

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

Held on May 8, 2020

Directors Present: Sam Logan, William Schultz, Bill Jacobs, Heidi Person and Laurie Kariya;
Also Present: Joe Ortiz of Best Best & Krieger, Advising Counsel for Oak Tree Ranch, General Manager Bobby Graziano, Jeff Pape of Dudek, Office Manager Amber Watkins, Administrative Assistant Marissa Fehling, Residents Charles Mathews, Arnie Fjelland, Fred Nelson, David Comstock, Elisa Cipriano, Jim Cipriano, Bruce Knox, Barbara Sandberg, Jeff Ryan, Joanne Clarey, Judge Buskuhl, Ken Grant, Suzie Caughey, Jerry Gonto, Larry Curtis, Ann Logan, Joan Cash, Andy Lyall, Bill Winn, Peter Jordan, Tom Baer, Betty Potalivo, Tom Cerruti, Patsy Fritz, Michael Casey, Kursten Payne, Ron Krohn, Ashly Mellor, Janet Hemminger, Dan DeMartini, and Lolo Levy, and Thomas Cerruti

- 5.1 Call to Order: Special Meeting was called to order at 10:00 a.m. by President Logan. All participants joined the meeting via Zoom and were placed on mute by the host. Logan thanked everyone for attending the meeting and explained that because of COVID-19 this meeting was being held via teleconference. Logan gave a review of the guidelines and general instructions for the meeting.
- 5.2 Open for Public Comments: Logan informed that as permitted under the Brown Act, and in accordance with the rules for our state for CSD meetings, the Board will hear the public comments during the public comments portion of the meeting regarding non-agenda items. Cipriano mentioned he was confused with the PVCSD material on the website regarding patrol officers and believes some statements were deleted and would like a follow up at the next meeting.
- 5.3 Discussion and Possible Action Related to Security Department Equipment: Graziano informed that he has served as PVCSD's General Manager since January 2018 and his primary goal has always been to serve the community to the best of his ability. He added that he reports to a five-member board for the Community Services District, and a separate five-member board for Rancho Pauma Mutual Water Company. Graziano informed that the subject of whether firearms and K9's are warranted has been discussed a number of times over the years and in the recent months he has brought the discussion in front of the CSD board for the following reasons; he reported that last year one of our patrol officers trespassed on private properties and entered the homes of two separate residences, without warrant and several other questionable incidents of trespass were reported thereafter. Graziano added that this same patrol officer had two heated exchanges with the board members, and was observed nervously patting his handgun, creating very fearful incidents and this individual who was hired January 2017 is no longer an employee of PVCSD. Graziano informed that earlier this year he learned that two of our youngest patrol officers were involved in a relationship with the same woman. One officer exhibited behavior in the office, characteristic of potential workplace violence. This individual was consoled by the supervisor and Graziano and fortunately decided to move on from the District. Graziano added that both individuals in this situation were hired in 2016, before his time. Graziano informed that to fill patrol officer positions one of the inherited policies is to advance the careers of Gate Attendants that exhibit qualities, which suit the patrol officer position. He stated that while he endorses this existing policy, he finds it concerning that a young individual with Gate Attendant experience, and only experience from their prior employment can assume a role in our community where they carry a loaded handgun after taking a two day training course. Graziano reported that he asked the opinion of our general counsel regarding security Patrol Officers carrying guns and his response did not favor equipping our Patrol Offices with lethal force. Graziano informed that in reviewing the Security Reports from the last two years, there were no scenarios where a firearm or K9 was used or even considered in a situation. He added that in

speaking with prior General Manager Oggie Watson, he learned that the only time a gun was fired (inappropriately) was when a Security Officer shot the tires of the car being driven by teenagers that flipped him an obscene gesture. Graziano stated that these reasons compelled him to bring back in front of the board and community and did so during the February 14th special meeting, the February 27th regular meeting, on March 6th in a one-on-one session with the prior CSD Board President, Andy Mathews, and on March 9th in a one-on-one session with prior CSD Board President, Bill Winn, noting that both Mathews, and Winn were supportive of continuing the discussion of whether guns were necessary tools of the Patrol Officers. Graziano stated that over the last two years he has had the chance to closely observe what our Security Officers do that receives such overwhelming appreciation from the community and have found these items to be the following; 24 hour presence in the community observing and reporting, utilizing a vehicle which looks similar to law enforcement, wearing a law enforcement looking uniform, strictly enforcing the "Rules of the Road", responding to resident calls quickly, coordinating and escorting EMT and law enforcement, managing traffic when there is an accident on Highway 76, supporting law enforcement when asked, helping maintain and enforce the gate operation and enforcement, intercepting and questioning a trespasser or questionable subject, and added that none of these services require the use of lethal force yet we equip our Patrol Officers with significant levels of force.

