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**Summary of Actions**

**BROAD BEACH GEOLOGIC HAZARD ABATEMENT DISTRICT**

**REGULAR SESSION MEETING**

**Sunday December 10, 2017; 9:00 a.m.  
31030 Broad Beach Road, Malibu, CA 90265**

**1. Call to Order**

The Chair called the Closed Session to order at 9:08 a.m.

**2. Roll Call**

PRESENT: Chair Karno, Vice Chair Grossman, Board Members Needleman, and Kuba (joined the meeting at 9:10 a.m.)

ABSENT: Board Member Marine

BBGHAD STAFF ALSO PRESENT: Project Manager Ovrom, Project Engineer Boudreau, Clerk/Treasurer Fuchs, Project Counsel Ehrlich, and Special Counsel Colantuono (participated by phone).

**3. Adoption of Agenda**

The Chair recognized Project Counsel, who reported that the Agenda was posted on December 6, 2017, at approximately 6:00 p.m. within the BBGHAD boundaries and concurrently posted on the BBGHAD website. The Chair recognized Vice Chair who moved to adopt the Agenda as posted. Board Member Needleman seconded the Motion, and the Motion passed 3-0.

**Closed Session**

At 9:10 a.m., the Chair announced, without objection, that the Board would move into Closed Session.

**Resumption of Regular Session**

The Chair resumed Regular Session at approximately at 10:22 a.m. The Chair recognized Project Counsel, who reported on the agenda items discussed in Closed Session.

**9. Approve Summary of Actions from November 12, 2017 Meeting**

The Chair recognized Vice Chair, who moved to approve Summary of Actions from November 12, 2017. Board Member Needleman seconded the Motion and the Motion passed 4-0.

**10. Old Business**

- a. Sand Source Update

The Chair recognized Project Counsel, who reported that the status on the CEMEX sand source remains unchanged from last month. Project Counsel further reported that staff received a more detailed, revised proposal from Polaris on December 9, 2017. Cursory review reveals that Polaris has eliminated the need for a barge to receive sand from the transport ship, liquefy such sand, and pump it to shore.

The Chair recognized Bill Curtis, who inquired about the pricing of the Polaris Sand. Project Counsel responded that staff only received an estimated proposal from Polaris and the pricing appears to be higher than its ~~previous~~ proposal. The Chair recognized the Project Engineer, who reported on the major concerns with using Polaris sand: 1) the potential loss of material while it is being pumped onto the beach, and 2) Polaris' attempt to end its responsibility when the pipe discharges the materials onto the beach.

A discussion ensued on the pros and cons of the BBGHAD contracting for marine delivered sand in comparison to truck-delivered quarry sand. Among other points, Project Counsel asserted a significant timing difference exists between the delivery of the marine delivered sand and the truck-delivered quarry sand.

The Chair recognized Project Counsel, who suggested appointing a Board subcommittee to consult with staff and move sand source negotiations forward within the next 30 days.

MOTION: Vice Chair moved to establish a temporary 2- Board member (Kuba and Marine) subcommittee to advise and work with BBGHAD staff to present a sand source recommendation at the January 2018 Board meeting, or as soon thereafter as possible, in consideration of sand viability, construction length and complexity, cost, longevity, performance, and other relevant factors. In the event Board Member Marine chooses not to serve on this subcommittee. Board Member Needleman agreed to serve in his stead. Board Member Kuba seconded the Motion. Hearing no further comments, the Chair called the question, and the Motion passed 4-0.

b. Permitting and Regulatory Process Status

The Chair recognized Project Counsel, who updated the Board on:

(i) Lead Agency Update

(A) CCC

1. BBGHAD staff followed up with CCC staff to ensure that all the submitted PTI reports are acceptable. Staff awaits a response from CCC staff.

Based upon community feedback, Staff anticipates entering into a discussion with Senior CCC staff regarding the dune footprint within the next 30 days.

2. Report on Response to Reef Group Feasibility Study

The Chair recognized the Project Engineer, who reported on the technical review of the Reef Group's Artificial Reef study. Project Engineer stated that significant flaws exist with the Reef Group's proposal in terms of performance, constructability, environmental impact, and other factors. The Chair recognized Project Counsel, who added that CCC staff and Commissioners largely rejected the concept of an artificial reef at Broad Beach at the hearing on the BBGHAD's CDP extension at the CCC's November 9, 2017 meeting.

