

CONTRA COSTA MOSQUITO AND VECTOR CONTROL DISTRICT
BOARD MEETING
MINUTES NO. 21-6

A special meeting of the Board of Trustees of the Contra Costa Mosquito and Vector Control District was held on Monday, August 9, 2021, via teleconference 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.

TRUSTEES PRESENT	Peggie Howell, President Peter Pay, Vice President Daniel Pellegrini, Secretary Richard Ainsley Perry Carlston Warren Clayton Chris Cowen Randall Diamond Jon Elam Jim Fitzsimmons Jen Hogan Michael Krieg Kevin Marker Thomas Minter James Murray Lola Odunlami Darryl Young Jim Pinckney
TRUSTEES ABSENT	Shiva Mishek Duy Nguyen
VACANCIES	Moraga San Pablo
OTHERS PRESENT	Paula Macedo, General Manager Maria Bagley, Administrative Services Manager David Wexler, Program Supervisor Jeremy Shannon, Program Supervisor Terry Davis, Program Supervisor Kim Moore, legal counsel, Bold, Polisner, Maddow, Nelson, & Judson Morgan Biggerstaff, legal counsel, Bold, Polisner, Maddow, Nelson, & Judson Basil Rago

CALL TO ORDER

President Howell called the meeting to order at 7:01 p.m.

Roll Call: A roll call indicated that 17 Trustees were present, three were absent, and there are two vacancies. Trustee Ainsley joined the meeting at 8:09 p.m.

Pledge of Allegiance

1. APPROVAL OF THE AMENDED AGENDA AS POSTED - There were no additional changes to the posted agenda and the agenda was adopted by rule.

2. PUBLIC INPUT ON NON-AGENDA ITEMS – None

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. Opened Public Hearing with Remarks by Board President – President Howell opened the public hearing at 7:05 pm and summarized the Board previously adopted Board Policy on Mosquito Control, and the abatement process.
- ii. Warning and Notice to Abate a Public Nuisance – Program Supervisor Shannon stated that District staff served a Notice of Nuisance Abatement and Hearing on or about July 28, 2021 as well as posted the Notice on the property. The notice advised Basil Rago and Barbara Rago of the right to attend a public hearing concerning the notice, at the present meeting.
- iii. Testimony by District Staff – Program Supervisor Shannon presented data regarding the property, location, numbers of work records and larvicide and adulticide applications associated with the site for the past 3 years, and West Nile virus activity in the area in the past 3 years. Program Supervisor Shannon stated that a warning letter had been sent to the property owners on October 1, 2020 relaying deficient water and land management conditions contributing to mosquito problems and with specific instructions to remedy those conditions. The District received no contact from the owners and overirrigation practices continued. In addition, a copy of the letter was provided by field staff and reviewed in person with onsite operator. Overirrigation continued with inconsistent notice to the District. Field staff continued to attempt to communicate with operators on site. Staff noticed some improvements in irrigation practices from spring 2021 through July 2021 but only received contact from owners once abatement documents were served. In addition, Shannon presented data on the mosquito sampling conducted in the property in 2021, showing that even as there has been some improvement in irrigation practices, field staff recorded the presence of larvae and adult mosquitoes as late as August 2, 2021.
- iv. Testimony by Property Owner and Representatives - Mr. Rago submitted a letter to General Manager Macedo, which was attached to these minutes, and was read at the meeting. Mr. Rago stated that he had not received the letter mailed by the

District in October 2020 and that his daughter had not notified him of the letter. He further stated that he is willing to cooperate with the District to do what needs to be done to resolve the mosquito problem.

