



155 Mason Circle
Concord, CA 94520
phone (925) 685-9301
fax (925) 685-0266
www.contracostamosquito.com

BOARD OF TRUSTEES

Special Meeting

REVISED AGENDA

****MONDAY, AUGUST 9, 2021****

7:00 PM

To be held via teleconference – see below

IMPORTANT NOTICE REGARDING COVID-19 AND TELECONFERENCE MEETINGS:

Pursuant to Governor's Executive Orders N-25-20, N-29-20, and N-33-20 and the Contra Costa County Public Health Officer Order No. HO-COVID19-03, and guidance from the CDC to minimize the spread of the coronavirus, please note the following changes to the District's ordinary meeting procedures:

- The meeting will be conducted via teleconference using **Zoom** (see Executive Order 29-20).
- All members of the public seeking to observe and/or to address the local legislative body may participate in the meeting remotely in the manner described below.

HOW TO OBSERVE THE MEETING

Telephone: Meeting ID: **845 6006 5901**

Listen to the meeting live by calling **(669) 900-9128** and entering the **PASSWORD: 634689**

Computer or mobile: Watch or listen to the meeting from a computer with internet access by navigating

to <https://us06web.zoom.us/j/84560065901?pwd=ODY1UVpYtjQ4YTdsWXZoeUc1Y2xEz09>

NOTE: This is a public meeting that can be seen and heard live by any member of the public.

HOW TO SUBMIT PUBLIC COMMENTS

Please email your comments to pmacedo@contracostamosquito.com, write "Public Comment" in the subject line. In the body of the email, include the agenda item number AND title, as well as your comments. Comments may be made at any time prior to the meeting, or as follows. During the meeting, the Committee Chair or designee will announce the opportunity to make public comments and identify the cut off time for submission. A short recess of less than 5 minutes will take place during the time public comment is open to allow emailed comments to be received and provided to the Chair. Once the public comment period is closed, all comments timely received will be read aloud. Comments received after the close of the public comment period will be added to the record after the meeting.

Protecting Public Health Since 1927

BOARD OF TRUSTEES

President **PEGGIE HOWELL** Clayton J Vice President **PETER PAY** San Ramon J Secretary **DANIEL PELLEGRINI** Martinez
Antioch **LOLA ODUNLAMI** J Brentwood **JON ELAM** J Concord **PERRY CARLSTON** J Contra Costa County **JIM PINCKNEY, CHRIS COWEN & DARRYL YOUNG**
Danville **RANDALL DIAMOND** J El Cerrito **THOMAS MINTER** J Hercules **DUYLINH NGUYEN** J Lafayette **JAMES FITZSIMMONS** J Moraga Vacant J Oakley **MICHAEL KRIEG** J Orinda **KEVIN MARKER**
Pinole **WARREN CLAYTON** J Pittsburg **RICHARD AINSLEY, PhD** J Pleasant Hill **JENNIFER HOGAN** J Richmond **SHIVA MISHEK** J San Pablo Vacant J Walnut Creek **JAMES MURRAY**

ACCESSIBILITY INFORMATION

Board meetings are accessible to people with disabilities and others who need assistance. Individuals who need special assistance or a disability-related modification or accommodation (including auxiliary aids or services) to observe and/or participate in this meeting and access meeting-related materials should contact Paula Macedo, General Manager, at least 48 hours before the meeting at (925) 457-8464 or pmacedo@contracostamosquito.com. Advance notification will enable the District to swiftly resolve such requests to ensure accessibility.

AGENDA

CALL TO ORDER:

- Roll Call
- Pledge of Allegiance

1. APPROVAL OF THE AGENDA AS POSTED (OR AMENDED)

2. PUBLIC INPUT ON NON AGENDA ITEMS

This time is reserved for members of the public to address the Board relative to matters of the District NOT on the agenda. No action may be taken on non-agenda items unless authorized by law. Public comments may be submitted as specified above.

3.* ACTION ITEMS

A. Public Hearing to Consider Abatement of nuisance on the property located at or near: 8650 Byron Highway, Brentwood, CA 94513; Contra Costa County Assessor's Parcel Number 020-180-049

- i.* Open Public Hearing and Opening Remarks by Board President
- ii.* Warning and Notice to Abate a Public Nuisance
- iii.* Testimony by District Staff
- iv.* Testimony by Property Owner and Representatives
- v.* Public Testimony
- vi.* Further Staff Testimony (if needed)
- vii.* Close Public Hearing
- viii.* Board Deliberation
- ix.** Consider Adoption of Resolution 21-3 Finding and Determining the Existence of a Public Nuisance, Ordering Payment of Nuisance Abatement Costs

B. Public Hearing to Consider Abatement of nuisance on the properties located at or near: 17001 Highway 4, Discovery Bay, CA 94505; Contra Costa County Assessor's Parcel Numbers 002-210-003, 002-220-001, 002-220-002, 002-220-003, 002-230-001, 002-230-002, 002-250-001, 002-250-003, 002-250-004, 002-250-006, 008-340-035, and 008-340-042

- i.* Open Public Hearing and Opening Remarks by Board President
- ii.* Warning and Notice to Abate a Public Nuisance
- iii.* Testimony by District Staff
- iv.* Testimony by Property Owner and Representatives
- v.* Public Testimony
- vi.* Further Staff Testimony (if needed)
- vii.* Close Public Hearing
- viii.* Board Deliberation
- ix.** Consider Adoption of Resolution 21-4 Finding and Determining the Existence of a Public Nuisance, Ordering Payment of Nuisance Abatement Costs

4. ADJOURNMENT

I hereby certify that the District Board of Trustee Agenda was posted 4 days, before the noted meeting.



