



FALLBROOK PUBLIC UTILITY DISTRICT  
BOARD OF DIRECTORS  
REGULAR BOARD MEETING

MINUTES

MONDAY, JUNE 28, 2021  
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 DeMeo called the May Regular Meeting of the Board of Directors of the Fallbrook Public Utility District to order at 4:04 p.m. President DeMeo 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, for the record, that this meeting was conducted by teleconference using the call-in and web link on the agenda, pursuant to the Brown Act waivers to certain provisions under the Governor's Executive Order in response to the COVID-19 State of Emergency.

General Counsel de Sousa also announced 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 have also emailed public comments and comments on agenda items in advance of the meeting by mailing them to the District, dropping them in the District's payment drop box, or emailing them to the Board Secretary. Any such written comments would be read on to the record at the appropriate portion of the meeting – up to a limit of three (3) minutes per comment.

General Counsel de Sousa noted, for the record, there were no written public comments for any agenda items submitted prior to the submission deadline.

A quorum was established, and attendance was as follows:

Board of Directors

Present: Jennifer DeMeo, Member/President  
Dave Baxter, Member/Vice President

Ken Endter, Member  
Don McDougal, Member  
Charley Wolk, Member  
Absent: None

General Counsel/District Staff

Present: Jack Bebee, General Manager  
Paul de Sousa, General Counsel  
Dave Shank, Assistant General Manager/CFO  
Jason Cavender, Operations Manager  
Aaron Cook, Engineering Manager  
Steve Stone, Field Services Manager  
Mick Cothran, Engineering Technician II  
Jodi Brown, Management Analyst  
Soleil Develle, Engineering Technician III  
Chris Hamilton, Senior Instrumentation & Controls Specialist

Also present were others, including, but not limited to: Craig Balben, Meena Westford, Tish Berge, Deven Upadhyay, Lani Larter

PLEDGE OF ALLEGIANCE

President DeMeo led the Pledge of Allegiance.

General Counsel de Sousa announced that President DeMeo would ask the Board Secretary if there were any members of the public who had submitted written comments in advance of the meeting or who wished to make comments on the item through Zoom webinar or Zoom teleconference. After public comments, President DeMeo would then call on staff to make a presentation for the next item on the agenda. After the presentation was made, to avoid everyone speaking at once, President DeMeo would then call on each Director to see if there were questions for staff regarding their presentation. After the round of questions, President DeMeo would then ask for a motion and request that each Director identify themselves when making a motion or seconding a motion. Next, President DeMeo would call on each Director to see if there were any comments. General Counsel de Sousa announced all votes would be done by roll call.

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 passed; 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.*

President DeMeo stated, as permitted under the Brown Act, the Board would hear public comments on items within the subject matter jurisdiction of the District that were not on the agenda.

President DeMeo requested that members of the public, who wished to speak on non-agenda items, raise their hand via Zoom Webinar by clicking on the "Raise Hand" button and via phone by pressing star nine. President DeMeo then asked the Board Secretary if there were any members of the public who would have liked to be heard, or if any written public comments for non-agenda items had been received via mail, email, or deposit.

There were no public comments on non-agenda items or agenda items A through B.

#### A. YEARS OF SERVICE

1. Colter Shannon

The Board recognized Colter Shannon for his 5 years of service to the District

#### B. PROMOTION TO UTILITY TECHNICIAN

1. Jeff Wolfe

The Board recognized and congratulated Jeff Wolfe for his promotion to Utility Technician.

#### II. CONSENT CALENDAR-----**(ITEMS C-F)**

*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.*

There were no public comments on Consent Calendar agenda items.

#### C. CONSIDER APPROVAL OF MINUTES

1. May 24, 2021 Regular Board Meeting

*Recommendation:* The Board approve the minutes of the aforementioned meetings of the Board of Directors of the Fallbrook Public Utility District.

D. CONSIDER ADOPTION OF RESOLUTION NO. 5010 PLACING FIXED CHARGE SPECIAL ASSESSMENTS TO ADD DELINQUENT AND UNPAID CHARGES ON THE TAX ROLL

*Recommendation:* That the Board adopt Resolution No. 5010 placing fixed charge special assessments to add delinquent and unpaid charges on the annual tax roll for 2021-22 by the San Diego County Treasurer-Tax Collector.

