

Summary of Actions

BROAD BEACH GEOLOGIC HAZARD ABATEMENT DISTRICT

REGULAR MEETING AGENDA

Sunday May 21, 2017; 9:00 a.m.

31030 Broad Beach Road, Malibu, CA 90265

1. CALL TO ORDER

The Chair called the meeting to order at 9:12 a.m.

2. ROLL CALL

PRESENT: Chair Norton Karno, Vice Chair Marshall Grossman, Board Member Bill Curtis, and Board Member Shaul Kuba.

ABSENT: Board Member Jeff Marine.

BBGHAD STAFF ALSO PRESENT: Project Manager Ross Fryman, Project Engineer Russ Boudreau and Project Counsel Ken Ehrlich.

3. ADOPTION OF AGENDA

The Chair recognized Project Counsel, who reported that the Agenda was posted on May 17, 2017 at approximately 6:00 p.m. within the BBGHAD boundaries and concurrently posted on the BBGHAD website. The Chair recognized Board Member Curtis, who moved to adopt the Agenda as presented. The Vice Chair seconded the Motion, and the Motion passed 4-0.

4. APPROVE SUMMARY OF ACTIONS FROM APRIL 23, 2017 MEETING

The Chair noted that the Summary of Actions for the April 23, 2017 meeting should reflect the presence of the Project Manager in Section 2. Project Counsel agreed to the necessary edit. With this edit, the Vice Chair moved to adopt the Summary of Actions from April 23, 2017 and Board Member Curtis seconded the Motion. The Motion passed 4-0.

5. CEREMONIAL/PRESENTATIONS

None.

6. CONSENT CALENDAR

None.

7. PUBLIC HEARINGS

None.

8. OLD BUSINESS

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a. Sand Source Update

The Chair recognized Project Counsel, who requested permission to present a PowerPoint presentation encompassing the sand source update and other Old Business items. The Chair agreed, and Project Counsel conducted the presentation, during which many Project-related questions were asked and answered. During this presentation, Rob Scapa, a representative of BBGHAD owner Alexander Haagen III, advocated for an artificial sand retention reef ("reef concept") to be added as a Project component, and that the Project permitting and construction schedule should be delayed to accommodate a reef concept. Project Counsel's presentation included reference to multiple BBGHAD inquiries with permitting authorities, including the California Coastal Commission, about the ability to permit an artificial sand retention reef at Broad Beach. At all junctures, the permitting authorities informed BBGHAD representatives that a reef concept would not be favored and likely could not be permitted at Broad Beach.

The unanimous consensus of the Board was to move forward with the Project's present permitting and construction schedule, without the reef concept, and to work with the BBGHAD owners supporting the reef concept to determine whether a reef concept could be feasible and/or permitted. The Board declined the reef concept advocate's invitation to participate in the funding of a reef concept feasibility study, instead referring the reef concept advocate to the BBGHAD's 2010 feasibility study of same, which appears to remain valid. During the presentation and ensuing discussion, many BBGHAD property owners voiced their: a) desire for the BBGHAD to secure all permits and entitlements for the Project before inquiring with permitting agencies about the viability of a reef concept, and b) support for the Project and the intent to finalize permitting as soon as possible and construct same in Fall 2017.

Counsel for BBGHAD owner Mark Magidson asked what the Board planned to do with any revetment owners who decide not to sign the temporary license agreement mandated as part of the Project's CDP. The Chair responded that the Project has overcome many obstacles in the past 6 years and the Board has made many challenging decisions in this same period. The Chair expressed confidence that the Board would follow an appropriate course of action if revetment owners decline to sign the necessary temporary license agreement.

b. Permitting and Regulatory Process Update

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

- 1) CCC staff has approved MHMMP Chapters 4 & 5 and approved the BBGHAD's completion of Spring 2017 sampling. Spring 2017 sampling is anticipated to begin during the week of May 28, 2017.

2) Army Corps staff continues to process the Project's required federal permits, and has expressed its conceptual agreement with the BBGHAD's latest MHMMP draft and moving forward with Spring 2017 sampling.

3) The RWQCB staff continues to work on the Project's water quality certification and has reported that its' work is concurrent with the Army Corps.

4) CalTrans remains on pace to issue its final permitting for the temporary signal at PCH and Guernsey by the end of June 2017.

MOTION: In connection with the Spring 2017 beach sampling specified and required by the MHMMP, Board Member Kuba moved to approve an expenditure of approximately \$291,796 for such sampling to be completed by Rincon Consultants. The Vice Chair seconded the Motion. Hearing no additional comments, the Chair called the question and the Motion passed 4-0. The Project Manager was directed to inform Rincon and get the work started.

The Chair asked Project Counsel if it would be appropriate, in light of increased Project cost estimates and the continuing desire to begin Project construction in Fall 2017, for the Board to consider calling for a new assessment vote and a new Engineer's Report at the next Board meeting, presently scheduled for June 25, 2017. Project Counsel agreed that it would be appropriate.

MOTION: The Vice Chair moved to authorize the necessary work by BBGHAD staff and consultants to prepare a new Engineer's Report and ancillary materials, reflective of the Project approved to date by the CCC and SLC, for the June 25, 2017 Board meeting such that the Board could consider calling for a BBGHAD owner vote on a new assessment at the June 25, 2017 meeting. The Chair seconded the Motion. Hearing no additional comments, the Chair called the question and the Motion passed 4-0.

9. NEW BUSINESS

None.

10. BBGHAD OFFICER REPORT

a. Project Manager Report

The Chair recognized Project Manager, who stated he is working on a comprehensive pre-construction schedule and budget, and committed to accelerate his budgeting work in light of a pending, new assessment vote.

b. Treasurer's Report

The Treasurer was not present. In her absence, the Chair reported that the most updated financial information is present in the Board Packet, which reflects, as of May 16, 2017, a cash balance of \$2,563,372.

11. BBGHAD BOARD MEMBER REPORTS

The Vice Chair, joined by the entire Board, expressed its condolences to the Clerk/Treasurer on the recent loss of her Mother.

12. PUBLIC COMMENT - NON-AGENDA ITEMS

The Chair recognized Andrew White, a representative of a BBGHAD owner, who asked about potential mitigation amounts for a "revetment only" project and the required feasibility study for septic conversion. Project Counsel responded to the questions.

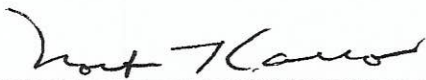
13. FUTURE MEETING

The Chair stated that the next BBGHAD meeting is scheduled for June 25, 2017, and, tentatively, July 23, 2017, both to start at 9:00 a.m., locations to be determined.

14. ADJOURNMENT

The Vice Chair moved, and the Board Member Curtis seconded, to adjourn the meeting. The Motion passed 4-0, and the meeting adjourned at 12:32 p.m.

Approved and adopted by the Broad Beach GHAD
Board on June 25, 2017



Norton Karno, Chair

ATTEST:



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Heike Fuchs, Clerk