

Norton

Summary of Actions

BROAD BEACH GEOLOGICAL HAZARD ABATEMENT DISTRICT
REGULAR SESSION MEETING
Sunday, October 25, 2015
31330 Broad Beach Road, Malibu, CA 90265

1. **CALL TO ORDER**

The Chair called the meeting to order at 9:06 a.m.

2. **ROLL CALL**

PRESENT: Chairman Norton Karno, Vice Chair Marshall Grossman, and Board Members Steve Levitan.

ABSENT: Board Members Lotman and Rosenbloom.

BBGHAD STAFF ALSO PRESENT: Project Manager Mark Goss, Project Counsel Ken Ehrlich, BBGHAD Engineer Russ Boudreau and ~~Chris Webb~~, and BBGHAD Clerk/Treasurer Heike Fuchs.

3. **ADOPTION OF AGENDA**

The Project Manager reported that the Agenda was posted on October October 22, 2015 at 8:30 a.m. within the BBGHAD boundaries and concurrently posted on the BBGHAD website. Board Member Levitan moved to adopt the Agenda as presented. The Vice Chair seconded the Motion, and the motion passed 3-0.

4. **APPROVAL OF SUMMARY OF ACTIONS**

The Chair recognized Board Member Levitan, who moved to approve the Summary of Actions from the September 6, 2015 Board Meeting. The Chair requested the correction of various grammatical and typographical errors in the summary of Agenda items 3, 7, and 9. Project Counsel confirmed that the grammatical and typographical errors have been received and corrected. Board Member Levitan modified his motion to include the modifications requested by the Chair and confirmed by Project Counsel. The Vice Chair seconded the motion, and the Motion passed 3-0.

5. **CEREMONIAL/PRESENTATIONS**

None.

6. **CONSENT CALENDAR**

None.

7. **PUBLIC HEARINGS**

None.

8. **NEW BUSINESS**

None.

9. **OLD BUSINESS**

a. Permitting and Regulatory Process Status (Project Manager/Project Counsel)

The Chair recognized the Project Manager, who reported that the California Coastal Commission (CCC) approved the Project at its October 9, 2015 meeting and asked Project Counsel to summarize the approval. The Chair recognized Project Counsel, who summarized the CCC's approved Coastal Development Permit (CDP) with the Project Engineer. Key aspects of the approved CDP were summarized, focusing on permit duration, revetment relocation and approved alignment, access issues, and the septic conversion study.

The Chair opened the item to members of the public, who asked questions and generally praised the Board's efforts and the success achieved at the hearing.

The Chair recognized the Project Manager, who presented an overview of status of permitting with the other agencies, including the Army Corps. The Project Manager stated that the goal remains to be permitted by the Army Corps by September 2016, but the possibility of the Corps requiring a full EIS remains. If an EIS is required, the Project will be delayed beyond September 2016. In this vein, the Project Manager suggested that the Board may choose to re-hire our former Corps lobbying firm, Vectis.

MOTION: The Vice Chair, Grossman moved, and Board Member Levitan, seconded, a motion to approve up to \$10,000 per month spending at staff discretion to re-engage Vectis. The Motion passed 3-0.

The Chair recognized Andrew Wolf, who identified himself as the Architect for the proposed redevelopment of 30974-90 Broad Beach Road. Mr. Wolf posed general questions about the Project and proposed License Agreements among the BBGHAD, CCC, and revetment owners. Board Members answered Mr. Wolf's questions. The Chair recognized others, including Robert Marx, Scott Halley, Teresa Nathanson, and Pat Healey—all of whom questioned various aspects of the CDP and Project. The Board and staff responded to all questions.

The Chair recognized Jack Pritchett, who mentioned that he has historic slides and photographs of Broad Beach, and offered to provide them to the Board. The offer was immediately accepted.

The Chair asked staff if they sought guidance ^{from} ~~form~~ the Board regarding next steps with the CCC staff. Project Counsel responded by requesting such guidance, but also requested the Board to approve the red-line of the CCC Conditions in the Board packet.

