

Regular Meeting Minutes

Indian River Mosquito Control District
5655 41st Street, Vero Beach, FL 32967

December 8, 2020 at 9:00 am

The Board of Commissioners of the Indian River Mosquito Control District held a Regular Meeting on December 12, 2020 at the District Office as well as via virtual meeting.

Present: Tom Lowther, Chairman and Janice Broda, Vice-Chair

Staff: Director Doug Carlson, Assistant Director Sherry Burroughs, Michael Hudon and Melanie Pacot-Stansberry

Visitors: Commissioner-Elect Matt Erpenbeck, Alan Curtis, Frank Clarke & Cherieff Jackson (Clarke MC) and Jeff Andros.

Participants via Zoom:

Present: Buck Vocelle, Secretary/Treasurer

Staff: Diane Richards, Johanna Avril, Paul Baffino, Todd Hinkle and Victor Recendez.

Visitors: Janice Rustin (LLW), Dylan Johnston (Revize), Pat Blackburn, Terry McGinn, Larry Reisman, Jon Pine, Don Shroyer, Vada Mossavat, Kelly Deutsch, Bob Bruce, Sam Jones, Craig MacCoy, Jacob Dimond and Victoria Drumhelter.

I. Call to Order & Roll Call

Chairman Lowther called the meeting to order at 9:00 am. All three commissioners were in attendance.

II. Approval of Minutes

Chairman Lowther requested Board approval for the November 20, 2020 meeting minutes. **Commissioner Vocelle moved to approve the minutes. Commissioner Broda seconded the motion. The Board unanimously approved; motion passed.**

III. Financial Report

Income	\$1,636,706.37
Disbursements	
Local Funds (includes Checks 13109-13149 & dd11576-dd11635)	\$352,232.52
Non direct-deposit payroll	\$0
State Funds (no check).....	<u>\$0</u>
Total Disbursements	-\$352,232.52
Net.....	\$1,284,473.85
Change in cash position from last month	\$1,254,325.34
Bank balance (all accounts)	\$2,974,946.95
Less reserves and contingency.....	<u>-\$691,224.09</u>
Total available cash.....	\$2,283,722.86

Chairman Lowther request Board approval of the financial report. Commissioner Broda made motion to file the financial report for audit. Commissioner Vocelle seconded the motion. The Board unanimously approved; motion passed.

IV. Public Comment

Chairman Lowther explained the public will have the opportunity to speak on any item on the agenda under the public comment section and not during deliberations of the commissioners on specific topics. Commissioner Broda stated our practice in the past has been to allow public comment throughout the meeting.

Vada Mossavat raised concern that the Board modified minutes of some previous meetings during the November Regular Meeting. She requested that the minutes from the November meetings accurately reflect her comments.

Jeff Andros said that approving a contract for the Director is a bad precedent. Taxpayer considerations need to be taken into consideration. He said that he had been denied his requests for additional public records. He implored the Board to provide the documents in lieu of litigation. In regard to his request on insurance provided by the District's law firm, Doug Carlson read the e-mail message provided to Mr. Andros on this subject which was written by the District's attorney Tara Duhy.

Terry McGinn said that he thought that the timing of the new Director's contract is not good in that it is being rushed and should be moved to 2021 along with a search process.

Pat Blackburn said that the District should pursue hiring a new Director like the IRC School Board has done recently, including a search and the development of a contract and not so in a rushed fashion. She also objected to several other terms of the contract under consideration.

Alan Curtis, a former Research Entomologist at the District, said that since 1954-55 has had two directors: the legend John Beidler and Doug. Indian River Mosquito Control is considered the best in the world. It is instrumental that you get a very good director and I believe Sherry Burroughs is a phenomenal choice.

Vickie Drumhelter said that a Director search is needed, and the Board has a fiduciary duty to handle this process properly.

