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REC'D OCT 08 2012

Capistrano Bay District Board of Directors  
c/o Don Russell, District Manager

Re: Appointment of New Board Members

October 5, 2012

It is my belief that the action taken at the October 3 District Board of Directors meeting was improper and should be nullified. Please note the following violations that could invalidate the appointments made on October 3:

At the time of the voting, Kirk Bell's written and signed resignation had not been officially accepted by the Board, therefore his proxie votes were valid. If his seat was not vacant, any vote to fill it was totally premature. You can't have it both ways.

While "APPOINTMENT OF NEW DIRECTORS" was an item on the agenda, it was not characterized as an "action item". I do not believe that anyone other than the Board itself was expecting any action to be taken on this item at the October 3 meeting. This raises the possibility of Brown Act violations.

I was first elected to the District Board in 1990 and have attended many, many Board meetings, either as a Board member, as CBRA President, or just as a resident of Beach Road. To my knowledge, in situations where there are more candidates seeking a seat on the Board of Directors than there are vacant seats, the polling has always been done in a closed session and the appointments were then announced in an open meeting. This is the first time I am aware of that the polling for a vacant seat on the Board took place in an open meeting. Under similar circumstances the sitting Board members interviewed all of the candidates for a vacant seat prior to their voting so that there were no "I don't know him" comments.

The polling of the Board on this matter should have been done in a closed session. It is unconscionable to have three out of four candidates in the room where the voting was taking place. It is my understanding that the Board was aware that the missing candidate would not be present, but in spite of that, went ahead with their campaign remarks (platforms) and voting on October 3. The absent fourth candidate was at a great disadvantage. It goes against human nature to vote "no" on a person who is in the same room with you.

Every Board member is entitled to be able to state that his appointment (election) to the Board followed all legal requirements. I recommend that the Board seek legal counsel on the validity of the Board's actions cited above.

In fairness to all concerned, the Board should hold a closed session in which they revoke their improper votes of October 3, discuss the merits of the candidates, reconsider their previous actions and then vote again to fill the vacancies

On a more personal note, I do not know any of the candidates (other than Ambrose), but it seems to me that the District was incredibly lucky to have a man of Steve Mueller's experience willing to serve on the Board during the time that we are evaluating the performance of a new management company. It is an opportunity that should not have been so easily dismissed.

*Sheila Bullock*

Sheila W. Bullock

*After learning of the appointment of new board members in a proper session, I strongly agree with letter & recommend the Board reconsider their vote and re-open the process once again to all candidates.*

*Wayne Schaefer 10/6/12*