



FALLBROOK PUBLIC UTILITY DISTRICT
MEETING OF THE COMMUNITY BENEFIT PROGRAM COMMITTEE

AGENDA

MONDAY, APRIL 8, 2024
10:00 A.M.

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

THIS MEETING WILL BE HELD AT THE ABOVE DATE, TIME, AND LOCATION AND MEMBERS OF THE PUBLIC MAY ATTEND IN PERSON AT THE DISTRICT OFFICE LOCATED AT 990 E. MISSION RD., FALLBROOK, CA 92028. FOR THE CONVENIENCE OF MEMBERS OF THE PUBLIC WHO DO NOT WISH TO ATTEND IN PERSON, FALLBROOK PUBLIC UTILITY DISTRICT PROVIDES A MEANS TO OBSERVE AND PROVIDE PUBLIC COMMENTS AT THE MEETING VIA WEB CONFERENCE USING THE BELOW CALL-IN AND WEBLINK INFORMATION. PLEASE NOTE THAT IN THE EVENT OF TECHNICAL ISSUES THAT DISRUPT THE ABILITY OF MEMBERS OF THE PUBLIC TO VIEW THE MEETING OR PROVIDE PUBLIC COMMENTS THROUGH THE WEB CONFERENCE OPTION, THE MEETING WILL CONTINUE.

Join Zoom Meeting

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MEETING ID: 896 1395 1789

AUDIO PASSCODE: 651423

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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 Committee during the appropriate portion of the meeting. Please keep any written comments to 3 minutes.

REMOTELY MAKE COMMENTS DURING THE MEETING: The Committee Chair will inquire prior to Committee 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 Committee Chair will inquire prior to Committee 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 Board Secretary at (760) 999-2704 for assistance.

I. PRELIMINARY FUNCTIONS

CALL TO ORDER / ROLL CALL

PLEDGE OF ALLEGIANCE

ADDITIONS TO AGENDA PER GC § 54954.2(b)

APPROVAL OF AGENDA

PUBLIC COMMENT

Members of the public are invited to address the Committee on any item that is within the subject matter jurisdiction of the legislative body but not on today's agenda. Prior to each subsequent agenda item, the Committee Chair will inquire if there are any comments from the public. The Committee Chair may limit comments to three (3) minutes.

II. APPROVAL OF MINUTES..... (ITEM A)

A. MARCH 11, 2024 COMMUNITY BENEFIT PROGRAM COMMITTEE MEETING (ATTACHMENT A)

III. ACTION/DISCUSSION (ITEMS B–H)

B. MEMBER ABSENCE

C. FALLBROOK LAND CONSERVANCY SUGGESTIONS (ATTACHMENT B)

D. CONTRACT OVERSIGHT WORK GROUP RECOMMENDATION (ATTACHMENT C)

E. PROPOSAL DEVELOPMENT WORK GROUP ASSESSMENT (ATTACHMENTS D, E, F)

F. INDEMNITY – INPUT FROM LEGAL COUNSEL

G. TIME OF MEETINGS

H. DISPUTED FACTS

IV. WORKING GROUP REPORTS(ITEMS I–L)

I. ADMINISTRATIVE PROCEDURES

J. PROPOSAL DEVELOPMENT

K. CONTRACT OVERSIGHT

L. PUBLIC OUTREACH

V. **NEW BUSINESS**

VI. **ADJOURNMENT OF MEETING** – *Next meeting May 13, 2024 at 10:00 a.m.*

* * * * *

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.

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.

April 3, 2024
Dated / Fallbrook, CA

/s/ Lauren Eckert
Executive Assistant/Board Secretary

Attachment A

March 11, 2024 Community Benefit Program
Committee Meeting Minutes



**FALLBROOK PUBLIC UTILITY DISTRICT
MEETING OF THE COMMUNITY BENEFIT PROGRAM COMMITTEE**

MINUTES

**MONDAY, MARCH 11, 2024
10:00 A.M.**

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

I. PRELIMINARY FUNCTIONS

CALL TO ORDER / ROLL CALL

Committee Chair Mendelson called the Fallbrook Public Utility District's Community Benefit Program ("FPUD CBP") Committee meeting to order at 10:00 a.m.

A quorum was established and attendance was as follows:

Committee Members

Present: Jim Mendelson, Chair
Elana Sterling, Vice Chair
Anna Marchand, Secretary
Lila Hargrove
Jerry Kalman
Leticia Maldonado/Stamos
Rosie Redmond

Absent: None

District Staff Present:

Lauren Eckert, Executive Assistant/Board Secretary

Also present: 6 people in attendance, and 1 person attending via teleconferencing.

