



*An Independent Special District
Serving Orange County Since 1947*

AGENDA

750TH MEETING

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

**MAY 21, 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
750th Meeting, May 21, 2009
Thursday, 3:00 P.M.

ITEMS

COMMITTEE MEETINGS:

⇒ None.

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 - Cotton Council vs. EPA Decision
 - 5B - Other Information Items
6. Consent Calendar Items – Items for Approval by General Consent
 - 6A - 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. Adopt Resolution No. 337, A Resolution of Intention to Levy Assessments for Fiscal Year 2009-10 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
10. Authorize Purchase of a Machine (Applied Biosystems Magmax Express™) for Automated Processing of Samples for West Nile Virus Testing with the District's PCR Equipment
11. Adopt Resolution No. 338, Fixing the Employer's Contribution Under the Public Employees' Medical and Hospital Care Act; and Adopt Resolution No. 339, Amending Personnel and Salary Resolution
12. Adoption of Procedures and Establishment of a Nuisance Abatement Committee
 - 12A - Adoption of Resolution No. 340, Establishing Nuisance Abatement Procedures
 - 12B - Adoption of Resolution No. 341, Establishing a Nuisance Abatement Committee
13. County of Orange "White Paper" Update
14. Approve Date Change of September 17 Board of Trustees Meeting to September 24
15. Written Communications - Trustee Reports from the AMCA Annual Conference
16. Comments from the Board of Trustees
17. Other Business
18. 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 Tsunoda (Alternate: Trustee Dow).

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	Steven 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 - **Cotton Council vs. EPA Decision:** District Counsel Burns will give a presentation on the Cotton Council vs. EPA Decision.

5B - **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- **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 15, 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 749th Meeting of the Board of Trustees held April 16, 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 April 30, 2009.

8B - **Warrant Register:**

Recommended Action: Receive and file payment of Warrant Register (Exhibit II) dated May 21, 2009, in the amount of \$458,848.21 as presented by In-House Check Runs dated April 1, 9, 13, 14, 21, 23, 27, and 28, 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. **ADOPT RESOLUTION NO. 337, A RESOLUTION OF INTENTION TO LEVY ASSESSMENTS FOR FISCAL YEAR 2009-10 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 16, 2009, with the approval of Resolution No. 336 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).

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9. **ADOPT RESOLUTION NO. 337:** (continued)

Separate updated Engineer’s Reports for District No. 1 and District No. 2 have been prepared by SCI Consulting Group, 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 2009-10. 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.

The proposed assessments for District No. 1 for fiscal year 2009-10 are \$1.92 per benefit unit. The total amount of revenues that would be generated by the assessments in fiscal year 2009-10 is approximately \$1,520,662. The assessments for District No. 1 for fiscal year 2009-10 are not proposed to increase from the rate of assessment in fiscal year 2008-09.

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 percent per year without a further vote or balloting process. The change in the CPI in 2008 was a negative 0.09 percent. Including the CPI change in 2008, the unused portion of CPI increase accrued from previous year’s totals to 4.20 percent. Therefore, the maximum authorized assessment rate for fiscal year 2009-10 that could be levied without additional voter approval is \$6.28 per single family equivalent benefit unit.

The proposed assessments for District No. 2 for fiscal year 2009-10 are \$5.06 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 \$1.22 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 2009-10 at the proposed rate of \$5.06 is approximately \$4,178,623.

The following table summarizes the maximum authorized assessment rate for District No. 2 since fiscal year 2004-05.

