

CITY OF CHOWCHILLA CALIFORNIA

The seal of the City of Chowchilla, California, is circular. It features a central illustration of a bridge over a river. The text around the seal reads "CITY OF CHOWCHILLA CALIFORNIA" at the top, "GATEWAY TO PROSPERITY" in the middle, and "INCORPORATED FEB 7, 1923" at the bottom.

July 24, 2019

Dear Honorable Judge Jurkovich:

The City of Chowchilla has received the Madera County Grand Jury (hereinafter referred to as "MCGJ") Report dated June 28, 2019 and entitled "City of Chowchilla Public Works Department: Interrupted Flow" Pursuant to Penal Code Section 933.05(a) and (b), please allow this document to serve as the response from the Director of Public Works (Director) and the City Council of Chowchilla (City) to the findings and recommendations in the Grand Jury Report entitled, "City of Chowchilla Public Works Department: Interrupted Flow" (hereafter referred to as, "Report.") As requested, we are providing the following comments to the recommendations contained in the report. While the City understands the MCGJ has discretion to investigate and issue findings and recommendations on those investigations, the City is concerned that the MCGJ has issued this report in a manner that portrays an inaccurate picture of the City's current water system. The report also fails to acknowledge that a majority of the Grand Jury's recommendations have already been implemented over the course of the last few years, as was reported to the MCGJ in October of 2018. Further, the manner in which the MCGJ approached its investigation, including contacting Staff out on medical leave and demanding they appear before them, failing to respond to requests for clarification, and inadvertently including staff on grand jury email communications that personally attacked staff (calling them "idiots") was unnecessary and unprofessional. We remain willing to work with the MCGJ in a professional manner but ask that they extend the same professional cooperation to allow us all to fulfill our public missions.

It should be noted that the City received 68 requests for information and provided over 2,000 pages of documents to the Grand Jury. Of those requests, 29 were repeat requests for information/documents already provided to the Grand Jury; the City requested clarification on 15 of the requests, but did not receive a response from the Grand Jury; and there were three requests for clarification by the City which took the MCGJ an average of 53 days to respond to.

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In response to the MCGJ's Report, the City notes the following factual inaccuracies:

Grand Jury Report:

Line 2 of the MCGJ Report which states that "Combined with a lack of established and uniform practice procedures for testing, and no long-term plan to address the water needs of the community, the wells were failing."

Response:

These statements are misleading and leads one to assume that all of the City's wells were failing due to neglect. The City owns and operates seven domestic water supply wells, designated as Well No.1, 3, 5A, 8, 10, 11, and 14. Well Nos. 1 and 8 were at the end of their useful life. The City planned to replace Well No. 1 with the new Well No. 1A and booster pumps. Well No. 8 was removed from service due to a significantly reduced groundwater table. Well No. 10, in the past, had occasional water quality issues related to nitrates and was designated as a standby well and only used when the other wells could not meet system demands. Of the remaining wells, Well Nos. 5A, 11, and 14 were the City's best producing wells. However, Staff determined that Well Nos. 5A and 11 were not operating at peak efficiency due to groundwater depletion and land subsidence, caused by severe drought which led to over pumping of groundwater (known as overdraft) in the larger Chowchilla subbasin, and were removed from service for needed repairs and upgrades. When Well No. 14 (a 4 year old well and largest producer) failed due to an unexpected shaft breakage, the City experienced intermittent low pressure events. However, during this time, pressure did not fall below state mandated pressure requirements.

Grand Jury Report:

Line 14, the MCGJ states that, "The City experienced a significant loss of producing wells and loss of water system pressure required to serve the needs of the community."

Response:

At no point did all of the wells fail. At no point was the City unable to meet the State mandated drinking water needs of the community.

Grand Jury Report:

Line 29, the MCGJ states that, "because of a lack of an established oversight program, the wells failed."

Response:

This is an inaccurate statement. An effective oversight program was initiated in 2015, which identified much needed improvements to the water system. Two wells failed due to significant reductions in the groundwater table due to drought and overdraft; one due to a shaft breakage and two that were removed from service

due to age and low efficiency/production, both of which were later replaced by a new well, water storage tank and three booster pumps.

Grand Jury Report:

Line 37, the MCGJ states that this issue, which we assume is the report's reference to wells failing in Line 29 of the report, "caused devastating impact on the residents of Chowchilla."

Response:

We do not have any evidence of devastating water impacts occurring to residents of Chowchilla and the report fails to provide any factual evidence as to those alleged impacts.

Grand Jury Report:

Line 40, the MCGJ states that the City experienced "reduced delivery for domestic water use down to a trickle."

