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OFFICE OF THE CITY CLERK

**LEONA QUARRY GEOLOGIC HAZARD ABATEMENT DISTRICT BOARD
AGENDA REPORT**

2011 JUN -9 PM 1:50

TO: Boardmembers of the Leona Quarry GHAD
FROM: Interim GHAD Attorney
DATE: June 6, 2011

**RE: CONSIDERATION OF RESOLUTIONS TO 1) APPOINT A
CHAIRPERSON TO THE GHAD BOARD (NO. 10), AND 2) CONFIRM
TRANSFER OF PROPERTY AND IMPROVEMENTS TO THE GHAD
AND ADOPT 2010/2011 AND 2011/2012 BUDGET (NO. 11)**

SUMMARY

On December 3, 2002 pursuant to Resolution No. 77545 C.M.S., the City Council ordered formation of the Leona Quarry Geologic Hazard Abatement District (GHAD) and appointed itself to act as the Board of Directors of the GHAD (GHAD Board). The Leona Quarry GHAD Board met on March 15, 2005 and May 3, 2005 and adopted numerous resolutions to make the GHAD operational. GHAD Resolution No. 1 appointed Henry Chang as the GHAD Chair.

This will be the first meeting of the GHAD Board since it last met on May 3, 2005. There was no reason for the GHAD Board to convene before this time since it did not yet acquire any ownership or maintenance responsibilities under the Plan of Control. The Plan of Control is the document that sets forth responsibilities of the GHAD and includes mitigations and recommendations for the prevention and maintenance of potential and existing geologic hazards.

The purpose of this meeting is to request the GHAD Board to 1) appoint a new Chairperson to the GHAD Board, and 2) adopt the budget for the remainder of the fiscal year 2010/2011 and for the fiscal year 2011/2012. A new Chair will need to be appointed to replace Henry Chang. Also, as required by the Plan of Control, certain property and improvements were transferred to the GHAD Board this year. It is necessary that the budget be adopted to allow the GHAD Manager to maintain this property and these improvements and implement all of the requirements in the Plan of Control.

FISCAL IMPACT

None. The GHAD is a self-sustaining district. Costs for the maintenance and operations of the GHAD are recovered through assessments on the properties within the GHAD boundaries. Currently, the GHAD fund has a balance of approximately \$1,007,000. At the end of 2010, 244 homes were built within the GHAD boundaries, and thus assessed. The 2010/2011 assessment amount is \$1,142.18/unit. A total of 427 homes were approved as part of the Leona Quarry project which is within the GHAD boundaries. Assessments are levied on a parcel one year after a building permit is issued for that parcel.

BACKGROUND

A. Chairperson

On December 3, 2002, the City Council ordered the formation of the GHAD and appointed itself to act as the GHAD Board. On March 15, 2005, the GHAD Board pursuant to Resolution No. 1 appointed Henry Chang to act as the Chairperson of the GHAD Board. Mr. Chang is no longer a member of the City Council and thus, GHAD Board. We are recommending that the GHAD Board appoint a new Chairperson. The Chairperson would be responsible for communicating with the Interim GHAD Manager and Interim GHAD Attorney on setting up GHAD Board meetings and communicating on items that are not required to be presented to the entire GHAD Board.

B. Budget

The Plan of Control states that approximately 83 acres of open space property will be transferred to the GHAD three years after the recordation of the first final map(s) affecting the GHAD property. The applicable final maps were filed on July 19, 2005 (Tract 7351 & 7493) and December 9, 2005 (Tract 7492). The open space property was transferred to the GHAD on January 28, 2011.

The Plan of Control also dictates when the monitoring, maintenance and repair activities will be transferred to the GHAD. As set forth in the Plan of Control, the transfer automatically occurs on the *"...day exactly two years after the first occupancy permit for the Leona Quarry project is issued by the City, or exactly two years after the completion and City approval of the grading described in Condition of Approval 13, Construction, Phase B of the Conditions of Approval for the Leona Quarry project, whichever is later, and provided the improvements required by the Condition of Approval for the Leona Quarry Project have been accepted."*

The City approved the grading on January 25, 2007 (Attachment A). The City in a letter dated January 14, 2010 confirmed that the maintenance responsibilities were ready to be transferred to the GHAD (Attachment B). The Interim GHAD Manager inspected the improvements and on March 17, 2011 confirmed that they were in a condition to allow the GHAD to accept responsibility as required by the Plan of Control.

The following are the improvements that are owned and/or will be maintained by the GHAD:

- Detention basin, including structures, vegetation and sediment removal
- Concrete-lined drainage ditches
- Storm drain inlets, outfalls and pipelines within the open space property
- Subdrains
- Debris bench maintenance
- Piezometers and inclinometers
- Settlement monuments
- Rock catchment fences
- Trail maintenance including trash removal
- Potential Alameda County Whipsnake habitat – fencing and sign maintenance
- Emergency vehicle access and maintenance roads

- **Erosion management**

Condition of Approval # 24.d to the Leona Quarry project and GHAD documents required that before the transfer could take place, the GHAD reserve would need to have a minimum balance of \$1,000,000. The reserve is approximately \$1,007,000.

Conditions of Approval #9 and #10 require the Leona Quarry project applicant to enter into an indemnity agreement with the GHAD. The fully executed indemnity agreement (dated January 20, 2011) is attached (Attachment C).

As of January 28, 2011, the GHAD became the owner of the open space property within the GHAD boundaries and as of March 17, 2011 the maintenance responsibilities for the improvements in the Plan of Control were transferred to the GHAD. The proposed budget for the remainder of the fiscal year 2010/2011 and for fiscal year 2011/2010 must now be approved so the GHAD responsibilities can be funded. The budget is attached (Attachment D).

SUSTAINABLE OPPORTUNITIES

Economic: The GHAD will provide services in a responsible manner as required by the Plan of Control.

Environmental: All GHAD projects and activities are exempt from the California Environmental Quality Act ("CEQA") pursuant to the GHAD Law. Pub. Res. Code §26559. The implementation of the GHAD will result in better protection of private property and the appropriation of adequate resources to manage potential geotechnical, drainage, and other potential geologic hazards. A comprehensive set of sustainability measures have been incorporated into the conditions of approval for the Leona Quarry project, including the provision of solar energy, through a layer of photovoltaic panels located on the main, south facing slope, for the complete power needs of fifteen percent of the units.

