

AMENDED IN SENATE MAY 14, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 288

Introduced by Assembly Member Nestande
(Coauthors: Assembly Members DeVore and Harkey)
(Coauthor: Senator Ducheny)

February 13, 2009

An act to amend Sections 2079 and 2082 of the Health and Safety Code, relating to vector control.

LEGISLATIVE COUNSEL'S DIGEST

AB 288, as amended, Nestande. Vector control.

Existing law, the Mosquito Abatement and Vector Control District Law, authorizes the establishment of mosquito abatement and vector control districts governed by a board of trustees. The board of trustees is required to provide for regular audits of the district's accounts and records. The law also authorizes the district to levy special benefit assessments to finance vector control projects and programs.

This bill would require the board of trustees to adopt a formal, written response to any irregularities or accounting issues raised in the audit and provide this response to the appointing authority of each member of the board of trustees. The bill would also require the district before it levies special benefit assessments to provide specified notice to the appointing authority.

By imposing new duties upon a mosquito abatement and vector control district, this bill would constitute a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2079 of the Health and Safety Code is
2 amended to read:

3 2079. (a) The board of trustees shall provide for regular audits
4 of the district's accounts and records pursuant to Section 26909
5 of the Government Code. If an audit identifies an irregularity or
6 an accounting issue, the board of trustees shall adopt a formal,
7 written response and provide this response to the appointing
8 authority of each member of the board of trustees.

9 (b) The board of trustees shall provide for the annual financial
10 reports to the Controller pursuant to Article 9 (commencing with
11 Section 53890) of Chapter 4 of Part 1 of Division 2 of Title 5 of
12 the Government Code.

13 SEC. 2. Section 2082 of the Health and Safety Code is amended
14 to read:

15 2082. (a) A district may levy special benefit assessments
16 consistent with the requirements of Article XIII D of the California
17 Constitution to finance vector control projects and programs.

18 (b) Before beginning a vector control project or program
19 proposed to be financed pursuant to this section, the board of
20 trustees shall adopt a resolution that does all of the following:

- 21 (1) Specifies its intent to undertake the project or program.
22 (2) Generally describes the project or program.
23 (3) Estimates the cost of the project or program.
24 (4) Estimates the duration of the proposed special benefit
25 assessment.

26 (c) After adopting its resolution pursuant to subdivision (b), the
27 board of trustees shall proceed pursuant to Section 53753 of the
28 Government Code. The board of trustees shall also mail the notice
29 described in subdivision (b) of Section 53753 to the appointing
30 authority of each member of the board of trustees within the
31 timeframe described in that subdivision, except that this notice
32 shall not include the amount chargeable to a specific record owner's
33 parcel. The members of the board of trustees shall make

1 themselves, as well as district staff, available to the appointing
2 authority and the staff of the appointing authority to discuss the
3 proposed special benefit assessment at any time prior to the public
4 hearing described in the notice. The board of trustees shall also
5 notify each appointing authority of this availability.

6 (d) The special benefit assessments levied pursuant to this
7 section shall be collected at the same time and in the same manner
8 as county taxes. The county may deduct an amount not to exceed
9 its actual costs incurred for collecting the special benefit
10 assessments before remitting the balance to the district. The special
11 benefit assessments shall be a lien on all the property benefited.
12 Liens for the assessments shall be of the same force and effect as
13 liens for property taxes, and their collection may be enforced by
14 the same means as provided for the enforcement of liens for county
15 taxes.

16 SEC. 3. No reimbursement is required by this act pursuant to
17 Section 6 of Article XIII B of the California Constitution because
18 a local agency or school district has the authority to levy service
19 charges, fees, or assessments sufficient to pay for the program or
20 level of service mandated by this act, within the meaning of Section
21 17556 of the Government Code.