

BROAD BEACH GEOLOGIC HAZARD ABATEMENT DISTRICT

REGULAR MEETING AGENDA

Sunday December 12, 2021; 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 the Governor's Executive Order N-08-21 and the County of Los Angeles Public Health Officer's Order (revised June 15, 2021). 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 the Governor Executive Order N-08-21 issued June 11, 2021.

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 December 10, 2021. Comments received after 5:00 p.m. on December 10, 2021 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**
 - 2) Roll Call**
 - 3) Adoption of Agenda**
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¹ 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.

4) Findings to Hold Virtual Board Meeting Under AB 361

Staff Recommendation: Consider a Motion affirming Resolution No. 2021/04 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 September 12, 2021 Meeting.

Staff Recommendation: Board to consider Summary of Actions from September 12, 2021 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).

B. CDP Extension Request. CDP extended through October 2022.

C. Proposed Project Schedule. (Project Counsel & Engineer) For discussion only, BBGHAD Project Counsel and Engineer introduces proposed schedule designed to initiate Project in Fall 2023.

D. Moffatt & Nichol Proposed Contract Amendment. BBGHAD Engineer seeks a \$284,796 contract amendment (contract amendment #48), which includes various sub-contractors for new work over the next approximately six (6) months. See Staff Report.

E. Rincon Consultants' Proposals. Rincon proposes approval of two scopes of work: 1) for completion of the Marine Habitat Monitoring and Mitigation Plan (approx. \$49,700) and 2) general, as needed marine biological consulting not to exceed \$12,000 per year.

Staff Recommendation: Motion approving contract amendment for Moffatt & Nichol, and the two Rincon proposals.

2. SLC

A. Grace Period Extension. BBGHAD's most recent rent payment "grace period" ends 12/31/21. See Staff Report for update; Anticipate Lease Amendment for BBGHAD approval at next Board meeting.

10) New Business

a. BBGHAD Election Cancellation. Information item only: Approved by the BBGHAD Board on September 12, 2021, BBGHAD staff forwarded Resolution No. 2021/03, which cancels the November 2021 election and appointed Vice Chair Marshall Grossman and Board Member Cathy Needleman each to a new four (4) year term, to the County Board of Supervisors. The BBGHAD awaits the County's response. See Staff Report.

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