



San Diego County
Local Agency Formation Commission
 Regional Service Planning | Subdivision of the State of California

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AGENDA REPORT
 Consent | Action

October 2, 2023

TO: Commissioners

FROM: Keene Simonds, Executive Officer
 Priscilla Mumpower, Assistant Executive Officer

SUBJECT: Results of Protest Hearings | Proposed “Fallbrook PUD & Rainbow MWD Wholesaler Reorganizations” – Annexations to Eastern Municipal Water District (RO20-05 and RO20- 04)

SUMMARY

The San Diego County Local Agency Formation Commission (LAFCO) will receive the results of protest hearings held for two coordinated reorganization proposals filed by Fallbrook Public Utility District (PUD) and Rainbow Municipal Water District (MWD). The proposals were conditionally approved by the Commission in July 2023 as part of a joint-public hearing and involve the transfer of wholesale water service responsibilities within the applicants’ jurisdictional boundaries from the San Diego County Water Authority to Eastern MWD. The noticed protest hearings – one for each agency – were held on August 18, 2023 and marked the culmination of a 21-day period in which landowners and/or registered voters could file written objections to the annexations into Eastern MWD. (The detachments are not subject to protest proceedings under the County Water Authority principal act and instead will be considered by voters in each applicant jurisdiction as part of scheduled elections in November). No written protests were received for either proposal. The protest results are being presented to the Commission under policy to formally receive and file.

<p>Administration Keene Simonds, Executive Officer 2550 Fifth Avenue, Suite 725 San Diego, California 92103 T 619.321.3380 www.sdlafco.org lafco@sdcounty.ca.gov</p>	<p>Chair Jim Desmond County of San Diego</p> <p>Joel Anderson County of San Diego</p> <p>Nora Vargas, Alt. County of San Diego</p>	<p>Kristi Becker City of Solana Beach</p> <p>Dane White City of Escondido</p> <p>John McCann Alt. City of Chula Vista</p>	<p>Vice Chair Stephen Whitburn City of San Diego</p> <p>Marni von Wilpert, Alt. City of San Diego</p>	<p>Jo MacKenzie Vista Irrigation</p> <p>Barry Willis Alpine Fire Protection</p> <p>David Drake, Alt. Rincon del Diablo</p>	<p>Andy Vanderlaan General Public</p> <p>Harry Mathis, Alt. General Public</p>
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BACKGROUND

Proposals’ Request

San Diego LAFCO received separate reorganization proposals in March 2020 from Fallbrook PUD and Rainbow MWD seeking Commission approval to concurrently (a) detach from the County Water Authority and (b) annex to Eastern MWD. The stated purpose of the reorganizations as detailed in the proposal materials is to achieve cost-savings for the agencies by transitioning the purchase of wholesale supplies. The affected territory as submitted aligns with the existing jurisdictional boundaries of Fallbrook PUD and Rainbow MWD and totals 79,050 acres – or 123.5 square miles – with 99% involving unincorporated lands.¹ This acreage total represents 3.4% of all San Diego County.

Commission Actions

San Diego LAFCO opened a noticed joint-public hearing on the reorganization proposals on June 5, 2023 to consider the proposals filed by the Fallbrook PUD and Rainbow MWD. The opening of the joint hearing included presentations from staff as well as the applicants and County Water Authority followed by extended public testimony. The Commission proceeded to continue the public hearing for further deliberations. The Commission initially continued the item to its August 7, 2023 meeting but subsequently reset the hearing to July 10, 2023. The Commission proceeded to conditionally approve the reorganizations on July 10th with conditions – including a term for the applicants to pay a total exit fee of \$24.305 million over a five-year period. The Commission also delegated conducting authority proceedings specific to the annexations into Eastern MWD to the Executive Officer and hold protest hearings at a future time and place. The Commission separately deferred the conducting authority proceedings covering the detachments from the County Water Authority to its principal act and requirement therein to hold elections within the affected territory.