Social Equity: The GHAD will create a safer environment where the open space and recreational features on the site will be maintained safely and appropriately.

DISABILITY AND SENIOR CITIZEN ACCESS

GHAD operations will not affect the provision of adequate access for the disabled community or senior citizens.

RECOMMENDATION

Interim GHAD Attorney recommends that the GHAD Board take the following actions:

1. Appoint a chairperson to the GHAD Board and adopt Resolution No. 10 confirming that appointment.
2. Adopt Resolution No. 11 confirming transfer of property and improvements to the GHAD and adopting the 2010/2011 and 2011/2012 budget.

ACTION REQUESTED BY THE GHAD BOARD

Interim GHAD Attorney recommends that the GHAD Board accept the Agenda Report and take the appropriate actions as specified herein.

Respectfully submitted,

PATRICIA E. CURTIN
Interim GHAD Attorney

ATTACHMENTS:

- A. Letter dated January 25, 2007 re approved grading
- B. Letter from City dated January 14, 2010 confirmed that the maintenance responsibilities were ready to be transferred to the GHAD
- C. Fully Executed Indemnity Agreement dated January 20, 2011
- D. Budget

ATTACHED RESOLUTIONS:

- 1. Resolution No. 10 appointing a member of the GHAD Board as Chairperson of the GHAD.
- 2. Resolution No. 11 Confirming Transfer of Property and Improvements to the GHAD and Adopting 2010/2011 and 2011/2012 Budget.

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2011 JUN -9 PM 1:51

TRC Lowney

January 25, 2007
Project No. 1993-1

Mr. Marcel Uzegbu
City of Oakland
Public Works Department
250 Frank Ogawa Plaza, Suite 430
Oakland, CA 94612

**RE: LEONA QUARRY PROJECT
REVIEW OF BERLOGAR
LETTER
DATED NOVEMBER 14, 2006**

Dear Mr. Uzegbu:

As requested, we have reviewed the document from Berlogar Geotechnical Consultants to The City of Oakland dated November 14, 2006 and titled "Statement of Completion of Grading, Leona Quarry Project, Oakland, California".

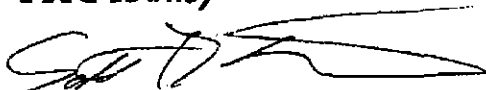
As you are aware, we have been involved at the Leona Quarry site for over 2 ½ years in a capacity as peer reviewer, on behalf of the City of Oakland Public Works Department, for geotechnical issues related to the project. In that capacity, we have had field personnel on site on a part-time basis to observe and verify that adequate geotechnical inspection has been performed. In addition, we have provided review of various geotechnical-related design and construction submittals throughout the duration of the project.

Based on our review of the document and our observations at the site, we concur with the conclusions in the letter that the work at the site has been completed in substantial compliance with the approved project plans and specifications and that the construction of new homes should be allowed to proceed. We recommend that the City approve the letter.

Please contact us if we can provide any additional information.

Sincerely,

TRC Lowney



Scott R. Huntsman, Ph.D., G.E., CPESC
Associate / Geotechnical Area Manager
SRH: srh

167 Filbert Street • Oakland, California 94607
Main: 510-267-1970 • Fax: 510-267-1972
www.lowney.com • www.trcsolutions.com

Attachment A

CITY OF OAKLAND



DALZIEL BUILDING, 250 FRANK H. OGAWA PLAZA, SUITE 4314, OAKLAND, CALIFORNIA, 94612

Community and Economic Development Agency
Engineering Design and Right-of-Way Division

TEL: (510) 238-6257
FAX: (510) 238-2233

January 14, 2010

The Desilva Group/Leona LLC
11555 Dublin Boulevard
Dublin, CA 94568

Attention: Jim Summers

Subject: Transfer of Leona Quarry Maintenance Responsibility to GHAD

Dear Mr. Summers:

This is to inform you that Leona LLC has completed the reclamation, revegetation and rough grading of the Leona Quarry Subdivision and the City has accepted the improvements for tract 7351 and 7493.

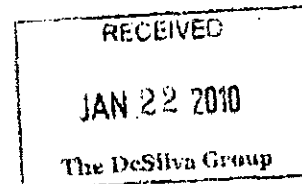
The storm drainage and detention pond improvement are also complete. The City will be willing to transfer the maintenance responsibility from Leona LLC to GHAD as shown in the approved Plan of Control when Desilva Group/Leona LLC brings the GHAD account balance to \$1,000,000 million dollars.

If you have any questions, please contact me at (510) 238-6257. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Marcel I. Uzegbu". The signature is fluid and somewhat stylized, with a long horizontal stroke at the end.

Marcel I. Uzegbu, P.E.
Supervising Civil Engineer
Department of Engineering and Construction
Community and Economic Development Agency.



Cc: Engeo



Morgan Miller Blair
A LAW CORPORATION

1331 NORTH CALIFORNIA BOULEVARD, SUITE 200 WALNUT CREEK, CALIFORNIA 94598-4584
925.937.2000 925.473.1106 FAX www.mmblaw.com

PATRICIA E. CUSTIN
(925) 979-3333
pcustin@mmblaw.com

January 20, 2011

Louis Parsons
Leona LLC
c/o Discovery Builders, Inc.
4061 Port Chicago Highway, Suite H
Concord CA 94520

Re: Conditions of Approval 9 and 10 for the Leona Quarry Project
Defense and Indemnification for GHAD - Our File No. 11136-001

Dear Mr. Parsons:

This letter agreement ("Agreement") establishes the specific provisions for implementation of defense and indemnity requirements contained in Conditions of Approval 9 and 10 for the Leona Quarry project ("Project"). This Agreement is by and between LEONA, LLC, a California limited liability company ("Project Applicant") and the Leona Quarry Geologic Hazard Abatement District ("GHAD").

For purposes of this Agreement, "Conditions of Approval" refer to the "Conditions of Approval for the Leona Quarry Project Vesting Tentative Map, Planned Unit Development Approval and Design Review" attached as Exhibit C to City Council Resolution Nos. 78358 and 78359 C.M.S., adopted on February 17, 2004.

