



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

MEMBERS OF THE PUBLIC ARE ENCOURAGED TO PARTICIPATE IN THE BOARD MEETING OPEN SESSION BY GOING TO <https://us02web.zoom.us/j/88460591213> OR BY CALLING 1-669-900-6833 or 1-346-248-7799 or 1-253-215-8782 or 1-301-715-8592 or 1-312-626- 6799 or 1-929-205-6099 (WEBINAR/MEETING ID: 884 6059 1213). (CLOSED SESSION WILL NOT BE ACCESSIBLE TO MEMBERS OF THE PUBLIC; HOWEVER, INSTRUCTIONS FOR SUBMITTING PUBLIC COMMENT ON CLOSED SESSION ITEMS ARE PROVIDED IN ITEM #4.)

MEMBERS OF THE PUBLIC WISHING TO ADDRESS THE BOARD UNDER PUBLIC COMMENT OR ON A SPECIFIC AGENDA ITEM MAY SUBMIT WRITTEN COMMENTS TO OUR BOARD SECRETARY BY EMAIL AT DWASHBURN@RAINBOWMWD.COM OR BY MAIL TO 3707 OLD HIGHWAY 395, FALLBROOK, CA 92028. ALL PUBLIC 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 23, 2021

Closed Session 12:00 p.m.

Open Session 1:00 p.m.

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

District Office

3707 Old Highway 395

Fallbrook, CA 92028

Board Agenda Policies

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, March 23, 2021, at the District Office located at 3707 Old Highway 395, Fallbrook, CA 92028. At any time during the session, the Board of Directors Meeting may adjourn to Closed Session to consider litigation or to discuss with legal counsel matters within the attorney client privilege.

AGENDA

1. **CALL TO ORDER**
2. **ROLL CALL: Gasca___ Hamilton___ Mack___ Moss___ Rindfleisch___**
3. **ADDITIONS/DELETIONS/AMENDMENTS TO THE AGENDA (Government Code §54954.2)**
4. **INSTRUCTIONS TO ALLOW PUBLIC COMMENT ON AGENDA ITEMS FROM THOSE ATTENDING THIS MEETING VIA TELECONFERENCE OR VIDEO CONFERENCE**

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

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

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

5. **ORAL/WRITTEN COMMUNICATIONS FROM THE PUBLIC OPPORTUNITY FOR MEMBERS OF THE PUBLIC TO ADDRESS THE BOARD REGARDING CLOSED SESSION AGENDA ITEMS (Government Code § 54954.2).**

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

6. **CLOSED SESSION**

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

* One Item

- B. Conference with Labor Negotiators (Government Code §54957.6 and §54957)

Agency Designated Representatives

Tom Kennedy
Karleen Harp

(*) - Asterisk indicates a report is attached.

Discussions regarding labor negotiations for:

Rainbow Employees Association
Rainbow Association of Supervisors and Confidential Employees
Rainbow Exempt Employees Association

7. REPORT ON POTENTIAL ACTION FROM CLOSED SESSION

Time Certain: 1:00 p.m.

8. REPEAT CALL TO ORDER

9. PLEDGE OF ALLEGIANCE

10. REPEAT ROLL CALL

11. REPEAT REPORT ON POTENTIAL ACTION FROM CLOSED SESSION

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

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

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

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

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

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

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

15. EMPLOYEE RECOGNITIONS

A. Victor Veenstra (20 Years)

(*) - Asterisk indicates a report is attached.

***16. APPROVAL OF MINUTES**

- A. February 23, 2021 - Regular Board Meeting
- B. March 8, 2021 – Special Board Meeting

***17. BOARD OF DIRECTORS' COMMENTS/REPORTS**

Directors' comments are comments by Directors concerning District business, which may be of interest to the Board. This is placed on the agenda to enable individual Board members to convey information to the Board and to the public. There is to be no discussion or action taken by the Board of Directors unless the item is noticed as part of the meeting agenda.

