



October 15, 2021

VIA E-MAIL

Keene Simonds [keene.simonds@sdcounty.ca.gov]

Adam Wilson [adam.wilson@sdcounty.ca.gov]

Dear Mr. Simonds and Mr. Wilson:

On behalf of our clients, Fallbrook Public Utility District (FPUD) and Rainbow Municipal Water District (RMWD), we submit this response to the October 8, 2021 letter by Claire Collins on behalf of the San Diego County Water Authority (CWA) to Keene Simonds and Adam Wilson of San Diego LAFCO (LAFCO). Ms. Collins' letter (CWA Letter) communicates to LAFCO, CWA's apparent confusion regarding the timeline for remaining activities of the ad hoc advisory committee on the FPUD and RMWD's Reorganization Proposals.

Before we address our clients' frustration and dismay over the content of the CWA Letter, we want to provide some baseline information regarding the processing of our clients' Reorganization Proposals:

- FPUD Board of Director on December 9, 2019, and the RMWD Board of Directors on December 3, 2019.
- FPUD and RMWD submitted separate reorganization applications to LAFCO in March 2020—**nearly 18 months ago**.
- The ad hoc advisory committee, established by LAFCO's Commission in June 2020, has met **nine** times between July 2020 and October 2021 to discuss the FPUD and RMWD applications.

Regarding the specific content of the CWA Letter:

- *CWA's Letter states that it did not receive any notice of the anticipated final schedule and process until Mr. Simond's [sic] announcement at Last Monday's meeting."*

Our clients are, confused by CWA's lack of notice because this timeline was communicated to the public and all ad hoc committee members (including CWA representative serving on the ad hoc committee) as part of the committee's **May 2021** meeting, if not earlier, under Agenda Item 5.c:

c) Revised Schedule Report (15 minutes)

The Advisory Committee will receive a report from the Moderator on providing the Committee with a revised schedule based on Dr. Hanemann's current work-plan including tentative dates of future AD Hoc Committee meetings and a general forecast on a completion date for the Ad Hoc Committee's duties and purpose. Information Only.

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The presentation and discussion on the timeline, which spanned close to six minutes (see, Recording commencing at approximately 1:27:00-1:32:47) at which CWA committee members were present, established December 13, 2021 as the last meeting of the ad hoc advisory committee, providing as follows:

December 13 – Final Ad Hoc Committee meeting to provide recommendations to LAFCO Commission

During the discussion it was made clear that the goal was to have the committee’s work conclude in mid-December:

. . . like I said uh the the end goal is to have uh this being all wrapped up by mid-December. . . . so we can pass that baton on to Keene and his staff and and eventually to the full Commission of LAFCO so I’ll open up the floor on this item if anybody has any questions or concerns . . . I just want to preface and say you know these dates are tentative things are subject to change but I think there is advantage of seeing something a little more linear in trying to get this completed by the end of the year. . . .

(See, Recording commencing at 1:30:23-1:31:07.)

- *CWA’s Letter also claims that the ad hoc advisory committee—even though it has met for over a year—is not yet done with providing “real-time input to LAFCO staff with respect to the processing and evaluating the Fallbrook PUD and Rainbow MWD Proposals” and claims that the committee’s task of “Identify[ing] Key Stakeholders,” has not occurred, and “Review[ing] Stakeholder Comments” has not been completed. CWA expresses particular interest in ensuring that CWA member agencies are afforded the ability to provide input.*

Again, FPUD and RMWD are confused by this assertion as the work of the ad hoc advisory committee is a public process. The committee publishes agendas and provides a forum for all interested parties to provide comments on each of the specific items agendized for discussion, as well as to provide comments on non-agendized items. Further, at its August 3, 2020 meeting the committee discussed the process for engagement of CWA member agencies¹ not represented on the committee. (See, Agenda Item 4.f. of August 3, 2020 Agenda.) The minutes for that meeting provide as follows:

¹ We must note that CWA member agencies are generally not considered subject agencies, affected agencies or interested agencies as defined in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

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f) Addressing Input from Other County Water Authority Member Agencies

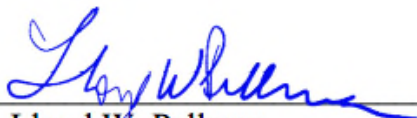
Moderator Keene Simonds led a Committee discussion on options to solicit and/or otherwise receive input from the remaining 22 members of the County Water Authority.

Committee discussion followed with general consensus that LAFCO staff continue to include all affected agencies – including the other 22 member agencies of the County Water Authority – in noticing activities associated with the two reorganizations. It was similarly agreed for LAFCO staff to revisit outreach efforts and improve as needed.

In conclusion, considering the substantial amount of work completed by the committee to date in providing real-time input to LAFCO staff with respect to the processing and evaluating the Fallbrook PUD and Rainbow MWD Proposals, FPUD and RMWD want to express on the record, that all of the activities for this committee, as set out in the Commission's action on June 1, 2020 have either been addressed, are in the process of being addressed, or are simply not needed for the Executive Officer to deem the applications complete. Further, it is the statutory role of the Executive Officer of LAFCO and not any standing or ad hoc committee established by the Commission, to make a determination of whether an application is complete or not. Last, FPUD and RMWD respectfully request an outline of any items remaining outstanding which prevent the Executive Officer from issuing the certificate of filing pursuant to the provisions of Government Code section 56658.

We thank LAFCO for its continued work on the FPUD and RMWD Reorganization Proposals.

Sincerely,



Lloyd W. Pellman
Attorney for
Rainbow Municipal Water District



Paula de Sousa
Attorney for
Fallbrook Public Utility District

cc: Holly O. Whatley, LAFCO Counsel [hwhatley@chwlaw.us]