FY 24/25	Year 5 Planned Budget FY 25/26
530001	Thoroughbred Lane Lift Station and Pipeline Repair (LS1 Replacement)	\$ 271,830	\$ 8,000,000	\$ 7,728,170	\$ (1,500,000)		\$ 6,500,000	\$ 7,000,000	\$ 250,000	\$ 250,000	\$ -
530006	Sewer System Rehabilitation Program	-	30,000	30,000			30,000				
530015	Sewer System Condition Assessment Program	-		-			-				
530017	N River Road Land Outfall Rehabilitation (Operations Project)	165,729	\$250,000	84,271	286,759		536,759				
530018	Fallbrook Oaks Forcemain and Manhole Replacement	-		-			-	\$150,000	\$1,650,000		
530019	CIPP 500' of line 8" VCP line near Pala Mesa/Palomar	-		-	50,000		50,000				
530020	Rancho Viejo LS Wet Well Expansion	-	100,000	100,000	(100,000)		-		150,000	1,000,000	
530021	Almendra Court, I-15 Crossing Sewer Rehabilitation	-		-			-				
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	65,000			65,000				
N/A	City of Oceanside WW Plant	-		-			-				
Total		\$ 437,559	\$ 8,445,000	\$ 8,007,441	\$ (1,263,242)		\$ 7,181,759	\$ 7,275,000	\$ 2,050,000	\$ 1,250,000	\$ -

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

\$2,575,304
1,560,150

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	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

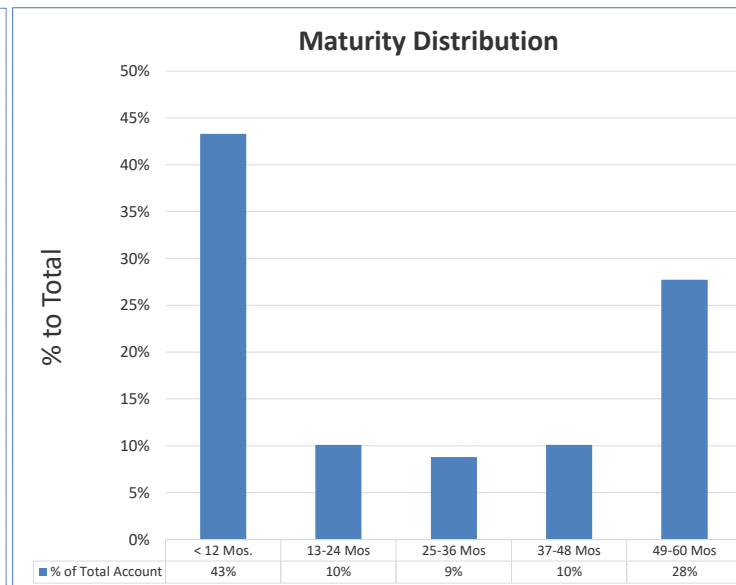
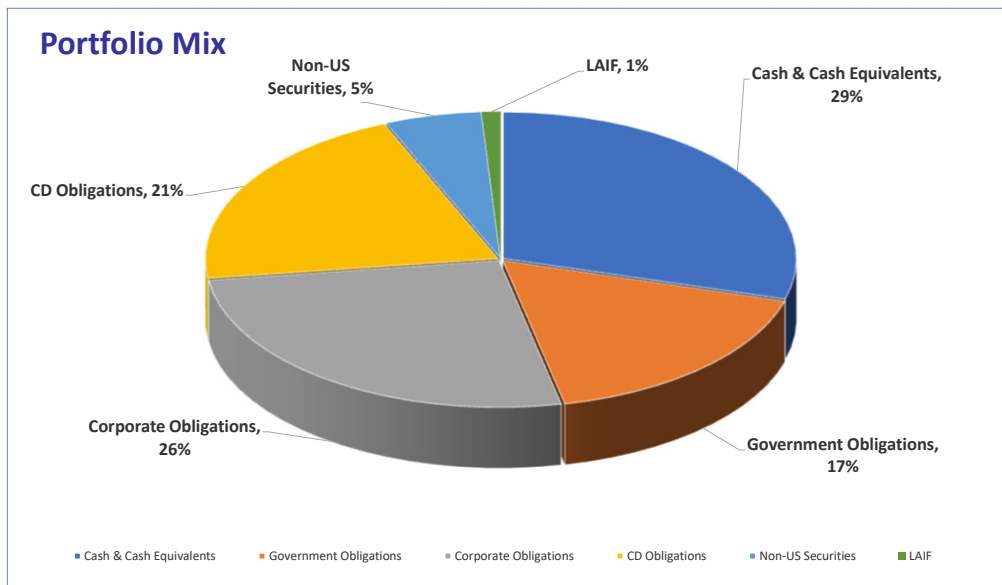
		Purchased (EDUs)	Anticipated Sales						
			FY 19/20	FY 20/21	FY 21/22	FY 22/23	FY 23/24	FY 24+	Total
Existing Fee	\$ 14,126	1,723.28		72	473	440	3	633	1,621
Meadowwood									
Total			-	72	473	440	3	633	1,621
Total Revenue			\$0	\$1,017,072	\$717,601	\$254,268	\$42,378	\$8,938,933	\$10,970,252 **

