



**REGULAR MEETING AGENDA  
PAJARO DUNES GEOLOGIC HAZARD ABATEMENT DISTRICT  
Meadow Room, Pajaro Dunes, 2661 Beach Road, Watsonville, CA 95076**

**Saturday, December 12, 2015 9:00 a.m.**

**A. OPEN SESSION CALL TO ORDER – PLEDGE OF ALLEGIANCE**

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**Roll Call**

Bill Lyons (H40) President  
Bob Moore (P45) Vice President  
Wendy Cumming, Clerk/Accountant/Secretary

Jim Griffin (Director)(P9)  
David Bower (Director)(P48)  
Raul Deju (Director)(CY4)

**B. MEMBER COMMENTS**

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Matters under the jurisdiction of the Board and not on the posted agenda, may be addressed by members of the public before the Board for consideration. However, California law prohibits the Board from taking action on any matter which is not on the posted agenda unless it is determined to be an emergency by the Board of PDGHAD. Any person wishing to address the Board during the Member Comment period shall be permitted to be heard for up to 3 minutes, A) individuals may speak only once and B) the Board is unable to address any owner comments in depth, but may choose to direct the Clerk to follow-up on the matter for a future meeting.

**C. PRESIDENT’S REMARKS**

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The President will use this opportunity to inform the public of issues affecting the District and other items of a general nature not otherwise provided for on this agenda.

- El Niño, aka Godzilla, disaster preparedness
- PDA member concern
- Community affairs update
- Board education

**D. CONSENT CALENDAR**

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All matters listed on the Consent Calendar are considered to be routine by the Board of Directors and will be enacted by one motion at the appropriate time. There will be no separate discussion on these items. If discussion is desired, that item will be removed from the Consent Calendar and will be considered separately.

1. Approval of minutes September 19, 2015

## **E. TREASURER'S REPORT**

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### 2. Financial Reports

- Four month period ended November 30, 2015
- Warrant listing
- Accept reports by motion

## **F. COMMITTEE REPORTS**

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3. Finance and Budget Committee (Bill Lyons/Wendy Cumming)

4. Community Membership and Relations Committee (Bill Lyons/Bob Moore)

5. Seawall Application and Repair Committee (Jim Griffin/David Bower)

6. Meetings attended by Directors at District expense since the last meeting of the Board (per AB1234 requirements). Such reports may be made orally or in writing.

## **G. NEW BUSINESS**

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7. ITEM – Consider action to Resolution Authorizing the Board President/Vice President to Make Emergency Expenditures, Subject to Subsequent Board Ratification

- a. Board report
- b. Public comment
- c. Board discussion
- d. Board action

8. ITEM – Consider accepting the annual audit report for the fiscal year ended June 30, 2015

- a. Board report
- b. Public comment
- c. Board discussion
- d. Board action

## **H. DIRECTORS COMMENTS AND CONCERNS**

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Members of the Board of Directors may address items of concern at this time, and may request that items be placed on future agendas in accordance with the By-laws of the Board.

## **I. ADJOURNMENT**

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The next Special Meeting of the Board of Directors is scheduled for February 13, 2016, at 9:00 a.m. at the offices of the Pajaro Dunes Geologic Hazard Abatement District, Meadow Room, Pajaro Dunes, 2661 Beach Road, Watsonville, CA 95076. Individuals who require special accommodations are requested to contact the District Clerk by calling (831) 761-7744, no less than 72 hours prior to the meeting or in the case of a Special Meeting, as soon as possible after the Agenda is posted. Copies of the agenda will be available 72 hours prior to the meeting and may be obtained by contacting the District at (831) 761-7744. All meetings are noticed and conducted in accordance with the Ralph M. Brown Act.



**SPECIAL MEETING MINUTES  
PAJARO DUNES GEOLOGIC HAZARD ABATEMENT DISTRICT  
Meadow Room, Pajaro Dunes, 2661 Beach Road, Watsonville, CA 95076**

**Saturday, September 19, 2015 9:00 a.m.**

**A. OPEN SESSION CALL TO ORDER – PLEDGE OF ALLEGIANCE**

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**Roll Call**

Bill Lyons (H40) President	Jim Griffin (Director)(P9)
Bob Moore (P45) Vice President	David Bower (Director)(P48)
Wendy Cumming, Clerk/Accountant/Secretary	Raul Deju (Director)(CY4)

All present

**B. CLOSED SESSION**

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The Board will recess to closed session to confer with its attorney regarding litigation pursuant to Government Code Section 54956.9 (a); (d)(2) and is hereby of the opinion that a significant exposure to litigation exists.

