



Butte County Mosquito and Vector Control District

5117 Larkin Road • Oroville, CA 95965-9250
Phone: 530-533-6038 • Fax: 530-534-9916
www.BCMVCD.com

Matthew C. Ball
Manager

AGENDA

Regular Meeting of the Board of Trustees of the Butte County Mosquito and Vector Control District

(BCMVCD) Board Room, 444 Otterson Drive, Chico, CA 95928. The Board of Trustees is committed to making its proceedings accessible to all citizens. Individuals with special needs should call District staff at 530-533-6038 or 530-342-7350, Monday through Thursday, 6:00 a.m. to 4:30 p.m. to request disability-related modifications/accommodations or to request materials in alternate formats. All requests for special accommodations and/or alternative format documents must be made 48 hours prior to the meeting.

1. **Regular Board of Trustees Meeting Time:** 4:00 PM **Date:** January 11, 2023

2. **Call to Order** – 4:00 PM Roll Call

3. **Persons Wishing to Address the Board on Items Not on the Agenda (limit to 5 minutes):**

4. **Approval of Minutes of the Meeting of:** December 14, 2022

5. **Persons Wishing to Address the Board Pertaining to Closed Session Matters:**

6. **Closed Session Announcement (District Legal Counsel Present):** N/A

7. **Introduction of Butte County Mosquito and Vector Control Board of Trustees**

8. **Election of Officers**

9. **Reports: (9.1 - 9.2)**

9.1 **District Manager's Report**

The District Manager will provide a brief report on current District business and activities. The District Manager will also report on District employees, meetings attended, and current projects.

9.2 **Review the 2022/2023 2nd Quarter Fiscal Budget Reports**

By the time of the Board Meeting, staff will have the 2nd quarter fiscal report prepared and available for review. The Administrative Manager will discuss and explain the report and will be available for questions regarding the report.

Continued...

10. Policy Matters: (10.1)

10.1 Consider Approving Amendments to Multiple Personnel Policies

The Board will be asked to consider amendments to Personnel Policies, Policy 7005 Hiring, Age Limits, Advancement, Promotion, and Probation; Policy 7006 Pre-Employment Physical Examinations, and Policy 7010 Care of Property. District management is continuing its review of the District's Policy Manual in sections in their efforts to correct typos, make updates to match current processes, and make recommended updates as needed.

11. Topic of the Month:

The Board will watch a presentation on the biology of tick-borne diseases.

12. Approve Payment of The Bills:

The Board will be asked to review the demands made upon the District for the past month and consider approving the payment of the bills.

13. Personnel: N/A

14. Correspondence:

The Board will receive and review correspondence from Minasian, Meith, Soares, Sexton & Cooper, LLP, a letter from the City of Biggs, and correspondence from the Town of Paradise.

15. Other Business: N/A

16. Persons Wishing to Address the Board Pertaining to Closed Session Matters:

17. Closed Session Matters (District Legal Counsel Not Present): N/A

18. Adjournment: (Next Regular Meeting of the BCMVCD Board of Trustees is February 8, 2023)

Regular Minutes of the Board of Trustees of the Butte County Mosquito and Vector Control District Meeting held December 14, 2022

Members Present: Michael Barth, Darlene Fredericks, Vice President Dr. Larry Kirk, Bruce Johnson, Philip LaRocca, Assistant Secretary Melissa Schuster, Carl Starkey, and Secretary Bo Sheppard.

Members Excused: President Dr. Albert Beck.

Members Absent: Chuck Reynolds.

Also Present: District Manager Matt Ball, Administrative Manager Maritza Sandoval, and Vector Ecologist/ Fish Biologist Ryan Rothenwander.

