

**SANTIAGO GEOLOGIC HAZARD ABATEMENT DISTRICT
REGULAR SESSION OF THE BOARD OF DIRECTORS
DECEMBER 8, 2022 AGENDA
EAST ANAHEIM COMMUNITY CENTER
8201 EAST SANTA ANA CANYON ROAD, ANAHEIM, CA 92808
ZOOM INFORMATION:**

**By Computer: <https://bit.ly/3zUj0rB>
By Phone: 1 (669) 900-9128 Meeting ID: 824 3042 2340 Password: 463551**

- Agendas and staff reports are posted on the GHAD's internet website (www.santiagohad.org)
- A complete packet of information containing staff reports and exhibits related to each item is available for public review at least 72 hours prior to a Santiago GHAD Board meeting, or in the event that it is delivered to Boardmembers less than 72 hours prior to a GHAD Board meeting, as soon as it is delivered.

REGULAR SESSION 6:00 P.M.

1. Call to Order and Roll Call - Chair and Boardmembers:
Craig Schill, James Guziak, and Hillard Kaplan
 - A. Confirmation of Agenda Posting

2. Public Forum: Members of the Public May Comment (3 minutes per speaker)
At this time, the public is permitted to address the GHAD Board on non-agendized items. In accordance with State Law, no action or discussion may take place on an item not appearing on the posted agenda. The Board may respond to statements made or questions asked or may request staff to report back at a future meeting concerning the matter. Please see "How to Submit Public Comments" on the GHAD's website www.santiagohad.org.

3. Consent Items
 - A. November 3, 2022 Regular Session Minutes

4. Reports
 - A. Chair and Boardmembers
 - B. Plan Review Subcommittee - Boardmember Schill
 - C. Standing Legal Committee - Boardmembers Schill and Lal

 - D. Charles King Company (Merritt King to participate)
 1. Status of Vertical Wells
 2. Repairs and Well Maintenance
 3. Replacement of Electrical Pedestals
 - A. 6836 Georgetown Circle
 - B. 997 Vassar Circle

 - E. ENGEO Incorporated
 1. Groundwater Level and Extraction: Monitoring and Evaluation
 2. Coordination and Documentation (Website and G.I.S.)
 3. Burlwood Dewatering Wells 23 and 25 Status Update

5. Financial Review
 - A. None

6. New Business
 - A. Subject: Resolution 2022/21 Electing a Chairperson and Alternate Chairperson of the Santiago Geologic Hazard Abatement District Board of Directors
From: GHAD Manager

 - B. Subject: Provide Direction to Staff on Filling Board of Directors' Vacancies
From: GHAD Manager

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- C. Subject: Resolution 2022/22 Authorizing Remote Teleconference Meetings of the Santiago Geologic Hazard Abatement District
From: GHAD Manager

- 7. GHAD Manager's Report
 - A. Notification of two Board Vacancies as of December 2, 2022

- 8. Board Comments and Upcoming Topics of Discussion
 - A. Directors' Announcements
 - B. Set Date for Next Scheduled Board Meeting – February 2, 2023

- 9. Adjournment

SANTIAGO GEOLOGIC HAZARD ABATEMENT DISTRICT
MEETING OF THE BOARD OF DIRECTORS
NOVEMBER 3, 2022

A Regular Meeting of the Board of Directors of the Santiago Geologic Hazard Abatement District (SGHAD) was held on Thursday, November 3, 2022, at the Embassy Suites by Hilton - Anaheim North at 3100 East Frontera Street and via teleconference. The meeting was called to order at 6:02 p.m. by the Santiago GHAD Chair, Craig Schill.

CALL TO
ORDER

Directors Present: Hillard Kaplan
Hari Lal
James Guziak (arrived at 7:08 p.m.)
Craig Schill
Marc Schwering

DIRECTORS
PRESENT

Directors Absent: None

Representing Cardinal: Karen Holthe, Santiago GHAD Clerk

ALSO
PRESENT

Representing ENGEO: Jeff Adams
Uri Eliahu, Santiago GHAD Manager
Emma Griffie
Eric Harrell
Haley Ralston
Matt Swanson

Others Present: Linda B.
Sam Benshmuell
Sung H. Choi
Ken Corman
Kaye Dabbs-Moyer
Scott Drew
Rudy Emami, City of Anaheim
Richard Farano
Dave Fernandez, Santiago GHAD Treasurer
Chris Hamblin
Bridget Holl
Paula Holland
Marie Hyepock
Chris Irving
Lori Macias
Manoucher
Rick Moyer
Bobby Patel
Patrick
Robert
Jim Rollings
Shaun Tait
Talat
Valerie

John Weller
Ron Wennerberg

It was noted that other members of the public were present during the Zoom Meeting and opted not to identify themselves.

