



THIS MEETING WILL BE CONDUCTED WITH IN PERSON ATTENDANCE PERMITTED. THE CDC STILL RECOMMENDS MASKING FOR ALL INDIVIDUALS BUT IS NOT MANDATORY. PARTICIPATION WILL ALSO BE AVAILABLE VIA VIDEO CONFERENCE OR TELECONFERENCE.

TO PARTICIPATE IN THE MEETING VIA VIDEO OR TELECONFERENCE, GO TO <https://rainbowmwd.zoom.us/j/82521741222> OR CALL 1-669-900-6833 or 1-346-248-7799 or 1- 253-215-8782 or 1-301-715-8592 or 1-312-626-6799 or 1-929-205-6099 (WEBINAR/MEETING ID: 825 2174 1222).

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, April, 2022

Closed Session 12:00 p.m.

Open Session 1:00 p.m.

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

District Office

3707 Old Highway 395

Fallbrook, CA 92028

Board Agenda Policies

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.

(*) - Asterisk indicates a report is attached.

Notice is hereby given that the Rainbow Municipal Water District Board of Directors will hold Closed Session at 12:00 p.m. and Open Session at 1:00 p.m. Tuesday, April 26, 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. **Conference with Legal Counsel - Existing Litigation Pursuant to Government Code Section 54956.9(d)(1)**
 - * TC Construction Company, Inc. v. Rainbow Municipal Water District, et al.

(*) - Asterisk indicates a report is attached.

7. REPORT ON POTENTIAL ACTION FROM CLOSED SESSION

Time Certain: 1:00 p.m.

8. REPEAT CALL TO ORDER

9. PLEDGE OF ALLEGIANCE

10. REPEAT ROLL CALL

*11. BOARD OF DIRECTORS CONSIDER ADOPTING RESOLUTION NO. 22-12 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.*

PRESENTATION

16. RECOGNITION OF EXTERNAL ORGANIZATIONS FOR ASSISTING RMWD WITH UNEXPECTED MAIN LINE BREAKS IN JANUARY 2022

(*) - Asterisk indicates a report is attached.

***17. APPROVAL OF MINUTES**

- A. March 22, 2022 - Regular Board Meeting
- B. March 29, 2022 – Special 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 March 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
 - A. Board Conference Report – Director Moss
- D. Directors Comments
- E. Legal Counsel Comments
 - 1. Attorney Report: CEQA and Water Supply Projects

19. COMMITTEE REPORTS

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

CONSENT CALENDAR ITEMS

20. NOTICE OF COMPLETION AND ACCEPTANCE OF THE WATER SERVICE UPGRADE PROJECT CONTRACT WITH CONCORD, ALL DIVISIONS

(Concord has completed the installation and backfill of 8,587 meters. The remaining 184 meters will be assembled in-house as they are three and four-inch meters or meters otherwise known as return to the utility.)

***21. NOTICE OF COMPLETION FOR RAINBOW HEIGHTS PUMP STATION**

(The Rainbow Heights Pump Station Rehabilitation Project was constructed, inspected, and successfully tested. Once the project is accepted by the Board, the facilities will begin a one-year warranty period.)

BOARD ACTION ITEMS

***22. CONSIDER APPROVAL OF A CONTRACT CHANGE ORDER FOR THE CASS ARRIETA CONTRACT WITH TRI-POINTE HOMES FOR \$402,373, AND AN AMENDMENT TO THE PARTICIPATION AGREEMENT FOR THE RICE CANYON PIPELINE AND RELATED FACILITIES (DIVISION 5)**

(Multiple unforeseen circumstances have impacted the progress of construction on the Rice Canyon Tank Transmission Main Project including a District-initiated change order, hard rock excavation and the presence of a California gnatcatcher. This request is to obtain Board of Directors approval to approve a change order to fund all unanticipated costs and restore a reasonable contingency source for change orders which may be encountered for the remainder of the project.)

(*) - Asterisk indicates a report is attached.

