

SAN JOAQUIN COUNTY MOSQUITO & VECTOR CONTROL DISTRICT

7759 SOUTH AIRPORT WAY, STOCKTON, CA 95206

Telephone: (209) 982-4675 Fax: (209) 982-0120

Website: www.simosquito.org Email: district@simosquito.org

BOARD OF TRUSTEES MEETING

AGENDA

Tuesday, January 19, 2016

1:00 P.M.

All proceedings before the Board of Trustees are conducted in English. The District does not furnish interpreters and, if one is needed, it shall be the responsibility of the person needing one. In compliance with the Americans with Disabilities Act, if you need special assistance to participate in the meetings of the District, please contact the Manager at (209) 982-4675 at least 48 hours prior to the meeting to enable the District to make reasonable arrangements to ensure accessibility.

1. CALL TO ORDER; ROLL CALL

- a. Seating of Officers for the 2016 Board of Trustees
President – Gary Lambdin
Vice President – Jay Colombini
Secretary – Joy Meeker

- 2. PUBLIC COMMENT PERIOD** – This time is reserved for members of the public to address the Board of Trustees relative to matters within the jurisdiction of the San Joaquin County Mosquito & Vector Control District. No action may be taken on non-agenda items unless authorized by law. Speakers should hold comments on items listed as a Public Hearing until the Hearing is opened. Comments will be limited to five minutes per person.

3. CONSENT CALENDER

- a. Draft Minutes of the December 15, 2015 regular meeting of the Board of Trustees
- b. Expenditure and financial reports for December 2015
- c. District activities report for December 2015
- d. Public Information & Outreach report for December
- e. Manager's report
- f. Correspondence

4. REQUEST FOR AUTHORIZATION TO DEVELOP AN ELIGIBILITY LIST FOR THE POSITION OF FISH HATCHERY ASSISTANT

5. REPORT ON CITY OF TRACY TRUSTEE VACANCY

6. EXECUTIVE COMMITTEE REPORT

7. CLOSED SESSION (Pursuant to CGC §54957 and §54956.9)

- a. PUBLIC EMPLOYEE APPOINTMENT / PUBLIC EMPLOYMENT (§54957)
- b. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION (subdivision (a) of §54956.9)
Name of case: Tiffany Anderson vs. San Joaquin County MVCD, VCJPA Claim Number VE0700184.

8. OTHER BUSINESS; ANNOUNCEMENT OF FUTURE BOARD AND COMMITTEE MEETINGS

- The next regular meeting of the Board of Trustees will be 1:00 p.m. Tuesday, February 16th, 2016

9. ADJOURN

Board Meeting Information

To: Board of Trustees
From: Eddie Lucchesi, Manager
CC: Chris Eley, Legal Counsel
Date: 1/12/2016
Re: January 2016 BOT Meeting, Agenda Item 1

1. CALL TO ORDER; ROLL CALL

a. SEATING OF OFFICERS FOR THE 2016df BOARD OF TRUSTEES

President – Gary Lambdin, City of Stockton

Vice President – Jay Colombini, San Joaquin County

Secretary – Joy Meeker, City of Escalon

Re: Agenda Item 1a., the Board took action at their December 16, 2014 regular meeting to elect Trustee Lambdin to the position of President, Trustee Colombini to the position of Vice President, and Trustee Meeker to the position of Secretary for a two year term through calendar year 2016.

This item is for information only.

Board Meeting Information

To: Board of Trustees
From: Eddie Lucchesi, Manager
CC: Chris Eley, Legal Counsel
Date: 1/12/2016
Re: January 2016 BOT Meeting, Agenda Item 3

3. CONSENT CALENDER

- a. **Draft minutes of the December 15, 2015 regular meeting of the Board of Trustees**
- b. **Expenditure and Financial report for December 2015**
- c. **District activities report for December 2015**
- d. **Public Information and Outreach report for December 2015**
- e. **Manager's report**
- f. **Correspondence**

The Consent Calendar consists of items that require approval or acceptance but are self-explanatory and generally require no discussion. If the Board would like to discuss any item listed, it may be pulled from the Consent Calendar and discussed separately.

If there are no items that the Board would like to discuss separately, it is recommended that the Board of Trustees approve the Consent Calendar as presented.

Attachments

**SAN JOAQUIN COUNTY MOSQUITO & VECTOR CONTROL DISTRICT
7759 SOUTH AIRPORT WAY, STOCKTON, CALIFORNIA 95206**

MINUTES OF THE BOARD OF TRUSTEES MEETING

December 15, 2015

1. Call to Order

The regular meeting of the Board of Trustees of the San Joaquin County Mosquito and Vector Control District was held Tuesday, December 15, 2015, at the District's Stockton office. President Lambdin called the meeting to order at 1:05 p.m.

Trustees Present:

Marc Warmerdam
Joy Meeker
Glenn Page
Jack Fiori
Mike Manna
Gary Lambdin
Francis Groen
Jay Colombini

Staff Members Present:

Eddie Lucchesi, Manager
John Fritz, Asst. Manager
Jamie Tuggle, Secretary
Emily Nicholas, Administrative Asst.

Legal Advisor: Chris Eley, Attorney at Law

Other: Jeffery Peek, Croce & Company

Trustees Absent:

Omar Khweiss
Chet Miller
Greg O'Leary

2. Public Comment Period

There was no public comment.

3. Consent Calendar

a. Minutes of the November 17, 2015 regular meeting of the Board of Trustees

b. Expenditure and Financial Reports for November 2015.

During the Financial Report, Manager Lucchesi proposed to amend the 2015/16 budget due to prefunding 100% of the District's OPEB liability balance in the amount of \$433,118, using proceeds from the sale of the District's surplus property (200 N. Beckman Rd); thereby, proposing the \$47,000 budgeted for the annual OPEB contribution be transferred to the expenditure account of Professional Services. The following amounts were proposed: Acct #6221001 (Legal & Accounting) - \$17,000, and Acct. #6621002 (Contracted Aircraft) - \$30,000.

c. District activities report for November 2015.

d. Public Information & Outreach report for November 2015.

e. Manager's report

f. Correspondence

Following review and discussion of the Consent Calendar, it was moved by Trustee Groen, seconded by Trustee Page, to approve the Consent Calendar as presented; the motion was unanimously approved.

4. Financial statements and independent auditor's report for the year ending June 30, 2015.

Manager Lucchesi introduced Jeffery Peek, CPA of Croce & Company, to the Board of Trustees. Mr. Peek presented to the Board the District's Financial Statement and Auditor's report for fiscal year 2014-15. He reviewed the Management's Discussion and Analysis. He reviewed the Net Position and Pension Liability as required by a new government accounting policy (GASB 68) implemented this year. He informed the Board that the financial statements reflected this new policy. Following review and discussion of the Financial Statements and Auditor report, it was moved by Trustee Fiori, seconded by Trustee Manna, to receive the Financial Statements and Independent Auditor's report for the year ending June 30, 2015; the motion was unanimously approved.

Following Agenda Item (4), Trustee Colombini dismissed himself from the meeting @ 1:48 p.m.

