



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

**NOTICE AND AGENDA**

**FRIDAY, AUGUST 11, 2023  
11:00 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 LOCATIONS**

In addition, Director McDougal will be teleconferencing pursuant to Government Code section 54953 from the following location:  
Emerald Point Marina, 5973 Hilina Road, Slip D-3, Austin, TX 78732

Director Baxter will be teleconferencing pursuant to Government Code section 54953 from the following location:  
Renewable Energy Corporation – REC Energy Corporation, 3322 Road N NE, Moses Lake, WA 98837

**Join Zoom Meeting**

<https://us06web.zoom.us/j/81938132491?pwd=SUJWVZpbUlmZVlCeVVCcFI3NmZDUT09>

**MEETING ID: 819 3813 2491**

**AUDIO PASSCODE: 048062**

**Dial by your location**

+1 346 248 7799 US (Houston); +1 720 707 2699 US (Denver); +1 253 215 8782 US (Tacoma);

**Find your local number: <https://us06web.zoom.us/j/81938132491>**

**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 Board during the appropriate portion of the meeting. Please keep any written comments to 3 minutes.

**REMOTELY 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.

**MAKE IN-PERSON COMMENTS DURING THE MEETING:** The Board President will inquire prior to Board 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.

*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

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.*

ADJOURN TO CLOSED SESSION

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

1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (d)(2)

*One (1) Potential Case*

RECONVENE TO OPEN SESSION

REPORT FROM CLOSED SESSION (*As Necessary*)

**III. ACTION/DISCUSSION CALENDAR ----- (ITEM A)**

- A. CONSIDER ACTIONS RELATED TO CALLING AN ELECTION REGARDING DETACHMENT OF THE FALLBROOK PUBLIC UTILITY DISTRICT FROM THE SAN DIEGO COUNTY WATER AUTHORITY ON NOVEMBER 7, 2023 (RESOLUTIONS NO. 5056, 5057, AND 5058, OR MARCH 5, 2024 RESOLUTIONS NO. 5059, 5060, 5061)

Recommendation: *Staff defers to the Board.*

**IV. 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 24 hours prior to the meeting in accordance with Government Code § 54956.

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

August 10, 2023  
Dated / Fallbrook, CA

/s/ Lauren Eckert  
Executive Assistant/Board Secretary

## MEMO

**TO:** Board of Directors  
**FROM:** Jack Bebee, General Manager  
**DATE:** August 11, 2023  
**SUBJECT:** Consider Actions Related to Calling an Election Regarding Detachment of the Fallbrook Public Utility District from the San Diego County Water Authority on November 7, 2023 (Resolutions No. 5056, 5057, and 5058, or March 5, 2024 Resolutions No. 5059, 5060, 5061)

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### Purpose

To consider adoption of the below applicable resolutions related to calling an election regarding detachment of the Fallbrook Public Utility District (“District”) from the San Diego County Water Authority (“SDCWA”) on either November 7, 2023 or March 24, 2024, or take no action:

#### Alternative A: Resolutions for November 7, 2023 Election

1. Resolution No. 5056 calling for the placement of a measure on the ballot at the November 7, 2023 special district election for the submission to the qualified voters to consider a Measure (in the form of a proposed resolution) detaching the District from SDCWA.
2. Resolution No. 5057 requesting the Board of Supervisors render full services to the District relating to the conduct of the November 7, 2023 special election, for the District’s voters to consider the Measure detaching the District from SDCWA.
3. Resolution No. 5058 providing for the filing of primary and rebuttal arguments and setting rules for filing written arguments regarding the Measure to be submitted at the November 7, 2023.

#### Alternative B: Resolutions for March 5, 2024 Election

1. Resolution No. 5059 calling for the placement of a measure on the ballot at the March 5, 2024 District Special Election for the submission to the qualified voters to consider a Measure (in the form of a proposed resolution) detaching the District from SDCWA.
2. Resolution No. 5060 requesting the Board of Supervisors to consolidate the Special District Election with the March 5, 2024 Statewide Primary Election,

for the District's voters to consider the Measure detaching the District from SDCWA.

3. Resolution No. 5061 providing for the filing of primary and rebuttal arguments and setting rules for filing written arguments regarding the Measure to be submitted at the March 5, 2024 Statewide Primary Election.

### Summary

On December 9, 2019, the Board of Directors unanimously adopted Resolution No. 4985, a Resolution of Application requesting LAFCO to commence proceedings for the detachment and exclusion of the District from the San Diego County Water Authority, and annexation of the District into Eastern Municipal Water District (the Reorganization). The Board took this action due to a desire to stabilize long-term water costs to address sustainability and affordability issues threatening to negatively impact District ratepayers, and a desire to support the local economy by providing more affordable and sustainable water supplies to those undertaking agricultural activities within the District.

On March 19, 2020, the Board filed the Resolution of Application and required application materials with LAFCO pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 and LAFCO's rules and regulations. After three years of review, LAFCO approved the District's Reorganization Application on July 10, 2023, subject to various terms and conditions that must be satisfied no later than July 10, 2024. One such condition is that the District must submit to its electors at a general or special election the proposition of detaching from SDCWA. The LAFCO resolution approving the District's Reorganization Application determined that the election was to be conducted pursuant to the provisions of the County Water Authority Act regarding such election that were in effect on May 26, 2023, the date LAFCO's Executive Officer issued the Certificate of Filing for the District's application. LAFCO's Resolution Approving the District's Reorganization Application is included as Attachment A.

At a Special Meeting of the Board held on July 14, 2023, the Board took action to approve Resolution No. 5055 declaring its intent to take actions with due haste to satisfy the terms and conditions of LAFCO's approval of the District's Reorganization Application, including conducting an election on detaching from SDCWA. Resolution No. 5055 directed the General manager to take all necessary actions required to accomplish this intent. Pursuant to that direction, the Board is being presented with two sets of documents containing resolutions necessary to:

- (A) Call an election on this matter on November 7, 2023
- or
- (B) Call an election on this matter on March 5, 2024.

Each set of resolutions is nearly identical, except that the Resolution calling the election on March 5, 2024 also requests the election be consolidated with the Statewide Primary Election held on the same date.

Alternatively, the Board can decide to take no action at this time.

### CALIFORNIA ENVIRONMENTAL QUALITY ACT

As part of its action to approve the Resolution of Application on December 9, 2019, the Board of the District found the proposed Reorganization (the detachment/exclusion of the District from the San Diego County Water Authority and annexation into the Eastern Municipal Water District) exempt from the California Environmental Quality Act (“CEQA”) under CEQA Guidelines section 15320 and 15061(b)(3) and the District filed a Notice of Exemption on December 24, 2019. Thereafter, the Otay Water District brought a CEQA action challenging the District’s exemption determination. The CEQA action/ challenge was resolved through a stipulated judgment that left the District’s exemption determination intact. As part of its approval of the District’s Reorganization Application on July 10, 2023, LAFCO independently concurred with the District’s exemption finding, and found that the annexation of the District’s territory to the Eastern Municipal Water District and detachment from the County Water Authority is exempt from CEQA under CEQA Guideline section 15320 and LAFCO filed a Notice of Exemption on July 17, 2023. Accordingly, no further review under CEQA is required for this action.

### Recommended Action

Staff defers to the Board.