1. The Regular Meeting of the Board of Trustees of the Butte County Mosquito and Vector Control District was held on December 14, 2022, at 444 Otterson Drive, Chico, CA 95928.
2. The December 14, 2022, Butte County Mosquito and Vector Control District regular meeting of the Board of Trustees was called to order at 4:04 PM by Vice President Kirk.
3. Seeing and hearing no additional persons wishing to address the Board on items not on the agenda, Vice President Kirk proceeded to request approval of the minutes.
4. After review, it was then moved by Member Johnson, seconded by Member Schuster, and passed unanimously with a vote of 8 ayes and 0 nays to approve the minutes of the Board of Trustees meeting held November 9, 2022, as written.
5. No persons wishing to address the Board on closed session matters.
6. No closed session matters needing legal counsel.
7. Reports (7.1 – 7.2)
 - 7.1 Under item 7.1 of reports, Jonathan Abadesco, a representative from Fedak & Brown LLP presented a comprehensive summary and evaluation of the District's annual audit for the Board. Mr. Abadesco summarized the District's audit and answered questions of the Board. The Board and District management thanked Mr. Abadesco for his report and audit.
 - 7.2 Under item 7.2 of reports, District Manager's Report, the District Manager reported that on November 16, 2022, the District completed the monthly staff meeting and all vehicle inspections. The District's Safety Committee met on this date. Also on this date, District staff saw a presentation from a representative from AIG.

The District was closed the week of November 21.

On November 30, 2022, the District Manager attended the AB 896 virtual meeting to discuss state wetland best management practice projects throughout the state and our local project being conducted at Bird Haven Ranch.

On December 6, 2022, the District Manager attended the MVCAC monthly meeting to review items from the membership, the districts, CDPH, and industry. Also on this date, the District Manager attended the MVCAC Annual Planning Session virtually.

On December 7, 2022, the District Manager and Entomologist attended day 2 virtually of the MVCAC Annual Planning Session. Also on this date, District management conducted all administrative employee evaluations.

On December 13 and December 14, 2022, District management conducted annual employee performance reviews on all operations staff. This completed annual employee evaluations.

As a reminder, the District will be closed in observance of Christmas and New Year the week of December 19 and December 26 and will reopen on Tuesday, January 3, 2022.

After this final item of reports, Vice President Kirk asked the District Manager to proceed to policy matters.

8. Policy Matters (8.1 – 8.2)
 - 8.1 Under item 8.1 of policy matters, the Board was asked to consider a capital expenditure in the amount of \$14,921.99 for a 40-foot-high cube cargo container from Conexwest. The District

Manager reported that this expenditure has been budgeted. It was then moved by Member Sheppard, seconded by Member Johnson, and passed unanimously with 8 ayes and 0 nays to approve the capital expenditure for a 40-foot-high cube cargo container and to not exceed \$16,000.00.

- 8.2 Under item 8.2 of policy matters, the Administrative Manager asked the Board to consider amendments to General Policies, Conflict of Interest, Policy 2020. The amendments are recommended by the Legal Division of the Fair Political Practices Commission. The Political Reform Act requires every multi-county agency to review its conflict-of-interest code biennially and notify the Fair Political Practices Commission of any edits. It was then moved by Member Schuster, seconded by Member Sheppard, and passed unanimously with 8 ayes and 0 nays to approve the amendments to General Policies, Conflict of Interest, Policy 2020, with Vice President Kirk's recommendations.
9. Under topic of the month, the Vector Ecologist/ Fish Biologist gave a presentation on the ticks of Butte County.
10. After reviewing the demands made upon the District for the past month, it was then moved by Member Schuster, seconded by Member Sheppard, and passed unanimously with a vote of 8 ayes and 0 nays to authorize checks numbered 51725 through 51853 be signed and distributed. Expenditures for the month totaled \$527,920.86.
11. No personnel items to report.
12. No items of correspondence to report.
13. Under other business, the District Manager stated the District will be closed the week of December 19th and December 26th. Also reported, was that the District passed its annual UST inspection and that the District Manager is currently gathering information on how to proceed with a public works project for an addition to the District's vehicle shed.
14. No persons wishing to address the Board pertaining to closed session matters.
15. No closed session matters not warranting legal counsel.
16. Vice President Kirk announced adjournment at 5:06 PM and concluded by stating that the next regular meeting of the BCMVCD Board of Trustees would meet at 4:00 PM on January 11, 2023, at the Chico Substation's Board Room at 444 Otterson Drive, Chico, CA 95928.

