

BROAD BEACH GEOLOGIC HAZARD ABATEMENT DISTRICT

REGULAR MEETING AGENDA

Sunday March 19, 2017; 9:00 a.m.

Private Residence: 31030 Broad Beach Road, Malibu, CA 90265

Regular Session

- 1) **Call to Order**
- 2) **Roll Call**
- 3) **Adoption of Agenda**

Closed Session

- 4) Conference With Legal Counsel; Pending Litigation
(Gov. Code § 54956.9(d)(1))

Conference with legal counsel: Discussion of County of Ventura and City of Fillmore v. City of Moorpark and Broad Beach Geologic Hazard Abatement District, Santa Barbara County Superior Court Case No. VENC100479937.

- 5) Conference With Legal Counsel; Anticipated Litigation
(Gov. Code § 54956.9(d)(4))

In the opinion of the Board of Directors on the advice of its legal counsel, a point has been reached where, based on the existing facts and circumstances, the District is deciding whether to initiate litigation.

Facts and Circumstances: Dispute over the gap in the revetment seaward of 30822 Broad Beach Road (Magidson) and responsibility for fees and costs associated with filling the gap and related activities.

- 6) Conference With Legal Counsel; Anticipated Litigation
(Gov. Code § 54956.9(d)(2))

In the opinion of the Board of Directors on the advice of its legal counsel, a point has been reached where, based on the existing facts and circumstances, a significant exposure to litigation exists against the BBGHAD.

Facts and Circumstances: Dispute over BBGHAD assessment monies paid by West End property owners prior to adoption of current assessment in September 2015, including potential refunds offered to West End property owners.

Resumption of Regular Session: approximately 10:30 a.m.

- 7) **Approve Summary of Actions from February 26, 2017 Meeting**

Staff Recommendation: Chair to conduct vote on approving Summary of Actions

from February 2017 meeting. If passed, Chair to sign Summary of Actions.

8) Ceremonial/Presentations

None.

9) Consent Calendar

None.

10) Public Hearings

None.

11) Old Business

- a. Permitting and Regulatory Process Status. (Project Counsel and Engineer) Report to include project regulatory status update, including:
 - (i) Lead Agency Update
 - (A) CCC (and Science Advisory Panel)
 - 1. Budget update including sand, Habitat Monitoring Plan costs (Project Counsel).
 - (B) Army Corps
 - (C) SLC
 - (ii) Responsible & Consulting Agency update: RWQCB, NMFS, Cal. DFW, CalTrans, etc.
- b. Permitting Outreach & Strategy Update. (Project Counsel) Report to include status update on agency advocacy, stakeholder outreach, and related matters.
- c. Project Manager Search Update. (Project Counsel) The Board will receive update on the search for a new Project Manager .

12) New Business

None.

13) BBGHAD Officer Report

- a. Treasurer's Report (BBGHAD Treasurer)

14) BBGHAD Board Member Reports

15) Public Comment - Non-Agenda Items

Communications from the public concerning matters that are not on the agenda but for which the BBGHAD Board has subject matter jurisdiction. The BBGHAD Board

may not act on non-agendized matters except to refer the matters to staff or schedule the matters for a future agenda.

16) Future Meeting

Next Meeting: April 23, 2017 (tentative)

Time: 9:00 a.m.

Location: TBD

17) Adjournment

ITEM 7

Summary of Actions

Summary of Actions

BROAD BEACH GEOLOGIC HAZARD ABATEMENT DISTRICT

REGULAR SESSION MEETING

**Sunday February 26, 2017; 9:00 a.m.
31030 Broad Beach Road, Malibu, CA 90265**

1. CALL TO ORDER

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

2. ROLL CALL

PRESENT: Chair Norton Karno, Vice Chair Marshall Grossman, Board Members Jeff Marine and Shaul Kuba (arrived at 9:11 a.m.)

ABSENT: Board Member Bill Curtis (participated by phone)

BBGHAD STAFF ALSO PRESENT: Project Engineer Russ Boudreau, Malibu West Advisor Chris Spiros, Project Counsel Ken Ehrlich, and Clerk/Treasurer Heike Fuchs.

3. ADOPTION OF AGENDA

The Chair recognized Project Counsel, who reported that the Agenda was posted on February 23, 2017 before 9:00 a.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. The Chair recognized Vice Chair Grossman, who noted that Board Member Curtis requested the deletion of Item 14 from the February 26, 2017 Agenda in light of Board Member Curtis' absence from the February 2017 Board meeting. Board Member Marine modified his Motion accordingly. Vice Chair seconded the Motion. The Chair called the question and the Motion passed 3-0 (Board Member Kuba not yet present).

Closed Session

At 9:09 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 9:58 a.m., and a report was given on Closed Session items.

The Chair recognized Project Counsel, who reported that the Board deleted the consideration of Item #14 due to the absence of Board Member Curtis. Project Counsel explained that, due to Brown Act requirements, Board Members participating by phone without recognition of same on the Agenda are not acting as a Board Member for purposes of this meeting and cannot vote on any matter.

6. APPROVE SUMMARY OF ACTIONS FROM JANUARY 22, 2017 MEETING

The Chair recognized Vice Chair, who moved to approve Summary of Actions from January 22, 2017, accommodating minor edits on page #3, #4, #6, and #7 as stated by Project Counsel. Board Member Marine seconded the Motion, and the Motion passed 4-0.

7. CEREMONIAL/PRESENTATIONS

None.

8. CONSENT CALENDAR

None.

9. PUBLIC HEARINGS

None.

10. OLD BUSINESS

- a. Permitting and Regulatory Process Status.
 - (i) Lead Agency Update
 - (A) CCC (and Science Advisory Panel)
 - 1. Budget update including sand, Habitat Monitoring Plan costs

The Chair recognized Project Counsel, who reported that staff along with Board Members Marine and Curtis had two (2) working sessions on January 23, 2017 and February 14, 2017, with CCC staff regarding the Marine Habitat Monitoring and Mitigation Plan (MHMMP or Habitat Plan). A discussion ensued regarding the status of the Habitat Plan.