### Attachments

#### Attachment A:

LAFCO’s Resolution Approving the District’s Reorganization Application

#### Attachment B (November 7, 2023 Election):

Resolution No. 5056: A Resolution of the Board of Directors of the Fallbrook Public Utility District, San Diego County, California, Calling for the Placement of a Measure on the Ballot at the November 7, 2023 Special District Election for the Submission to the Qualified Voters of a Proposed Resolution Detaching the District from the San Diego County Water Authority

Resolution No. 5057: A Resolution of the Board of Directors of the Fallbrook Public Utility District, San Diego County, California, Requesting the Board of Supervisors of the County of San Diego to Render Full Services to the District Relating to the Conduct of a Special Election to be Held on Tuesday, November 7, 2023 for the District’s Voters to Consider a Ballot Measure Detaching the District from the San Diego County Water Authority

Resolution No. 5058: A Resolution of the Board of Directors of the Fallbrook Public Utility District, San Diego County, California, Providing for the Filing of Primary and

Rebuttal Arguments and Setting Rules for the Filing of Written Arguments Regarding a District Measure to be Submitted at the November 7, 2023 Special District Election

Attachment C (March 5, 2024 Election):

Resolution No. 5059: A Resolution of the Board of Directors of the Fallbrook Public Utility District, San Diego County, California, Calling for the Placement of a Measure on the Ballot at the March 5, 2024 Special District Election for the Submission to the Qualified Voters of a Proposed Resolution Detaching the District from the San Diego County Water Authority

Resolution No. 5060: A Resolution of the Board of Directors of the Fallbrook Public Utility District, San Diego County, California, Requesting the Board of Supervisors of the County Of San Diego to Consolidate a Special District Election to be Held on Tuesday, March 5, 2024 with the Statewide Primary Election to be Held on the Same Date Pursuant to Section 10403 of the Elections Code for the District's Voters to Consider a Ballot Measure Detaching the District from the San Diego County Water Authority

Resolution No. 5061: A Resolution of the Board of Directors of the Fallbrook Public Utility District, San Diego County, California, Providing for the Filing of Primary and Rebuttal Arguments and Setting Rules for the Filing of Written Arguments Regarding a District Measure to be Submitted at the March 5, 2024 Special District Election

# **Attachment A**



**RESOLUTION NO. 2023-11**

**SAN DIEGO COUNTY LOCAL AGENCY FORMATION COMMISSION**

**MAKING DETERMINATIONS, APPROVING, AND ORDERING A REORGANIZATION**

**“FALLBROOK PUBLIC UTILITY DISTRICT REORGANIZATION:  
WHOLESALE WATER SERVICES”**

**CONCURRENT ANNEXATION TO EASTERN MUNICIPAL WATER DISTRICT AND DETACHMENT  
FROM SAN DIEGO COUNTY WATER AUTHORITY WITH RELATED ACTIONS  
LAFCO FILE NO. RO20-05**

**WHEREAS**, on March 18, 2020 and March 19, 2020, the Rainbow Municipal Water District (MWD) and Fallbrook Public Utility District (PUD), respectively, filed a resolution of application to initiate proceedings with the San Diego County Local Agency Formation Commission, hereinafter referred to as “Commission,” pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

**WHEREAS**, on April 28, 2020 the Executive Officer administratively combined the proposals for hearing purposes (Combined Proposals); and

**WHEREAS**, each application seeks approval to reorganize and transfer wholesale water service responsibilities within each applicant’s jurisdictional boundaries – totaling approximately 79,050 acres – from the San Diego County Water Authority (CWA) to Eastern Municipal Water District (MWD); and

**WHEREAS**, of that total acreage, the jurisdictional boundaries of Fallbrook total approximately 28,193 acres; and

**WHEREAS**, the Combined Proposals necessitate concurrent annexations to Eastern MWD and detachments from San Diego CWA with conforming sphere of influence amendments to accommodate the jurisdictional changes; and

**WHEREAS**, on October 24, 2019, pursuant to Government Code Section 56124, San Diego LAFCO entered into a memorandum of understanding (MOU) with Riverside LAFCO. The MOU delegates to San Diego LAFCO the responsibility to process the Combined Proposals and prepare related analyses – including, but not limited to – a municipal service review on Eastern MWD to inform a conforming sphere of influence action; and

**WHEREAS**, on April 2, 2020, pursuant to Government Code Section 56127, CWA applied for “non-district” status for purposes of Part 4 (conducting authority proceedings) of CKH as it relates to the Combined Proposals; and

**WHEREAS**, on May 4, 2020, pursuant to Government Code Section 56128, San Diego LAFCO determined CWA is not a district or special district for purposes of Part 4 (conducting

authority proceedings) of CKH as it relates to the Combined Proposals, resulting in protest and election proceedings taking place under CWA’s principal act should the Commission approve Fallbrook PUD and/or Rainbow MWD’s reorganization proposals; and

**WHEREAS**, on June 1, 2020, San Diego LAFCO approved the establishment of an advisory committee to directly assist the Executive Officer in the administrative review of the Combined Proposals; and

**WHEREAS**, on February 7 & March 7, 2022, San Diego LAFCO received and approved a final report on a scheduled municipal service review on the Fallbrook region and the local agencies operating therein subject to the Commission’s oversight – including Fallbrook PUD and Rainbow MWD; and

**WHEREAS**, an applicable master property tax transfer agreement, dated December 2, 1982, applies to the Combined Proposals; and

**WHEREAS**, the Commission’s Executive Officer has reviewed the proposed reorganization and prepared a report with recommendations; and

**WHEREAS**, the Executive Officer’s report and recommendations on the proposal have been presented to the Commission in the manner provided by law; and

**WHEREAS**, staff published an advertisement notice of public hearing regarding this proposal in the San Diego Tribune and Village News on April 24<sup>th</sup> and May 4<sup>th</sup>, respectively; and

**WHEREAS**, the Commission heard and fully considered all the evidence presented at a noticed public meeting on the proposal on June 5, 2023 and July 10, 2023; and

**WHEREAS**, the Commission considered all the factors required by law under Government Code Sections 56425, subdivision (a), and 56668 and adopted local policies and procedures.

**NOW, THEREFORE**, THE COMMISSION DOES HEREBY RESOLVE, DETERMINE, AND ORDER as follows:

1. The Recitals above are incorporated herein by reference.
2. At the hearing, the Commission called for, heard, and considered all public comments by interested parties and read and considered the Executive Officer’s report.
3. The Commission serves as responsible and lead agency under the California Environmental Quality Act (CEQA) in considering the two distinct “projects” associated with the proposed reorganization and as detailed in the Executive Officer’s report: (a) reorganization and (b) the related conforming sphere of influence action. The Commission’s findings follow.

