



*An Independent Special District
Serving Orange County Since 1947*

AGENDA

762ND MEETING

**BOARD OF TRUSTEES
ORANGE COUNTY VECTOR CONTROL DISTRICT**

**MAY 20, 2010
THURSDAY
3:00 P.M.**

**13001 GARDEN GROVE BOULEVARD
GARDEN GROVE, CALIFORNIA 92843-2102**

The mission of the Orange County Vector Control District is to provide the citizens of Orange County with the highest level of protection from vectors and vector-borne diseases.

BOARD OF TRUSTEES
Orange County Vector Control District
AGENDA
762nd Meeting, May 20, 2010
Thursday, 3:00 P.M.
ITEMS

COMMITTEE MEETINGS:

- ⇒ 2:00 p.m. - Policy & Personnel: 1) District Manager Recruitment
- ⇒ 2:15 p.m. - Budget & Finance: 1) Review Investment Policy (Item 6B), 2) Review Audit Policy (Item 6C), and 3) Review Agreement for Engineer Consultant Services (Items 6D).

REGULAR MEETING – 3:00 P.M.:

1. Pledge of Allegiance
2. Roll Call
3. Public Participation
4. Announcement of Late Communications
5. Committee Reports
 - 5A - Budget & Finance Committee (Meeting May 20)
 - 5B - Operations Committee (Meeting May 6)
 - 5C - Policy & Personnel Committee (Meeting April 23)
6. Consent Calendar – Items for Approval by General Consent
 - 6A - Accept and Approve Monthly Financial Report; and Receive and File Warrant Register
 - 6A.1 - Monthly Financial Report
 - 6A.2 - Warrant Register
 - 6B - Approval of 2010-11 Investment Policy for Monies of Orange County Vector Control District
 - 6C - Approve Policy No. 39, Annual Audit Accountant Firm Policy
 - 6D - Approve Agreement for Engineer Consultant Services with A and E Consultant Group
 - 6E - Report of District Activities
7. Approval of Minutes
8. Adopt Resolution No. 351, A Resolution of Intention to Levy Assessments for Fiscal Year 2010-11 for Orange County Vector Control District Vector Surveillance and Control Assessment District (District No. 1) and the Mosquito, Fire Ant and Disease Control Assessment (District No. 2), Preliminarily Approving the Engineer's Reports for District No. 1 and District No. 2, and Providing Notice of Public Hearings for District No. 1 and District No. 2
9. Approve District's Integrated Vector Management and Response Plan
10. Approve Date for a Secret Ballot Election to Determine if a Majority of Employees from the Orange County Vector Control District Desire Union Representation by the California School Employees Association
11. Operations Committee Report on Pilot Program for Privatization of Rat Control
12. Closed Session: Public Employee Appointment and Selection Criteria (Gov. Code § 54957)
Position: District Manager
13. Closed Session: Conference with Labor Negotiator to Set Salary and Benefit Parameters for Recruitment (Gov. Code § 54957.6) Unrepresented Employee: New District Manager to be Recruited
14. Closed Session: Conference with Labor Negotiator to Establish Compensation Package (Gov. Code § 54957.8) Unrepresented Employee: Interim District Manager
15. Closed Session: Conference with Legal Counsel – Anticipated Litigation Pursuant to Gov. Code § 54956.9 (Statements of Previous District Manager)
16. Reconvene to Open Session
17. Written Communications – Trustee Report from the AMCA Annual Conference
18. Comments from the Board of Trustees
19. Other Business
20. Adjournment
(Meeting Calendar follows agenda.)

AGENDA

AGENDA: This Agenda contains a brief general description of each item to be considered. Except as otherwise provided by law, no action shall be taken on any item not appearing in the following Agenda.

NOTICE: The public is entitled to copies of all documents that are made part of the agenda packet. If any document or other writing pertaining to an agenda item is distributed to all or a majority of the Board after the packet is prepared, a copy of that writing may be obtained by contacting the Clerk of the Board at 714-740-4141.

