

**CITY COUNCIL MEETING  
TUESDAY, NOVEMBER 17, 2015**

**DOCUMENTS RECEIVED AFTER PUBLISHED AGENDA**



CITY OF  
**HAYWARD**  
HEART OF THE BAY

**DATE:** November 17, 2015  
**TO:** Mayor and City Council  
**VIA:** Acting City Manager  
**FROM:** Director of Development Services  
**SUBJECT:** Consent Agenda Item #4 – Further information

This memo is provided to give additional information related to Geologic Hazard Abatement Districts (GHADs), which are formed and then can be funded via supplemental assessments on properties located within the established district. The resolution associated with this item recommends that the City Council declare that the City of Hayward is subject to the Geologic Hazard Abatement District Law, which is contained in Division 17, Chapters 1 through 6 of the State Public Resources Code. Such action is the initial step required in order for any GHAD to be formed within the City's boundaries<sup>1</sup>.

The conditions of approval associated with the La Vista development require that a GHAD be formed, and it is common practice to form a GHAD to help mitigate impacts related to geologic hazards by providing a funding source to ensure regular maintenance and inspections occur. It is a mechanism that facilitates funding of these improvements from assessments levied on properties within the District. The intent is that the future GHAD would only apply to properties within the La Vista development.

If a GHAD is eventually formed, the City would incur no liability or responsibility, since the GHAD would not be a City entity. It is important to note that the City is not forming anything with the action tonight. This is simply the enabling resolution that allows GHADs to be formed within the City limits. Further information will be provided to the City Council about this topic at a work session in late January. There are two follow up actions required to form a GHAD for the La Vista development: 1) City Council action to set a public hearing date to consider formation of the GHAD (currently scheduled for early February) and 2) the formal public hearing in front of the City Council to form the GHAD (currently scheduled for late February).

---

<sup>1</sup> Specifically, Section 26550 of the State Public Resources Code states, "The provisions of this chapter shall be inoperative as to a legislative body unless and until the legislative body adopts a resolution declaring that it is subject to its provisions and has forwarded a copy of such resolution to the State Controller."

Attached is a map that shows the location of various GHADs throughout the state, and relevant excerpts from the Public Resources Code regarding GHADs. Below is a brief overview of GHADs and the GHAD creation process. The City Council will have the opportunity prior to and during the planned public hearing in February to decide whether or not to form a GHAD.

### What is a GHAD?

GHADs operate with a focus on the prevention of geologic hazards, with mitigation and abatement also being primary functions. A “geologic hazard” is broadly defined as an actual or threatened landslide, land subsidence, soil erosion, earthquake, fault movement or any other natural or unnatural movement of land or earth.

### GHAD Creation Process (for more details, see attached))

#### Step 1: Planning

- Define GHAD Boundaries
- Establish GHAD responsibilities and limitations
- Assess whether to create a new GHAD or annex to an existing GHAD

#### Step 2: Formation

- Create a Plan of Control – what will the GHAD do?
- Determine a Board of Directors – who will run the GHAD?

#### Step 3: Financing

- Typically funded through supplemental property assessments; these are commonly included on a property tax bill
- Assessments are usually uniform (based on number of units, land area, sq. footage, etc.)
- Engineer’s report provides the basis for the operating budget
- Revenue stream is divided into operations and reserve accumulation

*Prepared by:* David Rizk, Director of Development Services

Approved by:



---

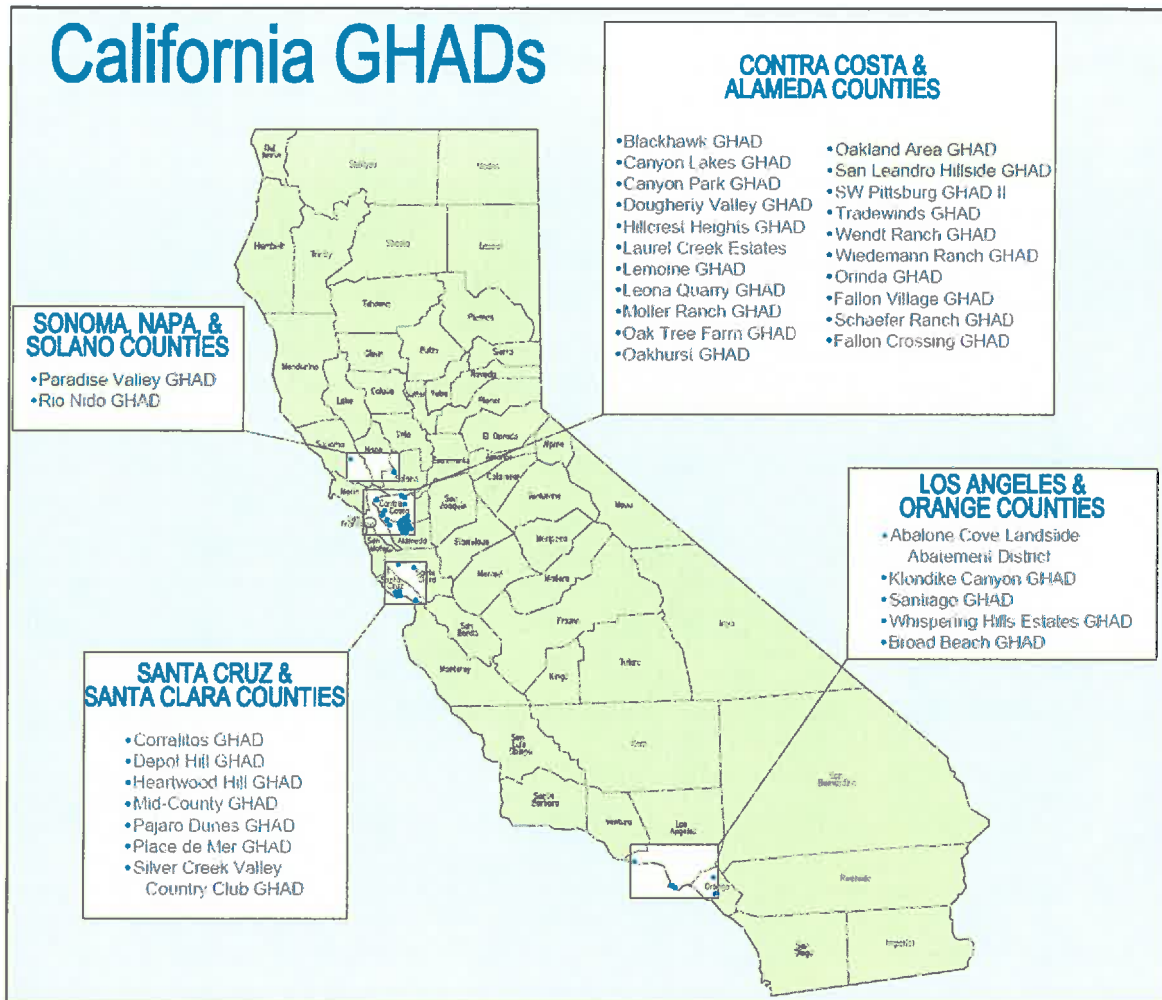
Kelly McAdoo, Acting City Manager

#### Attachments:

Attachment I – Map of Existing CA GHADs

Attachment II – Excerpt from CA Public Resources Code Regarding GHADs

ATTACHMENT I – Map of Existing CA GHADs



## ATTACHMENT II – Excerpt from CA Public Resources Code Regarding GHADs

### CALIFORNIA PUBLIC RESOURCES CODE

#### Initiation of Proceedings

26550. The provisions of this chapter shall be inoperative as to a legislative body unless and until the legislative body adopts a resolution declaring that it is subject to its provisions and has forwarded a copy of such resolution to the State Controller.

26550.5. Proceedings for the formation of a district may be initiated by either of the following methods:

- (a) A petition signed by owners of not less than 10 percent of the real property to be included within the proposed district.
- (b) By resolution of the legislative body.

26551. If the territory proposed to be included within a district is located in more than one local agency, the legislative body of the local agency wherein lies the greater amount of assessed valuation of real property as shown on the assessment roll last equalized by the county, shall initiate and conduct the proceedings to form a district.

26552. A petition initiating proceedings for formation of a district may be presented to the clerk of the legislative body, and shall contain substantially all of the following:

- (a) A statement that the petition is made pursuant to this division.
- (b) An indication, opposite each signature, of the lot, tract, and map number or other legal description sufficient to identify such signature as that of the owner of land within the territory included within the proposed district.
- (c) An indication, opposite each signature, of the date each signature was affixed to the petition.
- (d) A legal description and map of the boundaries of the territory to be included within the proposed district.

26553. A plan of control shall be attached to the petition.

26554. Upon receipt of a petition in the form described in Sections 26550.5, 26551, and 26553, the clerk of the legislative body shall place such petition on the agenda for the regular meeting of the legislative body next following the clerk's determination that such petition is substantially in the form described in Sections 26551 and 26552 and upon verification that the signatures affixed to the petition represent owners of not less than 10 percent of the real property to be included within the proposed district.

