

RESOLUTION NO. 24-_____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERCULES CONFIRMING DIAGRAM AND ASSESSMENTS FOR FISCAL YEAR 2024/25 FOR THE VICTORIA BY THE BAY LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT NO. 2002-1 PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972.

WHEREAS, the City of Hercules Victoria by the Bay Landscaping and Lighting Assessment District No. 2002-1 (hereinafter referred to as the "District") 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, 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 9, 2024, the City Council adopted Resolution No. 24-023 authorizing Proposition 218 proceedings for the purposes of increasing assessments in Fiscal Year 2024/25 for the District and direct the filing of the Fiscal Year (FY) 2024/25 Engineer's Report, pursuant to the Landscaping and Lighting Act of 1972; and

WHEREAS, on April 23, 2024, the City Council adopted Resolution No. 24-025 preliminarily approving the Engineer's Report, declaring the intention to levy and collect assessments for Fiscal Year 2024/25 within the District, and setting a public hearing for June 25, 2024; and

WHEREAS, on April 23, 2024, the City Council authorized the mailing of notices and ballots to property owners within the District to approve an increase to District maximum assessment rates pursuant to Proposition 218; and

WHEREAS, at the appointed time on June 25, 2024 the City Council did conduct a public hearing at which all interested persons were afforded an opportunity to be heard. The public hearing was continued to July 23, 2024 to allow for the tabulation of returned ballots; and

WHEREAS, by separate resolution, the Council declared the results of the property owner protest ballot proceedings conducted for the District; and

WHEREAS, the results of the ballot tabulation, weighted by assessment amount, was 29.7% in favor and 70.3% against; 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 2024/25 assessment rate that will be applied for the District is

adjusted by 2.37% from the prior fiscal year and is at the authorized maximum assessment rate.

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 23, 2024, and as modified, if applicable, is hereby approved and adopted as the Final Engineer's Report for the District for FY 2024/25.
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 1972 Act, the assessment to pay the costs and expenses of maintaining the improvements described in the Engineer's Report is hereby ordered to be levied and the improvements hereby ordered to be made.
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 23rd day of July 2024, by the following vote of the Council:

AYES:

NOES:

ABSTAIN:

ABSENT:

Dan Romero, Mayor

ATTEST:

Eibleis Melendez
City Clerk