



P.O. BOX 8, SILVERADO, CA 92676

**REGULAR MEETING OF THE BOARD OF DIRECTORS  
THURSDAY JULY 14, 2005 AT 7:00 PM  
AT MODJESKA FIRE HALL 16  
28551 MODJESKA CANYON ROAD, MODJESKA 92676**

**DIRECTORS**

**Robert Hunt - President  
Deborah Johnson – Director  
Brett Peterson – Vice-President  
Mike Boeck - Treasurer  
Mark Levy - Secretary**

**STAFF**

**Cathie Fountain – SCC Director  
Elizabeth Martyn – General Counsel  
Bev Mileham – Admin. Assistant  
Phil McWilliams – Grants Admin.  
Steve Reighart – Caretaker  
Meghan McCauley – Bookkeeper**

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**MINUTES**

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**CALL TO ORDER**

The meeting was called to order at 7:09 PM by President Hunt, who acted as chairperson.

**ROLL CALL**

All Directors were present. General Counsel Elizabeth Martyn, Grants Administrator Phil McWilliams and Administrative Assistant Bev Mileham were present.

**PUBLIC ATTENDANCE**

Chalynn Peterson.

**PUBLIC AND BOARD INPUT ON NON-AGENDIZED ITEM**

Director Boeck requested a discussion of The Irvine Ranch Water District meeting.

**CONSENT CALENDAR**

The Conflict of Interest Code amendment is on the Board of Supervisor's Agenda for approval.

**1st ACTION:** Director Johnson made a motion to approve the Consent Calendar with the Safety Committee Minutes dated June 23, 2005 and the Minutes of the Regular Board Meeting of July 9, 2005. Director Levy seconded. Director Boeck opposed. Approved.

## GENERAL COUNSEL'S REPORT

General Counsel Elizabeth Martyn prepared an analysis on Open Space Funding that was discussed with the Board. SMRPD has the authority to administer and maintain open space inside and outside its boundaries as provided in Public resources Code Section 5786. The District receives a small designated share of property taxes at a rate established in 1962. This rate was never adjusted for increased operating costs or inflation before Proposition 13 passed in 1978, freezing rates at the 1962 level. Counsel was asked if the rates could be adjusted to the 1978 level. She said it was not clear if that would be possible, and that Assemblyman Todd Spitzer would be the best person to ask about it. Director Levy offered to make that contact.

The District has the ability to levy special taxes to fund its operations. A special tax within the District will require a 2/3rds approval of registered voters at a general election. Counsel suggested drawing a map to decide how to adjust the funding. Two alternate funding mechanisms, Landscaping and Lighting Assessment and Mello-Roos were discussed. Director Peterson asked what would happen if the possible developments don't occur, would the people be stuck with the extra tax. Counsel said no, that the developers would pay it. New residents would be taxed if and as they moved into the new homes.

Counsel also suggested that the Holtz Ranch project be approached about funding for ongoing maintenance of the Riviera parcel. Director Johnson suggested that a Board member should talk to the Holtz developers, and that Counsel and Director Levy go together to discuss all of this with LAFCO.

Procedures for establishing Standing and Ad Hoc Committees and public notice requirements for the activities of same were discussed. Director Boeck asked how it was possible for three Directors to approve a set of Minutes for a Board meeting which two of them had not attended. Counsel replied that there is no legal requirement for a vote to approve Minutes.

Counsel said that Ad Hoc committees are meant for a specific purpose and a limited time and their activities are not subject to the Brown Act. Standing Committees are established by an Action of the Board and are subject to the Brown Act. Minutes of Standing Committee meetings need to be taken and can be done with a tape recorder. Standing Committee meetings need to be noticed, Ad Hoc Committee meetings do not by may be and often are.

Director Boeck wanted to know how to attend meetings not representing the Board, but representing himself. Counsel said that in this case he needs to say he is attending as an individual, but it is difficult because he is still a Board member and people will find it difficult to believe that he is only representing himself. Director Levy asked if all committee members had to be on the Board. Counsel said no, they didn't.