PUBLIC PARTICIPATION: Citizens desiring to comment on specific agenda items are requested to indicate their interest to the Executive Assistant/Clerk of the Board before the start of the meeting. At the beginning of the meeting, members of the public may address the Board of Trustees on agendized items, or non-agendized items of interest that are within the subject matter jurisdiction of the Board of Trustees. A member of the public shall be allowed a period of up to three (3) minutes, or a time at the discretion of the President of the Board, to address the Board of Trustees.

ADA AGENDA NOTICE: “In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the District Office at (714) 971-2421. Notification 48 hours prior to the meeting will enable the District to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR Part 35]”

BOARD ACTIONS: The Board may not legally take action on any item presented at this time other than to direct staff to investigate a complaint or place an item on a future agenda unless (1) by a majority vote, the Board determines that an emergency situation exists, as defined by Government Code Section 54956.5, or (2) by a two-thirds vote, the Board determines that the need for action arose subsequent to the agenda being posted as required by Government Code Section 54954.2(b).

WEB SITE: The Agenda and Minutes are available through the Internet at www.ocvcd.org. You can access the Agenda on the Monday prior to the Board of Trustees meeting. The Minutes are approved at the next regular Board of Trustees meeting and are available online the following Monday.

1. **PLEDGE OF ALLEGIANCE:** To be lead by Trustee Bouer (Alternate: Trustee Gomez).

2. **ROLL CALL:**

San Clemente	Joe Anderson, President		
Brea	Roy Moore, Vice-President		
Newport Beach	Dr. Virginia L. Barrett, Secretary		
Aliso Viejo	Phillip B. Tsunoda	Lake Forest	Richard T. Dixon
Anaheim	Lucille Kring	La Palma	Larry A. Herman
Buena Park	Jim Dow	Los Alamitos	Ken C. Parker
Costa Mesa	Wendy Leece	Mission Viejo	John Paul Ledesma
Cypress	Doug Bailey	Orange	Denis Bilodeau
Dana Point	Steven H. Weinberg	Placentia	Greg Sowards
Fountain Valley	Cheryl Brothers	Rancho Santa Margarita	Gary Thompson
Fullerton	R. Paul Webb	San Juan Capistrano	Laura Freese
Garden Grove	Mark Rosen	Santa Ana	VACANT
Huntington Beach	Joe Carchio	Seal Beach	Michael Levitt
Irvine	Dr. Steven Choi	Stanton	Al Ethans
Laguna Beach	Toni Iseman	Tustin	Al Murray
Laguna Hills	Melody Carruth	Villa Park	James Rheins
Laguna Niguel	Robert Ming	Westminster	Frank Fry, Jr.
Laguna Woods	Dr. Robert Bouer	Yorba Linda	Jim Winder
La Habra	James Gomez	County of Orange	John M. W. Moorlach

3. **PUBLIC PARTICIPATION:** At this time, members of the public may address the Board of Trustees regarding agenda items or items of interest that are within the subject matter jurisdiction of the Board of Trustees. Generally, the Board will not enter into a dialogue during this period.

Speakers should have a “Speaker Card” completed and presented to the Clerk of the Board prior to the start of the Board meeting.

Comments shall be limited to three minutes per person, unless different time limits are set by the President, subject to the approval of the Board.

4. **ANNOUNCEMENT OF LATE COMMUNICATIONS:**

5. **COMMITTEE REPORTS:**

5A - **Budget & Finance Committee:** Meeting May 20: 1) Review Investment Policy (Item 6B), 2) Review Audit Policy (Item 6C), and 3) Review Agreement for Engineer Consultant Services (Items 6D).

5B - **Operations Committee:** Meeting May 6: *Committee will report during Item 11: Operations Committee Report on Pilot Program for Privatization of Rat Control.*

5C - **Policy & Personnel Committee:** Meeting April 23: *Committee will report during Item 12.*

*****CONSENT CALENDAR*****

6. **CONSENT CALENDAR – Items for Approval by General Consent:** All Consent Calendar items may be acted upon by one motion unless a Trustee requests separate action on a specific item.

