

## Summary of Actions

### BROAD BEACH GEOLOGIC HAZARD ABATEMENT DISTRICT

#### REGULAR SESSION MEETING

Sunday January 7, 2018; 9:00 a.m.  
31030 Broad Beach Road, Malibu, CA 90265

#### 1. Call to Order

The Chair called the meeting to order at 9:12 a.m.

#### 2. Roll Call

PRESENT: Chair Karno, Vice Chair Grossman, Board Members Needleman, Marine, and Kuba.

BBGHAD STAFF ALSO PRESENT: Project Manager Ovrom, Project Counsel Ehrlich, Clerk/Treasurer Fuchs, and Special Counsel Colantuono (participated by phone).

#### 3. Adoption of Agenda

The Chair recognized Project Counsel, who reported that the Agenda was posted on January 3, 2018, at approximately 6:00 p.m. within the BBGHAD boundaries and concurrently posted on the BBGHAD website. The Chair recognized Vice Chair, who moved to adopt the Agenda as posted. Board Member Marine seconded the Motion, and the Motion passed 5-0.

#### Closed Session

At 9:13 a.m., the Chair announced, without objection, that the Board would move into Closed Session.

#### Resumption of Regular Session

The Chair resumed Regular Session approximately at 10:20 a.m. The Chair recognized Project Counsel, who reported on the agenda items discussed in Closed Session. Special Counsel Colantuono left the meeting at 10:20 a.m.

#### 8. Approve Summary of Actions from December 10, 2017 Meeting

The Chair recognized Board Member Marine, who moved to approve Summary of Actions from December 10, 2017, with minor edits as announced by Project Counsel. Board Member Needleman seconded the Motion, and the Motion passed 5-0.

#### 9. Old Business

- a. Sand Source Update

The Chair recognized Project Counsel, who reported that the Board-created sand source subcommittee, Board Members Marine and Kuba, met with staff on 1/4/18 to analyze the ocean-delivered (Polaris) and truck-delivered (CEMEX) sand source options. Project Counsel stated that the evaluation and analysis of the revised Polaris' proposal could not be completed due to significant unknown facts. Therefore, Project Counsel stated that BBGHAD staff cannot recommend a sand source for the Project at this time. Project Counsel anticipates having more information about the Polaris sand source at upcoming Board meetings.

The Chair recognized homeowner Steve Needleman, who inquired about the timing of the negotiations for the two viable sand sources. Project Counsel responded that he anticipates 30 to 60 days to finalize negotiations, once a preferred option is selected.

b. Permitting and Regulatory Process Status

The Chair recognized Project Counsel, who updated the Board on:

(i) Lead Agency Update

(A) CCC

1. Prior-to-Issuance Conditions compliance

Staff has requested a meeting with the CCC Executive Director to discuss the scope and breadth of the Project's dune footprint and anticipates the meeting to take place in the next few weeks.

(B) Army Corps

The Army Corps permit was issued on Friday January 9, 2018. Project Counsel thanked Richard Beck and Michael Baker International for their efforts to have the permit issued completely in line with the CDP. The Chair recognized Vice Chair, who thanked Project Counsel for his efforts in obtaining the USACE permit.

The Chair recognized Project Counsel, who recommended to agendize the authorization for Project Counsel to sign the MOU on behalf of the BBGHAD and authorizing the disbursement of the financial assurance for the February 2018 Board meeting. The Board unanimously agreed and the Chair directed Project Counsel to agendize it for the next Board meeting. Project Counsel acknowledged the direction from the Board.

(C) RWQCB

The BBGHAD received the revised Water Board permit in or about December 2017, which also conforms to the CDP. The Water Board did not accept the change of date for the Septic Feasibility status report from 2018 to 2019. Project Counsel recommended to start the Septic Feasibility study at this point, as the permit requires coordination with other agencies. The Board ensued in a discussion regarding the timing

and possible ramifications of the study. The Board unanimously agreed to authorize commencement of the Septic Feasibility Study.

