



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

**MINUTES**

**MONDAY, OCTOBER 24, 2022  
4:00 P.M.**

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

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**I. PRELIMINARY FUNCTIONS**

**CALL TO ORDER / ROLL CALL / ESTABLISH A QUORUM**

President Baxter called the October Regular Meeting of the Board of Directors of the Fallbrook Public Utility District to order at 4:00 p.m. President Baxter deferred to General Counsel de Sousa to make the following statements on the record regarding the proceedings for this meeting:

General Counsel de Sousa announced, for the record that, this meeting was being conducted by web and teleconference pursuant to Government Code Section 54953(e)(1)(A), which waives certain teleconferencing requirements in certain circumstances, including the current state of emergency declared by Governor Newsom, in order to promote social distancing during the evolving COVID-19 pandemic.

General Counsel de Sousa also announced the agenda provided notice that members of the public may participate in this meeting by attending in person, and that members of the public who did not wish to attend in person were encouraged to participate in the Board meeting electronically using the call-in and weblink information included on the agenda. Additionally, the agenda provided notice to members of the public on how they may submit comments in advance of the meeting to be read at the appropriate portion of the meeting (up to a limit of 3 minutes per comment). There were no written public comments submitted in advance of the meeting, for general public comment or for any agenda items submitted prior to the submission deadline.

General Counsel de Sousa announced that President Baxter would ask the Board Secretary if there were any members of the public who wished to make comments on the item either in person or through Zoom webinar or Zoom teleconference. After public comments, President Baxter would then call on staff to make a presentation for the item on the agenda. After the presentation was made, to avoid everyone speaking at once, President Baxter would then call on each Director to see if there were questions for staff regarding their presentation. After the round of questions, President Baxter would then ask for a motion and request that each Director identify themselves when making a motion or seconding a motion. Next, President Baxter would call on each Director to see if there were any comments. General Counsel de Sousa announced, since there were Directors participating remotely, all votes would need to be done by roll call.

A quorum was established, and attendance was as follows:

Board of Directors

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

Absent: None

General Counsel/District Staff

Present: Jack Bebee, General Manager  
Dave Shank, Assistant General Manager/CFO  
Paula de Sousa, General Counsel  
Jodi Brown, Management Analyst  
Devin Casteel, System Operations Supervisor  
Aaron Cook, Engineering Manager  
Mick Cothran, Engineering Technician  
Noelle Denke, Public Affairs Specialist  
Joe Di Carlo, Instrumentation, Electrical and Controls Technician I  
Jesse Perez, Chief Plant Operator  
Carl Quiram, Operations Manager  
Jeff Wolfe, Crew Leader  
Lauren Eckert, Executive Assistant/Board Secretary

Also present were others, including, but not limited to: Jacqueline Howells, Jennifer Pierre, and Craig Balben

**I. PRELIMINARY FUNCTIONS**

CALL TO ORDER / ROLL CALL / ESTABLISH A QUORUM

A. CONSIDER FINDINGS TO CONTINUE HOLDING REMOTE/  
TELECONFERENCE MEETINGS PURSUANT TO ASSEMBLY BILL 361

Recommendation:

1. *That the FPUD Board of Directors make the following findings by majority vote:*
  - a. *The Governor-declared COVID-19 State of Emergency remains in effect and the Board of Directors has reconsidered the circumstances of the COVID-19 State of Emergency; and*
  - b. *State or local officials continue to impose or recommend measures to promote social distancing.*

2. *That the FPUD Board of Directors determine that, for the next thirty (30) days, the meetings of the Board and committees shall be held pursuant to the provisions of Government Code section 54953(e), allowing legislative body members and members of the public to participate in meetings remotely in accordance with that section.*

MOTION: Director Wolk moved to find that the Governor-declared COVID-19 State of Emergency remains in effect and the Board of Directors has reconsidered the circumstances of the COVID-19 State of Emergency; and State or local officials continue to impose or recommend measures to promote social distancing and that meetings of the Board of Directors and Committees shall be held pursuant to provisions of the Government Code section 54953(e), allowing legislative body members and members of the public to participate in meetings remotely in accordance with that section; Director McDougal seconded. Motion passed; VOTE:

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

#### PLEDGE OF ALLEGIANCE

President Baxter led the Pledge of Allegiance.

