

Cameron Estates Community Services District MINUTES
Regular Meeting: Thursday, May 19, 2016, 7:00 p.m.
Light of the Hills Lutheran Church, 3100 Rodeo Road, Cameron Park
Education Building Conference Room

Public Comment: The public shall have the right to comment on any items appearing on the agenda during consideration of the item. Public comment will be limited to 2 minutes per speaker and 20 minutes per item.

1. **Call to Order/Roll Call:** President Doris Miller, Vice President Eva Robertson, Director James Sholl, Director Dave Proft, Director Ken Moonitz. **President Miller called the meeting to order at 7:02 p.m. President Miller, Director Sholl, Director Moonitz, and Director Proft were in attendance. General Manager recorded minutes. There were several members of the public in attendance. Director Eva Robertson reported in at 7:06 p.m.**

2. **Approval of Agenda**
Board Discussion/Public Comment/Board Action
Director Proft motioned to approve the agenda. Director Sholl seconded. All voted aye.

3. **Consent Calendar** (all items on the Consent Calendar are to be approved by one motion unless a Board Member requests separate action on a specific item).
 - a. **Approval of Minutes:** Regular meeting March 17, 2016
Attachment: Minutes- March 17, 2016
 - b. **Financial Reports:** accepted as presented from County for March 31, 2016
Attachments: Revenue and Expenditure Report; General Ledger, March 31, 2016
 - c. **Approval of Bills:** March 28, 2016, April 28, 2016
Attachments: Vouchers: March 28, 2016, April 28, 2016
 - d. **Yearly Fixed Roll/Lien DVD from Parcel Quest**
Attachments: Order Form
 - e. **LAFCO Final Budget for Fiscal Year 2016-2017**
Attachments: Memo, LAFCO 2016-2017 Final Budget
Board Discussion / Board Action
Director Proft motioned to approve the consent calendar. Director Sholl seconded. All voted aye.

4. **Open Public Forum**
The Public has the opportunity to comment on subject matter relevant to CECSO business.
No public comment.

5. **Amendment of the 2015-2016 Final Budget**
The Board will consider the General Manager's recommendation to adjust and amend a few items on the 2015-2016 final budget.
Attachments: current adopted 2015-16 final budget and proposed amended 2015-16 final budget.
Board Discussion/Public Comment/ Board Action
Director Robertson motioned to amend the 2015-16 final budget. Director Sholl seconded. All voted aye.

6. **CECSO 2016 Roadwork Project bid opening**
The Board will open sealed bids submitted from contractors, review bid amounts and receipt of required paperwork, and accept the lowest responsible bid for the CECSO 2016 Roadwork Project.
Attachments: List of Contractors present at the drive-thru and received sealed bid packages
Board Discussion/Public Comment/ Board Action
Director Sholl opened 3 sealed bids and these were the results:
Doug Veerkamp General Engineering. All required forms were in packet.
Base Bid: \$66,990.88; Bid Alt A: \$80,010; Bid Alt B: \$13,312; total is \$160,312.88
Grade-Tec. All required forms were in packet.
Base Bid: \$83, 256; Bid Alt A: \$35,274; Bid Alt B: \$7,152; total is \$125,682

Nor Cal Asphalt, Bid Bond, Noncollusion, and Subcontractors required forms not in packet so bid not accepted as a responsible bid. Base Bid: \$159,743.98; Bid Alt A: 83,400; Bid Alt B: \$17,200. Total \$260,343.98.

Director Moonitz raised the issue that the amount from Grade-Tec for the Bid Alt A appears to be far less than the next lower bidder and that the bid does not make sense and is questionable. General Manager was directed to contact apparent low bidder, Grade-Tec, to notify and confirm bid amount. General Manager stated that under the Public Contract Code the apparent lowest bidder must be accepted. Director Miller motioned to accept the lowest bid from Grade-Tec. Director Robertson seconded. All voted aye.

7. Revision of Resolution 2016-01 Proposing A Ballot Measure to Increase the Special Tax in the November 8, 2016 Election.

The Board will review, revise, and adopt Revised Resolution 2016-01 so that the wording on the resolution and also the ballot will match exactly and be less than 75 words and acceptable to the Elections Department.

Attachment: Revised Resolution 2016-01

Board Discussion/Public Comment/ Board Action

A member of the public stated that a public hearing should have been held before this was placed on the ballot. The general manager explained that a public hearing is not required since the Board is not adopting a tax increase and that any increase in the voter approved special tax assessment requires 2/3 voter approval before an increase can be imposed. The Board is not adopting anything, it is simply placing a measure on the ballot for an election and the Government Code states that a public hearing requirement does not apply if there is a vote. Director Robertson motioned to adopt the revised Resolution 2016-01 Proposing a Ballot Measure to Increase the Special Tax in the November 8, 2016 Election. Director Miller seconded. All voted aye.

8. Public Hearing: Appropriations Limitations Resolution 2016-03

The Board is holding a public hearing to present the Appropriations Limitations for fiscal year 2016-2017.

