



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

NOTICE AND AGENDA

**MONDAY, APRIL 11, 2022
3:00 P.M.**

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

THIS MEETING WILL BE HELD PURSUANT TO GOVERNMENT CODE SECTION 54953(e)(1)(A), WHICH WAIVES CERTAIN BROWN ACT TELECONFERENCING REQUIREMENTS DURING A PROCLAIMED STATE OF EMERGENCY WHEN STATE OR LOCAL OFFICIALS HAVE IMPOSED OR RECOMMENDED MEASURES TO PROMOTE SOCIAL DISTANCING, AND ALLOWS SOME OR ALL OF THE MEMBERS OF THE FALLBROOK PUBLIC UTILITY DISTRICT BOARD OF DIRECTORS TO ATTEND THIS MEETING TELEPHONICALLY OR VIA VIDEO CONFERENCE. MEMBERS OF THE PUBLIC WHO DO NOT WISH TO ATTEND IN PERSON ARE ENCOURAGED TO PARTICIPATE IN THE MEETING VIA WEB CONFERENCE USING THE BELOW CALL-IN AND WEBLINK INFORMATION. MEMBERS OF THE PUBLIC MAY ALSO PARTICIPATE IN THIS MEETING BY ATTENDING IN PERSON AT THE DISTRICT OFFICE LOCATED AT 990 E. MISSION RD., FALLBROOK, CA 92028.

Join Zoom Meeting

<https://us06web.zoom.us/j/85635925853?pwd=VDZzNWVhGNWlIdDgxeEMzVFVHVUJrdz09>

MEETING ID: 856 3592 5853

AUDIO PASSCODE: 051519

Dial by your location

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

Find your local number: <https://us06web.zoom.us/j/85635925853?pwd=VDZzNWVhGNWlIdDgxeEMzVFVHVUJrdz09>

PUBLIC COMMENTS: Members of the public may submit public comments and comments on agenda items in one of the following ways:

SUBMIT COMMENTS BEFORE THE MEETING:

- By emailing to our Board Secretary at leckert@fpud.com
- By mailing to the District Offices at 990 E. Mission Rd., Fallbrook, CA 92028
- By depositing them in the District's Payment Drop Box located at 990 E. Mission Rd., Fallbrook, CA 92028

All comments submitted before the meeting by whatever means must be received at least 1 hour in advance of the meeting. All comments will be read to the Board during the appropriate portion of the meeting. Please keep any written comments to 3 minutes.

REMOTELY MAKE COMMENTS DURING THE MEETING: The Board President will inquire prior to Board discussion if there are any comments from the public on each item.

- Via Zoom Webinar go to the "Participants List," hover over your name and click on "raise hand." This will notify the moderator that you wish to speak during oral communication or during a specific item on the agenda.
- Via phone, you can raise your hand by pressing *9 to notify the moderator that you wish to speak during the current item.

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

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

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

I. PRELIMINARY FUNCTIONS

CALL TO ORDER / ROLL CALL / ESTABLISH A QUORUM

PLEDGE OF ALLEGIANCE

APPROVAL OF AGENDA

PUBLIC COMMENT

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

II. PUBLIC HEARING -----(ITEM A)

A. PUBLIC HEARING REGARDING REDISTRICTING OF DIVISION BOUNDARIES FOR FPUD BOARD OF DIRECTORS

Recommendation:

1. Receive a report from District staff on the redistricting proposal and permissible criteria to be considered to redraw division boundaries;
2. Review Draft maps and conduct a public hearing to receive public input on division boundaries; and
3. Adopt a Resolution entitled: RESOLUTION OF THE BOARD OF DIRECTORS OF THE FALLBROOK PUBLIC UTILITY DISTRICT ADJUSTING BOUNDARIES OF DIRECTOR ELECTORAL DIVISIONS

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

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

April 6, 2022

Dated / Fallbrook, CA

/s/ Lauren Eckert

Executive Assistant/Board Secretary

MEMO

TO: Board of Directors
FROM: Jack Bebee, General Manager
Paula de Sousa, General Counsel
DATE: April 11, 2022
SUBJECT: Public Hearing Regarding Redistricting of Division Boundaries for FPUD Board of Directors

Purpose

Conduct third public hearing regarding redistricting of division boundaries for the Board of Directors.

Summary

Every ten years, agencies with by-division election systems must use new census data to review and, if needed, redraw electoral division lines to reflect how local populations have changed. This process, called redistricting, ensures all divisions comply with both state and federal law.

Public utilities districts are governed by Public Utilities Code section 15501 et seq., which provides that a district divided into divisions shall be divided so that the divisions shall be as nearly as equal in population as may be. (Pub. Util. Code § 15961.6(b)). Public utility districts divided into divisions are statutorily required to adjust their division boundaries by resolution after each federal decennial census. (Pub. Util. Code § 15963; Elec. Code, § 22000(a).) The District’s Board of Directors is responsible for adjusting the District’s division boundaries.

