



**TO PARTICIPATE IN THE MEETING VIA VIDEO OR TELECONFERENCE, GO TO <https://rainbowmwd.zoom.us/j/85664315900> OR CALL 1-669-900-6833 or 1-669-444-9171 or 1-309-205-3325 or 1-312-626-6799 or 1-564-217-2000 or 1-689-278-1000 (WEBINAR/MEETING ID: 856 6431 5900).**

MEMBERS OF THE PUBLIC WISHING TO SUBMIT WRITTEN COMMENT TO THE COMMITTEE UNDER PUBLIC COMMENT OR ON A SPECIFIC AGENDA ITEM MAY SUBMIT COMMENTS TO OUR BOARD SECRETARY BY EMAIL AT [DWASHBURN@RAINBOWMWD.COM](mailto:DWASHBURN@RAINBOWMWD.COM) OR BY MAIL TO 3707 OLD HIGHWAY 395, FALLBROOK, CA 92028. ALL WRITTEN COMMENTS RECEIVED **AT LEAST ONE HOUR IN ADVANCE OF THE MEETING** WILL BE READ TO THE COMMITTEE DURING THE APPROPRIATE PORTION OF THE MEETING. THESE PUBLIC COMMENT PROCEDURES SUPERSEDE THE DISTRICT'S STANDARD PUBLIC COMMENT POLICIES AND PROCEDURES TO THE CONTRARY.

**SPECIAL BOARD MEETING**

**Friday, August 11, 2023                      Closed Session 2:00 p.m.                      Open Session 2:30 p.m.**

**THE PURPOSE OF THE SPECIAL BOARD MEETING IS TO DISCUSS THE ATTACHED AGENDA**

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**District Office    3707 Old Highway 395    Fallbrook, CA 92028**

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**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 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.

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](http://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 2:00 p.m. and Open Session at 2:30 p.m. Friday, August 11, 2023, 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\_\_\_ Johnson\_\_\_ Mack\_\_\_ Townsend Smith\_\_\_**
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 in attendance wishing to address the Board regarding Closed Session agenda items should indicate their desire to speak by filling out and submitting a "Speaker's Slip" to the Board Secretary before the meeting begins. Any person attending the meeting remotely wishing to address the Board regarding Closed Session agenda items may email or mail in their comments to the Board Secretary one hour before the Closed Session scheduled start time to be read to the Board prior to their adjournment to Closed Session or may speak to the Board 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

(\* ) - Asterisk indicates a report is attached.

7. REPORT ON POTENTIAL ACTION FROM CLOSED SESSION

Time Certain: 2:30 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 ON THIS AGENDA


**Under Oral Communications, any person in attendance wishing to address the Board regarding matters on this agenda should indicate their desire to speak by filling out and submitting a "Speaker's Slip" to the Board Secretary before the meeting begins. Any person attending remotely wishing to address the Board regarding matters 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.**

**BOARD ACTION ITEMS**

\*15. CONSIDER ADOPTING RESOLUTION NO. 23-18, A RESOLUTION OF THE BOARD OF DIRECTORS OF THE RAINBOW MUNICIPAL WATER DISTRICT, SAN DIEGO COUNTY CALIFORNIA, CALLING FOR THE PLACEMENT OF A MEASURE ON THE BALLOT AT THE NOVEMBER 7, 2023 SPECIAL DISTRICT ELECTION FOR THE SUBMISSION TO THE QUALIFIED VOTERS OF A PROPOSED RESOLUTION DETACHING THE DISTRICT FROM THE SAN DIEGO COUNTY WATER AUTHORITY

(\*) - Asterisk indicates a report is attached.

- \*16. CONSIDER ADOPTING RESOLUTION NO. 23-19, A RESOLUTION OF THE BOARD OF DIRECTORS OF THE RAINBOW MUNICIPAL WATER DISTRICT, SAN DIEGO COUNTY, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO TO RENDER FULL SERVICES TO THE DISTRICT RELATING TO THE CONDUCT OF A SPECIAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 7, 2023 FOR THE DISTRICT'S VOTERS TO CONSIDER A BALLOT MEASURE DETACHING THE DISTRICT FROM THE SAN DIEGO COUNTY WATER AUTHORITY
- \*17. CONSIDER ADOPTING RESOLUTION NO. 23-20, A RESOLUTION OF THE BOARD OF DIRECTORS OF THE RAINBOW MUNICIPAL WATER DISTRICT, CALIFORNIA, PROVIDING FOR THE FILING OF PRIMARY AND REBUTTAL ARGUMENTS AND SETTING RULES FOR THE FILING OF WRITTEN ARGUMENTS REGARDING A DISTRICT MEASURE TO BE SUBMITTED AT THE NOVEMBER 7, 2023 SPECIAL DISTRICT ELECTION
- \*18. CONSIDER ADOPTING RESOLUTION NO. 23-21, A RESOLUTION OF THE BOARD OF DIRECTORS OF THE RAINBOW MUNICIPAL WATER DISTRICT, SAN DIEGO COUNTY CALIFORNIA, CALLING FOR THE PLACEMENT OF A MEASURE ON THE BALLOT AT THE MARCH 5, 2024 SPECIAL DISTRICT ELECTION PURSUANT TO WATER CODE SECTION 71450(C) FOR THE SUBMISSION TO THE QUALIFIED VOTERS OF A PROPOSED RESOLUTION DETACHING THE DISTRICT FROM THE SAN DIEGO COUNTY WATER AUTHORITY
- \*19. CONSIDER ADOPTING RESOLUTION NO. 23-22, A RESOLUTION OF THE BOARD OF DIRECTORS OF THE RAINBOW MUNICIPAL WATER DISTRICT, SAN DIEGO COUNTY, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO TO RENDER FULL SERVICES TO THE DISTRICT RELATING TO THE CONDUCT OF A SPECIAL ELECTION PURSUANT TO WATER CODE SECTION 71450(C) TO BE HELD ON TUESDAY, MARCH 5, 2024 FOR THE DISTRICT'S VOTERS TO CONSIDER A BALLOT MEASURE DETACHING THE DISTRICT FROM THE SAN DIEGO COUNTY WATER AUTHORITY
- \*20. CONSIDER ADOPTING RESOLUTION NO. 23-23, A RESOLUTION OF THE BOARD OF DIRECTORS OF THE RAINBOW MUNICIPAL WATER DISTRICT, CALIFORNIA, PROVIDING FOR THE FILING OF PRIMARY AND REBUTTAL ARGUMENTS AND SETTING RULES FOR THE FILING OF WRITTEN ARGUMENTS REGARDING A DISTRICT MEASURE TO BE SUBMITTED AT THE MARCH 5, 2024 SPECIAL DISTRICT ELECTION PURSUANT TO WATER CODE SECTION 71450 (C)
- 21. BOARD MEMBER REQUESTS FOR AUTHORIZATION TO ATTEND UPCOMING MEETINGS / CONFERENCES / SEMINARS
- 22. LIST OF SUGGESTED AGENDA ITEMS FOR THE NEXT REGULAR BOARD MEETING
- 23. ADJOURNMENT - To Tuesday, August 22, 2023, at 1:00 p.m.

  
 \_\_\_\_\_  
 FOR: Julie Johnson  
 Secretary of the Board

8-10-11 @ 2:00 p.m.  
 \_\_\_\_\_  
 Date and Time of Posting  
 Outside Display Cases

(\* ) - Asterisk indicates a report is attached.

## BOARD OF DIRECTORS

August 11, 2023

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### SUBJECT

CONSIDER ADOPTING RESOLUTION NO. 23-18, A RESOLUTION OF THE BOARD OF DIRECTORS OF THE RAINBOW MUNICIPAL WATER DISTRICT, SAN DIEGO COUNTY CALIFORNIA, CALLING FOR THE PLACEMENT OF A MEASURE ON THE BALLOT AT THE NOVEMBER 7, 2023 SPECIAL DISTRICT ELECTION FOR THE SUBMISSION TO THE QUALIFIED VOTERS OF A PROPOSED RESOLUTION DETACHING THE DISTRICT FROM THE SAN DIEGO COUNTY WATER AUTHORITY

### BACKGROUND

The District has been in a nearly five-year process to detach from the San Diego County Water Authority and annex to the Eastern Municipal Water District in order to access lower cost wholesale water supplies for our customers. This effort culminated at the July 10, 2023 meeting of the San Diego Local Agency Formation Commission where the detachment was approved. In accordance with the provisions of the County Water Authority Act, the action by LAFCO must be ratified by the voters in our District. This resolution is required to fulfill that requirement.

