

FORM APPROVED COUNTY COUNSEL
 BY: *G.P. Priamos* 7/8/15
 GREGORY P. PRIAMOS DATE

Departmental Concurrence

**SUBMITTAL TO THE BOARD OF SUPERVISORS
 COUNTY OF RIVERSIDE, STATE OF CALIFORNIA**

524



FROM: Department of Environmental Health

SUBMITTAL DATE:
 July 9, 2015

SUBJECT: Continued Public Hearing and Consideration of the Levy of Assessments for Proposed Mosquito, Vector and Disease Control Services. CEQA Exempt. Districts 1, 3, and 5; [\$26,500 total; 100% department operating budget].

RECOMMENDED MOTION: That the Board of Supervisors:

1. Hear and accept the results of the ballot tabulation from The Accounting Office, CPA, the Tabulator, for the proposed Mosquito, Vector and Disease Control Assessment for the County of Riverside Vector Control Program;
2. If a majority protest does not exist in a zone (i.e. a majority of weighted ballots cast are in favor of the measure), adopt the attached Resolution No. 2015-160 Approving Engineer's Report, Confirming Diagram and Assessment, and Ordering Levy of the Mosquito, Vector and Disease Control Assessment for Fiscal Year 2015-16 in any such zone;
3. If a majority protest does exist in a zone, the Board abandon proceedings for an assessment in that zone;
4. Find that adoption of Resolution No. 2015-160 is exempt from CEQA pursuant to CEQA Guidelines 15273 based on the findings set-forth below;
5. Direct the Clerk of the Board to file the Notice of Exemption with the County Clerk for filing and posting.

Steve Van Stockum
 Steve Van Stockum
 Director, Department of Environmental Health

SVS:KJ

(Background continued on Page 2)

FINANCIAL DATA	Current Fiscal Year:	Next Fiscal Year:	Total Cost:	Ongoing Cost:	POLICY/CONSENT (per Exec. Office)
COST	\$ 26,500	\$ 0	\$ 26,500	\$ 0	Consent <input type="checkbox"/> Policy <input checked="" type="checkbox"/>
NET COUNTY COST	\$ 0	\$ 0	\$ 0	\$ 0	

SOURCE OF FUNDS: 100% Department Operating Budget
Budget Adjustment: No
For Fiscal Year: 15/16

C.E.O. RECOMMENDATION:

APPROVE
Debra Cournoyer
 BY: Debra Cournoyer
 Debra Cournoyer

County Executive Office Signature

MINUTES OF THE BOARD OF SUPERVISORS

- A-30
- Positions Added
- 4/5 Vote
- Change Order

SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
FORM 11: Continued Public Hearing and Consideration of the Levy of Assessments for Proposed Mosquito, Vector and Disease Control Services. Districts 1, 3, and 5; [\$26,500 total; 100% department operating budget].

DATE: July 9, 2015

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BACKGROUND:

Summary (continued)

On July 7, 2015 the Board conducted a public hearing regarding the proposed Mosquito, Vector and Disease Control Assessment for the County of Riverside Vector Control Program. The public hearing concluded a 45-day balloting period, as required by state law governing the procedures for benefit assessment ballot proceedings and proposed assessment formations, in which ballots were mailed May 22, 2015 to all owners of assessable property within the boundaries of the proposed Assessment. Following the public input portion of the public hearing on July 7, all ballots received were transmitted to The Accounting Office, CPA, serving as the Tabulator for the assessment ballots. The tabulation results from The Accounting Office, CPA will be reported to the Board and the public at the beginning of the Board's public meeting on July 21, 2015.

Provided that a majority protest has not been filed in a zone (i.e. a majority of weighted ballots cast are in favor of the measure), it is recommended that Board approve the Resolution to order the levy of the assessments for mosquito, vector and disease control in that zone for Fiscal Year 2015-16. The proposed assessments will initially generate an estimated \$485,276 for fiscal year 2015-16. In future years, the assessments can continue to be levied and the rate of assessment can be increased by the annual change in the Consumer Price Index for All Urban Consumers (CPI-U) for the Los Angeles – Riverside – Orange County area, not to exceed 3%, following the preparation of an updated Engineer's Report and the Board's conducting a public hearing on the continuation of the assessments.

Upon approval of the Resolution, SCI Consulting Group will coordinate with the Riverside County Auditor in filing the assessments for Fiscal Year 2015-16. SCI Consulting Group and the County of Riverside Vector Control Program will also file copies of the Assessments and other necessary documents with the County.

