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**REGULAR MEETING #693
CAPISTRANO BAY DISTRICT BOARD OF DIRECTORS
MINUTES
Tuesday, March 28, 2023
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

Directors Present:	Wiersig, Jenkins, Lurner
Staff:	Manager Russell, Admin Assist. Morris
Absent:	McNulty, Misher
Agents:	None
Contractors Present:	Robert Stabenow, Allied Universal Security
Guest Speakers:	None

4. PUBLIC COMMENTS

There were no public comments

5. APPROVAL OF MINUTES

Meeting #692 of February 28, 2023

Manager Russell pointed out that the action taken, in the form of a motion, at the February meeting under agenda item 10, to hire the Assessment Engineer and the legal consultant, was left out of the minutes which need to be revised to include this Board action.

Motion was made by Director Wiersig, seconded by Director Lurner and voted 3-0-2 (McNulty/Misher absent) to approve Minutes #692 of February 28, 2023, as per the revision by Manager Russell.

6. SECURITY

a. Monthly Security Report – March 2023

PC Robert Stabenow reported on the usual one or two trespassers who've wandered into the community from the beach side and were escorted out. Also reported on a slightly disturbed beach goer who took issue with the gate officers on duty in the guard shack – police had to be called to keep the peace. Suspect was taken into custody by Dana Point Police.

b. Police Activity Summary – February/March 2023

Manager Russell stated that our template for printing traffic citations was finally approved by Superior Court and an order to go to print was made on March 20th – new cite books are expected in about ten days, whereupon we will soon be able to issue speeding citations.

7. TRASH ENCLOSURES/PROPOSED ADDENDUM TO LS REQUIREMENTS

Homeowner Dave Gutierrez was asked at the last Board meeting to work up a guideline for minimum landscape requirements based on square footage. A proposal was submitted by Mr. Gutierrez for the

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Board to review and while there was some discussion, any decision-making will be reserved for the April Board meeting.

8. FINANCE

a. **Monthly Expense Report**

The expense report through February 2023 was received and filed. Director Wiersig asked when the District would see the next large tax apportionment remitted to our bank account. After some discussion, Admin. Assistant Karen Morris stated she would send him a copy of the current year property tax apportionment schedule to aid in following the timing of when the District gets its revenue from the County.

9. OLD BUSINESS

a. **State Law/Mandatory Food Scraps Recycling**

Manager Russell had this item on the agenda to provide a reminder to owners that the long-awaited food scraps recycling barrels will be coming to the community as soon as the rain is over and we have a one-week window of pleasant weather for CC&R to make the delivery. Again, this will be a free service.

b. **Advisory Committee Progress Report**

Manager Russell briefly explained that the approval at last month's meeting of \$32,500 for hiring Willdan and Meyers-Nave has turned out to be an incorrect cost estimate. What was missed was the actual cost on the part of the legal consultant for handling the voting and balloting when we have the election for voting in the proposed special parcel tax sometime in the next couple months. The new cost estimate is \$51,600 to cover Willdan Financial Services, Meyers-Nave Legal Services and a third paid consultant to assist with producing a survey of the property owners. Given that the original estimate was approved by a Board action, the appropriate process to change the action from last month is to pass a motion to reconsider (according to Roberts Rules of Order):

Motion to Reconsider was made by Director Wiersig, seconded by Director Lurner and passed by a vote of 3-0-2, on the action taken at the February 2023 Board meeting where the Board approved the expense of \$32,500 for the *Special Parcel Tax* process, by amending the Advisory Committee's estimate to the new amount of \$51,600.

10. NEW BUSINESS

There was no new business

11. QUALITY OF LIFE - CBRA DISCUSSION ITEMS

a. **Short Term Rentals/City Action to Begin Accepting Application**

The City has announced that they will begin accepting new STR applications on Monday, May 1st, 2023 at 9:00 AM. Applications will only be accepted online at str@danapoint.org.

b. At the previous meeting, Board President McNulty had suggested a tougher stance by the District in dealing with short-term rental owners who violate the City's rental rules. McNulty had recommended a policy whereby violating owners are requested to appear before the Board and explain themselves and pay a stiff \$1000 fine if they refuse to comply and not show up to discuss the rental violation. Staff was authorized to bring this to legal counsel for an opinion and possible recommendation as to what authority the District has to carry out such a policy.

12. WRITTEN COMMUNICATIONS

There were no written communications

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13. BOARD AND STAFF COMMENTS

There were no comments by the Board or District Staff. However, homeowner Dave Gutierrez pointed out that there are several items around the community that are suffering from neglect. Items such as faded and leaning signs/posts, table damage and palm fronds at the palapa by the office, etc. He will provide a punch list for District Staff and would like to see these corrections completed as soon as possible, knowing that all the rain since December has postponed getting some of these items fixed.

ADJOURNMENT Manager Russell adjourned the meeting at 7:40 PM.

NEXT BOARD MEETING: Tuesday, April 25th, 2023, 6:30 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 #693, held on March 28th, 2023.

