

Marin/Sonoma Mosquito & Vector Control District

Board of Trustees
595 Helman Lane
Cotati, CA 94931

Meeting Held via Videoconference

August 12, 2020

SPECIAL & REGULAR BOARD MEETING MINUTES

1. **CLOSED SESSION**

A. **California Government Code Section 54957**

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Position: District Manager

Report and recommendations by Executive Committee and General Counsel

California Government Code Section 54957.6

CONFERENCE WITH LABOR NEGOTIATORS

Agency Designated Representative: General Counsel, Executive Committee

Unrepresented Employee: District Manager

B. **Closed Session adjourned at 6:40 pm.**

2. **CALL TO ORDER**

President Pigoni called the meeting to order in open session at 6:50 pm.

3. **PLEDGE OF ALLEGIANCE**

4. **ROLL CALL**

Members present:

Bloom, Gail

Davis, Tamara

Deicke, Art

Ettlin, Julia

Gallian, Laurie

Harlem, Pamela

Hootkins, Susan

Naythons, Matthew

McCaffery, Shaun

Predovich, Monique

Rowland Jr., Herb

Schulze, Ed

Snyder, Richard

Witt, David

Pigoni, Carol

Members absent:

Ackerman, Bruce
Glass, Una
Khush, Ranjiv
Thompson, Michael

Open seats: Corte Madera, Cotati, one Marin County at Large and one Sonoma County at Large

Others present:

Philip Smith, District Manager
Erik Hawk, Assistant Manager
Dawn Williams, Confidential Administrative Assistant
Janet Coleson, General Counsel

A quorum was present, and due notice had been published.

General Counsel, Janet Coleson noted that the reporting out on the closed session would occur during Item 7I, First Amendment to District Manager Employment Agreement Report.

5. APPOINTMENT OF NEW TRUSTEE

Trustee Cathy Benediktsson, appointed by the Town of Tiburon, introduced herself and was welcomed by fellow Board members.

This item was moved to be discussed after Item 12, Open Time for Board or Staff Comments. Item 8D, Laboratory Update was moved to be presented after Item 4, Roll Call.

8. NEW BUSINESS

D. Laboratory Update

Scientific Programs Manager Dr. Kelly Liebman gave a detailed presentation on the adult mosquito control program, provided an update on the changes to the invasive *Aedes* mosquito surveillance program, also noting some recent developments in the tick surveillance program. Over the past few years, Dr. Liebman has been working on various reports, presentations and educational material in collaboration with laboratory staff and the Public Information Officer. The laboratory staff has also collaborated with a number of universities, government agencies and private businesses on projects ranging from pesticide trials and water quality studies. They have followed up on a number of vector-borne diseases in collaboration with the state health department and local health jurisdictions. Most recently, Dr. Liebman completed the FAA's Part 107 review course for the unmanned aerial systems remote pilot certificate and remotely attended the University of California's virtual drone camp.

6. PUBLIC TIME

No public comment.

7. CONSENT CALENDAR**A. CHANGES TO AGENDA/APPROVAL OF AGENDA****B.* MINUTES** – Minutes for Board Meeting held on June 17, 2020.**C.* FINANCIAL**

Warrants – June 2020

June Payroll: \$194,535.24

June Expenditures: \$561,265.41

Total: \$755,800.65

D.* FINANCIAL

Warrants – June 2020

June Payroll: \$ 191,323.52

June Expenditures: \$3,415,068.79

Total: \$3,606,392.31

E. ENDING ACCOUNT BALANCES:

Operating Fund: \$11,284,215.23

*It was M/S Trustee Davis/Trustee Snyder to accept the Consent Calendar:**Motion passed with a roll call vote:****Ayes:** Trustee Bloom, Trustee Davis, Trustee Deicke, Trustee Ettlin, Trustee Gallian, Trustee Harlem, Trustee Hootkins, Trustee McCaffery, Trustee Naythons, Trustee Predovich, Trustee Rowland, Trustee Schulze, Trustee Snyder, Trustee Witt and Trustee Pigoni****No:** (none)****Abstain:** (none)****Absent:** Trustee Ackerman, Trustee Glass, Trustee Khush, and Trustee Thompson***8. NEW BUSINESS****A. FY 19-20 Preliminary Financial Report**

Manager Smith introduced the report prepared by Financial Manager Jennifer Crayne showing the preliminary financial results for FY 19-20, noting that final results will be provided as part of the annual financial Audit to be presented at the Board's November 2020 meeting.

