

ITEM 5

**REGULAR MEETING #681
CAPISTRANO BAY DISTRICT BOARD OF DIRECTORS
MINUTES
Tuesday, February 22, 2022
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/SWEARING IN OF NEW DIRECTORS

Directors Present: Wiersig, Lurner and Misher
Staff: Manager Russell, Admin Assist. Morris
Absent: McNulty and Jenkins
Agents: None
Contractors Present: AUS Security Supervisor Robert Stabenow was absent
Guest Speakers: None

Manager Russell administered the Oath of Office to Directors Felicia Lurner and Ross Misher to be seated as Board members beginning with tonight's meeting and running through December 2022, since they are only completing the remaining year of the terms of outgoing Directors Irani and Haack.

4. PUBLIC COMMENTS

There were no public comments

5. APPROVAL OF MINUTES

Meeting #680 of January 25, 2022

**With Directors McNulty and Jenkins absent, the draft minutes for January could not be approved. The approval will be postponed to the March 29th board meeting.*

6. SECURITY

a. Monthly Security Report – February 2022

With Robert Stabenow absent, the security report for February 2022 was received and filed.

7. This Item is Left Purposely Blank

8. FINANCE

a. Monthly Expense Report

The expense report through January 2022 was received and filed.

b. Draft Financial Audit of the previous fiscal year FY20

Director Wiersig pointed out what appears to be an immaterial accounting issue on page 21 of the Statement regarding the ending balances of the Administrative Assets and the Administrative Accumulated Depreciation accounts. Admin Assistant Morris followed up explaining that the Auditor will recommend an appropriate correction.

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Director Wiersig indicated that would be acceptable and felt the Board could approve the Audit at the March meeting, pending the correction on page 21.

9. OLD BUSINESS

a. **Shoreline Protection Progress/Advisory Committee Report**

Committee member Director Wiersig stated that at this point, the Committee has met with the following consultants and attorneys:

- Susan McCabe of McCabe & Co. (lobbyist and coastal issues consultant)
- Stan Lamport of Cox Castle LLP (coastal law firm)
- Steve Kaufmann of Nossaman LLP (coastal law firm)

Awaiting a meeting date is Susan Hori of Manatt Phelps LLP, also a coastal law firm. A date for this meeting has not been confirmed but is expected soon. All meetings have been conducted via the Zoom virtual meeting program and have all been about an hour in length, consisting of a standard set of questions/answers followed by an open discussion. When all the attorney candidates have been interviewed, the Committee's recommendations will be submitted to the Board of Directors, which is expected to be at the March 29 Board meeting.

Manager Russell added that during the Committee's initial efforts to vet attorney candidates, Manager Russell was contacted by a beachfront homeowner from Oceanside who has provided the Committee with valuable information regarding the progress being made through the City of Oceanside with their issue of shoreline protection. This source should prove helpful as the Committee progresses with developing a strategy and plan of action.

10. NEW BUSINESS

a. **Review of *DRAFT Trash Enclosure Policy***

Manager Russell explained that since 1998 there have been several revisions to the District's trash enclosure policy, starting with the basic low-walled enclosures that were just big enough for a couple of the standard trash barrels and evolving into storage structures with solid roofs, large enough for surfboards, paddle boards, kayaks and bicycles. The Board has reviewed the draft policy and agreed that there needs to be some simplification of the guidelines and asked Dave Gutierrez to review the draft policy and try to come up with an easy-to-follow policy that homeowners can make better use of, and to have the revision submitted to the District during the first week of March.

The Board also directed staff to have the District's counsel review the language in both the OCTA Master License document and the District Railroad Parking Area Sub-Lease Agreement.

b. **Request for Review of Trash Enclosure for 35381 Beach Road**

Directors Lurner and Misher pointed out that with the trash enclosure policy under review that it would make sense to postpone the review of this submittal until the policy review is completed. This item has been postponed to the March Board meeting.

11. QUALITY OF LIFE - CBRA DISCUSSION ITEMS

The City has made no further progress with the proposed Pilot Program for STR's.

12. WRITTEN COMMUNICATIONS

There were no written communications.

13. BOARD AND STAFF COMMENTS

There were no comments.

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NEXT BOARD MEETING: Tuesday, March 29, 2022

ADJOURNMENT Manager Russell adjourned the meeting at 7:48 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 #681, held on February 22, 2022.

Donal S. Russell

DONAL S. RUSSELL, Manager
Capistrano Bay Community Services District

February 28, 2022

DATE