

ITEM 5

**REGULAR MEETING #674
CAPISTRANO BAY DISTRICT BOARD OF DIRECTORS
MINUTES
Thursday, July 1, 2021
CLOSED SESSION 6:00 PM
REGULAR MEETING 6:30 PM
OPEN TO THE PUBLIC**

1. CALL TO ORDER

Board President Irani called the Meeting to order at 6:40 PM

2. PLEDGE OF ALLEGIANCE

Board President Irani led attendees in the Pledge of Allegiance

3. ROLL CALL

Directors Present:	Irani, McNulty, Wiersig and Jenkins
Staff:	Karen Morris
Absent:	District Manager Russell and Director Haack
Agents:	Ryan Phillips with Compass PMC
Contractors Present:	Allied Security Post Commander Robert Stabenow
Guest Speakers:	None

4. PUBLIC COMMENTS

There were no public comments

5. APPROVAL OF MINUTES

Meeting #673 of May 25th, 2021

MOTION – Motion was made by Board President Irani, seconded by Director McNulty, and voted 4-0-1 (Director Haack absent) to approve the Minutes of Meeting #673 as presented.

6. SECURITY

a. Monthly Security Report (May/June 2021)

Security Post Commander Robert Stabenow reported on a vagrant who was caught on video tape in the early morning hours checking car doors and who actually took several packages that had been delivered and dropped off on the front porch of a homeowner in the 700 block. It was pointed out that it is advisable to create a safe drop-off location for such deliveries, especially today with the increase in online consumer ordering and delivering.

7. This Item Left Blank

8. FINANCE

a. Monthly Expense Report/FY22 Budget Revenue Approval

The expense report through May was received and filed. Admin Assistant Karen Morris reviewed the Budget Revenue Worksheet for FY22 with the Board taking the following action:

MOTION – Motion was made by Board President Irani, seconded by Director McNulty, and voted 4-0-1 to approve the FY22 Budget Revenue at **\$1,452,931. 00**

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9. OLD BUSINESS

a. **Shoreline Protection Progress Report**

Board President Irani reported that the District's attorney, Steve Kauffman, wrote a reply letter back to the Coastal Commission on June 4, 2021. The letter reiterated that the District has no authority and/or responsibility for shoreline protection and the District has not authorized any work regarding shoreline protection. Kauffman attached to the letter, a copy of the District's Resolution that created the CSD under the Community Services District Law (Gov. Code, § 61100) and which limits its purposes and authority.

Board President Irani continued by adding that the District does have the right to maintain the roadway and all storm drains, but to strengthen the District's legal position, the District is in the process of applying for an additional latent power through LAFCO for Flood Protection. This power should allow the District the ability to better protect the roadway as well as the community entrance in case of flooding.

Homeowner Chris Miller reported on receiving a letter dated June 17, 2021, from the Coastal Commission, regarding the property at 127, requesting the removal of unpermitted rocks and sandbags. Miller shared his thoughts and concerns and is encouraging others who may have also received this letter to let other residents know. Board President Irani said that we are all watching the direction OC Parks will take regarding their long-term, "soft" solutions that could possibly include the installation of groins perpendicular to the shoreline or an offshore artificial reef as well as a sand replenishment program.

b. **LAFCO/Latent Powers**

Manager Russell will be coordinating a meeting in mid-July to review the material in the application and to learn what comes next in the process. It was pointed out that the process will be somewhat delayed due to the roll over into the new fiscal year with all agencies working to get their budgets done.

10. NEW BUSINESS/PROPERTY ACQUISITION

The Board has been exploring the possibility of acquiring one of the few remaining vacant lots for the purpose of guaranteeing and preserving access to the beach with equipment and materials in case of emergency storm drain maintenance and beach cleanup after heavy rains. There are currently 4 lots in escrow and if all the lots are sold and developed, the District's ability to access the beach with equipment will be permanently cut off.

The Board discussed future beach access needs, the potential for the Coastal Commission to come in and try to leverage the District for public access at the vacant lot, and potential liability exposure – all good questions for the District's Counsel to review and respond to. For these reasons the Board took the following action:

MOTION – A Motion was made by Board President Irani, seconded by Director Wiersig, and voted 4-0-1 (Director Haack absent) to initiate negotiations with the seller and the District's Counsel for purchasing property, research funding options and report back at next Board Meeting.

11. QUALITY OF LIFE - CBRA DISCUSSION ITEMS

Admin Assistant, Karen Morris announced CBRA's annual Summer Party will be on August 28, 2021, with festivities getting underway at 6:00 PM. Invitations coming soon.

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12. WRITTEN COMMUNICATIONS

Written letters from the Coastal Commission were addressed during Agenda Item 9a.

13. BOARD AND STAFF COMMENTS

There were no comments.

ADJOURNMENT

Board President Irani adjourned the meeting at 7:45 PM.

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 #674, held July 1st, 2021.

Donal S. Russell

DONAL S. RUSSELL, Manager
Capistrano Bay Community Services District

July 8, 2021

DATE