

RESOLUTION NO. 2009-04

A RESOLUTION OF THE BOARD OF TRUSTEES OF THE MOSQUITO AND VECTOR MANAGEMENT DISTRICT OF SANTA BARBARA COUNTY APPROVING THE ENGINEER'S REPORT, AND ORDERING THE LEVY OF ASSESSMENTS FOR FISCAL YEAR 2009-10 FOR SERVICE ZONES NO. 1 AND NO. 2 MOSQUITO AND DISEASE CONTROL ASSESSMENT

WHEREAS: In the reorganization of the Mosquito and Vector Management District of Santa Barbara County ("District") and the Carpinteria Mosquito Abatement District (CMAD), it was ordered by the Santa Barbara County Local Agency Formation Commission and Board of Supervisors that CMAD be dissolved and its territory be annexed to this District, that this District then create two separate zones for purposes of levying assessments consisting of the territory of CMAD and of this District before the reorganization, respectively, and that the assessments of the said two prior districts continue in the reorganized district; and

WHEREAS: By Resolution 99-03 this District created Service Zone No. 1, consisting of the territory of this District prior to reorganization, and Service Zone No. 2, consisting of the territory of CMAD prior to its dissolution, and adopted the assessments levied by resolutions of the prior districts; and

WHEREAS: By Resolution 04-04 this District extended Service Zone No. 1 by adding territory, including the area of the City of Santa Barbara, not previously a part of Service Zone No. 1 and certain unincorporated areas of south Santa Barbara County, to Service Zone No. 1, thereby making property in the extension area subject to the annual levy of said assessment, and this Assessment was authorized by an assessment ballot proceeding conducted in 2004 and approved by 65.1% of the weighted ballots returned by property owners; and

WHEREAS: By Resolution 96-02, which is incorporated herein by this reference, this District adopted a vector surveillance and control project for a zone of benefit encompassing the entire territory of the District as it then existed; and

WHEREAS, the District is authorized, pursuant to the authority provided in Health and Safety Code Section 2082 and Article XIID of the California Constitution, to levy assessments for mosquito, vector and disease control projects and services; and

WHEREAS, such vector surveillance and control projects and services provide tangible public health benefits, reduced nuisance benefits and other special benefits to the public and properties within the areas of service; and

NOW, THEREFORE, BE IT RESOLVED by the Mosquito and Vector Management District of Santa Barbara County that:

SECTION 1. The above recitals are true and correct.

SECTION 2. SCI Consulting Group, the Engineer of Work, prepared an Engineer's Report in accordance with Article XIID of the California Constitution and Section 2082, et. seq., of the Health and Safety Code for the Assessment (the "Report"). The Report has been made, filed with the secretary of the board and duly considered by the Board and are hereby deemed sufficient and preliminarily approved. The Report shall stand as the Engineer's Report for all subsequent proceedings under and pursuant to the foregoing resolution.

SECTION 3. This Board adopted Resolution No. 2009-01 for Service Zone No. 1 to continue to levy and collect Assessments, including a cost of living increase for fiscal year 2009-10.

SECTION 4. This Board adopted Resolution No. 2009-02 for Service Zone No. 2 to continue to levy and collect Assessments, including a cost of living increase for fiscal year 2009-10.

SECTION 5. The public interest, convenience and necessity require that the levy be made.

SECTION 6. The Engineer's Report for the Assessment together with the proposed assessment roll for fiscal year 2009-10 is hereby confirmed and approved.

SECTION 7. 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 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) 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 from the mosquito vector and disease control services to be financed with assessment proceeds.

SECTION 8. That assessments for fiscal year 2009-10 shall be levied at the rate of seven dollars and ninety-nine cents (\$7.99) per single family equivalent benefit unit in Service Zone No. 1 and seven dollars and ninety-nine cents (\$7.99) per single family equivalent benefit unit in Service Zone No. 2 as specified in the Engineer's Report for fiscal year 2009-10 with estimated total annual assessment revenues as set forth in the Engineer's Report; and

SECTION 9. That the mosquito and disease control services to be financed with assessment proceeds described in the Engineer's Report are hereby ordered.

SECTION 10. No later than August 10th 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 the County of Santa Barbara ("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 the laws providing for collection and enforcement 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 Mosquito and Disease Control Assessment.

SECTION 11. All revenues from Assessments shall be deposited in a separate fund established under the distinctive designation of the Mosquito and Vector Management District of Santa Barbara County Service Zone No. 1 and Mosquito and Vector Management District of Santa Barbara County Service Zone No. 2, accordingly.

SECTION 12. The 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 the District. Any such corrections, cancellations or refunds shall be limited to the current fiscal year.

The foregoing Resolution was PASSED and ADOPTED by the Board of Trustees of the Mosquito and Vector Management District of Santa Barbara County at a regular meeting thereof held on July 9, 2009.

AYES:

NOES:

ABSTAINED:

ABSENT:

David Pritchett, President, Board of Trustees
Mosquito and Vector Management District of
Santa Barbara County

Attest

Ron Hurd, Secretary to the Board of Trustees