



Keith M. Williams
Treasurer – Tax Collector and
County Clerk

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March 6, 2013

Mariposa County Superior Court
Honorable F. Dana Walton
Assistant Presiding Judge
PO Box 28
Mariposa, CA 95338

Re: Response to Mariposa County 2012-2013 Grand Jury Final Report

I have received the Mariposa County 2012-2013 Grand Jury Final Report. In accordance with Penal Code §933.05, I am submitting the following response to the Grand Jury's findings and recommendations pertaining to the Mariposa County Elections Department.

Finding 1. I disagree with several aspects of this finding as it contains inaccurate information. The Grand Jury findings stated that 5,286 ballots were mailed prior to the November 2012 election. In actuality, almost 7,200 vote by mail ballots were issued prior to the election. 5,286 ballots were returned and counted. This particular finding also stated that during the processing of the returned ballots, there was difficulty collecting counted ballots as they passed through the vote counting machines because the ballots dropped on the floor. The vote counting machines are equipped with bins to catch counted ballots. During the counting process, election officials generally find that collecting the ballots as they pass through the machine without the use of the bin is a more efficient method. However, ballots never drop onto the floor during their processing.

Finding 2. I disagree with the information contained in finding 2, because it is incomplete. On November 6, 2012, Election Day, 3,816 Mariposans voted *at the polls*. 5,286 Mariposans had already submitted their votes by mail.

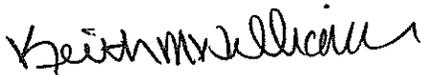
Finding 3. I disagree with this finding because it is inaccurate. It is not the policy of Mariposa County not to include candidates on official ballots that are running unopposed. In fact, the review of past ballots will show that all County candidates, with the exception of candidates for Superior Court Judge (EC §8203) and Special Districts (EC §10515), do appear on the ballot even if they are unopposed.

Recommendation 1. The recommendation that the Elections Department find an easier way of catching the vote by mail ballots coming through the counting machine will not be implemented due to the fact that the current method of collection is the most efficient method found to date. In the event that a more efficient method is discovered, the issue will then be revisited.

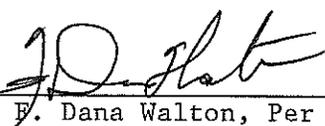
Recommendation 2. The recommendation that all candidates be listed on the ballot even if they are the only person running will not be implemented because such requirements are governed by state and federal statute and are therefore not within the scope of the authority of Mariposa County to change them.

If any questions or comments pertaining to my response arise, please do not hesitate to contact me at (209) 966-2007 for further discussion. Thank you.

Sincerely,



Keith M. Williams
Mariposa County Treasurer, Tax Collector & County Clerk

Reviewed: 
Honorable F. Dana Walton, Per PC933

COUNTY of MARIPOSA



Peter M. Rei
Director

4639 Ben Hur Road
Mariposa, CA 95338
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March 14, 2013

DEPARTMENT OF PUBLIC WORKS

Divisions of:

Administration	Airport
Cemeteries	County Surveyor Design & Engineering
Construction	Parks & Rec.
Facilities	Solid Waste
Roads	Fleet Maintenance
Transportation	

Honorable Judge F. Dana Walton
Superior Court of California, County of Mariposa
5088 Bullion Street
P. O. Box 28
Mariposa, CA 95338

Re: Response to Final 2012-13 Grand Jury Report

Judge Walton:

Please find the enclosed responses to the Findings and Conclusions sections of the 2012-13 Final Grand Jury Report relative to the Yosemite West Waste Water Treatment Facility.

Findings:

Finding #1:

In 1985 the court ruled that the original design and construction of the plant was flawed and awarded the County money to fix it. (Though it is tangential to this report, it should here be noted that \$36,000 of that award was specifically designated for the installation of gate valves and thrust block kickers for the fire hydrants; At the December 13, 2012 Yosemite west Maintenance District Advisory Committee meeting a County Technician reported that the Yosemite West hydrants do not have thrust blocks, and some (all?) were lacking gate valves. This obviously raises the troubling question of whether the County ever did, in fact, use the awarded money to install the gate valves and thrust blocks on the fire hydrants.)

Response to Finding #1:

Public Works staff agrees with this finding.

The County Technician mentioned in Finding #1 is Darryl Nielsen who is the State Licensed Plant Operator Technician who is the supervisor for our Special District Maintenance Operations staff. This staff of 3 is responsible for the maintenance of the Yosemite West Waste Water Treatment Plant, the Yosemite West Water Treatment Plant, the Coulterville Waste Water Treatment Plant,

the Coulterville Water Treatment Plant, the Don Pedro Waste Water Treatment Plant and the Mariposa Pines Waste Water Treatment Plant.

Based on Darryl's observations in his 7 years of working for Mariposa County (2006-2013) the Thrust Blocks and Gate Valves in question were never installed. Public Works can find nothing in our files that would explain why those elements were not installed as required by the court decision.

Finding #2:

In 1998 the leach field suffered a total failure resulting in the County declaring a building moratorium for Yosemite West.

Response to Finding #2:

Public Works staff agrees with this finding.

Finding #3:

In April 2002 the County released \$1.08 million from the general fund for repairs to the Yosemite West Maintenance District some of which presumably went toward repairs to the treatment plant.

Response to Finding #3:

Public Works staff have no opinion on this finding. Since the responsibility for finances is vested in the Board of Supervisors and the County Administrative Office this issue should be checked with them for accuracy.

Finding #4:

Faced with the need for major repairs to the plant, in 2004 the property owners of Yosemite West passed a ballot measure essentially charging each equivalent dwelling unit with a \$10,000 fee to be used for the re-construction of the facility.

