



Board of Supervisors COUNTY OF TULARE AGENDA ITEM

BOARD OF SUPERVISORS

KUYLER CROCKER
District One

PETE VANDER POEL
District Two

AMY SHUKLIAN
District Three

EDDIE VALERO
District Four

DENNIS TOWNSEND
District Five

AGENDA DATE: July 9, 2019

Public Hearing Required	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Scheduled Public Hearing w/Clerk	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Published Notice Required	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Advertised Published Notice	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Meet & Confer Required	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Electronic file(s) has been sent	Yes <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
Budget Transfer (Aud 308) attached	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Personnel Resolution attached	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
Agreements are attached and signature line for Chairman is marked with tab(s)/flag(s)	Yes <input type="checkbox"/>	N/A <input checked="" type="checkbox"/>
CONTACT PERSON: Samantha Ferrero PHONE: 559-636-5000		

SUBJECT: Grand Jury Response – Water, Water, Everywhere, Not a Drop to Drink

REQUEST(S):

That the Board of Supervisors:

1. Consider, modify as needed, and approve the responses to the 2018/2019 Tulare County Grand Jury Final Report entitled, "Water, Water, Everywhere, Not a Drop to Drink";
2. Authorize the Chairman to sign the response letter.

SUMMARY:

The 2018/2019 Tulare County Grand Jury Final Report requests a response from the Board of Supervisors regarding the report entitled: "Water, Water, Everywhere, Not a Drop to Drink". A copy of the report is included with this agenda item.

The Board is required to provide comments to the Presiding Judge of the Superior Court within 90 days after the report is filed with the Presiding Judge.

The draft response to the report is attached for consideration. It is requested the Board modify the draft, as needed, approve the response to the Grand Jury, and authorize the Chairman to sign the Response Letter.

FISCAL IMPACT/FINANCING:

There is no Fiscal Impact associated with the response to this request.

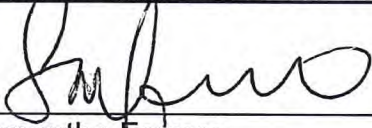
LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

The County's Strategic Plan includes the Organizational Performance Initiative,

SUBJECT: Grand Jury Response – Water, Water, Everywhere, Not a Drop to Drink
DATE: July 9, 2019

which provides for the objective evaluation and measurement of County program performance. The Board's approval of the Grand Jury Final Report responses assist in the fulfillment of this initiative by ensuring accurate information is available to all residents.

ADMINISTRATIVE SIGN-OFF:



Samantha Ferrero
Board Representative

cc: County Administrative Office

Attachment(s) Grand Jury Report – Water, Water, Everywhere, Not a Drop to Drink
Draft Response Letter

**BEFORE THE BOARD OF SUPERVISORS
COUNTY OF TULARE, STATE OF CALIFORNIA**

IN THE MATTER OF GRAND JURY)
RESPONSE – WATER, WATER,) Resolution No. _____
EVERYWHERE, NOT A DROP TO DRINK) Agreement No. _____

UPON MOTION OF SUPERVISOR _____, SECONDED BY
SUPERVISOR _____, THE FOLLOWING WAS ADOPTED BY THE
BOARD OF SUPERVISORS, AT AN OFFICIAL MEETING HELD _____
_____, BY THE FOLLOWING VOTE:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: JASON T. BRITT
COUNTY ADMINISTRATIVE OFFICER/
CLERK, BOARD OF SUPERVISORS

BY: _____
Deputy Clerk

* * * * *

1. Considered, modified as needed, and approved the responses to the 2018/2019 Tulare County Grand Jury Final Report entitled, "Water, Water, Everywhere, Not a Drop to Drink";
2. Authorized the Chairman to sign the response letter.



TULARE COUNTY GRAND JURY
 5963 S Mooney Boulevard Visalia, CA 93277
 PHONE: (559) 624-7295
 FAX: (559) 733-6078
 E-MAIL: grnd_jury@co.tulare.ca.us
 WEB: http://tularecounty.ca.gov/grandjury/

ATTENTION: Chairman Kuyler Crocker
 AGENCY: Tulare County Board of Supervisors
 ADDRESS: 2800 W. Burrel Avenue, Visalia, CA 93291

California Penal Code §933.05 (f) mandates that the Tulare County Grand Jury provide a copy of the portion of the final Report that affects that agency or person of that agency two working days prior to its public release. Advance release or disclosure of a Grand Jury Report is prohibited prior to its public release.

Attached is a copy of your portion of the 2018-2019 Tulare County Grand Jury Final Report.

