

**-GREATER LOS ANGELES COUNTY VECTOR CONTROL DISTRICT
MINUTES NO. 2010-02**

A regular meeting of the Board of Trustees of the Greater Los Angeles County Vector Control District was held at 7:00 p.m. on Thursday, February 11, 2010, at the District office at 12545 Florence Avenue, Santa Fe Springs, California.

TRUSTEES PRESENT

Sally Flowers, *President, (City of Artesia)*
Victor Bello, *(City of Bell)*
Ray T. Smith, *(City of Bellflower)*
Pedro Aceituno, *(City of Bell Gardens)*
Dr. Jeff D. Wassem, *(City of Burbank)*
Harold Williams, *(City of Carson)*
Nikki Noushkam, *(City of Cerritos)*
Tina Baca Del Rio, *(City of Commerce)*
Mison Levi, *(City of Cudahy)*
Steve Tye, *(City of Diamond Bar)*
Meredith Perkins, *(City of Downey)*
Rachel C. Johnson, *(City of Gardena)*
Armine Perian, *(City of Glendale)*
Jim Remington, *(City of La Habra Heights)*

Joseph Esquivel, *(City of Lakewood)*
Gabe Garcia, *(City of La Mirada)*
Robert Campbell, *Sec-Treasurer, (City of Long Beach)*
Alma Martinez, *(City of Los Angeles)*
Jim Morton, *(City of Lynwood)*
Cheri Kelley, *(City of Norwalk)*
Bob Archuleta, *(City of Pico Rivera)*
Jeff Groseth, *(City of San Marino)*
Robert Newman, *(City of Santa Clarita)*
Michael Madrigal, *(City of Santa Fe Springs)*
Dr. Hazel Wallace, *(City of Signal Hill)*
Joseph Gonzales, *(City of South El Monte)*
Maria Davila, *(City of South Gate)*
Owen Newcomer, *Vice President (City of Whittier)*

TRUSTEES ABSENT

Dr. Frank Gomez, *(City of Montebello)*
Vacant, *(City of Hawaiian Gardens)*
Vacant, *(City of San Fernando)*

TRUSTEES ABSENT (EXCUSED)

Elba Romo, *(City of Huntington Park)*
Dr. James Lawson, *(County of Los Angeles)*
Ana Rosa Rizo, *(City of Maywood)*
Tom Hansen, *(City of Paramount)*

OTHERS PRESENT

Kenneth L. Bayless, *General Manager*
Mark Daniel, *Operations Director*
Susanne Kluh, *Sci-Tech Services Director*
Truc Dever, *Director of Community Affairs*
Crystal Brown, *Public Information Officer*
Carolyn Weeks, *Director of Finance*
Robert Miller, *Director of Human Resources*
Luke DeNitto, *Maintenance Supervisor*
Quinn M. Barrow, *Legal Counsel*

1. CALL TO ORDER

President Flowers called the meeting to order at 7:08p.m.

2. QUORUM (ROLL) CALL

Following the roll call, it is recorded that 28 Trustees were present and 7 were absent.

3. INVOCATION

Trustee Smith gave the invocation.

4. PLEDGE OF ALLEGIANCE

Trustee Morton led the Pledge of Allegiance.

5. CORRESPONDENCE

Trustee Kelley announced she had spoken with Trustee Hansen and that he is recovering well from open heart surgery. He and his wife thank the Board and staff for the “get well” flowers.

6. INTRODUCTIONS

President Flowers welcomed the new Trustees in the room. Joseph Gonzales introduced himself as the representative for the City of South El Monte. He served on the Board 3 years ago and is pleased to be back. Trustee Gonzales is currently a city councilmember and served as Mayor of South El Monte in 1997. He has been a resident of South El Monte for over 30 years. Steve Tye introduced himself as the new representative for the City of Diamond Bar. Trustee Tye served as Mayor in 2007 and was re-elected to the city council in 2009. He assured the Board he would do his best to carry on the traditions established by former Trustee Audrey Hamilton. Tina Baca Del Rio introduced herself as the new representative for the City of Commerce. Trustee Baca Del Rio is currently serving as Mayor Pro Tem.

President Flowers excused herself from the meeting and turned it over to Vice President Newcomer.

7. PUBLIC COMMENT

Elsa Lopez from the Water Replenishment District spoke on behalf of Lillian Kawasaki, who is a candidate for the Alternate position of Independent Special District Representative to the Los Angeles County Local Agency Formation commission (LAFCO). Ms. Lopez asked the Board for its support and vote for Ms. Kawaski who was delayed at the airport in Washington, D.C. and could not personally attend this meeting. Ms. Lopez stated that Ms. Kawasaki would be the best candidate and has extensive government experience as a member of numerous state and local boards and committees. District Manager Bayless commented that the Board will be voting on the candidates next month.

8. CONSENT AGENDA (8.1-8.4)

- 8.1 Consideration of **Minutes 2010-01** of regular Board Meeting held on January 14, 2010. (**EXHIBIT A**)
- 8.2 Consideration of **Resolution 2010-02** Authorizing Payment of Attached Requisition Schedule for January 1, 2010 through January 31, 2010 (**EXHIBIT B**)
- 8.3 Consideration of one (1) County of Los Angeles Joint Property Tax Resolution (JPTR), *L 067-2009*. This resolution authorizes the County of Los Angeles and GLACVCD to collectively approve and accept the negotiated exchange of ad valorem property tax revenue resulting from the annexation of the subject territory identified in the resolution to provide revenue to the County Lighting Maintenance District (CLMD) 1697. A copy of the letter from the County of Los Angeles Department of Public Works requesting this resolution is attached. (**EXHIBIT C**)
- 8.4 Consideration of one (1) Joint Tax Sharing Resolution from the County Sanitation Districts of Los Angeles County (Annexation No. 21-726). Annexation No. 21-726 requests GLACVCD to allocate 0.0002828% of its current 0.0374% share of property tax resulting in a net share of 0.0371% to support services to an area being annexed to the County Sanitation District. (**EXHIBIT D**)

Trustee Levi made the motion to approve. Trustee Martinez seconded the motion.

Trustee Wassem asked for an explanation of the \$25,000 expenditure under item 8.2. Director of Scientific-Technical Services Susanne Klueh reported the cost was for mosquito pool testing and chicken blood samples.

District Manager Bayless reiterated to the Board that the \$25,000 is an annual charge paid to the State to test for West Nile virus. **A vote was taken and the motion passed unanimously.**

9. CONSIDERATION AND RATIFICATION OF BOARD OF TRUSTEES COMMITTEE ASSIGNMENTS FOR CALENDAR YEAR 2010

President Flowers returned to the meeting. President Flowers asked the Board to review their committee assignments for calendar year 2010. She asked the Trustees to let her know if they had any problems with their assignments. Trustees can also see President Flowers if they are not on the list but decide they want to serve on a committee.

Trustee Kelley made the motion to approve the committee assignments. Trustee Remington seconded the motion. The motion passed unanimously.

10. REMINDER TO TRUSTEES TO COMPLETE & FILE CALIFORNIA FORM 700-STATEMENT OF ECONOMIC INTERESTS

Director of Community Affairs Truc Dever informed the Trustees that the Conflict of Interest 700 Form for 2009 is due in April. Trustees with the form in front of them still need to fill it out and submit it to District staff. District staff will mail the 700 Form on behalf of the Trustees to the County and retain a copy for the District's records. Trustees without the 700 Form in front of them have already submitted their paperwork and do not need to take any further action.

11. CONSIDERATION OF THREE (3) TRUSTEES TO ATTEND THE 76TH ANNUAL AMERICAN MOSQUITO CONTROL ASSOCIATION (AMCA) CONFERENCE IN LEXINGTON, KENTUCKY MARCH 28-APRIL 1, 2010, (EXHIBIT E)

President Flowers announced that there were three Trustees who expressed interest in attending the conference. Trustees Flowers, Kelley and Smith will all be attending the AMCA conference in Lexington, KY. President Flowers recommended that those Trustees still interested in attending give their names to Director of Community Affairs Truc Dever to be put on a waiting list. Trustees on the waiting list will be asked to go to the conference in the event that one of the three named Trustees cannot attend.

