



*JAPS
7/5/19*

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**Superior Court of California
County of Tuolumne**

By: *Diana Noley* Clerk

June 27, 2019

The Honorable Donald Segerstrom
Superior Court Judge of Tuolumne County
60 North Washington Street
Sonora, CA 95370

Dear Judge Segerstrom,

We have received and reviewed the 2018/19 Grand Jury Report. In accordance with California Penal Code §933(c), included herein please find our comments on the Report's findings and recommendations pertaining to matters under the control of the governing body of the Groveland Community Services District.

Comments on Findings:

F1. GCSD is financially stressed and does not have the funds to maintain and replace all its equipment and technology needs.

GCSD Comments: *The District agrees with this statement. It is certainly a challenge to fund very complex and expensive public services with only a small customer/taxpayer base paying the entire cost.*

F2. There is inadequate staffing to perform standard maintenance.

GCSD Comments: *The District agrees with this statement regarding certain water system preventative maintenance. However, the District disagrees on the maintenance of vehicles, equipment and sewer system infrastructure; which is maintained to industry and safety standards.*

F3. The high cost of the fire and park areas under the jurisdiction of GCSD is not sustainable under the current budget projections.

GCSD Comments: *The District agrees with this statement.*

F4: Wastewater issues regarding lift stations and routine maintenance are not being properly addressed.

GCSD Comments: *The District disagrees with this statement. Response to issues pertaining to lift stations and other sewer system infrastructure, are maintained to industry and safety standards. There is no technical evidence in the documentation referenced in the report to support this finding.*

F5: Other sources of revenue generation or enterprises are not being fully utilized as they

were in the past, such as accepting mobile and industrial waste hauler tank truck loads (dumps) for a fee.

GCS D Comments: *While the District agrees in part with this statement, it is important to understand that the District continues to consider other sources of revenue as long as they do not negatively affect the treatment operations or have hidden costs that outweigh the added revenue. As an example, the District no longer accepts septic waste from haulers due to its disruption of the treatment plant's treatment process and because the cost of processing the waste exceeded the revenue collected.*

F6. GCS D is funding subcontractors for jobs that fall under the duties and obligations of the General Manager Consultant.

GCS D Comments: *While the District agrees with this statement, it is important to understand that while the General Manager is responsible for managing the District and its operations, it is not unusual for a municipality such as the District to retain contractors and subcontractors to aid the Manager in fulfilling that management responsibility. As it is allowed to, the District will continue to contract with contractors and consultants it deems necessary to meet its operational and management needs of the District.*

F7: There is no time conflict in the General Manager Consultant representing several water districts at one time. However, given the new full-time employment position of a GCS D General Manager, there is a time conflict in the ability to perform full-time duties and part-time work at several other districts.

GCS D Comments: *The District agrees with a part of this statement. However, as set forth in the contract, the consultant GM was not expected to work full time at GCS D prior to May 14, 2019.*

F8: Confrontational, intimidating behaviors toward rate-payers by GCS D representatives has occurred.

GCS D Comments: *The District agrees with this statement.*

F9. The GCS D is heavily scrutinized by a small group of community members who emphasize shortcomings while not equally acknowledging improvements.

GCS D Comments: *The District agrees with this statement.*

F10. Board meetings are excessively long.

GCS D Comments: *The District disagrees with this statement. There are no standards set for Board meeting length or number of agenda items heard.*

F11. Board minutes do not adequately capture the substance of the meetings.

GCS D Comments: *The District disagrees with this statement. The board meeting minutes accurately contain a record of action taken, as required by law. Each Board meeting is recorded and available to the public on its website.*

F12. The GCS D website is difficult to navigate.

GCS D Comments: *The District disagrees with this statement.*

Comments on Recommendations:

R1 : Increase field staff in 2019 to maintain reliability, efficiency and long-term health of the GCSD (F1, F2, F4).

GCSD Response: *The District is proposing in its draft budget to increase field staffing in the 2019/20 fiscal year.*

R2: Investigate the use of designated reserves and other creative sources of revenue for the wastewater system to address the current "crisis" or "reactionary" mode of operations (F1, F5).

GCSD Response: *The District budgets every year to deposit and/or spend money from appropriate reserves to fund maintenance and capital projects. The District is proposing to increase staffing to increase preventative maintenance on the water system. The sewer system is currently provided industry standard routine preventative maintenance.*

R3: Pursue a voter bond measure or special tax in the next two years to offset park and fire services costs (F3).

GCSD Response: *The District will consider submitting a revenue (tax or assessment) measure(s) to the voters/property owners in the next two years to fund fire and park services. Prior to the expensive development of a GCSD revenue measure, the District is first working cooperatively with the county on a potential county-wide fire tax measure.*

R4: To mitigate odors, hire a vacuum truck and thoroughly clean and flush to remove solids from all lift stations when the odors are the worst and complaints occur, which currently includes Lift Station 2 and 7 (F2, F4).