The primary goal of redistricting is to have the substantially equal populations in each division. However, perfect distribution is impractical and some deviation is tolerable, or even necessary, based on certain secondary considerations that the Board may consider, such as: (a) topography, (b) geography, (c) cohesiveness, (d) contiguity, (e) integrity, (f) compactness, and (g) communities of interest. In addition, division boundaries must comply with the U.S. Constitution, California Constitution, and the Federal Voting Rights Act (52 U.S.C. § 10301, as amended).

Prior to approving a new division map, the Board must receive comments on the redistricting plan prior to adoption by holding at least two open and noticed public hearings—one for public comment on the plan and one at the time of adoption. The purpose of this item is to hold a second public hearing to receive additional public input.

At its December 13, 2021 meeting, the Board directed District staff to prepare a redistricting proposal for the Board’s consideration at the public hearings, with support from BB&K.

Analysis of Current Divisions / Redistricting Proposal

The District's current division boundaries were adopted in 2016 as the result of a settlement in a legal action under the California Voting Rights Act of 2001 (Cal. Elec. Code § 14025 *et seq.*). Under the terms of the settlement, the District converted from an at-large election system to a by-division election system and adopted division maps compliant with state and federal law, including the Federal Voting Rights Act.

Analysis of the District's current division boundaries, adjusted for the 2020 Census data, shows the divisions remain population-balanced. The District's population is 34,738. The ideal division population is one-fifth of that number, or 6,948.

Determining population balance is done by measuring the spread, or deviation, between the least populated division and the greatest populated division. Deviations of 10% or less are generally considered acceptable under U.S. Supreme Court rulings on the equal population standard under the U.S. Constitution.

The current population of Division 3 is under the ideal at -6.08% while Division 1 is over the ideal at 3.56%. Combined, those deviations bring the District's current total deviation to 9.64%. As such, the division boundaries are not required to be adjusted to achieve a population balance of less than a 10% deviation.

Another consideration is the distribution of minority voters throughout the District, and whether there is a possibility of creating a majority-minority voting division pursuant to the Federal Voting Rights Act. This analysis involves reviewing the ethnicity demographics from the census data, specifically citizens of voting age population (CVAP).

Upon review of the District's CVAP data, the existing Division 3 is a majority-minority Hispanic division (a division in which an identified minority comprises the majority of voting age population).

Based on the above analysis of population and demographics, the Board may consider re-adopting the District's current division boundaries as the District's redistricting plan for 2022. The current division boundaries are shown in Attachment 1. Detailed demographic information is available on the District's website.

At the first public hearing held February 28, 2022, the Board requested Best Best & Krieger (BB&K), serving as the District's demographic consultant, prepare draft map(s) that examine the possibility of creating a second majority-minority voting division and conduct a public workshop to further engage the community in the redistricting process. The District held the first of two community workshops on March 17, 2022 which was attended by approximately 15 people. Community members received an informational report on the redistricting process and were shown online tools that may be used to draw and submit maps for the Board's consideration. A second workshop was held on March 24, 2022, where attendees reviewed draft maps prepared by the district's demographic consultant and members of the public. Additionally, members of the community collaboratively drew a map, which was submitted for analysis by the District's

demographic consultant and is presented, along with additional maps, at tonight's hearing.

At the second public hearing held March 28, 2022, the Board reviewed two potential map options, one prepared by the consultant, and one received from a member of the public. Consultant drawn maps are labeled numerically, while publicly submitted maps are labeled alphabetically. At the public hearing on March 28th, the author of Map A requested the map be removed from consideration. Subsequent to the hearing on March 28th, the consultant drew one additional map, and three maps were received from the public. Each of the maps is summarized below and complete demographic analysis of the maps are shown in Attachment 2. Further, an online tool for examining the maps in greater detail, with full search and other geolocation services enabled, may be found at the following link:

[FPUD ONLINE MAPS](#)

Map Option 1 – Previously reviewed

- Is population balanced with a deviation of 5.44%, lower than the existing deviation of 9.64%.
- Draws two majority-minority Hispanic voting divisions (Divisions 2 and 3)
- Preserves the core of existing divisions
- Preserves most of the downtown community of interest in a single Division (Division 2)
- Creates compact, contiguous voting divisions
- Uses major streets and boundaries for natural division boundary lines
- Defers a small population of voters (1,511) from a 2022 voting cycle to a 2024 voting cycle, a delay of two years

Map Option A – removed from consideration

Map Option 2

- Is population balanced with a deviation of 9.30%
- Draws two majority-minority Hispanic voting divisions (Divisions 2 and 3)
- Is a modification of the previously submitted Public Map Option A
- Creates compact, contiguous voting divisions
- Uses major streets and boundaries for natural division boundary lines
- Defers a population of 5,651 from a 2022 voting cycle to a 2024 voting cycle, a delay of two years

