

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

Board of Trustees Meeting

April 9, 2010

Minutes

Trustees Attending

- 1 Stephen Sham (Alhambra)
- 2 Roger Chandler (Arcadia)
- 3 Joseph Rocha (Azusa)
- 4 Rick Barakat (Bradbury)
- 5 Henry Morgan (Covina)
- 6 Linda Elderkin (Claremont)
- 7 Margaret Finlay (Duarte)
- 8 Andre Quintero (El Monte)
- 9 Charles Myers (Glendora)
- 10 Jeff Parriott (Industry)
- 11 Dan Holloway (La Puente)
- 12 Robert Neher (La Verne)
- 13 Frank Hall (Co. of Los Angeles)
- 14 Dan Kirby (Monrovia)
- 15 Joseph Leon (Monterey Park)
- 16 Elliott Rothman (Pomona)
- 17 Janice Nelson (Sierra Madre)
- 18 Kenneth Gillanders (Temple City)
- 19 Mary Su (Walnut)
- 20 Shelly Sanderson (West Covina)

Trustees Absent

- 1 Stephen Sham (Alhambra)
- 2 Manuel Garcia (Irwindale)
- 3 Robert Bruesch (Rosemead)
- 4 Jeffrey Templeman (San Dimas)
- 5 Albert Huang (San Gabriel)

Staff Attending

Steve West
Kelly Middleton
Kenn Fujioka
Rose Alba
Mel Cook
Esther Elliott
Ramona Deacon

Staff Absent

Carol Anne Hegele

1. Call to Order

The meeting was called to order by Vice President, Jeff Parriott at 7:01 am.

2. Pledge of Allegiance and Silent Roll Call

The Pledge of Allegiance was led by Vice President Jeff Parriott.

3. Opportunity for Public Comment on Non-Agenda Items

None

4. Consent Calendar

Correction to Minutes of March 12, 2010: Trustee Nelson reported Item 9: Last sentence should read "This is not a major concern of the blood banks."

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

- A.** List of Claims for March, March 2010

- B. Budget Status Report for March, 2010
- C. Minutes of Board of Trustees Meeting for March, 2010
- D. Surveillance and Vector Report
- E. Abatement Report
- F. Education Program

5. February Monthly Treasurer Report / District Working Balance Report for April, 2010

A motion by Trustee Morgan to approve the February Monthly Treasurer Report / District Working Balance Report for April 2009 was seconded and unanimously approved.

6. Consider Approval of the Third Amendment of the Employment Agreement between the San Gabriel Valley Mosquito and Vector Control District and Steve West, District Manager

A motion by Trustee Quintero to approve the third Amendment of the Employment Agreement between the San Gabriel Valley Mosquito and Vector Control District and District Manager Steve West was seconded and unanimously approved.

7. National Pollutant Discharge Elimination System Report (NPDES) Status Report

District Manager Steve West stated that the Manager's Report describes the new challenges facing vector control agencies in California. He explained that in 1972 the Federal Clean Water Act (CWA) was enacted. Based on this law, the Environmental Protection Agency (EPA) created the National Pollutant Discharge Elimination System (NPDES) with a goal to achieve fishable and swimmable waters by mid-1983 and zero discharges of pollutants by 1985.

In 1987 amendments to the CWA broadened the NPDES permit requirements to address impacts of urban runoff, and the NPDES system required Best Management Practices (BMP) to capture and treat storm water runoff before it enters "waters of the United States (US). These actions ultimately led, in 2001 and 2002, to legal precedents by the 9th Circuit Court over a several year period dealing with the CWA.

In 2006 the EPA issued a "Final Rule" stating that applying pesticides sprayed to and over waters of the US, consistent with all relevant requirements under the EPA's Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA,) was excluded from NPDES permitting requirements. Subsequently, a legal challenge to that ruling was filed before the 6th Circuit Court of Appeals who on January 7, 2009 vacated the EPA's Final Rule.

In conjunction with that action, the EPA was granted a 2-year stay to expire on April 9, 2011 to develop and propose a final NPDES permit. The District Manager stated that while we await this new permit from the State, the District has applied for and received a NPDES permit for larviciding. The District almost universally uses this method for vector control.

The District is participating with MVCAC, which has formed a Special Committee to coordinate with State Water Quality Board staff, to develop a new NPDES permit. This document will require ongoing monitoring and testing in an effort to demonstrate that public health pesticides do not negatively impact water quality. Monitoring and testing costs, necessary as a function of the permit, have been estimated to cost between \$350,000 to over

\$1,000,000 annually for the next five years. These discussions are continuing.

