

ITEM 5a

**REGULAR MEETING #709
CAPISTRANO BAY DISTRICT BOARD OF DIRECTORS
MINUTES
REGULAR MEETING 6:00 PM
Tuesday, September 24, 2024
OPEN TO THE PUBLIC**

1. CALL TO ORDER

District Manager Russell called the regular meeting to order at 6:18 PM

2. PLEDGE OF ALLEGIANCE

District Manager Russell led attendees in the Pledge of Allegiance

3. ROLL CALL

Directors Present:	McNulty, Misher, Lurner and Seidensticker
Staff:	Manager Russell, Karen Morris, Robert Stabenow
Absent:	Director Champlain
Agents:	None
Contractors/Consultants:	None
Guest Attendees:	None

4. PUBLIC COMMENTS

There were no public comments

5. APPROVAL OF MINUTES

a. Meeting #708 of August 27, 2024

Motion was made by Director Lurner, seconded by Director Misher and approved by a vote of 4-0-1 (Champlain absent) to accept the minutes of meeting #708 of August 27, 2024.

6. SANDAG – REGIONAL BEACH SAND REPLENISHMENT (RBSP III)

SANDAG’s Shoreline Preservation Working Group (SPWG) reported at their quarterly meeting on September 5th with news that the *Economic Analysis and Feasibility Study* have commenced and are well underway. A proposed beach sand ‘receiver site’ for the Dana Point area has been identified that extends from the San Juan Creek outfall downcoast to the south end of the County Beach Parking Lot and is estimated to eventually receive a total of 500,000 cubic yards of sand. It’s too early to make any predictions as to when the actual placement of sand would happen nor how it would be paid for.

7. SHORELINE ADVISORY COMMITTEE

a. Miller/Ong CDP applications to the City

The Miller CDP application is in the first round of Planning Dept. corrections and is scheduled to be resubmitted to the City on October 8th. The Ong application is on hold until the Miller submittal is done and approved.

b. Casa Mira HOA vs CCC/Amici Curiae Briefs in support of Casa Mira

The Casa Mira HOA won its case at trial court level but the CCC has appealed. The Appellate Court may not hear the case until sometime in the Spring of 2025. In the meantime, the District was the driving force in having our Coastal Law Counsel, Stan Lampport and Steve Kaufmann, craft Amici

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Curiae briefs to the Court in support of Casa Mira’s position in the case. The full text of the two briefs are posted on the District’s website www.capobay.org under the tab REGIONAL SHORELINE PROJECTS.

c. Smart Coast California Conference

Manager Russell attended this two-day conference where private property rights and smart land use policies in coastal California were comprehensively discussed. In attendance were primarily private property rights advocates and stakeholders plus a three-person contingent of CCC staffers. Our coastal law counsel, Stan Lamport was present to educate the attendees on the reality of seawalls NOT causing shoreline erosion.

8. SECURITY REPORT

a. Security Monthly Report for September 2024

The monthly report was received and filed. There was discussion on a possible different look for the security officer uniform shirts. The thinking by the Board is to possibly have the Security Supervisor in a different colored shirt to stand out. Samples will be available for review at the October Board meeting.

b. Speed Bump Locations

In considering comments by Board members, the proposed location at 35361 has been temporarily excluded while security has an opportunity to conduct a speed monitoring effort in that stretch of the road to determine whether there is a need for a speed control device.

c. Sale of District Vehicle

All lettering and decals have been removed and all police equipment will be dismantled next week to make the vehicle ready for private sale.

9. FINANCE

a. FY2025 Expense Budget

The budget discussion revolved around the need to begin developing a long-term plan for the Manager’s eventual retirement. The Manager was asked to take the next few months, as time permits, to look at what his departure from the District would involve. Additionally, the old personnel policy distinguishing between vacation and sick leave benefits needs to be updated to change these benefits to personal time off (PTO). After some review and questions for clarification, the Board took the following action:

Motion was made by Director Misher, seconded by Director Lurner and approved by a vote of 4-0-1 to accept the draft budget in the amount of **\$2,381,222.00**, pending a revision to the Manager’s salary and the corresponding adjustment to Workers Compensation insurance, neither of which will affect the approved budget amount, with the only adjustment being a slight decrease in GL Code #8805 – General Reserve Contribution.

b. Monthly Expense Report

The expense report through August 2024 was received and filed.

10. OLD BUSINESS

a. Pines Park Storm Drain Flooding

Manager Russell reported that a concept plan sketch with photographs has been submitted to OC Parks to begin what is hoped to be an eventual approval with cost-sharing between the County and the District.

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The County immediately responded indicating that the principal engineer who would be considering the proposal is away on vacation and will be returning the week of October 1st.

11. NEW BUSINESS

Nothing to report

12. QUALITY OF LIFE - CBRA DISCUSSION ITEMS – SHORT TERM RENTALS

Nothing to report

13. WRITTEN COMMUNICATIONS

There were no written communications

14. BOARD AND STAFF COMMENTS

Board President McNulty suggested it might be beneficial to alternate the attendance by Directors to the monthly Shoreline Advisory Committee so that all board members get an opportunity to hear the Committee’s business. Director Misher, after some thought, pointed out that it’s probably more beneficial for the continuity of passing the information along to keep it as originally agreed that McNulty and Lurner would retain the role as attendees at Committee meetings. To this point, there was consensus, and a request of the Manager to circulate a summary after each Committee meeting.

ADJOURNMENT: Manager Russell adjourned the meeting at 8:14 PM.

NEXT COMMITTEE MEETING : Tuesday, October 8th at 10:00 AM via Zoom

NEXT BOARD MEETING: Tuesday, October 29th, 2024 at 6:00 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 #709, held on September 24, 2024.

Donal S. Russell

DONAL S. RUSSELL, Manager
Capistrano Bay Community Services District

October 29, 2024

DATE