

# **BLUE FOLDER ITEM**

*Blue folder items are additional back up material to administrative reports and/or public comments received after the printing and distribution of the agenda packet for receive and file.*

## **CITY COUNCIL MEETING JANUARY 23, 2024**

### **J.1 PUBLIC PARTICIPATION ON NON-AGENDA ITEMS**

- **PUBLIC COMMUNICATIONS**

**From:** [Mark Nelson \(Home Gmail\)](#)  
**To:** [Communications](#); [Vanessa L. Poster](#); [Jane Diehl](#); [Martha Koo](#); [Michelle Bholat](#); [Noel Chun](#); [info](#); [executiveoffice@bos.lacounty.gov](#); [Holly J. Mitchell](#); [Garth Meyer](#); [cityclerk@manhattanbeach.gov](#); [cityclerk@hermosabeach.gov](#); [CityClerk](#)  
**Subject:** BCHD does not appear to be performing in its DEI obligations for allcove  
**Date:** Sunday, January 21, 2024 10:58:36 AM

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**CAUTION: Email is from an external source; Stop, Look, and Think before opening attachments or links.**

BCHD is obligated to service the LA County SPA8 area for allcove. That is a total population of 1.4M with widely diverse income levels, ethnicities, education level, and other characteristics. When asked, BCHD provides no data for expenditures or efforts by city in SPA8 and only responds with its generic DEI statement as a virtue signal smokescreen. **BCHD must measure expenditures and participation of allcove by SPA8 jurisdiction in an attempt to demonstrate not just EQUAL TREATMENT but DEI supportive treatment of those more diverse areas.**

public comment all agencies

## BCHD, allcove Beach Cities and DEI. Is BCHD Performing?

When BCHD took on a 91% non-resident service area for allcove Beach Cities, it also took on the obligation for equity. It's not at all clear that BCHD's allcove is providing the same or better opportunities to the many disadvantaged communities that it claims to service by contract in SPA8. The CPRA request has been made - we'll see.



**From:** [Mark Nelson \(Home Gmail\)](#)  
**To:** [Communications](#)  
**Cc:** [CityClerk](#); [cityclerk@hermosabeach.gov](mailto:cityclerk@hermosabeach.gov); [cityclerk@manhattanbeach.gov](mailto:cityclerk@manhattanbeach.gov); [info@executiveoffice@bos.lacounty.gov](mailto:info@executiveoffice@bos.lacounty.gov); [Holly J. Mitchell](#); [Garth Meyer](#)  
**Subject:** Public Comment - BCHD pays \$4.41 to Executives for every \$1 in Volunteer Value  
**Date:** Sunday, January 21, 2024 10:52:35 AM

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BCHD's 13 executives receive \$2.3M annually in compensation.

According to BCHD's recent annual data, BCHD received \$521,043.18 in volunteer "value" at a nearly \$40/hour assessment.

**Why is it that BCHD pays \$4.41 to Executive salaries and benefits for each \$1 of Volunteer value?**

**From:** [Mark Nelson \(Home Gmail\)](#)  
**To:** [Communications](#); [CityClerk](#); [cityclerk@hermosabeach.gov](mailto:cityclerk@hermosabeach.gov); [cityclerk@manhattanbeach.gov](mailto:cityclerk@manhattanbeach.gov); [executiveoffice@bos.lacounty.gov](mailto:executiveoffice@bos.lacounty.gov); [info](#); [Holly J. Mitchell](#)  
**Subject:** Public Comment - Public Participation in BCHD Governance in the prior period was between 14 and 16 people total (0.02% of registered voters)  
**Date:** Saturday, January 20, 2024 10:17:28 PM  
**Attachments:** [image.png](#)

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It is quite pathetic that only a maximum of 16 people participated in BCHD governance, out of 85000 registered voters in the District. That is 0.02%. BCHD is an echo chamber and it chooses to operate in the shadows with little to no public oversight and participation - as a matter of objective mathematic fact.

November 15, 2023 – January 15, 2024 Virtual Public Attendance numbers can be found below.