- a) Fallbrook PUD's and Rainbow MWD's initiating actions involving the reorganization proposals position these agencies to serve as lead agencies in assessing the potential impacts - and specifically the annexation to Eastern MWD and detachment from County Water Authority - under CEQA. In their roles as lead agency, both Fallbrook PUD and Rainbow MWD have made findings that the proposal qualifies as a project but is exempt from further review under State CEQA Guidelines Section 15320. Staff independently concurs this exemption appropriately applies given the underlying action involves the transfer of existing municipal service functions within the same area with no additional powers or expansions therein.
  - b) San Diego County LAFCO serves as lead agency under CEQA for the conforming sphere of influence actions associated with accommodating the reorganizations. It is recommended the Commission find these actions – and specifically establishing a sphere for Eastern MWD covering its wholesale function to include the affected territory and concurrently removing these lands from the County Water Authority sphere – collectively qualify as a project under CEQA but exempt from further review under State Guidelines 15061(b)(3). This exemption appropriately applies given it can be seen with certainty that spheres are planning policies and any associated actions (establishment, update, or amendment) in and of itself does not change the environment or authorize any new uses or services.
4. The Commission APPROVES an amendment to Eastern MWD's sphere of influence to include the affected territory and concurrently remove these lands from the County Water Authority sphere as further shown and described subject to all conditions below and in doing so makes the statements provided in the agenda report.
  5. The Commission APPROVES the reorganization without modifications and subject to conditions as provided. Approval involves all of the follow
    - a) Annexation of the affected territory to the Eastern MWD as shown in “Exhibit A-1” and described in “Exhibit A-2.”
    - b) Detachment of the affected territory from the San Diego CWA as shown in “Exhibit A-1” and described in “Exhibit A-2.”
  6. The Commission CONDITIONS all approvals on the following terms being satisfied by July 10, 2024 unless an extension is requested in writing and approved by the Executive Officer:
    - a) Completion of the 30-day reconsideration period provided under Government Code Section 56895.

- b) Submittal to the Commission of final map and geographic description of the affected territory as approved by the Commission conforming to the requirements of the State Board of Equalization – Tax Services Division.
- c) Submittal to the Commission of the following payments:
- A check made payable to LAFCO in the amount of \$100.00 for the County of San Diego-Clerk Recorder to reimburse for filing a CEQA Notices of Determination for the Sphere of Influence update and the reorganization consistent with the findings in the resolution.
  - A check made payable to the State Board of Equalization for processing fees in the amount of \$3,500.00.
  - A check made payable to San Diego LAFCO in the amount of \$1,439.96 to reimburse one-half of the cost of the public hearing notice published in the San Diego Union Tribune.
  - A check made payable to San Diego LAFCO in the amount of \$400 to reimburse one-half of the cost of the public hearing notice published in the Village News.
- d) Within 30 days of the adoption of this Resolution, the execution of an obligation to indemnify and hold harmless, to the fullest extent permitted by law, the Commission, including its officers, agents, employees and volunteers, from and against any and all claims, losses, costs and expenses for any damage or injury arising out of or in connection with the Combined Proposals, and, upon the Commission's request, the deposit of funds for the defense of the Commission. Such costs and expenses shall include reasonable attorneys' fees due to counsel of Commission's choice, expert fees and all other expenses of litigation.
- e) Pursuant to Government Code Section 56886, subdivision (v), the Commission imposes an exit fee of \$8,506,750.00 to be paid to CWA in five annual installments of \$1,701,350.00. The first payment shall be made to CWA within 30 days of the certification of the election results described below, if a majority of the electorate votes in support of Fallbrook's proposal.
7. The four remaining annual installments of \$1,701,350.00 for the exit fee described in 6.e above shall each be paid to CWA on the successive yearly anniversaries of the initial payment until completed.
8. The Commission assigns the proposal the following short-term designation:  
"Fallbrook PUD Reorganization"
9. The affected territory as designated by the Commission is inhabited as defined in Government Code Section 56046.

10. The Commission delegates to the Executive Officer the performance of all conducting authority proceeding requirements under Government Code Section 57000 for purposes of the Eastern MWD annexation.
11. Pursuant to Water Code Appendix Section 45-11, subdivision (a)(2), the Board of Directors of Fallbrook PUD shall submit to its electors at the next available general or special election the proposition of detaching from CWA. The provisions of the County Water Authority Act regarding such elections in effect at the time the Executive Officer issued the Certificate of Filing for the proposal shall govern such election.
12. In the above-referenced election, the voters shall approve the proposition of detaching from CWA.
13. The Eastern MWD is a registered-voter district.
14. The Eastern MWD utilizes the County of Riverside assessment roll.
15. The affected territory will be liable for any existing bonds, contracts, and/or obligations of the Eastern MWD as provided under Government Section 57328, and will be subject to any previously authorized taxes, benefit assessments, fees, or charges of Eastern MWD provided under Government Code Section 57330, which Eastern MWD shall be authorized to assess, levy, and/or collect within its boundaries.
16. Pursuant to Government Code section 57202, the effective date of the approval shall be the date of recordation of the certificate of completion, but only after all terms set forth in Number 6 above have been completed as attested by the Executive Officer.
17. As allowed under Government Code Section 56107, the Commission authorizes the Executive Officer to make non-substantive corrections to this resolution to address any technical defects, errors, irregularities, or omissions.
18. Under Government Code Sections 56880-56882, the Executive Officer is hereby authorized and directed to mail copies of this Resolution.
19. The Executive Officer is further authorized and directed to prepare, execute, and record a Certificate of Completion, make the required filings with the County Assessor, County Auditor, and the State Board of Equalization as required by Section 57200, et seq., of the Government Code.

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PASSED AND ADOPTED by the Commission on the 10<sup>th</sup> of July 2023 by the following vote:

AYES: Desmond, Drake (voting), Willis, White, and Vanderlaan

NOES: Anderson, Becker, and Whitburn

ABSENT: Mackenzie

ABSTAIN: None

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**STATE OF CALIFORNIA |  
COUNTY OF SAN DIEGO**

I, KEENE SIMONDS, Executive Officer of the Local Agency Formation Commission of the County of San Diego, State of California, hereby certify that I have compared the foregoing copy with the original resolution adopted by said Commission at its regular meeting on July 10, 2023, which original resolution is now on file in my office; and that same contains a full, true, and correct transcript therefrom and of the whole thereof.

Witnessed my hand this 8<sup>th</sup> day of August 2023.



Keene Simonds, Executive Officer  
San Diego Local Agency Formation Commission

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**EXHIBIT A-1**  
**MAP OF THE AFFECTED TERRITORY**

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**EXHIBIT A-2**  
**GEOGRAPHIC DESCRIPTION OF THE AFFECTED TERRITORY**

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## **Attachment B**

**RESOLUTION NO. 5056**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
FALLBROOK PUBLIC UTILITY DISTRICT, SAN DIEGO  
COUNTY, CALIFORNIA, CALLING FOR THE PLACEMENT OF A  
MEASURE ON THE BALLOT AT THE NOVEMBER 7, 2023  
SPECIAL DISTRICT ELECTION FOR THE SUBMISSION TO THE  
QUALIFIED VOTERS OF A PROPOSED RESOLUTION  
DETACHING THE DISTRICT FROM THE SAN DIEGO COUNTY  
WATER AUTHORITY**

**WHEREAS**, the Fallbrook Public Utility District (“District”) is a California public agency/special district governed by an elected five-member Board of Directors (“Board”) and is authorized and empowered by applicable law to serve as the retail water provider to residents and businesses located within the District’s boundaries; and

**WHEREAS**, the District is a member public agency of and currently receives wholesale water supply from the San Diego County Water Authority, a California water authority duly organized and operating under California law (the “Water Authority”); and

**WHEREAS**, on December 9, 2019, the Board of the District unanimously adopted Resolution No. 4985, a Resolution of Application “Requesting the San Diego Local Agency Formation Commission to Commence Proceedings for the Detachment/ Exclusion of FPU from the San Diego County Water Authority and Annexation into the Eastern Municipal Water District” (“Resolution of Application”); and

