MINUTES OF THE REGULAR BOARD MEETING OF THE BOARD OF DIRECTORS OF THE RAINBOW MUNICIPAL WATER DISTRICT APRIL 28, 2015

1. CALL TO ORDER - The Regular Meeting of the Board of Directors of the Rainbow Municipal Water District on April 28, 2015 was called to order by Vice President Lucy at 12:04 p.m. in the Board Room of the District, 3707 Old Highway 395, Fallbrook, CA 92028. Vice President Lucy presiding.

2. ROLL CALL

Present: Director Lucy

Director Walker

Director Sanford (Arrived at 1:27 p.m.)

Director Brazier Director Griffiths

Absent: None

Also Present: General Manager Kennedy

Executive Assistant/Board Secretary Washburn

Legal Counsel Moser Finance Manager Thomas Operations Manager Atilano

Acting District Engineer Kirkpatrick

Superintendent Maccarrone Superintendent Zuniga Superintendent Walker

No members of the public were present for Closed Session. Eight members of the public were present for Open Session.

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

There were no changes to the agenda.

4. 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

Meeting adjourned to Closed Session at 12:05 p.m.

5. CLOSED SESSION

- **A.** Conference with Legal Counsel Personnel (Government Code §54957(b)(1))
- **B.** Conference with Legal Counsel-Existing Litigation (Government Code §54956.9(d)(2))
 - Sotero Ruiz Olvera v. Rainbow Municipal Water District
 San Diego Superior Court Case No. 37-2015-00005687.CU-PO-NC
- C. Conference with Legal Counsel-Anticipated Litigation (Government Code §54956.9(d)(4))
 - 2 Potential Cases

6. REPORT ON POTENTIAL ACTION FROM CLOSED SESSION

This item was addressed under Item #8 herein.

The meeting reconvened at 1:03 p.m.

Time Certain: 1:00 p.m.

7. PLEDGE OF ALLEGIANCE

8. REPEAT REPORT ON POTENTIAL ACTION FROM CLOSED SESSION

Legal Counsel stated there was no reportable action.

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

There were no changes to the agenda.

10. ACKNOWLEDGEMENTS AND RECOGNITIONS A. ANNIVERSARY ACKNOWLEDGEMENT

Thomas Siuneson (15 Years)

Mr. Kennedy mentioned Mr. Sjuneson works in construction and maintenance as well as one of the representatives for the bargaining units for the employee group. He stated Mr. Sjuneson has a Class A license and other certifications for Water Distribution and Treatment respectively. He presented Mr. Sjuneson with a plaque and check for his years of service.

B. RECOGNITION AND COMMENDATION OF STUDENT ARTWORK

Mr. Kennedy talked about the Water Poster Contest for fourth graders for which there were a couple of submissions. He mentioned the contestants and their parents were invited to attend the meeting today. He showed the Board and audience the winning entries as well as talked about the program RMWD does in cooperation with the other water districts to produce the calendar.

Mr. Kennedy said he and staff will make other arrangements to present them with their respective certificates and prizes.

Arden Baur Daniela Cruz

11. 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).

Mrs. Meadow commended the Board for no longer having bottle water.

*12. APPROVAL OF MINUTES

A. March 24, 2015 - Regular Board Meeting

Action:

Moved by Director Brazier to approve the minutes of March 24, 2015. Seconded by Director Walker.

After consideration, the motion CARRIED by the following vote:

AYES: Directors Brazier, Griffiths, Lucy, and Walker

NOES: None ABSTAINED: None

ABSENT: Director Sanford

13. 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 Sanford)

There was no report given.

- **B.** Representative Report (Appointed Representative)
 - 1. SDCWA

Mr. Kennedy reported a great deal of discussion at the last meeting was about the drought.

2. CSDA

There was no meeting.

3. LAFCO

Mr. Kennedy reported there was no action at the last meeting.