E. CONSIDER ADOPTION OF ORDINANCE NO. 350 FIXING WATER STANDBY OR AVAILABILITY CHARGES FOR 2021-22

*Recommendation:* The Board adopt Ordinance No. 350 as prepared and authorize the Secretary of the Board of Directors to send a certified copy to the Board of Supervisors of the County of San Diego and Auditor and Controller of the County of San Diego.

F. APPROVAL OF AMENDED SALARY SCHEDULE, EFFECTIVE JULY 1, 2021, BY ADOPTION OF RESOLUTION NO. 5017

*Recommendation:* That the Board adopt Resolution No. 5017 approving the amended salary schedule, effective July 1, 2021 per the personnel changes approved by the Board in April 2021.

Director Wolk advised Staff to update the Resolution 5017 Exhibit Page to reflect an "A" instead of a "C".

MOTION: Director Endter moved to approve the Consent Calendar as presented; Director McDougal seconded. Motion passed; VOTE:

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

NOES: None

ABSTAIN: None

III. **INFORMATION**----- (ITEMS G-H)

G. SDCWA MEMBER AGENCY BRIEFING

*Presented by:* Tish Berge, Assistant General Manager, SDCWA

There were no public comments on agenda item G.

Assistant General Manager Berge presented a slide show to the Board covering SDCWA's role in the region as San Diego County's water wholesaler, providing water to its 24 member agencies and serving over 3.3 million people.

#### H. REGIONAL RELIABILITY

*Presented by: Deven Upadhyay, Assistant General Manager/Chief Operating Officer at MWD*

There were no public comments on agenda item H.

Assistant General Manager Upadhyay presented a slide show to the Board of MWD's regional planning and infrastructure that provides service to 6 counties, 5200 square miles of service area, and 19 million residents. There are 10 reservoirs, 5 treatment plants, 5 pumping plants, a water quality lab, and 830 miles of pipelines and tunnels.

Assistant General Manager Upadhyay reported that MWD is planning for multiple future scenarios in terms of high and low demand, per capita water use and storage levels. Forecasting how growth, efficiency and local supply development will affect the need for future deliveries continues to be a priority.

#### IV. PROPOSED FISCAL YEAR 2021-22 BUDGET ----- (ITEM I)

- I. REVIEW OF PROPOSED BUDGET AND CONSIDER ADOPTION OF RESOLUTION NO. 5011 ADOPTING THE DISTRICT FISCAL YEAR 2021-22 RECOMMENDED ANNUAL BUDGET AND ADOPTION OF RESOLUTION NO. 5012 AMENDING ARTICLE 12 OF THE ADMINISTRATIVE CODE

*Recommendation: That the Board adopt Resolution No. 5011 adopting the final budget for Fiscal Year 2021-22 and adopt Resolution No. 5012 amending the Administrative Code to reflect the new RTS charge.*

There were no public comments on agenda item I.

AGM/CFO Shank reviewed the proposed Fiscal Year 2021-22 Recommended Annual Budget and presented a slide show with an overview of the prior year highlights, summary of sources and uses of funds, the operating budget detail, capital budget summary and projected fund balance.

AGM/CFO Shank advised the Board about the Districts first public debt transaction, which received an A+ S&P Rating. The District also received awards from the California Society of Municipal Finance Officers Association and the Governmental Finance Officers Association.

Engineering Manager Cook reviewed the Capital Budget, how the SMRCUP is driving the CIP, and Recurring PAYGO CIP projects. Water capital project highlights include the completion of the Gum Tree pipeline, the Winter Haven pipeline replacement project, the Knoll Park pipeline replacement project, the completion the SMRCUP and the completion of the meter replacement program.

Engineering Manager Cook reviewed Wastewater project highlights, which include the Green Canyon Force Main project, Hawthorn Lift Station project and the Manhole Restoration Program. Director Baxter asked about traffic issues that may arise due to construction of the Green Canyon Force Main project. Engineering Manager Cook and General Manager Bebee advised we should be able to keep modified yet narrow lanes of traffic open.

Engineering Manager Cook reviewed Waste Water Reclamation Plant highlights, which include conveyor and SCADA improvements, air vac and AC unit replacements and pump and centrifuge replacements.

Engineering Manager Cook reviewed the Recycle Water Project highlights, which include a water supply reliability project and a recycled mainline replacement project, and reviewed Administrative Project highlights, which include the Fleet and Heavy Equipment Program and improvements to the District yard and office facilities.

AGM/CFO Shank advised the Board calendar year 2022 rates and charges will take place at the December 2021 Board meeting.