5. Request for authorization to attend the MVCAC Conference, February 28-March 2, 2016.

Manager Lucchesi requested authorization for designated staff and interested trustees to attend the upcoming Mosquito and Vector Control Association of California (MVCAC) Annual Conference scheduled for February 28-March 2, 2016 in Sacramento, CA. Following review and discussion, it was moved by Trustee Fiori, seconded by Trustee Warmerdam, to authorize interested trustees and designated staff to attend the February 28-March 2, 2016 MVCAC meeting; the motion was unanimously approved.

6. Establish meeting format and date to review employee contract position of Manager.

Legal Advisor Eley informed the Board that the Manager's original contract ended in July of 2015, but reminded the Board it was extended at that time to December 31, 2015. Legal Advisor Eley suggested that there be an Executive Committee Meeting in January of 2016 to discuss a successor contract for the Manager. Following review and discussion of the Manager's contract, it was moved by Trustee Warmerdam, seconded by Trustee Groen, to have an Executive Committee meeting in January 2016 to discuss a new contract with the Manager; the motion was unanimously approved.

7. Comments from Trustees and staff on non-agenda items.

Trustee Groen suggested to the other Trustees that are attending the AMCA in Savannah, GA; that they should arrange their flights for the day before the conference; otherwise, they will not make it in time for the first day of the conference.

8. Other Business; Announcement of future Board and Committee meetings.

- The next regular meeting of the Board of Trustees will be 1:00 p.m. Tuesday, January 19, 2016.

9. Adjournment

There being no further business, it was moved by Trustee Warmerdam, seconded by Trustee Meeker, to adjourn the meeting at 2:02 p.m.; the motion passed unanimously.

MS JOY MEEKER, SECRETARY

MR. EDDIE LUCCHESI, MANAGER

San Joaquin County Mosquito & Vector Control District
Budget and Actual Comparison
July through December 2015

	Jul - Dec 15	Budget	\$ Over Budget	% of Budget
REVENUES				
MISC. REVENUES	936,759.26	554,330.00	382,429.26	168.99%
PROPERTY TAX	2,415,930.78	4,233,475.00	(1,817,544.22)	57.07%
INTEREST INCOME	15,125.22	24,910.00	(9,784.78)	60.72%
AID FRM OTHER GOVT AGENCIES	44,111.02	56,205.00	(12,093.98)	78.48%
CHARGES FOR SERVICES	1,575,048.63	2,977,729.00	(1,402,680.37)	52.89%
Total Revenues	4,986,974.91	7,846,649.00	(2,859,674.09)	63.56%
Expenses				
EE SALARIES & WAGES	1,182,654.80	2,379,087.00	(1,196,432.20)	49.71%
EMPLOYEE BENEFITS	1,441,616.28	2,237,453.00	(795,836.72)	64.43%
GEN SRVS&SUPPLIES	1,323,938.37	2,767,200.00	(1,443,261.63)	47.84%
Total Expense	3,948,209.45	7,383,740.00	(3,435,530.55)	53.47%
Net change	1,038,765.46	462,909.00	575,856.46	224.4%
Other Expense				
OTHER CHARGES	39,000.00	40,125.00	(1,125.00)	97.2%
CAPITAL EXPENSE	26,678.18	346,614.00	(319,935.82)	7.7%
Total Other Expense	65,678.18	386,739.00	(321,060.82)	16.98%
Surplus (Deficit)	973,087.28	76,170.00	896,917.28	1,277.52%

San Joaquin County Mosquito & Vector Control District
FUND BALANCE REPORT
December 2015

	SJC-55401 GEN FUND	SJC-55402 BEN ASSESSMENTS	SJC-55411 CONTINGENT	SJC-55412 GEN RESERVE	SJC-55413 ***Comp Absences	ALL FUNDS TOTAL
DISTRICT OPERATIONS						
REVENUES	3,087,206.45	1,006,082.03	-	-	-	4,093,288.48
*TRANSFER IN	-	-	-	-	-	-
NET REVENUES	\$ 3,087,206.45	\$ 1,006,082.03	\$ -	\$ -	\$ -	\$ 4,093,288.48
EXPENSES	683,097.15	18,985.24	-	-	-	702,082.39
**TRANSFER OUT	250,000.00	-	-	-	-	250,000.00
NET EXPENSES	\$ 933,097.15	\$ 18,985.24	\$ -	\$ -	\$ -	\$ 952,082.39
NET CHANGE	2,154,109.30	987,096.79	-	-	-	3,141,206.09
REVENUES:						
PROPERTY TAX	2,426,142.53	-	-	-	-	2,426,142.53
STATE AID HOME OWNER PROPTTY TAX	14,513.89	-	-	-	-	14,513.89
OTHER GOVT REDEVLP PASS THROUGH	23,365.63	-	-	-	-	23,365.63
STATE IN LIEU TAXES	-	-	-	-	-	-
SPECIAL ASSESSMENTS CURRR/Benefit Assessment	568,615.48	1,006,082.03	-	-	-	1,574,697.51
*MISC. REVENUES	7,354.98	-	-	-	-	7,354.98
MEDICAL REIMBURSEMENT	47,213.94	-	-	-	-	47,213.94
TOTAL REVENUES	\$ 3,087,206.45	\$ 1,006,082.03	\$ -	\$ -	\$ -	\$ 4,093,288.48
BEGINNING BALANCE, On deposit w Auditor's, 11/30/15						
	4,151,868.35	829.76	1,169,575.00	1,963,868.00	344,164.90	7,549,205.01
Adj ENDING BALANCE, On deposit w Auditor's, 12/31/15	6,517,264.02	987,926.55	1,169,575.00	1,963,868.00	344,164.90	10,582,802.47
REVOLVING FUND BALANCE, 12/31/15						
CALCRD PAYABLE	587,801.09	-	-	-	-	587,801.09
	(3,306.84)	-	-	-	-	(3,306.84)
ADJUSTED ENDING BALANCE, 12/31/15	\$ 7,101,758.27	\$ 987,926.55	\$ 1,169,575.00	\$ 1,963,868.00	\$ 344,164.90	\$ 11,567,292.72
ENDING FUND BALANCE, 12/31/14	\$ 6,263,506.47	\$ 984,912.33	\$ 1,133,457.00	\$ 2,051,443.00	\$ -	\$ 10,433,318.80

