

**BUTTE LOCAL AGENCY FORMATION COMMISSION**  
**Minutes of August 3, 2017**

**1. Call to Order**

Chair Leverenz called the meeting to order at 9:02 a.m., August 3, 2017, in the Butte County Board of Supervisors Chambers, 25 County Center Drive, Oroville, California.

**1.1 Roll Call**

Commissioners Present: Scott Lotter (City), Steve Onken (Special Districts), Bill Connelly (County), Linda Dahlmeier (City), Steve Lambert (County) and Chair Carl Leverenz (Public).

Present: Alternate Commissioner: Bruce Johnson (City)

Absent: Commissioner: Tom Lando (Special District)

Alternate Commissioners: Larry Wahl (County), Al McGreehan (Special District) and Greg Steel (Public)

Others Present: Stephen Lucas, LAFCO Executive Officer  
Stephen Betts, LAFCO Deputy Executive Officer  
Jill Broderson, LAFCO Management Analyst  
Joy Stover, LAFCO Commission Clerk  
P. Scott Browne, LAFCO Legal Counsel

**1.2 Introduction of new special district member:** Steve Onken, Lake Oroville Area Public Utility District

Steve Onken introduced himself and gave a brief background history of his employment and multiple public positions held.

**2. Consent Agenda**

**2.1 Approval of the Minutes of April 4, 2017**

Chair Leverenz asked if there were any corrections or additions to the minutes. None stated.

**Commissioner Lotter made a motion to approve the June 1, 2017 Minutes. The motion was seconded by Commissioner Lambert.**

**The motion was carried by the following roll call vote:**

**AYES:** Commissioners Lotter, Connelly, Dahlmeier, Lambert and Chair Leverenz

**NOES:** None

**ABSENT:** Commissioner Lando

**ABSTAINS:** Commissioner Onken

### 3. NOTICED PUBLIC HEARINGS

#### 3.1 17-07 – Public Review Draft Municipal Service Reviews and Sphere of Influence Plans the Mosquito Abatement Districts in Butte County: Butte County Mosquito and Vector Control District; Durham Mosquito Abatement District; Oroville Mosquito Abatement District

Chair Leverenz stated we will have a presentation today and take comments from the public on this item. Staff has recommended we continue this item to the next month's meeting.

Steve Betts, LAFCO Deputy Executive Officer, noted that comments from residents of the Durham Mosquito Abatement District do not address the content of the draft Municipal Service Review (MSR)/Sphere of Influence (SOI) Plan, but state their opposition to any reorganization. He also noted a copy of a press release received from the Butte County Mosquito & Vector Control District (BCMVCD) stating that West Nile virus has been detected in Butte County.

Steve Betts provided a Power Point presentation.

*\*Alternate Commissioner Al McGreehan (Special District-Alternate) arrived at 9:16 am.*

Commissioner Connelly stated the Board of Supervisors has had difficulties in the past trying to get interested parties to serve on the Mosquito District board so he is not surprised to learn two board members do not reside within the OMAD.

Steve Betts stated comments were received from the BCMVCD & the DMAD but have not yet been incorporated into the draft document and that any comments received today may necessitate revisions to the public review document.

Commissioner Lambert stated he has received several emails from Durham residents and asked if the emails should be submitted as record.

Steve Betts stated yes the emails should be made part of the record.

Commissioner Dahlmeier stated she has concerns about Butte County being labeled a dangerous place to live with respect to mosquito borne diseases and she would like to have more information about why this is being said.

Steve Betts stated one of the district managers would be better to answer this. In the press release received today, it states that the district received confirmation from six more mosquito pools and two sentinel chickens that have tested positive. The district puts out traps and test a certain amount of mosquitoes.

Commissioner Dahlmeier asked which district provides this testing.

Steve Betts stated BCMVCD as staff doesn't believe the other two districts put out a large amount of traps.

Commissioner Dahlmeier stated she noticed the ones that were found were in their [BCMVCD] district.

Chair Leverenz stated the district places the traps within their district and that is why the mosquitoes are found in their district.

Commissioner Dahlmeier asked if there were any other West Nile Virus cases within the other two mosquito districts.

Steve Betts stated not that he is aware of but he knows the Butte County Public Health Department collects and tracks this information where human case diseases have been detected. The infected person's address does not necessarily indicate where the person contracted the West Nile virus.

Chair Leverenz opened this item to the public for comments.

Matthew Ball, District Manager for the Butte County Mosquito and Vector Control (BCMVCD) stated that based on human infection rates per capita, Butte County is one of the top five most dangerous places to live in the state of California in regards to mosquito borne diseases.

Matt Ball provided a review of his 22 year service with the BCMVCD and his qualifications to comment. He stated the District is well funded. Within the staff report it states that the District will exceed revenues of \$3.5 million by expenditures of \$4.3 million. In situations where the District has exceeded revenues, it is because the District has allocated reserves in accordance with GASB 54 regulations. The District did exceed expenditures in 2012/13 & 2013/14 due to massive amounts of West Nile Virus and the economic slump that reduced revenues. The District was forced to lay off some employees and looked at cutting costs and raising the District's revenue. In 2014 the District passed its own special benefit assessment, which was their first.