It was confirmed that the Regular Meeting agenda had been posted on the street sign at Serrano and Williams Circle, as well as on the SGHAD website, more than 72 hours prior to the Meeting, in accordance with the Brown Act requirements.

AGENDA
POSTING

Item 2A is Resolution 2022/19, which is a resolution accepting the tabulation of ballots received for the Proposition 218 assessment vote. Uri Eliahu briefly discussed the process of the public hearing and ballot tabulation. Chair Schill opened the public hearing for any members of the public wishing to provide comment on the item, cast their vote, or change their vote. No members of the public wished to comment, cast their vote, or change their vote during the public hearing, therefore Chair Schill closed the public hearing on Resolution 2022/19. Chair Schill directed the GHAD Clerk, Karen Holthe to begin the tabulation process of received ballots. Due to the time needed to tabulate the ballots, the Board decided to continue with the rest of the items on the agenda and return to Item 2A when the tabulation finished.

RESOLUTION
2022/19

The Public Forum for non-agenda items was opened.

PUBLIC FORUM

Lori Macias asked if any of the Boardmembers knew why a police car was parked within the Window Hill community recently. Boardmember Lal responded that a request had been made to have additional patrol within the community due to recent robberies in the area.

LORI MACIAS

Amanda Archer asked what are next steps after the ballots are tabulated. Mr. Eliahu responded that the result of the tabulation would be reported to legal counsel and preparation for arbitration would continue. He also noted that the arbitration date has been rescheduled from December 5, 2022 to January 30, 2023.

AMANDA
ARCHER

Marie Hyepock asked why did the arbitration date change. Mr. Eliahu responded that the Board decided to move the arbitration date to allow legal counsel more time to prepare based on the result of the tabulation.

MARIE HYEPOCK

No other members of the public wished to address the Board on non-agenda items, therefore the Public Forum was closed.

PUBLIC FORUM
CLOSED

Consent Items on the agenda included minutes that had been continued from previous Regular Meetings and from recent Special Session meetings. Boardmember Lal made a motion to approve the Consent Items as presented, Chair Schill seconded, and the motion passed unanimously (4-0) with Boardmember Guziak absent.

CONSENT ITEMS

No Boardmember reports were provided.

BOARDMEMBER
REPORTS

Chair Schill reported on behalf of the Plan Review Committee that the GHAD has not received any plan reviews since the last Regular Meeting.

PLAN REVIEW
COMMITTEE

There were no reports from Chair Schill or Boardmember Lal on the Standing Legal Committee.

STANDING LEGAL
COMMITTEE

Merritt King of Charles King Company was not present to provide a status report on the dewatering wells due to a field emergency that evening. Kaye Dabbs-Moyer requested that contractors be present at all board meetings to provide status updates as described in the contract. Boardmember Lal mentioned that he and a group of homeowners would be clearing vegetation and debris from around dewatering wells in the community on November 18th at 11:00 a.m. If members of the public wish to join, please reach out to Boardmember Lal.

CHARLES KING
COMPANY
REPORT

Haley Ralston provided a status update on the dewatering wells during ENGEO's report. The annual monitoring report has been completed and sent to the Board, as well as posted on the Google Drive on the GHAD's website for the public to view. Overall, dewatering wells are operating as intended and groundwater levels remain below the recommended threshold. There are a few dewatering wells that continue to be closely monitored and a few deferred maintenance items that may need to be addressed in the future.

ENGEO REPORT

Ken Corman asked for further clarification on the annual report and current groundwater levels of the dewatering wells.

Chair Schill asked what was the status of the electrical pedestals that need to be replaced and if there was a safety risk in leaving the pedestals unrepaired. Eric Harrell responded that ENGEO would follow up with Merritt King on the status of replacement of the pedestals and that he did not see significant risk with the current condition of the pedestals. Chair Schill directed ENGEO to inspect the pedestals current conditions.

Kaye Dabbs-Moyer asked if the inclinometers have been read recently. Eric Harrell responded that ENGEO would review the recent data and monitoring schedule and report back to the Board.

Dave Fernandez as the GHAD Treasurer provided the Quarter 1 Financials Report for the Santiago GHAD. He stated that currently about 26% of the annual budget has been spent. Boardmember Lal asked if any vendor is currently overbudget, and Mr. Fernandez reported that no vendor was currently over their allotted budget. Chair Schill moved to accept the Quarter 1 Financials for the Santiago GHAD, Boardmember Lal seconded the motion, and the motion passed unanimously (4-0) with Boardmember Guziak absent.