GCSD Response: *The District hired a vacuum truck contractor in April 2019 to clean manholes and has incorporated that contracting work into its annual maintenance budget.*

R5: Implement regular, on-going, routine procedures for maintenance of the wastewater collection system, and hire a designated pump station field maintenance staff for regular and routine upkeep (F2, F4).

GCSD Response: *The District currently employs certified wastewater collection system maintenance and mechanic staff. A regular, routine procedure for maintenance of the wastewater collection system including sewer lift pump maintenance has been occurring on an ongoing basis, including the 2018/19 fiscal year.*

R6: Invoice the General Manager Consultant for past GCSD payments to consultants/subconsultants that performed the job duties of the GM Consultant, and amend the 2018/2019 Budget to remove overlapping service expenses (F1, F6).

GCSD Response: *The District will not invoice the General Manager's consulting firm for the cost of consultants/sub-consultants hired to perform specialized duties.*

R7. Create a procedure regarding communications with the public that includes training of consultants/subconsultants on how to handle sensitive and difficult issues and complaints (F6, F8, F9).

GCSD Response: *The District will include training of consultants/sub-consultants, if appropriate based on the tasks assigned, on the District policies and procedures for handling difficult issues and complaints.*

R8. Undertake an annual community building event (such as a picnic or potluck) that is out of the board room context and encourage open discourse among rate-payers, staff, and Board members to foster better relationships. (F8, F9).

GCS D Response: *The District will implement its approved communication plan in 2019 which will evaluate the public's interest in participating in community building events with the District. In April 2019, the District began the process of engaging multiple segments of the community, outside of the Board room, in a large scale community improvement/park project which will continue throughout the year.*

R9. Develop a clear reporting structure for handling complaints by identifying and publishing names with contact information including phone numbers for the currently undesignated "outside consultants" identified to field complaints against the GCS D in Resolution 2019-2, and not allow these "outside consultants" to be funded by the GM Consultant (F8, F9).

GCS D Response: *The District will continue to fund outside consultants as needed (versus hiring additional staff) to achieve board goals and objectives, including public outreach/social media, technical human resources, legal, engineering and financial. District consultants are engaged for a specified scope of work, and are not assigned to specifically receive and respond to public complaints. The complaint process referenced in GCS D Resolution 2019-02 is related to sensitive internal matters where the GM is the subject of an employee complaint or grievance that cannot be resolved at the management level. These must be handled carefully and the District has chosen to use an outside third party for such grievance/complaint resolutions. Public complaint resolution is handled through the General Manager or the Board at meetings.*

R10. Combine the public and staff complaint reporting structures for one method for handling complaints in which both the public and GCS D staff have access to the currently undesignated "outside consultants" identified in Resolution 2019-2 (F8, F9).

GCS D Response: *Modifications to the District's complaint process are not necessary. By resolution 2019-02, public complaints are routed through the GM and to the Board if they remain unresolved. Staff complaints are managed in accordance with the Union MOU and District personnel policy and when related to the GM, submitted to an outside consultant for resolution due to the confidential nature of personnel matters.*

R11. Modify the November 2018 Communications Plan to target a date that the GCS D expects to transition from "crisis" mode to "regular and routine" operations mode (F1, F2, F3, F4).

GCS D Response: *Since the 2018 Communication Plan does not address operational matters, modifying it as suggested is unnecessary. Furthermore, the District disagrees with the statement that it operates in "crisis mode."*

R12. Change Board meeting times and agenda items to accommodate more local residents who work during the day and limit meetings to two hours (F9, F10).

GCS D Response: *The Board has held its meeting on different days of the week and times of the day in an attempt to increase attendance. The Board meetings are best attended at their current time and date. The District's goal is to limit meetings to three hours.*

R13: Document the substance of key discussions during Board meetings in Board minutes, and insert a timestamp in Board minutes to cross reference audio recordings (F11).

GCS D Response: *The District's Board meeting minutes will continue to record the actions taken by the Board. The district makes available meeting audio recordings, meeting agendas and*

written materials supporting all items on the agenda. The District is currently researching options for meeting video recording with timestamp capabilities.

R14: Update GCSD website's Board agenda packet links to include labels with dates, active links to the Policy and Procedures Manual, and include all supporting exhibits in Resolution links (F12).

GCSD Response: *The District will perform the recommended website updates as staff time allows.*

R15: Require on-site, regularly scheduled 40 hours for a full-time General Manager (F7).

GCSD Response: *On May 14, 2019 the District entered into a fulltime employment agreement with the General Manager.*

If you have any questions, concerns or comments related to this response, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Janice Kwiatkowski". The signature is written in a cursive style with a large, looping initial "J".

Janice Kwiatkowski
Board President