B. Monthly Billing and Treatment Operations Cost Control Billing Sheet for FY 2020-21.

Manager Smith explained that the Cost Control Billing Sheet (CCBS) is used to calculate charges to other agencies or private businesses for services rendered by the District. Many public agencies pay little or nothing in taxes or benefit assessment revenues for District services, so the CCBS is the mechanism used to recoup these expenditures through the accounts receivable

process. This year Ms. Crayne made some significant refinements to the CCBS, and it now more accurately reflects the District's costs.

It was M/S Trustee Davis/Trustee Deicke to approve the Monthly Billing and Treatment Operations Cost Control Billing Sheet:

Motion passed with a roll call vote:

Ayes: Trustee Bloom, Trustee Davis, Trustee Deicke, Trustee Ettlin, Trustee Gallian, Trustee Harlem, Trustee Hootkins, Trustee McCaffery, Trustee Naythons, Trustee Predovich, Trustee Rowland, Trustee Schulze, Trustee Snyder, Trustee Witt and Trustee Pigoni

No: (none)

Abstain: (none)

Absent: Trustee Ackerman, Trustee Glass, Trustee Khush, and Trustee Thompson

C. Presentation by Jeff Wickman, Marin County Employees Retirement Association (MCERA) Administrator.

Mr. Wickman explained that MCERA's retirement plan offers a defined benefit plan to its member agencies. The MCERA Board's basic charge is to collect the contributions, invest them and then pay the benefits that were promised to the employees.

A vested member or their beneficiary receives a lifetime retirement benefit based on a predetermined fixed formula. The District currently offers two benefit tiers. Both formulas include the highest average compensation received (single year for Classic members, or a three-year average for PEPRA members), the years of service, and a benefit formula of 2% at 55 ½ for Classic members and 2% at 62 for PEPRA members. The plan is funded by contributions from the employees, the employer, and earnings from MCERA's investments.

The Classic tier applies to staff who became MCERA members on or before December 31, 2012. The Public Employee Pension Reform Act (PEPRA) tier was established as a result of the Public Employees' Pension Reform Act of 2013, which created a lower cost tier of benefits for employers. Members of the PEPRA tier are those who entered MCERA on or after January 1, 2013, and who do not have reciprocity from former qualifying employment.

The most recent valuation shows that the District's plan is 56.5% funded for active employees, (retirees are always 100% funded), resulting in an overall funded ratio of 89%. MCERA is now embarking on a three-year lookback or "experience study" and will also prepare a new actuarial valuation using July 1st, 2020 as the measurement date.

Taken out of sequence and moved to follow Item 4, Roll Call

D. Laboratory Update

E. Proposed Updates to District Employee Policy Manual

The presentation by Kelly Tuffo of Liebert Cassidy Whitmore highlighted all the proposed changes, additions and updates to this major revision of the District's Employee Policy Manual, which was originally issued in 2010. All the proposed changes had been reviewed and approved by the Western Council of Engineers after several meetings with District management staff, with Ms. Tuffo serving as the negotiator.

It was M/S Trustee Schulze/Trustee Gallian to approve the updated District Employee Policy Manual:

Motion passed with a roll call vote:

Ayes: Trustee Bloom, Trustee Davis, Trustee Deicke, Trustee Ettlín, Trustee Gallian, Trustee Harlem, Trustee Hootkins, Trustee McCaffery, Trustee Naythons, Trustee Predovich, Trustee Rowland, Trustee Schulze, Trustee Snyder, Trustee Witt and Trustee Pigoni

No: (none)

Abstain: (none)

Absent: Trustee Ackerman, Trustee Glass, Trustee Khush, and Trustee Thompson

F. Proposed Temporary Revision to Board Policy Manual Section 5020 (Banking Direct Deposit Policy and Procedures)

Manager Smith explained that recently the District's Financial Manager discovered that the Marin County Department of Finance (DoF) had not transferred the funds she requested to the District's payroll account with Exchange Bank.