QUARTER 1
FINANCIALS

Haley Ralston and Eric Harrell presented the GHAD Manager Report discussing the upcoming Board vacancies and request for direction from the Board on how to proceed with filling those vacancies at the next scheduled meeting.

GHAD MANAGER
REPORT

Since there were no further agenda items to discuss and ballots were still being tabulated, Mr. Eliahu recommended to Chair Schill to recess the meeting until tabulation was completed. Chair Schill made a motion to recess the meeting until ballot tabulation was

MEETING
RECESSED

completed, Boardmember Lal seconded the motion, and the motion passed unanimously (4-0) with Boardmember Guziak absent.

The meeting was recessed at 6:56 p.m.

The meeting reconvened at 7:08 p.m.

Boardmember Guziak arrived when the meeting was reconvened.

The Board returned to complete Item 2A as ballot tabulation had been completed. GHAD Clerk, Ms. Holthe, verified that all the ballots had been tabulated and requested Mr. Eliahu to report out the results. Mr. Eliahu reported that of the weighted ballots 90.78% voted no and 9.22% voted yes; of the number of ballots received 79.68% voted no and 20.32% voted yes; and a total of \$281,750.07 voted no and \$28,607.48 voted yes. Mr. Eliahu confirmed that the Proposition 218 assessment vote failed. Boardmember Lal made a motion to approve Resolution 2022/19 accepting the tabulation of ballots, Boardmember Schwering seconded the motion, and the motion passed unanimously (5-0).

Since Resolution 2022/19 confirmed that the assessment vote did not pass, Item 2B Resolution 2022/20 became moot and was not addressed by the Board.

Boardmembers Schwering and Lal asked what the possible outcomes of the arbitration are. Mr. Eliahu stated that the question posed in arbitration is if the GHAD has responsibility to maintain dewatering facilities within the GHAD after the GHAD's funds are exhausted. The arbitrator will determine either the GHAD is responsible or is not responsible for the dewatering facilities after the GHAD's funds are exhausted. Boardmember Guziak added that the GHAD will continue to perform its responsibilities until the GHAD's funds are exhausted.

There being no further business, the Meeting was adjourned at 7:24 p.m.

Submitted by Karen Holthe, SGHAD Clerk

ATTEST:

Craig Schill, Chairperson

Date

DIRECTOR CERTIFICATION

I certify that I am an appointed Director of the Santiago Geologic Hazard Abatement District and do hereby certify that the foregoing is a true and correct copy of the Minutes of the Santiago Geologic Hazard Abatement District Board of Directors Meeting held on November 3, 2022, as approved by the Board Members in attendance of the Meeting.

, Director

Date

MEETING
RECONVENED

RESOLUTION
2022/19

RESOLUTION
2022/20

DISCUSSION

ADJORNMENT

SUBMITTED

ATTEST

CERTIFIED

**SANTIAGO GEOLOGIC HAZARD ABATEMENT DISTRICT
STAFF REPORT**

TO: Santiago Geologic Hazard Abatement District GHAD Board of Directors

FROM: ENGEO, GHAD Manager

BOARD MEETING DATE: December 8, 2022

SUBJECT: Adopt Resolution 2022/21 Electing a Chairperson and Alternate Chairperson of the Santiago Geologic Hazard Abatement District Board of Directors

RECOMMENDATION(S):

1. ADOPT the attached Resolution No. 2022/21 to do the following:
 - (a) ELECT a boardmember to be Chairperson; and
 - (b) ELECT a boardmember to be Alternate Chairperson.

BACKGROUND:

On March 16, 1999, the Anaheim City Council adopted Resolution No. 99R-50 approving and ordering the formation of the Santiago Geologic Hazard Abatement District ("Santiago GHAD"). The Anaheim City Council appointed five landowners to serve as the Santiago GHAD Board of Directors ("Board"). In 2018, the Orange County Board of Supervisors appointed 5 GHAD Directors in lieu of election. Three of the five GHAD Director's terms have expired, one of which serves as Alternate Chair for the Board.

As one of the duties of the GHAD Board, the GHAD Board must identify a Board Chairperson. The Board Chair would be authorized to execute all resolutions and official actions by the GHAD Board, to lead meetings of the GHAD Board, and to fulfill the responsibilities delegated to the Chair by the GHAD Board. If the Chairperson is not available to serve as the Board Chair, the Alternate Chairperson should serve in this position.