## TREASURER'S REPORT

**2nd ACTION:** Director Boeck made a motion to pay transmittal 07-05A in the amount of \$150.00 for Directors' compensation.

Director Boeck \$50.00

Director Levy \$50.00

Director Hunt \$50.00

Director Johnson seconded. Unanimously approved.

**3rd ACTION:** Director Boeck made a motion to pay transmittal 07-05B in the amount of \$2,495.09 to;

|                                                 |          |                                           |
|-------------------------------------------------|----------|-------------------------------------------|
| Ware Disposal                                   | \$83.29  | Invoice #57101015                         |
| Roger Seemann                                   | \$400.00 | Invoice dated 7/1/05 (authorized 4/28/05) |
| K.J. Snyder and Assoc.                          | \$505.00 | Invoice #4946 and 4923                    |
| Meghan M. Warner                                | \$225.00 | Invoice #05-58 (Bookkeeper)               |
| SCWD                                            | \$795.50 | Invoice #10001600. 10059300, 10059600     |
| CARPD                                           | \$370.00 | 2005-2006 Dues                            |
| Katzmaier Newell Kehr                           | \$116.30 | Inv. #107107-6788 (Architect)             |
| Director Johnson seconded. Unanimously approved |          |                                           |

### **OTHER DISTRICT BUSINESS**

Director Hunt told the Board that he would be attending the Orange County Counsel of Governments General Assembly meeting that is being held August 25, 2005.

The Children's Center Parents Group is still interested in taking over the Center. The Board has discussed terms with the group, and will negotiate to iron out any problem areas if possible.

**4th ACTION:** Director Johnson made a motion to confirm that the five Standing Committees for the District shall consist of Recreation, Finance, Open Space & Trails, Personnel, and Facilities & Safety and no others except as may be added by future action of the Board. Director Levy seconded. Unanimously approved.

Director Hunt discussed the ISDOC request for a Resolution to reapprove the special formula adopted in 2001 for distributing the annual operating costs of LAFCO among Orange County Special Districts, as opposed to the formula specified in California Government Code Section 56381. Director Hunt stated that the special formula places a disproportionate amount of the levy on smaller districts and didn't recommend approving the Resolution. He noted that the charges to the Water and Park Districts amounted to \$2.43 a year for every canyon resident, whereas residents of a nearby large special district pay about a dime per person per year.

**5th ACTION:** Director Hunt made a motion to appoint Director Peterson to fill out CAPRI Board of Directors election ballot that is due August 10, 2005. Director Johnson seconded. Unanimously approved.

Director Levy informed the Board that the Casino Day Bus trip was a success. Around 30 people attended and had a lot of fun.

Director Peterson asked the Board if they would be interested in providing skate ramps for local children who skate board in the community. The Board asked Director Peterson to check into it.

Director Hunt said he would like to put Recreation Programs on the SMRPD web site.

Director Boeck was asked about the Resource Conservation Conference. Director Boeck said that environmental organizations are asking our District to be a sponsor. He said a lot of developers were major sponsors. Director Boeck suggested using some of the \$2,000 that was allotted for the Directors to go to conferences, to be able to attend this Conference. He says there are a lot of good funding ideas available.

Director Johnson brought in a draft Facilities Agreement for the Board to review. She and Caretaker Steve Reighart met earlier to discuss the agreement. Director Johnson will make a few minor changes in wording and resubmit.

Director Hunt discussed the ISDOC meeting he attended, that was held on June 30th, 2005. He submitted a written report to the Board. The speaker was Joyce Crosthwaite, Executive Director of Orange County LAFCO, the title of her talk was *LAFCO Weather Report: Clouds, Fog, and Sun; a look at Recent Accomplishments and Plans for Orange County's Future*, that was aimed at clearing up some misconceptions and misunderstandings about the Municipal Service Review process.

Director Hunt met with Children's Center Staff on July 14, 2005. He reported on their financial status, with \$10,000 in savings and \$7,400 credit card debt.

#### **ADJOURNMENT**

The meeting was adjourned at 10:04 PM. The next regular meeting of the Board of Directors will be at the Silverado Community Center, 27641 Silverado Canyon Road at 7:00PM on Thursday July 28, 2005.