

Summary of Actions

BROAD BEACH GEOLOGIC HAZARD ABATEMENT DISTRICT

REGULAR SESSION MEETING

Sunday August 13, 2023; 9:00 a.m.

Via Teleconference

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

1. Call to Order

The Chair called the Regular Session to order at 9:01 a.m.

2. Roll Call

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

ABSENT: Board Member Needleman

BBGHAD STAFF ALSO PARTICIPATED VIA TELECONFERENCE: BBGHAD Engineer Tonia McMahon, Special counsel Liliane M. Wyckoff, Special Counsel Aleks Giragosian, Jaime Grunden for Rincon Consultants, Clerk/Treasurer Fuchs, and Project Counsel Ehrlich.

3. Adoption of Agenda

The Chair recognized Board Member Marine, who moved to adopt the Agenda as posted. The Vice Chair 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 Marine, who moved to adopt Resolution 2023/04 authorizing remote teleconferencing/virtual meetings in accordance with AB 361. Vice Chair Kuba seconded the Motion, and the Motion passed 4-0.

5. Consider Summary of Actions from May 2023 Meeting

The Chair recognized Board Member Marine, who moved to approve the Summary of Actions from the May 7, 2023 meeting. The Vice Chair seconded the Motion, and the Motion passed 4-0.

6. New Business

a. Rincon's Proposal for Fall 2023 Marine Monitoring

The Chair recognized Project Counsel, who reported that the BBGHAD's biological consultant, Rincon Consultants, is seeking approval for a \$619,139 proposal for Fall 2023 Monitoring to be completed between September 1, 2023 and November 30th,

2023. Project Counsel further reported that the Project's CDP requires Fall 2023 Beach Monitoring for the Project to start in Fall of 2024.

The Chair opined that, due to further delays of the Trancas Bridge construction and the unavailability of use of the parking lot at Zuma, the Project will not start in Fall 2023 nor in Fall of 2024. The Chair further opined that, based on the current facts, Rincon's proposal should not be authorized at this time. The Chair recognized Project Counsel, who reported that Caltrans estimates Trancas Bridge construction will be completed in late summer 2024.

The Chair recognized BBGHAD's Biologist Jaime Grunden, who stated that the Fall 2023 beach monitoring is essential to moving forward with the scheduled timeframe of the Project as the CDP requests 2 (two) consecutive seasons of conducting the beach monitoring (Fall 2023 & Fall 2024). If the BBGHAD misses the 2023 sampling season the Project would be delayed for another year.

The Board ensued in discussions whether to move forward with the Fall 2023 Beach Monitoring.

The Chair recognized Vice Chair, who opined not to authorize the Fall 2023 monitoring expenditure due to the pending CDP amendment with the CCC and the unknown timeframe of Caltrans finishing the work of the Trancas Bridge. The Chair concurred with the Vice Chair not to authorize the Rincon expenditure at this time.

The Chair opened the Motion for public comment. The Chair recognized BBGHAD Biologist Jaime Grunden, who opined that additional beach monitoring data could be beneficial to the BBGHAD regarding reduced mitigation costs.

Hearing no further Board and public comments, the Board unanimously agreed to table the authorization of Rincon's 2023 proposal for Fall 2023 Habitat Monitoring in the amount of \$619,139.

b. Reimbursement Request from LA County for Costs Relating to November 2023 Board of Directors Election.

No discussions.

c. Request to Initiate Update Process for Conflict of Interest Policy

The Chair recognized Project Counsel, who briefed the Board on the current Conflict of Interest Policy (COIP) for Board Members currently serving on the BBGHAD Board and selected staff. Project Counsel stated that BBGHAD staff has received repeated input from filers that the current policy requires significant over-disclosure. LA County staff confirmed that the BBGHAD's current COIP policy can be significantly narrowed and appropriately focused by reducing it to the scope of the BBGHAD's mission, restoring Broad Beach. Project Counsel recommended to approve Resolution No. 2023/06, which

authorizes BBGHAD staff to work with County staff to refine and revise BBGHAD's Conflict of Interest Policy.

