

BUTTE COUNTY GRAND JURY REPORT MOSQUITO ABATEMENT DISTRICTS

SUMMARY

The 2007-08 Grand Jury has reviewed the operations of Mosquito Abatement Districts (MADs) within Butte County for the following reasons:

1. Questions were raised about the judgment, ethics, competence, and effectiveness of the management of these districts.
2. The current public concern about West Nile Virus.
3. The Mosquito Abatement Districts were last reviewed in 2002-2003.
4. A 2004 Local Agency Formation Commission (LAFCO) study recommended consolidation of the three districts within the county.

The three districts within Butte County, as listed below, were found to be efficient and competent, however, there is room for improvement. There should be expanded use of the Internet to educate the public regarding special assessment fees, types of pesticides, and the health risks of mosquito caused illnesses.

During the course of the Grand Jury investigation, employee-management relation issues and employee morale came to our attention. After careful consideration and lacking evidence to support claims of malfeasance or criminal behavior, we decided, without prejudice, that these issues were best resolved in other forums available to employees. Management convincingly addressed all other concerns we received.

The LAFCO study pointed out several deficiencies of Oroville and Durham MADs. Since that time the voters within those districts have approved special property assessments to provide additional funding. This additional funding has partially alleviated the deficiencies addressed by LAFCO. We did not determine the extent of voter awareness about the consolidation option. In the event of future ballot measures for additional assessments, the voters should be asked to consider whether they prefer consolidation, with its potential financial efficiency, or no consolidation, with more local control and personalized service.

GLOSSARY

MAD	Mosquito Abatement District
LAFCO	Local Agency Formation Commission
BCMVC	Butte County Mosquito Abatement and Vector Control District
DMAD	Durham Mosquito Abatement District
OMAD	Oroville Mosquito Abatement District

BACKGROUND

The three districts that serve Butte County are:

Butte County Mosquito Abatement and Vector Control District (BCMVCD)

Located in the industrial area near Oroville Airport at 2117 Larkin Road. (530) 533-6038

Formed: 1948.

Governing Board: 11 member Board of Directors that meets on the second Wednesday of each month at 7:30 P.M. at the address above.

Area Covered: 1600 square miles (1,024,000 acres). Includes all of Butte County and the area of Hamilton City in Glenn County and excludes the areas covered by Durham and Oroville Mosquito Abatement Districts.

Budget: 2006-2007: \$2,606,000

Durham Mosquito Abatement District (DMAD)

Located at 9202 Midway, south of Durham. (530) 345-2875

Formed: 1918.

Governing Board: Five member Board of Directors

Area Covered: The area it serves covers 64 square miles (40,960 acres). The street boundaries are north to Hegan Lane, east to Highway 99, south to the town of Nelson and west to Troxel Road.

Budget: 2006-2007: \$144,630

Oroville Mosquito Abatement District (OMAD)

Located at 1275 Mitchell Ave. in the Oroville Public Works maintenance yard (530) 534-8383

Formed: 1915.

Governing Body: Five member Board of Directors

Area Covered: 12.25 square miles (7,840 acres) City of Oroville, Canyon Highlands area, South Oroville and Thermalito.

Budget: 2006-2007: \$139,644.

APPROACH

Members of the Grand Jury visited each of the three district offices to learn about the operations and services provided. We listened to presentations and questioned representatives of management. On other occasions we also interviewed representatives of:

1. Employees
2. Butte County Public Health Department
3. Management of Property routinely treated and charged by the Districts

Note: Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person, or facts leading to the identity of any person who provides information to the Civil Grand Jury.

DISCUSSION

The BCMVCD location includes a business office, a public relations program office, a laboratory for vector research, a warehouse for storage of chemicals, airplane hangers, a yard and garages for trucks, and ponds for raising mosquito fish. Butte County has a higher than average mosquito population due to large bodies of standing water within and near its borders that become ideal mosquito breeding grounds, including approximately 200,000 acres of rice fields, habitat for waterfowl, duck clubs, and wetlands. Oroville and Durham MAD locations are warehouse type structures with part-time staffed offices.

The three districts cooperate with one another. A large wetland area near Durham is sprayed with the assistance of airplanes from BCMVCD.

The districts use various pesticides to control mosquito populations. These include both larvicides for early prevention and adulticides for eliminating flying mosquitoes. They are approved by the Environmental Protection Agency and are not a threat to people. The most common pesticide used is Pyrethrin, an organic pesticide extracted from chrysanthemums. Using truck-mounted equipment, the districts apply this adulticide in the evening and morning hours when the mosquitoes are most active. The spray droplets must remain suspended in the air in order for the mosquitoes to come in contact with the material. The Pyrethrin droplets are broken down rapidly into harmless substances in the air, soil, and water. The average time the fog remains in the air is 15-20 minutes. Pyrethrin does not harm auto or house paint.