PLEDGE OF ALLEGIANCE – Committee Vice Chair Sterling led the Pledge of Allegiance.

ADDITIONS TO AGENDA PER GC § 54954.2(b) - None

APPROVAL OF AGENDA

MOTION: Committee Vice Chair Sterling moved to approve the agenda, as published; Committee Member Kalman seconded. A vote commenced and the motion passed. **VOTE:**

AYES: Unanimous
NOES: None
ABSTAIN: None
ABSENT: None

PUBLIC COMMENT

Committee Chair Mendelson called for public comment on non-agenda items. None were received.

II. APPROVAL OF MINUTES..... (ITEM A)

A. FEBRUARY 12, 2024 COMMUNITY BENEFIT PROGRAM COMMITTEE MEETING

MOTION: Committee Member Hargrove moved to approve the February 12, 2024 FPUD CBP Committee Meeting Minutes, as presented; Committee Member Redmond seconded. A vote commenced and the motion passed. **VOTE:**

AYES: Unanimous
NOES: None
ABSTAIN: None
ABSENT: None

III. ACTION/DISCUSSION (ITEMS B-F)

B. MICROPHONE USE

Committee Chair Mendelson employed the Committee Members to use the microphones and to speak slowly.

C. ARTICLE 23 POSTING

Committee Chair Mendelson announced that Committee Member Kalman and Noelle Denke, Fallbrook Public Utility District's Public Affairs Specialist, created a link to the Fallbrook Public Utility District Administrative Code Article 23 on the FPUD CBP's website page.

D. DISCUSSION OF SUGGESTIONS RECEIVED

Committee Chair Mendelson announced the Committee intended to discuss suggestions to improve the application and award processes but would not entertain motions to make any changes until the April 8, 2024 regularly scheduled meeting. The purpose of discussion is to take suggestions under advisement.

Committee Chair Mendelson called for public comment, of which Josh Guerrettaz, representing the Sports Park, commented that the applications need to be thoroughly and completely reviewed. Additionally, Andrew Willis, representing the Gem Society, confirmed that the Gem Society's next step was to reapply for funding in the next application processes since a reconsideration of the prior application was not on the FPUD CBP's agenda.

Proposal Development Workgroup Chair Hargrove led the discussion and provided the Workgroup's recommendations on each item as listed at Attachment B, page 15 of the agenda package. Each item was discussed in order. Some of the more significant issues discussed involved defining eligible projects; broadening the scope of information required in the application documents, providing means for applicants to respond to questions, project site visits, refining public access requirements for specific periods of time, scheduling application and funding periods, and scoring processes.

E. CONTRACTS

Committee Chair Mendelson called for public comment, of which there was none.

The Contract Oversight Workgroup Chair Marchand reported on the status of the contract negotiations. Two recipients had inquired about minimal issues on the contract. Five contracts had been signed and returned to the Fallbrook Public Utility District. Two contracts remained outstanding.

Workgroup Chair Marchand asked the CBP members to take a number of concerns into consideration for possible action at the next meeting. These concerns addressed the following:

- 1) A Report of Awards should be incorporated, and timely updated, on the Fallbrook Public Utility District's website.
- 2) A minimum of funding should be required before breaking the distribution of funding into two parts. Only two of the seven current contracts require two payment installments but the workgroup had little guidance on determining the amounts to be paid on each installment
- 3) Based on the timing of the contract date being March 1, 2024, funding provided on April 1, 2024, and the final reporting required by March 2025, the recipient is funded for only 11 months; not twelve. In the event this is an issue, the issue can be addressed with contract modifications if necessary. However, contract modifications will require Fallbrook Public Utility District Board approval.
- 4) Reporting is for the purpose of satisfying audits. Recipients will need guidance in reporting. Guidance can be modeled after the San Diego County community grant programs.

MOTION: Committee Vice Chair Sterling moved to expand the scope of work assignment of the Contracts Workgroup to include monitoring the current contracts and drafting suggested processes to assist each recipient's reporting; Committee Member Redmond seconded. A vote commenced and the motion passed. VOTE:

AYES: Unanimous

NOES: None

ABSTAIN: None

ABSENT: None

F. INDEMNITY

Committee Member Redmond inquired as to whether the current contract indemnification term sufficiently protects FPUD CBP members. Limited discussion took place with a resolution that legal counsel will be sought on this question.

