

Summary of Actions

BROAD BEACH GEOLOGIC HAZARD ABATEMENT DISTRICT

REGULAR SESSION MEETING

Sunday December 4, 2022; 9:00 a.m.

Via Teleconference

(Governor Executive Order N-08-21 issued June 11, 2021)

1. Call to Order

The Chair called the Regular Session to order at 9:07a.m.

2. Roll Call

PRESENT: Chair Karno, Board Member Marine, and Board Member Antoci

ABSENT: Board Members Needleman and Kuba

BBGHAD STAFF ALSO PARTICIPATED VIA TELECONFERENCE: Special Counsel Colantuono, BBGHAD Engineer Tonia McMahon, Clerk/Treasurer Fuchs, and Project Counsel Ehrlich.

3. Adoption of Agenda

The Chair stated that the Board will keep the Regular Session open longer to give Mr. Max Factor, a legal representative for Jane Arnault and two former Broad Beach homeowners, the opportunity to address open matters to the Board. The Chair recognized Board Member Marine, who moved to adopt the Agenda as amended by the Chair. Board Member Antoci seconded the Motion, and the Motion passed 3-0.

4. Findings to Hold Virtual Board Meeting Under AB 361

MOTION: The Chair recognized Board Member Marine, who moved to adopt Resolution No. 2022/06 authorizing remote teleconferencing/virtual meetings in accordance with AB 361. Board Member Antoci seconded the Motion, and the Motion passed 3-0.

The Chair recognized Mr. Factor who inquired about a) a timeline as to when the sand will come in and how long it will take for the revetment to be relocated, and b) asked for clarification of the BBGHAD staff's statement to CCC, "The BBGHAD has zero incentives to support the status quo of the beach, especially with the CDP issued..." referring to a November 17, 2022 Memorandum from Project Counsel to the Board", included in the Board package (page 16, item #9a).

The Chair recognized Project Counsel, who responded to Mr. Factor's inquiries in detail.

CLOSED SESSION

The Chair recognized Board Member Marine, who moved to recess Regular Session and move into Closed Session. Board Member Antoci seconded the Motion, and the Motion passed 3-0. The Chair recessed the Regular Session meeting at 9:23 a.m.

The Chair reconvened REGULAR SESSION at 10:18 a.m.

Project Counsel reported that the Board authorized staff to pay the Settlement Refund checks (item #6), and staff received guidance from the Board regarding item #7 in Closed Session.

8. Consider Summary of Actions from July 17, 2022, Board Meeting

The Chair recognized Board Member Marine, who moved to approve the Summary of Actions from July 17, 2022, Board Meeting. Board Member Antoci seconded the Motion, and the Motion passed 3-0.

9. Old Business

a. Permitting and Regulatory Status.

The Chair recognized Project Counsel, who reported that an opposition to the BBGHAD's pending CDP extension request was filed by Mr. Max Factor, a legal representative for Jane Arnault and co-signed by two former West End homeowners. Project Counsel stated that none of the three substantive points raised by Mr. Factor apply to the CDP extension application.

Project Counsel further stated that, due to the objection letters received from Mr. Factor and the Surfrider Foundation, the CDP extension application was removed from the CCC's November calendar and rescheduled for next Coastal Commission hearing on December 15, 2022.

1. CCC (incl. MHMMP/Science Advisory Panel)

A. Prior-to-Issuance Conditions Compliance

i) CDP Amendment- Project Implementation Strategy

The Chair recognized Project Counsel, who reported that BBGHAD staff submitted the CDP Amendment Application to CCC staff on 10/11/22. Project Counsel stated that CCC Staff rejected application on 11/8/22, claiming that detailed plans of certain conditions were not submitted. Project Counsel further reported that CCC staff provided BBGHAD with input and desired deliverables to re-file the amendment application shortly.

The Chair recognized Project Engineer, who reported on the public access challenges and potential resolution in more detail.

