

**LAKE MISSION VIEJO ASSOCIATION
BOARD OF DIRECTORS MEETING
June 09, 2009**

MEETING: Upon notice duly given and received, this meeting of the Lake Mission Viejo Association Board of Directors was held at the lake offices. The meeting was called to order by Diane Lincoln at 7:04 PM.

Board Members Present: Diane Lincoln, President
Fred Mellenbruch, Vice President
Jane Chadburn, Secretary
Sid Wittenberg, Treasurer
Alan Virdinis, Board Member

Staff Members Present: Janice Chandler, Human Resources Manager
Dave Kerr, Administrative Manager
Norma Risher Billing Clerk
Bryant Watilo, Superintendent

Others Present: M. Ziegler, K. Kriz, , A. Kotnik, F. Fournier, V. Savage, J. Sperber, K. Bosworth, S. Bosworth, D. Peters, N. Schmidt, M. Terusa, W. Hugelshofer, W. Halagarda, D. Williams, A. Williams, J. Milikan, D. Hamblin, F. Nin, M. Beach, A. Wang, E Glicksman, J. Glicksman, C. Holmes, J. OConnell, R. Simenz, A. Kotnik, R. Heimann, B. Thom, R. Simenz, P. Tietz, T. Hoadwonic, A. Williams A. Cook, G. Silver, N. Silver, A. Waugh, L. Leslie, G. Warengaris, B. Hunt, M. Gruen, B. Leach, B Culyer, Mr. Snuffy, A. Radwan and T. Speiss

Minutes: Motion duly made by Fred Mellenbruch and seconded by Alan Virdinis to approve the minutes of the 2009 Board Meeting. Jane Chadburn amended the minutes to show that guests will now be allowed into the LMVA facilities at 3 p.m. instead of 6 p.m. Vote carried: 3-0-2 (Alan Virdinis and Sid Wittenberg were not in attendance at the May meeting).

President Diane Lincoln stated that in order to keep the meeting moving forward that she is requesting the BOD approve a 3 minute time limit policy for each speaker who wished to address the BOD during members forum. With no objections from the BOD, that action was adopted unanimous consent.

Special Presentations:

Marine Appreciation Day: Bruce Hunt from the Mission Viejo Marine Adoption Committee and Colonel Michael Gruen from Headquarters Battalion 1st Marine Division at USMC, Camp Pendleton thanked the BOD and staff for hosting the Camp Pendleton Headquarters Division at LMVA on Saturday, April 25, 2009. Colonel Gruen presented the BOD with Certificates of Appreciation, hats and tee shirts, and stated how much the marines enjoyed the day at the Lake.

Orange County International Triathlon: Bill Leach and Bob Culyer addressed the BOD regarding the upcoming triathlon scheduled for Sunday, September 27th. Mr. Leach and Mr. Culyer proposed a new finish line for the race, in the North Beach facility adjacent to the beach. Diane Lincoln asked Mr. Leach and Mr. Culyer to meet with Dave Kerr to discuss details of the new finish line and bring the findings back to the board at the July meeting for consideration.

Members Forum: A group of members spoke in reference to the proposed rules changes to be considered at this meeting.

Member Greg Warnegar stated that he was concerned about the new rules being restrictive to fishermen. He also asked that the BOD consider lowering the quarantine for boats, now at 30 days, to 21 days.

Member Kurt Bensworth stated that he thought the new rules would give the lifeguards more authority than they need. He stated that members should call the police for trespassing issues and asked the BOD not to change the atmosphere of LMV.

Member Sandra Bensworth stated that the lifeguards are here to save lives, not to enforce rules.

Member Jared Glicksman stated that he is opposed to the rule changes. He also stated that he doesn't see the need for the citation program, it is not necessary and some lifeguards are just kids and don't have the experience to write citations.

Member Ahmed Radwan stated that he has lived on the lake for 15 years and enjoys the relaxed atmosphere around the lake. He asked the BOD to keep the lake friendly and related a story about a trespasser on his property who was arrested by the sheriff's, handcuffed and taken away after he called 911. He would like the lifeguards to focus on saving lives, not enforce rules.

Member Tom Speiss stated that he lives on the lake and has had hooks on his dock, boat covers torn and people adjacent to his dock, stepping onto his property as well. He stated that he has experienced vulgar comments from people when he has asked them to stay clear of the restricted zone around his property. He also stated that he would rather call the lifeguards and that enforcement of the new rules would only affect a few individuals.

Member Nancy Silver stated that the lifeguards were very friendly and helpful toward her family and she did not want people to avoid the lifeguards because they felt lifeguards were acting as police officers with the ability to write citations.

Member Marlene Beach stated that she was a 23 year lakefront resident and she doesn't want more rules. She thanks the BOD and staff for all of their hard work and suggested that if they approve the new rules, they should have a trial period for one year and then review the program.

Member Erwin Glicksman stated that he has lived on the lake for 30 years and is opposed to the citation program.

Member Nanees Radwan stated that she is an 8 year resident and has never seen a reason for adopting a citation program. She suggested that violators should lose lake privileges for a 30 day period, let the sheriff's handle trespassing and is opposed to a citation program.

