

Minutes of a Special Meeting of the Board of Directors of the
PAUMA VALLEY COMMUNITY SERVICES DISTRICT (PVCSD)

Held on February 14, 2020

Directors Present: Samuel Logan, William Schultz, Bill Jacobs, Heidi Person and Laurie Kariya;
Also Present: Residents Darlene Shiley, Linda Shoaff, and Thomas Cerruti, General Manager
Bobby Graziano, Jeff Pape of Dudek, and Administrative Assistant Marissa Fehling

- 2.1 Call to Order: Special meeting was called to order at 9:59 a.m. by President Logan.
- 2.2 Open for Public Comments: No public comments were made.
- 2.3 Approval of Previous Minutes:
 - a. Regular Meeting of January 27, 2020- Jacobs made a correction to the language regarding the properties needing to be cleared behind Wiskon Way East. Kariya made a correction to her wording to Graziano in section 1.2. Kariya motioned to adopt the Regular meeting minutes of January 27, 2020 with the corrections requested herein; seconded by Logan and unanimously adopted.
- 2.4 Discussion Items:
 - a. Thomas E. K. Cerruti Letter dated December 17, 2019- Logan informed that he and Jacobs have spent many hours researching this matter regarding the drainage issue behind Cerruti's property in subdivision 3, and informed PVCSD wants to do everything possible to help, but an easement would need to be provided by Cerruti. Cerruti informed it is not only his property where the brow ditches are. Cerruti reminded that when this matter was brought up in the past, they had letters from almost all property owners in that subdivision agreeing that those brow ditches should be maintained by PVCSD. Cerruti added that there are easements already established in subdivision 3. Cerruti reminded that in November of 2013 PVCSD approved and acknowledged the ownership of the brow ditches. Cerruti informed that he made no sense of the letter from the attorney regarding this issue dated January 19, 2014. Jacobs read the letter and clarified that PVCSD can authorize maintaining the brow ditches with proper easements and policies in place. Logan added that for safety purposes a road would be needed to get to the brow ditches in this subdivision. Graziano showed a map of the easement and how it terminates before getting to the subdivision 3. Cerruti read the letter from Rutan & Tucker stating parts of it were non-factual and that it is PVCSD's responsibility to maintain the brow ditches. Pape reminded easements would need to be dedicated for that subdivision. Cerruti added that it may be PVCSD's responsibility to get the easements to take care of their requirements. Jacobs read the January 19th, 2014 letter from Rutan & Tucker, and stated PVCSD does have binding documents stating PVCSD should maintain the brow ditches in subdivision 3 and added that the architectural committee control documents look clear. Schultz agreed that he believes PVCSD should be responsible to clear out any brow ditches within the district. Cerruti informed that PVCSD once had a lawyer in the district preparing documents for the easements needed. Pape asked Cerruti if he was agreeing that PVCSD currently does not have the proper easements. Cerruti responded that he was not agreeing and that not all easements are recorded, some are prescriptive. Cerruti informed that in good faith they want to do what they can to make PVCSD feel comfortable handling this matter. Pape gave a review of the legal easements on the map that were dedicated to PVCSD. Logan questioned having an indemnity in case PVCSD employees were to injure themselves on his property. Cerruti asked the board what they need from them as homeowners to help solve this problem. Graziano questioned if Cerruti was asking for PVCSD to maintain his basin also. Cerruti responded yes and stated it was a part of the brow ditches. Shoaff asked the board what was going on and questioned if all of this was regarding money. Logan answered that his concern with taking on this responsibility were the