California Penal Code §933(c) requires a response to said document. Depending on the type of respondent you are, a written response is required as follows:

- PUBLIC AGENCY:** The governing body of any public agency that is required to respond must do so within NINETY (90) DAYS from the date this report was approved as final by the Presiding Judge.
- ELECTIVE OFFICER OR AGENCY HEAD:** All elected officers or heads of agencies that are required to respond must do so within SIXTY (60) DAYS from the date this report was approved as final by the Presiding Judge.

Please be advised, this portion of the final report was approved as final by the Presiding Judge on 05/01/19.

YOU MUST SEND YOUR RESPONSE TO EACH OF THE FOLLOWING:

The Honorable Judge David Mathias
 County Civic Center, Room 303
 221 S Mooney Blvd
 Visalia, CA 93291

Tulare County Grand Jury
 5963 S Mooney Blvd
 Visalia, CA 93277

Tulare County Board of Supervisors
 2800 W. Burrel Ave
 Visalia, CA 93291
 (For County Agencies Only)

Received by: [Signature]

Date: 5/6/19

Report Name: Water, Water Everywhere, Not a Drop to Drink

Response Due by: August 5, 2019

Delivered by: [Signature]

Date and Time: 5/6/2019 11:41 AM

Release Date: May 9, 2019

Ron White, Foreman 2018/2019 Tulare County Grand Jury

PREPARE A SEPARATE RESPONSE FOR EACH REPORT

California Penal Code §933.05 mandates the manner in which responses are to be answered.

See reverse for Penal Code §933.05 information.

§933.05. Response to Grand Jury Recommendations--Content Requirements; Personal Appearance by Responding Parry; Grand Jury Report to Affected Agency

(a) For purposes of subdivision (b) of §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 therefore.

(b) For purposes of subdivision (b) of §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 time frame 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 therefore:

(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 finding 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.

WATER, WATER EVERYWHERE, NOT A DROP TO DRINK

BACKGROUND:

Yettem and Seville are disadvantaged communities located in northern Tulare County, approximately nine miles north of the City of Visalia, with populations of approximately 300 and 545, respectively.

In 2009, Tulare County accepted a request to become the court appointed receiver for the Seville Water Company (SWC), which provided water to the community of Seville. The SWC system was aging and had not been properly maintained for several years. There were frequent leaks in the pipes and the well was unable to meet the need of the community. There were also frequent water outages during the summer months.

In the case of Yettem, the State required Tulare County to build the sewer and water system in the 1990's after private wells began failing. The county continues to be the owner and operator.

REASON FOR INVESTIGATION:

The Grand Jury became aware of the lengthy process of establishing the Community Service District (CSD) for the Yettem-Seville communities and the establishment of a potable water source for the communities including Stone Corral School.

METHOD OF INVESTIGATION:

1. The Grand Jury interviewed several witnesses
2. Reviewed specific documents

FACTS:

1. Tulare County has been the owner operator of the Yettem water system since 1995.
2. Yettem and Seville have issues with nitrate contamination in their water supply.
3. Yettem has problems with low water pressure in the fire hydrants.
4. There is a "boil-water" notice in effect for both communities.
5. Due to the close proximity and similar needs of both communities, the county determined that it would be best to connect both systems in order to lower the costs and apply for state grants.

6. Self-Help Enterprises and Community Water Center assisted the communities by organizing, educating, and advocating for the formation of the CSD.
 7. In November 2018, the residents of Yettem and Seville voted to combine the two systems and create one CSD.
 8. The county has encountered numerous delays in constructing the system due to:
 - a. Coordinating the requirements of State Water Resource Control Board, Department of Transportation, and Department of Fish and Wildlife.
 - b. Funding sources from the State Water Resources Control Board.
 - c. No State Laws being established to coordinate the project.
 9. Households in the communities receive bottled water deliveries which are expected to continue until June of 2020.
 10. Yettem and Seville will receive new fire hydrants.
 11. Even though the residents established a CSD, the County will be responsible to complete the water project before turning the system over to the CSD.
 12. The long term goal of Yettem, Seville, Cutler, Orosi, East Orosi, Munson, and Sultana, communities is to create a regional water system.
 13. The total cost to Tulare County to manage the process over the ten year period was approximately \$270,000.
-
14. The total cost for the system, which includes phase one and two, will be in excess of \$8,000,000, funded by grants from the State.

