



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

January 13, 2015

Homestead Valley Sanitary District
Attention: Mr. B. Beuhler
P.O. Box 149
Mill Valley, CA 94942

Dear Mr. Beuhler,

Re: Homestead Valley Sanitary District's responses to 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 July 22, 2014 letter 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 to Part I are attached in Exhibit 1. For your ease of reference, we have also attached Penal Code Section 933.05, which governs the requirements for responses to grand jury reports.

Part I

Homestead Valley's responses to Recommendations R1, R4 and R5 were legally inadequate because there were no summary explanations attached to the responses, despite affirming on the report form that these recommendations have been implemented. Please provide a summary for each recommendation supporting the implementation status, as outlined by the Penal Code.

With respect to your response to Recommendation R3, we assume that you have now concluded the additional analysis. Please inform us of the outcome of this work.

With respect to Recommendation R6, the implementation status is unclear. On the report form, you state that Recommendation R6 requires further analysis, but this does not appear to be supported by the text in your letter. Please clarify the implementation status of this recommendation and provide a supporting summary.

Part II

With regards to Recommendation R3, the response states that the Homestead Valley adopted a formal reserve policy at its May 2014 meeting. We reviewed the minutes of your Board Meetings from May-July and were unable to find mention of the approval of a formal reserve policy. Please forward the minutes in which the policy was adopted

I will call in the middle of January to answer any questions that you may have regarding this request. Please send your reply by January 31, 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 Civil 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:
- R3. Recommendation 3:** All agencies adopt an ordinance that will require private laterals to be inspected routinely and repaired as necessary.
Response: Homestead Valley is currently reviewing the Model Sewer Lateral Ordinance recently adopted by the Sewerage Agency of Southern Marin to determine the best approach to integrating its provisions into the Districts current lateral ordinance. Timeframe for completion is approximately three months.
- R4. Recommendation 4:** All agencies conduct an analysis to determine the feasibility of using treated wastewater for flushing pipes in routine maintenance work.
Response:
- R5. Recommendation 5:** All agencies continue to cooperate with each other and find further ways to reduce costs.
Response:
- R6. Recommendation 6:** Alto, Almonte and Homestead Valley pursue further merging of operations and administration, including creating one website for the three districts.
Response: Homestead Valley will continue to work collaboratively with other SASM member agencies to increase efficiency and reduce costs while maintaining the necessary autonomy of each agency. Current avenues include joint bidding of capital improvement projects, collaborative/shared computer based GIS system, shared expenses on common items, etc. A single website is not practical for the three agencies but Homestead Valley and Almonte are sharing website and web hosting to reduce costs.

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.

Discussion of Homestead Valley Sanitary Districts Response to the Marin County Grand Jury Findings and Recommendations contained in the "The Scoop on Marin County Sewer Systems, Part I & Part II" report:

Part I:

(R1) Homestead Valley has been actively replacing its infrastructure over the past 15 years. To date the district has rehabilitated or replaced almost 40% of its clay sewers. To minimize SSOs, the district cleans all of its non-rehabilitated lines on a three-year rotation, with problem areas receiving more frequent attention.

(R3) Homestead Valley is currently reviewing the Model Sewer Lateral Ordinance recently adopted by the Sewerage Agency of Southern Marin to determine the best approach to integrating its provisions into the Districts current lateral ordinance. Timeframe for completion is approximately three months. Homestead Valley adopted an ordinance regulating private sewer laterals at its September 23, 2014 meeting.

(R4) Homestead Valley has looked at the possibility of using treated effluent in flushing of its sewers but because most of our cleaning is done by rodding not flushing and because there is no economical or convenient means of using treated effluent, the district continues to use a small amount of MMWD water when it flushes its lines.

(R5) Homestead Valley continues to cooperate with other agencies in trying to be both more efficient and effective. The managers of SASMs member agencies meet monthly to discuss items of common interest and work on ways to improve service and reduce costs.

(R6) Homestead Valley, Almonte and Alto's residents voted against political consolidation the agencies but Homestead Valley will continue to work collaboratively with other SASM member agencies to increase efficiency and reduce costs while maintaining the necessary autonomy of each agency. Current avenues include joint bidding of capital improvement projects, collaborative/shared computer based GIS system, shared expenses on common items, etc. A single website is not practical for the three agencies but Homestead Valley and Almonte are sharing website and web hosting to reduce costs. Homestead Valley will continue to evaluate whether or not consolidation is in the best interests of its residents.

