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Approved as to Form and Legality

F. Faiz

City Attorney

**BOARD OF DIRECTORS
OAKLAND AREA GEOLOGIC HAZARD ABATEMENT DISTRICT (GHAD)**

GHAD Resolution No. 1

Introduced by Board Member _____

RESOLUTION:

- 1. ELECTION/APPOINTMENT OF _____ AS THE CHAIRPERSON OF THE OAKLAND AREA GHAD BOARD;**
- 2. APPOINTING RICHARD CLARK AS THE TREASURER/CLERK OF THE OAKLAND AREA GHAD;**
- 3. APPOINTING ENGEO, INC. AS THE GENERAL MANAGER OF THE OAKLAND AREA GHAD;**
- 4. APPOINTING PATRICIA E. CURTIN AS THE ATTORNEY OF THE OAKLAND AREA GHAD;**
- 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 FOR GHAD GENERAL MANAGER SERVICES AND GHAD ATTORNEY SERVICES.**

WHEREAS, on July 18, 2006, the Oakland City Council adopted Resolution No. 80058, approving and ordering the formation of the Oakland Area GHAD, as a distinct and separate legal entity from the City, and appointing the Councilmembers to act as the Board of Directors of the Oakland Area GHAD (GHAD Board); and

WHEREAS, a member of the City Council will be elected/appointed to act as the Chairperson of the GHAD Board in his or her distinct legal capacity as a member of the GHAD Board; and

WHEREAS, pursuant to Public Resources Code sections 26584 and 26585, the GHAD Board must appoint a Treasurer and a Clerk of the Oakland Area GHAD, and, pursuant to Public Resources Code section 26586, the GHAD Board may appoint other persons to assist in

managing the Oakland Area 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 Oakland Area GHAD may enter into contracts and agreements with a private organization or person in order to carry out the purposes and mission of the Oakland Area GHAD (Pub. Res. Code §§ 26500 et seq.); and

WHEREAS, in addition to a Treasurer and Clerk, the Oakland Area GHAD requires the services of a general manager (General 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/Clerk of the Oakland Area GHAD based on his extensive experiences as the Treasurer/Clerk for the Leona Quarry GHAD, 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 GHADs since the inception of the GHAD law; and

WHEREAS, ENGEO, Inc. is qualified to perform as General Manager of the Oakland Area GHAD 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 the first firm to ever apply GHADs to new developments. ENGEO, Inc. serves as the General Manager for the Leona Quarry GHAD and, in addition, Uri Eliahu (President of ENGEO, Inc.) is the current President of the California Association of GHADs; and

WHEREAS, Patricia E. Curtin is a member in good standing of the State Bar of California and is qualified to provide legal services as Attorney for the Oakland Area GHAD. She currently advises several other GHADs, including the Leona Quarry GHAD. 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 Board of Directors of the Oakland Area GHAD hereby resolves and orders that:

1. _____ is elected/appointed to act as the Chairperson of the Oakland Area GHAD Board; and
 2. Richard Clark, of Danville Associates, is appointed to act as the Treasurer/Clerk of the Oakland Area GHAD;
 3. ENGEO, Inc. is appointed to act as the General Manager of the Oakland Area GHAD; and
 4. Patricia E. Curtin is appointed to act as the Attorney of the Oakland Area GHAD;
- and

5. The Chairperson of the GHAD, on behalf of the GHAD Board, is authorized to negotiate and enter into a contract with Richard Clark for Treasurer/Clerk services;

6. Richard Clark is authorized to negotiate and enter into contracts for the services of the GHAD General Manager and GHAD Attorney.

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, _____, 2006

PASSED BY THE FOLLOWING VOTE:

AYES: Brooks, Brunner, Chang, Kernighan, Nadel, Quan, Reid, and De La Fuente

NOES:

ABSENT:

ABSTENTIONS:

ATTEST: _____
Clerk of the GHAD Board