MOTION: Director Wolk moved to adopt Resolution No. 5011 adopting the District Fiscal Year 2021-22 Recommended Annual Budget, and Director Wolk moved to adopt Resolution No. 5012 amending Article 12 of the Administrative Code; Director Endter seconded. Motion passed; VOTE:

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

**V. ACTION / DISCUSSION CALENDAR ----- (ITEMS J-L)**

J. CONSIDER 2021 CALIFORNIA SPECIAL DISTRICTS ASSOCIATION BOARD OF DIRECTORS ELECTION, (SEAT A), SOUTHERN NETWORK

*Recommendation: That the Board select one candidate from the slate of candidates in the 2021 California Special Districts Association Board of Directors*

*Election, (Seat A), Southern Network for the 2022-2024 term and authorize the District Secretary to cast its vote by electronic ballot.*

There were no public comments on agenda item J.

MOTION: President DeMeo moved to authorize the District Secretary to cast the Board's unanimous vote for Jo MacKenzie as 2021 California Special Districts Association Board of Directors Election, (Seat A), Southern Network for the 2022-2021 term; Director Endter seconded. Motion passed; VOTE:

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

NOES: None

ABSTAIN: None

K. LAFCO APPLICATION FOR ANNEXATION OF TWO PARCELS TO SEWER SERVICE AREA

*Recommendation: That the Board authorize staff to submit the request for annexation to the sewer service area, for the subject parcel, to LAFCO with the completed application and fees.*

There were no public comments on agenda item K.

MOTION: Director Baxter moved to authorize staff to submit the request for annexation to the sewer service area, for the subject parcel, to LAFCO with the completed application and fees; Director Wolk seconded. Motion passed; VOTE:

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

NOES: None

ABSTAIN: None

L. UPDATE ARTICLE 18 – INVESTMENT POLICY

*Recommendation: That the Board adopt Resolution 5018 amending Article 18 of the District's Administrative Code.*

There were no public comments on agenda item L.

MOTION: Director Wolk moved to adopt Resolution 5018 amending Article 18 of the District's Administrative Code; Director McDougal seconded. Motion passed; VOTE:

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

NOES: None

ABSTAIN: None

**VI. PUBLIC HEARINGS ----- (ITEM M)**

*This agenda item encompasses three separate, consecutively scheduled public hearings and proposed resolutions that relate to the District's Urban Water Management Plan (UWMP) preparation and administration.*

At 5:49 p.m., President DeMeo opened the Public Hearing to receive public comments on Public Hearing (1) and deferred to General Counsel de Sousa for an oral announcement of agenda item M.

General Counsel De Sousa announced that this agenda item encompasses three separate, consecutively scheduled public hearings and proposed resolutions that relate to the District's Urban Water Management Plan (UWMP) preparation and administration.

President DeMeo requested that members of the public, who wished to speak during the Public Hearing, raise their hand via Zoom Webinar by clicking on the 'Raise Hand' button and via phone by pressing star nine.

Hearing no public comments, President DeMeo closed the Public Hearing at 5:50 p.m.

- (1). HOLD PUBLIC HEARING AND CONSIDER APPROVAL OF WATER SHORTAGE CONTINGENCY PLAN AND MODIFICATION TO WATER SHORTAGE RESPONSE PLAN (ADMINISTRATIVE CODE ARTICLE 17); RESOLUTIONS NO. 5013 AND 5014.

*Recommendation: Hold a public hearing and consider adoption of Resolution 5013, adopting the District's Water Shortage Contingency Plan and adoption of Resolution 5014, adopting modifications to Water Shortage Response Plan (Administrative Code Article 17).*

MOTION: President DeMeo moved to adopt Resolution 5013, adopting the District's Water Shortage Contingency Plan and adoption of Resolution 5014, adopting modifications to Water Shortage Response Plan (Administrative Code Article 17); Director Endter seconded. Motion passed; VOTE:

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

At 5:53 p.m., President DeMeo opened Public Hearing number (2) to receive public comments.



President DeMeo requested that members of the public, who wished to speak during the Public Hearing, raise their hand via Zoom Webinar by clicking on the 'Raise Hand' button and via phone by pressing star nine.

Hearing no public comments, President DeMeo closed the Public Hearing at 5:54 p.m.

