



DATE: June 20, 2023

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT Adopt a Resolution Approving the Final Engineer's Report and Ordering the Levy of Assessments for Fiscal Year 2024 for Old Highlands Area Road Improvement Assessment District

RECOMMENDATION

That Council adopts a resolution (Attachment II) approving the Final Engineer's Report (Attachment III) and ordering the levy of Assessments for Fiscal Year 2024 for Old Highlands Area Road Improvement Assessment District.

SUMMARY

The Old Highlands Area Road Improvement Assessment District was formed in 2021 to fund a pavement improvement project of the 6.12 miles of streets in this area, which were not brought up to City standards upon annexation in 1963. In each subsequent year for which the assessments will be continued, Council must approve an updated Engineer's Report for the upcoming fiscal year. The Engineer's Report includes a budget for the upcoming fiscal year's costs and services and an updated assessment roll listing all parcels and their proposed assessments for the upcoming fiscal year.

BACKGROUND AND DISCUSSION

The Old Highland Area was annexed to the City in 1963; at that time the 6.12 miles of streets within the Old Highland Area were not brought up to City standards and have not been maintained. In December of 2020, the City developed a proposed assessment district and imposition of special assessments against the properties in the Old Highlands area to fund a pavement improvement project in the area, pursuant to Streets and Highways Code Sec. 1160 et. seq., and Prop. 218 (California Constitution Article XIIC and XIID; Government Code section 53753).

This assessment district, the "Old Highlands Area Road Improvement Assessment District." was authorized by an assessment ballot proceeding conducted during December 2020

through February of 2021. On February 2, 2021¹, the balloting period was closed and since a weighted majority (78.55%) of ballots returned were in support of the proposed assessment, the Council approved and levied the assessments for the first time with the adoption of Resolution No. 21-020. The assessments are to expire after 20 years. The assessment was first levied beginning in FY 2022 and will cease after the FY 2041, unless renewed and extended by Proposition 218-compliant balloting.

In order to continue to levy the assessment for FY 2024, SCI Consulting Group, the assessment engineer, has prepared a Final Engineer's Report (Attachment III). This Engineer's Report, which establishes the estimated costs for the pavement rehabilitation project that will be funded by the assessments for FY 2024 and determines the special benefits and general benefits received from the services and to apportion the assessments to lots and parcels within the District based on the estimated special benefit each parcel receives from the services funded by the assessments, was completed and filed with the City on May 18, 2023. The total estimated amount of revenues that would be generated by the assessments in FY 2024 is approximately \$181,888. The assessment rate is \$665.50 per year per developed single-family residential parcel, with different rates for different uses, as described and supported in the Engineer's Report.

ECONOMIC IMPACT

This item has no direct economic impact on the City. However, the project supports the pavement improvement program, which provides safer streets for all residents and visitors and has a positive impact on property values, including on vacant properties.

FISCAL IMPACT

This item has no direct fiscal impact on the City's General Fund. However, the levying and collection of taxes supports the pavement improvement program through a cost-sharing agreement.

STRATEGIC ROADMAP

This agenda item supports the Strategic Priority of Improve Infrastructure. Specifically, this item relates to the implementation of the following projects:

Project N5: Maintain and improve pavement

Part N5a: Maintain Pavement Condition Index (PCI) at 70.

Part N5b: Prepare OHHA pavement improvement program design and financing structure.

Part N5c: Construct various OHHA pavement improvements

SUSTAINABILITY FEATURES

¹ <https://hayward.legistar.com/LegislationDetail.aspx?ID=4770707&GUID=A1652F6D-8A60-41F9-AB64-9E373A91A965&Options=&Search=>

The pavement improvement project that is supported through the levying of taxes requires all contractors to recycle all construction and demolition debris as a result of the project, providing for a greener way of construction.

PUBLIC CONTACT

The City fulfilled the public contact requirement through the Prop. 218 hearing in December 2020 and balloting in February 2021. Pursuant to the requirements of Prop. 218, all property owners within the District received information regarding the yearly and total assessment for each parcel and for the District as a whole during that process. Pursuant to Government Code Section 53753.5, the notice, protest/ballot, and public hearing requirements of Prop. 218 do not apply in subsequent fiscal years after creation of an assessment district if there is no increase in the amount of the assessment beyond what was previously adopted by the local agency. Since the FY24 assessments do not exceed the maximum assessment levels previously approved by the City Council during the formation of the Assessment District, no special noticing or public hearing is required for this item.

NEXT STEPS

If the Council adopts the attached resolution, the final assessment roll will be prepared and filed with the Alameda County Auditor's office to be included on the FY 2024 tax roll. All funds collected through the assessment will be placed in a special fund and can only be used for the purposes stated within this report.

Prepared by: Michael Wolny, Management Analyst
Kathy Garcia, Deputy Director of Public Works

Recommended by: Alex Ameri, Director of Public Works

Approved by:



Kelly McAdoo, City Manager