



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

AGENDA

**MONDAY, JANUARY 9, 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 PURSUANT TO GOVERNMENT CODE SECTION 54953(e)(1)(A), WHICH WAIVES CERTAIN BROWN ACT TELECONFERENCING REQUIREMENTS DURING A PROCLAIMED STATE OF EMERGENCY WHEN STATE OR LOCAL OFFICIALS HAVE IMPOSED OR RECOMMENDED MEASURES TO PROMOTE SOCIAL DISTANCING, AND ALLOWS SOME OR ALL OF THE MEMBERS OF COMMUNITY BENEFIT COMMITTEE TO ATTEND THIS MEETING TELEPHONICALLY OR VIA VIDEO CONFERENCE. MEMBERS OF THE PUBLIC WHO DO NOT WISH TO ATTEND IN PERSON ARE ENCOURAGED TO PARTICIPATE IN THE MEETING VIA WEB CONFERENCE USING THE BELOW CALL-IN AND WEBLINK INFORMATION. MEMBERS OF THE PUBLIC MAY ALSO PARTICIPATE IN THIS MEETING BY ATTENDING IN PERSON AT THE DISTRICT OFFICE LOCATED AT 990 E. MISSION RD., FALLBROOK, CA 92028.

Join Zoom Meeting

<https://us06web.zoom.us/j/89174042595?pwd=eEh2SkM3U05xZU9pSHISQ3hIVXNkdz09>

MEETING ID: 891 7404 2595

AUDIO PASSCODE: 999033

Dial by your location

+1 346 248 7799 US (Houston); +1 720 707 2699 US (Denver); +1 253 215 8782 US (Tacoma);
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Find your local number: <https://us06web.zoom.us/j/89174042595?pwd=eEh2SkM3U05xZU9pSHISQ3hIVXNkdz09>

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

SUBMIT COMMENTS BEFORE THE MEETING:

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

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

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

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

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

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

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

I. PRELIMINARY FUNCTIONS

CALL TO ORDER / ROLL CALL

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

Recommendation:

1. That the FPUD Community Benefit Committee make the following findings by majority vote:
 - a. The Governor-declared COVID-19 State of Emergency remains in effect and the Community Benefit Committee has reconsidered the circumstances of the COVID-19 State of Emergency; and
 - b. State or local officials continue to impose or recommend measures to promote social distancing.
2. That the FPUD Community Benefit Committee determine that, for the next thirty (30) days, the meetings of the committees shall be held pursuant to the provisions of Government Code section 54953(e), allowing legislative body members and members of the public to participate in meetings remotely in accordance with that section.

PUBLIC COMMENT

II. ACTION / DISCUSSION -----(ITEMS B–E)

- B. INTRODUCTIONS
- C. OVERVIEW OF PROGRAM
- D. DISCUSSION ON POTENTIAL TASKS FOR COMMITTEE
- E. ACTION ITEMS AND NEXT STEPS

III. ADJOURNMENT OF MEETING

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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.

January 4, 2023
Dated / Fallbrook, CA

/s/ Lauren Eckert
Executive Assistant/Board Secretary

M E M O

TO: Community Benefit Committee
FROM: Paula de Sousa, General Counsel
DATE: January 9, 2023
SUBJECT: Findings to Continue Holding Remote/Teleconference Committee Meetings Pursuant to Assembly Bill 361

Purpose

Consider findings necessary to continue holding remote/teleconference meetings pursuant to Assembly Bill 361.

Summary

As more fully described in the Board memo for the October 25, 2021 Board of Directors meeting related to AB 361, the State of California has adopted legislation (AB 361), which allows public agencies to hold fully or partially virtual meetings under certain circumstances without being required to follow certain standard Brown Act teleconferencing requirements.

Under AB 361, a legislative body holding a fully or partially virtual meeting pursuant to AB 361 must make certain findings at least every thirty (30) days in order to continue holding such meetings. Because the Board of Directors last made the required findings on behalf of the Board and all FPUD Committees more than 30 days ago, the Community Benefit Committee is required to make the findings to proceed with holding this meeting pursuant to AB 361. The findings would remain in effect for the Community Benefit Committee for the next 30 days.

If the Community Benefit Committee desires to hold the meeting in a manner allowing remote participation pursuant to AB 361, the Committee must reconsider the COVID-19 State of Emergency, find that the proclaimed COVID-19 State of Emergency still exists, and find either of the following: (1) that state or local officials continue to impose or recommend measures to promote social distancing, or (2) that as a result of the COVID-19 emergency, meeting in person would present imminent risks to the health or safety of attendees. Based on the continued COVID-19 State of Emergency and required or recommended social distancing measures, as further described in the October 25, 2021 Board memo, the Committee can make the required findings.

If the Committee does not make the required findings, any Committee members participating remotely would not be able to participate in the rest of the meeting, which may deprive the Committee of a quorum and result in meeting cancellation.