DISCUSSION

This item is for San Diego LAFCO to receive the results of the protest hearings delegated to the Executive Officer involving the Commission’s earlier approvals of the annexations of Fallbrook PUD and Rainbow MWD jurisdictional boundaries to Eastern MWD. Protest for both proposals opened on July 28, 2023 and concluded at separate hearings held on August 18, 2023 at the Fallbrook PUD administrative office.² Notice of the hearings were provided in the manner allowed under statute and policy and included publishing advertisements in the San Diego Union Tribune in English and Spanish. No written protests were received through the end of the hearings from affected landowners or registered voters as further detailed in the accompanying footnote.³

¹ The affected territory is entirely unincorporated with the exception of an approximate 859.0-acre area within Rainbow MWD that overlaps with the City of Oceanside’s Morro Hills neighborhood.

² The hearing for Rainbow MWD was held at 10:00am and the hearing for Fallbrook PUD was held at 1:00pm.

³ The estimated population within the affected territory is 56,116 with 32,781 registered voters.

With the preceding results in mind, a confirming resolution ordering the reorganization has been executed by the Executive Officer, and the proceedings will become final once the applicant satisfies all remaining terms.

ANALYSIS

San Diego LAFCO’s approved annexations of Fallbrook PUD and Rainbow MWD’s jurisdictional boundaries to Eastern MWD have cleared their last substantive threshold. Recording the annexations – nonetheless – are tied to the completion of all other approval terms and marked by Fallbrook PUD and Rainbow MWD’s electorates approving the detachments from the County Water Authority. These latter terms will be determined as part of special elections scheduled on November 7, 2023.

RECOMMENDATION

It is recommended San Diego LAFCO formally receive the results of the protest hearings held on the reorganizations specific to annexing Fallbrook PUD and Rainbow MWD’s jurisdictional boundaries to Eastern MWD consistent with Alternative One in the proceeding section.

ALTERNATIVES FOR ACTION

The following alternative actions are available to San Diego LAFCO and can be accomplished with a single-motion:

Alternative One (recommended):

Receive and file the protest results for the “Fallbrook PUD & Rainbow MWD Wholesaler Reorganizations” (RO20-05 and RO20-04) as presented.

Alternative Two:

Continue the item to a future meeting and provide related direction to staff as needed.

PROCEDURES

This item has been placed on the San Diego LAFCO’s agenda as part of the consent calendar. A successful motion to approve the consent calendar will include taking affirmative action on the staff recommendation unless otherwise specified by the Commission.

On behalf of the Executive Officer,



Priscilla Mumpower
Assistant Executive Officer

Attachment:

- 1) Notice of Hearings

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Name Statement generally expires at the end of five years from the date on which it was filed in the Office of the County Clerk, except, as provided in Subdivision (b) of Section 17920, where it expires 40 days after any change in the facts set forth in this statement pursuant to Section 17913 other than a change in the residence address of a registered owner. A new Fictitious Business Name Statement must be filed before the expiration. The filing of this statement does not of itself authorize the use in this State of a Fictitious Business Name in violation of the rights of another Federal, State or Common Law. (See Section 14411 Et Seq., Business and Professions Code). I hereby certify that this copy is a correct copy of the original statement on file in my office. Peter Aldama Riverside County Clerk

FICTITIOUS BUSINESS NAME STATEMENT
File No.: 2023-9011634
Filed with Jordan Z. Marks Recorder/County Clerk County of San Diego: 05/30/2023
Fictitious Business Name(s): a. RENDEZVOUS NAILS & SPA
Located at: 708 S RANCHO SANTA FE RD #200, SAN MARCOS, CA 92078, SAN DIEGO County, Registered Owners Name(s): a. LUTHAN AL LLC, 708 S RANCHO SANTA FE RD #200, SAN MARCOS, CA 92078, CALIFORNIA.
This business is conducted by: a Limited Liability Company. The first day of business has not yet started.
I declare that all information in this statement is true and correct. (A registrant who declares as true any material matter pursuant to Section 17913 of the Business and Professions code that the registrant knows to be false is guilty of a misdemeanor punishable by a fine not to exceed one thousand dollars (1,000).) Registrant Name /s/ THANH LY, MEMBER 07/13/23, 07/20/23, 07/27/23, 08/03/23