	Participants
<b>PUBLIC MEETING ATTENDANCE –</b>	
<b>Policy Committee – 11/15/23</b>	<b>1</b>
<b>Regular Board Meeting – 11/15/23</b>	<b>14</b>
<b>Strategic Planning Committee – 12/19/23</b>	<b>1</b>

*\*The participants # shows how many people viewed the webinar on their computer. It does not include panelists or attendees who only listened by phone. Viewers who joined the meeting multiple times or from multiple devices are counted only once*

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**Subject:** Public Comment - Resident-Taxpayers must be compensated for the use of the Flagler lot by 91% non-resident service area  
**Date:** Friday, January 19, 2024 11:31:07 AM

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BCHD Finance Committee, RB/HB/MB City Councils, LALAFCO, LA County Board of Supervisors:

BCHD proposed a land lease fee of \$1.5M per 3 acres per year for the PMB LLC development. The PMB LLC development will service 80% non-residents, according to BCHD's MDS consultant study, Table 3-3.

The Flagler and Beryl lot is approximately 0.5 acres, or \$250,000 per year at the same proposed rate. The allcove facility is a minimum 30 year lease per the construction funding grant. Per LA County SPA8, the service area of allcove is SPA8, or 1.4M population, making the service area 91% non-residents.

District resident-taxpayers own the Flagler and Beryl lot and must be compensated for it for the 91% non-resident usage.

**From:** [Mark Nelson \(Home Gmail\)](#)  
**To:** [Vanessa I. Poster](#); [Noel Chun](#); [Martha Koo](#); [Jane Diehl](#); [Michelle Bholat](#); [executiveoffice@bos.lacounty.gov](mailto:executiveoffice@bos.lacounty.gov); [BoardClerk@metro.net](mailto:BoardClerk@metro.net); [info](#); [CityClerk](#); [cityclerk@manhattanbeach.gov](mailto:cityclerk@manhattanbeach.gov); [cityclerk@hermosabeach.gov](mailto:cityclerk@hermosabeach.gov)  
**Cc:** [Lisa Jacobs](#); [Kevin Cody](#); [tliu@scng.com](mailto:tliu@scng.com); [Garth Meyer](#)  
**Subject:** PUBLIC COMMENT: BCHD Must Collect \$320,000 per year Lease from the C-2 allcove parcel at Flagler & Beryl  
**Date:** Tuesday, January 16, 2024 10:39:52 PM

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## PUBLIC COMMENT TO ALL ENTITIES

**The C-2 parcel is a roughly \$4.5M value Taxpayer asset. BCHD plans to provide it for the benefit of a 91% non-resident (SPA8) service area. As such, BCHD is removing 91% of the value, or \$4.05M from Taxpayers without compensation. BCHD was established for the benefit of "residents who reside" in the District, and this action by BCHD must keep the Taxpayers whole. An 8% per year of value lease, or a lump sum \$4.5M payment by allcove to the Taxpayers funds is REQUIRED.**

It is an indisputable fact that BCHD's allcove service area is 91% non-residents of the District. That is based on the population distribution of LA County SPA8. Details have been provided to BCHD and they offer no dispute to the fact of the service area.

Furthermore, BCHD plans to donate the publicly owned C-2 lot at Flagler and Beryl for the use of its 91% non-resident, out-of-District program for at least 30 years. 30 years is the required minimum operation of the allcove building, according the legislation that provided the funding.

The 18796 sqft C-2 parcel has significant value to the District taxpayers. District-only taxpayers funded the parcel, along with the entire Prospect parcel. District-only taxpayers paid property taxes, provided rents from the land, rents from the buildings, and rents from other Taxpayer-owned enterprises to fund the maintenance and upkeep of the lot. BCHD's plan for allcove is to allow the parcel's value to District taxpayers to diminish by 91% - the size of the Non-Resident service area.

The closest comp in Redondo Beach is the lot at 1406 Aviation. That lot is 11369 sqft with a sale price of \$2.7M. Directly scaling the price based on the lot size, shows that the 91% value diminishment of the parcel to Taxpayers will be a value loss of \$4.05M. At a conservative 8% of value per year rent, BCHD must reimburse Taxpayers by collecting a \$320,000 annual lease payment for the site.

