

# ITEM 5

**REGULAR MEETING #685**  
**CAPISTRANO BAY DISTRICT BOARD OF DIRECTORS**  
**MINUTES**  
**Tuesday, June 28, 2022**  
**REGULAR MEETING 6:30 PM**  
**OPEN TO THE PUBLIC**

**1. CALL TO ORDER**

District Manager Russell called the Meeting to order at 6:40 PM

**2. PLEDGE OF ALLEGIANCE**

District Manager Russell led attendees in the Pledge of Allegiance

**3. ROLL CALL**

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:	AUS General Mgr Steve Nsaif AUS Account Mgr Juan Arellano

**4. PUBLIC COMMENTS**

There were no public comments

**5. APPROVAL OF MINUTES**

Meeting #684 of May 31, 2022

**Motion** by Board President McNulty, seconded by Director Lurner and voted 3-0-2 (one Director late and one was absent for the May meeting and thus can't vote) to approve the Minutes #684 as presented.

**6. SECURITY**

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

Director Lurner requested of Security to begin reporting every violation, no matter how insignificant it may seem, so that the City is fully aware of the rental picture here on Beach Road.

**b. Allied Universal Security (AUS) Contract Discussion**

The suggestion was made by Manager Russell and agreed by the Board to have AUS propose the figures for a three year contract.

**c. Reinstating District Police Program**

Manager Russell reported that the District will see the new Police Officer on duty beginning this coming Saturday, June 2nd and will work a part-time shift through the three-month trial period that will end in mid-September after the Labor Day holiday. Director Misher asked how the District will be measuring the Police Officer's effectiveness through this period. It was pointed out that merely counting the number of citations issued does not provide an accurate picture. Manager Russell reported that he will get with our resident police procedures consultant, Greg Staar, a retired LAPD Police Captain, to discuss how the LAPD measures effectiveness and incorporate appropriate criteria into the program.

## ITEM 5

### **d. Fourth of July Safety and Road Striping**

Security Supervisor Robert Stabenow reported that there will be additional security officers on duty on Monday the Fourth of July to assist mainly with traffic control in the convergence area where everyone enters off Coast Highway to come into Beach Road or the County Beach Park. The main objective will be to keep people from stopping on the RR tracks and secondly to assist with getting guests and home owners into our community.

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

### **8. FINANCE**

#### **a. Monthly Expense Report**

The expense report through May 2022 was received and filed. Director Wiersig inquired about the Interest Allocation expense in the amount of \$16,065 for May (*the expense in question has since been clarified to be interest expense related to the Vacant Lot Purchase*).

#### **b. New Fiscal Year Budget**

Manager Russell reported that the new FY23 Operating Budget will be ready for a Board review after the Fourth of July, that efforts with the Shoreline Advisory Committee have delayed staff's work on preparing the new budget. Staff does, however, have the revenue side of the budget ready for approval at this meeting and has asked for a motion to approve:

**MOTION** was made by Director Wiersig, seconded by Director Misher and passed by a vote of 4-0-1 (Director Jenkins had left the meeting) to approve the revenue budget for FY23 at \$1,537,278.00.

### **9. OLD BUSINESS**

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

As was reported last month, the District had requested a postponement of the City's LCP Amendment hearing. While the City was in agreement with the request, the CCC pushed back and wanted to know if the District was in agreement with some of the suggested modifications being put forth by the CCC. Given the lack of reasonable time to review any such modifications, the District this time asked for a complete withdrawal of the LCP hearing altogether. The consent for a withdrawal was finally granted by the CCC in the afternoon just prior to this board meeting. This means the Advisory Committee will be busy evaluating the CCC's proposed language to determine the impact on Beach Road homeowners.

Also discussed was the need to begin a community awareness and outreach effort to encourage help from Beach Road homeowners in contributing to the cost of maintaining our staff of professional attorneys and consultants.

#### **b. Sandbag Mess on the Beach**

Manager Russell indicated that most of the eleven violators of shredded and collapsed sandbags and sandcubes have reported their beachfront as being cleaned up. The District will conduct an inspection in July.

### **10. NEW BUSINESS**

#### **a. Mandatory Organic Waste/Food Scraps Recycling Law/Revision to Ordinance No. 05-205**

The District has made an order for 100 of the small green food scraps barrels to be delivered sometime this summer to begin our compliance with the state's Food Scraps Recycling Law. Letters announcing details of the program will be mailed out after the Fourth. Again, this program will be no cost to owners.

# ITEM 5

**MOTION** was made by Director Jenkins, seconded by Director Wiersig and passed 4-0-1 (Jenkins had left early) to approve revised District Ordinance No. 22-205, to include language relating to the new State Organic Waste and Food Scraps Recycling Law (Senate Bill 1383).

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

**a. Short Term Rentals**

Administrative Assistant Karen Morris reported that the proposed new STR code has been appealed by concerned homeowners. For this reason, the hearing has been postponed to the City Council meeting on Tuesday July 12th, 6:00 PM at the City Council Chambers located at 33282 Golden Lantern.

**b. Renter Recovery Fee**

Following up on last month's discussion, the District is legally able to collect fees for impact to the community's infrastructure and operations. It is strongly felt that there is additional burden placed on District staff and security that should be compensated for. To answer the question of how much of a fee is fair to assess, the recommendation was made, and staff was directed, to have the District's legal counsel review District Law and incorporate an assessment engineer to develop a methodology based on a legitimate evaluation of the impact and to quantify that into an appropriate fee amount that would be mandatory of all Short Term Rentals on Beach Road.

**12. WRITTEN COMMUNICATIONS**

There were no written communications this month.

**13. BOARD AND STAFF COMMENTS**

There were no comments.

NEXT BOARD MEETING: Tuesday, July 26th.

**ADJOURNMENT** Manager Russell adjourned the meeting at 8:55 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 #685, held on June 28th, 2022.

Donal S. Russell

July 1, 2022

DONAL S. RUSSELL, Manager  
Capistrano Bay Community Services District

DATE