

HAYWARD CITY COUNCIL

RESOLUTION NO. 17-_____

Introduced by Council Member _____

RESOLUTION CONSENTING TO THE FILING OF A CHANGE OF ORGANIZATION
APPLICATION WITH THE ALAMEDA COUNTY LOCAL AGENCY FORMATION
COMMISSION BY THE EAST BAY MUNICIPAL UTILITY DISTRICT

WHEREAS, the City of Hayward provides water service to properties located within the Hayward City limits and East Bay Municipal Utility District (EBMUD) provides water service in the EBMUD service area, located in municipalities to the north and east of Hayward; and

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

WHEREAS, cities and utility districts are encouraged by the Alameda County Local Agency Formation Commission (LAFCo) to find mutually agreeable solutions when properties may be served by either the utility district or the city in which the properties are located; and

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

WHEREAS, on May 4, 2016, the City of Hayward and EBMUD entered into an "Agreement on Water Service Boundary Within the City of Hayward" to effectuate changes to EBMUD's service area in Hayward; and

WHEREAS, pursuant to the Agreement, EBMUD intends to file with LAFCo an application for a Change of Organization to adjust EBMUD's service area boundaries and such adjustment requires a resolution of consent from the Hayward City Council; and

WHEREAS, the proposed changes to EBMUD's service area are exempt from the California Environmental Quality Act pursuant to the Class 20 exemption contained in section 15320 of the State CEQA Guidelines.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby consents to the filing by East Bay Municipal Utility District of a Change of Organization application with LAFCo to adjust EBMUD's service boundaries within the City of Hayward as follows: 1) detach from EBMUD's service boundaries the property at 1818 Hill Avenue and 22788 Templeton Street; 2) detach from EBMUD's service boundaries the southwest corner of 2nd Street and Walpert Street; and 3) retain in EBMUD's service boundaries the property at 22301 Foothill Boulevard and 1155 Hazel Avenue.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Hayward hereby consents to the filing by East Bay Municipal Utility District of a Change of Organization application with LAFCo to adjust EBMUD's service boundaries within the City of Hayward to detach properties along EBMUD service area boundary that are currently within EBMUD's service area but served by the City of Hayward and to attach properties along EBMUD's service area boundary that are currently outside of EBMUD's service area but served by EBMUD.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2017

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward