

Regular Minutes of the Board of Trustees of the Butte County Mosquito and Vector Control District Meeting held April 8, 2020

Members Present: Gordon Andoe, President Dr. Albert Beck, Michael Barth, Bruce Johnson, Vice President Dr. Larry Kirk, Philip LaRocca, Steve Ostling, Assistant Secretary Melissa Schuster, Secretary Bo Sheppard, and Carl Starkey.

Members Excused: None.

Members Absent: None.

Also Present: District Manager Matt Ball, Assistant Manager Doug Weseman, and Office Manager Maritza Sandoval.

1. The Regular Meeting of the Board of Trustees of the Butte County Mosquito and Vector Control District held on April 8, 2020, was live streamed via Zoom at <https://us04web.zoom.us/j/861773060?pwd=dFILWHJ3SE04c1pSQTZaZzBOMUMxdz09>.
2. The April 8, 2020, Butte County Mosquito and Vector Control District regular meeting of the Board of Trustees was called to order at 4:02 PM by President Beck.
3. Seeing and hearing no persons wishing to address the Board on items not on the agenda, President Beck proceeded to request approval of the minutes.
4. After review it was then moved by Member Johnson, seconded by Member Kirk, and passed unanimously to approve the minutes of the Board of Trustees meeting held March 11, 2020, as written.
5. No persons wishing to address the Board on closed session matters.
6. No closed session matters.
7. Board Member of the month: President Beck: President Beck provided a verbal background of his public and professional service and how he came to be a member of the Board.
8. Reports (8.1 – 8.3)
- 8.1 Under item 8.1 of reports, District Manager's Report, the District Manager reported that on March 12, 2020, the District completed the monthly staff meeting and all vehicle inspections. The District's Safety Committee also met on this date. Also, on this date the District Manager attended the Governor's Emergency COVID-19 conference call.

On March 17, 2020, the District Manager attended a Sac Valley Region meeting via conference call. The region discussed, shared current conditions, and planned for district operations during the COVID-19 pandemic. Each district sounded off with what each has learned, shared legal counsel advise, and planned on how best to protect employees of districts and the communities each serves.

On March 18, 2020, the District Manager and Office Manager attended CSDA's emergency Brown Act webinar where the Governor's Executive Order N-25-20 was reviewed and explained.

On March 24, 2020, the District Manager attended a Sac Valley Region meeting via conference call. The region discussed, shared current conditions, and planned for district operations during the COVID-19 pandemic. Each district sounded off with what each has learned, shared legal counsel advise, and planned on how best to protect employees of districts and the communities each serves.

On March 25, 2020, the District Manager and Office Manager attended a webinar presented by Interwest which covered new employment law during the COVID-19 pandemic and then attended another webinar presented by CSDA to review the Governor's Executive Order N-29-20 Brown Act requirements during the COVID-19 pandemic. Also, on this date, the District Manager attended the MVCAC's Legislative Committee meeting to review, discuss, and take a position on current legislation proposed for the 2020/2021 legislative calendar.

On March 26, 2020, the District Manager hosted a Zoom meeting with all management and administrative staff to discuss and project potential expenditures for the 2020/2021 budget. Also, on this date, the District Manager and Office Manager met with Renee "Abby" Scheurer to review conditions of employment and offer Abby the Office Assistant position pending pre-employment District requirements being met.

On March 27, 2020, the District Manager attended a MVCAC Manager's meeting via conference call. The managers of the MVCAC discussed, shared current conditions, and planned for district operations during the COVID-19 pandemic. Each district sounded off with what each has learned, shared legal counsel advise, and planned on how best to protect employees of districts and the communities each serves.

On March 31, 2020, the District Manager attended a Sac Valley Region meeting via conference call. The region discussed, shared current conditions, and planned for district operations during the COVID-19 pandemic. Each district sounded off with what each has learned, shared legal counsel advise, and planned on how best to protect employees of districts and the communities each serves.

On April 2, 2020, the District Manager met via conference call with a representative from Target Specialty Products to discuss products, product availability, pricing, and shipping concerns.

On April 7, 2020, the District Manager attended a MVCAC Manager's meeting via conference call. The managers of the MVCAC discussed, shared current conditions, and planned for district operations during the COVID-19 pandemic. Each district sounded off with what each has learned, shared legal counsel advise, and planned on how best to protect employees of districts and the communities each serves.

The District Manager then provided a COVID-19 report.

As COVID-19 confirmed cases increased throughout California and with the positive identification of local transmission (not travel related), the District Manager contacted President Beck requesting to authorize the District Manager to close the District offices to the public. President Beck supported the recommendation. Following President Beck's authorization, the District Manager closed both offices to public access, drafted and distributed a press release and created and posted a sign for both offices.

