

**RESOLUTION NO. 19-\_\_**

**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) 2019-20 FOR THE CITY OF HERCULES LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT NO. 83-2 PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972**

**WHEREAS**, in accordance with the City Council's direction, the Engineer of Work for the Landscaping and Lighting Assessment District No. 83-2 ("Assessment District No. 83-2") has filed with the City Clerk the Engineer's Report required by the Landscaping and Lighting Act of 1972; and

**WHEREAS**, the Landscaping and 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 22500 et. Seq. and State Law); and

**WHEREAS**, in 1997 a special assessment ballot proceeding was conducted pursuant to the requirements of Article XIID (enacted by Proposition 218) of the State Constitution which reconfirmed Assessment District No. 83-2, authorized revisions to the assessment methodology, and extended the use of an annual inflation factor based on the annual change in the Consumer Price Index (CPI) and the collection of the assessments through FY 2002-03; and

**WHEREAS**, in 2003 a special assessment ballot proceeding was conducted pursuant to the requirements of Article XIID (enacted by Proposition 218) of the State Constitution which authorized the City Council to extend the levy and collect assessments within Assessment District No. 83-2 through FY 2012-13; and

**WHEREAS**, in 2010 a special assessment ballot proceeding was conducted pursuant to the requirements of Article XIID (enacted by Proposition 218) of the State Constitution which authorized revisions to the assessment methodology, extended the use of an annual inflation factor based on the annual change in the Consumer Price Index (CPI) and the collection of the assessments in perpetuity; and

**WHEREAS**, pursuant to the requirements of Article XIID (enacted by Proposition 218) of the State Constitution, the maximum assessment rates for Zones 1 and areas of 7 are proposed to be increased above the authorized CPI to the amounts approved under the Proposition 218 property owner ballot proceeding; and

**WHEREAS**, Assessment District No. 83-2 provides for the maintenance and servicing of landscaping, lighting, and park and recreation facilities on public streets and in public parks; and

**WHEREAS**, Landscape and Lighting districts provide maintenance for our City's street lights, parks, landscape and open spaces areas; and

**WHEREAS**, Landscape and Lighting districts help maintain safety, well-maintained neighborhoods, and property values; and

**WHEREAS**, Landscape and Lighting districts maintain street lights that keep our streets safe for drivers, bicyclists and pedestrians alike. At night or in bad weather, drivers and pedestrians can better see one another, traffic signs, and bicyclists – avoiding serious injuries; and

**WHEREAS**, properly functioning street lights allow our first responders to easily locate a Hercules resident's home in an emergency and safe access to one's home and property; 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.
2. That the City Council hereby declares that it intends to levy and collect assessments within Assessment District No. 83-2 for FY 2019-20 in accordance with the Landscaping and Lighting Act of 1972. The proposed assessments and rates for all Zones 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. 83-2; and
5. That on Tuesday, the **9th day of July 2019 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 14<sup>th</sup> day of May 2019, by the following vote of the Council:

AYES:

NOES:

ABSTAIN:

ABSENT:

---

Dan Romero, Mayor

ATTEST:

---

Lori Martin  
Administrative Services Director/City Clerk