Public comment limited to the identified closed session item will be accepted before the Board recesses.

**C. MEMBER COMMENTS**

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Matters under the jurisdiction of the Board and not on the posted agenda, may be addressed by members of the public before the Board for consideration. However, California law prohibits the Board from taking action on any matter which is not on the posted agenda unless it is determined to be an emergency by the Board of PDGHAD. Any person wishing to address the Board during the Member Comment period shall be permitted to be heard for up to 3 minutes, A) individuals may speak only once and B) the Board is unable to address any owner comments in depth, but may choose to direct the Clerk to follow-up on the matter for a future meeting.

Gary Grey asked to have his name corrected on the August 1, 2015 minutes.

Bob Scranton commented that the letter of potential litigation should be made public. Also, the failed ballot issues regarding the Pelican administrative costs should be fixed.

**D. PRESIDENT’S REMARKS**

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The President will use this opportunity to inform the public of issues affecting the District and other items of a general nature not otherwise provided for on this agenda.

- El Niño, aka Godzilla, disaster preparedness
- PDA member concern

President Lyons commented as follows:

The El Nino threat has a potential for large storms coming in and the District has communicated with the engineer.

An issue regarding two homeowners was not a seawall issue. It appears that there had been a minor excavation. PDA has taken over and the GHAD is not involved.

Mary Paige commented that the District has contacted the engineer regarding the potential for an El Nino storm and she wanted to know what level of priority the District has. Bill Lyons commented that the engineer has stated that the District is a high priority. Mary wanted to know if the District has a backup. Raul Deju stated that the backup is Granite Rock.

## **E. CONSENT CALENDAR**

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All matters listed on the Consent Calendar are considered to be routine by the Board of Directors and will be enacted by one motion at the appropriate time. There will be no separate discussion on these items. If discussion is desired, that item will be removed from the Consent Calendar and will be considered separately.

1. Approval of minutes June 13, and August 1, 2015
2. Resolution reconfirming the engineer of record

Mary Paige had a question from the August 1<sup>st</sup> minutes, regarding the fine of \$75k per day for not moving the rocks on the beach. Per Bill Lyons the State Parks said if the District tries to get a permit to remove the rocks they will not levy a fine.

Motion for approval of the minutes by Raul Deju, seconded by David Bower, approved by all.

President Bill Lyons stated that the purpose of the resolution is to reconfirm ARUP as the engineer of record.

Motion for approval by Bob Moore, seconded by Jim Griffin, approved by all.

## **F. TREASURER'S REPORT**

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2. Financial Reports
  - Year Ended June 30, 2015
  - Warrant listing
  - Accept reports by motion

Martha Dias requested that the cost for purchase of emergency rocks, held at Granite Rock, should be an asset, and included as a footnote on the financial report.

Accountant Wendy Cumming gave a brief presentation on the financial report. David Bower asked when the debt will be paid off. Accountant Wendy Cumming gave the payoff dates on the debt.

Board requested that the rock be noted on the financial report.

Motion for approval by Raul Deju, second by Bob Moore, approved by all.

## **G. COMMITTEE REPORTS**

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3. Finance and Budget Committee (Bill Lyons/Wendy Cumming)
4. Community Membership and Relations Committee (Bill Lyons/Bob Moore)
5. Seawall Application and Repair Committee (Jim Griffin/David Bower)
6. Meetings attended by Directors at District expense since the last meeting of the Board (per AB1234 requirements). Such reports may be made orally or in writing.

No finance/budget meetings

Bill Lyons commented that there is a meeting scheduled for October 10<sup>th</sup> with various government officials including City of Watsonville for Community Membership and Relations Committee.

Seawall application – no meetings

No meetings attended by District director's at the District expense.

## **H. NEW BUSINESS**

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7. ITEM – Consider action on amending the District's application to the Coastal Commission for the seawall repair work.