26555. No petition shall be accepted by the clerk of the legislative body unless the signatures thereon shall have been secured within 120 days of the date on which the first signature on the petition was affixed and such petition is submitted to the clerk within 30 days after the last signature was affixed.

26556. The clerk of the legislative body shall notify the person whose signature first appears on the petition of any irregularity in the petition. Such notification shall be by certified mail with return receipt requested.

## ATTACHMENT II – Excerpt from CA Public Resources Code Regarding GHADs

Within 10 days of the date of such mailing, a supplemental petition curing any irregularity may be submitted to the clerk.

26557. Upon presentation to the legislative body of a petition in the form prescribed by Sections 26551 and 26552, the legislative body shall adopt a resolution setting a public hearing on such petition and directing notice thereof to be mailed to all owners of real property to be included within the proposed district as shown on the assessment roll last equalized by the county.

26558. A resolution of the legislative body initiating proceedings for the formation of a district shall contain substantially the following:

(a) A statement that the resolution is made pursuant to this division.

(b) A statement that the legislative body has been presented with and has reviewed a plan of control, and has determined that the health, safety, and welfare require formation of a district.

(c) The setting of a public hearing on such determination and directing that notice be mailed to all owners of real property included within the proposed district.

26559. All activities of a local agency taken pursuant to this division for the formation of a district or the annexation of territory thereto are specific actions necessary to prevent or mitigate an emergency within the meaning of paragraph (4) of subdivision (b) of Section 21080.

26560. Notwithstanding any other provision of law, proceedings for the formation of a district pursuant to this division are exclusive.

### Nature of the District

26570. A district is a political subdivision of the state. A district is not an agency or instrumentality of a local agency.

26571. A district is comprised of an area specially benefited by and subject to special assessment to pay the cost of an improvement. While a district performs certain governmental and proprietary functions as a political subdivision of the state, it is not a special district within the meaning of Section 56036 of the Government Code.

26573. The powers of a district are vested in the board of directors.

### Powers of a District

26574. A district may do all of the following:

(a) Sue and be sued.

(b) Make, amend, and repeal bylaws.

(c) Have a seal.

(d) Exercise all powers necessary or incidental to carry out the purposes of this division.

## ATTACHMENT II – Excerpt from CA Public Resources Code Regarding GHADs

26575. A district may obtain, hire, purchase, or rent office space and equipment.

26576. Within the territorial limits of the district, or for the purposes set forth in this division, a district may acquire real property or any interest therein by eminent domain.

26577. A district may purchase, lease, obtain an option upon, acquire by gift, grant, bequest, or devise, or otherwise acquire any property or any interest in property.

26578. A district may sell, lease, exchange, assign, encumber, or otherwise dispose of property or any interest in property.

26579. The district may enter into contracts and agreements with the United States, any state or local unit of government, public agency, including any other geologic hazard abatement district or public district, private organization, or any person in furtherance of the purposes of the division.

26580. The district may:

(a) Acquire, construct, operate, manage, or maintain improvements on public or private lands. Such improvements shall be with the consent of the owner, unless effected by the exercise of eminent domain pursuant to Section 26576.

(b) Accept such improvements undertaken by anyone.

26580.1. The district may make improvements to existing public or private structures where the board of directors determines that it is in the public interest to do so.

26581. At any time following the adoption of the resolution pursuant to Section 26567, the board of directors may proceed to annex territory to the district. The proceedings for annexation shall follow the procedure contained in Article 3 (commencing with Section 26550) and Article 4 (commencing with Section 26561) of Chapter 2 of this division. In such instance, the board of directors shall assume the responsibilities of the legislative body. Annexation of territory to a district shall be subject to the approval of the legislative body which ordered formation of the district. Such approval shall be given by resolution, following the order by the board of directors for annexation of territory to the district.

**CITY COUNCIL MEETING  
TUESDAY, NOVEMBER 17, 2015**

**DOCUMENTS RECEIVED AT MEETING**



DOWNTOWN HAYWARD

# LIGHT UP

*The Season!*

*Tree Lighting · Family Fun  
Holiday Shopping  
Ice Skating & Entertainment*

*2015*



*Thursday  
December 3, 2015  
5:00 - 8:30pm*

*Join the fun!  
on B Street  
from Foothill Blvd.  
to City Hall  
& Watkins Street*

**BRING A NEW UNWRAPPED TOY FOR  
THE TOYS FOR KIDS DRIVE SPONSORED  
BY THE HAYWARD FIRE DEPARTMENT  
AND RECEIVE A RAFFLE TICKET TO WIN  
A FAMILY FUN BASKET!**

*Brought to you by:*







# SantaCon Hayward!

Saturday December 5, 2015 • 6:00 p.m. til 11 p.m.

