



FALLBROOK PUBLIC UTILITY DISTRICT  
MEETING OF THE COMMUNITY BENEFIT PROGRAM COMMITTEE

AGENDA

MONDAY, FEBRUARY 12, 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**

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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](mailto: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. The Committee Chair may limit comments to three (3) minutes.*

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

A. JANUARY 8, 2024 COMMUNITY BENEFIT PROGRAM COMMITTEE MEETING (ATTACHMENT A)

**III. ACTION/DISCUSSION .....(ITEMS B–D)**

B. BOARD PROCEDURE

C. CONTRACT DEVELOPMENT (ATTACHMENT B)

D. OVERSIGHT COMMITTEE PROPOSAL

**IV. VERBAL PRESENTATION .....(ITEM E)**

E. FPUD BOARD OF DIRECTORS CONCERNS; DIRECTORS MCDOUGAL AND ENDTER (ATTACHMENT C)

**V. WRITTEN INPUT/COMMENTS RECEIVED .....(ITEMS F–G)**

F. FALLBROOK VILLAGE ASSOCIATION AND FALLBROOK ARTS, INC. (ATTACHMENT D)

G. FALLBROOK LAND CONSERVANCY (ATTACHMENT E)

**VI. COMMITTEE FEEDBACK TO APPLICANTS .....(ITEMS H–K)**

H. FALLBROOK LAND CONSERVANCY (PALOMARES HOUSE PROJECT)

I. FALLBROOK GEM AND MINERAL SOCIETY

J. FALLBROOK VILLAGE PLAZA PARKING LOT PUBLIC SAFETY  
RENOVATION (ATTACHMENT F)

K. FALLBROOK SPORTS ASSOCIATION – INGOLD PARK (ATTACHMENT G)

**VII. PUBLIC OUTREACH**

**VIII. NEW BUSINESS**

**IX. ADJOURNMENT OF MEETING** – *Next meeting March 11, 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.

February 6, 2024  
Dated / Fallbrook, CA

/s/ Lauren Eckert  
Executive Assistant/Board Secretary

Attachment A  
January 8, 2024 Community Benefit Program  
Committee Meeting Minutes



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

**MINUTES**

**MONDAY, JANUARY 8, 2024  
10:00 A.M.**

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

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**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 10:03 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:** Twenty-five people in attendance, and one person attending via teleconferencing.

**PLEDGE OF ALLEGIANCE** – Committee Member Hargrove 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 Redmond 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. Chair Mendelson continued to call for public comment throughout the action/discussion items.

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

**A. DECEMBER 11, 2023 COMMUNITY BENEFIT PROGRAM COMMITTEE MEETING**

**MOTION:** Committee Member Hargrove moved to approve the December 11, 2023 FPUD CBP Committee Meeting Minutes, as presented; Committee Member Kalman seconded. A vote commenced and the motion passed. **VOTE:**

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

**III. ACTION/DISCUSSION ..... **(ITEMS B)****

**B. REVIEW OF APPLICATIONS BY COMMITTEE**

Committee Chair Mendelson announced eleven projects remain eligible for discussion and funding with the caveat that the FPUD CBP Committee may want to consider eliminating lower scoring projects from its discussion. Cumulative scores ranged from 92 to 34.

Committee Member Kalman recused on projects submitted by the Fallbrook Land Conservancy.

Proposal Development Workgroup Chair Hargrove announced one applicant, Fallbrook Trails Council, had withdrawn its application. Committee Chair Mendelson read an email from Lita Tabish, President of Fallbrook Trails Council, dated January 5, 2024, explaining that the environmental and engineering requirements would preclude timely completion of the project.

Vice Chair Sterling moved to limit funding discussions to those projects which received a cumulative score of 75 or more.

Discussion addressed the fact that there was no prior consensus for limiting discussion to a portion of the applications and projects. This limitation was not anticipated by at least some of the Committee Members during the scoring process.

MOTION: Committee Vice Chair Sterling moved to eliminate any project receiving a cumulative score less than 75 from discussion; Committee Member Maldonado/Stamos seconded. A vote commenced and the motion passed. VOTE:

AYES: Four  
NOES: Three  
ABSTAIN: None  
ABSENT: None

The above motion eliminated discussion on four projects submitted by Fallbrook Gem & Mineral Society, Fallbrook Land Conservancy, Fallbrook Center for the Arts and Fallbrook Village Association as specifically noted below.