Response:

Whenever the City experienced intermittent reduced water pressure events, the City ensured that it continued to meet State standards of providing at least a minimum of 20 psi to ensure a safe drinking water supply.

Grand Jury Report:

Line 40, the MCGJ references a "one-day-a-week-only" outdoor watering schedule.

Response:

The report does not mention that, as was stated to the MCGJ in October 2018, this was a minimum requirement of the State Water Resources Control Board (hereinafter referred to as "SWRCB") in order to ensure a safe drinking water supply. The SWRCB mandate was temporary until system repairs could be made. City Staff was able to successfully convince the SWRCB to allow the one-day-a-week-only instead of no outdoor watering in the city.

Grand Jury Report:

Line 58, the MCGJ states that, "the Water Division personnel do not have a Standard Operating Procedure (SOP), knowledge, or field experience."

Response:

This statement is incorrect. As stated in the MCGJ report on line 126, line 191 (Finding 12), and line 217, the Public Works Department has a Policies and Procedures Manual that was in place by April 2017. Additionally, at the start of their investigation, there were three water distribution operators with a total of 50+

years of field experience and knowledge. During the investigation, and stated to the MCGJ, the City added more distribution operators and had trained additional staff. Currently, the City has 10 state certified distribution operators with close to 100 years of field experience and knowledge.

Grand Jury Report:

Line 60, the MCGJ states that, “employees indicated that when they were hired, they did not have any formal training”, and that “only trained, certified operators” are able to work on the system.

Response:

Per Title 22, Chapter 13 of the CA State Health Code, the City is allowed to hire those without formal training under a Water Distribution Operator Training Program. Any staff hired in this manner are required to become certified by the state within one year of employment. Currently, the City has one recently hired employee that falls under this requirement. All other operators within the City are certified by the State.

Grand Jury Report:

Line 72, the MCGJ states that, “while at the Corporation Yard, the MCGJ requested to observe a chlorine residual test. City staff suggested to observe the test at well #14.” Additionally, they note that staff was not prepared to test a chlorine residual.

Response:

This is false. After touring the corporation yard and the new water storage tank, the MCGJ then requested a tour of well #14, as that was the well that had the shaft breakage repaired. Once the wellsite was toured, the MCGJ then requested staff to perform a chlorine residual sample. The staff member responsible for testing was not present at the tour, as that was not initially requested, and was called out to well #14 to perform the test.

Grand Jury Report:

Line 85, the MCGJ states that the chlorine residual result was forced.

Response:

This statement is incorrect. The MCGJ did not understand how the test was performed and requested that another staff member test the residual in order to see if they used the same method for testing, which they did. There was no dilution of the results.

Grand Jury Report:

Line 99, the MCGJ states, “a lack of proper training, policy, procedures, and security practices were viewed at multiple well and sample sites.”

Response:

This statement is incorrect. See number 7 above. All well sites have always been and are currently secured, locked and video recorded. All sample site faucets are tamper resistant, with rounded openings that do not allow connection to hoses. Additionally, the MCGJ visited only one well site, #14, as stated in the Methodology section of the MCGJ Report.

Grand Jury Report:

Line 122 states that the MCGJ requested supporting documentation used to populate the cells in the Annual Water Report in January 2019 but information was not received until April 2, 2019 and was incomplete and inaccurate.

Response:

City records indicate that information on the valve exercising program was provided on October 5, 2018, again on January 24, 2019 and again on March 14, 2019. The information provided was not incomplete or inaccurate.

Grand Jury Report:

Line 139, the MCGJ states that at Well Site No. 14, "there was a line (pipe) from the well that flows into drains. The only purpose of this line is to flush the well."

Response:

This statement is not accurate. The line indicated by the MCGJ is not a flush line. It is a drain release line for the well's water lube system.

Grand Jury Report:

Line 144, the MCGJ "found maintenance of operational equipment failing. The support bracket, which holds the flush line in place, was broken. The broken bracket caused the line to drop six inches below the drain opening, thus losing the air gap and potentially contaminating the water supply system including the aquifer."

Response:

While, the bracket was broken, as stated above, this is not a flush line. It is a drain release line for the well's water lube system and an air gap is not needed as there is no risk to contaminating the water supply system.

Grand Jury Report:

Line 147, the MCGJ states that there is "no evidence of labeling of equipment was found at the viewed well site. Labeling is important because it identifies to the operator the purpose of the equipment."

Response:

Operators are trained on the purpose of the lines. The State inspects all well sites annually and does not require labeling of the lines. Lines are not labeled in this manner in order to prevent tampering from those without sufficient knowledge of the system.

