

## Summary of Actions

### BROAD BEACH GEOLOGIC HAZARD ABATEMENT DISTRICT

#### REGULAR SESSION MEETING

Sunday July 12, 2020; 9:00 a.m.

Via Teleconference

(Governor Executive Order N-25-20 issued March 12, 2020 and supplemental Executive Order N-29-20 issued March 17, 2020.)

#### 1. Call to Order

The Chair called the meeting to order at 10:20 a.m.

#### 2. Roll Call

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

ABSENT: None

BBGHAD STAFF ALSO PARTICIPATED VIA TELECONFERENCE: Special Counsel Colantuono, BBGHAD Election Official Donesia Gause, Project Engineer Boudreau, BBGHAD Managers Jeff Adams, Uri Eliahu, Clerk/Treasurer Fuchs, and Project Counsel Ehrlich.

#### 3. Adoption of Agenda

The Chair recognized Project Counsel, who reported that the Meeting Agenda was posted on Thursday July 8, 2020 at approximately 6:00 p.m. and concurrently posted on the BBGHAD website. The Chair recognized Board Member Marine, who moved to adopt the Agenda as posted. Board Member Needleman seconded the Motion, and the Motion passed 5-0.

#### 8. Consider Summary of Actions from April 19, 2020 Meeting.

The Chair recognized Project Counsel, who reported on a minor edit on page 1. The Chair recognized Vice Chair, who moved to approve the Summary of Actions from April 19, 2020 meeting subject to the edit announced by Project Counsel. Board Member Needleman seconded the Motion, and the Motion passed 5-0.

#### 9. Old Business

- a. Permitting and Regulatory Process Status
  - 1. Lead Agency Update
    - A. CCC
      - i. Prior-to-Issuance Conditions compliance

No update.

B. SLC

i. Consideration of Amendment and Restatement of Lease No. PRC  
9364.1

The Chair recognized Project Counsel, who reported that staff received two (2) insurance proposals for \$10 million per Occurrence/\$10 million aggregate General Liability coverage for the BBGHAD. Project Counsel recommended that the BBGHAD approve the insurance proposal received from Myra Hogue of Merriweather & Williams, and sought approval to execute and finalize SLC lease.

**MOTION:** The Chair recognized Vice Chair, who moved that the Board direct staff to complete the actions necessary to purchase the \$10 million in liability insurance, as required by the amended Lease with the SLC, in accordance with the June 9, 2020 proposal received from Myra Hogue at Merriweather & Williams for an individual yearly premium of \$14,379.01. Board Member Marine seconded the Motion. Hearing no further board discussions, the Chair called the question, and the Motion passed 5-0.

**MOTION:** The Chair recognized Board Member Marine, who moved to direct Project Counsel to execute the Amended Lease approved by the SLC on December 6, 2019, followed by an effort to negotiate to extend the no rent grace period, on the BBGHAD's behalf. Board Member Needleman seconded the Motion. Hearing no further discussions the Chair asked the question, and the Motion passed 5-0.

b. March 2020 Board Election:

The Chair recognized Election Official Donesia Gause, who administered the oath to Chair Karno, Board Members Kuba, and Marine individually.

**10. New Business**

a. BBGHAD Assessment Adjustment

The Chair recognized Project Counsel, who reported that, every year, the new assessment roll must be submitted to Los Angeles County by August 10, 20. Project Counsel further proposed to simply adjust the current levy on the assessment by the Consumer Price Index (CPI) as the BBGHAD has done in the past two years. According to the Bureau of Labor Statistics' website the CPI Adjustment between May 2019 and May 2020 is 0.1%.

Project Counsel further stated that staff received comments from Robert Scapa, a legal representative for Alex and Betty Haagen III, relating to Agenda Item 10 and Agenda 11. Project Counsel recited Mr. Scapa's comments.

The Chair opened the Agenda Item 10 for public comment. The Chair recognized Robert Scapa, who referred to the updated Resolution Nos. 2020/03 and 04, stating that they are objecting to the factual inaccuracies set forth in the recitals of the "whereas" and would like to reserve the right to submit their objections at a later date.

The Chair recognized homeowner Max Factor III, who stated that there are Federal Government guidelines on how to calculate CPI increases/decreases and opined that the BBGHAD's CPI calculations are not consistent with these guidelines.

**MOTION:** The Chair recognized Board Member Marine, who moved to implement the CPI Adjustment to the currently imposed assessment and to adopt Resolution 2020/03. Vice Chair seconded the Motion. Hearing no further discussion, the Chair directed the Clerk to call the roll for a vote on Resolution 2020/03. The Motion passed 5-0.

## **11. Public Hearing**

### **a. Draft Engineer's Report**

The Chair recognized Project Counsel, who gave detailed overview of the 2020 Draft Engineer's Report leading to the proposed October 25, 2020 hearing date of the Draft Engineer's Report dated July 12, 2020, to consider the proposed assessment and any protest against the assessment.

The Chair recognized Mr. Robert Scapa, a legal representative for Betty and Alex Haagen, who asked if he would have the opportunity to comment on the revised real estate appraiser report of June 8, 2020? Project Counsel responded affirmatively.

The Chair recognized Max Factor III, who asked if this Resolution, if it passes, cancels out all prior hearing dates, etc. The Chair responded affirmatively.

**MOTION:** The Chair recognized Board Member Marine, who moved to adopt the new Engineer's Report 2020/04, declaring the Board's intention to order a new BBGHAD Assessment, and sets the October 25, 2020 hearing date for consideration of the proposed, new assessment and any protests. Board Member Needleman seconded the Motion. Hearing no further public and Board comments the Chair directed the Clerk to call the roll for the vote on Resolution 2020/04. The Motion passed 5-0.

## **12. BBGHAD Officer Report**

### **a. Treasurer's Report**

The Treasurer reported that as of July 6, 2020, the cash balance was \$4,072,710.74 in the regular checking account and the estimated bills amount to \$242,767.29.

## **13. BBGHAD Board Member Reports**

No report.

## **14. Public Comment - Non-Agenda Items**

None.


### 15. Future Meeting

The Chair stated that next meeting is scheduled for October 25, 20 starting at 9:00 a.m. at a location to be determined. The Chair further stated that, due to Covid-19, regular monthly meetings have been suspended.

### 16. Adjournment

The Chair recognized Board Member Marine, who moved to adjourn Regular Session. Board Member Needleman seconded the Motion. The Chair called the question, and the Motion passed 5-0. The Chair adjourned the meeting at 11:12 a.m.

Approved and adopted by the Broad Beach GHAD Board

  
\_\_\_\_\_  
Norton S. Karno

Attest:

  
\_\_\_\_\_  
Heike Fuchs, Clerk