

Summary of Actions

BROAD BEACH GEOLOGIC HAZARD ABATEMENT DISTRICT

REGULAR SESSION MEETING

Sunday March 11, 2018; 9:00 a.m.
31030 Broad Beach Road, Malibu, CA 90265

1. Call to Order

The Chair called the meeting to order at 9:07 a.m.

2. Roll Call

PRESENT: Chair Karno, Vice Chair Grossman, and Board Members Marine and Kuba (arrived at 9:13 a.m.)

ABSENT: Board Member Needleman

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

3. Adoption of Agenda

The Chair recognized Project Counsel, who reported that the Agenda was posted on March 7, 2018 at approximately 6:00 p.m. within the BBGHAD boundaries and concurrently posted on the BBGHAD website. The Chair recognized Board Member Marine, who moved to adopt the Agenda as posted. Vice Chair seconded the Motion, and the Motion passed 3-0.

Closed Session

At 9:08 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 10:15 a.m. The Chair recognized Project Counsel, who reported on the agenda items discussed in Closed Session. Special Counsel Colantuono left the meeting at 10:15 a.m.

8. Approve Summary of Actions from February 11, 2018 Meeting

The Chair recognized Board Member Marine, who moved to approve the Summary of Actions from February 11, 2018. Vice Chair seconded the Motion, and the Motion passed 4-0.

9. Old Business

- a. Permitting and Regulatory Process Status

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

(i) Lead Agency Update

(A) CCC

1. Prior-to-Issuance Conditions compliance

Staff has followed up with the CCC regarding the BBGHAD's submission of CDP Prior To Issuance ("PTI") reports and anticipates hearing back from the CCC during the month of March 2018.

Staff has received a \$73,000 proposal from Ensitu for the septic conversion feasibility report mandated by the CDP and the Water Board's Section 401 Permit. Project Counsel recommended to the Board a Motion to authorize staff to enter into an agreement with Ensitu and also try to negotiate the proposed fee down to Ensitu's 2015 proposal of approximately \$60,000.00 for the feasibility study.

A discussion ensued regarding the details of the PTI conditions and the Water Board 401 Permit in connection with the Septic Feasibility study.

MOTION: The Vice Chair moved, and Board Member Marine seconded, to authorize staff to proceed with retaining Ensitu for the Septic Conversion Study and a contract amount not to exceed \$73,000.00, and also attempt to reduce the cost of the feasibility study to an amount below \$73,000. Hearing no further comments, the Chair called the question, and the Motion passed 4-0.

(B) Army Corps

No separate report.

(C) RWQCB

No separate report.

(D) SLC

No separate report.

(ii) Responsible & Consulting Agency update:

The Chair recognized Project Counsel, who reported that BBGHAD's traffic engineer submitted the final set of plans for the temporary traffic signal to Caltrans. Staff met with CalTrans and the City of Malibu to expedite the signal permitting and anticipates CalTrans' issuance of the necessary permit by March 26, 2018.

b. Permitting Outreach & Strategy Update.

No update.

10. New Business

None.

11. BBGHAD Officer Report

a. Project Manager

No Report.

b. Treasurer's Report

The Treasurer reported that, as of March 2, 2018, the BBGHAD's cash balance was \$ 2,608,567.90 and estimated unpaid bills in the amount of \$ 141,292.36. The Treasurer further reported that the total fees and costs incurred through February 2018 for the Reef Group litigation amounts to \$122,247.04, \$123,004.55 for the Arnault/Factor litigation, and \$36,390.51 for the Validation Action. These amounts include the costs of responding to PRA requests relating to each separate matter.

12. BBGHAD Board Member Reports

No Reports.

13. Public Comment - Non-Agenda Items

The Chair recognized Pat Healey, a representative for Malibu West, who announced that Congressman Ted Lieu will be in Malibu March 24, 2018 for a symposium at City Hall at 1:30 p.m.

The Chair recognized Jim Hornstein, a representative for the Reef Group, who asked about the status of Polaris, status of discussions with Moorpark, and the status of the Form 700 conflict of interest filings. Project Counsel and the Board responded to all of Mr. Hornstein's questions.

The Chair recognized homeowner Jane Arnault, who asked if the costs for the Septic Study are allocated to all of the BBGHAD property owners. The Chair responded affirmatively. The Chair recognized homeowner Max Factor III, who stated his position that the Septic Feasibility should be charged to the revetment property owners only. Mr. Factor further opined that he would not receive a special benefit from the study and therefore should not be subsidizing the Septic Study.

The Chair recognized Max Factor, who asked the Board if they have filled out the Form 700 and if so, where the forms were sent? Each Board Member responded individually to Mr. Factor's inquiry.

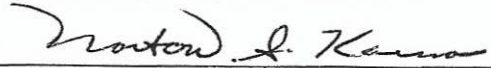
14. Future Meeting

The Chair stated that the next meeting is scheduled for May 6, 2018 and will start at 9:00 a.m. at a location to be determined.

15. Adjournment

The Chair recognized Board Member Marine, 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 10:47 a.m.


Approved and adopted by the BBGHAD Board



Norton S. Karno, Chair

Dated: May 6, 2018

ATTEST:



Heike Fuchs, Clerk