

# MINUTES OF THE 768TH MEETING

## BOARD OF TRUSTEES

### Orange County Vector Control District

TIME: 3:00 P.M., November 18, 2010

PLACE: 13001 Garden Grove Blvd., Garden Grove, CA 92843

#### TRUSTEES PRESENT:

San Clemente	Joe Anderson, President		
Brea	Roy Moore, Vice President		
Newport Beach	Dr. Virginia L. Barrett, Secretary		
Aliso Viejo	Phillip B. Tsunoda	La Habra	James Gomez
Anaheim	Lucille Kring	La Palma	Larry A. Herman
Costa Mesa	Wendy Leece	Los Alamitos	Ken C. Parker
Cypress	Doug Bailey	Mission Viejo	John Paul Ledesma
Dana Point	Steven H. Weinberg	Placentia	Greg Sowards
Fullerton	R. Paul Webb	Rancho Santa Margarita	Gary Thompson
Garden Grove	Mark Rosen	San Juan Capistrano	Laura Freese
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

#### TRUSTEES ABSENT:

Buena Park	Jim Dow	Orange	Denis Bilodeau
Fountain Valley	Cheryl Brothers	Santa Ana	Cecilia Aguinaga
Lake Forest	Richard T. Dixon	County of Orange	John M. W. Moorlach

#### OTHERS PRESENT:

Michael G. Hearst, District Manager	Lawrence H. Shaw, Director of Operations
Kelly Price, Director of Administrative Services	Steve Koenig, Sr. Vector Control Inspector III
Robert Cummings, Dir. of Scientific Technical Serv.	Carlos Martinez, Vector Control Inspector III
Debi Kimball, Accounting Supervisor	John Parsons, Vector Control Inspector III
Amber Semrow, Biologist	Allyson Reinig, Vector Control Inspector III
Mike Saba, Assistant Biologist	John Newton, Vector Control Inspector II
Laura Krueger, Assistant Vector Ecologist	Jim Green, Vector Control Inspector II
Alan R. Burns, District Counsel	
Viki Blaylock, Executive Assistant/Clerk of the Board	

1. **Pledge of Allegiance:** President Anderson called the meeting to order at 3:03 p.m. and asked Trustee Barrett to lead the Pledge of Allegiance.
2. **Roll Call:** Roll call indicated 28 Trustees present, with Trustee Iseman arriving shortly thereafter, making a total of 29 out of the current Board membership of 35.
3. **Introductions:** A. Patrick Muñoz, Attorney at Law, Rutan & Tucker, LLP.
4. **Public Participation:** None.
5. **Announcement of Late Communications:** Clerk of the Board announced that the following late communications were received and distributed to the Board of Trustees, staff, and made available to the public:
  - Addendum to Item 8B, Appointment of Trustee Representatives.
6. **Management Information Items:**
  - 6A - **Presentation: Bed Bugs Uncovered:** Laura Krueger, Assistant Vector Ecologist, gave a PowerPoint® presentation on Bed Bugs. This PowerPoint® will be sent to Trustees.
  - 6B - **Status of Contract with California Public Employees' Retirement System:** Per the Budget and Finance Committee's request, Kelly Price, Director of Administrative Services, reported to the Board the status of the contract with California Public Employees' Retirement System (CalPERS). At the October 21, 2010, meeting of the Budget and Finance Committee, a motion was made to consider termination of the District's contract with CalPERS for retirement services and reinstate its contract with the Orange County Retirement System (OCERS). In researching this, staff was made aware of legislation within the California Public Employees' Retirement Law (PERL), which states that a contracting agency shall not be permitted to terminate a contract with CalPERS unless it has been in effect for at least five years (Section 20570). The District began contracting with CalPERS for retirement services in January 2007; therefore, termination of the contract cannot be considered until January 2012 or after.
  - 6C - **Other Information Item:** None.
7. **Committee Reports: Building, Property & Equipment Committee:** The Committee met at 2:00 p.m., prior to the Board meeting to discuss the Haster Business Park Facility. The Committee gave its report to the Board during Agenda Item 11.

