

CONTRA COSTA MOSQUITO AND VECTOR CONTROL DISTRICT  
BOARD MEETING  
MINUTES No. 09-4

A regular meeting of the Board of Trustees of the Contra Costa Mosquito and Vector Control District was held on Monday, July 13, 2009, in the District Office at 155 Mason Circle, Concord, California.

TRUSTEES PRESENT        Richard Ainsley  
                                 Russ Belleci  
                                 Jeff Bennett  
                                 Chris Cowen  
                                 James Fitzsimmons  
                                 Richard Head  
                                 Peggie Howell  
                                 Richard Mank  
                                 Tim McDonough  
                                 Richard Means  
                                 Daniel Pellegrini  
                                 Myrto Petreas  
                                 Sharyn Rossi  
                                 Jose Saavedra  
                                 Brian Smalley  
                                 Kirk Thill

TRUSTEES ABSENT        Soheila Bana  
                                 Nancy Brownfield  
                                 Michael Cory  
                                 Angela Micheals  
                                 James Pinckney  
                                 Diane Wolcott

OTHERS PRESENT        Craig Downs, General Manager  
                                 Mark Cornelius, General Counsel  
                                 Chuck Crandall, Bureau Veritas  
                                 Ray Waletzko, Administrative & Finance Manager  
                                 Allison Lewis, Administrative Secretary  
                                 Steve Schutz, Scientific Programs Manager  
                                 Carlos Sanabria, Operations Manager  
                                 Karl Malamud-Roam, Environmental Projects Manager

1. Vice President Fitzsimmons called the meeting to order at 7:03 p.m.
2. A roll call indicated that 16 Trustees were present, 6 were absent, and there are no vacancies.
3. The meeting opened with the Pledge of Allegiance.
4. APPROVAL OF AGENDA AS AMENDED

\*\* A motion was made by Trustee Pellegrini, and seconded by Trustee Saavedra to approve the Agenda as amended. *Motion passed unanimously.*

5. PUBLIC INPUT ON NON AGENDA ITEMS - None

6. CONSENT CALENDAR

- A. MINUTES - APPROVAL OF MINUTES 09-3, REGULAR BOARD MEETING HELD ON MAY 11, 2009
- B. EXPENDITURES - APPROVAL OF EXPENDITURES OF MAY 1, 2009 THROUGH JUNE 30, 2009, INCLUDING CHECKS NO. 17026 THROUGH NO. 17229, IN THE AMOUNT OF \$656,540.54
- C. PAYROLL - APPROVAL OF PAYROLL EXPENDITURES OF MAY 1, 2009 THROUGH JUNE 30, 2009, INCLUDING CHECKS NO. 61161 THROUGH NO. 61360, IN THE AMOUNT OF \$341,270.86
- D. INVESTMENT ACTIVITY REPORT FOR APRIL 2009 & MAY 2009
- E. APPROVAL OF TRUSTEE TRAVEL

\*\* A motion was made by Trustee Pellegrini and seconded by Trustee Saavedra to approve the Consent Calendar as amended. *Motion passed unanimously.*

7. INFORMATIONAL REPORTS

- A. West Nile Virus Update - Scientific Programs Manager Steve Schutz reported that after some unusual early-season activity followed by a quiet period, West Nile Virus activity has increased recently concurrent to the advent of hot summer weather. Our first WNV positive bird of the year, a Western scrub-jay, was collected in Alamo on June 28<sup>th</sup>, and a positive mosquito sample was collected in Oakley on July 7<sup>th</sup>. Statewide, WNV activity is concentrated in the Central Valley and in Southern California, similar to the pattern that we have seen in the previous two years.
- B. Operations Reports - Operations Manager Carlos Sanabria reported on the focus of field operations and changes made to this years program. A total of five seasonal Vector Control Aides (VCA) returned this year. Three of the VCA's are assigned to assist technicians with inspecting and treating neglected swimming pools. Two VCA's are assigned to treat Catch Basins and assist technicians with treating large sources. The trends in service request numbers for the various vectors were discussed. Skunk and rodent service requests have declined compared to previous year averages & technicians from the vertebrate program are lending their services to the mosquito program as needed. Other discussions centered around the use of a storm drain mister for treating sources and how service requests are processed.

Environmental Projects Manager Karl Malamud-Roam reviewed recent environmental law challenges facing the District's operations, and concluded that

there is no immediate risk to the District's control operations nor to its budget. Specifically, Clean Water Act litigation is on hold until April 2011 following a decision of the 6<sup>th</sup> Circuit Court of Appeals; while the District could be sued allowing pesticide residues to enter water without a permit, no permit is available, and the courts have extended an EPA Rule concluding that they are not needed. In the meantime, the District continues to work with the CA State Water Board and with the USEPA on negotiations regarding what a Clean Water Act permit for adulticides would include. In addition, the District is collaborating with our state and federal trade associations on potential joint legal defenses and legislative fixes. On a different issue, Dr. Malamud-Roam reported on a proposed settlement to litigation regarding protection of endangered species from pesticides. While there is no significant threat of litigation directly challenging the District, a suit against USEPA could lead to changes in pesticide labeling. An exemption for public agency vector control has been proposed, and will almost certainly be included in the settlement. Finally, he discussed joint source reduction projects; other than the Rhodia/ Shell Marsh in Martinez, which is now complete, funding cuts to the County and the cities means that most of these projects will be indefinitely on hold.

