



Colony Olivenhain



Newsletter of the Olivenhain Town Council

May 2004

From the President — Bob Campbell

Greetings! On today's menu: dirt, cement, and a swan song. **Dirt:** thanks to a significant majority vote of the Membership at our April Meeting, the sale of the narrow strip of land on the north side of the OTC property was approved. The one-year (yes, it's taken a year) project to resolve the issues over this strip of dirt has now entered escrow. With closing soon, the neighbors will finally own the land they thought they bought years ago and the OTC will have some dollars to put to good use. **Cement:** Read more below, or learn more at the upcoming General Meeting, about how you can immortalize your family on the OTC grounds. I think it is cool, nifty, and neat that an upcoming get-together will feature an opportunity for you to part with a few bucks and plant your family symbols in cement on the Hall grounds. My daughter is already designing her "tribute to Princess Kimberly". Just think...25 years from now your children can help you drive your scooter over to the OTC and point at the permanent memorial to your name.



And finally, a **Swan Song:** *"I'm hot, I scorch, but now I pass the torch"...*a line borrowed from the definitive cheerleader movie, *Bring It On*, wherein "Big Red", the head cheerleader announces her stepping down. (Okay, for those of you wondering how in the blue goose I would know this movie, remember I have an 11-year-old daughter.) Yes, as some of you know, my two years of service on the OTC Board are coming to a close. I have served my time, am getting paroled, and now must get back to my other life. In my final newsletter opening next month, I will thank you all profusely for your support. But for now, I want you to think about taking my place on the Board. There are three seats coming up for election in June. This month's meeting is when we will entertain nominations. Why not you? If every member of the OTC served their two years on the Board, we'd have the Hall taken care of for the next, oh, 140 years or so. Plus, the OTC needs representation from different areas of Olivenhain. So come on; I was asked two years ago to "step up"; now it's your turn ... Prez Guy

Monthly Meetings

General Meeting

Wednesday, May 5, 2004, 7:30 PM
Olivenhain Meeting Hall

This year, we're changing the process for election of new Board of Directors members. In the past, we've identified candidates during the June Annual Election meeting, asked candidates to speak to the group for a few minutes, and then held the election.

In our May General Meeting, we will ask for volunteers and nominations for candidates for the three seats up for election on the Board. Each candidate is then invited to write a short piece for the June newsletter telling the membership why they want to serve on the Board and what contributions they hope to make. Then we will hold the actual election at the June meeting as usual. We will still accept additional candidates during the June meeting if there are folks who won't be able to commit in May.

We hope this new process will help us all be well-informed when we vote in June. Is this your year to run for the OTC Board? Come to the May meeting and step up to the plate.

General Meeting

Wednesday, June 2, 2004, 7:30 PM
Olivenhain Meeting Hall

June is our Annual Meeting for election of the Board of Directors. We'll start by accepting last minute candidates, then vote for the Board members.

Most years the election is pretty routine, and occasionally pretty exciting. The OTC Bylaws require that members be present to vote, so please join us this year and see which it will be.

Board Meeting

Tuesday, May 18, 2004, 7:00 PM
Location To be Announced

Board meetings are held on the third Tuesday of the month. All members are invited to attend and observe. Members will have an opportunity at the beginning of each meeting to comment and bring issues to the Board's attention. ***Since the Meeting Hall will be closed, please contact a Board member for location if you'd like to attend this meeting.***

Building and Grounds Committee

No May Meeting

MEETING HALL CLOSURE ... The Meeting Hall will be closed May 12 - May 30 for the floors and benches to be repaired and refinished. As a result, no meeting of the Building and Grounds Committee is planned for May. Regular users of the hall should have been contacted already so they can make alternate arrangements.

FIRE SPRINKLER UPDATE ... For almost 10 years (if not longer!) the OTC Board has been hoping to install a fire sprinkling system in the Meeting Hall. Particularly after the most recent fires swept through our county, this action item has risen to the top of the list for the Board and the Building and Grounds Committee. We are working on the details which we hope will include some donations of time, talent and products! As soon as the details are confirmed, the general membership will be informed. The goal will be to create a virtually unnoticeable system which does not affect the character of the hall. If you have any input, concerns or willingness to help with this effort, please let a Board member know. Each Board member's name, telephone number and email address is listed in this newsletter.

THANKS ... to Richard Bumann for his offer to treat the back steps of the Meeting Hall for termites. Hopefully, this will prevent them spreading into the structure of the building itself. Thanks also to Juli Gillett for the blooms in front of the hall. They are just about finished now, but how nice it was to see the fruit of her and her husband Lance's labor from last year.