Discussion continued about each remaining project in order of the highest applicant's cumulative score to the lowest score of 75. For each project, Proposal Development Workgroup Chair Hargrove announced (1) each applicant's cumulative score, (2) the funding amount requested, (3) the funding amount suggested within the scoring documents and (4) a summary of additional notes summarized from the Committee Members' scoring rubrics.

Discussion of the projects was in ranking order from the highest scoring project to the lowest scoring project. Each project is listed below in order as set forth in the meeting's agenda and not in ranking order.

- a. Fallbrook Beautification Alliance: South Mission Median Landscaping Maintenance

Score: 75  
Requested Funding: \$17,000  
Suggested Funding: \$13,500-16,000  
Notes: A portion of the funding request for insurance costs is ineligible.

MaryJo Bacik made public comment and explained that insurance costs were not included in the funding request.

Don McDougal made public comment as a private citizen, and not as a member of the Fallbrook Public Utility District's Board. He provided a history of the project site and negotiations for the project's continuing care.

Committee Chair Mendelson pointed out that the application's cover sheet indicated the applicant was seeking \$17,000.00 but that the supporting documentation demonstrated a request for \$16,000.00.

Committee Vice Chair Sterling moved to fund the project in the amount of \$13,500.00. There was no second to the motion.

MOTION: Committee Secretary Marchand moved to fund this project in the amount of \$16,000; Committee Member Kalman seconded. Following discussion, a vote commenced and the motion passed. VOTE:

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

MOTION: Committee Secretary Marchand moved to recommend this project for funding to the Fallbrook Public Utility District Board in the amount of \$16,000.00; Committee Vice Chair Sterling seconded. A vote commenced and the motion passed. VOTE:

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

b. Fallbrook Center for the Arts, Inc.: Birds of a Feather Arts Installation

This project received a score of less than 75.

c. Fallbrook Gem and Mineral Society: Lot Improvement, Fencing, Handicap Parking, Gates, Paving Striping

This project received a cumulative score of less than 75.

d. Fallbrook Land Conservancy: Save our Forest Treescape

Score: 92  
Requested Funding: \$22,720  
Suggested Funding: \$22,720  
Notes: None.

MOTION: Committee Vice Chair Sterling moved to fund this project in the amount of \$22,720 and to recommend this project for



funding to the Fallbrook Public Utility District Board; Committee Member Redmond seconded. A vote commenced and the motion passed. VOTE:

AYES: Six  
NOES: None  
ABSTAIN: None  
RECUSED: One  
ABSENT: None

- e. Fallbrook Land Conservancy: Palomares House & Park ADA and Security Improvements

This project received a cumulative score of less than 75.

- f. Fallbrook Land Conservancy: Los Jilgueros Preserve Safety and & Habitat Improvements

Score: 89

Requested Funding: \$68,680

Suggested Funding: \$24,000 - \$49,240

Notes: A portion of the funding request for equipment may be ineligible.

Susan Liebes, Fallbrook Land Conservancy Chairman, Karla Standridge, Fallbrook Land Conservancy Executive Director, Kristin Greene, Land Conservancy Board Member, and Wallace Tucker made public comments addressing the organization's mission and security issues.

Discussion ensued about funding for hand tools and security.

MOTION: Committee Member Maldonado/Stamos moved to fund the project in the amount of \$68,680; Committee Member Hargrove seconded. A vote commenced and the motion passed. VOTE:

AYES: Four  
NOES: Two  
ABSTAIN: None  
RECUSED: One  
ABSENT: None

MOTION: Committee Member Hargrove moved to recommend this project for funding to the Fallbrook Public Utility District Board in the amount of \$68,680.00; Committee Member

Maldonado/Stamos seconded. A vote commenced and the motion passed. VOTE:

AYES: Four  
NOES: Two  
ABSTAIN: None  
RECUSED: One  
ABSENT: None

g. Fallbrook Sports Association: Ingold Sports Park Parking Lot Sealcoating and Restriping

Score: 81

Requested Funding: \$35,000

Suggested Funding: \$32,975

Notes: Concerns about sustainability, that the property is privately owned and that a portion of the request is for projected costs because of possible inflation.

There was no public comment. However, Don McDougal explained that San Diego County owns the property which is leased to the applicant.

MOTION: Committee Member Maldonado/Stamos moved to fund the project in the amount of \$32,975.00; Committee Member Hargrove seconded. Following discussion, a vote commenced and the motion passed. VOTE:

AYES: Six  
NOES: One  
ABSTAIN: None  
ABSENT: None

MOTION: Committee Vice Chair Sterling moved to recommend this project for funding to the Fallbrook Public Utility District Board in the amount of \$32,975.00 and consideration that contractual terms shall insure public use of the project; Committee Member Redmond seconded. A vote commenced and the motion passed. VOTE:

AYES: Seven  
NOES: None  
ABSTAIN: None  
ABSENT: None

h. Fallbrook Trails Council: 60-foot Hiking Bridge over Rainbow Creek

This applicant withdrew its application.