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
 1/31/2022



TYPE	ISSUER	CUSIP	Bond Rating	Date of Maturity	Par Value	Cost Basis	Market Value*	Interest Rate	Yield to Maturity	Semi-Annual Interest	Days to Maturity	Object
Money Market Funds	First American Government Trust	31846V567			\$ 555,482	\$ 555,482					0	11508
Money Market Funds	Willimington Trust	CSCDA 2017-01			\$ 50,000	\$ 50,000					0	10301
Money Market Funds	Zions Bank	7326251D			\$ 629,314	\$ 629,314		2.090%			0	10310
Money Market Funds	Zions Bank	7326250			\$ 1,329,920	\$ 1,329,931		2.060%			0	10311
Money Market Funds	Zions Bank	7326251E			\$ 1,642,706	\$ 1,642,706		2.090%			0	10309
Total Cash & Cash Equivalents					\$ -	\$ 4,207,422	\$ 4,207,433					
Non-Callable	FEDERAL FARM CR BKS	3133EHRU9	Aaa	07/19/22	\$ 200,000	\$ 200,938	\$ 201,428	1.900%	1.800%	\$ 1,909	169	11508
Non-Callable	FEDERAL HOME LOAN BKS	3130AP7B5		09/30/26	\$ 800,000	\$ 800,000	\$ 783,352	0.500%	0.500%	\$ 2,000	1703	11508
Non-Callable	FEDERAL HOME LOAN BKS	3130APAM7		10/14/26	\$ 1,000,000	\$ 995,000	\$ 968,370	0.900%	0.900%	\$ 4,478	1717	11508
Non-Callable	FEDERAL HOME LOAN BKS	3130AQF40		12/20/24	\$ 500,000	\$ 499,710	\$ 494,190	1.000%	1.000%	\$ 2,499	1054	11508
Total Government Obligations					\$ 2,500,000	\$ 2,495,648	\$ 2,447,340					
Callable 9/10/25	AMERICAN HOND FIN CORP MTN	02665WDN8		09/10/25	\$ 500,000	\$ 506,050	\$ 483,150	1.000%	1.300%	\$ 2,500	1318	11508
Stepped 1/26/26	BANK OF AMERICA	06048WK82		01/26/26	\$ 500,000	\$ 498,500	\$ 470,850	0.610%	0.610%	\$ 1,525	1456	11508
Callable 9/30/23	CITIGROUP INC	17298CKE7	A3	09/30/23	\$ 1,000,000	\$ 1,000,000	\$ 948,070	1.000%	1.000%	\$ 5,000	607	11508
Callable 05/28/26	JPMORGAN CHASE & CO	48128G3N8		05/28/26	\$ 1,000,000	\$ 1,000,000	\$ 961,590	1.200%	1.200%	\$ 6,000	1578	11508
Callable 3/1/22	UNION BK CALIF N A MEDIUM TERM	90520EAH4	A2	04/01/22	\$ 308,000	\$ 315,377	\$ 308,693	3.150%	1.900%	\$ 4,967	60	11508
Callable 3/1/22	UNION BK CALIF N A MEDIUM TERM	90520EAH4	A2	04/01/22	\$ 290,400	\$ 297,355	\$ 291,053	3.150%	1.900%	\$ 4,683	60	11508
Callable 3/1/22	UNION BK CALIF N A MEDIUM TERM	90520EAH4	A2	04/01/22	\$ 281,600	\$ 288,344	\$ 282,234	3.150%	1.900%	\$ 4,541	60	11508
Total Corporate Issues					\$ 3,880,000	\$ 3,905,626	\$ 3,745,640					
FDIC Ins. CD	BMW BANK NORTH AMER	05580AMB7		03/29/23	\$ 240,000	\$ 240,000	\$ 246,422	2.860%	2.900%	\$ 3,432	422	11508
FDIC Ins. CD	CAPITAL ONE BANK (USA) NAT	1402TAW7		06/19/24	\$ 245,000	\$ 245,000	\$ 253,136	2.520%	2.500%	\$ 3,087	870	11508
FDIC Ins. CD	FLAGSTAR BK FSB TROY MICH	33847E2K2		06/13/22	\$ 245,000	\$ 246,749	\$ 247,075	2.440%	2.200%	\$ 3,010	133	11508
FDIC Ins. CD	GOLDMAN SACHS BK USA NY	38148PKT3		06/14/22	\$ 245,000	\$ 245,000	\$ 246,999	2.340%	2.350%	\$ 2,867	134	11508
FDIC Ins. CD	JPMORGAN CHASE BK NA COLUMBU	48128UHS1		07/31/25	\$ 249,000	\$ 249,000	\$ 242,322	0.550%	0.550%	\$ 685	1277	11508
FDIC Ins. CD	MERRICK BK SOUTH JORDAN UTAH	59013KBV7		07/31/24	\$ 249,000	\$ 249,000	\$ 255,686	2.200%	2.200%	\$ 2,739	912	11508
FDIC Ins. CD	MORGAN STANLEY	61747MF63		01/11/23	\$ 246,000	\$ 246,000	\$ 251,065	2.630%	2.650%	\$ 3,235	345	11508
CD	MORGAN STANLEY PVT BK PURCHA	61760AL49		06/24/24	\$ 245,000	\$ 245,000	\$ 251,730	2.290%	2.250%	\$ 2,805	875	11508
FDIC Ins. CD	SALLIE MAE BK SLT LAKE CITY	795450M44	Aaa	04/11/23	\$ 245,000	\$ 240,000	\$ 246,713	2.900%	2.950%	\$ 3,480	435	11508
FDIC Ins. CD	STATE BK INDIA CHICAGO ILL	856283N69		06/26/25	\$ 248,000	\$ 252,166	\$ 242,879	0.950%	0.940%	\$ 1,198	1242	11508
CD	SYNCHRONY BANK	87165HE89		10/08/26	\$ 248,000	\$ 248,000	\$ 241,073	0.950%	0.950%	\$ 1,178	1711	11508
CD	UNION BK SALT LAKE CITY UT - CD	90348JT59		09/22/26	\$ 249,000	\$ 249,000	\$ 241,647	0.950%	0.950%	\$ 1,183	1695	11508
Total CD Obligations					\$ 2,457,000	\$ 2,954,916	\$ 2,966,748					
Medium Term Note	Credit Suisse Ag New York	22550L2G5		8/7/2026	\$ 500,000	\$ 801,916	\$ 762,200	1.250%	1.250%	\$ 5,012	1649	11508
Total Non-US Securities					\$ 500,000	\$ 801,916	\$ 762,200					
Subtotal Long Term Pooled Investment					\$ 9,337,000	\$ 14,365,528	\$ 14,129,361					
Portfolio Totals	Local Agency Investment Fund (LAIF)**	0.995624484				\$ 147,859	\$ 147,859				0	10103
						\$ 14,513,387	\$ 14,277,221					



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 in compliance with the current Investment Policy.

