



FALLBROOK PUBLIC UTILITY DISTRICT
BOARD OF DIRECTORS
REGULAR BOARD MEETING

AGENDA

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

INSTEAD MEMBERS OF THE PUBLIC ARE ENCOURAGED TO PARTICIPATE IN THE BOARD MEETING VIA TELECONFERENCE USING THE BELOW CALL-IN AND WEBLINK INFORMATION.

MEMBERS OF THE PUBLIC MAY ALSO SUBMIT PUBLIC COMMENTS AND COMMENTS ON AGENDA ITEMS IN ADVANCE IN ONE OF THE FOLLOWING WAYS:

- **BY EMAILING TO OUR BOARD SECRETARY AT LECKERT@FPUD.COM**
- **BY MAILING TO THE DISTRICT OFFICES AT 990 E. MISSION RD., FALLBROOK, CA 92028**
- **BY DEPOSITING THEM IN THE DISTRICT'S PAYMENT DROP BOX LOCATED AT 990 E. MISSION RD., FALLBROOK, CA 92028**

ALL COMMENTS SUBMITTED BY WHAT EVER MEANS MUST BE RECEIVED AT LEAST ONE 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. THESE PUBLIC COMMENT PROCEDURES SUPERSEDE THE DISTRICT'S STANDARD PUBLIC COMMENT POLICIES AND PROCEDURES TO THE CONTRARY.

**AUDIO CALL-IN 1-408-418-9388
ACCESS CODE 126 000 8107
AUDIO PASSWORD 83555769**

<https://fallbrookpublicutilitydistrict.my.webex.com/fallbrookpublicutilitydistrict.my/j.php?MTID=m864af2f09f2996556d4a861f80e07f42>

**MONDAY, AUGUST 24, 2020
4:00 P.M.**

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

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

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.

- A. EMPLOYEE OF THE QUARTER FOR AUGUST 2020
 - 1. Jose Mendoza
- B. YEARS OF SERVICE
 - 1. Caroline Wilson – 5 Years
 - 2. Mick Cothran – 5 Years
 - 3. Matt Lian – 5 Years

II. CONSENT CALENDAR-----(ITEMS C – G)****

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.

- C. CONSIDER APPROVAL OF MINUTES
 - 1. July 27, 2020 Regular Meeting

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

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

Recommendation: *The claim may exceed the District retrospective allocation point of \$10,000 per occurrence therefore; it is beyond the District's settlement authority and needs to be forwarded to JPIA as required. Staff recommends rejection of the claim and forwarding to ACWA/JPIA for resolution.*

- E. CONSIDER PUBLICATION OF ANNUAL FINANCIAL STATEMENT

Recommendation: *That the Board approve the draft financial statement developed by staff for publication in the Village News in accordance with Section 6066 of the Government Code.*

- F. COMMUNITY BENEFIT WATER USERS FY 2019-20 ANNUAL REPORT

Recommendation: This item is for information purposes, no action is required.

- G. ANNUAL STATUS REPORT OF PARCELS WITH DEFERRED WATER AVAILABILITY / STANDBY CHARGES

Recommendation: This item is for information only; no action is required of the Board.

III. INFORMATION----- (ITEMS H – I)

- H. CITYWORKS ENTERPRISE ASSET MANAGEMENT IMPLEMENTATION
- I. FY 2019-20 YEAR-END BUDGET STATUS REPORT

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

- J. CONSIDER AUTHORIZATION OF ADDITIONAL DEPOSIT TO SAN DIEGO LOCAL AGENCY FORMATION COMMISSION

Recommendation: That the Board authorize the General Manager to provide an additional deposit to SDLAFCO of \$62,220.

- K. CONSIDER POTENTIAL DEBT REFUNDING

Recommendation: The Board approve the development of a refinancing plan and debt documents with the Finance Team.

- L. CONSIDER UPDATES TO SEWER SERVICE SECTIONS OF THE ADMINISTRATIVE CODE

Recommendation: That the Board adopt Ordinance 348 repealing Administrative Code Articles 20, 30 and 31 and replacing with the attached Article 20.

- M. CONSIDER ONE-TIME EMPLOYEE STIPEND

Recommendation: That the Board approve the one-time stipend.

- N. CONSIDER APPROVAL OF AMENDED AND RESTATED EMPLOYMENT AGREEMENT WITH GENERAL MANAGER JACK BEBEE EFFECTIVE JULY 1, 2020

Recommendation: That the Amended and Restated Employment Agreement with General Manager Jack Bebee be approved effective July 1, 2020.

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

1. General Counsel
2. SDCWA Representative Report
3. General Manager
 - a. Engineering and Operations Report
4. Assistant General Manager/Chief Financial Officer
 - a. Financial Summary Report
 - b. Treasurer's Report
 - c. Budget Status Report
 - d. Warrant List
5. Public Affairs Specialist
6. Notice of Approval of Per Diem for Meetings Attended
 - a. Notification of Approval for Director's attendance for a virtual LAFCO meeting on Monday, August 3, 2020.
 - b. Notification of Approval for Director's attendance to a mini-park opening celebration at 300 East Alvarado Street on Wednesday, August 5, 2020.
7. Director Comments/Reports on Meetings Attended
8. Miscellaneous

ADJOURN TO CLOSED SESSION

VI. CLOSED SESSION

1. CONFERENCE WITH LABOR NEGOTIATORS PER GC § 54957.6
Agency Designated Representative: Board President Endter
Unrepresented Employee: General Manager
2. PUBLIC EMPLOYEE PERFORMANCE EVALUATION PER GC § 54957
Title: General Manager
3. 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

VII. ADJOURNMENT OF MEETING

* * * * *

DECLARATION OF POSTING

I, Lauren Eckert, Executive Assistant/Board Secretary of the Fallbrook Public Utility District, do hereby declare that I posted a copy of the foregoing agenda in the glass case at the entrance of the District Office located at 990 East Mission Road, Fallbrook, California, at least 72 hours prior to the meeting in accordance with Government Code § 54954.2(a).

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

August 19, 2020
Dated / Fallbrook, CA

/s/ Lauren Eckert
Executive Assistant/Board Secretary

M E M O

TO: Board of Directors
FROM: Jack Bebee, General Manager
DATE: August 24, 2020
SUBJECT: August 2020 Employee of the Quarter

Nick Iliev, May 2020 Employee of the Quarter, chose Jose Mendoza as the August 2020 Employee of the Quarter for the following reasons:

“He did a great job taking the lead in building the new bio solids barn for our department. In addition he is a great team player and his construction skills make him an asset for the district.”

Jose received a Certificate of Appreciation and chose a gift valued at \$100. Additionally, Jose will have lunch with the General Manager, a member of the Board of Directors, and the previous Employee of the Quarter.

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M E M O

TO: Board of Directors
FROM: Lauren Eckert, Executive Assistant/Board Secretary
DATE: August 24, 2020
SUBJECT: Approval of Minutes

Recommended Action

That the Board approve the minutes of the following meeting of the Board of Directors of the Fallbrook Public Utility District:

1. July 27, 2020 Regular Board Meeting



FALLBROOK PUBLIC UTILITY DISTRICT
BOARD OF DIRECTORS
REGULAR BOARD MEETING

MINUTES

MONDAY, JULY 27, 2020
4:00 P.M.

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

If you have a disability and need an accommodation to participate in the meeting, please call the Secretary at (760) 999-2704 for assistance so the necessary arrangements can be made.

I. PRELIMINARY FUNCTIONS

CALL TO ORDER / ROLL CALL / ESTABLISH A QUORUM

President Endter called the July Regular Meeting of the Board of Directors of the Fallbrook Public Utility District to order at 4:00 p.m.

President Endter announced, for the record, that this meeting was conducted by teleconference using the call-in and web link on the agenda, pursuant to the Brown Act waivers to certain provisions under the Governor's Executive Order in response to the COVID-19 State of Emergency.

President Endter also announced the agenda provided notice that members of the public were encouraged to participate in the Board meeting via teleconference using the call-in and web link information, and that members of the public could have also emailed public comments and comments on agenda items in advance of the meeting by mailing them to the District, dropping them in the District's payment drop box, or emailing them to the Board Secretary. Any such written comments would be read on to the record at the appropriate portion of the meeting – up to a limit of three (3) minutes per comment. These instructions supersede the District's normal public comment procedures.

A quorum was established, and attendance was as follows:

Board of Directors

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

Absent: None

General Counsel/District Staff

Present: Jack Bebee, General Manager
Paul de Sousa, General Counsel
Dave Shank, Assistant General Manager/CFO
Jason Cavender, Operations Manager
Aaron Cook, Senior Engineer
Noelle Denke, Public Affairs Specialist
Steve Stone, Field Services Manager
Lauren Eckert, Executive Assistant/Board Secretary

Also present were others, including, but not limited to: There were no others present.

PLEDGE OF ALLEGIANCE

President Endter led the Pledge of Allegiance.

APPROVAL OF AGENDA

President Endter announced that he would call on staff to make a presentation of each agenda item. After the presentation was made, to avoid everyone speaking at once, President Endter reported he would then call on each Director to see if there were questions for staff regarding their presentation. President Endter stated after the round of questions, he would then ask for a motion and request that each Director identify themselves when making a motion or seconding a motion. Next, President Endter would call on each Director to see if there were any comments. He announced all votes would be done by roll call.

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.

A. EMPLOYEE ANNOUNCEMENTS

1. Ken Hubbard, Warehouse/Purchasing Specialist

General Manager Bebee announced Ken Hubbard was recently promoted to Warehouse/Purchase Specialist. General Manager Bebee recognized Mr. Hubbard received his Purchasing Management Certificate to ensure he was qualified for the position. Once the position was opened, Mr. Hubbard was prepared and qualified and was able to be promoted.

B. MANAGER'S AWARD

1. Faye Robinson

General Manager Bebee and the Board commended Customer Service Specialist, Faye Robinson, on her outstanding Customer Service to the public.

Director Wolk asked if there was a District employee newsletter. General Manager Bebee responded that the District does not. Director Wolk thought an employee newsletter would be a good way to announce these employee recognition items to the entire employee base and not just the Board. General Manager Bebee agreed it would be a good idea to reintroduce an employee newsletter.

II. CONSENT CALENDAR-----(ITEM C)****

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.

C. CONSIDER APPROVAL OF MINUTES

1. June 2, 2020 Special Board Meeting
2. June 3, 2020 Special Board Meeting
3. June 22, 2020 Regular Board Meeting
4. July 9, 2020 Special Board Meeting

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

MOTION: Director Wolk moved to approve the Consent Calendar, as presented; Vice-President DeMeo seconded. Motion passed;
VOTE:

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

NOES: None

ABSTAIN: None

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

D. ENGINEERING & OPERATIONS KEY PERFORMANCE INDICATORS PRESENTATION

Presented by: Aaron Cook, Senior Engineer

Engineering and Operations staff presented a slide show and a discussion of the key performance indicators on capital improvement projects, wastewater and collection operations, system services and system operations.

E. PUBLISH THE DISTRICT'S FISCAL YEAR 2020-21 ADOPTED ANNUAL BUDGET

Presented by: Dave Shank, Assistant General Manager/CFO

Assistant General Manager/CFO Shank reported that the District's adopted Fiscal Year 2020-2021 will be published on the District's website. AGM/CFO Shank stated hard copies of the Budget were available to the Directors, should they request one.

F. REVIEW OF CUSTOMER SERVICE SURVEY

Presented by: Noelle Denke, Public Affairs Specialist

Public Affairs Specialist Denke gave a brief overview of results from the Customer Service Surveys that have been received, which have been overall positive.

General Manager Bebee stated this survey has been up for about a year.

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

G. OVERLAND TRAIL LIFT STATION REHABILITATION PROJECT CHANGE ORDER

Recommendation: That the Board:

1. Approve of Change Order 1 for \$13,182.48 – see attached exhibit
2. Approve of Change Order 2 for \$40,845.87 – see attached exhibit
3. Authorize the General Manager with approval authority to issue additional contract amendments as needed up to 10% of the total contract value for the Overland Trail Lift Station Rehabilitation Project.

Director Baxter reported that this change order was first reviewed by the Engineering and Operations Committee. Director Baxter asked if there were any other anticipated change orders. Senior Engineer Cook responded that the bulk of the change orders were due to unforeseen conditions. Senior Engineer Cook noted that one remaining component that the District could possibly encounter would be due to the expansion of the wet well. The expansion of the wet well is to increase the capacity of the lift station, which would require excavation around the existing

wet well. This has a potential for unforeseen issues that may come up once that area is opened. Senior Engineer Cook did not expect that would exceed a total of 4% of the bid price of the project.

Director Wolk was concerned with body language for approving the 10% of the total contract value of the project, as this was \$250,000. President Endter announced that this was discussed with the Engineering and Operations Committee, and they were originally going to change it to a 5% authority, but after speaking with Senior Engineer Cook, the full 10% would not be used anyway. Senior Engineer Cook gave an estimate of 4% for changes.

General Manager Bebee stated the Administrative Code states upon award of a contract, the Board may authorize the General Manager to execute up to 10% and confirmed that this authorization does not mean the contractor has the authority to conduct the full amount of changes.

Director Wolk reiterated his concern was with the body language, as the General Manager only has the authority to spend \$45,000, and 10% change would be \$250,000. General Manager Bebee stated the Board could look at revising the Administrative Code to allow 5% authority.

Vice-President DeMeo asked if the 10% language that is outlined was only for change orders of this specific project, or if it is a blanket approval authority limit for all projects. General Manager Bebee explained the way it is written, when a project goes forward to the Board, to go over the \$45,000 authority limit, it would have to go back to the Board for each project. Going forward, when other similar projects are brought forward, the 5-10% approval authority will be established at the beginning of the project.

Director Wolk announced if the 10% approval authority is approved, there would be no reason to approve the first two change orders noted on the agenda.

MOTION: Director Baxter moved to authorize the General Manager, with approval authority, to issue additional contract amendments as needed up to 10% of the total contract value for the Overland Trail Lift Station Rehabilitation Project; Director McDougal seconded. Motion passed; **VOTE:**

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

H. CONSIDER AMI METER SERVICE REPLACEMENT PROGRAM

Recommendation: That the Board approve the purchase of Badger meters (National Meter and Automation Inc.), per attached for \$320,785 and Inland Water Works Supply Co. for 100W ERTs and Antennas per attached for \$173,730.50 for a total of \$532,088.90 (including sales tax) in order to replace existing drive-by radio read meters that have reached the end of their useful life with fixed network AMI meters that will provide additional real time water usage monitoring tools for the District customers.

Director Wolk asked if the existing meters were able to operate with the new radio transmitters. General Manager Bebee responded that the meters are being replaced at the same time as the transmitters since the meters were last replaced 15 years ago, so they have reached the end of their useful life. The electronics are changing from the existing type that need to be read by driving by to the type that can be read from the tower.

Vice-President DeMeo asked what the life expectancy is for the new meters. General Manager Bebee responded that AWWA standards state that 15-20 years is the expected range of life expectancy for meters. Therefore, this process will need to start over again in about ten years.

MOTION: Vice-President DeMeo moved to approve the purchase of Badger meters from National Meter and Automation Inc., for \$320,785 and 100W ERTs and Antennas from Inland Water Works Supply Co. for \$173,730.50 for a total of \$532,088.90, including sales tax, in order to replace existing drive-by radio read meters that have reached the end of their useful life with fixed network AMI meters that will provide additional real time water usage monitoring tools for District customers; Director Baxter seconded. Motion passed; VOTE:

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

I. CONSIDER BACKFLOW DEVICE REPLACEMENT PROGRAM

Recommendation: The Board approve the purchase of (40) ¾" (140) 1" (60) 1 ½" and (20) 2" backflow devices per attached for \$109,892.93 (including sales tax).

Director Baxter announced the Engineering and Operations Committee reviewed this item, and there is no budgetary impact, as this is a reallocation of funds.

MOTION: Director Baxter moved to approve the purchase of 40 ¾", 140 1", 60 ½", and 20 2" backflow devices for \$109,892.93, including sales tax; Director McDougal seconded. Motion passed; VOTE:

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

NOES: None

ABSTAIN: None

J. CONSIDER ADDITIONAL SITE IMPROVEMENTS AT MARTIN TANK SITE TO ADDRESS RESIDENTS' CONCERNS

Recommendation: That the Board authorize staff to expend up to \$45,000 for additional landscaping improvements to address residents' concerns about the visual impacts of the new Martin Tank constructed as part of the SMRCUP project.

President Endter questioned the increase for spending limits up to \$45,000 compared to the \$20,000 that was discussed at the July Regular Board Meeting. General Manager Bebee stated that his understanding from the discussion at the July Regular Board Meeting resulted in a type of landscaping approach rather than a set amount. General Manager Bebee noted that staff put a lot of work into the proposed landscaping plan, and the resulting dollar amount was determined by the specific landscaping plan.

General Manager Bebee did note that if the original residents had come forward asking if the District was willing to put in the landscaping from the start, the District would have included the plan in the project from the start.

President Endter asked if a color was chosen for painting the tank. General Manager Bebee reported that the contractor has painted large patches of two colors on the tank, as a sample and is working with the homeowners on having them select which color they want to select to move forward.

Director McDougal requested the type of Ficus tree specified in the Board packet be verified, as he thought it was decided to use Ficus Benjamina trees.

President Endter confirmed if the price of the landscaping exceeds \$45,000, the Board would have to approve any overages.

Director Wolk questioned the irrigation plan and the 40 feet of drip lines around each tree, as this would create a maintenance nightmare maintaining 40 feet of drip hose around each tree.

Director Wolk reiterated working on getting the State to accept the \$45,000 landscaping plan as part of the SMRCUP project.

MOTION: Director Baxter moved to authorize staff to expect up to \$45,000 for additional landscaping improvements to address residents' concerns about the visual impacts of the new Martin Tank constructed as part of the SMRCUP project; Director Wolk seconded. Motion passed; VOTE:

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

K. CONSIDER LETTER OF SUPPORT FOR FALLBROOK BEAUTIFICATION ALLIANCE GRANT APPLICATION

Recommendation: Staff supports the Board's decision.

President Endter explained the Fallbrook Beautification Alliance needed two letters of support to move forward with a grant application.

MOTION: Director Wolk moved to approve a letter of support for Fallbrook Beautification Alliance's grant application be sent from the Board President; Director McDougal seconded. Motion passed; VOTE:

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

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

1. General Counsel

- General Counsel de Sousa announced that legislature is back in session.
- General Counsel de Sousa reported that the FPPC recently revised a regulation that deals with how Board members recuse themselves from participating in items for which they have a financial interest. This went into effect on July 24, 2020. General Counsel de Sousa provided an overview of the new regulations.

2. SDCWA Representative Report

- General Manager Bebee provided an overview of the written report included in the Board packet.

3. General Manager

a. Engineering and Operations Report

- General Manager Bebee provided an overview of the written report included in the Board packet.

- General Manager Bebee commended staff for keeping the District productive during the pandemic.
4. Assistant General Manager/Chief Financial Officer
 - a. Financial Summary Report
 - b. Treasurer's Report
 - c. Budget Status Report
 - d. Warrant List
 - Assistant General Manager/CFO Shank provided an overview of the Treasurer's Report, included in the Board packet.
 - Assistant General Manager/CFO Shank reported the District received \$2.6M from the State, but sent out \$2.7M.
 5. Public Affairs Specialist
 - Public Affairs Specialist Denke reported she is working on a Village News ad regarding budget adoption and producing videos and social media posts.
 6. Notice of Approval of Per Diem for Meetings Attended
 - Notification of Approval for Director's attendance for a meeting with a Customer regarding concerns about the new Martin Water Tank on Wednesday, June 17, 2020.
 - Notification of Approval for Director's attendance for AB1825 – Sexual Harassment: training and education on Wednesday, June 24, 2020.
 - Notification of Approval for Director's attendance for a tour of landscape materials with District Staff and Gum Tree Residents on Wednesday, July 8, 2020.
 - Notification of Approval for Director's attendance for a Community Garden Revitalization photo shoot on Wednesday, July 8, 2020.
 - President Endter provided notice to the Board that he approved Directors' attendance for a meeting with a Customer regarding concerns about the new Martin Water Tank on Wednesday, June 17, 2020, AB1825 – Sexual Harassment: training and education on Wednesday, June 24, 2020, a tour of landscape materials with District Staff and Gum Tree Residents on Wednesday, July 8, 2020, and a Community Garden Revitalization photo shoot on Wednesday, July 8, 2020.
 7. Director Comments/Reports on Meetings Attended
 8. Miscellaneous

ADJOURN TO CLOSED SESSION

President Endter announced that members of the public were welcome to continue to stay on the teleconference line while the Board was in Closed session, however they would only hear silence. Following Closed Session and prior to adjournment, an oral announcement of reportable action, should there be any, would be made to the public on the teleconference line.

The Board of Directors adjourned to Closed Session at 5:22 p.m. following an oral announcement by General Counsel de Sousa of Closed Session Items VI.1 through VI.3.

VI. CLOSED SESSION -----(ITEMS 1-3)

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION
PURSUANT TO GOVERNMENT CODE SECTION 54956.9 (d)(1):

*Name of Case: Shane Lingle and Elizabeth Lingle v. Fallbrook Public Utilities
Department, and Does 1 to 20 (37-2020-00020941-CU-EI-NC)*

2. CONFERENCE WITH LABOR NEGOTIATORS PER GC § 54957.6

Unrepresented Employee: General Manager

3. PUBLIC EMPLOYEE PERFORMANCE EVALUATION PER
GOVERNMENT CODE SECTION 54957:

Discuss Performance Evaluation of General Manager

RECONVENE TO OPEN SESSION

The Board returned from Closed Session and reconvened to Open Session at 6:49 p.m.

REPORT FROM CLOSED SESSION (*As Necessary*)

There was no reportable action taken in Closed Session.

VII. ADJOURNMENT OF MEETING

There being no further business to discuss, the June Regular Meeting of the Fallbrook Public Utility District was adjourned at 6:49 p.m.

President, Board of Directors

ATTEST:

Secretary, Board of Directors

M E M O

TO: Board of Directors
FROM: Larry Ragsdale, Safety and Risk Officer
DATE: August 24, 2020
SUBJECT: Claim for Inundation of Water onto Real Property

Purpose

To present the claim filed by Loretta Samaniego for property damage.

Summary

July 7, 2020, Ms. Samaniego filed a claim for inundation of water that occurred during the rainy season in March 2020. Ms. Samaniego alleges that water and soil from our property caused erosion to her property, fencing to lean and fall over, damage to plants and trees.

Ms. Samaniego is seeking remediation at an unknown cost.

Budgetary Impact

Impact analysis cost cannot be determine until JPIA rules on its disposition. Other factors that affect the budgetary impact vary from the claims process, cost, and litigation. Due to these factors, the impact cannot be established at this time.

Recommended Action

The claim may exceed the District retrospective allocation point of \$10,000 per occurrence therefore; it is beyond the District's settlement authority and needs to be forwarded to JPIA as required.

Staff recommends rejection of the Claim and forwarding to ACWA/JPIA for resolution.

GENERAL INCIDENT INFORMATION
Form "A" Property Liability - Accept/Reject endorsements

Event ID: 20-307
 DOI: 3/1/2020
 Email: DrSamniego@aol.com
 Parties address: 791 Jercho Dr. Fallbrook, CA 92028
 Timeliness of Claim: 0 Year(s) 4 Month(s) 6 Days

Name of Party: Loretta Samaniego
 Contact # 818-635-6995
 Type Claim: Real property
 Company: Property owner

Type of Incident: <u>Water Damage</u>		Nature of Incident: <u>Project work at Gheen</u>	
Incident Description: <u>Claimant alleges that in March of 2020 an inundation of water during the rainy season came from our property causing erosion on her property that damaged plants, trees, and caused the fence posts to lean.</u>			
Location of Incident: <u>791 Jercho Dr.</u>			
Date Claim Received:	<u>7/7/2020</u>	Date Closed:	
Settlement:			
Release Signed:		Incident Reported to JPIA:	
REMARKS:			

ACCEPT/REJECT

Date: 8/12/20 *Pam J. Leavelle* Safety & Risk Officer Claim Request: Accept Reject

Remarks:

Date: 08/12/2020 *David Shank* Assistant General Manager / CFO Claim Request: Accept Reject

Remarks:

Date: 08/12/2020 *Jack Bebee* General Manager Claim Request: Accept Reject

Remarks:

BOARD ACTION If applicable

Accept Reject

Claim Form

(A claim shall be presented by the claimant or by a person acting on his behalf.)

NAME OF DISTRICT:

1 Claimant name, address (mailing address if different), phone number, social security number, e-mail address, and date of birth.
*Effective January 1, 2010, the Medicare Secondary Payer Act (Federal Law) requires the District/Agency to report all claims involving payments for bodily injury and/or medical treatments to Medicare. As such, if you are seeking medical damages, we **MUST** have both your Social Security Number and your date of birth.*

Name: Loretta Samaniego Phone Number: (818) 635-6995
 Address(es): 791 Jericho Dr. Social Security No.: 521531115
Fallbrook, CA 92028 Date of Birth: 5/21/63
 E-mail: DrSamaniego@aol.com

2 List name, address, and phone number of any witnesses.

Name: Laura Dollison
 Address: same
 Phone Number: (330) 338-6398

3 List the date, time, place, and other circumstances of the occurrence or transaction, which gave rise to the claim asserted.

Date: March 2020 Time: multiple Place: above address

Tell What Happened (give complete information): During the rainy season, the fencing placed around the water tower gave way, and all the DG + water from the project (unfinished) came into our yard. It flooded the yard, caused erosion, and caused the fence posts to lean over so now the fence is falling over.

NOTE: Attach any photographs you may have regarding this claim.

4 Give a general description of the indebtedness, obligation, injury, damage, or loss incurred so far as it may be known at the time of presentation of the claim.

Our fence posts suffered b/c of the erosion caused by the water + DG. also several plants/trees were damaged, and there is severe erosion running down our property

5 Give the name or names of the public employee or employees causing the injury, damage, or loss, if known.

Franz Schaver of the Terrapin Group

6 The amount claimed if it totals less than ten thousand dollars (\$10,000) as of the date of presentation of the claim, including the estimated amount of any prospective injury, damage or loss, insofar as it may be known at the time of the presentation of the claim, together with the basis of computation of the amount claimed. If the amount claimed exceeds ten thousand dollars (\$10,000), no dollar amount shall be included in the claim. However, it shall indicate whether the claim would be a limited civil case.

\$ 5000 ⁰²

Date: 6/24/20 Time: 1526 Signature: [Signature]

ANSWER ALL QUESTIONS. OMITTING INFORMATION COULD MAKE YOUR CLAIM LEGALLY INSUFFICIENT!

RE: Message from C458-Eng

Aaron Cook

Tue 8/4/2020 9:15 AM

To: Larry Ragsdale <larryr@fpud.com>;

Cc: Kevin Collins <kcollins@fpud.com>;

Larry,

Regarding the claim for the property at 791 Jericho Drive – the topography of Gheen Tank property has always had an existing grade that would naturally allow rainfall runoff to drain off the hillside towards the subject property. Site grading as part of the SMRCUP facilities construction (By Contractor: Filanc-Alberici Joint Venture) included excavation of existing soil from the southern portion of the property and placing it on the eastern portion of the property, creating a larger flat surface near the existing water tank. The work was performed to engineered fill standards under the supervision of a qualified soils technician. This modified slope technically captures more rainfall on site, and reduces the runoff area that drains to the east. Due to recent grading activity at the time of the March storm, the vegetation had not been reestablished, but proper SWPPP BMPs were in place to control erosion. During the storm, the BMPs performed as designed, containing the sediment on site, and allowing clean runoff to leave the site, mimicking pre-construction conditions.

I visited the property with the home owners in the April/May time period. At that time, there was no evidence of significant erosion on the property. Downstream of the property there is an existing rock drainage swale, showing that rainwater runoff has been an ongoing issue at this site. Additionally, the wood fence is leaning as mentioned in the claim. However, preconstruction video and photo taken on October 22, 2019 show that the fence was already in that condition prior to the start of construction.

Thank you,

Aaron Cook, P.E.

Senior Engineer



Fallbrook Public Utility District

[990 E Mission Road](#)

[Fallbrook, CA 92028](#)

760-999-2713 office/cell

acook@fpud.com

From: Larry Ragsdale <larryr@fpud.com>

Sent: Tuesday, July 7, 2020 10:37 AM

To: Aaron Cook <acook@fpud.com>

Fallbrook Public Utility District Photo's
6 August 2020



Fallbrook Public Utility District Photo's
6 August 2020



Fallbrook Public Utility District Photo's
6 August 2020



Fallbrook Public Utility District Photo's
6 August 2020



Images Extracted from Contractors Video
Condition of fencing prior to project start



Images Extracted from Contractors Video
Condition of fencing prior to project start



M E M O

TO: Board of Directors
FROM: David Shank, Assistant General Manager/CFO
DATE: August 24, 2020
SUBJECT: Publication of Annual Financial Statement

Purpose

To consider options for publication of the District's annual financial statement in accordance with Public Utility District Act requirements.

Summary

The Public Utility District (PUD) Act requires annual publication of a financial statement for the District at the first meeting after the end of each Fiscal Year. A summary of the statutes related to the publication of the financial statement from the PUD Act are below:

16039.

At the first meeting after the end of each fiscal year, the board shall render and immediately cause to be published a verified statement of the financial condition of the district.

(Added by Stats. 1953, Ch. 72.)

16040.

The financial statement shall show particularly the receipts and disbursements since the publication of the last preceding statement and of the last preceding fiscal year and the source of such receipts and the purpose of such disbursements.

(Added by Stats. 1953, Ch. 72.)

16041.

Publication of the financial statement shall be made pursuant to Section 6066 of the Government Code in a newspaper of general circulation printed and published in the district, or if there is no such newspaper, in a newspaper of general circulation printed and published in a county where any part of the district is situated

Staff has developed a draft financial statement for publication for the Board's review (Attachment "A").

Recommended Action

That the Board approve the draft financial statement developed by staff for publication in the Village News in accordance with Section 6066 of the Government Code.

Fiscal Year 2020 Report



Fallbrook Public Utility District's fiscal year 2020-21 budget was finalized and approved in July. The budget details FPUD's strategic financial plan, providing enhanced fiscal transparency to our customers. This is a priority for the District. As part of the budgeting process, FPUD held several public budget workshops.

3 highlights from the budget include:



The District continued to keep its operating costs flat. This achievement was a result of process improvements and efficiency gains, as well as maintaining control of labor costs.



The budget continues funding for the new local water supply project, the Santa Margarita Conjunctive Use Project. This project will provide an affordable water supply, helping to mitigate the impact of rising imported water costs that get passed on to ratepayers. The river project will provide almost half of our water, from our own local source here in Fallbrook.



The budget includes the continued implementation of our ongoing work to replace buried infrastructure, pipelines, valves and other equipment. We are accelerating our repair and replacement program to improve our system's reliability. Scheduled repairs are much less costly than the "Band-Aid" approach of emergency repairs.

FPUD has aging infrastructure which is reaching the end of its useful life. This is resulting in pipeline failures and associated property damage and water outages. We are addressing this by accelerating pipeline and infrastructure repairs.

As shown in the table below, for the past fiscal year, the District increased fund balance by \$1.2 million. In accordance with FPUD's adopted financial plan, the District has transitioned from a withdrawal of \$1.4 million last year from fund balance to a deposit of \$1.2 million. This was accomplished by holding operating costs flat.

Fiscal Year 2019-2020 Results (Millions)

Total Operating and Non-Operating Revenues	\$35.0
Total Operating and Debt Service Expenditures	\$28.3
Total Capital Improvement Expenditures	\$5.5
Fund Balance Increase	\$1.2

M E M O

TO: Board of Directors
FROM: Engineering Department
DATE: August 24, 2020
SUBJECT: Community Benefits Water Users FY 2019-20 Annual Report

Purpose

To update the Board with a summary of water usage and financial benefit provided to Community Benefits Water Users.

Overview

The District's currently provides free or discounted water to three potable water services and three recycled services within the District's service area. The report below lists the organization served, location of each device, and a summary of water usage and financial benefit provided by the district.

COMMUNITY SERVICE WATER USAGE REPORT

For FY 2019-20

POTABLE							
Name	Location	Mtr Size	Usage (Kgal)	Water	Oper. Charges	Total	Aver per Month
Fallbrook Village Assoc (Heyneman Park)	502 S Mission	3/4"	424	\$2,815.36	\$630.48	\$3,445.84	\$287.15
FPUD (N End S Mission)	Miss. Median	3/4"	4	\$26.56	\$630.48	\$657.04	\$54.75
MRCDC (Alturas Community Garden)	1717 Alturas	3/4"	67	\$444.88	\$630.48	\$1,075.36	\$89.61
Potable Totals			495	\$3,286.80	\$1,891.44	\$5,178.24	\$431.51

RECYCLED

Name	Location	Mtr Size	Usage (Kgal)	Water	Oper. Charge	Total	Aver. per Month
FPUD	S Miss. Median	6"	2,348	\$12,937.48	\$4,939.68	\$17,877.16	\$1,489.76
Fallbrook Sports Assoc	Sports Park	3"	5,782	\$18,443.50	\$1,667.40	\$20,110.90	\$1,675.91
Fallbrook Youth Baseball	Sports Park	2"	3,746	\$11,855.55	\$897.36	\$12,752.91	\$1,062.74
Recycled Totals			11,876	\$43,236.53	\$7,504.44	\$50,740.97	\$4,228.41

GRAND TOTAL	\$46,523.33	\$9,395.88	\$55,919.21	\$4,659.92
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October through March Sports Park and Youth Baseball receive 75% discount, 50% discount otherwise

Recommendation

This item is for information purposes, no action is required.

M E M O

TO: Board of Directors
FROM: Jack Bebee, General Manager
DATE: August 24, 2020
SUBJECT: Status Report – Parcels with Deferred Water Availability/Standby Charges

Purpose

To provide the Board of Directors with the report of parcels with deferred annual water standby availability charges pursuant to Article 24.5.7 of the Administrative Code.

Summary

Article 24 of the Administrative Code provides that water standby availability charges are fixed and established on all land within District boundaries, whether the water is actually used or not. However, if a parcel owner believes the amount of the water standby availability charges fixed against such parcel should be deferred, he or she may apply to the District for deferral of said charges.

Attached is the list of parcels whose owners have entered into agreements to defer water standby availability charges.

Recommended Action

This item is for information only; no action is required of the Board.

