

## AGENDA

### 1035<sup>th</sup> MEETING OF THE BOARD OF TRUSTEES OF THE ALAMEDA COUNTY MOSQUITO ABATEMENT DISTRICT

JULY 13TH, 2016

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TIME: 5:00 P.M.  
PLACE: Office of the District, 23187 Connecticut Street, Hayward  
TRUSTEES: Richard Guarienti, President, City of Dublin  
Kathy Narum, Vice-President, City of Pleasanton  
Robert Dickinson, Secretary, City of Piedmont  
Humberto Izquierdo, County-at-Large  
Wendi Poulson, City of Alameda  
P. Robert Beatty, City of Berkeley  
Scott Donahue, City of Emeryville  
George Young, City of Fremont  
Elisa Marquez, City of Hayward  
James N. Doggett, City of Livermore  
Eric Hentschke, City of Newark  
Jan O. Washburn, City of Oakland  
Ursula Reed, City of San Leandro  
Ronald Quinn, City of Union City

1. Call to order.
2. Roll call.
3. President Guarienti invites any member of the public to speak at this time on any issue relevant to the District. (Each individual is limited to five minutes).
4. Approval of the minutes of the 1033<sup>rd</sup> meeting held June 8<sup>th</sup>, 2016 (**Board action required**).
5. Public Hearing on the proposed tax rate. (Information only.)
6. Resolution 1035-1, a resolution ordering the levy of assessments for fiscal year 2016-17 for the Alameda County Mosquito Abatement District Mosquito and Disease Control Assessment. (**Board action required**)
7. Review of bids and awarding of contract for the construction of a new pesticide shed (**Board action required**).
8. Rescheduling or cancelling the October 12<sup>th</sup> board meeting to accommodate the CSDA annual conference (**Possible Board action**).
9. Report from the Financial Committee on recommending Maze & Associates for audit services for the next three fiscal years. (**Board action required.**)

10. Report from Policy Committee and first reading of revisions to chapters 100, 200, 300, 400, 800 of ACMAD policies (Information only)
11. Financial Reports:
  - a. Review of warrants dated June 15, 2016 numbering 061316 through 063816 amounting to \$309,988.97 and warrants dated June 30, 2016 numbering 063916 through 067216 amounting to \$151,595.92 (Information only).
  - b. Review of Budget as of June 30, 2016. (Information only).
12. Presentation of the Monthly Staff Report for June 2016 (Information only).
13. Presentation of the Manager's Report for June 2016 (Information only).
  - a. CSDA General Manager Summit
  - b. Payroll and HR technological improvements
  - c. Updated logo rollout
  - d. Biennial report
  - e. Final Engineer's Report
  - f. District response plan to invasive *Aedes*
  - g. Disposal of district assets under \$500
14. Board President asks for reports on conferences and seminars attended by Trustees.
15. Board President asks for announcements from members of the Board.
16. Board President asks trustees for items to be added to the agenda for the next Board meeting.
17. Adjournment.

RESIDENTS ATTENDING THE MEETING MAY SPEAK ON ANY AGENDA ITEM AT THEIR REQUEST.

**Please Note: A copy of this agenda is also available at the District website, [www.mosquitoes.org](http://www.mosquitoes.org) or via email by request. Alternative formats of this agenda can be made available for persons with disabilities. Please contact the district office at (510) 783-7744, via FAX (510) 783-3903 or email at [acmad@mosquitoes.org](mailto:acmad@mosquitoes.org) to request an alternative format.**

**Agenda item: 1035.4**

**MINUTES**

**1034<sup>th</sup> MEETING OF THE BOARD OF TRUSTEES  
OF THE ALAMEDA COUNTY MOSQUITO ABATEMENT DISTRICT**

**JUNE 8TH, 2016**

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**TIME:** 5:00 P.M.  
**PLACE:** Office of the District, 23187 Connecticut Street, Hayward  
**TRUSTEES:** Richard Guarienti, President, City of Dublin  
Kathy Narum, Vice-President, City of Pleasanton  
Robert Dickinson, Secretary, City of Piedmont  
Humberto Izquierdo, County-at-Large  
P. Robert Beatty, City of Berkeley  
Wendi Poulson, City of Alameda  
Scott Donahue, City of Emeryville  
George Young, City of Fremont  
Elisa Marquez, City of Hayward  
James N. Doggett, City of Livermore  
Eric Hentschke, City of Newark  
Jan O. Washburn, City of Oakland  
Ursula Reed, City of San Leandro  
Ronald Quinn, City of Union City

Vice-President Narum called the regularly scheduled Board meeting to order at 5:00 P.M.  
Trustee Doggett arrived at 5:10 P.M.

Trustees, Narum, Izquierdo, Poulson, Donahue, Young, Marquez, Doggett, Hentschke, Washburn, and Quinn were present; Trustees Guarienti, Dickinson, Beatty, and Reed were absent.

Vice-President Narum invited members of the public to speak on any issue relevant to the District, staff member Erika Castillo and SCI Consultant Melanie Guillory-Lee were present.

The board approved the minutes of the 1033<sup>rd</sup> meeting held May 11<sup>th</sup>, 2016. (Washburn, Marquez)– unanimous; Trustees Narum, Izquierdo, Quinn -abstained.

Vice-President Narum congratulated Trustee Marquez on her re-election to the Hayward City Council and after welcoming Trustee Izquierdo, asked Trustees for brief introductions, which were provided.

Melanie Guillory-Lee from SCI Consulting Group presented the 2016-17 Preliminary Engineer Report (responses by her in parentheses). Vice-President Narum asked if the Budget Committee's latest budget was incorporated into the report (yes). Trustee Marquez asked if the report is annual (yes) and if the rate is the same for all types of property (single family benefit equivalent are the units used in calculations). The oral report also included a

synopsis of the Carmichael Recreation and Park District's Benefit Assessment legal case. Trustee Donahue asked if a similar suit of invalidating a benefit assessment could be drawn against mosquito abatement districts (no, because The CA Health and Safety code is a separate referenced code, but proper budget precautions must always be made).

The board approved resolution 1034-1 continuing assessments for fiscal year 2016-17, preliminarily approving the engineer's report, and providing for notice of hearing (Washburn, Donahue)– unanimous.

Staff member Erika Castillo explained resolution 1034-2 and provided a history and purpose of the Programmatic Environmental Impact Report. Vice-President Narum commented that this can still be challenged for the next thirty days. Trustee Hentschke mentioned his prior membership involvement in Save the Wetland in Mayhews (S.W.I.M). The board approved resolution 1034-2 certifying the final Programmatic Environmental Impact Report (PEIR) for the ACMAD integrated mosquito management program. (Washburn, Quinn)– unanimous.

Staff member Erika Castillo also explained resolution 1034-3 adopting findings, approving mitigation activities, and authorizing approval for the ACMAD integrated mosquito management program and related actions pursuant to the California Environmental Quality Act (CEQA). (Washburn, Doggett)– unanimous.

After a presentation by the District Manager and further explanation from Trustee Washburn on the mosquito research increase and a question from Trustee Marquez on if the board room expansion is included in the budget (yes), the board approved the final budget for fiscal year 2016-17 (Washburn, Marquez)– unanimous

The board entered closed session to discuss the District Manager's twelve-month evaluation pursuant to Government Code Section 54957.6.

The board came out of closed session and Vice-President Narum reported that no action was taken.

Vice-President Narum, representing the Manager Evaluation Committee, recommended an addendum to be added to District Manager Ryan Clausnitzer employee contract by the District's attorney increasing the salary by 4%, as of July 1<sup>st</sup> 2016. The addendum also provides \$55,000 towards obtaining an MPA degree from UC Berkeley in 2017-18 with the condition of employment for 5 years after completion (\$11,000 per year forgiven) and adequate employee evaluations. (Marquez, Donahue)– unanimous.

The board approved and adopted revisions to chapters 500, 600, 700 of ACMAD policies, after the second reading. (Doggett, Washburn)– unanimous.

The Board reviewed warrants dated May 15, 2016 numbering 054816 through 057616 amounting to \$150,439.53 and warrants dated May 31, 2016 numbering 057716 through 061216 amounting to \$121,469.33.

The Board reviewed the budget summary received as of May 31<sup>st</sup>, 2016.

The District Manager presented the Monthly Staff Report for May 2016. Trustee Donahue offered assistance, if needed, in coordination of mosquito control at the EBMUD's wastewater treatment facility. Trustee Washburn promoted Bug Day at the UC Berkeley Botanical Garden and answered questions (in parentheses) from: Trustee Quinn regarding

the date (June 19<sup>th</sup>, Father's Day), and Trustee Marquez if there was a fee (entrance and parking). Trustee Poulson asked if the link to harassment and discrimination training can be re-sent (yes). Vice-President Narum asked if the quarterly report will be promoted on Twitter and Facebook. Staff member Erika Castillo answered that the report will be available in that format.

Vice-President Narum asked for reports on conferences and seminars attended by Trustees, there were none.

Vice-President Narum asked for announcement from the Board, there were none.

Vice-President Narum asked trustees for items to be added to the agenda for the July Board meeting, there were none.

The meeting adjourned at 6:14 P.M.

**Respectfully submitted,**

Approved as written and/or corrected  
at the 1035<sup>th</sup> meeting of the Board of  
Trustees held July 13th, 2016

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Richard Guarienti, President  
BOARD OF TRUSTEES

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Robert Dickinson, Secretary  
BOARD OF TRUSTEES

**RESOLUTION NO. 1035-1**

**A RESOLUTION APPROVING THE ENGINEERING'S REPORT, AND ORDERING THE LEVY OF  
CONTINUED ASSESSMENTS FOR FISCAL YEAR 2016-17  
FOR THE ALAMEDA COUNTY MOSQUITO ABATEMENT DISTRICT  
MOSQUITO AND DISEASE CONTROL ASSESSMENT**

**WHEREAS**, the Alameda County Mosquito Abatement District ("District") is authorized, pursuant to the authority provided in Health and Safety Code Section 2082 and Article XIID of the California Constitution, to levy assessments for mosquito and disease control projects and services; and

**WHEREAS**, such mosquito surveillance and control projects and services provide tangible public health benefits, reduced nuisance benefits and other special benefits to the public and properties with the areas of service; and

**WHEREAS**, an assessment for mosquito and disease control projects and services has been given the distinctive designation of the "Mosquito and Disease Control Assessment" ("Assessment"), and is primarily described as encompassing the boundaries of Alameda County (excluding the City of Albany); and

**WHEREAS**, the Assessment was authorized by an assessment ballot proceeding conducted in 2008 and approved by 70.19% of the weighted ballots returned by property owners, and such Assessments were levied by the Board of Trustees of the Alameda County Mosquito Abatement District by Resolution No. 937-1 passed on May 14, 2008;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Trustees of the Alameda County Mosquito Abatement District that:

**SECTION 1.** SCI Consulting Group, the Engineer of Work, prepared an engineer's report in accordance with Article XIID of the California Constitution and Section 2082, et. seq., of the Health and Safety Code for the Assessment (the "Report"). The Report have been made, filed with the District and duly considered by the Board and is hereby deemed sufficient and approved. The Report shall stand as the Engineer's Report for all subsequent proceedings under and pursuant to the foregoing resolution.

**SECTION 2.** On June 8, 2016, this Board adopted Resolution No. 1034-1 to continue to levy and collect the Assessments for fiscal year 2016-17, preliminarily approving the Engineer's Report, and providing for notice of hearing on July 13, 2016, at the hour of 5 o'clock p.m. at the Alameda County Mosquito Abatement District Office located at 23187 Connecticut Street, Hayward, California.

**SECTION 3.** At the appointed time and place the hearing was duly and regularly held, and all persons interested and desiring to be heard were given an opportunity to be heard, and all matters and things pertaining to the levy of Assessment were fully heard and considered by this Board, an all oral statements and all written protests or communications were duly heard, considered and overruled, and this Board there by acquired jurisdiction to order the levy of Assessment prepared by and made a part of the Engineer's Report to pay the costs and expenses thereof.

**NOW, THEREFORE, IT IS FOUND, DETERMINED, RESOLVED AND ORDERED**, that:

**SECTION 4.** The above recitals are true and correct

**SECTION 5.** The public interest, convenience and necessity require that the levy be made.

**SECTION 6.** The assessment is levied without regard to property valuation.

**SECTION 7.** The Engineer's Report for the Assessment together with the proposed Assessment roll for fiscal year 2016-17 is hereby confirmed and approved.

**SECTION 8.** That based on the oral and documentary evidence, including the Engineer's Report offered and received at the public hearing, the Board expressly finds and determines that: (a) each of the several lots and parcels of land subject to the Assessment will be specially benefited by the services to be financed by the Assessment proceeds in at least the amount of the Assessment apportioned against such lots and parcels of land, respectively; and (b) that there is substantial evidence to support , and the weight of the evidence preponderates in favor of, said finding and determination as to special benefit to property from the mosquito and disease control services to be financed with Assessment proceeds.

**SECTION 9.** That Assessments for fiscal year 2016-17 shall be levied at the rate of two dollars and fifty cents (\$2.50) per single family equivalent benefit unit as specified in the Engineer's Report for fiscal year 2016-17 with estimated total annual Assessment revenues as set forth in the Engineer's Report; and

**SECTION 10.** That the mosquito and disease control project and services to be financed with Assessment proceeds described in the Engineer's Report are hereby ordered.

**SECTION 11.** No later than August 9<sup>th</sup> following such adoption, the Board shall file a certified copy of the Assessment and a certified copy of this resolution with the Auditor of the County of Alameda ("County Auditor"). Upon such filing, the County Auditor shall enter on the County assessment roll opposite each lot or parcel of land the amount of Assessment. The Assessments shall be collected at the same time and in the same manner as County taxes are collected and all the laws providing for collection and enforcement shall apply to the collection and enforcement of the Assessments. After collection by the County, the net amount of the Assessments, after deduction of any compensation due the County for collection, shall be paid to the Mosquito and Disease Control Assessment.

**SECTION 12.** All revenues from Assessments shall be deposited in a separate fund established under the distinctive designation of the Alameda County Mosquito Abatement District Mosquito, and Disease Control Assessment.

**SECTION 13.** The Assessment, as it applies to any parcel, may be corrected, cancelled or a refund granted as appropriate, by order of the Board of Trustees of the District. Any such corrections, cancellations or refunds shall be limited to the current fiscal year.

**SECTION 14.** The Board of Directors of the Alameda County Mosquito Abatement District hereby certifies that the assessments to be placed on the fiscal year 2016-17 property tax bills meet the requirements of Proposition 218 that added Articles XIIC and XIID to the California Constitution.

**PASSED and ADOPTED** by the Alameda County Board of Trustees for the Alameda County Mosquito Abatement Program at a regular meeting thereof held on July 13, 2016, at 23187 Connecticut Street, Hayward, California, by the following vote:

AYES:

NOES:

ABSTAINED:

ABSENT:

\_\_\_\_\_  
President, Board of Trustees, Alameda County Mosquito  
Abatement District

\_\_\_\_\_  
Secretary of the Board of Trustees, Alameda County  
Mosquito Abatement District

## Review of bids for the demolition and rebuild of the Pesticide Storage Shed

### 1. Scope of Work:

- Demolition and removal of existing 15'-4" x 20' Concrete Masonry Unit (CMU) building.
- Demolition and removal of existing fence curb and chain-link fences to accommodate new building location.
- Provision for new concrete footing and interior slab to accommodate new CMU building dimensions, as well as a new concrete extension to replace the AC pavement at the existing entrance, doubling as a swale to channel water around the building.
- Construction of new CMU building, approximately 638 square feet, as per architectural drawings.
- Provision for electrical: a new roof mounted ventilation/exhaust system and adequate lighting for interior, as well as one utility outlet.
- Provision for plumbing for Emergency Wash/Shower and exterior spigot.
- All labor must fall in accordance to Prevailing Wage criteria. Registration with the Dept. of Industrial Relations is required. Upon completion of the project, a detailed list of labor and material will be provided to the district.
- Fees related to licenses, permits, and testing. Compliance with any demo/recycling programs for the City of Hayward.
- A detailed list of electrical, mechanical, and structural components required for removal or addition to complete project.

Three companies submitted bids for this work:

- |                                |   |
|--------------------------------|---|
| 1. Bioneer Builders and Design | \$ 168,450.00 (-\$5,300)* = \$ 163,150.00 |
| 2. James R. Griffin, Inc.      | \$ 152,060.79                             |
| 3. Donato Builders             | \$ 149,965.00                             |

\*Item removed (permits), paid by ACMAD directly.

### Recommendation:

Award the project to the lowest bidder, Donato Builders, for \$149,965.00

## Review of Request for Proposals for an Independent Auditor

1. Rationale:

- R.J. Ricciardi, Inc. Certified Public Accountants is the current accounting firm performing our annual independent audit since 2009.
- It is good practice to switch auditors every few years.

Four accounting firms submitted proposals based on our request:

<u>Firm</u>	<u>Annual Fee</u>	<u>Location</u>
1- Fechter and Company	\$10,000	Sacramento
2- Maze & Associates	\$11,650	Pleasant Hill
3- Badawi & Associates	\$11,710	Oakland
4- Moss, Levy & Hartzheim, LLP	\$12,455	Culver City

2. Recommendation:

Award the project to **Maze & Associates** based on experience, price, size of firm, nearby location (Pleasant Hill), and positive referrals from partner agencies.

**CHAPTER 100 – POLICIES GOVERNING THE BOARD OF TRUSTEES  
ALAMEDA COUNTY MOSQUITO ABATEMENT DISTRICT**

**§100. Definitions**

**§100.1**        **District** means the Alameda County Mosquito Abatement District.

**§100.2**        **Mosquito** means any insect of the family Culicidae (excluding the subfamilies Dixinae and Chaoborinae) capable of transmitting human disease or causing human annoyance.

**§100.3**        **Jurisdiction** means within the boundaries of the District or in proximity close enough so that mosquitoes produced outside of the District may affect people within the District.

**§100.4**        **Board member** and **Trustee** are references used interchangeably within these Policies. Both terms mean individual members of the Alameda County Mosquito Abatement District Board of Trustees.

**§101. Enabling Legislation**

**§101.1** This District, was formed under the Mosquito Act, California Government Code Title 3, Division 2, Part 2, Chapter 8, Section 25842.5 and Section 2000-2093, inclusive of the California Health and Safety Code, and therefore the rules and regulations of this code shall be the rules by which this District operates. Minutes of 02-24-65

**§102. Code of Ethics**

**§102.1** The Board of Trustees of the Alameda County Mosquito Abatement District is committed to providing excellence in legislative leadership that results in the provision of the highest quality services to its constituents and to comply with State and Federal laws. Consistent with this commitment, this Code of Ethics sets forth expectations regarding behavior between and among members of the Board of Trustees and District staff.

**§102.2** The dignity, style, values and opinions of each Trustee shall be respected.

**§102.3** Responsiveness and attentive listening in communication is encouraged.

**§102.4** The needs of the District's constituents should be the priority of the Board of Trustees.

**§102.5** The primary responsibility of the Board of Trustees is the formulation and evaluation of policy. Routine matters concerning the operational aspects of the District

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**CHAPTER 100 – POLICIES GOVERNING THE BOARD OF TRUSTEES  
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are to be delegated to the District Manager and the professional staff members of the District.

**§102.5 (i)** Board members should follow the guidelines set forth below relative to interactions with District staff:

- a) Board members should develop a working relationship with the District Manager wherein current issues, concerns, and District projects can be discussed comfortably and openly.
- b) Board members should contact the District Manager before approaching District staff members to obtain information needed to supplement, upgrade, or enhance their knowledge to improve legislative decision-making.
- c) If approached by District personnel concerning specific District policy, Board members should direct inquiries to the District Manager. The chain of command should be followed.
- d) Issues related to safety, concerns for safety or hazards should be reported to the District Manager. Emergency situations should be dealt with immediately by seeking appropriate assistance.
- e) Clarification on policy-related concerns, especially those involving personnel, legal action, land acquisition and development, finances, and programming should be referred directly to the District Manager or legal counsel.

**§102.6** Trustees should commit themselves to focusing on issues and not personalities. The presentation of the opinions of others should be encouraged.

**§102.7** Differing viewpoints are healthy in the decision-making process. Individuals have the right to disagree with ideas and opinions, but should do so in a respectful manner. Once the Board of Trustees takes action, Trustees should commit to supporting said action and not to create barriers to the implementation of said action.

**§102.8** When responding to constituent requests and concerns, Board members should be courteous, responding to individuals in a positive manner and routing their questions through appropriate channels and to responsible management personnel.

- a) Complaints from residents and property owners of the District should be referred directly to the District Manager.
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**§102.9** Board members should function as a part of the whole. Issues should be brought to the attention of the Board as a whole, rather than to individual members selectively.

**§102.10** The Board of Trustees is responsible for monitoring the District's progress in attaining goals and objectives, while fulfilling its mission.

**§103. Code of Conduct**

**§103.1** This Code of Conduct shall govern the conduct of the Board of Trustees of the Alameda County Mosquito Abatement District.

**§103.1 (i)** The purpose of this Code of Conduct is to:

- a) Protect the integrity of the Alameda County Mosquito Abatement District Board of Trustees and sustain the confidence of the people of the District by articulating specific standards and guidelines to assure that those entrusted with the public authority avoid conduct that undermines respect for the District.
- b) Provide a comprehensive statement of pertinent laws and regulations, considerations, and obligations governing the conduct of the Board members to provide a transparent framework and enhance the public trust in the District.
- c) Enhance the understanding of laws and principles that create the obligations of Board members.

**§103.1 (ii)** Pursuant to §2022(d) of the State Health and Safety Code, “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”; and (e) “...The trustees shall represent the interests of the public as a whole and not solely the interests of the board of supervisors or the city council that appointed them.”

**§103.1 (iii)** The public served by the District need and deserve an agency whose commitment to pursuing public interest outweighs any competing personal or political considerations.

**§103.1 (iv)** Board members are expected to exercise discretion and judgment to adhere to the spirit of this Code of Conduct. It is essential to recognize that an act

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is not ethical simply because it is legal, and conduct is not proper simply because it is permissible. Board members should be willing to do more than the law requires and less than it allows. Strict compliance is not necessarily enough and attempts to evade or circumvent ethics, laws, and rules are improper.

**§103.1 (v)** All actions, decisions, and votes should be made on their merits, objectively and without party, regional, or ideological partnership.

**§103.1 (vi)** Confidential information, particularly investigative reports from the District Manager, District Counsel, and personnel matters, shall not be disseminated to any party except as specifically authorized.

**§103.2        *Board Roles and Responsibilities***

**§103.2 (i)** The Board has duties distinct from those of management. The Board oversees and provides counsel and direction to management and should not be involved in the day-to-day affairs, function, or activities of the District.

**§103.2 (ii)** The role of the Board shall principally be to:

- a) Set District policy.
- b) Hire the District Manager.
- c) Retain legal counsel as necessary.

**§103.2 (iii)** The Board is responsible for policy-level direction and control that:

- a) Ensures that the District is able to fulfill its statutory obligations.
- b) Ensures the financial stability of the District.
- c) Supports collaboration and building communications “bridges” between communities, regions, and districts.
- d) Values constructive employer-employee relationships.

**§103.2 (iv)** Board members do not have individual power or authority, and it is improper for any Board member to exercise such authority. The power and decision-making authority resides with the full Board.

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**§103.2 (v)** Board members shall not be involved in employee matters (i.e., hiring, firing, discipline, etc.) or other personnel action unless required by provision within the “Policy Handbook” or advice by District counsel.

**§103.3        *Board Member Norms***

**§103.3 (i)** Board members shall understand the authoritative limits and responsibilities allowed them and the Board under the provisions of the State Health and Safety Code and conduct themselves accordingly.

**§103.3 (ii)** Proper parliamentary conduct is expected during Board Meetings. The Board prefers a flexible form of meeting and, therefore, does not conduct its meetings under formalized rules (e.g., Robert's Rules of Order).

- a) If a Board member believes order is not being maintained or procedures are not adequate, then he/she should raise a point of order - not requiring a second - to the President. If the ruling of the President is not satisfactory to the Board member, then it may be appealed to the Board. A majority of the Board will govern and determine the point of order.
  - b) Any Board member desiring to speak should address the President and, upon recognition by the President, may address the subject under discussion.
  - c) Any trustee, including the President, may make or second a motion. A motion shall be brought and considered as follows:
    - 1) A trustee makes a motion; another trustee seconds the motion; and the President states the motion.
    - 2) Once the motion as been stated by the President, it is open to discussion and debate. After the matter has been fully debated, and after the public in attendance has had an opportunity to comment, the President will call for the vote. The motion must be made, seconded and approved by a majority vote of the Board to pass.
  - d) Provisions for permitting any individual or group to address the Board concerning any item on the agenda of a special meeting, or to address the Board at a regular board meeting on any subject that lies within the jurisdiction of the Board of Trustees shall be as follows: Three (3) minutes may be allotted to each speaker. Speaking times may be adjusted at the discretion of the Board President.
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**CHAPTER 100 – POLICIES GOVERNING THE BOARD OF TRUSTEES  
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- e) No oral presentation shall include charges or complaints against any District employee, regardless of whether or not the employee is identified in the presentation by name or by any other reference which tends to identify.

**§103.3 (iii)** Board members shall treat each other and District staff at all times and in all situations professionally, with respect and courtesy.

**§103.3 (iv)** Board members shall not publicly engage in personal attacks on one another, District staff, or the District.

**§103.3 (v)** Any concerns regarding an employee's performance shall be communicated in writing to the District Manager. Any concerns regarding the District Manager's performance shall be communicated in writing to the President. Any concerns regarding a Board officer's performance shall be communicated, in writing, to the affected officer. Nothing in this section shall affect the right of the Board to evaluate Board officers.

**§103.3 (vi)** The President of the Board may call for an action of Board censure against any Board member who fails to comply with any provision of this section.

**§104. Required Board Training**

**§104.1 Ethics Training (AB 1234 Compliance)**

**§104.1 (i)** All Trustees and designated ~~executive~~ staff of Alameda County Mosquito Abatement District shall receive two hours of training in general ethics principles and ethics laws relevant to public service within one year of appointment to the Board of Trustees and at least once every two years thereafter.

**§104.1 (ii)** This policy shall also apply to all staff members that the Board of Trustees designates, and to members of all committees and other bodies that are subject to the Ralph M. Brown Open Meeting Act.

**§104.1 (iii)** Ethics training shall be provided by entities whose curriculum has been approved by the California Attorney General and the Fair Political Practices Commission.

**§104.1 (iv)** District staff shall provide the Board of Trustees with information on available training that meets the requirements of this policy at least once every year.

**§104.1 (v)** If a Trustee attends ethics training not directly provided by the District, the Trustee shall provide proof of participation to the District after completing the training. Applicable costs for attending the training will be reimbursed by the District.

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**§104.1 (vi)** District staff shall maintain records indicating both the dates that trustees completed the ethics training and the name of the entity that provided the training. These records shall be maintained for at least five years after trustees receive the training, and are public records subject to disclosure under the California Public Records Act.

**§104.2 Sexual Harassment Prevention and Response Training (AB 1825 Compliance)**

**§104.2 (i)** All members of the Board of Trustees and supervisors of the Alameda County Mosquito Abatement District shall receive two hours of training in sexual harassment prevention and response (AB1825) within six months of appointment to the Board of Trustees and at least once every two years thereafter.

**§104.2 (ii)** This policy shall apply to trustees, the District Manager, and any other staff member that meets the definition of a “supervisor” as set forth under Government Code section 12926(r) (“Supervisor” means any individual having the authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to direct them, or to adjust their grievances, or effectively to recommend that action, if, in connection with the foregoing, the exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment).

**§104.2 (iii)** All sexual harassment prevention and response training shall be provided by entities whose curriculum has been approved by the California Attorney General.

**§104.2 (iv)** District staff shall provide the Board of Trustees with information on available training that meets the requirements of this policy at least once every year.

**§104.2 (v)** If a Trustee attends sexual harassment prevention and response training not directly provided by the District, the Trustee shall provide proof of participation to the District after completing the training. Applicable costs for attending the training will be reimbursed by the District.

**§104.2 (vi)** District staff shall maintain records indicating both the dates that staff and Board members completed the sexual harassment prevention and response training and the name of the entity that provided the training. These records shall be maintained for at least five years after trustees receive the training, and are public records subject to disclosure under the California Public Records Act.

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**CHAPTER 100 – POLICIES GOVERNING THE BOARD OF TRUSTEES  
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**§105. Board Meetings**

**§105.1 Regular meetings** of the Board of Trustees shall be held on the second Wednesday of each month, at the District Headquarters. The public sessions of meetings begin at 5:00 pm. Board members should inform the District Manager as soon as possible if they intend to be out of town on a set meeting date.

**§105.1 (i)** The District Manager shall mail or email a notice of the meeting including a copy of the agenda together with his notice of meeting on the Friday preceding the regular meeting, and shall give the Board members thirty days' notice of matters pending involving a policy change or adoption of any new policy deviating from that of the county or cities within the District.

**§105.2 Special meetings** of the Board of Trustees may be called by the Board President or by a majority of the Board.

**§105.2 (i)** All Trustees shall be notified of the special Board meeting and the purpose or purposes for which it is called. Said notification shall be in writing, received by them at least 24 hours prior to the meeting.

**§105.3 Emergency Meetings.** In the event of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, the Board of Trustees may hold an emergency special meeting without complying with the 24-hour notice required in **§105.2 (i)**, above. An emergency situation means a crippling disaster which severely impairs public health, safety, or both, as determined by a majority of the Board.

**§105.4** Each year The Board, at its January meeting, shall elect a President, Vice President and Secretary for the calendar year.

**§105.5 Attendance** - Officers of the Board (President, Vice President and Secretary) with three consecutive unexcused absences from Board meetings will be subject to removal from the Board position by a majority vote of the Board members present.

**§105.6 Nominating Committee** - A nominating committee, consisting of the Board President and two trustees appointed by the President, will meet in December of each year to nominate new officers. Nominations will also be taken from the floor.

**§105.7** In lieu of actual costs, the members of the Board shall receive an allowance not to exceed \$100 dollars per month per member for expenses incurred in attending

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meetings of the Board. Health and Safety Code 2030.

**§105.8** The District Manager's monthly report shall be presented at the Board meeting (of the following month).

**§105.9** The District's Biennial Report shall be made on a fiscal year basis.

**§106. Conflict of Interest**

**§106.1** State laws are in place to control action by a Board member which may result in a conflict of interest. The purpose of such laws and regulations is to ensure that all actions by the Board are taken in the public interest. State conflict law is complex; consultation with legal counsel is encouraged.

**§106.2** At any point a Board member believes there is a potential for a conflict of interest between action he or she may take as a Trustee of the District and his or her personal interest, he/she is encouraged to consult with the Attorney for the District or private legal counsel for advice.

**§106.3** While not inclusive, a general summary of Conflict of Interest rules is provided below.

- a) In general terms, the Political Reform Act prohibits a public official from having a financial interest in a decision before the official; Government Code §1090 prohibits a public official from having a financial interest in government contracts.
  - b) The Political Reform Act prohibits public officials from making, participating in, or in any way attempting to use their official position to influence a governmental decision in which they know, or have reason to know, that they have a financial interest.
  - c) The public official has a financial interest if “it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from the effect on the public generally...” on a financial interest of the official or a member of the official’s immediate family.
  - d) Determining whether a Board member has a financial interest is very complicated and fact specific. Financial interests include interests in
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leases, worth \$1,000 or more, and gifts of \$250 or more provided to or received within one year of the decision.

- e) Effective January 1, 2003, a Board member must take the following steps after he or she has determined that a conflict of interest exists under the Political Reform Act:
- 1) **Publicly identify the financial interest.** This must be done in enough detail for the public to understand the financial interest that creates the conflict of interest.
  - 2) **Recuse his or herself from both the discussion and the vote on the matter.** The Board member must recuse his or herself from all proceedings related to the matter.
  - 3) **Leave the room until the matter has been completed.** The matter is considered complete when there is no further discussion, vote or any other action.
- Exception: If the matter is on the consent calendar, the Board members does not have to leave the room.
- f) The Fair Political Practices Commission (FPPC) has published lengthy regulations and opinions on conflicts of interest that are useful in determining whether a particular financial interest or decision could give rise to disqualification based on a potential conflict of interest. The FPPC also puts out informational pamphlets to assist public officials in determining what types of situations may give rise to prohibited conflicts of interest.
- g) Government Code §1090 is similar to the Political Reform Act, but applies only to contracts in which a public official has a financial interest. The financial interests covered by §1090 are different from those in the Political Reform Act. Having an interest in a contract may preclude the Board from entering into the contract at all. In addition, the penalties for violating §1090 are severe. If a Board member believes that he or she may have any financial interest in a contract that will be before the Board, the member should immediately seek advice from the District's Attorney or the member's personal attorney.
- h) There are a number of other restrictions placed on Board actions such as prohibitions on secrecy and discrimination as well as assurance that all District funds are spent for public purposes.
- i) Violations of these restrictions may result in personal liability for individual Board members.
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**CHAPTER 100 – POLICIES GOVERNING THE BOARD OF TRUSTEES  
ALAMEDA COUNTY MOSQUITO ABATEMENT DISTRICT**

**§107. Awards**

**§107.1** Awards to the employees and trustees for five, ten, twenty and thirty years of service will be as follows: pewter belt buckle (5 year), bronze belt buckle (10 year), silver pin (20 year), and gold pin (30 year). All are to be engraved with the District logo. Res. #689-1.

**§107.2** A retiring employee will be presented a certificate of recognition with the District seal.

**§107.3** Presentation of awards to employees or trustees will occur at a regular staff or trustee meeting.

**§107.4** Trustees will be awarded a gavel/plaque following their Presidency and a certificate of commendation upon retirement.

**§108 State Requirements for Reporting**

**§108.1** Designated positions within the District, including members of the Board of Trustees, that are authorized to make, or participate in the making of, decisions that may foreseeably have a material effect on any personal financial interest are required to report those interests to the Fair Political Practices Commission in accordance with the terms of Title 2 California Code of Regulations Section 18730. Appendix A sets forth the District positions so designated, and documents the required disclosure categories.

**§108.1 (i)** Designated employees shall file their statements with the Alameda County Board of Supervisors as stated in Government Code Section 87500(j). Statements for all designated employees will be retained by the agency.

**§108.2** Pursuant to the Political Reform Act and its regulations, all designated employees shall file statements of economic interests with the Alameda County Mosquito Abatement District Board Clerk, which shall be the filing officer. The Alameda County Board of Supervisors shall be the code reviewing body.

**§109. Board Standing Committees**

**§109.1** The Board may, by resolution, create such standing or special committees as it determines are necessary or useful for the conduct of District business. The Board

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President shall, at the start of his/her term, appoint the following standing committees:

**§109.2 Financial Committee.** There shall be a Board Standing Committee on Finances. The finance committee members shall serve terms that are coterminous with that of the Board President. The duties of the Finance committee are:

- a) To review the annual budget and make recommendations to the Board;
- b) to review the annual audit and recommend any changes in policy as necessary;
- c) to review long term capital needs and make recommendations for designating reserves and allocation of the OPEB Trust to the Board;
- d) to handle additional related responsibilities as the Board may assign.

**§109.3 Personnel Committee.** There shall be a Board standing committee on personnel. The personnel committee members, who are officers of the Board, shall serve terms that are coterminous with that of the Board President. The duties of the personnel committee are:

- a) To meet as needed if personnel issues rise to the level of an appeal to the Board; to make recommendations to the full Board regarding the adjustment of an appeal;
- b) to serve as the Salary Committee during labor negotiations.

**§109.4 Policy Committee.** There shall be a Board Standing Committee on Policy. The policy committee members shall serve terms that are coterminous with that of the Board President. The duties of the Policy Committee are:

- a) To review District policies for compliance with current regulatory requirements, existing agreements, and relevance in supporting the goals of the District;
- b) to make and/or approve policy amendments for submission to the full Board or approval and ratification;
- c) to handle additional related responsibilities as the Board may assign.

**§109.5 District Manager Evaluation Committee.** There shall be a Board Standing Committee to review the performance of the District Manager. The committee

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members, who are traditionally the past, present, and future Board President, shall serve terms that are coterminous with that of the Board President. The duties of the Manager Evaluation Committee are:

- a) To set performance expectations, goals and measures for the District Manager;
- b) to review the performance of the District Manager in June of each year;
- c) to recommend compensation changes and contract adjustments for the District Manager the full Board based on the manager's performance over the review period;
- d) to coordinate and oversee the recruitment of a District Manager should a vacancy occur in that position.

**§109.6 Public Health Emergency Committee.** There shall be a Board Standing Committee to address current Public Health threats. The Public Health committee members shall serve terms that are coterminous with that of the Board President. The duties of the Public Health Emergency Committee are:

- a) To meet with the District Manager and/or Staff to review District surveillance and treatment information pertaining to current or emerging public health threats and make recommendations to the board if necessary;
- b) to perform additional related responsibilities as the Board may assign.

**§110. Open Meeting Laws (“The Brown Act”)**

**§110.1** The District conducts its business in compliance with the Ralph M. Brown Act, State Government Code Section 54950. The intent of the Act is to ensure that deliberation and actions of local public agencies are conducted in open and at public meetings. The law provides for misdemeanor penalties for members of a body who violate the Act (*Cal Govt Code §54959*). In addition, violations are subject to civil action (*Cal Govt Code §54960*). A current copy of the Act will be provided to all Board members when assuming office.

**§110.2** The Act applies to the Board and all committees and task forces that advise Board. Staff cannot promote actions which would violate the Act.

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**CHAPTER 100 – POLICIES GOVERNING THE BOARD OF TRUSTEES  
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**§111. Non-Discrimination/Anti-Harassment**

**§111.1** State and Federal law prohibit, and the District has policies and procedures which prohibit, any form of illegal discrimination or sexual harassment. Board members should be familiar with, and are expected to comply with the District's non-discrimination and sexual harassment policies. Violations of such policies could result in Board members being personally exposed through legal action

**§112. Policy Review**

**§112.1 Board Policy Review.** At least every four years, the Board, or a designated Board committee, shall review District policies.

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**CHAPTER 100 – POLICIES GOVERNING THE BOARD OF TRUSTEES  
ALAMEDA COUNTY MOSQUITO ABATEMENT DISTRICT**

**Appendix A  
CONFLICT OF INTEREST CODE  
DESIGNATED POSITIONS AND  
DISCLOSURE STATEMENTS**

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**Designated Position.** The positions listed below include those persons who are deemed to make, or participate in the making of, decisions that may foreseeably have a material effect on any financial interest. The persons holding the designated positions listed shall disclose interests and investments in accordance with the corresponding disclosure categories, which are defined below.

<b><u>Designated Positions</u></b>	<b><u>Disclosure Category</u></b>
Members of the Board of Trustees	1, 2, 3 & 4
District Manager	1, 2, 3 & 4
Office Assistant/Office Administrator	1, 2, 3 & 4
Field Operations Supervisor	1, 2, 3 & 4
Lab Director	1, 2, 3 & 4
Maintenance/Equipment Specialist	1, 2, 3 & 4
Environmental Specialist	1, 2, 3 & 4
IT Administrator	1, 2, 3 & 4
*Consultants	

**Disclosure Categories**

1. A designated official or employee assigned to Category 1 is required to disclose direct or indirect investments in any business entity that may be affected materially by any decision made or participated in by the designated official or employee by virtue of his or her position.
  2. A designated official or employee assigned to Category 2 is required to disclose interests in real property, which is located in whole or in part either within the boundaries of the District, or within two miles of the boundaries of the District that may be affected materially by any decision made or participated in by the designated official or employee by virtue of his or her position.
  3. A designated official or employee assigned to Category 3 is required to disclose any source of income that may be affected materially by any decision made or participated in by the designated official or employee by virtue of his or her position.
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4. A designated official or employee assigned to Category 4 is required to disclose any business entity in which the designated official or employee is a director, officer, partner, trustee, employee or holds any position of management that may be affected materially by any decision made or participated in by the designated official or employee by virtue of his or her position.

\*Consultants shall be included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the Code subject to the following limitation.

The District Manager may determine in writing that a particular consultant, although a “designated position” is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant’s duties and, based upon that description, a statement of the extent of disclosure requirements. The District Manager’s determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

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ALAMEDA COUNTY MOSQUITO ABATEMENT DISTRICT  
SUMMARY OF POLICIES APPROVED BY THE BOARD OF TRUSTEES  
**POLICIES GOVERNING THE BOARD OF TRUSTEES**

**EDITING KEY: ORIGINAL LANGUAGE IN BLACK; CONSULTANT RECOMMENDATIONS IN RED, STAFF RECOMMENDED CHANGES IN BLUE, DISTRICT MANAGER RECOMMENDATIONS IN PURPLE, TRUSTEE COMMITTEE CHANGES IN GREEN**

## **§100. Definitions**

### **§100.1**

**District** means the Alameda County Mosquito Abatement District.

### **§100.2**

**Mosquito** means any insect of the family Culicidae (excluding the subfamilies Dixinae and Chaoborinae) capable of transmitting human disease or causing human annoyance.

### **§100.3**

**Jurisdiction** means within the boundaries of the District or in proximity close enough so that mosquitoes produced outside of the District may affect people within the District.

### **§100.4**

**Board member** and **Trustee** are references used interchangeably within these Policies. Both terms mean individual members of the Alameda County Mosquito Abatement District Board of Trustees.

## **§101. Enabling Legislation**

### **§101.1**

This District, was formed under the Mosquito Act, California Government Code Title 3, Division 2, Part 2, Chapter 8, Section 25842.5 and Section 2000-2093, inclusive of the California Health and Safety Code, and therefore the rules and regulations of this code shall be the rules by which this District operates. Minutes of 02-24-65

## **§102. Code of Ethics**

### **§102.1**

The Board of Trustees of the Alameda County Mosquito Abatement District is committed to providing excellence in legislative leadership that results in the provision of the highest quality services to its constituents and to comply with State and Federal laws. Consistent

with this commitment, this Code of Ethics sets forth expectations regarding behavior between and among members of the Board of Trustees and District staff.

**§102.2** The dignity, style, values and opinions of each Trustee shall be respected.

**§102.3** Responsiveness and attentive listening in communication is encouraged.

**§102.4** The needs of the District's constituents should be the priority of the Board of Trustees.

**§102.5** The primary responsibility of the Board of Trustees is the formulation and evaluation of policy. Routine matters concerning the operational aspects of the District are to be delegated to the District Manager and the professional staff members of the District.

**§102.5 (i)** Board members should follow the guidelines set forth below relative to interactions with District staff:

- a) Board members should develop a working relationship with the District Manager wherein current issues, concerns, and District projects can be discussed comfortably and openly.
- b) Board members should contact the District Manager before approaching District staff members to obtain information needed to supplement, upgrade, or enhance their knowledge to improve legislative decision-making.
- c) If approached by District personnel concerning specific District policy, Board members should direct inquiries to the District Manager. The chain of command should be followed.
- ed) Issues related to safety, concerns for safety or hazards should be reported to the District Manager ~~or to the District office~~. Emergency situations should be dealt with immediately by seeking appropriate assistance.
- ~~de)~~ Clarification on policy-related concerns, especially those involving personnel, legal action, land acquisition and development, finances, and programming should be referred directly to the District Manager or legal counsel.

**§102.6** Trustees should commit themselves to focusing on issues and not personalities. The presentation of the opinions of others should be encouraged.

**§102.7** Differing viewpoints are healthy in the decision-making process. Individuals have the right to disagree with ideas and opinions, but should do so in a respectful manner. Once the Board of Trustees takes action, Trustees should commit to supporting said action and not to create barriers to the implementation of said action.

**§102.8** When responding to constituent requests and concerns, Board members should be courteous, responding to individuals in a positive manner and routing their questions through appropriate channels and to responsible management personnel.

- a) Complaints from residents and property owners of the District should be referred directly to the District Manager.

**§102.9** Board members should function as a part of the whole. Issues should be brought to the attention of the Board as a whole, rather than to individual members selectively.

**§102.10** The Board of Trustees is responsible for monitoring the District's progress in attaining goals and objectives, while fulfilling its mission.

### **§103. Code of Conduct**

**§103.1** This Code of Conduct shall govern the conduct of the Board of Trustees of the Alameda County Mosquito Abatement District.

**§103.1 (i)** The purpose of this Code of Conduct is to:

- a) Protect the integrity of the Alameda County Mosquito Abatement District Board of Trustees and sustain the confidence of the people of the District by articulating specific standards and guidelines to assure that those entrusted with the public authority avoid conduct that undermines respect for the District.
- b) Provide a comprehensive statement of pertinent laws and regulations, considerations, and obligations governing the conduct of the Board members to provide a transparent framework and enhance the public trust in the District.
- c) Enhance the understanding of laws and principles that create the obligations of Board members.

**§103.1 (ii)** Pursuant to §2022(d) of the State Health and Safety Code, “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”; and (e) “...The trustees shall represent the interests of the public as a whole and not solely the interests of the board of supervisors or the city council that appointed them.”

**§103.1 (iii)** The public served by the District need and deserve an agency whose commitment to pursuing public interest outweighs any competing personal or political considerations.

**§103.1 (iv)** Board members are expected to exercise discretion and judgment to adhere to the spirit of this Code of Conduct. It is essential to recognize that an act is not ethical simply because it is legal, and conduct is not proper simply because it is permissible. Board members should be willing to do more than the law requires and less than it allows. Strict compliance is not necessarily enough and attempts to evade or circumvent ethics, laws, and rules are improper.

**§103.1 (v)** All actions, decisions, and votes should be made on their merits, objectively and without party, regional, or ideological partnership.

**§103.1 (vi)** Confidential information, particularly investigative reports from the District Manager, District Counsel, and personnel matters, shall not be disseminated to any party except as specifically authorized.

## **§103.2      *Board Roles and Responsibilities***

**§103.2 (i)** The Board has duties distinct from those of management. The Board oversees and provides counsel and direction to management and should not be involved in the day-to-day affairs, function, or activities of the District.

**§103.2 (ii)** The role of the Board shall principally be to:

- a) Set District policy.
- b) Hire the District Manager.
- c) Retain legal counsel as necessary.

**§103.2 (iii)** The Board is responsible for policy-level direction and control that:

- a) Ensures that the District is able to fulfill its statutory obligations.
- b) Ensures the financial stability of the District.

- c) Supports collaboration and building communications “bridges” between communities, regions, and districts.
- d) Values constructive employer-employee relationships.

**§103.2 (iv)** Board members do not have individual power or authority, and it is improper for any Board member to exercise such authority. The power and decision-making authority resides with the full Board.

**§103.2 (v)** Board members shall not be involved in employee matters (i.e., hiring, firing, discipline, etc.) or other personnel action unless required by provision within the “Policy Handbook” or advice by District counsel.

### **§103.3 Board Member Norms**

**§103.3 (i)** Board members shall understand the authoritative limits and responsibilities allowed them and the Board under the provisions of the State Health and Safety Code and conduct themselves accordingly.

**§103.3 (ii)** Proper parliamentary conduct is expected during Board Meetings. The Board prefers a flexible form of meeting and, therefore, does not conduct its meetings under formalized rules (e.g., Robert's Rules of Order).

- a) If a Board member believes order is not being maintained or procedures are not adequate, then he/she should raise a point of order - not requiring a second - to the President. If the ruling of the President is not satisfactory to the Board member, then it may be appealed to the Board. A majority of the Board will govern and determine the point of order.
- b) Any Board member desiring to speak should address the President and, upon recognition by the President, may address the subject under discussion.
- c) Any trustee, including the President, may make or second a motion. A motion shall be brought and considered as follows:
  - 1) A trustee makes a motion; another trustee seconds the motion; and the President states the motion.
  - 2) Once the motion as been stated by the President, it is open to discussion and debate. After the matter has been fully debated, and after the public in attendance has had an opportunity to comment, the President will call for the vote.

The motion must be made, seconded and approved by a majority vote of the Board to pass.

- d) Provisions for permitting any individual or group to address the Board concerning any item on the agenda of a special meeting, or to address the Board at a regular board meeting on any subject that lies within the jurisdiction of the Board of Trustees shall be as follows: ~~Five (5)~~ Three (3) minutes may be allotted to each speaker. Speaking times may be adjusted at the discretion of the Board President.
- e) No oral presentation shall include charges or complaints against any District employee, regardless of whether or not the employee is identified in the presentation by name or by any other reference which tends to identify.

**§103.3 (iii)** Board members shall treat each other and District staff at all times and in all situations professionally, with respect and courtesy.

**§103.3 (iv)** Board members shall not publicly engage in personal attacks on one another, District staff, or the District.

**§103.3 (v)** Any concerns regarding an employee's performance shall be communicated in writing to the District Manager. Any concerns regarding the District Manager's performance shall be communicated in writing to the President. Any concerns regarding a Board officer's performance shall be communicated, in writing, to the affected officer. Nothing in this section shall affect the right of the Board to evaluate Board officers.

**§103.3 (vi)** The President of the Board may call for an action of Board censure against any Board member who fails to comply with any provision of this section.

## **§104 Required Board Training**

### **§104.1 Ethics Training (AB 1234 Compliance)**

#### **104.5**

~~**Ethics Training.** Designated employees are required to take two hours of ethics training each year as stated by AB1234 and in Government Code Sections 53234-53235.2.~~

**§104.1 (i)** All Trustees and designated ~~executive~~ staff of Alameda County Mosquito Abatement District shall receive two hours of training in general ethics principles and ethics laws relevant to public service within one year of appointment to the Board of Trustees and at least once every two years thereafter.

**§104.1 (ii)** This policy shall also apply to all staff members that the Board of Trustees designates, and to members of all committees and other bodies that are subject to the Ralph M. Brown Open Meeting Act.

**§104.1 (iii)** Ethics training shall be provided by entities whose curriculum has been approved by the California Attorney General and the Fair Political Practices Commission.

**§104.1 (iv)** District staff shall provide the Board of Trustees with information on available training that meets the requirements of this policy at least once every year.

**§104.1 (v)** If a Trustee attends ethics training not directly provided by the District, the Trustee shall provide proof of participation to the District after completing the training. Applicable costs for attending the training will be reimbursed by the District.

**§104.1 (vi)** District staff shall maintain records indicating both the dates that trustees completed the ethics training and the name of the entity that provided the training. These records shall be maintained for at least five years after trustees receive the training, and are public records subject to disclosure under the California Public Records Act.

### **§104.2 Sexual Harassment Prevention and Response Training (AB 1825 Compliance)**

**§104.2 (i)** All members of the Board of Trustees, ~~managers,~~ and supervisors of the Alameda County Mosquito Abatement District shall receive two hours of training in sexual harassment prevention and response (AB1825) within six months of appointment to the Board of Trustees and at least once every two years thereafter.

**§104.2 (ii)** This policy shall apply to trustees, the District Manager, and any other staff member that meets the definition of a “supervisor” as set forth under Government Code section 12926(r) (“Supervisor” means any individual having the authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to direct them, or to adjust their grievances, or effectively to recommend that action, if, in connection with the foregoing, the exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment.).

**§104.2 (iii)** All sexual harassment prevention and response training shall be provided by entities whose curriculum has been approved by the California Attorney General.

**§104.2 (iv)** District staff shall provide the Board of Trustees with information on available training that meets the requirements of this policy at least once every year.

**§104.2 (v)** If a Trustee attends sexual harassment prevention and response training not directly provided by the District, the Trustee shall provide proof of participation to the District after completing the training. Applicable costs for attending the training will be reimbursed by the District.

**§104.2 (vi)** District staff shall maintain records indicating both the dates that **staff and** Board members completed the sexual harassment prevention and response training and the name of the entity that provided the training. These records shall be maintained for at least five years after trustees receive the training, and are public records subject to disclosure under the California Public Records Act.

## **§105. Board Meetings**

**§105.1** Regular meetings of the Board of Trustees shall be held on the second Wednesday of each month, at the District Headquarters. The public sessions of meetings begin at 5:00 pm. Board members should inform the District Manager as soon as possible if they intend to be out of town on a set meeting date.

~~§102.5~~ **§105.1 (i)** The District Manager shall mail or email a notice of the meeting including a copy of the agenda together with his notice of meeting on the Friday preceding the regular meeting, and shall give the Board members thirty days’ notice of matters pending involving a policy change or adoption of any new policy deviating from that of the county or cities within the District.

**§105.2** Special meetings of the Board of Trustees may be called by the Board President or by a majority of the Board.

**§105.2 (i)** All Trustees shall be notified of the special Board meeting and the purpose or purposes for which it is called. Said notification shall be in writing, received by them at least 24 hours prior to the meeting.

**§105.3 Emergency Meetings.** In the event of an emergency situation involving matters upon which prompt action is necessary due to the disruption or threatened disruption of public facilities, the Board of Trustees may hold an emergency special meeting without complying with the 24-hour notice required in **§105.2 (i)**, above. An emergency situation means a crippling disaster which severely impairs public health, safety, or both, as determined by a majority of the Board.

**§102.1 §105.54**

Each year The Board, at its January meeting, shall elect a President, Vice President and Secretary for the calendar year.

**§102.2 §105.65**

**Attendance** - ~~Trustees Officers of the Board (President, Vice President and Secretary)~~ with three consecutive unexcused absences from Board meetings will be subject to removal from their Board ~~officer position~~ by a majority vote of the Board members present.

**§102.3 §105.76**

**Nominating Committee** - A nominating committee, consisting of the Board President and two trustees appointed by the President, will meet in December of each year to nominate new officers. Nominations will also be taken from the floor. ~~Traditionally, the board officers are chosen based on appointment date seniority. Secretary moves to Vice President, Vice President to President. Not sure how we can state that.~~

**§102.4 §105.87**

In lieu of actual costs, the members of the Board shall receive an allowance not to exceed \$100 dollars per month per member for expenses incurred in attending meetings of the Board. Health and Safety Code 2030.

**§102.6 4 §105.98**

The ~~District~~ ~~m~~Manager's monthly report shall be presented at the Board meeting (of the following month).

**§102.7 §105.10**

The District's Biennial Report shall be made on a fiscal year basis.

**§106. Conflict of Interest**

**§106.1** State laws are in place to control action by a Board member which may result in a conflict of interest. The purpose of such laws and regulations is to ensure that all actions by the Board are taken in the public interest. State conflict law is complex; consultation with legal counsel is encouraged.

**§106.2** At any point a Board member believes there is a potential for a conflict of interest between action he or she may take as a Trustee of the District and his or her personal interest, he/she is encouraged to consult with the Attorney for the District or private legal counsel for advice.

**§106.3** While not inclusive, a general summary of Conflict of Interest rules is provided below.

- (a) In general terms, the Political Reform Act prohibits a public official from having a financial interest in a decision before the official; Government Code §1090 prohibits a public official from having a financial interest in government contracts.
- (b) The Political Reform Act prohibits public officials from making, participating in, or in any way attempting to use their official position to influence a governmental decision in which they know, or have reason to know, that they have a financial interest.
- (c) The public official has a financial interest if “it is reasonably foreseeable that the decision will have a material financial effect, distinguishable from the effect on the public generally...” on a financial interest of the official or a member of the official’s immediate family.
- (d) Determining whether a Board member has a financial interest is very complicated and fact specific. Financial interests include interests in leases, worth \$1,000 or more, and gifts of \$250 or more provided to or received within one year of the decision.
- (e) Effective January 1, 2003, a Board member must take the following steps after he or she has determined that a conflict of interest exists under the Political reform Act:
  - 1) **Publicly identify the financial interest.** This must be done in enough detail for the public to understand the financial interest that creates the conflict of interest.
  - 2) **Recuse his or herself from both the discussion and the vote on the matter.** The Board member must recuse his or herself from all proceedings related to the matter.

3) **Leave the room until the matter has been completed.**

The matter is considered complete when there is no further discussion, vote or any other action.

Exception: If the matter is on the consent calendar, the Board members does not have to leave the room.

(f) The Fair Political Practices Commission (FPPC) has published lengthy regulations and opinions on conflicts of interest that are useful in determining whether a particular financial interest or decision could give rise to disqualification based on a potential conflict of interest. The FPPC also puts out informational pamphlets to assist public officials in determining what types of situations may give rise to prohibited conflicts of interest.

(g) Government Code §1090 is similar to the Political Reform Act, but applies only to contracts in which a public official has a financial interest. The financial interests covered by §1090 are different from those in the Political Reform Act. Having an interest in a contract may preclude the Board from entering into the contract at all. In addition, the penalties for violating §1090 are severe. If a Board member believes that he or she may have any financial interest in a contract that will be before the Board, the member should immediately seek advice from the District's Attorney or the member's personal attorney.

(h) There are a number of other restrictions placed on Board actions such as prohibitions on secrecy and discrimination as well as assurance that all District funds are spent for public purposes.

(i) Violations of these restrictions may result in personal liability for individual Board members.

### **§103 §107. Awards**

#### **§103.1 §107.1**

Awards to the employees and trustees for five, ten, twenty and thirty years of service will be as follows: pewter belt buckle (5 year), bronze belt buckle (10 year), silver pin (20 year), and gold pin (30 year). All are to be engraved with the District logo. Res. #689-1.

#### **§103.2 §107.2**

A retiring employee will be presented a certificate of recognition with the District seal.

#### **§103.3 §107.3**

Presentation of awards to employees or trustees will occur at a regular staff or trustee meeting.

#### **§103.4 §107.3**

Trustees will be awarded a gavel/plaque following their Presidency and a certificate of commendation upon retirement.

## ~~§104~~ **§108** State Requirements for Reporting

### ~~104.1~~ **§108.1**

~~**Conflict of Interest.**~~ Designated positions within the District, including members of the Board of Trustees, that are authorized to make, or participate in the making of, decisions that may foreseeably have a material effect on any personal financial interest are required to report those interests to the Fair Political Practices Commission in accordance with the terms of Title 2 California Code of Regulations Section 18730. ~~along with the attached Appendix A sets forth the District positions so in which members of the Board of Trustees and employees are designated, and in which~~ documents the required disclosure categories are set forth, constitute the conflict of interest code of the Alameda County Mosquito Abatement District.

### ~~104.4~~ **§108.1 (i)**

Designated employees shall file their statements with the Alameda County Board of Supervisors as stated in Government Code Section 87500(j). Statements for all designated employees will be retained by the agency. ~~Appendix A defines designated positions and disclosure categories.~~

### ~~104.2~~ **§108.2**

Pursuant to the Political Reform Act and its regulations, all designated employees shall file statements of economic interests with the Alameda County Mosquito Abatement District Board Clerk, which shall be the filing officer. The Alameda County Board of Supervisors shall be the code reviewing body.