Member Lee Leslie stated that he is opposed to a citation program, is an avid fisherman and has written numerous letters to the BOD. He stated that fishermen are good people and doesn't feel that LMVA needs to resort to fines. He stated that he is a 28 year member of the association and that we already have everything we need to enjoy the lake.

Member Joe O Connell stated that the lifeguards do a great job and he supports their efforts and he doesn't want the lifeguards to feel like they are policemen.

Delegates Forum: Member Andy Kotnik stated that he fishes the lake a lot. Over the past few months he has both sides of the rules debate and he feels that the members need to cooperate with the lifeguards and follow their direction.

Director's Report: None

Treasurer's Report: Treasurer Sid Wittenberg provided the following report.

The Lake Mission Viejo Association financial statement through May 31, 2009 shows:

Actual revenue of	\$ 2,667,339	2
Gross Income of	2,655,283	3
Actual Operating Expenses of	2,137,083	5
Capital Expenditures	449	5
Net Income	517,751	5
Budgeted Net Income	155,900	5
Total Investments	6,624,950	1
Total Operating Cash on Hand	353,429	1
Interest Income	82,153	2

Committee Report: None

Manager's Reports:

ADMINISTRATIVE MANAGER'S REPORT

BILLING/MEMBERSHIP DEPARTMENT

- As of 6/01/09 staff has deposited \$2,581,229.00 in membership assessments for current period or 97% of the 01-6/30/09 assessment.
- As of 6/01/09, 395 files are at the collections attorney's office, with 145 accounts delinquent for the 7/01-12/31/08 assessment period and 250 owing for multiple periods.
- Membership assessments for the 7/01 -12/31/09 period have been processed and are being mailed to members this week.
- Non sub association members will receive a 2009 delegate election proxy mailed with their 7/01 assessment bill.
- Membership counselors processed new 4 voluntary memberships during the month of May.

ACCOUNTING DEPARTMENT

- CD and money market rates are beginning to stabilize. 2 CD's purchased for one year term on 06/01/09, average yield 2.01%.
- Enclosed in your packet is a copy of the current investment portfolio at Comerica Securities.

FINANCIAL (Revenue • Cost • Reserve • Audit)

- Received a refund check from our proration of Worker's Compensation premium in the amount of \$31,500. This was due to the change in renewal date to 12/15/08 from 4/01/09.

MEMBER / COMMUNITY RELATIONS

- Production work on the 07/09 issue of the Noticia is in the final stages including 2009 concert lineup for 7/09.
- Clubhouse bookings for 2009 up to 35 events with 16 being weddings and or receptions. Business is steady and the clubhouse continues to be popular with the membership.
- The Symphony Concert on Sunday 5/17 was a success with 1325 members and 235 guests coming through the gates between 12 p.m. and 4 p.m. on the day of the event.
- Snack Bar was open and did a brisk business during the show.
- Memorial Day Weekend was very busy. Beautiful weather brought out a large crowd for all three days. Staff was busy with boat rentals and facility clean-up due to the crowds.
- The Leukemia Cup Regatta was held on Saturday, 5/30 with an excellent turnout. There were 150 Poker hands played and over 100 meals served. Over \$2000.00 raised at the Silent Auction.
- The LMVYC Summer Regatta is scheduled for 6/22.
- A letter from the Williams, Desiano and Avalos families regarding the trees at East Beach (dated 1/31/09 is in your packet. I believe that a representative from this group will attend the 06/09 meeting

BIOLOGY / LAKE INFORMATION (High

Lake Elevation: 700.74 ft. asl

Surface Water Temperature: 73 - 77 °F

Secchi Visibility: 31 feet

WATER

	<u>Jan</u>	<u>Feb</u>	<u>Mar</u>	<u>Apr</u>	<u>May</u>	<u>June</u> (to date)	<u>Year-to-date</u> <u>Total</u>	<u>Rain</u> <u>Season</u> <u>Total</u> (July 1, '08 through July 1, '09)
Purchased Water:	0 a.f.	0 a.f.	0 a.f.	10 a.f.	50 a.f.	0 a.f.	60 a.f.	
Actual Rainfall:	0.31"	4.53"	0.18"	0.15"	0.11"	0"	5.28"	11.64"
Avg. Historic Rain:	3.12"	3.90"	2.80"	1.02"	0.37"	0.11"	11.03"	15.20"

Domestic Lake fill

Approximately 60 acre-feet of Lake fill has been delivered this year. We are anticipating another 50 acre-feet in June. This 110 a.f. will be what is budgeted but it would be advisable to purchase another 20 a.f. to get ahead of any possible upcoming restrictions.

General Lake Conditions

LMV has begun its summer stratification with deepest levels now losing their oxygen. Good oxygen is being reported above the 45-foot mark. One would not expect to catch fish deeper than this level at this time of year.

Health Report

Monthly fecal coliform quality control testing continues on all the beaches with acceptable results. Swimmer's Itch reports have markedly dropped off in the past 3 weeks. Notices are still being posted. As this may still be their season, we are lowering the alert level to "moderate".

