



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

REGULAR MEETING

RUSH PARK
3021 Blume Drive
Rossmoor, California

Tuesday, October 14, 2014

A. ORGANIZATION

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

**2. ROLL CALL: Directors Casey, Coletta, Kahlert, DeMarco,
President Maynard**

3. PLEDGE OF ALLEGIANCE

4. PRESENTATIONS:

a. Los Alamitos Unified School District Superintendent Dr. Sherry Kropp re:
School Safety and Traffic.

Superintendent Sherry Kropp reported on the Los Alamitos Unified School District's vision for its students which focused on their motto of Academics, Athletics, Activities and the Arts. She announced that Los Alamitos High School was ranked 87th in the Country with a focus on career and college readiness. Dr. Kropp also discussed class size reduction and educational achievements, stating that all of the schools in Rossmoor were California Distinguished Schools and National Blue Ribbon Schools and three of the six LAUSD Elementary Schools ranked in the top 10 in Orange County were located in Rossmoor. Dr. Kropp stated that the District had recently hired a Director of District Safety to respond immediately to community concerns. She reported that three task forces were also in place: substance, violence and bullying/cyberspace safety. She gave a brief overview of recent traffic and safety mitigation efforts which included, getting additional crossing guards, implementing staggered start times and reducing the number of inter district transfers which in turn had helped to reduce some of the parent drop-off related congestion. Other improvements included adding and dispersing more student drop-off points over a larger perimeter as well as the initiation of a successful "Walk to School" campaign. Dr. Kropp stated that a strong partnership had been fostered with the Orange County Sheriffs Department. Dr Kropp concluded by discussing the facilities and grounds improvements taking place at each of the four elementary school campuses, beginning with Lee Elementary school, currently the most modern of the four and finishing with Weaver Elementary. The improvements were expected to be completed at the end of this year.

b. Certificate of Recognition-Ms. Kiva Spiratos, Principal Rossmoor Elementary School
as a National Blue Ribbon School.

The RCSD Board of Directors awarded Rossmoor Elementary School Principal Kiva Spiratos with a proclamation for her school's recent designation as a National Blue Ribbon School. Principal Spiratos thanked them for the honor. Photos were taken. Applause ensued.

B. ADDITIONS TO AGENDA—None

C. PUBLIC FORUM:

Assemblyman Alan Mansoor spoke regarding the I-405 Toll Lanes issue, and the coyote issue. He stated that he was working on a regional approach to these important matters. He concluded by inviting the public to visit his website at alanmansoor.com and read his commentary.

Dr. Kropp thanked the RCSD Board of Directors for making the Rush Park Auditorium available for the LAUSD school board meetings during their 14 month modernization period. She stated that she would work with RCSD staff regarding the dates.

Mark Nitikman opined regarding the fee study report. He requested that the public be given more time to analyze it prior to adoption.

D. REPORTS TO THE BOARD:

1. AUDIT COMMITTEE REPORT RE: ADOPTION OF FY 2013-2014 ANNUAL AUDIT.

Recommendation to receive the report of the Audit Committee, approve the FY 2013-2014 Annual Audit Report and approve the recommendations contained in the Management Letter. The District's Auditor will present an overview of the Audit Report and answer questions.

District Auditors Terry O'Shea and Brad Welebir with Rogers, Anderson, Malody and Scott (RAMS) addressed the Board regarding the Audit and overview of the management letter. Brad Welebir reported that he had met with the Finance Committee and touched on highlights contained in the opinion letter. He concluded by stating that the District had received an unmodified opinion which is the highest rating possible. District staff was praised for their hard work and professionalism.

Motion by Director Casey, seconded by Director Kahlert to receive the report of the Audit Committee, approve the FY 2013-2014 Annual Audit Report and approve the recommendations contained in the Management Letter. Motion passed 5-0.

2. PARK & FACILITIES COMMITTEE REPORT RE: ADOPTION OF FEE STUDY AND FY 2014-2015 FEE SCHEDULE.

Recommendation to Adopt Proposed Fee Study and amend FY 2014-2015 Fee Schedule per the Fee Study.

