

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced By Council Member _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HAYWARD
AUTHORIZING THE FORMATION OF THE HAYWARD ECONOMIC
DEVELOPMENT CORPORATION AS A NONPROFIT PUBLIC BENEFIT
CORPORATION

WHEREAS, the City of Hayward ("City") recognizes the benefits associated with the creation of economic opportunity and community economic development in the city; and

WHEREAS, the City desires to form a nonprofit public benefit corporation to be known as Hayward Economic Development Corporation (the "Corporation"); and

WHEREAS, the City desires that the Corporation's specific charitable and public purpose be organized to benefit and support the City which may lessen the burdens of government of the City by: (1) utilizing private and public funding sources to combat community blight and deterioration in the city and contribute to the physical improvement of the city; (2) lessening the burdens of government by assisting in providing and expanding economic opportunities in the city; (3) encouraging and stimulating economic development within the city; (4) promoting social welfare by providing services, educational programs, and economic development opportunities; (5) implementing and assisting the City redevelopment activities and programs that will eliminate discrimination and prejudice, and combat community deterioration; (6) expanding the opportunities of city residents and groups to own, manage, and operate business enterprises; (7) assisting city residents and groups to develop entrepreneurial and management skills necessary for the successful operation of business enterprises; (8) assisting city residents and groups to obtain financial support from other sources; (9) acquiring, providing, developing, leasing, financing, rehabilitating, owning and operating property in support of the City's economic development goals; (10) acquiring, providing, developing, leasing, financing, rehabilitating, owning and operating decent, safe and sanitary housing affordable to persons and households of low income; and (11) carrying out such other activities as the board of directors of the Corporation determines will benefit and support the City (collectively, the "Corporate Activities"); and

WHEREAS, the general purpose of this Corporation is to have and exercise all rights and powers conferred on nonprofit corporations under the laws of California, provided that this Corporation shall not, except to an insubstantial degree, engage in any activities or exercise any powers that are not in furtherance of the primary purposes identify in the Corporation's governing documents; and

ATTACHMENT II

WHEREAS, the City Council desires to enter into any and all documents necessary to effectuate the formation of the Corporation including but not limited to any articles of incorporation and bylaws (the "Formation Documents"); and

WHEREAS, by staff report (the "Staff Report") accompanying this Resolution the City has been provided with additional information upon which the actions set forth in this Resolution are based; and

WHEREAS, the formation of the Corporation is not a project pursuant to 14 California Code of Regulations 15378(b)(5).

NOW, THEREFORE, BE IT RESOLVED that the City Council, finds the above recitals true and correct and by this reference makes them a part hereof.

BE IT FURTHER RESOLVED, that the City Council hereby authorizes the City to form the corporation.

BE IT FURTHER RESOLVED, that the City Council intends that the Corporation's specific charitable purpose be to support the economic development activities of the City by performing the Corporate Activities.

BE IT FURTHER RESOLVED, that the City Council hereby authorizes the City Manager (collectively, the "Authorized Officer") acting alone on behalf of the City, to enter into and execute the Formation Documents, all in such form as approved by City Attorney, such approval to be conclusively evidenced by the execution by an Authorized Officer of such documents, and to take any other actions, necessary to enable the formation of the Corporation, and to do any and all other activities contemplated in this Resolution.

BE IT FURTHER RESOLVED, that the City Council hereby directs the City Manager to perform and complete any activities contemplated in this resolution and the Formation Documents, subject to any additional requirements which may be imposed by California law.

BE IT FURTHER RESOLVED, that the City Council hereby directs the City Manager to file a CEQA Notice of Exemption as required by law.

BE IT FURTHER RESOLVED, that this Resolution shall take immediate effect upon its adoption.

BE IT FURTHER RESOLVED, that to the extent that any actions authorized herein have already been performed, such actions are hereby ratified and approved.

ATTACHMENT II

IN COUNCIL, HAYWARD, CALIFORNIA, October _____, 2023

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 for the City of Hayward