

CONTRA COSTA MOSQUITO AND VECTOR CONTROL DISTRICT
BOARD MEETING
MINUTES NO. 02-3

A regular meeting of the Board of Trustees of the Contra Costa Mosquito and Vector Control District was held on Monday, May 13, 2002, in the District Office at 155 Mason Circle, Concord, California.

TRUSTEES PRESENT Russ Belleci
 Jon Elam
 John Hall
 Richard Head
 David Jameson
 Charles Lupsha
 Jeannette Mahoney
 Richard Mank
 Tim McDonough
 Richard Means
 Earl Mortenson
 Daniel Pellegrini
 Myrto Petreas
 James Pinckney
 John Poon

TRUSTEES EXCUSED Ronald Tervelt
 Dick Vesperman

TRUSTEES ABSENT Nancy Brownfield
 David Carpenter
 Heather Gibson

OTHERS PRESENT Craig Downs, General Manager
 Michele Valencia, Secretary
 Mark Cornelius, General Counsel
 Ray Waletzko, Administrative Analyst
 Steve Perkins, Union Steward
 Cameliya Vladimirova, Student

1. President Mahoney called the meeting to order at 7:00 p.m.
2. A roll call indicated that 15 Trustees were present, two were excused, three were absent, and there were two vacancies.
3. The meeting opened with the Pledge of Allegiance.

4. APPROVAL OF THE AGENDA AS POSTED

** A motion was made by Trustee Jameson and seconded by Trustee Head to approve the agenda as posted. Motion passed.

5. PUBLIC INPUT ON NON AGENDA ITEMS - None

6. ✨ CONSENT CALENDAR

A. ✨ MINUTES - APPROVAL OF MINUTES 02-2, REGULAR BOARD MEETING HELD ON MARCH 11, 2002

B. ✨ EXPENDITURES - APPROVAL OF EXPENDITURES OF MARCH 1, 2002 THROUGH APRIL 30, 2002, INCLUDING CHECKS NO. 8689 THROUGH NO. 8883, IN THE AMOUNT OF \$262,879.57

C. PAYROLL - APPROVAL OF PAYROLL EXPENDITURES OF MARCH 1, 2002 THROUGH APRIL 30, 2002, INCLUDING CHECKS NO. 54058 THROUGH NO. 54171, IN THE AMOUNT OF \$165,684.23

D. ✨ INVESTMENT ACTIVITY REPORT FOR FEBRUARY & MARCH 2002

** A Motion was made by Trustee Hall and seconded by Trustee Head to approve the consent calendar. Motion passed.

7. INFORMATIONAL REPORTS

A. Personnel Committee Report - Trustee Pellegrini reported that the Personnel committee had met April 29, 2002, and that negotiations had begun. General Manager Downs further reported that there have been several negotiating sessions with Local 790. A package should be ready to present to the Personnel committee when they meet again on June 3, 2002. Full Board ratification is targeted for the July 8, 2002, board meeting.

B. SB 1588 - The Mosquito Abatement and Vector Control District Law - Trustee Jameson reported that SB 1588 is now in the Assembly, having been approved by the Senate Local Government Committee and the Senate Budget Committee, and having passed through the Senate. General Manager Downs further reported that Trustee Jameson, with the help of General Counsel Mark Cornelius and General Manager Downs, successfully lobbied for amendments for abatement powers. Discussion ensued about changes to the law and their effect on the District.

C. Report on NPDES Permit - Environmental Projects Manager Malamud-Roam reported that the District intends to sign a NPDES Permit within a

few weeks. This has come about because the monitoring requirements of pesticides used by the District are now acceptable as proposed. The materials used by the District are necessary for mosquito control and essentially harmless, as shown in the District's statement of Best Management Practices, but liability can be fairly significant for the District if it is found in violation of the state permit. In the cover letter to be submitted with the Notice of Intent to Comply, the District is stating disagreement of the State's interpretation of the original court case, standing by the view that pesticide applications by the District are not pollutant discharges, but at the same time the District is recognizing the ability of the state agency to regulate discharges as they see fit. Additionally, the District reserves the right to withdraw the Notice of Intent if the State's interpretation of the existing law is altered by a federal court or federal regulatory agency.