San Joaquin County Mosquito & Vector Control District Expenses by Vendor Summary

December 2015

	<u>Dec 15</u>
ABC Radiators	198.00
ACE Hardware	23.62
ACME Saw N Industrial Supply	49.72
ACS All City Safety	89.86
Amazon Marketplace	179.21
American Mosquito Control Association	2,655.00
Angelinas (catering for Christmas Luncheon)	708.50
AT&T	631.72
Auto Industrial Paint Co.	72.35
Big Valley Ford	70.47
Big W Sales	40.50
CalPERS	51,404.48
Chevron and Texaco Card Services	2,548.49
City of Lodi	394.69
City of Stockton	204.93
Clarke Mosquito Control	72,893.26
Clutch & Brake Xchange Inc.	57.81
Complete Welders Supply	1,293.91
Compliance Signs	99.00
Costa, Mary (refund of overpaid property taxes, prior years)	381.50
Creative Outdoor Environments, Inc.	600.00
De Lage Landen Financial Services	430.56
Delta Dental	4,515.10
Dino and Son Ditching Service	16,412.50
Eley, Christopher K	2,748.00
FedEx	255.17
FP Mailing Solutions	817.50
G&K Services	1,479.04
Giuffra's Party Rentals	211.19
Google Service Apps	116.66
Hewlett-Packard Financial Services Co.	259.58
Imperial Building Maintenance	685.70
J. Milano Co., Inc.	71.98
Keith's Trophy Supply, Inc.	79.35
Lucas Business Systems	70.79
Napa Auto Parts (Central Valley Motor Par	158.75
Nestle Pure Life Direct, Nestle Water	235.90
Office Depot	130.03
Pacific Gas&Electric Co.	2,132.91
Pentair Aquatic Eco-Systems	684.62
Price Line.com (conference travel)	982.40
Sacramento-Yolo Mosquito&Vector Control	4,014.08
Smart&Final	105.38
Staples	53.14
Stericycle Inc.	193.89
Stockton Filter Supply Co., Inc.	425.59
Stockton Petroleum Co.	7,564.48
Stockton Scavengers Association, Inc	338.94
TelePacific (Arrival Communications)	372.93
TerryBerry	1,273.79
Unum Life Insurance	2,543.65
Verizon Wireless	459.17
Vision Service Plan CA	722.83
VWR International	380.74
Wal Mart	83.09
Wilbur-Ellis	4,855.95
TOTAL	<u>190,462.40</u>

SAN JOAQUIN COUNTY MOSQUITO AND VECTOR CONTROL DISTRICT
District Activities Report

December 2015

Work Completed:

CONTINUATION OF SWIMMING POOL INSPECTIONS

The District continues to work with the County Assessor's office and the County GIS department to develop a list of properties with swimming pools that are either in default or full foreclosure. There were 13 pools identified in the December list, up from 11 in November. Technicians also inspected known pools and anonymously reported pools throughout the month.

GENERAL FIELD ACTIVITIES

Mosquito control applications were minimal throughout the month of December. A handful of swimming pools and other back yard sources were found breeding *Culiseta* mosquitoes during inspections and subsequently treated.

Technicians continued to clear brush and maintain source access in difficult to access and treat areas. Garlon herbicide was applied on problematic sites to help minimize woody vegetation that provides a barrier for technician access and also prohibits larvicide products from penetrating the water.

Technicians began updating mapping for non-street catch basins throughout the county. Sites include schools, commercial, and retail locations that have not been regularly treated over the past years.

AERIAL POOL SURVEY

The District had aerial photos taken of Tracy, Lathrop and a portion of Stockton this summer. Through the beginning of December 394 pools were inspected. 69 new pools were found to be breeding and treated from the photos. This equated to an estimated 18% of inspected pools requiring treatment overall. In addition to identifying breeding pools we will be checking those pools that were completely dry and may be holding rainwater in the spring.

TOTAL TREATMENT WORK CONDUCTED IN DECEMBER

GROUND WORK

0.5 Acs Larvicided
0.0 Acs Adulticided
37 Acs Herbicided

AERIAL WORK

0 Acs Larvicided
0 Acs Adulticided

SERVICE REQUESTS

11 Mosquitoes
24 Neglected Pools

0 Fish Requests

WORK SCHEDULED FOR JANUARY

- CONTINUE TO INSPECT NEGLECTED SWIMMING POOLS REPORTED FROM THE PUBLIC AND IDENTIFIED ON THE UPDATED LIST OF HOME FORECLOSURES.
- CONTINUE BRUSHING/SOURCE REDUCTION WORK.
- CONTINUE MAPPING CATCHBASINS IN COMMERCIAL AREAS.
- BEGIN YEARLY TRAINING ACTIVITIES.

PUBLIC INFORMATION & OUTREACH MONTH END REPORT
For month ending December, 2015

To: Ed Lucchesi, Manager

From: Aaron Devencenzi, PIO

Monthly Activities:

- I provided two school presentations with 2.5 classes in attendance.
- I gave a presentation to Lodi Parks and Maintenance Department, as well as other attendees totaling 50 people. The presentations included mosquito biology, WNV update and new invasive species / exotic diseases they may carry.
- Additional notifications were sent to Manteca Unified inviting teachers to schedule our mosquito presentation.
- I applied to Lincoln Unified School District for program approval. This is the first year Lincoln Unified School District request an entire packet of information to be reviewed by their Board. Included in the packet was a "Hold Harmless" agreement, Tax ID form, background check, list of employees potentially assisting at the schools, etc.
- I completed the chainsaw safety training as well as wet weather safety and poison oak training for the remainder of staff.
- I provided representation at the San Joaquin Agricultural Drought Task Force monthly meeting. I also attended the CDPH PR monthly call.
- For the period of December 1 through December 31, there were 3,725 visitors to the District website. The site averaged 120 visitors per day. The District's website was updated with Board minutes and agenda.
- I updated the District website with Board information and winter spray notification.
- I purchased key tag giveaways for future events.
- Weekly, I monitor the safety supply cabinets and first aid stations. As items are used, I purchased replacement items.
- **Scheduled Tasks for January:** Apply to Lodi Unified for program approval. Work on the District's Annual Report. One school presentation is scheduled. The District will be participating at Ag Venture in Stockton. I will be scheduling additional presentations as our program is approved.

MANAGER'S REPORT

For the period December 10, 2015 through January 12, 2016

- Following last month's Board meeting, I visited Trustee Miller at his home and presented his service plaque to him for his 28 years of service on the Board. His spirits were good considering his condition. Chet will be missed. He has truly been an asset, and his involvement on the MVCAC Trustee Corporate Board insured the Northern San Joaquin Valley Region of the MVCAC had responsible representation. I will be working with the city of Tracy in appointing a representative on our Board. We will discuss this during our Board meeting. Agenda Item 5.
- I'm working with Emily Nicholas on improving the electronic storage for all of the District's daily data. Currently the file server located on the floor in the District's supply room has limited space. Additionally, the room needs to be upgraded so as to ensure the equipment is located in a more dust free and climate controlled environment, since we have experienced over-heating issues with the server in its current location. We are working with the County's Information Systems Department for advice on how to best facilitate that goal. The storage room houses the District's main copy / printer machine, fax machine, file servers and accompanying battery back-up units. In addition, the administrative building's electrical sub-panel, phone panel, and alarm system are located there as well. We are looking at doing minor construction work to upgrade the room that will include removing existing shelves and adding a stand-alone air conditioned enclosed storage unit to house the file server. This will prevent dust and keep the server at a controlled temperature environment to prevent over-heating. We are looking at starting this project in February so as to have everything completed in time for our busy season.
- I was asked to be the Regional Representative for the Northern San Joaquin Valley Region on the Board of Directors of the Mosquito and Vector Control Association of California (MVCAC) for 2016. The Region consists of Turlock MAD, East Side MAD, Saddle Creek Community Service District, Merced MAD and us. As a Board member representing our region, I will be responsible for attending all the Board meetings at the quarterly meetings, the annual conference, and the planning meeting in December of 2016.
- I wrote a letter to Assemblyman Brian Maienschien, attached, opposing his bill AB 1362 that if passed would change the current process on the appointment of trustees to mosquito abatement districts. If passed AB 1362 would utilize a City Selection committee to appoint the appropriate number of Trustees to the mosquito district's board, while requiring that there are a minimum of 5 members and the Board of Supervisors appoints one representative. Currently we have one representative from each city (7) and four (4) county representatives.