Paula Macedo, General Manager

08/05/2021

Date

BEFORE THE BOARD OF TRUSTEES OF
CONTRA COSTA MOSQUITO AND VECTOR CONTROL DISTRICT

**Resolution of the Contra Costa Mosquito RESOLUTION 21-3
And Vector Control District Finding and
Determining the Existence of a Public Nuisance,
Ordering Compliance with Orders of the Board and
Ordering Payment of Nuisance Abatement Costs**

At a meeting of the Board of Trustees of the Contra Costa Mosquito and Vector Control District (District), a special district organized and existing under the laws of the State of California, held on the ninth day of August 2021, at 155 Mason Circle, Concord, California, a quorum being present, the following Resolution was adopted:

RECITALS

WHEREAS, District Staff served upon Basil M. Rago and Barbara C. Rago a Notice of Nuisance Abatement and Hearing on or about July 28, 2021; and

WHEREAS, a true and correct copy of such notice is attached hereto as Exhibit "A"; and

WHEREAS, a true and correct copy of the Personal Service Affidavit concerning service of Notice upon Basil M. Rago is attached hereto as Exhibit "B"; and

WHEREAS, the Notice asserted that the breeding place or places of mosquitoes existed on Contra Costa County Parcel No. 020-180-049

WHEREAS, the Notice ordered Basil M. Rago and Barbara C. Rago to abate the nuisance by destroying the mosquitoes in and emanating from the breeding place or places by August 23, 2021 and to prevent a recurrence of the nuisance by taking any necessary actions to prevent future mosquito production from designated sites; and

WHEREAS, the Notice advised Basil M. Rago and Barbara C. Rago of the right to attend a public hearing concerning the Notice on August 9, 2021, at 7:00 p.m.; and

WHEREAS, the District Board conducted a public hearing concerning the Notice at a regular Meeting of the Board held at the District Administrative Offices on August 9, 2021 at 7:00 p.m.; and

WHEREAS, at such hearing the Board considered oral testimony and documents presented by the District staff, and afforded Basil M. Rago and Barbara C. Rago, their representatives and the public the opportunity to present testimony and documents related to the Notice; and

WHEREAS, the District Board has considered all testimony and documents presented at the public hearing of August 9, 2021; and

WHEREAS, the District may abate nuisances and recover the costs of abatement pursuant to the provisions of the California Health and Safety Code Section 2040, et seq., and California Health and Safety Code Section 2060, et seq.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE CONTRA COSTA MOSQUITO AND VECTOR CONTROL DISTRICT as follows:

Findings

1. Based upon the whole record before it, including the testimony and documents presented at the public hearing held on August 9, 2021, the Board of Trustees finds and determines that the Notice to Abate Public Nuisance, a copy of which is attached hereto as Exhibit "A", was duly served upon Basil M. Rago and Barbara C. Rago on or about July 28, 2021.
2. Based upon the whole record before it, including the testimony and documents presented at the public hearing held on August 9, 2021, the Board finds and determines that a public nuisance as set forth in the Notice to Abate Public Nuisance existed at the time of the service of the Notice, which occurred on or about July 28, 2021.
3. Based upon the whole record before it, including the testimony and documents presented at the public hearing held on August 9, 2021, the Board of Trustees finds and determines that the Contra Costa Mosquito and Vector Control District will incur costs of abatement of the nuisance described in the Notice to Abate Public Nuisance if Basil M. Rago and Barbara C. Rago do not abate the nuisance by August 23, 2021.
4. Based upon the whole record before it, including the testimony and documents presented at the public hearing held on August 9, 2021, the Board of Trustees finds and determines that the criteria supporting the issuance of a notice to abate public nuisance contained in the Board Policy on Mosquito Control were met prior to the service of the Notice on July 28, 2021.

Orders

5. Based upon the above findings and upon the whole record before it, including the testimony and documents presented at the public hearing held on August 9, 2021, the Board of Trustees hereby orders Basil M. Rago and Barbara C. Rago to abate the public nuisance described in the Notice to Abate Public Nuisance, attached hereto as Exhibit "A".
6. Based upon the above findings and upon the whole record before it, including the testimony and documents presented at the public hearing

held on August 9, 2021, the Board of Trustees hereby orders Basil M. Rago and Barbara C. Rago to pay to the District costs of abatement the District will incur if Basil M. Rago and Barbara C. Rago do not abate the nuisance by August 23, 2021.

7. Based upon the above findings and upon the whole record before it, including the testimony and documents presented at the public hearing held on August 9, 2021, and pursuant to California Health and Safety Code Sections 2061, 2063, and 2065, the Board of Trustees hereby orders Basil M. Rago and Barbara C. Rago to pay to the District civil penalties of one thousand dollars (\$1,000) per day for each day that the public nuisance continues after August 23, 2021.
8. Based upon the above findings and upon the whole record before it, including the testimony and documents presented at the public hearing held on August 9, 2021, the Board of Trustees hereby orders Basil M. Rago and Barbara C. Rago, to prevent a recurrence of the nuisance described in the Notice to Abate Public Nuisance by modifying water and vegetation management practices in a manner that prevents mosquito production.
9. Based upon the above findings and upon the whole record before it, including the testimony and documents presented at the public hearing held on August 9, 2021, the Board of Trustees hereby orders that if the nuisance described in the Notice to Abate Public Nuisance shall recur, Basil M. Rago and Barbara C. Rago shall promptly reimburse the District any costs the District may incur in abating the recurrence of the nuisance upon the receipt of an invoice from the District.
10. Based upon the above findings and upon the whole record before it, including the testimony and documents presented at the public hearing held on August 9, 2021, and pursuant to California Health and Safety Code Section 2065, and other applicable law, the Board of Trustees, hereby authorizes District Staff to file a Notice of Lien against County of Contra Costa Parcel No. 020-180-049 and to deliver such lien to the County assessor and tax collector on or after December 1, 2021, if Basil M. Rago and Barbara C. Rago have not reimbursed the District by November 30, 2021 for the civil penalties costs of abatement incurred by the District since August 23, 2021.
11. Based upon the above findings and upon the whole record before it, including the testimony and documents presented at the public hearing held on August 9, 2021, and pursuant to California Health and Safety Code Section 2065, and other applicable law, the Board of Trustees further authorizes District Staff to file a Notice of Lien against County of Contra Costa Parcel No. 020-180-049 and deliver such lien to the County assessor and tax collector if Basil M. Rago and Barbara C. Rago do not reimburse the District for future abatement costs and civil penalties, should the nuisance described in the Notice to Abate Public Nuisance recur.

