

Summary of Actions

BROAD BEACH GEOLOGIC HAZARD ABATEMENT DISTRICT

REGULAR SESSION MEETING

Sunday March 10, 2019; 9:00 a.m.

Juan Cabrillo Elementary School-Library
30237 Morning View Drive, Malibu, CA 90265

1. Call to Order

The Chair called the meeting to order at 9:09 a.m.

2. Roll Call

PRESENT: Chair Karno, Vice Chair Grossman, and Board Member Needleman. Board Member Kuba arrived at approximately 9:28 a.m.

ABSENT: Board Member Marine.

BBGHAD STAFF ALSO PRESENT: Project Engineer Tonia McMahon, Clerk/Treasurer Fuchs, and Project Counsel Ehrlich. Special Counsel Dunn participated in Closed Session by phone.

3. Adoption of Agenda

The Chair recognized Project Counsel, who reported that the Agenda was posted on Wednesday March 6, 2019 at approximately 6:00 p.m. within the BBGHAD boundaries and concurrently posted on the BBGHAD website. Project Counsel further recommended that Agenda item 10 a. be withdrawn due to errors in the budget. The Chair recognized the Vice Chair, who moved to approve the Agenda as posted, subject to deletion of Agenda item 10.a., and any related budget materials. Board Member Needleman seconded the Motion, and the Motion passed 3-0.

Closed Session

At 9:11 a.m., the Chair announced, without objection, that the Board would move into Closed Session.

Board Member Kuba joined the meeting at 9:28 a.m.

Resumption of Regular Session

Special Counsel Dunn left the meeting at approximately 10:10 a.m.

The Chair resumed Regular Session at approximately 10:15 a.m. The Chair recognized Project Counsel, who reported on the agenda items discussed in Closed Session. No specific actions were taken other than the authorization of a course of action in pending litigation.

7. Consider Summary of Actions from February 10, 2019 Meeting

The Chair recognized Project Counsel, who reported that he received minor grammatical edits on page 5 and 6 from the Chair. The Chair recognized Board Member Needleman, who moved to approve Summary of Actions from February 10, 2019, with minor grammatical edits as announced by Project Counsel. Board Member Kuba seconded the Motion, and the Motion passed 4-0.

8. Old Business

a. Permitting and Regulatory Process Status

1. Lead Agency Update

A. CCC

i. Prior-to-Issuance Conditions compliance

The Chair recognized Project Counsel, who reported that significant progress has been achieved in obtaining signed License Agreements. Project Counsel anticipates receiving 15 or more signed License Agreements within the next week in addition to the 53 signed License Agreements on hand. Project Counsel thanked the directors for their support and for contacting their neighbors directly in connection with the License Agreements.

B. Army Corps

No report.

C. RWQCB

No report.

D. SLC

The Chair recognized Project Counsel, who stated that the BBGHAD has until 12/31/2019 to relocate the revetment, or the BBGHAD must start paying approximately \$27,000.00 per month in rent payments to the SLC. Project Counsel further reported that discussions have begun with the SLC to extend the free rent period and the deadline for the revetment relocation. Project Counsel will contact the SLC executive officer this Monday to discuss.

2. Responsible & Consulting Agency update: NMFS, Cal. DFW, CalTrans, etc.

No update.

9. New Business

None.

10. BBGHAD Officer Report

a. Project Manager

No report.

b. Treasurer's Report

The Treasurer reported that, as of March 4, 2019, the BBGHAD cash balance was \$4,197,012.66 and the estimated unpaid bills amount to \$70,159.60. The Treasurer further reported that the total fees and costs incurred through February 2019 for the *Reef Group* litigation amounts to \$339,026.66, \$163,603.82 for the *Arnault/Factor* litigation, and \$364,842.14 for the Validation Action. The Treasurer further stated that the BBGHAD has received a total of \$293,120.68 in defense cost reimbursement for attorney's fees and costs for the *Arnault/Factor* and *Reef Group* litigation.

The Treasurer further reported that the BBGHAD's auditing firm, LSL, has started on the BBGHAD 2018 Financial Audit.

The Chair asked the Treasurer if she would be available to work with Project Manager on the 2019-2025 Budget to submit a corrected budget at the April 2019 Board meeting. The Treasurer responded affirmatively.

11. BBGHAD Board Member Reports

No reports.

12. Public Comment - Non-Agenda Items

The Chair recognized homeowner Max Factor III, who requested copies of the recent BBGHAD communications with revetment owners who have not yet signed their license agreements. Mr. Factor inquired about forwarding this information to him without having to submit a PRA ("Public Record Act Request").

The Board and Project Counsel ensued in a discussion with Mr. Factor as to clarification of Mr. Factor's request. The Chair recognized Project Counsel, who recommended that Mr. Factor submit a formal PRA request to eliminate any misunderstandings.

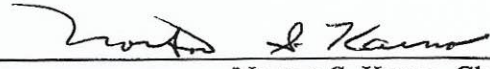
MOTION: The Chair recognized the Vice Chair, who moved to invite Mr. Max Factor to put his request in writing under the Freedom of Information Act ("FOIA") or the state equivalent thereof and directed Project Counsel to respond to Mr. Factor's request promptly. Board Member Needleman seconded the Motion, and the Motion passed 4-0.

The Chair stated that the next meetings are scheduled for April 28, 2019, and tentatively May 19, 2019, both meetings to start at 9:00 a.m. at locations to be determined.

14. Adjournment

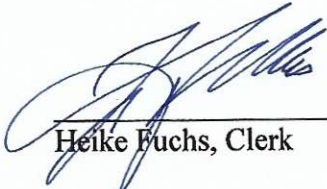
The Chair recognized the Vice Chair, who moved to adjourn Regular Session. Board Member Kuba seconded the Motion. The Chair called the question, and the Motion passed 4-0. Regular Session was adjourned at 10:40 a.m.

Approved and adopted by the Broad Beach GHAD Board



Norton S. Karno, Chair

Attest:



Heike Fuchs, Clerk