## 8. ACTION ITEMS

- A. Report on Mosquito & Vector Surveillance and Control Engineers Report on the District-Wide Special Benefit Assessment - Chuck Crandall, of Bureau Veritas gave an overview of the Engineers report for Fiscal Year 2009-2010. After a brief discussion explaining the assessment calculations, Mr. Crandall concluded that no changes were necessary to the assessment methodology from the previous year.

\*\* A motion was made by Trustee Head and seconded by Trustee McDonough to approve the Engineer's Report for Contra Costa Mosquito and Vector Control Benefit Assessment District - Fiscal Year 2009-2010 as amended. *Motion passed unanimously.*

\*\* A motion was made by Trustee McDonough and seconded by Trustee Head to adopt Resolution 09-1, to continue the Mosquito & Vector Surveillance and Control Project for the benefit of four zones and to continue the financing of the project by continued assessment upon property within the District as amended. *Motion passed unanimously.*

- B. Executive Committee Report - Trustee Fitzsimmons reported that the committee has reviewed the contract to retain legal services with the Law Offices of Mark Cornelius for a period of three years and recommends approval of the contract with minor changes to the wording.

\*\* A motion was made by Trustee Means and seconded by Trustee Saavedra to approve the Contract for Legal Services with Law Offices of Mark Cornelius as amended. *Motion passes unanimously.*

General Manager Downs reported on the Actuarial Valuation of Other Post-Employment Benefit (OPEB) Programs. The GASB 45 requirements have been satisfied at this time. The Actuarial Valuation is completed and board approval is needed to accept and file the Valuation; which will be included in the FY 09/10

audit.

\*\* A motion was made by Trustee Head and seconded by Trustee Saavedra to accept and file the Actuarial Valuation. *Motion passed unanimously.*

C. Budget Committee Report - Administrative & Finance Manager Ray Waletzko reported that the committee met on June 18, 2009 and he thanked the committee members for their patience with the vast amount of information they had to review this year. The proposed FY 09/10 budget was reviewed and discussed, with an emphasis on the projected deficit, due to the anticipated 15% reduction in property tax revenue and proposed suspension of Proposition 1A.

\*\* A motion was made by Trustee Head and seconded by Trustee Mank to approve the proposed budget for FY 2009/2010. *Motion passed unanimously.*

The full Board of Trustees is required to annually adopt the District Investment Policy. The committee reviewed the current policy and recommends the policy with only minor changes.

\*\* A motion was made by Trustee Pellegrini and seconded by Trustee McDonough to adopt the District Investment Policy. *Motion passed unanimously.*

D. Personnel Committee Report - Chairperson Saavedra reported the committee met on June 8, 2009. The Employee Handbook updates were reviewed, this included; Sick Leave, Prohibited Conduct, Meal and Rest Periods and Flexible Spending Accounts. The committee also reviewed seven administrative position salaries and concluded all salary ranges were competitive with surrounding agencies.

\*\* A motion was made by Trustee McDonough and seconded by Trustee Cowen to approve changes to the Employee Handbook, rev. July 14, 2009. *Motion passed unanimously.*

CLOSED SESSION - Began at 8:33 p.m.

9. A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 54957

Title: General Manager

B. CONFERENCE WITH LABOR NEGOTIATOR, JIM FITZSIMMONS, BOARD VICE-PRESIDENT, TO REVIEW THE DISTRICT'S POSITION ON SALARY AND BENEFITS FOR UNREPRESENTED EMPLOYEES, PURSUANT TO CALIFORNIA GOVERNMENT CODE 54957.6

\_\_\_\_\_ Title: General Manager

RETURN TO OPEN SESSION: 8:48 p.m.

REPORT FROM CLOSED SESSION

10. PUBLIC EMPLOYEE APPOINTMENT

CONSIDER CONTRACT WITH CRAIG W. DOWNS

           Title: General Manager

\*\* A motion was made by Trustee Head and seconded by Trustee Saavedra to approve a 3.1% COLA adjustment to the General Manager's salary effective July 1, 2009. *Motion passed unanimously.*

11. BOARD AND STAFF ANNOUNCEMENTS

A. Board - None

B. Staff - Environmental Projects Manager, Karl Malamud-Roam, announced he has accepted a position at Rutgers University and will be leaving the District at the end of August.

13. ADJOURNMENT

There being no further business, the meeting was adjourned at 9:00 p.m.

I certify the above minutes were approved as read or corrected at a meeting of the Board of Trustees held on September 14, 2009.

AYES:   16    
NOES:             
ABSTAIN:             
ABSENT:   6  

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H. Richard Mank  
Secretary, Board of Trustees