

RESOLUTION NO. 18-__

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 BENEFIT ZONES 1, 3&4, 6, 7 AND 9 WITHIN THE HERCULES LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT NO. 83-2 COMMENCING FISCAL YEAR 2018-19

WHEREAS, the City Council on behalf of the Hercules Landscaping and Lighting Assessment District No. 83-2 (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 for Benefit Zones 1, 3&4, 6, 7 and 9 within the District; and,

WHEREAS, in accordance with the provisions of the California Constitution, Article XIII D, 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 for Benefit Zones 1, 3&4, 6, 7 and 9 within the District; and,

WHEREAS, the proposed maximum assessment rate increases presented to each 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 26, 2018 and identified the total amount balloted to all properties, the proposed maximum Fiscal Year 2018-19 assessment rate, the property’s proportional annual assessment for Fiscal Year 2018-19, and the inflationary adjustment to the maximum assessment rates applicable to future assessments; and,

WHEREAS, following the continuation of the Public Hearing held on Tuesday, June 26, 2018, the protest ballots returned by the landowners of record within the District territory were opened and tabulated in the City Council Chambers on June 27, 2018 and July 10, 2018.

NOW, THEREFORE, BE IT RESOLVED for the Hercules Landscaping and Lighting Assessment District No. 83-2, pursuant to the provisions of the California Constitution Article XIII D, 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 in Fiscal Year 2018-19 as required by Assessment Law. Assessment ballots were mailed as required to the record owners of all properties proposed to be assessed within the District. The assessment ballots that were completed and received by the City Clerk’s Department prior to the close

of the election held on July 10, 2018 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 election, weighted according to the proportional financial obligation of the affected properties herein is hereby approved and confirmed. The final vote, weighted by the assessment amount, was

Benefit Zone No. 1 – ____% in favor and ____% against;

Benefit Zone No. 3&4 – ____% in favor and ____% against;

Benefit Zone No. 6 – ____% in favor and ____% against;

Benefit Zone No. 7 – ____% in favor and ____% against; and

Benefit Zone No. 9 – ____% in favor and ____% against;

- 4 The City Clerk's Department 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's Department 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 10th day of July 2018, by the following vote of the Council:

AYES:

NOES:

ABSTAIN:

ABSENT:

Chris Kelley, Mayor

ATTEST:

Lori Martin
Administrative Services Director/City Clerk