Upcoming Community Events

PANCAKE BREAKFAST AND FAMILY MARKERS DEDICATION ... Saturday, June 19th, time to be announced. During the pancake breakfast, we will be setting a new series of concrete markers for families to add their paw prints and names to the outside dance circle. Buy your piece of Olivenhain history for \$50 – reserve now!!

FOURTH OF JULY PICNIC ... Join the fun and games!!! Sunday, July 4th from Noon to 4:00 p.m. – but be prepared to stay later with this crowd! Free admission, bring your own entrée to grill, and your own beverages, and a dish to share. Obstacle course with water pit, egg toss, watermelon seed spitting contest, cow chip toss – don't miss it!

LABOR DAY PICNIC ... Labor Day Monday, Noon to 4:00 p.m. – Free admission, bring your own entrée to grill, and your own beverages, and a dish to share.

OKTOBERFEST ... Saturday, October 2nd, noon to 4:00 p.m. We have a truly authentic band reserved, coming straight from Germany for the Oktoberfest season! This will be the Second Annual Oktoberfest with all the wonderful food from Tip Top Meats. More info as the time draws near.

The OTC Board of Directors

Positions and Responsibilities

There are seven members of the Board of Directors elected by the members of the Olivenhain Town Council. The Board of Directors then elects four Board members to be officers: President, Vice-President, Secretary, and Treasurer. Any Board member may serve as chairperson of one or more committees. Except for Hall Scheduling, it is not necessary to be a Board member to chair a committee.

PRESIDENT ... The President leads General Meetings and Board Meetings, signs official documents, and generally represents the Olivenhain Town Council.

VICE-PRESIDENT ... The Vice-president presides in the absence of the President.

SECRETARY ... The Secretary records and writes minutes of General Meetings and Board Meetings, retains and organizes copies of official documents, and writes general correspondence such as Thank You letters, etc.

TREASURER ... The Treasurer maintains the financial books for the OTC, receives checks, makes deposits, pays bills, and reports to the Board and the membership on the financial health of the OTC.

BUILDING AND GROUNDWORK ... Building and Grounds maintains the Meeting Hall and the Meeting Hall grounds. Hotel Restoration is a subcommittee of Building and Grounds.

CITY WATCH TASK FORCE ... The City Watch Task Force monitors activities within the City of Encinitas, but especially within or directly affecting Olivenhain.

COMMUNICATIONS ... Communications publishes the monthly newsletter and maintains the OTC website.

COMMUNITY EVENTS ... Community Events coordinates all regular events including the Beer and Brat Fest, the 4th of July Picnic, the Labor Day Picnic, Oktoberfest, the Halloween Party, and the Holiday Party, and other occasional events such as dances, pancake breakfasts, etc.

FUNDRAISING ... Fundraising initiates and monitors fundraising activities for the OTC such as book and license plate frame sales.

HALL SCHEDULING ... Hall Scheduling must be done by a Board member. This includes accepting phone calls for Hall scheduling, maintaining the rental calendar for the Meeting Hall, ensuring that necessary use agreements are completed, collecting rental fees, and maintaining key access for users.

MEMBERSHIP ... Membership updates the membership database monthly, generates the mailing list for the monthly newsletter, and maintains the email groups for the OTC.

Commissioner's Corner

Parks and Recreation Commission — Steve Fitch

It's official; the Fitch family is moving to Cardiff. The girls are looking at colleges and it's time to downsize from the farm. We might even be able to travel some once again. We'll be leaving with many fond memories of Olivenhain and the good times we've had here. The good news is we're still in town and will probably see you around town. The new folks here are a delightful young family whom I will encourage to join the OTC. It has been an honor to serve the OTC and partake of the benefits of membership. I wish you all Peace and Prosperity. Be well

Editor's note: We're sorry Olivenhain is losing Steve, but happy that he's still part of Encinitas. Doug Goad, our other Parks and Recreation Commissioner will be taking up the torch and keeping you informed on events at Parks and Recreation in future newsletters.