(B) Army Corps

The Chair recognized Project Counsel, who reported that staff submitted a written Compensatory Mitigation Plan (CMP) to the Army Corps. Project Counsel further stated that Army Corps staff has informed BBGHAD staff that the Army Corps is committed to processing the BBGHAD's Environmental Assessment (EA) within 2 (two) months of the BBGHAD confirming the sand source for the Project.

A discussion ensued regarding aspects of Army Corps permitting.

(C) SLC

No separate report.

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

The Chair recognized Project Counsel, who reported that, based on the Army Corps' commitment to completing its EA, Project Counsel met with the RWQCB Executive Officer, Sam Unger, to alert him of the recent Army Corps developments. Mr. Sam Unger assured Project Counsel that the RWQCB schedule will be identical to the Army Corps and the RWQCB should not be an impediment in the permitting process.

Project Counsel further stated that Caltrans conceptually approved the traffic plan and traffic signal plan.

The Chair recognized Alexander Haagen, who asked Project Counsel about the status of the County of Ventura litigation. The Chair recognized Project Counsel, who responded that the court has asked for additional briefing twice on the following issues: 1) does applicable federal law preempt state law, and 2) does the BBGHAD-Moorpark agreement bind the BBGHAD for the duration of the permit to a specific truck route. Project Counsel stated that the Court will hear the County's writ petition on March 13, 2017 and the Judge should decide the matter the same day or shortly thereafter.

b. Permitting Outreach & Strategy Update.

The Chair recognized Project Counsel, who informed the Board that the BBGHAD's Army Corps lobbyist, Vectis Strategies, has proposed that a small BBGHAD delegation travel to Washington D.C. for 2 (two) days in the next 3 to 4 weeks to conduct various meetings with Army Corps staff, members of Congress, members of the Cabinet, and, potentially, White House staff. A discussion ensued regarding this potential lobbying trip and associated costs.

MOTION: The Chair recognized Vice Chair, who moved that Project Counsel proceed with planning this Washington D.C. trip as advised and supported by David Herbst and Vectis Strategies and, if supported by Vectis, schedule the meetings for the earlier part of March 2017. Board Member Marine seconded the Motion. Hearing no further debate, the Chair called the question. The Motion passed 3-0 (the Chair abstained).

The Chair recognized the Project Engineer, who informed the Board that he intends to be in Washington, D.C. on business unrelated to the Project, plans to meet with Congressman Lieu on this unrelated matter, and asked if he could thank Congressman Lieu for his continued support of the Project. The Vice Chair responded that Project Engineer could thank Congressman Lieu for his continued support, but not to discuss any of the planned Washington D.C. meetings.

c. Project Manager Search Update

The Chair recognized Project Counsel, who reported that he received a proposal from Shangri-La Construction late Saturday night to serve as Project Manager. Project Counsel added that he will upload the proposal to the BBGHAD website as well as circulate the letter to the

BBGHAD Board. Project Counsel recommended pursuing the proposal and to meet with Shangri-La Construction.

The Chair recognized Board Member Kuba, and a discussion ensued regarding Shangri-La's background, qualifications, and proposed charges for its services.

The Chair recognized Mr. Haagen, who inquired about the results of the non-binding ballots from the January 11, 2017 Property Owner Workshop. The Chair recognized Project Counsel, who responded that the results were discussed at the January 22, 2017 Board meeting, with approximately 35-40 responses received to date and a 3:1 majority favoring the Project.

The Chair recognized Mr. Haagen, who opined that some of the homeowners who voted in favor of the Project may change their mind based on their review of additional information. A discussion ensued regarding Mr. Haagen's input.

The Chair recognized Jane Arnault, who asked if the BBGHAD plans to pay for landscaping and irrigation system required by the CDP. The Chair recognized Project Counsel, who responded that the irrigation will be temporary, an estimated 2 (two) years, and that the Dune Plan has been completed and budgeted as part of the overall Project. The Chair recognized Max Factor, who suggested that the property owners should pay for the landscaping portion on their private property as the West End contributes 25% of the costs, but (according to Mr. Factor) does not have access to such landscaping.

The Chair recognized Ms. Arnault, who asked for a new, neutral and independent Engineer's Report, as she does not believe that ENGEEO could have been neutral since it has been working with the BBGHAD for numerous years.

The Chair recognized Board Member Kuba, who asked Ms. Arnault if she is concerned with irrigation line item or the 25% annual Assessment. The Chair recognized Ms. Arnault, who responded that she has concerns with both. The Chair recognized Mr. Factor, who opined that the calculations in the existing Engineer's Report are unlawful under the California Constitution.

The Chair recognized the Vice Chair, who asked Project Counsel if a new Engineers' Report is due. The Chair recognized Project Counsel, who responded that no new assessment has been proposed and, therefore, no Engineers' Report is due.

The Chair recognized Mr. Haagen, who expressed opinions about various BBGHAD members' claimed understanding of the Project and requested more communication with owners. The Chair recognized the Vice Chair, who responded that there have been countless Q&A mailings, community forums, and the members of the Board, Project Counsel and staff have spent hundreds of hours answering such inquiries and briefing BBGHAD owners and others. The Chair recognized Board Member Marine, who acknowledged past communication efforts and stated his belief that communication could still be improved. Board Member Marine further stated that he attended 3 (three) meetings with CCC staff and believes that the CCC staff is not in favor of the Revetment-only option. Board Member Marine reported that staff is working diligently to maintain the assessment at an estimated \$600 per lineal foot.

11. New Business

None.

