

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

Adopted this Resolution on June 5, 2022, by the following vote:

AYES: *Karno, Marine, Kuba*

NOES: *N/A*

ABSENT: *Needleman*

ABSTAIN: *N/A*

RESOLUTION NO. 2022/02

**RESOLUTION ACKNOWLEDGING RESIGNATION OF BOARD MEMBER & VICE
CHAIR MARSHALL GROSSMAN AND APPOINTING REPLACEMENT BOARD
MEMBER TONY ANTOCI**

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); and

WHEREAS, state law (Public Resources Code §§ 26500 *et seq.*) allows the City Council to either appoint itself to act as the BBGHAD Board of Directors (BBGHAD Board) or appoint five landowners of real property within the BBGHAD boundaries to act as the BBGHAD Board; and

WHEREAS, the Malibu City Council appointed five landowners to serve as the BBGHAD Board; state law allows these Board Members to serve an initial term of four years; and

WHEREAS, Marshall Grossman was one of the five landowners appointed by the Malibu City Council to serve on the BBGHAD Board for an initial four year term; and

WHEREAS, until recently, Marshall Grossman has continually served as Vice Chair and Board Member of the BBGHAD; and

WHEREAS, state law requires Board Members of the BBGHAD to be owners of real property within the BBGHAD; and

WHEREAS, on May 16, 2022, Marshall Grossman provided notification of his resignation from the BBGHAD Board due to the sale of his real property within the BBGHAD boundaries; and

WHEREAS, since May 16, 2022, BBGHAD staff has undertaken various actions, including providing written notice of Vice Chair Grossman's resignation to the Los Angeles County Registrar-Recorder's Office (Election Information and Preparation Division), preparing and posting of a Notice of Board Appointment at three (3) distinct locations within the BBGHAD, and preparation of various documents, in connection with filling the Board vacancy created by Mr. Grossman's resignation; and

WHEREAS, the BBGHAD notified the Los Angeles County Registrar-Recorder's Office (Election Information and Preparation Division) of the vacancy within 15 days of Mr. Grossman's resignation (as required by Cal. Gov. Code §1780); and

WHEREAS, the BBGHAD Board has opted to fill the Board vacancy by appointing a successor Board Member; and

WHEREAS, a Notice of Vacancy (as required by Cal. Gov. Code §1780) was posted at three (3) separate points within the boundaries of the BBGHAD on May 17, 2022 and such notices shall remain in place until at least June 3, 2022; 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, through his position as trustee and beneficiary of the Tony and Josephine Antoci Family Trust, Tony Antoci constitutes an owner of real property within the BBGHAD; and

WHEREAS, Tony Antoci fulfills the legal requirements for service on the BBGHAD Board of Directors and constitutes a well respected member of the Broad Beach community;

The BBGHAD Board of Directors HEREBY RESOLVES THAT:

1. The May 16, 2022 resignation of Marshall Grossman from the BBGHAD Board is regrettably acknowledged.
2. The BBGHAD Board thanks, and will forever be grateful to, Mr. Grossman for his decades of service to the Broad Beach community, countless hours of service to the Trancas Property Owners Association, countless hours of service to the BBGHAD Board, the BBGHAD and its constituents, Broad Beach, and the Malibu community in general. The Chair will forward a letter to Mr. Grossman expressing the Board's extreme gratitude for Mr. Grossman's dedication and service to the BBGHAD.
3. California Government Code § 1780 specifies the process for appointing a successor to serve the remainder of Mr. Grossman's BBGHAD Board term.
4. The actions of BBGHAD staff to date in implementing the process specified in Government Code § 1780 to appoint a successor to serve the remainder of Mr. Grossman's Board term are acknowledged and ratified.

5. Tony Antoci is hereby appointed to serve as a member of the BBGHAD Board of Directors, filling the vacancy left by the resignation of Vice Chair Marshall Grossman.

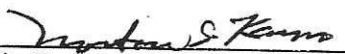
6. Subject to applicable law, Board Member Antoci shall serve the remainder of the term of office for such board position and be afforded all of the rights, privileges, and responsibilities of the position.

7. Board Member Antoci's appointed term shall expire in accordance with California law (Cal. Govt. Code § 1780(2)-(3)); as the vacancy has occurred in the first half of the term, Board Member Antoci shall hold office until the next General District Election when a person is elected to fill the remaining balance of the term (i.e., November 2023).

8. BBGHAD staff notify all appropriate third-parties, including insurers, financial institutions, and others to cause The BBGHAD's insurance to provide coverage for Board Member Antoci, Board Member Antoci to constitute a signatory on the BBGHAD's bank accounts consistent with other Board Members, and Board Member Antoci shall be afforded any other rights, privileges, and responsibilities consistent with other Board Members.

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

ATTEST:


Clerk of the BBGHAD Board
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 5th day of June 2022 by the following vote:

1. AYES: (3) Karuo, Marianne, Kuba
2. NOES: N/A
3. ABSENT: (1) Needleman
4. ABSTAIN: N/A


Clerk of the BBGHAD Board