

REGULAR MEETING #618
CAPISTRANO BAY DISTRICT BOARD OF DIRECTORS
MINUTES
Tuesday, January 26, 2015
REGULAR MEETING: 6:30 pm
OPEN TO THE PUBLIC
Location: Palisades United Methodist Church
27002 Camino de Estrella, Capistrano Beach, CA

1. CALL TO ORDER

Board President Masto called the Meeting to order at 6:30 p.m.

2. PLEDGE OF ALLEGIANCE

Board President Masto led attendees in the Pledge of Allegiance.

3. ROLL CALL

Directors Present: Breeding, Haack, Masto & Muller
Directors Absent: Clark
Staff: District Manager Russell
Agents: Authorized Agent Morris, Webb Community Management, Inc.
Contractors Present: Securitas Branch Manager, Susan Baron

4. PUBLIC COMMENTS

No comments.

5. APPROVAL OF MINUTES & APPOINTMENT OF NEW BOARD OFFICERS

a. Meeting #617 of December 15, 2015

Board President Masto summarized the December 15, 2015, #617 Meeting Minutes.

MOTION - A motion was made by Director Haack and seconded by Director Breeding to approve the Minutes of Meeting #617. The motion was passed by a vote of 4-0 (Director Clark absent).

b. Appointment of Board Officers

The Board typically selects new or retains incumbent Board Officers for the New Year.

MOTION - A motion was made by Director Haack and seconded by Director Breeding to retain the same Officers for the 2016 calendar year. The motion was passed by a vote of 4-0 (Director Clark absent).

6. SECURITY

Monthly Securitas Report for December 2015

Branch Manager, Susan Baron, reported the costs for renting a Radar Trailer:
\$275/week; \$700/month; \$75 delivery fee; \$75 pick-up fee.

The Board chose to pass on the offer due to the excessive cost.

Head of Securitas, Bob Austin, has been out for a week and may be out for another week. Securitas officer, Ray Morena, will be out till mid-March. Replacements are in place and more officers are being trained. District Manager Russell mentioned that the new officers need training on how to open and close the auto gates manually just in case of a malfunction and also how to proceed when the phone system goes down.

Securitas is moving towards utilizing a program called, "Patrol Live". Securitas will create checkpoints along the beach which will allow the patrol officers to electronically activate the checkpoint to verify having physically visited each patrol location. As the checkpoint is activated, the program instantly collects the information into an electronic database for reporting and monitoring purposes. The program should be fully functional by the end of February.

Board President Masto discussed the many incident reports that are being written up in a month due to parking violations and how could the District handle these incidents in a more effective manner. Should the District write up a new proposal to include fines for repeat offenders? Branch Manager, Susan Baron, will make sure that the officers always indicate on the reports which address the offending vehicle belongs to so that the homeowner becomes the responsible party for their guests/service workers. No further action taken.

7. **FINANCE**

a) **Report of Monthly Expenses through December 2015**

Board President Masto reviewed the Financials through December 2015 and replied that all looked in order, noting that the following two line items are over budget: Legal expenses and District Administrative Office Improvements. Director Muller is requesting that when the next Budget is created, breakdown the category, "District Auditing Service" into "Audit Service" and "Monthly Accounting Services."

The Board had a chance to review the Annual Audit before the meeting. Director Muller brought up the wording of, "Self-Insurance", page 20-21 on the Draft Audit dated 1/22/16 for Capistrano Bay Community Services District. He was not sure that the District participates in this Self-Insurance program through the Special District Risk Management Authority. Director Muller advised that the Auditor speak with District Manager Russell to confirm status. If the District is not Self-Insured under SDRMA, then the Auditor will make that notation on the Audit.

ACTION – District Manager Russell will contact the Auditor to discuss the insurance matter and have them update the Audit if necessary.

MOTION – A motion was made by Director Muller and seconded by Director Breeding to approve the Annual Audit for FYE June 30, 2015 pending a clarification of the self-insurance issue. The motion was passed by a vote of 4-0 (Director Clark absent).

b) **Webb Report on Short Term Rental Data Collection**

Authorized Agent Morris recommended that the presentation be postponed until the next Board Meeting when all the reports have been compiled and reviewed by the Board before making the formal presentation.

**8. ADMINISTRATION OFFICE
Progress Report on Handrail and Grass Repairs**

*Total cost for all work through December 31, 2015: \$84,123

The following is the remaining work to be done as of Friday, January 22, 2016:

- Grass Repairs (this is now complete- \$556)

- Install New In-ground Flagpole Light (estimated at \$330)

- Install new wood handrail at wheelchair ramp (waiting on further bids)

One bid thus far: Fenceworks \$6219.00

Zornosa Const. (bid not in yet)

The design is complex, requires a lot of IPE material and is labor intensive. An alternative would be to go with a basic anodized aluminum handrail system for much less:

Prime Fabrication Inc. (bid not in yet)

The online pricing for over-the-counter aluminum handrail parts is very affordable and it is reasonable to expect the bid from Prime Fabrication to be much lower than that for the wood rail. Manager Russell was directed to proceed with bids for a metal handrail.

