

REPORTER'S TRANSCRIPT

IN RE:

LOCAL AGENCY FORMATION COMMISSION MEETING

AGENDA ITEMS 1, 3, 7A, 7B & 7C

July 6, 2015

San Diego, California

REPORTED BY ERIN WINN-KENNEDY, CSR NO. 13579

1 Transcript of Public Hearing taken at the request  
2 of the Local Agency Formation Commission commencing at the  
3 hour of 9:01 a.m., on Monday, July 6, 2015, at the County  
4 Administration Center located at 1600 Pacific Highway,  
5 Room 310, San Diego, California, before Erin Winn-Kennedy,  
6 Certified Shorthand Reporter, in and for the State of  
7 California.

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9  
10 APPEARANCES:

11 SAM ABED, City Member (Vice-Chairman/City of  
Escondido Mayor)

12  
13 DIANNE JACOB, County Member (County Supervisor)

14 LORIE ZAPF, City of San Diego Member (Council Member)

15 LORRAINE WOOD, City Member (Council Member)

16 JO MACKENZIE, Special District Member  
(Vista Irrigation District)

17 ANDY VANDERLAAN, Public Member

18 GREG COX, County Member (County Supervisor)

19 EDMUND SPRAGUE, Special District Member  
(Olivenhain Municipal Water District)

20 HARRY MATHIS, Public Member

21 MICHAEL OTT, LAFCO Executive Officer

22 MICHAEL COLANTUONO, Legal Counsel  
23  
24  
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2 PROCEEDINGS

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4 MR. ABED: Okay. Good morning, everyone. And  
5 welcome to our July 6th, 2015, LAFCO meeting. We will  
6 start with the roll call.

7 MS. LUCKETT: Commissioner Horn is absent.  
8 Commissioner Abed?

9 MR. ABED: Here.

10 MS. LUCKETT: Commissioner Jacob?

11 MS. JACOB: Here.

12 MS. LUCKETT: Commissioner Zapf?

13 MS. ZAPF: Here.

14 MS. LUCKETT: Commissioner Wood?

15 MS. WOOD: Here.

16 MS. LUCKETT: Commissioner MacKenzie?

17 MS. MACKENZIE: Here.

18 MS. LUCKETT: Commissioner Vanderlaan?

19 MR. VANDERLAAN: Present.

20 MS. LUCKETT: Commissioner -- Alternate  
21 Commissioner Cox?

22 MR. COX: Here.

23 MS. LUCKETT: Alternate Commissioner Vasquez?

24 Absent.

25 Alternate Commissioner Cate? Absent.

1 Alternate Commissioner Sprague?

2 MR. SPRAGUE: Here.

3 MS. LUCKETT: Alternate Commissioner Mathis?

4 MR. MATHIS: Here.

5 MS. LUCKETT: Due to the special district

6 vacancy, Alternate Commissioner Sprague will vote in place

7 of the vacant commission position. There is a quorum

8 with -- Alternate Commissioner Cox will vote in place of

9 Commissioner Horn who is absent. There is a quorum with

10 seven present. So ends the roll.

11 MR. ABED: Thank you.

12 (Off the record)

13 MR. ABED: Move on to item 3, recommended agenda

14 revisions.

15 Mr. Ott?

16 MR. OTT: Thank you. Good morning, Mr. Chairman.

17 Now I think we're on. Getting a little used to that.

18 I do have one revision this morning. We handed

19 this out to you at the meeting today regarding a requested

20 continuance from our chairman, Bill Horn, who is unable to

21 be here today. When we get to item 7A to C, I would like

22 the Commission to take up that request, and you can

23 consider that while we get through these other items.

24 You essentially have three options in considering

25 Supervisor Horn's request this morning. Number one, you

1 can request it -- that we do continue the meeting entirely  
2 to another date certain or option two would be to take  
3 testimony but defer action to another date or number three  
4 would be to proceed as recommended in the original packets  
5 that you have before you. So ponder those three options  
6 as we get through the next couple minutes' worth of the  
7 agenda, and then your commission should vote on your  
8 choice of option 1 through 3.