- i. Fallbrook Village Association: Pico Promenade, Jackie Heyneman Park, Vince Ross Village Square, and Railroad Heritage Park Maintenance

Score: 91

Requested Funding: \$36,200

Suggested Funding: \$32,200

Notes: A portion of the funding request to clean graffiti may be a cost covered by San Diego County's graffiti removal program; a portion of the funding has been sought via a separate application.

Jenna Gratz, Fallbrook Village Association Treasurer, made public comment explaining the San Diego County graffiti removal process and results. She explained that graffiti should be timely removed or additional graffiti takes place. Volunteers have removed graffiti in many instances.

Committee Vice Chair Sterling moved to fund the project in the amount of \$36,200.00 and to recommend this project for funding to the Fallbrook Public Utility District's Board. Committee Member Redmond seconded but because the motion was compound, Committee Vice Chair Sterling withdrew the motion.

MOTION: Committee Vice Chair Sterling moved to fund the project in the amount of \$36,200; Committee Member Redmond seconded. Following discussion, a vote commenced and the motion passed. VOTE:

AYES: Four  
NOES: Three  
ABSTAIN: None  
ABSENT: None

MOTION: Committee Vice Chair Sterling moved to recommend this project for funding to the Fallbrook Public Utility District Board in the amount of \$36,200.00; Committee Member Redmond seconded. A vote commenced and the motion passed. VOTE:

AYES: Six  
NOES: One  
ABSTAIN: None  
ABSENT: None

- j. Fallbrook Village Association: Fallbrook Village Plaza Parking Lot Public Safety Renovation – Phase 1

This project received a cumulative score of less than 75.

- k. Fallbrook Village Association: Railroad Heritage Park Construction Project

Score: 78

Requested Funding: \$83,000

Suggested Funding: \$27,666

Notes: The funding request seems inflated; there may be building code/permit issues; public access issues that need to be resolved via contractual terms.

Jenna Gratz, Fallbrook Village Association Treasurer, made public comment explaining the project has maintained compliance with San Diego County code requirements, that no permits are required and that the requirement all applicants include a prevailing wage factor inflates the cost. Ray Moosa made public comment explaining the project's mission and costs.

Committee Member Maldonado/Stamos moved to fund \$50,000 for the project, seconded by Committee Vice Chair Sterling. However, following the discussion, Committee Member Maldonado/Stamos withdrew the motion.

MOTION: Committee Member Maldonado/Stamos moved to fund the project in the amount of \$73,000 and consideration that contractual terms shall insure public use of the project; Committee Member Hargrove seconded. Following discussion, a vote commenced and the motion failed. VOTE:

AYES: Two

NOES: Five

ABSTAIN: None

ABSENT: None

MOTION: Committee Member Hargrove moved to fund the project in the amount of \$83,000; Committee Member Maldonado/Stamos seconded. A vote commenced and the motion passed. VOTE:

AYES: Five

NOES: Two

ABSTAIN: None

ABSENT: None

MOTION: Committee Member Hargrove moved to recommend this project for funding to the Fallbrook Public Utility District Board in the amount of \$83,000.00 and consideration that contractual terms shall insure public use of the project; Committee Secretary Marchand seconded. A vote commenced and the motion passed. VOTE:

AYES: Five

NOES: Two

ABSTAIN: None

ABSENT: None

I. Mission Resource Conservation District: Removal of Invasive Fountain Grass & Educational Pamphlets.

Score: 76

Requested Funding: \$9,600

Suggested Funding: \$6,000

Notes: The funding request to pay for pamphlets is not eligible for funding. Concerns about the adequacy of the application information and whether the CBP should fund government agencies.

Jackie Heyneman made public comment explaining the invasive nature of Fountain Grass and the process of removal. Later, during discussion, Jackie Heyneman also explained that the Fallbrook Land Conservancy considered applying for funding but requested the Mission Resource Conservation District's assistance in making the request.

Committee Vice Chair Sterling moved to not fund this project; seconded by Committee Member Kalman. However, following discussion, Committee Vice Chair Sterling withdrew the motion.