Each district attempts to inform the community of scheduled spraying times through news releases. The districts will take special requests for spraying or not spraying and/or provide advance notice when requested for specific respiratory or health conditions. Advance notification and requests are limited because “fogging” can be done only when the weather conditions are favorable.

BCMVCD routinely traps and tests local mosquitoes to detect disease and monitors their abundance and type. They also maintain seven “sentinel chicken flocks” in Butte County. These strategically placed chicken flocks are routinely tested during mosquito season to detect evidence of various mosquito borne diseases, including West Nile Virus.

Individuals are encouraged to keep mosquito-breeding sites to a minimum around their homes and businesses. The districts provide free educational materials, mosquito fish, and accept limited requests for surveillance and fogging to help the public.

During our attempts to educate ourselves about the districts and mosquito control, the Grand Jury tried to make use of information available on the Internet. We found numerous sites for educating us about West Nile Virus and other mosquito borne illnesses, but no sites dedicated to providing information about the activities of the MADs in Butte County. When we went to the Butte County website, www.buttecounty.net, we observed a link listed under “Local Resources” to Butte County Air Quality Management District’s website. This website was very informative and could serve as a model for the county’s MADs, especially BCMVCD.

A 2004 LAFCO study recommended consolidation of the three districts. The study recommended OMAD and DMAD be consolidated into BCMVCD in order to provide better public access and communication, educational and training programs, and cost avoidance opportunities with a downside being a slight limiting of “personalized” service in the Durham and Oroville areas. The report stated that BCMVCD believes they could provide the same level of service to the entire county without additional equipment or staff.

Since the study was released both DMAD and OMAD have authorized special parcel tax assessment elections in order to raise revenue. This is a legal method provided by Proposition 218 legislation. The option of consolidating the three districts would have to be voted on by each district. In order to pass, again, a simple majority vote is required within each district. This option was not included on the ballot at the time of the special assessments election. LAFCO or at least one of the Districts could initiate a consolidation in order to put this option on a ballot in the future. The cost of such a special election is estimated to be at least \$65,000. The cost of that election could end up the responsibility of the one or more of the agencies initiating it.

For this reason, and possibly others, all of the agencies have declined to initiate consolidation. The public could also initiate a consolidation election through petition options. These options, as well as the details of agency initiated consolidation are outlined in “Consolidation Process & Election Information” included in the LAFCO study and in Appendix A of this report.

FINDINGS

1. MADs are managed by competent, dedicated, professional people and the districts are operating very effectively, with high regard for public safety. Most of the concerns we received dealt with balancing surveillance with type and frequency of mosquito eradication. Although individual management styles vary and isolated judgments and decisions are debatable, they were all made in good faith by people with a level of expertise greater than can be achieved by this Grand Jury during its term of empanelment. We found no evidence to support claims of malfeasance or criminal activity.
2. All pesticide technicians at Butte County's three MADs are licensed, certified applicators. In addition to their initial qualifications, they are required by the state to acquire an additional forty hours of continuing education every two years. Classroom training at annual conferences or district meetings, as well as self-directed educational videos, satisfies this requirement.
3. During the course of the Grand Jury investigation, employee-management relation issues and employee morale came to our attention. We intentionally chose not to describe these issues specifically. We decided, without prejudice, that these issues were best resolved in other forums available. These forums include, but are not limited to, those outlined in the BCMVCD District Policy Manual, those negotiated by the Labor Union representing some employees, the District Trustees and ultimately, the City Councils and County Board of Supervisors that appoint them.

4. The mosquito abatement districts serving Butte County residents use pesticides in very low volumes that are also considered safe, as permitted by law, for controlling the mosquito population and for preventing diseases transmitted from mosquitoes. West Nile Virus and other mosquito borne diseases present a far greater danger to the public than the pesticide control methods used.
5. There are local landowners who, by the nature of their land use, cause extraordinary quantities of mosquitoes to breed, resulting in a public nuisance and a potential health hazard. These typically have large areas with standing water such as wildlife refuges, rice growers, and duck clubs. BCMVCD has a policy to bill these landowners the cost of the pesticides used to control the mosquito populations on their property. During the 2007 calendar year, at least 32 land tracts were billed between \$200.00 and \$48,000.00 each, a total of approximately \$200,000.00. Owners that fail to pay these costs voluntarily are subject to formal abatement proceedings in accordance with the Health and Safety Code. These costs are dependent on several factors, as required to bring the mosquito population under control, as defined by the policy. Some landowners are concerned that they are being singled out or unfairly charged so we are including this policy, a sample invoice, and a recent material cost sheet (Appendix B).
6. All three districts are represented and are actively involved in the West Nile Virus Task Force.
7. Educational materials and information about pesticides used, mosquito prevention methods, and mosquito borne diseases can be obtained by contacting MAD offices. See an example in Appendix C. Free mosquito fish are available for the public at each of the district offices. Additional information about mosquito borne diseases can be obtained at Butte County Department of Public Health. The county's MADs do not have their own website but the following websites have information about West Nile Virus:
 - <http://www.buttecounty.net/publichealth/cder/wnv.html>
 - <http://www.westnile.ca.gov/>
8. Butte LAFCO has scheduled another Municipal Service Review for MADs for 2009

