



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

**REGULAR MEETING**

RUSH PARK  
3021 Blume Drive  
Rossmoor, California

**Tuesday, July 10, 2012**

---

**A. ORGANIZATION**

- 1. CALL TO ORDER: 7:05 P.M.**
- 2. ROLL CALL: Directors Casey, Kahlert, Rips, Maynard,  
President Coletta**
- 3. PLEDGE OF ALLEGIANCE**
- 4. PRESENTATIONS-None**

**B. ADDITIONS TO AGENDA**

**1. ACTION RE: I-405 IMPROVEMENT PROJECT**

Motion by Director Maynard, seconded by Director Casey to add Item B-1, Regarding the placement of the District's formal position on the I-405 Improvement Project, as an added item to the agenda. Motion passed 5-0.

**C. PUBLIC FORUM:**

Joyce Bloom had questions relative to where she could obtain a copy of the two Attorney General Opinions. The General Manager directed her to the website and the public copy of the agenda. Ms. Bloom also stated that she was pleased that the District had decided to continue televising the monthly Board meetings.

Diane Carey, I-405 Committee Chairwoman with the City of Westminster discussed the three alternatives for the I-405 Improvement Project. Shelly Shetarsik, President of College Park East Neighborhood Association, Seal Beach City Councilmember, Gary Miller addressed the Board regarding said alternatives. Gary Miller stated that the City of Seal Beach opposed Alternatives 2 and 3, and needed more information prior to forming an opinion on Alternative 1. Lengthy discussion ensued.

**ITEM H-7-EMPLOYMENT AGREEMENT-GENERAL COUNSEL, JENKINS & HOGIN, LLP WAS TAKEN OUT OF ORDER AND MOVED UP IN THE AGENDA AT THIS TIME**

**7. EMPLOYMENT AGREEMENT-GENERAL COUNSEL, JENKINS & HOGIN, LLP.**

Recommendation to approve Employment Agreement with the law firm of Jenkins & Hogin as General Counsel for the District.

The General Manager reported that on June 21, 2012 at a Special Meeting of the Board an action was taken by the District to dismiss Best, Best & Krieger (BB&K) as their General Counsel. This decision was based on BB&K's conflicts of interest representing the County of Orange, LAFCO and the District simultaneously. This required the District to hire Special Counsel for such matters. The Board decided this was not in Rossmoor's best interest. Discussion ensued relative to the previous vetting of the qualifications of Jenkins and Hogin, LLP. The General Manager stated they were a perfect match in terms of size, expertise, cost effectiveness and furthermore, had no such conflicts with the County of Orange or LAFCO. Mr. Gregg Kovacevich answered questions relative to his qualifications and provided status on recent District assignments.

Motion by Director Maynard seconded by Director Casey to approve the Employment Agreement with the law firm of Jenkins & Hogin as General Counsel for the District. Motion passed 5-0. Mr. Kovacevich took his place at the staff table as the District's General Counsel.

**ITEM B-1 ACTION RE: I-405 IMPROVEMENT PROJECT WAS TAKEN OUT OF ORDER AND MOVED UP IN THE AGENDA AT THIS TIME**

Lengthy discussion ensued relative to the three alternatives posed by OCTA.

Motion by Director Maynard, seconded by Director Casey to direct the General Manager to draft a formal response on behalf of the District that adds to the extensively researched report that the City of Seal Beach has already prepared opposing Alternatives 2 and 3 and requesting more information on Alternative 1; reach out to the Los Alamitos Unified School District and incorporate their concerns; work with the Rossmoor Homeowner's Association Board to incorporate that organization's response and submit said response to OCTA prior to the July 17, 2012 deadline, so as to guarantee a reply that will be on record.

Discussion ensued relative to which was the better strategy; The District sending a single formal response to the OCTA in cooperation with the RHA or each respective organization sending two separate responses. General Counsel opined that both approaches had merit.