In short, BCHD is dedicating Taxpayer assets to 91% non-taxpayer benefits, and that results in a \$4.05M diminishment of taxpayer assets. As BCHD is well aware, the District swore to the Superior Court that it was voter approved for the benefit of "residents who reside" in the District. As such, BCHD is directly violating its voter approval.

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**Subject:** Public Comment: BCHD needs to report NON-RESIDENT use of CHF & AdventurePlex and Charge FULLY COMPENSATORY RATES FOR ALL EVENTS  
**Date:** Sunday, January 21, 2024 10:40:36 AM  
**Attachments:** [image.png](#)  
[image.png](#)  
[image.png](#)

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Both CHF and AdventurePlex are heavily subsidized by RESIDENT-TAXPAYERS of the District, yet, neither has differential charges for RESIDENT vs. NON-RESIDENT. As a result, taxes from the District are subsidizing non-resident users.

BCHD must 1) determine residency of each user or member of each activity, 2) charge a FULLY COMPENSATORY RATE such that no non-resident has any District TAXPAYER subsidy, 3) report non-resident use in a transparent manner for the use of RESIDENT-TAXPAYERS.

**It is simply unfair and against the voter mandate that the District has characterized as service to the "residents who reside" in the District in its legal pleadings.**

**The District's resident taxpayer subsidy levels for CHF and APlex**

CHF + APlex		
Revenues	\$ 1,584,268	
Expenses	\$ 1,975,508	
<b>NET LOSS</b>	<b>\$ (391,240)</b>	<b>Funded with Taxpayer Subsidies</b>

**The District's non-resident membership at CHF is over 30% per CPRA response**

RB/HB/MB	931	66.5%
Non-Res	469	33.5%

**The District's contemporaneous statement of its voter charter (since BCHD has "lost" the ballot language of its establishment, we must rely on the nearest, legally recorded document)**

100 Emerald Street  
Redondo Beach, California  
Telephone: FRontier 4-3456

FILED  
JUL 31 1957  
WILLIAM L. OSTLY, County Clerk  
J. R. Dejeant  
CLERK DEPUTY

SUMMONS ISSUED

Attorney for Plaintiff

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF LOS ANGELES

SOUTH BAY HOSPITAL DISTRICT,  
a governmental agency, } NO. INCL. C-1594

upon said real property and operating on said real property a  
hospital in order to provide hospital facilities for the various  
residents who reside within the South Bay Hospital District.

Public Comment all agencies

**From:** [Mark Nelson \(Home Gmail\)](#)  
**To:** [Communications](#); [CityClerk](#); [cityclerk@hermosabeach.gov](mailto:cityclerk@hermosabeach.gov); [cityclerk@manhattanbeach.gov](mailto:cityclerk@manhattanbeach.gov); [executiveoffice@bos.lacounty.gov](mailto:executiveoffice@bos.lacounty.gov); [Holly J. Mitchell](#); [Martha Koo](#); [Michelle Bholat](#); [Noel Chun](#); [Vanessa I. Poster](#); [Jane Diehl](#); [info](#); [Garth Meyer](#); [Lisa Jacobs](#); [Robert W. Lundy](#); [rmiller@hooperlundy.com](mailto:rmiller@hooperlundy.com)  
**Subject:** Public Comment: How much will the YWC (aka allcove) pay Taxpayers-Owners of BCHD annually for 91% NON-RESIDENT use of the \$5M parcel at Beryl & Flagler?  
**Date:** Saturday, January 20, 2024 8:54:10 PM

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Following review of the current BCHD agenda packet, I see no payment from the YWC/allcove 30-year facility to taxpayer-owners of the District (aka RB/MB/HB residents)

91% of LA County SPA8 is non-resident to the District. The fair value rent for the facility land should be \$250,000 per year, based on BCHD's \$1.5M lease payment proposal by PMB LLC.

