



CITY OF LONG BEACH

DEPARTMENT OF HEALTH AND HUMAN SERVICES

R-32

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July 16, 2019

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION

Receive the results of the ballot tabulation from the City Clerk, the tabulator, for the proposed Mosquito and Vector Control Program (VCP) Benefit Assessment District; and,

If a majority protest does not exist, adopt a Resolution approving the Engineer's Report, confirming diagram and assessment, and ordering the levy of the VCP Benefit Assessment for Fiscal Year 2019-20; or,

If a majority protest does exist, the City Council cannot take action on the Resolution.
(Citywide)

DISCUSSION

On May 7, 2019, the City Council approved a Resolution preliminarily approving the Engineer's Report, giving notice of the July 2, 2019 public hearing, and directing SCI Consulting Group (SCI), the assessment engineer, to proceed with the mailing of benefit assessment ballots to property owners within the boundaries of the Vector Control Program (VCP) Benefit Assessment District (Assessment District) on May 17, 2019, at the rate of \$8.21 per Single Family Equivalency per year.

On July 2, 2019, the City Council held a public hearing to give all interested parties the opportunity to hear comments regarding the proposed VCP Assessment and the assessment ballot proceeding; to conclude the 45-day balloting period (as required by State law governing the procedures for benefit assessment ballot proceedings); and, for the City Council to accept any additional ballots. The balloting period officially closed at the conclusion of the public comment portion of the July 2, 2019 public hearing.

Also on July 2, 2019, the City Council authorized the City Manager, on behalf of the City, to cast ballots in support of the Assessment District for all City-owned properties within the proposed Assessment District boundaries, directed the City Clerk, the tabulator, to tabulate all valid ballots received prior to the close of the public hearing.

The tabulation of ballots has been completed and the tabulation results will be reported by the City Clerk at tonight's City Council meeting.

HONORABLE MAYOR AND CITY COUNCIL

July 16, 2019

Page 2

If approved, the proposed VCP Assessment will provide new or enhanced services to control mosquitoes and other vectors in the VCP service area of Long Beach. This enhanced level of service will provide year-round control of invasive mosquitoes and other vectors (animals and insects) using environmentally sound methods, and will monitor public health issues, such as West Nile virus, Zika, Typhus, and other emerging vector-borne diseases.

Additionally, if approved, the proposed VCP Assessment will be included on the September/October 2019 annual property tax assessment for parcel owners in the proposed service area. An important timing consideration is the Los Angeles County Auditor's (LACo Auditor) requirement to have any new levies submitted by August 9, 2019. Meeting the LACo Auditor's requirement is a key driver in establishing project milestones, as identified below:

July 16	City Council meeting to announce ballot results and, if approved, establish VCP Assessment District and order levies.
August 9	Submit assessment levies to LACo for Fiscal Year 2019-20 (FY 20).
December 2019	Assessment funding provided to City Treasurer.

The attached Resolution approving the Engineer's Report, confirming diagram and assessment, and ordering the levy of the VCP Assessment for FY 20 will include the results of the ballot tabulation. If a majority protest does not exist (i.e., a majority of weighted ballots cast are in favor of the measure), the City Council may adopt the Resolution. If a majority protest does exist, the City Council cannot take action on the Resolution.

Upon approval of the Resolution, SCI will coordinate with the LACo Auditor in filing the assessments, and any other necessary documents, for FY 20.

The proposed VCP Assessment will initially generate an estimated \$753,474 for FY 20. 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 (CPI) for the Los Angeles-Long Beach-Anaheim area, not to exceed 3 percent, following the preparation of an updated Engineer's Report and the City Council's conducting a public hearing on the continuation of the assessment.

This matter was reviewed by Deputy City Attorney Amy R. Webber on June 28, 2019 and by Revenue Management Officer Geraldine Alejo on June 27, 2019.

TIMING CONSIDERATIONS

City Council action is requested on July 16, 2019, to ensure the benefit assessment milestones are achieved in compliance with LACo Auditor submission requirements.

FISCAL IMPACT

If approved, the total level of funding for the proposed service area will be \$847,784 for FY 20. Of this amount, \$753,474 is estimated to be generated from the Assessment District and a general benefit contribution of a minimum of \$94,310 is projected to be provided by the Health Fund Group. For City-owned parcels located within the Assessment District, the City's total assessment is estimated at \$5,916 and funding for the assessment will be based on the facility. If needed, a request for appropriation to support the general contribution or the City's assessments will be requested as part of the budget process. In future years, the assessments may continue to be levied at the discretion of the City Council and the rate may be increased by the annual change in the CPI for the Los Angeles-Long Beach-Anaheim area, not to exceed 3 percent annually. This recommendation has no staffing impact beyond the normal budgeted scope of duties and is consistent with existing City Council priorities. There is no local job impact associated with this recommendation.

