MEMORANDUM

TO: Local Agency Formation Commission

FROM: Stephen Lucas, Executive Officer
       Stephen Betts, Deputy Executive Officer

SUBJECT: Agenda Item 3.2 – LAFCo File No. 17-07 – Mosquito Abatement Districts Municipal Service Review Update/Sphere of Influence Plan
         (Continued from the September 7, 2017 meeting)

DATE: September 28, 2017, for the meeting of October 5, 2017

BACKGROUND

On August 3, 2017, the Commission held a public hearing on the Mosquito Abatement Districts Municipal Service Review Update/Sphere of Influence Plan. The Commission reviewed the staff presentation, accepted public comments, and continued the matter open to the Commission’s September 7, 2017, meeting to allow staff time to obtain additional information and make revisions to the Public Review Draft Municipal Service Review Update/Sphere of Influence Plan.

At the Commission’s September 7, 2017, meeting, the Commission received additional public comments regarding the Public Review Draft Municipal Service Review Update/Sphere of Influence Plan. Staff requested that the Commission continue the project open to the Commission’s October 5, 2017, meeting to allow Staff to conduct additional outreach and make additional revisions to the Public Review Draft Municipal Service Review Update/Sphere of Influence Plan.

RECENT EVENTS

General

Staff met with the general managers of both BCMVCD and DMAD to discuss and clarify issues that were brought up at the Commission’s August 3, 2017, and September 7, 2017, meetings. The discussions were very beneficial to Staff and the information obtained during these meetings will be used to revise certain sections of the Public Review Draft Municipal Service Review Update/Sphere of Influence Plan.

Oroville Mosquito Abatement District

- Since the Commission’s September 7, 2017, meeting, the District Manager (and only full-time employee) for the Oroville Mosquito Abatement District (OMAD) passed away, leaving the District without staff to conduct day-to-day operations, including spraying operations. The District Manager was the only employee licensed by the California Department of Public Health to conduct mosquito abatement services, all other seasonal and temporary employees worked under the authority of the District Managers license.

- The District Managers for the Butte County Mosquito and Vector Control District (BCMVCD) and the Durham Mosquito Abatement District (DMAD) offered their
immediate assistance to the OMAD Board of Trustees to ensure that vital mosquito abatement services within OMAD continue to be provided. To date, the DMAD District Manager has provided some assistance to OMAD, but it is unknown if the OMAD Board took any formal action or approved any written agreement to support this assistance as no minutes or agendas are available from the District. The LAFCO Staff also met with the District’s Board Chair on September 18 to outline issues facing the District and offer any LAFCO administrative assistance if desired, especially the conduct and noticing of public meetings.

- Since the passing of the OMAD General Manager, the OMAD Board of Trustees has held one (verified by OMAD Chair), perhaps two (unverified - no notice provided) emergency meetings to figure out what to do next. Unfortunately, the District Board chose to meet at a location (Evangelical Free Church) outside of its boundaries and without required public notice, both violations of the Brown Act, potentially nullifying any actions taken at this meeting. It is ever more imperative at this time the District make its deliberations as public as possible and ensure all Brown Act requirements are met.

- Without a full-time general manager (who must be licensed by the State to apply insecticides), OMAD operations will be significantly impacted, which could create significant public health concerns with regards to mosquito infestations. The absence of District staff also complicates the ongoing review of the OMAD section of the MSR/SOI Plan, as the OMAD General Manager was the only one person who could have provided the needed information.

- Staff provided a letter (Exhibit A) to the Butte County Board of Supervisors informing them of the residency requirements for serving on the OMAD Board of Trustees and that our research demonstrates that two current District Board members do not reside within the jurisdictional boundaries of the District and therefore ineligible to serve.

Butte County Mosquito and Vector Control District

- The BCMVCD Board of Trustees provided comments concerning some of the determinations and recommendations made in the Public Review Draft Municipal Service Review/Sphere of Influence Plan. The letter is attached to this memorandum as Exhibit B. In short, the BCMVCD is willing, able and encourages the transfer of both the rice lands/wetlands and those southerly portions of the Butte Creek Estates Subdivision that are currently served by the DMAD to BCMVCD.

Butte County Public Health Department (DPH)

- The Executive Officer met with representatives from the Butte County Department of Public Health (Director, Medical Officer and Entomologist) on September 20 to discuss existing and future public health concerns regarding mosquito abatement services in Butte County. While Staff is confident in the review of the technical and service aspects of each District as presented in the Draft MSR, we look to the public health professionals to help assess the public health threats associated with the differing levels of service between BCMVCD and both OMAD and DMAD. Again the question locally remains, not are we doing enough, but are we doing all that can be done?