On March 19, 2020, Governor Newsom issued Executive Order N-33-20 directing all residents immediately to heed current State public health directives to stay home, except as needed to maintain continuity of operations of essential critical infrastructure sectors and additional sectors as the State Public Health Officer may designate as critical to protect health and well-being of all Californians. In accordance with this order, the State Public Health Officer created and designated a list of "Essential Critical Infrastructure Workers" to help state, local, tribal, and industry partners as they work to protect communities, while ensuring continuity of functions critical to public health and safety, as well as economic and national security. It is the opinion of the District's legal counsel that mosquito and vector control is defined as essential critical infrastructure and thus, District operations should continue.

In response to the Executive Order N-33-20, knowing the District was going to continue to operate, the District Manager created the COVID-19 Worker Protection Policies. The District Manager had the District's Safety Committee review the policies, suggest any changes and/or corrections, and asked if the committee could enforce the policies. The COVID-19 Worker Protection Policies were then finalized. The District Manager provided each employee with a copy of the policies and had management meet with staff to verbally review the new policy. The District has been in strict compliance with the COVID-19 Worker Protection Policies since the day the policies were finalized (March 23, 2020).

Not knowing the extent of law enforcement and/or military involvement policing the "stay at home" order, the District Manager drafted an employee of the District identifying letter. This letter accompanied with a District issued photo identification card should allow and serve as passage to and from work for each District employee as well as passage to and from the employee's worksite in the field.

The District Manager has currently made work voluntary. In other words, for employees that are fearful of contracting the virus and/or being a carrier of the virus to friends and family, the District is allowing employees to "stay at home" using any accrued personal time the employee has. This decision was based on what other MVCDs, special districts, and public agencies are doing/allowing. It appears as if the intent of state and federal legislation is concurrent with this practice.

On March 18, 2020, The Families First Coronavirus Response Act (FFCRA or Act) was signed into law by the President. The FFCRA requires certain employers (which the District is applicable) to provide their employees with paid sick leave and expanded family and medical leave for specified reasons related to COVID-19. These provisions will apply from April 1, 2020 through December 31, 2020. On March 27, 2020, the President signed into law the Coronavirus Aid, Relief, and Economic Security Act (CARES Act). The CARES Act comes as a continued response to the Coronavirus 2019 (COVID-19) pandemic that is significantly impacting the United States. The District Manager continues to receive information, updates, and legal counsel opinions on these

laws and will continue to decipher the best ways to comply with them. The District is subject to the FFCRA.

- 8.2 Under item 8.2 of reports, the 2019/2020 Fiscal Budgets Reports, the District Manager reported on the 2019/2020 3rd quarter fiscal budgets. The District Manager reported that the District had expended 76.3% of Salaries and Wages, 83.0% of Services and Supplies, 153.0% of Capital Outlay, for an overall expended percentage of 82.7%. The District Manager highlighted that vehicles expenditure would be within budget if not for the new tank truck project. The District Manager reminded the Board that the tank truck project was budgeted within the District's Accumulated Capital Outlay Reserve and that once the project was complete, the total expense of the truck would need to be transferred from that reserve account to Capital Outlay Vehicle account. The District Manager then reviewed the revenues and the Hamilton City fiscal report and explained some expenditures.
- 8.3 Under item 8.3 of reports, the Assistant Manager reviewed the District's 2020 1st quarter newsletter. The Board was pleased with the newsletter.