- v. Public Testimony – None
- vi. Further Staff Testimony – General Manager Macedo explained the different egg-laying and biting behavior between the nuisance mosquitoes (*Aedes*) and *Culex*, responsible for WNV transmission. She spoke about the potential for it to become a threat for disease transmission, as the District has already identified West Nile virus activity in East county this year. Program Supervisor Shannon stated that he recommends the abatement to ensure that the positive changes that have been occurring in the past months will continue and that the problem will be resolved. Program Supervisor Wexler added that the number of employee hours and material spent in this property exceeds the time spent on any other property of the same type in the county. President Howell asked General Manager Macedo to explain the purpose of the resolution.
- vii. Close Public Hearing – President Howell closed the Public Hearing at 7:32 pm.
- viii. Board Deliberation – President Howell asked for questions from the Board. Discussion followed. Trustee Fitzsimmons asked whether the Board had the ability to not take action at this meeting and resume if improvements are not made. Morgan Biggerstaff, legal counsel, explained that, alternatively, the Board has the ability to amend the resolution modifying the timeline contingent on Mr. Rago following the District’s recommendations. General Manager Macedo explained that the timeline proposed takes into consideration that we are in the middle of the summer, with west Nile virus activity in the area, and we need it resolved as soon as possible. Trustee Elam spoke about the amount of public money already spent on this property, and the possibility of setting precedence by not following and implementing District policies. Trustees asked additional clarifying questions regarding actions that will be taken before and after August 23, 2021, according to the resolution. Trustee Murray asked about the District’s ability to recover cost and assess fees for future mosquito problems on this property. Morgan Biggerstaff, legal counsel, explained that the current resolution, as written, allows the District to make sure it does not recur and allows the District to abate in case of a future problem. Trustee Pinckney asked if Mr. Rago has been clearly instructed about the improvements needed. General Manager Macedo stated that District staff will meet with Mr. Rago if he so desires, and that District staff has explained in detail to Mr. Rago’s daughter and the operator.
- ix. Consider Adoption of Resolution 21-3 Finding and Determining the Existence of a Public Nuisance, Ordering Payment of Nuisance Abatement Costs

** Motion was made by Trustee Cowen and seconded by Trustee Pellegrini to approve resolution 21-3. *Motion passed unanimously.*

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. Opened Public Hearing with Remarks by Board President – President Howell opened the hearing at 8:01 pm.
- ii. Warning and Notice to Abate a Public Nuisance – Program Supervisor Shannon stated that District staff served a Notice of Nuisance Abatement and Hearing on or about July 29, 2021 as well as posted the Notice on the property. The notice advised Property Reserve Inc and/or Bruce Christensen of the right to attend a public hearing concerning the notice, at the present meeting.
- iii. Testimony by District Staff - Program Supervisor Shannon presented data regarding the property, location, acreage, numbers of work records and larvicide and adulticide applications associated with the site for the past 3 years, as well as West Nile virus activity in the area in the past 3 years. Program Supervisor Shannon stated that warning letters had been sent to owner address and local address on October 9, 2020, and April 15, 2021, relaying deficient water and land management conditions. District staff also provided an overview of problem locations within the property, improvements needed, and irrigation guidelines to Gareth Fisher, tenant, via email on June 2, 2021, to which he replied on June 23, 2021 stating observations would be reviewed and addressed. No improvements were noted and overirrigation continued. Shannon added that multiple phone conversations followed in June and July 2021, but excessive irrigation continued. In addition, Shannon presented data on the mosquito sampling conducted in the property in 2021, and on the estimated cost of treating the property in 2021, which exceeds \$10,000 in material costs alone. Due to the large acreage of this property, it has also affected the nearby residents, resulting in multiple service requests in the area.
- iv. Testimony by Property Owner and Representatives – None. President Howell noted that the property owner had been properly served and given an opportunity to appear before the Board of Trustees.
- v. Public Testimony - None
- vi. Further Staff Testimony (if needed) – None
- vii. Close Public Hearing – at 8:11 pm
- viii. Board Deliberation – President Howell asked if there were any additional questions. There were none.
- ix. Consider Adoption of Resolution 21-4 Finding and Determining the Existence of a Public Nuisance, Ordering Payment of Nuisance Abatement Costs

**** Motion was made by Trustee Pellegrini and seconded by Trustee Pinckney to approve the resolution 21-4. *Motion passed unanimously.***

4. ADJOURNMENT – 8:16 p.m.

I certify the above minutes were approved as read or corrected at the meeting of the Board held on September 13, 2021.

Ayes: 18

Noes: 0

Abstain: 0

Absent: 1



Daniel Pellegrini
2021 Secretary, Board of Trustees