RECOMMENDATIONS

1. The districts continue participation in the West Nile Virus Task Force and provide ongoing education to the public.
2. BCMVCD should expand their use of the internet for educating the public. We recommend a website with links under "Local Resources" at the Butte County website, modeled after that of the Butte County Air Quality Management District. It should include information about but not limited to:
 - Fogging schedules
 - News releases

- Special assessment fees and policies
 - Information about pesticides used
 - Balancing health risks of mosquito caused illnesses versus control methods
 - Links to West Nile Virus educational websites
3. The Grand Jury encourages BCMVCD management to take affirmative steps to improve employee-management relations for the sake of improved efficiency that comes with employee morale. We do not believe the Grand Jury can be an effective mediator of such issues.
 4. This Grand Jury has chosen not to make a recommendation on whether the three districts should consolidate, but to try and make the voters aware of all options. In the event of future ballot measures for additional special parcel tax assessments, voters should be aware of the consolidation alternative.
 5. Butte County LAFCO should proceed with a Municipal Service Review for MADs in 2009.

RESPONSE REQUIRED

1. Butte County Mosquito Abatement and Vector Control District

Appendix A

Consolidation Process & Election Information from the 2004 LAFCO MSR

Consolidation Process & Election Information

Consolidation Process

The following information is intended to inform the Commission and affected agencies about the general process to be followed if the Commission chooses to initiate a change of organization that would result in a reorganization, including election procedures and estimated costs.

The Municipal Service Review does not in itself cause a reorganization to occur. The objective of the Municipal Service Review is to bring forth enough information for the Commission and/or affected agencies to have intelligent discussion as to the types of reorganizations that are plausible, if any, and to then initiate a proposal for change.

According to Best, Best & Krieger, LLP, the Legal Firm providing representation to CALAFCO, there are four types of consolidations:

1. LAFCO initiated
2. Single District initiated
3. Multiple District initiated
4. Petition initiated

1. LAFCO Initiated Consolidation

LAFCO may only initiate a consolidation if it is consistent with a recommendation or conclusion of a study prepared pursuant to a special study (§56378), a sphere of influence study (§56425), a municipal service review study (§56430) and LAFCO makes the following determinations as specified (§56881):

- Public service costs of a proposal that the LAFCO is authorizing are likely to be less than or substantially similar to the costs of alternate means of providing service.
- Promotes public access and accountability for community service needs and financial resources.

Protest/Election/Certificate of Completion

LAFCO is not required to place the consolidation before the voters, unless written protests have been filed in accordance with §57113's requirements. Section 57113(a) requires that LAFCO submit a consolidation to the voters if LAFCO receives a petition prior to the conclusion of the protest hearing signed by the following:

- At least 10 percent of the number of landowners within any affected district within the affected territory who own at least 10 percent of the assessed value of land within the territory...

- At least 10 percent of the voters entitled to vote as a result of residing within, or owning land within, any affected district within the affected territory.

If sufficient protest is made, LAFCO is required to submit the consolidation to the voters. LAFCO's resolution must designate the territory in which the elections will be held, provide the question to the voters, specify any consolidation terms and conditions, and state the vote required to confirm the consolidation. (§57118, §57115) The election procedures and requirements are set forth in Section 57125 et seq.

If an election is held and the majority of voters vote against the consolidation, LAFCO must adopt a certificate of termination of proceedings. (§57201) However, if the majority of voters vote for a consolidation of the districts, LAFCO must execute a certificate of completion confirming the order of consolidation. (§57177.5[a]) If no election is required to be held, the LAFCO Executive Officer must still execute a certificate of completion and make the requisite filings. (§57200)

Effect of Consolidation

After the LAFCO Executive Officer files the requisite certificate of completion, the consolidated district succeeds to all the "powers, rights, duties, obligations, and properties of the predecessor districts" which consolidated to form a new district. (§57500) Included in these rights and duties, a consolidated district becomes liable for all debts of the predecessor districts. (§57502) The consolidated district 'steps into the shoes' of the predecessor districts because it is as if the "consolidated district had been originally formed under the principal act." (§57500)

Effective Date

Finally, the consolidation's effective date is the date set forth in LAFCO's resolution so long as it is not earlier than the date the certificate of completion is executed or later than 9 months after an election in which the majority of voters vote for the consolidation. (§57202[a]) If LAFCO's resolution does not establish an effective date, the consolidation is effective on the day consolidation is recorded by the county recorder, or if there are two counties involved, on the last date of recordation. (§57202[c])

2. Single District Initiated Consolidation

The legislative body of a district wishing to consolidate with another district formed under the same principal act must submit a Resolution of Application to the LAFCO Executive Officer of the principal county. (§56658[a]) The application is required to meet specific criteria which is available from the Executive Officer as well as a Plan for Providing Services.

