

# ITEM 5a

**REGULAR MEETING #712  
CAPISTRANO BAY DISTRICT BOARD OF DIRECTORS  
MINUTES  
REGULAR MEETING 6:00 PM  
Tuesday, January 28, 2025  
OPEN TO THE PUBLIC**

**1. CALL TO ORDER**

District Manager Russell called the regular meeting to order at 6:03 PM

**2. PLEDGE OF ALLEGIANCE**

District Manager Russell led attendees in the Pledge of Allegiance

**3. ROLL CALL**

|                          |  |
|--------------------------|--|
| Directors Present:       | McNulty, Misher, Champlain and Seidensticker         |
| Staff:                   | Manager Russell, Karen Morris                        |
| Absent:                  | Director Lurner                                      |
| Agents:                  | None   |
| Contractors/Consultants: | Robert Stabenow, Allied Universal Security           |
| Guest Attendees:         | Rick Shintaku, Gen. Mgr., South Coast Water District |

**4. PUBLIC COMMENTS**

*There were no public comments*

**5. APPROVAL OF MINUTES**

**a. Meeting #711 of December 10, 2024**

Motion was made by Director Misher, seconded by Director Seidensticker and approved 3-0-2 (Lurner absent, McNulty arrived after the vote) to accept the minutes of meeting #711 of December 10, 2024.

**6. SCWD/FIRE PREPAREDNESS**

**a.** Rick Shintaku, General Manager of the South Coast Water District, was present to share how the SCWD's water supply system is interconnected throughout the entire service area to provide water for fire fighting needs from Capistrano Beach to South Laguna and into Laguna Niguel plus a new reservoir in South Laguna that is almost completed for an additional 200,000 gallons of capacity.

**7. SHORELINE ADVISORY COMMITTEE**

**a. Miller/Ong CDP applications to the City**

The first round of plancheck corrections were submitted back to the City on January 17<sup>th</sup>. The City has until February 20<sup>th</sup> to respond with any additional requests for corrections. When corrections are complete, the application will then get scheduled to go to the Planning Commission for approval.

**b. Casa Mira HOA vs CCC/Petition to State Supreme Court**

Counsel for Casa Mira HOA submitted their petition to the Supreme Court on January 22<sup>nd</sup>, requesting the High Court to take the case under review. The following week counsel for the District, Steve Kaufmann, submitted a support letter on behalf of the District and eight other groups up and down the state, to encourage the Court to review the case. We may know by the end of February whether the Supreme Court has consented to accept the petition.

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## **c. Coastal Commission Letter/Community Response**

Counsel for the Advisory Committee, Stan Lamport, has recommended a community wide town hall meeting to discuss details of the letter from the Coastal Commission of December 10<sup>th</sup>, of which the most salient point of the letter being, “an acceptable solution may be best implemented through a collaborative . . . community wide effort and approach.” This would be an opportunity to hear the thoughts, comments and analysis from the Committee’s attorney. This proposed meeting would have to first be discussed and approved by the Committee at their next meeting on Tuesday, February 4<sup>th</sup>, with a notice to the community coming soon thereafter. Director Misher suggested the Committee engage with our consultant Susan McCabe for her expertise in dealing with the CCC.

## **d. Redefine the Responsibilities of the Advisory Committee**

To set the stage and facilitate a community-wide discussion of the issues raised in the CCC’s December 10<sup>th</sup> letter, Counsel recommends that the Board expand the scope of the Advisory Committee to include the town hall meeting and discussions between the CCC and Beach Road property owners. On this advice of Counsel, the Board took the following action:

Motion was made by Director Seidensticker, seconded by Board President McNulty and approved 4-0-1 (Lurner absent) to expand the scope of the Advisory Committee to facilitate communications with property owners and subsequent discussions with the Coastal Commission excepting any negotiations with the CCC on behalf of the District, which authority is reserved by the Board of Directors, and also excepting any representation of property owners which is beyond the scope of the Committee and the District’s legal authority.

Manager Russell added that one effect of expanding the scope of the Committee will be to require the District to defend and indemnify the Committee members to the extent that they are acting within this new defined scope. As per Counsel opinion, the Government Code establishes general rules regarding indemnity and defense of public employees. The relevant definition of “employee” includes “officer, employee or servant, whether or not compensated (Govt. Code Sec. 810.2), and the California Attorney General has repeatedly concluded that members of commissions and committees are employees.

## **8. SECURITY REPORT**

### **a. Security Monthly Report for January 2025**

*The monthly report was received and filed.*

## **9. FINANCE**

### **a. Monthly Financial Report through Dec2024**

*The financial report was received and filed.*

### **b. New CD with Farmers & Merchants Bank**

The previous 91 day CD at 4.5% with FMB expired on December 26<sup>th</sup>. However, interest rates dropped on December 17<sup>th</sup> so the best rate offered for the District in rolling over the CD was 182 days at 3.75%.

## **10. OLD BUSINESS**

### **a. Planned Roadway Improvements**

Manager Russell reported that pavement repairs, crack sealing, spalled concrete, speed bump repairs and installation, seal coating (slurry) and striping are on the schedule for early spring, as soon as we see a week of dry weather. Ample notice will be sent out by postal mail, email and gate handouts.

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## 11. NEW BUSINESS

### a. **Consideration of new District General Counsel/John Bakker, Redwood Public Law**

With over 25 years of law experience with Special Districts, public agencies and municipalities, and working with John through the Special Parcel Tax program last year, he has demonstrated himself to be a good fit to serve as District General Counsel. Director Misher asked if the District could negotiate the hourly fee rate and if not, he would like to talk with the attorney on the matter. Given there was no additional considerations voiced by Directors, the Board proceeded with the following action:

Motion was made by Director Misher, seconded by Director Champlain and approved 4-0-1 (Lurner absent) to proceed with the hiring of Redwood Public Law pending a discussion and agreement with John Bakker regarding his hourly fee.

*\*Manager’s note: Mr. Bakker’s rate last year with Meyers Nave LLP was \$655/hr and is now \$525/hr*

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

*Nothing to report from the CBRA or the City on STR’s*

## 13. WRITTEN COMMUNICATIONS

### a. **Letter from the Coastal Commission of December 10, 2024**

This was discussed under agenda item 7c above.

## 14. BOARD AND STAFF COMMENTS

*No Board or Staff Comments*

**ADJOURNMENT:** Manager Russell adjourned the meeting at 7:27 PM.

**NEXT COMMITTEE MEETING :** Tuesday, February 4th at 10:00 AM via Zoom

**NEXT BOARD MEETING:** Tuesday, February 25th at 6:00 PM.

*\*Manager’s Note: There will be a community-wide town hall meeting at the Board meeting room on Tuesday, February 18<sup>th</sup> at 6:00 PM to further discuss the CCC letter of December 10<sup>th</sup>.*

## 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 #712, held on January 28<sup>th</sup>, 2025.

Donal S. Russell

February 25, 2025

DONAL S. RUSSELL, Manager  
Capistrano Bay Community Services District

DATE