

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

Adopted this Resolution on September 27, 2020 by the following vote:

AYES: Karno, Grossman, Needleman, Kuba, Marine

NOES: None.

ABSENT: None.

ABSTAIN: None.

RESOLUTION NO. 2020/05

**RESOLUTION RATIFYING AND APPROVING RESTATED AND AMENDED LEASE
WITH STATE LANDS COMMISSION**

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");

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, the BBGHAD has enacted a Plan of Control and Engineer's Report, and the property owners of the BBGHAD have approved an assessment, to permit, construct, and maintain a beach nourishment and dune restoration project at Broad Beach ("Project");

WHEREAS, a portion of the rock revetment within the BBGHAD was inadvertently constructed on public land owned by the state of California and such inadvertence will be significantly or completely corrected through a future planned relocation of a portion of the rock revetment in accordance with the Project's Coastal Development Permit issued by the California Coastal Commission ("CCC");

WHEREAS, California law holds that man-made accreted lands within the state of California are owned by the state of California (through the State Lands Commission ("SLC")) and the Project contemplates creating accreted lands;

WHEREAS, at its January 2017 meeting and through Resolution No. 2017/01, the BBGHAD Board of Directors, among other things, ratified and approved the BBGHAD's lease with the SLC ("the Lease") and authorized Project Counsel to sign the Lease on the BBGHAD's behalf;

WHEREAS, in November 2019, the BBGHAD subsequently sought, and the SLC approved, an Amended and Restated Lease ("Amended Lease"), which, among other provisions, creates an up to two-year extension of the BBGHAD's rent-free "grace" period in exchange for BBGHAD payments to the SLC of \$50,000 per year. A true and correct copy of the Amended Lease is attached as Exhibit "A";

WHEREAS, on or about July 12, 2020, the BBGHAD Board passed two motions relating to the Amended Lease: 1) directing staff to complete the actions necessary to purchase the \$10 Million in liability insurance, as required by the Amended Lease, in accordance with the June 19, 2020 proposal received from Myra Hogue at Merriwether & Williams for an initial yearly premium of \$14,379.01; and 2) directing Project Counsel to execute the Amended Lease on the BBGHAD's behalf; and

WHEREAS, the SLC staff has informed the BBGHAD staff that the SLC requires a Board resolution authorizing Project Counsel to sign the Amended Lease on the BBGHAD's behalf.

THE BBGHAD BOARD OF DIRECTORS HEREBY RESOLVES THAT:

1. The SLC-BBGHAD Amended Lease is hereby ratified and approved.
2. Project Counsel is authorized to sign the Amended Lease on the BBGHAD's behalf. To the extent that Project Counsel already signed the SLC Lease, such execution is ratified.
3. This Resolution shall become effective immediately upon its passage and adoption.

DATED: September 27, 2020



NORTON KARNO, Chair

I, Heike Fuchs, Clerk of the Broad Beach Geologic Hazard Abatement District, certify that the foregoing resolution was duly adopted by the Board of Directors of the District at a regular meeting held on the 27th day of September 2020 by the following vote:

AYES: Karno, Grossman, Kuba, Marine, Needleman

NOES: None.

ABSENT: None.

ABSTAIN: None.



Clerk of the BBGHAD Board