Tracy Largent

3/1/2022

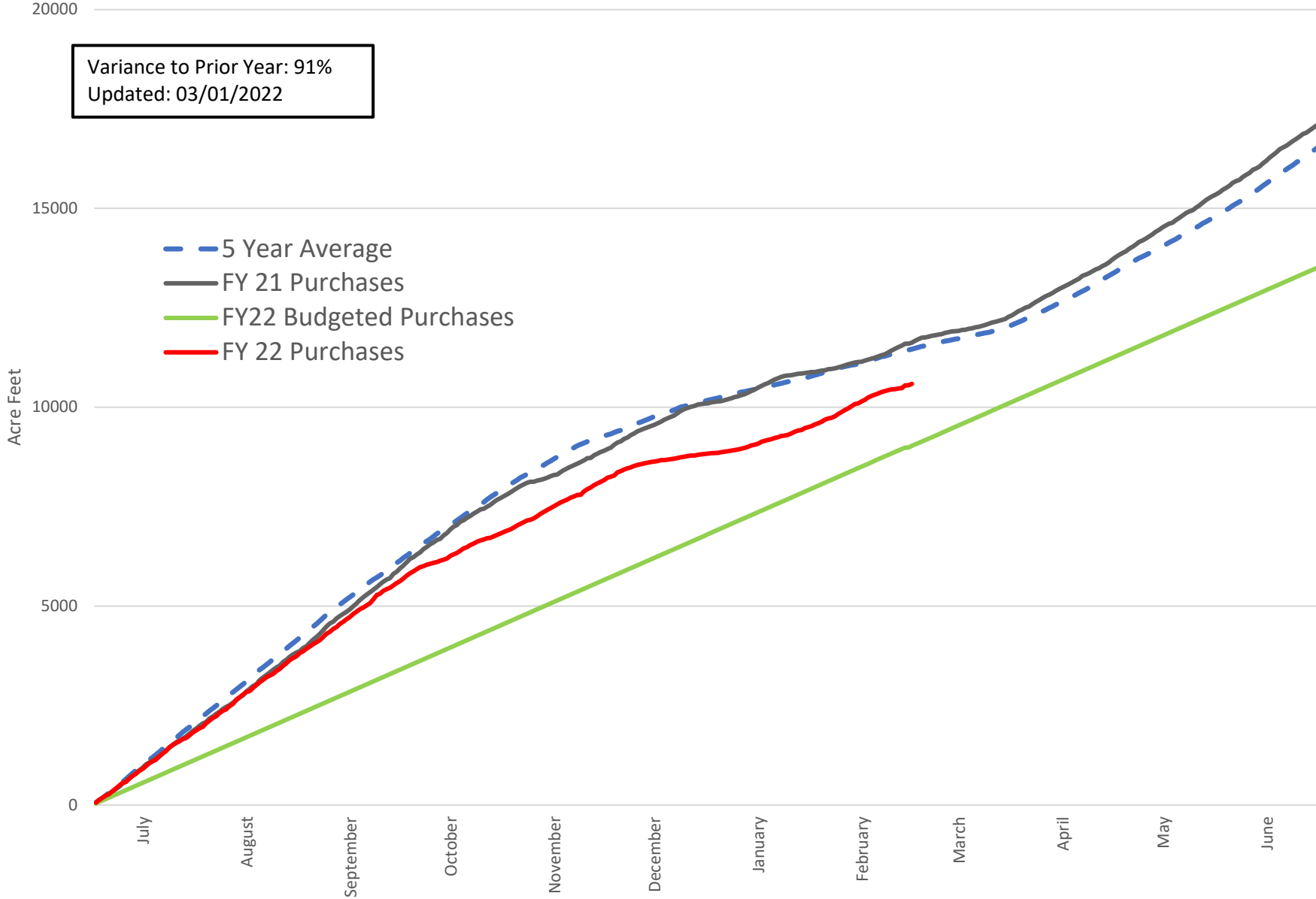
Tracy Largent, Treasurer

*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-laiif/reports/valuation.asp>

System Demands Comparison Chart

Variance to Prior Year: 91%
Updated: 03/01/2022



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	86,788	38,982						1,392
402	AG	126,020	156,517	188,678	141,035	94,403	113,507	37,037						1,968
271	CM	43,597	45,074	58,754	34,843	22,862	24,113	9,971						549
24	CN	9,809	7,353	8,900	4,999	8,247	7,795	9,526						130
21	IS	4,094	3,585	3,722	2,400	1,528	1,795	1,247						42
114	MF	14,171	12,501	14,634	11,363	10,797	11,216	10,215						195
	PC	105,195	87,728	98,194	76,152	51,934	66,232	14,314						1,147
	PD	104,423	101,695	108,445	85,321	56,327	69,973	16,562						1,246
319	SC	54,638	-	-	-	-	-	-						125
1012	SD	86,465	-	-	-	-	-	-						198
5851	SF	186,785	176,948	193,467	155,723	117,189	137,144	77,534						2,399
8563	Total	785,075	712,278	807,002	617,637	435,127	518,563	215,388	-	-	-	-	-	9,392

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	21,626	24,948						561
402	AG	109,886	131,840	137,233	129,675	105,410	64,136	68,514						1,714
271	CM	43,615	49,777	48,946	49,458	35,129	19,261	20,216						612
24	CN	6,330	12,547	10,164	14,057	8,403	5,244	9,069						151
21	IS	2,513	2,972	3,359	3,231	1,698	1,013	1,365						37
114	MF	14,151	14,484	14,090	14,996	12,993	9,384	12,462						212
	PC	-	-	-	-	-	-	-						-
	PD	-	-	-	-	-	-	83						0
319	SC	137,945	133,502	160,919	156,961	123,278	85,624	74,455						2,003
1012	SD	186,337	204,966	223,721	229,964	179,016	112,667	115,867						2,875
5851	SF	169,793	186,711	189,918	189,511	157,332	112,083	128,779						2,604
8563	Total	705,333	776,205	834,580	830,355	658,180	431,038	455,758	-	-	-	-	-	10,770

