

DELTA MOSQUITO & VECTOR
CONTROL DISTRICT

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RESOLUTION NO. 2021-07

**RESOLUTION OF THE BOARD OF TRUSTEES
OF THE DELTA MOSQUITO AND VECTOR CONTROL DISTRICT
APPROVING ENGINEER'S REPORT, CONFIRMING DIAGRAM AND ASSESSMENT,
AND ORDERING LEVY OF THE MOSQUITO, VECTOR AND DISEASE CONTROL ASSESSMENT FOR
FISCAL YEAR 2021-22**

WHEREAS, the Delta Mosquito and Vector Control District Board of Trustees (the "Board") on May 12, 2021, directed SCI Consulting Group, the Assessment Engineer, to initiate proceedings for the formation of an assessment pursuant to the provisions of Health and Safety Code section 2080 *et seq.* to be known as the Mosquito, Vector and Disease Control Assessment (the "Assessment"), for the purpose of financing the cost of mosquito, vector and disease control services, as specified in the Engineer's Report prepared by the Assessment Engineer; and

WHEREAS, said Board of Trustees adopted Resolution No. 2021-03 on May 26, 2021, a Resolution Initiating Proceedings, Providing Intention to Levy Assessments, Preliminarily Approving the Engineer's Report, and Providing Notice of a Public Hearing and the Mailing of Assessment Ballots for the Delta Mosquito and Vector Control District's Mosquito, Vector and Disease Control Assessment within the boundaries of the Assessment for the proposed Mosquito, Vector and Disease Control Assessment. The annual assessment rates for various types of real property within the proposed assessment, the total number of parcels to be assessed, and the total amount of annual assessment revenue is contained within the Engineer's Report; and

WHEREAS, said Board of Trustees adopted Resolution No.2021-03 on May 26, 2021 approving and filing an Engineer's Report which includes: (1) a description of the mosquito abatement, vector control and disease control Services and programs to be funded with assessment proceeds; (2) an estimate of the annual cost of mosquito abatement and vector control services and programs described in the Engineer's Report; (3) a description of the assessable parcels of land within the District and proposed to be subject to the new assessment; (4) a description of the proportionate special and general benefits conferred on property by the proposed assessment; (5) a diagram and boundary map for the Assessment, and (6) a specification of the amount to be assessed upon various types of assessable land within the Assessment to fund the cost of mosquito, vector and disease control services. The Engineer's Report is incorporated herein by this reference; and

WHEREAS, said Board of Trustees adopted Resolution No. 2021-04 on May 26, 2021, a Resolution of Intention to Conform with Proposition 218 and its requirements; and

WHEREAS, said Board of Trustees has provided a 45-day written mailed notice to each record owner of assessable parcels of real property located within the Assessment boundaries for the proposed Mosquito, Vector and Disease Control Assessment, as set forth on the Assessment Diagram and Boundary Map, of a public hearing which was held at a regular meeting of the Board of Trustees on July, 21 2021, at 4:30 p.m. at the Delta Mosquito and Vector Control District's offices, located at 1737 W. Houston Ave Visalia, CA 93291, on the issue of whether the Mosquito, Vector and Disease Control Assessment should be formed and assessments levied and collected as proposed in the Engineer's Report for fiscal year 2021-22 and future fiscal years; and

WHEREAS, the form of written mailed public notice of the public meeting contained the following information: (a) the total amount of assessments proposed to be levied within the Assessment for fiscal year 2021-22; (b) the assessment chargeable to each owner's parcel; (c) the duration of the proposed assessment; (d) the reason for the assessment; (e) the basis upon which the amount of the proposed assessment was calculated; (f) the date, time and place of the public hearing as specified in this resolution; and (g) a summary of the voting procedures and the effect of a majority protest. The form of the written mailed public notice also included an Assessment ballot by which each property owner could express their support or opposition to the proposed assessment. The ballot indicated that it must be returned before the conclusion of the public hearing on July 21, 2021, in order to be valid and counted, and that all assessment ballots received by Tulare County Registrar of Voters (the "Tabulator"), would be tabulated after the conclusion of the public hearing on July 21, 2021, by Tulare County Registrar of Voters; and

WHEREAS, pursuant to the provisions of California Constitution Article XIII-D, an opportunity for protest has been afforded, and the assessment ballots mailed to owners of assessable real property within the proposed boundaries of the Delta Mosquito and Vector Control District, Mosquito, Vector and Disease Control Assessment have been received and tabulated, with assessment ballots weighted according to the proportional financial obligation of each affected parcel.

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Delta Mosquito and Vector Control District finds, determines and orders that:

Section 1: The above recitals are true and correct.

Section 2: The canvass of the assessment ballots submitted by property owners is complete and certified by Tulare County Registrar of Voters, the tabulator, and the votes cast are as follows:

Total Number of Valid Ballots Processed:	<u>9,436</u>
Total Assessment Amount of Valid Ballots:	<u>\$192,183.72</u>
Total Number of "Yes" Votes Processed:	<u>6,138</u>
Total Assessment Amount of "Yes" Votes Processed:	<u>\$109,603.52</u>
Percentage of "Yes" Votes, unweighted:	<u>65.05%</u>
Total Percentage of "Yes" Ballots, Weighted by Assessment:	<u>57.03%</u>
Total Number of "No" Votes Processed:	<u>3,298</u>
Total Assessment Amount of "No" Votes Processed:	<u>\$ 82,580.20</u>
Percentage of "No" Votes, unweighted :	<u>34.95%</u>
Total Percentage of "No" Ballots, Weighted by Assessment:	<u>42.97%</u>
Total Number of "Invalid" Ballots Processed:	<u>97</u>
Total Assessment Amount of "Invalid" Ballots Processed:	<u>\$ 1,785.68</u>

Section 3: 9,533 assessment ballots were returned and received prior to the close of the public hearing on July 21, 2021. Of the assessment ballots returned, 97 assessment ballots were declared invalid in that they were either not marked with a “Yes” or “No”, were marked with both a “Yes” and a “No”, were not signed, or the property ownership and barcode information was illegible.