FINDINGS:

- F1. It has been at least 10 years without a potable water system for both committees.
 - F2. The County had to coordinate with various state agencies to begin, causing delays in the project.
 - F3. The North Tulare County Water Alliance has been formed to develop a long term solution to address the drinking water and water supply needs of the communities of Yettem, Seville, Cutler, Orosi, East Orosi, Munson, and Sultana.
-

CONCLUSION:

The Yettem-Seville project will create the following benefits:

1. Potable water
2. Consistent water supply
3. New infrastructure
4. Water quality (reduction of nitrates below the maximum contaminate level)
5. Fire protection (new fire hydrants and higher flow capacity)
6. New water meters (smart water meters which can reduce water usage by nine percent)
7. Redundant water supply
8. Local control of the system

RECOMMENDATIONS:

- R1. The coordination of policies should be documented to provide useful guidelines for future projects with State agencies.
- R2. Tulare County Board of Supervisors and Resource Management Agency should explore ways to accelerate their efforts in completing the water system in Yettem-Seville.

REQUIRED RESPONSE:

Tulare County Board of Supervisors Findings F1, F3 Recommendations R1, R2

INVITED RESPONSE:

Resource Management Agency Findings F1, F3 Recommendations R1, R2

Disclaimer

Grand Jury reports are based on documentary evidence and the testimony of sworn or admonished witnesses, not on conjecture or opinion. However, the Grand Jury is precluded by law from disclosing such evidence except upon specific approval of the Presiding Judge of the Superior Court, or another judge appointed by the Presiding Judge (Penal Code Section 911, 924.1 (a) and 929). Similarly, the Grand Jury is precluded by law from disclosing the identity of witnesses except upon an order of the court for narrowly defined purposes (Penal Code Section 924.2 and 929).

June 25, 2019

The Honorable David Mathias
Tulare County Superior Court
County Civic Center, Room 303
221 South Mooney Boulevard
Visalia, CA 93291

RE: Grand Jury Report: "Water, Water, Everywhere, Not a Drop to Drink"

Dear Judge Mathias:

On behalf of the Board of Supervisors, the following are the Board's responses to the findings and recommendations included in the 2018/2019 Tulare County Grand Jury Report titled "Water, Water, Everywhere, Not a Drop to Drink." The Board of Supervisors has consulted with the Resource Management Agency and the Tulare County Water Resources Program Manager to assist with these responses.

Findings and Board Responses

Finding 1

It has been at least 10 years without a potable water system for both committees

Response: The Board partially agrees with this finding. The Board agrees with this finding as it pertains to the community of Seville but not as it pertains to the community of Yettam.

Yettam has had a potable water system in place since 1994 which has experienced limited disruptions to service over the last ten years. There have been few brief instances where nitrate contamination required the County to issue a "Do Not Drink" notice.

The Board of Supervisors agrees that the community of Seville has been at least ten years without a potable water system. This is because Seville has been on a continuous "Boil Water" notice and has had intermittent water outages and other issues with potable water delivery. For these reasons, the County became the receiver for the Seville Water Company in 2009.

Finding 2

The County had to coordinate with various state agencies to begin, causing delays in the project.

Response: The Board agrees with this finding.

Finding 3

The North Tulare County Water Alliance has been formed to develop a long term solution to address the drinking water and water supply needs of the communities of Yettem, Seville, Cutler, Orosi, East Orosi, Munson, and Sultana.

Response: The Board partially agrees with this finding. The County has entered into a Joint Powers Agreement to form the North Tulare County Regional Water Alliance with the following districts: Sultana Community Services District, representing the community of Sultana and Monson, and the East Orosi Community Services District, representing the community of East Orosi. The Cutler Public Utilities District, representing the community of Cutler; and the Orosi Public Utilities District, representing the community of Orosi, both have chosen not to enter into the JPA.

Recommendations and Board Responses

Recommendation 1

The coordination of policies should be documented to provide useful guidelines for future projects with State agencies

Response: The Board agrees with this finding. The Resource Management Agency has tasked staff with documenting the progress of this project to help direct future projects in working with the various state agencies associated with this project.

Recommendation 2

Tulare County Board of Supervisors and Resource Management Agency should explore ways to accelerate their efforts in completing the water system in Yettem-Seville.

Response: The Board agrees with this finding. The Resource Management Agency has begun construction on Phase 1 of the project, which will construct a new potable water system in Seville and will be completed in Fall 2019. The County's Resource Management Agency is preparing a funding application to the State Water Resources Control Board to construct Phase 2 of the project, which would include a pipeline connecting the two community water systems and an additional well. Resource Management Agency staff have been working with the various state agencies, non-profits, and the newly formed Yettem-Seville Community Services District to expedite the second phase of the project should funding from the State Water Resources Control Board be denied or unreasonably delayed.

The Board of Supervisors is continuously lobbying for funding from the state for water-related projects.

Sincerely,

Kuyler Crocker, Chairman
Tulare County Board of Supervisors

cc: Tulare County Grand Jury
Resource Management Agency