This Agreement implements Conditions of Approval 9 and 10, and is a prerequisite to acceptance of improvements by the GHAD, which require that the Project Applicant enter into an agreement with the OHAD providing for indemnity and defense. This Agreement shall survive and be binding on the parties even if any project approvals or Condition of Approval is extinguished, terminated, lapsed, ruled invalid by a court of law, or otherwise adversely affected. Project Applicant's defense and indemnity obligation herein shall not be limited, restricted or abrogated by any other indemnity, defense, hold harmless or other obligation of the GHAD to the City or any other third party.

Condition of Approval 9 provides the following:

To the maximum extent permitted by law, the Project Applicant shall defend, hold harmless, and indemnify the GHAD and its respective officers, agents and

MMB:11136-001:1128363.1

Attachment C

employees (the "Indemnified Parties") against any and all liability, damages, claims, demands, judgments or other losses (including, without limitation, attorneys fees, expert witness and consultant fees and other litigation expenses), or an initiative relating to, resulting from or caused by, or alleged to have resulted from or caused by any action or approval associated with the Project.

This indemnity includes, without limitation, any legal or administrative challenge, or initiative filed or prosecuted to overturn, set-aside, stay or otherwise rescind any or all approvals granted in connection with the Project, certification of the Environmental Impact Report ("EIR") for the Project, and granting any permit issued in accordance with the Project. This indemnity includes, without limitation, payment of all direct and indirect costs associated with any action specified herein. Direct and indirect costs as used herein shall include, without limitation, any attorneys' fees, expert witness and consultant fee, court costs and other litigation fees, GHAD legal counsel time and overhead costs, and other GHAD overhead costs and normal day-to-day business expenses incurred by the GHAD ("Litigation Expenses"). The Indemnified Parties shall have the right to select counsel to represent the Indemnified Parties, at the Project Applicant's expense, in the defense of any action specified in this Agreement. The Indemnified Parties shall take all reasonable steps to promptly notify the Project Applicant of any claim, demand, or legal actions that may create a claim for indemnification under this Agreement and/or the Conditions of Approval.

Condition of Approval 10 provides the following as it relates to the GHAD:

Not in limitation of the foregoing Condition of Approval No. 9, Project Applicant shall defend, hold harmless and indemnify the Indemnified Parties and their insurers against any and all liability, damages, claims, demands, judgments, losses ("Indemnified Claims") or other forms of legal or equitable relief related to implementation of the Project, including, without limitation, the formation and operation of the GHAD, actions taken by the GHAD Board of Directors, the design, construction or maintenance of the Project and any private or public improvements. The foregoing indemnity shall not be released upon completion of the Project, provided however, that with respect to any improvements owned or accepted for maintenance by the GHAD, this indemnity shall apply only to Indemnified Claims that arise prior to the GHAD's acceptance of the public improvement and the expiration of any maintenance obligations of the Project Applicant, unless the Indemnified Claim (i) arose as a result of a hidden defect in the public improvement; or (ii) arose as a result of direct or indirect action or inaction by Project Applicant, including, without limitation, construction, maintenance or operational activities prior to the GHAD's acceptance of the public improvement. In the case of the foregoing (i) or (ii), this indemnification shall apply regardless of whether the public improvement has been accepted by the GHAD. "Public improvements" include all improvements and property accepted and maintained by the GHAD as permitted by the Plan of Control. This

indemnity shall include, without limitation, payment of all Litigation Expenses associated with any action herein. The Indemnified Parties shall have the right to select counsel to represent the Indemnified Parties, at the Project Applicant's expense, in the defense of any action specified in this Agreement. The Indemnified Parties shall take all reasonable steps to promptly notify the Project Application of any claim, demand or legal actions that may create a claim for indemnification under this Agreement.

Successors

Unless and until Project Applicant is released in accordance with this Agreement, this Agreement shall be binding upon the Project Applicant and shall remain binding upon each and all of them, even upon a transfer of some or all of the Project site or assignment to a third party of permits associated with the Project. In order for Project Applicant to be released, Project Applicant shall provide GHAD Attorney with notice of any such proposed assignment, and obtain GHAD Board consent to assignment. Consent to assignment may be reasonably withheld by the GHAD Board if the proposed assignee does not have sufficient resources or business experience to assume the indemnity and defense obligations contained herein, in the reasonable discretion of the GHAD Board. If such assignment is approved by the GHAD Board, the Project Applicant and such Assignee shall enter into an assignment and assumption agreement. Upon providing such approved and executed assignment and assumption agreement to the GHAD, the assignor shall be released from all obligations and liabilities hereunder. Not in limitation of the foregoing or any of the Conditions of Approval, this Agreement shall be binding upon the successors, heirs, assigns, agents, lien claimants, and personal representatives of the Project Applicant.

General Provisions

The parties to this Agreement have participated in its drafting and had the benefit of legal counsel. Therefore, any ambiguity shall not be construed against the drafter and the parties shall be deemed to have jointly drafted this Agreement.

In addition to other remedies available at law, this Agreement may be enforced (and any dispute, claim or controversy regarding its interpretation or application may be resolved) by appropriate equitable action, including court-issued injunction, specific performance or declaratory relief.

This Agreement may be executed in any number of counterparts, each of which shall be deemed to be an original and all of which together shall be deemed to be one and the same instrument. Furthermore, this Agreement may be executed and delivered by the exchange of photocopies or facsimile copies of this Agreement, which copies may be used as originals. Each such counterpart, photocopy or facsimile copy of this Agreement shall be deemed an original, but all of which together shall constitute one and the same instrument.

Very truly yours,

LEONA QUARRY OHAD



PATRICIA E. CURTIN
GHAD Attorney

cc: GHAD Manager, Erick Harrell, ENGBO Inc.

The Project Applicant accepts and agrees to all the defense and indemnification requirements and all other requirements, terms, obligations and commitments set forth in this Agreement and applicable Conditions of Approval. By signing this Agreement, the undersigned is acknowledging that it has the authority to bind Leona LLC to this Agreement.