Before the hearing, the Executive Officer must prepare a report on the Application, including her recommendation on the Application, and give a copy of the report to every affected district, agency and city. (§56665) At the hearing, LAFCO hears and receives

written and oral protests and evidence as well as the Executive Officer's report and the Plan for Providing Services. (§56666) Section 56668 requires LAFCO to consider specific factors in evaluating the proposal to consolidate. LAFCO may impose terms and conditions pursuant to Sections 56885.5 and 56886.

Protest/Election/Certificate of Completion

An election must be held when an affected agency has not objected by resolution, but a written protest is received that meets the voter/landowner petition requirements of Section 57081(b). Section 57081 sets forth the following protest threshold:

- At least 25 percent of the number of landowners within the territory subject to the consolidation or reorganization who own at least 25 percent of the assessed value of land within the territory.
- At least 25 percent of the voters entitled to vote as a result of residing within, or owning land within, the territory.

If an affected city or district files a resolution of objection, then an election must be held in each affected district if a written protest is received that voter/landowner petition thresholds of Section 57114(a)(1)-(2) and (b), which provides:

- At least 25 percent of the number of landowners within any affected district within the affected territory who own at least 10 percent of the assessed value of land within the territory...
- At least 25 percent of the voters entitled to vote as a result of residing within, or owning land within, any affected district within the affected territory.

If a petition that meets the requirements of this section has been filed, the Commission shall approve the proposal subject to confirmation by the voters of each district that has filed such a petition.

If LAFCO is required to submit a consolidation to the voters pursuant to Section 57081, the election will be held within the territory of each district ordered to be consolidated. (§57118[a]) If on the other hand, LAFCO is required to submit a consolidation to the voters pursuant to Section 57114, the election will be held separately within the territory of each affected district that has filed a petition meeting the requirements of Section 57114. (§57118[f]) LAFCO's resolution must provide the question to be submitted to the voters, specify any consolidation terms and conditions, and state the vote required to confirm the consolidation. (§57115) The election procedures and requirements are set forth in Section 57125 et seq.

If an election is held and the majority of voters vote against the consolidation, LAFCO must adopt a certificate of termination of proceedings. (§57201) However, if the majority of voters vote for a consolidation of the districts, LAFCO must execute a certificate of

completion confirming the order of consolidation. (§57177.5[a]) If no election is required to be held, the LAFCO Executive Officer must still execute a certificate of completion and make the requisite filings. (§57200)

Effect of Consolidation

After the LAFCO Executive Officer files the requisite certificate of completion, the consolidated district succeeds to all the "powers, rights, duties, obligations, and properties of the predecessor districts" which consolidated to form a new district. (§57500) Included in these rights and duties, a consolidated district becomes liable for all debts of the predecessor districts. (§57502) The consolidated district 'steps into the shoes' of the predecessor districts because it is as if the "consolidated district had been originally formed under the principal act." (§57500)

Effective Date

Finally, the consolidation's effective date is the date set forth in LAFCO's resolution so long as it is not earlier than the date the certificate of completion is executed or later than 9 months after an election in which the majority of voters vote for the consolidation. (§57202[a]) If LAFCO's resolution does not establish an effective date, the consolidation is effective on the day consolidation is recorded by the county recorder, or if there are two counties involved, on the last date of recordation. (§57202[c])

3. Initiated by Two or More Districts

Consolidation may be initiated by the legislative bodies of two or more special districts. In order to start the consolidation process, the districts must adopt a Resolution of Application to consolidate the districts. (§56853[a]) The application is required to meet specific criteria which is available for the Executive Officer as well as a Plan for Providing Services.

LAFCO may change the terms of the consolidation set forth in the districts' proposal. (§56853[b]) However, after modifying any of the material terms of the consolidation proposal, LAFCO must provide written notice of the change to the districts and cannot move forward on the consolidation for thirty (30) days following that mailing without the districts' written consent. (§56853[b]) During the thirty (30) day time period, either district may file with the LAFCO's Executive Officer a written demand for LAFCO to make determinations only after notice and hearing on the proposals. If no written demand is made by either district, LAFCO may make those determinations without notice or a hearing. However, LAFCO cannot make any changes that would delete or add districts to the proposed consolidation without the written consent of the applicant districts. (§56853[d])

Protest/Election/Certificate of Completion

Upon receiving the proposals to consolidate from the districts, LAFCO must approve, or conditionally approve, the consolidation unless LAFCO receives a petition from the

statutorily-mandated number of landowner/voters to submit the consolidation to an election as described below. (§56853[a]) Moreover, if a conflicting proposal is submitted to LAFCO within 60 days of the submission of the proposal to consolidate, then LAFCO cannot approve the proposal to consolidate until it considers the conflicting proposal. (§56657)

The election procedures and requirements are similar to those listed in the above section relating to consolidations initiated by a single district.