- a. Board report – Director Deju
- b. Public comment
- c. Board discussion
- d. Board action

Report provided by Director Raul Deju. Per Mr. Deju the application to the Coastal Commission was submitted in 2014. The District received comments back from the CCC. In March of 2015, there was a revised revetment report. On the initial study in 2013/2014 the report concluded that none of the homes failed the fail factor established by the engineer.

Raul continued that rocks left on the State beach were in front of homes 97-103. The rocks should be moved to a repair spot under consideration. The emphasis that was not put on the repair report was the rocks that need to be move. The permit would be to move the rocks and to fix an area that from time to time requires repair. The area of repair would be for a section of the wall and not an individual homes/lot. Bottom line on the engineer's estimate for the cost of approximately \$890k, which does not include Coastal Commission mitigation requests. By doing this the District would eliminate any potential fines.

Per David Bower the State can at any moment provide a demand for payment on the \$75k daily penalty for the rocks on the State beach. As long as the District continues to work towards obtaining a permit for the rocks and the repairs, the fines should not be assessed. Once the rocks are moved the fine should go away.

Raul Deju stated that, barring any catastrophic event, the wall is doing its job. If there is any failure on the wall the District would fix the failed spot with the repair permit. By November 22, 2105, the District is required to submit another engineer report to the CCC. The report will address the ten questions by the CCC. The District wants to be responsive in removing the rocks.

A member commented regarding GHAD's responsibility for the rocks and asked if the District tried to negotiate property with the state. Board responded that this has been tried.

Mary Paige asked if the costs for the rock removal included the engineer costs. Per Raul Deju said yes.

Bill Lyons commented that it's very difficult to get a fixed cost and a time frame when there could be weather impacting the project. The Coastal Commission will determine the window of time for completing work.

Bill Lyons commented on the history of the board and that the old large project has been abandoned and the current board has shifted directions to maintenance and repair plan. The current engineer came in and said with an aggressive repair and maintenance plan can provide roughly 90% of the repair at approximately 10% of the cost.

Members had questions on how the repair work would be paid for. Raul Deju commented that the District would incur an assessment which has yet to be determined.

David Bower commented that realistically there would be an assessment election before July 1, 2016, for the funding to get on the County rolls.

Bill Lyons commented that the estimated costs do not included mitigation and it is important for the membership to know that until the mitigation is known, the District cannot come up with a total cost.

Steve Erikson thank Raul Deju for his presentation. Steve asked if the District has changed its strategy to benefit only 3 houses. Raul Deju commented that the permit is to cover a length of the wall and to move the rocks. Steve asked if the initial work will be in front of house 97-99 Raul stated that the initial work will be in front of the homes where the rock are.

David Bower said that the rocks happen to be near where the seawall repair is needed. The permit request is smaller, more focused, and undoing the rocks on the beach issue.

Raul Deju stated that the repair on the wall is not for the specific benefit for any particular home, but to repair a section of the wall.

Action taken was to direct Raul to continue working with ARUP to get the application approved with the CCC.

8. ITEM – Consider accepting proposal for audit services from Hutchinson and Bloodgood, for audit services for the fiscal year ended June 30, 2015.

- a. Staff report
- b. Public comment
- c. Board discussion
- d. Board action

Motion to obtain bids for the next fiscal year audit beginning in April 2016.

Motion for approval by David Bower, seconded by Jim Griffin, approved by all.

9. ITEM – Consider expenditure of an amount not to exceed \$5,000 as the District's pro rata share of the cost of an Economic Social Impact Study to be prepared by Kay Bowden

- a. Staff report
- b. Public comment
- c. Board discussion
- d. Board action

President Bill Lyons provided the board with a copy of the Economic Social Impact Study performed in 2009. The report was used in some of the seawall applications, and community relations, to demonstrate how important the District is to the community as a whole. President Lyons provided statistics on some of the benefits the District has provided to the community of the course of time.

Per President Lyons the North Association has committed funds towards the economic impact study. Also, the District's community affairs committee has recommended a pro rata cost distribution. The South Association is considering contributing to the new study. Pres. Lyons said that the report is helpful in the application for the CCC, and working with local agencies. Kay Bowden would coordinate the report development.

Raul stated that the report has an advantage to the District in working with the CCC, and that no more than \$5k be allocated to the project.