As requested by the Board, the ad hoc Committee met with staff and RHA representatives on September 30, 2014 in an informal workshop to discuss several issues related to the proposed Fee Study. After discussion, the RHA was requested to submit outstanding issues in written form so that formal responses could be formulated.

Henry Taboada reported to the board regarding the process and methodology of the fee study. He stated that as requested by the Board, the ad hoc Committee met with staff and RHA representatives on August 30, 2014 in an informal workshop to discuss several issues related

to the proposed Fee Study. After discussion, the RHA was requested to submit outstanding issues in written form so that formal responses could be formulated.

A survey was done and a response had been formulated and sent to the RHA. At this time he recommended adopting the fee study and moving forward with codifying the ordinances in order to provide the district with crucial enforcement capabilities.

Discussion ensued. The Board had questions relative to the differences between the original and amended versions of the fee schedule. Staff stated that the classifications were changed on page two to include non profits. RHA President Mark Nitikman had comments relative to cost recovery goals and market comparisons. He opined that charging anything less than market rates amounts to a subsidy. Director Casey asked Mr. Nitikman to define the areas where he felt the fee study fell short. Mr. Nitikman responded that the recovery rates were inconsistent and residents were not given enough consideration. He asked the Board to consider whether or not the fee study met clear objectives and requested that the board delay their approval until the RHA had an additional opportunity to review the study. Further discussion ensued.

Motion by Director DeMarco, seconded by Director Kahlert to adopt the proposed fee study and the amended FY 2014-2015 Fee Schedule per the fee study. Motion passed 5-0.

E. CONSENT CALENDAR

1a. MINUTES REGULAR BOARD MEETING—September 9 , 2014

2. REVENUE AND EXPENDITURE REPORT—August 2014

3. COYOTE SIGHTINGS/ACTIVITY REPORT—September 2014

Discussion ensued relative to the coyote activity report, the regional coyote meeting in Seal Beach and the continued desire to work with the RHA and surrounding communities toward the common goal of resident and pet safety. Motion by Director Maynard, seconded by Director DeMarco to approve the consent calendar as submitted. Motion passed 5-0.

F. PUBLIC HEARING: None

G. RESOLUTIONS:

1. **1.—16. GIVE FIRST READING TO PROPOSED ORDINANCES RELATING TO THE ENFORCEMENT OF DISTRICT POLICIES AND PROPOSED REVISIONS TO DISTRICT POLICIES RELATING TO THE ADOPTION OF A NEW FEE STUDY AND FEE SCHEDULE.**

PRESIDENT MAYNARD OPENED THE PUBLIC HEARING ON ORDINANCE NO. 2014-03 CODIFYING POLICY NO. 6010 REQUESTS FOR USE OF DISTRICT PARKS AND FACILITIES

There was no public comment.

PRESIDENT MAYNARD CLOSED THE PUBLIC HEARING ON ORDINANCE NO. 2014-03 CODIFYING POLICY NO. 6010 REQUESTS FOR USE OF DISTRICT PARKS AND FACILITIES

Motion by Director Kahlert, seconded by Director Casey to introduce Ordinance No. 2014-03 codifying Policy No. 6010, read the title only and waive further reading of the Ordinance. Motion passed 5-0

PRESIDENT MAYNARD OPENED THE PUBLIC HEARING ON ORDINANCE NO. 2014-04 CODIFYING POLICY NO. 6011 RULES AND REGULATIONS FOR USE OF DISTRICT PROPERTY

There was no public comment

PRESIDENT MAYNARD CLOSED THE PUBLIC HEARING ON ORDINANCE NO. 2014-04 CODIFYING POLICY NO. 6011 RULES AND REGULATIONS FOR USE OF DISTRICT PROPERTY

Discussion ensued relative to Section 6011.111 smoking. It was the consensus of the Board that the language pertaining to no smoking be expanded to include modern smoking methods and devices. Motion by Director Coletta, seconded by Director Casey to revise Section 6011.111 by adding the following language: “no vaping, e-cigarettes or similar electronic smoking devices.” Motion passed 5-0.