I, Daniel Pellegrini, the undersigned Secretary of the said Board of Trustees of the Contra Costa Mosquito and Vector Control District, a special district, hereby certify that I am the Secretary of said special district, the foregoing is a full, true and correct copy of the Resolution passed by the Board of Trustees thereof at a meeting of said Board held on the day and at the place therein specified, and that said Resolution has never been revoked, rescinded, or set aside, and is now in full force and effect.

PASSED AND ADOPTED by the Board of Trustees of the Contra Costa Mosquito and Vector Control District August 9, 2021, by the following vote:

Daniel Pellegrini
Secretary, Board of Trustees

Ayes:

Noes:

Abstain:

Absent:

EXHIBIT A



155 Mason Circle
Concord, CA 94520
phone (925) 685-9301
fax (925) 685-0266
www.contracostamosquito.com

July 27, 2021

DELIVERY VIA: PERSONAL SERVICE AND CERTIFIED MAIL

Basil M. Rago and Barbara C. Rago
P.O. Box 528
Diablo, CA 94528

Basil M. Rago and Barbara C. Rago
1726 Club House Rd.
Diablo, CA 94528

Re: Property at or near 8650 Byron Highway, Brentwood, CA 94513; Parcel #020-180-049

NOTICE OF NUISANCE ABATEMENT AND HEARING

To: Basil M. Rago and Barbara C. Rago, owners

The above referenced property has deficient water and land management conditions that are conducive to the breeding, development, attraction, and/or harborage of mosquitoes. Maintaining such conditions constitutes a public nuisance under California Health and Safety Code §2002 (j). The person(s), agency, or other entity claiming ownership of the property is responsible for abating any public nuisance caused by that property, and the source must be eliminated or otherwise developed in a manner to stop the breeding, development, attraction, and/or harborage of mosquitoes. This source is located at:

Parcel #020-180-049, generally northeast of BNSF Railway Lines, south and east of Ironhorse Road, and west of Byron Highway in unincorporated Brentwood, CA

Previous correspondence regarding these conditions were mailed October 1, 2020, with no response. Field contacts in the ensuing months have not alleviated poor irrigation practices. Failure to correct the onsite conditions by August 23, 2021, will result in the Contra Costa Mosquito & Vector Control District taking the actions necessary, pursuant to Health and Safety Code Sections 2040(c) and 2053, with the owner(s) being liable for paying the costs of the District's actions, including abatement of the nuisance conditions, and civil penalties of up to one thousand dollars (\$1,000) per day for each day that the public nuisance continues.

Prior to complying with the requirements of this notice, you may appear at a hearing of the Board of Trustees of the Contra Costa Mosquito Vector Control District, which will be conducted on August 9, 2021. At this hearing, you will be allowed to offer written and oral testimony concerning the alleged

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BOARD OF TRUSTEES

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Danville RANDALL DIAMOND · El Cerrito THOMAS MINTER · Hercules DUYLINH NGUYEN · Lafayette JAMES FITZSIMMONS · Moraga Vacant · Oakley MICHAEL KRIEG · Orinda KEVIN MARKER
Pinole WARREN CLAYTON · Pittsburg RICHARD AINSLEY, PhD · Pleasant Hill JENNIFER HOGAN · Richmond SHIVA MISHEK · San Pablo Vacant · Walnut Creek JAMES MURRAY

public nuisance that exists on your property, as described above. The information regarding the hearing is incorporated herein and attached hereto as Exhibit A.

Sincerely,



Paula Macedo, General Manager

CC: Current Resident(s), Caretaker(s), and/or Tenant(s) of 8650 Byron Highway, Brentwood, CA 94513 and any associated properties

EXHIBIT A



155 Mason Circle
Concord, CA 94520
phone (925) 685-9301
fax (925) 685-0266
www.contracostamosquito.com

BOARD OF TRUSTEES
Special Meeting
****MONDAY, AUGUST 9, 2021****

7:00 PM
To be held via teleconference – see below

**IMPORTANT NOTICE REGARDING COVID-19
AND TELECONFERENCE MEETINGS:**

Pursuant to Governor’s Executive Orders N-25-20, N-29-20, and N-33-20 and the Contra Costa County Public Health Officer Order No. HO-COVID19-03, and guidance from the CDC to minimize the spread of the coronavirus, please note the following changes to the District’s ordinary meeting procedures:

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- All members of the public seeking to observe and/or to address the local legislative body may participate in the meeting remotely in the manner described below.