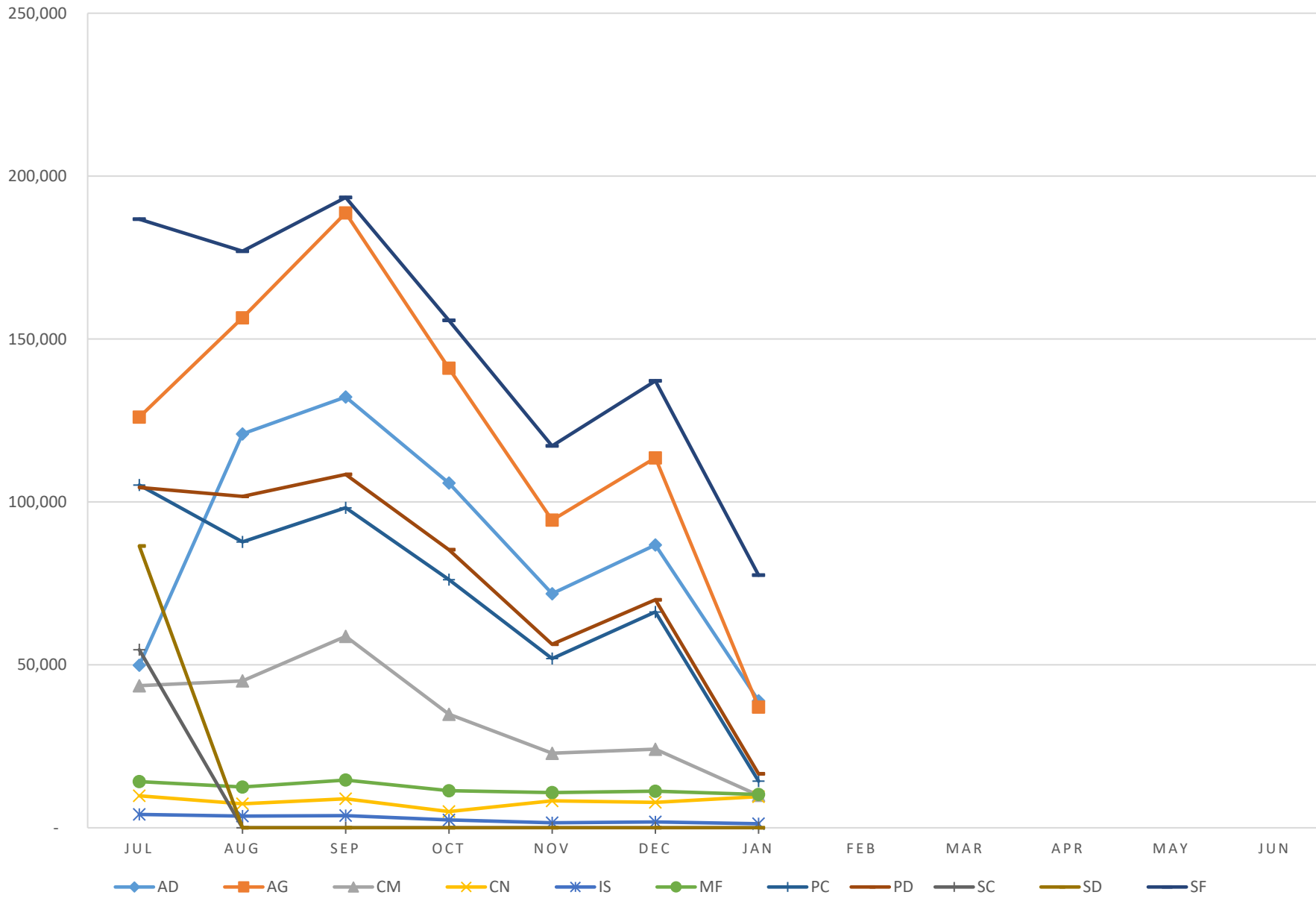
FISCAL YEAR 2019-2020

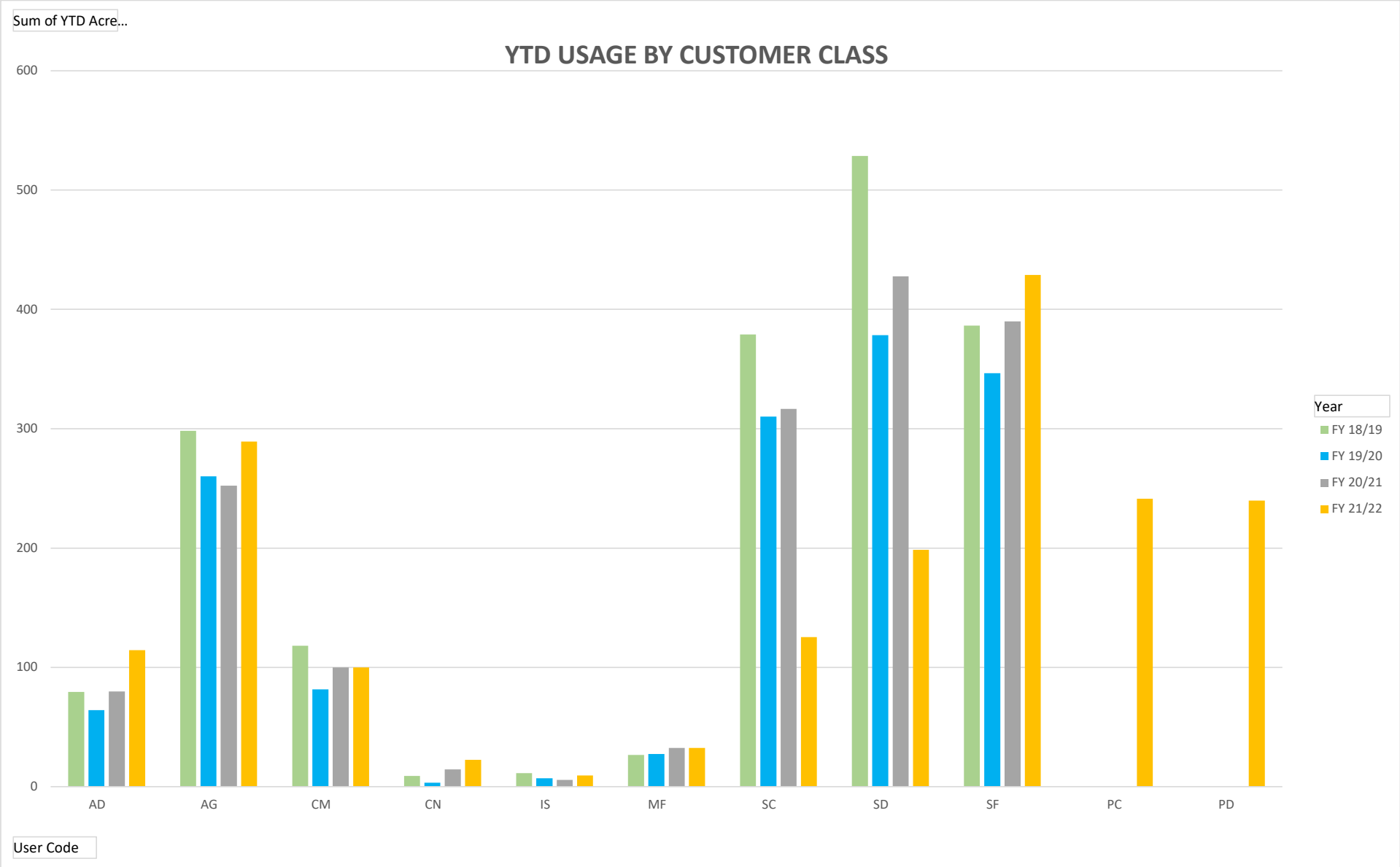
Quantity of Meters	User Code	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	Acre Feet
553	AD	28,018	36,530	36,506	32,640	37,164	15,379	6,577						443
400	AG	113,285	139,802	139,715	135,633	132,703	48,601	25,028						1,687
267	CM	35,561	46,750	44,883	40,374	29,303	16,496	13,155						520
19	CN	1,484	1,549	1,183	1,041	1,286	314	490						17
21	IS	3,060	1,799	1,946	2,046	2,048	927	643						29
114	MF	11,910	11,187	11,539	11,065	12,605	8,386	7,568						170
323	SC	135,069	157,307	156,337	136,485	152,308	47,287	10,146						1,825
1021	SD	164,817	213,262	218,596	179,714	207,689	77,699	21,552						2,487
5536	SF	150,907	188,769	182,811	153,331	174,251	89,028	52,276						2,276
8254	Total	644,111	796,955	793,516	692,329	749,357	304,117	137,435	-	-	-	-	-	9,453