Motion by Director DeMarco, seconded by Director Casey to introduce Ordinance No. 2014-04 codifying Policy No. 6011, revise Section 6011.111 by adding the following language to the effect of: “no vaping, e-cigarettes or similar electronic smoking devices”, and to read the title only and waive further reading of the Ordinance. Motion passed 5-0

PRESIDENT MAYNARD OPENED THE PUBLIC HEARING ON ORDINANCE NO. 2014-05 CODIFYING POLICY NO. 6012 GROUP PICNICS, PUBLIC GATHERINGS AND SPECIAL EVENTS

There was no public comment.

PRESIDENT MAYNARD CLOSED THE PUBLIC HEARING ON ORDINANCE NO. 2014-05 CODIFYING POLICY NO. 6012 GROUP PICNICS, PUBLIC GATHERINGS AND SPECIAL EVENTS

Discussion ensued. President Maynard asked why the picnic group size permit threshold had been increased from 50 people to 75. He requested that it be restored to 50 people. Motion by Director Casey, seconded by Director DeMarco to modify the policy language to reduce the picnic group threshold from 75 to 50 people. Motion passed 5-0.

Motion by Director Coletta, seconded by Director Kahlert to introduce Ordinance No. 2014-05 codifying attached Policy No. 6012, revise the policy language to reduce the picnic group

threshold amount from 75 to 50 people, read the title only and waive further reading of the Ordinance. Motion passed 5-0.

PRESIDENT MAYNARD OPENED THE PUBLIC HEARING ON ORDINANCE NO. 2014-06 CODIFYING POLICY NO. 6020 DISTRICT FACILITIES—LONG TERM USE

There was no public comment.

PRESIDENT MAYNARD CLOSED THE PUBLIC HEARING ON ORDINANCE NO. 2014-06 CODIFYING POLICY NO. 6020 DISTRICT FACILITIES—LONG TERM USE

Discussion ensued relative to the approval entity and approval process concerning Long Term Use. Director Coletta stated that the current policy language concerning Long Term Use was too vague, especially concerning the approval process which seemed to give either the General Manager or staff complete discretion over such matters. President Maynard opined that since Rossmoor was a small-knit community with limited facilities all requests for Long Term Use should be brought before the Board of Directors for approval. Director Kahlert agreed stating that there needed to be some sort of checks and balances written into the policy. General Counsel Tarquin Preziosi recited Section 6020.20 and indicated that the language contained therein called for the need to prove a “benefit to the community”. He suggested revisions to Section 6020.20 as follows: “Long Term Use of District Facilities shall be authorized only when there is a benefit to the community as determined by the board.” That would ensure a public hearing, allowing the board to take into evidence whether a benefit to the community exists or not and make a determination based on that evidence; resulting in the Board of Directors having control of Long Term Use. President Maynard approved of General Counsel’s suggestions, stating that this approach was good governance. The Board concurred.

Further discussion ensued relative to revisiting whether or not to allow alcohol consumption at District Facilities. President Maynard stated that under current policy, renters who reserved the facilities for weddings and similar events were not able to celebrate with a glass of champagne. He wanted to know if there was a way to incorporate language that would allow alcohol consumption at the Montecito Center with the proper permit and security in place. Henry Taboada stated that in the past, the District had allowed alcohol, but the Board voted to disallow its use due to concerns relative to noise complaints, safety, security and control of drunk drivers leaving a facility.

General Counsel stated that the subject of allowing alcohol use in district facilities was too weighty a matter to be decided on the fly and required more thorough research and analyzing by staff. He suggested directing staff to bring the matter back to the board at a future meeting for further consideration. The Board concurred and directed staff to bring the Alcohol Study back to the Board at a later date so they would have time to develop a permitting procedure and specific language regulating the use of alcohol in district facilities.

Motion by Director Kahlert, seconded by Director Casey to introduce Ordinance No. 2014-06 codifying attached Policy No. 6020, revise the policy language in Section 6020.20 to require all Long Term Use requests to be brought before the Board for approval, direct staff to bring the

matter of the use of alcohol back to the Board at a later date to give staff time to develop a permitting procedure and specific language regulating the use of alcohol, read the title only and waive further reading of the Ordinance. Motion passed 5-0.

