

SMBRC Governing Board Meeting Minutes
June 16, 2016

Welcome and Introductions

At 9:40am Enrique Zaldivar called the meeting to order. Introductions followed.

1) Comments from Members of the Public on Items Not on the Agenda and Public Testimony on All Agenda Items

Public Comment:

Dru Lewis-Self commented regarding Malibu Lagoon. He stated that the location of the lagoon opening has consequences on safety and enjoyment of the area. Asks that state parks, property owners, City of Malibu, Commission staff, and stakeholders to reconvene to develop a lagoon management plan.

Kathy Knight gave public comment regarding running of the Commission. She asked why it is not a conflict of interest to have someone be the executive director of SMBRC and TBF simultaneously. She requested that the public to be able to comment on agenda items after they are presented. SMBRC legal counsel David Coupe responded to Kathy's comment requesting to put her comment regarding conflict of interest formally in writing directly to him. David gave his email address for the public record: david.coupe@waterboards.ca.gov

Laurie Newman commented that she is the president of the Foundation and sits on the commission as a non-voting member. Tom serves as the executive director of both organizations.

Walter Lamb from the Ballona Wetlands Land Trust (BWLTL) commented that there should be one uniform level of transparency within the organization. His Board voted to authorize another legal action against the commission if necessary to achieve their immediate objectives.

2) Informational Items

a. Order of Agenda.

The order of the agenda was not changed.

b. Reports from the Chair

Enrique Zaldivar introduced the Annual Work plan Review process and explained closed session procedures.

c. Reports from the Technical Advisory Committee

Steve Bay reported on the last TAC meeting. He discussed the readiness to address climate change in our projects. The next meeting on June 30th will provide feedback and guidance to staff to complete the project.

d. Reports from the Executive Director (ED) and Staff

Tom Ford discussed the City of Santa Monica and State Parks project to have an MOU authored with TBF and City of Santa Monica to reestablish a small section of dunes on the beach in Santa Monica north of the pier. The project will have additive effects of wildlife viewing and enjoyment. It is also soft based living shoreline solution and sea level rise strategy. Ford noted continued work with LA World Airports to get more public access and restore natural dunes. This project has support from the Coastal Conservancy and involvement from Girl Scout troops. Ford noted that the Arroyo Sequit project removed fish barriers to allow endangered species to move throughout. They are trying to get a second bridge installed to allow for improved public access to

the area. The project was delayed due to El Nino concerns. The Malibu Lagoon three-year monitoring report has been submitted to State Parks, and once approved will be up on our website. Ford stated that we as an NEP are working to identify climate stressors, vulnerability and strategies for our BRP objectives. El Nino was tremendously impactful in the ocean due to warming water trends. Ford also discussed work with UCLA students and a conference in Ensenada, Mexico.

David Coupe stated that he did not believe it was necessary to go into closed session today. He noted that the Commission is trying to operate with all due transparency so the board is deciding today to discuss litigation in public since the prior BWLT case is closed and already public.

Mr. Coupe gave an update on the status of litigation and latest communications with Mr. Lamb. Mr. Lamb submitted a letter to Tom in May alleging issues dealing with transparency and conflict of interest. Mr. Coupe updated the board on prior litigation stating that the trust, in his judgment, lost most items in the lawsuit. However, under Public Records Act litigation if a petitioner prevails on any item, it is still entitled to attorney fees, which is why there was an agreement to provide attorney fees. The settlement required a separate legislative appropriation of funds from the State. This has no bearing on judgment of what the Commission can do or is asked to do.

Joan Cardellino asked whether the State would have to pay all the petitioner's attorney fees even though they only prevailed w points. Mr. Coupe replied they are engaged in confidential settlement talks. Bruce Reznik suggested we be ready to have a closed session at the next meeting. Bruce wants to plan for a future discussion regarding the attorney's fees and new potential litigation

Kevin McKeown stated that he would appreciate some clarity on staffing. He asked if there were other members besides the ED that are shared between TBF and the Commission and how the public would know.

Ford replies that we have the staff listed who are responsible for Commission work on the SMBRC website. McKeown asked if we could have everyone say who they are speaking on behalf of each time. Ford said that could be done.

3) Governing Board Business

a. Consideration of Approval of April 21, 2016 Meeting Minutes

The April minutes were approved. (M: Kevin McKeown, S: Laurie Newman, Abst: Dan Murphy, Rita Kampalath, Jonathan Bishop)

b. Consideration of Approval of Fiscal Year 2017 Work Plan

Tom Ford described the basis of the annual work plan working off the year prior. The work plan was brought to the EC for its approval and discussion. The change in the formatting was discussed. If approved, it would go to US EPA to approve.

John Sibert suggested an SMBRC staff member attend an Elected Official Steering Committee for the stormwater of Los Angeles meeting to coordinate entire watershed BMPs and all the work that is being done.