- A. President's Report (Director Hamilton)
- B. Representative Report (Appointed Representative)
 - 1. SDCWA
 - A. Summary of Board Meeting February 25, 2021
 - 2. CSDA
 - 3. LAFCO
 - 4. San Luis Rey Watershed Council
 - 5. Santa Margarita River Watershed Watermaster Steering Committee
 - 6. ACWA
- C. Meeting, Workshop, Committee, Seminar, Etc. Reports by Directors (AB1234)
 - 1. Board Seminar/Conference/Workshop Training Attendance Reports
- D. Directors Comments
- E. Legal Counsel Comments
 - 1. Attorney Report: Clean Water Act Update

18. COMMITTEE REPORTS

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

BOARD ACTION ITEMS

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

(Request that the Board of Directors approve IS/MND for the Gopher Canyon Water Pipeline Improvement project and adopt Resolution 21-08. The IS/MND presents an analysis and mitigation measures to address potential environmental impacts associated with the water pipeline improvement project, incompliance with the California Environmental Quality Act (CEQA).)

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

(Request that the Board of Directors approve Change Order 1 in the amount of \$35,981 with Brown and Caldwell for the preparation of the District's 2020 Urban Water Management Plan. The change order is necessary to incorporate new requirements issued by the Department of Water Resources.)

(*) - Asterisk indicates a report is attached.

- 21. DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE AWARD OF THE CONSTRUCTION CONTRACT FOR THE DENTRO DE LOMAS ROAD IMPROVEMENTS PROJECT**
(In response to a main break in December 2020, the District must make repairs to the paving on Dentro De Lomas Road. The District received twelve bids and recommends awarding the contract for paving to the lowest responsible and responsive bidder, Kirk Paving.)
- *22. DISCUSSION AND POSSIBLE ACTION TO APPROVE A MUTUAL AID AGREEMENT PROVIDING FOR EMERGENCY ASSISTANCE AMONG THE SAN DIEGO COUNTY WATER AUTHORITY AND ITS MEMBER AGENCIES**
(Rainbow Municipal Water District is a member agency of the San Diego County Water Authority. In the event of a catastrophic event this Memorandum of Understanding establishes protocol for parties to provide as well as obtain immediate assistance during an emergency event. The MOU establishes the framework for an integrated response and recovery of critical services and infrastructure.)
- 23. DISCUSSION AND POSSIBLE ACTION AS TO HOW TO APPLY THE FUNDS RECEIVED BY THE DISTRICT RELATED TO PROCEEDS FROM THE LAWSUIT BETWEEN THE SAN DIEGO COUNTY WATER AUTHORITY AND METROPOLITAN WATER DISTRICT**
(SDCWA recently sent funds to the District related to ongoing litigation with MWD. This item is to determine how to apply these funds.)
- 24. CONSIDERATION OF REQUEST BY THE SAN DIEGO LOCAL AGENCY FORMATION COMMISSION FOR ADDITIONAL FUNDS FOR THE PROCESSING OF THE DISTRICT'S APPLICATION FOR DETACHMENT FROM THE SAN DIEGO COUNTY WATER AUTHORITY AND CONCURRENT ANNEXATION INTO EASTERN MUNICIPAL WATER DISTRICT**
(LAFCO has hired a special consultant to review the application and supporting materials provided by the District and the voluminous responses provided by SDCWA. Since this process is taking much longer than either the District or LAFCO had contemplated, LAFCO has requested an additional deposit of \$50,000 to cover the costs of processing the application.)
- *25. DISCUSSION AND POSSIBLE ACTION TO APPROVE THE FIVE (5) YEAR UPDATE TO THE SEWER SYSTEM MANAGEMENT PLAN**
(Pursuant to the State Water Resources Control Board General Waste Discharge Requirements, RMWD updates its SSMP once every five (5) years to ensure continued compliance with WDRs and its effectiveness in addressing sewer spills. RMWD's current SSMP was updated in 2016 upon completion of a five (5) year review.)
- 26. DISCUSSION AND POSSIBLE ACTION AMENDING AND UPDATING ADMINISTRATIVE CODE SECTION 2.03.010 – REMUNERATION AND REIMBURSEMENT POLICY**
(This item is to provide the Board with an opportunity to consider amending the list of compensable meetings found in Administrative Code Section 2.03.010 and provide staff with such amendments. Upon receipt of an updated list of compensable meetings, staff will prepare a revised draft of Administrative Code Section 2.03.010 for consideration at the April 27, 2021 Board meeting.)
- *27. DISCUSSION AND POSSIBLE ACTION REGARDING LAFCO CALL FOR NOMINATIONS FOR ALTERNATE SPECIAL DISTRICT MEMBER ELECTION**
(RMWD received a notice dated February 22, 2021 serving as a call for nominations involving a vacant and unexpired term as alternate special district member on the San Diego Local Agency Formation Commission (LAFCO).)
- *28. DISCUSSION AND POSSIBLE ACTION TO ADOPT RESOLUTION NO. 21-09 CONCURRING THE NOMINATION OF JO MACKENZIE TO THE CSDA BOARD OF DIRECTORS**
(Jo Mackenzie has provided RMWD with the attached concurring resolution request to be re-elected to the CSDA Board of Directors, Seat A Southern Network and is requesting the Board to consider adopting a resolution concurring in her nomination.)