The District argues that there would be no limit of 'personalized' service if the existing districts were consolidated under BCMVCD. In 2016 the District responded to 2,142 resident generated service requests. Lake Madrone had the highest service requests. The District prides itself at providing fast, effective, and professional service. No part of the District's service area goes untouched if requested.

In 2016 two Zika outbreaks occurred in Florida. In 2016, California had 421 symptomatic imported human Zika cases and 17 so far in 2017. With the detections of several Aedes species in 11 California counties (and growing), Zika is becoming a greater concern to California. The District's hope is to identify these species early on, before they can become established. Once established, eradication efforts have been extremely costly and have yielded poor results in other parts of California. The key to lowering the risk of Zika virus, Chikungunya virus, Yellow Fever, and Dengue Fever are to keep these two species of mosquitoes out of Butte County. Matt Ball stated he is extremely concerned that areas within the county, but not within his District's Service Area, are not monitoring for these invasive mosquito species. The risk of these mosquitoes reaching Butte County is high. Five years ago neither species was in California. With continued climate change, the warming of where we live, more species of mosquitoes will find their way into California.

Matt Ball stated the District could provide mosquito and vector control services to the areas of the Durham Mosquito Abatement District (DMAD) and the Oroville Mosquito

Abatement District (OMAD) without the need for those districts current employees, assets, and facilities. With the resources, assets, and staff that the District can offer, the District strongly believes that it's in a better position to provide surveillance and control mosquitoes and mosquito-borne disease which would increase the public health protection for the residents of the DMAD and OMAD service areas.

The District has offered to assist DMAD and OMAD in the past and will continue to offer assistance when and where applicable and feasible. The District has offered to create fog maps, which they have done. We have offered aerial surveillance at a reduced cost, trap construction, training opportunities, and aerial ULV for reduced costs. The District has and continues to submit all of the dead birds in the county as DMAD and OMAD stopped participating in the state's dead bird program. The District does not understand how to share its facilities, equipment, personnel, and costs any further than what has already transpired or been offered. The District's tax dollars are to be used for the betterment and public health protection of the tax payers of the BCMVCD service area. Equipment, personnel and costs are used to provide the services of the District to the District's service area. The sharing of facilities is not currently covered by the District's general and liability insurance. The District would prefer to not assume added liability for the storage and/or use of the District's facilities by DMAD & OMAD. The District has been, and remains, a partner that will assist DMAD, OMAD, and other regional MVCDs in a time of emergency for a vector-borne disease outbreak.

Matt Ball stressed that according to the University of California's Integrated Pest Management (IPM) Program, pesticides are used only after monitoring indicates there is a need according to established guidelines and that each MVCD should follow IPM or a variation of it. The District's IVM program uses current, comprehensive information on the life cycles of pests and their interaction with the environment. This information is used to manage pest nuisance and public health threats by the most economical means, and with the least possible hazard to people, property, and the environment. You can kill a lot more mosquitoes by telling a pasture owner how to properly flood their pastures than go out there and continually spray a pasture. One of the biggest challenges MVCDs face today is the loss of reliable public health pesticides due to regulation, re-registering a cost, and/or resistance. Currently, resistance is a serious problem that MVCDs from the east coast to the west coast share. We are running out of chemicals that work. With a limited number of adult mosquito control products on the market, MCVDs must use them with caution, sound science, and as a last resort to ensure these products will continue to be effective in the future. Conducting routine adult mosquito control (fogging) without following an IVM program is irresponsible and reckless. As stated in the MSR/SOI Plan, mosquitoes have the ability to migrate many miles, some species in excess of 20 miles in one night. These mosquitoes do not observe boundaries and/or political lines. What is done in one area of the county will affect a part of the other county area. What is not done in one area of the county, will also surely affect other areas of the county.

The Butte County Mosquito and Vector Control District Board of Trustees have maintained the same position in regards to consolidation for over 40 years. The Trustees do not wish to require residents of the other districts to join the BCMVCD, unless they voted to do so, or the districts were dissolved or eliminated by their trustees or residents. This opinion remains in force today.

**In regards to the comments provided by Durham Mosquito Abatement District:**

The District disagrees with allowing DMAD to spray all of Butte Creek Country Club. DMAD fogs all of Butte Creek Country Club because the district refused to notify

BCMVCDD when and where spraying was going to be conducted and is adamant to continue to spray as per the wishes of the DMAD's board. BCMVCDD withdrew from fogging the area to ensure that both districts were in compliance with the NPDES permit, pesticide labeling, and compliance with FIFRA (Federal Insecticide, Fungicide, and Rodenticide Act). If DMAD were to cease this activity, the District would again resume full operations in the area. The District still conducts larval and adult mosquito surveillance, mosquito-borne disease surveillance, larval control, inspections, residuals, and yellow jacket nest removal in the area. The District strongly opposes allowing DMAD to conduct any adult mosquito control in the community of Dayton. Dayton continually receives all the services the District provides and we feel the area of Dayton is well protected.