**FALLBROOK PUBLIC UTILITY DISTRICT
STANDBY OR AVAILABILITY CHARGES
DEFERRED PARCEL LOG
as of 7/1/20**

APN	OWNER OF RECORD	TRA	ACRE	REC DATE	NOTES
101-170-01-00	Fallbrook Land Conservancy	75058	320.00	11/9/07	
101-170-02-00	Fallbrook Land Conservancy	75058	359.00	11/9/07	
101-170-03-00	Fallbrook Land Conservancy	75058	527.21	11/9/07	
101-361-62-00	Fallbrook Land Conservancy	75053	77.95	9/10/01	
102-490-07-00	Deuling David & Cathy Trust	75199	21.50	5/16/97	
102-490-20-00	San Diego State University Foundation	75199	31.57	5/17/04	Transfer Ownership 3/15/13; Transfer Ownership 4/26/18
102-711-09-00	Graham E. Clark, Drude M. Burke	75022	4.74	5/31/00	Transfer Ownership 8/27/02; Transfer Ownership 9/28/19
106-180-61-00	Fallbrook Land Conservancy	75010	12.90	8/11/00	

M E M O

TO: Board of Directors
FROM: Jason Cavender, Operations Manager
DATE: August 24, 2020
SUBJECT: CityWorks Enterprise Asset Management Implementation Update

Description

This memo serves for informational purposes only as an overview of the District's CityWorks Enterprise Asset Management (EAM) software implementation. EAM software is a critical asset management tool commonly used by utilities to plan, optimize, and track maintenance and repair activities for key assets.

Purpose

As part of the FY 19/20 capital improvement program the Board approved the purchase of CityWorks EAM software, and awarded a professional services contract to Black & Veatch to take the lead in implementation. The primary elements of this implementation include the development of:

- Service Requests
- Work Orders for unplanned maintenance and repair activities
- Preventative Maintenance Work Orders
- Dashboards and reports for tracking

This presentation will provide a summary of the District's progress to-date, provide examples of how the use of CityWorks will protect District assets and reduce costs, and will outline areas of further development during FY 20/21.

Budgetary Impact

There is no budgetary impact.

Recommended Action

Informational only, no recommended action.

M E M O

TO: Board of Directors
FROM: David Shank, Assistant General Manager/CFO
DATE: August 24, 2020
SUBJECT: Fiscal Year 2019-20 Year-end Budget Status Report

Purpose

Provide a summary of the District's Fiscal Year 2019-2020 financial results to the Board.

Summary

The BSR shows the District's financial performance compared to the budget Year-to-Date and the annual budgeted amount.

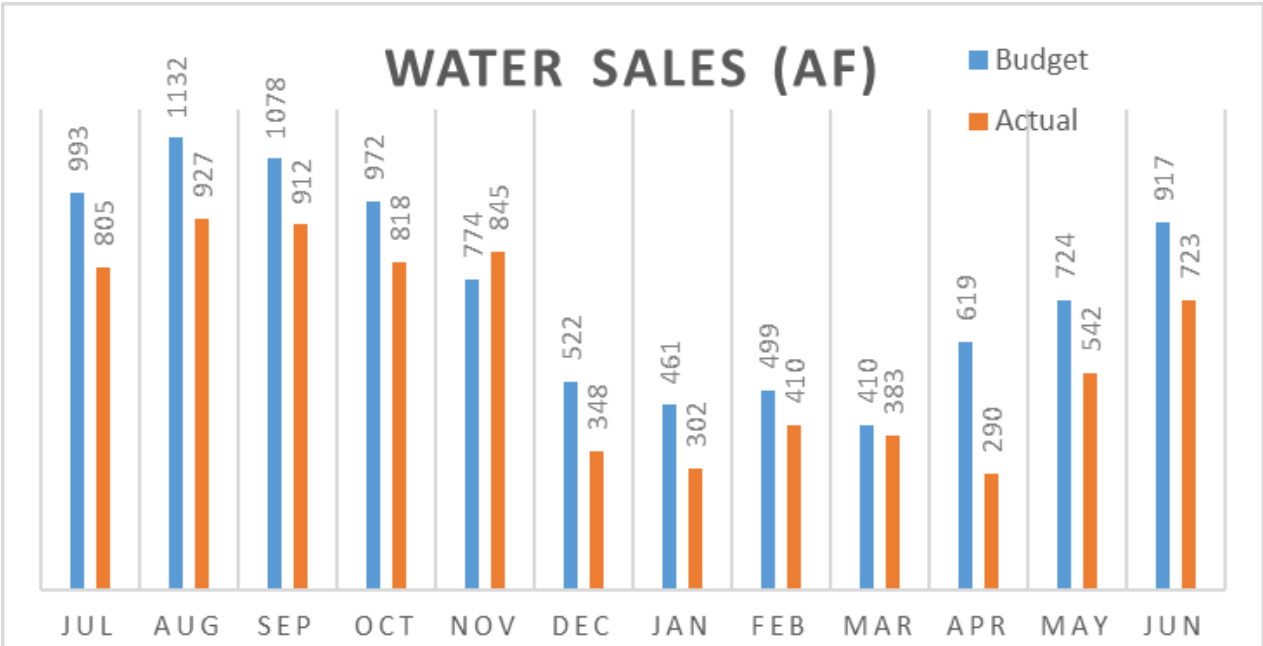
Total revenues were under budget expectations due to lower water and wastewater sales levels. Water Sales revenues were 22.8% below budget largely due to lower demands and wet weather. Wastewater revenues were also down slightly due to wet weather, which impacted the bill calculation methodology. Facility Rent and Other Non-operating revenues, Portfolio Interest, Property Taxes and capacity charges were above budget levels. The combined impact of these variances resulted in total revenues that were 10.6% under budget.

The District's expenditures overall were under budget largely due to the lower than budgeted purchased water expense, which is a result of lower water sales levels. The Districts operating expenses were 2% or \$262,172 under budget. Recycled Water Services made up 59% of this underage and is due to reduced Recycled Water activities.

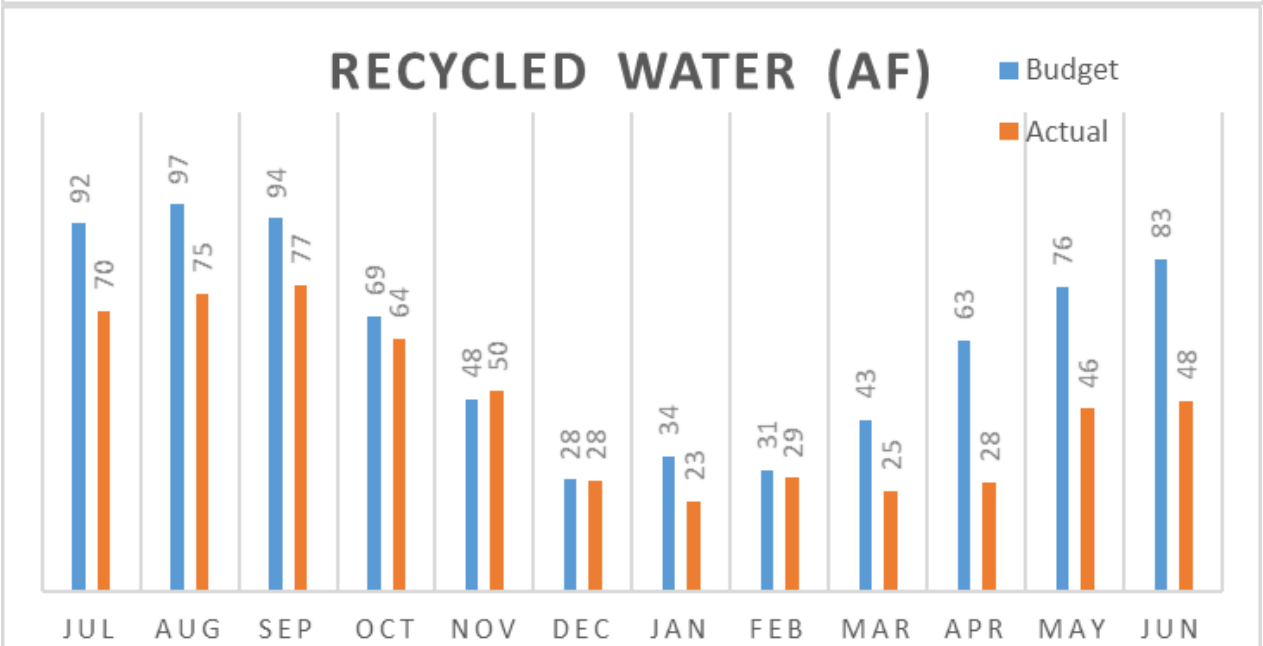
Total revenue was \$34,980,096 or 10.6% under budget and total expenditures were \$28,294,679 or 11.6% under budget. Capital spending was 15.4% under budget. This financial performance resulted in a \$1.2 million increase in District fund balance. When compared to the budgeted increase of \$0.6 million, the District financial position at year-end was slightly better than budget expectations.

Recommended Action

This item is for discussion only. No action is required.



Year-to-Date Actual 7,305 AF Year-to-Date Budget 9,100 AF



Year-to-Date Actual 560 AF Year-to-Date Budget 758 AF

Monthly Budget Report for June

Favorable Variance Shown as a positive number

	Current Month		Year-To-Date				Annual Budget		
	Actual	Budget	Actual	Budget	Variance	%	Budget	Remaining Balance	%
Operating Revenues:								Year remaining	0.0%
Water Sales	1,515,138	2,010,268	14,689,881	19,029,180	(4,339,299)	-22.8%	19,029,180	4,339,299	22.8%
Water Meter Service Charges	604,757	606,190	6,980,629	7,004,867	(24,238)	-0.3%	7,004,867	24,238	0.3%
Wastewater Service Charges	505,597	488,719	5,916,990	6,214,076	(297,086)	-4.8%	6,214,076	297,086	4.8%
Recycled Water Revenues	148,076	157,612	1,012,055	1,382,830	(370,775)	-26.8%	1,382,830	370,775	26.8%
Other Operating Revenue	-	917	-	11,000	(11,000)	-100.0%	11,000	11,000	100.0%
CWA Rebates	-	-	53,520	50,003	3,517	7.0%	50,003	(3,517)	-7.0%
Total Operating Revenue	2,773,568	3,263,706	28,653,074	33,691,956	(5,038,881)	-15.0%	33,691,956	5,038,881	15.0%
Non Operating Revenues:									
Water Capital Improvement Charge	116,105	115,892	1,367,097	1,390,702	(23,605)	-1.7%	1,390,702	23,605	1.7%
Wastewater Capital Improvement Charge	97,927	98,775	1,169,233	1,185,299	(16,066)	-1.4%	1,185,299	16,066	1.4%
Property Taxes	62,334	33,763	2,207,253	1,918,296	288,957	15.1%	1,918,296	(288,957)	-15.1%
Water Standby/Availability Charge	15,219	10,123	204,418	202,996	1,423	0.7%	203,000	(1,418)	-0.7%
Water/Wastewater Capacity Charges	(2,842)	8,460	107,057	101,522	5,535	5.5%	101,522	(5,535)	-5.5%
Portfolio Interest	19,235	23,712	396,216	284,544	111,672	39.2%	284,544	(111,672)	-39.2%
Pumping Capital Improvement Charge	1,962	3,083	22,992	37,000	(14,008)	-37.9%	37,000	14,008	37.9%
Federal Interest Rate Subsidy	-	-	123,762	122,647	1,115	0.9%	122,647	(1,115)	-0.9%
Facility Rents	32,101	-	249,092	-	249,092	NA	-	(249,092)	NA
Other Non-Operating Revenues	328,033	15,004	479,902	180,046	299,856	166.5%	180,046	(299,856)	-166.5%
Total Non Operating Revenues	670,073	308,812	6,327,021	5,423,052	903,969	16.7%	5,423,052	(903,969)	-16.7%
Total Revenues	3,443,641	3,572,517	34,980,096	39,115,008	(4,134,912)	-10.6%	39,115,008	4,134,912	10.6%
Expenditures									
Purchased Water Expense	1,174,186	1,551,314	12,535,659	15,987,885	3,452,226	21.6%	15,987,885	3,452,226	21.6%
Water Services	322,006	236,599	3,271,859	3,287,415	15,556	0.5%	3,287,415	15,556	0.5%
Wastewater Services	275,127	215,286	2,880,595	2,975,082	94,487	3.2%	2,975,082	94,487	3.2%
Recycled Water Services	20,260	43,342	433,905	589,894	155,989	26.4%	589,894	155,989	26.4%
Administrative Services	554,145	464,397	6,411,372	6,407,511	(3,861)	-0.1%	6,407,511	(3,861)	-0.1%
Total Operating Expenses	2,345,724	2,510,938	25,533,389	29,247,787	3,714,398	12.7%	29,247,787	3,714,398	12.7%
Debt Service Expenses									
SMCUP SRF	-	-	20	-	(20)	NA	-	(20)	NA
Red Mountain SRF	-	-	395,850	395,850	-	0.0%	395,850	-	0.0%
WWTP SRF	-	-	1,845,746	1,845,746	-	0.0%	1,845,746	-	0.0%
QECB Solar Debt	-	-	519,674	519,674	-	0.0%	519,674	-	0.0%
Total Debt Service	-	-	2,761,290	2,761,270	(20)	0.0%	2,761,270	(20)	0.0%
Total Expenses	2,345,724	2,510,938	28,294,679	32,009,056	3,714,378	11.6%	32,009,056	3,714,378	11.6%
Net Revenue/(loss) From Operations and Debt Service	1,097,917	1,061,580	6,685,417	7,105,951	(420,534)	-6%	7,105,951	420,534	5.9%
Capital Investment									
Capital Investment									
Construction Expenditures	965,956	518,917	5,527,255	6,529,933	1,002,678	15.4%	6,529,933	1,002,678	15.4%
SMCUP Expenditures*	5,956,994	3,933,196	27,213,273	27,179,100	(34,173)	-0.1%	27,179,100	(34,173)	-0.1%
SRF Loan Proceeds Draw (Capital Project Funds)**	(2,589,892)	(3,933,196)	(27,213,273)	(27,179,100)	34,173	-0.1%	(27,179,100)	34,173	-0.1%
Net Revenue/(Loss)	(3,235,141)	542,663	1,158,162	576,018	582,144	101.1%	576,018	(582,144)	-101.1%

*CIP expenditures related to the SMCUP have been updated based upon contractor draw scheduled and are funded by SRF Loan proceeds.

**YTD Actual amount adjusted to reflect expected State Reimbursement for year-end comparison purposes.

M E M O

TO: Board of Directors
FROM: Jack Bebee, General Manager
DATE: August 24, 2020
SUBJECT: Authorization for Additional Deposit to San Diego Local Agency Formation Commission

Description

San Diego Local Agency Formation Commission (SDLAFCO) is moving forward on processing the District's application to detach from the San Diego County Water Authority (SDCWA) and attach to Eastern Municipal Water District (EMWD) to reduce the wholesale cost of water and its associated rate impacts to the District's customers. At this point the Executive Officer has indicated the process is approximately 25% complete. Funding for processing the application by SD LAFCO is paid by the applicant. The District provided an initial deposit of \$24,563. At this time LAFCO anticipates an additional \$62,220 is necessary for their costs to complete the processing of the application (see attached).

Budgetary Impact

Staff anticipated additional processing costs and these costs were included in the adopted budget. Staff will continue to work with SDLAFCO to ensure that the funds are spent on topics directly relevant to the application process and that the process continues to make constructive progress towards ultimate approval of detachment. If the application is approved there will be a long-term reduction in the cost of purchased water estimated to be over 25%, which is estimated to save District ratepayers millions of dollars a year.

Recommended Action

That the Board authorize the General Manager to provide an additional deposit to SDLAFCO of \$62,220.

Lauren Eckert

Subject: FW: SD LAFCO | Fallbrook Reorganization No. 20-05
Attachments: Fallbrook-Rainbow_BillableTimes_8-12-20.pdf

From: Simonds,Keene <Keene.Simonds@sdcounty.ca.gov>
Sent: Wednesday, August 12, 2020 6:03 PM
To: Jack Bebee <jackb@fpud.com>
Cc: Barry, Robert <Robert.Barry@sdcounty.ca.gov>; Luckett, Tamaron <Tamaron.Luckett@sdcounty.ca.gov>
Subject: SD LAFCO | Fallbrook Reorganization No. 20-05

Hi Jack -

This e-mail serves as an update regarding SD LAFCO staff time expended in processing Fallbrook PUD's reorganization proposal to concurrently detach from the San Diego County Water Authority and annex to Eastern MWD.

As of today, LAFCO staff has tallied 170 total hours in processing the proposal since it was filed in mid-March 2020. This amount equals exactly one-half of the total staff time covering the joint-processing of both Fallbrook and Rainbow MWD's parallel proposals and billed according to the Districts' earlier arrangement (i.e. the agencies agree to divide the joint-processing costs in equal halves). A breakdown in time expended is attached.

The total hours expended to date on Fallbrook's proposal is approximately 90% of the 191 hours of staff time covered in the District's initial non-refundable proposal fee paid to LAFCO in the amount of \$24,563. I estimate we are only 25% through the administrative review process with substantive items to come, including – but not limited to – coordinating with one or more outside consultants to review water reliability, water rate impacts, and potential monetary true-ups. Accordingly, I am requesting an additional deposit in the amount of \$62,220 to cover 510 hours of more staff time based on our adopted composite hourly rate of \$122. This additional deposit is refundable per the adopted fee schedule and staff will continue to record billable time for your review.

Should you have any questions, please call or email.

Keene

Keene Simonds, Executive Officer
San Diego County Local Agency Formation Commission (LAFCO)
Subdivision of the State of California | Regional Service Planning
9335 Hazard Way, Suite 200
San Diego, California 92123

Rainbow MWD and Fallbrook PUD Reorganizations
EO and Commission

Date	Type	Activity	Hours
3/17/2020	Proposal	Pre Administrative Review: Fallbrook Submittal (Draft)	5.0
3/18/2020	Proposal	Pre Administrative Review: Rainbow Submittal	5.0
3/18/2020	Communication	Email Exchange with Tom Kennedy with Rainbow Regarding L-107	0.5
3/18/2020	Communication	Phone Call with HOW	0.3
3/19/2020	Communication	Phone Call with J Harry Jones with Union Tribune	0.5
3/19/2020	Communication	Phone Call and Follow Up Email with Claire Collins with CWA	1.0
3/23/2020	Communication	Email with Gary Thompson with Riverside LAFCO	0.5
3/23/2020	Proposals	EB Proposal Set Up and Scanning	2.0
3/24/2020	Communication	Email Exchange with Ben Mills with District 5	2.0
3/24/2020	Communication	Phone Call and Email Exchange with HOW	0.5
3/25/2020	Proposals	Written Notice to CWA Regarding Non-District Opportunity	2.5
3/25/2020	Proposal	DN Establishing Dedicated Website Page	1.0
3/25/2020	Communication	Phone Call and Email Exchange with Claire Collins with CWA	0.5
3/26/2020	Communication	Email to Sandy Kerl with CWA	0.3
3/27/2020	Communication	Phone Call with Sandy Kerl with CWA and Pause Request	0.5
3/27/2020	Communication	Phone Call with HOW	0.5
3/30/2020	Communication	Email Exchange with HOW	0.5
3/30/2020	Communication	Phone Call with Chair Jacob on Non-District Request by CWA	0.3
3/30/2020	Communication	Email Exchange with District 2 Staff Regarding Pause Inquiry	0.3
3/30/2020	Communication	Phone Call with Consultant Chris Brown Regarding Pause Inquiry	0.5
4/2/2020	Proposal	Review of Non-District Determinations by CWA	5.0
4/2/2020	Communication	Phone Call with Adam Wilson with District 2	0.5
4/2/2020	Communication	Phone Call with HOW	1.0
4/2/2020	Proposal	Staff Discussion on Processing Proposals	0.5
4/3/2020	Proposal	Prepare and Issue PHN on Non-District Requests	2.0
4/3/2020	Communication	Phone Call with Chris Brown with Fallbrook and Rainbow	0.5
4/6/2020	Communication	Email Exchange with Tom Kennedy with Rainbow	0.3
4/6/2020	Communication	Email Exchange with Jack Bebee with Fallbrook	0.3
4/6/2020	Communication	Phone Call with Adam Wilson with District 2	0.3
4/8/2020	Communication	Phone Call with Chris Brown with Fallbrook and Rainbow	0.5

4/8/2020	Communication	Phone Call with Claire Collins and Kristina Lawson	0.8
4/13/2020	Communication	Email Exchange with HOW	0.5
4/16/2020	Communication	Phone Call with HOW Regarding Otay Correspondence	0.8
4/17/2020	Communication	Phone Call with Chris Brown with Fallbrook and Rainbow	0.5
4/23/2020	Communication	Phone Call with Chris Brown with Fallbrook and Rainbow	0.3
4/23/2020	Proposal	Draft Agenda Report for May 4th Meeting	4.0
4/23/2020	Proposal	Review Joint Letter from Fallbrook and Rainbow	1.0
4/24/2020	Communication	Phone Call with HOW	0.3
4/24/2020	Proposal	Finalize Agenda Report for May 4th Meeting	1.5
4/27/2020	Communication	Conference Call w/Jack Bebee and Tom Kennedy	0.5
4/29/2020	Communication	Commission Phone Calls - Emails	2.5
4/30/2020	Communication	Email Exchange with Jack Bebee with Fallbrook	0.5
4/30/2020	Communication	Email Exchange with Kristina Lawson with CWA	0.5
5/1/2020	Communication	Phone Call with Chris Brown with Fallbrook and Rainbow	0.5
5/1/2020	Communication	Phone Call with Claire Collins with CWA	0.5
5/4/2020	Meeting	Commission Meeting on Non District Requests	9.0
5/5/2020	Communication	Phone Call with Joe Naiman with Fallbrook Village News	0.3
5/6/2020	Communication	Phone Call with Claire Collins and Kristina Lawson with CWA	0.5
5/7/2020	Communication	Phone Call with Chris Brown with Fallbrook and Rainbow	0.8
5/7/2020	Communication	Phone Call and Email Exchange with Michael Vu with ROV	1.0
5/7/2020	Communication	Email Exchange with Subject Agencies Regarding Working Group	1.0
5/11/2020	Communication	Phone Call and Email Exchange with Sandy Kerl with CWA	0.8
5/11/2020	Communication	Email Exchange with HOW	0.5
5/11/2020	Proposal	Email to Subject Agencies Proposing Working Group Options	5.0
5/13/2020	Proposal	Review Response from Sandy Kerl with CWA on Working Group Options	1.5
5/13/2020	Communication	Phone Call with Sandy Kerl with CWA	0.5
5/14/2020	Communication	Phone Call with Chris Brown with Fallbrook and Rainbow	0.3
5/14/2020	Communication	Phone Call with Adam Wilson with District 2	0.3
5/18/2020	Proposal	Review Joint-Response from Fallbrook and Rainbow on Working Group Options	1.0
5/18/2020	Communication	Phone Call with Chris Brown with Fallbrook and Rainbow	0.3
5/19/2020	Communication	Phone Call and Email Exchange with Michael Vu with ROV on Election Costs	0.5
5/20/2020	Communication	Email Exchange with Ben Mills with District 5	0.5
5/20/2020	Communication	Phone Call with Sandy Kerl with CWA	0.5
5/21/2020	Communication	Phone Call with Sandy Kerl with CWA	0.8

5/21/2020	Communication	Phone Call with Chris Brown with Fallbrook and Rainbow	0.5
5/22/2020	Communication	Phone Call with Chris Brown with Fallbrook and Rainbow	0.5
5/22/2020	Communication	Email Exchange with Sandy Kerl with CWA	1.0
5/22/2020	Proposal	Prepare Agenda Report on Working Group Options	3.5
5/26/2020	Communication	Zoom Call with Fallbrook and Rainbow	0.5
5/27/2020	Communication	Review Joint Letter from Fallbrook and Rainbow and Distribute to Commission	0.5
5/27/2020	Communication	Email Exchange with Gary Thompson with Riverside LAFCO	0.3
5/27/2020	Communication	Email Exchange with Sandy Kerl with CWA	2.0
5/28/2020	Communication	Phone Call with Adam Wilson with District 2	0.5
5/28/2020	Communication	Email Exchange with Laura Eckert with Fallbrook	0.3
5/28/2020	Communication	Phone Call with Nick Kanetis with Eastern	0.5
5/29/2020	Communication	Prepare Supplemental Memo on Election Costs for Commission	1.5
5/29/2020	Communication	Phone Call with Supervisor Desmond and Ben Mills with District 5	0.5
5/29/2020	Communication	Circulate Supplemental Memo on Election Costs to Subject Agencies	0.3
5/31/2020	Communication	Review and Distribute Materials Received from Sandy Kerl with CWA	1.0
6/1/2020	Commission	Commission Meeting: Establishing Advisory Committee	9.0
6/1/2020	Communication	Phone Call with Chris Brown with Fallbrook and Rainbow	0.5
6/1/2020	Communication	Phone Call with HOW	0.5
6/3/2020	Communication	Email Exchange with Nick Kanetis with Eastern	0.5
6/4/2020	Communication	Email to Subject Agencies on Filling in 10-Member Advisory Committee	1.0
6/4/2020	Communication	Email Exchange with Tom Kennedy with Rainbow	0.3
6/4/2020	Communication	Email Exchange with Andrew Strong with CAO on Appointee	0.5
6/4/2020	Communication	Email Exchange with Lydia Romero with Lemon Grove on Serving on Cmte	0.5
6/4/2020	Communication	Email to Hasan Ikhata with SANDAG on Appointee	0.5
6/8/2020	Communication	Phone Call with Lydia Romero with Lemon Grove	1.0
6/8/2020	Communication	Zoom Call with Mel Milstein with CAO	1.0
6/8/2020	Communication	Email Exchange with Ellen Hanak with PPIC on Potential Consultants	1.0
6/9/2020	Communication	Phone Call with Pat Landrum with SANDAG	0.8
6/9/2020	Communication	Email Exchange with Consultant David Mitchel Per Hanak	1.0
6/9/2020	Communication	Email Exchange with Consultant Kurt Schwabe Per Hanak	0.5
6/9/2020	Communication	Email to Sandy Kerl with CWA	0.5
6/9/2020	Communication	Email to Jack Bebee with Fallbrook and Tom Kennedy with Rainbow	0.5
6/10/2020	Communication	Email Exchange with Kim Thorner with Olivenhain MWD	0.3
6/11/2020	Communication	Email Exchange with Richard McCann	0.3

6/12/2020	Communication	Email Exchange with Mel Millstein and Brian Albright with LEUG	0.5
6/15/2020	Communication	Receive and Review CWA Letter and Distribute	1.5
6/18/2020	Communication	Zoom Call with Jim Desmond and Ben Mills with District 5	1.0
6/18/2020	Communication	Email Exchange with HOW Regarding Otay WD and CEQA	1.5
6/19/2020	Communication	Zoom Call with Kurt Schwabe to Discuss Project	1.0
6/19/2020	Communication	Zoom Call with Richard McCann to Discuss Project	1.0
6/19/2020	Communication	Email Exchange with Pat Landrum with SANDAG	0.3
6/19/2020	Communication	Email to Subject Agencies Regarding SANDAG Appointment	0.3
6/22/2020	Communication	Email Exchange with Kurt Schwabe	0.3
6/22/2020	Communication	Email Exchange with Consultant Michael Hanemann	0.5
6/25/2020	Communication	Email Exchange with Consultant Doug Dove	0.5
6/26/2020	Communication	Zoom Call with Rachel Cortes with SANDAG	1.0
6/26/2020	Communication	Zoom Call with Michael Hanemann to Discuss Project	1.0
6/26/2020	Communication	Zoom Call with Doug Dove to Discuss Project	1.0
6/29/2020	Communication	Phone Call with Chris Brown with Fallbrook and Rainbow	0.8
6/29/2020	Communication	Email Exchange with Nick Kanetis with Eastern	0.5
6/29/2020	Communication	Email Exchange with Sandy Kerl with CWA	0.3
6/29/2020	Communication	Phone Call with Sandy Kerl with CWA	1.0
6/29/2020	Communication	Email Exchange with HOW on Advisory Cmte Agenda	1.5
6/30/2020	Communication	Advisory Committee Agenda	1.5
7/1/2020	Communication	Email Exchange with Sandy Kerl with CWA	0.5
7/2/2020	Processing	Review Letter from Mark Hattam with CWA	1.0
7/2/2020	Communication	Email Exchange with HOW	0.5
7/2/2020	Communication	PowerPoint Slides for Advisory Committee Mgt	2.5
7/6/2020	Communication	Email Exchange with Kim Thorner with Olivenhain MWD	0.3
7/6/2020	Meeting	Advisory Committee	2.0
7/6/2020	Communication	Phone Call with HOW	0.5
7/7/2020	Communication	Email Exchanges with Consultants McCann, Dove, and Hanemann	1.5
7/7/2020	Communication	Zoom Call with Chris Brown with Fallbrook and Rainbow	1.0
7/7/2020	Communication	Phone Call with HOW	0.5
7/7/2020	Communication	Phone Call with Sandy Kerl with CWA	1.0
7/8/2020	Communication	Phone Call with Sandy Kerl with CWA	0.5
7/8/2020	Communication	Draft Letter to Sandy Kerl with CWA Regarding 7-6 Concerns	2.5
7/8/2020	Communication	Email Exchange with HOW	0.3

7/9/2020	Communication	Phone Call with Chris Brown with Fallbrook and Rainbow	1.0
7/10/2020	Communication	Email Exchanges with Fallbrook and Rainbow to Secure NOEs	0.5
7/15/2020	Review	Bill Pellman Letter with Rainbow	1.0
7/15/2020	Communication	Phone Call with Sandy Kerl with CWA	0.5
7/16/2020	Review	Mark Hattam Letter with CWA	2.0
7/16/2020	Communication	Discuss CWA Letter with RB	0.5
7/16/2020	Communication	Email Exchanges with Ben Mills with District 5	0.3
7/16/2020	Communication	Email Exchanges with Adam Wilson with District 2	0.3
7/22/2020	Communication	Email Exchange with Jolene Walsh with Eastern	0.3
7/22/2020	Communication	Phone Call with Chris Brown with Fallbrook and Rainbow	0.5
7/23/2020	Review	Paula de Sousa Letter for Fallbrook	1.0
7/24/2020	Proposals	Prepare Agenda Report on Advisory Committee Update for Commission	2.5
7/24/2020	Communication	Email Exchange with HOW	0.5
7/27/2020	Communication	Email Exchange with Subject Agencies Regarding Commission Mgt	0.3
7/28/2020	Communication	Phone Call with Ben Mills with District 5	0.3
7/28/2020	Communication	Email Exchange with HOW	0.3
7/28/2020	Communication	Zoom Meeting with Jack Bebee and Tom Kennedy	0.5
7/29/2020	Proposals	Prepare Advisory Committee Agenda	1.5
7/31/2020	Communication	Zoom Meeting with Chris Brown with Fallbrook and Rainbow	0.5
7/31/2020	Communication	Email Exchange with Devan Upadhyay with MET	0.5
7/31/2020	Review	Paul Jones Letter with Eastern	1.0
7/31/2020	Review	Kristina Lawson Letter with CWA	1.0
8/3/2020	Commission	Commission Meeting and Advisory Item	9.0
8/3/2020	Advisory Cmte	August 3 2020 Advisory Cmte	2.5
8/3/2020	Communication	Phone Call with HOW	0.3
8/3/2020	Communication	Email Exchange with HOW	0.5
8/4/2020	Communication	Email Exchange with Consultant Richard McCann	0.5
8/4/2020	Communication	Email Exchange with Consultant Michael Hanemann	0.3
8/4/2020	Communication	Email Exchange with Consultant Doug Dove	0.3
8/5/2020	Communication	Email Exchange with Mark Hattam with CWA	0.3
8/6/2020	Review	National City Letter Regarding CWA	0.3
8/7/2020	Communication	Phone Call with Jack Bebee with Fallbrook	0.3
8/10/2020	Communication	Phone Call with Sandy Kerl with CWA	0.5

171.3

Rainbow MWD and Fallbrook PUD Reorganizations

Commission Counsel

<u>Date</u>	<u>Type</u>	<u>Activity</u>	<u>Hours</u>
	Counsel	Billable Time for March	7.8
		Billable Tie for April	14.5
		Billable Time for May	7.5
		Billable Time for June	2.7
		Billable Time for July	30.7
			63.2

Rainbow MWD and Fallbrook PUD Reorganizations

LAFCO Staff | Chief Policy Analyst, GIS Analyst, Commission Clerk

<u>Date</u>	<u>Type</u>	<u>Activity</u>	<u>Hours</u>
	Chief Policy Analyst	Preliminary Proposals' Review	16.0
		Prepare PRS and Related Notice to Subject and Affected Agencies	16.0
		Property Tax Exchange Research and Noticing	16.0
		Draft Commission Memo	4.0
		Advisory Committee - July	8.0
		Follow Up to July Presentation	4.0
		Advisory Committee Communications	8.0
		Communciations on Property Tax Exchange with Assessor et al	10.0
		Advisory Committee - August	8.0
	GIS Analyst	Web Posting	5.0
	Commission Clerk	PSR Mailout	2.0
		Memo on 90 Day Extension	1.5
		Ad Hoc Committee - July	2.0
		Ad Hoc Committee - July Meeting Minutes	1.5
		Ad Hoc Committee - August	2.0
			104.0

339.5

M E M O

TO: Board of Directors
FROM: Fiscal Policy and Insurance (FP&I) Committee
DATE: August 24, 2020
SUBJECT: Potential Debt Refunding

Purpose

Provide the Board with information about a potential debt refunding opportunity.

Summary

The District's outstanding Wastewater Reclamation Plant State Revolving Fund (2016 SRF) Loan carries an interest rate of 2.2%. While that is a low rate for most the last decade, current interest rates are significantly lower. Similar to refinancing a mortgage, the District can realize savings by paying off the 2016 SRF by issuing Refunding Bonds (2020 Bonds) at a rate that is lower than the rates on the 2016 SRF loan. In the current interest rate environment, the District would save on a present value basis approximately \$1.1 million dollars over the next 15-years or approximately or \$73 thousand a year.

Issuing public debt is a complex process that involves several different types of professional services. This particular opportunity was identified by Steven Gortler, who is a registered municipal advisor, and James Wawrzyniak of Jones Hall, who is bond and disclosure counsel (the Finance Team). Reference checks were performed. In addition, Mr. Wawrzyniak is familiar with the District having served as bond counsel on the District's 2007 private placement loan with Municipal Finance Corp. The proposed transaction costs were reviewed and are in-line with market levels.