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to <https://us06web.zoom.us/j/84560065901?pwd=ODY1UVpYTjQ4YTdsWXZoeUc1Y2xEdz09>

NOTE: This is a public meeting that can be seen and heard live by any member of the public.

HOW TO SUBMIT PUBLIC COMMENTS

Please email your comments to pmacedo@contracostamosquito.com, write “Public Comment” in the subject line. In the body of the email, include the agenda item number AND title, as well as your comments. Comments may be made at any time prior to the meeting, or as follows. During the meeting, the Committee Chair or designee will announce the opportunity to make public comments and identify the cut off time for submission. A short recess of less than 5 minutes will take place during the time public comment is open to allow emailed comments to be received and provided to the Chair. Once the public comment period is closed, all comments timely received will be read aloud. Comments received after the close of the public comment period will be added to the record after the meeting.

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AGENDA

CALL TO ORDER:

Roll Call

Pledge of Allegiance

1. APPROVAL OF THE AGENDA AS POSTED (OR AMENDED)

2. PUBLIC INPUT ON NON AGENDA ITEMS

This time is reserved for members of the public to address the Board relative to matters of the District NOT on the agenda. No action may be taken on non-agenda items unless authorized by law. Public comments may be submitted as specified above.

3.* ACTION ITEMS

A. Consideration of the existence of a public nuisance on the property located at or near: 8650 Byron Highway, Brentwood, CA 94513; Contra Costa County Assessor's Parcel Number 020-180-049

- i.* Conduct public hearing.
- ii.* Consider making determination that public nuisance exists on the property.
- iii.* Consider abatement and enforcement actions.

B. Consideration of the existence of a public nuisance on the properties located at or near: 17001 Highway 4, Discovery Bay, CA 94505; Contra Costa County Assessor's Parcel Numbers 002-210-003, 002-220-001, 002-220-002, 002-220-003, 002-230-001, 002-230-002, 002-250-001, 002-250-003, 002-250-004, 002-250-006, 008-340-035, and 008-340-042

- i.* Conduct public hearing.
- ii.* Consider making determination that public nuisance exists on the property.
- iii.* Consider abatement and enforcement actions.

4. ADJOURNMENT

I hereby certify that the District Board of Trustee Agenda was posted 11 days, before the noted meeting.



Paula Macedo, General Manager

07/28/2021

Date

EXHIBIT B

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) KIMBERLY L. MOORE SBN: 127410 BOLD POLISNER MADDOW NELSON & JUDSON 2125 OAK GROVE ROAD STE. 210 WALNUT CREEK, CA 94598 TELEPHONE NO.: (925) 933-7777 FAX NO. E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): :		FOR COURT USE ONLY
None STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: , CA BRANCH NAME:		
PLAINTIFF: MOSQUITO & VECTOR CONTROL DEFENDANT: BASIL M. RAGO AND BARBAR C. RAGO		CASE NUMBER:
PROOF OF SERVICE	Hearing Date: Time:	Ref. No. or File No.:

AT THE TIME OF SERVICE I WAS AT LEAST 18 YEARS OF AGE AND NOT A PARTY TO THIS ACTION
 I SERVED COPIES OF THE FOLLOWING DOCUMENTS:

CORRESPONDENCE LETTER DATED JULY 27, 2021 RE: PROPERTIES AT OR NEAR 8650 BYRON HIGHWAY, BRENTWOOD, CA 94513; PARCEL #020-180-049 - NOTICE OF NUISANCE ABATEMENT AND HEARING WITH EXHIBIT A

PARTY SERVED: **BASIL M. RAGO AND BARBARA C. RAGO**

PERSON SERVED: **BASIL M RAGO -**

DATE & TIME OF DELIVERY: **7/28/2021
 6:58 PM**

ADDRESS, CITY, AND STATE: **1726 CLUB HOUSE ROAD
 DIABLO, CA 94528**

MANNER OF SERVICE:

Personal Service - By personally delivering copies.



Fee for Service: \$ 120.00
 County: CONTRA COSTA
 Registration No.: 901
ONE HOUR LEGAL
 2920 CAMINO DIABLO
 WALNUT CREEK, CA 94597
 (925) 947-3470



I declare under penalty of perjury under the laws of the The State of California that the foregoing information contained in the return of service and statement of service fees is true and correct and that this declaration was executed on July 29, 2021.

Signature: _____

EDWIN BLAMA

PROOF OF SERVICE

703623

BEFORE THE BOARD OF TRUSTEES OF
CONTRA COSTA MOSQUITO AND VECTOR CONTROL DISTRICT

Resolution of the Contra Costa Mosquito And Vector Control District Finding and Determining the Existence of a Public Nuisance, Ordering Compliance with Orders of the Board and Ordering Payment of Nuisance Abatement Costs **RESOLUTION 21-4**

At a meeting of the Board of Trustees of the Contra Costa Mosquito and Vector Control District (District), a special district organized and existing under the laws of the State of California, held on the ninth day of August 2021, at 155 Mason Circle, Concord, California, a quorum being present, the following Resolution was adopted:

RECITALS

WHEREAS, District Staff served upon Property Reserve Inc. and/or Bruce Christensen a Notice of Nuisance Abatement and Hearing on or about July 29, 2021; and

WHEREAS, a true and correct copy of such notice is attached hereto as Exhibit "A"; and

WHEREAS, a true and correct copy of the Personal Service Affidavit concerning service of Notice upon Property Reserve Inc. and/or Bruce Christensen is attached hereto as Exhibit "B"; and