Trustee Esquivel made the motion to approve. Trustee Aceituno seconded the motion. The motion passed with Trustees Kelley, Flowers, and Smith abstaining.

12. COMMITTEE REPORTS

12.1 Policy Committee

O. Newcomer, Chairperson

Vice President Newcomer reported that the Policy Committee met again to finalize details for the updated Purchasing of Supplies and Equipment and Professional Services Policy. The Policy increased the dollar amount for purchases requiring Board approval in order to increase the district's operational efficiency. The policy now states that purchases up to \$500 can be made with supervisory approval and the submission of a receipt. If the purchase is between \$500 to \$5,000, it will require a purchase requisition order but no written bids. Purchases between \$5,000.01 to \$25,000 will require a purchase requisition, purchase order and number assigned, and three written bids. Any purchase over \$25,000.01 will require Board approval in addition to the previously mentioned documentation.

Trustee Groseth stated his support for the policy, but pointed out a discrepancy in the documents using \$5,000 in some paragraphs and \$5,000.01 in others. District Manager Bayless assured the Board that Legal Counsel Barrow caught the errors and will be correcting the document to make the numbers and language consistent throughout.

Trustee Perkins asked Vice President Newcomer to clarify the difference in the new policy spending procedure. Vice President Newcomer stated that the change is to raise dollar amounts that necessitate Board approval.

Vice President Newcomer continued his report by summarizing the second major change to the policy. The old policy mandated that purchases requiring bids go to the lowest bidder. The new language allows the bidder to be chosen based on factors besides price, such as bidder's ability, capacity, and record of performance. Such a decision would be made by the Board based on a recommendation from the General Manager

He also referenced language for professional services under Section 5, saying the words "informal bids and" be deleted from the document at the end of the section.

Trustee Perkins expressed concern over the language in Section 3, IV, which reads, "The determining factor by which a bid may be awarded include, but are not limited to, the bidders ability, capacity, skill, record of performance and price." He was concerned that such vague criteria, not based on the lowest bid, might leave room for questionable conduct and awarding of contracts. Vice President Newcomer explained that the purpose of the policy change is to allow the General Manager to consider other factors besides price, such as quality. He also emphasized that the General Manager's recommendation would be presented to the Board and ultimately the Board would approve such purchases over \$25,000.

General Manager Bayless added that the new policy was developed to allow for a cost-benefit analysis in areas other than just price. Trustee Perkins suggested using a performance bond to eliminate excessive discretion and possible unforeseen loopholes in the policy.

Trustee Kelley referred to cities and other organizations that use the language 'the most responsive bid' to include price, quality and other factors. In her opinion, track records should be taken into consideration, and the language in the new policy is meant to give the staff the opportunity to do that when purchasing a service.

Trustee Campbell mentioned his extensive experience with contracts in his career. He appreciated Trustee Perkins' points and agrees that a policy cannot be too flexible without controls written into the document. Trustee Campbell believed, however, that a certain element of flexibility is needed in regards to bidding because the lowest bidder may have very poor work quality. He suggested adopting a policy stating that when the district selects a bid that is not the lowest, a strong justification and explanation shall be attached to that decision.

Trustee Perkins stated again that he is not comfortable leaving the purchasing decision up to one individual. He also said Trustee Kelley's words 'most responsive bid' might help. Trustee Perkins again emphasized the necessity to be very clear in policy language. Vice President Newcomer repeated that the General Manager will make a recommendation that the Board must approve.

Trustee Williams mentioned his experience in this area. He pointed out that there are two kinds of contracts, one for professional services and one for public works contracts. Public works contracts require organizations to award the business to the lowest bidder, but for professional services this is not always the case. Trustee Williams mentioned that the use of errors and omissions insurance is important for professional services contracts. Vice President Newcomer clarified that the model is for professional services contracts and also for the purchase of supplies and equipment.

Trustee Groseth asked the staff if the legal staff has reviewed the policy language, and, if so, if he believes the policy is worded correctly. He also asked if the legal staff would be guiding us as we made our decisions. District Manager Bayless answered that the policy was drafted with the active involvement of Legal Counsel Quinn Barrow.