January 12, 2016

The Honorable Brian Maienschein
Chair, Assembly Committee on Local Government
California State Assembly
State Capitol, Room 4139
Sacramento, CA 95814

**Re: AB 1362 (Gordon) – Mosquito Abatement District Boards
– Oppose**

Dear Chairman Maienschein:

My district, the San Joaquin County Mosquito and Vector Control District regrettably opposes AB 1362 (Gordon), dealing with mosquito abatement district boards of trustees. Assemblyman Gordon has indicated that local elected in San Mateo County have expressed the desire to consider alternate approaches to appointing boards of trustees to mosquito abatement districts. We appreciate this concern, but we believe this legislation is not warranted and unnecessarily opens the Mosquito Abatement and Vector Control District Law (Health and Safety Code, § 2000 et seq.), a longstanding state law that has provided diverse geographic and demographic representation amongst our member districts' boards of trustees. As such, **we must oppose AB 1362.**

Per longstanding state statute, each independent special district of the Mosquito and Vector Control Association of California (MVCAC) has a board of trustees that is charged with the oversight and governance of the district. AB 1362 would allow certain counties to consider using a city selection committee instead of the traditional county and cities appointments. The nexus of this proposal is reported to come from San Mateo County's concerns with the size of its district's board of trustees. However, as a member of a statewide association comprised of over 60 member agencies, including many large urban districts with diverse populations, our members have not raised concerns as to the size of their board of trustees.

My district is concerned that there is no guarantee that the appointments will provide equitable geographic representation to all cities in the County, in that some cities might not receive representation on a board of trustees. We are also concerned that smaller cities that have governments with fewer resources than large cities with full-time council staff could be disadvantaged in the selection process.

ED LUCCHESI
MANAGER
BOARD OF TRUSTEES

GARY LAMBDIN
PRESIDENT
CITY OF STOCKTON
JAY COLOMBINI
VICE PRESIDENT
SAN JOAQUIN COUNTY

JOY MEEKER
SECRETARY
CITY OF ESCALON
JACK V. FIORI
CITY OF LODI

FRANCIS GROEN
CITY OF RIPON
OMAR KHWEISS
CITY OF LATHROP

MICHAEL MANNA
SAN JOAQUIN COUNTY
CHESTER C. MILLER
CITY OF TRACY

GREGORY O'LEARY
SAN JOAQUIN COUNTY

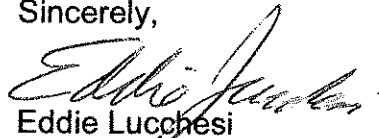
GLENN PAGE
CITY OF MANTECA
MARC WARMERDAM
SAN JOAQUIN COUNTY

LEGAL ADVISOR
CHRISTOPHER K. ELEY

AB 1362 could alter the appointments process for approximately 8 districts around the state, none of which have ever expressed concerns with how their boards of trustees are appointed or that their boards are too large. It has also been posted that a city selection committee would yield more elected officials to serve on the board, thereby creating more accountability. Our District has a history of extremely qualified individuals appointed to our Board. Such appointees whose experience qualifies them include accountants, bankers, veterinarians, realtors, small business owners, farmers, physicians, teachers, pest control advisors, former grand jury members, city council members and former mayors, who all bring desperately needed perspectives to the operations of our districts.

For these reasons, we must oppose AB 1362.

Sincerely,

A handwritten signature in cursive script, appearing to read "Eddie Lucchesi".

Eddie Lucchesi

Manager

San Joaquin County Mosquito and Vector Control District

Board Meeting Information

To: Board of Trustees
From: Eddie Lucchesi, Manager
CC: Chris Eley, Legal Counsel
Date: 1/11/2016
Re: January 2016 BOT Meeting, Agenda Item 4

4. **REQUEST FOR AUTHORIZATION TO DEVELOP AN ELIGIBILITY LIST FOR THE POSITION OF FISH HATCHERY ASSISTANT**

Due the planned retirement of our current employee in the Fish Hatchery Assistant position, staff is seeking authorization to develop a contingency plan to fill the upcoming vacancy. Staff will be developing a contingency plan to fill the vacancy per the District's civil service rules (District Policy 2900).

Staff will develop an eligibility list of qualified candidates following exams (written and oral), interviews, and background reviews. The list will establish those qualified to be appointed to any vacant position upon authorization by the Board of Trustees. The eligibility list will be used to fill the position upon its vacancy.

It is requested that the Board of Trustees authorize staff to develop an eligibility list in preparation to fill the upcoming vacant position.

This request is consistent with the requirements outlined in District Policy #2900.

This item requires Board Action

Attachment

POLICY TITLE: CIVIL SERVICE REGULATIONS

POLICY NUMBER: 2900

2900.10 Authority

Pursuant to the authority granted to it under provisions of the California Health and Safety Code (Chapter 5, Article 4, Section 2270 (j)) and in order to establish an equitable and uniform procedure for dealing with personnel, and to place District employment on a merit basis for the purpose of obtaining the highest efficiency and assuring that the best qualified persons available shall be brought into the services of the District, the following Civil Service merit system is provided.

2900.11 Covered Employee and Officer Classifications

All officers and employees of the District shall be included in the merit system except the following:

- (A.) Manager.
- (B.) Assistant Manager
- (C.) Employment of a seasonal, part-time, or temporary nature. *
- (D.) Employees on probationary status. *
- (E.) Persons serving the District without compensation.
- (F.) Trustees, individually and collectively as the Board of Trustees.

*Employees in these classifications will be covered in a separate policy.

2900.20 Personnel Rules-General

All positions in the service of the District except those exempted from the merit system shall be classified according to their duties and responsibilities. All positions having substantially the same duties and responsibilities and requiring substantially the same qualifications, to which the same descriptive title can fairly be applied, and which can properly be subject to the same salary schedule shall be included in a single class.

The classification plan consists of the titles of classes approved in accordance with the foregoing procedure and the class specifications. The class specifications may be in such form as the Manager prescribes, but will include the following information:

- (A) The class title.
- (B) A brief definition or description of the scope and nature of the class.
- (C) A detailed statement of tasks specifically performed by those whose positions are allocated to the class, which lists however, shall be for illustrative purposes and shall not be regarded as inclusive or exclusive lists of tasks to be required in positions allocated to the class.
- (D) A statement of the education, experience, knowledge and skills abilities, and personal and physical characteristics required or deemed desirable in the class.
- (E) A statement, where necessary, of the particular factors or features which distinguish one class from other related classes.

(F) A statement, where necessary, of the factors on which different grade levels may be established if necessary for purposes of salary determination.