FICTITIOUS BUSINESS NAME STATEMENT
File No.: 2023-9014931
Filed with Jordan Z. Marks Recorder/County Clerk County of San Diego: 07/17/2023
Fictitious Business Name(s): a. Macias Home Cleaning Service
Located at: 921 E 5th St Apt 1, National City, Ca 91950, San Diego County, Registered Owners Name(s): a. Rocio Andrea Macias, 921 E 5th St Apt 1 National City, Ca 91950. This business is conducted by: an Individual. The first day of business has not yet started.
I declare that all information in this statement is true and correct. (A registrant who declares as true any material matter pursuant to Section 17913 of the Business and Professions code that the registrant knows to be false is guilty of a misdemeanor punishable by a fine not to exceed one thousand dollars (1,000).) Registrant Name /s/ Rocio Andrea Macias 07/20/23, 07/27/23, 08/03/23, 08/10/23

Call Us. 866-411-4140 statement is true and correct. (A registrant who declares as true any material matter pursuant to Section 17913 of the Business and Professions code that the registrant knows to be false is guilty of a misdemeanor punishable by a fine not to exceed one thousand dollars (1,000).) Registrant Name /s/ 07/06/23, 07/13/23, 07/20/23, 07/27/23 to creditors of the within names Seller(s) three years before the date such list was sent

San Diego County Local Agency Formation Commission
Regional Service Planning | Subdivision of the State of California

INICIO DEL PROCEDIMIENTO DE PROTESTA Y FECHA DE AUDIENCIA ASOCIADA

"Reorganización del Distrito Municipal de Agua de Rainbow: Servicios Mayoristas de Agua"
- Anexión al Distrito Municipal de Aguas del Este -
LAFCO Expediente No. R020-04

Periodo de protesta:
viernes, 28 de julio de 2023 a viernes, 18 de agosto de 2023

Audiencia de Protesta:
viernes, 18 de agosto de 2023 a las 10:00
990 E. Misión Carretera, Fallbrook, California 92028

La reorganización antes mencionada fue iniciada por el Distrito Municipal de Agua de Rainbow. Implica la transferencia legal de las responsabilidades del servicio mayorista de agua dentro del límite jurisdiccional de aproximadamente 50,857 acres de Rainbow de la Autoridad del Agua del Condado de San Diego al Distrito Municipal del Agua del Este a través de un proceso simultáneo de separación y anexión. El propósito de la reorganización es proporcionar ahorros de costos a los contribuyentes minoristas de Rainbow. LAFCO aprobó condicionalmente la reorganización el 10 de julio de 2023 para incluir, entre otros, que Rainbow pague una tarifa de salida total de \$15.756 millones durante un periodo de cinco años. Todos los términos de aprobación están disponibles en línea visitando la página de la reunión del 10 de julio de LAFCO en www.sdfafco.org.

La aprobación condicional de LAFCO está sujeta a la realización de procedimientos de autoridad. Esto incluye brindarles a los propietarios de tierras y votantes registrados dentro de Rainbow la oportunidad de presentar una protesta por escrito con el potencial de requerir una elección o cancelar la aprobación por completo. En consecuencia, este aviso inicia formalmente los procedimientos de protesta para la reorganización, y específicamente para la anexión propuesta del territorio afectado al Distrito Municipal de Agua del Este, a partir del viernes 28 de julio de 2023. Los procedimientos de protesta se extienden por 21 días y concluirán como parte de una audiencia formal celebrada por el Funcionario Ejecutivo o su designado a las 10:00 a.m. el viernes 18 de agosto de 2023.