The District does not refuse to spray the most heavily populated areas of the county. The District does spray without regard to "public backlash". The District sprays rural, agricultural, and urban areas of the service area when and where needed based on adult mosquito abundance, virus detection and abundance, and requests by the public. This follows the District's Integrated Vector Management Program. To spray without sound science and a verified need is irresponsible and careless. The statement that Chico is rarely ever fogged is factually incorrect. Areas of north Chico, west Chico, and south Chico are fogged as surveillance data requires. The fact that the District does not spray downtown Chico has nothing to do with public backlash. The District has assessed fogging operations conducted in downtown Chico from 2006-2009. The ground fogging was deemed to be highly ineffective due to traffic and residents being outdoors during the time of operation. Foggers were off more than on. This could vastly contribute to sub-lethal doses which accelerates pesticide resistance, in addition to being ineffective. District employees were harassed and threatened during these operations. Should surveillance data indicate that downtown Chico needs adult mosquito control, the District will have to aerially treat the city. The District has been on record stating this during various Board meetings, sent letters to the city of Chico noting this, and has contractors and the funds available to address this at a moment's notice. Additionally, the District has improved and enhanced its urban area surveillance and larvicide program. The District conducts aerial surveillance to locate "backyard" mosquito-breeding sites. The District inspects and treats where needed all urban ditches, water conveyance systems, storm drains, catch basins, retention/detention ponds, unmaintained swimming pools, industrial and commercial containers, and other man-made containers. This has greatly reduced the need for fogging in downtown Chico. The District also provides "residual" treatments for adult mosquito control to each and every resident that request this service. Many residuals are conducted in downtown Chico each year. Lastly, the District has adopted and follows the California Department of Public Health's Vector-Borne Disease Surveillance and Response Plan. This plan has requirements and thresholds that must be triggered prior to fogging in heavily populated areas.

**In regards to the comments provided by Sandra Atteberry, Trustee for DMAD:**

The District is not looking for new "money". The District passed a special benefit assessment in 2014. The District is financially sound. If the three districts were consolidated into one, or the two smaller districts were dissolved, the District stands to gain approximately \$330,000 in revenue of the two smaller districts. The special benefit assessments for these two districts would need to be expended in their respective service areas. The books would need to be kept separate. These revenues would not be rolled into the BCMVCDD's general operating fund. Additionally, to properly provide surveillance and control to the DMAD's service area, the expenses would greatly trump the revenue.

The comment that each district took advantage of a Proposition 218 Special Benefit Assessment in 2004 is incorrect. BCMVCD did not. BCMVCD passed a special benefit assessment pursuant to Proposition 218 in 2014.

Sandra Atteberry questioned how often each area gets sprayed. Areas “sprayed” or fogged in BCMVCD’s service area is based on adult mosquito abundance, virus detection and abundance, and requests by the public. The District maintains fog maps at its website [www.ButteMosquito.com](http://www.ButteMosquito.com). For most mosquito endemic areas such as Dayton, Gridley, Biggs, Richvale, Nelson, Honcut, Hamilton City, Nord, south Chico, and other areas fogging is approximately once a week.

Sandra Atteberry’s understanding that populated areas cannot be sprayed aerially is incorrect. Aerial spraying heavily populated urban areas is conducted in many parts of the country including California. The District does not have the ability to treat over populated areas as the District’s three aircraft are single engine. However, the District has contractors available to provide this service should there be a need to fly over populated areas.

*(Some of the preceding was taken from written presentation notes from Matt Ball)*

Chair Leverenz stated he would like more information in the report regarding the effort by the BCMVCD in dealing with Larvicide in rice fields and the need to treat the fields early on.

Matt Ball stated rice is planted usually sometime in April and usually anywhere from 4 to 6 weeks after the rice is planted the mosquitoes start to develop in the rice fields. The way BCMVCD conducts surveillance is by using a dipper for larva control. When you use surveillance and larval control of a rice field you stand to gain 85 – 100% control. If you don’t do anything but fog the rice fields you stand to gain 10 – 30% of the adult mosquitoes.

Chair Leverenz stated he understands that DMAD does not have the ability to treat the rice fields by larvicide and their only method is fogging. Chair Leverenz stated he understands the fogging is done at a later time and can only be done on the perimeter of the rice field, such as a 100 acre field.

Matt Ball stated generally BCMVCD would be able to treat the entire 100 acre field with larvicide.

Chair Leverenz stated the people of Durham, based on their comments, appreciate the local service and being able to call for fogging. The BCMVCD is stating they will be able to provide the same service.

Matt Ball stated that is correct.

Chair Leverenz stated he is concerned as it was stated a consolidation would be an economic problem. The Commission is interested in looking at the health and safety issue of this but as far as consolidation is concerned, if in fact, the Commission takes steps to consolidate that dissolves those two districts into BCMVCD, would this create a financial burden on BCMVCD.