9 Those are all the revisions, Mr. Chairman.

10 MR. ABED: Excellent.

11 (Off the record)

12 MR. ABED: We move on to our item 7A, 7B, and 7C.

13 We have all received a letter from Chairman --

14 Chairman Horn, chairman of the Board and the chairman of  
15 LAFCO. And he expressed that he needs to be here for the  
16 vote and for the public hearing.

17 Personally I think since this affects his  
18 district, I think we should honor his request and continue  
19 this item. That's my personal position.

20 Commissioner Jacob?

21 MR JACOB: Thank you, Mr. Acting Chairman.

22 MR. ABED: Thank you.

23 MS. JACOB: I think that's the appropriate term.

24 MR. ABED: Yes.

25 MS. JACOB: Yes. And I -- it is customary and

1 protocol if a member of the Commission -- if they  
2 represent a certain area and have a certain interest that  
3 we continue the item.

4 I think the only issue is there are a lot of  
5 people that came down here expecting to testify today.  
6 However, even if we heard the testimony, we'd have to do  
7 it all over again, and all of you would probably want to  
8 come back down again anyway to hear what's going on. So  
9 understand the long distance. I have people that live in  
10 my district at least that length in miles, if not longer,  
11 that come to hearings. So you know, it's unfortunate you  
12 made the trip. But I would move in respect for  
13 Chairman Horn that we continue the entire item and not  
14 hear any public testimony today.

15 The only question is the date. Mr. Ott?

16 MR. ABED: I will -- yes. I will second that  
17 motion, Commissioner Jacob. And I think next meeting I  
18 will not be here, but don't wait for me. But we'll see  
19 what Mr. Ott would suggest.

20 MR. OTT: Well, our possible dates of course  
21 would be August 3rd, September 14th, the Monday after  
22 Labor Day, which sometimes represents a quorum issue for  
23 the Commission, and then the third option would be  
24 October 5th. So those are really the three dates that you  
25 should consider. We did try having, if I remember right,

1 a meeting last September which was after the Labor Day  
2 holiday, and we didn't have a quorum, so we cancelled the  
3 meeting. So if you do wish to continue this to a date  
4 other than August 3rd, please look at your calendars now  
5 to see if you're going to be able to make it for  
6 September 14th.

7 Also, I know that the general manager from  
8 Rainbow Municipal Water District will not be able to make  
9 the August 3rd meeting date. And I think it's important  
10 that the executive from that district be present when  
11 giving testimony.

12 MS. JACOB: Perhaps, Mr. Chairman, we could -- we  
13 could hear testimony on the -- on the continuance only.  
14 And if there's a date acceptable not just for the  
15 commissioners but also for members of the audience, they  
16 can make comment to that. But as long as the testimony is  
17 only on the motion to continue.

18 MR. ABED: Okay. Well, let's hear from the --  
19 let's open the public hearing now and hear from both  
20 districts. We want the most participation in this very  
21 important decision, and I think we need to hear from you  
22 just about the continuation issues. So let's hear from  
23 the both -- from both water districts to see what would be  
24 the best date to continue this item.

25 MR. OTT: And as you're proceeding to the podium,



1 please remember to give your name and your affiliation and  
2 your address.

3 MR. KENNEDY: Good morning. Good morning. My  
4 name is Tom Kennedy. I'm the general manager of Rainbow  
5 Municipal Water District. 11 -- my home address?  
6 3707 Old Highway 395 in Fallbrook.

7 With regard to the continuance, I appreciate the  
8 executive officers' consideration of some of my schedules,  
9 but the September 14th would probably be the best date for  
10 us. Hopefully it's far enough after the Labor Day holiday  
11 so people can get back into the swing of things and attend  
12 the -- attend the system (phonetic).

13 I would like to see if we could have some people  
14 here provide their testimony if they're not able to make  
15 it back because we have a lot of people who came down, and  
16 I know they'd like -- some of them may not be able to make  
17 it back again -- if it's possible to allow a few people  
18 who might want to get something on to the record that at  
19 least -- I know we have someone taking detailed notes  
20 here; that they can get that so Commissioner Horn will be  
21 able to hear that if that's possible. Thank you.

