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Summary of Actions

BROAD BEACH GEOLOGIC HAZARD ABATEMENT DISTRICT

REGULAR SESSION MEETING

**Sunday May 6, 2018; 9:00 a.m.
31030 Broad Beach Road, Malibu, CA 90265**

1. Call to Order

The Chair called the meeting to order at 9:11 a.m.

2. Roll Call

PRESENT: Chair Karno, Vice Chair Grossman, and Board Members Needleman, Kuba, and Marine (joined the meeting at 9:45 a.m.).

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

3. Adoption of Agenda

The Chair recognized Project Counsel, who reported that the Agenda was posted on May 2, 2018, at approximately 6:00 p.m. within the BBGHAD boundaries and concurrently posted on the BBGHAD website. The Chair recognized Board Member Kuba, who moved to adopt the Agenda as posted. Board Member Needleman seconded the Motion, and the Motion passed 4-0.

Closed Session

At 9:12 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 10:35 a.m. The Chair recognized Project Counsel, who reported on the agenda items discussed in Closed Session and added that no specific action was taken. Special Counsel Colantuono left the meeting at approximately 10:30 a.m.

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

The Chair recognized Board Member Marine, who moved to approve the Summary of Actions from March 11, 2018, with minor edits announced by Project Counsel. The Vice Chair seconded the Motion, and the Motion passed 5-0.

9. Old Business

- a. Annual Broad Beach Profile Report 2017

The Chair recognized Project Engineer, who briefed the Board on the Annual Broad Beach Profile Report 2017, an in-depth analysis of shoreline changes in the vicinity of Broad Beach during the past year and longer-term periods. The Project Engineer further reported that the findings in the report show some periods of significant sand volume gain, which is important news as to further bolster technical staff's confidence that a successful sand nourishment project can occur at Broad Beach.

b. Sand Source Update

The Chair recognized Project Counsel, who updated the Board on the potential sand sources: a) CEMEX's status remains unchanged. CEMEX and others have agreed to provide sand for the Project. b) Potential sand source Polaris has been recently purchased by U.S. Concrete, and a new representative formally withdrew for a 2018 sand delivery, but U.S. Concrete remains open to further discussions with the BBGHAD; and c) Boskalis, a dredging and marine delivery firm, contacted the BBGHAD to discuss marine delivered sand and alternative sources. Boskalis is now independently searching for potential sand sources, and staff anticipates receiving a formal proposal from Boskalis soon.

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

- c. Permitting and Regulatory Process Status
 - (i) Lead Agency Update

(A) CCC

1. Prior-to-Issuance Conditions compliance

The BBGHAD has received all Permits for the Project. Staff is now focused on obtaining more License Agreement signatures, and completing the dune habitat plan (which includes finalizing the landward dune footprint). Staff members, Board Member Marine, and Vice Chair met with the senior CCC staff to further negotiate the revision of the dune footprint plans. Staff is confident that the BBGHAD will supply the CCC staff with supporting data to support a more seaward dune footprint along the span of the revetment, which could change the CCC's position on the dune footprint. BBGHAD staff will submit the data to the CCC staff next week.

The Chair recognized the Vice Chair, who added that the CCC District Director suggested a remedy for the BBGHAD, in form of condemnation, for the homeowners who refuse to sign the License Agreement.

CCC staff has submitted the 2-year renewal for the Scope of Work Agreement to cover the cost for the Science Advisory Panel (SAP). The CCC proposed rolling over the current funds to the next 2-years as it is over-funded and would avoid the 18% commission by the California Marine Sanctuary Foundation (CMSF). Project Counsel reviewed the proposal and the Project Manager will sign the agreement and return to CCC staff.

Project Counsel introduced Derek Lerma with Rincon Consultants, the BBGHAD's lead biologist and head of the MHMMP sampling and analysis program. The Chair recognized Derek Lerma, who briefed the Board on the status of the Spring/Fall sampling. Mr. Lerma reported that the CDP requests the Fall/Spring/Fall sampling a year ahead of beach nourishment. Mr. Lerma further reported that the CCC agreed for the BBGHAD not to analyze the 2016/17 sand samples if the BBGHAD commits to a Fall 2018/Spring & Fall 2019 sampling, which would save the BBGHAD an approximate \$ 150,000.00. Mr. Lerma recommended moving forward with the sampling for Fall 2018 and 2019.

(B) Army Corps

No separate report.

(C) RWQCB

No separate report.

(D) SLC

No separate report.

(ii) Responsible & Consulting Agency update: NMFS, Cal. DFW, CalTrans,
etc.

CalTrans issued the temporary signal permit ~~issued~~ in March 2018.

d. Permitting Outreach & Strategy Update

No update.

9. New Business

None.

11. BBGHAD Officer Report

a. Project Manager

The Chair recognized Project Manager, who briefed the Board on the two CDP homeowner briefing events and the status of the signed agreements.

The Project Manager further reported that he planned to submit new audit proposals. The Board-approved auditor withdrew from consideration, and new firm are anticipated to be vetted. The Chair recognized Vice Chair, who asked if Project Manager would submit the individual proposals for the Board to evaluate. The Project Manager responded affirmatively.

e. Treasurer's Report

The Chair recognized Project Counsel, who recommended a Motion to renew the Board's delegation to the Chair to negotiate the Treasurer's compensation.

MOTION: The Vice Chair moved and Board Member Marine seconded to extend the Board's delegation to the Chair to negotiate Treasurer's compensation. The Chair called the question, and the Motion passed 5-0.

The Treasurer reported that, as of April 30, 2018, the BBGHAD's cash balance was \$2,809,108.40 and estimated unpaid bills in the amount of \$207,166.80. The Treasurer further reported that the total fees and costs incurred through April 2018 for the Reef Group litigation amounts to \$169,000.29, \$138,036.05 for the Arnault/Factor litigation, and \$69,290.05 for the Validation Action. These amounts do not yet include the insurance reimbursements, which are anticipated to be approximately 75% of the fees incurred in the Reef Group litigation and Arnault/Factor litigation.

12. BBGHAD Board Member Reports

The Vice Chair, joined by the entire Board, expressed its condolences to the Project Engineer for the recent loss of his son.

13. Public Comment - Non-Agenda Items

No comments.


14. Future Meeting

The Chair stated that the next meeting is scheduled for June 10, 2018 starting start at 2:00 p.m. and tentatively for July 8, 2018, starting at 9:00 a.m. Both meetings at locations 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 5-0. Regular Session adjourned 11:30 a.m.

Approved and adopted by the Broad Beach GHAD Board



Norton S. Karno, Chair
Dated: June 10, 2018

ATTEST:



Heike Fuchs, Clerk