On December 3, 2020 with the approval of Resolution 2020/09, the GHAD Board of Directors elected Craig Schill as Chair and Hari Lal as Alternate Chair. The term for each of these positions was for two years; therefore, the Board should appoint a Chair and an Alternate Chair to serve until December 2024.

ATTACHMENTS:

- A. Resolution No. 2022/21, Electing a Chairperson and Alternate Chairperson of the Santiago Geologic Hazard Abatement District Board of Directors.

**BOARD OF DIRECTORS OF THE
SANTIAGO GEOLOGIC HAZARD ABATEMENT DISTRICT**

RESOLUTION NO. 2022/21

**A RESOLUTION ELECTING _____ AS CHAIRPERSON AND _____ AS
ALTERNATE CHAIRPERSON OF THE SANTIAGO GEOLOGIC HAZARD ABATEMENT
DISTRICT FOR THE TERM BEGINNING DECEMBER 9, 2021 AND ENDING THE FIRST
BOARD MEETING IN DECEMBER 2024**

WHEREAS, on March 16, 1999, the Anaheim City Council adopted Resolution No. 99R-50 approving and ordering the formation of the Santiago Geologic Hazard Abatement District ("Santiago GHAD or GHAD"); and

WHEREAS, the Santiago GHAD is a political subdivision of the State of California, governed by state law (Pub. Res. Code § 26500 *et seq.*), and constitutes a legal entity separate and distinct from the City of Anaheim ("City"), with operations independent of City functions; and

WHEREAS, a member of the board of directors of the GHAD ("Board") should be appointed to serve as the Board Chairperson; and

WHEREAS, a Board member should be appointed to serve as the Board Alternate Chairperson if the Board Chairperson is not able to serve as the Chairperson of the Board; and

WHEREAS, the Board Chairperson would be authorized to execute all resolutions and official actions by the GHAD Board, to lead meetings of the Board, and to fulfill the responsibilities delegated to the Chairperson by the Board; and

WHEREAS, on December 3, 2020 Craig Schill was appointed as the Chairperson and Hari Lal was appointed as the Alternate Chairperson; and

WHEREAS, the term of Alternate Board Chair Hari Lal has expired and the GHAD Board of Directors desires to now appoint boardmembers into these positions.

The Santiago Board of Directors HEREBY RESOLVES THAT:

1. That Boardmember _____, is elected Chairperson of the Santiago GHAD Board of Directors; and
2. If the Chairperson is not available to serve, Boardmember _____, is hereby appointed to act as the Alternative Chairperson of the GHAD Board; and
3. This Resolution shall become effective immediately upon its passage and adoption.

DATED: December 8, 2022

I, Karen Holthe, Clerk of the Santiago Geologic Hazard Abatement District, certify that the foregoing resolution was duly adopted by the Board of Directors of the District at a regular meeting held on the 8th day of December 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Clerk of the Santiago GHAD Board

**SANTIAGO GEOLOGIC HAZARD ABATEMENT DISTRICT
STAFF REPORT**

BOARD MEETING DATE: December 8, 2022

TO: Santiago Geologic Hazard Abatement District GHAD Board of Directors

FROM: EN GEO, GHAD Manager

SUBJECT: Filling of Two (2) Vacancies on the Santiago Geologic Hazard Abatement District Board of Directors

RECOMMENDATION(S):

Provide direction to staff on method for filling of vacancies on the Board of Directors either by special election or appointment.

BACKGROUND:

On March 16, 1999, the Anaheim City Council adopted Resolution No. 99R-50 approving and ordering the formation of the Santiago Geologic Hazard Abatement District ("Santiago GHAD"). The Anaheim City Council appointed five landowners to serve as the Santiago GHAD Board of Directors ("Board").

On June 23, 2022, the Board approved Resolution 2022/05 calling for a general election to be held on Tuesday, November 8, 2022, for the election of three (3) members of the Board of Directors to four (4) year terms.

On September 27, 2022, the Santiago GHAD received notification from the Orange County Registrar of Voters that Mr. Yaacov Hass and Mr. Hillard Kaplan would be appointed by the Orange County Board of Supervisors in lieu of election since the number of applicants filing a declaration of candidacy was equal or less than the number of positions to be filled. Also, on September 27, 2022, the Santiago GHAD received an e-mail notification from Mr. Yaacov Hass that he would be unable to serve as a member of the Santiago GHAD Board of Directors.

On December 6, 2022, it is anticipated that the Orange County Board of Supervisors will appoint GHAD Boardmembers Hillard Kaplan and Yaacov Hass in lieu of election.