- Instrucciones de Protesta**
Cualquier propietario y/o votante registrado dentro de Rainbow puede presentar una protesta por escrito durante el periodo de protesta. La protesta por escrito se puede presentar en persona o por mensajería, fax o correo electrónico siempre que LAFCO la reciba antes de las 5:00 p.m. el jueves 17 de agosto. De lo contrario, todas las protestas deben presentarse en persona antes de la conclusión de la audiencia del 18 de agosto. Cada protesta por escrito deberá indicar si la hace un propietario calificado o un votante registrado. También identificará la ubicación de la propiedad o el/los número(s) de parcela del tasador o la dirección de residencia y estará firmada y fechada. Todas las firmas deben estar fechadas con la fecha de la firma, que no debe ser anterior al 28 de julio de 2023 en consonancia con el inicio de los procedimientos de protesta.
- Evaluación de protesta**
El personal de LAFCO trabajará con el Tasador y Registrador de Votantes del Condado de San Diego para evaluar la protesta recibida sobre la reorganización. Se aplican los siguientes umbrales:
 - Si menos del 25 % de (a) los votantes registrados y/o (b) los propietarios de tierras que poseen menos del 25 % del valor tasado de la tierra dentro del territorio afectado presentan protestas por escrito, se ordenará la reorganización sin una elección sujeta a la finalización de otros términos. Esto incluye la celebración de una elección de votantes registrados dentro de Rainbow para aprobar el desapego de la Autoridad de Agua del Condado.
 - Si entre el 25 % y el 50 % de (a) los votantes registrados y/o (b) los tratamientos que poseen entre el 25 % y el 50 % del valor tasado de la tierra en el territorio afectado presentan protestas por escrito, se ordenará la reorganización sujeta a una elección. También se aplicará la finalización de otros términos.
 - Si más del 50 % de (a) los votantes registrados y/o (b) los propietarios de tierras que poseen el 50 % o más del valor tasado de la tierra dentro del territorio afectado presentan protestas por escrito, la reorganización terminará.

Los formularios de protesta para propietarios de tierras y votantes registrados están disponibles en www.sdfafco.org. Una copia de este aviso también está disponible en inglés en el sitio web de LAFCO de San Diego, como se indica arriba. Dirija todas las preguntas al personal de LAFCO al 619-321-3380 o lafco@sdfcountyca.gov.

PUBLICADO: 27 de agosto de 2023

San Diego County Local Agency Formation Commission
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INICIO DEL PROCEDIMIENTO DE PROTESTA Y FECHA DE AUDIENCIA ASOCIADA

"Reorganización del Distrito de Servicios Públicos de Fallbrook: Servicios Mayoristas de Agua"
- Anexión al Distrito Municipal de Aguas del Este -
Expediente LAFCO No. R020-05

Periodo de protesta:
viernes, 28 de julio de 2023 a viernes, 18 de agosto de 2023

Audiencia de Protesta:
viernes, 18 de agosto de 2023 a las 13:00
990 E. Misión Carretera
Fallbrook, California 92028

La reorganización antes mencionada fue iniciada por el Distrito de Servicios Públicos de Fallbrook. Implica la transferencia legal de las responsabilidades del servicio mayorista de agua dentro del límite jurisdiccional aproximado de 28,193 acres de Fallbrook de la Autoridad del Agua del Condado de San Diego al Distrito Municipal de Agua del Este a través de un proceso simultáneo de separación y anexión. El propósito de la reorganización es proporcionar ahorros de costos a los contribuyentes minoristas de Fallbrook. LAFCO aprobó condicionalmente la reorganización el 10 de julio de 2023 para incluir, entre otros, que Fallbrook pague una tarifa de salida total de \$8,507 millones durante un periodo de cinco años. Todos los términos de aprobación están disponibles en línea visitando la página de la reunión del 10 de julio de LAFCO en www.sdfafco.org.

La aprobación condicional de LAFCO está sujeta a la realización de procedimientos de autoridad. Esto incluye brindarles a los propietarios de tierras y votantes registrados dentro de Fallbrook la oportunidad de presentar una protesta por escrito con el potencial de requerir una elección o cancelar la aprobación por completo. En consecuencia, este aviso inicia formalmente los procedimientos de protesta para la reorganización, y específicamente para la anexión propuesta del territorio afectado al Distrito Municipal de Agua del Este, a partir del viernes 28 de julio de 2023. Los procedimientos de protesta se extienden por 21 días y concluirán como parte de una audiencia formal celebrada por el Oficial Ejecutivo o su designado a las 1:00 p.m. el viernes 18 de agosto de 2023.