The Chair recognized Board Member Kuba, who asked if it is true that Mr. Alex Haagen III has stated that the CCC staff/Commissioners are open to the idea of an artificial reef at Broad Beach. Project Counsel responded that he understands Mr. Haagen has made such statements. Board Member Kuba proposed informing the homeowners that an artificial reef, in fact, is not viable for the Project based on recent input from CCC staff and Commissioners.

The Chair recognized Board Member Needleman, who stated that there are only two artificial reefs approved on the California coast, San Onofre (as mitigation for the impacts from the ocean output pipe from the nuclear power plant) and Palos Verdes (White's Point, formed by mitigation of the Montrose DDT contamination). Board Member Needleman opined that the CCC does not want an artificial reef in an MPA.

The Chair recognized the Project Engineer, who reiterated, that even if the artificial reef would be approved by the agencies, serious technical flaws remain in the report and the artificial reef proposed in the report would not be viable at Broad Beach.

(B) Army Corps

The Chair recognized Project Counsel, who reported that staff received the final draft from the Army Corps. Project Counsel opined that the draft received conforms approximately 98% to the CDP. Project Counsel stated that minor details remain to be worked out with the Army Corps, but anticipates for the permit to be issued soon.

(C) RWQCB

The Chair recognized Project Counsel, who reported that the RWQCB agreed to all the BBGHAD staff proposed changes regarding the septic system conversion and mitigation. Project Counsel stated that the RWQCB 401 certification now matches the CDP and anticipates receiving the final documents in the next week.

(D) SLC

No separate report.

(ii) Responsible & Consulting Agency update

No update.

c. Permitting Outreach & Strategy Update

No separate report.

The Chair recognized Vice Chair, who stated that he suggested to Project Counsel sending "Thank You" letters on behalf of the BBGHAD to all the permitting agencies. Project Counsel confirmed that he would do so.

**11. New Business**

None.

**12. BBGHAD Officer Report**

a. Project Manager

The Chair introduced and welcomed the new Project Manager, Bud Ovrom. The Project Manager gave a brief overview on his career and stated his excitement about joining the BBGHAD staff.

b. Treasurer's Report

The Treasurer reported that, as of December 5, 2017, the cash balance was \$1,1414,516.62 and the estimated unpaid bills amounted to \$160,874.57.

**13. BBGHAD Board Member Reports**

No reports.

**14. Public Comment - Non-Agenda Items**

The Chair recognized Max Factor, who inquired if any connections exist between the litigation discussed at a TPOA meeting and Malibu Bay Co., which owns 4 parcels at Trancas, upland of PCH. Project Counsel responded that there is no connection and that the litigation the TPOA President referred to was resolved long time ago (2005-06).

The Chair recognized Bill Curtis, who stated that he has been supportive of the Project. Mr. Curtis inquired about a West End homeowners' possible settlement discussion with the BBGHAD and that he has been advised by a lawyer that he would have to sue the BBGHAD to receive the same benefits as the current parties involved. The Chair recognized Project Counsel, who stated that Mr. Curtis should obtain advice from his personal counsel on this topic. Project Counsel further stated that he is not aware of ongoing settlement discussions with any of the West End homeowners. The BBGHAD has filed a validation action with the intention of resolving all claims concerning or related to the 2017 Assessment. The Chair recognized Special Counsel Colantuono, who explained the validation action in more detail.

**15. Future Meeting**

The Chair stated that the next meetings are scheduled for January 7, 2018 and February 11, 2018. Both meetings to start at 9:00 a.m., locations to be determined.

**16. Adjournment**

The Chair recognized Vice Chair, who moved to adjourn Regular Session. Board Member Kuba seconded the Motion. The Chair called the Roll, and the Motion passed 4-0. Regular Session adjourned 12:09 p.m.

Approved and adopted by the Broad Beach GHAD

Board on   
Norton S. Karno, Chair

ATTEST:

  
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Heike Fuchs, Clerk