MOTION: Committee Member Hargrove moved to fund the project in the amount of \$6,000.00; Committee Member Maldonado/Stamos seconded. Following discussion, a vote commenced and the motion passed. VOTE:

AYES: Four

NOES: One

ABSTAIN: Two

ABSENT: None

MOTION: Committee Member Hargrove moved to recommend this project for funding to the Fallbrook Public Utility District Board in the amount of \$6,000.00; Committee Secretary Marchand seconded. A vote commenced and the motion passed. VOTE:

AYES: Four  
NOES: One  
ABSTAIN: Two  
ABSENT: None

Committee Chair Mendelson called for a ten-minute recess.

**IV. AFTER ACTIONS / LESSONS LEARNED .....(ITEM C)**

**C. PROPOSED PLAN:**

- a. Solicit Written Input/Comment from Public to be submitted prior to February 9, 2024 Committee Meeting

Committee Chair Mendelson addressed the audience and requested the public provide feedback, input, and suggestions for the next application process.

Committee Chair Mendelson announced an applicant may receive feedback at the February 2024 regular meeting agenda. Applicants interested in application and scoring feedback should email Committee Chair Mendelson on or before February 7, 2024 to request this agenda item.

Committee Chair Mendelson informed the FPUD CBP Committee and the audience that the next step in the funding process is to be added to Fallbrook Public Utility District's Board January 22, 2024, agenda. Correspondence reporting each recommendation passed at today's meeting will be sent to the Fallbrook Public Utility District's Board.

- b. Committee Members to commence discussion and development at March 4, 2024 Committee Meeting

Chair Mendelson requested that each Committee Member come to the next regularly scheduled meeting to discuss suggestions for modifications to the application and scoring process and oversight of projects currently approved for funding.

**V. WORK GROUP REPORTS.....(ITEMS D-E)**

D. ADMINSTRATIVE FUNCTION WORKGROUP – No Report

E. PROPOSAL DEVELOPMENT WORKGROUP – No Report

**VI. PUBLIC OUTREACH**

Committee Member Kalman announced that the subject of today’s meeting had been published in print and social media. Funding award public announcements will be deferred to the Fallbrook Public Utility District and are anticipated to be made following the District Board’s action on the CPB Committee’s recommendations.

**VII. NEW BUSINESS**

Committee Member Redmond suggested that one consideration for modifications to future application processes be inclusion of property titles and locations.

Committee Member Redmond announced the next Community Forum Meeting is scheduled for January 18, 2024 at 10:30 a.m. Committee Member Redmond will attend on behalf of the CBP Committee.

Committee Member Hargrove thanked the applicants and estimated that the CBP Committee had provided funding in the amount of \$265,575 during today’s meeting.

**VII. ADJOURNMENT OF MEETING – Next meeting February 12, 2024 at 10:00 a.m.**

Committee Members shall submit January Agenda items to Committee Chair Mendelson on or before February 2, 2024.

There being no further business to discuss, on a motion made by Committee Member Redmond, seconded by Committee Member Kalman and passed unanimously, the Community Benefit Committee Meeting of the Fallbrook Public Utility District adjourned at 12:23 p.m.

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Chair, Community Benefit Committee

ATTEST:

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Secretary, Community Benefit Committee

# Attachment B

## Revised Funding Agreement Template

### Fallbrook Public Utility District Community Benefit Program Funding Agreement

This Community Benefit Program Grant Agreement (“Agreement”) is made and entered into as of [Insert Date] by and between the Fallbrook Public Utility District (“District”) and [Insert Community Organization Name] (“Recipient”).

#### 1. Purpose

The District allocates funding each fiscal year to its Community Benefit Program, which grants funding to community organizations. Accordingly, this Agreement grants funding under the District’s Community Benefit Program to Recipient in order to [Describe project/service for which funds will be used] as outlined in Recipient’s Proposal submitted on or about [Insert Date]. Recipient’s work plan for its Community Benefit Program Grant Proposal is incorporated herein by reference.

#### 2. CBP Funds

The award amount of \$[Insert amount] (“CBP Funds”) granted to Recipient pursuant to this Agreement is payable with a minimum of *two (2) payments* on or around the week of the following dates or as worked out with organization:

[Insert Date]	1 Payment:	\$
[Insert Date]	2 Payment:	\$

#### 3. Term of Agreement

The term of this Agreement is from [Insert Date] through [Insert Date], except in the event that this Agreement is terminated earlier as set forth herein.

#### 4. Budget and Payment Schedule

Unless Recipient and District agree upon alternative arrangements, CBP Funds shall be allocated in two payments, upon District’s receipt of a report with appropriate back-up documentation. If the Recipient fails to timely provide the report, Recipient may be subject to discontinuance of funding or return of CBP Funds to District.