6A - **Accept and Approve Monthly Financial Report; and Receive and File Warrant Register:** Kelly Price, Director of Administrative Services, will present the financial report and warrant register, and address any questions the Board may have regarding these reports.

6A.1 - **Monthly Financial Report:**

Recommended Action: Accept for inclusion as Exhibit I, the Orange County Vector Control District Monthly Financial Report for the period ending April 30, 2010.

6A.2 - **Warrant Register:**

Recommended Action: Receive and file payment of Warrant Register (Exhibit II) dated May 20, 2010, in the amount of \$408,353.66 as presented by In-House Check Runs dated April 1, 8, 12, 13, 22, 26, and 28, 2010. (The financial information is enclosed as a separate item with the agenda packet.)

[Staff Contact: K. Price. Phone: (714) 971-2421, Ext. 137]

6B - **Approval of 2010-11 Investment Policy for Monies of Orange County Vector Control District:** The investment policy was originally adopted in June 2006 and is approved each fiscal year. It ensures compliance with the California Government Code pertaining to investments. The regulations set forth in this policy apply to all District financial assets for Fiscal Year 2010-11.

Recommended Action: It is the Interim District Manager’s recommendation that the Board of Trustees approve the amendment of Policy No. 38, entitled “Orange County Vector Control District Statement of Investment Policy for Fiscal Year 2010-11” as presented in Exhibit A.

[Staff Contact: K. Price. Phone: (714) 971-2421, Ext. 137]

(Consent Calendar continued next page)

6. **CONSENT CALENDAR – Items for Approval by General Consent:** (continued)

6C - **Approve Policy No. 39, Annual Audit Accountant Firm Policy:** On April 15, 2010, the Budget and Finance Committee recommended approval of a new contract with the District’s current accountant firm charged with conducting the annual audit. The Committee also asked staff to bring a policy back to the Board that would allow for the option of changing accountant firms at the close of each contract period. If a change is recommended, staff would not allow the current firm to submit a bid in response to a request for proposal (RFP). A change in firms every contract period would help to ensure that the District received a thorough and complete audit from a newer audit staff.

Recommended Action: It is the Interim District Manager’s recommendation that the Board of Trustees approve Policy No. 39, Annual Audit Accountant Firm Policy (Exhibit B).

[Staff Contact: K. Price. Phone: (714) 971-2421, Ext. 137]

6D - **Approve Agreement for Engineer Consultant Services with A and E Consultant Group:** The District has retained A and E Consultant Group to provide engineering services as they may arise. The District has had recent needs for specialized engineer services. Recent needs have included the Lewis Flood Control Channel project and a structural engineer evaluation of the District’s garage facility. The Agreement for Engineer Consultant Services (Exhibit C) will govern all future services with A and E Consultants. The hourly rate for the Principle Engineer is \$165. A detailed rate sheet is attached as part of the contract itself.

In accordance with the District’s Operations Code 4.01.030: General exceptions to bidding requirements states that bidding is not required: “(2) When the services of specialized professionals are required, such as scientists, engineers, attorneys, or accountants.” Therefore, a formal bidding process was not required. District Counsel has reviewed the agreement and approved as to form.

Recommended Action: It is the Interim District Manager’s recommendation that the Board of Trustees approve the Agreement for Engineer Consultant Services with A and E Consultant Group.

[Staff Contact: K. Price. Phone: (714) 971-2421, Ext. 137]

(Consent Calendar continued next page)

6. **CONSENT CALENDAR – Items for Approval by General Consent:** (continued)

6E - **Report of District Activities:** Enclosed with the Agenda is the Report of District Activities as submitted by staff to the Board of Trustees by separate report dated May 14, 2010.

Recommended Action: Receive and File.

[Staff Contact: V. Blaylock. Phone: (714) 971-2421, Ext. 112]

*****END OF CONSENT CALENDAR*****

7. **APPROVAL OF MINUTES:** Approve without reading the Minutes of the 761st Meeting of the Board of Trustees held April 15, 2010, enclosed as a separate item with the agenda.