If an election is held and the majority of voters vote against the consolidation, LAFCO must adopt a certificate of termination of proceedings. (§57201) However, if the majority of voters vote for a consolidation of the districts, LAFCO must execute a certificate of completion confirming the order of consolidation. (§57177.5[a]) If no election is required to be held, the LAFCO Executive Officer must still execute a certificate of completion and make the requisite filings. (§57200)

Effect of Consolidation

After the LAFCO Executive Officer files the requisite certificate of completion, the consolidated district succeeds to all the "powers, rights, duties, obligations, and properties of the predecessor districts" which consolidated to form a new district. (§57500) Included in these rights and duties, a consolidated district becomes liable for all debts of the predecessor districts. (§57502) The consolidated district 'steps into the shoes' of the predecessor districts because it is as if the "consolidated district had been originally formed under the principal act." (§57500)

Effective Date

Finally, the consolidation's effective date is the date set forth in LAFCO's resolution so long as it is not earlier than the date the certificate of completion is executed or later than 9 months after an election in which the majority of voters vote for the consolidation. (§57202[a]) If LAFCO's resolution does not establish an effective date, the consolidation is effective on the day consolidation is recorded by the county recorder, or if there are two counties involved, on the last date of recordation. (§57202[c])

4. Petition Initiated Consolidation

Special Districts may be consolidated by petition signed by the requisite number of registered voters or landowners, depending on the specifics of the district's statutory authorization. Prior to circulating any petition, however, the proponents for change of organization must file a notice of intention to circulate a petition with LAFCO. (§56700.4[a]) After a notice of intention to circulate the petition is filed, the petition may be circulated for the appropriate signatures. (§56700.4[b]) For a consolidation of a registered voter district the petition must be signed by not less than 5 percent of the registered voters within each of the several districts.

There are specific petition requirements as well as application requirements which are available from the LAFCO Executive Officer. Once a petition is qualified by the Executive Officer, the Executive Officer issues a certificate of filing to the applicant. Within 90 days of issuing the certificate of filing, the Executive Officer must set a hearing. (§56658)

Before LAFCO may take action on a proposal to consolidate, LAFCO must hold a public hearing on the proposal. (§56662[b]) Section 56668 requires LAFCO to consider certain factors in evaluating the proposal to consolidate. LAFCO may also impose terms and conditions.

Protest/Election/Certificate of Completion

LAFCO is not required to place the consolidation before the voters, unless written protests have been filed. These protest thresholds are the same as those listed under Sections 2 and 3 above.

If an election is held and the majority of voters vote against the consolidation, LAFCO must adopt a certificate of termination of proceedings. (§57201) However, if the majority of voters vote for a consolidation of the districts, LAFCO must execute a certificate of completion confirming the order of consolidation. (§57177.5[a]) If no election is required to be held, the LAFCO Executive Officer must still execute a certificate of completion and make the requisite filings. (§57200)

Effect of Consolidation

After the LAFCO Executive Officer files the requisite certificate of completion, the consolidated district succeeds to all the "powers, rights, duties, obligations, and properties of the predecessor districts" which consolidated to form a new district. (§57500) Included in these rights and duties, a consolidated district becomes liable for all debts of the predecessor districts. (§57502) The consolidated district 'steps into the shoes' of the predecessor districts because it is as if the "consolidated district had been originally formed under the principal act." (§57500)

Effective Date

Finally, the consolidation's effective date is the date set forth in LAFCO's resolution so long as it is not earlier than the date the certificate of completion is executed or later than 9 months after an election in which the majority of voters vote for the consolidation. (§57202[a]) If LAFCO's resolution does not establish an effective date, the consolidation is effective on the day consolidation is recorded by the county recorder, or if there are two counties involved, on the last date of recordation. (§57202[c])

Who is responsible for the cost of the election?

Government Code §57150 states that, "All proper expenses incurred in conducting elections for a change of organization or reorganization pursuant to this Chapter shall be

paid, unless otherwise provided by agreement between the Commission & the Proponents, as follows.....GC §57150(d) In the case of consolidation proceedings, by the successor city or district or by the local agencies in proportion to their respective assessed values if proceedings are terminated."

This means that if the consolidation election is successful and the Butte County Mosquito Vector & Control District is designated the successor agency, then the Butte County Mosquito Vector & Control District is responsible for the total cost of the election unless some other type of financial agreement can be negotiated. If the election is not successful and the three districts remain in place, the cost of the election is apportioned to each district based on their assessed values.

When would an election be held?

There are two options for an election: hold the election at the next scheduled general election or hold a special election.

General Election - having the election concurrent with the general election is preferred for a number of reasons. Most importantly, the cost is less when combined with a general election. Also, there is more voter turn-out at a general election.

The cost of an election combined with a general election is \$64,960 (112,000 voters @ \$0.58 per voter) as estimated by the Butte County Elections Department in October 2002. An additional \$1,000 is the estimated cost for that portion of the election that would be held in Glenn County (600 voters @ \$1.67 per voter).