WHEREAS, the Notice asserted that the breeding place or places of mosquitoes existed on Contra Costa County Parcel Nos. 002-210-003, 002-220-001, 002-220-002, 002-220-003, 002-230-001, 002-230-002, 002-250-001, 002-250-003, 002-250-004, 002-250-006, 008-340-035, and 008-340-042; and

WHEREAS, the Notice ordered Property Reserve Inc. and/or Bruce Christensen to abate the nuisance by destroying the mosquitoes in and emanating from the breeding place or places by August 23, 2021 and to prevent a recurrence of the nuisance by taking any necessary actions to prevent future mosquito production from designated sites; and

WHEREAS, the Notice advised Property Reserve Inc. and/or Bruce Christensen of the right to attend a public hearing concerning the Notice on August 9, 2021, at 7:00 p.m.; and

WHEREAS, the District Board conducted a public hearing concerning the Notice at a regular Meeting of the Board held at the District Administrative Offices on August 9, 2021 at 7:00 p.m.; and

WHEREAS, at such hearing the Board considered oral testimony and documents presented by the District staff, and afforded Property Reserve Inc. and/or Bruce Christensen, their representatives, and the public the opportunity to present testimony and documents related to the Notice; and

WHEREAS, the District Board has considered all testimony and documents presented at the public hearing of August 9, 2021; and

WHEREAS, the District may abate nuisances and recover the costs of abatement pursuant to the provisions of the California Health and Safety Code Section 2040, et seq. and California Health and Safety Code Section 2060, et seq.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE CONTRA COSTA MOSQUITO AND VECTOR CONTROL DISTRICT as follows:

Findings

1. Based upon the whole record before it, including the testimony and documents presented at the public hearing held on August 9, 2021, the Board of Trustees finds and determines that the Notice to Abate Public Nuisance, a copy of which is attached hereto as Exhibit "A", was duly served upon Property Reserve Inc. and/or Bruce Christensen on or about July 29, 2021.
2. Based upon the whole record before it, including the testimony and documents presented at the public hearing held on August 9, 2021, the Board finds and determines that a public nuisance as set forth in the Notice to Abate Public Nuisance existed at the time of the service of the Notice, which occurred on or about July 29, 2021.
3. Based upon the whole record before it, including the testimony and documents presented at the public hearing held on August 9, 2021, the Board of Trustees finds and determines that the Contra Costa Mosquito and Vector Control District will incur costs of abatement of the nuisance described in the Notice to Abate Public Nuisance if Property Reserve Inc. and/or Bruce Christensen do/does not abate the nuisance by August 23, 2021.
4. Based upon the whole record before it, including the testimony and documents presented at the public hearing held on August 9, 2021, the Board of Trustees finds and determines that the criteria supporting the issuance of a notice to abate public nuisance contained in the Board Policy on Mosquito Control were met prior to the service of the Notice on July 29, 2021.

Orders

5. Based upon the above findings and upon the whole record before it, including the testimony and documents presented at the public hearing

held on August 9, 2021, the Board of Trustees hereby orders Property Reserve Inc. and/or Bruce Christensen to abate the public nuisance described in the Notice to Abate Public Nuisance, attached hereto as Exhibit "A".

6. Based upon the above findings and upon the whole record before it, including the testimony and documents presented at the public hearing held on August 9, 2021, the Board of Trustees hereby orders Property Reserve Inc. and/or Bruce Christensen to pay to the District costs of abatement the District will incur if Property Reserve Inc. and/or Bruce Christensen do/does not abate the nuisance by August 23, 2021.
7. Based upon the above findings and upon the whole record before it, including the testimony and documents presented at the public hearing held on August 9, 2021, and pursuant to California Health and Safety Code Sections 2061, 2063, and 2065, the Board of Trustees hereby orders Property Reserve Inc. and/or Bruce Christensen to pay to the District civil penalties of one thousand dollars (\$1,000) per day for each day that the public nuisance continues after August 23, 2021.
8. Based upon the above findings and upon the whole record before it, including the testimony and documents presented at the public hearing held on August 9, 2021, the Board of Trustees hereby orders Property Reserve Inc. and/or Bruce Christensen, to prevent a recurrence of the nuisance described in the Notice to Abate Public Nuisance by modifying water and vegetation management practices in a manner that prevents mosquito production.
9. Based upon the above findings and upon the whole record before it, including the testimony and documents presented at the public hearing held on August 9, 2021, the Board of Trustees hereby orders that if the nuisance described in the Notice to Abate Public Nuisance shall recur, Property Reserve Inc. and/or Bruce Christensen shall promptly reimburse the District any costs the District may incur in abating the recurrence of the nuisance upon the receipt of an invoice from the District.
10. Based upon the above findings and upon the whole record before it, including the testimony and documents presented at the public hearing held on August 9, 2021, and pursuant to California Health and Safety Code Section 2065, and other applicable law, the Board of Trustees, hereby authorizes District Staff to file a Notice of Lien against County of Contra Costa Parcel Nos. 002-210-003, 002-220-001, 002-220-002, 002-220-003, 002-230-001, 002-230-002, 002-250-001, 002-250-003, 002-250-004, 002-250-006, 008-340-035, and 008-340-042 and to deliver such lien to the County assessor and tax collector on or after December 1, 2021, if Property Reserve Inc. and/or Bruce Christensen has not reimbursed the District by November 30, 2021 for the civil penalties costs of abatement incurred by the District since August 23, 2021.

