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March 17, 2015

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Rainbow Municipal Water District
3707 Old Highway 395
Fallbrook, CA 92028

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SUBJECT: CVRA Standard of Evidence Response

Andrew Vanderlaan
Public Member

Dear Tom:

Lorie Zapf
Councilmember
City of San Diego

This is in response to your March 16, 2015 letter requesting elaboration on the standard of evidence LAFCO will use to review the information Rainbow MWD and Fallbrook PUD intend on submitting regarding the California Voting Rights Act (CVRA) and the proposed PUD/MWD reorganization. By way of background, on March 11, 2015, we invited both districts to submit evidence regarding the possible application of the CVRA as it might relate to the proposed reorganization. We made this request because no substantial evidence had been submitted regarding either the presence or absence of racially polarized voting that might trigger application of the CVRA. A 15-day deadline was provided for both districts to submit evidence to LAFCO.

Lorraine Wood
Councilmember
City of Carlsbad

Jo MacKenzie
Vista Irrigation District

Vacant
Special District

Alternate Members

Greg Cox
County Board of
Supervisors

On March 16th, you inquired about the form of evidence that would be appropriate. You also asked about any limits on the nature of evidence that may be provided (i.e., statistics, declarations, letters), and if there are any standards of evidence LAFCO will use when considering the evidence. Lastly, you asked for a 15-day extension to submit evidence.

Chris Cate
Councilmember
City of San Diego

Racquel Vasquez
Councilmember
City of Lemon Grove

Ed Sprague
Olivenhain Municipal
Water District

In terms of the standard of evidence that applies to LAFCO proceedings, you should refer to Government Code Section 56107 (Cortese-Knox-Hertzberg Local Government Reorganization Act) pertaining to the "substantial evidence" test applicable to LAFCO. Both districts should, of course, also confer with their respective Legal Counsels on this matter; however, "substantial" usually means that the evidence is of the type that responsible people rely on in the conduct of serious business matters. The formal rules of evidence do not apply here. This means that the evidence must be reasonable in nature and is of credible, solid value.

Harry Mathis
Public Member

Executive Officer

Michael D. Ott

Legal Counsel

Michael G. Colantuono

CVRA Standard of Evidence Response

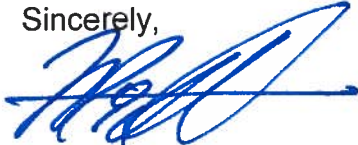
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March 17, 2015

In response to your last request for a 15-day time extension to submit evidence, your request is granted, and you now have until **April 10, 2015** to submit evidence pertaining to the presence or absence of racially polarized voting that might trigger application of the CVRA. I will accordingly inform the Fallbrook PUD that they also have a time extension to **April 10, 2015**.

If you have any further questions, please contact me.

Sincerely,



MICHAEL D. OTT
Executive Officer

MDO:trl

Enclosure: March 16, 2015 Rainbow MWD letter to LAFCO

cc: Michael G. Colantuono, Legal Counsel



March 16, 2015

Mr. Michael Ott
Executive Director
San Diego Local Agency Formation Commission
9335 Hazard Way, Suite 200
San Diego, Ca 92123

Subject: Fallbrook Public Utility District (FPUD) Reorganization Application

Dear Mike:

We have received your letter dated March 11, 2015 in which you asked to receive evidence regarding the presence or absence of racially polarized voting patterns in the FPUD service area. In your letter you asked to receive this information within a 15 day time limit. After conferring with legal counsel on the matter we have a couple of questions:

- Since this is not a judicial proceeding, what form of evidence is appropriate? Are there any limits to the nature of evidence that we may provide? I.e., statistics, declarations, letters?
- What standards of evidence (if any) will be used when considering the evidence?

Since it appears that you will be using the evidence to make a determination on the validity of one of the primary objections to FPUD's application, we are working diligently to gather and prepare evidence for your review. Unfortunately, the 15 day window does not allow us the necessary time that we need to gather and collect our evidence. We respectfully request an additional 15 days in order to prepare our submittal for your review.

*Mr. Michael Ott
San Diego LAFCO
March 16, 2015
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This letter is being sent by email and regular US Mail in order to expedite your review. If you could please provide us with answers to our queries and your response to our request for an extension as soon as your schedule allows we would appreciate it.

Sincerely,

RAINBOW MUNICIPAL WATER DISTRICT

A handwritten signature in black ink, appearing to read "Tom Kennedy", with a long horizontal flourish extending to the right.

Tom Kennedy
General Manager

cc: Bill Pellman, Special Counsel
Greg Moser, Adriana Ochoa, General Counsel
RMWD Board of Directors