

ITEM 5

REGULAR MEETING #676
CAPISTRANO BAY DISTRICT BOARD OF DIRECTORS
MINUTES
Tuesday, August 31, 2021
REGULAR MEETING 6:30 PM
OPEN TO THE PUBLIC

1. CALL TO ORDER

Board President Irani called the Meeting to order at 6:30 PM

2. PLEDGE OF ALLEGIANCE

District Manager Russell led attendees in the Pledge of Allegiance

3. ROLL CALL/CLOSED SESSION REPORT OF ACTION

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

4. PUBLIC COMMENTS

Members from OC LAFCO Board of Directors Doug Davert and Jim Fisler introduced themselves, explaining who they are and that they are here to let the Board know LAFCO is here to support special districts in any way they can, particularly with the District's efforts in activating *Latent Powers*.

Homeowner Nancy Proodian commented on how great the CBRA summer party was and thanked Karen Morris and Melissa Irani for their hard work in bringing it all together.

5. APPROVAL OF MINUTES

Meeting #675 for July, 2021

MOTION – Motion was made by Director Haack, seconded by Board President Irani, and voted 4-0 to approve the Minutes of Meeting #675 as presented (*Director McNulty was not present to vote*).

6. SECURITY

a. Monthly Security Report – August 2021

The security report was received and filed. Post Commander Robert Stabenow reported on late night noise disturbances from two vacation rentals with the PD being called in for one of the groups. Robert also reminded the Board members and homeowner audience to remember to lock vehicles and make sure windows are rolled up to avoid theft.

7. This Item Left Blank

8. FINANCE

a. Monthly Expense Report/FY22 Budget Revenue Approval

The expense report through July was received and filed. Manager Russell pointed out that uncertainty regarding the purchase of a vacant lot will result in an adjustment to the FY22 budget in the following month.

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9. OLD BUSINESS

a. Shoreline Protection Progress Report

Homeowner Chris Miller provided an update on his efforts with the CCC to comply with the Violation Notice and follow up letter he received back in June and July. Miller explained that the CCC, which earlier recommended the use of those large white plastic sand cubes, is now refusing to permit their use, citing environmental concerns, and he now has no idea what the CCC might accept as an alternative form of temporary shoreline protection. Staff was directed to contact the Pacific Legal Foundation (PLF) and report the issue and ask for their advice on how to proceed in light of this new denial of shoreline protection that the CCC has heretofore been approving.

b. LAFCO/Latent Powers

Manager Russell reported that the District is approximately fifty percent complete with the required *Plan For Service Review* and should have it done in another week. This is the document that effectively makes the case for the District to be granted the additional power to commit resources towards exploring flood protection options related to shoreline erosion and wave inundation.

10. NEW BUSINESS

a. Acquisition of Real Property

Manager Russell reported on the following items:

- the vacant lot of choice for the District has been sold to an outside buyer
- staff is working with the County on the option to establish an access easement over their beach
- staff has received confirmation from LAFCO that the District is exempt from property taxes

Staff was directed to be more proactive with the County by making a comprehensive disclosure as to the District's full intent for using the County beach park facility. Also to order an appraisal on the vacant lot at 35125 Beach Road for purchasing considerations.

Homeowner representative Chris Brown suggested the District make use of the 'walkways', the twelve-foot wide easements that are sited in between several of the homes. Manager Russell explained that those walkways, previously in the ownership of the District, have all been deeded over to the property owners adjoining the walkways, with each owner receiving half of the 12 foot wide easements.

11. QUALITY OF LIFE - CBRA DISCUSSION ITEMS

Admin Assistant Karen Morris reported that the City is currently promoting their 'pilot program' for short term rentals, that the City has had one stakeholder meeting so far, and as their efforts continue we can expect further stakeholder and public meeting opportunities.

12. WRITTEN COMMUNICATIONS

There were no written communications

13. BOARD AND STAFF COMMENTS

Director Haack pointed out that the recently damaged storm drains are going to need repairs before our rainy season starts.

ADJOURNMENT

Manager Russell adjourned the meeting at 8:15 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 an *APPROVED* copy of the Minutes of Meeting #676, held August 31st, 2021.

Donal S. Russell

DONAL S. RUSSELL, Manager
Capistrano Bay Community Services District

September 28, 2021

DATE