

# ITEM 5

**REGULAR MEETING #688**  
**CAPISTRANO BAY DISTRICT BOARD OF DIRECTORS**  
**MINUTES**  
**Tuesday, September 27, 2022**  
**REGULAR MEETING 6:30 PM**  
**OPEN TO THE PUBLIC**

**1. CALL TO ORDER**

District Manager Russell called the Meeting to order at 6:35 PM

**2. PLEDGE OF ALLEGIANCE**

District Manager Russell led attendees in the Pledge of Allegiance

**3. ROLL CALL**

Directors Present:	McNulty, Wiersig, Jenkins, and Lurner
Staff:	Manager Russell, Admin Assist. Morris
Absent:	Director Misher
Agents:	None
Contractors Present:	None
Guest Speakers:	None

**4. PUBLIC COMMENTS**

There were no public comments

**5. APPROVAL OF MINUTES**

Meeting #687 of August 30, 2022

**Motion** was made by Board President McNulty, seconded by Director Jenkins and voted 4-0-1 (Misher absent) to approve Minutes #687 of August 30, 2022, as submitted.

**6. SECURITY**

**a. Monthly Security Report – Aug/Sept 2022**

PC Stabenow reported on problems that are arising from two short-term rentals with late night noise, too many vehicles and some uncooperative occupants. These are both unpermitted STR's to which the Board directed District Security to be sure to report these violations to both the property owners and to the City. For dealing with late night disturbances from ALL rentals, security was directed to immediately call the Sheriff for intervention and to get a City-level paper trail started.

**b. Road Striping/15 MPH Signage**

Manager Russell reported that another contractor has been solicited, a proposal has been received, and the contractor has been authorized to proceed with the work, which is expected by mid-October.

**c. Allied Universal Security (AUS) Multi-Year Contract**

The three-year contract with AUS has been signed and the terms will commence on January 1, 2023.

**d. District Police Program/Three Month Trial**

September 30th marks the end of the three-month trial period. Manager Russell shared the results of the recent email poll of property owners in which owners were asked to reply on the question of continuing the Police Program. Out of 42 respondents, by meeting time, the results were as follows:

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- Support continuation 30
- Oppose continuation 8
- Undecided 4

The main comments by the undecided and opposed respondents was that of asking for data on the results of the trial period; how many speed cites have been issued, why is the police vehicle the same color as the security vehicle, has speeding been noticeably reduced, and how often does the Police Officer work on our road. In response to the strong showing of support, the Board directed Staff to continue the program through October at the current schedule of two days per week, and to provide a report for their consideration indicating the overall costs for retaining the officer through the end of June 2023 at both 4-day and a 5-day work week option. At this time, the Police Officer only works two days per week which has some bearing on what appears to be limited results from the trial period. Staff was also directed to provide a report to homeowners with answers to the numerous questions and comments from the email poll.

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

### 8. **FINANCE**

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

The expense report through August, 2022 was received and filed. Admin Assistant Karen Morris followed up on the negative Cash Assets issue from last month and explained that it looks like a double-entry accounting error and is working with the District's accountant to get it corrected.

### 9. **OLD BUSINESS**

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

Progress has slowed as summer vacations have overlapped into each other although everyone is back on track now and working on the following tasks:

- Evaluating for After the Fact (ATF) permits
- Assessing individual homeowner conditions for Test Cases
- Producing a Guidance Paper for educating homeowners
- Following the 'Existing Structures' issue and providing guidance
- Working with another special counsel for taxing options (John Bakker of Meyers Nave LLP)

#### **b. Landscape Committee**

Admin Assistant Karen Morris indicated that progress so far has consisted of one site meeting with a walk-through of the entrance grounds with preliminary discussion and suggestions for changes of plant varieties and procedures. Committee member Dave Gutierrez left a comment that the Committee could be prepared enough by the November meeting to present a plan for changes and improvements.

### 10. **NEW BUSINESS**

#### **a. Undergrounding of Power and Communications Utilities (Lurner)**

Efforts at undergrounding utilities were halted by Board action back in July 2020 to redirect District resources to efforts with protecting the beachfront from sea level rise and storm wave damage. At the time efforts were halted, the Board was close to finishing up a letter to property owners that would have provided a cost estimate for what each owner could be expected to pay for their share of the overall expense. Staff was directed to revisit this effort and get the letter completed and circulated to owners for determining the level of support for continuing pursuit of the project.

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**b. Proposed Renter Recovery Fees (McNulty)**

The District’s authority to assess such a fee is being evaluated by the Advisory Committee’s special taxing counsel to determine a mechanism that would legally permit the District to charge rental owners for compensation on the impact of rentals on District resources. Should the District perfect the authority then it would proceed and engage in the process as directed by counsel.

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

**a. Short Term Rentals**

The City recently submitted the City Council’s Short Term Rental guidance program to the Coastal Commission (the portion of the program that includes the Coastal Zone – that being Beach Road and the Niguel Shores community). Concerned citizens here in Dana Point appealed the program and the CCC, in their recent hearing on the appeal, acted to allow the appeal. The matter is now with the CCC for another hearing at some future date that is not yet scheduled.

**12. WRITTEN COMMUNICATIONS**

There were no written communications this month.

**13. BOARD AND STAFF COMMENTS**

There were no comments.

NEXT BOARD MEETING: Tuesday, November 15, 2022, 6:30 PM

**ADJOURNMENT** Manager Russell adjourned the meeting at 7:58 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 #688, held on September 27th, 2022.

Donal S. Russell

DONAL S. RUSSELL, Manager  
Capistrano Bay Community Services District

November 15, 2022

DATE