



FALLBROOK PUBLIC UTILITY DISTRICT  
BOARD OF DIRECTORS  
REGULAR BOARD MEETING

MINUTES

MONDAY, SEPTEMBER 27, 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 September Regular Meeting of the Board of Directors of the Fallbrook Public Utility District to order at 4:06 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 person, or 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  
Paula de Sousa, General Counsel  
David Shank, Assistant General Manager/CFO  
Jason Cavender, Operations Manager  
Kevin Collins, Purchasing/Warehouse/Fleet Supervisor  
Aaron Cook, Engineering Manager  
Mick Cothran, Engineering Technician II  
Noelle Denke, Public Affairs Specialist  
Steve Stone, Field Services Manager

Also present were others, including, but not limited to: Craig Balben

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 either in person or 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 Endter moved to approve the agenda as presented; Director Baxter 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 asked the Board Secretary if there were any members of the public who would have liked to be heard, or if any written in person public comment speaker slips for non-agenda items had been received in person, via mail, email, or deposit. President DeMeo then 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.

There were no public comments on non-agenda items.

**II. CONSENT CALENDAR-----**(ITEMS A–B)****

*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 items.

- A. CONSIDER APPROVAL OF MINUTES
  - 1. August 23, 2021 Regular Meeting

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

- B. NOTICE OF COMPLETION – ROSS LAKE PRV

*Recommendation: That the Board authorize staff to file the attached Notice of Completion with the San Diego County Recorder.*

MOTION: Director DeMeo moved to approve the consent calendar as presented; Director Endter seconded. Motion passed; VOTE:

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

NOES: None

ABSTAIN: None

ABSENT: None

**III. INFORMATION-----**(ITEMS C–D)****

- C. UPDATE OF TESLA BATTERY WALL INSTALLATION PROJECT AT FOUR FPUD SITES

*Presented by: Kevin Collins, Purchasing/Warehouse/Fleet Supervisor*

There were no public comments on agenda item C.

Purchasing/Warehouse/Fleet Supervisor Collins provided the Board with a status update of the Tesla battery wall installation project. He reviewed the benefits for the District and the current progress of the project.

**D. REVIEW OF DISTRICT'S DISCONNECTION POLICY AND PROCESS**

*Presented by: David Shank, Assistant General Manager/CFO*

There were no public comments on agenda item D.

AGM/CFO Shank reported FP&I met to discuss the amount of past due accounts, a number of them with significant balances.. AGM/CFO Shank stated this will be revisited at the end of 2021 when the moratorium expires.

**IV. ACTION / DISCUSSION CALENDAR ----- (ITEMS E–J)**

**E. CONSIDER REQUEST TO RESCHEDULE THE DEC. 6, 2021 COMBINED NOVEMBER/DECEMBER REGULAR BOARD MEETING TO DEC.13, 2021**

*Recommendation: That the Board authorize moving the combined November/December Regular Board Meeting to December 13, 2021.*

There were no public comments on agenda item E.

**MOTION:** Director Endter moved to authorize moving the combined November/December Regular Board Meeting to December 13, 2021; Director DeMeo seconded. Motion passed; **VOTE:**

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

**F. WATER SHORTAGE CONTINGENCY PLAN, CONSIDER DECLARING A "WATER SHORTAGE RESPONSE LEVEL 1 – WATER SHORTAGE NOTICE"**

*Recommendation: That the Board declare a "Water Shortage Response Level 1 – Water Shortage Notice". Upon declaration, public announcement would be made on all FPUD water bills, physical posting in the District lobby, on the District website and social media outlets, and by publication in the Village News.*



There were no public comments on agenda item F.

General Manager Bebee reported Governor Newsom put together a voluntary fifteen percent reduction. As a larger per capita water user, the District generally becomes a target for state review, under drought conditions. General Manager Bebee thought it was important to show initiative and voluntarily move into the water shortage response – level 1, which is a voluntary ten percent reduction. There has been discussion about the state implementing mandatory restrictions, but it is unclear when and how that will occur. He believed it was important for the District to get in front of mandatory restrictions. There would be outreach to customers as well, should this be approved.

Vice President Baxter asked how customer outreach would be handled. General Manager Bebee responded this is largely targeted more to residential versus agriculture customers. There will be social media posting, bill inserts, as well as notices through customers' smart meters.

MOTION: Director Endter moved to declare a "Water Shortage Response Level 1 – Water Shortage Notice," and upon declaration, a public announcement to be made on all FPUD water bills, physical posting in the District lobby, on the District website and social media outlets, and by publication in the Village News; Director Wolk seconded. Motion passed;  
VOTE:

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

#### G. CONSIDER DISTRICT PROGRAM FOR PRIVATE SEWER LATERALS

*Recommendation: That the Board maintain current practices and to have the General Manager bring forward any cases of any cases of highly complex or expensive private laterals repairs for Board consideration on a case-by-case basis but not to develop any formal program at this time.*

There were no public comments on agenda item G.

MOTION: Director Wolk moved to maintain current practices for private sewer laterals and to have the General Manager bring forward any cases of highly complex or expensive private lateral repairs for Board consideration on a case-by-case basis, but not to develop any formal program at this time; Director McDougal seconded. Motion passed; VOTE:

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

NOES: None  
ABSTAIN: None  
ABSENT: None

H. UPDATED CERTIFICATION REQUIREMENTS AND RECOMMENDED SALARY ADJUSTMENT TO SYSTEMS OPERATOR I/II/III

*Recommendation: It is recommended that the Board approve the proposed updated certification requirements, salary adjustment, and the revised salary table.*

There were no public comments on agenda item H.