liability issues. Graziano added that the major concerns were physical access, and legal access. Person stated that one should not maintain what one does not own, adding it is trespassing. Jacobs stated that he is not convinced that the Gambian behind Cerruti's property is not his responsibility, although does believe PVCSD should take responsibility on maintaining the brow ditches with proper legal access. Jacobs reported that on January 30th, 2018 an MOU was created by PVRA with Pala Band of Mission Indians to repair the drainpipe they own on the hillside and was never taken care of. Shiley asked if this could be taken care of in phases and stated she wouldn't want to come back to PVCSD with a lawsuit if her property flooded. Logan informed he was under the impression that the property owner would need to take care of forming an easement. Pape informed that PVCSD would need to write up a form for an easement. Pape asked Shiley which properties she owned; Shiley pointed out her properties on the map. Graziano stated that with the proper easement and access PVCSD would maintain and clear out the brow ditches. Schultz motioned to authorize staff to commence work on bringing the brow ditches surrounding subdivision 3 under the responsibility of PVCSD. Easement to be obtained as necessary for subdivision 3, seconded by Kariya and unanimously voted.

Cerruti informed he would like to work with whomever would be working on the draft to ensure he agrees with the language. Cerruti asked Graziano if they could meet to discuss next week. Jacobs reported that PVCSD has been unsuccessful at reaching the lawyer for Pala Band of Mission Indians regarding the broken pipe they own on the hillside. Jacobs informed that PVCSD tried to get the County of San Diego to help by hydroseeding the hillside, but they declined. Jacobs asked Cerruti if he had any connections with the Pala Band of Mission Indians, and if so, would he help by reaching out to them regarding this matter. Cerruti responded stating he will be taking care of himself, since PVCSD has never helped him when needed and he is hoping to see good faith from PVCSD. Person asked Cerruti if the hillside culvert issue was covered by the Hillside Agreement Committee. Cerruti informed he could not comment on that and advised on having our lawyers investigate this. Cerruti, Shiley, and Shoaff exited the meeting at 11:12 am.

b. Year to Date Expense vs. Budget: Graziano presented the budget. Kariya questioned which category would put us over budget. Graziano informed that uniforms will be putting us over budget this year. Kariya questioned if increases and bonuses were included in this budget. Graziano informed that would be included in the following years budget. Graziano reported that the schools and meetings category include all the training needed whenever a turnover occurs in patrol. Graziano presented an idea of the possibility of moving away from patrol carrying handguns and going to tasers instead. He then informed that the current hiring method is to train a gate attendant as a half/half employee and then bring them over to patrol when a position is open. Graziano informed that he feels it is fast tracking, although he likes the fact that they start at the gates to learn the district policies, he does not like that they do not have any type of law enforcement background and are walking around the community with a handgun. Kariya questioned if maybe we are just hiring the wrong people for the job. Person added if we hire someone for the gates, they should stay at the gates. Logan asked Person if in the time she's been a resident in the community, if she'd ever heard of patrol having to use their handgun. Person stated they have had to pull it out but not use it for self-protection. Graziano advised on possibly just modifying the policy to not allowing handguns for the first year of employment as a security guard. Person stated security should be hired already having proper training. Graziano informed that having security carry handguns is a great liability to the district, and if we were to hire security guards with proper training, we should be prepared to pay a higher salary. Pape stated hiring someone with some type of law enforcement background could triple the salary budget. Logan stated he does not believe this community has the need for security to carry handguns. Person stated that she believes if security needs K-9's, they need handguns. Jacobs questioned, if the community warrants the need for handguns having only one false alarm go off a month. Person stated she thinks we should look

into the quality of employees being hired for the job. Pape informed that other communities he is familiar with are in much more dangerous areas and their patrolmen only carry tasers. Logan informed that this matter would be tabled to the next meeting on February 27, 2020. Logan informed that per Larry Taylor of PVCC, all community locks would be identified to each member. Person stated that Patrol should be given a code as well.

2.5 Adjournment

a. The next meeting date is scheduled for February 27, 2020 at 10:00 a.m. Upon a motion from Person, second by Schultz and unanimous vote, the meeting adjourned at 11:51 a.m.

Marissa Fehling

Marissa Fehling, Recording Secretary