



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

REVISED AGENDA

**MONDAY, JUNE 12, 2023
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.

TELECONFERENCE LOCATION

**In addition, Committee Member Marchand will be teleconferencing pursuant to Government Code section 54953 from the following location:
3315 19th Street SE, Auburn, WA 98092**

Join Zoom Meeting

<https://us06web.zoom.us/j/89613951789?pwd=TVplRnZQOG8xbWZuS1NpTkRyZlZDZz09>

MEETING ID: 896 1395 1789

AUDIO PASSCODE: 651423

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/89613951789?pwd=TVplRnZQOG8xbWZuS1NpTkRyZlZDZz09>

Members of the public may participate in the meeting from any of the above locations.

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. The Committee Chair may limit comments to three (3) minutes.

A. MAY 14, 2023 EMAIL FROM MR. LUTHER BALLOU (ITEM A)

II. APPROVAL OF MINUTES ----- (ITEM B)

B. MAY 8, 2023 COMMUNITY BENEFIT PROGRAM COMMITTEE MEETING

III. WORKING GROUP REPORTS (ITEMS C–D)

C. ADMINISTRATIVE FUNCTION WORKGROUP

1. General Update

2. Voting Item:

a. Fallbrook Public Utility District’s Community Benefit Program (FPUD CBP) Operating Guidelines Draft 3 (ITEM C)

D. PROPOSAL DEVELOPMENT WORKGROUP

1. General Update

2. Discussion Items (updated from last meeting):

a. FPUD CBP Application (ITEM D)

b. Scoring Rubric (ITEM E)

c. Rubric Score Card (ITEM F)

d. **FPUD Community Benefit Program Funding Agreement (ITEM G)**

IV. ACTION/DISCUSSION (ITEMS E–G)

E. PUBLIC OUTREACH

F. POTENTIAL REPORT TO FPUD BOARD

G. NEW BUSINESS

V. ADJOURNMENT OF MEETING – *Next meeting July 10, 2023 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.

June 8, 2023
Dated / Fallbrook, CA

/s/ Lauren Eckert
Executive Assistant/Board Secretary

Item A:

May 14, 2023 Email from Mr. Luther Ballou

Lauren Eckert

From: Lou Ballou <louballou@yahoo.com>
Sent: Sunday, May 14, 2023 4:49 PM
To: Lauren Eckert
Cc: Lou Ballou; Bryan Whiting; Justin Ballou
Subject: CBP 10 May meeting

I want to thank you for getting my Public Comment included in the 08 May meeting. It was my intent to be present at the start of the meeting, but unfortunately, my car had other ideas. I do appreciate the committee allowing me to make a comment about my objection to approval of the meeting notes from the 10 April meeting, given that I had not been able to submit a speaker card due to my late arrival.

During the committee discussion of agenda item III, C2b, I tried to get recognition from the committee to ask a question on "packet" page 22 - **Eligibility Criteria**, before the committee voted to accept agenda item III with modification as discussed between members at the meeting. Not being recognized, I remained silent. Following the closing of the meeting, I talked with Jim Mendelson about my concerns - two items:

- 1) does nonprofit organizations or government agency mean are tax code 501 c compliant (tax exempt), and
- 2) why does the **Eligibility Criteria** bullet list not exclude dual funding of projects, e.g. Fallbrook Regional Health District (FRHD) funds similar projects with taxpayer money.

Off the record, Jim confirmed my belief that 1) nonprofit organizations or government agency means tax code 501 c compliant. My concern here is that the funding of CBP with taxpayer money is a **forced** charitable contribution in violation of the 2nd Amendment of the US Constitution. To make matters worse, every tax exempt organization is required by law to provide the donor with an annual written statement detailing the donation so that the donor can claim the donation on Schedule A, tax form 1040. The FPUD board of directors at their next monthly meeting must address that issue. **Please add to the next FPUD board meeting Agenda.**

For the 10 June meeting of the CBP committee, please add to the agenda the following items:

- 1) Discuss the **Eligibility Criteria** per my forgoing concern, and
- 2) Each committee member must declare their association with the FRHD

From my review of the "packet", it is my opinion that the majority of the document was derived from the FRHD. That in itself is not an issue, but it does go to show that Fallbrook now has two overlapping community benefit organizations, thus if an applicant fails at one, they can go to the other. That concept needs to be addressed in item 1) at the 10 June CBP meeting.