### DESCRIPTION

This resolution calls for the placement of a ballot measure on the ballot for the November 7, 2023 special election. It is one of several procedural resolutions the District must enact for the election to take place.

### POLICY/STRATEGIC PLAN KEY FOCUS AREA

Detachment from SDCWA affects all RMWD Key Focus Areas and will provide a lower cost supply of water to our customers.

### ENVIRONMENTAL

In accordance with CEQA guidelines Section 15378, the action before the Board does not constitute a "project" as defined by CEQA and further environmental review is not required at this time.

### BOARD OPTIONS/FISCAL IMPACTS

The fiscal impacts have been described in many previous Board agenda items and the LAFCO reports. The Board has two options:

1. Approve Resolution No. 23-18.
2. Reject Resolution No. 23-18.

**STAFF RECOMMENDATION**

Staff Recommends Option 1

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Tom Kennedy  
General Manager

August 11, 2023

**RESOLUTION NO. 23-18**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
RAINBOW MUNICIPAL WATER DISTRICT, SAN DIEGO  
COUNTY CALIFORNIA, CALLING FOR THE PLACEMENT OF A  
MEASURE ON THE BALLOT AT THE NOVEMBER 7, 2023  
SPECIAL DISTRICT ELECTION FOR THE SUBMISSION TO THE  
QUALIFIED VOTERS OF A PROPOSED RESOLUTION  
DETACHING THE DISTRICT FROM THE SAN DIEGO COUNTY  
WATER AUTHORITY**

**WHEREAS**, the Rainbow Municipal Water District (“District”) is a California public agency/special district governed by an elected five-member Board of Directors (“Board”) and is authorized and empowered by applicable law to serve as the retail water provider to residents and businesses located within the District’s boundaries; and

**WHEREAS**, the District is a member public agency of and currently receives wholesale water supply from the San Diego County Water Authority, a California water authority duly organized and operating under California law (the “Water Authority”); and

**WHEREAS**, on December 3, 2019, the Board of the District unanimously adopted Resolution No. 19-15, a “Resolution of the Board of Directors of Rainbow Municipal Water District Authorizing the General Manager to Prepare and Submit an Application to the San Diego Local Agency Formation Commission to Detach from the San Diego County Water Authority and Annex to Eastern Municipal Water District” (“Resolution of Application”); and

**WHEREAS**, the District’s Resolution of Application stated the reasons supporting the Resolution of Application, including, the desire to stabilize long-term water costs to address affordability and sustainability issues for the benefit of the District’s ratepayers and the desire to better provide water supplies to those within its boundaries undertaking agricultural activities, in support of the local economy; and

**WHEREAS**, on March 18, 2020, the District filed with the San Diego Local Agency Formation Commission (“SDLAFCO”), the Resolution of Application together with an application and other materials required under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 and/or SDLAFCO (“Reorganization Application”); and

**WHEREAS**, on June 1, 2020, SDLAFCO approved the establishment of an advisory committee (“Ad Hoc Committee”) to directly assist the SDLAFCO Executive Officer in the administrative review of the District’s Reorganization Application; and

**WHEREAS**, the Ad Hoc Committee subsequently held 13 public meetings between December 2020 and April 2023, which meetings focused on review of issues related to water supply reliability, financial impacts, and potential exit fees, as related to the District’s Reorganization Application; and

**WHEREAS**, on February 7 and March 7, 2022, SDLAFCO received and approved a final report on a scheduled municipal service review on the Fallbrook region and the local agencies operating therein subject to the Commission’s oversight – including the District; and

**WHEREAS**, on July 10, 2023, SDLAFCO, acting in its established quasi-legislative capacity pursuant to authority delegated to it by the California Legislature, approved the District’s Reorganization Application following consideration of the same at duly noticed public hearings held on both on June 5, 2023 and July 10, 2023; and

**WHEREAS**, SDLAFCO’s approval of the District’s Reorganization Application imposed various terms and conditions, which terms and conditions must be satisfied no later than July 10, 2024 (unless granted an extension by the SDLAFCO Executive Officer), and which include, but are not limited to, a requirement that the District submit to its electors at a general or special election, the proposition of legally detaching from the Water Authority, pursuant to the provisions of the County Water Authority Act, California Water Code Appendix section 45-11(a)(2), regarding such election in effect at the time the SDLAFCO Executive Officer issued the Certificate of Filing for the District’s Reorganization Application; and

**WHEREAS**, the SDLAFCO Executive Officer issued the Certificate of Filing for the District’s Reorganization Application on May 26, 2023; and

**WHEREAS**, the District consists of approximately 50,857 acres and the geographic area where the existing District’s powers are exercised shall remain unchanged following detachment from the San Diego County Water Authority and annexation into Eastern Municipal Water District; and

**WHEREAS**, as part of its action to approve the Resolution of Application on December 3, 2019, the Board of the District found that the detachment/exclusion of the District from the San Diego County Water Authority and annexation into the Eastern Municipal Water District is exempt from the California Environmental Quality Act (“CEQA”) under CEQA Guidelines section 15320 and 15061(b)(3) and the District filed a Notice of Exemption on December 5, 2019; and

**WHEREAS**, Otay Water District brought a CEQA action challenging the District’s exemption determination, which action was resolved through a stipulated judgment that left the District’s exemption determination intact; and



**WHEREAS**, on July 10, 2023, SDLAFCO Commission independently concurred with the District’s exemption finding, and found that the annexation of the District’s territory to the Eastern Municipal Water District and detachment from the Water Authority is exempt from CEQA under CEQA Guideline section 15320 and SDLAFCO filed a Notice of Exemption on July 17, 2023; and

**WHEREAS**, the Board of Directors of the District desires to submit to the voters a measure that would legally detach/exclude the District as a member from the Water Authority; and

**WHEREAS**, California Water Code Appendix section 45-11(a)(2), provides that any public agency whose area is a part of any county water authority may obtain the exclusion of the agency’s area with voter approval; and

**WHEREAS**, section 45-11(a)(2) states, in pertinent part:

“The governing body of any public agency may submit to the electors thereof at any general or special election the proposition of excluding from the county water authority the corporate area of the public agency. Notice of the election shall be given in the manner provided in subdivision (c) of Section 10. The election shall be conducted and the returns thereof canvassed in the manner provided by law for the conduct of elections in the public agency. If a majority of electors voting thereon vote in favor of withdrawal, the result thereof shall be certified by the governing body of the public agency to the board of directors of the county water authority. . . .”

; and

**WHEREAS**, pursuant to California Water Code Appendix section 45-11(a)(2), the Board of Directors is authorized to place this detachment/exclusion measure on the next special election date provided by law to be considered by District voters; and

**WHEREAS**, pursuant to California Elections Code section 1000(e), the next available special election date will be November 7, 2023; and

**WHEREAS**, the legal deadline to place measures on the ballot is 88 days prior to the scheduled election, which for the November 7, 2023 election date is August 11, 2023; and

**WHEREAS**, on August 11, 2023, the Board of Directors held a public meeting regarding calling an election on a ballot measure approving detachment/exclusion of the District from the Water Authority; and

**WHEREAS**, the terms of the District’s detachment/exclusion from the Water Authority are described and provided for in the Resolution to be considered by the

qualified voters, attached hereto as Exhibit “A” (the “Measure”) and by this reference made an operative part hereof, and in accordance with all applicable laws.

