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**EAST SIDE
MOSQUITO ABATEMENT DISTRICT
Stanislaus County**



LLOYD DOUGLASS
MANAGER

**2000 Santa Fe Avenue
Modesto, CA 95357**

August 25, 2015

The Honorable Marie Sovey Silveira, Presiding Judge
Superior Court of California, Stanislaus County
P.O. Box 3488
Modesto, CA 95353

Re: Response of Manager of East Side Mosquito Abatement District to the 2014-2015
Civil Grand Jury Report Case 15-05C

Dear Judge Silveira:

Pursuant to California Penal Code sections 933 and 933.05, this correspondence is my response to the Stanislaus County Civil Grand Jury Report Case 15-05C (Grand Jury Report) as requested by the Stanislaus County Civil Grand Jury (SCCGJ). I appreciate the opportunity to provide this response.

East Side Mosquito Abatement District (ESMAD) takes seriously its responsibilities to reduce mosquito sources and mosquito diseases in the 540 square miles of Stanislaus County that it services. ESMAD strives to provide timely and effective service using the latest research to adapt as needed to meet the challenges in its area. As a sustaining member of the Mosquito and Vector Control Association of California (MVCAC) and the American Mosquito Control Association (AMCA), ESMAD has access to information about current and potential threats and the methods and means of addressing both.

ESMAD's vector biologist is a member of local and state level committees addressing mosquito borne diseases such as the West Nile Virus, Chikungunya, and encephalitis including the Stanislaus County Communicable Disease Taskforce Committee and the Stanislaus County West Nile Virus Taskforce.

ESMAD proactively sets traps and checks for mosquitoes that could potentially carry diseases in order to address an issue before it becomes a public issue. All reports of mosquito concerns are kept on a database allowing us to keep abreast of trends within neighborhoods and even individual properties facilitating our search for specific mosquito sources. ESMAD also uses this database to adjust the materials used and to educate the public on how to eliminate mosquito sources on their property.

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Civil Grand Jury

MEMBER - CALIFORNIA MOSQUITO AND VECTOR CONTROL ASSOCIATION

*Read by
J. Silveira
8/25/15*

ESMAD's service technicians are trained, knowledgeable and certified by the state to apply pesticides. The service technicians attend yearly continuing education classes and training materials are readily available as needed. ESMAD is proud of its education and outreach programs. ESMAD's employees regularly participate in community service presentations to inform the public on how to eliminate mosquito sources and prevent mosquito bites. ESMAD's vector biologist has created an educational program offered to every third grade classroom in the district and on an average presents this program to approximately 1500-2000 children each year.

ESMAD has a good working relationship with the Stanislaus County Agricultural Commissioner, Stanislaus County Health Services Agency, and the Mosquito Abatement and Vector Control Districts in the area. Continuing education classes are coordinated with other districts providing opportunities for networking and cost savings.

ESMAD respectfully disagrees that it is less proactive than other districts in our area. A comparison of chemicals used (i.e. larvacide versus adulticide) fails to take into account the differences in the topography and land uses of different areas. ESMAD's low number of service requests demonstrates that ESMAD is not just reactive but also proactive in its efforts to serve the public.

ESMAD is well aware of its responsibilities not only to fulfill its stated purposes but also as a steward of the public resources. We were pleased to recently receive notification from the Special District Risk Management Authority of receipt of the President's Special Acknowledgement Award - Property/Liability Program recognizing the district's proactive risk management and loss prevention training.

I want to thank the SCCGJ for its work on the Grand Jury Report. I am always looking for ways to improve our services and procedures.

Finding 1.

The current management practices at ESMAD are in need of evaluation and review by an outside entity. Clearly, problems do exist and need to be addressed. The concerns and issues raised in the complaint are ones that should be handled within the District, by allowing employees to communicate their issues. Employees are entitled to a work environment free of intimidation, malice, and discrimination of any kind. Subordinates should be able to air their grievances to management without fear of retribution. Information conveyed to the SCCGJ by the employees about management, was consistent with items listed in the original complaint.