Legal Counsel Barrow clarified that this policy applies to supplies and equipment and also to professional services, but not to public works contracts. State law governs the laws in regards to public works contracts and the District must follow state law unless it adopts a separate resolution. Counsel Barrow agreed with Trustee Campbell's suggestion to add a sentence to the policy explaining that if the General Manager recommends a bidder that is not the lowest bidder, then he must justify that decision to the Board.

Trustee Archuleta asked the Board that is at the completion of the word ‘record of performance and price’ to add the sentence, “In addition the winning bidder will obtain and submit a performance bond which meets and exceeds the anticipated construction or service.” Legal Counsel Barrow informed the Board that bonds are not required for supplies and equipment, though sometimes warranties and guarantees are issued. Therefore, language in respect to performance bonds would not be included. Trustee Archuleta asked for further clarification that the issue raised by Trustee Perkins of performance bonds would not apply. Legal Counsel Barrow answered that he was correct, and that performance bonds do not apply; however, errors and omissions insurance is required as part of every contract.

Legal Counsel Barrow prepared additional language for the policy under Section 3, IV after “performance and price.” The General Manager will prepare a recommendation and present it to the Board for its consideration. In the event the General Manager (G.M.) recommends a bidder whose bid is higher than the lowest responsive bidder, the G.M. shall explain the basis for the recommendation. If the Board has already approved the purchase of such item and its price in connection with the Board’s adoption of the annual budget, no additional Board approval is required and the GM can award the bid for an amount not to exceed the approved budgeted amount. Notwithstanding this last sentence, if the G.M. wants to award to a bidder whose bid is higher than the lowest responsive bidder, the G. M. shall notify the Board and provide an opportunity for the Board to review the matter prior to awarding the bid.

Trustee Archuleta made the motion to approve the new Purchasing Policy with the recommended change in language from Legal Counsel. Trustee Wassem seconded the motion.

Trustee Wassem asked whether Board approval would be needed for items that are already approved as part of the budget. Legal Counsel confirmed that if an item has already been approved by the Board in the fiscal year budget, the General Manager does not need to bring it back to the Board for approval with any additional language justifying the selection of someone other than the lowest bidder.

Trustee Wassem also asked whether the same justification would be needed for purchases between \$5,000.01 and \$25,000. Legal Counsel Barrow suggested that the General Manager report his purchases to the Board as an informational item for a contract bid he has chosen. He can submit to the Board a written report to be included in the consent calendar justifying the selection of someone other than the lowest bidder. Vice President Newcomer reiterated that the purpose of re-writing the policy was to increase efficiency. He advised not to add new qualifications which might delay the process. He did approve of Legal Counsel’s suggestion.

Trustee Kelley asked for Legal Counsel to clarify the policy as it relates to Board-approved budget expenditures. Legal Counsel Barrow confirmed that the policy still applies to budget expenditures; however, the item does not have to come back before the Board for approval once it has been approved as a line item. Vice President Newcomer announced that in light of this discussion, the policy will state that if the General Manager chooses not to contract with the lowest bidder, then he will need to return to the Board for another approval whether or not it is a line item in the fiscal year budget.

Trustee Williams asked Legal Counsel Barrow if the District could include a non-collusion affidavit in professional services contracts. Counsel Barrow responded that it can be recommended.

Trustee Newcomer moved to approve the policy with the three words stricken and a sentence to be added that the General Manager must come back for Board approval if he chooses a contractor that if not the lowest bidder even if the expenditure has already been approved as a line item. Trustee Kelley seconded the motion. The motion passed unanimously.

13. STAFF PROGRAM REPORTS: JANUARY 2010

13.1 Manager’s Report

K. Bayless, General Manager

Ken Bayless gave an update regarding the NPDES permits. He recapped to the Trustees that the US 6th Circuit Court overturned an EPA exemption for vector control regarding the application of pesticides to waters of the U.S. The decision has been appealed to the US Supreme Court at this time.

He also reported that he is now officially the newly appointed Vice President of MVCAC and asked the Trustees to consider increasing their participation by sitting on MVCAC's various statewide committees.