Leona, LLC,
a California limited liability company

Dated: 3/16/11

By: Pyramid Land Investment, LLC,
its Managing Member

By: 

Albert D. Seeno, III
Manager

**LEONA QUARRY GEOLOGIC HAZARD ABATEMENT DISTRICT
BUDGET FOR REMAINDER OF FISCAL YEAR 2010/2011 and 2011/2012**



April 25, 2011

Board Members

Leona Quarry Geologic Hazard Abatement District
Oakland City Hall
One Frank Ogawa Place
Oakland, CA 94612

Subject: Leona Quarry Geologic Hazard Abatement District
Oakland, California

BUDGET FOR REMAINDER OF FISCAL YEAR 2010/2011 and 2011/2012

Dear Board Members:

Attached is the proposed budget for the Leona Quarry Geologic Hazard Abatement District (GHAD) for the remainder of fiscal year (FY) 2010/2011 and FY 2011/2012. The FY for the Leona Quarry GHAD is from July 1 through June 30. The budget as proposed is \$192,750. The budget expenses break down into the following approximate percentages of the total receivables.


Major Repair	0 percent
Preventive Maintenance and Operations	30 percent
Special Projects	1.5 percent
Administration and Accounting (FY 2011/2012)	12 percent
Additional - Outside Professional Services (FY 2011/2012)	10.5 percent

The budget anticipates a contribution of approximately \$147,000 for FY 2011/2012 (46% of total receivables) to the reserve fund, which is estimated to reach approximately \$1,325,000 on June 30, 2012. A summary of the expenses is shown on Table I followed by a brief description of each budget item on the following pages.

If you have any questions regarding the contents of this letter, please contact us.

Sincerely,

Leona Quarry Geologic Hazard Abatement District
ENGEO Incorporated, General Manager
1330 Broadway, Suite 730
Oakland, CA 94612
ENGEO Project No. 5188.002.011


Eric Harrell
eh/ue/rc


Uri Eliahu

The following budget summarizes the anticipated expenditures for the remainder of FY 2010/2011 and FY year 2011/2012, for the Leona Quarry Geologic Hazard Abatement District (GHAD), which currently includes the Monte Vista Villas development.

The 2010/2011 assessment amount is \$1,142.18 per residential unit adjusted up 1.57% from the 2009/2010 assessment level of \$1,124.50. The assessment limit adjustment is based on the 2005 Engineer's Report using the consumer price index plus one-half of one percent. The final assessment roll prepared for the 2010/2011 fiscal year and submitted to the Alameda County Assessors Office identifies 244 properties subject to the levy of the GHAD assessment. The total levy amount for the 2010/2011 FY is \$278,691.92.

The GHAD has maintenance and monitoring responsibilities and is the property owner for the following parcels within the District. The transfer of maintenance, monitoring responsibilities and ownership for the listed parcels was anticipated in the adopted Leona Quarry GHAD Plan of Control and the transfer from Leona LLC to the Leona Quarry GHAD was completed in March 2011.

Assessors Parcel Number	Parcel Designation (Vesting Tentative Map)	Tract
37A-3163-2	A	7351
37A-3163-3	C	7351
37A-3163-4	D	7351
37A-3163-5	E	7351
37A-3163-9	F	7493
37A-3163-11	R	7493

The budget amounts listed are based on the Engineer's Report approved by the Leona Quarry GHAD Board of Directors in 2005. The budget amounts have been inflation adjusted to provide the listed budget estimates. In the 2011/2012 fiscal year, we estimate approximately 264 parcels will be subject to levy of the assessment. Parcels are subject to levy of the assessment the first fiscal year following issuance of a building permit.

The budget is divided into four categories including Major Repair, Preventive Maintenance and Operations, Special Projects, and Administration and Accounting.

MAJOR REPAIR

Included within the major repair category are those repair or improvement projects that are intermittent and, by their nature, do not fit within a scheduled maintenance program. Minor slope repair and erosion control items are generally funded within the Preventive Maintenance and Operations category. For the purposes of this budget, we define major repairs as those estimated at over \$50,000.

PREVENTIVE MAINTENANCE AND OPERATIONS

Preventive maintenance and operations include slope stabilization, erosion protection, and professional services within the District. Professional services include site monitoring events as scheduled in the GHAD Plan of Control. Slope stabilization and erosion protection responsibilities include the open space slopes and creek channels. GHAD-maintained improvements generally include the District's slopes, concrete-lined drainage ditches, retaining walls, subsurface drainage facilities, monitoring instruments including settlement monitoring devices, storm drain facilities, and the creek channels.

SPECIAL PROJECTS

Included within the Special Projects category is a budget item to collect documents related to GHAD-maintained improvements.

ADMINISTRATION AND ACCOUNTING

Administrative expenses include the General Manager duties related to the operation and administration of the GHAD. Within the administrative budget category are included tasks of the General Manager, clerical and accounting staff

A summary of the proposed budget through the end of FY 2011/2012 is shown in Table I.

TABLE I
 Summary of Proposed Fiscal Year 2011/2012 Budget

Budget Item	Label	Budget Amount
Major Repairs		
Major Projects		\$0
Preventive Maintenance and Operations		
Professional Services		
Scheduled Monitoring Event		\$8,000
Heavy Rainfall Monitoring Event		\$4,000
	Subtotal	\$12,000
Maintenance and Operations		
Concrete-Lined Drainage Ditches		\$20,000
Trail, Fire Break and Fence Maintenance		\$15,000
Erosion Control including Creek Channels		\$20,000
Slope Stabilization		\$30,000
	Subtotal	\$85,000
Preventive Maintenance and Operations	Total	\$97,000
Special Projects		
Document Collection and Electronic Storage		\$5,000
Special Projects	Total	\$5,000

Budget Item,	Label	Budget Amount
Administration and Accounting		
General Manager		
Administration and Accounting		\$48,000
Annual Report and Budget Preparation		\$3,000
	Subtotal	\$51,000
Outside Professional Services - Nontechnical		
Assessment Roll and Levy Update Preparation		\$4,000
GHAD Attomey		\$15,000
GHAD Treasurer		\$9,000
GHAD Clerk		\$3,500
Alameda County Assessor's Fees		\$4,750
California Association of GHADs Membership		\$500
Insurance - Directors		\$2,000
Insurance - General Liability		\$1,000
	Subtotal	\$39,750
Administration and Accounting	Total	\$90,750
Proposed Expenditures	Total	\$192,750
Estimated Receivables		
Balance (April 15, 2011)		1,060,498
2010/2011 Assessment Amount Outstanding		134,687
2011/2012 Assessment Amount (Estimated)		\$310,000
Estimated Interest on Investments		\$12,828
Estimated Total Available Funds		\$1,518,013
Estimated Expenditures		
Major Projects		\$0
Preventive Maintenance and Operations		\$97,000
Special Projects		\$5,000
Administration, Accounting and Legal		\$90,750
Estimated Expenditures	Total	\$192,750
Estimated Reserve/Fund Balance on June 30, 2012		\$1,325,263