Donal S. Russell

DONAL S. RUSSELL, Manager
Capistrano Bay Community Services District

March 28, 2023

DATE

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**REGULAR MEETING #694
CAPISTRANO BAY DISTRICT BOARD OF DIRECTORS
MINUTES
Tuesday, April 25, 2023
REGULAR MEETING 6:30 PM
OPEN TO THE PUBLIC**

1. CALL TO ORDER

District Manager Russell called the Meeting to order at 6:32 PM

2. PLEDGE OF ALLEGIANCE

District Manager Russell led attendees in the Pledge of Allegiance

3. ROLL CALL

Directors Present:	McNulty, Misher, Jenkins, Lurner
Staff:	Manager Russell, Admin Assist. Morris
Absent:	Wiersig
Agents:	None
Contractors Present:	Robert Stabenow, Allied Universal Security
Guest Speakers:	None

4. PUBLIC COMMENTS

Miriam Rupke, real estate agent, asked the Board if she could begin providing a monthly report showing recent sales and homes listed for sale on Beach Road. The Board agreed to have Ms. Rupke send a report sample for consideration.

5. APPROVAL OF MINUTES

Meeting #693 of March 28, 2023

The Board could not approve the Minutes as Director Wiersig was absent and Directors Misher and McNulty were absent from the March meeting and therefore could not vote to accept the Minutes. This item will have to be moved to the May Board meeting.

6. SECURITY

a. Monthly Security Report – April 2023

PC Robert Stabenow reported on a very busy month of security activity due to the improvement in the weather. There were several trespassers, all of whom were escorted from the community, a vehicle was rifled through, fortunately with nothing of value taken (unlocked vehicle) and there was a car stolen as well – this vehicle was left unlocked late at night and with the keys in the car.

The Board gave direction to security to install a locking system to the entrance area pedestrian gate that would be accessible one-way with a passcode and remotely controlled by the gate officer on duty.

b. Police Activity Summary – March/April 2023

Manager Russell reported that the District has received its order of printed traffic cite books and will soon be issuing tickets. As a fair warning, speeding tickets issued by Officer Williams are sent directly to Orange County Superior Court Traffic Division and the bail amounts range up to \$600, and moving violations go on one's driving record.

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7. TRASH ENCLOSURES/PROPOSED ADDENDUM TO LS REQUIREMENTS

Manager Russell explained that he has taken Dave Gutierrez's square footage information, along with some additional notes he provided and incorporated those guidelines into the current policy by amending line items 48 and 49, with the exception of deleting the tree requirement. Thus, while trees are acceptable they are not being made a requirement.

8. FINANCE

a. Monthly Expense Report

The expense report through March 2023 was received and filed. There were no requests for discussion.

9. OLD BUSINESS

a. State Law/Mandatory Food Scraps Recycling

Manager Russell reported that the food scraps trash barrels were delivered and distributed to Beach Road this past Saturday. This delivery now completes the District's compliance with the new law that began as Senate Bill 1383 in January 2021.

b. Advisory Committee Progress Report

Manager Russell explained that the Committee has now conducted two Zoom meetings with property owners who are registered to vote here on Beach Road. These meetings are to begin the awareness and education effort by the Committee for the benefit of property owners and the need for shoreline protection. The next Zoom meeting, however, will be sent out to the entire community – those registered to vote here on BR plus those registered elsewhere - and will be scheduled for as soon as possible. All owners will be given advance notice.

10. NEW BUSINESS

a. Request for Lattice on RR Block Wall/35787 Beach Road

The homeowner at 35787, Miles Rosedale, has requested permission of the District to install white lattice to the block wall, in the same style as the four homes immediately to the north of his property. After viewing the photo samples, the Board gave its consent to the request.

11. QUALITY OF LIFE - CBRA DISCUSSION ITEMS

a. Dealing with Owners of STR's and Violations

At a previous meeting, Board President McNulty had suggested a tougher stance by the District in dealing with short-term rental owners who violate the City's rental rules. McNulty had recommended a policy whereby violating owners are requested to appear before the Board and explain themselves and pay a stiff \$1000 fine if they refuse to comply and not show up to discuss the rental violation. Staff was authorized to bring this to legal counsel for an opinion and possible recommendation as to what authority the District has to carry out such a policy and to explore a mechanism for enforcement and collection.

12. WRITTEN COMMUNICATIONS

There were no written communications.

13. BOARD AND STAFF COMMENTS

There were no comments by the Board. However, Manager Russell explained that the punch list Dave Gutierrez had submitted at the previous meeting and was intended to be a part of tonight's agenda for discussion, was completely forgotten. The items were generally regarding miscellaneous maintenance needs around the community entrance, fading signs, weeds, pavement striping, repainting irrigation valve boxes, palapa repairs, etc. This will be agendized for the next Board meeting.

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ADJOURNMENT Manager Russell adjourned the meeting at 7:40 PM.

NEXT BOARD MEETING: Tuesday, May 30th, 2023, 6:30 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 #694, held on April 25th, 2023.

Donal S. Russell
DONAL S. RUSSELL, Manager
Capistrano Bay Community Services District

April 26, 2023
DATE