



*An Independent Special District
Serving Orange County Since 1947*

AGENDA

748TH MEETING

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

**MARCH 19, 2009
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
748th Meeting, March 19, 2009
Thursday, 3:00 P.M.

ITEMS

COMMITTEE MEETINGS:

⇨ 2:00 p.m. – Operations Committee - Discuss Operations Service Levels

REGULAR MEETING – 3:00 P.M.:

1. Pledge of Allegiance
2. Roll Call
3. Introduction of Visitors
4. Public Participation
5. District Manager Information Items
 - 5A - Introduction of New Employee: John Hill, Vector Control Inspector II
 - 5B - WNV Avian Surveillance Presentation
 - 5C - Other Information Items
6. Consent Calendar Items – Items for Approval by General Consent
 - 6A - Budget Meeting Schedule
 - 6B - Ratify Agreement with Aerial Services for Swimming Pool Survey
 - 6C - Report of District Activities
7. Approval of Minutes
8. Accept and Approve Monthly Financial Report; and Receive and File Warrant Register
 - 8A - Monthly Financial Report
 - 8B - Warrant Register
9. Adoption of Procedures and Establishment of a Nuisance Abatement Committee —
Resolutions No. 335 and 336
10. County of Orange “White Paper” Update
11. Written Communications
12. Comments from the Board of Trustees
13. Other Business
14. Adjournment in Memory of Ralph Havickhorst
(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 Tsunoda (Alternate: Trustee Kring).

2. **ROLL CALL:**

Cypress	Sandra Montez, President		
San Clemente	Joe Anderson, Vice-President		
Dana Point Brea	Roy Moore, Secretary		
Aliso Viejo	Phillip B. Tsunoda	La Palma	Larry A. Herman
Anaheim	Lucille Kring	Los Alamitos	Ken C. Parker
Buena Park	Jim Dow	Mission Viejo	Gail Reavis
Costa Mesa	Wendy Leece	Newport Beach	Dr. Virginia L. Barrett
Dana Point	Stephen H. Weinberg	Orange	Denis Bilodeau
Fountain Valley	Cheryl Brothers	Placentia	Greg Sowards
Fullerton	Dr. F. Richard Jones	Rancho Santa Margarita	Gary Thompson
Garden Grove	Dr. Sheldon S. Singer	San Juan Capistrano	Laura Freese
Huntington Beach	Joe Carchio	Santa Ana	Fred S. Bella
Irvine	Rosemary Dugard	Seal Beach	Michael Levitt
Laguna Beach	Toni Iseman	Stanton	Al Ethans
Laguna Hills	Melody Carruth	Tustin	Lou Bone
Laguna Niguel	Robert Ming	Villa Park	James Rheins
Laguna Woods	Dr. Robert Bouer	Westminster	Frank Fry, Jr.
La Habra	James Gomez	Yorba Linda	Jim Winder
Lake Forest	Jean D. Jambon	County of Orange	John M. W. Moorlach

3. **INTRODUCTION OF VISITORS:**

4. **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.

5. **DISTRICT MANAGER INFORMATION ITEMS:**

5A - **Introduction of New Employee:** Introduction of John Hill, Vector Control Inspector II.

5B - **WNV Avian Surveillance Presentation:** Laura Krueger will give a PowerPoint® presentation on West Nile Virus Avian Surveillance: “Establishing and Maintaining Effective Interagency Collaborations for Dead Bird Surveillance.”

5C - **Other Information Items:**

*****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- **Budget Meeting Schedule:**

Thursday, March 19, 2009

Distribution of Proposed Budget to Trustees at Board meeting

Thursday, March 26, 2009, 11:30 a.m.

Budget & Finance Committee meeting to review Proposed Budget

Tuesday, March 31, 2009, 11:30 a.m.

Additional Workshop for Trustees (same presentation as March 26)

Thursday, April 2, 2009, 11:30 a.m.

Additional Workshop for Trustees (same presentation as March 26)

Thursday, April 16, 2009

Board Meeting – Adoption of Budget

Recommended Action: Receive and File.

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

(Consent Calendar Continued Next Page)

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

6B - Ratify Agreement with Aerial Services for Swimming Pool Survey: At the last Board meeting it was suggested that the District complete another aerial survey of the southern Orange County area after the success of the survey last summer in the northern half of the County. Since the Board meeting on February 19, the first West Nile virus (WNV) positive bird of the year was discovered in Irvine. This discovery is further south than the main WNV activity in 2008. With this early detection of WNV and the numerous foreclosures and current economic conditions that have lead to a rise in neglected pools, the District Manager has decided to use his contract authority to process the agreement with Aerial Services for another aerial swimming pool survey. This aerial survey will identify abandoned swimming pools that may be breeding mosquitoes in the southern half of Orange County. Aerial Services is the same company the District contracted with last summer. Aerial Services is considered a professional service and exempt from bidding procedures under the District’s purchasing resolution. The cost for the aerial survey for approximately 200 square miles is \$19,000. The survey will take place on March 13, and the images and address information will be available within one week to ten days. By the end of March, Inspectors will be checking and treating suspected neglected swimming pools. As a result of the District Manager authorizing this survey, the completion of the process will be two weeks earlier than originally planned.

District Counsel reviewed the agreement (attached as Exhibit A) and approved as to form.

