

RESOLUTION NO. 25-_____

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERCULES
CONFIRMING DIAGRAM AND ASSESSMENTS FOR FISCAL YEAR 2025/26
FOR THE BAYWOOD LANDSCAPING AND LIGHTING ASSESSMENT
DISTRICT NO. 2004-1 PURSUANT TO THE LANDSCAPING AND LIGHTING
ACT OF 1972**

WHEREAS, the Baywood Landscaping and Lighting Assessment District (the "District") was formed April 13, 2004 by Resolution No. 04-034 of the City Council pursuant to the Landscaping and Lighting Act of 1972 (Streets and Highways Code 22500 et. seq.) and State law and following a majority ballot proceeding conforming to Section 4 of Article XIII D of the State Constitution; and

WHEREAS, the City Council designated by resolution Francisco & Associates, as Engineer of Work for the District and directed the filing of an Annual Engineer's Report for the District; and

WHEREAS, on April 22, 2025, the City Council adopted Resolution No. 25-024 accepting the Engineer's Report, declaring the intention to levy and collect assessments for fiscal year (FY) 2025-26 and directing the City Clerk to provide notice and setting June 24, 2025 for a public hearing; and

WHEREAS, the Engineer's Report, as filed, provides that the maximum assessment rate for the District will be adjusted for inflation by the annual change in the Consumer Price Index All Urban Consumers, San Francisco Bay Region from the prior calendar year. The FY 2025/26 assessment rate that will be applied for the District is adjusted by 2.69% from the prior fiscal year and is below the authorized maximum assessment rate; and

WHEREAS, the City Clerk has published in a newspaper of general circulation notice of a public hearing, as required by law; and

WHEREAS, at the appointed time on June 24, 2025, the City Council did conduct a public hearing at which all interested persons were afforded an opportunity to be heard.

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

1. The Preliminary Engineer's Report accepted by the City Council on April 22, 2025, and as modified on June 24, 2025, if applicable, is hereby approved and adopted as the Final Engineer's Report for the District for FY 2025/26.
2. The diagram showing assessment district boundary thereof and the proposed assessments contained in the Engineer's Report and presented to the property owners of record within the District are hereby confirmed.
3. Pursuant to the authority of the Landscaping and Lighting Act of 1972, the assessment to pay the costs and expenses of maintaining the improvements described in the Engineer's Report is hereby levied and the improvements hereby ordered to be maintained.
4. Based upon the oral and written evidence presented, including the Engineer's Report, the City Council finds that there is substantial evidence in the record demonstrating that the properties within the District receive a special benefit over and above the benefit conferred on the public at large and that the amount of the assessment is proportional to the special benefit conferred on the property.
5. The City Clerk is directed to file a certified copy of the diagram, assessment and this resolution with the Auditor-Controller of the County of Contra Costa immediately after adoption of this resolution, but no later than the third Monday, in August. Upon receipt of the diagram and assessment, the County Auditor-Controller shall enter on the County assessment roll opposite each lot or parcel of land the amount assessed thereupon as shown in the assessment. After collection by the County, the net amount of the assessment, after deduction of any compensation due the County for collection, shall be paid to the City.
6. Upon receipt of monies representing assessments collected by the County, the Finance Director shall deposit the monies in the City's Landscaping and Lighting account. The account shall only be used for maintenance and installation of improvements described in the Engineer's Report.

The foregoing Resolution was duly and regularly adopted at a regular meeting of the City Council of the City of Hercules held on the 24th day of June 2025, by the following vote of the Council:

AYES:

NOES:

ABSTAIN:

ABSENT:

Dion Bailey, Mayor

ATTEST:

Eibleis Melendez
City Clerk