**NOW, THEREFORE, BE IT RESOLVED BY** the Board of Directors of the Rainbow Municipal Water District as follows:

1. Findings. The Board of Directors finds that all of the preceding recitals are true and correct and are hereby incorporated and adopted as findings and determinations by the Board of Directors as if fully set forth herein.

2. Submission of Measure. Pursuant to California Water Code Appendix section 45-11(a)(2) and any other applicable requirements of the laws of the State of California relating to the District, the Board of Directors, by a majority vote, hereby orders the Measure to be submitted to the voters of the District at the Special District Election to be held on Tuesday, November 7, 2023.

3. The ballot question for the Measure shall be presented and printed upon the ballot submitted to the voters in the manner and form set forth in this Section 3. On the ballot to be submitted to the qualified voters at the Special District Election to be held on Tuesday, November 7, 2023, in addition to any other matters required by law, there shall be printed substantially the following:

<p>“RAINBOW MUNICIPAL WATER DISTRICT DETACHMENT MEASURE:</p> <p>Shall the detachment of Rainbow Municipal Water District from San Diego County Water Authority, as approved by the San Diego Local Agency Formation Commission on July 10, 2023 by adoption of Resolution No. 2023-12 - “Rainbow Municipal Water District Reorganization,” subject to the terms and conditions specified in the Resolution, which terms and conditions including payment of an exit fee by Rainbow Municipal Water District to San Diego County Water Authority, all as more particularly described and set forth in the Resolution, be confirmed?”</p>	<p>YES</p> <p>NO</p>
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4. Conduct of Election. The District’s Board Secretary, in coordination with the San Diego County Registrar of Voters/Elections Official, is authorized,

instructed, and directed to procure and furnish or cause to be procured and furnished, any and all official ballots, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding special district elections.

5. Notice of Election. Notice of the time and place of holding the election is hereby given, and the elections official is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

6. Impartial Analysis. Pursuant to California Elections Code section 9313, the Board of Directors hereby directs the Elections Official to transmit a copy of the Measure as set forth herein to the San Diego County Counsel's Office. The County Counsel's Office shall prepare an impartial analysis of the Measure, not to exceed 500 words in length, showing the effect of the Measure on the existing law and the operation of the measure, and transmit such impartial analysis to the elections official not later than the date set by the elections official, who shall cause the analysis to be published in the voter information guide along with the Measure as provided by law. The impartial analysis shall include a statement indicating whether the Measure was placed on the ballot by a petition signed by the requisite number of voters or by the Board of Directors. In the event the entire text of the Measure is not printed on the ballot, or in the voter information portion of the sample ballot, there shall be printed immediately below the impartial analysis, in no less than 10-font bold type, the following: **"The above statement is an impartial analysis of Measure "\_\_\_". If you desire a copy of the measure, please call the election official's office at (800) 696-0136 and a copy will be mailed at no cost to you."**

7. Certification. The District's Board Secretary shall certify to the adoption of this Resolution.

8. Filing with County. The District's Board Secretary shall file with the County Registrar of Voters/Elections Official of the County of San Diego, State of California, a certified copy of this Resolution.

9. Public Examination. Pursuant to California Elections Code section 9380, this Measure will be available for public examination for ten (10) calendar days prior to being submitted for printing in the voter information guide. The District's Board Secretary shall post notice in the District's Board Secretary's office of the specific dates that the examination period will run.

**PASSED AND ADOPTED** by the Board of Directors of the Rainbow Municipal Water District at a special meeting of the Board held on the 11<sup>th</sup> day of August, 2023, by the following vote:

**AYES:**  
**NOES:**  
**ABSTAIN:**  
**ABSENT:**

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Hayden Hamilton, Board President

ATTEST:

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Dawn Washburn, Board Secretary

**RAINBOW MUNICIPAL WATER DISTRICT  
BOARD OF DIRECTORS**

**CERTIFICATE**

I, Dawn Washburn, Executive Assistant/Board Secretary of the Board of Directors of the Rainbow Municipal Water District, do hereby certify that the attached and foregoing is a full, true, and correct copy of Resolution No. 23-18 of said Board passed and adopted at a special meeting of the Board of Directors of the Rainbow Municipal Water District on the 11<sup>th</sup> day of August 2023.

Executed this 11<sup>th</sup> day of August 2023, at Fallbrook, California.

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Executive Assistant/Board Secretary  
Rainbow Municipal Water District



**Exhibit "A"**

**RESOLUTION NO. \_\_\_\_\_**

**MEASURE " \_\_\_\_ "**

**A RESOLUTION OF THE PEOPLE OF THE RAINBOW  
MUNICIPAL WATER DISTRICT, CALIFORNIA, APPROVING THE  
DETACHMENT/EXCLUSION OF THE DISTRICT'S TERRITORY  
FROM THE SAN DIEGO COUNTY WATER AUTHORITY**

**NOW, THEREFORE, BE IT RESOLVED BY THE PEOPLE OF THE  
RAINBOW MUNICIPAL WATER DISTRICT AS FOLLOWS:**

1. **Voter Approval of Detachment/Exclusion of Territory.** The proposition of detaching all territory within the boundaries of the Rainbow Municipal Water District ("District") from the San Diego County Water Authority ("CWA") is hereby approved by the voters, subject to the terms and conditions imposed by the San Diego County Local Agency Formation Commission ("LAFCO"), as set forth in its Resolution Making Determinations, Approving, And Ordering A Reorganization (Resolution No. 2023-12) adopted July 10, 2023 ("LAFCO Resolution").

2. **LAFCO Terms and Conditions of Detachment/Exclusion of Territory.** The following terms and conditions of the detachment shall be satisfied as required by the LAFCO Resolution by July 10, 2024 unless otherwise specified in the LAFCO Resolution:

- A. The 30-day reconsideration period provided under Government Code 56895 was completed on August 9, 2023;
- B. District shall submit to LAFCO a final map and geographic description of its territory;
- C. District shall submit checks made payable to LAFCO for the reimbursement of various fees, and to the State Board of Equalization for processing fees, as required by the LAFCO Resolution;
- D. District executed an obligation to indemnify and hold harmless LAFCO, its officers, agents, employees and volunteers in the manner required by the LAFCO Resolution on July 31, 2023; and

- E. District shall pay an exit fee of \$15,798,250.00 to CWA in five annual installments of \$3,159,650.00, with the first installment to be paid within 30 days of the certification of the results of the election, and the remaining installments to be paid on the anniversary of the initial payment.

3. **Effective Date.** Pursuant to California Water Code Appendix section 45-11(a)(2) and California Elections Code section 9320, if a majority of the qualified voters voting in the election on Measure “\_\_\_” vote in favor of the adoption of such Measure, this Resolution shall be deemed valid and binding and shall be considered as adopted upon the date that the vote is declared by the Board of Directors. Pursuant to the LAFCO Resolution and Government Code section 57202, the detachment/exclusion shall not be effective until the San Diego Local Agency Formation Commission executes and records a certificate of completion confirming its order of the change of organization after all terms set forth in the LAFCO Resolution have been completed as attested by the LAFCO Executive Officer.

4. **California Environmental Quality Act Compliance.** The District and LAFCO made separate determinations that the proposed Reorganization is exempt from the California Environmental Quality Act, with the District filing a Notice of Exemption on December 24, 2019 and SDLAFCO filing a Notice of Exemption on July 17, 2023.

5. **Severability.** If any section, sentence, clause or phrase of this Resolution is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Resolution. The People of the Rainbow Municipal Water District hereby declare that they would have adopted this Resolution and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

6. **Certification/Summary.** Following the certification by the Registrar of Voters/Elections Official that the voters of the District have approved this Resolution, the President shall sign this Resolution and the District Secretary shall cause the same to be entered in the book of original resolutions of said District.



**APPROVED** and **ADOPTED** this 7th day of November 2023.

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Hayden Hamilton  
President of the Board of Directors  
Rainbow Municipal Water District

ATTEST:

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Secretary of the Board of Directors  
Rainbow Municipal Water District



## BOARD OF DIRECTORS

August 11, 2023

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### SUBJECT

CONSIDER ADOPTING RESOLUTION NO. 23-19, A RESOLUTION OF THE BOARD OF DIRECTORS OF THE RAINBOW MUNICIPAL WATER DISTRICT, SAN DIEGO COUNTY, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO TO RENDER FULL SERVICES TO THE DISTRICT RELATING TO THE CONDUCT OF A SPECIAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 7, 2023 FOR THE DISTRICT'S VOTERS TO CONSIDER A BALLOT MEASURE DETACHING THE DISTRICT FROM THE SAN DIEGO COUNTY WATER AUTHORITY

### BACKGROUND

The District has been in a nearly five-year process to detach from the San Diego County Water Authority and annex to the Eastern Municipal Water District in order to access lower cost wholesale water supplies for our customers. This effort culminated at the July 10, 2023, meeting of the San Diego Local Agency Formation Commission where the detachment was approved. In accordance with the provisions of the County Water Authority Act, the action by LAFCO must be ratified by the voters in our District. This resolution is required to fulfill that requirement.

### DESCRIPTION

This resolution calls for the placement of a ballot measure on the ballot for the November 7, 2023, special election. It is one of several procedural resolutions the District must enact for the election to take place.

### POLICY/STRATEGIC PLAN KEY FOCUS AREA

Detachment from SDCWA affects all RMWD Key Focus Areas and will provide a lower cost supply of water to our customers.

### ENVIRONMENTAL

In accordance with CEQA guidelines Section 15378, the action before the Board does not constitute a "project" as defined by CEQA and further environmental review is not required at this time.

### BOARD OPTIONS/FISCAL IMPACTS

The fiscal impacts have been described in many previous Board agenda items and the LAFCO reports. The Board has two options:

1. Approve Resolution No. 23-19.
2. Reject Resolution No. 23-19.

**STAFF RECOMMENDATION**

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Staff Recommends Option 1



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Tom Kennedy  
General Manager

August 11, 2023



**WHEREAS**, all necessary expenses in performing these services shall be paid by the Rainbow Municipal Water District.

**NOW, THEREFORE, BE IT RESOLVED BY** the Board of Directors of the Rainbow Municipal Water District as follows:

1. Pursuant to the provisions of Section 10002 of the Elections Code of the State of California, the District Board of Directors requests the Board of Supervisors for the County of San Diego to permit the Registrar of Voters of the County of San Diego/Elections Official to render full election services to the Rainbow Municipal Water District. The full election services which the District requests the Registrar of Voters/Elections Official, or such other official as may be appropriate, to perform, and which such official is hereby authorized and directed to perform, include: The preparation, printing and mailing of sample ballots/voter information guides; making such publications as are required by law in connection therewith; the preparation, printing, mailing and furnishing of ballots, vote centers/in-person voting facilities and other necessary supplies or materials to conduct the election; the canvassing of the returns of the election and the furnishing of the results of such canvassing to the District; and the performance of such other election services as may be requested by the District.
2. The District agrees that it will be bound by the requirements of Section 439.1 of the San Diego County Code of Administrative Ordinances and such terms and conditions as the Registrar of Voters may prescribe, and agrees to indemnify and hold harmless the County, its officers, agents and employees from expense of liability, including reasonable attorney's fees, as the result of an election contest arising after conduct of an election.
3. The District shall reimburse the County for services performed when the work is completed and upon presentation to the District of a properly approved bill.
4. The District's Board Secretary shall certify to the adoption of this Resolution and is directed to forward without delay to said Board of Supervisors and to the County Registrar of Voters/Elections Official each a certified copy of this Resolution.

**PASSED AND ADOPTED** by the Board of Directors of the Rainbow Municipal Water District at a special meeting of the Board held on the 11<sup>th</sup> day of August 2023, by the following vote:

**AYES:**  
**NOES:**  
**ABSTAIN:**  
**ABSENT:**

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Hayden Hamilton, Board President

ATTEST:

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Dawn Washburn, Board Secretary

**RAINBOW MUNICIPAL WATER DISTRICT  
BOARD OF DIRECTORS**

**CERTIFICATE**

I, Dawn Washburn, Executive Assistant/Board Secretary of the Board of Directors of the Rainbow Municipal Water District, do hereby certify that the attached and foregoing is a full, true, and correct copy of Resolution No. 23-19 of said Board passed and adopted at a special meeting of the Board of Directors of the Rainbow Municipal Water District on the 11<sup>th</sup> day of August 2023.

Executed this 11<sup>th</sup> day of August 2023, at Fallbrook, California.

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Executive Assistant/Board Secretary  
Rainbow Municipal Water District



## BOARD OF DIRECTORS

August 11, 2023

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### SUBJECT

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CONSIDER ADOPTING RESOLUTION NO. 23-20, A RESOLUTION OF THE BOARD OF DIRECTORS OF THE RAINBOW MUNICIPAL WATER DISTRICT, CALIFORNIA, PROVIDING FOR THE FILING OF PRIMARY AND REBUTTAL ARGUMENTS AND SETTING RULES FOR THE FILING OF WRITTEN ARGUMENTS REGARDING A DISTRICT MEASURE TO BE SUBMITTED AT THE NOVEMBER 7, 2023 SPECIAL DISTRICT ELECTION

### BACKGROUND

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The District has been in a nearly five-year process to detach from the San Diego County Water Authority and annex to the Eastern Municipal Water District in order to access lower cost wholesale water supplies for our customers. This effort culminated at the July 10, 2023, meeting of the San Diego Local Agency Formation Commission where the detachment was approved. In accordance with the provisions of the County Water Authority Act, the action by LAFCO must be ratified by the voters in our District. This resolution is required to fulfill that requirement.

### DESCRIPTION

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This resolution calls for the placement of a ballot measure on the ballot for the November 7, 2023, special election. It is one of several procedural resolutions the District must enact for the election to take place.

### POLICY/STRATEGIC PLAN KEY FOCUS AREA

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Detachment from SDCWA affects all RMWD Key Focus Areas and will provide a lower cost supply of water to our customers.

### ENVIRONMENTAL

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In accordance with CEQA guidelines Section 15378, the action before the Board does not constitute a "project" as defined by CEQA and further environmental review is not required at this time.

### BOARD OPTIONS/FISCAL IMPACTS

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The fiscal impacts have been described in many previous Board agenda items and the LAFCO reports. The Board has two options:

1. Approve Resolution No. 23-20.
2. Reject Resolution No. 23-20.

**STAFF RECOMMENDATION**

Staff Recommends Option 1

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Tom Kennedy  
General Manager

August 11, 2023

**RESOLUTION NO. 23-20**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE RAINBOW MUNICIPAL WATER DISTRICT, CALIFORNIA, PROVIDING FOR THE FILING OF PRIMARY AND REBUTTAL ARGUMENTS AND SETTING RULES FOR THE FILING OF WRITTEN ARGUMENTS REGARDING A DISTRICT MEASURE TO BE SUBMITTED AT THE NOVEMBER 7, 2023 SPECIAL DISTRICT ELECTION**

**WHEREAS**, a Special District Election is to be held in the Rainbow Municipal Water District, California on November 7, 2023, at which there will be submitted to the voters the following measure:

<p>“RAINBOW MUNICIPAL WATER DISTRICT DETACHMENT MEASURE:</p> <p>Shall the detachment of Rainbow Municipal Water District from San Diego County Water Authority, as approved by the San Diego Local Agency Formation Commission on July 10, 2023 by adoption of Resolution No. 2023-12 - “Rainbow Municipal Water District Reorganization,” subject to the terms and conditions specified in the Resolution, which terms and conditions include payment of an exit fee by Rainbow Municipal Water District to San Diego County Water Authority, all as more particularly described and set forth in the Resolution, be confirmed?”</p>	Yes
	No

**NOW, THEREFORE, BE IT RESOLVED BY** the Board of Directors of the Rainbow Municipal Water District as follows:

**1. Primary Arguments.** That the Board of Directors authorizes (i) all or any member(s) of the Board of Directors, (ii) any individual voter eligible to vote on the above Measure, (iii) a bona fide association of such citizens or (iv) any combination thereof, to file a written argument in favor of or against the District Measure, accompanied by the printed name(s) and signature(s) of the author(s) submitting it, in accordance with Article 1, Chapter 4, Division 9 of the Elections Code of the State of California, and to change the argument until and including the date fixed by the Registrar of Voters/Elections Official, after which no arguments for or against the District measure may be submitted to the Registrar of Voters/Elections Official.