[www.SantaConHayward.com](http://www.SantaConHayward.com)



*How it works:*

**Dress Like Santa or Ms. Santa.  
Show Up and Have FUN!**



HAYWARD ANIMAL SHELTER

**Prizes!** Enter Santa / Ms. Santa Suit Contests at Each Venue!

**A Benefit for the Hayward Animal Shelter**

*Supported by*



NOBLE VETERINARY CLINIC



BUFFALO BILL'S BREWERY



Mt. Eden School Alumni Association & Educational Foundation



# Compadrismo Empresarial hacia el Éxito



Jueves, 19 de noviembre  
5 a 8pm  
Pancho Villa Event Center  
1026 B St.  
Hayward, Ciudad de  
Oportunidades

## Grupo de Expertos

Presidido por

**Esmeralda Espinoza**

Jorge Flores, Panadería Don Polvorón  
Sandra Herrera, Industrias Case  
Oralia Padilla-Espinosa, Rest. El Taquito #2  
Ricardo Pérez, Techería Manada

## Comerciantes Partipantes

Fred Chávez, Chávez Insurance  
Marichuy Reynoso, AFLAC  
Gerardo Campos, Opportunity Fund  
Law Office of Martín Caraves, Jr.  
Esmeralda Espinoza, New York Life  
Andreia Young, On Time Signs  
Edder Barcenás, Wells Fargo Bank  
Fidelia Espinoza, Restaurante San Marcos

### Organizado para

crear comunidad entre comerciantes latinos de Hayward y/o latinos interesados en comenzar su propio negocio, construyendo asociaciones y colaboraciones comerciales duraderas con testimonio de comerciantes exitosos para una oportunidad única de dar pasos empresariales positivos

por los Cuatro Compadres

Martín Caraves, Esmeralda Espinoza, Elisa Marquez y Francisco Zermeño



**Martín Caraves** es Abogado sirviendo al Condado de Alameda al Condado Contra Costa

- Enfocado en servir la comunidad latina de litigantes individuales a los propietarios de pequeñas empresas
- Concentra su práctica legal en las áreas de litigio civil y de defensa criminal, incluyendo bienes raíces, construcción, y lesiones perso-

nales.

- Servicios legal cuando lo necesite
- Llámeme al 510.508.0118 o a [martin@caraveslaw.com](mailto:martin@caraveslaw.com).

A sus ordenes, por y para su éxito!



**Esmeralda Espinoza** es su servidora para

- Servicios Financieros & de Seguro para Familias y Negocios
- Planeamiento para Ahorros para la Universidad y para la Jubilación
- Beneficios para Empleados
- ¡Proporcionándole a la Comunidad Latina las herramientas y recursos necesitados

para realizar sus metas financieras proporcionarle un mejor futuro a su familia!

- Parte de la familia de dueños del Restaurante San Marcos.
- Estoy en 510.812.9463 y en [espinozae@ft.newyorklife.com](mailto:espinozae@ft.newyorklife.com)
- A sus órdenes, ¡por y para su éxito!



**Elisa Marquez** es Concejal de la Ciudad de Hayward

- Graduada de la Secundaria Hayward
- Licenciatura en Sociología de Cal State University HEB
- Maestría en Administración Pública de Cal State University HEB
- Graduada de la Secundaria Hayward
- Certificado del

Programa de Entrenamiento de Liderazgo.

- Parte de la Familia dueños del Restaurante Los Compadres
- Miembro del Comité del Aeropuerto
- Miembro del Comité Tecnológico
- Representante del Distrito de Mosquitos del Condado de Alameda
- Con experiencia Laboral Privada y Pública y SinFines Lucrativos
- Estoy al 510.910.3833 y en [emarqana@gmail.com](mailto:emarqana@gmail.com)
- A sus órdenes, ¡por y para su éxito!



**Francisco Zermeño**

es Concejal de la Ciudad de Hayward

- Residente de Hayward desde 1978
- Comerciante desde 1982
- Presidente de Terlingua Translation Services
- Profesor de español en el Colegio Chabot
- Interesado en el Éxito descomunal de cada uno de nuestros negocios y comerciantes de nuestra gran Ciudad de Hayward
- Dispuesto a reunirse con Usted para ayudarle con cualquier problema, dilema y asunto al 510.732.2746 y en [machetez@sbcglobal.net](mailto:machetez@sbcglobal.net)
- A sus órdenes, ¡por y para su éxito!