



**Marin Chapter
California Civil Grand Jurors' Association**

January 23, 2015

Alto Sanitary District
Attention: Mr. T. Roberts, Manager
P.O. Box 163
Mill Valley, CA 94942

Dear Mr. Roberts,

Re: The Scoop on Marin County Sewer Systems, Parts I and II

I am writing to you as a member of the Implementation Review Committee of the Marin Chapter of the California Civil Grand Jurors' Association. Our Association's goals are to support the civil grand jury system and promote local government accountability. Our Chapter is composed of former Marin County Civil Grand Jurors. One of the tasks of the Implementation Review Committee is to follow-up on responses to prior Grand Jury recommendations to ascertain the status of their implementation.

Specifically, we are following up on recommendation responses presented in your September 5 2014 and October 7, 2014 letters concerning the Marin County Civil Grand Jury's June 16, 2014 reports, titled "**The Scoop on Marin County Sewer Systems, Parts I and II**". The recommendations and your responses are attached in Exhibit 1. For ease of reference, we have also attached Penal Code Section 933.05 which governs the requirements for responses to grand jury reports as well as the standard Response to Grand Jury Report Forms.

Part I

Alto's responses to Recommendations R1, R3, R4, R5 and R6 were legally inadequate because there is no statement that the recommendations have been implemented, will be implemented, require further analysis, or will not be implemented. This is normally done on the report form that accompanies an agency's response, attached herewith. While we think that we understand some of your responses, we are requesting that you complete the attached report form and provide a summary supporting the status of each recommendation, as outlined by the Penal Code.

With respect to your response to Recommendation R6, the Penal Code allows for a six-month window to conduct further analysis which has now passed. We assume that you have conducted the further analysis and are requesting a copy of your assessment and conclusions.

Part II

Alto's responses to Recommendations R3, R6, R7, R8 and R10 were legally inadequate because there is no statement that the recommendations have been implemented, will be implemented, require further analysis, or will not be implemented. Again, while we think that we understand

some of your responses, we are requesting that you complete the attached report form and provide a summary supporting the status of each recommendation, as outlined by the Penal Code.

I will call in the near future to answer any questions that you may have regarding this request. Please send your reply by February 20, 2015, electronically, to the undersigned, Helene Marsh, at marsh.helene@gmail.com. We appreciate your cooperation.

Sincerely yours,

Helene Marsh
Member of the Implementation Review Committee
Director, Marin Chapter of the California Grand Jurors' Association
Tel: 415-300-7233
marsh.helene@gmail.com

EXHIBIT 1

Recommendations and Responses

“The Scoop on Marin County Sewer Systems, Parts I and II”, June 16, 2014

PART I

- R1. Recommendation R1:** All districts must work to eliminate spills, through in-depth analysis and investment in infrastructure
Response: Agreed. We consider this to be the single most important function the sanitary districts perform.
- R3. Recommendation 3:** All agencies adopt an ordinance that will require private laterals to be inspected routinely and repaired as necessary.
Response: Alto S.D., along with the other SASM agencies, has adopted an Ordinance requiring that owners of malfunctioning private sewer laterals must undertake repairs or replacement of such laterals.
- R4. Recommendation 4:** All agencies conduct an analysis to determine the feasibility of using treated wastewater for flushing pipes in routine maintenance work.
Response: Through our representative on the SASM Board of Directors, Alto S.D. is supporting the current study by SASM into the feasibility of the wastewater utilization program. Alto will certainly require use of this water for cleaning and flushing purposes, if and when it becomes available and is competitively priced.
- R5. Recommendation 5:** All agencies continue to cooperate with each other and find further ways to reduce costs.
Response: Agreed.
- R6. Recommendation 6:** Alto, Almonte and Homestead Valley pursue further merging of operations and administration, including creating one website for the three districts.
Response: Agreed. Alto will consider joining with the other districts to establish a common website.

PART II

- R3. Recommendation R3:** Alto and Homestead Valley establish designated annual financial reserve amounts.
Response: Alto is in the process of building up our reserve fund, which was seriously depleted in recent years due to the expense of complying with the regulatory agencies' mandates for system-wide televising and cleaning.

