



# MINUTES

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## 1. Call to Order

Meeting called to order at 7:00 pm

## 2. Roll Call

Trustees Present: Apland, Hackler, Hooker, Hunewill, Peterson, and Showen

Trustees Absent: Souza

Others Present: David Heft, General Manager; Deborah Battista, Admin. Asst. / Clerk of the Board; David Hobbs, Legal Counsel; John Brasil and Melissa Alvares.

## 3. Public Comment

*Non-agenda item(s) for discussion only, no action to be taken. The public may address any agenda item at the time it is open for Board discussion.*

None

## 4. Consent Calendar

*These matters include routine financial and administrative actions. All items on the Consent Calendar will be voted on as a single action without necessary discussion. If the public wishes to discuss an item on the Consent Calendar, please notify the Clerk of the Board prior to the beginning of the meeting or you may speak about the item during Public Comment Period.*

- A. Consideration and approval of the Turlock MAD Board of Trustees meeting minutes for August 15, 2016.
- B. Review of balance sheet and income statement for July 2016.

Hunewill motion: Approve all items on the Turlock Mosquito Abatement District Consent Calendar. 2<sup>nd</sup>: Showen. Unanimous.

## 5. Public Hearing

- A. Consideration and adoption of the "Notice to Abate Nuisance" and Resolution 2016-06 as filed against Waterson Arlon TRS ET AL to determine if a public nuisance exists at 9018 Linwood Ave.; Turlock, CA (APN 058-017-018).

GM Heft presented evidence showing a public nuisance exists on the property. Leaking headgates and overgrown vegetation are providing ideal mosquito breeding conditions and despite numerous attempts to get owner/operator cooperation, conditions have not improved.

John Brasil, lessee of the property, stated that he would need more time to fix leaking headgates since the irrigation line was still in use; but, that he would take care of overgrown vegetation (weeds) immediately. The owner of the property, Arlon Waterson, did not attend the hearing.

After testimony presented to the Board, GM Heft recommended to the Board that the conditions on the property be declared a public nuisance and that the Board approve Resolution 2016-06.

The Board found that a public nuisance does exist on the property and approved Resolution 2016-06, setting the following conditions:

- All overgrown vegetation must be cleared by September 30, 2016. Headgates are to be repaired by December 30, 2016.
- Terms of abatement were set at \$100.00 per day civil penalty plus reimbursing the District's costs for first (10) days of non-compliance; \$200.00 per day civil penalty plus reimbursing District's costs thereafter.

LC Hobbs reminded Mr. Brasil that the conditions of the Abatement Order were ongoing and would be enforced into the future.

Trustee Hooker motion: Approve Resolution 2016-06 as filed against Waterson Arlon TRS ET AL at 9018 Linwood Ave, Turlock, CA (APN 058-017-018). 2<sup>nd</sup>: Hunewill.

President Apland called for the Roll Call vote: Apland (Aye), Hackler (Abstain), Hooker (Aye), Hunewill (Aye), Peterson (Aye), Showen (Aye).

- B. Consideration and adoption of the "Notice to Abate Nuisance" and Resolution 2016-07 as filed against Alvares Melissa M TR to determine if a public nuisance exists at 6730 W. Harding Rd.; Turlock, CA (APN 058-031-001).

GM Heft presented evidence showing a public nuisance exists on the property. Over-irrigation of the property has resulted in water overflowing the holding sump located on the property; spilling into the corn field; resulting in dead corn/overgrown weeds and standing water, providing ideal mosquito breeding conditions. Although the District has attempted numerous times to get owner/operator cooperation, conditions have not improved.

Owner Melissa Alvares and operator John Brasil were in attendance but provided no testimony.

The Board found that a public nuisance does exist on the property and approved Resolution 2016-07, setting the following conditions:

- All standing water must be contained in the holding sump and that this sump must be kept clear of all weed growth. Standing water, for longer than 4-days, on the property located outside of the holding sump would be considered a violation of the Abatement Order.