### ~~104.3~~

~~Subsequent amendments to Title 2 California Code of Regulations Section 18730 duly adopted by the Fair Political Practices Commission, after public notice and hearings, are also incorporated by reference unless the Alameda County Mosquito Abatement District, within 90 days after the date on which an amendment to Section 18730 becomes effective, adopts a resolution providing that the amendment is not to be incorporated into this Code.~~

## ~~§105~~ **§109** Board Standing Committees

**§109.1** The Board may, by resolution, create such standing or special committees as it determines are necessary or useful for the conduct of District business. **The Board President shall, at the start of his/her term, appoint the following standing committees:**

**§109.2 Financial Committee.** There shall be a Board Standing Committee on

Finances. ~~The Board President shall, at the start of his/her term, appoint t~~The personnel finance committee's members, ~~and their shall serve terms shall be that are~~ coterminous with that of the Board President.

The duties of the Finance committee are:

- 1) to review the annual budget and make recommendations to the Board;
- 2) to review the annual audit and recommend any changes in policy as necessary;  
and
- 3) to review long range ~~planning~~ term capital needs and make recommendations for designating reserves and allocation of the OPEB Trust to the Board; and
- 4) additional related responsibilities as the Board may assign.

~~§105.1~~ **§109.3 Personnel Committee.** There shall be a Board standing committee on personnel. The ~~Board President shall, at the start of his/her term, appoint the~~ personnel committee's members, ~~who are officers of the Board, and their terms shall serve terms that are be~~ coterminous with that of the Board President.

The duties of the personnel committee are:

- ~~1) to assist the Manager in implementing District personnel policies, including specifically the preparation of a personnel handbook;~~
- ~~2) to review District personnel policies on a regular basis and~~
- ~~3) to make recommendations to the Board for policy changes as necessary;~~
- 1) ~~to~~ meet as needed if personnel issues rise to the level of an appeal to the Board; to make recommendations to the full Board regarding the adjustment of an appeal;
- 2) The Personnel Committee also serves as the Salary Committee during labor negotiations.

**§109.4 Policy Committee.** There shall be a Board Standing Committee on Policy. The ~~Board President shall, at the start of his/her term, appoint the~~ policy committee members, ~~and their shall serve terms shall be that are~~ coterminous with that of the Board President.

The duties of the Policy Committee are:

- 1) to review District policies for compliance with current regulatory requirements, existing agreements, and relevance in supporting the goals of the District.

- 2) to make and/or approve policy amendments for submission to the full Board or approval and ratification;
- 3) additional related responsibilities as the Board may assign.

**§109.5 District Manager Evaluation Committee.** There shall be a Board Standing Committee to review the performance of the District Manager. The Board President shall, at the start of his/her term, appoint the District Manager evaluation committee members, who are traditionally the past, present, and future Board President; and their shall serve terms that are terms shall be coterminous with that of the Board President.

The duties of the Manager Evaluation Committee are:

- 1) to set performance expectations, goals and measures for the District Manager;
- 2) to review the performance of the District Manager in June of each year;
- 3) to recommend compensation changes and contract adjustments for the District Manager the full Board based on the manager's performance over the review period;
- 4) to coordinate and oversee the recruitment of a District Manager should a vacancy occur in that position.

**§109.6 Public Health Emergency Committee.** There shall be a Board Standing Committee to address current Public Health threats. The Board shall, at the start of his/her term, appoint the Public Health committee members, and their shall serve terms shall be that are coterminous with that of the Board President.

The duties of the Public Health Emergency Committee are:

- 1) to meet with the District Manager and/or Staff to review District surveillance and treatment information pertaining to current or emerging public health threats and make recommendations to the board if necessary; and
- 2) to perform additional related responsibilities as the Board may assign.

#### **§105.2**

**West Nile Virus Committee.** There shall be a Board Standing Committee on West Nile Virus (WNV). The Board President shall, at the start of his/her term, appoint the

~~personnel committee's members, and their terms shall be coterminous with that of the Board President.~~

~~The duties of the West Nile Virus committee are:~~

- ~~1) to meet with the Manager &/or Entomologist to review District surveillance and treatment information.~~
- ~~2) to review WNV activity in the county, region and State on a regular basis and~~
- ~~3) make recommendations to the Board for policy changes as necessary;~~
- ~~4) additional related responsibilities as the Board may assign.~~

## **§110. Open Meeting Laws (“The Brown Act”)**

**§110.1** The District conducts its business in compliance with the Ralph M. Brown Act, State Government Code Section 54950. The intent of the Act is to ensure that deliberation and actions of local public agencies are conducted in open and at public meetings. The law provides for misdemeanor penalties for members of a body who violate the Act (*Cal Govt Code §54959*). In addition, violations are subject to civil action (*Cal Govt Code §54960*). A current copy of the Act will be provided to all Board members when assuming office.

**§110.2** The Act applies to the Board and all committees and task forces that advise Board. Staff cannot promote actions which would violate the Act.

~~**§110.3** All Board meetings shall be open and public. A Board meeting takes place whenever a quorum (3 or more members) is present and information about the business of the body is received; discussions qualify as a meeting. Social functions (e.g., receptions, dinners) do not fall under the Act unless District business is discussed.~~

~~**§110.4** Serial meetings are prohibited. Serial meetings take place when any member of Board or District staff contact a majority of Board members for the purpose of deliberating or acting upon an item pending before the Board.~~

~~**§110.5** No action can be taken on any item not appearing on the posted agenda, with the following specific exceptions:~~

~~\_\_\_\_\_ a) An emergency situation exists (determined by a majority of the \_\_\_\_\_ Board).~~

~~\_\_\_\_\_ b) The need to take action arose subsequent to the agenda being posted \_\_\_\_\_ and there is a need for immediate action, as approved by a majority of \_\_\_\_\_ the Board.~~

~~c) The item was continued to another meeting that was scheduled and posted within 5 days of the original agenda.~~

~~§110.6 The public, by law, has an opportunity to address the Board on any item of interest to the public that is within the jurisdiction of the Board, at the time the matter is heard. The President has the right to establish a time limit on speakers and the total time allocated for a particular issue.~~

~~§110.6 (i) A portion or all of the public may be removed if willful disruption makes conducting the meeting "unfeasible"; the press may remain unless they participate in the disruption.~~

~~§110.7 All writings distributed for discussion or consideration at a public meeting are public records.~~

### **§111. Non-Discrimination/Anti-Harassment**

**§111.1** State and Federal law prohibit, and the District has policies and procedures which prohibit, any form of illegal discrimination or sexual harassment. Board members should be familiar with, and are expected to comply with the District's non-discrimination and sexual harassment policies. Violations of such policies could result in Board members being personally exposed through legal action

### ~~§106~~ **§112. Policy Review**

~~§106.1~~ **§112.1 Board Policy Review.** At least every four years, the Board, or a designated Board committee, shall review District policies.

**Appendix A  
CONFLICT OF INTEREST CODE  
DESIGNATED POSITIONS AND  
DISCLOSURE STATEMENTS**

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**Designated Position.** The positions listed below include those persons who are deemed to make, or participate in the making of, decisions that may foreseeably have a material effect on any financial interest. The persons holding the designated positions listed shall disclose interests and investments in accordance with the corresponding disclosure categories, which are defined below.

<b><u>Designated Positions</u></b>	<b><u>Disclosure Category</u></b>
Members of the Board of Trustees	1, 2, 3 & 4
District Manager	1, 2, 3 & 4
<del>Administrative Assistant</del> Office Assistant/ Office Administrator	1, 2, 3 & 4
Field Operations Supervisor	1, 2, 3 & 4
<del>Entomologist</del> Lab Director	1, 2, 3 & 4
Maintenance/Equipment Specialist	1, 2, 3 & 4
Environmental Specialist	1, 2, 3 & 4
<del>Systems Specialist</del> IT Administrator	1, 2, 3 & 4
Consultants *	

**Disclosure Categories**

1. A designated official or employee assigned to Category 1 is required to disclose direct or indirect investments in any business entity that may be affected materially by any decision made or participated in by the designated official or employee by virtue of his or her position.
  
2. A designated official or employee assigned to Category 2 is required to disclose interests in real property, which is located in whole or in part either within the boundaries of the District, or within two miles of the boundaries of the District that may be affected materially by any decision made or participated in by the designated official or employee by virtue of his or her position.

3. A designated official or employee assigned to Category 3 is required to disclose any source of income that may be affected materially by any decision made or participated in by the designated official or employee by virtue of his or her position.
4. A designated official or employee assigned to Category 4 is required to disclose any business entity in which the designated official or employee is a director, officer, partner, trustee, employee or holds any position of management that may be affected materially by any decision made or participated in by the designated official or employee by virtue of his or her position.
- \* Consultants shall be included in the list of designated positions and shall disclose pursuant to the broadest disclosure category in the Code subject to the following limitation.

The District Manager may determine in writing that a particular consultant, although a “designated position” is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant’s duties and, based upon that description, a statement of the extent of disclosure requirements. The District Manager’s determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

## Chapter 200. FINANCIAL POLICIES

### ALAMEDA COUNTY MOSQUITO ABATEMENT DISTRICT SUMMARY OF POLICIES APPROVED BY THE BOARD OF TRUSTEES

#### **§201. Expenditures**

By resolution of the Board of Trustees they hereby establish the following policy to more efficiently review and approve District expenditures.

##### **§201.1**

The District budget will be reviewed, approved and modified as necessary by the Board, consistent with existing District policies, procedures and state law.

##### **§201.2**

The Board authorizes the manager to issue warrants that are consistent with the objectives of the budget.

##### **§201.3**

The District Manager shall act as Purchasing Agent unless the Board of Trustees designates another employee. The District Manager may delegate purchasing authority to other personnel in accordance with work functions and operational feasibility.

##### **§201.4**

Any designated Purchasing Agent, within the intent and limits of the District budget, can purchase all materials, supplies, equipment, furnishings and other property for the District. No purchase of property by any person other than the District Manager or his or her designated Purchasing Agent shall be binding upon the District or constitute a lawful charge against any District funds.

#### **§202 Bidding Policies**

##### **§202.1**

**LESS THAN \$1000.** Bidding is not required when the item or service to be purchased is less than \$1000 in value.

##### **§202.2**

**\$1,000 - \$7,500.** Informal bidding shall be required when the item or service to be purchased costs between \$1,000 and \$7,500. Such bidding may be accomplished by written request for bids sent to selected bidders; by telephone survey of prices; by electronic requests for bids or surveys of prices; or by such other efforts directed towards obtaining a minimum of three bids. The Purchasing Agent shall award the bid to the lowest responsible bidder, unless the Purchasing Agent determines that the public interest requires a different action. The Board will receive a report of all purchases in this cost range. The Board of Trustees authorizes the Purchasing

## Chapter 200. FINANCIAL POLICIES

Agent to purchase items described by this policy provided they do not exceed \$7,500 and do not exceed the District's total budget amount.

### **§202.3**

**ABOVE \$7,500.** When the cost of the item or service to be purchased exceeds \$7,500, formal bidding shall be required. Such bidding process shall require that a notice be posted at the District office at least ten (10) days prior to the bid opening and that formal requests for bids be solicited either by newspaper publication, trade journal publication, use of a bid service, or other reasonable solicitation. Solicited sealed bids shall be reviewed by the Board and awarded to the lowest responsible bidder based on the Purchasing Agent's analysis and recommendation, unless the Board makes a determination that it would be in the public's best interest to do otherwise. All bids will be retained as part of the District's official record.

### **§202.4 BIDDING IS NOT REQUIRED FOR THE FOLLOWING:**

- a) When an emergency situation exists – Designation of an emergency shall be determined by District Manager with the consent of the Board President or available Board officer;
- b) When requiring the services of specialized professionals such as scientists, engineers, attorneys, or accountants;
- c) When the item or service can only be obtained from one vendor;
- d) When the public interest may otherwise require that bidding be dispensed with, provided that the facts constituting the basis for the exception are documented by the Board or Manager as appropriate. Documentation for exceptions shall be retained as part of the District's official records for at least two years.

Any warrant issued under §202.4 shall indicate on the warrant list the specific exemption relied upon.

### **§202.5**

The Manager shall first review all bids received to determine if they are responsive to the bid request. The Manager is authorized to waive minor deviations and irregularities in the bids.

### **§202.6**

The Manager shall also have the authority to inspect and test products for quality and fitness described or identified in any bid to determine its appropriateness and further, may investigate the character and reputation of any bidder to determine

## **Chapter 200. FINANCIAL POLICIES**

responsibility and capability. The Manager's analysis of these factors shall be used in the determination and recommendation of the lowest responsible bidder.

### **§202.7**

The District contract shall be awarded to the lowest responsible bidder, except as otherwise provided above. If two or more bids are substantially identical, the District may accept any such bid. In its sole discretion, the District may reject any and all bids received, and it may re-advertise for additional bids, have District staff perform such work, or negotiate with the lowest bidder.

## **§203 Contracts**

### **§203.1**

The District Manager is hereby authorized to sign and enter into contracts on the District's behalf when the dollar value of the contract is \$7,500 or less.

### **§203.2**

The Board authorizes the manager to enter into contracts that are consistent with the objectives of the budget upon receiving approval from the Board.

## **§204 Warrants**

### **§204.1**

The Board shall review warrants at each business meeting to ensure expenditures are within the limitations of the budget, and to raise questions, when appropriate, about any of the listed expenditures.

### **§204.2**

The Board hereby authorizes the withdrawal of funds from the County treasury upon a warrant signed by one member of the Board and District Manager.

## **§205 Meeting Stipends**

### **§205.1**

Consistent with Health and Safety Code Section 2030, the members of the Board of Trustees may receive their actual and necessary traveling and incidental expenses incurred while on official business. In lieu of paying for actual expenses, the Board of Trustees may by resolution provide for the allowance and payment to each trustee a sum not to exceed one hundred dollars (\$100) per month for expenses incurred while on official business. A Trustee may waive the payments permitted by this subdivision. Such compensation is in addition to any reimbursement for meals, lodging, travel and expenses consistent with this policy. (H&S Code Section 2051)

### **§205.2**

**Meetings and Service Subject Monthly In Lieu of Allowance**

## **Chapter 200. FINANCIAL POLICIES**

To be entitled to the monthly In Lieu Allowance under this policy, the official business in question must constitute one of the following:

- a) A meeting of the District Board of Trustees within the meaning of Government Code section 54952.2(a);
- b) A meeting of a District committee within the meaning of Government Code section 54952(b);
- c) An advisory body meeting within the meaning of Government Code section 54952(b);
- d) A conference within the meaning of Government Code section 54952.2(c) (2).
- e) A meeting of any multi-jurisdictional governmental body on which the District Manager serves as the district's designated representative.
- f) Any meeting attended or service provided on a given day at the formal request of the District Board of Trustees and for which the District Board of Trustees approves payment of In Lieu of Allowance stipend.

### **§206 Travel and Payment of Expenses While on Official Business**

Travel and Payment of Expenses While on Official Business will be approved if:

- a) There is a substantial benefit to the citizens of Alameda County;
- b) It includes discussion of the community's concerns with local, regional, state and federal officials;
- c) There is participation in local, regional, state and national organizations whose activities affect the District;
- d) Educational seminars are attended designed to improve officials' skill and information levels; and
- e) Public service and moral is promoted with service to ACMAD.

### **§207 ACMAD Expense Policy**

## Chapter 200. FINANCIAL POLICIES

The following policy governs expenditures of District funds and reimbursement of expenses:

### **§207.1 Authorized Expenses**

District funds, equipment, supplies (including letterhead), titles and staff time must only be used for authorized District business. The following types of expenses generally constitute authorized expenses, as long as the other requirements of this policy are met:

- a) Expenses associated with communicating with representatives of regional, state and national government on District adopted policy positions;
- b) Expenses associated with attending educational seminars designed to improve officials' skill and information levels;
- c) Expenses associated with participating in regional, state and national organizations whose activities affect the District's interests;
- d) Expenses associated with recognizing service to the District (for example, thanking an employee with a retirement gift or celebration of nominal value and cost);
- e) Expenses associated with attending District events;
- f) Expenses associated with meetings such as those listed above for which a meeting stipend is expressly authorized under this policy, or
- g) Expenses associated with legislative and other District-related local, regional, state and federal agency business, conducted over meals, where each meal expenditure must also comply with the limits and reporting requirements of local, regional, state and federal law.

### **§207.2 All other expenditures require approval by the District Board of Trustees.**

The following expenses specifically require Board approval if not included in the budget:

- a) International and out of state travel;
- b) Expenses exceeding \$200 per trip.

### **§207.3 Examples of personal expenses that the District will not reimburse include, but are not limited to:**

## Chapter 200. FINANCIAL POLICIES

- a) The personal portion of any trip;
- b) Political or charitable contributions or events;
- c) Family expenses, including partner's expenses when accompanying official on District-related business, as well as children- or pet-related expenses;
- d) Entertainment expenses, including theater, movies (either in-room or at the theater), sporting events (including gym, massage and/or golf related expenses), or other cultural events;
- e) Non-mileage personal automobile expenses, including repairs, traffic citations, insurance or gasoline; and
- f) Personal losses incurred while on city/county/district business.

Any questions regarding the propriety of a particular type of expense should be resolved by the approving authority before the expense is incurred.

### **§207.4 Expense Report Content and Submission Deadline**

Expense reports must document that each expense claimed has met the requirements of the policy. For example, if the meeting is with a legislator, the local agency official should explain whose meals were purchased, what issues were discussed and how those relate to the District's adopted legislative positions and priorities. Trustees and employees must submit their expense reports within 30 days of an expense being incurred, accompanied by receipts documenting each expense. Restaurant receipts, in addition to any credit card receipts, are also part of the required documentation. Receipts for gratuities and tolls under \$5 are not required. Inability to provide such documentation in a timely fashion may result in the expense being borne by the individual.

### **§207.5 Reports to Governing Board**

At the following District Board meeting, each official shall provide a brief oral or written report on meetings or functions attended at District expense. If multiple District representatives attended, a joint report may be provided.

### **§207.6 Compliance with Laws**

District officials should keep in mind that some expenditures may be subject to reporting under the Political Reform Act and other laws. All agency expenditures are public records subject to disclosure under the Public Records Act.

### **§207.7 Violation of this Policy**

## **Chapter 200. FINANCIAL POLICIES**

Use of public resources or falsifying expense reports in violation of this policy may result in any or all of the following: 1) loss of reimbursement privileges, 2) demand for restitution to the District, 3) the District's reporting the expenses as Trustee or employee income to state and federal tax authorities, and 4) prosecution for misuse of public resources.

### **§208 Cost Control**

To conserve District resources and keep expenses within community standards for public officials, expenditures should adhere to the following guidelines.

#### **§208.1 Transportation**

District personnel are expected to use the most economical mode and class of transportation reasonably consistent with scheduling needs and cargo space requirements, using the most direct and time-efficient route. In the event that a more expensive transportation mode or route is used, the cost borne by the District will be limited to the cost of the most economical, direct, efficient and reasonable mode of transportation. District personnel are encouraged to use public transit when available and feasible and to carpool when several people are traveling to the same event by automobile. Automobile mileage is reimbursable at Internal Revenue Service prevailing rates in effect. These rates are designed to compensate the driver for gasoline, insurance, maintenance and other expenses associated with operating the vehicle. Parking, tolls and other similar expenses relating to travel by auto are reimbursable if necessarily incurred in connection with a meeting or function authorized under this policy.

#### **§208.2 Lodging**

Lodging costs will be reimbursed or paid for by the District when travel on official District business reasonably requires an overnight stay. If such lodging is in connection with a conference, lodging costs should not exceed any group rate published by the conference sponsor for the meeting in question. In any event, lodging expenses should be moderate, taking into account community standards and prevailing lodging costs for the area.

#### **§208.3 Meals**

Meal expenses and associated gratuities should be moderate, taking into account community standards and the prevailing restaurant costs of the area. A helpful source of guidance is Internal Revenue Service per diem rates for meals and incidental expenses, which include adjustments for higher cost locations. Alcohol/personal bar bills are not an appropriate use of District resources.

#### **§208.4 Telephone/Fax/Cellular**

Individuals will be reimbursed for actual telephone and fax expenses incurred on District business. Telephone bills should identify which calls were made on District business

## **Chapter 200. FINANCIAL POLICIES**

### **§208.5 Airport Parking**

Long-term parking should be used for travel exceeding 24 hours.

### **§208.6 Cash Advance Policy**

From time to time, it may be necessary for a District representative to request a cash advance to cover anticipated expenses while traveling or doing business on the District's behalf. Such request for an advance should be submitted to the District Manager at least 14 days prior to the need for the advance with the following information:

- a) The purpose of the expenditure(s);
- b) The benefits of such expenditure to the residents of District;
- c) The anticipated amount of the expenditure(s) (for example, actual or expected hotel rates, meal costs, and transportation expenses); and
- d) The dates of the expenditure(s).

Any unused advance must be returned to the District treasury within two business days of the official's return, along with an expense report and receipts documenting how the advance was used in compliance with this expense policy.

### **§208.7 Credit Card Use Policy**

The District does not issue credit cards to individual Trustees but does have credit cards for selected District expenses. Trustees may use the District's credit card for such purposes as airline tickets and hotel reservations by following the same procedures for cash advances. Receipts documenting expenses incurred on the District credit card and compliance with this policy must be submitted within five business days of use. District credit cards may not be used for personal expenses, even if the Trustee or employee subsequently reimburses the District. Purchasing agents have a credit card. Employees can purchase items approved in the budget. Receipts are given to the Office Assistant or Administrator. The receipts are reconciled to the statements and then recorded to the general ledger. Disbursement goes through the warrant process noted above

### **§208.8**

In the event circumstances should arise appearing to warrant deviation from these policies, the manager shall secure the approval of the Board before making any changes.

## **§209 Conference Policy**

## **Chapter 200. FINANCIAL POLICIES**

### **§209.1 Out of State National Mosquito Control Conference.**

The District Manager or his or her delegate, trustees, and limited staff may be permitted to attend.

### **§209.2 Mosquito and Vector Control Association of California Conference - Outside of the Bay Area.**

The manager may require the Field Operations Supervisor, the Lab Director, and the community education staff to attend, or their designees. Any additional staff or Trustees may request approval, and this approval will be based on workload and conference involvement.

### **§209.3. Mosquito and Vector Control Association of California Conference - Within the Bay Area.**

The manager may select any number of District personnel to attend such sessions as he or she may designate from which, in his or her opinion, the employees and the District would derive the most benefit.

### **§209.4 Mosquito and Vector Control Association of California (MVCAC) Seminars and Workshops.**

Trustees are encouraged to represent the District at MVCAC seminars, workshops, committee meetings and regional meetings.

## **§210 Loss or Damage to Personal Property**

The District will not be responsible for loss or damage to personal items when the loss or damage incurred was not work related. Each occurrence of loss or damage to employee's personal property will be reviewed by the Board on a case-by-case basis.

## **§211 Policy for Disposition of Fixed Assets**

### **§211.1**

A fixed asset is defined as an item with a purchase price or current value of \$50 or greater and an expected useful life of three years or greater. Fixed assets of \$500 or greater current value are considered Capital Assets and must have Board approval before disposal. Disposal of other fixed assets must be approved by the Manager.

### **§211.2**

Disposition of fixed assets may be initiated by a purchasing agent. A disposal form must be completed by the initiator and approved by the manager and Board, consistent with District policy, before the item is disposed of, salvaged or sold. Money received through the disposition of fixed assets shall be deposited in the County treasury in the District fund.

## **Chapter 200. FINANCIAL POLICIES**

### **§212 Policy on Petty Cash**

The District shall maintain a petty cash fund of \$100 to be used for incidental District expenditures. All reimbursements to employees must be approved by the District manager and the transaction documented by pre-numbered voucher with attached receipt of purchase and signed employee request for reimbursement form. The fund disbursements shall be reviewed by the Board.

### **§213 Fraud Policy**

#### **§213.1**

District Management is responsible for the detection and prevention of fraud, misappropriations, and other irregularities. Fraud is defined as the intentional, false representation or concealment of a material fact for the purpose of inducing another to act upon it to his or her injury. Each member of the management team will be familiar with the types of improprieties that might occur within his or her area of responsibility and be alert for any indication of irregularity. Any fraud that is detected or suspected must be reported to the District Manager or alternatively, to the Chair of the Financial Committee, who coordinates all investigations.

#### **§213.2 Actions Constituting Fraud**

The terms fraud, embezzlement, misappropriation, and other fiscal irregularities refer to, but are not limited to:

- a) Any dishonest or fraudulent act
- b) Forgery or alteration of any document or account belonging to the District
- c) Forgery or alteration of a check, bank draft, or any other financial document
- d) Misappropriation of funds, securities, supplies, equipment, or other assets
- e) Impropriety in the handling or reporting of money or financial transactions
- f) Disclosing confidential and proprietary information to outside parties
- g) Accepting or seeking anything of material value from contractors, vendors, or persons providing goods or services to the District
- h) Destruction, removal or inappropriate use of records, furniture, fixtures, and equipment

## Chapter 200. FINANCIAL POLICIES

- i) Any similar or related irregularity

### **§213.3 Investigation Responsibilities**

The District Financial Committee has the primary responsibility for the investigation of all suspected fraudulent acts as defined in the policy. The Finance Committee may utilize whatever internal and/or external resources it considers necessary in conducting an investigation. If an investigation substantiates that fraudulent activities have occurred, the Financial Committee will issue reports to the appropriate personnel, and if appropriate, the District Board of Trustees. Decisions to prosecute or refer the investigation results to the appropriate law enforcement and/or regulatory agencies for independent investigation will be made in conjunction with legal counsel and senior management, as will final dispositions of the case.

### **§213.4 Confidentiality**

The Financial Committee will treat all information received confidentially. Any employee who suspects dishonest or fraudulent activity will notify the District Manager or the Financial Committee Chair immediately, and should not attempt to personally conduct investigations or interviews related to the suspected fraudulent act. (See Reporting Procedures in section 212.6) Investigation results will not be disclosed or discussed with anyone other than those who have a legitimate need to know. This is important in order to avoid damaging the reputations of persons suspected but subsequently found innocent of wrongful conduct and to protect the District from potential civil liability.

### **§213.5 Investigation Authority**

Members of the District Financial Committee will have free and unrestricted access to all District records and premises and authority to examine, copy, and/or remove all or any portion of the contents of files, desks, cabinets, and other storage facilities on the premises without the prior knowledge or consent of any individual who may use or have custody of any such items or facilities when it is within the scope of their investigations.

### **§213.6 Reporting Procedures**

Care must be taken in the investigation of suspected improprieties or irregularities so as to avoid mistaken accusations or alerting suspected individuals that an investigation is under way.

An employee who discovers or suspects fraudulent activity will contact the District Manager or the Chair of the Financial Committee immediately. Alternatively, the employee may use the Employee Risk Management Authority (ERMA- this is a part of the VCJPA self-insurance group coverage) Employee Reporting Line at 1-877-651-3924 to make an anonymous report. This line is monitored 24 hours a day.

The employee or other complainant may remain anonymous. All inquiries

## **Chapter 200. FINANCIAL POLICIES**

concerning the activity under investigation from the suspected individual(s), his or her legal counsel or any other inquirer should be directed to the Financial Committee or legal counsel. No information concerning the status of an investigation will be given out. The proper response to any inquiry is "I am not at liberty to discuss this matter."

The individual making the report should be counseled to not contact the suspected individual in an effort to determine facts or demand restitution and to not discuss the case, facts, suspicions, or allegations with anyone unless specifically asked to do so by the District legal counsel or Financial Committee.

### **§214 Security**

#### **§214.1 Accounting Security**

Petty cash is stored in a locked file cabinet. The Office Assistant or Administrator and the District Manager will be the only employees with keys to the petty cash cabinet.

#### **§214.2 Access to Electronically Stored Accounting Data**

It is the policy of the District to utilize passwords to restrict access to accounting software and data. Only duly authorized accounting personnel with data input responsibilities will be assigned passwords that allow access to the system.

#### **§214.3 Storage of Backup files**

It is the policy of the District to maintain back-up copies of electronic data files. Access to back-up files shall be limited to individuals authorized by management.

#### **§214.4 General Office Security**

During normal business hours, all visitors are required to check in at the front counter. After hours a key and security passcode are required for access to the District's office. Keys are issued only to employees (and janitorial services).

### **§215 Financial Transactions**

#### **§215.1 Warrant Authorization Signers**

Warrant Requests require two signatures from the following group: Board Members and the District Manager or his or her designee.

#### **§215.2 Electronic Funds Transfers**

District Manager is authorized to transfer funds between LAIF, County account

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and VCJPA. District manager will get pre-approval from the Board at the previous meeting. Approval noted in Board Minutes.

### **§215.3 Cash Receipts**

When miscellaneous checks come in the mail, the Office Assistant or Administrator will prepare a County deposit form and mail to County with the check. The District keeps a copy of the check for records. Enter all revenue into accounting software once a year.

### **§215.4 Bank and Cash Account Reconciliations**

LAIF and VCJPA statements reconciled once a year at the end of the year. County cash general ledger detail is reconciled as soon as it is received. Payroll imprest account is reconciled monthly.

## **§216 Liabilities and Assets**

### **§216.1 Pension Liability**

The District's retirement fund shall be at least 80% funded.

### **§216.2 Capital Assets**

The Office Assistant or Administrator maintains a capital depreciation schedule. Items over \$5000 are placed on the depreciation schedule. Disposal or sale of capital assets must have Board approval.

## **§217 Payroll and Benefits**

**§217.1** The District uses a third party administrator (TPA) for payroll. Payroll is paid bi-monthly. The TPA prepares 941 and DE6 forms. The TPA delivers payroll checks to the District. Employees have option to have direct deposit handled by the TPA.

**§217.2** The Office Assistant or Administrator records payroll to the general ledger twice a month. Payroll is paid out of a separate imprest bank account. Employees enter time into the District database. The reports are reviewed monthly by the management staff.

**§217.3** Administrative/Finance Manager prepares a payroll spreadsheet that is approved and signed by the District Manager. This report is support for the transfer of funds from the County cash account to the payroll account.

## **§218 District Fund Policy**

## **Chapter 200. FINANCIAL POLICIES**

**§218.1(i)** The District recognizes the importance of adopting policies for financial reserves and reserve funds. Written, adopted financial policies regarding designated reserves are a critical element of sound fiscal management. The designation of funds for long term financial goals is an important element of prudent fiscal management and a cornerstone of long-term financial planning. A written and adopted policy on these funds facilitates the attainment of program goals. This policy was developed to clearly identify specific, designated funds. It is the intent of this policy to clearly identify funds, articulate the purpose of each fund, designate the way the funds are replenished and set target levels that are consistent with the District's mission, and the philosophy of its Board of Trustees. This policy shall be known, and may be cited as, the Alameda County Mosquito Abatement District Fund Policy.

**§218.1(ii)** Objectives: This Policy has been developed to provide for the following:

- a) To assure continued operation and solvency of the District for carrying out its stated mission.
- b) To maintain a financially-viable District that can preserve adequate levels of service
- c) To maintain financial flexibility in order to continually adapt to change and permit orderly adjustment to unanticipated events
- d) To maintain a diversified, financial flexibility and stable long-term financial plan.
- e) To facilitate the accumulation and preservation of District funds in an amount equal to the stated target fund level for each specific fund created by the District.
- f) To provide information to the citizens of Alameda County on how tax revenues are used and managed.

**§218.1(iii)** This policy will be reviewed on an annual basis in order to incorporate appropriate changes, additions and/or deletions.

### **§218.2 Fund Policy**

## Chapter 200. FINANCIAL POLICIES

**§218.2(i)** This policy follows the guidelines set in the Governmental Accounting Standards Board (“GASB”) Statement No. 54, regarding Fund Balance Reporting and Governmental Fund Type Definitions

**§218.2(ii)** In order to achieve the objectives of this Policy, the Board of Trustees shall adhere to the following guidelines:

**§218.2(iii)** Funds may be established from time to time by the Board of Trustees as an important component of sound financial management to meet both short and long-term financial objectives, and to ensure prudent financial management practices.

**§218.2(iv) Classification of Funds.** Funds may be designated by the Board of Trustees as a “restricted” or “non-restricted”. These classifications are defined under GASB 54 as follows:

**§218.2(v) Restricted** Funds shall be segregated, and limited in use to specific and designated purposes as defined and established by the Board of Trustees. According to GASB 54, Restricted Funds are those that are constrained to specific purposes by the constitution, external resource providers (such as grantors, bondholders, and higher levels of government), or through enabling legislation. The District currently has no Restricted Funds.

**§218.2(vi) Non-restricted** Funds may be classified as “**Committed**” or “**Assigned**”. These funds do not require the physical segregation of funds, but maybe segregated if desirable.

a) **Committed** Funds are defined by GASB 54 as those that are constrained to specific purposes by a formal action of the agency’s highest level decision-making authority (the District’s Board of Trustees). **Committed** Funds cannot be used for any other purpose, unless the District takes the same highest level action to remove or change the constraint. The District’s **Committed** Funds include the **Capital Improvement Fund** and the **Public Health Emergency Fund**.

b) **Assigned** Funds are defined as those that are intended for a specific purpose, but do not meet the criteria to be classified as restricted or committed. Intent can be expressed by the Board of Trustees or by an official or body to which the Board of Trustees delegates the authority. The District’s **Assigned** Funds include the Working Capital Fund.

**§218.2(vii)** Investment earnings from restricted and non-restricted funds shall be credited to the District General Fund, unless otherwise stated herein.

## **Chapter 200. FINANCIAL POLICIES**

**§218.2(viii)** Approval by the District's The Board of Trustees shall be required prior to the expenditure of **Restricted** or **Committed** Funds. Approval shall be determined by action at a public meeting of the board.

**§218.2(ix)** The Board of Trustees shall maintain a written Fund Policy.

**§218.2(x)** The Board of Trustees shall annually review the District Policy at a public meeting in order to determine appropriate changes, additions, and/or deletions.

### **§218.3 Funds**

**§218.3(i)** The Board of Trustees hereby establishes and designates the following funds:

- a) Public Health Emergency Fund. Attachment 1
- b) Capital Improvement Fund. Attachment 2.
- c) Working Capital Fund. Attachment 3.

### **§218.4 Target Fund Levels**

**§218.4(i)** The Board of Trustees shall establish a stated target fund level for each designated fund. See Attachment 7 for a compendium of established target fund levels for designated funds.

### **§218.5 Annual Evaluation**

**§218.5(i)** The District Manager shall perform a review and analysis of each designated funds for presentation to the Board of Trustees at a public meeting upon the occurrence of the following:

- a) Upon consideration by the Board of Trustees of the annual budget.
- b) Upon any significant change to and/or expenditure(s) from a designated fund.
- c) Upon determination that a fund balance is less than the established target fund level for a designated fund.

## Chapter 200. FINANCIAL POLICIES

### ATTACHMENT 1

#### ALAMEDA COUNTY MOSQUITO ABATEMENT DISTRICT PUBLIC HEALTH EMERGENCY FUND

##### **Purpose of Fund:**

The purpose of the Public Health Emergency Fund is to mitigate the financial impact of unusually high levels of vector-borne disease activity or prevent a future threat to public health from a newly detected invasive mosquito species. The primary role of the District is to prevent and manage threats to public health as it relates to vectors and vector-borne diseases. Due to a wide range of dynamic biological and environmental factors, the abundance and disease levels of vectors and vector borne disease can vary from year to year. In addition, three new species of mosquitoes have entered California in recent years, and have brought with them the potential for the transmission of human disease not previously endemic to California. In either case, an increased threat to public health is possible, and the District has the duty to respond according to its Integrated Pest Management program and to guidance from the California Department of Public Health as stated in the "Invasive Aedes Response Plan in California" and the "California Mosquito-Borne Virus Response Plan".

##### **Policy:**

In order to achieve the objectives of this policy the Board of Trustees shall adhere to the following guidelines:

1. This fund shall be known as the "Public Health Emergency Fund."
2. The Public Health Emergency Fund shall be designated as a **committed** fund.
3. These funds will be used to replenish operating cash flow in the general fund should circumstances cause the District to incur greater than normal expenses to prevent or manage an imminent threat to public health from vectors of vector-borne disease.
4. Expenditure of Public Health Emergency Funds must be authorized by the Board of Trustees at a publicly noticed meeting
5. Expenditures from this designated fund which are subsequently recovered, either partially or fully, from State sources, shall be utilized solely for the purpose of refunding the Public Health Emergency Fund.
6. Investment earnings from the Public Health Emergency Fund may be credited to the District's General Fund.

## **Chapter 200. FINANCIAL POLICIES**

7. The Public Health Emergency Fund may be invested in financial institutions and instruments which maintain the highest level of liquidity, such as checking, savings, and LAIF.
8. Annual replenishment will vary, depending upon other designation requirements and current year expense requirements
9. This policy shall be reviewed on an annual basis for long-term adequacy and use restriction.

### **Target Fund Level:**

The target balance of this fund is \$500,000. This target is based on an estimate of likely operational needs should the most likely public health threat scenario become reality. This target balance will be reviewed annually and adjusted as needed to remain current.

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### ATTACHMENT 2

#### ALAMEDA COUNTY MOSQUITO ABATEMENT DISTRICT CAPITAL IMPROVEMENT FUND

##### **Fund Purpose:**

The purpose of the Capital Improvement Funds is to set aside sufficient financial resources to ensure timely replacement and upgrade of the District's vehicles, mobile equipment, laboratory equipment, operational equipment, administrative equipment (CPU's, PC's, laptops, etc.) and facilities. Safe, reliable and up-to-date vehicles and equipment, which are in good working order, are essential for the District to meet our mission of providing public health services in a timely and professional manner. The Capital Improvement Fund will allow for the replacement of vehicles, and equipment if lost due to a disaster. In addition, this fund will allow for the renovation and/or Improvement of the District's Office and garage facilities as they age. The recommended maximum funding for this item is also an amount equal to the accumulated amount of depreciation for all capital items.

##### **Policy:**

In order to achieve the objectives of this policy the Board of Trustees shall adhere to the following guidelines:

1. This fund shall be known as the "Capital Improvement Fund."
2. The Capital Improvement Fund shall be designated as **committed** fund.
3. These funds will be used to pay for capital assets according to the District budget and purchasing policies.
4. Each year, funds can be transferred from the Capital Improvement Fund to the General Fund to cover the cost of capital purchases designated and approved during the annual budgeting process.
5. Funds transferred from the Capital Improvement Fund shall be expended solely for the purpose of replacement and upgrade of existing District vehicles and equipment, or for renovations or replacement of District facilities.
6. The Capital Improvement Fund may be invested in financial institutions and instruments which maintain the highest level of liquidity, such as checking, savings, and LAIF.
7. Investment earnings from the Capital Improvement Fund may be credited to the District's General Fund.
8. Annual replenishment will vary, depending upon other designation requirements and current year expense requirements
9. This policy shall be reviewed on an annual basis for long-term adequacy and use restriction.

## **Chapter 200. FINANCIAL POLICIES**

### **Target Fund Level:**

The target balance for this fund will be the total cumulative depreciation for the District's capital assets as stated in the District's Basic Financial Statements prepared by the auditor each year. This target will be reviewed annually and adjusted as needed.

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### ATTACHMENT 3

#### ALAMEDA COUNTY MOSQUITO ABATEMENT DISTRICT WORKING CAPITAL FUND

##### **Fund Purpose:**

The Working Capital Fund is necessary because the District receives the majority of its funding from the property taxes and a benefit assessment collected by the Alameda County Treasurer/Controller. These revenues are not transmitted to the District until December, six months after the beginning of the fiscal year. Therefore, it is imperative that the District have funds available to cover general operating costs from the beginning of the fiscal year (July 1) to the time that revenues are received in December. Mosquitoes develop in Alameda County throughout the year, and in the absence of working capital would inhibit the District's ability to provide service to the residents of Alameda County. This fund will preserve District's credit worthiness, ensure adequate financial resources are available for timely payment of District obligations, and provide liquidity throughout the fiscal year.

##### **Policy:**

In order to achieve the objectives of this policy the Board of Trustees shall adhere to the following guidelines:

1. The fund shall be known as the "Working Capital Fund."
2. The Working Capital Fund shall be designated as an **assigned** reserve fund.
3. The District Manager is authorized to approve the expenditure of Working Capital Funds, without prior approval of the Board of Trustees, in response to day-to-day cash flow requirements.
4. The Working Capital Fund will be held in the District's account in the County Treasury.
5. Investment earnings from the Working Fund may be credited to the District's General Fund.
6. Annual replenishment will vary, depending upon other designation requirements and current year expense requirements
7. This policy shall be reviewed on an annual basis for long-term adequacy and use restrictions.

##### **Target Fund Level:**

The target fund level for the Working Capital Fund is to maintain a minimum Capital Funds for Operations equal to 60% of discretionary General Fund revenues, as of July 1st of each fiscal year. This target fund level was established based upon the following general guidelines:

1. The District shall maintain a balance in the General Fund equal to approximately 60% budgeted expenditures for the fiscal year.

## **Chapter 200. FINANCIAL POLICIES**

2. For the purpose of this policy, budgeted expenditures shall include all expenditures associated with the following:
  - a. Salaries and Employee Benefits
  - b. Services and Supplies

## Chapter 200. FINANCIAL POLICIES

### ALAMEDA COUNTY MOSQUITO ABATEMENT DISTRICT SUMMARY OF POLICIES APPROVED BY THE BOARD OF TRUSTEES

**EDITING KEY: ORIGINAL LANGUAGE IN BLACK; CONSULTANT RECOMMENDATIONS IN RED, STAFF RECOMMENDED CHANGES IN BLUE, DISTRICT MANAGER RECOMMENDATIONS IN PURPLE, TRUSTEE COMMITTEE CHANGES IN GREEN**

#### §201. Expenditures

By resolution of the Board of Trustees they hereby establish the following ~~procedure~~ **policy** to more efficiently review and approve District expenditures.

##### §201.1

The District budget will be reviewed, approved and modified as necessary by the Board, consistent with existing District ~~policies~~, procedures, and state law.

##### §201.2

The Board authorizes the manager to issue warrants that are consistent with the objectives of the budget. ~~if none of the three general categories of the budget have been exceeded (Salaries and Fringe Benefits, Services and Supplies and Capital Expenditures.)~~

##### §201.3

The District Manager shall act as Purchasing Agent unless the Board of Trustees designates another employee. The District Manager may delegate purchasing authority to other personnel in accordance with work functions and operational feasibility.

##### §201.4

Any designated Purchasing Agent, within the intent and limits of the District budget, can purchase all materials, supplies, equipment, furnishings and other property for the District. No purchase of property by any person other than the District Manager or his ~~or~~ her designated Purchasing Agent shall be binding upon the District or constitute a lawful charge against any District funds.

#### §202 ~~BIDDING REGULATIONS~~ **Bidding Regulations Policies**

##### §202.1

LESS THAN \$1000. Bidding is not required when the item or service to be purchased is less than \$1000 in value.

##### §202.2

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**\$1,000 - \$7,500.** Informal bidding shall be required when the item or service to be purchased costs between \$1,000 and \$7,500. Such bidding may be accomplished by written request for bids sent to selected bidders; by telephone survey of prices; by [electronic requests for bids or surveys of prices](#); or by such other efforts directed towards obtaining a minimum of three bids. The Purchasing Agent shall award the bid to the lowest responsible bidder, unless the Purchasing Agent determines that the public interest requires a different action. The Board will receive a report of all purchases in this cost range. The Board of Trustees authorizes the Purchasing Agent to purchase items described by this policy provided they do not exceed \$7,500 and do not exceed the District's total budget amount.

### **§202.3**

**ABOVE \$7,500.** When the cost of the item or service to be purchased exceeds \$7,500, formal bidding shall be required. Such bidding process shall require that a notice be posted at the District office at least ten (10) days prior to the bid opening and that formal requests for bids be solicited either by newspaper publication, trade journal publication, use of a bid service, or other reasonable solicitation. Solicited sealed bids shall be reviewed by the Board and awarded to the lowest responsible bidder based on the Purchasing Agent's analysis and recommendation, unless the Board makes a determination that it would be in the public's best interest to do otherwise. All bids will be retained as part of the District's official record.

### **§202.4 BIDDING IS NOT REQUIRED FOR THE FOLLOWING:**

- a) When an emergency situation exists – Designation of an emergency shall be determined by District Manager with the consent of the Board President or available Board officer;
  - b) When requiring the services of specialized professionals such as scientists, engineers, attorneys, or accountants;
  - c) When the item or service can only be obtained from one vendor;
  - d) When the public interest may otherwise require that bidding be dispensed with, provided that the facts constituting the basis for the exception are documented by the Board or Manager as appropriate. Documentation for exceptions shall be retained as part of the District's official records for at least two years.
- e) Any warrant issued under §202.4 shall indicate on the warrant list the specific exemption relied upon.

### **§202.5**

The Manager shall first review all bids received to determine if they are responsive to the bid request. The Manager is authorized to waive minor deviations and irregularities in the bids.

## **Chapter 200. FINANCIAL POLICIES**

### **§202.6**

The Manager shall also have the authority to inspect and test products for quality and fitness described or identified in any bid to determine its appropriateness and further, may investigate the character and reputation of any bidder to determine responsibility and capability. The Manager's analysis of these factors shall be used in the determination and recommendation of the lowest responsible bidder.

### **§202.7**

The District contract shall be awarded to the lowest responsible bidder, except as otherwise provided above. If two or more bids are substantially identical, the District may accept any such bid. In its sole discretion, the District may reject any and all bids received, and it may re-advertise for additional bids, have District staff perform such work, or negotiate with the lowest bidder.

## **§203 Contracts**

### **§203.1**

The District Manager is hereby authorized to sign and enter into contracts on the District's behalf when the dollar value of the contract is \$7,500 or less.

### **§203.2**

The Board authorizes the manager to enter into contracts that are consistent with the objectives of the budget upon receiving approval from the Board.

## **§204 Warrants**

### **§204.1**

The Board shall review warrants at each business meeting to ensure expenditures are within the limitations of the budget, and to raise questions, when appropriate, about any of the listed expenditures.

### **§204.2**

The Board hereby authorizes the withdrawal of funds from the County treasury upon a warrant signed by one member of the Board and District Manager.

## **§205 Meeting Stipends**

### **§205.1**

Consistent with Health and Safety Code Section 2030, the members of the Board of Trustees may receive their actual and necessary traveling and incidental expenses incurred while on official business. In lieu of paying for actual expenses, the Board of Trustees may by resolution provide for the allowance and payment to each trustee a sum not to exceed one hundred dollars (\$100) per month for expenses incurred while on official business. A Trustee may waive the payments permitted by this subdivision. Such compensation is in addition to any reimbursement for meals, lodging, travel and expenses consistent with this policy. (H&S Code Section 2051)

## Chapter 200. FINANCIAL POLICIES

### §205.2

#### Meetings and Service Subject Monthly In Lieu of Allowance

To be entitled to the monthly In Lieu Allowance under this policy, the official business in question must constitute one of the following:

- a) A meeting of the ~~d~~District ~~b~~Board of Trustees within the meaning of Government Code section 54952.2(a);
- b) A meeting of a ~~d~~District committee within the meaning of Government Code section 54952(b);
- c) An advisory body meeting within the meaning of Government Code section 54952(b);
- d) A conference within the meaning of Government Code section 54952.2(c) (2).
- e) A meeting of any multi-jurisdictional governmental body on which the ~~district director~~ District Manager serves as the district's designated representative.
- f) Any meeting attended or service provided on a given day at the formal request of the ~~d~~District ~~b~~Board of Trustees and for which the ~~d~~District ~~b~~Board of Trustees approves payment of In Lieu of Allowance stipend.

### §206 Travel and Payment of Expenses While on Official Business

~~Whereas, Alameda County Mosquito Abatement District (ACMAD) takes its stewardship over the use of its limited public resources seriously.~~

~~Whereas, public resources should only be used when there is a substantial benefit to the citizens of Alameda County.~~

~~Whereas, such benefits include the opportunity to:~~

- ~~a) Discuss the community's concerns with local, regional, state and federal officials;~~
- ~~b) Participate in local, regional, state and national organizations whose activities affect the District;~~
- ~~c) Attend educational seminars designed to improve officials' skill and information levels; and~~

## Chapter 200. FINANCIAL POLICIES

~~d) Promote public service and morale by recognizing service to ACMAD.~~

Travel and Payment of Expenses While on Official Business will be approved if:

- a) there is a substantial benefit to the citizens of Alameda County;
- b) it includes discussion of the community's concerns with local, regional, state and federal officials;
- c) there is participation in local, regional, state and national organizations whose activities affect the District;
- d) educational seminars are attended designed to improve officials' skill and information levels; and
- e) public service and moral is promoted with service to ACMAD.

### **§207 ACMAD Expense Policy**

~~Whereas, this policy provides guidance to Trustees and District employees on the use and expenditure of District resources, as well as the standards against which those expenditures will be measured.~~

~~Whereas, this policy supplements the definition of actual and necessary expenses for purposes of state laws relating to permissible uses of public resources.~~

~~Whereas, this policy also supplements the definition of necessary and reasonable expenses for purposes of federal and state income tax laws.~~

~~Whereas, this policy also applies to any charges made to a District credit card, cash advances or other line of credit.~~

~~THEREFORE, The Alameda County Mosquito Abatement District hereby adopts the following policy governing expenditure of District funds and reimbursement of expenses.~~

The following policy governs expenditures of District funds and reimbursement of expenses:

#### **§2067.1 Authorized Expenses**

District funds, equipment, supplies (including letterhead), titles and staff time must only be used for authorized District business. The following types of expenses generally constitute authorized expenses, as long as the other requirements of this policy are met:

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- a) Expenses associated with communicating with representatives of regional, state and national government on District adopted policy positions;
- b) Expenses associated with attending educational seminars designed to improve officials' skill and information levels;
- c) Expenses associated with participating in regional, state and national organizations whose activities affect the District's interests;
- d) Expenses associated with recognizing service to the District (for example, thanking an employee with a retirement gift or celebration of nominal value and cost);
- e) Expenses associated with attending District events;
- f) Expenses associated with meetings such as those listed above for which a meeting stipend is expressly authorized under this policy, [or](#)
- g) Expenses associated with legislative and other District-related local, regional, state and federal agency business, conducted over meals, where each meal expenditure must also comply with the limits and reporting requirements of local, regional, state and federal law.

### **§2067.2 All other expenditures require approval by the District Board of Trustees.**

The following expenses specifically require Board approval [if not included in the budget](#):

- a) International and out of state travel;
- b) Expenses exceeding \$200 per trip.

### **§2067.3 Examples of personal expenses that the District will not reimburse include, but are not limited to:**

- a) The personal portion of any trip;
- b) Political or charitable contributions or events;
- c) Family expenses, including partner's expenses when accompanying official on District-related business, as well as children- or pet-related expenses;

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- d) Entertainment expenses, including theater, movies (either in-room or at the theater), sporting events (including gym, massage and/or golf related expenses), or other cultural events;
- e) Non-mileage personal automobile expenses, including repairs, traffic citations, insurance or gasoline; and
- f) Personal losses incurred while on city/county/district business.

Any questions regarding the propriety of a particular type of expense should be resolved by the approving authority before the expense is incurred.

### **§2067.4 Expense Report Content and Submission Deadline**

Expense reports must document that each expense claimed has met the requirements of the policy. For example, if the meeting is with a legislator, the local agency official should explain whose meals were purchased, what issues were discussed and how those relate to the District's adopted legislative positions and priorities. Trustees and Eemployees must submit their expense reports within 30 days of an expense being incurred, accompanied by receipts documenting each expense. Restaurant receipts, in addition to any credit card receipts, are also part of the required documentation. Receipts for gratuities and tolls under \$5 are not required. Inability to provide such documentation in a timely fashion may result in the expense being borne by the individual.

### **§2067.5 Reports to Governing Board**

At the following District Board meeting, each official shall provide a brief oral or written report on meetings or functions attended at District expense. If multiple District representatives attended, a joint report may be provided.

### **§2067.6 Compliance with Laws**

District officials should keep in mind that some expenditures may be subject to reporting under the Political Reform Act and other laws. All agency expenditures are public records subject to disclosure under the Public Records Act.

### **§2067.7 Violation of this Policy**

Use of public resources or falsifying expense reports in violation of this policy may result in any or all of the following: 1) loss of reimbursement privileges, 2) demand for restitution to the District, 3) the District's reporting the expenses as Trustee or employee income to state and federal tax authorities, and 4) prosecution for misuse of public resources.

### **§2078 Cost Control**

To conserve District resources and keep expenses within community standards for public officials, expenditures should adhere to the following guidelines.

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### §2078.1 Transportation

District personnel are expected to use the most economical mode and class of transportation reasonably consistent with scheduling needs and cargo space requirements, using the most direct and time-efficient route. In the event that a more expensive transportation mode or route is used, the cost borne by the District will be limited to the cost of the most economical, direct, efficient and reasonable mode of transportation. District personnel are encouraged to use public transit when available and feasible and to carpool when several people are traveling to the same event by automobile. Automobile mileage is reimbursable at Internal Revenue Service prevailing rates in effect (~~see [www.irs.gov](http://www.irs.gov)~~). These rates are designed to compensate the driver for gasoline, insurance, maintenance and other expenses associated with operating the vehicle. Parking, tolls and other similar expenses relating to travel by auto are reimbursable if necessarily incurred in connection with a meeting or function authorized under this policy.

### §2078.2 Lodging

Lodging costs will be reimbursed or paid for by the District when travel on official District business reasonably requires an overnight stay. If such lodging is in connection with a conference, lodging costs should not exceed any group rate published by the conference sponsor for the meeting in question. In any event, lodging expenses should be moderate, taking into account community standards and prevailing lodging costs for the area.

### §2078.3 Meals

Meal expenses and associated gratuities should be moderate, taking into account community standards and the prevailing restaurant costs of the area. A helpful source of guidance is Internal Revenue Service per diem rates for meals and incidental expenses, which include adjustments for higher cost locations. (~~see [Publication 1542 at \[www.irs.gov\]\(http://www.irs.gov\) or \[www.policyworks.gov/perdiem\]\(http://www.policyworks.gov/perdiem\)](#)~~). Alcohol/personal bar bills are not an appropriate use of District resources.

### §2078.4 Telephone/Fax/Cellular

Individuals will be reimbursed for actual telephone and fax expenses incurred on District business. Telephone bills should identify which calls were made on District business

### §2078.5 Airport Parking

Long-term parking should be used for travel exceeding 24 hours.

### §2078.6 Cash Advance Policy

From time to time, it may be necessary for a District representative to request a cash advance to cover anticipated expenses while traveling or doing business on the District's behalf. Such request for an advance should be submitted to the District Manager at least 14 days prior to the need for the advance with the following information:

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- a) The purpose of the expenditure(s);
- b) The benefits of such expenditure to the residents of District;
- c) The anticipated amount of the expenditure(s) (for example, actual or expected hotel rates, meal costs, and transportation expenses); and
- d) The dates of the expenditure(s).

Any unused advance must be returned to the District treasury within two business days of the official's return, along with an expense report and receipts documenting how the advance was used in compliance with this expense policy.

### **§2078.7 Credit Card Use Policy**

The District does not issue credit cards to individual Trustees but does have credit cards for selected District expenses. Trustees may use the District's credit card for such purposes as airline tickets and hotel reservations by following the same procedures for cash advances. Receipts documenting expenses incurred on the District credit card and compliance with this policy must be submitted within five business days of use. District credit cards may not be used for personal expenses, even if the Trustee or employee subsequently reimburses the District. Purchasing agents have a credit card. Employees can purchase items approved in the budget. Receipts are given to the Office Assistant or Administrator. The receipts are reconciled to the statements and then recorded to the general ledger. Disbursement goes through the warrant process noted above

### **§2078.8**

In the event circumstances should arise appearing to warrant deviation from these policies, the manager shall secure the approval of the Board before making any changes.

## **§2089 Conference Policy**

### **§2089.1 Out of State National Mosquito Control Conference.**

~~Unless otherwise provided by Board resolution, the~~ The District Manager or his or her delegate, ~~and one~~ trustees, and limited staff ~~may shall~~ be permitted to attend. ~~one such meeting a year.~~

### **§2089.2 Mosquito and Vector Control Association of California Conference - Outside of the Bay Area.**

The manager ~~may select not more than four District personnel to attend these conferences.~~ will ~~may~~ require the Field Operations Supervisor, the Lab Director, and the community education staff to attend, or their designees. Any additional staff or Trustees may request approval, and this approval will be based on workload and

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conference involvement.

### **§2089.3. Mosquito and Vector Control Association of California Conference - Within the Bay Area.**

The manager may select any number of District personnel to attend such sessions as he or she may designate from which, in his or her opinion, the employees and the District would derive the most benefit.

### **§2089.4 Mosquito and Vector Control Association of California (MVCAC) Seminars and Workshops.**

Trustees are encouraged to represent the District at MVCAC seminars, workshops, committee meetings and regional meetings.

### **§20910 Loss or Damage to Personal Property**

The District will not be responsible for loss or damage to personal items when the loss or damage incurred was not worked related. Each occurrence of loss or damage to employee's personal property will be reviewed by the Board on a case-by-case basis.

### **§2101. Policy for Disposition of Fixed Assets**

#### **§211.1**

A fixed asset is defined as an item with a purchase price or current value of \$50 or greater and an expected useful life of three years or greater. Fixed assets of ~~\$500~~ \$5,000 or greater current value are considered Capital Assets and must have Board approval before disposal. Disposal of other fixed assets must be approved by the Manager.

#### ~~§210.1~~ **§211.2**

Disposition of fixed assets may be initiated by ~~the Entomologist, Environmental Specialist, Equipment/Maintenance Specialist, Systems Specialist, Administrative Assistant or Manager~~ a purchasing agent. A disposal form must be completed by the initiator and approved by the manager and Board, consistent with District policy, before the item is disposed of, salvaged or sold. Money received through the disposition of fixed assets shall be deposited in the County treasury in the District fund.

### **§2142 Policy on Petty Cash**

The District shall maintain a petty cash fund of \$100 to be used for incidental District expenditures. All reimbursements to employees must be approved by the District manager and the transaction documented by pre-numbered voucher with attached receipt of purchase and signed employee request for reimbursement form. The fund disbursements shall be reviewed by the Board.

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### §2123 Fraud Policy

#### §2123.1

District Management is responsible for the detection and prevention of fraud, misappropriations, and other irregularities. Fraud is defined as the intentional, false representation or concealment of a material fact for the purpose of inducing another to act upon it to his or her injury. Each member of the management team will be familiar with the types of improprieties that might occur within his or her area of responsibility and be alert for any indication of irregularity. Any fraud that is detected or suspected must be reported to the District Manager or alternatively, to the eChair of the Financial Committee, who coordinates all investigations.

