

**San Gabriel Valley Mosquito & Vector Control District
1145 N. Azusa Canyon Road
West Covina, California 91790**

Board of Trustees Meeting

Friday, August 8, 2008

7:00 AM

Minutes

Trustees Attending

- 1 Roger Chandler (Arcadia)
- 2 Joseph Rocha (Azusa)
- 3 Rick Barakat (Bradbury)
- 4 Henry Morgan (Covina)
- 5 Margaret Finlay (Duarte)
- 6 Ernest Gutierrez (El Monte)
- 7 Charles Myers (Glendora)
- 8 Jeff Parriott (Industry)
- 9 Dan Holloway (La Puente)
- 10 Frank Hall (County of Los Angeles)
- 11 Dan Kirby (Monrovia)
- 12 Dave Barron (Monterey Park)
- 13 Elliott Rothman (Pomona)
- 14 Robert Bruesch (Rosemead)
- 15 Jeffrey Templeman (San Dimas)
- 16 Janice Nelson (Sierra Madre)
- 17 Kenneth G. Gillanders (Temple City)
- 18 Tom Sykes (Walnut)
- 19 Roger Hernandez (West Covina)

Trustees Absent

- 1 Stephen Sham (Alhambra)
- 2 Linda Elderkin (Claremont)
- 3 Mark Breceda (Irwindale)
- 4 Robert Neher (La Verne)
- 5 Albert Huang (San Gabriel)

Staff Attending

- Steve West
- Kenn Fujioka
- Kelly Middleton
- Rose Alba
- Esther Elliott
- Ramona Deacon
- Carol Anne Hagele

Staff Absent

- Melvin Cook

Guest

- Elizabeth M. Calciano, Jenkins and Hogin

1. Call to Order

The meeting was called to order by President Roger Chandler at 7:02 AM.

2. Pledge of Allegiance and Silent Roll Call

The pledge of Allegiance was led by Trustee Templeman.

3. Opportunity for Public Comment on Non-Agenda Items

President Chandler reported that the City of Baldwin approved a one-year Agreement with the District. Marlene Garcia, Councilmember for the City of Baldwin Park and William Galvez, Director of Public Works for the City of Baldwin Park were introduced. Councilmember Garcia thanked District staff for working with them on the Agreement.

Councilmember Garcia asked the District to assist in educating the voters about District services for a Prop 218 election to join the District. Although neither the District nor the City Council can solicit a “yes” vote, factual information can help property owners

make a well informed decision.

Councilmember Garcia asked if the District would share the estimated \$30,000 cost to conduct the ballot measure. District Manager West stated he would refer the question to District Counsel.

President Chandler asked for a motion to place the contract on the agenda. William Galvez thanked District Manager West and Assistant Manager Fujioka for their help.

A motion by Trustee Gutierrez to place the item on the agenda concerning the Agreement between the City of Baldwin Park and the SGVMVCD was seconded and unanimously approved.

District Manager Steve West introduced Elizabeth Calciano from the Office of Jenkins and Hogin representing Mike Jenkins.

District Manager West reported that it takes a two thirds vote of the Board to place this request on the agenda by making two findings: first that there is a need to take immediate action and that the need for action came to the attention of the District subsequent to the agenda being posted.

President Chandler asked for a roll call vote.

Trustee Barron asked that the agenda item be defined so that the Board knows the limitations.

District Manager West reiterated the motion was to make the above-referenced findings in order to consider a one-year agreement to provide vector control services to the City of Baldwin Park.

President Chandler called for a show-of-hands vote. Seventeen Trustees voted in favor of making the above-referenced findings to add the Baldwin Park Agreement to the Agenda with none opposed; five Trustees were absent.

District Manager West stated that the City Council of Baldwin Park approved the one-year agreement that calls for the City to conduct a Prop 218 election. He had already indicated that the District would supply the City with educational and background materials describing our services. He also stated that there are certain things that we cannot do because the District benefits from that action of the voters and that we should be very careful to respect lawful restrictions.

District Manager West continued saying that the Agreement is for the District to provide services at an administrative cost per month of approximately \$10,000.

District Manager West stated that the matter of how much assistance the District could give the City with regard to a Prop 218 election would be discussed at a later Board meeting. District Manager West stated that the Prop 218 election in Baldwin Park would be held within the next year.