[Staff Contact: V. Blaylock. Phone: (714) 971-2421, Ext. 112]

8. **ADOPT RESOLUTION NO. 351, A RESOLUTION OF INTENTION TO LEVY ASSESSMENTS FOR FISCAL YEAR 2010-11 FOR ORANGE COUNTY VECTOR CONTROL DISTRICT VECTOR SURVEILLANCE AND CONTROL ASSESSMENT DISTRICT (DISTRICT NO. 1) AND THE MOSQUITO, FIRE ANT AND DISEASE CONTROL ASSESSMENT (DISTRICT NO. 2), PRELIMINARILY APPROVING THE ENGINEER’S REPORTS FOR DISTRICT NO. 1 AND DISTRICT NO. 2 AND PROVIDING NOTICE OF PUBLIC HEARINGS FOR DISTRICT NO. 1 AND DISTRICT NO. 2:** On April 15, 2010, with the approval of Resolution No. 350, the Board directed the preparation of Engineer’s Reports for the Orange County Vector Control District Vector Surveillance and Control Assessment District (District No. 1) and for the Mosquito, Fire Ant and Disease Control Assessment (District No. 2).

Separate updated Engineer’s Reports for District No. 1 and District No. 2 have been prepared by Willdan Financial Services, the District’s assessment engineer and assessment administration firm. These Engineer’s Reports (“Reports”) establish the basis and justification for the continued levy of the assessments for Fiscal Year 2010-11. The Reports have been updated based on the assessment engineer’s more recent findings regarding special and general benefit and other assessment engineering determinations. These enhancements and revisions to the Reports do not modify the underlying assessment methodology or basis for either assessment.

(continued next page)

8. **ADOPT RESOLUTION NO. 351:** (continued)

The proposed assessments for District No. 1 for Fiscal Year 2010-11 are \$1.92 per benefit unit. The total amount of revenues that would be generated by the assessments in Fiscal Year 2010-11 is approximately \$1,511,186. The assessments for District No. 1 for Fiscal Year 2010-11 are not proposed to increase from the rate of assessment in Fiscal Year 2009-10.

The assessments for District No. 2 included a voter approved annual increase to the maximum authorized assessment rate equal to the change in the Los Angeles Area Consumer Price Index (“CPI”), not to exceed 3% (three percent) per year without a further vote or balloting process. The change in the CPI in 2010 was 1.80%. Therefore, the maximum authorized assessment rate for Fiscal Year 2010-11 that could be levied without additional voter approval is \$6.21 per single family equivalent benefit unit.

The proposed assessment rate for District No. 2 for Fiscal Year 2010-11 is \$5.02 per single-family equivalent benefit unit. This represents a decrease of \$0.04 per single-family equivalent benefit unit from last year’s assessment rate. This proposed rate is also \$1.19 per single-family equivalent benefit unit below the maximum authorized assessment rate. The total amount of revenues that would be generated by the assessments in Fiscal Year 2010-11 at the proposed rate of \$5.02 is approximately \$4,114,124.

The following table summarizes the maximum authorized assessment rate and annual revenue from each District since Fiscal Year 2004-05.

FY	CPI History	Maximum Authorized % Change	Maximum Authorized Assessment Rate District #2	Actual/ Proposed Assessment Rate Levied District #2	Actual/ Proposed Assessment Revenues District #2	Actual/Proposed Assessment Revenues District #1
2004-05	N/A		\$5.42	\$5.42	\$4,306,278.44	\$1,488,269.88
2005-06	3.66%	3.00%	\$5.58	\$5.30	\$4,263,641.78	\$1,489,599.38
2006-07	5.42%	3.00%	\$5.75	\$5.25	\$4,264,508.72	\$1,501,507.06
2007-08	3.20%	3.00%	\$5.92	\$5.14	\$4,196,516.50	\$1,505,044.40
2008-09	3.92%	3.00%	\$6.10	\$5.10	\$4,180,451.00	\$1,510,567.00
2009-10	-0.90%	3.00%	\$6.10	\$5.06	\$4,162,307.23	\$1,514,335.46
2010-11	1.80%	3.00%	\$6.21	\$5.02	\$4,114,124.16 ⁽¹⁾	\$1,511,185.55 ⁽¹⁾

⁽¹⁾Final assessment amounts submitted to the County Auditor-Controller may be different than the preliminary amounts listed for the Engineer’s Reports.