Map Option B

- Is population balanced with a deviation of 5.07%
- Was submitted by a member of the public
- Draws two majority-minority Hispanic voting divisions (Divisions 2 and 3)
- Creates compact, contiguous districts

- Uses major streets and boundaries for natural division boundary lines
- Defers a population of 4,109 from a 2022 voting cycle to a 2024 voting cycle, a delay of two years

Map Option C

- Is population balanced with a deviation of 5.51%
- Was drawn collaboratively by the community at Workshop No. 2
- Draws two majority-minority Hispanic voting divisions (Divisions 2 and 3)
- Preserves the core of the existing districts
- Primarily assigns the downtown area to two distinct divisions (Divisions 2 and 3), while respecting specific communities of interest
- Defers a population of 4,248 from a 2022 voting cycle to a 2024 voting cycle, a delay of two years

Map Option D

- Is population balanced with a deviation of 5.07%
- Was submitted by a member of the public
 - Modification to Public Map B
- Draws two majority-minority Hispanic voting divisions (Divisions 2 and 3)
- Preserves the core of existing districts
- Defers a population of 3,583 from a 2022 voting cycle to a 2024 voting cycle, a delay of two years

Next Steps

Following the public hearing, the Board is requested to select a preferred map and adopt the attached Resolution. The District must complete its redistricting process by April 17, 2022 and provide the new division information to the Registrar of Voters by that date. With the requirement to adopt the final map at a noticed public hearing prior to April 17th, further continuation of this matter is not feasible without negatively impacting the Board's ability to meet the statutory deadline.

Recommended Action

1. Receive a report from District staff on the redistricting proposal and permissible criteria to be considered to redraw division boundaries;
2. Review Draft maps and conduct a public hearing to receive public input on division boundaries; and
3. Adopt a Resolution entitled: RESOLUTION OF THE BOARD OF DIRECTORS OF THE FALLBROOK PUBLIC UTILITY DISTRICT ADJUSTING BOUNDARIES OF DIRECTOR ELECTORAL DIVISIONS

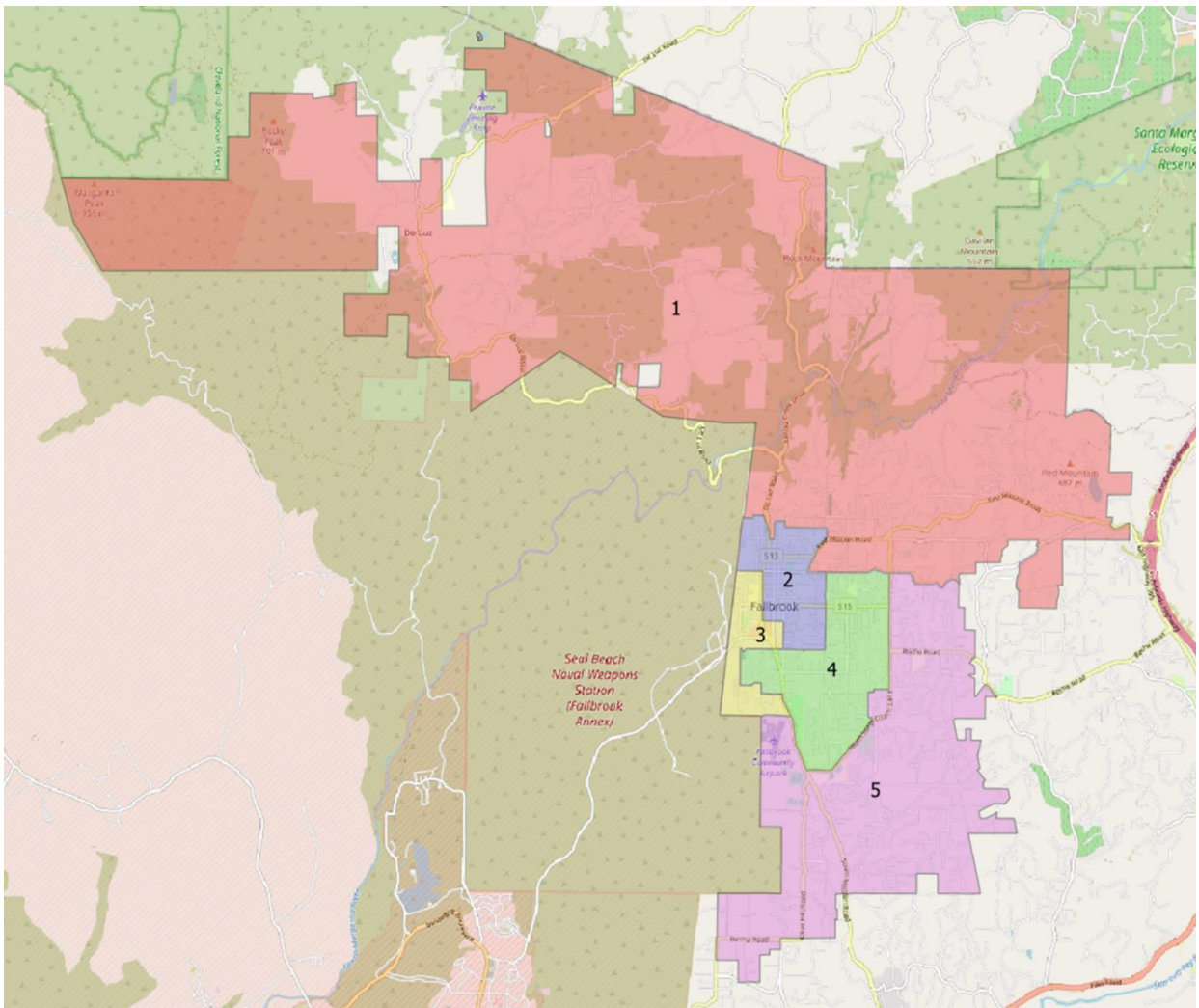
Attachments:

1. Existing Division Boundaries
2. Proposed Map Options with Demographic Analysis
3. Resolution adjusting Division boundaries

Attachment 2

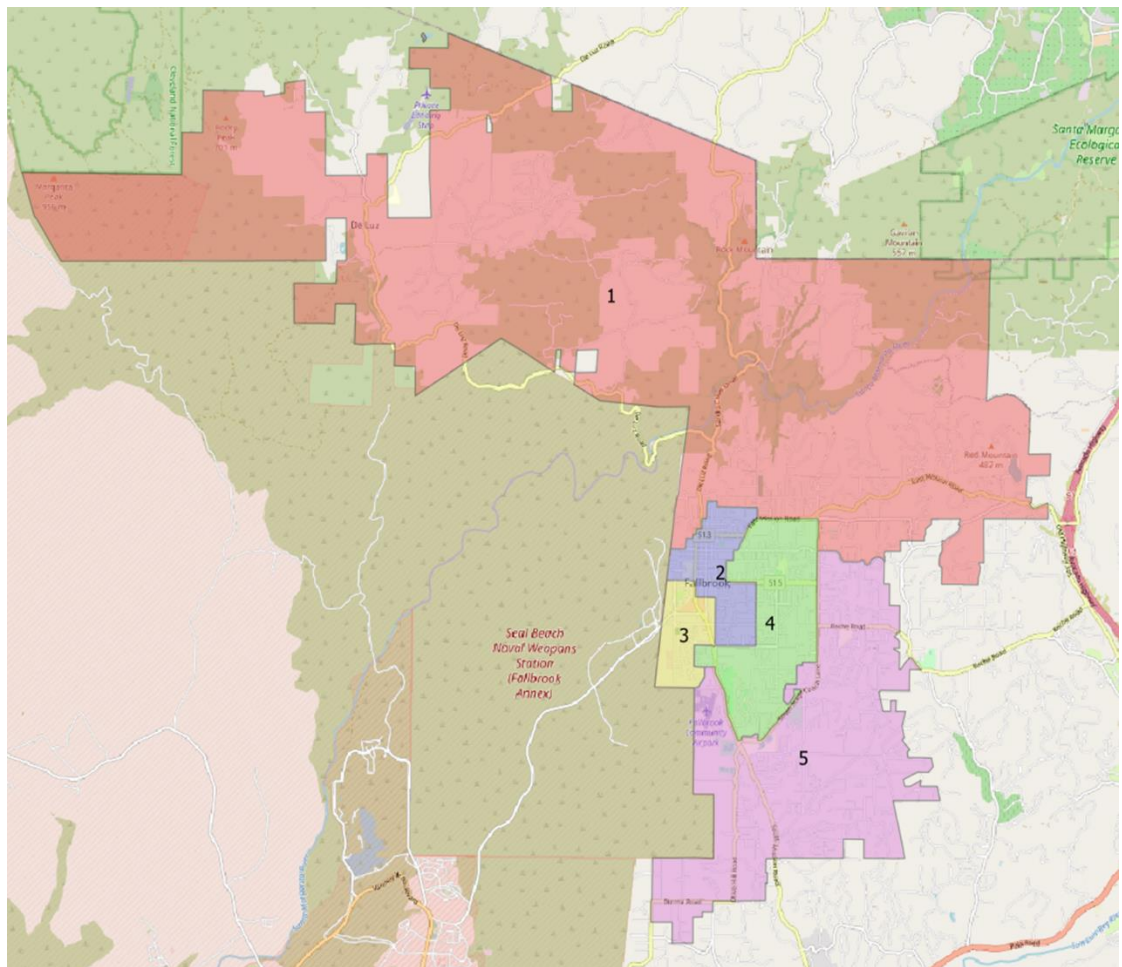
Draft Map Options and Demographic Data

Map Option 1



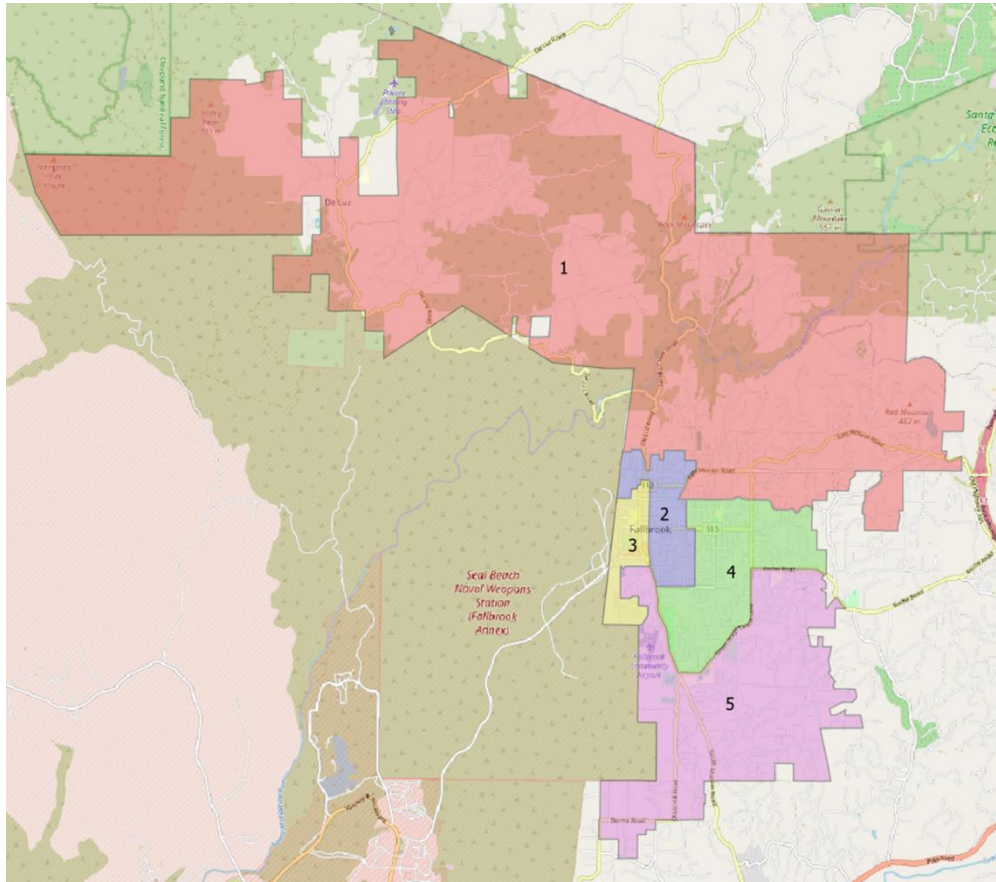
Division	Total Population	Raw Population	% Population	Latino	CVAP*19 Total	CVAP19 NL** White	CVAP19 NL Black	CVAP Hispanic	CVAP19 Not Hispanic	CVAP19 NL AIAN***	CVAP19 NL ASIAN	CVAP19 NL Hawaiian	CVAP19 NL Other
1	7,135	187	2.70%	2,284	4,802	3,606	37	830	3,995	38	213	-	56
2	7,068	120	1.73%	4,567	4,402	1,926	55	2,270	2,132	42	109	-	24
3	6,888	-60	-0.86%	5,398	2,804	1,024	218	1,421	1,383	-	24	28	46
4	6,890	-58	-0.83%	2,705	5,153	3,193	169	1,621	3,571	7	111	51	2
5	6,757	-191	-2.74%	1,711	5,170	3,891	35	982	4,146	26	128	-	-
Total	34,738												
Ideal	6,948	Deviation	5.44%										
*CVAP =	Citien Voting Age Population												
**NL =	Non Latino												
***AIAN =	American Indian Alaskan Native												