Ken concluded his report by commending Director of Community Affairs Truc Dever for her outstanding work in conducting a continuing education program for the 2009-2011 certification cycle for over 300 vector control professionals in the Southern California Region.

President Flowers reiterated to the Board that Ken was appointed Vice President of MVCAC and congratulated him for his appointment.

13.2 Scientific- Technical: (*Staff Report A*)

S. Klugh, Scientific-Technical Services Director

Susanne Klugh stated that the recent rain prohibited trapping and surveillance activities. However, mosquito numbers are low and there is no virus activity anywhere in the state. Wild bird sample data from the end of 2009 show that the number of birds with WNV antibodies is very low, and these numbers will only fall lower with the new fledglings in the spring. It could be an active WNV year because of this. The lab is preparing for a potentially busy season by repairing traps and chicken coops.

13.3 Operations: (*Staff Report B*)

M. Daniel, Operations Director

Mark Daniel stated that the rain has been both positive and negative for operational staff. Many of the urban channels and sources have been flushed out. However, many of the hillside springs have been activated and will, therefore, cause more runoff. Operations will be dealing with sources this year that they have not dealt with in previous years.

Mark also reported that the Operations staff has been participating in many training sessions. Mark commended Ken for sitting through the 3-day state continuing education training with the rest of the staff. Mark also attended the MVCAC annual conference in Sacramento and found it to be a valuable and productive experience.

13.4 Community Affairs: (*Staff Report C*)

T. Dever, Community Affairs Dir.

Truc Dever recently completed the continuing education program for the region and has begun work on her next association project. As head of the Public Education Committee for AMCA, she is organizing an Education Day program for children in Lexington, Kentucky with the help of vector control volunteers from across the country. She invited the Trustees who will be attending the conference to visit the event at the Explorium Museum on Tuesday, March 30th. Truc also reported that the District's educational staff has implemented new curriculum to the VecMobile program. Department staff is also working on grant solicitation for the educational foundation to help raise operational costs.

Trustee Perkins commended efforts to further develop the curriculum. He also asked Truc to clarify the reference to a PowerPoint presentation in the staff report. Truc replied that the Education Coordinators gave a presentation at the annual MVCAC conference highlighting the VecMobile Program. Trustee Perkins asked if the same presentation could be made to the Board. He also requested clarification on the number of schools visited by the VecMobile during January. Truc responded that staff would be happy to give a presentation to the Board, and explained the number of schools visited in January was down due to weather, mandatory district training sessions, and schools returning from winter break. Trustee Perkins commended Truc for her good work and suggested that as the district enters into the budgeting process for next fiscal year, the department further highlight and promote its charges and activities.

13.5 Fiscal: (*Staff Report D*)

Carolyn Weeks referred to her staff report and reminded the new Trustees to complete their W-9 Forms.

13.6 Human Resources: (Staff Report E)

R. Miller, Human Resources Dir.

Robert Miller reported that the management staff is continuing to work on the re-write of the employee handbook. His department is also in the process of re-bidding for dental and vision insurance providers. The department has been very active with manager, safety and other trainings.

13.7 Legal Counsel Report

Quinn Barrow, Legal Counsel

Legal Counsel Quinn Barrow had nothing further to report.

14. OTHER

The Board may consider items not on the agenda provided that the Board complies with the Government Code (Brown Act) §54954.2(b).

Trustee Wassem asked if the District planned to participate in Legislative Day in Sacramento this year. District Manager Ken Bayless answered that he just received notice that MVCAC's Legislative Day is scheduled for April 6th. AMCA's Legislative Day will take place in May in Washington D.C. Ken stressed the importance of the Board's participation with the NPDES activities and other issues facing the District this year. Trustee Noushkam stated that she would like to be involved with Legislative Day.

President Flowers mentioned that the new Legislation Committee comprised of Trustees Williams, Smith, Esquivel and Noushkam, may want to meet to determine how to effectively move forward with any legislative issues.

15. ADJOURNMENT

The next scheduled Board of Trustees meeting will be on Thursday, March 11, 2010. The meeting will be held at 7:00 p.m. at the District's headquarters office at 12545 Florence Avenue, Santa Fe Springs, CA.

The meeting adjourned at 8:12 p.m.