

**REGULAR MEETING #538
CAPISTRANO BAY DISTRICT BOARD OF DIRECTORS
MINUTES**

**June 24, 2008
CLOSED SESSION – 6:00 PM
OPEN MEETING – 6:30 PM
Palisades United Methodist Church
27002 Camino de Estrella, Capistrano Beach, CA 92624**

A. CALL TO ORDER

President Bancroft called the regular meeting to order at 6:36 PM, following the closed session.

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

Directors Present: Bancroft, Laster, Martinez, Southwick & 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 & REPORT OF CLOSED SESSION ACTION

1. Regular Meeting #537 of May 27, 2008

Motion was made by Director Southwick, seconded by Director Bell and passed 3-0-2 (Laster and Martinez were absent from the May meeting) to approve the minutes of meeting #537 held on May 27, 2008.

2. Report of closed session action

President Bancroft reported that no action was taken by the Board during the discussion in closed session to appraise the annual performance of the District Manager.

F. SECURITY ACTIVITY REPORT

1. The monthly report for May, 2008 was presented for review.

Vice President Laster commented that it seems the security reports are getting sparse regarding report-worthy incidents. Branch Manager Russell Willmon pointed out that the month of May was simply very quiet and without a lot of activity.

Director Bell requested that the activity by the new peace officer be included into the monthly security report.

2. Progress on community speed control

Manager Russell reported that the effect of having a new police officer is difficult to gauge at this early stage. Officer Sokol has been on duty for less than two weeks and has only begun writing citations in the past few days. The results at the end of July will give the District a better indication of the overall effect on speeding. Manager Russell also reported

that a test set of rubber *speed cushions* has been installed at 35345 and it has been very effective, during this first few weeks, in slowing vehicular traffic in that area.

3. Additional gate officer for Saturdays during the summer rental season

Director Martinez opened the discussion by commenting that he feels spending District money to further manage this rental-related issue does not provide an equal benefit to all home owners in the community and since none of the rental property owners are willing to pay the rental fee that the District had proposed two seasons ago, he is therefore opposed to having the District cover this expense.

Director Southwick agreed that it is unfair to the remainder of the community to expend District resources on a small minority made up of summer vacation rentals and that the burden should be placed upon those property owners and not the District.

President Bancroft pointed out that the rental property owners cannot be depended upon to educate their rental clients and because the quality of life of the community overall is negatively effected it falls on the District's shoulders to provide the management necessary and the proposed four hours each Saturday for the twelve Saturdays of summer doesn't appear to be too excessive a burden for the District to carry.

Gail Becker, Beach Road resident, reminded the Board that one of the purposes of the QLC Committee was to improve the relationship between renters and property owners by having owners be more tolerant of renters and have renters do a better job of adhering to the few simple rules of the community and that the District could help this along by being more tolerant itself and assist with this proposed exchange of information at the entrance gate on Saturdays when the renters come in.

Director Bell suggested that the seven major community rules be printed on an easy-to-read flyer and be handed out to all renters on Saturday when they begin arriving at the gate and see how this works. It was also added by the Board that the flyer should be handed out to ALL incoming new guests and not just new renters. Staff was directed to implement this plan as soon as possible and report to the Board at the next meeting.

G. FINANCIAL REPORT

1. The claims and transmittals were presented for review.

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

Director Martinez commented that in the budget under income sub-account # 4135, *renter recovery fee revenue*, the District had budgeted \$10,000 but so far has only collected \$900 and pointed out that the renter recovery fee program was set up to cover the expenses with renter-related management issues and the District is not being reimbursed on this. Director Martinez also pointed out that there seems to be information entered on the wrong lines in the *Budget vs Actual* report under sub account #4300.

Staff was further directed to provide an itemized breakdown of the over-expenses in budget sub accounts #1400.04 and #1901 and submit the report to all Directors for review.

3. Collection of fees for services.

Manager Russell reported on the following:

Development Impact Fees

All DIF fees are paid in full.