General Manager Downs added that of the ten districts in the Coastal Region, eight districts are under the jurisdiction of the San Francisco Regional Water Quality Control Board, and all eight will be filing the Notice of Intent to Comply. The only two districts in the state that have already filed are Sacramento County and San Joaquin County.

Environmental Projects Manager Malamud-Roam commented on another issue related to the Clean Water Act. Rhodia, Inc. is alleging that District activities in the 1940' s and 1950' s at the Shell Marsh significantly increased the spread of toxic material currently found in the soil that must be removed from the site. General Counsel Mark Cornelius and his colleagues researched the issue and found that although there is not a statute of limitations, the District, as a government agency, was acting in good faith and therefore no immediate liability to the District exists; although that could change.

- D. Report on 01/02 Budget and 02/03 Budget Process - Administrative Analyst Waletzko reviewed the anticipated Fiscal Year 01/02 ending budget. He highlighted a few items, including Payroll, Agriculture, Worker's Compensation, Maintenance/Equipment, Transportation/Travel, Electricity, and the Contingency Fund. Highlighted revenues were Property Taxes and the Benefit Assessment. Explanations were given for unusual differences.
- E. Report on State Budget Deficit - General Manager Downs reported that the Governor is expected to give his May revise, tomorrow, May 14, 2002. It is rumored that the state budget deficit exceeds \$20 billion. It has been said that once the Governor announces the programs to be cut, there is little room for amendment due to the size of the deficit. Discussion ensued on possible ramifications to the District.

- F. Report on CSDA activities (Appendix III) - General Manager Downs reported that CSDA had joined with CSAC (California State Association of Counties) and the League of Cities to form a coalition to protect local revenues, called L.O.C.A.L. (Leave Our Community Assets Local). MVCAC is also co-sponsoring the coalition.
- G. Report on MVCAC and AMCA activities - The top issue is the NPDES permit. The U.S. Fish and Wildlife Service (USFWS) and Cal Fed projects are other issues at hand. Environmental Projects Manager Malamud-Roam indicated that the issue with USFWS is that they feel that their responsibility to protect the refuges is incompatible with the Mosquito and Vector Control Districts' responsibility to control mosquitoes. He stated that the goal is to create a model Refuge Management Policy with the local and national refuge management agencies. General Manager Downs finished by saying that MVCAC realizes that MVCD's need a bigger political voice and is working to improve lobbying efforts. Discussion ensued on what the District can do to create more awareness.

8. CLOSED SESSION - 8:15 p.m.

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

Title: General Manager

B. CONFERENCE WITH LABOR NEGOTIATOR, JEANNETTE MAHONEY,
CHAIR OF EXECUTIVE COMMITTEE, 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 - 8:45 p.m.

9. PUBLIC EMPLOYEE APPOINTMENT

PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 54957:
CONSIDER CONTRACT OF EMPLOYMENT WITH CRAIG W. DOWNS.

TITLE: General Manager

** A Motion was made by Trustee Pinckney and seconded by Trustee Elam to approve the General Manger's employment contract as amended. Motion passed.

10. BOARD AND STAFF ANNOUNCEMENTS

- A. Board - Trustee Pinckney asked that the Board be informed about the contract with Laura Hanson by way of Memo
- Trustee Hall commended the District on the Open House and Employee Appreciation event.
- B. Staff - General Manager Downs announced that a form had been passed out in order to have information on file regarding the "in lieu of" payments.
- General Manager Downs also reported that staff information cards with titles and extension numbers were passed out to board members.
 - General Manager Downs reported that per inquiries about the Trustee photo in the front hall, the District would soon send out information regarding reprint purchase for those interested.
 - General Manager Downs and General Counselor Cornelius commented on the forwarding of mail addressed to Trustees, received at the District. Any Trustee who wishes that mail not be forwarded may inform Michele Valencia or General Manager Downs. Otherwise, mail will be forwarded by placing an address sticker over the existing label and requesting that the USPS forward it.

11. ADJOURNMENT

There being no further business, the meeting was adjourned at 8:56 p.m.

I certify the above minutes were approved as read or corrected at a meeting of the Board held on July 8, 2002.

Richard Mank
Secretary, Board of Trustees