

SUMMARY OF ACTIONS
BROAD BEACH GEOLOGICAL HAZARD ABATEMENT DISTRICT
REGULAR MEETING
NOVEMBER 6, 2011
31330 BROAD BEACH ROAD

1. CALL TO ORDER

Chair Karno called the meeting to order at 9:08 a.m.

2. ROLL CALL

PRESENT: Chair Karno, Vice Chair Grossman, Board Members: Levitan, Marquis and Lotman, ex-officio Board Member Goss was also present.

ABSENT: None

ALSO PRESENT (not Board Members and not subject to Roll Call): Ken Ehrlich, Tom Levyn, Dave Reznick and Lynne Norton.

3. ADOPTION OF AGENDA

The Board Members unanimously approved the agenda with no changes. Ken Ehrlich reported that the meeting agenda was posted at 8:45 a.m. on Thursday, November 3, 2011, within the boundaries of the GHAD.

4. APPROVED SUMMARY OF ACTIONS FROM OCTOBER 9, 2011 MEETING

Board Member Levitan moved and Board Member Lotman seconded for the approval of the Summary of Actions from the October 9, 2011 meeting. The motion passed unanimously.

5. CEREMONIAL PRESENTATIONS

None.

6. PUBLIC COMMENT ON ITEMS NOT ON THE AGENDA

Chair Karno stated that all public comments would be heard after consideration of agenda item number 10.

7. CONSENT CALENDAR

None.

8. OLD BUSINESS

a. Report on Status of Transfer of Pending Restoration Project Regulatory Applications from the TPOA to the GHAD. Special GHAD counsel Patricia Curtin reported

on the status of the transfer of pending permits from the TPOA to the GHAD. Ms. Curtin also presented the staff recommendation that the GHAD Chair enter into the proposed agreement with the TPOA.

Vice Chair Grossman then updated the GHAD Board on the October 27, 2011 meeting with the staffs of the Coastal Commission and State Lands Commission. Dave Reznick commented that the GHAD should solicit input from non-governmental organizations prior to moving further in the permitting process. Board Member Lotman asserted that, under the proposed contract, the GHAD would incur the obligation of repaying to the TPOA the total of permitting costs to date, approximately \$2.1 million dollars, and asked if the GHAD Board considered a course of action in the event that the GHAD does not obtain bond or other funding.

Motion: Vice Chair Grossman moved that the GHAD accept the assignment of the permit application submitted to date by the TPOA and agree to repay the TPOA all expenses incurred through and including the close of business on November 5, 2011. After further discussion, Vice Chair Grossman then amended his motion to propose that the GHAD accept the assignment of TPOA's pending permit applications for the restoration project and agree to reimburse to the TPOA the amount of money spent to date on the permitting effort, approximately \$2.1 million dollars, and also agree to reimburse to the TPOA such additional amounts as reasonably incurred by the TPOA in the normal course of its operations for the beach restoration permitting effort through and including November 5, 2011-- assuming that, after November 5, 2011, the GHAD would assume responsibility for the permitting effort. Board Member Lotman seconded the motion. The motion carried 5-0

b. GHAD Indemnity of GHAD Board Members. GHAD Special Counsel Curtin presented the staff report, which outlined the GHAD Board Member request to be indemnified for matters undertaken within the scope and breadth of their Directorships in accordance with the agreements prepared by Special Counsel Curtin.

Motion: Board Member Marquis moved, seconded by Board Member Lotman, that the GHAD indemnify Vice Chair Grossman in accordance with the Indemnity Agreement provided by Special Counsel. The motion carried 4-0; Vice Chair Grossman abstaining.

Motion: Board Member Levitan moved, seconded by Board Member Lotman, that the GHAD indemnify Board Member Marquis in accordance with the Indemnity Agreement provided by Special Counsel Curtin. The motion carried 4-0; Board Member Marquis abstaining.

Motion: Vice Chair Grossman moved, and Board Member Lotman seconded, that the GHAD indemnify Board Member Levitan in accordance with the Indemnity Agreement provided by Special Counsel. The motion carried 4-0; Board Member Levitan abstaining.