- Instrucciones de protesta**
Cualquier propietario y/o votante registrado dentro de Fallbrook puede presentar una protesta por escrito durante el periodo de protesta. La protesta por escrito se puede presentar en persona o por mensajería, fax o correo electrónico siempre que LAFCO la reciba antes de las 5:00 p.m. el jueves 17 de agosto. De lo contrario, todas las protestas deben presentarse en persona antes de la conclusión de la audiencia del 18 de agosto. Cada protesta por escrito deberá indicar si la hace un propietario calificado o un votante registrado. También identificará la ubicación de la propiedad o el/los número(s) de parcela del tasador o la dirección de residencia y estará firmada y fechada. Todas las firmas deben estar fechadas con la fecha de la firma, que no debe ser anterior al 28 de julio de 2023 en consonancia con el inicio de los procedimientos de protesta.
- Evaluación de protesta**
El personal de LAFCO trabajará con el Tasador y Registrador de Votantes del Condado de San Diego para evaluar la protesta recibida sobre la reorganización. Se aplican los siguientes umbrales:
 - Si menos del 25 % de (a) los votantes registrados y/o (b) los propietarios de tierras que poseen menos del 25 % del valor tasado de la tierra dentro del territorio afectado presentan protestas por escrito, se ordenará la reorganización sin una elección sujeta a la finalización de otros términos. Esto incluye la celebración de una elección de votantes registrados dentro de Fallbrook para aprobar el desapego de la Autoridad de Agua del Condado.
 - Si entre el 25 % y el 50 % de (a) los votantes registrados y/o (b) los tratamientos que poseen entre el 25 % y el 50 % del valor tasado de la tierra en el territorio afectado presentan protestas por escrito, se ordenará la reorganización sujeta a una elección. También se aplicará la finalización de otros términos.
 - Si más del 50 % de (a) los votantes registrados y/o (b) los propietarios de tierras que poseen el 50 % o más del valor tasado de la tierra dentro del territorio afectado presentan protestas por escrito, la reorganización terminará.

Los formularios de protesta para propietarios de tierras y votantes registrados están disponibles en www.sdfafco.org. Una copia de este aviso también está disponible en español en el sitio web de LAFCO de San Diego, como se indica arriba. Dirija todas las preguntas al personal de LAFCO al 619-321-3380 o lafco@sdfcountyca.gov.

PUBLICADO: 27 de agosto de 2023

three years before the date such list was sent

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COMMENCEMENT OF PROTEST PROCEEDINGS AND ASSOCIATED HEARING DATE

"Fallbrook Public Utility District Reorganization: Wholesale Water Services"
- Annexation to Eastern Municipal Water District -
LAFCO File No. R020-05

Protest Period:
Friday, July 28, 2023 to Friday, August 18, 2023

Protest Hearing:
Friday, August 18, 2023 at 1:00 PM.
990 E. Mission Road
Fallbrook, California 92028

The above-listed reorganization was initiated by the Fallbrook Public Utility District. It involves the legal transfer of wholesale water service responsibilities within Fallbrook's approximate 28,193 acre jurisdictional boundary from the San Diego County Water Authority to Eastern Municipal Water District via a concurrent detachment and annexation process. The purpose of the reorganization is to provide cost-savings to Fallbrook's retail ratepayers. LAFCO conditionally approved the reorganization on July 10, 2023 to include – among others – Fallbrook paying a total exit fee in the amount of \$8,507 million over a five-year period. All approval terms are available online by visiting LAFCO's July 10th meeting page at www.sdfafco.org.

LAFCO's conditional approval is subject to conducting authority proceedings. This includes providing landowners and registered voters within Fallbrook the opportunity to submit written protest with the potential therein to either require an election or outright terminate the approval. Accordingly, this notice formally commences protest proceedings for the reorganization – and specific to the proposed annexation of the affected territory to Eastern Municipal Water District – beginning Friday, July 28, 2023. The protest proceedings extend 21-days and will conclude as part of a formal hearing held by the Executive Officer or their designee at 1:00 PM, on Friday, August 18, 2023.