V. Old Business

A. Consideration of Employment Agreement

A discussion of an employment agreement for Sherry Burroughs as Director was led by District Attorney Janice Rustin. Considerable discussion amongst the commissioners occurred on most of the items. Chairman Lowther said that he has received several calls which were mostly regarding the question of should the Mosquito Control District become

part of Indian River County government, which he is strongly not in favor of. Commissioner Broda suggested that the District receive more input and not make this decision in haste. Ms. Burroughs could be the Acting Director during that period. Commissioner Vocelle said that he has received some input to be careful in these deliberations. He asked that the letter of support for Ms. Burroughs, which was signed by many of the employees, be entered into the record. Votes were taken on individual items considered, followed by a final vote on the entire agreement (with the draft then having been determined based on votes on individual topics). In each vote 2-1 vote listed below, Commissioner Broda voted in opposition.

- Term: Approved 2-1 for it to be for a 5-year duration
- Probationary period: By a 2-1 vote, it was decided not to have a probationary period
- Compensation: It was decided by a 2-1 vote to provide an initial annual salary of \$129,979
- Performance review: It was decided by a 3-0 vote that the Director will have an annual review and the criteria for that review will be developed within the next 3 months.
- Vacation leave: By a 2-1 vote it was decided that the Director will receive 20 vacation days per year
- Vehicle use: By a 2-1 vote, it was decided to allow the Director to use a District vehicle to go to and from work
- Extent of services: By a 2-1 vote, it was decided: "If, in the performance of her duties, Employee has worked hours that greatly exceeded her regular workday or work week, Employee will be permitted to take reasonable time off within a reasonable period after working the extra hours."
- Termination:
 - Voluntary termination - 90 days notice is required to use unused accrued leave (no severance) - 3-0 vote
 - Involuntary termination without cause – 90 days notice to employee with unanimous approval of the Board, severance of 20 weeks is provided - 2-1 vote
 - Involuntary termination with cause – no notice required, no severance, approval of super majority of the Board required - 3-0 vote

Commissioner Vocelle made the motion to accept the employment agreement with the decisions indicated above. Chairman Lowther seconded the motion. The motion was approved by a 2-1 vote (Commissioner Broda voting against). Sherry Burroughs will thus assume the position of Director on December 19, 2020.

B. Generator Bid Award Update

Doug reported that the District received a formal protest from Zabatt Engine Services regarding the generator bid award to Energized Electric. Zabatt's claim was that Energized Electric did not meet all the bid specifications. Since the price came in under bid limit of \$35,000, staff can obtain quotes in lieu of bid process. Doug recommended that the Board withdraw the award of the bid, give staff approval to move forward with clarifying items, such as the size of fuel tank, wind rating needs and select commercial grade versus an industrial type of unit, and to obtain quotes. Commissioner Broda asked if the electrical engineer had reviewed the bids. Doug indicated that the engineer did and that the engineer

felt they were rather inconsequential. Doug did not agree and added that we need to do things above board and in the proper way.

Chairman Lowther request a motion from the Board. Commissioner Vocelle stated that given the comments by our Director and the uncertainty of the bid and whether all of the items were correctly addressed, he made a motion to withdraw the approval submitted to Energize Electric and authorize staff to re-evaluate our position based on the engineer's suggestion and see if we can come in under the \$35,000 bid limit. Commissioner Broda seconded the motion. The Board unanimously approved; motion passed.

Commissioner Broda recommended that future bid requests include verbiage to address formal protests.

C. Award of Chemical Bid

Doug reported that we received two bids for Bti (Adapco, Target Specialty Products) and one for spinosid (Clarke). The price from Adapco and Target are the same @ \$1.45 per pound. Over the past year our experience using both products have demonstrated that both work fine but concerning deliveries, typically Adapco fills our orders more quickly than does Target. Staff recommends awarding the bid to Adapco for Bti, but as we did this past year, by periodically making some purchases from Target, especially when quick delivery is not an issue.

Chairman Lowther request a motion from the Board. Commissioner Broda made a motion to authorize staff to purchase Bti largely from Adapco, and at their discretion from Target Specialty Products, as well as get Spinosad from Clarke. Commissioner Vocelle seconded the motion. The Board unanimously approved; motion passed.