- *23. CONSIDER APPROVAL OF AN AMENDMENT TO THE ACQUISITION AGREEMENT BY AND AMONG CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY, RAINBOW MUNICIPAL WATER DISTRICT AND TRI POINT HOMES FOR THE CITRO DEVELOPMENT IN DIVISION 4**
(The original Acquisition Agreement describes in Exhibit A the "Acquisition Improvements" that are authorized to be financed through the CFD. The description of the Acquisition Improvements must be amended following a minor construction change related to the pressure reducing stations to be constructed by Citro.)
- *24. CONSIDER AWARD OF CONSTRUCTION CONTRACT IN THE AMOUNT OF \$507,700 WITH HAZARD CONSTRUCTION FOR THE LIVE OAK PARK ROAD BRIDGE WATER MAIN IMPROVEMENT PROJECT IN DIVISION 5**
(The County of San Diego has issued a Notice to Proceed to Hazard Construction for the Live Oak Park Road Bridge Replacement Project. In an attempt to promote a cost-saving opportunity for District ratepayers and County taxpayers, the District is proposing to contract directly with Hazard Construction to complete the relocation of water facilities associated with the County project.)
- *25. DISCUSSION AND POSSIBLE ACTION TO APPROVE A CONTRACT CHANGE ORDER FOR DEXTER WILSON ENGINEERING CONTRACT FOR ADDITIONAL DESIGN SERVICES FOR THE RICE CANYON PIPELINE PROJECT IN THE AMOUNT OF \$12,600 (DIVISION 4 & 5)**
(The District currently has a Professional Services Agreement contract with Dexter Wilson Engineering for engineering services for the Rice Canyon Pipeline Project. A change order in the amount of \$12,600 to Dexter Wilson Engineering Contract No. 20-13 is needed to issue an assignment letter to perform additional engineering design services on the Project.)
- *26. DISCUSSION AND POSSIBLE ACTION REGARDING APPROVAL OF ORDINANCE NO. 22-11 TO REVISE AND ESTABLISH ENGINEERING SERVICE FEES AND DEPOSITS**
(The proposed Ordinance 22-11 establishes the updated Engineering service fees and deposits to more closely match the District's cost for service. Also, a deposit of \$500 was added for a Consultation Meeting as prescribed by the updated Administrative Code.)
- *27. DISCUSSION AND POSSIBLE ACTION TO APPROVE A LETTER OF AUTHORIZATION FROM RMWD TO QUALTEK WIRELESS FOR SUBMISSION OF WIRELESS FACILITY MINOR USE PERMIT APPLICATION WITH SAN DIEGO COUNTY PLANNING DIVISION (DIV 1)**
(Qualtek wireless recently approached RMWD staff regarding land leasing for the installation of a cellular tower at the Hutton and Turner tank sites.)
- *28. DISCUSSION AND POSSIBLE ACTION TO APPROVE A VARIANCE FROM ORDINANCE 21-03 TO ALLOW A LOT, LARGER THAN 0.5 ACRES, TO QUALIFY FOR CAPACITY CLASS B 3/4" METER AND APPROVE THE NEW WATER SERVICE APPLICATION (Division 2)**
(The property owners of APN 126-080-86-00, Gianni and Lisa D'Addazio, have requested a variance from Ordinance No. 21-03 to apply for a new 3/4" water service on a 2.17 acre parcel.)
- *29. DISCUSSION AND POSSIBLE ACTION TO APPROVE A VARIANCE FROM MAXIMUM CAPACITY AND 12 MONTH ROLLING AVERAGE REQUIREMENTS IN ORDER TO DOWNSIZE FROM A 1 1/2" TO A 1" METER (Division 1)**
(The property owner of APN 127-010-47-00, Adam Kitchingman, has requested a variance from Ordinance No. 21-03.)
- 30. DISCUSSION AND POSSIBLE ACTION TO APPROVE BILL ADJUSTMENT AND THREE-YEAR EXTENDED PAYMENT PLAN FOR DIAMANTE MAINTENANCE ACCT. NO. 007334-000 ONE OF THEIR FOUR ACCOUNTS NOT SENT TO NEW BILLING ADDRESS AFTER AN OWNERSHIP CHANGE (DIVISION 1)**
(Due to the sudden death of the HOA manager/owner, there was confusion with the accounts associated with the condo/apartment building located at 3196 Del Cielo Este Bonsall CA 92003. The HOA manager is requesting a three-year extended payment plan, without penalties continuing to be charged, for the past due balance of \$51,428.14 along with an additional adjustment of \$2,844.52 in penalty charges.)

(*) - Asterisk indicates a report is attached.

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

BOARD INFORMATION ITEMS

***32. RECEIVE AND FILE INFORMATION AND FINANCIAL ITEMS**

- A. General Manager Comments**
 - 1. Meetings, Conferences and Seminar Calendar
- B. Operations Comments**
 - 1. Operations Report
- C. Engineering Comments**
 - 1. Engineering Report
 - 2. As-Needed Services Expenditures Summary
 - 3. RMWD Sewer Equivalent Dwelling Units (EDU's) Status
- D. Human Resource & Safety Comments**
 - 1. Human Resources Report
- E. Finance Comments**
 - 1. Board Information Report
 - A.** Budget vs. Actuals
 - B.** Fund Balance & Developer Projections
 - C.** Treasury Report
 - D.** Five Year Water Purchases Demand Chart
 - E.** Water Sales Summary
 - F.** Check Register
 - G.** Directors' Expenses Report
 - H.** Credit Card Breakdown
 - I.** RMWD Properties

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

34. ADJOURNMENT - To Tuesday, MAY 24, 2022 at 1:00 p.m.

ATTEST TO POSTING:

<i>Pam Moss</i>	4-19-22 @ 11:00 a.m.
Pam Moss	Date and Time of Posting
Secretary of the Board	Outside Display Cases

(*) - Asterisk indicates a report is attached.