At this time, there are no costs to the District associated with developing the documents necessary to execute this financial transaction. It is envisioned that in October the various documents will be drafted and the District positioned to begin the final steps to issue debt. At that time, the District will be approving an authorizing resolution and transactional documents as well as seeking a rating from one of the National Recognized Statistical Ratings Organization (NRSRO) like Standard & Poor's. The NRSRO fees will be incurred once the rating is completed but all other fees are contingent on the completion of the transaction. In addition, all fees related to the transaction are paid with the 2020 Bonds and the savings estimate reported above is after fees are paid.

Recommended Action

Approve the development of a refinancing plan and debt documents with the Finance Team.

M E M O

TO: Board of Directors
FROM: Jack Bebee, General Manager
DATE: August 24, 2020
SUBJECT: Updates to Sewer Service Sections of the Administrative Code

Summary

The District Administrative Code is the overarching governing document for the administration of the District. Staff is in the process of reviewing and updating Articles of the Administrative Code.

The sewer service related sections required some updating. The updated Article 20 is attached. The primary changes that were made include:

1. Updating the definitions section.
2. Clarifying how the Equivalent Dwelling Units (EDU) and wastewater strength are determined.
3. Clarifying what fees are due for service. No fees were changed as part of this update.
4. Clarifying that applicant may construct their own lateral and pay District for inspection.
5. Identifying that specific industrial users will require a Special Use Permit.
6. Incorporating and updating the prohibited sewer discharges from Article 30 into Article 20.
7. Referencing the Fats, Oil and Grease Program in Article 31 in Article 20, but not incorporating the FOG program into the Admin Code.

These changes required extensive editing of the existing Administrative Code Article 20, so a redline version is difficult to interpret. Accordingly, a clean version is attached as well as the existing version.

Budgetary Impact

There is no budgetary impact for the proposed changes.

Recommended Action

That the Board adopt Ordinance 348 repealing Administrative Code Articles 20, 30 and 31 and replacing with the attached Article 20.

ORDINANCE NO. 348

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE
FALLBROOK PUBLIC UTILITY DISTRICT
REPEALING ADMINISTRATIVE CODE ARTICLES 20, 30, AND 31 AND REPLACING
WITH A REVISED ARTICLE 20**

* * * * *

WHEREAS, from time to time the Fallbrook Public Utility District (“District”) reviews and updates provisions of its Administrative Code to ensure compliance with applicable law and sound management of the District; and

WHEREAS, based on this review the Board of Directors intends that Articles 20, 30, and 31 be repealed and replaced with the revised Article 20 as shown on Attachment A; and

WHEREAS, the revisions contemplated by this Ordinance require repeal of Ordinance No. 307, establishing the District’s current Fat, Grease and Oil Control Program, as amended by Ordinance No. 308, Ordinance No. 312, and Resolution No. 4539, on the effective date of this Ordinance.

BE IT ENACTED BY the Board of Directors of Fallbrook Public Utility District as follows:

1. Repeal of Articles. Articles 20, 30, and 31 of the Administrative Code are hereby repealed.
2. Repeal of Prior Ordinances and Resolutions. Ordinance No. 307, as amended by Ordinance No. 308, Ordinance No. 312, and Resolution No. 4539, is hereby repealed.
3. Replacement of Article 20; Future Amendments. Article 20 shall be replaced to read as shown on Attachment A. Future amendments to Article 20 may be adopted by an ordinance or resolution of the Board of Directors.
4. Effect of Ordinance. All other provisions of the Administrative Code shall remain unchanged and in full force and effect. Articles 30 and 31 shall be reserved for future use by the District.
5. Severability. If any clause or provision of this Ordinance is found to be void or unenforceable by a court of competent jurisdiction, the remaining provisions of this Ordinance shall nonetheless continue in full force and effect.

6. Posting/Publication; Effective Date. This Ordinance shall be posted or published as required by Public Utilities Code Section 16075 or other applicable law. This Ordinance shall take effect 30 days after its passage.

PASSED AND ADOPTED by the Board of Directors of the Fallbrook Public Utility District at a regular meeting of the Board held on the 24th day of August, 2020, by a roll call vote, as follows:

AYES:
NOES:
ABSTAIN:
ABSENT:

President, Board of Directors

ATTEST:

Secretary, Board of Directors

**Attachment A
(Proposed Article 20)**

Article 20. Sewer Service Requirements and Fees.

Sec. 20.1. Definitions.

For the purpose of this Administrative Code and the regulation of sewer service by the Fallbrook Public Utility District, the following definitions are adopted:

The word “applicant,” as used herein, shall mean a person making application to the District for a permit for a sewer connection, Special Use Permit, determination or redetermination.

The term “application,” as used herein, shall mean the application form approved by the District for applicants to submit a request for sewer service to the District or for a Special Use Permit, or determination or redetermination of equivalent dwelling units.

The term “Authorized Inspector,” as used herein, shall mean the person designated by the General Manager to conduct inspections and take enforcement actions for the purpose of ensuring compliance with this chapter.

The term “Board,” as used herein, shall mean the governing board of the Fallbrook Public Utility District or any successor-in-interest.

The term “BOD,” as used herein, means biochemical oxygen demand.

The term “bypass” means the diversion of waste streams from any portion of the sewer system.

The term “discharge” means the addition of any material to the District’s sewer system.

The term “District,” as used herein, shall mean the Fallbrook Public Utility District or any successor-in-interest or any person authorized by the Board or General Manager to act as a representative of the District.

The term “Domestic Sewage” shall mean the liquid and water-borne wastes derived from humans in dwelling units and non-industrial commercial structures or uses, said wastes being of such character as to permit satisfactory disposal into a public sewer or private disposal system without special treatment.

The term “Equivalent Dwelling Unit” or “EDU,” as used herein, shall mean an increment of wastewater flow attributable to a single-family residence and as further discussed in Section 20.7.

The term “Industrial User” refers to a person whose discharges or processes have a different characteristic than domestic sewage or domestic activities and which may require special review or a Special Use Permit in accordance with this Article.

The term “Owner,” as used herein, shall mean the holder of record title to a parcel or parcels of real property located within the District.

The term “Parcel Map,” as used herein, shall mean the division of a parcel of land into four (4) or fewer lots in compliance with the Subdivision Map Act.

The term “Parcel of Land,” as used herein, shall mean a separate parcel of land recognized as a separate unit by the Assessor’s office for the County of San Diego and legally subdivided by California law.

The term “pass through” means wastewater leaving the District’s sewer system in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the state or federal law, regulation, or order.

The term “Permit,” when used as a noun as used herein, shall mean permit for a sewer connection required by the District for any discharger to the District’s sewer system and includes a sewer permit, a Special Use Permit, a temporary sewer service agreement, and any other authorization to connect to and use the District’s sewer system.

The term “person,” as used herein, shall mean any individual, entity, partnership, firm, association, corporation or public agency, including the State of California and the United States of America.

The term “Project,” as used herein, shall mean the development, use, building or structure for which the owner is seeking sewer service and all developments, uses, buildings, and structures which have not previously secured a sewer permit from the District.

The term “sewer system” or “District’s sewer system” shall mean all of the publicly owned property involved in the operation of the sewage collection, treatment, and disposal system in the District, including land, sewers and appurtenances, pumping stations, and the treatment works and equipment.

The term “Special Use Permit” shall mean a permit for a sewer connection issued by the District to certain industrial users of the District’s sewer system in accordance with Section 20.9.

The Term “SS,” as used herein, means suspended solids.

The term “Subdivision,” as used herein, shall mean any improved or unimproved real property, or a portion thereof, shown on the latest equalized County Assessment Tax Roll as a unit or as contiguous units which is divided into five (5) or more parcels for the purpose of sale, lease or financing.

The term “upset” means an incident in which there is temporary noncompliance with requirements of the District’s sewer system regulations.

The term “user” refers to any person who connects to or discharges to or authorizes, permits, facilitates, or allows the connection or discharge to the District’s sewer system.

Sec. 20.2. Prohibited Connections.

It shall be unlawful for any person to connect to or to facilitate, authorize, permit, or allow connection to the District sewer system or to add or to facilitate, authorize, permit, or allow the addition of any building, apartment, trailer, or other unit to an existing sewer connection or commence construction of any sewer line within the District without having first obtained a written permit from the District authorizing such connection or construction in accordance with Division 20.2 of this Article. No permit to connect shall be issued except to the owner of the property or the owner’s duly authorized agent.

Sec. 20.3. Prohibited Uses and Prohibited Discharges.

It is unlawful for any person to use or discharge to, or to facilitate, authorize, permit, or allow the use of or discharge to, the sewer system except in accordance with Division 20.3.

Industrial users subject to the pretreatment standards specified in Part 403 of Title 40 of the Code of Federal Regulations are prohibited from connecting to or discharging into the District’s sewer system.

Sec. 20.4. Permit Required.

No person or entity shall be entitled to establish, authorize, cause, facilitate or allow a connection or discharge to the District’s sewer system without first obtaining a sewer permit in accordance with Section 20.4, a Special Use Permit in accordance with Section 20.9 or a temporary sewer service agreement in accordance with Section 20.10 and paying required fees in accordance with this Article.

No person or entity shall be entitled to discharge or to authorize, cause, facilitate, or allow a discharge to the District’s sewer system except as authorized by a sewer permit, Special Use Permit or temporary sewer service agreement. Permits are issued only for the use expressly authorized by the permit.

If a permit does not show thereon the number of equivalent dwelling units for which it is issued, the holder of the permit may seek a determination of the equivalent dwelling units authorized by the permit in accordance with this Article.

The holder of a permit who seeks to undertake any of the following actions on the property associated with the permit must submit an application for a redetermination of equivalent dwelling units as set forth in Section 20.7 and/or a redetermination of strength classification under Section 20.8 and, if required apply for a new or amended permit and pay fees in accordance with this Article:

- a) add a new or change an existing use of a property;

- b) remodel, renovate, or enlarge a structure that discharges or connects to the District's sewer system;
- c) construct any additional improvements on the parcel of property that discharges or connects to the District's sewer system;
- d) discharge a greater volume of wastewater than is authorized by an existing sewer permit;
- e) discharge wastewater with a greater concentration of BOD, SS or other constituent than is authorized by the sewer permit.

No sewer permit required by this Section is valid until the applicant has paid all fees and charges of the District and complied with all requirements of this Administrative Code. An applicant does not have any right to sewer service until the permit is issued. Upon issuance of the permit, monthly service charges will commence in accordance with this Article.

Sec. 20.5. Sewer Permit Application Process.

Sec. 20.5.1 Submission of Application.

Any person required to obtain a permit in accordance with Section 20.4 must submit a request for sewer service from the District on the application form approved by the District. The application shall be made in the name of the Owner and be signed by the Owner or Owner's authorized representative. No application shall be deemed complete for the purposes of processing until the District has obtained all information requested by District staff to process the application, which may include but is not limited to the following:

- a) Environmental Review.

Upon request, the applicant shall provide the District with all documents evidencing any environmental review of the project for which the applicant seeks sewer service. If the District determines that additional environmental review is necessary, the applicant shall be required to complete this additional environmental review. All environmental review shall be at the applicant's sole cost and expense. The District may elect to utilize the applicant's environmental expert or may elect to retain its own environmental consultant at the applicant's sole cost and expense. Where District staff determines that the environmental review is insufficient, the District may require a deposit for additional environmental review as determined necessary by District staff. All costs for such additional environmental review shall be paid by the applicant.

- b) Plans and Specifications.

Except where waived by District staff, all applications for a sewer permit shall be accompanied by a complete set of all plans and specifications for the proposed

development prepared by an architect or engineer licensed in the State of California. The District shall have no obligation to process any application until District staff has received all plans and specifications determined necessary by District staff to consider the impacts of the proposed project on the District's sewer system.

c) Parcel Maps and Subdivisions.

Applications for sewer service to parcel maps and subdivisions will not be processed until the applicant submits an executed application form and the District has been provided with a copy of the parcel map or subdivision map prepared by a licensed civil engineer in the State of California. The parcel map or subdivision map shall show all proposed sewer facilities. Where the parcel map or subdivision will require a pipeline extension, the applicant will be required to execute a pipeline extension agreement.

Sec. 20.5.2 Determination of Equivalent Dwelling Unit and Strength.

Upon receiving an application for issuance of a sewer permit, the District will determine the number of equivalent dwelling units and anticipated strength classification for which the Permit shall be issued, and fees shall be calculated in accordance with this Article.

Sec. 20.5.3 Payment of Fees.

Before a sewer permit may be issued, the applicant must pay the following fees or arrange for payment of the fees pursuant to Section 20.16:

- a) Capacity fees in accordance with Section 20.16.2;
- b) Plan Check fees in accordance with Section 20.16.3;
- c) Lateral fees in accordance with section 20.16.4, if applicable;
- d) Fees to inspect contractor-installed laterals in accordance with Section 20.16.5, if applicable; and
- e) Annexation fee in accordance with Section 20.16.6, if applicable.

Sec. 20.6. Sewer Availability Forms and Letters.

If an applicant has submitted a completed application, all environmental review has been completed to the satisfaction of the District, and the District has reviewed and approved the applicant's plans for sewer service, and all fees have been paid or guaranteed, the District may issue a sewer availability letter or execute the Sewer Project Facility Availability form provided by the County of San Diego.

Execution of the sewer availability letter or form is not a commitment that the District will provide sewer service to any project nor is it a guarantee that sewer service will be available to serve the project at the time a sewer commitment is actually made.

Execution of the sewer availability letters or forms merely indicates that sewer service is available at the time the District executes the sewer availability letter or form. The District is not committed to provide sewer service until the District issues the permit, the applicant pays all deposits and fees required by the District, and all sewer facilities required to serve the project by the District have been completed and accepted by the District.

Sec. 20.7. Equivalent Dwelling Units.

a) Equivalent Dwelling Unit Schedules.

1. The following schedule shall be used when determining the equivalent dwelling units and class of service for any connection to the District's sewer system.

(SEE SCHEDULE OF EQUIVALENT DWELLING UNITS AND CLASS OF SERVICE ON THE FOLLOWING PAGES)

SCHEDULE OF EQUIVALENT DWELLING UNITS AND CLASS OF SERVICE

Equivalent Class	Description	Dwelling Units
Class 1	Single Family Residence	
	Single family residence	1.00
	Mobile home on individual parcel	1.00
Class 2	Apartment/Condominium/Attached Cottage-Mobile Home	
	Per detached cottage with bathroom and kitchen on a parcel with a single family residence	0.80
	Per mobile home on a parcel with a single family residence	0.80
	Per apartment unit	0.80
	Per condominium/duplex unit	0.80
	Accessory Dwelling Unit* (As defined by State Government Code.) *Capacity Fees do not apply to Accessory Dwelling Units (ADUs) that are exempt from such fees under State Law. Sewer Service Fees still apply, and they are determined by the applicable EDU factor.	0.40
Class 3	Mobile Home Park	
	Per separate mobile home space	0.80
	Motel/Hotel with no restaurant	
Class 4	Per motel/hotel with kitchen unit	0.80
Class 41	Per motel/hotel without kitchen unit	0.50

	A Separate Business, Retail Shop With Office, Or Packing House Equipped With Restroom Facilities, Or Not So Equipped But Located In A Building Or Complex With Common Restroom	
Class 5	First 3500 square feet (exterior building area) facilities	1.33
Class 55	Per additional 1000 square feet (exterior building area)	0.38
	Automotive Service Station	
Class 6	4 pumps or less	2.00
Class 61	More than 4 pumps	3.00
Class 62	Per recreational vehicle holding tank disposal station	1.00
	Church, Fraternal Lodge Or Similar Auditorium	
Class 7	Per 200 seating capacity	1.00
	Bakery	
Class 8	Per 3500 square feet (exterior building area)	1.00
	Theater	
Class 9	Per 150 seating capacity	1.33
	Hospital	
Class 10	Per bed	0.65
	Convalescent or Boarding Home	
Class 11	Per bed	0.30
	Elementary School / Daycare	
Class 13	Per 60 Students	1.00
	Junior High School	
	Per 40 Students	1.00
	High School	
Class 17	Per 30 Students	1.00
	Mortuary	
Class 14		1.00
	Car Wash with water recovery system and public restroom	
Class 21		2.00

Class 23	Self Service Laundry	2.00
	Restaurants	
Class 24	Restaurant Under 2500 Square feet	3.00
Class 25	Restaurant 2501-7000 Square feet	4.00
Class 26	Restaurant Over 7000 Square feet	5.00
	Grocery Stores	
Class 32	Grocery Stores Under 2500 feet	3.00
Class 33	Grocery Stores 2501-7000 Square feet	4.00
Class 34	Grocery Stores Over 7000 Square feet	5.00
Class 88	Standby	0.24

2. Unclassified Users. Users whose use is not classified in the above table are considered “unclassified users.” District staff shall determine the number of equivalent dwelling units for which a permit shall be issued to an unclassified user, including but not limited to commercial and industrial users, based upon the estimated volume of wastewater to be discharged therefrom into the District’s sewer system. An unclassified user that is also an Industrial User may be required to obtain a Special Use Permit pursuant to Section 2.9.

b) Determination and Redetermination of Equivalent Dwelling Units.

1. Determination of Equivalent Dwelling Units.

The holder of an existing sewer permit which does not show thereon the number of equivalent dwelling units for which it is issued, may make application to the District for a determination of equivalent dwelling units based on the current use of the property to which the permit relates.

Upon receipt of an application, the District shall determine the number of equivalent dwelling units which shall be credited to the permit based on this section.

Upon completing the determination of the number of equivalent dwelling units to be assigned to an existing permit, the District shall amend the permit to show thereon the number of equivalent dwelling units assigned thereto and shall also make a notation of such equivalent dwelling units assigned to the existing in the appropriate District record.

2. Redetermination of Equivalent Dwelling Units.

Upon receiving an application for a redetermination, the District shall determine the number of equivalent dwelling units assigned to such permit and the number of equivalent dwelling units required by the action undertaken by the permit holder. If the permit does not accurately show the number of equivalent dwelling units for which it was issued or which will exist after the action undertaken by the permit holder, the District shall determine the number of equivalent dwelling units to be assigned to such permit in the manner above provided in this section, and whether the action undertaken by the permit holder will necessitate additional equivalent dwelling units.

If additional equivalent dwelling units are required as a result of the action undertaken by the permit holder, the applicant will be required to acquire additional equivalent dwelling units in accordance with Section 20.4, to construct any additional sewer facilities determined necessary by the District to adequately serve the property, and to pay fees required by this Article based on the fees in effect at the time the application is submitted for the additional number of equivalent dwelling units calculated by District staff.

3. Reduction in Equivalent Dwelling Units.

If any determination or redetermination conducted in accordance with this Section results in a reduction in equivalent dwelling units, such reduction in capacity will reduce the ongoing capital improvement charge, but will not result in any refund of capacity fees.

Sec. 20.8. Determination and Classification of Strength (BOD and SS).

The District shall use the following guidance when determining the anticipated concentrations of BOD and SS for discharges to the District's sewer system:

- a) Low strength: BOD < 200 mg/l and SS < 200 mg/l: Retail, laundry, church or community facility with no kitchen, offices, car wash, nursing home or hospital.
- b) Medium strength: BOD 200 - 700 or SS > 200 -700: hotel, auto service station, hotel with restaurant, light manufacturing.
- c) High strength: BOD > 700 mg/l or SS > 700 mg/l: Restaurant, mortuary, manufacturing or high strength wastes.

The allowable discharge strength classification shall be set forth in the permit.

Industrial Users required to obtain a Special Use Permit may be subject to alternative strength classification requirements and/or additional discharge requirements pursuant to Section 20.9.

Any user or applicant whose actual or proposed discharge is determined by the District to have characteristics that may adversely impact sewer system operations or the District's

ability to comply with state and federal laws, regulations, or orders must immediately cease any actual discharge and obtain and implement a Special Use Permit in accordance with Section 20.9 before commencing or recommencing any such discharge.

Sec. 20.9. Special Use Permits.

Any user or applicant whose actual or proposed discharge is determined by the District to have characteristics that may adversely impact sewer system operations or the District's ability to comply with state and federal laws, regulations, or orders must immediately cease any actual discharge and obtain and implement a Special Use Permit before commencing or recommencing any such discharge.

Applicants for Special Use Permits shall complete and file the standard application form and submit all applicable fees. Applications for a Special Use Permit shall include such additional information as may be required by the General Manager, which may include, but not be limited to, sewage constituents and characteristics (as may be determined by a laboratory approved by the District), and any other information deemed necessary by the District to evaluate the application.

The Special Use Permit shall be subject to all requirements and provisions applicable to general permits under this Article, but may also be subject to one or more of the following:

- a) Limitation of the volume discharged;
- b) Restriction of peak flow discharges;
- c) Pretreatment of wastewater prior to discharge;
- d) Discharge of certain wastewater only to specified sewers of the District;
- e) Relocation of the point of discharge;
- f) Prohibition or limitation of discharge of certain wastewater constituents;
- g) Restriction of discharge to certain hours of the day;
- h) Filing of periodic self-monitoring discharge reports or results of periodic measurements;
- i) Installation of a suitable manhole together with such necessary meters and other appurtenances to facilitate observation, sampling, and measurement of the wastes;
- j) Payment of additional charges to defray increased costs of the District created by the wastewater discharge; and
- k) Such other conditions as may be required to achieve the purpose of this section.

Sec. 20.10. Temporary Sewer Service Agreement.

A Temporary Sewer Service Agreement is a recorded agreement between the District and a user that a sewer will be placed temporarily at a location remote from the property to be served, where the District intends, at some future date, to extend the District sewer system to abut the property described in the agreement, and that the consumer is responsible for extending a temporary private line from the sewer to the property to be served, and obtaining whatever temporary easements are required for such extension. Temporary sewer service agreements shall establish the financial obligations of the user related to the future installation costs of the District's distribution system and the cost of relocation of the sewer, and shall be binding upon the signatory and all successor owners of said property.

If the user's obligation is to be secured with a promissory note and deed of trust, the terms will be based on the 10-year Treasury Bill rate plus 2%. Interest will be recalculated annually on the anniversary date of the recorded Trust Deed and will be compounded annually on the same anniversary date.

Sec. 20.11. Permit Modifications.

The terms and conditions of a permit may be subject to modification by the District, in accordance with any changes in the effluent standards limitations or prohibited substances by superior regulators or in response to violations of this Code. The discharger shall be informed of any proposed changes in the permit at least thirty (30) days prior to the effective date of change, except in the case of violations of a permit or other order of the District, which may be modified as needed to protect public health, safety, and welfare, the District's sewer system, or personnel. Any modifications or new conditions in the permit shall include a reasonable time schedule for compliance.

No person shall discharge sewage in excess of the quantity or quality limitations set by a permit. Anyone desiring to discharge wastes or use wastewater facilities that are not in conformance with terms of a permit must apply to the District for an amendment to the permit or for a Special Use Permit, as applicable.

Sec. 20.12. Permits Non-Transferable.

A permit issued for a particular parcel of land is specifically limited to use for that parcel of land. A permit shall not be transferred to or used for a parcel of land which is not specifically described in the permit. Permits may be used only for the use which is specifically set forth on the permit.

Sec. 20.13. Application of Sewer Service to Affordable Housing.

Per Government Code Sec. 65589.7, effective July 1, 2006, the District shall not deny or condition the approval of an application for sewer service to, or reduce the amount of services applied for by, a proposed development that includes housing units affordable to lower income households unless the District makes specific written findings that the

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denial, condition, or reduction is necessary due to the existence of one or more of the following:

- a) The District does not have sufficient water supply as defined in paragraph (2) of subdivision (a) of Government Code Sec. 66473.7 or is operating under a water shortage emergency as defined in Water Code Sec. 350, or does not have sufficient water treatment or distribution capacity to serve the needs of the proposed affordable housing development as demonstrated by a written engineering analysis and report; or
- b) The District is subject to a compliance order issued by the State Water Resources Control Board, Division of Drinking Water that prohibits new water connections; or
- c) The District does not have sufficient sewer treatment or collection capacity to serve the needs of the proposed affordable housing development as demonstrated by a written engineering analysis and report; or
- d) The District is under an order issued by the Regional Water Quality Control Board that prohibits new sewer connections; or
- e) The applicant fails to agree to reasonable terms and conditions for sewer service from the District which is generally applicable to other development projects seeking sewer service from the District including, but not limited to, payment of any fee or charge authorized by Government Code §66013.

Sec. 20.14. Sewer Use Requirements.

Sec. 20.14.1 General Conditions for Sewage Disposal.

No person shall discharge to the District's sewer system except through a connection permitted in accordance with Division 20.2 and in accordance with the sewer use requirements of this Division 20.3 and on payment of fees and charges provided in Division 20.4. Unless specifically authorized in a Special Use Permit issued by the District, no person shall discharge to the District's sewer system anything other than domestic sewage that complies with the requirements of this Article.

No person shall discharge to the District' sewer collection system in any manner that does the following:

- a) Create nuisances such as odors,
- b) Menace or endanger public health or safety or damage public or private structures, facilities or improvements,
- c) Impose unreasonable collection, treatment, or disposal costs to the District,
- d) Interfere with wastewater treatment processes,
- e) Exceed quality requirements set by regulatory government agencies,
- f) Detrimentially affect the local environment,
- g) Causes or contributes or threatens to cause or contribute to a bypass of untreated waste, pass through, or upset; or
- h) Cause or contribute to a violation of any permits applicable to the District's sewer system or treatment facilities.

Sec. 20.14.2 Discharge Prohibition.

Unless written approval has been provided by the District, no person shall discharge or cause to be discharged into the District's sewer, directly or indirectly, the following:

- a) Any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or industrial process waters.
- b) Pollutants which create a fire or explosion hazard, including but not limited to any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

- c) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/L as CN in the wastes as discharged to the public sewer.
- d) Pollutants which will cause corrosive structural damage to the sewer system, but in no case any waters or wastes having a pH lower than 6.0 or in excess of 9.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
- e) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, ashes, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- f) Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference with the sewer system.
- g) Brine from on-site regenerated ion exchange water treating devices.
- h) Water softener waste or any other salt water brine wastes.
- i) Any trucked or hauled pollutants, except at discharge points designated by the District.
- j) Fats, oils and grease (FOG) from food service establishments, except in compliance with the District's FOG program.
- k) Any other substances, materials, waters, or wastes if it appears likely in the opinion of the District's General Manager that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In making a determination as to the acceptability of these wastes, the General Manager will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

- l) Heat in amounts which will inhibit biological activity in the sewer system resulting in interference, but in no case any liquid or vapor having a temperature higher than one hundred fifty (150) °F (65°C).
- m) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of two hundred (200) mg/L or containing substances which may solidify or become viscous at temperatures between thirty two (32) and one hundred fifty (150) °F (0 and 65° C).
- n) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the District.
- o) Any waters or wastes containing strong acid iron picking wastes, or concentrated plating solutions whether neutralized or not.
- p) Any water or wastes containing boron, cadmium, chromium, copper, iron, lead, manganese, mercury, selenium, tin, zinc and similar objectionable or toxic substances, or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the District for such materials. And, any water or wastes containing constituents in excess of those required by the District's current permits.
- q) Any water or wastes containing phenols or other taste odor producing substances, in such concentrations exceeding limits which may be established by the District as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.
- r) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the District in compliance with applicable State or Federal regulations.
- s) Materials which exert or cause:
 - 1. Any waters or wastes containing more than 350 parts per million by weight of suspended solids or have a 5 day B.O.D. greater than 300 parts per million by weight, or a C.O.D. greater than 600 parts per million by weight.
 - 2. Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

3. Unusual B.O.D. chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 4. Unusual volume of flow or concentration of wastes constituting “slugs” as defined herein.
- t) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

Sec. 20.14.3 FOG Compliance Program.

The General Manager has prepared and administratively adopted a fats, oils, and grease (FOG) program to provide guidance on the implementation and enforcement of this Article. The District may require compliance with the FOG program as a condition of a Special Use Permit under this Article. The General Manager may update the FOG program administratively as needed to achieve the applicable performance standards for the sewer system.

Sec. 20.15. Miscellaneous Provisions.

Sec. 20.15.1 Provide Information.

Users must provide information regarding the nature of any discharge to the system on request of the District.

Sec. 20.15.2 Users Outside the District.

The Board of Directors of the District shall have the power under Sec. 16474 of the Public Utilities Code to establish by agreement or resolution, the fees and charges and such other conditions as it deems appropriate that shall be imposed for providing sewer services to premises located outside the District. The provision of sewer services to premises outside the District shall also comply with applicable law, including but not limited to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Gov. Code § 56000 et seq.).

Sec. 20.15.3 Agreements.

No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the District and any discharger whereby waste of unusual strength or character may be accepted by the District for treatment, subject to payment as agreed thereof by the discharger.

Sec. 20.16. Fees and Charges.

Sec. 20.16.1 Sewer Service Charges.

Every user of the District's sewer system must pay a sewer service charge for the use of the District's sewer system in an amount and at a frequency established by the Board.

Sec. 20.16.2 Capacity Fees.

a) Capacity Fee Amount. Prior to issuance, reissuance, or amendment of a sewer permit the following capacity fees shall be paid by an applicant for a sewer permit for each equivalent dwelling unit determined by the District in accordance with Section 20.7:

Capacity Fee	\$7,106 per EDU
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b) Adjustments to Capacity Fees. Capacity fee charges will be adjusted annually based on the ENR (Engineering News Record) Construction Cost Index (CCI) of February. Staff will report back to the Board of Directors no less than every five (5) years with analysis comparing fees to actual costs.

c) Financing Capacity Fees. Finance options are available for customers who owe additional fees to the District due to property expansions that did not purchase additional capacity and/or visual audits conducted by District staff as follows:

1. Any amounts financed by the District require a signed agreement and Promissory Note. Any amount greater than \$10,000 will also require a Trust Deed.
2. Any delinquent amounts will be transferred to the property tax bill.
3. Amounts up to \$3,000 are due immediately with no financing option.
4. Amounts between \$3,001 and \$5,000 may have terms of up to one year at the Local Agency Investment Fund (LAIF) rate + 2%.
5. Amounts between \$5,001 and \$10,000 may have terms of up to two years at the LAIF rate + 3%; interest to be re-calculated at the one year anniversary.
6. Amounts greater than \$10,001 may have terms up to three years at the LAIF rate + 4%; interest to be re-calculated at the one year and two year anniversaries.
7. Liens will not be offered as a methods of postponing payment of fees.

Sec. 20.16.3 Plan Check Fees.

- a) An applicant must pay a plan check fee in accordance with the following:
1. Plan checks less than 500 lineal feet, water or sewer, \$500 each.
 2. Plan checks 500 lineal feet to 1,000 lineal feet, water or sewer, \$1,000 each.
 3. Plan checks greater than 1,000 lineal feet, \$1,000 each, plus .50 cents per lineal foot thereafter.

Sec. 20.16.4 Lateral Fees.

If the District staff will be utilized to install a lateral from the main line and to put in a clean-out box and overflow device, the applicant shall pay the following fee upon submission of an application. The fee is to cover the cost to install a lateral from the main line and to install the clean-out box and overflow device, if a lateral is required based on the nature of the application:

Length	Depth	Crew Size	Hours	Cost
≤ 15'	≤ 8'	4	36	\$3,496
≤ 15'	>8'	4	56	\$5,415
>15' to 30'	≤8'	5	90	\$7,434
>15' to 30'	>8'	5	115	\$9,574
>30'	Any	5	Actual	Actual

If paving less than or equal to 15 feet is required, there is an additional fee of \$1,468. If paving is greater than 15 feet up to 30 feet is required, there is an additional fee of \$2,459. If county road inspection is required, there is an additional fee of \$1,400.

Lateral installation charges will be adjusted annually based on the ENR (Engineering News Record) Construction Cost Index (CCI) of February. Staff will report back to the Board of Directors no less than every five (5) years with analysis comparing fees to actual costs.

Sec. 20.16.5 Fees for District to Inspect Contractor-Installed Facilities.

If a contractor will install the sewer lateral and related facilities, the applicant shall pay a sewer lateral inspection fee on a time and materials basis. Upon submission of an application, the applicant shall pay a deposit for the estimated inspection fee, calculated as follows:

Sewer Lateral Installation Estimated inspection hours @ \$106.18 = Estimated inspection fee

If the actual time per form inspection is less than the District's estimate, the District will refund the excess amount to the applicant. If the actual time to perform inspection exceeds the estimated time, the applicant shall pay the remaining amount due to the District as a condition of service. If the applicant fails to pay within the time specified by the District, the District may include the remaining amount in its bill for sewer service or seek collection through any other lawful means.

Inspection fees will be adjusted annually based on the Engineering News Record (ENR) Construction Cost Index (CCI) of February. Staff will report back to the Board no less than every five (5) years with analysis comparing current fees to calculated fees.

Sec. 20.16.6 Annexation Fees.

An applicant must pay a sewer annexation fee for any connection located in an area that is required to be annexed to the sewer service area after March 23, 2012 in accordance with state law. Annexation fees are due with the other sewer permit fees when applying for a sewer permit and are calculated for each equivalent dwelling unit determined by the District in accordance with Section 20.7.

Annexation Fee (if required)	\$11,389 per EDU
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Sec. 20.16.7 Fees and Charges May Be Collected with Taxes.

Notwithstanding any other provision of this Administrative Code, the fees and charges required by this Code, including the connection fee and the sewer service charges, or either of them may be collected on the tax roll in the same manner and together with the general taxes of the District pursuant to Section 16469 of the Public Utilities Code.

Sec. 20.17. Right of Entry and Inspection.

To the fullest extent permitted by law, the officers, employees, and agents of the District shall have the right to enter upon any premises within the District to inspect and verify compliance with the Administrative Code or any permit, order, ordinance or authorization issued by the District. The District has the right to conduct routine inspections and sampling at any location where discharges to the sewer system occur.

Sec. 20.18. Enforcement – Generally.

In addition to any remedies provided in this Code or available under any applicable law, the District may take any enforcement action or combination of enforcement actions provided in this Division against any person who violates any provision of this Article.

Sec. 20.19. Administrative Enforcement.

Sec. 20.19.1 Monitoring.

The Authorized Inspector may require any discharger who violates any provision of this Article or any permit, agreement, or other authorization issued in accordance with this Article to pay all costs associated with follow-up sampling, cost of analysis, and inspections needed to return the discharger to compliance. The discharger may be required to install and maintain pre-treatment, monitoring, and sampling facilities to ensure compliance with this Code.

Sec. 20.19.2 Citations.

The Authorized Inspector may issue an administrative citation directing a user or discharger to cease any action that violates any provision of this Article or any permit, agreement, or other authorization issued in accordance with this Article and may require the user or discharger to take any action necessary on a reasonable timeline to return to compliance and to pay penalties and costs authorized by law or this Article.

