



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/81228439068> 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: 812 2843 9068) (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, December 8, 2020

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 recorded as a secretarial aid. If you wish to listen to the recordings, they will be available after the draft minutes of the meeting have been prepared. There is no charge associated with copies of recordings. Recordings will be available until the minutes of such meeting are approved. 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, December 8, 2020, 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. **SWEARING IN AND SEATING OF NEWLY ELECTED AND RE-ELECTED DIRECTORS**
2. **CALL TO ORDER**
3. **ROLL CALL: Hamilton____ Gasca____ Mack____ Rindfleisch____**
4. **ADDITIONS/DELETIONS/AMENDMENTS TO THE AGENDA (Government Code §54954.2)**
5. **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."

6. **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.

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

* One Item

(*) - Asterisk indicates a report is attached.

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

Agency Designated Representatives

Tom Kennedy
Karleen Harp

Discussions regarding labor negotiations for:

Rainbow Employees Association
Rainbow Association of Supervisor and Confidential Employees
Rainbow Exempt Employees Association

8. REPORT ON POTENTIAL ACTION FROM CLOSED SESSION

Time Certain: 1:00 p.m.

9. REPEAT CALL TO ORDER

10. PLEDGE OF ALLEGIANCE

11. REPEAT ROLL CALL

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 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.

(*) - Asterisk indicates a report is attached.

16. EMPLOYEE RECOGNITIONS

- A. Cynthia Gray (5 Years)
- B. Jesus Hernandez (15 Years)
- C. Delia Rubio (15 Years)

***17. APPROVAL OF MINUTES**

- A. October 27, 2020 - 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 (Vice President Hayden)
- B. Representative Report (Appointed Representative)
 - 1. SDCWA
 - A. Summary of Board Meeting October 22, 2020
 - 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

19. COMMITTEE REPORTS

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

PRESENTATIONS AND ACTION ITEM

***20. PRESENTATION AND ACCEPTANCE OF THE AUDIT REPORT AND FINANCIAL STATEMENTS FOR FISCAL YEAR ENDING JUNE 30, 2020**

(Annually, the District contracts for the preparation of an independent audit and compilation of the year-end financial statements with a Certified Public Accountant (CPA) firm. The Board of Directors will consider accepting the June 30, 2020 audit of the District by the CPA firm of Lance, Soll & Lunghard, LLP.)

CONSENT CALENDAR ITEMS

***21. NOTICE OF COMPLETION AND ACCEPTANCE OF FACILITIES CONSTRUCTED UNDER THE WIESTLING WATER LINE EXTENSION IMPROVEMENT PLANS**

(The facilities included in the Wiestling Water Line Extension improvement plans have been constructed per the approved plans and specifications, inspected, tested, and are ready for acceptance. These facilities include 195-feet of 12-inch PVC Pipe and associated appurtenances. The District requested the improvements to be upsized at the District's expense to accommodate a planned capital improvement project.)

(*) - Asterisk indicates a report is attached.

- *22. **ACCEPTANCE OF THE 2019 SEWER PIPE LINING PROJECT**
(NU-LINE Technologies completed construction on a portion of the 2019 Sewer Pipe Lining Project to line a sewer main segment under Interstate 15. The final construction is defective and the contractor has not responded to the District's request to remedy the defective work. The Board may consider accepting the facilities and issuing a Change Order including a credit to the District pertaining to the defective work. Upon acceptance, the improvements would become part of the District sewer system and Staff would take over the operation and maintenance.)

- *23. **NOTICE OF COMPLETION AND ACCEPTANCE OF THE OLIVE HILL ESTATES TRANSMISSION LINE RECONNECTION PROJECT**
(The Olive Hill Estates Transmission Line Reconnection project included the construction of approximately 2,550 lineal feet of 14-inch diameter ductile iron pipe (DIP), fittings, and appurtenances and approximately 30 lineal feet of 12-inch diameter DIP and fittings. All facilities have been constructed per plans, inspected, and tested per specifications. Upon acceptance by the Board, the improvements become part of the District's water distribution system and Staff takes over operation and maintenance.)