Fishery

The Bass Catch-and-Release rule has been lifted as of June 1st. Good spawning activity has been observed this season but the bass fishing itself appeared to be a particular challenge.

HR / LIFEGUARDS / SAFETY & HEALTH (Incidents · Inspections · Etc).

- Summer hiring process underway for seasonal gate, dock, park, boat rental and lifeguard staff. Full staffing for summer will be in place by 6/21.

MAJOR PROJECTS / INITIATIVES.

- New Snack Bar Fryers installed on 6/01.
- City permit for installation of the Underground Gas Tank retrofit project for AQMD compliance from planning department received on 5/22. Contractor is ready to install as soon as the building department equipment.

WEBSITE

Website statistics for 5/09 show 36,402 visits to the website; up 6% from May 2008.

OLD BUSINESS

Approval of Rules and Regulations including adopted changes as of 6/09/09.

Board President Diane Lincoln asked Lifeguard Captain Dave Peden to address the BOD regarding the proposed Citation program. Captain Peden stated the policy of the lifeguard department has always been a program of voluntary compliance, advising members and guests of rules before writing a Disciplinary Field Investigation card (DFI) regarding a rule infraction. He explained that the citation program is for the few individuals who are repeat offenders and do not heed warnings or rule advisements. Diane Lincoln asked Captain Peden if people are now more resistant to rule enforcement than in the past. Captain Peden stated that people who break the rules are more resistant to advisements from the lifeguards than they have been in years past. Board member Alan Virdinis asked Captain Peden who would be writing the citations. Captain Peden responded that the lifeguard department officers and management staff would be the only ones writing citations. Ms. Lincoln asked Captain Peden to speak about the percentage of people who would be affected by the citations. Captain Peden explained that only a small percentage of the people who break the rules would receive citations. Board member Jane Chadburn stated that the DFI citation program has been in place for many years and the "30 – Day Suspension" involves a hearing and is a very complicated process. The rule is not being changed, rather a fine is being added to it for the chronic abuser. Ms. Lincoln stated that the DFI citation program has been in force for many years. A fine would only happen for the chronic abuser who does not respect the rules. Captain Peden stated that the attitude of the lifeguard department would not change and that the lifeguards will still take a friendly approach toward enforcement of the rules. During this process member Leland Leslie interrupted Captain Peden on three occasions. Ms. Lincoln advised Mr. Leslie to remain quiet each time as he was out of order speaking during the Old Business portion of the meeting.

Administrative Manager Dave Kerr stated that he and Captain Peden have been employed with LMVA for many years. He stated that the DFI program has been in place for in excess of 25 years. He also stated that providing a safe environment for members and their guests is the primary goal of the LMVA staff. Mr. Kerr went on to state that the staff responsible for writing citations would all be very experienced management level and senior lifeguard staff. Board member Fred Mellenbruch asked Dave Kerr if a member could have a lien placed on their house if they failed to pay a fine. Mr. Kerr responded that liens could not be placed on a home for

failure to pay a fine. Member Lee Leslie again attempted to speak. Ms. Lincoln again advised him that he could not speak during old business. Ms. Lincoln stated that we have checked with our attorney reviewed the Corporations Code and liens would not be placed on homes for failure to pay a fine.

Fred Mellenbruch made a motion to approve the Rules and Regulations with the proposed changes sent to the members for comment in May, 2009. Second, Alan Viridinis. A discussion followed wherein Jane Chadburn proposed removing the phrase “or by phone” from the table reservations and party boat sections of the rules. Fred Mellenbruch acknowledged acceptance of the changes. Alan Viridinis proposed removing “the \$10.00 fee” from the Boat Registration section of the rules. Mr. Mellenbruch acknowledged acceptance of the change. Jane Chadburn proposed changing the language under the Prohibited Docking section to read “unauthorized tying up to any of the private docks is prohibited”. Mr. Mellenbruch acknowledged acceptance of the change. Mr. Mellenbruch proposed adding “a one year trial period” for the Citation program. In response to a suggestion that the rules changes be tabled, Board member Sid Wittenberg stated that the program should be reviewed after one year and put to a vote at that time. Mr. Mellenbruch agreed and called for a vote. Vote carried 5-0-0.

Amphitheater and ADA Ramp Reconfiguration Project

Karel Kriz presented a proposal for the civil and structural engineering work regarding the Amphitheater and ADA Ramp Reconfiguration project. The scope is divided into two separate phases and an approval for the Phase 1 is requested at this time. The Phase 1 consists of a detailed survey of the slope and this is required in order to proceed with detail design for both the amphitheater and the reconfiguration of the access ramp from the parking lot. The cost of the survey by Allen Designs is \$4,250.

Jane Chadburn made a motion to approve the survey expense for an amount not to exceed \$4,250, with the expense coming from Capital Expansion Account 2045. Second, Fred Mellenbruch. Vote Carried 5-0-0

NEW BUSINESS

None

Adjournment: There being no further business, this meeting of the Lake Mission Viejo Association was adjourned at 8:17 PM.

Attest: _____, Secretary