#### ADDITIONS TO AGENDA PER GC § 54954.2(b)

#### APPROVAL OF AGENDA

MOTION: Director McDougal moved to approve the agenda, as presented; Director Wolk seconded. Motion carried; VOTE:

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

#### PUBLIC COMMENT

*Members of the public are invited to address the Board of Directors on any item that is within the subject matter jurisdiction of the legislative body. The Board President may limit comments to three (3) minutes.*

There were no public comments for non-agenda items.

#### B. DELTA CONVEYANCE PROJECT UPDATE PRESENTATION

Presented by: Jennifer Pierre, General Manager, State Water Contractors

There were no public comments for agenda item B.

Jennifer Pierre, General Manager of State Water Contractors, presented a slideshow on the State Water Delta Conveyance Project.

General Manager Bebee stated the Colorado River is oversubscribed. The State Water project was a little different in that hydrology was changing. He reiterated without the Bay Delta, California's water supply would be in bad shape.

Director McDougal asked if the Sites Reservoir was part of this project. Ms. Pierre responded this was a separate storage project, however, having this combined with a conveyance facility to help move water would make both projects more valuable. The Sites Reservoir was not part of the State Water Project. Ms. Pierre emphasized how far off our current infrastructure was from the hydrology that was anticipated.

President Baxter asked when this project was posed to start. Ms. Pierre reported the final EIR was scheduled for next year, with construction hopefully starting in 2025. She noted there was a 15 year construction period.

- C. NEW EMPLOYEE ANNOUNCEMENT
  - 1. Joe Di Carlo, Instrumentation, Electrical and Controls Technician I
  - 2. Jesse Perez, Chief Plant Operator

There were no public comments for agenda item C.

The Board welcomed Joe Di Carlo as the new Instrumentation, Electrical and Control Technician I and Jesse Perez as the new Chief Plant Operator.

- D. NEW CERTIFICATIONS
  - 1. Jeff Wolfe, CSM3

There were no public comments for agenda item D.

The Board recognized Jeff Wolfe for receiving his CSM3 certification.

- 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. September 21, 2022 Special Meeting
2. September 26, 2022 Regular Meeting

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

- F. CONSIDER AUTHORIZATION TO FILE NOTICE OF COMPLETION FOR PERIMETER FENCE REPLACEMENT AT FPUW WASTEWATER TREATMENT AND RO PLANT

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

- G. CONSIDER AUTHORIZATION TO FILE NOTICE OF COMPLETION FOR WINTER HAVEN PIPELINE PROJECT

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

- H. CONSIDER ADVANCE APPROVAL TO ATTEND MEETINGS

*Recommendation: That the Board authorize and approve, in advance, Directors' attendance to the three on-demand webinars listed above, hosted by the California Special Districts Association, so the District can achieve the District of Distinction Award.*

MOTION: Director McDougal moved to approve the Consent Calendar as presented; Director Wolk seconded. Motion carried; VOTE:

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

**III. INFORMATION ----- (ITEM I)**

- I. RATE STUDY UPDATE

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

AGM/CFO Shank provided an update on the Proposition 218 process, the rate study and the upcoming Public Hearing scheduled for November 16, 2022.

General Manager Bebee added that Public Affairs Specialist Denke also published in the Village News, an explanation of what was currently happening – to supplement the Proposition 218 notice. Director McDougal stated the

communication has been great. AGM/CFO Shank announced Customer Service has done a great job fielding questions.

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

**J. CONSIDER REQUEST FOR APPROVAL TO PURCHASE NEW COLLECTIONS CAMERA EQUIPMENT & SOFTWARE**

*Recommendation: That the Board approve the purchase of new CCTV camera hardware and software from Haaker Equipment Company in the amount of \$189,099.27.*

There were no public comments on agenda item J.

General Manager Bebee noted this item went through the Engineering & Operations Committee. This was equipment that would help optimize our cleaning. He added this purchase was included in the capital budget, as this was an anticipated purchase.

President Baxter asked if there were supply chain issues. Crew Leader Wolfe added the company had actually been saving this equipment for us, and it would be ready for installation within a couple of weeks.

**MOTION:** Director McDougal moved to approve the purchase of new CCTV camera hardware and software from Haaker Equipment Company in the amount of \$189,099.27; Director DeMeo seconded. Motion carried; **VOTE:**

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

**K. CONSIDER REQUEST FOR APPROVAL FOR WEED ABATEMENT CONTRACT FOR DISTRICT PROPERTIES**

*Recommendation: That the Board approve a 3-year contract with Specialty Mowing Services (SMS) for weed abatement at six critical District sites in the total amount of \$239,610.*

There were no public comments on agenda item K.