12. BBGHAD Officer Report

a. Treasurer's Report

The Treasurer reported that, as of February 21, 2017, the cash balance was \$2,431,620.88 and the unpaid bills amounted to \$804,743.67. The Treasurer reported that she will revise the Treasurer's Report and "Actuals Paid" according to the input received from the Chair.

13. BBGHAD Board Member Reports

The Chair recognized Vice Chair Grossman, who suggested that BBGHAD owners should understand the facts of the Project and educate themselves about the risks of not proceeding with the Project.

The Chair recognized Board Marine, who thanked Board Member Kuba for his and his company staff's time for the benefit of the Project.

The Chair recognized Board Member Kuba, who reiterated that the Board could improve communications and spend more time with the West End homeowners so they are comfortable with the fact that the monies spent are for the benefit of the entire community and not just a certain group of owners.

The Chair recognized Ms. Arnault, who concurred with Board Member Kuba's statement and separately opined that the West End does not receive any benefit from the Project. The Chair recognized Board Member Kuba, who suggested, as the Project budget is being finalized, all owners should be updated on Project costs.

The Chair recognized Mr. Haagen, who stated concerns regarding the ongoing and unknown costs and obligations of the Project. The Chair recognized Vice Chair, who suggested that Mr. Haagen spend time with Project Counsel to better understand the costs for the Project and a Revetment-only alternative.

The Chair recognized Board Member Marine, who stated that the CCC staff does not favor a Revetment-only alternative and believes that the permitting process for same would take years time along with costly studies and potential mitigation. Board Member Marine reiterated that senior CCC staff supports the Project.

The Chair thanked Board Member Kuba for his comments and suggested that he and Board Member Curtis take the lead on improving communications with west end owners—since they own properties on the west end. The Chair reiterated that the Board has never tried to influence the Engineer's Report in any way, and accepted the independent Engineer's Report.

14. Reconsideration of Resolution of Dispute Regarding Previous Assessment Overpayments by West End BBGHAD Owners.

No discussion.

15. Public Comment - Non-Agenda Items

The Chair recognized Pat Healey, who inquired about the timing of moving the revetment and Project start. The Chair recognized Project Engineer, who responded that the relocation is part of the Project and does not have to be moved immediately.

The Chair recognized Malibu West Advisor Spiros, who asked if the Board plans conduct an official community vote on the Revetment-only alternative. The Chair responded that the Board is moving forward with the Project as presently defined and that the Board has not determined at this point to amend the Project. The Chair further added that, if the assessment would have to be increased, the community would vote on same in accordance with California law.

The Chair recognized Mr. Factor, who asked for clarification on the \$250,000 cap for the Army Corps mitigation and inquired if the CMP has been approved. Mr. Factor also inquired about the status of the mitigation ratio for the Project's potential destruction of eelgrass. The Chair recognized Project Counsel, who responded that the Army Corps has not yet approved the Project or the CMP. In connection with eelgrass, the CCC has committed in writing to the BBGHAD that it will not impose any monetary mitigation for the first 10 (ten) years of the Project. The BBGHAD will apply adaptive management techniques proscribed by the SAP and CCC staff after 5 (five) years, and may potentially alter the Project at year 10 and thereafter depending on Project results and performance.

The Chair recognized Pat Healey, who asked what happens if all the sand gets washed away. The Chair recognized Project Engineer, who responded that the Project calls for the revetment being covered with sand at all times, and the nourishment would be monitored and reassessed.

The Chair recognized Project Engineer, who updated the Board on the Dune Restoration plans. The Project Engineer reported that the plans have been evaluated by the CCC staff, and BBGHAD staff will present same at a later date.

16. Future Meeting

The Chair stated that the next BBGHAD meeting is scheduled for March 19, 2017 at 9:00 a.m., location to be determined. The Chair instructed the Clerk to inquire about Board Members' availability for the month of April and May 2017.

17. Adjournment

Board Member Marine moved, and Vice Chair Grossman seconded, to adjourn the meeting. The Motion passed 4-0 and the meeting adjourned at 11:55 a.m.

ITEM 11

Broad Beach Restoration Project Status Report

BROAD BEACH RESTORATION PROJECT STATUS REPORT – March 19, 2017

CALIFORNIA COASTAL COMMISSION (CCC)

- *Jurisdiction: Coastal Development Permit (CDP)*
- 10/9/15: **CDP with condition modifications approved at CCC hearing.**
 - BBGHAD proposed revetment alignment (Alt 4C) accepted.
 - Public access compromise identified.

Notice of Intent and Final Condition language dated 1/11/16 and received 1/29/16
Matrix prepared for "Prior to Issuance" conditions; proposed completion: Fall 2016

- 6/26/16: CCC/SAP rejects BBGHAD monitoring proposal and cancels nourishment for 2016/17.
- 8/23/16: Meeting with CCC staff re SAP progress, definition of "impacts", and MHMMP
- 9/21/16: BBGHAD submits CCC staff-mandated MHMMP
- 10/13/16: BBGHAD submits BBGHAD biologist-recommended MHMMP
- 10/17/16: Meeting with CCC staff re scope of MHMMP
- 1/23/17 & 2/14/17: Meetings with CCC staff re MHMMP
- 2/24/17: BBGHAD submission of latest draft MHMMP; awaiting CCC staff comments

CALIFORNIA STATE LANDS COMMISSION (CSLC)

- *Jurisdiction: Lease and certification of APTR*
- September 11, 2015: CSLC issued letter deeming the BBGHAD application (in support of updated project Alt 4C) incomplete.
- 2/9/16: BBGHAD response to SLC lease letter sent.
- 5/20/16: Mtg with SLC staff
- August 9, 2016: **SLC approved Project and Lease**

US ARMY CORPS OF ENGINEERS (USACE)

