



FALLBROOK PUBLIC UTILITY DISTRICT
BOARD OF DIRECTORS
SPECIAL BOARD MEETING

MINUTES

WEDNESDAY, DECEMBER 13, 2023
3:30 P.M.

FALLBROOK PUBLIC UTILITY DISTRICT
990 E. MISSION RD., FALLBROOK, CA 92028
PHONE: (760) 728-1125

I. PRELIMINARY FUNCTIONS

CALL TO ORDER / ROLL CALL / ESTABLISH A QUORUM

President DeMeo called the December 13, 2023 Special Meeting of the Board of Directors of the Fallbrook Public Utility District to order at 3:30 p.m.

Director Wolk announced that he was participating in today's meeting remotely under recent amendments to the Brown Act, due to recent surgery and his recuperation. He reported there was no one in the room 18 years or older with him. Directors Baxter, Endter, and McDougal and President DeMeo were present in the District Boardroom.

A quorum was established, and attendance was as follows:

Board of Directors

Present: Jennifer DeMeo, Member/President
Don McDougal, Member/ Vice President
Dave Baxter, Member
Ken Endter, Member
Charley Wolk, Member

Absent: None

General Counsel/District Staff

Present: Jack Bebee, General Manager
Paula de Sousa, General Counsel
Noelle Denke, Public Information Officer
Lauren Eckert, Executive Assistant/Board Secretary

Also present were others, including, but not limited to: no others were present.

PLEDGE OF ALLEGIANCE

President DeMeo led the Pledge of Allegiance.

APPROVAL OF AGENDA

MOTION: Director Baxter moved to approve the agenda, as presented; Director Endter seconded. Motion carried; VOTE:

AYES: Directors Baxter, DeMeo, Endter McDougal, and Wolk
NOES: None
ABSTAIN: None
ABSENT: None

PUBLIC COMMENT

Members of the public are invited to address the Board of Directors on any item that is within the subject matter jurisdiction of the legislative body. The Board President may limit comments to three (3) minutes.

There were no public comments on non-agenda items.

II. ACTION/DISCUSSION CALENDAR -----(ITEM A)

A. CONSIDER RESOLUTION NO. 5065 RECITING THE FACT OF THE SPECIAL DISTRICT ELECTION HELD ON NOVEMBER 7, 2023, DECLARING AND CERTIFYING THE RESULT, AND SUCH OTHER MATTERS AS PROVIDED BY LAW REGARDING MEASURE "A" RELATED TO DETACHING THE DISTRICT FROM THE SAN DIEGO COUNTY WATER AUTHORITY

Recommendation: Staff defers to the Board.

General Counsel de Sousa reported as a result of the election that happened on November 7, 2023, nearly 95% of the voters in the Fallbrook Public Utility District's service area voted in favor of detachment from the San Diego County Water Authority. She announced the resolution before the Board declares and certifies the results of that election. She also reported that this resolution also declares the results of Measure A, which states it becomes effective once the Board declares the results. She pointed out that while Measure A would be in effect, all other requirements under LAFCO's approval would also need to be met.

MOTION: Director McDougal moved to adopt Resolution No. 5065 Reciting the Fact of the Special District Election Held on November 7, 2023, Declaring and Certifying the Result, and Such Other Matters as Provided by Law Regarding Measure "A" Related to Detaching the

District from the San Diego County Water Authority; Director Endter seconded. Motion carried; VOTE:

AYES: Directors Baxter, DeMeo, Endter McDougal, and Wolk
NOES: None
ABSTAIN: None
ABSENT: None

ADJOURN TO CLOSED SESSION

General Counsel de Sousa announced the Board would be going into closed session to discuss items III.1 and 2. She also announced members of the public participating via Zoom would only hear silence while the Board is in closed session and that any reportable action will be announced on the Zoom once the Board comes out of closed session and reconvenes to open session.

The Board adjourned to Closed Session at 3:39 p.m.

III. CLOSED SESSION -----(ITEMS 1–2)

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1):

NAME OF CASE: *San Diego County Water Authority v. San Diego Local Agency Formation Commission, Fallbrook Public Utility District, et al. (37-2023-000036018-CU-TT-CTL)*

2. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION INITIATION OF LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (d)(4):

One (1) potential case

RECONVENE TO OPEN SESSION

The Board came out of Closed Session and reconvened to Open Session at 4:02 p.m.

REPORT FROM CLOSED SESSION (*As Necessary*)

General Counsel de Sousa announced the report out of closed session for Closed Session Item III (2) – Initiation of Litigation Pursuant to Government Code Section 54956.9(d)(4) was as follows:

On Motion of McDougal, seconded by Director Endter, and a vote of 5-0, the Board took the following action:

In the event the County Water Authority does not execute the Settlement Agreement by and between the Fallbrook Public Utility District, The San Diego County Water Authority, and the San Diego Local Agency Formation Commission on or before December 22, 2023, the Board directs the General Manager to secure outside special counsel to initiate litigation against the San Diego County Water Authority and bring a legal services agreement to a future Board meeting for approval by the Board in open session.

IV. ADJOURNMENT OF MEETING

There being no further business to discuss, President DeMeo adjourned the December 13, 2023 special meeting of the Board of Directors of the Fallbrook Public Utility District at 4:03 p.m.



President, Board of Directors

ATTEST:



Secretary, Board of Directors