Due in part to COVID-19 related issues, with many County DoF employees working remotely, the County now requires at least 5 (five) business days advance notice to process ACH transfers, instead of the former 48 hours. Additionally, the transfers are now processed only on Tuesdays and Thursdays and Paylocity (the District's payroll service provider) imposes its own added lead times for payroll processing. Since the District came uncomfortably close to not being able to compensate its employees on time, through the proposed modification to Section 2020 of the Board Policy Manual, staff requested to increase the balance in the Exchange Bank payroll account by \$125,000. The intent of the action was to provide a reserve in the amount of a typical payroll in the Exchange Bank account, to serve as backup in case of a similar delay in future. Staff committed to reporting back to the Board when the pandemic was no longer affecting County DoF's deadlines and lead times.

It was M/S Trustee Schulze/Trustee Gallian to:

- 1. Approve the proposed change to Board Policy Manual Section 5020*
- 2. Authorize staff to increase the balance in the Exchange Bank payroll account by \$125,000*
- 3. Direct staff to report back when the County of Marin returns to normal accounts payable and ACH transaction processing deadlines*

Motion passed with a roll call vote:

Ayes: Trustee Bloom, Trustee Davis, Trustee Deicke, Trustee Ettlin, Trustee Gallian, Trustee Harlem, Trustee Hootkins, Trustee McCaffery, Trustee Naythons, Trustee Predovich, Trustee Rowland, Trustee Schulze, Trustee Snyder, Trustee Witt and Trustee Pigoni

No: (none)

Abstain: (none)

Absent: Trustee Ackerman, Trustee Glass, Trustee Khush, and Trustee Thompson

G. Proposed New District Operations Manual & Two Revised Policies

Assistant Manager Hawk explained that the two policies presented, entitled respectively “Public Notification of Truck-Mounted Adult Mosquito Control Operations” and “No Adult Mosquito Control List,” needed to be updated and revised due to their proving very problematic to implement. Additionally, the policies were currently located in the Employee Policy Manual and would be better suited to the proposed new District Operations Manual.

It was M/S Trustee Davis/Trustee Schulze to:

- 1. Direct staff to create a District Operations Manual*
- 2. Approve the proposed new policy titled “Public Notification of Truck-Mounted Adult Mosquito Control Operations.”*
- 3. Approve the proposed new policy titled “No Adult Mosquito Control List”*
- 4. Repeal the former District Employee Manual Policy A-200 “Adult Mosquito No Spray List”*
- 5. Repeal the former District Employee Manual Policy A-300 “Adult Mosquito No Spray List”*

Motion passed with a roll call vote:

Ayes: Trustee Bloom, Trustee Davis, Trustee Deicke, Trustee Ettlin, Trustee Gallian, Trustee Harlem, Trustee Hootkins, Trustee McCaffery, Trustee Naythons, Trustee Predovich, Trustee Rowland, Trustee Schulze, Trustee Snyder, Trustee Witt and Trustee Pigoni

No: (none)

Abstain: (none)

Absent: Trustee Ackerman, Trustee Glass, Trustee Khush, and Trustee Thompson

H. Sonoma Creek Enhancement Project: Phase 2

Assistant Manager Hawk reminded the Board that in 2007 the District entered a partnership with the United States Fish and Wildlife Service and Audubon California to carry out the first phase of the Sonoma Creek Enhancement Project. The project site has been a copious source of mosquito production, costing the District considerable substantial sums each year for surveillance and aerial larvicide applications. Presently the project sponsors believe they have sufficient grant funding to complete the work, but depending on potential difficulties encountered by the specialized contractor on the challenging site, additional funds may be necessary to complete the work. Completion of the project should greatly reduce the necessity for repeated larvicide applications, thus lowering the District’s costs, which run into the tens of thousands each year.