4. San Luis Rey Watershed Council

Director Walker reported Helen Medina from the Native American Environmental Protection Coalition was elected to fill the environmental seat and that the agricultural representative seat remains vacant. He stated most of the discussion focused on priority issues and goals set by the Council. He said although there was a great deal of discussion, it was agreed the members would come back with a list of priorities from a list of about twenty. He noted there was much discussion about the drought and also about one of the consequences of such including the Sustainable Groundwater Management Act recently implemented into law; therefore, there will be some interesting discussion on the possibility of forming a groundwater sustainability agency.

Director Lucy said he had someone in mind he will talk to about possibly filling the vacant agricultural seat.

5. Santa Margarita Watershed Council

There was no report given.

C. Meeting, Workshop, Committee, Seminar, Etc. Reports by Directors (AB1234)

Mr. Kennedy reported he, Directors Lucy, Brazier, and Sanford, attended Governance training recently. Director Lucy noted this training was well done.

Director Walker reported he and Tom attended the Council of Water Utilities Meeting at which the topic of discussion was federal grants and federal money for water. Mr. Kennedy pointed out RMWD was producing letters in conjunction with the San Diego North County Reuse Association to 20 different legislatures influencing them to release the funds.

D. Directors Comments

Director Lucy welcomed the public present in the audience.

*14. COMMITTEE REPORTS (Approved Minutes have been attached for reference only.)

A. Budget and Finance Committee

1. March 3, 2015 Minutes

Mr. Stitle reported the Committee was waiting to hear about back from Raftelis in order to get ready for the budget next year.

B. Communications Committee

1. March 2, 2015 Minutes

Director Brazier reported the Committee met on Monday, April 6th where Mr. Kennedy briefed the committee on the past Board meeting, gave an update on the strategic planning process and LAFCO as well as topics for the upcoming newsletter. She noted a discussion followed of recent news articles related to RMWD and the water situation; therefore, topics for the next meeting were suggested followed by meeting adjournment.

Discussion returned to Item #14B.

Ms. Washburn announced the Communications Committee meeting in May has been cancelled with the next meeting being held on June 1, 2015.

C. Engineering Committee

1. March 4, 2015 Minutes

Mrs. Kirkpatrick reported the Committee met in April where discussions took place regarding the mitigation bank. She noted Lee Kirby, a supervisory inspector at Vallecitos, was present at the meeting and expressed an interest in joining the committee. She stated the committee talked about the Morro Tank analysis and engineering fees which was on this agenda for Board consideration.

Discussion ensued regarding the Morro Tank project.

Director Griffiths asked what the plan will be should the drought get worse. Mr. Kennedy stated the plan would be people have to use less and less water if there is no more water. He explained how the water supply that transfers is pretty secure due to those that hold water rights and those rights being very solid. He talked about how MWD looks at their reserves and storage systems before deciding how much they want to take out.

Discussion returned to Item #14 B.

BOARD INFORMATION ITEMS

15. DROUGHT UPDATE

Mr. Kennedy gave a presentation entitled "Drought Update".

Director Sanford joined the meeting at 1:27 p.m.

Discussion ensued regarding agricultural and TSAWR customers.

Mr. Carlstrom asked about the availability of new meters for construction. Mr. Kennedy replied the Governor's proclamation specifically said that new construction should have water efficient irrigation. He explained since right now there was not a supply problem in San Diego, there was no hold on meters at this time.

It was confirmed RMWD was currently receiving applications for new meter service and the District was not curtailing new meters until the Board decides otherwise.

A public member inquired as to how RMWD will address domestic users who have already cut back on their water use voluntarily. Mr. Kennedy stated there was not much more those that already cut back on their usage can do. He said he does not anticipate RMWD having allocations on domestic customers at all after looking at the supply situation. He explained there was an allocation going to happen for the agricultural users who took cheap water in exchange for cuts.

Director Lucy suggested Mr. Kennedy set up a way to personally contact those participating in the TSWR customers and explain to them what is taking place. Mr. Kennedy noted that should it come to this, the Board can establish a decision as to how this should be handled.

Public Member asked about the process for homeowners who have some agriculture on their property to go through. Mr. Kennedy explained this was very new, but RMWD was working to put together a form that is consistent amongst the North County agencies with agricultural users. He stated he expects this to be ready as soon as the State Board makes the determination as to what the final rules are going to be. Discussion followed.