PRESIDENT MAYNARD OPENED THE PUBLIC HEARING ON ORDINANCE NO. 2014-07 CODIFYING POLICY NO. 6021 NON PROFIT USE OF DISTRICT COURTS AND FIELDS

Henry Taboada stated that Policy No. 6021 was a new policy. Discussion ensued relative to the definition of Non-Profit versus commercial.

PRESIDENT MAYNARD CLOSED THE PUBLIC HEARING ON ORDINANCE NO. 2014-07 CODIFYING POLICY NO. 6021 NON PROFIT USE OF DISTRICT COURTS AND FIELDS

Discussion ensued relative to consistency in the policy language. Motion by Director Kahlert, seconded by Director DeMarco to introduce Ordinance No. 2014-07 codifying attached Policy No. 6021, revise the Policy No. 6021 language as follows: strike the words “courts and fields” and replace with the word “property”, read the title only and waive further reading of the Ordinance. Motion passed 5-0, read the title only and waive further reading of the Ordinance. Motion passed 5-0.

PRESIDENT MAYNARD OPENED THE PUBLIC HEARING ON ORDINANCE NO. 2014-08 CODIFYING POLICY NO. 6022 COMMERCIAL USE OF DISTRICT PROPERTY

Henry Taboada stated that Policy No. 6022 was a new policy. Discussion ensued relative to the policy being long overdue. Henry Taboada stated that staff would be working closely with General Counsel to draft the language of the commercial use agreements.

Mark Nitikman had questions relative to the definition of Commercial Use in Section 6021.10. He argued that Commercial Use should be defined as anything that is not Non Profit, otherwise it leaves a potential gap between the two. If an applicant is not an IRS Non Profit, then they would logically fall under the Commercial category; then there would be two exclusive groups. He opined that the current definition allows for the potential of a third group which is not an IRS Non Profit, but is not Commercial either. Director DeMarco requested an example. Mark Nitikman responded, a company that is not making any money. For Profit activity is not defined and a Commercial may not be a for-profit, i.e. an individual. He offered the boot camp fitness instructor as another example—would that individual be defined as commercial? It may be more accurate to refer to them as an enterprise.

General Counsel stated that in the proposed policy Commercial Use was currently defined as being any for profit activity or enterprise. It is an either/or, so a single person can undertake an “activity” for profit. The problem with defining Commercial as anything that is not a 501(c)(3) leaves organizations such as the boy scouts, churches and prayer groups uncategorized. Mark Nitikman stated that Non Profits have approximately 37 separate categories.

General Counsel replied that he was comfortable with the policy language as is. Non Profits have to show proof of their non-profit status; however one may encounter an informal group like a prayer group who does not have that proof; thereby running the risk of casting too wide a net or too narrow a net.

PRESIDENT MAYNARD CLOSED THE PUBLIC HEARING ON ORDINANCE NO. 2014-08 CODIFYING POLICY NO. 6022 COMMERCIAL USE OF DISTRICT PROPERTY

Discussion ensued relative to the definition of commercial versus non-profit use and possibilities for making the language more explicit. Motion by Director DeMarco, seconded by Director Coletta to introduce Ordinance No. 2014-08 codifying attached Policy No. 6022, revise Policy Section No. 6022.00 to read in substance as: “commercial use shall be defined as any for profit activity or enterprise, including but not limited to, activity camps (including boot camps), any private instruction (including personal trainers)”, read the title only and waive further reading of the Ordinance. Motion passed 5-0.

Motion by Director Kahlert, seconded by Director Casey to reopen the public hearing on Ordinance No. 2014-07 Codifying Policy No. 6021 Non Profit Use of District Courts and Fields. Motion passed 5-0.

PRESIDENT MAYNARD REOPENED THE PUBLIC HEARING ON ORDINANCE NO. 2014-07 CODIFYING POLICY NO. 6021 NON PROFIT USE OF DISTRICT PROPERTY

Brief discussion ensued regarding providing proof of 501 (C) (3).