Chair Mendelson asked the Proposal Development Workgroup to be the liaison between the Committee and legal counsel for this and all legal questions.

IV. **WORKING GROUP REPORTS** (ITEMS G–J)

G. ADMINISTRATIVE PROCEDURES – No Report.

H. PROPOSAL DEVELOPMENT – No report beyond the information provided above at III. D.

I. CONTRACT OVERSIGHT – No report beyond the information provided above at III. E.

J. PUBLIC OUTREACH – No Report.

V. **NEW BUSINESS**

Committee Chair Mendelson called for public comment. Mike Griffiths spoke on two matters. First, he suggested a revised agenda that places public comment later in the order of the meeting so that audience members have an opportunity to hear the agenda item discussed by the Committee prior to making public comment. Second, the timing of the funding and reporting required by the current contracts limits a recipient's time to make use of funds. Consideration of the San Diego County processes will provide guidance to the FPUD CBP.

Committee Member Redmond inquired as to how the FPUD CBP can elicit more participation in the funding process from the Fallbrook Public Utility District rate payers. Discussion ensued. Committee Member Kalman will discuss whether an insert could be included in monthly billing statements with the Fallbrook Public Utility District's General

Manager. Another suggestion was that a meeting could be scheduled for a time of day that accommodates rate payers who are employed and work regular business hours. Public announcements will continue.

VI. ADJOURNMENT OF MEETING – *Next meeting April 8, 2024 at 10:00 a.m.*

Committee Members shall submit April Agenda items to Committee Chair Mendelson on or before March 29, 2024.

There being no further business to discuss, on a motion made by Committee Member Kalman, seconded by Committee Member Redmond and passed unanimously, the Community Benefit Committee Meeting of the Fallbrook Public Utility District adjourned at 11:34 p.m.

Chair, Community Benefit Committee

ATTEST:

Secretary, Community Benefit Committee

Attachment B

Suggestions for improving CBP process and or application

1. Request for funding be scored as eligible or non-eligible.
To make this as straightforward as possible, it is suggested that a set of eligibility questions be developed by the committee and incorporated into the application process as section 1. This way, no “ineligible” applications would be allowed to move forward, and the committee would only receive eligible applications. This set of questions should relate directly to the entity’s eligibility as well as the project’s eligibility. For the latter, it is important to have a firm understanding of Article 23 and allowed and disallowed costs.
2. Mechanism for clarification of incorrect information after public comment is over.
3. Clarification on funding projects that county performs similar.
Please consider the timing of “County performed” tasks versus the timing of the same tasks performed by a local group. The Community Benefit Program is intended to supplement County services and provide local control of projects.
4. Funding government agencies.
5. Method to deal with private property used for community benefit funding.
As stated at previous meetings, land owned by non-profit organizations is considered private property. The CBP contract should deal with the issue of community benefit funding being accessible/providing community benefit for the lifespan of the project.

Please remember that CBP does NOT pay for staff time or cover costs outside of the contract window. Requiring easements, deed restrictions, leases, or any other binding agreement, specifically those recorded against title, will:

1. Place a significant cost burden on the non-profit/landowner in terms of staff time, board approval, and legal review.
2. Place a significant cost burden on the CBP in terms of legal review and approval by FPUD, assuming FPUD is the Grantee to these easements or beneficiary of the lease/other document.
3. Will need to be recorded with the County: Who is paying recording fees, who is delivering document to the County, etc.?
4. Will take time and may take up to 6 -12 months for more complex cases. It is assumed CBP funding would not be made available until the easement requirement is satisfied, and the timeframe to sort out easements eats into the FY funding for the project.
5. The requested easement or other recorded documents may not be compatible with other easements or deed restrictions that already encumber the property.
 - a. The FPUD/CBP easement would likely be subordinate to easements already in place.

19. Request exact location of project.

Clearly define this. Is this a map, is this a GPS point (coordinates), etc.

20. Request property holder/title information.

While this is good information, please clarify what will be done with it. For example, if the land is leased, are you also requiring a copy of the lease and/or a letter from the property owner approving the project? What information do you want (a screenshot from the County, a copy of the deed, etc.).

21. A place to upload a map of a project proposal.

Please clarify how this is different than #19.

22. More financial information

23. A place to add whether nonprofit owned or privately owned.

Please clarify how this is different than #20.