22 MR. BRADY: Brian -- is that on?

23 MR. OTT: There should be a red light that --

24 MR. BRADY: Tom does that all the time. He turns  
25 the microphone off. Brian Brady, Fallbrook Public Utility

1 District, 99 East Mission Road in -- in Fallbrook.

2 Of course our preference is -- everybody is here.  
3 We respect the fact that all these people have come down  
4 from Rainbow service territory, and of course we have --  
5 we have others that want to testify in favor of the  
6 proposal, so we would like this matter to be heard as  
7 quickly as possible.

8 So our preference -- I know the -- the motion on  
9 the table is to put this off. We would prefer to do it  
10 today. If not, any -- any of the dates, whether it be  
11 August 3rd, September 14th, would be fine with us. I  
12 mean, we -- we'd just like to get to an endpoint on the --  
13 on the proposal. Thank you.

14 MR. ABED: Thank you. Commissioner Jacob, you  
15 made the motion to only limit the public speaking to the  
16 continuation.

17 Would you like to hear the public as well or just  
18 keep the motion as it is?

19 MS. JACOB: Well, Mister -- Mr. Chairman, I think  
20 a valid point was made if -- if there are individuals that  
21 cannot come back. And I'd include, by the way, in the  
22 motion a continuance to September 14th.

23 MR. ABED: Okay.

24 MS. JACOB: That looks like the next best date,  
25 and I didn't hear any objections to that. We all -- as

1 commissioners, we should all have these dates on our  
2 calendar anyway and blocked off. So I think it would be  
3 fair to allow testimony. Limit it only to those who would  
4 not be able to make it here on September 14th. But they  
5 need to understand if they testify today, then you cannot  
6 come back and testify again if it's repeat testimony.

7 MR. ABED: Okay. And as I did the second of the  
8 motion, I will accept the modification to the motion. So  
9 let's start with the public speakers and just limit  
10 your -- I don't know how many would be speaking, but you  
11 can have up to three minutes if you need it. If you can  
12 be brief, that would be great. So let's start with the  
13 public testimony.

14 I don't know who's going to speak or not, so just  
15 come forward and speak. Who's going to be the brave one  
16 to be the first?

17 MS. JACOB: It looks like everybody can come  
18 again.

19 MR. ABED: Okay. Yes?

20 MS JACOB: It's a nice drive anyway.

21 MR. ABED: Come forward, sir. You have to come  
22 to the microphone.

23 AUDIENCE MEMBER: No. I just gave a thumbs-up.

24 MR. ABED: Okay. Excellent. Excellent. Okay.  
25 Okay. Then we will close the public hearing.

1           And sir? Okay. Just made it by -- barely.

2           MR. FORBES: Close call. Thank you, Mister -- is  
3 this on? Hello?

4           MS. JACOB: No.

5           MR. FORBES: Here. Okay. Thank you,  
6 Mr. Chairman. I won't be able to come back, so I  
7 appreciate being able to speak. Members of the  
8 Commission, thank you.

9           My name is Phillip Forbes. I -- my wife and I  
10 live in the Rainbow District. We've been property owners  
11 and ratepayers for -- in the Rainbow District for 30-plus  
12 years, so I appreciate the Commission hearing this item.

13          And I also would like to thank both board -- both  
14 boards of the two water districts for attempting to move  
15 forward with the merger. This is -- in my view was a very  
16 positive move. I'm very much in favor of the merger  
17 mainly because of the cost savings to ratepayers in the  
18 district.

19          I know that when the two districts were working  
20 together for the year that they tried to have a joint  
21 effort. About two years ago, there was a significant  
22 savings at that point. About a million dollars. That's  
23 important.

24          I know that projected savings as we go forward if  
25 there is a merger -- that those numbers are somewhere

1     between \$2 and \$3 million. So I think this is really  
2     important. I understand my water rates are not going to  
3     decrease because of those cost reductions, but it  
4     certainly goes a long ways in offsetting any kind of cost  
5     in the future. So I just think this is a positive,  
6     positive thing.

7             You know, since the attempt to work together of  
8     the two districts, I know that things have not gone well.  
9     Districts are spending money on legal and consulting and  
10    other things. I just think I'm hopeful that the two  
11    districts can get back together and really work out the  
12    details so they can benefit the two -- the ratepayers in  
13    our districts.

