

**REGULAR MEETING #529
CAPISTRANO BAY DISTRICT BOARD OF DIRECTORS
MINUTES**

**August 28, 2007
OPEN MEETING – 7:00 PM**

**Palisades United Methodist Church
27002 Camino de Estrella, Capistrano Beach, CA 92624**

A. CALL TO ORDER

President Southwick called the regular meeting to order at 7:02 PM.

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

Directors Present: Southwick, Bancroft, Martinez, Laster & Bell
Directors Absent: None
Staff Present: Manager Russell
Guest Present: Russell Willmon/Securitas

D. PUBLIC COMMENTS

There were no public comments.

E. APPROVAL OF MINUTES

1. Regular Meeting #528 of July 24, 2007

Motion was made by President Southwick, seconded by Director Bell and passed 5-0 to approve the minutes of meeting #528 held on July 24, 2007.

F. SECURITY ACTIVITY REPORT

1. The report for July, 2007 was presented for review

President Southwick suggested that the patrol officers should be using their overhead flashing lights when conducting an official stop of a person who has committed a violation of speeding, parking or the state helmet law requirement. Sheila Bullock commented that she feels the use of the overhead flashing lights to “light up” a six year old for not wearing a helmet is perhaps going a bit overboard. Both Directors Martinez and Bancroft responded that the District is exposed to greater liability risk by not enforcing the helmet law and other laws and it is imperative that the District do what it can in the way of enforcement.

2. Progress on community speed control – Proposals for “Speed Cushions”

- All Star Paving (includes striping) \$1500.00 (asphalt speed bumps)
- American Asphalt (includes striping) \$2275.00 (asphalt speed bumps)
- El Camino Paving *did not submit a bid*
- Lake Traffic Solutions \$5970.00 (rubberized bumps)

Manager Russell explained that while the OCFA has approved of the rubberized speed bump units, they did indicate that if asphalt bumps could be built that exactly matched the specs for the factory rubber speed cushions then they would be acceptable. Staff’s recommend-

ation is to approve of *All Star Paving* and asphalt speed cushions and reminded the Board that an approval of not-to-exceed \$3000 was already passed at the June 26th meeting and no further formal approval is necessary. President Southwick asked staff to have one set installed this month so Directors could comment at the next meeting. President Southwick added that he feels it is a mistake to try to bring the Dana Point Police into the community to regulate speed control as it could open the door for the City to conclude that the District cannot take care of itself, that it needs help and wants to give itself over to city management. He feels the District should hire its own special in-house law enforcement officer and leave the City out of our business.

Director Martinez reported he has made an appointment with the City Manager for a time in early September for he and the District Manager to meet with Doug Chotkevys and discuss the possibilities of law enforcement assistance for speed control on Beach Road. Director Laster pointed out that the report at the last meeting indicated that legal counsel, after being asked to assess the threat to the community's privacy, concluded that the threat from the City was very minimal and advised that the District proceed with approaching the City but cautioned that this be done carefully.

3. *Private Person's Arrest Policy (Citizen's Arrest)*

Manager Russell reported that due to the past incidence of assault activity on District security officers it has become necessary to implement a mandatory "Citizen's Arrest Policy." A draft policy was prepared, reviewed and approved by the Dana Point PD, it was presented and approved by Securitas and will now become an important element of the District's official Post Orders. Russell Willmon, Branch Manager for Securitas, stated that it is the responsibility of all security officers to report to the local police when they observe a misdemeanor or felony occurring in their presence but that his officers have expressed some reluctance to lose work and wages by having to take time off to appear in court for testifying against a suspect. The Board responded to this by agreeing to cover the officer's wages and expenses for time spent attending court hearings and to make this a part of the Citizen's Arrest Policy.

G. FINANCIAL REPORT

1. *The claims and transmittals were presented for review.*

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

Director Bell requested staff to review the accounting procedure for the General Reserve sub-account #4600, check with the auditor and bookkeeper if necessary to verify that this is being managed according to the auditor's intent.