Sec. 20.19.3 Termination of Service and Revocation of Permit.

In addition to other statutes or rules authorizing termination of service for delinquency in payment for sewer service, the District may revoke any permit issued pursuant to these regulations. The District may also terminate the sewer or water service to any property, if a violation of any provision of this Article or a permit is found to exist, or if any wastewater discharge into the District's sewer system causes or threatens to cause a condition of contamination, pollution, or nuisance.

When deemed necessary for the preservation of public health or safety, or for the protection of public or private property, the District may suspend or terminate sewer or water service to any person using the sewer system in a manner endangering the public health or safety, or public or private property. If such endangerment shall be imminent, the District may act immediately to suspend sewer service without notice or warning to

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said discharger. In terminating service, the District may sever all pertinent connections to the public sewer.

Sec. 20.19.4 Permit Amendment.

In the event that the user demonstrates non-compliance or potential non-compliance with the limitations set forth in this Article or in any permit, agreement, or other authorization issued in accordance with this Article, the District may require the user to obtain a Special Use Permit or may modify an existing permit.

Sec. 20.19.5 Cost Recovery.

A person violating this Code or a permit or agreement or other authorization issued in accordance with this Article, or who discharges wastewater that causes a deposit, obstruction, damage, or any other impairment to the District's sewer system shall become liable for all expense, loss, or damage sustained by the District by reason of such violation or discharge. Such expenses, losses and damages include the District's costs of investigation and of taking any enforcement action required to return the user to compliance.

In addition to such costs, the District may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by means of an appropriate lawsuit or other remedy against the person or discharger found to have violated these regulations or any discharge permit issued.

The District may condition the provision or continued provision of service on the payment of such expenses, losses, and damages.

Sec. 20.19.6 Administrative Complaint – Pretreatment Violations.

- a) In accordance with Section 54740.5 of the Government Code, the Authorized Inspector may issue an administrative complaint to any person who violates any requirement adopted or ordered by a local agency pursuant to Section 20.9. The administrative complaint shall allege the act or failure to act that constitutes the violation of the requirements, this Section, and the proposed civil penalty.
- b) The administrative complaint shall be served by personal delivery or certified mail on the person subject to the discharge requirements, and shall inform the person served that a hearing shall be conducted within 60 days after the person has been served. The hearing shall be before a hearing officer designated by the General Manager. The person who has been issued an administrative complaint may waive the right to a hearing, in which case no hearing will be conducted. A person dissatisfied with the decision of the hearing officer may appeal to the Board within 30 days after notice of the hearing officer's decision.
- c) If after the hearing, or appeal, if any, it is found that the person has violated reporting or discharge requirements, the hearing officer or Board may assess a

civil penalty against that person. In determining the amount of the civil penalty, the hearing officer or Board may take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the economic benefit derived through any noncompliance, the nature and persistence of the violation, the length of time over which the violation occurs and corrective action, if any, attempted or taken by the discharger.

d) Civil penalties may be imposed as follows:

1. In an amount which shall not exceed two thousand dollars (\$2,000) for each day for failing or refusing to furnish technical or monitoring reports.
2. In an amount which shall not exceed three thousand dollars (\$3,000) for each day for failing or refusing to timely comply with any compliance schedule established by the Authorized Inspector.
3. In an amount which shall not exceed five thousand dollars (\$5,000) per violation for each day for discharges in violation of any waste discharge limitation, permit condition, or requirement issued, reissued, or adopted by the District.
4. In an amount which does not exceed ten dollars (\$10) per gallon for discharges in violation of any suspension, cease and desist order or other orders, or prohibition issued, reissued, or adopted by the District.
5. The amount of any civil penalties imposed under this section which has remained delinquent for a period of 60 days shall constitute a lien against the real property of the discharger from which the discharge originated resulting in the imposition of the civil penalty. The lien provided herein shall have no force and effect until recorded with the county recorder and when recorded shall have the force and effect and priority of a judgment lien and continue for 10 years from the time of recording unless sooner released, and shall be renewable in accordance with the provisions of Sections 683.110 to 683.220, inclusive, of the Code of Civil Procedure.

e) All moneys collected under this section shall be deposited in a special account of the District and shall be made available for the monitoring, treatment, and control of discharges into the District's sewer system or for other mitigation measures.

f) Unless appealed, orders setting administrative civil penalties become effective and final upon issuance thereof, and payment shall be made within 30 days. Copies of these orders shall be served by personal service or by registered mail upon the party served with the administrative complaint and upon other persons who appeared at the hearing and requested a copy.

g) The local agency may, at its option, elect to petition the superior court to confirm any order establishing civil penalties and enter judgment in conformity therewith

in accordance with the provisions of Sections 1285 to 1287.6, inclusive, of the Code of Civil Procedure.

- h) No penalties shall be recoverable under this section for any violation for which civil liability is recovered under Section 54740 of the Government Code.

Sec. 20.20. Public Nuisance.

- a) Discharge of wastewater in any manner that is in violation of this Article or a permit, or any order issued by the District as authorized herein, is hereby declared a public nuisance and shall be corrected or abated as directed by the District. Any person creating such a public nuisance is guilty of a misdemeanor and may be referred for criminal prosecution.
- b) If any wastes or waters are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics prohibited under this Article, and which in the judgement of the District, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the District may:
 - 1. Reject the wastes,
 - 2. Require pretreatment to an acceptable condition for discharge to the public sewers,
 - 3. Require control over the quantities and rates of discharge,
 - 4. Require discharger to obtain and comply with an Special Use Permit under this Article,
 - 5. Require payment to cover the added cost of handling and treating the wastes not covered by the sewer charges levied by the District, and/or
 - 6. Take any or all enforcement actions available to the District for violations of this Article.

Sec. 20.21. Civil Enforcement.

Sec. 20.21.1 Injunction.

Whenever a discharge of wastewater or other action is found to be in violation of this Code or a permit, or otherwise causes or threatens to cause a condition of contamination, pollution, or nuisance, the District may petition the Superior Court for the issuance of a temporary restraining order, preliminary injunction, permanent injunction, or all, as may be appropriate to restrain such action or require compliant actions.

Sec. 20.21.2 Other Actions.

The District may take any other civil action available at law or in equity to enforce the provisions of this Code.

Sec. 20.21.3 Criminal Enforcement.

Violations of this Code may constitute violations of other federal, state, or local laws. The District may refer such violations to the appropriate law enforcement agency for prosecution.

Sec. 20.22. Appeal Process.

Sec. 20.22.1 Appeals of Determinations and Redeterminations of EDUs.

- a) The owner of a property subject to a determination or redetermination made in accordance with Section 20.7 may appeal that determination or redetermination to the General Manager within fifteen (15) days after the District delivers notice of the determination or redetermination in accordance with Section 20.23 by submitting a written appeal and supporting documentation.
- b) The appellant may submit evidence and the hearing officer shall only consider evidence that is relevant to whether the determination or redetermination was made in error and whether an alternative determination or redetermination is justified, such as evidence that discharges will be lower than the typical industry values identified in the schedule or otherwise determined by the District.
- c) The hearing officer will grant the appeal in whole or in part if it determines that the evidence submitted by the appellant justifies an alternative determination.

Sec. 20.22.2 Appeals of Special Use Permit Requirements.

- a) Any person subject to a Special Use Permit issued in accordance with Section 20.9 may appeal any term or condition included in the Special Use Permit to the General Manager within fifteen (15) days after the Special Use Permit is delivered in accordance with Section 20.23 by submitting a written appeal and supporting documentation.
- b) The appellant may submit evidence and the hearing officer shall only consider evidence regarding (a) the discharger's ability to meet the District's effluent standards; (b) the requested variance and its impacts on the operation of any District wastewater treatment plant or improvements.
- c) The hearing officer will grant the appeal in whole or in part if the following criteria can be demonstrated: (a) that the discharger is unable to meet the District's effluent standards by means of reasonable modifications to the discharging facility; (b) that the requested variance will not directly impact the operation of

any District wastewater treatment plant or improvements, cause the wastewater or sludge of such plant to violate applicable requirements, or harm facilities or personnel; and (c) that the easing of any effluent standards will not violate any State or Federal requirements applicable to the District.

Sec. 20.22.3 Appeals of Administrative Enforcement Actions.

- a) Any person subject to an administrative enforcement action appeal from the issuance thereof to the General Manager within fifteen (15) days of the date of delivery of the administrative enforcement action by the Authorized Inspector. A person subject to an order to remedy a condition which poses an immediate threat to the public health, safety or welfare shall comply with that order during the pendency of any appeal.
- b) The only issues on appeal may be whether there was a violation as alleged in the administrative enforcement action and whether the appellant is the person responsible for the violation or corrective action.
- c) The amount of any fine or penalty imposed with the administrative enforcement action must be submitted together with the written appeal. Any fine which has been deposited shall be refunded if it is determined, after a hearing, that the person subject to the administrative enforcement action was not responsible for the violation or that there was no violation as alleged in the administrative enforcement action.

Sec. 20.22.4 Hearing on Appeal.

- a) Whenever a hearing is required or held in accordance with this Article, the General Manager or hearing officer appointed by the General Manager shall endeavor to set a date for the hearing that is not less than fifteen (15) and not more than sixty (60) days after the date that the written appeal is filed.
- b) The District shall notify person requesting the hearing of the time and place set for the hearing at least ten (10) days prior to the date of the hearing.
- c) The failure of any person requesting a hearing to appear at the hearing shall constitute a forfeiture of the appeal and any fine, and shall be a bar to judicial review of the action based upon a failure to exhaust administrative remedies.
- d) The hearing officer shall only consider evidence that is relevant to the issues identified in this Section.
- e) The appellant shall be given the opportunity to testify and present witnesses and evidence concerning the administrative citation.
- f) The District's determination or redetermination, permit or agreement, or administrative enforcement action and any additional document created by the

District shall constitute prima facie evidence of the respective facts contained in those documents. Formal rules of evidence shall not apply.

- g) Upon request, the person requesting a hearing shall be provided with copies of the citations, reports and other documents submitted or relied upon by the District when taking the action subject to the appeal. In addition, if the District submits any additional written reports concerning action subject to the hearing to the hearing officer for consideration at the hearing, then a copy of said documentation also shall be served by mail on the person requesting the hearing.
- h) The hearing officer may continue the hearing and request additional information from the District or the person requesting the hearing prior to issuing a written decision.
- i) After considering all of the testimony and evidence submitted at the hearing, the hearing officer may immediately issue a verbal decision or may issue a written decision within ten (10) days of the hearing. The decision shall include the reasons for the decision and such decision shall be final. If the hearing officer determines that the administrative citation should be upheld, then the fine amount on deposit with the city shall be retained by the city. If the hearing officer determines that an administrative citation should be canceled and the fine was deposited with the city, then the city shall promptly refund the amount of the deposited fine.
- j) If any action is not timely appealed as provided in this Article, the action becomes final.

Sec. 20.22.5 Appeal to Board.

The decision of a hearing officer issued in accordance with this Article may be appealed to the Board within fifteen (15) days after delivery of the notice of such decision in accordance with Section 20.23. An appeal under this Section must be submitted to the General Manager on a form or in a format specified by the District. The only issue on appeal shall be whether the decision of the hearing officer is supported by the evidence.

Sec. 20.22.6 Judicial Review.

Any person subject to a decision of the Board on an appeal of a decision of a hearing officer may obtain review of the decision of the Board by filing a petition with the Superior Court of San Diego in accordance with the timelines and provisions applicable to writs of mandate under Code of Civil Procedure section 1094.5.

Sec. 20.23. Delivery of Notice.

Notice of any administrative enforcement action or other action of the District required be delivered pursuant to the requirements of this Article shall be subject to the following:

a) Notice of any administrative enforcement action shall state that the recipient has a right to appeal the matter as set forth in Section 20.22 of this Article.

b) Notice shall be delivered by personal service to the recipient, deposit in the U.S. mail, postage prepaid for first class delivery, by facsimile service with confirmation of receipt, by posting on the property, or by any other means permitted by law, including by electronic mail on consent of the person receiving the notice.

c) Delivery shall be deemed complete as follows:

1. Upon personal service;
2. As indicated on the return receipt of any notice mailed by certified mail, return receipt requested;
3. Three (3) days after deposit in the U.S. mail, postage pre-paid for first class deliver; or
4. Where the owner or occupant of any property cannot be located after the reasonable efforts any notice shall be deemed delivered after posting on the property for a period of five (5) business days.

d) Where the recipient of notice is the owner of the property, the address for notice shall be the address from the most recently issued equalized assessment roll for the property or as otherwise appears in the current records of the City.

ARTICLE 20

Revised in its entirety – 6/93, 6/94, 6/95, 9/96

Sec. 20.7, Sec. 20.7.2 – Rev. 6/99

Sec. 20.6 – Rev. 11/99

Sec. 20.5.4 & 20.5.5 – Rev. 6/06

Sec. 20.7.1 & 20.7.2 – Rev. 6/06

Sec. 20.6.1 – Rev. 10/06

New Sec, 20.6 – Added 2//07

Sec. 20.7.5; 20.7.8; 20.8; 20.8.1; 20.8.2 – Rev. 6/07

20.8.1 – Rev. 3/08

20.7.2, 20.7.4, 20.7.5, 20.7.6, 20.8, 20.8.2 – Rev. 6/08

Sec. 20.7.2 – Rev. 8/08

Sec. 20.8.1, 20.8.2 – Rev. 6/09

Sec. 20.11 – Rev. 12/10

Sec. 20.8.2 – Rev. 5/11

Sec. 20.8.1 – Rev. 6/11

Sec. 20.8.1 – Rev. 4/12

Sec. 20.2, 20.4, 20.6.2, 20.6.3, 20.7.1, 20.7.2, 20.7.3, 20.7.4, 20.7.5, 20.7.6, 20.8.2 – Rev. 6/12

Sec. 20.7.2, 20.7.3 – Rev. 7/12

Sec. 20.8 – Rev. 6/13

Sec. 20.8.1, 20.8.2 – Rev. 6/14

Sec. 20.8.1, 20.8.2 – Rev. 6/15

Secs. 20.5.2 (add), 20.8.1, 20.8.2 – Rev. 7/16

Secs. 20.5.2, 20.8, 20.8.2 – Rev. 12/18

Sec. 20.7.2 – Rev. 7/19

Secs. 20.5.2, 20.8.1, 20.8.2 – Rev. 12/19

Attachment B
(Existing Articles 20, 30, and 31)

Article 20. Sewer Service Connections and Construction Permits and Fees.

Sec. 20.1 Unlawful Connections.

It shall be unlawful for any person to connect to the District sewer or to add any building, apartment, trailer, or other unit to an existing sewer connection or commence construction of any sewer line within the District without having first obtained a written permit from the District authorizing such connection or construction. No permit to connect shall be issued except to the owner of the property or the owner's duly authorized agent.

Sec. 20.2 Definitions.

For the purpose of this Administrative Code and the regulation of sewer service by the Fallbrook Public Utility District, the following definitions are adopted:

The word "applicant", as used herein, shall mean a person, partnership, joint venture, or corporation making application to the District for a permit for a sewer connection.

The term "application", as used herein, shall mean the application form approved by the District for Applicants to submit a request for sewer service to the District.

The term "Board", as used herein, shall mean the governing board of the Fallbrook Public Utility District or any successor-in-interest.

The term "BOD", as used herein, means biochemical oxygen demand.

The term "Bulletin", as used herein, shall refer to "Bulletin 54" and shall mean the Clean Water Grant Program Bulletin 54.

The term "District", as used herein, shall mean the Fallbrook Public Utility District or any successor-in-interest.

The term "Equivalent Dwelling Unit", as used herein, shall mean an increment of wastewater flow attributable to the average single-family residence in the Fallbrook Public Utility District of 215 gallons per day having concentrations of biochemical oxygen demand ("BOD") and suspended solids ("SS") similar to the concentrations thereof for wastewater discharge into the District's sewer system from the average single-family residence, i.e., 250 milligrams per liter (MG/l) biochemical oxygen demand and 250 milligrams per liter (MG/l) suspended solids.

The term "Owner", as used herein, shall mean the holder of record title to a parcel or parcels of real property located within the District or a lessee under a long-term ground lease having a term of thirty (30) years or more who is required to construct and occupy a structure on the real property subject to the lease.

The term "Parcel of Land", as used herein, shall mean a separate parcel of land recognized as a separate unit by the Assessor's office for the County of San Diego and legally subdivided by California law.

The term "Parcel Map", as used herein, shall mean the division of a parcel of land into four (4) or fewer lots in compliance with the Subdivision Map Act.

The term "Permit", as used herein, shall mean permit for a sewer connection issued by the District.

The term "Project", as used herein, shall mean the development, use, building or structure for which the owner is seeking sewer service and all developments, uses, buildings, and structures which have not previously secured a sewer permit from the District.

The term "Subdivider", as used herein, shall mean any person, firm, corporation, partnership, or association who proposes to divide, divides, or causes to be divided real property into a subdivision for himself or for others as defined by the Subdivision Map Act.

The Term "SS", as used herein, means suspended solids.

The term "SS per EDU", as used herein, means suspended solids per equivalent dwelling unit.

The term "Subdivision", as used herein, shall mean any improved or unimproved real property, or a portion thereof, shown on the latest equalized County Assessment Tax Roll as a unit or as contiguous units which is divided into five (5) or more parcels for the purpose of sale, lease or financing.

The term "Volume per EDU", as used herein, means 215 gallons per day of sewage flow.

Sec. 20.3 General Provisions.

For the purpose of this Administrative Code and the regulation of sewer service by the Fallbrook Public Utility District, the following general provisions are adopted: *Former FSD Ordinance No. 47.*

Sec. 20.3.1 "Shall" and "May". "SHALL" is mandatory and "MAY" is permissive.

Sec. 20.3.2 Number. The singular number includes the plural and the plural includes the singular.

Sec. 20.3.3 Tenses. The present tense includes the past and future tenses; and the future, the present.

Sec. 20.3.4 Provisions Not Affected by Headings. Article and section headings contained herein shall not be deemed to govern, limit or modify, or in any manner affect the scope, meaning or intent of any section hereof.

Sec. 20.3.5 Severability of Provisions. If any section, subsection, sentence, clause or phrase of this Article of the Administrative Code is, for any reason, held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or unconstitutionality irrespective of the fact that any one or more other sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Sec. 20.3.6 Service of Notices. Whenever a notice is required to be given under this Article, unless different provisions are hereinafter specially made, such notice may be given either by person delivery thereof to the person to be notified or by deposit in the United States Mail in a sealed envelope, postage prepaid, addressed to such person at his last address as the name appears in the records of the District. Services by mail shall be deemed to have been completed at the time of the deposit in the Post Office.

Sec. 20.4 Application Process.

Applicants desiring sewer service from the District shall submit request for sewer service from the District on the application form approved by the District. The application shall be made in the name of the Owner and be signed by the Owner or Owner's authorized representative. No application shall be deemed complete for the purposes of processing until the District has obtained all information requested by District staff to process the application.

Sec. 20.4.1 Environmental Review. Upon request, the applicant shall provide the District with all documents evidencing any environmental review of the project for which the applicant seeks sewer service. If the District determines that additional environmental review is necessary, the applicant shall be required to deposit such sums as the District determines necessary in order to complete this environmental review. The District may elect to utilize the applicant's environmental expert or may elect to retain its own environmental consultant at the applicant's sole cost and expense.

Sec. 20.4.2 Required Documents. Except where waived by District staff, all applications for a sewer permit shall be accompanied by a complete set of all plans and specifications for the proposed development prepared by an architect or engineer licensed in the State of California. The District shall have no obligation to process any application until District staff has received all plans and specifications determined necessary by District staff to consider the impacts of the proposed project on the District's sewer system.

Sec. 20.4.3 Parcel Maps and Subdivisions. Applications for sewer service to parcel maps and subdivisions will not be processed until the applicant submits an executed application form and the District has been provided with a copy of the parcel map or subdivision map prepared by a licensed civil engineer in the State of California.

The parcel map or subdivision map shall show all proposed sewer facilities. Where the parcel map or subdivision will require a pipeline extension, the applicant will be required to execute a pipeline extension agreement. The District may also require the applicant to submit copies of all environmental review being conducted for the parcel map or subdivision. Where District staff determines that the environmental review is insufficient, the District may require a deposit for additional environmental review as determined necessary by District staff. All costs for such additional environmental review shall be paid by the applicant.

Sec. 20.4.4 Sewer Availability Forms and Letters. If an applicant has submitted a completed application, all environmental review has been completed to the satisfaction of the District, and the District has reviewed and approved the applicant's plans for sewer service, the District may issue a sewer availability letter or execute the Sewer Project Facility Availability form provided by the County of San Diego.

Execution of the sewer availability letter or form is not a commitment that the District will provide sewer service to any project nor is it a guarantee that sewer service will be available to serve the project at the time a sewer commitment is actually made. Execution of the sewer availability letters or forms merely indicates that sewer service is available at the time the District executes the sewer availability letter or form. The District is not committed to provide sewer service until the District issues the permit, the applicant pays all deposits and fees required by the District, and all sewer facilities required to serve the project by the District have been completed and accepted by the District.

Sec. 20.4.5 Sewer Permit. When an applicant has paid all fees and charges of the District and complied with all requirements of this Administrative Code, the District may issue a permit. An applicant does not have any right to sewer service until the permit is issued. Upon issuance of the permit, monthly service charges will commence in accordance with Section 20.

Sec. 20.5 Engineering Fees.

Sec. 20.5.1 Plan Check Fees.

1. Plan checks less than 500 lineal feet, water or sewer, \$500 each.
2. Plan checks 500 lineal feet to 1,000 lineal feet, water or sewer, \$1,000 each.
3. Plan checks greater than 1,000 lineal feet, \$1,000 each, plus .50 cents per lineal foot thereafter.

Sec. 20.5.2 Fees for District to Inspect Contractor Installed Facilities

1. Sewer Lateral Installation 5 hours @ \$106.18 = \$530.92

If the sum of the inspection fees for a project is greater than \$3,000, the inspection will be done on a time and material basis and a deposit for the estimated cost will be paid prior to

start of construction. Inspection fees will be adjusted annually based on the Engineering News Record (ENR) Construction Cost Index (CCI) of February. Staff will report back to the Board no less than every five (5) years with analysis comparing current fees to calculated fees.

Sec. 20.6 Changes in Use.

Sewer permits are issued only for the use expressly authorized by the permit. No person or entity shall be entitled to remodel any existing building, change the use of any parcel of land for which a sewer permit has been issued, or construct any additional improvements on any parcel of land which causes the discharge of a greater volume of wastewater than authorized by the sewer permit issued by the district or which causes the wastewater to have a greater concentration of BOD or SS than authorized by the prior sewer permit without first submitting an application to the District for a new sewer permit.

Sec. 20.6.1 Process. Upon receipt of the application, District staff will evaluate impacts of the change in use on the District's system quantitatively. The applicant will be required to construct any additional sewer facilities determined necessary by the District to adequately serve the revised project. The District staff will calculate any additional sewage discharge required for the revised project based upon an equivalent dwelling unit of wastewater flow. The applicant will be required to pay additional capacity fees based on the capacity fee in effect at the time the applicant is submitted for the additional number of equivalent dwelling units calculated by District staff.

Sec. 20.6.2 Reduction in Uses. An existing commercial or industrial use may obtain a reduction in equivalent dwelling units by appealing the capacity per Section 20.7.4. Any reduction in capacity will reduce the ongoing capital improvement charge, but will not result in any refund of capacity fees.

Sec. 20.6.3 Application of Sewer Service to Affordable Housing.

Per Government Code Sec. 65589.7, effective July 1, 2006, the District shall not deny or condition the approval of an application for sewer service to, or reduce the amount of services applied for by, a proposed development that includes housing units affordable to lower income households unless the District makes specific written findings that the denial, condition, or reduction is necessary due to the existence of one or more of the following:

- a) District does not have sufficient water supply as defined in paragraph (2) of subdivision (a) of Government Code Sec. 66473.7 or is operating under a water shortage emergency as defined in Water Code Sec. 350, or does not have sufficient water treatment or distribution capacity to serve the needs of the proposed affordable housing development as demonstrated by a written engineering analysis and report; or
- b) District is subject to a compliance order issued by the State Department of Health Services that prohibits new water connections; or

- c) The District does not have sufficient sewer treatment or collection capacity to serve the needs of the proposed affordable housing development as demonstrated by a written engineering analysis and report; or
- d) The District is under an order issued by the Regional Water Quality Control Board that prohibits new sewer connections; or
- e) The applicant fails to agree to reasonable terms and conditions for sewer service from the District which is generally applicable to other development projects seeking sewer service from the District including, but not limited to, payment of any fee or charge authorized by Government Code §66013.

Sec. 20.6.4 Review of Service Policies.

At least once every five (5) years after passage of this policy, the policies contained in this section shall be presented to the Board of Directors of the District for a review and evaluation of the written policies governing water service to proposed developments that include housing units affordable to lower income households.

Sec. 20.7 Formula For Capacity Fees.

Sec. 20.7.1 Capacity Fees Based Upon Equivalent Dwelling Unit. The capacity fee payable for any particular project will be calculated by District staff based upon the capacity fee in effect at the time payment is being made multiplied by the number of equivalent dwelling units of sewage flow being generated by the project as calculated by District staff. The Board has adopted an EDU for certain classes of service. These EDU's for classes of service will be utilized except as otherwise altered by the Board.

Upon receipt of the application, District staff will evaluate impacts of the change in use on the District's system both quantitatively and qualitatively. The applicant will be required to construct any additional sewer facilities determined necessary by the District to adequately serve the revised project. The District staff will calculate any additional sewage discharge required for the revised Project based upon an equivalent dwelling unit of wastewater flow. The applicant will be required to pay additional capacity fees based on the capacity fee in effect at the time the application is submitted for the additional number of equivalent dwelling units calculated by District staff.

Finance options are available for customers who owe additional fees to the District due to property expansions that did not purchase additional capacity and/or visual audits conducted by District staff.

- a) Any amounts financed by the District require a signed agreement and Promissory Note. Any amount greater than \$10,000 will also require a Trust Deed.
- b) Any delinquent amounts will be transferred to the property tax bill.

- c) Amounts up to \$3,000 are due immediately with no financing option.
- d) Amounts between \$3,001 and \$5,000 may have terms of up to one year at the Local Agency Investment Fund (LAIF) rate + 2%.
- e) Amounts between \$5,001 and \$10,000 may have terms of up to two years at the LAIF rate + 3%; interest to be re-calculated at the one year anniversary.
- f) Amounts greater than \$10,001 may have terms up to three years at the LAIF rate + 4%; interest to be re-calculated at the one year and two year anniversaries.
- g) Liens will not be offered as a methods of postponing payment of fees.

Sec. 20.7.2 Equivalent Dwelling Unit Schedules. Upon receiving an application for issuance of a sewer permit, the number of equivalent dwelling units for which the Permit shall be issued shall be determined from the following schedule:

(SEE SCHEDULE OF EQUIVALENT DWELLING UNITS AND CLASS OF SERVICE ON THE FOLLOWING PAGES)

SCHEDULE OF EQUIVALENT DWELLING UNITS AND CLASS OF SERVICE		
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CLASS	DESCRIPTION	EQUIVALENT DWELLING UNITS
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Class 1	Single Family Residence	
	Single family residence	1.00
	Mobile home on individual parcel	1.00
Class 2	Apartment/Condominium/Attached Cottage-Mobile Home	
	Per detached cottage with bathroom and kitchen on a parcel with a single family residence	0.80
	Per mobile home on a parcel with a single family residence	0.80
	Per apartment unit	0.80
	Per condominium/duplex unit	0.80
	Accessory Dwelling Unit* (As defined by State Government Code.)	
	*Capacity Fees do not apply to Accessory Dwelling Units (ADUs) that are exempt from such fees under State Law. Sewer Service Fees still apply, and they are determined by the applicable EDU factor.	0.40
Class 3	Mobile Home Park	
	Per separate mobile home space	0.80
	Motel/Hotel	
Class 4	Per motel/hotel with kitchen unit	0.80
Class 41	Per motel/hotel without kitchen unit	0.50

	A Separate Business, Retail Shop With Office, Or Packing House Equipped With Restroom Facilities, Or Not So Equipped But Located In A Building Or Complex With Common Restroom	
Class 5	First 3500 square feet (exterior building area) facilities	1.33
Class 55	Per additional 1000 square feet (exterior building area)	0.38
	Automotive Service Station	
Class 6	4 pumps or less	2.00
Class 61	More than 4 pumps	3.00
Class 62	Per recreational vehicle holding tank disposal station	1.00
	Church, Fraternal Lodge Or Similar Auditorium	
Class 7	Per 200 seating capacity	1.00
	Bakery	
Class 8	Per 3500 square feet (exterior building area)	1.00
	Theater	
Class 9	Per 150 seating capacity	1.33
	Hospital	
Class 10	Per bed	0.65
	Convalescent or Boarding Home	
Class 11	Per bed	0.30
	Labor Camp	
Class 12	Per bed	0.10
	Elementary School / Daycare	
Class 13	Per 60 Students	1.00
	Junior High School	
Class 16	Per 40 Students	1.00
	High School	
Class 17	Per 30 Students	1.00
	Mortuary	
Class 14		1.00

Class 15	Special Class	
	EDU determined by Administrative Code Sections 20.7.3 & 20.7.4	
Class 21	Car Wash	5.00
Class 23	Self Service Laundry	5.00
	Restaurants	
Class 24	Restaurant Under 2500 Square feet	3.00
Class 25	Restaurant 2501-7000 Square feet	4.00
Class 26	Restaurant Over 7000 Square feet	5.00
	Grocery Stores	
Class 32	Grocery Stores Under 2500 feet	3.00
Class 33	Grocery Stores 2501-7000 Square feet	4.00
Class 34	Grocery Stores Over 7000 Square feet	5.00
Class 88	Standby	0.24

Sec. 20.7.3 Large Commercial / Industrial and Unclassified Sewer Users. For larger (> 30 EDU) commercial and industrial user and for types of sewer use other than those provided for in the classes of service set forth in the foregoing schedule, District staff shall determine that number of equivalent dwelling units for which a permit shall be issued based upon the estimated volume of wastewater to be discharged there from into the District's sewer system and concentrations of BOD and SS in such wastewater determined pursuant to the table set forth in State Water Resources Control Board Bulletin 54B ("Bulletin 54B") or for types of sewer use not included in said table, by such other data as District staff shall determine to be reliable and by using the following formula:

$$[(\text{Estimated daily volume}) / (\text{Volume per EDU})] \times$$

$$[0.5 (\text{BOD per Bulletin 54B}) / (\text{BOD per EDU}) +$$

$$0.5 (\text{SS per Bulletin 54B}) / (\text{SS per EDU})]$$

Sec. 20.7.4 Appeal Process for Classes 4 through 62. When requested by the owner for Classes 4 through 62, the equivalent dwelling units shall be determined on the basis of the estimated daily volume of wastewater which will be discharged into the District's sewer system and concentrations of BOD and SS in such wastewater using the table mentioned and the formula set forth in Subsection 20.7.3; provided, however, that if District staff determines that the daily volume of wastewater for such a use cannot be estimated with reasonable accuracy or that the BOD of or SS in such wastewater cannot be determined based on table or other reliable data, the equivalent dwelling units for

which a permit shall be issued shall be determined based on the schedule set forth in Subsection 20.7.2.

Sec. 20.7.5 Determination of Equivalent Dwelling Units for Existing Permits.

The holder of an existing permit for sewer connection which does not show thereon the number of equivalent dwelling units for which it is issued, may make application to the District for a determination of equivalent dwelling units based on the current use of the property to which the permit relates.

Upon receipt of an application, the District shall determine the number of equivalent dwelling units which shall be credited to the permit based on Section 20.7.2 or Section 20.7.3.

Upon making such determinations, the District shall determine the equivalent dwelling units to be credited to the permit by use of the formula set forth in Subsection 20.7.2. Upon completing the determination of the number of equivalent dwelling units to be credited to an existing permit, the District shall amend the permit to show thereon the number of equivalent dwelling units credited thereto and shall also make a notation of such equivalent dwelling units to be credited to an existing permit, the District shall amend the permit to show thereon the number of equivalent dwelling units credited thereto and shall also make a notation of such equivalent dwelling units in the appropriate District record.

Upon receiving an application for a permit for the remodeling, renovation, or enlargement of an existing building for which a permit is outstanding or for a permit for a change in the use of a parcel of land for which a permit is outstanding or for the construction of an additional building or buildings on a parcel of land where an existing building is connected to the District's sewer system, and if the outstanding Permit does not show thereon the number of equivalent dwelling units for which it was issued, an evaluation shall be done to determine the number of dwelling units to be credited to such permit in the manner above provided, and based on such determination shall determine in such manner whether the new or changed use to be made of the remodeled, renovated, or enlarged building or the parcel of property or the additional building or buildings to be constructed on the parcel of property, as the case may be, will necessitate the issuance of a permit for additional equivalent dwelling units.

Sec. 20.8 Sewer Permit Fees.

Sec. 20.8.1 Capacity Fees. The following capacity fees shall be paid by the applicant for each equivalent dwelling unit determined by the District:

<u>Type of Capacity Fee</u>	<u>Amount Per Equiv. Dwelling Unit</u>
Capacity Fee	\$7,106
Annexation Fee (if required).....	\$11,389

Capacity fee charges will be adjusted annually based on the ENR (Engineering News Record) Construction Cost Index (CCI) of February. Staff will report back to the Board of Directors no less than every five (5) years with analysis comparing fees to actual costs.

The sewer annexation fee shall apply to areas annexed to the sewer service area after March 23, 2012, and are due with the other sewer permit fees when applying for a sewer permit.

Sec. 20.8.2 Lateral Cost. District staff will be utilized to install a lateral from the main line and to put in a clean-out box and overflow device. Upon submission of the application, the applicant shall pay the following fee to cover the cost to install the lateral from the main line and to install the clean-out box and overflow device:

Length	Depth	Crew Size	Man Hours	Cost
≤ 15'	≤ 8'	4	36	\$3,496
≤ 15'	>8'	4	56	\$5,415
>15' to 30'	≤8'	5	90	\$7,434
>15' to 30'	>8'	5	115	\$9,574
>30'	Any	5	Actual	Actual

If paving is less than or equal to 15 feet is required, there is an additional fee of \$1,468. If paving is greater than 15 feet up to 30 feet is required, there is an additional fee of \$2,459. If county road inspection is required, there is an additional fee of \$1,400.

