

HAYWARD CITY COUNCIL

RESOLUTION NO. 18-_____

Introduced by Council Member _____

RESOLUTION AUTHORIZING EXECUTION OF AN EXCHANGE OF PROPERTY TAX REVENUE AGREEMENT IN CONNECTION WITH THE WATER SERVICE AREA REARRANGEMENT WITH EAST BAY MUNICIPAL UTILITY DISTRICT REGARDING SERVICE TO SPECIFIC PARCELS WITHIN THE CITY OF HAYWARD CITY LIMITS

WHEREAS, the City of Hayward (“City”) provides water service to properties located within its city limits and East Bay Municipal Utility District (“EBMUD”) provides water service to properties within its service area; and

WHEREAS, the EBMUD service area includes a number of parcels located within the City of Hayward corporate city boundaries; and

WHEREAS, the City and EBMUD reached a mutually agreeable resolution regarding water service for three such properties: 1818 Hill Street and 22788 Templeton Street; the southeast corner of 2nd and Walpert Street; and 22301 Foothill Boulevard and 1155 Hazel Street; and

WHEREAS, additionally, along EBMUD’s service area boundary there are several properties that are wholly or partially in EBMUD’s service area but served by the City, several properties outside of EBMUD’s service area but served by EBMUD, and several properties that are bisected by EBMUD’s service area boundary line; and

WHEREAS, the Hayward City Council approved Resolution No. 16-011 on January 26, 2016 approving the water service rearrangement for these three properties and adjustment to EBMUD’s service area boundaries to reflect current service to properties along EBMUD’s service area boundary line; and

WHEREAS, on May 4, 2016 the City and EBMUD entered into an “Agreement on Water Service Boundary within the City of Hayward” to effectuate changes to EBMUD’s service area within Hayward; and

WHEREAS, the Hayward City Council approved Resolution 17-118 consenting to EBMUD’s filing of a Change of Organization application with the Alameda County Local Agency Formation Commission (“LAFCo”); and

WHEREAS, pursuant to the Revenue and Taxation Code § 99, the City and EBMUD must enter into a property tax revenue exchange agreement with respect to the properties identified in the "Agreement on Water Service Boundary within the City of Hayward"; and

WHEREAS, the City and EBMUD have agreed upon an exchange of property tax.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby agrees that with respect to the approximately 170.3 acres of property proposed for detachment from EBMUD, the property tax revenues apportioned to EBMUD by the County Auditor shall be apportioned to the City of Hayward in an amount determined by the County Auditor.

BE IT FURTHER RESOLVED that the City Council of the City of Hayward hereby agrees that with respect to the approximately 99.5 acres of property proposed for annexation to EBMUD, the property tax revenues currently apportioned to the City related to the provision of water service shall be reapportioned to EBMUD in an amount determined by the County Auditor.

BE IT FURTHER RESOLVED that the City Council of the City of Hayward hereby authorizes the City Manager to execute an Exchange of Property Tax Revenue Agreement with EBMUD pursuant to this matter.

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