(*) - Asterisk indicates a report is attached.

- 29. **DISCUSSION AND POSSIBLE APPOINTMENT OF CHAD WILLIAMS TO SERVE AS AN ALTERNATE MEMBER OF THE BUDGET AND FINANCE COMMITTEE**
(At their March 9, 2021 meeting, the Budget and Finance Committee voted to recommend that the Board appoint Engineering and CIP Program Manager, Chad Williams to serve as an alternate member.)
- 30. **BOARD MEMBER REQUESTS FOR AUTHORIZATION TO ATTEND UPCOMING MEETINGS / CONFERENCES / SEMINARS**

BOARD INFORMATION ITEMS

- 31. **OAKCREST ESTATES WASTEWATER TREATMENT PLANT PERMIT UPDATE**
(Based on the Regional Board's actions, RMWD is no longer a co-permittee for this small wastewater treatment plant. Oakcrest falls under the General Order and RMWD no longer has any administrative, operational, or legal obligations as it relates to Oakcrest's Wastewater Treatment Plant. Oakcrest contracts with Water Quality Specialists directly for services and those two organizations manage all interactions with the Regional Board.)
- 32. **DISTRICT HEADQUARTERS STUDY UPDATE**
- 33. **FOLLOW UP TO CUSTOMER INQUIRIES RECEIVED BY DIRECTORS (REQUESTED BY DIRECTOR MOSS)**
- *34. **RECEIVE AND FILE INFORMATION AND FINANCIAL ITEMS**
 - A. **General Manager Comments**
 - 1. Meetings, Conferences and Seminar Calendar
 - B. **Operations Comments**
 - 1. Operations Report
 - C. **Engineering Comments**
 - 1. Engineering Report
 - 2. As-Needed Services Expenditures Summary
 - 3. RMWD Sewer Equivalent Dwelling Units (EDU's) Status
 - D. **Human Resource & Safety Comments**
 - 1. Human Resources Report
 - E. **Finance Comments**
 - 1. Board Information Report
 - 2. Budget to Actual Fund 1, 2, and 3 January
 - 3. Fund Balance & Developer Projections
 - 4. Treasury Report
 - 5. Five Year Water Purchases Demand Chart
 - 6. Water Sales Summary
 - 7. Check Register
 - 8. Directors' Expenses Report
 - 9. Credit Card Breakdown
 - 10. RMWD Properties
- 35. **LIST OF SUGGESTED AGENDA ITEMS FOR THE NEXT REGULAR BOARD MEETING**

(*) - Asterisk indicates a report is attached.

36. ADJOURNMENT - To Tuesday, April 27, 2021 at 1:00 p.m.

ATTEST TO POSTING:

Pam Moss

Pam Moss
Secretary of the Board

3-15-21 @1:00 p.m.

Date and Time of Posting
Outside Display Cases

(*) - Asterisk indicates a report is attached.