2900.21 Preparation of Plan

The Manager shall ascertain the duties and responsibilities of all positions in the classified service and, after appropriate consultation with employees, shall recommend a classification plan to the Board of Trustees. This plan shall consist of classes of positions in the classified service defined by class specification, including title, a description of duties and responsibilities and a statement of employment standards to be required of applicants for employment in each class. The classification plan shall be so developed and maintained that all positions substantially similar with respect to duties, responsibilities, and employment standards are included within the same class, and that the same pay range or rate may be made to apply fairly under like working conditions to all positions in the same class.

2900.22 Adoption of Plan

Before the classification plan or any part thereof shall become effective, the Board of Trustees shall first approve it at a regular Board meeting. Upon the conclusion of said hearing, the Board may make such changes or modifications of the plan as it may believe desirable. Upon adoption by the Board, the classification plan shall thereafter be observed in the personnel and fiscal activities of the District. The classification plan shall be amended or revised, as occasion requires in the same manner as originally established.

2900.23 Allocation of Positions to Classes

After the Board has adopted the classification plan, each position in the classified service shall be allocated by the Manager to one of the classes established by the plan.

2900.24 Allocation of New or Additional Positions

Whenever the Manager proposes that a new or additional position be created, he shall report the significant facts to the Board of Trustees and no action shall be taken until the position or positions have been properly allocated by the Board of Trustees.

2900.25 Re-allocations

Positions, the duties of which have been changed enough to require re-allocation, shall be allocated to a more appropriate class, whether new or already created in the same manner as originally classified and allocated. Reclassification shall not be used for avoiding rules governing demotions and promotions. The Board of Trustees may initiate and conduct investigations of positions in the classified service as such inquiry becomes necessary, and to propose and adopt changes in classification when the facts are considered to warrant such action. In this connection the Board may, at any time, secure from the appointing authority, department heads, or employee's involved, new statements of the duties and responsibilities of the position or positions under consideration.

2900.26 Status of Employee whose position is Re-allocated

If an occupied position is re-allocated, the incumbent shall be promoted, demoted, transferred or granted status in the new class in accordance with these rules. Should the incumbent of a position that has been re-allocated fail to qualify for the new class, he may be continued in a position for which he has status, provided a vacancy exists, or upon request he will be placed upon a re-employment list. The Board may grant status directly as a part of general reclassification affecting the entire classified service or upon a clear showing that, the duties of a position have gradually evolved without any purpose on the part of anyone to evade the merit principle.

2900.30 Preparation or Review of the Compensation Plan

As required, the Manager shall prepare a compensation plan or review the existing plan and show the recommended appropriate range or rate of pay for each class. In arriving at these salary ranges or rates, consideration shall be given to prevailing rates of pay for comparable work in other public and in private employment in the recruitment area including considerations of conditions of work as well as basic pay. The Board of Trustees shall upon the specific request of the Manager or the Board of Trustees review the Compensation Plan or revisions proposed by the Manager and prepare appropriate recommendation.

2900.40 Qualification Examination Announcement

Applicants for employment will be required to meet such reasonable standards of education and experience, knowledge, skills, and abilities and personal and physical characteristics as are prescribed in the class specifications and which will assure that the candidates are reasonably well qualified to perform successfully the duties of the positions in which they seek appointments

2900.41 Announcements

The Manager shall publicize examinations by appropriate means, including posting on bulletin boards of announcement which shall state the class title, salary, nature of the work to be performed, required training and experience, when and where to file applications, and other pertinent information. In addition to the general employment standards in the class specification, the Manager may establish additional requirements, which shall be included in the examination announcements and which must be met by each applicant before admission to examination or before appointment. All examinations must be announced at least fourteen calendar days before the last date for filing applications, unless for reasons of urgency this provision is waived by the Manager.

2900.42 Disqualification

The Manager may disqualify an employee, applicant or candidate, remove a name from the eligible list, or refuse to refer any person on an eligible list for employment for any of the following reasons:

- (A) Lack of any of the established preliminary requirements.
- (B) Conviction of a felony or of any criminal offense involving moral turpitude.
- (C) Evidence of immoral, infamous, or disgraceful conduct.

(D) Dismissal for cause from public service or resignation to evade such dismissal.

(E) The use or attempted use of influence to gain advantage during the selection process.

(F) Any false statement of material fact concerning any stage of the selection process.

(G) Any deception or fraud in any stage of the selection process.

2900.43 Notice of Rejection

Whenever an applicant is rejected, written notice may be given the applicant. Incomplete or deficient applications may be returned to the applicant for amendment.

2900.44 Fingerprinting

Candidates and employees may be required to be fingerprinted.

2900.45 Physical Fitness

Equal employment opportunity will be afforded to qualified disabled persons including recruitment, hiring, training, promotion, transfer, discipline, layoff, recall, and termination. The District will provide reasonable accommodation to the known physical or mental limitations of a qualified disabled employee or applicant.

2900.50 Examinations

A system of examinations is to be used to determine the extent to which candidates meet the standards and qualifications and to determine the relative qualifications of candidates to perform the duties of the positions they seek.

To qualify for examinations candidates will file a statement of qualifications upon a form prescribed by the Manager, who will inform those who have applied as to whether they are eligible to take the examination.

The Manager shall prepare or direct the preparation of such tests of knowledge, skill, ability or physical characteristics as may be required to determine the fitness of candidates, which tests may be written, oral, or in the form of practical demonstration of skill, or in any combination of these which may be most practicable.

Examinations may be given as frequently as the needs of service or the availability of qualified candidates may require or justify. The purpose of this rule is to assure that all qualified persons interested in employment may establish their qualifications and eligibility for employment and it is not the intention to limit or restrict competition in such a manner as to exclude any person possessing the necessary qualifications.

The term of eligibility of any candidate will normally be for one year. Any time after the expiration of one year the Manager may require further examination or may remove the names from the eligible list; or the Manager may require further examination within less than a year in case of a significant change in requirements for a class resulting from a change in duties or in work techniques.

2900.51 Types of Tests

As the Manager may determine, examinations may consist of any one or a combination of the following type of tests: oral performance, physical, medical or psychological evaluation of training and experience or any other forms designed to test fairly the qualifications of applicants.

(A) Written: Written tests may be used to measure knowledge, abilities, judgments, aptitudes or alertness, insofar as such traits are related to ability to perform the work in a class.

(B) Oral: Oral interviews may be used to evaluate personal fitness, training and experience, capacity and judgment. In considering personal fitness, it shall be appropriate to evaluate pertinent personality traits but the evaluation shall be done on a basis which is as objective as possible.

(C) Performance: Performance tests may be used to evaluate the physical fitness; ability, facility, speed, or accuracy with which typical tasks of the class are performed.

(D) Physical: Physical tests may be used to measure ability strength, coordination, or general physical fitness.

(E) Training and Experience: Evaluation may be made of the relevance, progression, and quality of education and experience offered by candidates, which may be done in an oral interview or by a review of written statements by candidates. Reports of superiors, former employers, and educational institutions may be considered in this process.