Amended Motion by Director Maynard, seconded by Director Casey to direct the General Manager to draft a formal response on behalf of the District incorporating by reference the extensively researched report prepared by the City of Seal Beach opposing Alternatives 2 and 3 and requesting more information on Alternative 1; reach out to the Los Alamitos Unified School District and incorporate their concerns, work with the Rossmore Homeowner's Association to the extent possible via their traffic committee, and submit said response to OCTA prior to the July 17, 2012 deadline, so as to guarantee a written reply that will be on record. Motion passed 5-0.

**ITEM H-3- AMENDMENT-STREET SWEEPING AGREEMENT R.F. DICKSON, LLC, WAS TAKEN OUT OF ORDER AND MOVED UP IN THE AGENDA AT THIS TIME**

**3. AMENDMENT-STREET SWEEPING AGREEMENT R.F. DICKSON, LLC.**

Provide direction to General Manager regarding a request from R. F. Dickson Co. for a contract amendment.

Steve Dickson, President of R.F. Dickson, LLC addressed the Board relative to a request for a 2.5% price increase stating that a price increase had not been authorized for the past 4 years. He stated that the cost of doing business had gone up substantially due to health care and salaries for employees, fuel costs, equipment and repair costs, AMD requirements and an aging fleet and as such he was requesting a 2.5% price increase and CPI adjustment. Discussion ensued relative to contract language, and clarification between salary percentage increases and CPI increases and how those numbers would translate in future years. Discussion ensued relative to drafting a new amended and restated agreement.

Residents Dave Burgess, Ken Brown and Joyce Bloom all had comments in support of approving the amended and restated agreement requested by R.F. Dickson Co.

Motion by President Coletta seconded by Director Rips to approve the flat rate 2.5% increase for calendar year 2012/2013 and 2013/2014 as agreed to by the Board in previous Board meetings. Beginning in 2013/2014 the increase would include the 2.5% base rate and CPI increase. Furthermore, direct General Counsel to draft a new amended and restated agreement which reflects the Board's actions tonight; Provide guidance on whether CPI increases for ensuing years should be made automatically on top of the base rate, and authorize the General Manager to enter into the amended contract with R.F. Dickson Co. Motion passed 5-0.

**D. REPORTS TO THE BOARD**

**1. REPORT OF THE CONSULTING GENERAL MANAGER RE: GOVERNANCE**

This General Manager provided a comprehensive update on a number of activities relating to governance. He discussed the two recent Attorney General Opinions which were favorable to the District: First was the Attorney General Opinion regarding Latent Powers and second, the Attorney General Opinion regarding annexation. He briefed the

Board regarding the reply he finally received from the County relative to the District's Public Records Act Requests. He also reported on the OC Grand Jury Report, previously vetted at the June 7, 2012 Special Board Meeting, and stated that the new General Counsel was hard at work with a legal strategy for their formal response to the OC Grand Jury. Finally, the General Manager stated that General Counsel was working on a letter to County Counsel addressing issues related to the enforcement of the District's tree policy.

## **2. REPORT OF THE PUBLIC WORKS/CIP COMMITTEE**

Receive the report of the Public Works/CIP Committee recommending revised FY 2012-2016 project lists and proposed budgets for inclusion with the FY 2012-2013 Proposed Final Budget. Discussion ensued relative to funding for Electronic Message Boards and Tot Lots, and concerns relative to funds for potential field construction and dustless dirt installation at Rush Park, and the Softball League MOU.

Motion by Director Rips, seconded by Director Maynard to receive the report of the Public Works/CIP Committee recommending revised FY 2012-2016 project lists and proposed budgets for inclusion with the FY 2012-2013 Proposed Final Budget and reach out to the sports leagues (LAGSL) regarding the MOU. Motion passed 5-0.

## **E. CONSENT CALENDAR**

### **1a. MINUTES-REGULAR BOARD MEETING OF JUNE 12, 2012**

### **1b. MINUTES-REGULAR BOARD MEETING OF JUNE 7, 2012**

### **1c. MINUTES-REGULAR BOARD MEETING OF JUNE 21, 2012**

### **2. MAY 2012 REVENUE AND EXPENDITURE REPORT**

The Consent Calendar was unanimously approved as submitted. Motion passed, 5-0.