- It is clear to Staff that the public health professionals clearly favor a single comprehensive mosquito and vector control district with strong science based best practices as the best possible scenario when dealing with public health issues. This
preference for a strong, well financed, science based district is especially important given the mounting evidence of ever expanding invasive mosquito encroachment and the corresponding increase of mosquito borne disease potential that will require greater surveillance and interdiction efforts that only a full service agency can routinely and effectively provide. In a paper published in the Journal of Medical Entomology, it revealed maps (shown below) showing areas where the habitat was suitable for two particular species of mosquito, Aedes aegypti or Aedes albopictus to survive. Butte County is considered on this Centers for Disease Control (CDC) map to be "very likely" to support these mosquitoes that transmit Zika, dengue, and other diseases. Simply stated, areas under threat can no longer rely on fogging as the primary means of mosquito control.

![Estimated Range of Aedes aegypti in the United States, 2017](image)

- The DPH is indicated it will consider writing a stronger letter to LAFCO that focused on the relationship between solid best management practices of the mosquito abatement industry/public health agencies and how that yields better public health outcomes. The DPH suggested and agreed to join LAFCo Staff to hold educational workshops in Durham and Oroville, as well as make presentations to the DMAD and OMAD Board of Trustees with the goal of assisting all stakeholders/public in making informed decisions. Staff has already reached out to DMAD and OMAD Board of Trustees on this issue and requested to be added to their next meeting agenda (see email excerpt below).

9/21/17 Email from Stephen Lucas to OMAD and DMAD - NO RESPONSE RECEIVED TO DATE

We recently met with the Butte County Public Health Department Director, Public Health Officer and the Entomologist to discuss the MSR we are preparing as they are the experts concerning public health threats and issues. We remain concerned that the public health threat is not being accurately portrayed as to current threats and perhaps more importantly, threats on the horizon. It was determined that a meeting with the OMAD/DMAD Board of Trustees would be a useful
for such a discussion so that everyone - staff, Board, public - has an opportunity to express their views. Please notify me of your next Board meeting date, time and location. We would also appreciate being provided notice/agendas for ALL future board meetings.

District Manager Discussions

The BCMVCD and DMAD district managers met to discuss the two important concerns that were identified and discussed in the Draft Municipal Service Review. The two concerns are:

- The lack of adequate mosquito abatement services being provided to the large number of rice fields within DMAD.
- Fogging operations within the Butte Creek Estates Subdivision, where DMAD is performing fogging operations within the boundaries of BCMVCD.

Rice Lands

Generally, the two district managers are in agreement that the rice fields within DMAD should be detached from DMAD and annexed to BCMVCD. Staff, utilizing aerial photography, has identified the rice fields within DMAD and has developed a logical jurisdictional boundary change between BCMVCD and DMAD that would detach the rice fields from DMAD (Exhibit C). This area, which is approximately 14,760 acres in size and consists of 85 parcels, includes the majority of the rice fields within DMAD, along with bordering parcels to ensure the creation of logical, effective, and efficient jurisdictional boundaries. Based upon property tax and parcel assessment revenue data provided by Butte County, the detachment of the 85 parcels could result in the loss of approximately $14,942 in revenue to DMAD ($10,635 in property tax revenue and approximately $4,307 in parcel assessment revenue). It should be noted that the property tax and parcel assessment data provided by the County appears to be showing no charges being assessed to at least 15 parcels in the DMAD area which for some of the parcels may be a result of DMAD not providing services as they are receiving services from BCMVCD under contract. The County has stated each agency is the administrator for their District Assessment and provide the County the parcel list from each district.

In general, the BCMVCD Board of Trustees agrees with detaching the rice fields from DMAD and annexing them to BCMVCD (Exhibit B). However, BCMVCD would like to see a larger area detached from DMAD than was initially recommended by LAFCo Staff. Exhibit C shows both the area initially recommended by LAFCo staff to be detached from DMAD (14,760 acres) and the area recommended by BCMVCD to be detached (26,043 acres). Property tax and parcel assessment revenue data has not been obtained for this total area identified by BCMVCD for detachment, but Staff hopes to have this information available at the Commission’s October 5, 2017, meeting. While Staff was conscientious of revenue concerns to DMAD when developing our recommendation, Staff does support the BCMVCD proposed boundary as an even more effective outcome with respect to level of service and successful mosquito control standards.