- *Jurisdiction: National Environmental Policy Act (NEPA) Compliance and certification; Section 10 and 404 permits*
- Degree of NEPA compliance: Unknown. BBGHAD advocating for EA.
- Public Notice process complete.
- November 5, 2014: USACE initiated contact with tribal communities re cultural resource issues. USACE to submit cultural records search results to SHPO.
- August 5, 2015: Team submitted 404b(1) alternatives analysis to USACE; supplemented Jan 2016 in response to questions posed in 10/15.
- September 21, 2015: USACE initiated formal consultation with USFWS.
- November 2015: Cultural investigation records search and pedestrian survey requested by USACE completed.
- 2/15/16: BBGHAD received Draft Biological Opinion from USFWS.
- 3/18/16: Technical Decision Makers meeting with Congressman Ted Lieu and Colonel Gibbs.
- June 2016: Revetment mitigation negotiations complete; ACE begins participating in SAP.
- 7/11/16: NMFS issues letter re incomplete EFH consultation; BBGHAD response in process.
- 8/11/16: Meeting with senior USACE staff re finalizing permitting process; staff confirmed altvs. complete.
- 9/2/16: BBGHAD submitted response to 7/11/16 NMFS letter.

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- 9/4/16: BBGHAD submitted draft EA to Army Corps.
- 9/16/16: Revised Biological Opinion issued
- 11/14/16: Final Biological Opinion issued
- 11/22/16: BBGHAD submitted supp. revetment alternative (4B) analysis requested by USACE
- 1/24/17: BBGHAD submitted Compensatory Mitigation Plan as requested by USACE staff.
- 2/23/17: BBGHAD received federal feedback; anticipated 1 week turnaround to implement feedback.
- 3/8/17: On conf call with Cong. Lieu, USACE commits to June 2017 permit issuance provided BBGHAD timely commits to sand source.

REGIONAL WATER QUALITY CONTROL BOARD (RWQCB)

- *Jurisdiction: 401 certification and, potentially, waste discharge requirements (WDRs)*
- Jan. 2016: BBGHAD submitted draft Water Quality Certification. RWQCB staff review in progress.
- July 2016: BBGHAD contacted EO to expedite review and processing.
- October 2016: RWQCB staff seeks mitigation framework (identical to USACE) and anticipates 1Q 2017 certification.
- 3/8/17: On conf call with Cong. Lieu, RWQCB commits to June 2017 permit issuance provided BBGHAD timely commits to sand source.

CALTRANS

- *Jurisdiction: Encroachment permit for temporary traffic signal on PCH*
- Requires full engineering of the signal, a deceleration lane, an access to the west Zuma lot, and an egress point out of the west Zuma lot.
- 11/14/14: Permit package issued. Permit to be revised based on latest traffic plan.
- 2/23/17: Conceptual approval from CalTrans subject to BBGHAD re-submittal with minor modifications.

LA COUNTY DEPT OF BEACHES AND HARBORS

- *Jurisdiction: Owner of Zuma Parking Lot 12 (Project Staging Area); BBGHAD needs Right of Entry Permit to use parking lot; LACDBH also coordinates with Caltrans and City of Malibu on traffic issues.*
- Right of Entry Permit Application to be submitted. GHAD Counsel advised holding off on submitting LA County permit application until dates of construction are better defined (dependent on timing of all other permits).
- Permit pending progress w/CCC and USACE.

CITY OF MALIBU

- Once construction start date solidified, will coordinate re traffic permits etc.

CONSULTING AND COORDINATING AGENCIES

National Marine Fisheries Service (NMFS), California Department of Fish and Wildlife (CDFW), & SM Bay Restoration Commission (SMBRC)

- *Jurisdiction: No discretionary permits, but consult with and provide input to permitting agencies.*
- NMFS: Essential Fish Habitat consultation pending; BBGHAD response submitted 9/2/16.

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- CDFW: Responsible for Marine Protective Areas (MPAs), including that off Broad Beach. Rep. part of SAP group. Concerned with Project effects on MPA - subtidal, intertidal, and turbidity. .
- Table below shows primary concerns with selected agencies:

Agency	Next Action	Concern
USACE	Formal consultation by NMFS and CDFW.	NEPA : Possibility that EIS will replace EA; ACE agreeable to integrating mitigation into adaptive management program; EFH pending; NMFS appears compliant w/EFH.
CCC	Submittal of final design reports prior to permit issuance.	Substantial liaison with Science Advisory Panel (SAP) required to finalize monitoring and dune plans prior to permit issuance.
SLC	Review of final Project (Alt 4C) items	Approved 8/9/16.
RWQCB	APTR review	Potential for request of RWQCB-specific additional info.

PERMIT SCHEDULE STATUS AS OF 3/19/17

AGENCY	ACTION	DURATION ESTIMATE	COMPLETION DATE (earliest possible)
CCC	Commission consideration	1 day	October 9, 2015. CDP approved.
	Review/Negotiation of Permit Conditions/SAP	5-6 months	Fall 2016/Early 2017
	BBGHAD completion of "Prior to Issuance" Conditions	5-6 months	March 2017? Dependent on finalizing sand source
	Permit Issue	1-2 months	1Q-2Q 2017
SLC	Lease App. Completeness Notice	1 month	November 13, 2015
	Lease Negotiations	3 months - ongoing	N/A
	Commission consideration	1 day	Approved: 8/9/16
	Issue Final Lease	1 month	Fall 2016
	Lease Signature	1 week	Fall 2016
USACE	Submit 404b(1) alternatives analysis	2 months	August 5, 2015; supp 1/16/16 & 11/16 SUBMITTED & COMPLETE
	End formal biological consultations with CDFW re snowy plover	120 days (legal maximum)	Final Biological Opinion issued 11/14/16
	Finalize EA ¹	2 months	June 2017 ²
	Issue Draft Permit	1 week	June 2017
	Review/Negotiation of Draft Permit Conditions	2 weeks	May-June 2017
	Issue Final Permit	1 week	June 2017 ³
RWQCB	Submit draft 401 Certification	3 weeks	January 2016
	Negotiate 404/WDRs	2 month	2Q2017

¹ Longer duration if EIS is required.