**WHEREAS**, the District’s Resolution of Application stated the reasons supporting the Resolution of Application, including, the desire to stabilize long-term water costs to address affordability and sustainability issues for the benefit of the District’s ratepayers and the desire to better provide water supplies to those within its boundaries undertaking agricultural activities, in support of the local economy; and

**WHEREAS**, on March 19, 2020, the District filed, with the San Diego Local Agency Formation Commission (“SDLAFCO”), the Resolution of Application together with an application and other materials required under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 and/or SDLAFCO (“Reorganization Application”); and

**WHEREAS**, on June 1, 2020, SDLAFCO approved the establishment of an advisory committee (“Ad Hoc Committee”) to directly assist the SDLAFCO Executive Officer in the administrative review of the District’s Reorganization Application; and

**WHEREAS**, the Ad Hoc Committee subsequently held 13 public meetings between December 2020 and April 2023, which meetings focused on review of issues related to water supply reliability, financial impacts, and potential exit fees, as related to the District’s Reorganization Application; and

**WHEREAS**, on February 7 & March 7, 2022, SDLAFCO received and approved a final report on a scheduled municipal service review on the Fallbrook region and the local agencies operating therein subject to the Commission’s oversight – including the District; and

**WHEREAS**, on July 10, 2023, SDLAFCO, acting in its established quasi-legislative capacity pursuant to authority delegated to it by the California Legislature, approved the District’s Reorganization Application following consideration of the same at duly noticed public hearings held on both June 5, 2023 and July 10, 2023; and

**WHEREAS**, SDLAFCO’s approval of the District’s Reorganization Application imposed various terms and conditions, which terms and conditions must be satisfied no later than July 10, 2024, and which include, but are not limited to, a requirement that the District submit to its electors at a general or special election, the proposition of legally detaching from the Water Authority, pursuant to the provisions of the County Water Authority Act, California Water Code Appendix section 45-11(a)(2), regarding such election in effect at the time the SDLAFCO Executive Officer issued the Certificate of Filing for the District’s Reorganization Application; and

**WHEREAS**, the SDLAFCO Executive Officer issued the Certificate of Filing for the District’s Reorganization Application on May 26, 2023; and

**WHEREAS**, the District consists of approximately 28,193, acres and the geographic area where the existing District’s powers are exercised shall remain unchanged following detachment from the San Diego County Water Authority and annexation into Eastern Municipal Water District; and

**WHEREAS**, as part of its action to approve the Resolution of Application on December 9, 2019, the Board of the District found that the detachment/exclusion of the District from the San Diego County Water Authority and annexation into the Eastern Municipal Water District is exempt from the California Environmental Quality Act (“CEQA”) under CEQA Guidelines section 15320 and 15061(b)(3) and the District filed a Notice of Exemption on December 24, 2019; and

**WHEREAS**, Otay Water District brought a CEQA action challenging the District’s exemption determination, which action was resolved through a stipulated judgment that left the District’s exemption determination intact; and

**WHEREAS**, on July 10, 2023, SDLAFCO Commission independently concurred with the District’s exemption finding, and found that the annexation of the District’s territory to the Eastern Municipal Water District and detachment from the Water Authority is exempt from CEQA under CEQA Guideline section 15320 and SDLAFCO filed a Notice of Exemption on July 17, 2023; and

**WHEREAS**, the Board of Directors of the District desires to submit to the voters a measure that would legally detach/exclude the District as a member from the Water Authority; and

**WHEREAS**, California Water Code Appendix section 45-11(a)(2), provides that any public agency whose area is a part of any county water authority may obtain the exclusion of the agency’s area with voter approval; and

**WHEREAS**, section 45-11(a)(2) states, in pertinent part:

“The governing body of any public agency may submit to the electors thereof at any general or special election the proposition of excluding from the county water authority the corporate area of the public agency. Notice of the election shall be given in the manner provided in subdivision (c) of Section 10. The election shall be conducted and the returns thereof canvassed in the manner provided by law for the conduct of elections in the public agency. If a majority of electors voting thereon vote in favor of withdrawal, the result thereof shall be certified by the governing body of the public agency to the board of directors of the county water authority. . . .”

; and

**WHEREAS**, pursuant to California Water Code Appendix section 45-11(a)(2), the Board of Directors is authorized to place this detachment/exclusion measure on the next special election date provided by law to be considered by District voters; and

**WHEREAS**, pursuant to California Elections Code section 1000(e), the next available special election date will be November 7, 2023; and

**WHEREAS**, the legal deadline to place measures on the ballot is 88 days prior to the scheduled election, which for the November 7, 2023 election date is August 11, 2023; and

**WHEREAS**, on August 11, 2023, the Board of Directors held a public meeting regarding calling an election on a ballot measure approving detachment/exclusion of the District from the Water Authority; and

**WHEREAS**, the terms of the District’s detachment/exclusion from the Water Authority are described and provided for in the Resolution to be considered by the





4. Conduct of Election. The District's Board Secretary, in coordination with the San Diego County Registrar of Voters/Elections Official, is authorized, instructed, and directed to procure and furnish or cause to be procured and furnished, any and all official ballots, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding special district elections.

5. Notice of Election. Notice of the time and place of holding the election is hereby given, and the Registrar of Voters/Elections Official is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

6. Impartial Analysis. Pursuant to California Elections Code section 9313, the Board of Directors hereby directs the Elections Official to transmit a copy of the Measure as set forth herein to the San Diego County Counsel's Office. The County Counsel's Office shall prepare an impartial analysis of the Measure, not to exceed 500 words in length, showing the effect of the Measure on the existing law and the operation of the measure, and transmit such impartial analysis to the Registrar of Voters/Elections Official not later than the date set by the Registrar of Voters/Elections Official, who shall cause the analysis to be published in the voter information guide along with the Measure as provided by law. The impartial analysis shall include a statement indicating whether the Measure was placed on the ballot by a petition signed by the requisite number of voters or by the Board of Directors. In the event the entire text of the Measure is not printed on the ballot, or in the voter information portion of the sample ballot, there shall be printed immediately below the impartial analysis, in no less than 10-font bold type, the following: **"The above statement is an impartial analysis of Measure "\_\_\_". If you desire a copy of the measure, please call the election official's office at (800) 696-0136 and a copy will be mailed at no cost to you."**

7. Certification. The District's Board Secretary shall certify to the adoption of this Resolution.

8. Filing with County. The District's Board Secretary shall file with the County Registrar of Voters/Elections Official of the County of San Diego, State of California, a certified copy of this Resolution.

9. Public Examination. Pursuant to California Elections Code section 9380, this Measure will be available for public examination for ten (10) calendar days prior to being submitted for printing in the voter information guide. The District's Board Secretary shall post notice in the District's Board Secretary's office of the specific dates that the examination period will run.

**PASSED AND ADOPTED** by the Board of Directors of the Fallbrook Public Utility District at a special meeting of the Board held on the 11<sup>th</sup> day of August, 2023, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

---

President, Board of Directors

ATTEST:

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Secretary, Board of Directors

**FALLBROOK PUBLIC UTILITY DISTRICT  
BOARD OF DIRECTORS**

**CERTIFICATE**

I, Lauren Eckert, Executive Assistant/Board Secretary of the Board of Directors of the Fallbrook Public Utility District, do hereby certify that the attached and foregoing is a full, true, and correct copy of Resolution No. 5056 of said Board passed and adopted at a special meeting of the Board of Directors of the Fallbrook Public Utility District on the 11<sup>th</sup> day of August, 2023.