#### §2123.2 Actions Constituting Fraud

The terms fraud, embezzlement, misappropriation, and other fiscal irregularities refer to, but are not limited to:

- a) Any dishonest or fraudulent act
- b) Forgery or alteration of any document or account belonging to the District
- c) Forgery or alteration of a check, bank draft, or any other financial document
- d) Misappropriation of funds, securities, supplies, equipment, or other assets
- e) Impropriety in the handling or reporting of money or financial transactions
- f) Disclosing confidential and proprietary information to outside parties
- g) Accepting or seeking anything of material value from contractors, vendors, or persons providing goods or services to the District
- h) Destruction, removal or inappropriate use of records, furniture, fixtures, and equipment
- i) Any similar or related irregularity

#### §2123.3 Investigation Responsibilities

The District Financial Committee has the primary responsibility for the investigation of all suspected fraudulent acts as defined in the policy. The Finance Committee may utilize whatever internal and/or external resources it considers necessary in conducting an investigation. If an investigation substantiates that fraudulent activities have occurred, the Financial Committee will issue reports to the appropriate personnel, and if appropriate, the District Board of Trustees. Decisions to prosecute or refer the investigation results to the appropriate law enforcement and/or regulatory agencies for independent investigation will be made in conjunction with

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legal counsel and senior management, as will final dispositions of the case.

### **§2123.4 Confidentiality**

The Financial Committee will treat all information received confidentially. Any employee who suspects dishonest or fraudulent activity will notify the District Manager or the Financial Committee Chair immediately, and should not attempt to personally conduct investigations or interviews related to the suspected fraudulent act. (See Reporting Procedures in section 212.6) Investigation results will not be disclosed or discussed with anyone other than those who have a legitimate need to know. This is important in order to avoid damaging the reputations of persons suspected but subsequently found innocent of wrongful conduct and to protect the District from potential civil liability.

### **§2123.5 Investigation Authority**

Members of the District Financial Committee will have free and unrestricted access to all District records and premises and authority to examine, copy, and/or remove all or any portion of the contents of files, desks, cabinets, and other storage facilities on the premises without the prior knowledge or consent of any individual who may use or have custody or any such items or facilities when it is within the scope of their investigations.

### **§2123.6 Reporting Procedures**

Care must be taken in the investigation of suspected improprieties or irregularities so as to avoid mistaken accusations or alerting suspected individuals that an investigation is under way.

An employee who discovers or suspects fraudulent activity will contact the District Manager or the Chair of the Financial Committee immediately. Alternatively, the employee may use the Employee Risk Management Authority (ERMA- this is a part of the VCJPA self-insurance group coverage) Employee Reporting Line at 1-877-651-3924 to make an anonymous report. This line is monitored 24 hours a day.

The employee or other complainant may remain anonymous. All inquiries concerning the activity under investigation from the suspected individual(s), his or her legal counsel or any other inquirer should be directed to the Financial Committee or legal counsel. No information concerning the status of an investigation will be given out. The proper response to any inquiry is "I am not at liberty to discuss this matter."

The individual making the report should be counseled to not contact the suspected individual in an effort to determine facts or demand restitution and to not discuss the case, facts, suspicions, or allegations with anyone unless specifically asked to do so by the District legal counsel or Financial Committee.

### **§214 Security**

## Chapter 200. FINANCIAL POLICIES

### ~~§213~~ **4.1 Accounting Security**

Petty Cash is stored in a locked file cabinet. The ~~Administrative/Financial Manager Office Assistant or Administrator~~ and the District Manager will be the only employees with keys to the ~~P~~petty Cash cabinet.

### ~~§214~~ **214.2 Access to Electronically Stored Accounting Data**

It is the policy of the District to utilize passwords to restrict access to accounting software and data. Only duly authorized accounting personnel with data input responsibilities will be assigned passwords that allow access to the system.

### ~~§215~~ **214.3 Storage of Backup files**

It is the policy of the District to maintain back-up copies of electronic data files ~~off-site in a secure fire-protected environment~~. Access to back-up files shall be limited to individuals authorized by management.

### ~~§216~~ **214.4 General Office Security**

During normal business hours, all visitors are required to check in at the front counter. After hours a key and security passcode are required for access to the District's office. Keys are issued only to employees (and janitorial services).

## **§215 Financial Transactions**

### ~~§217~~ **215.1 WARRANT AUTHORIZATION SIGNERS Warrant Authorization Signers**

Warrant Requests require two signatures from the following group: Board Members and the District Manager or his or her designee. ~~and Field Operations Supervisor (when District Manager is unavailable)~~.

~~Certain employees can purchase items (5-6 people on staff). Must be within budget usually get verbal approval from District Manager. Bills sent in the mail or given to the Administrative/Finance Manager. Employee would note account code. Administrative/Finance Manager checks for budget compliance. Administrative/Finance Manager prepares the warrant request form. Form is signed by District Manager and a Board Member. Warrant request form is hand delivered to the County office in Oakland and they process and sign check. Bills are paid twice a month. District will pick up checks. Administrative/Finance Manager reviews the checks for propriety and stamps invoice for check number and account number and date paid. Put invoice in vendor files. Administrative/Finance Manager mails out the bills and post to peach tree software. Board approves warrant list at board meetings.~~

### ~~§218~~ **215.2 ELECTRONIC FUNDS TRANSFERS Electronic Funds Transfers**

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District Manager is authorized to transfer funds between LAIF, County account and VCJPA. District manager will get pre-approval from the Board at the previous meeting. Approval noted in Board Minutes.

### ~~§219~~ **215.3 CASH RECEIPTS** Cash Receipts

When miscellaneous checks come in the mail ~~Administrative/Finance Manager~~ the Office Assistant or Administrator will prepare a County deposit form and mail to County with the check. The District keeps a copy of the check for records. Enter all revenue into accounting software once a year.

### ~~§220~~ **215.4 BANK AND CASH ACCOUNT RECONCILIATIONS** Bank and Cash Account Reconciliations

LAIF and VCJPA statements reconciled once a year at the end of the year. County cash general ledger detail is reconciled as soon as it is received. Payroll imprest account is reconciled monthly.

### ~~§221~~ **CREDIT CARDS**

~~Six support staff have a credit card. Employees can purchase items approved in the budget. Receipts are given to Administrative/Finance Manager. The receipts are reconciled to the statements and then recorded to the general ledger. Disbursement goes through the warrant process noted above.~~

## **§216 Liabilities and Assets**

### ~~§220~~ **216.1 PENSION LIABILITY** Pension Liability

The District's retirement fund shall be at least 80% funded.

### ~~§222~~ **216.2 CAPITAL ASSETS** Capital Assets

~~Administrative/Finance Manager~~ Office Assistant or Administrator maintains a capital depreciation schedule. Items over \$5000 are placed on the depreciation schedule. Disposal or sale of capital assets must have ~~h~~Board approval.

## ~~§223~~ **217 PAYROLL AND BENEFITS** Payroll and Benefits

**§217.1** The District uses ~~ADP~~ a third party administrator (TPA) for payroll. Payroll is paid bi-monthly. ~~ADP~~ The TPA prepares 941 and DE6 forms. ~~ADP~~ The TPA delivers payroll checks to the District. Employees have option to have direct deposit handled by ~~ADP~~ the TPA. ~~Administrative/Finance Manager~~

**§217.2** The Office Assistant or Administrator records payroll to the general ledger twice a month. Payroll is paid out of a separate imprest bank account. Employees enter time into the ~~VCMS system.~~ District database. The database ~~VCMS~~ reports are reviewed monthly by the management staff.

## Chapter 200. FINANCIAL POLICIES

**§217.3** Administrative/Finance Manager prepares ~~an Excel~~ a payroll spreadsheet that is approved and signed by the District Manager. This report is support for the transfer of funds from the County cash account to the payroll account.

**Chapter 200. FINANCIAL POLICIES**

**NOTE: MOVE FORMS FROM POLICY MANUAL INTO DISTRICT DOCUMENTS FILE**

**~~FORM FOR DISPOSAL OF FIXED CAPITAL ASSETS~~**

Type of fixed asset to be disposed of: \_\_\_\_\_

\_\_\_\_\_

Serial number of item: \_\_\_\_\_

Reason for disposition: \_\_\_\_\_

\_\_\_\_\_

Comment on possible salvage value: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Initiator's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Manager's signature: \_\_\_\_\_ Date: \_\_\_\_\_

~~BOARD APPROVAL (MINUTES DATED): \_\_\_\_\_~~

**Chapter 200. FINANCIAL POLICIES**

**AUTHORIZATION FOR SALE OF VEHICLES OR EQUIPMENT**

Vehicle # \_\_\_\_\_ Year, Make and Model \_\_\_\_\_

License # \_\_\_\_\_ Engine or ID number \_\_\_\_\_

Being replaced by vehicle # \_\_\_\_\_

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Initiator's signature: \_\_\_\_\_ Date: \_\_\_\_\_

Manager's signature: \_\_\_\_\_ Date: \_\_\_\_\_

BOARD APPROVAL (MINUTES DATED): \_\_\_\_\_



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~~PAYEE~~ \_\_\_\_\_

**PETTY CASH VOUCHER**

\_\_\_\_\_  
Fiscal year: ~~20xx/xx~~ No. \_\_\_\_\_

Item(s) purchased: \_\_\_\_\_ Cost \$ \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Reason for purchase: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Reimbursement approved by: \_\_\_\_\_

Manager \_\_\_\_\_ Date \_\_\_\_\_

Disbursed by: \_\_\_\_\_

Administrative Assistant \_\_\_\_\_ Date \_\_\_\_\_

Office Assistant or Administrator

## **Chapter 300. SALARIES AND WORKING CONDITIONS OF EMPLOYEES**

POLICIES SET FORTH IN THIS HANDBOOK REFLECT THE REQUIREMENTS OF CURRENT EMPLOYMENT LAWS. THESE LAWS AND THE ASSOCIATED REGULATORY REQUIREMENTS ARE SUBJECT TO CHANGE. CHANGES IN LAW MAY NOT BE REFLECTED IN THE STAFF POLICIES, BUT WILL BE IN FULL EFFECT. IF THERE IS A CONFLICT BETWEEN THE STAFF POLICY AND THE LEGAL REQUIREMENTS, THE LEGAL REQUIREMENTS SHALL CONTROL.

### **§301 SALARIES**

#### **§301.1 Compensation Plan**

**§301.1 (i)** The Alameda County Mosquito Abatement District (District) has developed a compensation plan that is intended to achieve and support the following goals and objectives:

- a) The plan enables the District to recruit and retain highly qualified employees.
- b) The plan provides equitable salaries within a structure where positions are paid in appropriate relationship to each other in the organization and comparable agencies.
- c) The plan recognizes employee performance and motivates employees to improve their level of performance on the job.
- d) The plan is flexible in administration.

**§301.1 (ii)** Salaries, benefits and working conditions are subject to the meet and confer process with recognized employee bargaining units. In establishing a framework for review of compensation, the District takes into account compensation in place in Alameda County as well as adjacent mosquito abatement districts, unless otherwise modified through the bargaining process.

**§301.1 (iii)** The salary of District Manager shall be considered independently of other District positions.

#### **§301.2 Salary Steps**

## **Chapter 300. SALARIES AND WORKING CONDITIONS OF EMPLOYEES**

**§301.2 (i)** Entry-level Field personnel shall be hired at the position of Assistant Mosquito Control Technician for a minimum of six months and until certification as a Mosquito Control Technician is received at which time they shall advance to the position of Mosquito Control Technician. The salary for the position of Assistant Mosquito Control Technician is 5% below that of Mosquito Control Technician step 1.

**§301.2 (ii)** The recommended plan for the positions of Mosquito Control Technicians and Administrative Assistant, Entomologist, and Field Operations Supervisor consists of a series of salary ranges, each containing five steps. Each step is 5% above the preceding step in that range.

**§301.2 (iii)** For each salary range the first step is considered the entrance rate and the top step the maximum, unless the District Manager finds merit in a candidate's related work experience and training. Ordinarily new employees would be started at the minimum rate and progress to the second step after six months satisfactory service. The third step is achieved after an additional six months of satisfactory service. Each remaining step is reached after one year of satisfactory service at the preceding step. This provision applies to all represented employees.

**§301.2 (iv)** The position of Vector Biologist consists of two steps. Vector Biologist step 2 is 5% above the salary range of step 1 and can be achieved after one year of satisfactory service.

**§301.2 (v)** The positions of Administrative Assistant, Environmental Specialist, Mechanical Specialist, Information Technology Coordinator, and Biological Specialist consist of a series of salary ranges, each containing five steps. Each step is 2.5% above the preceding step in that range. Progression from step 1 through step 5 follows the plan described in §301.2 (iii), above.

**§301.2 (vi)** If an employee is promoted or changes position in the District service to another position of a higher salary schedule, the salary received shall be the amount provided in the schedule step for the latter position which is at least one step higher than the amount received in the former position. Such salary will be pro-rated from the effective date of promotion to the end of the subject pay period. The date of promotion or advancement will be the new anniversary date established for the employee for purposes of evaluation and advancement in the salary range.

**§301.2 (vii)** The Board may provide for longevity pay as agreed upon in the Employees' Association Memorandum of Understanding.

## Chapter 300. SALARIES AND WORKING CONDITIONS OF EMPLOYEES

### §301.3 Workweek and Pay Days

**§301.3 (i)** The standard workweek as used herein is hereby defined as any consecutive seven-day period commencing at 12:00 a.m. of any Sunday and ending at 11:59 p.m. the following Saturday.

**§301.3 (ii)** Established paydays for the District are the 15<sup>th</sup> and last working day of the month. Employees will be paid for time worked from the 1<sup>st</sup> through the 15<sup>th</sup> on the 15<sup>th</sup> of the month; time worked between the 16<sup>th</sup> and the end of the month will be paid on the last working day of the month.

### §301.4 Alternate Workweek

**§301.4 (i)** The District Manager may approve an alternate work schedule (including a 9/80 schedule, a 4/10 schedule, or some other alternate schedule based on a 40 hour workweek) for individual employees based on staffing needs, the employee's performance and the nature of the position. An alternate work schedule for an employee may be implemented at the sole discretion of the District Manager and may be thereafter modified or eliminated as needed, at any time by the District Manager.

**§301.4 (ii)** Employees approved to work an alternate 9/80 work schedule will work nine (9) hours for four fixed days in each one workweek, and eight (8) hours the remaining day of one workweek. The employee will be off work on corresponding fifth day in the following workweek. As such, during the 2-week work period, the employee will work a total of 44 hours one calendar week and 36 hours the following calendar week, with the hours worked split between two workweeks as defined in 301.4(iii), below.

**§301.4 (iii)** The Fair Labor Standards Act (FLSA) workweek for employees on the 9/80 schedule will begin at "mid-day of an employee's scheduled 8 hour workday " and end "mid-day of the employee's scheduled workday on the same day of the following week ." Using this method, an employee will work a total of 40 hours during each scheduled workweek. Overtime and compensation time apply to non-exempt employees for hours worked beyond 40 in any established workweek.

**§301.4 (iv)** The employee will be eligible to request a 9/80 work schedule following at least six months of employment, subject to the recommendation of his/her supervisor, and the approval of the District Manager. Employees must complete a signed agreement approved by their supervisor and the District Manager, to be eligible for the

## Chapter 300. SALARIES AND WORKING CONDITIONS OF EMPLOYEES

9/80 work schedule.

**§301.4 (v)** The employee will continue accruing vacation and sick leave hours at the same rate as before being assigned to an alternative work schedule. An employee who is using vacation or sick leave will be charged the number of hours of use.

**§301.4 (vi)** Compensation for holidays will change when assigned to an alternative work schedule. Employees normally receive 8 hours of holiday pay when assigned to a regular 40-hour per week work schedule. Under the 9/80-schedule option, an employee will continue to receive 8 hours of holiday pay, even if the holiday falls on a day when the employee is scheduled to work 9 hours. The employee will use his/her accrued compensatory time off time or vacation time to make up the one-hour difference.

### §301.5 Working Hours

**§301.5 (i)** Established hours of District operation are between 7 a.m. and 5:30 p.m. each day. Reporting times, defined as the time when employees are expected to be present and ready to start work, may vary based on the specific job requirements. The supervisor will establish the reporting times for each group of employees.

**§301.5 (ii)** Employees must be present at their job during the "core hours" of 8 a.m. to 11 a.m. and 1:30 p.m. to 3:30 p.m., unless modified by their supervisor and/or the District Manager. For employees approved to use an alternate work schedule, the employee and the employee's supervisor will establish the work hours for the employee based on established guidelines and as determined by the supervisor and District Manager

**§301.5 (iii)** Each employee is required to take a 30-minute unpaid lunch break on any workday that he or she works longer than 6 hours.

**§301.5 (iv)** Employees are entitled to take one 10-minute break for every four hours of work. Breaks may not be combined with the 30-minute lunch period.

**§301.5 (v)** Employees are expected to arrive at work at their regularly-scheduled reporting time. If an unforeseen delay results in arrival to work 15-minutes or less past the regularly-scheduled reporting time, the employee is expected to make that time up at the end of the work shift.

a) If an unforeseen delay results in arrival to work more than 15-minutes past the regular reporting time, the period of absence is to be

## **Chapter 300. SALARIES AND WORKING CONDITIONS OF EMPLOYEES**

charged to the employee's accrued vacation balance or compensatory time off.

### **§301.6 Overtime**

**§301.6 (i)** "Overtime work" as used herein is hereby defined as all time which a non-exempt employee of the District is required to work in excess of forty hours in any one workweek, except that, in any workweek in which a holiday or holidays occur, all time worked in excess of forty hours in a workweek, less the number of hours, (but not to exceed 8 hours in any one day) normally worked by such employee on such day or days if they were not holidays shall be considered as overtime. Overtime service must be for definite work performance and ordered and approved by the supervisor or District Manager. The District Manager or authorized designee may authorize overtime work during Saturdays, Sundays or holidays for any or all personnel.

**§301.6 (ii)** Overtime work shall be compensated for at the rate of one and one-half times the regular hourly rate for each hour worked in excess of 40 in a workweek, and two hours for each hour worked on a holiday that is recognized by the District. Overtime may be paid in cash, or accrued as compensatory time as set forth in Section 301.7 of these Policies.

### **§301.7 Compensatory Time Off**

**§301.7 (i)** Compensatory time off may be granted to those non-exempt employees who work overtime as provided in Section 301.6 of these Policies and with whom the District has a prior agreement or understanding that the employee will accept compensatory time in lieu of cash payment for overtime.

**§301.7 (ii)** Compensatory time is earned at the overtime rate (one and one-half hour for each hour worked in excess of 40 hours in a workweek and two hours for each hour worked on a holiday that is recognized by the District.)

**§301.7 (iii)** Employees are encouraged to use their accrued compensatory time, and the District will make every effort to grant reasonable requests for the use of compensatory time when sufficient advance notice is given and the workplace is not unduly disrupted.

## **Chapter 300. SALARIES AND WORKING CONDITIONS OF EMPLOYEES**

**§301.7 (iv)** The maximum number of compensatory time hours that an employee may accrue is eighty (80) hours. Any employee who has reached this maximum shall not work any additional overtime until the employee's accrued compensatory time has fallen below the maximum allowed, unless the employee receives advance written authorization and receives payment in cash for any such additional overtime.

**§301.7 (v)** The District reserves the right at any time to pay an employee in cash or any or all accrued compensatory time and/or to require the employee to use accumulated compensatory time.

**§301.7 (vi)** Employees who separate from District service for any reason shall be paid for accrued and unused compensatory time off.

### **§301.8 Uniform Allowance**

**§301.8 (i)** The District shall grant designated employees a sufficient number of uniforms to maintain an adequate supply for the changes necessary to keep same clean and in good condition and also supply a laundry service for said uniforms, the color and type to be determined by the District Manager with the cooperation of the employees.

- a) The District uniforms will include the District's insignia, to be placed on the shirts and jackets selected.
- b) The District shall also furnish each employee with name patches, to be placed on the front of the shirt or jacket so as to be visible at all times. This clothing shall be worn during working hours unless specifically exempted by the District Manager. Uniforms shall not be modified without permission from the District Manager.

**§301.8 (ii)** The District, in order to reduce injuries to workers, will provide an allowance not to exceed the limits set by the Board of Trustees to purchase safety boots that meet Cal/OSHA standards for toe and penetration protection. Safety shoes are to be above ankle height. Employees are to be reimbursed up to the allowance set by the Board upon presenting a receipt of purchase to the District. Employees may have the option of purchasing safety boots at an approved supplier that will then bill the District.

- a) All employees of the District working outside of the office are required to wear approved safety boots or other approved footwear. Safety boots are

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not required for attending meetings or continuing education training.

### **§301.9 Professional Development**

**§301.9 (i)** It is the policy of the District to encourage participation by all employees in continuing education. The District Manager is authorized to reimburse employees for job-related education and training.

**§301.9 (ii)** District Manager approval is required for any educational or training course work for which an employee will be seeking reimbursement. Such approval must be granted before the course begins.

**§301.9 (iii)** Reimbursement for approved job-related education and training will be processed following successful completion of the course or training, upon presentation of documentation of successful completion and all receipts

**§301.9 (iv)** Training should be scheduled so that it is not disruptive to the employee's normal job duties.

## **§302 – HEALTH AND WELFARE BENEFITS**

### **§302.1 Health, Dental, and Vision Benefits**

**§302.1(i)** Health Insurance is available to full-time employee of the District, as well as eligible members of the employee's family as defined in plan documents. Dental, and Vision Benefits are available to full-time employees after six months of satisfactory service. The District reserves the right to select and contract with Health, Dental and Vision Insurance providers, and to change providers and plans. Impacts associated with changes in Health, Dental and Vision Insurance coverage or carriers will be negotiated with affected employee bargaining groups.

**§302.1(ii)** District contributions to health, dental, and vision insurance premiums are negotiated as a part of the bargaining process, and are documented in the relevant Memoranda of Understanding and/or Compensation Agreements. Health Plan summaries and specific plan information are available from the District Manager or designee.

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### **§302.2 Group Term Life Insurance**

Full-time regular employees are provided, at District cost, group term life insurance coverage. The District Manager or designee can provide additional information, plan documents and literature regarding this benefit.

### **§302.3 Unemployment Insurance**

Unemployment insurance provides compensation payable to individuals unemployed through no fault of their own who are actively seeking employment and are available and able to work. The District Manager or designee can provide additional information regarding this benefit.

### **§302.4 Consolidated Omnibus Budget Reconciliation Act (COBRA)**

**§302.4(i)** Employees and dependents who lose group health coverage due to termination of employment or other “qualifying events” (i.e., death of employee, divorce or separation) may continue health and dental coverage on a self-pay basis under the COBRA option for eighteen (18) months, or the limits specified by law.

**§302.4(ii)** Upon an employee’s termination of employment, the District will issue a Notice of Right to Elect COBRA Continuation Coverage for health care coverage. To continue health care coverage under COBRA, the employee will fill out and sign forms provided by the District. The terminating employee must pay the full cost of coverage, plus the allowable administrative fee, by the deadlines set forth in the Notice.

### **§302.5 Retirement Plan**

**§302.5(i)** The District offers a retirement benefits package to all eligible full-time employees through the California Public Employment Retirement System (CalPERS). Full-time employees hired prior to January 1, 2013 will be covered under the 2% @ age 55 formula in CalPERS; full-time employees hired on or after January 1, 2013 will be covered under the 2% @ age 62 formula in CalPERS.

**§302.5(ii)** In accordance with California Public Employees’ Pension Reform Act of 2013 (CalPEPRA), as lawfully applicable, employees hired after January 1, 2013 will contribute 50% of the cost of the CalPERS contribution rate. Service credit will be credited in accordance with CalPers plan guidelines. More information on the retirement program can be obtained by contacting the District Manager or designee.

### **§302.6 Social Security**

Employees are not covered under the full federal Social Security program. The District participates in the federal Medicare portion of Social Security for all employees. The

## Chapter 300. SALARIES AND WORKING CONDITIONS OF EMPLOYEES

employee and the District contribute the mandatory 1.45% each into Medicare.

### **§302.7 Workers' Compensation**

**§302.7(i)** Employees who are injured on the job, no matter how slightly, must report the incident immediately to their Supervisor. Failure to follow District procedures may affect eligibility to receive Workers' Compensation benefits.

**§302.7(ii)** If an employee has an illness or injury that is either caused by his or her job, or incurred within the course and scope of their employment, the employee may be entitled to medical care and industrial leave (time away from the job based on doctor's orders). These benefits are administered by the District's workers' compensation carrier.

**§302.7(iii)** Following the required three (3)-day waiting period, the employee may be entitled to partial wage continuation during time he or she is off work due to a work related illness or injury. This partial wage continuation will be in the form of temporary disability payments through the District's workers' compensation carrier.

**§302.7(iv)** The injured employee will be allowed to integrate any accrued and unused sick leave, vacation, and compensatory time off with the workers' compensation temporary disability payment to retain the full regular rate of pay. After the employee has exhausted available accrued leave the sole source of income will be the temporary disability payments through the workers' compensation carrier.

**§302.7(v)** The District provides a temporary light duty program for employees who sustain a workplace injury or illness.

- a) The District will provide a temporary modified or light duty assignment, as available, to an employee with an approved workers' compensation claim, once the employee has been released to temporary modified/restricted work by his or her treating physician.
- b) Placement into a light duty position is on a temporary basis and should never become permanent. In no event shall a temporary light duty assignment exceed six (6) months.

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- c) Light duty is not guaranteed and may be modified, or ended, at any time, even if the employee's physician has not released him/her to regular duty.

**§302.7(vi)** If the treating physician has not cleared the injured employee to return to full duty the end of the light duty assignment or by the conclusion of the maximum period of industrial leave, the employee may be entitled to the reasonable accommodation processes set forth under the provisions of the Americans with Disabilities Act.

**§302.7(vii)** The District will not allow any form of retaliation against individuals who file a workers' compensation claim.

### **§303 – LEAVES**

#### **§303.1 – Holidays**

**§303.1 (i)** The District shall provide full-time employees time off with pay for the following recognized holidays:

- (a) January 1<sup>st</sup>, known as New Year Day
- (b) The third Monday in January, known as " Dr. Martin Luther King Jr. Day."
- (c) February 12<sup>th</sup> , known as "Lincoln's Birthday."
- (d) The third Monday in February known as "President's Day"
- (e) The last Monday in May, known as Memorial Day
- (f) July 4<sup>th</sup>, known as "Independence Day"
- (g) The first Monday in September, known as "Labor Day"
- (h) September 9<sup>th</sup>, known as "Admission Day."
- (i) The second Monday in October, known as "Columbus Day."
- (j) November 11<sup>th</sup>, known as "Veterans Day."
- (k) Thanksgiving and the day after Thanksgiving
- (l) December 24<sup>th</sup>, known as "Christmas Eve"
- (m) December 25<sup>th</sup>, known as "Christmas"
- (n) Other or alternate holidays agreed upon between the District and employee bargaining groups, as documented in the Employees' Association Memorandum of Understanding.

**§303.1 (ii)** In the event that any of the holidays provided for herein shall fall on Sunday, the Monday following will be observed and in the event any of the holidays

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provided for herein shall fall on a Saturday, the Friday preceding will be observed.

**§303.1 (iii)** A day off with pay for full-time employees under this section shall be recognized as eight (8) hours.

### §303.2 Vacation Leave

**§303.2 (i)** Accrual of vacation under the District's vacation plan will be administered as stated below, unless modified by Employees' Association Memorandum of Understanding

<u>Years of Employment</u>	<u>Days Vacation Accrued/Month</u>
Beginning of 1 <sup>st</sup> year through end of 3 <sup>rd</sup> year	1 day /month = 12 days/year
Beginning of 4 <sup>th</sup> year through end of 7 <sup>th</sup> year	1 ¼ days/month = 15 days/year
Beginning of 8 <sup>th</sup> year through end of 12 <sup>th</sup> year	1 2/3 days/month = 20 days/year
Beginning of 13 <sup>th</sup> year and after	2 1/12 days/month =25 days/year

**§303.2 (ii)** Vacation leave accrued and taken in any calendar year may not exceed the number of days the employee would be entitled to for the number of years of service they have accumulated with the District.

**§303.2 (iii)** If the District Manager determines that the best interest of the District will be served by delaying all or part of the vacation leave due such employee, unused vacation leave so accumulated shall be added to leave subsequently due, not to exceed a maximum of two years vacation allowance in the case of any employee in a calendar year.

**§303.2 (iv)** An employee who has reached the maximum vacation accrual level of two years allowance will cease accruing vacation until sufficient vacation is taken that the accrual balance is less than the stated maximum, unless otherwise approved by the District Manager.

**§303.2 (v)** Vacation credit shall begin on the first day of the month if employment began on the date or the first business day following the first of the month; otherwise it shall begin on the first day of the succeeding calendar month.

**§303.2 (vi)** Employees who separate from District service for any reason will be paid for accrued and unused vacation.

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### §303.3 Sick Leave

**§303.3 (i)** Paid sick leave provides time off without loss of pay for reasons, and under the conditions, specified in this Policy, as may be modified by MOU or applicable law. Every employee should use sick leave with respect for the intent of the policy and the impact on fellow employees. All employees are responsible for the proper administration of the sick leave provision.

**§303.3 (ii)** Accrual of paid sick leave is set forth below, as may be amended or modified by specific provisions in relevant Memoranda of Understanding and/or adopted Compensation Resolutions.

- a) Regular Full-time Employees:  
Sick leave with pay shall accrue to regular full-time employees at the rate of one work day for each calendar month of service, or according to current Memoranda of Understanding or Compensation Agreements. Sick leave credits shall accrue only while an employee is in paid status with the District.
- b) Part-time and Seasonal Employees.  
After working a minimum of 30 calendar days for the District, 3 days (24 hours) of paid sick leave shall accrue to part-time, seasonal and temporary employees. The accrual will be capped at 3 days or 24 hours.

**§303.3 (iii)** Approved Sick Leave may be granted to all full-time employees for the following reasons:

- a) For the diagnosis, care or treatment of an existing health condition, or preventive health care for the employee or a member of the employee's immediate family member.
- b) Enforced quarantine of the employee in accordance with community health regulations.
- c) To allow a victim of domestic violence and/or a victim of sexual assault to obtain relief or attempt to obtain relief to help ensure his or her health, safety, or welfare, or that of his or her child(ren).

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- d) To allow a victim of domestic violence and/or a victim of sexual assault to seek medical attention, to obtain services from a domestic violence program or psychological counseling, or to participate in safety planning.
- e) Complication or disability resulting from or contributed to any pregnancy, termination of pregnancy, or recovery therefrom.

**§303.3 (iv)** One-half (50%) of the Sick Leave accrued by a full-time employee in any one year shall be granted if needed for the reasons cited in §303(iii)(a),(c), or (d).

**§303.3 (v)** After meeting the eligibility and waiting period requirements set forth in this Policy, accrued Sick Leave can be taken by eligible part-time, seasonal and temporary employees for the following reasons:

- a) The diagnosis, care or treatment of a health condition or for preventive care of the employee or a member of the employee's immediate family.
- b) For specified purposes when an employee is a victim of domestic violence, sexual assault or stalking.
- c) Sick Leave under this section can only be taken for an absence from a previously scheduled work shift.

**§303.3 (vi)** Supervisory personnel are charged with the responsibility for reviewing and evaluating sick leave usage.

- a) Sick leave misuse or abuse is generally defined as use of sick leave for reasons other than are set forth in this Policy. Potential indicators of abuse are set forth below:
  - 1. A pattern of sick leave use involving days adjacent to scheduled days off and holidays.
  - 2. Refusal or inability to provide medical substantiation when requested.
  - 3. Frequent absences with vague or questionable substantiation.
  - 4. Frequent or recurring exhaustion of sick leave soon after it is earned (unless for substantiated medical reasons).

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5. Other evidence of employee activity which is inconsistent with the legitimate use of sick leave, such as usage higher than the District average for the previous calendar year (deduct serious illness or injury) and two or more indicators above.
- b) When it is determined, by investigation, that sufficient evidence exists to demonstrate that an employee has or is abusing or misusing the sick leave privilege, the District Manager may cause such disciplinary action to occur as deemed appropriate to deter future misuse. If it is found that the claim for sick leave was fraudulent the claim for sick leave will not be paid. **Sick leave taken under Sections 303.3 (iv) and 303.3 (v) of this Policy shall not be considered in determining abuse or misuse of the sick leave privilege.**

**§303.3 (vii)** Except for sick leave taken under Sections 303.3 (iv) and 303.3 (v) of this Policy, the District may require a physician's certificate for absences due to illness when the employee has been put on notice of being suspected of misuse of sick leave and that future absences will require a physician's certificate. The physician's certificate shall be requested at the earliest possible time and prior to the employees' return to work, whenever possible.

- a) Any employee may be required by the District Manager to submit to an examination by a licensed physician or psychologist at any time, subject to sufficient cause existing, by the District at its expense in order to determine the state of the employee's health and fitness to perform assigned tasks.
- b) Privacy laws restrict employers from requesting certain medical or health information. Therefore, if asking for a physician's certification or other verification of absence due to illness, a supervisor may ask when the employee is anticipated to return to work, with or without restrictions, but cannot ask for a diagnosis or prognosis.

**§303.3 (viii)** Paid sick leave provides time off without loss of pay for qualifying reasons. It is a non-vested benefit which carries no cash value. Except as may be provided as Accrual Incentives or Retiree Service Credit in designed Memoranda of Understanding or Compensation Resolutions, there is no provision for a pay-out of accrued and unused sick leave upon separation from District employment.

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- a) If a part time, seasonal or temporary employee separates and returns within one (1) year of separation, unused sick leave hours shall be restored to the employee. If the employee returns after one (1) year of the previous separation, the sick leave hours shall not be restored to the employee.

### **§303.4 Voting Time Off**

**§303.4 (i)** In the event an employee does not have sufficient time outside of working hours to vote in an election, the employee may take a limited amount of time off without loss of pay to vote.

**§303.4 (ii)** Voting time off should be taken at the beginning or end of the regular work schedule, whichever allows the most free time for voting and the least time off from work. An employee will be allowed a maximum of two (2) hours of voting leave on Election Day.

**§303.4 (iii)** Employees should notify their Supervisor of the need for time off to vote at least three (3) working days prior to Election Day.

### **§303.5 Military Leave**

**§303.5 (i)** The District provides paid and unpaid military leave in accordance with provisions of federal and state laws. Should this policy be in conflict with applicable laws, rules, regulations or agreements, those laws, rules, regulations or agreements shall control. Rights and obligations which are not specifically set forth below are set forth in the Uniformed Service Employment and Reemployment Rights Act of 1994 (USERRA).

**§303.5 (ii)** Military Leave is available to all District employees, including part-time and seasonal employees who receive duly executed orders for active duty, active duty for training, initial active duty for training, inactive duty for training, full time National Guard duty, and for examination to determine the fitness of a person to perform any such duty.

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**§303.5 (iii)** Temporary Military Leave is available to all District employees including part-time and extra-help employees who receive duly executed orders for temporary military duty for purposes of active military training, encampment, navel cruises, special exercises or like activity as a member of the reserve corps or force of the Armed Forces of the United States, or the National Guard, or the Navel Militia.

**§303.5 (iv)** Qualifying Exigency Leave is available to District employees when an immediate family member of the employee is a military member is deployed or has been notified of an impending deployment to a foreign country. Details regarding eligibility for and limitations of Qualifying Exigency Leave are set forth in the District Family and Medical Care Leave Policy.

**§303.5 (v)** Military Caregiver Leave is available to District employees when the employee's immediate family member has a qualifying serious injury or illness. Details regarding eligibility for and limitations of Military Caregiver Leave are set forth in the District of Family and Medical Care Leave Policy.

**§303.5 (vi)** Employees requesting a Military Leave of Absence must provide advance notice of their intent to take military leave and provide copies of their orders (or provide other appropriate documentation to substantiate the need for military leave if orders are not available, (ie. Special Operations) to their supervisor, unless doing so is unreasonable or is precluded by military necessity. This request must identify the type of leave, anticipated dates and duration of the leave.

- a) In an emergency situation, if orders are not available at the time of the ordered leave, oral notice should be given as soon as possible, with a copy of the military orders to be provided to the District as soon as it is available.

**§303.5 (vii)** Employees ordered into active federal military duty as a member of the National Guard or Naval Militia will be granted military leave for a period not to exceed five (5) years, unless there is an authorized exemption. Authorized exemptions to the five year limit include: initial enlistments lasting longer than five years, periodic National Guard and Reserve training duty, and involuntary active duty extensions and recalls.

**§303.5 (viii)** Employees ordered to temporary active duty, or for training will be granted military leave for a period not to exceed 180 calendar days, including time spent traveling to and from such duty.

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**§303.5 (ix)** Employees will receive District pay while on military leave as set forth below:

- a) Employees employed by the District for a period of not less than one year are entitled to pay for the first 30-days of military leave.
- b) National Guard members on military leave are entitled to receive pay for the first 30-days of leave, regardless of length of service with the District.
- c) The aggregate of payments for reserve training leave, temporary military leave, and military leave shall not exceed thirty (30) calendar days in any one fiscal year.
- d) If an employee's military leave exceeds 30 days in any fiscal year, the employee will have the option of using available vacation, compensatory time, or to move to military leave without pay (MLWOP) status.

**§303.5 (x)** The District will continue to pay the District's portion of the cost of health insurance for an employee while he or she is on any military leave to the same extent it would if the employee were working, regardless of pay status, for a maximum of thirty (30) days. Health Insurance is defined as medical, vision, and dental insurance. The employee must continue to pay his/her employee contribution to health insurance either through payroll deduction while using leave balances, or by direct payment to the District.

**§303.5 (xi)** Employees on temporary military leave and who have at least one year of service with the District or at least one year of combined military/District employment service, continue to accrue the same vacation, sick leave, and holiday benefits for up to a maximum of 180 days. This provision also applies to employees who are members of the National Guard.

- a) Employees on active military leave are not entitled to accrue sick leave or vacation during the period of Military Leave.
- b) Employees who are members of the National Guard and are on active military leave accrue vacation and holiday benefits, but not sick leave, for the first 30 days of active service.

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**§303.5 (xii)** An employee returning from active duty after serving in time of war or national emergency must seek reemployment within 6 months after completing military service, but not later than 6 months after the end of the war or national emergency. Reemployment rights do not extend to an employee who fails to return to his/her position within 12 months after the first date on which he or she could terminate active military service.

- a) An employee on military leave for reasons other than war or national emergency must return to work or seek reemployment as set forth below:
  - 1) An employee whose military leave lasted from 1 to 30 days must report to the District by the beginning of the first full regularly scheduled work day on the first full calendar day following the completion of the period of service.
  - 2) An employee whose military service lasted from 31 to 180 days must submit a reemployment application (verbally or in writing) with the District no later than 14 days after the completion of the period of service.
  - 3) An employee whose military leave lasted more than 180 days must submit a reemployment application (verbally or in writing) with the District no later than 90 days after the completion of the period of service.
- b) An employee who fails to report to work or submit a reemployment application as set forth in this section may be deemed to be on Unauthorized Leave from the District.

### **§303.6 Family And Medical Care Leave**

**§303.6 (i)** The District will provide up to twelve (12) weeks of Family and Medical Care Leave in a twelve (12) month period for eligible employees as required by State and Federal Law. The following provisions set forth certain of the rights and obligations with respect to such leave. Rights and obligations which are not specifically set forth below are set forth in the Department of Labor regulations implementing the

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Federal Family and Medical Leave Act of 1993 (“FMLA”), and the regulations of the California Family Rights Act of 1993 (“CFRA”), as amended.

**§303.6 (ii)** District employees who have been employed by the District for twelve (12) months and have worked one thousand two hundred and fifty (1,250) hours or more in the twelve (12) months immediately preceding the request for leave are eligible to take Family and Medical Care Leave.

**§303.6 (iii)** Leave is only permitted for the following reasons:

- a) The birth of a child or to care for a newborn of an employee;
- b) The placement of a child with an employee in connection with the adoption or foster care of a child;
- c) Leave to care for an immediate family member as defined in §303.15 of these Policies, who has a serious health condition;
- d) Leave because of a serious health condition that makes the employee unable to perform the functions of his/her position;
- e) Leave for a “qualifying exigency” arising out of the fact that an employee’s immediate family member is on active duty or call to active duty status in the regular Armed Forces, National Guard or Reserves who is deployed by the military to a foreign country.
- f) Leave to care for an immediate family member of the service member or veteran within five years of discharge from the military of the United States Armed Forces, National Guard or Reserves who has a serious injury or illness incurred in the line of duty while on active military duty.

**§303.6 (iv)** An eligible employee may be granted up to a total of twelve (12) work weeks of Family and Medical Care Leave in a rolling twelve (12) month period. This rolling twelve month period will be measured forward from the date an employee uses any Family and Medical Care Leave. In the case of a serious health condition of an employee or an employee’s family member, adequate medical certification is required.

- a) An eligible employee may be granted up to a total of twenty six (26) work weeks of Military Caregiver Leave during a single 12 month period to care for a covered service member or veteran within five years of discharge from the military who has a serious injury or illness incurred in the line of duty on active duty for which the

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service member is undergoing medical treatment, recuperation, or therapy; or otherwise in an outpatient status; or otherwise on the temporary disability retired list. The single 12-month period shall be measured forward from the date an employee's first FMLA leave to care for the covered service member begins. During the single 12-month period, an eligible employee's FMLA leave entitlement is limited to a combined total of 26 workweeks of FMLA leave for any qualifying reason.

- b) Where FMLA leave qualifies as both Military Caregiver Leave and care for a family member with a serious health condition, the leave will be designated as Military Caregiver Leave first.

**§303.6 (v)** If leave under this section is requested for the birth, adoption or foster care placement of a child of the employee, leave must be concluded within one year of the birth or placement of the child. In addition, the basic minimum duration of such leave is two weeks. However, an employee is entitled to leave for one of these purposes (e.g., bonding with a newborn) for at least one day, but less than two weeks duration on any two occasions.

- a) If leave is requested to care for an immediate family member or the employee him/herself with a serious health condition, there is no minimum amount of leave that must be taken. However, the employee must comply with the notice and medical certification provisions of this policy.

**§303.6 (vi)** Family and Medical Care Leave may be taken on an intermittent basis as separate blocks of time or on a reduced leave schedule due to a single qualifying event if it is medically necessary for medical treatment of a serious health condition, for recovery from treatment or recovery from a serious health condition, or in conjunction with a chronic serious health condition of the employee or a member of the employee's immediate family.

- a) The employee must provide medical certification that such leave is medically necessary. Medically necessary means there must be a medical need for the leave and that the leave can best be accomplished through an intermittent or reduced leave schedule. It may also be taken to provide care or psychological comfort to an immediate family member with a serious health condition.
- b) Intermittent or reduced schedule leave after the birth or placement of a child for adoption or foster care may be taken only if the District agrees, unless the intermittent or reduced schedule leave is due to the mother's serious health condition or the baby's serious health

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condition. Intermittent leave must be taken in increments of at least one-half hour.

- c) An employee taking intermittent leave or leave on a reduced schedule for planned medical treatment or recovery from a serious health condition, or an employee permitted to take intermittent leave or reduced schedule leave for the birth or placement of a child, may be temporarily transferred to an available alternative position for which the employee qualifies which better accommodates recurring periods of leave than the employee's regular position. Although the alternative position may or may not have equivalent duties, the employee will receive equivalent pay and benefits during the time he/she works in the alternative position.
- d) Leave due to a qualifying exigency may be taken on an intermittent or reduced schedule basis.

**§303.6 (vii)** Employees on approved Family and Medical Care Leave will be required to exhaust accumulated leave balances before being placed on unpaid leave, as provided below:

- a) If the need for leave is in conjunction with employee's own serious health condition, the employee must first exhaust accrued sick leave balances, then other leave balances including vacation, compensatory time off, and holiday time prior to moving to unpaid Family and Medical Care Leave.
- b) If the need for leave is in conjunction with the care of an immediate family member who has a serious health condition, the employee may use the limited allowance of sick leave hours and then must use other leave balances including vacation, compensatory time off, and holiday time prior to moving to unpaid Family and Medical Care Leave.
- c) If the leave is requested for a non-medical reason such as bonding after the birth of a child, the employee must exhaust accrued vacation and other leave balances exclusive of sick leave prior to moving to unpaid Family and Medical Care Leave. (Compensatory time may be voluntarily elected.)
- d) An employee on leave which is qualifying under the California Family Rights Act (CFRA) and who is receiving either disability or paid family

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leave benefits through the State of California is not required to use leave accruals prior to moving to unpaid Family and Medical Care leave.

**§303.6 (viii)** If an employee takes a leave for any reason that is FMLA/CFRA qualifying, the District may designate the requested leave as running concurrently with the employee's 12-week FMLA/CFRA leave entitlement. Upon District designation of leave as FMLA/CFRA qualifying, written notice of such.

**§303.6 (ix)** The District will continue to pay the District's portion of the cost of "health insurance" for an employee while he/she is on an approved Family and Medical Care Leave to the same extent it would if the employee were working, regardless of pay status.

- a) "Health Insurance" is defined as medical, vision, and dental insurance.
- b) The employee must continue to pay his/her employee contribution to health insurance either through payroll deduction while using leave balances, or by direct payment while on unpaid leave.
- c) Coverage on a particular plan may be dropped if the employee is more than 30 days late in making a premium payment. However, the employee shall receive a notice at least 15 days before coverage is to cease, advising that he/she will be dropped if the premium payment is not paid by a certain date.
- d) Contribution amounts for all employees are subject to any change if changes in rates occur while the employee is on leave.
- e) If an employee fails to return to work after his/her leave entitlement has been exhausted or expires, the District shall have the right to recover its share of health insurance premiums for the entire leave period, unless the employee does not return because of the continuation, recurrence, or onset of a serious health condition of the employee or his/her family member which would entitle the employee to leave, or because of circumstances beyond the employee's control.

**§303.6 (x)** An employee disabled by pregnancy is eligible for up to four (4) months of leave for medical disability related to pregnancy under State law. This leave may be in addition to up to twelve (12) weeks of Family and Medical Care Leave. Family and

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Medical Care Leave available under the California Family Rights Act will not run concurrent with pregnancy disability leave.

- a) The total combined duration of District contribution toward health insurance available during unpaid leaves due to any combination of pregnancy disability, the employee's serious health condition, and family care purposes under this section will not exceed twenty-nine and one-third (29.33) weeks in a twelve (12)-month period.

**§303.6 (xi)** Although the District recognizes that emergencies arise which may require an employee to request immediate leave, the employee is required to give as much notice as possible of his/her need for leave.

- a) Except for qualifying exigency leave, if leave is foreseeable, at least 30 days written notice is required. If an employee knows that he/she will need leave in the future, but does not know the exact date(s) (e.g., for the birth of a child or to take care of a newborn), the employee is to inform his/her supervisor as soon as possible that such leave will be needed; this notice may be given orally.
- b) In the case of a qualifying exigency, the employee shall provide the District with a copy of the covered service member's active duty orders or other documentation issued by the military which indicated that the service member is on, or has been called to, active duty for deployment by the military to a foreign country and the dates of the active duty service. In addition the employee will provide documentation that the leave is for a qualifying exigency listed in this policy and the anticipation length of the leave.

**§303.6 (xii)** Following receipt of a Request for Medical Leave of Absence Form the District shall, within five (5) business days, send the employee a Notice of Eligibility and Rights and Responsibilities. At that time the employee will be given at least 15 calendar days to return a completed Certification of Health Care Provider, either for the employee's own serious health condition or for the serious health condition of an immediate family member to the District.

**§303.6 (xiii)** An employee requesting Family and Medical Care Leave due to his or her own the serious health condition, or the serious health condition of a family member shall provide certification from the health care provider treating the individual.

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- a) When a leave is requested for the serious health condition of a family member, the certification must include the date, if known, on which the serious health condition commenced; the probable duration of the condition; an estimate of the time the health care provider believes the employee needs to care for the individual; and a statement that the serious health condition warrants the participation of the employee to provide care during treatment.
- b) When a leave is requested for the serious health condition of the employee, the certification shall include the information included above, and a statement that, due to the serious health condition, the employee is unable to perform any one or more of the essential functions of the position.
- c) If the District has a good faith, objective reason to doubt the validity of a certification provided by the employee for his or her own serious health condition, the District may require a medical opinion of a second health care provider chosen and paid for by the District. If the second opinion is different from the first, the District may require the opinion of a third provider jointly approved by the District and the employee, but paid for by the District. The opinion of the third provider will be binding. An employee may request a copy of the health care provider's opinions when there is a second or third medical opinion sought.
- d) Medical certification for a Military Caregiver Leave shall be from a United States Department of Defense, Department of Veteran's Affairs, or other authorized medical provider. It shall indicate:
  - 1) whether the service member has incurred a serious injury or illness;
  - 2) whether the injury or illness renders the service member medically unable to perform the duties of the member's position;
  - 3) whether the injury or illness was incurred in the line of duty on active duty;
  - 4) whether the service member is undergoing medical treatment, recuperation, or therapy, or is otherwise on outpatient status, or is otherwise on the temporary disability retired list;

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- 5) the probable duration of the injury or illness;
  - 6) the frequency and duration of leave the family member requesting leave will require; and
  - 7) the family relationship of the eligible employee to the covered service member.
- 
- e) When an employee's leave is foreseeable and at least 30 days' notice has been provided, if medical certification is requested, the employee must provide it before the leave begins. When this is not possible, the employee must provide the requested certification to the District within the timeframe requested by the District (which must allow at least 15 calendar days after the employer's request), unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts.
  - f) If an employee provides an incomplete medical certification the employee will be given a reasonable opportunity to cure any such deficiency. However, if an employee fails to provide a medical certification within the time frame established by this policy, the District may delay the taking of Family and Medical Care Leave until the required certification is provided.
  - g) Recertification of the serious health condition may be requested upon the expiration of the time period the health care provider originally estimated. Re-certification from a health care provider may only be requested after the first certification has expired.
  - h) Upon receipt of the Certification of Health Care Provider, the District will send the employee a Family and Medical Care Leave Designation memo, indicating if the leave is approved, not approved or if additional information is needed to make a determination. If the leave is approved, the Family and Medical Care Leave Designation memo will set forth any conditions of the leave which may exist beyond what are provided in the Notice of Eligibility and Rights and Responsibilities.

**§303.6 (xiv)** An employee granted Family and Medical Care Leave in accordance with this policy shall, upon returning to work, generally be reinstated to the position of employment held before the leave commenced, or, if such a position is not available,

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to an equivalent position with equivalent employment benefits, pay, and terms and conditions of employment.

- a) Employees have no greater rights to reinstatement, benefits, and conditions of employment than if the employee had been continuously employed during the leave period.

**§303.6 (xv)** It is against District policy and State and Federal law to discriminate against any individual because that individual has exercised his or her right to Family and Medical Care Leave or leave taken under the California Family Rights Act.

**§303.6 (xvi)** An employee who fraudulently obtains or uses leave under the California Family Rights Act is not protected by job restoration or maintenance of health benefit provisions of that Act.

### **§303.7 Pregnancy Disability Leave**

**§303.7(i)** The District will provide up to four months, or seventeen and one-half (17.5) weeks of Pregnancy Disability Leave to eligible employees as required by State Law.

**§303.7(ii)** An employee who has been advised by her health care provider that she is disabled due to pregnancy or a pregnancy-related condition, and who has provided timely notice of this determination to the District, is entitled to Pregnancy Disability Leave. There is no minimum service requirement for eligibility.

**§303.7(iii)** Pregnancy Disability Leave is available when a woman is actually disabled by her pregnancy, childbirth, or a related medical condition. The reasons for leave include:

- a) time off needed for prenatal care,
- b) severe morning sickness,
- c) doctor-ordered bed rest,
- d) childbirth, recovery from childbirth, and any related medical condition.
- e) a woman does not have to be completely incapacitated or confined to her bed to qualify as being disabled by pregnancy. However, as a general rule, a woman must be, in the opinion of her physician, unable to perform one or more essential functions of her job without undue

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risk to herself or to other persons or without undue risk to successful completion of her pregnancy.

**§303.7(iv)** The duration of Pregnancy Disability Leave limited to four months (17.5 weeks) during the period the employee is disabled by pregnancy or a pregnancy-related condition.

**§303.7(v)** Pregnancy Disability Leave may be accounted for in increments of no greater than one hour, or the increment utilized to account for use of other forms of leave (if the same is less than one hour).

**§303.7(vi)** An employee disabled by pregnancy is eligible for intermittent or reduced schedule leave if recommended by her treating physician.

- a) If intermittent leave is medically advisable, it may be necessary to temporarily transfer the employee to an available alternative position with an equivalent rate of pay and benefits.
- b) The employee must be qualified for the available alternative position.
- c) The equivalent position must better accommodate recurring periods of leave than the employee's regular job.
- d) If there is no available alternative position, the District may consider altering the employee's existing position on a temporary basis to accommodate intermittent leave or reduced schedule.

**§303.7(vii)** The District will consider temporary reasonable accommodations which are determined to be medically advisable by the employee's health care provider, and reasonable by the District. Temporary accommodations may include:

- a) Additional leave after the employee has exhausted her right to four months of Pregnancy Disability Leave;
- b) Transfer to a less strenuous or hazardous position if the employee's health care provider states that it is medically advisable and the employee is qualified for the position;
- c) Creation of a temporary light-duty assignment, or modification of current job on a temporary basis;

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- d) Modifying the work schedule on a temporary basis;
- e) Allowing more frequent restroom breaks.

**§303.7(viii)** An employee seeking a temporary accommodation in conjunction with pregnancy or a pregnancy-related condition shall provide notice of the need for such an accommodation in advance of the needed accommodation, unless such notice is not possible.

- a) The request for accommodation must include Medical Certification which documents the specific limitations the health care provider has set forth for the employee, as well as the anticipated duration of those limitations.
- b) The District shall engage in an interactive process with an employee seeking a temporary accommodation in conjunction with pregnancy or a pregnancy-related condition to identify, discuss, evaluate, and implement accommodations that are consistent with the recommendations of the health care provider.

**§303.7(ix)** Employees on approved Pregnancy Disability Leave will be required to exhaust accumulated leave balances before being placed on unpaid leave. However, if the employee is receiving either disability or paid family leave benefits, the employee is not required to use any of her paid time off, sick leave or accrued vacation during the qualifying leave.

**§303.7(x)** The District will continue to pay the District's portion of the cost of "health insurance" for an employee while she is on an approved Pregnancy Disability Leave to the same extent it would if the employee were working, regardless of pay status, for a maximum of four (4) months.

- a) "Health Insurance" is defined as medical, vision, and dental insurance. The employee must continue to pay his/her employee contribution to health insurance either through payroll deduction while using leave balances, or by direct payment to the District while on unpaid leave.
- b) Coverage on a particular plan may be dropped if the employee is more than 30 days late in making a premium payment. However, the employee shall receive a notice at least 15 days before coverage is to cease, advising that he/she will be dropped if the premium payment is not paid by a certain date.

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- c) Contribution amounts for all employees are subject to any change if changes in rates occur while the employee is on leave.
- d) The total combined duration of District contribution toward health insurance available during unpaid leaves due to any combination of pregnancy disability, the employee's serious health condition, and family care purposes will not exceed twenty-nine and one-third (29.33) weeks in a twelve (12)-month period.

**§303.7(xi)** Leave available under the California Family Rights Act will not run concurrent with pregnancy disability leave. An employee may have separate eligibility for "bonding" leave following the birth of a child under the California Family Rights Act. Refer to the District Family and Medical Care Leave policy for information about eligibility requirements.

**§303.7(xii)** Employees must provide at least thirty (30) days advance notice of the need for Pregnancy Disability Leave, or the need for a temporary reasonable accommodation, or transfer in conjunction with pregnancy, if the need is foreseeable. If such notice is not possible due to a change in circumstances, medical emergency, or other good cause, the employee is required to provide notice as soon as practicable.

**§303.7(xiii)** Medical certification will be required to support the need for Pregnancy Disability Leave or other reasonable accommodation in conjunction with pregnancy or a pregnancy-related condition.

- a) Medical certification is to be provided by the employee's health care provider, and must include:
  - the date on which the employee became disabled due to pregnancy,
  - anticipated duration of the period of disability, and
  - an explanatory statement that, due to the disability, the employee is unable to work at all, or is unable to perform any one or more of the essential functions of her position without undue risk to herself, the successful completion of her pregnancy, or to other persons.

**§303.7(xiv)** An employee returning from Pregnancy Disability Leave or temporary accommodation shall be reinstated to the same position she held prior to taking leave

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or undertaking a temporary accommodation in conjunction with pregnancy or a pregnancy-related condition, except as provided below.

- a) The employee may not be reinstated to the exact same position if the employee would not have been employed for reasons unrelated to the leave, such as a layoff.
- b) If the exact same position is not available, the employee will be reinstated to a comparable position. A comparable position is one that is virtually identical to the employee's previously held position, including wages, benefits, working conditions, and shift.

### **§303.8 Bereavement Leave**

**§303.8 (i)** A leave of absence with pay because of death in the immediate family of a person in the District employ, as defined in §303.15, may be granted by the District Manager for a period not to exceed three days.

**§303.8 (ii)** For out of state funerals the Board authorizes an additional day (for a total of four).

**§303.8 (iii)** Entitlement to leave of absence under this section shall be in addition to any other entitled for sick leave, emergency leave, or any other leave.

### **§303.9 Jury Duty**

**§303.9 (i)** The District will grant time off in conjunction with service on a jury, or serving as a witness in response to a subpoena pursuant to the requirements of the Federal Jury System Improvement Act of 1978 and California Labor Code Section 230. Compensation during authorized jury or witness duty will be provided pursuant to the terms of this policy, as may be modified by relevant Memorandum of Understanding or approved Compensation Agreement.

**§303.9 (ii)** In the event an employee is called for jury duty, no deduction from salary will be made for the absence while serving as a juror or in answering the call for jury duty; provided, however, that the employee shall endorse payments from the Courts for jury duty to the District.

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**§303.9 (iii)** Employees may retain any reimbursement for mileage issued by the Courts in conjunction with jury service.

**§303.9 (iv)** Unless otherwise provided for in the relevant Memoranda of Understanding, employees called to jury duty must report to work before or return to work following their service whenever practical.

- a) If an employee does not have to report to the jury room/court for full days in the midst of their service, they are expected to report to work whenever practical.
- b) Failure to report to work may be considered to be an absence without leave and could be subject to disciplinary action.
- c) Employees who must report for jury duty on their regular days off will not be eligible for jury duty pay. Such service is considered to be a civic duty and not compensable by the District.

**§303.9 (v)** In the event an employee is subpoenaed to appear as a witness in a trial for which the employee is not a party of interest, no deduction from salary will be made for the absence while serving as a witness or in answering the subpoena; provided, however, that the employee shall endorse all payments, if any, for witness duty to the District.