² Timing dependent on finalizing monitoring and mitigation plan.

³ Timing dependent on finalizing monitoring and mitigation plan.

	RWQCB approval of 404/WDRs	1-2 months	June 2017
CALTRANS	Encroachment Permit	4.5 months	November 2014 ISSUED March 2017- reissuance as modified
LA COUNTY	Parking Lot Permit	1 month	Unknown
CITY MALIBU	Traffic/signal approvals	Unknown	3Q2017

ITEM 11

Detailed status of technical deliverables prior to
and during construction

BROAD BEACH M&N DELIVERABLE STATUS AND ACTION ITEMS

DATE: March 15, 2017

CDP PTI DELIVERABLES

- SC1 - FINAL PLANS
 - Draft (w/o dunes) submitted to CCC
 - Dune restoration plans – (draft to CCC this week) - M&N added 10' lateral access
 - Geotextile stair design – (need KE assistance w Bruce Linden contact)
 - Septic survey – need to investigate potential for revetment pullback affected by leachfields – (J. Yaroslaski reviewing latest documentation and will respond with plan by Monday 3/20)
- SC4 – AMMP –
 - Draft submitted to CCC
 - Monthly beach width monitoring – no dry beach so no berm width to measure – need to confirm appropriate documentation with CCC – photos OK? We have monthly photos illustrating no beach berm
- SC5 – DHRMP – April 1 draft per WRA
- SC6 – MHMMP – close to finalizing
- SC8 – SAP – Latest Draft submitted to CCC at end of Feb 2017 - need to revise draft SAP once sand source(s) confirmed
- SC14 – Public Access – Revised plan submitted to CCC 3/14/17. KE to review path plan & sections, then revise if needed and arrange for legal description prep by KDM. Licenses to be finalized week of 3/21/17.
- SC15 – Public Access Mgmt Program - draft submitted to CCC on 3/14/17

SLC DELIVERABLES (AMMs)

- Other SLC AMM reqts beyond CCC SC4 AMMP (suggest MN contact SLC informally first to discuss following:
 - Backpassing mgmt. plan MB-5A (Ask SLC: Will AMMP suffice? May not as AMM indicates plan should be prepared by 'a qualified biologist'. If not, need to submit separate backpassing plan pre initial construction or can do pre backpassing event?)
 - Beach habitat mgmt. plan MB-5C (Ask SLC: Will AMMP suffice? If not, need to submit separate backpassing plan pre initial construction or can do pre backpassing event?)
 - Sensitive resc impact avoidance map TBIO-2B (Bio resource map, ESHAs and buffer zones, M&N to do with biologist, Merkel or Rincon?)
 - Trancas lagoon beach berm mgmt. plan TBIO-5A (Ask SLC: Will AMMP suffice?)
 - Dune restoration plan TBIO-1 (SLC: DHMMP should suffice, confirm)
 - Turbidity monitor plan MWQ-1a (SLC: AMMP should suffice, confirm)
 - Master drainage plan UTL-3 (M&N starting 3/17)
- NOTE: Contractor and/hauler will need to provide a number of other AMM compliance plans such as a hazardous material spill prevention control and countermeasure plan (SPCCP), traffic plan, etc.

CALTRANS

- Submittal this week – then 45 day review period – approx. permit date May 1
- What action / lead time required for ordering signal equipment – inform GHAD

LA COUNTY

- submit SC4 AMMP to LA County with PPT to give them project overview –revised AMMP to include sand mgmt, etc. –highlight or identify by other means key sections that County should review and provide any comments – (what is feasibility of LAC staff & equip providing as-need sand mgmt such as scarping? Discussion topic with LAC?)
- Make sure G Jones informs County Supervisors per his suggestion in DC

SAND SOURCE SELECTION

- QUARRIES
 - County of Ventura litigation: Court ruling largely in favor of Moorpark. No writ issued. Contract upheld, but Court struck provision mandating no revisions to truck route throughout Project life. County/Fillmore anticipated to appeal.
- UPPER CALLEGUAS
 - Still viable, subject to proposal from County.
 - TM coord – get necessary quality and quantity data – DMMT (administrative approval vs meeting?)

ITEM 11c

Shangri-La Construction Letter

- Project Manager Proposal

March 14, 2017



550 South Hope Street, Suite 700

Los Angeles, CA 90071

O: 213.797.4240 F: 213.265.3030

RE: Broad Beach Restoration Project PM Proposal Revised

Mr. Kenneth A. Ehrlich, Esq.
Elkins Kalt Weintraub Reuben Gartside LLP
2049 Century Park East, 27th Floor
Los Angeles, Ca. 90067

Dear Mr. Ehrlich:

After our meeting with you a couple of weeks ago, we have a better understanding of the full scope and responsibilities that you are expecting on this project as the Owners' Project Manager No Risk. We have revised our original proposal and below is our revisions:

Our Fee for this type of work "Project Manager No Risk" during the **preconstruction phase** of the work will be a flat fee of \$10,000.00 per month. It is our understanding this phase will run from April 1, 2017 thru July 31, 2107. This scope of work will be handled by myself and my Vice President of Pre-Construction and will include estimating assistance as needed.

Our Fee for this type of work "Project Manager No Risk" during the **construction phase** of the work will be a flat fee of \$25,000.00 per month. It is our understanding that this phase will run from Sept 1, 2017 thru March 31, 2017 but it is being projected from potential trade contractors that this scope may only take a total of 4 months. Regardless this work is billed on a monthly basis at the rate submitted. We require our proposed On Site Project Manager to be full time no later than August 1, 2017 and that would be the start of the construction rate.

We can offer an AIA structured agreement or we can review a contract that may have. It is our understanding that you would like to be under contract no later than April 1, 2017.