A compliment: I thought the "packet" pages 13-15, Operating Guidelines, was well done. It fully addressed my concern with "conflict of interest" with respect to committee members.

Item B:

**May 8, 2023 Community Benefit Program
Committee Meeting Minutes**



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

MINUTES

**MONDAY, MAY 8, 2023
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 / ESTABLISH A QUORUM

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: Noelle Denke, Public Affairs Specialist
Lauren Eckert, Executive Assistant/Board Secretary

Also present were two members of the public.

PLEDGE OF ALLEGIANCE

Committee Member Kalman led the Pledge of Allegiance.

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

APPROVAL OF AGENDA

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

AYES: Unanimous

NOES: None
ABSTAIN: None
ABSENT: None

PUBLIC COMMENT

A written statement was submitted to the FPUD CBP Committee by Mr. Luther Ballou, who was also present and addressed the Committee after Chair Mendelson read the written statement aloud. A copy of the statement is attached hereto as Attachment "A." Mr. Ballou objected to a specific portion of the April 10, 2023 Minutes as published and as specified in Attachment A. Specifically, Mr. Ballou stated that the issues presented had not been resolved by and through General Manager Bebee's response to him. Chair Mendelson called for discussion. There was no further comment by any Committee Member. Chair Mendelson announced that the input of the public comment was received.

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

A. APRIL 10, 2023 COMMUNITY BENEFIT PROGRAM COMMITTEE MEETING

MOTION: Committee Member Maldonado/Stamos moved to approve the April 10, 2023 FPUD CBP Committee Meeting minutes, as presented; Vice Chair Sterling seconded. A vote commenced and the motion passed. VOTE:

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

III. WORKING GROUP REPORTS **(ITEMS B-E)**

B. ADMINISTRATIVE FUNCTION WORKING GROUP

Working Group Chair Marchand provided a general update and requested the Committee continue to review the drafted Fallbrook Public Utility District's Community Benefit Program (FPUD CBP) Operating Guidelines Draft 2 attached to the current agenda at Item B, page 12. Grammatical corrections are necessary. The matter was tabled.

C. PROPOSAL DEVELOPMENT WORKING GROUP

1. General Update

Working Group Chair Hargrove provided an update that the draft agreement is in process. Discussion focused on whether the agreement should include provisions for a single payment of awarded funds versus multiple payments of

funds. It is likely the agreement will provide for more than one payment when the amount of the funds awarded is beyond a minimal threshold.

2. Voting Items (updated from last meeting):

a. FPUD CBP Application (ITEM C)

The Committee reviewed the application provided in the agenda package at Item C, pages 16-10. Some grammatical edits were offered and received by the Working Group.

b. FPUD CBP Information Sheet/Application Guidelines (ITEM D)

Discussion focused on language permitting an extension to a twelve-month deadline to conform to the application; language indicating projects are subject to a deadline will be included.

Further discussion centered on whether proof of expenditures per project shall be provided on or before, but not later than, twelve months of funding.

Further discussion addressed the timing for accepting applications. The Working Group suggests applications be submitted by a certain date on an annual basis. The pros and cons of an annual application deadline and a soft start to accepting applications was discussed. Target dates and dates to begin funding remain unclaimed, are not yet proposed, and depend on completion of the agreement and other necessary operating tasks and documents.

MOTION: Vice Chair Sterling moved to approve the FPUD CBP Information Sheet/Application Guidelines, as discussed and set out as Item D in the agenda package, pages 21-22; Committee Member Redmond seconded. A vote commenced and the motion passed. VOTE:

AYES: Unanimous

NOES: None

ABSTAIN: None

ABSENT: None

3. Discussion Items:

a. Scoring Rubric (ITEM E) and

b. Rubric Score Card (ITEM F)

Working Group Chair Hargrove led a discussion on the purpose of the Scoring Rubric and Rubric Score Card.

The Committee discussed whether feedback will be provided to the applicants. The statement included at "GENERAL COMMENTS" on the *Scoring Rubric for Application Proposals* that states, "These comments will be provided to the applicants with their final scores," will likely be stricken. However, aggregated

comments may be provided as feedback. Further, all application proposals will be discussed during the Committee's regularly scheduled public meetings.

Questions about whether any written scoring is considered a public document to be included in the Committee's published records will be submitted for a legal analysis by and through General Manager Jack Beebe. These matters were tabled.