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

9. Policy matters (9.1 – 9.6)

- 9.1 Under item 9.1 of policy matters, the Board was asked to consider approving and adopting Resolution #20-02, a Resolution Declaring a Local Emergency. The District Manager reviewed the District's legal counsel's recommendations and reasons for the Resolution. It was then moved by Member Barth, seconded by Member Schuster, and passed unanimously by a roll call vote with a vote of 10 ayes (Andoe, Beck, Barth, Johnson, Kirk, LaRocca, Ostling, Schuster, Sheppard, and Starkey) and 0 nays to approve and adopt Resolution #20-02.
- 9.2 Under item 9.2 of policy matters, the Board was asked to consider approving and adopting Resolution #20-03, a Resolution making a Declaration of Altering the Regular and Special Meeting Locations Due to a Local Emergency Caused by the Coronavirus Pandemic. It was then moved by Member Sheppard, seconded by Member LaRocca, and passed unanimously by a roll call vote with a vote of 10 ayes (Andoe, Beck, Barth, Johnson, Kirk, LaRocca, Ostling, Schuster, Sheppard, and Starkey) and 0 nays to approve and adopt Resolution #20-03.
- 9.3 Under item 9.3 of policy matters, the Board was asked to consider receiving, reviewing, and ordering posted for 30 days the 2020/2021 preliminary budgets. The District Manager and Office Manager reviewed and explained the proposed budgets as well as provided updates regarding property tax deadlines with communications with the County and updates from communications with CalPERS. It was then moved by Member Johnson, seconded by Member Starkey, and passed unanimously by a roll call vote with a vote of 10 ayes (Andoe, Beck, Barth, Johnson, Kirk, LaRocca, Ostling, Schuster, Sheppard, and Starkey) and 0 nays to receive, review, and order posted for 30 days the 2020/2021 fiscal budgets.
- 9.4 Under item 9.4 of policy matters, the Board was asked to review and consider the draft copies of the organic rice letter and Memorandum of Understanding (MOU), the aggressive mosquito control on lands in excess of three acres (new owner/manager) letter and MOU, the aggressive mosquito control on lands in excess of three acres (reminder) letter, and the post-harvest rice re-flooding letter. The Board was also asked to authorize the mailing of the aforementioned letters and MOUs when appropriate. It was then moved by Member Sheppard, seconded by Member Schuster, and passed unanimously by a roll call vote with a vote of 10 ayes (Andoe, Beck, Barth, Johnson, Kirk, LaRocca, Ostling, Schuster, Sheppard, and Starkey) and 0 nays to approve the letters and MOUs and authorized staff to send when appropriate.
- 9.5 Under item 9.5 of policy matters, the Board was asked to consider approving Personnel Policy, Policy #7285, Lactation Accommodation. California Law for 2020, SB 142, imposes important new employee lactation accommodation requirements. This new law requires the location to have certain mandatory features, requires employers to have a lactation accommodation policy, changes the ability to claim an exemption, and expands the available penalties. This policy has been reviewed by the District's legal counsel. It was then moved by Member Schuster, seconded by Member Johnson, and passed unanimously by a roll call vote with a vote of 10 ayes (Andoe, Beck, Barth, Johnson, Kirk, LaRocca, Ostling, Schuster, Sheppard, and Starkey) and 0 nays to approve Policy #7285.
- 9.6 Under item 9.6 of policy matters, the Board was asked to vote for an alternate to serve on the Butte LAFCo Commission. Enterprise and Non-Enterprise special districts were allowed to make nominations. President Beck recommended Larry Bradley. Seeing and hearing no disputes, the President directed the District Manager to vote for Larry Bradley.

10. Under topic of the month, the District's Office Manager provided an explanation of why the District uses Quickbooks, the bill paying process, and reviewed a "new" bill recap which better explains District expenditures.
11. After reviewing the demands made upon the District for the past month it was then moved by Member Starkey, seconded by Member Johnson, and passed unanimously by a roll call vote with a vote of 10 ayes (Andoe, Beck, Barth, Johnson, Kirk, LaRocca, Ostling, Schuster, Sheppard, and Starkey) and 0 nays to authorize checks numbered 47581 through 47693 be signed and distributed. Expenditures for the month totaled \$272,196.07.
12. Under personnel, the District Manager reported that District had offered employment to Renee "Abby" Scheurer to the part-time permanent Office Assistant position. Due to conditions outside of the control of Mrs. Scheurer, Mrs. Scheurer and the District had to agree to cancel and resend the employment offer. The District Manager and Office Manager interviewed three candidates to fill a full-time temporary Office Manager position to cover for the Office Manager during pregnancy leave. The District has offered the position to Sylvia Gutierrez pending a pre-employment drug test and background check. Ms. Gutierrez's employment will be April 13 to October 1, 2020.
13. Under correspondence the Board will review letters from Lee Heringer and CSDA.
14. No other business to report.
15. No persons wishing to address the Board on closed session matters.
16. Closed Session Matters (District Legal Counsel Not Present): (16.1-16.2)
 - 16.1 Under closed session matters 16.1, President Beck announced closed session, Government Code 54957, for a conference with District Manager Ball for an annual public employee performance evaluation and went into closed session and off the record at 5:08 PM and returned on the record / back in session at 5:28 PM. President Beck announced that the Board had discussed the District Manager's performance and progress. The consensus of the Board was that the District Manager's performance was deemed to be exceeding expectations in all performance criteria. President Beck stated that a letter would be submitted to the District Manager for inclusion into the District Manager's personnel file. No action taken, nor needed.
 - 16.2 Under closed session matters 16.2, the Board of Trustees and District Manager agreed that there was no need to go into closed session for labor negotiations, Government Code 54957.6, employment agreement extension. Member Barth questioned the amendment to the employment agreement. The answer could not be provided at the time of the meeting and the President asked the District Manager to seek clarification with the District's legal counsel and to bring the item back before the Board at May 13, 2020, Board meeting. No action taken, nor needed.
17. President Beck announced adjournment at 5:28 PM and concluded by stating that the next regular meeting of the BCMVCD Board of Trustees would meet at 4:00 PM on May 13, 2020, at the Chico Substation's Board Room at 444 Otterson Drive, Chico, CA 95928, unless the "stay at home" order is still in effect. Otherwise the Board would meet remotely, meeting the requirements of EO-N-29-20.

Respectfully submitted,

James Bo Sheppard,
Secretary