Respectfully submitted,

James "Bo" Sheppard,
Secretary

On December 15, 2022, the District completed the monthly staff meeting and all vehicle inspections. The District's Safety Committee met on this date.

The District was closed the week of December 19 and December 26. The District was also closed January 2, 2023, in observance of New Years.

On January 10, 2023, District staff received CPR, first aid, and AED training. All attendees received a two-year certification. This training was provided free of charge from John Holick of Valent Biosciences. Mr. Holick has provided this valuable service for eight years at no cost to the District. As a reminder, the Butte County Grand Jury recommended that District personnel be trained.

As a reminder, the District will be closed in observance of Dr. Martin Luther King Jr. Day on January 16, 2023.

Butte County Mosquito and Vector Control District

POLICY MANUAL

POLICY TITLE: Hiring, Age Limits, Advancement, Promotion, and Probation

POLICY NUMBER: 7005

7005.1 General: The District hiring system shall be administered so that District employment, retention, and promotion shall be on a merit basis to assure that the best qualified persons available are employed and retained by the District. Minimum qualifications for original or continued employment are established in the job description for each class of employment.

7005.2 The minimum age for any employment at the District shall be 18 years.

7005.3 Retirement is to be encouraged at age 65. Employment may be continued beyond age 65, provided the employee's physical condition will not constitute an undue risk to the District, and the employee can meet the conditions found in his/her job description.

7005.4 Hiring and Advancement: Raises will only be paid when the employee has satisfied the District Manager that a raise has been earned. Step raises are not automatic. Persons hired for 20 hours or more per week on a permanent basis shall have the same probationary period and be eligible for advancement in the same way as permanent full-time employees. Whenever a position is available in a higher classification, the District Manager may promote the best qualified presently employed person, or hire an outside person, whichever he deems best, without regard to seniority. The number of employees in each classification will be determined by the budget.

7005.5 Promotions: The same criteria used for layoff ranking shall serve as guidance for the District Manager in evaluating employees for promotion, in addition to the following policy:

7005.5.1 A notice of vacancy shall be posted at all work locations at least seven (7) days prior to any filing date, when possible.

7005.5.2 All employees who apply for a different classification will be granted an interview, if qualified, as per the job description for the position.

7005.5.3 All interested qualified employees will be considered for any open position.

7005.5.4 District policy on all promotions shall be on a merit basis to assure that the best qualified persons available are employed and retained by the District.

7005.5.5 The anniversary date for salary consideration for any promoted employee shall be the first day of the pay period ~~at following~~ one year of employment in the promoted position, ~~or one year from the end of the district employment entry probation, whichever occurs last.~~

7005.5.6 The steps of the salary schedule are merit steps, and are not automatic. Eligibility for merit increase will be considered at an employee's anniversary date ~~or at annual~~ evaluation. Any employee hired at other than step 1 will still come under the annual

anniversary date consideration, unless a written agreement is made between that employee and management, such as in cases of advancement, with an agreed upon anniversary date change.

7005.5.7 Steps 6, 7 and 8 are longevity steps based on merit. Eligibility for longevity steps would normally occur after 3 years of satisfactory work for the District in each preceding step.

7005.6 Probation: All original appointments shall be tentative and subject to a probationary period of 1 year from the date of hire in current position ~~first day of the month following employment as a full-time salaried employee~~. All promotional appointments shall be tentative and subject to a probationary period of one (1) year following such promotion. The probationary period shall be utilized for closely observing the employee in his/her position and for eliminating any probationary employee whose performance does not meet the required standards of work. The 12 months of probation is for time actually worked, and does not include time earned in some status other than actually performing duties assigned as part of that persons employment. In practice, a person on unpaid leave would not be credited with time worked to satisfy the probationary period. During the probationary period an employee may be rejected at any time by the District Manager without the right of review of any kind. The position from which an employee is promoted will remain open for a period of three (3) months after the date of said promotion. Prior to the completion of three (3) months in the promoted position, the District will provide an employee evaluation to the promoted employee in the promoted position. Within three (3) months of promotion, the employee may request he/she be returned back to their~~his~~ former position.