A motion by Trustee Hernandez to approve the Agreement between the District and the City of Baldwin Park was seconded, and by show of hands, unanimously approved with five Trustees absent.

4. Consent Calendar

- A. List of Claims for July, 2008
- B. Budget Status Report for July, 2008
- C. Minutes of Board of Trustees Meeting July, 2008
- D. Surveillance and Vector Report
- E. Abatement Report
- F. Education Program

Trustee Barron indicated that his name was misspelled in the minutes of the July Board meeting under Item 6 A, District Administration.

Trustee Myers reported errors in the July 11, 2008 minutes; Item 4C in Consent Calendar, in the discussion of the kissing bug. Changes have been given to the Staff for correction.

A motion by Trustee Bruesch to approve the Consent Calendar as corrected was seconded and unanimously approved.

5. Monthly Treasurer Report / District Working Balance

A motion by Trustee Gutierrez to approve the Monthly Treasurer's Report and the District's Working Balance was seconded and unanimously approved.

6. Consider:

1) Staff Report Regarding the SGVMVCD Benefit Assessment

As an employee of the County of Los Angeles, Trustee Nelson asked to be recused from discussion and action this item.

President Chandler stated that there were no objections to Trustee Nelson being excused and Trustee Nelson left the room for the duration of this item.

District Manager West stated to the effect that his recommendation to the Board on this subject of the assessment does not conform to previous staff reports and asked the Board to consider an alternative such that staff would have guidance for next fiscal year's budget. He reported that his staff report describes how the District is nearing the limit of the current assessment. He asked the Board to consider a practical and legal protocol that will apportion the assessment equally between residential and commercial and industrial properties.

District Manager West continued saying that the original and continuing formula allows assessment to all parcels in the District, regardless of type or size, but not more than \$20.00. Staff had developed this matrix to calculate how the assessment was to be distributed based on the premise that the benefit to the parcel was a function of the size and use of the parcel. However, based on detailed statistics we keep, most of our time is spent on residential parcels of the minimum size rather than industrial and commercial properties. This fact demonstrates our current formula is incorrect in that residential parcels at least receive a greater degree of service. Notwithstanding this formula anomaly, the District Manager also stipulated that the benefit to each parcel is the same regardless of size.

Ms. Calciano, from the law firm of Jenkins and Hogin, discussed a memorandum

prepared by Counselor Jenkins for this meeting. It states the assessment of \$20.00 on all parcels was levied prior to Prop. 218. The memorandum further explains that as long as the assessment stays under that \$20.00 cap as established in 1996, there is a substantial legal argument that the Board's action in 1996 is within an exemption that Prop 218 provided for vector control and other types of districts. In 1996, a memorandum by Richards Watson & Gershon affirmed this same legal action and to date there have not been any changes to the law on this issue.

Trustee Sykes summarized a lengthy discussion by explaining that the District adopted the \$20.00 cap specifically to avoid the possibility of having to go to a Prop 218 election because it costs \$150,000 to \$200,000 for an unpredictable outcome. Before Prop. 218, many jurisdictions including ours created benefit assessments to avoid a Prop 218 election. He explained that although we are near the \$20.00 maximum on some parcels, the amount for others can be increased to equalize the amount charged to all until someday in the future when every parcel will be paying \$20. When this occurs the District will need to do a Prop. 218 ballot to increase the assessment further.

Trustee Meyers suggested using the Health and Safety Code to recover costs for abnormally extensive services.

Trustee Bruesch asked what the effect of the housing market has been on the District's projection of the revenue. District Manager West replied that it hasn't affected the estimates.

A motion by Trustee Templeman to agree with the recommendation of the District Manager was seconded.

Trustee Barron asked for the motion to be repeated

Trustee Templeman moved to approve the District Manager's recommendation as long as any future fiscal year budget would be based on the Board's normal consideration of proposed expenditures which could require an increase in the amount residential property owners pay beyond the current amount of \$8.98, but in no instance would a parcel of any type (residential, agricultural, commercial or industrial) exceed the \$20.00 assessment as published on June 14, 1996 and approved by the then Board of Directors.

Trustee Bruesch asked if this would still have to come to the Board.

District Manager West said the budget would go as usual to the Finance Committee and Personnel Committee and then to the Board.