Grand Jury Report:

Line 153, in regards to customer complaints, the MCGJ states, "Once a work order has been generated, operators are not leaving documentation with the customer that they have addressed the issue."

Response:

This statement is incorrect. Staff personally meet with residents at the site of the complaint and discuss the issue and resolution with the resident. If the resident is not present a note is left detailing the resolution.

The City and Director's Response to the Findings:

The MCGJ Findings are inaccurate and based on a lack of understanding of the City water system and applicable legal requirements. Furthermore, City staff has in good faith attempted to cooperate with the MCGJ in its investigation and found that the MCGJ was unwilling to provide clarification to City Staff related to information requests. In addition, the MCGJ failed to ask any follow up clarifying questions after the MCGJ's initial interviews in order to have a better understanding of the City's water system.

Finding 1:

The MCGJ finds there are no established and consistent testing, security, or maintenance procedures in place.

Response:

The City and Director disagree, in part, with Finding 1. While it is true that there was no established and consistent procedures in place prior to 2017, procedures were fully established by April 2017 and are referenced in the MCGJ Report on line 126, line 191, and line 217 (Recommendation 9, which includes the date of the Policies and Procedures Manual).

Finding 2:

The MCGJ reports the chlorine residual tests results filed with the state of California Water Resource Board were at a level of 0.3 ppm every day, for four years.

Response:

The City and Director agree with the finding that the chlorine test results were at a level of 0.3 ppm every day, for four years between 2013 and 2017. This was due to staff using a chlorine residual kit that used a reagent that changed the color of the water sample, which then required visual interpretation to the number that

correlated closely with the color identified. Since 2017, the Director has instituted new policies, procedures and equipment to rectify this issue. Since 2017 the chlorine levels are checked with an electronic chlorine colorimeter that provides more detailed and accurate residual numbers.

Finding 3:

The MCGJ observed chlorine residual testing kits are not readily available in each vehicle for daily testing.

Response:

The City and Director agree with the finding. City has taken steps to ensure the testing kit availability to the individual employee responsible for testing and has met regulatory requirements.

Finding 4:

The MCGJ found the chlorine residual testing sample site #14 was leaking, dirty, and not secured.

Response:

The City and Director disagree, in part, with Finding 4. The sample site was not leaking and dirty. City is satisfied that the site location does not necessitate additional security.

Finding 5:

The MCGJ observed during the chlorine testing procedure, the outcome was forced to produce the consistent 0.3 ppm test result.

Response:

The City and Director disagree with the finding. The MCGJ did not understand the testing procedure and requested that another staff member perform the procedure. Staff obliged the MCGJ and the test was conducted consistent with city policies and produced an accurate result.

Finding 6:

The MCGJ observed the equipment door was open, not locked or secured at well site #14.

Response:

The City and Director disagree with the finding as the door is normally closed and locked but was opened for the MCGJ requested tour of the well site.

Finding 7:

The MCGJ observed sample test site #14 was not secured despite a designated mesh ring feature to accommodate a lock.

Response:

The City and Director agree with the finding, however, there is no state or federal requirement that the sample test site is to be locked. The regulations specify minimum sampling frequencies, sampling locations, testing procedures, methods of keeping records, and frequency of reporting to the state. City secures locations based on need.

Finding 8:

The MCGJ found from 2013-2017, the valve exercise program was not completed on a regular basis.

Response:

The City and Director agree with the finding. Between 2013 and 2017, the valve exercise program was not completed on a regular basis. Once staffing levels increased after 2017, the valve exercising program has been completed on a regular basis.

Finding 9:

The MCGJ found the supporting documentation used to populate the state of California Water Resource Board report was incomplete and inaccurate including omissions of the year, number of valve rotations, and the operator's identification.

Response:

The City and Director disagree with the finding. The report met the regulator requirements. Years were not omitted and valve rotations and operator identification are not a component of the annual report, only the amount of valves exercised.

Finding 10:

The MCGJ found the flush line bracket leading to the catch basin at Well Site #14 was damaged, thus eliminating the existence of an air gap deemed necessary to prevent water supply system contamination.

Response:

The City and Director disagree with the finding. The flush line bracket leading to the catch basin at Well Site No. 14 was not damaged. The MCGJ noticed a drain line bracket to the well's water lube line was broken, which does not require an air gap.

Finding 11:

The MCGJ found no labeling of water supply or drain lines to equipment at Well Site #14.

Response:

The City and Director agree with the finding. However, it is not a State mandated requirement.

