

**BOARD OF DIRECTORS OF THE
BROAD BEACH GEOLOGIC HAZARD ABATEMENT DISTRICT**

Adopted this Resolution on July 14, 2013, by the following vote:

AYES: Karno, Levitan, Lotman, Grossman

NOES: None.

ABSENT: None.

ABSTAIN: None.

RESOLUTION NO. 2013/02

RESOLUTION 1) ACCEPTING CESSATION OF SERVICE BY BARBARA HAMM AS BBGHAD CLERK AND TREASURER, 2) APPOINTING BERNADETTE O'NEILL AS BBGHAD CLERK AND TREASURER, 3) APPOINTING ZAN MARQUIS AS A CONSULTANT TO THE BBGHAD, AND 4) AUTHORIZING THE BBGHAD CHAIR TO NEGOTIATE AND ENTER INTO NECESSARY CONTRACTS WITH BERNADETTE O'NEILL AND ZAN MARQUIS

WHEREAS, on September 12, 2011, the Malibu City Council adopted Resolution No. 11-41, approving and ordering the formation of the Broad Beach Geologic Hazard Abatement District (BBGHAD), as a distinct and separate legal entity from the City and appointing an initial five-member Board of Directors ("BBGHAD Board"); and

WHEREAS, the BBGHAD is a political subdivision of the state of California, governed by state law (Pub. Res. Code §§ 26500 *et seq.*), and constitutes a legal entity separate and distinct from the City of Malibu with operations independent of City functions; and

WHEREAS, pursuant to Public Resources Code §§ 26584 and 26585, the BBGHAD Board must appoint a Clerk and a Treasurer; and

WHEREAS, pursuant to Public Resources Code § 26586, the BBGHAD Board may appoint other officers and consultants to assist in managing and effectuating the functions of the BBGHAD, and delegate to such officers and consultants such powers as may be appropriate under the circumstances; and

WHEREAS, pursuant to Public Resources Code § 26579, the BBGHAD may enter into contracts and agreements with a private organization or person to carry out the purposes and mission of the BBGHAD; and

WHEREAS, while Zan Marquis resigned from the BBGHAD Board on or about June 14, 2013, the BBGHAD seeks to retain Mr. Marquis' vast talent, judgment, and historic

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knowledge in connection with the BBGHAD's beach restoration project and consistent with the Plan of Control; and

WHEREAS, Barbara Hamm has served as the BBGHAD Clerk and BBGHAD Treasurer since September 2011, but will cease such service upon the enactment of this Resolution; and

WHEREAS, Bernadette O'Neill is qualified to perform the services of BBGHAD Treasurer based on her experience in accounting, finance, and management; and

WHEREAS, Bernadette O'Neill is qualified to perform the services of BBGHAD Clerk based on her extensive law firm management, law firm operations, and business management experience; and

The BBGHAD Board of Directors HEREBY RESOLVES THAT:

1. Upon the enactment of this Resolution, Barbara Hamm will no longer serve as BBGHAD Clerk and BBGHAD Treasurer.

2. The BBGHAD Board thanks, and will forever be grateful to, Barbara Hamm for her countless hours of service to the BBGHAD Board, the BBGHAD and its constituents, and to the Broad Beach community in general.

3. Bernadette O'Neill is appointed to serve as BBGHAD Treasurer and shall serve in accordance with existing and future limitations and controls as enacted by the BBGHAD Board. The BBGHAD Board authorizes the BBGHAD Treasurer to collect, hold, invest, appropriate and expend BBGHAD funds as necessary for carrying out the BBGHAD operations in accordance with the budget approved by the BBGHAD Board. The BBGHAD Treasurer shall work directly with the BBGHAD staff and the BBGHAD Board as necessary in appropriating funds from the BBGHAD account to cover all BBGHAD costs and expenditures.

4. Bernadette O'Neill is appointed to serve as BBGHAD Clerk. The BBGHAD Clerk is responsible for scheduling meetings; preparing agendas; and recording, securing and maintaining records of all proceedings and of BBGHAD business.

5. Zan Marquis is appointed to serve as a project consultant to the BBGHAD. It is anticipated that Mr. Marquis will draw on his general experience and that of a past BBGHAD Board Member to continue working with the BBGHAD Board and staff on permitting and other matters related to the beach restoration project, and on other matters as agreed upon with the BBGHAD Board. Mr. Marquis has agreed to waive monetary compensation in connection with his service as a BBGHAD consultant.

6. The BBGHAD Chair, on behalf of the BBGHAD Board, is authorized to negotiate and execute any necessary agreements with the BBGHAD Treasurer, BBGHAD Clerk, and any consultant (including Mr. Marquis). The BBGHAD designates Vice Chair Marshall Grossman to replace Mr. Marquis as the BBGHAD's authorized agent for permits, contracts, and other matters related to the BBGHAD's beach restoration project.

7. The BBGHAD Treasurer, BBGHAD Clerk, and consultant appointed herein shall sit and serve at the pleasure of the BBGHAD Board. These officers and consultant represent the BBGHAD as an entity and do not represent any individual employee, officer, consultant or BBGHAD Board Member.

8. This Resolution shall become effective immediately upon its passage and adoption.

ATTEST:


Clerk of the BBGHAD Board