

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

MINUTES

**FRIDAY, NOVEMBER 8, 2019
3:00 P.M.**

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

I. PRELIMINARY FUNCTIONS

CALL TO ORDER / ROLL CALL / ESTABLISH A QUORUM

President McDougal called the special meeting and public hearing of the Board of Directors of the Fallbrook Public Utility District to order at 3:00 p.m. A quorum was established, and attendance was as follows:

Board of Directors

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

Absent: Ken Endter, Member

General Counsel/District Staff

Present: Paula de Sousa, General Counsel
Dave Shank, Assistant General Manager/CFO
Mick Cothran, Engineering Technician
Noelle Denke, Public Affairs Specialist
Soleil Develle, Engineering Technician
Kelly Laughlin, Acting Secretary

Also present were others, including, but not limited to: Jackie Heyneman, Kim Murphy, Lita Tabish, Jean Dooley, Anne Richter, Kirk Dulin, Susan Nikkel, Stephani Baxter, Jan Scott, Rosemary Redmond, Jerri Patchett, Jennifer Jeffries, Meline Giannini, Rachel Mason, Judi Nurse, and Jodie Schooley.

PLEDGE OF ALLEGIANCE

President McDougal led the Pledge of Allegiance.

APPROVAL OF AGENDA

MOTION: Director Wolk moved to approve the agenda as presented; Vice-President DeMeo seconded. Motion passed; VOTE:

AYES: Directors Baxter, DeMeo, McDougal, and Wolk

NOES: None

ABSTAIN: None

ABSENT: Director Endter

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.

Jan Scott stepped to the podium to commend Chief Plant Operator, Owni Toma for a job well done with the solar plant.

At 3:08 p.m., President McDougal opened the Public Hearing to receive written and/or oral comments or testimony made by any affected local agency, affected county or any interested person regarding Resolution No. 4983 related to request to LAFCO for approval of activation of the power to exercise parks and recreation, street lighting, and roads and streets functions within its boundaries.

II. PUBLIC HEARING PURSUANT TO GOVERNMENT CODE § 56824.12 FOLLOWED BY ACTION/DISCUSSION

- A. PUBLIC HEARING FOR BOARD CONSIDERATION OF RESOLUTION NO. 4983 (RESOLUTION OF APPLICATION BY THE FALLBROOK PUBLIC UTILITY DISTRICT REQUESTING THE SAN DIEGO LOCAL AGENCY FORMATION COMMISSION APPROVE ACTIVATION OF THE POWER TO EXERCISE PARKS AND RECREATION, STREET LIGHTING, AND ROADS AND STREETS FUNCTIONS WITHIN ITS BOUNDARIES AS MORE PARTICULARLY DESCRIBED HEREIN AND FINDING THAT THE ACTION IS NOT A "PROJECT" UNDER CEQA OR IS, ALTERNATIVELY, EXEMPT FROM CEQA)

President McDougal gave a brief overview of the Community Benefit Program and explained LAFCO requires verbiage related to street lighting, parks and recreation, and roads and street functions. However, this program is primarily designed around maintenance, landscape maintenance, and beautification projects. President McDougal noted if LAFCO approves the application, a protest hearing would be the next step.

Recommendation:

1. *Hold a Public Hearing to receive written and/or oral comments or testimony made by any affected local agency, affected county or any interested person regarding*

Resolution No. 4983 related to request to LAFCO for approval of activation of the power to exercise parks and recreation, street lighting, and roads and streets functions within its boundaries.

2. *There are three alternatives for the Board to consider:*
 - a. *Approve Resolution No. 4983 and direct staff to finalize and submit application documents to LAFCO to support the request of the community groups to activate the District's latent powers as specified in the Resolution for support of public community facilities.*
 - b. *Do not approve Resolution No. 4983 and do not direct staff to finalize and submit an application to LAFCO to activate the latent powers as specified in the Resolution and request groups find an alternative source of funding for community facilities.*
 - c. *Other action as determined by the Board.*

President McDougal did clarify this program only involves the area within the Fallbrook Public Utility District. This does not include anyone within the Rainbow Water District, as they are a municipal water district, and it does not allow for that.

Multiple members of the public stepped to the podium to address the Board showing their support, along with their concerns for Resolution No. 4983.

At 3:34 p.m., President McDougal closed the Public Hearing after calling for final written and/or oral comments or testimony.

President McDougal addressed the public's concerns and clarified various points related to application fees and how members of the committee will be chosen.

President McDougal stated the Board will rely heavily on the recommendations from the organizing committee of the Community Benefit Program. It will be the Board's duty to make sure there are no conflicts of interest and that the recommendations are fair and equitable and within the guidelines that have been set.

Director Wolk asked for clarification on language used in the resolution, where it says "included, but to limited to." General Counsel de Sousa explained the resolution should read "included but *not* limited to." She requested the language be revised before approval.

MOTION: Director Baxter moved to adopt Resolution No. 4983 as revised, by correcting the phrase "including but not limited to" where needed, and directed staff to finalize and submit application documents to LAFCO to support the request of the community groups to activate the District's latent powers as specified in the Resolution for support of public community facilities; Director Wolk seconded. Motion passed; **VOTE:**

AYES: Directors Baxter, DeMeo, McDougal, and Wolk

NOES: None
ABSTAIN: None
ABSENT: Director Endter

ADJOURN TO CLOSED SESSION

The Board of Directors adjourned to Closed Session at 4:14 p.m. following an oral announcement of Closed Session Item III.1 by President McDougal.

III. CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
SIGNIFICANT EXPOSURE TO LITIGATION PER GC § 54956.9 (d)(2)

*Three (3) Potential Cases: Claims filed by Margaret Ozor, Paul Brown, and
Dusanka Bodjanac*

RECONVENE TO OPEN SESSION

The Board returned from Closed Session and reconvened to Open Session at 4:19 p.m.

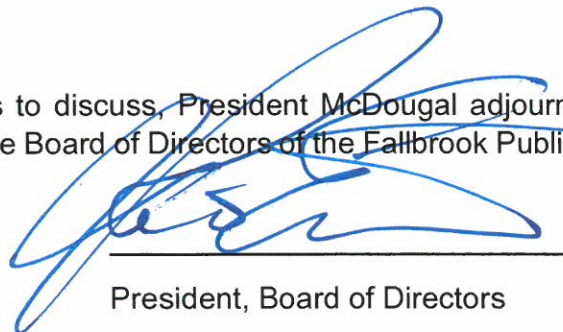
REPORT FROM CLOSED SESSION

General Counsel de Sousa reported the following action was taken by the Board in Closed Session regarding Agenda Item III.1:

On motion of Director Wolk, seconded by Vice-President DeMeo, the Board, on a vote of 4-0 with Director Endter absent, voted to reject the claims filed by Margaret Ozor, Paul Brown, and Dusanka Bodjanac.

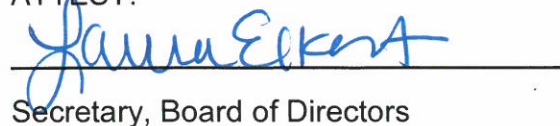
IV. ADJOURNMENT OF MEETING

There being no further business to discuss, President McDougal adjourned the special meeting and public hearing of the Board of Directors of the Fallbrook Public Utility District at 4:20 p.m.



President, Board of Directors

ATTEST:



Secretary, Board of Directors