

**RESOLUTION NO. 26-\_\_\_**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERCULES FOR PRELIMINARY APPROVAL OF THE ENGINEER'S REPORT AND DECLARING THE CITY COUNCIL'S INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR FISCAL YEAR (FY) 2026-27 FOR THE BAYWOOD LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT NO. 2004-1 PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972**

**WHEREAS**, in accordance with the City Council's direction, the Engineer of Work for the Baywood Landscaping and Lighting Assessment District No. 2004-1 ("Assessment District No. 2004-1") has filed with the City Clerk the Engineer's Report required by the Landscaping and Lighting Act of 1972; and

**WHEREAS**, Assessment District No. 2004-1 was formed on 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 Section 22500 et. Seq. and State Law); and

**WHEREAS**, said Resolution No. 04-034 established a maximum amount of individual maintenance assessments which may be levied in future fiscal years and the proposed index by which the stated maximum assessments may be increased by the City Council in future fiscal years, without the need for an assessment ballot procedure otherwise required by Section 4 of Article XIID of the State Constitution for an "increased" assessment; and

**WHEREAS**, Assessment District No. 2004-1 provides for the maintenance and servicing of landscaping, lighting, open space areas, park and recreation facilities that benefit property within Assessment District No. 2004-1; 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 provided 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**, the law requires that the City Council afford the public an opportunity to comment on the proposed assessments at a public hearing.

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

1. That the above recitals are true and correct and material to the adoption of this Resolution; and
2. That the City Council hereby declares that it intends to levy and collect assessments within Assessment District No. 2004-1 for FY 2026-27 in accordance with the Landscaping and Lighting Act of 1972. The proposed assessments and

rates are outlined in the Engineer's Report, which is attached hereto and incorporated by this reference; and

3. That the City Council has reviewed the Engineer's Report and is preliminarily satisfied that the assessments have been spread in compliance with the provisions of California Constitution Article XIID. The Engineer's Report is hereby accepted and preliminarily approved; and
4. That all interested persons are referred to the Engineer's Report on file with the City Clerk for a full and detailed description of the improvements, boundaries and proposed assessments upon assessable lots and parcels of land within Assessment District No. 2004-1; and
5. That on Tuesday, the **23rd day of June, 2026 at 7:00 P.M.**, or as soon thereafter as may be heard, the City Council will conduct a public hearing held at the meeting place of the City Council located in the Council Chambers of City Hall at 111 Civic Drive, Hercules, California; and
6. That the City Clerk is directed to give notice of the public hearing by publishing this Resolution once at least ten (10) days prior to the date set for the public hearing in a newspaper of general circulation.

The foregoing Resolution was duly and regularly passed and adopted at a regular meeting of the City Council of the City of Hercules held on the 28th day of April 2026, by the following vote of the Council:

AYES:

NOES:

ABSTAIN:

ABSENT:

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Chris Kelley, Mayor

ATTEST:

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Eibleis Melendez  
City Clerk