



APPROVED
by RCSD Board May 12, 2009

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

REGULAR MEETING

RUSH PARK
3021 Blume Drive
Rossmoor, California

Tuesday, April 14, 2009

A. ORGANIZATION

1. CALL TO ORDER: 7:01 P.M.

**2. ROLL CALL: Directors Joel Rattner, Shannon Hough, Ronald Casey, Jeffrey Rips,
President Alfred Coletta**

3. PLEDGE OF ALLEGIANCE

4. PRESENTATIONS

a. Lt. Tom Gallivan: Reported on Quarterly Crime Statistics

b. Miss Rossmoor Scholarship recipient, Christina Tetsh thanked the RCSD for the use of the Auditorium for the Miss Rossmoor Pageant and thanked 1st Vice President Hough for her support and mentorship. Director Hough presented the new Miss Rossmoor with a bouquet of roses.

B. ADDITIONS TO AGENDA – None

C. PUBLIC FORUM

Phil Wyels-Addressed the Board and asked them to consider publishing the entire agenda package electronically in order to facilitate the ease of public viewing.

Dorothy Fitzgerald-Requested the RCSD Board's approval of the RHA's intent to move the Paper Drive from Rossmoor Park to the south side of Rush Park underneath the Ficus Trees. Three bins are planned for placement along the curb and southside, slightly angled out in order to allow CR&R to pick them up easily. Ms. Fitzgerald stated that Mr. Gekler had provided the RCSD with weight load data from Russ Lightcap who concluded that the pavement would not be damaged by the loading and unloading. She further stated that she would need to begin advertising the move approximately two months in advance.

President A. Coletta stated that while he respected the opinion of Russ Lightcap, he felt the matter warranted the inspection of a licensed engineer.

D. REPORTS TO THE BOARD-

**1. DIRECTOR REQUEST FOR LEGAL SERVICE BILLING INFORMATION
DIRECTOR REQUEST FOR LEGAL OPINION**

The General Manager requested the Board receive his report, discuss their policy and him direction regarding Board Member requests for legal opinions. Discussion ensued relative to the results of an accounting of FY 2008-09 Costs for Legal Services, policy guidance, future management of legal services and subsequent budget implications.

Motion by Director S. Hough, seconded by Director J. Rips that in an effort to conserve legal costs, unless something qualifies as an emergency, all future legal questions and/or matters must be brought to the Board for its review, prior to seeking the services of District Counsel.

President A. Coletta echoed the motion and commented that the current amount spent on legal fees was notable and alarming. In order to mitigate any future occurrences, President Coletta requested that an explicit policy be composed by the General Manager mandating that all legal matters, unless emergency in nature, be agendized and discussed among the Board of Directors prior to seeking District Counsel Services. Motion passed 5-0.

E. CONSENT CALENDAR

1. MINUTES:

a. Regular Meeting of March 10, 2009.

b. Special Meeting of March 10, 2009.

2. FEBRUARY 2009 REVENUE AND EXPENDITURE REPORT

The items on the Consent Calendar were unanimously approved.

F. PUBLIC HEARING-None

G. RESOLUTIONS-None

ORDINANCES

1. ORDINANCE NO. 2009-01: ADOPTING A PARKING POLICY FOR DISTRICT OWNED PROPERTY AND POLICY NO. 3075 VEHICLE PARKING ON DISTRICT PROPERTY.

Recommendation to waive further reading, read by title only, and introduce an ordinance entitled:

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE ROSSMOOR COMMUNITY SERVICES DISTRICT ADOPTING A PARKING POLICY FOR DISTRICT OWNED PROPERTY

Give first reading to Policy 3075 VEHICLE PARKING ON DISTRICT PROPERTY

Motion by Director J. Rips, seconded by Director R. Casey to give first reading of the Ordinance No. 2009-01; bring back to the Board after the second reading; publish proper notice in the local newspaper prior to adoption, and give first reading to Policy No. 3075 Vehicle Parking on District Property. Motion passed 4-1, with Director J. Rattner voting, No.

H. REGULAR CALENDAR

1. ROSSMOOR WAY RESIDENT’S PETITION RE: REMOVAL OF MEDIAN TREES CAUSING SEWER LATERAL DAMAGE

Rossmoor Way Resident Eddie Cecilio addressed the Board regarding Rossmoor Way sewer issues. He stated that this was his third appearance before the RCSD Board on the matter and requested that the Board grant the requests contained in the 24-Signature Rossmoor Way Resident Petition.

The General Manager stated that the District’s policy prohibited the removal of healthy mature trees. He also stated that many steps had already been taken in order to assist and educate the residents of Rossmoor Way.

Discussion ensued. Director J. Rattner agreed with Mr. Cecilio’s interpretation that a unique situation existed on Rossmoor Way, due to the median and the Ficus tree species.

The General Manager further stated that there was no way to prove that the resident’s sewer problems were caused by the median trees. He reiterated the dangers of setting a precedent and recited the recommendation of the District’s General Counsel.

Motion by Director S. Hough, seconded by Director R. Casey to calendar the item until the June Board Meeting (Director R. Casey would be absent for the May meeting), in order to allow adequate time for other residents opinions to be heard and for the Board to consider the matter further. Director J. Rips agreed, stating that while he understood the danger of setting a precedent, he was still conflicted on the issue.