MOTION: Vice Chair moved to approve Resolution No. 2023/06. Board Member Antoci seconded the Motion. The Chair opened the Motion for Public Comment.

Hearing no further Board and public comments, the Chair called the question, and the Motion passed 4-0.

7. Old Business

a. Permitting and Regulatory Status

1. CCC Prior-to-Issuance Conditions Compliance

a. CDP Amendment

The Chair recognized Project Counsel, who updated the Board on communications with the CCC regarding the implementation of the Project as well as BBGHAD staff's efforts to get the CDP Amendment request on the CCC's calendar. Project Counsel further stated that Staff received directions from the CCC to get the holdouts to sign. Project Counsel opined that 2 or 3 out of the 4 hold outs will sign the License Agreement. Project Counsel stated that staff renewed its efforts to obtain additional License Agreement signatures from remaining 4 hold outs.

2. SLC

a. Consider Liability and Umbrella Insurance Renewal

The Chair recognized Project Counsel, who updated the Board on the \$10mil liability insurance renewal required by SLC Lease. BBGHAD staff recently renewed insurance after limited time for handling provided by broker. Project Counsel further reported that, due to last minute notification from the BBHAD's current provider, Kinsale, insurance had to be bound same day as offer received on July 13, 2023. Project Counsel requested that the Board approve the insurance renewal for \$10M in liability insurance and ratify all of Staff's actions to perpetuate the renewal.

MOTION: Board Member Marine moved to ratify staff's actions to date to bind coverage, approve Kinsale proposal for 2022-23 liability and umbrella insurance, and ratify Staff's actions to date in renewing the BBGHAD's insurance. Board member Antoci seconded the Motion. The Chair opened the Motion for public comments. Hearing no further public and Board comments, the Chair called the question, and the Motion passed 4-0.

8. BBGHAD Board Member Reports

No reports.

9. 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. The Treasurer further reported that the BBGHAD Money Market @4.1% earned \$216,086.08 as of 3/31/2023.

10. Public Comment - Non-Agenda Items

The Chair recognized Max Factor, who inquired about:

1. What is the justification for continuing to levy the 3rd Assessment? Michael Colantuono special analysis regarding the 3rd assessment. Mr. Factor requested to see a copy of Special Counsel's analysis.
2. Full terms of its Settlement Agreement of the Writ Action, including any benefits that may have been provided to one of the Plaintiffs.
3. Time and date of the posting of the August 13, 2023 Board meeting Agenda?

The Chair recognized Project Counsel, who responded that he will consult with Mr. Colantuono. Project Counsel further stated that Agenda was posted Wednesday, August 9, 2023 at night and that he personally posted the Agenda and Special Agenda within the boundaries of Broad Beach in a timely manner.

11. Future Meeting

To be determined on Board availability and consensus.

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 10:01a.m.

12. Conference With Legal Counsel; Potential Litigation (Cal. Gov. Code § 54956.9(d)(4))

Conference with legal counsel and discussion of potential litigation or assertion of remedies against a BBGHAD property owner.

RESUMPTION OF REGULAR SESSION

The Chair reconvened REGULAR SESSION at 11:07a.

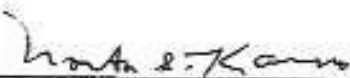
Report From Closed Session: Project Counsel reported that the Board provided input and advised Counsel regarding Agenda Item #12. On Agenda item #5, the Board passed a Motion to implement remedies against a Broad Beach owner who is significantly behind on assessment payments. No other reportable actions were taken.

13. Adjournment

The Chair recognized Board Member Marine, who moved to adjourn Regular Session. Board Member Antoci seconded the Motion, and the Motion passed 4-0. The Regular Session Meeting was adjourned at 11:07 a.m.


Approved and adopted by the Broad Beach GHAD Board

Dated: November 17, 2023



Norton. S. Karno, Chairman of the Board of Directors

Attest:



Heike Fuchs, Clerk