



**MINUTES
BOARD OF DIRECTORS
ROSSMOOR COMMUNITY SERVICES DISTRICT**

REGULAR MEETING

Please be advised that California Governor Gavin Newsom has issued Executive Orders N-25-20 & N-25-21, which allows Directors to hold Board meetings telephonically, Please also be advised that all persons wishing to attend this meeting were invited to do so telephonically.

VIA TELECONFERENCE ONLY

**Tuesday, May 12, 2020
7:00 p.m.**

No meeting was held at
Rush Park, 3001 Blume Drive, Rossmoor, CA 90720

A. ORGANIZATION

1. CALL TO ORDER: 7:00 P.M.

2. ROLL CALL: Directors Barke, Casey, DeMarco, Nitikman
President Maynard

3. PLEDGE OF ALLEGIANCE: President Maynard

AT THIS TIME PRESIDENT MAYNARD REQUESTED THAT A MOMENT OF SILENCE BE OBSERVED IN HONOR OF FORMER RCSD DIRECTOR JOEL RATTNER WHO PASSED AWAY ON APRIL 25, 2020.

4. PRESENTATIONS:

a. Orange County Sheriff's Department Lieutenant Gary Knutson Re: Quarterly Crime Statistics

Lieutenant Knutson reported on the quarterly crime statistics for Rossmoor. He stated that due to the COVID-19 Pandemic, there have been many government fund-related phone scams and mail theft of unemployment and stimulus checks. There had also been an increase in vehicle tailgate thefts. He advised locking homes and vehicles and reporting all instances of burglary and theft to law enforcement, and the local post office in the case of mail theft. The report was received and filed.

b. California Highway Patrol Officer Matt Musselmann Re: Quarterly Traffic Violations

Officer Musselmann reported on the quarterly traffic activity for Rossmoor. He reported a total of 10 collisions within Rossmoor; three of the collisions were hit and run property damage, three others consisted of minor injury traffic collisions. Officer Musselmann stated that due to the COVID-19 pandemic situation he had only issued a total of 25 citations over

the quarter, with the majority of those issued for stop sign violations. He has continued his daily patrols in Rossmoor each morning and afternoon. Due to the DMV closure, expired vehicle registration citations are not being issued, however, once the COVID-19 orders have been lifted, he will begin to reissue vehicle registration citations in Rossmoor. Officer Musselmann added that he continues to respond to any traffic complaints submitted to his Westminster office.

Board discussion ensued relative to speeding at the St. Cloud and Montecito Road intersection with drivers taking the corner too fast, data collection with the handheld LIDAR speed detection device, potentially relocating the CHP vantage point to Copa de Oro Road, and Montecito Road stop sign and road striping improvements. Officer Musselmann stated that he would be happy to share citation and speed data with the Board in his next quarterly report. The report was received and filed.

B. ADDITIONS TO AGENDA—None

C. PUBLIC FORUM:

Marian Last announced that the Rossmoor Homeowners Association (RHA) would be holding a Graduation Parade on May 27, 2020 in Rossmoor in honor of the 2020 high school graduates whose graduation ceremonies had been canceled or postponed due to the Coronavirus pandemic. There were several community partners involved including the Los Alamitos Unified School District and the Orange County Sheriff's Department. Dignitaries included Orange County Supervisor Michelle Steel and she hoped that RCSD dignitaries would participate as well. She stated that RHA member Jo Shade was the main coordinator of the event. The event would be staged at the Rossmoor Shopping Center behind Home Goods and Sprouts. The RHA had provided the District with the parade route, asked for the RCSD's blessing in supporting the seniors who have lost out on their graduation celebration, and welcomed any assistance that the District could provide.

Director Nitikman asked for clarification as to what the RHA was requesting of the RCSD as the item was not on the agenda for discussion. He stated that the District cannot contribute funds or cosponsor at this point so all the District can do is give their blessing.

General Counsel Tarquin Preziosi stated that a gift of public funds cannot be made to a private organization.

President Maynard stated that permits would need to be pulled for any gatherings on County and District property.

Jo Shade discussed the details of the event. She added that the RHA wanted to make sure the District was aware of the event and she would be happy to accept any private sponsorships.

Joe Mendoza stated that District staff was working with the RHA to promote the event on the District website and with banners and signage.

D. REPORTS TO THE BOARD:

1. ROSSMOOR COMMUNITY SERVICES DISTRICT COVID-19 RESPONSE STATUS REPORT

The General Manager recommended that the Board discuss and provide direction to staff regarding the District's current operational status in response to the COVID-19 pandemic's impact on daily operations and closure deadline extensions. He reported on the District's participation in the Red, White, Blue and You Campaign developed by the City of Los Alamitos in appreciation for COVID-19 essential workers. Also participating in the program are the Los Alamitos Unified School District and the City of Seal Beach.