Mr. Kennedy noted the Board will be discussion possibly establishing a Rate Stabilization Fund for use in the future to draw from in the event another short term spikes as opposed to having to change the rates. He said right now there are no rate changes projected; however, this may change depending on how things boil down.

Ms. Rhyne asked about what to tell people when they water and it overflows down the street. Mr. Kennedy suggested telling them to water so they do not run off the property which may involve changing the watering timer.

Mrs. Meadow needed clarification that when Mr. Kennedy is talking about supply, he is only talking about RMWD's contractual supply. She also asked about the desalination plant. Mr. Kennedy explained the desalination plant was currently in commissioning and will not be full operation until the end of September. He assured the audience RMWD will get the supply.

Discussion ensued regarding MWD's allocations being guaranteed.

Mr. Carlstrom mentioned rate increases may come from MWD and SDCWA and encouraged everyone not to get too comfortable with the current water rates RMWD charges. Mr. Kennedy reiterated this was why everyone was waiting to see the final outcome at which time RMWD will have a better picture of where the District needs to go.

A public member asked if there was any political movement right now to renegotiate those secure water rights to break the contract to change the allocations. Mr. Kennedy stated although there may be people that want to attempt something like this, it would be extremely tricky. Discussion followed.

BOARD ACTION ITEMS

16. DISCUSSION AND POSSIBLE ACTION TO AWARD A CONTRACT FOR WATER RATE SETTING SERVICES

Mr. Kennedy noted the Budget and Finance Committee has met with Raftelis have met and reviewed the proposed contract with RMWD in two different meetings. He noted how in 2010 the District went through a Proposition 218 process to establish water rate changes and would have to go through this same process again to comply with Proposition 218. He talked about some recent changes in the law and how RMWD needs to be careful to follow these important new processes in order to set an appropriate rate structure. He noted Raftelis is aware of these processes and will give RMWD a fantastic financial forecasting tool where the District can see how different rate changes might impact fund balances rather quickly.

Mr. Stitle wanted to make it clear that the decision reached last week was not actually outlawing tiered structures but rather allows tiered structured rates; however, the tiered rates must be justified based on what the cost is of supplying water to each tier.

Mr. Kennedy mentioned part of the process was a cost of service study. He talked about RMWD's current rate system and how it could change due to additional residential customers coming the area.

Mr. Stitle confirmed the Budget and Finance Committee voted unanimously to approve this contract.

Mr. Kennedy showed a quick slide presentation on the information provided by Raftelis.

Mr. Kennedy noted the budget will come to the Board in May for review and then again at their June meeting for possible approval.

It was confirmed there was no annual charge associated with the model RMWD will receive.

Action:

Moved by Director Brazier to award the contract for the water rate setting services by Raftelis. Seconded by Director Sanford.

After consideration, the motion CARRIED by the following vote:

AYES: Directors Brazier, Griffiths, Lucy, Sanford, and Walker

NOES: None ABSTAINED: None ABSENT: None

17. DISCUSSION AND POSSIBLE ACTION TO AWARD A CONTRACT FOR STRATEGIC PLANNING FACILITATION SERVICES

Mr. Kennedy talked about his and Director Sanford's meeting with Michele Tamoya. He noted the one thing he and Dennis required was breakdown the contract into different phases with costs associated with the phases which would prevent RMWD from having to pay the entire contract should the Board decide not to proceed before completing each phase. He pointed out the costs of the contract depends on how deep RMWD has Ms. Tamoya meeting with more people than initially anticipated.

Director Lucy asked about strategic planning versus the master plan and which should be done first. Mr. Kennedy stated the master plan would add within it some fundamental questions related to water supply sources as well as the value RMWD places on renewable sources of supply; therefore, he believes having a strategic plan in place before the big policy questions derived from the master plan would be better. Director Sanford agreed RMWD needs to have a strategic plan in place first.

