

Summary of Actions

BROAD BEACH GEOLOGICAL HAZARD ABATEMENT DISTRICT REGULAR MEETING

February 2, 2014

31330 Broad Beach Road, Malibu, CA 90265

1. CALL TO ORDER

Chair Karno called the meeting to order at 9:10 a.m.

2. ROLL CALL

PRESENT: Chair Karno, Vice Chair Grossman, Board Member Levitan, Board Member Lotman (arrived approximately 9:15 a.m.), and Board Member Rosenbloom.

ABSENT: None.

BBGHAD STAFF ALSO PRESENT (not Board Members and not subject to Roll Call): Project Manager Mark Goss, BBGHAD Engineers Russ Boudreau and Chris Webb, BBGHAD Clerk/Treasurer Bernadette O'Neill, and Project Counsel Ken Ehrlich.

3. ADOPTION OF AGENDA

Project Counsel reported that the meeting Agenda was posted at approximately 8:30 a.m. on Thursday January 30, 2014 within the boundaries of the BBGHAD. Board Member Rosenbloom moved, and Board Member Levitan seconded, the approval of the Agenda. The Motion approving the Agenda passed 4-0 (Lotman absent).

4. APPROVED SUMMARY OF ACTIONS FROM JANUARY 5, 2014 MEETING

Project Counsel noted certain, minimal edits for the Summary of Actions from the January 5, 2014 meeting. Subject to Project Counsel's edits, Vice Chair Grossman moved, and Board Member Levitan seconded, the approval of the Summary of Actions from the January 5, 2014 meeting. The Motion passed 5-0.

5. CEREMONIAL PRESENTATIONS

None.

6. CONSENT CALENDAR

None.

7. PUBLIC HEARINGS

None.

8. NEW BUSINESS

Project Manager Compensation. The Chair reported that, in light of an expanded scope of time, effort, and resources necessary to accomplish the tasks associated with the position, the Project Manager has requested an increase in his monthly compensation. The Chair requested input on this item.

MOTION: The Vice Chair moved that: (a) the Project Manager's compensation shall be increased to an amount not to exceed \$10,000 per month, and (b) the Chair shall have the discretion to finalize terms of the Project Manager's continued employment and compensation directly with the Project Manager, including whether or not any increased compensation shall be retroactive to a date no earlier than the Project Manager's start date in his current position. Board Member Levitan seconded the Motion. The Motion passed 5-0.

9. OLD BUSINESS

a. Permitting and Regulatory Process

The Chair recognized the Project Manager. The Project Manager stated that the BBGHAD anticipates responding to the CCC's most recent "incomplete" letter by approximately February 21, 2014. The Project Manager further reported that the SLC appears to be working hard to deem the Project "complete" and prepare it for Commission consideration. To that end, the Project Manager stated that the BBGHAD has received a proposal from the SLC's APTR contractor to revise the APTR at a cost of \$198,000.

The Project Manager added that the US Army Corps has appointed a new Project Manager, Bonnie Rogers, and the BBGHAD intends to meet with her as quickly as possible.

The Project Manager stated that the SLC hosted an interagency meeting and conference call on January 28, 2014, and the BBGHAD was not invited to participate—over the BBGHAD's strong objection. Information received from various agency staff members after the meeting suggests that nourishment at the project's west end constitutes the primary issue for regulators. Specifically, intertidal and subtidal habitat at the west end has caused certain state and federal habitat agencies to raise concerns over the prospect of burying this west end habitat under multiple feet of sand. The Chair recognized Board Member Rosenbloom, who asked if different amounts of sand volume are needed at different areas of Broad Beach. The BBGHAD Engineer responded that the entire beach needs the proposed nourishment, and at the proposed volume. The Chair recognized Board Member Levitan, who asked for the latest strategy for the west end, especially regarding the habitat issues. The BBGHAD Engineer responded that the BBGHAD has completed substantial amounts of study of the west end habitat, and the results indicate that the proposed sand deposition is warranted. Further, consulting agencies, such as CDFW and NMFS, do not have the final decision on this point; the lead agencies (CCC, SLC, and Army Corps) have the final decision.

The Chair recognized Board Member Levitan, who suggested that the BBGHAD compile the number of jobs created by the project and use this information to our benefit in the permitting process. The Project Manager agreed to compile the requested information.

The Chair asked the Project Manager if the BBGHAD can do anything else to bolster the permitting effort. The Project Manager did not raise additional suggested actions, other than potentially additional outreach to elected and other officials.

The Chair recognized Board Member Levitan, who asked if the BBGHAD could do anything to reduce the SLC's requested \$198,000 for the revised APTR or other consultant costs. The Chair responded that the BBGHAD has minimal leverage on this issue since the SLC will simply cease to process the BBGHAD's application if the requested sum is not paid. The Chair added that, based on his experience, the requested sum is within the realm of reason for such a scope of work.

The Chair recognized the Vice Chair, who raised a potential issue associated with allowing the SLC to consider the BBGHAD project before the CCC, and the risk of being required to go back for additional SLC consideration if the CCC approves a different project than the SLC. The Vice Chair opined that this is a risk worth taking in order to preserve the chance of gaining approvals necessary for a Fall 2014 construction start. The Chair and Project Manager agreed, and further agreed that the BBGHAD would need to process the APTR payment immediately to facilitate SLC action and the necessary APTR revisions.

b. Project Outreach

The Chair recognized the Project Manager. The Project Manager reported that he will prepare a compilation of the jobs created by the project, and get the work product to the BBGHAD's lobbyist for broad circulation as quickly as possible. A discussion ensued regarding potential ways to shorten project construction time.

c. Proposed GHAD Contracting Policy

No report.

10. GHAD OFFICER REPORTS

a. Project Manager

The Project Manager reported that work continues on the BBGHAD budget. The Project Manager stressed that the final project budget will likely be delayed until after project approvals are obtained. This is because negotiations with vendors will not begin in earnest until permits are obtained, and true project costs will not be known until the completion of such negotiations.

b. Treasurer Report

The Treasurer reported that she is working to facilitate direct county payment of assessment proceeds to the BBGHAD, instead of the current County-City of Malibu-BBGHAD process. She anticipates that direct County payments should begin by April 2014.

11. BBGHAD BOARD MEMBER REPORTS

Vice Chair: The Vice Chair mentioned that Malibu City Council elections will occur on April 8, 2014, and referenced the current Council members participating in the election.

No other Board Members presented reports.

12. PUBLIC COMMENT: NON-AGENDA ITEMS

None.

13. FUTURE MEETING

The next BBGHAD Board Meeting will be on March 2, 2014, followed by April 6, 2014. The meetings will be at 9:00 a.m. at a private residence located at 31330 Broad Beach Road.

14. ADJOURNMENT

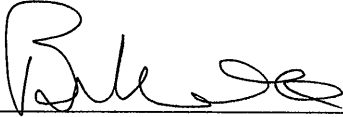
MOTION: Board Member Levitan moved to adjourn. The Vice Chair seconded the Motion. The Motion passed 5-0, and the meeting adjourned at 10:55 a.m.

Approved and adopted by the Broad Beach GHAD
Board on May 18, 2014.



NORTON KARNO, Chair

ATTEST:



BERNADETTE O'NEILL, Clerk