Butte Creek Estates Subdivision (BCES)

With regards to the Butte Creek Estates Subdivision issue, the BCMVCD Board of Trustees believes that all of this subdivision should be within the boundaries of BCMVCD to ensure uniform service delivery standards throughout the subdivision and to provide all residents of the subdivision a higher level of mosquito abatement service then DMAD is able to provide. The DMAD District Manager has stated his belief that all of the Butte Creek Estates Subdivision should be placed within DMAD, although no specific reasons beyond lost revenues have been provided. Based upon property tax and parcel assessment data provided by Butte County, the
detachment of the 81 parcels within DMAD that are within the Butte Creek Estates Subdivision could result in the loss of approximately $8,721 in revenue to DMAD ($6,871 in property tax revenue and approximately $1,850 in parcel assessment revenue). Again, while acknowledging the DMAD revenue loss concern, Staff believes the facts demonstrate that BCMVCD has far greater service capability and that residents of BCES would benefit from the proposed boundary change.

**Summary of Recommended Actions**

- Partner with the Butte County Department of Public Health to meet with the DMAD and OMAD Boards of Trustees and possibly community workshops to provide accurate information.

- Amend MSR with a determination to alter the boundaries between BCMVCD and DMAD transferring rice lands and Butte Creek Estates from DMAD to BCMVCD and strongly encourage DMAD and BCMVCD to cooperatively initiate a reorganization application to cause the boundary changes.

- Continue to offer administrative assistance to OMAD Board of Trustees to include advising on Brown Act requirements and possible clerical assistance with respect to noticing of Board meetings.

- Revise the Draft MSR to reflect new information and present Final MSR to LAFCO for adoption in November.

**ACTION REQUESTED:**

1. Open the hearing to the public and receive any additional comments.
2. Provide any future direction to Staff.
3. Continue the hearing open until the Commission’s November 2, 2017, meeting.

**Exhibits:**

A. September 18, 2017, letter to Butte County BOS - appointments
B. September 14, 2017, letter from the BCMVCD Board of Trustees
C. Map of Proposed Boundary Changes between BCMVCD and DMAD
September 18, 2017

Bill Connelly, Chair
Butte County Board of Supervisors
1 County Center Drive
Oroville, CA 95965

Subject: Oroville Mosquito Abatement District Director Appointments

Dear Chair Connelly:

As you know, the Butte Local Agency Formation Commission (LAFCO) is currently conducting a Municipal Service Review and Sphere of Influence Update for the three mosquito abatement districts in Butte County (Butte County Mosquito and Vector Control District, Oroville Mosquito Abatement District and Durham Mosquito Abatement District). One aspect of this review is the governance structures of the three districts which is directed by the California Health and Safety Code (§2000-2910). The Oroville Mosquito District has five appointed directors, four (4) appointed by the Board of Supervisors and one appointed by the Oroville City Council for a two year terms of office (§2022-2025). Additionally, Section 2022 of the Health and Safety Code states:

(a) Each person appointed by a board of supervisors to be a member of a board of trustees shall be a voter in that county and a resident of that portion of the county that is within the district.

Based upon current Butte County Elections Office voter registration data, it appears that two of the four current OMAD Board of Trustees appointed by the Board of Supervisors (Scott Damon, Larry Wymore) are registered to vote at addresses located outside of OMAD’s jurisdictional boundaries (see attached map). If this County data is accurate, then these two trustees are immediately ineligible to serve on the OMAD Board of Trustees.

As the appointing authority, the Board of Supervisors should declare these two appointments/Seats invalid, deemed vacant and new appointments considered as soon as possible as the current Directors’ are effectively resigned from their posts.

If you have any questions please contact our office at your convenience.

Sincerely,

Steve Lucas
Executive Officer

cc: LAFCO
    Paul Hahn, CAO
    Oroville Mosquito Abatement District
    Don Rust, City of Oroville
Map depicting residences of affected OMAD Board members

Scott Damon  Larry Wymore
11 Casa Loma Way 12 Shining Star Court
APN 068-223-017 APN 079-040-012
TRA 004-176 TRA 004-001

Both registered voters are located within Butte County Mosquito & Vector Control District
September 14, 2017

Mr. Stephen Lucas  
Executive Officer  
Butte Local Agency Formation Commission (LAFCo)  
1453 Downer St., Suite C, Oroville, CA 95965-4950

Dear Mr. Lucas,

The Board of Trustees of the Butte County Mosquito and Vector Control District (BCMVCMD) is pleased to submit its comments concerning certain determinations and recommendations made in the Public Review Draft, dated July 13/2017, and titled: “Municipal Service Review and Sphere of Influence Plan for the Butte County Mosquito Abatement Districts within Butte County.”