It was M/S Trustee Naythons/Trustee Hootkins to:

- 1. Expend an amount not to exceed \$42,000 from the District's current budget for "As-Needed" items (1-8230-99) to be used as a contingency funding to allow for completion of the project, only if costs exceed the available project budget.*
- 2. Report back to the Board at a subsequent meeting on the project's status and detailing any expenditures made by the District.*

Motion passed with a roll call vote:

Ayes: Trustee Bloom, Trustee Davis, Trustee Deicke, Trustee Ettlin, Trustee Gallian, Trustee Harlem, Trustee Hootkins, Trustee McCaffery, Trustee Naythons, Trustee Predovich, Trustee Rowland, Trustee Schulze, Trustee Snyder, Trustee Witt and Trustee Pigoni

No: (none)

Abstain: (none)

Absent: Trustee Ackerman, Trustee Glass, Trustee Khush, and Trustee Thompson

I. First Amendment to District Manager Employment Agreement Report from closed session.

General Counsel Janet Coleson indicated that the Board's report out of "Closed Session" was that the Board recommended amending "Section 5.0 Salary," of the District Manager's contract with (2) two successive 5.5 percent increases, one for this year and the second next year. The first increase would take effect on September 1, 2020 (for \$11,308.16 annually) and the second increase of \$11,930.11 would occur on July 1, 2021. (*Ms. Coleson read aloud the First Amendment of Manager Smith's contract, including the amounts of the planned salary increases*).

It was M/S Trustee Davis/Trustee Gallian to:

- 1. Review and discuss the proposed First Amendment to Section 5.0 of the Amended and Restated District Manager Employment Agreement*
- 2. Establish and state verbally the salary increases to be made to Section 5.0 of the existing Agreement*
- 3. Authorize the Board President to execute the First Amendment to the District Manager Amended and Restated Employment Agreement.*

Motion passed with a roll call vote:

Ayes: Trustee Bloom, Trustee Davis, Trustee Ettlin, Trustee Gallian, Trustee Harlem, Trustee Hootkins, Trustee McCaffery, Trustee Naythons, Trustee Predovich, Trustee Rowland, Trustee Schulze, Trustee Snyder, Trustee Witt and Trustee Pigoni

No: Trustee Deicke

Abstain: (none)

Absent: Trustee Ackerman, Trustee Glass, Trustee Khush, and Trustee Thompson

9. COMMITTEE & STAFF REPORTS

A. Executive Committee

President Pigoni noted that the committee met on July 23rd, 2020 to review all the items set forth on the agenda this evening and to engage in discussions with Manager Smith and staff regarding the COVID-19 pandemic's impacts on the District. Additionally the committee discussed the updates that were

mentioned in Manager’s report and carried out a follow-up evaluation of the Manager’s 2019 performance review, which was originally conducted in December 2019.

10. MANAGER’S REPORT

Manager Smith and Assistant Manager Hawk offered to answer any questions pertaining to their written reports. (Manager’s and Assistant Manager’s reports were included in the August Board packet)

11. WRITTEN COMMUNICATIONS

No written communications.

12. OPEN TIME FOR BOARD OR STAFF COMMENTS

Trustee Davis suggested more frequent meetings of the Board with reduced content, due to the considerable length of the meeting. Staff apologized and agreed to keep this in mind when planning meeting agendas.

Trustee Schulze reported that Ms. Pat Eklund, Mayor of Novato, appreciated the District’s diligent service while dealing with a yellowjacket nest.

Trustee Naythons reported that Mr. Tod Moody from Tiburon was pleased with the next-day service provided while treating a wasp nest.

Taken out of sequence

5. APPOINTMENT OF NEW TRUSTEE

Ms. Cathy Benediktsson, Trustee for the Town of Tiburon, remarked that the presentations were impressive and informative.

13. ADJOURNMENT

There being no further business to come before the Board, it was M/S Trustee Davis/Trustee Schulze to adjourn the meeting at 9:49 pm.

DocuSigned by:
Philip D. Smith
C189ECB298974AC...

10/16/2020

District Representative

Date of Approval

MSMVCD

DocuSigned by:
Richard Snyder
ABF3075DA06241D...

10/15/2020

Trustee

Date of Approval

MSMVCD Board of Trustees