Map Option 2



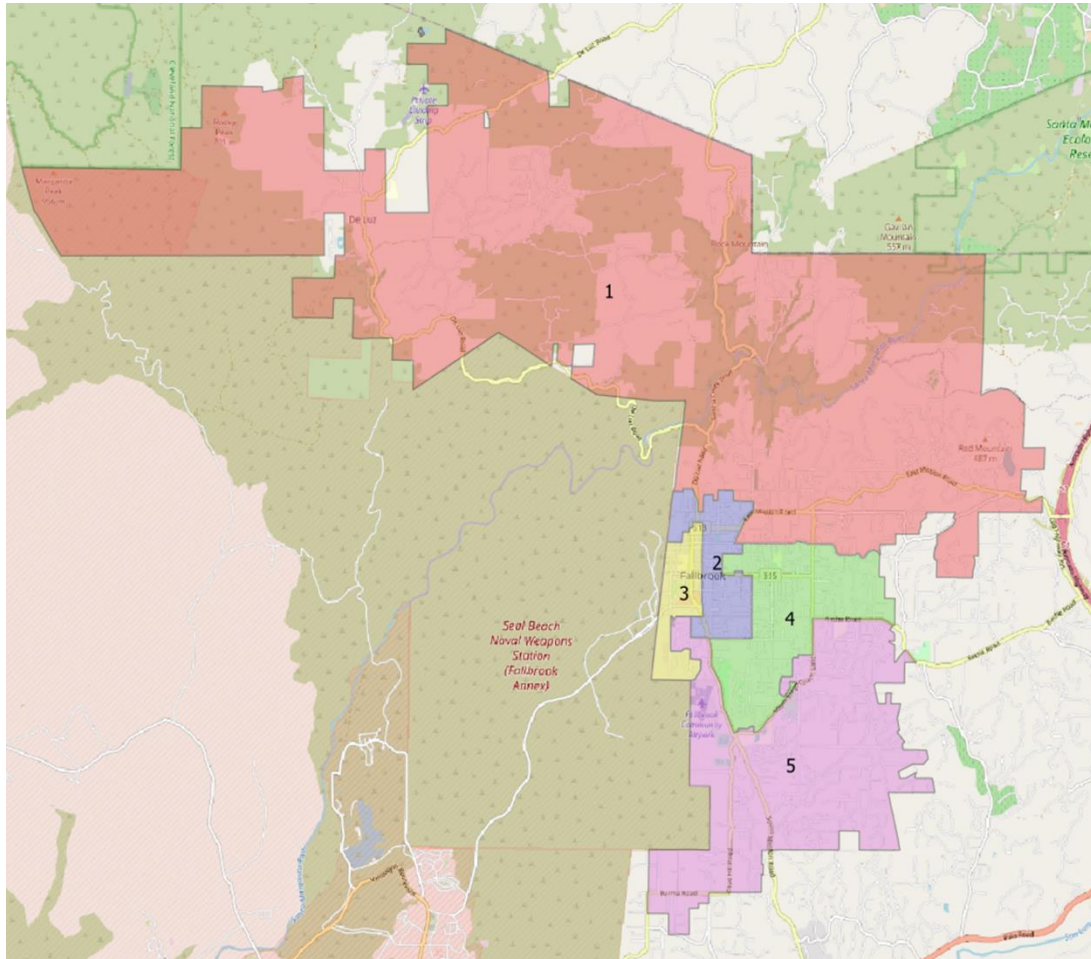
Division	Total Population	Raw Population	% Population	Latino	CVAP*19 Total	CVAP19 NL** White	CVAP19 NL Black	CVAP Hispanic	CVAP19 Not Hispanic	CVAP19 NL AIAN***	CVAP19 NL ASIAN	CVAP19 NL Hawaiian	CVAP19 NL Other
1	6,695	-253	-3.64%	2,045	4,473	3,437	82	776	3,718	22	78	-	56
2	6,909	-39	-0.56%	4,793	4,095	1,768	95	2,059	2,046	21	125	12	24
3	6,821	-127	-1.82%	5,059	3,240	1,018	246	1,765	1,461	-	33	16	47
4	7,341	393	5.66%	2,990	5,228	3,425	45	1,519	3,742	44	217	51	1
5	6,972	24	0.35%	1,778	5,295	3,992	46	1,005	4,260	26	132	-	-
Total	34,738												
Ideal	6,948	Deviation	9.30%										
*CVAP =	Citizen Voting Age Population												
**NL =	Non Latino												
***AIAN =	American Indian Alaskan Native												

