

HAYWARD CITY COUNCIL

RESOLUTION NO. 16-_____

Introduced by Council Member _____

RESOLUTION APPROVING A BUDGET APPROPRIATION FOR HAZARDOUS MATERIALS PROGRAM SETTLEMENT FUNDS

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

WHEREAS, the City of Hayward has an established Hazardous Materials Program/ Certified Unified Program Agency (CUPA) contained within the Fire Prevention Office of the City of Hayward Fire Department; and

WHEREAS, the primary goal of the Hazardous Materials Program/CUPA is to monitor, inspect, and enforce Federal, State, County, and City regulations, ordinances and statutes pertaining to hazardous materials/waste; and

WHEREAS, businesses or other regulated entities within Hayward have, from time to time, violated such regulations, ordinances and statutes; leading to lawsuits and/or administrative enforcements; and

WHEREAS, the City of Hayward Fire Department Hazardous Materials Program/CUPA has been named as a plaintiff or has taken the lead in administrative enforcements in such cases; and

WHEREAS, the resolution of many of the cases has led to monetary judgements, otherwise known as settlements, levied against the defendants and/or responsible parties; and

WHEREAS, as a party in such lawsuits or administrative enforcements, the City Fire Department Hazardous Materials Program/CUPA is entitled to a portion or all of the total award of each action; and

WHEREAS, received settlements are, by law, required to be deposited into a separate fund; and

WHEREAS, the City Fire Department Hazardous Materials Program/CUPA has accumulated \$225,350.50 in settlement funds; and

WHEREAS, the Hazardous Materials Program/CUPA has identified certain needs that will further their abilities to enforce Federal, State, County, and City regulations, ordinances and statutes; and

WHEREAS, it is understood that each settlement includes specific restrictions as to what the funds can be utilized for; and

WHEREAS, the needs identified by the Hazardous Materials Program/CUPA are appropriate and proper uses of said funds; and

WHEREAS, Council action is required to allow for the Hayward Fire Department's Hazardous Materials Program/CUPA to spend said funds.

NOW, THEREFORE, BE IT RESOLVED by the City Council that a budget appropriation in the amount of \$225,350.50 is authorized out of Fund 220, which is equal to the total amount of received settlements, that is to be utilized for purposes related to hazardous materials/waste monitoring, inspection, training and enforcement, as outlined in the terms and conditions for each of the received settlements.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2016

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