The deadline to submit primary arguments for or against the District Measure pursuant to this Resolution shall be the date set by the Registrar of Voters/Elections Official. Each argument shall be filed with the District's Board Secretary and the County Registrar of Voters/Elections Official, signed, and include the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument.

**2. Rebuttal Arguments.** Pursuant to Section 9317 of the Elections Code of the State of California, when the Elections Official has selected the primary arguments for and against the District Measure(s) which will be printed and distributed to the voters, the Elections Official shall send copies of the primary argument in favor of the Measure(s) to the authors of the primary argument against, and copies of the primary argument against to the authors of the primary argument in favor. The authors or persons designated by them may prepare and submit rebuttal arguments not exceeding 250 words. The rebuttal arguments shall be filed with the District's Board Secretary and County Registrar of Voters/Elections Official not later than the date set by the elections official. Rebuttal arguments shall be printed in the same manner as the primary arguments. Each rebuttal argument shall immediately follow the primary argument which it seeks to rebut.

**3. Prior Resolutions.** That all previous resolutions providing for the filing of primary and rebuttal arguments related to District measures are repealed.

**4. November 7, 2023 Election.** That the provisions of Sections 1 and 2 shall apply only to the election to be held on November 7, 2023, and shall then be repealed.

**5. Certification.** The District's Board Secretary shall certify to the passage and adoption of this resolution and enter it into the book of original Resolutions.

**PASSED AND ADOPTED** by the Board of Directors of the Rainbow Municipal Water District at a special meeting of the Board held on the 11<sup>th</sup> day of August, 2023, by the following vote:

**AYES:**  
**NOES:**  
**ABSTAIN:**  
**ABSENT:**

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Hayden Hamilton, Board President

ATTEST:

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Dawn Washburn, Board Secretary

**RAINBOW MUNICIPAL WATER DISTRICT  
BOARD OF DIRECTORS**

**CERTIFICATE**

I, Dawn Washburn, Executive Assistant/Board Secretary of the Board of Directors of the Rainbow Municipal Water District, do hereby certify that the attached and foregoing is a full, true, and correct copy of Resolution No. 23-20 of said Board passed and adopted at a special meeting of the Board of Directors of the Rainbow Municipal Water District on the 11<sup>th</sup> day of August 2023.

Executed this 11<sup>th</sup> day of August 2023, at Fallbrook, California.

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Executive Assistant/Board Secretary  
Rainbow Municipal Water District



## BOARD OF DIRECTORS

August 11, 2023

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### SUBJECT

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CONSIDER ADOPTING RESOLUTION NO. 23-21, A RESOLUTION OF THE BOARD OF DIRECTORS OF THE RAINBOW MUNICIPAL WATER DISTRICT, SAN DIEGO COUNTY CALIFORNIA, CALLING FOR THE PLACEMENT OF A MEASURE ON THE BALLOT AT THE MARCH 5, 2024 SPECIAL DISTRICT ELECTION PURSUANT TO WATER CODE SECTION 71450(C) FOR THE SUBMISSION TO THE QUALIFIED VOTERS OF A PROPOSED RESOLUTION DETACHING THE DISTRICT FROM THE SAN DIEGO COUNTY WATER AUTHORITY

### BACKGROUND

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The District has been in a nearly five-year process to detach from the San Diego County Water Authority and annex to the Eastern Municipal Water District in order to access lower cost wholesale water supplies for our customers. This effort culminated at the July 10, 2023, meeting of the San Diego Local Agency Formation Commission where the detachment was approved. In accordance with the provisions of the County Water Authority Act, the action by LAFCO must be ratified by the voters in our District. This resolution is required to fulfill that requirement.

### DESCRIPTION

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This resolution calls for the placement of a ballot measure on the ballot for the March 5, 2024 special election. It is one of several procedural resolutions the District must enact for the election to take place.

### POLICY/STRATEGIC PLAN KEY FOCUS AREA

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Detachment from SDCWA affects all RMWD Key Focus Areas and will provide a lower cost supply of water to our customers.

### ENVIRONMENTAL

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In accordance with CEQA guidelines Section 15378, the action before the Board does not constitute a "project" as defined by CEQA and further environmental review is not required at this time.

### BOARD OPTIONS/FISCAL IMPACTS

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The fiscal impacts have been described in many previous Board agenda items and the LAFCO reports. The Board has two options:

1. Approve Resolution No. 23-21.
2. Reject Resolution No. 23-21.

**STAFF RECOMMENDATION**

Staff Recommends Option 1

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Tom Kennedy  
General Manager

August 11, 2023



**RESOLUTION NO. 23-21**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
RAINBOW MUNICIPAL WATER DISTRICT, SAN DIEGO  
COUNTY CALIFORNIA, CALLING FOR THE PLACEMENT OF A  
MEASURE ON THE BALLOT AT THE MARCH 5, 2024 SPECIAL  
DISTRICT ELECTION PURSUANT TO WATER CODE SECTION  
71450(C) FOR THE SUBMISSION TO THE QUALIFIED VOTERS  
OF A PROPOSED RESOLUTION DETACHING THE DISTRICT  
FROM THE SAN DIEGO COUNTY WATER AUTHORITY**

**WHEREAS**, the Rainbow Municipal Water District (“District”) is a California public agency/special district governed by an elected five-member Board of Directors (“Board”) and is authorized and empowered by applicable law to serve as the retail water provider to residents and businesses located within the District’s boundaries; and

**WHEREAS**, the District is a member public agency of and currently receives wholesale water supply from the San Diego County Water Authority, a California water authority duly organized and operating under California law (the “Water Authority”); and

**WHEREAS**, on December 3, 2019, the Board of the District unanimously adopted Resolution No. 19-15, a “Resolution of the Board of Directors of Rainbow Municipal Water District Authorizing the General Manager to Prepare and Submit an Application to the San Diego Local Agency Formation Commission to Detach from the San Diego County Water Authority and Annex to Eastern Municipal Water District” (“Resolution of Application”); and

**WHEREAS**, the District’s Resolution of Application stated the reasons supporting the Resolution of Application, including, the desire to stabilize long-term water costs to address affordability and sustainability issues for the benefit of the District’s ratepayers and the desire to better provide water supplies to those within its boundaries undertaking agricultural activities, in support of the local economy; and

**WHEREAS**, on March 18, 2020, the District filed with the San Diego Local Agency Formation Commission (“SDLAFCO”), the Resolution of Application together with an application and other materials required under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 and/ or SDLAFCO (“Reorganization Application”); and

**WHEREAS**, on June 1, 2020, SDLAFCO approved the establishment of an advisory committee (“Ad Hoc Committee”) to directly assist the SDLAFCO Executive Officer in the administrative review of the District’s Reorganization Application; and

**WHEREAS**, the Ad Hoc Committee subsequently held 13 public meetings between December 2020 and April 2023, which meetings focused on review of issues related to water supply reliability, financial impacts, and potential exit fees, as related to the District’s Reorganization Application; and

**WHEREAS**, on February 7 and March 7, 2022, SDLAFCO received and approved a final report on a scheduled municipal service review on the Fallbrook region and the local agencies operating therein subject to the Commission’s oversight – including the District; and

**WHEREAS**, on July 10, 2023, SDLAFCO, acting in its established quasi-legislative capacity pursuant to authority delegated to it by the California Legislature, approved the District’s Reorganization Application following consideration of the same at duly noticed public hearings held on both June 5, 2023 and July 10, 2023; and

