

HAYWARD CITY COUNCIL

RESOLUTION NO. 22-__

Introduced by Council Member _____

RESOLUTION APPROVING THE FINAL ENGINEER'S REPORT, RECONFIRMING MAXIMUM BASE ASSESSMENTS, CONFIRMING THE ASSESSMENT DIAGRAMS AND FISCAL ASSESSMENTS, AND ORDERING LEVY AND COLLECTION OF FISCAL ASSESSMENTS FOR FISCAL YEAR 2023 FOR THE LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT NO. 96-1, ZONES 1-18

WHEREAS, by adopting Resolution No. 22-158 on June 21, 2022, the City Council reviewed the preliminary Engineer's Report and declared its intention to levy assessments for Fiscal Year (FY) 2023 in accordance with and pursuant to the Landscaping and Lighting Act of 1972; and

WHEREAS, the Preliminary Engineer's Report was duly considered by the City Council and found to be sufficient in every particular; and

WHEREAS, a date of July 5, 2022, at the hour of 7:00 p.m. was appointed as the date and time for a public hearing before the City Council on the question of the levy of the proposed assessments, a notice of which proceedings was duly published; and

WHEREAS, a public notice of the proposed assessment and of the City Council public hearing was published once in East Bay Times newspaper (June 24, 2022) and a postcard mailed (June 3, 2022) to each property owner of record for each parcel in LLAD 96-1, zones 1-18; and

WHEREAS, at the appointed date and time, said hearing was duly and regularly held, and all interested persons desiring to be heard were given an opportunity to be heard, and all matters and things pertaining to said levy were fully heard and considered by the City Council; and

WHEREAS, the City Council thereby confirms the maximum base assessments, assessment diagrams, and fiscal assessments for LLAD No. 96-1, zones 1-18, prepared by and made a part of the Final Engineer's Report to pay the costs and expenses thereof, and acquired the ability to order said levies for LLAD 96-1, zones 1-18.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that:

1. The public interest, convenience, and necessity require that the levies be assessed for LLAD No. 96-1, zones 1-18.
2. The properties benefitted by the improvements are to be assessed in order to reimburse the costs and expenses thereof, and the exterior boundaries thereof, are shown on the LLAD No. 96-1 assessment diagrams for zones 1-18, included in the Final Engineer's Report.
3. Said Final Engineer's Report, as a whole and each part thereof, is hereby approved, confirmed, and incorporated herein, including, but not limited, to the following:
 - (a) The Engineer's estimate of the itemized and total costs and expenses of maintaining said improvements and of the incidental expenses in connection therewith; and
 - (b) The diagram showing the zones of the assessment district, plans and specifications for the improvements to be maintained, and the boundaries and dimensions of the respective lots and parcels of land within the District; and
 - (c) The assessment of the total amount of the cost and expenses of the proposed maintenance of said improvements upon the lots or parcels in said zone of the district be made in proportion to the estimated benefits to be received by such lot or parcel, respectively, from said maintenance and of the expenses incidental thereto, is approved and confirmed and incorporated herein.
4. Based on the oral and documentary evidence offered and received, including the Final Engineer's Report, the City Council expressly finds and determines:
 - (a) That each of the parcels in the district will be specially benefitted by the improvements at least in the amount, if not more than the amount, of the assessment apportioned against the parcel; and
 - (b) That there is substantial evidence to support this finding and determination as to special benefit; and
 - (c) Any public property owned by any public agency and in use in the performance of a public function within the district shall not be assessed.

5. The public interest, convenience, and necessity require that a levy on each lot of parcels in LLAD No. 96-1, zones 1-18, be no more than the annually calculated Maximum Base Assessments (MBA) rates. FY 2023, MBA rates are summarized below:

<u>Fund</u>	<u>Zone</u>	<u>FY 2023 MBA</u>
Fund 266	LLAD Zone 1	\$295.83
Fund 267	LLAD Zone 2	\$193.39
Fund 268	LLAD Zone 3	\$1,062.12
Fund 269	LLAD Zone 4	\$180.00
Fund 272	LLAD Zone 5	\$258.67
Fund 273	LLAD Zone 6	\$2.61
Fund 274	LLAD Zone 7	\$1,110.94
Fund 275	LLAD Zone 8	\$794.54
Fund 276	LLAD Zone 9	\$212.14
Fund 277	LLAD Zone 10	\$1,265.04
Fund 279	LLAD Zone 11	\$1,794.28
Fund 278	LLAD Zone 12	\$237.76 (Eden Shores East)
Fund 278	LLAD Zone 12	\$232.80 (Spindrift)
Fund 281	LLAD Zone 13	\$1,349.22
Fund 282	LLAD Zone 14	\$704.16
Fund 283	LLAD Zone 15	\$682.86
Fund 284	LLAD Zone 16	\$487.00 (Zone A)
Fund 284	LLAD Zone 16	\$511.34 (Zone B)
Fund 290	LLAD Zone 17	\$564.86
Fund 291	LLAD Zone 18	\$430.82 (Zone A)
Fund 291	LLAD Zone 18	\$409.28 (Zone B)

6. The increases in the MBA rates for benefit zones 3 and 7 thru 18 include an annual inflation factor in their calculation and are in compliance with the provisions of Proposition 218 because the assessments do not exceed the established assessment formula when these benefit zones were formed or amended.

