

ITEM 6a

**REGULAR MEETING #698
CAPISTRANO BAY DISTRICT BOARD OF DIRECTORS
MINUTES
Tuesday, September 5th, 2023
PUBLIC HEARING 6:30 PM
REGULAR MEETING TO FOLLOW
OPEN TO THE PUBLIC**

1. CALL TO ORDER

District Manager Russell called the Hearing 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:	McNulty, Misher, & Jenkins
Staff:	Manager Russell, Karen Morris
Absent:	Lurner & Wiersig
Agents:	None
Contractors/Consultants:	Robert Stabenow, Allied Universal Security
Guest Speakers:	None

4. PRESENTATION/SPECIAL TAX LEVY/CALL TO ORDER ELECTION

a. Approval of Resolution No. 9-5-23, calling for an election date of December 19, 2023, and including the draft language for the Ordinance to be approved in December if the measure passes in the voting.

MOTION was made by Director Jenkins, seconded by Director Misher and passed by a vote of 3-0-2 to approve Resolution No. 9-5-23, setting the date of the parcel tax election for December 19, 2023.

5. ADVISORY COMMITTEE

a. After-the-fact (ATF) Permit and Casa Mira Ruling
Manager Russell explained that the Committee is continuing to educate the ATF candidate and expects to complete the agreement in the following two weeks whereby the Committee can move forward with the CDP application process with the City.

In the Casa Mira ruling, the CCC has recently began ruling on Coastal Development Permits that an 'existing structure' refers only to homes built prior to January 1977 (when the Coastal Act passed into law). This is a complete reversal of the CCC original interpretation that meant any house or structure that is in existence at the time an owner applies for a permit. The Superior Court in San Mateo ruled that 'existing' means just what it says; existing at the time an owner applies for a CDP. It is expected that the CCC will appeal which would push any final ruling out at least two more years.

6. APPROVAL OF MINUTES

a. **Meeting #697 of August 1, 2023**

Motion was made by Director Misher, seconded by Director Jenkins and approved by a vote of 3-0-2, to accept the minutes of August 1, 2023, as presented.

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7. SECURITY

a. **Monthly Security/Police Report** – July/August 2023

Security Supervisor Stabenow reported on two incidents of trespassers being apprehended and escorted out of the community. Also one incident of the renters in the lower unit of a rental complained about the late night noise of the renters upstairs – turned out that they were all the same group just not getting along with each other.

Manager Russell reported that our police officer is now issuing speeding citations since completing his POST requalification training. Cites have been issued to two different guests, both going above 30 mph and one with a very bad attitude. Cites are processed through OC Superior Court and fines start at \$420.

9. FINANCE

a. **Monthly Expense Report**

The expense report through July 2023 was received and filed with no discussion.

b. **FY24 Budget**

While the income budget for FY24 was approved at the June Board meeting, the expense side of the budget has been postponed to a meeting scheduled for Wednesday, September 13th at 10:00 AM.

10. NEW BUSINESS

There was no new business

11. QUALITY OF LIFE - CBRA DISCUSSION ITEMS

A public records request (PRR) has been sent to the City to obtain renter information relating to the number of vehicles the City is permitting to park at each rental property. This is to update our internal records to correspond with the City's car count.

12. WRITTEN COMMUNICATIONS

There were no written communications.

13. BOARD AND STAFF COMMENTS

Board President McNulty requested posting a sign near the community entrance indicating the traffic fine amounts for speeding on the road.

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

NEXT BOARD MEETING: Tuesday, September 26th, 2023, 6:30 PM

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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 #698, held on September 5th, 2023.

Donal S. Russell

DONAL S. RUSSELL, Manager
Capistrano Bay Community Services District

September 8, 2023

DATE

DRAFT