**WHEREAS**, SDLAFCO’s approval of the District’s Reorganization Application imposed various terms and conditions, which terms and conditions must be satisfied no later than July 10, 2024 (unless granted an extension by the SDLAFCO Executive Officer), and which include, but are not limited to, a requirement that the District submit to its electors at a general or special election (pursuant to Water Code section 71450 (c)), the proposition of legally detaching from the Water Authority, pursuant to the provisions of the County Water Authority Act, California Water Code Appendix section 45-11(a)(2) regarding such election in effect at the time the SDLAFCO Executive Officer issued the Certificate of Filing for the District’s Reorganization Application; and

**WHEREAS**, the SDLAFCO Executive Officer issued the Certificate of Filing for the District’s Reorganization Application on May 26, 2023; and

**WHEREAS**, the District consists of approximately 50,857 acres and the geographic area where the existing District’s powers are exercised shall remain unchanged following detachment from the San Diego County Water Authority and annexation into Eastern Municipal Water District; and

**WHEREAS**, as part of its action to approve the Resolution of Application on December 9, 2019, the Board of the District found that the detachment/exclusion of the District from the San Diego County Water Authority and annexation into the Eastern Municipal Water District is exempt from the California Environmental Quality Act (“CEQA”) under CEQA Guidelines section 15320 and 15061(b)(3) and the District filed a Notice of Exemption on December 5, 2019; and

**WHEREAS**, Otay Water District brought a CEQA action challenging the District’s exemption determination, which action was resolved through a stipulated judgment that left the District’s exemption determination intact; and

**WHEREAS**, on July 10, 2023, SDLAFCO Commission independently concurred with the District’s exemption finding, and found that the annexation of the District’s territory to the Eastern Municipal Water District and detachment from the Water Authority is exempt from CEQA under CEQA Guideline section 15320 and SDLAFCO filed a Notice of Exemption on July 17, 2023; and

**WHEREAS**, the Board of Directors of the District desires to submit to the voters a measure that would legally detach/exclude the District as a member from the Water Authority; and

**WHEREAS**, California Water Code Appendix section 45-11(a)(2), provides that any public agency whose area is a part of any county water authority may obtain the exclusion of the agency’s area with voter approval; and

**WHEREAS**, section 45-11(a)(2) states, in pertinent part:

“The governing body of any public agency may submit to the electors thereof at any general or special election (pursuant to Water Code section 71450 (c)) the proposition of excluding from the county water authority the corporate area of the public agency. Notice of the election shall be given in the manner provided in subdivision (c) of Section 10. The election shall be conducted and the returns thereof canvassed in the manner provided by law for the conduct of elections in the public agency. If a majority of electors voting thereon vote in favor of withdrawal, the result thereof shall be certified by the governing body of the public agency to the board of directors of the county water authority. . . .”

; and

**WHEREAS**, pursuant to California Water Code Appendix section 45-11(a)(2), the Board of Directors is authorized to place this detachment/exclusion measure on a special election (pursuant to Water Code section 71450 (c)) date provided by law to be considered by District voters; and

**WHEREAS**, pursuant to California Elections Code section 1000(a), March 5, 2024 is an available special election (pursuant to Water Code section 71450 (c)) date; and

**WHEREAS**, the legal deadline to place measures on the ballot is 88 days prior to the scheduled election, which for the March 5, 2024 election date is December 8, 2023; and

**WHEREAS**, on August 11, 2023, the Board of Directors held a public meeting regarding calling an election on a ballot measure approving detachment/exclusion of the District from the Water Authority; and

**WHEREAS**, the terms of the District’s detachment/exclusion from the Water Authority are described and provided for in the Resolution to be considered by the qualified voters, attached hereto as Exhibit “A” (the “Measure”) and by this reference made an operative part hereof, and in accordance with all applicable laws.

**NOW, THEREFORE, BE IT RESOLVED BY** the Board of Directors of the Rainbow Municipal Water District as follows:

1. Findings. The Board of Directors finds that all of the preceding recitals are true and correct and are hereby incorporated and adopted as findings and determinations by the Board of Directors as if fully set forth herein.

2. Submission of Measure. Pursuant to California Water Code Appendix section 45-11(a)(2) and any other applicable requirements of the laws of the State of California relating to the District, the Board of Directors, by a majority vote, hereby orders the Measure to be submitted to the voters of the District at the Special District Election (pursuant to Water Code section 71450 (c)) to be held on Tuesday, March 5, 2024.

3. The ballot question for the Measure shall be presented and printed upon the ballot submitted to the voters in the manner and form set forth in this Section 3. On the ballot to be submitted to the qualified voters at the Special District Election (pursuant to Water Code section 71450 (c)) to be held on Tuesday, March 5, 2024, in addition to any other matters required by law, there shall be printed substantially the following:

<p>“RAINBOW MUNICIPAL WATER DISTRICT DETACHMENT MEASURE:</p>	<p>YES</p>
<p>Shall the detachment of Rainbow Municipal Water District from San Diego County Water Authority, as approved by the San Diego Local Agency Formation Commission on July 10, 2023 by adoption of Resolution No. 2023-12 - “Rainbow Municipal Water District Reorganization,” subject to the terms and conditions specified in the Resolution, which terms and conditions include payment of an exit fee by Rainbow Municipal Water District to San Diego County Water Authority, all as more particularly described and set forth in the Resolution, be confirmed?”</p>	
	<p>NO</p>

<p>“RAINBOW MUNICIPAL WATER DISTRICT DETACHMENT MEASURE:</p> <p>Shall the detachment of Rainbow Municipal Water District from San Diego County Water Authority, as approved by the San Diego Local Agency Formation Commission on July 10, 2023 by adoption of Resolution No. 2023-12 - “Rainbow Municipal Water District Reorganization,” subject to the terms and conditions specified in the Resolution, which terms and conditions include payment of an exit fee by Rainbow Municipal Water District to San Diego County Water Authority, all as more particularly described and set forth in the Resolution, be confirmed?”</p>	<p>YES</p>
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4. Conduct of Election. The District’s Board Secretary, in coordination with the San Diego County Registrar of Voters/Elections Official, is authorized, instructed, and directed to procure and furnish or cause to be procured and furnished, any and all official ballots, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding special district elections (pursuant to Water Code section 71450 (c)).

5. Notice of Election. Notice of the time and place of holding the election is hereby given, and the Registrar of Voters/Elections Official is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

6. Impartial Analysis. Pursuant to California Elections Code section 9313, the Board of Directors hereby directs the Elections Official to transmit a copy of the Measure as set forth herein to the San Diego County Counsel’s Office. The County Counsel’s Office shall prepare an impartial analysis of the Measure, not to exceed 500 words in length, showing the effect of the Measure on the existing law and the operation of the measure, and transmit such impartial analysis to the Registrar of Voters/Elections Official not later than the date set by the Registrar of Voters/Elections Official, who shall cause the analysis to be published in the voter information guide along with the Measure as provided by law. The impartial analysis shall include a statement indicating whether the Measure was placed on

the ballot by a petition signed by the requisite number of voters or by the Board of Directors. In the event the entire text of the Measure is not printed on the ballot, or in the voter information portion of the sample ballot, there shall be printed immediately below the impartial analysis, in no less than 10-font bold type, the following: **“The above statement is an impartial analysis of Measure “\_\_\_”. If you desire a copy of the measure, please call the election official’s office at (800) 696-0136 and a copy will be mailed at no cost to you.”**

7. Certification. The District’s Board Secretary shall certify to the adoption of this Resolution.

8. Filing with County. The District’s Board Secretary shall file with the County Registrar of Voters/Elections Official of the County of San Diego, State of California, a certified copy of this Resolution.

9. Public Examination. Pursuant to California Elections Code section 9380, this Measure will be available for public examination for ten (10) calendar days prior to being submitted for printing in the voter information guide. The District’s Board Secretary shall post notice in the District’s Board Secretary’s office of the specific dates that the examination period will run.

