

## Summary of Actions

### BROAD BEACH GEOLOGICAL HAZARD ABATEMENT DISTRICT REGULAR MEETING

Sunday, January 11, 2015; 9:00 a.m.  
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 Rosenbloom.

ABSENT: Board Members Levitan and Lotman.

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

#### 3. ADOPTION OF AGENDA

The Project Manager reported that the meeting Agenda was posted at approximately 8:45 a.m. on Thursday January 8, 2015 within the BBGHAD boundaries and concurrently posted on the BBGHAD website. The Vice Chair moved, and Board Member Rosenbloom seconded, the approval of the Agenda. The Motion approving the Agenda passed 3-0.

#### 8. NEW BUSINESS

Consideration of Agreement with City of Moorpark. The Chair recognized Project Counsel, who stated that, in recent months, the representatives of the BBGHAD and the City of Moorpark ("City") have conferred multiple times in recent months to discuss the City's concerns with the number of trucks associated with the Project, the proposed truck routes, and the potential for such trucks to drive within the City of Moorpark during the Project's construction or subsequent nourishment events. Project Counsel reported that the parties have reduced their discussions and negotiations to a written agreement ("Moorpark Agreement"), and recommended that the Board authorize the Chair to execute the agreement. The Chair asked the Project Manager about ultimate responsibility for liquidated damages imposed by the City under Section 13 of the Moorpark Agreement. The Project Manager stated that the truckers themselves, and not the BBGHAD, will be responsible for any such fines or liquidated damages.

MOTION: The Vice Chair moved that the Board authorize the Chair to execute the Moorpark Agreement. Hearing no further discussion, the Chair called the question. The Motion passed 3-0.

#### 9. OLD BUSINESS

##### a. Permitting and Regulatory Process

The Chair recognized the Project Manager, who presented the following summary:

CCC- The Project Manager asserted that BBGHAD representatives are scheduled to meet with senior CCC staff on January 16, 2015 in Santa Cruz to discuss the primary unresolved Project issues, attempt to agree on a submission of a new CDP application, and schedule for CCC consideration of same. The Project Manager requested guidance on the primary issues, and the Board provided the following:

a. Septics- The BBGHAD should be able to complete septic study within CCC's proposed timeframe (3-5 years), but potential conversion to a new community-wide waste treatment system should be driven by findings of the implementation study and not specified at this time. It was recommended that the BBGHAD not propose the septic implementation study in its new CDP application, and allow the CCC to propose same as a special condition. The Board also recommended that: 1) the BBGHAD ensure that the administrative record reflect the costs of both the implementation study and the anticipated costs of implementing a new, community-wide waste disposal system; 2) the BBGHAD should insist on a fixed placement of the revetment for as long as possible (20 years) and not let the potential removal of individual septic systems dictate future revetment placement; and 3) 3-5 years to complete the implementation study seems reasonable.

b. Permit Duration- In its November 2014 staff report, the CCC proposed a 10-year permit. The Board directed the BBGHAD representatives to seek a 20-year permit.

c. Revetment Alignment- The BBGHAD should use best efforts to get the CCC staff to agree to the "Modified Ainsworth Line", attempt to begin the realignment no further west than 30948 Broad Beach Rd., and gain the CCC staff's commitment to such alignment for the duration of the permit. As a fallback position, the BBGHAD could agree to a compromise alignment between line proposed in the CCC staff report and BBGHAD's proposal in Alternative 4b.

d. Easements- BBGHAD cannot accept easements and waived eminent domain authority. The BBGHAD can use backpassing and other tools within CCC's November 2014 staff report to keep sand seaward of revetment. If the beach erodes to less than 10' seaward of revetment between Transects 408-411, BBGHAD would agree to nourish with at least 62,000 cubic yards along the revetment span. In the event that this sand erodes during the duration of the permit, the BBGHAD would need a reasonable period of time before new sand to be placed, potentially up to six (6) months. In an effort to avoid an easement regime, BBGHAD could agree to complete the above up to three (3) times every ten (10) years, and back up this nourishment commitment with a \$1,000,000 letter of credit.

e. West End Nourishment- BBGHAD representatives should seek compromise to nourish up to a 40' strip between 31380 Broad Beach Rd. and 31502 Victoria Point even though BBGHAD is well aware that the Army Corps will not allow same without mitigation. Unless new circumstances arise or property owners show desire to pay mitigation, BBGHAD should agree to end nourishment no further west than 31380 Broad Beach Rd.

f. Monitoring- BBGHAD representatives should seek middle ground scope of work at or around BBGHAD consultant's proposed \$3,200,000 over ten (10) years, and seek moderate influences on any Science Advisory Panel.

RWQCB- The Project Manager stated that BBGHAD staff will soon meet with RWQCB staff to discuss revetment alignment issues and solicit input from RWQCB staff on the proposed distance between the revetment and septic systems.

## **12. PUBLIC COMMENT**

The Chair recognized Bill Curtis, who read aloud the attached letter to the BBGHAD Board. Mr. Curtis' letter expressed his position on the fate of west Broad Beach property owners in light of the likelihood that these property owners would not receive sand nourishment seaward of their homes. The Chair recognized Jane Arnault, who reiterated her opposition to participating in the BBGHAD. Among other points, Ms. Arnault expressed her belief that the BBGHAD exposes its constituent members to liabilities that would not be present if the BBGHAD did not exist. Ms. Arnault further stated that she does not want to be part of the Project and does not want to adversely affect those who she believes will benefit from the Project.

The Chair recognized Paul Owadhi, who stated that he continues to monitor BBGHAD activities and generally supports the Project. Mr. Owadhi further asserted that property owners who do not directly receive sand seaward of their properties should not be part of the BBGHAD. As currently contemplated, Mr. Owadhi does not believe that properties west of 31380 Broad Beach Rd. will receive any appreciable benefits and such parcels should be excluded from the BBGHAD.

The Chair recognized the Vice Chair, who stated that the entire Broad Beach community and beyond should enjoy benefits from restoring a dry sand beach. He further stated that all interested parties should benefit from retaining the BBGHAD structure and its work. The Vice Chair further stated that the BBGHAD's assessment scheme should be commensurate with the benefits received by each property owner. However, the Vice Chair asserted that the Project parameters remain undefined as none of the lead agencies, such as the CCC, Army Corps, RWQCB, or SLC, have finalized their consideration of the Project. As soon as these agencies finalize Project parameters, the Vice Chair would support the imposition of a new assessment reflecting Project realities.

[Board Member Rosenbloom left the meeting at 1:20 p.m., and a quorum was lost.]

The Chair recognized Jane Arnault, who stated that the issues are more important than money alone as moral reasons exist for west end property owners to be excluded from the BBGHAD—including hazard issues, uncertainty of fines imposed by agencies, and the potential to subsidize improper behavior.

Approved and adopted by the Broad Beach GHAD  
Board on ~~February 4, 2015~~ *Sept. 6 2015*

*Norton Karno*

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NORTON KARNO, Chair

ATTEST:

*Bernadette O'Neill*

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BERNADETTE O'NEILL, Clerk

*Heike Fuchs*