SUGGESTED ACTION

Approve recommendation.

Respectfully submitted,



KELLY COLOPY
DIRECTOR
HEALTH AND HUMAN SERVICES

Attachment: Resolution

APPROVED:



PATRICK H. WEST
CITY MANAGER

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH APPROVING ENGINEER'S
REPORT, CONFIRMING DIAGRAM AND ASSESSMENT,
AND ORDERING LEVY OF THE VECTOR CONTROL
PROGRAM, MOSQUITO, VECTOR AND DISEASE
CONTROL ASSESSMENT FOR FISCAL YEAR 2019-20

WHEREAS, the Long Beach Department of Health and Human Services' Bureau of Environmental Health's Mosquito and Vector Control Program ("VCP") desires to serve the public by controlling populations of mosquitoes and other vectors of human disease-carrying potential, and reduce annoyance levels below generally acceptable thresholds, in order to protect the public health and comfort and permit full use and enjoyment of outdoor areas by residents and visitors within the VCP's service area ("Service Area"); and

WHEREAS, the Long Beach City Council ("Council") 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., the Government Code, and Article XIID of the California Constitution, to be known as the "Mosquito, Vector and Disease Control Assessment" ("Assessment") of the Long Beach Department of Health and Human Services' Bureau of Environmental Health's Mosquito and Vector Control Program, 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, the Council adopted Resolution No. RES-19-0074 on May 7, 2019, a Resolution Initiating Proceedings, Providing Notice of Its Intention to Levy Assessments, Preliminarily Approving the Engineer's Report, and Providing for Notice of

1 Hearing and the Mailing of Assessment Ballots for the Vector Control Program, Mosquito,
2 Vector and Disease Control Assessment within the boundaries of its service area
3 ("Service Area") for the proposed Mosquito, Vector and Disease Control Assessment.
4 The annual assessment rates for various types of real property within the proposed
5 assessment, the total number of parcels to be assessed, and the total amount of annual
6 assessment revenue is contained within the Engineer's Report; and

7 WHEREAS, the Council adopted Resolution No. RES-19-0075 on May 7,
8 2019 approving and filing an Engineer's Report ("Engineer's Report") that includes: (1) a
9 description of the mosquito abatement, vector control and disease control services and
10 programs ("Services") to be funded with assessment proceeds; (2) an estimate of the
11 annual cost of such Services; (3) a description of the assessable parcels of land within
12 the VCP service area and proposed to be subject to the new assessment; (4) a
13 description of the proportionate special and general benefits conferred on property by the
14 proposed assessment; (5) a description of the boundaries of the VCP, and (6) a
15 specification of the amount to be assessed upon various types of assessable land to fund
16 the cost of the mosquito, vector and disease control services. The Engineer's Report is
17 incorporated herein by this reference; and

18 WHEREAS, the Council adopted Resolution No. RES-19-0075 on May 7,
19 2019, a Resolution of Intention to Conform with Proposition 218 and its requirements;
20 and

21 WHEREAS, the City has provided a 45-day written mailed notice to each
22 record owner of assessable parcels of real property located within the Service Area
23 boundaries for the proposed Mosquito, Vector and Disease Control Assessment, as set
24 forth on the Assessment Diagram and Boundary Map, of a public hearing which was held
25 at a regular City Council meeting on July 2, 2019, at 5:00 p.m. at Long Beach City
26 Council Chambers, located at 333 W. Ocean Boulevard Council Chamber, Long Beach
27 CA 90802, on the issue of whether the Mosquito, Vector and Disease Control
28 Assessment should be formed and assessments levied and collected as proposed in the

1 Engineer's Report for fiscal year 2019-20 and future fiscal years; and

2 WHEREAS, the form of written mailed public notice of the public meeting
3 contained the following information: (a) the total amount of assessments proposed to be
4 levied within the Assessment for fiscal year 2019-20; (b) the assessment chargeable to
5 each owner's parcel; (c) the duration of the proposed assessment; (d) the reason for the
6 assessment; (e) the basis upon which the amount of the proposed assessment was
7 calculated; (f) the date, time and place of the public hearing as specified in this resolution;
8 and (g) a summary of the voting procedures and the effect of a majority protest. The
9 form of the written mailed public notice also included an assessment ballot by which each
10 property owner could express their support or opposition to the proposed assessment.
11 The ballot indicated that it must be returned before the conclusion of the public hearing
12 on July 2, 2019, in order to be valid and counted, and that all assessment ballots
13 received by the City Clerk (the "Tabulator"), would be tabulated after the conclusion of the
14 public hearing on July 2, 2019, by the City Clerk; and

15 WHEREAS, pursuant to the provisions of California Constitution Article XIII-
16 D, an opportunity for protest has been afforded, and the assessment ballots mailed to
17 owners of assessable real property within the proposed boundaries of the VCP's
18 Mosquito, Vector and Disease Control Assessment have been received and tabulated,
19 with assessment ballots weighted according to the proportional financial obligation of
20 each affected parcel;

21 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
22 follows:

23 Section 1. The above recitals are true and correct.

24 Section 2. The canvass of the assessment ballots submitted by property
25 owners is complete and certified by the City Clerk, the Tabulator, and the votes cast are
26 as set forth in Attachment "A".