Lateral installation charges will be adjusted annually based on the ENR (Engineering News Record) Construction Cost Index (CCI) of February. Staff will report back to the Board of Directors no less than every five (5) years with analysis comparing fees to actual costs.

Sec. 20.9 Sewer Permits Non-Transferable.

The sewer permit issued for a particular parcel of land is specifically limited to use for that parcel of land. A sewer permit shall not be transferred to or used for a parcel of land which is not specifically described in the sewer permit. Sewer permits may be used only for the use which is specifically set forth on the sewer permit.

Sec. 20.10 Miscellaneous Provisions.

Sec. 20.10.1 Users Outside the District. The Board of Directors of the District shall have the power under Sec. 16474 of the Public Utilities Code to establish by agreement or resolution, the fees and charges and such other conditions as it deems appropriate that shall be imposed for providing sewer services to premises located outside the District.

Sec. 20.10.2 Use of District's Facilities Prohibited Unless Fees and Charges Paid. No person shall discharge or allow the discharge of or dump sewage or other waste matter into the District's sewer system except in compliance with the terms of this

Administrative Code and payment of the fees and charges provided and established by or pursuant to this Administrative Code.

Sec. 20.10.3 Fees and Charges May Be Collected with Taxes. Notwithstanding any other provision of this Administrative Code, the fees and charges, including the connection fee and the sewer service charges, or either of them may be collected on the tax roll in the same manner and together with the general taxes of the District pursuant to Section 16469 of the Public Utilities Code.

Sec. 20.11 Temporary Sewer Service Agreements.

A Temporary Sewer Service Agreement is a recorded agreement between the District and a consumer that a sewer will be placed temporarily at a location remote from the property to be served, where the District intends, at some future date, to extend the District sewer system to abut the property described in the agreement, and that the consumer is responsible for extending his own temporary private line from the sewer to his property, and obtaining whatever temporary easements are required for such extension. Such agreements shall establish the financial obligations of the consumer related to the future installation costs of the District's distribution system and the cost of relocation of the sewer, and shall be binding upon the signatory and all successor owners of said property.

If the customer's obligation is to be secured with a promissory note and deed of trust, the terms will be based on the 10-year Treasury Bill rate plus 2%. Interest will be recalculated annually on the anniversary date of the recorded Trust Deed and will be compounded annually on the same anniversary date.

Failure to comply with the terms of the agreement shall be cause for termination of sewer service to said property and the basis for establishing a lien against the property for collection of any amounts due the District. Upon change of ownership, any parcel receiving sewer service under a Temporary Sewer Service Agreement will be required, as a condition of continued service, for the new owner to enter into a new Temporary Sewer Service Agreement with the District.

ARTICLE 20

Revised in its entirety – 6/93,
6/94, 6/95, 9/96
Sec. 20.7, Sec. 20.7.2 – Rev.
6/99
Sec. 20.6 – Rev. 11/99
Sec. 20.5.4 & 20.5.5 – Rev.
6/06
Sec. 20.7.1 & 20.7.2 – Rev.
6/06
Sec. 20.6.1 – Rev. 10/06
New Sec, 20.6 – Added 2//07
Sec. 20.7.5; 20.7.8; 20.8;
20.8.1; 20.8.2 – Rev. 6/07
20.8.1 – Rev. 3/08
20.7.2, 20.7.4, 20.7.5, 20.7.6,
20.8, 20.8.2 – Rev. 6/08
Sec. 20.7.2 – Rev. 8/08
Sec. 20.8.1, 20.8.2 – Rev.
6/09
Sec. 20.11 – Rev. 12/10
Sec. 20.8.2 – Rev. 5/11
Sec. 20.8.1 – Rev. 6/11
Sec. 20.8.1 – Rev. 4/12
Sec. 20.2, 20.4, 20.6.2,
20.6.3, 20.7.1, 20.7.2, 20.7.3,
20.7.4, 20.7.5, 20.7.6, 20.8.2
– Rev. 6/12
Sec. 20.7.2, 20.7.3 – Rev.
7/12
Sec. 20.8 – Rev. 6/13
Sec. 20.8.1, 20.8.2 – Rev.
6/14
Sec. 20.8.1, 20.8.2 – Rev.
6/15
Secs. 20.5.2 (add), 20.8.1,
20.8.2 – Rev. 7/16
Secs. 20.5.2, 20.8, 20.8.2 –
Rev. 12/18
Sec. 20.7.2 – Rev. 7/19
Secs. 20.5.2, 20.8.1, 20.8.2 –
Rev. 12/19

Article 30. Prohibited Use of District Facilities.

Sec. 30.1 Unpolluted Waters.

No person shall discharge or cause to be discharged any stormwater, surface, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

Sec. 30.2 Polluted Waters and Other Wastes.

No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- (a) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
- (b) Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two (2) mg/L as CN in the wastes as discharged to the public sewer.
- (c) Any waters or wastes having a pH lower than 6.0, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
- (d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, ashes, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- (e) Brine from on-site regenerated ion exchange water treating devices.
- (f) Water softener waste or any other salt water brine wastes.
(former FSD Ordinance No. 78)
- (g) Fats, oils and grease (FOG) from food service establishments which are specifically regulated by Ordinance No. 307.

30.2.1 Nuisance Wastes.

No person shall discharge or cause to be discharged the following described substances, materials, waters, or wastes if it appears likely in the opinion of the District that such wastes can harm either the sewers, sewage treatment process, or equipment, have an adverse effect on the receiving stream, or can otherwise endanger life, limb, public property, or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the District will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

- (a) Any liquid or vapor having a temperature higher than one hundred fifty (150) °F (65°C).
- (b) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of four hundred (400) mg/L or containing substances which may solidify or become viscous at temperatures between thirty-two (32) and one hundred fifty (150) °F (0 and 65° C).
- (c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths (3/4) horsepower (0.76 hp metric) or greater shall be subject to the review and approval of the District.
- (d) Any waters or wastes containing strong acid iron picking wastes, or concentrated plating solutions whether neutralized or not.
- (e) Any water or wastes containing boron, cadmium, chromium, copper, iron, lead, manganese, mercury, selenium, tin, zinc and similar objectionable or toxic substances, or wastes exerting an excessive chlorine requirement, to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the District for such materials. And, any water or wastes containing constituents in excess of those required by the District's current CRWQCB permits.
- (f) Any water or wastes containing phenols or other taste odor producing substances, in such concentrations exceeding limits which may be established by the District as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal, or other public agencies of jurisdiction for such discharge to the receiving waters.

- (g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the District in compliance with applicable State or Federal regulations.
- (h) Any waters or wastes having a pH in excess of (9.0).
- (i) Materials which exert or cause:
 - (1) Any waters or wastes containing more than 350 parts per million by weight of suspended solids or have a 5 day B.O.D. greater than 300 parts per million by weight, or a C.O.D. greater than 600 parts per million by weight.
 - (2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).
 - (3) Unusual B.O.D. chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works.
 - (4) Unusual volume of flow or concentration of wastes constituting "slugs" as defined herein.
 - (j) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

30.2.2 District's Authority Over Nuisance Wastes.

If any wastes or waters are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Sec. 30.2.1 of this Article, and which in the judgement of the District, may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the District may:

- (a) Reject the wastes,
- (b) Require pretreatment to an acceptable condition for discharge to the public sewers,
- (c) Require control over the quantities and rates of discharge, and/or
- (d) Require discharger to obtain and comply with an Individual District User Permit, as per Sec. 30.9 of this Administrative Code, and/or

- (e) Require payment to cover the added cost of handling and treating the wastes not covered by the sewer charges levied by the District.

Charges as described in this section shall be designated as Facility Charges and may also be required when the waste flow consists entirely of domestic sewage but its volume is in excess of one equivalent family dwelling unit waste flow as described in Sec. 30.3 of this Article.

If the strength of the waste flow as described in Sec. 30.3 of this Article is shown to be consistently below that of average domestic waste, this may also be considered in determining the Facility Charges.

When estimating the volume of a proposed or existing waste flow for the above determinations, average flow figures for that particular type of discharge, as then generally accepted in the sanitary engineering profession, may be used, at the discretion of the District.

If the District permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the District, and subject to the requirements of all applicable codes, ordinances, and laws.

Sec. 30.3 Charges for Industrial Wastes.

Charges pursuant to Article 20 will be determined by the following formula:

Formula for Volumetric Analysis of Industrial Wastes

<u>Proposed Discharge</u> <u>in gallons per day multiplied by</u>	<u>Existing Single Family</u> <u>Dwelling permit fee</u> <u>or service charge</u>
300	

Formula for Analysis of Industrial Wastes

The term "Industrial Wastes" as used herein means waste in excess of the volume and/or strength described below as an "Equivalent family dwelling unit", or wastes that contain substances as described in Article 19, or any combination thereof.

One equivalent family dwelling unit waste flow is based on 3 persons per residence at 100 gpd, which equals 300 gpd or 9000 gallons per month or 1200 cu. ft. per month. Strength of sewage accepted for the Fallbrook Public Utility District without attaching a strength factor is as follows:

B.O.D. 300 ppm Suspended Solids 350 ppm Grease 100 ppm

Treatability weight factors:	Treatability Weight Factor
B.O.D.	.35
Susp. Solids	.25
Grease	.40

The treatability weight factor is applied to the strength factor because one component -- for example, grease -- is more difficult to cope with than suspended solids or B.O.D.

Sec. 30.4 Grease, Oil and Grit Interceptors.

Grease, oil, and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, grit, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the District, and shall be located as to be readily and easily accessible for cleaning and inspection.

Sec. 30.5 Preliminary Treatment or Flow Equalization Facilities.

Where preliminary treatment or flow equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

Sec. 30.6 Industrial Discharge Control Costs.

When required by the District, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located, and shall be constructed in accordance with plans approved by the District. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

Sec. 30.7 Measurements, Tests and Analysis.

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this Administrative Code shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered

to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. (The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from 24-hour composites of all outfalls whereas pHs are determined from periodic grab samples.)

Sec. 30.8 Agreements.

No statement contained in this Article shall be construed as preventing any special agreement or arrangement between Fallbrook Public Utility District and any industrial discharger whereby an industrial waste of unusual strength or character may be accepted by the Fallbrook Public Utility District for treatment, subject to payment as agreed thereof by the industrial discharger.

Sec. 30.9 Permitted Discharges, Right to Permit and Inspect.

The officers, employees, and agents of the District shall have the right to enter upon any premises within the District to inspect and verify compliance with the Administrative Code. In the event that the user demonstrates non-compliance or potential non-compliance with the limitations set forth in this Code, the District may require the user to apply for and maintain a Fallbrook Public Utility District Industrial User Permit. The Permit shall outline specific requirements for the Industrial User. Additionally, the Permitted Discharger shall be responsible for all costs associated with operating and maintaining the permitting program for the Permitted Discharger. The cost for initial application and annual renewals will be the actual costs incurred during site inspections, sampling, and analysis. The District has the right to conduct routine inspections and sampling throughout the year. If it is determined, upon routine sampling, or an average of the routine sampling, the Permitted Discharger exceeds those limitations specified in the Permit, the Permitted Discharger shall be responsible to pay all costs associated with follow-up sampling, cost of analysis, and inspections needed to assist the Permitted Discharger in permit compliance. The Permitted Discharger may be required to install and maintain pre-treatment, monitoring, and sampling facilities to insure compliance with this Code.

Sec. 30.10 Enforcement Proceedings.

The enforcement of requirements for pre-treatment of industrial wastes or prevention of their discharge into the District sewer system by administrative complaints shall be accomplished in accordance with the procedure provided in Government Code Section 54740.5 or any amendments thereto by the District as set forth in this Administrative Code.

An administrative complaint may be issued to any person who violates any requirement adopted by the Fallbrook Public Utility District necessary to meet standards established by the federal or California state government or other regulatory agencies or which the Fallbrook Public Utility District determines is necessary in order to protect its treatment works or the proper and efficient operation thereof or the health or safety of its employees or the environment or to prevent the entry of such industrial waste into the District's collection system.

The administrative complaint shall allege the act or failure to act that constitutes the violation of the local agency's requirements, the provisions of law authorizing civil liability to be imposed, and the proposed civil penalty.

The administrative complaint shall be served by personal delivery or certified mail on the person subject to the local agency's discharge requirements, and shall inform the person served that a hearing shall be conducted within sixty (60) days after the person has been served. The hearing shall be before a hearing officer designated by the Board of Directors. The person who has been issued an administrative complaint may waive the right to a hearing. A person dissatisfied with the decision of the hearing officer may appeal to the Board of Directors within thirty (30) days of notice of the hearing officer's decision.

The hearing officer may assess a civil penalty against the person, if after the hearing, or appeal, if any, it is found that the person has violated reporting or discharge requirements. In determining the amount of the civil penalty, the hearing officer or Board may take into consideration all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the economic benefit derived through any non-compliance, the nature and persistence of the violation, the length of time over which the violation occurs and corrective action, if any, attempted or taken by the discharger.

30.10.1 Civil Penalties.

Civil penalties may be imposed as follows:

- 1) In an amount which shall not exceed Two Thousand Dollars (\$2,000) for each day for failing or refusing to furnish technical or monitoring reports.
- 2) In an amount which shall not exceed Three Thousand Dollars (\$3,000) for each day for failing or refusing to comply timely with any compliance schedule established by the District.
- 3) In an amount which shall not exceed Five Thousand Dollars (\$5,000) per violation for each day for discharges in violation of any waste discharge limitation, permit condition, or requirement issued, reissued, or adopted by the local agency.

- 4) In an amount which does not exceed Ten Dollars (\$10) per gallon for discharges in violation of any suspension, cease and desist order or other orders, or prohibition issued, reissued, or adopted by a local agency.
- 5) The amount of any civil penalties imposed under this section which have remained delinquent for a period of sixty (60) days shall constitute a lien against the real property of the discharger from which the discharge originated resulting in the imposition of the civil penalty. The lien shall have no force and effect until recorded with the County Recorder.
- 6) All moneys collected under this section shall be deposited in a special account of the District and shall be made available for the monitoring, treatment, and control of discharges into the local agency's sanitary or sewer system or for other mitigation measures.
- 7) Orders setting administrative civil penalties shall become effective and final upon issuance thereof, and payment shall be made within thirty (30) days unless appealed. If appealed, an order setting administrative civil penalties shall become effective upon issuance of a determination of the Board of Directors that the appeal is denied. In that event, the order shall become effective upon issuance of the determination denying the appeal by the Board of Directors. Copies of these orders shall be served by personal service or by registered mail upon the party served with the administrative complaint and upon other persons who appeared at the hearing and requested a copy.
- 8) The District may petition the superior court to confirm any order establishing civil penalties and enter judgment in conformity therewith in accordance with the provisions of Sections 1285 to 1287.6, inclusive of the Code of Civil Procedure.
- 9) No penalties shall be recoverable under this section for any violation for which civil liability is recovered under Section 54740 of the Government Code.
- 10) Prior to issuance of an administrative order, the hearing officer may issue a cease and desist order or order requiring compliance with the industrial waste discharge or pre-treatment requirements of the District.

ARTICLE 30

New Article – 6/95
 Sec. 30.2, 30.4, 30.6,
 30.8, 30.9 & 30.10 -
 Rev. 5/98
 Sec. 30.2(g) &
 30.2.1(b) – Rev. 1/04

Article 31. Fats, Oils & Grease (FOG) Program

Sec. 31.1 Purpose.

The purpose of this policy is to aid in the prevention of sanitary sewer blockages and obstructions from contributions and accumulation of fats, oils, and greases into the sanitary sewer system from industrial or commercial establishments, particularly food preparation and serving establishments.

Sec. 31.2 Incorporation by Ordinance.

The Fats, Oils & Grease Program (FOG) is made a part of this Administrative Code and incorporated herein in accordance with attached Ordinance Nos. 307, 308, and 312; Resolution No. 4539.

ARTICLE 31

New policy added 1/26/04
Amendments to Ord. 307
(Ord. 308) – added 2/23/04
Amendments to Ord. 308
(Ord. 312) – added
11/22/04

M E M O

TO: Board of Directors
FROM: Jack Bebee, General Manager
DATE: August 24, 2020
SUBJECT: One-Time Employee Stipend

Purpose

To obtain approval for a proposed one-time stipend for each District employee.

Summary

In lieu of the performance bonus that would typically be provided to the General Manager for the successful completion of the District's strategic objectives for fiscal year 19/20, it is recommended that the District instead provide each employee with a one-time \$75 stipend.

This stipend is not tied specifically to employee job performance; instead, it serves to recognize employees' commitment to continue to provide essential services to the Fallbrook community while successfully advancing the District's overall mission in spite of the disruptions and challenges resulting from the COVID-19 Pandemic.

Budgetary Impact

The total one-time cost for the stipend is approximately \$5,000.

Recommended Action

That the Board approve the one-time stipend.

M E M O

TO: Board of Directors
FROM: Paula de Sousa, General Counsel
DATE: August 24, 2020
SUBJECT: Consider Approval of Amended and Restated Employment Agreement with General Manager Jack Bebee Effective July 1, 2020

Purpose

Consider Amended and Restated Employment Agreement with General Manager Jack Bebee Effective July 1, 2020.

Summary

At the regular meetings of April 27, May 27, and June 22, 2019, the Board of Directors conducted its annual performance evaluation and compensation review of the District's General Manager based upon his work in Fiscal Year 2019-20. The General Manager's annual performance evaluation has been completed.

Based upon the performance evaluation, his successful accomplishment or advancement of Strategic Plan Objectives for Fiscal Year 2019-20, and the completion of successful negotiations regarding amendments to the General Manager's Employment Agreement, an "Amended and Restated Employment Agreement" has been drafted reflecting the negotiated proposed changes. The proposed Amended and Restated Employment Agreement is attached and would:

- Provide a matching contribution to the General Manager's 401(a) plan in an amount up to 4.8% (an increase of 2.3% from the current 2.5% contribution amount) of his salary commencing in Fiscal Year 2020-21 (an increase of 2.3% from the current 2.5% contribution amount);
- Increase the Vacation Leave accrual cap from 248 to 270 hours; and
- Modify provisions in regarding budgeting for professional dues and subscriptions, as those necessary to support the General Manager's Performance Goals.

Additionally the proposed Amended and Restated Employment Agreement reflects previously approved amendments to the General Manager's original employment agreement with the District.

Recommended Action

That the Amended and Restated Employment Agreement with General Manager Jack Bebee be approved effective July 1, 2020.

**AMENDED AND RESTATED EMPLOYMENT AGREEMENT BETWEEN
FALLBROOK PUBLIC UTILITY DISTRICT AND JACK BEBEE**

This Amended and Restated Employment Agreement (“Amended and Restated Employment Agreement”) is made the ____ of _____, 2020, between Fallbrook Public Utility District (hereinafter referred to as “DISTRICT” and Jack Bebee (hereinafter referred to as “EMPLOYEE”).

RECITALS

- A.** DISTRICT is a governmental agency existing pursuant to the California Public Utility District Act, Division 7 of the Public Utility Code.
- B.** DISTRICT and EMPLOYEE entered into an Employment Agreement (“Original Employment Agreement”) on August 27, 2018, pursuant to the terms and conditions specified therein.
- C.** DISTRICT and EMPLOYEE amended the Original Employment Agreement by approval of execution of the July 22, 2019 Amendment to the Original Employment Agreement (“First Amendment”), and amended again by approval and execution of the September 24, 2019 Second Amendment to the Original Employment Agreement (“Second Amendment”).
- D.** DISTRICT and EMPLOYEE now desire to further amend and restate the Original Employment Agreement, as amended by the First Amendment and Second Amendment, as specified as set forth in this Amended and Restated Employment Agreement.

AGREEMENT

1. EMPLOYMENT.

DISTRICT hereby continues to employ EMPLOYEE (who accepted employment to serve beginning on August 27, 2018) and EMPLOYEE agrees to continue to serve as its General Manager, under the terms and conditions stated in this Amended and Restated Employment Agreement beginning on the date of execution by both DISTRICT and EMPLOYEE.

2. ANNUAL COMPENSATION.

- a.** EMPLOYEE shall be paid an annual salary of \$220,147.00, payable in biweekly installments at the same time as salary is paid to other DISTRICT employees. This compensation may not be reduced during the term of this Agreement except that if the Board finds it necessary to reduce salaries of all executive management employees, in which case EMPLOYEE’S salary may be reduced by no more than the average salary reduction of executive management.
- b.** DISTRICT agrees to annually evaluate EMPLOYEE’S compensation, taking into consideration changes in the cost of living, the EMPLOYEE’S performance, and

other economic and responsibility matters relevant to a fair and proper rate of compensation, and to make reasonable adjustments in accordance with such annual evaluation, if any. See Paragraph 6 below. DISTRICT will meet with EMPLOYEE in regard to such evaluation. Unless otherwise agreed by DISTRICT and EMPLOYEE, any adjustments would be effective on July 1 of each year.

3. BENEFITS.

EMPLOYEE shall be entitled to receive the following fringe benefits, which shall be administered consistent with DISTRICT policies unless otherwise provided herein. In the event any of the following fringe benefits is eliminated by DISTRICT for other DISTRICT employees, EMPLOYEE shall no longer receive the benefit:

- a. PERS: EMPLOYEE'S contributions to the Classic CalPERS retirement plan (2.5% at 55 with survivor benefit) shall be 8% (the contribution applicable to Classic CalPERS retirement plan members), or such percentage as may otherwise be required by the then applicable law.
- b. Deferred Compensation Plan Contribution (401(a) Plan Contribution): DISTRICT will match up to 4.8% of EMPLOYEE'S salary to a DISTRICT 401(a) plan as long as EMPLOYEE is contributing at least that percentage to EMPLOYEE'S individual deferred compensation 457(b) plan.
- c. Social Security: DISTRICT and EMPLOYEE share the Federal Social Security Tax equally.
- d. Health, Vision, Dental, Life and Long Term Disability Insurance:
 - i. Health Insurance: EMPLOYEE shall have the choice of medical plans provided by DISTRICT for DISTRICT employees.

DISTRICT will pay 100% of the cost Kaiser plus Chiropractic plan (or lowest cost DISTRICT provided medical plan) for employee, employee +1, or employee + family. The amount paid for each of those coverages shall be known as the "threshold amounts." If EMPLOYEE chooses a health plan with a cost that exceeds the threshold amounts, EMPLOYEE shall pay the difference between the threshold amount and the plan chosen. In such a case, the monthly cost difference will be multiplied by 12 (months) and divided by the number of paydays in that calendar year, which amount shall be reimbursed to DISTRICT through payroll deduction.
 - ii. Vision Insurance: DISTRICT shall pay 100% of the vision insurance premium for EMPLOYEE and EMPLOYEE'S dependents.
 - iii. Dental Insurance: DISTRICT shall pay 100% of the dental insurance premium for EMPLOYEE and EMPLOYEE'S dependents.

- iv. Life Insurance and AD&D Insurance: DISTRICT shall pay for an Accidental Death & Dismemberment Insurance policy and for a Life Insurance policy up to a total maximum benefit of \$300,000.
 - v. LONG TERM DISABILITY INSURANCE: EMPLOYEE shall be covered by a Long Term Disability Insurance plan offered to other DISTRICT employees as follows: the plan provides 66.67% (or \$10,000 per month, whichever is less), of EMPLOYEE'S monthly salary to Social Security Normal Retirement Age in the event of a disabling accident or illness. Payment commences six (6) months after date of disability or illness.
- e. Sick, Vacation, Holiday Leave, Bereavement Leave and Executive Leave:
- i. Sick Leave: EMPLOYEE'S sick leave shall accrue at a rate of 3.69 hours per pay period.
 - ii. Vacation Leave: EMPLOYEE'S vacation leave shall accrue at a rate of 7.69 hours per pay period. Beginning on August 28, 2022, EMPLOYEE'S vacation leave shall accrue at 8.00 hours per pay period, the rate applicable to employees with 20+ years of service with the DISTRICT. The vacation rate accrual ceases when EMPLOYEE has a balance of over 270 hours on December 31st of each year. EMPLOYEE'S unused vacation may not be sold back to DISTRICT.
 - iii. Holiday Leave: EMPLOYEE is granted DISTRICT observed holidays, as established by DISTRICT from time to time, without reduction in their regular pay. Holiday compensation will be paid at the rate of pay at which EMPLOYEE was being paid on the last working day before the holiday.
 - iv. Bereavement Leave: EMPLOYEE will be allowed 3 days paid leave in event of a death in the immediate blood or married family (spouse, mother, father, brother, sister, son, daughter, step-mother, stepfather, step-son, step-daughter, grandchild, grandparent, mother or father-in-law, domestic partner, or other person in custody where EMPLOYEE has or had guardianship or other person who had guardianship of EMPLOYEE.)
 - v. Executive Leave:
 - (1) EMPLOYEE shall accrue 1.54 hours of executive leave per pay period, up to a maximum of 120 hours.
 - (2) Once EMPLOYEE reaches the maximum accrual of 120 hours, EMPLOYEE will stop accruing executive leave until EMPLOYEE'S balance is below 120 hours.

- (3) Half (½) of EMPLOYEE’S executive leave balance shall be cashed out upon voluntary termination or retirement OR upon retirement, EMPLOYEE may elect to contribute up to EMPLOYEE’S entire executive leave balance to an Health Reimbursement Account, pursuant to Paragraph 3.e.vi., below.

vi. Health Reimbursement Account (HRA):

The following provisions apply if EMPLOYEE retires after age 50, with 10 or more years of continuous employment. For purposes of this paragraph 3.e.vi., the term “retiree” and “EMPLOYEE” are used interchangeably, and any references to “EMPLOYEE” is meant to refer to EMPLOYEE once retired.

In the event EMPLOYEE retires after age 50 with 10 or more years of continuous employment, EMPLOYEE has the option of continuing on DISTRICT’S medical, dental and/or vision insurance plans using an HRA account that is funded with conversion of EMPLOYEE’S sick leave hours as follows:

- (1) Using the current benefit plan year’s premium rates and a 5% projection for possible cost increases in subsequent years, DISTRICT estimates the projected cost for EMPLOYEE to pay 50% of the employee-only monthly premium for dental and/or vision coverage and 50% of the employee-only monthly medical premium/s, with DISTRICT paying the remaining 50% of the employee-only dental and/or vision and employee-only monthly medical premium/s.

Following is an example of how the medical premium costs are shared between the retiree and DISTRICT:

	TOTAL MONTHLY PREMIUM FOR KAISER MEDICAL	RETIREE PAYS MONTHLY	DISTRICT PAYS MONTHLY
RETIREE Only Coverage	\$ 623.16	\$ 311.58	\$ 311.58
RETIREE + One	\$ 1,236.43	\$ 924.85	\$ 311.58
RETIREE + Family	\$ 1,745.45	\$ 1,433.87	\$ 311.58

- (2) The full amount as calculated in Paragraph 3.e.vi.1., above is the amount that will be transferred from EMPLOYEE’S final sick leave balance to EMPLOYEE’S HRA account, which will be used to

make the monthly premium payments until the HRA account balance is depleted or the retiree or their covered spouse, if applicable, reaches Medicare eligibility.

The following is an HRA example for an employee that retires in 2019 at age 60 with 1500 hours of sick leave on the books and typical Medicare eligibility at age 65:

1. Value of Total 1500 Sick Leave Hours at Retirement	\$67,500	1500 Hours x \$45.00 (Employee's Hourly Wage)
2. Premium Cost of Retiree + Spouse Coverage for Medical, Dental & Vision		NOTE: Premium costs provided for example only, they do not represent actual rates
2019 benefit year	\$10,000	
+5% in 2020	\$10,500	
+5% in 2021	\$11,025	
+5% in 2022	\$11,567.25	
+5% in 2023	\$12,155.06	
3. Amount Deposited to HRA	\$55,256.31	Estimated total cost for coverage to Medicare eligibility in 2023
4. Amount of Sick Leave Remaining After Amount Deposited to HRA	\$12,243.69	Calculation: \$67,500-\$55,256.31
5. Hours Equivalent of Remaining Sick Leave	272.08 Hours	Calculation: \$12,243.69/\$45.00. *Eligible to cash out or convert to CalPERS service credit full remaining balance since less than 600 hours max. in effect for 7/1/19-6/30/20
6. Cash out value or amount to be converted to CalPERS service credit	\$12,243.60	Calculation: 272.08*\$45.00

- (3) EMPLOYEE'S HRA account balance is depleted before EMPLOYEE becomes eligible for Medicare, EMPLOYEE can instead begin paying EMPLOYEE's share of the monthly premiums directly to DISTRICT in order to continue coverage under DISTRICT'S medical, vision and/or dental insurance plans until EMPLOYEE, or their spouse, if applicable, is eligible for Medicare.
- (4) Once EMPLOYEE and/or EMPLOYEE'S covered spouse becomes eligible for Medicare, which makes them ineligible to continue on DISTRICT'S medical coverage, they are also no longer eligible to

continue on DISTRICT'S dental and/or vision coverage. Instead, they will receive information on continuing their coverage/s using COBRA.

- (5) Actual premium rates to be deducted from EMPLOYEE'S HRA, will be updated as the actual rates are provided for each new plan year (January 1 – December 31).
 - (6) If applicable, any balance in the account when EMPLOYEE becomes eligible for Medicare or if EMPLOYEE should die prior to becoming eligible for Medicare, will be available for the same use to EMPLOYEE'S covered eligible dependent(s) until they become eligible for Medicare or COBRA rights are exhausted, whichever comes first. If there is no covered eligible dependent(s), any unused balance shall be forfeited.
 - (7) If EMPLOYEE has sick leave hours remaining after the mandatory contribution to the HRA account as described above, OR if EMPLOYEE chooses to not participate in the HRA, EMPLOYEE has the choice of:
 - (a) Cashing out half of EMPLOYEE'S remaining sick leave hours balance, up to the maximum as outlined below, or all of their remaining balance, whichever is less; or
 - 600 hours max. – Effective July 1, 2019 - June 30, 2020
 - 500 hours max. – Effective July 1, 2020 – June 30, 2021
 - 400 hours max. – Effective July 1, 2021 – June 30, 2022
 - (b) Converting half of EMPLOYEE'S remaining sick leave hours balance, up to the maximum as outlined above, to CalPERS service credit.
- f. Vehicle Allowance: EMPLOYEE shall receive a car allowance in the amount of \$604.17 per month in lieu of receiving mileage reimbursement. EMPLOYEE shall possess and maintain a valid an appropriate California Driver license, shall maintain automobile insurance at least at the minimum levels required by state law, and shall immediately provide written notice to the Board of any actions taken against EMPLOYEE'S driving privilege, such as a suspension or a revocation due to a DUI or vehicular accident, or a failure to provide proof of financial responsibility.

- g. Cellphone Reimbursement: EMPLOYEE shall receive a cell phone reimbursement payment in the amount of \$75 per month.
- h. Other Business Expense Reimbursement/ Professional Development and Business Expenses: Consistent with DISTRICT policies, all of the EMPLOYEE'S actual expenses (including travel related expenses) reasonably incurred in connection with the duties and responsibilities of EMPLOYEE'S position pursuant to this Agreement shall be paid for by DISTRICT upon presentation of the appropriate receipts or vouchers covering such expenses, including, but not limited to licenses and certifications, (and costs of continuing education to maintain such licenses and certification) listed in Exhibit "A" to this Agreement. Additionally, as is necessary to support the EMPLOYEE's performance goals pursuant to Paragraph 4 or Paragraph 6 of this Agreement, DISTRICT will budget and pay for professional dues and subscriptions of EMPLOYEE necessary for EMPLOYEE'S continuation and full participation in national, regional, state and local associations and organizations, and payment for university curriculum, short courses, institutes, seminars, and materials that are necessary or desirable for EMPLOYEE'S continued professional development, participation, growth and advancement for the good of DISTRICT.

4. DUTIES.

EMPLOYEE shall perform the duties of General Manager as established from time to time by the Board of Directors of DISTRICT. A job description showing the duties established as of the date of this Agreement is attached as Exhibit "B" and as contained in any of DISTRICT'S standard personnel regulations. EMPLOYEE is responsible directly to the Board of Directors. EMPLOYEE shall give full time to the duties of the office. EMPLOYEE shall also attend or participate in university curriculum, short courses, institutes, seminars, and review materials that are necessary for EMPLOYEE'S professional development and for the good of DISTRICT as established in the EMPLOYEE's performance goals.

- a. EMPLOYEE may serve as DISTRICT representative to the San Diego County Water Authority (CWA), which includes service on two standing CWA committees. In no event shall EMPLOYEE serve on any additional CWA committees (or serve on any committees or boards of other agencies or entities related to the business of DISTRICT) without prior approval of DISTRICT Board.

5. TERM.

This contract shall continue in full force and effect until it is terminated as provided in Paragraph 7 hereof.

6. ANNUAL PERFORMANCE REVIEW.

Annually, and no later than 60 days prior to the end of each fiscal year, EMPLOYEE shall

develop a draft strategic plan as part of the annual budget process. After a strategic plan has been approved by the Board, it will be used to ensure board objectives are being addressed in the upcoming fiscal year. The strategic plan objectives will be used to establish the EMPLOYEE'S performance goals for the upcoming fiscal year.

The Board shall endeavor to commence in April of each year, the review and evaluation of EMPLOYEE'S performance, which review and evaluation shall be completed by June 30 of each year. The reviews and evaluations shall be conducted in accordance with the strategic plan as approved by the Board and EMPLOYEE, which may be added to, or deleted from, as the Board may from time to time determine in consultation with the General Manager.

7. TERMINATION.

a. By EMPLOYEE.

EMPLOYEE may terminate this Agreement upon giving three (3) months' written notice of termination to DISTRICT, or sooner by mutual agreement. In the event that EMPLOYEE exercises his right to terminate upon giving three (3) months' notice, or sooner by mutual agreement under this Paragraph 7.a., he shall not be entitled to the severance benefits set forth under Paragraph 8 or to any other similar termination benefits under law or DISTRICT rules and regulations, provided however, that EMPLOYEE shall be entitled to payment for any unused leave balances as set forth in this Agreement or as required by law.

b. By DISTRICT.

DISTRICT may terminate this Agreement at any time, either with or without cause, by a majority vote of the Governing Board. Termination shall be under one of the following paragraphs.

i. At-will.

DISTRICT may terminate this Agreement without cause, and with or without notice. In the event that this Agreement is terminated by DISTRICT pursuant to this Paragraph 7.b.i., EMPLOYEE shall be entitled to severance benefits under this Agreement, consistent with the requirements specified in this Paragraph and Paragraph 8. EMPLOYEE has no right to a hearing or other review of his termination without cause.

ii. For Cause.