Executed this 11<sup>th</sup> day of August, 2023, at Fallbrook, California.

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Executive Assistant/Board Secretary  
Fallbrook Public Utility District

**Exhibit "A"**

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

**MEASURE " \_\_\_\_\_ "**

**A RESOLUTION OF THE PEOPLE OF THE FALLBROOK PUBLIC UTILITY DISTRICT, CALIFORNIA, APPROVING THE DETACHMENT/EXCLUSION OF THE DISTRICT'S TERRITORY FROM THE SAN DIEGO COUNTY WATER AUTHORITY.**

**NOW, THEREFORE, BE IT RESOLVED BY THE PEOPLE OF THE FALLBROOK PUBLIC UTILITY DISTRICT AS FOLLOWS:**

1. **Voter Approval of Detachment/Exclusion of Territory.** The proposition of detaching all territory within the boundaries of the Fallbrook Public Utility District ("District") from the San Diego County Water Authority ("CWA") is hereby approved by the voters, subject to the terms and conditions imposed by the San Diego County Local Agency Formation Commission ("SDLAFCO"), as set forth in its Resolution Making Determinations, Approving, And Ordering A Reorganization (Resolution No. 2023-11) adopted July 10, 2023 ("SDLAFCO Resolution").

2. **SDLAFCO Terms and Conditions of Detachment/Exclusion of Territory.** The following terms and conditions of the detachment shall be satisfied as required by the SDLAFCO Resolution by July 10, 2024 unless otherwise specified in the SDLAFCO Resolution:

- A. The 30-day reconsideration period provided under Government Code 56895 was completed on August 9, 2023;
- B. District shall submit to SDLAFCO a final map and geographic description of its territory;
- C. District shall submit checks made payable to SDLAFCO for the reimbursement of various fees, and to the State Board of Equalization for processing fees, as required by the SDLAFCO Resolution;
- D. District executed an obligation to indemnify and hold harmless SDLAFCO, its officers, agents, employees and volunteers in the manner required by the SDLAFCO Resolution on July 31, 2023; and
- E. District shall pay an exit fee of \$8,506,750.00 to CWA in five annual installments of \$1,701,350.00, with the first installment to be paid within 30 days of the certification of the results of the election, and the remaining installments to be paid on the anniversary of the initial payment.

3. **Effective Date.** Pursuant to California Water Code Appendix section 45-11(a)(2) and California Elections Code section 9320, if a majority of the qualified voters voting in the election on Measure “\_\_\_” vote in favor of the adoption of such Measure, this Resolution shall be deemed valid and binding and shall be considered as adopted upon the date that the vote is declared by the Board of Directors. Pursuant to the SDLAFCO Resolution and Government Code section 57202, the detachment/exclusion shall not be effective until the San Diego Local Agency Formation Commission executes and records a certificate of completion confirming its order of the change of organization after all terms set forth in the SDLAFCO Resolution have been completed as attested by the SDLAFCO Executive Officer.

4. **California Environmental Quality Act Compliance.** The District and LAFCO made separate determinations that the proposed Reorganization is exempt from the California Environmental Quality Act, with the District filing a Notice of Exemption on December 24, 2019 and SDLAFCO filing a Notice of Exemption on July 17, 2023.

5. **Severability.** If any section, sentence, clause or phrase of this Resolution is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Resolution. The People of the Fallbrook Public Utility District hereby declare that they would have adopted this Resolution and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

6. **Certification/Summary.** Following the certification by the Registrar of Voters/Elections Official that the voters of the District have approved this Resolution, the President shall sign this Resolution and the District Secretary shall cause the same to be entered in the book of original resolutions of said District.

**APPROVED and ADOPTED** this 7th day of November, 2023.

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President of the Board of Directors  
Fallbrook Public Utility District

ATTEST:

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Secretary, Board of Directors  
Fallbrook Public Utility District



**WHEREAS**, by adoption of this Resolution, the Board desires that the County of San Diego render full services to the District in connection with said Special District Election; and

**WHEREAS**, all necessary expenses in performing these services shall be paid by the Fallbrook Public Utility District.

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

1. Pursuant to the provisions of Section 10002 of the Elections Code of the State of California, the District Board of Directors requests the Board of Supervisors for the County of San Diego to permit the Registrar of Voters of the County of San Diego/Elections Official to render full election services to the Fallbrook Public Utility District. The full election services which the District requests the Registrar of Voters/Elections Official, or such other official as may be appropriate, to perform, and which such official is hereby authorized and directed to perform, include: The preparation, printing and mailing of sample ballots/voter information guides; making such publications as are required by law in connection therewith; the preparation, printing, mailing and furnishing of ballots, vote centers/in-person voting facilities and other necessary supplies or materials to conduct the election; the canvassing of the returns of the election and the furnishing of the results of such canvassing to the District; and the performance of such other election services as may be requested by the District.
2. The District agrees that it will be bound by the requirements of Section 439.1 of the San Diego County Code of Administrative Ordinances and such terms and conditions as the Registrar of Voters may prescribe, and agrees to indemnify and hold harmless the County, its officers, agents and employees from expense of liability, including reasonable attorney's fees, as the result of an election contest arising after conduct of an election.
3. The District shall reimburse the County for services performed when the work is completed and upon presentation to the District of a properly approved bill.
4. The District's Board Secretary shall certify to the adoption of this Resolution and is directed to forward without delay to said Board of Supervisors and to the County Registrar of Voters/Elections Official each a certified copy of this Resolution.

**PASSED AND ADOPTED** by the Board of Directors of the Fallbrook Public Utility District at a special meeting of the Board held on the 11<sup>th</sup> day of August, 2023, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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

ATTEST:

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

**FALLBROOK PUBLIC UTILITY DISTRICT  
BOARD OF DIRECTORS**

**CERTIFICATE**

I, Lauren Eckert, Executive Assistant/Board Secretary of the Board of Directors of the Fallbrook Public Utility District, do hereby certify that the attached and foregoing is a full, true, and correct copy of Resolution No. 5057 of said Board passed and adopted at a special meeting of the Board of Directors of the Fallbrook Public Utility District on the 11<sup>th</sup> day of August, 2023.

Executed this 11<sup>th</sup> day of August, 2023, at Fallbrook, California.

\_\_\_\_\_  
Executive Assistant/Board Secretary  
Fallbrook Public Utility District



**RESOLUTION NO. 5058**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE FALLBROOK PUBLIC UTILITY DISTRICT, CALIFORNIA, PROVIDING FOR THE FILING OF PRIMARY AND REBUTTAL ARGUMENTS AND SETTING RULES FOR THE FILING OF WRITTEN ARGUMENTS REGARDING A DISTRICT MEASURE TO BE SUBMITTED AT THE NOVEMBER 7, 2023 SPECIAL DISTRICT ELECTION**

**WHEREAS**, a Special District Election is to be held in the Fallbrook Public Utility District, California on November 7, 2023, at which there will be submitted to the voters the following measure:

<p>“FALLBROOK PUBLIC UTILITY DISTRICT DETACHMENT MEASURE:</p> <p>Shall the detachment of Fallbrook Public Utility District from San Diego County Water Authority, as approved by the San Diego Local Agency Formation Commission on July 10, 2023 by adoption of Resolution No. 2023-11 - “Fallbrook PUD Reorganization,” subject to the terms and conditions specified in the Resolution, which terms and conditions include payment of an exit fee by Fallbrook Public Utility District to San Diego County Water Authority, all as more particularly described and set forth in the Resolution, be confirmed?”</p>	Yes
	No

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

**1. Primary Arguments.** That the Board of Directors authorizes (i) all or any member(s) of the Board of Directors, (ii) any individual voter eligible to vote on the above Measure, (iii) a bona fide association of such citizens or (iv) any combination thereof, to file a written argument in favor of or against the District Measure, accompanied by the printed name(s) and signature(s) of the author(s) submitting it, in accordance with Article 1, Chapter 4, Division 9 of the Elections Code of the State of California, and to change the argument until and including the date fixed by the Registrar of Voters/Elections Official, after which no arguments for or against the District measure may be submitted to the Registrar of Voters/Elections Official.