Director Lucy asked for the timeline for this process to begin. Mr. Kennedy said he would start scheduling with Ms. Tamoya as soon as possible. He suggested there be public outreach on RMWD getting a strategic plan in place.

Director Griffiths requested a questionnaire be provided to the Directors prior to meeting with Ms. Tamoya individually. Mr. Kennedy agreed to make this request.

Director Lucy noted the importance of gathering input from the committee members as well as ratepayers.

Director Brazier stated she does not necessarily want to have an individual meeting with the facilitator. Mr. Kennedy said he would see if she would be willing to do group and individual meetings with the Board Members.

Action:

Moved by Director Brazier to award the contract for the services for strategic planning. Seconded by Director Sanford.

After consideration, the motion CARRIED by the following vote:

AYES: Directors Brazier, Griffiths, Lucy, Sanford, and Walker

NOES: None ABSTAINED: None ABSENT: None

*18. DISCUSSION AND POSSIBLE ACTION REGARDING APPROVAL OF ORDINANCE NO. 15-05 TO REVISE AND ESTABLISH ENGINEERING FEES AND DEPOSITS

Mrs. Kirkpatrick noted Jeff Heden was hired for this item and had attended the Engineering Committee meeting. She pointed out due to the fact some engineering fees and deposits have not been updated for quite some time, they did not cover the cost for staff time; therefore, J.C. Heden & Associates was hired to look over RMWD's internal processes as well as interview six other North County Agencies regarding their processes, fees, and charges. She mentioned a copy of the report would be provided to anyone who would like to review it.

Mrs. Kirkpatrick pointed out and explained the changes being proposed.

Mr. Kennedy suggested the Board consider both Ordinance Nos. 15-05 and 15-06 together due to the fact they are related with Ordinance No. 15-05 establishing new engineering fees and Ordinance No. 15-06 will delete engineering fees from the water charges. He noted Mrs. Kirkpatrick tried to make the fees appropriately collect every cent from developers for their activity and no over collect as well.

It was confirmed the Engineering Committee reviewed this matter during two separate meetings.

Director Walker stated he was present at the Engineering Committee when this was presented and how he thought Mr. Heden did an excellent job.

Director Brazier asked if these could be approved with one vote. Legal Counsel stated the Ordinances could be voted on independent of each other or combined into one vote.

Director Lucy suggested these fees and deposits be looked at annually. Mrs. Kirkpatrick assured the Board these fees and deposits will be looked at regularly and anytime there is a discrepancy it will be brought before the Board for consideration. She also noted she put a blanket statement that these can be changed at the District's sole discretion.

Action:

Moved by Director Brazier to approve Ordinance No. 15-05 and Ordinance No. 15-06 which amends Ordinance No. 13-09. Seconded by Director Sanford.

After consideration, the motion CARRIED by the following vote:

AYES: Directors Brazier, Griffiths, Lucy, Sanford, and Walker

NOES: None ABSTAINED: None ABSENT: None

Discussion went to Item #20.

Discussion returned to Item #18.

Ms. Rhyne expressed concern about pumping charges. It was noted this was matter was not on the agenda for Board consideration.

Discussion went to Item #21.

*19. DISCUSSION AND POSSIBLE ACTION REGARDING APPROVAL OF ORDINANCE NO. 15-06 TO AMEND ORDINANCE NO. 13-09 TO EXCLUDE ENGINEERING SERVICE FEES AND DEPOSITS

This item was addressed under Item #18.

*20. DISCUSSION AND POSSIBLE ACTION ON PROPOSITION 1 (2014 WATER BOND) AND BECK RESERVOIR UV PROJECT (GRIFFITHS)

Director Griffiths suggested Beck Reservoir was a valuable asset in that it can be utilized in three different manners. He expressed his opinion that Beck Reservoir was necessary for drinking water purposes in the event of an emergency that impacts anywhere in the system. He pointed out although the liner needs to rehabilitated, it believes this would be a tremendous investment for infrastructure. He recommended RMWD fix the reservoir with a UV system as is which would be the cheapest as well as provided for immediate use of that system.

