



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

**MINUTES**

**MONDAY, MAY 22, 2023  
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 Wolk called the May Regular Meeting of the Board of Directors of the Fallbrook Public Utility District to order at 4:00 p.m. President Wolk deferred to General Counsel de Sousa to make the following statements on the record regarding the proceedings for this meeting:

General Counsel de Sousa announced that the agenda provided notice to members of the public on how they may participate in this meeting – either in person, or by using the call-in and weblink information included on the agenda. In addition the agenda provided notice to members of the public on how they may submit comments in advance of the meeting to be read at the appropriate portion of the meeting (up to a limit of 3 minutes per comment).

A quorum was established, and attendance was as follows:

**Board of Directors**

**Present:** Charley Wolk, Member/President  
Jennifer DeMeo, Member/Vice President (*arrived at 4:12 p.m.*)  
Dave Baxter, Member  
Ken Endter, Member  
Don McDougal, Member

**Absent:** None

**General Counsel/District Staff**

**Present:** Jack Bebee, General Manager  
Paula de Sousa, General Counsel  
Jodi Brown, Management Analyst

Aaron Cook, Engineering Manager  
Mick Cothran, Engineering Technician  
Noelle Denke, Public Information Officer  
Kyle Drake, Collections Supervisor  
Carl Quiram, Operations Manager  
Steve Stone, Field Services Manager  
Jeff Wolfe, Crew Leader  
Lauren Eckert, Executive Assistant/Board Secretary

Also present were others, including, but not limited to: Luther Ballou, Craig Balben, Mark Mervich, and Nydia Figueroa

**I. PRELIMINARY FUNCTIONS**

CALL TO ORDER / ROLL CALL / ESTABLISH A QUORUM

PLEDGE OF ALLEGIANCE

President Wolk led the Pledge of Allegiance.

ADDITIONS TO AGENDA PER GC § 54954.2(b)

APPROVAL OF AGENDA

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

AYES: Directors Baxter, Endter, McDougal, and Wolk

NOES: None

ABSTAIN: None

ABSENT: Director DeMeo

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.*

Mr. Luther Ballou stepped to the podium to address the Board on several matters including correcting his previous comment to the Community Benefit Program Committee related to the number of meters being 9,000 instead of the 4,000 he used to calculate the monthly fee for the Community Benefit Program Committee, bringing the monthly fee from \$11.33 to \$6.84. He also corrected his statement that the Community Benefit Program violated his first amendment right, instead of the second amendment he stated in his written comment to the Committee. Mr. Ballou also brought up various concerns related to detachment, including how fees on his bill would be impacted, what would happen if

there was a split vote between FPUD and RMWD on detaching, as well as how we would be represented as a District with Eastern Municipal Water District.

A. EMPLOYEE OF THE QUARTER FOR MAY 2023

1. Jeff Wolfe

There were no public comments for agenda item A.

The Board recognized and congratulated Crew Leader Jeff Wolfe for being selected as the Employee of the Quarter for May 2023.

B. YEARS OF SERVICE

1. Mickey Case – 30 years

There were no public comments for agenda item B.

The Board recognized Mickey Case for his 30 years of service to the District.

C. NEW EMPLOYEE ANNOUNCEMENT

1. Adam Lowen, Instrumentation, Electrical & Controls Technician I
2. Justin Hansen, Utility Worker I

There were no public comments for agenda item C.

The Board welcomed Adam Lowen as the new Instrumentation, Electrical & Controls Technician I and Justin Hansen as the new Utility Worker I

D. NEW CERTIFICATIONS

1. Christian Hernandez, Distribution Operator Grade 2

There were no public comments on agenda item D.

The Board recognized Christian Hernandez for receiving his Distribution Operator, Grade 2 certification.

II. **CONSENT CALENDAR**-----**(ITEMS E – 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.*

E. CONSIDER APPROVAL OF MINUTES

1. April 24, 2023 Regular Board Meeting

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

F. CONSIDER ADOPTION OF 2023-24 APPROPRIATION GROWTH RATE;  
RESOLUTION NO. 5046

Recommendation: *That the Board adopt attached Resolution No. 5046 setting the tax appropriation limit for 2023-24 at \$3,915,215, which includes the Fallbrook and DeLuz service areas and Improvement District "S".*

G. CONSIDER ADVANCE APPROVAL TO ATTEND MEETINGS

Recommendation: *That the Board authorize and approve, in advance, Directors' attendance to a CropSWAP tour, hosted by Rancho California Water District in Temecula, CA on May 31, 2023.*

There were no public comments for Consent Calendar items.

MOTION: Director Endter moved to approve the Consent Calendar as submitted; Director DeMeo seconded. Motion carried; VOTE:

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

NOES: None

ABSTAIN: None

ABSENT: None

III. **ACTION / DISCUSSION CALENDAR** ----- (ITEMS H – K)

H. CONSIDER UPDATE OF EMERGENCY DECLARATION FOR PIPELINE REPLACEMENTS

Recommendation: *That the Board continue the emergency action to replace the failed pipelines.*

There were no public comments for agenda item H.

General Manager Bebee reported this item will show up on the agenda for several months, until the emergency replacements are completed.

President Wolk asked if there were other emergencies foreseen. General Manager suspected we will come across other pipelines that need immediate attention for some time, but that it would not be completed under a declared emergency.