### **§303.10 School Activities Leave**

**§303.10 (i)** Parents, guardians, grandparents, or individuals serving as parents with custody of minor children are entitled to take up to forty (40) hours of time off work each year to attend school-related activities for the following reasons:

- a) when a student has been suspended and the parent, guardian or grandparent is required to appear at the school pursuant to the school's request.
- b) to attend designated Child-Related activities. Child-related activities include: attending school functions, activities and programs; finding, enrolling or reenrolling a child in a school or with a licensed child care provider; addressing a child care or school emergency, including closure or unexpected unavailability of the school (excluding planned holidays) or a natural disaster.

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**§303.10 (ii)** Except for the need to address a child care provider or school emergency, the use of School Activities Leave is limited to 8 hours per month

**§303.10 (iii)** The District may require proof of an employee's participation in these activities.

**§303.10 (iv)** The employee must provide reasonable advance notice to his or her supervisor before taking any time off under this policy.

**§303.10 (v)** Employees must use accrued paid time off for the absence. If the employee does not have any accrued paid time off, the absence will be unpaid. However, exempt employees will be paid their full salary for any week in which they perform any work for the District, and is interrupted by the need for time off under this policy.

### **§303.11 Time Off for Crime Victims**

**§303.11 (i)** Employees who have been victims of serious or violent felonies, as specified under California law, or felonies relating to theft or embezzlement, may take time off work to attend judicial proceedings related to the crime.

**§303.11 (ii)** Employees also may take time off if an immediate family member has been a victim of such crimes and the employee needs to attend judicial proceedings related to the crime.

**§303.11 (iii)** Employees must give their Supervisor a copy of the court notice given to the victim of each scheduled proceeding before taking time off, unless advance notice to the District of the need for time off is not feasible. When advance notice is not feasible, the employee must provide the District with documentation evidencing the judicial proceeding, within a reasonable time after the absence. The documentation may be from the court or government agency setting the hearing, the district attorney or prosecuting attorney's office, or the victim/witness office that is advocating on behalf of the victim.

**§303.11 (iv)** Employees will be paid under this section only to the extent they have accrued vacation or compensatory time off is available.

### **§303.12 Catastrophic Leave**

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**§303.12 (i)** A leave of absence with pay for up to five days annually may be granted in the case of a catastrophic event (such as earthquake, flood or fire) that directly impacts the employee or a member of the employee's immediate family as defined in §303.15. Employees must request and receive approval from the District Manager to receive paid catastrophic leave. Catastrophic leave shall be in addition to any other entitled sick, vacation or other leave.

### **§303.13 Medical Leave Donation Program**

**§303.13 (i)** Any District employee who accrues vacation credit may voluntarily donate those credits to any other District employee if the recipient employee experiences a catastrophic illness or injury and has exhausted all accrued leave credits, i.e. sick leave, vacation, compensatory time off, due to illness or injury including pregnancy and maternity leave.

**§303.13 (ii)** Employees may donate a maximum of forty (40) hours vacation per fiscal year in increments of eight hours in support of fellow employees who experience a catastrophic illness or injury. Unused donated time will be returned proportionally to the donors.

**§303.13 (iii)** Donated time will be "banked", using the value of each hour of donated time as the basis for credit.

**§303.13 (iv)** An employee may request a grant of donated time under the program when he or she has a catastrophic illness or injury, and has exhausted all accrued paid leave benefits. Grants may be requested when the employee must care for a member of his or her immediate family under the same conditions. The request must include documentation of the catastrophic illness or injury, the limitations of that condition, and the anticipated duration of the condition.

**§303.13 (v)** A request for donated time under this program may be submitted by the legal representative or an employee's immediate family member with the employee's authorization. The request must include documentation of the catastrophic illness or injury, the limitations of that condition, and the anticipated duration of the condition.

**§303.13 (vi)** Grants of donated time will be approved by the District Manager, with consideration being given to the amount of available donated time and the demonstrated need of the employee. In no event will a grant of donated time be approved for an employee who has a history or record of sick leave abuse or failure to responsibly use accrued leave benefits.

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**§303.13 (vii)** Grants will be awarded as hours from the leave bank. Donated vacation credit may not exceed continuance of the employee's regular rate of compensation.

### **§303.14 Leave Without Pay**

**§303.14 (i)** A leave of absence without pay may be granted by the Board of Trustees upon the request of a District employee and recommendation of the District Manager, but such leave shall not be for longer than six months. Nothing herein contained shall limit or prevent the granting of a leave of absence without pay for a period longer than six months to any employee who is injured on the job or has a serious illness, or mental or physical impairment. However, such occurrence may result in the initiation of a reasonable accommodation evaluation under the American's with Disabilities Act.

**§303.14 (ii)** Unless otherwise specifically provided in the policies in this Chapter, or set forth in provisions of the Employee's Memorandum of Understanding, the District Manager is directed NOT to pay the health benefits of employees at anytime that they are on leave from the District.

### **§303.15 Definition of Immediate Family**

**§303.15 (i)** The definition of immediate family shall be consistently applied to all leave policies set forth in this Chapter. The District purposefully elects a broad and consistent definition which may, in some circumstances, be beyond what is required by law and regulation to ensure efficient and consistent administration of leave policies.

**§303.15 (ii)** For purposes of leave administration in this Chapter, immediate family is defined as an employee's:

Spouse (including a lawfully married same-sex spouse), registered domestic partner, child, child of registered domestic partner, stepchild, brother, stepbrother, sister, stepsister, mother, stepmother, father, stepfather, parent-in-law, grandparent and grandchild.

## **§304 PROBATION & PERFORMANCE MANAGEMENT**

### **§304.1 Probationary Period**

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**§304.1 (i)** The probationary period is regarded as a part of the selection process for regular employees and shall be utilized for the purpose of determining the employee's ability to satisfactorily perform the essential job duties, with or without reasonable accommodations, prescribed for the position and determining the employee's ability to work with other employees. All probationary employees are considered at-will. The probationary period policy does not apply to temporary, part time, seasonal or at-will management employees.

**§304.1 (ii)** All initial and promotional appointments shall be tentative and subject to a probationary period of actual District service in the new position. The probationary period shall not include time served under any temporary or provisional appointment. The length of the initial and promotional probationary period shall be six (6) for all full-time employees.

**§304.1 (iii)** The probationary period of an individual employee may be extended by the District Manager prior to the expiration of probation, upon the request of the supervisor and approved by the District Manager, for a period not to exceed an additional six (6) months.

- a) Probation may be extended if there has been insufficient opportunity to fully evaluate the employee's ability to perform the duties prescribed for the regular position. Such an extension must be approved by the District Manager, and the employee shall be notified in writing.
- b) If the number of leaves of absences (paid or unpaid) totals thirty (30) or more days, it will automatically extend the probationary period the equivalent amount of time absent from work.

**§304.1 (iv)** A supervisor may determine that a probationary employee should not pass probation at any time during the employee's probationary period or extension thereof. When the supervisor makes such a determination, he or she shall notify the District Manager in writing. Upon approval of the District Manager, the supervisor shall terminate employment of the probationary employee by written notice prior to the expiration of probation.

**§304.1 (v)** Probationary employees serve in an at-will capacity. Any release from probation shall not be for cause but rather, because the employee failed to meet the standards of the class/position. The employee shall have no right of appeal of failure to pass probation.

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**§304.1 (vi)** An employee who fails to pass probation following a promotional appointment shall be reinstated to his or her former position or to a vacant position in the same classification, if said employee held regular status in the classification.

**§304.1 (vii)** If an employee is promoted during a probationary period, the employee shall serve the probationary period of the new position. If the employee does not pass the probationary period of the promotion, there are no specific employee rights to return to their previous job since regular status was not obtained.

### **§304.2 Performance Evaluations**

**§304.2 (i)** The performance management system at the District is designed to motivate, recognize and reward employees' efforts and achievements. The District strives to create a work environment in which employees are recognized and rewarded for their contributions and where employees understand, contribute and help meet the District's overall goals.

**§304.2 (ii)** Goal-oriented performance objectives should be established and clearly communicated for each employee. Both performance and behavioral objectives may be established. It is important that employees understand the District's expectations.

**§304.2 (iii)** The District encourages individual feedback to employees on a regular basis. The District's performance management system is designed so that each permanent employee will be evaluated at least annually and quarterly while the employee is on probation.

**§304.2 (iv)** Employees will be eligible for consideration of a salary step increase in conjunction with the annual evaluation. The first increase will be considered with the evaluation at the employee's 6 month anniversary.

**§304.2 (v)** All employee evaluations shall be prepared in written form and shall be signed by the employee's supervisor. (The District Manager's supervisor is the Board of Trustees or its chosen representatives.)

**§304.2 (vi)** For each evaluation, there shall be an performance evaluation review meeting between the employee and the employee's supervisor, during which the written evaluation shall be presented and discussed.

a) Upon completion of the performance evaluation review meeting, the employee shall sign the evaluation to show that the interview was completed.

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- b) The employee shall have the opportunity to provide written comments the evaluation within seven days of the interview.
- c) The District Manager shall review the performance evaluation and employee comments. He/she shall sign the performance evaluation to indicate that the process was completed. A copy of the completed performance evaluation, and employee comments, shall be provided to the employee. The original copy shall be kept in the employee's personnel file.

**§304.2 (vii)** An employee evaluation that is less than satisfactory shall require preparation of a remedial plan to be signed by the employee and a follow-up evaluation within six months.

**§304.2 (viii)** The performance evaluation is not subject to the grievance process set forth in Chapter 700 of this Policy Manual.

### §305 DRUG FREE WORKPLACE

**§305.1(i)** The Alameda County Mosquito Abatement District is committed to providing a work environment that is safe, healthy, and free of any adverse effects caused by alcohol or controlled substances. The District is concerned about employees or other persons working, contracting, or volunteering with the District being under the influence of alcohol, drugs, and/or controlled substances at work or while on District premises. The purpose of this Policy is to promote a drug and alcohol-free workplace and to eliminate substance abuse and its effects in the workplace.

**§305.1(ii)** A District employee is prohibited from working or being subject to call-in if impaired by alcohol or any controlled substance.

**§305.1(iii)** An employee must notify his/her supervisor before beginning work when taking medications or drugs which could interfere with the safe and effective performance of duties or operation of District equipment. If there is a question regarding an employee's ability to perform assigned duties safely and effectively while using prescribed medications, the District may require medical clearance.

**§305.1(iv)** Compliance with this Policy is a condition of District employment. Disciplinary action will be taken against those who violate this Policy.

**§305.1(v)** In order to promote a safe, productive, and efficient workplace, the District has the right to search and inspect all District property, including but not limited to lockers,

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storage areas, furniture, District vehicles, and other places under the common or joint control of the District and employees without prior notice. No employee has any expectation of privacy in any District building, property, or communications system. No personal property items such as purses, backpacks, briefcases, etc. will be searched under this Policy.

**§305.1(vi)** Except as provided otherwise in a Memorandum of Understanding, the District has discretion to test a current employee for alcohol or drugs following any work-related accident or any violation of safety precautions or standards.

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EDITING KEY: ORIGINAL LANGUAGE IN BLACK; CONSULTANT RECOMMENDATIONS IN RED, STAFF RECOMMENDED CHANGES IN BLUE, TRUSTEE COMMITTEE CHANGES IN GREEN

POLICIES SET FORTH IN THIS HANDBOOK REFLECT THE REQUIREMENTS OF CURRENT EMPLOYMENT LAWS. THESE LAWS AND THE ASSOCIATED REGULATORY REQUIREMENTS ARE SUBJECT TO CHANGE. CHANGES IN LAW MAY NOT BE REFLECTED IN THE STAFF POLICIES, BUT WILL BE IN FULL EFFECT. IF THERE IS A CONFLICT BETWEEN THE STAFF POLICY AND THE LEGAL REQUIREMENTS, THE LEGAL REQUIREMENTS SHALL CONTROL.

### §301 SALARIES

#### §301.1 Compensation Plan

#### ~~§304 District Salary Plan~~

**§301.1 (i)** The Alameda County Mosquito Abatement District (District) has developed a compensation plan that is intended to achieve and support the following goals and objectives:

~~In developing the pay plan the following points were used as guides in developing recommendations:~~

- a) The plan ~~should~~ enables the District to ~~secure~~ recruit and retain competent highly qualified employees.
- b) ~~The plan should provide for salaries in proper relationship to each other in the organization.~~ provides equitable salaries within a structure where positions are paid in appropriate relationship to each other in the organization and comparable agencies.
- c) The plan ~~should~~ recognizes employee performance and motivates employees to improve their level of performance on the job.
- d) The plan ~~should be~~ is flexible in administration.
- e) ~~All new hires must serve a minimum probation period of 6 months of satisfactory service.~~

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~~f) Each employee will be evaluated prior to step increases and at least annually after the final step has been reached.~~

### **§308**

~~It is essential that a review of pay rates be made in connection with the negotiation of employee Memorandum of Understandings (MOUs). Classification pay rates may be adjusted in the new MOU based on the review~~

**§301.1 (ii)** Salaries, benefits and working conditions are subject to the meet and confer process with recognized employee bargaining units. In establishing a framework for review of compensation, the District takes into account compensation in place in Alameda County as well as adjacent mosquito abatement districts, unless otherwise modified through the bargaining process.

**§301.1 (iii) §312.** The salary of **District Manager** shall be considered independently of other District positions. ~~Pertinent legislation – Meyers-Millias-Brown Act.~~

### **§301**

~~**New Legislation Pertaining to the Retirement Program.** The manager is to review and analyze the legislation as submitted by the Public Employees' Retirement System, to select the modifications that could beneficially affect employees and/or retirees and to submit the information annually to the Salary Committee and to the Employees' Group prior to salary negotiations.~~

## **§307 §301.2 Salary Steps**

### **§307.1**

**§301.2 (i)** Entry-level Field personnel shall be hired at the position of Assistant Mosquito Control Technician for a minimum of six months and until certification as a Mosquito Control Technician is received at which time they shall advance to the position of Mosquito Control Technician. The salary for the position of Assistant Mosquito Control Technician is ~~five percent~~ **5%** below that of Mosquito Control Technician step 1.

### **§307.2**

**§301.2 (ii)** The recommended plan for the positions of Mosquito Control Technicians and Administrative **Assistant, Entomologist, and Field Operations Supervisor Secretary/Bookkeeper** consists of a series of salary ranges, each containing five steps. Each step is ~~five percent~~ **5%** above the preceding step in that range.

### **§307.3**

**§301.2 (iii)** For each salary range the first step is considered the entrance rate and the top step the maximum. ~~Unless the District Manager finds merit in a candidate's related~~

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**work experience and training.** Ordinarily new employees would be started at the minimum rate and progress to the second step after six months satisfactory service. The third step is achieved after an additional six months of satisfactory service. Each remaining step is reached after one year of satisfactory service at the preceding step. This provision applies to all District positions represented employees.

### §307.4

**§301.2 (iv)** The position of Vector Biologist consists of two steps. Vector Biologist step 2 is five percent 5% above the salary range of step 1 and can be achieved after one year of satisfactory service.

### §307.5

**§301.2 (v)** The positions of Administrative Assistant, Entomologist ~~Biological Specialist~~, Environmental Specialist, Equipment/Maintenance ~~Mechanical Specialist~~ and Systems ~~Information Technology Coordinator~~, and Biological Specialist consist of a series of salary ranges, each containing five steps. Each step is 2.5% above the preceding step in that range. Progression from step 1 through step 5 follows the plan described in ~~§307.3~~ **§301.2 (iii)** above.

### §313

~~**Effective Date of Salary Increment.** The date when salary increment shall become effective shall be the first day of the month if appointment to the position became effective on the first day of the month, or the first business day following the first day of the month; otherwise, it shall be the first day of the succeeding calendar month.~~

### §314

~~**Effect of Change to Position of Higher Grade.**~~

**§301.2 (vi)** If an employee is promoted or changes position in the District service to another position of a higher salary schedule, the salary received shall be the amount provided in the schedule step for the latter position which is at least one step higher than the amount received in the former position. Such salary will be pro-rated from the effective date of promotion to the end of the subject pay period. The date of promotion or advancement will be the and shall receive a new anniversary date established for the employee for purposes of evaluation and advancement in the salary range.

### §309

~~The District's policy in regard to salaries, vacation, sick leave and working conditions shall take into account those used by Alameda County, but shall not be bound by them.~~

### §310

~~The Board shall consider as one of its guidelines the salary and fringe benefits of similar and adjacent mosquito abatement districts.~~

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### §311

**§301.2 (vii)** The Board may provide for longevity pay as agreed upon in the Employees' Association Memorandum of Understanding.

### §301.3 Workweek and Pay Days

### §319

~~Week Defined.~~ Week as used herein is hereby defined as any consecutive seven-day period commencing at 12:01 a.m. of any Sunday.

**§301.3 (i)** The standard workweek as used herein is hereby defined as any consecutive seven-day period commencing at 12:00 a.m. of any Sunday and ending at 11:59 p.m. the following Saturday.

### §316

~~When Salaries are Payable.~~ The salaries of all regular employees as fixed herein shall be paid in equal semi-monthly installments, and all salaries shall continue in the amount herein fixed until such time as the same may be modified by the Board Trustees.—  
(Effective January 1, 1989, salaries will be payable on the 15th day and the last day of each month.

**§301.3 (ii)** Established paydays for the District are the 15<sup>th</sup> and last working day of the month. Employees will be paid for time worked from the 1<sup>st</sup> through the 15<sup>th</sup> on the 15<sup>th</sup> of the month; time worked between the 16<sup>th</sup> and the end of the month will be paid on the last working day of the month.

### §301.4 Alternate Workweek

**§301.4 (i)** The District Manager may approve an alternate work schedule (~~known as~~ including a 9/80 schedule, a 4/10 schedule, or some other alternate schedule based on a 40 hour workweek) for individual employees based on staffing needs, the employee's performance and the nature of the position. An alternate work schedule for an employee may be implemented at the sole discretion of the District Manager and may be thereafter modified or eliminated as needed, at any time by the District Manager.

**§301.4 (ii)** Employees approved to work an alternate 9/80 work schedule will work nine (9) hours for four fixed days in each one workweek, and eight (8) hours the remaining day of one workweek. The employee will be off work on corresponding fifth day in the following workweek. As such, during the 2-week work period, the employee will work a total of 44 hours one calendar week and 36 hours the following calendar week, with the hours worked split between two workweeks as defined in 301.4(iii), below.

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**§301.4 (iii)** The Fair Labor Standards Act (FLSA) workweek for employees on the 9/80 schedule will begin at "mid-day of an employee's scheduled 8 hour workday " and end "mid-day of the employee's scheduled workday on the same day of the following week ." Using this method, an employee will work a total of 40 hours during each scheduled workweek. Overtime and compensation time apply to non-exempt employees for hours worked beyond 40 in any established workweek.

**§301.4 (iv)** The employee will be eligible to request a 9/80 work schedule following at least six months of employment, subject to the recommendation of his/her supervisor, and the approval of the District Manager. Employees must complete a signed agreement approved by their supervisor and the District Manager, to be eligible for the 9/80 work schedule.

**§301.4 (v)** The employee will continue accruing vacation and sick leave hours at the same rate as before being assigned to an alternative work schedule. An employee who is using vacation or sick leave will be charged the number of hours of use.

**§301.4 (vi)** Compensation for holidays will change when assigned to an alternative work schedule. Employees normally receive 8 hours of holiday pay when assigned to a regular 40-hour per week work schedule. Under the 9/80-schedule option, an employee will continue to receive 8 hours of holiday pay, even if the holiday falls on a day when the employee is scheduled to work 9 hours. The employee will use his/her accrued compensatory time off time or vacation time to make up the one-hour difference.

### **§301.5 Working Hours**

**§301.5 (i)** Established hours of District operation are between 7 a.m. and 5:30 p.m. each day. Reporting times, defined as the time when employees are expected to be present and ready to start work, may vary based on the specific job requirements. The supervisor will establish the reporting times for each group of employees.

**§301.5 (ii)** Employees must be present at their job during the "core hours" of 8 a.m. to 11 a.m. and 1:30 p.m. to 3:30 p.m., unless modified by their supervisor and/or the District Manager. For employees approved to use an alternate work schedule, the employee and the employee's supervisor will establish the work hours for the employee based on established guidelines and as determined by the supervisor and District Manager

**§301.5 (iii)** Each employee is required to take a 30-minute unpaid lunch break on any workday that he or she works longer than 6 hours.

**§301.5 (iv)** Employees are entitled to take one 10-minute break for every four hours of

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work.

Breaks may not be combined with the 30-minute lunch period.

**§301.5 (v)** Employees are expected to arrive at work at their regularly-scheduled reporting time.

If an unforeseen delay results in arrival to work 15-minutes or less past the regularly-scheduled reporting time, the employee is expected to make that time up at the end of the work shift.

a) If an unforeseen delay results in arrival to work more than 15-minutes past the regular reporting time, the period of absence is to be charged to the employee's accrued vacation balance or compensatory time off

### §301.6 Overtime

#### §317

~~Overtime Work Define.~~ **§301.6 (i)** "Overtime work" as used herein is hereby defined as all time which an **non-exempt** employee of the District is required to work in excess of forty hours in any one **workweek**, except that, in any **workweek** in which a holiday or holidays occur, all time worked in excess of forty hours **in a workweek**, less the number of hours, (but not to exceed 8 hours in any one day) normally worked by such employee on such day or days if they were not holidays shall be considered as overtime. Overtime service must be for definite work performance and ordered and approved by the ~~manager.~~ **supervisor or District Manager**. The **District Manager** or authorized designee may authorize overtime work during Saturdays, Sundays or holidays for any or all personnel.

#### §318

~~Compensation for Overtime.~~ **§301.6 (ii)** Overtime work shall be compensated for at the rate of **one and one-half times the regular hourly rate for each hour worked in excess of 40 in a workweek, and two hours for each hour worked on a holiday that is recognized by the District.** **Overtime may be paid in cash, or accrued as compensatory time as set forth in Section 301.7 of these Policies.** ~~time and one-half off, (effective-1978 by State law) to be added to employee's vacation leave.~~

### §301.7 Compensatory Time Off

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**§301.7 (i)** Compensatory time off may be granted to those non-exempt employees who work overtime as provided in Section 301.6 of these Policies and with whom the District has a prior agreement or understanding that the employee will accept compensatory time in lieu of cash payment for overtime.

**§301.7 (ii)** Compensatory time is earned at the overtime rate (one and one-half hour for each hour worked in excess of 40 hours in a **workweek** and two hours for each hour worked on a holiday that is recognized by the District.)

**§301.7 (iii)** Employees are encouraged to use their accrued compensatory time, and the District will make every effort to grant reasonable requests for the use of compensatory time when sufficient advance notice is given and the workplace is not unduly disrupted.

**§301.7 (iv)** The maximum number of compensatory time hours that an employee may accrue is eighty (80) hours. Any employee who has reached this maximum shall not work any additional overtime until the employee's accrued compensatory time has fallen below the maximum allowed, unless the employee receives advance written authorization and receives payment in cash for any such additional overtime.

**§301.7 (v)** The District reserves the right at any time to pay an employee in cash or any or all accrued compensatory time and/or to require the employee to use accumulated compensatory time.

**§301.7 (vi)** Employees who separate from District service for any reason shall be paid for accrued and unused compensatory time off.

### **§302 Uniforms**

#### **§301.8 Uniform Allowance**

##### **§302.1**

**§301.8 (i)** The District shall grant to each ~~specialist, vector biologist and technician in its present employ~~ **designated employees** a sufficient number of uniforms to maintain an adequate supply for the changes necessary to keep same clean and in good condition and also supply a laundry service for said uniforms, the color and type to be determined by the **District Manager** ~~manager~~ with the cooperation of the employees.

- a) The District uniforms will include ~~shoulder patches bearing the District's insignia, to be placed just below the shoulder on the left sleeve of~~ **on** the shirts and jackets selected.

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- b) The District shall also furnish each employee with name patches, to be placed on the front of the shirt or jacket so as to be visible at all times. This clothing shall be worn during working hours unless specifically exempted by the District Manager. Uniforms shall not be modified without permission from the District Manager.

### **§302.2**

~~The times when it will not be necessary to wear this clothing will be when working on the repair of equipment or doing other work at the District depot, or when the full day is to be in such work as digging and cleaning ditches.~~

### **§303 Safety Boots**

#### **§303.1**

**§301.8 (ii)** The District, in order to reduce injuries to workers, will provide an allowance not to exceed ~~the limits set by the Board of Trustees \$150.00 \$190.00 per fiscal year per employee (limit set in 2016 at \$190.00 per fiscal year per employee)~~ to purchase safety boots that meet Cal/OSHA standards for toe and penetration protection. Safety shoes are to be above ankle height. Employees are to be reimbursed up to the allowance set by the Board upon presenting a receipt of purchase to the District. Employees may have the option of purchasing safety boots at an approved supplier that will then bill the District.

#### **§303.2**

~~When Safety Boots are to be worn.~~

- a) All employees of the District working outside of the office are required to wear approved safety boots or other approved footwear. Safety boots are not required for attending meetings or continuing education training.

### **§301.9 Professional Development**

#### **§333**

~~Professional Development.~~ **§301.9 (i)** It is the policy of the District to encourage participation by all employees in continuing education. The District Manager is authorized to reimburse employees for ~~job-related education and training. up to the amount budgeted for the year.~~

**§301.9 (ii)** District Manager approval is required for any educational or training course work for which an employee will be seeking reimbursement. Such approval must be granted before the course begins.

**§301.9 (iii)** Reimbursement for approved job-related education and training will be

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processed following successful completion of the course or training, upon presentation of documentation of successful completion and all receipts

**§301.9 (iv)** Training should be scheduled so that it is not disruptive to the employee's normal job duties.

### **§302 – HEALTH AND WELFARE BENEFITS**

#### **§302.1 Health, Dental, and Vision Benefits**

**§302.1(i)** Health Insurance is available to full-time employee of the District, as well as eligible members of the employee's family as defined in plan documents. Dental, and Vision Benefits are available to full-time employees after six months of satisfactory service. The District reserves the right to select and contract with Health, Dental and Vision Insurance providers, and to change providers and plans. Impacts associated with changes in Health, Dental and Vision Insurance coverage or carriers will be negotiated with affected employee bargaining groups.

**§302.1(ii)** District contributions to health, dental, and vision insurance premiums are negotiated as a part of the bargaining process, and are documented in the relevant Memoranda of Understanding and/or Compensation Agreements. Health Plan summaries and specific plan information are available from the District Manager or designee.

#### **§302.2 Group Term Life Insurance**

Full-time regular employees are provided, at District cost, group term life insurance coverage. The District Manager or designee can provide additional information, plan documents and literature regarding this benefit.

#### **§302.3 Unemployment Insurance**

Unemployment insurance provides compensation payable to individuals unemployed through no fault of their own who are actively seeking employment and are available and able to work. The District Manager or designee can provide additional information regarding this benefit.

#### **§302.4 Consolidated Omnibus Budget Reconciliation Act (COBRA)**

**§302.4(i)** Employees and dependents who lose group health coverage due to termination of employment or other "qualifying events" (i.e., death of employee, divorce or separation) may continue health and dental coverage on a self-pay basis under the COBRA option for eighteen (18) months, or the limits specified by law.

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**§302.4(ii)** Upon an employee's termination of employment, the District will issue a Notice of Right to Elect COBRA Continuation Coverage for health care coverage. To continue health care coverage under COBRA, the employee will fill out and sign forms provided by the District. The terminating employee must pay the full cost of coverage, plus the allowable administrative fee, by the deadlines set forth in the Notice.

### **§302.5 Retirement Plan**

**§302.5(i)** The District offers a retirement benefits package to all eligible full-time employees through the California Public Employment Retirement System (CalPERS). Full-time employees hired prior to January 1, 2013 will be covered under the 2% @ age 60 55 formula in CalPERS; full-time employees hired on or after January 1, 2013 will be covered under the 2% @ Age 62 formula in CalPERS.

**§302.5(ii)** In accordance with California Public Employees' Pension Reform Act of 2013 (CalPEPRA), as lawfully applicable, employees hired after January 1, 2013 will contribute 50% of the cost of the CalPERS contribution rate. Service credit will be credited in accordance with CalPers plan guidelines. More information on the retirement program can be obtained by contacting the District Manager or designee.

### **§302.6 Social Security**

Employees are not covered under the full federal Social Security program. The District participates in the federal Medicare portion of Social Security for all employees. The employee and the District contribute the mandatory 1.45% each into Medicare.

### **§302.7 Workers' Compensation**

**§302.7(i)** Employees who are injured on the job, no matter how slightly, must report the incident immediately to their Supervisor. Failure to follow District procedures may affect eligibility to receive Workers' Compensation benefits.

#### **§323.2**

~~**Sickness or Injury in Course of Employment.** If a person is incapacitated by sickness or by injuries received in the course of employment by the District, the manager may grant an amount of pay equal to the difference between the employee's District salary and the workers compensation received during such incapacity, but not to exceed one year for any one period of such incapacity.~~

**§302.7(ii)** If an employee has an illness or injury that is either caused by his or her job, or incurred within the course and scope of their employment, the employee may be entitled to medical care and industrial leave (time away from the job based on doctor's orders). These benefits are administered by the District's workers' compensation

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carrier.

**§302.7(iii)** Following the required three (3)-day waiting period, the employee may be entitled to partial wage continuation during time he or she is off work due to a work related illness or injury. This partial wage continuation will be in the form of temporary disability payments through the District's workers' compensation carrier.

**§302.7(iv)** The injured employee will be allowed to integrate any accrued and unused sick leave, vacation, and compensatory time off with the workers' compensation temporary disability payment to retain the full regular rate of pay. After the employee has exhausted available accrued leave the sole source of income will be the temporary disability payments through the workers' compensation carrier.

**§302.7(v)** The District provides a temporary light duty program for employees who sustain a workplace injury or illness.

- a) The District will provide a temporary modified or light duty assignment, as available, to an employee with an approved workers' compensation claim, once the employee has been released to temporary modified/restricted work by his or her treating physician.
- b) Placement into a light duty position is on a temporary basis and should never become permanent. In no event shall a temporary light duty assignment exceed six (6) months.
- c) Light duty is not guaranteed and may be modified, or ended, at any time, even if the employee's physician has not released him/her to regular duty.

**§302.7(vi)** If the treating physician has not cleared the injured employee to return to full duty the end of the light duty assignment or by the conclusion of the maximum period of industrial leave, the employee may be entitled to the reasonable accommodation processes set forth under the provisions of the Americans with Disabilities Act.

**§302.7(vii)** The District will not allow any form of retaliation against individuals who file a workers' compensation claim.

~~§306~~

~~Employee Questions, Comments and Suggestions~~ Employees are encouraged to

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~~provide questions, comments or suggestions relating to the District or its operation. Questions comments suggestions may be made either orally or in writing and shall be directed to the employee's supervisor. If the question comment suggestion is made in writing, the supervisor shall, within two weeks of its submission, provide a written response to the employee. The supervisor shall also forward the question comment suggestion and his/her response to his/her supervisor for review. An employee question comment suggestion may not serve as a basis for disciplinary action against the employee.~~

### **§315**

~~**Compensation for Portion of Month Worked.** The compensation herein provided shall be deemed to mean the compensation per month, provided, however, that any position intended to be filled on a full-time monthly basis and for which compensation is provided on a monthly basis may be filled for a portion of a month, and during any month such position is filled on such basis, the salary for such position for such month shall be that pro rate of the monthly salary that the number of hours or days worked by such employee during such month bears to the total number of working hours or day in such month.~~

### **§320**

~~**Fraction of Less than One-Half Hour.** No overtime payment shall be allowed for any period of less than one-half hour, and fraction of less than one-half hour of overtime worked may not be accumulated in order to total one-half hour or more, except where such fractions are part of a regularly scheduled shift.~~

## **§303 – LEAVES**

### **§303.1 – Holidays**

### **§324**

~~**Holiday Defined.**~~

**§303.1 (i)** The District shall provide full-time employees time off with pay for the following recognized holidays:

- (a) January 1<sup>st</sup>, known as New Year Day
- (b) The third Monday in January, known as “ Dr. Martin Luther King Jr. Day.”
- (c) February 12<sup>th</sup> , known as “Lincoln’s Day **Birth**day.”
- (d) The third Monday in February known as “President’s Day”
- (e) The last Monday in May, known as Memorial Day

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- (f) July 4<sup>th</sup>, known as "Independence Day"
- (g) The first Monday in September, known as "Labor Day"
- (h) September 9<sup>th</sup>, known as "Admission Day."
- (i) The second Monday in October, known as "Columbus Day."
- (j) November 11<sup>th</sup>, known as "Veterans Day."
- (k) Thanksgiving and the day after Thanksgiving
- (l) December 24<sup>th</sup>, known as "Christmas Eve"
- (m) December 25<sup>th</sup>, known as "Christmas"
- (n) ~~every day appointed by the president or Governor for a public fast, thanksgiving, or holiday; and in addition include the day after Thanksgiving and any other holidays agreed upon in the MOU.~~ Other or alternate holidays agreed upon between the District and employee bargaining groups, as documented in the Employees' Association Memorandum of Understanding.

**§303.1 (ii)** In the event that any of the holidays provided for herein shall fall on Sunday, the Monday following will be observed and in the event any of the holidays provided for herein shall fall on a Saturday, the Friday preceding will be observed.

**§303.1 (iii)** A day off with pay for full-time employees under this section shall be recognized as eight (8) hours.

### ~~§322~~ §303.2 Vacation Leave

#### ~~§322.1~~

The **§303.2 (i)** Accrual of vacation under the District's vacation plan will be administered as stated below, ~~unless modified by Employees' Association Memorandum of Understanding~~

<u>Years of Employment</u>	<u>Days Vacation Accrued/Month</u>
Beginning of 1 <sup>st</sup> year through end of 3 <sup>rd</sup> year	1 day /month = 12 days/year
Beginning of 4 <sup>th</sup> year through end of 7 <sup>th</sup> year	1 ¼ days/month = 15 days/year
Beginning of 8 <sup>th</sup> year through end of 12 <sup>th</sup> year	1 2/3 days/month = 20 days/year
Beginning of 13 <sup>th</sup> year and after	2 1/12 days/month =25 days/year

#### ~~§322.3~~

~~Maximum Vacation Leave.~~ **§303.2 (ii)** Vacation leave accrued and taken in any calendar year may not exceed the number of days the employee would be entitled to for the number of years of service they have accumulated with the District. ~~see schedule of vacation leave §322.1).~~

**§303.2 (iii)** ~~However~~ If the District Manager finds determines that the best interest of the District will be served by delaying all or part of the vacation leave due such employee, unused vacation leave so accumulated shall be added to leave subsequently

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due, not to exceed a maximum of two years vacation allowance in the case of any employee in a calendar year.

**§303.2 (iv)** An employee who has reached the maximum vacation accrual level of two years allowance will cease accruing vacation until sufficient vacation is taken that the accrual balance is less than the stated maximum, unless otherwise approved by the District Manager.

### ~~§322.4~~

~~Date When Vacation Credit Starts.~~ **§303.2 (v)** Vacation credit shall begin on the first day of the month if employment began on the date or the first business day following the first of the month; otherwise it shall begin on the first day of the succeeding calendar month.

### ~~§322.2~~

~~Cash Payment in Lieu of Vacation Leave.~~ An employee who has completed one year of employment and leaves the District service for any reason shall be paid the rate shown in the vacation schedule.

**§303.2 (vi)** Employees who separate from District service for any reason will be paid for accrued and unused vacation.

## ~~§323~~ **§303.3 Sick Leave**

### ~~§323.1~~

~~As used in this article "sick leave" means leave of absence of an employee because of any of the following:—~~

- ~~a) Illness or injury which renders the employee incapable of performing work or duties for the District;—~~
- ~~b) Exposure to contagious disease;—~~
- ~~c) Routine medical or dental appointments of the employee; and~~
- ~~d) Illness of an emergency nature within the employee's household.~~

### ~~§323.3~~

~~Sickness or Injury Not in Course of Employment.~~—If a person is incapacitated by injuries or sickness not received in the course of his employment by the District, or if a person is otherwise incapacitated as defined in §323.1 then the manager may grant the employee sick leave with pay. Sick leave is accumulated at one day per month for all

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employees.

### **§323.5**

~~Effective January 1, 1996, employees with negative balances on the sick leave will have the time deducted from the vacation leave balance.~~

### **§323.7**

~~**Emergency Leave – Sickness in Employee's Immediate Family.** Leave of absence with pay because of sickness or injury in the employee's immediate family may be granted by the manager, not to exceed the amount of time which is specified under the section entitled "Sickness or Injury Not in Course of Employment". Time taken for sick leave under the provisions of this paragraph shall be deducted from the sick leave allowable for such person.~~

**§303.3 (i)** Paid sick leave provides time off without loss of pay for reasons, and under the conditions, specified in this Policy, as may be modified by MOU or applicable law. Every employee should use sick leave with respect for the intent of the policy and the impact on fellow employees. All employees are responsible for the proper administration of the sick leave provision.

**§303.3 (ii)** Accrual of paid sick leave is set forth below, as may be amended or modified by specific provisions in relevant Memoranda of Understanding and/or adopted Compensation Resolutions.

a) Regular Full-time Employees:

Sick leave with pay shall accrue to regular full-time employees at the rate of one work day for each calendar month of service, or according to current Memoranda of Understanding or Compensation Agreements. Sick leave credits shall accrue only while an employee is in paid status with the District.

b) Part-time and Seasonal Employees.

After working a minimum of 30 calendar days for the District, 3 days (24 hours) of paid sick leave shall accrue to part-time, seasonal and temporary employees. The accrual will be capped at 3 days or 24 hours.

**§303.3 (iii)** Approved Sick Leave may be granted to all full-time employees for the following reasons:

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- a) For the diagnosis, care or treatment of an existing health condition, or preventive health care for the employee or a member of the employee's immediate family member.
- b) Enforced quarantine of the employee in accordance with community health regulations.
- c) To allow a victim of domestic violence and/or a victim of sexual assault to obtain relief or attempt to obtain relief to help ensure his or her health, safety, or welfare, or that of his or her child(ren).
- d) To allow a victim of domestic violence and/or a victim of sexual assault to seek medical attention, to obtain services from a domestic violence program or psychological counseling, or to participate in safety planning.
- e) Complication or disability resulting from or contributed to any pregnancy, termination of pregnancy, or recovery therefrom.

**§303.3 (iv)** (REVISED LANGUAGE) One-half (50%) of the Sick Leave accrued by a full-time employee in any one year shall be granted if needed for the reasons cited in §303(iii)(a),(c),or (d).

**§303.3 (v)** After meeting the eligibility and waiting period requirements set forth in this Policy, accrued Sick Leave can be taken by eligible part-time-time, seasonal and temporary employees for the following reasons:

- a) The diagnosis, care or treatment of a health condition or for preventive care of the employee or a member of the employee's immediate family.
- b) For specified purposes when an employee is a victim of domestic violence, sexual assault or stalking.
- c) Sick Leave under this section can only be taken for an absence from a previously scheduled work shift.

**§303.3 (vi)** Supervisory personnel are charged with the responsibility for reviewing and evaluating sick leave usage.

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- a) Sick leave misuse or abuse is generally defined as use of sick leave for reasons other than are set forth in this Policy. Potential indicators of abuse are set forth below:
1. A pattern of sick leave use involving days adjacent to scheduled days off and holidays.
  2. Refusal or inability to provide medical substantiation when requested.
  3. Frequent absences with vague or questionable substantiation.
  4. Frequent or recurring exhaustion of sick leave soon after it is earned (unless for substantiated medical reasons).
  5. Other evidence of employee activity which is inconsistent with the legitimate use of sick leave, such as usage higher than the District average for the previous calendar year (deduct serious illness or injury) and two or more indicators above.
- b) When it is determined, by investigation, that sufficient evidence exists to demonstrate that an employee has or is abusing or misusing the sick leave privilege, the District Manager may cause such disciplinary action to occur as deemed appropriate to deter future misuse. If it is found that the claim for sick leave was fraudulent the claim for sick leave will not be paid. **Sick leave taken under Sections 303.3 (vi) and 303.3 (vii) of this Policy shall not be considered in determining abuse or misuse of the sick leave privilege.**

### **§323.6**

~~**Doctor's Examination.** When a person asks for or is on sick leave with pay, the manager may require such doctor's examination as he deems appropriate in order to determine whether such leave shall be granted or shall continue.~~

**§303.3 (vii)** Except for sick leave taken under Sections 303.3 (vi) and 303.3 (vii) of this Policy, the District may require a physician's certificate for absences due to illness when the employee has been put on notice of being suspected of misuse of sick leave and that future absences will require a physician's certificate. The physician's certificate shall be requested at the earliest possible time and prior to the employees' return to work, whenever possible.

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- a) Any employee may be required by the District Manager to submit to an examination by a licensed physician or psychologist at any time, subject to sufficient cause existing, by the District at its expense in order to determine the state of the employee's health and fitness to perform assigned tasks.
- b) Privacy laws restrict employers from requesting certain medical or health information. Therefore, if asking for a physician's certification or other verification of absence due to illness, a supervisor may ask when the employee is anticipated to return to work, with or without restrictions, but cannot ask for a diagnosis or prognosis.

### ~~§323.4~~

~~The Board of Trustees has provided the employees an option from the Public Employees' Retirement System (PERS) which allows employees to accumulate sick leave at a rate of twelve days per year. At retirement, the balance of unused sick leave can be converted to PERS service credit.~~

**§303.3 (viii)** Paid sick leave provides time off without loss of pay for qualifying reasons. It is a non-vested benefit which carries no cash value. Except as may be provided as Accrual Incentives or Retiree Service Credit in designed Memoranda of Understanding or Compensation Resolutions, there is no provision for a pay-out of accrued and unused sick leave upon separation from District employment.

- a) If a part time, seasonal or temporary employee separates and returns within one (1) year of separation, unused sick leave hours shall be restored to the employee. If the employee returns after one (1) year of the previous separation, the sick leave hours shall not be restored to the employee.

### **§303.4 Voting Time Off**

**§303.4 (i)** In the event an employee does not have sufficient time outside of working hours to vote in an election, the employee may take a limited amount of time off without loss of pay to vote.

**§303.4 (ii)** Voting time off should be taken at the beginning or end of the regular work schedule, whichever allows the most free time for voting and the least time off from work. An employee will be allowed a maximum of two (2) hours of voting leave on Election Day.

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**§303.4 (iii)** Employees should notify their Supervisor of the need for time off to vote at least three (3) working days prior to Election Day.

### **§303.5 Military Leave**

**§303.5 (i)** The District provides paid and unpaid military leave in accordance with provisions of federal and state laws. Should this policy be in conflict with applicable laws, rules, regulations or agreements, those laws, rules, regulations or agreements shall control. Rights and obligations which are not specifically set forth below are set forth in the Uniformed Service Employment and Reemployment Rights Act of 1994 (USERRA).

**§303.5 (ii)** Military Leave is available to all District employees, including part-time and seasonal employees who receive duly executed orders for active duty, active duty for training, initial active duty for training, inactive duty for training, full time National Guard duty, and for examination to determine the fitness of a person to perform any such duty.

**§303.5 (iii)** Temporary Military Leave is available to all District employees including part-time and extra-help employees who receive duly executed orders for temporary military duty for purposes of active military training, encampment, navel cruises, special exercises or like activity as a member of the reserve corps or force of the Armed Forces of the United States, or the National Guard, or the Navel Militia.

**§303.5 (iv)** Qualifying Exigency Leave is available to District employees when an immediate family member of the employee is a military member is deployed or has been notified of an impending deployment to a foreign country. Details regarding eligibility for and limitations of Qualifying Exigency Leave are set forth in the District Family and Medical Care Leave Policy.

**§303.5 (v)** Military Caregiver Leave is available to District employees when the employee's immediate family member has a qualifying serious injury or illness. Details regarding eligibility for and limitations of Military Caregiver Leave are set forth in the District of Family and Medical Care Leave Policy.

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**§303.5 (vi)** Employees requesting a Military Leave of Absence must provide advance notice of their intent to take military leave and provide copies of their orders (or provide other appropriate documentation to substantiate the need for military leave if orders are not available, (ie. Special Operations) to their supervisor, unless doing so is unreasonable or is precluded by military necessity. This request must identify the type of leave, anticipated dates and duration of the leave.

- a) In an emergency situation, if orders are not available at the time of the ordered leave, oral notice should be given as soon as possible, with a copy of the military orders to be provided to the District as soon as it is available.

**§303.5 (vii)** Employees ordered into active federal military duty as a member of the National Guard or Naval Militia will be granted military leave for a period not to exceed five (5) years, unless there is an authorized exemption. Authorized exemptions to the five year limit include: initial enlistments lasting longer than five years, periodic National Guard and Reserve training duty, and involuntary active duty extensions and recalls.

**§303.5 (viii)** Employees ordered to temporary active duty, or for training will be granted military leave for a period not to exceed 180 calendar days, including time spent traveling to and from such duty.

**§303.5 (ix)** Employees will receive District pay while on military leave as set forth below:

- a) Employees employed by the District for a period of not less than one year are entitled to pay for the first 30-days of military leave.
- b) National Guard members on military leave are entitled to receive pay for the first 30-days of leave, regardless of length of service with the District.
- c) The aggregate of payments for reserve training leave, temporary military leave, and military leave shall not exceed thirty (30) calendar days in any one fiscal year.
- d) If an employee's military leave exceeds 30 days in any fiscal year, the employee will have the option of using available vacation, compensatory time, or to move to military leave without pay (MLWOP) status.

**§303.5 (x)** The District will continue to pay the District's portion of the cost of health

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insurance for an employee while he or she is on any military leave to the same extent it would if the employee were working, regardless of pay status, for a maximum of thirty (30) days. Health Insurance is defined as medical, vision, and dental insurance. The employee must continue to pay his/her employee contribution to health insurance either through payroll deduction while using leave balances, or by direct payment to the District.

**§303.5 (xi)** Employees on temporary military leave and who have at least one year of service with the District or at least one year of combined military/District employment service, continue to accrue the same vacation, sick leave, and holiday benefits for up to a maximum of 180 days. This provision also applies to employees who are members of the National Guard.

- a) Employees on active military leave are not entitled to accrue sick leave or vacation during the period of Military Leave.
- b) Employees who are members of the National Guard and are on active military leave accrue vacation and holiday benefits, but not sick leave, for the first 30 days of active service.

**§303.5 (xii)** An employee returning from active duty after serving in time of war or national emergency must seek reemployment within 6 months after completing military service, but not later than 6 months after the end of the war or national emergency. Reemployment rights do not extend to an employee who fails to return to his/her position within 12 months after the first date on which he or she could terminate active military service.

- a) An employee on military leave for reasons other than war or national emergency must return to work or seek reemployment as set forth below:
  - 1) An employee whose military leave lasted from 1 to 30 days must report to the District by the beginning of the first full regularly scheduled work day on the first full calendar day following the completion of the period of service.
  - 2) An employee whose military service lasted from 31 to 180 days must submit a reemployment application (verbally or in writing) with the District no later than 14 days after the completion of the period of service.

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- 3) An employee whose military leave lasted more than 180 days must submit a reemployment application (verbally or in writing) with the District no later than 90 days after the completion of the period of service.
- b) An employee who fails to report to work or submit a reemployment application as set forth in this section may be deemed to be on Unauthorized Leave from the District.

### ~~§330 Family Medical Leave~~ **§303.6 Family And Medical Care Leave**

#### **§330.1**

~~**Purpose.** The purpose of this policy is to clarify how the District will implement the Family and Medical Leave Act of 1993 (FMLA) and the California Family Rights Act of 1991 (CFRA).~~

#### **§330.3**

~~Under the California Family Rights Act of 1991 (CFRA) and the Federal Family and Medical Leave Act of 1993 (FMLA), if an employee has worked for the District at least 1250 hours during the last 12 months and has more than 12 months of service with the District, then the employee may have a right to take unpaid family care and medical leave up to 12 work weeks in a 12 month period (CFRA leave and FMLA leave).~~

**§303.6 (i)** The District will provide up to twelve (12) weeks of Family and Medical Care Leave in a twelve (12) month period for eligible employees as required by State and Federal Law. The following provisions set forth certain of the rights and obligations with respect to such leave. Rights and obligations which are not specifically set forth below are set forth in the Department of Labor regulations implementing the Federal Family and Medical Leave Act of 1993 ("FMLA"), and the regulations of the California Family Rights Act of 1993 ("CFRA").

#### **§330.7**

~~**Eligibility.** To be eligible for leave under the FMLA, an employee must: (1) have been employed by the District for at least 12 months, which need not be consecutive; and (2) have worked for the District at least 1250 hours during the 12 months immediately preceding the commencement of leave.~~

**§303.6 (ii)** District employees who have been employed by the District for twelve (12) months and have worked one thousand two hundred and fifty (1,250) hours or more in

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the twelve (12) months immediately preceding the request for leave are eligible to take Family and Medical Care Leave.

### **§330.4**

~~FMLA leave and CFRA leave may be taken for the following reasons:~~

- ~~a) The birth of a child of employee, placement of a child with the employee in connection with an adoption or foster care, or care for a child of the employee who has a serious health condition;~~
- ~~b) Care for the parent or spouse of the employee who has a serious health condition; or~~
- ~~c) The employee's own serious health condition that makes the employee unable to perform the functions of the employee's position.~~

**§303.6 (iii)** Leave is only permitted for the following reasons:

- a) The birth of a child or to care for a newborn of an employee;
- b) The placement of a child with an employee in connection with the adoption or foster care of a child;
- c) Leave to care for an immediate family member as defined in §303.15 of these Policies, who has a serious health condition;
- d) Leave because of a serious health condition that makes the employee unable to perform the functions of his/her position;
- e) Leave for a "qualifying exigency" arising out of the fact that an employee's immediate family member is on active duty or call to active duty status in the regular Armed Forces, National Guard or Reserves who is deployed by the military to a foreign country.
- f) Leave to care for an immediate family member of the service member or veteran within five years of discharge from the military of the United States Armed Forces, National Guard or Reserves who has a serious injury or illness incurred in the line of duty while on active military duty.

**§303.6 (iv)** An eligible employee may be granted up to a total of twelve (12) work weeks of Family and Medical Care Leave in a rolling twelve (12) month period. This rolling twelve month period will be measured forward from the date an employee uses any Family and Medical Care Leave. In the case of a serious health condition of an employee or an employee's family member, adequate medical certification is required.

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- a) An eligible employee may be granted up to a total of twenty six (26) work weeks of Military Caregiver Leave during a single 12 month period to care for a covered service member or veteran within five years of discharge from the military who has a serious injury or illness incurred in the line of duty on active duty for which the service member is undergoing medical treatment, recuperation, or therapy; or otherwise in an outpatient status; or otherwise on the temporary disability retired list. The single 12-month period shall be measured forward from the date an employee's first FMLA leave to care for the covered service member begins. During the single 12-month period, an eligible employee's FMLA leave entitlement is limited to a combined total of 26 workweeks of FMLA leave for any qualifying reason.
- b) Where FMLA leave qualifies as both Military Caregiver Leave and care for a family member with a serious health condition, the leave will be designated as Military Caregiver Leave first.

### **§330.5**

~~When medically necessary, CFRA leave and FMLA leave may be taken in intermittent periods, provided that the total leave taken does not exceed 12 work weeks in any 12-month period. That twelve month period will begin on the first day that the employee leaves work. Leave taken for the birth, adoption, or foster care placement of a child of the employee must be concluded within one year of the birth or placement, and the basic minimum duration of the leave is two weeks. However, an employee is entitled to leave for the birth, adoption, or foster care placement of a child of the employee for at least one day but less than two weeks duration on any two occasions. In any case in which a husband and wife both employed by the District are entitled to leave, the aggregate number of workweeks of leave to which both be entitled may be limited to 12 workweeks during any 12-month period if leave is taken for the birth or placement for adoption or foster care of the employees' child (i.e., bonding leave). This limitation does not apply to any other type of leave under this policy.~~

**§303.6 (v)** If leave under this section is requested for the birth, adoption or foster care placement of a child of the employee, leave must be concluded within one year of the birth or placement of the child. In addition, the basic minimum duration of such leave is two weeks. However, an employee is entitled to leave for one of these purposes (e.g., bonding with a newborn) for at least one day, but less than two weeks duration on any two occasions.

- a) If leave is requested to care for an immediate family member or the employee him/herself with a serious health condition, there is no minimum amount of leave that must be taken. However, the

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employee must comply with the notice and medical certification provisions of this policy.

**§303.6 (vi)** Family and Medical Care Leave may be taken on an intermittent basis as separate blocks of time or on a reduced leave schedule due to a single qualifying event if it is medically necessary for medical treatment of a serious health condition, for recovery from treatment or recovery from a serious health condition, or in conjunction with a chronic serious health condition of the employee or a member of the employee's immediate family.

- a) The employee must provide medical certification that such leave is medically necessary. Medically necessary means there must be a medical need for the leave and that the leave can best be accomplished through an intermittent or reduced leave schedule. It may also be taken to provide care or psychological comfort to an immediate family member with a serious health condition.
- b) Intermittent or reduced schedule leave after the birth or placement of a child for adoption or foster care may be taken only if the District agrees, unless the intermittent or reduced schedule leave is due to the mother's serious health condition or the baby's serious health condition. Intermittent leave must be taken in increments of at least one-half hour.
- c) An employee taking intermittent leave or leave on a reduced schedule for planned medical treatment or recovery from a serious health condition, or an employee permitted to take intermittent leave or reduced schedule leave for the birth or placement of a child, may be temporarily transferred to an available alternative position for which the employee qualifies which better accommodates recurring periods of leave than the employee's regular position. Although the alternative position may or may not have equivalent duties, the employee will receive equivalent pay and benefits during the time he/she works in the alternative position.
- d) Leave due to a qualifying exigency may be taken on an intermittent or reduced schedule basis.

### **§331.1**

- ~~a) Where an employee has earned or accrued paid vacation, administrative leave, compensatory time, or personal or family leave (if applicable to your agency, this is referring to paid family leave; some agencies permit employees to use a certain number of sick leave days for family leave purposes), that paid leave may~~

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~~be substituted for all or part of any otherwise unpaid leave under this policy. As for sick leave, an employee is entitled to use sick leave concurrently with leave under this policy if:~~

- ~~1. The leave is for the employee's own serious health condition; or~~
- ~~2. The leave is needed to care for a parent, spouse or child with a serious health condition, and would be permitted as sick leave under the District's sick leave policy.~~

~~b) Employees must exhaust their accrued leaves concurrently with FMLA/CFRA leave to the same extent that employees have the right to use their accrued leaves concurrently with FMLA/CFRA leave, with two exceptions:~~

- ~~1. Employees are not required to use accrued compensatory time earned in lieu of overtime earned pursuant to the Fair Labor Standards Act; and~~
- ~~2. Employees will only be required to use sick leave concurrently with FMLA/CFRA leave if the leave is for the employee's own serious health condition.~~

~~c) If an employee takes a leave of absence that is FMLA/CFRA-qualifying, the District may designate that non-FMLA/CFRA leave as running concurrently with the employee's 12-week FMLA/CFRA leave entitlement.~~

**§303.6 (vii)** Employees on approved Family and Medical Care Leave will be required to exhaust accumulated leave balances before being placed on unpaid leave, as provided below:

- a) If the need for leave is in conjunction with employee's own serious health condition, the employee must first exhaust accrued sick leave balances, then other leave balances including vacation, compensatory time off, and holiday time prior to moving to unpaid Family and Medical Care Leave.
- b) If the need for leave is in conjunction with the care of **a an** immediate family member who has a serious health condition, the employee may use the limited allowance of sick leave hours and then must use other leave balances including vacation, compensatory time off, and holiday time prior to moving to unpaid Family and Medical Care Leave.
- c) If the leave is requested for a non-medical reason such as bonding after the birth of a child, the employee must exhaust accrued vacation

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and other leave balances exclusive of sick leave prior to moving to unpaid Family and Medical Care Leave. (Compensatory time may be voluntarily elected.)

- d) An employee on leave which is qualifying under the California Family Rights Act (CFRA) and who is receiving either disability or paid family leave benefits through the State of California is not required to use leave accruals prior to moving to unpaid Family and Medical Care leave.

**§303.6 (viii)** If an employee takes a leave for any reason that is FMLA/CFRA qualifying, the District may designate the requested leave as running concurrently with the employee's 12-week FMLA/CFRA leave entitlement. Upon District designation of leave as FMLA/CFRA qualifying, written notice of such.

**§303.6 (ix)** The District will continue to pay the District's portion of the cost of "health insurance" for an employee while he/she is on an approved Family and Medical Care Leave to the same extent it would if the employee were working, regardless of pay status.

- a) "Health Insurance" is defined as medical, vision, and dental insurance.
- b) The employee must continue to pay his/her employee contribution to health insurance either through payroll deduction while using leave balances, or by direct payment while on unpaid leave.
- c) Coverage on a particular plan may be dropped if the employee is more than 30 days late in making a premium payment. However, the employee shall receive a notice at least 15 days before coverage is to cease, advising that he/she will be dropped if the premium payment is not paid by a certain date.
- d) Contribution amounts for all employees are subject to any change if changes in rates occur while the employee is on leave.
- e) If an employee fails to return to work after his/her leave entitlement has been exhausted or expires, the District shall have the right to recover its share of health insurance premiums for the entire leave period, unless the employee does not return because of the continuation, recurrence, or onset of a serious health condition of the employee or his/her family member which would entitle the employee to leave, or because of circumstances beyond the employee's control.

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**§303.6 (x)** An employee disabled by pregnancy is eligible for up to four (4) months of leave for medical disability related to pregnancy under State law. This leave may be in addition to up to twelve (12) weeks of Family and Medical Care Leave. Family and Medical Care Leave available under the California Family Rights Act will not run concurrent with pregnancy disability leave.

- a) The total combined duration of District contribution toward health insurance available during unpaid leaves due to any combination of pregnancy disability, the employee's serious health condition, and family care purposes under this section will not exceed twenty-nine and one-third (29.33) weeks in a twelve (12)-month period.

### **§330.9**

~~If possible, the employee is to provide 30-day advance notice of the need to take FMLA or CFRA leave when the need is foreseeable and such notice is practicable. Otherwise, the employee must provide reasonable advance notice of the need for the leave, and, for planned medical treatments or supervision, the employee must make reasonable efforts to schedule the leave so as to avoid disrupting the District's operations. Failure to comply with these notice rules is grounds for, and may result in, deferral of the requested leave until the employee complies with the notice policy.~~

**§303.6 (xi)** Although the District recognizes that emergencies arise which may require an employee to request immediate leave, the employee is required to give as much notice as possible of his/her need for leave.