(F) Medical: An examination by a licensed physician may be required before or after appointment. The Manager may establish physical or medical standards for any class. Failure of a candidate or employee to achieve the minimum standard will disqualify him.

2900.52 Scheduling

The Manager shall schedule examinations as the current and anticipated needs of the service required. Scheduled examinations may be postponed or canceled or the final date for filing applications extended by the Manager by notifying all persons directly affected and posting on official bulletin boards.

2900.53 Test Administration

The Manager shall be responsible for administering and scoring tests.

(A) Assistance: As needed the Manager may appoint special examiners for any phase of the testing process. Special examiners may be paid reasonable expenses and/or a daily fee in accordance with budgetary provisions and at such rates as may be approved by the Board of Trustees.

(B) Disqualification: The Manager may disqualify any candidate who attempts to interfere with the fair, equitable, and orderly conduct of any part of the competitive examination process. Tardiness may be grounds for disqualification

in the examination. Failure in one part of the examination may be grounds for failure in the entire examination.

(C) Qualifying Grades and Rating Tests: The final score of a candidate shall be based upon all tests and evaluations in the examination, according to the weights for each phase established by the Manager in advance of the examination and included as a part of the public announcement of the examination. The Manager may set minimum qualifying ratings for each phase of the examination and may provide that all competitors failing to achieve such ratings in any phase shall be disqualified from any further participation in the examination.

(D) Notification: Each candidate taking an examination shall be given prompt written notice of whether or not he qualified in the examination, his final rating and his relative position on the eligible list.

(E) Review of Test Materials: Appropriate opportunity to inspect test materials shall be granted in accordance with procedure(s) established by the Manager. A manifest error in grading or rating may be corrected by the Manager at any time or if called to the attention of the Manager within fourteen calendar days after the mailing of notices of results of an examination, shall be corrected. Correction shall not, however, affect certification or appointment already made from the eligible list.

2900.60 Appointment and Probation

When a vacancy exists, the Manager will determine the Class Title and special qualifications necessary in filling the position. The Manager shall certify the names and addresses of appropriate numbers of the highest eligible who have demonstrated by examination that they are qualified to perform the duties, of the class and that they have the required special qualifications.

The Manager shall fill the vacancy by appointing a person from among those certified.

All persons appointed in accordance with the foregoing procedure shall serve a probationary period of not less than one year from the date of appointment. The probationary period shall be a working test through which it is finally determined by the Manager whether the employee has all the training and personal qualifications required for the successful performance of his duties.

If the Manager finds that the employee is not satisfactory at any time during the probationary period he may remove the employee by notice in writing; and the decision of the Manager in the matter shall be final.

2900.70 Provisional Appointments

When there is no qualified eligible on any appropriate eligible list, the Manager may authorize the appointment of a provisional employee providing the qualifications of such appointee meets, the minimum requirements for such position, pending the availability of a qualified candidate. Such appointments shall not exceed thirty days after an eligible list is established.

Provisional appointees are subject to removal at the will of the Manager and no time served, as a provisional appointee shall contribute towards acquiring probationary or permanent status.

2900.80 Emergency Appointments

If the Manager finds it necessary to make an appointment without regard to the provisions of these rules in order to prevent the loss or damage to health, life or property, or to prevent the stoppage of essential public functions he may make an emergency appointment forthwith provided that he shall report the appointment to the Board of Trustees as soon as the emergency condition reasonably permits and provided that no such emergency appointment continues for more than thirty working days beyond the end of the emergency condition, without permission of the Board of Trustees.

2900.90 Training

The Manager shall be responsible for developing courses of training to instruct employees in the better performance of their duties and the policies and objective hereof, in good safety practices, in supervisory methods, and to prepare those in the lower ranks for advancement into positions of higher responsibility.

2900.100 Promotion

When in the judgment of the Manager a position can best be filled by a promotion from within the ranks he may hold promotional examinations in which competition will be restricted to non-probationary full-time employees in the service who possess the necessary qualifications for the position in question.

If there is some question as to whether qualified candidates are available, the Manager may hold an open examination but with the announced provision that qualified District employees having full-time status may compete on a promotional basis and may also provide that in that event any such District employees shall be given preferential consideration for appointment ahead of outside candidates provided he attains a final score in the examination at least 15% above the minimum required for an outside candidate.

2900.120 Conduct and Performance

The Manager will establish specific regulations governing the conduct, appearance and performance of employees. These standards shall be expressed in specific terms, which can be easily understood by employees and readily applied by those in supervisory positions. Evidence of failure to meet prescribed standards of conduct, appearance, and performance may constitute cause for disciplinary action.

2900.130 Leave of Absence

Any employee required to perform a period of active military service shall be granted a leave of absence for the period of the duration of that service plus 90 days.

Each employee shall be entitled to vacation and sick leave with pay in accordance with the District's regulations or as provided by state or federal law.

The Manager may require evidence of the illness of an employee in the event of any absence, in the event of the injury of an employee in the course of his work, any accumulated sick leave to

his credit may be applied to supplement his allowances under the current workers compensation plan to a point equivalent of full pay.

Any employee having full-time status may be granted a leave of absence for a period not to exceed one year on the recommendation of the Manager with the approval of the Board of Trustees for the purpose of improving his training for higher position or in the case of extended illness for which sick leave with pay is not available or in the event of urgent personal affairs requiring the full attention of the employee. This privilege of leave of absence without pay is not intended, however, to protect the interests of an employee while engaged in other employment outside of the service of the District.

The granting of a leave of absence to an employee guarantees the right of his return any time during the leave or at its expiration and any person appointed to fill the position during the leave of absence holds it subject to the prior rights of the employee on leave. The employee failing to return upon the expiration of the leave shall be regarded as having automatically resigned.

2900.140 Reinstatement

Any employee who has had full-time status may be re-instated to his former position or one of comparable class having substantially the same salary range if he resigned in good standing and within a period of one year from the date of his resignation if there is a vacancy and his reinstatement is recommended by the Manager and approved by the Board of Trustees.

An employee on leave of absence may be re-instated during the leave or at its expiration.

2900.150 Reduction of Staff

When it is necessary to reduce staff for lack of work or lack of funds or in the interests of economy, the Manager, after consulting with the Board of Trustees will determine the classes in which the reduction is to be made and the number of positions to be eliminated. The Manager will then designate the persons to be laid off according to the following method:

(A) All persons holding positions in the class of provisional, temporary, seasonal, probationary and part-time appointments shall first be laid off.

(B) Among full-time employees, those having the lowest relative standing in the most current June/July evaluation of service shall be laid off up to the number necessary. Provided that in the event that there are more than one with the same evaluation they shall then be arranged in order of their relative total seniority in the service of the District. The Board of Trustee's Executive Committee and the Manager will review the appropriate performance evaluation for employees in classes or categories considered for reduction of staff.

(C) The names of full-time employees laid off under this procedure, arranged in the order of their relative service evaluation and seniority as outlined above shall constitute a re-employment list and all persons on such re-employment lists for a given class shall be given the opportunity of employment before any other person is considered for employment in that class.

Employees may seek further review of any proposed reduction of staff through the grievance procedure.

