

**REGULAR MEETING #533
CAPISTRANO BAY DISTRICT BOARD OF DIRECTORS
MINUTES**

**January 29, 2008
OPEN MEETING – 6:30 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 6:30 PM.
(There was no Board meeting in December)

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

Directors Present: Southwick, Bancroft, Martinez & Bell
Directors Absent: Laster
Staff Present: Manager Russell
Guest Present: Russell Willmon, Securitas

D. PUBLIC COMMENTS

There were no public comments.

E. ELECTION OF BOARD OFFICERS FOR 2008

Each year the Board of Directors rotates officers to enable all Directors to participate during their four year terms. A nomination was made by Board President Southwick and there being no objections, the nomination was seconded by Director Bell and approved 4-0 (Laster absent) to appointment current Vice President Bancroft as the new President and Director Laster as Vice President beginning in February, 2008.

F. APPROVAL OF MINUTES

1. Regular Meeting #532 of November 27, 2007

Motion was made by President Southwick, seconded by Director Bell and passed 3-0-1 (Laster absent and Martinez abstained as he was not present at the November meeting) to approve the minutes of meeting #532 held on November 27, 2007.

G. SECURITY ACTIVITY REPORT

1. The two-month report for November and December, 2007 was presented for review.

Staff was given the following instructions in preparation for the next meeting:

- provide the cost breakdown for the License Plate Recognition system (LPR)
- supply the ad hoc committee with the *Gateworks* website access instructions
- look into the process of serializing or bar-coding new homeowner window decals and getting all vehicles registered into the Gateworks data base.

President Southwick apologized to Securitas staff for the recent verbal attack on one of its officers regarding an unauthorized contractor. He further stated that the Board has appointed an ad hoc committee to try to stop this type of confrontation between renter-homeowner-security staff.

2. Progress on community speed control

Manager Russell reported that the District is currently working on gaining approval from Orange County counsel to employ a part-time level III reserve sheriff deputy to assist the community in controlling speed on Beach Road. County Counsel had informed the District that it must now employ POST certified peace officers if it wants to issue speed citations and ordinance violations through municipal court.

It was also reported that the District's legal counsel, Rutan & Tucker, has reviewed the law regarding the District's ability to set its own speed limit and agrees that the District has been given that authority. Specifically, California Vehicle Code section 22358.3, ***Decrease on Narrow Street*** (for streets less than 25 feet in width), allows the local authority to set a lower speed limit, 20 or 15 mph, whichever is found most appropriate and is reasonable and safe. Legal counsel feels the Capistrano Bay District is the authorized legal authority.

H. FINANCIAL REPORT

1. The claims and transmittals were presented for review.

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

Vice President Bancroft pointed out that there is a high probability of the state taking more of the District's expected annual revenue next year to help solve their own budget problems.

3. Transfer of money to Local Agency Investment Fund (LAIF)

Motion was made by Director Martinez, seconded by President Southwick and passed 4-0 (Laster absent) to transfer \$200,000.00 from the District's BofA savings account into the LAIF savings account.

4. Collection of fees for services.

Manager Russell reported on the following:

Development Impact Fees

35065 - \$344.95 Billed on 11/26/07

Total DIF unpaid as of 1/29/08	\$ 344.95
Total DIF collected this fiscal year	\$ 16,346.95
Total DIF collected since the program began	\$ 73,180.00 (approx. figure)

User Fees

All fees for FY08 are paid in full.

RR Parking Fees

Billing for this fee was mailed out in mid-November. Payments currently amount to \$32,865 with \$1245 (4 accounts) unpaid. Courtesy phone call reminders are currently being made.

Renter Recovery Fees

Total renter fees collected for the fiscal year - \$700.00
Total renter fees collected since the program began - \$22,700.00
(there have been no additional fees paid since last month's report)

Summer Trash Collection Program/Fees

This program ended for the season on Friday, 9/14. Billings went out in October. As of 12/31 payments amount to \$2640 with \$180 (3 accounts) still outstanding. Reminder calls continue.

I. LCP COMMITTEE REPORT

1. *The MHTL and cross section survey were conducted on December 17th. The next survey is scheduled for the week of June 6-9.*

2. *Quality of Life Committee*

Nadine Levinson summarized the Committee meeting held on January 26th as follows: The objectives of the Committee were re-evaluated and slightly revised. The Committee is seeking a balanced representation of property owners and will begin its work with reviewing the current rental regulations from the point of view of maintaining quality of life and balance for all in the community. The Committee has scheduled its first general meeting for the entire community on Saturday, February 23rd at 10 am with the location to be announced later.

Director Martinez suggested that this new Committee of the District simplify its name from BRQOLC (Beach Road Quality of Life Committee) to QLC (Quality of Life Committee). Vice President Bancroft pointed out that 30% of the people driving on the road are service related and he feels they also should be receiving some form of a handout explaining the Rules and Regs. It was agreed that there needs to be a more effective way of reaching service workers to inform them of the few simple community rules relating to service and access, possibly through a combination of handouts given to them directly as well as the education of homeowners who hire service people, including contractors.

J. MANAGER'S REPORTS

The manager reported on the following items:

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

In the most recent phone conversation with Metrolink it was indicated that they were open to approving that portion of our proposed project that included the expansion of the RR parking area to the south of the guard shack and the addition of a second District administration office, however, as of tonight's meeting there still has been no written approval.

2. *Review of Manager's Priority List*

Beach Access Policy – To date, Jeff Goldfarb of Rutan & Tucker has been working with District staff and Jack Tarr to formulate a policy of beach access that can be used as tool for informing both property owners and members of the public who want to use the beach.

There is the potential for a disagreement to ensue between owners and beach users over exactly where the boundary between public and private lies. Homeowners and beach goers alike are frequently misinformed as to their actual rights and a well-designed and written policy will provide a great service and go a long way in preventing publicity of a type that could bring the Coastal Commission to our doorstep.

Director Martinez commented that it is important that this policy does not appear to be threatening and negative to the public and focuses more on what people *can* do rather than what they *can't* do. In other words, oriented to *allowable public uses with defined boundaries* in order to minimize the community's exposure to unwanted scrutiny from agencies such as the Coastal Commission. This approach would be more effective in disarming the public rather than putting them on the defensive by downplaying and avoiding the impression that the community is being territorial. As for the actual written document, it should be brief, possibly of a single page tri-fold brochure design, printed on high quality paper stock to preserve the impression of it being an officially sanctioned document.

Director Bell recommended that in addition to the suggested brochure, the District provide specific instructions for the property owner and another for the security staff to guide them during those moments when there is the confrontation on the beach.

K. OLD BUSINESS

1. Discussion regarding a community disaster preparedness program.

Director Martinez shared again the *Neighbors Helping Neighbors* program that has been suggested as an effective public awareness program for the Beach Road community. This program, laid out in a simple-to-read brochure explains and points out some of the typical problems people are confronted with in a wide range of emergencies. For our community, emergencies that would require evacuation range from earthquakes or rain causing mudslides of the coastal bluffs, a house fire or flooding from a tsunami. Staff was directed to make up a list of potential property owners who might be most capable of learning the material and being discussion leaders then put together a mailing to those selected individuals to launch the process.

L. NEW BUSINESS

There was no new business

M. WRITTEN COMMUNICATIONS

There were no written communications

N. BOARD AND STAFF COMMENTS

There were no comments

O. ADJOURNMENT

The meeting was officially adjourned at 8:17 PM.

Regular Meeting #533
January 29, 2008

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 copy of the approved Minutes of Meeting #533 dated January 29, 2008

DONAL S. RUSSELL, MANAGER

DATE