FISCAL YEAR 2018-2019

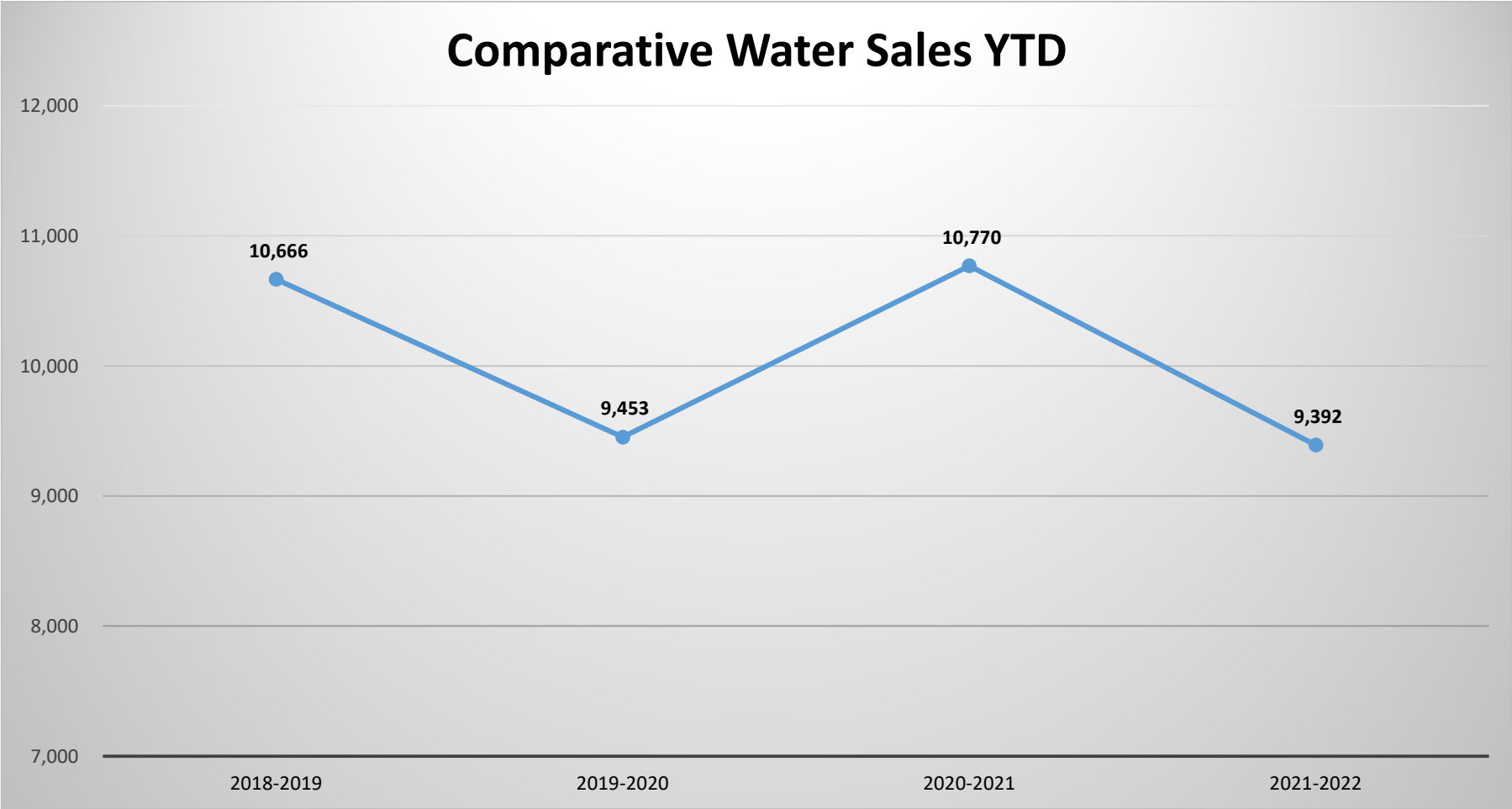
Quantity of Meters	User Code	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	Acre Feet
562	AD	34,648	47,312	45,104	28,007	29,134	20,794	9,982						494
402	AG	129,946	149,080	154,084	110,908	93,077	70,762	33,893						1,703
264	CM	51,483	67,254	66,114	36,283	24,307	15,501	10,455						623
23	CN	3,982	27,189	4,915	2,545	3,115	2,815	2,831						109
21	IS	4,964	3,824	3,852	3,447	2,161	1,736	884						48
112	MF	11,653	12,856	13,798	11,513	11,816	10,461	8,551						185
323	SC	165,088	203,887	203,899	134,052	132,762	83,121	22,699						2,171
1024	SD	230,264	264,247	273,401	189,659	170,318	118,228	41,039						2,955
5468	SF	168,323	192,173	207,384	146,492	144,114	114,763	63,252						2,379
8199	Total	800,351	967,822	972,551	662,906	610,804	438,181	193,586	-	-	-	-	-	10,666