The deadline to submit primary arguments for or against the District Measure pursuant to this Resolution shall be the date set by the Registrar of Voters/Elections Official. Each argument shall be filed with the District’s Board Secretary and the County Registrar of Voters/Elections Official, signed, and include the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization,

the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument.

**2. Rebuttal Arguments.** Pursuant to Section 9317 of the Elections Code of the State of California, when the Elections Official has selected the primary arguments for and against the District Measure(s) which will be printed and distributed to the voters, the Elections Official shall send copies of the primary argument in favor of the Measure(s) to the authors of the primary argument against, and copies of the primary argument against to the authors of the primary argument in favor. The authors or persons designated by them may prepare and submit rebuttal arguments not exceeding 250 words. The rebuttal arguments shall be filed with the District's Board Secretary and County Registrar of Voters/Elections Official not later than the date set by the elections official. Rebuttal arguments shall be printed in the same manner as the primary arguments. Each rebuttal argument shall immediately follow the primary argument which it seeks to rebut.

**3. Prior Resolutions.** That all previous resolutions providing for the filing of primary and rebuttal arguments related to District measures are repealed.

**4. November 7, 2023 Election.** That the provisions of Sections 1 and 2 shall apply only to the election to be held on November 7, 2023, and shall then be repealed.

**5. Certification.** The District's Board Secretary shall certify to the passage and adoption of this resolution and enter it into the book of original Resolutions.

**PASSED AND ADOPTED** by the Board of Directors of the Fallbrook Public Utility District at a special meeting of the Board held on the 11<sup>th</sup> day of August, 2023, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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President, Board of Directors

ATTEST:

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Secretary, Board of Directors

**FALLBROOK PUBLIC UTILITY DISTRICT  
BOARD OF DIRECTORS**

**CERTIFICATE**

I, Lauren Eckert, Executive Assistant/Board Secretary of the Board of Directors of the Fallbrook Public Utility District, do hereby certify that the attached and foregoing is a full, true, and correct copy of Resolution No. 5058 of said Board passed and adopted at a special meeting of the Board of Directors of the Fallbrook Public Utility District on the 11<sup>th</sup> day of August, 2023.

Executed this 11<sup>th</sup> day of August, 2023, at Fallbrook, California.

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Executive Assistant/Board Secretary  
Fallbrook Public Utility District

## **Attachment C**

**RESOLUTION NO. 5059**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
FALLBROOK PUBLIC UTILITY DISTRICT, SAN DIEGO  
COUNTY, CALIFORNIA, CALLING FOR THE PLACEMENT OF A  
MEASURE ON THE BALLOT AT THE MARCH 5, 2024 SPECIAL  
DISTRICT ELECTION FOR THE SUBMISSION TO THE  
QUALIFIED VOTERS OF A PROPOSED RESOLUTION  
DETACHING THE DISTRICT FROM THE SAN DIEGO COUNTY  
WATER AUTHORITY**

**WHEREAS**, the Fallbrook Public Utility District (“District”) is a California public agency/special district governed by an elected five-member Board of Directors (“Board”) and is authorized and empowered by applicable law to serve as the retail water provider to residents and businesses located within the District’s boundaries; and

**WHEREAS**, the District is a member public agency of and currently receives wholesale water supply from the San Diego County Water Authority, a California water authority duly organized and operating under California law (the “Water Authority”); and

**WHEREAS**, on December 9, 2019, the Board of the District unanimously adopted Resolution No. 4985, a Resolution of Application “Requesting the San Diego Local Agency Formation Commission to Commence Proceedings for the Detachment/ Exclusion of FPU from the San Diego County Water Authority and Annexation into the Eastern Municipal Water District” (“Resolution of Application”); and

**WHEREAS**, the District’s Resolution of Application stated the reasons supporting the Resolution of Application, including, the desire to stabilize long-term water costs to address affordability and sustainability issues for the benefit of the District’s ratepayers and the desire to better provide water supplies to those within its boundaries undertaking agricultural activities, in support of the local economy; and

**WHEREAS**, on March 19, 2020, the District filed, with the San Diego Local Agency Formation Commission (“SDLAFCO”), the Resolution of Application together with an application and other materials required under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 and/or SDLAFCO (“Reorganization Application”); and

**WHEREAS**, on June 1, 2020, SDLAFCO approved the establishment of an advisory committee (“Ad Hoc Committee”) to directly assist the SDLAFCO Executive Officer in the administrative review of the District’s Reorganization Application; and

**WHEREAS**, the Ad Hoc Committee subsequently held 13 public meetings between December 2020 and April 2023, which meetings focused on review of issues related to water supply reliability, financial impacts, and potential exit fees, as related to the District’s Reorganization Application; and

**WHEREAS**, on February 7 & March 7, 2022, SDLAFCO received and approved a final report on a scheduled municipal service review on the Fallbrook region and the local agencies operating therein subject to the Commission’s oversight – including the District; and

**WHEREAS**, on July 10, 2023, SDLAFCO, acting in its established quasi-legislative capacity pursuant to authority delegated to it by the California Legislature, approved the District’s Reorganization Application following consideration of the same at duly noticed public hearings held on both June 5, 2023 and July 10, 2023; and

**WHEREAS**, SDLAFCO’s approval of the District’s Reorganization Application imposed various terms and conditions, which terms and conditions must be satisfied no later than July 10, 2024, and which include, but are not limited to, a requirement that the District submit to its electors at a general or special election, the proposition of legally detaching from the Water Authority, pursuant to the provisions of the County Water Authority Act, California Water Code Appendix section 45-11(a)(2) regarding such election in effect at the time the SDLAFCO Executive Officer issued the Certificate of Filing for the District’s Reorganization Application; and

**WHEREAS**, the SDLAFCO Executive Officer issued the Certificate of Filing for the District’s Reorganization Application on May 26, 2023; and

**WHEREAS**, the District consists of approximately 28,193 acres, and the geographic area where the existing District’s powers are exercised shall remain unchanged following detachment from the San Diego County Water Authority and annexation into Eastern Municipal Water District; and

**WHEREAS**, as part of its action to approve the Resolution of Application on December 9, 2019, the Board of the District found that the detachment/exclusion of the District from the San Diego County Water Authority and annexation into the Eastern Municipal Water District is exempt from the California Environmental Quality Act (“CEQA”) under CEQA Guidelines section 15320 and 15061(b)(3) and the District filed a Notice of Exemption on December 24, 2019; and

**WHEREAS**, Otay Water District brought a CEQA action challenging the District’s exemption determination, which action was resolved through a stipulated judgment that left the District’s exemption determination intact; and