2900.160 Separations From Service

Any employee desiring to leave the District's service may do so by filing his resignation in writing with the Manager two weeks prior to the effective date of his resignation. A resignation of an employee filed in order to evade dismissal from the service shall be so marked and such an employee shall not be eligible for re-instatement unless the circumstances of his separation shall have been thoroughly investigated or reviewed by the Manager and the Board of Trustees in the same manner as in the case of a dismissal and the Board shall have recommended such re-instatement.

Employees may be dismissed under the procedure provided herein.

Employees may be laid off for lack of work, lack of funds or in the interests of economy under the procedure outlined in 2900.150.

2900.170 Salary Continuation for Qualified Workers Compensation Claims

In the case of qualified on-the-job injuries that result in an employee becoming incapable of performing regular or limited duties, the District will provide the following schedule of salary continuation benefits:

(A.) From zero (0) through five (5) years of full-time service an eligible employee will receive up to 30 days salary continuation without charge to accumulated sick leave.

(B.) From six (6) years through ten (10) years of full-time service, an eligible employee will receive up to 60 days salary continuation without charge to accumulated sick leave.

(C.) For eleven (11) or more years of full-time service an eligible employee will receive up to 90 days salary continuation without charge to accumulated sick leave.

Time will be computed per regulations and procedures of the current Workers Compensation plan or program.

2900.175 Confidential Information Policy

This policy provides employees of the District with a framework for dealing with the challenges presented by the mandates of state and federal legislation requiring the protection of confidential data included in District records and the requirements of disclosure of District records under California Public Records Act (CPRA) and the Brown Act.

Confidential information generally consists of information about a person or an entity that, if disclosed, could reasonably be expected to place either the person or the entity at risk of criminal or civil liability, or damage the person or entity's financial standing, employability, privacy or reputation. The District is bound by law or contract to protect some types of confidential information regarding its employees. The following examples are intended to give employees guidance with known types of confidential data. In instances in which the employee is unsure if requested data is confidential, the employee should seek direction from management. Examples of confidential information regarding employees protected by this policy include:

- Social security number
- Birth date
- Home phone number
- Home address
- Health/medical information patient care records including patient benefit plan enrollment, claims, billing matters, and data concerning human research subjects
- Location of assets
- Passwords
- Ethnicity
- Citizenship
- Citizen visa code
- Veteran and disability status
- Driver's license numbers, state identification card numbers, passport numbers

Examples of employee information not protected by this policy include:

- Name
- Salary
- Gross pension
- Value and nature of fringe benefits
- Expense reimbursements

- Job titles
- Job description
- Work phone number

All employees with job duties that require them to handle confidential information (hereinafter 'user') are required to safeguard such information and only use it or disclose it as expressly authorized or specifically required in the course of performing their specific job duties. Employees who have been assigned to work with confidential information bear the responsibility for preserving the complete confidentiality of such information.

Confidential information should not be disclosed except either 1) to a District employee authorized to receive such information by District policy, 2) pursuant to an authorization from the employee on a form acceptable to the District, or 3) if compelled by judicial or administrative process or by any other specific provision of law. If a user does not know whether information is confidential or if disclosure is permitted by District policy, the user will seek direction from their supervisor. The user may presume that the Manager and assistant manager are authorized to receive any confidential information within the District's knowledge.

Physical records, such as paper documents, should be kept in secure/locked storage if the location is unattended or if there is a significant potential for unauthorized acquisition. Confidential information should not be stored in locations such as filing cabinets located in hallways. Electronic devices, including both desktop computers and portable devices, that store confidential information should be password-protected. Portable electronic equipment such as laptops and other devices that are easily misplaced or stolen, such as smartphones, removable flash drives or other high capacity portable units must be stored so as to prevent unauthorized acquisition or else must be purged of confidential data.

Physical records such as paper documents should be shredded when not needed or required to be maintained. Electronic documents and other digitally-maintained data should be permanently deleted when no longer needed.

Users should ensure that machines in their care (desktop computers, laptops, other devices) are operated and maintained in a secure manner, using recognized best security practices, with up-to-date operating systems, anti-virus software, anti-spyware software and firewalls as appropriate and feasible. Users must notify management if security software is not operating correctly. Management will be responsible for obtaining up-to-date software for use by employees.

User must immediately report any discovery that confidential information has fallen into unauthorized hands or a machine or storage device has been hacked, lost, stolen or misplaced.

Violation of this policy may lead to appropriate action as provided for by the disciplinary processes relevant to that individual. Nothing in this policy shall be construed to modify the terms of any collective bargaining agreement.

Employees with access to confidential information shall sign a form acknowledging that they understand their responsibilities regarding the handling of confidential information. Employees currently having access to confidential information include Manager, Assistant Manager, Secretary and Bookkeeper / Administrative Assistant.

I, _____, acknowledge that in my position as _____ for the San Joaquin County Mosquito and Vector Control District (District), that I have access to confidential information. That confidential information includes but is not limited to employee financial information, including social security numbers, employee health and medical information, information regarding disabilities, requests for accommodation, and employee personnel records including disciplinary records.

I have reviewed District policy 2900.175 and I understand that confidential information should not be disclosed except either 1) to a District employee authorized to receive such information by District policy, 2) pursuant to an authorization from the employee on a form acceptable to the District, or 3) if compelled by judicial or administrative process or by any other specific provision of law. If I do not know whether information is confidential or if I don't know if disclosure is permitted by District policy, I will seek direction from the Manager or District's Legal Counsel.

I understand that if I disclose confidential information in violation of either District policy, I may be subject to disciplinary action.

Date _____

Employee

2900.180 Definitions

The words and terms used in these rules shall have the meaning indicated as follows unless the context clearly indicates otherwise.

ALLOCATION: The official determination of the class to which a position belongs; and the assignment of a position to its class.

ANNIVERSARY DATE: The anniversary of the date an employee was appointed to his current position.

APPLICANT: A person who, under the rules, has made formal application for employment.

APPOINTMENT: The offer to a person and his acceptance of a position in accordance with these rules.

APPOINTING AUTHORITY: The group or person having the lawful power to make appointments or to remove persons from positions in the District service.

CLASS OR CLASSES OF POSITIONS: A group of positions having duties and responsibilities sufficiently similar than the same title, examples of duties and requirements may be applied.

CLASSIFICATION PLAN: The arrangement of positions in classes, together with the titles and specifications describing each class.

CONTINUOUS EMPLOYMENT: Employment uninterrupted from the date of appointment, except by authorized absence.

DEMOTION: A change in status of a full-time employee from a position to a lower class, defined as one having a lower maximum salary rate.

ELIGIBLE: Any person on an eligible or re-employment list for a given class.

ELIGIBLE LIST: List of those qualified for employment in a class.

EMPLOYEE: A person holding a position in the District service.

LAY-OFF: Termination of service without fault on the part of the employee, because of lack of work, lack of funds, or in the interests of money.

LEAVE OF ABSENCE: Permission to be absent from duty without pay for a specified purpose, with the right to return before or at the expiration of the period.

MANAGER: The Manager of the San Joaquin County Mosquito and Vector Control District.

FULL-TIME POSITION: Any position which will continue for more than twelve (12) months, and which is not considered part-time, temporary or seasonal.

