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# Public Accountability and Governance

## CHAPTER 5

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**T**he Metropolitan Mosquito Control District (MMCD) is governed by a commission composed of county commissioners. Although the District serves the Twin Cities area, it is not a metropolitan agency and does not have a formal relationship with the Metropolitan Council. Given its unique position between local and regional units of government, some legislators have expressed concern about whether the District is subject to close government oversight. Critics have also expressed concern about whether the public is adequately informed of the District's mosquito control activities. We asked the following questions:

- **What state laws govern the Metropolitan Mosquito Control District's operation?**
- **Are changes needed to make the District more accountable to the Legislature and the public?**
- **How are mosquito control services organized and provided in other states? How does MMCD's governance structure compare with mosquito control districts in other states?**
- **How well does MMCD inform the public of its mosquito control activities?**

To answer these questions, we examined laws that apply to the Commission and the District. We reviewed the District's enabling legislation and laws about open meetings, ethics in government, data practices, purchasing, budgeting and accounting, and financial reporting. We examined the District's administrative policy manual, reviewed minutes of Commission meetings, attended Commission meetings, and interviewed commissioners and District staff. We also conducted telephone interviews with representatives from other states with mosquito control districts and accessed their Internet sites.

Overall we found that the Metropolitan Mosquito Control Commission generally has complied with state laws designed to provide for public accountability. We do not recommend that the governance structure of the District be changed at this time, but we suggest that the Legislature consider reducing the size and changing the composition of the Commission.

The District currently provides information about its activities to the public in a number of ways, such as a telephone information line, web site, and individual telephone calls to some people. During 1998, the District published an advertisement in newspapers as part of a “negotiated agreement” with several legislators. In addition, the District continued to post notices on public land treated with adult insecticides, as it has done since 1995. However, as a result of the negotiated agreement, the notices remained posted for five days. We recommend that the District should continue its current public notification efforts, including those that were part of the “negotiated agreement” in 1998.

## PUBLIC ACCOUNTABILITY

Minnesota laws define the Metropolitan Mosquito Control Commission (MMCC) as a “local unit of government” and as a “metropolitan special taxing district,” for property taxation purposes.<sup>1</sup> While state laws authorize the creation of most special taxing districts, there is no single statutory definition. A special taxing district is generally considered a unit of government authorized and created by the Legislature to perform specific duties or provide specific services to the taxpayers. The Minnesota House of Representatives Research Department has defined a special taxing district as, “a political subdivision of the state of Minnesota which (1) has the legal authority to levy property taxes and (2) is not a county, city, township, or school district.”<sup>2</sup>

There are two types of special taxing districts. First, the Legislature can directly create specific special taxing districts, such as the Metropolitan Council and the Suburban Hennepin Park District. The Metropolitan Mosquito Control Commission fits into this category. Second, Minnesota laws permit governmental units to establish special taxing districts for specific purposes, such as housing and redevelopment and watershed control.

As far as we can determine,

- **The Metropolitan Mosquito Control Commission generally has complied with most state laws designed to provide public accountability.**

Based on our analysis, summarized in Figure 5.1, the Commission and the District have complied with relevant enabling legislation, the state’s Open Meeting and Ethics in Government acts, and purchasing, tax levy, budgeting and accounting, and auditing controls contained in state law.

The Commission’s enabling legislation (*Minn. Stat.* §473.703) provides for the appointment of members, stipulates that vacancies shall be filled in the same manner as initial appointments, and requires the Commission to hold a January

<sup>1</sup> *Minn. Stat.* §§473.121, subds. 5a and 6, §275.065, subd. 3, para. (i), and §275.066 (16).

<sup>2</sup> Minnesota House of Representatives Research Department, *Special Taxing Districts*, November 1993: 3.

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**MMCD is a special taxing district with authority to levy property taxes.**

### Figure 5.1: Laws Governing the Metropolitan Mosquito Control Commission and District

	<u>State Law</u>	<u>Requirements</u>
Governing Board	<i>Minn. Stat.</i> §473.703	Metropolitan mosquito control commissioners appointed annually from participating county boards.
Expense Reimbursement for Commission Members	<i>Minn. Stat.</i> §473.714	Commissioners with an annual public salary of \$25,000 or more are reimbursed for travel expenses only.
Open Meeting Act	<i>Minn. Stat.</i> §471.705	Meetings are open to the public. Advance notice is provided. Votes and actions are recorded.
Ethics in Government Act	<i>Minn. Stat.</i> Ch. 10	Commissioners file statements of economic interest in their respective counties and must disclose conflicts of interest.
Data Practices Act	<i>Minn. Stat.</i> Ch. 13	Data are generally public, with some exceptions.
Purchasing	<i>Minn. Stat.</i> §471.345	Uniform Municipal Contracting Law sets limits for sealed bids on materials, supplies, equipment.
Property Tax Levy	<i>Minn. Stat.</i> §275	A notice of intent to adopt a budget and property tax levy is published. "Truth in taxation" hearings are held.
Budget and Accounting Controls	<i>Minn. Stat.</i> §473.711	Property tax levy is certified to the Commissioner of Revenue.
Financial Reporting	<i>Minn. Stat.</i> §473.704, subd. 19	A financial report to the Legislature is required in even-numbered years.
Audits	<i>Minn. Stat.</i> §473.703, subd. 10	Legislative Auditor conducts financial review "once each year or as often as . . . funds and personnel permit."