**WHEREAS**, on July 10, 2023, SDLAFCO Commission independently concurred with the District's exemption finding, and found that the annexation of the District's territory to the Eastern Municipal Water District and detachment from the Water Authority is exempt from CEQA under CEQA Guideline section 15320 and SDLAFCO filed a Notice of Exemption on July 17, 2023; and

**WHEREAS**, the Board of Directors of the District desires to submit to the voters a measure that would legally detach/exclude the District as a member from the Water Authority; and

**WHEREAS**, California Water Code Appendix section 45-11(a)(2), provides that any public agency whose area is a part of any county water authority may obtain the exclusion of the agency's area with voter approval; and

**WHEREAS**, section 45-11(a)(2) states, in pertinent part:

"The governing body of any public agency may submit to the electors thereof at any general or special election the proposition of excluding from the county water authority the corporate area of the public agency. Notice of the election shall be given in the manner provided in subdivision (c) of Section 10. The election shall be conducted and the returns thereof canvassed in the manner provided by law for the conduct of elections in the public agency. If a majority of electors voting thereon vote in favor of withdrawal, the result thereof shall be certified by the governing body of the public agency to the board of directors of the county water authority. . . ."

; and

**WHEREAS**, pursuant to California Water Code Appendix section 45-11(a)(2), the Board of Directors is authorized to place this detachment/exclusion measure on a special election date provided by law to be considered by District voters; and

**WHEREAS**, pursuant to California Elections Code section 1000(a), March 5, 2024 is an available special election date; and

**WHEREAS**, the legal deadline to place measures on the ballot is 88 days prior to the scheduled election, which for the March 5, 2024 election date is December 8, 2023; and

**WHEREAS**, on August 11, 2023, the Board of Directors held a public meeting regarding calling an election on a ballot measure approving detachment/exclusion of the District from the Water Authority; and

**WHEREAS**, the terms of the District's detachment/exclusion from the Water Authority are described and provided for in the Resolution to be considered by the





4. Conduct of Election. The District's Board Secretary, in coordination with the San Diego County Registrar of Voters/Elections Official, is authorized, instructed, and directed to procure and furnish or cause to be procured and furnished, any and all official ballots, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election. In all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding special district elections.

5. Notice of Election. Notice of the time and place of holding the election is hereby given, and the Registrar of Voters/Elections Official is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

6. Impartial Analysis. Pursuant to California Elections Code section 9313, the Board of Directors hereby directs the Elections Official to transmit a copy of the Measure as set forth herein to the San Diego County Counsel's Office. The County Counsel's Office shall prepare an impartial analysis of the Measure, not to exceed 500 words in length, showing the effect of the Measure on the existing law and the operation of the measure, and transmit such impartial analysis to the Registrar of Voters/Elections Official not later than the date set by the Registrar of Voters/Elections Official, who shall cause the analysis to be published in the voter information guide along with the Measure as provided by law. The impartial analysis shall include a statement indicating whether the Measure was placed on the ballot by a petition signed by the requisite number of voters or by the Board of Directors. In the event the entire text of the Measure is not printed on the ballot, or in the voter information portion of the sample ballot, there shall be printed immediately below the impartial analysis, in no less than 10-font bold type, the following: **"The above statement is an impartial analysis of Measure "\_\_\_\_". If you desire a copy of the measure, please call the election official's office at (800) 696-0136 and a copy will be mailed at no cost to you."**

7. Certification. The District's Board Secretary shall certify to the adoption of this Resolution.

8. Filing with County. The District's Board Secretary shall file with the County Registrar of Voters/Elections Official of the County of San Diego, State of California, a certified copy of this Resolution.

9. Public Examination. Pursuant to California Elections Code section 9380, this Measure will be available for public examination for ten (10) calendar days prior to being submitted for printing in the voter information guide. The District's Board Secretary shall post notice in the District's Board Secretary's office of the specific dates that the examination period will run.

**PASSED AND ADOPTED** by the Board of Directors of the Fallbrook Public Utility District at a special meeting of the Board held on the 11<sup>th</sup> day of August, 2023, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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President, Board of Directors

ATTEST:

---

Secretary, Board of Directors

**FALLBROOK PUBLIC UTILITY DISTRICT  
BOARD OF DIRECTORS**

**CERTIFICATE**

I, Lauren Eckert, Executive Assistant/Board Secretary of the Board of Directors of the Fallbrook Public Utility District, do hereby certify that the attached and foregoing is a full, true, and correct copy of Resolution No. 5059 of said Board passed and adopted at a special meeting of the Board of Directors of the Fallbrook Public Utility District on the 11<sup>th</sup> day of August, 2023.

Executed this 11<sup>th</sup> day of August, 2023, at Fallbrook, California.

---

Executive Assistant/Board Secretary  
Fallbrook Public Utility District

**Exhibit "A"**

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

**MEASURE "\_\_\_\_"**

**A RESOLUTION OF THE PEOPLE OF THE FALLBROOK PUBLIC UTILITY DISTRICT, CALIFORNIA, APPROVING THE DETACHMENT/EXCLUSION OF THE DISTRICT'S TERRITORY FROM THE SAN DIEGO COUNTY WATER AUTHORITY.**

**NOW, THEREFORE, BE IT RESOLVED BY THE PEOPLE OF THE FALLBROOK PUBLIC UTILITY DISTRICT AS FOLLOWS:**

1. **Voter Approval of Detachment/Exclusion of Territory.** The proposition of detaching all territory within the boundaries of the Fallbrook Public Utility District ("District") from the San Diego County Water Authority ("CWA") is hereby approved by the voters, subject to the terms and conditions imposed by the San Diego County Local Agency Formation Commission ("SDLAFCO"), as set forth in its Resolution Making Determinations, Approving, And Ordering A Reorganization (Resolution No. 2023-11) adopted July 10, 2023 ("SDLAFCO Resolution").

2. **SDLAFCO Terms and Conditions of Detachment/Exclusion of Territory.** The following terms and conditions of the detachment shall be satisfied as required by the SDLAFCO Resolution by July 10, 2024 unless otherwise specified in the SDLAFCO Resolution:

- A. The 30-day reconsideration period provided under Government Code 56895 was completed on August 9, 2023;
- B. District shall submit to SDLAFCO a final map and geographic description of its territory;
- C. District shall submit checks made payable to SDLAFCO for the reimbursement of various fees, and to the State Board of Equalization for processing fees, as required by the SDLAFCO Resolution;
- D. District executed an obligation to indemnify and hold harmless SDLAFCO, its officers, agents, employees and volunteers in the manner required by the SDLAFCO Resolution on July 31, 2023; and
- E. District shall pay an exit fee of \$8,506,750.00 to CWA in five annual installments of \$1,701,350.00, with the first installment to be paid within 30 days of the certification of the results of the election, and the remaining installments to be paid on the anniversary of the initial payment.

3. **Effective Date.** Pursuant to California Water Code Appendix section 45-11(a)(2) and California Elections Code section 9320, if a majority of the qualified voters voting in the election on Measure “\_\_\_” vote in favor of the adoption of such Measure, this Resolution shall be deemed valid and binding and shall be considered as adopted upon the date that the vote is declared by the Board of Directors. Pursuant to the SDLAFCO Resolution and Government Code section 57202, the detachment/exclusion shall not be effective until the San Diego Local Agency Formation Commission executes and records a certificate of completion confirming its order of the change of organization after all terms set forth in the SDLAFCO Resolution have been completed as attested by the SDLAFCO Executive Officer.