Section 4: As determined by ballots cast, as weighted according to the amount of assessment for each parcel, 57.03% of the property owners cast ballots in support of the Mosquito, Vector and Disease Control Assessment. Since a majority protest, as defined by Article XIID of the California Constitution, did not exist, this Board thereby acquired jurisdiction to order the levy of assessment prepared by and made a part of the Engineer's Report to pay the costs and expenses thereof.

BE IT FURTHER RESOLVED that the Board of Trustees of the Delta Mosquito and Vector Control District hereby orders as follows:

1. The Final Engineer's Report for the Mosquito, Vector and Disease Control Assessment, together with the diagram and boundary map of the Assessment contained therein, and the proposed assessment roll for fiscal year 2021-22 are hereby confirmed and approved; and
2. That based on the oral and documentary evidence, including the Engineer's Report, offered and received at the public hearing, the Board expressly finds and determines that: (a) each of the several assessed lots and parcels of land within the Assessment will be specially benefited by the Services (as described in the Engineer's Report) in at least the amount of the Assessment apportioned against such lots and parcels of land, respectively; and (b) that there is substantial evidence to support, and the weight of the evidence preponderates in favor of, said finding and determination as to special benefit to property with the Assessment from the Services to be financed with assessment proceeds; and
3. That the Mosquito, Vector and Disease Control Assessment is hereby formed, and assessments consistent with the Engineer's Report are hereby levied, pursuant to the provisions of Health and Safety Code section 2080 *et seq.* and the provisions of California Constitution Article XIID, without regard to property valuation; and
4. That assessments for fiscal year 2021-22 shall be levied at the rate of TWELVE DOLLARS AND FIFTY CENTS (\$12.50) per single family equivalent benefit unit in Zone of Benefit A, and SIX DOLLARS AND FIFTY CENTS (\$6.50) per single family equivalent benefit unit in Zone of Benefit B, for fiscal year 2021-22, as specified in the Engineer's Report for fiscal year 2021-22, with estimated total annual assessment revenues as set forth in the Engineer's Report; and
5. That Mosquito, Vector and Disease Control services to be financed with assessment proceeds described in the Engineer's Report are hereby ordered; and
6. The authorized maximum assessment to be levied in future fiscal years after fiscal year 2021-22 shall be adjusted based on the Consumer Price Index for Western Region's Pacific Division Consumer Price Index for All Urban Consumers (CPI-U), not to exceed 3% per year.
7. Immediately upon the adoption of this resolution, but in no event later than July 31 following such adoption, the Board shall file a certified copy of the Diagram and Assessment and a certified copy of this resolution with the Auditor of Tulare County (“County Auditor”). Upon such filing, the County Auditor shall enter on the County assessment roll opposite each lot or parcel of land the amount of assessment thereupon as shown

in the Assessment. The assessments shall be collected at the same time and in the same manner as County taxes are collected and all laws providing for the collection and enforcement of County taxes shall apply to the collection and enforcement of the assessments. After collection by the County, the net amount of the assessments, after deduction of any compensation due the County for collection, shall be paid to the Delta Mosquito and Vector Control District.

8. The monies representing assessments collected shall be deposited in a separate fund established under the distinctive designation of the Mosquito, Vector and Disease Control Assessment. Funds collected from the Mosquito, Vector and Disease Control Assessment shall be expended only for the special benefit of parcels within the Mosquito, Vector and Disease Control Assessment.
9. The Mosquito, Vector and Disease Control Assessment, as it applies to any parcel, may be corrected, cancelled or a refund granted as appropriate, by order of the Board of Trustees of Delta Mosquito and Vector Control District by a determination from the Assessment Engineer that the Assessment should be revised to be consistent with the method of assessment established in the Engineer's Report. Any such corrections, cancellations or refunds shall be limited to the current fiscal year.

PASSED AND ADOPTED by the Board of Trustees of the Delta Mosquito and Vector Control District at its regular meeting on July 28, 2021 by the following roll call vote:

Ayes: Greg Gomez, Belen Gomez, Larry Roberts, Kevin Caskey, Linda Gutierrez, Rosemary Hellwig

Noes: ---

Absent: Michael Cavanagh

Abstain: ---

Attest: 
Board Secretary

Approved: 
President, Board of Trustees

I, Belen Gomez, Secretary of the Board of Trustees of Delta Mosquito and Vector Control District, do hereby certify that the foregoing is a full, true and correct copy of a resolution duly approved and adopted by the Board of Trustees of Delta Mosquito and Vector Control District, at a regular meeting held on July 28, 2021, at which a quorum was present throughout, and that this resolution has been entered in the minutes of all meetings of said Board of Trustees and has never been rescinded, amended, or modified in any manner and remains in full force and effect.

Dated: July 28, 2021


Board Secretary