- Terms of abatement were set at \$100.00 per day civil penalty plus reimbursing the District's costs for the first (10) days of non-compliance; \$200 per day civil penalty plus reimbursing District's costs thereafter.

Trustee Hooker motion: Approve Resolution 2016-07 as filed against Alvares Melissa M TR at 6730 W Harding Rd, Turlock, CA (APN 058-031-001). 2nd: Trustee Apland.

President Apland called for the Roll Call vote: Apland (Aye), Hackler (Abstain), Hooker (Aye), Hunewill (Aye), Peterson (Aye), Showen (Aye).

- C. Consideration and adoption of the "Notice to Abate Nuisance" and Resolution 2016-08 as filed against Brasil John H & Maria G TRS to determine if a public nuisance exists at S. Mitchell Rd. between Mitchell Rd. and W. Linwood Ave., Turlock, CA; 3715 S. Mitchell Rd., Turlock, CA; 1707 S. Mitchell Rd., Turlock, CA (APN 058-015-008; 058-029-023; 058-016-016).

GM Heft presented evidence showing a public nuisance exists on the property. Leaking headgates, overgrown vegetation, and in some instances over-irrigation are providing ideal mosquito breeding conditions and despite numerous attempts to get owner/operator cooperation, conditions have not improved.

John Brasil stated that he would need more time to fix leaking headgates since the irrigation line was still in use; but, that he would take care of overgrown vegetation (weeds) immediately.

The Board found that a public nuisance does exist on the property and approved Resolution 2016-06, setting the following conditions:

- All overgrown vegetation must be cleared by September 30, 2016. Headgates are to be repaired by December 30, 2016.
- Standing water on the properties for longer than 4-days would be considered a violation of the Abatement Order.
- Terms of abatement were set at \$100.00 per day civil penalty plus reimbursing the District's costs for first (10) days of non-compliance; \$200.00 per day civil penalty plus reimbursing District's costs thereafter.

Trustee Hunewill motion: Approve Resolution 2016-08 as filed against Brasil John H & Maria G TRS at S Mitchell Rd between Mitchell Rd and W Linwood Ave, Turlock, CA; 3715 S Mitchell Rd, Turlock, CA; 1707 S Mitchell Rd, Turlock, CA (APN 058-015-008; 058-029-023; 058-016-016). 2<sup>nd</sup>: Showen.

President Apland called for the Roll Call vote: Apland (Aye), Hackler (Abstain), Hooker (Aye), Hunewill (Aye), Peterson (Aye), Showen (Aye).

## 6. Agenda Items

- A. Consideration and approval of the payment of bills and wages for August 2016.

Discussion regarding bills and wages for August 2016 included warrants made to the order of Avquest Insurance, Price Ford, Adapco, and The Rear End Shop. Trustee Hackler asked GM Heft to review pricing for Price Ford repairs.

Hooker motion: Ratify the payment of bills and wages for August 2016 as presented in the amount of \$545,733.69. 2<sup>nd</sup>: Hackler. Unanimous.

## **7. Reports**

### **A. Review of the General Manager's Report**

GM Heft asked the Board to approve President Apland to serve as regional representative on the Trustee Council for the Mosquito & Vector Control Association of California.

Trustee Peterson motion: Approve President Apland to serve as the Mosquito and Vector Control Association of California Representative. 2<sup>nd</sup>: Trustee Hunewill. Unanimous.

GM Heft reported to the Board that all documents regarding the Special Tax have been filed with the County and Craig Fechter, CPA, the District's third party auditor, will attend the November board meeting to report his findings from the Fiscal Year 2015-16 audit to the board.

District staff have been working on identifying properties that would qualify for an "Aggressive Source Reduction" program based on average cost per acre.

The District's last round of aerial applications will occur the last weeks of September.

## **7. Adjournment**

Hooker motion: Adjournment of the Turlock Mosquito Abatement District Board of Trustees Meeting, date September 19, 2016. 2<sup>nd</sup>: Hackler. Unanimous.

There being no further business, President Apland adjourned the meeting at 8:28 pm.

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Lynn Apland, President

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Kern Hunewill, Secretary