

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

Adopted this Resolution on November 19, 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RESOLUTION NO. 2023/08

**RESOLUTION OF THE BROAD BEACH GEOLOGIC HAZARD ABATEMENT
DISTRICT AUTHORIZING CORRECTION OF THE FY 2023–24 ASSESSMENT
ON THE PROPERTY TAX ROLLS**

WHEREAS, the Broad Beach Geologic Hazard Abatement District’s (“BBGHAD”) 2015 Assessment was adopted on September 6, 2015 and enacted by Resolution No. 2015/05;

WHEREAS, the BBGHAD’s 2017 Assessment was adopted on November 12, 2017 pursuant to Resolution No. 2017/09, which authorizes assessment amounts commensurate with implementation of the Broad Beach Restoration Project (“Project”), as described in the Engineer’s Report dated June 22, 2017 and the Addendum to that report dated November 8, 2017;

WHEREAS, Section 8 of Resolution No. 2017/09 also limits the levy of the 2017 Assessment (“2017 Levy Limitation”) as follows:

“In addition to the amounts currently collected pursuant to the 2015 Assessment for each and every BBGHAD parcel, BBGHAD staff is directed to forebear from collecting all but 10% of the increase between the 2017 Assessment and the 2015 Assessment.”

WHEREAS, on July 8, 2018, pursuant to Resolution No. 2018/02, the BBGHAD Board of Directors implemented the 2017 Levy Limitation and increased the assessment amount levied on each and every BBGHAD Parcel for FY 2018–19 by 10% of the increase between the 2017 Assessment and the 2015 Assessment (“10% Increase”);

WHEREAS, the 10% Increase was included in the BBGHAD Assessments for Fiscal Years 2019–20, 2020–21, 2021–22, and 2022–23;

WHEREAS, on August 2, 2022, the Second District Court of Appeal issued a published decision in *Broad Beach Geologic Hazard Abatement Dist. v. 31506 Victoria Point LLC* (2022), 81 Cal.App.5th 1068 invalidating the 2017 Assessment;

WHEREAS, on May 7, 2023, pursuant to Resolution No. 2023/02, the BBGHAD Board of Directors approved the BBGHAD Assessment for Fiscal Year 2023-24;

WHEREAS, the BBGHAD Assessment for Fiscal Year 2023-24 inadvertently included the 10% Increase; and

WHEREAS, the Board of Directors desires to correct the calculation of the BBGHAD Assessment for Fiscal Year 2023-24 to remove the 10% Increase.

THE BBGHAD BOARD OF DIRECTORS HEREBY RESOLVES THAT:

1. BBGHAD staff is directed to remove the 10% Increase from the BBGHAD Assessment for Fiscal Year 2023-24 and all assessments going forward;
2. BBGHAD staff is directed to prepare and submit Direct Assessment Correction Forms to the Los Angeles County Auditor-Controller for each BBGHAD parcel and take any and all other steps necessary to correct the assessment amounts on the Fiscal Year 2023-24 tax roll to reflect removal of the 10% Increase; and
3. This Resolution shall become effective immediately upon its passage and adoption.

DATED: November 19, 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 19th day of November 2023 by the following vote:

AYES: *Karno, Kula, Fuchs*

NOES: *N/A*

ABSENT: *Madrean, Moriel*

ABSTAIN: *N/A*


Clerk of the BBGHAD Board