

**REGULAR MEETING #553
CAPISTRANO BAY DISTRICT BOARD OF DIRECTORS
MINUTES**

**October 27, 2009
CLOSED SESSION – 6:30 PM
OPEN MEETING – 6:45 PM
Palisades United Methodist Church
27002 Camino de Estrella, Capistrano Beach, CA 92624**

A. CALL TO ORDER

Board President Laster called the *closed session* to order at 6:30 PM and the regular session was convened at 6:50 PM.

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

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

D. PUBLIC COMMENTS/Closed Session Report of Action

There were no public comments.

Board President Laster reported that no action was taken by the Board during the closed session discussion regarding community speed enforcement.

E. APPROVAL OF MINUTES

1. Meeting #552 of September 28, 2009

Motion was made by Director Bancroft, seconded by Director Levinson and passed 3-0-1 (Directors Schwartz was absent) to approve the minutes of meeting #552 of September 28, 2009.

F. SECURITY ACTIVITY REPORT

1. The monthly reports for September, 2009 were presented for review.

Due to the noticeable increase in speed violators, the Board asked staff to provide a speed reminder handout at the gate, printed on colored paper stock, that indicates the posted speed limit and informs the reader of the presence of law enforcement.

G. FINANCIAL REPORT

1. The claims and transmittals were presented for review.

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

Manager Russell confirmed that the account balance in the Wells Fargo savings account is now at the requested limit of \$300,000.00 and the Bank of America account has been officially closed. All other District funds are on deposit with Farmers & Merchants Bank in San Clemente. It was also confirmed that the program for unlimited FDIC coverage on non-interest bearing bank accounts has been extended through June 30, 2010.

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

The Board approved participation in this program by the following action: Motion was made by Vice President Bell, seconded by Director Levinson and passed 4-0-1 (Schwartz absent) to approve Resolution No. 10-27-09, "A RESOLUTION APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION AND DELIVERY OF A PURCHASE AND SALE AGREEMENT AND RELATED DOCUMENTS WITH RESPECT TO THE SALE OF THE SELLER'S PROPOSITION 1A RECEIVABLE FROM THE STATE; AND DIRECTING AND AUTHORIZING CERTAIN OTHER ACTIONS IN CONNECTION HEREWITH."

4. *Collection of fees for services.*

Manager Russell reported on the following:

Development Impact Fees

No outstanding fees due as of 9/30/09

Total DIF unpaid as of 9/30/09	\$ 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. As of 10/21 a total of \$214,463 or 95% has been collected. Staff continues to make reminder calls for the outstanding 5%.

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 was mailed out on 9/23. As of 10/21 a total of \$3060 or 91% has been collected.

H. COMMITTEE REPORTS

1. *LCP Committee*

There was no discussion on this item as the rep from CoastalWatch was unable to make the meeting.

2. *CBRA Activity Report including Quality of Life Committee*

There was no report or discussion for this item.

I. MANAGER'S REPORTS

The manager reported on the following items:

1. *Update on Entrance Improvement Project*

The project consultant, Dave Gutierrez, was present with poster-board prints of the proposed entry area plans and a cost breakdown of estimated expenses for the various elements of the project. Grading plans have been submitted to the City and have already been returned to the District for the first round of corrections. Mr. Gutierrez and staff both feel the level of

engineering expertise now needed to complete the grading plan review process with all the necessary corrections is beyond the capabilities of the current firm, JT Consulting and an effort is already underway to select a more competent engineer to get the grading plans completed. *The action to hire another engineering firm was discussed and approved at the previous Board meeting.* After much discussion, the figure of \$900,000 was agreed upon as the target amount for the overall project cost that Mr. Gutierrez will maintain in developing a final project budget.

2. Review of Manager's Priority List

Item #16 – Video Camera at Entrance – Staff recommended this item be included into the scope of work of the proposed entry improvement project, at least to install the necessary conduits, post-mount bases and other necessary infrastructure so that it is in place and ready to receive the actual recording equipment at some later date depending on how the project budget turns out.

J. OLD BUSINESS

There was no old business

K. NEW BUSINESS

1. ISDOC annual dues increase

Manager Russell pointed out that the annual dues of \$50 to the Independent Special Districts of Orange County, ISDOC, has not increased since 1996 and they are now asking for an increase to \$200. Staff recommended Board approval.

Motion was made Vice President Bell, seconded by Director Bancroft and passed 4-0-1 to approve of the ISDOC annual fee increase to \$200.00 and to name District Manager Russell as the District's voting representative at the quarterly ISDOC meeting on October 29th where the matter will be voted upon.

L. WRITTEN COMMUNICATIONS

There were no written communications

M. BOARD AND STAFF COMMENTS

The Board agreed to move the regular November meeting to Tuesday, December 8^h to avoid time and personal commitment conflicts through the Thanksgiving holiday.

N. ADJOURNMENT

The meeting was officially adjourned at 9:05 PM.

Regular Meeting #553
October 27, 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 #553 held on October 27th, 2009.

DONAL S. RUSSELL, Manager

DATE