

RESOLUTION NO. 22-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERCULES CONFIRMING DIAGRAM AND ASSESSMENTS FOR FISCAL YEAR 2022/23 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 27, 2021, the City Council approved the use of a Promissory Note which authorizes an inter-fund loan from the City’s General Fund Reserves to Assessment District No. 2004-1. The inter-fund loan provides up-front funding for the cost to remove and replace trees benefitting the properties within Assessment District No. 2004-1. The loan has a zero-interest rate with no pre-payment penalty and will be repaid in a maximum of ten annual installments from Assessment District No. 2004-1 assessment revenue; and

WHEREAS, on May 10, 2022, the City Council adopted Resolution No. 22-036 accepting the Engineer’s Report, declaring the intention to levy and collect assessments for fiscal year (FY) 2022/23 and directing the City Clerk to provide notice and setting June 28, 2022 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 2022/23 assessment rate that will be applied for the District is adjusted by 3% from the prior fiscal year and 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 28, 2022, 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 May 10, 2022, and as modified on June 28, 2022, if applicable, is hereby approved and adopted as the Final Engineer's Report for the District for FY 2022/23.
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 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 28th day of June 2022, by the following vote of the Council:

AYES:

NOES:

ABSTAIN:

ABSENT:

Dion Bailey, Mayor

ATTEST:

Lauren Berges
Administrative Services Director/City Clerk