Response: I agree with this finding in part. The current management practices should be evaluated and reviewed by a third party. A fresh and knowledgeable perspective is welcome. We are always looking for ways to improve. Because I have not been provided with the specific details by the SCCGJ as to the complaint and investigation, I am not able to respond as to specific concerns referenced in the Grand Jury Report.

Employees should be allowed to communicate their issues, are entitled to a work environment free of intimidation, malice, and discrimination of any kind and should be able to air their grievances without fear of retribution. I do not believe that there is an atmosphere of intimidation, malice, and discrimination at ESMAD. Since 2003, only three employees of ESMAD have left their positions. I have an open door policy and employees are always welcome to come to me directly with their issues and concerns. Employees frequently meet with me to discuss questions and concerns.

Recommendation 1.

An audit of ESMAD's management practices by an outside firm to identify deficiencies and corrective actions needed. All employees should attend ethics and diversity training administered by a third party. Both the District Manager and Foreman would benefit from further training in regards to supervision and management of employees. The change needs to happen from the top down.

Response: This recommendation has not been fully implemented but will be implemented in the future. An outside firm, experienced in providing human resources services, management consultant services and conducting human resources investigations, (Human Resources Practitioners (HRP)), has been retained by ESMAD's Board of Trustees to conduct an audit of ESMAD's management practices to identify deficiencies and corrective actions needed. HRP began work on this project on August 3, 2015. It is estimated that this investigation will be completed by September 30, 2015.

Additionally, arrangements are being made for ethics and diversity training for ESMAD's employees to be administered by a third party. This training will be conducted in September/October 2015 as the mosquito season is winding down. ESMAD is a member of the California Special Districts Association (CSDA). I regularly attend workshops each year offered by CSDA. CSDA is offering workshops in September 2015 on human resources topics including supervision and management of employees. The Foreman and I will be attending workshops through CSDA or other alternative arrangements for training in the Fall will be made.

Finding 2.

The District's current HR system is outdated and does not appear to be adequate. For example, a blank employee annual review form was provided on request, but the interviewed employees were unaware of the existence of the document. The District Policies and Procedures handbook is in need of updating. The policy on filing an employee grievance provided was last updated in the late 1980's and still referenced union representation; however, the employees have not been part of a union in years.

Response: I agree with this finding in part. The current HR system including the human resources policies should be updated. I do not have information about the interviews with ESMAD employees and am unable to agree or disagree with the example in the finding involving the response of interviewed employees to the blank employee annual review form. I agree with the statement regarding the employee grievance policy.

Recommendation 2.

An audit of ESMAD's HR procedures by an outside firm specializing in HR management practices to identify deficiencies and suggest corrective actions needed.

Response: This recommendation has not been fully implemented but will be implemented in the future. An outside firm, experienced in providing human resources services, management consultant services and conducting human resources investigations, (Human Resources Practitioners (HRP)), has been retained by ESMAD's Board of Trustees to audit ESMAD's HR procedures and provide recommendations including recommendations for updating the personnel policies/regulations. HRP started work on this project on August 3, 2015. I understand that the audit will be completed by October 30, 2015 and updated personnel policies/regulations will be implemented in a timely manner thereafter.

Finding 3.

The Board members are appointed by the County Board of Supervisors to a three year term, with a two term limit. The current tenure of the Board is an average of 20 years.

Response: Although I agree with this finding as to the appointment and tenure of the Board of Trustees (Board), I do not agree that ESMAD does not have an effective and involved governing Board. The members of the Board attend the monthly meetings prepared and engaged. The Board does not hesitate to ask questions, make decisions and set policies and directions. They take seriously their responsibilities including the obligation to be educated as to the past and current issues facing ESMAD. Board members have attended MVCAC meetings and then provided a report at the Board

meetings about information received at these meetings. Board members also undergo training about their governance responsibilities. At their monthly meetings, the Board reviews staff activities, current issues facing the district and ESMAD's finances.

Recommendation 3.

The ESMAD needs a Board that is more involved in the oversight of the District. The Stanislaus County Board of Supervisors should expand public awareness of ESMAD Board vacancies to increase interest in Board membership.

Response: This recommendation is directed to the Stanislaus County Board of Supervisors. However, I would repeat here as discussed above that the Board is engaged and involved in the oversight of the District.