## **F. PUBLIC HEARING**

### **1. ADOPTION OF FY 2012-2013 FINAL BUDGET**

Recommendation to open hearing, receive presentation from General Manager, take public testimony, close hearing, deliberate and approve Fiscal Year 2012-2013 Proposed Final Budget. Discussion ensued relative to amending the street sweeping amount shown, and the anticipated amount of reimbursement to the District. A question was posed by Director Rips regarding the repayment of the Prop 1A amount taken by the State. The General Manager stated that staff would make the adjustment in the street sweeping amount and that he fully expected to be reimbursed by the State, however there were no guarantees.

Motion by President Coletta, seconded by Director Rips to approve the Fiscal Year 2012-2013 Proposed Final Budget. Motion passed 5-0.

**G. RESOLUTIONS-None**

**1. RESOLUTION NO. 12-07-10-01 APPROVING AND ADOPTING THE ANNUAL APPROPRIATIONS LIMIT FOR FISCAL YEAR 2012-2013.**

Approve by roll call vote, Resolution No. 12-07-10-01 by reading the title only and waiving further reading as follows:

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE ROSSMOOR COMMUNITY SERVICES DISTRICT APPROVING AND ADOPTING THE ANNUAL APPROPRIATIONS LIMIT FOR FISCAL YEAR 2012-2013.

Resolution No. 12-07-10-01 was unanimously approved by roll call vote, 5-0.

**2. RESOLUTION NO. 12-07-10-02 ESTABLISHING THE ANNUAL BUDGET REVENUE AND EXPENDITURES TOTAL AMOUNT FOR FISCAL YEAR 2012-2013 FOR THE ROSSMOOR COMMUNITY SERVICES DISTRICT.**

Approve Resolution No. 12-07-10-02 by reading the title only and waiving further reading as follows:

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE ROSSMOOR COMMUNITY SERVICES DISTRICT ESTABLISHING THE ANNUAL BUDGET REVENUE AND EXPENDITURE TOTALS AMOUNT FOR THE FISCAL YEAR 2012-2013 FOR THE ROSSMOOR COMMUNITY SERVICES DISTRICT.

Motion by Director Rips, seconded by Director Maynard to approve Resolution No. 12-07-10-02. Motion passed 5-0.

**H. REGULAR CALENDAR**

**1. CSDA 2012 BOARD ELECTIONS**

Recommendation to discuss proposed slate of candidates and give direction to the General Manager to submit the vote of the Board to the CSDA. Discussion ensued relative to candidate qualifications and the best interest of the District.

Motion by Director Casey, seconded by Director Kahlert to submit the vote of the Board for candidates Cheryl Brothers and Elaine Sullivan. Discussion ensued. President Coletta called for the question. Motion failed 2-2 with 1 Abstention by Director Rips.

A new Motion was made by President Coletta, seconded by Director Michael Maynard, to submit the vote of the Board to the CSDA for candidate Cheryl Brothers. Motion passed 5-0.

**2. EXTENDED TERM AGREEMENT TO PROVIDE TENNIS INSTRUCTION- ROSSMOOR PARK-FERNANDO MOLINA.**

Approve an Extended Term Agreement with Mr. Fernando Molina to provide tennis instruction.

Discussion ensued relative to inclusion of language for an early termination clause. President Coletta requested that General Counsel review the contract language and make any necessary adjustments. The General Manager stated that the document before them was an Extended Term Agreement and the original contract did contain said language. Motion by President Coletta, seconded by Director Casey to approve the Extended Term Agreement with Mr. Fernando Molina to provide tennis instruction. Motion passed 5- 0.

**3. AMENDMENT-STREET SWEEPING AGREEMENT R.F. DICKSON, LLC.**

This item was moved up in the agenda.

**4. AUTHORIZE GENERAL MANAGER TO HIRE TEMPORARY ASSISTANT RECREATION LEADER.**

Authorize General Manager to hire a temporary part-time Assistant Recreation Leader. Discussion ensued relative to the District's immediate need for temporary staff due to a recent employee resignation and another employee on medical leave. Motion by President Coletta, seconded by Director Casey to authorize the General Manager to hire a temporary part-time Assistant Recreation Leader, Chelsea Arnett. Motion passed 5-0.

