

REGULAR MEETING #586
CAPISTRANO BAY DISTRICT BOARD OF DIRECTORS
MINUTES
Tuesday, October 30, 2012
REGULAR MEETING 6:30 p.m.
OPEN TO THE PUBLIC
Palisades United Methodist Church
27002 Camino de Estrella, Capistrano Beach, CA

A. CALL TO ORDER

Board President Ambrose Masto called the Meeting to order at 6:37 p.m.

B. PLEDGE OF ALLEGIANCE

Board President Ambrose Masto led attendees in the Pledge of Allegiance

C. ROLL CALL

Directors Present: Breeding, Haack, Masto,
Directors Absent: Martinez, Zerboni
Staff: District Manager Russell
Agents/Contractors: Webb Community Mgmt, Inc.: Craig Pico
GeoSoils, Inc.: Dave Skelly

D. PUBLIC COMMENTS

No public comments were presented.

E. REVIEW OF APPOINTMENT PROCEDURES, APPROVAL OF MINUTES AND SWEARING IN OF NEW BOARD MEMBER

1. Review of Appointment Procedures

Director Masto discussed the letter submitted by homeowner Sheila Bullock questioning the validity of the process used during the election and subsequent appointment of new directors to the Board as possible violations of the Brown Act. Additional concerns were also raised due to the unexpected resignation of Director Bell on the day of the meeting. Director Masto stated that the procedures and posting required for notification to the community were compliant and that the appointment procedures followed were legally acceptable on the grounds that the Brown Act had been suspended by the State Legislature in July 2012 and therefore, the October 2, 2012 appointments recorded at that Meeting will stand. Director Masto further mentioned that although all four candidates were not present to represent themselves, all four candidates were notified and invited to attend the October 2, 2012 as a courtesy, and to have cancelled the proceeding would have been unfair to those who were in attendance.

2. Regular Meeting #585 held on October 2, 2012

Approval of the October 2, 2012 Regular Meeting #585 Minutes was tabled for lack of quorum and will be presented for approval at the next scheduled Board Meeting on December 4, 2012.

3. *Swearing in of new Director Kurtis Breeding*

With District Manager Russell administering, Kurtis Breeding raised his right hand and swore-in his oath of office as a new member of the Capistrano Bay District Board of Directors

F. SECURITAS ACTIVITY REPORT

1. *One month period for September 2012 (Securitas)*

Securitas Branch Manager Joe Keirouz was absent and there was no discussion.

2. *Request for one additional security camera at the guard building*

District Manager Russell submitted a request for an additional surveillance camera to be mounted on the seaward side of the guardhouse sighting two recent incidents that occurred, both resulting in damage to the gate arm and personal property. A security camera would have captured proof of how the damage occurred and who is responsible which will enable the District to recover expenses. Cost for this additional camera is quoted at \$634.00.

The Board approved the recommendation and directed the Manager to proceed.

G. FINANCIAL REPORT

1. *Monthly Payment Claims* – received and filed.

2. *Report of monthly expenses and year to date status through September 30, 2012*

The Board reviewed the monthly expenses and year to date status report. There was no additional action taken by the Board.

3. *Consideration of Draft Resolution No. 10-30-12-1, “A Resolution of the Board of Directors of the Capistrano Bay District Establishing Duties and Responsibilities and Level of Authority for the District Manager and Agent.”* The Resolution was approved by the District’s legal counsel and after discussion the following action was taken:

MOTION – Upon a motion duly made by Director Haack and seconded by Director Breeding, the Board of Directors approved Resolution No. 10-30-12-1 “A Resolution of the Board of Directors of the Capistrano Bay District Establishing Duties and Responsibilities and Level of Authority for the District Manager and Agent.” The motion passed with a vote of 3-0-2 (Martinez and Zerboni absent).

H. ADMINISTRATION OFFICE RETURN TO BEACH ROAD

1. *Report on the use of a temporary construction office and the closure of the offsite office*

There was a brief discussion regarding a temporary construction office that has been placed on the Road to facilitate the construction project recently approved to repair the existing pipeline at Storm Drain No. 2. The portable construction office will also be used to house the District Manager and allow for the closure of the offsite office. Concerns were raised, as this is not a permanent solution to providing adequate office space for the onsite Manager to conduct business on behalf of the District. There was a suggestion made to tie the existing construction permit to the District owned trailer in lieu of the portable construction office. The District Manager will discuss this option with the City of Dana Point to see if this option would be available.

I. COMMITTEE REPORTS

1. *CBRA Activity Report*

Sheila Bullock, President of CBRA, is on vacation and no CBRA Report was submitted.

J. MANAGEMENT REPORT

1. *Webb Community Management Report*

Craig Pico provided a detailed written Report to the Board regarding the activities during the previous month. The Report included information on; 2012 - 2013 OTCA Fees; the community governance/board reference book; District file organization; CBRA label database; and escrows.

2. *Review of pavement repairs and sealcoating*

District Manager Russell recommended that sealcoating be postponed until after the rainy season and during the interim to begin concrete repair and patching.

3. *Manager's priority list*

The District Manager mentioned that another area of the block wall has been repaired, a 65 foot section across from 35827.

K. OLD BUSINESS

There was no old business presented.

L. NEW BUSINESS – PRESENTATION – MITIGATION OF LOSS OF BEACH SAND ROCKS ON THE BEACH – GUEST SPEAKER DAVID SKELLY

1. *Presentation by Mr. Dave Skelly, Coastal Engineer, GeoSoils, Inc.*

In an effort to better understand beach sand loss and the accumulation of rocks on the beach, the Board of Directors invited Mr. Skelly, a coastal engineer, to give a PowerPoint presentation and answer questions regarding the dynamics that are occurring on the community's beach. The presentation touched on rock and sand migration/transport in the nearshore zone and how urban growth has impacted the natural process of replenishment and how wave action, water levels and tides affect erosion on the beach. Mr. Skelly also discussed the roles that FEMA and the Coastal Commission play in determining base flood elevations for issuing building permits on a local level. Mr. Skelly ended his presentation by encouraging the community to be aware of the tidal changes and pay attention to storm warnings and actively protect their property as warranted.

M. WRITTEN COMMUNICATION

1. *Letter from homeowner Sheila Bullock*

This was discussed by the Board under Agenda item E.1, *Appointment of New Directors*.

N. BOARD AND STAFF COMMENTS

Director Breeding proposed that security should begin a regular patrol of the beaches at night to issue citations or warnings to homeowners that leave their fire pits unattended. There was a follow up comment about limiting fires on the beach to midnight and requiring rental agencies to be more proactive in enforcing the community's rules.

O. ADJOURNMENT

The Meeting was officially adjourned at 9:22 p.m.

ATTEST:

State of California)
County of Orange)ss
Capistrano Bay District)

I, Donal S. Russell, Manager of the Capistrano Bay Community Services District hereby certify that this is an *APPROVED* copy of the Minutes of meeting #586 held on October 30th, 2012.

DONAL S. RUSSELL
DONAL S. RUSSELL, MANAGER

December 4th, 2012
DATE