



FALLBROOK PUBLIC UTILITY DISTRICT  
MEETING OF THE ENGINEERING & OPERATIONS COMMITTEE

AGENDA

MONDAY, JULY 15, 2024  
9:30 A.M.

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

**THIS MEETING WILL BE HELD AT THE ABOVE DATE, TIME, AND LOCATION AND MEMBERS OF THE PUBLIC MAY ATTEND IN PERSON AT THE DISTRICT OFFICE LOCATED AT 990 E. MISSION RD., FALLBROOK, CA 92028. FOR THE CONVENIENCE OF MEMBERS OF THE PUBLIC WHO DO NOT WISH TO ATTEND IN PERSON, FALLBROOK PUBLIC UTILITY DISTRICT PROVIDES A MEANS TO OBSERVE AND PROVIDE PUBLIC COMMENTS AT THE MEETING VIA WEB CONFERENCE USING THE BELOW CALL-IN AND WEBLINK INFORMATION. PLEASE NOTE THAT IN THE EVENT OF TECHNICAL ISSUES THAT DISRUPT THE ABILITY OF MEMBERS OF THE PUBLIC TO VIEW THE MEETING OR PROVIDE PUBLIC COMMENTS THROUGH THE WEB CONFERENCE OPTION, THE MEETING WILL CONTINUE.**

**TELECONFERENCE LOCATION**

In addition, Director McDougal will be teleconferencing pursuant to Government Code section 54953 from the following location: Sandy Creek Yacht Club Marina (A-28), 8714 Lime Creek Rd., Volente, TX 78641

**Join Zoom Meeting**

<https://us06web.zoom.us/j/81593743082?pwd=Sw4adYQZRUEbZzVu64ZE00Q6ipbJXU.1>

**MEETING ID: 815 9374 3082**

**AUDIO PASSCODE: 501804**

**Dial by your location**

+1 346 248 7799 US (Houston); +1 720 707 2699 US (Denver); +1 253 215 8782 US (Tacoma);  
+1 312 626 6799 US (Chicago); +1 646 558 8656 US (New York); +1 301 715 8592 US (Washington DC)

**Find your local number:** <https://us06web.zoom.us/j/81593743082?pwd=Sw4adYQZRUEbZzVu64ZE00Q6ipbJXU.1>

**Members of the public may participate in the meeting from any of the above locations.**

**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](mailto: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 Committee during the appropriate portion of the meeting. Please keep any written comments to 3 minutes.

**REMOETLY MAKE COMMENTS DURING THE MEETING:** The Committee Chair will inquire prior to Committee 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.

**MAKE IN-PERSON COMMENTS DURING THE MEETING:** The Committee Chair will inquire prior to Committee discussion if there are any comments from the public on each item, at which time members of the public attending in person may make comments.

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

*If you have a disability and need an accommodation to participate in the meeting, please call the Board Secretary at (760) 999-2704 for assistance.*

**I. PRELIMINARY FUNCTIONS**

CALL TO ORDER / ROLL CALL

PUBLIC COMMENT

**II. ACTION / DISCUSSION -----(ITEMS A-B)**

- A. REQUEST FOR APPROVAL TO SELL SURPLUS PROPERTY (APNS 101-57-202, 106-33-208/209/210)
- B. FPUD SUPPLY AND DEMAND UPDATE

**III. 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.

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.

July 11, 2024  
Dated / Fallbrook, CA

/s/ Lauren Eckert  
Executive Assistant/Board Secretary

## MEMO

**TO:** Engineering and Operations Committee  
**FROM:** Aaron Cook, Engineering Manager  
**DATE:** July 15, 2024  
**SUBJECT:** Request for Approval to Sell Surplus Property (APNs 101-57-202, 106-33-208/209/210)

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### Description

Consider adoption of resolution declaring certain land as surplus land owned by the District and authorize District staff to take all actions necessary to comply with the Surplus Land Act.

### Purpose

The District owns properties that are not being used and no future use is anticipated. Selling these unused properties would bring in one time revenue and eliminate maintenance needs for those sites.

State law, specifically the Surplus Land Act (Gov. Code § 54220, *et seq.*) dictates the steps needed for public agencies to sell properties. This process requires the Board of Directors to make certain findings and declare the selected properties as surplus land. A notice of availability must be sent to other public agencies and certain other entities to give them an opportunity to purchase the property. If there is an interested agency or entity, the District must enter into good faith negotiations to determine a mutually satisfactory sales price and terms. If the District receives a notice of interest from more than one agency or entity, the District must give first priority to the agency or entity proposing to use the site for affordable housing. The District also has reporting and compliance obligations to the Department of Housing and Community Development, which can impose financial penalties if the Surplus Land Act is not followed prior to disposition. If there is no interest from the agencies or entities required to receive the notice, or good faith negotiations are unsuccessful, the land can be sold on the public market.

The Engineering and Operations Committee previously encouraged staff to identify specific parcels for declaration as surplus land to be sold. The following four parcels were identified:

- 101-57-202 – 4.45 acre parcel with an 8-inch water main crossing through the center of the parcel. An FPUD access and maintenance easement will be recorded over the existing pipeline. Historically, the property was used for water supply wells in De Luz Creek, but the wells are no longer active and have not been used since 1994.
- 106-33-208/209/210 – (3) parcels, 0.93 acres each, for a total of 2.79 acres. In the past, the property was the site of a storage reservoir and pump that was no

longer needed and removed. The District does have a radio relay tower at the site and an easement will be recorded for that facility. Otherwise the property is not needed.