27 Section 3. As determined by ballots cast, as weighted according to the
28 amount of assessment for each parcel, a majority of the property owners cast ballots in

1 support of the Mosquito, Vector and Disease Control Assessment. Since a majority
2 protest, as defined by Article XIID of the California Constitution, did not exist, this Council
3 thereby acquired jurisdiction to order the levy of assessment prepared by and made a
4 part of the Engineer's Report to pay the costs and expenses thereof.

5 Section 4. The Final Engineer's Report for the Mosquito, Vector and
6 Disease Control Assessment, together with the diagram and boundary map of the
7 Assessment contained therein, and the proposed assessment roll for fiscal year 2019-20
8 are hereby confirmed and approved.

9 Section 5. Based on the oral and documentary evidence, including the
10 Engineer's Report, offered and received at the public hearing, the Council expressly finds
11 and determines that: (a) each of the several assessed lots and parcels of land within the
12 Service Area will be specially benefited by the Services (as described in the Engineer's
13 Report) in at least the amount of the Assessment apportioned against such lots and
14 parcels of land, respectively; and (b) that there is substantial evidence to support, and the
15 weight of the evidence preponderates in favor of, said finding and determination as to
16 special benefit to property with the Assessment from the Services to be financed with
17 assessment proceeds.

18 Section 6. The Mosquito, Vector and Disease Control Assessment is
19 hereby formed, and assessments consistent with the Engineer's Report are hereby
20 levied, pursuant to the provisions of Health and Safety Code section 2080 and the
21 provisions of California Constitution Article XIID.

22 Section 7. Assessments for fiscal year 2019-20 shall be levied at the
23 assessment rates specified in the Engineer's Report for fiscal year 2019-20 with
24 estimated total annual assessment revenues as set forth in the Engineer's Report.

25 Section 8. Mosquito, Vector and Disease Control services to be financed
26 with assessment proceeds described in the Engineer's Report are hereby ordered.

27 Section 9. The authorized maximum assessment to be levied in future
28 fiscal years after fiscal year 2019-20 shall be increased based on the Consumer Price

1 Index for All Urban Consumers (CPI-U) in Los Angeles-Long Beach-Anaheim, CA, not to
2 exceed three percent (3%) per year.

3 Section 10. Immediately upon the adoption of this resolution, but in no
4 event later than July 31 following such adoption, the City Clerk shall file a certified copy of
5 the Diagram and Assessment and a certified copy of this resolution with the Los Angeles
6 County Auditor ("County Auditor"). Upon such filing, the County Auditor shall enter on the
7 County assessment roll opposite each lot or parcel of land the amount of assessment
8 thereupon as shown in the Assessment. The Assessment shall be collected at the same
9 time and in the same manner as County taxes are collected and all laws providing for the
10 collection and enforcement of County taxes shall apply to the collection and enforcement
11 of the assessments. After collection by the County, the net amount of the Assessment,
12 after deduction of any compensation due the County for collection, shall be paid to the
13 VCP.

14 Section 11. The monies representing assessments collected shall be
15 deposited in a separate fund established under the distinctive designation of the
16 Mosquito, Vector and Disease Control Assessment. Funds collected from the Mosquito,
17 Vector and Disease Control Assessment shall be expended only for the special benefit of
18 parcels within the Mosquito, Vector and Disease Control Assessment.

19 Section 12. The Mosquito, Vector and Disease Control Assessment, as it
20 applies to any parcel, may be corrected, cancelled or a refund granted as appropriate, by
21 order of the Manager of Long Beach Health Department's Bureau of Environmental
22 Health by a determination from the Assessment Engineer that the Assessment should be
23 revised to be consistent with the method of assessment established in the Engineer's
24 Report. Any such corrections, cancellations or refunds shall be limited to the current
25 fiscal year.

26 Section 13. This resolution shall take effect immediately upon its adoption
27 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

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I hereby certify that the foregoing resolution was adopted by the City
Council of the City of Long Beach at its meeting of _____, 2019
by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Attachment “A”