

DRAFT

**REGULAR MEETING #540
CAPISTRANO BAY DISTRICT BOARD OF DIRECTORS
MINUTES**

**Regularly Scheduled August Meeting Held on Sept. 2nd, 2008
OPEN MEETING – 6:30 PM
Palisades United Methodist Church
27002 Camino de Estrella, Capistrano Beach, CA 92624**

A. CALL TO ORDER

Vice President Laster called the regular meeting to order at 6:31 PM.

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

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

D. PUBLIC COMMENTS

There were no public comments

E. APPROVAL OF MINUTES

1. Regular Meeting #539 of July 29, 2008

Directors Laster and Martinez were absent for meeting #539 in July and with only Director Southwick remaining to vote the Board lacked a quorum to approve the minutes and the item was postponed until a quorum could be assembled at a later date.

F. SECURITY ACTIVITY REPORT

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

Vice President Laster pointed out that the monthly report was missing the parking violation reports and the summary of incidents. Manager Russell explained the problem is with the scanning quality of the reports coming from Securitas that resulted in documents unreadable for publication and staff is in the process of correcting the equipment problem.

2. Review of Securitas Fourth of July Safety Report

Vice President Laster commented that the content of the Securitas report does not seem to be accurate to what he observed on the night of the Fourth, that it is lacking a lot of detail. Director Martinez added that he observed several fireworks rockets being fired off from nearby his home around midnight and again around 4:30 AM, well after the Securitas crew left for the night and called the sheriff. Nadine Levinson stated that it appears that Securitas was not effective while the special officers were on duty and that the reporting mechanism between security and the District Manager needs to be more prompt and comprehensive. Ms. Levinson further added that intervention on a violator is only effective when done as soon as possible after the violation is committed. Director Southwick commented that another helpful strategy is to provide Securitas with the addresses of the known regular

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violators so those homes can be watched more closely. Jan Jahnke stated that from her observations of the special officers' behavior, the District did not get its money's worth and that Securitas should be held accountable. Vice President Laster closed the discussion stating that all the concerns and considerations voiced this evening will be used to develop a better defined set of orders and instructions to create a more effective community safety plan for next year.

3. Progress on community speed control

Manager Russell explained that within the two short months since hiring the new police officer and installing the speed cushions the data indicates a measurable decrease in speed violations from the same time period last year:

- June/July 2007 34,000 vehicles with 78 measured (radar) violators
- June/July 2008 40,000 vehicles with 70 measured violators

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 Martinez had asked for clarification of the amounts shown under budget expense sub-account #1900.12, specifically, why are the year-to-date expenses higher than the year-to-date budget. Manager Russell explained that it is a date-specific timing issue within Quickbooks that can be corrected by adjusting the date at which the YTD budgeted amount jumps from one month to the next.

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

The billing for FY09 went out in the mail on August 5th. As of August 22nd the District has received \$117,383 or 51.3% of the total. The User Fee rates for this billing cycle included the increase approved by the Board at the July meeting.

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 previous Board action to increase the User Fee

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Director Martinez expressed his concern that the User Fee rate was increased at a time when he feels the District does not need the money and exposes the District to the potential to lose a greater amount of money when the State chooses to come in and take more of our revenue. He also added that this increase could have the opposite effect of incrementally lowering the District's share of the property tax apportionment. Vice President Laster pointed out that the State can take our revenue even if we did not raise the User Fee. Director Bell, by proxy statement, added that if the State decides to take District revenue it will have nothing to do with the existing User Fee, that they will take money no matter what we do. Director Martinez continued with a proposal to reconsider the action taken last month and made a motion to rescind the previous Board action to increase the User Fee and refund the money back to the property owners. There was no second on the motion and the previous Board action stands as approved in the July meeting.

5. *Review of draft operating budget for FY09 (July 1, 2008 to June 30, 2009)*

The Board had no further requests for revisions or clarifications and took the following action: Motion was made by Director Southwick, seconded by Vice President Laster and passed 3-0 to approve the operating budget for FY09 in the amount of \$919,832.00.

H. LCP COMMITTEE REPORT

1. *The MHTL and cross section survey was conducted on August 26th.*

Manager Russell reported that survey data and reports will be prepared and presented at the September Board meeting as it takes the survey engineer about two weeks to assemble the information.

2. *Quality of Life Committee*

Committee chairman David Wilson made the statement that after considering the Board's suggestion from the previous meeting to possibly join with the CBRA, the Committee feels there are advantages to both but for now would remain as an ad hoc committee of the Board until a decision can be reached as to which affiliation would make the better fit. In a further discussion regarding committee contact with the property owners by US postal mail it was agreed the District would cover the expense for stamps and envelopes for quarterly mailings of a newsletter with District oversight on the information in the mailing.

I. MANAGER'S REPORTS

The manager reported on the following items:

1. *Progress on community entrance improvements.*

Metrolink approval did not come in this month. All requested items such as the insurance indemnification package and the signed and stamped preliminary grading plans have been submitted and the District is now waiting for approval.

2. *Review of Manager's Priority List*

Vice President Laster pointed out that many property owners have not installed their new resident decals yet and suggested staff establish a date for compliance. Steven Schwartz, candidate for one of the upcoming Board vacancies, pointed out that many drivers in the community do not seem to be aware of the accepted community practice of yielding to outgoing traffic and asked that the District promote some kind of community awareness of this issue. The manager was asked to make a stronger effort in contacting the owner at 35093 to install a trash enclosure gate.

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J. OLD BUSINESS

1. Notice of Board of Directors vacancies and new candidates for the open seats

Manager Russell reported that two property owners have stepped up and volunteered to fill the two vacancies, Gerald Levinson and Steven Schwartz, both full-time community residents. During the September Board meeting the two candidates will be officially recommended and approved by Board action. Evidence of this action will then be submitted to the Orange County Registrar who will bring the candidates names before the Board of Supervisors for official appointment. Director Martinez pointed out that the deadline for filing candidacy with the OC Registrar has passed and asked how the issue would be handled if there were more candidates than vacancies and all had missed the opportunity to be popularly elected. Staff was directed to contact the OC Registrar for an explanation.

K. NEW BUSINESS

Review and possible revision to upcoming Board meeting schedule

Manager Russell explained, and the Board agreed, that a scheduling conflict for the October meeting and the Thanksgiving holiday for the November meeting are the cause of the request to revise the dates of these two meetings as follows:

- October meeting moved to Tuesday, October 21st, 6:30 PM
- November meeting moved to Tuesday, December 2nd, 6:30 PM

L. WRITTEN COMMUNICATIONS

There were no written communications

M. BOARD AND STAFF COMMENTS

There were no comments

N. ADJOURNMENT

The meeting was officially adjourned at 8:37 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 *DRAFT* copy of the Minutes of the August meeting #540 held on September 2nd, 2008.

DONAL S. RUSSELL, MANAGER

DATE