- a) Except for qualifying exigency leave, if leave is foreseeable, at least 30 days written notice is required. If an employee knows that he/she will need leave in the future, but does not know the exact date(s) (e.g., for the birth of a child or to take care of a newborn), the employee is to inform his/her supervisor as soon as possible that such leave will be needed; this notice may be given orally.
- b) In the case of a qualifying exigency, the employee shall provide the District with a copy of the covered service member's active duty orders or other documentation issued by the military which indicated that the service member is on, or has been called to, active duty for deployment by the military to a foreign country and the dates of the active duty service. In addition the employee will provide documentation that the leave is for a qualifying exigency listed in this policy and the anticipation length of the leave.

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### §331.0

- ~~a) The District may require an employee requesting leave to submit a medical certification from his or her health care provider or the health care provider of the employee's child, spouse, or parent, as applicable, to support the request for leave. If the leave is requested because of the employee's own serious health condition, the certification must include a statement that the employee is unable to work at all or is unable to perform the essential functions of his/her position.~~
- ~~b) As a condition of reinstatement following an employee's leave taken because of the employee's own serious health condition, the District may require the employee to submit a medical certification from his or her health care provider stating that the employee is able to resume work. The District Manager may require the employee to obtain, at the District's expense, a second opinion regarding the employee's ability to resume work. If the second opinion differs from the first, the District Manager may require a third opinion from a mutually agreed on health care provider. The District may deny reinstatement to a "key" employee (i.e., an employee who is among the highest paid 10 percent of all employed by the District within 75 miles of the work site) if such denial is necessary to prevent substantial and grievous economic injury to the operations of the District, and the employee is notified of the District's intent to deny reinstatement on such basis at the time the employer determines that such injury would occur.~~

**§303.6 (xii)** Following receipt of a Request for Medical Leave of Absence Form the District shall, within five (5) business days, send the employee a Notice of Eligibility and Rights and Responsibilities. At that time the employee will be given at least 15 calendar days to return a completed Certification of Health Care Provider, either for the employee's own serious health condition or for the serious health condition of an immediate family member to the District.

**§303.6 (xiii)** An employee requesting Family and Medical Care Leave due to his or her own the serious health condition, or the serious health condition of a family member shall provide certification from the health care provider treating the individual.

- a) When a leave is requested for the serious health condition of a family member, the certification must include the date, if known, on which the serious health condition commenced; the probable duration of the condition; an estimate of the time the health care provider believes the employee needs to care for the individual; and a statement that the serious health condition warrants the participation of the employee to provide care during treatment.

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- b) When a leave is requested for the serious health condition of the employee, the certification shall include the information included above, and a statement that, due to the serious health condition, the employee is unable to perform any one or more of the essential functions of the position.
- c) If the District has a good faith, objective reason to doubt the validity of a certification provided by the employee for his or her own serious health condition, the District may require a medical opinion of a second health care provider chosen and paid for by the District. If the second opinion is different from the first, the District may require the opinion of a third provider jointly approved the District and the employee, but paid for by the District. The opinion of the third provider will be binding. An employee may request a copy of the health care provider's opinions when there is a second or third medical opinion sought.
- d) Medical certification for a Military Caregiver Leave shall be from a United States Department of Defense, Department of Veteran's Affairs, or other authorized medical provider. It shall indicate:
  - 1) whether the service member has incurred a serious injury or illness;
  - 2) whether the injury or illness renders the service member medically unable to perform the duties of the member's position;
  - 3) whether the injury or illness was incurred in the line of duty on active duty;
  - 4) whether the service member is undergoing medical treatment, recuperation, or therapy, or is otherwise on outpatient status, or is otherwise on the temporary disability retired list;
  - 5) the probable duration of the injury or illness;
  - 6) the frequency and duration of leave the family member requesting leave will require; and
  - 7) the family relationship of the eligible employee to the covered service member.
- e) When an employee's leave is foreseeable and at least 30 days' notice has been provided, if medical certification is requested, the employee

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must provide it before the leave begins. When this is not possible, the employee must provide the requested certification to the District within the timeframe requested by the District (which must allow at least 15 calendar days after the employer's request), unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts.

- f) If an employee provides an incomplete medical certification the employee will be given a reasonable opportunity to cure any such deficiency. However, if an employee fails to provide a medical certification within the time frame established by this policy, the District may delay the taking of Family and Medical Care Leave until the required certification is provided.
- g) Recertification of the serious health condition may be requested upon the expiration of the time period the health care provider originally estimated. Re-certification from a health care provider may only be requested after the first certification has expired.
- h) Upon receipt of the Certification of Health Care Provider, the District will send the employee a Family and Medical Care Leave Designation memo, indicating if the leave is approved, not approved or if additional information is needed to make a determination. If the leave is approved, the Family and Medical Care Leave Designation memo will set forth any conditions of the leave which may exist beyond what are provided in the Notice of Eligibility and Rights and Responsibilities.

### **§330.8**

~~If the District grants an employee's request for FMLA leave, CFRA leave, and/or pregnancy disability leave, the employee is guaranteed reinstatement upon the termination of the leave to his or her original position or to a position with the same or comparable duties and pay and at the same or comparable geographic location and with no loss of seniority or longevity.~~

**§303.6 (xiv)** An employee granted Family and Medical Care Leave in accordance with this policy shall, upon returning to work, generally be reinstated to the position of employment held before the leave commenced, or, if such a position is not available, to an equivalent position with equivalent employment benefits, pay, and terms and conditions of employment.

- a) Employees have no greater rights to reinstatement, benefits, and conditions of employment than if the employee had been continuously employed during the leave period.

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**§303.6 (xv)** It is against District policy and State and Federal law to discriminate against any individual because that individual has exercised his or her right to Family and Medical Care Leave or leave taken under the California Family Rights Act..

**§303.6 (xvi)** An employee who fraudulently obtains or uses leave under the California Family Rights Act is not protected by job restoration or maintenance of health benefit provisions of that Act.

### ~~§326 Family Definitions~~

#### ~~326.1~~

##### ~~Immediate Family~~

~~For the purpose of §323.7, 324 and 327.1 immediate family means: mother, father, husband, wife, son, daughter, brother, sister or domestic partner.~~

#### ~~§326.2~~

~~**Domestic Partnership Defined.** A “Domestic Partnership” shall exist between two persons, one of whom is an employee of Alameda County Mosquito Abatement District regardless of their gender. Each of the two persons shall be the “domestic partner” of the other if they both complete, sign, date, and cause to be filed with the District office, an “Affidavit of Domestic Partnership” attesting to the following:~~

- ~~a. the two parties reside together and share the common necessities of life;~~
- ~~b. the two parties are not married to anyone; eighteen years or older; not related by blood closer than would bar marriage in the State of California; and mentally competent to consent to contract;~~
- ~~c. the two parties declare that they are each other’s sole domestic partner and they are responsible for their common welfare;~~
- ~~d. the two partners agree to notify the District if there is a change of circumstances attested to in the affidavit;~~
- ~~e. the two parties affirm, under penalty of perjury, that the assertions in the affidavit are true to the best of their knowledge.~~

#### ~~§330.2~~

##### ~~Definitions~~

- ~~a) “12-Month Period” means a rolling 12-month period measured backward from the date leave is taken and continuous with each additional leave day taken.~~

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- b) ~~"Child" means a child under the age of 18 years of age, or 18 years of age or older who is incapable of self care because of a mental or physical disability. An employee's child is one for whom the employee has actual day-to-day responsibility for care and includes a biological, adopted, foster or step-child. A child is "incapable of self care" if he/she requires active assistance or supervision to provide daily self care in three or more of the activities of daily living or instrumental activities of daily living—such as, caring for grooming and hygiene, bathing, dressing and eating, cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, etc.~~
- e) ~~"Parent" means the biological parent of an employee or an individual who stands or stood in loco parentis (in place of a parent) to an employee when the employee was a child. This term does not include parents-in-law.~~
- d) ~~"Spouse" means a husband or wife as defined or recognized under California State law for purposes of marriage.~~
- e) ~~"Serious health condition" means an illness, injury, impairment, or physical or mental condition that involves:~~
- ~~1. Inpatient Care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity (i.e., inability to work, or perform other regular daily activities due to the serious health condition, treatment involved, or recovery therefrom); or~~
  - ~~2. Continuing treatment by a health care provider. A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:~~
    - ~~a. —A period of incapacity (i.e., inability to work or perform other regular daily activities) due to a serious health condition of more than three consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition that also involves:~~
      - ~~i. Treatment two or more times by a health care provider, by a nurse or physician's assistant under direct supervision by a health care provider, or by a provider of health care services (e.g., a physical therapist) under orders of, or on referral by a health care provider; or~~
      - ~~ii. Treatment by a health care provider on at least one occasion that results in a regimen of continuing treatment under the~~

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~~supervision of the health care provider. This includes, for example, a course of prescription medication or therapy requiring special equipment to resolve or alleviate the health condition. If the medication is over the counter, and can be initiated without a visit to a health care provider, it does not constitute a regimen of continuing treatment.~~

~~b. Any period of incapacity due to pregnancy or for prenatal care. (This entitles the employee to FMLA leave, but not CFRA leave. Under California law, an employee disabled by pregnancy is entitled to pregnancy disability leave.)~~

~~c. Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one that:~~

~~i. Requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider;~~

~~ii. Continues over an extended period of time (including recurring episodes of a single underlying condition); and~~

~~iii. May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.) Absences for such incapacity qualify for leave even if the absence lasts only one day.~~

~~d. A period of incapacity that is permanent or long term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider.~~

~~e. Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment.~~

~~f) "Health Care Provider" means:~~

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- ~~1. A doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State of California;~~
- ~~2. Individuals duly licensed as a physician, surgeon, or osteopathic physician or surgeon in another state or jurisdiction, including another country, who directly treats or supervises treatment of a serious health condition;~~
- ~~3. Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice in California and performing within the scope of their practice as defined under California State law;~~
- ~~4. Nurse practitioners and nurse mid-wives and clinical social workers who are authorized to practice under California State law and who are performing within the scope of their practice as defined under California State law;~~
- ~~5. Christian Science practitioners listed with the First Church of Christ Scientist in Boston, Massachusetts; and~~
- ~~6. Any health care provider from whom an employer or group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits.~~

### **§331.2**

~~There are certain exceptions to eligibility for family care and medical leave under the FMLA and CFRA, and the District is legally permitted to deny a request for leave under certain circumstances. In particular, the District has the right to deny any request for family care and medical leave due to the small size of the District work force. However, this exception does not apply to pregnancy disability under the CFEHA, and the District may not deny requests for pregnancy disability leave due to the small size of the District work force.~~

### **§331.3**

~~The taking of family care leave or pregnancy leave may affect certain parts of your employee benefits. If you want more information regarding your rights to, and eligibility for, family care and medical leave, or pregnancy disability leave under this section, please contact the District Manager.~~

### **§303.7 Pregnancy Disability Leave**

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### §330.6

~~Even if ineligible for CFRA leave, if disabled by pregnancy, childbirth, or related medical conditions, a female employee may have a right to take pregnancy disability leave under the California Fair Employment and Housing Act of 1980 (CFEHA). Female employees may take up to four months of pregnancy disability leave, depending upon the period(s) of the employee's actual disability. When medically necessary, pregnancy disability leave may be taken in intermittent periods, provided that the total leave does not exceed four months. Pregnancy disability leave runs concurrently with FMLA leave taken for disability arising from pregnancy, childbirth, or related medical conditions. If the female employee also is eligible for CFRA leave, the employee may be entitled to take both a pregnancy disability leave, which runs concurrently with FMLA leave, and a CFRA leave for reason of the birth of a child.~~

**§303.7(i)** The District will provide up to four months, or seventeen and one-half (17.5) weeks of Pregnancy Disability Leave to eligible employees as required by State Law.

**§303.7(ii)** An employee who has been advised by her health care provider that she is disabled due to pregnancy or a pregnancy-related condition, and who has provided timely notice of this determination to the District, is entitled to Pregnancy Disability Leave. There is no minimum service requirement for eligibility.

**§303.7(iii)** Pregnancy Disability Leave is available when a woman is actually disabled by her pregnancy, childbirth, or a related medical condition. The reasons for leave include:

- a) time off needed for prenatal care,
- b) severe morning sickness,
- c) doctor-ordered bed rest,
- d) childbirth, recovery from childbirth, and any related medical condition.
- e) a woman does not have to be completely incapacitated or confined to her bed to qualify as being disabled by pregnancy. However, as a general rule, a woman must be, in the opinion of her physician, unable to perform one or more essential functions of her job without undue risk to herself or to other persons or without undue risk to successful completion of her pregnancy.

**§303.7(iv)** The duration of Pregnancy Disability Leave limited to four months (17.5 weeks) during the period the employee is disabled by pregnancy or a pregnancy-related condition.

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**§303.7(v)** Pregnancy Disability Leave may be accounted for in increments of no greater than one hour, or the increment utilized to account for use of other forms of leave (if the same is less than one hour).

**§303.7(vi)** An employee disabled by pregnancy is eligible for intermittent or reduced schedule leave if recommended by her treating physician.

- a) If intermittent leave is medically advisable, it may be necessary to temporarily transfer the employee to an available alternative position with an equivalent rate of pay and benefits.
- b) The employee must be qualified for the available alternative position.
- c) The equivalent position must better accommodate recurring periods of leave than the employee's regular job.
- d) If there is no available alternative position, the District may consider altering the employee's existing position on a temporary basis to accommodate intermittent leave or reduced schedule.

**§303.7(vii)** The District will consider temporary reasonable accommodations which are determined to be medically advisable by the employee's health care provider, and reasonable by the District. Temporary accommodations may include:

- a) Additional leave after the employee has exhausted her right to four months of Pregnancy Disability Leave;
- b) Transfer to a less strenuous or hazardous position if the employee's health care provider states that it is medically advisable and the employee is qualified for the position;
- c) Creation of a temporary light-duty assignment, or modification of current job on a temporary basis;
- d) Modifying the work schedule on a temporary basis;
- e) Allowing more frequent restroom breaks.

**§303.7(viii)** An employee seeking a temporary accommodation in conjunction with pregnancy or a pregnancy-related condition shall provide notice of the need for such an accommodation ~~30 days~~ in advance of the needed accommodation, unless such notice is not possible.

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- a) The request for accommodation must include Medical Certification ~~documenting~~ which documents the specific limitations the health care provider has set forth for the employee, as well as the anticipated duration of those limitations.
- b) The District shall engage in an interactive process with an employee seeking a temporary accommodation in conjunction with pregnancy or a pregnancy-related condition to identify, discuss, evaluate, and implement accommodations that are consistent with the recommendations of the health care provider.

**§303.7(ix)** Employees on approved Pregnancy Disability Leave will be required to exhaust accumulated leave balances before being placed on unpaid leave. However, if the employee is receiving either disability or paid family leave benefits, the employee is not required to use any of her paid time off, sick leave or accrued vacation during the qualifying leave.

**§303.7(x)** The District will continue to pay the District's portion of the cost of "health insurance" for an employee while she is on an approved Pregnancy Disability Leave to the same extent it would if the employee were working, regardless of pay status, for a maximum of four (4) months.

- a) "Health Insurance" is defined as medical, vision, and dental insurance. The employee must continue to pay his/her employee contribution to health insurance either through payroll deduction while using leave balances, or by direct payment to the District while on unpaid leave.
- b) Coverage on a particular plan may be dropped if the employee is more than 30 days late in making a premium payment. However, the employee shall receive a notice at least 15 days before coverage is to cease, advising that he/she will be dropped if the premium payment is not paid by a certain date.
- c) Contribution amounts for all employees are subject to any change if changes in rates occur while the employee is on leave.
- d) The total combined duration of District contribution toward health insurance available during unpaid leaves due to any combination of pregnancy disability, the employee's serious health condition, and family care purposes will not exceed twenty-nine and one-third (29.33) weeks in a twelve (12)-month period.

**§303.7(xi)** Leave available under the California Family Rights Act will not run concurrent with pregnancy disability leave. An employee may have separate eligibility

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for “bonding” leave following the birth of a child under the California Family Rights Act. Refer to the District Family and Medical Care Leave policy for information about eligibility requirements.

**§303.7(xii)** Employees must provide at least thirty (30) days advance notice of the need for Pregnancy Disability Leave, or the need for a temporary reasonable accommodation, or transfer in conjunction with pregnancy, if the need is foreseeable. If such notice is not possible due to a change in circumstances, medical emergency, or other good cause, the employee is required to provide notice as soon as practicable.

**§303.7(xiii)** Medical certification will be required to support the need for Pregnancy Disability Leave or other reasonable accommodation in conjunction with pregnancy or a pregnancy-related condition.

- a) Medical certification is to be provided by the employee’s health care provider, and must include:
  - the date on which the employee became disabled due to pregnancy,
  - anticipated duration of the period of disability, and
  - an explanatory statement that, due to the disability, the employee is unable to work at all, or is unable to perform any one or more of the essential functions of her position without undue risk to herself, the successful completion of her pregnancy, or to other persons.

**§303.7(xiv)** An employee returning from Pregnancy Disability Leave or temporary accommodation shall be reinstated to the same position she held prior to taking leave or undertaking a temporary accommodation in conjunction with pregnancy or a pregnancy-related condition, except as provided below.

- a) The employee may not be reinstated to the exact same position if the employee would not have been employed for reasons unrelated to the leave, such as a layoff.
- b) If the exact same position is not available, the employee will be reinstated to a comparable position. A comparable position is one that is virtually identical to the employee’s previously held position, including wages, benefits, working conditions, and shift.

### 327 Funeral Leave

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### §303.8 Bereavement Leave

#### 327.1

~~Death in Employee's Immediate Family.~~ **§303.8 (i)** A Leave of absence with pay because of death in the immediate family of a person in the District employ, as defined in **§303.15**, may be granted by the District Manager for a period not to exceed three days.

**§303.8 (ii)** For out of state funerals the Board authorizes an additional day (for a total of four).

**§303.8 (iii)** Entitlement to leave of absence under this section shall be in addition to any other entitled for sick leave, emergency leave, or any other leave.

#### §327.2

~~Funeral Leave Outside the Immediate Family.~~ The manager will interpret immediate family to include grandparents, mother and father-in-laws and brother and sister-in-laws when the employee is required to help in the funeral arrangements of the deceased. As has been established through District tradition, funeral leave for a more distant relative or friend shall be taken from sick leave.

### §303.9 Jury Duty

#### §332

~~Leave for Jury Duty or in Answer to Subpoena as Witness.~~ Leave of absence with pay shall be granted to a person while going to and from court and service on jury duty or answering a subpoena as a witness. Any jury or witness fee awarded to such person shall be deposited with the District.

**§303.9 (i)** The District will grant time off in conjunction with service on a jury, or serving as a witness in response to a subpoena pursuant to the requirements of the Federal Jury System Improvement Act of 1978 and California Labor Code Section 230. Compensation during authorized jury or witness duty will be provided pursuant to the terms of this policy, as may be modified by relevant Memorandum of Understanding or approved Compensation Agreement.

**§303.9 (ii)** In the event an employee is called for jury duty, no deduction from salary will be made for the absence while serving as a juror or in answering the call for jury duty; provided, however, that the employee shall endorse payments from the Courts for jury duty to the District.

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**§303.9 (iii)** Employees may retain any reimbursement for mileage issued by the Courts in conjunction with jury service.

**§303.9 (iv)** Unless otherwise provided for in the relevant Memoranda of Understanding, employees called to jury duty must report to work before or return to work following their service whenever practical.

- a) If an employee does not have to report to the jury room/court for full days in the midst of their service, they are expected to report to work whenever practical.
- b) Failure to report to work may be considered to be an absence without leave and could be subject to disciplinary action.
- c) Employees who must report for jury duty on their regular days off will not be eligible for jury duty pay. Such service is considered to be a civic duty and not compensable by the District.

**§303.9 (v)** In the event an employee is subpoenaed to appear as a witness in a trial for which the employee is not a party of interest, no deduction from salary will be made for the absence while serving as a witness or in answering the subpoena; provided, however, that the employee shall endorse all payments, if any, for witness duty to the District.

### **§303.10 School Activities Leave**

**§303.10 (i)** Parents, guardians, grandparents, or individuals serving as parents with custody of minor children are entitled to take up to forty (40) hours of time off work each year to attend school-related activities for the following reasons:

- a) when a student has been suspended and the parent, guardian or grandparent is required to appear at the school pursuant to the school's request.
- b) to attend designated Child-Related activities. Child-related activities include: attending school functions, activities and programs; finding, enrolling or reenrolling a child in a school or with a licensed child care provider; addressing a child care or school emergency, including closure or unexpected unavailability of the school (excluding planned holidays) or a natural disaster.

**§303.10 (ii)** Except for the need to address a child care provider or school emergency, the use of School Activities Leave is limited to 8 hours per month

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**§303.10 (iii)** The District may require proof of an employee's participation in these activities.

**§303.10 (iv)** The employee must provide reasonable advance notice to his or her supervisor before taking any time off under this policy.

**§303.10 (v)** Employees must use accrued paid time off for the absence. If the employee does not have any accrued paid time off, the absence will be unpaid. However, exempt employees will be paid their full salary for any week in which they perform any work for the District, and is interrupted by the need for time off under this policy.

### **§303.11 Time Off for Crime Victims**

**§303.11 (i)** Employees who have been victims of serious or violent felonies, as specified under California law, or felonies relating to theft or embezzlement, may take time off work to attend judicial proceedings related to the crime.

**§303.11 (ii)** Employees also may take time off if an immediate family member has been a victim of such crimes and the employee needs to attend judicial proceedings related to the crime.

**§303.11 (iii)** Employees must give their Supervisor a copy of the court notice given to the victim of each scheduled proceeding before taking time off, unless advance notice to the District of the need for time off is not feasible. When advance notice is not feasible, the employee must provide the District with documentation evidencing the judicial proceeding, within a reasonable time after the absence. The documentation may be from the court or government agency setting the hearing, the district attorney or prosecuting attorney's office, or the victim/witness office that is advocating on behalf of the victim.

**§303.11 (iv)** Employees will be paid under this section only to the extent they have accrued vacation or compensatory time off is available.

### **§324 §303.12 Catastrophic Leave**

**§303.12 (i)** A Leave of absence with pay for up to five days annually may be granted in the case of a catastrophic event (such as earthquake, flood or fire) that directly impacts the employee or a member of the employee's immediate family as defined in

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~~§326~~ **303.15.** Employees must request and receive approval from the District Manager and Board to receive paid catastrophic leave. Catastrophic leave shall be in addition to any other entitled sick, vacation or other leave.

### ~~§325-ACMAD~~ **§303.13 Medical Leave Donation Program**

**§303.13 (i)** Any ~~ACMAD~~ District employee who accrues vacation credit may voluntarily donate those credits to any other ~~ACMAD~~ District employee if the recipient employee experiences a catastrophic illness or injury and has exhausted all accrued leave credits, i.e. sick leave, vacation, compensatory time off, due to illness or injury including pregnancy and maternity leave.

~~The following provisions shall apply:~~

- a) **§303.13 (ii)** Employees may donate a maximum of forty (40) hours vacation per fiscal year in increments of eight hours in support of fellow employees who experience a catastrophic illness or injury. Unused donated time will be returned proportionally to the donors. ~~(Use Medical Leave Donation Form)~~

**§303.13 (iii)** Donated time will be “banked”, using the value of each hour of donated time as the basis for credit.

**§303.13 (iv)** An employee may request a grant of donated time under the program when he or she has a catastrophic illness or injury, and has exhausted all accrued paid leave benefits. Grants may be requested when the employee must care for a member of his or her immediate family under the same conditions. The request must include documentation of the catastrophic illness or injury, the limitations of that condition, and the anticipated duration of the condition.

- ~~b) An employee, his/her legal representative or an employee’s immediate family member must request the employee’s participation and provide appropriate verification of illness or injury. (Use Medical Leave Request Form)~~

**§303.13 (v)** A request for donated time under this program may be submitted by the legal representative or an employee’s immediate family member with the employee’s authorization. The request must include documentation of the catastrophic illness or injury, the limitations of that condition, and the anticipated duration of the condition.

**§303.13 (vi)** Grants of donated time will be approved by the District Manager, with consideration being given to the amount of available donated time and the demonstrated need of the employee. In no event will a grant of donated time be

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approved for an employee who has a history or record of sick leave abuse or failure to responsibly use accrued leave benefits.

- e) **§303.13 (vii)** Grants will be awarded as hours from the leave bank. Donated vacation credit may not exceed continuance of the employee's regular rate of compensation.
- d) ~~Vacation may also be donated so that an employee can tend for an incapacitated member of the employee's immediate family (as defined in § 381)~~

### **§303.14 Leave Without Pay**

#### **§328**

~~Leave May Not Exceed Six Months.~~

**§303.14 (i)** A leave of absence without pay may be granted by the Board of Trustees upon the request of a District employee **and recommendation of the District Manager**, but such leave shall not be for longer than six months. Nothing herein contained shall limit or prevent the granting of a leave of absence without pay for a **period longer than six months to any employee** ~~an indefinite period of time to any employee who is injured on the job or has a serious illness, or mental or physical impairment.~~ **who is injured on the job or has a serious illness, or mental or physical impairment.** However, such occurrence may result in the initiation of a reasonable accommodation evaluation under the American's with Disabilities Act.

#### ~~§329~~

~~Health Benefits While On Leave Of Absence.~~ **§303.14 (ii)** Unless otherwise specifically provided in the policies in this Chapter, or set forth in provisions of the Employee's Memorandum of Understanding, ~~the~~ **District Manager** is directed NOT to pay the health benefits of employees at anytime that they are on leave (~~except for approved Family Medical Leave~~), from the District.

### **§303.15 Definition of Immediate Family**

**§303.15 (i)** The definition of immediate family shall be consistently applied to all leave policies set forth in this Chapter. The District purposefully elects a broad and consistent definition which may, in some circumstances, be beyond what is required by law and regulation to ensure efficient and consistent administration of leave policies.

**§303.15 (ii)** For purposes of leave administration in this Chapter, immediate family is defined as an employee's:

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Spouse (including a lawfully married same-sex spouse), registered domestic partner, child, child of registered domestic partner, stepchild, brother, stepbrother, sister, stepsister, mother, stepmother, father, stepfather, parent-in-law, grandparent and grandchild.

### ~~§305 Procedures for Employee Evaluation~~

## §304 PROBATION & PERFORMANCE MANAGEMENT

### §304.1 Probationary Period

**§304.1 (i)** The probationary period is regarded as a part of the selection process for regular employees and shall be utilized for the purpose of determining the employee's ability to satisfactorily perform the essential job duties, with or without reasonable accommodations, prescribed for the position and determining the employee's ability to work with other employees. All probationary employees are considered at-will. The probationary period policy does not apply to temporary, part time, seasonal or at-will management employees.

**§304.1 (ii)** All initial and promotional appointments shall be tentative and subject to a probationary period of actual District service in the new position. The probationary period shall not include time served under any temporary or provisional appointment. The length of the initial and promotional probationary period shall be six (6) for all full-time employees.

**§304.1 (iii)** The probationary period of an individual employee may be extended by the District Manager prior to the expiration of probation, upon the request of the supervisor and approved by the District Manager, for a period not to exceed an additional six (6) months.

- a) Probation may be extended if there has been insufficient opportunity to fully evaluate the employee's ability to perform the duties prescribed for the regular position. Such an extension must be approved by the District Manager, and the employee shall be notified in writing.
- b) If the number of leaves of absences (paid or unpaid) totals thirty (30) or more days, it will automatically extend the probationary period the equivalent amount of time absent from work.

**§304.1 (iv)** A supervisor may determine that a probationary employee should not pass

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probation at any time during the employee's probationary period or extension thereof. When the supervisor makes such a determination, he or she shall notify the District Manager in writing. Upon approval of the District Manager, the supervisor shall terminate employment of the probationary employee by written notice prior to the expiration of probation.

**§304.1 (v)** Probationary employees serve in an at-will capacity. Any release from probation shall not be for cause but rather, because the employee failed to meet the standards of the class/position. The employee shall have no right of appeal of failure to pass probation.

**§304.1 (vi)** An employee who fails to pass probation following a promotional appointment shall be reinstated to his or her former position or to a vacant position in the same classification, if said employee held regular status in the classification.

**§304.1 (vii)** If an employee is promoted during a probationary period, the employee shall serve the probationary period of the new position. If the employee does not pass the probationary period of the promotion, there are no specific employee rights to return to their previous job since regular status was not obtained.

### §304.2 Performance Evaluations

**§304.2 (i)** The performance management system at the District is designed to motivate, recognize and reward employees' efforts and achievements. The District strives to create a work environment in which employees are recognized and rewarded for their contributions and where employees understand, contribute and help meet the District's overall goals.

**§304.2 (ii)** Goal-oriented performance objectives should be established and clearly communicated for each employee. Both performance and behavioral objectives may be established. It is important that employees understand the District's expectations.

**§304.2 (iii)** The District encourages individual feedback to employees on a regular basis. The District's performance management system is designed so that each permanent employee will be evaluated at least annually and quarterly while the employee is on probation.

**§304.2 (iv)** Employees will be eligible for consideration of a salary step increase in conjunction with the annual evaluation. The first increase will be considered with the evaluation at the employee's 6 month anniversary.

a) **§304.2 (v)** All employee evaluations shall be prepared in written form and shall

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be signed by the employee's supervisor. (The District Manager's supervisor is the Board of Trustees or its chosen representatives.)

- b) **§304.2 (vi)** For each evaluation, there shall be an **interview performance evaluation review meeting** between the employee and the employee's supervisor, **at during** which the written evaluation shall be presented and discussed.
- e) a) Upon completion of the **interview performance evaluation review meeting**, the employee shall sign the evaluation to show that the interview was completed.
- d) b) The employee shall have the opportunity to provide written comments the evaluation within seven days of the interview.
- e) ~~The evaluator's supervisor shall review the evaluation and employee comments. He/she shall sign the evaluation to indicate that the process was completed. All completed evaluations, with employee comments, shall be kept in the employee's personnel file.~~
- f) c) The District Manager shall review the performance evaluation and employee comments. He/she shall sign the performance evaluation to indicate that the process was completed. A copy of the completed performance evaluation, and employee comments, shall be provided to the employee. The original copy shall be kept in the employee's personnel file.
- g) **§304.2 (vii)** An employee evaluation that is less than satisfactory shall require preparation of a remedial plan to be signed by the employee and a follow-up evaluation within six months.

**§304.2 (viii)** The performance evaluation is not subject to the grievance process set forth in Chapter 700 of this Policy Manual.

## **§305 DRUG FREE WORKPLACE**

**§305.1(i)** The Alameda County Mosquito Abatement District is committed to providing a work environment that is safe, healthy, and free of any adverse effects caused by alcohol or controlled substances. The District is concerned about employees or other persons working, contracting, or volunteering with the District being under the influence of alcohol, drugs, and/or controlled substances at work or while on District premises. The purpose of this Policy

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is to promote a drug and alcohol-free workplace and to eliminate substance abuse and its effects in the workplace.

~~§305.1 (ii) This Policy applies to all District employees when they are on District property or when performing District-related business elsewhere.~~

~~§305.1 (iii) The use of alcohol or any controlled substance is prohibited in both District workplaces and wherever District business is performed.~~

~~§305.1 (iv)(ii) A District employee is prohibited from working or being subject to call-in if impaired by alcohol or any controlled substance.~~

~~§305.1 (v)(iii) An employee must notify his/her supervisor before beginning work when taking medications or drugs which could interfere with the safe and effective performance of duties or operation of District equipment. If there is a question regarding an employee's ability to perform assigned duties safely and effectively while using prescribed medications, the District may require medical clearance.~~

~~§305.1 (vi)(iv) Compliance with this Policy is a condition of District employment. Disciplinary action will be taken against those who violate this Policy.~~

~~§305.1 (vii)(v) In order to promote a safe, productive, and efficient workplace, the District has the right to search and inspect all District property, including but not limited to lockers, storage areas, furniture, District vehicles, and other places under the common or joint control of the District and employees without prior notice. No employee has any expectation of privacy in any District building, property, or communications system. No personal property items such as purses, backpacks, briefcases, etc. will be searched under this Policy.~~

~~§305.1 (viii)(vi) Except as provided otherwise in a Memorandum of Understanding, the District has discretion to test a current employee for alcohol or drugs following any work-related accident or any violation of safety precautions or standards.~~

### ~~§334~~

~~**Policy for District Vehicle Use.** The District Manager may grant temporary use of a District vehicle to an employee for use after regular District work hours when it proves to be more efficient in the completion of District work. Events warranting such use would be weekend public education events and early morning interagency meetings/seminars. At no time shall manager grant use of a District vehicle to any other than a District employee or Trustee, and at no time shall the vehicle be used for any other purpose than District business.~~

### ~~§335 Safety Incentive~~

## Chapter 300. SALARIES AND WORKING CONDITIONS OF EMPLOYEES

**Objective.** ~~To foster safe and healthy working practices by individual employees and an atmosphere of mutual concern for fellow workers.~~

**Method.** ~~To rebate employees at the beginning of the fiscal year a portion of the savings that have accrued by self-insuring for workers' compensation in the previous fiscal year.~~

**Pay Formula.** ~~The amount of payment would be based upon the following formula:~~

~~Amount to be reimbursed to employees for appropriate fiscal year = \$2,500 - (actual losses paid by Vector Control Joint Powers Agency for approved workers' compensation claims).~~

## **Chapter 400. POLICIES ON OPERATIONS**

### **§401 DISTRICT POLICY GENERAL**

The following goals and guidelines have been adopted by the Board of Trustees of the Alameda County Mosquito Abatement District to be used by management in the formulation and implementation of District programs:

- a) The District shall carry on a mosquito control program to provide an acceptable level of comfort and to protect the public from mosquito-borne disease.
- b) The control program shall be consistent with prevailing land-use planning, comply with the California Environmental Quality Act of 1970 (adopted February 28, 1973), and be appropriately integrated with environmental management plans.
- c) The mosquito control program shall emphasize environmental management techniques which reinforce already operating forces of natural control. Control agents and/or methodologies shall be selected on the basis of human and environmental safety and efficiency.

#### **§401.1(i)**

**Other Pertinent Legislation and Cooperative Agreements Providing Constraints on the Operations of the Alameda County Mosquito Abatement District:**

- a) California Department of Agriculture Pesticide Worker Regulation
- b) Cooperative Agreement, - State Department of Public Health
- c) Occupational Safety and Health Act

#### **§401.2 Source Reduction Policy**

##### **§401.2 (i)**

It shall be the overall goal of the Alameda County Mosquito Abatement to provide for the public's health and comfort by carrying on a program of mosquito source abatement which is responsive to the public, cost effective, compatible with the natural environment and consistent with prevailing land-use planning or zoning.

##### **§401.2 (ii)**

The primary objective of the district shall be the progressive elimination and/or management of mosquito breeding sources. This shall be accomplished through District review of local government planning processes, by educational means, by

## **Chapter 400. POLICIES ON OPERATIONS**

public projects accomplished by the District or in cooperation with regulatory agencies, by legal abatement procedures, or by other means.

### **§401.2 (iii)**

When it is determined by the District that a mosquito source will require a continuing program of maintenance and/or water management, the District objective shall be to educate landowners and land managers to fully accept the responsibility for managing the mosquito source in a manner which will reduce mosquito production to a level determined to be satisfactory to the District.

### **§401.3 Legal Abatement Procedures**

**§401.3 (i)** Under the following circumstances, the District shall initiate legal procedures to abate a mosquito source, and/or gain repayment of the costs of temporary control incurred by the District:

- a) A landowner, corporation, public agency, etc., has not made a reasonable effort to abate, or cooperate in the abatement of, a mosquito source as recommended by the District.
- b) A landowner, corporation, public agency, etc., has not made a reasonable effort to take the responsibility for maintenance and management of a long-term mosquito source.
- c) During the interim period before a source is eliminated, or before a mosquito control management program can be implemented by the landowner or land manager, the District shall, within the limits of its resources and legal authority, make physical modification, introduce biological controls, and/or apply approved pesticides to provide temporary control in order to maintain a satisfactory level of public health and comfort.

The District shall initiate legal action to abate the source, or to gain repayment of costs incurred by the District, when the conditions specified above prevail.

## **§402 Injury and Illness Prevention Program**

### **§402.1**

The Alameda County Mosquito Abatement District will institute and administer a comprehensive and continuous occupational Injury and Illness Prevention Plan (IIPP) for all employees. The health and safety of the individual employee, whether in the field, shop, or office, takes precedence over all other concerns. Management's goal is to prevent accidents, to reduce personal injury and occupational illness and to comply with all safety and health standards.

## **Chapter 400. POLICIES ON OPERATIONS**

### **§402.2 Program Administration**

Overall responsibility for the development, implementation, and monitoring of the IIPP shall be vested with the District Manager. Day to day responsibility for the IIPP shall be assigned to the District Mechanical Specialist (IIPP Administrator). Duties of the IIPP Administrator include but are not limited to:

- a) Ensuring that all supervisors are trained in workplace safety and are familiar with the safety and health hazards to which employees under their immediate direction may be exposed, as well as applicable laws, regulations, and the District's safety rules and policies;
- b) Ensuring that employees are trained in accordance with this program;
- c) Inspecting, recognizing, and evaluating workplace hazards, including repetitive stress, on a continuing basis;
- d) Developing methods for abating workplace hazards;
- e) Ensuring that workplace hazards are abated in a timely and effective manner;  
and
- f) Maintenance of current certification in CPR and first aid training.
- g) Maintenance of the District's Safety binders which include safety information on equipment and materials used at the District. A copy of the Safety binder will be located in the Tech room for employee use.

### **§402.3 Employee Compliance**

#### **§402.3 (i)**

All employees are responsible for carrying out the IIPP in their work areas. A copy of the IIPP shall be available from the IIPP Administrator or the District Manager, who shall be able to answer employee questions about the program.

#### **§402.3 (ii)**

Employees who follow safe and healthful work practices will have this fact recognized and documented on their performance reviews.

#### **§402.3 (iii)**

Employees who are unaware of correct safety and health procedures will be trained or retrained by the IIPP Administrator and/or their supervisor and this training will be

## **Chapter 400. POLICIES ON OPERATIONS**

documented in the IIPP Training log.

### **§402.3 (iv)**

Willful violations of safe work practices may result in disciplinary action in accordance with District policies set forth in Chapter 700 of the District Policy Manual.

### **§402.4 Communication**

#### **§402.4 (i)**

Matters concerning occupational safety and health will be communicated to employees by means of written documentation, staff meetings, formal and informal training and posting.

#### **§402.4 (ii)**

Communication from employees to the IIPP Administrator about unsafe or unhealthy conditions is encouraged and may be verbal or written, as the employee chooses. The employee may use the Unsafe Condition form and remain anonymous.

#### **§402.4 (iii)**

No employee shall be retaliated against for reporting hazards or potential hazards, or for making suggestions related to safety.

#### **§402.4 (iv)**

The results of the investigation of any employee safety suggestion or report of hazard will be distributed to all employees affected by the hazard, or posted on appropriate bulletin boards.

### **§402.5 Inspections**

#### **§402.5 (i)**

The IIPP Administrator will conduct monthly inspections to identify unsafe work conditions and practices. The monthly inspection will also include all safety items such as fire extinguishers, eye wash stations, fire/smoke alarms and wash facilities. (See Emergency Equipment Maintenance Check form)

#### **§402.5 (ii)**

Employees are required to inspect equipment and the work site for unsafe conditions before beginning work.

#### **§402.5 (iii)**

The IIPP Administrator is also required to inspect new substances, processes, procedures, or equipment introduced into the workplace for occupational safety and work hazards.

## **Chapter 400. POLICIES ON OPERATIONS**

### **§402.6 Accident and Incident Investigation**

#### **§402.6 (i)**

All work-related accidents shall be investigated by the District in a timely manner. Reported minor accidents and near misses shall be investigated as well as serious incidents. A near miss is an incident which, although not serious in itself, could have resulted in serious injury or significant property damage.

#### **§402.6 (ii)**

The investigation must obtain all the facts surrounding the occurrence including, but not limited to: what caused the situation to occur; who was involved; was/were the employee(s) qualified to perform the functions involved in the accident or near miss; were they properly trained; were proper operating procedures followed, and if not, why not; where else this or a similar situation might exist, and how it can be corrected. A written report of the investigation shall be prepared and submitted to the District Manager.

#### **§402.6 (iii)**

The accident and incident investigator (IIPP Administrator or person designated by the District Manager) must determine which aspects of the operation or process require additional attention to eliminate the cause of the accident or near miss.

#### **§402.6 (iv)**

Actions already taken to reduce or eliminate the exposures being investigated should be noted, along with those remaining to be addressed. Any interim or temporary precautions should also be noted. Any pending corrective action and reason for delaying its implementation shall be identified.

#### **§402.6 (v)**

Corrective action shall be identified in terms of how it will prevent a recurrence of the accident or near miss in the future.

### **§402.7 Correction of unsafe or unhealthful conditions**

#### **§402.7 (i)**

Whenever an unsafe or unhealthful condition, practice or procedure is observed, discovered, or reported, the IIPP Administrator will take appropriate corrective measures in a timely manner based upon the severity of the hazard. Employees will be informed of the hazard, and interim protective measures taken until the hazard is corrected.

#### **§402.7(ii)**

Employees may not enter an imminent hazard area without appropriate protective equipment, training, and prior specific approval given by the IIPP Administrator.

## **Chapter 400. POLICIES ON OPERATIONS**

### **§402.8 Training**

#### **§402.8 (i)**

The IIPP Administrator or designee shall assure that the supervisors receive training on recognizing the safety & health hazards to which employees under their immediate direction may be exposed.

#### **§402.8 (ii)**

Supervisors are responsible for seeing that those under their direction receive training on general workplace safety and specific instructions regarding hazards unique to any job assignment.

**§402.8 (iii)** This safety training will be provided:

- a) To all employees and those given new job assignments for which training was not previously received;
- b) Whenever new substances, processes, procedures or equipment introduced to the workplace present a new hazard; and/or
- c) Whenever the employer is made aware of a new or previously recognized hazard.

#### **§402.8 (iv)**

When supervisory staff are unable to provide the required training themselves, they shall request that the training be given by others or designee.

#### **§402.8 (v)**

A specific list of training requirements for employee instruction is contained in the California Code of Regulations, Title 8, Section 1510. Safety Instructions for Employees.

### **§402.9 Record Keeping**

#### **§402.9 (i)**

The IIPP Administrator or designee shall keep records of inspections including the name of the person(s) conducting the inspection, the unsafe conditions and work practices identified, and action taken to correct those identified unsafe conditions and work practices. The records shall be maintained for three years.

#### **§402.9 (ii)**

The IIPP Administrator or designee shall also keep documentation of safety and health training attended by each employee, including employee name or other identifier, training dates, type(s) of training, and training providers. This documentation shall be maintained for three years.

## Chapter 400. POLICIES ON OPERATIONS

### **§402.9 (ii)**

The IIPP Administrator or designee shall keep records of all employees' safety and health-related certifications, including specifically certifications for pesticide application, first aid, and cardiopulmonary resuscitation. The IIPP Administrator or designee shall advise employees of the expected expiration of certifications in a timely manner so that certifications can be kept current. The IIPP Administrator or designee shall notify the District Manager immediately of the expiration of any employee's required certification.

### **§402.9 (iv)**

The District Manager shall ensure that all required employee certifications are maintained.

### **§402.10 Hazard Communication Program**

**§402.10 (i)** Alameda County Mosquito Abatement District has developed a Hazard Communication Program to enhance our employee's health and safety.

### **~~§419.1~~ 402.10 (ii)**

As a District we shall provide information about hazardous chemicals and the control of hazards via our comprehensive Hazard Communication Program which includes container labeling, Safety Data Sheets (SDS), and training.

### **§402.10 (iii)**

It is the policy of the District that no container of hazardous substances will be released for use until the following label information is verified:

- a) Containers are clearly labeled as to the contents.
- b) Appropriate hazard warnings are noted.
- c) The name and address of the manufacturer are listed.

### **§402.10 (iv)**

The container labeling responsibility is assigned to the IIPP Administrator. All secondary hazardous material containers will be labeled.

### **§402.10 (v)**

Employees are responsible for ensuring that all secondary containers are labeled with either an extra copy of the original manufacturer's label or with a generic label blocking the original while clearly identifying the contents, including safety hazard information.

## **Chapter 400. POLICIES ON OPERATIONS**

### **§402.11 Safety Data Sheets (SDS)**

#### **§402.11 (i)**

Copies of the Safety Data Sheets (SDS) for all hazardous substances to which employees of this District may be exposed will be kept in the technician room, and the IIPP Administrator will be responsible for obtaining and maintaining the SDS information for the District.

#### **§402.11(ii)**

The IIPP Administrator shall review incoming data sheets for new and significant health/safety information. Any new information shall be provided to the affected employees.

#### **§402.11(iii)**

SDS will be reviewed for completeness by the IIPP Administrator. If an SDS is missing or obviously incomplete, a new SDS shall be requested from the manufacturer. Cal/OSHA shall be notified if a complete SDS is not received.

#### **§402.11(iv)**

SDS shall be available to all employees in their work area for review. If SDS are not available or new hazardous substance(s) in use do not have SDS, contact the IIPP Administrator.

#### **§402.11 (v)**

Employees are to attend a health and safety orientation set up by the IIPP Administrator prior to starting work to receive information and training on the following:

- a) An overview of the requirements contained in the Hazard Communication Regulation, including their rights under the regulation
- b) Operations in their work area where hazardous substances are present.
- c) Location and availability of the written hazard communication program.
- d) Physical and health effects of the hazardous substances.
- e) Methods and observation techniques used to determine the presence or release of hazardous substances in the work area.
- f) How to lessen or prevent exposure to these hazardous substances
- g) Steps the District has taken to lessen or prevent exposure to these substances.

## **Chapter 400. POLICIES ON OPERATIONS**

- h) Emergency and first aid procedures to follow if employees are exposed to these substances.
- i) How to read labels and review SDS to obtain appropriate hazard information.

### **§402.11 (vi)**

When new hazardous substances are introduced, the IIPP Administrator will review the above items as they are related to the new material in a safety meeting.

### **§402.12 Hazardous Non-Routine Tasks**

#### **§402.12 (i)**

Periodically, employees are required to perform hazardous non-routine tasks. Prior to starting work on such projects, each affected employee will be given information by the IIPP Administrator or person in charge of the project about hazards to which they may be exposed during such an activity. This information will include:

- a) Specific hazards.
- b) Protective/safety measures which must be utilized.
- c) Measures the District has taken to lessen the hazards.

### **§402.13**

To ensure that outside contractors work safely at our District, it is the responsibility of the IIPP Administrator to provide contractors the following information:

- a) Hazardous substances to which they may be exposed while on the job site.
- b) Precautions the contractor's employees may take to lessen the possibility of exposure by usage of appropriate protective measures.

### **§402.14**

Questions about this plan should be directed to the IIPP Administrator. The plan will be monitored by the IIPP Administrator to ensure that the policies are carried out and that the plan is effective.

### **§402.15 ACMAD Safety Committee**

**§402.15 (i)** The Safety Committee is to be made up of the District Manager, Facility the IIPP Administrator, and two other employees representing the lab and field

## **Chapter 400. POLICIES ON OPERATIONS**

operations. The “two other employees” will serve on the committee for a one year period (calendar year). All employees are to be rotated through the safety committee so that they might benefit from an increased awareness of safety at the District. At any time, a supervisor may attend a meeting. The Safety Committee is to meet at least quarterly.

The standing charges for the Safety Committee include:

- a) Review all unsafe conditions reports to insure appropriate action has been taken. File reports with the IIPP Administrator.
- b) Review all accident reports to make sure that such accidents are avoided in the future. Make recommendations for corrective action.
- c) Review current safety record to determine trends.
- d) Review new equipment to develop procedures for safe operation
- e) Review any new working procedures to modify as necessary to be safe.

### **§403 Computer, E-Mail, and Voice Mail Policy**

#### **§403.1**

The District’s computer, network, electronic data, e-mail, internet access, voice mail, facsimile and telephone systems (“information systems”) are business tools made available to District employees in order to enhance efficiency in job performance and are provided for the transmission of District business and information. These systems are to be used for District business only and not for personal purposes.

#### **§403.2**

Personal telephone calls and/or e-mail during business hours, both incoming and outgoing shall be confined to those which are absolutely necessary, and should be kept to a minimum.

#### **§403.3**

The District owns the rights to all data and files in any computer, network, or other information system used in the District and to all data and files sent or received using any District system or using the District's access to any computer network, to the extent that such rights are not superseded by applicable laws relating to intellectual property. The District also reserves the right to monitor electronic mail messages and their content, as well as any and all use by employees of the Internet and of computer equipment used to create, view, or access e-mail and Internet content. Employees must be aware that the electronic mail messages sent and received using District equipment or District-provided Internet access, including

## **Chapter 400. POLICIES ON OPERATIONS**

web-based messaging systems used with such systems or access, are not private and are subject to viewing, downloading, inspection, release, and archiving by District officials at all times. The District has the right to inspect any and all files stored in private areas of the network or on individual computers or storage media in order to assure compliance with District policies and state and federal laws. No employee may access another employee's computer, computer files, or electronic mail messages without prior authorization from either the employee or an appropriate District official.

### **§403.4**

The District's information systems may not be used in any way that may be disruptive, offensive to others, or harmful to morale

### **§403.5 Use of Social Media**

**§403.5 (i)** Social Media sites may be used by the Alameda County Mosquito Abatement District as an additional means of conveying District information to its residents, constituents, and community members and maximizing the promotion of District programs and services.

**§403.5 (ii)** The intended purpose of establishing social media pages for the District's use is to establish an interactive communication platform with local residents and to disseminate information from the District and about the District. This policy is also intended to mitigate associated risks from use of social media technology, where possible.

**§403.5 (iii)** The District has an overriding interest and expectation in protecting the integrity of information posted on its social media pages and deciding what is "said" on behalf of the District. This policy applies wholly to the District and all District Trustees, employees or officials who use social media sites and/or technology on behalf of the District. Further, the District's social media presence is intended to serve only as a limited public forum.

**§403.5 (iv)** All official District presences on social media sites are considered an extension of the District's information networks and are governed by District policies, including e-mail, Internet usage, and use of electronic media policies. In addition, the District's presence on social media sites is also subject to the District's policies on harassment, discrimination, political activity, and customer relations.

**§403.5 (v)** Employees representing the District via social media sites must conduct themselves at all times as representatives of the District. Employees who fail to conduct themselves in an appropriate manner shall be subject to appropriate disciplinary actions.

## **Chapter 400. POLICIES ON OPERATIONS**

**§403.5 (vi)** Content posted on social media sites may be considered public records subject to disclosure under California's Public Record Act ("PRA" – Government Code §§ 6250 et. seq.). Any content maintained on any Approved District Social Media Site that is related to District business, including a list of subscribers, posted communication, and communication submitted for posting, as well as any deleted content, may be a public record subject to disclosure. All such content must be retained pursuant to the Public Records Act and the District's retention policy. PRA requests for the production of posts or deleted content on an Approved District Social Media Site shall be referred to the District Manager for review and response.

### **§404 Policy for District Vehicle Use.**

**§404.1** The District Manager may grant temporary use of a District vehicle to an employee for use after regular District work hours when it proves to be more efficient in the completion of District work.

**§404.2** No employee will be granted temporary use of a District vehicle under this policy who has not provided the District with proof of: (1) valid automobile insurance with coverage that meets current State minimums, and (2) a current DMV printout which documents that the employee has a valid California Driver's license, and an acceptable driving record.

**§404.3** At no time shall the District Manager grant use of a District vehicle to any other than a District employee or Trustee, and at no time shall the vehicle be used for any other purpose than District business.

## **Chapter 400. POLICIES ON OPERATIONS**

## Chapter 400. POLICIES ON OPERATIONS

EDITING KEY: ORIGINAL LANGUAGE IN BLACK; CONSULTANT RECOMMENDATIONS IN RED, STAFF RECOMMENDED CHANGES IN BLUE, DISTRICT MANAGER RECOMMENDATIONS IN PURPLE, TRUSTEE COMMITTEE CHANGES IN GREEN

### §401 DISTRICT POLICY GENERAL

The following goals and guidelines have been adopted by the Board of Trustees of the Alameda County Mosquito Abatement District to be used by management in the formulation and implementation of District programs:

- a) The District shall carry on a mosquito control program to provide an acceptable level of comfort and to protect the public from mosquito-borne disease.
- b) The control program shall be consistent with prevailing land-use planning, comply with ~~existing Board policy on~~ the California Environmental Quality Act of 1970 (adopted February 28, 1973), and be appropriately integrated with environmental management plans.
- c) The mosquito control program shall emphasize environmental management techniques which reinforce already operating forces of natural control. Control agents and/or methodologies shall be selected on the basis of human and environmental safety ~~and efficiency~~.

### §402

~~The Board of Trustees of the Alameda County Mosquito Abatement District, in order to comply with provision of Sections 21174, California Public Resources Code, hereby sets forth procedures it will use to apply the California Environmental Quality Act of 1970, consistent with provisions of Sections 15000 through 15166, California Code of Regulations.~~

### §403

~~Abatement procedures, notice and directions to prevent the recurrence of mosquito production within the jurisdiction of the District are categorically exempt from the need for environmental impact reports under Section 15308, California Code of Regulations.~~

### §404

~~Routine rearing, transporting and stocking of the mosquito fish, *Gambusia affinis*, or similar species within the jurisdiction of the District are categorically exempt from the need for environmental impacts reports under Section 15108, California Administrative Code. The routine rearing, transporting and stocking of mosquito fish, *Gambusia affinis*, shall be done in accordance with District Mosquitofish Planting Policy as stated in District Operational Manual.~~

## Chapter 400. POLICIES ON OPERATIONS

### ~~§405~~

~~Routine pesticide use in accordance with FIFRA and used according to the label within the jurisdiction of the District under cooperative agreement with the California Department of Public Health, the County Agricultural Commissioner and the Department of Pesticide Regulation is categorically exempt from the need for an environmental impact report under Section 15308, California Code of Regulations.~~

### ~~§406~~

~~Physical change in land or water management systems to mitigate mosquito production within the jurisdiction of the District is categorically exempt from the need for an environmental impact report if the proposed project meets the criteria enunciated in Section 15304 or other sections of the California Code of Regulations. If the project does not meet the stated criteria, the District will prepare or cause to be prepared an environmental impact report or a negative declaration and will comply with preparation, review and filing procedures as set forth in Section 15083 through 15166, California Code of Regulations.~~

### ~~§407~~

~~The District is empowered by law and possesses special expertise in specific fields, and therefore asserts that, consistent with Sections 15200-15209, California Code of Regulations, it is to receive for review environmental impact reports prepared by other public agencies if the proposed projects may affect production of mosquitoes within the jurisdiction of the District.~~

### ~~§408~~ **401.1(i)**

**Other Pertinent Legislation and Cooperative Agreements Providing Constraints on the Operations of the Alameda County Mosquito Abatement District:**

- a) California Department of Agriculture Pesticide Worker Regulation
- b) Cooperative Agreement, - State Department of Public Health
- c) Occupational Safety and Health Act

### ~~§409~~ **401.2 Source Reduction Policy**

#### ~~§409.1~~ **401.2 (i)**

It shall be the overall goal of the Alameda County Mosquito Abatement to provide for the public's health and comfort by carrying on a program of mosquito source abatement which is responsive to the public, cost effective, compatible with the natural environment and consistent with prevailing land-use planning or zoning.

#### ~~§409.2~~ **401.2 (ii)**

The primary objective of the district shall be the progressive elimination and/or

## Chapter 400. POLICIES ON OPERATIONS

management of mosquito breeding sources. This shall be accomplished through District review of local government planning processes, by educational means, by public projects accomplished by the District or in cooperation with regulatory agencies, by legal abatement procedures, or by other means. ~~The regional ditching permit for maintaining circulation ditches in salt marshes is a prime example of this policy.~~

### ~~§409.3~~ 401.2 (iii)

When it is determined by the District that a mosquito source will require a continuing program of maintenance and/or water management, the District objective shall be to educate landowners and land managers to fully accept the responsibility for managing the mosquito source in a manner which will reduce mosquito production to a level determined to be satisfactory to the District.

### ~~§410~~ 401.3 Legal Abatement Procedures

~~§401.3~~ (i) Under the following circumstances, the District shall initiate legal procedures to abate a mosquito source, and/or gain repayment of the costs of temporary control incurred by the District:

- a) A landowner, corporation, public agency, etc., has not made a reasonable effort to abate, or cooperate in the abatement of, a mosquito source as recommended by the District.
- b) A landowner, corporation, public agency, etc., has not made a reasonable effort to take the responsibility for maintenance and management of a long-term mosquito source.
- c) During the interim period before a source is eliminated, or before a mosquito control management program can be implemented by the landowner or land manager, the District shall, within the limits of its resources and legal authority, make physical modification, introduce biological controls, and/or apply approved pesticides to provide temporary control in order to maintain a satisfactory level of public health and comfort.

The District shall initiate legal action to abate the source, or to gain repayment of costs incurred by the District, when the conditions specified above prevail.

## ~~§411-~~ 402 Injury and Illness Prevention Program

### ~~§411.1~~ 402.1

~~Program Goal-~~ Alameda County Mosquito Abatement District will institute and administer a comprehensive and continuous occupational Injury and Illness Prevention Plan (IIPP) for all employees. The health and safety of the individual employee, whether in the field, shop, or office, takes precedence over all other

## Chapter 400. POLICIES ON OPERATIONS

concerns. Management's goal is to prevent accidents, to reduce personal injury and occupational illness and to comply with all safety and health standards.

### §411.2 402.2 Program Administration

Overall responsibility for the development, implementation, and monitoring of the IIPP shall be vested with the District Manager. Day to day responsibility for the IIPP shall be assigned to the District ~~Facility and Maintenance~~ Mechanical Specialist (IIPP Administrator). Duties of the IIPP Administrator include but are not limited to:

- a) Ensuring that ~~Specialists~~ all supervisors are trained in workplace safety and are familiar with the safety and health hazards to which employees under their immediate direction may be exposed, as well as applicable laws, regulations, and the District's safety rules and policies;
- b) Ensuring that employees are trained in accordance with this program;
- c) Inspecting, recognizing, and evaluating workplace hazards, including repetitive stress, on a continuing basis;
- d) Developing methods for abating workplace hazards;
- e) Ensuring that workplace hazards are abated in a timely and effective manner; and
- f) Maintenance of current certification in CPR and first aid training.
- g) Maintenance of the District's Safety binders which include safety information on equipment and materials used at the District. A copy of the Safety binder will be located ~~and will be available~~ in the Tech room for employee use.