8. **Consent Calendar – Items Approved by General Consent:** On motion by Trustee Ethans, seconded by Trustee Herman, and passed by unanimous vote, the Board of Trustees approved the following Consent Calendar Items.

8A - **Accepted and Approved the Monthly Financial Report; Received and Filed Warrant Register:**

8A.1 - Accepted for inclusion as Exhibit I the Orange County Vector Control District Monthly Financial Report for the period ending October 31, 2010.

8A.2 - Received and filed approval of payment of Warrant Register dated November 18, 2010 (Exhibit II) in the amount of \$391,364.36 as presented by In-House Check Runs dated October 7, 13, 19, 20, 26, and 28, 2010.

8B - **Appointment of Trustee Representatives:** Accepted without reading the communications from the named cities advising the Board of its appointment of a representative for the next two or four year term of office.

<u>Trustee Representative</u>	<u>Governing Body</u>	<u>Date of Communication</u>
Phillip B. Tsunoda	Aliso Viejo	(None to date)
Jim Dow	Buena Park	(None to date)
Wendy Leece	Costa Mesa	(None to date)
Steven H. Weinberg	Dana Point	(None to date)
<b>Toni Iseman</b>	<b>Laguna Beach</b>	<b>November 17, 2010 (2 yrs)</b>
<b>Robert Ming</b>	<b>Laguna Niguel</b>	<b>November 17, 2010 (2 yrs)</b>
Dr. Robert Bouer	Laguna Woods	(None to date)
James Gomez	La Habra	(None to date)
Dr. Virginia L. Barrett	Newport Beach	(None to date)
Greg Sowards	Placentia	(None to date)
Laura Freese	San Juan Capistrano	(None to date)
Al Ethans	Stanton	(None to date)
Frank Fry, Jr.	Westminster	(None to date)
Jim Winder	Yorba Linda	(None to date)
<b>Cecilia Aguinaga</b>	<b>Santa Ana</b>	<b>November 17, 2010 (2011)</b>
<b>(Filling vacant, unexpired term: January 2010 through December 2011)</b>		

(Consent Calendar continued next page)

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

- 8C - **Approval of Addendum to the District Manager Employment Agreement:** Adopted the Addendum to District Manager Employment Agreement to complete Section 6 (Hours of Work, Vacation and Sick Leave) of the District Manager Employment Agreement. The Addendum to District Manager Employment Agreement is attached Exhibit A.
- 8D - **Authorized Travel to Attend the MVCAC 79th Annual Conference in Indian Wells:** Authorized travel for up to five (5) selected Trustees, in addition to Board Officers; District Manager Hearst; one (1) staff from Department of Administrative Services; one (1) staff from Communications; eight (8) staff from Scientific Technical Services; and one (1) staff member from Operations to attend the 79th Annual Conference of the Mosquito and Vector Control Association of California to be held January 30 - February 2, 2011, at the Renaissance, Indian Wells, California; and authorized total travel expenses of \$7,900 for staff, and \$900 travel expenses for each Trustee attending.
- 8E - **Authorized Travel for District Manager and Director of Administrative Services to Attend the VCJPA Annual Workshop in Monterey:** Authorized travel for District Manager Hearst and Director of Administrative Services Price to attend the 22nd Annual Vector Control Joint Powers Authority Workshop in Monterey, on March 3 and 4, 2011; and authorized total travel expenses of \$1,300.
- 8F - **Status Update on NPDES Monitoring Coalition Policies and Agreement:** Received and Filed: To assist vector control agencies in meeting water quality monitoring requirements for the forthcoming National Pollutant Discharge Elimination System (NPDES) Permit, the Mosquito and Vector Control Association of California (MVCAC) is forming a monitoring coalition. Participation in the coalition benefits the District by reducing costs associated with permit compliance. The District's costs would be considerably higher as an individual agency. Attached are the documents that outline the rules and policies of the MVCAC NPDES Permit Coalition Monitoring Program (Exhibit B), and the application and agreement (Exhibit C) to participate in the program. The deadline to join is December 31, 2010.
- 8G - **Report of District Activities:** Received and Filed: Enclosed with the Agenda was the Report of District Activities as submitted by staff to the Board of Trustees by separate report dated November 12, 2010.

