ITEM 5b

REGULAR MEETING #731
CAPISTRANO BAY DISTRICT BOARD OF DIRECTORS
MINUTES
CLOSED SESSION 5:00 PM
REGULAR MEETING 6:00 PM
September 29, 2026

1. **CALL TO ORDER**
   District Manager Russell called the meeting to order at 6:05, PM.

2. **PLEDGE OF ALLEGIANCE**
   Manager Russell led attendees in the Pledge of Allegiance

3. **ROLL CALL**

Directors Present:	Directors McNulty, Misher, Lurner, Champlain, Tomlinson
Staff:	District Manager Russell, Karen Morris
Absent:	None
Agents:	None
Contractors Present:	Robert Stabenow, Allied Universal Security
Guest Speakers:	None

4. **PUBLIC COMMENTS and CLOSED SESSION REPORT OF ACTION TAKEN**
   There were no comments on off-agenda items.
   Manager Russell reported that no action was taken during the closed session and asked everyone to be patient until we get to Agenda Item 6 for open discussion related to storm damage on our beachfront.

5. **APPROVAL OF MINUTES**
   a. Meeting #730 of August 25, 2026
   Manager Russell explained that the minutes for the August Board meeting have not been produced at this time due to the emergency nature of the high surf storm damage to our beach and homes that has taking up everyone's available time.

6. **HIGH SURF DAMAGE DISCUSSION**
   Manager Russell opened the meeting to comments and questions from property owners.
   - Natalie Driesen asked why the District did not form a Geologic Hazard Abatement District (GHAD) five years ago when it was looking into the opportunity.
   - Manager Russell explained that was some time ago and he is not prepared to provide an answer right now during the meeting but could follow up later in the week. He does recall there were some consequences to forming a GHAD that did not sit well with the Board or Counsel and it was dropped.
   - Natalie Driesen also made the comment that she doesn't think it's fair for any homeowner who has not applied for an emergency permit to contract for boulder armoring and make use of resources ahead of those with permits
   - Manager Russell pointed out that the District's policy has always been to not stand in the way of any homeowner who is trying to protect their property and the matter of permits falls to the jurisdiction of the Coastal Commission and/or the City, not the District.
   - Natalie Driesen made a final point that the District is spending parcel tax money for permit processing for a single homeowner test case and how is that fair to the community.

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- District Counsel replied that the District is at least three years ahead of this matter with the purpose of perfecting a CDP and armoring design that can then be used by ALL homeowners once approved.

- Steve Watts stated that the parcel tax funds should be halted on the test case the District's been working on and redirect it to our cause which we feel is a better use of the funds.
- Sol Poursalimi pointed out that his request for public records has not yet been responded to – he has asked for financial records going back three years, an accounting of all parcel tax expenditures, copies of meeting minutes and reports, etc.
- Chris Rogers introduced his plan to form an association of homeowners to pull together an A team of consultants to work this problem based on what he feels is District disinterest in helping the community. Rogers confirmed that this is not an effort to create an official HOA.
- Director Misher pointed out that the District Board members work as volunteers, without pay, doing the best job they can, meeting every month to deal with a wide variety of District matters. Misher offered everyone listening in to this meeting to please come to our meetings, read our agendas and reports and the minutes of our meetings and stay up on the work being done and be educated.
- Sol Poursalimi asked if the Board has talked to anyone about sand replenishment
- Manager Russell explained that the District has been involved closely as a voting member of the SO. OC Beach Coalition for several years, working with our Fifth District County Supervisor Katrina Foley to research and organize solutions to the sand needs of not only Beach Road but the many beaches in South County.
- Sol Poursalimi asked a second question relating to sand replenishment back when the harbor was built
- Manager Russell pointed out that yes, in the mid 1960's the sediment excavated for the harbor resulted in a total of approx. 2.4 million cu. yards which was placed on the beaches from Doheny to our beach.

This portion of the meeting closed with Director Misher and counsel John Bakker inviting the group of affected homeowners to put their interests and requests into a form of proposal and submit it to the Board or have the group's counsel have a meeting with the District's counsel to see what it is exactly that the group has in mind and how the District might be able to help.

At this time, the Board requested all other agenda items be postponed to the next meeting.

ADJOURNMENT

Manager Russell adjourned the meeting at 7:20 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 #731, held Sept. 29, 2026.

Donal S. Russell — October 7, 2026

DONAL S. RUSSELL, Manager — DATE
Capistrano Bay Community Services District