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**Agenda: 9/22/98**

September 10, 1998

Board of Supervisors  
County of Santa Cruz  
701 Ocean Street, Room 500  
Santa Cruz, California 95060

**RE: Geologic Hazard Abatement Districts**

Dear Members of the Board:

The homeowners at Pajaro Dunes South have submitted to the Clerk of the Board signed petitions requesting the formation of a Geologic Hazard Abatement District; elsewhere on today's agenda is a proposed resolution initiating proceedings for the formation of the Pajaro Dunes Geologic Hazard Abatement District.

Geologic hazard abatement districts are governed by Division 17 of the Public Resources Code and may be formed for the purposes of prevention, mitigation, abatement or control of a geologic hazard, and/or mitigation or abatement of structural hazards that are partly or wholly caused by geologic hazards. General information concerning both the nature, powers and duties of geologic hazard abatement districts (GHADs) as well as the process for formation of such districts is provided in Attachment 1. Pursuant to the statutory scheme, the first action for your Board to take in processing any petition for the formation of a GHAD is the adoption of a resolution declaring that you are subject to the provisions of Chapter 2, Division 17 of the Public Resources Code. A copy of the resolution must then be forwarded to the State Controller. Such a resolution for your Board's consideration and possible adoption is attached (Attachment 2).

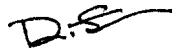


# COUNTY OF SANTA CRUZ

## INTER-OFFICE CORRESPONDENCE

**DATE:** September 9, 1998

**TO:** Each Member of the Board of Supervisors

**FROM:** Deborah Steen, Chief Assistant County Counsel 

**SUBJECT:** **Geologic Hazard Abatement Districts - General Information**

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For your information and future reference, the following is an overview of the nature of geologic hazard abatement districts, their powers and duties and the process for their formation.

A. Nature, powers and duties.

The California Public Resources Code provides the statutory procedure for the establishment of geologic hazard abatement districts (GHADs) (§§ 26500 through 26654, inclusive). A GHAD may be formed for the purposes of prevention, mitigation, abatement or control of a geologic hazard, and/or of structural hazards that are caused by geologic hazards, (§ 266525.) A GHAD is a political subdivision of the State; it is not an agency or an instrumentality of a local agency. (§ 26570.) A GHAD may sue and be sued, make, amend and repeal bylaws and exercise all powers necessary or incidental to carry out the purposes of the statutory scheme. (§ 26574.) A GHAD has powers of eminent domain; it may acquire and dispose of property or any interest in property; it may acquire, construct, operate, manage or maintain improvements on public or private land; and, it may make improvements on existing public or private structures (§§ 26574 through 26580.1, inclusive). Further, a GHAD may enter into contracts or agreements with the United States, any state or local government, public agency or public district, private organization or any person in furtherance of its purposes (Section 26579).

A GHAD is governed by a board of directors which can be composed of either five elected directors who are owners of real property within the district or composed of the legislative body that approves the formation of the district. (§ 26583.) A GHAD is required to keep a record of the proceedings of its meetings and it is subject to the Ralph M. Brown Act (§ 26582). A GHAD may pay the costs of improvements by use of the powers set forth in the Improvement Acts of 1911 and 1913 and the Improvement Bond Act of 1915 (§§ 26587 through 26590). Further, a GHAD may accept financial or other assistance from any public or private source and it may borrow money from or otherwise incur an indebtedness to a local agency, State or any instrumentality or political subdivision of the State or Federal Government (§§ 26591 and 26593). Finally, a GHAD may levy and collect assessments to pay for the costs and expense of maintenance and operation of any improvements it acquires or constructs (§§ 26650 through 26654).

B. Process for Formation.

The formation of a GHAD may be initiated by either a petition signed by the owners of not less than ten percent of the real property to be included within the proposed district, or by resolution of the Board of Supervisors. If the proceedings are initiated by petition, the Clerk of the Board must review the petitions to determine whether they are substantially in the form prescribed by the statute and to verify that the signatures on the petition represent owners of not less than ten percent of the real property to be included in the district. After the Board has adopted a resolution declaring itself subject to the provisions of the statutory scheme related to district formation, the Clerk of the Board next submits to you a proposed resolution initiating proceedings for the formation of the district.

The resolution initiating proceedings, whether in response to the submission of petitions or on the Board's own initiative, must contain a statement that the Board has been presented with and has reviewed a plan of control (a report prepared by an engineering geologist describing in detail the geologic hazard, its location and a plan for its prevention, mitigation, abatement or control), and that it has determined that the health, safety and welfare require formation of a district. The resolution further sets the matter for a public hearing and directs the Clerk of the Board to give mailed notice to all owners of real property included within the proposed district.

Objections to the formation of the district may be filed by any owner of real property within the proposed district at any time up to and including the time of the public hearing. If owners of more than 50% of the assessed valuation of the proposed district object to its formation, the Board must direct that the proceedings be abandoned; if not, the Board may adopt a resolution ordering the formation of the district and appointing the initial Board of Directors which may be composed of the Board of Supervisors or of five owners of real property located within the district.

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BEFORE THE BOARD OF SUPERVISORS  
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO.

On the motion of Supervisor  
duly seconded by Supervisor  
the following resolution is adopted

RESOLUTION DECLARING THE BOARD OF SUPERVISORS  
FOR THE COUNTY OF SANTA CRUZ SUBJECT TO THE  
PROVISIONS OF CHAPTER 2 OF DIVISION 17 OF THE PUBLIC  
RESOURCES CODE REGARDING FORMATION OF  
GEOLOGIC HAZARD ABATEMENT DISTRICTS

WHEREAS, Division 17 of the Public Resources Code for the State of California provides a statutory procedure for the establishment of geologic hazard abatement districts, (Sections 26500 through 26654, inclusive); and

WHEREAS, a geologic hazard abatement district may be formed for the purposes of prevention, mitigation, abatement or control of a geologic hazard, and/or mitigation or abatement of structural hazards that are partly or wholly caused by geologic hazards; and

WHEREAS, the establishment of a geologic hazard abatement district for territory located in the unincorporated area of the County of Santa Cruz is accomplished by actions of the Board of Supervisors to initiate and conduct proceedings and to order the formation of such district; and

WHEREAS, Chapter 2 of Division 17 sets forth the process for forming a geologic hazard abatement district and Chapter 2 requires the Board of Supervisors to adopt a resolution declaring that it is subject to Chapter 2's provisions and to forward a copy of such resolution to the State Controller.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors for the County of Santa Cruz that the Board of Supervisors hereby declares that it is subject to the provisions of Chapter 2 of Division 17 of the California Public Resources Code, and directs the Clerk of the Board to forward a copy of this Resolution to the State Controller.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this \_\_\_\_ day of \_\_\_\_\_, 1998, by the following vote:

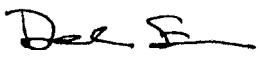
AYES:	SUPERVISORS
NOES:	SUPERVISORS
ABSENT:	SUPERVISORS
ABSTAIN:	SUPERVISORS

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Chairperson of the  
Board of Supervisors

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

Approved as to form:

  
\_\_\_\_\_  
Deborah Steen,  
Chief Assistant County Counsel

DISTRIBUTION: County Counsel  
County Administrative Officer  
Office of the State Controller