

**REGULAR MEETING #552
CAPISTRANO BAY DISTRICT BOARD OF DIRECTORS
MINUTES**

**September 28, 2009 (There was no meeting in August)
OPEN MEETING – 6:30 PM
Palisades United Methodist Church
27002 Camino de Estrella, Capistrano Beach, CA 92624**

A. CALL TO ORDER

Director Bancroft called the regular meeting to order at 6:30 PM.

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

Directors Present: Bancroft, Levinson and Schwartz
Directors Absent: Laster and Bell
Staff Present: Manager Russell
Guests Present: Russell Willmon, Securitas

D. PUBLIC COMMENTS

There were no public comments.

E. APPROVAL OF MINUTES

1. Meeting #551 of July 30, 2009

Motion was made by Director Levinson, seconded by Director Schwartz and passed 3-0-2 (Directors Laster and Bell were absent) to approve the minutes of meeting #551 of July 30, 2009.

F. SECURITY ACTIVITY REPORT

1. The monthly reports for July and August, 2009 were presented for review.

Director Bancroft pointed out that he is seeing vehicles parked outside the dotted white line along the fire lane and reminded Securitas of the importance of maintaining a strict enforcement of street parking.

G. FINANCIAL REPORT

1. The claims and transmittals were presented for review.

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

Motion was made by Director Bancroft, seconded by Director Schwartz and approved 3-0-2 to limit the amount on deposit in Wells Fargo Bank to \$300,000 and transfer the remaining funds over to the District's depository at Farmers & Merchants Bank.

3. Discussion regarding Prop. 1A borrowing program for property tax revenue

Manager Russell reported that the Governor signed into law an Assembly Bill that allows the State to borrow 8% of local property taxes from Special Districts and pay it back over 3 years with interest. Given the uncertainty with the condition of the State's finances it is recommended by the District Auditor that the District accept the loan recovery option being

offered that would enable the District to sell the loan to an approved *Joint Powers Authority* for an upfront payment of 100% (payable in early December) of the approximately \$50,000 being borrowed by the State. According to the details of this option, the District would then be a non-party to the bond sale and financing procedure by the *JPA* and would not be affected by a failure of the State to fault on repaying the loan. Staff was directed to contact the *California Communities JPA*, find out what authorization forms are required and have it prepared for possible approval at the October Board meeting.

4. Collection of fees for services.

Manager Russell reported on the following:

Development Impact Fees

No outstanding fees due as of 8/31/09

| | |
|---|-------------------------------|
| Total DIF unpaid as of 8/31/09 | \$ 0.00 |
| Total DIF collected this fiscal year | \$ 2434.51 |
| Total DIF collected since the program began | \$ 85,102.00 (approx. figure) |

User Fees (fiscal year cycle)

The billing for FY2010 went out in early August. There were no collections in July but payments through the end of August totaled \$106,645.00 (about 47%)

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)

The current season closed on Friday, September 25th and billing has just been sent out in the mail – no payments have been received as of 9/25/09.

H. COMMITTEE REPORTS

1. LCP Committee

Manager Russell reported that in the eight years since the Mean High Tide Line has been surveyed and measured, the community has gradually lost sand off the beach. The most dramatic being in the 100-block where a total of 77 feet of beach has been taken away by the tides. Currently, the District is studying the accuracy of MHTL data being collected by a stationary video camera as a possible replacement for the manual survey procedure now being used on the beach.

2. CBRA Activity Report including Quality of Life Committee

With the short notice of the change from Tuesday to Monday for this month's meeting, there were no CBRA members present to provide a report.

I. MANAGER'S REPORTS

The manager reported on the following items:

1. Update on Entrance Improvement Project

Director Schwartz pointed out to the Board that progress on completing the submittal package to the City for the grading permit is being stalled by the failure of our engineering

consultant Tom Tice to turn over the Water Quality Management Plan. This is the only item missing on the submittal checklist. This document has been requested several times and each time the engineer has an excuse for not getting it completed. Director Schwartz recommended the District turn this matter over to legal counsel for more aggressive action. A motion was made by Director Bancroft, seconded by Director Levinson and passed 3-0-2 to contract the services of another competent engineer to create a WQMP document and to use whatever legal means are available to collect monies owed to the District for work Mr. Tice has been paid for but has not completed nor turned over to the District.

2. Review of Manager's Priority List

Manager Russell pointed out a difficulty with getting usable information regarding the proposed video camera to record vehicles exiting the community. The two bidding vendors have no previous clients that the District can visit to view recorded images to determine the quality of a sample captured image. It was suggested that staff pay a visit to one of the various private communities in south Orange County that currently uses the LPR system with Gateworks and get the specifications of those cameras for comparison.

3. Discussion regarding a possible recreational beach fire burning permit program

Based on Manager Russell's recommendation, the Board agreed to authorize Securitas to assign an available patrol officer to "walk" the beach once each week and record the illegal firepits with a digital camera that would enable staff to issue citations to the property owner with an illegal firepit. Staff was directed to mail out a bulletin to all homeowners giving notice of the new enforcement program. The concept of a proposed *burning permit program* was considered as an impractical solution.

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 8:02 PM.

Regular Meeting #552
September 28, 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 #552 held on September 28th, 2009.

DONAL S. RUSSELL, Manager

DATE