Jacobs thanked everyone for attending the Board Meeting via Zoom and introduced himself informing that he has been on the Board since November of 2018. He informed that he has 37 years of Security Management experience and gave a brief explanation of his background. Jacobs informed that the Board recognizes that a "Community Petition" was circulated and signatures were requested, prior to having the community made aware of the facts included in the 05/08 Security Agenda Packet sent to everyone last Thursday via USPS. He stated that the Board feels it is premature to conjecture at this point and that the petition contains quite a number of untrue statements and that he would like to clarify the following; PVCSD is not reducing the Security staff, we are assessing the amount of security our community actually needs our Patrol Officers are the 1st responders and are trained to protect the community. Adding that while on patrol they deter crime with their presence in addition to observing and reporting any incidents, however, PVCSD Patrol Officers are not sworn Peace Officers and a Sheriff's Deputy is better trained to mitigate a violent situation where deadly force is required. He clarified that the prior Security Captain resigned and his position was filled by our longest-term officer, Todd Albert, a 19-year PVCSD patrol veteran. Todd was promoted, after a 90-day probationary period, to Security Supervisor and is responsible for the hiring, training and management of the Gate and Patrol Officers.

Jacobs responded to some comments that were sent in prior to the meeting; Mathew's comment: "The St Francis Episcopal Church of Pauma Valley ("Church") strongly objects to any removal of guns and K9s from the PVCSD security patrol"; Jacobs informed that this was an untrue statement and that on 05/06/20, he spoke with Rev. Michael Carr and he is in full support of a policy change to eliminate the guns and dogs. Mathews: "The level of security afforded the Church would be meaningfully reduced, the risk of loss and damage to the real and personal property of the Church would be far greater, and the PVCSD service value diminished. Simply put, response to any alarm by other than armed and, at night, K9 accompanied would be less effectual." Jacobs responded stating that the patrol services provided to the community and the church are not being reduced and that the risk of loss or damage to the real and personal property can't be greater because the services are the same. Jacobs stated that each business has their own alarm monitoring company and contract and each business instructs their alarm monitoring company to call the gatehouse first, when an alarm is received, we dispatch our Patrol Officer to investigate the alarm. Jacobs stated that that was a personal opinion and not supported by facts or by the Church. Nolan's

comments: "Several changes have already been apparent including the hiring of mediocre security personnel who are underpaid, not well trained and lack dedicated expert supervision. The Security Captain (recently fired by your Board). The program has significantly deteriorated. The plan for your General Manager to devote first line attention to security has failed. Funding has not been allocated to hire first class personnel: what training that is provided is ineffective: and the force is inadequately motivated to perform a superior job. The Board is changing the policy of CSD security from crime prevention and response to "observe and report". This converts the program from one of active crime prevention to eyes and ears that have no clout in the community. This renders true security efforts fundamentally useless. The presence of arms and K9's clearly prevents criminal activity in the District." Jacobs responded to Nolan's comments stating they are 100% false in all regards and that firearms and K9's are not displayed in public; hence there is no "presence". Adding that K9 signs are placed on patrol cars and hopefully are acting as deterrents, like our CCTV cameras, and the patrol vehicle itself the rounds it makes is the true deterrent. Jacobs reminded that everyone is responsible for the security of their own homes. Wijen's comments read: "A fairly arrogant board of a community organization planning to change the activities measurably without first asking for community input." Jacobs responded informing that this was an untrue statement; adding that the PVCSD is not arrogant and the data collection written in the security agenda is completely unbiased. Jacobs informed that the Boards process is to act on an agenda item by having a Board discussion, allowing Open Public Comments, and taking a Board vote and that, that is in accordance with the State's approved process and has not changed. Nolan, Winn, Mathews, and Cipriano's comment read: "No decision should be made unless and until a Town Hall meeting has been held. Lastly, invite your friends and neighbors to join us in preventing a diminution of Security and Patrol Services within our community." Jacobs responded stating a Town Hall meeting is not a legal requirement and PVCSD has followed all practices for listening to Public Comments. He informed that the Board is not cutting our patrol services and questioning the need for firearms and K9's, which are deadly force tools. Winn's comments: Winn admitted to the fact that the dogs have been neglected recently. "Staffing is an occasional issue that all employees face. You are well aware of the fact that the "mutual separation agreement" between Ray Ortiz and the PVCSD is bound by a legal confidentiality agreement. You speak of "doing away with the K9 program", as if it's a foregone conclusion. Jacobs responded stating this Board and the GM have recognized the fact that the K9 living conditions could be better and we have taken steps, such as by providing a covered shelter and hot water for bathing. Jacobs informed that under the Security Supervisor's direction (Todd), the Patrol Officers have also increased the K9 exercise program and that the philosophy of providing career growth opportunities, for those that desire it, has not changed. He informed that they promote from within by giving our qualified Gate Officers the opportunity to move into a Patrol Officer role, when those positions become available. He added that this is not a hi-tech area, full of abundant jobs and these are not high paying positions. Therefore, our recruitment list is limited and we rigorously screen for the right candidates. He stated the community can't afford another Nick Carra. Jacobs informed that they promoted from within again and made Todd Albert the Security Supervisor. Todd's a well-qualified individual. He's proven himself and earned the respect of his peers. He informed that the functions of Security Patrol and Security Gate Attendant are operating well and "Rebuilding the Security Group" is not required. He stated that the neighborhood patrol frequency has increased and the concerns surrounding speeding have decreased. Adding that all of this proves that we carried too much overhead and these funds are now being used to increase our reserves. Jacobs stated that the true goal of the Board is to review the security services provided by PVCSD and align them with the Risk and needs of the community, to review all services provided by PVCSD and provide them in and efficient and cost-effective manner. The entire Board has been involved in reviewing Risks, Security Services, Tools, and other outsourced support services. He stated that the GM has it built into his G+I's to constantly be aware of maintaining a good balance in the provision of services