Budgetary Impact

Property sales would result in a one-time revenue source.

Recommended Action

That the Committee recommend to the Board adopting the attached resolution making findings and declaring the parcels surplus land and authorizing District staff to proceed with the sales process.

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE FALLBROOK PUBLIC UTILITY DISTRICT DECLARING CERTAIN DISTRICT-OWNED LAND AS “SURPLUS LAND” PURSUANT TO THE SURPLUS LAND ACT AND AUTHORIZING THE GENERAL MANAGER OR HIS DESIGNEE(S) TAKE ALL ACTIONS NECESSARY TO COMPLY WITH THE SURPLUS LAND ACT**

**WHEREAS**, the Fallbrook Public Utility District (“FPUD”) is a Public Utility District formed in 1922, and is organized under the provisions of the Public Utility District Act (Public Utilities Code § 15500 et seq.); and

**WHEREAS**, FPUD owns four (4) parcels identified as APNs 101-57-202, 106-33-208, 106-33-209 and 106-33-210 (the “Subject Parcels”) that are no longer necessary for FPUD’s use and should be declared as surplus property suitable for disposition; and

**WHEREAS**, under the California Surplus Land Act (Government Code Section 54220 *et seq.*) (“SLA”), surplus property is defined as land owned in fee simple by a local agency for which the agency’s governing body takes formal action in a regular public meeting declaring that the land is surplus and is not necessary for the agency’s use; and

**WHEREAS**, effective January 1, 2020, the SLA was amended to require all local agencies to formally declare agency-owned properties as “surplus land” or “exempt surplus land” prior to taking action to dispose of such properties and to issue a Notice of Availability to certain entities statutorily entitled to notice prior to disposition; and

**WHEREAS**, the declaration of surplus land must be made by the local agency’s governing body at a regular open meeting supported by written findings; and

**WHEREAS**, by adopting this Resolution, the Board of Directors makes findings that the Subject Parcels are no longer necessary for FPUD’s use and are declared surplus land in accordance with the SLA; and

**WHEREAS**, FPUD intends to follow the provisions of the SLA in the disposition of the Subject Parcels, including but not limited to offering the Subject Parcels to the entities required under the SLA and prioritizing offers received for the development of affordable housing in compliance with the SLA; and

**WHEREAS**, this declaration of surplus land does not obligate FPUD to subsequently dispose of the Subject Parcels and is not an action that results in a binding commitment by FPUD to move forward with the disposition of the Subject Parcels.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Fallbrook Public Utility District as follows:

1. **Recitals.** The forgoing recitals are true and correct and are incorporated herein.

2. **Findings and Declarations.** The Board of Directors finds and declares that the above-described Subject Parcels are surplus land and no longer necessary for FPUD's use in accordance with the SLA. The Board of Directors bases this declaration on the following findings:
  - a. APN 101-57-202 – 4.45 acre parcel with an 8-inch water main crossing through the center of the parcel. An FPUD access and maintenance easement will be recorded over the existing pipeline. Historically, the property was used for water supply wells in De Luz Creek, but the wells are no longer active and have not been used since 1994.
  - b. APN 106-33-208/209/210 – (3) parcels, 0.93 acres each, for a total of 2.79 acres. In the past, the property was the site of a storage reservoir and pump that was no longer needed and removed. The District does have a radio relay tower at the site and an easement will be recorded for that facility. Otherwise the property is not needed.
3. **Additional Findings and Determinations.** The Board of Directors finds and determines, after independent review and consideration, that the action of declaration of surplus land results in no binding commitment by FPUD to authorize or advance the disposition of the Subject Parcels; will not result in a direct or indirect physical change in the environment; and does not constitute an approval of a project pursuant to CEQA Guidelines Sections 15004 and 15352.
4. **Authorization to Take Further Actions in Compliance with SLA.** The Board of Directors hereby authorizes the General Manager or his designee to take all actions necessary to comply with the SLA, including but not limited to issuing Notices of Availability for the Subject Parcels to all entities statutorily entitled to receive such notice.
5. **Severability.** If any section, subsection, clause or phrase in this Resolution or the application thereof to any person or circumstances is for any reason held invalid, the validity of the remainder of this Resolution or the application of such provisions to other persons or circumstances shall not be affected thereby. The Board hereby declares that it would have adopted this Resolution and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases or the application thereof to any person or circumstance be held invalid.
6. **Effective Date.** This Resolution shall take effect immediately upon adoption by the Board of Directors of the Fallbrook Public Utility District.

**PASSED AND ADOPTED** by the Board of Directors of the Fallbrook Public Utility District at a regular meeting of the Board held on the 22<sup>nd</sup> day of July, 2024, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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

ATTEST:

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

# Proposed Surplus Land - July 2024

APN 101-57-202

Land for De Luz Wells (Abandoned) on De Luz Murrieta Road

4.45 Acres, zoned rural residential

8" water main crosses the property, need to record FPUD easement.





**APN 106-33-208, 209, 210**

Land for Lange Reservoir (Removed) on Dickey Street

(3) Parcels, 0.93 acres each, total of 2.79 acres, zoned semi-rural residential

Abandoned water lines on the property. FPUD easement for radio relay tower drafted and ready to record.

