


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

MINUTES

**MONDAY, MARCH 28, 2022
4:00 P.M.**

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

I. PRELIMINARY FUNCTIONS

CALL TO ORDER / ROLL CALL / ESTABLISH A QUORUM

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

General Counsel de Sousa announced, for the record that, pursuant to the state of emergency declared by Governor Newsom, and in order to promote social distancing during the evolving COVID-19 pandemic, this meeting was being conducted by web and teleconference pursuant to Government Code Section 54953(e)(1)(A), which waives certain teleconferencing requirements in certain circumstances. She noted the first item on the agenda pertained to Board action to make the required findings pursuant to Government Code Section 54953(e).

General Counsel de Sousa also announced the agenda provided notice that members of the public may participate in this meeting by attending in person, and that members of the public who do not wish to attend in person were encouraged to participate in the Board meeting electronically using the call-in and weblink information included on the agenda. Members of the public participating remotely may provide general public comments and comments on agenda items in real time by requesting to speak using the "Raise Hand" function on Zoom or, if they were participating by phone, by pressing *9 to raise their hand. 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). There were no written public comments submitted in advance of the meeting, for general public comment or for any agenda items.

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

or seconding a motion. Next, President Baxter would call on each Director to see if there were any comments. General Counsel de Sousa also announced there was a public hearing to be held during the meeting. General Counsel de Sousa announced, if there were any Directors participating remotely, which there were not, all votes would have had to be done by roll call. Because no Directors were participating remotely, there was no need to have votes done by roll call.

A quorum was established, and attendance was as follows:

Board of Directors

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

Absent: None

General Counsel/District Staff

Present: Jack Bebee, General Manager
Paula de Sousa, General Counsel
Dave Shank, Assistant General Manager/CFO
Devin Casteel, Systems Operations Supervisor
Lisa Chaffin, Human Resources Manager
Noelle Denke, Public Affairs Specialist
Jodi Brown, Management Analyst
Veronica Tamzil, Senior Accountant
Lauren Eckert, Executive Assistant/Board Secretary

Also present were others, including, but not limited to: Kathy Ramirez, Chris Shaw, Craig Balben, Kirk Dulin, Ross Pike, Luis Higinio, Leticia Maldonado-Stamos, Nick Stamos, Tom Frew, Stephani Baxter, and Stephanie Smith

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

Recommendation:

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

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

There were no public comments on agenda item A.

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

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

PLEDGE OF ALLEGIANCE

President Baxter led the Pledge of Allegiance.

ADDITIONS TO AGENDA PER GC § 54954.2(b)

APPROVAL OF AGENDA

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

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

PUBLIC COMMENT

There were no public comments for non-agenda items.

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.

- B. NEW EMPLOYEE ANNOUNCEMENTS
 - 1. Tyrese Powell-Slotterbeck, Plant Operator II

There were no public comments on agenda item B.

The Board welcomed Tyrese Powell-Slotterbeck as the new Plant Operator II.

II. CONSENT CALENDAR----- (ITEMS C – D)

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.

There were no public comments on Consent Calendar items.

- C. CONSIDER APPROVAL OF MINUTES
 - 1. February 28, 2022 Regular Board Meeting/Public Hearing

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

- D. CONSIDER ADVANCE APPROVAL TO ATTEND MEETINGS

Recommendation: *That the Board authorize and approve, in advance, Directors' attendance to the Southern California Water Coalition Quarterly Luncheon on April 22, 2022 in Temecula, California.*

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

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

III. INFORMATION----- (ITEMS E – G)

- E. FINANCIAL PLAN UPDATE

Presented by: Dave Shank, Assistant General Manager/CFO

There were no public comments on agenda item E.

AGM/CFO Shank provided a brief update on the development of the financial plan.

F. 100TH ANNIVERSARY EVENT UPDATE

Presented by: Noelle Denke, Public Affairs Specialist

There were no public comments on agenda item F.

Public Affairs Specialist Denke presented a slideshow that provided details and an update on the planning of the 100th anniversary event scheduled for June 4, 2022.

G. SANTA MARGARITA GROUNDWATER TREATMENT PLANT UPDATE

Presented by: Devin Casteel, System Operations Supervisor

There were no public comments on agenda item G.

System Operations Supervisor Casteel presented a slideshow that provided an update on the Santa Margarita Groundwater Treatment Plant.

General Manager Bebee commended System Operations Supervisor Casteel and the Operators on the great job they have done keeping the plant running.

