

RESOLUTION NO. 23-___

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) 2024-25 FOR THE VICTORIA BY THE BAY LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT NO. 2002-1 PURSUANT TO THE LANDSCAPING AND LIGHTING ACT OF 1972

WHEREAS, in accordance with the City Council's direction, the Engineer of Work for the City of Hercules Victoria by the Bay Landscaping and Lighting Assessment District No. 2002-1 (hereinafter referred to as the "District") has filed with the City Clerk the Engineer's Report required by the Landscaping and Lighting Act of 1972; and

WHEREAS, the District was formed on May 14, 2002 by Resolution No. 02-050 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, the District encompasses the residential areas located on both sides of San Pablo Avenue at the northernmost portion of the City. The District provides for the maintenance and servicing of landscaping, lighting, open space areas, park and recreation facilities that benefit property within the District; and

WHEREAS, Resolution No. 02-050 established a maximum amount of annual assessments which may be levied in future fiscal years and the proposed index by which the stated maximum assessments may be increased annually by the City Council in future fiscal years, without the need for an assessment ballot procedure otherwise required by Section 4 of Article XIIID of the State Constitution for an "increased" assessment; 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, City Council has directed City staff to initiate assessment ballot procedures as required by Section 4 of Article XIIID of the State Constitution for an "increased" assessment to address the annual operating deficit and cumulative fund deficit for the District; 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 increased assessments within the District for fiscal year 2024-25 in accordance with the Landscaping and Lighting Act of 1972. The proposed assessments are outlined in the Engineer's Report, which is attached hereto and incorporated by this reference; and
3. That notices and ballots regarding a proposed assessment increase for the District, commencing fiscal year 2024-25, will be mailed to property owners within the District in accordance with the provisions of California Constitution Article XIID. If a majority of ballots returned, weighted by proposed assessment, do not oppose the assessment increase then City Council can authorize the levy of the increased assessment commencing with fiscal year 2024-25; and
4. 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
5. 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 the District; and
6. That on Tuesday, the **5th day of December, 2023 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
7. 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 10th day of October 2023, by the following vote of the Council:

AYES:

NOES:

ABSTAIN:

ABSENT:

Alexander Walker-Griffin, Mayor

ATTEST:

Eibleis Melendez
City Clerk