

HAYWARD CITY COUNCIL
RESOLUTION NO.16-_____

Introduced by Council Member _____

RESOLUTION APPROVING THE CREATION OF THE HAYWARD GEOLOGIC
HAZARD ABATEMENT DISTRICT (GHAD) AND APPOINTING THE CITY
COUNCIL OF THE CITY OF HAYWARD AS THE GHAD BOARD OF DIRECTORS

WHEREAS, on November 17, 2015 the Hayward City Council adopted Resolution 15-224 declaring that the City is subject to the provisions of the GHAD Law and directed the City Clerk to forward a copy of this resolution to the State Controller; and

WHEREAS, the City has conditioned the La Vista development to be included within a GHAD and which shall be the territory incorporated into the Hayward GHAD to be further defined by the plat and legal description within the Plan of Control to be adopted by the GHAD Board ; and

WHEREAS, on February 2, 2016 the City considered and adopted Resolution No. 16-016 accepting the Resolution for Formation of the Hayward GHAD and set a hearing on the formation for March 1, 2016 at 7:00pm at the Hayward City Hall located at 777 B Street, Hayward, CA 94541; and

WHEREAS, notice of the Public Hearing on the formation of the Hayward GHAD was given in accordance with the provisions of Public Resources Code sections 16558 and 26561 through 26563; and

WHEREAS, a Public Hearing before the City Council on the formation of the Hayward GHAD was held on March 1, 2016 at 7:00 p.m.; and

WHEREAS, prior to the time set for the Public Hearing, no owner of real property within the proposed GHAD had made a written objection to its formation in accordance with the provisions of Public Resources Code Section 26564; and

WHEREAS, at the March 1, 2016 hearing, no owners of more than 50 percent of the assessed valuation of the real property within the proposed Hayward GHAD objected to the GHAD's formation; and

WHEREAS, upon adoption of this Resolution, the Hayward GHAD shall be immediately formed as a governmental district, a political subdivision of the State of California, governed in accordance with Public Resources Code Sections 26500, et seq., and as a legal entity entirely distinct and separate from the City of Hayward;

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

1. The City Council approves and orders the formation of the Hayward GHAD as described in Resolution 16-016.
2. In accordance with Public Resources Code Section 26567, the City Council appoints itself as the Board of Directors for the Hayward GHAD.
3. In addition to all other legal requirements, the GHAD will be responsible for hiring its own staff (or contracting with parties to perform such staff services), including all workers who will undertake operation, maintenance, replacement, repair and other activities of the GHAD, and no City employees shall perform such services for GHAD facilities and improvements unless the GHAD and the City enter into a Joint Powers Agreement that makes clear that City employees are acting as GHAD employees when providing services for the GHAD.
4. At a future GHAD Board meeting the GHAD Board will consider a separate Resolution for adoption of the La Vista Plan of Control and to initiate the establishment and authorization of an assessment on the La Vista development included in the GHAD.
5. These proceedings are exempt from the provisions of the California Environmental Quality Act (Public Resources Code Section 2100 et seq.) in accordance with Public Resources Code Section 21080(b)(4).
6. The custodians and locations of the documents or other materials which constitute the record of proceedings upon which the City Council’s decision is based are the City Clerk and the City Clerk’s Office at 777 B. Street, Hayward, California respectively.
7. The recitals are incorporated herein by this reference.
8. This Resolution shall become effective immediately upon its passage and adoption.

IN COUNCIL, HAYWARD, CALIFORNIA March 1, 2016

AYES: COUNCIL MEMBERS:
 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