Recipient must submit a half -yearly report and a final report to [Insert Name & Title] via email at [Insert Email Address] by the following due dates:

[Insert Date]	1 <sup>st</sup> Report
[Insert Date]	2 <sup>nd</sup> Report

#### 5. Recipient Obligations



Recipient shall cooperate in efforts undertaken by District to evaluate the effectiveness and use of the CBP Funds. Recipient shall participate in and comply with all on-site evaluation and contract monitoring procedures, including interviews with Recipient's staff. Recipient shall also provide written status reports to District as set forth herein. Recipient shall attend at least one (1) regular meeting of the District during the Agreement term.

## **6. Procurement Requirements**

All services and projects procured using CBP Funds shall comply with the District's procurement and competitive bidding procedures set forth in Article 5 of the District's Administrative Code, which includes but is not limited to the following bidding requirements:

- a. Purchases under \$10,000 shall be purchased in the most prudent and economical manner possible.
- b. Purchases of \$10,000 or more shall be made only after obtaining three (3) written quotations.
- c. Purchases greater than \$60,000 up to \$200,000 require compliance with the District's Informal Bid Procedures.
- d. Purchases greater than \$200,000 require compliance with the District's Formal Bid Procedures. In the event that CBP Funds exceed \$200,000, additional terms and conditions related to the use of such funds will apply.

If the services and/or project undertaken by Recipient pursuant to this Agreement constitute a "public works" or "maintenance" project, Recipient shall comply with all applicable Labor Code requirements, including but not limited to, payment of prevailing wage rates, employment of apprentices, hours of labor, submission of payroll records and registration with the Department of Industrial Relations (DIR). The performance of such services and/or project may be subject to compliance monitoring and enforcement by the DIR.

## **7. Acknowledgement Requirement**

Recipient shall provide acknowledgement of the District with an official sponsor line as well as the Fallbrook Public Utility District logo on all print and electronic materials, press releases, website references, and any other form of written and verbal publicity that relates to the funded service(s) and/or project. Recipient shall have no other permission to otherwise publicize or use the Fallbrook Public Utility District logo without the prior written consent of the District. District will provide Recipient with monthly content to be used for social media promotion of the District.

## **8. Changes or Modifications to the Use of District CBP Funds**

Recipient shall submit to District, in writing, any requests for revisions prior to implementation of any proposed changes in the use of CBP Funds. The District must

receive such requests at least thirty (30) days prior to the date that requested changes are to be implemented.

## **9. Legal Responsibility/Liability**

In authorizing execution of this Agreement, the Recipient is solely responsible for ensuring that CBP Funds are allocated for the purpose or purposes for which this Agreement was intended, as outlined in Recipient's Proposal. Recipient shall be responsible for compliance with all terms of this Agreement. In no event shall District be legally responsible or liable for Recipient's performance or failure to perform under the terms of this Agreement.

In the case of physical improvements to real property paid for with CBP Funds ("CBP Funded Physical Improvements"): Recipient agrees and acknowledges that during the useful life of the CBP Funded Physical Improvements:

1. The real property upon which CBP Funded Physical Improvements were made must be accessible to the public.
2. Recipient shall be responsible for returning to the District, CBP Funds granted under this Agreement if, due to Recipient's action or inaction, the real property upon which CBP Funded Physical Improvements were made is no longer accessible for the public.

## **10. Reduction of Awarded Funds**

District may reduce, suspend, or terminate the payment or amount of the CBP Funds if the Recipient is not meeting the objectives of the Agreement as determined in the District's sole discretion. Recipient understands and agrees that its failure to comply with its obligations under this Agreement, including, without limitation paragraphs 13, 18, and 20 herein, may result in Recipient's disqualification from participation in subsequent contract cycles with the District. Recipient hereby expressly waives any and all claims against District for damages arising from the termination, suspension, or reduction of the CBP Funds.

## **11. Other Funding Sources**

Recipient shall make available, as requested by District, information regarding any other funding sources for the project or service(s) provided by Recipient.

## **12. Fund Use Description**

Recipient shall make available for prospective participants or others a description detailing the nature of the project or service(s) that are being funded by District. This written project description may be a separate document or incorporated in the overall project materials developed by Recipient. Upon request, Recipient shall provide a copy of the project or service(s) description to the District.

## **13. Independent Contractor Status**

The relationship between District and Recipient, and the agents, employees, and subcontractors of Recipient, in the performance of this Agreement shall be one of independent contractors, and no agent, employee, or subcontractor of Recipient shall be deemed an officer, employee, or agent of District.

