



**FALLBROOK PUBLIC UTILITY DISTRICT  
BOARD OF DIRECTORS  
REGULAR BOARD MEETING**

**MINUTES**

**MONDAY, APRIL 24, 2023  
4:00 P.M.**

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

*If you have a disability and need an accommodation to participate in the meeting, please call the Secretary at (760) 999-2704 for assistance so the necessary arrangements can be made.*

**I. PRELIMINARY FUNCTIONS**

**CALL TO ORDER / ROLL CALL / ESTABLISH A QUORUM**

President Wolk called the April Regular Meeting of the Board of Directors of the Fallbrook Public Utility District to order at 4:00 p.m. President Wolk deferred to General Counsel de Sousa to make the following statements on the record regarding the proceedings for this meeting:

General Counsel de Sousa announced that the agenda provided notice to members of the public on how they may participate in this meeting – either in person, or by using the call-in and weblink information included on the agenda. In addition the agenda provided notice to members of the public on how they may submit comments in advance of the meeting to be read at the appropriate portion of the meeting (up to a limit of 3 minutes per comment).

A quorum was established, and attendance was as follows:

**Board of Directors**

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

**Absent:** None

**General Counsel/District Staff**

**Present:** Jack Bebee, General Manager  
Paula de Sousa, General Counsel  
Dave Shank, Assistant General Manager/CFO

Edward Benitez, Utility Worker I  
Jodi Brown, Management Analyst  
Isabel Casteran, Safety and Risk Officer  
Kevin Collins, Purchasing/Warehouse Supervisor  
Aaron Cook, Engineering Manager  
Mick Cothran, Engineering Technician II  
Noelle Denke, Public Information Officer  
Steve Stone, Field Services Manager  
Lauren Eckert, Executive Assistant/Board Secretary

Also present were others, including, but not limited to: Daphnie Munoz

**I. PRELIMINARY FUNCTIONS**

CALL TO ORDER / ROLL CALL / ESTABLISH A QUORUM

PLEDGE OF ALLEGIANCE

President Wolk led the Pledge of Allegiance.

ADDITIONS TO AGENDA PER GC § 54954.2(b)

APPROVAL OF AGENDA

MOTION: Director McDougal 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.

On April 6, 2023, the District received written correspondence from Mr. Luther Ballou, requesting his correspondence be forwarded to each member of the Board of Directors. A copy of the correspondence was distributed during the meeting, as well as a copy of the District's response from General Manager Bebee.

A. NEW EMPLOYEE ANNOUNCEMENTS

1. Edward Benitez, Utility Worker I
2. Jose Lucca, Department 4 Temp

There were no public comments on agenda item A.

The Board welcomed Edward Benitez as the new Utility Worker I and Jose Lucca as the new Department 4 Temporary Employee.

- B. EMPLOYEE PROMOTION
1. Tyrese Powell-Slotterbeck, Lead Plant Operator

There were no public comments on agenda item B.

The Board congratulated Tyrese Powell-Slotterbeck on her promotion to Lead Plant Operator.

- C. YEARS OF SERVICE
1. Kevin Collins – 5 years

There were no public comments on agenda item C.

The Board recognized Kevin Collins for his five years of service to the District.

- D. NEW CERTIFICATIONS
1. Rene Ramos – NASSCO
  2. Jorge Ibarra – NASSCO

There were no public comments on agenda item D.

The Board recognized Rene Ramos and Jorge Ibarra for receiving their NASSCO certification.

President Wolk acknowledged the effort it takes to gain certifications and stressed the importance of getting certified.

**II. CONSENT CALENDAR-----**(ITEMS E–G)****

*All items appearing on the Consent Calendar may be disposed of by a single motion. Items shall be removed from the Consent Calendar if any member of the Board of Directors or the public requests removal prior to a vote on a motion to approve the items. Such items shall be considered separately for action by the Board.*

- E. CONSIDER APPROVAL OF MINUTES
1. March 27, 2023 Regular Board Meeting

*Recommendation:* That the Board approve the minutes of the aforementioned meeting of the Board of Directors of the Fallbrook Public Utility District.

F. CONSIDER RECOGNITION OF VISTA IRRIGATION DISTRICT CENTENNIAL ANNIVERSARY

*Recommendation:* The Board adopt Resolution 5044, congratulating Vista Irrigation District on its 100<sup>th</sup> anniversary.

G. CONSIDER ADVANCE APPROVAL TO ATTEND MEETINGS

*Recommendation:* That the Board authorize and approve, in advance, Directors' attendance to the 2023 APWA Awards Event scheduled for May 11, 2023 in San Diego.

There were no public comments on Consent Calendar items.