9. **Approval of Minutes:** On motion by Trustee Carchio, seconded by Trustee Carruth, and passed by majority vote (Abstained: Trustees Bouer), the Board of Trustees approved without reading the Minutes of the 767th Meeting of the Board of Trustees held October 21, 2010.
  
10. **Approve District's Vector Reduction Manual:** On motion by Trustee Kring, seconded by Trustee Carchio, and passed by unanimous vote, the Board of Trustees adopted the final version of the Vector Reduction Manual. The Vector Reduction Manual was enclosed as a separate item with the agenda packet and is available upon request from the Clerk of the Board.
  
11. **Haster Business Park Facility:**

**Determination to Consider Non-Agenda Item by Two-thirds Vote:** On motion by Trustee Bailey, seconded by Trustee Carruth, and passed by two-thirds vote (No: Trustee Bouer), the Board of Trustees moved to discuss a non-agenda item. A motion was made to discuss a non-agenda item since the item arose after the agenda was posted and there was a need for immediate action. After the agenda was prepared, the District received notice that the Haster property adjacent to the District had been placed in receivership, that a foreclosure was possible, and a court hearing was upcoming. Since the District has leases and a right-of-first-refusal to purchase the property, it was imperative that the District discuss and provide authority to react to this new development to protect the District's interests as a court hearing was pending.

**Determination to Discuss Real Property, Litigation, and Personnel Matter in Closed Session:** On motion by Trustee Bailey, seconded by Trustee Carruth, and passed by majority vote (No: Trustee Bouer), the Board of Trustees moved to discuss in closed session the following items: The possibility of intervening in Riversource Life Insurance Co. v. Haster Business Park, LLC, OCSC Case No. 30-2010-00417748 (Government Code Section 54956.9(a)) or condemning the Haster parcel adjacent to the District (Government Code Section 54956.9(c)), to discuss price and terms of the purchase of the Haster parcel pursuant to Government Code Section 54956.8, and/or to discuss personnel evaluations regarding the previous District Manager and the present District Counsel pursuant to Government Code Section 54957.

A motion was made by Trustee Weinberg, seconded by Trustee Freese, that the Board utilize Patrick Muñoz, attorney from Rutan & Tucker, LLP, for this closed session to make sure the Board does not do anything that may jeopardize its standings. This motion failed.

**Closed Session:** At 4:00 p.m., President Anderson called for the Board of Trustees to meet in closed session and asked that District Manager Hearst and Director of Administrative Services Price remain in closed session along with District Counsel Burns.

- 12. **Report of Action Taken in Closed Session:** The Board reconvened to open session at 5:00 p.m. District Counsel Burns reported that the Board of Trustees has directed staff to take the following actions: prepare a presentation as to why the Board should pursue acquisition of the Haster Business Park property and present this information to the Board at a special meeting which will be held on December 1 at 2:00 p.m.; perform due diligence in developing more facts on the Haster Business Park property to include a final appraisal, and a title search; and marshal the tenant leases and perform analysis. Discussion of the process for a forensic audit will occur at a later date. Staff will research obtaining a real estate attorney specialist to look after the District's interest in this matter.
  
- 13. **Performance Management System Proposal; District 2011 Strategic Plan Outline:** This item was postponed until a later date.
  
- 14. **Written Communications:** None
  
- 15. **Adjournment:** There being no further business for the Board's consideration, at 5:03 p.m. President Anderson adjourned the meeting to a special meeting of the Board of Trustees on December 1, 2010.

I certify that the above Minutes substantially reflect the actions taken by the Board of Trustees at its meeting held November 18, 2010.

\_\_\_\_\_  
Michael G. Hearst, District Manager

Approved as written and/or corrected by the Board of Trustees at its \_\_\_\_\_

\_\_\_\_\_ meeting held \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Secretary