

# ITEM 5

**REGULAR MEETING #678**  
**CAPISTRANO BAY DISTRICT BOARD OF DIRECTORS**  
**MINUTES**  
**Tuesday, October 26, 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**

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: None  
Contractors Present: Allied Security Post Commander Robert Stabenow  
Guest Speakers: Carolyn Emery, LAFCO Executive Officer (for item 9b)

**4. PUBLIC COMMENTS**

There were no public comments

**5. APPROVAL OF MINUTES**

Meeting #677 for September, 2021

*MOTION* – Motion was made by President Irani, seconded by Director Jenkins and voted 4-0-1 to approve the Minutes of Meeting #676 as presented (*Director McNulty was not present to vote*).

**6. SECURITY**

**a. Monthly Security Report – October, 2021**

The security report was received and filed. Post Commander Robert Stabenow again reminded owners to be sure to keep your vehicles and homes locked when away, leave a light on in the house and also recommended owners install some kind of motion detector outside lighting for sideyard areas.

**7. This Item Left Blank**

**8. FINANCE**

**a. Monthly Expense Report**

The expense report through September was received and filed.

**9. OLD BUSINESS**

**a. Shoreline Protection Progress Report**

Manager Russell reported that in a recent letter to a homeowner from the CCC, they were challenging the location of the Mean High Tide Line (MHTL) by claiming the line tends to migrate more landward in the winter than in the summer. According to previous District MHTL surveys, the exact opposite is true and staff would like to conduct another winter survey just to document current information. The Board agreed and suggested perhaps the future surveys should be in the winter instead of summer.

## ITEM 5

### **b. LAFCO/Latent Powers**

Carolyn Emery, Executive Officer for LAFCO, was present to go over the remaining requirements for the District in submitting the request to expand its current powers to include *Flood Protection*. Staff was authorized to proceed with reaching out to an engineering consultant to begin addressing the requirements. Manager Russell pointed out that it is apparent the timeline for completion is extended out to early Spring.

### **c. Acquisition of Real Property**

Manager Russell explained that the County has offered a temporary access permit that could go into effect immediately and essentially provide the District with beach access while the permanent easement is processed. This will be very helpful and indicates willingness and cooperation by the County.

While this is welcome progress, the problem of getting access with equipment around the boulder field at the north end of the County Beach Park remains a problem – even at the full-moon low tide. For this reason, Manager Russell recommends that the District waive the 30-day escrow cancellation provision with the vacant lot purchase and proceed with escrow as planned. The Board took comments from the in-person attendees and also those via Zoom. During a very lengthy discussion by everyone, the question was raised as to whether the District has the power to sell/dispose of the property, should it need to be done in the future. Staff was directed to get Legal Counsel’s answer to this question. After further Board discussion, the following conditional action was taken:

**Motion** was made by President Irani to conditionally approve the waiver of the 30-day escrow cancellation, contingent upon opinion by Counsel that the District is empowered to dispose of property. The motion was seconded by Director Jenkins, and approved by the following vote:

- |                           |        |
|---------------------------|--------|
| - Irani, Jenkins, Wiersig | YES    |
| - Haack                   | NO     |
| - McNulty                 | ABSENT |

*\*Manager’s Note: District Legal Counsel responded in the affirmative the following day which effectively consummated the Board’s action to proceed with the purchase.*

### **10. NEW BUSINESS**

After discussion among the Directors, it was agreed the next Board meeting will be Tuesday, Dec. 7th.

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

Admin Assistant Karen Morris reported that the homeowners have organized and scheduled a meeting to be held on Tuesday, November 2nd at 6:30 PM in the Mission Room of the Church where the Board of Directors meets, to discuss matters related to community-wide shoreline protection. Contact Karen Morris with questions: [karenmorris511@gmail.com](mailto:karenmorris511@gmail.com)

### **12. WRITTEN COMMUNICATIONS**

*There were no written communications*

### **13. BOARD AND STAFF COMMENTS**

*There were no comments from the Board or Staff*

# ITEM 5

**ADJOURNMENT** Manager Russell adjourned the meeting at 7:53 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 an *APPROVED* copy of the Minutes of Meeting #678, held on October 26th, 2021.

*Donal S. Russell*

DONAL S. RUSSELL, Manager  
Capistrano Bay Community Services District

*December 7, 2021*

DATE