



Bird Rock Maintenance Assessment District

ADVISORY COMMITTEE REPORT 28 May 2008

Action Items

1. **2008–2009 Maintenance Agreement - Renewal**

The City offers the attached maintenance agreement for our review and endorsement. There are non-substantive changes since the last draft we saw. The most important change is Exhibit E relating to conflict of interest and procurements.

RECOMMENDED ACTION: Approve the agreement and direct the President and Secretary to sign.

Non-Action Information Items

1. **2007-2008 Audit**

Under our agreement our books have to be audited yearly. We obtained a quote from last year's auditor and are seeking other competitive quotes. Work will not start until after we reconcile our accounts on the June bank statements; that is, some time in July.

2. **Cash Advance**

We filed a request for a one month cash advance for 2008-2009 as allowed under our agreement. The balance of our prior cash advance will have to be returned to the City prior to June 30.

3. **Electrical Service in Landscape Areas**

We are working with the contractor to ensure electrical service within the landscaped areas in the roundabouts. We will have to expend funds to pull wire through the conduits installed by the contractor as well as other appurtenances. A proposal will be prepared for the board's consideration at a later date.

4. **General Manager**

We signed a contract with David Kirkwood and have been slowly bringing him up to speed.

5. **Landscape Contractor (Colima to Midway)**

The Board approved the selection of Acacia Landscape in April 2007. The City is working with Barrett re completion and acceptance; however this continues to be problematic. Acacia has been alerted but we have not engaged their services. There has been some progress in negotiations between the City and Barrett and the landscaping is now receiving attention and regular watering.

6. Landscape Maintenance Contractor (Full MAD)

We completed the Request for Quotation which includes all landscaping in the MAD. The RFQ was mailed to 13 contractors on the attached list. 8 contractors attended the pre-bid meeting on May 2 and we expect as many as ten to submit a bid. An addendum to correct some minor errors was mailed out on May 15. Bids are due May 30.

7. Full Operation (no change from last report)

Based on updated information from the City we anticipate that the BRCC will takeover responsibility for maintenance on the following schedule.

- a. Boulevard, Colima to Midway: Estimated Spring 2008
- b. Neighborhood Streets: August 2008 (6 months after installation is deemed complete which occurred 18 2008.)
- c. Boulevard, Midway to Camino de la Costa: January 2009 (6 months after installation is deemed complete which is now estimated to be by July 2008.)

Note for the elements yet to be constructed the takeover date is 6 months after the actual completion of construction.

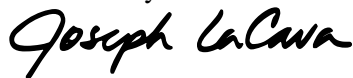
8. 2007-2008 Maintenance Agreement and Budget

Our budget status is as follows:

2007-2008 Approved Budget ¹	\$ 102,730.00
Spent and Reimbursed	(14,026.33)
Spent (not yet reimbursed) ²	(1,849.65)
Accounts Payable	(0.00)
Balance as of 5/23/2008	<u>\$86,854.02</u>

The P&L statement of the fiscal year to May 23 is attached.

Submitted by:



Joseph LaCava
Chair, Bird Rock MAD Advisory Committee

Attachments:

Changes in final draft of Maintenance Agreement for FY2009
P&L Statement
Maintenance Agreement for FY2009 (separate file)
Board Member Acknowledge Form (separate file)

¹ Amount available for fulfilling BRCC's obligations under the management agreement.

² Reimbursement request to be prepared later this month.

-----Original Message-----

From: Field, Andrew [mailto:AField@sandiego.gov]

Sent: Friday, May 23, 2008 1:20 PM

To: Joe LaCava

Cc: May, Margaret; Prather, Paul

Subject: RE: Bird Rock MAD Contract 09 - This should be it.

Hi Joe,

The changes that I am aware of are as follows:

1. The addition of Exhibit E regarding conflict of interest and economic disclosure, which is new.

2. Page 2 – change of sidewalk language, instead of emailing, we ask you to “GO to www.sandiego.gov” to report sidewalk issues.