CPI history		CPI used for District		cumulative uncaptured excess	history asmt/sfe	Actual Rate Assessed	
		FY 04-05	1st yr		FY 04-05		
Jan-05	3.66%	FY 05-06	3.00%	0.00%	FY 04-05	\$5.4200	\$5.4200
Jan-06	5.42%	FY 06-07	3.00%	0.66%	FY 05-06	\$5.5826	\$5.3000
Jan-07	3.16%	FY 07-08	3.00%	3.08%	FY 06-07	\$5.7501	\$5.2500
Jan-08	3.96%	FY 08-09	3.00%	3.24%	FY 07-08	\$5.9226	\$5.1400
Jan-09	-0.09%	FY 09-10	3.00%	4.20%	FY 08-09	\$6.1003	\$5.1000
				1.11%	FY 09-10	\$6.2833	\$5.0600

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9. **ADOPT RESOLUTION NO. 337:** (continued)

The adoption of Resolution No. 337 would also establish a date for a Public Hearing on the continuation of the assessments for District No. 1 and District No. 2. If the Board approves the resolution, a public hearing would be held at the three o'clock p.m., June 18, 2009, Board of Trustees meeting. 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 2009-10.

Recommended Action: It is the District Manager's recommendation that the Board of Trustees adopt Resolution No. 337 (Exhibit A), a Resolution of Intention to Levy Assessments for Fiscal Year 2009-10 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 B) and District No. 2 (Exhibit C), 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]

10. **AUTHORIZE PURCHASE OF A MACHINE (APPLIED BIOSYSTEMS MAGMAX EXPRESS™) FOR AUTOMATED PROCESSING OF SAMPLES FOR WEST NILE VIRUS TESTING WITH THE DISTRICT'S PCR EQUIPMENT:** Staff is requesting approval for the purchase of a machine to automate the preparation of mosquito and dead bird tissue samples for testing with the District's PCR (polymerase chain reaction) equipment. Currently, laboratory personnel prepare specimens by hand during a multi-step, three-hour mixing process before loading into the PCR machine. The biotechnology company, Applied Biosystems, that manufactured the District's PCR machine has developed a compatible device, the Magmax Express™ (brochure attached as Exhibit D), which cuts specimen processing time in half by reducing the need for hand-preparation of samples. The total cost of the instrument is \$16,432 (including \$662 for shipping and handling) and will ensure better quality control, quicker turn-around time, and less expense for WNV testing. Based on processing about 2,000 samples per year, cost recovery will be within 17 months of purchase through reductions in material costs (\$7,000/yr.) and use of seasonal help (\$5,000/yr.). Adequate funds are available in the laboratory budget for fiscal year 2008-2009. According to the District's Operations Code 4.01.030 (General exceptions to bidding requirements), bidding is not required on this item since it is available from only one vendor.

Recommended Action: It is the District Manager's recommendation that the Board of Trustees approve the purchase of the Magmax Express™ for automated processing of specimens for WNV testing for a total cost of \$16,432.

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

11. **ADOPT RESOLUTION NO. 338, FIXING THE EMPLOYER'S CONTRIBUTION UNDER THE PUBLIC EMPLOYEES' MEDICAL AND HOSPITAL CARE ACT; AND ADOPT RESOLUTION NO. 339, AMENDING PERSONNEL AND SALARY**

RESOLUTION: In January 2006, the District began contracting with the Public Employees' Retirement System (CalPERS) for health services for both active and retired employees. The District chose to utilize the *unequal contribution method*, which fixed the contribution for annuitants (retirees) at a lower rate than active employees. The District set the retiree benefit to begin at \$200 per month with annual increases in the benefit mandated by CalPERS. The current retiree medical allowance is \$254.25.

In September 2006, Assembly Bill 2544 was passed. AB 2544 changed the computation for annual increases to employer contributions to annuitant healthcare under the *unequal contribution method*. The bill accelerated the time in which it will take for the retiree health allowance to reach the same level received by active employees. Compliance for AB 2544 can be met in two ways: 1) through the District's current contribution method, *unequal contribution*; or 2) through the *statutory minimum method*.

Under the statutory minimum method, the active and retiree allowances are split into two parts: 1) health allowance, and 2) supplemental benefit. The health allowance is an annual employer contribution for actives mandated by CalPERS. The retiree portion of the health allowance is calculated using the active amount and multiplying it by a CalPERS rate that increases by 5 percent every year. The supplemental benefit is an amount set and controlled by the District.