Map Option B



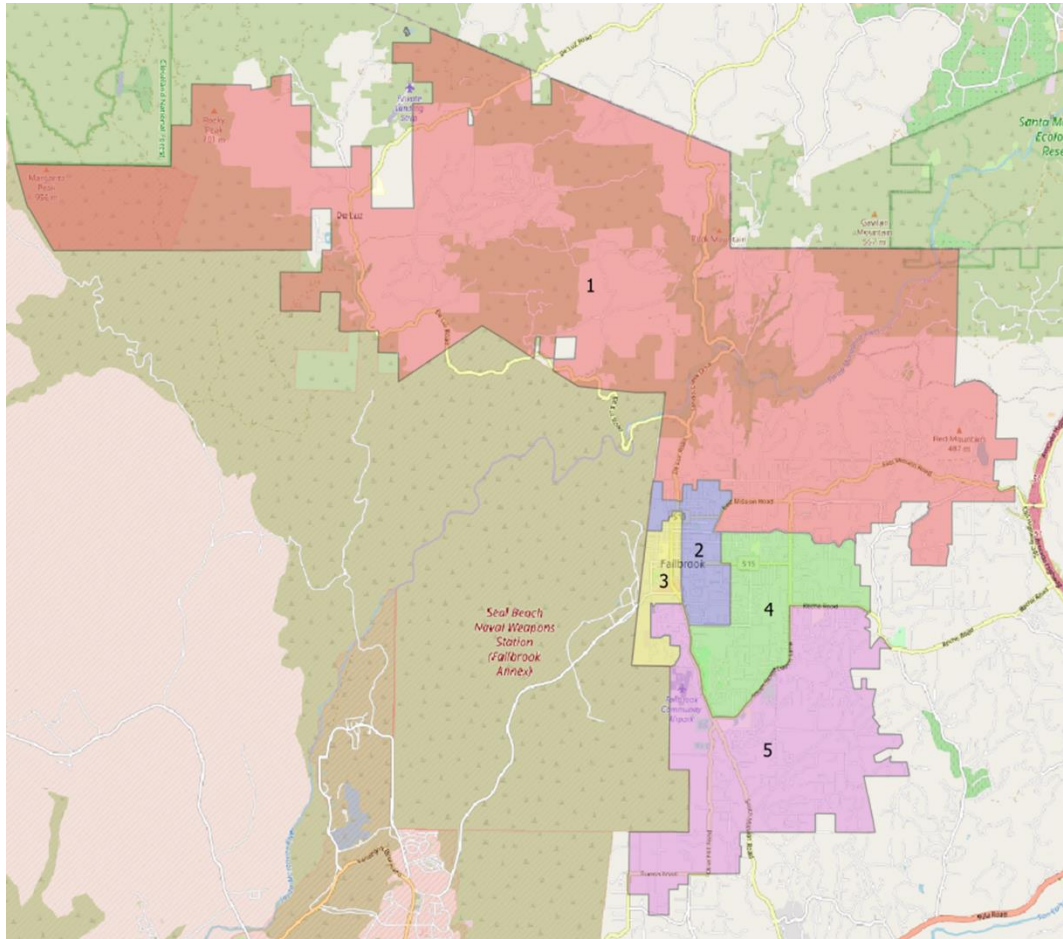
Division	Total Population	Raw Population	% Population	Latino	CVAP*19 Total	CVAP19			CVAP19 Not Hispanic	CVAP19 AIAN***	CVAP19 NLASIAN	CVAP19 Hawaiian	CVAP19 NL Other
						NL**	CVAP19 NL Black	CVAP19 Hispanic					
1	6,888	-60	-0.86%	2,131	4,669	3,551	37	786	3,933	24	211	-	56
2	7,128	180	2.60%	4,589	4,494	1,998	57	2,310	2,170	24	127	-	22
3	7,133	185	2.67%	5,510	2,975	1,061	217	1,490	1,473	21	24	28	49
4	6,781	-167	-2.40%	2,490	4,922	3,358	42	1,320	3,587	18	142	-	1
5	6,808	-140	-2.01%	1,945	5,271	3,673	161	1,218	4,063	26	80	51	-
Total	34,738												
Ideal	6,948	Deviation	5.07%										

Map Option C



Division	Total Population	Raw Population	% Population	Latino	CVAP*19 Total	CVAP19 NL** White	CVAP19 NL Black	CVAP Hispanic	CVAP19 Not Hispanic	CVAP19 NL AIAN***	CVAP19 NL ASIAN	CVAP19 NL Hawaiian	CVAP19 NL Other
1	6,978	30	0.44%	2,176	4,714	3,578	37	797	3,963	24	213	-	56
2	6,799	-149	-2.14%	4,512	4,367	1,742	110	2,349	2,000	14	131	-	22
3	7,133	185	2.67%	5,510	2,975	1,061	217	1,490	1,473	21	24	28	49
4	7,078	130	1.88%	2,552	5,084	3,558	34	1,359	3,752	28	128	-	1
5	6,750	-198	-2.84%	1,916	5,191	3,701	116	1,129	4,038	26	89	51	-
Total	34,738												
Ideal	6,948	Deviation	5.51%										
*CVAP =	Citizen Voting Age Population												
**NL =	Non Latino												
***AIAN =	American Indian Alaskan Native												

