

**HAYWARD
GEOLOGIC HAZARD ABATEMENT DISTRICT**

TO: Hayward GHAD Board of Directors

**FROM: GHAD Manager
GHAD Attorney**

BOARD MEETING DATE: May 7, 2019

**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.**

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 19-05 Accepting the Tabulation of Votes; and
5. If the vote supports the approval, adopt Resolution 19-06 confirming the assessment, and authorizing the levy and collection of the assessment for the Ersted Property within the Hayward Geologic Hazard Abatement District.

SUMMARY:

In approving the 59-unit townhome project referred to as Ersted Property (Tract 8439) (“Ersted Project”), the City of Hayward imposed Condition of Approval No. 46 requiring the Ersted Project to be annexed into the existing Hayward Geologic Hazard Abatement District (“GHAD”). With the approval of Resolution No. 19-02 and 19-03, the Hayward GHAD Board of Directors (“GHAD Board”) approved annexation of the Ersted Project into the Hayward GHAD and approved the Plan of Control. With the approval of Resolution No. 19-04, the GHAD Board approved the Engineer’s Report for the Ersted Project to secure 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, the GHAD Board is to adopt Resolution No. 19-05 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 February 26, 2019, the GHAD Board of Directors held a public hearing on the proposed

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annexation of the Ersted Project to the Hayward GHAD, and adopted Resolution 19-02 approving the annexation of the Ersted Project into the Hayward GHAD and Resolution 19-03 accepting the Ersted Property Plan of Control.

A funding source has been secured for The Reserve (La Vista) development within the Hayward GHAD and it is now appropriate to secure a funding source for the Ersted Project annexation area. Like The Reserve development, the funding source for the Ersted Project is through a real property assessment. The assessment for the 59 single family Ersted Project residences is proposed to be imposed as building permits are issued for the homes and will maintain the improvements in the Ersted Property Plan of Control approved by the GHAD Board previously on February 26, 2019 (Resolution No. 19-03).

On March 26, 2019, the GHAD Board adopted Resolution No. 19-04 approving the Engineer's Report for the Ersted Project to set the assessment limit of \$932.00 per single family residential unit (fiscal year 2018/19 dollars). The Ersted Project assessment will not impact or change the existing assessments for The Reserve (La Vista) landowners in the GHAD.

The property owner of the Ersted Project was provided with a copy of the Engineer's Report, a Notice of Intent to Order an Assessment, and a ballot (Resolution 19-04).

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 19-05). If there is no majority protest, the GHAD Board shall authorize the assessment (Resolution 19-06).

Prepared by: The GHAD Manager and GHAD Attorney

Recommended by: GHAD Manager

ATTACHMENTS:

- A. Resolution No. 19-05
- B. Resolution No. 19-06