Motion to designate an amount not to exceed \$5,000 towards the cost of the Economic Impact Analysis. The GHAD and the PDA would each pay an amount equal to or less than that paid by the North Association.

Motion by for approval by David Bower, second by Raul Deju, approved by all.

## **I. DIRECTORS COMMENTS AND CONCERNS**

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Members of the Board of Directors may address items of concern at this time, and may request that items be placed on future agendas in accordance with the By-laws of the Board.

## **J. ADJOURNMENT**

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Motion for adjournment by Raul Deju seconded by Bob Moore, approved by all.

There being no further business to come before the Board, the meeting was adjourned at 11:35 a.m.

Attest: \_\_\_\_\_

Wendy Cumming  
Clerk of the Board  
Pajaro Dunes Geologic Hazard  
Abatement District



**Pajaro Dunes Geologic Hazard Abatement District**

**Balance Sheet**

As of November 30, 2015

Nov 30, 15

**ASSETS**

**Current Assets**

**Checking/Savings**

100000 · SCCB Zone 1 - 3957	33,835.58
100001 · SCCB Zone 2 - 3965	33,484.41
100002 · SCCB Z1 Emerg - 1877	33,938.01
100003 · SCCB LTD- 0208	49,520.72
100400 · Union Bank Bond Holding	<u>252,399.76</u>

**Total Checking/Savings** 403,178.48

**Accounts Receivable**

120000 · Assessments Receivable	186,907.89
120500 · Assess. Rec. Delinquent	<u>11,246.53</u>

**Total Accounts Receivable** 198,154.42

**Other Current Assets**

121500 · Prepaid Insurance	<u>6,355.00</u>
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**Total Other Current Assets** 6,355.00

**Total Current Assets** 607,687.90

**Fixed Assets**

150000 · Riverwall	3,000,000.00
160000 · Accumulated Depreciation	<u>-1,091,665.00</u>

**Total Fixed Assets** 1,908,335.00

**TOTAL ASSETS** 2,516,022.90

**LIABILITIES & EQUITY**

**Liabilities**

**Current Liabilities**

**Accounts Payable**

200000 · Accounts Payable	<u>-149.00</u>
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**Total Accounts Payable** -149.00

**Other Current Liabilities**

220000 · Accrued Interest	23,328.65
255000 · Unearned Revenue	<u>39,187.00</u>

**Total Other Current Liabilities** 62,515.65

**Total Current Liabilities** 62,366.65

**Long Term Liabilities**

260000 · NP SCCB (439k) Loan	196,098.08
261000 · NP SCCB (198k) Loan	60,749.08
263000 · SCCB Emergency Loan Z1	43,644.02
285000 · Bonds Payable Z2	1,445,000.00
286000 · Bonds Payable Discount Z2	-52,250.00
286500 · Amort. Bond Discount Z2	<u>22,291.00</u>

**Total Long Term Liabilities** 1,715,532.18

**Total Liabilities** 1,777,898.83

**Equity**

30000 · Opening Balance Equity	607,355.35
32000 · Retained Earnings	89,202.21
Net Income	<u>41,566.51</u>

**Total Equity** 738,124.07

**TOTAL LIABILITIES & EQUITY** 2,516,022.90

Note: GHAD owns \$15k of rock which is stored at Granite Rock for future use.