Finding 4.

The observations of the SCCGJ during our investigation indicate differing views from each of the Districts, one is more preemptive, and the other is more reactive in their approach the control of the mosquito population. Merging the two Districts would utilize the strengths of each and streamline operations.

Response: I disagree with this finding. As mentioned at the beginning of this response, ESMAD takes seriously its responsibilities to reduce mosquito sources and mosquito diseases in the 540 square miles of Stanislaus County that it services. ESMAD utilizes the latest research to adapt as needed to meet the challenges in its area. ESMAD has a track record of working proactively with other agencies and is not just reactive but also proactive in its efforts to serve the public. Again, this is demonstrated not only by its ongoing education and outreach efforts but also by the low level of service requests received indicating that ESMAD's proactive methods are effective.

The Stanislaus Local Agency Formation Commission (Stanislaus LAFCO) prepared a Municipal Service Review and Sphere of Influence Update for ESMAD and TMAD in 2013. Stanislaus LAFCO proposed no changes as to the Sphere of Influence for the two districts which was consistent with the Sphere of Influence Update prepared in 2008. Stanislaus LAFCO was invited to respond to this finding in the Grand Jury Report. On July 23, 2015, Stanislaus LAFCO's invited response concluded that consolidation of ESMAD and TMAD "would not produce any sizeable efficiencies or savings." Stanislaus LAFCO observed that multiple field offices would be required due to the size of the County and that ESMAD and TMAD were formed under different principal acts with different authorities including how they are governed and how the trustees are appointed.

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Recommendation 4.

The Stanislaus County Board of Supervisors should prepare a study to examine the feasibility of consolidating the ESMAD and TMAD by LAFCO.

Response: This recommendation is directed to the Stanislaus County Board of Supervisors. However, I contend that this recommendation is not warranted for the reasons discussed above.

Respectfully submitted,



Lloyd Douglass, Manager
East Side Mosquito Abatement District

cc:

Stanislaus County Civil Grand Jury
Post Office Box 3387
Modesto, California 95353

Stanislaus County Board of Supervisors
1010 Tenth Street
Suite 6700
Modesto, California 95354

Stanislaus Local Agency Formation Commission
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Modesto, California 95354

BOARD OF TRUSTEES

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Chairman, Waterford

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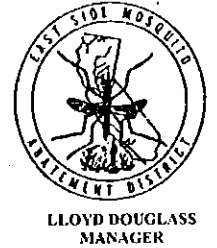
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**EAST SIDE
MOSQUITO ABATEMENT DISTRICT
Stanislaus County**



**2000 Santa Fe Avenue
Modesto, CA 95357**

August 19, 2015

The Honorable Marie Sovey Silveira, Presiding Judge
Superior Court of California, Stanislaus County
P.O. Box 3488
Modesto, CA 95353

Re: Response of East Side Mosquito Abatement District to the 2014-2015 Civil Grand Jury Report Case 15-05C

Dear Judge Silveira:

This letter will serve as the formal response of the Board of Trustees of the East Side Mosquito Abatement District (Board) to the Stanislaus County Civil Grand Jury Report Case 15-05C (Grand Jury Report). The Board acknowledges and appreciates the efforts of the members of the 2014-2015 Stanislaus County Civil Grand Jury in conducting the investigation and preparing the report. This response is provided pursuant to California Penal Code sections 933 and 933.05.

By way of preliminary comments, the Board notes that a one-size-fits-all approach in the Grand Jury Report comparing the abatement methods of Turlock Mosquito Abatement District (TMAD) and East Side Mosquito Abatement District (ESMAD) is not useful given the differences in the topography served by the agencies and the different issues addressed by each entity. The Board disagrees with any implication that ESMAD is less forward thinking and less proactive than other agencies.

ESMAD has a comprehensive surveillance program that implements integrated vector management (IVM) strategies in order to reduce mosquito sources and mosquito-borne diseases. ESMAD's aircraft are equipped with the latest drift optimizing software and equipment allowing the district to identify and treat specific target areas. ESMAD works in conjunction with local health agencies as well as the State of California by monitoring mosquito abundance and mosquito-borne virus activity. ESMAD participates in the Stanislaus County West Nile Virus task force and recognizes that the West Nile Virus is an ever changing target. ESMAD is a sustaining member of the Mosquito and Vector Control Association of California (MVCAC) and the American Mosquito Control Association (AMCA).

