

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

Adopted this Resolution on January 5, 2014, by the following vote:

AYES: Karno, Grossman, Lotman

NOES: None

ABSENT: Levitan, Rosenbloom

ABSTAIN: None

RESOLUTION NO. 2014/01

RESOLUTION REGARDING RETENTION OF BBGHAD PROJECT COUNSEL AND RELATED LEGAL MATTERS

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 (Cal. 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 California Public Resources Code § 26586, the BBGHAD Board may appoint officers, staff, and consultants to assist in managing and effectuating the functions of the BBGHAD, and delegate to such officers, staff, and consultants such powers as may be appropriate under the circumstances; and

WHEREAS, pursuant to California 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, in addition to a Treasurer and Clerk, the BBGHAD requires the services of, among others, legal counsel a) to prepare and process applications and other permits and documents with interested agencies to implement projects and improvements consistent with the Plan of Control and the proposed beach restoration project and b) with experience advising GHADs; and

WHEREAS, Kenneth Ehrlich is a member of the State Bar of California in good standing and has served as the BBGHAD's Project Counsel since the BBGHAD's inception. Mr. Ehrlich has significant general environmental and land use expertise, and had developed expertise in GHAD law. More specifically, he processed the emergency revetment applications for the temporary improvements to Broad Beach for the Trancas Property Owners Association

(TPOA), has served as counsel for the TPOA in various regulatory and litigation matters for over a decade, and has been working with TPOA and other private property owners in preparing and processing applications for beach repair and nourishment with interested agencies; and

WHEREAS, Kenneth Ehrlich is in the process of transitioning his law practice from Jeffer Mangels Butler & Mitchell LLP to Elkins Kalt Weintraub Reuben Gartside LLP ("Elkins Kalt").

The BBGHAD BOARD OF DIRECTORS HEREBY RESOLVES THAT:

1. Kenneth Ehrlich shall continue to serve as BBGHAD Project Counsel, and shall continue to be responsible for preparing and processing applicable applications for improvements as contemplated in the Plan of Control with all necessary agencies and shall serve as the day-to-day legal advisor to the BBGHAD. As necessary, Mr. Ehrlich may utilize the services of other professionals and staff within Elkins Kalt so as to perform his duties in the most complete, efficient, successful, and cost effective manner. Mr. Ehrlich's hourly rate for 2014 will be \$650 for the BBGHAD; the work of other professionals in his firm shall be billed at a 10% discount from their standard hourly rates. Mr. Ehrlich has confirmed that this 10% discount is equal to or greater than any other discount given by his firm to other clients whose business volume is comparable to that of the BBGHAD.

2. The Chair of the BBGHAD Board of Directors, on behalf of the BBGHAD Board, is authorized to negotiate and execute any necessary agreements with BBGHAD Project Counsel and Elkins Kalt.

3. The BBGHAD Project Counsel shall continue to serve at the pleasure of the BBGHAD Board. The BBGHAD Project Counsel shall continue to represent the BBGHAD as an entity and does not represent any individual employee, officer, consultant or BBGHAD Board Member.

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

ATTEST:


Clerk of the BBGHAD Board