

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

RESOLUTION OF INTENTION TO ESTABLISH THE HAYWARD DOWNTOWN COMMUNITY BENEFIT DISTRICT AND TO LEVY AND COLLECT ASSESSMENTS WITHIN SUCH DISTRICT PURSUANT TO ARTICLE 20, CHAPTER 8 OF THE HAYWARD MUNICIPAL CODE AND CALIFORNIA STREETS AND HIGHWAYS CODE SECTION 36600, ET SEQ. AND APPOINTING A TIME AND PLACE FOR HEARING OBJECTIONS THERETO

WHEREAS, the City Council adopted the Community Benefit District Ordinance of 2015, (the "Law") which added Article 20 to Chapter 8 of the Hayward Municipal Code, which incorporates provisions of California Streets and Highways code section 36600 et seq. ("the State PBID Law") and authorized the establishment, of Community Benefit Districts (CBD) to promote the economic revitalization and physical maintenance of mixed use and business districts in Hayward; and

WHEREAS, the Law authorizes the City to levy and collect assessments on real property within such districts for the purpose of providing improvements and promoting activities that specially benefit real property within such districts; and

WHEREAS, Articles XIIC and XIID of the California Constitution and Section 53753 of the California Government Code impose certain procedural and substantive requirements relating to the levy of new or increased assessments; and

WHEREAS, written petitions have been submitted by district property owners requesting the City Council to initiate proceedings pursuant to the Law to establish the District for a ten-year period; and

WHEREAS, such petitions were signed by property owners in the proposed district who will pay more than fifty percent (50%) of the assessments proposed to be levied; and

WHEREAS, no real properties deriving special benefit within the proposed Downtown CBD will be exempted from payment into the District;

WHEREAS, a Management District Plan entitled the "Hayward Downtown CBD Management District Plan" (the "Management District Plan") has been prepared and submitted to the City Clerk, containing all the information required by Section 36622 of the California Streets and Highway Code, Section 36600, and the local Law, including a description of the boundaries of the District, the improvements and activities proposed for the District, and the cost of such improvements and activities;

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

Section 1. Pursuant to the local Law and Section 36621(a) of the California Streets and Highway Code declares its intention to establish for a period of ten years, the Downtown Hayward Community Benefit District and to levy and collect assessments against lots and parcels of real property within the District commencing with fiscal year 2018-19.

Section 2. The City Council hereby approves the Management District Plan, on file in the office of the City Clerk.

Section 3. The City Clerk shall make the Management District Plan and other documents related to the District available to the public for review during normal business hours.

Section 4. NOTICE IS HEREBY GIVEN that the City Council shall conduct a public hearing on the establishment of the District and the levy and collection of assessments for fiscal year 2018-19 on July 10th, 2018 at 7:00 p.m. or as soon thereafter as the matter may be heard, in the City Council Chambers located at 777 B Street, Hayward, CA 94541. At the public hearing, the City Council will consider all objections or protests, if any, to the proposed establishment of the District and the proposed assessment. Any interested person may present written or oral testimony at the public hearing. At the conclusion of the public testimony portion of the public hearing, the City Clerk shall open and tabulate all ballots received and not withdrawn at that time. Results of the ballot procedure will be announced, and, provided a weighted majority in opposition to the District establishment does not occur, the City Council may then establish the District by adopting a resolution to that effect.

Section 5. The boundaries of the proposed District generally include all properties listed within the boundaries of the map on file in the Management District Plan filed in the Clerk's office.

Section 6. The proposed activities for the District may include, but not be limited to, sidewalk cleaning, private security, beautification, marketing and promotional activities, administration of the services, public space development and enhancement for residential property owners in the CBD and contingency/reserves. All proposed services and improvements benefit real property owners located in the District.

Section 7. The assessment proposed to be levied and collected for fiscal year 2018-19 is \$596,000. The amount to be levied and collected for subsequent years may be increased, by an amount not to exceed five (5) percent per year.

Section 8. The City Clerk is hereby authorized and directed to give notice of the public hearing as provided in Section 53753 of the Government Code and Article XIID, Section 4 of the California Constitution.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2018

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