Part 2:

(F4) Homestead Valley reported incorrectly that it did not have "Financial Reserves". This was not correct. The District has had an informal policy of maintaining approximately one year's operating budget in reserve. In May 2014, the District adopted a formal "Target " Reserve Policy. (minutes attached)

- (F5) Homestead Valley Completed its SSMP audit in May 2014.
- (F7) Homestead Valley reported incorrectly that it did not have an "Overflow Emergency Response Plan". The district had adopted a "Sewer Sewer Overflow Response Plan (SSORP)" as part of an EPA order in 2008. That plan updated in May 2014 to reflect current SSMP requirements.
- (F8) Homestead Valley did have a training manual as part of the existing SSORP. It has also been updated.
- (F11) Homestead Valley's SSMP have been maintained at its office located at 450 Sycamore Avenue, Mill Valley, CA 94941.
- (R3) Homestead Valley adopted a formal reserve policy at its May 2014 meeting.
- (R4) Homestead Valley completed a complete audit of the SSMP in May 2014.
- (R5) Homestead Valley posted the SSMP on the district website in May 2014.
- (R6) Homestead Valley updated its Overflow Emergency Response Manual to comply with current SSMP requirements in May 2014.
- (R7) Homestead Valley has developed a current Overflow Response Training Manual and had a joint-training session with other SASM agencies on June 4, 2014.
- (R10) Homestead Valley's SSMP are available for inspection at their office at 450 Sycamore Avenue, Mill Valley, CA 94941.

HOMESTEAD VALLEY SANITARY DISTRICT
Minutes of the Regular Board Meeting of June 24, 2014
at the Homestead Valley Community Center,
315 Montford Avenue, Mill Valley

1. Call to Order: President Einar Asbo called the meeting to order at 7:30 p.m. Other Board members present were Secretary Burnett Tregoning and Directors Al Leibof and Jim Cronin. Absent: Director Scott Noble. Also present: District Manager Bonner Beuhler and James Iavarone, Managing Partner of Mill Valley Refuse Service.

2. Visitors to the Meeting and Open Time for Public Expression: To facilitate Iavarone's schedule, Item a) under Unfinished Business—Mill Valley Refuse Service Rate Increase Proposal was moved to this spot on the agenda. Iavarone presented details of the proposed rate increase and answered questions. He said the purchase of new trucks and increased health care and workers' compensation costs were the biggest contributors to the increase. MVRS is requesting a 2.58 percent increase in rates for Homestead residents. The company also plans to switch to curbside service for trash as they currently do for recycling and compost, charging an additional \$5.00 per can On-Premise and \$15 additional per can for On-Premise Plus (can in backyard). An exemption to On-Premise rates will be available to customers who qualify due to physical disability. The new rates would take effect January 1, 2015. It was M/S Cronin/Leibof that the new rates be approved. Motion adopted 4-0.

3. Minutes of the Meeting of May 27, 2014: It was M/S Leibof/Cronin, that the minutes be approved. Motion adopted 4-0.

4. Financial Report and List of Payments to be Approved: It was M/S Tregoning/Cronin that the financial report be accepted and the list of payments be approved. Motion adopted 4-0.

5. Manager's Report:

a) **Managers Meeting.** Cancelled due to conflict with Wetlands Day.

b) **CIWQS SSO Reporting.** Bonner reported that there was one spill of about 150 gallons this month, occurring at MH 531.23 in an easement line at 546 Montford Ave. He noted that this was another case of private lateral roots clogging the exit of a district sewer that had been replaced with plastic.

c) **Private Lateral Problem at 355 Laverne Ave.** Following up a homeowner's message describing a potential sewer leak on the property at 355 Laverne Ave., Bonner dye tested laterals of uphill neighbors on Ridgewood Ave. and had Roto Rooter televise the line to locate the problem. The problem was determined to be at 374 Ridgewood. Roto Rooter will submit a bid to repair.

d) **Zero Waste Grant.** Almonte Sanitary District is applying for a grant that can be used to finance a public program on composting, and Bonner suggested that HVSD might want to do the same. It was M/S Tregoning/Cronin that HVSD apply for a similar grant. Motion adopted 4-0.

6. Reports of Outside Meetings:

a) **SASM**—Einar Asbo reported that the Lateral Ordinance has been passed by the SASM board. He noted that the HVSD ordinance is just as good, but the new SASM ordinance does have triggers that ours does not have. Laterals will have to be inspected and repaired at time transfer of ownership of property, whenever a building permit for more than \$50,000 is issued, and whenever there is a spill in the yard. He said the realtors don't like it, but didn't put up much of a fight against

it. Einar again stressed that this ordinance is a model and that each of the districts can pick and choose when creating their own. This will be an agenda item next month.

Einar also reported on a special meeting held yesterday during which a consulting engineer made a presentation to SASM staff and two board members—Einar of HVSD and Jim Jacobs of Tamalpais Community Services District—regarding recycling of waste water. SASM currently recycles some waste water used to irrigate nearby parks. The question is whether or not to expand the existing recycling system at the plant and whether or not to expand the distribution system to serve more people, i.e. a pipeline to the high school also serving The Redwoods retirement community and the Methodist Church.

7. Unfinished Business:

- b) **Draft Budget FY 2014-2015.** Discussion and action was delayed until next month.
- c) **Grand Jury Report.** President Asbo announced that the Grand Jury's Requests for Response to their report on Marin County Sewer Systems also will be on next month's agenda.