IV. **PUBLIC HEARING** -----(ITEM H)

H. 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 provide direction to prepare revised maps, if appropriate, to be considered at the next public hearing; and
3. Conduct a public hearing to receive public input on division boundaries.

General Manager Bebee announced that, after following the necessary public notification procedures, the District's Governing Board would hold a public hearing as part of the redistricting process to receive public input on revisions to the District's division boundaries and provide direction to staff to prepare revised maps, if appropriate, to be considered at the next public hearing. He also reported

staff has held workshops with members of the public, as well, which had been very engaging.

Stephanie Smith of BB&K presented a slideshow outlining the redistricting process and detailed several potential map options for consideration. She reported the author of map option A requested that option be removed from consideration.

At 4:54 p.m., President Baxter opened the Public Hearing to receive public comments on agenda item H.

Leticia Maldonado-Stamos stepped to the podium to thank Ms. Smith for going above and beyond to ensure members of the public understood the entire redistricting process, including the legalities, etc. Ms. Maldonado-Stamos voiced her support of map option C. Ms. Maldonado-Stamos also thanked District staff for their efforts in working with the community to develop the map options.

Kirk Dulin raised his hand via Zoom to voice his concerns regarding the maps that were presented which had population deviations over 10%. General Manager Bebee clarified that the map options would be rebalanced before being approved and reiterated that legal counsel would not allow the Board to approve a map that had a population deviation over 10%.

Hearing no additional public comments, President Baxter closed the Public Hearing at 5:06 p.m.

General Counsel de Sousa reported, with regards to the workshops, the Board's direction was to have those workshops open to any members of the public who wanted to participate. She also reiterated that the current boundaries adopted by the Board in 2016 were developed following the same requirements that were being followed now.

General Manager Bebee announced there was a final public hearing scheduled for April 11, 2022 to consider map adoption.

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

There were no public comments on oral/written reports.

1. General Counsel

- General Counsel de Sousa reported there were two competing bills being considered to continue remote meetings under the Brown Act (AB 2449 and AB 1944). She thought the two bills may be merged together.
- General Counsel de Sousa also reported on a voter initiative circulating that could cause problems for rate adoptions for public agencies.

2. SDCWA Representative Report

- General Manager Bebee provided an overview of the written reports included in the packet.
- 3. General Manager
 - a. Engineering and Operations Report
 - General Manager Bebee provided an update on the District's LAFCO application for the Community Benefit Program.
 - General Manager Bebee reported on the large number of leaks the District has experienced, which may have an impact on valve replacements.
- 4. Assistant General Manager/Chief Financial Officer
 - a. Financial Summary Report
 - b. Treasurer's Report
 - c. Budget Status Report
 - d. Warrant List
 - AGM/CFO Shank provided an overview of the written reports included in the packet.
- 5. Public Affairs Specialist
- 6. Notice of Approval of Per Diem for Meetings Attended
 - Notification of Approval for Directors' Attendance at a meeting with Jo MacKenzie on February 23, 2022.
 - Notification of Approval for Directors' Attendance at a meeting with Supervisor Desmond on March 3, 2022.
 - Notification of Approval for Directors' Attendance at San Diego County Local Agency Formation Commission meeting on March 7, 2022.
 - President Baxter reported the Board was participating in the CSDA Leadership Academy event.
- 7. Director Comments/Reports on Meetings Attended
- 8. Miscellaneous

ADJOURN TO CLOSED SESSION

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

There were no public comments on Closed Session items.

The Board of Directors adjourned to Closed Session at 5:43 p.m. following an oral announcement by General Counsel de Sousa of Closed Session Items V.1–3.

VI. CLOSED SESSION------(ITEMS 1 – 3)

1. CONFERENCE WITH LABOR NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTION 54957.6:

Agency Designated Negotiators: Jack Bebee, General Manager; Lisa Chaffin, Human Resources Manager

Employee Organizations: Fallbrook Public Utility District Employees' Association; Fallbrook Management Employees' Association

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

One (1) Potential Case

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

Name of Case: Todd Lange v. Fallbrook Public Utility District, San Diego Co. Sup. Ct. (North County) Case No 37-2020-00046705-CU-PT-NC

RECONVENE TO OPEN SESSION

The Board came out of Closed Session and reconvened to Open Session at 6:28 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 March Regular Meeting of the Board of Directors of the Fallbrook Public Utility District was adjourned at 6:29 p.m.



President, Board of Directors

ATTEST:



Secretary, Board of Directors