

BROAD BEACH GEOLOGIC HAZARD ABATEMENT DISTRICT

REGULAR MEETING AGENDA

Sunday August 13, 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 August 11, 2023. Comments received after 5:00 p.m. on August 11, 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. 2023/04 authorizing remote teleconferencing/virtual meetings in accordance with AB 361.

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

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

- 6) **New Business**

- a. Rincon's Proposal for Fall 2023 Marine Monitoring. BBGHAD Contractor seeks approval of \$619,139 proposal consistent with and mandated by the Project's Marine Habitat Monitoring and Mitigation Plan (MHMMP) for monitoring and mapping of each habitat required by the MHMMP— intertidal and supratidal, subtidal, rocky intertidal, sandy beach, subtidal rocky reef, eelgrass habitat, surfgrass habitat, sandy subtidal macroinvertebrate— plus reporting and overall project management. Work to be conducted from September 1, 2023 and November 30, 2023. See attached Staff Report (Project Counsel/Project Engineer).

Staff Recommendation: Approve Motion accepting Rincon's proposal for comprehensive habitat monitoring as required by the CDP and MHMMP.

- b. Request to Initiate Update Process for Conflict of Interest Policy. BBGHAD has received input from County staff that current Conflict of Interest Policy ("Policy"), enacted in 2017, is too broad and may require over-disclosure not necessarily applicable to BBGHAD business. BBGHAD staff seeks authorization to begin process of drafting and gaining County approval of a revised Policy focused on the disclosure(s) necessary to protect BBGHAD and the Project. The Board must ultimately approve any new Policy.

Staff Recommendation: Approve Resolution No. 2023/06, which authorizes BBGHAD staff to work with County staff to refine and revise BBGHAD's Conflict of Interest Policy.

- 7) **Old Business**

- a. Permitting and Regulatory Status. (Project Counsel and Engineer) Report to include Project regulatory update explaining delay to Fall 2024, including:

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

- a) CDP Amendment- BBGHAD Staff received direction from CCC on certain issues, but also seeks renewed push to get holdouts to sign.

2. SLC.

a) Consider Liability and Umbrella Insurance Renewal. Required by SLC Lease, BBGHAD staff recently renewed insurance after limited time provided by broker. Our current provider, Kinsale (A.M. Best rating: A (excellent), is sole carrier that offered coverage after extensive search by broker. Premium has increased from approximately \$17,299 paid in 2022-'23 to \$18,789,99 for 2023-'24, less than 8%.

Staff Recommendation: Approve Motion to ratify staff's actions to date to bind coverage, approve Kinsale proposal for 2022-23 liability and umbrella insurance, and ratify Staff's actions to date in renewing the BBGHAD's insurance.

8) BBGHAD Board Member Reports

9) BBGHAD Officer Report

Treasurer's Report (BBGHAD Treasurer)

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; 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

13) Adjournment