Planning Commission — Bill Snow

I was appointed to the Encinitas Planning Commission in March 2004 and have since attended two sessions. Let me take this opportunity to introduce myself. I'm retired, with an extensive background in real estate. I taught Real Estate Development at UCSD Extension for 14 years. Throughout my life, I have been involved in community affairs, and currently serve on the Knightsbridge Board of Directors. My background and credentials, along with my deep fondness for my North County community, afford me a balanced perspective. I will serve on the Commission guided by the following philosophy:

1. I'm a firm believer in private property rights
2. I'm fair, reasonable and impartial
3. I will uphold the development rules of the City of Encinitas
4. I believe in good architectural and landscaping design

RECENT EVENTS ... Of some interest, on April 15, the Commission approved a 6-lot subdivision just north of the 7-11 Store. It originally came before the Commission showing 8 lots and was denied. It went to Council who sent it back to the Commission with a suggestion of 6 lots, which was approved.

FUTURE CONSIDERATIONS ... I've already discerned that the flow of development requests includes the good, the bad and the so-so projects. They will all have to obey the rules that are in place in this city.

The election of the Planning Commission Chair and Vice-Chair takes place at the next Planning Commission meeting. Gene Chapo, the current Chair, is doing an excellent job. The Commission meets the first and third Thursdays of each month, beginning at 6:00 PM in the City Hall Council Chambers.

I look forward to working with the Commission, and welcome the feedback of members of the community. My home office phone and e-mail address are listed on the back page of the bulletin.

Traffic Commission — Pat Klaus

UPDATE ON RED-LIGHT CAMERAS ... Encinitas' first red-light camera system is currently being installed at the intersection of El Camino Real and Encinitas Boulevard. It is now expected to become operational around May 1. During the first 30 days, only warnings are mailed to offenders. Around June 1, violators will get real citations in the mail. The camera systems being installed are state-of-the-art digital systems which take a series of still shots and capture several seconds of video. The first image records the vehicle that is just about to enter the intersection during the red signal phase and shows the 'red' traffic signal phase. The second image provides photographic evidence that the vehicle continued into the intersection illegally. The third frame captures license plate images that are easily read, while a Face Camera system records a high-resolution image of the oncoming driver's face. The still images and video are reviewed by Sheriff's deputies to verify that a violation actually occurred and that there were no extenuating circumstances or falsely triggered records. Only when the Deputy is satisfied that a violation occurred is a citation mailed to the offender.



Red-light cameras do help decrease the number of accidents occurring at signalized intersections, and we hope they will be as successful here as they have been in other places. Watch for the cameras, but most importantly, don't run red lights!

TRAFFIC CALMING ...The Traffic Management Program will be coming back to the Traffic Commission on Monday, April 26, after this newsletter goes to print. I'll update on the status of this program in the June newsletter.

BYLAWS OF COLONY OF OLIVENHAIN TOWN COUNCIL

ARTICLE I The name of this non-profit corporation is COLONY OF OLIVENHAIN TOWN COUNCIL.

ARTICLE II MEMBERSHIP

Owners and/or residents of legal age in Olivenhain shall be eligible for membership in this corporation. Each member present at a general meeting shall be entitled to one vote on each matter submitted to a vote of the members.

(a) Annual donation as set by the Board of Directors, payable on the anniversary of each year after their first donation, constitutes a voting membership.

ARTICLE III MEETINGS OF MEMBERS

An annual meeting of the membership shall be managed by its Board of Directors who must be resident property owners within the boundaries of Colony of Olivenhain. Said boundaries are defined by maps officially published by the city of Encinitas.

(a) The number of directors shall be seven (7) serving for a term of two (2) years.

(b) These directors shall be elected by the membership present at each annual meeting and shall take office as of June 30.

(c) Three directors shall be elected or reelected at annual meetings in even years and four directors shall be elected or reelected at annual meetings held in odd years by majority membership vote.

(d) Directors are ineligible to serve more than three consecutive terms.

ARTICLE IV OFFICERS

The officers of this corporation shall be: President, Vice President, Secretary, and Treasurer.

(a) The officers of the corporation shall be elected annually by the Board of Directors (Board) at a regular meeting of the Board.

(b) The term of the elected officer shall be for one year. No officer shall hold the same office for more than two terms in succession. An officer may not remain on the Board, as an officer, for more than three consecutive terms.

(c) Board Meetings shall be held monthly. The Board may conduct business by email at any time provided votes taken by email include all seven directors. A director may cast a vote of abstention that shall serve to postpone the email vote until a monthly or Special meeting is convened. Special Board meetings must have at least two days' advance written or email notice.

(d) Vacancies may be filled for the remainder of the terms by the majority of the vote of remaining directors.

(e) Three consecutive absences from the monthly Board meetings of any director without valid reason shall be deemed a resignation.