7. The fiscal assessments to pay the costs and expenses of the maintenance of said improvements in LLAD No. 96-1, zones 1-18 for FY 2023 are hereby levied. The following fiscal assessment amounts are hereby ordered to be collected for FY 2023:

<u>Fund</u>	<u>Zone</u>	<u>FY 2023 Assessments</u>
Fund 266	LLAD Zone 1	\$214.00
Fund 267	LLAD Zone 2	\$122.86
Fund 268	LLAD Zone 3	\$951.66
Fund 269	LLAD Zone 4	\$116.16
Fund 272	LLAD Zone 5	\$255.17
Fund 273	LLAD Zone 6	\$2.61
Fund 274	LLAD Zone 7	\$591.70
Fund 275	LLAD Zone 8	\$186.56
Fund 276	LLAD Zone 9	\$34.19
Fund 277	LLAD Zone 10	\$287.32
Fund 279	LLAD Zone 11	\$340.44 (Developed)
Fund 279	LLAD Zone 11	\$180.43 (Undeveloped)
Fund 278	LLAD Zone 12	\$92.70 (Eden Shores East)
Fund 278	LLAD Zone 12	\$92.70 (Spindrift - Developed)
Fund 281	LLAD Zone 13	\$371.82
Fund 282	LLAD Zone 14	\$704.16 (Developed)
Fund 283	LLAD Zone 15	\$0.00
Fund 284	LLAD Zone 16	\$482.00 (Zone A)
Fund 284	LLAD Zone 16	\$506.08 (Zone B)
Fund 290	LLAD Zone 17	\$528.69
Fund 291	LLAD Zone 18	\$300.00 (Zone A - Developed)
Fund 291	LLAD Zone 18	\$90.00 (Zone A - Undeveloped)
Fund 291	LLAD Zone 18	\$285.00 (Zone B - Developed)
Fund 291	LLAD Zone 18	\$85.50 (Zone B - Undeveloped)

8. The proposed assessments for Zones (2, 4, 5, 6, 7, 8, 9, 14, 15, 17) are unchanged from the previous year's assessments.
9. The proposed assessments for Zones (1, 3, 10, 11, 12, 13, 16, 18) are more than the previous year's assessments.
10. The proposed assessment for Zones 15 is zero and is the same as previous year's assessment. The assessment for this zone is not charged, in so long as the property owner submits an annual maintenance plan and maintenance is performed as described in the plan.
11. The increases in fiscal collection amounts in benefit zones (1, 3, 10, 11, 12, 13, 16, 18) from the previous fiscal year are in compliance with the provisions of Proposition 218 because the assessments do not exceed the established assessment formula when these benefit zones were formed or amended.

12. Adoption of the Final Engineer's Report as a whole, estimate of the costs and expenses, the diagram and the assessments, as contained in said report, as hereinabove determined and ordered, is intended to and shall refer and apply to said report, or any portion thereof, as amended, modified, or revised or corrected by, or pursuant to and in accordance with, any resolution or order, if any, heretofore duly adopted or made by the City Council.
13. The City of Hayward Director of Finance is hereby directed to expend said money for the maintenance of the improvements set forth in this resolution and described in the Final Engineer's Report, and it is hereby determined to order the collection of the fiscal assessments stated in item No. 7 above.
14. Immediately upon the adoption of this resolution, but in no event later than the third Monday in August following such adoption, a certified copy of this resolution, the diagram, and the assessment shall be filed with the Auditor of the County of Alameda. Upon such filing, the County Auditor shall enter on the county assessment roll opposite each lot or parcel of land the amount of assessment thereupon as shown in the assessment. The assessments shall be collected at the same time and in the same manner as county taxes are collected, and all laws providing for the collection and enforcement of county taxes shall apply to the collection and enforcement of the assessments. After collection by the County of Alameda, the net amount of the assessments, after deduction of any compensation due the county of collection, shall be paid to the Director of Finance of the City of Hayward.
15. Upon receipt of monies representing assessments collected by the County, the Director of Finance of the City of Hayward shall deposit the monies in the City Treasury to the credit of the individual zone improvement funds. Monies in said improvement fund shall be expended only for said maintenance of the improvements set forth in the Final Engineer's Report, referenced in this resolution.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2022

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
 MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
 City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward