

Board of Trustees:

David Schmidl, President, John Sanbrook, Secretary, Justin Guzman, Lakhvir Ghag, Wade Kirchner, John Link and Vincenzo Corazza

Documents & materials relating to an open session agenda item that are provided to the SYMVCD Board less than 72 hours prior to a regular meeting will be available for public inspection. Please contact the District Office at 530 674-5456 or kvalencia@sutter-yubamvcd.org

**SUTTER-YUBA MOSQUITO & VECTOR CONTROL DISTRICT
SPECIAL BOARD MEETING AGENDA**

701 Bogue Road, Yuba City, CA. (530) 674-5456
Thursday, April 27, 2023 4:30 P.M.

1. Call to Order
2. Pledge of Allegiance
- motion 3. Approval to eliminate the District's Nepotism Policy
4. Public Comments
5. Manager Comments
6. Trustee Comments
- motion 7. Adjournment

Any person, who needs a disability-related modification or accommodation to participate in this meeting, should contact the District at (530) 674-5456 or by fax at (530) 674-5534. Requests must be made as early as possible prior to the meeting for the District to make reasonable arrangements and ensure accessibility.

Reasons for a policy prohibiting nepotism

1. As a public agency without an anti-nepotism policy, public trust is undermined. To the public, it allows for an appearance of unfair hiring practices and cronyism. In a 2014 East Bay Times article, Alameda County adopted an anti-nepotism policy after the county government was criticized by the Civil Grand Jury for not having one. The grand jury report, said the county ought to implement written rules regarding the hiring of relatives to "avoid the appearance of favoritism and bias" and "remind officials that old-fashioned cronyism is unacceptable." Although a policy is not required for the District, but is at the State level, having no policy is antithetical to a merit based personnel system.
2. The District adopted an anti-nepotism policy in 2010, and in 2013 re-affirmed and strengthened the policy. In the June 13, 2013 minutes, the Board approved the policy, as manager Ron McBride was requesting that the policy have no room for interpretation or variance. The minutes go on to describe that three of applicants applying for an open mosquito control technician position had relatives in the same department and were removed from consideration.
3. I brought an amended policy to the Board because there were areas not well defined in the existing policy and it did leave room for variance.
4. The District has past practice, relative to the word "discourage", pertaining to the employment of relatives. Recent examples I know of include: two cases where the District would not employ relatives of permanent employees that were interested in permanent positions. And in another case, discontinued the employment of a temporary employee after a season where they did not return.
5. Employment of relatives can lead to favoritism in the workplace through preferential hiring, overlooking discipline issues, and biased promotional opportunities. For employees at the District, perceived or real favoritism going on causes poor morale, and claims of unfairness.
6. In circumstances where a falling out between relatives occurs, and strong tension develops because of those broken relationships, claims of hostile work environment or discrimination will put a demand on the time of the District Manager and/or Administrative Manager and will likely require legal HR professional intervention to sort out the various claims. Because this District is a small organization, there are few means, if any of transferring employees to resolve a conflict.
7. Having a nepotism policy that prohibits the employment of relatives prevents claims by the public of cronyism, and provides a workplace free from the appearance of, or real favoritism based on preferential relationships between relatives and persons in romantic relationships.

5.06 NEPOTISM

It is the policy of the District to discourage the employment of relatives in the same department. From the effective date of this rule, no husband or wife shall be employed in the same department, nor shall any other relative be employed where he might be in a position to be supervised by or supervise the other. "Relative" is defined such as but not limited to: brother, sister, mother, father, son, daughter, son-in-law, daughter-in-law, mother-in-law, father-in-law, or other person residing in the same household.

Adopted February 2010

5.06 NEPOTISM

It is the policy of the District to discourage the employment of relatives at the District. From and after Jun 13, 2013, no appointing authority shall employ or recommend for employment any relative to any position of employment in which the appointing authority has any supervisory authority. No husband or wife or partner in a civil union shall be employed in the same department, nor shall any relative be employed where he/she might be in a position to be supervised by or supervise the other. "Relative" is defined as but not limited to: spouse, mother, father, brother, sister, son, daughter, mother-in-law, father-in-law, sister-in-law, brother-in-law, daughter-in-law, son-in-law, step father, step mother, step child, niece, nephew, cousin or any other person residing in the same household. In the event where co-employees decide to enter into a marriage or civil union recognized by the State of California, the appointing authority shall make reasonable effort to reassign employees to different departments when possible.

Adopted by the Board of Trustees 06/13/2013

\$1,000,000 coverage for chemical and non-chemical liability per occurrence. A motion was made by Jeffrey and seconded by Guzman approving a one year policy for non-owned aircraft liability insurance with ACE USA at a cost of \$4,000. The motion was approved by a unanimous vote.

ADOPTION OF REVISED NEPOTISM POLICY: McBride reported that this policy would replace section 5.06 of the Sutter-Yuba Mosquito & Vector Control District's Employee Handbook. The proposed policy is more stringent and the word "may" was changed to "shall" in regards to the hire of relatives. Additionally, the description of the types of relative was lengthened and included civil unions. McBride explained that the issue of nepotism came to light during the hire of the last mosquito control technician position. Three of the applicants had relatives in the same department as the open position. Staff preferred having the definition with no room for interpretation or variance. McBride added that there is currently a son of an employee working as summer help in the same department but not supervised by the father in any capacity. The son is an excellent employee. He expressed interest in continuing to work for two seasons only. This preexisting arrangement will be allowed to stand under the policy. A motion was made by Jeffrey and seconded by Dukes adopting the revised nepotism policy of the Sutter-Yuba Mosquito & Vector Control District's Employee Handbook. The motion was approved by a unanimous vote.

PERSONNEL COMMITTEE REPORT: Jeffrey reported that the Personnel Committee met with employee representatives Abshier and Burns prior to the Board meeting to discuss personnel requests for the 2013-2014 budget year. The employees presented a survey of cost of living adjustments for local government agencies and MVCDs. Jeffrey read aloud the survey results. Many agencies received minimal COLAs if any at all. She added that the employee representatives noted that in the past we have used the CPI as expressed in the Proposition 4 Appropriation Limit, which is 5.12% this year. Additionally, the employees now have more out of pocket expenses with the new health insurance plan with several employees having to pay their full deductible for both plans in this Calendar year. They added that the new health insurance plan is actually less expensive to the District for premiums. Taking all of these factors into account the employees requested a 3% COLA. Klotz added that the total amount for Salaries and Benefits in the preliminary budget is \$20,000 less than last year. McBride told the Board that the preliminary budget was calculated assuming a 2% COLA. Also, there is approximately \$250,000 coming at the end of June in Prop 1A payback for revenue the State borrowed three years ago. Klotz said that the Committee also took into consideration that the employees go above and beyond in their scope of work. Most projects are accomplished in-house including major construction and maintenance. The Personnel Committee recommended a 2.5% COLA for the 2013-2014 budget year. A motion was made by Dukes and seconded by Klotz approving a 2.5% COLA for the 2013-2014 budget year. The motion was approved by a unanimous vote.

**RF
BG
&G** **RICH FUIDGE
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April 21, 2023

VIA EMAIL

Steven Abshier, Manager
SUTTER-YUBA MOSQUITO & VECTOR CONTROL DISTRICT
701 Bogue Road
Yuba City, CA 95991

RE: **Nepotism**

Dear Steve:

Following up our conversation, I have reviewed the California Department of Human Resources Manual, Section 1204 Nepotism and every single authority cited under this category. Enclosed with this letter are the following in the order listed:

1. California Code of Regulations, Title 2, Section 87 (2 CCR Section 87) asserting the requirement of adoption of an anti-nepotism policy for appointing powers within State service.
2. The Human Resources Manual, Chapter 1204 referenced above.
3. California Constitution, Article VII establishing the State Personnel Board.
4. Sections from the Government Code including 18500-18502; 18660; 12940; 19050; 19800-19811.
5. Additional sections from Title 2 of the California Code of Regulations, Sections 25, 83.5, 83.6, 86 and 250.

April 21, 2023

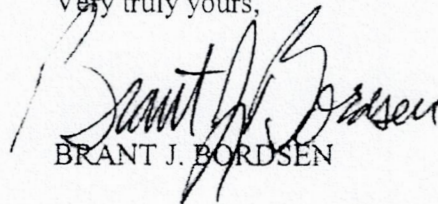
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Feel free to read all of the attached items in their entirety. There are two basic conclusions reached from a review of these materials. First, State employees governed by the State Personnel Board must operate under an anti-nepotism policy. That policy must contain certain components.

Secondly, there is a strong policy concerning nepotism: "Nepotism is expressly prohibited in the State workplace because it is antithetical to California's Merit Based Civil Service System." The foregoing provides perhaps the strongest argument as to why the Sutter-Yuba Mosquito and Vector Control District should have a nepotism policy.

That being said, these authorities do not change my initial conclusion that the District is not required to adopt a nepotism policy. We do not have a civil service system and are not governed by the State Personnel Board. That said, the statutes and rules governing State employees serve as a strong example for the Board's consideration.

Very truly yours,



BRANT J. BORDSEN

BJB/smb

enclosures

(Adopted 11/25/80, Management Unit Agreement)

(Adopted 12/01/80, CAO, Personnel Director & County Counsel Agreement)

3.7 Federal Law

These Rules shall at all times be construed in a manner consistent with the provisions of any pertinent federal law and regulations, including, but not limited to, the Civil Rights Act of 1964, as amended, and the regulations promulgated thereunder.

(Adopted by the Sutter County Board of Supervisors 1/27/09)

3.8 Nepotism Prohibited

No appointing authority shall employ or recommend for employment any near relative or in-law, such as a wife, husband, father, mother, brother, sister, son, or daughter to any position of employment in which the appointing authority has any supervisory authority.

(Adopted by the Sutter County Board of Supervisors 1/27/09)

3.9 Prohibition of Employment of Members of the Same Family in the Same Department or Office - General, Supervisory, Professional and Fire Safety Units

From and after May 8, 1984, the appointing authority for each department may prohibit the employment of any person who is the spouse, mother, father, brother, sister, son, daughter, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law of another employee within the department's jurisdiction where such employment would create an adverse impact on supervision, safety, security or morale, or involves potential conflicts of interest. If co-employees marry, the department shall make reasonable efforts to reassign job duties so as to minimize problems of supervision, safety, security, or morale.

Any employee who is or has become a relative of another employee within the department's jurisdiction, and the relationship is of the type listed in the foregoing paragraph, must disclose said relationship in writing to the appointing authority. Failure to make such disclosure shall be grounds for disciplinary action.

This section shall not apply to extra help employees working less than ten (10) days in one year. Exceptions to this section may be approved by the Board of Supervisors for reasons of business necessity or good cause.

(Adopted 05/08/84, General, Supervisory and Professional Units MOU)

(Adopted 05/29/84, Fire Unit MOU)