



**FALLBROOK PUBLIC UTILITY DISTRICT
BOARD OF DIRECTORS
REGULAR BOARD MEETING / PUBLIC HEARING**

AGENDA

PURSUANT TO WAIVERS TO CERTAIN BROWN ACT PROVISIONS UNDER EXECUTIVE ORDERS ISSUED BY GOVERNOR NEWSOM RELATED TO THE COVID-19 STATE OF EMERGENCY THIS MEETING WILL BE CONDUCTED VIA WEB AND TELECONFERENCE USING THE BELOW INFORMATION, AND THERE WILL BE NO PHYSICAL LOCATION FROM WHICH MEMBERS OF THE PUBLIC MAY PARTICIPATE. INSTEAD MEMBERS OF THE PUBLIC ARE ENCOURAGED TO PARTICIPATE IN THE BOARD MEETING VIA WEB CONFERENCE USING THE BELOW CALL-IN AND WEBLINK INFORMATION.

<https://zoom.us/j/99035843575?pwd=MVBHd2JCYzAwTDZxODh5eEUzUm01dz09>

MEETING ID 990 3584 3575
AUDIO CALL-IN 1-669-900-9128
AUDIO PASSCODE 742881

PUBLIC COMMENTS: Members of the public may submit public comments and comments on agenda items in one of the following ways:

SUBMIT COMMENTS BEFORE THE MEETING:

- By emailing to our Board Secretary at leckert@fpud.com
- By mailing to the District Offices at 990 E. Mission Rd., Fallbrook, CA 92028
- By depositing them in the District's Payment Drop Box located at 990 E. Mission Rd., Fallbrook, CA 92028

All comments submitted before the meeting by whatever means must be received at least 1 hour in advance of the meeting. All comments will be read to the Board during the appropriate portion of the meeting. Please keep any written comments to 3 minutes.

MAKE COMMENTS DURING THE MEETING: The Board President will inquire prior to Board discussion if there are any comments from the public on each item.

- Via Zoom Webinar go to the "Participants List," hover over your name and click on "raise hand." This will notify the moderator that you wish to speak during oral communication or during a specific item on the agenda.
- Via phone, you can raise your hand by pressing *9 to notify the moderator that you wish to speak during the current item.

THESE PUBLIC COMMENT PROCEDURES SUPERSEDE THE DISTRICT'S STANDARD PUBLIC COMMENT POLICIES AND PROCEDURES TO THE CONTRARY.

**MONDAY, FEBRUARY 22, 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

PLEDGE OF ALLEGIANCE

ADDITIONS TO AGENDA PER GC § 54954.2(b)

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.

- A. RECOGNITION AND COMMENDATION OF STUDENT ARTWORK AND 4TH GRADE TEACHER
- B. EMPLOYEE OF THE QUARTER FEBRUARY 2021
 - 1. Christian Hernandez
- C. MANAGER'S AWARD
 - 1. Mickey Case
- D. EMPLOYEE ANNOUNCEMENTS
 - 1. Jacob Hyink

II. CONSENT CALENDAR----- (ITEMS E – H)

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.

- E. CONSIDER APPROVAL OF MINUTES
 - 1. January 25, 2021 Regular Board Meeting

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

- F. CONSIDER CLAIM FOR INUNDATION OF WATER ONTO REAL PROPERTY

Recommendation: The aggregate cost of the claims related to the incident will exceed the District retrospective allocation point of \$25,000. Staff recommends rejection of this claim, and any and all claims resulting from

this incident, and to forward all claims for this incident to ACWA/JPIA for resolution.

- G. CONSIDER EASEMENT QUITCLAIM FOR 420 WEST DOUGHERTY STREET

Recommendation: *That the Board authorize to quitclaim the easement recorded as Document No. 2008-0306324.*

- H. CONSIDER LETTER OF SUPPORT FOR HR 535/S.91 (SPECIAL DISTRICTS PROVIDE ESSENTIAL SERVICES ACT) & AB 361 (RIVAS) – REMOTE MEETINGS DURING DECLARED EMERGENCIES.

