



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

**APPROVED**  
by RCSD Board September 8, 2015

**REGULAR MEETING**

RUSH PARK  
3021 Blume Drive  
Rossmoor, California

**Tuesday, August 11, 2015**

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**A. ORGANIZATION**

**1. CALL TO ORDER: 7:05 P.M.**

**2. ROLL CALL:** Directors Burgess, Casey, DeMarco, Maynard  
President Kahlert

**3. PLEDGE OF ALLEGIANCE**

**4. PRESENTATIONS:**

**a. OCSD Lt. Rob Gunzel Re: Quarterly Crime Statistics**

Lieutenant Rob Gunzel provided the Board with a quarterly overview of crimes which included residential and vehicle burglaries. Brief discussion ensued. The report was received and filed.

**B. ADDITIONS TO AGENDA—None**

**C. PUBLIC FORUM:**

Several Rossmoor residents opined and expressed opposition to the park usage fees being assessed on local fitness boot camps and expressed their support for the Happy Hour Fit Club.

- Charmagne Alverado opined that the Happy Hour Fit Club promoted health, fitness and friendship in community parks. She requested that the District consider the issue of cost for use of open space seriously and come up with fees that are fair and reasonable. She urged the RCSD Board to represent its constituents who consisted of working professional mothers and stay-at-home mothers. She alleged that her request to be on the agenda was denied. She recited the District's mission statement to provide "superior, cost-effective services" and other content from the website. She inquired as to how demanding a 25% usage fee on total gross income, supported the District's mission. She also discussed the many contributions in the form of local community fundraisers and events that the Happy Hour Fit Club helped to organize and the positive results achieved.

President Kahlert disagreed, stating that the Parks and Facilities Committee had already spent considerable time working with the Happy Hour Fit Club to find a workable solution. He added that the District wanted their business to be successful in the park and that statements alleging otherwise were unfounded.

- Janet Kim praised Happy Hour Fit Club founder and trainer Carrie DeVanon and stated that she would be disappointed to see the organization leave the community. She endorsed the Wednesday Fit Club Girl's program which she claimed benefitted her 9 year old special needs daughter. She concluded that Kerri DaVanon is certified and has experience working with autistic children.
- Kerri DaVanon stated that she appreciated the time and effort the District had put in to work with her. She opined that she felt singled out as the only fitness instructor being charged a fee out of the many others who utilize the parks. She stated that she had inadvertently been put in the position of representing the many boot camp instructors and busy working professionals that use Rossmoor Parks. She further opined that she wished to negotiate a contract, however two major issues affecting the vitality of her business were the babysitting and the payment terms. She believed the District's proposal of taking 25% of her gross earnings was unreasonable. She added that the babysitting was an integral part of her program and that her clients would be unable to attend her class without those services. She alleged that she had spoken to other fitness and sports instructors who stated the 25% fee proposal would force them to relocate. She compared surrounding cities and the difference between recreation classes and field usage.
- Ryan Brown also disagreed with the 25% fee. He gave an emotional testimony of how his wife's physique and inner confidence were transformed by the Happy Hour Fit Club. He stated that it was a local, convenient solution that allowed busy working mothers to incorporate physical fitness to their lives.
- Lee Swietlikowski stated that Rossmoor was filled with working families raising their children. One of the reasons he moved to Rossmoor was because of the family-friendly atmosphere. He added that fitness club participants are very active on social media and as people begin to network, he would hate to have Rossmoor represented as a place that isn't family-friendly. He urged the Board to reflect on their actions at the risk of alienating their constituents.
- Steve Leitner discussed the camaraderie he had witnessed among Happy Hour Fit Club members. He opined that charging 25% of the group's gross earnings was too high.

Joel Rattner opined relative to the Rossmoor Signature Wall Bond. He stated that funds had been moved from Fund 30 to Fund 10 in order to pay for the Signature Wall Repair. He stated that Fund 30 was designated for paying for bonds, not repair of the wall.

Kevin Pierce opined relative to the restriping of Bradbury Road. He stated that he was an 18 year resident of Rossmoor and the recent restriping was causing an increase in the proximity of traffic near his home as well as safety concerns. He inquired as to the status of the General Manager's County outreach efforts as they related to Rossmoor Resident restriping complaints.