and today is your opportunity to officially weigh in your desired Security services. For Security, risk analysis and good business sense will be our decision process. Responding to Winn's exit interview request he informed that they are part of an employee's HR file and are treated in a confidential manner and he is not on the Board and therefore not entitled to review these documents. Cipriano comments read: "There is documented evidence that Sheriffs often do not respond at all or take up to 2 hours to respond to situations which are believed a danger to the public within the District. The crime summary is misleading." Jacobs responded stating they do not have any of this documented evidence and the Sheriffs Dept. coverage is 340 sq. miles NOT 1000 sq. miles. He stated this was a direct query from a database of arrests made over the period of time referenced. A database for calls was not found available to the public. Other comments stated that the Board granted the Country Club a special discount. Jacobs informed that this was untrue and that they specifically reduced our patrol services at the request of the Club, calculated the hours saved, and applied a proportional fee reduction. Jacobs added Larry Taylor is in full support of a policy change to eliminate the guns and dogs. Mathews comment implied that Jacobs was critical of Graziano's ability to manage Security. Jacobs responded stating this was misleading and that Graziano may not have been a "direct" Security Manager, but they have a seasoned professional, Todd Albert, experienced in security, security personnel, and policy management, and that Graziano oversees the function in a managerial capacity.

Jacobs informed that the comments made in a prior Board Meeting were that the old "contract guard service" Gate Officers displayed a more friendly presentation upon entering our community and stated that they intend to continue this tradition while more thoroughly screening non-residents and non-members before entrance into our community. Jacobs added that since the entire PVCC community is not fenced, it is unreasonable to expect a 100% secure boundary and because of this each resident should make their own determination as to how they want to create their own security level. Jacobs informed that he would be giving the data collection information he has gathered based on facts and not opinions. Jacobs informed that PVCSD is not eliminating the 24/7 Security Patrol from PVCSD, PVCSD remains financially healthy and any proposed change to our existing Security Services is not financially driven, and that PVCSD did not fire the former Security Captain. He added that the Board and GM's goals are to provide good business sense and fiduciary responsibility in our decision processes, provide all PVCSD services in a courteous and efficient manner, and lower risks and align our services with the needs of the community. Jacobs stated that the entire Board has been involved in reviewing Risks, Security Services, Tools, and other outsourced support services and that the GM has it built into his Goals + Initiatives to be constantly aware of maintaining a good balance in the providing of services. Jacobs informed that the purpose of this meeting is to review security data collected relative to risk and crime for our community, and as a Board review the equipment utilized by our patrol officers to service the needs of our community. He informed that in any situation, which is believed to be a danger to the public, is reported to the Sheriff's department immediately via 911 for response and that our Patrol Officer's will respond first and are trained to handle conflict with techniques learned in verbal judo class, or scenario training led by the Security Supervisor. Logan thanked Jacobs for all his time put into researching and gathering useful information.