General Manager Bebee announced this item also went through the Engineering & Operations Committee.

Director McDougal noted the Engineering & Operations Committee discussed why this was going out to contract, as well as noted there was only one bid received.

Vice President Wolk asked why there was initial cleanup for two years. General Manager Bebee responded that certain sites were able to be done next year, while others were more urgent in needing initial cleanup. Vice President Wolk also asked the mechanism for executing the contract. Operations Manager Quiram reported SMS would be responsible for maintaining the sites as well after the initial cleanup. They would ensure the maintenance was up to standard.

President Baxter asked if it would be advantageous to adjust the budget to move some of the initial cleanup that was shifted out to 2024 to be done now. General Manager Bebee explained we felt comfortable waiting on some of the cleanup until 2024, otherwise the request for additional funds would be brought forward.

MOTION: Director McDougal moved to approve a 3-year contract with Specialty Mowing Services (SMS) for weed abatement at six critical District sites in the total amount of \$239,610; Director Endter seconded. Motion carried; VOTE:

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

**V. ORAL/Written Reports----- (ITEMS 1-8)**

There were no public comments on oral/written reports.

1. General Counsel
  - General Counsel de Sousa provided an update on AB 2449 and SB 717.
2. SDCWA Representative Report
  - General Manager Bebee reported the SDCWA Board Meeting was Thursday, and the main item of interest was the change in the ag rate methodology, so we would not be forced to allocate Santa Margarita water to our ag customers. He also reported on fixed cost obligations as it related to SDCWA.
3. General Manager
  - a. Engineering and Operations Report
    - General Manager Bebee announced the Community Benefit Program Committee application was open.
  - b. Federal Update
    - General Manager Bebee announced he was in Washington DC last month and met with some Congressional office staff with Jacqueline

- Howells. He also reported he was looking regionally to get some momentum on water supply projects that were interconnected with neighboring districts.
- Jacqueline Howells also provided an update on federal funding and the various meetings that took place while in Washington DC.
4. Assistant General Manager/Chief Financial Officer
    - a. Financial Summary Report
    - b. Treasurer's Report
    - c. Budget Status Report
    - d. Warrant List
      - AGM/CFO Shank provided an overview of the written reports included in the packet. He also pointed out the newly-added CIP status chart.
  5. Public Affairs Specialist
    - Public Affairs Specialist Denke reviewed the work she had done related to outreach on the Community Benefit Program, including how it was included on our website. She announced this coming weekend was the plant giveaway pickup. She also reported on the various community events FPUD had attended.
      - Director Endter asked how the outreach to the Spanish-speaking community for the Community Benefit Program was coming along. Public Affairs Specialist Denke reported there was social media outreach with Spanish postings that had been asked to be shared within the Spanish-speaking community.
  6. Notice of Approval of Per Diem for Meetings Attended
    - Notification of approval for Directors' attendance to webinars through CSDA (Navigating Prop 218 Rates and Fees, Addressing Cybersecurity Risks, and Who Does What? Best Practices in Board/Staff Relations).
      - President Baxter reported on the comprehensiveness on the above listed webinars.
  7. Director Comments/Reports on Meetings Attended
  8. Miscellaneous

#### ADJOURN TO CLOSED SESSION

General Counsel de Sousa announced the Board would be going into Closed Session and that members of the public participating via web or teleconference were welcome to continue to stay on the line while the Board was in Closed Session, however they would only hear silence. Following Closed Session and prior to adjournment, an oral announcement of reportable action, should there be any, would be made to the public on the teleconference line.

There were no public comments on Closed Session items.

The Board of Directors adjourned to Closed Session at 5:45 p.m. following an oral announcement by General Counsel de Sousa of Closed Session Items VI.1-2



**VI. 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*

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

*One (1) Potential Case*

RECONVENE TO OPEN SESSION

REPORT FROM CLOSED SESSION

There was no reportable action taken during Closed Session.

**VII. ADJOURNMENT OF MEETING**

There being no further business to discuss, the October Regular Meeting of the Board of Directors of the Fallbrook Public Utility District was adjourned at 6:14 p.m.



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President, Board of Directors

ATTEST:

  
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Secretary, Board of Directors