

BROAD BEACH GEOLOGIC HAZARD ABATEMENT DISTRICT

REGULAR MEETING AGENDA

Sunday November 19, 2023; 9:00 a.m.

Location:

Teleconference

Dial-in: 855/260-5550

User Code: 9303083963, then press #

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

NOVEL CORONAVIRUS & COVID-19 EMERGENCY ADVISORY NOTICE

This meeting will be held via teleconference only in order to reduce the risk of spreading COVID-19 and pursuant to Government Code § 54953(e) and the County of Los Angeles Public Health Officer's Order (revised September 22, 2022). All votes taken during this teleconference meeting will be by roll call vote, and the vote will be publicly reported.

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 Regular Meeting will be conducted in compliance with Government Code § 54953.

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. Comments will be reviewed and distributed before the meeting if received by 5:00 p.m. on November 17, 2023. Comments received after 5:00 p.m. on November 17, 2023 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. Public Comment during this meeting will be subject to the Chair's control, and, unless the Chair determines otherwise, shall be limited to no more than 3 minutes per speaker. No member of the public may "give time" to another speaker.¹

REGULAR SESSION

1) Call to Order

¹ Materials related to items on this Agenda submitted to the BBGHAD after distribution of the Agenda packet are available for public inspection at the BBGHAD's website, www.bbghad.com and at the offices of the BBGHAD's Project Counsel, 10345 W. Olympic Blvd., Los Angeles, CA 90064. The BBGHAD, in complying with the Americans with Disabilities Act (ADA), requests individuals who require special accommodations to access, attend and/or participate in the Board meeting due to disability, to please contact the BBGHAD Clerk, (310) 345-2268, at least one business day prior to the scheduled meeting to ensure that we may assist you.

- 2) **Roll Call**
- 3) **Adoption of Agenda**
- 4) **Findings to Hold Virtual Board Meeting Under AB 361**

Staff Recommendation: Affirm Resolution No. 2023/07 authorizing remote teleconferencing/virtual meetings in accordance with AB 361.

- 5) **Consider Summary of Actions from August 2023 Meeting.**

Staff Recommendation: Board to consider Summary of Actions from August 2023 Meeting. If passed, Chair or Vice Chair to sign Summary of Actions.

- 6) **New Business**

- a. Rincon's Proposal to Finalize MHMMP. (Project Counsel/Project Engineer). BBGHAD Contractor seeks approval of Amendment 1 to its Project Scope of Services, totaling \$59,201. This additional work would include updating the MHMMP and Data Archive (additional requested budget of \$6,667), additional development of MHMMP Chapter 5 and criteria for detecting adverse impact (additional requested budget of \$34,232), and Project management (additional requested budget of \$18,302). See attached Staff Report .

Staff Recommendation: Approve Motion accepting Rincon's proposal for Amendment 1.

- b. Moffatt & Nichol's Request for Revised Budget Allocation. Proposed Moffatt & Nichol Budget Amendment No. 51 seeks \$49,000 in additional budget for Project Entitlement Support (\$33,000); Discretionary Services (\$8,000), and Project Management & Meetings (\$8,000). Moffatt & Nichol also seeks to move \$3,289 from its "Task CA" (Coastal Frontiers- Spring Surveys) to "Task D" (Russ Boudreau Consultancy Services); this will restore the Task CA balance to \$378.5 and will reduce the task D budget by \$3,289 resulting in a new task D balance of \$7,875.54. See attached Staff Report (Project Counsel/Project Engineer).

Staff Recommendation: Approve Motion accepting Moffatt & Nichol's proposal for Amendment No. 51.

- 7) **Old Business**

- a. Permitting and Regulatory Status. (Project Counsel and Engineer) Report to include Project regulatory update explaining delay to Fall 2025, including:

1. CCC Prior-to-Issuance Conditions Compliance (incl. MHMMP/Science Advisory Panel).

- a) CDP Amendment- BBGHAD Staff received CCC staff approval of Use Agreement; direction from CCC and LACDBH on east vertical

Project construction, but also seeks renewed push to get holdouts to sign.

2. SLC.

a) Notice of Final Payment Under 2019 Lease Amendment. As required by SLC Lease and Resolution No. 2021/05, the BBGHAD must pay SLC \$329,160 as the final “grace period” payment provided that the western revetment is not pulled back and the Project not implemented. Chair previously notified and payment in process— as well as notice to SLC. Staff Report attached. No Board action necessary.

b. Conflict of Interest Policy. (Project Counsel) On September 26, 2023, the County Board of Supervisors adopted the BBGHAD’s updated Conflict of Interest policy. Staff Report and copy of new policy attached. No Board action required.

8) New Business

a. Consideration of Resolution Authorizing Correction of the Fiscal Year 2023-24 Assessment on the County Property Tax Rolls. (Project Counsel and Special Counsel). In Fiscal Year 2018-19, BBGHAD assessment included a 10% increase plus cost of living increase; since then, the assessment has increased by cost of living increases only, but the 10% increase from FY 2018-19 has remained. BBGHAD Board now considering removal of the 10% increase from the assessment. Staff Report attached.

Staff Recommendation: Approve Motion and adopt Resolution No. 2023/08.

b. BBGHAD Election Cancellation. (Project Counsel and Election Official) At its May 7, 2023 Meeting, BBGHAD Board enacted Resolution No. 2023/03 calling for an election of three (3) Board seats. By the statutory deadline, only the incumbents submitted papers to run for this election. As a matter of law, election is cancelled and BBGHAD requests County Supervisors to appoint the incumbents. The Board will consider adoption of Resolution No. 2023/09, which would cancel the election and request County Supervisors to appoint the incumbents for new terms.

Staff Recommendation: Adopt Resolution No. 2023/09, which will cancel the election and request County Supervisors to appoint the incumbents for new terms.

9) BBGHAD Board Member Reports

10) BBGHAD Officer Report

Treasurer's Report (BBGHAD Treasurer)

11) 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.

- 12) **Future Meeting.** Next meetings: TBD

CLOSED SESSION

- 13) **Conference With Legal Counsel; Pending Litigation (Cal. 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).

- 14) **Conference With Legal Counsel; Potential Litigation (Cal. Gov. Code § 54956.9(d)(4))**

Conference with legal counsel and discussion of potential litigation or assertion of remedies against a BBGHAD property owner.

RESUMPTION OF REGULAR SESSION

- 15) **Adjournment**