Matt Ball stated he doesn’t see how it couldn’t. I think we could afford it. But if he was to be given the same revenues and he was subject to spending those same revenues in

those same districts, he would not be able to provide the same comprehensive program that is currently being provided to the rest of the county. So in order to bring those two districts to the level his district has come to expect, it would spread his resources thinner to absorb those two areas.

Chair Leverenz stated then the level of service BCMVCD would provide would be greater than what they are receiving now.

Matt Ball stated he assumes so. He would plan on doing extensive surveillance, applying larvicide, having the lab, trapping, etc.

Chair Leverenz asked if Matt Ball reports the trapping information to the health department.

Matt Ball stated that is correct, the State Health Department.

Chair Leverenz asked if Matt Ball monitors what is reported from DMAD & OMAD.

Matt Ball stated he has not been able to find anything that DMAD or OMAD submits. It is a statewide report and he does not see it on the CalServe gateway.

Chair Leverenz stated we can hear from representatives from the other two districts but to Mr. Ball's knowledge it sounds like he doesn't believe the other two districts are doing much reporting or trapping.

Matt Ball stated he doesn't know what kind of trapping they are doing in their districts. BCMVCD traps on the fringes of our service areas so the BCMVCD can detect what is going on between the districts.

Chair Leverenz stated regarding health and safety, based on your [Matt Ball] experience, is it your opinion that the County, as far as dealing with mosquitoes, would be better served if BCMVCD had control of the entire County.

Matt Ball stated yes.

Commissioner Connelly asked if DMAD contracts with BCMVCD for the aerial spraying of the rice land fields.

Matt Ball stated no, Durham does not contract with them. Matt Ball stated before he was manager, there was a significant mosquito problem coming out of Ranch Esquon, which is managed wetlands, which was affecting our southern Chico constituents. Our District enforced our aggressive larvicide program and went in there and treated the wetlands. Pursuant to Health & Safety Code which allows any district to go outside their service district area if you can prove that the mosquitoes were impacting your taxpayers. The District does get reimbursed from the property owner.

Commissioner Lotter stating he is trying to understand the revenue stream issue.

Matt Ball stated to his understanding the assessments for the other two districts are higher than his district's assessment. He would be forced to keep those assessments separate, which is the way he understands Prop 218 rules, his service area can not overlap. Resources could be shifted through property taxes though. It would take more

resources to bring these two districts to the level of service they currently provide BCMVCD, than he stands to gain.

Commissioner Dahlmeier stated the presentation was a little confusing to her as it started out as informative then took on a tone of offensiveness. She would like to know a little bit more about the accounting issue. If the consolidation did go through, she would like to know what BCMVCD would do to improve our area so that we will live in the top five best places to live in California. She's concerned if this is what we're doing and we're still in the top five worst places to live, what are we going to do about that?

Commissioner McGreehan stated Mr. Ball has been with the District a very long time. Part of his presentation stated we are in the top five worst counties to live in. How many years has this been the case to his knowledge?

Matt Ball stated this has been the case for the last six or seven years as we've seen a massive increase of the West Nile Virus since the drought.

Commissioner Connelly asked if the District has its finances regularly audited.

Matt Ball stated they are audited annually.

Dr. Albert Beck stated he has been on the BCMVCD Board of Trustees since December 1973. He is one of the few trustees in the State of California that has experience and training in mosquito and vector control, with his training beginning in 1959 in the US Army. In 1973 the BCMVCD Board of Trustees reviewed a Grand Jury report and voted to never force the Durham & Oroville people into our district by an action of our district. We feel the tax payers are the ones that decide the level of service that they want. One of the things he really wants to touch on, is this thing about the worst five in the state is misleading as it is based on per capita. Glenn County has always topped that list because Glenn County has a very small population. One thing that Matt overlooked is that when he became manager he instituted a very aggressive larva control program inside the City of Chico. We treat all the storm drains in the spring individually. Several years ago one of our operators found that cemetery districts were producing large numbers of mosquitoes in flower pots. At a Special Districts meeting, Dr. Beck mentioned this and a landscaper explained that there was a polymer you could be put in the flower pots to cut down on the mosquito breeding. Now cemetery districts all over the United States area are using this same product and it has cut down on a very large source of breeding in the cities. Dr. Beck gave a brief history of West Nile cases found in another CA county and stated the total clinical cases reported for West Nile do not reflect the true number as only about 20% of cases even show symptoms. The Board of Trustees reviewed the 2017 Grand Jury Report and affirmed the 1973 findings. BCMVCD Board will not take any action ourselves to force a consolidation. As for the City of Chico, BCMVCD owns 3 single engine planes but Matt Ball has identified a pilot that has a twin engine plane that can be used if needed for aerial spraying.

Jeffrey Cahn, [Manager for OMAD] stated he does not have a presentation prepared. I came here to answer questions. I have been the manager since 1999 and have a degree in Environmental Science. Before I moved to the area I had 7 years working with pest control companies working in the Bay Area and putting together their Integrated Pest Management programs. I want to know how much time the Commission spent with each district, visiting the facilities and going out and seeing what the districts actually do.

