

HAYWARD
GEOLOGIC HAZARD ABATEMENT DISTRICT (GHAD) BOARD
STAFF REPORT

BOARD MEETING DATE: December 13, 2016
TO: Hayward GHAD Board of Directors
FROM: GHAD Manager and GHAD Attorney
SUBJECT: Conduct a public hearing on the proposed assessment for La Vista development, accept the canvass of votes and if allowed by the votes, confirm the assessment, and order the levy and collection of the assessment

RECOMMENDATIONS

Staff recommends that the GHAD Board take the following actions:

1. Open and conduct a public hearing on the proposed assessment;
2. Close the hearing and consider any protests against the assessment;
3. Direct the GHAD Clerk to tabulate the assessment ballot;
4. Adopt Resolution No. 16-05 Accepting the Canvass of Votes; and
5. If the vote allows, adopt Resolution No. 16-06 Confirming the Assessment and Ordering the Levy and Collection of the Assessment.

BACKGROUND

The La Vista development includes 179 single-family residential lots and additional improvements including a park, trails, water quality pond, dual use detention basin and water quality/detention basin. Due to the potential for geologic hazards and related ongoing maintenance, the conditions of approval for the La Vista development required that it be included within a GHAD. To satisfy this requirement, the developer of the La Vista development petitioned the City Council to form the GHAD. On March 1, 2016, the City Council adopted Resolution No. 16-030 forming the GHAD and appointed itself to serve as the GHAD Board of Directors.

On October 25, 2016, the GHAD Board, pursuant to Resolution No. 16-03, adopted the Plan of Control for the La Vista development and pursuant to Resolution No. 16-04, declared its intent to order an assessment and set a hearing for December 13 to consider the proposed assessment.

At the December 13 hearing, the GHAD Board will hear and consider any protests against the proposed assessment. If a majority of the property owners within the La Vista development protest the assessment, the GHAD Board is precluded by law from ordering the assessment. There is only one landowner within the La Vista development and GHAD boundaries. As required by law, on October 31, 2016, the ballot on the proposed assessment was mailed to the landowner. The landowner may vote either to approve or reject the assessment. The ballot will be presented to the GHAD Board at its hearing on December 13.

The Engineer's Report (attached as Attachment A to proposed Resolution No. 16-06) recommends an assessment limit of \$1,502 per single family residential unit (fiscal year 2016/2017 dollars). The annual assessment limit would be adjusted annually based on the San Francisco-Oakland-San Jose Consumer Price Index (CPI). The assessment will allow the GHAD to fund estimated administrative, monitoring, maintenance, and repair expenses within the La Vista development.

FISCAL IMPACT:

The developer of the La Vista development is responsible for funding all activities undertaken by the GHAD up and until the GHAD Improvements, as defined in the Plan of Control, are accepted by the GHAD. Thereafter, the GHAD is funded 100% through assessments levied on properties within the GHAD.

ENVIRONMENTAL REVIEW:

Under State law, GHAD formation is exempt from review under the California Environmental Quality Act (CEQA) (Pub. Res. Code § 26559). Also, improvements caused to be undertaken under the GHAD Law and all activities in furtherance or in connection therewith are exempt from review under CEQA (Pub. Res. Code § 26601).

ATTACHMENTS:

1. Resolution No. 16-05 Accepting Canvass of Votes.
2. Resolution No. 16-06 Confirming Assessment and Ordering Levy and Collection Thereof.