We propose the following Management staff:

- **Steve Parker** – Vice President Pre-Construction
 - 30 Years Construction Experience
 - Steve leads the preconstruction phase of the project through extensive client relationship management. He will oversee the prequalification process of the bidders, the review and analyses of the bids and will prepare bidder recommendation sheets for the board to review and approve. Steven is responsible for the smooth transition between the preconstruction / bidding process and turnover to project management.

March 14, 2017



550 South Hope Street, Suite 700

Los Angeles, CA 90071

O: 213.797.4240 F: 213.265.3030

- **Joseph Martino** – Chief Operating Officer / Partner
 - 35 Years Construction Experience
 - Joe manages ongoing business operations ensuring that they are efficient and effective. He will provide oversight and support, and will attend Monthly meetings as requested.
- **Rich Peterson** - Site Superintendent / Sr. Project Manager (During Construction)
 - 33 Years Construction Experience
 - Rich will be the full time on-site person during construction. He will assist in developing a baseline schedule with the subcontractors and prepare cash flow estimates. Rich will provide day-to-day management of the project. He will generate management reports and collaborates with the trade contractors to ensure that the project remains on-time and within budget.



Relevant Project Experience:

Rich managed the infill of the Quarry at Lake Elsinore it was under the oversight of the Army Corp of Engineers.

- Imported 1.5 million cubic yards of dirt
- Developed Haul Route for a 24 hour 7 day a week haul schedule
- Developed and implemented a cleaning process of the haul route
- Managed on site heavy equipment required to execute the work
- Worked directly with the Army Corp of Engineers
- Developed Storm Water Pollution Prevention Plan (SWPP) and coordinated it with the State Water Resources Control Board.
- Worked with and coordinated the work plan with Lake Elsinore Public Works Dept.
- All of this work was completed in 3 months

We want to thank you for your time and consideration, we believe that our approach to your project has success in mind. If you should have any question or would like to discuss moving forward please do not hesitate to contact me directly at (949) 701 0227.

Sincerely,
Shangri-La Construction

Joseph E. Martino
Chief Operating Officer / Partner

ITEM 13a

Treasurer's Reports

BROAD BEACH GHAD

Cash Flow

Board Meeting March 19, 2017

Cash in Bank February 21, 2017 **\$ 2,431,620.88**

Sources of Cash:

N/A

Disbursements

<u>Date</u>	<u>Check#</u>	<u>Description</u>		
2/27/17	3720	Clerk/Treasurer Fuchs	\$	3,187.48
3/6/17	3717	Colantuano Highsmith Whatley	\$	190.00
3/6/17	3718	Vectis	\$	10,000.00
3/14/17	3724	California Marine Sanctuary Foundation	\$	60,000.00
Total invoices paid			\$	<u>73,377.48</u>

Cash Ending Balance as of March 14, 2017 **\$ 2,358,243.40**

UNPAID BILLS

<u>Date</u>				
<u>Received</u>	<u>Invoice#</u>	<u>Vendor Name</u>		<u>Amount</u>
10/9/16	3682	Engeo	\$	5,222.50
10/9/16	3700	Engeo	\$	4,986.00
11/18/16	3694	Engeo	\$	3,399.00
1/17/17	3710	Engeo	\$	619.00
2/20/17	224046	Engeo	\$	1,767.50
2/20/17		Elkins Kalt	\$	60,579.81
2/20/17		City of Moorpark	\$	51,580.33
2/21/17		Moffatt & Nichol	\$	270,305.75
3/14/17		Elkins Kalt	\$	38,349.88
<u>Estimated unpaid bills</u>			\$	<u>436,809.77</u>