Butte County Mosquito and Vector Control District

POLICY MANUAL

POLICY TITLE: Pre-Employment Physical Examinations
POLICY NUMBER: 7006

7006.1 All individuals who are offered full-time, temporary, or part-time employment shall be required to submit to a physician's examination and controlled substance test at District expense. The examining physician will be provided a description of the job involved (including physical requirements of typical tasks) to assist in a determination of the individual's fitness to work.

7006.1.1 Employment will not occur until after a negative controlled-substance test result is certified with the exception of cannabis, a Schedule I hallucinogenic substance under the California Uniform Controlled Substances Act, per California Health & Safety Code § 11054 (d)(13), and until after a qualified physician has certified the individual as fit to perform the type of work required by the position applied for. The District Manager may authorize the hiring of an individual in advance of these certifications if he/she believes waiting may jeopardize the District's opportunity to secure an appropriately qualified candidate or in emergency situations. However, such pre-certification offers of employment shall clearly specify that they are conditional upon a negative controlled-substance test result (with legal exception above) and/or the physicians' fitness-for-work certification, and that employment will be terminated if controlled-substance test results in a positive outcome with no legal exemption or if the physician does not certify the employee as fit to perform the type of work required for the position.

7006.1.2 Employment will not occur if the individual refuses to cooperate in the examination and testing.

7006.2 Retesting of an individual who was previously employed on a temporary, part-time, or full-time basis will be required if more than three months have elapsed since the individual's last day of work for the District.

7006.3 Appointments with the medical facility providing the examination and controlled substance testing shall be made at least one day prior to testing if possible, with the individual to be tested provided minimal advance notice (no more than one day, if practical).

7006.4 When the individual to be tested reports to the medical facility for the scheduled examination and controlled substance testing, they must provide proof of identification, such as a drivers license photo or a state-issued photo identification card.

7006.5 All test results shall be kept confidential. The applicant may be told they failed to pass the test, but only the District Manager and his/her confidential designee shall have access to the actual test results.

7006.6 District employment application forms shall contain a notice to applicants as follows:

The District has a policy of requiring a physician's physical fitness exam, together with urine drug testing of persons who have been offered employment. Individuals who are determined by the physician not to be physically fit for duty, or who test positive for controlled substances with no legal exemption, will not be employed. If you have reason to believe that you will not pass a physician's physical examination, or will test positive for the presence of controlled substances, or if you are unwilling to consent to such an

examination or test if offered employment, it is recommended that you not submit an application.

REVISED 01/2023

Butte County Mosquito and Vector Control District

POLICY MANUAL

POLICY TITLE: Care of Property

POLICY NUMBER: 7010

7010.1 All employees are expected to exercise reasonable care of District property.

7010.2 All employees are expected to report to ~~a supervisor and/or member of management the mechanic and/or supervisor~~ any District property that is damaged, not working properly, or suspect a problem could arise.

7010.3 Theft and deliberate or gross negligent damage or destruction of any District property, or the property of any member of the public or customer will be grounds for discipline and/or termination.

7010.4 Removing or borrowing District property without prior authorization is prohibited.

7010.5 In the case of damage or destruction of any District property, or the property of any member of the public or customer happens, the employee is required to immediately notify a supervisor and/or member of management.

REVISED 01/2023

**MINASIAN, MEITH,
SOARES, SEXTON &
COOPER, LLP**

ATTORNEYS AT LAW
A Partnership Including Professional Corporations

1681 BIRD STREET
Post Office BOX 1679
OROVILLE, CALIFORNIA 95965-1679

Writer's Email: awallace@minasianlaw.com

PAUL R. MINASIAN, INC.
JEFFREY A. MEITH
M. ANTHONY SOARES
DUSTIN C. COOPER
EMILY E. LaMOE
ANDREW J. McCLURE
JACKSON A. MINASIAN
AIDAN P. WALLACE
CHASE A. STEELE