Finding 12:

The City of Chowchilla's Personnel Rules and Regulations as well as the Public Works Policy and Procedure Manual do not provide direction for employees dealing with water related complaints and entering private dwellings.

Response:

The City and Director disagree, in part, with the finding. The Public Works Policy and Procedure Manual does provide direction for employees dealing with water related complaints. There is currently no policy for entering private dwellings.

The City and Director's Response to the Recommendations:

Recommendation 1:

The MCGJ recommends that, by September 1, 2019, the Public Works Director implement testing, security, and maintenance procedures and training be established, practiced, and documented consistent with regulatory standards.

Response:

As reported to the MCGJ in October 2018, this recommendation has already been completed and implemented as of April 2017.

Recommendation 2:

The MCGJ recommends that, by September 1, 2019, the Public Works Director implement a procedure, which accurately tests and records the daily outcome of chlorine residual tests at each sample site.

Response:

This recommendation has already been completed and implemented as of December 2018. For accuracy, the City now uses electronic chlorine residual testers.

Recommendation 3:

The MCGJ recommends that, by September 1, 2019, the Public Works Director be responsible for providing each vehicle and well site with a chlorine residual testing kit.

Response:

The City and Director does not feel that this recommendation is necessary. Chlorine residual sampling is a task performed by one staff member as part of a daily routine. That staff member is always equipped with necessary test kits.

Recommendation 4:

The MCGJ recommends that, by September 1, 2019, the Public Works Director will assure all well and sample sites are clean, repaired and secure.

Response:

The City routinely inspects well sample sites and addresses potential issues as needed.

Recommendation 5:

The MCGJ recommends that, by September 1, 2019, the Public Works Director immediately adopt and implement a Standard Operating Procedure for chlorine residual testing.

Response:

This recommendation has already been completed and implemented as of the April 31, 2017 Public Works Policy and Procedures Manual referenced by the MCGJ within the report, Finding 12 and Recommendation 9 and reported to the MCGJ in October 2018.

Recommendation 6:

The MCGJ recommends the Public Works Director immediately secure all equipment room doors at all well sites where applicable.

Response:

All well sites have always had perimeter fencing and locked gates. Additionally, all wells have had video cameras installed for additional security.

Recommendation 7:

The MCGJ recommends the Public Works Director immediately secure all sample sites to eliminate any opportunities for tampering or intrusion of the water system throughout the City.

Response:

This recommendation is unnecessary moot. All sample site faucets are tamper resistant, with rounded openings that do not allow connection to hoses.

Recommendation 8:

The MCGJ recommends that, by September 1, 2019, the Public Works Director implement and supervise monthly goals for operators who are actually performing the exercise program including logs with complete and accurate records.

Response:

This recommendation has already been completed and implemented, as noted to the MCGJ in October 2018.

Recommendation 9:

The MCGJ recommends that, by September 1, 2019, the Public Works Director implement and provide all employees with training and orientation for the adopted valve exercise form from 1999 and contained in the April 31, 2017 Public Works Policy and Procedures Manual.

Response:

This recommendation has already been completed and implemented, as noted to the MCGJ in October 2018.

Recommendation 10:

The MCGJ recommends the Public Works Director immediately direct staff to address the flush line support brackets at Well #14 to be repaired and secured, and inspect all other well sites with flush lines.

Response:

This recommendation has already been completed and implemented with respect to the drain release line for the well's water lube system, not a flush line as inaccurately identified by the MCGJ.

Recommendation 11:

The MCGJ recommends that, by September 1, 2019, the Public Works Director implement a standard color code line identification system, including labels, on all appropriate equipment and lines at all well sites.

Response:

The City and Director follow state requirements. Operators are trained on the purpose of the lines. The State inspects all well sites annually and does not require labeling of the lines. Additionally, there is a valid security concern in labeling the system in this way as it could potentially provide a roadmap for those (not familiar with the system) that wish to cause harm to the system.

Recommendation 12:

The MCGJ recommends that, by September 1, 2019, the Public Works Director develop, adopt, and implement a policy dealing with water related complaints and entering private dwellings.

Response:

The Public Works Department already has a written policy for dealing with water related complaints. The Public Works Policy and Procedures Manual will be amended to include entry into private dwellings.

The City strives to provide quality services to the residents of Chowchilla and will continue to do so in a professional and legal manner.

Sincerely,

Rod Pruet, Interim City Administrator
On Behalf of City Council
For the City of Chowchilla

Enclosures: MCGJ Information Request Log Tracker, City letter related to document requests, emails from Madera County Grand Jurors

cc: Madera County Grand Jury
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