

## Summary of Actions

### BROAD BEACH GEOLOGIC HAZARD ABATEMENT DISTRICT

#### REGULAR SESSION MEETING

Sunday December 22, 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 9:50 a.m.

#### 2. Roll Call

PRESENT: Chair Karno, Vice Chair Grossman, and Board Member Kuba.

ABSENT: Board Members Needleman and Marine

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

#### 3. Adoption of Agenda

The Chair recognized Project Counsel, who reported that the Agenda was posted on Thursday December 19 at 8:00 a.m. within the BBGHAD boundaries and concurrently posted on the BBGHAD website. The Chair stated that item 10.a. Draft Engineers Report will be taken out of order and will be the first item considered after the Summary of Actions, and items 10.b. and 11.a.1 will be considered at a later date. The Chair recognized Board Member Kuba, who moved to adopt the Agenda with the modifications proposed by the Chair. Vice Chair Grossman seconded the Motion, and the Motion passed 3-0.

#### CLOSED SESSION

At 9:51 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 11:39 a.m. The Chair recognized Project Counsel, who reported that no specific actions were taken in Closed Session.

#### 8. Consider Summary of Actions from November 17, 2019 Meeting

The Chair recognized the Vice Chair, who moved to adopt Summary of Actions from November 17, 2019 meeting. Board Member Kuba seconded the Motion, and the Motion passed 3-0.

## 10. New Business

a. Draft Engineer's Report. The Chair recognized Project Counsel, who reported that the BBGHAD is moving toward adopting a new Engineer's Report and new assessment in light of the BBGHAD's previous decision to concurrently appeal Judge Beckloff's Order and prepare a new Engineer's Report consistent with the trial court's direction.

Project Counsel further stated that staff prepared a Resolution asking the Board to state its intent to order an assessment within the BBGHAD district, receiving the Draft 2019 Engineer's Report, and specifying a December 23, 2019 – January 13, 2020 public comment period on the draft 2019 Engineer's Report. Project Counsel further explained that the Assessment Team has completed the Draft 2019 Engineer's Report to conform with the trial Judge's order. Project Counsel added that various provisions of the Order required the BBGHAD to expand the assessment team to include a real estate appraiser and a visual assessor.

Project Counsel reiterated to the Board and the public that the intent is not to adopt the Draft Engineer's Report today, but rather to receive input from the public by January 13, 2020 for the assessment team to consider and, if appropriate, further modify the new Engineer's Report and have the Board consider a new Engineer's Report at a later date.

Project Counsel recommended to the Board to review and consider the adoption of enclosed Resolution 2019/07.

MOTION: The Chair recognized Board Member Kuba, who moved to adopt Resolution 2019/07. Vice Chair seconded the Motion.

The Chair recognized Jim Hornstein, a legal representative for the Reef Group, who stated that making this document available during the holidays makes it virtually impossible to receive input from their experts and the public.

The Chair recognized Special Counsel, who responded that this is only the initial opportunity for public input. Special Counsel further stated that there would be more opportunities for public input and/or public protest during the 45-day period between any Board adoption of a new Engineer's Report and the property owner vote on same.

Hearing no further comments, the Chair called the question and the Motion passed 3-0.

The BBGHAD Managers Eliahu and Adams left the meeting at approximately 11:46 a.m.

## 9. Old Business

- a. Permitting and Regulatory Process Status
  - 1. Lead Agency Update
    - A. CCC
      - i. Prior-to-Issuance Conditions compliance

No update.

- B. Army Corps

No update.

- C. RWQCB

No update.

- D. SLC

The Chair recognized Project Counsel, who reported that the SLC approved the amended and restated lease agreement at its December 6, 2019 meeting and that the proposed final copy of the lease is included in the Board Packet. Project Counsel further highlighted the changes in the amended and restated lease, summarizing that the SLC granted a 2-year extension of the rent free grace period for \$ 50,000 per year and that the SLC integrated a lease management agreement to codify its anticipated oversight costs (\$61,000.00) for the entire term of the Lease.

The Chair asked Project Counsel if the SLC is demanding to execute the lease agreement at this time. Project Counsel responded affirmatively. The Board directed Project Counsel to seek clarification regarding the execution of the SLC lease, and whether it would include the posting of \$10 million liability insurance.

The Chair recognized Malibu West representative Patt Healy, who inquired about the CCC's December 16, 2019 meeting and if it acted on the Project. Project Counsel responded that the CCC has already approved an extension of the Project's CDP, and the BBGHAD worked with CCC staff and counsel regarding a Use Agreement to be presented to revetment property owners who have not signed the License Agreement.

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

No update.

- b. March 2020 Board Election. Election for three (3) seats on the Board of Directors will occur on March 20, 2020. Candidate forms available from Election Official, Donesia Gause-Aldana, [donesia4cityclerk@gmail.com](mailto:donesia4cityclerk@gmail.com) and [www.bbghad.com](http://www.bbghad.com).

Item 9.b. continued to a later date.

## 10. New Business

- b. Accounting Support Position. As part of implementing Auditor's recommendations, Staff has screened potential candidates for accounting support position (Project Manager).

Recommendation: Staff proposes retention of Lili Kaiser in accordance with terms specified by Board, Chair, or Chair's delegee.

Item 10. B. continued to a later date.

### **11. BBGHAD Officer Report**

- a. Project Manager

1. 2020 Financial Audit. (Project Manager) Request to retain Lance, Soll & Lunghard to conduct 2019 financial audit and report. Proposed action: Board to consider resolution: a) authorizing 2019 audit, and b) authorizing payment to LSL per the BBGHAD-LSL Agreement (not to exceed \$15,914 plus costs).

- Item 11.a.1 continued at a later date.

- b. Treasurer's Report

The Treasurer reported that as of November 10, the cash balance was \$1,094,605.21 in the Regular checking account and the estimated unpaid bills amount to \$186,137.65.

### **12. BBGHAD Board Member Reports**

No reports.

### **13. Public Comment - Non-Agenda Items**

The Chair recognized Jim Hornstein, a legal representative for the Reef Group, who asked if there were any discussions with the CCC about the consequences if homeowners, who have not signed the License Agreement, would not approve of the Use Agreement. Project Counsel opined that the CCC reserved all of its rights in regards to the Use Agreement.

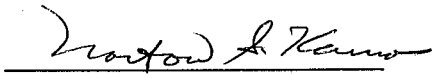
### **14. Future Meeting**

The Chair stated that the next meetings are scheduled for January 19, 2020, February 9, 2020, and tentatively for March 15, 2020. The meetings to start at 9:00 a.m. Locations to be determined.

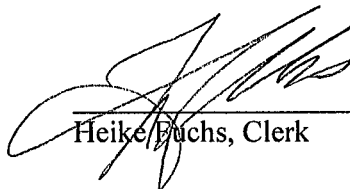
**15. Adjournment**

The Chair recognized Board Member Kuba, who moved to adjourn Regular Session. Vice Chair seconded the Motion. The Chair called the question, and the Motion passed 3-0. The Chair adjourned Regular Session at 11:58 a.m.

Approved and adopted by the Broad Beach GHAD Board

  
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Norton. S. Karno

Attest:

  
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Heike Fuchs, Clerk