3. On Page 3, this section was modified with insertion of the italicized and bold words:

5. The BRDC shall provide at least one (1) noticed meeting with the property owners within the District annually and attempt to meet on a regular basis with the relevant planning group or designated property owners’ representatives within the District. The noticed meeting shall be used to finalize plans and specifications for improvements and maintenance as described in the Engineer’s Report, evaluate the performance of any maintenance contractor, and advise the BRDC regarding the improvements and regular maintenance as described in the Engineer’s Report for the District. For the regular meeting, the BRDC shall use its best efforts to contact either orally or in writing the ***City, the*** relevant community planning group or designated property owners’ representatives of the District, and community newspapers, if available.

4. Page 4 – paragraph 6 – change date for budget submission to 1/31/09 rather than 2/15/09.

5. Page 6 – paragraph 3 – change \$10k to \$3500 or 4% of assessment revenue, whichever is greater administrative fee for FY 09

6. On page 6 of the contract you will find the following language; this section was modified with deletion of the last clause.

D. SUSPENSION OF PAYMENT.

1. If the BRDC fails to perform any of its obligations as set forth in this Agreement, the City shall have the right to suspend the payment of Administrative Overhead fees to the BRDC pursuant to Article III until such time as the BRDC is in compliance with the terms hereof. If, as a result of BRDC’s failure to perform, the City elects to withhold payment hereunder, the City shall give BRDC written notice of its intention to suspend payment of Administrative Overhead fees until BRDC has cured its noncompliance herewith. Such notice shall provide BRDC with a description of the failure to perform upon which the City has based its suspension of payment hereunder. Upon the performance by the BRDC of its obligations under this Agreement, the City shall resume payments of Administrative Overhead to the BRDC in conformance with the terms of Article III as set forth above, ~~including payment of any amounts for which payment was suspended hereunder.~~

7. Page 6 – Article IV – change effective date from FY 08 to FY 09.

Bird Rock Community Development Corporation
Profit & Loss Detail - Cash Basis
July 1, 2007 - May 23, 2008

