



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

REGULAR MEETING

RUSH PARK
3021 Blume Drive
Rossmoor, California

Tuesday, October 8, 2013

A. ORGANIZATION

- 1. CALL TO ORDER: 7:02 P.M.**
- 2. ROLL CALL: Directors Coletta, Casey, Kahlert
President Maynard**
- 3. PLEDGE OF ALLEGIANCE**

PRESIDENT MAYNARD MADE A BRIEF PUBLIC STATEMENT AT THIS TIME

President Maynard had comments relative to the recent changes in District Staffing: Resignation of General Manager Chris Montana; Appointment of Henry Taboada as Interim General Manager, and addressed the cancellation of the September 2013 Board Meeting. He stated that he would keep the community informed regarding the General Manager recruitment process and to that end, announced that he was forming a Personnel Ad Hoc Committee consisting of himself and Director Coletta to review applications, interview potential candidates and make recommendations to the Board for the appointing of a new General Manager for the District.

**IT WAS THE CONSENSUS OF THE BOARD AND GENERAL COUNSEL THAT ITEM H-2
BE PULLED FROM THE AGENDA AT THIS TIME**

4. PRESENTATIONS-None

B. ADDITIONS TO AGENDA-None

C. PUBLIC FORUM:

Los Alamitos Youth Center Community Relations Director, Lisa Lee relayed various milestones and statistics relative to the Youth Center. She stated that the Youth Center was proud to serve over 3,000 families every day and this year's Summer Day Camp program provided a record number of scholarships (38) to the community. She added that the Youth Center offers the only free after school drop in program in the area and they project at least 300 children will take advantage of the

after school program this year. Ms. Lee concluded that the success of the Youth Center was due to the collaborative relationships and partnerships with organizations like the Rossmoor Community Services District. She thanked the District for its ongoing support of the Youth Center Summer Day Camp Program.

City of Westminster Councilmember and I-405 Freeway Chair for the Corridor Cities, Diana Lee Carey presented updates relative to the I-405 Project Toll Lanes issue. She stated that although there were many other options to consider besides toll lanes, OCTA and CalTrans favored toll lanes. She recited background information regarding the efforts of the City of Westminster thus far, to prevent implementation of toll lanes. She stated that the City of Westminster would be having a Town Hall Meeting in the East/West Room of Westminster City Hall located at 8200 Westminster Blvd. on Tuesday, October 29, 2013 to oppose the I-405 Project Toll Lanes and encouraged everyone to attend, one last time, to make their voices heard and their presence felt. She invited the public to connect with her on her Facebook page.

Dave Burgess had comments relative to his independent historical calculations on the Rush Park Bond and questions relative to bond fund allocations.

Cheryl Williamsen announced the Emergency Preparedness Town Hall Meeting on Thursday, October 10, 2013 in the Rush Park Auditorium. She highlighted the fact that the event was customized to the local community of Rossmoor and provided an overview of the program schedule, keynote speakers and demonstrations. Attendees would be shown how to make a simple emergency preparedness kit. She welcomed all residents and non residents to attend.

D. REPORTS TO THE BOARD

1. GENERAL MANAGER REPORT ON GOVERNANCE

Recommendation to receive the Harvey Rose Company Analysis (an update to the District's December 11, 2012 report) related to governance, review the presentation from the Harvey Rose Company, and provide direction to the General Manager on future governance initiatives.

Mr. Fred Brousseau, Principal with the Harvey Rose Company gave a PowerPoint presentation relative to the analysis and conclusions contained in his report. The analysis dispelled the myth that Rossmoor is a fiscal drain on the County and serves as a platform for making a case with the County Board of Supervisors that Rossmoor's objective of attaining additional latent powers was based on sound fiscal criteria; critical for obtaining the transfer of funds from the County to contract back for direct services to Rossmoor.

At this time President Maynard opened up the floor for public comment.

Mark Nitikman had questions as to the methodology, and inquired as to whether the County's numbers had been reviewed for reasonableness. Jim Alexander contrasted Rossmoor's current relationship with the County Board of Supervisors to the more cooperative relationship that existed in the past. Erwin Anisman opined relative to the discrepancies in the LAFCO Comprehensive Fiscal Analysis report and the contradictions contained within the current Harvey Rose Co. report,

which may have influenced the outcome of Rossmoor's incorporation efforts as it would have negated the need for a Utility Users Tax (UUT) requirement.

