

HAYWARD CITY COUNCIL

RESOLUTION NO. 21-__

Introduced by Council Member _____

RESOLUTION INITIATING PROCEEDINGS PURSUANT TO GOVERNMENT CODE SECTION 53753 AND ARTICLE XIIID OF THE CALIFORNIA CONSTITUTION, PROVIDING INTENTION TO LEVY ASSESSMENTS FOR FISCAL YEAR 2022, PRELIMINARILY APPROVING THE ENGINEER'S REPORT, AND PROVIDING FOR NOTICE OF HEARING, AND THE MAILING OF ASSESSMENT BALLOTS FOR THE STRATFORD VILLAGE FLOOD CONTROL FACILITIES IMPROVEMENT ASSESSMENT DISTRICT (MD1-2021)

WHEREAS, on June 6, 1995, by Resolution No. 95-103, the City Council ordered the formation Maintenance District No. 1 - Storm Drainage Pumping Station and Storm Drain Conduit - Pacheco Way, Stratford Road, and Russ Lane ("MD1") to provide for the operation and maintenance of the storm drainage improvements and the stormwater pumping facility to serve the area commonly known as Stratford Village; and

WHEREAS, the funds generated from the MD1 Assessment are no longer adequate to continue to provide proper operation, maintenance, and capital repair and replacement of the drainage and pump facilities; and

WHEREAS, Chapter 26 of Part 3 of Division 7 of the Streets and Highways Code of the State of California, authorizes formation of a maintenance district, and imposition of assessments to finance construction, improvement, and maintenance of drainage facilities; and

WHEREAS, the City of Hayward ("City") desires to initiate the proceedings for the formation of the Stratford Village Flood Control Facilities Improvement District pursuant to Government Code Section 53753 and Article XIIID of the California Constitution; and to provide improved maintenance and operations services and improvements to the drainage and pump facilities within the proposed district; and

WHEREAS, Proposition 218 was adopted on November 6, 1996, adding Articles XIIC and XIIID to the California Constitution; and

WHEREAS, Articles XIIC and XIIID of the California Constitution and implementing statutes impose certain procedural and substantive requirements relating to assessments (as defined); and

WHEREAS, an Engineer's Report (the "Report") has been prepared by SCI Consulting Group (the "Engineer of Work") and submitted to the City Council (the "Council"), in which a new assessment is proposed to fund the cost to provide maintenance and operations services and improvements to the drainage and pump facilities within the proposed district boundaries; and

WHEREAS, this proposed assessment shall be described as the "Stratford Village Flood Control Facilities Improvement Assessment" (hereinafter the "Assessment") and the proposed district shall be known as the "Stratford Village Flood Control Facilities Improvement Assessment (MD1-2021)" (hereinafter the "Assessment District").

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

1. Reference to Initiation. SCI Consulting Group, the Engineer of Work, has prepared an Engineer's Report in accordance with Article XIII D of the California Constitution and Government Code section 53750, 54710 et seq. (the "Report"). The Report has been made, filed with the City Clerk and duly considered by the Council and is hereby deemed sufficient and preliminarily approved. The Report shall stand as the Engineer's Report for all subsequent proceedings under and pursuant to the foregoing resolution.

2. Description of the Services. Within the Assessment District, the proposed "Services" will include improved maintenance and operations services and improvements to the drainage and pump facilities as described in the Engineer's Report.

3. Reference to Engineer's Report. Reference is hereby made to the Report for a full and detailed description of the Services, the boundaries of the Assessment District and the proposed assessments upon assessable lots and parcels of land within the Assessment District.

4. Report of the Engineer of Work. The Report, which is available for public review upon request is hereby incorporated by reference. This Engineer's Report includes:

- A. A description of the Services to be funded with Assessment proceeds;
- B. An estimate of the annual cost of such Services;
- C. A description of the assessable parcels of land within the District and proposed to be subject to the new Assessment;
- D. A description of the proportionate special and general benefits conferred on property by the proposed Assessment;
- E. A description of the boundaries of the proposed Assessment District;

- F. A specification of the amount to be assessed upon various types of assessable land to fund the cost of the Services.

5. Description of Assessment District. The Assessment District consists of the lots and parcels shown on the Assessment Diagram of the Assessment District on file with the City Clerk, and reference is hereby made to such map for further particulars. As proposed, the Assessment District will include a single benefit zone: Zone 1.

6. Proposed Assessment Rate. It is the intention of this Council to levy and collect assessments within the Assessment District. The estimated fiscal year 2022 cost of providing the Services to be funded by this proposed assessment is \$414,176. This cost results in a maximum proposed assessment rate per single-family equivalent benefit unit of FOUR HUNDRED AND NINETY-EIGHT DOLLARS (\$498.00) for Zone 1. If approved, these rates may be increased in future years by an amount equal to the annual change in the U.S. Department of Labor, Bureau of Labor Statistics Consumer Price Index – All Urban Consumers (“CPI”) for the San Francisco-Oakland-Hayward, CA MSA¹ Consumer Price Index for All Urban Consumers (CPI-U), not to exceed 3% per year. The February to February CPI will be used to calculate the CPI. Any CPI in excess of 3% may be used in subsequent years when the CPI is less than 3%. In the case of a negative February to February CPI, a 0.0% CPI will be used.

7. Public Hearing. The public hearing on the proposed assessment shall be held before the City Council on Tuesday, June 22, 2021, at the hour of 7:00pm and for the purpose of this Council’s determination of whether the public interest, convenience, and necessity require the Services and this Council’s final action upon the Report and the assessments therein.

8. Notice and Ballot. The City Clerk is hereby authorized and directed to cause Notice of the hearing ordered under Section 53753 of the Government Code and Article XIII D, Section 4 of the California Constitution law by mailing, postage prepaid, in the United States mail, and such Notice shall be deemed to have been given when so deposited in the mail. The envelope or cover of the mailing shall include the name of the District. The mailed Notice shall be given by such mailing by name to those persons whose names and addresses appear on the last equalized secured property tax assessment roll of the County of Alameda, or in the case of any public entity, the representative of such public entity at the address thereof known to the City Clerk. The Notice shall include, but not be limited to, the total amount of assessment proposed to be levied in the Assessment District for fiscal year 2022, the assessment proposed for the owner's particular parcel(s) and the duration thereof and the reason for the assessment. Each Notice shall also contain the proposed assessment and the basis upon which the amount of the assessment was calculated. Each Notice shall also contain an assessment ballot, a summary of the procedures applicable to the completion, return and tabulation of assessment ballots, the date, time, and location of the public hearing and a statement that the existence of a majority protest will result in the assessment not being imposed. The Notice herein provided shall be mailed not less than forty-five (45) days before the date of the public hearing.

¹ URL: SF, Oakland, Hayward MSA CPI-U

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2021.

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