

Summary of Actions

BROAD BEACH GEOLOGICAL HAZARD ABATEMENT DISTRICT  
REGULAR MEETING

June 2, 2013

31330 Broad Beach Road, Malibu, CA 90265

**1. CALL TO ORDER**

Chair Karno called the meeting to order at 9:02 a.m.

**2. ROLL CALL**

PRESENT: Chair Karno, Vice Chair Grossman, Board Member Levitan (via telephone), Board Member Marquis, and Advisor Goss.

ABSENT: Board Member Lotman.

GHAD STAFF ALSO PRESENT (not Board Members and not subject to Roll Call): GHAD Clerk and Treasurer Barbara Hamm, GHAD Engineer Russ Boudreau and Chris Webb (by telephone), and GHAD Project Counsel Ken Ehrlich (by telephone).

**3. ADOPTION OF AGENDA**

The GHAD Clerk reported that the meeting Agenda was posted at 8:35 a.m. on Thursday May 30, 2013 within the boundaries of the GHAD. Vice Chair Grossman moved, and Board Member Marquis seconded, the approval of the Agenda. The motion approving the agenda passed 3-0.

**4. APPROVED SUMMARY OF ACTIONS FROM MAY 5, 2013 MEETING**

The Chair noted a correction for the Summary of Actions from the May 2013 meeting regarding the testing of inland sand for chemical and biological parameters, which Project Counsel implemented. Subject to the Chair's correction, the Vice Chair moved, and Board Member Marquis seconded, the approval of the Summary of Actions from the May 5, 2013 meeting. The motion passed 3-0.

**5. CEREMONIAL PRESENTATIONS**

None.

**6. CONSENT CALENDAR**

None.

**7. PUBLIC HEARINGS**

None.

**8. OLD BUSINESS**

**a. Permitting and Regulatory Process**

The Chair questioned Board Member Marquis, the GHAD Engineer and Project <sup>COUNSEL</sup> on the timing for the completion of the project permitting process. Board Member Marquis stated that year end 2013 is possible. The GHAD Engineer "roughly" agreed with the same timeframe. Project Counsel opined that the process should be completed by year end or within the first quarter of 2014.

The Chair recognized the Vice Chair, who stated that the CCC may hold multiple meetings on our project, which may delay approvals. Board Member Marquis added that the SLC has informed the BBGHAD that the SLC's consideration of the project will come after that of the CCC.

The Chair recognized the Vice Chair, who stated that the BBGHAD must follow strict and rigorous reviews of all proposed expenses before incurring any further project costs. The Chair added that current budget estimates may put the BBGHAD over the total assessment limit for the project and measures will be implemented to ensure spending within the assessment cap approved by the BBGHAD owners.

**(i) Sand Source**

The Chair recognized the Vice Chair, who stated that the BBGHAD must clearly specify to all permitting agencies that the proposed Dockweiler sand source is no longer under consideration, and must do so even if it means that the BBGHAD incurs costs in removing the Dockweiler source from project environmental analyses and documents. The Chair added that he has concerns about potential liability and other issues if Dockweiler remains in environmental or permitting documents. The BBGHAD Engineer stated that, while he understands the BBGHAD's position on deleting Dockweiler from consideration for the initial nourishment project, the BBGHAD should remain open to using Dockweiler sand for subsequent nourishments after the initial project. The Vice Chair asked for the test results from the recent testing of inland sand sources. The BBGHAD Engineer stated that the inland sand passed all of the tests, remains free of contaminants, and is the proper grain size for project use.

The Chair directed Project Counsel to forward a letter to the primary permitting agencies clarifying the BBGHAD's position that the Dockweiler sand source is not under consideration and should be removed from all project documents. Project Counsel agreed to do so.

**(ii) CCC**

The Chair recognized the Project Counsel, who stated that the Ensitu draft report is expected in the coming weeks. The draft report will analyze the theoretical relocation of septic systems and other backyard improvements to accommodate the CCC's request for the study of the inland relocation of all or part of the revetment. Project Counsel added that preliminary information reveals that landward relocation of much of the revetment is not feasible based on various factors.

The Chair questioned the need to complete this analysis. The Chair recognized the BBGHAD Engineer, who asserted that the CCC specifically asked the BBGHAD to provide a "robust" and "complete" analysis of various project alternatives, including the study of potential, alternate alignments and locations of a permanent shoreline protective device at Broad Beach.

The Vice Chair inquired about the proposed height of any permanent shoreline protective device and if it would match the height of the current revetment. Board Member Marquis asserted that the BBGHAD is using the current height of the revetment as a standard/precedent for the proposed permanent revetment. A discussion ensued regarding the optimal height for a BBGHAD-proposed permanent revetment. The Chair directed the BBGHAD Engineer to complete the requested analysis based on the current height of the revetment and ensure that the report explains why other heights were considered, but not favored—all with the goal of avoiding another "incomplete CDP application" letter from the CCC.

The Vice Chair asked if the BBGHAD's current project budget includes repayment of money loaned to the BBGHAD by the TPOA and individual property owners. Board Member Marquis responded in the affirmative.

**b. Proposed GHAD Contracting Policy**

No report.

**9. NEW BUSINESS**

Procedure for Filling Vacancy on BBGHAD Board of Directors. The Chair recognized Board Member Marquis, who informed the Board that his family's real property within the BBGHAD remains in escrow with a scheduled closing on or about June 18, 2013. The Chair recognized Project Counsel, who outlined the process for replacing a Board member who resigns during the pendency of his/her term, including the Board's appointment rights.

In an effort to confirm that all areas of Broad Beach are and will be represented on the Board, the Chair asked BBGHAD staff to prepare a map of BBGHAD properties equally separated into five (5) segments and highlight the properties of the current Board Members. The Chair also requested additional information from Project Counsel to ensure that the BBGHAD follows all appropriate requirements and procedures in the process and to assist in the scheduling of a Board Meeting to appoint Board Member Marquis' replacement.

**11. GHAD OFFICER REPORTS**

**a. Treasurer Report**

The GHAD Treasurer reported that, as of May 31, 2013, the BBGHAD had cash on hand of \$1,111,227. The Treasurer also reported that the BBGHAD should expect approximately an additional \$93,000 in the assessment payments in the coming weeks. It appears that seven (7) properties within the BBGHAD have not paid their BBGHAD

assessments; the Treasurer and Manager are confirming the situation and will make future recommendations to the Board.

**b. GHAD Manager Report**

None.

**10. GHAD BOARD MEMBER REPORTS**

Chair Karno - The Chair stated that City National Bank has agreed to extend the BBGHAD's current credit line for another year under the same terms at no extra cost/service fee to the BBGHAD.

Board Member Marquis – Board Member Marquis requested Project Counsel to determine from LA County and other governmental agencies if project construction would be permitted between April 2014 and the end of summer 2014. Project Counsel agreed to do so.

No other reports were presented.

**12. PUBLIC COMMENT: NON-AGENDA ITEMS**

None.

**13. FUTURE MEETING**

The next BBGHAD Board Meeting will be on July 14, 2013 at 9:00 a.m. at a private residence located at 31330 Broad Beach Road. The Chair also mentioned that the following BBGHAD Board Meeting may be on August 25th, but the possibility exists that an earlier meeting may be required to consider filling the Board vacancy.

**14. ADJOURNMENT**

The meeting was adjourned at 11:00 a.m. due to the loss of a quorum as the Vice Chair left the meeting.

Approved and adopted by the Broad Beach GHAD  
Board on July 14, 2013.

  
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NORTON KARNO, Chair

ATTEST:

  
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BARBARA HAMM, GHAD Clerk