

Summary of Actions

BROAD BEACH GEOLOGICAL HAZARD ABATEMENT DISTRICT
REGULAR SESSION MEETING

Sunday, September 6, 2015
30756 Pacific Coast Highway, Malibu, CA 90265

1. **CALL TO ORDER**

The Chair called the meeting to order at 9:15 a.m.


2. **ROLL CALL**

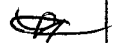
PRESENT: Chairman Norton Karno, Vice Chair Marshall Grossman, and Board Members Steve Levitan (arrived at 9:34 a.m.) and Chip Rosenbloom.

ABSENT: Lotman

BBGHAD STAFF ALSO PRESENT: Project Manager Mark Goss, Project Counsel Ken Ehrlich, BBGHAD Engineers 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 September 3, 2015 at 8:30 a.m. within the BBGHAD boundaries and concurrently posted on the BBGHAD website. The Vice Chair moved to adopt the Agenda as presented. Board Member Rosenbloom seconded the Motion, and the motion passed 3-0 (Board Member Levitan not yet present) AS AMENDED 

SUBJECT TO ANY AGENDA DATE OF PRIOR MEETING FROM JANIS ZWISSTO 2.01.15 & AN. 11, 2015


5. **CEREMONIAL/PRESENTATIONS**

None.

6. **CONSENT CALENDAR**

None.

7. **PUBLIC HEARINGS**

The Chair announced that the Board would consider public comment and protests, if any, on proposed new BBGHAD assessment. The Chair stated that property owner ballots will be tabulated after the closing of public comment.

The Chair recognized Elizabeth Zaillian, who asserted her understanding that costs associated with any landward movement of the revetment would be separately billed to individual property owners and requested that these costs be billed through BBGHAD

assessments. The Chair then recognized Diane Klein, who asserted that east end property owners should not subsidize west end owners. The Chair reminded the assembled that the proposed assessment is based on the benefit received by property owners and that west end owners are not proposed to receive direct placement of sand—which supports a reduced assessment on them. The Chair also stressed that the proposed assessment reflects the conclusions of independent professionals without input from any BBGHAD Board member, staff member, or anyone else.

The Chair recognized Diane Klein, who asked if the Project will include filling the revetment gap at 30822 Broad Beach Rd. The Chair recognized Project Counsel, who stated that the BBGHAD anticipates the Project will include filling the revetment gap.

The Chair recognized Rae Finegood, who asked why the estimate to relocate a portion of the revetment appears to be the same cost per ~~foot~~^{foot} as construction of the revetment in 2010. The Chair recognized the BBGHAD Engineer, who stated that the costs of a new trench, sandbag removal, and re-building of the revetment at its new location happens to add up to the approximate same amount per foot as original construction. The Chair added that the TPOA anticipates circulating in the coming weeks to revetment owners an estimate of costs to repair the revetment and bring it back to as-built specifications. The Vice Chair added that it is anticipated that repair should occur before the rainy season through an anticipated emergency permit, but revetment relocation will occur after the BBGHAD's permitting for the entire Project.

The Chair recognized Jesse Jones, who asked how long the Project will take to construct. The Chair recognized the Project Manager, who estimated 4-6 months.

Hearing no additional questions or comments, the Chair called for the tabulation of the ballots. The Project Manager, Clerk, and Project Counsel then ~~and~~^{and} counted the ballots. The assessment votes were then counted. Upon the completion of the counting and tabulation, the BBGHAD Clerk announced that a majority protest does not exist and the assessment vote passed with 80 owners representing 3328.5' voting in favor and 7 owners representing 275.75' voting against.

a. Resolution No. 2015/04

MOTION: Following the Clerk's announcement, the Vice Chair moved that the Board adopt Resolution No. 2015/04 and accept the Clerk's statement of assessment ballots. Board Member Rosenbloom seconded the Motion, and the Motion passed 4-0.

b. Resolution No. 2015/05

MOTION: The Vice Chair moved, and Board Member Levitan seconded, to adopt Resolution No. 2015/05 implementing the new assessment, and ordering levy and collection of same. The Motion passed 4-0. Thus, all properties from Trancas Creek to 31380 Broad Beach

Road will pay the new assessment rate of \$595.00 per linear foot and those parcels west of 31380 which will pay 25% of \$595.00, or \$148.75 per linear foot—plus annual cost of living increases.

The Chair recognized Bill Curtis, who asserted that west end owners have been paying 100% of the BBGHAD assessment to date and inquired as to the status of the Board's prior statements that any reduction in the assessment for west end owners would be retroactive to January 1, 2015. The Chair recognized Board Member Levitan, who agreed with Mr. Curtis' comments and urged the Board to find a way to enact the retroactivity provision.

MOTION: After additional discussion, the Chair moved that Project Counsel shall confer with BBGHAD Special Counsel Michael Colantuono and advise the Board at the first available Board Meeting exactly how to accomplish Mr. Curtis' request provided that the refund shall be made available only to those west end owners who agree to: a) release pre- 2015/16 tax year claims, and b) not claim any refunds 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. Board Member Rosenbloom seconded the Motion, and the Motion passed 4-0.

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 on ongoing efforts to affect a positive outcome at the scheduled CCC hearing of October 9, 2015. Board Member Levitan asked about BBGHAD efforts to handle the predicted El Nino. The Chair recognized the Project Engineer, who stated that his current recommendation is to delay construction of the Project to 2016 at the earliest, even though BBGHAD staff has been directed to obtain ~~Projects~~ PERMITS as quickly as possible, and restore the revetment to as-built conditions.

b. Permitting Outreach & Strategy Update

No report.

c. Update on Election of BBGHAD Officers

The Chair recognized the Project Manager, who reported that completed candidate forms were received from three individuals, and those individuals would fill the three open Board seats based on California law (as no more candidate forms were received than open seats). The three new Board members are Norton Karno, Bill Curtis, and Jeff Marine. These Board Members-

elect will take their seats in early December 2015 after approval by the Los Angeles County Board of Supervisors.

d. Board Consideration of Annual Budget

Continued to next Board Meeting:

9. 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 October 4, 2015 at a location to be determined.

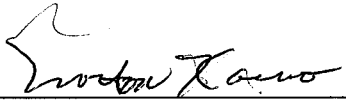
4. APPROVE SUMMARY OF ACTIONS FROM JULY 19, 2015 BOARD MEETING

The Chair recognized Board Member Levitan, who moved to approve the Summary of Actions from the July 19, 2015 Board Meeting. The Chair requested the correction of various grammatical and typographical errors. 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. The Vice Chair seconded the motion, and the Motion passed 4-0.

14. ADJOURNMENT

The Vice Chair moved, and Board Member Rosenbloom seconded, to adjourn the meeting. The Motion passed 4-0, and the meeting adjourned at 12:47 p.m.

Approved and adopted by the Broad Beach GHAD
Board on October 25, 2015



NORTON KARNO, Chair

ATTEST:



HEIKE FUCHS, Clerk