

**HAYWARD
GEOLOGIC HAZARD ABATEMENT DISTRICT**

TO: Hayward GHAD Board of Directors

FROM: GHAD Manager
GHAD Attorney

BOARD MEETING DATE: March 15, 2022

SUBJECT: Resolution to Accept the Tabulation of Votes and if Allowed by the Votes,
Confirm the Assessment, and Order the Levy and Collection of the Assessment
for the Hayward SoMi Development

RECOMMENDATION(S):

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 protest against the assessment;
3. Direct the GHAD Clerk to canvass and tabulate the assessment ballots;
4. Adopt Resolution 22-02 Accepting the Tabulation of Votes; and
5. If the vote supports the approval, adopt Resolution 22-03 confirming the assessment, and authorizing the levy and collection of the assessment for the Hayward SoMi Development within the Hayward Geologic Hazard Abatement District.

SUMMARY:

As approved by Hayward City Council Resolution 19-202, Infill Checklist Item No. 48 for the Hayward SoMi Development, Tract 8502, which includes Tract 8614, the City of Hayward required that Tract 8502 be annexed into the existing Hayward Geologic Hazard Abatement District ("Hayward GHAD" or "GHAD"). With the approval of Resolution No. 21-03, the Hayward GHAD Board of Directors ("GHAD Board") approved annexation of the Hayward SoMi Development into the Hayward GHAD and approved the Plan of Control. With the approval of Resolution No. 22-01, the GHAD Board approved the draft Engineer's Report for the Hayward SoMi Development which identifies the source of funding for the GHAD-maintained improvements identified in the Plan of Control. In order to impose the assessment set forth in the Engineer's Report, it is recommended the GHAD Board adopt Resolution No. 22-02 and 22-03 to accept the tabulation of the ballots, consider any protests against the proposed assessment, and certify the canvass of votes.

BACKGROUND AND DISCUSSION:

On March 1, 2016, the Hayward City Council adopted Resolution No. 16-030 approving the formation of the Hayward GHAD and appointed itself to serve as the GHAD Board of Directors. On November 16, 2021, the GHAD Board of Directors held a public hearing on the proposed

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annexation of the Hayward SoMi Development into the Hayward GHAD, and adopted Resolution 21-03 approving the annexation of the Ersted Project into the Hayward GHAD and accepting the Hayward SoMi Development Plan of Control.

A funding source has been secured for The Reserve (La Vista) and Hideaway (Ersted Project) developments within the Hayward GHAD and it is now appropriate to secure a funding source for the Hayward SoMi Development annexation area. Like The Reserve and Hideaway developments, the funding source for the Hayward SoMi Development is through a real property assessment. The assessment for the 189 residential units within the Hayward SoMi Development is proposed to be imposed at the time building permits are issued for the homes; this assessment will fund the maintenance of the improvements in the Hayward SoMi Development Plan of Control previously approved by the GHAD Board on November 16, 2021 (Resolution No. 21-03).

On January 18, 2022, the GHAD Board adopted Resolution No. 22-01 approving the draft Engineer's Report for the Hayward SoMi Development to set an assessment limit of \$567.00 per townhome unit and \$454.00 per condominium unit (Fiscal Year 2021/22 dollars). The Hayward SoMi Development assessment will not impact or change the existing assessments for The Reserve (La Vista) and Hideaway (Ersted Project) landowners in the GHAD.

Following the GHAD Board meeting on January 18, 2022, the property owner of the Hayward SoMi Development was provided with a copy of the draft Engineer's Report, a Notice of Intent to Order an Assessment, and a ballot (Resolution 22-01).

FISCAL IMPACT:

The developer 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 will be funded 100% through assessments levied on properties within the Hayward GHAD. Therefore, there is no fiscal impact on the City's General Fund.

NEXT STEPS:

1. The GHAD Board shall consider all protests against the proposed assessment and shall not impose the assessment if there is a majority protest (Resolution 22-02). If there is no majority protest, the GHAD Board shall authorize the assessment (Resolution 22-03).

Prepared by: The GHAD Manager and GHAD Attorney

Recommended by: GHAD Manager

ATTACHMENTS:

- A. Resolution No. 22-02
- B. Resolution No. 22-03