

REGULAR MEETING #541
CAPISTRANO BAY DISTRICT BOARD OF DIRECTORS
MINUTES

September 30, 2008
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 6:35 PM.

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

Directors Present: Bancroft, Laster, Southwick, Bell & Martinez (arrived at 7:30)
Directors Absent: None
Staff Present: Manager Russell
Guest Present: Armando Santos, Securitas

D. PUBLIC COMMENTS

There were no public comments

E. APPROVAL OF MINUTES

1. *Regular Meeting #539 of July 29, 2008*

Motion was made by Director Bell, seconded by Director Southwick and passed 4-0 (Martinez had not arrived at this time to vote) to approve the minutes of meeting #539 of July 29, 2008.

2. *Regular Meeting #540 of September 2nd, 2008 (the regular August meeting)*

(This item was set aside until Director Martinez arrived so the vote could be conducted). Motion was made by Vice President Laster, seconded by Director Southwick and passed 3-0 (Bancroft and Bell abstained as they were absent for #540) to approve the minutes of meeting #540 of September 2nd, 2008.

F. SECURITY ACTIVITY REPORT

1. *The monthly report for August, 2008 was presented for review.*

2. *Progress on community speed control*

Manager Russell reported that the additional proposed speed cushions will be installed as soon as the District receives approval from OCFA. The service request was filed with OCFA on September 18th so the District should be getting approval any day now and the speed cushion units have been delivered and are ready for install. Manager Russell also explained that for the three month period of summer the data indicates a measurable decrease in speed violations from the same time period in the prior year:

- June thru August 2007 53,247 vehicles with 110 measured (radar) violators
 (1 violation for every 484 vehicles)
- June thru August 2008 63,,027 vehicles with 119 measured violators
 (1 violation for every 530 vehicles)

3. *Discussion regarding community notification of suspicious persons*

Director Southwick reported on the incident of the same male individual having been seen at a break-in at the Capistrano Shores Trailer Park a few weeks ago then was seen at several subsequent locations in the immediate vicinity of Beach Road over a one week period and was last seen jumping the block wall near 35635 and ducking in between the homes in that area. Manager Russell was aware of this suspicious activity and sent an email notice to the Directors but did not include the entire community, fearing that this might create undue anxiety with residents. Director Southwick further added that the great majority of property owners he spoke to regarding this situation agreed that they would want to be notified and it was agreed that in the future the District would send out such notices via email to all residents listed in the District's homeowner email directory.

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.*

CBRA President Debbie Morgan announced that the annual Christmas lighting at the community entrance would be coming soon, that the CBRA would pay 50% in advance and the District would cover the balance of \$1000.00 upon invoice by the lighting company after the lights are installed.

President Bancroft reported that his information regarding the country's financial crisis is leading him to feel uncertain regarding the District's assets on deposit in the Local Agency Investment Fund (LAIF) and since LAIF is not FDIC insured it is recommended that the District remove its assets from this fund and deposit those funds into insured accounts with several banks. The Board agreed with this strategy and directed staff to look into the procedure for moving the LAIF funds into several FDIC insured accounts and to report back to the Board through Director Bell.

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 September 26th the District has received \$189,200 or 85% 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

Billing for the summer of 2008 will go out to property owners in the first week of October.

H. LCP COMMITTEE REPORT

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

Committee Chairman Wayne Schafer reported that the new survey program now includes nine additional locations so that the District is now measuring MHTL at about every tenth house along the beach which gives the community a more accurate assessment of the location of mean high tide at each home. It was also pointed out that the location of mean high tide today is generally further seaward than it was in 1927 when the community was subdivided and the “*approximate ordinary high tide line*” was first surveyed. This brings up the question of who is entitled to this “growth” of the beach and staff was directed to begin researching this through the District’s connections with First American Title Company in Sacramento and report to the Board on the findings.

2. Quality of Life Committee

Committee chairman David Wilson reported that after a discussion with the CBRA it was decided that the QLC Committee would like to terminate its charge as an ad hoc committee of the District and join with the CBRA and that CBRA would increase its meeting schedule to include four meetings per year with some of the meeting time dedicated to quality of life issues.

Motion was made by Director Martinez, seconded by Director Southwick and passed 5-0 to dissolve the QLC Committee and maintain “CBRA Activity” as a standing item on the District’s agenda to be reported on monthly.

I. MANAGER’S REPORTS

The manager reported on the following items:

1. Progress on Phase I railroad parking improvements at community entrance

The District received formal approval from Metrolink on September 24th for temporary right-of-entry onto the RR property to conduct soils testing and install a chain link safety fence. This opens the way for the District to finalize the grading plans for submission to both Metrolink and the City of Dana Point. Soils testing and chain link safety fence installation are scheduled for Monday, October 20th.

2. Review of Manager’s Priority List

Director Southwick reminded staff that the upgrades to the exterior electrical system at the guard shack need to be completed by the first of November in time for the seasonal holiday lighting program. Vice President Laster asked staff to prepare a report for the next Board meeting updating the progress with the Poche water disinfection project. Director Martinez inquired into the possibility of obtaining a permit or maybe an addendum to the OCTA Parking Lease Agreement allowing the District to place a third temporary structure on the parking area for use as a site for Board meetings. It was also pointed out that housecleaners on Saturdays are frequently dumping buckets of soapy water and cleaning fluids out into the street and down the storm drains and that Security needs to be watching for this on Saturdays.

J. OLD BUSINESS

1. Board action to recommend the appointment of new Directors

President Bancroft explained that the terms of Directors Martinez and Southwick are expiring at the end of the year and the Board must take action to recommend the

appointment of new Directors and submit the recommendation to the Orange County Board of Supervisors in October.

Motion was made by Director Bell, seconded by Vice President Laster and passed 5-0 to "RECOMMEND THE APPOINTMENT OF GERALD LEVINSON AND STEVEN SCHWARTZ TO THE POSITIONS OF DIRECTOR OF THE CAPISTRANO BAY COMMUNITY SERVICES DISTRICT TO FOUR YEAR TERMS COMMENCING IN JANUARY 2009 TO FILL THE POSITIONS OF DIRECTORS ALEX MARTINEZ AND JERRY SOUTHWICK EXPIRING IN DECEMBER 2008."

2. *Board meeting schedule change for the October and November meetings*

President Bancroft reminded the Board and guests of the following changes:

- October meeting has been set for Tuesday, October 21st
- November meeting has been set for Tuesday, December 2nd

K. NEW BUSINESS

There was no new business

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 8:10 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 *correct* copy of the Minutes of meeting #541 held on September 30th, 2008.

DONAL S. RUSSELL, Manager

DATE