### §412 402.3 Employee Compliance

#### §412.1 402.3 (i)

All employees are responsible for carrying out the IIPP in their work areas. A copy of the IIPP shall be available from the IIPP Administrator or the District Manager, who shall be able to answer employee questions about the program.

#### §412.2 402.3 (ii)

Employees who follow safe and healthful work practices will have this fact recognized and documented on their performance reviews.

#### §412.3 402.3 (iii)

Employees who are unaware of correct safety and health procedures will be trained or retrained by the IIPP Administrator and/or their supervisor and this training will be documented in the IIPP Training log.

## Chapter 400. POLICIES ON OPERATIONS

### ~~§412.4~~ 402.3 (iv)

Willful violations of safe work practices (~~§ 703(i)~~) may result in disciplinary action in accordance with District ~~policy (§ 701 & § 704)~~. policies set forth in Chapter 700 of the District Policy Manual.

### ~~§413~~ 402.4 Communication

#### ~~§413.1~~ 402.4 (i)

Matters concerning occupational safety and health will be communicated to employees by means of written documentation, staff meetings, formal and informal training and posting.

#### ~~§413.2~~ 402.4 (ii)

Communication from employees to ~~specialists or the~~ IIPP Administrator about unsafe or unhealthy conditions is encouraged and may be verbal or written, as the employee chooses. The employee may use the Unsafe Condition form and remain anonymous.

#### ~~§413.3~~ 402.4 (iii)

No employee shall be retaliated against for reporting hazards or potential hazards, or for making suggestions related to safety.

#### ~~§413.4~~ 402.4 (iv)

The results of the investigation of any employee safety suggestion or report of hazard will be distributed to all employees affected by the hazard, or posted on appropriate bulletin boards.

### ~~§414~~ 402.5 Inspections

#### ~~§414.1~~ 402.5 (i)

The IIPP Administrator will conduct monthly inspections to identify unsafe work conditions and practices. The monthly inspection will also include all safety items such as fire extinguishers, eye wash stations, fire/smoke alarms and wash facilities. (See Emergency Equipment Maintenance Check form)

#### ~~§414.2.~~ 402.5 (ii)

Employees are required to inspect equipment and the work site for unsafe conditions before ~~using equipment.~~beginning work.

#### ~~§414.3~~ 402.5 (iii)

The IIPP Administrator is also required to inspect new substances, processes, procedures, or equipment introduced into the workplace for occupational safety and work hazards.

### ~~§415~~ 402.6 Accident and Incident Investigation

#### ~~§415.1~~ 402.6 (i)

## Chapter 400. POLICIES ON OPERATIONS

All work-related accidents shall be investigated by the District in a timely manner. Reported minor accidents and near misses shall be investigated as well as serious incidents. A near miss is an incident which, although not serious in itself, could have resulted in serious injury or significant property damage.

### ~~§415.2~~ 402.6 (ii)

The investigation must obtain all the facts surrounding the occurrence including, but not limited to: what caused the situation to occur; who was involved; was/were the employee(s) qualified to perform the functions involved in the accident or near miss; were they properly trained; were proper operating procedures followed, and if not, why not; where else this or a similar situation might exist, and how it can be corrected. A written report of the investigation shall be prepared and submitted to the District Manager.

### ~~§415.3~~ 402.6 (iii)

The accident and incident investigator (IIPP Administrator or person designated by the District Manager) must determine which aspects of the operation or process require additional attention to eliminate the cause of the accident or near miss.

### ~~§415.4~~ 402.6 (iv)

Actions already taken to reduce or eliminate the exposures being investigated should be noted, along with those remaining to be addressed. Any interim or temporary precautions should also be noted. Any pending corrective action and reason for delaying its implementation shall be identified.

### ~~§415.5~~ 402.6 (v)

Corrective action shall be identified in terms of how it will prevent a recurrence of the accident or near miss in the future.

## ~~§416~~ 402.7 Correction of unsafe or unhealthful conditions

### ~~§416.1~~ 402.7 (i)

Whenever an unsafe or unhealthful condition, practice or procedure is observed, discovered, or reported, the IIPP Administrator will take appropriate corrective measures in a timely manner based upon the severity of the hazard. Employees will be informed of the hazard, and interim protective measures taken until the hazard is corrected.

### ~~§416.2~~ 402.7(ii)

Employees may not enter an imminent hazard area without appropriate protective equipment, training, and prior specific approval given by the IIPP Administrator.

## ~~§417~~ 402.8 Training

### ~~§417.1~~ 402.8 (i)

The IIPP Administrator or designee shall assure that the Specialists, supervisors receive training on recognizing the safety & health hazards to which employees

## Chapter 400. POLICIES ON OPERATIONS

under their immediate direction may be exposed.

### ~~§417.2~~ 402.8 (ii)

~~Specialists~~ Supervisors are responsible for seeing that those under their direction receive training on general workplace safety and specific instructions regarding hazards unique to any job assignment.

### ~~§417.3~~ 402.8 (iii) This safety training will be provided:

- a) To all employees and those given new job assignments for which training was not previously received;
- b) Whenever new substances, processes, procedures or equipment introduced to the workplace present a new hazard; and/or
- c) Whenever the employer is made aware of a new or previously recognized hazard.

### ~~§417.4~~ 402.8 (iv)

When ~~Specialists~~ supervisory staff are unable to provide the required training themselves, they shall request that the training be given by others or designee.

### ~~§417.5.~~ 402.8 (v)

A specific list of training requirements for employee instruction is contained in the California Code of Regulations, Title 8, Section 1510. Safety Instructions for Employees.

## ~~§418~~ 402.9 Record Keeping

### ~~§418.1~~ 402.9 (i)

The IIPP Administrator or designee shall keep records of inspections including the name of the person(s) conducting the inspection, the unsafe conditions and work practices identified, and action taken to correct those identified unsafe conditions and work practices. The records shall be maintained for three years.

### ~~§418.2~~ 402.9 (ii)

The IIPP Administrator or designee shall also keep documentation of safety and health training attended by each employee, including employee name or other identifier, training dates, type(s) of training, and training providers. This documentation shall be maintained for three years.

### ~~§418.3~~ 402.9 (ii)

The IIPP Administrator or designee shall keep records of all employees' safety and health-related certifications, including specifically certifications for pesticide application, first aid, and cardiopulmonary resuscitation. The IIPP Administrator or designee shall advise employees of the expected expiration of certifications in a timely manner so that certifications can be kept current. The IIPP Administrator or

## Chapter 400. POLICIES ON OPERATIONS

designee shall notify the District Manager immediately of the expiration of any employee's required certification.

### ~~§418.4~~ 402.9 (iv)

The District Manager shall ensure that all required employee certifications are maintained.

### ~~§419~~ 402.10 Hazard Communication Program

~~§402.10 (i)~~ Alameda County Mosquito Abatement District has developed a Hazard Communication Program to enhance our employee's health and safety.

### ~~§419.1~~ 402.10 (ii)

As a District we shall provide information about hazardous chemicals and the control of hazards via our comprehensive Hazard Communication Program which includes container labeling, Material Safety Data Sheets (MSDS), and training.

### ~~§419.2~~ 402.10 (iii)

~~Container Labeling:~~ It is the policy of the District that no container of hazardous substances will be released for use until the following label information is verified:

- a) Containers are clearly labeled as to the contents.
- b) Appropriate hazard warnings are noted.
- c) The name and address of the manufacturer are listed.

### ~~§419.3~~ 402.10 (iv)

The container labeling responsibility is assigned to the IIPP Administrator. All secondary hazardous material containers will be labeled.

### ~~§419.4~~ 402.10 (v)

Employees are responsible for ensuring that all secondary containers are labeled with either an extra copy of the original manufacturer's label or with a generic label that blocks for identification and hazard warning. ~~blocking the original while clearly identifying the contents, including safety hazard information.~~

### ~~§420~~ 402.11 Material Safety Data Sheets (MSDS)

#### ~~§420.1~~ 402.11 (i)

Copies of the Safety Data Sheets (MSDS) for all hazardous substances to which employees of this District may be exposed will be kept in the technician room, and the IIPP Administrator will be responsible for obtaining and maintaining the MSDS information for the District.

#### ~~§420.2~~ 402.11(ii)

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The IIPP Administrator shall review incoming data sheets for new and significant health/safety information. Any new information shall be provided to the affected employees.

### **§420.3 402.11(iii)**

MSDS will be reviewed for completeness by the IIPP Administrator. If an MSDS is missing or obviously incomplete, a new MSDS shall be requested from the manufacturer. Cal/OSHA shall be notified if a complete MSDS is not received.

### **§420.4 402.11(iv)**

MSDS shall be available to all employees in their work area for review. If MSDS are not available or new hazardous substance(s) in use do not have MSDS, contact the IIPP Administrator.

### **§420.5 402.11 (v)**

**Employee Information and Training** Employees are to attend a health and safety orientation set up by the IIPP Administrator prior to starting work to receive information and training on the following:

- a) An overview of the requirements contained in the Hazard Communication Regulation, including their rights under the regulation
- b) Operations in their work area where hazardous substances are present.
- c) Location and availability of the written hazard communication program.
- d) Physical and health effects of the hazardous substances.
- e) Methods and observation techniques used to determine the presence or release of hazardous substances in the work area.
- f) How to lessen or prevent exposure to these hazardous substances
- g) Steps the District has taken to lessen or prevent exposure to these substances.
- h) Emergency and first aid procedures to follow if employees are exposed to these substances.
- i) How to read labels and review MSDS to obtain appropriate hazard information.

### **§420.6 402.11 (vi)**

When new hazardous substances are introduced, the IIPP Administrator will review the above items as they are related to the new material in a safety meeting.

### **§421 402.12 Hazardous Non-Routine Tasks**

## Chapter 400. POLICIES ON OPERATIONS

### ~~§421.1~~ **402.12 (i)**

Periodically, employees are required to perform hazardous non-routine tasks. Prior to starting work on such projects, each affected employee will be given information by the ~~Specialist~~ **IIPP Administrator** or person in charge of the project about hazards to which they may be exposed during such an activity. This information will include:

- a) Specific hazards.
- b) Protective/safety measures which must be utilized.
- c) Measures the District has taken to lessen the hazards.

### **§421.2**

~~**Hazardous Substances in Unlabeled Pipes** To ensure that our employees who work on unlabeled pipes have been informed as to the hazardous substances contained within, the following policy has been established:~~

~~Prior to starting work on unlabeled pipes District employees shall contact the IIPP Administrator for the following information:~~

- ~~a) The hazardous substances in the pipe.~~
- ~~b) Hazards related to the task.~~
- ~~c) Safety precautions which shall be taken.~~

### **§421.3 402.13**

~~**Informing Contractors**~~ To assure ~~ensure~~ that outside contractors work safely at our District, it is the responsibility of the IIPP Administrator to provide contractors the following information:

- a) Hazardous substances to which they may be exposed while on the job site.
- b) Precautions the contractor's employees may take to lessen the possibility of exposure by usage of appropriate protective measures.

### **§421.4 402.14**

~~If anyone has a~~ Questions about this plan, ~~contact~~ **should be directed to** the IIPP Administrator. ~~Our~~ **The** plan will be monitored by the IIPP Administrator to ensure that the policies are carried out and that the plan is effective.

### **§422 402.15 ACMAD Safety Committee**

## Chapter 400. POLICIES ON OPERATIONS

**§402.15 (i)** The Safety Committee is to be made up of the ~~District Manager,~~ ~~Facility and Maintenance Specialist~~ the IIPP Administrator and two other employees representing the lab and field operations. The “two other employees” will serve on the committee for a one year period (calendar year). All employees are to be rotated through the safety committee so that they might benefit from an increased awareness of safety at the District. **At any time, a supervisor may attend a meeting.** The Safety Committee is to meet at least quarterly.

The standing charges for the Safety Committee include:

- a) Review all unsafe conditions reports to insure appropriate action has been taken. File reports with the ~~Administrative Assistant.~~ **IIPP Administrator.**
- b) Review all accident reports to make sure that such accidents are avoided in the future. Make recommendations for corrective action.
- c) Review current safety record to determine trends.
- d) Review new equipment to develop procedures for safe operation
- e) Review any new working procedures to modify as necessary to be safe.

### **§423 403 Computer, E-Mail, and Voice Mail Policy**

#### **§423.1 403.1**

The District’s computer, network, electronic data, e-mail, internet access, voice mail, facsimile and telephone systems (“information systems”) are business tools made available to District employees in order to enhance efficiency in job performance and are provided for the transmission of District business and information. These systems are to be used for District business only and not for personal purposes.

#### **§423.2 403.2**

**Personal Use** Personal telephone calls and/or e-mail during business hours, both incoming and outgoing shall be confined to those which are absolutely necessary, and should be kept to a minimum.

#### **§423.3**

~~The District computers, network resources, and electronic data are limited to District use only. Employees may not use these facilities for personal purposes. While the District respects the individual privacy of its employees, employees cannot expect personal privacy rights to extend to information contained on, stored in, or traveling through the District’s information systems. All information systems are subject to periodic unannounced inspections by the District.~~

#### **§403.3**

## Chapter 400. POLICIES ON OPERATIONS

The District owns the rights to all data and files in any computer, network, or other information system used in the District and to all data and files sent or received using any District system or using the District's access to any computer network, to the extent that such rights are not superseded by applicable laws relating to intellectual property. The District also reserves the right to monitor electronic mail messages and their content, as well as any and all use by employees of the Internet and of computer equipment used to create, view, or access e-mail and Internet content. Employees must be aware that the electronic mail messages sent and received using District equipment or District-provided Internet access, including web-based messaging systems used with such systems or access, are not private and are subject to viewing, downloading, inspection, release, and archiving by District officials at all times. The District has the right to inspect any and all files stored in private areas of the network or on individual computers or storage media in order to assure compliance with District policies and state and federal laws. No employee may access another employee's computer, computer files, or electronic mail messages without prior authorization from either the employee or an appropriate District official.

### ~~§423.4~~ **403.4**

**Prohibited Uses** The District's information systems may not be used in any way that may be disruptive, offensive to others, or harmful to morale

### **§403.5 Use of Social Media**

**§403.5 (i)** Social Media sites may be used by the Alameda County Mosquito Abatement District as an additional means of conveying District information to its residents, constituents, and community members and maximizing the promotion of District programs and services.

**§403.5 (ii)** The intended purpose of establishing social media pages for the District's use is to establish an interactive communication platform with local residents and to disseminate information from the District and about the District. This policy is also intended to mitigate associated risks from use of social media technology, where possible.

**§403.5 (iii)** The District has an overriding interest and expectation in protecting the integrity of information posted on its social media pages and deciding what is "said" on behalf of the District. This policy applies wholly to the District and all District **Trustees**, employees or officials who use social media sites and/or technology on behalf of the District. Further, the District's social media presence is intended to serve only as a limited public forum.

**§403.5 (iv)** All official District presences on ~~Approved District Social Mmedia~~ **Ssites** are considered an extension of the District's information networks and are governed by District policies, including e-mail, Internet usage, and use of electronic media policies. In addition, the District's presence on ~~Approved District Social~~

## Chapter 400. POLICIES ON OPERATIONS

~~Mmedia Ssites~~ is also subject to the District's policies on harassment, discrimination, political activity, and customer relations.

**§403.5 (v)** Employees representing the District via ~~Approved District Ssocial Mmedia Ssites~~ must conduct themselves at all times as representatives of the District. Employees who fail to conduct themselves in an appropriate manner shall be subject to appropriate disciplinary actions.

**§403.5 (vi)** Content posted on ~~Approved District Ssocial Mmedia Ssites~~ may be considered public records subject to disclosure under California's Public Record Act ("PRA" – Government Code §§ 6250 et. seq.). Any content maintained on any Approved District Social Media Site that is related to District business, including a list of subscribers, posted communication, and communication submitted for posting, as well as any deleted content, may be a public record subject to disclosure. All such content must be retained pursuant to the Public Records Act and the District's retention policy. PRA requests for the production of posts or deleted content on an Approved District Social Media Site shall be referred to the District Manager for review and response.

~~§403.5 (vii) This policy may be revised at any time upon approval by the Board of Trustees.~~

### ~~§334- 404~~ Policy for District Vehicle Use.

**§404.1** The District Manager may grant temporary use of a District vehicle to an employee for use after regular District work hours when it proves to be more efficient in the completion of District work. ~~Events warranting such use would be weekend public education events and early morning interagency meetings/seminars.~~

**§404.2** No employee will be granted temporary use of a District vehicle under this policy who has not provided the District with proof of: (1) valid automobile insurance with coverage that meets current State minimums, and (2) a current DMV printout which documents that the employee has a valid California Driver's license, and an acceptable driving record.

**§404.3** At no time shall ~~the District m~~Manager grant use of a District vehicle to any other than a District employee or Trustee, and at no time shall the vehicle be used for any other purpose than District business.

## **Chapter 400. POLICIES ON OPERATIONS**

**CHAPTER 800 - MANAGEMENT, RELEASE AND DESTRUCTION OF OFFICIAL RECORDS  
ALAMEDA COUNTY MOSQUITO ABATEMENT DISTRICT**

**§800. Records Management**

The purpose of this policy is to provide guidance and direction to staff regarding the maintenance, release, and disposal of Alameda County Mosquito Abatement District records, including: identification, maintenance, safeguarding, and releasing official records pursuant to the Public Records Act; ensuring proper retention and disposal of official records in the normal course of business; and ensuring compliance with legal and regulatory requirements. See Appendix 1 for all definitions for the following referenced sections. The Public Records Request Form is available in electronic format on the District's website, and in paper form in the District Documents file.

**§800.1** Vital and important records, regardless of recording media, are those having legal, financial, operational, or historical value to the District.

**§800.2** The District Manager is authorized by the Board of Trustees to interpret and implement this policy, and to cause to be destroyed or retained any or all such records, papers and documents that meet the policies governing the retention and disposal of records, specified below.

**§800.3** Pursuant to the provisions of California Government Code §60200 through 60203, California Health and Safety Code §2043, and the guidelines prepared by the State Controller's office and the Controller's Advisory Committee for Special Districts, the following policies will govern the retention, release and destruction of records of the Alameda County Mosquito Abatement District.

**§801. Retention and Destruction**

**§801.1** Duplicate records, papers and documents may be destroyed at any time without the necessity of Board authorization or copying to photographic or electronic media.

**§801.2** Originals of records, papers and documents more than three (3) years old that were prepared or received in any manner other than pursuant to State or Federal statute may be destroyed without the necessity of copying to photographic or electronic media.

**§801.3** In no instances are records, papers or documents to be destroyed where there is a continuing need for such records for such matters as pending litigation, special projects, etc.

**§801.4** Records, papers or documents that are not expressly required by law to be filed and preserved may be destroyed, if all of the following conditions are met:

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**CHAPTER 800 - MANAGEMENT, RELEASE AND DESTRUCTION OF OFFICIAL RECORDS  
ALAMEDA COUNTY MOSQUITO ABATEMENT DISTRICT**

**§801.4 (i)** The record, paper, or other document is photographed, microphotographed, reproduced by electronically recorded video images on magnetic surfaces, recorded in the electronic data processing system, recorded on optical disk, reproduced on film or other medium that is a trusted system; and

**§801.4 (ii)** The device used to reproduce such record, paper or document on film, or retrieves and prints the document from the electronic media, is one which accurately reproduces the original thereof in all details and that does not permit additions, deletions, or changes to the original document; and

**§801.4 (iii)** The photographs, microphotographs, or other reproductions on film are placed in conveniently accessible files and provisions is made for preserving, examining, and using the same, together with documents stored via electronic media.

**§801.5** Any accounting record, except the journals and ledgers which are more than seven years old and which were prepared or received in any manner other than pursuant to State statute, may be authorized for destruction provided that:

**§801.5 (i)** There is no continuing need for said record, i.e., long-term transactions, special projects, pending litigations, etc., and;

**§801.5 (ii)** There exists in a permanent file, an audit report or reports covering the inclusive period of said record, and that;

**§801.5 (iii)** The audit report or reports that were prepared pursuant to procedures outlined in Government Code Section 26909 and other State or Federal audit requirements.

**§801.6** Any accounting record created for a specific event or action may be destroyed upon authorization five years after the event has in all respects terminated. Any source document detailed in a register, journal, ledger or statement may be authorized for destruction seven years from the end of the fiscal period to which it applies.

**§801.7 The following may be destroyed at any time:** Duplicated original (subject to aforementioned requirements); rough drafts, notes or working papers (except audit); cards, listings, nonpermanent indices; other papers used for controlling work or transitory files.

**§801.8** All payroll and personnel records shall be retained seven years. Originals may, upon authorization, be destroyed after seven years of retention, provided records have been copied pursuant to sections 801.4(i) and 801.4(ii) and qualify for destruction. Payroll and personnel records include the following:

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**CHAPTER 800 - MANAGEMENT, RELEASE AND DESTRUCTION OF OFFICIAL RECORDS  
ALAMEDA COUNTY MOSQUITO ABATEMENT DISTRICT**

- a) Accident reports, injury claims and settlements
- b) Medical histories
- c) Injury frequency charts
- d) Applications, changes and terminations of employees
- e) Insurance records of employees
- f) Time sheets
- g) Classification specifications (job description)
- h) Performance evaluations forms
- i) Earnings records and summaries
- j) Retirement records

**§801.9** All assessing records may upon authorization be destroyed after seven years of retention from lien date; however, their records may be destroyed three years after the lien date when records are copied pursuant to sections 801.4(i) and 801.4(ii).

**§801.10** Records of proceedings for the authorization of long-term debt, bonds, warrant, loans, etc., after issuance or execution may be destroyed if copied pursuant to sections 801.4(i) and 801.4(ii). Terms and conditions of bonds warrants, and other long-term agreements should be retained until final payment, and thereafter may be destroyed in less than ten years if copied pursuant to sections 801.4(i) and 801.4 (ii). Paid bonds, warrant certificates and interest coupons may be destroyed after six months if detailed payment records are kept for ten years.

**§801.11** Minutes of the meetings of the Board of Trustees are usually retained indefinitely in their original form. However, they may upon authorization be destroyed if said minutes are copied pursuant to sections 801.4(i) and 801.4(ii). Recording tapes (or other media) of Board meetings will be kept until approved by Board of Trustees at a regular scheduled meeting, after which they will be destroyed.

**§801.12** Construction records, such as bids, correspondence, change orders, etc., need not be kept in excess of seven years unless they pertain to a project which includes a guarantee or grant and, in that event, they shall be kept for the life of the guarantee or grant plus seven years. As-built plans for any public facility or works shall be retained as long as said facility is in existence.

**§801.13** A contract should be retained for its life plus seven years. Any unaccepted bid or proposal for the construction or installation of any building, structure or other public work, which is more than two (2) years old, may be destroyed.

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**CHAPTER 800 - MANAGEMENT, RELEASE AND DESTRUCTION OF OFFICIAL RECORDS  
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**§801.14** Property records, such as documents of title, shall be kept until the property is transferred or otherwise no longer owned by the District.

**§801.15** All documents beyond the current fiscal year are recorded in the Archive Database, filed and boxed up. The database consists of the following information:

- a) Box Number
- b) Contents
- c) Proper Date of Contents
- d) Department
- e) Date of Destruction, if any

**§801.16** A master listing of all archive box contents is kept up to date and located in a binder in the Administrative Assistant's office. The boxes are placed in the Archive Storage area and are kept numerically by department.

**§801.16 (i)** Once a file is to be destroyed, the date of destruction is recorded. The documents are then shredded and removed for disposal. The archive master listing is then updated and reprinted with the updated information.

**§802. Public Record Requests**

**§802.1** "Public records" include any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

**§802.1(i)** "Writing" means any recording upon any form of communication or representation including tapes, photos, films, magnetic mediums, discs, drums or other documents. According to Government Code §6254, nothing in the Public Records Act shall be construed to require District to disclose exempt records including: Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy.

**§802.2** Any person who wishes to receive or inspect a public record of the District must present his or her request to the District Manager's Office on the District's designated public information request form. The request may be submitted in person, by mail, fax, or email. The requestor must identify the requested records by providing a detailed description and the approximate date of the records. In order to respond to the request, the District must have contact information for the requestor.

**§802.3** A determination will be made by the District Manager whether the requested record is a public document within 10 days after receipt of a request for a public record.

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**CHAPTER 800 - MANAGEMENT, RELEASE AND DESTRUCTION OF OFFICIAL RECORDS  
ALAMEDA COUNTY MOSQUITO ABATEMENT DISTRICT**

The District Manager will then notify the person making the request of that determination and the reasons therefore. In unusual circumstances the time limit for a determination may be extended by written notice of the District Manager setting forth the reasons for the extension and the estimated date and time when the records will be made available. This extension will not exceed an additional 14 days.

**§802.4** Public records authorized for release by the District Manager will be made promptly available upon payment of a fee covering the direct cost of duplication, or a statutory fee, if applicable. An exact copy will be provided unless it is impracticable to do so. Computer data will be provided in a form determined by the District.

**§802.5** Any reasonably segregable portion of a record will be made available for inspection after deletion of the portions that are exempted by law. On-site review of records may only be undertaken in a designated area one file at a time.

- a) No purses, briefcases, bags, binders, or other items will be allowed in the record review area that would allow concealment of removed records. No record may be removed from the office.
- b) The requestor will be allowed to have one paper pad and writing utensil with them when reviewing records.
- c) Records shall not be marked, highlighted, creased, folded, or otherwise defaced in any way.
- d) Records shall remain in their original order and grouping, whether loose, stapled, or bound.
- e) The requester may obtain a copy of a specific identifiable public record, which is subject to disclosure,
- f) A reproduction charge will be assessed prior to production of the requested records based upon the amount of material requested and the District's current fee schedule.

**§802.6** To avoid the risk that any information could be sent to an individual or entity other than is authorized by the release, the requested the information will not be distributed or returned via facsimile.

**§803. Health Insurance Portability and  
Accountability Act (HIPAA) Compliance**

Protected health information (PHI) of District customers or employees which is gathered in conjunction with service requests and/or pre-employment physical examinations, required drug testing, medical leaves of absence, fitness for duty examinations, workers' compensation claims, or any other job-related purposes will be maintained in confidential files, separate and apart from customer service or employee Personnel files. Such

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**CHAPTER 800 - MANAGEMENT, RELEASE AND DESTRUCTION OF OFFICIAL RECORDS  
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information will be released on a strict need-to-know basis, in conformance with requirements of the Health Insurance Portability and Accountability Act (HIPAA).



**CHAPTER 800 - MANAGEMENT, RELEASE AND DESTRUCTION OF OFFICIAL RECORDS  
ALAMEDA COUNTY MOSQUITO ABATEMENT DISTRICT**

**Appendix 1 - Definitions for Records Retention and Disposal Policy**

**1. AUTHORIZATION:** Approval from the Manager, as authorized by the District's Board of Trustees.

**2. ACCOUNTING RECORDS:** Include but are not limited to the following:

**a. SOURCE DOCUMENTS**

- 1) Invoices
- 2) Warrants
- 3) Requisitions/Purchase Orders (attached to invoices)
- 4) Cash Receipts
- 5) Claims (attached to warrants in place of invoices)
- 6) Bank Statements
- 7) Bank Deposits
- 8) Checks
- 9) Bills
- 10) Various accounting authorizations taken from Board minutes, resolutions, or contracts.

**b. JOURNALS**

- 1) Cash Receipts
- 2) Accounts Receivable or Payable Register
- 3) Check or Warrant (payables)
- 4) General Journal
- 5) Payroll Journal

**c. LEDGERS**

- 1) Expenditure
- 2) Revenue
- 3) Accounts Payable or Receivable Ledger
- 4) Construction
- 5) General Ledger
- 6) Assets/Depreciation

**d. TRIAL BALANCE**

**e. STATEMENTS (Interim or Certified – Individual or All Fund)**

- 1) Balance Sheet
  - 2) Analysis of Changes in Available Fund Balance
  - 3) Cash Receipts and Disbursements.
  - 4) Inventory of Fixed Assets (Purchasing)
-

**CHAPTER 800 - MANAGEMENT, RELEASE AND DESTRUCTION OF OFFICIAL RECORDS  
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**f. JOURNAL ENTRIES**

**g. PAYROLL AND PERSONNEL RECORDS**

- 1) Accident reports, injury claims and settlements
- 2) Applications, changes or terminations of employees
- 3) Earnings records and summaries
- 4) Fidelity Bonds
- 5) Garnishments
- 6) Insurance records of employees
- 7) Job Descriptions
- 8) Medical Histories
- 9) Retirements
- 10) Time Cards

**h. OTHER**

- 1) Inventory Records (Purchasing)
- 2) Capital Asset Records (Purchasing)
- 3) Depreciation Schedule
- 4) Cost Accounting Records

**3. LIFE.** The inclusive or operational or valid dates of a document.

**4. RECORD.** Any paper, bound book or booklet, card, photograph, drawing, chart, blueprint, map, tape, microfilm, or other document, issued by or received in a department, and maintained and used as information in the conduct of its operations.

**5. RECORD COPY.** The official District copy of a document or file.

**6. RECORD SERIES.** A group of records, generally filed together, and having the same reference and retention value.

**7. RECORDS CENTER.** The site selected for storage or inactive records.

**8. RECORDS DISPOSAL.** The planning for and/or the physical operation involved in the transfer of records to the Records Center, or the authorized destruction of records pursuant to the approved Records Retention Schedule.

**9. RECORDS RETENTION SCHEDULE.** The consolidated, approved schedule list of all District records which timetables the life and disposal of all records.

**10. RETENTION CODE.** Abbreviation of retention action which appears on the retention schedule.

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**CHAPTER 800 - MANAGEMENT, RELEASE AND DESTRUCTION OF OFFICIAL RECORDS  
ALAMEDA COUNTY MOSQUITO ABATEMENT DISTRICT**

**11. VITAL RECORDS.** Records that, because of the information they contain, are essential to one or all of the following:

- a) The resumption and/or continuation of operations;
- b) The recreation of legal and financial status of the District, in case of a disaster;
- c) The fulfillment of obligations to bondholders, customers, and employees.

**Vital records include but are not limited to the following:**

- |                                     |                                     |
|-------------------------------------|-------------------------------------|
| 1) Agreements                       | 21) Individual water rights         |
| 2) Annexations and detachments      | 22) Individual claims               |
| 3) As-built drawings                | 23) Inventory                       |
| 4) Audits                           | 24) Ledgers                         |
| 5) Contract drawings                | 25) Journal vouchers                |
| 6) Customer statements              | 26) Licenses & permits              |
| 7) Deeds                            | 27) Loans & grants                  |
| 8) Depreciation schedule            | 28) Maps                            |
| 9) Disposal of surplus property     | 29) Minutes of Board meetings       |
| 10) Disposal of scrap materials     | 30) Payroll register                |
| 11) District insurance records      | 31) Policies and Procedures         |
| 12) District water rights           | 32) Purchase orders & requisitions  |
| 13) Employee accident reports, etc. | 33) Restricted materials permits    |
| 14) Employee earning records        | 34) Rights of ways & easements      |
| 15) Employee fidelity bonds         | 35) Spray permits                   |
| 16) Employee insurance records      | 36) Statements of Economic Interest |
| 17) Encroachment permits            | 37) State surplus acquisitions      |
| 18) Facility improvement plans      | 38) Warehouse requisitions          |
| 19) Improvement districts           | 39) Warrant/Voucher register        |
| 20) Mosquito control history        |                                     |
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## Chapter 800 ~~RECORD RETENTION AND REQUESTS MANAGEMENT, RELEASE AND DESTRUCTION OF OFFICIAL RECORDS~~

EDITING KEY: ORIGINAL LANGUAGE IN BLACK; CONSULTANT RECOMMENDATIONS IN RED, STAFF RECOMMENDED CHANGES IN BLUE, DISTRICT MANAGER RECOMMENDATIONS IN PURPLE, TRUSTEE COMMITTEE CHANGES IN GREEN

### ~~§800~~ ~~Records Retention and Requests~~ ~~Records Management~~

The purpose of this policy is to (REVISED) provide guidance and direction to staff regarding the maintenance, release, and disposal of Alameda County Mosquito Abatement District records, including: identification, maintenance, safeguarding, and releasing official records pursuant to the Public Records Act; ensuring proper retention and disposal of official records in the normal course of business; and ensuring compliance with legal and regulatory requirements. ~~to provide guidelines to staff regarding the retention or disposal, and the public request process of Alameda County Mosquito Abatement District records; to provide for the identification, maintenance, safeguarding and disposal of records in the normal course of business; to ensure prompt and accurate retrieval of records; and to ensure compliance with legal and regulatory requirements.~~ See Appendix 1 for all definitions for the following referenced sections. ~~Appendix 2 includes the current Public Records Request Online Form.~~ The Public Records Request Form is available in electronic format on the District's website, and in paper form in the District Documents file.

#### ~~§801~~ ~~§800.1~~

Vital and important records, regardless of recording media, are those having legal, financial, operational, or historical value to the District.

#### ~~§802~~ ~~§800.2~~

The ~~District~~ Manager is authorized by the Board of Trustees to interpret and implement this policy, and to cause to be destroyed or retained any or all such records, papers and documents that meet the policies governing the retention and disposal of records, specified below.

#### ~~§803~~ ~~§800.3~~

Pursuant to the provisions of California Government Code §60200 through 60203, California Health and Safety Code §2043, and the guidelines prepared by the State Controller's office and the Controller's Advisory Committee for Special Districts, the following policies will govern the retention, ~~release~~ and ~~disposal~~ ~~destruction~~ of records of the Alameda County Mosquito Abatement District.

### ~~§801~~ Retention and Destruction

#### ~~§804~~ ~~§801.1~~

Duplicate records, papers and documents may be destroyed at any time without the necessity of Board authorization or copying to photographic or electronic media.

## Chapter 800 ~~RECORD RETENTION AND REQUESTS MANAGEMENT, RELEASE AND DESTRUCTION OF OFFICIAL RECORDS~~

### ~~§805~~ §801.2

Originals of records, papers and documents more than three (3) years old that were prepared or received in any manner other than pursuant to State or Federal statute may be destroyed without the necessity of copying to photographic or electronic media.

### ~~§806~~ §801.3

In no instances are records, papers or documents to be destroyed where there is a continuing need for such records for such matters as pending litigation, special projects, etc.

### ~~§807~~ §801.4

Records, papers or documents that are not expressly required by law to be filed and preserved may be destroyed, if all of the following conditions are met:

#### ~~§808~~ §801.4 (i)

The record, paper, or other document is photographed, microphotographed, reproduced by electronically recorded video images on magnetic surfaces, recorded in the electronic data processing system, recorded on optical disk, reproduced on film or other medium that is a trusted system; and

#### ~~§809~~ §801.4 (ii)

The device used to reproduce such record, paper or document on film, or retrieves and prints the document from the electronic media, is one which accurately reproduces the original thereof in all details and that does not permit additions, deletions, or changes to the original document; and

#### ~~§810~~ §801.4 (iii)

The photographs, microphotographs, or other reproductions on film are placed in conveniently accessible files and provisions is made for preserving, examining, and using the same, together with documents stored via electronic media.

### ~~§811~~ §801.5

Any accounting record, except the journals and ledgers which are more than seven years old and which were prepared or received in any manner other than pursuant to State statute, may be authorized for destruction provided that:

#### ~~§812~~ §801.5 (i)

There is no continuing need for said record, i.e., long-term transactions, special projects, pending litigations, etc., and;

#### ~~§813~~ §801.5 (ii)

There exists in a permanent file, an audit report or reports covering the inclusive period of said record, and that;

## Chapter 800 ~~RECORD RETENTION AND REQUESTS MANAGEMENT, RELEASE AND DESTRUCTION OF OFFICIAL RECORDS~~

### ~~§814~~ §801.5 (iii)

The ~~a~~Audit report or reports that were prepared pursuant to procedures outlined in Government Code Section 26909 and other State or Federal audit requirements.

### ~~§815~~

~~Audit or audits contain the expression of an unqualified opinion.~~

### ~~§816~~ §801.6

Any accounting record created for a specific event or action may be destroyed upon authorization five years after the event has in all respects terminated. Any source document detailed in a register, journal, ledger or statement may be authorized for destruction seven years from the end of the fiscal period to which it applies.

### ~~§817~~ §801.7 The following may be destroyed at any time:

Duplicated original (Subject to aforementioned requirements).  
Rough drafts, notes or working papers (except audit).Cards, listings, nonpermanent indices, other papers used for controlling work or transitory files.

### ~~§818~~ §801.8

All payroll and personnel records shall be retained seven years. Originals, may upon authorization, be destroyed after seven years retention, provided records have been copied pursuant to sections 801.4(i) and 801.4(ii) ~~808 and 809~~ and qualify for destruction. Payroll and personnel records include the following:

- a) Accident reports, injury claims and settlements
- b) Medical histories
- c) Injury frequency charts
- d) Applications, changes and terminations of employees
- e) Insurance records of employees
- f) Time sheets
- g) Classification specifications (job description)
- h) Performance evaluations forms
- i) Earnings records and summaries
- j) Retirement records

### ~~§819~~ §801.9

All assessing records may upon authorization be destroyed after seven years retention from lien date; however, their records may be destroyed three years after the lien date when records are copied pursuant to sections 801.4(i) and 801.4(ii) ~~808 and 809~~.

### ~~§820~~ §801.10

Records of proceedings for the authorization of long-term debt, bonds, warrant, loans, etc., after issuance or execution may be destroyed if copied pursuant to sections 801.4(i) and 801.4(ii) ~~808 and 809~~. Terms and conditions of bonds warrants, and other long-term agreements should be retained until final payment, and thereafter may be destroyed in

## Chapter 800 ~~RECORD RETENTION AND REQUESTS MANAGEMENT, RELEASE AND DESTRUCTION OF OFFICIAL RECORDS~~

less than ten years if copied pursuant to sections ~~801.4(i) and 801.4 (ii) 808 and 809~~. Paid bonds, warrant certificates and interest coupons may be destroyed after six months if detailed payment records are kept for ten years.

### ~~§821~~ §801.11

Minutes of the meetings of the Board of Trustees are usually retained indefinitely in their original form. However, they may upon authorization be destroyed if said minutes are copied pursuant to sections ~~801.4(i) and 801.4(ii) 808 and 809~~. Recording tapes (or other media) of Board meetings will be kept until approved by Board of Trustees at a regular scheduled meeting, after which they will be destroyed.

### ~~§822~~ §801.12

Construction records, such as bids, correspondence, change orders, etc., need not be kept in excess of seven years unless they pertain to a project which includes a guarantee or grant and, in that event, they shall be kept for the life of the guarantee or grant plus seven years. As-built plans for any public facility or works shall be retained as long as said facility is in existence.

### ~~§823~~ §801.13

A contract should be retained for its life plus seven years. Any unaccepted bid or proposal for the construction or installation of any building, structure or other public work, which is more than two (2) years old, may be destroyed.

### ~~§824~~ §801.14

Property records, such as documents of title, shall be kept until the property is transferred or otherwise no longer owned by the District.

### ~~§825~~ §801.15

All documents beyond the current fiscal year are recorded in the Archive Database, filed and boxed up. The database consists of the following information:

- a) Box Number
- b) Contents
- c) Proper Date of Contents
- d) Department
- e) Date of Destruction, if any

### ~~§826~~ §801.16

A master listing of all archive box contents is kept up to date and located in a binder in the Administrative Assistant's office. The boxes are placed in the Archive Storage area and are kept numerically by department.

### ~~§827~~ §801.16 (i)

Once a file is to be destroyed, the date of destruction is recorded ~~in the database~~. The documents are then shredded and removed for disposal. The archive master listing is then ~~updated and~~ reprinted with the updated information.

## Chapter 800 ~~RECORD RETENTION AND REQUESTS MANAGEMENT, RELEASE AND DESTRUCTION OF OFFICIAL RECORDS~~

### §802 Public Record Requests

**§802.1** "Public records" include any writing containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

**§802.1(i)** "Writing" means any recording upon any form of communication or representation including tapes, photos, films, magnetic mediums, discs, drums or other documents. According to Government Code §6254, nothing in the Public Records Act shall be construed to require District to disclose exempt records including: Personnel, medical, or similar files, the disclosure of which would constitute an unwarranted invasion of personal privacy.

**§802.2** Any person who wishes to receive or inspect a public record of the District must present his or her request to the District Manager's Office on the District's designated public information request form. The request may be submitted in person, by mail, fax, or email. The requestor must identify the requested records by providing a detailed description and the approximate date of the records. In order to respond to the request, the District must have contact information for the requestor.

**§802.3** A determination will be made by the District Manager whether the requested record is a public document within 10 days after receipt of a request for a public record. The District Manager will then notify the person making the request of that determination and the reasons therefore. In unusual circumstances the time limit for a determination may be extended by written notice of the District Manager setting forth the reasons for the extension and the estimated date and time when the records will be made available. This extension will not exceed an additional 14 days.

**§802.4** Public records authorized for release by the District Manager will be made promptly available upon payment of a fee covering the direct cost of duplication, or a statutory fee, if applicable. An exact copy will be provided unless it is impracticable to do so. Computer data will be provided in a form determined by the District.

**§802.5** Any reasonably segregable portion of a record will be made available for inspection after deletion of the portions that are exempted by law. On-site review of records may only be undertaken in a designated area one file at a time.

- a) No purses, briefcases, bags, binders, or other items will be allowed in the record review area that would allow concealment of removed records. No record may be removed from the office
- b) The requestor will be allowed to have one paper pad and writing utensil with them when reviewing records
- c) Records shall not be marked, highlighted, creased, folded, or otherwise defaced in any way

## Chapter 800 ~~RECORD RETENTION AND REQUESTS MANAGEMENT, RELEASE AND DESTRUCTION OF OFFICIAL RECORDS~~

- d) Records shall remain in their original order and grouping, whether loose, stapled, or bound
- e) The requester may obtain a copy of a specific identifiable public record, which is subject to disclosure
- f) A reproduction charge will be assessed prior to production of the requested records based upon the amount of material requested and the District's current fee schedule.

**§802.6** To avoid the risk that any information could be sent to an individual or entity other than is authorized by the release, the requested the information will not be distributed or returned via facsimile.

### **§803** Health Insurance Portability and Accountability Act (HIPAA) Compliance

~~Authorization as required under the Health Insurance Portability and Accountability Act (HIPAA) for disclosure of protected health information, (PHI) will be a condition of employment or continued employment with the Agency to the fullest extent allowed by law. This is applicable to pre-employment physicals, drug testing, leave-of-absence requests, fitness for duty physicals, and any other lawful need for medical information. Refusal to authorize release of PHI in any of the above instances will be grounds for discipline up to and including termination.~~

Protected health information (PHI) of District customers or employees which is gathered in conjunction with service requests and/or pre-employment physical examinations, required drug testing, medical leaves of absence, fitness for duty examinations, workers' compensation claims, or any other job-related purposes will be maintained in confidential files, separate and apart from customer service or employee Personnel files. Such information will be released on a strict need-to-know basis, in conformance with requirements of the Health Insurance Portability and Accountability Act (HIPAA).

**Chapter 800 ~~RECORD RETENTION AND REQUESTS MANAGEMENT, RELEASE AND DESTRUCTION OF OFFICIAL RECORDS~~**

**Appendix 1**

**Definitions for Records Retention and Disposal Policy**

**1. AUTHORIZATION:** Approval from the Manager, as authorized by the District's Board of Trustees.

**2. ACCOUNTING RECORDS:** Include but are not limited to the following:

**a. SOURCE DOCUMENTS**

- (1) Invoices
- (2) Warrants
- (3) Requisitions/Purchase Orders (attached to invoices)
- (4) Cash Receipts
- (5) Claims (attached to warrants in place of invoices)
- (6) Bank Statements
- (7) Bank Deposits
- (8) Checks
- (9) Bills
- (10) Various accounting authorizations taken from Board minutes, resolutions or contracts.

**b. JOURNALS**

- (1) Cash Receipts
- (2) Accounts Receivable or Payable Register
- (3) Check or Warrant (payables)
- (4) General Journal
- (5) Payroll Journal

**c. LEDGERS**

- (1) Expenditure
- (2) Revenue
- (3) Accounts Payable or Receivable Ledger
- (4) Construction
- (5) General Ledger
- (6) Assets/Depreciation

**d. TRIAL BALANCE**

**e. STATEMENTS (Interim or Certified – Individual or All Fund)**

- (1) Balance Sheet
- (2) Analysis of Changes in Available Fund Balance

**Chapter 800 ~~RECORD RETENTION AND REQUESTS MANAGEMENT, RELEASE AND DESTRUCTION OF OFFICIAL RECORDS~~**

- (3) Cash Receipts and Disbursements.
- (4) Inventory of Fixed Assets (Purchasing)

**f. JOURNAL ENTRIES**

**g. PAYROLL AND PERSONNEL RECORDS**

- 1) Accident reports, injury claims and settlements
- 2) Applications, changes or terminations of employees
- 3) Earnings records and summaries
- 4) Fidelity Bonds
- 5) Garnishments
- 6) Insurance records of employees
- 7) Job Descriptions
- 8) Medical Histories
- 9) Retirements
- 10) Time Cards

**h. OTHER**

- (1) Inventory Records (Purchasing)
- (2) Capital Asset Records (Purchasing)
- (3) Depreciation Schedule
- (4) Cost Accounting Records

**3. LIFE.** The inclusive or operational or valid dates of a document.

**4. RECORD.** Any paper, bound book or booklet, card, photograph, drawing, chart, blueprint, map, tape, microfilm, or other document, issued by or received in a department, and maintained and used as information in the conduct of its operations.

**5. RECORD COPY.** The official District copy of a document or file.

**6. RECORD SERIES.** A group of records, generally filed together, and having the same reference and retention value.

**7. RECORDS CENTER.** The site selected for storage or inactive records.

**8. RECORDS DISPOSAL.** The planning for and/or the physical operation involved in the transfer of records to the Records Center, or the authorized destruction of records pursuant to the approved Records Retention Schedule.

**9. RECORDS RETENTION SCHEDULE.** The consolidated, approved schedule list of all District records which timetables the life and disposal of all records.

**Chapter 800 ~~RECORD RETENTION AND REQUESTS MANAGEMENT, RELEASE AND DESTRUCTION OF OFFICIAL RECORDS~~**

**10. RETENTION CODE.** Abbreviation of retention action which appears on the retention schedule.

**11. VITAL RECORDS.** Records that, because of the information they contain, are essential to one or all of the following:

- (a) The resumption and/or continuation of operations;
- (b) The recreation of legal and financial status of the District, in case of a disaster;
- (c) The fulfillment of obligations to bondholders, customers, and employees.

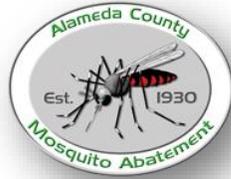
**Vital records include but are not limited to the following:**

- |                                      |                                      |
|--------------------------------------|--------------------------------------|
| (1) Agreements                       | (21) Individual water rights         |
| (2) Annexations and detachments      | (22) Individual claims               |
| (3) As-built drawings                | (23) Inventory                       |
| (4) Audits                           | (24) Ledgers                         |
| (5) Contract drawings                | (25) Journal vouchers                |
| (6) Customer statements              | (26) Licenses & permits              |
| (7) Deeds                            | (27) Loans & grants                  |
| (8) Depreciation schedule            | (28) Maps                            |
| (9) Disposal of surplus property     | (29) Minutes of Board meetings       |
| (10) Disposal of scrap materials     | (30) Payroll register                |
| (11) District insurance records      | (31) Policies and Procedures         |
| (12) District water rights           | (32) Purchase orders & requisitions  |
| (13) Employee accident reports, etc. | (33) Restricted materials permits    |
| (14) Employee earning records        | (34) Rights of ways & easements      |
| (15) Employee fidelity bonds         | (35) Spray permits                   |
| (16) Employee insurance records      | (36) Statements of Economic Interest |
| (17) Encroachment permits            | (37) State surplus acquisitions      |
| (18) Facility improvement plans      | (38) Warehouse requisitions          |
| (19) Improvement districts           | (39) Warrant/Voucher register        |
| (20) Mosquito control history        |                                      |

**Chapter 800 ~~RECORD RETENTION AND REQUESTS MANAGEMENT, RELEASE AND DESTRUCTION OF OFFICIAL RECORDS~~**

**NOTE: FORM TO BE MOVED FROM THE POLICY MANUAL TO DISTRICT DOCUMENTS FILE**

Appendix 2: ~~Online Public Records Online Request Form~~



Alameda County Mosquito Abatement District  
23187 Connecticut Street  
Hayward, California 94545

Phone  
(510) 783-7744

Fax  
(510) 783-3903

# ~~PUBLIC RECORDS ONLINE REQUEST FORM~~

~~To facilitate processing your Public Records Act request, we encourage you to use the electronic form provided below which will be submitted directly to [acmad@mosquitoes.org](mailto:acmad@mosquitoes.org)~~

## ~~PLEASE NOTE:~~

~~The California Public Records Act applies to writings in District files "containing information relating to the conduct of the public's business prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics." The District will provide those documents to you, unless they are exempt from disclosure under the Public Records Act or another legal reason prevents the documents from being disclosed to the public.~~

~~Submitting this form electronically does not provide ACMAD with your contact information. In order for us to forward our response to your request, please provide some form of contact information (address, phone number, or e-mail).~~

~~If you prefer to contact us by regular mail or have copies of documents to submit in support of your request, download and use a fillable form and mail to the address listed on this form.~~

### ~~Your Information~~

First Name	<input type="text"/>
Middle Initial	<input type="text"/>
Last Name	<input type="text"/>
Email Address	<input type="text"/>
Confirm Email Address	<input type="text"/>
Phone Number	<input type="text"/>
Address	<input type="text"/>
City	<input type="text"/>
State	<input type="text" value="California"/>
Zip Code	<input type="text"/>

# Chapter 800 ~~RECORD RETENTION AND REQUESTS MANAGEMENT, RELEASE AND DESTRUCTION OF OFFICIAL RECORDS~~

## Record(s) Requested

Please provide as much detailed information as possible regarding the records you seek (e.g., date, author, subject, document description, etc.)

### Record Description

### Comments or additional information related to your request

Please indicate the record form you are requesting (e.g., paper, electronic, on-site inspection, etc.) **NOTE:** Records will not be faxed.

### Record Form

SUBMIT



**NOTE!** The submit button will need to be linked to the e-mail of the individual designated to receive the request at the District.

A response will be sent to you within ten business days of receipt of your request. Per Government Code §6253, paper copies may require a fee of \$0.10 per page. Electronic copies may require a fee to recover costs of extraction, compilation, or programming. All payments are due at the time copies are provided.

Agenda item 1035.11a

ALAMEDA COUNTY MOSQUITO ABATEMENT DISTRICT  
LIST OF WARRANTS DATED June 15, 2016.

WAR NO	PAYEE		AMT OF CHARGE	AMT OF WARRANT
061316	Biological Specialist	Total salary less deduction for payroll	2,324.95	
061316	Mosq Control Tech	June 1 to June 15, 2016.	2,093.61	
061316	Vector Biologist	"	2,699.30	
061316	Vector Biologist	"	2,777.30	
061316	Mosq Control Tech	"	2,110.79	
061316	Environment Specialist	"	2,543.55	
061316	District Manager	"	3,591.22	
061316	Asst Mosq Control Tech	"	2,022.82	
061316	Lab Seasonal	"	946.59	
061316	Field Seasonal	"	1,195.84	
061316	IT Specialist	"	2,851.70	
061316	Entomologist	"	3,043.98	
061316	Office Seasonal	"	1,106.24	
061316	Field Seasonal	"	535.94	
061316	Field Supervisor	"	3,396.59	
061316	Lab Seasonal	"	1,136.55	
061316	Finance Manager	"	2,444.93	
061316	Office Assistant	"	1,550.26	
061316	Vector Biologist	"	3,271.66	
061316	Mosq Control Tech	"	2,493.12	
061316	Mosq Control Tech	"	2,148.14	
061316	Mechanic Specialist	"	3,023.79	
061316	IRS	Federal tax withheld (payroll)	8,035.30	
061316		Medicare Tax Withheld (payroll)	940.98	
061316		District Contribution to Medicare (payroll)	940.99	
061316	State of California	State Tax withheld (payroll)	2,406.34	61,632.48
061416	Public Employees' Retirement System	Employee Contributions	17.00	
		Employee Paid Member Contributions, 7% & 6.5%	4,339.10	
		Employer Contribution 9.353% & 6.73%	5,366.88	9,722.98
061516	Aetna Life & Annuity	Employee Contributions		150.00
061616	CALPERS 457 Plan	Employee Contributions - PERS 457		2,660.00
061716	Delta Dental Plan	Monthly Premium		5,059.32
061816	Vision Service Plan	Health premium		1,047.80
061916	Airgas	Dry ice cut block slab		247.00
062016	Bayside	Janitorial services, June 2016		300.00
062116	Cintas	Laundry service	203.65	
		Personal supply	0.00	203.65
062216	Corporate Park Landscaping	Landscape maintenance		195.00
062316	Cardno	MVCAC EIR		722.76
062416	Calpers	Pay down unfunded liability		200,000.00
062516	Clarke	Natular XRT		10,254.40
062616	Clausnitzer, Ryan	Open Bank of America account		100.00
062716	Cardenas, Miguel	Reimbursement for safety boots		148.50
062816	Grainger	Improvements to screen	173.59	
		Tape meausres, pipe	35.35	208.94
062916	Hayward Water System	Utilities		513.70
063016	KBA Docusys	Canon copier rental		475.83
063116	Liewer Enterprises Inc.	Invoice #157366		544.99
063216	NBC Supply Corp	Gloves		222.64
063316	PFM Asset	Investment advisory services		1,606.25
063416	Quill	Copy paper		208.95
063516	Track Computer	IT service and support		1,937.50
063616	Techniclean	Towels		132.19
063716	Waste Management	Garbage, May service		197.45

WAR NO	PAYEE		AMT OF CHARGE	AMT OF WARRANT
063816	U.S Bank	Amazon - Boots for Tom	143.30	
		Canon copier rental	341.01	
		Amazon - Whiteboard	37.39	
		Amazon - Dry erase marker set	19.58	
		Amazon - Whiteboard	117.25	
		Office Depot - Plantronics handset lifter	182.58	
		Office Depot - Storage trays	16.49	
		Office Depot - Plantronics earset	530.18	
		My choice software - (unnecessary charge, will be refu	9.90	
		Best Buy - I pad mini, ZAGG tough case	670.92	
		The Home Depot - EMT one hole strap	6.80	
		Amazon - Straw concentrate	24.98	
		Route4Me - Profesional plan	49.00	
		BioQuip - EVS Catch bag	244.42	
		Amazon - Thread sealent	20.31	
		Stericylce - Monthly energy & fuel	362.68	
		Stericylce - Monthly energy & fuel	14.38	
		Spot Imaging - Med duty articulated arm	1,855.83	
		Rainin - E4 Electronic Pipette	933.90	
		Amazon - Marco Pro lens	61.88	
		Lampire - Chicken blood	206.00	
		Petsmart - Rabbit food	16.49	
		Lucky - Water	6.18	
		Southern Outdoor Power - Blower/ Marhyama SRVC p	233.70	
		Shoe Stop - Repair Safety straps	20.00	
		Telepacific Com - Com	1,088.95	
		Amazon - I phone case	22.99	
		PCCD Laney - Oakland Parking	2.00	
		Laz PGK - Oakland Airport parking	72.00	
		Jerry's Wood - MVCAC Spring, lunch, EC	15.09	
		Fairmont Newport Beach - MVCAC Spring, lunch, EC	16.52	
		Fairmont Newport Beach - MVCAC Spring, hotel, EC	340.70	
		Fairmont Newport Beach - MVCAC Spring, hotel, RF	400.70	
		Casa Maria Taqueria - Food for ERMA Training	261.00	
		The Classic Q- MVCAC spring, dinner, RC	7.98	
		Firewood Café - MVCAC Spring, lunch, RC	16.41	
		Laz PGK - Oakland Airport parking	48.00	
		Pei Wei Express - MVCAC spring, lunch, RC	14.13	
		The Cave Resturant- MVCAC spring, dinner for RC, Rl	162.84	
		Fairmont Newport Beach - MVCAC Spring, lunch, RC	18.55	
		Fairmont Newport Beach - MVCAC Spring, hotel, RC	349.85	
		Safeway - Supplies for ERMA Training	82.90	
		Fairmont Newport Beach - MVCAC Spring, CREDIT	(9.15)	
		Five Crowns Corona - MVCAC Spring, Dinner for EH &	53.28	
		Fairmont Newport Beach - MVCAC Spring, hotel, EH	340.70	
		Fairmont Newport Beach - MVCAC Spring, breakfast,	53.36	
		Costacos Resta - Supplies for board meeting	12.10	
		Safeway - Food for board meeting	67.93	
		Amazon - Ant gel	107.96	
		Amazon -Two fish slides	69.80	
		Amazon - Fish slides	34.90	
		Amazon- Thermosafe	594.76	
		Amazon- Thermosafe	890.59	
		Amazon - Insect Repellent	163.50	
		Constant Contract - Contract	20.00	
		Google Play - Book: "The Ohlone Way"	6.15	
		Istock - Mosquito Image	12.00	
		Sub-total		11,463.64
		<b>Total</b>		<b>309,955.97</b>

ALAMEDA COUNTY MOSQUITO ABATEMENT DISTRICT  
LIST OF WARRANTS DATED JUNE 30, 2016.