Broad Beach GHAD
Disbursements
2011 through December 31, 2016

	Expenses transferred from Fair Share account 2011	Actuals Paid 2011 (Chase)	Actuals Paid 2012 (Chase/City)	Actuals Paid 2013 (Chase/City)	Actuals Paid 2014	Actuals Paid 2015	Actuals Paid 2016	Totals
Sources of cash:								
L.A.County/GHAD Assessment/Malibu West Swim Club				\$ 3,294,658.64	\$ 2,614,517.02	\$ 3,818,816.06	\$ 3,091,324.06	\$ 12,819,315.78
Advances from homeowners/TPOA fund	\$ 2,391,857.00	\$ 266,250.00	\$ 1,378,637.00					\$ 4,036,744.00
Revetment Acct/Transfer to Revetment Acct					\$ 195,530.47	\$ (195,530.47)		\$ -
Income Total:	\$ 2,391,857.00	\$ 266,250.00	\$ 1,378,637.00	\$ 3,294,658.64	\$ 2,810,047.49	\$ 3,623,285.59	\$ 3,091,324.06	\$ 16,856,059.78
Loan Advances 2012/Repayment 2013			\$ 1,216,000.00	\$ (1,216,000.00)				\$ -
Administration/Accounting & Insurance								
Project Manager				\$ 18,984.38	\$ 133,471.39	\$ 149,753.08	\$ 97,329.91	\$ 399,538.76
Clerk/Treasurer			\$ 11,822.68	\$ 3,489.11	\$ 7,968.27	\$ 21,218.35	\$ 22,616.73	\$ 67,115.14
D& O Insurance/AON Ins.	\$ 6,286.00		\$ 7,509.00	\$ 7,947.00	\$ 7,947.00	\$ 7,947.00	\$ 8,283.00	\$ 45,919.00
L.A. County fees/Bank fees/Interest/subscriptions			\$ 2,644.09	\$ 2,529.24	\$ 84.00	\$ 171.74	\$ 175.25	\$ 5,604.32
Print/Office/Phone/Room Rental/Internet			\$ 3,648.11	\$ 1,122.01	\$ 1,953.58	\$ 454.28		\$ 7,177.98
TTL Administration & Accounting	\$ 6,286.00		\$ 25,623.88	\$ 34,071.74	\$ 151,424.24	\$ 179,544.45	\$ 128,404.89	\$ 525,355.20
Annual Monitoring								
SAP/California Marine Sanctuary Foundation - Managing fees							\$ 177,902.00	\$ 177,902.00
SAP/California Marine Sanctuary Foundation - Monitoring Fees								
Total SAP							\$ 177,902.00	\$ 177,902.00
Permitting Fees								
Lobbyist Fees: Neish Inc. - CCC/Kindel Kagan/AMEC EIR	\$ 190,324.00			\$ 6,500.00	\$ 171,068.81	\$ 152,533.96	\$ 9,070.26	\$ 529,497.03
Vectis Strategies-U.S. Army Corps					\$ 10,736.95		\$ 120,000.00	\$ 130,736.95
Legal Fees:Jeffer Mangels/Elkins Kalt	\$ 346,060.00	\$ 75,000.00	\$ 720,357.41	\$ 526,454.59	\$ 570,230.93	\$ 673,062.10	\$ 686,053.55	\$ 3,597,218.58
other Legal Fees: Morgan, Miller/Colantuono								
Highsmith & Whatley/Linscott Law/Judge Reiner	\$ 55,284.00		\$ 24,400.88	\$ 41,206.98	\$ 82,187.52	\$ 79,081.50	\$ 10,427.75	\$ 292,588.63
Engineering Fees: Moffat & Nichol	\$ 1,569,530.00	\$ 104,063.25	\$ 1,197,181.99	\$ 882,222.16	\$ 828,513.78	\$ 753,623.45	\$ 1,255,162.53	\$ 6,590,297.16
ENGEO	\$ 49,867.00	\$ 16,076.92	\$ 42,177.06	\$ 5,638.15	\$ 1,102.50	\$ 40,567.50	\$ 13,607.50	\$ 169,036.63
Quality Mapping/Topanga Underground/Ramboll Envir	\$ 17,934.00		\$ 16,313.00	\$ 84,191.10	\$ 30,943.03	\$ 2,050.00	\$ 12,860.66	\$ 164,291.79
U.S. Army Corps Mitigation: The Bay Foundation								\$ -
CA State Lands Commission (Back Rent)	\$ 79,343.00	\$ 10,066.67	\$ 344,217.54	\$ 321,038.98	\$ 233,253.34		\$ 51,693.48	\$ 1,039,613.01
CA State Lands Commission Financial Sec. deposit							\$ 1,350,000.00	\$ 1,350,000.00
California Coastal Commission	\$ 17,584.00		\$ 40,000.00	\$ 37,472.00		\$ 78,912.00		\$ 173,968.00
State Water Control Board			\$ 58,340.00					\$ 58,340.00
Total Permitting Fees	\$ 2,325,926.00	\$ 205,206.84	\$ 2,442,987.88	\$ 1,904,723.96	\$ 1,928,036.86	\$ 1,779,830.51	\$ 3,508,875.73	\$ 14,095,587.78
Expense Total:	\$ 2,332,212.00	\$ 205,206.84	\$ 2,468,611.76	\$ 1,938,795.70	\$ 2,079,461.10	\$ 1,959,374.96	\$ 3,815,182.62	\$ 14,798,844.98

Fair Share Contributions:		Actual	(diff. unknown)
Advances from Individual Homeowners	\$ 3,017,028.00	\$ 3,021,130.96	\$ (4,102.96)
Advances from TPOA General Fund	\$ 750,000.00	\$ 750,000.00	
Total	\$ 3,767,028.00	\$ 3,771,130.96	

#	Address	Name	Fair Share	Donation	Total FS & Donation
31528 VP		Gary Wilson	\$ 16,000.00	\$ 10,000.00	\$ 26,000.00
30944 /30948BBR		Arad	\$ 70,500.00		\$ 70,500.00
30724 PCH		Ross Family Trust	\$ 36,250.00		\$ 36,250.00
30800 BBR		Finegood	\$ 37,000.00	\$ 10,000.00	\$ 47,000.00
31376 BBR		Glaser	\$ 50,000.00		\$ 50,000.00
31232 /31236BBR		Pepperdine	\$ 79,500.00	\$ 17,500.00	\$ 97,000.00
31220 BBR		P.J. Dejoria	\$ 40,000.00	\$ 10,000.00	\$ 50,000.00
31330 BBR		Wini Lumsden	\$ 33,000.00		\$ 33,000.00
31346 BBR		Friedman	\$ 46,000.00		\$ 46,000.00
31444 BBR		Levitan	\$ 18,000.00	\$ 14,000.00	\$ 32,000.00
30708 /30760 BBR		Klein	\$ 90,000.00	\$ 10,000.00	\$ 100,000.00
31130 &31134BBR		Broad Beach LLC	\$ 34,500.00		\$ 34,500.00
31280 /31284BBR		Luanne Wells	\$ 117,500.00	\$ 17,500.00	\$ 135,000.00
31038 BBR		Mendoza	\$ 16,000.00		\$ 16,000.00
30956 BBR		Maynard	\$ 40,000.00	\$ 10,000.00	\$ 50,000.00
31368 BBR		Platt	\$ 50,000.00		\$ 50,000.00
30916 BBR		Nathanson	\$ 40,000.00	\$ 10,000.00	\$ 50,000.00
31272 BBR		Spears	\$ 75,000.00		\$ 75,000.00
30852/30856/30860		Rosenbloom	\$ 102,000.00	\$ 13,500.00	\$ 115,500.00
30940 BBR		E. Glazer	\$ 16,000.00		\$ 16,000.00
30940 BBR		Mellon	\$ 24,000.00	\$ 10,000.00	\$ 34,000.00
31030 BBR		Grossman	\$ 40,000.00	\$ 10,000.00	\$ 50,000.00
30904 BBR		Ray Romano	\$ 40,000.00	\$ 10,000.00	\$ 50,000.00
31016 BBR		Baron/Oakmont	\$ 40,000.00	\$ 10,000.00	\$ 50,000.00
31108 BBR		Jill Grey	\$ 40,000.00	\$ 10,000.00	\$ 50,000.00
31214 BBR		N. Karno	\$ 40,000.00	\$ 10,000.00	\$ 50,000.00

