



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

REGULAR MEETING

RUSH PARK
3021 Blume Drive
Rossmoor, California

Tuesday, May 14, 2019

A. ORGANIZATION

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

- 2. ROLL CALL:** Directors Kahlert, Maynard, Nitikman
President Casey
Director DeMarco had an excused absence and arrived at 10:12 p.m.

3. PLEDGE OF ALLEGIANCE: Boy Scouts

4. PRESENTATIONS:

a. Junior Girl Scout Troop 3262 Certificates of Recognition for Bronze Award Project Innovation

RCSD Board President Ron Casey presented certificates to Junior Girl Scout Troop 3262 Members: Gabrielle Carlton, Darcy Langdale, Kassidy Lee, Ellie Sutherland, Mia Tsai, Elise Morales, Elise Chou, Abigail Yee, Chloe Langston, Kemoni Turner, Emiko Tsouras, Catherine Russell. Photos were taken and applause ensued. The presentation was received and filed.

b. President Ron Casey Presentation of 2019 Arbor Day Poster Contest Awards

RCSD Board President Ron Casey presented award certificates to 2019 Arbor Day Poster Contest Award Winners: Lucia Bernal, Jordyn Franklin, Saige Sauvao, Aasha Patel, Hayden Mack and Sadie Sauvao. Photos were taken and applause ensued. The presentation was received and filed.

c. Orange County Sheriff's Department Re: Quarterly Crime Statistics

Lieutenant Pat Rich with the Orange County Sheriff's Department, reported on the Rossmoor First Quarter Crime Statistics. He stated that the Sheriff's Department had also partnered with the District on a number of successful events including the Drug Take Back Day in April at Rush Park and the Rossmoor Community Festival and National Day of Prayer in May. Lieutenant Rich went on to discuss a recent high-profile home invasion incident that occurred in Rossmoor. The incident was erroneously reported by the media to have occurred in Los Alamitos but actually took place in Rossmoor. The perpetrator, known to have mental health issues and under the influence of drugs, was arrested by the Orange County Sheriff's Department at an elementary

school located in Rossmoor. The news media also erroneously reported that the perpetrator was a Rossmoor resident; he was not. The presentation was received and filed.

d. California Highway Patrol Officer Re: Quarterly Traffic Report

California Highway Patrol Office Mike La Rochia reported on traffic trends and citations issued in the Rossmoor Community. Officer La Rochia indicated that his focus was primarily on school traffic and speeding as well as rolling stops. He stated that he had met with residents on Martha Ann to discuss their concerns regarding the excessive speeding on that road and potential solutions. The presentation was received and filed.

e. President Ron Casey Re: Proclamation of Appreciation for Outgoing Board Member Bill Kahlert

President Ron Casey presented outgoing Director Bill Kahlert with a Proclamation of Appreciation and parting gift in recognition of his more than eight years of service on the Board. Photos were taken. Applause ensued. The presentation was received and filed.

ITEM F-1 WAS MOVED UP IN THE AGENDA AT THIS TIME. PRESIDENT CASEY OPENED THE PUBLIC HEARING

F. PUBLIC HEARING

1. APPEAL OF NOTICE OF VIOLATION AND DEMAND TO PAY EXPENSES AND DAMAGES FOR UNAUTHORIZED TREE PRUNING

The General Manager reported that the Tree Committee Meeting convened at 7:30 a.m. on Thursday, January 3, 2019 in the West Room at Rush Park. RCSD General Manager recommended that the Tree/Parkways Committee agree on an appropriate monetary fine for the severe topping and destructive pruning of two large established parkway trees by resident Glen Gomez. It was agreed by the Tree Committee that the General Manager would make the determination as to the amount owed and that a demand letter would be sent to the resident requesting payment for damages. Later on January 3, 2019, Mr. Gomez sent an email to the District explaining why he trimmed the trees.

On April 5, 2019 a NOTICE OF VIOLATION OF RCSD PARKWAY TREE MAINTENANCE POLICY AND DEMAND TO PAY EXPENSES AND DAMAGES was sent via certified mail to Glen Gomez stating that Mr. Gomez is required to submit payment to the RCSD for damages equaling one-third the value of these trees for a total amount of \$6,826.00.

Mr. Gomez has appealed the violation and \$6,826.00 amount owed in a letter dated April 8, 2019, addressed to General Manager Joe Mendoza and delivered to the Rush Park District office. Mr. Gomez has paid the applicable appeal fee.

Mr. Glen Gomez addressed the Board to opine relative to his appeal. He alleged that he trimmed the parkway tree due to safety concerns.

Mrs. Joyce Bloom appealed to the Board on behalf of Mr. Gomez and asked them to consider reducing or dropping the fine. She alleged that residents often trim the parkway trees in front of their homes for a variety of reasons.