SOURCES: Minnesota Statutes as cited above; Metropolitan Mosquito Control District, *Administrative Manual*; Mr. Bill Caesar, District Business Director, Interview, June 25, 1998.

organizational meeting at which it will select the officers. The Commission's meetings are open to the public. Meeting notices are posted on the bulletin board at the District's office. The Commission should also post meeting notices on its Internet web site.

However, based on our analysis of state laws and Commission procedures, we found that:

- **In 1996, the Metropolitan Mosquito Control Commission did not submit a required financial report to the Legislature.**

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**A 1998 advisory opinion from the Commissioner of Administration said that District data on citizens are public information.**

Minnesota law requires the Commission, by December 15 of each even-numbered year, to prepare and submit to the Legislature a financial report.<sup>3</sup> According to District staff, the Commission did not file a financial report in 1996 because the Metropolitan Council did not file such a report, and state law directs the Commission to follow the reporting format used by the Council. The Commission has submitted its 1998 financial report to the Legislature. We also found that:

- **In the past, the District has not always classified as “public” information on citizens who request or refuse service, as required by the Data Practices Act.**

In October 1998, the Commissioner of Administration issued an advisory opinion concerning data maintained by the District. The opinion stated that:

the following data are classified as public: individuals’ names, addresses, telephone numbers and specific requests regarding services provided by the . . . District. If under limited circumstances, the MMCD has specific reason to conclude that dissemination of some of those data would be likely to substantially jeopardize information, possessions, individuals or property, then those specific data are private or nonpublic . . .<sup>4</sup>

We recommend that:

- **In the future, the Commission should submit biennial financial reports to the Legislature and classify as “public” information on citizens who request or refuse service, as required by state law.**

The Metropolitan Mosquito Control Commission’s enabling legislation requires the Office of the Legislative Auditor to conduct financial audits of the Commission’s accounts “once each year or as often as . . . funds and personnel permit.”<sup>5</sup> Over the past several years, critics of MMCD have raised a number of issues which have been addressed in the District’s financial audit reviews. First, a former MMCD director developed the 150 day timed-release methoprene briquet used by the District to kill mosquito larvae. The District received two patents (issued on June 2, 1987 and March 22, 1988) for the process used to manufacture the briquets. After fees to maintain the patents are deducted from the royalties, 25 percent of royalty payments are paid to the former MMCD director. In 1997, the District collected \$35,038 in royalties and paid \$7,829 to the former director.<sup>6</sup>

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<sup>3</sup> *Minn. Stat.* §473.704, subd. 19. The financial report is supposed to contain the information required by *Minn. Stat.* §473.1623, subd. 3.

<sup>4</sup> Mr. Donald A. Gemberling, Director of the Information Policy Analysis Division, Minnesota Department of Administration, to Mr. David A. Clark, Attorney at Law, October 20, 1998, memorandum.

<sup>5</sup> *Minn. Stat.* §473.703, subd. 10.

<sup>6</sup> Office of the Legislative Auditor, *Metropolitan Mosquito Control District Financial Audit for the Year Ended December 31, 1997*, June 1998: 16. According to the District, it does not collect any royalties on products purchased by the District.

Second, concern has been expressed about District investments. The District participates in the Minnesota Association of Governments Investing for Counties (MAGIC) Trust Fund, a professionally managed money market fund. The fund is sponsored by the Minnesota Treasurer's Association and the Association of Minnesota Counties as a financial service primarily for Minnesota counties.<sup>7</sup>

Third, critics have alleged that commissioners benefit from excessive travel and other perks. Review of the District's budget shows that Commission travel expenses have ranged from a high of about \$7,000 in 1995 to about \$2,200 in 1997, or less than one-tenth of one percent of the District's operating budget.<sup>8</sup> A 1992 state law limited per diem reimbursement for commissioners.<sup>9</sup> Consequently, commissioners receive reimbursement for travel expenses but do not receive per diems.

Fourth, critics have charged that MMCD maintained a fleet of trucks that had more vehicles than the number of employees using the trucks. In 1997, the District had a fleet of 178 vehicles: 169 pickup trucks, 6 large trucks, and 3 cars or vans. During the 1997 mosquito control season, the District had employed 181 field staff: 5 group leaders, 27 team leaders, and 149 seasonal staff.<sup>10</sup>

## GOVERNANCE STRUCTURE

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### The Mosquito Control District is governed by a 17-member commission.

MMCD is governed by a 17-member commission composed of county commissioners appointed annually by their respective county boards. The Metropolitan Council does not review the District's budget or approve its spending plans.

