

REVISION #1



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/85664315900> OR CALL 1-669-900-6833 or 1-669-444-9171 or 1-719-359-4580 or 1-253-205-0468 or 1-253-215-8782 or 1-346-248-7799 or 1-301-715-8592 or 1-305-224-1968 or 1-309-205-3325 or 1-312-626-6799 or 1-360-209-5623 or 1-386-347-5053 or 1-507-473-4847 or 1-564-217-2000 or 1-646- 931-3860 or 1-689-278-1000 or 1-929-205-6099 (WEBINAR/MEETING ID: 856 6431 5900).

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, January 24, 2023 **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.

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, January 24, 2023, 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____ Townsend-Smith____**
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))**
 - * One Item
 - B. **Appointment of Public Employee – General Manager (Government Code §54957)**

(*) - Asterisk indicates a report is attached.

- C. 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.

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. 23-02 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. Ricardo Zaragoza

***17. APPROVAL OF MINUTES**

- A. December 6, 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
 - 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: Clean Water Act and Public Records Act Update 501668-0002

19. COMMITTEE REPORTS

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

BOARD ACTION ITEMS

***20. DISCUSSION AND POSSIBLE APPOINTMENT OF BOARD OFFICERS AND REPRESENTATIVES**

(Due to the November 8, 2022 election resulting in a change to the Board of Directors and in accordance with Administrative Code Section 3.01.030, the Board will need to consider appointments of the Board Officers and Representatives as well as Board Member committee assignments.)

***21. APPROVAL OF RESOLUTION NO. 23-01 ESTABLISHING CHECK SIGNING AUTHORITY**

(The purpose of this resolution is to update the current established check signing responsibility to current signers of checks due to changes on the Board of Directors.)

***21A. CONSIDER APPROVAL OF A MOU BETWEEN RMWD, FPUD, U.S. MARINE CORPS BASE CAMP PENDELTON, RANCHO CALIFORNIA WATER DISTRICT, AND CITY OF OCEANSIDE REGARDING COOPERATION ON WATER RECLAMATION AND BRINE DISPOSAL MATTERS**

(This action item is to consider approval of an MOU between multiple agencies to cooperate on the creation of regional facilities to aid in local supply development.)

(*) - Asterisk indicates a report is attached.

- *22. DISCUSSION AND POSSIBLE ACTION TO QUITCLAIM EASEMENTS FOR THE BONSALL OAKS DEVELOPMENT, TM4736-1 (DIVISION 1)**
(The Bonsall Oaks development process began back in 1999, since the recording of the Final Map and the original Joint Agreement, the proposed development has changed and the agreements have been updated. The Grading Plans have changed along with the street alignments and corresponding water and sewer improvements. Because of these changes, the easements granted to Rainbow Municipal Water District with the recording of Final Map 13856 and two easements granted to the District in 2012 are no longer in alignment with the proposed improvements. The improvements which were originally proposed to be located within these easements were never constructed. Thus, the District does not have a need for the easements.)
- *23. CONSIDERATION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. 23-03, A RESOLUTION OF THE BOARD OF DIRECTORS OF RAINBOW MUNICIPAL WATER DISTRICT COMMENDING WILLIAM “BILL” STEWART FOR HIS OUTSTANDING SERVICE AS A DIRECTOR**
(Resolution No. 22-03 commends Bill Stewart for his dedicated service.)
- *24. DISCUSSION AND POSSIBLE ACTION REGARDING SAN DIEGO LOCAL AGENCY FORMATION COMMISSION (LAFCO) CALL FOR NOMINATIONS FOR REGULAR AND ALTERNATE SPECIAL DISTRICT MEMBER ELECTION**
(RMWD received a notice dated December 19, 2022 serving as a call for nominations pursuant to Government Code Section 56332(1) to solicit one regular and one alternate special district member to serve on the San Diego LAFCO. This term is four years and commences May 1, 2023.)
- 25. BOARD MEMBER REQUESTS FOR AUTHORIZATION TO ATTEND UPCOMING MEETINGS / CONFERENCES / SEMINARS**

BOARD INFORMATION ITEMS

- *26. 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
- 27. LIST OF SUGGESTED AGENDA ITEMS FOR THE NEXT REGULAR BOARD MEETING**

(*) - Asterisk indicates a report is attached.

28. ADJOURNMENT - To Tuesday, February 28, 2023, at 1:00 p.m.

ATTEST TO POSTING:

Pam Moss

Pam Moss
Secretary of the Board

1-18-23 @ 9:00 a.m.

Date and Time of Posting
Outside Display Cases

(*) - Asterisk indicates a report is attached.