MOTION: Director McDougal moved to approve the Consent Calendar as submitted; Director DeMeo seconded. Motion carried; VOTE:

AYES: Directors Baxter, DeMeo, Endter, McDougal, and Wolk

NOES: None

ABSTAIN: None

ABSENT: None

III. **INFORMATION**----- (ITEMS H–J)

H. REVIEW STRATEGIC PLAN FOR FISCAL YEAR 2023/2024

*Presented by:* Jack Bebee, General Manager

There were no public comments on agenda item H.

General Manager Bebee reviewed the strategic plan for fiscal year 2023/24. He announced next year he may do a facilitated update of the strategic plan to bring in more public input.

Director Baxter asked how involved our public ratepayers were in the strategic plan. General Manager Bebee reported, in the past, they have not been very involved.

President Wolk suggested hosting these workshops at an off-site venue. Director McDougal suggested adding this to the agenda at a meeting in the beginning of next year.

General Counsel de Sousa made clear, for the record, that the strategic plan is reviewed every year at a public meeting where the public always has an opportunity to participate.

I. PIPELINE AND VALVE REPLACEMENT PROGRAM UPDATE

Presented by: Aaron Cook, Engineering Manager

There were no public comments on agenda item I.

Engineering Manager Cook presented a slideshow providing an update on the Pipeline and Valve Replacement Program.

President Wolk asked if there was a point when the Board needed to consider authorizing a different option and engage additional resources. Engineering Manager Cook suggested waiting until these projects are bid out and we have a better understanding of the lead times. General Manager Bebee stated they will work on parameters that would trigger this.

J. REVIEW PRELIMINARY DRAFT FISCAL YEAR 2023-24 OPERATING AND CAPITAL BUDGET EXPENDITURES

Presented by: Dave Shank, Assistant General Manager/CFO

There were no public comments on agenda item J.

AGM/CFO Shank presented a slideshow reviewing the preliminary draft fiscal year 2023-24 operating and capital budget expenditures. He announced the plan is to go to the FP&I Committee in mid to late May, schedule any necessary special Board meetings, and then have the recommended budget go to the Board for adoption at the regular June meeting.

AGM/CFO Shank reported the modified debt service appropriation will go to the Board at the May regular meeting.

IV. **ACTION / DISCUSSION CALENDAR** -----(ITEMS K-N)

K. CONSIDER AMENDMENT OF PROFESSIONAL SERVICE CONTRACT FOR INDEPENDENT FINANCIAL AUDITORS

Recommendation: That the Board authorize staff to amend its professional services agreement with CLA for a three-year term at a not-to-exceed cost of \$142,515. The three-year contract term begins with fiscal year 2022-23. While the contract is for three years, it can be terminated at any time.

There were no public comments on agenda item K.

Daphnie Munoz from CLA joined the meeting via Zoom. AGM/CFO Shank reported it is a best practice to change the auditing partner and/or firm every five years. He explained Ms. Munoz was the recommended partner to take over this engagement and comes highly recommended.

Director Baxter reported the FP&I Committee had the opportunity to meet and interview with Ms. Munoz and reiterated that she comes highly recommended and has impressive experience.

Director Endter asked if this is the last period of time we would be able to use CLA as our auditing firm. General Counsel de Sousa reported she would look into this and that there was a provision of the law that set a required amount of time a lead partner was able to be on a project.

MOTION: Director Endter moved to authorize staff to amend its professional services agreement with CLA for a three-year term at a not-to-exceed cost of \$142,515; Director Baxter seconded. Motion carried;  
VOTE:

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

L. CONSIDER RESCINDING “WATER SHORTAGE RESPONSE LEVEL 2 – WATER SHORTAGE WATCH,” MOVE TO “NORMAL CONDITIONS”

*Recommendation: That the Board rescind the “Water Shortage Response Level 2 – Water Shortage Watch” and declare “Normal Conditions” per the District’s Water Shortage Response Program. Upon declaration, public announcement would be made on the District website and social media outlets. Continued efforts will be made by District staff to promote public education and outreach efforts to encourage water conservation and wise water use.*

There were no public comments on agenda item L.

Engineering Technician Cothran provided an overview of the District’s Water Shortage Response Program and an update of Executive Order N-7-22. He reported the District’s ratepayers had achieved an 11% reduction in water use during the time the Water Shortage Watch was in place. He explained it is now recommended for the District to move to “Normal Conditions” per the District’s Water Shortage Response Program.

MOTION: Director Endter moved to approve rescind the “Water Shortage Response Level 2 – Water Shortage Watch” and declare “Normal Conditions per the District’s Water Shortage Response Program and directed staff to make a public announcement to promote public education and outreach efforts to encourage water conservation and wise water use; Director DeMeo seconded. Motion carried; VOTE:

AYES: Directors Baxter, DeMeo, Endter, McDougal, and Wolk

NOES: None

ABSTAIN: None

ABSENT: None

M. CONSIDER NOTIFICATION OF EMERGENCY DECLARATION FOR PIPE REPAIR ON NORTH MAIN AVE AND ACACIA LANE

*Recommendation: The Committee recommends to the Board that there is a need to continue the emergency action to replace failed pipelines and restore essential service to customers.*

There were no public comments on agenda item M.