- (2). HOLD PUBLIC HEARING AND CONSIDER APPROVAL OF ADDENDUM TO 2015 UWMP TO SHOW REDUCED RELIANCE ON THE DELTA IN COMPLIANCE WITH THE DELTA PLAN; RESOLUTION NO. 5015

*Recommendation: Hold a public hearing and consider adoption of Resolution No. 5015, adopting the Addendum to the 2015 UWMP for the purpose of showing reduced reliance on the Delta in compliance with the Delta Plan.*

MOTION: Director Endter moved to adopt adoption of Resolution No. 5015, adopting the Addendum to the 2015 UWMP for the purpose of showing reduced reliance on the Delta in compliance with the Delta Plan; Director Wolk seconded. Motion passed; VOTE:

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

At 6:02 p.m., President DeMeo opened Public Hearing number (3) to receive public comments.

President DeMeo requested that members of the public, who wished to speak during the Public Hearing, raise their hand via Zoom Webinar by clicking on the 'Raise Hand' button and via phone by pressing star nine.

Hearing no public comments, President DeMeo closed the Public Hearing at 6:03 p.m.

- (3). HOLD PUBLIC HEARING AND CONSIDER APPROVAL OF 2020 URBAN WATER MANAGEMENT PLAN; RESOLUTION NO. 5016

*Recommendation: Hold a public hearing and consider adoption of Resolution 5016, adopting the District's 2020 Urban Water Management Plan.*

MOTION: Director Wolk moved to adopt Resolution 5016, adopting the District's 2020 Urban Water Management Plan. Director McDougal seconded. Motion passed; VOTE:

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

ABSTAIN: None

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

1. General Counsel De Sousa briefed the Board on three items:
  - An Executive Order issued by Governor Newsom, pertaining to waivers of the Brown Act Provision, specify remote participation will no longer be in effect starting September 30, 2021.
  - The moratorium of termination of water service for non-payment will end effective September 30, 2021.
  - The State Budget allowed for the creation of programs that will help agencies such as FPUD to recover cost and expenses associated with the Covid-19 pandemic, and will assist with recovery of payments of water/sewer bills that are in arrears.
2. SDCWA Representative Report
  - General Manager Bebee reported on the items in his SDCWA report
3. General Manager
  - a. Engineering and Operations Report
    - Meter replacements, backflow and valve work is moving forward and on track.
4. Assistant General Manager/Chief Financial Officer
  - AGM/CFO Shank updated the Board on the moratorium of termination of water service for non-payment. It will be effective September 30, 2021. He advised the Board that written communications have gone out to tenants who are 120 days delinquent, encouraging residents to take advantage of County resources being offered.
  - a. Financial Summary Report
  - b. Treasurer's Report
  - c. Budget Status Report
    - AGM/CFO Shank provided an overview of the written reports included in the packet
    - General Manager Bebee reminded the Board that a Public Utility District Act providing a financial summary needs to be published in The Village Newspaper at the end of July.
  - d. Warrant List
5. Public Affairs Specialist
6. Notice of Approval of Per Diem for Meetings Attended
  - Notification of Approval for Director Attendance to the Women in Water Conference.
7. Director Comments/Reports on Meetings Attended
8. Miscellaneous

ADJOURN TO CLOSED SESSION

General Counsel De Sousa announced that members of the public were welcome to continue to stay on the teleconference line while the Board was in Closed Session, however they would only hear silence. Following Closed Session and prior to adjournment, an oral announcement of reportable action, should there be any, would be made to the public on the teleconference line.

The Board of Directors adjourned to Closed Session at 6:25 p.m. following an oral announcement by General Counsel de Sousa of Closed Session Items VIII 1 through VIII 2.

**VIII. CLOSED SESSION ----- (ITEMS 1-2)**

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

*Name of Case: Todd Lange v. Fallbrook Public Utility District, San Diego Co. Sup. Ct. (North County) Case No 37-2020-00046705-CU-PT-NC*

2. CONFERENCE WITH LABOR NEGOTIATORS PER GC § 54957.6

*Agency Designated Representative: Board President DeMeo*

*Unrepresented Employee: General Manager*

**RECONVENE TO OPEN SESSION**

The Board returned from Closed Session and reconvened to Open Session at 6:50 p.m.

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

There was no reportable action taken in Closed Session.

**IX. ADJOURNMENT OF MEETING**

There being no further business to discuss, President DeMeo adjourned the June Regular Meeting of the Fallbrook Public Utility District at 6:54 p.m.

  
\_\_\_\_\_  
President, Board of Directors

ATTEST:

  
\_\_\_\_\_  
Acting Secretary, Board of Directors