Jason Reed opined on behalf of Mr. Gomez. He stated that he was unaware of the District Tree Policy and he had been a Rossmoor resident for 10 years.

District Tree Consultant Mary Kingman stated that the District mails out a welcome brochure to all new residents of Rossmoor which explains the tree policy, articles are frequently published in the District quarterly newsletter and a postcard specific to the parkway tree policy was mailed to each resident. She added that the tree policy is on the District website.

SEEING NO FURTHER PUBLIC COMMENTS, PRESIDENT CASEY CLOSED THE PUBLIC HEARING AND THE BOARD DELIBERATED OVER THE TESTIMONY RECEIVED.

It was the consensus of the Board that Mr. Glen Gomez was fully aware of the District's Tree Policy. Furthermore, he had been advised by District Arborist Mary Kingman not to trim the tree and chose to trim it anyway. Motion by Director Nitikman, seconded by Director Kahlert to uphold the decision of the General Manager to require Mr. Glen Gomez to pay expenses and damages in the amount of \$6,826.00 for unauthorized parkway tree pruning. Motion passed 4-0.

AT THIS TIME THE BOARD RETURNED TO REGULAR AGENDA, ITEM A-5

A. BOARD VACANCY

5. DISCUSSION AND POSSIBLE ACTION RE: APPOINTMENT TO FILL BOARD VACANCY

The General Manager reported that on May 1, 2019 Director Kahlert stated his intention to formally resign from his position at the May 14, 2019 Board Meeting. It is anticipated that Director Kahlert's resignation will be effective on May 15, 2019. The Board's options are to: 1) appoint a Director to fill Director Kahlert's position; or 2) call an election within 60 days of being notified of the vacancy.

If the Board makes an appointment to fill the position, that appointee would serve until the next regularly scheduled election in 2020. Following the election, the person so elected would then serve the remainder of Director Kahlert's term until 2022. If the Board chooses to call an election, the election will have to be on the next election date that is 130 or more days after the date the Board calls the election. Should the Board decide to appoint a successor rather than call for an election, a Notice of Vacancy will be posted.

Discussion ensued regarding the fact that a special election would cost taxpayers over \$8,000. Motion by Director Nitikman, seconded by Director Kahlert to appoint a successor to the vacant board seat rather than call for an election; post a Notice of Vacancy. Motion passed 4-0.

Resident Joyce Bloom opined in favor of an election over an appointment. Director Kahlert addressed Ms. Bloom's comment by reminding her that last year both his seat and Director Nitikman's seats were up for election and no one in the community chose to run against them, therefore they were elected.

B. ADDITIONS TO AGENDA—None

C. PUBLIC FORUM:

Candidate Jim Fisler, Mesa Water District Director and OC LAFCO Alternate, addressed the Board and asked for their vote in the upcoming OC LAFCO Election representing the Special Districts of Orange County. The seat is being vacated by Charlie Wilson, who is retiring.

Director Nitikman had questions relative to whether the LAFCO Board would consider removing Rossmoor from the Sphere of Influence of Los Alamitos.

Doug Davert, Vice Chair of OC LAFCO spoke in support of Jim Fisler. He stated that LAFCO will be starting the Municipal Service Review process soon. Over the past year, LAFCO has worked to be less regulatory and more cooperative with Special Districts. Mr. Fisler encouraged Rossmoor to submit a request to be removed from the Sphere of Influence (SOI) of Los Alamitos as there was a good chance the request would find support on the LAFCO Board.

Saundra Jacobs, President of the Santa Margarita Water District addressed the RCSD Board and announced she was also running for the LAFCO Special District Seat. She provided an overview of her unique qualifications and asked for their vote in the upcoming OC LAFCO Election. Mrs. Jacobs stated that if elected, her approach will be to represent the County as a whole in the least divisive way possible and added that she would not support forced annexations or politicizing the MSR process.

D. REPORTS TO THE BOARD:

1. GENERAL MANAGER QUARTERLY STATUS REPORT

The General Manager reported that he had met with City Managers from the surrounding communities of Cypress, Los Alamitos and Seal Beach to discuss issues and possible collaborations that would benefit respective agencies. He and President Casey had also met with LAFCO Executive Director Carolyn Emery and LAFCO Assistant Executive Officer Debra Kurita. He stated that the discussion was very informative and opened lines of communication. He provided an overview of the National Day of Prayer and Rossmoor Community Festival. The report was received and filed.

2. QUARTERLY PARKS AND FACILITIES MAINTENANCE REPORT

Park Superintendent Omero Perez reported on the success of the LED Street Lighting installation and recent improvements to District parks and facilities. The report was received and filed.