D. PUBLIC OUTREACH

Committee Member Kaplan reported that there are no specific details to report until target dates are established. Discussion about conducting an information meeting commenced. Further decisions about the amount of time from accepting the application to making an award needs to be made. The matter was tabled.

E. NEW BUSINESS

Committee Member Maldonado/Stamos raised a question about the timing of the funding of budget. Discussion ensued and Committee Member Maldonado/Stamos volunteered to discuss the details with General Manager Beebe.

Secretary Marchand announced she will be attending the June 12, 2023 regular meeting remotely.

June 12, 2023 Meeting Agenda items are due to the Chair and Vice Chair on or before June 2, 2023.

IV. **ADJOURNMENT OF MEETING** – *Next meeting June 12, 2023 at 10:00 a.m.*

There being no further business to discuss, on a motion made by Committee Member Hargrove, seconded by Committee Member Redmond and passed unanimously, the Community Benefit Committee Meeting of the Fallbrook Public Utility District was adjourned at 10:57 a.m.

Chair, Community Benefit Committee

ATTEST:

Secretary, Community Benefit Committee

FPUD Meeting of the Community Program Committee
Meeting Monday 10 April 2023

Committee members:

Please be advised that I am seeking reversal of the district allocated funds supporting your community efforts. These funds are being diverted by FPUD, with LAFCO approval, from my property tax bill, line item – Fallbrook Water Charge. - which I believe is taken to support FPUD and the water ratepayers . Effectively, assuming 4000 water meter accounts, this diversion increases my meter charges by \$136 per year per water meter account. Putting it bluntly, this is a travesty to support a group of people that are too lazy to seek donations from the public! If the public wants your project(s), they will support them with donations when properly presented and if desired by the residents. Follow the efforts of our local churches in seeking donations via charity events, or the Fallbrook High students seeking donations at tables in front of our local markets There is also the “go fund me” option. I have communicated similar to FPUD Board of directors and written directly to Jack Bebee, FPUD general manager.

Luther Ballou --39 year resident of Fallbrook

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.

A written statement was submitted to the FPUD CBP on April 9, 2023, from Mr. Luther Ballou, who was not present for the Committee meeting. Chair Mendelson read the written statement aloud. Mr. Ballou seeks a reversal of the allocated funds. A copy of the statement is attached hereto as Attachment “A.”

E. NEW BUSINESS

Committee Member Maldonado/Stamos inquired about responding to public comments. General Manager Bebee explained that he had responded to Mr. Ballou and could provide the Committee with further details of the communications. The Committee discussed the matter and resolved that a sufficient response had been made at this time.

Item C:
FPUD CÓÚ Operating Guidelines Draft 3

Fallbrook Public Utility District’s Community Benefit Program
Operating Guidelines

Adopted _____, 2023

I. PURPOSE AND AUTHORITY

The Fallbrook Public Utility District’s Community Benefit Program Committee (Committee), established by the Fallbrook Public Utility District’s Board of Directors, operating pursuant to the Fallbrook Public Utility District’s Administrative Code, including but not limited to, Article 23, herein outlines its general operating guidelines which also govern, and are specific to, the Committee.

II. MEETINGS

A. Meetings shall be conducted in accordance with Robert’s Rules of Order.

B. Regularly scheduled meetings will be at 10:00 a.m. on the second Monday of each month. In the event the second Monday of a month is a state or national holiday, that month’s meeting shall be scheduled for the next business day.

C. Scheduling of future meetings may be modified by a majority of the Committee at a regularly scheduled meeting if additional or less meetings are necessary. This may be necessary, but is not limited to, satisfying the quorum requirement for any regularly scheduled meeting.

D. The Committee may create work groups of one to three Committee members to address specific matters of the Committee’s business. Each work group shall report on its activity and make recommendations to the Committee during regularly scheduled meetings.

III. VOTING

A. All decisions with respect to the selection of services and projects to be recommended to the Fallbrook Public Utility District’s Board of Directors for approval shall require a roll call vote and at least four or more members voting in

favor for the selection and recommendation. However, if recusals reduce the number of Committee members participating in the selection of a particular service or project, a majority vote of those members present participating in the selection and recommendation is sufficient.