General Manager Bebee provided an overview of the emergency declaration for pipeline repair on North Main Avenue and Acacia Lane, explaining there was about 300 linear feet on Main Avenue and 1,000 linear feet on Acacia Lane that needed to be replaced immediately. He explained there is funding within the water capital budget.

President Wolk clarified the need to place this on the agenda every month going forward. General Counsel de Sousa reported this is a requirement of the public contract code and set out in the District’s Administrative Code.

MOTION: Director DeMeo moved to determine there was a need to continue the emergency action to replace failed pipelines and restore essential service to customers; Director McDougal seconded. Motion carried; VOTE:

AYES: Directors Baxter, DeMeo, Endter, McDougal, and Wolk

NOES: None

ABSTAIN: None

ABSENT: None

N. CONSIDER ADJUSTING ADMINISTRATIVE CODE TO REFLECT MAXIMUM SEWER FLOW AMOUNT

*Recommendation: That the Board adopt Resolution 5045 amending the District's Administrative Code to reflect a maximum winter flow of 20.*

There were no public comments on agenda item N.

AGM/CFO Shank explained, during the cost of service study, the maximum billable flow from a residential customer was reviewed. We wanted to maintain 16 as the current benchmark, which required us to adjust the maximum wastewater flow that would be used to calculate billable flow. Because the return to sewer factor was changed as a result of the cost of service study, the maximum sewer flows needed to be adjusted as well. This will be a change going forward.

MOTION: Director McDougal moved to adopt Resolution 5045 amending the District's Administrative Code Article 12 to reflect a maximum winter flow of 20; Director Endter seconded. Motion carried; VOTE:

AYES: Directors Baxter, DeMeo, Endter, McDougal, and Wolk

NOES: None

ABSTAIN: None

ABSENT: None

**V. ORAL/WRITTEN REPORTS------(ITEMS 1-8)**

1. General Counsel

- General Counsel de Sousa provided an update on Brown Act legislation, which included five competing bills. She also provided an overview of SB 769.

2. SDCWA Representative Report

- General Manager Bebee provided an overview of the written report included in the packet.

3. General Manager

a. Engineering and Operations Report

- General Manager Bebee reported the draft LAFCO report for detachment should be out soon, and there was a Town Hall scheduled for May 17<sup>th</sup> at the District.
  - President Wolk asked why the energy usage at the reclamation plant took such a big dip. General Manager Bebee responded that the new Chief Plant Operator has been looking deeper into energy use. President Wolk requested this effort be recognized.
  - Jacqueline Howells provided an update on the federal funding efforts.
    - President Wolk confirmed the CropSwap letter was sent.

4. Assistant General Manager/Chief Financial Officer

a. Financial Summary Report

b. Treasurer's Report



- c. Budget Status Report
- d. Warrant List
  - AGM/CFO Shank provided an overview of the written reports included in the packet.
- 5. Public Affairs Specialist
  - Public Information Officer Denke reported on various community events the District has been participating in.
- 6. Notice of Approval of Per Diem for Meetings Attended
- 7. Director Comments/Reports on Meetings Attended
- 8. Miscellaneous

**ADJOURN TO CLOSED SESSION**

General Counsel de Sousa announced the Board would be going into Closed Session to discussion items VI.1 through 3. She announced members of the public participating via web conference were welcome to continue to stay on the line while the Board is in closed session, however, they will only hear silence. Following closed session, and prior to adjournment of the meeting, an oral announcement of reportable action by the Board in closed session would be made, if any. The oral announcement of any reportable action would be heard on the teleconference line. Thereafter this meeting would adjourn.

The Board of Directors adjourned to Closed Session at 5:50 p.m.

**VI. CLOSED SESSION -----(ITEMS 1–3)**

- 1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION PER GOVERNMENT CODE SECTION 54957:

*Discuss Performance Evaluation of General Manager*

- 2. PUBLIC EMPLOYEE PERFORMANCE EVALUATION PER GOVERNMENT CODE SECTION 54957:

*Discuss Performance Evaluation of General Counsel*

- 3. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(2):

*One (1) Potential Case.*

**RECONVENE TO OPEN SESSION**

The Board came out of Closed Session and reconvened to Open Session at 6:15 p.m.

REPORT FROM CLOSED SESSION (*As Necessary*)

There was no reportable action taken during Closed Session.

**VII. ADJOURNMENT OF MEETING**

There being no further business to discuss, the April Regular Meeting of the Board of Directors of the Fallbrook Public Utility District was adjourned at 6:15 p.m.



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President, Board of Directors

ATTEST:

  
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Secretary, Board of Directors