Separate but related to this issue is the District's present environmental documentation. The Board adopted a 'Notice of Exemption' in May of 2009 which was then expected to be adequate to defeat possible legal challenges. A more sophisticated level of environmental report is important to this District individually, but would also be complimentary to an expected new NPDES permit. An environmental report would be required of the NPDES permit. The District, in an effort to reduce costs, has coordinated with other MVCAC Southern Region Districts to determine whether a Regional EIR could be developed. It was determined among the Southern Region Districts that each conducts unique and different methodologies such that individual "reports" are necessary.

Staff's recommendation is to authorize \$100,000 from the Public Health Reserve anticipating completion of a new environmental document, approval to contribute \$9,000 to the MVCAC monitoring plan, and to file for a new NPDES permit if and when it becomes available.

In response to Trustee Morgan's question as to the effect of our assessment rates of these actions, District Manager West explained the per parcel charge would be about 35 cents. Assistant Manager Fujioka commented that the assessment could increase depending on the requirements the permit imposes on us to conduct the monitoring.

In answer to Trustee Finlay's question, District Manager West reported that some Districts have either no environmental certification or are proceeding as we will be with a new negative declaration hoping that a Mitigated Negative Declaration will be sufficient.

A motion by Trustee Elderkin to approve staff recommendation and authorize \$100,000 from the Public Health Reserve in anticipation of preparing an Environmental Impact Report; and approve approximately \$9,000 contribution to the MVCAC for the monitoring plan and to obtain a new NPDES permit when available was seconded and approved with Trustees Elliott and Barakat voting no.

8. Baldwin Park Survey Report by SCI Consulting Group *

Susan Barnes and Laquel Wright of SCI Consulting Group presented conclusions from the Opinion Survey mailed to property owners in the City of Baldwin Park regarding a possible Proposition 218 election.

SCI mailed 8,051 surveys to Baldwin Park property owners in January, 2010 for the purpose of gathering information that was proposed to help the District determine if the Baldwin Park Proposition 218 election process should continue. Although the rate of return of the survey was much smaller than in all other elections the Company was administered, SCI concluded with a recommendation to proceed.

Various questions were posed by the Board to SCI staff and the District Manager regarding this process and the results. They included:

Q What was the cost to date and projected?

A The Survey cost \$23,500 and an additional \$60,000 to \$70,000 would be necessary. The City of Baldwin Park has paid the District \$20,000 as a partial contribution to offset election costs.

Q What type of election is necessary?

* Staff has attached a parcel map of Baldwin Park as requested.

A A Proposition 218 election is required. It ballots property owners.

Q What is the City's involvement in the election?

A Beyond the \$20,000 cash payment, they are expected to be election advocates. The District legally should not be involved at that level. Legal Counsel from both the City Attorney and the District Counsel advised the District should conduct the election.

Q What is the reason for its small sample size?

A Difficult to determine but is may be due to the sampling groups' sensitivity to governmental material.

A motion by Trustee Rothman to postpone the decision of whether to conduct the Prop 218 election process until the District Manager and Trustees have opportunity to talk to City Council and Baldwin Park administration was seconded and unanimously approved.

9. Consider Resolution No. 2010-01 Declaring April 26- 30, 2010 as West Nile Virus and Mosquito and Vector Control Awareness Week

A motion by Trustee Templeman to Consider Resolution No. 2010-01 Declaring April 26- 30, 2010 as West Nile Virus and Mosquito and Vector Control Awareness Week was seconded and unanimously approved.

10. District Administration

A. City "Tiles"

District Manager West asked each Trustee to check if their City tiles displayed in the lobby are current.

B. MVCAC April 6, 2010 Legislative Day Report

District Manager West reported Trustee Finlay and staff joined 50 to 60 California vector district representatives attending the 2010 Legislative Day in Sacramento.

C. MVCAC May 6-7, 2010 Spring Meeting, Santa Ana

District Manager West reported the date and location of the MVCAC Spring meeting.

D. Use of Health and Safety Code (H & S Code) Regarding Abatement Proceedings

In answer to an inquiry by Trustee Myers, District Manager West reported that the choice of using H & S Code abatement proceedings in the District is the single most long term method the District may use to pursue violations. He stated the most troublesome violation is being "pursued" with the initial help of District's Counsel.

11. Disease Surveillance

Assistant Manager Kenn Fujioka reported that West Nile virus (WNV) is currently quiet in the State. It is beginning to heat up in California so the mosquito population is expected to increase. All seasonal staff has been hired.

12. Trustee Reports

Trustee Myers attended the AMCA Annual Meeting with District staff. Most of the meeting revolved around NPDES issues which the AMCA is taking a very active role.

13. New Business

None.

14. The Personnel Committee met in Closed Session immediately after the Board adjourned.

15. Adjournment

Motion by Trustee Neher to adjourn the meeting was seconded and unanimously approved. The Meeting was adjourned at 8:18 A.M.