Charley Caspary commented to include their stormwater efforts in 1.1b table on page 7

Clark Stevens wants to see some of the work plan items moved from supporting role to participate. Tom stated that funding and capacity is limited and if we are able, we will increase these roles.

Timothy Lippman asked if board members want to change the work plan is there an option to do that after this meeting. Guangyu Wang replied that depending on the scope of the changes we can go through a process to revise.

Bob Godfrey comments on 2.1a promote sustainable fishery management and that we should lobby for the implementation of a halibut fishery management plan.

Johnathan Bishop asked if there is monitoring of recovery of steelhead when the fish barriers are removed. Tom replied that he is not sure that we have the resources to invest in that monitoring. Jonathan would like to see funds invested in that.

Bob Godfrey commented about student interns and volunteers. He stated that they have a program for angler education but it has been increasingly difficult to fund. He would like participation and support from TBF interns or students to staff the program. Tom replied that we would be happy to help if we can and will get more details from him about training, scheduling, etc.

Dan Murphy had a question on 3.4a- the wording of "pilot fish project" a pilot project, not pilot fish. Tom responded that we will put it in parentheses.

Debbie Dyer-Harris commented that there is a slight discrepancy between conferences and meetings budget. Tom said they will fix.

Jonathan Bishop asked whether SWRCB and LMU were both contributing \$350k to travel? Tom replied that that is an Excel worksheet error.

Debbie Dyer-Harris asked for a clarification of NEP travel vs all other. Tom said the NEP has two meetings per year- one technical transfer and mandatory annual conference in DC. The other non NEP travel are conferences and symposia to distribute our work.

The work plan was approved unanimously with minor edits: (M: John Sibert, S: Gloria Gray)

c. Member Comment

John Sibert stated that part of the LCP for the City of Malibu includes a requirement that we develop a Malibu Lagoon plan which involves everyone at the table.

Debbie Dyer-Harris asked what the process is to change the format of the meeting. It is concerning to her that people in the audience did not have a chance to comment on the work plan or other items discussed. Enrique says that we would bring it to the EC meeting first.

Lauren Pizer Mains asks what the purview is of the EC vs GB. Enrique stated that EC streamlines items that come before the board. The EC does not have finality in making any decisions.

Kevin McKeown shared his enthusiasm for the Santa Monica Beach pilot dunes project. He has been asked if the Commission has a number of appointments to make to the Foundation Board but has not done so. If this is true and if so when would they make those appointments? Tom replied that he will reply to that in a memo form.

Discussion followed regarding the timing and extent of public comment at commission meeting.

d. Closed Session- None.

The meeting was adjourned at 11:48 without objection.

Attendance

Voting Members of the Governing Board:

Jonathan Bishop, California Environmental Protection Agency
Joan Cardellino, California State Coastal Conservancy
Charles Caspary, Las Virgenes Municipal Water District
Debbie Dyer-Harris, Councilmember, Los Angeles City Council District 11
Robert Godfrey, At-Large Member (Marina del Rey Anglers)
Gloria Gray, At-Large Member (West Basin Municipal Water District)
Gary Hildebrand, LA County Department of Public Works
Grace Hyde, LA County Sanitation Districts
Rita Kampalath, Public Member/Environmental, Heal the Bay
Timothy Lippman, Office of Sheila Kuehl, Supervisor, 3rd District, County of Los Angeles
Kevin McKeown, Santa Monica/ WSCCOG
Dan Murphy, LA County Fire Department, Lifeguard Division
John Rea, South Bay Cities (Palos Verdes Estates)
Bruce Reznik, Public Member/Environmental, LA Waterkeeper
John Sibert, Malibu Watershed Cities (City of Malibu)
Rod Spackman, Public Member/ Business, Chevron Corporation
Clark Stevens, At- Large Member (SM Mtns RCD)
Michael Tripp, LA County Department of Beaches and Harbors
Enrique Zaldivar, SMBRC Chair, LA City Bureau of Sanitation

Non-Voting Members of the Governing Board:

Steve Bay, Technical Advisory Committee, Vice Chair
John Kemmerer, US EPA Region IX
Laurie Newman, President, The Bay Foundation
Lauren Pizer-Mains, State Senator Ben Allen, 26th District
Sam Ziegler, US EPA Region IX

SMBNEP Staff present:

Julie Du Brow
Tom Ford
Victoria Gambale
Ariadne Reynolds
Guangyu Wang
David Coupe, SWRCB Legal Counsel

Other Attendees, including other Watershed Advisory Council Members:

Craig Cadwallader, Surfrider South Bay

EJ Caldwell, West Basin Municipal Water District

Jennie Dean

Kathy Knight, Ballona Ecosystem Education Project

Walter Lamb, Ballona Wetlands Land Trust

Michael Omary, APD Clean Water Technologies

Wing Tam, LA City Department of Public Works

Frank Wu, LACFCD