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Summary of Actions

BROAD BEACH GEOLOGIC HAZARD ABATEMENT DISTRICT

REGULAR SESSION MEETING

Sunday February 11, 2018; 9:00 a.m.

31030 Broad Beach Road, Malibu, CA 90265

1. Call to Order

The Chair called the meeting to order at 9:16 a.m.

2. Roll Call

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

ABSENT: Board Member Marine

BBGHAD STAFF ALSO PRESENT: Project Manager Ovrom, , Project Engineer Boudreau, Project Counsel Ehrlich, and Special Counsel Colantuono (participated by phone).

3. Adoption of Agenda

The Chair recognized Project Counsel, who reported that the Agenda was posted on February 7, 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 Needleman seconded the Motion, and the Motion passed 4-0.

Closed Session

At 9:17 a.m., the Chair announced, without objection, that the Board would move into Closed Session.

Resumption of Regular Session

The Chair resumed Regular Session at approximately 10:23 a.m. The Chair recognized Project Counsel, who reported on the agenda items discussed in Closed Session. Special Counsel Colantuano left the meeting at 10:23 a.m.

8. Approve Summary of Actions from January 7, 2018 Meeting

The Chair recognized Vice Chair, who moved to approve the Summary of Actions from January 7, 2018, with minor edits announced by Project Counsel. Board Member Needleman seconded the Motion, and the Motion passed 4-0.

9. Old Business

a. Sand Source Update

The Chair recognized Project Counsel, who updated the Board on the Board-created Sand Source Committee's technical and economical findings of the Polaris proposal. Project Counsel stated that, based on the staff and sub-committee's analysis of the new technical challenges and higher costs for the Project, that BBGHAD cannot recommend a sand source at this time.

The Chair recognized Jim Hornstein, a legal representative for homeowners Alex Haagen and Mark Magidson. Mr. Hornstein stated that Polaris shared their frustration with the sand source process at a meeting with the Reef Group last week. Mr. Hornstein outlined Polaris' frustration, citing communications between BBGHAD staff and Polaris. Mr. Hornstein stated that Polaris disagrees with the BBGHAD's technical demands opining that it would not be the most efficient way to place the sand on the beach. The Chair recognized Project Counsel, who responded that he and Project Manager had a more recent, extensive conference call with the Polaris team and stated BBHAD staff's position in relation to the Polaris updated proposal. Project Counsel assured Mr. Hornstein that staff has not demanded anything from Polaris, but rather is open to further discussions and continues to work with Polaris to locate an area for the sand placement on the beach to avoid significant losses of sand. Project Counsel reiterated that it remains in the BBGHAD's best interest to pursue ocean delivered sand.

The Chair recognized Project Engineer, who responded to technical questions from the public regarding sand placement, drying the ocean delivered sand, and potential losses of placing ocean delivered sand directly on the beach.

The Chair offered his perspective on the viable sand sources, stating that he has confidence in BBGHAD staff, Project Engineer, and the Sand Source Committee to source and recommend the most efficient and economic sand source for the Project. The Chair assured Mr. Hornstein that the Board has not yet finalized a sand source and still considers Polaris as a potential candidate.

The Chair recognized Mr. Hornstein, who reiterated Polaris' frustration with the process and asked the Board to direct the Sand Source Committee members to communicate directly with Polaris Senior staff.

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 submitted all Prior-to-Issuance reports to the CCC and has received assurance from CCC Executive Director that staff will get back to BBGHAD soon.

BBGHAD staff met with CCC to discuss the scope and breadth of the Project's dune footprint. Staff awaits the CCC staff's position on this issue.

(B) Army Corps

(1) Resolution No. 2018/01

Due to further input received from the USACE, that the BBGHAD does not need to enter into the agreement, pay for the mitigation for the revetment at this time, and the first installment for the overall Project at this time, Project Counsel rescinded his recommendation to the Board to effectuate the permit.

A discussion ensued regarding the pros and cons of effectuating the Army Corps permit.

MOTION: Vice Chair moved, and Board Member Kuba seconded, to adopt Resolution No. 2018/01, excluding the 2 paragraphs regarding the requirements for payment until further authorized by the Board. Hearing no further comments, the Chair called the question, and the Motion passed 4-0.

The Chair recognized Project Counsel, who reported that lobbyist Vectis Strategies has a plan to lobby Congress to assist with public funding of the Project.

(C) RWQCB

BBGHAD received the revised, final 401 certification in December 2017.

(D) SLC

No separate report.

(ii) Responsible & Consulting Agency update:

The Chair recognized Project Engineer, who reported that he is in the process of finalizing the details for PCH-Guernsey signal with Caltrans staff.

c. Permitting Outreach & Strategy Update

No update.

10. New Business

None.

11. BBGHAD Officer Report

a. Project Manager

(i) Financial Audit

The Chair recognized Project Manager, who recommended entering into an agreement with Vasquez & Company to perform a normal and customary annual financial audit for an annual rate of \$15,000.00, increasing by \$500.00 for each subsequent year.

The Chair recognized Vice Chair, who asked for more information about the company. The Chair recognized Project Manager, who responded that he solicited multiple proposals and Vasquez & Company submitted the most competitive proposal and has been one of the largest providers of auditing services to governmental agencies in Los Angeles County.

A discussion ensued regarding the pros and cons of retaining Vasquez & Company.

MOTION: The Vice Chair moved, and Board Member Needleman seconded, to retain Vasquez & Company to perform an annual financial audit. Hearing no further questions, the Chair called the question, and the Motion carried 3-0-1 (Chair abstained).

b. Treasurer's Report

The Treasurer reported that, as of February 5, 2018, the cash balance was \$2,282,494.92 and the estimated unpaid bills amounted to \$469,921.64.

12. BBGHAD Board Member Reports

No Reports.

Board Member Kuba left the meeting at 11:35 a.m.

13. Public Comment - Non-Agenda Items

The Chair recognized Jim Hornstein, a legal representative for homeowners Alex Haagen and Mark Magidson, who stated that the Reef Group's expert disagrees with Moffat & Nichol's evaluation of the Reef Ball Feasibility Study and the report will be submitted to BBGHAD staff for review. Mr. Hornstein further stated that the Reef Group supports expediting the Validation Action's litigation process.

The Chair recognized homeowner Danny Klein, who asked how many Springing License agreements have been signed? The Chair recognized Project Manager, who responded that 36 Springing License agreements have been signed so far.

The Board and Project Counsel received and responded to all the questions from various homeowners regarding status of the Moorpark litigation, questions regarding CDP compliance, Conflict of Interest Code, revetment relocation questions, as well as a question regarding expediting the resolution of the West End challenge to the 2017 assessment.


14. Future Meeting

The Chair stated that the next meetings are scheduled for March 11, 2018, and tentatively April 22, 2018. Both meetings to start at 9:00 a.m., locations to be determined.

15. Adjournment

The Chair recognized Vice Chair, who moved to adjourn Regular Session. Board Member Needleman seconded the Motion. The Chair called the Roll, and the Motion passed 3-0. Regular Session adjourned 12:02 p.m.

Approved and adopted by the Broad Beach GHAD

Board on 

Norton S. Karno, Chair

ATTEST:



Heike Fuchs, Clerk