**Pajaro Dunes Geologic Hazard Abatement District**  
**Profit & Loss Budget vs. Actual**  
July through November 2015

	Zone 1			Zone 2		
	Jul - Nov 15	Budget	\$ Over Budget	Jul - Nov 15	Budget	\$ Over Budget
<b>Ordinary Income/Expense</b>						
<b>Income</b>						
410000 · Assessment Income	80,537	80,537	-	102,220	102,220	-
410050 · Assess. Income PDA Stairs	7,300	7,300	0	1,948	1,948	-
<b>Total Income</b>	<u>87,837</u>	<u>87,837</u>	<u>0</u>	<u>104,168</u>	<u>104,168</u>	<u>-</u>
<b>Expense</b>						
610155 · Postage and Mailings	-	125	(125)	-	100	(100)
610156 · Election Costs	150			150		
615115 · Office Expense	5	280	(275)	-		
615140 · Audit Expense	-	2,000	(2,000)	-	50	(50)
615415 · Accounting/Clerk Expense	12,057	15,000	(2,943)	2,672	1,974	698
615617 · Website Maintenance	-	-	-	-		
615650 · Officer Election	-	1,000	(1,000)	-	1,000	(1,000)
615656 · Board/Clerk Education	-	250	(250)	-		
616500 · Legal Fees	7,067	2,919	4,148	1,993	831	1,162
628500 · Insurance Expense	3,750	3,750	-	1,665	1,669	(4)
629030 · SBA Repayment to PHA Z2	-			38,690	38,690	-
750000 · Depreciation Expense Z2	-			41,665	41,668	(3)
<b>Total Expense</b>	<u>23,028</u>	<u>25,324</u>	<u>(2,296)</u>	<u>86,835</u>	<u>85,982</u>	<u>853</u>
<b>Net Ordinary Income</b>	<u>64,809</u>	<u>62,513</u>	<u>2,296</u>	<u>17,333</u>	<u>18,186</u>	<u>(853)</u>
<b>Other Income/Expense</b>						
<b>Other Income</b>						
410070 · Interest Income	100	22	78	66	59	7
<b>Total Other Income</b>	<u>100</u>	<u>22</u>	<u>78</u>	<u>66</u>	<u>59</u>	<u>7</u>
<b>Other Expense</b>						
855000 · Interest Expense	7,571	7,571	-	32,300	32,300	-
955500 · Interest Bond Discount	-			870		
<b>Total Other Expense</b>	<u>7,571</u>	<u>7,571</u>	<u>-</u>	<u>33,170</u>	<u>32,300</u>	<u>870</u>
<b>Net Other Income</b>	<u>(7,471)</u>	<u>(7,549)</u>	<u>78</u>	<u>(33,104)</u>	<u>(32,241)</u>	<u>(863)</u>
<b>Net Income</b>	<u><u>57,338</u></u>	<u><u>54,964</u></u>	<u><u>2,374</u></u>	<u><u>(15,771)</u></u>	<u><u>(14,055)</u></u>	<u><u>(1,716)</u></u>

## Pajaro Dunes Geologic Hazard Abatement District Profit & Loss Budget vs. Actual

July through November 2015

	TOTAL		
	Jul - Nov 15	Budget	\$ Over Budget
<b>Ordinary Income/Expense</b>			
<b>Income</b>			
410000 · Assessment Income	182,757	182,757	-
410050 · Assess. Income PDA Stairs	9,248	9,248	0
<b>Total Income</b>	<b>192,005</b>	<b>192,005</b>	<b>0</b>
<b>Expense</b>			
610155 · Postage and Mailings	-	225	(225)
610156 · Election Costs	300	-	300
615115 · Office Expense	5	280	(275)
615140 · Audit Expense	-	2,050	(2,050)
615415 · Accounting/Clerk Expense	14,729	16,974	(2,245)
615617 · Website Maintenance	-	-	-
615650 · Officer Election	-	2,000	(2,000)
615656 · Board/Clerk Education	-	250	(250)
616500 · Legal Fees	9,060	3,750	5,310
628500 · Insurance Expense	5,415	5,419	(4)
629030 · SBA Repayment to PHA Z2	38,690	38,690	-
750000 · Depreciation Expense Z2	41,665	41,668	(3)
<b>Total Expense</b>	<b>109,863</b>	<b>111,306</b>	<b>(1,443)</b>
<b>Net Ordinary Income</b>	<b>82,142</b>	<b>80,699</b>	<b>1,443</b>
<b>Other Income/Expense</b>			
<b>Other Income</b>			
410070 · Interest Income	166	81	85
<b>Total Other Income</b>	<b>166</b>	<b>81</b>	<b>85</b>
<b>Other Expense</b>			
855000 · Interest Expense	39,871	39,871	-
955500 · Interest Bond Discount	870	-	870
<b>Total Other Expense</b>	<b>40,741</b>	<b>39,871</b>	<b>870</b>
<b>Net Other Income</b>	<b>(40,575)</b>	<b>(39,790)</b>	<b>(785)</b>
<b>Net Income</b>	<b>41,567</b>	<b>40,909</b>	<b>658</b>