The Chair recognized Max Factor, who inquired if BBGHAD Project Engineer referred to eminent domain when she reported about alternatives. Project Counsel stated that that Project Engineer referred to technical alternatives.

ii) SAP Status.

The Chair recognized Project Counsel, who reported that the reconstituted SAP has met twice in past month and making significant progress toward finalizing MHMMP. A status report is enclosed in the Board Packet.

iii). Sand Delivery Logistics, Staging, & Traffic.

The Chair recognized Project Counsel, who reported that BBGHAD staff and Board Member Kuba held a meeting with CEMEX. Project Counsel stated that CEMEX is committed to providing Project sand and BBGHAD staff anticipates receiving a quote from CEMEX within the next few days. CEMEX stated that it wants to provide sand only and that the BBGHAD will be responsible for the trucking. Project Counsel further reported that Board Member Kuba suggested to engage a construction firm to handle the logistics and trucking as well as getting a lobbyist involved to avoid complications with the city of Fillmore and Ventura County.

Project Counsel further reported that BBGHAD Engineer met with and interacted with Caltrans and City of Malibu multiple times in past month. CalTrans has confirmed it will allow current signal at PCH-Guernsey to remain. More details are in the attached Moffatt & Nichol status report.

2. SLC

The Chair recognized Project Counsel, who reported that the payment in the amount of \$200,000 has been sent to SLC on November 28, 2022. As per amended lease agreement, the BBGHAD has to pay \$200K to SLC on or before December 31, 2022, provided revetment relocation is not completed.

The Chair recognized Mr. Factor, who asked: a) If there are terms in the lease agreement in case there are further delays in relocating the revetment. Project Counsel stated that the amended SLC lease agreement provides the BBGHAD with three (3) additional years to begin Project construction, including the revetment relocation. The details of the terms can be found online, and b) if there is a timeframe/calendar showing all the pre-condition of the CDP to be completed for a Fall 2023 beach nourishment. The Chair recognized Project Counsel who addressed Mr. Factor's question in detail.

10. New Business

The Chair recognized Project Counsel, who reported that staff received proposals from Rincon Consultants and Moffat & Nichol and briefed the Board on the details of the proposals.

- a. **Rincon's Proposed Budget Supplement.** Project Counsel stated that Rincon Consultants seeks additional budget for three (3) additional tasks that must be completed for Project implementation: 1. General Project Management, 2. MHMMP Finalization and 3. Development of Expanded Scope of Chapter 5 Preparation, and related reporting for a total additional cost of approximately \$104,866.00.

The Chair opined that Rincon has been very efficient and is in support of the Rincon Consultant Proposal. Board Member Marine concurred with the Chair.

At approximately 10:56 a.m., a quorum was lost as Board Member Antoci left the meeting.

The Chair stated that the Motions/discussions will be suspended for Item #10

11. BBGHAD Officer Report

The Treasurer reported that, as of November 29, 2022, the cash balance was \$1,913,714.20 in the regular checking account and the estimated bills amount to \$565,814.32. The Chair stated that City National recently agreed to pay 2.5% on the 5-month liquid CD. The Chair directed the Treasurer to follow up on the increase with City National Bank.

12. BBGHAD Board Member Reports

The Chair reported that he spoke recently with Marlene Grossman, who reported that Marshall Grossman is in relatively good health and doing well.

13. Public Comment - Non-Agenda Items

No further comments.

14. Future Meeting

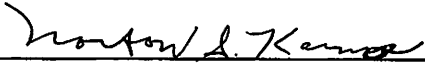
The Chair stated that the next BBGHAD Board meeting is tentatively scheduled for December 18, 2022, starting at 9:00 a.m. via teleconference, pending Board Members' availability.

15. Adjournment

The Regular Session meeting was adjourned at 11:17a.m.

Approved and adopted by the Broad Beach GHAD Board


Dated: 12/18/22



Norton S. Karno, Chairman of the Board of Directors

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Attest:



Heike Fuchs, Clerk