MAJOR REPAIRS

There are currently no ongoing major repair projects, and none are anticipated for the remainder of the 2010/2011 and 2011/2012 fiscal year within the GHAD-maintained areas of the Leona Quarry GHAD. Minor slope repair and erosion control items are generally funded within the Preventive Maintenance and Operations category. While no major repairs are ongoing at this time, by their nature, major repairs such as landslides are unpredictable and could occur during the 2011/2012 fiscal year. The reserve portion of the budget allows for funding toward these unpredictable events.

PREVENTIVE MAINTENANCE AND OPERATIONS

PROFESSIONAL SERVICES

Scheduled Monitoring Events

As provided in the Plan of Control, there are two scheduled monitoring events within the GHAD during each calendar year.

Estimated budget \$8,000

Heavy Rainfall Events

We have budgeted for two heavy rainfall monitoring events during the 2011/2012 winter season.

Estimated budget \$4,000

MAINTENANCE AND OPERATIONS

Concrete-Lined Drainage Ditches

This budget item is to provide for the selected removal of vegetation and cleaning of concrete-lined drainage ditches within the GHAD-owned parcels, as needed. We expect to undertake one complete ditch-cleaning event in 2011/2012 fiscal year. Approximately 22,000 lineal feet of concrete-lined ditch are located within the six transfer parcels.

Estimated budget \$20,000

Trail, Fire Break and Fence Maintenance

This budget item includes annual fire-break mowing and unanticipated trail maintenance or fence repairs, which may occur during the 2011/2012 fiscal year.

Estimated budget \$15,000

Erosion Control

Anticipated tasks under this budget item include the repair of slope or creek erosion and removal of debris from creek channel. Cleaning and vegetation management of the Detention Basin, if necessary, will be a task within this budget item.

Estimated budget \$20,000

Slope Stabilization

This is for minor repairs, including slope instability or erosion, which may occur during the remainder of the 2011/2012 fiscal year. Purchase of emergency stabilization supplies will be included within this budget item

Estimated budget \$30,000

SPECIAL PROJECTS

Collection and Electronic Storing of Documents Related to GHAD-Maintained Improvements

To allow the GHAD to store, update, and display information pertaining to GHAD assets (including, but not limited to, subdrains, landslides, drainage facilities, cuts, fills, or slopes), the GHAD has provided this budget item.

Estimated budget \$5,000

ADMINISTRATION AND ACCOUNTING

Administration

Administrative expenses include the General Manager duties related to the operation and administration of the GHAD. The budget estimate for the accounting and administrative services are derived from the original GHAD budget used to prepare the GHAD's Engineer's Report.

Estimated budget \$48,000

Annual Report and Budget Preparation

This budget provides for the preparation of the annual report and budget. The budget estimate for the accounting and administrative services are derived from the original GHAD budget used to prepare the GHAD's Engineer's Report.

Estimated budget \$3,000

Assessment Roll and Levy Update

This budget item allows for preparation of the assessment roll for the District and the updated levy based on the Consumer Price Index adjustment.

Estimated budget \$4,000

GHAD Attorney

This budget item allows the GHAD to secure legal counsel for the District. The duties of the legal counsel may include but not be limited to preparation or review of contracts, grant deeds, right of entry and board resolutions.

Estimated budget \$15,000

GHAD Treasurer

This budget item accounts for fees related to investment of the GHAD reserve funds and processing of accounts payable.

Estimated budget \$ 9,000

GHAD Clerk

This budget item accounts for fees to provide clerical staffing and support service for the GHAD Board of Directors and to keep and provide interested parties, accurate records and documents relative to the Board actions.

Estimated budget \$ 3,500

Alameda County Assessor's Fees

This budget item accounts for commission charged by the Alameda County Assessor's Office for collection of assessments within the Leona Quarry GHAD.

Estimated budget \$4,750

Association Membership

The GHAD maintains membership in the California Association of GHADs.

Estimated budget \$500

General Liability Insurance

The GHAD will maintain general directors and offices insurance for the Board of Directors.

Estimated budget \$2,000

General Liability Insurance

The GHAD will maintain general liability insurance for open space areas within the District.

Estimated budget \$1,000

**LEONA QUARRY GEOLOGIC HAZARD ABATEMENT DISTRICT
BUDGET FOR REMAINDER OF FISCAL YEAR 2010/2011 and 2011/2012**



April 25, 2011

Board Members

Leona Quarry Geologic Hazard Abatement District
Oakland City Hall
One Frank Ogawa Place
Oakland, CA 94612

Subject: Leona Quarry Geologic Hazard Abatement District
Oakland, California

BUDGET FOR REMAINDER OF FISCAL YEAR 2010/2011 and 2011/2012

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Administration and Accounting (FY 2011/2012)	12 percent
Additional - Outside Professional Services (FY 2011/2012)	10.5 percent

The budget anticipates a contribution of approximately \$147,000 for FY 2011/2012 (46% of total receivables) to the reserve fund, which is estimated to reach approximately \$1,325,000 on June 30, 2012. A summary of the expenses is shown on Table I followed by a brief description of each budget item on the following pages.

If you have any questions regarding the contents of this letter, please contact us.

Sincerely,

Leona Quarry Geologic Hazard Abatement District
ENGEO Incorporated, General Manager
1330 Broadway, Suite 730
Oakland, CA 94612
ENGEO Project No. 5188.002.011

Eric Harrell
eh/ue/rc

Uri Eliahu

The following budget summarizes the anticipated expenditures for the remainder of FY 2010/2011 and FY year 2011/2012, for the Leona Quarry Geologic Hazard Abatement District (GHAD), which currently includes the Monte Vista Villas development.