In 1992, the Commission created an executive committee made up of the three board officers, plus one member from each county not represented by an officer. The executive committee meets monthly, while the full Commission meets about six times a year to review agenda items, "ratify" decisions of the executive committee, and approve policy for the District.

We examined several alternative governance structures the Legislature could consider to increase oversight of the Metropolitan Mosquito Control District. First, the Legislature could consider placing the District under jurisdiction of the Metropolitan Council. The Metropolitan Council is involved with setting policy,

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<sup>7</sup> *Ibid.*, 7; *Metropolitan Mosquito Control Commission Executive Committee Meeting on January 26, 1994, supporting materials for agenda item 6*. Piper Capital Management Incorporated serves as the fund manager and US Bank serves as custodian of the fund's assets.

<sup>8</sup> Office of the Legislative Auditor, *Metropolitan Mosquito Control District Financial Audit for the Year Ended December 31*, for the years 1990-97.

<sup>9</sup> *Minn. Laws* (1992), ch. 511, art. 2, sec. 38 prevents a Metropolitan Mosquito Control Commission member from being paid a per diem for attending MMCD meetings if the commissioner receives a per diem from the county for the same day. It also limits reimbursement to travel expenses if a commissioner's annual public salary is \$25,000 or more.

<sup>10</sup> Office of the Legislative Auditor, *Metropolitan Mosquito Control District Financial Audit for the Year Ended December 31, 1997*, June 1998: Inventory working papers; Mr. Bill Caesar, District Business Administrator, Interview, St. Paul, Minnesota, October 6, 1998.

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**We examined several alternatives to the current governance structure of the Metropolitan Mosquito Control Commission.**

adopting budgets, and providing other regional services. However, putting MMCD under the jurisdiction of the Metropolitan Council would involve replacing an appointed board of elected officials with a board appointed by the Governor. In addition, mosquito control responsibilities do not appear to be within the scope of the Metropolitan Council's focus on growth and development systems.

Second, MMCD could be placed under the jurisdiction of a state agency, such as the Department of Health or the Department of Agriculture. An advantage of placing mosquito control within an executive agency is that its budget and operations would be reviewed by the Legislature, increasing state oversight. It has been argued that since the public health aspects of mosquito control are a statewide concern, the function could be placed in the Department of Health. However, as discussed in Chapter 1, the District's enabling legislation permits it to kill mosquitoes for both annoyance and disease prevention. Additionally, the risk of LaCrosse encephalitis is more of a regional than a statewide issue. Generally, encephalitis cases have occurred in a relatively small part of the state which includes the Lake Minnetonka area and extends southeast to the hardwood forests along the Mississippi River.

The Department of Agriculture, with its responsibilities for regulating pesticides and dealing with some agricultural pests, might also be a place to house a mosquito control function. Placing mosquito control responsibilities in the Department of Agriculture would require a separation of the department's regulatory and service provision functions. It is unclear whether mosquito control as currently provided fits within the mission of either the department of Health or Agriculture. Neither department currently has the expertise required to assume the District's responsibilities.

Third, the Legislature could remove MMCD's special taxing authority and return it to a local joint powers board. Some legislators have expressed concern that MMCD's special taxing authority undermines public accountability because the budget for mosquito control is not scrutinized by county boards along with other county priorities and budget items. The amount of property taxes levied for mosquito control in each county represents a very small share of total county property tax revenues. In 1996, the MMCD property tax levy represented between 0.7 percent (Scott County) and 1.1 percent (Dakota County) of total county property tax revenues.<sup>11</sup> It is not clear that returning the financial responsibility for the MMCD to individual counties would increase scrutiny of the dollars spent for mosquito control. It could be argued that having the MMCD operate under a separate budget makes it easier to identify and analyze how much citizens have spent for mosquito control.

One of the reasons for giving the Metropolitan Mosquito Control Commission authority to levy property taxes in 1982 was to ensure that the services were consistently provided at a regional level and to provide a more stable and predictable source of revenue. In 1983, legislation provided that "a county may

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<sup>11</sup> Program Evaluation Division analysis using Office of the State Auditor, *Revenues, Expenditures and Debt of Minnesota Counties, December 31, 1996*, September 1998: 14, 16, 18, 20, 30, 32, and 36.

terminate its participation in the district only as provided by other law.” This provision replaced one that allowed a county to withdraw from the District with a 12-month notice. This change gave the Legislature a role in determining participation in the District while making it more difficult for a county to stop participating on its own. We believe that MMCD’s financing should be provided at the regional level. Regional service delivery probably provides more comprehensive mosquito control for the Twin Cities area than could be achieved if only portions of the region participated in the District.

