

**BROAD BEACH GEOLOGIC HAZARD ABATEMENT DISTRICT**

**REGULAR MEETING AGENDA**

**Sunday December 4, 2022; 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 Special 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](mailto:heikemfuchs@gmail.com). Comments will be reviewed and distributed before the meeting if received by 5:00 p.m. on December 2, 2022. Comments received after 5:00 p.m. on December 2, 2022 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.<sup>1</sup>

**REGULAR SESSION**

**1) Call to Order**

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<sup>1</sup> 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](http://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. 2022/06 authorizing remote teleconferencing/virtual meetings in accordance with AB 361.

#### **CLOSED SESSION**

- 5) **Conference With Legal Counsel; Pending Litigation (Cal. 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 Nos. B304699, B309296.

- 6) **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).

- 7) **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.

#### **ANTICIPATED RESUMPTION OF REGULAR SESSION: approx. 10:00 a.m.**

- 8) **Consider Summary of Actions from July 17, 2022 Board Meeting.**

**Staff Recommendation:** Board to consider Summary of Actions from July 2022 Meeting. If passed, Chair or Vice Chair to sign Summary of Actions.

- 9) **Old Business**

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

1. CCC (incl. MHMMP/Science Advisory Panel)
  - A. Prior-to-Issuance Conditions Compliance. (Project Counsel & Project Engineer).
    - i) CDP Amendment- Project Implementation Strategy. (Project Counsel & Project Engineer). BBGHAD Staff submitted CDP Amendment Application to

CCC staff on 10/11/22; CCC Staff rejected application on 11/8/22 claiming that detailed plans of certain conditions not submitted; CCC staff provided BBGHAD with input and desired deliverables to re-file the amendment application shortly.

ii) SAP Status. Reconstituted SAP has met twice in past month and making significant progress toward finalizing MHMMP. See attached Rincon status report.

iii). Sand Delivery Logistics, Staging, & Traffic. BBGHAD staff held recent meetings (and/or has otherwise interacted) with CEMEX, Caltrans and City of Malibu. CalTrans has confirmed it will allow current signal at PCH-Guernsey to remain. See attached Moffatt & Nichol status report.

## 2. SLC

A. Notice of Payment to SLC In Accordance With Amended and Restated Lease. As required by SLC Lease, and provided revetment relocation not completed, BBGHAD to pay \$200,000 to SLC on or before December 31, 2022. Payment sent on or about November 28, 2022.

## 10) New Business

a. **Rincon's Proposed Budget Supplement**. Rincon seeks additional budget for general Project Management, MHMMP Finalization and Completion of Expanded Scope of Chapter 5, and related reporting for a total additional cost of approximately \$104,866.00. See attached Staff Report.

b. **Moffatt & Nichol's Proposed Contract Amendment #49**. BBGHAD Engineer seeks supplemental budget for Project Management and entitlement (Amended CDP & traffic signal) support in the amount of approximately \$198,418.00. See attached Staff Report.

**Staff Recommendation:** Approve both Rincon and Moffatt & Nichol's proposed budget supplements as they are necessary for implementation of Project.

## 11) BBGHAD Officer Report

Treasurer's Report (BBGHAD Treasurer)

## 12) BBGHAD Board Member Reports

## 13) 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.*

## 14) Future Meeting

Next meetings: TBD

## 15) Adjournment