WAR NO	PAYEE	FOR	AMT OF CHARGE	AMT OF WARRANT
063916	Biological Specialist	Total salary less deductions for payroll period	2,605.51	
063916	Mosq Control Tech	"	2,093.61	
063916	Vector Biologist	"	2,818.73	
063916	Vector Biologist	"	2,777.30	
063916	Mosq Control Tech	"	2,110.78	
063916	Environmental Specialist	"	2,662.98	
063916	District Manager	"	3,993.92	
063916	Asst Mosq Control Tech	"	2,022.81	
063916	Lab Seasonal	"	1,136.55	
063916	Field Seasonal	"	1,320.51	
063916	IT Specialist	"	2,877.00	
063916	Entomologist	"	3,222.41	
063916	Office Seasonal	"	1,106.24	
063916	Field Seasonal	"	1,341.28	
063916	Field Supervisor	"	3,471.24	
063916	Lab Seasonal	"	1,071.25	
063916	Finance Manager	Total salary less deductions for payroll period	2,519.58	
063916	Office Assistant	"	1,550.26	
063916	Vector Biologist	"	3,271.66	
063916	Mosq Control Tech	"	2,493.11	
063916	Mosq Control Tech	"	2,071.42	
063916	Mechanic Specialist	"	3,143.21	51,681.36
063916	IRS	Federal Tax Withheld	8,200.50	
063916		Medicare Tax Withheld	958.47	
063916		District Contribution to Medicare	958.48	
063916	State of California	State Tax Withheld	2,452.04	12,569.49
064016	Public Employees' Retirement System	Employees contributions	17.00	
		Employee paid member contributions, 7%, 6.5%	4,330.68	
		District contribution 9.353%, 6.73%	5,358.15	9,705.83
064116	Aetna Life & Annuity	Employee contributions		150.00
064216	Calpers 457 Plan	Employees contributions - PERS 457		2,660.00
064316	Calpers	Health insurance		32,679.90
064416	T Scott Donahue	Trustee in lieu expenses - 1034th meeting		100.00
	P. Robert Beatty	Trustee in lieu expenses - 1034th meeting		
064516	James Doggett	Trustee in lieu expenses - 1034th meeting		100.00
	Robert Dickinson	Trustee in lieu expenses - 1034th meeting		
	Richard Guarienti	Trustee in lieu expenses - 1034th meeting		
064616	Eric Hentschke	Trustee in lieu expenses - 1034th meeting		100.00
064716	Humberto Izquierdo	Trustee in lieu expenses - 1034th meeting		100.00
064816	Elisa Marquez	Trustee in lieu expenses - 1034th meeting		100.00
064916	Katherine Narum	Trustee in lieu expenses - 1034th meeting		100.00
065016	Wendi Poulson	Trustee in lieu expenses - 1034th meeting		100.00
065116	Ronald Quinn	Trustee in lieu expenses - 1034th meeting		100.00
	Ursula Reed	Trustee in lieu expenses - 1034th meeting		-
065216	Jan Washburn	Trustee in lieu expenses - 1034th meeting		100.00
065316	George Young	Trustee in lieu expenses - 1034th meeting		100.00

WAR NO	PAYEE	FOR	AMT OF CHARGE	AMT OF WARRANT
065416	Airgas	Dry ice pellets		364.93
065516	Acme Security Systems	Fargo card printer		3,465.77
065616	Carquest	Car parts		12.40
065716	Cintas	Personal supplies	-	
		Laundry service	401.56	401.56
065816	Clausnitzer, Ryan	Reimbursement for mileage	197.88	
		Reimbursement for filing fee	107.00	304.88
065916	Donato Builders	May Progress billing, locker room		10,308.00
066016	E-3 Systems	Telecommunication cabling project		4,122.23
066116	Ferdan, Robert	Reimbursement for EIR filing fee		3,120.00
066216	Grainger	Bench pedestal, coat and garmet hook	23.76	
		Light bulb	456.91	480.67
066316	Hayashida Architects	Working drawing phase		1,500.00
066416	Melvin Mello	Dental Expenses for Mary Mello		206.10
066516	Municipal Resource	Human resources services		1,700.00
066516A	Mar-Len Supply	Pressure water system		6,875.00
066616	PG & E	Utilities		1,317.94
066716	Quill	Stationery		199.85
066816	Sonitrol	Monitoring charges and CCTV fees		743.00
066916	Tire Treds	Tire mounts and balance		1,744.72
067016	VCJPA	Employee Assistance Program		217.92
067116	Verizon	Communication expenses		655.02
067216	Wright Express	Fuel expenses, statement ended 06-15-16		3,409.35
<b>Total Warrants</b>				<b>151,595.92</b>

**Alameda County Mosquito Abatement  
As of June 30, 2016. (12 of 12 mth, 100%)**

	EXPENDED IN JUNE	EXPENDED TO DATE	BUDGETED	BALANCE	% EXPENDED
<b>SALARY &amp; BENEFITS</b>					
1011 Salary and Wages	138,307.64	1,591,254.87	1,573,549.00	-17,705.87	101%
1411 Contribution to Medicare	1,899.47	21,159.59	26,781.00	5,621.41	79%
1311 Contribution to Retirement	10,725.03	205,340.00	202,026.00	-3,314.00	102%
1211 Contribution to Health Care	38,993.12	436,316.36	443,302.57	6,986.21	98%
<b>TOTAL SALARY &amp; BENEFITS</b>	<b>189,925.26</b>	<b>2,254,070.82</b>	<b>2,245,658.57</b>	<b>-8,412.25</b>	<b>100%</b>
<b>SERVICE AND SUPPLIES</b>					
3031 Clothing and Personal Supplies	291.80	7,169.45	8,500.00	1,330.55	84%
3051 Household Expenses	432.19	4,628.79	5,500.00	871.21	84%
3071 Laundry Service and Supplies	605.21	7,162.07	9,000.00	1,837.93	80%
3111 Office Expenses	2,129.11	14,195.21	20,000.00	5,804.79	71%
3121 Computer & Software	680.82	10,540.83	12,000.00	1,459.17	88%
3131 Laboratory					
3131.1 Mosquito Surveillance	957.44	13,833.40	15,000.00	1,166.60	92%
3131.2 Disease Surveillance	0.00	6,995.16	7,155.00	159.84	98%
3131.3 Mosq pool testing	3,166.79	25,380.92	36,000.00	10,619.08	71%
3131.4 Hood certification	0.00	270.00	200.00	-70.00	135%
3131.5 Misc lab eqpt & supplies	290.55	4,411.25	6,285.00	1,873.75	70%
3131.6 Reimbursement for light traps	0.00	0.00	200.00	200.00	0%
Laboratory Total	4,414.78	50,890.73	64,840.00	13,949.27	78%
3171 Small Tools and Instruments	492.26	1,154.53	2,500.00	1,345.47	46%
3211 Maintenance - Structures & Improvement	392.35	6,738.63	20,000.00	13,261.37	34%
3231 Maintenance Equipment	2,555.81	24,175.01	45,000.00	20,824.99	54%
3271 Utilities	2,029.09	22,414.71	22,000.00	-414.71	102%
3291 Communication					
3291.1 Telephone service & internet	1,088.95	13,539.39	13,500.00	-39.39	100%
3291.2 Public Notices	0.00	0.00	500.00	500.00	0%
3291.3 Website & email hosting	0.00	242.48	270.00	27.52	90%
3291.4 Cell phone services	678.01	8,433.01	10,000.00	1,566.99	84%
Communications Total	1,766.96	22,214.88	24,270.00	2,055.12	92%
3331 Memberships, Dues, Subscriptions	0.00	14,540.00	20,700.00	6,160.00	70%
3351 Transportation & Travel					
3351.1 Fuel & GPS	3,411.35	37,042.35	44,000.00	6,957.65	84%
3351.2 Misc Travel	0.00	0.00	0.00	0.00	0%
3351.3 Meetings & conferences	2,451.89	21,955.69	45,000.00	23,044.31	49%
3351.4 Board meeting expenses	80.03	501.45	800.00	298.55	63%
3351.5 Trustee in lieu	1,000.00	12,055.62	16,800.00	4,744.38	72%
Transportation & Travel Total	6,943.27	71,555.11	106,600.00	35,044.89	67%
3391 District Special Expenses					
3391.1 Pesticides	10,362.36	129,760.84	175,000.00	45,239.16	74%
3391.2 Field supplies	0.00	575.70	500.00	-75.70	115%
3391.3 Sentinel Chickens	0.00	0.00	0.00	0.00	0%
3391.4 Fish & Fish Maint	104.70	4,534.10	4,000.00	-534.10	113%
3391.51 Aerial Pool Survey	0.00	0.00	17,000.00	17,000.00	0%
3391.52 Permits	0.00	1,104.00	3,000.00	1,896.00	37%
3391.53 Continuing Education fees	0.00	3,771.00	4,000.00	229.00	94%
3391.54 Board Plaques & nameplates	0.00	239.80	500.00	260.20	48%
3391.55 Seasonals (post ads, pre-empl phy)	0.00	0.00	1,000.00	1,000.00	0%
3391.6 Spray equipment & Safety	1,707.99	8,276.14	17,000.00	8,723.86	49%
District Special Expenses Total	12,175.05	148,261.58	222,000.00	73,738.42	67%
3392 Community Education	3,428.65	12,450.12	33,000.00	20,549.88	38%
3411 Professional and Specialized Services	6,184.43	159,498.69	224,887.00	65,388.31	71%
3471 Insurance - Collision, Liability etc	0.00	42,532.00	42,350.00	-182.00	100%
3491 Workers Compensation Insurance	0.00	63,736.00	60,745.00	-2,991.00	105%
3531 Insurance Fund - SIRS	0.00	0.00	0.00	0.00	0%
3551 Rents, Leases - Equipment	743.00	9,130.40	9,350.00	219.60	98%
<b>TOTAL SERVICES &amp; SUPPLIES</b>	<b>45,264.78</b>	<b>692,988.74</b>	<b>953,242.00</b>	<b>260,253.26</b>	<b>73%</b>
<b>CAPITAL</b>					
5111 Structures and Improvements	26,271.00	66,128.83	190,000.00	123,871.17	35%
5311 Equipment	0.00	10,468.50	58,000.00	47,531.50	18%
<b>TOTAL CAPITAL</b>	<b>26,271.00</b>	<b>76,597.33</b>	<b>248,000.00</b>	<b>171,402.67</b>	<b>31%</b>
Reserve fo Contingencies	0.00	0.00	50,000.00	50,000.00	0%
OPEB Trust Reimbursement	149,986.27	149,986.27	145,000.00	-4,986.27	103%
<i>Annual Operating Expenditures</i>	<i>261,461.04</i>	<i>3,023,656.89</i>	<i>3,641,900.57</i>	<i>618,243.68</i>	
<b>OTHER</b>					
Dry Period Cash (60%)	0.00	0.00	2,714,106.00	2,714,106.00	0%
Reserve for Capital Replacement	0.00	0.00	1,116,840.00	1,116,840.00	0%
<b>Total Other</b>	<b>0.00</b>	<b>0.00</b>	<b>3,830,946.00</b>	<b>3,830,946.00</b>	<b>0%</b>
<b>Total Expenditure</b>	<b>261,461.04</b>	<b>3,023,656.89</b>	<b>7,472,846.57</b>	<b>4,449,189.68</b>	



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MONTHLY STAFF REPORT – June 2016

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**Ryan Clausnitzer**  
*District Manager*

**1. OPERATIONS**

**A. Narrative**

During the month of June, field staff responded to 205 service requests. Over half of these service requests were for mosquitofish. Nearly 30% of these fish requests were for sources that were already breeding mosquitoes. This emphasizes a philosophy of ACMAD: delivering fish directly to sources (ornamental ponds, neglected swimming pools, and horse troughs) of Alameda County residents has a significant impact on mosquito breeding and provides good, long-term control in sources that are not always easily accessible.

Over 50% of the mosquito species attributed to service requests in June were *Culiseta incidens*, the Fish Pond Mosquito. This species is common in Alameda County and will breed year around. *Cs. incidens* will breed in almost any backyard source of water and is the most common species found in ornamental ponds, neglected pools, and various containers.

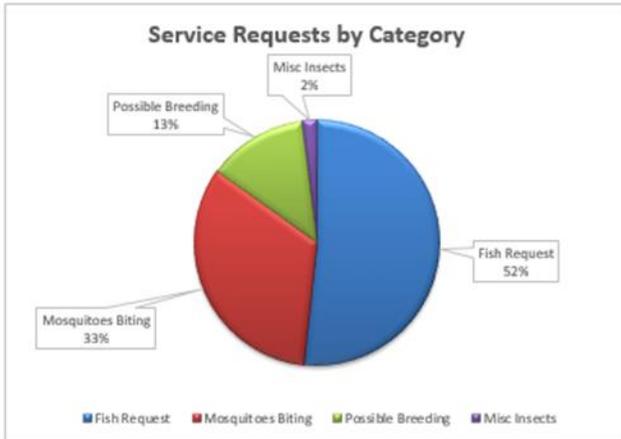
As a result of the data and images generated during the District's annual aerial pool survey, field staff inspected over 250 neglected swimming pools during the month of June. ACMAD has found this survey method to be effective in locating neglected swimming pools that can breed many thousand mosquitoes of several species in a given season. Aside from providing a breeding source for the aforementioned *Cs. Incidens*, these pools can also breed very large numbers of *Culex tarsalis* and in some cases *Culex pipiens*. Both of these *Culex* species are of great concern for spreading West Nile virus and other mosquito-borne diseases. *Cx. tarsalis* and *Cx. pipiens* are a primary focus of field operations during this time of year and will continue to be actively monitored and treated until the first significant rain fall of fall & winter.

June also saw the highest tide of the year so far. This triggered hatches of *Aedes dorsalis* in all of the District zones that have tidal marshes. *Ae. dorsalis* can develop from egg to adult in a matter of days depending on water chemistry, and water and air temperatures. *Aedes* species are typically very aggressive day-biting mosquitoes and even in small numbers, can generate many service requests. Timing is a critical factor in treating this species. The high tide was in the beginning of June and field staff did a good job with timely inspections and treatments. Not one service request for the month of June was attributable to *Ae. dorsalis*.

Joseph Huston  
Field Operations Supervisor

## B. Operational Data

### 1. Service Requests



<b>Total Service Requests June 2016</b>	<b>205</b>
June - Ten year average	=188
June - Five year average	=152
June - Last Year	=130
Range (10 yr) =	= 116-286

Mosquito species attributed to service request	
Ae sierrensis	1
Cx tarsalis	15
Cs incidens	51
An freeborni	1
Cx pipiens	23
Midges	1

### 1. Other

Number of all injuries during 2016 = 2

### 2. Activity Report

Administration	1181
Larval Surveillance & Control	1202.75
Disease Monitoring	111.75
Laboratory	564.25
Equipment & Facility Maintenance	117.5
Public Education	98.5
Interagency Communication	9.5
Fish Rearing and Maintenance	34.25
Safety	5.25
Misc	16.75
<b>Regular Hours</b>	<b>3341.5</b>
ETO Hours Accrued	52.75
<b>Total Work</b>	<b>3394.25</b>

Vacation Hrs Used	155.25
Sick Hours Used	52
Workers Comp.	1
ETO Used	40.5
<b>Total Leave</b>	<b>248.75</b>
<b>Total Work - Leave</b>	<b>3394.25</b>
<b>Total Hours</b>	<b>3643</b>

## 2. LAB

Below is a summary of the activities from the Lab for June, 2016

### **Budget**

- As of June 30, 2016 (12 months of 12, 100 % of the year), 78 % of the lab budget has been expended. However, this accounting does not include equipment and supply purchases made during the final two weeks of the month.
- Expenditures for the month were to purchase equipment and supplies that support automated arbovirus testing and pesticide resistance studies.

### **Mosquito Abundance Monitoring**

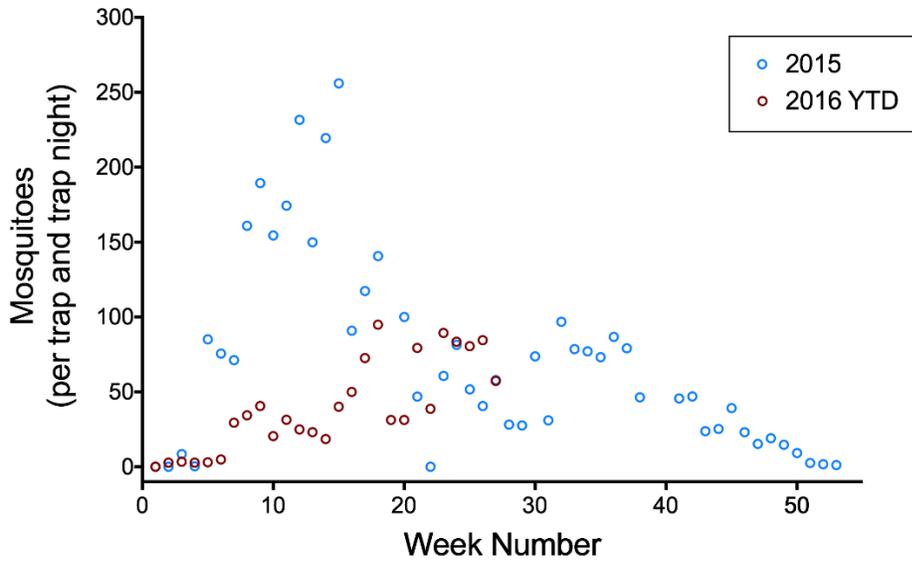
- Comparison of mosquito abundance for weeks 1 – 27 during 2015 and 2016 show significant reduction in the average number of mosquitoes for 2016, as measured with New Jersey Light Traps (Figure 1; Two-way ANOVA  $P = 0.0010$ ). From January – July of 2015 there were 3.39 inches of rain and 1627 growing degree days (an indirect measure of mosquito reproduction), while the same time frame for 2016 had 8.52 inches of rain with 1767 growing degree days (data from Weather Underground, measured using the weather station at Hayward Executive Airport). Thus, while the conditions for mosquito reproduction during 2016 were better than those for 2015, mosquito abundance was lower in 2016, suggesting that the mosquito control activities of Operations during 2016 had a substantial positive impact on reducing mosquito abundance.
- For the month of June, 258 CDC EVS CO<sub>2</sub> traps were placed and the collected mosquitoes enumerated and identified to species (total of 4426 mosquitoes, average of 17.16 mosquitoes per trap). A similar number of traps were placed during June of 2015 ( $n = 233$ ), however the number of mosquitoes collected in the traps was lower (10.94 mosquitoes per trap). The increase for 2016 was heavily driven by the discovery of two mosquito breeding sites in Hayward and Bay Island (a direct result of the increased abundance monitoring program that the ACMAD put in place during the summer of 2015). Operations actions to suppress mosquito breeding at these sites coupled with intensive abundance monitoring by the Lab substantially reduced adult abundance at these two sites.
- Ongoing monitoring for invasive *Aedes* species around the District headquarters and throughout Alameda County has not detected any such mosquitoes during 2016 (a total of 136 traps have been deployed throughout the County that are continuously monitored for invasive *Aedes*).

### **Arbovirus Monitoring**

- For the year 2016, to date there has been no dead birds or mosquitoes found to contain West Nile virus, St. Louis encephalitis virus, or Western equine encephalitis virus in Alameda County.
- For the year to date, 235 mosquito pools have been tested for arboviruses. For the same period of 2015, 42 pools had been tested (i.e. a 5.6-fold increase in arbovirus testing for 2016 relative to the prior year).

### **Outreach**

- The Laboratory Director gave a presentation to the Berkeley Community Emergency Response Team (CERT) that was focused upon our mosquito monitoring and control activities, with a highlight on invasive species of mosquito and the diseases they transmit.
- The ACMAD Lab has established a partnership with the Fremont Math and Science Nucleus where we will provide training and mosquito traps to advanced high school students so they may participate in monitoring for invasive species of *Aedes*. We envision this partnership will form a foundation for increased engagement with the community in monitoring for invasive mosquitoes.



**Figure 1. Mosquito abundance for 2015 and 2016 (year to date (YTD)) as measured using New Jersey Light Traps and reported as number of mosquitoes per trap per trap night.**

Submitted respectfully by Eric Haas-Stapleton, PhD, ACMAD Laboratory Director, on July 7, 2016

### 3. PUBLIC EDUCATION

#### A. Upcoming Events

- **EBMUD Sewer Plant Presentation** – Wednesday, July 13<sup>th</sup>, 1pm (Oakland)
- **Adventure Time Classroom Presentation** – Tuesday, August 2<sup>nd</sup>, 10am (Independent Elementary, Castro Valley)
- **Hayward Zucchini Festival** – Saturday, August 20<sup>th</sup> & Sunday, August 21<sup>st</sup>, 10am-8pm (Kennedy Park, Hayward)
- **Newark Days Celebration** – Sunday, September 18<sup>th</sup>, 12pm-4pm (Newark Community Center, Newark)
- **Alameda County Fall Home & Garden Show** – Friday, September 30<sup>th</sup> to Sunday, October 2<sup>nd</sup>, 10am-6pm (opens at noon on Friday) (Alameda County Fairgrounds, Pleasanton)

#### B. Google Analytics

	June	May
<b>Number of Sessions</b>	1,816	1,892
<b>Users</b>	1,589	1,643
<b>Pageviews</b>	3,331	3,680
<b>Average Session Duration</b>	1 minute 39 seconds	1 minute 29 sec.
<b>New Visitors</b>	16%	83.03%
<b>Top Cities</b>	Not Set (8.6%), San Francisco (6.3%), Oakland (5.7%), Hayward (5.4%), Fremont (2.8%)	San Francisco (8%), Oakland (5.5%), Not Set (5%), Hayward (4.3%), Fremont (3%)
<b>Top Pages</b>	Homepage (27.4%), California Species (15.4%), Request Mosquitofish (7.6%), Education (5%), Mosquito Lifecycle (5%)	Homepage (21.2%), California Species (14.4%), Request Mosquitofish (8.1%), Services (6.4%), Mosquito Lifecycle (6%)

#### C. Facebook

	June	May
<b>Total Posts</b>	14	0
<b>Number Reached</b>	308	0
<b>Most Popular</b>	New logo (updated profile picture)	N/A
<b>Total Number of "Likes"</b>	106	105

#### D. Twitter

	June	May
<b>Total Tweets</b>	13	0
<b>Tweet Impressions</b>	2,113	1,749
<b>Top Tweet (# Impressions)</b>	The key to mosquito control and disease prevention is source reduction #DumpAndDrain (290)	2 Mentions
<b>Profile Visits</b>	163	47
<b>New Followers (Total Followers)</b>	15 (407)	9 (394)

## E. Online Advertisements

### Display Campaigns

REPORT (pdf)

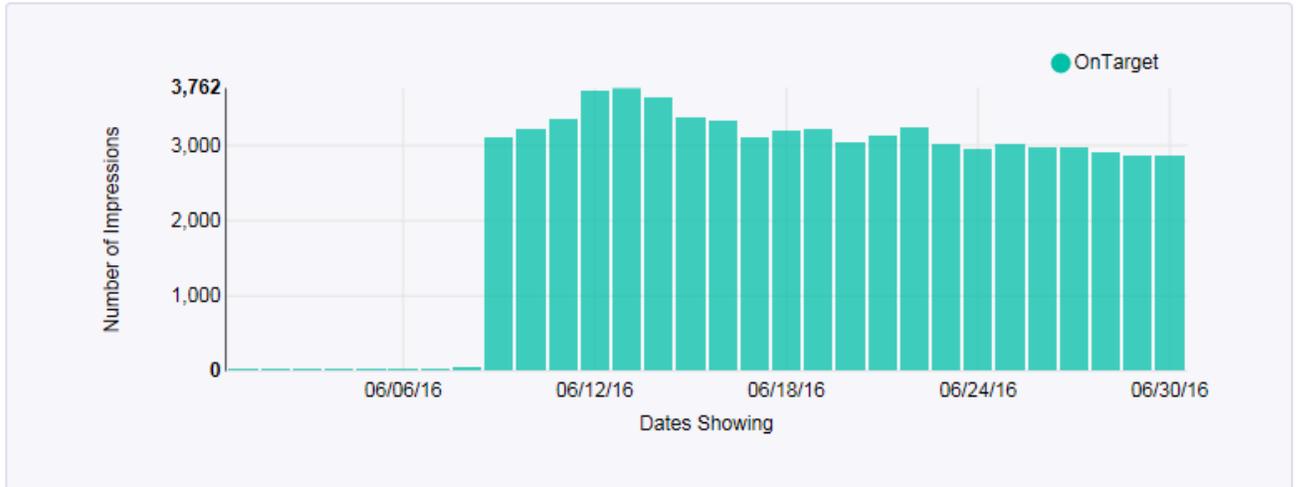


Impressions  
**70,102**

Clicks  
**159**

CTR  
**0.23%**

LAST 30 DAYS: Jun 01 2016 – Jun 30 2016



#### All Display Campaigns

Campaign	Dates	Impressions	Clicks	CTR
<a href="#">Alameda County Mosquito 2016 Summer Campaign+06.09.16_09.09.16</a>	6/8/16 - 9/9/16	70,102	159	0.23%



# **ALAMEDA COUNTY MOSQUITO ABATEMENT DISTRICT**

**MOSQUITO AND DISEASE CONTROL ASSESSMENT**

## **FINAL ENGINEER'S REPORT**

FISCAL YEAR 2016-17

PURSUANT TO THE HEALTH AND SAFETY CODE, GOVERNMENT CODE AND  
ARTICLE XIID OF THE CALIFORNIA CONSTITUTION

ENGINEER OF WORK:  
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## **ALAMEDA COUNTY MOSQUITO ABATEMENT DISTRICT**

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P. Robert Beatty, City of Berkeley  
Eric Hentschke, City of Newark

### **DISTRICT MANAGER**

Ryan Clausnitzer

### **ENGINEER OF WORK**

SCI Consulting Group

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## INTRODUCTION

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### OVERVIEW

The Alameda County Mosquito Abatement District (“District”) is an independent special District in Alameda County (“County”) that covers all cities within the county except for the City of Albany. The District’s services encompass more than 800 square miles and are provided to properties accommodating over 1.5 million residents.

In 1930, the Alameda County Mosquito Abatement District was officially formed in accordance with local authority provided by the Mosquito Abatement Act of 1915. The District’s services are further supported by the California Health and Safety Codes. The District is overseen by a Board of Trustees (the “Board”) comprised of fourteen members. Each City Council within the District and the Board of Supervisors of Alameda County appoint one Trustee. A Trustee serves a two-year term and can be reappointed.

The District provides control for both disease carrying mosquitoes and non-disease carrying mosquitoes within its boundaries (the “Assessment Area” or “Assessment District”). The purpose of the Alameda County Mosquito Abatement District is to reduce the risk of mosquito-borne disease and mosquito nuisance to property and the inhabitants of property within the District. The District services are available to all properties within the established boundary of the District.

The District’s core services are summarized as follows:

- Early detection of public health threats through comprehensive mosquito and disease surveillance.
- Elimination and control of mosquitoes to protect public health and to diminish the nuisance and harm caused by mosquitoes.
- Protection of public health by reducing mosquitoes or exposure to mosquitoes that transmit diseases on property
- Appropriate, timely response to customer requests to prevent/control mosquitoes and the diseases they can transmit.

The District currently provides a “baseline” level of mosquito and disease control services in the County. Over the past few years, costs of providing services has exceeded revenue and without the additional assessment Services would have deteriorated. The services provided to the Assessment Area consist of maintaining the current level of services and in some cases expanded services, as listed below, above the existing baseline level of services.

The Assessment Area is narrowly drawn to include only properties that may request and/or receive direct and more frequent service, that are located within the scope of the mosquito surveillance area, that are located within flying or traveling distance of potential mosquito sources monitored by the District, and that will benefit from a reduction in the amount of mosquitoes reaching and impacting the property as a result of the enhanced mosquito

surveillance and control. The Assessment Diagram included in this report shows the boundaries of the Assessment Area.

The following is an outline of the primary services, programs and related costs that are funded by the mosquito and disease control assessment:<sup>1</sup>

- Mosquito control and abatement
- Surveillance for mosquito-borne diseases
- Mosquito inspections
- Response to service requests
- Mosquitofish for backyard fish ponds and other appropriate habitats
- Mosquito surveillance and disease testing
- Monitor mosquito populations and survey for mosquito-borne disease agents
- Upgrading of the equipment utilized by the District
- Presentations to schools and civic groups

This Engineer's Report ("Report") defines the benefit assessment, which provides funding for these improved mosquito and disease control services for property throughout the District, as well as related costs for equipment, capital improvements and services, facilities necessary and incidental to mosquito and disease control programs.

As used within this Report and the benefit assessment ballot proceeding, the following terms are defined:

*"Vector" means any animal capable of transmitting the causative agent of human disease or capable of producing human discomfort or injury, including, but not limited to, mosquitoes, flies, mites, ticks, other arthropods, and small mammals and other vertebrates (Health and Safety Code Section 2002(k)).*

*"Vector Control" shall mean any system of public improvements or services that is intended to provide for the surveillance, prevention, abatement, and control of vectors as defined in subdivision (k) of Section 2002 of the Health and Safety Code and a pest as defined in Section 5006 of the Food and Agricultural Code (Government Code Section 53750(m)).*

Note: The District is the only dedicated agency controlling mosquitoes within its boundaries, in Alameda County. There are however, other agencies dedicated to the control of other types of vectors, such as rats. In any case, the California Code sections and other applicable citations within this report pertain specifically to mosquito and disease control even when the term vector is used.

---

<sup>1</sup> The improved mosquito and disease prevention services materially increase the usefulness, utility, livability and desirability of properties in the Assessment Area.

The District is controlled by Mosquito Abatement and Vector Control District Law of the State of California. Following are excerpts from the Mosquito Abatement and Vector Control District Law of 2002, codified in the Health and Safety Code, Section 2000, et. seq. which serve to summarize the State Legislature's findings and intent with regard to mosquito abatement and other vector control services:

*2001. (a) The Legislature finds and declares all of the following:*

*(1) California's climate and topography support a wide diversity of biological organisms.*

*(2) Most of these organisms are beneficial, but some are vectors of human disease pathogens or directly cause other human diseases such as hypersensitivity, envenomization, and secondary infections.*

*(3) Some of these diseases, such as mosquito borne viral encephalitis, can be fatal, especially in children and older individuals.*

*(4) California's connections to the wider national and international economies increase the transport of vectors and pathogens.*

*(5) Invasions of the United States by vectors such as the Asian tiger mosquito and by pathogens such as the West Nile virus underscore the vulnerability of humans to uncontrolled vectors and pathogens.*

*(b) The Legislature further finds and declares:*

*(1) Individual protection against the vector borne diseases is only partially effective.*

*(2) Adequate protection of human health against vector borne diseases is best achieved by organized public programs.*

*(3) The protection of Californians and their communities against the discomforts and economic effects of vector borne diseases is an essential public service that is vital to public health, safety, and welfare.*

*(4) Since 1915, mosquito abatement and vector control districts have protected Californians and their communities against the threats of vector borne diseases.*

*(c) In enacting this chapter, it is the intent of the Legislature to create and continue a broad statutory authority for a class of special districts with the power to conduct effective programs for the surveillance, prevention, abatement, and control of mosquitoes and other vectors.*

*(d) It is also the intent of the Legislature that mosquito abatement and vector control districts cooperate with other public agencies to protect the public health, safety, and welfare. Further, the Legislature encourages local communities and local officials to adapt the powers and procedures provided by this chapter to meet the diversity of their own local circumstances and responsibilities.*

Further the Health and Safety Code, Section 2082 specifically authorizes the creation of benefit assessments for vector control, as follows:

*(a) A district may levy special benefit assessments consistent with the requirements of Article XIID of the California Constitution to finance vector control projects and programs.*

This Engineer's Report ("Report") was prepared by SCI Consulting Group (SCI) to describe the mosquito, disease surveillance and control services and related costs that are funded by the assessments, to establish the estimated costs for those Services, to determine the special benefits and general benefits received by property from the Services and to apportion the assessments to lots and parcels within the District based on the estimated special benefit each parcel receives from the services funded by the benefit assessment.

## **LEGISLATIVE ANALYSIS**

### **PROPOSITION 218**

This assessment was formed consistent with Proposition 218, The Right to Vote on Taxes Act, which was approved by the voters of California on November 6, 1996, and is now Article XIIC and XIID of the California Constitution. Proposition 218 provides for benefit assessments to be levied to fund the cost of providing services, improvements, as well as maintenance and operation expenses to a public improvement which benefits the assessed property.

Proposition 218 describes a number of important requirements, including a property-owner balloting, for the formation and continuation of assessments, and these requirements are satisfied by the process used to establish this assessment. When Proposition 218 was initially approved in 1996, it allowed for certain types of assessments to be "grandfathered" in, and these were exempted from the property-owner balloting requirement.

*Beginning July 1, 1997, all existing, new, or increased assessments shall comply with this article. Notwithstanding the foregoing, the following assessments existing on the effective date of this article shall be exempt from the procedures and approval process set forth in Section 4:*

*(a) Any assessment imposed exclusively to finance the capital costs or maintenance and operation expenses for sidewalks, streets, sewers, water, flood control, drainage systems or vector control.*

Mosquito and vector control was specifically "grandfathered in," underscoring the fact that the drafters of Proposition 218 and the voters who approved it were satisfied that funding for mosquito and vector control is an appropriate use of benefit assessments, and therefore confers special benefit to property.

### **SILICON VALLEY TAXPAYERS ASSOCIATION, INC. V. SANTA CLARA COUNTY OPEN SPACE AUTHORITY**

In July of 2008, the California Supreme Court issued its ruling on the Silicon Valley Taxpayers Association, Inc. v. Santa Clara County Open Space Authority ("SVTA vs. SCCOSA"). This ruling is the most significant legal document in further legally clarifying

Proposition 218. Several of the most important elements of the ruling included further emphasis that:

- Benefit assessments are for special benefit to property, not general benefits<sup>2</sup>
- The services and /or improvements funded by assessments must be clearly defined
- Special benefits are directly received by and provide a direct advantage to property in the assessment district

This Engineer's Report, and the process used to establish this assessment is consistent with the SVTA vs. SCCOSA decision.

#### **DAHMS V. DOWNTOWN POMONA PROPERTY**

On June 8, 2009, the 4<sup>th</sup> Court of Appeal amended its original opinion upholding a benefit assessment for property in the downtown area of the City of Pomona. On July 22, 2009, the California Supreme Court denied review. On this date, Dahms became good law and binding precedent for assessments. In Dahms the Court upheld an assessment that was 100% special benefit (i.e. 0% general benefit) on the rationale that the services and improvements funded by the assessments were directly provided to property in the assessment district. The Court also upheld discounts and exemptions from the assessment for certain properties.

#### **BONANDER V. TOWN OF TIBURON**

On December 31, 2009, the 1st District Court of Appeal overturned a benefit assessment approved by property owners to pay for placing overhead utility lines underground in an area of the Town of Tiburon. The Court invalidated the assessments on the grounds that the assessments had been apportioned to assessed property based in part on relative costs within sub-areas of the assessment district instead of proportional special benefits.

#### **BEUTZ V. COUNTY OF RIVERSIDE**

On May 26, 2010, the 4th District Court of Appeal issued a decision on the Steven Beutz v. County of Riverside ("Beutz") appeal. This decision overturned an assessment for park maintenance in Wildomar, California, primarily because the general benefits associated with improvements and services were not explicitly calculated, quantified and separated from the special benefits.

#### **GOLDEN HILL NEIGHBORHOOD ASSOCIATION V. CITY OF SAN DIEGO**

On September 22, 2011, the San Diego Court of Appeal issued a decision on the Golden Hill Neighborhood Association v. City of San Diego appeal. This decision overturned an assessment for street and landscaping maintenance in the Greater Golden Hill neighborhood of San Diego, California. The court described two primary reasons for its

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<sup>2</sup> Article XIII D, § 2, subdivision (d) of the California Constitution states defines "district" as "an area determined by an agency to contain all parcels which will receive a special benefit from the proposed public improvement or property-related service."

decision. First, like in *Beutz*, the court found the general benefits associated with services were not explicitly calculated, quantified and separated from the special benefits. Second, the court found that the City had failed to record the basis for the assessment on its own parcels.

#### **COMPLIANCE WITH CURRENT LAW**

This Engineer's Report is consistent with the requirements of Article XIIC and XIID of the California Constitution and with the *SVTA* decision because the Services to be funded are clearly defined; the Services are available to and will be directly provided to all benefiting property in the Assessment District; and the Services provide a direct advantage to property in the Assessment District that would not be received in absence of the Assessments.

This Engineer's Report is consistent with *Dahms* because, similar to the Downtown Pomona assessment validated in *Dahms*, the Services will be directly provided to property in the Assessment District. Moreover, while *Dahms* could be used as the basis for a finding of 0% general benefits, this Engineer's Report establishes a more conservative measure of general benefits.

The Engineer's Report is consistent with *Bonander* because the Assessments have been apportioned based on the overall cost of the Services and proportional special benefit to each property. Finally, the Assessments are consistent with *Beutz* because the general benefits have been explicitly calculated and quantified and excluded from the Assessments.

#### **ASSESSMENT PROCESS**

In order to allow property owners to ultimately decide whether additional funding should be provided for the District's mosquito and disease control services, the Board authorized by Resolution the Initiation of proceedings for a benefit assessment on February 13, 2008. In March and April of 2008, the District conducted an assessment ballot proceeding pursuant to the requirements of Article XIID of the California Constitution ("The Taxpayer's Right to Vote on Taxes Act") and the Government Code. During this ballot proceeding, owners of property in the District were provided with a notice and ballot for the proposed special assessment. A 45-day period was provided for balloting and a public hearing was conducted on April 30, 2008.

It was determined after the conclusion of the public input portion of the public hearing that 70.19% of the weighted ballots returned were in support of the assessment. Since the assessment ballots submitted in opposition to the proposed assessments did not exceed the assessment ballots submitted in favor of the assessments (with each ballot weighted by the proportional financial obligation of the property for which ballot was submitted), the District gained the authority to approve the levy of the assessments for fiscal year 2008-09 and to continue to levy them in future years. The authority granted by the ballot proceeding includes an annual increase in the maximum authorized assessment rate equal to the annual change in the Consumer Price Index for the San Francisco Bay Area, not to exceed 3%. In the event that the annual change in the CPI exceeds 3%, any percentage change in excess of 3% can be cumulatively reserved and can be added to the annual change in the CPI for years in

which the CPI change is less than 3%. The Board took action, by Resolution No.937-1 passed on May 14, 2008, to approve the levy of the assessments.

In each subsequent year for which the assessments will be levied, the Board must preliminarily approve an updated Engineer's Report for the upcoming fiscal year at a noticed public hearing. The Engineer's Report should include a budget for the upcoming fiscal year's costs and services and an updated assessment roll listing all parcels and their proposed assessments for the upcoming fiscal year.

If the Board approves this Engineer's Report and the assessments it establishes for fiscal year 2016-17, the assessments would be submitted to the County Auditor for inclusion on the property tax rolls for fiscal year 2016-17.

## GENERAL DESCRIPTION OF THE DISTRICT AND SERVICES

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### ABOUT THE MOSQUITO ABATEMENT DISTRICT

The Alameda County Mosquito Abatement District (the “District”) is an independently funded public agency that controls and monitors mosquitoes and the diseases they carry in Alameda County. The District protects the usefulness, desirability and livability of property and the inhabitants of property within its jurisdictional area by controlling and monitoring disease-carrying and public nuisance mosquitoes. In addition, the District regularly tests for diseases carried by mosquitoes and educates property owners and the occupants of property in the District about how to protect themselves from mosquito-borne diseases.

The District staff consists of 16 employees including a District Manager, Field Operations Supervisor, Entomologist, Mechanic, Environmental Specialist, Systems Specialist, Administrative/Financial Manager, five Vector Biologists and one Mosquito Control Technician, two Assistant Mosquito Control Technicians, a Biological Specialist and other support staff.

The District is governed by the Alameda County Mosquito Abatement District Board of Trustees. The Board meetings are held at 5:00 p.m. on the second Wednesday of every month, and residents are welcome to attend.

### DESCRIPTION OF MOSQUITO ABATEMENT PROGRAM

As mentioned earlier, the District currently provides a “baseline” level of services in the County as permitted with the limited funding available. The Assessment provides the additional funding to operate the program and expand the services provided in the Assessment Area to an optimum level necessary to protect the usefulness, utility, desirability and livability of property within its jurisdictional area.

### INTRODUCTION

Following are the Services and resulting level of service for the Assessment Area. As previously noted, the District provides a baseline level of service in the County. These Services are over and above the current baseline level of service. The formula below describes the relationship between the final level of service, the existing baseline level of service, and the enhanced level of service to be funded by the assessment.

<b>Final Level of Service</b>	=	<b>Baseline Level of Service</b>	+	<b>Enhanced Level of Service</b>
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The assessment provides funding for the continuation and enhancement of the service, surveillance, disease prevention, abatement, and control of mosquitoes within the District boundaries. Such mosquito abatement and disease prevention projects and programs include, but are not limited to, source reduction, biological control, larvicide applications,

adulticide applications, disease monitoring, public education, reporting, accountability, research and interagency cooperative activities, as well as capital costs, maintenance, and operation expenses (collectively “Services”). The cost of these Services also includes capital costs comprised of equipment, capital improvements and facilities and other expenses necessary and incidental to the mosquito control program.

## VECTORS AND VECTOR-BORNE DISEASES IN THE DISTRICT SERVICE AREA

### MOSQUITOES

Mosquitoes generally occur where there is adequate vegetation for harborage and where water is standing and/or stagnant. Although mosquitoes have seasonal cycles, some species reproduce continuously while conditions are suitable. The mosquito species listed in the table below can be generally described as floodwater, permanent water, and container-breeding mosquitoes and they are currently important in the District:

GENUS & SPECIES	LARVAL HABITAT	ABUNDANCE	HOSTS	DISEASE ASSOCIATIONS
<i>Aedes dorsalis</i> (Salt marsh mosquito)	Salt marshes	All year	Humans and other mammals	Serious Pest
<i>Aedes sierrensis</i> (Tree hole mosquito)	Tree holes, Tires, Miscellaneous Containers	Spring, Summer	Humans and other large mammals	Serious pest; Vector of Canine Heartworm
<i>Aedes squamiger</i> (Winter salt marsh mosquito)	Salt marshes	Spring	Humans and other large mammals	Serious pest
<i>Aedes washinoi</i> (Woodland pool mosquito)	Temporary woodland ponds	Spring, Summer	Humans and other large mammals	Serious Pest
<i>Anopheles freeborni</i> (Western malaria mosquito)	Seepages, Streams, Lakes, Gravel Pits	Summer	Humans and other large mammals	Vector of Malaria
<i>Anopheles punctipennis</i>	Cool, shaded grassy pools in creeks and lake seepages	Summer	Humans and other large mammals	Vector of Malaria
<i>Culex erythrorhax</i> (Tule mosquito)	Ponds, lakes, marshes with tules and cattails	Spring, Summer	Humans, Other Mammals, and Birds	Serious Pest; Vector of Encephalitis
<i>Culex pipiens</i> (House mosquito)	Storm Drain Systems, Septic Tanks, Roadside Ditches, Utility	Spring, Summer, Fall, Winter	Humans, Other Mammals, and Birds	Serious Pest; Vector of Encephalitis, West Nile Virus

<i>Culex stigmatosoma</i> (Foul water mosquito)	Foul Water, Sewage, Temporary Pools	Spring, Summer, Fall, Winter	Birds	Vector of West Nile Virus
<i>Culex tarsalis</i> (Encephalitis mosquito)	Creeks, Marshes, Temporary Pools, Roadside Ditches, Fresh Water	Spring, Summer, Fall, Winter	Birds, humans, and other mammals	Moderate Pest; Vector of Encephalitis, West Nile Virus
<i>Culiseta incidens</i> (Fish pond mosquito)	Fish Ponds, Temporary Pools, Catch Basins, Roadside Ditches	Spring, Summer, Fall, Winter	Humans and other large mammals	Serious Pest; Possible Vector of Canine Heartworm
<i>Culiseta inornata</i> (Winter salt marsh mosquito)	Marshes, Temporary Pools, Roadside Ditches	Fall, Winter, Spring	Humans and other large mammals	Serious Pest

Mosquitoes that lay their eggs in damp soil that might be flooded several years later occupy floodwater habitats. Once the area floods, most of the eggs hatch, producing a large number of mosquitoes that emerge as adults around the same time. The District has several floodwater species of concern. These include all of the *Aedes* species. Floodwater mosquitoes are most active at dawn and dusk, but they also bite during the day. *Aedes dorsalis* and *Aedes squaminger* produce multiple generations due to recurring tidal and rainwater flooding and resulting in high abundance. These species are strong flyers that can travel many miles from their source.

Mosquitoes that lay their eggs on the surface of standing water occupy permanent water habitats. Such habitats include both temporary and long-lasting standing water. Eggs are laid while mosquitoes are active and usually hatch within two to three days. *Anopheles*, *Culex*, and *Culiseta* mosquitoes inhabiting the District breed in these types of sources and have multiple generations. All of these mosquitoes are active at dawn and dusk, but *Culex* and *Culiseta* will bite well into the night. *Anopheles* and *Culex erythrothorax* can also bite during the day under shade.

Outdoor containers that hold standing water are common mosquito habitats in Alameda County. Containers include naturally occurring holes in trees, discarded buckets, cans, jars and tires; neglected swimming pools, wading pools, spas and boats; ornamental ponds, bird baths, cemetery flower cups, crumpled plastic and plugged rain gutters. *Aedes sierrensis* breeds in many species of tree holes, especially oaks, sycamores and cottonwoods, but can also inhabit artificial containers full of leaf litter. Eggs are deposited above the water line and hatch after sufficient rain accumulates to reach them. *Ae. sierrensis* normally produces one generation per year. It is an aggressive biter and can reach great abundance locally but does not fly far.

Mosquito-transmitted diseases in the District are caused by several pathogens. These include the following viruses: St. Louis encephalitis (SLE), Western equine encephalitis

(WEE) and West Nile virus (WNV); the protozoan parasite of malaria, *Plasmodium falciparum* or *P. vivax*; or the nematode parasite of canine heartworm, *Dirofilaria immitis*. This region has historically had sporadic detections of WEE and SLE, two arboviruses (arthropod-borne) that have been established in California for decades. Starting in 2004, WNV was found in wild birds, sentinel chicken flocks, mosquito pools and horses. To date there have been no human cases of West Nile Virus locally acquired in Alameda County.

Malaria is not locally transmitted in California at this time, but it used to be a major health problem in the Central Valley. Trappers, miners and other immigrants introduced malaria into California in the 1800's from areas where malaria was common. Effective mosquito control and drugs to cure malaria in humans led to the eradication of malaria in California in the 1950's. Consistent reintroduction by humans from areas where the disease is endemic creates a constant threat from malaria. In addition, some strains of malaria found in the world today are resistant to drugs that helped to eradicate the disease in the 1950's. The mosquitoes that can spread malaria are still abundant in our region and are capable of redistributing this serious health threat if the virus should somehow be reintroduced to the area.

Canine heartworm is a disease that infects wild and domestic dogs and occasionally cats. Although it can be life-threatening, pet owners can protect their animals by giving them medicine that kills the parasites. Heartworm medication is available through veterinary facilities.

Mosquito-borne diseases of most concern in the District are: Western equine encephalitis (WEE), St. Louis encephalitis (SLE), West Nile virus (WNV), and malaria, which are all transmitted by indigenous mosquitoes and for which no human vaccines exist. Vaccines are available to protect horses from WEE and WNV. Among the principal threats to which the Alameda County Mosquito Abatement District currently responds are:

- Human and animal diseases associated with mosquitoes
- Annoyance and economic disruption caused by mosquitoes
- Potential introduction of invasive mosquito species and/or diseases.

#### **INTEGRATED PEST MANAGEMENT**

As noted, the District's services address several types of mosquitoes and share general principles and policies. These include the identification of mosquito problems; responsive actions to control existing populations of mosquitoes, prevention of new sources of mosquitoes from developing, and the management of habitat in order to minimize mosquito production; education of land-owners and others on measures to minimize interaction with mosquitoes; and provision and administration of funding and institutional support necessary to accomplish these goals.

In order to accomplish effective and environmentally sound mosquito management, control of mosquitoes must be based on careful surveillance of their abundance, habitat (potential

abundance), pathogen load, and potential contact with people and animals; the establishment of treatment criteria (thresholds); and appropriate selection from a wide range of control methods. This dynamic combination of surveillance, treatment criteria, and use of multiple control activities in a coordinated program is generally known as Integrated Pest Management (IPM).

The Alameda County Mosquito Abatement District's Mosquito Management Program, like any other IPM program, involves procedures for minimizing potential environmental impacts. The District employs IPM principles by first determining the species and abundance of mosquitoes through evaluation of public service requests and field surveys, trapping of immature and adult pest populations, and, if the populations exceed predetermined criteria, using the most efficient, effective, and environmentally sensitive means of control. For all mosquito species, public education is an important control strategy. In appropriate situations, water management or other physical control activities (historically known as "source reduction" or "physical control") can be instituted to reduce mosquito-breeding sites. The District also uses biological control such as the stocking of mosquitofish in ornamental ponds, unused swimming pools and other artificial water bodies. When these approaches are not effective or are otherwise inappropriate, materials that have been, approved and labeled by the U.S. Environmental Protection Agency and the California Department of Pesticide Regulation are used to treat specific pest-producing or pestharboring areas. The District chooses materials that are highly specific, have the lowest impact on nontargets, selectively applied to places where mosquitoes occur. These materials are considerably more expensive than less specific pesticides and are labor intensive to apply.

The District's approach is organized into two principle sections to accomplish IPM. First, the administrative element provides leadership, expertise, public relations/education, and interface with other governmental authorities. Second, the operational and laboratory sections include technicians that perform IPM in the field. The technicians perform control and surveillance functions by responding to complaints from individual residents and by extensive examination of aquatic sites for mosquito larvae. The technicians and lab staff also monitor the treated areas to be sure that their control efforts have been successful.

The District has the capability of applying liquid and granular larvicides to treat sources of immature mosquitoes and aerosolized adulticides for area treatment of adult mosquitoes. Adulticiding is used to reduce significant populations of adult mosquitoes and to prevent or to reduce the spread of mosquito-borne disease in the environment. Applications are made by personnel licensed by the California Department of Public Health (or under the direct supervision of certified personnel) who are trained in the proper use of the products and specialized equipment used for this type of public health pest control. All insecticide products employed by the District are used with consideration of existing environmental conditions in order to minimize the impact on non-target organisms.

#### **GENERAL SURVEILLANCE AND CONTROL PROCEDURES**

Surveillance: Surveillance of mosquitoes in the District is accomplished by a combination of methods. First, technicians actively examine potential sites by sampling water, collecting

larvae, and identifying the larvae to species. Second, a variety of trap types are placed throughout the District for collecting adult mosquitoes (e.g. visual attractant Fay-Prince and New Jersey Light traps to monitor male and female mosquito abundance, and carbon dioxide- or human scent baited traps that attract host-seeking females or the eggs deposited by mosquitoes (e.g. ovitrap cups). The traps are set throughout the year, and the collected mosquitoes or eggs are enumerated and identified to species for adults and at least to genus for eggs. The majority of the collected mosquitoes that can transmit WNV, SLE or WEE are tested for the presence of these viruses. Finally, individual residents and property owners call the District directly to report mosquitoes or to provide information about the locations of standing water that could produce mosquitoes.

Mosquito sources are scattered throughout the District. All properties within the District are within mosquito-flying range of one or more mosquito sources. Alameda County has 22 species of mosquitoes, each with a unique breeding source, and several of which are capable of vectoring diseases to humans and animals.

Mosquito populations are surveyed using a variety of field methods and traps. Surveillance is conducted in a manner based upon an equal spread of resources throughout the District boundaries, focusing on areas of likely sources. Treatment strategies are based upon the results of the surveillance program, and are specifically designed for individual areas. The surveillance traps are located and spread throughout the District in a balanced approach such that the traps measure mosquito levels throughout the District.

Viruses transmitted by mosquitoes are surveyed by testing mosquito vectors, and bird or mammal reservoirs, for WNV, SLE and WEE. The Davis Arbovirus Research and Training Lab at UC Davis or the Mosquito Lab at the District headquarters tests mosquitoes, birds or mammals using quantitative reverse transcription polymerase chain reaction or an immunoassay. The District participates in the statewide dead bird surveillance program for WNV, responding to reports of dead birds from the public and testing these birds deemed appropriate. Various County, State and private laboratories throughout California and elsewhere test humans and horses for WNV. DPH obtains and compiles results from all testing facilities and reports them to the appropriate local mosquito control agencies.

Control: The District's objective is to provide the properties a District-wide level of consistent mosquito control such that all properties would benefit from equivalent reduced levels of mosquitoes. Surveillance and monitoring are provided on a District-wide basis. The District, though, cannot predict where control measures will be applied because the type and location of control depends on the surveillance and monitoring results. However, the control thresholds and objectives are comparable throughout the District.

The District uses several techniques to control mosquito larvae and pupae (immatures), including biological, chemical, and physical control. The District uses the mosquitofish, *Gambusia affinis*, for biological control. These mosquito-eating fish work particularly well during warm months in a variety of permanent water sources. Artificial water sources are stocked at the request of the property resident or in other situations where biological control

is judged to be the best action to be taken. Other methods of biological control include the use of mosquito pathogens, parasites and predators.

Chemical control agents employed by the District to control immature mosquitoes include stomach toxins bacterial derived control agents, insect growth regulators (IGR's) and other contact pesticides. Stomach toxins are products of natural bacteria that are commercially manufactured and formulated as bacterial larvicides. The District employs two agents, *Bacillus thuringiensis israelensis* (Bti) and *Bacillus sphaericus* (Bs). The spores of these bacteria can be applied as either a liquid or a granule. The stomach toxin is activated after the spores are eaten by larvae, restricting use of these agents to the feeding stages of larval development. Bti has the advantage of specificity, only affecting mosquitoes and related groups of flies. Bs has the added advantage over Bti of effectively controlling larvae in highly polluted water and sometimes reproducing, extending the duration of its effectiveness. Another product utilized by ACMAD is Spinosad, derived from the fermentation of the naturally occurring soil bacterium, *Saccharopolyspora spinosa*. It causes the excitation of the mosquito nervous system, ultimately leading to paralysis and death. Its action on the target organism is either by contact or by ingestion. This product can be applied in liquid or granular formulations.

The IGR used by the District is methoprene. Methoprene mimics a natural insect hormone that prevents successful development of larvae. It is available as a short-lived liquid and longer-acting granules and briquets. The product is absorbed into the larva, disrupting the hormone system and preventing successful completion of the life cycle. Methoprene must be applied prior to development of fourth instar larvae to ensure effectiveness. This product can be applied in liquid or granular formulation.

Additionally, the District uses surface active agents to control immature mosquitoes. The surface active agent is an oil combined with surfactants. Surface agents are effective against immature mosquitoes when inhaled at the water surface or by physically forming a surface film that drowns the mosquito. Surface active agents have the advantage of killing both larvae and pupae and are used in situations where other materials will not work.

Chemical control agents employed by the District to control adult mosquitoes contain pyrethrin, a natural plant-based insecticide, or pyrethroids, synthetic analogues of pyrethrin. These products provide rapid knockdown and kill of adult mosquitoes.

The District uses physical control as required; its application can temporarily or permanently alter habitats so that they do not produce mosquitoes. Technicians are educated to use physical control when it is appropriate. Examples of physical control include clearing vegetation around pond or stream banks, improving drainage by maintenance and debris removal from channels and waterways, removing water from containers, and providing access for other types of control work. All physical control and source reduction activities are accomplished in a way that does not impact mature trees, threatened or endangered species, or sensitive habitat areas.

Monitoring: For the most part, monitoring is the continuation of surveillance activities. District personnel specifically check treatment sites to be sure that applications were successful. In addition to physically checking the site, traps can be utilized to evaluate the success of the program.

### **PUBLIC RELATIONS, OUTREACH, AND EDUCATION**

The public health risks of West Nile Virus mosquito-borne diseases create a need for regular and extensive media contacts, outreach and education. This includes making press releases, publishing brochures, responding to requests for interviews from all media, informing other government agencies, and giving presentations. . The District participates in a wide variety of special events including Home and Garden shows, the Alameda Country Fair, government information events, “Bug Days” at nature centers, or presentations to garden clubs, city councils, etc.

The District maintains a web site to provide mosquito control and related information on the internet. The District web site address is [www.mosquitoes.org](http://www.mosquitoes.org). The District has most of its publications on the site, Board of Trustee documents (agendas, minutes, financial, laboratory, and operational reports), specialized technical information (mosquito biology, mosquito-borne diseases, and technical reports), press releases, upcoming events, and additional general information about District services and links to other related web sites.

The District currently interacts professionally at many levels with other agencies. The District is a member of the Mosquito and Vector Control Association of California (MVCAC); employees attend meetings at both the regional and state level. District employees also attend and receive periodic continuing education programs designed to reinforce surveillance and control protocols and learn about new and emerging technologies. The District is a member of the American Mosquito Control Association; District staff participates in national programs relating to mosquito and disease control. The District is also an active member in the California Special Districts Association (CSDA), the Entomological Society of America (ESA), and the Society of Vector Ecologists (SOVE).

### **RESEARCH AND TESTING**

The District cooperates with and conducts research in collaboration with other academic and government agencies located in California (e.g. University of California and California State University). The outcomes of this research presented at scientific conferences and published in scientific journals.

### **SERVICE REQUESTS**

The District responds to service requests within its boundaries. Any property owner, business or resident in the District may contact the District to request mosquito control related service or inspection and a District field technician will respond promptly to the particular property to evaluate the property and situation and to perform appropriate surveillance and control services. The District responds to all service requests in a timely manner, (typically, within 24 hours), regardless of location, within its boundaries.

## ESTIMATE OF COST

FIGURE 1 – COST ESTIMATE – FY 2016-17

Alameda County Mosquito Abatement District Mosquito and Disease Control Assessment Estimate of Cost Fiscal Year 2016-17			Preliminary Budget
Mosquito Control Services and Related Expenditures			
Mosquito Control and Disease Prevention			\$2,672,842
Materials, Utilities and Supplies			\$1,078,397
Capital Expenditures			\$292,895
Other			\$3,525,371
<b>Total Mosquito Control Services and Related Expenditures</b>			<b>\$7,569,505</b>
Incidental Costs <sup>1</sup>			
Allowance for Uncollectable Assessments			\$500
County Collection, Levy Administration, and Other Incidentals			\$49,451
<b>Total Incidental Costs</b>			<b>\$49,951</b>
<b>Total Budget</b>			<b>\$7,619,456</b>
<b>Contributions from Other Sources<sup>2</sup></b>			
Revenue from property taxes/ other sources			(\$6,498,854)
<b>Total Mosquito &amp; Disease Control Services and Incidentals</b>			<b>\$1,120,602</b>
<b>Budget Allocation to Property</b>			
	Total SFE Units <sup>3</sup>	Assessment per SFE <sup>4</sup>	Total Assessment <sup>5</sup>
	448,241	\$2.50	\$1,120,602

## Notes:

1. Incidental Costs includes allowance for uncollectible assessments from assessments on public agency parcels, County collection charges and assessment administration costs.
2. As determined in the following sections, at least 10% of the total cost of the District Services must be funded from sources other than the assessment to cover any general benefits from the Services. Therefore, the cost of Services of \$1,120,602, funded by the proposed assessment, can be funded exclusively through the assessment levy as a special benefit since the current District member contributions from their respective general funds exceed approximately 85.9% (\$6,498,854/\$7,569,505) of the total cost of District Services which is far in excess of the above required 10% non-assessment general benefit funding requirements.
3. SFE Units means Single Family Equivalent benefit units. See method of assessment in the following Section for further definition.
4. The assessment rate per SFE is the total amount of assessment per Single Family Equivalent benefit unit.
5. The assessment amounts are rounded down to the even penny for purposes of complying with the collection requirements from the County Auditor. Therefore, the total assessment amount for all parcels subject to the assessments may vary slightly from the net amount to be assessed.