(f) A majority of Board members shall constitute a quorum.

(g) The officers and directors of the Colony of Olivenhain Town Council shall have full charge of the property and business of the corporation with full power to conduct and manage same, subject to the instruction of the Council membership.

(h) The finances shall be handled by the treasurer who shall collect and receive all money due. These monies shall be disbursed only on order of the Board of Directors who may establish written blanket orders for regular and continuing ordinary expenses for maintenance of the corporation's business and property holdings. An audit shall be made before the end of each fiscal year by a person or persons decided upon by the Board of Directors.

(i) The secretary shall keep minutes of meetings of members and Board of Directors and shall keep and append minutes of actions conducted by email to the next monthly or Special meeting minutes.

(j) The Board is responsible for maintaining the corporate records, documents, and seal.

ARTICLE V AMENDMENTS TO BYLAWS

The bylaws of Colony of Olivenhain Town Council may be amended at a regular meeting of the Board of Directors by a majority of the vote of those present providing the amendment had been presented at a previous meeting, and ratified by a majority of membership at the next membership meeting.

ARTICLE VI CONDUCT OF MEETINGS

Roberts Rule of Order Revised shall govern all meetings in all cases which are not governed by the bylaws of this council.

ARTICLE VII DISSOLUTION

In the event of dissolution, the property held by this non-profit corporation shall be transferred to another non-profit corporation for charitable purposes as set forth in the Statutes of the State of California, and as further described under the tax exempt directive Section 501, paragraph 3 of the Internal Revenue Code of the United States Government.

ARTICLE VIII Indemnification

Right of Indemnity

To the fullest extent permitted by law, this corporation shall indemnify its directors, officers, employees, and other persons described in Section 5238(a) of the California Corporations Code, including persons formerly occupying any such position, against all expenses, judgments, fines, settlements and other

BYLAWS OF COLONY OF OLIVENHAIN TOWN COUNCIL

amounts actually and reasonably incurred by them in connection with any "proceeding", as that term is used in that Section, and including an action by or in the right of the corporation, by reason of the fact that the person is or was a person described in that section. "Expenses," as used in this bylaw, shall have the same meaning as in Section 5238 (a) of the California Corporations Code.

Approval of Indemnity

On written request to the board by any person seeking indemnification under Section 5238(b) or Section 5238(c) of the California Corporations Code, the board shall promptly determine under Section 5238(e) of the California Corporations Code whether the applicable standard of conduct set forth in Section 5238(b) or Section 5238(c) has been met and, if so, the board shall authorize indemnification. If the board cannot authorize indemnification because the number of directors who are parties to the proceeding with respect to which indemnification is sought prevents the formation of a quorum of directors who are not parties to that proceeding, the board shall promptly call a meeting of the Members. At that meeting the Members shall determine under Section 5238(e) of the California Corporations Code whether the applicable standard

of conduct set forth in Section 5238(b) or Section 5238(c) has been met and, if so, the majority of Members present at the meeting shall authorize indemnification.

(c) Advancement of Expenses

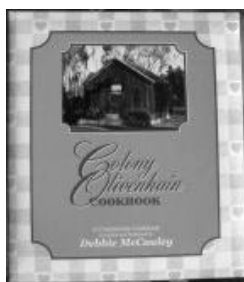
To the fullest extent permitted by law and except as otherwise determined by the board in a specific instance, expenses incurred by a person seeking indemnification under Sections (a) and (b) above in defending any proceeding covered by those Sections shall be advanced by the corporation before final disposition of the proceeding, on receipt by the corporation of an undertaking by or on behalf of that person that the advance will be repaid unless it is ultimately determined that the person is entitled to be indemnified by the corporation for those expenses.

ARTICLE IX Insurance

The corporation shall have the right to purchase and maintain insurance to the full extent permitted by law on behalf of its officers, directors, employees, and other agents, against any liability asserted against or incurred by any officer, director, employee, or agent in such capacity or arising out of the officer's, director's, employee's, or agent's status as such.

"Colony Olivenhain" History Book

In 1981, Richard Bumann, descendent of one of the original colonists, published a local history book titled Colony Olivenhain. The original printing sold out long ago, but thanks to a very generous donation by publishers Kristina and Reid Tracy, the Olivenhain Town Council has made this book available once again, and will be able to use all the proceeds from the sale for renovation and repair of the Germania Hotel. You can order using the order form on the cover sheet, or stop by and pick one up at the Postal Corner in Olivenhain Platz, on the corner of Rancho Santa Fe Road and Encinitas Boulevard.



