

Summary of Actions
BROAD BEACH GEOLOGIC HAZARD ABATEMENT DISTRICT
REGULAR SESSION MEETING
Sunday July 17, 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 Meeting to order at 9:04 a.m.

2. Roll Call

PRESENT: Chair Karno, Board Members Kuba, Marine, and Antoci

ABSENT: Board Member Needleman

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

3. Adoption of Agenda

The Chair recognized Project Counsel, who reported that the Agenda was posted July 14, 2022 at approximately 6:00 pm. and concurrently posted on the BBGHAD website. The Chair recognized Board Member Marine, who moved to adopt the Agenda as posted. Board Member Antoci seconded the Motion, and the Motion passed 4-0.

4. Findings to Hold Virtual Board Meeting Under AB 361

MOTION: The Chair recognized Board Member Kuba, who moved to adopt Resolution 2022/04 authorizing remote teleconferencing/virtual meetings in accordance with AB 361. Board Member Antoci seconded the Motion. Hearing no further discussions or public comment, the Chair called the question, and the Motion passed 4-0.

5. Consideration of Filing Board Vice Chair Position

MOTION: The Chair recognized Board Member Marine, who moved that the Board adopt Resolution 2022/05 appointing Board Member Kuba to serve at the pleasure of the Board of Directors as Vice Chair of the BBGHAD Board of Directors. The Chair seconded the Motion. Hearing no further discussions or public comment, the Chair called the question, and the Motion passed 4-0.

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 4-0. The Chair recessed the Regular Session meeting at 9:06 a.m.

The Chair reconvened REGULAR SESSION at 9:48 a.m.

Project Counsel reported that the Board took no action in Closed Session on any matter that requires additional reporting.

8. Consider Summary of Actions from June 5, 2022 Meeting.

The Chair stated proposed edits for the June 5, 2022 Summary of Actions, on pages #1, 3, 4, and 5. The Chair moved to approve the Summary of Actions from the June 5 Board meeting with the proposed edits as announced by the Chair. Board Member Marine seconded the Motion, and the Motion passed 4-0.

9. Old Business

a. Permitting and Regulatory Status.

1. CCC

A. Prior-to-Issuance Conditions Compliance.

The Chair recognized Project Counsel, who reported that, due to the now-resolved Reef Group litigation and the Validation Action, the BBGHAD's Fall Beach Monitoring work (a CDP/MHMMP requirement) has been paused for the past 5 years. Project Counsel further stated that the costs have increased considerably from \$325,000 five years ago to a total cost of approximately \$583,000- all of which are required for the Project's CDP. Project Counsel further stated that BBGHAD staff recommends for the Board to approve proposed Fall 2022 Monitoring Proposal as required by the BBGHAD CDP.

A discussion ensued about the pros and cons of the Board approving the Rincon Proposal. Under questioning from the Chair, Project Counsel asserted that it will be 50% or more likely for the Project to start in Fall 2023.

MOTION: The Chair recognized Board Member Marine, who moved for the Board to approve Rincon's June 2022 proposal for 2022 Fall Beach and Habitat Monitoring in an amount not to exceed \$583,959. The Board also directs BBGHAD staff to work with Rincon's staff, consultants, and sub-contractors to ensure that the necessary monitoring and reporting is completed timely to the appropriate professional standard (s) and submitted timely to the necessary authorities. Board Member Antoci seconded the Motion. Hearing no further discussions, the Chair called the question, and the Motion passed 4-0.

2. SLC

A. Consider Liability and Umbrella Insurance Renewal.

The Chair recognized Project Counsel, who reported that the \$10,000,000 general liability insurance required by SLC Lease, is up for renewal. The BBGHAD's current provider, Kinsale and Burlington Insurance companies have agreed to provide coverage. The Premium would increase from approximately \$13,800 to \$17,300.

MOTION: The Chair recognized Board Member Marine, who moved for the Board to ratify past BBGHAD staff actions to renew the BBGHAD's liability insurance 2022-23 and direct staff to complete the actions necessary to purchase the renewed insurance policies through the BBGHAD's insurance broker, Merriwhether-Williams, from Kinsale Insurance Company and Burlington Insurance Company for an annual premium not to exceed \$17,300. Board Member Antoci seconded the Motion. Hearing no further discussions, the Chair called the question, and the Motion passed 4-0.

10. New Business

None.

11. BBGHAD Officer Report

The Treasurer reported that, as of July 11, 2022 the cash balance was \$2,164,293.47 in the regular checking account and the estimated bills amount to \$398,189.98.

12. BBGHAD Board Member Reports

- Chair Karno inquired about the status of the letter to former Vice Chair Grossman to be signed by the Board of Directors and BBGHAD staff.

13. Public Comment

No public comment

14. Future Meeting


The Chair stated that the next BBGHAD Board meeting is scheduled for July 24, 2022 starting at 9:00 a.m. via teleconference.

15. Adjournment

The Chair recognized Board Member Marine, who moved to adjourn Regular Session. Board Member Antoci seconded the Motion. The Chair called the question, and the Motion passed 4-0. The Chair adjourned Regular Session at 10:07 a.m.

Approved and adopted by the Broad Beach GHAD Board

Dated: December 4, 2022



Norton S. Karno, Chairman of the Board of Directors

Attest:



Heike Fuchs, Clerk