## METHOD OF ASSESSMENT

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This section of the Report explains the benefits to be derived from the Services provided for property in the District, and the methodology used to apportion the total assessment to properties within the Mosquito and Disease Control Assessment area.

The Mosquito and Disease Control Assessment area consists of the Assessor Parcels within the Alameda County Mosquito Abatement District, with the exception of the City of Albany (*which decided not to be part of the District*).

The method used for apportioning the assessment is based upon the proportional special benefits to be derived by the properties in the District over and above general benefits conferred on real property in the Assessment District. Special benefit is calculated for each parcel in the Assessment District using the following process:

1. Identification of total benefit to the properties derived from the Services
2. Calculation of the proportion of these benefits that are special vs. general
3. Determination of the relative special benefit within different areas within the Assessment District
4. Determination of the relative special benefit per property type and property characteristic
5. Calculation of the specific assessment for each individual parcel based upon special vs. general benefit; location, property type and property characteristics

### DISCUSSION OF BENEFIT

In summary, the assessments can only be levied based on the special benefit to property. This benefit is received by property over and above any general benefits. This special benefit is received by property over and above any general benefits from the additional Services. With reference to the engineering requirements for property related assessments, under Proposition 218 an Engineer must determine and prepare a report evaluating the amount of special and general benefit received by property within the Assessment District as a result of the improvements or services provided by a local agency. That special benefit is to be determined in relation to the total cost to that local entity of providing the service and/or improvements.

Proposition 218 as described in Article XIID of the California Constitution has confirmed that assessments must be based on the special benefit to property:

*"No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel."*

The below benefit factors, when applied to property in the Assessment Area, confer special benefits to property and ultimately improve the safety, utility, functionality and usability of property in the Assessment Area. These are special benefits to property in the Assessment

Area in much the same way that storm drainage, sewer service, water service, lighting, sidewalks and paved streets enhance the safety, utility and functionality of each parcel of property served by these improvements, providing them with more utility of use and making them safer and more usable for occupants.

It should also be noted that Proposition 218 included a requirement that existing assessments in effect upon its effective date were required to be confirmed by either a majority vote of registered voters in the Assessment Area, or by weighted majority property owner approval using the new ballot proceeding requirements. However, certain assessments were excluded from these voter approval requirements. Of note is that in California Constitution Article XIID Section 5(a) this special exemption was granted to assessments for sidewalks, streets, sewers, water, flood control, drainage systems and vector control. The Howard Jarvis Taxpayers Association explained this exemption in their Statement of Drafter's Intent:

"This is the "traditional purposes" exception. These existing assessments do not need property owner approval to continue. However, future assessments for these traditional purposes are covered."<sup>3</sup>

Therefore, the drafters of Proposition 218 acknowledged that mosquito control assessments were a "traditional" and therefore acknowledged and accepted use.

Since all assessments, existing before or after Proposition 218 must be based on special benefit to property, the drafters of Proposition 218 inherently found that mosquito and disease control services confer special benefit on property. Moreover, the statement of drafter's intent also acknowledges that any new or increased mosquito control assessments after the effective date of Proposition 218 would need to comply with the voter approval requirements it established. This is as an acknowledgement that additional assessments for such "traditional" purposes would be established after Proposition 218 was in effect. Therefore, the drafters of Proposition 218 clearly recognized mosquito and disease control assessments as a "traditional" use of assessments, acknowledged that new mosquito and disease assessments may be formed after Proposition 218 and inherently were satisfied that mosquito control services confer special benefit to properties.

The Legislature also made a specific determination after Proposition 218 was enacted that mosquito control services constitute a proper subject for special assessment. Health and Safety Code section 2082, which was signed into law in 2002, provides that a district may levy special assessments consistent with the requirements of Article XIID of the California Constitution to finance mosquito and disease control projects and programs. The intent of the Legislature to allow and authorize benefit assessments for mosquito and disease control services after Proposition 218 is shown in the Assembly and Senate analysis the Mosquito Abatement and Vector Control District Law where it states that the law:

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<sup>3</sup> Howard Jarvis Taxpayers Association, "Statement of Drafter's Intent", January 1997.

*Allows special benefit assessments to finance vector control projects and programs, consistent with Proposition 218.<sup>4</sup>*

Therefore the State Legislature unanimously found that mosquito and disease control services are a valuable and important public service that can be funded by benefit assessments. To be funded by assessments, mosquito and disease control services must confer special benefit to property.

### **MOSQUITO AND DISEASE CONTROL IS A SPECIAL BENEFIT TO PROPERTIES**

As described below, this Engineer's Report concludes that mosquito and disease control is a special benefit that provides direct advantages to property in the Assessment District. For example, the assessment provides reduced levels of mosquitoes on property throughout the Assessment District. Moreover, the assessment will reduce the risk of the presence of diseases on property throughout the Assessment District, which is another direct advantage received by property in the Assessment District. Moreover, the assessment funds Services that improve the use of property and reduce the nuisance and harm created by mosquitoes on property throughout the Assessment District. These are tangible and direct special benefits that are received by property throughout the specific area covered by the Assessment.

The following section, Benefit Factors, describes how and why mosquito control services specially benefit properties in the Assessment Area. These benefits are particular and distinct from its effect on property in general or the public at large.

### **BENEFIT FACTORS**

In order to allocate the assessments, the Engineer identified the types of special benefit arising from the aforementioned mosquito and disease control Services and that would be provided to property within the District. The following benefit factors have been established that represent the types of special benefit to parcels resulting from the Services financed with the assessment proceeds. These types of special benefit are as follows:

#### **REDUCED MOSQUITO POPULATIONS ON PROPERTY AND AS A RESULT, ENHANCED DESIRABILITY, UTILITY, USABILITY AND FUNCTIONALITY OF PROPERTY IN THE ASSESSMENT DISTRICT.**

The assessments provide enhanced services for the control and abatement of nuisance and disease-carrying mosquitoes. These Services will materially reduce the number of mosquitoes on properties throughout the Assessment District. The lower mosquito populations on property in the Assessment District is a direct advantage to property that will serve to increase the desirability and "usability" of property. Clearly, properties are more desirable and usable in areas with lower mosquito populations and with a reduced risk of mosquito-borne disease. This is a special benefit to residential, commercial, agricultural,

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<sup>4</sup> Senate Bill 1588, Mosquito Abatement and Vector Control District Law, Legislative bill analysis

industrial and other types of properties because all such properties will directly benefit from reduced mosquito populations and properties with lower mosquito populations are more usable, functional and desirable.

Excessive mosquitoes in the area can materially diminish the utility and usability of property. For example, prior to the commencement of mosquito control and abatement services, properties in many areas in the State were considered to be nearly uninhabitable during the times of year when the mosquito populations were high.<sup>5</sup> The prevention or reduction of such diminished utility and usability of property caused by mosquitoes is a clear and direct advantage and special benefit to property in the Assessment District.

The State Legislature made the following finding on this issue:

*“Excess numbers of mosquitoes and other vectors spread diseases of humans, livestock, and wildlife, reduce enjoyment of outdoor living spaces, both public and private, reduce property values, hinder outdoor work, reduce livestock productivity; and mosquitoes and other vectors can disperse or be transported long distances from their sources and are, therefore, a health risk and a public nuisance; and professional mosquito and vector control based on scientific research has made great advances in reducing mosquito and vector populations and the diseases they transmit.”<sup>6</sup>*

Mosquitoes emerge from sources throughout the Assessment District, and with an average flight range of two miles, mosquitoes from known sources can reach all properties in the Assessment District. These sources include standing water in rural areas, such as marshes, pools, wetlands, ponds, drainage ditches, drainage systems, tree holes and other removable sources such as old tires and containers. The sources of mosquitoes also include numerous locations throughout the urban areas in the Assessment District. These sources include underground drainage systems, containers, unattended swimming pools, leaks in water pipes, tree holes, flower cups in cemeteries, over-watered landscaping and lawns and many other sources. By controlling mosquitoes at known and new sources, the Services will materially reduce mosquito populations on property throughout the Assessment District.

A recently increasing source of mosquitoes is unattended swimming pools:

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<sup>5</sup> Prior to the commencement of modern mosquito control services, areas in the State of California such as the Alameda County, San Mateo Peninsula, Napa County, Lake County and areas in Marin and Sonoma Counties had such high mosquito populations that they were considered to be nearly unlivable during certain times of the year and were largely used for part-time vacation cottages that were occupied primarily during the months when the natural mosquito populations were lower.

<sup>6</sup> Assembly Concurrent Resolution 52, chaptered April 1, 2003

*“Anthropogenic landscape change historically has facilitated outbreaks of pathogens amplified by peridomestic vectors such as Cx. pipiens complex mosquitoes and associated commensals such as house sparrows. The recent widespread downturn in the housing market and increase in adjustable rate mortgages have combined to force a dramatic increase in home foreclosures and abandoned homes and produced urban landscapes dotted with an expanded number of new mosquito habitats. These new larval habitats may have contributed to the unexpected early season increase in WNV cases in Bakersfield during 2007 and subsequently have enabled invasion of urban areas by the highly competent rural vector Cx. tarsalis. These factors can increase the spectrum of competent avian hosts, the efficiency of enzootic amplification, and the risk for urban epidemics.”<sup>7</sup>*

#### **INCREASED SAFETY OF PROPERTY IN THE ASSESSMENT DISTRICT.**

The Assessments result in improved year-round proactive Services to control and abate mosquitoes that otherwise would occupy properties throughout the Assessment District. Mosquitoes are transmitters of diseases, so the reduction of mosquito populations makes property safer for use and enjoyment. In absence of the assessments, these Services would not be provided, so the Services funded by the assessments make properties in the Assessment District safer, which is a distinct special benefit to property in the Assessment District.<sup>8</sup> This is not a general benefit to property in the Assessment District or the public at large because the Services are tangible mosquito and disease control services that are provided directly to the properties in the Assessment District and the Services are over and above what otherwise would be provided by the District or any other agency.

This finding was confirmed in 2003 by the State Legislature:

*“Mosquitoes and other vectors, including but not limited to, ticks, Africanized honey bees, rats, fleas, and flies, continue to be a source of human suffering, illness, death, and a public nuisance in California and around the world. Adequately funded mosquito and vector control, monitoring and public awareness programs are the best way to prevent outbreaks of West Nile Virus and other diseases borne by mosquitoes and other vectors.”<sup>9</sup>*

Also, the Legislature, in Health and Safety Code Section 2001, finds that:

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<sup>7</sup> Riesen William K. (2008). Delinquent Mortgages, Neglected Swimming Pools, and West Nile Virus, California. Emerging Infectious Diseases. Vol. 14(11).

<sup>8</sup> By reducing the risk of disease and increasing the safety of property, the Services will materially increase the usefulness and desirability of certain properties in the Assessment Area.

<sup>9</sup> Assembly Concurrent Resolution 52, chaptered April 1, 2003

*“The protection of Californians and their communities against the discomforts and economic effects of vectorborne diseases is an essential public service that is vital to public health, safety, and welfare.”*

**REDUCTIONS IN THE RISK OF NEW DISEASES AND INFECTIONS ON PROPERTY IN THE ASSESSMENT DISTRICT.**

Mosquitoes have proven to be a major contributor to the spread of new diseases such as West Nile Virus, among others. A highly mobile population combined with migratory bird patterns can introduce new mosquito-borne diseases into previously unexposed areas.

*“Vector-borne diseases (including a number that are mosquito-borne) are a major public health problem internationally. In the United States, dengue and malaria are frequently brought back from tropical and subtropical countries by travelers or migrant laborers, and autochthonous transmission of malaria and dengue occasionally occurs. In 1998, 90 confirmed cases of dengue and 1,611 cases of malaria were reported in the USA and dengue transmission has occurred in Texas.”<sup>10</sup>*

*“During 2004, 40 states and the District of Columbia (DC) have reported 2,313 cases of human WNV illness to CDC through ArboNET. Of these, 737 (32%) cases were reported in California, 390 (17%) in Arizona, and 276 (12%) in Colorado. A total of 1,339 (59%) of the 2,282 cases for which such data were available occurred in males; the median age of patients was 52 years (range: 1 month--99 years). Date of illness onset ranged from April 23 to November 4; a total of 79 cases were fatal.”<sup>11</sup> (According to the Centers for Disease Control and Prevention on January 19, 2004, a total of 2,470 human cases and 88 human fatalities from WNV have been confirmed).*

A study of the effect of aerial spraying conducted by the Sacramento-Yolo Mosquito and Vector Control District (SYMVCD) to control a West Nile Virus disease outbreak found that the SYMVCD's mosquito control efforts materially decreased the risk of new diseases in the treated areas:

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<sup>10</sup> Rose, Robert. (2001). Pesticides and Public Health: Integrated Methods of Mosquito Management. Emerging Infectious Diseases. Vol. 7(1); 17-23.

<sup>11</sup> Center for Disease Control. (2004). West Nile Virus Activity --- United States, November 9--16, 2004. Morbidity and Mortality Weekly Report. 53(45); 1071-1072.

*After spraying, infection rates decreased from 8.2 (95% CI 3.1–18.0) to 4.3 (95% CI 0.3–20.3) per 1,000 females in the spray area and increased from 2.0 (95% CI 0.1–9.7) to 8.7 (95% CI 3.3–18.9) per 1,000 females in the untreated area. Furthermore, no additional positive pools were detected in the northern treatment area during the remainder of the year, whereas positive pools were detected in the untreated area until the end of September (D.-E.A Elnaiem, unpub. data). These independent lines of evidence corroborate our conclusion that actions taken by SYMVCD were effective in disrupting the WNV transmission cycle and reducing human illness and potential deaths associated with WNV. <sup>12</sup>*

The Services funded by the assessments help prevent on a year-round basis the presence of mosquito-borne diseases on property in the Assessment District. This is another tangible and direct special benefit to property in the Assessment District that would not be received in absence of the assessments.

#### **PROTECTION OF ECONOMIC ACTIVITY ON PROPERTY IN THE ASSESSMENT DISTRICT.**

As recently demonstrated by the SARS outbreak in China and outbreaks of Avian Flu, outbreaks of pathogens can materially and negatively impact economic activity in the affected area. Such outbreaks and other public health threats can have a drastic negative effect on tourism, business and residential activities in the affected area. The assessments help to prevent the likelihood of such outbreaks in the District.

Mosquitoes hinder, annoy and harm residents, guests, visitors, farm workers, and employees. A mosquito-borne disease outbreak and other related public health threats would have a drastic negative effect on agricultural, business and residential activities in the Assessment District.

The economic impact of diseases is well documented. According to a study prepared for the Centers for Disease Control and Prevention, economic losses due to the transmission of West Nile Virus in Louisiana was estimated to cost over \$20 million over approximately one year:

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<sup>12</sup> Carney, Ryan. (2008), Efficiency of Aerial Spraying of Mosquito Adulticide in Reducing the Incidence of West Nile Virus, California, 2005. Emerging Infectious Diseases, Vol 14(5)

*The estimated cost of the Louisiana epidemic was \$20.1 million from June 2002 to February 2003, including a \$10.9 million cost of illness (\$4.4 million medical and \$6.5 million nonmedical costs) and a \$9.2 million cost of public health response. These data indicate a substantial short-term cost of the WNV disease epidemic in Louisiana.* <sup>13</sup>

Moreover, a study conducted in 1996-97 of La Crosse Encephalitis (LACE), a human illness caused by a mosquito-transmitted virus, found a lifetime cost per human case at \$48,000 to \$3,000,000 and found that the disease significantly impacted lifespans of those who were infected. Following is a quote from the study which references the importance and value of active mosquito control services of the type that would be funded by the assessments:

*The socioeconomic burden resulting from LACE is substantial, which highlights the importance of the illness in western North Carolina, as well as the need for active surveillance, reporting, and prevention programs for the infection.* <sup>14</sup>

The Services funded by the assessments help prevent the likelihood of such outbreaks on property in the Assessment District and will reduce the harm to economic activity on property caused by existing mosquito populations. This is another direct advantage received by property in the Assessment District that would not be received in absence of the assessments.

#### **PROTECTION OF ASSESSMENT DISTRICT'S AGRICULTURE, TOURISM, AND BUSINESS INDUSTRIES.**

The agriculture, tourism and business industries will benefit from reduced levels of harmful or nuisance mosquitoes. Conversely, any outbreaks of emerging mosquito-borne pathogens such as West Nile Virus could also materially negatively affect these industries. Diseases transmitted by mosquitoes can adversely impact business and recreational functions.

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<sup>13</sup> Zohrabian A, Meltzer MI, Ratard R, Billah K, Molinari NA, Roy K, et al. West Nile Virus economic impact, Louisiana, 2002. Emerging Infectious Disease, 2004 Oct. Available from <http://www.cdc.gov/ncidod/EID/vol10no10/03-0925.htm>

<sup>14</sup> Utz, J. Todd, Apperson, Charles S., Maccormack, J. Newton, Salyers, Martha, Dietz, E. Jacquelin, Mcpherson, J. Todd, Economic And Social Impacts Of La Crosse Encephalitis In Western North Carolina, Am J Trop Med Hyg 2003 69: 509-518

*A study prepared for the United States Department of Agriculture in 2003 found that over 1,400 horses died from West Nile Virus in Colorado and Nebraska and that these fatal disease cases created over \$1.2 million in costs and lost revenues. In addition, horse owners in these two states spent over \$2.75 million to vaccinate their horses for this disease. The study states that "Clearly, WNV has had a marked impact on the Colorado and Nebraska equine industry."<sup>15</sup>*

*Pesticides for mosquito control impart economic benefits to agriculture in general. Anecdotal reports from farmers and ranchers indicate that cattle, if left unprotected, can be exsanguinated by mosquitoes, especially in Florida and other southeast coastal areas. Dairy cattle produce less milk when bitten frequently by mosquitoes<sup>16</sup>*

The assessments serve to protect the businesses and industries and the employees and residents that benefit from these businesses and industries. This is a direct advantage and special benefit to property in the Assessment District.

#### **REDUCED RISK OF NUISANCE AND LIABILITY ON PROPERTY IN THE ASSESSMENT DISTRICT**

In addition to mosquito-borne disease risks, uncontrolled mosquito populations create a nuisance and health risk (e.g. allergic reactions, secondary infections from mosquito bites) for the occupants of property in the Assessment District. Properties in the Assessment District, therefore, benefit from the reduced nuisance factor that is created by the Services. Agricultural and rangeland properties also benefit from the reduced nuisance factor and harm to livestock and employees from lower mosquito populations.

Agricultural, range, golf course, cemetery, open space and other such lands in the Assessment District contain large areas of mosquito habitat and are therefore a significant source of mosquito populations. In addition, residential and business properties in the Assessment District can also contain significant sources.<sup>17</sup> It is conceivable that sources of mosquitoes could be held liable for the transmission of diseases or other harm. According to CA Health and Safety Code 2061:

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<sup>15</sup> S. Geiser, A. Seitzinger, P. Salazar, J. Traub-Dargatz, P. Morley, M. Salman, D. Wilmot, D. Steffen, W. Cunningham, Economic Impact of West Nile Virus on the Colorado and Nebraska Equine Industries: 2002, April 2003, Available from [http://www.aphis.usda.gov/vs/ceah/cnabs/nahms/equine/wnv2002\\_CO\\_NB.pdf](http://www.aphis.usda.gov/vs/ceah/cnabs/nahms/equine/wnv2002_CO_NB.pdf)

<sup>16</sup> Jennings, Allen. (2001). USDA Letter to EPA on Fenthion IRED. United States Department of Agriculture, Office of Pest Management Policy. March 8, 2001.

<sup>17</sup> Sources of mosquitoes on residential, business, agricultural, range and other types of properties include removable sources such as containers that hold standing water.

*2061 (a) Whenever a public nuisance exists on any property within*

*a district or on any property that is located outside the district*

*from which vectors may enter the district, the board of trustees may notify the owner of the property of the existence of the public nuisance.*

*(b) The notice required by subdivision (a) shall do all of the*

*following:*

*(1) State that a public nuisance exists on the property, describe the public nuisance, and describe the location of the public nuisance on the property.*

*(2) Direct the owner of the property to abate the nuisance within a specified time.*

*(3) Direct the owner of the property to take any necessary action within a specified time to prevent the recurrence of the public nuisance.*

*(4) Inform the owner of the property that the failure to comply with the requirements of the notice within the specified times may result in the district taking the necessary actions, and that the owner shall be liable for paying the costs of the district's actions.*

*(5) Inform the owner of the property that the failure to comply with the requirements of the notice within the specified times may result in the imposition of civil penalties of up to one thousand dollars (\$1,000) per day for each day that the public nuisance continues after the specified times.*

The Services serve to protect the businesses and industries in the Assessment District. This is a direct advantage and a special benefit to property in the Assessment District.

**IMPROVED MARKETABILITY OF PROPERTY.**

As described previously, the Services specially benefit properties in the Assessment District by making them more useable, livable and functional. The Services also make properties in the Assessment District more desirable, and more desirable properties also benefit from

improved marketability. This is another tangible and direct special benefit to property which will not be enjoyed in absence of the Services.<sup>18</sup>

**BENEFIT FINDING**

In summary, the special benefits described in this Report and the expansion of Services in the Assessment District directly benefit and protect the real properties in the Abatement District in excess of the assessments for these properties. Therefore, the assessment engineer finds that the cumulative special benefits to property from the Services are reasonably equal to or greater than the annual assessment amount per benefit unit.

**GENERAL VS. SPECIAL BENEFIT**

Article XIII C of the California Constitution requires any local agency proposing to increase or impose a benefit assessment to “separate the general benefits from the special benefits conferred on a parcel.” The rationale for separating special and general benefits is to ensure that property owners subject to the benefit assessment are not paying for general benefits. The assessment can fund the special benefits to property in the Assessment Area but cannot fund any general benefits. Accordingly, a separate estimate of the special and general benefit is given in this section.

In other words:

<b>Total Benefit</b>	=	<b>General Benefit</b>	+	<b>Special Benefit</b>
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There is no widely-accepted or statutory formula for general benefit from mosquito and disease control services. General benefits are benefits from improvements or services that are not special in nature, are not “particular and distinct” and are not “over and above” benefits received by other properties. General benefits are conferred to properties located “in the district,<sup>19</sup>” but outside the narrowly-drawn Assessment District and to “the public at

<sup>18</sup> If one were to compare two hypothetical properties with similar characteristics, the property with lower mosquito infestation and reduced risk of mosquito-borne disease will clearly be more desirable, marketable and usable.

<sup>19</sup> SVTA vs. SCCOSA explains as follows:

OSA observes that Proposition 218’s definition of “special benefit” presents a paradox when considered with its definition of “district.” Section 2, subdivision (i) defines a “special benefit” as “a particular and distinct benefit over and above general benefits conferred on real property located in the district or to the public at large.” (Art. XIII D, § 2, subd. (i), italics added.) Section 2, subdivision (d) defines “district” as “an area determined by an agency to contains all parcels which will receive a special benefit from a proposed public improvement or property-related service.” (Art. XIII D, § 2, subd. (d), italics added.) In a well-drawn district — limited to only parcels receiving special benefits from the improvement — every parcel within that district receives a shared special benefit. Under section 2, subdivision (i), these benefits can be

large.” SVTA vs. SCCOSA provides some clarification by indicating that general benefits provide “an indirect, derivative advantage” and are not necessarily proximate to the improvements and services funded by the assessments.

A formula to estimate the general benefit is listed below:

General Benefit	=	Benefit to Real Property Outside the Assessment District	+	Benefit to Real Property Inside the Assessment District that is Indirect and Derivative	+	Benefit to the Public at Large
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Special benefit, on the other hand, is defined in the state constitution as “a particular and distinct benefit over and above general benefits conferred on real property located in the district or to the public at large.” The SVTA v. SCCOSA decision indicates that a special benefit is conferred to a property if it “receives a direct advantage from the improvement (e.g., proximity to a park).” In this assessment, the overwhelming proportion of the benefits conferred to property is special, since the advantages from the mosquito and disease control/protection funded by the Assessments are directly received by the properties in the Assessment District and are only minimally received by property outside the Assessment District or the public at large.

Proposition 218 twice uses the phrase “over and above” general benefits in describing special benefit. (Art. XIII D, sections 2(i) & 4(f).) There currently are some mosquito and disease control related services being provided to the Assessment District area. Consequently, there currently are some mosquito control related benefits being provided to the Assessment District and any new and extended service provided by the District would be over and above this baseline. Arguably, all of the Services funded by the assessment therefore are a special benefit because the additional Services would particularly and distinctly benefit and protect the Assessment District over and above the previous baseline benefits and service.

Nevertheless, arguably some of the Services would benefit the public at large and properties outside the Assessment District. In this report, the general benefit is conservatively estimated and described, and then budgeted so that it is funded by sources other than the assessment.

In the 2009 Dahms case, the court upheld an assessment that was 100% special benefit on the rationale that the services funded by the assessments were directly provided to property in the assessment district. Similar to the assessments in Pomona that were validated by Dahms, the Assessments described in this Engineer’s Report fund mosquito and disease

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construed as being general benefits since they are not “particular and distinct” and are not “over and above” the benefits received by other properties “located in the district.”

control services directly provided to property in the assessment area. Moreover, as noted in this Report, the Services directly reduce mosquito and vector populations on all property in the assessment area. Therefore, Dahms establishes a basis for minimal or zero general benefits from the Assessments. However, in this report, the general benefit is more conservatively estimated and described, and then budgeted so that it is funded by sources other than the assessment.

### **CALCULATING GENERAL BENEFIT**

Without this assessment the District would lack the funds to extend the additional Services to the Assessment District. The only additional service that is being provided is the vector control program assessment-funded Services. Consistent with footnote 8 of SVTA v. SCCOSA, and for the reasons described above, the District has determined that all parcels in the Assessment District receive a shared direct advantage and special benefit from the Services. The Services directly and particularly serve and benefit each parcel, and are not a mere indirect, derivative advantage. As explained above, Proposition 218 relies on the concept of “over and above” in distinguishing special benefits from general benefits. As applied to an assessment proceeding concurrent with the annexation this concept means that all mosquito and disease control services, which provide direct advantage to property in the Assessment District, are over and above the baseline and therefore are special.

Nevertheless, the Services provide a degree of general benefit, in addition to the predominant special benefit. This section provides a conservative measure of the general benefits from the Assessments.

### **BENEFIT TO PROPERTY OUTSIDE THE DISTRICT**

Properties within the Assessment District receive almost all of the special benefits from the Services because the Services funded by the Assessments are provided directly to protect property within the Assessment District from mosquitoes and mosquito-borne diseases. However, properties adjacent to, but just outside of, the District boundaries may receive some benefit from the Services in the form of reduced mosquito populations on property outside the Assessment District. Since this benefit, is conferred to properties outside the district boundaries, it contributes to the overall general benefit calculation and will not be funded by the assessment.

A measure of this general benefit is the proportion of Services that would affect properties outside of the Assessment District. Each year, the District will provide some of its Services in areas near the boundaries of the Assessment District. By abating mosquito populations near the borders of the Assessment District, the Services could provide benefits in the form of reduced mosquito populations and reduced risk of disease transmission to properties outside the Assessment District. If mosquitoes were not controlled inside the Assessment District, more of them would fly from the Assessment District. Therefore control of mosquitoes within the Assessment District provides some benefit to properties outside the Assessment District but within the normal flight range of mosquitoes, in the form of reduced mosquito populations and reduced mosquito-borne disease transmission. This is a measure

of the general benefits to property outside the Assessment District because this is a benefit from the Services that is not specially conferred upon property in the assessment area.

The mosquito potential outside the Assessment District is based on studies of mosquito dispersion concentrations. Mosquitoes can travel up to two miles, on average, so this destination range is used. Based on studies of mosquito destinations, relative to parcels in the Assessment District average concentration of mosquitoes from the Assessment District on properties within two miles of the Assessment District is calculated to be 6%.<sup>20</sup> This relative mosquito population reduction factor within the destination range is combined with the number of parcels outside the Assessment District and within the destination range to measure this general benefit and is calculated as follows:

**CRITERIA:**

Mosquitoes may fly up to 2 miles from their breeding source.  
 38,786 parcels within 2 miles of, but outside of the District, MAY receive some mosquito and disease protection benefit  
 6% portion of relative benefit that is received  
 436,350 Parcels in the District

**Calculations:**

Total Benefit = 38,786 parcels \* 6% = 2,327 parcels equivalents  
 Percentage of overall parcel equivalents =  $2,327 / 436,350 = 0.53\%$

Therefore, for the overall benefits provided by the Services to the Assessment District, it is determined that 0.53% of the benefits would be received by the parcels within two miles of the Assessment District boundaries. Recognizing that this calculation is an approximation, this benefit will be rounded up to 1.0%.

**BENEFIT TO PROPERTY *INSIDE* THE DISTRICT THAT IS *INDIRECT AND DERIVATIVE***

The “indirect and derivative” benefit to property within the Assessment District is particularly difficult to calculate. As explained above, all benefit within the Assessment District is special because the mosquito and disease control services in the Assessment District would provide direct service and protection that is clearly “over and above” and “particular and distinct” when compared with the level of such protection under current conditions. Further the properties are within the Assessment District boundaries and this Engineer’s Report demonstrates the direct benefits received by individual properties from mosquito and disease control services.

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<sup>20</sup> Tietze, Noor S., Stephenson, Mike F., Sidhom, Nader T. and Binding, Paul L., “Mark-Recapture of *Culex Erythrothorax* in Santa Cruz County, California”, Journal of the American Mosquito Control Association, 19(2):134-138, 2003.

In determining the Assessment District area, the District was careful to limit it to an area of parcels that will directly receive the Services. All parcels directly benefit from the surveillance, monitoring and treatment provided on an equivalent basis throughout the Assessment District in order to maintain the same improved level of protection against mosquitoes and reduced mosquito populations throughout the area. The surveillance and monitoring sites are spread on a balanced basis throughout the area. Mosquito control and treatment is provided as needed throughout the area based on the surveillance and monitoring results. The shared special benefit - reduced mosquito levels and reduced presence of mosquito-borne diseases - is received on an equivalent basis by all parcels in the Assessment District. Furthermore, all parcels in the Assessment District directly benefit from the ability to request service from the District and to have a District field technician promptly respond directly to the parcel and address the owner's or resident's service need. The SVTA vs. SCCOSA decision indicates that the fact that a benefit is conferred throughout the Assessment District area does not make the benefit general rather than special, so long as the Assessment district is narrowly drawn and limited to the parcels directly receiving shared special benefits from the service. This concept is particularly applicable in situations involving a landowner-approved assessment-funded extension of a local government service to benefit lands previously not receiving that particular service. The District therefore concludes that, other than the small general benefit to properties outside the Assessment District (discussed above) and to the public at large (discussed below), all of the benefits of the Services to the parcels within the Assessment District are special benefits and it is not possible or appropriate to separate any general benefits from the benefits conferred on parcels in the Assessment District.

#### **BENEFIT TO THE PUBLIC AT LARGE**

With the type and scope of Services provided to the Assessment District, it is very difficult to calculate and quantify the scope of the general benefit conferred on the public at large. Because the Services directly serve and benefit all of the property in the Assessment Area, any general benefit conferred on the public at large is small. Nevertheless, there is some indirect general benefit to the public at large.

The public at large uses the public highways, streets and sidewalks, and when traveling in and through the Assessment Area they will benefit from the Services. A fair and appropriate measure of the general benefit to the public at large therefore is the amount of highway, street and sidewalk area within the Assessment Area relative to the overall land area. An analysis of maps of the Assessment Area shows that approximately 6% of the land area in the Assessment Area is covered by highways, streets and sidewalks. This 6% therefore is a fair and appropriate measure of the general benefit to the public at large within the Assessment Area

#### **SUMMARY OF GENERAL BENEFITS**

Using a sum of the measures of general benefit for the public at large and land outside the Assessment Area, we find that approximately 7.0% of the benefits conferred by the Mosquito and Disease Control Assessment may be general in nature and should be funded by sources other than the Assessment.

**General Benefit Calculation**

	<b>1.0%</b>	<b>(Outside the Assessment District)</b>
<b>+</b>	<b>0.0%</b>	<b>(Property within the Assessment District)</b>
<b>+</b>	<b>6.0%</b>	<b>(Public at Large)</b>
<b>=</b>	<b>7.0%</b>	<b>(Total General Benefit)</b>

Although this analysis supports the findings that 7.0% of the assessment may provide general benefit only, this number is increased by the Assessment Engineer to 10% to conservatively ensure that no assessment revenue is used to support general benefit. This additional amount allocated to general benefit also covers general benefit to parcels in the Assessment Area if it is later determined that there is some general benefit conferred on those parcels.

The Mosquito and Disease Control Assessment total mosquito abatement, disease control, and capital improvement is \$7,569,505. Of this total budget amount, the District will contribute \$6,498,854 or 85.9% of the total budget from sources other than the Mosquito and Disease Control Assessment. This contribution offsets any general benefits from the Mosquito and Disease Control Assessment Services.

### ZONES OF BENEFIT

The District's mosquito and disease control programs, projects and Services that are funded by the Mosquito and Disease Control Assessment are provided in all areas within the District. Parcels of similar type in the District would receive similar mosquito abatement benefits on a per parcel and land area basis. Therefore, zones of benefit are not justified.

The SVTA vs. SCCOSA decision indicates:

*In a well-drawn district — limited to only parcels receiving special benefits from the improvement — every parcel within that district receives a shared special benefit. Under section 2, subdivision (i), these benefits can be construed as being general benefits since they are not “particular and distinct” and are not “over and above” the benefits received by other properties “located in the district.”*

*We do not believe that the voters intended to invalidate an assessment district that is narrowly drawn to include only properties directly benefiting from an improvement. Indeed, the ballot materials reflect otherwise. Thus, if an assessment district is narrowly drawn, the fact that a benefit is conferred throughout the district does not make it general rather than special. In that circumstance, the characterization of a benefit may depend on whether the parcel receives a direct advantage from the improvement (e.g., proximity to park) or receives an indirect, derivative advantage resulting from the overall public benefits of the improvement (e.g., general enhancement of the district's property values).*

In the Assessment Area, the advantage that each parcel receives from the Services is direct and the boundary for the Service Area is narrowly drawn so the Service Area includes parcels that receive the similar levels of benefit from the Services. Therefore, the even spread of assessment for similar properties in the narrowly drawn Service Area within the Program is indeed consistent with the OSA decision.

#### **METHOD OF ASSESSMENT**

As previously discussed, the Assessments fund enhanced, comprehensive, year-round mosquito control, disease surveillance and control Services that will reduce mosquito populations on property and will clearly confer special benefits to properties in the Assessment Area. These benefits can also partially be measured by the occupants on property in the Improvement District because such parcel population density is a measure of the relative benefit a parcel receives from the Improvements. Therefore, the apportionment of benefit is partially based the population density of parcels. It should be noted that many other types of "traditional" assessments also use parcel population densities to apportion the assessments. For example, the assessments for sewer systems, roads and water systems are typically allocated based on the population density of the parcels assessed.

Moreover, assessments have a long history of use in California and are in large part based on the principle that any benefits from a service or improvement funded by assessments that is enjoyed by tenants and other non-property owners ultimately is conferred directly to the underlying property.<sup>21</sup>

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<sup>21</sup> For example, in *Federal Construction Co. v. Ensign* (1922) 59 Cal.App. 200 at 211, the appellate court determined that a sewer system specially benefited property even though the direct benefit was to the people who used the sewers: "Practically every inhabitant of a city either is the owner of the land on which he resides or on which he pursues his vocation, or he is the tenant of the owner, or is the agent or servant of such owner or of such tenant. And since it is the inhabitants who make by far the greater use of a city's sewer system, it is to them, as lot owners or as tenants, or as the servants or agents of such lot owners or tenants, that the advantages of actual use will redound. But this advantage of use means that, in the final analysis, it is the lot owners themselves who will be especially benefited in a financial sense."

With regard to benefits and source locations, the assessment engineer determined that since mosquitoes readily fly from their breeding locations to all properties in their flight range and since mosquitoes are actually attracted to properties occupied by people or animals, the benefits from mosquito control extend beyond the source locations to all properties that would be a “destination” for mosquitoes. In other words, the control and abatement of mosquito populations ultimately confers benefits to all properties that are a destination of mosquitoes, rather than just those that are sources of mosquitoes.

Although some primary mosquito sources may be located outside of residential areas, residential properties can and do generate their own, often significant, populations of mosquitoes and other organisms. For example, storm water catch basins in residential areas are a common source of mosquitoes. Since the typical flight range for a female mosquito, on average is 2 miles, most homes in the Assessment Area are within the flight zone of many mosquito sources. Moreover, there are many other common residential sources of mosquitoes, such as miscellaneous backyard containers, neglected swimming pools, leaking water pipes and tree holes. Clearly, there is a potential for mosquito sources on virtually all types of property. More importantly, all properties in the Assessment Area are within the destination range of mosquitoes and most properties are actually within the destination range of multiple mosquito source locations.

Because the Services are provided throughout the Assessment District with the same level of control objective in each zone, mosquitoes can rapidly and readily fly from their breeding locations to other properties over a large area, and because there are current or potential breeding sources literally everywhere in the Assessment District, the Assessment Engineer determined that all similar properties in the Assessment District have generally equivalent mosquito “destination” potential and, therefore, receive equivalent levels of benefit throughout the Assessment District.

In the process of determining the appropriate method of assessment, the Engineer considered various alternatives. For example, a fixed assessment amount per parcel for all residential improved property was considered but was determined to be inappropriate because agricultural lands, commercial property and other property also receive benefits from the assessments. Likewise, an assessment exclusively for agricultural land was considered but deemed inappropriate because other types of property, such as residential and commercial, also receive the special benefit factors described previously.

A fixed or flat assessment was deemed to be inappropriate because larger residential, commercial and industrial properties receive a higher degree of benefit than other similarly used properties that are significantly smaller. (For two properties used for commercial purposes, there is clearly a higher benefit provided to a property that covers several acres in comparison to a smaller commercial property that is on a 0.25 acre site. The larger property generally has a larger coverage area and higher usage by employees, customers, tourists and guests that would benefit from reduced mosquito populations, as well as the reduced threat from diseases carried by mosquitoes. This benefit ultimately flows to the

property.) Larger commercial, industrial and apartment parcels, therefore, receive an increased benefit from the assessments.

In conclusion, the assessment engineer determined that the appropriate method of assessment apportionment should be based on the type and use of property, the relative size of the property its relative population and usage potential, and its destination potential for mosquitoes. This method is further described below.

## ASSESSMENT APPORTIONMENT

The special benefits derived from the Mosquito and Disease Control Assessment are conferred on property and are not based on a specific property owner's occupancy of property or the property owner's demographic status, such as age or number of dependents. However, it is ultimately people who do or could use the property and who enjoy the special benefits described above. The opportunity to use and enjoy property within the Assessment District without the excessive nuisance, diminished "livability" or the potential health hazards brought by mosquitoes and the diseases they carry is a special benefit to properties in the Assessment District. This benefit can be in part measured by the number of people who potentially live on, work at, visit or otherwise use the property, because people ultimately determine the value of the benefits by choosing to live, work and/or recreate in the area, and by choosing to purchase property in the area.<sup>22</sup>

In order to apportion the cost of the Services to property, each property in the Assessment District is assigned a relative special benefit factor. This process involves determining the relative benefit received by each property in relation to a single family home, or, in other words, on the basis of Single Family Equivalents (SFE). This SFE methodology is commonly used to distribute assessments in proportion to estimated special benefit. For the purposes of this Engineer's Report, all properties are designated a SFE value, which is each property's relative benefit in relation to a "benchmark" parcel in the Assessment District. The "benchmark" property is the single family detached dwelling on a parcel of less than one acre. This benchmark parcel is assigned one Single Family Equivalent benefit unit or one SFE.

The calculation of the special benefit apportionment and relative benefit to properties in the Assessment Area from the Services is summarized in the following equation:

$$\text{Special Benefit (per property)} = \sum f \text{ (Special Benefits)} * \sum f \text{ (Property Specific Attributes}^1\text{)}$$

1. Such as use, property type, size, as well as vector-specific attributes such as destination potential and population potential

<sup>22</sup> It should be noted that the benefits conferred upon property are related to the average number of people who could potentially live on, work at or otherwise could use a property, not how the property is currently used by the present owner.

## RESIDENTIAL PROPERTIES

Certain residential properties in the Abatement District that contain a single residential dwelling unit and are on a lot of less than or equal to one acre are assigned one Single Family Equivalent or 1.0 SFE. Traditional houses, zero-lot line houses, and town homes are included in this category of single family residential property.

Single family residential properties in excess of one acre receive additional benefit relative to a single family home on up to one acre, because the larger parcels provide more area for mosquito sources and the mosquito and disease control Services. Therefore, such larger parcels receive additional benefits relative to a single family home on less than one acre and are assigned 1.0 SFE for the residential unit and an additional rate equal to the agricultural rate described below of 0.0021 SFE per one-fourth acre of land area in excess of one acre. Mobile home parcels on a separate parcel and in excess of one acre also receive this additional acreage rate.

Other types of properties with residential units, such as agricultural properties, are assigned the residential SFE rates for the dwelling units on the property and are assigned additional SFE benefit units for the agricultural-use land area on the property.

Properties with more than one residential unit are designated as multi-family residential properties. These properties, along with condominiums, benefit from the Services in proportion to the number of dwelling units that occupy each property, the average number of people who reside in each property and the average size of each property in relation to a single family home in the District. This Report analyzed Alameda County population density factors from the 2000 US Census as well as average dwelling unit size for each property type. After determining the Population Density Factor and Square Footage Factor for each property type, an SFE rate is generated for each residential property structure, as indicated in Figure 2 below.

The SFE factor of 0.46 per dwelling unit for multifamily residential properties applies to such properties with two to four units (duplex, triplex, fourplex). Properties in excess of 5 units typically offer on-site management, monitoring and other control services that tend to offset some of the benefits provided by the Mosquito Abatement District. Therefore the benefit for properties in excess of 5 units is determined to be .32 SFE per unit for the first 20 units and 0.10 SFE per each additional unit in excess of 20 dwelling units.

FIGURE 2– RESIDENTIAL ASSESSMENT FACTORS

Type of Residential Property	Total Population	Occupied Households	Persons per Household	Pop. Density Equivalent	SqFt Factor	Proposed Rate
Single Family Residential	866,596	284,662	3.04	1.00	1.00	<b>1.00</b>
Condominium	103,373	37,417	2.76	0.91	0.66	<b>0.60</b>
Duplex, Triplex, Fourplex	144,626	57,815	2.50	0.82	0.56	<b>0.46</b>
Multi-Family Residential (5+ Units)	286,957	136,173	2.11	0.69	0.47	<b>0.32</b>
Mobile Home on Separate Lot	13,464	6,660	2.02	0.66	0.41	<b>0.27</b>

Source: 2000 Census, Alameda County, and property dwelling size information from the Alameda County Assessor data and other sources.

### COMMERCIAL/INDUSTRIAL PROPERTIES

Commercial and industrial properties receive relatively lower levels of benefit in comparison to a single family home because they are generally open and operated for more limited times and employees of indoor businesses tend to spend less time outdoors. Since the hours of operation and the potential exposure to mosquitoes are measures of relative benefit, commercial and industrial properties receive lower relative levels of benefit. Therefore, commercial and industrial properties are determined to receive 0.50 SFE of benefit per one-quarter acre (10,890 square feet) of land area.

The SFE values for various commercial and industrial land uses are further defined by using average employee densities because the special benefit factors described previously are also related to the average number of people who work at commercial/industrial properties.

To determine employee density factors, this Report utilizes the findings from the San Diego County Association of Governments Traffic Generators Study (the “SANDAG Study”) because these findings were approved by the State Legislature which determined the SANDAG Study to be a good representation of the average number of employees per acre of land area for commercial and industrial properties. As determined by the SANDAG Study, the average number of employees per acre for commercial and industrial property is 24. As presented in Figure 3, the SFE factors for other types of businesses are determined relative to their typical employee density in relation to the average of 24 employees per acre of commercial property.

Self-storage and golf course property benefit factors are similarly based on average usage densities. Figure 3 below lists the benefit assessment factors for such business properties.

### AGRICULTURAL, RANGELAND, AND CEMETERY PROPERTIES

Utilizing research and agricultural employment reports from UC Davis and the California Employment Development Department and other sources, this Report calculated an average usage density of 0.05 people per acre for agriculture property, 0.01 for rangelands

and timber and .10 for cemeteries. Since these properties typically are a source of mosquitoes and/or are typically closest to other sources of mosquitoes, it is reasonable to determine that the benefit to these properties is twice the usage density ratio of commercial and industrial properties. The SFE factors per 0.25 acres of land area are shown in the following Figure 3.

**FIGURE 3 – COMMERCIAL/INDUSTRIAL BENEFIT ASSESSMENT FACTORS**

<b>Type of Commercial/Industrial Land Use</b>	<b>Average Employees Per Acre <sup>1</sup></b>	<b>SFE Units per Fraction Acre <sup>2</sup></b>	<b>SFE Units per Acre After 5</b>
Commercial	24	0.500	0.500
Office	68	1.420	1.420
Shopping Center	24	0.500	0.500
Industrial	24	0.500	0.500

1. Source: San Diego Association of Governments Traffic Generators Study, University of California, Davis and other studies and sources.

2. The SFE factors for commercial and industrial parcels indicated above are applied to each fourth acre of building area or portion thereof. (Therefore, the SFE rate for any assessable parcel with 10,890 square feet or less in these categories is the SFE Units listed above.)

**FIGURE 4 – OTHER LAND BENEFIT ASSESSMENT FACTORS**

<b>Other Types of Land Use</b>	<b>Average Employees Per Acre <sup>1</sup></b>	<b>SFE Units per 1/4 Acre <sup>2</sup></b>
Self Storage or Parking Lot	1	0.021
Wineries	12	0.250
Golf Course	3.00	0.063
Cemeteries	1.20	0.050
Agriculture / Vineyards	0.05	0.0021
Timberland / Dry Rangeland	0.01	0.00042

1. Source: San Diego Association of Governments Traffic Generators Study, University of California, Davis and other studies and sources.

2. The SFE factors for commercial and industrial parcels indicated above are applied to each fourth acre of land area or portion thereof. (Therefore, the minimum assessment for any assessable parcel in these categories is the SFE Units listed herein.)

## **OTHER PROPERTIES**

Article XIID stipulates that publicly owned properties must be assessed unless those properties are reasonably determined to receive no special benefit from the assessment. All properties that are specially benefited are assessed. Publicly owned property that is used for purposes similar to private residential, commercial, industrial or institutional uses is benefited and assessed at the same rate as such privately owned property.

Other public properties such as watershed parcels, parks, open space parcels are determined to, on average, receive similar benefits as a single family home. Therefore such parcels are assessed an SFE benefit factor of 1. Miscellaneous, small and other parcels such as roads, right-of-way parcels, and common areas typically do not generate significant numbers of employees, residents, customers or guests and have limited economic value. These miscellaneous parcels receive minimal benefit from the Services and are assessed an SFE benefit factor of 0.

Church parcels, institutional properties, and property used for educational purposes typically generate employees on a less consistent basis than other non-residential parcels. Many of these properties with higher population factors provide on-site management, monitoring and other control services that tend to offset some of the benefits provided by the District. Therefore, these parcels are determined to, on average, receive similar benefits as a single family home. Therefore such parcels are assessed an SFE benefit factor of 1.

Miscellaneous, small and other parcels such as roads, right-of-way parcels, and common areas typically do not generate significant numbers of employees, residents, customers or guests and have limited economic value. These miscellaneous parcels receive minimal benefit from the Services and are assessed an SFE benefit factor of 0.

## **DURATION OF ASSESSMENT**

It is proposed that the Assessment be levied for fiscal year 2016-17 and continued every year thereafter, so long as mosquitoes remain in existence and the Alameda County Mosquito Abatement District requires funding from the Assessment for its Services in the District. As noted previously, if the Assessment and the duration of the Assessment are approved by property owners in an assessment ballot proceeding, the Assessment can continue to be levied annually after the Alameda County Mosquito Abatement District Board of Trustees approves an annually updated Engineer's Report, budget for the Assessment, Services to be provided, and other specifics of the Assessment. In addition, the District Board of Trustees must hold an annual public hearing to continue the Assessment.

## **APPEALS AND INTERPRETATION**

Any property owner who feels that the assessment levied on the subject property is in error as a result of incorrect information being used to apply the foregoing method of assessment, may file a written appeal with the Manager of the Alameda County Mosquito Abatement District or his or her designee. Any such appeal is limited to correction of an assessment during the then current fiscal year or, if before July 1, the upcoming fiscal year. Upon the

filing of any such appeal, the District Manager or his or her designee will promptly review the appeal and any information provided by the property owner. If the District Manager or his or her designee finds that the assessment should be modified, the appropriate changes shall be made to the assessment roll. If any such changes are approved after the assessment roll has been filed with Alameda County for collection, the District Manager or his or her designee is authorized to refund to the property owner the amount of any approved reduction. Any dispute over the decision of the District Manager, or his or her designee, shall be referred to the District Board of Trustees. The decision of the District Board of Trustees shall be final.

## ASSESSMENT

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**WHEREAS**, the Alameda County Mosquito Abatement District Board of Trustees contracted with the undersigned Engineer of Work to prepare and file a report presenting an estimate of costs of Services, a diagram for the benefit assessment area, an assessment of the estimated costs of Services, and the special and general benefits conferred thereby upon all assessable parcels within the Alameda County Mosquito Abatement District - Mosquito and Disease Control Assessment;

**NOW, THEREFORE**, the undersigned, by virtue of the power vested in me under Article XIID of the California Constitution, the Government Code and the Health and Safety Code and the order of the Alameda County Mosquito Abatement District Board of Trustees, hereby make the following determination of an assessment to cover the portion of the estimated cost of the Services, and the costs and expenses incidental thereto to be paid by the Mosquito and Disease Control Assessment.

The District has evaluated and estimated the costs of extending and providing the Services to the Assessment District. The estimated costs are summarized in Figure 1 and detailed in Figure 4, below.

The amount to be paid for the Services and the expenses incidental thereto, to be paid by the Alameda County Mosquito Abatement District for fiscal year 2016-17 is generally as follows:

**FIGURE 5– SUMMARY COST ESTIMATE – FY 2016-17**

Mosquito Abatement & Disease Control Services	\$2,672,842
Materials, Utilities and Supplies	\$1,078,397
Capital Equipment and Fixed Assets	\$292,895
Other Expenses	\$3,525,371
<b>Total Mosquito Control Services and Related Expenditures</b>	<b>\$7,569,505</b>
Incidentals	\$49,951
<b>Total Budget</b>	<b>\$7,619,456</b>
Less Contributions from Other Sources:	
Other Revenue	<u>(\$6,498,854)</u>
<b>Net Amount To Assessments</b>	<b>\$1,120,602</b>

An Assessment Diagram is hereto attached and made a part hereof showing the exterior boundaries of the assessment area. The distinctive number of each parcel or lot of land in the Mosquito and Disease Control Assessment is its Assessor Parcel Number appearing on the Assessment Roll.

I do hereby determine and apportion the net amount of the cost and expenses of the Services, including the costs and expenses incidental thereto, upon the parcels and lots of land within the Mosquito and Disease Control Assessment, in accordance with the special benefits to be received by each parcel or lot, from the Services, and more particularly set forth in this Engineer's Report.

The assessment determination is made upon the parcels or lots of land within the assessment area in proportion to the special benefits to be received by the parcels or lots of land, from the Services.

The assessment is subject to an annual increase tied to the Consumer Price Index-U for the San Francisco Bay Area as of December of each succeeding year (the "CPI"), with a maximum annual increase not to exceed 3%. Any change in the CPI in excess of 3% shall be cumulatively reserved as the "Unused CPI" and shall be used to increase the maximum authorized assessment rate in years in which the CPI is less than 3%. The maximum authorized assessment rate is equal to the maximum assessment rate in the first fiscal year the assessment was levied adjusted annually by the minimum of 1) 3% or 2) the change in the CPI plus any Unused CPI as described above.

The change in the CPI from December 2014 to December 2015 was 3.17% and the Unused CPI carried forward from the previous year is 14.52%. Therefore, the maximum authorized increase in the Assessment rate for fiscal year 2016-17 is 17.69%, and the maximum authorized assessment rate is \$5.94 per single family equivalent benefit unit. The estimate of cost and budget in this Engineer's Report proposes assessments for fiscal year 2016-17 at the rate of \$2.50, which is below the maximum authorized assessment rate.

Each parcel or lot of land is described in the Assessment Roll by reference to its parcel number as shown on the Assessor's Maps of the County of Alameda for the fiscal year 2016-17. For a more particular description of the property, reference is hereby made to the deeds and maps on file and of record in the office of the County Assessor of the County of Alameda.

I hereby place opposite the Assessor Parcel Number for each parcel or lot within the Assessment Roll, the proposed amount of the assessment for the fiscal year 2016-17 for each parcel or lot of land within the Alameda County Mosquito Abatement District- Mosquito and Disease Control Assessment.<sup>23</sup>

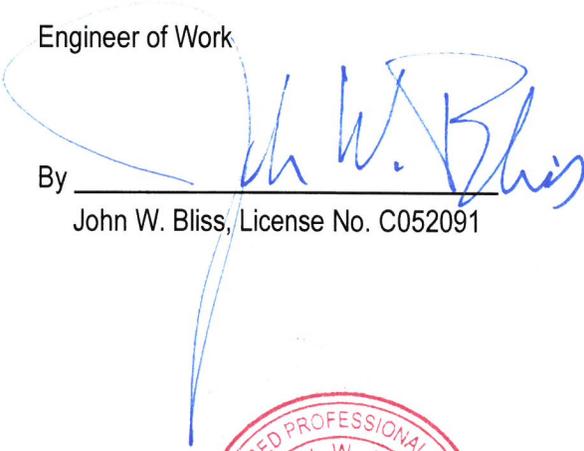
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<sup>23</sup> Each parcel has a uniquely calculated assessment based on the estimated level of special benefit to the property as determined in accordance with this Engineer's Report.

Dated: June 1, 2016

Engineer of Work

By

  
John W. Bliss, License No. C052091



## **ASSESSMENT DIAGRAM**

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The Alameda County Mosquito Abatement District, Mosquito and Disease Control Assessment area includes all properties within the boundaries of the Alameda County Mosquito Abatement District.

The boundaries of the Mosquito and Disease Control Assessment Area are displayed on the following Assessment Diagram.



FILED IN THE OFFICE OF THE GENERAL MANAGER  
 OF THE ALAMEDA COUNTY MOSQUITO ABATEMENT  
 DISTRICT, COUNTY OF ALAMEDA,  
 CALIFORNIA, THIS \_\_\_\_ DAY OF \_\_\_\_\_,  
 20\_\_.

CLERK OF THE BOARD OF SUPERVISORS

RECORDED IN THE OFFICE OF THE  
 GENERAL MANAGER OF THE ALAMEDA COUNTY  
 MOSQUITO ABATEMENT DISTRICT,  
 COUNTY OF ALAMEDA, CALIFORNIA,  
 THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

CLERK OF THE BOARD OF SUPERVISORS

AN ASSESSMENT WAS CONFIRMED AND  
 LEVIED BY THE BOARD OF SUPERVISORS  
 OF ALAMEDA COUNTY, ON THE LOTS,  
 PIECES AND PARCELS OF LAND  
 ON THIS ASSESSMENT DIAGRAM  
 ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_  
 FOR THE FISCAL YEAR 2016-17  
 AND SAID ASSESSMENT DIAGRAM  
 AND THE ASSESSMENT ROLL FOR SAID  
 FISCAL YEAR WERE FILED IN THE OFFICE  
 OF THE COUNTY AUDITOR  
 OF THE COUNTY OF ALAMEDA  
 ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_  
 REFERENCE IS HEREBY MADE TO SAID  
 RECORDED ASSESSMENT ROLL  
 FOR THE EXACT AMOUNT OF EACH  
 ASSESSMENT LEVIED AGAINST  
 EACH PARCEL OF LAND.

CLERK OF THE BOARD OF SUPERVISORS

Note:  
 REFERENCE IS HEREBY MADE TO THE MAPS AND DEEDS  
 OF RECORD IN THE OFFICE OF THE ASSESSOR OF THE  
 COUNTY OF ALAMEDA FOR A DETAILED DESCRIPTION OF  
 THE LINES AND DIMENSIONS OF ANY PARCELS SHOWN  
 HEREIN. THOSE MAPS SHALL GOVERN FOR ALL DETAILS  
 CONCERNING THE LINES AND DIMENSIONS OF SUCH PARCELS.  
 EACH PARCEL IS IDENTIFIED IN SAID MAPS BY ITS  
 DISTINCTIVE ASSESSOR'S PARCEL NUMBER.

SCI Consulting Group  
 4745 Mangels Blvd.  
 Fairfield, CA 94534

**ALAMEDA COUNTY MOSQUITO ABATEMENT DISTRICT  
 MOSQUITO AND DISEASE CONTROL ASSESSMENT DIAGRAM**

## **ASSESSMENT ROLL**

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Reference is hereby made to the Assessment Roll in and for the assessment proceedings on file in the office of the Alameda County Mosquito Abatement District, as the Assessment Roll is too voluminous to be bound with this Report.

## District asset disposal

- The District is renting a dumpster on July 14<sup>th</sup> 2016 to remove assets that either have no resale value and/or will not be used by the District. If items have a resale value, the appropriate policies will be followed.
- Examples include:
  - Old paint, ceiling panels, construction demolition material (old desks), carpet, extra chicken coops, wood, hand tools, spray equipment hoses and spools, barrel of soil, milk cans (used to transport mosquitofish), scrap metal, Jeep accessories, aquariums, public education materials, brake lathe, metal cutting equipment
- Per ACMAD Policy:

### **§210. Policy for Disposition of Fixed Assets**

A fixed asset is defined as an item with a purchase price or current value of \$50 or greater and an expected useful life of three years or greater. Fixed assets of \$500 or greater current value must have Board approval before disposal. Disposal of other fixed assets must be approved by the Manager.

#### **§210.1**

Disposition of fixed assets may be initiated by the Entomologist, Environmental Specialist, Equipment /Maintenance Specialist, Systems Specialist, Administrative Assistant or Manager. A disposal form must be completed by the initiator and approved by the manager and Board, consistent with District policy, before the item is disposed of, salvaged or sold. Money received through the disposition of fixed assets shall be deposited in the County treasury in the District fund.