Jordan stated as a 28-year resident he appreciates the detailed information given and explained this is an emotional decision for everyone and recommended having a second open meeting to discuss the idea. CSD Counsel Ortiz informed that personal files of employees is to be kept confidential and explained it was important in this setting to provide some background information. Oak Tree representative stated that the information was just recently mailed to the community, having a more formal meeting to further discuss the options is a good idea. Oak Tree representative stated that he noticed there was a lot of discussion regarding outsourcing,

additional training and insurance and feels that these options could allow for keeping of the existing level of service. Person explained that peace officer training was previously on the table in the past and the Board decided to keep the security department to observe and report only with the tools of K9's and firearms. Oak Tree representative stated that he was under the impression that the current level of service with K9's and firearms has already been diminished prior to this meeting. Jacobs responded informing that statement was incorrect and that no changes to our security have been made. Counsel Ortiz commented that per the Brown Act on public comments full discussions on specific topics would need to be an agenda item. Oak Tree representative gave an explanation on the reasoning the Oak Tree Ranch community would like to keep security services as they are now. Potalivo inquired with Ortiz on the liability side of this. Ortiz explained. Potalivo stated she was not in favor of postponing this decision and explained she was not in favor of having the personal liability. Knox explained a recent conversation he had with a 25 year marine and informed that he would be terrified to shoot a gun in this community. Knox added that he feels the security service has been spectacular. Winn explained of an incident when the Sheriff did not show up to a call and stated that he is paying \$112 a month for Security to show up with a K9 or firearm. Winn informed he would like to have an open meeting regarding this topic when appropriate to do so. Mathews stated that security had been reduced since the full-time Security Captain was removed and suggested identifying what alternative options are available. Fritz stated that with all the information provided there was no information on how it impacts the budget. Ann Logan explained that she would like to read an email from resident Susan and how she supports the idea of Security observing and reporting. Logan informed that there will be an open seat for the Board of Directors this coming November. Person explained it would be a wise thing to wait for the opportunity to hold an open meeting. Person added that the community is surrounded by casinos and the reservation and it comes down to training and hiring the right personal and added that if the employee is well trained they will make the right decision. Graziano added that every GM tries their best to hire good individuals for the job. Cipriano asked if it were accurate to say the size of security force has changed since former Security Captain. Graziano explained that it is the same as when he was employed here and explained how he covered the day shift and split time between the desk and patrolling. The current staff of five are all assigned to full time patrol. Cipriano mentioned he believes that the BOD and GM have pushed the narrative to make this decision without the community involvement. Cipriano noted several documented incidents where the Sheriffs did not respond or took hours to show up and informed that CHP would not enter private property for vandalism. Cipriano also recommended discussing this matter during a public meeting. Ortiz reminded to keep all comments to a limit of 3 minutes and no double comments should be allowed. Kariya informed that the total area for patrol coverage is 340 miles. Cerruti complimented the Board of Directors and management and stated that if the Board decided to eliminate K9's and firearms they should consider outsourcing or hiring well trained professionals. Cerruti also suggested having a guard at the back gate. Jacobs thanked Cerruti and informed him that options would be discussed in the future. Kariya mentioned that it is possible that the community is so safe because our patrol officers are armed and have the K9's. Graziano stated that his job is to be concerned with safety of the community. Graziano informed that he is not against guns as long as they are in the right hands of trained law enforcement. Graziano informed that the K9's are only used 40% of the time and only two of five of our Patrol officers utilize them. Graziano stated that all patrol officers perform the full duties of the position whether they have a K9 or not. Espinoza thanked the Board of Directors for having this discussion. Espinoza inquired on the current training process for patrol officers; Graziano explained the 2 day training course attended by patrol officers to carry a firearm. Graziano noted that as a General Manager he has a hard time being comfortable when after 2 days of training an individual with no law enforcement background are permitted to carry a handgun. Cash mentioned that no matter how they decide, she is concerned that there is not a continuous training. Oak Tree representative informed that

the firearms and K9's are a tool and he does not feel that alternatives have been thoroughly discussed. Kariya noted that PVCSD eliminating firearms and K9's may reduce its liability but is concerned with the exposure PVCSD will have if someone gets injured due to our Patrol Officers not being armed or have a K9 as a tool. Ortiz explained it would be a stretch to argue that a crime would not have been permitted if the patrol officers were armed. Esparza questioned what the patrol officer would do if someone was attacking his wife. Ortiz explained that the job description for a patrol officer will not change from observing and reporting. Logan noted that 95% of all CHP and Sheriffs never have to use firearms. Logan informed that he personally thinks the best thing to do is to eliminate firearms and K9's. Schultz informed that he agrees to do without firearms and K9's. Person stated that she does not agree with making a decision today and added that this location is unique. Kariya informed that she also feels it is best to hold off on the decision making on this matter. Logan informed that he would like to eliminate the K9s and firearms as of today. A motion was made by Logan to eliminate the use of firearms and the K9's by our Security Patrol Officers effective immediately, seconded by Schultz, and carried by Jacobs. Kariya and Person voted against the motion.

5.4 Adjournment

a. Upon a motion from Logan, second by Jacobs and unanimous vote, the meeting adjourned at 12:36 p.m.

Marissa Fehling

Marissa Fehling, Recording Secretary