Steve Betts stated staff visited each facility at OMAD & DMAD for about 1 ½ hours each. The staff spent a little more time with the BCMVCD district as they toured both the Oroville and the Chico facilities. They did not go out on any fogging operations.

Jeffrey Cahn stated they have a very small budget, they are building a new facility out on Fifth St., they do larviciding, trapping, live traps, Co2 traps and gravity traps in various locations in the district to monitor the amount of female mosquitoes. We mainly monitor the number of female mosquitoes and what species they are. We have seven zones in our district and we fog each zone about every two weeks. I have a few questions for the Commission:

- 1) Did the Commission take a look at how many West Nile human cases are within the boundaries of each district?

Steve Betts stated the County Public Health Department provided staff with some information with regards to certain areas and that is within the MSR. They do not provide addresses.

Jeffrey Cahn stated he would like to see the addresses.

Steve Betts stated the address where an infected person resides does not necessarily reflect where the virus was contracted.

Jeffrey Cahn stated the last time he spoke with Dr. Lundberg, prior to his leaving, he stated he felt there were 3 human cases within his district and two were questionable as to where they contracted the virus. Jeff Cahn stated the district has 13 square miles and 3 people, including himself working for the district. Jeff Cahn actually sprays as well as collects samples. The District staff likes to stay on it and that way we don't get a lot of phone calls. We get a lot of requests to fog or treat for mosquitoes outside of our district. There have been some instances where we got permission from the Board and went up to Paradise and sprayed for special events as we were told the other agency wouldn't do it. We try to accommodate where we can. Is the District going to have an opportunity to make a full presentation as I know there is still some requested information that needs to be provided?

Commissioner Connelly stated he has received calls that they [OMAD] spray outside of their district and is that on a special request that you do that?

Jeffrey Cahn stated yes, we've done it a few times. We get several calls for a certain area for a special event.

Commissioner Connelly stated he has received complaints about Mr. Cahn taking his children to school in the district truck. Do you do that?

Jeffrey Cahn stated no.

Commissioner Connelly stated he has received calls that no one ever answers the phone at the district office.

Jeffrey Cahn stated we don't sit in the office and we don't have a big staff. District staff, including the seasonal employees go out and work.

Commissioner Connelly asked Jeffrey Cahn if he picks up, test and reports dead birds.

Jeffrey Cahn stated they used but don't anymore because of the cost involved. We pretty much know that when there is a die off of birds it is because of West Nile Virus.

Commissioner Connelly asked Mr. Cahn when you trap mosquitoes, who does the testing.

Jeffrey Cahn stated we trap mosquitoes and we have a seasonal entomologist who counts and identifies those mosquitoes.

Commissioner Connelly asked why OMAD is building a new building.

Jeffrey Cahn stated when the district asked for an assessment they told the voters they would use the money to build a new building, buy new equipment and hire more people.

Chair Leverenz asked if the District does any work with people that have water sources such as abandoned pools and other water sources in the district.

Jeffrey Cahn stated he is a pilot himself and he will take the plane and fly around the district and it is very easy to see vernal ponds and abandoned pools. We'll then identify the addresses and contact the owners and help them to fix their pools so they are not producing mosquitoes or we'll treat them.

Commissioner Lotter stated regarding the reporting to the state department of health on mosquitoes carrying West Nile, do you report those?

Jeffrey Cahn stated their district doesn't do any testing for West Nile, we don't have a chicken box and we're not required to report I don't believe [*in response to this, and several questions, Mr. Cahn turned and asked for assistance from Matt Ball in answering the questions*].

Commissioner Dahlmeier stated earlier that Mr. Cahn brought up the issue of receiving request to serve areas outside of your district, specifically Paradise was brought up for an event, do you notify the other district?

Jeffrey Cahn stated yes they do, we serviced a Bed & Breakfast a few years ago.

Commissioner Dahlmeier stated earlier it was stated that the district has traps. Are these the same type of traps that BCMVCD uses that can trap the most dangerous types of mosquitoes.

Jeffrey Cahn stated they have traps but he's not sure if they are the same as used by BCMVCD. We place them in the wildlife areas and in yards when someone reports mosquitoes in their yard.

Commissioner Dahlmeier asked as for the reporting in the district, who do you report to?

Mr. Cahn states he reports to his Board and they supply a pesticide report to the AG Department in Butte County and it goes to the department of pesticide regulations.

Commissioner Dahlmeier asked if she was looking for a record of the number and types of mosquitoes that were found during trapping, where would she find that information.

Jeffrey Cahn stated she can come to the district and ask to see what was found in the traps and go through all the records.

Chair Leverenz stated so the reason Matt Ball is unable to find reports that the OMAD district submits to the State Department of Health, is because Mr. Cahn does not report to the state. Is that correct?

Jeffrey Cahn stated that is correct, he does not send any reporting to the state and doesn't think he is required to *[again he turned and asked Matt Ball in the audience if he was required to report]*.