This letter is in follow up to the letter, dated July 24, 2017, sent by BCMVCMD Manager Matthew C. Ball. I will address two areas:

I. Boundary changes with the Durham Mosquito Abatement District, and  
II. Consolidation with the Oroville Mosquito Abatement District.

I. Boundary changes with the Durham Mosquito Abatement District (DMAD)

A. MSR Determination 7-1: Boundary Changes - Ranchero Esquon Wildlife/Wetlands Area

BCMVCMD currently provides mosquito abatement services to the Ranchero Esquon wildlife/wetlands area, which is within the boundaries of the Durham Mosquito Abatement District. The wildlife/wetlands area should be detached from DMAD and annexed to BCMVCMD.

B. MSR Determination 7-2: Boundary Changes – Rice Fields

Due to lack of adequate funding, DMAD does not provide mosquito abatement services to the numerous rice fields within their jurisdictional boundaries and in all likelihood will never have the ability to provide services to the rice fields. The rice fields should be detached from DMAD and annexed to BCMVCMD, which has the funding, staffing, and equipment needed to service the rice fields.
Mr. Stephen Lucas  
September 14, 2017  
Page 2

Cropping patterns may change. A field that is now planted to rice in the future may be planted to another crop or converted to other uses and vice-versa. Also, the changes could create BCMVCD “islands” within DMAD. The BCMVD Board believes the proposed changes are inconsistent with LAFCo’s adoption of a “Zero” Sphere of Influence for DMAD.

If boundary changes are to be considered with DMAD, then the BCMVCD Board believes, in addition to public health issues, that for logistical and practical reasons all parcels east of Esquon Road, from the Durham Mutual Ditch at Oroville-Chico Hwy to the Midway and those parcels east of Butte Creek, north of Oroville-Chico Hwy should be placed into BCMVCD.

C. MSR Determination 7-3: Butte Creek Estates Subdivision

The Durham Mosquito Abatement District currently provides mosquito abatement services to a portion of the Butte Creek Estates Subdivision, which is within the boundaries of the BCMVCD. DMAD and BCMVCD should consider placing all of the Butte Creek Estates Subdivision within the boundaries of DMAD so that only one mosquito abatement service provider is serving the subdivision.

As discussed in the overall MSR, this action would appear to be inconsistent with the theme of consolidating services within one countywide agency.

The BCMVCD Board concurs that placing all parcels of the Butte Creek Estates Subdivision (BCES) within DMAD’s boundaries is “inconsistent with the theme of consolidating services within one countywide agency.” It is also inconsistent with the premise of improving public health and defies logic, since almost two-thirds of the BCES parcels are already in the BCMVCD. Therefore, the BCMVCD Board believes all parcels within the BCES should be in the BCMVCD.

II. Consolidation with the Oroville Mosquito Abatement District (OMAD)

Sphere of Influence Findings and Recommendation 8

Finds the Oroville Mosquito Abatement District should be reorganized, and the area subsequently annexed to the Butte County Mosquito and Vector Control District, or consolidated with the Butte County Mosquito and Vector Control District.

The BCMVCD Board maintains that if one or both of the other MADs is to be consolidated with BCMVCD then we would welcome them. However, BCMVCD will not initiate such a consolidation, nor desires to compel consolidation against the wishes of
the majority of the people served by the respective MADs. If the recommendation to consolidate OMAD goes forward, the BCMVCD reserves the right to approach such consolidation under terms and conditions that do not increase the burden on current BCMVCD residents, businesses and property owners or needlessly places BCMVCD at a budgetary disadvantage.

BCMVCD management indicates that, should OMAD be consolidated into BCMVCD, we can provide services to the former OMAD area within our existing organizational framework and operational structure. The BCMVCD Board of Trustees concurs with BCMVCD management's assessment.

The BCMVCD Board of Trustees appreciates the time and effort LAFCo staff have invested to prepare the report. Thank you for the opportunity to respond. If you have any questions or need more information please contact me, or BCMVCD Manager Matthew C. Ball, at the address or telephone number indicated in the letterhead.

Sincerely

Albert Beck, PhD
President, Board of Trustees
Butte County Mosquito and Vector Control District.

Cc: BCMVCD Board of Trustees
    Mr. Matthew C. Ball, BCMVCD Manager