The motion was seconded. Voting with a show of hands: 16 Trustees present approved, two Trustees abstained, and one Trustee voted no; five Trustees were absent.

Trustee Bruesch was reluctant to increase the amount charged to property owners at this time with the uncertain economic situation.

District Manager West said that staff would seek other possible sources of revenue

including contracts with the Arboretum and the Santa Anita Race Track which would tend to delay the issue of reaching assessment limits.

2) Agreement between SGVMVCD and the SCI Consulting Group to Provide Consulting Services

District Manager West reported that the County of Los Angeles' charge for processing our assessments has increased to approximately to \$130,000. Your Board Treasurer requested staff look for ways to reduce the costs for processing the District's assessments. The firm of SCI Consulting Group is a well-known firm in California and has a client base of 400 districts including 100,000,000 parcels. They provide services of verifying whether all parcels are accurately assessed in the County's property tax records. SCI would charge us approximately half of the \$30,000 Los Angeles County charges for data processing services. The \$100,000 balance of the County cost is to "mail" tax bills such that our assessment would still appear on the County's property tax bill. This agreement would begin in July of 2009 for three years and save \$15,334 in the first year.

District Manager West responded to Trustee Barron's question that SCI would charge a flat fee for money received.

Trustee Sykes responded to the question about the length of the contract by stating that a multiple year contract was necessary because of the amount of time it takes to prepare and transition from the County. Returning back to the County would make it a three-year process.

Ms. Calciano offered to review the agreement.

A motion by Trustee Kirby to continue this item for the next meeting was seconded and unanimously approved.

President Chandler stated that this item is to be continued until the next Board meeting in September with a discussion of the fee which was the part of the report not included in the packet.

7. District Administration

A. Status of Baldwin Park Agreement

District Manager West reported that we are up to date on the agreement between the San Gabriel Valley Mosquito & Vector Control District and the City of Baldwin Park.

8. Honey Bee, Avian Flu and West Nile Virus Update

Assistant Manager Kenn Fujioka stated that WNV is more active in Southern California this year than any time since the 2004 epidemic. He reported 21 cases in Los Angeles County; 11 in our jurisdiction. Two of the eleven cases were asymptomatic blood donors. He also reported evidence of the virus was also found in Baldwin Park and in South Pasadena.

He mentioned that the media had asked about aerial adulticiding and we assured them it is a decision that the Board makes. Trustee Gutierrez asked when we decided that spraying has to be done.

Assistant Manager Fujioka responded to Trustee Gutierrez's question by stating that for this season it is too late to consider aerial adulticiding since the virus is everywhere in the Los Angeles basin. An application would cost millions of dollars and the effect would be marginal because there are too many small sources in backyards.

Trustee Finlay asked why West Nile virus is so bad this year.

Assistant Manager Fujioka responded to Trustee Finlay's question stating that possible reasons why WNV is so prevalent this year include recovery of the wild bird population to levels that would support the virus being transmitted and warm weather at the right time.

He also commented about the ineffectiveness of using human cases as a surveillance tool, citing the two to three week lag between when the cases get sick and when they are reported. This means they are infected about one month prior to when they are reported, and mosquitoes that infected them probably aren't there.

Trustee Templeman reported that in San Dimas the Sheriff's Department, Public Works' and Planning Departments produced a list of foreclosures in their city. The District has helped inspect pools at foreclosed properties. He recommended that Trustees develop foreclosure lists for their cities. The District will be able to help getting some information or action for you.

Trustee Nelson reminded the Board that according to HIPAA, Item 4D Surveillance Activities No. V in the Agenda packet contains the names of cities of with human cases and must be omitted.

Trustee Bruesch asked Kenn to provide any information he had on the bird population at Whittier Narrows.

Kenn reported that research was being done by the University of California. He cited information which showed that mosquitoes don't bite crows to the extent that was suspected and there's the possibility that the crows are infected through contact with body fluids from other infected crows.

9. Trustee Reports

Trustee Nelson distributed information on Chagas' disease.

Trustee Myers commented that in the Consent Calendar, Item 4C, Minutes under Item 9, New Business there are substantial technical changes that should be made and if it is okay with the Board he would submit them to staff to edit.

10. New Business

11. Adjournment

A motion by Trustee Gutierrez to adjourn the meeting was seconded and unanimously approved. The meeting was adjourned at 8:05 AM