Lacking compelling reasons for a major restructuring of the Metropolitan Mosquito Control Commission and District,

- **We do not recommend major changes to the governance structure of the Metropolitan Mosquito Control District at this time.**

However, we suggest that:

- **The Legislature should consider reducing the size and changing the composition of the Metropolitan Mosquito Control Commission.**

By adding other public representation to the Commission, the Legislature would open the Commission to outside perspectives, help the District respond to outside criticisms, and increase public oversight of the District. Three or four public members could be appointed by the Governor.<sup>12</sup> These members could be selected to represent public park managers, the scientific community, environmental groups, or other expertise. Alternatively, the Legislature could add state agency representatives (such as the commissioner or the commissioner’s designee from the department of Health or Agriculture) to the Commission, along with representatives from the scientific and environmental communities. To prevent the Commission from becoming too large, the number of county commissioners serving on the board could be reduced perhaps to seven members, one from each county participating in the District.

## Technical Advisory Board

State law directs the Metropolitan Mosquito Control Commission to cooperate with various state agencies. It also requires the commissioners of Agriculture, Natural Resources, Transportation, and Health, and the head of the Department of Entomology at the University of Minnesota to act in an advisory capacity to the Commission and the director.<sup>13</sup> In 1981, the director of the District contacted these state agencies and others and invited them to participate in a Technical Advisory Board (TAB). Figure 5.2 lists the agencies, groups, and individuals

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<sup>12</sup> A 1966 Citizens League report recommended that the District be placed under the authority of the Metropolitan Council and, failing that, it recommended that the Commission be reconstituted to include three public members appointed by the Governor, with consideration given to “persons whose business, scientific or professional background can bring desired expertise to the board.” Citizens League, *Report on the Metropolitan Mosquito Control District*, 1966: 6-7.

<sup>13</sup> *Minn. Stat.* §473.716, subd. 2.

**MMCD created a Technical Advisory Board to obtain advice from other public agencies.**

### **Figure 5.2: Composition of the Technical Advisory Board, 1998**

Named in state law:<sup>1</sup>

Minnesota Department of Agriculture  
 Minnesota Department of Health  
 Minnesota Department of Natural Resources  
 Minnesota Department of Transportation  
 University of Minnesota - Entomology

Others represented:

U.S. Fish and Wildlife Service  
 Minnesota Pollution Control Agency  
 University of Minnesota - Fisheries and Wildlife  
 Hennepin Parks  
 Hennepin County Community Health  
 Environmental group representative  
 Industry representative  
 Independent statistician  
 Entomologist

<sup>1</sup>*Minn. Stat.* §473.716, subd. 2.

SOURCE: Metropolitan Mosquito Control District, *1997 Operational Review and Plans for 1998*, 3-4.

represented on TAB since the early 1990s, along with recent changes. We found that:

- **The process used to determine membership on and appointment to the Technical Advisory Board has not been clear to some agencies.**

In 1997, several TAB members retired from the organizations that they represented. TAB discussed the possibility of having these people remain on the board and recruiting additional members from the organizations that were no longer actively represented. At one point a list of TAB members included retired individuals and new agency representatives, increasing the size of the board. Representatives from the Department of Natural Resources indicated that they were unsure if the agency should appoint a replacement for its recently retired staff member or if it should wait until the District asked for a new appointment. At its December 1997 meeting, TAB recommended that the District review the statutory mandate regarding composition of the advisory board and contact those agencies not represented by active members.<sup>14</sup> As far as we can tell, District staff followed through on this recommendation.

<sup>14</sup> Minutes from Technical Advisory Board Meeting, December 4, 1997: 3.

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**The membership, role, and responsibilities of the advisory board have not been formalized.**

The Technical Advisory Board's role is to review the technical merits of the District's programs as described in the District's annual operations report and in staff presentations and to provide advice about the plans, operations, and goals of the District. TAB chair reports the board's recommendations to the Commission. Since 1994, the TAB has met two times a year, in the spring and fall, its chair has alternated between environmental and regulatory agencies in a predetermined order, and a vice chair position has been added, with that person becoming the next year's TAB chair.<sup>15</sup> We found that:

- **Some Metropolitan Mosquito Control Commission and Technical Advisory Board members appeared to be confused and unclear about the role of the Technical Advisory Board.**

The membership, role, and responsibilities of the TAB have never been formalized. Aside from TAB minutes for past years, there is no document describing the origins, roles, and responsibilities of the advisory board. Recently appointed commissioners have not always been aware of TAB's role. In addition, some TAB members appeared to be unclear about what role the board itself is supposed to fulfill. We recommend that:

- **The Metropolitan Mosquito Control Commission and director should evaluate the composition of the Technical Advisory Board and formalize in a written policy statement the structure, roles and responsibilities, and appointment process of the TAB and communicate these results to agencies represented on the board.**

In addition to clarifying the roles and responsibilities of the TAB, the Commission should evaluate the composition of the TAB and consider what technical skills and areas of expertise are needed on the TAB to review the District's operations and provide sound advice to the Commission. For instance, statistical, toxicology, or other skills may be helpful in TAB's reviews. If these skills are not represented among the board's current members, then the director may want to solicit additional members for the board. The current TAB includes two representatives from Hennepin County and none from other local units of government.<sup>16</sup> The Commission should consider what role, if any, additional local government representatives could fulfill on the Technical Advisory Board.

