

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

Adopted this Resolution on May 7, 2023 by the following vote:

AYES: *Karno, Kuba, Needleman*

NOES: *0*

ABSENT: *Marine, Antec*

ABSTAIN: *0*

RESOLUTION NO. 2023/03

**RESOLUTION CALLING FOR A GENERAL ELECTION TO BE HELD ON
TUESDAY, NOVEMBER 7, 2023 FOR THE ELECTION OF THREE (3) MEMBERS OF
THE BOARD OF DIRECTORS AND DIRECTING STAFF TO TAKE STEPS
NECESSARY TO EFFECTUATE THE ELECTION.**

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");

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;

WHEREAS, the Malibu City Council appointed five (5) landowners to serve as the BBGHAD Board of Directors ("Board");

WHEREAS, the Uniform District Election Law ("UDEL") requires staggered Board terms so that two or three directors are up for election every two years. (Elec. Code, § 10505, subd. (c));

WHEREAS, as part of a Special Election scheduled for March 2020, only three (3) incumbent candidates applied for the three (3) open Board positions;

WHEREAS, in accordance with UDEL and other state law, the Special Election was cancelled and the County Board of Supervisors appointed the three (3) incumbent Board Member candidates to new four-year terms: Chair Karno, Board Member Marine, and Board Member Kuba;

WHEREAS, the term of office of the three (3) members of the Board seated in accordance with the preceding paragraph will expire in December 2023;

WHEREAS, the BBGHAD must hold a general election on November 7, 2023 pursuant to the laws of the State of California, including Public Resources Code Section 26583 and the UDEL, Part 4 (Commencing with Section 10500) of Division 10 of the Elections Code;

WHEREAS, the BBGHAD intends to hold a general election on Tuesday November 7, 2023 for the election of three (3) members of the Board of Directors, for a full term of four (4) years each;

WHEREAS, BBGHAD staff has undertaken various actions, including consultation with the Los Angeles County Registrar-Recorder's Office (Election Information and Preparation Division), special counsel, and preparation of various documents, in connection with noticing the election;

WHEREAS, the BBGHAD staff must notify the County elections official of any elected offices to be filled at the next general election 125 days before the election, and declarations of candidates are due 83 or 88 days before the election. (Elec. Code, § 10509);

WHEREAS, in accordance with state law, staff shall publish a requisite Notice of Election in a newspaper of general circulation, on the BBGHAD website, and in three locations throughout the BBGHAD jurisdiction to notify the public of the general election to be held on November 7, 2023 for the three (3) members of the BBGHAD Board of Directors, for a full term of four (4) years each; and

WHEREAS, the Notice of Election shall also notify candidates that they may file nomination documents with the Elections Official in accordance with state law; and

The BBGHAD Board of Directors HEREBY RESOLVES THAT:

1. The BBGHAD will hold a general election on November 7, 2023 to elect three (3) members to the Board for a full term of four (4) years each, pursuant to the laws of the State of California, including Public Resources Code Section 26583 and the UDEL Part 4 (Commencing with Section 10500) of Division 10 of the Elections Code;
2. The Board directs BBGHAD staff to take all actions necessary to conduct the November 7, 2023 election including, but not limited to, retaining Donesia Gause-Aldana, as the BBGHAD's Elections Official to advise on and conduct the BBGHAD Board election;
4. The BBGHAD Board directs and authorizes its Elections Official, Donesia Gause-Aldana, to transmit this Resolution to the Clerk of the Los Angeles County Board of Supervisors and the County Registrar of Voters and take such other steps as may be required to facilitate the November 7, 2023 election;
5. The BBGHAD hereby requests the appropriate Los Angeles County agency, department, or division to prepare and print the election ballots for the BBGHAD;
6. Since fewer than approximately ten percent (10%) of the voters in BBGHAD Board elections are registered to vote at their Broad Beach Malibu addresses, and because the BBGHAD constitutes a "landowner voting district" according to applicable law, the BBGHAD

staff shall mail all BBGHAD property owners a Vote-by-Mail ballot so that they can vote by mail;

7. Candidates may request nomination papers from the Election Official beginning on July 17, 2023;

8. Candidate statements may not exceed 200 words in length;

9. Incumbents' declaration of candidacy are due no later than 88 days before the election, on or before August 11, 2023;

10. In the event an incumbent does not run for the open seat, the nomination period for non-incumbents are extended and the declarations of candidacy are due on August 16, 2023; and

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

DATED: May 7, 2023



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 7th day of May 2023 by the following vote:

AYES: *Karno, Kuba, Needleman*

NOES: *0*

ABSENT: *Marine, Antoci*

ABSTAIN: *0*



Clerk of the BBGHAD Board