



FALLBROOK PUBLIC UTILITY DISTRICT  
 BOARD OF DIRECTORS  
 990 EAST MISSION ROAD  
 FALLBROOK, CA 92028

SPECIAL BOARD MEETING  
 JULY 22, 2019  
 TO BE HELD IMMEDIATELY FOLLOWING THE  
 JULY 22, 2019 REGULAR MEETING OF THE  
 BOARD OF DIRECTORS

NOTICE AND AGENDA

*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.*

*Writings that are public records and are distributed during a public meeting are available for public inspection at the meeting if prepared by the local agency or a member of its legislative body or after the meeting if prepared by some other person.*

**I. PRELIMINARY FUNCTIONS**

CALL TO ORDER / ROLL CALL / ESTABLISH A QUORUM

PLEDGE OF ALLEGIANCE

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.*

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

A. CONSIDER PROCESS TO FILL VACANCY FOR BOARD OF DIRECTORS  
 SUBDISTRICT NO. 1

*Recommendation: Acknowledge resignation of Director Gebhart and consider whether to fill the vacancy in Subdistrict No. 1 by appointment or calling an election.*

\* \* \* \* \*

### DECLARATION OF POSTING

I, Mary Lou West, Secretary of the Board of Directors of the Fallbrook Public Utility District, do hereby declare that I posted a copy of the foregoing agenda in the glass case at the entrance of the District Office located at 990 East Mission Road, Fallbrook, California, at least 24 hours prior to the meeting in accordance with Government Code § 54956.

I, Mary Lou West, further declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

7-18-19  
Dated / Fallbrook, CA

Mary Lou West  
Secretary, Board of Directors

**M E M O**

**TO:** Board of Directors  
**FROM:** Jack Bebee, General Manager, JRB  
**DATE:** July 22, 2019  
**SUBJECT:** Consider Process to Fill Vacancy for Board of Directors Subdistrict No. 1

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Purpose

To acknowledge the resignation of Director Gebhart and consider whether to fill the vacancy in Subdistrict No. 1 by appointment or calling an election.

Summary

On July 3, 2019, Director Gebhart submitted his letter of resignation (Attachment A) effective the close of the regular meeting of the Board of Directors on July 22, 2019, resulting in a vacancy in Subdistrict No. 1. The term for Subdistrict No. 1 is December 12, 2016 to December 4, 2020.

In accordance with Government Code section 1780, the Board has three options to fill the vacancy (Attachment B):

1. Appoint an eligible, qualified resident of Subdistrict No. 1 to serve the remainder of Director Gebhart's term.
2. Call for a special election to fill the vacancy, which must be paid for by the District.
3. If the vacancy is not filled by appointment or if the District has not called for an election within 60 days, the San Diego County Board of Supervisors may appoint a person to fill the vacancy.

If the Board opts to fill the vacancy by appointment, staff seeks authorization to move forward with posting the Notice of Vacancy, soliciting candidates, and scheduling interviews for the August 26, 2019 regular meeting. Alternatively, if the Board opts to call a special election, staff seeks authorization to move forward with calling a special election through the San Diego County Registrar of Voters. The County is in the process of updating their voting system so a special election is not possible until the Presidential Primary Election in March 2020. The District would be responsible for the costs of a special election, which are approximately \$60,000.

Recommended Action

That the Board acknowledge the resignation of Director Gebhart and consider whether to fill the vacancy in Subdistrict No. 1 by appointment or calling an election.

## **Attachment A**

## Resignation

From: Al Gebhart [REDACTED]

To: maryloub@fpud.com

Date: Wednesday, July 3, 2019, 06:46 PM PDT

Mr. Jack Beebe  
General Manager  
Fallbrook Public Utility District

Re: Director, District 1

I will be resigning my position as Director of District 1, effective the close of the Board meeting of July 22, 2019.

I will no longer be a resident of Fallbrook as of July 23, 2019.

It has been a pleasure being on the board and a great education. I want to thank all the Board members and most importantly the staff for all the help and understanding in my capacity as a Director.

The work for the rate payers and the community of being able to provide them with something truly special is something I will always cherish.

None of it would have been possible without the team work of everyone.

I will miss this part of my life and it is my hope that I have left it better than I when I started.

Most importantly, the staff has been terrific and very special and I am proud to have been associated with all of them.