In recent years the Technical Advisory Board has urged restraint on the part of the District in its use of adult mosquito insecticides to kill nuisance mosquitoes and encouraged the District to focus primarily on treatment of larval breeding sites. The board has also affirmed the appropriateness of the District's tick-borne disease activities, supported continued research on the long-term effects of larval insecticides, and encouraged the District to continue testing new insecticide products.

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<sup>15</sup> Minutes from Technical Advisory Board Meeting, February 25, 1994.

<sup>16</sup> A representative from Hennepin County Planning and Development recently retired but has stayed on the Technical Advisory Board as an "independent statistician." His position was filled with a representative from Hennepin County Public Health, who is a former MMCD employee.

## Other States

To determine how mosquito control services are organized and provided in other states, we interviewed representatives from 28 states.<sup>17</sup> We found that:

- **There is no ideal structure for providing mosquito control services among the states we examined.**

We used categories to classify the level of state involvement in providing mosquito control services (see Figure 5.3). In most states, local units of government (cities and/or counties) provide mosquito control services with varying degrees of state financial, technical, or oversight involvement.

**In most states, local units of government provide mosquito control services.**

**Figure 5.3: Summary of State Role in Providing Mosquito Control Services**

State-Operated Program	Active State Role	Limited State Role	Minimal State Role
Delaware	Florida	California	Iowa
Connecticut	Massachusetts	Colorado	Michigan
Kentucky	New Jersey	Illinois	Nebraska
Maryland	New York	Louisiana	North Dakota
	North Carolina	New Mexico	Ohio
	Rhode Island	<b>MINNESOTA</b>	South Carolina
		Texas	South Dakota
		Vermont	West Virginia
		Virginia	Wisconsin
		Washington	

SOURCE: Program Evaluation Division Telephone Interviews, Summer 1998.

In the group of states we classified as “minimal state role,” local units of government (cities and counties) are responsible for providing mosquito control services, if any are provided at all. The state’s role is limited to state health departments that monitor or investigate insect-borne diseases and may also provide laboratory facilities, testing, training, and technical assistance to local mosquito control programs. This category includes neighboring states—Iowa, North and South Dakota, and Wisconsin.

The “limited state role” category includes Minnesota and other states where state law provides for the creation of local mosquito control districts or provides funding mechanisms (such as the ability to levy property taxes) for locally-operated mosquito control districts. Local governments in these states have not always opted to create local mosquito control districts even though state

<sup>17</sup> These states were selected based on recommendations received during our interviews with MMCD staff and others, reviews of public service and mosquito control association directories, and a search of the Internet.

**Only four states have state-operated mosquito control programs.**

law gives them this authority. Some states provide technical assistance with program organization or staff training (Colorado, New Mexico), while others may provide some grant money to local programs (Vermont). Essentially, mosquito control services are provided by local units of government.

We classified six states as having an “active state role” even though mosquito control services were still locally provided. These states provide funding to locally-operated mosquito control programs. Some of these states (Florida, Massachusetts, North Carolina, and Rhode Island) have state offices that administer funding or coordinate grant programs and provide technical assistance for local mosquito control programs. Generally, state oversight is limited and involves reviewing annual mosquito control operation reports that are required as a condition to receive state funds and ensuring compliance with pesticide regulations.

Finally, we found four states with state-operated mosquito control programs—Delaware, Connecticut, Kentucky, and Maryland. In each of these states, a state agency actually provides mosquito control services either alone or in cooperation with local units of government. Figure 5.4 summarizes some characteristics of these programs. We did not find uniformity among the four states that provide mosquito control services at the state level.

**Figure 5.4: State-Operated Mosquito Control Programs, 1998**

State	Department	Program Priority	Budget	Staff
Connecticut	Environmental Protection	Disease control	\$300,000 <sup>1</sup>	Permanent: 3 Seasonal: 3
Delaware	Natural Resources and Environmental Control	Disease and nuisance control	\$1.4 million	Permanent: 18 Seasonal: 0
Kentucky	Agriculture	Mostly nuisance and some disease control	\$600,000	Permanent: 22 Seasonal: 0
Maryland	Agriculture	Disease control	\$1.9 million <sup>2</sup>	Permanent: 21 Seasonal: 60-70 <sup>3</sup>

<sup>1</sup>In addition, Connecticut Agricultural Experimental Service has a budget of about \$144,000 to do testing for Eastern Equine encephalitis.

<sup>2</sup>Approximately \$600,000 is used to finance 50/50 matching grants to local programs. The remainder of Maryland’s mosquito control program budget supports state program staff (biologists and entomologists) and administrative and other costs.

<sup>3</sup>Represents seasonal staff working in state program; data do not include local programs.

SOURCE: Program Evaluation Division Telephone Interviews, Summer 1998.