**5. AUTHORIZE GENERAL MANAGER TO EXECUTE AGREEMENT WITH WEST COAST ELECTRIC FOR ELECTRICAL REPAIRS-AUDITORIUM**

Recommendation to authorize the General Manager to execute an agreement with West Coast Electric to perform electrical repairs to the Rush Park Auditorium lighting system.

Motion by Director Rips, seconded by Director Casey, to authorize the General Manager to execute an agreement with West Coast Electric to perform electrical repairs to the Rush Park Auditorium lighting system. Dave Burgess addressed the Board stating that he agreed that the additional exit signs needed to be installed for safety reasons, however, he opined that the bid was too high even with prevailing wage factored in. Discussion ensued relative to safety concerns, detailed cost breakdowns showing markups, scope of work and the role of the District Architect. President Coletta called for the question. Motion failed 5-0.

A new motion was introduced. Motion by Director Kahlert, seconded by Director Rips to have District Architectural Consultant Cheryl Williamsen review the project, vet the costs and bring the item back to the Board for review. Motion passed 5-0.

## **6. GIVE SECOND READING TO PROPOSED POLICIES FOR USE OF DISTRICT PROPERTY.**

Give second reading to proposed amendments to Policy No. 6010 Requests for Use of District Property, Policy No. 6011 Rules and Regulations for the Use of District Property, Proposed naming and renumbering of Policy No. 6012 to Policy No. 6013 Joint Use of District Property for District Sponsored Programs, Proposed new Policy No. 6012 Group Picnics, Public Gatherings and Special Events, Policy No. 6015 Establishment of Fees and Charges for Use of District Parks, Buildings and Facilities, and Policy No. 6050 Facilities – Tennis Courts.

Discussion ensued. President Coletta had comments relative to Policy No. 6010.10 Limitations of Use. He stated that the discussion the Board had at an earlier meeting regarding the spacing between games. He stated that the MOU is not an enforceable document and the wording in the paragraph did nothing to address the scheduling and spacing out of games and practices by the leagues. He also expressed concern about the MOU being incorporated by reference into Policy No. 6010.10. He suggested the new General Counsel review the MOU.

Director Kahlert had questions relative to the wording in Policy No. 6050.10 and opined that the last sentence was not needed.

Discussion ensued relative to Policy No. 6010.20 Priority of Use. Motion by President Coletta, seconded by Director Kahlert to leave in the last sentence on Policy 6010.20 “The General Manager may require documentation to authenticate the addresses and identities of the requester and his/her organization” which requires permittees to show proof of residency, and approve the remainder of the changes. Motion passed 5-0.

Motion by President Coletta, seconded by Director Casey to approve Policy No. 6011 Rules and Regulations for the Use of District Property, Proposed naming and renumbering of Policy No. 6012 to Policy No. 6013 Joint Use of District Property for District Sponsored Programs, Proposed new Policy No. 6012 Group Picnics, Public Gatherings and Special Events, Policy No. 6015 Establishment of Fees and Charges for Use of District Parks, Buildings and Facilities, and Policy No. 6050 Facilities – Tennis Courts. Motion passed 5-0.

## **7. EMPLOYMENT AGREEMENT-GENERAL COUNSEL, JENKINS & HOGIN, LLP.**

This item was moved up in the agenda.

## **I. GENERAL MANAGER ITEMS**

The General Manager had comments relative to the status of the General Manager recruiting process. He stated that he had received resumes from many qualified candidates and would be commencing the interview process soon.

**J. BOARD MEMBER ITEMS-None**

**K. CLOSED SESSION-None**

**L. ADJOURNMENT**

Motion by Director Casey, seconded by Director Rips to adjourn the regular meeting at 10:16 p.m. Motion passed 5-0.

**SUBMITTED BY:**

**Henry Taboada  
Consulting General Manager**