DISCUSSION:

Pursuant to Government Code § 1780(c)(d)(1) the Board has sixty (60) days to fill the vacancy by appointment or calling a special election. The start of the new term is the effective date of the vacancies. A previous vacancy on the Board in 2019 was filled by appointment.

If by appointment:

- The remaining members of the GHAD Board shall make the appointment within 60 days of the effective date of the vacancy.

- The GHAD shall post a notice of the vacancies in three or more conspicuous places in the district at least 15 days before the GHAD board makes the appointment. The GHAD shall notify the Orange County Registrar of Voters of the appointment no later than 15 days after the appointment.
- The person appointed to fill the vacancy shall hold office until the next general GHAD election in 2024. The person elected to fill the vacancy in 2024 shall hold office for the unexpired balance of the term of office.

If by special election:

- The GHAD board may within 60 days of the effective date of the vacancy, call an election to fill the vacancy.
- The successful candidate(s) shall hold office for the balance of the term of office.
- The GHAD would be required to fund the cost of a special election.

**BOARD OF DIRECTORS OF THE
SANTIAGO GEOLOGIC HAZARD ABATEMENT DISTRICT**

RESOLUTION NO. 2022/22

A RESOLUTION OF THE SANTIAGO GEOLOGIC HAZARD ABATEMENT DISTRICT AUTHORIZING REMOTE TELECONFERENCE MEETING OF THE SANTIAGO GEOLOGIC HAZARD ABATEMENT DISTRICT PURSUANT TO GOVERNMENT CODE SECTION 54953(e)

WHEREAS, Government Code section 54953(e), as amended by Assembly Bill No. 361, allows legislative bodies to hold open meetings by teleconference without reference to otherwise applicable requirements in Government Code section 54953(b)(3), so long as the legislative body complies with certain requirements, there exists a declared state of emergency, and one of the following circumstances is met:

1. State or local officials have imposed or recommended measures to promote social distancing.
2. The legislative body is holding the meeting for the purpose of determining whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.
3. The legislative body has determined that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

WHEREAS, the Governor of California proclaimed a state of emergency pursuant to Government Code section 8625 on March 4, 2020; and

WHEREAS, On November 22, 2021, the Santiago Geologic Hazard Abatement District previously adopted Resolution No. 2021/07 finding that the requisite conditions exist for the Santiago Geologic Hazard Abatement District to conduct teleconference meetings under California Government Code section 54953(e); and

WHEREAS, on October 20, 2022, the Santiago Geologic Hazard Abatement District adopted Resolution No. 2022/18 finding that the requisite conditions remain in effect for the Santiago Geologic Hazard Abatement District to conduct teleconference meetings under California Government Code section 54953(e); and

WHEREAS, more than thirty days have passed since Resolution No. 2022/18 was adopted and this is the first meeting of the Santiago Geologic Hazard Abatement District since more than thirty days has elapsed since Resolution No. 2022/18 was passed; and

WHEREAS, the Santiago Geologic Hazard Abatement District desires to hold and continue holding its public meetings by teleconference consistent with Government Code section 54953(e).

NOW, THEREFORE, THE SANTIAGO GEOLOGIC HAZARD ABATEMENT DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Conditions for Initial Teleconferencing Meeting are Met. The Santiago Geologic Hazard Abatement District found on November 22, 2021 and reaffirmed on December 8, 2022 and hereby finds and declares the following, as required by Government Code section 54953(e)(3):

1. The Governor of California proclaimed a state of emergency on March 4, 2020, pursuant to Government Code section 8625, which remains in effect.
2. In addition:
 - a. State or local officials have imposed or recommended measures to promote social distancing.
 - b. The legislative body has determined that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

Section 2. Conditions for Continued Teleconferencing Meeting are Met. Although more than thirty days have passed since Resolution No. 2022/18 was adopted, this Resolution is adopted in the spirit of continuing the findings made in Resolution No. 2022/18. In keeping with Resolution No. 2022/18 and Section 2 above, the Santiago Geologic Hazard Abatement District hereby finds and declares the following, as required by Government Code section 54953(e)(3):

1. The Santiago Geologic Hazard Abatement District has reconsidered the circumstances of the state of emergency declared by the Governor pursuant to his authority under Government Code section 8625; and
2. The state of emergency continues to directly impact the ability of members of the Santiago Geologic Hazard Abatement District to meet safely in person; and
3. State and local officials have imposed or recommended measures to promote social distancing.

I, Karen Holthe, Clerk of the Santiago Geologic Hazard Abatement District, certify that the foregoing resolution was PASSED AND ADOPTED by the Santiago Geologic Hazard Abatement District, this 8th day of December 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN: