

MOUNTAINS RECREATION AND CONSERVATION AUTHORITY

Governing Board Meeting January 6, 2010

NOTICE IS HEREBY GIVEN pursuant to Government Code § 54954 that the Governing Board of the Mountains Recreation and Conservation Authority will hold a regular meeting on Wednesday, January 6, 2010 at 2:00 p.m. at the Conejo Recreation and Park District, 403 West Hillcrest Drive, Thousand Oaks, California.

AGENDA

- I. Call to order.
- II. Roll call.
- III. Election of Officers.
- IV. Public Testimony on all agenda items except Item No. XV and public comment on matters not on the agenda. (Please note, testimony on Item XV will be taken when the item is called.)
- V. Reports from Staff:
 - (a) Legal;
 - (b) Ranger Services;
 - (c) Natural Resources and Planning;
 - (d) Interpretation;
 - (e) Developed Resources;
 - (f) Construction;
 - (g) Facilities and Maintenance;
 - (h) Finance.
- VI. Consent Calendar:
 - (a) Consideration of resolution adopting the MRCA Warrant Disbursements for the period of November 24, 2009 to December 29, 2009.
 - (b) Consideration of resolution approving a vegetation management contract with Green Leaf G.T.H. Inc. for fire-fuels reduction and habitat restoration on Mountains Recreation and Conservation Authority managed lands.
 - (c) Consideration of resolution approving a vegetation management contract with Green Leaf G.T.H. Inc. for fire-fuels reduction and habitat restoration on Mountains Recreation and Conservation Authority managed lands in the Santa Monica Mountains Open Space Preservation District No. 1.

- (d) Consideration of resolution approving a vegetation management contract with Green Leaf G.T.H. Inc. for fire-fuels reduction and habitat restoration on Mountains Recreation and Conservation Authority managed lands in the Santa Monica Mountains Open Space Preservation District No. 2.
 - (e) Consideration of resolution authorizing acceptance of the offers to dedicate trail easements associated with Coastal Development Permit Nos. 5-88-613 (Zacha), 5-88-385 (McLean) and 5-87-648 (English), incorporated and unincorporated Malibu.
 - (f) Consideration of resolution authorizing acceptance of the offers to dedicate scenic easements and/or open space easements associated with Coastal Development Permit Nos. 5-89-532 (Leland), 5-89-235 (Chan), 5-89-025 (Andrews), 5-88-939 (Mellein), 5-88-732 (Nowak), 5-88-636 (Johnson), 5-88-175 (Sunset Partners) and 5-82-106 (Idler), incorporated and unincorporated Malibu.
 - (g) Consideration of resolution authorizing a sole source contract with Los Angeles Conservation Corps (LACC) for design-build services for the Ballona Creek Trail and Bike Path Improvement Project, Los Angeles.
 - (h) Consideration of resolution authorizing a correction to the Engineer's Report for Santa Monica Mountains Open Space Preservation Assessment District No. 2 to add APN 2290-025-020 in lieu of APN 2290-025-017, Acquisition Area G, Encino.
 - (i) Consideration of resolution augmenting contract with Joseph Caves and Associates for legal services.
- VII. Discussion regarding legislative outlook and 2010 legislative opportunities.
- VIII. Consideration of resolution authorizing the Executive Officer to promulgate standards, procedures, and guidelines to be incorporated in the Authority's ranger manual.
- IX. Consideration of adoption of Ordinance No. 01-2010, amending Ordinance No. 01-2005 (as amended) regarding park rules and regulations, waive first reading and introduce Ordinance No. 01-2010, "An Ordinance of the Mountains Recreation and Conservation Authority amending the Mountains Recreation and Conservation Authority Ordinance establishing park rules and regulations, and prescribing the punishment for violations thereof."

- X. Consideration of resolution authorizing revision to records retention policy.
- XI. Consideration of resolution authorizing the acquisition of approximately 101 acres (all or portions of APNs 4436-002-010, 011, 012; 4436-003-001; 4436-023-003, 006, 010, 011; and 4436-024-037) using Proposition A funding and funds from Los Angeles County, and the acceptance of said funds, Topanga Canyon and Los Angeles River watersheds, unincorporated Los Angeles County. Negotiators: Alain and Maria Semet and Joseph T. Edmiston. Under consideration: price and terms. *(This subsection of the item may be heard in closed session pursuant to the Government Code § 54956.8).*
- XII. Report from Ranger Services Division and Facilities and Maintenance Division on management of Lechuza Beach in response to purported "notice of default" served by Malibu-Encinal Homeowners Association.
- XIII. Report from Chief Counsel on potential liability if substantial limitations are imposed on access to Lechuza Beach acquired pursuant to a grant from the State Coastal Conservancy.
- XIV. Report from Executive Officer on actions taken to cure violation of the California Coastal Act of 1976 and status of Coastal Development Permit for improvement of Lechuza Beach.
- XV. Public hearing on, and consideration of, Initial Management Plan for Lechuza Beach which shall consist of the applicable provisions of the Malibu Municipal Code and compliance with the provisions of the California Coastal Act of 1976.
- XVI. Closed Session.