Map Option D



Division	Total Population	Raw Population	% Population	Latino	CVAP*19 Total	CVAP19 NL** White	CVAP19 NL Black	CVAP Hispanic	CVAP19 Not Hispanic	CVAP19 NL AIAN***	CVAP19 NL ASIAN	CVAP19 NL Hawaiian	CVAP19 NL Other
1	7,094	146	2.11%	2,242	4,818	3,620	71	843	4,024	24	211	-	56
2	6,922	-26	-0.37%	4,478	4,345	1,929	23	2,253	2,079	24	127	-	22
3	7,133	185	2.67%	5,510	2,975	1,061	217	1,490	1,473	21	24	28	49
4	6,781	-167	-2.40%	2,490	4,922	3,358	42	1,320	3,587	18	142	-	1
5	6,808	-140	-2.01%	1,945	5,271	3,673	161	1,218	4,063	26	80	51	-
Total	34,738												
Ideal	6,948	Deviation	5.07%										
*CVAP =	Citizen Voting Age Population												
**NL =	Non Latino												
***AIAN =	American Indian Alaskan Native												

Attachment 3

Resolution adjusting Division boundaries

RESOLUTION NO. 5025

RESOLUTION OF THE BOARD OF DIRECTORS OF THE FALLBROOK PUBLIC UTILITY DISTRICT ADJUSTING BOUNDARIES OF DIRECTOR ELECTORAL DIVISIONS

WHEREAS, the Fallbrook Public Utility District (“FPUD”) is a Public Utility District formed in 1922, organized under the provisions of the Public Utility District Act (Public Utilities Code § 15500 et seq.), and elects members of its Board of Directors by subdistrict; and

WHEREAS, the U.S. Census Bureau is required by Article I, Section 2, of the U.S. Constitution to conduct an accurate count of the population every ten years; and

WHEREAS, California Elections Code Section 22000 et seq. requires that special districts subject to Section 22000 shall, “by resolution, after each federal decennial census, and using that census as a basis, adjust the boundaries of any divisions so that the divisions are, as far as practicable, equal in population and in compliance with Section 10301 of Title 52 of the United States Code, as amended, to the extent those provisions apply;” and

WHEREAS, the Elections Code requires that the Board adopt a resolution amending director subdistricts no later than April 17, 2022; and

WHEREAS, the Board held public hearings on December 13, 2021, March 28, 2022, and April 11, 2022, to receive public testimony relating to redistricting criteria and communities of interest, and directed staff and the District’s demographic consultant to prepare draft subdistrict plans for consideration. At the hearing on April 11, 2022, the Board selected Map Option ____ (now “the Preferred Map”), for adoption; and

WHEREAS, the subdistricts as drawn on the Preferred Map are balanced in terms of total population and voting age population. The subdistricts are well within the one-person/one-vote deviations permitted under federal and state voting rights laws; and

WHEREAS, the subdistricts as drawn on the Preferred Map reviewed and considered concentrations of minority voters. Divisions 2 and 3 are drawn as majority/minority Hispanic voting divisions; and

WHEREAS, at each of the public hearings on redistricting, the Board heard staff’s presentation and receive comments from the public relating to potential subdistrict plans; and

WHEREAS, all information in the staff reports, maps, presentations, Board discussion and public comments referenced above is hereby incorporated into this decision and serves as evidentiary basis for these recitals and the Board’s legislative decision.

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

SECTION 1: The forgoing recitals are true and correct and are incorporated herein.

SECTION 2: Pursuant to the provisions of California Elections Code Section 22000 et seq., the Board hereby adjusts, changes, and establishes the boundaries of the director subdistricts as set forth on the Preferred Map considered by the Board at its public hearing on April 11, 2022, and reflected in Exhibit A, and they shall constitute and are hereby established as the boundaries of the director subdistricts of the Fallbrook Public Utilities District for subsequent elections until further readjustment is required by law.

SECTION 3: Notwithstanding any other provision of this chapter, and pursuant to California Elections Code section 22000, subdivision (e) (1) and (2), each of the directors in office at the time this Resolution takes effect shall continue in office until the expiration of the full term to which he or she was elected and until his or her successor is qualified, and any vacancy in a term currently underway shall be filled based on the subdistricts in effect at the time the current directors were elected.

SECTION 4: All resolutions, or parts thereof in conflict with this resolution are hereby repealed.

SECTION 5: The General Manager is directed to take all necessary steps to give effect to this Resolution. If necessary to facilitate the implementation of this Resolution, the General Manager or his or her designee is authorized to make technical adjustments to the subdistrict boundaries that do not substantively affect the populations in the subdistricts. The General Manager shall consult with District General Counsel concerning any technical adjustments deemed necessary and shall advise the Board of any such adjustments required in the implementation of the subdistricts.

SECTION 6: This Resolution is adopted following two noticed public hearings as required by Elections Code section 22001 and shall take effect and be in full force immediately upon adoption.

PASSED AND ADOPTED by the Board of Directors of the Fallbrook Public Utility District at a special meeting of the Board held on the 11th day of April, 2022, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

President, Board of Directors

ATTEST:

Secretary, Board of Directors

Exhibit A

Map of Division Boundaries

[FINAL MAP TO BE ADDED AFTER BOARD SELECTION]