

HAYWARD CITY COUNCIL

RESOLUTION NO. 21-____

Introduced by Council Member _____

RESOLUTION ESTABLISHING THE STRATFORD VILLAGE FLOOD CONTROL FACILITIES IMPROVEMENT ASSESSMENT DISTRICT (MD1-2021), APPROVING THE FINAL ENGINEER'S REPORT, AND ORDERING LEVY AND COLLECTION OF ASSESSMENTS FOR FISCAL YEAR 2022

WHEREAS, on June 6, 1995, by Resolution No. 95-103, the City Council ordered the formation Maintenance District No. 1 - Storm Drainage Pumping Station and Storm Drain Conduit – Pacheco Way, Stratford Road, and Russ Lane (“MD1”) to provide for the operation and maintenance of the storm drainage improvements and the stormwater pumping facility to serve the area commonly known as Stratford Village; and

WHEREAS, the funds generated from the MD1 Assessment are no longer adequate to continue to provide proper operation, maintenance, and capital repair and replacement of the drainage and pump facilities.

WHEREAS, Chapter 26 of Part 3 of Division 7 of the Streets and Highways Code of the State of California, authorizes formation of a maintenance district, and imposition of assessments to finance construction, improvement, and maintenance of drainage facilities; and

WHEREAS, the City of Hayward (“City”) initiated proceedings for the formation of the Stratford Village Flood Control Facilities Improvement District pursuant to Government Code Section 53753 and Article XIII D of the California Constitution, to provide improved maintenance and operations services and improvements to the drainage and pump facilities within the proposed district; and

WHEREAS, Proposition 218 was adopted on November 6, 1996, adding Articles XIIC and XIID to the California Constitution; and

WHEREAS, Articles XIIC and XIID of the California Constitution and implementing statutes impose certain procedural and substantive requirements relating to assessments (as defined); and

WHEREAS, a Final Engineer’s Report (the “Report”) has been prepared by SCI Consulting Group (the “Engineer of Work”) and submitted to the City Council (the “Council”), in which a new assessment is proposed to fund the cost to provide maintenance and operations services and improvements to the drainage and pump facilities within the proposed district boundaries; and

WHEREAS, this proposed assessment shall be described as the “Stratford Village Flood Control Facilities Improvement Assessment” (hereinafter the “Assessment”) and the proposed district shall be known as the Stratford Village Flood Control Facilities Improvement Assessment District (MD1-2021)” (hereinafter the “Assessment District”); and

WHEREAS, Resolution No. 21-068 was adopted by the City Council on May 4, 2021 which initiated proceedings pursuant to Government Code Section 53753, and Article XIIID of the California Constitution, and set a date and time for Prop. 218 hearing at 7:00 p.m. on June 22, 2021; and

WHEREAS, in compliance with the requirements of Article XIIID of the California Constitution and Government Code section 53753, ballots were mailed to all record owners of property within the proposed Assessment District and a notice of the June 22, 2021 Public Hearing; and

WHEREAS, on June 22, 2021 at 7:00 PM or as soon thereafter as was practicable, the City Council held a public hearing, at which it heard and considered oral and written testimony from all interested persons; and

WHEREAS, following the public input portion of the Public Hearing, all assessment ballots that had been returned to the City were tabulated pursuant to the procedures set forth in Resolution 21-069, which was adopted by the City Council on May 4, 2021; and

WHEREAS, based on the tabulation, the City Council determined that a majority protest, as defined by Article XIII D, Section 4(e) of the California Constitution and Section 53753 of the California Government Code does not exist with respect to the proposed Assessment.

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

1. The above recitals are true and correct.
2. **Formation of Assessment District.** Pursuant to Government Code Section 53753, and Article XIIID of the California Constitution, the Stratford Village Flood Control Facilities Improvement Assessment District (MD1-2021) is hereby established.
3. **Confirmation of Final Engineer’s Report.** SCI Consulting Group, the Engineer of Work, has prepared a Final Engineer’s Report in accordance with Article XIIID of the California Constitution and Government Code section 53750, 54710 et seq. (the "Report"). The Report has been made, filed with the City Clerk and duly considered by the Council and is hereby approved and confirmed and incorporated herein by reference, including, but not limited to, the following:

- A. The description of the Services to be funded with Assessment proceeds;
 - B. The estimate of the annual cost of such Services;
 - C. The description of the assessable parcels of land within the District and subject to the new Assessment;
 - D. The description of the proportionate special and general benefits conferred on property by the proposed Assessment;
 - E. The description of the boundaries of the Assessment District;
 - F. The specification of the amount to be assessed upon various types of assessable land to fund the cost of the Services.
4. **Findings of Special Benefit.** Based on the oral and documentary evidence offered and received, including the Final Engineer's Report, the City Council expressly finds and determines:
- A. That each of the parcels in the Assessment District will be specially benefitted by the improvements at least in the amount, if not more than the amount, of the assessment apportioned against the parcel; and
 - B. That there is substantial evidence to support this finding and determination as to special benefit; and
 - C. That no assessment imposed on any parcel exceeds the reasonable cost of the proportional special benefit conferred on that parcel.
5. **Maximum Assessment Rate.** The public interest, convenience, and necessity require that a levy on each lot of parcels in the Assessment District be no more than the FOUR HUNDRED AND NINETY EIGHT DOLLARS (\$498.00) per single family home as described in the Final Engineer's Report. These rates may be increased in future years by an amount equal to the annual change in the U.S. Department of Labor, Bureau of Labor Statistics Consumer Price Index – All Urban Consumers ("CPI") for the San Francisco-Oakland-Hayward, CA MSA Consumer Price Index for All Urban Consumers (CPI-U), not to exceed 3% per year. The February to February CPI will be used to calculate the CPI. Any CPI in excess of 3% may be used in subsequent years when the CPI is less than 3%. In the case of a negative February to February CPI, a 0.0% CPI will be used.
6. **Levy of Assessments.** The adoption of this Resolution constitutes the levy of the Assessments for Fiscal Year 2022 at the rates and upon the parcels described in this Resolution, in the Final Engineer's Report including the Assessment Roll, all incorporated herein by reference. The City of Hayward Director of Finance is hereby authorized and directed to order the collection of the Assessments stated herein.

- 7. Immediately upon the adoption of this resolution, the City Clerk shall file a certified copy of this resolution, and Engineer’s Report with the Treasurer-Tax Collector of the County of Alameda. The assessments shall be collected at the same time and in the same manner as county taxes are collected, and all laws providing for the collection and enforcement of county taxes shall apply to the collection and enforcement of the assessments. After collection by the County of Alameda, the net amount of the assessments, after deduction of any compensation due the county of collection, shall be paid to the City of Hayward and received by the Director of Finance.

- 8. Upon receipt of monies representing assessments collected by the County, the Director of Finance of the City of Hayward shall deposit the monies in the City Treasury to the credit of the Assessment District. Monies deposited to the credit of the Assessment District shall be expended only for the services and improvements set forth in the Final Engineer’s Report, which is incorporated by reference herein.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2021

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