11. Based upon the above findings and upon the whole record before it, including the testimony and documents presented at the public hearing held on August 9, 2021, and pursuant to California Health and Safety Code Section 2065, and other applicable law, the Board of Trustees further authorizes District Staff to file a Notice of Lien against County of Contra Costa Parcel Nos. 002-210-003, 002-220-001, 002-220-002, 002-220-003, 002-230-001, 002-230-002, 002-250-001, 002-250-003, 002-250-004, 002-250-006, 008-340-035, and 008-340-042 and deliver such lien to the County assessor and tax collector if Property Reserve Inc. and/or Bruce Christensen does not reimburse the District for future abatement costs and civil penalties, should the nuisance described in the Notice to Abate Public Nuisance recur.

I, Daniel Pellegrini, the undersigned Secretary of the said Board of Trustees of the Contra Costa Mosquito and Vector Control District, a special district, hereby certify that I am the Secretary of said special district, the foregoing is a full, true and correct copy of the Resolution passed by the Board of Trustees thereof at a meeting of said Board held on the day and at the place therein specified, and that said Resolution has never been revoked, rescinded, or set aside, and is now in full force and effect.

PASSED AND ADOPTED by the Board of Trustees of the Contra Costa Mosquito and Vector Control District August 9, 2021, by the following vote:

Daniel Pellegrini
Secretary, Board of Trustees

Ayes:

Noes:

Abstain:

Absent:

EXHIBIT A



155 Mason Circle
Concord, CA 94520
phone (925) 685-9301
fax (925) 685-0266
www.contracostamosquito.com

July 27, 2021

DELIVERY VIA: PERSONAL SERVICE AND CERTIFIED MAIL

Property Reserve Inc. and/or Bruce Christensen
PO Box 511196
Salt Lake City, UT 84151

Property Reserve Inc. and/or Bruce Christensen
51 S. Main Street, Ste. 301
Salt Lake City, Utah 84111

Re: Properties at or near 17001 Highway 4, Discovery Bay, CA 94505

NOTICE OF NUISANCE ABATEMENT AND HEARING

To: Property Reserve Inc. and/or Bruce Christensen, owners

The above referenced properties have deficient water and land management conditions that are conducive to the breeding, development, attraction, and/or harborage of mosquitoes. Maintaining such conditions constitutes a public nuisance under California Health and Safety Code §2002 (j). The person(s), agency, or other entity claiming ownership of the properties is responsible for abating any public nuisance caused by those properties, and the source must be eliminated or otherwise developed in a manner to stop the breeding, development, attraction, and/or harborage of mosquitoes. These sources are located at:

Parcels #002-210-003, #002-220-001, #002-220-002, #002-220-003, #002-230-001, #002-230-002, #002-250-001, #002-250-003, #002-250-004, #002-250-006, #008-340-035, and #008-340-042; generally north of Clifton Court Road, south of State Highway 4, east of undeveloped open space, and west of Old River and Italian Slough in unincorporated Discovery Bay and Byron, CA

Previous letters regarding these conditions were mailed October 9, 2020, and April 15, 2021. Email correspondence with Gareth Fisher of Vaqueros Livestock dated June 2, 2021, relayed areas of concern, potential remedies, and irrigation guidelines. Phone conversation the week of July 12-16, 2021, relayed that current irrigation practices are excessive and need to be addressed. As of the writing of this letter, unacceptable irrigation practices continue. If all irrigation is not ceased and/or the provided guidelines are not followed to address mosquito production, the District will proceed with abatement. Failure to correct the onsite conditions by August 23, 2021, will result in the Contra Costa Mosquito & Vector

Protecting Public Health Since 1927

BOARD OF TRUSTEES

President PEGGIE HOWELL Clayton · Vice President PETER PAY San Ramon · Secretary DANIEL PELLEGRINI Martinez
Antioch LOLA ODUNLAMI · Brentwood JON ELAM · Concord PERRY CARLSTON · Contra Costa County JIM PINCKNEY, CHRIS COWEN & DARRYL YOUNG
Danville RANDALL DIAMOND · El Cerrito THOMAS MINTER · Hercules DUYLINH NGUYEN · Lafayette JAMES FITZSIMMONS · Moraga Vacant · Oakley MICHAEL KRIEG · Orinda KEVIN MARKER
Pinole WARREN CLAYTON · Pittsburg RICHARD AINSLEY, PhD · Pleasant Hill JENNIFER HOGAN · Richmond SHIVA MISHEK · San Pablo Vacant · Walnut Creek JAMES MURRAY

Control District taking the actions necessary, pursuant to Health and Safety Code Sections 2040(c) and 2053, with the owner(s) being liable for paying the costs of the District's actions, including abatement of the nuisance conditions, and civil penalties of up to one thousand dollars (\$1,000) per day for each day that the public nuisance continues.

Prior to complying with the requirements of this notice, you may appear at a hearing of the Board of Trustees of the Contra Costa Mosquito Vector Control District, which will be conducted on August 9, 2021. At this hearing, you will be allowed to offer written and oral testimony concerning the alleged public nuisance that exists on your property, as described above. The information regarding the hearing is incorporated herein and attached hereto as Exhibit A.

Sincerely,

A black rectangular redaction box covering the signature of Paula Macedo.

Paula Macedo, General Manager

CC: Current Resident(s), Caretaker(s), and/or Tenant(s) of 17001 Highway 4, Discovery Bay, CA 94505 and associated properties

EXHIBIT A



155 Mason Circle
Concord, CA 94520
phone (925) 685-9301
fax (925) 685-0266
www.contracostamosquito.com

BOARD OF TRUSTEES
Special Meeting
****MONDAY, AUGUST 9, 2021****

7:00 PM
To be held via teleconference – see below

**IMPORTANT NOTICE REGARDING COVID-19
AND TELECONFERENCE MEETINGS:**

Pursuant to Governor’s Executive Orders N-25-20, N-29-20, and N-33-20 and the Contra Costa County Public Health Officer Order No. HO-COVID19-03, and guidance from the CDC to minimize the spread of the coronavirus, please note the following changes to the District’s ordinary meeting procedures:

- The meeting will be conducted via teleconference using **Zoom** (see Executive Order 29-20).
- All members of the public seeking to observe and/or to address the local legislative body may participate in the meeting remotely in the manner described below.