## PUBLIC NOTIFICATION OF TREATMENT

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**Public notification of adult insecticide applications is a concern of some legislators, state agencies, and environmentalists.**

Some legislators, representatives of state agencies, and environmentalists have raised concerns about how MMCD notifies the public about its operations. Most complaints have centered on notifying the public when insecticides are applied to kill adult mosquitoes. Staff from the Minnesota Department of Health advise people with “multiple chemical sensitivity” to avoid the risk of exposure to insecticides, as well as perfumes, carpet, chemicals, and other substances. Department staff emphasize that people need information to avoid exposure and that MMCD has a responsibility to inform people about when and where insecticides are being applied so that people can choose to avoid exposure. The Department feels strongly that MMCD should post adult applications.<sup>18</sup> In the past, the District’s Technical Advisory Board has also recommended that MMCD increase its efforts to notify people of adult mosquito treatments.<sup>19</sup>

The District has attempted to respond to these concerns by providing information to the public in a variety of ways. The District’s adult mosquito treatment policy contains specific instructions related to providing notification. The District uses a telephone information line and a web site to inform people about scheduled adult mosquito treatments. Scheduled adult mosquito treatments are identified by county and specific location and the information is available by 4:30 p.m. for that evening and the following day. For people who want an individual telephone notification of cold fog resmethrin applications, staff in the regional offices will attempt to contact them or leave a message before treatment.<sup>20</sup> The policy also states that areas treated with permethrin will be posted during treatment.

Currently, the only policy statement related to public notification is contained in the District’s adult mosquito control policy. However, citizens have requested and the District has provided individual notification of larval treatments, especially applications made by helicopter. We recommend that:

- **The Metropolitan Mosquito Control Commission should develop a public notification policy that addresses both larval and adult mosquito control treatment.**

In 1994, the District conducted a pilot project to evaluate methods of informing citizens of adult mosquito treatments. The trial was done in three geographic areas (Excelsior, Ham Lake, and Mounds View) using three notification methods (posted street signs, dropped literature at residents’ doors, and put notices on community cable television bulletin boards). Study results indicated that the majority of residents wanted to be notified about treatments. A slightly higher

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<sup>18</sup> Ms. Rita Messing, Minnesota Department of Health, Interview, St. Paul, Minnesota, August 10, 1998. According to the Department of Health, multiple chemical sensitivity is not a medically recognized syndrome. The department does not have any data on the number of people suffering from multiple chemical sensitivity.

<sup>19</sup> Minutes from Technical Advisory Board Meeting, March 17, 1993.

<sup>20</sup> Metropolitan Mosquito Control District, Adult Mosquito Treatment Policy, *Administrative Manual*, June 1, 1998: 2; Metropolitan Mosquito Control District, *Field Operations Manual*, Chapter IX: Adult Mosquito Control, May 1998: 9.

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**The District maintains a telephone information line and a web site to inform people about scheduled adult mosquito treatments.**

percentage of residents in the area receiving literature were aware of the notification compared with those living on streets with posted signs. None of the residents in the community receiving cable television announcements were aware of the notification.<sup>21</sup>

MMCD posted daily adult mosquito treatment information on its web site in 1998. According to MMCD staff, individuals accessed the site 500 times during the summer months. Use of the site varied from a few “hits” on some days to several on others (such as around the July 4th weekend).<sup>22</sup>

Almost 850 calls were made to the adult mosquito information line in 1997, nearly twice as many as in 1996. Most of these calls (41 percent) were from Hennepin County, followed by Anoka (18 percent) and Ramsey (14 percent) counties.<sup>23</sup> We conducted a mail survey of people who called the District during the summer of 1997 to request services or information or to refuse service. We found that:

- **Of the 248 people surveyed, only 9 percent responded that they were aware of the District’s telephone information line and web site informing people about adult mosquito applications.**

Most of the survey respondents who indicated they were aware of these resources had also used either the telephone line or the web site during the summer of 1998. These numbers indicate that few citizens in the Twin Cities area are aware of the District’s efforts to inform people of adult mosquito treatments.

We also examined how other Minnesota cities provide public notification using information reported on the Municipal Pest Control application forms filed by Minnesota cities with the Department of Agriculture. Officials from Minnesota cities providing mosquito control services in 1997 and 1998 used a variety of methods to notify citizens of treatments. Of the over 40 cities, about one-half (23 to 25) used local newspaper and/or radio announcements to provide notice of treatment, one-third (15) used local cable television, and one-fourth (11 to 12) posted notices and/or made telephone calls to provide citizens with notice of treatments.

Of the four states with state-operated mosquito control programs, three provided public notification using various techniques. Delaware and Maryland used newspaper advertisements to notify citizens of adult mosquito treatments and made telephone calls to people who requested to be notified. Connecticut published an annual notice in newspapers related to both larval and adult mosquito control treatments and made telephone calls to people who requested notice. Kentucky did not provide any notification. It is difficult to generalize about the methods used in other states we contacted since mosquito control was provided by local units of government. Generally, the techniques used in other states have

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<sup>21</sup> Metropolitan Mosquito Control District, *1994 Operational Review and Plans for 1995*: 26, 29.

<sup>22</sup> Preliminary report to the Technical Advisory Board on MMCD 1998 operations, December 4, 1998.