USAGE BY CUSTOMER CLASS FY 21-22





Comparative Water Sales YTD from Prior Years





Check Register January 2022

Description	Bank Transaction Code	Issue Date	Amount
AIRGAS USA, LLC	ACH	01/07/2022	2,414.81
ANDREW ECHOLS	ACH	01/07/2022	363.00
ARAMARK UNIFORM SERVICES	CHECK	01/07/2022	1,343.95
ART'S TRENCH PLATE & KRAIL SERVICE CO, INC.	ACH	01/07/2022	1,215.00
ASPIRE FINANCIAL SERVICES, LLC	CHECK	01/07/2022	314.50
AT&T	CHECK	01/07/2022	167.82
AT&T LONG DISTANCE	CHECK	01/07/2022	33.72
AYALA ENGINEERING, INC.	CHECK	01/07/2022	22,630.00
BOOT BARN INC	CHECK	01/07/2022	192.32
CDW GOVERNMENT, INC.	CHECK	01/07/2022	434.00
COLONIAL LIFE & ACCIDENT INS.	CHECK	01/07/2022	60.71
CONCORD ENVIRONMENTAL ENERGY, INC.	ACH	01/07/2022	94,315.77
CORE & MAIN LP	CHECK	01/07/2022	46,623.39
CUSTOM TRUCK BODY & EQUIPMENT, INC.	ACH	01/07/2022	6,860.61
CWEA	CHECK	01/07/2022	298.00
DELL BUSINESS CREDIT	CHECK	01/07/2022	104.39
DIAMOND ENVIRONMENTAL SERVICES	CHECK	01/07/2022	636.99
EWM INVESTMENTS, LLC	CHECK	01/07/2022	44,500.00
FALLBROOK LOCAL LOCKSMITH	CHECK	01/07/2022	1,325.64
FALLBROOK PROPANE GAS CO.	CHECK	01/07/2022	1,169.69
FALLBROOK WASTE AND RECYCLING	CHECK	01/07/2022	469.47
FARWEST CORROSION CONTROL COMPANY	CHECK	01/07/2022	4,115.28
FEDEX	CHECK	01/07/2022	117.57
FERGUSON WATERWORKS #1083	CHECK	01/07/2022	1,654.50
FLYERS ENERGY LLC	ACH	01/07/2022	12,520.96

Description	Bank Transaction Code	Issue Date	Amount
FREEDOM AUTOMATION, INC.	CHECK	01/07/2022	7,330.00
HARRIS & ASSOCIATES, INC.	ACH	01/07/2022	237.50
HAWTHORNE MACHINERY COMPANY	CHECK	01/07/2022	16,042.23
HELIX ENVIRONMENTAL PLANNING INC	CHECK	01/07/2022	23,990.00
HI-WAY SAFETY RENTALS	ACH	01/07/2022	457.94
ICONIX WATERWORKS (US) INC	ACH	01/07/2022	3,928.01
INFOR (US), INC.	ACH	01/07/2022	470.00
INFOR PUBLIC SECTOR, INC.	ACH	01/07/2022	126,073.09
LANCE, SOLL & LUNGHARD LLP	CHECK	01/07/2022	1,160.00
LINCOLN NATIONAL LIFE INSURANCE COMPANY	CHECK	01/07/2022	5,452.59
MOBILE MODULAR	CHECK	01/07/2022	3,499.30
MODULAR BUILDING CONCEPTS, INC	CHECK	01/07/2022	1,536.51
MOTOROLA SOLUTIONS INC.	CHECK	01/07/2022	2,996.28
MUNICIPAL SEWER TOOLS	CHECK	01/07/2022	1,759.92
NOBEL SYSTEMS	ACH	01/07/2022	2,500.00
ORION CONSTRUCTION CORPORATION	CHECK	01/07/2022	388,354.78
PACIFIC PIPELINE SUPPLY	CHECK	01/07/2022	79,197.20
PAM MOSS	CHECK	01/07/2022	114.24
PARKHOUSE TIRE, INC.	ACH	01/07/2022	1,315.02
PETERS PAVING & GRADING, INC	ACH	01/07/2022	36,800.00
PRECISION MOBILE DETAILING	ACH	01/07/2022	1,111.50
PURCHASE POWER PITNEY BOWES, INC	CHECK	01/07/2022	1,100.00
RAIN FOR RENT RIVERSIDE	CHECK	01/07/2022	17,545.76
REM MECHANICAL, INC	ACH	01/07/2022	866.00
RENE BUSH	ACH	01/07/2022	363.00
RHO MONSERATE C.C.H.A.	CHECK	01/07/2022	484.77
ROLLIN C BUSH	CHECK	01/07/2022	5,213.86
SAN DIEGO GAS & ELECTRIC	CHECK	01/07/2022	35,695.56
SCOTT BENES	CHECK	01/07/2022	1,543.68
SHRED-IT USA LLC	CHECK	01/07/2022	174.88
SMITH AND LOVELESS	CHECK	01/07/2022	2,512.03
SOUTHWEST ANSWERING SERVICE, INC.	CHECK	01/07/2022	940.48
STATE WATER RESOURCES CONTROL BOARD	CHECK	01/07/2022	3,326.00
STREAMLINE	CHECK	01/07/2022	300.00