8. New Business:

- a) **Resolution No. 2014-01 establishing target reserve levels for the District.** It was M/S Leibof/Cronin that the resolution be approved. Motion carried 4-0.
- b) **Resolution No. 2014-02 establishing sewer service charges for FY 2014-2015:** It was M/S Leibof/Cronin that the resolution be approved. Motion carried 4-0.

9. Director's Open Time: There was a brief discussion of accidental intersection of gas and sewer lines, per a recent notice to customers by PG&E, and the need to for board members to take the ethics training offered by the County of Marin.

10. Adjournment: M/S Tregoning/Leibof that the meeting be adjourned at 8:45 p.m. Unanimously approved.

Respectfully submitted,



Burnett Tregoning, Secretary

THE NEXT REGULAR MEETING WILL BE HELD
IN THE DOWNSTAIRS MEETING ROOM
OF THE HOMESTEAD VALLEY COMMUNITY CENTER,
315 MONTFORD AVENUE, MILL VALLEY
7:30 P.M., TUESDAY, JULY 22, 2014

HOMESTEAD VALLEY SANITARY DISTRICT
Minutes of the Regular Board Meeting of September 23, 2014
at the Homestead Valley Community Center,
315 Montford Avenue, Mill Valley

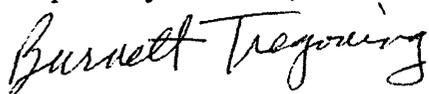
- 1. Call to Order:** Secretary Burnett Tregoning called the meeting to order at 7:30 p.m. Other Board members present were and Directors Jim Cronin and Al Leibof. Also present: District Manager Bonner Beuhler.
- 2. Visitors to the Meeting and Open Time for Public Expression:** There were no public visitors to today's meeting.
- 3. Public Hearing: Ordinance 2014-01: An Ordinance Regulating the Construction, Use and Maintenance of Private Sewer Laterals.** After discussion, it was M/S Cronin/Leibof that the ordinance be adopted with one change: the last line of paragraph two of Section 450 [*Owners that are part of a multiple lateral connection are not subject to the transfer of property title requirement (400 B 2.)*] is to be removed. Motion adopted 3-0.
- 4. Minutes of the Meeting of September 23, 2014:** It was M/S Leibof/Cronin, that the minutes be approved. Motion adopted 3-0.
- 5. Financial Report and List of Payments to be Approved:** It was M/S Tregoning/Leibof that the financial report, including a request by Bonner Beuhler for additional compensation in the amount of \$5,400 to cover additional hours devoted to construction management for the 2014-2015 CIP project, be accepted and the list of payments be approved. Motion adopted 3-0.
- 6. Manager's Report:**
 - a) Managers Meeting.** Bonner reported that the managers discussed MarinMap, a service used by SASM at a cost of \$10,000 per year. There has been a push to have MarinMap act as our cloud storage. However, Bonner noted, we get the same service for much less money already. He feels SASM should save the money and withdraw from MarinMap.
 - b) CIWQS SSO Reporting.** Bonner reported one spill on September 18, from a rodhole adjacent to 115 Reed Street. Approximately 150 gallons spilled.
 - c) Flush Green.** Bonner circulated a pamphlet describing items not be flushed down toilets. The pamphlet is available for sending to customers. Burnett will check with HVCA staff to see if it can be mailed with an edition of the Homestead Headlines.
- 7. Reports of Outside Meetings:**
 - a) SASM**—Bonner reported that Mutual Aid has been extended, and briefly discussed the Long Range Plan proposed by the consulting engineers.
- 8. Unfinished Business:**
 - a) 2014-2015 Capital Improvement Projects (CIP) Status:** Manager Bonner Beuhler reported that all the pipes are in the ground.
- 9. New Business: Sewer Extension Agreements for Sequoia Valley Road and Panoramic Highway Properties.** Bonner reported that one of the 2003 agreement parties has asked us to collect monies due under the agreement. Apparently the agreement was not recorded against subject property and the property never paid to connect to the district. Bonner consulted with County Counsel Jack

Govi, who informed him that HVSD does not have an obligation to collect the charges unless and until the property owner records the agreement against the other listed properties. Then the district will collect those charges as a precondition to connecting to the Homestead Valley system.

10. Director's Open Time: No discussion ensued.

11. Adjournment: M/S Cronin/Tregoning that the meeting be adjourned at 8:41 p.m. Unanimously approved.

Respectfully submitted,



Burnett Tregoning, Secretary

THE NEXT REGULAR MEETING WILL BE HELD
IN THE DOWNSTAIRS MEETING ROOM
OF THE HOMESTEAD VALLEY COMMUNITY CENTER,
315 MONTFORD AVENUE, MILL VALLEY
7:30 P.M., TUESDAY, OCTOBER 28, 2014