The Mountains Recreation and Conservation Authority may hold a closed session on the following items pursuant to Government Code §§ 54956.8 and 54956.9. Confidential memoranda related to these items may be considered during such closed session discussions.

Conference with legal counsel. Number of cases ten(10). (1) *Robings v. Santa Monica Mountains Conservancy and Mountains Recreation and Conservation Authority, Case No. LC077488*; (2) *Robings v. Santa Monica Mountains Conservancy and Mountains Recreation and Conservation Authority, Case No. BC377233*; (3) *Santa Monica Mountains Conservancy and Mountains Recreation and Conservation Authority v. City of Malibu, and related litigation*; (4) *City of Malibu v. Santa Monica Mountains Conservancy and Mountains Recreation and Conservation Authority*; (5) *Pfaff v. Bess, Case No. 56-2007-00308501*; (6) *Pfaff v. Mountains Recreation and Conservation Authority*; (7) *City of Malibu v. California*

Coastal Commission, Santa Monica Mountains Conservancy, Mountains Recreation and Conservation Authority Case No. BS121650, (8) *Boyajian v. Santa Monica Mountains Conservancy*, (9) *Friends of Temescal Pool v. Santa Monica Mountains Conservancy and Mountains Recreation and Conservation Authority, Case No. BC405252* and (10) Pursuant to Government Code Section 54956.95; conference with legal counsel regarding claims made pursuant to the Government Tort Claims Act: Claimants: Jodi Lynn Bice, Gareth Estwick, Phillip Wayne Robbins, Jr.

Conference with legal counsel. Potential litigation to which the Authority has significant exposure. Number of cases four (4): *Malibu-Encinal Homeowners Association v. Mountains Recreation and Conservation Authority* (defense of purported notice of default, Lechuza Beach); *California Coastal Commission v. Mountains Recreation and Conservation Authority* (potential cease and desist order regarding unpermitted development obstructing public access to Lechuza Beach); *State Coastal Conservancy v. Mountains Recreation and Conservation Authority* (failure to provide full public access, including handicapped access, according to grant agreement), and *Unnamed members of the public claiming rights under the Americans With Disabilities Act v. Mountains Recreation and Conservation Authority* (failure to comply with Americans With Disabilities Act and failure to adhere to handicapped access in grant of title at Lechuza Beach).

Conference with legal counsel. Potential litigation that the Authority may initiate to protect its rights and the substantive rights of the public. Number of cases five (5): *Mountains Recreation and Conservation Authority v. Norman Haynie, Lechuza Villas West, LLC, and Malibu Encinal Homeowners Association, et al.* (fraud, violation of warranty of title); *Mountains Recreation and Conservation Authority v. City of Malibu* (conspiracy, conflict of interest, violation of Permit Streamlining Act), *et al.*; *Mountains Recreation and Conservation Authority v. Lisa Pallack-in her capacity as President of the Malibu Encinal Homeowners Association, Malibu Encinal Homeowners Association in its corporate capacity and all members thereof, and Board of Directors of Malibu Encinal Homeowners Association, individually and as the governing body of the Malibu Encinal Homeowners Association, et al.* (slander of title, interference with quiet enjoyment); *Mountains Recreation and Conservation Authority v. William Kiefer, et al.* (unpermitted gate, Pub. Res. Code § 30803), and *Mountains Recreation and Conservation Authority v. Malibu-Encinal Homeowners Association* (unpermitted gate, Pub. Res. Code § 30803).

XVII. Announcement of future meetings and adjournment.

Public comment is welcome on any agenda item and matters not on the agenda. During the meeting the Governing Board may hold a closed session on any item pursuant to Government Code §§ 54956.8 and 54956.9. Unless otherwise ordered, individuals will be allowed three minutes to speak and representatives of organizations/agencies will be given five minutes. For further information on any agenda item please contact Rorie Skei, Chief Deputy Executive Officer, at (310) 589-3230, extension 112.

Note: In accordance with the Americans with Disabilities Act of 1990, if you require a disability-related modification or accommodation to attend or participate in this meeting, including auxiliary aids or services, please call Board Secretary at 310-589-3230, extension 118, at least 10 hours prior to the meeting.

Note: The entire agenda package and any meeting related writings or documents provided to a majority of the Board members after distribution of the agenda package, unless exempt from disclosure pursuant to California Law, will be available at the Conejo Recreation and Park District offices, 403 West Hillcrest Drive, Thousand Oaks, California. Any person with questions regarding items on the Mountains Recreation and Conservation Authority agenda should contact the Board Secretary at (310) 589-3230, extension 118.