

**REGULAR MEETING #543
CAPISTRANO BAY DISTRICT BOARD OF DIRECTORS
MINUTES**

**December 2, 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 6:31 PM.

B. PLEDGE OF ALLEGIANCE

C. ROLL CALL

Directors Present: Bancroft, Laster, Martinez and Southwick

Directors Absent: Bell

Staff Present: Manager Russell

Guests Present: Appointed Directors for 2009, Gerald Levinson and Steven Schwartz
Russell Willmon, Securitas

D. PUBLIC COMMENTS

Gail Becker acknowledged both Directors Martinez and Southwick for the hours and years they've put in as wonderful Board members.

Mgr. Russell explained that the LAFCO representative who was scheduled to speak tonight will not be in attendance.

President Bancroft thanked Gerald and Nadine Levinson for taking the time to provide coffee and chocolate cake for everyone in attendance tonight.

E. APPROVAL OF MINUTES

1. Regular Meeting #542 of October 23, 2008

Motion was made by Director Southwick, seconded by Vice President Laster and passed 4-0 (Bell absent) to approve the minutes of meeting #542.

New Agenda Item – Election of New Board Officers for 2009

Motion was made by President Bancroft, seconded by Vice President Laster and approved 4-0 to add the following item to the agenda: *Board nomination and approval to elect new Board officers for 2009.*

Director Southwick nominated Vice President Laster as the new President and Director Bell as the new Vice President. Vice President Laster nominated current President Bancroft to preside for one more year. Nominations closed as there were no further nominations made. Motion was made by Director Southwick, seconded by Director Martinez and approved 3-1 (Laster opposed) to elect Lonnie Laster as Board President and Kirk Bell as Vice President for the upcoming 2009 calendar year.

F. SECURITY ACTIVITY REPORT

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

Securitas Branch Manager Russell Willmon reported on the new gate computer system that was just installed at the gate. He suggested that even though the District mailed out a notice announcing the new change it would be beneficial to send out another notice to make sure property owners are receiving the information.

Stephen Schwartz commented on dogs that are being allowed to do their business on other private property including his yard and asked for Patrol to keep an eye on the dog activity in this area. Mgr. Russell responded that Patrol officers are under instructions to watch for loose dogs and to intervene at all times when this activity is observed.

Director Southwick commented that it is so much more effective when a property owner is willing to call the sheriff rather than calling the guard shack and asking them to make the call instead. Police are much more inclined to respond to a direct homeowner complaint than from a third party who may not have witnessed the violation.

2. Progress on community speed control

Manager Russell reported on the radar data collected as follows:

- June thru Oct 2007 81,683 vehicles with 231 measured (radar) violators
(1 violation for every 354 vehicles)
- June thru Oct 2008 94,399 vehicles with 221 measured violators
(1 violation for every 427 vehicles)

3. Discussion regarding the addition of more street lights

Manager Russell reported that staff has obtained specifications from both SDGE and Orange County Public Works regarding the illumination output and light fixture type of our existing street lights and today's standards for residential street lighting. A comparison can now be made to determine how the existing system matches up to today's code. Staff will conduct a site review and map out the existing system for this comparison. Next will come a cost analysis of both the construction costs and the increased annual electricity bill.

G. FINANCIAL REPORT

1. The claims and transmittals were presented for review.

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

President Bancroft requested a *project budget timeline* to assist staff and the Board in determining when the District will need to hold cash to cover construction payments on the entry improvement project and at the same time know when to roll-over and reinvest in CD's to maximize on the District's investment program.

Director Southwick inquired of the Board regarding Christmas bonuses for the District staff. The Board agreed to have staff circulate last year's program information by email after the meeting and they would individually approve through an email polling process. Manager Russell pointed out that the email process is totally within the law of the Brown Act since it is being discussed in open session and as long as the email polling process does not include

any information outside of the scope of this particular topic. Director Southwick also suggested staff timeline a reminder to agendaize this item every year in November so it can be approved in a regular meeting rather than by email.

President Bancroft closed the financial discussion pointing out that while the District is in very good shape with revenue this year, the likelihood for next year is that the State is going to try to take as much as possible from all special districts to make up some the budget deficit.

3. Collection of fees for services.

Manager Russell reported on the following:

Development Impact Fees

Total DIF unpaid as of 10/31/08	\$ 1502.47
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 (July 08 through June 09) went out in the mail on August 5th and as of October 31st has been paid in full.

RR Parking Fees

The billing for 2009 went out on November 10th and is currently 80% paid.

Summer Trash Collection Program/Fees

Billing for the summer of 2008 went out in September. As of October 30th the District has collected \$2880 with \$120 outstanding.

H. LCP COMMITTEE REPORT

1. Research of Entitlement Rights to Accreted Beach

Manager Russell reported that Pacific Legal Foundation has provided the District with some case law reference that will be helpful in the future when the need arises to demonstrate ownership rights to areas of the beach that have grown (accreted) over the years. If a dispute develops between a property owner and a member of the public who may want to use a portion of sandy beach then the District has a file of information at its immediate disposal that will help in a resolution of the problem. It is too early to answer the question of entitlement but as time permits, the case law will be reviewed which should ultimately lead to some clarification.

2. CBRA Activity Report including Quality of Life Committee

CBRA Chairwoman Debbie Horowitz reported that new officers have been appointed for 2009: Debbie Horowitz will remain as President, Gail Becker is the new Vice President, Jan Jahnke is the new Secretary and Kay Rosoff is the new Treasurer. The District Board members were thanked for their attendance at the November 15th CBRA meeting. With the addition of the QLC Committee into the CBRA, community response has increased and the CBRA is looking forward to a productive new year. Mrs. Horowitz also made the

suggestion that the District consider a second community presentation of the proposed Entry Improvement Project.

I. MANAGER'S REPORTS

The manager reported on the following items:

1. Update on Entrance Improvement Project

With Metrolink's tentative approval of the RR parking area staff can now concentrate on working with the County to promote the concept of an easement exchange that would encompass a narrow strip of the County's Beach Park along our entrance driveway in trade for some room along the bicycle and pedestrian pathway near the volleyball courts. Staff is currently working on this aspect of the project and expects to have a submittal prepared for the County before Christmas.

2. Review of Manager's Priority List

There were no significant reportable discussions under this item.

J. OLD BUSINESS

There was no old business

K. NEW BUSINESS

There was no new business

L. WRITTEN COMMUNICATIONS

There were no written communications

M. BOARD AND STAFF COMMENTS

Director Martinez acknowledged the audience for continually attending the meetings.

Director Southwick acknowledged Director Martinez for his influence on the District's financial reporting.

President Bancroft personally thanked both outgoing Directors Martinez and Southwick for their years of outstanding contributions to the community. The Board lastly acknowledged Manager Russell for his hard work in dealing with all that is asked of him.

N. ADJOURNMENT

The meeting was officially adjourned at 7:56 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 an *APPROVED* copy of the Minutes of meeting #543 held on December 2nd, 2008.

DONAL S. RUSSELL, Manager

DATE