- R6. Recommendation R6:** Alto and Homestead Valley develop Overflow Emergency Response Manuals that describe the Overflow Emergency Response Plan per SWRCB Order 2006-0003-DWQ, p.12, Overflow Emergency Response Plan, item vi.
Response: Alto has no staff and so has not developed such a manual. Our maintenance contractor Roto Rooter Sewer Service has adopted a manual for use in training their employees based on the SASM prototype. A copy is included in the attachments.
- R7. Recommendation R7:** Alto, Bolinas Public Utility District, Homestead Valley, Mill Valley and Tomales Village Community Services District develop Overflow Emergency Response Training Manuals.
Response: See R6
- R8. Recommendation R8:** Alto, San Rafael, Sanitary District #2 and SASM develop and operate an internet website. The website should include, at a minimum, details of the agency and its leadership, board meeting agendas and minutes, an annual budget, audited financial statements, and the SSMP including the OER.
Response: Alto will consider complying with this recommendation.
- R10. Recommendation R10:** Alto and Homestead Valley make their SSMPs available at an accessible location within the communities in which they are located.
Response: There are no public facilities open to the general public within the boundaries of the district. However, the district will consider arranging for the SSMP to be made available at a nearby facility approximately one-half mile from Alto.

EXHIBIT II

Penal Code Section 933.05

933.05.

(a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following: (1) The respondent agrees with the finding. (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor. (b) For purposes of subdivision

(b) Of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions: (1) The recommendation has been implemented, with a summary regarding the implemented action. (2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation. (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report. (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

(c) However, if a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the board of supervisors shall respond if requested by the grand jury, but the response of the board of supervisors shall address only those budgetary or personnel matters over which it has some decision-making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department. (d) A grand jury may request a subject person or entity to come before the grand jury for the purpose of reading and discussing the findings of the grand jury report that relates to that person or entity in order to verify the accuracy of the findings prior to their release. (e) During an investigation, the grand jury shall meet with the subject of that investigation regarding the investigation, unless the court, either on its own determination or upon request of the foreperson of the grand jury, determines that such a meeting would be detrimental. (f) A grand jury shall provide to the affected agency a copy of the portion of the grand jury report relating to that person or entity two working days prior to its public release and after the approval of the presiding judge. No officer, agency, department, or governing body of a public agency shall disclose any contents of the report prior to the public release of the final report.

Report Title: *The Scoop on Marin County Sewer Systems: Part I,*

Report Date: June 10, 2014

Public Release Date: June 16, 2014

Response by: September 14, 2014

FINDINGS

- I (we) agree with the findings numbered: _____
 - I (we) disagree wholly or partially with the findings numbered: _____
- (Attach a statement specifying any portions of the findings that are disputed; include an explanation of the reasons therefor.)**

RECOMMENDATIONS

- Recommendations numbered _____ have been implemented.
(Attach a summary describing the implemented actions.)
- Recommendations numbered _____ have not yet been implemented, but will be implemented in the future.
(Attach a timeframe for the implementation.)
- Recommendations numbered _____ require further analysis.
(Attach an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed **six months from the date of publication of the grand jury report.)**
- Recommendations numbered _____ will not be implemented because they are not warranted or are not reasonable.
(Attach an explanation.)

Date: _____ Signed: _____

Number of pages attached _____

Report Title: The Scoop on Marin County Sewer Systems: Part II,

Report Date: June 10, 2014

Public Release Date: June 16, 2014

Response by: September 14, 2014

FINDINGS

- I (we) agree with the findings numbered: _____
 - I (we) disagree wholly or partially with the findings numbered: _____
- (Attach a statement specifying any portions of the findings that are disputed; include an explanation of the reasons therefor.)**

RECOMMENDATIONS

- Recommendations numbered _____ have been implemented.
(Attach a summary describing the implemented actions.)
- Recommendations numbered _____ have not yet been implemented, but will be implemented in the future.
(Attach a timeframe for the implementation.)
- Recommendations numbered _____ require further analysis.
(Attach an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed **six months from the date of publication of the grand jury report.)**
- Recommendations numbered _____ will not be implemented because they are not warranted or are not reasonable.
(Attach an explanation.)