PRESIDENT MAYNARD CLOSED THE PUBLIC HEARING ON ORDINANCE NO. 2014-07 CODIFYING POLICY NO. 6021 NON PROFIT USE OF DISTRICT PROPERTY

Motion by Director DeMarco, seconded by Director Coletta to approve as currently adopted with the exception of revision to Policy No. 6021 language as follows: Strike the “(3)” in Section No. 6021.50, “Non Profit Status pursuant to IRS Code 501(c)(3)” and change to “Non Profit Status pursuant to IRS Code 501(c)” to include a wider range of non profits. Motion passed 5-0.

PRESIDENT MAYNARD OPENED THE PUBLIC HEARING ON ORDINANCE NO. 2014-09 CODIFYING POLICY NO. 6030 DEDICATED USE OF SPECIFIC DISTRICT FACILITIES

There was no public comment.

PRESIDENT MAYNARD CLOSED THE PUBLIC HEARING ON ORDINANCE NO. 2014-09 CODIFYING POLICY NO. 6030 DEDICATED USE OF SPECIFIC DISTRICT FACILITIES

Discussion ensued relative to rationale behind changing the term “facilities” to “buildings” in the policy. Henry Taboada stated that as an example, storage facilities are buildings rented for dedicated use, however, outdoor space such as fields and ball diamonds are not.

Motion by Director DeMarco, seconded by Director Coletta to introduce Ordinance No. 2014-09 codifying attached Policy No. 6030, revise Policy No. 6030 language as follows: Change all instances of the word “facilities” to the word “buildings” for purposes of consistency”, read the title only and waive further reading of the Ordinance. Motion passed 5-0.

PRESIDENT MAYNARD OPENED THE PUBLIC HEARING ON ORDINANCE NO. 2014-10 CODIFYING POLICY NO. 6040 ROSSMOOR WALL SIGNS

Discussion ensued. Mark Nitikman had comments relative to determinations and restrictions pertaining to commercial wall signage and resident versus non-resident wall use.

PRESIDENT MAYNARD CLOSED THE PUBLIC HEARING ON ORDINANCE NO. 2014-10 CODIFYING POLICY NO. 6040 ROSSMOOR WALL SIGNS

Discussion ensued relative to the definition of commercial versus non-profit use. Motion by Director Kahlert, seconded by Director Coletta to table the discussion on Ordinance No. 2014-10 Codifying Policy No. 6040. Motion passed 5-0.

H. REGULAR CALENDAR:

1. FIRST READING OF PROPOSED REVISION TO POLICY NO. 3050 PURCHASING AND POLICY NO. 4055 DISTRICT BANK AND INVESTMENT ACCOUNTS RE: PAYROLL DIRECT DEPOSIT AND MONTHLY CONSOLIDATION OF BOARD MEMBER STIPEND PAYMENTS.

Recommendation to give first reading to proposed revision of Policy No. 3050 Purchasing and Policy No. 4055 District Bank and Investment Accounts. Once approved, these policy modifications would: Authorize the General Manager to implement direct deposit of bi-monthly payroll; authorize the General Manager to combine all board member stipends into one monthly payment rather than the pay-per-meeting model currently in place.

The attached policy changes have been reviewed by General Counsel and the District Auditor with no recommend changes. The proposed policies are attached for your consideration.

Motion by Director Kahlert, seconded by Director Casey to give first reading and approve proposed revisions to Policy No. 3050 Purchasing. Motion passed 5-0.

Motion by Director Kahlert, seconded by Director Casey to give first reading and approve proposed revisions to Policy No. 4055 District Bank and Investment Accounts. Motion passed 5-0.

2. RECREATION DEPARTMENT—INTERN PROGRAM

Recommendation to Authorize the General Manager to enter into a contract agreement with California State University Long Beach (CSULB) for implementation of a Recreation Intern Program. The General Manager has reviewed the proposed agreement with General Counsel and he concurred with this procedure. The Intern position is a non-paid position, but will be covered by the District Workers Compensation program at 1.3%.

Discussion ensued relative to language in the attachments referring to paying prospective interns a

stipend. Director Kahlert said the language in the attachments made reference to a stipend, which made it seem as though the District was agreeing to pay a stipend. Director Coletta concurred, stating he opposed the stipend. President Maynard agreed that the intern positions should be unpaid.

