

CAPISTRANO BAY DISTRICT
AGENDA REPORT
April 29, 2008

Manager's Reports

ITEM I.2

Trimming and Maintenance of Community Vegetation

It has been several years (2004) since the District moved to turn the responsibility for maintaining vegetation in the community back to the individual property owners. The area involved was the strip along the inland or RR side of the road, excluding the privately developed parking areas. The District's operating budget was at risk and the Board of Directors of that period were looking for budget relief. In this particular case, the benefit to the entire community was lopsided, meaning that the District was not trimming everyone's vegetation, only selected areas. The decision was made to create a more appropriate balance of benefit and thus the areas that had been maintained by the District were given back to the individual property owners.

The District's budget today is healthier and while the District could better afford to take over the vegetation, it still does not pass the *benefit to all* test. Some owners have spent money and much time in planting and maintaining vegetation along that strip against the block wall and it is not right to spend District money to the benefit of a few.

It is unfortunate that some property owners ignore their overgrown vegetation until the District sends them a notice and then some even ignore the notice and cause the District to make phone calls. This babysitting costs staff time which again, is unfair to those who diligently care for their areas.

In all fairness, Staff recommends the following course of action:

Proceed with the intent of the District Board in 2004 and do exactly as was discussed – cut back the vegetation that is encroaching into the roadway and send the owner the bill.

When the District mailed out the "vegetation letter" in 2004 to all the property owners affected by this plan the mailing included an agreement whereby the owner would responsibly care for the vegetation or risk being billed by the District for the trimming. Of the 68 property owners involved, the District was successful in getting signatures of agreement from 27. Because of this the District runs a minor risk of having to absorb the maintenance cost for any work done where an owner refuses to pay but the District does have some responsibility for making sure the vegetation gets cut back. If an owner refuses to reimburse the District then it could be assumed they are relinquishing ownership which opens the door for the District to simply remove the vegetation completely. Yes, there is a cost involved but through this process it would be a one-time expense as opposed to a continual monthly cost.

To carry out this recommendation, the District would have to have to provide an allowance in the operating budget to cover the associated expenses that do not get reimbursed. It is estimated that an allowance in budget sub-account #1400.04 (*misc. service*) of \$1500 would be sufficient to chase down the few problem areas and may only take one season to accomplish.