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Civil Grand Jury

MEMBER - CALIFORNIA MOSQUITO AND VECTOR CONTROL ASSOCIATION

*Read by
J. Schmitt
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Expanding the year round staff would potentially result in a significant cost increase and would not result in a more proactive approach as ESMAD is already working proactively throughout the year with its existing staffing levels.

Please know that the Board takes seriously its responsibilities and welcomes suggestions for improvement.

Finding 1.

The current management practices at ESMAD are in need of evaluation and review by an outside entity. Clearly, problems do exist and need to be addressed. The concerns and issues raised in the complaint are ones that should be handled within the District, by allowing employees to communicate their issues. Employees are entitled to a work environment free of intimidation, malice, and discrimination of any kind. Subordinates should be able to air their grievances to management without fear of retribution. Information conveyed to the SCCGJ by the employees about management, was consistent with items listed in the original complaint.

Response: The Board agrees with this finding in part. The current management practices should be evaluated and reviewed by an outside entity. At this point, however, it is not clear as to what specific problems exist that should be addressed. The Board has not been provided with details as to the concerns and issues raised in the complaint to the Stanislaus County Civil Grand Jury (SCCGJ). Thus, the Board is not in a position without further investigation to evaluate these concerns and issues.

The Board agrees that employees should be allowed to communicate their issues, are entitled to a work environment free of intimidation, malice, and discrimination of any kind and should be able to air their grievances without fear of retribution. The Board is not aware of any incidents of intimidation, malice, and discrimination occurring at ESMAD. The Grand Jury Report references "intimidation the employees feel in dealing with the foreman" without providing any details and there is no reference in the Grand Jury Report to any incidents of malice or discrimination. Employees are able to attend the regularly scheduled meetings of the Board and none of the District's employees have expressed any concerns about the work environment to the Board. The Board is unable to comment as to whether the information conveyed to the SCCGJ is consistent with the original complaint as that information has not been provided to the Board.

Recommendation 1.

An audit of ESMAD's management practices by an outside firm to identify deficiencies and corrective actions needed. All employees should attend ethics and diversity training administered by a third party. Both the District Manager and Foreman would benefit from further training in regards to supervision and management of employees. The change needs to happen from the top down.

Response: This recommendation has not been fully implemented but will be implemented in the future. An outside firm, experienced in providing human resources services, management consultant services and conducting human resources investigations, (Human Resources Practitioners (HRP)), has been retained to conduct an audit of ESMAD's management practices to identify deficiencies and corrective actions needed and has commenced work as of August 3, 2015. It is estimated that this investigation will be completed by September 30, 2015.

Additionally, arrangements are being made for ethics and diversity training for ESMAD's employees to be administered by a third party and the Board anticipates that this training will be conducted in September/October 2015. ESMAD is a member of the California Special Districts Association (CSDA). CSDA is offering workshops in September 2015 on human resources topics including supervision and management of employees and the District Manager and the Foreman will be attending workshops through CSDA or other alternative arrangements for training in the Fall will be made.

Finding 2.

The District's current HR system is outdated and does not appear to be adequate. For example, a blank employee annual review form was provided on request, but the interviewed employees were unaware of the existence of the document. The District Policies and Procedures handbook is in need of updating. The policy on filing an employee grievance provided was last updated in the late 1980's and still referenced union representation; however, the employees have not been part of a union in years.

Response: The Board agrees with this finding in part. The current HR system is outdated and needs to be improved. The District's human resources policies and procedures are in need of updating. The Board does not have any information about the interviews with ESMAD employees and is unable to agree or disagree with the example in the finding involving the response of interviewed employees to the blank employee annual review form. The Board agrees with the statement regarding the employee grievance policy.

Recommendation 2.

An audit of ESMAD's HR procedures by an outside firm specializing in HR management practices to identify deficiencies and suggest corrective actions needed.