MOTION: The Vice Chair moved that the Board approve the CCC CDP 015-0390 Conditions as red-lined by BBGAD staff and directed Project Counsel and the Project Manager to negotiate with CCC staff in a manner most favorable to the BBGHAD in the discretion of the Project Counsel and Project Manager, all subject to final review by the Chair and Vice Chair. the Vice Chair accepted a friendly amendment to the Motion ^{from} ~~form~~ the Chair, specifying that the BBGHAD staff should attempt to alter Section 16 of the Conditions so that the requested septic study is due 3 years from the issuance of the CDP, not 3 years after the hearing on BBGHAD's CDP. The Vice Chair accepted the friendly amendment, and the Motion passed 3-0.

c. Permitting Outreach & Strategy Update (Project Manager)

No separate report.

d. Resolution of Dispute Regarding Previous Assessment Overpayments by West End BBGHAD Owners (Project Counsel)

The Chair recognized Project Counsel, who briefed the Board on the proposed resolution of the issue with certain west end property owners over claimed refunds owed to west end homeowners from alleged overpayments of BBGHAD assessment payments.

Project Counsel summarized proposed Resolution No. 2015/06, under which the BBGHAD would credit West End Owners assessment funds paid or owing under the 2012 Assessment from January 1, 2015 through June 30, 2015, to the extent that those amounts exceed the levy recommended for West End Parcels in the 2015 Engineer's Report. The proposed resolution specifies property owners receiving such a credit must waive, in a written form reasonable acceptable to the BBGHAD's Project Counsel, any rights the property owner may have to (a) contest or object to the Project or the assessment that funds it, or (b) claim a refund for the BBGHAD portion of assessment/paid or owing from July 1, 2011 to ~~the present~~, including the withdrawal or dismissal of any such refund claims submitted to date.

MOTION: The Vice Chair moved, and Board Member Levitan seconded, that the Board adopt Resolution No. 2015/06 as presented. The Chair called the question, and the Motion passed 3-0.

OR ANY ASSESSMENT TO FUND THE PROJECT

OR AFTER

e. Board Consideration of Annual Budget (Project Manager)

The Chair recognized the Project Manager, who requested Board members to consider and pass the proposed budget, which is almost identical to that specified in 2015 Engineer's Report, and as required by California law.

MOTION: The Vice Chair moved, and Board Member Levitan seconded, that the Board adopt Resolution No. 2015/07 as presented. The Chair called the question, and the Motion passed 3-0.

b. Briefing and Discussion: Project Scheduling (Project Manager)

The Chair recognized the Project Manager, who referenced the Project Status Report in the Board packet, and reiterated that he hopes Project construction will begin in Fall 2016. The Project Manager further requested non-binding preliminary approval of certain vendors and contractors for participation in the Project. The Chair responded that it is premature to do so, and no Board Member contested this position.

10. BBGHAD OFFICER REPORTS

a. Project Manager Report

No report was given.

b. Treasurer's Report

No report was given.

11. BBGHAD BOARD MEMBER REPORTS

No reports.

12. PUBLIC COMMENT: NON-AGENDA ITEMS

None.

13. FUTURE MEETING

The Chair stated that the next BBGHAD Board meeting is scheduled for December 9, 2015 at 1:00 p.m.

CLOSED SESSION

At approximately 12:35 p.m., the Vice Chair moved, and Board Member Levitan seconded, to commence Closed Session. The Chair called the question and the Motion passed 3-0.

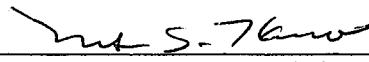
RECOMMENCEMENT OF REGULAR SESSION

The Chair recommenced Regular Session at 12:43 p.m.

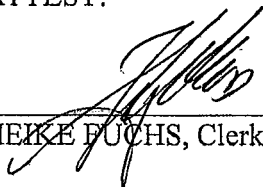
14. ADJOURNMENT

Board Member Levitan moved, and the Vice Chair seconded, to adjourn the meeting. The Motion passed 3-0, and the meeting adjourned at 12:45 p.m.

Approved and adopted by the Broad Beach GHAD
Board on January 10, 2016


_____, Chair

ATTEST:



HEIKE FUCHS, Clerk