Date: _____ Signed: _____

Number of pages attached _____

EXHIBIT 1

Recommendations and Responses

“The Scoop on Marin County Sewer Systems, Parts I and II”, June 16, 2014

PART I

- R1. Recommendation R1:** All districts must work to eliminate spills, through in-depth analysis and investment in infrastructure
Response: Agreed. We consider this to be the single most important function the sanitary districts perform.
- R3. Recommendation 3:** All agencies adopt an ordinance that will require private laterals to be inspected routinely and repaired as necessary.
Response: Alto S.D., along with the other SASM agencies, has adopted an Ordinance requiring that owners of malfunctioning private sewer laterals must undertake repairs or replacement of such laterals.
- R4. Recommendation 4:** All agencies conduct an analysis to determine the feasibility of using treated wastewater for flushing pipes in routine maintenance work.
Response: Through our representative on the SASM Board of Directors, Alto S.D. is supporting the current study by SASM into the feasibility of the wastewater utilization program. Alto will certainly require use of this water for cleaning and flushing purposes, if and when it becomes available and is competitively priced.
- R5. Recommendation 5:** All agencies continue to cooperate with each other and find further ways to reduce costs.
Response: Agreed.
- R6. Recommendation 6:** Alto, Almonte and Homestead Valley pursue further merging of operations and administration, including creating one website for the three districts.
Response: Agreed. Alto will consider joining with the other districts to establish a common website.

PART II

- R3. Recommendation R3:** Alto and Homestead Valley establish designated annual financial reserve amounts.
Response: Alto is in the process of building up our reserve fund, which was seriously depleted in recent years due to the expense of complying with the regulatory agencies' mandates for system-wide televising and cleaning.

ALTO SANITARY DISTRICT
P.O. BOX 163
MILL VALLEY, CA 94942

- R6. Recommendation R6:** Alto and Homestead Valley develop Overflow Emergency Response Manuals that describe the Overflow Emergency Response Plan per SWRCB Order 2006-0003-DWQ, p.12, Overflow Emergency Response Plan, item vi.
Response: Alto has no staff and so has not developed such a manual. Our maintenance contractor Roto Rooter Sewer Service has adopted a manual for use in training their employees based on the SASM prototype. A copy is included in the attachments.
- R7. Recommendation R7:** Alto, Bolinas Public Utility District, Homestead Valley, Mill Valley and Tomales Village Community Services District develop Overflow Emergency Response Training Manuals.
Response: See R6
- R8. Recommendation R8:** Alto, San Rafael, Sanitary District #2 and SASM develop and operate an internet website. The website should include, at a minimum, details of the agency and its leadership, board meeting agendas and minutes, an annual budget, audited financial statements, and the SSMP including the OER.
Response: Alto will consider complying with this recommendation.
- R10. Recommendation R10:** Alto and Homestead Valley make their SSMPs available at an accessible location within the communities in which they are located.
Response: There are no public facilities open to the general public within the boundaries of the district. However, the district will consider arranging for the SSMP to be made available at a nearby facility approximately one-half mile from Alto.

Report Title: The Scoop on Marin County Sewer Systems: Part I,

Report Date: June 10, 2014

Public Release Date: June 16, 2014

Response by: September 14, 2014

FINDINGS

- I (we) agree with the findings numbered: R1, R3, R5
- I (we) disagree wholly or partially with the findings numbered: R4, R6
(Attach a statement specifying any portions of the findings that are disputed; include an explanation of the reasons therefor.)

RECOMMENDATIONS

- Recommendations numbered R3, R5, R6 have been implemented.
(Attach a summary describing the implemented actions.)
- Recommendations numbered _____ have not yet been implemented, but will be implemented in the future.
(Attach a timeframe for the implementation.)
- Recommendations numbered R1 require further analysis.
(Attach an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed **six months** from the date of publication of the grand jury report.)
- Recommendations numbered R4 will not be implemented because they are not warranted or are not reasonable.
(Attach an explanation.)

Date: 2/15/15 Signed: Roger Paskett

Number of pages attached 2

ALTO SANITARY DISTRICT
P.O. BOX 163
MILL VALLEY, CA 94942

The Scoop on Marin County Sewer Systems, Parts I and II Responses to Recommendations for Letter Dated January 23, 2015

Part I

R1: All districts must work to eliminate spills, through in-depth analysis and investment in infrastructure.

Response: Agree but require further analysis to implement.

1. The SASM Flow Study of 2014/15 was conducted which will provide an analysis of Infiltration and inflows into all of SASM's member agencies which includes Alto Sanitary District.
2. We are working on a ten-year Capital Improvement Plan that, if implemented, will replace 80% of our system to by the year 2025. My goal is to get the CIP budget approved by July 1, 2015.

R3: All agencies adopt an ordinance that will require private laterals to be inspected routinely and repaired as necessary.

Response: Agree and has been implemented.