Commissioner McGreehan asked how Mr. Cahn is going to address the issue of the two trustees not being within the district.

Jeffrey Cahn stated all the board members were appointed by the County and he was told the Board Members went over to the department that records documents and was told they were ok.

Commissioner Connelly stated the County has had a difficult time appointing people and finding out they live outside the district and it is hard to find anyone that wants to serve on a mosquito Board.

Jeffrey Cahn stated the two Board members have been on the Board for four or five years and they were told at the County that they were ok.

Melissa Shuster, member of the Town of Paradise Council and also trustee on the BCMVCD Board wanted to address the event in Paradise where the spraying took place. The event was at her home which was a Bed & Breakfast and Jeff [Cahn] sprayed for them. Jeff's ex-wife was a very good friend of hers so Jeff did the spraying out of the kindness of his heart. That has since been taken care of by BCMVCD. Before she was a trustee, they happily came up and provided fogging for the event.

Aaron Amator, Manager of the Durham Mosquito Abatement District (DMAD) stated he has been the DMAD manager for 18 years. DMAD's Board and himself believes consolidating the districts is not in the best interest of the residents. DMAD's primary reason they do not want to consolidate is because they believe the Durham area would not receive the same level of control they currently have. He stated he is in no way saying the BCMVCD is not doing their job. I am simply saying they have way more territory to cover with fewer technicians per square mile than DMAD has. Aaron Amator stated it bothered him that in the LAFCo report it doesn't even address this. I asked why this was not even considered and I was informed this was not relevant. In my opinion having enough technicians and equipment to adequately control an area should be at the top of the list when it comes to determining effectiveness of our districts. He stated, BCMVCD has approximately a little over 1600 square miles, 8 regular technicians & 8 seasonal technicians to do the bulk of the control. That comes out to about 1 technician for every hundred square miles. DMAD has 60 square miles of area with 1 full time technician, 2 summertime technicians and that count comes out to about 20 miles per technicians. BCMVCD technicians have 5 times the territory to serve as compared to DMAD. I am sure there are other factors and arguments that can be made either way when it comes to the efficiency of each district, the long and short of it is the service the Durham residents will receive if the districts were consolidated will be drastically less. The residents of Durham have been accustomed to having the schools and park areas sprayed on a regular basis from Spring through Fall. In addition, for normal control routes

Durham residents can call and request pest control if they are having a gathering on a property. He fears Durham residents would no longer get specialized service when needed if the districts were consolidated because there would not be enough man power to support it. DMAD sprays all populated areas at least once a week in peak season. The people of Durham are accustomed to this level. We are a smaller district with much lower overhead cost. He stated he is not saying BCMVCD would not come spray Durham, because they would. It would just be less frequent than what DMAD does now. How does this benefit the residents of Durham? The answer is it will not help improve what Durham has now. Being able to adequately cover a territory on a regular basis is the key to control the mosquito population and diseases. He feels consolidation would increase mosquito populations in Durham which therefore compromises the health and safety of the residents.

Aaron Amator stated he wants to say something about the recent Grand Jury report. The last Grand Jury report was a joke. He was interviewed by 3 people for 30 minutes. Then he didn't hear anything for months and months from them. Then a couple days before the Jury's term was over, they [the Grand Jury] release a completely joke of a report. There were so many inaccuracies and misconstrued facts that it was mind blowing how bad it was. He has no idea how they came up with some of their information. They didn't even let the districts look at it until the day it showed up in the newspapers. They copied and pasted their information from a report they had done years before. The Districts did not even have their benefit assessments in place when that report was done. He would have been embarrassed to publish something that was so out in left field and had so many facts wrong. That report is not worth the paper it is printed on. On a positive note, the LAFCo report proposed possibly doing a line adjustment between DMAD & BCMVCD. He talked in depth with Steve Betts about this. DMAD is definitely in favor of this. In the LAFCo report, one of the biggest complaints about DMAD was that we don't do aerial control on a regular basis. This statement is true. Our budget does not allow us to do this on a regular basis. DMAD has used aerial control before but we were in a state of emergency. DMAD would be willing to swap all rice fields and duck wetland areas for the Butte Creek Country Club Estates area, some almond orchard areas and the entire town of Dayton area. Being that Butte Creek Country Club and the Town of Dayton are very close to our territory, it just makes sense to give these areas to DMAD. Let BCMVCD control all the other rice land by plane and it would help the Durham residents. It would also have a large impact on the mosquito numbers in the south Chico area. The [boundary] line adjustment would also help the Dayton residents due to frequency and regularity in which they would be sprayed. DMAD would be willing to help share the cost of this line adjustment if necessary. Aaron stated he believes the line adjustment would have a positive effect on the residents of south Chico, Durham and Dayton. In regards to the LAFCo report itself, there were some discrepancies that DMAD felt should be fixed. Aaron Amator stated he sent in a letter to LAFCo and hopefully these discrepancies will be addressed. He stated he hopes something good will come of this process and hopes we can all work together to make the best decisions for the public we serve. DMAD is in favor of the line adjustments but not the consolidation. If such consolidation makes sense, then eliminating the local school districts and local libraries also makes sense. One reason these will never be consolidated is because of the local service they provide. The DMAD provides the same type of local service.

