

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

RESOLUTION APPROPRIATING \$163,845 FROM THE GENERAL FUND
(FUND 100) FOR THE CITY'S ANNUAL ASSESSMENT UNDER THE
DOWNTOWN HAYWARD COMMUNITY BENEFIT DISTRICT

WHEREAS, In March 2015, the City Council adopted Article 20, Chapter 8, the City of Hayward's Community Benefit District Ordinance, that authorizes the City to establish a Community Benefit District ("CBD") for up to 15 years to enhance the security, safety, appearance, and economic viability within such districts; and

WHEREAS, The Ordinance authorizes the City to levy and collect assessments on real property within such districts to provide improvements and promote activities that specially benefit real property within such districts; and

WHEREAS, The Ordinance authorizes the City Council to initiate proceedings to form a Community Benefits District upon the submission of a written petition, signed by property owners in the proposed district who will pay more than thirty percent of the assessments proposed to be levied in connection with such district; and

WHEREAS, Such petitions were signed by property owners and provided to the City Council at their meeting May 15, 2018, and upon review, 52.68% of the property owners support the district and exceeding the 50% threshold required by City Ordinance; and

WHEREAS, The "Downtown Hayward Community Benefit District 2018 Management District Plan" dated April 2018 and the "Downtown Hayward Community Benefit District Engineer's Report" dated May 3rd, 2018 have been prepared and contain all the information required by the Ordinance, including, but not limited to, a description of the boundaries of the proposed CBD, the special benefit improvements and activities and an assessment amount for every parcel within the District; and

WHEREAS, Articles XIIC and XIID of the California Constitution and Section 53753 of the California Government Code (Proposition 218 Omnibus Implementation Act) also impose certain procedural and substantive requirements relating to the notice, protests and hearing requirements pertaining to new or increased assessments; and

WHEREAS, On May 15th, 2018, the City Council adopted Resolution 180-80, a Resolution of Intent to the Downtown Hayward Community Benefit District, approved the Management District Plan and Engineer's Report, and among other things and consistent with the State Constitution and State government Code, directed the City Clerk to mail Ballot Packets to the proposed district property owners and set July 10th at 7:00 PM as the date and time for convening a public hearing in the City Council Chambers, 777

B Street, in Downtown Hayward for the purpose of receiving public testimony and tabulating the weighted votes; and

WHEREAS, On July 10th, 2018 at 7:00 PM or as soon thereafter as was practicable, in the City Council Chambers, the City Council held a public hearing, at which it heard and considered oral and written testimony from all interested persons; and

WHEREAS, Following the public input portion of the Public Hearing, all assessment ballots that had been returned to the City were tabulated pursuant to the procedures set forth in the Resolution of Intent; and

WHEREAS, Based on the tabulation, the City Council determined that a majority protest, as defined by Article XIII D, Section 4(e) of the California Constitution and Section 53753 of the California Government Code does not exist with respect to the assessment proposed in connection with the Downtown Hayward CBD; and

WHEREAS, The property within the area of the CBD will be benefited by the improvements and activities funded by the assessments levied in connection with the CBD. The assessment against each parcel does not exceed the reasonable cost of the proportional special benefit conferred on that parcel; and,

WHEREAS, The City owns several properties within the boundaries of the newly established Downtown Hayward CBD which constitute a first-year assessment of \$163,845 to be remitted to the Downtown Hayward CBD.

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Hayward hereby appropriates \$163,845 from the General Fund (Fund 100) for the purposes of remitting the City's annual assessment to the Downtown Hayward CBD.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2018

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS:
 MAYOR:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ABSTAIN: COUNCILMEMBERS:

ATTEST: _____
 City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward