

HAYWARD CITY COUNCIL

RESOLUTION NO. 26-__

Introduced by Council Member _____

RESOLUTION AMENDING THE CITY OF HAYWARD MASTER FEE SCHEDULE
FISCAL YEAR 2026-2027 REMOVING FEES AND CHARGES ASSOCIATED WITH
ACCESSORY COMMERCIAL UNITS FOR THE CITY OF HAYWARD AND FINDING
THAT THE ACTION IS EXEMPT FROM CEQA REVIEW

WHEREAS, as part of a general cost recovery strategy, the City of Hayward has adopted user fees to fund programs and services that provide direct benefit to a specified user; and

WHEREAS, in November 1996, California voters passed Proposition 218, the “Right to Vote on Taxes Act.” This constitutional amendment protects taxpayers by limiting the methods by which local governments can create or increase taxes, fees, and charges without taxpayer consent. Proposition 218 requires voter approval prior to imposition or increase of general taxes, assessments, and certain user fees; and

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 Master Fee Schedule (MFS) is compliant; and

WHEREAS, on April 21, 2026, the City Council adopted a resolution approving the FISCAL YEAR 2026-2027 and the Fiscal Year 2026-2027 Fine and Bail Schedule (Resolution No. 26-060); and

WHEREAS, at a separate public hearing, City Council directed staff to remove a proposed Accessory Commercial Unit (ACU) from consideration; and

WHEREAS, as the ACU was not adopted as an allowable use in the City of Hayward, the fees associated with ACU and included in the adopted Master Fee Schedule Fiscal Year 2026-2027 is not necessary and should be removed; and

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 the City Charter.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby amends the Master Fee Schedule Fiscal Year 2026-2027 relating to fees and charges of Accessory Commercial Units for Development Services of the City of Hayward incorporated herein by reference and as outlined in the June 2, 2026, City Council report; either on its face or as applied, the invalidity of one provision shall not affect the other provisions of the Fiscal Year 2026-2027 and the applications thereof; and to that end the provisions of this Master Fee Schedule Fiscal Year 2026 shall be deemed severable.

BE IT FURTHER RESOLVED that the fees and charges adopted by this resolution shall become effective as of July 1, 2026.

BE IT FURTHER RESOLVED that this action is determined to be exempt from CEQA review pursuant to Section 15273 of the California Environmental Quality Act (CEQA) Guidelines based on the findings stated herein.

IN COUNCIL, HAYWARD, CALIFORNIA June 2, 2026.

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