

# ITEM 5

**REGULAR MEETING #682**  
**CAPISTRANO BAY DISTRICT BOARD OF DIRECTORS**  
**MINUTES**  
**Tuesday, March 29, 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: McNulty, Wiersig, Jenkins, Lurner and Misher  
Staff: Manager Russell, Admin Assist. Morris  
Absent: None  
Agents: None  
Contractors Present: AUS Security Supervisor Robert Stabenow  
Guest Speakers: None

**4. PUBLIC COMMENTS**

There were no public comments

**5. APPROVAL OF MINUTES**

Meeting #680 of January 25, 2022

**Motion** by Director Wiersig, seconded by Director Jenkins and voted 3-0 to approve as presented (Directors Lurner and Misher were not present at the January meeting and therefore could not vote).

Meeting #681 of February 22, 2022

**Motion** by Director Wiersig, seconded by Director Jenkins and voted 5-0 to approve as presented.

**6. SECURITY**

**a. Monthly Security Report – March 2022**

Security Supervisor Stabenow provided a reminder that as the weather turns warmer, it becomes much more important that everyone remembers to lock up cars, roll up windows and hide any valuables from view.

**7. This Item is Left Purposely Blank**

**8. FINANCE**

**a. Monthly Expense Report**

The expense report through February 2022 was received and filed.

**b. Review of Budget Revision**

Manager Russell walked the Board through the procedure that was utilized to create the \$100,000 for funding the initial soft costs for the Shoreline Advisory Committee for the remainder of this fiscal year:

- \$20,000 transferred from GL Code #8810 (excess already in the budget)
- \$34,000 transferred from GL Code #7740 (excess already in the budget)
- \$46,000 transferred from General Reserves (not in the budget and had to be transferred)

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### **c. Draft Financial Audit of the previous fiscal year FY20**

Director Wiersig acknowledged that the audit error discussed last month has been corrected and made the following motion:

**Motion** by Director Wiersig, seconded by Board President McNulty and voted 5-0 to approve the Annual Financial Statement for Fiscal Year 2021, as presented.

## **9. OLD BUSINESS**

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

Committee member Director Wiersig presented the Advisory Committee's recommendation that the Board approve the engagement and agreements for the following consultants:

- Stan Lamport/Cox Castle (Coastal Law Attorney)
- Steve Kaufmann/Nossaman LLP (Coastal Law Attorney)
- Susan McCabe/McCabe & Co. (Consultant on Coastal Commission issues)

Director Wiersig stated that the Committee feels the community's greatest opportunity for sorting out and succeeding with the shoreline erosion issues facing property owners is to get the perspective from the best professionals in the business. Director Lurner felt that the hourly rates for the three consultants was excessively high but Director Misher did point out that it seems to make sense to get the opinion and perspective of the top consultants to develop a strategy and plan of action. After discussion, the Board took the following action:

**Motion** was made by Director Wiersig, seconded by Director Misher and voted 5-0 to approve the Advisory Committee's recommendation to hire Stan Lamport, Steve Kaufmann, and Susan McCabe, to serve as the District's professional consultants concerning issues related to shoreline erosion.

### **b. Oceanside Planning Commission/Shoreline Revetment Permit**

Manager Russell reported that the City of Oceanside Planning Commission unanimously approved a regular Coastal Permit for a group of beachfront property owners to conduct repairs to an existing permitted rock revetment. A Surfrider Foundation representative was present at the hearing and spoke in opposition to the staff's recommendation to support the applicant's permit request, which didn't resonate with any of the Commissioners.

## **10. NEW BUSINESS**

### **a. Review/Approval of *DRAFT Trash Enclosure Design Guidelines***

The guidelines were re-submitted after suggestions made at the previous board meeting were added. The discussion centered primarily around the matter of the percentages for structure vs landscaping, with a consensus that a 60/40 combination of structure-to-landscaping was too limiting and that an 80/20 ratio seemed more reasonable.

**Motion** was made by Director Jenkins, seconded by Director Lurner and voted 5-0 to approve the revised guidelines dated 3-24-22, with the revision to 80% structure and 20% landscaping.

### **b. District Counsel Review of RR Sub-Lease Agreement**

Manager Russell requested this item be postponed to the April board meeting to allow more time to complete the review by District's Counsel, Sean Schwerdtfeger.

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**c. Review/Approval of Trash Enclosure Requests**

Manager Russell presented four submittals for trash enclosures. All were approved pending minor revisions, to comply with the newly approved guidelines:

- 35381/Jim Bellino
- 35715/Al Bertha
- 35721/Al Bertha
- 35725/Richard Black

**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.

NEXT BOARD MEETING: Tuesday, April 26th, 2022

**ADJOURNMENT** Manager Russell adjourned the meeting at 8:10 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 #682, held on March 29, 2022.

Donal S. Russell

DONAL S. RUSSELL, Manager  
Capistrano Bay Community Services District

April 26, 2022

DATE