B. Recusal

1. If a Committee member

a. **serves on the Board of Directors of an organization whose project is under consideration, the Committee member shall recuse themselves and leave the room during discussion of the project. (See Fallbrook Public Utility District Administrative Code, Section 23.5.2, ¶¶ 3, 5.)**

-OR-

a. **serves on the Board of Directors, is an officer, or is a current member of an organization whose project is under consideration, the Committee member shall recuse themselves and leave the room during discussion of the project.**

b. has previously served as a director or officer of an organization whose project is under consideration, the Committee member may recuse themselves and leave the room during discussion of the project.

c. has been a member of an organization whose project is under consideration or has any other personal or professional connection to an organization whose project is under consideration, the Committee member may recuse themselves and leave the room during discussion of the project. However, if the Committee member's prior involvement with the organization creates an appearance of conflict between the Committee Member's official status on the Committee and the Committee member's affiliation with the organization, then the Committee member shall recuse themselves and leave the room during the discussion of the project.

2. Once a Committee member has recused themselves from discussion about a particular project, that Committee member shall continue to be

recused from participating in any way in the discussion or Committee action regarding that project.

IV. MEMBERSHIP

A. If the position of the Chair becomes vacant, the Vice Chair shall assume the office for not more than sixty days, by which time the Committee members shall elect a new Chair. The other officers, Vice Chair and/or Secretary, if vacant, shall be filled by appointment by the Chair.

B. A Committee member may refer any comments, questions, or other communications received outside of a regularly scheduled meeting from a member of the public to the Chair. A Committee member may provide a copy of the agenda to any requesting person or refer a person to the Fallbrook Public Utility District website to obtain the Committee's publications.

C. A Committee member may receive input from the public on a published agenda item. A Committee member must remain impartial on each agenda item until the agenda item is heard.

D. Official business of the Committee shall be made available via social media communications and/or other press releases by the Committee's Public Outreach. Public announcements shall be made or authorized by the Chair. Individual Committee members shall not make any public comments about the Committee's business unless the specific action is directed by the Chair.

Item D:
FPUD CBP Application

Fallbrook Public Utility District

Community Benefit Program

Application for Community Benefit funding

Mission Statement:

The Fallbrook Public Utility District’s (FPUD) Community Benefit Program recommends, promotes, coordinates, and oversees funding of non-profit and qualified organizations community projects related to parks, recreation facilities, roads and street lighting within FPUD’s service area. The program intends to benefit Fallbrook residents by using unrestricted property tax revenue received by FPUD and allocated to the Community Benefit Program.

Vision Statement:

Fallbrook Public Utility District’s (FPUD) Community Benefit Program identifies, solicits, and evaluates requests from FPUD’s service area non-profit organizations to foster projects that enhance the quality of life for Fallbrook residents. An FPUD Board appointed seven-member committee ensures that funded projects result from fair and equitable consideration of proposals sponsored by qualified organizations during the selection process. CBP is committed to validate the completion of the projects and ensure that the funds were used appropriately.

Criteria:

1. Community project located within FPUD’s service area.
2. Must show how proposed project will benefit FPUD’s service area residents.
3. Funds may supplement County of San Diego or fund volunteer projects by qualified non-profit organizations.
4. List of expenditures and completion of project within time frame set forth.
5. Application must be submitted to Community Benefit Program Committee by 00/00/0000.
6. Reconciliation form including all receipts, copies of canceled checks (front and back), proof of payments and/or copy of credit card activity will be due by 00/00/0000. (No cash payments or predated receipts/checks are allowed).
7. Project to be completed within twelve months of approval date (unless an extension has been requested and granted).
8. Funds may NOT be spent on any item not part of the fund agreement, expenditures are only for purposes stated in the approved funding agreement.

Required documents (for application):

1. Form 990 - For nonprofits with gross receipts greater than \$50,000, please provide copy of pages 1-8 of the most recent IRS form 990 or pages 1-3 of 990EZ. For nonprofits with gross receipts of less than \$50,000, attach IRS form 990N e-postcard (not required for government/public agencies).
2. Attorney General proof of Nonprofit eligibility (nonprofits)
3. Secretary of State proof of eligibility (nonprofits)
4. Monthly financial statements or tax returns from year prior to application

What is the legal status of your organization?