Recommendation: *The Board authorize letters supporting HR 535/S.91 (Special Districts Provide Essential Services Act) & AB 361 (Rivas) – Remote Meetings During Declared Emergencies and direct staff to distribute the letter of support to the District’s legislators.*

III. INFORMATION -----(ITEMS I – J)

- I. ENGINEERING AND OPERATIONS KEY PERFORMANCE INDICATORS

Presented by: *Aaron Cook, Engineering Manager*

- J. RECYCLED WATER PROGRAM UPDATE

Presented by: *Jack Bebee, General Manager*

IV. ACTION / DISCUSSION CALENDAR -----(ITEMS K – O)

- K. CONSIDER THE FALLBROOK VILLAGE ASSOCIATION AS A COMMUNITY SERVICE WATER USER (VINCE ROSS SQUARE)

Recommendation: *Staff supports the Board’s direction. If approved, staff will provide an update on water usage at the end of each fiscal year*

- L. CONSIDER AUTHORIZATION FOR ADDITIONAL DEPOSIT TO SAN DIEGO LOCAL AGENCY FORMATION COMMISSION

Recommendation: *That the Board authorize the General Manager to provide an additional deposit to SDLAFCO of \$50,000.*

- M. CONSIDER SMRCUP GAC INSTALLATION CHANGE ORDER

Recommendation: *That the Board approve the change order for Filanc-Alberici to complete the additional work at a cost of \$3,389,801.*

- N. CONSIDER ADOPTION OF RESOLUTION NO. 5006, UPDATING THE ADMINISTRATIVE CODE TABLE OF CONTENTS, RENUMBERING OF EXISTING ARTICLES TO CREATE A SEQUENTIAL ORDER, AND UPDATING INTERNAL SECTION CROSS-REFERENCES AS NECESSARY

Recommendation: That the Board adopt Resolution No. 5006, amending the Administrative Code Table of Contents, and renumbering Administrative Code Articles to create a sequential order, and update internal section cross-references as necessary.

- O. CONSIDER REQUEST FOR APPROVAL TO PURCHASE ONE BOOM TRUCK CRANE

Recommendation: The Board approve the purchase of one boom truck crane from Velocity Truck Centers in the amount of \$314,627.03.

V. PUBLIC HEARING -----(ITEM P)

- P. POTENTIAL INCREASE IN COMPENSATION FOR MEMBERS OF THE BOARD OF DIRECTORS (ADMINISTRATIVE CODE SECTION 2.12); ORDINANCE NO. 349

Recommendation: Hold the public hearing and consider adoption of Ordinance No. 349, to increase Board compensation from \$110.25 to \$115.76 for each day's service to the District and to update Section 2.12 of the District's Administrative Code to reflect the updated amount.

VI. ORAL/WRITTEN REPORTS -----(ITEMS 1-8)

1. General Counsel
2. SDCWA Representative Report
3. General Manager
 - a. Engineering and Operations Report
4. Assistant General Manager/Chief Financial Officer
 - a. Financial Summary Report
 - b. Treasurer's Report
 - c. Budget Status Report
 - d. Warrant List
5. Public Affairs Specialist
6. Notice of Approval of Per Diem for Meetings Attended
7. Director Comments/Reports on Meetings Attended
8. Miscellaneous

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

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

One (1) Potential Case (Claim filed by George Acquavella)

2. 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

RECONVENE TO OPEN SESSION

REPORT FROM CLOSED SESSION (*As necessary*)

VIII. ADJOURNMENT OF MEETING

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DECLARATION OF POSTING

I, Lauren Eckert, Executive Assistant/Board Secretary 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 72 hours prior to the meeting in accordance with Government Code § 54954.2(a).

I, Lauren Eckert, further declare under penalty of perjury and under the laws of the State of California that the foregoing is true and correct.

February 17, 2021
Dated / Fallbrook, CA

/s/ Lauren Eckert
Executive Assistant/Board Secretary