

MOUNTAINS RECREATION AND CONSERVATION AUTHORITY

**Special Meeting
Monday, January 25, 2010
7:00 p.m.
City of Calabasas, Founders Hall
200 Civic Center Way
Calabasas, California 91302**

PLEASE TAKE NOTICE that the Governing Board of the Mountains Recreation and Conservation Authority will hold a special meeting pursuant to Government Code Sec. 54956 at the above stated place and time.

AGENDA

- I. Call to order.
- II. Roll Call.
- III. Public comment on matters not on the agenda, and public hearing on all matters on the agenda. (Note: Individuals will be afforded three minutes and representatives of organizations will be afforded five minutes.)
- IV. Consideration of resolution authorizing amendment to Malibu Coastal Development Permit Application No. 07-087, Lechuza Beach Public Access Improvements Project, to add 1) an accessible portable restroom facility on Authority property on or adjacent to Lot "A" (West or East Sea Level Drive) (APN 4470-021-900 or 4470-028-918); 2) a removable, seasonal beach accessible ramp between the proposed viewing platform and beach adjacent to East Sea Level Drive; and 3) a twenty-four-foot-wide access road on public right-of-way between Broad Beach Road and the terminus of West Sea Level Drive (Lot "A"), City of Malibu.
- V. Consideration of resolution authorizing amendment of SMM-0765.
- VI. Consideration of resolution authorizing amendment of the Wildlife Conservation Board grant and the State Coastal Conservancy grant for the acquisition of King Gillette Ranch.
- VII. Statements, questions, and directions to staff pursuant to Section 54954.2 of the Government Code.
- VIII. 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. 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).

IX. 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.

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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.