The next general election will be held in March 2004. All information has to be to the Butte County Board of Supervisors no later than October 2003 in order for the item to be placed on the ballot.

Special Election - the advantage of a special election is that the process can be speeded up by several months. The downside is the cost and the lower voter turn-out. The cost of a special election is \$294,560 (112,000 voters @ \$2.63 per voter), as estimated by the Butte County Elections Department in October 2002. An additional \$3,100 is the estimated cost for that portion of the election that would be held in Glenn County (600 voters @ \$5.17 per voter).

Who is responsible for the ballot language?

The Commission is responsible for providing the ballot language and is required to substantially follow the following form for district consolidation (§57133(h).):

"Shall the order adopted on _____, 2002, by the Local Agency Formation Commission of the County of Butte ordering the consolidation of insert names of

all districts ordered in the consolidation here) into a single district known as the _____ District be confirmed?"

If terms and conditions are adopted, the question must include the following: "Subject to the terms and conditions specified in the order."

If the Commission includes any term or condition that has the effect of imposing or increasing liability for payment of additional taxes or assessments, or an increase in rental rates to be fixed or collected, then the ballot question must summarize these increases.

The executive officer is required to prepare an impartial analysis not to exceed 500 words in length which must be either approved or modified and approved by the Commission.

Appendix B

BCMVCD Abatement Policy and related information & examples

BCMVCD Policy

Section 5.06.01 Reimbursement Of Abatement Action

Tax revenues received by the District are only adequate for the purposes of maintaining reasonable and appropriate vector control within the boundaries of the District. These tax revenues do not provide sufficient funding for the control of significant landowner-caused mosquito sources that produce such large numbers of mosquitoes, that it results in a public nuisance and a potential health hazard. A significant mosquito source is defined as being three or more acres in size and producing an average threshold of three or more larvae per dip. It is the District's policy regarding control of such significant sources to provide control of the nuisance and to obtain reimbursement from the landowner whose actions produced the problem. Landowners wishing to control the nuisance with their own or private contractors may do so subject to District inspection. The District reserves the right to modify the definition of a significant mosquito source as necessary to protect public health.

When a significant mosquito source as defined above is found, the District will provide preliminary notification to the landowner that the presence of mosquito larvae on the property indicates that a public nuisance exists. The District will request of the landowner, and assist in the development of a control mechanism or modification of practices to reduce the number of mosquito larvae. In the event the landowner requests it, or in those circumstances where no satisfactory response from the landowner to the preliminary notification is received, the District will undertake treatment activities to reduce the immediate threat that a public nuisance exists on the property. After the treatment, the District will request that the landowner voluntarily provided by the District. If the bill is not paid within thirty (30) days, or if the landowner otherwise declines or refuses to respond to the District's request for abatement of the public nuisance, the District will initiate formal abatement proceedings in accordance with the Health and Safety Code (Sec 2000, et seq.) and provide formal notice to the property owner of the initiation of such abatement actions. The cost and expenses of the District in enforcing an abatement notice shall be added to the abatement cost otherwise billable to the landowner in accordance with law.

This policy shall apply to all lands within the District's boundaries and those lands reasonably adjacent thereto upon which the District believes a public nuisance exists or will exist which will affect and increase the presence of mosquitoes within the District boundaries. (12/08/04)

Sample Notification Letter

July 31, 2007

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Re: AP # [REDACTED]

Dear Mr. [REDACTED]

I am writing to inform you that the Butte County Mosquito and Vector Control District has an aggressive mosquito abatement program on properties that are three acres or larger in size and produce three or more mosquito larvae per dip standard. This program was implemented by the District beginning in 2002 in order to provide relief from the extraordinary numbers of mosquitoes that have plagued residents in recent years.

Large concentrations of mosquitoes pose a serious and growing health risk to people, livestock and wildlife due to their ability to transmit western equine encephalitis (sleeping sickness) and the more recently introduced West Nile Virus. These diseases can affect the central nervous system of humans, horses and birds, causing severe complications up to and including death.

The cooperation of landowners like you has made our abatement program a success by either eliminating summer and early fall repetitive flooding of wetlands, substituting permanent wetlands for seasonally flooded wetlands, and/or reimbursing the District for its cost of controlling extraordinary numbers of mosquitoes on their land. This was accomplished largely without the need for formal abatement proceedings.

Mosquito control surveillance data collected during this last season continues to confirm that periodically flooded wetlands and/or waterfowl habitat creates conditions that are conducive to the breeding of excessive numbers of flood water mosquitoes. The numbers of larvae observed far exceed, in some cases by factors of 100 or more, the numbers of larvae existing in permanent ponds and neighboring agricultural operations.

