

RESOLUTION NUMBER R- 304573

DATE OF FINAL PASSAGE JAN 06 2009

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO APPOINTING FIVE MEMBERS TO THE
BOARD OF THE CASA DE LA PLAYA GEOLOGIC
HAZARD ABATEMENT DISTRICT.

WHEREAS, pursuant to Resolution Number R-289251 adopted on September 30, 1997,
the City Council formed the Casa De La Playa Geologic Hazard Abatement district [District]
pursuant to Division 17 of the California Public Resources Code to specifically address coastal
bluff erosion/retreat; and

WHEREAS, pursuant to Resolution Number R-289251, the City Council appointed five
property owners within the District as directors of the District; and

WHEREAS, on October 28, 1997, pursuant to Resolution Number R-289332, City
Council granted its consent to the formation of Assessment District No. 97-1 [Seawall Project]
under the provisions of the "Municipal Improvement Act of 1913", which is division 12,
commencing with section 10000 of the California Streets and Highways Code; and

WHEREAS, one member of the originally appointed Board of Directors passed away and
the other members no longer own property within the District, therefore, there are no members of
the Board of the Directors of the District; and

WHEREAS, the seawall constructed by the District is in need of improvements and
maintenance in order to protect private property and the public safety and welfare, and the
District may not act to make such improvements except by and through its Board of Directors;
and

WHEREAS, pursuant to section 26583 of the Public Resources Code, elections for board members of Geologic Hazard Abatement Districts are governed by California Uniform District Election law; and

WHEREAS, under the applicable Uniform District Election Law (Cal. Elections Code § 10500 et seq.), because the District presently has no members of its Board of Directors, it is unable to initiate the process by which the County's Registrar of Voters may conduct an election for the five vacant seats on the District's Board of Directors; and

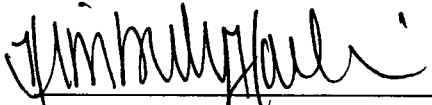
WHEREAS, pursuant to Elections code section 1780(f)(1), if the vacancies are not filled via an election process or by an appointment of the Board itself, the City Council of the City in which a special district exists may appoint persons to fill vacancies on the District's Board of Directors; and

WHEREAS, pursuant to the Uniform District Elections Law, California Government Code section 1780(f)(1) and Charter section 280, the appointments to the Board are within the purview of City Council and not the Mayor, and Geologic Hazard Abatement Districts are formed pursuant to State Law, the Mayor shall not have veto power over this matter; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, pursuant to Elections Code section 1780(f)(1), and Public Resources Code sections 26583 and 26567, that the following five property owners within the District are appointed and hereby confirmed as

directors of the District for terms of four years: Douglas Fettel; Dr. James Ellis; Thomas Bryan;
Philip Golden Kincaid; and Steven Teixeira.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 

Kimberly K. Kaelin
Deputy City Attorney

KKK:nda
10/15/08
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Or.Dept: City Attorney
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