#	Address	Name	Fair Share	Donation	Total FS & Donation
30962 BBR		Sitrick	\$ 40,000.00	\$ 10,000.00	\$ 50,000.00
30712 BBR		Lotman	\$ 30,250.00		\$ 30,250.00
31316 BBR		Douglas Kevin&Micl	\$ 44,000.00	\$ 10,000.00	\$ 54,000.00
31020 /31022BBR		Pearlman/De Vito	\$ 77,000.00	\$ 17,500.00	\$ 94,500.00
30918 BBR		Zaillian	\$ 40,000.00	\$ 10,000.00	\$ 50,000.00
30974/30978/30980		Ovitz	\$ 96,000.00		\$ 96,000.00
31138 BBR		Roski	\$ 40,000.00	\$ 10,000.00	\$ 50,000.00
31042 BBR		Hill	\$ 50,000.00	\$ 10,000.00	\$ 60,000.00
31212 BBR		Kauffman/Skloff	\$ 40,000.00	\$ 10,000.00	\$ 50,000.00
30970 BBR		Sheinberg	\$ 40,000.00	\$ 10,000.00	\$ 50,000.00
30874 BBR		Needleman	\$ 40,000.00	\$ 10,000.00	\$ 50,000.00
30952 BBR		30952 Broad Beach	\$ 16,000.00		\$ 16,000.00
30908 BBR		Themba Partners	\$ 39,500.00		\$ 39,500.00
31260 BBR		Marine	\$ 16,000.00		\$ 16,000.00
30924/30928/30930		Hess	\$ 110,999.97	\$ 17,500.00	\$ 128,499.97
31336 BBR		Chubak	\$ 50,000.00		\$ 50,000.00
31034 BBR		Meeham/Goldberg	\$ 40,000.00		\$ 40,000.00
31054 BBR		Hoffman	\$ 24,000.00	\$ 10,000.00	\$ 34,000.00
30866 BBR		Sherman	\$ 32,077.00	\$ 10,000.00	\$ 42,077.00
30830 BBR		Koenig	\$ 20,000.00		\$ 20,000.00
31380 BBR		Kurland	\$ 34,000.00		\$ 34,000.00
31224 BBR		31224BBR Trust	\$ 3,000.00		\$ 3,000.00
31058 BBR		Novograder	\$ 28,000.00	\$ 10,000.00	\$ 38,000.00
30756 PCH		Malibu West	\$ 40,000.00		\$ 40,000.00
31012 BBR		Brown	\$ 16,000.00		\$ 16,000.00
30846 BBR		Ressler/Gertz	\$ 40,000.00	\$ 10,000.00	\$ 50,000.00
31064 BBR		Smidt	\$ 40,000.00	\$ 10,000.00	\$ 50,000.00

#	Address	Name	Fair Share	Donation	Total FS & Donation
31356/31364/31365		Bright	\$ 113,999.99	\$ 25,000.00	\$ 138,999.99
31310 BBR		Marquis	\$ 16,000.00		\$ 16,000.00
31100/31070 BBR		S.A.M Trust	\$ 48,000.00		\$ 48,000.00
31418/31430 BBR		2XMD Partners	\$ 100,000.00		\$ 100,000.00
31000 BBR		Haft	\$ 40,000.00	\$ 10,000.00	\$ 50,000.00
30718 BBR		Coastline Properties	\$ 16,000.00		\$ 16,000.00
30900 BBR		Kelton	\$ 40,000.00	\$ 10,000.00	\$ 50,000.00
30838 BBR		Lowell	\$ 8,000.00		\$ 8,000.00
30842 BBR		Thompson	\$ 12,000.00		\$ 12,000.00
30870 BBR		Lemmon	\$ 8,000.00	\$ 10,000.00	\$ 18,000.00
30936 BBR		West	\$ 4,000.00	\$ 10,000.00	\$ 14,000.00
31240 BBR		Douglas	\$ 26,000.00	\$ 10,000.00	\$ 36,000.00
30966 BBR		Sinatra	\$ 8,000.00		\$ 8,000.00
31008/31520		Mark	\$ 11,000.00	\$ 5,000.00	\$ 16,000.00
31026 BBR		Martin	\$ 24,000.00	\$ 10,000.00	\$ 34,000.00
31048 BBR		Lawrence	\$ 12,000.00		\$ 12,000.00
31052 BBR		Stoneburner	\$ 8,000.00	\$ 10,000.00	\$ 18,000.00
31112/31118 BBR		Brosnan/Middleton	\$ 7,000.00		\$ 7,000.00
31202/31206 BBR		Attanasio	\$ 74,000.00	\$ 25,000.00	\$ 99,000.00
31250 BBR		Borman	\$ 33,000.00	\$ 17,000.00	\$ 50,000.00
31302 BBR		Kaplan Living Trust	\$ 6,000.00		\$ 6,000.00
31322 BBR		Reisbord	\$ 24,000.00		\$ 24,000.00
31324 BBR		Gottlieb	\$ 10,000.00	\$ 10,000.00	\$ 20,000.00
31340 BBR		Bauer	\$ 26,000.00		\$ 26,000.00
31350 BBR		Fenton	\$ 12,000.00		\$ 12,000.00
31368 BBR		Mutchnik	\$ 8,054.00		\$ 8,054.00
31454 BBR		Curtis	\$ 8,000.00	\$ 10,000.00	\$ 18,000.00

#	Address	Name	Fair Share	Donation	Total FS & Donation
31228 BBR		Arnold			
30826 BBR		O'Connor			
30810 BBR		Leigh			
			\$ 3,021,130.96	\$ 509,500.00	