

**REGULAR MEETING #551
CAPISTRANO BAY DISTRICT BOARD OF DIRECTORS
MINUTES**

**July 30, 2009
CLOSED SESSION – 6:00 PM
OPEN MEETING – 6:30 PM
Palisades United Methodist Church
27002 Camino de Estrella, Capistrano Beach, CA 92624**

A. CALL TO ORDER

President Laster called the regular meeting to order at 6:31 PM.

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

Directors Present: Laster, Bell, Bancroft, Levinson and Schwartz

Directors Absent:

Staff Present: Manager Russell

Guests Present: Mark Garrity, Dave Gutierrez

D. CLOSED SESSION REPORT OF ACTION/PUBLIC COMMENTS

President Laster reported that the Board reviewed and appraised the District Manager's annual performance in closed session.

There were no public comments.

E. APPROVAL OF MINUTES

1. Meeting #550 of June 30, 2009

Motion was made by Director Schwartz, seconded by Director Levinson and passed 3-0-1 (Vice President Bell had not yet arrived) to approve the minutes of meeting #550 of June 30, 2009.

2. Special meeting of June 12, 2009

Motion was made by Director Bancroft, seconded by Vice President Bell and passed 3-0-2 (Directors Schwartz and Levinson were absent at the special meeting were required to abstain from voting) to approve the minutes of special meeting of June 12, 2009.

F. SECURITY ACTIVITY REPORT

1. The monthly report for June, 2009 was presented for review.

Securitas Branch Manager Russell Willmon was absent from the meeting due to a schedule conflict. President Laster requested staff to adopt a more assertive policy toward the speed citation program. According to the warning and citation record for the month, the District Police Officer is issuing too many warnings for drivers exceeding 25 mph. and it is felt that some of those warnings probably should have been citations. Staff was requested to have the contractor at 35057 remove the construction fence adjacent to the street now that the project is finished. Staff was also asked to put in a few more *YIELD TO OUTGOING TRAFFIC* signs.

2. *Review of Fourth of July activity.*

Manager Russell reported that after having been on duty for the entire day he observed the need for an additional traffic control officer in position north of the guard shack at the top of the entry driveway to prevent the public from randomly turning down our road and blocking traffic. Staff received a single complaint that the beach motor officer in the 600-block stopped patrolling the beach after 8:30. Manager Russell pointed out that a very high tide peaked that night at about 8:20 PM and prevented passage by the quads, which is why that particular motor officer shortened his beach patrol. The Board agreed that the activity on the beach was much more under control than the previous year.

G. FINANCIAL REPORT

1. *The claims and transmittals were presented for review.*

2. *Monthly expenses and year to date reports through June were presented for review.*

There were no comments.

3. *Collection of fees for services.*

Manager Russell reported on the following:

Development Impact Fees

35797 - remodel valued at \$50,000 (\$1974.96) - ***Paid***

35057 - new home valued at \$688,000 (\$6373.00) - ***UNPAID***

35755 - new home valued at \$528,800 (\$5784.00) - ***Paid***

Total DIF unpaid as of 5/30/09	\$ 6373.00
Total DIF collected this fiscal year	\$ 25,920.76
Total DIF collected since the program began	\$ 82,668.00 (approx. figure)

User Fees (fiscal year cycle)

All User Fees are paid in full – the new fiscal year billing goes out in July.

RR Parking Fees (calendar year cycle)

The billing for 2009 is paid in full – 2010 billing goes out in November

Summer Trash Collection Program/Fees (summer only)

Fees for the prior summer are paid in full – new fiscal year billing goes out late July or early August.

4. *Review of proposed draft budget for FY2010*

After some discussion regarding whether to increase the User Fee rates by the 2% annual escalator or leave them at last year's levels it was agreed that the User Fee rates would remain unchanged from the previous year.

Motion was made by Director Bancroft, seconded by Director Levinson and passed 4-1 (Vice President Bell was in favor of increasing the User Fee by 2%) to approve the budget for FY09-2010 in the amount of \$934,475.00

H. COMMITTEE REPORTS

1. LCP Committee

There was no report from the LCP Committee.

2. CBRA Activity Report including Quality of Life Committee

CBRA co-Chairman David Wilson reported that the annual summer potluck party will be held once again at the home of Wayne Schafer on Saturday, August 29th. Sheila Bullock stated the CBRA would like to invite the members of the Dana Point City Council and the City Manager.

I. MANAGER'S REPORTS

The manager reported on the following items:

1. Update on Entrance Improvement Project

Project Consultant Dave Gutierrez gave a 25-minute presentation to the Board on the progress to date. In brief summary, permits should be all processed during the next two months and out to bid in three months with construction underway and complete before Christmas of this year.

Motion was made by President Laster, seconded by Vice President Bell and passed 4-0-1 (Director Levinson had to leave the meeting before this item was opened) to approve the appointment of Directors Steven Schwartz, Kirk Bell and Manager Russell to a new Entry Project Committee to serve as oversight on further progress of this project and to make recommendations to the full Board as needed.

2. Review of Manager's Priority List

There were no comments.

J. OLD BUSINESS

There was no old business

K. NEW BUSINESS

There was no new business

L. WRITTEN COMMUNICATIONS

There were no written communications

M. BOARD AND STAFF COMMENTS

There were no comments.

N. ADJOURNMENT

The meeting was officially adjourned at 9:12 PM.

Regular Meeting #551
July 30, 2009

ATTEST:

State of California)
County of Orange)ss
Capistrano Bay District)

I, Donal S. Russell, Manager of the Capistrano Bay Community Services District hereby certify that this is an *APPROVED* copy of the Minutes of meeting #551 held on July 30th, 2009.

DONAL S. RUSSELL, Manager

DATE