

RESOLUTION NO. 25-____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERCULES, CALIFORNIA, DECLARING THE RESULTS OF THE PROPERTY OWNER PROTEST BALLOTING PROCEEDINGS CONDUCTED FOR A PROPOSED INCREASE IN THE MAXIMUM ASSESSMENT RATE FOR THE VICTORIA BY THE BAY LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT NO. 2002-1 COMMENCING FISCAL YEAR 2025/26

WHEREAS, the City Council on behalf of the Victoria by the Bay Landscaping and Lighting Assessment District No. 2002-1 (hereafter referred to as the "District") by previous resolution initiated proceedings to conduct property owner protest balloting proceedings for the proposed increase in the maximum assessment rates within the District; and

WHEREAS, in accordance with the provisions of the California Constitution, Article XIID, the Proposition 218 Omnibus Implementation Act and the Landscaping and Lighting Act of 1972 (collectively, "Assessment Law"), the City Council has caused and conducted property owner protest balloting proceedings for the proposed increase in the maximum assessment rates within the District; and

WHEREAS, the proposed maximum assessment rate increases presented to each affected property owner of record within the District reflects their property's benefit and proportional financial obligation for maintaining public landscaping and lighting improvements associated with the District. The notices and ballots for each property owner, clearly gave notice of a Public Hearing to be held on June 24, 2025 and stated that the proposed increase would raise the maximum annual assessment by \$50 per year over a 10-year period (\$500 total) beginning in Fiscal Year 2025/26. It also noted that this increase is in addition to the existing annual escalator equal to the change in the Consumer Price Index (CPI), and that beginning in Fiscal Year 2035/36, the maximum assessment rates will increase by CPI only as they do now; and

WHEREAS, following the conclusion of the public testimony and declaring the balloting period closed, the protest ballots returned by the landowners of record within the District territory were opened and tabulated outside the City Council Chambers on June 24, 2025, and the results of which are provided hereto.

NOW, THEREFORE, BE IT RESOLVED for the Victoria by the Bay Landscaping and Lighting Assessment District No. 2002-1, pursuant to the provisions of the California Constitution Article XIID, as follows:

- 1 The above recitals are true and correct.
- 2 The property owner protest balloting proceedings were conducted with the affected property owners within the District for Fiscal Year 2025/26 as required by Assessment Law. Assessment ballots were mailed as required to the record owners of all affected properties proposed to be assessed within the District. The assessment ballots that were completed and received by the City Clerk prior to the close of the public input portion of the Public Hearing held on June 24, 2025 have been tabulated in accordance with Assessment Law.
- 3 The canvass of the protest ballots cast for the District and received prior to the close of the public input portion of the Public Hearing held on June 24, 2025, weighted according to the proportional financial obligation of the affected properties herein, is hereby approved and confirmed. The results of the ballot tabulation, weighted by assessment amount, is as follows:

50.02% in favor and 49.98% opposed.
- 4 The City Clerk is hereby directed to enter this Resolution on the minutes of this meeting, which shall constitute the official declaration of the result of such property owner protest proceeding.
- 5 This Resolution shall become effective immediately upon its adoption.
- 6 The City Clerk shall certify the adoption of this Resolution.

The foregoing Resolution was duly and regularly adopted at a regular meeting of the City Council of the City of Hercules held on the 22nd day of July 2025, by the following vote of the Council:

AYES:

NOES:

ABSTAIN:

ABSENT:

Dion Bailey
Mayor

ATTEST:

Eibleis Melendez
City Clerk