Fred Brousseau answered that the County numbers had indeed been reviewed for reasonableness. He commented that the County did not provide a model, but only provided basic records whereas the Sheriff's Department data was much more comprehensive. He stated that more detail was contained in the written report.

Director DeMarco inquired as to the location of the Harvey Rose Report on the District website. The Administrative Assistant stated that the report was currently contained within the agenda packet, however, she would extract the document as a separate file on the website to make it even easier for the public to access.

Director DeMarco requested the General Manager briefly restate the fact that the District is not attempting to go after cityhood again, but is instead using the Harvey Rose report as a tool to convince the County Board of Supervisors to grant Rossmoor Latent Powers. The General Manager provided background and clarification relative to the reasons for the District's pursuit of Latent Powers and outlined the benefits of dedicated services for the community.

Director Coletta requested clarification as to the timeline and the outcome of communications between Fred Brousseau and various County Officials. Fred Brousseau and Henry Taboada responded. President Maynard asked the General Manager if the Harvey Rose Co. report could be considered a validated study. The General Manager stated that it could definitely be considered a validated study.

Motion by Director Coletta, seconded by Director Kahlert to receive the report, review the presentation from Harvey Rose and authorize the General Manager to proceed with the next phase: Meet with County Supervisors to inform them about the fiscal stability of the District; demonstrate Rossmoor's position that the transfer of funds (County General Fund—RCSD—County departments) is a zero sum scenario with no revenue loss to the County, and request that County Supervisors agendize approval of an MOU with the District for the transfer of funds. Once said funds are obtained, the District will submit an application to LAFCO for Latent Powers. Motion passed 5-0.

2. AUDIT COMMITTEE REPORT ON FY 2012-2013 AUDIT

Recommendation to receive the report of the Audit Committee, approve the FY 2012-2013 Annual Audit Report and approve the recommendations contained in the Management Letter.

Terry Shea with District Auditor Rogers, Anderson, Malody and Scott (RAMS) reported on the Audit Management letter and RAMS Auditor Brad Welebir reported on the financials. Both gentlemen stated that the District had received an unmodified audit—the highest rating available.

Director Casey had questions relative to the Rossmoor Signature Wall repair. The General Manager reported that the committee also reviewed the Management Letter. Management concurred with the Auditor's recommendation that the District could use excess reserve funds in

Fund 30 to pay down a portion of the outstanding debt, but as only one option. Staff recommended that the excess funds instead be used for repair of the Rossmoor Wall which has a substantial number of bricks which are weathered and are deteriorating and/or crumbling. Cost estimates are being sought for those repairs and when received, staff will recommend to the CIP that a project be established in Fund 40 for those repairs. The Committee and the Auditor agreed with Management's recommendation on the use of the reserve funds for maintenance of the wall. The report was received and filed.

3. PARKS & FACILITIES COMMITTEE REPORT

General Manager recommendation to receive the report.

The General Manager reported that the Parks and Facilities Ad Hoc committee had informally met with staff and General Counsel on September 24, 2013 in an informal workshop to discuss several issues related to use of District property and enforcement of District rules. The objectives of the workshop included: 1) Review of current policies. 2) Discussion of operational issues regarding park usage. 3) Discussion of possible policy amendments to be formally taken up by the Parks & Facilities Committee. Based on discussions at the workshop, this matter will be agendaized for a future Committee Parks & Facilities meeting to consider formal recommendations to the Board. The report was received and filed.

4. TREE/PARKWAY COMMITTEE REPORT

Receive the report of the Committee and request that the Board give first reading to proposed amendments to Policy No. 3080 Parkway and Rossmoor Median Tree Maintenance at Agenda Item H-1 further in the agenda.

The General Manager reported that the Tree/Parkway Committee met on September 25, 2013 and discussed several tree issues relative to the status of tree planting in covered parkways and resident refusal for the planting of a tree in plantable sites. The Committee also discussed the Districts procedures for the maintenance of the community's urban forest. Staff presented procedures from other communities which were reviewed by the Committee with no immediate action taken. Lastly, the Committee reviewed and recommended Board approval for first reading of the proposed amendments to Policy No. 3080 Parkway and Rossmoor Median Tree Maintenance. The Committee also reviewed President Maynard's proposal to designate the Tree/Parkway Committee a standing committee of the Board. Discussion ensued. The report was received and filed.