The 2010/2011 assessment amount is \$1,142.18 per residential unit adjusted up 1.57% from the 2009/2010 assessment level of \$1,124.50. The assessment limit adjustment is based on the 2005 Engineer's Report using the consumer price index plus one-half of one percent. The final assessment roll prepared for the 2010/2011 fiscal year and submitted to the Alameda County Assessors Office identifies 244 properties subject to the levy of the GHAD assessment. The total levy amount for the 2010/2011 FY is \$278,691.92.

The GHAD has maintenance and monitoring responsibilities and is the property owner for the following parcels within the District. The transfer of maintenance, monitoring responsibilities and ownership for the listed parcels was anticipated in the adopted Leona Quarry GHAD Plan of Control and the transfer from Leona LLC to the Leona Quarry GHAD was completed in March 2011.

Assessors Parcel Number	Parcel Designation (Vesting Tentative Map)	Tract
37A-3163-2	A	7351
37A-3163-3	C	7351
37A-3163-4	D	7351
37A-3163-5	E	7351
37A-3163-9	F	7493
37A-3163-11	R	7493

The budget amounts listed are based on the Engineer's Report approved by the Leona Quarry GHAD Board of Directors in 2005. The budget amounts have been inflation adjusted to provide the listed budget estimates. In the 2011/2012 fiscal year, we estimate approximately 264 parcels will be subject to levy of the assessment. Parcels are subject to levy of the assessment the first fiscal year following issuance of a building permit.

The budget is divided into four categories including Major Repair, Preventive Maintenance and Operations, Special Projects, and Administration and Accounting.

MAJOR REPAIR

Included within the major repair category are those repair or improvement projects that are intermittent and, by their nature, do not fit within a scheduled maintenance program. Minor slope repair and erosion control items are generally funded within the Preventive Maintenance and Operations category. For the purposes of this budget, we define major repairs as those estimated at over \$50,000.

PREVENTIVE MAINTENANCE AND OPERATIONS

Preventive maintenance and operations include slope stabilization, erosion protection, and professional services within the District. Professional services include site monitoring events as scheduled in the GHAD Plan of Control. Slope stabilization and erosion protection responsibilities include the open space slopes and creek channels. GHAD-maintained improvements generally include the District's slopes, concrete-lined drainage ditches, retaining walls, subsurface drainage facilities, monitoring instruments including settlement monitoring devices, storm drain facilities, and the creek channels.

SPECIAL PROJECTS

Included within the Special Projects category is a budget item to collect documents related to GHAD-maintained improvements.

ADMINISTRATION AND ACCOUNTING

Administrative expenses include the General Manager duties related to the operation and administration of the GHAD. Within the administrative budget category are included tasks of the General Manager, clerical and accounting staff.

A summary of the proposed budget through the end of FY 2011/2012 is shown in Table I.

TABLE I
 Summary of Proposed Fiscal Year 2011/2012 Budget

Budget Item	Label	Budget Amount
Major Repairs		
Major Projects		\$0
Preventive Maintenance and Operations		
Professional Services		
Scheduled Monitoring Event		\$8,000
Heavy Rainfall Monitoring Event		\$4,000
	Subtotal	\$12,000
Maintenance and Operations		
Concrete-Lined Drainage Ditches		\$20,000
Trail, Fire Break and Fence Maintenance		\$15,000
Erosion Control including Creek Channels		\$20,000
Slope Stabilization		\$30,000
	Subtotal	\$85,000
Preventive Maintenance and Operations	Total	\$97,000
Special Projects		
Document Collection and Electronic Storage		\$5,000
Special Projects	Total	\$5,000

Budget Item	Label	Budget Amount
Administration and Accounting		
General Manager		
Administration and Accounting		\$48,000
Annual Report and Budget Preparation		\$3,000
	Subtotal	\$51,000
Outside Professional Services - Nontechnical		
Assessment Roll and Levy Update Preparation		\$4,000
GHAD Attorney		\$15,000
GHAD Treasurer		\$9,000
GHAD Clerk		\$3,500
Alameda County Assessor's Fees		\$4,750
California Association of GHADs Membership		\$500
Insurance – Directors		\$2,000
Insurance – General Liability		\$1,000
	Subtotal	\$39,750
Administration and Accounting	Total	\$90,750
Proposed Expenditures	Total	\$192,750
Estimated Receivables		
Balance (April 15, 2011)		1,060,498
2010/2011 Assessment Amount Outstanding		134,687
2011/2012 Assessment Amount (Estimated)		\$310,000
Estimated Interest on Investments		\$12,828
Estimated Total Available Funds		\$1,518,013
Estimated Expenditures		
Major Projects		\$0
Preventive Maintenance and Operations		\$97,000
Special Projects		\$5,000
Administration, Accounting and Legal		\$90,750
Estimated Expenditures	Total	\$192,750
Estimated Reserve/Fund Balance on June 30, 2012		\$1,325,263

MAJOR REPAIRS

There are currently no ongoing major repair projects, and none are anticipated for the remainder of the 2010/2011 and 2011/2012 fiscal year within the GHAD-maintained areas of the Leona Quarry GHAD. Minor slope repair and erosion control items are generally funded within the Preventive Maintenance and Operations category. While no major repairs are ongoing at this time, by their nature, major repairs such as landslides are unpredictable and could occur during the 2011/2012 fiscal year. The reserve portion of the budget allows for funding toward these unpredictable events.

PREVENTIVE MAINTENANCE AND OPERATIONS

PROFESSIONAL SERVICES

Scheduled Monitoring Events

As provided in the Plan of Control, there are two scheduled monitoring events within the GHAD during each calendar year.

Estimated budget \$8,000

Heavy Rainfall Events

We have budgeted for two heavy rainfall monitoring events during the 2011/2012 winter season.

Estimated budget \$4,000

MAINTENANCE AND OPERATIONS

Concrete-Lined Drainage Ditches

This budget item is to provide for the selected removal of vegetation and cleaning of concrete-lined drainage ditches within the GHAD-owned parcels, as needed. We expect to undertake one complete ditch-cleaning event in 2011/2012 fiscal year. Approximately 22,000 lineal feet of concrete-lined ditch are located within the six transfer parcels.