3. QUARTERLY RECREATION REPORT

Recreation Superintendent provided an after action report on the Rossmoor Community Festival. He provided an overview of the upcoming summer events program. The report was received and filed.

4. QUARTERLY TREES REPORT

District Tree Consultant Mary Kingman reported on the success of the recent Arbor Day Celebration Event and Tree Poster Contest. The report was received and filed.

5. GENERAL MANAGER REPORT RE: RESULTS OF DISTRICT SURVEY

The General Manager reported the Rossmoor Community Services District just concluded its comprehensive survey of District Programs and Services immediately after the May 5, 2019 Rossmoor Community Festival. The survey was thoughtfully designed to help the District identify how its assets are being utilized, which programs and services are most popular and to discover opportunities for future growth and development. As a result of these efforts a total of 480 responses were gathered. A total of 136 additional responses were gathered at the RCSD festival booth for a grand total of 616 respondents. Discussion ensued relative to the results. The Board was impressed with the number of responses and found the results to be illuminating, particularly those pertaining to the low attendance at the JFTB 4th of July Spectacular and Shakespeare in the Park. The report was received and filed.

E. CONSENT CALENDAR:

DIRECTOR MAYNARD REQUESTED THAT THE ITEMS E-1a. and E-2 ON THE CONSENT CALENDAR BE PULLED AND MOVED TO THE JUNE 11, 2019 BOARD MEETING DUE TO LACK OF A QUORUM PRESENT AT THE APRIL 9, 2019 BOARD MEETING TO VOTE ON THOSE ITEMS

1a. MINUTES OF THE REGULAR BOARD MEETING—April 9, 2019

2. REVENUE AND EXPENDITURE REPORT—March 2019

Motion by Director Maynard, seconded by Director Nitikman, to approve Item E-2, March Revenue and Expenditure Report, on the Consent Calendar as submitted. Motion passed 4-0.

F. PUBLIC HEARING:

1. APPEAL OF NOTICE OF VIOLATION AND DEMAND TO PAY EXPENSES AND DAMAGES FOR UNAUTHORIZED TREE PRUNING (Moved up earlier in the agenda)

G. RESOLUTIONS: None

ORDINANCES—None

H. REGULAR CALENDAR:

1. CITY OF LOS ALAMITOS REQUEST FOR FUNDING FOR THE ANNUAL “4TH OF JULY FIREWORKS SPECTACULAR” AT THE JOINT FORCES TRAINING BASE

The General Manager requested authorization from the Board of Directors to contribute funds in the amount of \$6,200 to the 4th of July Fireworks Spectacular event at the JFTB.

Discussion ensued. Director Nitikman remarked that Rossmoor Community Services District Survey Results indicated that only 15% of residents participated in the JFTB 4th of July Spectacular Event. Motion by Director Nitikman, seconded by Director Maynard, to deny the request from the City of Los Alamitos for funding in the amount of \$6,200 for the annual 4th of July Fireworks Spectacular at the Joint Forces Training Base. Motion passed 3-1, with Director Kahlert voting No.

2. FIRST READING FOR NEW RCSD POLICY NO. 2400 BACKGROUND SCREENING FOR EMPLOYEES, CONTRACTORS AND VOLUNTEERS WORKING WITH MINORS

Discussion ensued. Director Nitikman had questions relative to Section 2400.30 where the types of misdemeanors listed seemed unrelated to working with children. Director Maynard asked if all volunteers would be required to have background checks and wanted to know the distinction. District General Counsel Tarquin Preziosi explained the nuances of the language.

Motion by Director Nitikman, seconded by Director Maynard, to approve first reading of new Policy No. 2400 Background Screening for Employees, Contractors and Volunteers Working with Minors. Motion passed 4-0.

3. APPROVAL OF AMENDMENT NO. 1 TO COOPERATIVE PROGRAMMING AGREEMENT BETWEEN ROSSMOOR COMMUNITY SERVICES DISTRICT AND LOS ALAMITOS YOUTH CENTER (2018-2021)

Discuss General Manager recommendation to approve Amendment No. 1 to Youth Center Rossmoor Park Summer Day Camp and R.A.S.C.A.L.S. After School Program Cooperative Program Agreement (2018-2021), which expands the R.A.S.C.A.L.S. After School Program to Rush Park as well.

Discussion ensued. Director Nitikman requested that language be added to the amendment requiring the Youth Center to maintain an annual roster in order to keep track of how many residents and non residents were enrolled in the program. Director Kahlert questioned the purpose of collecting said data and wanted to know how it would be utilized.