Sincerely



Al Gebhart

## **Attachment B**



## GOVERNMENT CODE - GOV

### TITLE 1. GENERAL [100 - 7914] ( Title 1 enacted by Stats. 1943, Ch. 134. )

#### DIVISION 4. PUBLIC OFFICERS AND EMPLOYEES [1000 - 3599] ( Division 4 enacted by Stats. 1943, Ch. 134. )

#### CHAPTER 4. Resignations and Vacancies [1750 - 1782] ( Chapter 4 enacted by Stats. 1943, Ch. 134. )

#### ARTICLE 2. Vacancies [1770 - 1782] ( Article 2 added by Stats. 1943, Ch. 134. )

- 1780.** (a) Notwithstanding any other provision of law, a vacancy in any elective office on the governing board of a special district, other than those specified in Section 1781, shall be filled pursuant to this section.
- (b) The district shall notify the county elections official of the vacancy no later than 15 days after either the date on which the district board is notified of the vacancy or the effective date of the vacancy, whichever is later.
- (c) The remaining members of the district board may fill the vacancy either by appointment pursuant to subdivision (d) or by calling an election pursuant to subdivision (e).
- (d) (1) The remaining members of the district board shall make the appointment pursuant to this subdivision within 60 days after either the date on which the district board is notified of the vacancy or the effective date of the vacancy, whichever is later. The district shall post a notice of the vacancy in three or more conspicuous places in the district at least 15 days before the district board makes the appointment. The district shall notify the county elections official of the appointment no later than 15 days after the appointment.
- (2) If the vacancy occurs in the first half of a term of office and at least 130 days prior to the next general district election, the person appointed to fill the vacancy shall hold office until the next general district election that is scheduled 130 or more days after the date the district board is notified of the vacancy, and thereafter until the person who is elected at that election to fill the vacancy has been qualified. The person elected to fill the vacancy shall hold office for the unexpired balance of the term of office.
- (3) If the vacancy occurs in the first half of a term of office, but less than 130 days prior to the next general district election, or if the vacancy occurs in the second half of a term of office, the person appointed to fill the vacancy shall fill the balance of the unexpired term of office.
- (e) (1) In lieu of making an appointment the remaining members of the board may within 60 days of the date the district board is notified of the vacancy or the effective date of the vacancy, whichever is later, call an election to fill the vacancy.
- (2) The election called pursuant to this subdivision shall be held on the next established election date provided in Chapter 1 (commencing with Section 1000) of Division 1 of the Elections Code that is 130 or more days after the date the district board calls the election.
- (f) (1) If the vacancy is not filled by the district board by appointment, or if the district board has not called for an election within 60 days of the date the district board is notified of the vacancy or the effective date of the vacancy, whichever is later, then the city council of the city in which the district is wholly located, or if the district is not wholly

located within a city, the board of supervisors of the county representing the larger portion of the district area in which the election to fill the vacancy will be held, may appoint a person to fill the vacancy within 90 days of the date the district board is notified of the vacancy or the effective date of the vacancy, whichever is later, or the city council or board of supervisors may order the district to call an election to fill the vacancy.

(2) The election called pursuant to this subdivision shall be held on the next established election date provided in Chapter 1 (commencing with Section 1000) of Division 1 of the Elections Code that is 130 or more days after the date the city council or board of supervisors calls the election.

(g) (1) If within 90 days of the date the district board is notified of the vacancy or the effective date of the vacancy, whichever is later, the remaining members of the district board or the appropriate board of supervisors or city council have not filled the vacancy and no election has been called for, then the district board shall call an election to fill the vacancy.

(2) The election called pursuant to this subdivision shall be held on the next established election date provided in Chapter 1 (commencing with Section 1000) of Division 1 of the Elections Code that is 130 or more days after the date the district board calls the election.

(h) (1) Notwithstanding any other provision of this section, if the number of remaining members of the district board falls below a quorum, then at the request of the district secretary or a remaining member of the district board, the appropriate board of supervisors or the city council shall promptly appoint a person to fill the vacancy, or may call an election to fill the vacancy.

(2) The board of supervisors or the city council shall only fill enough vacancies by appointment or by election to provide the district board with a quorum.

(3) If the vacancy occurs in the first half of a term of office and at least 130 days prior to the next general district election, the person appointed to fill the vacancy shall hold the office until the next general district election that is scheduled 130 or more days after the date the district board is notified of the vacancy, and thereafter until the person who is elected at that election to fill the vacancy has been qualified. The person elected to fill the vacancy shall hold office for the unexpired balance of the term of office.

(4) If the vacancy occurs in the first half of a term of office, but less than 130 days prior to the next general district election, or if the vacancy occurs in the second half of a term of office, the person appointed to fill the vacancy shall fill the balance of the unexpired term of office.

(5) The election called pursuant to this subdivision shall be held on the next established election date provided in Chapter 1 (commencing with Section 1000) of Division 1 of the Elections Code that is held 130 or more days after the date the city council or board of supervisors calls the election.

*(Amended by Stats. 2007, Ch. 343, Sec. 4. Effective January 1, 2008.)*