General Manager Ruth replied that he had been in contact with County Public Works Department. Their response was that they had restriped the road due to prior resident complaints regarding safety and speed. They would continue to monitor the road for a period of time for signs of any safety hazards, the impact on school traffic, etc. and make adjustments accordingly.

#### **D. REPORTS TO THE BOARD**

##### **1. REPORT OF THE PARKS AND FACILITIES COMMITTEE RE: WINTER EVENT**

The Parks & Facilities Committee met on August 3, 2015 and reviewed and discussed the staff's report of the status of developing the Winter Event and its projected costs. The Board previously approved a budget of \$4,000 for the event as a part of the FY 2015-2016 Final Budget at the July 2015 Board meeting. Recommendation to receive the report of the Committee and provide direction to General Manager on moving ahead with the Winter Event.

Discussion ensued relative to the artificial tree. President Kahlert stated that the committee had decided to use a real tree instead. More research was being conducted and the committee would be meeting again soon and reporting their findings back to the Board. The report was received and filed.

## **E. CONSENT CALENDAR**

### **1a. MINUTES REGULAR BOARD MEETING—July 14, 2015**

### **2. REVENUE AND EXPENDITURE REPORT—June 2015**

### **3. QUARTERLY STATUS REPORT**

Director Burgess requested that Item E-2 Revenue and Expenditure Report be pulled from the Consent Calendar.

Director Maynard requested that Item E-3 Quarterly Status Report be pulled from the Consent Calendar.

Motion by Director Burgess, seconded by Director DeMarco to approve Item E-1a Minutes of the Regular Board Meeting of July 14, 2015 as submitted. Motion passed 5-0.

### **2. REVENUE AND EXPENDITURE REPORT—June 2015**

Director Burgess had comments relative to the paying off the Signature Wall Bond and District cash flow. He opined regarding his concerns. The General Manager stated that the Auditor had just completed their audit this week. The audit only took one day and auditors were extremely complimentary of staff. He concluded that Brad Welebir with Rogers, Anderson, Malody and Scott would be giving a full audit report to the audit committee in September and subsequently to the board in October.

### **3. QUARTERLY STATUS REPORT**

Director Maynard requested that the General Manager extract some highlights from the Quarterly Status report and report orally to the Board. He stated that there was a lot of great information contained in the report that the public didn't have the benefit of knowing because it is buried in the consent calendar items. He opined that the quarterly reports should be reported out as separate item.

Motion by Director Maynard, seconded by Director Burgess to separate the quarterly reports as separate items for future agendas. Motion passed 5-0.

Motion by Director Maynard, seconded by Director Casey to approve Consent Calendar Items E-2 Revenue and Expenditure Report and E-3 Quarterly Status report as submitted. Motion passed

5-0.

**F. PUBLIC HEARING**—None

**G. RESOLUTIONS**—None

**ORDINANCES**—None

**H. REGULAR CALENDAR:**

**1. SECOND READING OF AMENDMENTS TO POLICY NO. 6013 RE: JOINT USE OF DISTRICT PROPERTY FOR DISTRICT SPONSORED PROGRAMS**

Recommendation to give second reading and approve amendments to Policy No. 6013 Joint Use of District Property for District Sponsored Programs. The District is being asked to accept donations for District sponsored programs. Amendments to Policy No. 6013 describes the means and methods for accepting such donations. In an effort to help offset the costs of special events, staff is proposing a sponsor application process and amendments to Policy No. 6013.

Brief discussion ensued. Motion by Director Maynard, seconded by Director Casey to give second reading and approve amendments to Policy No. 6013 Joint Use of District Property for District Sponsored Programs. Motion passed 5-0.

**2. SECOND READING OF AMENDMENT TO POLICY NO. 5030 COMMITTEES OF THE BOARD OF DIRECTORS.**

Recommendation to give second reading to amendment of Policy No. 5030 Committees of the Board of Directors for Reports/Action Items to the Board.

Director Maynard requested that Policy No. 5030 be amended as follows: Section 5060.30, Line 3, after the words General Manager add, "*and/or the President,*" may elect to bring a matter requiring Board action... Discussion ensued relative to whether the Board could approve the second reading with the additional amendment, or if it had to be brought back to the Board at the next regular Board meeting for approval. General Counsel opined that the Policy could not be approved for second reading tonight; it would need to be revised by staff and brought back for an amended second reading at the September Board Meeting.