Director McDougal reported the Personnel Committee met and reviewed the current difficulties recruiting and retaining candidates for the Systems Operator positions. He announced there was discussion regarding moving the salary grade for this position up one level, and the Personnel Committee agreed that it made sense to approve the salary adjustment.

MOTION: Director Endter moved to approve the proposed updated certification requirements and salary adjustment for the Systems Operator I/II/III positions, and the revised salary table; Director Wolk seconded. Motion passed; VOTE:

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

I. CONSIDER REQUEST FOR APPROVAL TO PURCHASE HYDRO EXCAVATOR

*Recommendation: The Board approve a purchase of one hydro excavator from Municipal Maintenance Equipment (MME) for \$79,157.46.*

There were no public comments on agenda item I.

MOTION: Director Baxter moved approve a purchase of one hydro excavator from Municipal Maintenance Equipment (MME) for \$79,157.46; Director Endter seconded. Motion passed; VOTE:

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

J. CONSIDER APPROVAL OF SOLAR SUPPORT CONTRACTS FOR MAIN OFFICE AND WASTEWATER TREATMENT PLANT



*Recommendation: The Board award SunPower a 5 year contract in the total amount of \$132,547.88 for solar support at the Wastewater Treatment Plant and a 5 year contract in the total amount of \$41,145.00 for solar support at the Main Office.*

There were no public comments on agenda item J.

General Manager Bebee reported this agenda item went through the E&O Committee. He noted a substantial solar array at the water reclamation plant that has been in place for over ten years, and the operations and maintenance contract had run out with SunPower. General Manager Bebee explained Purchasing/Warehouse/Fleet Supervisor Collins has spent a lot of time searching for alternatives to maintaining the solar at the water reclamation plant as well as the overseeing the solar at the main office as well. He found that only SunPower can maintain the system, especially when it came to the tracking system. This would require two separate annual agreements – one for the water reclamation plant and one for the main office. General Manager Bebee also noted the total amount of the contracts were divided over five years. He reported it was important to keep the solar operations, as this has a significant cost savings, in the hundreds of thousands of dollars per year.

Vice President Baxter reported this item was reviewed at E&O, and there were a lot of questions around the longevity of the solar, especially at the main office. It was noted that the residual value would last well into the future.

MOTION: Director Baxter moved to award SunPower a 5 year contract in the total amount of \$132,547.88 for solar support at the Wastewater Treatment Plant and a 5 year contract in the total amount of \$41,145.00 for solar support at the Main Office; Director Endter seconded. Motion passed; VOTE:

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

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

1. General Counsel

- General Counsel de Sousa provided the Board with an update and overview of SB 165, SB 594, SB 323, and AB 361.
- Vice President Baxter asked about the interpreter requirement for public meetings that was announced in the past. General Counsel de Sousa stated there was a bill pending AB 339. It was amended to only apply to cities and public agencies in cities with a population over 200,000 and does not apply to special districts.

- Director McDougal asked General Counsel de Sousa if there a cost to the District to redistrict. General Counsel de Sousa responded that some agencies do hire constants to assist with the required redistricting, but found that agencies that have GIS capabilities typically can do this in house. Director McDougal asked if there was a way of going back to “at-large” instead of districts. General Counsel de Sousa stated there was not and announced this redistricting exercise would ensure all districts are roughly equal in population.
2. SDCWA Representative Report
    - General Manager Bebee provided an overview of the written reports included in the Board packet.
  3. General Manager
    - a. Engineering and Operations Report
      - General Manager Bebee commended and thanked Mavis Canpinar for the outstanding job she has done as Board Secretary.
  4. Assistant General Manager/Chief Financial Officer
    - AGM/CFO Shank provided an overview of the written reports provided in the Board packet.
  - a. Financial Summary Report
  - b. Treasurer’s Report
  - c. Budget Status Report
  - d. Warrant List
  5. Public Affairs Specialist
    - Public Affairs Specialist Denke reported on the status of the drought tolerant plant giveaway and the 100 year anniversary event.
  6. Notice of Approval of Per Diem for Meetings Attended
    - a. Notification of Approval for Director’s attendance for the CSDA Annual Conference and Exhibitor Showcase August 30, 2021 to September 2, 2021 in Monterey, CA.
      - Vice President Baxter announced that he approved President DeMeo’s attendance for the CSDA Annual Conference and Exhibitor Showcase on August 30, 2021 through September 2, 2021 in Monterey, CA.
  7. Director Comments/Reports on Meetings Attended
    - Director Endter reported on his attendance at the CSDA dinner on August 19<sup>th</sup>.
    - Vice President Baxter reported on his attendance at the August CoWU meeting and the CSDA dinner on August 19<sup>th</sup>.
    - President DeMeo reported on her attendance at the August CoWU meeting, the CSDA dinner on August 19<sup>th</sup>, and the CSDA annual conference.
  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.

There were no public comments on Closed Session Item 1.

The Board of Directors adjourned to Closed Session at 5:40 p.m. following an oral announcement by General Counsel de Sousa of Closed Session Item VI.1.

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

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

*One (1) Potential Case*

**RECONVENE TO OPEN SESSION**

The Board returned from Closed Session and reconvened to Open Session at 6:19 p.m.

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

There was no reportable action taken in Closed Session.

**VII. ADJOURNMENT OF MEETING**

There being no further business to discuss, President DeMeo adjourned the September Regular Meeting of the Fallbrook Public Utility District at 6:20 p.m.

  
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President, Board of Directors

ATTEST:

  
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Secretary, Board of Directors