

## **RESOLUTION NO. 17-**

### **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERCULES APPROVING THE FINAL ENGINEER'S REPORT, CONFIRMING DIAGRAMS AND ASSESSMENTS AND ORDERING THE LEVY OF ASSESSMENTS FOR FISCAL YEAR 2017-18 FOR THE CITY OF HERCULES LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT NO. 83-2 PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972.**

**WHEREAS**, City of Hercules Landscaping and Street Lighting Assessment District No. 83-2 ("Assessment District No. 83-2") was formed on January 5, 1984 by Resolution No. 84-7 of the City Council pursuant to the Landscaping and Lighting Act of 1972 (Streets and Highways Code Section 22300 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, Inc. as Engineer of Work for the District and directed the filing of an Annual Engineer's Report for the District; and

**WHEREAS**, on April 11, 2017 the City Council adopted Resolution No. 17-022 accepting the Engineer's Report, declaring the intention to levy and collect assessments for fiscal year (FY) 2017-18 and directing the City Clerk to provide notice and setting June 13, 2017 for a public hearing; and

**WHEREAS**, the Engineer's Report, as filed, provides that the maximum assessment rate be adjusted for inflation by the increase in the Consumers Price Index All Urban Consumers, San Francisco Bay Region for the prior calendar year (3.437%) and the assessments designated as "city-wide" be assessed at the maximum assessment rate; and

**WHEREAS**, the Engineer's Report, as filed, provides that the maximum assessment rates designated as "neighborhood" for Benefit Zone No. 5C be increased pursuant to the results of the property owner protest balloting proceeding which were approved by resolution at City Council on June 27, 2017; and

**WHEREAS**, the Engineer's Report, as filed, provides that the maximum assessment rates designated as "neighborhood" for Benefit Zones No. 1, 2, 3&4, 5A, 5B, 6, 7, 8, and 9 be adjusted for inflation by the increase in the Consumers Price Index All Urban Consumers, San Francisco Bay Region for the prior calendar year (3.437%) and the assessments designated as "neighborhood" be assessed at the 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 13, 2017 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 June 27, 2017 and closed following confirmation of the ballot results.

**WHEREAS**, by separate resolution, the Council declared the results of the property owner protest ballot proceedings conducted for Benefit Zones No. 1, 3&4, 5C, 6, and 7 within the District.

**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 11, 2017, and as modified, if applicable, is hereby approved and adopted as the Final Engineer's Report for the District for FY 2017-18.
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 27<sup>th</sup> day of June 2017, by the following vote of the Council:

AYES:

NOES:

ABSTAIN:

ABSENT:

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Myrna de Vera, Mayor

ATTEST:

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Lori Martin  
Administrative Services Director/City Clerk