24. Look to match rubric more closely with application questions/requests.

25. Site visits as part of application process?

26. Clear up gray areas.

27. Make it clear that these are public agency funds and are subject to State requirements.

Suggest reviewing other public agency contracts, such as County CEP and NRP contracts, State contracts such as Wildlife Conservation Board, Department of Transportation, etc.

28. Rather than a cut off, share ranks with members, then they can vote to fund or not fund.

If the majority votes to fund, it goes forward.

Committee members expressed their responsibility to FPUD ratepayers and said they didn't fund low scoring applications because ratepayers have concerns about where their money goes. Many ratepayers would also be concerned to know that so much local tax revenue is sitting in an account NOT being used to benefit the community, which is the sole purpose of this program. If there is enough funding for all eligible applications, the Committee should discuss and consider funding everyone.

Attachment C

Contract Oversight Work Group Report & Recommendations to CBP Committee April 8, 2024

Report of Awards

Organization	Purpose of Award	Total Award	Returned and/or Rescinded Funds	Committee Benefit Program Award Date
Fallbrook Beautification Alliance	Maintain landscaping for medians on South Mission Road between Rockycrest and Old Stage Coach Lane	\$16,000	0	January 8, 2024
Fallbrook Land Conservancy: <i>Save Our Forest Treescape</i>	To prune trees in Downtown Fallbrook, Pico Promenade and the Palomares House and irrigation improvements and weed abatement for 1.1 miles of South Mission Road	\$22,720	0	January 8, 2024
Fallbrook Land Conservancy: <i>Los Jilgueros Preserve</i>	To make safety and habitat improvements to Los Jilgueros Preserve	\$34,340	0	January 8, 2024
Fallbrook Sports Association	Maintain the Ingold Sports Park parking lot via seal coating and restriping	\$32,975	0	January 8, 2024
Fallbrook Village Assoc: <i>Maintenance 4 Parks</i>	To maintain Pico Promenade, Jackie Heyneman Park, Vince Ross Village Square and Railroad Heritage Park	\$36,200	0	January 8, 2024
Fallbrook Village Assoc: <i>Railroad Heritage Park</i>	To complete Phase Three construction which includes handrails, fencing, lighting, display panels and historical clock for walking museum, solar electrical system with battery, solar street lights, solar power to the ticket booth and a gated entry at Railroad Heritage Park	\$41,500	0	January 8, 2024
Mission Resource	To eradicate evasive Fountain Grass by cutting down bundles of Fountain Grass and treating root areas to kill remaining roots	\$6,000	0	January 8, 2024

Proposed Reporting Requirements

An award recipient shall provide a report, or reports, verifying award funds are spent in accordance with the purpose of the funding as stated in the funding agreement.

- All expenses must accrue during the period of the grant.
- All expenses must be for grant purposes.
- The report must show expenditures by itemizing the expenditures with an item number that corresponds to the organization of the supporting documentation.
- The report and supporting documentation should be delivered to the Fallbrook Public Utility District’s office at 900 E. Mission Road., Fallbrook, California 92028. Delivery may be by United States Postal Service or any other reliable means.
- Any unspent funds must be returned to the Fallbrook Public Utility District on the day the report is due.
- An award recipient should avoid paying expenses with cash; however, any cash payment must be explained in Cover Letter, see below.
- Augmenting the financial documentation with visual evidence of the expenditure of funds, such as “before and after” pictures is recommended.

The report documentation requirements are as follow:

Document	Description of Document
Cover Letter	Written on organization’s letterhead with original signature. (Currently, 2024 contracts provide for delivery of reports via email.) Description of how funds were spent and how the expenses were in compliance with the funding contract Explanation of unspent grant funds
List of Expenditures & Accounting (See sample below.)	The sample List of Expenditures and Accounting is provided at the Fallbrook Public Utility District’s website. The sample format may be set out in an excel or other

	<p>format as long as it specifically lists the following details and is supported by required documentation:</p> <ul style="list-style-type: none"> • Date money paid • Check number • Name of payee • Description of purpose of payment • Amount paid • Item number that is assigned to the item and used to organize the supporting documentation
<p>Contracts and Invoices (Originals not required)</p>	<p>Evidencing work provided to project and the itemization of expenses</p>
<p>Receipts</p>	<p>Evidencing expenditures</p> <p>Cash payments must be evidenced by a signed receipt</p>
<p>Checks, Bank Statements and/or Credit Card Statements (Originals not required)</p>	<p>Evidencing expenses and payments</p> <p>Checks must be supported by banking documentation evidencing check was cashed</p>
<p>Payroll Expense Reports (Originals not required)</p>	<p>Evidencing any payroll documents</p> <p><i>(Payroll documents will likely be provided by third party. A project over \$25k requires the entity to register and open a Department of Industrial Relations (DIR) number. Registration is at https://www.dir.ca.gov/pwc100ext/LoginPage.aspx. The DIR system automatically assigns the DIR project number.)</i></p>

Attachment D

Workgroup assessment to add to application.