The District is awaiting information from the State and County regarding the phasing of re-opening. In the meantime, the General Manager has coordinated a meeting with the cities of Cypress, Los Alamitos, and Seal Beach, as well as Los Alamitos School District representatives, to discuss protocols and compare strategies for reopening.

The District Office has been closed to the public since Monday, March 16, 2020; however, staff continues to be available Monday – Friday from 9 a.m. to 5 p.m. to answer calls from the public that are placed to (562) 430-3707. District staff members continue to monitor developments related to COVID-19 and participate in briefings provided by the County of Orange Department of Public Health, the State of California, and the federal government. Discussion ensued relative to the District's operational status. The report was received and filed.

2. RECREATION SUPERINTENDENT QUARTERLY RECREATION STATUS AND ATTENDANCE REPORT

Recreation Superintendent Chris Argueta reported that recreation staff had planned many events over the quarter that had been cancelled or postponed due to the COVID-19 pandemic. Park attendance had been low. Recreation staff has been keeping busy sanitizing facilities and grounds, and performing deferred maintenance duties. The report was received and filed.

E. CONSENT CALENDAR:

1. MINUTES:

a. Regular Board Meeting of April 14, 2020

2. MARCH 2020 REVENUE AND EXPENDITURE REPORT

Motion by Director DeMarco, seconded by Director Nitikman, to approve the Consent Calendar as submitted. Motion passed unanimously by roll call vote, 5-0.

F. PUBLIC FORUM—None

G. RESOLUTIONS—None

H. REGULAR CALENDAR:

1. DISCUSSION AND POSSIBLE ACTION REGARDING RENEWAL OF BREAIT SOLUTIONS AGREEMENT FOR COMPUTER SERVICES

The General Manager recommended that the Board authorize him to renew and execute a one-year Information Technology Support Services Agreement between the Rossmoor

Community Services District (RCSD) and the City of Brea Information Technology Division (BreaIT) for the purpose of providing information technology services, which include support of the District's personal computers (PC), local area network (LAN), hardware, software, and general integration.

BreaIT Solutions Manager Mike Ryan reported on the IT services provided by his technicians and on the justification for the purchase of a new onsite server in December 2019. He stated that the District's finance system required that the server be onsite. He discussed the various purposes and security functions of the onsite server and answered questions from the Board regarding the pros and cons of hybrid versus total cloud solutions. He stated that all District hardware and equipment was up to date and good for another five to seven years.

Brief discussion ensued. Motion by Director Casey, seconded by Director DeMarco, to authorize the General Manager to renew and execute a one-year Information Technology Support Services Agreement between the Rossmoor Community Services District (RCSD) and the City of Brea Information Technology Division (BreaIT) for the purpose of providing information technology services, which include support of the District's personal computers (PC), local area network (LAN), hardware, software, and general integration; assign a committee to explore alternative vendors and cloud based options. Motion passed unanimously by roll call vote, 5-0.

2. FIRST READING POLICY NO. 2070 FAMILIES FIRST CORONAVIRUS RESPONSE ACT (FFCRA)

General Manager recommendation to give first reading to Policy No. 2070 Families First Coronavirus Response Act. This policy allows for the District to provide up to two weeks (80 hours) of emergency paid sick leave and up to twelve weeks of leave, ten of which must be paid, provided under the Emergency Family Medical Leave Expansion Act to cover employee absences as a result of COVID-19.

Discussion ensued. Director Nitikman inquired as to why a formal policy was needed for the FFCRA when it had already been put into practice. General Counsel responded that it was best practice. Motion by Director Barke, seconded by Director Casey to give first reading to Policy No. 2070 Families First Coronavirus Response Act. Motion passed unanimously by roll call vote, 5-0.

3. PROFIT/LOSS STATUS AND EMPLOYESS STAFFING OPTIONS IN RESPONSE TO COVID-19 (CORONAVIRUS) RELATED ECONOMIC IMPACTS TO THE ROSSMOOR COMMUNITY SERVICES DISTRICT AND BUDGET REDUCTION CONSIDERATIONS

The General Manager reported that the COVID-19 pandemic related closures have been a challenge to District operations. In itemizing potential cost savings, a number of items were identified that could offset loss of revenue. Some costs savings were a result of cancelled events, some from possible reduction in meeting costs, eliminating printing and mailing of the quarterly newsletter by using only an online version, and eliminating the janitorial service contract and utilizing District staff.

The General Manager also provided information regarding Rossmoor Community Services District staffing options and budget considerations in response to the COVID-19 related economic impacts to the RCSD. He outlined that the immediate need is to determine whether to furlough employees and decide on what budget curtailments to consider. He outlined the following options: Option 1: No Staff Furloughs (payroll reduction); Option 2: Furlough - 10% Staff Payroll Reduction; Option 3: Furlough - 20% Staff Payroll Reduction.

