

**LAKE MISSION VIEJO ASSOCIATION  
BOARD OF DIRECTORS MEETING  
May 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 7:07 PM.

**Board Members Present:** Diane Lincoln, President  
Fred Mellenbruch, Vice President  
Jane Chadburn, Secretary

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

**Others Present:** M. Ziegler, K. Kriz, , A. Kotnik, S. Byron, N. Schmidt, , M. Bender, T. Musilino, R. Simenz, K. Abele, A. Kotnik, R. Heimann, B. Thom, R. Simenz, P. Tietz, T. Hoadwonic, A. Williams A. Cook, A. Waugh, L. Leslie and T. Speiss

**Minutes:** Motion duly made by Fred Mellenbruch and seconded by Jane Chadburn to approve the minutes of the April 2009 Board Meeting Vote carried: 3-0-0

**Director's Report:** Diane Lincoln thanked the staff for doing a wonderful job during the past several months. Ms. Lincoln introduced new staff member Norma Risher to LMVA.

**Members Forum:** Member Andrea Williams addressed the Board regarding several Japanese Pine trees that block the view of the lake from her home. Ms. Williams stated that she first brought the view issue to the board in 2005. Ms. Williams lives across the street from the entrance to East Beach. She stated that her slope association removed the pepper trees on the slope behind her house which improved her view. Diane Lincoln asked if the property was LMVA property or belonged to her other HOA. Dave Kerr confirmed that the slope in question belonged to the Mission Viejo Environmental HOA. Ms. Williams stated that she bought her lot and paid a view premium. She stated that the Japanese Pines grow to approximately 80 feet tall. Ms. Lincoln asked if she had a request. Ms. Williams stated that she felt it was an intrusion on her rights to disrupt her view. She would like the trees removed to improve her view. Ms. Lincoln asked Ms. Williams to leave a copy of her most recent letter to the Lake Association with the staff so the board could review her request again.

Member Kathleen Ron stated that she was a member of the LMVYC and that she had volunteered to get involved with Leukemia Cup Regatta. She spoke about her father and volunteered to chair the event in honor of her late father. Ms. Ron stated that she was very appreciative of the board's support of the event. Ms. Ron went on to explain some of the details of the event. (Sailboat Race, Souvenir Items, Silent Auction and a Poker Run). She stated that all of the proceeds are to go to the Leukemia Society. The event is scheduled for Saturday, May 30<sup>th</sup>.

Member Leland Leslie addressed the Board, stating that he was there to speak about the proposed changes to the rules and regulations. He spoke about fines, suspensions expulsions and new regulations being proposed and implemented within the next month. Diane Lincoln asked delegates in the audience if they received the proposed rules changes in the mail. Several members acknowledged that they had received the document. Mr. Leslie stated that he understood many of the people in attendance were delegates to LMVA. He spoke about the common person and their rights as members to use the lake. Mr. Leslie stated that he was opposed to the proposed changes to the rules. Ms. Lincoln asked if he was opposed to all of the changes. Mr. Leslie stated that he does not have a problem with them personally, but he has a problem with the fines and he believes they are in conflict with the CC&R'S. Mr. Leslie stated that he had a meeting with Dave Kerr and he questioned Mr. Kerr about the transparency in LMVA Rules and Regulations. Ms. Lincoln asked if he had contact with his delegate. Mr. Leslie stated that he had tried to get in touch with his delegate but was not able to contact him. He stated that the information was not on the website nor would Administrative Manager Dave Kerr give him the delegate's telephone number. At that time Mr. Martin Bender (his delegate) provided Mr. Leslie with his business card. Mr. Leslie took Mr. Bender's card and asked Mr. Bender why he had not called him. Ms. Lincoln asked Mr. Leslie to get to his point, calm down and maintain a civil attitude. Mr. Leslie stated that Dave Kerr knows that the information (addresses of the delegates) is not on the website. (At this time Mr. Leslie had been speaking for 4 minutes 25 seconds). Ms. Lincoln told Mr. Leslie that he had one (1) minute to reach his conclusion. Mr. Heiman stated that he wanted to hear what Mr. Leslie had to say. Mr. Leslie went on to state that he was upset about the access to the lake for fishing, algae blooms and the 15 foot rule. Mr. Leslie encouraged the delegates to review the CC&R's. He questioned and complained about the hours available for fishing. (Mr. Leslie spoke for an additional 1 minute 45 seconds.) At this time Ms. Lincoln told Mr. Leslie that his time was up.