D. Consideration of Website Vendor

As a follow-up to last month's discussions, Johie Avril provided a brief update on her efforts to continue to learn about the companies being considered. Staff's recommendation is unchanged from last month that we should employ Revize to develop an ADA compliant website for the District.

Chairman Lowther request a motion from the Board. Commissioner Vocelle made the motion to award contract to Revize. Commissioner Broda seconded the motion, with the caveat that the contract be reviewed by the District's attorney. Commissioner Vocelle accepted the amendment. The Board unanimously approved; motion passed.

E. Progress Integrating MapVision into the District's Operations

Sherry reported that good progress is being made towards making this program operational. Doug reported that in regard to our agreement with Leading Edge, Doug, Sherry and Janice Rustin have a call planned with Leading Edge Associates next week to move forward with agreement modifications. The Board does want to pursue the possibility of a third-party repository.

Commissioner Broda recommended further investigating the third-party repository idea. Commissioner Vocelle and Chairman Lowther were also in favor of further investigation.

F. Update of Process for Changing Board Size

Sherry reported that she has been in contact with Representative Grall's office concerning legislation to increase the size of the Board. There is a local legislative delegation meeting on January 20, 2021. Doug brought up the question as to whether a change to include wording of a resolution to allow Board size changes would be preferable to stating a number. He recalled that the Board had authorized LLW to handle the legislative action in their fee proposal of \$25,000.

Commissioner Vocelle clarified that his intent was to increase the Board to five members.

G. Update on Development of Public Records Request Policy

Doug reported that we have not yet received comments from our attorney concerning our draft policy, but we expect them soon.

VI. New Business

A. Receipt of Surety Bonds

Doug reported that the District received the bonds for Commissioner Broda and Commissioner-Elect Erpenbeck, who were elected in November.

VII. Director's Report

- LARVICIDING - Doug reported that 0 acres were aerially larvicided in November. The historical average for the month is 1086 acres. The last 5-year average is 2105.
- ADULTICIDING - During November, 542 miles were sprayed. The historical average is 473 miles. The last 5-year average is 189 miles.
- SERVICE REQUESTS. 61 service requests were received in November. The historical average for the month is 40. The last 5-year average is 28 requests.
- PERMANENT CONTROL. Sherry reported that the crew is largely working on the west dike of Vista Royale (also referred to as ORCA) where construction traffic has caused much damage. Both skid-steers are down for repairs, requiring rental of equipment.
- ARBOVIRUS SURVEILLANCE - Dave Pelley reported for Mark Kartzinel that in November, the District had two birds confirmed positive for WNV bringing our year total to 29 positive birds. Statewide the yearly total is 381 with 83 human cases. Indian River County remains on a mosquito-borne illness advisory.
- EDUCATIONAL ITEMS. There were none this past month.

VIII. Upcoming Meetings and Events

- Jan. 12, 2021 – Board mtg. @ 9:05am (preceded by OPEB mtg. @ 9AM)
- Feb. 9 – Board mtg. @ 9am

- March 10 @ 9am

IX. Commissioner's Comments

Tom Lowther presented plaques to Commissioner Vocelle and Doug Carlson in appreciation of their years of service to the District (Mr. Vocelle is completing his 4-year term at the end of December 2020 and Doug retires on December 18, 2020). Commissioner Broda provided her thanks also. Commissioner Vocelle said he appreciated serving on the Board and congratulated Matt Erpenbeck for his win and conducting his campaign in an admirable fashion (Mr. Erpenbeck's four-year term will commence on January 5, 2021 and he will be seated at the January 12, 2021 Board meeting).

Doug asked if some of the plaques he has received over the years for service to the FMCA and AMCA could be placed in the Board room as part of the District's history. Some discussion followed that preserving the District history is important moving forward.

X. Adjournment

Chairman Lowther asked for a motion for adjournment. Commissioner Broda made a motion to adjourn. Chairman Lowther seconded the motion. The Board unanimously approved; motion carried, and the meeting was adjourned at approximately 11:35 am.

Attest:

 