Olivenhain Cookbook

The Colony Olivenhain Cookbook compiled by Debbie McCauley has a gorgeous padded cover, notebook style binder, lots of historical tidbits and photos, and over 500 recipes collected from members of the community! All the proceeds from the sales of this cookbook will go to renovate the Germania Hotel on the Meeting Hall grounds. The cost is \$25 (including tax), and you can pick them up at Coldwell Banker in the Harvest Ranch shopping center (next to Meritage), at the Postal Corner in the Olivenhain Platz at the corner of Rancho Santa Fe Road and Encinitas Boulevard, and at Olson's Car Wash on El Camino Real.



Beer Steins

Did you miss them at the Beer and Brat Fest? Do you want more?

You can still get a Colony Olivenhain Beer Stein at Postal Corner! The price is \$13 plus tax for a 25 oz. Stein.



Olivenhain Task Force News

A Committee of the Olivenhain Town Council

Bruce Ehlers

SECTION OF RSF ROAD APPROVED FOR WIDENING ... In a split 4-1 decision, the Planning Commission approved widening of a section of Rancho Santa Fe Road from 7-11 north to the sharp corner across from Pepper Tree Lane. The widening was approved as part of the re-designed development project north of 7-11 and adjacent to RSF Road. Encinitas' Municipal Road Standard dictates a 60' wide right-of-way (ROW) or 30' from centerline to edge for a RSF Road class road. The plans call for an extra 7.5 feet (37.5 feet from centerline to edge of ROW) on the western side of RSF Rd. Staff reasoned that the Municipal Road Standard Code authorized the additional width to support the Bike Lane Master Plan. The Planning Commissioners argued the additional width was needed for vehicle traffic, an extra lane or a trail on the western side of the road. The important question is whether the code supports either of these arguments. In my opinion, neither group followed the code and the Planning Commission does not have the discretion to widen the road above the 60' standard. I think the Road Standard is clear on this. The decision is likely to be appealed. Look for an email notice about this in the near future.

AND A MUCH IMPROVED PROJECT WAS APPROVED ... The same project was originally proposed as an 8 house subdivision that exceeded the normal mid-range density of 6 houses. Previously both the Planning Commission and City Council denied the project due to excessive density, excessive grading and the resulting 20+ foot berm along Rancho Santa Fe Road. The new project will consist of 6 houses with only one house on the lot bordering on RSF Road. Best of all, the rolling terrain currently adjacent to RSF Road should be substantially retained according to the current grading plan.

RUMOR OF A 41 BED CARE FACILITY ON FORTUNA RANCH ROAD ... Rumors of a 41 bed rehabilitation facility on Fortuna Ranch have been circulating on email in the last couple of days. The information is still sketchy, but here is what I know. There is a 15,000 square foot building (approved by the city as a single family home) on Fortuna Ranch to the west of Country Rose development. Neighbors discovered a website advertising what appears to be the same project: www.casasimpatica.com (pictures of the original site and recent grading changes) and <http://216.219.221.64/CasaSimpaticaProforma.pdf>

Several people asked how or why the city would allow someone to proceed with a project that apparently was not a single family house. Unfortunately, as long as it is designated as a single family home, the city does not have authority to stop it. City does not have authority to stop the building of a custom home that meets all the applicable codes. What is in question here is the use of the structure. Before it can become a rehabilitation or care facility servicing more than 6 people, it needs a Major Use Permit. The city would then have to make findings that the impact to the neighborhood is minimal. Traffic, sewer, noise and environmental impacts would be included in this impact assessment. I believe the code is that it "can not have a materially detrimental effect on neighboring properties ..." Several people are watching this development closely. If you'd like to be informed, send me email or call and I'll get you in touch with these people.

CITY SELLING LAND ALONG LONE JACK ... I noticed in the "Closed Session Report" from the City Council's March 17th closed session meeting that the city had entered escrow to sell their property located on Lone Jack Road. This property, parcel number APN 264-160-16, is located between Crystal Ridge and Rancho Encinitas. Since the negotiations occurred during closed session, we have no idea who the buyer is, what the price was or what the future plans are for the property.

ENCINITAS CONSIDERING NO SMOKING ON BEACHES ... The City of Encinitas is currently considering a smoke free beach ordinance similar to the cities of Solana Beach, San Clement, Los Angeles and Santa Monica. The City will first consider the concept and give staff direction at their April 21st meeting. Once the ordinance is drafted, it will require a minimum of two meetings before it can become law. Check the city's website at ci.encinitas.ca.us for more information.