Why should District residents, taxpayers, and owners DONATE land to SPA8? That's not fair to the taxpayers that voted to found the District for the benefit of the "Residents who reside" in the District. Those voters paid property taxes for 70 years along with bond measures to purchase the land and build the hospital. If BCHD Board is planning to cede control of 91% of a 1/2 acre site, then it needs the approval of voters.

**From:** [Mark Nelson \(Home Gmail\)](#)  
**To:** [PRR](#)  
**Cc:** [CityClerk](#); [Planning Redondo](#); [info](#); [executiveoffice@bos.lacounty.gov](#); [Holly J. Mitchell](#); [Vanessa I. Poster](#); [Noel Chun](#); [Martha Koo](#); [Jane Diehl](#); [Michelle Bholat](#)  
**Subject:** Re: CPRA - allcove DEI  
**Date:** Friday, January 19, 2024 4:52:53 PM  
**Attachments:** [image001.png](#)

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Sadly, BCHD's policy statement is only a general, non-implementable virtue signal for employees and the public.

It is clear that BCHD has no specific analysis nor plan for DEI-based implementation of allcove, nor does BCHD track it's expenditures by socioeconomics or SPA8 subregion (aka City). That which is not measured, will not materialize except by wishing. And wishing is not a plan.

BCHD must do better with SPA8 and allcove to assure that spending and services are aimed toward those with the greatest need and the historically lowest inclusion levels.

Public Comment: RB Council, RB Planning, LA County Board, LALAFCO

On Fri, Jan 19, 2024 at 3:07 PM PRR <[PRR@bchd.org](mailto:PRR@bchd.org)> wrote:

Dear Mr. Nelson,

Please see below (in red) for the District's response to your public records request received 01/08/24 that reads:

Provide documents for allcove Beach Cities demonstrating:

- 1) the DEI plan for serving the varied DEI characteristics of the SPA8 cities
- 2) the expenditures for Adv/Mktg/PR in each of the cities in the table above
- 3) the expenditures on residents in each of the cities above.

Please find attached the District Board approved DEI Advocacy Statement. The District Board annually reviews and re-approves the statement.

The District has a DEI Task-Force that continues to work on DEI matters affecting the District and its Community using the District programs and services, including the allcove program. As recently as at the November 2023 Board meeting the Board of Directors reviewed recommendations from the Task-Force and reapproved the DEI advocacy statement. In addition, staff is planning on reviewing a recommended DEI Outreach

Framework for the District in a future Board Meeting.

Please see section Policy Committee Reports page 5 in the link below to the November 15, 2023 Board Meeting Agenda on DISCUSSION AND POTENTIAL ACTION ITEM: APPROVAL OF THE BCHD DIVERSITY EQUITY AND INCLUSION ADVOCACY STATEMENT AS PRESENTED BY THE BCHD DEI TASK FORCE

Link: [BCHD Nov. 15, 2023 Board Meeting Agenda](#)

There are no other responsive records.

Please note that if records you are seeking do not exist, BCHD has no obligation to create new records, or to obtain records from other sources, unless those sources are considered “prepared, owned, used by, or retained by” by the District.

If you believe we have not correctly interpreted your request, please resubmit your request with a description of the identifiable record or records that you are seeking.

Please note that the District may not respond to questions or comments included with your request that are not themselves requests for identifiable public records under the California Public Records Act. The lack of response by the District to any such questions or comments, including follow-up questions and comments, is not an indication of the District’s position on any topic or item, and should not be presented as such to any person.

Thank you.

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**From:** Mark Nelson (Home Gmail) [REDACTED]  
**Sent:** Monday, January 8, 2024 1:59 PM  
**To:** PRR <[PRR@bchd.org](mailto:PRR@bchd.org)>  
**Subject:** CPRA - allcove DEI

**EXTERNAL EMAIL - CAUTION**

It is abundantly clear that the DEI demographic characteristics of the SPA8 allcove service area are vastly different. As an example, a random sample of SPA8 cities was drawn and summarized below. As is readily apparent, Lennox families have incomes of less than 30% of Manhattan Beach, while Wilmington residents are nearly 4X more likely to be non-white than Manhattan Beach families.