#### **14. Use of Funds for Lobbying or Political Purposes**

Recipient is prohibited from using CBP Funds provided by District for any political campaign or to support attempts to influence legislation by any governmental body.

#### **15. Federal, State, Local Laws, Regulations, and Organizational Documents**

Recipient shall comply with all federal, state, and local laws and regulations, including but not limited to labor laws, occupational and general safety laws, and licensing laws. All licenses, permits, notices, and certificates as are required to be maintained by Recipient shall be in effect throughout the term of this Agreement. District shall immediately notify Recipient if any required licenses or permits are canceled, suspended, or otherwise become ineffective.

#### **16. Conflict of Interest/Self-Dealing**

Recipient and Recipient's officers and employees shall not have a financial interest or acquire any financial interest, direct or indirect, in any business entity or source of income that could be financially affected by, or otherwise conflict in any manner or degree with, the performance of services required under this Agreement.

#### **17. Authorization and License to Use Commercial Image in Promotional Materials**

Recipient understands that District may wish to utilize Recipient's name and logo, along with any photographic or video images of Recipient's premises, operations, and activities in promotional materials designed to publicize the District's mission and service to the community served by the District. By entering into this Agreement, Recipient hereby grants permission and license to the District to utilize Recipient's name, logo, and commercial image, along with any photographs, videotape footage, or other graphic illustrations of Recipient's premises, operations, and activities, as further consideration for receipt of the CBP Funds.

#### **18. Indemnification**

To the fullest extent permitted by law, Recipient shall indemnify, defend and hold District and the CBP Committee harmless against and from any and all claims or suits for damages or injury arising from Recipient's performance of this Agreement or from any activity, work, or thing done, permitted or suffered by Recipient in conjunction with the performance of this Agreement. Recipient shall further indemnify, defend and hold District harmless against and from any and all claims or suits arising from any breach or default of any performance of an obligation of Recipient hereunder, and against and from all costs, attorneys' fees, expenses and liabilities related to any claim or any action or

proceeding brought within the scope of this indemnification. This indemnification obligation shall survive termination of this Agreement.

#### **19. Documentation of Revenues and Expenses**

Recipient shall maintain an accounting system that accurately reflects and documents all fiscal transactions for which the CBP Funds are used. Recipient shall maintain full and complete documentation of all revenue and expenses (including subcontracted, overhead, and indirect expenses) and procurement documentation associated with use of the CBP Funds. During the term of this Agreement and thereafter, District and its authorized representative(s) shall have the right to review all Recipient financial records, including records related to the use of CBP Funds.

#### **20. Reports and Record Retention**

All Recipient records pertaining to the use of CBP Funds shall be maintained at Recipient's main local office for at least five (5) years following the year in which funds were granted and will be made available for District review upon request.

#### **21. Governing Law**

This Agreement shall be governed by and construed in accordance with the laws of the State of California. Any action brought to enforce these terms and conditions shall be brought in a state or federal court in the County of San Diego.

#### **22. Assignment or Transfer**

Recipient shall not assign or transfer any interest in this Agreement or entitlement to CBP Funds without the written consent of District.

#### **23. Entire Agreement, Amendment**

This Agreement represents the entire understanding of the parties as to those matters contained herein, and supersedes and cancels any prior or contemporaneous oral or written understanding, promises or representations with respect to those matters covered hereunder. This Agreement may not be modified or altered except in writing signed by both parties.

#### **24. Notices**

Any notice required or permitted thereunder may be given by a party to the other party at the address set forth in the signature block of this Agreement. Either party may change its address for purposes of notice by complying with the requirements of this section.

**IN WITNESS WHEREOF**, the parties have executed this Agreement as of the date first written above.

**FALLBROOK PUBLIC UTILITY  
DISTRICT**

**[INSERT RECIPIENT NAME]**

By: \_\_\_\_\_

By: \_\_\_\_\_

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

## **Attachment C**

### **Email received January 24, 2024 from Director McDougal**

Below is a list of the topics Ken and I would like to discuss at the next CBP meeting. Please forward as applicable.

Don

#### **Community Benefit Program Concerns**

1. Request for funding should be scored as eligible or non-eligible and not on scoring baseline. Scoring baseline can be used when funding requests exceed funds.
2. Some mechanism for clarification of incorrect information on committee discussions after public comment is over.
3. Clarification on funding projects that county performs similar services.
4. Funding government agency requests.
5. Funding a private property used for community benefit. There needs to be some method of dealing with this type of request.
6. Committee reducing funding request "just because".
7. Implementing an appeal process for qualifying projects that may have substandard applications.
8. Consideration of mid-year funding requests.

