

RESOLUTION NO. 24-___

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 2024/25

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 territory reflects their property’s benefit and proportional financial obligation for maintaining landscaping and lighting improvements associated with that property. The notices and ballots for each property owner, clearly gave notice of a Public Hearing to be held on June 25, 2024 and identified the total amount balloted to all properties, the proposed maximum Fiscal Year 2024/25 and Fiscal Year 2025/26 assessment rates, the property’s proportional annual assessment for Fiscal Year 2024/25 and Fiscal Year 2025/26, and the inflationary adjustment to the maximum assessment rates applicable commencing in Fiscal Year 2026/27; 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 25, 2024, 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 2024/25 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 25, 2024 have been tabulated in accordance with Assessment Law.
- 3 The canvass of the protest ballots cast for the District territory and received prior to the close of the public input portion of the Public Hearing held on June 25, 2024, 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:

29.7% in favor and 70.3% against.
- 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 23rd day of July 2024, by the following vote of the Council:

AYES:

NOES:

ABSTAIN:

ABSENT:

Dan Romero, Mayor

ATTEST:

Eibleis Melendez
City Clerk