If the Board approves the resolution listed above, a Public Hearing would be held at three o'clock p.m., June 17, 2010. A notice of the hearing would be given by publishing a notice once, at least ten (10) days prior to the date of the hearing above specified, in both the Orange County Register and the Los Angeles Times. At this Public Hearing, after receiving public testimony, the Board could take final action on setting the rates of assessment and collection of the assessments for Fiscal Year 2010-11.

8. **ADOPT RESOLUTION NO. 351:** (continued)

Recommended Action: It is the Interim District Manager's recommendation that the Board of Trustees adopt Resolution No. 351 (Exhibit D), a Resolution of Intention to Levy Assessments for Fiscal Year 2010–11 for Orange County Vector Control District Vector Surveillance and Control Assessment District (District No. 1) and for the Mosquito, Fire Ant and Disease Control Assessment (District No. 2), preliminarily approving Engineer's Reports for District No. 1 (Exhibit E) and District No. 2 (Exhibit F), and providing for notice of the Public Hearings for the proposed continuation of the assessments for both District No. 1 and thereafter for District No. 2.

[Staff Contact: K. Price. Phone: (714) 971-2421, Ext. 137]

9. **APPROVE DISTRICT'S INTEGRATED VECTOR MANAGEMENT AND RESPONSE PLAN:** The Orange County Vector Control District's (District) California Environmental Quality Act (CEQA) document will require including several procedural manuals that outline the District's various operational and vector-borne disease surveillance practices. The first item for consideration is the Integrated Vector Management and Response Plan (Response Plan), enclosed as a separate item with the agenda packet. The purpose of the Response Plan is to provide guidelines to District staff and information to stakeholders regarding the types of responses made to prevent and control vector-borne diseases, and any illnesses and injuries, caused by mosquitoes, rats, flies, and Red Imported Fire Ants in Orange County. The Response Plan details the roles and responsibilities of District Management, Administration, Public Information, Laboratory, and Operations staff in responding to disease threats. Responses are organized by the type of vectors causing illness in humans, domestic animals, and wildlife. The Response Plan also includes contingencies for targeting control of newly-introduced vectors and vector-borne diseases in the County.

District management and staff are expected to exercise professional knowledge and judgment in implementation of these strategies and procedures, as outlined in the Response Plan. Deviations from elements of the Response Plan are allowable when deemed necessary by District management or authorized staff, based on available information and conditions, to meet the District's primary goal of protecting the public from vector-borne diseases.

The Response Plan will be reviewed annually by District staff and approved by the Board of Trustees.

Recommended Action: It is the Interim District Manager's recommendation that the Board of Trustees approve the Integrated Vector Management and Response Plan.

[Staff Contact: R. Cummings. Phone (714) 971-2421, Ext. 138]

10. **APPROVE DATE FOR A SECRET BALLOT ELECTION TO DETERMINE IF A MAJORITY OF EMPLOYEES FROM THE ORANGE COUNTY VECTOR CONTROL DISTRICT DESIRE UNION REPRESENTATION BY THE CALIFORNIA SCHOOL EMPLOYEES ASSOCIATION:** The Orange County Vector Control District (OCVCD) received a Petition of Recognition from the California School Employees Association (CSEA) on April 12, 2010. The Petition was reviewed against OCVCD’s Employer-Employee Rules and Regulations (EER), Resolution No. 305, by District Labor Counsel. The EER is attached as Exhibit G for reference. Counsel determined that two pieces of information were missing from the Petition. CSEA was notified and has to date submitted all the required information as outlined in the EER.

