

SANITARY DISTRICT NO. 5 OF MARIN COUNTY

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July 7, 2004

The Honorable Terrence R. Boren
Marin County Superior Court
PO Box 4988
San Rafael, Ca 94913-4988

The Honorable Betty J. Mattea, Foreperson
Marin County Grand Jury
3501 Civic Center Drive, Room 303
San Rafael, Ca 94903

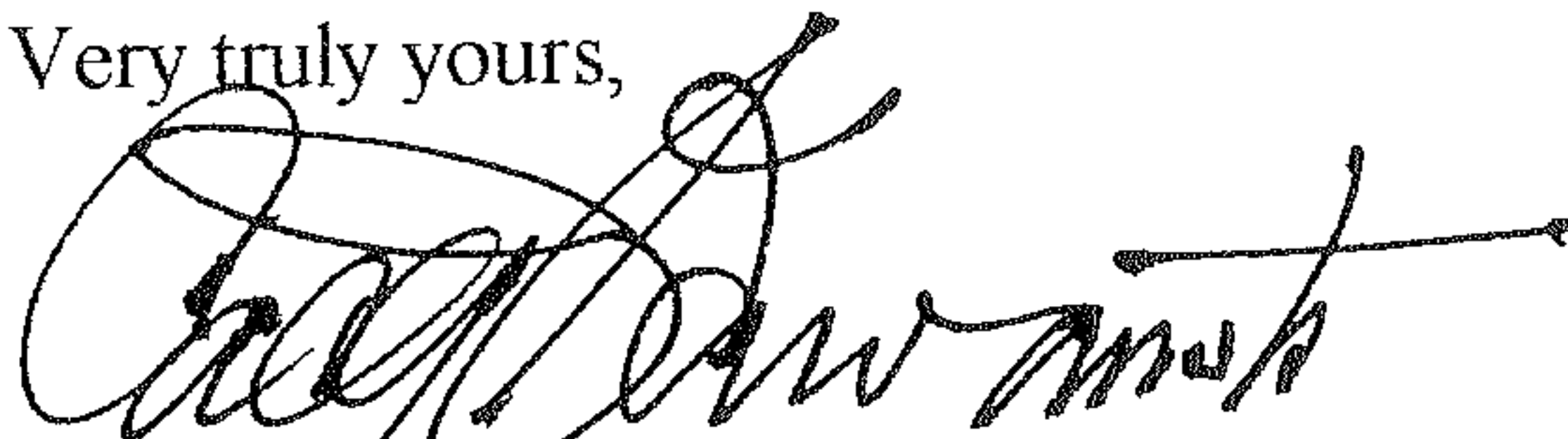
Subject: Marin County Grand Jury
Report Title: Southern Marin Sewers: So Many Districts, So Few Users
Report Date: April 27, 2004

Honorable Judge Boren and Honorable Foreperson Mattea:

As required by California Penal Code Section 933.05, pleased find Sanitary District No. 5 of Marin County's formal response to the findings and recommendations in the subject report. This formal response includes both the written and electronic documents requested in the April 27, 2004 letter from the Jury. We wish to recognize the significant efforts of the Grand Jury in their attempts to consider and make sense of the many issues affecting local wastewater service providers in Southern Marin County. We also want to express our appreciation for the Grand Jury's work and express our belief that the recommendations in the report will further this and other Boards strong commitment to cost effective and efficient services to all customers in the region. Our staff has expressed very positive reaction to the interviews and background knowledge of the members that staff interacted with during the process. The Grand Jury members should be commended for their commitment of time and talent to the current effort and to their willingness to ask good questions and seek all appropriate information to make reasonable and informed findings and recommendations.

We believe that the attached documents are fully responsive to the requirements for response. If you have questions or require further information, please contact the District Manager, Mr. Paul H. Causey directly at 415-559-9935.