**Attachment D**  
Email received January 25, 2024 from Fallbrook Village  
Association and Fallbrook Arts, Inc.

Mr. Mendelson,

As per your direction at the January 8, 2024 Community Benefit Program Committee meeting, I am forwarding feedback and suggestions to improve the Community Benefit Program application and award process jointly from Fallbrook Village Association and Fallbrook Arts, Inc. Your instructions were to send this feedback to you in writing by February 2, 2024 for further review by the Committee. We appreciate your willingness to solicit and receive constructive feedback from the nonprofit organizations that are diligently working to help our community. We understand the difficulties and challenges associated with developing a new program of this magnitude, and we applaud you and the entire Committee for the huge amount of effort and time you have all put into bringing this program to fruition. This program is very important to our community and the nonprofits who work tirelessly to make this a better place for all of us. We have no doubt the process will continue to improve as we learn and work together to help our friendly village. Please pass along our thanks and appreciation to the entire Committee for the hard work many accomplishments you have achieved thus far.

We look forward to working with you and the Committee in the future.

Our sincere thanks,

Mike Griffiths  
Board of Directors  
Fallbrook Village Association and  
Fallbrook Arts, Inc.

# Attachment E

## Comments received via email February 2, 2024

CBP Notes – Fallbrook Land Conservancy

Meetings/Format

➤ The Committee needs to follow the same process for public comment at all meetings and across all public commenters.

Examples:

1. At some meetings, attendees were not allowed to make public comment unless they had turned in the speaker card PRIOR to the start of the meeting. At the 1/8/24 meeting, members of the public were allowed to speak without turning in a card and were allowed to turn in a speaker card retroactively.
2. At the 1/8/24 meeting, certain members of the public were allowed to make clarifying statements when asked by the Committee; however, other members of the public were told they could not make clarifying comments because the public comment period was over.
3. Regarding public comments, initially, the Committee asked for public comment before discussing the agenda item. Later, the Committee discussed the agenda item and then asked for public comment. The latter allowed advantages to the commenter, as they could directly address Committee questions or concerns.

Application

- ➤ All categories of projects not eligible for funding should be clearly identified in the application. For example, the application itself did not explicitly state that materials, equipment, expenses for educational purposes or printing, or proposals by government entities were disallowed uses of the funds.
- ➤ We encourage the committee to use the broadest criteria possible for projects qualified for funding, to enable us to apply for the most efficient use of funds. For example, by allowing funds to be used for equipment or materials, we would be able to purchase materials for projects implemented by volunteers, rather than outsourcing labor to costly contractors.
- ➤ The committee expressed its reluctance to fund government agencies in order to avoid duplicating government services, like graffiti removal. Some services, however, are not offered by the County. There is currently no County program to remove invasive species like fountain grass so this work will not be accomplished without CPB funding.
- ➤ The Scoring Rubric guidelines should specify a minimum score needed for discussion of funding.
- ➤ It was discussed during meetings that maintenance projects would be allowed, and a certain portion of the funding should go towards maintenance, but the Scoring Rubric does not have language to reflect this. We suggest adding to the "Priority" section of the rubric, "Overall, how well does the project affect/enhance community improvement by providing funds needed to sustain an important existing program through maintenance?"
- ➤ Committee members kept referring to budgets as "overinflated," yet had no real bid or budget information. Without collecting a formal budget template across all projects, it is at the discretion of the reviewer to decipher the budget. A formal budget template should be



developed. Committee members should also be familiar with Department of Industrial Relations standards and wages to make informed decisions.

- ➤ A place needs to be provided to upload bids, as this is important information for consideration of the proposals.

o It should be made clear to the Committee that once the funds are allocated, it is up to the organization receiving the funds to comply with FPUD's statutes and applicable laws regarding invoicing and documentation of grant expenditures. While bids may seem overinflated, it would be up to the organization to clearly show how funds were used.

➤ The Scoring Rubric did not necessarily match the application questions. While the two do not need to directly align, they should be close enough for applicants to understand what they are being scored on. A proposed example would be:

o Project Need and Community Focus (0-20)

- Please provide a brief description of your project that clearly demonstrates

community need and benefit. (0-10)

- Please define your project's goals and objectives. (0-5)
- Please provide your project's timeline and, if applicable, work plan. (0-5)

- ➤ The Committee discussed adding site visits to next year's process. We welcome site visits or interviews and would appreciate the opportunity to answer questions and give committee members a firsthand look at our potential projects.

