

RESOLUTION 23-__**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERCULES DIRECTING THE FILING OF THE ANNUAL ENGINEER'S REPORT FOR CITY OF HERCULES VICTORIA BY THE BAY LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT NO. 2002-1 PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972**

WHEREAS, the City Council through previous resolutions has established and levied annual assessments for the City of Hercules Victoria by the Bay Landscaping and Lighting Assessment District No. 2002-1 (hereinafter referred to as the "District"), pursuant to the provisions of the *Landscaping and Lighting Act of 1972, Part 2, Division 15* of the California Streets and Highways Code (commencing with *Section 22500*) (hereinafter referred to as the "Act") that provides for the collection of assessments by the County of Contra Costa on behalf of the City of Hercules to pay the maintenance and service of improvements and facilities related thereto; and

WHEREAS, the City Council desires to initiate proceedings for the levy of annual assessments against certain lots and parcels of land within the District for fiscal year 2024/25 for the landscape and lighting improvements and services that will provide benefit to the properties within the District pursuant to the provisions of the Act; and

WHEREAS, the District is currently experiencing annual operating deficits primarily due to the need for higher-level tree pruning work, increased irrigation watering due to climate change, and East Bay Municipal Utility District water rate increases; and

WHEREAS, the City has retained Francisco & Associates (hereinafter referred to as the "Engineer of Work"), for the purpose of assisting with the levy of such assessments, including the preparation and filing of the required Engineer's Report with the City Clerk in accordance with the Act.

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

1. The above recitals are true and correct.
2. Engineer's Report: The City Council hereby orders the Engineer to prepare and file with the City Clerk an Engineer's Report concerning the improvements and services within the District and the levy of assessments within the District for the fiscal year commencing July 1, 2024 and ending June 30, 2025, in accordance with *Chapter 3 Section 22623* of the Act. Said Engineer's Report shall contain a description of the improvements and services, an estimate of the costs financed by the levy of the assessments, the properties benefiting from the improvements, the method of apportioning the assessments, and any substantial changes to the existing improvements and assessments.
3. Proposed Improvements: The improvements and services include but are not limited to the maintenance, operation and incidental expenses related to: streetlighting, street trees; turf; ground cover and shrubs; irrigation and electrical systems; monuments; fountains; hardscape improvements; masonry walls and other fencing, and all necessary appurtenances and services connected with the landscaped medians, parkways,

entryways, parks and public easements and facilities designated and maintained as part of the District improvements. The Engineer's Report prepared in connection with these proceedings shall provide a more detailed description of the improvements and services to be provided by the District and which properties are proposed to be assessed.

4. Proposed Assessment Increase: City Council hereby directs City staff to initiate Proposition 218 proceedings to address the annual operating deficit and cumulative fund deficit for the District by obtaining approval from District property owners to increase assessments, commencing with fiscal year 2024/25. The Engineer's Report prepared in connection with these proceedings shall provide a more detailed description of the proposed assessment increase.

The foregoing Resolution was duly and regularly adopted at a regular meeting of the City Council of the City of Hercules held on the tenth day of October 2023, by the following vote of the Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

Alexander Walker-Griffin, Mayor

ATTEST:

Eibleis Melendez, City Clerk