Discussion ensued relative to the duration of the furlough and its effect on part-time staff hours. General Counsel responded that most agencies begin with cutting part-time staff altogether. Director Nitikman inquired as to whether the General Manager would have flexibility with scheduling of part-time staff. Director Nitikman stated that since the budget needed to be adopted next month, the decision could only be a one-month decision for now. Motion by Director Barke, seconded by Director Casey to furlough all full-time (and provide the General Manager with the flexibility regarding part-time staff hours) RCSD staff with a 20% payroll deduction beginning June 1, 2020. The board further directed staff to bring the item back to the June 9, 2020 RCSD Board meeting, which would be held after the Budget Committee met to discuss the FY 2020-2021 budget. Motion passed by roll call vote, 5-0.

Discussion ensued relative to the CleanNet janitorial service contract. Motion by Director Barke, seconded by Director Casey, to eliminate the CleanNet janitorial service contract and utilize District staff. Motion passed by roll call vote, 5-0.

Discussion ensued relative to the District newsletter printing and mailing costs. Motion by Director DeMarco, seconded by Director Barke to produce the District newsletter using an electronic format only for FY 2020-2021 and eliminate the printing and mailing fees (with the exception of a few hard copies to be made available in the office). Motion passed by roll call vote, 5-0.

4. DISCUSSION WITH THE GENERAL MANAGER REGARDING REOPENING DISTRICT OFFICE AND RECREATION FACILITIES FOLLOWING COVID-19 (CORONAVIRUS) RELATED CLOSURES

The General Manager recommended that the RCSD Board review District facilities and amenities and provide direction regarding which operations should reopen based on State and County of Orange health directives.

A report was presented by the General Manager regarding the phasing of opening facilities and amenities based on directives from the State and County. With the information changing daily, the possibility of being able to open tennis courts was discussed. It appeared that this would be possible in the near future and the General Manager was seeking concurrence from the Board that the tennis courts could open when the County announced Phase 2 reopening could begin. Motion by Director Nitikman, seconded by Director Casey to direct the General Manager to reopen the tennis courts on a reservation only basis. Further discussion ensued. Director Barke opined that the District should open everything the State and County allowed at the earliest opportunity. Amended Motion by Director Nitikman, seconded by Director Casey, to open the tennis courts utilizing the

reservation and drop in system that was in place prior to the Covid-19 shut down; and to and consider other services and facilities the State and County allows at the earliest possible opportunity. Motion passed by roll call vote, 5-0.

5. REPORT TO THE BOARD FROM GENERAL COUNSEL REGARDING HOLIDAY OVERTIME STANDARDS

General Counsel reported that the Board of Directors requested an explanation of when and under what authority employees of the District are entitled to premium pay for working overtime on holidays. General Counsel opined that the California Labor Code provides for double time whereas the federal Fair Labor Standards Act (FLSA) does not. Courts of California have held, however, that unless a Labor Code expressly states that the provisions apply to local government then the default position is that the Labor Code does not apply to local employers and employees. Furthermore, 35 years ago the U.S. Supreme Court held that the FLSA governed overtime compensation for employees of local government entities such as the District. As a result, the FLSA governs overtime for the District and any work in excess of 40 hours in a week is paid at time and a half of an employee's regular rate.

The District's policy is within the purview of the FLSA and not State Law. Although there is language in Section 2150.30 that states compensation shall be in accord with State laws and regulations, this must be read to mean..."to the extent those laws or regulations control local government". Consequently, whenever an employee works overtime, he/she is entitled to time and a half. General Counsel concluded that District employees are not entitled to double time and a half when they work overtime on a holiday. Neither the California Labor Code nor the FLSA provide for this type of pay. District employees are instead to be compensated at one and one half of their regular rate as is required by the FLSA. The report was received and filed.

I. GENERAL MANAGER ITEMS:

The General Manager reported that the Montecito HVAC system has been repaired with a new thermostat and ductwork. The facility play area has been patched and slurry sealed. New LED stage lighting has been ordered for the Rush Park Auditorium and will be installed by the June Board Meeting. The Rush Park asphalt project is being prepared for bidding and is targeted for completion this fiscal year. New rain gutters have been installed at all District facilities. Rossmoor Park Community Center interior and restrooms have been painted. Orange County street improvements grind and overlay location map has been scheduled for the fall. The General Manager stated that as a proactive measure he had already submitted the Employment Development Department (EDD) Work Sharing Unemployment Insurance Plan Application so that the District may have the opportunity to utilize the Work Sharing program should the RCSD Board decide to implement staff furloughs. He remarked that the RHA graduation parade was for seniors at Los Alamitos High School, as well as Rossmoor resident youth attending private schools. He went on to report on the details being developed in anticipation of the reopening plan for all facilities as phasing is announced.

J. GENERAL COUNSEL ITEMS—None

K. BOARD MEMBER ITEMS—None

L. CLOSED SESSION—None

M. ADJOURNMENT:

Motion by Director DeMarco, seconded by Director Barke, to adjourn the regular meeting at 9:47 p.m. Motion passed 5-0.

SUBMITTED BY:

**Joe Mendoza
General Manager**