3. *Collection of fees for services.*

Manager Russell reported on the following:

Development Impact Fees

There are currently three permits for which fees are due:

35571 (\$1134.97), 35205 (\$679.97), 35105 (\$994.97)

Total DIF unpaid as of 7/20/07	\$2,809.91
Total DIF collected this fiscal year	\$3,089.41
Total DIF collected since the program began	\$54,049.87

User Fees

As of 8/22 the collections amount to \$171,277.25 with about \$53,000 still outstanding.

RR Parking Fees

All fees are paid in full. This program is billed annually in November each year.

Renter Recovery Fees

Total renter fees collected for the fiscal year	-	\$500.00
Total renter fees collected since the program began	-	\$22,500.00

Summer Trash Collection Program/Fees

This program commenced on Friday, June 1 and is scheduled to terminate on Friday, September 28. Fees for the program will be billed to the participating homeowners in October after the close of the summer season. For this current season there are 51 accounts.

4. Discussion of request for reimbursement to the CBRA

Sheila Bullock, past president of the CBRA, explained that the discussion and agreement by the Board at the last meeting to take over the management of landscape maintenance at the guard gate due to limited funds by the CBRA was in error. Regardless of how this error came about, Sheila was happy to report that the CBRA indeed has adequate funds and will continue to cover the expenses of maintaining the landscaping at the guard gate, including the annual Christmas lighting around the entrance.

H. LCP COMMITTEE REPORT

1. The next MHTL and cross section survey is scheduled for the week of December 10th.

I. MANAGER'S REPORTS

The manager reported on the following items:

1. Progress on 2nd entry lane project (additional incoming lane at entrance)

The progress has been delayed while Metrolink receives and processes the District's required indemnification submittal. The railroad wants a specific type of coverage called "railroad protective liability insurance," provided on specific forms, with greater than normal limits. That package was sent to Metrolink on Friday, August 24. Fortunately, the District's standard liability insurance provides for this type of coverage under the policy currently in place so the additional expense was limited to the \$125 for issuing a special certificate. Approval of the insurance submittal should come in the week after Labor Day. Unfortunately, the soils testing on the RR property cannot proceed without the access approval by Metrolink and this step of the project is what is holding up the submittal of the grading plans to the city. The City also reported that a recent meeting with a homeowner did not go as well as expected. This homeowner has made a complaint to the City that the District office should not be on the railroad side of the community. He has now expanded his objections to include the new District storage shed recently placed in the northgate maintenance yard. It was pointed out that this may further slow the progress of the project.

Director Bell asked for staff to provide a listing of the tasks remaining to complete this project and an estimate of the expenses for each item.

2. *Review of Manager's Priority list.*

It was reported that the owner at 35705 has now moved his trash barrels onto his RR parking area with no enclosure for the barrels, the Hobie Cat at 35577 is in violation of the 72 hour parking limit for RV's and needs to be removed as well as the two jet skis parked in the leased RR parking area of 35685.

J. OLD BUSINESS

1. District website development

Manager Russell reported that the Board had expressed interest in the website style of *Purpose media* but that it is necessary to complete a listing of what the community expects in a website so the District can proceed. Suggestions are as follows:

- home page, Beach Road history, District formation history, CBRA newsletter, board agendas, minutes, phone directory of essential municipal services, rules and regs, ordinances, notices of upcoming activities important to the community, listing of current board members and staff, observed holidays (no work allowed), possibly a resident directory, disaster preparedness and security. Also links to the following: tide chart, weather reports, Gateworks, city of Dana Point, SCWD, Chamber of Commerce, Health Dept. water quality reports.

Director Martinez suggested checking with legal counsel on the possibility of allowing some advertising to perhaps generate revenue to help pay for the creation and monthly management of the site.

K. NEW BUSINESS

There was no new business

L. WRITTEN COMMUNICATIONS

1. The District received a letter from the CBRA regarding the issue with the funding of landscape services around the guard gate that was discussed under item G.4.

M. BOARD AND STAFF COMMENTS

There were no Board or staff comments, nor any comments from the public.

N. ADJOURNMENT

The meeting was officially adjourned at 9:07 PM.

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 a true and correct copy of the Minutes of Meeting #529 dated August 28, 2007.

DONAL S. RUSSELL, MANAGER

DATE