

Cameron Estates Community Services District MINUTES
Regular Meeting: Thursday, September 19, 2019, 7:00 p.m.
Light of the Hills Lutheran Church, 3100 Rodeo Road, Cameron Park
Education Building Multi-Purpose 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 3 minutes per speaker and 20 minutes per item.

1. **Call to Order/Roll Call:** President Doris Miller, Vice President Lynn Kissel, Director James Sholl, Director Joshua Clark, Director James Bergsten.
President Doris Miller called the meeting to order at 7:01 p.m. General Manager, Karen Moonitz took roll call. President Doris Miller, Vice President Lynn Kissel, Director James Sholl, Director James Joshua Clark Director James Bergsten, were in attendance. Several residents were present. General Manager recorded the minutes.

2. **Approval of Agenda**
Board Discussion/Public Comment/Board Action
Director Lynn Kissel motioned to approve the Agenda as submitted. Director James Bergsten 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 July 18, 2019
Attachment: Minutes - July 18, 2019
 - b. **Financial Reports:** accepted as presented from County for June 30, July 31, August 31, 2019
Attachments: Revenue and Expenditure Report; General Ledger, June 30, July 31, August 31, 2019
 - c. **Approval of Bills:** July 16, 18, 26(2), August 12, 19, 26, 27, September 10, 2019
Attachments: Vouchers: July 16, 18, 26(2), August 12, 19, 26, 27, September 10, 2019
 - d. **El Dorado County Auditor Office 2019/20 Direct Charges**
Attachment: 2019/20 Direct Charges for code 680 received, accepted, and processed
 - e. **El Dorado County Auditor Office 2019/20 Estimate of Current Year Property Tax Revenue**
*Attachment: 2019/20 Estimate of Current Year Roll Property Tax Revenue for CECSO.*Board Discussion/Board Action
Director James Sholl asked about the matter that was brought up at the July meeting in regards to the General Manager checking into some issues that were brought before the Board and wanted to know if some of the costs of our legal counsel were reflected in the last of the payment vouchers which was almost \$5000.00. General Manager replied that correct, the voucher where legal counsel addressed our questions regarding the comments made at the July meeting was in one of those vouchers and was \$1,500.00. The General Manager stated: Let the Minutes show the General Manager is removing in Item 3b. the attached Financial Reports from El Dorado County Auditor Controller and replacing them with the corrected most current Financial Reports received from the County on September 18, 2019 for June 30, July 31, and August 31, 2019. Director Lynn Kissel motioned to approve the Consent Calendar with the change. Director James Sholl seconded. All voted aye.

4. **Open Public Forum**
The Public has the opportunity to comment on subject matter relevant to CECSO business.
A member of the audience remarked that he didn't see an agenda item that reviewed the opinion of the attorney on regarding the election. General Manager replied she will address that under the General Manager's Report

5. **Adjustment of the 2019-2020 Final Budget**

The Board will consider the General Manager's recommendation to adjust and amend the 2019-2020 Final Budget to reflect the figures shown on the year end June 30, 2019 County financial reports.

Attachments: None

Board Discussion/Public Comment/Board Action

The General Manager stated: Let the Minutes show that the General Manager is adding the 2019-2020 Adjusted Final Budget. She got the final figures from the county on September 18 and used them to adjust the final budget. Director Lynn Kissel moved to accept the Adjusted Final Budget for 2019-2020. Director Joshua Clark seconded. All voted aye.

6. **Annual Report Accounting for Special Taxes 2018-2019**

The General Manager will submit to the Board the Annual Report Accounting for Special Taxes 2018-19.

Attachment: None.

Board Discussion/Public Comment/ Board Action

The General Manager stated: Let the Minutes show that the General Manager is adding the Annual Report Accounting for 2018-2019 Special Taxes as she got the figures on September 18. Director Lynn Kissel moved to accept the Annual Report Accounting for Special Taxes 2018-2019. President Doris Miller seconded. All voted aye.

7. **Sonitrol Gate Cameras**

The Board will discuss the current Sonitrol proposal for new cameras at the Mini-Storage gates and possible upgrades in the cameras for the rest of the gates.

