

# ITEM 5

**REGULAR MEETING #672**  
**CAPISTRANO BAY DISTRICT BOARD OF DIRECTORS**  
**MINUTES**  
**Tuesday, April 27, 2021**  
**REGULAR MEETING 6:30 PM**  
**OPEN TO THE PUBLIC**

**1. CALL TO ORDER**

District Manager Russell called the Meeting to order at 6:30 PM

**2. PLEDGE OF ALLEGIANCE**

Manager Russell led attendees in the Pledge of Allegiance

**3. ROLL CALL**

Directors Present:	Irani, McNulty, Wiersig and Jenkins
Staff:	District Manager Russell, Karen Morris
Absent:	Board Vice President Haack
Agents:	None in Attendance
Contractors Present:	Allied Security Post Commander Robert Stabenow
Guest Speakers:	None

**4. PUBLIC COMMENTS**

*All comments were related to Shoreline Protection:*

- Jack Tarr (35841) asked if the District was going to reply to his letter of March 22, 2021, wherein he had asked for answers to numerous questions relating to the District conducting shoreline protection business. Board President Irani replied that because Mr. Tarr's letters are issued through his attorney, and are of an accusatory nature, the District has chosen not to respond, out of concern that Tarr and his attorney are positioning themselves to bring a lawsuit against the District.

**5. APPROVAL OF MINUTES**

Meeting #671 of March 30th, 2021

**MOTION** – A Motion was made by Director Wiersig, seconded by Director McNulty, and voted 4-0-1 (Haack absent) to approve the Minutes of Meeting #671 as presented.

**6. SECURITY**

**a. Monthly Security Report (January/February)**

Security Post Commander Robert Stabenow reported on another slow and quiet period with no thefts or break-ins and limited parking issues. The monthly report was received and filed.

**b. Speeding Electric Bikes**

PC Stabenow reported that there have been numerous reports and complaints regarding young kids speeding on the road on electric bikes and riding without helmets. He and District Manager Russell have developed a set of guidelines for all security officers to more effectively intervene with the kids by stopping them at the front gate, getting addresses, speaking to parents, possibly confiscating bikes (temporarily), educating renters at the gate when they arrive with e-bikes in tow, possibly bringing in the police and/or rental code enforcement and encouraging homeowners to call security when they have problems with speeding and hazardous e-bike activity.

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7. **This Item Left Blank**

8. **FINANCE**

**a. Monthly Expense Report**

The expense report through February was received and filed. Admin Assistant Karen Morris explained that she and Director Wiersig are continuing to work through the depreciation components of the monthly reports, in addition to managing some needed changes with the way the District makes use of its existing account with Sunwest Bank.

9. **OLD BUSINESS**

**a. Shoreline Protection Progress Report**

Manager Russell reported that the Board is still awaiting a reply from the CCC to the latest letter from the District of March 12<sup>th</sup>. It was also pointed out that the City will be hearing the matter of the District's request for approval of *Latent Powers* in their next Council meeting on May 5<sup>th</sup>.

Existing Public Access Easements

Manager Russell reported on research that indicates a total of 30 IOD's (Irrevocable Offers to Dedicate) that were deeded as public access easements by homeowners back in the 80's have been accepted by the County in two separate Acceptance Documents, recorded in 1989 and 1996 respectively.

**b. PLF Interpretations of the Coastal Act**

Manager Russell explained that in 2018, attorney Damien Schiff of the Pacific Legal Foundation (PLF) published a brief relating to definitions of some elements of the Coastal Act – most importantly, that of what constitutes *Existing Structures*. This report is posted on the District's website and the Board urges homeowners to review this material to gain a better understanding of the Coastal Act.

10. **NEW BUSINESS**

Manager Russell pointed out that the City is currently working in five locations on Beach Road replacing storm drain diversion valves. This work will continue through Friday 4/30 but could possibly be extended to Tuesday 5/4 if progress is delayed for any reason.

11. **QUALITY OF LIFE - CBRA DISCUSSION ITEMS**

Admin Assistant Karen Morris reported that the Planning Commission has completed their Phase 1 study of the Short Term Rental Pilot Program and will be submitting their findings to the City Council. The full study can be found on the city's website under *Planning Commission then past meetings*.

12. **WRITTEN COMMUNICATIONS**

There were no written communications for this month

13. **BOARD AND STAFF COMMENTS**

There were no comments

**ADJOURNMENT**

Manager Russell adjourned the meeting at 7:46 PM.

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**ATTEST:**

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

I, **Donal S. Russell**, Manager of the Capistrano Bay Community Services District, hereby certify that this is a *DRAFT* copy of the Minutes of Meeting #672, held April 27th, 2021.

*Donal S. Russell*

DONAL S. RUSSELL, Manager  
Capistrano Bay Community Services District

*April 30, 2021*

DATE