Date	Type	Num	Name	Class	Memo/Description	Split	Amount	Balance	UnBilled
Ordinary Income/Expense									
Income									
4124 MAD Reimbursements Received									
09/18/2007	Deposit		City of San Diego Treasurer	07/08 MAD	BRCC FY 2008	1020 BRCC-MAD Checking	5,276.88	5,276.88	
10/31/2007	Deposit		City of San Diego Treasurer	07/08 MAD	MAD Reimb 10/18/07	1020 BRCC-MAD Checking	4,831.60	10,108.48	
01/05/2008	Deposit		City of San Diego Treasurer	07/08 MAD	BRCC 08	1020 BRCC-MAD Checking	2,104.53	12,213.01	
3/17/2008	Deposit		City of San Diego Treasurer	07/08 MAD	BRCC 08	1020 BRCC-MAD Checking	1,813.32	14,026.33	
							\$ 14,026.33		
							\$ 14,026.33		
Expenses									
Contract Services									
4151 Prof. Services/BRCC Admin OH									
05/02/2008	Bill		Joe and/or Lorene LaCava	07/08 MAD	4/29 Intellius - Instant Employee Screen	2000 Accounts Payable	32.45	32.45	32.45
							\$ 32.45		
4151 Prof. Services/BRCC Admin OH									
4217 Landscaping Services									
07/17/2007	Bill	11402	McCullough Five Star Landscaping	07/08 MAD	La Jolla Blvd Trees Maintenance June	2000 Accounts Payable	237.50	237.50	
08/16/2007	Bill	Inv. 11609	McCullough Five Star Landscaping	07/08 MAD	La Jolla Blvd Trees Maintenance July	2000 Accounts Payable	237.50	475.00	
09/18/2007	Bill	Inv. 11817	McCullough Five Star Landscaping	07/08 MAD	9/7 La Jolla Blvd Trees Maint Aug	2000 Accounts Payable	237.50	712.50	
10/16/2007	Bill	Inv. 12023	McCullough Five Star Landscaping	07/08 MAD	10/4 La Jolla Blvd Trees Maint Sep	2000 Accounts Payable	237.50	950.00	
11/06/2007	Bill		McCullough Five Star Landscaping	07/08 MAD	Oct La Jolla Blvd Trees Maintenance	2000 Accounts Payable	237.50	1,187.50	
12/13/2007	Bill	12410	McCullough Five Star Landscaping	07/08 MAD	Nov La Jolla Blvd Trees Maintenance	2000 Accounts Payable	237.50	1,425.00	
01/17/2008	Bill	Inv 12609	McCullough Five Star Landscaping	07/08 MAD	Dec La Jolla Blvd Trees Maintenance	2000 Accounts Payable	237.50	1,662.50	
2/12/2008	Bill	12817	McCullough Five Star Landscaping	07/08 MAD	Jan La Jolla Blvd Trees Maintenance	2000 Accounts Payable	237.50	1,425.00	237.50
3/27/2007	Bill	13100	McCullough Five Star Landscaping	07/08 MAD	Feb La Jolla Blvd Trees Maintenance	2000 Accounts Payable	237.50	1,662.50	237.50
04/14/2008	Check	1056	McCullough Five Star Landscaping	07/08 MAD	April LJ Blvd tree maintenance	1020 BRCC-MAD Checking	237.50	1,900.00	237.50
05/14/2008	Check	1063	McCullough Five Star Landscaping	07/08 MAD		1020 BRCC-MAD Checking	237.50	2,137.50	237.50
							\$ 2,612.50		
Total for 4217 Landscaping Services									
Other Incidental Costs									
3101 Office Supplies									
01/05/2008	Bill	Reimb	Joe and/or Lorene LaCava	07/08 MAD	1/2 MAD mailing labels	2000 Accounts Payable	18.85	18.85	
							\$ 18.85		
Total for 3101 Office Supplies									
3102 Postage and Delivery Expenses									
11/05/2007	Bill	Inv. 10/1/07-07-08	La Jolla Mailbox Rental	07/08 MAD	10/1 MAD mailing	2000 Accounts Payable	4.28	4.28	
11/06/2007	Bill		La Jolla USPS	07/08 MAD	10/31/07-10/31/08 MAD P.O. Box	2000 Accounts Payable	40.00	44.28	
02/04/2008	Bill	1/31/08	La Jolla Mailbox	07/08 MAD	1/03 Inv. 809645	2000 Accounts Payable	111.10	155.38	
02/04/2008	Bill	1/31/08	La Jolla Mailbox	07/08 MAD	1/04 Inv. 809654	2000 Accounts Payable	557.70	713.08	
02/04/2008	Bill	1/31/08	La Jolla Mailbox	07/08 MAD	1/07 Inv. 809676	2000 Accounts Payable	41.80	754.88	
02/04/2008	Bill	1/31/08	La Jolla Mailbox	07/08 MAD	1/18 Inv. 809736	2000 Accounts Payable	12.10	766.98	
02/04/2008	Bill	1/31/08	La Jolla Mailbox	07/08 MAD	1/07 Inv. 809671	2000 Accounts Payable	77.00	843.98	
4/14/2008	Bill		La Jolla Mailbox	07/08 MAD			7.77	851.75	7.77
5/14/2008	Check	1061	La Jolla Mailbox	07/08 MAD	4/21 MAD MAILING	1020 BRCC-MAD Checking	123.01	974.76	123.01
							\$ 974.76		
Total for 3102 Postage and Delivery Expenses									
4134 Photocopy									
01/05/2008	Bill	Inv. 12387	Opaque Graphics	07/08 MAD	1/1 Annual Report & Envelopes (1700)	2000 Accounts Payable	328.64	328.64	
05/06/2008	Bill	Reimb.	Joe and/or Lorene LaCava	07/08 MAD	4/18 Copy Cove - Quotation & Guide Maps	2000 Accounts Payable	212.54	541.18	212.54
							\$ 541.18		
Total for 4134 Photocopy									