- *24. **APPROVAL OF ORDINANCE NO. 20-12 - AMENDING AND UPDATING ADMINISTRATIVE CODE SECTION 1.02.020 – CONFLICT OF INTEREST**
(As the positions change at the District, a review of the Conflict of Interest Code is conducted to determine whether those positions listed in the Conflict of Interest Code need to be updated accordingly.)

- *25. **POSSIBLE ACTION TO ADOPT ORDINANCE NO. 20-14 AMENDING AND UPDATING VARIOUS ADMINISTRATIVE CODE SECTIONS AND SUBSECTIONS INCLUDED IN TITLES 1, 2, 4, 5, 8, AND 9**
(In accordance with SB-179 which went into effect last year, any references to personal gender specific pronouns in any RMWD policies needed to be replaced with pronouns that are not gender specific.)

- *26. **ADOPTION OF ORDINANCE NO. 20-11 AMENDING AND UPDATING ADMINISTRATIVE CODE SECTION 1.05.030 - PROCESS, SUBSECTION 1.05.030.03 – COMMITTEE REVIEW AND RECOMMENDATIONS**
(As part of the ongoing review of the Administrative Code, it was discovered one of the references in the above-referenced subsection had not been revised to reflect one of the updated chapter numbers.)

BOARD ACTION ITEMS

- *27. **CONSIDERATION AND POSSIBLE ACTION TO APPROVE RESOLUTION NO. 20-15, A RESOLUTION OF THE BOARD OF DIRECTORS OF RAINBOW MUNICIPAL WATER DISTRICT COMMENDING HELENE BRAZIER FOR HER OUTSTANDING SERVICE AS A DIRECTOR, SECRETARY, AND BOARD PRESIDENT**
(Helene Brazier served as the Division 1 director on Rainbow Municipal Water District's Board from February 2012 to November 2020. Resolution No. 20-15 commends Helene Brazier for her dedicated service.)

- *28. **CONSIDER ESTABLISHING THE 2021 REGULAR BOARD MEETING SCHEDULE**
(The Board will consider establishing the 2021 Regular Board Meeting schedule.)

- *29. **DISCUSSION AND POSSIBLE ACTION TO APPROVE A CONTRACT CHANGE ORDER FOR KENNEDY JENKS DESIGN CONTRACT FOR SEWER INFRASTRUCTURE PROJECTS LIFT STATION NO. 1 REPLACEMENT PROJECT IN THE AMOUNT OF \$239,623 AND EXTENSION OF CONTRACT TERM THROUGH JULY 30, 2021**
(An analysis of the District's existing wastewater conveyance system prepared by Dexter Wilson Engineering, Inc. projected the need for certain projects in order to serve the Meadowood Development. Kennedy Jenks and Associates have been undertaking the design of improvements to the District Sewer Facilities since 2014, but the improvements currently under design need modifications to meet the requirements identified in the Dexter Wilson Report.)

(*) - Asterisk indicates a report is attached.