Delegate Andy Kotnik spoke about the Marine Appreciation Day. He stated that he was present for the event and that it was a wonderful day for everyone who attended.

**Delegates Report:** Delegate Rich Heimann stated that he had only recently become a delegate and that the Lake is very rule intensive. He stated that the last Noticia was dedicated to the rules. He went on to say that this organization has too many rules. Delegate Nancy Schmidt stated that she lives on the water and is very thankful for the rules and the lifeguards who enforce them.

Mr. Leslie attempted to speak again and Ms. Lincoln reminded him that this is the delegate forum where only delegates are allowed to speak.

Delegate Tom Speiss stated that he lives on the water and has had to repair or replace 3 boat covers that were damaged by anglers casting onto his boat and tearing his boat covers. He endorsed the 15 foot rule and hopes that this will curtail the problem he is having. He stated that he understands the desire of the anglers with regard to the fish in the lake.

Mr. Leslie again tried to speak during the delegate's forum. Ms. Lincoln asked Mr. Leslie to sit down and be quiet.

Delegate Mac Ziegler stated that he had been fishing on the lake for 20 years and had never had a problem with the rules.

Delegate Andy Kotnik asked if the board had received his email regarding the 15 foot rule. Ms. Lincoln stated that she had not seen his email and asked Dave Kerr to provide Mr. Kotnik's email to the Board.

Director Fred Mellenbruch stated that he was upset regarding the comment from Mr. Leslie regarding the quality of the water in LMV. He stated that we set the standard for water quality in California. He spoke about the algae bloom being a natural occurrence and that the Lake is pristine. There have been many articles regarding the Quagga Mussel and the rules help to protect the quality of LMV.

Director Jane Chadburn stated that the rules are very important to running the lake and that the board does not make the rules to make things difficult. There are almost 24,000 households to consider and we must enforce rules that benefit the most people. She stated that the Board takes the rules very seriously. Ms. Chadburn used the example of allowing additional guests into the Lake on Memorial Day and Labor Day and that on July 4<sup>th</sup> guests will now be allowed into the facilities at 3 p.m. instead of 6 p.m.. She stated that most of the rules are made for safety concerns.

Delegate Art Cook stated that he wanted to compliment the Board regarding their handling of the tense situation this evening.

Ms. Lincoln stated that Mr. Leslie is a member and deserves to be heard at meetings and feels that he was given adequate opportunity to state his concerns.

### **Special Presentation:**

Karel Kriz presented a report on his meeting with the City of Mission Viejo on 4/27/09. On that date Mr. Kriz and Bryant Watilo from LMVA met with City staff regarding various improvement projects being considered at LMVA. Mr. Kriz stated there are no serious regulatory obstacles to contend with. Mr. Kriz stated that the projects were well received. He stated that the City would like LMVA to present these projects as a unified plan with one drawing. The City would consider these projects as one concept when presented to the Planning Commission with notification to affected neighbors. At that point the Planning Commission would either approve or apply conditions to these projects. They would let LMVA know what additional studies or mitigations we would need to provide in order to build all or some of the projects. Mr. Kriz stated that it does not imply any specific plan on LMVA's part to build these projects. Mr. Kriz stated that this is an exercise in information gathering to explore the potential for going forward with these projects. Most of these details most likely can be ironed out with staff prior to presentation to the Planning Commission. Generally speaking all of the city staff liked what they heard at the meeting.