**PASSED AND ADOPTED** by the Board of Directors of the Rainbow Municipal Water District at a special meeting of the Board held on the 11<sup>th</sup> day of August 2023, by the following vote:

**AYES:**  
**NOES:**  
**ABSTAIN:**  
**ABSENT:**

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Hayden Hamilton, Board President

ATTEST:

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Dawn Washburn, Board Secretary

**RAINBOW MUNICIPAL WATER DISTRICT  
BOARD OF DIRECTORS**

**CERTIFICATE**

I, Dawn Washburn, Executive Assistant/Board Secretary of the Board of Directors of the Rainbow Municipal Water District, do hereby certify that the attached and foregoing is a full, true, and correct copy of Resolution No. 23-21 of said Board passed and adopted at a special meeting of the Board of Directors of the Rainbow Municipal Water District on the 11<sup>th</sup> day of August 2023.

Executed this 11<sup>th</sup> day of August 2023, at Fallbrook, California.

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Executive Assistant/Board Secretary  
Rainbow Municipal Water District





**Exhibit “A”**

**RESOLUTION NO. \_\_\_\_\_**

**MEASURE “ \_\_\_\_ ”**

**A RESOLUTION OF THE PEOPLE OF THE RAINBOW MUNICIPAL WATER DISTRICT, CALIFORNIA, APPROVING THE DETACHMENT/EXCLUSION OF THE DISTRICT’S TERRITORY FROM THE SAN DIEGO COUNTY WATER AUTHORITY.**

**NOW, THEREFORE, BE IT RESOLVED BY THE PEOPLE OF THE RAINBOW MUNICIPAL WATER DISTRICT AS FOLLOWS:**

1. **Voter Approval of Detachment/Exclusion of Territory.** The proposition of detaching all territory within the boundaries of the Rainbow Municipal Water District (“District”) from the San Diego County Water Authority (“CWA”) is hereby approved by the voters, subject to the terms and conditions imposed by the San Diego County Local Agency Formation Commission (“SDLAFCO”), as set forth in its Resolution Making Determinations, Approving, And Ordering A Reorganization (Resolution No. 2023-12) adopted July 10, 2023 (“SDLAFCO Resolution”).

2. **SDLAFCO Terms and Conditions of Detachment/Exclusion of Territory.** The following terms and conditions of the detachment shall be satisfied as required by the SDLAFCO Resolution by July 10, 2024 unless otherwise specified in the SDLAFCO Resolution:

- A. The 30-day reconsideration period provided under Government Code 56895 was completed on August 9, 2023;
- B. District shall submit to SDLAFCO a final map and geographic description of its territory;
- C. District shall submit checks made payable to SDLAFCO for the reimbursement of various fees, and to the State Board of Equalization for processing fees, as required by the SDLAFCO Resolution;
- D. District executed an obligation to indemnify and hold harmless SDLAFCO, its officers, agents, employees and volunteers in the manner required by the SDLAFCO Resolution on July 31, 2023; and

- E. District shall pay an exit fee of \$15,798,250.00 to CWA in five annual installments of \$3,159,650.00, with the first installment to be paid within 30 days of the certification of the results of the election, and the remaining installments to be paid on the anniversary of the initial payment.

3. **Effective Date.** Pursuant to California Water Code Appendix section 45-11(a)(2) and California Elections Code section 9320, if a majority of the qualified voters voting in the election on Measure “\_\_\_” vote in favor of the adoption of such Measure, this Resolution shall be deemed valid and binding and shall be considered as adopted upon the date that the vote is declared by the Board of Directors. Pursuant to the SDLAFCO Resolution and Government Code section 57202, the detachment/exclusion shall not be effective until the San Diego Local Agency Formation Commission executes and records a certificate of completion confirming its order of the change of organization after all terms set forth in the SDLAFCO Resolution have been completed as attested by the SDLAFCO Executive Officer.

4. **California Environmental Quality Act Compliance.** The District and LAFCO made separate determinations that the proposed Reorganization is exempt from the California Environmental Quality Act, with the District filing a Notice of Exemption on December 24, 2019 and SDLAFCO filing a Notice of Exemption on July 17, 2023.

5. **Severability.** If any section, sentence, clause or phrase of this Resolution is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Resolution. The People of the Rainbow Municipal Water District hereby declare that they would have adopted this Resolution and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

6. **Certification/Summary.** Following the certification by the Registrar of Voters/Elections Official that the voters of the District have approved this Resolution, the President shall sign this Resolution and the District Secretary shall cause the same to be entered in the book of original resolutions of said District.

**APPROVED** and **ADOPTED** this 5th day of March 2024.

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President of the Board of Directors  
Rainbow Municipal Water District

ATTEST:

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Secretary, Board of Directors  
Rainbow Municipal Water District



## BOARD OF DIRECTORS

August 11, 2023

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### **SUBJECT**

CONSIDER ADOPTING RESOLUTION NO. 23-22, A RESOLUTION OF THE BOARD OF DIRECTORS OF THE RAINBOW MUNICIPAL WATER DISTRICT, SAN DIEGO COUNTY, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO TO RENDER FULL SERVICES TO THE DISTRICT RELATING TO THE CONDUCT OF A SPECIAL ELECTION PURSUANT TO WATER CODE SECTION 71450(C) TO BE HELD ON TUESDAY, MARCH 5, 2024 FOR THE DISTRICT'S VOTERS TO CONSIDER A BALLOT MEASURE DETACHING THE DISTRICT FROM THE SAN DIEGO COUNTY WATER AUTHORITY

### **BACKGROUND**

The District has been in a nearly five-year process to detach from the San Diego County Water Authority and annex to the Eastern Municipal Water District in order to access lower cost wholesale water supplies for our customers. This effort culminated at the July 10, 2023, meeting of the San Diego Local Agency Formation Commission where the detachment was approved. In accordance with the provisions of the County Water Authority Act, the action by LAFCO must be ratified by the voters in our District. This resolution is required to fulfill that requirement.

### **DESCRIPTION**

This resolution calls for the placement of a ballot measure on the ballot for the March 5, 2024, special election. It is one of several procedural resolutions the District must enact for the election to take place.

### **POLICY/STRATEGIC PLAN KEY FOCUS AREA**

Detachment from SDCWA affects all RMWD Key Focus Areas and will provide a lower cost supply of water to our customers.

### **ENVIRONMENTAL**

In accordance with CEQA guidelines Section 15378, the action before the Board does not constitute a "project" as defined by CEQA and further environmental review is not required at this time.

**BOARD OPTIONS/FISCAL IMPACTS**

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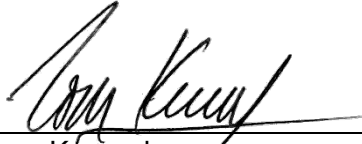
The fiscal impacts have been described in many previous Board agenda items and the LAFCO reports. The Board has two options:

- 1. Approve Resolution No. 23-22.
- 2. Reject Resolution No. 23-22.

**STAFF RECOMMENDATION**

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Staff Recommends Option 1

  
\_\_\_\_\_  
Tom Kennedy  
General Manager

August 11, 2023



**WHEREAS**, by adoption of this Resolution, the Board desires that the County of San Diego render full services to the District in connection with said Special District Election (pursuant to Water Code section 71450 (c)); and

**WHEREAS**, all necessary expenses in performing these services shall be paid by the Rainbow Municipal Water District.

**NOW, THEREFORE, BE IT RESOLVED BY** the Board of Directors of the Rainbow Municipal Water District as follows:

1. Pursuant to the provisions of Section 10002 of the Elections Code of the State of California, the District Board of Directors requests the Board of Supervisors for the County of San Diego to permit the Registrar of Voters of the County of San Diego/Elections Official to render full election services to the Rainbow Municipal Water District. The full election services which the District requests the Registrar of Voters/Elections Official, or such other official as may be appropriate, to perform, and which such official is hereby authorized and directed to perform, include: The preparation, printing and mailing of sample ballots/voter information guides; making such publications as are required by law in connection therewith; the preparation, printing, mailing and furnishing of ballots, vote centers/in-person voting facilities and other necessary supplies or materials to conduct the election; the canvassing of the returns of the election and the furnishing of the results of such canvassing to the District; and the performance of such other election services as may be requested by the District.
2. The District agrees that it will be bound by the requirements of Section 439.1 of the San Diego County Code of Administrative Ordinances and such terms and conditions as the Registrar of Voters may prescribe, and agrees to indemnify and hold harmless the County, its officers, agents and employees from expense of liability, including reasonable attorney's fees, as the result of an election contest arising after conduct of an election.
3. The District shall reimburse the County for services performed when the work is completed and upon presentation to the District of a properly approved bill.
4. The District's Board Secretary shall certify to the adoption of this Resolution and is directed to forward without delay to said Board of Supervisors and to the County Registrar of Voters/Elections Official each a certified copy of this Resolution.



