

HAYWARD CITY COUNCIL

RESOLUTION NO. 19-_____

Introduced by Council Member _____

RESOLUTION AMENDING THE CITY OF HAYWARD 2020 FISCAL YEAR
MASTER FEE SCHEDULE FOR VACANT PROPERTY MONITORING AND
REGISTRATION FEE ASSOCIATED WITH THE ADDITION OF ARTICLE 29 TO
CHAPTER 10 OF THE HAYWARD MUNICIPAL CODE

WHEREAS, Section 15273 of the California Environmental Quality Act (CEQA) Guidelines states that CEQA does not apply to the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, and other charges by public agencies which the public agency finds are for the purposes of:

1. Meeting operating expenses, including employee wage rates and fringe benefits;
2. Purchasing or leasing supplies, equipment, or materials;
3. Meeting financial reserve needs and requirements;
4. Obtaining funds necessary for capital projects necessary to maintain service within existing service areas; or,
5. Obtaining funds necessary to maintain intra-city transfers as are authorized by City Charter; and

WHEREAS, the City Council finds and determines that this action is exempt from CEQA based on the foregoing provisions;

WHEREAS, in November 2010, California voters approved Proposition 26, which amended Article XIII C of the State constitution regarding the adoption of fees and taxes. Proposition 26 seeks to assure that taxes, which must be approved by the voters, are not disguised as fees, which can be approved by legislative bodies, such as a city council. The proposed amendment to the Master Fee Schedule (MFS) would allow for annual inspections to ensure safe and legal operation of commercial cannabis businesses in the City of Hayward, consistent with the appropriate findings and conditions established as part of the required land use entitlement process.

WHEREAS, the City of Hayward Vacant Property Ordinance is intended to create a framework for regulating vacant properties within Hayward, register and monitor vacant properties identified as a public nuisance, and eliminate the public safety concerns of unsafe and hazardous vacant properties. The Ordinance requires property owners of vacant

properties to be regulated by the City to assure compliance with all applicable State, Federal and local Vacant Property related regulations.

WHEREAS, notice of the hearing was published in the manner required by law and the hearing was duly held by the City Council on October 15, 2019.

WHEREAS, the proposed complete schedule of fees, for example, is attached as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED, the City Council hereby amends the fiscal Year 2020 Master Fee Schedule to include fees and penalties associated with the Vacant Building Ordinance. as reflected in the attached Exhibit "A"

BE IT FURTHER RESOLVED that the fees adopted by this resolution shall become effective on the date that the companion Ordinance (Ordinance No. 19 - __) becomes effective.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2019

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

EXHIBIT A

Fees and Penalties:

1. Annual Vacant Property Registration and Monitoring Fee: \$2,550 (minimum of one inspection per year).
2. Program fees:
 - a. Initial Inspection, no violation found: No Charge
 - b. Initial Inspection, violation found: \$1,500
 - c. 2nd Re-Inspection, no violation found: \$500 re-inspection fee
 - d. 2nd Re-Inspection, violations found: \$3,000
 - e. 3rd and subsequent re-inspection, no violations: \$500 re-inspection fee
 - f. 3rd and subsequent violations found: \$,5000
3. Any required inspections after the initial inspection greater than three hours will be assessed an hourly code enforcement inspection fee: \$200 hr.
4. Request for Administrative Hearing Fee: \$946
5. Special Assessment/Lien Fee: \$1,811