DISTRICT may terminate this Agreement for cause. EMPLOYEE will not be entitled to severance if his employment is terminated by DISTRICT at any time for cause. Cause for termination shall be defined for purposes of this Agreement as: (1) malfeasance, (2) gross negligence, (3) fraud, (4) serious misconduct which would constitute a violation of DISTRICT policy, or state or federal law, (5) material misrepresentation to the Board, (6) moral turpitude, (7) conviction of a felony on the part of EMPLOYEE, or (8) notice of unsatisfactory performance and failure to correct performance within three months. Conviction for purposes of this Agreement includes a judgment entered after a trial, plea of guilty or plea of nolo contendere. EMPLOYEE has no right to a hearing or other review of the reason for his termination by DISTRICT and expressly waives any and all such rights as may be otherwise provided by law or which may be applicable to other DISTRICT employees.

iii. By Retirement.

The employment of EMPLOYEE, and this Agreement, shall automatically terminate upon the retirement of EMPLOYEE and upon EMPLOYEE giving ninety (90) days written notice of such retirement to DISTRICT.

iv. By Death or Disability.

The employment of EMPLOYEE, and this Agreement, shall automatically terminate upon the death of EMPLOYEE or upon the separation of his employment because of disability, which prevents EMPLOYEE from performing the essential functions of his job even with reasonable accommodations. As used herein, disability shall be defined as inability to perform essential job functions for a period of over six months. Neither EMPLOYEE nor his heirs, administrators, or assigns shall have any right under this Agreement to salary after such death or disability, but they shall have such rights and benefits as may be provided by law, including, as provided by law, rights to any accrued vacation to which EMPLOYEE was entitled at the time of termination, and shall have such rights to any accrued sick leave accrued by EMPLOYEE at the time of termination, up to the cap established in this Agreement.

8. SEVERANCE PAY.

DISTRICT shall have the right to terminate EMPLOYEE'S employment at any time during the term of this Agreement, with or without cause. In the event that EMPLOYEE'S employment is terminated by DISTRICT, under Paragraph 7.b.i. without cause, EMPLOYEE shall be entitled to the severance benefits stated below upon execution of an agreement with a general waiver of claims, as follows:

a. Computation: Items Included.

AMENDED AND RESTATED EMPLOYMENT AGREEMENT BETWEEN
FALLBROOK PUBLIC UTILITY DISTRICT AND JACK BEBEE

Severance benefits under this Paragraph 8 shall be computed based upon EMPLOYEE'S monthly base salary in effect at the time of termination.

b. Amount of Severance.

The amount of severance benefits shall be (1) a lump sum equal to three (3) months' base salary at the time of termination unless otherwise negotiated by the Parties and (2) continued payment by DISTRICT of health and dental benefits for EMPLOYEE and his eligible dependents for the same number of months as are paid for salary severance benefits, or until EMPLOYEE is re-employed, whichever is sooner.

c. Separately Negotiated: Waiver.

The parties expressly acknowledge and agree that these severance pay provisions have been independently negotiated. Acceptance at the time of termination by EMPLOYEE of the severance pay benefits provided by this Paragraph 8 shall operate as a full and complete waiver and release of any and all rights, claims, and/or causes of action which EMPLOYEE may have, or have had, at any time, in the past or in the future, arising out of EMPLOYEE'S employment by DISTRICT including but not limited to claims for wrongful termination. If EMPLOYEE wishes to retain any such rights, EMPLOYEE must decline to accept the severance benefits provided by this Paragraph 8. To receive severance benefits, EMPLOYEE must execute a Severance Agreement and General Release satisfactory to DISTRICT. In the event EMPLOYEE elects not to sign the Severance Agreement and General Release, EMPLOYEE will not be entitled to severance benefits.

Acceptance of the severance benefits under this Paragraph 8 will operate as a general release on the part of EMPLOYEE as to all claims, known or unknown, and EMPLOYEE specifically waives the provisions of California Civil Code Section 1542 which provides:

“A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE, WHICH IF KNOWN BY HIM OR HER MUST HAVE MATERIALLY AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR.”

d. Legal Limitations on Severance.

This Paragraph 8.d. is intended to comply with the provisions of Government Code Section 53260, et seq., and in no event shall EMPLOYEE be entitled to severance benefits greater than provided for therein. This agreement in no way affects EMPLOYEE'S rights to continue health insurance coverage as required under COBRA for EMPLOYEE and EMPLOYEE'S eligible dependents.

AMENDED AND RESTATED EMPLOYMENT AGREEMENT BETWEEN
FALLBROOK PUBLIC UTILITY DISTRICT AND JACK BEBEE

9. STATUTORY OBLIGATIONS: ABUSE OF OFFICE OR POSITION.

Pursuant to Government Code Section 53243, et seq. which became effective on January 1, 2012, if EMPLOYEE is convicted of a crime involving an abuse of his office or position, all of the following shall apply: (1) if EMPLOYEE is provided with administrative leave pay pending an investigation, EMPLOYEE shall be required to fully reimburse such amounts paid; (2) if DISTRICT pays for the criminal legal defense of EMPLOYEE (which would be in its sole discretion, as it is generally not obligated to pay for a criminal defense), EMPLOYEE shall be required to fully reimburse such amounts paid; and (3) if this Agreement is terminated, any cash settlement related to the termination that EMPLOYEE may receive from DISTRICT shall be fully reimbursed to DISTRICT. For this Paragraph 9, abuse of office or position means either: (1) an abuse of public authority, including waste, fraud, and violation of the law under color of authority; or (2) a crime against public justice, including a crime described in Title 7 commencing with Section 92 of the Penal Code.

10. MISCELLANEOUS.

a. Governing Law.

This Agreement shall be interpreted and enforced in conformance with California law.

b. Entire Agreement.

This Agreement together with the exhibits represents the entire agreement between the parties and supersedes any prior agreements, written or oral, any and representations, written or oral, not expressly included herein.

c. Venue.

The venue for any litigation to interpret or enforce this Agreement shall be San Diego County Superior Court.

d. Integration Clause.

If any part, provision, paragraph or subparagraph of this Agreement shall be held to be void or unenforceable by a final judgment of a court of competent jurisdiction, then unless that provision is found in such proceeding to be material to this Agreement, said void or unenforceable provision shall be severed from this Agreement and the balance of this Agreement shall remain in full force and effect. In the event that the void or unenforceable provision is found to be material to this Agreement then the entire Agreement shall be voided.

e. Independent Review: Interpretation.

EMPLOYEE and DISTRICT affirm in signing this Agreement that they have each had an opportunity to review and consider this Agreement, and to have it reviewed and to receive advice from independent advisors of their own choosing, including attorneys, and that each knowingly and voluntarily enters into this Agreement. EMPLOYEE and DISTRICT further affirm that this Agreement was the mutual product of their negotiations, including give and take, and that neither party shall be considered the drafter of this Agreement such that the Agreement is interpreted against that party.

f. Public Record.

EMPLOYEE acknowledges that this Agreement, upon final execution, will become a public record under California law available for public inspection and copying.

g. Counterparts.

This Agreement may be signed in counterparts.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.

DATED:

Jack Bebee

FALLBROOK PUBLIC UTILITY DISTRICT

DATED:

Ken Endter, President
Fallbrook Public Utility District

AMENDED AND RESTATED EMPLOYMENT AGREEMENT BETWEEN
FALLBROOK PUBLIC UTILITY DISTRICT AND JACK BEBEE

EXHIBIT “A”

List of Pre-Approved Licenses and Certifications

1. California Professional Engineering License
2. California Water Treatment Operator Certification
3. California Water Distribution Operator Certification
4. California Wastewater Treatment Operator Certification

EXHIBIT “B”

General Manager Job Description

AMENDED AND RESTATED EMPLOYMENT AGREEMENT BETWEEN
FALLBROOK PUBLIC UTILITY DISTRICT AND JACK BEBEE

GENERAL MANAGER

Definition

Under policy direction of the Board of Directors, the General Manager is responsible for providing overall leadership and direction for all of the Fallbrook Public Utility District (FPUD) activities and for the creation and implementation of the District's Overall Strategic Plan. Duties include implementing policies and directives of the Board and developing detailed long-term strategies to achieve FPUD's mission of providing the community of Fallbrook, now and in the future, a reliable supply and delivery of high-quality retail potable water service and to provide treatment of wastewater, consistent with the optimal use of recycled water in the most efficient and economical means possible.

Class Characteristics

The class of General Manager serves as the Chief Executive Officer, accountable to the Board of Directors, and is responsible for the enforcement of all District ordinances, policies and procedures, and the efficient and economical performance of the District's operations.

Examples of Duties

- Coordinates, evaluates, plans, organizes and administers, either directly or through subordinate management and supervisory staff, the work of the District in accordance with applicable laws, ordinances, regulations, and adopted policies and objectives of the Board of Directors;
- Directs and coordinates the development and implementation of goals, objectives and programs for the Board of Directors and the District;
- Attends internal/external meetings with various government agencies, professional associations, area organizations and Board of directors as required to help achieve District strategic objectives;
- Develops administrative policies, procedures and work standards to ensure that the goals and objectives are met and that programs provide services in an effective, efficient and economical manner;
- Oversees the preparation of the annual capital improvement and operating budgets for the District;
- Prepares and recommends long- and short-range plans for District, capital improvements, and funding; and directs the development of specific proposals for action regarding current and future District needs;
- Oversees the administration, construction, use and maintenance of all District infrastructure, facilities and equipment;
- Ensures that the Board of Directors is kept informed of District functions, activities, and financial status, and of legal, social, and economic issues affecting District activities;
- Monitors changes in laws, regulations, and technology that may affect District operations and implements policy and procedural changes as required;
- Supervises, develops and evaluates the performance of subordinate managers, supervisors and staff;
- Presents for the Board's consideration major goals and policy alternatives and recommendations for the District;

- Oversees development of the District's asset management plan;
- Recommends construction contracts, leases and other legal agreements to the Board for approval;
- Coordinates legal matters concerning the District, and engages counsel and professional consultants for assistance;
- Conducts negotiations for water storage, supply and distribution;
- Analyzes monthly financial statements, engineering reports, labor distribution reports, water sales reports and other operating reports;
- Develops water and sewer rate and fee schedules for Board considerations;
- Reviews work of staff to ensure accuracy;
- Reviews agreements negotiated by staff;
- Represents the District and the Board before citizen and professional groups and other public entities, including State and Federal legislatures;
- Supervises preparation of the agenda of the Board of Directors and staff reports to the Board;
- Attends meetings of the Board of Directors and advises the Board on important District administrative and operating activities and issues;
- Monitors and oversees the following District programs and services: financial, customer service, human resources, community and media relations, engineering, operations and field services;
- Establishes budgetary guidelines for departments and assures operation within Board adopted amounts; and
- Performs related work as required.

Qualifications

Knowledge of:

- Principles of practices of public administration, including administrative analysis, fiscal planning and control, and policy and program development;
- Knowledge of civil engineering, construction and operating principles applicable to the planning design, construction and operation of District facilities;
- Laws, rules, ordinances, and legislative processes controlling district functions, programs and operations;
- Organization, operations and problems of special research and evaluation methodologies;
- Contract administration;
- Principles of budget development and expenditure control, including capital improvement budgets;
- Public personnel and employer-employee relations practices and legislation;
- Public and media relations;
- Principles of supervision, management and general administration; and
- The use of personal computer and applicable software.

Ability to:

- Plan, organize, direct, coordinate and supervise functions and activities of an organization to achieve efficient operations and meet service goals;
- Organize and manage competing priorities;
- Develop long-term goals for the District;
- Exercise leadership, authority, and management tactfully and effectively;
- Prepare and administer a District budgeting and fiscal control process;

- Collect and analyze data on a variety of topics;
- Direct effective public and media relations;
- Coordinate the preparation of Board agendas;
- Direct effective personnel and employer-employee relations programs;
- Oversee the development and improvement of District facilities and services;
- Provide advice and consultation to the Board of Directors on the development of ordinances, regulations, policies and programs;
- Ensure prompt and proper response to public concerns and complaints;
- Prepare comprehensive strategic planning documents, technical reports and recommendations;
- Effectively represent the District policies, programs and services;
- Operate a personnel computer to effectively utilize word processing and spreadsheet applications;
- Operate a vehicle observing legal and defensive driving practices; and
- Establish an overall positive work environment.

Licenses and Certification

Possession of a valid and appropriate California driver's license.

Training and Experience

Any combination of training, education and experience which demonstrates possession of the knowledge and abilities stated above and the ability to perform the duties of the position.

A typical qualifying entrance background is possession of a bachelor’s degree in management science, business administration, civil engineering or a closely related field and a minimum of five years of responsible, executive-level experience in water utility or public works management in a municipal or special district setting or at the level of Assistant General Manager in the Fallbrook Public Utility District.

Physical Demands

Sitting: Occupies seated position during majority of workday.

Talking: Expresses ideas and shares information by means of spoken word in person and by telephone.

Walking: Moves about office, warehouse and equipment facilities, and visits outlying District facilities and field crews at work sites.

Hearing: Hears well enough to receive communication in person and by telephone.

Hands/Arms: Operates computer and vehicle.

Vision: Reads written or video messages; operates vehicle.

Reasonable accommodations will be considered.

Board Approved Effective Date 4/90
Board Approved Revision Date 7/92 7/96 2/99

1. **MWD Issues**

Some of the previously stayed cases are moving forward. The most significant financial item in dispute is the request from SDCWA for monetary compensation for an off-setting benefit of water SDCWA wheels through MWD's pipelines.

2. **Regional Conveyance**

It appears the item will be brought to the Board in August with a staff recommendation to move forward with Phase B despite the serious concerns over the project financial viability and rate impacts raised in the third party memo that was completed by 18 member agencies.

3. **FPUD/RMWD Detachment**

SDCWA is preparing their response to our application that is due in early September. There has been no communication among FPUD and SDCWA to resolve any of the outstanding issues.

4. **Key Upcoming Issues**

Some key issues for the upcoming year include:

- Reviewing the long-term fiscal sustainability of SDCWA and determining any structural changes to the rate structure.
- Developing an updated forecast of water demands and the rate impacts of the updated demand forecast.
- Finalizing the implementation of the new agricultural water program.
- Determining if the next phase of the regional conveyance study should be initiated.

Detailed updates on any of these items will be provided by the General Manager at the request of any Board members.

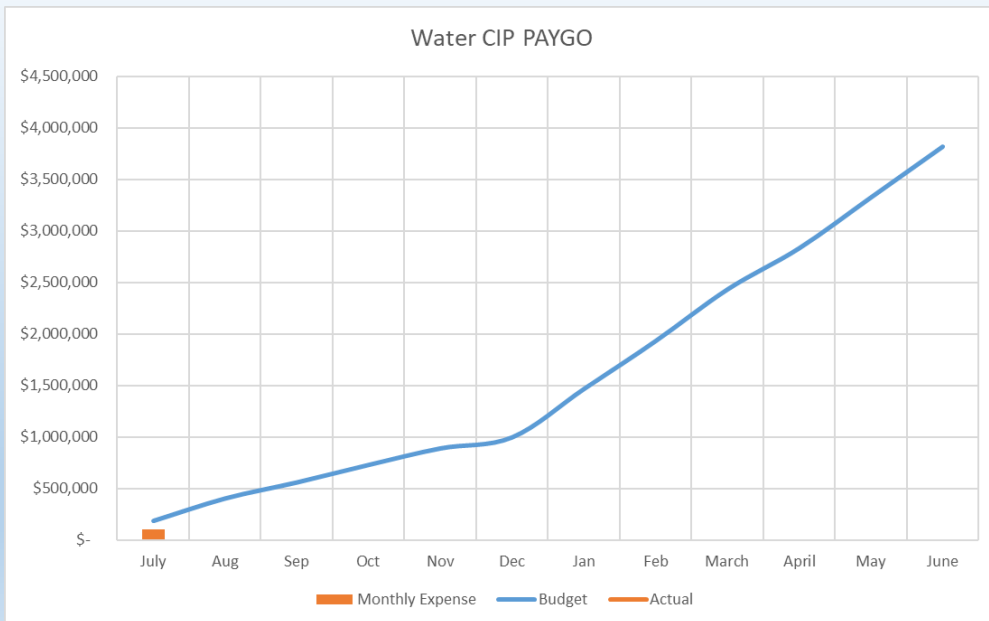


Fallbrook Public Utility District

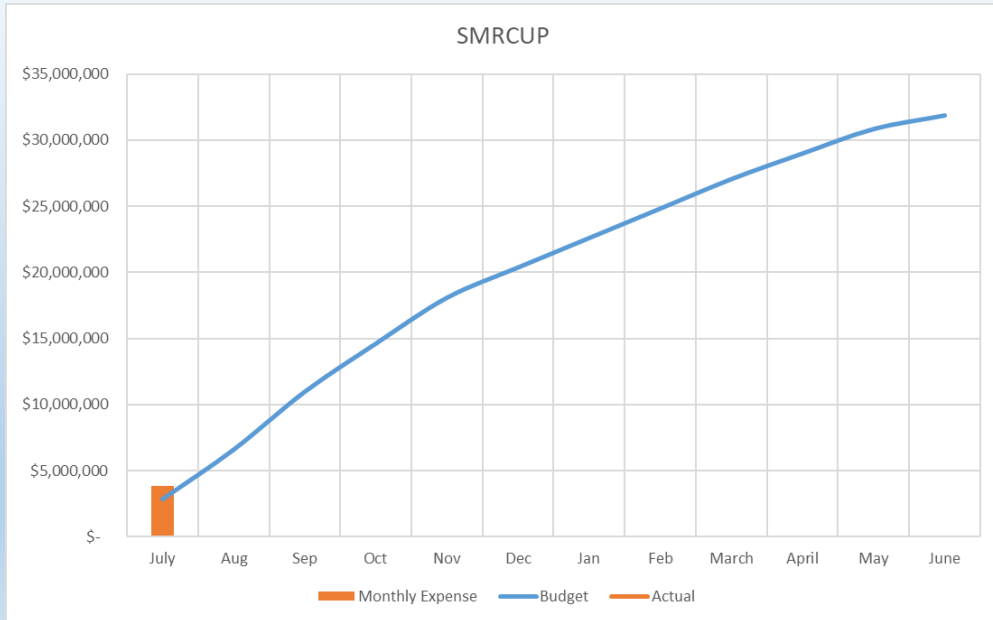
Engineering and Operations FY21

Board Meeting August 2020

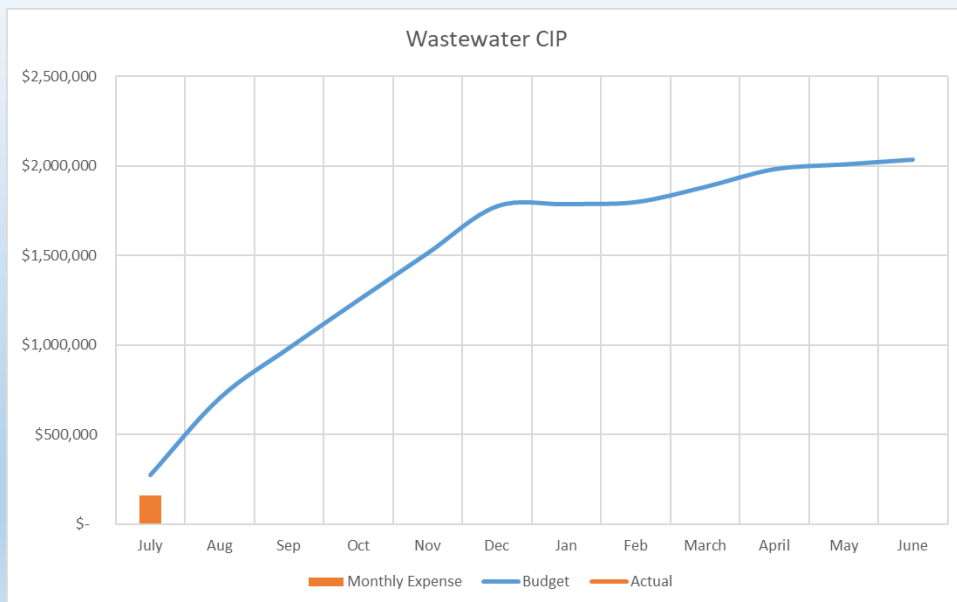
Water PAYGO CIP FY21



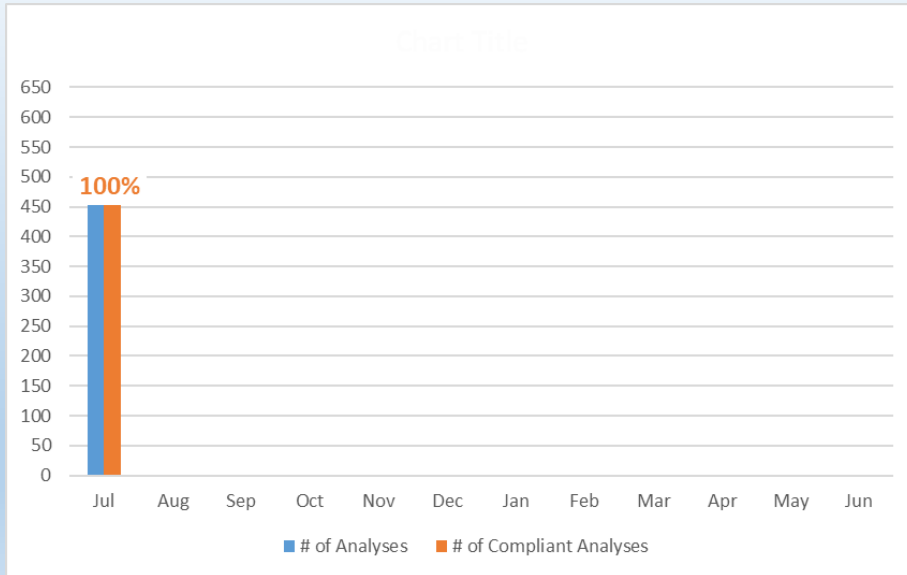
Water SMRCUP CIP FY21



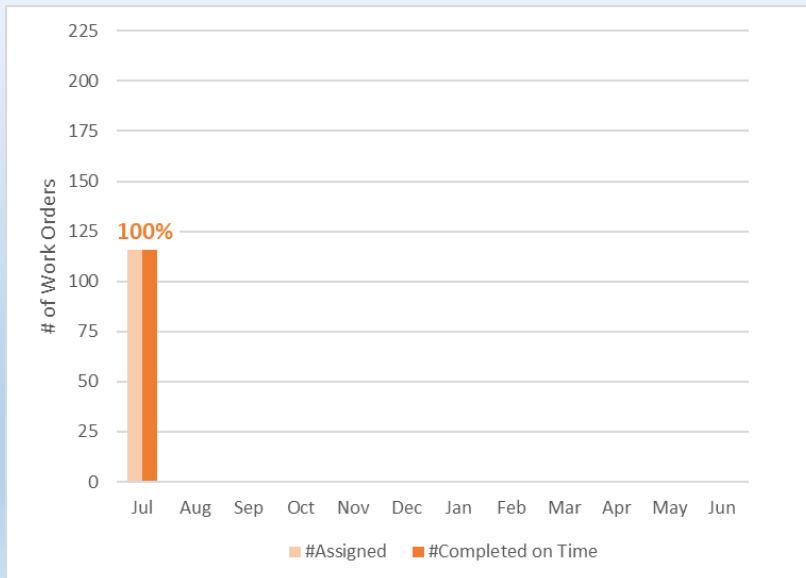
Wastewater System CIP FY21



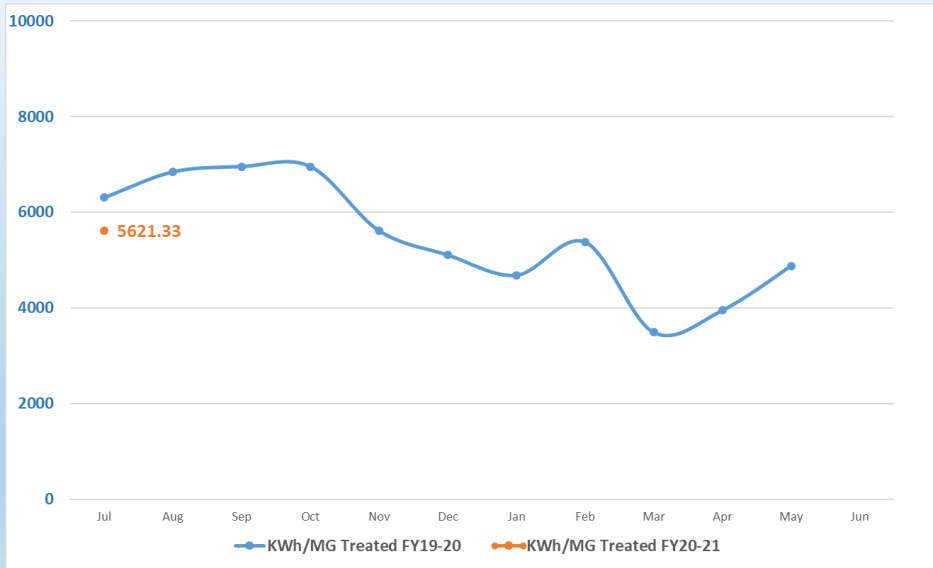
Wastewater System Regulatory Compliance



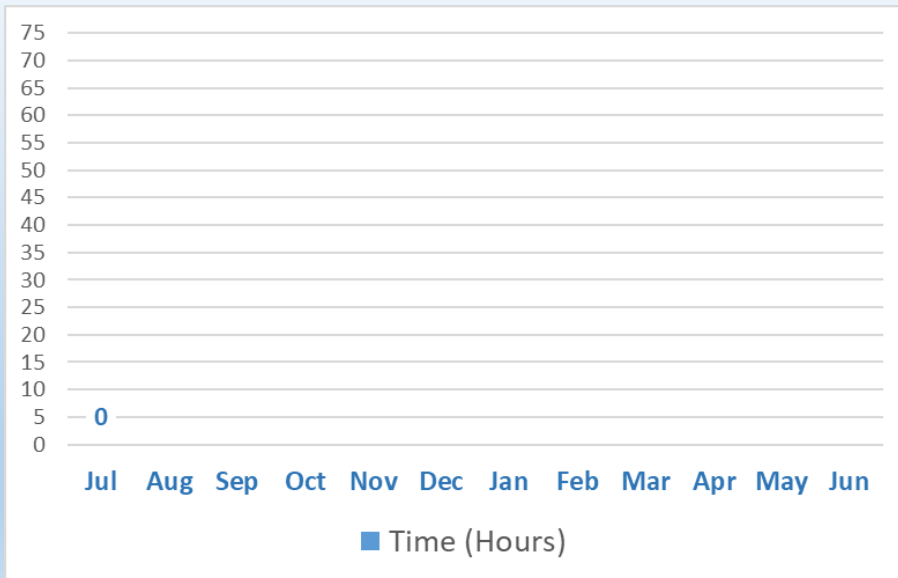
Reclamation Plant – Preventative Maintenance Work Orders



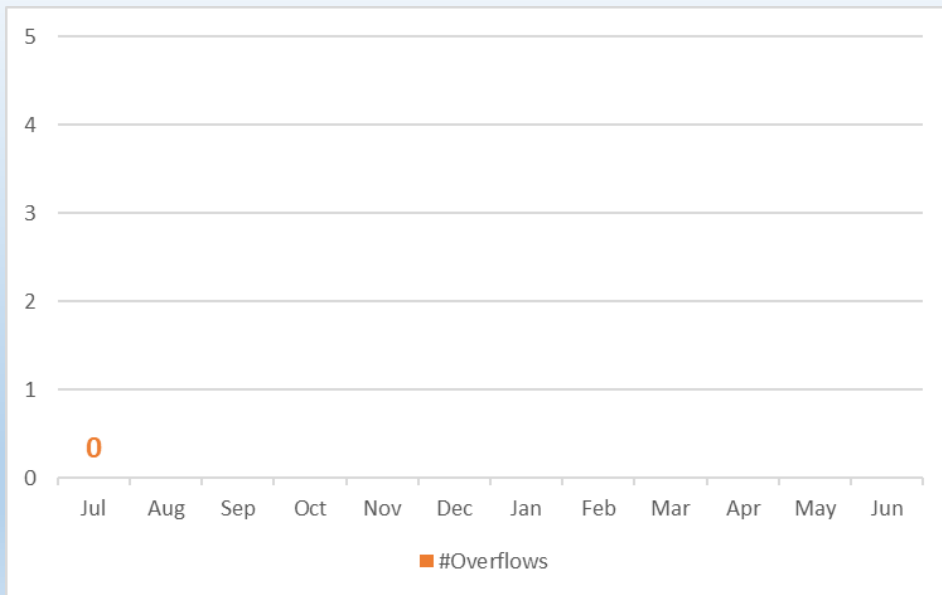
Reclamation Plant – Energy Usage (KWh/MG Treated)



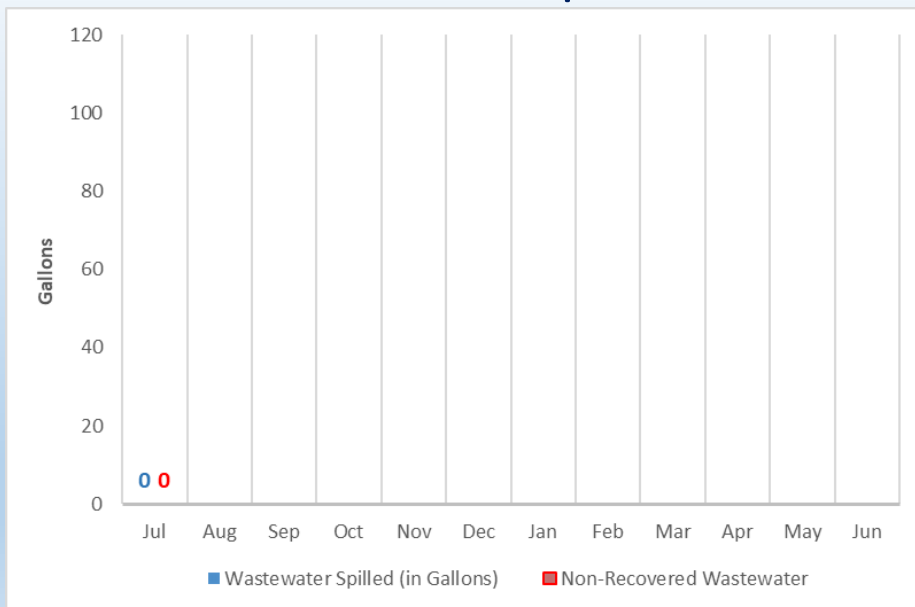
Recycled Water – Time out of Service (Hours)



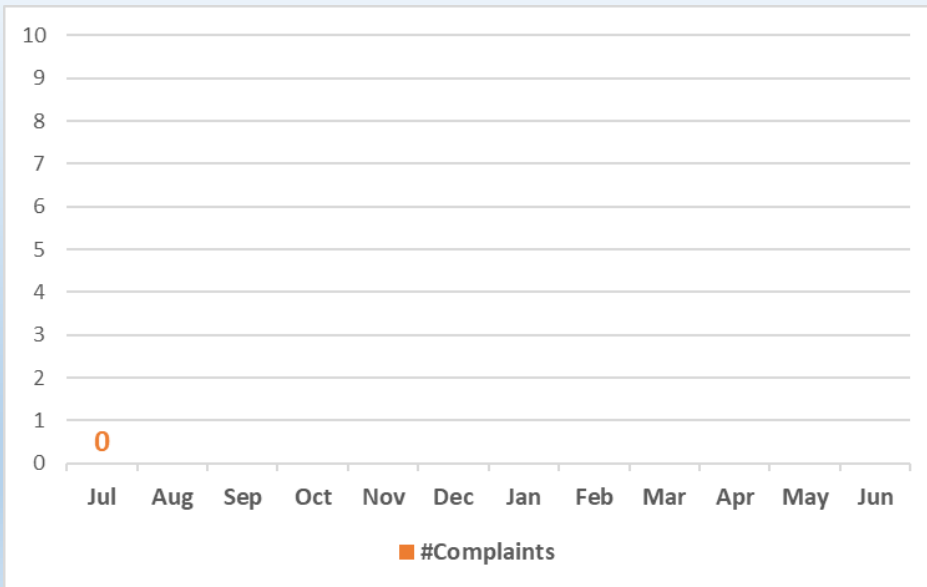
Sewer Overflows



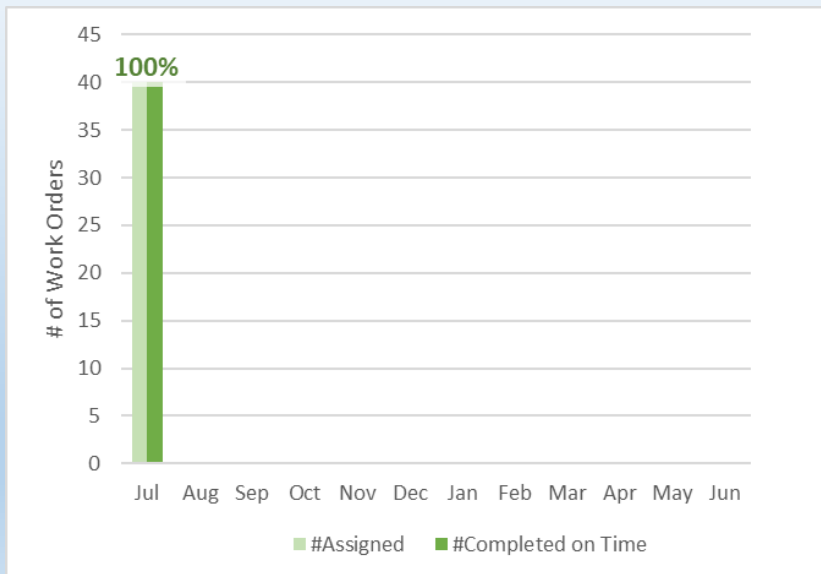
Wastewater Spilled



Wastewater System Odor Complaints



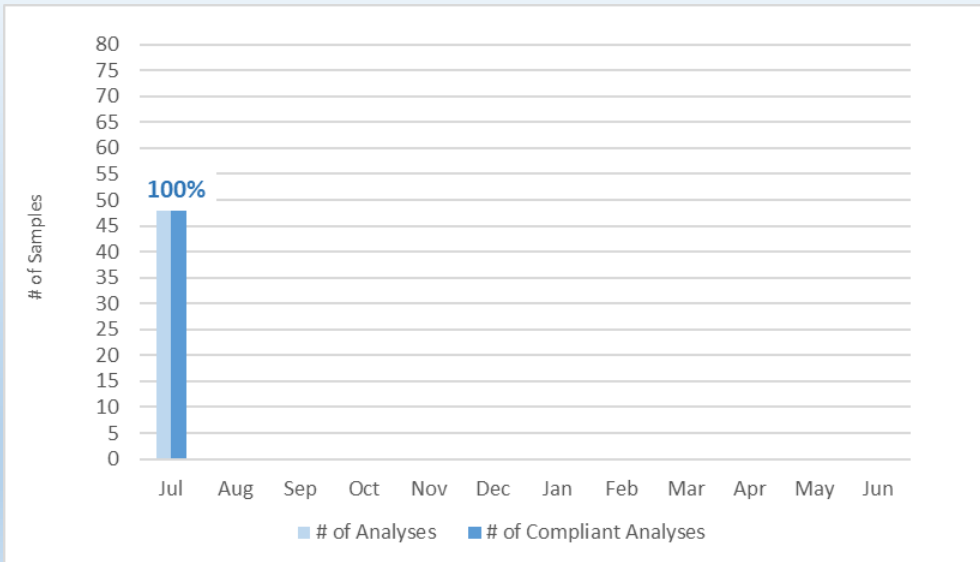
Collections – Preventative Maintenance Work Orders



