

1 **BEFORE THE BOARD OF SUPERVISORS, COUNTY OF SAN BENITO**

2 A RESOLUTION OF THE SAN BENITO) Resolution No. 2019-_____
3 COUNTY BOARD OF SUPERVISORS)
4 APPROVING THE ENGINEER'S REPORT AND)
5 ORDERING THE LEVY OF ASSESSMENTS)
6 FOR THE SAN BENITO COUNTY MOSQUITO)
7 ABATEMENT PROGRAM, MOSQUITO AND)
8 DISEASE CONTROL ASSESSMENT FOR)
9 FISCAL YEAR 2019-20)

10 **WHEREAS**, the San Benito County Mosquito Abatement Program ("Program") was established in
11 2007 as a department within the San Benito County Agricultural Commissioner's Office by the San
12 Benito County Board of Supervisors, to provide mosquito and disease control services; and

13 **WHEREAS**, the purpose of the Mosquito and Disease Control Assessment ("Assessment") is to
14 fund the Program's mosquito and disease control services, which includes a system of public
15 projects, programs, public improvements and services intended to provide for the surveillance,
16 prevention, abatement and control of mosquitoes and the diseases they carry throughout the
17 Program's boundaries ("Services"); and

18 **WHEREAS**, the Program is authorized, pursuant to the authority provided in Health and Safety
19 Code Section 2080 et seq. and Article XIIIID of the California Constitution, to levy assessments for
20 mosquito and disease control projects and services; and

21 **WHEREAS**, such mosquito surveillance and control projects and services provide tangible public
22 health benefits, reduced nuisance benefits and other special benefits to the public and to certain real
23 properties in the northwest area of the County of San Benito ("Service Area"); and

24 **WHEREAS**, an assessment for mosquito and disease control projects and services has been
25 designated the "Mosquito and Disease Control Assessment" ("Assessment"); and

26 **WHEREAS**, the Assessment was authorized by an assessment ballot proceeding conducted in 2007
27 and approved by 62.88% of the weighted ballots returned by property owners, and such
28 Assessments were first levied by the Board of Supervisors by Resolution No. 2007-65 passed on
29 July 24, 2007;

30 **NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of San Benito County
31 that:

- 32 1) The above recitals are true and correct.
- 33 2) SCI Consulting Group, a registered professional engineer (the Engineer of Work), prepared
34 an engineer's report in accordance with Article XIIIID of the California Constitution and the
35 California Government and Health and Safety Codes for the Assessment (the "Report").
36 The Report has been made, filed with the Clerk of the Board and duly considered by the

Board and is hereby deemed sufficient and approved. The Report shall stand as the Engineer's Report for all subsequent proceedings under and pursuant to the foregoing resolution.

- 3) The assessment is levied without regard to property valuation.
- 4) On June 25, 2019, this Board adopted Resolution No. 2019-63 to continue to levy and collect Assessments for fiscal year 2019-20, preliminarily approving the Engineer's Report, and providing for notice of hearing on July 23, 2019, at the hour of 9:00 a.m. at the San Benito County Board of Supervisors located at the County Administrative Building, 481 4th Street, 1st Floor, Hollister, California.
- 5) On July 23, 2019, this Board rescheduled the public hearing for August 6, 2019, at the hour of 9:00 a.m. at the San Benito County Board of Supervisors located at the County Administrative Building, 481 4th Street, 1st Floor, Hollister, California.
- 6) At the appointed time and place the hearing was duly and regularly held, all persons interested and desiring to be heard were given an opportunity to hear and be heard, all matters and things pertaining to the levy of Assessment were fully heard and considered by this Board, all oral statements and all written protests or communications were duly heard, considered and overruled, and 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.
- 7) 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 lots and parcels of land subject to the Assessment will be specially benefited by the services to be financed by the Assessment proceeds in at least the amount of the Assessment apportioned against such lots and parcels of land, respectively; and (b) 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 from the mosquito and disease control services to be financed with Assessment proceeds.
- 8) The public interest, convenience and necessity require that the levy be made.
- 9) The proposed Assessment roll for fiscal year 2019-20 is hereby confirmed and approved.
- 10) The Assessment rate previously adopted for fiscal year 2018-19 was ELEVEN DOLLARS AND TWENTY-TWO CENTS (\$11.22) per single-family equivalent benefit unit. The Assessments include an annual increase equal to the change in the San Francisco Bay Area Consumer Price Index ("CPI"), not to exceed 3.00% (three percent) per year without a further vote or balloting process. The change in the CPI for 2018 was 4.49% and the unused CPI carried over from previous years is 14.00%. Therefore, the maximum authorized assessment rate for fiscal year 2019-20 is increased by 3.00%, which equates to THIRTEEN DOLLARS AND TWENTY-TWO CENTS (\$13.22) per single family equivalent benefit unit. The estimated fiscal year 2019-20 Mosquito Abatement Budget to provide the services is \$220,265. The Assessments for fiscal year 2019-20 shall be levied at the rate of ELEVEN

DOLLARS AND TWENTY-TWO CENTS (\$11.22) per single family equivalent benefit unit as specified in the Engineer's Report for fiscal year 2019-20 with estimated total annual Assessment revenues as set forth in the Engineer's Report.

- 11) The mosquito and disease control projects and services to be financed with Assessment proceeds described in the Engineer's Report are hereby ordered.
- 12) No later than the second Monday in August following such adoption, the Board shall file a certified copy of the Assessment and a certified copy of this resolution with the San Benito County Assessor ("County Assessor"). Upon such filing, the County Assessor shall enter on the County assessment roll opposite each lot or parcel of land the amount of Assessment. The Assessments shall be collected at the same time and in the same manner as County taxes are collected and all the laws providing for 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 San Benito County Mosquito Abatement Program, Mosquito and Disease Control Assessment.
- 13) All revenues from Assessments shall be deposited in a separate fund established under the distinctive designation of the San Benito County Mosquito Abatement Program, Mosquito and Disease Control Assessment. Funds collected from the Assessment shall be expended only for the special benefit of parcels within the San Benito County Mosquito Abatement Program.
- 14) The Assessment, as it applies to any parcel, may be corrected, cancelled or a refund granted as appropriate, by order of the Board of Supervisors regarding the San Benito County Mosquito Abatement Program. Any such corrections, cancellations or refunds shall be limited to the current fiscal year.

PASSED AND ADOPTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN BENITO THIS 6th DAY OF AUGUST, 2019 BY THE FOLLOWING VOTE:

Ayes: Supervisor(s):
Noes: Supervisor(s):
Absent: Supervisor(s):
Abstain: Supervisor(s):

By: _____
Mark Medina, Chair

ATTEST:

Janet Slibsager, Clerk of the Board

By: _____

Date: _____

APPROVED AS TO LEGAL FORM:

San Benito County Counsel's Office

By: Shirley L. Murphy

Shirley L. Murphy, Deputy County Counsel

Date: July 8, 2019