**PASSED AND ADOPTED** by the Board of Directors of the Rainbow Municipal Water District at a special meeting of the Board held on the 11<sup>th</sup> day of August 2023, by the following vote:

**AYES:**  
**NOES:**  
**ABSTAIN:**  
**ABSENT:**

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Hayden Hamilton, Board President

ATTEST:

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Dawn Washburn, Board Secretary

**RAINBOW MUNICIPAL WATER DISTRICT  
BOARD OF DIRECTORS**

**CERTIFICATE**

I, Dawn Washburn, Executive Assistant/Board Secretary of the Board of Directors of the Rainbow Municipal Water District, do hereby certify that the attached and foregoing is a full, true, and correct copy of Resolution No. 23-22 of said Board passed and adopted at a special meeting of the Board of Directors of the Rainbow Municipal Water District on the 11<sup>th</sup> day of August 2023.

Executed this 11<sup>th</sup> day of August 2023, at Fallbrook, California.

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Executive Assistant/Board Secretary  
Rainbow Municipal Water District

## BOARD OF DIRECTORS

August 11, 2023

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### SUBJECT

CONSIDER ADOPTING RESOLUTION NO. 23-23, A RESOLUTION OF THE BOARD OF DIRECTORS OF THE RAINBOW MUNICIPAL WATER DISTRICT, CALIFORNIA, PROVIDING FOR THE FILING OF PRIMARY AND REBUTTAL ARGUMENTS AND SETTING RULES FOR THE FILING OF WRITTEN ARGUMENTS REGARDING A DISTRICT MEASURE TO BE SUBMITTED AT THE MARCH 5, 2024 SPECIAL DISTRICT ELECTION PURSUANT TO WATER CODE SECTION 71450 (C)

### BACKGROUND

The District has been in a nearly five-year process to detach from the San Diego County Water Authority and annex to the Eastern Municipal Water District in order to access lower cost wholesale water supplies for our customers. This effort culminated at the July 10, 2023, meeting of the San Diego Local Agency Formation Commission where the detachment was approved. In accordance with the provisions of the County Water Authority Act, the action by LAFCO must be ratified by the voters in our District. This resolution is required to fulfill that requirement.

### DESCRIPTION

This resolution calls for the placement of a ballot measure on the ballot for the March 5, 2024 special election. It is one of several procedural resolutions the District must enact for the election to take place.

### POLICY/STRATEGIC PLAN KEY FOCUS AREA

Detachment from SDCWA affects all RMWD Key Focus Areas and will provide a lower cost supply of water to our customers.

### ENVIRONMENTAL

In accordance with CEQA guidelines Section 15378, the action before the Board does not constitute a "project" as defined by CEQA and further environmental review is not required at this time.

### BOARD OPTIONS/FISCAL IMPACTS

The fiscal impacts have been described in many previous Board agenda items and the LAFCO reports. The Board has two options:

1. Approve Resolution No. 23-23.
2. Reject Resolution No. 23-23.

**STAFF RECOMMENDATION**

Staff Recommends Option 1

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Tom Kennedy  
General Manager

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August 11, 2023

**RESOLUTION NO. 23-23**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE RAINBOW MUNICIPAL WATER DISTRICT, CALIFORNIA, PROVIDING FOR THE FILING OF PRIMARY AND REBUTTAL ARGUMENTS AND SETTING RULES FOR THE FILING OF WRITTEN ARGUMENTS REGARDING A DISTRICT MEASURE TO BE SUBMITTED AT THE MARCH 5, 2024 SPECIAL DISTRICT ELECTION PURSUANT TO WATER CODE SECTION 71450 (C)**

**WHEREAS**, a Special District Election (pursuant to Water Code section 71450 (c)) is to be held in the Rainbow Municipal Water District, California on March 5, 2024, at which there will be submitted to the voters the following measure:

<p>“RAINBOW MUNICIPAL WATER DISTRICT DETACHMENT MEASURE:</p> <p>Shall the detachment of Rainbow Municipal Water District from San Diego County Water Authority, as approved by the San Diego Local Agency Formation Commission on July 10, 2023 by adoption of Resolution No. 2023-12 - “Rainbow Municipal Water District Reorganization,” subject to the terms and conditions specified in the Resolution, which terms and conditions include payment of an exit fee by Rainbow Municipal Water District to San Diego County Water Authority, all as more particularly described and set forth in the Resolution, be confirmed?”</p>	Yes
	No

**NOW, THEREFORE, BE IT RESOLVED BY** the Board of Directors of the Rainbow Municipal Water District as follows:

**1. Primary Arguments.** That the Board of Directors authorizes (i) all or any member(s) of the Board of Directors, (ii) any individual voter eligible to vote on the above Measure, (iii) a bona fide association of such citizens or (iv) any combination thereof, to file a written argument in favor of or against the District Measure, accompanied by the printed name(s) and signature(s) of the author(s) submitting it, in accordance with Article 1, Chapter 4, Division 9 of the Elections Code of the State of California, and to change the argument until and including the date fixed by the Registrar of Voters/Elections Official, after which no arguments for or against the District measure may be submitted to the Registrar of Voters/Elections Official.

The deadline to submit primary arguments for or against the District Measure pursuant to this Resolution shall be the date set by the Registrar of Voters/Elections Official. Each argument shall be filed with the District’s Board Secretary and the County Registrar of Voters/Elections Official, signed, and include the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the

name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument.

**2. Rebuttal Arguments.** Pursuant to Section 9317 of the Elections Code of the State of California, when the Elections Official has selected the primary arguments for and against the District Measure(s) which will be printed and distributed to the voters, the Elections Official shall send copies of the primary argument in favor of the Measure(s) to the authors of the primary argument against, and copies of the primary argument against to the authors of the primary argument in favor. The authors or persons designated by them may prepare and submit rebuttal arguments not exceeding 250 words. The rebuttal arguments shall be filed with the District's Board Secretary and County Registrar of Voters/Elections Official not later than the date set by the elections official. Rebuttal arguments shall be printed in the same manner as the primary arguments. Each rebuttal argument shall immediately follow the primary argument which it seeks to rebut.

**3. Prior Resolutions.** That all previous resolutions providing for the filing of primary and rebuttal arguments related to District measures are repealed.

**4. March 5, 2024 Election.** That the provisions of Sections 1 and 2 shall apply only to the election to be held on March 5, 2024, and shall then be repealed.

**5. Certification.** The District's Board Secretary shall certify the passage and adoption of this resolution and enter it into the book of original Resolutions.

**PASSED AND ADOPTED** by the Board of Directors of the Rainbow Municipal Water District at a special meeting of the Board held on the 11<sup>th</sup> day of August 2023, by the following vote:

**AYES:**  
**NOES:**  
**ABSTAIN:**  
**ABSENT:**

---

Hayden Hamilton, Board President

ATTEST:

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Dawn Washburn, Board Secretary

**RAINBOW MUNICIPAL WATER DISTRICT  
BOARD OF DIRECTORS**

**CERTIFICATE**

I, Dawn Washburn, Executive Assistant/Board Secretary of the Board of Directors of the Rainbow Municipal Water District, do hereby certify that the attached and foregoing is a full, true, and correct copy of Resolution No. 23-23 of said Board passed and adopted at a special meeting of the Board of Directors of the Rainbow Municipal Water District on the 11<sup>th</sup> day of August 2023.

Executed this 11<sup>th</sup> day of August 2023, at Fallbrook, California.

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Executive Assistant/Board Secretary  
Rainbow Municipal Water District

