

RESOLUTION NO. 26-__

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERCULES FOR PRELIMINARY APPROVAL OF THE ENGINEER'S REPORT AND DECLARING THE CITY COUNCIL'S INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR FISCAL YEAR (FY) 2026-27 FOR THE VICTORIA BY THE BAY LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT NO. 2002-1 PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972

WHEREAS, in accordance with the City Council's direction, the Engineer of Work for the Victoria by the Bay Landscaping and Lighting Assessment District No. 2002-1 ("Assessment District No. 2002-1") has filed with the City Clerk the Engineer's Report required by the Landscaping and Lighting Act of 1972; and

WHEREAS, the Assessment District No. 2002-1 was formed on May 14, 2002 by Resolution No. 02-050 of the City Council pursuant to the Landscaping and Lighting Act of 1972 (Streets and Highways Code Section 22500 et. Seq. and State Law); and

WHEREAS, said Resolution No. 02-050 established a maximum amount of individual maintenance assessments which may be levied in future fiscal years and the proposed index by which the stated maximum assessments may be increased by the City Council in future fiscal years, without the need for an assessment ballot procedure otherwise required by Section 4 of Article XIID of the State Constitution for an "increased" assessment; and

WHEREAS, in 2025 a special assessment ballot proceeding was conducted pursuant to the requirements of Article XIID (enacted by Proposition 218) of the State Constitution to increase assessments above the authorized CPI. The assessment increase was approved by property owners commencing with FY 2025-26; and

WHEREAS, Assessment District No. 2002-1 provides for the maintenance and servicing of landscaping, lighting, open space areas, park and recreation facilities that benefit property within Assessment District No. 2002-1; and

WHEREAS, the law requires that the City Council afford the public an opportunity to comment on the proposed assessments at a public hearing.

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

1. That the above recitals are true and correct and material to the adoption of this Resolution; and
2. That the City Council hereby declares that it intends to levy and collect assessments within Assessment District No. 2002-1 for FY 2026-27 in accordance with the Landscaping and Lighting Act of 1972. The proposed assessments and rates are outlined in the Engineer's Report, which is attached hereto and incorporated by this reference; and

3. That the City Council has reviewed the Engineer's Report and is preliminarily satisfied that the assessments have been spread in compliance with the provisions of California Constitution Article XIIID. The Engineer's Report is hereby accepted and preliminarily approved; and
4. That all interested persons are referred to the Engineer's Report on file with the City Clerk for a full and detailed description of the improvements, boundaries and proposed assessments upon assessable lots and parcels of land within Assessment District No. 2002-1; and
5. That on Tuesday, the **23rd day of June, 2026 at 7:00 P.M.**, or as soon thereafter as may be heard, the City Council will conduct a public hearing held at the meeting place of the City Council located in the Council Chambers of City Hall at 111 Civic Drive, Hercules, California; and
6. That the City Clerk is directed to give notice of the public hearing by publishing this Resolution once at least ten (10) days prior to the date set for the public hearing in a newspaper of general circulation.

The foregoing Resolution was duly and regularly passed and adopted at a regular meeting of the City Council of the City of Hercules held on the 28th day of April 2026, by the following vote of the Council:

AYES:

NOES:

ABSTAIN:

ABSENT:

Chris Kelley, Mayor

ATTEST:

Eibleis Melendez
City Clerk