Total DIF unpaid as of 6/20/08	\$ 0.00
Total DIF collected this fiscal year	\$ 17,572.28
Total DIF collected since the program began	\$ 74,320.00 (approx. figure)

User Fees

All fees for FY07/08 are paid in full. Billing for the new fiscal year will go out in July.

RR Parking Fees

All parking fees for the calendar year of 2008 are paid in full. The billing for 2009 is scheduled to go out in November.

Summer Trash Collection Program/Fees

All fees for the summer of 2007 are paid in full. The current summer season kicked off with the first Friday collection on June 6th and will run through mid-September.

4. Review of proposed operating budget for FY09 (July 1, 2008 to June 30, 2009)

Manager Russell reported that a draft of the budget will be submitted to the Directors on Wednesday for Board review. A budget workshop was scheduled for Tuesday, July 8th at 3:00 PM in the District administration office to conduct a careful evaluation, comments and minor revisions. The budget can then be presented for approval at the July Board meeting.

H. LCP COMMITTEE REPORT

1. The MHTL and cross section survey was conducted on December 17th. The next survey was scheduled for the week of June 6-9 but has been postponed pending proposed changes.

Manager Russell reported that at the previous Board meeting a proposal was discussed that would increase the number of survey locations along our beach from 13 to 21. The advantage with this would be to provide a more accurate measurement of the MHTL at those locations where the beach either juts seaward or bends landward. This came as a recommendation from our survey engineer, Paul Cuomo. The Board asked if it were possible to get a second opinion from another professional and directed staff to consult with First American Title Company's Waterways, Boundaries and Mapping Division in Sacramento. Manager Russell reported that this was done and the opinion from FATCO supports the survey engineer's recommendation. The Board directed staff to approve the new survey proposal and to make the necessary adjustment to the draft budget.

2. Quality of Life Committee

There was no reportable activity by the QLC Committee this month. The Board agreed that the Committee has been effective and would like to see them continue their work either as a committee of the District or join efforts with the CBRA, but continue improving on the relationship between renters and property owners. Director Southwick asked if it was time to close the ad-hoc committee to which Director Martinez responded that he didn't want to see the committee close shop yet because it still needed to find a way for guests and renters coming into the community to better assimilate to the life style of the permanent owners as was the original intent of the committee.

I. MANAGER'S REPORTS

The manager reported on the following items:

1. Progress on community entrance improvements.

The District is still awaiting temporary approval from Metrolink to access their property for soils testing. Nothing else about the project can progress until this step is completed.

2. Review of Manager's Priority List

Director Southwick requested a discussion on item #16, *Evaluate Proposal to Limit Construction Hours on Saturdays*, which was placed on the agenda at the request of property owner Sandy Hoose last month. Director Southwick pointed out that many private communities have restricted hours on Saturdays since late afternoon construction activity on Saturdays invades the privacy of homeowners who have to put up with the intrusion all through the work week. He would like to see a later start time and construction activity curtailed in the afternoon hours of Saturday. Manager Russell added that a cut-off time of 2:00 PM would enable a contractor to come in and put in five to six good work hours which makes this proposal an entirely reasonable time limit. The Board agreed with the proposal and took action as follows:

Motion was made by Director Southwick, seconded by Vice President Laster and passed 4-1 (Bell opposing) to limit construction work hours on Saturdays to 8:00 AM through 2:00 PM.

J. NEW BUSINESS

1. Notice of Board of Directors vacancies and new candidate filing deadline.

Manager Russell announced the expiration of two Directors terms in December. New candidates must file with the Registrar of Voters and pay the registration fees no later than August 8, 2008 at 5:00 PM.

K. WRITTEN COMMUNICATIONS

1. Letter from Beach Road resident Jon Kayyem regarding the District's new traffic officer.

Mr. Kayyem expressed his support for the District's efforts to control speeding in the community. President Bancroft asked staff to make sure a thank you acknowledgement is sent to the Kayyem family for taking the time to write a letter to the Board.

L. BOARD AND STAFF COMMENTS

There were no comments.

M. ADJOURNMENT

The meeting was officially adjourned at 9:10 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 copy of the Minutes of Meeting #538 dated June 24, 2008.

DONAL S. RUSSELL, MANAGER

DATE