Estimated budget \$20,000

Trail, Fire Break and Fence Maintenance

This budget item includes annual fire-break mowing and unanticipated trail maintenance or fence repairs, which may occur during the 2011/2012 fiscal year.

Estimated budget \$15,000

Erosion Control

Anticipated tasks under this budget item include the repair of slope or creek erosion and removal of debris from creek channel. Cleaning and vegetation management of the Detention Basin, if necessary, will be a task within this budget item.

Estimated budget \$20,000

Slope Stabilization

This is for minor repairs, including slope instability or erosion, which may occur during the remainder of the 2011/2012 fiscal year. Purchase of emergency stabilization supplies will be included within this budget item

Estimated budget \$30,000

SPECIAL PROJECTS

Collection and Electronic Storing of Documents Related to GHAD-Maintained Improvements

To allow the GHAD to store, update, and display information pertaining to GHAD assets (including, but not limited to, subdrains, landslides, drainage facilities, cuts, fills, or slopes), the GHAD has provided this budget item.

Estimated budget \$5,000

ADMINISTRATION AND ACCOUNTING

Administration

Administrative expenses include the General Manager duties related to the operation and administration of the GHAD. The budget estimate for the accounting and administrative services are derived from the original GHAD budget used to prepare the GHAD's Engineer's Report.

Estimated budget \$48,000

Annual Report and Budget Preparation

This budget provides for the preparation of the annual report and budget. The budget estimate for the accounting and administrative services are derived from the original GHAD budget used to prepare the GHAD's Engineer's Report.

Estimated budget \$3,000

Assessment Roll and Levy Update

This budget item allows for preparation of the assessment roll for the District and the updated levy based on the Consumer Price Index adjustment.

Estimated budget \$4,000

GHAD Attorney

This budget item allows the GHAD to secure legal counsel for the District. The duties of the legal counsel may include but not be limited to preparation or review of contracts, grant deeds, right of entry and board resolutions.

Estimated budget \$15,000

GHAD Treasurer

This budget item accounts for fees related to investment of the GHAD reserve funds and processing of accounts payable.

Estimated budget \$ 9,000

GHAD Clerk

This budget item accounts for fees to provide clerical staffing and support service for the GHAD Board of Directors and to keep and provide interested parties, accurate records and documents relative to the Board actions.

Estimated budget \$ 3,500

Alameda County Assessor's Fees

This budget item accounts for commission charged by the Alameda County Assessor's Office for collection of assessments within the Leona Quarry GHAD.

Estimated budget \$4,750

Association Membership

The GHAD maintains membership in the California Association of GHADs.

Estimated budget \$500

General Liability Insurance

The GHAD will maintain general directors and offices insurance for the Board of Directors.

Estimated budget \$2,000

General Liability Insurance

The GHAD will maintain general liability insurance for open space areas within the District.

Estimated budget \$1,000

**LEONA QUARRY GHAD BOARD OF DIRECTORS
AND
OAKLAND AREA GHAD BOARD OF DIRECTORS**

Oakland City Hall, 1 Frank H. Ogawa Plaza, Oakland California 94612

MEETING AGENDA

Rules and Legislation Committee

June 9, 2011

10:45 a.m.

City Council Chambers – 3rd Floor

Geologic Hazard Abatement District (GHAD) Board of Directors for Leona Quarry GHAD, and Oakland Area GHAD:

1. Leona Quarry GHAD Board of Directors:

SUBJECT: Consideration of Resolutions to 1) appoint a Chairperson to the GHAD Board (Resolution No. 10), and 2) confirm transfer of property and improvements to the GHAD and adopt 2010/2011 and 2011/2012 budget (Resolution No. 11).

2. Oakland Area GHAD Board of Directors:

SUBJECT: Consideration of GHAD Resolution to appoint a Chairperson to the GHAD Board (Resolution No. 8).

DRAFT

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2005 JUN -9 11 11 AM '05
**LEONA QUARRY GEOLOGIC HAZARD ABATEMENT DISTRICT
BOARD OF DIRECTORS
RESOLUTION NO. 10**

**RESOLUTION APPOINTING A MEMBER OF THE GHAD BOARD AS
CHAIRPERSON OF THE GHAD**

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 described in the GHAD Plan of Control dated November 21, 2002 and appointed itself to act as the GHAD Board;

WHEREAS, the GHAD Board at its meeting on March 15, 2005 pursuant to Resolution No. 1 appointed Henry Chang to serve as the Chairperson of the GHAD Board;

WHEREAS, Henry Chang is no longer a member of the City Council and thus, GHAD Board; and

WHEREAS, a new Boardmember should be appointed to serve as the Chairperson of the GHAD Board.

NOW THEREFORE, the GHAD Board resolves and orders that:

1. _____ is appointed to act as the Chairperson of the GHAD Board.
2. This Resolution shall become effective immediately upon its passage and adoption.

OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

Interim Clerk of the GHAD
Board, Richard Clark

DRAFT

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2011 JUN -7 PM 12:11

**LEONA QUARRY GEOLOGIC HAZARD ABATEMENT DISTRICT
BOARD OF DIRECTORS
RESOLUTION NO. 11**

**RESOLUTION CONFIRMING TRANSFER OF PROPERTY AND IMPROVEMENTS
TO THE GHAD AND ADOPTING 2010/2011 AND 2011/2012 BUDGET**

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 described in the GHAD Plan of Control dated November 21, 2002;

WHEREAS, on May 3, 2005 the GHAD Board adopted Resolution No. 7 approving Amendment One to the Plan of Control;

WHEREAS, pursuant to the Plan of Control, certain property automatically transfers to the GHAD three years after recordation of the first final map on the Leona Quarry Project (GHAD Property). The first final map was recorded on July 19, 2005. The GHAD Property transferred to the GHAD on January 28, 2011 by grant deed;

WHEREAS, the Plan of Control requires the automatic transfer of certain improvements and maintenance responsibilities to the GHAD after certain conditions are met, including City approval of the improvements and a minimum reserve of \$1,000,000 in the GHAD fund. All conditions of this transfer were met and the improvements became the responsibility of the GHAD as of March 17, 2011 (GHAD improvements); and

WHEREAS, in order for the GHAD to implement the Plan of Control efficiently and to undertake repair, maintenance and improvement projects and related operations, including the maintenance of the GHAD Property and responsibility of the GHAD Improvements, it is necessary to approve a budget for the remainder of fiscal year 2010/2011 and for fiscal year 2011/2012.