The mosquito-breeding season is now upon us and the District is once again requesting cooperation from landowners to assist the District in fighting this serious pest. We encourage you to use wetland design and water management methods that prevent the production of large numbers of mosquitoes on your property. If control with larvicide or other materials is necessary, the District will undertake such measures but must continue to recover the cost of mosquito control from the owners of parcels of three acres or larger that produce excessive numbers of mosquitoes (three or more larvae per dip). The cost for control products and average costs increased this last year and application expense will now be capped at \$26 per flooded acre for each flooding event. This cost can again be reduced by \$3 per flooded acre when the District is notified at

least 24 hours before the beginning of a field being flooded. Such notification reduces the District's cost of surveillance and this savings is passed on to the landowner. Most mosquito control applications made by the District using Altosid granules can be made at a lower label application rate of seven pounds per acre at a total cost of \$18.75 per acre when a minimum of 24-hour prior notification of flooding is provided.

Last year Butte County had thirty-four human cases of West Nile Virus including two deaths. We expect West Nile Virus to continue to be a public health problem in the foreseeable future, which makes it important that we continue to work together to reduce this serious public health threat on your property.

Sincerely,

James A. Camy
Manager

JAC:ds

Landowner 2007

A2-4

Sample

INVOICE

TO: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

September 6, 2006

Invoice # 745

Please Make Check Payable To:

Butte County Mosquito and Vector Control District

Mosquito Control activities on Flooded Waterfowl Habitat

<u>Date of Application</u>	<u>Location</u>	<u>Acreege</u>
September 6, 2006	T-18, R-11, S-16	34
	Total	34

	<u>cost per acre</u>	
Abate 2 BG	13 lb \$19.54	
airplane	\$2.37	
surveillance	\$0.00	
34 Acres @	\$21.91	\$744.94

TOTAL DUE THIS INVOICE

\$744.94

Please pay this invoice within 30 days of the invoice date

**Cost Per Acre Comparison of Materials Used For Mosquito Control
June 22, 2007**

	Control Agent	Stage Controlled	Application Rate	Material Cost per acre	Other ** Costs Per Acre	Total Cost per Acre
*	Mosquito Fish	Larvae	.5 lbs/acre	\$6.00	\$5.00	\$11.00
@	Golden Bear 1111	Larvae & Pupae	3 gals/acre	\$13.67	\$3.92	\$17.59
@	Diesel & Dursban	Larvae & Pupae	3 gals/acre	\$7.50	\$3.92	\$11.42
@	Altosid SR-20	Larvae	1 oz/acre	\$5.54	\$3.92	\$9.46
@	Altosid Pellets	Larvae (60 days)	2.5 lbs/acre	\$49.82	\$3.30	\$53.12
@	Altosid SBG	Larvae(single)	5 lbs/acre	\$11.70	\$3.30	\$15.00
@	Altosid XR-G	Larvae (21 days)	5 lbs/acre	\$47.27	\$3.30	\$50.57
✓ +	Abate 2BG	Larvae	10 lbs/acre	\$15.02	\$2.37	\$17.39
+	Abate 4E	Larvae	1 oz/acre	\$2.34	\$2.37	\$4.71
+	Altosid Pellets	Larvae (60 days)	2.5 lbs/acre	\$49.82	\$2.37	\$52.19
+	Altosid XR-G	Larvae (21 days)	5 lbs/acre	\$47.27	\$2.37	\$49.64
+	Altosid SBG	Larvae (single)	5 lbs/acre	\$11.70	\$2.37	\$14.07
✓ +	Altosid SBG	Larvae (single)	6 lbs/acre	\$14.04	\$2.37	\$16.41
+	Altosid SBG	Larvae (single)	7 lbs/acre	\$16.38	\$2.37	\$18.75
+	Altosid SBG	Larvae (single)	8 lbs/acre	\$18.63	\$2.37	\$21.00
+	Altosid SR-20	Larvae	1 oz/acre	\$5.54	\$2.37	\$7.91
+	Dimilin/Sand .25%	Larvae	10 lbs/acre	\$4.69	\$4.23	\$8.92
+	Vectobac 12 AS	Larvae	8 oz/acre	\$2.13	\$2.37	\$4.50
+	Vectobac WDG	Larvae	7 oz/acre	\$12.83	\$2.37	\$15.20
+	Fyfanon ULV	Adult	3 oz/acre	\$0.70	\$0.75	\$1.45
+	Trumpet ULV	Adult	1 oz/acre	\$1.01	\$0.75	\$1.76
	Anvil 10+10	Adult	.0019lbs/ac 5 mph	\$0.48	\$0.60	\$1.08
	Fyfanon ULV	Adult	2 oz/ac. 5 mph	\$0.44	\$0.60	\$1.04
	Pyrethrin ULV	Adult	2.5 oz/3 ac. 5 mph	\$0.52	\$0.60	\$1.12

* Costs for fish include harvest -handling-transportation (subject to availability)