Director Griffiths expressed concern RMWD was wasting time and possibly missing an opportunity to get 200 million gallons of drinking water. He stated although he has not discussed this with RMWD's Operations, transferring from Morro through Beck when necessary would help keep things going through the whole system. He said he would like this project restarted to avoid problems with supply and emergencies.

Director Lucy explained Mr. Kennedy was working on getting a master plan which includes an analysis of what the District's water needs are truly going to be in the next 5-10 years and put this project on hold until that plan is complete to avoid spending more money. Director Griffiths said he would be remiss acting as a Director to let Beck Reservoir go unused if a problem with supply or an emergency arises.

Mr. Kennedy pointed out, as noted in the memo, staff has put a great deal of thought and time into looking at the Beck Reservoir project and how in his opinion the emergency storage program the RMWD ratepayers have already invested in will supply the District with 4,000-5,0000 acre feet of drinking water during emergency conditions. He noted this was validated with SDCWA as well as tested the connections to ensure they are all in place. He stressed this infrastructure was all in place, paid for, and owned by RMWD. He said to spend an extra \$10M right now to counter those two situations would not be prudent.

Mrs. Kirkpatrick talked about the contract for Arcadis being put on a hold with no fees or penalties associated with the hold.

Director Brazier said she would rather wait for the Board to have discussions on the strategic planning and the master plan which will both be informative as to what the Board decides eventually to do with Beck Reservoir. She stated she does not want the Board to jump into something blindly just because the District was apparently not doing anything right now. Director Sanford agreed noting Beck Reservoir could be a very valuable asset for RMWD; however, he wants to see it be put to the best use which he does not believe has been identified yet.

Director Walker stated he thought it was prudent to keep the project on pause until the master plan has been reviewed and there is a source of solution recommended. He said after such the Board should analyze Beck in light of the master plan.

Director Lucy noted Director Griffiths' concerns are very common; however, he believes RMWD has to go through the strategic planning and master plan processes before revisiting the project. He reiterated this was a big ticket item and the Board should do it right.

Director Griffiths wanted clarification that the recommendation at this time was not to do anything right now. It was confirmed this was the case. Discussion followed.

Mr. Kennedy recalled when he was hired the Board asked him to take a hard look at two large projects dominating RMWD's complete capital improvement plan which included Beck Reservoir. He noted Mr. Carlstrom also suggested the Board look at Beck Reservoir again.

Director Griffiths went on record to say he strongly recommends the Board consider the immediate and safest use of Beck Reservoir.

A public member said although she did not know the facts it appeared RMWD was in a much worse place as far as much water was available which was why she agreed with Director Griffiths. She stated she was at a loss as to why this project should be stopped.

A public member expressed concern that with the recent Governor's proclamation being very serious, it did not make sense for RMWD to stop using what should be a very important local resource. Mr. Kennedy clarified Beck Reservoir was not a local resource and was completely dependent upon imported water to use it. He explained Beck was an uncovered reservoir that the State disallowed the use of unless it gets covered or treated. He talked about how the District invested tens of millions of dollars in covering three large reservoirs which provide adequate storage volumes to manage all day-to-day fire and emergency flow conditions at RMWD. He explained there was some plumbing issues with the relationship between those reservoirs and the geographic diversity of the area; however, these are minor costs to repair than it is to build a whole new UV system for Beck. He noted the memo provided points out very clearly Beck Reservoir has zero to do with supply, zero to do with emergency, and zero to do with drought.

Mr. Carlstrom reminded everyone that when the matter of Beck Reservoir first came up for consideration, RMWD was selling something like 35,000 acre feet of water per year at which time Beck Reservoir loomed much larger in importance for storage than it does today when the District is selling 22,000 acre feet per year. He stated if the drought continues, the storage already in place was more and more of an asset to get through shutdowns, emergencies, etc. He agreed with the sense of the Board and Mr. Kennedy at this point that Beck Reservoir was not as important as it was when it was first being considered.