In accordance with the EER, SECTION 9, *“After the petition has been received...then the Board of Trustees shall arrange for a secret ballot election to determine if the employee organization represents a majority of District employees.”* District Labor Counsel recommended that the California State Mediation & Conciliation Service (SMCS) facilitate the election. The SMCS is a service through the State Department of Industrial Relations that provides public agencies impartial mediation and training services aimed at improving employer-union relations in California. A mediator from the SMCS will conduct the employee election free of charge to the District.

The election will take place in the Board Room at OCVCD and notice must be posted for employee view at least five (5) calendar days prior. The SMCS mediator is available to conduct the election on May 27 or June 3, 2010. On either day, the election will occur at 7:30 a.m.

Recommended Action: It is the Interim District Manager’s recommendation that the Board of Trustees approve one (1) of the following two actions:

- A) Approve a secret ballot employee election, in accordance with Resolution No. 305, on **May 27, 2010**, to determine if a majority of Orange County Vector Control District employees desire to be formally represented by the California School Employees Association.

or

- B) Approve a secret ballot employee election, in accordance with Resolution No. 305, on **June 3, 2010**, to determine if a majority of Orange County Vector Control District employees desire to be formally represented by the California School Employees Association.

[Staff Contact: K. Price. Phone: (714) 971-2421, Ext. 137]

11. **OPERATIONS COMMITTEE REPORT ON PILOT PROGRAM FOR PRIVATIZATION OF RAT CONTROL:** At the April 15 Board meeting, the Board of Trustees moved to continue the discussion of the Pilot Program for Privatization of Rat Control to allow the Operations Committee the opportunity to meet and conclude its findings. Trustee Ming prepared a summary of the May 6 Operations Committee meeting, which is attached as Exhibit H.

ADJOURN TO CLOSED SESSION:

12. **CLOSED SESSION:**

Public Employee Appointment and Selection Criteria (Gov. Code § 54957)

Position: District Manager

13. **CLOSED SESSION:** Conference with Labor Negotiator to Set Salary and Benefit Parameters for Recruitment (Gov. Code § 54957.6)

Agency Designated Representatives: President Anderson/Personnel and Policy Committee Chair Carchio

Unrepresented Employee: New District Manager to be recruited

14. **CLOSED SESSION:** Conference with Labor Negotiator to Establish Compensation Package (Gov. Code § 54957.8)

Agency Representative: President Anderson

Unrepresented Employee: Interim District Manager

15. **CLOSED SESSION:** Conference with Legal Counsel – Anticipated Litigation Pursuant to Gov. Code § 54956.9 (Statements of Previous District Manager)

16. **RECONVENE TO OPEN SESSION:**

**ORANGE COUNTY VECTOR CONTROL DISTRICT
MEETING CALENDAR**

MEETING	LOCATION	DATE
MVCAC Summer Meeting	Courtyard by Marriott Sacramento	July 22, 2010
LCC Annual Conference	San Diego Convention Center San Diego	September 15 - 17, 2010
SOVE	Raleigh Hilton, Raleigh, NC	September 26 - 30, 2010
MVCAC Fall Meeting	Embassy Suites Lake Tahoe	November 3 - 5, 2010
MVCAC 79 th Annual Conference	Renaissance Esmeralda Indian Wells	January 30 - February 1, 2011

- AMCA - American Mosquito Control Association
- ASTMH - American Society of Tropical Medicine and Hygiene
- CALPELRA - California Public Employees Labor Relations Association
- CalPERS - California Public Employees' Retirement System
- CDFA - California Department of Food & Agriculture
- CSDA - California Special Districts Association
- CSMFO - California Society of Municipal Financial Officers
- ERMA - Employment Risk Management Authority
- ESA - Entomological Society of America
- LCC - League of California Cities
- MVCAC - Mosquito and Vector Control Association of California
- OCERS - Orange County Employees Retirement System
- RIFA - Red Imported Fire Ant
- SOVE - Society for Vector Ecology
- SWS - Society of Wetland Scientists
- VCJPA - Vector Control Joint Powers Agency
- UTMB - University of Texas Medical Branch
- WNV - West Nile Virus