- Protest Instructions**
Any landowner and/or registered voter within Fallbrook may file written protest during the protest period. Written protest may be filed in-person or by courier, facsimile, or email so long as it is received by LAFCO by 5:00 PM, on Thursday, August 17th. Otherwise, all protests must be submitted in person prior to the conclusion of the August 18th hearing. Each written protest shall state whether it is made by a qualifying landowner or registered voter. It shall also identify the property location or assessor's parcel number(s) or residence address and be signed and dated. All signatures must be dated with the date signed, which must be no earlier than July 28, 2023 in step with the commencement of the protest proceedings.
- Protest Evaluation**
LAFCO staff will work with the County of San Diego Assessor and Registrar of Voters in evaluating protest received on the reorganization. The following thresholds apply:
 - Should less than 25% of (a) registered voters and/or (b) landowners holding less than 25% of the assessed value of land within the affected territory file written protests the reorganization will be ordered without an election subject to completion of other terms. This includes holding an election of registered voters within Fallbrook to approve detachment from the County Water Authority.
 - Should 25% to 50% of (a) registered voters and/or (b) landowners holding 25% to 50% of the assessed value of land in the affected territory file written protests the reorganization will be ordered subject to an election. Completion of other terms would also apply.
 - Should more than 50% of (a) registered voters and/or (b) landowners holding 50% or more of the assessed value of land within the affected territory file written protests the reorganization will be terminated.

Protest forms for landowners and registered voters are available at www.sdfafco.org. A copy of this notice is also available in Spanish on the San Diego LAFCO website, as listed above.

Please direct all questions to LAFCO staff at 619-321-3380 or lafco@sdfcountyca.gov.

PUBLISHED: July 27, 2023

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COMMENCEMENT OF PROTEST PROCEEDINGS AND ASSOCIATED HEARING DATE

"Rainbow Municipal Water District Reorganization: Wholesale Water Services"
- Annexation to Eastern Municipal Water District -
LAFCO File No. R020-04

Protest Period:
Friday, July 28, 2023 to Friday, August 18, 2023

Protest Hearing:
Friday, August 18, 2023 at 10:00 A.M.
990 E. Mission Road, Fallbrook, California 92028

The above-listed reorganization was initiated by the Rainbow Municipal Water District. It involves the legal transfer of wholesale water service responsibilities within Rainbow's approximate 50,857 acre jurisdictional boundary from the San Diego County Water Authority to Eastern Municipal Water District via a concurrent detachment and annexation process. The purpose of the reorganization is to provide cost-savings to Rainbow's retail ratepayers. LAFCO conditionally approved the reorganization on July 10, 2023 to include – among others – Rainbow paying a total exit fee in the amount of \$15,756 million over a five-year period. All approval terms are available online by visiting LAFCO's July 10th meeting page at www.sdfafco.org.

LAFCO's conditional approval is subject to conducting authority proceedings. This includes providing landowners and registered voters within Rainbow the opportunity to submit written protest with the potential therein to either require an election or outright terminate the approval. Accordingly, this notice formally commences protest proceedings for the reorganization – and specific to the proposed annexation of the affected territory to Eastern Municipal Water District – beginning Friday, July 28, 2023. The protest proceedings extend 21-days and will conclude as part of a formal hearing held by the Executive Officer or their designee at 10:00 A.M. on Friday, August 18, 2023.

- Protest Instructions**
Any landowner and/or registered voter within Rainbow may file written protest during the protest period. Written protest may be filed in-person or by courier, facsimile, or email so long as it is received by LAFCO by 5:00 P.M. on Thursday, August 17th. Otherwise, all protests must be submitted in person prior to the conclusion of the August 18th hearing. Each written protest shall state whether it is made by a qualifying landowner or registered voter. It shall also identify the property location or assessor's parcel number(s) or residence address and be signed and dated. All signatures must be dated with the date signed, which must be no earlier than July 28, 2023 in step with the commencement of the protest proceedings.
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 - Should 25% to 50% of (a) registered voters and/or (b) landowners holding 25% to 50% of the assessed value of land in the affected territory file written protests the reorganization will be ordered subject to an election. Completion of other terms would also apply.
 - Should more than 50% of (a) registered voters and/or (b) landowners holding 50% or more of the assessed value of land within the affected territory file written protests the reorganization will be terminated.

Protest forms for landowners and registered voters are available at www.sdfafco.org. A copy of this notice is also available in Spanish on the San Diego LAFCO website, as listed above.

Please direct all questions to LAFCO staff at 619-321-3380 or lafco@sdfcountyca.gov.

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