1. Alto Sanitary District ordinance 2014-01, AN ORDINANCE REGULATING THE CONSTRUCTION, USE AND MAINTENANCE OF PRIVATE SEWER LATERALS IN THE ALTO SANITARY DISTRICT provides several provisions for enforcement of standards. These include:
 - a. New sewer service lateral required for new construction.
 - b. Connection permit requirement for new lateral connections.
 - c. Definition of illegal connections to sewer laterals (e.g. storm drains)
 - d. Triggers that result in the sewer service lateral being inspected including overflows, building remodeling, and transfer of property title to name a few.
 - e. Obligations of the owner resulting from the triggers outlined in item d.
 - f. Provisions for recourse in the event of a failure to comply.

R4: All agencies conduct an analysis to determine the feasibility of using treated wastewater for flushing pipes in routine maintenance work.

Response: Disagree

1. This is not feasible now because there are currently no facilities for filling hydro jet trucks at the SASM wastewater plant. And even if there were, the time it would take the crews to leave their jobsite to fill up at SASM would be inefficient and prohibitively expensive.

R5: All agencies continue to cooperate with each other and find further ways to reduce costs.

Response: Agree and has been implemented as follows.

1. Monthly meetings of the managers of all member agencies to inform each other and to collaborate on projects where appropriate.
2. Districts have an agreement to share resources with each other whenever needed.

The Scoop on Marin County Sewer Systems, Parts I and II
Responses to Recommendations for Letter Dated January 23, 2015

3. Share costs for capital improvement projects like the recent Infiltration/Inflow study that is currently active and will be complete by March 30, 2015.

R6: Alto, Almonte and Homestead Valley pursue further merging of operations and administration, including creating one website for the three districts.

Response: Partially Agree and partially implemented.

1. Monthly meetings of the managers of all member agencies continue to be held to inform each other and collaborate on joint capital improvement projects whenever possible.
2. Websites must remain separate because each entity is separate. But we are sharing web hosting services. Alto now has a website using this arrangement.

ALTO SANITARY DISTRICT
P.O. BOX 163
MILL VALLEY, CA 94942

Report Title: The Scoop on Marin County Sewer Systems: Part II,

Report Date: June 10, 2014

Public Release Date: June 16, 2014

Response by: September 14, 2014

FINDINGS

- I (we) agree with the findings numbered: R3, R6, R8
 - I (we) disagree wholly or partially with the findings numbered: R7, R10
- (Attach a statement specifying any portions of the findings that are disputed; include an explanation of the reasons therefor.)**

RECOMMENDATIONS

- Recommendations numbered R6, R8, R10 have been implemented.
(Attach a summary describing the implemented actions.)
- Recommendations numbered R3 have not yet been implemented, but will be implemented in the future.
(Attach a timeframe for the implementation.)
- Recommendations numbered _____ require further analysis.
(Attach an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed **six months from the date of publication of the grand jury report.)**
- Recommendations numbered R7 will not be implemented because they are not warranted or are not reasonable.
(Attach an explanation.)

Date: 2/15/15 Signed: Roger Parkett

Number of pages attached 1

ALTO SANITARY DISTRICT
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MILL VALLEY, CA 94942

The Scoop on Marin County Sewer Systems, Parts I and II
Responses to Recommendations for Letter Dated January 23, 2015

Part II

R3: Alto, Almonte and Homestead Valley establish designated annual financial reserve amounts.

Response: Agree but further analysis required.

1. Alto's financial reserve goal is the amount to cover one year's operating expenses. Based on budgetary projection analysis to be conducted this winter and spring the Alto Sanitary District board plans to vote on a budget by July 1, 2015 that will include a plan for building this fund.

R6: Alto and Homestead Valley develop Overflow Emergency Response Manuals... that describe the Overflow Emergency Response Plan. ..

Response: Agree and implemented.

1. The Sewer System Management Plan (SSMP) of Alto Sanitary District, updated May 28, 2014 is our manual. Section 3 contains our Overflow Emergency Response Plan.

R7: Alto ... develop Overflow Emergency Response Training Manuals.

Response: Disagree.

1. Alto has no staff that responds to SSO events. This is done by our contractor, Roto-Rooter. A copy of their training manual was included in a previous response.

R8: Alto ... operate an internet website..

Response: Agree and has been implemented.

1. Current website is www.AltoSanitaryDistrict.org.

R10: Alto ... make their SSMPs available at an accessible location within the communities in which they are located.

Response: Partially Agree and partially implemented.

1. As mentioned in a previous response, there is no public facility within the district to keep a copy of the SSMP but it is kept at the Sewerage Agency of Southern Marin facility one-half mile from the Alto Sanitary District boundary.
2. A copy of the SSMP will be posted on the Alto Sanitary District website within six months.

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MILL VALLEY, CA 94942