Overall

- ➤ The Committee is doing a tough job and is developing a new process, and that is commendable. We appreciate the Committee's work on the application process and deadlines for decisions/funding and not deviating from the plan during the current cycle.
- ➤ In view of the complexity of the task before them, we suggest that all guidelines, proposals, notes and other pertinent information be available during the funding discussion.

**Attachment F**  
Email received January 23, 2024 from Fallbrook Village  
Association

Mr. Mendelson,

As per your direction at the January 8, 2024 Community Benefit Program Committee meeting, I am writing to request a full review of the denied grant application submitted by Fallbrook Village Association for our collaborative project (with Fallbrook Arts, Inc., Gem and Mineral Society, Friends of Fallbrook Library, and Save Our Forest): "Fallbrook Village Plaza Parking Lot Public Safety Renovation". Your instructions were to send this request to you in writing by February 2, 2024, and that the review would take place following the next scheduled Committee meeting on February 12, 2024. I have two email addresses for you on file which is the reason for sending to both addresses to ensure your receipt of this request. Please confirm that Fallbrook Village Association will be scheduled for this review.

We were quite surprised that our project was denied given the clear importance and benefit to the community. We believe our project is a primary example of the type of funding needed that the CBP was designed and created to support. The fact that the funds are available (with excess to spare), and yet were still not awarded seems to contradict the purpose of the program, and to actually hurt the community when it could have been awarded to benefit the community. Clearly FVA knows how to submit appropriate applications given the two other projects that the Committee approved for full funding. Since the arbitrary application scoring cut-off of 75 points was determined the day of the awards, it left the denied projects with no ability to defend and possibly correct any misunderstandings of the project. All other projects except one received increased grant amounts above the Committee member's original recommendations once the submitting nonprofit was allowed to correct misunderstandings and factually inaccurate assumptions voiced by Committee members. We feel we should be provided the same opportunity and respectfully request our project to be reconsidered.

We will be sending you a separate communication as you requested for feedback on suggested changes and improvements to the Community Benefit Program Grant application process in the future. Thank you for your time.

Regards,

Mike Griffiths  
Board of Directors  
Fallbrook Village Association

**Attachment G**  
Email received January 25, 2024 from Fallbrook Sports  
Association

To: CBP Chair Jim Mendelson

Re: The Fallbrook Sports Association (aka Ingold Sports Park)

Dear Mr. Mendelson,

The Fallbrook Sports Association board of directors would like to thank everyone on your committee and the FPUD Board for making the Community Benefit Program a reality for our community. The Fallbrook Sports Association, like other nonprofit organizations in Fallbrook, struggles to make ends meet. This money is mana from heaven for Fallbrook.

A portion of our application was turned down and we would like to request reconsideration of the denied equipment purchase of a reel mower.

There are two types of mowers, reel mowers and rotary mowers. Reel mowers cut the grass with a clean scissors like cut, the tip of the grass blade is clean, it doesn't have tears, it's not as susceptible to disease. Rotary mowers are like machetes and cut by high-speed impact. If you are cutting longer grasses, a rotary mower is fine. But sport fields need shorter grass and need to be mowed more often. The standard mower for golf courses and sport fields is a reel mower.

A reel mower is a very specialized piece of equipment. And what a difference it makes in the quality of a sports field. Initially the Sports Park hired outside landscape services to mow the fields, but they only owned rotary mowers that chewed up the fields and could not cut the grass to the right depth. Plus, it was too expensive to have an outside service cut the grass a couple of times a week. For most of the year, the grass grows too high in a weeks time and then it can't be cut short enough without doing sever damage to the grass itself. Several years ago we scraped enough money together to buy a used reel mower but it keeps breaking down. It is the lifeblood to our facility and desperately needs to be replaced.

We would also like to reiterate that we receive absolutely no money for maintenance from the County of San Diego. And we have learned that to keep maintenance expenses down, it is best if our staff does the work. An additional plus in keeping the maintenance in-house is the pride we take in having a top-notch facility for the benefit of our community.

Was our request denied because it is equipment? This piece of equipment is required for the proper

maintenance of the facility. There isn't anybody we can hire that owns a reel mower. A reel mower is the heartbeat of the Sports Park, the cornerstone to all the proper and professional maintenance of our fields.

Please, reconsider our request for the purchase of a reel mower. If you haven't been to the Fallbrook Sports Park, pay a visit. You will find it very exhilarating to see people of all ages having a great time playing outdoors. We want the best for Fallbrook!

Respectfully,

Bryan Hanewinckel  
FSA President  
M - 760-696-6067