

HAYWARD GEOLOGIC HAZARD BOARD OF DIRECTORS

RESOLUTION NO. 16-01

Introduced by Board Member Zermeño

RESOLUTION APPOINTING THE CHAIRPERSON,
CLERK/LEGAL COUNSEL, TREASURER, AND
MANAGER OF THE HAYWARD GEOLOGIC HAZARD
ABATEMENT DISTRICT (GHAD)

WHEREAS, on March 1, 2016, the City Council adopted Resolution 16-030, approving and ordering formation of the Hayward Geologic Abatement District (GHAD) as described in the GHAD Plan of Control for the La Vista subdivision (Tract 7620) and appointed itself to act as the GHAD Board of Directors (the “Board”); and

WHEREAS, a Board member should be appointed to serve as the Chairperson;
and

WHEREAS, the GHAD Board of Directors, to allow for the position of Chairperson to be continuously occupied, desires that the Mayor should serve as the Chairperson of the GHAD Board of Directors. If the Mayor is not available to serve as the Chairperson of the GHAD Board of Directors, the Mayor Pro Tempore should serve in this position; and

WHEREAS, the Hayward City Council, provided in Resolution 16-030 adopted on March 1, 2016, that the GHAD will be responsible for hiring its own staff (or contracting with parties to perform such staff services), including all workers who will undertake operation, maintenance, replacement, repair, and other activities of the GHAD, and no City employees shall perform such services for GHAD facilities and improvements unless the GHAD and the City enter into an agreement that makes clear that City employees are acting as GHAD employees when providing services for the GHAD; and

WHEREAS, pursuant to Public Resources Code Section 26584, the Board of Directors must appoint a Clerk; and

WHEREAS, the GHAD Board of Directors desires to appoint Patricia Curtin to act as both the Hayward GHAD Clerk and Hayward GHAD Legal Counsel; and

WHEREAS, pursuant to Public Resources Code Section 26585, the Board of Directors must appoint a Treasurer; and

WHEREAS, the GHAD Board of Directors desires to appoint Watermark Asset Management Incorporated to act as the Hayward GHAD Treasurer based on its experience and credentials in providing such services to other GHADs; and

WHEREAS, pursuant to Public Resources Code Section 26586, the Board of Directors must appoint other officers of the GHAD and delegate such powers of the District as may be appropriate in the circumstances; and

WHEREAS, the Board of Directors desires to appoint ENGEO Incorporated to act as the Hayward GHAD Manager based on its experience and credentials in providing such services to other GHADS.

NOW, THEREFORE, BE IT RESOLVED that the Hayward GHAD Board of Directors hereby orders that:

1. The Mayor or Mayor Pro Tempore, if the Mayor is not available to serve, is appointed to act as the Chairperson of the Hayward GHAD Board.
2. Patricia Curtin is appointed as both the Hayward GHAD Clerk and the Hayward GHAD Legal Counsel.
3. Watermark Asset Management is appointed as the Hayward GHAD Treasurer.
4. The Hayward GHAD Board of Directors further authorizes the GHAD Treasurer to collect, hold, invest, appropriate and expend GHAD funds as necessary for carrying out the GHAD operations in accordance with budgets approved by the GHAD Board.
5. Engeo Incorporated is appointed as the Hayward GHAD Manager.
6. The Hayward GHAD Board of Directors further authorizes the GHAD Manager to be responsible for the day-to-day management of the Hayward GHAD in accordance with all applicable state and federal statutes, the GHAD Plans of Control, and all Board policies, guidelines, and budgets adopted by the Hayward GHAD Board.
7. The recitals are incorporated herein by this reference.
8. This Resolution shall become effective immediately upon its passage and adoption.

IN COUNCIL, HAYWARD, CALIFORNIA May 17, 2016

ADOPTED BY THE FOLLOWING VOTE:

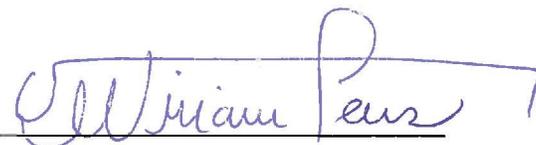
AYES: BOARD MEMBERS: Zermefio, Mendall, Jones, Peixoto, Lamnin, Márquez
CHAIR: Halliday

NOES: BOARD MEMBERS: None

ABSTAIN: BOARD MEMBERS: None

ABSENT: BOARD MEMBERS: None

ATTEST:



Secretary of Hayward Geologic Hazard
Board of Directors of the City of Hayward

APPROVED AS TO FORM:



General Counsel of the Hayward Geologic Hazard
Board of the City of Hayward