MOTION: Director DeMeo moved to determine there was a need to continue the emergency action to replace failed pipelines and restore

essential service to customers; Director Endter seconded. Motion carried; VOTE:

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

I. CONSIDER CALL FOR CANDIDATES FOR THE ASSOCIATION OF CALIFORNIA WATER AGENCIES REGION 10 BOARD FOR THE 2024-2025 TERM

*Recommendation:* That the Board determine if any of its members would like to be nominated and run for the ACWA Region 10 Board. If there is interest in being nominated, upon a motion made and passed by the Board, staff will assist in completing the necessary paperwork for submittal to ACWA by the June 16, 2023 deadline.

There were no public comments for agenda item I.

Vice President DeMeo expressed interested in running for the Association of California Water Agencies Region 10 Board for the 2024-2025 term.

MOTION: Director Endter moved to nominate Vice President DeMeo as a member of the ACWA Region 10 Board; Director Baxter seconded. Motion carried; VOTE:

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

General Counsel de Sousa pointed out this nomination needs to be accompanied by an adopted resolution.

MOTION: Director Endter moved to adopt a resolution nominating Vice President DeMeo as a member of the ACWA Region 10 Board; Director Baxter seconded. Motion carried; VOTE:

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

J. CONSIDER AMENDING THE DISTRICT'S ANNUAL APPROPRIATIONS  
BASED ON REVISIONS TO DEBT SERVICE PAYMENTS

Recommendation: *That the Board adopt Resolution No. 5047 amending the District's annual appropriations.*

There were no public comments for agenda item J.

General Manager Bebee explained the debt service appropriations we set, the payment schedule was actually higher than the amount we set. This item is amending that amount to reflect the increase.

Director Endter confirmed this item went through the FP&I Committee.

President Wolk asked where we get the \$92,000. General Manager Bebee reported it essentially decreases what we would expect to bring in that year in net revenue by \$92,000.

MOTION: Director Endter moved to adopt Resolution No. 5047, amending the District's annual appropriations; Director McDougal seconded. Motion carried; VOTE:

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

NOES: None

ABSTAIN: None

ABSENT: None

K. CONSIDER WATER/WASTEWATER OPERATOR I/II/III POSITION

Recommendation: *That the Board approve the new position and the updated salary table.*

There were no public comments for agenda item K.

General Manager Bebee announced this item went through the Personnel Committee. He reported they realized there was an increased need in staffing to run the water facilities. He also explained this is a generalized position so there is more shift support on the water side.

Vice President DeMeo confirmed this position is already in the budget.

Director Baxter noted it was discussed that this position can cross over from water to wastewater. He also explained the Operator I position does not require certifications, which will open up the employment pool tremendously, so we can see more qualified candidates.

MOTION: Director Endter moved to approve the new Water/Wastewater Operator I/II/III position and the updated salary table; Director DeMeo seconded. Motion carried; VOTE:

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

NOES: None

ABSTAIN: None

ABSENT: None

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

1. General Counsel

- General Counsel de Sousa reported CA, AZ, and NV agreed to take less water from the Colorado River in exchange for federal funding. The cuts will come from specific entities agreeing to the cut, in order to qualify for the funding under the 2022 inflation reduction act. This still needs to be approved by the federal government.

2. SDCWA Representative Report

- General Manager Bebee provided an overview of the written report included in the packet. He also provided an update on detachment efforts.
  - Director Baxter asked about the requirements for Directors wanting to attend the LAFCO hearing on detachment. General Counsel de Sousa reported she would get guidelines together for this.

3. General Manager

a. Engineering and Operations Report

- General Manager Bebee pointed out we were at 90 valves replaced and that Construction Supervisor Parker would be recognized at the end of this year.
- President Wolk asked what event caused the number of broken gate valves to jump up. Field Services Manager explained we were doing more valve exercising.

b. Federal Funding Efforts Report

4. Assistant General Manager/Chief Financial Officer

a. Financial Summary Report

b. Treasurer's Report

c. Budget Status Report

d. Warrant List

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

5. Public Affairs Specialist

6. Notice of Approval of Per Diem for Meetings Attended

- Notification of approval for Directors' attendance to a meeting with Supervisor Desmond on May 10, 2023.

7. Director Comments/Reports on Meetings Attended
  - Director Baxter commended Engineering Manager Cook on receiving the APWA Project of the Year award, on behalf of the District, for the Santa Margarita Conjunctive Use Project.
8. Miscellaneous

General Counsel de Sousa announced the Board would be going into Closed Session to discussion items VI.1 through 3. She announced members of the public participating via web conference were welcome to continue to stay on the line while the Board is in closed session, however, they will only hear silence. Following closed session, and prior to adjournment of the meeting, an oral announcement of reportable action by the Board in closed session would be made, if any. The oral announcement of any reportable action would be heard on the teleconference line. Thereafter this meeting would adjourn.

The Board of Directors adjourned to Closed Session at 5:00 p.m.

ADJOURN TO CLOSED SESSION

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

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

*Discuss Performance Evaluation of General Manager*

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

*Discuss Performance Evaluation of General Counsel*

3. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(2):

*One (1) Potential Case.*

RECONVENE TO OPEN SESSION

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 May Regular Meeting of the Board of Directors of the Fallbrook Public Utility District was adjourned at 5:48 p.m.



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President, Board of Directors

ATTEST:

  
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Secretary, Board of Directors