4. **California Environmental Quality Act Compliance.** The District and LAFCO made separate determinations that the proposed Reorganization is exempt from the California Environmental Quality Act, with the District filing a Notice of Exemption on December 24, 2019 and SDLAFCO filing a Notice of Exemption on July 17, 2023.

5. **Severability.** If any section, sentence, clause or phrase of this Resolution is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this Resolution. The People of the Fallbrook Public Utility District hereby declare that they would have adopted this Resolution and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

6. **Certification/Summary.** Following the certification by the Registrar of Voters/Elections Official that the voters of the District have approved this Resolution, the President shall sign this Resolution and the District Secretary shall cause the same to be entered in the book of original resolutions of said District.

**APPROVED and ADOPTED** this 5th day of March, 2024.

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President of the Board of Directors  
Fallbrook Public Utility District

ATTEST:

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Secretary, Board of Directors  
Fallbrook Public Utility District



Special District Election and that the election be held in all respects as if there were only one election.

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

1. Request for Consolidation. Pursuant to the requirements of Section 10403 of the Elections Code, the Board of Supervisors of the County of San Diego is hereby requested to consent and agree to the consolidation of a Special District Election with the Statewide Primary Election on March 5, 2024, for the purpose of submitting to the voters the question relating to the District's detachment from the County Water Authority.
2. The District agrees that it will be bound by the requirements of Section 439.1 of the San Diego County Code of Administrative Ordinances and such terms and conditions as the Registrar of Voters may prescribe, and agrees to indemnify and hold harmless the County, its officers, agents and employees from expense of liability, including reasonable attorney's fees, as the result of an election contest arising after conduct of an election.
3. Canvass of Returns. The County elections official is authorized to canvass the returns and perform all other proceedings incidental to and connected with the Special District Election. The Election shall be held in all respects as if there were only one election, and only one form of ballot shall be used. Pursuant to California Elections Code Sections 10403 and 10418, the election will be held and conducted in accordance with the provisions of law regulating the Statewide Primary Election.
4. The District shall reimburse the County for services performed when the work is completed and upon presentation to the District of a properly approved bill.
5. The District's Board Secretary shall certify to the adoption of this Resolution and is directed to forward without delay to said Board of Supervisors and to the County Registrar of Voters/Elections Official each a certified copy of this Resolution.

**PASSED AND ADOPTED** by the Board of Directors of the Fallbrook Public Utility District at a special meeting of the Board held on the 11<sup>th</sup> day of August, 2023, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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

ATTEST:

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



**FALLBROOK PUBLIC UTILITY DISTRICT  
BOARD OF DIRECTORS**

**CERTIFICATE**

I, Lauren Eckert, Executive Assistant/Board Secretary of the Board of Directors of the Fallbrook Public Utility District, do hereby certify that the attached and foregoing is a full, true, and correct copy of Resolution No. 5060 of said Board passed and adopted at a special meeting of the Board of Directors of the Fallbrook Public Utility District on the 11<sup>th</sup> day of August, 2023.

Executed this 11<sup>th</sup> day of August, 2023, at Fallbrook, California.

---

Executive Assistant/Board Secretary  
Fallbrook Public Utility District

**RESOLUTION NO. 5061**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
FALLBROOK PUBLIC UTILITY DISTRICT, SAN DIEGO COUNTY,  
CALIFORNIA, PROVIDING FOR THE FILING OF PRIMARY AND  
REBUTTAL ARGUMENTS AND SETTING RULES FOR THE FILING OF  
WRITTEN ARGUMENTS REGARDING A DISTRICT MEASURE TO BE  
SUBMITTED AT THE MARCH 5, 2024 SPECIAL DISTRICT ELECTION**

**WHEREAS**, a Special District Election is to be held in the Fallbrook Public Utility District, California on March 5, 2024, at which there will be submitted to the voters the following measure:

“FALLBROOK PUBLIC UTILITY DISTRICT DETACHMENT MEASURE:	Yes
Shall the detachment of Fallbrook Public Utility District from San Diego County Water Authority, as approved by the San Diego Local Agency Formation Commission on July 10, 2023 by adoption of Resolution No. 2023-11 - “Fallbrook PUD Reorganization,” subject to the terms and conditions specified in the Resolution, which terms and conditions include payment of an exit fee by Fallbrook Public Utility District to San Diego County Water Authority, all as more particularly described and set forth in the Resolution, be confirmed?”	No

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

**1. Primary Arguments.** That the Board of Directors authorizes (i) all or any member(s) of the Board of Directors, (ii) any individual voter eligible to vote on the above Measure, (iii) a bona fide association of such citizens or (iv) any combination thereof, to file a written argument in favor of or against the District Measure, accompanied by the printed name(s) and signature(s) of the author(s) submitting it, in accordance with Article 1, Chapter 4, Division 9 of the Elections Code of the State of California, and to change the argument until and including the date fixed by the Registrar of Voters/Elections Official, after which no arguments for or against the District measure may be submitted to the Registrar of Voters/Elections Official.

The deadline to submit primary arguments for or against the District Measure pursuant to this Resolution shall be the date set by the Registrar of Voters/Elections Official. Each argument shall be filed with the District’s Board Secretary and the County Registrar of Voters/Elections Official, signed, and include the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers who is the author of the argument.

**2. Rebuttal Arguments.** Pursuant to Section 9317 of the Elections Code of the State of California, when the Elections Official has selected the primary arguments for and against the District Measure(s) which will be printed and distributed to the voters, the Elections Official shall send copies of the primary argument in favor of the Measure(s) to the authors of the primary argument against, and copies of the primary argument against to the authors of the primary argument in favor. The authors or persons designated by them may prepare and submit rebuttal arguments not exceeding 250 words. The rebuttal arguments shall be filed with the District's Board Secretary and County Registrar of Voters/Elections Official not later than the date set by the elections official. Rebuttal arguments shall be printed in the same manner as the primary arguments. Each rebuttal argument shall immediately follow the primary argument which it seeks to rebut.

**3. Prior Resolutions.** That all previous resolutions providing for the filing of primary and rebuttal arguments related to District measures are repealed.

**4. March 5, 2024 Election.** That the provisions of Sections 1 and 2 shall apply only to the election to be held on March 5, 2024, and shall then be repealed.

**5. Certification.** The District's Board Secretary shall certify to the passage and adoption of this resolution and enter it into the book of original Resolutions.

**PASSED AND ADOPTED** by the Board of Directors of the Fallbrook Public Utility District at a special meeting of the Board held on the 11<sup>th</sup> day of August, 2023, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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President, Board of Directors

ATTEST:

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Secretary, Board of Directors

**FALLBROOK PUBLIC UTILITY DISTRICT  
BOARD OF DIRECTORS**

**CERTIFICATE**

I, Lauren Eckert, Executive Assistant/Board Secretary of the Board of Directors of the Fallbrook Public Utility District, do hereby certify that the attached and foregoing is a full, true, and correct copy of Resolution No. 5061 of said Board passed and adopted at a special meeting of the Board of Directors of the Fallbrook Public Utility District on the 11<sup>th</sup> day of August, 2023.

Executed this 11<sup>th</sup> day of August, 2023, at Fallbrook, California.

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Executive Assistant/Board Secretary  
Fallbrook Public Utility District