WILLIAM H. SPRUANCE,
Retired
MICHAEL V. SEXTON,
Retired

TELEPHONE:
(530) 533-2885

FACSIMILE:
(530) 533-0197

December 29, 2022

VIA EMAIL AND U.S. MAIL

BUTTE COUNTY MOSQUITO
AND VECTOR CONTROL DISTRICT
5117 Larkin Road
Oroville, California 95965

RE: Changes to the Brown Act Remote Meeting Provisions

Dear Client:

A significant change to the Brown Act will be implemented in 2023 that may impact your agency's practices regarding remote meetings. The change in the Brown Act takes effect on January 1, 2023, and the Governor's COVID-19 State of Emergency will end on February 28, 2023. As you may recall, remote meetings during the COVID-19 State of Emergency have been held pursuant to 30-day remote meeting resolutions and legislation adopted in 2021. This letter will explain how new legislation adopted in 2022 and effective January 1, 2023 (AB 2449) and the end of the Governor's declaration of a State of Emergency for COVID-19 may change your remote meeting practices.

February 28, 2023 Expiration of the COVID-19 Emergency and 30-Day Resolutions.

Until February 28, 2023, the provisions relating to the 30-day resolutions remain in place as the primary method of holding remote meetings for Board members during the COVID-19 State of Emergency where either the emergency impacts the ability of the Board members to meet remotely or there are social distancing measures imposed or recommended by state or local officials. (See Government Code section 54953, subdivision (e).) **After the state of emergency ends on February 28, 2023, your agency's Board members should not rely on the 30-day remote meeting resolutions to attend meetings remotely, even if a 30-day resolution was passed prior to February 28.** If a future pandemic-related state of emergency (or other emergency) occurs that affects the ability of the members to safely meet in person, the Board may consider using the 30-day remote meeting resolutions. In most circumstances, Board members will need to attend meetings in

To: BUTTE COUNTY MOSQUITO AND VECTOR CONTROL DISTRICT
RE: Changes to the Brown Act Remote Meeting Provisions
Date: December 29, 2022

Page 2

person following February 28, 2023. Board members who need to attend meetings remotely in the absence of a declared state of emergency have a couple constrained options, discussed on the second page of this letter. If your Board is already attending meetings in-person and no Board members attend remotely, then your practices do not likely need a change in order to become compliant with AB 2449.

Your agency may still provide members of the public with remote access to open sessions of meetings via a call-in option or audio-video teleconference platform like Zoom. However, if the call-in option or audio-video platform crashes or has technical problems that affect the ability of the public to listen in and participate in public comment, the meeting should not proceed until the technical difficulties are resolved.

Two Options for Remote Attendance of Board Members.

Board members that have a need to attend a meeting remotely have two options under the Brown Act as modified by AB 2449. Because of the complexity and constraints of option 2, option 1 may be preferable where time allows for the agency and the Board member to comply with the agenda-posting requirements.

Option 1: Include the location from where the Board member will be teleconferencing in the agenda, post the agenda at the Board member's teleconference location concurrently with the agency's posting of the agenda, allow the public to attend the meeting from each teleconference location including the Board member's location, take all votes by rollcall, and ensure that at least a quorum of the Board are attending the meeting within the jurisdictional boundaries of the agency. (Government Code section 54953, subdivision (b)(3).)

Option 2 (The "Just Cause" exception): If option 1 is not used, then each Board member attending remotely must state "just cause" at the beginning of the meeting and obtain the Board's approval of their just cause exception. Just cause is defined as one of the following 4:

- (A) A childcare or caregiving need of a child, parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires them to participate remotely.
- (B) A contagious illness that prevents a Board member from attending in person.
- (C) A need related to a physical or mental disability
- (D) Travel while on official business of the legislative body or another state or local agency.

Alternatively, the Board member seeking to participate remotely may request that the agency approve his/her attendance based on "emergency circumstances." "Emergency circumstances" means a physical or family medical emergency that prevents a member from attending in person. (Government Code Section 54953, subdivision (f).)