- *30. CONSIDER AWARDING A PROFESSIONAL SERVICES AGREEMENT (PSA) TO VALLEY CONSTRUCTION MANAGEMENT FOR PROJECT MANAGEMENT SERVICES ON CONSTRUCTION PROJECTS DISTRICT-WIDE AND AUTHORIZE THE GENERAL MANAGER TO EXECUTE THE PSA**
(The engineering and operations activities of Rainbow Municipal Water District (District) requires project and construction managers to see through projects from design to construction. District staff has analyzed the current workload and has determined that the most cost-effective manner to keep projects on track in design and construction is to bring on an as needed consultant to provide project and construction management support. An evaluation of proposals determined that Valley Construction Management (Valley CM) ranked the highest and was deemed most qualified to perform as-needed project management services for the District.)
- 31. DISCUSSION AND POSSIBLE ACTION UPDATING BOARD OF DIRECTOR MEMBERSHIP ON STANDING COMMITTEES**
(The Board of Directors will have an opportunity to consider appointing one Board Member to the Engineering and Operations Committee and removing one Board Member from the Budget and Finance Committee.)
- *32. DISCUSSION AND POSSIBLE ACTION TO ADOPT ORDINANCE NO. 20-09 AMENDING AND UPDATING ADMINISTRATIVE CODE TITLE 3 – BOARD MEETINGS**
(As part of the ongoing process, staff conducted a review of RMWD’s Administrative Code Title 3 and found no significant changes needed to be made, but rather minor typographical, grammatical, and formatting updates.)
- *33. DISCUSSION AND POSSIBLE ACTION TO ADOPT ORDINANCE NO. 20-13 AMENDING AND UPDATING VARIOUS ADMINISTRATIVE CODE CHAPTERS, SECTIONS AND SUBSECTIONS INCLUDED IN TITLES 2, 6, 8, AND 9**
(Board approval of reclassifying a job title at their October 27, 2020 Board meeting resulted in updating various policies throughout the Administrative Code where the previous job title was referenced. Also, in accordance with SB-179 which went into effect last year, any references to personal gender specific pronouns required updating. The proposed revisions under consideration also include those made to bring the policy into alignment with current District practices as well as minor typographical, grammatical, and formatting changes.)
- *34. DISCUSSION AND POSSIBLE ACTION TO ADOPT ORDINANCE NO. 20-10 AMENDING AND UPDATING ADMINISTRATIVE CODE SECTION 5.05.050.01 – RECORDS RETENTION – DISTRICT RECORDS**
(Upon review of the District’s Administrative Code Section 5.05.050.01 and since RMWD has never videoed meetings until the pandemic outbreak, video recordings were not included in the updated policy and needs to be added.)
- 35. BOARD MEMBER REQUESTS FOR AUTHORIZATION TO ATTEND UPCOMING MEETINGS / CONFERENCES / SEMINARS**

BOARD INFORMATION ITEMS

- *36. PRESENTATION OF THE 2021 RATE INCREASE TO PASS THROUGH SAN DIEGO COUNTY WATER AUTHORITY (SDCWA) RATE INCREASES**
(During the Annual Budget process in April - June 2020, it was determined that the upcoming calendar year 2021 SDCWA rate increases would need to be passed through to the district customers.)
- *37. CASH RESERVE POLICY 5.03.220 COMPLIANCE REPORT**
(At the end of each fiscal year, compliance with the Reserve Policy will be reported to the District’s Board of Directors.)
- *38. RECEIVE AND FILE INFORMATION AND FINANCIAL ITEMS**
- A. General Manager Comments**
1. Meetings, Conferences and Seminar Calendar

(*) - Asterisk indicates a report is attached.

B. Communications

1. Staff Training Report – Washburn
2. Staff Training Report – Holtz

C. Operations Comments

1. Operations Report

D. Engineering Comments

1. Engineering Report
2. As-Needed Services Expenditures Report
3. RMWD Sewer Equivalent Dwelling Units (EDU's) Status

E. Human Resource & Safety Comments

1. Human Resources Report

F. Finance Comments

1. Board Information Report
2. Budget vs. Actual Fund 1, 2, and 3
3. Fund Balance Projections
4. Treasury Report
5. Five Year Demand
6. Water Sales Summary
7. Check Register
8. Directors' Expenses
9. Credit Card Breakdown
10. Developer Projections
11. RMWD Properties

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

40. **ADJOURNMENT - To Tuesday, June 23, 2020 at 1:00 p.m.**

ATTEST TO POSTING:



FOR: Carl Rindfleisch
Secretary of the Board

11-20-20 @ 9:30 a.m.

Date and Time of Posting
Outside Display Cases

(*) - Asterisk indicates a report is attached.