Staff is proposing a change to the statutory minimum method. Through this contribution method, the retiree medical increases are reduced in the future. If this change is approved, the District's program unfunded liability would decrease approximately 52 percent, from \$4,952,500 to \$2,398,982. As to not cause financial hardship to either the active employees or current retirees, a supplemental benefit will be added to the health allowance to maintain all at the current amounts being given.

A final element of the proposal is to eliminate the supplemental benefit for future full-time employees hired after July 1, 2009. Upon retirement, employees hired after this date would only receive the CalPERS health allowance. This will further reduce the District's program liability in the future.

Management met with all full-time employees on May 12 to inform them of the proposed change to the retiree medical insurance program. This meeting fulfilled the District's legal obligation under current law and allows the Board to approve the proposed changes.

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11. **ADOPT RESOLUTION NOS. 338 AND 339:** (continued)

Recommended Action: It is the District Manager's recommendation that the Board of Trustees:

11A - Adopt Resolution No. 338, Fixing the Employer's Contribution Under the Public Employees' Medical and Hospital Care Act (Exhibit E).

11B - Adopt Resolution No. 339, Amend Personnel and Salary Resolution No. 321 to Change California Employees' Retirement System Employer's Contribution Method (Exhibit F).

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

12. **ADOPTION OF PROCEDURES AND ESTABLISHMENT OF A NUISANCE**

ABATEMENT COMMITTEE—RESOLUTION NOS. 340 AND 341: Staff, working with the Operations Committee, has continued to refine the 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 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 procedures were sent back to the Operations Committee for fine-tuning. The Operations Committee has fine-tuned the wording of those procedures and changed the language to ensure that deliberations would be done in open session and to ensure that only the NAC would have the authority to make the decision whether to hire a hearing officer. (In the previous version, it allowed the NAC or the District Manager to make that decision.) The procedures, which have a draft notice and flow chart, should be ready for adoption.

Resolution Establishing the NAC: The Board has already tentatively selected this option to establish the Nuisance Abatement Committee in which all Trustees would be eligible for appointment.

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.

12A - Adoption of Resolution No. 340, Establishing Nuisance Abatement Procedures (Exhibit G).

12B - Adoption of Resolution No. 341, Establishing a Nuisance Abatement Committee (Exhibit H).

[Staff Contact: District Counsel Burns. Phone: (714) 971-2421, Ext. 112]

13. **COUNTY OF ORANGE “WHITE PAPER” UPDATE:** This item is placed on the agenda to allow discussion on the “white paper” being prepared by the County of Orange. As of May 15, the “white paper” has not been completed.

Recommended Action: Board action as deemed appropriate.

14. **APPROVE DATE CHANGE OF SEPTEMBER 17 BOARD OF TRUSTEES MEETING TO SEPTEMBER 24:** The League of California Cities Annual Conference will be in San Jose on September 17 and 18. These dates conflict with the Board of Trustees meeting on September 17. Since the majority of the Board of Trustees are members of the League of California Cities, changing the date of the Board of Trustees meeting to September 24 (one week later) will eliminate the date conflict and the possibility of not having a quorum at the September Board meeting.

Recommended Action: It is the District Manager’s recommendation that the Board of Trustees approve changing the date of the September 17 Board of Trustee meeting to Thursday, September 24.

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

15. **WRITTEN COMMUNICATIONS - TRUSTEE REPORTS FROM THE AMCA CONFERENCE:** Attached as Exhibit J are reports from Trustees Montez and Ethans that were submitted after attendance at the 2009 Annual Conference of the American Mosquito Control Association (AMCA). These reports are required to comply with AB 1234.

16. **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.

17. **OTHER BUSINESS:**

18. **ADJOURNMENT:** Next Regular Board of Trustees Meeting, June 18, 2009.

ORANGE COUNTY VECTOR CONTROL DISTRICT

MEETING CALENDAR

MEETING	LOCATION	DATE
MVCAC Summer Meeting	West Valley MVCD, Ontario	July 23, 2009
MVCAC Fall Meeting 2009	Embassy Suites, South Lake Tahoe	October 28 - 30, 2009
MVCAC 78th Annual Conference	Hyatt Regency, Sacramento	February 7 - 10, 2010

- 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