Non-Profit Organization Governmental/Public Agency
 Federal Tax Identification Number (TIN or EIN): _____ Organization Name: _____

Project/ Activity is within FPUD’s service area Yes No

Organization:

Street Address _____	Mailing Address <input type="checkbox"/> Same as Street Address
Street Address _____	Address _____
City _____ State _____ Zip _____	City _____ State _____ Zip _____

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Fallbrook Public Utility District
Community Benefit Program
Application for Community Benefit funding

Proposal:

Total amount requested: _____ Other funding: _____

List other entities funding proposed project(s):

Proposed Project(s) to be funded (in order of priority):

Project number one: _____ Amount requested: _____

Brief description of Project one:

How will project one benefit the residents of FPUD?

Proposed timeline for project one:

Proposed budget for project one:

**Fallbrook Public Utility District
Community Benefit Program
Application for Community Benefit funding**

Project two: _____ Amount requested: _____

Brief description of Project two:

How will project two benefit the residents of FPUD?

Proposed timeline for project two:

Proposed budget for project two:

Fallbrook Public Utility District
Community Benefit Program
Application for Community Benefit funding

Project three: _____ Amount requested: _____

Brief description of Project three:

How will project three benefit the residents of FPUD?

Proposed timeline for project three:

Proposed budget for project three:

Contact Information:

Contact Person: (Individual must be knowledgeable of organization's projects and application)

Name: _____ Title: _____

Telephone Number: _____ Fax Number: _____ Email: _____

Fund administrator: (Individual that would be responsible for overseeing the expenditures. Must be different person than contact person)

Name: _____ Title: _____

Telephone Number: _____ Fax Number: _____ Email: _____

Item E:
Scoring Rubric

Fallbrook Community Benefit Program

Scoring Rubric

Scoring Rubric for Application Proposals

The application proposal scoring rubric will be used to evaluate the applications submitted for consideration.

Applications will be reviewed by the Community Benefit Program committee appointed by the FPUD Board. The committee will use this rubric to guide its deliberations.

Scoring Definitions

1. Does Not Meet Criteria - information not provided
2. Met Some but Not All Identified Criteria
3. Addressed Criteria but Did Not Provide Thorough Detail - adequate response, but not thoroughly developed or high-quality clarification/project goal
4. Addressed Criteria and Provided Some Detail, but Not Thoroughly Developed - adequate project goal
5. Met All Criteria with High Quality - clear, concise, and coherent project goal

Need/Focus	___/20
Sustainability	___/20
Value of Investment	___/20
Priority	___/20
Innovation	___/20
Total:	_____/100

GENERAL COMMENTS: Indicate support for scoring by including overall strengths and weaknesses.

RECOMMENDATION:

- _____ I am in support of awarding funding to this project.
_____ I am in support of awarding funding to this project with funding changes to _____.
_____ I am not in support of awarding funding to this project.

Item F:
Rubric Score Card

NEED/FOCUS	1	2	3	4	5	Total
How well has the applicant clearly identified community need of proposed project						
How well does the applicant's project respond to and propose to benefit the community?						
Will the proposed timeline be attainable? Applicant provides clear measurable goals, benchmarks and outcomes.						
How well has applicant described the planned project? Did they submit a work plan (or similar)?						

Reviewer Comments

Total	/20
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SUSTAINABILITY	1	2	3	4	5	Total
Applicant demonstrates financial history of Fiduciary responsibility						
Has the applicant identified donors and/or additional sources of funding to ensure the project is sustainable beyond the original funding period?						
To what degree does the proposal have support from community organization, businesses and community at large?						
Does the applicant have strong board engagement?						

Reviewer Comments

Total	/20
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VALUE OF INVESTMENT	1	2	3	4	5	Total
How accurately does the requested funding amount fulfill the project's value?						
How accurately does the requested funding amount fulfill the project's benefit to the community?						
The budget is specific and reasonable and all items align with described project.						
Applicant includes and describes population served?						

Reviewer Comments

Total /20

PRIORITY	1	2	3	4	5	Total
Applicant demonstrates strong community need for proposed project						
How well does the project affect/ enhance community safety?						
How well does the project affect/enhance community improvement?						
Is project/activity currently being supported?						

Reviewer Comments

Total /20

INNOVATION	1	2	3	4	5	Total
Project proposal/outcome aligns with organizations mission and vision?						
Overall, how well does the project address community challenges?						
Overall, to what degree does the applicant represent a project that will be something fundamentally different from what is already occurring?						
How well does the project serve the goals of the community?						

Reviewer Comments

Total /20

Item G:
FPUD CBP Funding Agreement

**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 st Report
[Insert Date]	2 nd 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 governing body of 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.

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 District 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: _____