A general discussion took place regarding the various concepts presented to the City staff on 4/27/09. Ms. Lincoln asked what the board needed to do next. Mr. Kriz stated that \$6000.00 had been previously allocated to engage a landscape architect for plans. Art Cook asked if the city was asking for a general plan for LMVA. Mr. Kriz stated that this plan was specific to the concepts he presented to the city.

Fred Mellenbruch made motion to give Mr. Kriz the authority to move forward and prepare a master plan of these projects and communicate with the landscape architect.

Second, Jane Chadburn. Vote Carried 3-0-0.

**Treasurer's Report:**

The Lake Mission Viejo Association financial statement through April 30, 2009 shows:

|                              |              |   |
|------------------------------|--------------|---|
| Actual revenue of            | \$ 2,113,945 | 2 |
| Gross Income of              | 2,104,116    | 3 |
| Actual Operating Expenses of | 1,706,806    | 5 |
| Capital Expenditures         | 449          | 5 |
| Net Income                   | 396,861      | 5 |
| Budgeted Net Income          | 231,400      | 5 |
| Total Investments            | 6,910,371    | 1 |
| Total Operating Cash on Hand | 210,360      | 1 |
| Interest Income              | 67,576       | 2 |

**Committee Report:** None

**Manager's Reports:**

**ADMINISTRATIVE MANAGER'S REPORT**

**BILLING/MEMBERSHIP DEPARTMENT**

- As of 5/01/09 staff has deposited \$2,547,006.00 in membership assessments for current period or 97% of the 01-6/30/09 assessment.
- As of 5/01/09, 405 files are at the collections attorney's office, with 151 accounts delinquent for the 7/01-12/31/08 assessment period and 254 owing for multiple periods.
- Membership counselors processed 1 new voluntary membership during the month of April.

**ACCOUNTING DEPARTMENT**

- CD and money market rates are continuing to trend lower. 3 CD's purchased for one year term on 05/04/09, average yield 1.01%.
- Enclosed in your packet is a copy of the current investment portfolio at Comerica Securities.

**FINANCIAL (Revenue · Cost · Reserve · Audit)**

- Keyhan Hewitt Accountancy Corporation has completed the 2008 Audit and the required documentation was mailed to the members on 4/27/09.
- Financial statements for period ending 04/30/09 are in your packets.

**MEMBER / COMMUNITY RELATIONS**

- Production work on the 06/09 issue of the Noticia is in the final stages pending the 2009 concert lineup. We should have the schedule ready by the 05/12 meeting
- 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.
- USMC Appreciation Day took place on Saturday, 4/25 under sunny skies. Volunteers from the Marine Adoption Committee of Mission Viejo cooked up 600 burgers, several hundred hotdogs and provided drinks, ice cream and lots of other goodies for our guests. The Marines and their families enjoyed boating, fishing and sailing rides provided by LMVYC. It was a great day!

**BIOLOGY / LAKE INFORMATION** (High 701.15 – Low 700.00 Operating Range)

|                           |                             |                 |              |              |             |
|---------------------------|-----------------------------|-----------------|--------------|--------------|-------------|
| Lake Elevation            | 700.65 feet above sea level |                 |              |              |             |
| Surface Water Temperature | 70 - 74 degrees             |                 |              |              |             |
| Secchi Visibility         | 24 feet                     |                 |              |              |             |
|                           | <u>Jan</u>                  | <u>February</u> | <u>March</u> | <u>April</u> | <u>2009</u> |
| <u>Total</u>              |                             |                 |              |              |             |
| Purchased Water:          | 0.00 af                     | 0.00 af         | 0.00 af      | 20.00 af     | 20.00af     |
| Actual Rainfall:          | 0.31”                       | 4.53”           | 0.18”        | 0.15”        | 5.17”       |
| Average Historical Rain:  | 3.12”                       | 3.90”           | 2.80”        | 1.02”        | 9.82”       |

**Domestic Lake Fill**

10 acre-feet of Lake fill was delivered in April and continues to flow to fill our April order of 20a.f. Additionally, 40 acre-feet was ordered for May.

**Farmhouse Well**

The Farmhouse Well is pumping at its optimal rate of approximately 145 GPM.