1. Add formal budget template.
2. Upload visual renderings/map.
3. Property title/holder information
4. Exact location/APN of project
5. Was the project presented to FPG?
 - a. Yes, was it approved by FPG?
 - b. No, please explain.
6. 2 years tax return/990 and P & L
7. Is the property that project is located on, nonprofit owned or privately owned?
8. Plot plan.
9. Add "by signing, I acknowledge that these are public agency funds and are subject to State requirements."
10. Board of Directors List
11. Name/title of person signing contract/filling out application.
12. W-9

Attachment E

Workgroup Assessment

1. Keep rubric. It helps measure a project. Scoring eligible /non-eligible could mean an entire application not being considered based on one part not being eligible. Part of rubric already asks if member recommends funding, funding with changes or not funding.
2. All applicants have 3 min before an agenda item. Agendas are posted and everyone has the opportunity to attend the meeting. In the meeting, ask applicants for clarification before scoring.
3. Projects that the county performs similar, can be funded if it falls under Section 23. If county process performs similar, but timeline is not expedient, this should be considered.
4. Government agencies can be funded. Should be of benefit to FPUD rate payers.
5. Consider in Contract language to add question what is the “useful life of project”.
6. Not recommended to have an appeal process for sub-standard applications.
7. Not recommended to add mid-year funding. Recommend changing the funding cycle to match the fiscal year.
8. A speaker card should be required to speak, even if allowing to speak to clarify. This helps the secretary and keeps order.
9. Update list of what can be funded and what cannot be funded. Having a complete list should help applicants to not apply for ineligible items.
10. Discussion as to minimum number (if any) that is needed for project to be discussed.
11. Will address updates to rubric separately.
12. The work group felt the application questions match. Applicant has access to rubric and can answer the questions based on that.
13. This process is meant to clear up any gray areas.

Attachment F

Eligibility Criteria

To be eligible, all applicants must meet the following criteria:

- ❖ Be a nonprofit organization, or government agency. CBP does not fund organizations or private entities. **
- ❖ Provide 2 years of recent tax return/990.
- ❖ Provide asset sheet if funding requested over \$60,000.
- ❖ Must be located in the FPUD service area. *Map located on website
- ❖ Must show proposed project will benefit FPUDS service area residents.
- ❖ Project must be completed within twelve months from funding date.
- ❖ Proof of expenditures due ~~twelve~~ 13 months after funding.
- ❖ Attorney General Proof of nonprofit
- ❖ Secretary of State proof of nonprofit
- ❖ Provide Monthly financial statements.
- ❖ Provide 2 years end of year P & L
- ❖ W-9

What will it not fund?

- ❖ Events/activities
- ❖ Administrative costs/Volunteer compensation
- ❖ Scholarships
- ❖ Existing obligations/debit
- ❖ Any purposes prohibited by laws governing the use of public funds, including but not limited to, religious, political campaigning, or purely private purposes or activities.
- ❖ Personal items
- ❖ Vehicles for the organization
- ❖ Educational materials
- ❖ Items outside of Article 23, Sec. 23.2

Sec. 23.2 Definition of Services Provided

The District may provide services of parks and recreation, street lighting and roads and streets as defined in more detail below:

Parks and Recreation Function:

Public parks, public playgrounds, public recreation buildings, buildings to be used for public purposes (to supplement existing service powers exercised by the County of San Diego and County Service Area (CSA) No. 81 as well as volunteer activities by non-profit organizations).

Street Lighting Function:

Street lighting systems (to supplement existing service powers exercised by the County of San Diego and County Service Area (CSA) No. 81 as well as volunteer activities by non-profit organizations).

Roads and Streets Function:

Works to provide for the drainage of roads, streets, and public places, including, but not limited to, curbs, gutters, sidewalks, and pavement of streets (to supplement existing service powers exercised by the County of San Diego and County Service Area (CSA) No. 81 as well as volunteer activities by non-profit organizations)