Recommended Actions

1. That the FPUD Community Benefit Committee make the following findings by majority vote:
 - a. The Governor-declared COVID-19 State of Emergency remains in effect and the Community Benefit Committee has reconsidered the circumstances of the COVID-19 State of Emergency; and
 - b. State or local officials continue to impose or recommend measures to promote social distancing.
2. That the FPUD Community Benefit Committee determine that, for the next thirty (30) days, the meetings of the Committee shall be held pursuant to the provisions of Government Code section 54953(e), allowing legislative body members and members of the public to participate in meetings remotely in accordance with that section.

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Article 23 **Community Benefit Program**

Sec. 23.1 Purpose.

The purpose of this Section is to define the rules and regulations that govern the District’s functions of parks and recreation, street lighting and roads and streets, as activated by the San Diego Local Agency Formation Commission in 2022 as defined in Section 1.2 below. Administration of these functions are combined under the District’s Community Benefit Program. The goal of this program is to promote, coordinate and oversee community projects in the District’s service area that benefit the District’s residents.

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).

Sec. 23.3 Source of Funds

The District shall allocate \$546,000 of unrestricted property tax revenue each fiscal year, as part of the District’s budget adoption process, to the Community Benefit Program.

Sec 23.4 Procurement of Services

All services and projects procured under the Community Benefit Program must comply with the District’s procurement procedures set forth in Article 5 of the District’s Administrative Code. Any use of funds to provide services and projects must

meet the limitations of Section 1.2 above, and benefit public spaces. Any District Community Benefit Program funds shall be used to benefit public spaces and shall not be used to benefit any specific organization(s).

Sec 23.5 Program Administration

The Community Benefit Program will be administered by the Community Benefit Program Committee (Committee). The members of the Committee shall be appointed by the District Board of Directors. Committee meetings will be noticed pursuant to the Ralph M. Brown Act, Government Code section 54950 et seq., as it may be amended from time to time. Meetings of the Committee shall be conducted similar to meetings of Board Standing Committees.

Sec 23.5.1 Committee Member Selection Criteria:

1. All Committee Members shall serve in a voluntary capacity and shall receive no compensation.
2. Committee Members shall be solicited by posting an application to be a Committee member on the District website and advertised in the local newspaper. The Committee Members will be selected by the District's Board of Directors.
3. Committee Members must either reside within the FPUD service area, or be a FPUD ratepayer, in order to be eligible to serve on the Committee.
4. The Committee shall consist of seven (7) members and will include representatives from nonprofits, residents and business owners.
5. Committee Members shall serve staggered three (3) year terms with staggered terms to start the process. There shall be a three term limit (total of nine years), with a one-year break after serving three consecutive terms. The one-year break may be waived by majority vote of the FPUD Board.

Sec 23.5.2 Committee Guidelines:

1. The Committee shall meet no less than once a quarter on a set date and time as established by the District.
2. The Committee Chair shall be elected by the Committee Members for a one-year term and shall conduct the meetings. A Vice Chair and Secretary shall be elected for one-year terms. The Vice Chair shall act in the absence of the Chair. The Secretary shall take minutes for the Committee.
3. If a Committee Member serves on the Board of Directors of an organization whose project is under consideration, the Committee member must recuse themselves and leave the room during discussion of the project.
4. Committee Members shall be required to Statements of Economic Interests (FPPC Form 700) and otherwise comply with applicable provisions of the Districts Conflict of Interest Code and applicable provisions of the Political Reform Act.
5. If services or projects under consideration by the Committee involves an organization on which a Committee Member serves on the Board of Directors, the Committee member must recuse themselves from participating in any way in the

making of the decision regarding the services or projects and must leave the room during discussion of the services or projects.

6. The Committee will recommend which community projects should be funded for approval by the District Board of Directors.

Sec 23.5.3 Project Selection Process for Services and Projects Funded by the Community Benefit Program

1. The intent of the Community Benefit Program is that the Committee will be responsible for determining the criteria for the selection of services and projects, making recommendations for services and projects to the Board for approval, and overseeing and administering the selected projects/services with limited support from the District staff.
2. The Committee shall provide regular reports to the Board on the progress of the selected/awarded services and projects and on the expenditure of allocated funds.
3. The Committee shall develop criteria and process for requesting or soliciting, and for selecting and awarding services and projects for presentation to the Board for the Board's approval.
4. Priorities on allocation of funding should include determining the broadest community benefit as determined by the Committee. It is the intent that 50% of the funds allocated to the Community Benefit Program be allocated for maintenance and 50% for capital projects. Funds for larger capital projects can be accumulated over fiscal years. The Committee may determine to fully fund or partially fund services and projects it recommends selecting/awarding.

ARTICLE 23

Adopted in its Entirety – 8/22