Attachment: Resolution 2016-03 Appropriations Limitations

Board Discussion/Public Comment/ Board Action

Director Robertson motioned to adopt the Appropriations Limitations Resolution 2016-03. Director Miller seconded. All voted aye.

9. Roadside Easement Weed Control Spraying 2017

The General Manager is seeking Board approval to contract with Jones Brothers to arrange for district roadside easement weed spraying for year 2017.

Attachment: None

Board Discussion/Public Comment/Board Action

Director Proft motioned to approve a contract with Jones Brothers for weed spraying in 2017. Director Sholl seconded. All voted aye.

10. Public Hearing: CECSA 2016--2017 Proposed Budget and Resolution 2016-04

The Board is holding a public hearing to present the CECSA Proposed Draft Budget for 2016-2017.

Attachment: Resolution 2016- 04, 2016-2017 Budget, 2015-2016 Budget Comparisons & Actuals

Board Discussion/Public Comment/ Board Action

Director Proft motioned to adopt Resolution 2016-04 adopting the proposed 2016-17 Proposed Budget. Director Miller seconded. All voted aye.

11. Ballot for Proposed CSDA Bylaws Update

The District received a ballot for Proposed CSDA bylaws Updates and a letter showing the CSDA Board approved recommended updates to CSDA Bylaws.

Attachment: Ballot for Proposed Bylaws Amendment

Board Discussion/Public Comment/Board Action

Director Proft motioned to approve the recommended updates to the CSDA bylaws. Director Robertson seconded. All voted aye.

12. **Removal of Gate Code from Display Boards**

Board to discuss the removal of the entry code from the gate display boards.

Attachment: Memos from Attorney Wright and County Counsel, Lawsuit Judgment, Staff Reports

Board Discussion/Public Comment/Board Action

General Manager reported she was directed by the Board to obtain a legal opinion from District legal counsel and he furnished a confidential memo protected by attorney client privilege. She provided counsel with the history of the formation of Cameron Estates and later the formation of the District, the history of the gate issue, the lawsuit judgment, deeds & title reports from various parcels in all 3 Units of Cameron Estates. She sent recorded maps of the formation of the District approved by LAFCO and the County Board of Supervisors, letters and opinions regarding the issue of gates from our previous attorney and past County Counsels, and her Staff Report and opinion. She contacted the other Districts also covered with our District under GC 61105 (f) and Senate Bill 263 and found that Bear Valley, Bell Canyon, Lake Sherwood, Saddle Creek, Santa Rita Hills are Districts that are gated and locked and receive tax revenues from their County. She summarized that from all the research of the District formation, the Government Code, the rationale behind SB 263, and from our legal counsel's opinion, that our District does have the authority to restrict access to roads and, therefore, lock the gates. The Cameron Estates property owners have property rights permitting them to restrict access to District roads to themselves and their invitees, and the District has the legal authority pursuant to Government Code section 61105 to restrict access to District roads to property owners within the district and their invitees on behalf of the property owners. Invitees include guests, contractors, workers, EID, utilities, delivery companies such as UPS & USPO etc. and so we do let the public in as invitees and they are given the entrance code. The use of property tax revenue and special tax revenue to fund maintenance and improvements of District roads is not an unconstitutional gift of public funds. Furthermore, the County has no legal basis for forcing the District to provide access to the general public, nor for withholding tax revenue from the District should the District exercise its rights to restrict public access. She stated that if the Board were to take action to lock the gates, then ordinance 2003-06 would have to be amended to bind members of the public. It takes two meetings and the notice and publication process to complete such an amendment. The second meeting at which the ordinance amendment is adopted must be a regular meeting, but the District should not actually start enforcing restricted access and remove the codes until the amended ordinance is in place. Additionally, a public information statement should be released which specifies the reasons underlying the Board action. District expenditures of tax revenues for improvement of roads do not have to benefit the general public outside the District in order to avoid the prohibition of an unconstitutional gift of public funds. All that is required is that such expenditures have a public purpose for the public that the District is empowered to serve. Director Miller motioned to direct General Manager to start the procedures for adoption of an Ordinance to limit access and lock the gates. Director Robertson seconded. All voted aye.

13. **Director and Staff Reports**

Directors and staff may make brief announcements or reports for the purpose of providing information to the public or staff, or to schedule a matter for a future meeting. The Board cannot take action on any item not on the agenda.

- a. Directors Reports **None**
- b. General Manager's Report **None**

Adjournment was at 8:30 p.m.

Next Regular Board Meeting: July 21, 2016

NOTE: For copies of support documentation to the agenda contact CECSO office at 677-5889/cecsd@att.net. Costs are \$.10 per copy. You can also access the agenda item documents at the CECSO website: cameronestates.net. Americans with Disabilities Act: if you need a disability related modification or accommodation to participate in this meeting, please contact Angela Johnson at the above contact numbers. Requests must be made as early as possible, and at least one full business day before the start of the meeting. In accordance with The Brown Act Section 54954.2(a) this agenda was posted 72 hours prior to the meeting.