The Chair recognized Max Factor III, who pointed out that the CCC's initial response to the report stated that the matrix used by the Engineers (Ensitu) was inappropriate for the size of the houses. Mr. Factor suggested looking at the initial ENSITU report to improve upon the new report and to save costs. The Board agreed and directed staff to consider the initial Ensitu report.

(D) SLC

No separate report.

(ii) Responsible & Consulting Agency update:

No update.

c. Permitting Outreach & Strategy Update

Project Counsel asked for a Board Motion to cease the monthly payments to outside lobbyist Vectis Strategies.

MOTION: Board Member Marine moved, and Vice Chair seconded, to cease the monthly payments to lobbyist Vectis Strategies as the BBGHAD has received the Army Corps permit and to allow for the lobbyist to present the Board with a proposal, free of charge, as to how and/or if federal funds could assist with the funding of the Project. Hearing no further comments, the Chair called the question, and the Motion passed 5-0.

The Chair asked Project Counsel if the BBGHAD has received and concluded all the permits with the permitting agencies and if all PTI (Prior to Issuance) conditions, other than the Springing License agreements, have been met? Project Counsel answered affirmatively, adding that all the reports submitted to CCC in October 2017 are under review with CCC staff and BBGHAD staff anticipates that they will be thoroughly reviewed by CCC staff at the beginning of this year.

The Chair directed Project Counsel to include an updated Project Status Report in the next Board Packet and other imminent deadlines regarding the PTI conditions. Project Counsel acknowledged the directions from the Chair.

**10. New Business**

None.

**11. BBGHAD Officer Report**

a. Project Manager

Project Manager stated that he would like to defer his report on the License Agreements to the February 2018 Board meeting.

b. Treasurer's Report

The Treasurer reported that, as of January 2, 2018, the cash balance was \$ 2,265,952.44 and the estimated unpaid bills amounted to \$ 266,068.85. The Treasurer stated that the Actuals Paid 2017 report submitted has an error in the income column and will be corrected on the next report. The Chair directed Treasurer to send future financial reports to Project Manager for review prior to submitting the reports.

The Chair asked staff if it would be a realistic expectation for the BBGHAD expenditures to dramatically decrease until the start of the Project? The Chair recognized Board Member Kuba, who opined that due to the multiple pending litigation matters, the cost would not likely decrease. A discussion ensued regarding the potential legal costs for the Project.

**12. BBGHAD Board Member Reports**

No reports.

**13. Public Comment - Non-Agenda Items**

The Chair recognized Max Factor III, who asked if: 1) The Bay Foundation's MOU and the US Army Corps permit could be posted on the BBGHAD website, 2) if the Army Corps mitigation is the maximum amount it can charge, and 3) if the Validation Action has been served yet. Project Counsel responded to Mr. Factor's questions. Mr. Factor further stated that his PRA request has not been fully responded to. Project Counsel responded that he would follow up with his office.

The Chair recognized homeowner Doug Baron, who expressed his continued support of the Project.

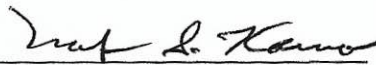
**14. Future Meeting**

The Chair stated that the next meetings are scheduled for February 11, 2018 and March 11, 2018. Both meetings to start at 9:00 a.m., locations to be determined.

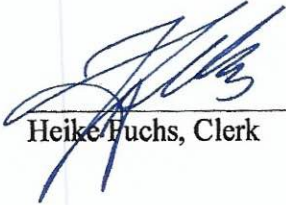
**15. Adjournment**

The Chair recognized Board Member Marine, who moved to adjourn Regular Session. Board Member Needleman seconded the Motion. The Chair called the Roll, and the Motion passed 5-0. Regular Session adjourned 11:22 a.m.

Approved and adopted by the Broad Beach GHAD

Board on 2/11/18   
Norton S. Karno, Chair

ATTEST:

  
Heike Fuchs, Clerk