Adoption of Resolution No. 2015-160 is exempt for the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines 15273 which exempts the establishment or approval of rates, tolls, fares, and charges levied by public agencies for the purpose of meeting operating expenses, purchasing or leasing equipment or materials, and obtaining funds for capital projects, necessary to maintain service within existing service areas. Resolution No. 2015-160 establishes and levies a charge to maintain existing levels of disease surveillance and vector control services in the service area. Once levied and collected, the charge is required to be used to meet operating expenses, to purchase or lease equipment and materials, and to fund capital projects necessary to maintain such services within the service area. Because Section 15273 exempts such charges from CEQA analysis, the establishment of such a charge by Resolution No. 2015-160 is exempt from CEQA.

Impact on Citizens and Businesses

This process will allow parcel owners within the unincorporated identified service zones currently served by the County Department of Environmental Health to continue receiving vector control services with a very moderate annual benefit assessment.

SUPPLEMENTAL:

Additional Fiscal Information

Funding for ballot tabulation (\$12,700) was previously approved on May 12, 2015. If the proposed assessment obtains weighted majority approval and is approved for formation by the Board, deferred and contingent compensation from SCI Consulting Group and additional compensation for the determination of the final assessment levies and Levy Submittal and Administration throughout FY 2015/16 shall be \$26,500, payable

SUBMITTAL TO THE BOARD OF SUPERVISORS, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA
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upon Department's receipt of first installment of the assessment from the Auditor-Controller. According to the approved contract, optional levy submittal and administration services may be compensated at \$23,250 for FY 2016/17; \$21,250 for FY 2017/18; and \$21,250 for FY 2018/19.

NOTICE OF EXEMPTION

July 21, 2015

To: County Clerk
County of Riverside
4080 Lemon Street, 1st Floor
Riverside, CA 92501

From: Riverside County
c/o Clerk of the Board
4080 Lemon Street
Riverside, CA 92501

Project Title: Resolution No. 2015-160 Ordering the Levy of the Mosquito, Vector and Disease Control Assessment for Fiscal Year 2015-16.

Project Location: Unincorporated, mid-western Riverside County in the area not served by the Northwest Mosquito and Vector Control District or the Coachella Valley Mosquito and Vector Control District.


Description of Project: Resolution 2015-160 approves the engineer's report, confirms the assessment diagram and levies a special assessment on benefited real property to fund and maintain current levels of disease surveillance and vector control services within the assessment area.

Name of Public Agency Approving Project: Riverside County Board of Supervisors.

Name of person or Agency Carrying Out Project: Riverside County Department of Environmental Health.

Exempt Status: California Environmental Quality Act (CEQA) Guidelines, Section 15273.

Reasons Why Project is Exempt: Adoption of Resolution No. 2015-160 is exempt from CEQA pursuant to CEQA Guidelines, Section 15273 which exempts the establishment or approval of rates, tolls, fares, and charges levied by public agencies for the purpose of meeting operating expenses, purchasing or leasing equipment or materials, and obtaining funds for capital projects, necessary to maintain service within existing service areas. The Board of Supervisors is adopting Resolution No. 2015-160 to establish and levy a charge to maintain existing levels of disease surveillance and vector control services in the service area. Once levied and collected, the charge is required to be used to meet operating expenses, to purchase or lease equipment and materials, and to fund capital projects necessary to maintain such services within the service area. Because Section 15273 exempts such charges from CEQA analysis, the establishment of such a charge by Resolution No. 2015-160 is exempt from CEQA.

Signed: 
Dale A. Gardner
Deputy County Counsel
Office of County Counsel, County of Riverside

Date: 7/28/15

RESOLUTION NO. 2015-160

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF RIVERSIDE VECTOR CONTROL PROGRAM
APPROVING ENGINEER'S REPORT, CONFIRMING DIAGRAM AND ASSESSMENT,
AND ORDERING LEVY OF THE MOSQUITO, VECTOR AND DISEASE CONTROL
ASSESSMENT FOR FISCAL YEAR 2015-16**

WHEREAS, the County of Riverside Board of Supervisors (the "Board") on March 24, 2015, 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 Supervisors adopted Resolution No. 2015-112 on May 12, 2015, 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 County of Riverside Vector Control Program, 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 Supervisors adopted Resolution No. 2015-112 on May 12, 2015 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 Supervisors adopted Resolution No. 2015-111 on May 12, 2015, a Resolution of Intention to Conform with Proposition 218 and its requirements; and

WHEREAS, said Board of Supervisors has provided a 45-day written mailed notice to each recorded 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 Supervisors on July 7, 2015, at 9:30 a.m. at the County of Riverside Board of Supervisors Board Chambers, located at 4080 Lemon Street, First Floor, Riverside, CA 92501, 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 2015-16 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 2015-16; (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 input portion of the public hearing on July 7, 2015, in order to be valid and counted, and that all assessment ballots received by The Accounting Office, CPAs (the "Tabulator"), would be tabulated after the conclusion of the public hearing on July 7, 2015, by The Accounting Office, CPAs; 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 County of Riverside Vector Control Program, 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 Supervisors of the County of Riverside 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 The Accounting Office, CPAs, the Tabulator, and the votes cast are as follows:

a) For Zone A:

Total Number of Valid Ballots Processed:	_____
Total Assessment Amount of Valid Ballots:	_____
Total Number of "Yes" Votes Processed:	_____
Total Assessment Amount of "Yes" Votes Processed:	_____
Percentage of "Yes" Votes, unweighted:	_____
Total Percentage of "Yes" Ballots, Weighted by Assessment:	_____
Total Number of "No" Votes Processed:	_____
Total Assessment Amount of "No" Votes Processed:	_____
Percentage of "No" Votes, unweighted:	_____
Total Percentage of "No" Ballots, Weighted by Assessment:	_____
Total Number of "Invalid" Ballots Processed:	_____
Total Assessment Amount of "Invalid" Ballots Processed:	_____

b) For Zone B:

Total Number of Valid Ballots Processed:	_____
Total Assessment Amount of Valid Ballots:	_____

Total Number of "Yes" Votes Processed: _____
 Total Assessment Amount of "Yes" Votes Processed: _____
 Percentage of "Yes" Votes, unweighted: _____
Total Percentage of "Yes" Ballots, Weighted by Assessment: _____

Total Number of "No" Votes Processed: _____
 Total Assessment Amount of "No" Votes Processed: _____
 Percentage of "No" Votes, unweighted : _____
Total Percentage of "No" Ballots, Weighted by Assessment: _____

Total Number of "Invalid" Ballots Processed: _____
 Total Assessment Amount of "Invalid" Ballots Processed: _____

c) For Zone C:

Total Number of Valid Ballots Processed: _____
 Total Assessment Amount of Valid Ballots: _____

Total Number of "Yes" Votes Processed: _____
 Total Assessment Amount of "Yes" Votes Processed: _____
 Percentage of "Yes" Votes, unweighted: _____
Total Percentage of "Yes" Ballots, Weighted by Assessment: _____

Total Number of "No" Votes Processed: _____
 Total Assessment Amount of "No" Votes Processed: _____
 Percentage of "No" Votes, unweighted : _____
Total Percentage of "No" Ballots, Weighted by Assessment: _____

Total Number of "Invalid" Ballots Processed: _____
 Total Assessment Amount of "Invalid" Ballots Processed: _____

Section 3: _____ assessment ballots were returned and received prior to the close of the public input portion of the public hearing on July 7, 2015. Of the assessment ballots returned, _____ 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, _____ of the property owners in Zone A 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 in Zone A as reflected in and made a part of the Engineer's Report to pay the costs and expenses thereof.

As determined by ballots cast, as weighted according to the amount of assessment for each parcel, _____ of the property owners in Zone B 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 in Zone B as reflected in and made a part of the Engineer's Report to pay the costs and expenses thereof.

As determined by ballots cast, as weighted according to the amount of assessment for each parcel, _____ of the property owners in Zone C 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 in Zone C as reflected in and made a part of the Engineer's Report to pay the costs and expenses thereof.

BE IT FURTHER RESOLVED that the Board of Supervisors of the County of Riverside 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 2015-16 as they relate to Zone A, Zone B, and Zone C 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 in Zone A, Zone B, and Zone C, pursuant to the provisions of Health and Safety Code section 2080 and the provisions of California Constitution Article XIID; and
4. That assessments for fiscal year 2015-16 shall be levied in Zone A, Zone B, and Zone C at the rate, as specified in the Engineer's Report for fiscal year 2015-16 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 2015-16 shall be adjusted based on the Consumer Price Index (CPI-U) for All Urban Consumers in the Los Angeles–Riverside–Orange County area, not to exceed 3% per year.
7. Immediately upon the adoption of this resolution, but in no event later than August 13th 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 Riverside 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 County of Riverside Vector Control Program.

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 assessed 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 Supervisors of the County of Riverside 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 Supervisors of the County of Riverside at its regular meeting on July 21, 2015 by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Chairman, Board of Supervisors

ATTEST:

A. Board Clerk

I, _____, Clerk of the Board of Supervisors of the County of Riverside, do hereby certify that the foregoing is a full, true and correct copy of a resolution duly approved and adopted by the Board of Supervisors of the County of Riverside, at a regular meeting held on July 21, 2015, at which a quorum was present throughout, and that this resolution has been entered in the minutes of all meetings of said Board of Supervisors and has never been rescinded, amended, or modified in any manner and remains in full force and effect.

Dated: July 21, 2015

Board Clerk