Director Griffiths reiterated his opinion that RMWD has an asset that could be useful in the event of an emergency. Mr. Carlstrom stated that the risk of an emergency Director Griffiths was describing was a great deal less than the risk that the drought will continue. Director Griffiths said he does not like spending other people's money; however, he considers Beck Reservoir to be a safety factor.

Director Brazier stated she understands people have different points of views based on their interpretations of passed representations of RMWD's situation; however, she sees no harm in reevaluating and waiting for the master plan before going forward. It was noted the master plan could come back stating Beck Reservoir needs to be put back in use.

Discussion returned to Item #18.

Action:

Moved by Director Griffiths that RMWD restart the work on Beck Reservoir as soon as possible. There was no second.

The motion died for lack of a second.

21. DISCUSSION AND POSSIBLE ACTION REGARDING MATTERS RELATED TO THE FPUD REORGANIZATION AND DISSOLUTION APPLICATION TO LAFCO

- A. Ad Hoc Committee
- B. Public Relations Consultant Update
- C. LAFCO Consultant Update

Director Sanford noted the committee has not met since the last Board meeting, but will meet again on May 7, 2015. Mr. Kennedy reported he had written a response back to LAFCO on the MALDEF issue.

Mr. Kennedy reported he and Director Sanford met with Assemblyman Maienschein.

*22. RECEIVE AND FILE INFORMATION ITEMS FOR MARCH 2015

A. General Manager Comments

- 1. Meetings, Conferences and Seminar Calendar
- 2. Paperless Agenda Packets & District Issued Devices Survey
- B. Communications
 - 1. Ratepayer Letters

C. Construction & Maintenance Comments

- 1. Construction and Maintenance Report
- 2. Valve Maintenance Report
- 3. Garage/Shop Repair

D. Water Operations Comments

- **1.** Water Operations Report
- **2.** Electrical/Telemetry Report

E. Wastewater Comments

1. Wastewater Report

F. Operations Comments

- **1.** Water Quality Report
- 2. Cross Connection Control Program Report

G. Engineering Comments

1. Engineering Report

H. Customer Service

- **1.** Field Customer Service Report
- **2.** Meters Report

I. Human Resource & Safety Comments

- 1. Human Resources Report
- 2. Safety Report

Mr. Kennedy talked about the recent survey conducted by Vista Irrigation District regarding providing paperless agendas for the Board Members of the various local agencies. He said he wanted to poll the Board Members to see how they felt about starting to use paperless agendas at RMWD. He said he would bring back a more formal proposal for Board consideration.

Mrs. Kirkpatrick talked about the construction of the small section of sewer line for SR76 which has started.

Action:

Moved by Director Brazier to receive and file information items. Seconded by Director Sanford.

After consideration, the motion CARRIED by the following vote:

AYES: Directors Brazier, Griffiths, Lucy, Sanford, and Walker

NOES: None ABSTAINED: None ABSENT: None

*23. RECEIVE AND FILE FINANCIAL STATEMENTS AND INFORMATION FOR FEBRUARY/MARCH 2015

A. Finance Manager Comments

- 1. Interim Financial Statement
- 2. Monthly Investment Report
- 3. Visa Breakdown
- 4. Directors' Expense
- **5.** Check Register
- 6. Office Petty Cash
- 7. Monthly Water Usage Report
- 8. Projected CIP Cash Flow Report
- 9. RMWD Sewer Equivalent Dwelling Units (EDU's) Status

Action:

Moved by Director Brazier to receive and file financial statements and information. Seconded by Director Walker.

After consideration, the motion CARRIED by the following vote:

AYES: Directors Brazier, Griffiths, Lucy, Sanford, and Walker

NOES: None ABSTAINED: None ABSENT: None

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

It was noted a cost analysis for the District to use paperless agendas would be on the next agenda.

25. ADJOURNMENT - To Tuesday, May 26, 2015 at 1:00 p.m.

The meeting was adjourned with a motion made by Director Lucy to a regular meeting on May 26, 2015 at 1:00 p.m.

The meeting was adjourned at 3:39 p	

	Bob Lucy, Board Vice President
Dawn M. Washburn, Board Secretary	_