HOW TO OBSERVE THE MEETING

Telephone: Meeting ID: **845 6006 5901**

Listen to the meeting live by calling **(669) 900-9128** and entering the **PASSWORD: 634689**

Computer or mobile: Watch or listen to the meeting from a computer with internet access by navigating

to <https://us06web.zoom.us/j/84560065901?pwd=ODY1UVpYTjQ4YTdsWXZoeUc1Y2xEEdz09>

NOTE: This is a public meeting that can be seen and heard live by any member of the public.

HOW TO SUBMIT PUBLIC COMMENTS

Please email your comments to pmacedo@contracostamosquito.com, write “Public Comment” in the subject line. In the body of the email, include the agenda item number AND title, as well as your comments. Comments may be made at any time prior to the meeting, or as follows. During the meeting, the Committee Chair or designee will announce the opportunity to make public comments and identify the cut off time for submission. A short recess of less than 5 minutes will take place during the time public comment is open to allow emailed comments to be received and provided to the Chair. Once the public comment period is closed, all comments timely received will be read aloud. Comments received after the close of the public comment period will be added to the record after the meeting.

Protecting Public Health Since 1927

BOARD OF TRUSTEES

President **PEGGIE HOWELL** Clayton • Vice President **PETER PAY** San Ramon • Secretary **DANIEL PELLEGRINI** Martinez
Antioch **LOLA ODUNLAMI** • Brentwood **JON ELAM** • Concord **PERRY CARLSTON** • Contra Costa County **JIM PINCKNEY, CHRIS COWEN & DARRYL YOUNG**
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Pinole **WARREN CLAYTON** • Pittsburg **RICHARD AINSLEY, PhD** • Pleasant Hill **JENNIFER HOGAN** • Richmond **SHIVA MISHEK** • San Pablo **Vacant** • Walnut Creek **JAMES MURRAY**

ACCESSIBILITY INFORMATION

Board meetings are accessible to people with disabilities and others who need assistance. Individuals who need special assistance or a disability-related modification or accommodation (including auxiliary aids or services) to observe and/or participate in this meeting and access meeting-related materials should contact Paula Macedo, General Manager, at least 48 hours before the meeting at (925) 457-8464 or pmacedo@contracostamosquito.com. Advance notification will enable the District to swiftly resolve such requests to ensure accessibility.

AGENDA

CALL TO ORDER:

Roll Call

Pledge of Allegiance

1. APPROVAL OF THE AGENDA AS POSTED (OR AMENDED)

2. PUBLIC INPUT ON NON AGENDA ITEMS

This time is reserved for members of the public to address the Board relative to matters of the District NOT on the agenda. No action may be taken on non-agenda items unless authorized by law. Public comments may be submitted as specified above.

3.* ACTION ITEMS

A. Consideration of the existence of a public nuisance on the property located at or near: 8650 Byron Highway, Brentwood, CA 94513; Contra Costa County Assessor's Parcel Number 020-180-049

i. Conduct public hearing.

ii. Consider making determination that public nuisance exists on the property.

iii. Consider abatement and enforcement actions.

B. Consideration of the existence of a public nuisance on the properties located at or near: 17001 Highway 4, Discovery Bay, CA 94505; Contra Costa County Assessor's Parcel Numbers 002-210-003, 002-220-001, 002-220-002, 002-220-003, 002-230-001, 002-230-002, 002-250-001, 002-250-003, 002-250-004, 002-250-006, 008-340-035, and 008-340-042

i. Conduct public hearing.

ii. Consider making determination that public nuisance exists on the property.

iii. Consider abatement and enforcement actions.

4. ADJOURNMENT

I hereby certify that the District Board of Trustee Agenda was posted 11 days, before the noted meeting.



Paula Macedo, General Manager

07/28/2021

Date

EXHIBIT B

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) KIMBERLY L. MOORE SBN: 127410 BOLD POLISNER MADDOW NELSON & JUDSON 2125 OAK GROVE ROAD STE. 210 WALNUT CREEK, CA 94598 TELEPHONE NO.: (925) 933-7777 FAX NO. E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):		FOR COURT USE ONLY
None STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE:, CA BRANCH NAME:		
PLAINTIFF: MOSQUITO & VECTOR CONTROL DEFENDANT: PROPERTY RESERVE INC. AND/OR BRUCE CHRISTENSEN		CASE NUMBER:
PROOF OF SERVICE	Hearing Date: Time:	Ref. No. or File No.:

AT THE TIME OF SERVICE I WAS AT LEAST 18 YEARS OF AGE AND NOT A PARTY TO THIS ACTION
 I SERVED COPIES OF THE FOLLOWING DOCUMENTS:

CORRESPONDENCE LETTER DATED JULY 27, 2021 RE: PROPERTIES AT OR NEAR 17001 HIGHWAY 4, DISCOVERY BAY, CA 94505 - NOTICE OF NUISANCE ABATEMENT AND HEARING WITH EXHIBIT A

PARTY SERVED: PROPERTY RESERVE INC. AND/OR BRUCE CHRISTENSEN

BY LEAVING WITH: JAN BRADFORD - RECEPTIONIST - AUTHORIZED TO ACCEPT

**DATE & TIME OF DELIVERY: 7/29/2021
 12:25 PM**

**ADDRESS, CITY, AND STATE: 51 S. MAIN STREET, # SUITE 301
 SALT LAKE CITY, UT 84111**

MANNER OF SERVICE:

Substituted Service - By leaving the copies with or in the presence of JAN BRADFORD a person at least 18 years of age apparently in charge at the office or usual place of business of the person served. I informed him/her of the general nature of the papers.



