

**BROAD BEACH GEOLOGIC HAZARD ABATEMENT DISTRICT**

**REGULAR MEETING AGENDA**

**Sunday October 18, 2020; 9:00 a.m.**

**Location:**

**Teleconference**

**<https://zoom.us/j/93713481490?pwd=QkVSUnhNODd2T1UrZU41ZUtCZ1RJZz09>**

**Board Members and necessary staff will receive a separate dial-in number for Closed Session.**

**NOVEL CORONAVIRUS & COVID-19 EMERGENCY ADVISORY NOTICE**

On March 19, 2020, the Governor ordered a statewide stay-at-home order directing all individuals living in the State of California to stay at home or at their place of residence to slow the spread of the COVID-19 virus. Additionally, the Governor has temporarily suspended certain requirements of the Brown Act, and temporarily waived portions of the open meetings laws and rules pertaining to teleconference meetings. For purposes of this Regular Meeting, the following public meeting protocols will apply: all members of the BBGHAD Board of Directors, BBGHAD staff, and members of the public will be participating via teleconference with audio capabilities and, potentially, video capabilities as well. As a means to promote social distancing while allowing essential governmental functions to continue, this Special Meeting will be conducted in compliance with the Governor Executive Order N-25-20 issued March 12, 2020 and supplemental Executive Order N-29-20 issued March 17, 2020.

**PUBLIC COMMENT.** Members of the public are encouraged to submit public comments on any Agenda item via voicemail at (310) 345-2268 or email to [heikemfuchs@gmail.com](mailto:heikemfuchs@gmail.com). Comments will be reviewed and distributed before the meeting if received by 5pm on October 16, 2020. Comments received after 5pm on October 16, 2020 will be addressed during the item and/or at the end of the meeting. The BBGHAD Board of Directors will have the option to modify the action on items based on comments received. Except for Item 6, Public Comment during this meeting will be subject to the Chair's control, and shall be limited to no more than 3 minutes per speaker. No member of the public may "give time" to another speaker.

**REGULAR SESSION**

- 1) Call to Order**
- 2) Roll Call**
- 3) Adoption of Agenda**
- 4) Consider Summary of Actions from September 27, 2020 Meeting.**

**Staff Recommendation:** Board to consider Summary of Actions from September 2020 meeting. If passed, Chair or Vice Chair to sign Summary of Actions.

## 5) Old Business

Permitting and Regulatory Process Status. (Project Counsel and Engineer) Report to include project regulatory status update, including:

- a. Lead Agency Update
  1. CCC (incl. MHMMP/Science Advisory Panel)
    - i. Prior-to-Issuance Conditions compliance (Project Counsel).
    - ii. CDP Extension Request: submitted August 31, 2020, agendized.
  2. SLC
    - i. Resolution No. 2020/05 and signed Lease submitted to SLC staff.

## 6) New Business

Community Discussion of Pending Litigation & Proposed Resolution Points.

(Chair/Project Counsel) Board has received communications from Reef Group and George Novogroder. Reef Group and Mr. Novogroder have requested opportunity to address the Board and discuss pending issues in an open forum. Chair may choose to limit speaker time for this item.

## 7) Public Hearing

Draft Engineer's Report. Review and consider adoption of resolution declaring intention to order an assessment within the BBGHAD district, and fixing a hearing date of January 17, 2021 to consider the proposed assessment and any protest against same. Includes receipt of revised Engineer's Report. Board to set deadline date for receipt of any new public comments. (Special Counsel, Project Counsel, and Project Engineer).

Staff Recommendation: Board Members to review and consider adoption of Resolution No. 2020/06 declaring intention to order an assessment within the BBGHAD district. If Board approves Resolution No. 2020/06, it should set a hearing date of January 17, 2021 to consider the proposed assessment and any protest against the assessment.

## 8) BBGHAD Officer Report

- a. Treasurer's Report (BBGHAD Treasurer)

## 9) BBGHAD Board Member Reports

## 10) Public Comment - Non-Agenda Items

*Communications from the public concerning matters not on the agenda but for which the BBGHAD Board has subject matter jurisdiction. The BBGHAD Board may not act on non-agendized matters except to refer the matters to staff or schedule the matters for a future agenda.*

## 11) Future Meeting

Next meetings: TBD

## **CLOSED SESSION**

### **12) Conference With Legal Counsel; Pending Litigation** (Gov. Code § 54956.9(d)(1))

Conference with legal counsel, report from negotiators, and discussion of Mark Magidson, Trustee of the Magidson Revocable Trust of 1987 (2006 Restatement) et. al v. Broad Beach Geologic Hazard Abatement District; Board of Directors of the Broad Beach Geologic Hazard Abatement District, Los Angeles County Superior Court Case No. BS170769 (Scheper).

### **13) Conference With Legal Counsel; Pending Litigation** (Gov. Code § 54956.9(d)(1))

Conference with legal counsel, report from negotiators, and discussion of Broad Beach Geologic Hazard Abatement District v. All Persons Interested in the Validity of Resolution No.2017/09 of the BBGHAD Board, LASC Case No. BC 684646 (Beckloff); Second District Court of Appeal Case No. B304699.

### **14) Conference With Legal Counsel; Pending Litigation** (Gov. Code § 54956.9(d)(1))

Conference with legal counsel and discussion of 31506 Victoria Point LLC, a California LLC, 31508 Victoria Point LLC, a California LLC, and E. Jane Arnault, an individual v. Broad Beach Geologic Hazard Abatement District, Los Angeles Superior Court Case No. SC128058 (Ford- Santa Monica).

### **15) Conference With Legal Counsel; Pending Litigation** (Gov. Code § 54956.9(d)(1))

Conference with legal counsel and discussion of Michael Schwab v. Broad Beach Geologic Hazard Abatement District, Los Angeles Superior Court Case No. 19SMCP00559 (Gross- Santa Monica).

### **16) Adjournment**