Recommended Action: It is the District Manager’s recommendation that the Board of Trustees ratify the District Manager’s decision to use the contract authority to process the agreement with Aerial Services for the aerial survey of approximately 200 square miles of southern Orange County at a cost of \$19,000.

[Staff Contact: G. Goedhart. Phone: (714) 971-2421, Ext. 115]

6C - 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 March 13, 2009.

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 747th Meeting of the Board of Trustees held February 19, 2009, enclosed as a separate item with the agenda.

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

8. **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.

8A - **Monthly Financial Report:**

Recommended Action: Accept for inclusion as Exhibit I, the Orange County Vector Control District Monthly Financial Report for the period ending February 28, 2009.

8B - **Warrant Register:**

Recommended Action: Receive and file payment of Warrant Register (Exhibit II) dated March 19, 2009, in the amount of \$380,281.26 as presented by In-House Check Runs dated February 3, 4, 11, 18, 19, 25, and 26, 2009. (The financial information is enclosed as a separate item with the agenda packet.)

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

9. **ADOPTION OF PROCEDURES AND ESTABLISHMENT OF A NUISANCE ABATEMENT COMMITTEE—RESOLUTIONS NO. 335 AND 336:** Staff, working with the Operations Committee, is proposing that the Board adopt Nuisance Abatement Procedures. These procedures incorporate both existing Vector Act authority for nuisance abatement proceedings (set forth in the Health and Safety Code) and the new law authorizing fines for vacant mosquito-breeding residential property that is involved in foreclosure (Civil Code Section 2929.3). The traditional nuisance abatement procedure will involve a Nuisance Abatement Committee (NAC) that Trustees will establish by separate resolution. The matters Trustees will be asked to vote on are the following:

Adoption of Nuisance Abatement Procedures: These are adapted from the District's Vector Act (Health & Safety Code Section 2060 *et seq.*) and will involve a process and series of checks on going forward, all as shown in the flow chart provided. The intent is that if a property is in a nuisance condition and producing vectors, a hearing to confirm that it is a nuisance will be conducted by the NAC after staff has assured itself that regular abatement efforts are not working. Once the evidence is collected and a hearing is set to go forward, the owner receives notice and is given an opportunity to self-abate the nuisance or appear at the hearing. If the property is determined by the NAC to be a nuisance, either a determination is made that the property is to be abated by District forces or a contractor will abate, and the costs will be made a lien on the property. This occurs after a further hearing by the full Board.

(continued next page)

9. **ADOPTION OF PROCEDURES AND ESTABLISHMENT OF A NUISANCE ABATEMENT COMMITTEE—RESOLUTIONS NO. 335 AND 336:** (continued)

The second part of the hearing procedure is set forth in Section 21. That part simply allows the District to impose fines of up to \$1,000 per day for foreclosed residential property with green pools, etc., that are breeding. Due process is also provided for in that procedure. The procedure is slightly more streamlined since this procedure only imposes fines and might require less due process. This procedure is from the special Civil Code section that will expire in 2013 and was enacted for cities and districts to deal with unmaintained foreclosed properties.

Resolution Establishing the NAC: The Operations Committee has put forth two alternate resolutions establishing the NAC. Option “A” has the support of the committee and requires that only “elected” trustees currently serving their term be allowed to be on the NAC. The Committee’s thought on that was that only elected persons should have the decision-making authority as they must answer to their public electorate. An Option “B” resolution is provided that allows any Trustee to serve on the NAC.

Recommended Action: It is the District Manager’s recommendation that the Board of Trustees adopt resolutions establishing nuisance abatement procedures and a Nuisance Abatement Committee.

9A - Adoption of Resolution No. 335, Establishing Nuisance Abatement Procedures (attached as Exhibit B); and

9B - Adoption of Resolution No. 336, Establishing a Nuisance Abatement Committee (attached as Exhibit C), accepting either Option “A” or Option “B.”

[Staff Contact: Alan Burns. Phone: (714) 771-7728]

10. **COUNTY OF ORANGE MERGER PROPOSAL “WHITE PAPER”:** At the County Board of Supervisors meeting of February 3, Supervisor Moorlach directed County Counsel and the County Executive Officer to prepare a “white paper” to review the merger of vector control services and the County Agricultural Commissioner. Since that date, Supervisor Moorlach has not communicated with the District on his direction to County staff despite repeated requests for a meeting by the District Manager.

The District Manager will update the Board on this matter at the Board meeting. In the meantime, the District Manager will continue to request a meeting with Supervisor Moorlach to discuss and clarify this matter.

Recommended Action: Board action as deemed appropriate.

11. **WRITTEN COMMUNICATIONS:**

12. **COMMENTS FROM THE BOARD OF TRUSTEES:** At this time, members of the Board of Trustees may comment on agenda or non-agenda matters and ask questions of or give directions to staff, provided that NO action is taken on non-agenda items unless authorized by law.

13. **OTHER BUSINESS:**

14. **ADJOURNMENT:** President Montez will close the meeting in memory of Ralph Havickhorst. Next Regular Board of Trustees Meeting, April 16, 2009.

ORANGE COUNTY VECTOR CONTROL DISTRICT

MEETING CALENDAR

MEETING	LOCATION	DATE
AMCA 75th Annual Conference	New Orleans, LA	April 5 - 9, 2009
SWS 30 th Annual Meeting	Madison, WI	June 21 - 26, 2009
ESA Conference	Indianapolis, IN	December 13 - 16, 2009

- 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
- 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