

CAPISTRANO BAY DISTRICT
AGENDA REPORT
January 31, 2012

Old Business

ITEM K.1

City Progress with Establishing the Quiet Zone at the RR Crossing

Metrolink and OCTA recently reported that the safety enhancements at the Beach Road grade crossing were now 100% complete and the City can now petition the Federal Railway Administration (FRA) to be granted designation as a Quiet Zone at this location.

It has been public knowledge that the City would have to accept the liability for public safety at the grade crossing if a Quiet Zone is ever going to be established. It is also public knowledge that the City is reluctant to take on such a risk.

The Quiet Zone concept is new to Orange County and at this early stage there have been no accidents within any of the new Quiet Zones that would “test” any of the insurance policies currently established.

There is no further news from the City at this time on their progress with the issue.

ITEM K.2

Unpaid Subcontractors from the Entry Improvement Project

For the benefit of the new Directors, the District had a problem with one of the main contractors on the Entry Improvement Project last year in which several of this contractor’s subs and/or material suppliers (five total) were not paid in full, the contractor went out of business and skipped out on paying what was owed. With this contractor out of business, the District is next in line for the claims and lawsuits.

The District has been working to get the several liens and lawsuits cleared up. On the table right now is the opportunity to clear up the second-to-last lawsuit. This subcontractor was owed a total of \$7200 and our attorney was able to negotiate a settlement amount of \$2000.

If the Board can approve this payment we can narrow the exposure down to one final claim. The details of the final claim are a matter of confidentiality to be discussed in a closed session and will be further reported on in February.

Payment for this matter would come from budget sub-account #4605 – Entry Project.