President A.Coletta addressed Mr. Eddie Cecilio’s assertion that a *unique situation* existed for homeowners on Rossmoor Way due to the Ficus trees located on the median. He stated that a similar argument could also be made for Blume Drive residents due to their home’s close proximity to the row of mature Ficus Trees located directly across the street on Blume Drive in front of Rush Park. In President Coletta’s opinion, the Blume Drive residents could also be viewed as having a “unique situation”. President Coletta requested staff research what impact, if any, said trees posed to the sewer lines of homes on Blume Drive, in order to compare and contrast the alleged uniqueness of Rossmoor Way. Motion passed 5-0.

2. SECOND READING OF AMENDMENTS TO POLICY 3035 INVESTMENT OF DISTRICT FUNDS.

Recommendation to give second reading to revised Board Policy No. 3035 Investment of District Funds, in order to better conform to current economic conditions.

Discussion ensued relative to policy changes. Motion by Director J. Rips, seconded by Director R. Casey, to approve the amendments to Policy No. 3035 as submitted. Motion passed 5-0.

3. STUDY OF FEES FOR RENTAL OF DISTRICT FACILITIES

Authorize the General Manager to execute the agreement with MGT of America, Inc. to provide the District with a professional survey of the District's fees for its parks/facilities.

Motion by Director S. Hough, seconded by Director J. Rips to authorize the General Manager to execute an agreement with MGT of America, Inc. to reengage their services for the purposes of a professional fee study, at a cost not to exceed \$5,000. Motion passed 4-1, with Director J. Rattner voting, No.

4. REQUEST FOR PROPOSALS OR A NEW THREE-YEAR AGREEMENT WITH WEST COAST ARBORIST, INC. FOR PARK AND PARKWAY ARBORIST AND TREE MAINTENANCE SERVICES

Provide direction to the General Manager to either proceed with the release of a Request for Proposals (RFP) for park and parkway arborist and tree maintenance services or to execute a new three-year agreement with West Coast Arborist, Inc. (WCA).

Discussion ensued. The General Manager stated that the District has been very satisfied with WCA's performance. Motion by Director J. Rattner, seconded by Director R. Casey to execute a new three year agreement with West Coast Arborist, Inc. (WCA). Motion passed 5-0.

5. REPAIR/REPLACEMENT OF ROSSMOOR PARK TOT LOT CARPETED SURFACES

Authorize the General Manager to execute an agreement with Ortco, Inc. for repair, resurface, or reconstruction of deteriorated Tot Lot carpeted surfaces at Rossmoor Park.

The Board was presented with slides of the damaged Tot Lot. Discussion ensued relative to repair options. Motion by Director S. Hough, seconded by Director J. Rips to authorize the General Manager to execute an agreement with Ortco, Inc. for reconstruction of the deteriorated Rossmoor Park Tot Lot carpeted surfaces, in the amount of \$27,244.00. Motion passed 5-0.

I. GENERAL MANAGER ITEMS

The General Manager reported that he and the RCSD Staff had met with RHA members

Bill Gekler and Georgelyn Seligman in order to discuss logistics for the upcoming Family Fun Days Picnic.

The General Manager reported that the Montecito Center's rolling gate was damaged yesterday and was in need of emergency repair in order to secure the facility. President A. Coletta stated that the damage was indeed an emergency and he trusted the General Manager's prudence in pursuit of a resolution.

J. BOARD MEMBER ITEMS

President A. Coletta requested that the General Manager draft a letter to the RHA on behalf of the RCSD urging them to pursue a request to Orange County with a copy to Orange County Supervisor Moorlach for the installation of a STOP Sign at the Hedwig/Foster location.

President A. Coletta requested the General Manager obtain formal verification from a licensed engineer approving the Rush Park location's current ability to withstand the load bearing requirements of the RHA Paper Drive bins, prior to their actual move to Rush Park.

Director J. Rips suggested putting metal sheets underneath the wheels of each bin in order to evenly distribute the weight.

Director J. Rattner suggested that in order to avoid the issue the Paper Drive bins remain on the street (Blume Drive) as they do in their current location at Rossmoor Park.

Director S. Hough requested staff to research the budget implications of her attendance at an upcoming Special District Governance Seminar in Monterey, California.

Director J. Rips echoed President Coletta's interest in recreating the agenda package electronically and offered to share some of his research on the process with the General Manager and staff. He also requested staff research ways to compile a community e-mail list, and offer the RCSD newsletter on an electronic basis in order to facilitate enhanced electronic communication and reduce District paper consumption.

Director J. Rips requested the General Manager compare the cost of fees for services in surrounding communities to the cost of fees for services in Rossmoor.

Director J. Rips also requested the General Manager research the cost of having legal counsel present at each Board Meeting to address District legal issues and also research the cost of a trial run for said services.

Director J. Rattner requested hardcopies of various RCSD Approved Minutes.

K. CLOSED SESSION-None

L. ADJOURNMENT

Motion by Director S. Hough, seconded by Director J. Rips to adjourn the regular meeting at 9:38 p.m. Motion passed 5-0.

SUBMITTED BY:

Henry Taboada
Consulting General Manager