To: BUTTE COUNTY MOSQUITO AND VECTOR CONTROL DISTRICT
RE: Changes to the Brown Act Remote Meeting Provisions
Date: December 29, 2022

Page 3

There are a number of additional requirements if a Board member uses the “just cause” exception (option 2). **At least a quorum of the Board must be physically present at the primary meeting location.** All of the Board, including the remotely attending Board member, must use two-way audio-video conferencing (like Zoom) that allows the public to both see and hear the Board conduct the meeting and receive public comment (the Board members should not turn off their cameras when using this option). The Board member attending remotely is required to announce if any adults are in the room with them and their relationship to that adult. A Board member cannot use the just cause exception for more than three consecutive months or 20 percent of the regular meetings for the local agency within a calendar year, or more than two meetings if the legislative body regularly meets fewer than 10 times per calendar year. **For agencies that meet monthly or less frequently, this means that a Board member is limited to using the “just cause” exception for no more than 2 meetings per year.** If the Board member’s request to participate remotely is provided to the agency with enough time to place the request on the agenda, the item should be agendaized before any other action by the Board. If the request was not made with sufficient time to allow the request to be placed on the agenda, then the Board may still approve the request. Finally, the remote Board member should briefly (20 words or less) describe the basis of the just cause exception in a general way without disclosing any private medical or personal information. The in-person Board members should then approve that just cause circumstances exist and the remote Board member’s attendance via teleconference at the outset of the meeting.

Conclusion and Recommendation.

Following the February 28, 2023 expiration of the COVID-19 state of emergency, in-person Board attendance is likely to become the norm for many agencies. The “just cause” exception for attending meetings remotely has a number of onerous requirements and should not be regularly relied upon as a means of remote Board attendance at meetings. When Board members plan on attending a meeting remotely, we recommend Option 1 above. The “just cause” exception/Option 2 should be reserved for unexpected circumstances (e.g., illness) where Option 1 is not practical.

If you have any questions, please do not hesitate to contact our office.

Very truly yours,

MINASIAN, MEITH, SOARES
SEXTON & COOPER, LLP

By:



AIDAN P. WALLACE

APW/



City of Biggs

Where the people own the power and water
465 Sixth Street
P.O. Box 307
Biggs, California 95917-0307

City Hall (530) 868-5493
Fax (530) 868-5239

December 20, 2022

RECEIVED
DEC 28 2022

Butte County Mosquito and Vector Control District
5117 Larkin Road
Oroville, CA 95965

BY:

RE: BCMVCD Board

This letter is to advise you that on December 13, 2022, Mr. James "Bo" Sheppard was appointed by the Biggs City Council to continue serving on the Butte County Mosquito and Vector Control Board for a period of four years.

Sincerely,

Roben Benish

Roben Benish
City Clerk
City of Biggs

Maritza Sandoval

From: Volenski, Dina <dvolenski@townofparadise.com>
Sent: Tuesday, January 3, 2023 9:48 AM
To: Maritza Sandoval
Subject: RE: Reappointment

Good morning Maritza! Yes. Melissa Schuster was reappointed to the BCMVCD....we are going to ask the Council for clarification on the term of the appointment at the January 10, 2023 Council meeting. She was appointed, but then there was no discussion on the term.....I'll let you know on Wednesday, January 11. Thank you, Dina

From: Maritza Sandoval <msandoval@buttemosquito.com>
Sent: Tuesday, January 3, 2023 9:31 AM
To: Volenski, Dina <dvolenski@townofparadise.com>
Subject: Reappointment
Importance: High

Good morning Diane,

Can I please confirm Melissa Schuster was reappointed to our Board by the City Council in December? Can I also confirm if it was for a two- or four-year term?

Thank you,

Maritza Sandoval

Administrative Manager
Butte County MVCD
5117 Larkin Road
Oroville, CA. 95965-9250
Phone: 530-533-6038 Cell: 530-990-3589
www.buttemosquito.com

"E-MAIL DISCLAIMER": This email and any attachment thereto may contain private, confidential, and privileged material for the sole use of the intended recipient. Any review, copying, or distribution of this email (or any attachments thereto) by other than Butte County Mosquito Vector Control District or the intended recipient is strictly prohibited. If you are NOT the intended recipient, please contact sender immediately and permanently delete the original and any copies of this email and any attachments thereto.