Fee for Service: \$ 200.00
 County: Salt Lake
 Registration No.: R103145
ONE HOUR LEGAL
 2920 CAMINO DIABLO
 WALNUT CREEK, CA 94597
 (925) 947-3470



I declare under penalty of perjury under the laws of the The State of California that the foregoing information contained in the return of service and statement of service fees is true and correct and that this declaration was executed on August 3, 2021.

Signature: John Udy
 JOHN UDY

PROOF OF SERVICE

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) KIMBERLY L. MOORE SBN: 127410 BOLD POLISNER MADDOW NELSON & JUDSON 2125 OAK GROVE ROAD STE. 210 WALNUT CREEK, CA 94598 TELEPHONE NO.: (925) 933-7777 FAX NO. E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): :	FOR COURT USE ONLY
None STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: , CA BRANCH NAME:	
PLAINTIFF/PETITIONER: MOSQUITO & VECTOR CONTROL DEFENDANT/RESPONDENT: PROPERTY RESERVE INC. AND/OR BRUCE CHRISTENSEN	CASE NUMBER:
DECLARATION OF DILIGENCE	Ref. No. or File No.:

I, JOHN UDY, declare: I am a Registered Process Server and was retained to serve process in the above-referenced matter on the following person or entity: PROPERTY RESERVE INC. AND/OR BRUCE CHRISTENSEN as follows:

Documents:

CORRESPONDENCE LETTER DATED JULY 27, 2021 RE: PROPERTIES AT OR NEAR 17001 HIGHWAY 4, DISCOVERY BAY, CA 94505 - NOTICE OF NUISANCE ABATEMENT AND HEARING WITH EXHIBIT A;

I attempted personal service on the following dates and times with the following results:

Date	Time	Location	Results
7/28/2021	3:30 PM	Business	Address is the City Creek Center (pedestrian mall). Unable to locate #301 or listing for the company on the directory. No one was in the security office. Management offices are not on-site. - JOHN UDY 51 S. MAIN STREET, # SUITE 301 SALT LAKE CITY, UT 84111
7/29/2021	12:25 PM	Business	Substituted service on: PROPERTY RESERVE INC. AND/OR BRUCE CHRISTENSEN; 51 S. MAIN STREET, SALT LAKE CITY, UT 84111; by serving: JAN BRADFORD - RECEPTIONIST - AUTHORIZED TO ACCEPT.

Fee for Service: \$ 200.00

County: Salt Lake

Registration No.: R103145

ONE HOUR LEGAL

2920 CAMINO DIABLO 100

WALNUT CREEK, CA 94597

(925) 947-3470



I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on August 3, 2021.



Signature: _____

JOHN UDY

AFFIDAVIT OF REASONABLE DILIGENCE

Order#: 9585

Attorney or Party without Attorney: KIMBERLY L. MOORE, SBN: 127410 BOLD POLISNER MADDOW NELSON & JUDSON 2125 OAK GROVE ROAD STE. 210 WALNUT CREEK, CA 94598 TELEPHONE No.: (925) 933-7777				FOR COURT USE ONLY	
E-MAIL ADDRESS (Optional):		FAX No. (Optional):		Ref No. or File No.:	
Attorney for:					
Insert name of Court, and Judicial District and Branch Court: None -					
Plaintiff: MOSQUITO & VECTOR CONTROL Defendant: PROPERTY RESERVE INC. AND/OR BRUCE CHRISTENSEN					
PROOF OF SERVICE BY MAIL		HEARING DATE:	TIME:	DEPT.:	CASE NUMBER:

1. I am over the age of 18 and not a party to this action. I am employed in the county where the mailing occurred.
2. I served copies of the CORRESPONDENCE LETTER DATED JULY 27, 2021 RE: PROPERTIES AT OR NEAR 17001 HIGHWAY 4, DISCOVERY BAY, CA 94505 - NOTICE OF NUISANCE ABATEMENT AND HEARING WITH EXHIBIT A;
3. By placing a true copy thereof enclosed in a sealed envelope, with First Class postage thereon fully prepaid, in the United States Mail at WALNUT CREEK, CA, California, addressed as follows:
 - a. Date of Mailing: July 29, 2021
 - b. Place of Mailing: WALNUT CREEK, CA,
 - c. Addressed as follows: PROPERTY RESERVE INC. AND/OR BRUCE CHRISTENSEN
51 S. MAIN STREET SUITE 301
SALT LAKE CITY, UT 84111

I am readily familiar with the firm's practice for collection and processing of documents for mailing. Under that practice, it would be deposited within the United States Postal Service, on that same day, with postage thereon fully prepaid at WALNUT CREEK, CA, California in the ordinary course of business.

Fee for Service: \$ 200.00

County:

Registration:

ONE HOUR LEGAL

2920 CAMINO DIABLO

WALNUT CREEK, CA 94597

(925) 947-3470



I declare under penalty of perjury under the laws of the The State of California that the foregoing information contained in the return of service and statement of service fees is true and correct and that this declaration was executed on July 29, 2021.

Signature: _____

PETER HOUSE

PROOF OF SERVICE BY MAIL

Order#: 9585/maillproof