Very truly yours,



Mr. Casey Kawamoto
President, Board of Directors

cc: Marin County Board of Supervisors
District Counsel
District Manager
District Employees

Attachments Response to Grand Jury Report Form
Sanitary District No. 5 Response Explanations

RESPONSE TO GRAND JURY REPORT FORM

Report Title: SOUTHERN MARIN SEWERS – So Many Districts, So Few Users

Report Date: April 27, 2004

Response by: Casey Kawamoto

Title: President

FINDINGS

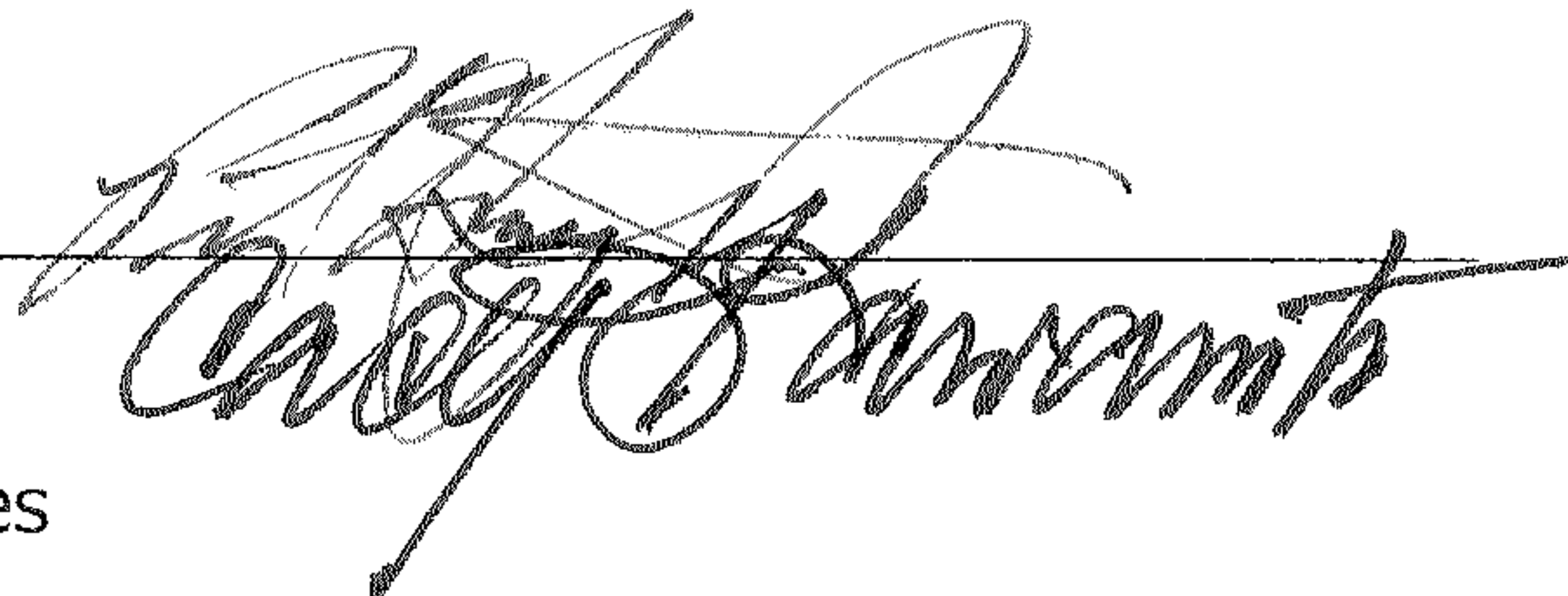
- I/we agree with the findings numbered: F4
- I/we disagree wholly or partially with the findings numbered: F5 and F6
 - ❖ Attach a statement specifying any portions of the findings that are disputed; include an explanation of the reasons therefore – see attached document dated July 6, 2004

RECOMMENDATIONS

- Recommendations numbered R1 have been implemented
 - ❖ Attach a summary describing the implemented actions
- Recommendations numbered R2 and R4 have not yet been implemented, but will be implemented in the future
 - ❖ Attach a timeframe for the implementation
- Recommendations numbered R3 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 – see attached document dated July 6, 2004

Date: July 6, 2004

Signed: _____



Number of pages attached 3 pages

Sanitary District No. 5 of Marin County
Agency Response

2003-2004 Marin County Grand Jury
SOUTHERN MARIN SEWERS – So Many Districts, So Few Users
July 6, 2004

FINDINGS:

F4. Belvedere residents and some Mt. Tamalpais residents have no elected representatives on sanitary district boards that impose charges on them.