Description	Bank Transaction Code	Issue Date	Amount
T S INDUSTRIAL SUPPLY	CHECK	01/07/2022	1,730.77
TCN, INC	CHECK	01/07/2022	8.92
TERRY HILDRETH	CHECK	01/07/2022	247.26
TIAA COMMERCIAL FINANCE, INC.	CHECK	01/07/2022	2,971.31
TRAFFIC SAFETY SOLUTIONS, LLC	ACH	01/07/2022	1,795.00
UNDERGROUND SERVICE ALERT	ACH	01/07/2022	243.74
UNITED BUILDING MAINTENANCE CENTER LLC	CHECK	01/07/2022	3,420.00
VERIZON WIRELESS	CHECK	01/07/2022	5,872.07
WESTERN LANDSCAPE MAINTENANCE PLUS, INC.	ACH	01/07/2022	532.51
WORKFORCE PRODUCTS INC.	CHECK	01/07/2022	1,361.74
XYLEM INC	CHECK	01/07/2022	20,695.87
HOME DEPOT CC - ALL (DECEMBER 2021 STATEMENT)	EFT	01/10/2022	2,439.24
UNION BANK CC - DAUGHERTY (DECEMBER STATEMENT)	EFT	01/10/2022	260.35
UNION BANK CC - DELRIO (DECEMBER STATEMENT)	EFT	01/10/2022	607.22
UNION BANK CC - DEMARY (DECEMBER STATEMENT)	EFT	01/10/2022	97.50
UNION BANK CC - KENNEDY (DECEMBER STATEMENT)	EFT	01/10/2022	184.42
UNION BANK CC - LAGUNAS (DECEMBER STATEMENT)	EFT	01/10/2022	910.99
UNION BANK CC - LARGENT (DECEMBER STATEMENT)	EFT	01/10/2022	1,113.24
UNION BANK CC - WILLIAMS (DECEMBER STATEMENT)	EFT	01/10/2022	65.94
UNION BANK CC - ZUNIGA (DECEMBER STATEMENT)	EFT	01/10/2022	17.50
SDCWA WATER PURCHASE- NOVEMBER 2021	WIRE	01/13/2022	1,853,315.18
ADP - ADVICE OF DEBIT #596229931	EFT	01/14/2022	1,553.48
NBS BENEFITS-ADMINISTRATION FEES	EFT	01/17/2022	725.00
WEX - ADMINISTRATION FEES	EFT	01/25/2022	85.00
NBS BENEFITS-DEP CARE FSA 279742	EFT	01/28/2022	4,807.69
	Total:		2,923,336.16

**Director's Expenses
FY 2021-2022**

Disbursement Date	Description	Miguel Gasca	Claude Hamilton	Michael Mack	Pam Moss	William Stewart	Carl Rindfleisch
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	\$ 450.00		\$ 150.00
	Monthly Totals	\$ -	\$ 150.00	\$ 491.44	\$ 450.00	\$ -	\$ 150.00

**Director's Expenses
FY 2021-2022**

Disbursement Date	Description	Miguel Gasca	Claude Hamilton	Michael Mack	Pam Moss	William Stewart	Carl Rindfleisch
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	\$ 450.00		\$ 300.00
	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>\$ 1,575.86</u>	<u>\$ -</u>	<u>\$ 300.00</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	\$ 150.00		\$ 300.00
	TRAVEL EXPENSES						
	MILEAGE AND EXPENSES						
	REIMBURSEMENT FROM DIRECTORS						
	Monthly Totals	<u>\$ 150.00</u>	<u>\$ 150.00</u>	<u>\$ 300.00</u>	<u>\$ 150.00</u>	<u>\$ -</u>	<u>\$ 300.00</u>

**Director's Expenses
FY 2021-2022**

Disbursement Date	Description	Miguel Gasca	Claude Hamilton	Michael Mack	Pam Moss	William Stewart	Carl Rindfleisch
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	\$ 300.00	
	TRAVEL EXPENSES			\$ 602.50	\$ 327.12	\$ 25.02	
	MILEAGE EXPENSE			\$ 202.72	\$ 57.12		
	REIMBURSEMENT FROM DIRECTORS						
	Monthly Totals	\$ 875.00	\$ 150.00	\$ 2,130.22	\$ 1,409.24	\$ 325.02	\$ -
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	\$ 450.00		
	TRAVEL EXPENSES			\$ 685.20	\$ 322.29	\$ 36.64	
	MILEAGE EXPENSE			\$ 53.76	\$ 57.12		
	REIMBURSEMENT FROM DIRECTORS						
	Monthly Totals	\$ 150.00	\$ 150.00	\$ 1,188.96	\$ 829.41	\$ 36.64	\$ -
	REPORT TOTAL FOR 2021:	\$ 1,325.00	\$ 900.00	\$ 5,781.02	\$ 4,564.51	\$ 361.66	\$ 750.00

**Director's Expenses
FY 2021-2022**

Disbursement Date	Description	Miguel Gasca	Claude Hamilton	Michael Mack	Pam Moss	William Stewart	Carl Rindfleisch
01/31/22	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			\$ 650.00	\$ 650.00		
	Monthly Totals	\$ -	\$ -	\$ 650.00	\$ 650.00	\$ -	\$ -
REPORT TOTAL FOR 2022:		\$ -	\$ -	\$ 650.00	\$ 650.00	\$ -	\$ -