<sup>23</sup> Metropolitan Mosquito Control District, *1997 Operational Review and Plans for 1998*: 13.

included annual and/or weekly newspaper advertisements, announcements on local television, radio, and cable channels, telephone calls to individuals, telephone hotlines, and web sites.

Currently, Minnesota statutes do not contain language related to public notification for mosquito control treatments.<sup>24</sup> During the 1997 legislative session, a bill was introduced which would have required, among other things, that MMCD:

- 1) post notices on public land of planned larval and adult mosquito control applications at least 48 hours in advance and at least every 100 feet;
- 2) notify residents of private property in person or by placing information on the residents' doors at least 48 hours before adult or larval applications within 300 feet of agricultural land or within 1,000 feet of a residence; and
- 3) notify designated public officials at least seven days before adult or larval control applications within a statutory or home rule charter city or town.<sup>25</sup>

Information contained in the notice would have included the scheduled day and time of application, the name of the products to be used and their active and inert ingredients, and all precautionary statements from the product label related to human, domestic animal, and environmental hazards. The notices posted on public land would have included a telephone number to call for additional information, and the private property notices would have included information on the right to refuse application and the procedure for doing so.

The bill did not pass, but the District and the authors of the proposed legislation later reached a "negotiated agreement," which lacks the force of law. This agreement differed from the bill that was introduced in that it applied only to adult mosquito control treatment, required MMCD to publish a newspaper advertisement, required that notices be posted at the main entrances to public land being treated, and changed the notification of individual private property residents to pilot projects. The agreement required MMCD to:

- 1) publish an advertisement each spring in all local newspapers of general circulation notifying the public of possible adult mosquito insecticide applications;
- 2) before adult mosquito control treatments on public land, post notices at the main entrances of the land and leave the signs in place for as long as the insecticide remains active according to the product label;

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**The District  
expanded its  
public  
notification  
efforts in 1998.**

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<sup>24</sup> *Minn. Stat.* §18B.09, which allows statutory and home rule charter cities to enact an ordinance requiring commercial or noncommercial lawn care applicators to post warning signs on the property where lawn care pesticides have been applied, does not apply to mosquito control operations. Of the states we contacted, only four have public notification provisions in state law—Connecticut, Massachusetts, Michigan, and New York.

<sup>25</sup> *Minn. House* (1997), H.F. no. 2320, as introduced.

- 3) conduct four pilot projects providing individual notification to private property residents in order to compare the effectiveness of individual notification to that of spring advertisements;
- 4) notify chief administrative officials of a city or town when adult mosquito applications will take place within their city or town; and
- 5) report to the Legislature on July 1, 2000 on the results of the four pilot projects and the cost and effectiveness of individual notification and spring advertisements.<sup>26</sup>

The Commission published an advertisement in local newspapers of general circulation in May 1998. The District has also posted notification of adult mosquito applications made in public lands, primarily parks and recreation areas, during the summer of 1998. Generally, MMCD left the signs up for 5 to 7 days, the amount of time that District research has determined permethrin to be effective, rather than the 14 days cited on the permethrin product label. District employees notified public officials once in the early summer about possible treatments for adult mosquitoes in their jurisdictions. Finally, in September the District conducted several focus groups to gather information on different ways of providing public notification and included questions about public notification in its 1998 telephone survey of citizens. There may be some disagreement among parties to the negotiated agreement about whether these activities qualify as the pilot projects.

Since 1994, MMCD has conducted a telephone survey of residents in the Twin Cities metropolitan area every two years, asking people about their impressions of MMCD and their opinions about mosquito control. In its 1998 survey, the District asked if the people surveyed had seen an advertisement that the District ran in local papers in May. Only 11 percent of people responding to the survey said that they had seen the notice.<sup>27</sup>

We recommend that:

- **MMCD should continue the level of public notification provided during the summer of 1998.**

We think the District should continue its current public notification efforts, including those that were part of the negotiated agreement in 1998. The District should publish an annual advertisement in newspapers in the spring of each year, containing information on the nature of mosquito control treatments and accurate, objective information on the insecticides used. Our review of other states showed that this is a commonly used method of public notification. We also think the District should continue posting notices of adult mosquito treatments at the entrances of public parks and recreation areas. This will provide people with information allowing them to avoid exposure to insecticides if they so choose. If

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<sup>26</sup> *Minn. House* (1997), H.F. no. 2320, delete all amendment, Revisor no. H2320A3, 2/10/98.

<sup>27</sup> The District did not ask about the public's awareness of its telephone information line or web site that provide information about adult mosquito treatments.

the Legislature finds in the future that the District has not provided these notifications, then it should consider adding public notification requirements to state law.

## RELATIONSHIP WITH THE PUBLIC

As part of its biennial telephone survey of residents in the Twin Cities area, the District asks people about their awareness of MMCD and its activities. The District says that this survey is “a very useful tool in monitoring citizen needs and expectations, and evaluating the effectiveness of [its] public information efforts.”<sup>28</sup> In its 1998 survey, MMCD found that:<sup>29</sup>

- **Sixty-one percent of people surveyed by the District in 1998 were aware of the Metropolitan Mosquito Control District.**

The proportion of survey respondents who were aware of the District in 1998 was virtually unchanged from prior years. In its 1994 and 1996 surveys, 64 percent and 62 percent of the survey respondents said they were aware of the District.