POSITION: A combination of duties regularly assigned to be performed by one person.

PROBATIONARY PERIOD: A minimum of twelve (12) months of continuous service following appointment from an eligible list to a position in the classified service.

PROMOTION: Advancement from a position in one class to a position in a higher class, defined as one having a higher maximum salary rate.

QUALIFIED: An applicant or appointee who meets the employment standards for a class.

SUSPENSION: An involuntary absence without pay imposed by the appointing authority for disciplinary purposes or pending investigation of charges.

VACANCY OR VACANT: Any position unfilled in the classified service.

WAIVER: The voluntary relinquishment by an eligible of any right to consideration for appointment to a specific position.

YEAR: The calendar year, unless specifically designated otherwise.

MEANINGS OF WORDS: Words used in these policies in the present tense include the future; words used in masculine gender include the feminine and neuter; the single number includes the plural; the plural indicates the singular; and writing includes printing and typewriting.

DRAFT REVISIONS APRIL 3, 1998, NOVEMBER 24, 1998

ADOPTED JANUARY 19, 1999

AMENDED MARCH 19, 2013

Memo

To: Board of Trustees
From: Eddie Lucchesi, Manager
CC: Chris Eley, Legal Counsel
Date: January 11, 2016
Re: January 2016 BOT Meeting, Agenda Item 5

5. REPORT ON CITY OF TRACY TRUSTEE VACANCY

Attached is the notice of vacancy for Board Trustee representing the city of Tracy. As you are aware, Trustee Chester Miller stepped down as Trustee representing the city of Tracy due to illness. President Lambdin drafted a letter to the Mayor and City Clerk of Tracy announcing the vacancy. Chet will be sorely missed. I visited with him by phone on Friday, 1/8/2015 and he sounded strong considering his condition. He was very appreciative of the plaque acknowledging his years of service and wished the Board well.

With the Board's approval, I will send the letter pursuant to Section 1779 of the Government Code that states "any person appointed to fill a vacant office shall fill the balance of the unexpired term". Chet Miller's term expires 12/31/16. The appointee representing the city of Tracy would be required to re-apply for a two to four year term when the current term expires.

This item requires Board Action acknowledging the request for an appointment of trustee to San Joaquin County Mosquito and Vector Control District for the remainder of the current term.

Attachment



January 19, 2016

DRAFT

The Honorable Michael Maciel, Mayor
City of Tracy
333 Civic Center Plaza.
Tracy, CA 95376

Re: City of Tracy Appointment to the San Joaquin County Mosquito and Vector Control District's Board of Trustees

ED LUCCHESI
MANAGER

Dear Mayor Maciel:

BOARD OF TRUSTEES

GARY LAMBDIN
PRESIDENT
CITY OF STOCKTON

JAY COLOMBINI
VICE PRESIDENT
SAN JOAQUIN COUNTY

JOY MEEKER
SECRETARY
CITY OF ESCALON

JACK V. FIORI
CITY OF LODI

FRANCIS GROEN
CITY OF RIPON

OMAR KHWEISS
CITY OF LATHROP

MICHAEL MANNA
SAN JOAQUIN COUNTY

CHESTER C. MILLER
CITY OF TRACY

GREGORY O'LEARY
SAN JOAQUIN COUNTY

GLENN PAGE
CITY OF MANTECA

MARC WARMERDAM
SAN JOAQUIN COUNTY

LEGAL ADVISOR
CHRISTOPHER K. ELEY

As you may be aware, Chester (Chet) Miller, the City of Tracy representative to the Board of Trustees of the San Joaquin County Mosquito and Vector Control District (District), stepped down as Trustee in December of 2015, due to illness. He served the District well as your representative for twenty eight (28) years and will be missed. As you are aware, each city within San Joaquin County has the authority to appoint one individual to the Board of Trustees. **Chet's term expires on December 31, 2016. Pursuant to Section 1779 of the Government Code states "any person appointed to fill a vacant office shall fill the balance of the unexpired term"** The appointee representing the city of Tracy would be required to re-apply for a two to four year term when the current term expires should he/she be interested in continuing in that capacity.

The California Health and Safety Code, Section 2022 (d) states: "It is the intent of the Legislature that persons appointed to boards of trustees have experience, training, and education in fields that will assist in the governance of the districts." Additionally, the Trustee Council of the Mosquito and Vector Control Association of California (MVCAC) has determined that education and training in business administration and finance, as well as demonstrated experience in public relations/outreach and community volunteerism are key attributes for consideration by a city when making appointments to a board of trustees.

The Board of Trustees respectfully requests that the Tracy City Council consider the intent of the legislature and the recommendations of MVCAC when taking action on the City's appointment for this current vacancy.

Do not hesitate to contact District Manager Ed Lucchesi, if you have any questions or need additional information.

Sincerely,

Gary Lambdin
President of the Board

Cc: Nora Pimentel, City Clerk

Board Meeting Information

To: Board of Trustees
From: Eddie Lucchesi, Manager
CC: Chris Eley, Legal Counsel
Date: 1/12/2016
Re: January 2016 BOT Meeting, Agenda Item 6

6. EXECUTIVE COMMITTEE REPORT

As discussed at the December 2015 regular meeting, the Manager and Board of Trustees agreed to have the Executive Committee review a new employment agreement for the position of Manager. The existing agreement expired 12/31/2015, but continues for 30-day periods until a new agreement is signed.

There will be a proposed agreement provided to the Executive Committee and the Board of Trustees. Legal Counsel Eley will present the proposed employment contract for the Board's consideration.

This item will require Board action during the regular Board of Trustees Meeting.

The Committee will also discuss the time-frame to enter into contract negotiations with the District Employee organization SJMEA and members of the District's unrepresented employee classifications. The District's current three-year employee contract agreement concludes on June 30, 2016.

Board Meeting Information

To: Board of Trustees
From: Eddie Lucchesi, Manager
CC: Chris Eley, Legal Counsel
Date: 1/12/2016
Re: January 2016 BOT Meeting, Agenda Item 7

7. CLOSED SESSION

- a. **PUBLIC EMPLOYEE APPOINTMENT / PUBLIC EMPLOYMENT (\$54957)**

- b. **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION**
Subdivision (a) of §54956.9
Name of case: TIFFANY ANDERSON vs. SAN JOAQUIN COUNTY MVCD,
VCJPA CLAIM NUMBER VE0700184

REPORT OF CLOSED SESSION

This will be a closed session for the purposes of: 1) discussing a successor employment agreement contract for the position of Manager, and 2) discussing existing litigation between the District and a former District employee.

Re: Agenda Item 7 a., Legal Counsel Eley and/or President Lambdin will discuss the details of a successor employment agreement for the position of Manager. The Board's Executive Committee (Lambdin, Colombini, and Meeker) met prior to the Board meeting and will provide information on a proposed new contract agreement.

Re: Agenda Item 7 b. Legal Counsel Eley will report on the most recent correspondence received from former District Employee Tiffany Anderson regarding workers compensation claims.

Following review and discussion of these matters in closed session, the Board must provide a report of the closed session in open session.