

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

REGULAR MEETING

RUSH PARK
3021 Blume Drive
Rossmoor, California

Tuesday, August 12, 2008

A. ORGANIZATION

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

**2. ROLL CALL: Directors Joel Rattner, Erwin Anisman, Alfred Coletta, Mark Nitikman,
President Shawn Wilson**

3. PLEDGE OF ALLEGIANCE

4. PRESENTATIONS-None

B. ADDITIONS TO AGENDA – None

C. PUBLIC FORUM – None

WITHOUT OBJECTION PRESIDENT SHAWN WILSON MOVED REGULAR CALENDAR ITEM H-1 AHEAD OF ITEM D-1 IN ORDER TO INTRODUCE THE NEW RCSD ACCOUNTANT/BOOKKEEPER, KATHLEEN BELL, BEFORE DISCUSSING AGENDA ITEMS WHICH RELATED TO HER AREAS OF RESPONSIBILITY.

D. REPORTS TO THE BOARD- Finance Committee Report on Investments

The General Manager reported to the Board regarding the Tuesday, August 5th meeting of the Finance Committee where members discussed future investment strategies and upcoming Bond maturation dates.

Director Coletta raised the issue of Director J. Rattner's attendance at the publicly noticed Finance Committee Meeting, a standing committee regularly attended by Director Coletta, Director Anisman, the General Manager and Accountant/Bookkeeper. The General Manager responded to Director Coletta's inquiry as to whether or not Director Rattner's participation was a violation of the Brown Act.

President S. Wilson counseled Director J. Rattner regarding his decision to attend, despite being initially warned by the General Manager that his presence constituted a quorum and, in his belief, was a violation of the Brown Act. Director Rattner chose to attend, stating he was attending as a member of the public.

Discussion ensued relative to the Brown Act. Board Members read a legal opinion on the matter provided by the District's General Counsel, expressing concerns relative to legal consequences which could have resulted had any action been taken by the Finance Committee. Director J. Rattner apologized and stated that he would not attend any future meetings of the Finance Committee. President S. Wilson stated that Director Rattner would be receiving a stern letter of admonishment. Motion by Director M. Nitikman, seconded by Director A. Coletta, to receive and file the report. Motion passed 5-0.

E. CONSENT CALENDAR

Director J. Rattner requested the removal of Items E-2 and E-3.

1. MINUTES:

a. Regular Meeting of July 8, 2008.

Motion by Director M. Nitikman, seconded by Director J. Rattner to approve the Minutes. Motion passed 5-0.

2. REVENUE AND EXPENDITURE REPORT-JUNE, 2008

This item was removed from the consent calendar.

3. QUARTERLY VACANT SITE REPORT

This item was removed from the consent calendar.

THE ITEMS REMOVED FROM THE CONSENT CALENDAR WERE ACTED UPON AT THIS TIME.

2. JUNE REVENUE AND EXPENDITURE REPORT

Director J. Rattner had questions and suggestions relative to footnotes and the structure of the report. The report was received and filed.

3. QUARTERLY VACANT SITE REPORT

Director J. Rattner had questions relative to the differences in the colored tree trimming charts. It was explained to Director Rattner that one chart contained West Coast Arborist data and the other chart contained data for the County of Orange. Directors J. Rattner and M. Nitikman had questions relative to the CSR and available vacant site totals on page 1 of the report. The General Manager agreed to discuss them with the District's Tree Consultant. The report was received and filed.

F. PUBLIC HEARING

1. 2008/2009 FINAL BUDGET.

Director J. Rattner had questions relative to various budget line items, including the title of Finance Assistant, the inclusion of some explanation of account 5670 in Departments 20, 30, 40, 50, and 80, Fund 20 surplus to be used to pay off some of the principal on the bonds, and in Fund 40 to reduce Department 30 and increase Department 50. Motion by Director J. Rattner, seconded by Director M. Nitikman to strike the \$40,000 in Fund 40 Department 30, labeled "Replace Wood Trellis" and reduce "Community Center Upgrades" by \$10,000; move \$50,000 from Department 30 to Department 50 and label the new line item "Solar Energy Upgrades". Motion passed 5-0.

G. RESOLUTIONS

1. RESOLUTION No. 08-08-12-01 ESTABLISHING THE ANNUAL BUDGET REVENUES AND EXPENDITURES TOTAL AMOUNTS FOR FISCAL YEAR 2008/2009 FOR THE ROSSMOOR COMMUNITY SERVICES DISTRICT.

Motion by Director M. Nitikman, seconded by President Wilson to approve by roll call vote, Resolution No. 08-08-12-01 by reading the title only and waiving further reading. Motion passed by roll call vote 5-0.

2. RESOLUTION No. 08-08-12-02 REJECTION OF GOVERNMENT CLAIM.

Motion by Director M. Nitikman, seconded by President Wilson to approve by roll call vote, Resolution No. 08-08-12-02 REJECTION OF GOVERNMENT CLAIM, with a minor correction to the date in the last line (to read August 12, 2008). Motion passed by roll call vote 5-0.