Attachment: Sonitrol Proposals 28274-1-0: a) 8/2/19 b) 8/27/19 c) 9/10/19

Board Discussion/Public Comment/Board Action

The General Manager and Director Lynn Kissel, reported Proposal a) \$9,998.00 includes 3 cameras, installation of necessary equipment, and a metal box (cost \$4,580.00) to house the new equipment per gate, however the District requested a 24"x24"x10" poly carbonate box. Sonitrol requires the box be air conditioned to protect the equipment from overheating. So, Sonitrol provided Proposal b) the poly carbonate box with 800 BTU AC unit at \$5,372.00 with installation. Total cost of 3 cameras, necessary equipment and poly carbonate AC controlled box is \$10,790.00. If the District buys and installs the same box, the cost would be approximately \$2,000.00 to \$2,400.00, however, if a failure occurs with the operations of the box Sonitrol will not cover the equipment as part of our maintenance agreement. The cost of the maintenance agreement Sonitrol has with the District is \$2,734.44 per year for all the cameras and equipment at all 3 gates. Sonitrol also provided Proposal c) which shows the cost of just the cameras and accessories but removes the cost of the wire pull for the cameras which would be provided by the District. This cost would be \$4,788.00, saving the District \$630.00 per gate. Again, if there is a failure of the equipment due to the wire installation provided by the District, equipment repair or replacement is not included in the maintenance agreement the District has with Sonitrol. Director Kissel maintains that the District needs to upgrade all the boxes holding the camera equipment for all the gate cameras to polycarbonate 800 BTU AC to protect any equipment that is there.

Director Joshua Clark presented information for an IR camera system from Flock Safety. These cameras are hardened for outdoor use and would have a cellular connection, and are powered by solar panels. The system would cost \$2,000 per camera per year. The cost includes maintenance, health monitoring and full replacement one time per year if vandalized or stolen. After that each new camera would cost \$300. This camera would capture people, license plates and vehicle information in continuous still images, with time stamp, by sensing motion, and would have as many administrators as the District wants to view the footage. The footage would be stored in a database stored on through amazon cloud storage service for 30 days. If cellular service is lost it senses motion and captures images and stores them internally for 15 days. The Board thought 2 cameras would most likely be needed. The cost for 2 cameras at one gate would be \$4,000 per year, every year. Director Joshua Clark and Director Lynn Kissel along with the General Manager, volunteered to investigate the Flock Safety proposal further with a computer conference meeting. No motion. No action.

8. **CECSD 2019-20 Road Matters and Roadwork**

The Board will discuss road work in 2019-2020.

Attachment: None

Board Discussion/Public Comment/Board Action

Director Sholl reported that the Flying C project is complete. Cameron Road is scheduled to start on September 24, 2019 and will be closed in both directions for at least 30 days. Road closure signs will be present at Cameron road and Flying C and Cameron Road and Strolling Hills. There will be a security fence around the entire project. General Manager sent out a District wide email to let all residents know of the road closure. The Directors discussed the timing of the road surveys in November and the scheduled timeline for road work. General Manager responded that the road assignments are reviewed in November and the Directors start their road surveys and complete them and send all the information to the Road Chairman to be compiled and discussed and come up with possible projects at the January meeting. The Board then looks at the major issues so they can make decisions at the March meeting for projects and come up with a final scope. The Board discussed different time periods for the road projects to be discussed and when it might be best to come up with a scope. President Doris Miller responded it would be best to keep to our scheduled timeline as it is and we can work with special meetings to change the scope as needed. No motion. No action.

9. **Road Financing**

The Board will discuss possible loan financing options for road work from the CSDA Financial Corporation.

Attachment: None

Board Discussion/Public Comment/Board Action

General Manager gave a local small district CSDA Financial Corporation loan scenario with figures given by legal counsel for the Board to consider. District legal counsel is also looking at GO Bond possibilities. She asked the Board if they wanted to have District legal counsel come to the November Board meeting to discuss these options with the Board. The Board discussed the different projects that could be done using the new tax money amount (\$100,740.00) coming in starting November 2019 to finance a loan. The Board thought it a good idea to ask District legal counsel to come to the November meeting to discuss various financing options with CSDA Financial Corp. No motion. No action.

