

**CITY COUNCIL MEETING  
TUESDAY, FEBRUARY 5, 2019**

**DOCUMENTS RECEIVED  
AFTER PUBLISHED AGENDA**

# **AGENDA QUESTIONS & ANSWERS**

## **Item 1**

**AGENDA QUESTIONS & ANSWERS**

**MEETING DATE: February 5, 2019**

Item # 1: [PH 19-008](#) Accept Petition for Annexation of the Ersted Property (Tract 8439) into the Existing Hayward GHAD; Accept Draft Ersted Property Plan of Control (December 24, 2018); Adopt Hayward GHAD Resolution No. 19-01 to Direct a Public Hearing be Held after Providing no less than 20 day Notice to the Landowners in the Annexation Area to Consider the Proposed Annexation of Territory into the Existing Hayward GHAD, and Hear any Written Objection Thereto; and Direct the Hayward GHAD Manager, or their Designee, to Mail, by First Class Mail, a Written Notice of the Hearing to Consider the Proposed Annexation and the Proposed Plan of Control to Each Owner of Real Property as Required by GHAD Law (Report from GHAD Manager Harrell)

On page 7 of the Draft Plan of Control for the Ersted Property, Item 5.5 states:

**5.5 GEOLOGIC HAZARD WHICH REQUIRES EXPENDITURE IN AMOUNT EXCEEDING THE VALUE OF THE THREATENED OR DAMAGED IMPROVEMENT**

The GHAD may elect not to prevent, mitigate, abate or control a geologic hazard where, in the GHAD Manager's sole discretion, the anticipated expenditure required to be funded by the GHAD to prevent, mitigate, abate or control the geologic hazard will exceed the value of the structure(s) and site improvement(s) threatened with damage or loss.

I think I understand the intent here, but am not clear why this authority rests solely in the hands of the GHAD Manager. It would seem that such a decision would come to the board for review?

The Plan of Control is the guidance document for the GHAD and as such attempts to define the GHAD's and GHAD Manager's responsibilities to be able to run the day-to-day operations. While a number of responsibilities are assigned to the GHAD Manager, a decision by the GHAD Manager could be appealed to the GHAD Board of Directors as they have the ultimate authority for activities within the Hayward GHAD.

As a note, Section 5.5 in the Ersted Plan of Control is identical to this section in the approved Plan of Control for the La Vista development (The Reserve). We would be glad to discuss this in more detail as needed.