5. PUBLIC WORKS/CIP COMMITTEE REPORT

Approve the recommendation of the Public Works/CIP Committee to commence the Rush Park Playground CIP project as follows: Authorize the General Manager to: 1) Enter into an agreement to purchase playground equipment from Game Time utilizing the U.S. Communities Joint Purchasing program in the amount of \$54,291 based on the renderings attached. 2) Go out to public bid for demolition, site work, prep work and installation of playground equipment. 3) Enter into an agreement with Tot Turf for either 50/50% rubber surface/sand at a cost of \$29,392 or 100% rubber surface at a cost of \$53,587 for ADA compliance utilizing the CMAS Joint Purchasing

Authority. Discussion ensued relative to playground surfacing options pros and cons, resident survey results, permit forecasting and project cost differentials.

Motion by Director Kahlert, seconded by Director DeMarco to enter into an agreement to purchase playground equipment from Game Time utilizing the U.S. Communities Joint Purchasing program in the amount of \$54,291 based on the renderings attached. Motion passed 5-0.

Motion by Director Casey, seconded by Director DeMarco to go out to public bid for demolition, site work, prep work and installation of playground equipment. Motion passed 5-0.

Motion by Director Casey, seconded by Director Kahlert to enter into an agreement with Tot Turf for a 50/50% rubber surface/sand at a cost of \$29,392 for ADA compliance utilizing the CMAS Joint Purchasing Authority. Motion passed 3-2, with President Maynard and Director DeMarco voting No.

E. CONSENT CALENDAR

Recommendation to approve the items on the Consent Calendar as submitted.

1a. MINUTES SPECIAL BOARD MEETING—August 12, 2013

1b. MINUTES REGULAR BOARD MEETING—August 13, 2013

1c. MINUTES SPECIAL BOARD MEETING—August 20, 2013

1d. MINUTES REGULAR BOARD MEETING—September 10, 2013—Meeting Cancelled

2. REVENUE AND EXPENDITURE REPORT—July 2013

3. REVENUE AND EXPENDITURE REPORT—August 2013

Motion by Director Casey, seconded by Director Coletta to approve the items on the Consent Calendar as submitted. The Consent Calendar was unanimously approved as submitted, 5-0.

F. PUBLIC HEARING-None

G. RESOLUTIONS:

1. RESOLUTION NO 13-10-08-01

Recommendation to approve Resolution No. 13-10-08-01 by reading the title only and waiving further reading as follows:

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE ROSSMOOR COMMUNITY SERVICES DISTRICT DESIGNATING CERTAIN DISTRICT OFFICIALS TO TRANSACT BUSINESS WITH FINANCIAL INSTITUTIONS WHICH

HOUSE THE DISTRICT'S INVESTMENTS, SAVINGS OR OTHER FINANCIAL ACCOUNTS.

Motion by Director Casey, seconded by Director Kahlert to approve Resolution No. 13-10-08-13
Motion passed 5-0.

H. REGULAR CALENDAR:

1. FIRST READING OF PROPOSED AMENDMENTS TO POLICY NO. 3080 PARKWAY AND ROSSMOOR MEDIAN TREE MAINTENANCE RE: NUISANCE ENFORCEMENT BY CIVIL ACTION—ATTORNEY'S FEES.

Recommendation to give first reading to proposed amendments to Policy No. 3080 Parkway and Rossmoor Median Tree Maintenance.

Brief Discussion ensued. Motion by Director DeMarco, seconded by Director Casey to give first reading to proposed amendments to Policy No. 3080 Parkway and Rossmoor Median Tree Maintenance. Motion passed 5-0.

2. CITIZEN APPEALS: ILLEGAL TREE REMOVAL AND APPEAL OF TREE PLANTING (THIS ITEM WAS REMOVED FROM THE AGENDA FOR DISCUSSION AT A LATER DATE).

3. REQUEST BY THE ROSSMOOR HOMEOWNERS ASSOCIATION (RHA) FOR COSPONSORSHIP OF THE 2013 ROSSMOOR COMMUNITY FESTIVAL

Recommendation to consider the request of the RHA for cosponsorship of the Rossmoor Community Festival event.

Mark Nitikman addressed the Board on behalf of the RHA. He stated that the annual Rossmoor Community Festival was increasing in size and success each year and encouraged a continued partnership with the District. He referenced the after action report and added that while the addition of food trucks had been a success, more were needed. Discussion ensued relative to a suggestion by Director Coletta to include the Rossmoor Shopping Village Business District in the 2014 festivities. He added that Rossmoor had some great restaurants such as The Original Fish Company, Blake's Place Barbeque, Fortune Cookie and Polly's Pies, to name a few. President Maynard concurred and suggested a Polly's Pies pie eating contest and or pie walk.