**Pajaro Dunes Geologic Hazard Abatement District  
Warrant Listing**

**As of November 30, 2015**

<u>Type</u>	<u>Date</u>	<u>Num</u>	<u>Name</u>	<u>Credit</u>
<b>100000 - SCCB Zone 1 - 3957</b>				
Bill Pmt -Check	07/07/2015	1231	Santa Cruz County Elections Dept.	2,403.39
Bill Pmt -Check	07/07/2015	1232	Wendy L. Cumming, CPA	3,536.97
Bill Pmt -Check	07/07/2015	1230	ARUP North America, LTD	49,359.42
Bill Pmt -Check	07/31/2015	1233	Jarvis, Fay, Doporto & Gibson, LLP	3,730.00
Bill Pmt -Check	07/31/2015	1234	Wendy L. Cumming, CPA	1,361.88
Bill Pmt -Check	08/17/2015	1235	Jarvis, Fay, Doporto & Gibson, LLP	2,667.60
Bill Pmt -Check	08/17/2015	1236	Lynn Myers	150.00
Bill Pmt -Check	08/17/2015	1237	Wendy L. Cumming, CPA	1,100.75
Bill Pmt -Check	09/18/2015	1238	Jarvis, Fay, Doporto & Gibson, LLP	1,232.40
Bill Pmt -Check	09/18/2015	1239	Pajaro Dunes Association	4.58
Bill Pmt -Check	09/18/2015	1240	Wendy L. Cumming, CPA	2,754.00
Bill Pmt -Check	10/14/2015	1241	Jarvis, Fay, Doporto & Gibson, LLP	1,326.00
Bill Pmt -Check	10/14/2015	1242	Wendy L. Cumming, CPA	1,606.50
Bill Pmt -Check	11/18/2015	1243	Jarvis, Fay, Doporto & Gibson, LLP	1,840.80
Bill Pmt -Check	11/18/2015	1244	Wendy L. Cumming, CPA	3,786.76
Bill Pmt -Check	11/18/2015	1245	California Special Districts Association	149.00
Total 100000 - SCCB Zone 1 - 3957				<u>77,010.05</u>
<b>100001 - SCCB Zone 2 - 3965</b>				
Bill Pmt -Check	07/07/2015	1194	Pelican Home Owner's Association	7,738.00
Bill Pmt -Check	07/07/2015	1192	Santa Cruz County Elections Dept.	2,403.38
Bill Pmt -Check	07/07/2015	1193	Wendy L. Cumming, CPA	2,167.82
Bill Pmt -Check	07/31/2015	1195	Jarvis, Fay, Doporto & Gibson, LLP	3,730.00
Bill Pmt -Check	07/31/2015	1196	Pelican Home Owner's Association	7,738.00
Bill Pmt -Check	07/31/2015	1197	Wendy L. Cumming, CPA	1,361.87
Bill Pmt -Check	08/17/2015	1198	Jarvis, Fay, Doporto & Gibson, LLP	752.40
Bill Pmt -Check	08/17/2015	1199	Lynn Myers	150.00
Bill Pmt -Check	08/17/2015	1200	Pajaro Dunes Geologic Abatement District	54,786.77
Bill Pmt -Check	08/17/2015	1201	Union Bank, N.A.	
Bill Pmt -Check	08/17/2015	1202	Wendy L. Cumming, CPA	194.25
Bill Pmt -Check	09/18/2015	1203	Jarvis, Fay, Doporto & Gibson, LLP	347.60
Bill Pmt -Check	09/18/2015	1204	Pelican Home Owner's Association	7,738.00
Bill Pmt -Check	09/18/2015	1205	Wendy L. Cumming, CPA	486.01
Bill Pmt -Check	10/14/2015	1206	Jarvis, Fay, Doporto & Gibson, LLP	374.00
Bill Pmt -Check	10/14/2015	1207	Pelican Home Owner's Association	7,738.00
Bill Pmt -Check	10/14/2015	1208	Wendy L. Cumming, CPA	283.50
Bill Pmt -Check	11/18/2015	1209	Jarvis, Fay, Doporto & Gibson, LLP	519.20
Bill Pmt -Check	11/18/2015	1210	Pelican Home Owner's Association	7,738.00
Bill Pmt -Check	11/18/2015	1211	Wendy L. Cumming, CPA	668.24
Total 100001 - SCCB Zone 2 - 3965				<u>106,915.04</u>
<b>TOTAL</b>				<u><u><b>183,925.09</b></u></u>