Chair Leverenz stated the Commission is primarily concerned with the quality within the entire County area. He stated Aaron already acknowledged the district's inability to fly the rice fields and thus not applying larvicide to the rice fields pose an additional health risk.

Aaron Amator stated that's a fact and he agrees and that is why he agrees with a line adjustment.

Chair Leverenz stated given the increase and the problems with mosquitoes, the fact that DMAD is not providing adequate coverage for those rice fields is obviously a concern. Unfortunately we are faced with doing something to correct this problem as it appears to be a health hazard that is growing and not getting less.

Aaron Amator stated in the report it says that the rice fields in the Durham District area are not being controlled at all. And that is just not true. We are just not doing aerial control on the rice fields.

Chair Leverenz stated you are just doing fogging and that only goes so far. Even with the fogging, there are certain portions of the rice fields that are not getting treatment at all.

Aaron Amator stated he wants everyone else to be aware there are lots of rice fields in the BCMVCD that are not being controlled either. We have to be real about this. There is so much acreage out there and even with as much money as BCMVCD has they don't have enough to control all of the rice fields in Butte County. It would take a ridiculous amount of money and it can't be done unless you have an unbelievable amount of funds.

Chair Leverenz stated the rice in the DMAD is a more populated area and needs to be treated. As a Commission we need to look at the options because if we do nothing there is an increased health hazard.

Aaron Amator stated when he came here today he wanted to keep everything somewhat positive as he wanted to see something good come of this whole entire process. He was a little taken back by some of Matt Ball's comments.

Commissioner Lambert stated he hasn't had an outreach of residents like the Durham residents & how they feel about DMAD.

Aaron Amator stated everyone in Durham knows that DMAD exists. Every resident knows what mosquito control is. You cannot say that about the people in Chico as they live in a city environment. Aaron asked if Durham is going to benefit from a consolidation. In some aspects we will benefit but others we won't.

Commissioner Lambert stated he feels the residents of Durham are willing to assess themselves more than anyone else in the County to have that service. It is not Durham saying they are having an issue; they all want to keep their mosquito district.

Sandra Atteberry stated she is one of the trustees for the DMAD and has been for over 20 years. She is against a consolidation. This has been brought up by the Grand Jury many, many times. The main reason she feels it is being brought up again is because of the construction of the new vector control [facility] out at the airport. She compared the 2004 Grand Jury report with the new Grand Jury report and DMAD has greatly improved from when the 2004 Grand July report was released. She was told you cannot spray over populated areas. Now she has learned it is legal but are people being told they are being sprayed on in the cities and the small areas over the top of them. Boundaries and SOI adjustments were determined in 2004/2005. Durham has a zero SOI and it should be that way. We have a very viable source with the DMAD. Sandra Atteberry stated she lives in the area and feels the districts should be kept separate. There are many agencies that have consolidated, it has not worked and they have separated again.

Dr. Beck stated since he was trained in public health and one of the things that we analyze is statistics. An example of being one of the five worst counties in the state of California is a good example of how to misuse statistics. It is based on per capita incidents and does not reflect the actual amount of disease. Aaron's statement that each of our employees have a hundred miles to cover is not correct. There are large parts of the BCMVCD, particularly in the mountain areas, that get very little service because there are very few people and relatively few mosquitoes & those are mostly in the Spring. People are more concentrated in the valley and the towns and not equally designed for zones of a hundred square miles. The trustees of the BCMVCD will never ever vote for exchanging developed properties like the country club for rice fields and orchards. The AV would not be in our favor. Rice fields are going for just a few thousand dollars an acre and the developed homes in the Country Club homes are worth a lot of money. Even the developed homes in Dayton are worth more than an average rice field. We would never approve of that kind of property exchange.

Chair Leverenz closed the public portion of the hearing. Chair Leverenz stated we need to look at the economics because consolidation from an economic point of view is something we need to recognize.

Commissioner Lambert asked if a district is willing to pay more what our concern is.

Chair Leverenz stated we need to be concerned about the health hazard with the rice.

Commissioner Lambert stated if they can address the health hazard with the rice. If we have three districts, can we absorb one and not the other?

Chair Leverenz stated those are the types of things the Commission is going to have to discuss. We are going to have to look at the financial, [public] health and boundary issues and what it would take if we try to adjust the boundaries. The rice clearly needs to be treated and maybe some type of ongoing mutual agreement between the two districts or an actual transfer of those areas to a countywide district and the other districts dissolve. These are all considerations.

