



FALLBROOK PUBLIC UTILITY DISTRICT  
BOARD OF DIRECTORS  
SPECIAL BOARD MEETING

MINUTES

WEDNESDAY, JUNE 3, 2020  
9:00 A.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 Endter called for the return of the Special Meeting of the Board of Directors of the Fallbrook Public Utility District back from recess at 9:02 a.m.

A quorum was established, and attendance was as follows:

Board of Directors

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

Absent: None

General Counsel/District Staff

Present: Alison Alpert, Board Counsel  
Lisa Chaffin, Human Resources Manager  
Steve Stone, Field Services Manager  
Jeff Evans, Utility Technician  
Jack Bebee, General Manager  
David Shank, Assistant General Manager/CFO  
Lauren Eckert, Executive Assistant/Board Secretary

Also present were others, including, but not limited to: Frances Rogers, Andy Lotrich, Todd Lange

## PLEDGE OF ALLEGIANCE

President Endter led the Pledge of Allegiance.

President Endter made clear for the record that this meeting was conducted by teleconference using the call-in and web link pursuant to the Brown Act waivers to certain provisions of the Brown Act provided under the Governor's Executive Orders in response to the COVID-19 State of Emergency.

President Endter also announced that the agenda provided notice that members of the public were encouraged to participate in the Board Meeting via teleconference using the call-in and web link information, and that members of the public could also email public comments and comments on agenda items in advance of the meeting by depositing them in the District's payment drop box, mailing them to the District, or emailing them to the Board Secretary. Any such written comments would be read onto the record at the appropriate portion of the meeting, up to a limit of three (3) minutes per comment.

President Endter made clear for the record that all actions taken by the Board, if any, would be done by roll call.

## APPROVAL OF AGENDA

### 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.

## II. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE PER GOVERNMENT CODE SECTION 54957

### EMPLOYEE TERMINATION APPEAL HEARING OF TODD LANGE

Steve Stone, FPUD Field Services Manager, still under oath, was called to continue his cross-examination by Employee Representative, Andy Lotrich.

At 10:24 a.m. President Endter announced the Board would take a brief recess.

At 10:39 a.m. the Board returned from recess and reconvened to Open Session.

Cross-examination of Field Services Manager Stone continued.

Jeff Evans, FPU D Utility Technician, was called to testify, under oath, as a witness by District Representative, Frances Rodgers. Subsequent cross-examination then occurred by Employee Representative, Andy Lotrich.

**ADJOURN TO CLOSED SESSION**

*At any time during the Open Session, the Board may adjourn to Closed Session to consider litigation, or discuss with Legal Counsel matters within the Attorney/Client Privilege, subject to the appropriate disclosures. Discussion of litigation is within the Attorney/Client Privilege and may be held in Closed Session. (Pursuant to Government Code Section 54956.9)*

The Board of Directors adjourned to Closed Session at 12:33 p.m. following an oral announcement by Board Counsel Alpert of Closed Session Item III.1.

**III. CLOSED SESSION -----(ITEM 1)**

- 1. PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE PER GOVERNMENT CODE SECTION 54957

**RECONVENE TO OPEN SESSION**

The Board returned from Closed Session and reconvened to Open Session at 1:34 p.m.

**REPORT FROM CLOSED SESSION (As Necessary)**

Board Counsel Alpert announced there was no reportable action taken in Closed Session.

Jack Bebee, FPU D General Manager, was called to testify, under oath, as a witness by District Representative, Frances Rogers. Subsequent cross-examination then occurred by Employee Representative, Andy Lotrich.

At 2:23 p.m. President Endter announced the Board would take a brief recess.

At 2:39 p.m. the Board returned from recess and reconvened to Open Session.

Cross-examination of General Manager Bebee continued.

David Shank, FPU D Assistant General Manager/CFO, was called to testify, under oath, as a witness by District Representative, Frances Rogers. Subsequent cross-examination then occurred by Employee Representative, Andy Lotrich.

Fallbrook Public Utility District Staff rested its case.



Employee Representative Lotrich proposed that the charges against Mr. Lange be dismissed and that he return to work with full back pay. Board Counsel Alpert stated the Board could make a ruling by motion at that time.

MOTION: Director McDougal moved to reject the proposal by the defense and move forward with the employee termination hearing; Director Wolk seconded. Motion passed; VOTE:

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

NOES: None

ABSTAIN: None

Todd Lange was called to testify, under oath, by Employee Representative, Andy Lotrich. Mr. Lange put on his case and was then subsequently cross-examined by District Representative, Frances Rogers. Mr. Lange then rested his case.

Both parties agreed to provide written closing statements to Board Counsel Alpert electronically, as well as simultaneously to each to opposing parties by 5:00 p.m. on June 17, 2020. District Representative Rogers also agreed to electronically provide exhibits requested by Employee Representative Lotrich to Mr. Lotrich and Board Counsel Alpert.

#### IV. ADJOURNMENT OF MEETING

At 5:48 p.m., Director Wolk moved to recess the Special Meeting of the Board of Directors of the Fallbrook Public Utility District to another Special Board Meeting at a later date, to be determined, for the deliberation to conclude; Director McDougal seconded. The motion passed unanimously, with all Directors voting aye following a roll call vote.

  
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President, Board of Directors

ATTEST:

  
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Secretary, Board of Directors