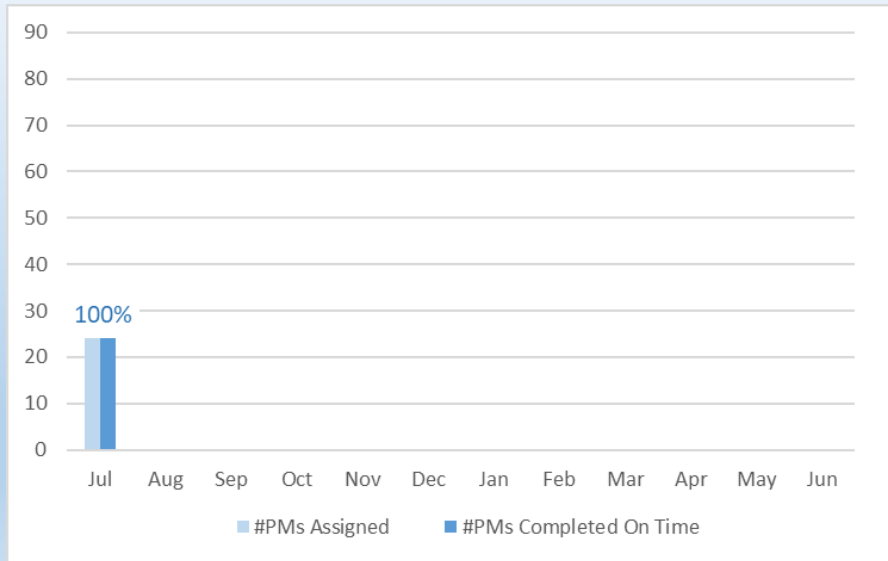
Meter Exchange



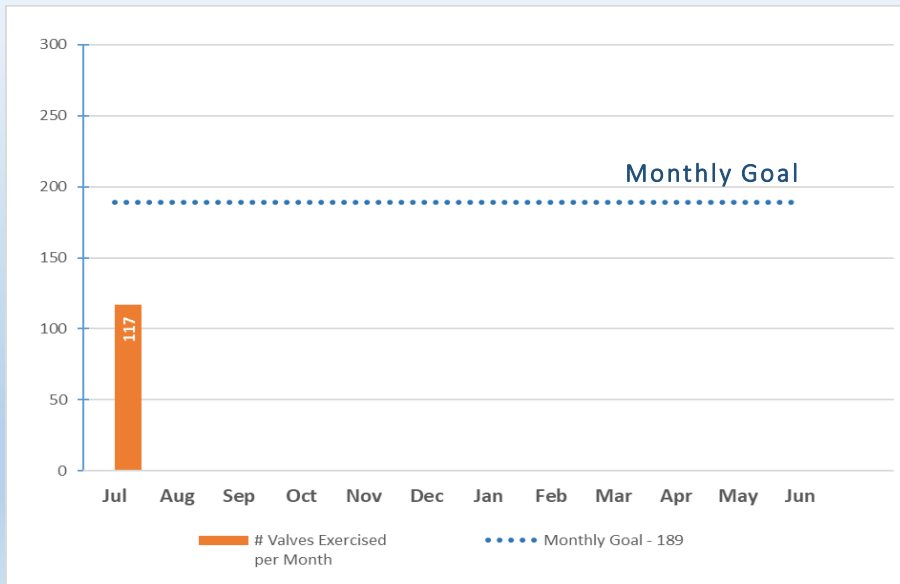
Water System Regulatory Compliance



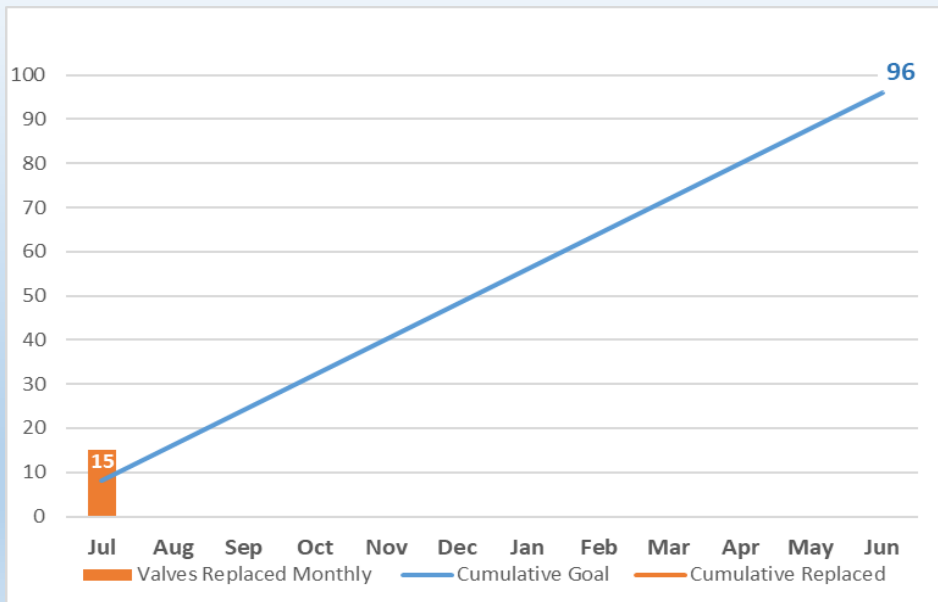
Water Preventative Maintenance Work Orders



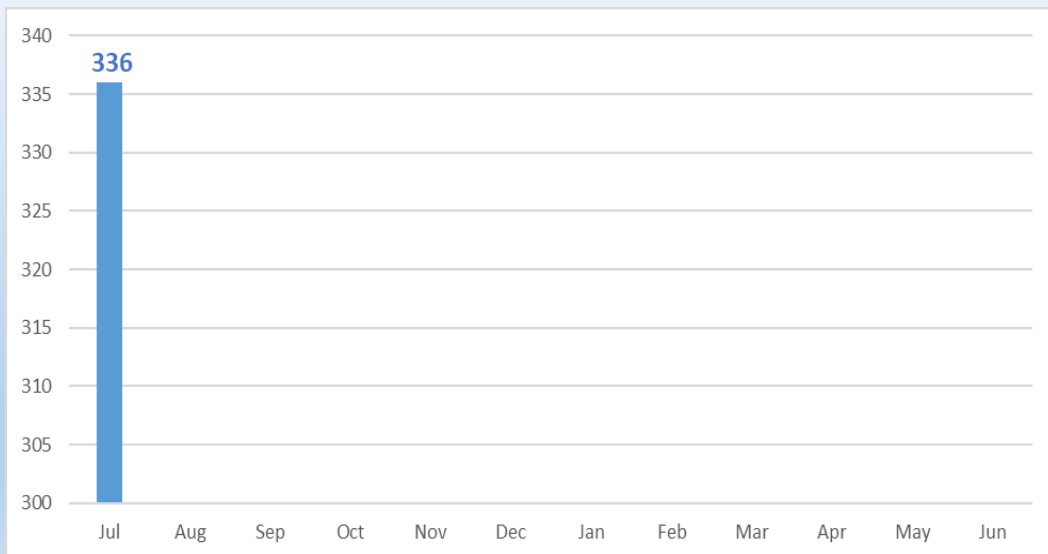
Valve Exercise Program



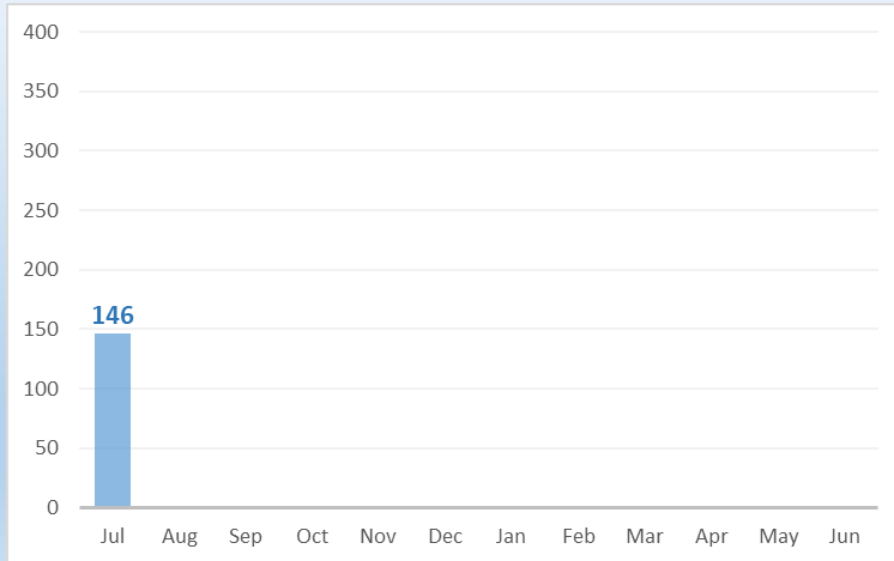
Valves Replaced



Rolling Total Broken Valves



Planned Outages > 4 Hours # of Customers Affected



Unplanned Disruption > 4 Hours # of Customers Affected



M E M O

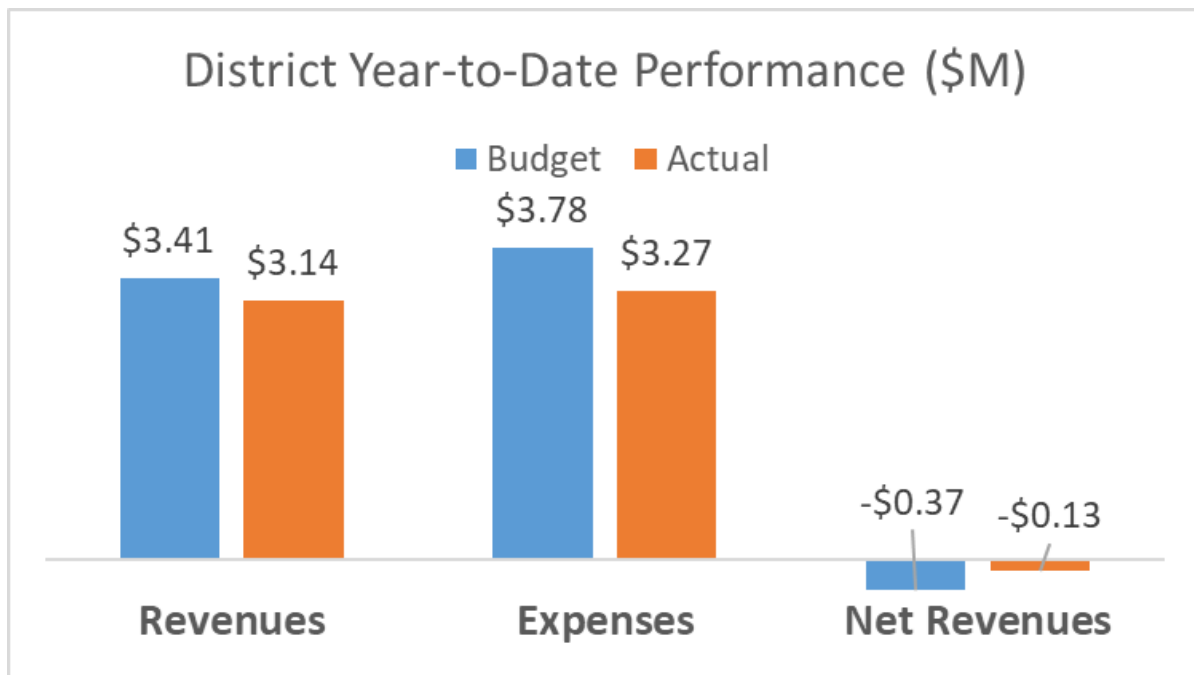
TO: Board of Directors
FROM: David Shank, Assistant General Manager/CFO
DATE: August 24, 2020
SUBJECT: Financial Summary Report – July

Purpose

Provide an overview of changes in the District's financial position.

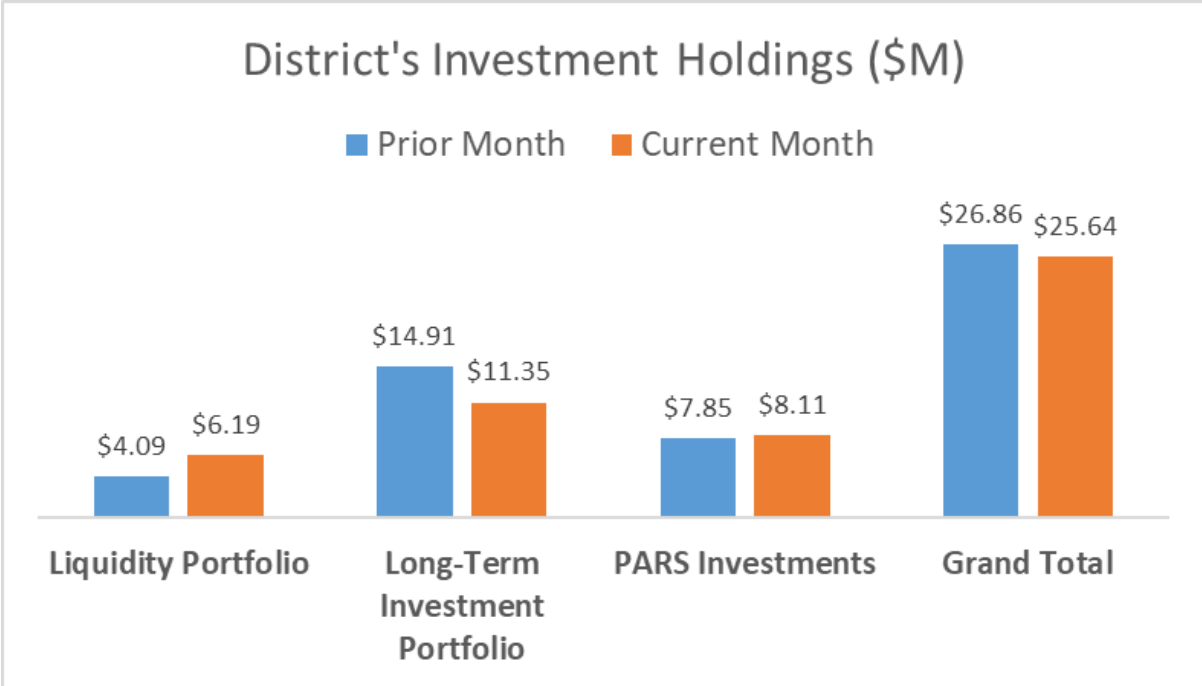
Summary

The graph below shows the District's year-to-date Revenues, Expenditures and Net revenues.



This is the first period of Fiscal Year 2020-2021. While there are some variances between actual and budget, the District is on track with its Budget. As more data is available for the year, trends can be identified and potential issues addressed. The overall financial performance, after adjusting for expected State reimbursement, is slightly better than Budget.

The graph below shows the District's bank holdings reported in the Treasurer's Report at the end of the current and prior month.



Overall the District’s financial position dipped this month with \$1.2 million less held in District accounts at month end. At the end of the month, the District received a reimbursement check from the State for \$4.3 million. Because the funds were not available to transfer at month end, they remained in the District’s general account. In July, the District paid \$4.5 million to contractors for the Santa Margarita Conjunctive Use Project. In addition, in July, the District paid its annual CalPERS unfunded liability payments, a debt service payment and an extra payroll (July had 3 rather than the typical 2 payrolls). Combined these payments resulted in lower month end balances.

Recommended Action

This item is for discussion only. No action is required.

M E M O

TO: Board of Directors
FROM: David Shank, Assistant General Manager/CFO
DATE: August 24, 2020
SUBJECT: Treasurer's Report

Purpose

Provide the July, 2020 Treasurer's Report. Confirm that the District's investment portfolio is in compliance with the Investment Policy and that the District is able to meet the expenditure requirements for the next 6-months.

Notes

The District received \$4.3 million in reimbursement from the State in July and paid Santa Margarita Conjunctive Use Project (SMCUP) contractors \$4.5 million in July. In June, the District closed its County Pool Account and transferred the funds to the Money Market account but the County's year-end allocation of \$84.17 has yet to be transferred. July is a large cash flow month for the District with three pay periods (most months have 2), a debt service payment and a lump sum payment to CalPers for the unfunded liabilities.

Summary

Treasurer's Report July 31, 2020

Account	Beginning Balance	Ending Balance
Operating Fund	\$ 19,525	\$ 19,525
Money Market	\$ 1,511,221	\$ 4,056,083
County Pool***	\$ -	\$ -
CAMP Account	\$ 2,562,569	\$ 2,113,323
<i>District's Liquidity Portfolio</i>	\$ 4,093,315	\$ 6,188,931
PFM Managed Long-term Investment Portfolio*	\$ 11,233,386	\$ 11,259,351
LAIF (Long-term Reserves)	\$ 3,676,617	\$ 87,762
PARS (OPEB & Pension Trust)**	\$ 7,852,397	\$ 8,105,134
<i>District Accounts Total</i>	\$ 26,855,715	\$ 25,641,178

*\$6.21M of funds are from the sale of the Santa Margarita properties.

**\$3.78M of funds are from the sale of the Santa Margarita Properties.

***Account Closed with \$84.17 in interest due to the District.



Dave Shank
August 24, 2020



Account Statement - Transaction Summary

For the Month Ending July 31, 2020

Fallbrook Public Utility District - Liquidity - 6050-004

CAMP Pool	
Opening Market Value	2,562,568.92
Purchases	753.94
Redemptions	(450,000.00)
Unsettled Trades	0.00
Change in Value	0.00
Closing Market Value	\$2,113,322.86
Cash Dividends and Income	753.94

Asset Summary		
	July 31, 2020	June 30, 2020
CAMP Pool	2,113,322.86	2,562,568.92
Total	\$2,113,322.86	\$2,562,568.92

Asset Allocation	
CAMP Pool	100.00%



CAMP Pool
100.00%



Account Statement

For the Month Ending **July 31, 2020**

Fallbrook Public Utility District - Liquidity - 6050-004

Trade Date	Settlement Date	Transaction Description	Share or Unit Price	Dollar Amount of Transaction	Total Shares Owned
CAMP Pool					
Opening Balance					2,562,568.92
07/16/20	07/16/20	Redemption - Outgoing Wires	1.00	(300,000.00)	2,262,568.92
07/24/20	07/24/20	Redemption - Outgoing Wires	1.00	(150,000.00)	2,112,568.92
07/31/20	08/03/20	Accrual Income Div Reinvestment - Distributions	1.00	753.94	2,113,322.86
Closing Balance					2,113,322.86

	Month of July	Fiscal YTD July-July		
Opening Balance	2,562,568.92	2,562,568.92	Closing Balance	2,113,322.86
Purchases	753.94	753.94	Average Monthly Balance	2,369,044.85
Redemptions (Excl. Checks)	(450,000.00)	(450,000.00)	Monthly Distribution Yield	0.37%
Check Disbursements	0.00	0.00		
Closing Balance	2,113,322.86	2,113,322.86		
Cash Dividends and Income	753.94	753.94		



Managed Account Security Transactions & Interest

For the Month Ending July 31, 2020

FPUD - INVESTMENT PORTFOLIO - 28710100

Transaction Type		Security Description	CUSIP	Par	Principal Proceeds	Accrued Interest	Total	Realized G/L Cost	Realized G/L Amort Cost	Sale Method
Trade	Settle									
INTEREST										
07/01/20	07/01/20	MONEY MARKET FUND	MONEY0002	0.00	0.00	20.89	20.89			
07/01/20	07/25/20	FHLMC SERIES K721 A2 DTD 12/01/2015 3.090% 08/01/2022	3137BM6P6	110,000.00	0.00	283.25	283.25			
07/15/20	07/15/20	COMET 2019-A2 A2 DTD 09/05/2019 1.720% 08/15/2024	14041NFU0	285,000.00	0.00	408.50	408.50			
07/15/20	07/15/20	JDOT 2018-A A3 DTD 02/28/2018 2.660% 04/15/2022	47788CAC6	15,601.23	0.00	34.58	34.58			
07/15/20	07/15/20	HAROT 2018-1 A3 DTD 02/28/2018 2.640% 02/15/2022	43814UAC3	60,666.33	0.00	133.47	133.47			
07/15/20	07/15/20	ALLY ABS 2017-4 A3 DTD 08/23/2017 1.750% 12/15/2021	02007FAC9	17,036.81	0.00	24.85	24.85			
07/15/20	07/15/20	DCENT 2019-A3 A DTD 10/31/2019 1.890% 10/15/2024	254683CM5	120,000.00	0.00	189.00	189.00			
07/15/20	07/15/20	COPAR 2019-1 A3 DTD 05/30/2019 2.510% 11/15/2023	14042WAC4	40,000.00	0.00	83.67	83.67			
07/15/20	07/15/20	MBALT 2019-B A3 DTD 11/20/2019 2.000% 10/17/2022	58769OAC5	60,000.00	0.00	100.00	100.00			
07/15/20	07/15/20	JOHN DEERE ABS 2017-B A3 DTD 07/15/2017 1.820% 10/15/2021	47788BAD6	3,623.23	0.00	5.50	5.50			
07/15/20	07/15/20	JDOT 2019-B A3 DTD 07/24/2019 2.210% 12/15/2023	477870AC3	30,000.00	0.00	55.25	55.25			
07/16/20	07/16/20	GM FINANCIAL SECURITIZED TERM DTD 07/24/2019 2.180% 04/16/2024	36257PAD0	50,000.00	0.00	90.83	90.83			
07/21/20	07/21/20	HAROT 2019-2 A3 DTD 05/29/2019 2.520% 06/21/2023	43815MAC0	75,000.00	0.00	157.50	157.50			
07/24/20	07/24/20	BANK OF AMERICA CORP CORP NOTES DTD 01/24/2012 5.700% 01/24/2022	06051GEM7	130,000.00	0.00	3,705.00	3,705.00			
07/29/20	07/29/20	BANK OF NY MELLON CORP NOTE DTD 01/29/2018 2.950% 01/29/2023	06406RAE7	200,000.00	0.00	2,950.00	2,950.00			
07/30/20	07/30/20	US BANCORP DTD 07/29/2019 2.400% 07/30/2024	91159HHX1	145,000.00	0.00	1,740.00	1,740.00			
07/31/20	07/31/20	UNITED STATES TREASURY NOTES DTD 07/31/2019 1.750% 07/31/2024	912828Y87	200,000.00	0.00	1,750.00	1,750.00			



Managed Account Security Transactions & Interest

For the Month Ending July 31, 2020

FPUD - INVESTMENT PORTFOLIO - 28710100

Transaction Type		Security Description	CUSIP	Par	Principal Proceeds	Accrued Interest	Total	Realized G/L Cost	Realized G/L Amort Cost	Sale Method	
Trade	Settle										
INTEREST											
07/31/20	07/31/20	US TREASURY NOTES DTD 02/02/2015 1.500% 01/31/2022	912828H86	460,000.00	0.00	3,450.00	3,450.00				
07/31/20	07/31/20	US TREASURY NOTES DTD 08/01/2016 1.125% 07/31/2021	912828S76	175,000.00	0.00	984.38	984.38				
07/31/20	07/31/20	US TREASURY NOTES DTD 07/31/2017 1.875% 07/31/2022	9128282P4	440,000.00	0.00	4,125.00	4,125.00				
Transaction Type Sub-Total				2,616,927.60	0.00	20,291.67	20,291.67				
MATURITY											
07/20/20	07/20/20	WASTE MANAGEMENT INC CORP NOTES DTD 05/22/2019 2.950% 07/20/2020	94106LBF5	100,000.00	101,000.00	286.81	101,286.81	(1,769.00)	1,000.00		
Transaction Type Sub-Total				100,000.00	101,000.00	286.81	101,286.81	(1,769.00)	1,000.00		
PAYDOWNS											
07/15/20	07/15/20	HAROT 2018-1 A3 DTD 02/28/2018 2.640% 02/15/2022	43814UAC3	6,512.45	6,512.45	0.00	6,512.45	0.84	0.00		
07/15/20	07/15/20	JOHN DEERE ABS 2017-B A3 DTD 07/15/2017 1.820% 10/15/2021	47788BAD6	847.30	847.30	0.00	847.30	0.06	0.00		
07/15/20	07/15/20	ALLY ABS 2017-4 A3 DTD 08/23/2017 1.750% 12/15/2021	02007FAC9	3,968.49	3,968.49	0.00	3,968.49	0.05	0.00		
07/15/20	07/15/20	JDOT 2018-A A3 DTD 02/28/2018 2.660% 04/15/2022	47788CAC6	1,611.67	1,611.67	0.00	1,611.67	0.12	0.00		
Transaction Type Sub-Total				12,939.91	12,939.91	0.00	12,939.91	1.07	0.00		
Managed Account Sub-Total					113,939.91	20,578.48	134,518.39	(1,767.93)	1,000.00		
Total Security Transactions					\$113,939.91	\$20,578.48	\$134,518.39	(\$1,767.93)	\$1,000.00		

California State Treasurer
Fiona Ma, CPA



Local Agency Investment Fund
 P.O. Box 942809
 Sacramento, CA 94209-0001
 (916) 653-3001

August 05, 2020

[LAIF Home](#)
[PMIA Average](#)
[Monthly Yields](#)

FALLBROOK PUBLIC UTILITY DISTRICT

TREASURER
 P.O. BOX 2290
 FALLBROOK, CA 92088

[Tran Type](#)
[Definitions](#)

Account Number: 85-37-001

July 2020 Statement

Effective Date	Transaction Date	Tran Type	Confirm Number	Web Confirm Number	Authorized Caller	Amount
7/1/2020	7/1/2020	RW	1644675	N/A	DAVID SHANK	-3,600,000.00
7/15/2020	7/14/2020	QRD	1646842	N/A	SYSTEM	10,306.07
7/15/2020	7/29/2020	QRD	1650307	N/A	SYSTEM	839.05

Account Summary

Total Deposit:	11,145.12	Beginning Balance:	3,676,617.02
Total Withdrawal:	-3,600,000.00	Ending Balance:	87,762.14

M E M O

TO: Board of Directors
FROM: David Shank, Assistant General Manager/CFO
DATE: August 24, 2020
SUBJECT: Budget Status Report for Fiscal Year 2020-2021

Purpose

Provide a Budget Status Report (BSR) to the Board.

Summary

The BSR shows the District's financial performance compared to the budget for the month of July, Year-to-Date and the annual budgeted amount. When looking at this data, bear in mind that this is the first period in the new fiscal year.

Total revenues year-to-date are below budget by 8.0%. This under performance is due to lagging water sales, which as shown in the monthly water sales chart below are 10.9% below budget. Lower than Budgeted revenues were received by both the Wastewater and Recycled Water Services. Given this is the first period of the new fiscal year, there is no reason to believe that the District is not in line with the Budget.

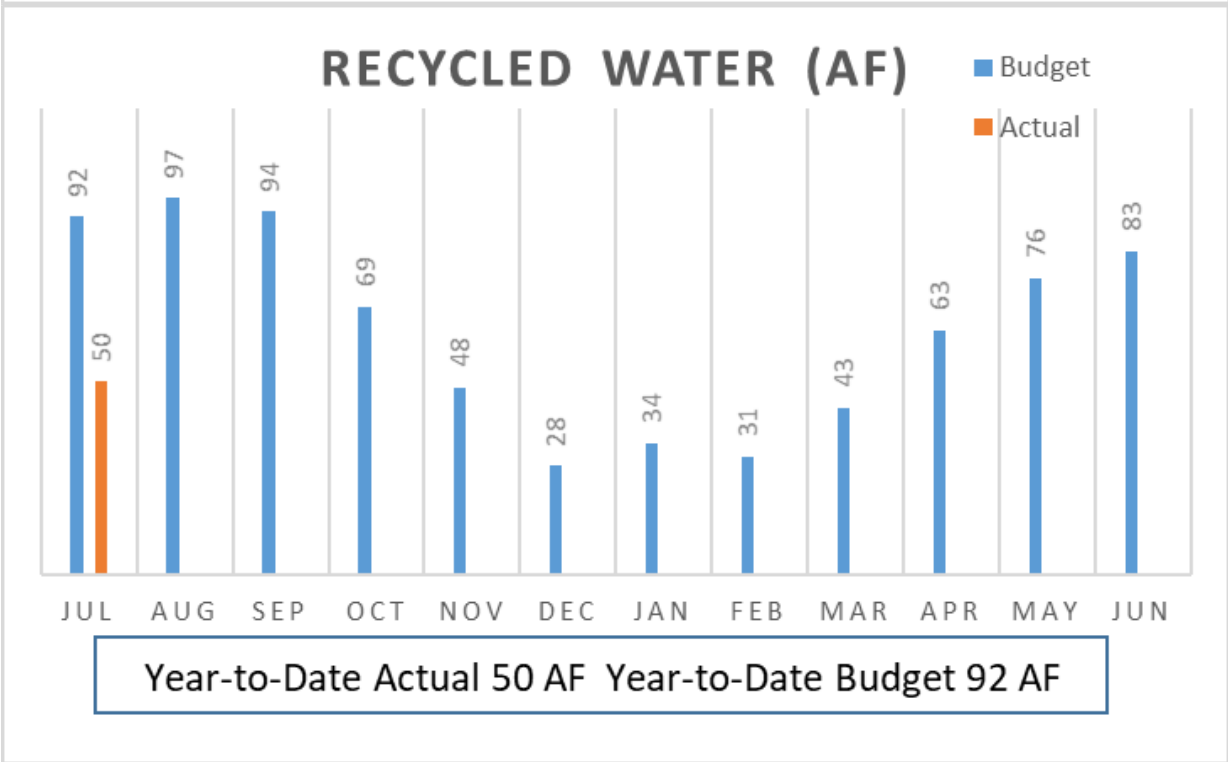
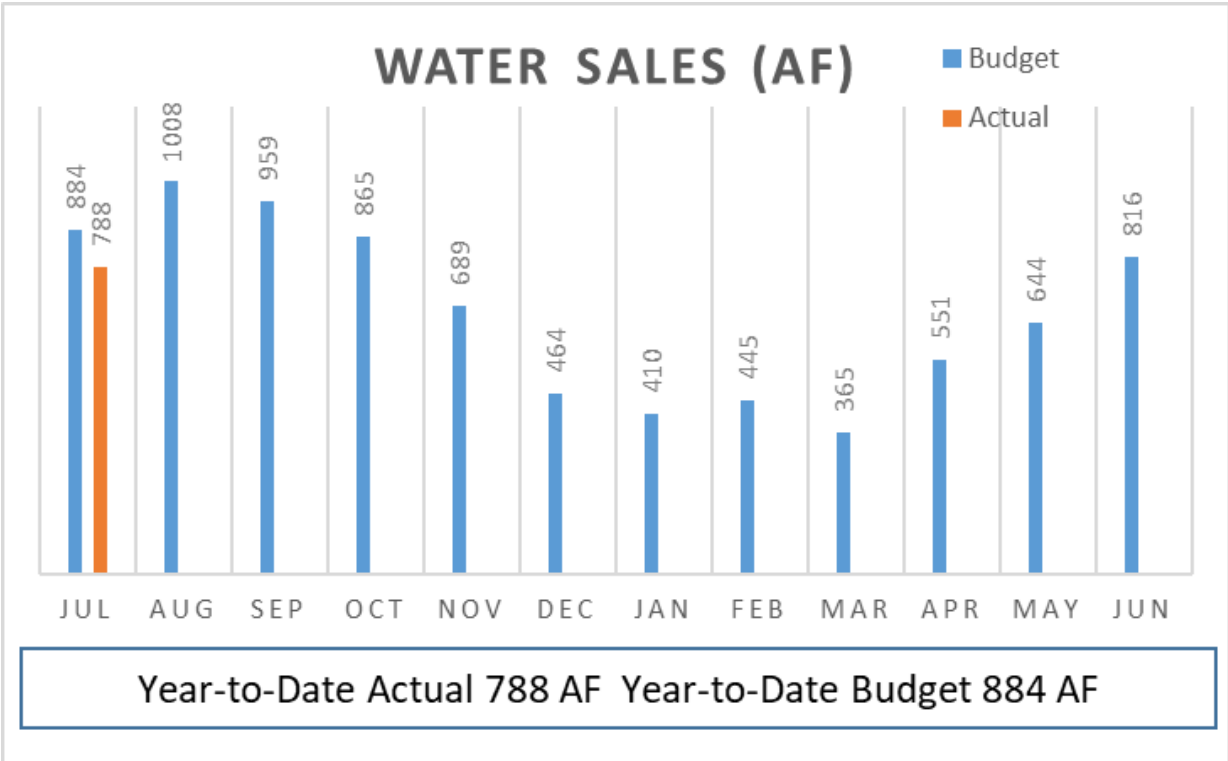
Non-operating revenues are under budget, driven by a lower than expected property tax revenues. This is expected to self-correct over the course of the year. Investment earnings and other non-operating revenues helped offset lower property tax revenues.

The District's year-to-date total expenditures are under budget, due to the lower than budgeted operating expenses, which is likely a result of less contractual work being executed, due to the start of a new fiscal year and the current remote work environment. Water sales were slightly higher than budget.

Total revenue is \$3,141,847 or 8.0% under budget and total expenditures are \$3,001,824 or 5.1% under budget. Capital spending for Santa Margarita Conjunctive Use Project (SMCUP) is slightly over budget while other capital project costs (PAYGO) are under budget. The result of this financial performance is a Net Loss. After adjusting for expected State Loan proceeds, the District's financial results are inline and slightly better than budgeted.

Recommended Action

This item is for discussion only. No action is required.