**BOARD OF DIRECTORS  
PAJARO DUNES GEOLOGIC HAZARD ABATEMENT DISTRICT**

**Resolution Authorizing the Board President/Vice President to Make Emergency  
Expenditures, Subject to Subsequent Board Ratification**

**Resolution No. \_\_\_\_\_**

**WHEREAS**, as is set forth in the Pajaro Dunes Geologic Hazard Abatement District (“District) Plan of Control, the District was formed for the purpose of inspecting, maintaining and repairing the revetment seawall and riverwall located within the District, both of which serve to protect life, homes and property from the hazards of river erosion, coastal erosion and coastal flooding; and

**WHEREAS**, the District’s Board is particularly concerned with the District’s ability to carry out the aforesaid duties on an emergency basis in the upcoming months due to the well-documented prediction of “Super El Nino” weather conditions in the State of California; and

**WHEREAS**, the District has already taken steps to facilitate emergency response to hazards represented by natural causes, such as severe storms and earthquakes, including but not limited to the development of an Emergency Response Plan, which includes a recommended process to mobilize contractor assistance in emergencies, execution of a contract for professional Services with Arup North America, Ltd, as Engineer of Record, to provide general engineering services and to respond to and provide direction and supervision of emergency service responses, and execution of a contract with Granite Construction to perform actual emergency repairs; and

**WHEREAS**, while in most cases public entities such as the District must go through a formal bidding processing for procuring contract services for public works projects like repairs to the revetment seawall and riverwall, provisions in the Public Contract Code allow for formal contacting to be dispensed with upon a finding made by an entity’s board, usually at a special meeting, when an emergency situation exists; and

**WHEREAS**, due to unique circumstances concerning the District, such as the fact that members of the District’s Board may not be in residence within the District for varying significant periods of time, or the fact that limited access to the District may make it difficult or impossible to return to the District on an expedited basis during an emergency, the Board’s ability to call and hold a special meeting during emergency conditions, even by electronic means, may be hampered; and

**WHEREAS**, in order to facilitate an adequate and timely response to emergency circumstances, vital to the protection of public health and safety as well as public property, the Board desires to authorize the Board President, or in his absence, the Vice President, with the authority to expend a limited specified amount of District funds for emergency services until the District’s Board as a whole can meet and respond to emergency needs.

**NOW THEREFORE, BE IT RESOLVED** by the Board of the Pajaro Dunes Geologic Hazard Abatement District that the Board President, or in his absence the Vice President, is authorized to approve and make expenditures for contractual services in an emergency situation, without bidding, in an amount not to exceed \$75,000.00. Said limited authority is subject to the following conditions.

1. The Board President/Vice President must first attempt to call for an emergency meeting of the Board subject to the provisions of the Ralph M. Brown Act (Government Code Sections 54950-54963). All such efforts shall be documented.
2. The Board President/Vice President, in coordination with the District's Engineer of Record and contract construction company, may authorize the immediate expenditure of not more than \$75,000.00 for work to be performed necessary to protect life, health and property within the District during an emergency, without compliance with competitive bidding procedures. For purposes of this resolution, "emergency" shall be defined as "a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property, or essential public services." All expenditures shall be documented in writing.
3. As soon thereafter as possible, the District shall hold a meeting (regular, special or emergency) in accordance with the Ralph M. Brown Act, to take action as necessary to declare an emergency and authorize expenditures in accordance with Public Contract Code Sections 1102, 20168, and 22050, and shall place any and all actions and expenditures taken in accordance with the authority granted herein before the Board for consideration for retroactive approval.
4. The authority granted by the resolution shall not relieve the President/Vice President from any and all obligations to coordinate District emergency responses with any other entity having jurisdiction over District activities in such circumstances.

**PASSED AND ADOPTED** by the Board of Directors of the Pajaro Dunes Geologic Hazard Abatement District of the County of Santa Cruz, State of California, this 12<sup>th</sup> day of December, 2015, by the following vote:

**AYES:** Directors  
**NOES:** Directors  
**ABSENT:** Directors  
**ABSTAIN:** Directors

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President, Board of Directors

ATTEST \_\_\_\_\_  
Clerk of the Board