Response: Agree

While Belvedere does not have direct representation on the San #5 Board, the District does provide wastewater treatment services by a services agreement negotiated between the parties many years ago. The City has all rights, obligations and remedies provided by law relating to this contractual arrangement. In addition, all budgets, charges and fees associated with the relationship are reviewed and approved by the District at publicly noticed meetings that have been attended by representatives of the City who always have the opportunity to comment directly to the Board of Directors.

F5. Having the responsibility for sewage collection and treatment spread between so many agencies inhibits the investigation of issues that cross agency boundaries.

Response: Disagree partially.

Historically agencies have not always engaged in direct, active communications with similar agencies in the immediate area unless some specific or concrete economic value has been perceived by those agencies that may benefit. This is evidenced by several service agreements that exist between many of the local agencies along the Tiburon Peninsula. Services at various times have been provided to Belvedere for wastewater and pumping facilities. Wastewater operations in this area have generally been regionalized since the middle of the 20th century. These relationships have been driven by both state and federal laws as well as the economic reality of economies of scale of facilities for treatment and disposal. These resulted in a joint treatment facility used by San #5 and Belvedere and an outfall shared by the first two agencies, Richardson Bay Sanitary District and the Sewerage Agency of Southern Marin. There however are other areas that could be discussed and could possibly result in other joint or shared evaluations of means and methods that may or could be of value to agencies. Because the agencies tend to operate autonomously and with appropriate regard for their own customers, communications may not always take place without a forum to facilitate these types of discussions.

F6. One agency is occasionally pitted against another as it seeks the lowest cost service for its constituency.

Response: Partially Disagree

All agencies primary purpose is to represent their customers in the most cost effective and efficient means possible. All agencies are different based upon the composition and experiences of the Boards and staffs that represent the public. These differences may result in philosophic and operational policies that may not be compatible in a larger service area. This has been the nature of local government at all levels. As broader and more interactive regional government planning opportunities become available to local governments, the chances that broader and more informed officials will make better decisions that recognize these differences and consider them in setting local policies and philosophies.

RECOMMENDATIONS:

R1. A forum should be established, and meet regularly, as a way for staff and elected officials from all eleven agencies to exchange ideas and experiences.

Response: Implemented

R2. An impartial facilitator should be engaged to conduct a meeting of agency representatives at which opportunities for consolidation, collaboration, and cooperation are explored and short-term objectives set.

Response: Partially Implemented

The District had previously agreed to provide funding assistance to LAFCO for consolidation and organizational evaluations and studies. We are committed to developing information and considering opportunities to provide greater operating efficiencies throughout the region. We will continue to review, evaluate and initiate opportunities as described in this recommendation by the Grand Jury. Additionally, the District strongly supported a late April decision by the Marin Association of Sanitation Supervisors (MASS) to extend an invitation to Marin collection system agencies to meet and discuss areas of common interest and the need for future meetings on the identified issues. The Sewerage Agency of Southern Marin (SASM) has initiated and scheduled two sessions for all eleven agencies during July 2004 to discuss the issues recommended.

R3. After the facilitated meeting is held, based upon consensus regarding consolidation established by the agencies, LAFCO should proceed with a study of alternatives.

Response: Not yet implemented but support the concept however question the timing proposed by the Grand Jury

LAFCO should move forward concurrently with their study and not be delayed any further while the meetings suggested are moving along on a parallel track. The group would then be available to immediately begin providing input to the LAFCO study as well as be immediately available to respond to the findings and conclusions of the LAFCO work.

R4. The City of Belvedere should consider the possible advantages of annexing itself to Sanitary District No. 5 for purposes of wastewater collection and treatment.

Response: Partially Implemented

The City already has its sewage treated by the District. The agencies have recently jointly hired a consultant to evaluate the financial aspects of an annexation of the City collection system to the Sanitary District. The agency staffs are discussing the various aspects of annexation and it is expected that these discussions may lead to discussions with the elected officials in the next six to nine months.