



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

**MINUTES**

**THURSDAY, AUGUST 31, 2023  
10:30 A.M.**

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

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**I. PRELIMINARY FUNCTIONS**

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

President Wolk called the August 31, 2023 Special Meeting of the Board of Directors of the Fallbrook Public Utility District to order at 10:36 a.m.

President Wolk announced that he was participating in today's meeting remotely under recent amendments to the Brown Act, due to recent heart treatment and his recuperation. There was no one in the room 18 years or older with him. Directors Baxter, Endter, and McDougal were present in the District Boardroom, and Vice President DeMeo was absent. President Wolk selected Director Baxter to preside over the remainder of the meeting in person in the Boardroom.

A quorum was established, and attendance was as follows:

**Board of Directors**

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

**Absent:** Jennifer DeMeo, Member/Vice President

**General Counsel/District Staff**

**Present:** Jack Bebee, General Manager  
Paula de Sousa, General Counsel  
Lauren Eckert, Executive Assistant/Board Secretary

**Also present were others, including, but not limited to:** Albert Perdon

**PLEDGE OF ALLEGIANCE**

Director Baxter led the Pledge of Allegiance.

#### APPROVAL OF AGENDA

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

AYES: Directors Baxter, Endter, McDougal, and Wolk

NOES: None

ABSTAIN: None

ABSENT: Director DeMeo

#### 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.*

Albert Perdon, participating via Zoom, stated this was his first FPUD Board meeting. He stated he was interested in learning more about detachment. He reported he has been following the news and was upset about recent actions taken to try to block that from happening. General Manager Bebee explained this meeting was mostly closed session, but that Mr. Person was welcome to attend future Board meetings where this topic will be discussed. Directors Baxter and McDougal both offered to have a more in depth conversation with Mr. Perdon.

#### ADJOURN TO CLOSED SESSION

General Counsel de Sousa announced the Board would be going into closed session to discuss items II.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 10:45 a.m.

#### II. **CLOSED SESSION -----(ITEMS 1–2)**

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

*One (1) potential case*

2. 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.*

RECONVENE TO OPEN SESSION

The Board came out of closed session and reconvened to open session at 11:26 a.m.

REPORT FROM CLOSED SESSION (*As Necessary*)

General Counsel de Sousa announced the report out of closed session for Closed Session Item II (1) – Initiation of Litigation Pursuant to Government Code Section 54956.9(d)(4) was as follows:

On a motion of Director McDougal, seconded by Director Baxter, and with President Wolk, Directors McDougal, Baxter, and Endter voting in favor, and Vice President DeMeo absent, the Board authorized 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.

**III. ADJOURNMENT OF MEETING**

There being no further business to discuss, Director Baxter adjourned the August 31, 2023 special meeting of the Board of Directors of the Fallbrook Public Utility District at 11:28 a.m.



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President, Board of Directors

ATTEST:



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Secretary, Board of Directors