

Here

**BOARD OF DIRECTORS
LEONA QUARRY GEOLOGIC HAZARD ABATEMENT DISTRICT**

OFFICE OF THE CITY CLERK
3000

RESOLUTION NO. _____

2005 FEB 25 AM 11:12

INTRODUCED BY BOARD MEMBER _____

RESOLUTION:

- 1. APPOINTING IGNACIO DE LA FUENTE AS THE CHAIRPERSON OF THE LEONA QUARRY GEOLOGIC HAZARD ABATEMENT DISTRICT (GHAD) BOARD,**
- 2. APPOINTING RICHARD CLARK, OF DANVILLE ASSOCIATES, AS THE GHAD TREASURER/CLERK,**
- 3. APPOINTING ENGEQ, INC. AS THE GHAD GENERAL MANAGER,**
- 4. APPOINTING PATRICIA E. CURTIN AS THE GHAD ATTORNEY,**
- 5. AUTHORIZING THE CHAIRPERSON TO NEGOTIATE AND ENTER INTO A CONTRACT WITH RICHARD CLARK FOR TREASURER/CLERK SERVICES, AND**
- 6. AUTHORIZING THE TREASURER/CLERK TO NEGOTIATE AND ENTER INTO CONTRACTS WITH ENGEQ, INC. FOR GENERAL MANAGER SERVICES AND WITH PATRICIA E. CURTIN FOR GHAD ATTORNEY SERVICES.**

WHEREAS, on December 3, 2002, the Oakland City Council adopted Resolution No. 77545, approving and ordering the formation of the Leona Quarry Geologic Hazard Abatement District (GHAD), as a distinct and separate legal entity from the City and appointing the Councilmembers to act as the Board of Directors of the GHAD (GHAD Board); and

WHEREAS, the Ignacio De La Fuente is the current President of the City Council and is well-qualified to act as the Chairman of the GHAD Board in his distinct legal capacity as a member of the Leona Quarry GHAD Board; and

WHEREAS, pursuant to Public Resources Code sections 26584 and 26585, the GHAD Board must appoint a Clerk and a Treasurer of the GHAD, and, pursuant to Public Resources Code section 26586, the GHAD Board may appoint other persons to assist in managing the GHAD and delegate to such persons such powers as may be appropriate under the circumstances; and

WHEREAS, pursuant to Public Resources Code section 26579, the GHAD may enter into contracts and agreements with a private organization or person in to carry out the purposes and mission of the GHAD (Pub. Res. Code §§ 26500 *et seq.*); and

WHEREAS, in addition to a Treasurer and Clerk, the Leona Quarry GHAD requires the services of a general manager (Manager) with experience in Geotechnical Engineering, Civil Engineering, management and maintenance of improvements such as drainage ditches, vegetated slopes, inspection of inclinometers and other geotechnical gauges, and of an attorney with prior experience advising GHADs; and

WHEREAS, Richard Clark is qualified to perform the services of Treasurer and Clerk based on his extensive experiences as a Contra Costa County Planning Commissioner since 1988 and as a 2004 California County Planning Commissioner of the year who has studied, required and advocated for creation of GHAD since its inception; and

WHEREAS, ENGEO, Incorporated is qualified to perform as general manager based on its over 20 years of experience with GHADs throughout Northern California, and the fact that it established the first GHADs in Northern California and is first firm to ever apply GHADs to new developments. In addition Uri Eliahu is the current president of the California Association of GHAD; and

WHEREAS, Patricia E. Curtin is a member of the State Bar of California in good standing and is qualified to provide legal services for the GHAD. She has previously and currently advises several other GHADs. She is an experienced land use attorney, and has dealt with many land use issues, possesses broad experience in hillside development and she is a board member of the California Association of GHADs;

NOW, THEREFORE, The Leona Quarry GHAD Board hereby resolves and orders that:

1. Ignacio De La Fuente is appointed to act as the Chairperson of the GHAD Board; and
2. Richard Clark, of Danville Associates is appointed to act as the Treasurer and Clerk of the GHAD
3. The Chairperson of the GHAD, on behalf of the GHAD Board, is authorized to negotiate and execute an agreement with Richard Clark, Danville Associates, for Treasurer/Clerk services;
4. Richard Clark, Danville Associates, is authorized to negotiate contracts for the services of the GHAD General Manager and GHAD Attorney.
5. ENGEO Inc. is appointed to act as the General Manager of the GHAD; and
6. Patricia E. Curtin is appointed to act as Attorney for the GHAD; and
7. The GHAD Treasurer/Clerk, General Manager and Attorney appointed herein shall sit and serve at the pleasure of the GHAD Board, and any contracts for services to be provided by such appointees shall so specify; and
8. This Resolution shall become effective immediately upon its passage and adoption.

OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

Clerk of the GHAD Board