In 1997, nearly 2,600 people called the headquarters office of the District. Citizens called to request: adult mosquito, breeding site, and biting gnat treatments; treatments at public events; waste tire pick-ups; that property not be treated; and information. Requests for adult mosquito treatments represented 55 percent of all requests, followed by waste tire pick-ups (14 percent), and mosquito breeding site treatments (13 percent). We were unable to determine the number of callers asking that their property not be treated because “no treatment” requests were labeled “immediate response” and grouped with other calls requesting immediate service. During 1998, there was a significant increase (48 percent) in telephone calls from the public, most (62 percent) of which were requests for additional mosquito treatments.

We conducted a mail survey of a random sample of the citizens who called MMCD in 1997.<sup>30</sup> Of the people surveyed, nearly 80 percent said they had called the District to request treatment of larval or adult mosquitoes. When asked to rate their satisfaction, nearly 80 percent said they were “satisfied” or “very satisfied” with the District’s response to their request. Only 8 percent of the people responding said they were “dissatisfied” or “very dissatisfied” with the District’s response. Based on our survey, we conclude that:

- **There is a high level of satisfaction among people requesting service from the Metropolitan Mosquito Control District.**

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**In 1997, requests for adult mosquito treatments represented 55 percent of nearly 2,600 telephone calls to the District.**

<sup>28</sup> Metropolitan Mosquito Control District, *1997 Operational Review and Plans for 1998*: 14.

<sup>29</sup> The question read: “Are you aware of a local government agency called the Metropolitan Mosquito Control District, referred to as MMCD?”

<sup>30</sup> Approximately 2,600 people called the District in 1997 for various reasons. In August 1998, we mailed a questionnaire to a random sample of 368 citizens who called the District in 1997. Of these, 248 responded for a response rate of 67 percent.

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**The District should be careful to present the most accurate information possible to the public.**

Despite high satisfaction ratings from some segments of the population, the Metropolitan Mosquito Control District has found itself in an adversarial position in recent years as environmentalists question the District's operations. During the summer of 1998 there was an intense public relations debate between the District and environmental groups, and we became aware of a certain level of mistrust among the parties involved. In this type of atmosphere, we believe it is crucial for the District to be sensitive to the public's need for information and to exercise the utmost care in presenting the most accurate information possible to the public. Unfortunately, the District might have contributed to feelings of mistrust by making claims that are hard to support, such as the assertion that requests for "no treatment" impair its ability to protect public health and prevent LaCrosse encephalitis. While we have noted that MMCD provides valuable insect-borne disease prevention services, we have also observed that most of the District's adult mosquito treatments are directed at nuisance mosquitoes. Research has shown that the most effective way to prevent LaCrosse encephalitis is to eliminate tree hole mosquito breeding sites. State law gives the District authority to take necessary mosquito control measures in situations of disease outbreak, regardless of refused treatment requests.

We also heard complaints from people who refused the District access to their property in 1998. Early in the summer, District staff sent letters to these people, acknowledging that the District had received and would honor their request. The letter also tried to persuade property owners to reconsider their request and implied that their refused treatment request might hinder the District's disease prevention activities. The District stopped sending the letter after it received negative reactions about the letter's content. We think that MMCD should make more of an effort to present balanced, accurate information to the public.

## SUMMARY

The Metropolitan Mosquito Control District is governed by a 17-member commission composed of county board members from participating counties. The Commission is considered a "special taxing district." As far as we can determine, the Commission generally has complied with most state laws designed to provide public accountability. Our study revealed that the Commission did not file a financial report with the Legislature in 1996 and it has not always classified information on citizens as required under the state Data Practices Act.

We do not recommend major changes in the governance structure of the District, but the Legislature should consider reducing the size and changing the composition of the Commission. We suggest that representatives from a couple of state agencies and/or public members appointed by the Governor could be added to the Commission. We also recommend that the District evaluate the composition of its Technical Advisory Board and formalize the structure, roles, responsibilities, and appointment process for the board.

The District has a responsibility to notify citizens of the Twin Cities area about its activities. The District currently does this using a telephone information line, web site, telephone calls to people requesting notification, posting notices of adult mosquito applications on public land, and other techniques. We recommend that

the Commission develop a public notification policy that addresses both larval and adult mosquito control activities. We also recommend that the District continue the level of public notification it provided during the summer of 1998.

This chapter reported that 61 percent of people surveyed by the District in 1998 indicated that they were aware of the District. Nearly 80 percent of the people who called the District in 1997 and were surveyed as part of our study indicated that they were “satisfied” or “very satisfied” with the District’s response to their phone call. However, there is also a level of mistrust between the District and some environmental groups that the District might be able to reduce by presenting more accurate and balanced information about its operations.