H. REGULAR CALENDAR

PRESIDENT SHAWN WILSON MOVED REGULAR CALENDAR ITEM H-1 AHEAD OF ITEM D-1.

2. HTGroup AMENDED AGREEMENT.

Motion by Director M. Nitikman to approve the amendments to the HT Group Agreement discussed in closed session at the July 8, 2008 meeting, seconded by Director A. Coletta. Motion passed 4-1 with Director J. Rattner voting No.

3. AMENDMENTS TO BOARD POLICIES-FACILITIES-VARIOUS

President S. Wilson stated that although this was officially the second reading of the various Facility Policies, in actuality they had been edited and re-edited for many months via the Policy Ad Hoc Committee as well as through legal counsel and many staff hours; President Wilson suggested that the policies be approved without any further delay. Motion by Director M. Nitikman, seconded by Director A. Coletta to approve **Policies 6010, 6011,**

6012, 6015, 6020 and 6030 as amended. Director J. Rattner requested more changes. Discussion ensued. Director M. Nitikman called for the question. The motion failed 3-2 with Directors Rattner and Anisman voting No. The policies were then individually voted upon as follows:

Policy 6010: Motion by Director M. Nitikman, seconded by Director A. Coletta to approve the policy as is. Motion passed 4-1 with Director J. Rattner voting No.

Policy 6011: Motion by Director J. Rattner, seconded by Director E. Anisman to rewrite "Person always includes Group" to read "Person means an individual". Discussion ensued. Motion to make the change failed with Directors Nitikman, Coletta, Anisman and President Wilson voting to maintain the original wording. The policy was approved 4-1 with Director Rattner voting No.

Policy 6012: Motion by Director E. Anisman, seconded by Director M. Nitikman to approve the policy. Motion passed 4-1 with Director J. Rattner voting No.

Policy 6015: Director J. Rattner requested the changes and removals of various dates in 6015.16 and in the fee schedule. Director M. Nitikman suggested that the reference to the date in 6015.16 be removed altogether. Director J. Rattner made a correction in the second bullet point in the fee schedule which related to the Reservation Change Fee, to read "after the first change". Motion by Director M. Nitikman, seconded by Director J. Rattner to approve the policy with said changes. Motion passed 5-0.

Policy 6020: Motion by Director M. Nitikman, seconded by Director E. Anisman to strike the last sentence in 6020.20 and approve the policy. Motion passed 5-0.

Policy 6030: Motion by Director E. Anisman, seconded by Director M. Nitikman to approve the policy with no changes. Motion passed 5-0.

4. AMENDMENTS TO BOARD POLICY 6060-ALCOHOL USE-MONTECITO CENTER.

Motion by Director S. Wilson to waive the second reading and approve the policy as amended. Director J. Rattner had some minor corrections to the language in the last line of 6060.30, the numbering sequence on page 2, and the last paragraph. Director M. Nitikman had submitted some minor additions prior to the meeting. Motion by Director M. Nitikman, seconded by Director J. Rattner to approve Policy 6060 with the changes specified by Director J. Rattner and Director M. Nitikman. Motion passed 5-0.

5. CALIFORNIA SPECIAL DISTRICTS ASSOCIATION-2008 ELECTIONS.

Recommendation by the General Manager to submit a mail ballot on behalf of the Board for Seat C on the California Special Districts Association (CSDA). Motion by Director M. Nitikman, seconded by Director A. Coletta to decline said recommendation. Motion passed 5-0.

I. GENERAL MANAGER ITEMS

The General Manager stated that the new Orange County Sheriff would be formally introduced at the next Board Meeting. President S. Wilson stated that the Board would look forward to meeting her.

J. BOARD MEMBER ITEMS

Director A. Coletta requested utilization of Fund 50 Capital Improvement money towards more comprehensive boardroom design solutions that went beyond basic lighting and air conditioning upgrades. Director Coletta requested that RCSD staff explore redesign options to include more professional furniture and facade alternatives as well as technology upgrades for the current Board and/or future City Council meeting space. The General Manager agreed to provide said vision by the October 2008 Board Meeting.

Director M. Nitikman requested that free/low cost energy audits be conducted on all three RCSD facilities with a report back to the Board.

Director J. Rattner requested that staff compile the Rush Park Edison utility bill kilowatt hour data for the last year, for his review. General Manager Henry Taboada stated that Southern California Edison could pull said data prior to their upcoming presentation at a future Board Meeting. Director J. Rattner also had questions relative to the February 2007-December 2007 Simplus Contract for the Rush Park Lighting Project. The General Manager advised Director Rattner that he had sent him the requested information via e-mail earlier in the day.

Director E. Anisman briefed the Board on the California Special Districts Association (CSDA) Meeting he attended and offered to make the presentation DVD available to the rest of the Board, if they were interested in viewing it.

President S. Wilson reported to the Board on the Los Alamitos School District Meeting he attended where they voted 5-0 to approve the \$120 million School Bond which will appear on the November 4th Ballot.

L. ADJOURNMENT

Motion by Director M. Nitikman, seconded by Director A. Coletta to adjourn the meeting at 10:25 p.m. Motion passed 5-0.

SUBMITTED BY:

Henry Taboada
Consulting General Manager