NOW THEREFORE, the GHAD Board resolves and orders that:

1. The GHAD Board acknowledges that the GHAD Property and GHAD Improvements have been transferred to the GHAD as required by the Plan of Control.
2. The GHAD Board approves the budget for the remainder of fiscal year 2010/2011 and for the fiscal year 2011/2012, which is attached hereto as Exhibit 11-A and incorporated herein by this reference.
3. This Resolution shall become effective immediately upon its passage and adoption.

OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

Interim Clerk of the GHAD
Board, Richard Clark

Attachments: Exhibit 11-A (GHAD budget for the Leona Quarry GHAD for the fiscal years 2010/2011 and 2011/2012)

OAKLAND AREA GEOLOGIC HAZARD ABATEMENT DISTRICT BOARD

2011 JUN -9 PH 1:51

AGENDA REPORT

TO: Boardmembers of the Oakland Area GHAD
FROM: Interim GHAD Attomey
DATE: June 6, 2011

**RE: CONSIDERATION OF RESOLUTION NO. 8 TO APPOINT A
CHAIRPERSON TO THE GHAD BOARD**

SUMMARY

On July 18, 2006 pursuant to Resolution No. 80058 C.M.S., the City Council ordered formation of the Oakland Area Geologic Hazard Abatement District (GHAD) and appointed itself to act as the Board of Directors of the GHAD (GHAD Board). The Oakland Area GHAD Board met on October 3, 2006 and December 5, 2006 and adopted numerous resolutions to make the GHAD operational. Pursuant to Resolution No. 1, the GHAD Board appointed Henry Chang as the Chairperson to the GHAD Board. Since Mr. Chang is no longer a member of the City Council and thus GHAD Board, a new GHAD Boardmember should be appointed to serve as Chair.

The purpose of this meeting is to request the GHAD Board to appoint a new Chairperson.

FISCAL IMPACT

None. The GHAD is a self-sustaining district. Costs for the maintenance and operations of the GHAD are recovered through assessments on the properties within the GHAD boundaries. The GHAD Board has not assumed maintenance responsibilities under the Plan of Control. The developer of the only project within the GHAD boundaries (Siena Hill) has not applied to the GHAD to transfer responsibility of the GHAD activities to the GHAD. The responsibilities remain with the developer.

BACKGROUND

A. Chairperson

On July 18, 2006, the City Council ordered the formation of the GHAD and appointed itself to act as the GHAD Board. On October 3, 2006, the GHAD Board pursuant to Resolution No. 1 appointed Heruy Chang to act as the Chairperson of the GHAD Board. Mr. Chang is no longer a member of the City Council and thus, GHAD Board. We are recommending that the GHAD Board appoint a new Chairperson. The Chairperson would be responsible for communicating with the Interim GHAD Manager and Interim GHAD Attomey on setting up GHAD Board meetings and communicating on items that are not required to be presented to the entire GHAD Board.

B. Statute of GHAD Assessments

The Oakland Area GHAD was formed to allow new development projects in the City of Oakland to be part of the GHAD. To date, the only project within the GHAD boundaries is Siena Hill.

On June 1, 2005, the City of Oakland Planning Commission approved the Siena Hill project for 32 units. Ten residential units have been built and are subject to the GHAD assessment. The 2010/2011 annual assessment amount is \$2,871.86. To date, the GHAD fund has a balance of \$51,645.16.

SUSTAINABLE OPPORTUNITIES

Economic: The GHAD will provide services in a responsible manner as required by the Plan of Control.

Environmental: All GHAD projects and activities are exempt from the California Environmental Quality Act ("CEQA") pursuant to the GHAD Law. Pub. Res. Code §26559. The implementation of the GHAD will result in better protection of private property and the appropriation of adequate resources to manage potential geotechnical, drainage, and other potential geologic hazards.

Social Equity: The GHAD will create a safer environment where the open space and recreational features on the site will be maintained safely and appropriately.

DISABILITY AND SENIOR CITIZEN ACCESS

GHAD operations will not affect the provision of adequate access for the disabled community or senior citizens.

RECOMMENDATION

Interim GHAD Attorney recommends that the GHAD Board take the following action:

1. Appoint a Chairperson to the GHAD Board and adopt Resolution No. 8 confirming that appointment.

ACTION REQUESTED BY THE GHAD BOARD

Interim GHAD Attorney recommends that the GHAD Board accept the Agenda Report and appoint a Chairperson to the GHAD.

Respectfully submitted,

PATRICIA E. CURTIN
Interim GHAD Attorney

ATTACHMENTS:

1. Resolution No. 8 appointing a member of the GHAD Board to serve as Chairperson of the GHAD.

DRAFT

12 10
OFFICE OF THE CITY CLERK
OAKLAND
2011 JUN -7 PM 12:11

**OAKLAND AREA GEOLOGIC HAZARD ABATEMENT DISTRICT
BOARD OF DIRECTORS
RESOLUTION NO. 8**

**RESOLUTION APPOINTING A MEMBER OF THE GHAD BOARD AS
CHAIRPERSON OF THE GHAD**

WHEREAS, on July 18, 2006 the Oakland City Council adopted Resolution No. 80058, approving and ordering the formation of the Oakland Area Geologic Hazard Abatement District (GHAD) as described in the GHAD Plan of Control dated April 19, 2006 and appointed itself to act as the GHAD Board;

WHEREAS, the GHAD Board at its meeting on October 3, 2006 pursuant to Resolution No. 1 appointed Henry Chang to serve as the Chairperson of the GHAD Board;

WHEREAS, Henry Chang is no longer a member of the City Council and thus, GHAD Board; and

WHEREAS, a new Boardmember should be appointed to serve as the Chairperson of the GHAD Board.

NOW THEREFORE, the GHAD Board resolves and orders that:

1. _____ is appointed to act as the Chairperson of the GHAD Board.
2. This Resolution shall become effective immediately upon its passage and adoption.

OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

Interim Clerk of the GHAD
Board, Richard Clark