Motion: Board Member Levitan moved, and Board Member Marquis seconded, that the GHAD indemnify Board Member Lotman in accordance with the Indemnity Agreement provided by Special Counsel. The motion carried 4-0; Board Member Lotman abstaining.

Motion: Vice Chair Grossman moved, and Board Member Levitan seconded, that the GHAD indemnify Chair Karno in accordance with the Indemnity Agreement provided by Special Counsel. The motion carried 4-0; Chair Karno abstaining.

Chair Karno stated that the remainder of Old Business on the agenda would be considered after Agenda Item Nos. 6 and 10.

9. NEW BUSINESS

The GHAD Board considered New Business after agenda item number 10.

10. PUBLIC HEARINGS

a. **Consideration of GHAD Plan of Control, Dated November 2011.** GHAD Special Counsel Curtin and GHAD Manager Uri Eliahu presented for GHAD Board consideration the GHAD Plan of Control dated November 2011. The GHAD Manager reported that the document was revised in accordance with comments received at the October GHAD Board Meeting.

Member of the public Lynne Norton asked to review the Plan of Control, and was immediately provided with a copy of same.

Motion: Board Member Marquis moved, and Board Member Levitan seconded, a motion to adopt Resolution 2011/03 which adopts the GHAD Plan of Control dated November 2011. The motion carried 5-0.

At this point in the meeting, Vice Chair Grossman departed.

6. PUBLIC COMMENT

No public comments were given.

8. OLD BUSINESS

c. **Report on Status of Engineering Report.** The GHAD Manager provided a report on the status of the Engineering Report. The GHAD Manager stated that the Engineer's Report would include a budget for expected pre-construction costs and future construction costs. Once the final estimates are in hand, the budget will be completed and the Engineer's Report would be circulated and considered by the Board.

Board Member Marquis reported that all of the anticipated construction costs have not yet been forwarded to the GHAD Manager, but Project Engineer Moffatt and Nichol has projected project hard costs of approximately \$11.3 million, with a \$2.7 million contingency--totaling a \$14 million hard cost estimate. Board Member Marquis also reported that current projections approximate soft project costs at approximately \$5 million dollars, for a total project cost of \$19-20 million. Board Member Marquis also reported that, since the GHAD Bond has not yet been considered or passed, the GHAD has no current funding and needs up to \$2 million in interim funding to complete the permitting process.

Board Member Lotman suggested that the \$2 million dollar interim funding goal could be accomplished by approximately an additional \$16,500-\$20,000 voluntary contribution per 40 feet of beach frontage. Ex-officio Member Goss suggested that the GHAD Manager solicit funding from private lending institutions and report back on such efforts.

A consensus was reached that Board Members Marquis and Levitan will co-chair the fundraising effort to raise the necessary \$2 million in interim funding.

At this time, Board Member Marquis left the meeting.

9. NEW BUSINESS

a. Consideration of Financial and Accounting Checks, Balances and Reviews.

The Chair announced that this matter will be deferred to the next Board Meeting, but invited suggestions for interim measures.

Motion: Board Member Levitan moved, and Board Member Lotman seconded, that the GHAD establish a bank account with the two (2) required signatories for each check, the GHAD Clerk and any other individual GHAD Board Member. The motion carried 3-0, Vice Chair Grossman and Board Member Marquis absent.

b. Procedure for Election of Replacement Board Members. GHAD Special Counsel Curtin reported that GHAD Board Members are elected for four year terms. Special Counsel Curtin also explained the process of replacing Board Members who leave the Board prior to the termination of their four year term.

11. GHAD BOARD REPORTS

None.

12. FUTURE MEETINGS.

Chair Karno announced that the next Board Meeting will be on December 11, 2011 at 9:00 a.m. at the same location.

13. ADJOURNMENT

Board Member Levitan moved and Board Member Lotman seconded that the meeting be adjourned. The motion carried 3-0, Vice Chair Grossman and Board Member Marquis absent.

Approved and adopted by the Broad Beach GHAD
Board on December 11, 2011.


NORTON KARNO, Chair

ATTEST:


BARBARA HAMM, GHAD Clerk