



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/85017851946> 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: 850 1785 1946). (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, April 27, 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, April 27, 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 Legal Counsel - Anticipated Initiation of Litigation (Government Code § 54956.9(d)(4))**
 - * One Item

(*) - Asterisk indicates a report is attached.

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

Agency Designated Representatives

Tom Kennedy
Karleen Harp
Tracy Largent

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.

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15. EMPLOYEE RECOGNITIONS

- A. Michael Powers (5 Years)
- B. Justin Demary (15 Years)

***16. APPROVAL OF MINUTES**

- A. March 23, 2021 - Regular 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 - March 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: Brown Act and Employment Law

18. COMMITTEE REPORTS

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

PRESENTATIONS

19. PRESENTATION PROVIDING AN UPDATE ON PREPARATION OF THE DISTRICT'S PROGRAMMATIC ENVIRONMENTAL IMPACT REPORT

(Informational presentation by Helix Environmental to provide an update on the development of the District's Programmatic Environmental Impact Report (PEIR). The PEIR is intended to analyze environmental impacts for future District projects and help streamline the CEQA process.)

BOARD ACTION ITEMS

20. DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE GENERAL MANAGER TO EXECUTE PURCHASE ORDERS FOR TWO EMERGENCY GENERATORS AND A SOLAR POWERED BATTERY BACKUP SYSTEM IN ORDER TO MEET THE DEADLINE FOR SPENDING THE \$300,000 COMMUNITY POWER RESILIENCY ALLOCATION

(The District has received a grant for \$300,000 from the California Governor's Office of Emergency Services (Cal OES) through the 2020-2021 Community Power Resiliency Allocation to Cities Program. The funds are to

(*) - Asterisk indicates a report is attached.

be spent on the acquisition of generators for two pump stations as well as solar panels and a battery pack to provide emergency power to a communications tower which is owned by the District and shared with the North County Fire Protection District.)

21. CONSIDER A CONSTRUCTION AGREEMENT WITH SANCON TECHNOLOGIES FOR THE NORTH RIVER ROAD SEWER MANHOLE REHABILITATION PROJECT IN THE AMOUNT OF \$373,233.50 AND AUTHORIZE THE GENERAL MANAGER TO SIGN ON BEHALF OF THE DISTRICT

(Request that the Board of Directors authorize the award of the construction contract for the North River Road Sewer Manhole Rehabilitation Project to Sancon Technologies in accordance with the California Public Contracting Code for a not to exceed amount of \$373,233.50. The project includes removal and replacement of 56 concrete manhole rings, cast-iron manhole frames and covers, and concrete collars for sewer manholes and rehabilitating the interiors of 37 manholes along North River Road beginning just west of Highway 76 and ending at the intersection of Stallion Drive.)

***22. CONSIDER APPROVAL OF THE PARTICIPATION AGREEMENT FOR THE DESIGN, CONSTRUCTION AND FUNDING OF PORTIONS OF THE RICE CANYON PIPELINE AND RELATED FACILITIES**

(The Participation Agreement for the Design, Construction, and Funding of Portions of the Rice Canyon Pipeline and Related Facilities defines the responsibilities of both Rainbow Municipal Water District and Tri Pointe Homes in relation to the Rice Canyon Tank Transmission Main Project. The project is a proposed 18-inch diameter transmission main which will deliver water from Rice Canyon Tank to Horse Ranch Creek Road and the surrounding developments.)

23. DISCUSSION AND POSSIBLE ACTION RELATED TO DELAYED BACKFLOW ASSEMBLY TESTING

(This item is to discuss possible options related to delays in backflow assembly testing in calendar years 2018 and 2019.)

***24. DISCUSSION AND POSSIBLE ACTION TO APPROVE A VARIANCE FROM ORDINANCE 19-04 TO ALLOW A LOT, LARGER THAN 0.5 ACRES, TO QUALIFY FOR CAPACITY CLASS "A", APPROVE AN ADDITIONAL SERVICE CONNECTION ON ONE PARCEL, AND APPROVE THE NEW WATER SERVICE REQUEST. (DIVISION 1)**

(The Property owner of APN 127-221-27-00 has requested a variance from Ordinance 19-04 to add an additional 3/4" meter on their 10 acre parcel to mitigate the issue of one of their 2 renters that are not paying their water bill.)

***25. DISCUSSION AND POSSIBLE ACTION TO APPROVE A VARIANCE FROM ORDINANCE 19-04 TO ALLOW A LOT, LARGER THAN 0.5 ACRES, TO QUALIFY FOR CAPACITY CLASS "B" AND APPROVE THE CAPACITY CLASS WATER USE AGREEMENT (DIVISION 2)**

(The property owner of APN 121-032-13-00 has requested a variance from Ordinance 19-04.)

***26. DISCUSSION AND POSSIBLE ACTION TO ADOPT ORDINANCE NO. 21-01 AMENDING AND UPDATING ADMINISTRATIVE CODE SECTION 2.03.010 – REMUNERATION AND REIMBURSEMENT POLICY**

(As directed by the Board of Directors on March 23, 2021, staff prepared proposed amendments to Administrative Code Section 2.03.010 for Board consideration.)

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

BOARD INFORMATION ITEMS

28. POTENTIAL REOPENING OF THE DISTRICT AND CONTINUATION OF ZOOM MEETINGS

(*) - Asterisk indicates a report is attached.

***29. 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 vs. Actuals
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

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

31. ADJOURNMENT - To Tuesday, May 25, 2021 at 1:00 p.m.

ATTEST TO POSTING:



Pam Moss
Secretary of the Board

4-23-21 @ 12:00 p.m.

Date and Time of Posting
Outside Display Cases

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