Monthly Budget Report for July

Favorable Variance Shown as a positive number

	Current Month		Year-To-Date				Annual Budget		
	Actual	Budget	Actual	Budget	Variance	%	Budget	Remaining Balance	%
Operating Revenues:								Year remaining	91.7%
Water Sales	1,650,332	1,835,432	1,650,332	1,835,432	(185,100)	-10.1%	17,660,076	16,009,744	90.7%
Water Meter Service Charges	604,775	604,788	604,775	604,788	(13)	0.0%	7,547,752	6,942,977	92.0%
Wastewater Service Charges	510,470	544,518	510,470	544,518	(34,048)	-6.3%	6,186,330	5,675,859	91.7%
Recycled Water Revenues	93,939	136,469	93,939	136,469	(42,530)	-31.2%	1,188,242	1,094,302	92.1%
Other Operating Revenue	-	917	-	917	(917)	-100.0%	11,000	11,000	100.0%
Total Operating Revenue	2,859,517	3,122,124	2,859,517	3,122,124	(262,607)	-8.4%	32,593,400	29,733,883	91.2%
Non Operating Revenues:									
Water Capital Improvement Charge	115,841	121,273	115,841	121,273	(5,432)	-4.5%	1,455,281	1,339,440	92.0%
Wastewater Capital Improvement Charge	97,908	100,594	97,908	100,594	(2,686)	-2.7%	1,207,132	1,109,224	91.9%
Property Taxes	-	27,448	-	27,448	(27,448)	-100.0%	2,022,485	2,022,485	100.0%
Water Standby/Availability Charge	-	1	-	1	(1)	-100.0%	204,000	204,000	100.0%
Water/Wastewater Capacity Charges	14,743	7,083	14,743	7,083	7,660	108.1%	85,000	70,257	82.7%
Portfolio Interest	30,707	11,792	30,707	11,792	18,915	160.4%	141,500	110,793	78.3%
Pumping Capital Improvement Charge	2,013	2,730	2,013	2,730	(717)	-26.3%	32,756	30,743	93.9%
Federal Interest Rate Subsidy	-	-	-	-	-	NA	110,677	110,677	100.0%
Facility Rents	10,122	18,333	10,122	18,333	(8,211)	-44.8%	220,000	209,878	95.4%
Other Non-Operating Revenues	10,996	2,500	10,996	2,500	8,496	339.8%	30,000	19,004	63.3%
Total Non Operating Revenues	282,330	291,755	282,330	291,755	(9,425)	-3.2%	5,508,830	5,226,500	94.9%
Total Revenues	3,141,847	3,413,879	3,141,847	3,413,879	(272,032)	-8.0%	38,102,230	34,960,383	91.8%
Expenditures									
Purchased Water Expense	1,766,735	1,413,179	1,766,735	1,413,179	(353,556)	-25.0%	14,012,905	12,246,170	87.4%
Water Services	213,927	368,807	213,927	368,807	154,881	42.0%	3,196,328	2,982,401	93.3%
Wastewater Services	248,383	375,156	248,383	375,156	126,773	33.8%	3,251,348	3,002,965	92.4%
Recycled Water Services	22,032	62,826	22,032	62,826	40,794	64.9%	544,494	522,462	96.0%
Administrative Services	552,822	746,004	552,822	746,004	193,181	25.9%	6,465,365	5,912,543	91.4%
Total Operating Expenses	2,803,899	2,965,971	2,803,899	2,965,971	162,073	5.5%	27,470,440	24,666,542	89.8%
Debt Service Expenses									
SMCUP SRF	-	-	-	-	-	NA	800,810	800,810	100.0%
Red Mountain SRF	197,925	197,926	197,925	197,926	0	0.0%	395,851	197,926	50.0%
WWTP SRF	-	-	-	-	-	NA	1,845,746	1,845,746	100.0%
QECB Solar Debt	-	-	-	-	-	NA	520,642	520,642	100.0%
Total Debt Service	197,925	197,926	197,925	197,926	0	0.0%	3,563,049	3,365,123	94.4%
Total Expenses	3,001,824	3,163,897	3,001,824	3,163,897	162,073	5.1%	31,033,489	28,031,665	90.3%
Net Revenue/(loss) From Operations and Debt Service	140,023	249,982	140,023	249,982	(109,959)	-44%	7,068,741	6,928,718	98.0%
Capital Investment									
Capital Investment									
Construction Expenditures	267,169	617,583	267,169	617,583	350,414	56.7%	7,221,750	6,954,581	96.3%
SMCUP Expenditures*	3,860,179	2,878,536	3,860,179	2,878,536	(981,644)	-34.1%	31,900,000	28,039,821	87.9%
SRF Loan Proceeds Draw (Capital Project Funds)**	(3,860,179)	(2,878,536)	(3,860,179)	(2,878,536)	981,644	-34.1%	(31,900,000)	(28,039,821)	87.9%
Net Revenue/(Loss)	(127,146)	(367,601)	(127,146)	(367,601)	240,455	-65.4%	(153,009)	(25,863)	16.9%

*CIP expenditures related to the SMCUP have been updated based upon contractor draw scheduled and are funded by SRF Loan proceeds.

**YTD Actual amount adjusted to reflect expected State Reimbursement for reporting purposes.

07/31/2020

Treasurer's Warrant No. July

TO: Treasurer of the Fallbrook Public Utility District

The bills and claims listed below are approved as authorized by resolution no. 3538 of the Board of Directors dated July 8, 1985. You are hereby authorized and directed to pay said prospective claims for the amounts stated (less discounts in instances where discounts are allowed).

Payroll -07/2020

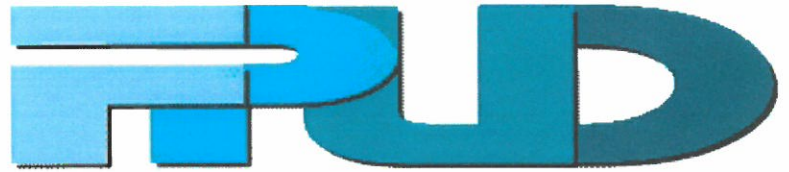
Computer Check Register

Payroll #1	\$148,917.48
Payroll #2	\$141,256.19
Payroll #3	<u>\$135,208.46</u>
	<u>\$425,382.13</u>

Accounts Payable

Checks by Date - Summary by Check Date

User: annaleceb
Printed: 8/17/2020 9:44 AM



Fallbrook Public Utility District
Purchasing Dept. Phone: (760) 728-1151, Fax: (760) 728-8491
Main Office Phone: (760) 728-1125, Fax: (760) 728-6029

Check No	Vendor No	Vendor Name	Check Date	Check Amount
ACH	00152	FPUD EMPL ASSOCIATION	07/02/2020	34.00
ACH	06758	US TREASURY - PAYROLL TAXES	07/02/2020	3,374.84
ACH	06759	STATE OF CA - PR TAXES	07/02/2020	586.62
ACH	06760	STATE OF CA - SDI	07/02/2020	117.70
ACH	06761	LINCOLN FINANCIAL GROUP	07/02/2020	438.55
ACH	06763	PERS - PAYROLL	07/02/2020	1,876.18
ACH	00152	FPUD EMPL ASSOCIATION	07/02/2020	447.50
ACH	00718	NATIONWIDE RETIREMENT SOLUTIO	07/02/2020	3,530.00
ACH	06758	US TREASURY - PAYROLL TAXES	07/02/2020	57,923.24
ACH	06759	STATE OF CA - PR TAXES	07/02/2020	9,387.50
ACH	06760	STATE OF CA - SDI	07/02/2020	2,220.97
ACH	06761	LINCOLN FINANCIAL GROUP	07/02/2020	7,140.68
ACH	06763	PERS - PAYROLL	07/02/2020	35,120.26
ACH	91508	CALIFORNIA STATE DISBURSEMENT	07/02/2020	346.15
ACH	06394	CALIFORNIA BANK & TRUST	07/02/2020	197,925.28
83931	91455	ACCU-TECH CORPORATION	07/02/2020	266.36
83932	00101	ACWA JPIA	07/02/2020	99,394.26
83933	91163	AM Diesel INC.	07/02/2020	2,335.17
83934	91286	AMAZON CAPITAL SERVICES, INC.	07/02/2020	626.86
83935	02805	ASBURY ENVIRONMENTAL SERVICES	07/02/2020	1,812.15
83936	06020	BABCOCK LABORATORIES, INC	07/02/2020	1,020.00
83937	06375	CALGON CARBON CORPORATION	07/02/2020	6,300.00
83938	03978	CAMERON WELDING SUPPLY	07/02/2020	1,563.23
83939	04408	DEVIN CASTEEL	07/02/2020	218.02
83940	91330	AARON COOK	07/02/2020	180.00
83941	91008	MICHAEL COTHRAN	07/02/2020	360.00
83942	91123	DIGITAL DEPLOYMENT, INC.	07/02/2020	550.00
83943	03391	ELECTRICAL SALES INC	07/02/2020	2,261.92
83944	05588	ESCONDIDO METAL SUPPLY	07/02/2020	340.22
83945	06507	EUROFINS EATON ANALYTICAL INC	07/02/2020	2,400.00
83946	06303	EXECUTIVE LANDSCAPE INC.	07/02/2020	21,422.17
83947	00169	FALLBROOK OIL COMPANY	07/02/2020	4,845.03
83948	06497	FASTENAL COMPANY	07/02/2020	2,705.56
83949	04494	FEDERAL EXPRESS CORPORATION	07/02/2020	146.51
83950	91479	FLW, INC.	07/02/2020	227.76
83951	01432	FERGUSON WATERWORKS #1083	07/02/2020	13,441.81
83952	91499	FILANC ALBERICI A JOINT VENTURE	07/02/2020	3,777,751.37
83953	91198	FIRST BANKCARD	07/02/2020	2,681.79
83954	91200	FIRST BANKCARD	07/02/2020	226.27
83955	91202	FIRST BANKCARD	07/02/2020	1,874.22
83956	91313	FIRST BANKCARD	07/02/2020	2,223.84
83957	91540	FIRST BANKCARD	07/02/2020	1,088.89
83958	91558	GLOADY FAMILY TRUST	07/02/2020	2,842.40
83959	02170	GRAINGER, INC.	07/02/2020	984.72
83960	05803	HADRONEX INC	07/02/2020	1,258.74
83961	06062	HARRINGTON INDUSTRIAL PLASTICS	07/02/2020	276.45
83962	06577	INFOSEND INC	07/02/2020	1,277.75

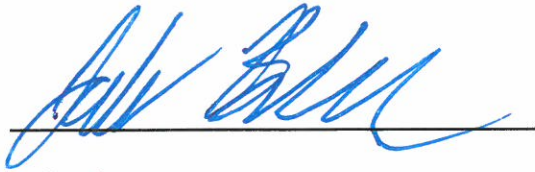
Check No	Vendor No	Vendor Name	Check Date	Check Amount
83963	00190	JCI JONES CHEMICALS INC.	07/02/2020	3,360.99
83964	06243	JIM'S SIGN SHOP	07/02/2020	640.00
83965	06555	LIEBERT CASSIDY WHITMORE	07/02/2020	370.00
83966	06156	LOMACK SERVICE CORPORATION	07/02/2020	319.00
83967	91077	MULTI SERVICE TECHNOLOGY SOLU	07/02/2020	580.14
83968	01406	NORTH COUNTY WELDING SUPPLY	07/02/2020	222.72
83969	04900	PARADISE CHEVROLET CADILLAC	07/02/2020	254.52
83970	03708	PAULEY EQUIPMENT CO INC	07/02/2020	201.71
83971	03024	DEBRA J. POTTER	07/02/2020	412.00
83972	91094	SCADA INTEGRATIONS	07/02/2020	22,045.77
83973	00236	SCRAPPYS	07/02/2020	743.08
83974	90929	SOUTHWEST ANSWERING SERVICE, I	07/02/2020	731.78
83975	00159	SUPERIOR READY MIX	07/02/2020	1,559.09
83976	91385	VERONICA TAMZIL	07/02/2020	60.00
83977	91528	JERRY TEAGUE	07/02/2020	5,477.00
83978	91500	US BANK NATIONAL ASSOCIATION	07/02/2020	198,829.02
83979	02960	VWR INTERNATIONAL INC	07/02/2020	545.71
83980	91554	WESTECH ENGINEERING, INC.	07/02/2020	1,218.57
83981	UB*00339	ELIZABETH & PATRICK BEENTJES	07/02/2020	92.88
83982	05871	ITRON INC	07/02/2020	10,633.05
83983	06555	LIEBERT CASSIDY WHITMORE	07/02/2020	4,150.00
83984	91130	LINCOLN NATIONAL LIFE INSURANC	07/02/2020	3,260.83
83985	02329	VALLECITOS WATER DISTRICT	07/02/2020	2,195.04
Total for 7/2/2020:				4,533,275.84
83986	91490	AMAZON WEB SERVICES, INC.	07/09/2020	1,065.07
83987	06020	BABCOCK LABORATORIES, INC	07/09/2020	2,750.00
83988	06431	BLACK & VEATCH CORPORATION	07/09/2020	3,363.75
83989	03134	CALIFORNIA WATER ENVIRONMENT.	07/09/2020	94.00
83990	03978	CAMERON WELDING SUPPLY	07/09/2020	479.00
83991	05985	SOLEIL DEVELLE	07/09/2020	360.00
83992	05177	DOWNEY BRAND, LLP	07/09/2020	543.50
83993	09523	FALLBROOK EQUIP RENTALS	07/09/2020	1,529.01
83994	01099	FALLBROOK IRRIGATION INC	07/09/2020	229.01
83995	00169	FALLBROOK OIL COMPANY	07/09/2020	2,508.29
83996	02411	FALLBROOK PRINTING CORP	07/09/2020	455.33
83997	00182	GLENNIE'S OFFICE PRODUCTS, INC	07/09/2020	287.37
83998	91560	GRK DEVELOPERS LLC	07/09/2020	125,952.00
83999	02773	HDS WHITE CAP CONST SUPPLY	07/09/2020	1,511.74
84000	05255	INLAND WATER WORKS SUPPLY CO.	07/09/2020	3,116.56
84001	05505	TODD JESTER	07/09/2020	240.00
84002	03299	KAMAN INDUSTRIAL TECHNOLOGIE	07/09/2020	1,222.22
84003	06695	KNIGHT SECURITY & FIRST SYS	07/09/2020	1,257.00
84004	06479	KNOCKOUT PEST CONTROL & TERMI	07/09/2020	250.00
84005	91029	MALLORY SAFETY AND SUPPLY CO	07/09/2020	418.08
84006	91192	MISSION LINEN SUPPLY	07/09/2020	1,286.41
84007	03201	NATIONAL SAFETY COMPLIANCE INC	07/09/2020	28.26
84008	00370	NUTRIEN AG SOLUTIONS, INC.	07/09/2020	1,559.67
84009	00215	PETTY CASH	07/09/2020	190.98
84010	91426	PRINTING SOLUTIONS	07/09/2020	472.29
84011	91155	QUALITY GATE COMPANY, INC	07/09/2020	375.00
84012	00231	SAN DIEGO COUNTY WATER AUTH	07/09/2020	992,846.91
84013	03231	SAN DIEGO COUNTY WATER AUTH	07/09/2020	10,896.00
84014	UB*00340	PETER PAVING AND GRADING	07/09/2020	1,152.13
84015	UB*00179	SYLVIA JIMENEZ	07/09/2020	200.00
84016	UB*00341	ALVIN & TONYA ZAYAS	07/09/2020	831.78

Check No	Vendor No	Vendor Name	Check Date	Check Amount
Total for 7/9/2020:				1,157,471.36
ACH	06758	US TREASURY - PAYROLL TAXES	07/16/2020	5.00
ACH	06760	STATE OF CA - SDI	07/16/2020	0.33
ACH	00152	FPUD EMPL ASSOCIATION	07/16/2020	34.00
ACH	06758	US TREASURY - PAYROLL TAXES	07/16/2020	4,165.22
ACH	06759	STATE OF CA - PR TAXES	07/16/2020	787.96
ACH	06760	STATE OF CA - SDI	07/16/2020	138.22
ACH	06761	LINCOLN FINANCIAL GROUP	07/16/2020	438.55
ACH	06763	PERS - PAYROLL	07/16/2020	2,123.74
ACH	00152	FPUD EMPL ASSOCIATION	07/16/2020	438.00
ACH	00718	NATIONWIDE RETIREMENT SOLUTIO	07/16/2020	3,330.00
ACH	06758	US TREASURY - PAYROLL TAXES	07/16/2020	52,372.46
ACH	06759	STATE OF CA - PR TAXES	07/16/2020	7,989.31
ACH	06760	STATE OF CA - SDI	07/16/2020	1,979.85
ACH	06761	LINCOLN FINANCIAL GROUP	07/16/2020	7,125.31
ACH	06763	PERS - PAYROLL	07/16/2020	36,998.32
ACH	91508	CALIFORNIA STATE DISBURSEMENT	07/16/2020	346.15
84019	00805	ACWA/JOINT POWERS INS.	07/16/2020	30,775.93
84020	91513	ALCHEMY CONSULTING GROUP	07/16/2020	7,500.00
84021	05778	AQUATIC BIOASSAY AND CONSULTIN	07/16/2020	2,875.00
84022	06536	ARCADIS U.S., INC	07/16/2020	8,867.50
84023	05088	AT&T	07/16/2020	782.06
84024	02176	CORELOGIC SOLUTIONS, LLC	07/16/2020	225.00
84025	02925	DATA NET SOLUTIONS	07/16/2020	937.00
84026	03391	ELECTRICAL SALES INC	07/16/2020	330.35
84027	05588	ESCONDIDO METAL SUPPLY	07/16/2020	59.80
84028	06303	EXECUTIVE LANDSCAPE INC.	07/16/2020	770.00
84029	01099	FALLBROOK IRRIGATION INC	07/16/2020	55.94
84030	00170	FALLBROOK WASTE & RECYCLING	07/16/2020	818.35
84031	02170	GRAINGER, INC.	07/16/2020	98.48
84032	02767	GRANGETTO FARM & GARDEN SUPPI	07/16/2020	38.70
84033	03174	HAAKER EQUIPMENT COMPANY	07/16/2020	2,002.39
84034	05380	HACH CO	07/16/2020	2,976.20
84035	02773	HDS WHITE CAP CONST SUPPLY	07/16/2020	854.46
84036	06577	INFOSEND INC	07/16/2020	3,619.69
84037	06359	INFRASTRUCTURE ENGINEERING CO	07/16/2020	180,971.43
84038	06267	J2 GLOBAL IRELAND LIMITED	07/16/2020	59.91
84039	06243	JIM'S SIGN SHOP	07/16/2020	320.00
84040	04027	JOES HARDWARE	07/16/2020	1,943.01
84041	90937	KIRK PAVING INC	07/16/2020	65,782.00
84042	91562	LANDSCAPE ONE INC	07/16/2020	3,394.00
84043	02618	MC MASTER-CARR	07/16/2020	598.88
84044	90932	NAPA AUTO PARTS	07/16/2020	810.43
84045	03201	NATIONAL SAFETY COMPLIANCE INC	07/16/2020	209.90
84046	06298	ONESOURCE DISTRIBUTORS, LLC	07/16/2020	23,976.20
84047	01267	PACIFIC PIPELINE	07/16/2020	3,963.05
84048	00216	PINE TREE LUMBER	07/16/2020	35.14
84049	91538	PUDGIL & COMPANY	07/16/2020	5,127.13
84050	00232	SAN DIEGO GAS & ELECTRIC	07/16/2020	45,794.66
84051	91094	SCADA INTEGRATIONS	07/16/2020	5,966.25
84052	06563	SCHNEIDER ELECTRIC USA INC	07/16/2020	10,992.00
84053	91223	STERLING HEALTH SERVICES INC.	07/16/2020	125.00
84054	00159	SUPERIOR READY MIX	07/16/2020	2,247.09
84055	91312	TERRAPIN GROUP	07/16/2020	158,566.00
84056	00724	UNDERGROUND SERVICE ALERT	07/16/2020	434.88

Check No	Vendor No	Vendor Name	Check Date	Check Amount
84057	00458	VERIZON WIRELESS	07/16/2020	2,123.72
84058	06554	VOLVO CONSTRUCTION EQUIPMENT	07/16/2020	3,088.75
84059	06231	WESTERN WATER WORKS SUPPLY CC	07/16/2020	12,044.94
84060	91282	WREGIS	07/16/2020	144.27
84061	91286	AMAZON CAPITAL SERVICES, INC.	07/16/2020	921.52
84062	04995	AMERICAN MESSAGING	07/16/2020	485.16
84063	01719	MICKEY M. CASE	07/16/2020	60.00
84064	91241	LISA CHAFFIN	07/16/2020	60.00
84065	09705	CSDA SAN DIEGO CHAPTER	07/16/2020	150.00
84066	02925	DATA NET SOLUTIONS	07/16/2020	761.90
84067	05192	DIAMOND ENVIRONMENTAL SERVIC	07/16/2020	225.90
84068	03391	ELECTRICAL SALES INC	07/16/2020	74.05
84069	91316	FALLBROOK HEATING & AIR CONDIT	07/16/2020	1,395.76
84070	06286	GARDA CL WEST, INC.	07/16/2020	280.48
84071	05803	HADRONEX INC	07/16/2020	23,280.00
84072	90897	JOSHUA HARGROVE	07/16/2020	91.00
84073	91083	NIKOLAY ILIEV	07/16/2020	97.50
84074	06380	JANI-KING OF CALIFORNIA, INC - SAI	07/16/2020	2,993.00
84075	06338	MYTHOS TECHNOLOGY INC	07/16/2020	1,879.94
84076	03201	NATIONAL SAFETY COMPLIANCE INC	07/16/2020	1,167.12
84077	01406	NORTH COUNTY WELDING SUPPLY	07/16/2020	6.57
84078	02759	PACIFIC SAFETY CENTER	07/16/2020	280.00
84079	05442	QUEXION, LLC	07/16/2020	35.00
84080	04075	RAYNE WATER SYSTEMS	07/16/2020	135.00
84081	91486	SATELLITE PHONE STORE	07/16/2020	66.82
84082	91107	SPECTRUM BUSINESS	07/16/2020	122.58
84083	91082	TELETRAC, INC	07/16/2020	2,084.27
Total for 7/16/2020:				747,231.48
84084	91550	AMERICAN BUSINESS BANK	07/23/2020	5,895.42
84085	02743	BEST BEST & KRIEGER	07/23/2020	22,645.48
84086	91429	BSK ASSOCIATES	07/23/2020	11,780.00
84087	03205	CITY OF OCEANSIDE	07/23/2020	303.31
84088	05953	CORODATA RECORDS MANAGEMENT	07/23/2020	655.88
84089	06675	CORODATA SHREDDING, INC	07/23/2020	128.74
84090	06762	DENALI WATER SOLUTIONS LLC	07/23/2020	41,471.61
84091	04494	FEDERAL EXPRESS CORPORATION	07/23/2020	268.26
84092	91235	FIRST BANKCARD	07/23/2020	545.20
84093	91323	FIRST BANKCARD	07/23/2020	49.97
84094	91540	FIRST BANKCARD	07/23/2020	608.07
84095	91544	HAZEN AND SAWYER, D.P.C.	07/23/2020	83,046.75
84096	06429	HEALTHPOINTE MEDICAL GROUP, INC	07/23/2020	450.00
84097	03276	HOME DEPOT CREDIT SERVICES	07/23/2020	1,123.64
84098	06359	INFRASTRUCTURE ENGINEERING CO	07/23/2020	115,493.65
84099	06555	LIEBERT CASSIDY WHITMORE	07/23/2020	21,391.00
84100	06335	OCCU-MED LTD	07/23/2020	180.00
84101	06298	ONESOURCE DISTRIBUTORS, LLC	07/23/2020	1,343.90
84102	91522	PACIFIC HYDROTECH CORP	07/23/2020	112,012.90
84103	91535	PAYMENTUS GROUP, INC	07/23/2020	4,538.67
84104	91007	PFM ASSET MANGEMENT LLC	07/23/2020	891.53
84105	91094	SCADA INTEGRATIONS	07/23/2020	11,095.35
84106	91312	TERRAPIN GROUP	07/23/2020	77,155.00
84107	90990	TK CONSTRUCTION, INC.	07/23/2020	153,258.75
84108	04330	UNION BANK	07/23/2020	1,149.00
84109	91295	WHITE NELSON DIEHL EVANS LLP	07/23/2020	7,000.00
84110	00101	ACWA JPIA	07/23/2020	98,011.10

Check No	Vendor No	Vendor Name	Check Date	Check Amount
84111	00805	ACWA/JOINT POWERS INS.	07/23/2020	49,793.52
84112	91286	AMAZON CAPITAL SERVICES, INC.	07/23/2020	3,040.14
84113	02805	ASBURY ENVIRONMENTAL SERVICES	07/23/2020	160.00
84114	04903	AUDITOR AND CONTROLLER - COUN	07/23/2020	17,987.60
84115	02925	DATA NET SOLUTIONS	07/23/2020	57.50
84116	05192	DIAMOND ENVIRONMENTAL SERVIC	07/23/2020	350.65
84117	91123	DIGITAL DEPLOYMENT, INC.	07/23/2020	550.00
84118	03391	ELECTRICAL SALES INC	07/23/2020	361.74
84119	06303	EXECUTIVE LANDSCAPE INC.	07/23/2020	4,786.78
84120	00169	FALLBROOK OIL COMPANY	07/23/2020	2,078.32
84121	91540	FIRST BANKCARD	07/23/2020	91.00
84122	04958	GOSCH FORD TEMECULA	07/23/2020	1,112.41
84123	02170	GRAINGER, INC.	07/23/2020	2,284.54
84124	06429	HEALTHPOINTE MEDICAL GROUP,INC	07/23/2020	75.00
84125	06577	INFOSEND INC	07/23/2020	2,220.28
84126	06243	JIM'S SIGN SHOP	07/23/2020	129.30
84127	UB*00343	NADER KHOURY	07/23/2020	53.95
84128	04926	KONICA MINOLTA PREMIER FINANCE	07/23/2020	1,910.79
84129	91304	LEARNSOFT CONSULTING INC	07/23/2020	3,060.00
84130	91130	LINCOLN NATIONAL LIFE INSURANC	07/23/2020	3,272.87
84131	91427	MITEL CLOUD SERVICES, INC	07/23/2020	1,710.19
84132	91077	MULTI SERVICE TECHNOLOGY SOLU'	07/23/2020	1,027.63
84133	06298	ONESOURCE DISTRIBUTORS, LLC	07/23/2020	1,240.00
84134	01267	PACIFIC PIPELINE	07/23/2020	4,307.85
84135	UB*00342	LUCA PAINDELLI	07/23/2020	15.17
84136	91155	QUALITY GATE COMPANY, INC	07/23/2020	625.00
84137	05064	RAINBOW MUNICIPAL WATER	07/23/2020	4,375.00
84138	91486	SATELLITE PHONE STORE	07/23/2020	66.82
84139	00236	SCRAPPYS	07/23/2020	1,813.90
84140	90929	SOUTHWEST ANSWERING SERVICE, I	07/23/2020	617.39
84141	91040	SPRINGBROOK NATIONAL USER GRO	07/23/2020	175.00
84142	05415	STATE WATER RESOURCE CONTROL I	07/23/2020	60.00
84143	06314	SUNPOWER CORPORATION SYSTEM	07/23/2020	32,453.62
84144	05731	TEMECULA VALLEY POWDER COATIN	07/23/2020	735.00
84145	06736	JEFF WOLFE	07/23/2020	192.00
Total for 7/23/2020:				915,284.14
ACH	00152	FPUD EMPL ASSOCIATION	07/30/2020	438.00
ACH	00718	NATIONWIDE RETIREMENT SOLUTIO	07/30/2020	3,330.00
ACH	06758	US TREASURY - PAYROLL TAXES	07/30/2020	50,341.07
ACH	06759	STATE OF CA - PR TAXES	07/30/2020	7,692.79
ACH	06760	STATE OF CA - SDI	07/30/2020	1,915.16
ACH	06761	LINCOLN FINANCIAL GROUP	07/30/2020	7,084.16
ACH	06763	PERS - PAYROLL	07/30/2020	37,232.13
ACH	91508	CALIFORNIA STATE DISBURSEMENT	07/30/2020	346.15
ACH	00152	FPUD EMPL ASSOCIATION	07/30/2020	34.00
ACH	06758	US TREASURY - PAYROLL TAXES	07/30/2020	3,140.08
ACH	06759	STATE OF CA - PR TAXES	07/30/2020	519.74
ACH	06760	STATE OF CA - SDI	07/30/2020	111.64
ACH	06761	LINCOLN FINANCIAL GROUP	07/30/2020	438.55
ACH	06763	PERS - PAYROLL	07/30/2020	2,046.39
ACH	06763	PERS - PAYROLL	07/30/2020	965,469.00
84148	91286	AMAZON CAPITAL SERVICES, INC.	07/30/2020	294.10
84149	05177	DOWNEY BRAND, LLP	07/30/2020	1,660.00
84150	03391	ELECTRICAL SALES INC	07/30/2020	2,629.79
84151	91202	FIRST BANKCARD	07/30/2020	529.50

Check No	Vendor No	Vendor Name	Check Date	Check Amount
84152	91313	FIRST BANKCARD	07/30/2020	956.49
84153	06555	LIEBERT CASSIDY WHITMORE	07/30/2020	18,533.04
84154	01460	AFLAC	07/30/2020	1,340.10
84155	91286	AMAZON CAPITAL SERVICES, INC.	07/30/2020	1,093.73
84156	91160	AVI SYSTEMS, INC.	07/30/2020	1,475.00
84157	05958	BAMM! PROMOTIONAL PRODUCTS, I	07/30/2020	3,850.67
84158	91440	BP BATTERY INC	07/30/2020	408.86
84159	04944	DLT SOLUTIONS LLC	07/30/2020	2,950.91
84160	01432	FERGUSON WATERWORKS #1083	07/30/2020	463.65
84161	91313	FIRST BANKCARD	07/30/2020	550.00
84162	00182	GLENNIE'S OFFICE PRODUCTS, INC	07/30/2020	291.55
84163	04958	GOSCH FORD TEMECULA	07/30/2020	211.20
84164	02170	GRAINGER, INC.	07/30/2020	252.14
84165	06243	JIM'S SIGN SHOP	07/30/2020	320.00
84166	05065	JOHNSON CONTROLS SECURITY SOL	07/30/2020	570.68
84167	06479	KNOCKOUT PEST CONTROL & TERMI	07/30/2020	100.00
84168	01267	PACIFIC PIPELINE	07/30/2020	1,720.29
84169	06401	SONSRAY MACHINERY LLC	07/30/2020	103.54
Total for 7/30/2020:				1,120,444.10
Report Total (281 checks):				8,473,706.92



Jack Bebee

General Manager

Prior Approval of meetings for Board President

Jennifer DeMeo 3

Sun 8/2/2020 8:51 PM

To: Lauren Eckert <leckert@fpud.com>;

Hi Lauren,

This is to inform and approve that Board President, Ken Endter will be attending both the 8/3/2020 LAFCO Video meeting and the 8/5/2020 Mini-Park Opening Celebration at 300 E. Alvarado St. this week.

Sincerely,

Jennifer DeMeo
Board Vice-President
Fallbrook Public Utility, Div 3

FALLBROOK PUBLIC UTILITY DISTRICT
BOARD OF DIRECTORS

DIRECTOR'S REPORT OF CONFERENCE / MEETING ATTENDANCE

Director Name: Kenneth Endtler

Name & Location of Function: LAFCO Video Conference

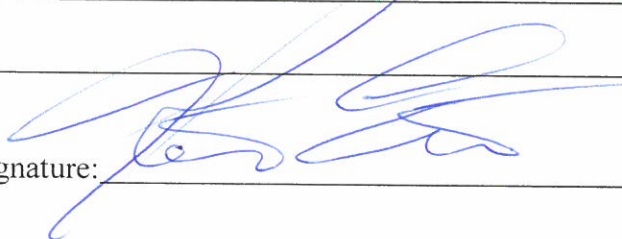
Date(s) of Attendance: 10/3/2020

Purpose of Function: General Business Mtg including De-Annektion

Sponsoring Organization: LAFCO

Summary of Conference or Meeting:

Statements by Jack (FPUD) and Tom (RMWD) were given as to benefits of De-Annektion including Savings to ratepayers. Rainbows Attorney sent a letter stating that according to current statute there is not a "fee" required for this action

Director Signature:  Date: 8-3-2020

The Administrative Code requires reports of conferences or meetings for which a director requests per diem or expense reimbursement. Reports must be submitted to the secretary no later than one (1) week prior to the board meeting.

Reports must be submitted before the District will pay per diem or reimbursement for the conference or meeting. Reports are not required for board or committee meetings or meetings with board or committee officers, the general manager, or the general counsel.

FALLBROOK PUBLIC UTILITY DISTRICT
BOARD OF DIRECTORS

DIRECTOR'S REPORT OF CONFERENCE / MEETING ATTENDANCE

Director Name: Kenneth Endter

Name & Location of Function: Mini-Park Celebration
300 E. Alvarado St., Fallbrook, CA

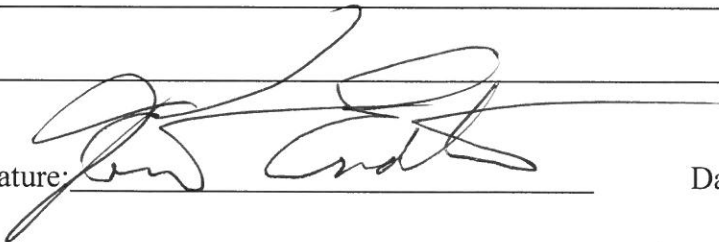
Date(s) of Attendance: 5 Aug. 2020

Purpose of Function: Opening of New Mini-Park

Sponsoring Organization: Fallbrook "Save our Forests" Group (S.O.F.)

Summary of Conference or Meeting:

Meeting will be officiated by Ms. Jackie Heyneman
celebrating the efforts of Rick Wicbigler and a
Memorial Bench will be put in the Mini-Park
as thanks to him for his efforts in this Parkette,
FPUD provided the rocks to help beautify
this park.

Director Signature:  Date: 8-5-2020

The Administrative Code requires reports of conferences or meetings for which a director requests per diem or expense reimbursement. Reports must be submitted to the secretary no later than one (1) week prior to the board meeting.

Reports must be submitted before the District will pay per diem or reimbursement for the conference or meeting. Reports are not required for board or committee meetings or meetings with board or committee officers, the general manager, or the general counsel.