Motion by Director Nitikman, seconded by Director Maynard, to approve Amendment No. 1 to Cooperative Programming Agreement Between Rossmoor Community Services District and Los Alamitos Youth Center (2018-2021) with the addition requested by Director Nitikman to require the Youth Center to maintain an annual roster to track how many residents versus non residents were enrolled in the program. Motion passed, 3-1 with Director Kahlert voting No.

AT THIS TIME PRESIDENT CASEY MOVED ITEM L-1 CLOSED SESSION UP IN THE AGENDA.

AT APPROXIMATELY 10:12 P.M. THE BOARD ADJOURNED TO CLOSED SESSION

L. CLOSED SESSION:

- 1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Pursuant to Government Code Section 54957
Title: General Manager

AT APPROXIMATELY 10:30 P.M. THE BOARD RECONVENED FROM CLOSED SESSION

General Counsel reported that at approximately 10:12 p.m. Director DeMarco arrived and joined the Board in closed session. The Board reconvened at 10:30 p.m. There was no reportable action.

I. GENERAL MANAGER ITEMS:

General Manager Joe Mendoza reported that in light of recent controversy and safety concerns surrounding the use of landscaping and weed abatement products containing Glyphosate, the District has taken a proactive approach and has ceased the use of these products. The cities of Long Beach and Irvine have taken similar approaches and he is working with them to research alternative remedies. They will not add additional spraying and will be doing some work by hand. He also reported that the Rossmoor/Los Alamitos Sewer District is conducting a survey regarding some upcoming manhole and sewer line construction in Rossmoor and surrounding areas in 2020. The District would be placing a link on their website to make it easier for residents to provide input. The General Manager also provided an overview of the latest Traffic Safety Ad Hoc Committee Meetings and stated that the committee has a clear vision going forward of potential remedies for street sweeping and parking related concerns, to include future stakeholder meetings. The report was received and filed.

J. BOARD MEMBER ITEMS:

Director Maynard thanked everyone for their attendance at tonight's Farewell Reception and board meeting. He stated that he was pleased with the turnout at the May 3rd National Day of Prayer event at Rush Park on and hoped the organizers make it an annual event. He thanked everyone for attending the Rossmoor Community Festival on May 5th. Finally, he praised Director Kahlert for his over eight years of service on the RCSD Board and his many accomplishments. He stated that he would be missed and wished him well in his new life.

Director Nitikman thanked District staff for doing such a great job on the District survey and collecting so many responses. He encouraged the District to continue public outreach and engagement efforts. He opined that the RCSD and RHA needed to maintain a good relationship and work towards productive communication. He bid farewell to outgoing Director Bill Kahlert, stating that he would be missed and wished him luck in his future ventures.

President Casey stated that he was pleased at the success of the Rossmoor Community Festival on May 5th. State Senator Umberg attended the festival and was very impressed. He complimented the National Day of Prayer Event as being well attended and well organized. He discussed his recent meeting with Local Agency Formation Corporation (LAFCO) Representative Carolyn Emery and recent LAFCO reforms affecting the upcoming Municipal Service Review (MSR). Lastly, President Casey stated that the contributions Director Kahlert has made to the Rossmoor Community Services District were too numerous to mention. It was eight years ago that Director Kahlert joined the Board of Directors, he founded the Rossmoor Winter Festival, and if Rossmoor ever develops a calendar, Director Kahlert would be known as "Mr. December".

PRESIDENT CASEY HANDED THE GAVEL TO DIRECTOR KAHLERT TO MAKE HIS FINAL COMMENTS AND ADJOURN THE MEETING

Director Kahlert praised the Boy Scouts and Girl Scouts for their participation at the reception and board meeting. He stated that he had been an Eagle Scout and including them in the event was a great idea. He praised district staff for their hard work and personal growth over the years. He was pleased to see that the summer events continue to be enhanced. He opined that Rossmoor is designated as a Tree City USA and those who choose to reside in Rossmoor need to understand that it is a responsibility to obey the rules with regards to parkway trees. He further opined against

the District spending time and resources trying to build relationships with agencies that reject those efforts and may not have the best interests of the community in mind. Director Kahlert concluded by praising each of his fellow Board Members for their unique talents and contributions. He added that the RCSD Board was the hardest working Board out there. He stated that he had raised his family in Rossmoor, his children attended Rossmoor schools, it was a great place and he had a fantastic time serving the community.

K. GENERAL COUNSEL ITEMS: None

L. CLOSED SESSION:

1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code Section 54957
Title: General Manager

THIS ITEM WAS MOVED UP IN THE AGENDA

M. ADJOURNMENT:

Motion by Director Maynard, seconded by Director DeMarco, to adjourn the regular meeting at 11:00 p.m. Motion passed 5-0.

SUBMITTED BY:

**Joe Mendoza
General Manager**