- Lava stone infill at small area next to stairs (estimated at approximately \$200)

The small space next to the concrete steps needs to be filled in with lava rock – this will be done in the next two weeks.

- Upgrade new wire from main electrical panel for more power to run AC Unit (estimated at \$1500) The electrician is scheduled for next week to complete this work. The installation of the AC unit is not scheduled at this time, just the upgrade to the power supply.

**9. OLD BUSINESS
Temporary Shore Protection/Emergency CDP Time Extension**

*Legal expenses to date for the emergency permit (Nov/Dec) are \$68,142

The Emergency Coastal Development Permit (ECDP) that was issued to the community in December is good only through May 21, 2016. After the May 21st date, ALL temporary permitted shoreline protection (sandbags, gabions and K-rails) must be removed, according to the permit.

We know that due to global climate change, the sea surface temperatures in the equatorial Pacific are a few degrees higher than normal and thus have given birth to a Pacific hurricane season over the past three summers. It is highly likely that this coming summer will be similar to the past three summers given the presence of El Nino. These summer hurricanes have created high energy ocean swells coming from the south that are responsible for the amount of beach we have lost over the past three years.

So our emergency shoreline protection needs are no longer seasonal but are becoming year-round. If the sandbags, gabions and K-rails currently in place are removed in late May, the

community can be assured that more sand will be eroded off the beach by the summer south swells.

The question becomes do we want to try to seek a time extension on the ECDP to be allowed to leave the shoreline protection in place, at least through the summer?

ACTION – District Manager Russell has been requested to make available either on the website or at the District Office, a copy of the Nossaman Memo date January 22, 2016, discussing ‘Common Enemy Doctrine,’ and their past two Invoices from November and December concerning the Shoreline Protection matter.

Director Muller suggested that the District may wish to create a sub-committee to gather documentation regarding the Shoreline Protection matter. The homeowners present at the Board Meeting were in agreement with this idea. No action was taken.

Director Muller also posed the question, “does the District have legal authority on the beach side of the homes?”

ACTION- District Manager Russell will call the general council for the California Special District Association for a possible answer to the question, “does the District have legal authority on the beach side of the homes?”

10. NEW BUSINESS
Coastal Development Permit for Permanent Shoreline Protection

Prior to the work of obtaining the ECDP, there was consensus that afterwards, the District should apply to the City for a permanent CDP for long-term shoreline protection such as large boulders or those huge concrete ‘gravity blocks,’ etc.

The application process may not be the same as the process a homeowner goes through when building a new house. The District may get directed to apply to the Coastal Commission in Long Beach again.

The Board chose to hold off for now on applying for a permanent CDP and will wait to see how the temporary sandbags and K rails work out for shoreline protection. The community will get a good idea of the effectiveness of the sandbags, etc. over the next two months.

11. QUALITY OF LIFE DISCUSSION

a. Unleashed Dogs

There was discussion as to the matter of unleashed dogs. It was brought to the Board’s attention that many of the pedestrians walking the beach with unleashed dogs are not even property owners on Beach Road. Securitas does hand out rope leashes to anyone found to be walking an unleashed dog. No action taken.

b. Using Neighbors’ Trash

There was discussion concerning the abuse of using a neighbor’s trash cans. Manager Russell was directed to arrange for additional trash barrels to be placed on the vacant lots next to the doggie pickup bag dispensers.

c. Observing Speeding /Reckless Drivers

There was discussion concerning reckless drivers. One suggestion was to encourage homeowners to lodge a formal complaint with District Manager Russell when another vehicle is seen speeding, catching the license plate if possible. No action taken.

Board President Masto pointed out some information omissions on some of the Securitas parking warnings that are issued each month. The officers need to make sure they fill out each blank line on the form to enable the Directors or management to get the full picture of who committed the offense, where it occurred and which property owner is the responsible party.

**12. WEBB MANAGEMENT
Monthly Report through December 2015**

- Draft Audit is in review by the Directors.
- Financial Statements for the month of December were completed and emailed to the Board on January 15, 2016.
- Working on Rental Spread Sheet.

13. WRITTEN COMMUNICATIONS

Letter from homeowner Wayne Schafer concerning the District's attempt at obtaining a permit from the CCC. Mr. Schafer strongly recommends that the District withdraw from their engagement with the CCC. "It's far better to work on our own to devise ways to protect our properties without involving them."

13. BOARD AND STAFF COMMENTS

14. ADJOURNMENT

Board President Masto officially adjourned the Meeting at 8:50 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 #618 held on January 26, 2016.

Donal S. Russell
DONAL S. RUSSELL, Manager
Capistrano Bay Community Services District

March 1, 2016
DATE