ENCINITAS BUDGET PLANNING IS COMING UP IN MAY AND JUNE ... Just a heads up that it is the beginning of budget planning time in Encinitas. Like companies, the first step in getting anything done is to get money budgeted. Similarly, I like to "Follow the money" to learn what the City's future plans are. If there is a project you've always thought the city should pursue for Olivenhain then now is the time to speak up. Contact Bruce with your ideas ... 760-944-9482 or Bruce@Ehlers-Online.com

POLITICAL QUOTE OF THE MONTH ... "Democracy is two wolves and a lamb voting on what to have for lunch. Liberty is a well-armed lamb contesting the vote." -Benjamin Franklin

ARE YOU ON THE OTC EMAIL LIST? ... Remember to let us know when you change your email address. Send all email address changes to bruce@ehlers-online.com.

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Olivenhain Town Council
P.O. Box 3005, Olivenhain, CA 92024

Or email your JPG file or text copy to newsletter@olivenhain.org.

City Council and Commission Schedules

Council/Commission

Encinitas City Council
Planning Commission
Traffic Commission
Parks and Recreation Commission
Senior Citizen Commission
Commission for the Arts
Youth Commission

Regular Schedule

2nd, 3rd, and 4th Wednesday at 6:00 PM, Council Chambers
1st and 3rd Thursdays at 6:00 PM, Council Chambers
2nd Monday, 4th Monday optional at 5:30 PM, Council Chambers
3rd Tuesday at 5:00 PM, Council Chambers
3rd Friday at 1:00 PM, Council Chambers
1st Monday at 5:30 PM, Council Chambers
1st Wednesday at 4:30 PM, Council Chambers

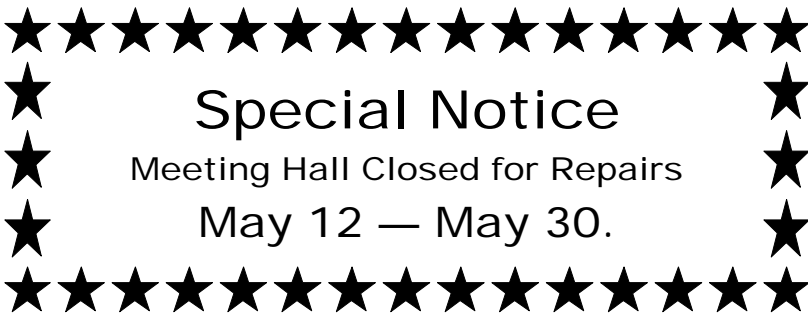
City of Encinitas Contact Information

Maggie Houlihan, Mayor	760-633-2621	mhoulihan@ci.encinitas.ca.us
Dan Dalager, Deputy Mayor	760-633-2624	ddalager@ci.encinitas.ca.us
Jim Bond, Council Member	760-633-2623	jbond@ci.encinitas.ca.us
Christy Guerin, Council Member	760-633-2620	cguerin@ci.encinitas.ca.us
Jerome Stocks, Council Member	760-633-2622	jstocks@ci.encinitas.ca.us
Kerry Miller, City Manager	760-633-2600	kmiller@ci.encinitas.ca.us
Bill Snow, Olivenhain Planning Commissioner	858-756-8575	wilsnow@aol.com
Pat Klaus, Olivenhain Traffic Commissioner	858-756-8247	pat@klausfamily.com
Doug Goad, Parks and Recreation Commissioner	760-942-4052	thegoads@aol.com
Steve Fitch, Parks and Recreation Commissioner	858-759-9236	steve360fitch@yahoo.com

New Hotel Committee Chair Needed

Many thanks to Lou Haberkern for his work heading up the Hotel committee for the last several years. But now Lou no longer has the time to devote to this project and has asked to have someone else head up this committee.

Can you help? If so, please contact Twink Bumann, 858-756-5121, buildingandgrounds@olivenhain.org or Jill Treadwell-Svendsen, 760-753-4250, treasurer@olivenhain.org.



Visit our web site at www.olivenhain.org!

Many thanks to **Olivenhain Self Storage**
for their continued donation of a storage unit
for the Olivenhain Town Council.

Many thanks to **Van Slyke Landscape, Inc.**
for their donation of monthly grounds
maintenance for the Olivenhain Meeting Hall.