14            I'd just like to mention my -- my background, and  
15    I haven't spoke publically for a few years. I've been  
16    retired since 2010. And -- but for 24 years -- at the end  
17    of my career actually, I was -- I'm a CPA. And at the --  
18    at the end of my career -- 24 years I was the chief  
19    financial officer and treasurer for Rancho California  
20    Water District, Temecula, and Murrieta.

21            Rancho went through exactly what -- up there  
22    what's being considered here through the Riverside LAFCO.  
23    There was two districts at one time. And there was a  
24    merger that occurred years ago. It was a very, very  
25    successful move for the -- the property owners in the

1 district and saved over the years just millions and  
2 millions of dollars. And it just -- you know, these  
3 details can be worked out.

4 I'd also like to just state that, you know,  
5 there's many, many hard working employees for both of  
6 these districts. And these really are the people that  
7 make it -- make it. And I'd just like to give a shout-out  
8 to them.

9 Both water district boards I believe have  
10 committed that there would not be layoffs through this  
11 merger. We need these people in the future. Over time,  
12 you know, there will be retirements and so on, and these  
13 savings will be achieved. So I really -- I really -- I  
14 really think that's the best thing.

15 So you've heard my position. I thank the  
16 Commission very much for allowing me to speak this  
17 morning.

18 MR. ABED: Thank you.

19 MR. FORBES: Thank you.

20 MR. ABED: Thank you. Okay. Come up front.

21 MR. RADER: Good morning. Thank you for this  
22 chance. My name is John Rader, and I operate a greenhouse  
23 operation in Bonsall. The address is 32149 Aquaduct Road  
24 in Bonsall.

25 We have about 50 acres of production of

1 greenhouse crops. Our specialty is producing young plants  
2 for other growers all over the country. It is a very  
3 water-intensive company as you might imagine.

4 Besides our employees, our greatest resource is  
5 water. The most valuable thing for our economic success  
6 is water. And so therefore, having a very good strong  
7 relationship with whoever is managing our water is very,  
8 very important to us.

9 We've had a very good relationship as we've been  
10 in Bonsall about 20 years now with the Rainbow Water  
11 District. We see no reason for anything to change. In  
12 fact, my concern is that my business will be personally --  
13 and all of its employees -- we employ around 200 to 250  
14 people -- will be impacted by potential differences in  
15 priorities of what water use should be.

16 I think that Bonsall has a -- a -- a character  
17 about it that's very similar to almost a Tuscany area of  
18 San Diego. And I think that it addresses the rural and  
19 the agricultural country lifestyle needs very adequately  
20 which can be very diverse in many cases.

21 To me, my feeling is if it ain't broke, don't fix  
22 it. I am against any merger with the Fallbrook Water  
23 District. Would be concerned that my water use would be  
24 greatly impacted. My priority for water might decrease.  
25 And therefore, my lifestyle and the lifestyle of many

1 people that work for me here would be impacted.

2 We produce approximately about 40 million little  
3 starter plants that we ship to greenhouses all over the  
4 country for them to start their operations and their  
5 spring and summer crops with, and we also do poinsettias.  
6 We're picking up where the Ecke Ranch left off you might  
7 say. And so we just feel like the Rainbow Water District  
8 is -- has been very accommodating, very reliable, very  
9 understanding. When there was maintenance that's been  
10 needed, they warned us of shut-offs but have always,  
11 always given us the alternative route so that we can  
12 continue business because we can't afford one day without  
13 service for these young plants that are in an incubation  
14 chamber rooting.

15 So thank you for this. Please keep things as  
16 they are. They work out very nicely for our business and  
17 for our employees and our customers, too. Thank you.

18 MR. ABED: Thank you for your comments, sir.  
19 Thank you.

20 Anybody else would like to address the Board --  
21 the Commission?

22 MR. GRIFFITHS: Good morning. My name is  
23 Jack Griffiths, and I'm not exactly fitting the category  
24 of not being able to come back. I hope I can. But a  
25 variation of degenerative Alzheimer's -- you never know



1     yourself.  However, what I -- what I'd like to say is  
2     as -- I'm speaking now as a person only, not as a  
3     representative of Rainbow because we -- we're also afraid  
4     of that darn Brown Act that we can't talk to each other.