Commissioner Connelly stated he is not interested in changing a boundary as then you have to have a vote to accept the different assessment. I think it is logical to look at taking the rice and wetlands away from Durham. They are not servicing them and it is a health hazard because if it isn't properly treated those mosquitoes could be a source of disease for Chico. As far as Oroville, there is a lack of accountability with their finances over the last few years. He has never received a request from anybody to keep the OMAD. The Oroville City Council has voted to do away with the district. It is just not logical to keep a district that has one full time and 2 part time employees. He is troubled by a gentleman flying his single engine airplane over a populated area as that is a liability for the district. Durham is happy and they are paying enough and maybe we can just leave them alone other than to take away what they can't service.

Steve Lucas stated his suggestion would be to continue this item to the September meeting, if at that time the information could not be assimilated we can simply continue the item.

Chair Leverenz asked if we would leave this item open.

Steve Lucas stated we would leave it open and that would allow us to not have to republish it.

P. Scott Browne, LAFCo legal counsel, stated you have to continue the public hearing open to a date certain otherwise you would need to republish it.

**Commissioner Lambert made a motion to continue this item open to the September 7<sup>th</sup> meeting. The motion was seconded by Commissioner Connelly.**

**The motion was carried by the following vote:**

**AYES:** Commissioners Lotter, Onken, Connelly, McGreehan, Dahlmeier, Lambert and Chair Leverenz  
**NOES:** None  
**ABSENT:** None  
**ABSTAINS:** None

Commissioner Lotter stated in the past we have always looked at financial considerations and effective delivery of services to the public in a district. When it comes to public health, how does the code look at public health? What happens in Oroville or Durham since mosquitoes can move and don't respect any geographical borders?

Steve Lucas stated the Cortese Knox code provides factors you review. The public health factor is not one that is isolated out in that exact term. As stated in the staff report, this is unlike any other service. When you look at sewer, fire, or law enforcement, you are delivering a fixed service to a parcel and you know what you are getting. But when you have a service that relates to a migrating pest, what happens in one district ultimately has to impact and affect the ability of another service district. When it comes to efficiency of services public health matters greatly for that very reason. If you cannot ensure that at this line something is going to stop, then your folks are still going to be under threat. It doesn't matter how much you spend within your area, if the area outside your district is not spending or providing the same level of service from the larvicide moving all the way up to eventual fogging.

#### **4. REGULAR AGENDA**

**4.1 Items Removed from the Consent Agenda – None**

**4.2 Consideration of California Public Employees Retirement System (CalPERS) Post-Retirement Appointment Exemption pursuant to Section 7522.56 of Government Code.**

Commissioner McGreehan stated in the staff report it talks about an intro period of time. What amount of time are we talking about?

Jill Broderson stated 960 hours per year.

Steve Lucas stated what we are doing now is a 180 day grace period. What we are doing today is requesting to waive that 180 day grace period. Steve Betts will be limited under CalPERS contract to working up to 960 hours per year.

Commissioner McGreehan asked if staff has started the recruitment process.

Steve Lucas stated yes.

**Commissioner Lotter made a motion to approve PERS Post-Retirement Appointment Exemption pursuant to Section 7522.56 if the Government Code and Adopt Resolution No. 01 2017/18. The motion was seconded by Commissioner Connelly.**

**The motion was carried by the following vote:**

**AYES:** Commissioners Lotter, Onken, Connelly, McGreehan, Dahlmeier, Lambert and Chair Leverenz  
**NOES:** None  
**ABSENT:** None  
**ABSTAINS:** None

#### **4.3 2017 CALAFCO Board of Directors and Award Nominations**

**Commissioner Lotter made a motion to nominate Bill Connelly to serve on the CALAFCO Board of Directors. The motion was seconded by Commissioner Lambert.**

**The motion was carried by the following vote:**

**AYES:** Commissioners Lotter, Onken, Connelly, McGreehan, Dahlmeier, Lambert and Chair Leverenz  
**NOES:** None  
**ABSENT:** None  
**ABSTAINS:** None

**Commissioner Lotter made a motion to nominate Stephen Betts for Outstanding LAFCO Professional and the County Service Area MSR/SOI for Project of the Year. The motion was seconded by Commissioner Connelly.**

**The motion was carried by the following vote:**

**AYES:** Commissioners Lotter, Onken, Connelly, McGreehan, Dahlmeier, Lambert and Chair Leverenz  
**NOES:** None  
**ABSENT:** None  
**ABSTAINS:** None

#### **5. Public Comment on Items not on the Agenda – None**

#### **6. Reports and Communications**

##### **6.1 Executive Officer's Report**

Steve Lucas summarized the Executive Officer's report.

There was discussion regarding what can be done to encourage the Special Districts to submit a quorum of election ballots.

**6.2 Correspondence –**

- a. Member Agencies Notice of SB1266 JPAs 7/20/17

**7. ADMINISTRATION – None**

**8. ADJOURNMENT.**

There being no further business, the meeting was adjourned at 11:21 a.m. to the Thursday, September 7, 2017 regularly scheduled meeting.

**LOCAL AGENCY FORMATION COMMISSION**



**By: Stephen Lucas, Executive Officer**

Minutes prepared by Joy Stover, LAFCO Commission Clerk