RANDOM SAMPLE OF SPA8 DEI FACTORS						
	DEI Demographics			% of MB <18	% of MB Income	Multiple of MB Non-white %
SPA8 City	%<18	HH Income	% Non-white			
MB	26.8%	\$ 187,217	24.6%	100%	100%	1.00
RHE	20.8%	\$ 179,917	34.2%	78%	96%	1.39
Carson	19.5%	\$ 103,045	79.6%	73%	55%	3.24
Gardena	19.9%	\$ 75,443	81.3%	74%	40%	3.30
Wilmington	29.0%	\$ 55,141	96.5%	108%	29%	3.92
Lennox	24.6%	\$ 54,611	74.1%	92%	29%	3.01

Provide documents for allcove Beach Cities demonstrating:

- 1) the DEI plan for serving the varied DEI characteristics of the SPA8 cities
- 2) the expenditures for Adv/Mktg/PR in each of the cities in the table above
- 3) the expenditures on residents in each of the cities above.

THE PRECEDING E-MAIL, INCLUDING ANY ATTACHMENTS, CONTAINS INFORMATION THAT MAY BE CONFIDENTIAL, BE PROTECTED BY ATTORNEY CLIENT OR OTHER APPLICABLE PRIVILEGES, OR CONSTITUTE NON-PUBLIC INFORMATION. IT IS INTENDED TO BE CONVEYED ONLY TO THE DESIGNATED RECIPIENT. IF YOU ARE NOT THE INTENDED RECIPIENT OF THIS MESSAGE, PLEASE NOTIFY THE SENDER BY REPLYING TO THIS MESSAGE AND THEN DELETE IT FROM YOUR SYSTEM. USE, DISSEMINATION, DISTRIBUTION, OR REPRODUCTION OF THIS MESSAGE BY UNINTENDED RECIPIENTS IS NOT AUTHORIZED AND MAY BE UNLAWFUL. PLEASE NOTE THAT CORRESPONDENCE WITH THE BEACH CITIES HEALTH DISTRICT, ALONG WITH ALL ATTACHMENTS OR OTHER ITEMS, MAY BE SUBJECT TO DISCLOSURE IN ACCORDANCE WITH THE CALIFORNIA PUBLIC RECORDS ACT. THE BEACH CITIES HEALTH DISTRICT SHALL NOT BE RESPONSIBLE FOR ANY CLAIMS, LOSSES OR DAMAGES RESULTING FROM THE DISCLOSURE OR USE OF ANY INFORMATION, DATA OR OTHER ITEMS THAT MAY BE CONTAINED IN ANY CORRESPONDENCE.

**From:** [Mark Nelson \(Home Gmail\)](#)  
**To:** [PRR](#)  
**Cc:** [CityClerk](#); [info](#); [executiveoffice@bos.lacounty.gov](#); [Planning Redondo](#); [Holly J. Mitchell](#)  
**Subject:** Re: CPRA - allcove SPA8 equitable funding levels and services providers  
**Date:** Friday, January 19, 2024 4:21:04 PM

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Thank you. I am obviously not surprised that BCHD is taking no analytical action to assure allcove expenditures benefit all of SPA8 equally, as I'm sure the funding agreements intend.

Public Comment: RB Council, LA County Supervisors, LALAFCO, RB Planning Commission

On Fri, Jan 19, 2024 at 3:02 PM PRR <[PRR@bchd.org](mailto:PRR@bchd.org)> wrote:

Dear Mr. Nelson,

Please see below (in red) for the District's response to your public records request received 01/08/24 that reads:

Provide documents that:

- 1) demonstrate the equitable expenditure of funding of PR/Marketing/Advertising costs across the entirety of SPA8 for allcove Beach Cities
- 2) demonstrate the equitable expenditure of funding for service providers across the entirety of SPA8 for allcove Beach Cities.

There are no responsive records.

Please note that if records you are seeking do not exist, BCHD has no obligation to create new records, or to obtain records from other sources, unless those sources are considered "prepared, owned, used by, or retained by" by the District.

