

# Butte County Mosquito and Vector Control District

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**Matthew C. Ball**  
Manager

July 15, 2011

The Honorable Steven J. Howell  
Presiding Judge, Superior Court of California, County of Butte  
One Court Street  
Oroville, California 95965

F Superior Court of California F  
County of Butte  
JUL 18 2011  
D By Kimberly Flaner, Clerk D  
Deputy

**Re: Response to Findings and Recommendations of the 2010/2011 Butte County Grand Jury Report**

Dear Judge Howell,

The Butte County Mosquito and Vector Control District (District) commends the Butte County Grand Jury for their efforts in reviewing the District and its operations. The District recognizes that the 2010/2011 Grand Jury conducted the review in a professional and conscientious manner. The Grand Jury's report is thorough and the District appreciates the attention to detail.

The District agrees with **all** of the 2010/2011 Butte County Grand Jury findings. The District's response to the recommendations follow.

Recommendation #1 R1:

*Develop a formal plan and time-line for equipping and fully utilizing the BCMVCD Otterson Drive laboratory facility.*

The District intends to increase the use of the BCMVCD Otterson Drive facility, especially the laboratory, as resources allow. Current and projected financial constraints have limited the number of employees the District can hire as well as allocations for capital items.

Field operations for the District are divided into fourteen "Zones" within the BCMVCD service area. Through employee attrition, i.e. employees that currently work in the Oroville facility (Zone #1 and Zone #11 Mosquito and Vector Control Specialists and the Entomologist), the District plans to refill these positions to work from the Chico facility. The District is also considering a transfer of one Mosquito and Vector Control Specialist from the Oroville facility (Zone #8) to the Chico facility (Zone #12, currently vacant); targeted for September/ October 2011. Major considerations for this plan are that Zones 1 and 11 are closer to the Chico facility than the Oroville facility thereby reducing drive times, maximizing work hours and lowering greenhouse gas emissions. This is in keeping with the District's efforts to follow the California Air Pollution Control Officers Association (CAPCOA) Model for Greenhouse Gases in General Plans.

The District plans on purchasing a vent hood for the laboratory within the next five years.

Recommendation #2 R2:

*Adopt a vehicle usage policy which details clear and consistent rules and responsibilities, specifically including guidelines for personal use of take home vehicles.*

The District agrees that the current policy in the Districts Policy Manual is vague and much is left to the Manager's discretion. There are, however, provisions in the employment agreement between the District and District Manager, but these do not cover other employees that either have or may take home vehicles. The District is currently conducting a policy manual review and will amend the current District vehicle policy to reflect with the Grand Jury's recommendation to provide clear guidelines for the use of District vehicles.

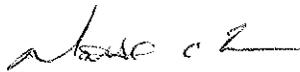
Recommendation #3 R3:

*Provide first aid certification training for its employees.*

The Good Samaritan laws limiting liability for negligent performance of emergency services notwithstanding, the District's legal counsel advises against **requiring** District employees to provide emergency services as a job duty or **requiring** that employees receive training to provide such emergency services. The statutory immunity does not extend to services provided for compensation, therefore it would be prudent to be shielded against the argument that "because the providing of emergency services or the receiving training was within the course and scope of employment", the immunity does not apply.

However, making training available to District employees on a voluntary basis and at District expense, does not, in the judgment of the District's legal counsel, seriously expose the District or its employees to liability for damages arising out of emergency services performed by any District employee. Absent gross negligence, emergency services provided by District employees on a purely voluntary basis, should protect the employee's liability and should not be attributable to the District in any case. Therefore, the District will provide voluntary bi-annual first aid/CPR certified training for its employees at the Districts expense.

Respectfully Submitted,



Matthew C. Ball  
District Manager