AMERICAN EXPRESS

January 2022

GL Finance Code	GL Transaction Amount	Description
GL 03 42 56513	73.73	1-800-FLOWERS.COM
GL 01 34 73000	104.94	49ER COMMUNICATIONS
GL 01 34 73000	520.06	49ER COMMUNICATIONS
GL 03 41 72000	501.74	4IMPRINT
GL 03 41 63401	95.30	CULLIGAN
GL 03 44 60100	0.37	AMAZON WEB SERVICES
GL 03 44 60100	64.62	AMAZON #111-0809697-2493819
GL 03 41 72900	140.06	AMAZON #112-8027723-7707437
GL 03 41 72900	140.06	AMAZON #112-8027723-7707437
GL 03 41 63400	(311.40)	AMAZON #114-5714719-8509047
GL 03 44 60100	150.85	AMAZON #113-2821234-0571435
GL 03 44 60100	468.72	AMAZON #113-4743946-5905039
GL 03 44 60100	67.87	AMAZON #111-1592677-7313862
GL 03 44 60100	105.54	AMAZON #111-8204265-3094625
GL 03 43 72500 800013	1,743.61	AMAZON #112-0715246-2457028/PO# 12062
GL 03 43 72500 800013	1,615.17	AMAZON #114-7860795-7314611
GL 03 44 60100	21.50	AMAZON #111-7270329-8615400
GL 03 43 72500 800013	362.00	AMAZON #112-6480909-4671452
GL 03 41 63400	311.40	AMAZON #114-5714719-8509047
GL 03 44 60100	1,073.19	AMAZON #111-1216674-7268250
GL 03 44 60100	46.83	AMAZON #113-8948092-0066607
GL 03 36 63422	202.12	AMAZON #112-3055276-8457058/PO# 12063
GL 03 44 60100	400.11	AMAZON #111-7090879-9193001
GL 03 43 72500 800013	1,615.17	AMAZON #112-3080947-4149831/PO# 12024
GL 03 44 60100	180.70	AMAZON #113-8048911-3406648
GL 03 44 60100	840.42	AMAZON #111-7837248-3921012
GL 03 44 60100	96.93	AMAZON #111-8289610-9215453

GL Finance Code	GL Transaction Amount	Description
GL 03 44 60100	63.30	AMAZON #111-4966344-6933850
GL 03 44 60100	156.24	AMAZON #111-7765370-0381035
GL 03 41 72900	45.24	AMAZON #112-9837430-1005067
GL 03 44 60100	57.11	AMAZON #111-7521245-0993816
GL 03 44 60100	129.25	AMAZON #111-9004171-1533066
GL 03 41 72900	34.44	AMAZON #111-5527713-2985805
GL 03 44 60100	96.93	AMAZON #111-1484382-1313067
GL 03 44 60100	145.75	AMAZON #113-4424785-3827439
GL 03 44 60100	134.67	AMAZON #111-1477733-1627408
GL 03 44 60100	24.76	AMAZON #111-0414652-6081835
GL 03 41 72900	6.99	AMAZON #111-6376762-0121043
GL 03 41 72900	223.00	AMERICAN INDUSTRIAL
GL 03 43 72000	2.99	APPLE.COM
GL 03 44 60100	322.17	APPLE.COM
GL 03 44 72400	110.00	ATLISSIAN
GL 03 44 60100	40.00	AUTHORIZE.NET, 01-31-22
GL 03 42 56513	57.78	I SEE ME!
GL 01 34 72000	250.00	CDFTA-DIESEL FUEL TAX 4TH QRT
GL 01 34 72000	5.75	CDTFA - DIESEL FUEL TAX RETURN PROCESSING FEE
GL 03 41 63400	141.50	COFFEE AMBASSADOR
GL 03 44 60100	39.44	DIRECT TV
GL 03 91 56512	1,195.00	EUCI
GL 03 42 56513	65.43	GOTPRINT.COM
GL 03 43 72500	6.47	GRAINGER #9173835076/PO# 12034
GL 01 34 72000	14.27	GRAINGER #9142701029/PO# 11968
GL 03 43 72500	51.72	GRAINGER #9173362519/PO# 12034
GL 03 43 72500	63.64	GRAINGER #9133729302/PO# 11704
GL 01 99 15260	72.50	GRAINGER #9132112195/PO# 11950
GL 03 43 72500	72.85	GRAINGER #9123909575/PO# 11884
GL 01 34 72000	97.82	GRAINGER #9142252221/PO# 11968
GL 03 43 72500	99.75	GRAINGER #9150878081
GL 03 43 72500	136.19	GRAINGER #9122041016/PO# 11884
GL 60 99 72000 600028	183.18	GRAINGER #9167343632/PO# 12013
GL 03 43 72500	199.50	GRAINGER #9131223803/PO# 11884

GL Finance Code	GL Transaction Amount	Description
GL 60 99 72000 600027	273.70	GRAINGER #9142223263/PO# 11974
GL 01 34 72000	221.46	GRAINGER #9141466475/PO# 11968
GL 03 36 72000	160.22	GRAINGER #9141466475/PO# 11968
GL 01 32 72000	410.21	GRAINGER #9167343624
GL 01 34 72000	183.17	GRAINGER #9167343624
GL 03 43 72500	650.39	GRAINGER #9173319998/PO# 12034
GL 60 99 72000 600028	678.06	GRAINGER #9167592568/PO# 12013
GL 03 43 72500	2,025.63	GRAINGER #9150878065
GL 03 43 72500	2,507.81	GRAINGER #9174422932/PO# 12034
GL 03 41 74100	1,132.15	JIVE
GL 03 43 56512	50.00	LION TECHNOLOGY
GL 03 44 60100	350.69	MICROSOFT
GL 03 41 63400	750.00	NATUREBOX #12372
GL 03 41 72900	60.19	OFFICE DEPOT #219882513001
GL 03 42 72000	162.79	OFFICE DEPOT #219303626001
GL 03 41 72900	56.83	OFFICE DEPOT #214990277001
GL 03 41 72900	64.65	OFFICE DEPOT #213282824001
GL 03 41 63401	533.36	OFFICE DEPOT #201815014001
GL 03 41 72900	127.18	OFFICE DEPOT #219827271001
GL 03 42 72000	64.95	PALA MESA RESORT
GL 03 41 75300	17.65	PREPASS
GL 03 44 60100	10.00	RING
GL 03 41 72900	21.75	TARGET
GL 03 41 63400	76.50	FRUIT GUYS #5589475
GL 03 41 63400	38.25	FRUIT GUYS #5588871
GL 03 41 63400	76.50	FRUIT GUYS #5588085
GL 03 41 63400	38.25	FRUIT GUYS #5587428
GL 03 41 63400	38.25	FRUIT GUYS #5587271
GL 03 44 60100	212.00	WASABI
GL 03 41 63401	137.20	WAXIE
GL 03 41 63401	137.20	WAXIE
GL 03 41 63401	260.18	WAXIE
GL 03 36 72000	300.00	WHIP AROUND
GL 01 35 72000	35.00	ZOHO

GL Finance Code	GL Transaction Amount	Description
GL 03 44 60100	299.87	ZOOM
	27,139.28	American Express (January 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