10. **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:

Director Joshua Clark reported back about the ordinance CP CSD recently created and passed for their district to add weed abatement enforcement on vacant lots along with the current one for occupied lots. Their Ordinance went into effect July of this year, but won't be enforced until sometime in 2020. They don't have the funding yet to enforce it and have only 2-3 inspectors for the whole county. He recommended the District talk with our legal counsel to ask if that would be something the District could join in to enforce beyond the road easement policy.

b. General Manager's Report:

General Manager Report Re: Leippe's Comments about Violating Gov. Code 54964

At the July meeting, Mr. Leippe complained that the District violated Government Code 54964 by: 1) Using District Resources to 'campaign' for ballot Measure H.

2) The District used the Fact Sheet for Measure H and the Newsletters from August to November to ask the residents to support Measure H. He stated: "you are not allowed to use the District newsletter and stuff to say the Board supports a ballot." And, he said in the newsletters and fact sheet, "the ballot measure is clearly identified and using the word support is a no-no word in government codes."

3) The Fact Sheet was not factual, there were certain rather significant errors in monetary numbers on the page.

4) Additionally, in a later comment, he said we can't tax parcels and not give them a benefit, then counted off the commercial properties, and the LOTH Lutheran Church parcels.

These are serious accusations! These need to be addressed publicly. He brought this up more than a year after the so-called "violations" occurred. He did not provide the "evidence" for us to review while he made his accusations, and we could not see specifically what he was talking about. I could not refute his accusations because I did not have, nor was I given the "evidence" that showed the "violations" he is accusing the District of making. He passed out the language of the legislation, and that did not clarify his accusations. You, the Board, asked me to seek counsel from our attorney about these allegations and this is what he had to say: 1 & 2) You did not violate Gov Code 54964. The only statement that is being questioned is: **"In order to create and maintain safe drivable roads our District needs more revenues and needs your support to achieve this."** This statement in both the Newsletters and the Notice from the BOD regarding Measure H (the Fact Sheet); stating that the District needs the support of the residents to achieve its road improvement goals, is appropriate and constitutionally permissible. He also said that all of the statements in the newsletters and Fact Sheet are strictly factual. He used case law: Vargas v. City of Salinas – a famous California Supreme Court ruling regarding what public agencies may publicly say regarding their own opinion of their ballot measure. In that ruling they found: A public agency may also publicly present a factual argument in support of its opinion without including the views expressed by those with differing opinions on the measure; their arguments may include the projected impact of such a ballot measure on the services, programs and facilities provided by the public agency. Also, the cities' communications were challenged as unlawful campaign activities since public resources were used to prepare and distribute the pamphlets, newsletters and web site information, which did not contain a balanced analysis of arguments both in favor of and opposed to the measure and were intended to influence voters to vote against the measure. The trial court held that there was no violation since the materials did not expressly advocate for a no vote.

Just so you all know, to be sure, I sent our attorney the Notice from the BOD regarding Measure H (the Fact Sheet) that was attached with the newsletters, **Before** it was ever published and sent out to the residents. He told me then: This Notice is strictly factual and can be published as such, it does not contain any language or statements that encourage a certain result which could be a legal liability. SO, No District resources were used to 'campaign' for the Measure, I was giving factual information to the residents about why the Board chose to put Measure H on the ballot, and I took a sentence from the **Approved** Fact Sheet and put it in the newsletters. I did not ask the residents to support Measure H, nor did I say the Board supports the ballot. I did say: **In order to create and maintain safe drivable roads our District needs more revenues and needs your support to achieve this.** And I could not find any government codes that said; using the word support is a "no-no" word. I hope, Mr. Leippe is now better informed about what public agencies can and cannot do and say when publicly communicating their ballot measure.

3) The Fact Sheet numbers are completely correct, do the math. See the Fact Sheet.

4) CA Government Code 61121 enables CSD's to levy special taxes. CA Gov Code 61121 – "A District may levy special taxes pursuant to: (a) Article 3.5 (commencing with Section 50075) of Chapter 1 of Part 1 of Division 1 of Title 5.

This says in part....The special taxes shall be applied uniformly to all taxpayers or all real property within the district,..." These parcels are included in our District's boundaries and sphere of influence. (SOI is coterminous with the District's Service boundaries)

Adjournment: 8:50 pm Next Regular Board Meeting: November 21, 2019