Motion by Director Coletta, seconded by Director Casey to authorize the General Manager to enter into a contract agreement with California State University Long Beach for implementation of a Recreation Intern Program conditioned upon the interns working without a stipend to gain work experience. Motion passed 5-0.

3. ELECTION OF INDEPENDENT SPECIAL DISTRICTS OF ORANGE COUNTY OFFICERS

Recommendation to authorize the General Manager to submit a ballot for the election of ISDOC officers.

As a member agency of ISDOC, the District is eligible to submit a ballot for the election of its officers. Attached is a letter from the President of ISDOC asking each member District to submit its ballot even though there is only one candidate for each office. ISDOC bylaws require a majority vote of the member districts in order to certify the election. With approval of the Board, the General Manager will submit a ballot prior to the posted deadline.

Motion by Director DeMarco, seconded by Director Casey to vote for all candidates as listed on the ISDOC ballot and direct the General Manager to submit ballot for the election of ISDOC Officers. Motion passed 5-0.

I. GENERAL MANAGER ITEMS:

The General Manager stated that staff was currently researching permanent canopy structure options for the picnic area at Rush Park. He added that the District would be implementing a credit card machine in order to allow credit cards to be accepted as a form of payment. Director Kahlert had questions as to the parties involved in the implementing the credit card system. The Administrative Assistant responded that the Accountant/Bookkeeper, IT Contractor and the bank would be coordinating the effort and ensuring the proper encryption.

J. BOARD MEMBER ITEMS

Director Coletta encouraged residents to visit Alan Mansoor's website and read the Legislative Analyst's Office (LAO) analysis of the toll road issue and SB1298 which helps fund CalTrans objectives to have toll lanes—and if the analysis is correct, much of the money derived from the toll lanes would be going in part to pay for CalTrans overhead to pay for some 3500 employees. He further opined regarding the lack of transparency surrounding the toll roads issue and suggested that citizens research where the money goes. Director Coletta concluded by applauding Assemblyman Mansoor for his efforts in that regard and making this information available to the public.

Director Casey encouraged the community to get out and vote this November as there were some very important issues on the ballot. He reported on the I-405 Town Hall Meeting in Costa Mesa and reiterated that Rossmoor still supports Alternative 1 opposing toll lanes. He asked that citizens and businesses begin to evaluate their transportation decisions more carefully. Flexible hours,

staggered schedules, work-at-home solutions, and alternative transportation and work schedules could go a long way toward resolving some of the gridlock.

Director Kahlert thanked Henry Taboada for his outstanding work on the fee study. He thanked the Rossmoor Homeowners Association for hosting a successful Candidates Night which drew exceptional attendance.

Director DeMarco thanked Superintendent Dr. Sherry Kropp for her presentation this evening and complimented her on her outstanding State of the District address which he attended the week prior. He announced several upcoming events such as the Weaver School Carnival, Taste of Los Al, and the School Ghoul Run this Sunday; reminded residents to be aware of road closures.

President Maynard thanked the staff, Henry Taboada and his fellow colleagues for all the hard work done on the policies, ordinances and fee study. He reminded everyone about the upcoming election and encouraged them to get out and vote.

AT 10:02 P.M. THE BOARD ADJOURNED TO CLOSED SESSION

K. CLOSED SESSION

1. CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION.

Pursuant to Government Code Section 54956.9(d)(1)

Name of Case: RCSD v. Steven Wickser, et al.

O.C. Superior Court Case No. 30-2013-00687577-CU-MC-CJC.

AT 10:02 P.M. THE BOARD RECONVENED FROM CLOSED SESSION

General Counsel reported that at approximately 10:02 p.m. the Board recessed from open session and convened to closed session to discuss one matter of RCSD v. Steve Wickser on the agenda. At approximately 10:30 p.m. the board reconvened to open session. There was no reportable action.

L. ADJOURNMENT:

Motion by Director Casey, seconded by Director Coletta to adjourn the regular meeting at 10:35 p.m. Motion passed 5-0.

SUBMITTED BY:

James D. Ruth
General Manager