Response: This recommendation has not been fully implemented but will be implemented in the future. An outside firm, experienced in providing human resources services, management consultant services and conducting human resources investigations, (Human Resources Practitioners (HRP)), has been retained to audit ESMAD's HR procedures and provide recommendations including recommendations for updating the personnel policies/regulations. HRP commenced work on this project on or around August 3, 2015. It is estimated that the audit will be completed by October 30, 2015 and updated personnel policies/regulations will be in place within due course thereafter.

Finding 3.

The Board members are appointed by the County Board of Supervisors to a three year term, with a two term limit. The current tenure of the Board is an average of 20 years.

Response: The Board agrees with this finding. However, the Board disagrees with any implication that it is not engaged and is complacent as to the operations of the District. The members of the Board of Trustees are knowledgeable and dedicated to the purposes and mission of the District. One of the strengths of the current Board is the knowledge and experience of its members in understanding the historical needs of the District as well as understanding and keeping up to date on the current issues facing pest abatement districts including the West Nile Virus.

As referenced above, ESMAD is a sustaining member of the Mosquito and Vector Control Association of California (MVCAC). Members of the Board have attended MVCAC meetings and have shared with the Board and management of ESMAD information that they have received about new techniques and equipment. Board members have also participated in training about their governance responsibilities.

The Board makes decisions, gives direction to the manager, and sets policy at monthly board meetings that are open to the public where time is given for public comment. Monthly meetings are held to review activities by district staff and management as well as to review finances and any other concerns. District staff is responsible for implementing the policies and direction provided by the Board. The Board regularly and consistently reviews the needs within the District's boundaries. Board decisions are made after inquiries are made of staff and after receiving input from staff and the community.

Recommendation 3.

The ESMAD needs a Board that is more involved in the oversight of the District. The Stanislaus County Board of Supervisors should expand public awareness of ESMAD Board vacancies to increase interest in Board membership.

Response: This recommendation is directed to the Stanislaus County Board of Supervisors. The Board serves at the pleasure of the Board of Supervisors pursuant to California Health and Safety Code section 2851. However, the Board believes that the recommendation that ESMAD needs a Board that is more involved in the oversight of the District is not warranted for the reasons discussed in response to Finding 3. above.

Finding 4.

The observations of the SCCGJ during our investigation indicate differing views from each of the Districts, one is more preemptive, and the other is more reactive in their approach the control of the mosquito population. Merging the two Districts would utilize the strengths of each and streamline operations.

Response: The Board disagrees with this finding. ESMAD is consistently monitoring current and possible future threats and researching and implementing the latest methods for addressing both. Last year ESMAD proactively treated 10,981 acres with larvacide in addition to treatment with larvacide of catch basins and swimming pools. ESMAD has a long history of working proactively with other agencies including TMAD and other participants of the West Nile Virus task force.


The Stanislaus Local Agency Formation Commission (Stanislaus LAFCO) prepared a Municipal Service Review and Sphere of Influence Update for ESMAD and TMAD in 2013. Stanislaus LAFCO proposed no changes as to the Sphere of Influence for the two districts which was consistent with the Sphere of Influence Update prepared in 2008. Stanislaus LAFCO was invited to respond to this finding in the Grand Jury Report. On July 23, 2015, Stanislaus LAFCO's invited response concluded that consolidation of ESMAD and TMAD "would not produce any sizeable efficiencies or savings." Stanislaus LAFCO observed that multiple field offices would be required due to the size of the County and that ESMAD and TMAD were formed under different principal acts with different authorities including how they are governed and how the trustees are appointed.

Recommendation 4.

The Stanislaus County Board of Supervisors should prepare a study to examine the feasibility of consolidating the ESMAD and TMAD by LAFCO.

Response: This recommendation is directed to the Stanislaus County Board of Supervisors. However, the Board believes that this recommendation is not warranted for the reasons discussed in the opening paragraphs of this response and the response to Finding 4. above.

Respectfully submitted,



Kandy Schmidt, Chairman
Board of Trustees of the East Side Mosquito Abatement District

cc:

Stanislaus County Civil Grand Jury
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Modesto, California 95353

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