5             So what I want -- I'd like to say is that ten  
6     years ago we really, really wanted to join with FPUD  
7     (phonetic).  They told us to go pound sand.  They -- then  
8     really we cleaned out our own activities, and Rainbow is  
9     actually a pretty good outfit now.  So we were -- and we  
10    were pay as you go.

11            And still I was 101 percent for the union until  
12    we looked into it.  After one year of checking in, we  
13    said -- I won't go into all the details, but I wanted it.  
14    I'm disappointed, but no way.  So what I'd like to say is  
15    that -- I won't interfere with your proceedings anymore,  
16    but we wanted it.  I checked it.

17            By the way, I'm an engineer and I checked all the  
18    facilities and things like that and I was so disappointed.  
19    Not -- and the only reason we chose to go -- well, I think  
20    the only reason we chose -- governance -- that was a way  
21    we could get away with saying, "Forget it," without  
22    mudslinging and being very nasty to each other.  So after  
23    we separated, we said, "Okay.  We'll separate and be good  
24    neighbors."  I propose that we treat FPUD as good  
25    neighbors and we separate and be happy.

1           Now we are in this situation where we have to  
2   come here; get up at 5:30 in the morning to get everyone  
3   together. And I'm so grateful for another member -- oh,  
4   an ex member of Rainbow who got up earlier than usual to  
5   come to pick us up rather than having us try to come down  
6   by train. So really what we're looking at is something we  
7   really, really wanted. And after we checked it, no way.

8           And I'll leave that to all the other people. But  
9   the "no way" was -- it was so bad, I quit. I said, "Look.  
10   I don't want any part of this because" -- but there it  
11   was.

12           They were so kind. They said, "Okay. Fine."  
13   But then afterwards, the other ones came to the same  
14   conclusion, and they -- so if I can't come next time,  
15   well, I've had my chance.

16           MR. ABED: Thank you.

17           MR. GRIFFITHS: If I can come, I will. And I  
18   thank you so much, Sam --

19           MR. ABED: Thank you.

20           MR. GRIFFITHS: -- for letting me just talk on.

21           MR. ABED: No problem. Thank you very much.

22   Okay. Anybody else?

23           Okay. Seeing none, I will close the public  
24   hearing. And we need to vote on the motion of -- yeah.  
25   Yeah. We need to vote on the motion of continuation by

1 Commissioner Jacob and seconded by myself.

2 So all in favor of the motion?

3 (Collective response in the affirmative.)

4 MR. ABED: Opposed? Okay. Pass unanimously. So  
5 this item will be continued 'til September 14th.

6 All right?

7 MS. JACOB: Mister -- Mr. Chairman, before we go  
8 on, it was alluded to with one of the speakers -- and this  
9 reorganization was initiated April 28th of 2014 a while  
10 ago -- over a year ago. And there was an indication that  
11 perhaps the financial situation has changed since.

12 I would like when this comes back for staff to do  
13 an independent evaluation of the financials. It states in  
14 our backup that this merger will save considerable public  
15 funds. And as -- as was stated by one of the speakers,  
16 that's questionable at this point. So I think it's  
17 really, really important to get the financials right, and  
18 I would expect that those that would be testifying would  
19 also provide information on that. But I'd like our staff  
20 to dig into it deeper.

21 MR. ABED: I do agree, and I think that's a good  
22 recommendation.

23 So Mr. Ott, we will -- we will get an update on  
24 the financial situation. Great. Okay.

25 (Whereupon, the proceedings concluded at 9:24 a.m.)

1 STATE OF CALIFORNIA  
2 COUNTY OF SAN DIEGO  
3

4 I, Erin Winn-Kennedy, Certified  
5 Shorthand Reporter, in and for the State of California,  
6 Certificate No. 13579, do hereby certify:

7 That the foregoing proceedings were  
8 reported by me stenographically and later transcribed into  
9 typewriting under my direction; that the foregoing is a  
10 true record of the proceedings taken at that time.

11 I do further certify that I am a  
12 disinterested person and am in no way interested in the  
13 outcome of this action or connection with or related to  
14 any of the parties in this action or to their respective  
15 counsel.

16 In witness whereof, I have hereunto  
17 set my hand this 16<sup>th</sup> day of July 2015.

18 Erin Winn-Kennedy  
19

20 Erin Winn-Kennedy, CSR No. 13579  
21  
22  
23  
24  
25

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