Mark Nitikman also announced that the condominium parking issues Montecito Road would be temporarily alleviated by an offer from the Shops at Rossmoor to have tenants sign a temporary licensing agreement allowing them to park free in the center during the condo construction.

Motion by Director Casey, seconded by Director Kahlert to approve the request of the RHA for cosponsorship of the Rossmoor Community Festival event. Motion passed 5-0.

I. GENERAL MANAGER ITEMS

Henry Taboada thanked the Board for their expression of confidence in him in appointing him the Interim General Manager. He stated that he would keep the Board and public apprised regarding the recruitment process for a new General Manager. He added that an Ad Hoc Personnel Committee consisting of President Maynard and Director Coletta had been established for candidate selection purposes and a Special Meeting would be scheduled soon.

The Interim General Manager also reported that he and Consultant Cheryl Williamsen had secured the agreement for the monument sign at the Wallingsford and Katella location. All that remained was securing the County permits and the process would be finalized.

J. BOARD MEMBER ITEMS

Director Coletta echoed the sentiments of his colleagues and reiterated his desire to see District Recreation staff and the RHA reach out to the local Rossmoor Shopping Village business owners for participation in this year's Rossmoor Community Festival.

Director Casey thanked Councilmember Diana Lee Carey for her earlier attendance at the board meeting and for speaking out and educating the community on the I-405 Toll Lanes issue. He encouraged everyone in Rossmoor and surrounding areas to show up on October 29, 2013 at the I-405 Toll Lanes Town Hall meeting at Westminster City Hall. He also thanked Liz Deering for adding the I-405 Project Update link on the District website.

Director DeMarco reported on his recent attendance at a Rossmoor Homeowner's Association meeting. He added that the meetings were great, but he was disappointed at the sparse attendance. He suggested that RHA members and the community increase their participation in the meetings. He further stated that the I-405 Toll Lanes will impact the community and encouraged everyone to band together and opine at the Westminster Toll Lane Town Hall Meeting on October 29, 2013. Finally, he reminded the community about the RHA Paper Drive which was held every last Saturday of the month and announced that they were now accepting plastic and aluminum recyclables again.

Director Kahlert requested that the District, RHA and RPMT each send out e-blast notifications to their respective contacts regarding the I-405 Toll Lanes Town Hall Meeting in Westminster on October 29th. He also requested that the YouTube video link of the Emergency Preparedness Town Hall Meeting Event be added to the District website for those who may be unable to attend. Finally he thanked Henry Taboada for stepping in as Interim General Manager and staff for their hard work during the transitional period.

President Maynard agreed with the opinions expressed by his fellow board members relative to the I-405 Toll Lanes Town Hall Meeting, and the upcoming Rossmoor Community Festival. He thanked Councilmember Diana Lee Carey for her presence this evening and reminded residents to contact her via her Facebook page.

K. CLOSED SESSION

ANNOUNCEMENT IN OPEN SESSION OF ITEMS TO BE DISCUSSED IN CLOSED SESSION AS FOLLOWS:

1. CONFERENCE WITH LEGAL COUNSEL – INITIATION OF LITIGATION

Pursuant to Government Code Section 54956.9(d)(4)

Number of potential cases: 1

AT THIS TIME PRESIDENT MAYNARD OPENED THE FLOOR FOR PUBLIC COMMENT ON THE CLOSED SESSION ITEMS. SEEING NONE PRESIDENT MAYNARD CLOSED THE FLOOR FOR PUBLIC COMMENT

THE BOARD RECESSED INTO CLOSED SESSION AT 9:45 P.M.

THE BOARD RECONVENED INTO OPEN SESSION AT 11:00 P.M.

CLOSED SESSION ANNOUNCEMENT BY GENERAL COUNSEL:

General Counsel reported that the Board had adjourned to Closed Session at approximately 9:45 p.m. pursuant to Government Code Section 54956.9(d) (4). The Board discussed the one item on the closed session agenda and voted to authorize the filing of one case. The particulars of that case will be made available to any interested party once that case is on file if disclosure of that information does not compromise the District's ability to serve the complaint on the party or compromise the District's ability to reach acceptable settlement. The closed session report was concluded.

L. ADJOURNMENT

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

SUBMITTED BY:

**Henry Taboada
Interim General Manager**