If you believe we have not correctly interpreted your request, please resubmit your request with a description of the identifiable record or records that you are seeking.

Please note that the District may not respond to questions or comments included with your request that are not themselves requests for identifiable public records under the California Public Records Act. The lack of response by the District to any such questions or comments, including follow-up questions and comments, is not an indication of the District's position on any topic or item, and should not be presented as such to any person.

Thank you.

---

**From:** Mark Nelson (Home Gmail) [REDACTED]  
**Sent:** Monday, January 8, 2024 1:15 PM  
**To:** PRR <[PRR@bchd.org](mailto:PRR@bchd.org)>  
**Subject:** CPRA - allcove SPA8 equitable funding levels and services providers

**EXTERNAL EMAIL - CAUTION**

allcove Beach Cities was established, contracted, and the building funded for services to LA County SPA8 which is defined in the public record. BCHD is advertising the 1 year allcove duration.

Provide documents that:

- 1) demonstrate the equitable expenditure of funding of PR/Marketing/Advertising costs across the entirety of SPA8 for allcove Beach Cities
- 2) demonstrate the equitable expenditure of funding for service providers across the entirety of SPA8 for allcove Beach Cities

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CITIES HEALTH DISTRICT SHALL NOT BE RESPONSIBLE FOR ANY CLAIMS, LOSSES OR DAMAGES RESULTING FROM THE DISCLOSURE OR USE OF ANY INFORMATION, DATA OR OTHER ITEMS THAT MAY BE CONTAINED IN ANY CORRESPONDENCE.

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**Cc:** [CityClerk](#); [cityclerk@hermosabeach.gov](mailto:cityclerk@hermosabeach.gov); [cityclerk@manhattanbeach.gov](mailto:cityclerk@manhattanbeach.gov); [executiveoffice@bos.lacounty.gov](mailto:executiveoffice@bos.lacounty.gov); [Holly J. Mitchell](#)  
**Subject:** STUDY SESSION BEACH CITIES HEALTH DISTRICT January 24, 2024 5:00 PM  
**Date:** Saturday, January 20, 2024 8:33:13 PM

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BCHD's future actions are primarily OUTSIDE the District's resident base. allcove Beach Cities has a 91% non-resident service area, namely LA County SPA8. That includes 1.4M people and about 250,000 15-25 year olds. Of that, only 9% are taxpayer-residents who reside in the District.

Furthermore, BCHD is donating the 1/2 acre lot with an approximate annual lease value of \$250K per year to all Beach Cities. The math is quite simple. 91% of \$250K for the next 30 years is \$6.8M in current dollars. Obviously that is expected to escalate, as well the land value. BCHD is obligated the District taxpayers to support the allcove facility for 30 years as a result of taking the roughly \$6M state grant. In short, 91% of the benefit of allcove goes to NON-RESIDENTS. And if it doesn't, then BCHD is failing to faithfully execute the SPA8 service area contract it executed.

PACE has existing national statistics collected by the National PACE Assoc. Only 1 in 1000 seniors is a PACE enrollee. 99% of enrollees have Medicaid and 91% have both Medicaid and Medicare. There are 16000 seniors in the 3 beach cities, meaning that only 16 resident taxpayers will benefit from PACE and 95% of the PACE's 400 projected enrollees (per Cain estimates) will be NON-RESIDENTS.

The most recent public study, BCHD's MDS study demonstrates in Exhibit 3-3 that 80% of the RCFE tenants will be NON-RESIDENTS. That is clearly demonstrated by the ZIP CODE ANALYSIS of MDS. PMB and BCHD continue to operate in the shadows and have provided NO public information update.

A grave concern is that affordability of the RCFE. The estimates that were provided by Cain based on PMB's proposal showed an average monthly cost of \$11,311 as the result of a weighted average analysis of the number of units and the cost of units. That was prior to the run up in inflation and interest rates. It seems likely that the cost will skyrocket for tenants, and that the moderate income areas of the District will be SHUT OUT by non-residents.

BCHD and it's SUPERMAJORITY NON-RESIDENT future services MUST BE STOPPED.

Public Comment all listed agencies