

**HAYWARD
GEOLOGIC HAZARD ABATEMENT DISTRICT**

TO: Hayward GHAD Board of Directors

**FROM: GHAD Manager
GHAD Attorney**

BOARD MEETING DATE: March 19, 2019

SUBJECT: Resolution to Declare the GHAD's Intent to Order an Assessment for the Ersted Property and Set a Public Hearing 45 days after Notice is Provided to Consider the Proposed Assessment and any Protests thereto.

RECOMMENDATION(S):

1. ADOPT the attached Resolution No. 19-04 to do the following:
 - (a) ACCEPT Ersted Property Engineer's Report.
 - (b) DECLARE the GHAD's intent to order an assessment for the Ersted Property
 - (c) SET a public hearing date 45 days after notice is provided to consider the proposed assessment and any protests thereto.

SUMMARY:

In approving the 59 unit townhome project referred to as Ersted Property (Tract 8439) ("Ersted Project"), the City imposed Condition of Approval No. 46 requiring the Ersted Project to be annexed into the existing Hayward Geologic Hazard Abatement District ("GHAD"). With the approval of Resolution No. 19-02 and 19-03, the GHAD Board of Directors ("GHAD Board") approved annexation of the Ersted Project into the Hayward GHAD and approved the Plan of Control. To secure a funding source for the Ersted Project, an Engineer's Report has been prepared the fund the GHAD maintained improvements identified in the Plan of Control. The draft Engineer's Report recommends an assessment limit of \$932.00 per single family residential unit (fiscal year 2018/19 dollars).

BACKGROUND AND DISCUSSION:

On March 1, 2016, the Hayward City Council adopted Resolution No. 16-030 approving the formation of the Hayward GHAD and appointed itself to serve as the GHAD Board of Directors. On February 26, 2019, the GHAD Board of Directors held a public hearing on the proposed annexation of the Ersted Property to the Hayward GHAD, and adopted Resolution 19-02 approving the annexation of the Ersted Property into the Hayward GHAD and Resolution 19-03 accepting the Ersted Property Plan of Control.

A funding source has been secured for the The Reserve (La Vista) development within the Hayward GHAD and it is now appropriate to secure a funding source for the Ersted Project annexation. Like The Reserve development, the funding source is through a real property

assessment. This assessment for the 59 single family Ersted Project residences is proposed to be imposed as building permits are issued for the homes. The assessment is proposed to maintain the improvements in the Ersted Property Plan of Control approved by the GHAD Board previously on February 26, 2019 (Resolution No. 19-03).

The proposed assessment is supported by the attached draft Engineer's Report prepared by a registered professional engineer certified by the State of California, in accordance with Proposition 218 (attached as Attachment B to Resolution No.19-04). The draft Engineer's Report recommends an assessment limit of \$932.00 per single family residential unit (fiscal year 2018/19 dollars). The annual assessment limit would be adjusted annually based on the San Francisco-Oakland-San Jose Consumer Price Index (CPI). The proposed assessment does not impact or change the existing assessments for The Reserve (La Vista) landowners in the GHAD.

To allow the GHAD Board to consider approval of the proposed assessment, the property owner of the Ersted Project will be provided with a copy of the Engineer's Report, a Notice of Intent to Order an Assessment, and a ballot (Resolution 19-04).

FISCAL IMPACT:

The developer is responsible for funding all activities undertaken by the GHAD up and until the GHAD Improvements, as defined in the Plan of Control, are accepted by the GHAD. Thereafter, the GHAD is funded 100% through assessments levied on properties within the Hayward GHAD. Therefore, there is no impact on the City's General Fund.

NEXT STEPS:

1. On May 7, 2019, the GHAD Board shall consider all protests against the proposed assessment. At the GHAD Board hearing, The GHAD Board shall not impose the assessment if there is a majority protest. If there is no majority protest, the GHAD Board shall authorize the assessment.

Prepared by: The GHAD Manager and GHAD Attorney

Recommended by: GHAD Manager

ATTACHMENTS:

- A. Resolution No. 19-04