Motion by Director Maynard, seconded by Director DeMarco to amend Policy No. 5030 Committees of the Board of Directors to include the addition to Section 5060.30, Line 3, "*and/or the President*" and bring the policy back for second reading at the September 8, 2015 regular board meeting. Motion passed 5-0.

**3. APPROVAL OF A PERMIT FOR A PRESCHOOL AT ROSSMOOR PARK**

Recommendation of the Parks & Facilities Committee to authorize the General Manager to execute a Contract Service Agreement (CSA) with the Children's Garden Preschool at Rossmoor Park and to process the application of a permit to operate a preschool at Rossmoor Park, subject to the following conditions of the committee: The applicant obtains the insurance required in the CSA and the proposed storage facility be approved by the District.

Discussion ensued relative to meeting the conditions of the committee. Emily Gingras stated that the preschool needed a decision from the Board this evening in order to move forward with relocation and student enrollment. Preschool Director Sandy Hill addressed the Board regarding the preschool's compliance with the contingencies of insurance and storage. She stated that she had obtained the required insurance and was working on a storage solution. She thanked the Board and staff for their assistance and cooperation.

Motion by Director Maynard, seconded by Director Casey to authorize the General Manager to execute a Contract Service Agreement (CSA) with the Children's Garden Preschool at Rossmoor Park and to process the application of a permit to operate a preschool at Rossmoor Park, contingent on the applicant obtaining the required insurance and bring the proposed storage facility solution back to the Board at the September Board Meeting. Motion passed 5-0.

**AT APPROXIMATELY 8:35 P.M. THE BOARD ADJOURNED TO CLOSED SESSION TO DISCUSS ITEMS K-1a. AND K-1b. ON THE AGENDA**

**I. CLOSED SESSION:**

**1.a. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Government Code Section 54957  
Title: General Manager

**1.b. CONFERENCE WITH LABOR NEGOTIATOR**

Government Code Section 54957.6  
District Representative: Board President  
Unrepresented Employee: General Manager

**THE BOARD RECONVENED FROM CLOSED SESSION AT 8:55 P.M. THE REGULAR CALENDAR WAS RESUMED AT THIS TIME**

General Counsel reported that at approximately 8:35 p.m. the Board adjourned to closed session to discuss two items on the agenda. There was no reportable action other than what will happen in open session.

**4. REPORTING OUT OF ACTIONS TAKEN BY THE BOARD DURING CLOSED SESSION RE: GENERAL MANAGER EVALUATION AND CONSIDERATION OF BONUS**

Recommendation to approve the amount of the bonus, if any, for the General Manager as discussed during your deliberation of Agenda Item K-1.b.

As a part of the General Manager's compensation, his Employment Agreement has provision for a bonus based on performance as determined by the Board. It is appropriate for the Board to approve a bonus, if any, in open session.

Motion by Director DeMarco, seconded by Director Maynard to approve the award of a bonus in the amount of \$5,460 for General Manager James D. Ruth. Motion passed 5-0.

**J. GENERAL MANAGER ITEMS:**

The General Manager reported that the Rush Park Canopy project was progressing and scheduled for completion by Mid-October of this year. Discussion ensued relative to a ribbon cutting ceremony.

The General Manager stated that while many of the earlier comments made during public forum by the Happy Hour Fit Club were admirable, others were inaccurate. He opined that while community support for exercise fitness groups was a worthy endeavor, the facts were being grossly misrepresented. He felt it was important to clarify the District's position for the record and refute inaccurate allegations; specifically the statements made that the Happy Hour Fit Club was prevented from having their item on the agenda. The General Manager stated that their agenda request was untimely (*at least 10 days notice is required*) and the agenda had already been completed when the request was made. Ms. Alverado and the DeVanon's were informed that the item would be placed on the subsequent September agenda to be addressed at that time. He concluded that the Parks and Facilities Committee would meet with Ms. DeVanon again and work to resolve the issues based upon whatever is the standard for similar activities. The committee would then report their results back to the Board at the September 8, 2015 regular meeting.

#### **K. BOARD MEMBER ITEMS**

Director Burgess had comments relative to changing the verbiage contained in Item J: on the agenda. The General Manager stated that General Counsel had advised that the change be placed on the agenda for the September regular meeting. Director Burgess had comments relative to the Rossmoor Advisory Committee Meeting and the Latent Powers process. He requested a brief summary of the process and cost estimates on related attorney fees. The General Manager stated that he would be meeting with Carolyn Emery later on in the week and would report his findings back to the Board. Director Burgess had additional comments relative to the potential of additional costs related to the canopy shade structure project. He also had inquiries relative to the emails he sent about the Rossmoor Playground slide demolition. The General Manager stated that all inquiries had been followed up on.

Director Casey reported on his attendance at the OCTA Steering Committee Meeting. He stated that the new Project Engineer was Jeff Mills. He provided various important meeting dates on the I-405 Project. He announced that there was an OCTA Project Presentation tentatively scheduled for Thursday, September 10, 2015 in the Rush Park Auditorium. He also announced his intent to provide the board with future updates which included a visual slide presentation at the next regular meeting.

Director DeMarco thanked Kevin Pierce for expressing his views regarding the Bradbury Road restriping. He encouraged all Rossmoor residents to express their views. He thanked General Manager Ruth for his outreach efforts relative to the Montecito Road lighting issue on behalf of the District. He added that the RCSD benefitted greatly from the relationships Mr. Ruth had with the County and he appreciated the follow up. Director DeMarco commented that he had observed many sprinklers on during daytime hours. He encouraged residents to check their sprinkler timers and comply with the Golden State Water Company's drought mandate watering restriction times. He announced that he would be attending the Traffic Committee Meeting tomorrow at Montecito Center and would update the board at the September Board Meeting. He thanked Lt. Gunzel for the



quarterly crime report and reminded residents to be more vigilant about locking their homes and vehicles.

Director Maynard refuted the Happy Hour Fit Club’s allegations that they were prevented from having their exercise boot camp item placed on the agenda. He stated that the request was untimely and the group was informed that they first had to meet again with the committee prior to the next regular board meeting where the item would be voted on by the Board. He encouraged residents to review the agenda submission policy and submit their concerns accordingly. Director Maynard announced that the Rossmoor Advisory Committee had met with LAFCO Executive Officer Carolyn Emery. She had briefed the committee on many of the new regulations and requirements governing latent powers applications. The process was now considerably stricter. Applicants were now required to thoroughly research three individual service providers for each latent power and submit each one as a potential service provider. He added that there was much work to be done. In conclusion he urged residents to be cautious of all of the back-to-school related traffic, children and activity.

President Kahlert thanked the community for their tremendous response and attendance this evening. He stated that it was clear that the community cared about the fitness club issue. He added that the District wanted local businesses to be successful and were committed to working with the Happy Hour Fit Club toward a solution. He encouraged all residents to attend the meetings which are broadcast on LATV-3 as well as on the District website. President Kahlert announced that the new canopy shade structure project was scheduled for completion this fall. He stated that the project was good for the community and would prove to be an ideal place to hold outdoor events and activities. In an effort to streamline the agenda process he asked that Board members with detailed questions about consent calendar and agenda items be sure to contact staff beforehand in order to give them an opportunity to provide clarification. He announced that the final movie and concert in the RCSD’s Stellar Summer Events would be held this month—free family entertainment for all. Finally, President Kahlert asked residents to mark their calendars for the first annual Winter Extravaganza to be held on Friday, December 11<sup>th</sup> at 6:30 p.m. to include two musical performances from Los Alamitos School District School Choirs as well as more family fun to be announced.

**ITEM K-1 WAS MOVED AHEAD OF ITEM H-4 IN THE AGENDA**

**L. CLOSED SESSION:**

**1.a. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Government Code Section 54957

Title: General Manager

**1.b. CONFERENCE WITH LABOR NEGOTIATOR**

Government Code Section 54957.6

District Representative: Board President

Unrepresented Employee: General Manager

**I. ADJOURNMENT:**

Motion by Director Casey, seconded by Director DeMarco to adjourn the regular meeting at 9:30

p.m. Motion passed 5-0.

**SUBMITTED BY:**  
**James D. Ruth**  
**General Manager**