+ Aerial Treatment

** Other costs include salary, fuel, insurance, equipment maintenance and repairs

@ Cost can vary substantially depending on rate of coverage

Wages and Benefits per hour \$49.85 Average \$29.42 with seasonals

	<u>Abate 2 BG</u>	<u>Altosid SBG Rate:</u>	<u>ALL SR-20</u>
8 lbs =	14.37	5 lb = 14.07	1 oz/ Acre = 7.91
9 lbs =	15.87	6 lb = 16.41	
10 lbs =	17.39	7 lb = 18.75	
11 lbs =	18.90	8 lb = 21.00	
12 lbs =	20.40		50 cent per acre Misc increase:
13 lbs =	21.91		Include aircraft
14 lbs =	23.40		Bird Strike Damage
15 lbs =	24.92		Forklift Useage/Repair
			Hopper Loader Fab. & Maint.
			Paint for Aircraft Repairs
			Aircraft ULV Equip & Repairs

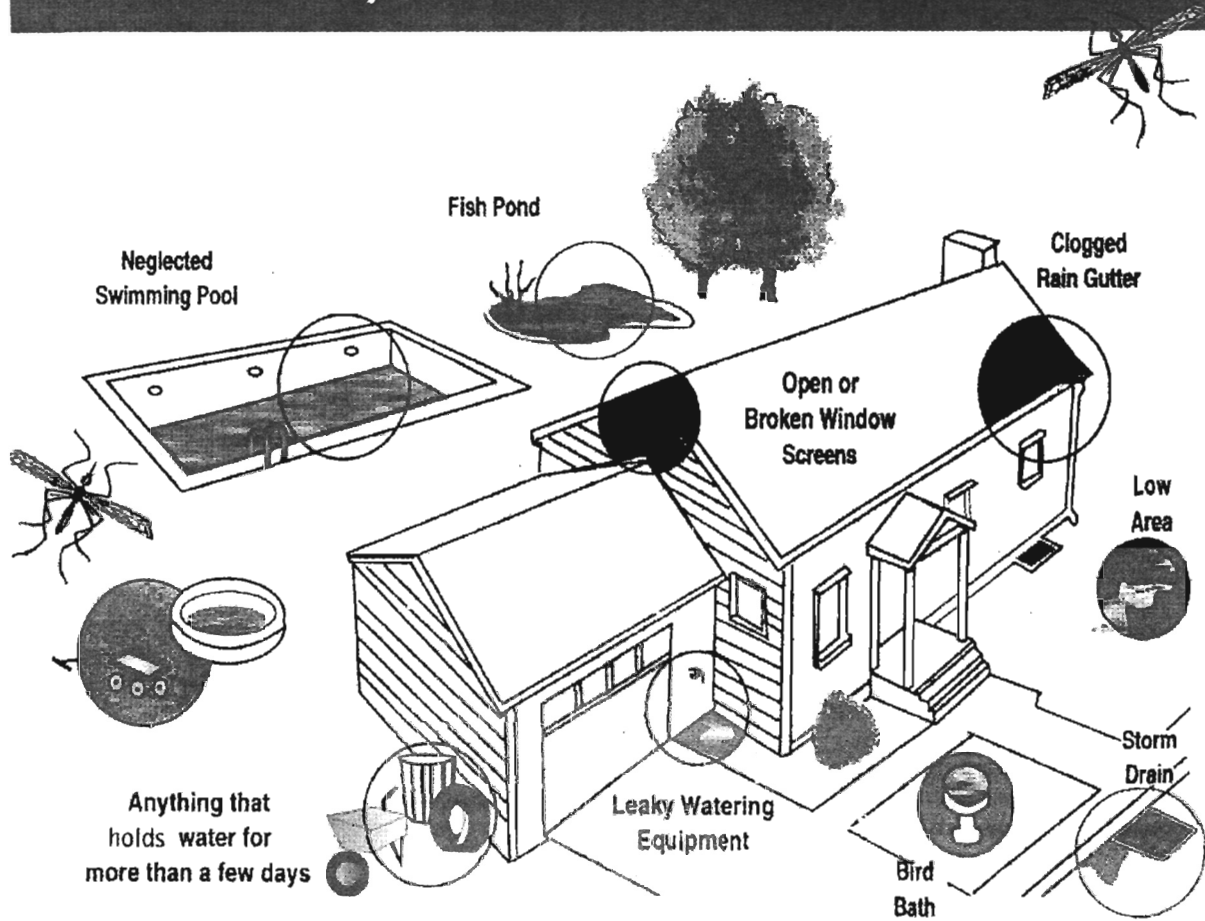
CPA

Appendix C

Sample flyer from Butte County Public Health Department

DRAIN AFTER EVERY RAIN!

A SMALL BUCKET OF STAGNANT WATER CAN PRODUCE 1,000 MOSQUITOES PER WEEK



Butte County Public Health Department
www.buttecounty.net/publichealth

To request your FREE visit from our mosquito control specialists, inquire about FREE mosquito eating fish or to report a mosquito source, please call:
(530) 342-7350 or (530) 533-6038

For more information: WWW.FITeTheBITE.net