RESOLUTION NO. 2012-49

A RESOLUTION OF THE BOARD OF SUPERVISORS OF GLENN COUNTY
ACCEPTING THE FINAL ENGINEER'S REPORT AND ASSESSMENT DIAGRAM, AND ORDERING
THE LEVY OF ASSESSMENTS FOR FISCAL YEAR 2012-13
FOR THE GLENN COUNTY VALLEY-WIDE MOSQUITO ABATEMENT DISTRICT MOSQUITO AND
DISEASE CONTROL ASSESSMENT

WHEREAS, the Glenn County Valley-wide Mosquito Abatement District ("District") is authorized, pursuant to the authority provided in Health and Safety Code Section 2082 and Article XIIID of the California Constitution, to levy assessments for mosquito and disease control projects and services; and

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

WHEREAS, an assessment for mosquito and disease control projects and services has been given the distinctive designation of the "Mosquito and Disease Control Assessment" ("Assessment"), and is primarily described as encompassing the boundaries of the City of Orland, Hamilton City, and most of unincorporated Glenn County east of the Colusa-Tehama Canal and east of County Road "D", not including the areas currently served by the Glenn County Mosquito and Vector Control District and the area served by Rice Pest Abatement District #1 (the "Service Area"), and

WHEREAS, the Assessment was authorized by an assessment ballot proceeding conducted in 2007 and approved by 60.82% of the weighted ballots returned by property owners, and such assessments were levied by the Board of Supervisors of the Glenn County by Resolution No. 2007-51 passed on August 31, 2007; and

WHEREAS, the Glenn County Board of Supervisors serve as the Glenn County Valley-wide Mosquito Abatement District Board of Trustees,

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Glenn County that:

SECTION 1. SCI Consulting Group, the Engineer of Work, prepared an engineer's report in accordance with Article XIIID 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 District 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.

SECTION 2. On May 15, 2012 this Board adopted Resolution No. 2012-23 to continue to levy and collect Assessments for fiscal year 2012-13, preliminarily approving the Engineer's Report, and providing for notice of hearing on July 17, 2012, at the hour of 9:30 o'clock a.m. at the County of Glenn Board of Supervisors Chambers located at 525 W. Sycamore Street, Willows, CA.
SECTION 3. At the appointed time and place the hearing was duly and regularly held, and all persons interested and desiring to be heard were given an opportunity to be heard, and 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 there by 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.

SECTION 4. The above recitals are true and correct.

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 2012-13 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 and disease control services to be financed with assessment proceeds.

SECTION 8. That assessments for fiscal year 2012-13 shall be levied at the rate of twenty-three dollars and nineteen cents ($23.19) per single family equivalent benefit unit as specified in the Engineer’s Report for fiscal year 2012-13 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 decision and a certified copy of this resolution with the Auditor of the County of Glenn ("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 Glenn County Valley-wide Mosquito Abatement District-Mosquito and Disease Control Assessment.
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.

PASSED AND ADOPTED this 17th day of July, 2012 by the following vote, to wit:

AYES: Supervisors McDaniel, Poltz, Murray, Viegas, and Soeth (Chairman)

NOES: None

ABSTAINED: None

ABSENT: None.

[Signature]
Chairman, Board of Supervisors, Glenn County

ATTEST:

[Signature]
SHERYL THUR, County Clerk and ex officio Clerk, Board of Supervisors, Glenn County, California

APPROVED AS TO FORM:

[Signature]
HUSTON T. CARLYLE, JR, County Counsel
County of Glenn, State of California