***General Lake Conditions***

LMV is mixing throughout and good oxygen levels are measured in the deepest depths, translating to fishing possibilities at all depths.

***Health Report***

Monthly fecal coli form quality control testing continues on all the beaches with acceptable results.

Swimmer’s Itch is in season as we have received several reports over the past month.

Fliers are being handed out at the gate, notices are posted and our website is providing more detailed information.

**Fishery**

The Bass Catch-and-Release rule is in effect March 1<sup>st</sup> to June 1<sup>st</sup>. This means that during their spawn, all bass must be immediately released to the place where they were caught and none may be kept during this time.

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

- Lifeguard rookie training was completed on 4/26 with 18 candidates successfully passing the program. They will be placed on the hiring list for the 09 summer season and many of them will be working on LMVA beaches this summer.

**MAINTENANCE/BOAT RENTALS / LANDSCAPE**

- April 09 Boat Rental Statistics included in your packet.
- Maintenance staff installing new Honda motors on the patrol boats.
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**MAJOR PROJECTS / INITIATIVES**

- Restroom interior painting completed on 4/17
- Administration Parking Lot Slurry Seal project completed on 4/24.
- Dock House battery room refurbishment completed on 4/24. The battery room was up and running on Saturday, 4/25 as per schedule. The maintenance team provided excellent work in completing the project.
- New batteries for entire rental fleet including Party Boats delivered 05/06. This will allow for excellent service to the members for the upcoming summer season.
- Underground Gas Tank retrofit project for AQMD compliance is in permitting stages at City of Mission Viejo. Contractor is ready to install equipment as soon as permit is issued.

**WEBSITE**

- Website statistics for 4/09 show 35,948 visits to the website; down 7% from 04'08.

**OLD BUSINESS**

Karel Kriz presented an update on the Breezeway/Concourse Improvement Project that was discussed at the previous meeting. Mr. Kriz stated that the City staff was quite happy with the concept of the project and will require minimal permits to proceed. Mr. Kriz went on to present a concept for a new storefront entrance to the administration building on the breezeway side of the building. Mr. Kriz asked for direction from the Board to move forward with the project. Jane Chadburn made a motion to approve the first phase of the Breezeway/Concourse project as submitted with some minor modifications to the landscape on the parking lot side of the administration building. Second, Fred Mellenbruch. Discussion followed with Mr. Mellenbruch asking about the timing of the construction. Mr. Kriz responded that construction would not start until after the busy season in the fall. Vote Carried 3-0-0.

**NEW BUSINESS**

Replacement of Snack Bar Deep Fryers.

Dave Kerr stated that both of the Snack Bar Deep Fryers are in need of replacement as they are no longer functioning efficiently.

The Wells Fryer (Electric Model at North Beach) was placed into service 5/96 and is 100% reserved for (\$3,045.00). The Wolf Fryer (Gas Model at East Beach) was placed into service 01/85 and is also 100% reserved (\$3,045.00). There are two proposals attached for consideration. After speaking with Mike Khamis (Tony's Sea Landing), Mr. Kerr recommended the bid from Orange County Restaurant Equipment to replace both fryers for a cost of \$5,119.23 (including tax and installation). This expense is to come from Long Term Reserve Account 2046.

Motion to approve was made by Jane Chadburn, Second, Fred Mellenbruch Vote carried 3-0-0

Concert Update

Jane Chadburn stated that 3 of the 2009 Summer Sunset Concerts have been booked thus far.

June 27<sup>th</sup> Chris Botti, (Trumpeter)

July 25<sup>th</sup> Restless Heart/Collin Raye (Double Bill Country Show)

September 5<sup>th</sup> The Family Show will be held with Mitchel Musso.

Diane Lincoln stated that the May Noticia noted two new concerts for 2009, but was wrong as there was only one additional concert added to the schedule for this season. Jane Chadburn went on to explain the new concert as a "Rock Under the Radar" show focusing on up and coming talent.

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

**Attest:** \_\_\_\_\_, Secretary