Response to Finding #4:

Public Works staff agrees with this finding.

Finding #5:

Major renovations at a cost of \$3-4 million were undertaken on the plant with the County approving the design of those repairs. Work was completed in 2006 and the building moratorium was lifted (apparently without the County ever demonstrating that the plant could meet the requirement of adequately treating and disposing of an average daily flow of 100,000 gallons).

Response to Finding #5:

Public Works staff cannot confirm this finding. Nobody currently on staff who is responsible for the Capital Construction of the Waste Water Treatment Plant worked on the project. We can confirm that the work was completed in 2006 and that the Board of Supervisors did indeed lift the moratorium. There are no records that we can locate which indicate what the capacity of the

redesigned plant is. There has been reference to a report by the project designers, Psomas Engineering, that may contain that information. At present this document has not been located. We will continue to search for this information.

Finding #6:

Six years later in 2012 both the State Water Quality Control Board and the County's new engineers, Provost and Pritchard, assert that the plant is not functioning adequately. Apparently faulty design and inadequate maintenance are to blame.

Response to Finding #6:

Public Works staff agrees with this finding.

Finding #7:

The initial report from Provost and Pritchard (March 2, 2012) details numerous design and operational shortcomings of the plant. These include

- a. The absence (since November 2011) of a functioning flow meter at the head works,
- b. The need for a self-cleaning screen rather than a grinder to eliminate non-biodegradable solids,
- c. The presence of a standpipe of "unknown benefit",
- d. Several diffusers in the lower lagoon in need of repair/replacement,
- e. A discharge pipeline of insufficient size (2") to handle projected flows,
- f. A lift station equipped with hydraulic capacity and pumps that re not appropriate to wastewater treatment facilities,
- g. More diffusers in need of repair/replacement in the upper lagoon,
- h. No apparent means of removing solids from the upper logoon,
- i. A clarifier that was completely frozen over with one small heater "used to prevent the ice layer to essentially block a loage portion of the weir",
- j. Difficult to access strainers and no information regarding the removal of solids by the strainers,
- k. Non-functioning disposal facilities/leach field with a clayey layer of siol that "would present a direct impediment to disposal through percolation",
- l. Genflow Inc. products used to dispose treated effluent through evapotranspiration and to be used in biologically active soils – two characteristics not presnet in the YW site,
- m. No idication of the required maintenance procedures and specific winterization measures required for Geoflow products.

Response to Finding #7:

Public Works staff agrees with this finding.

Finding #8:

In the Notice of Violation issued by the Central Valley Regional Water Quality Control Board following their May 30 inspection of the treatment plant, the following instances of non-compliance were listed:

- a. Flow meter not maintained in good working order,
- b. Biolac diffusers not maintained in good working order,
- c. Clarifier not maintained in good working order,
- d. Failure to maintain leach fields in good working order (area brushed over and surfacing effluent and odor of sewage),
- e. Spill prevention and control plan not maintained on site,
- f. Written sampling plan not maintained on site.

Response to Finding #8:

Public Works staff agrees with this finding.

Finding #9:

At present plans to resolve these issues designed by Provost and Pritchard have been submitted to the State Water Quality Control Board. If they are approved, they will be put out to bid, and the question of how to pay for a second major re-build will have to be answered.

Response to Finding #9:

Public Works staff agrees with this finding.

Finding #10:

A meeting of all the interested parties including the State Water Board, Provost and Pritchard, the Public Works Director and staff, the Board of Supervisors (who are the Directors of the Maintenance District), property owners in Yosemite West and the general public is scheduled for February 5, 2013.

Response to Finding #10:

Public Works staff agrees with this finding. A Study Session with the Board of Supervisors acting as the Board of Directors of the Yosemite West Maintenance District was held on February 5, 2013.

Recommendations:

Recommendation #1:

The County Board of Supervisors makes it a top priority to see this project to a timely completion. To do so would involve establishing a realistic schedule for each step in the process and instructing all the various County agencies involved in the process to make every effort to expedite matters.

Response to Recommendation #1:

Public Works staff has no comment on this recommendation. The establishment of priorities is the responsibility of the Board of Supervisors. If we are provided the resources and direction by the Board of Supervisors we will do whatever we are asked to do.

Recommendation #2:

That the County immediately address the question of its share of the responsibility for the earlier failed \$3-4 million renovation of the facility and allocate proportionate funds from the County General Fund to offset the cost of the forthcoming repairs.

Response to Conclusion #2:

Public Works staff has no comment on this recommendation. The decision of how to pay for the cost of any improvements to Yosemite West is the responsibility of the Board of Supervisors. If we are provided the resources and direction by the Board of Supervisors we will do whatever we are asked to do.

Recommendation #3:

That as soon as the cost of the next round of repairs is known, procedures be set in motion to raise from Yosemite West that portion of the costs not being born by the County General Fund.

Response to Conclusion #3:

Public Works staff has no comment on this recommendation. The decision of how to pay for the cost of any improvements to Yosemite West is the responsibility of the Board of Supervisors. If we are provided the resources and direction by the Board of Supervisors we will do whatever we are asked to do

Thank you for the opportunity to respond to this Grand Jury Report.

Sincerely,



Peter M. Rei
Public Works Director

Reviewed: 
Honorable F. Dana Walton, Per PC933

March 25, 2013

The Honorable F. Dana Walton
Presiding Judge of the Superior Court
5088 Bullion Street
Post Office Box 28
Mariposa, CA 95338

Dear Judge Walton;

I received the current Mariposa County Grand Jury Report regarding the Yosemite West Wastewater Treatment Facility (YW-WWTF) from your office on January 31, 2013.

As an appointed member of the Yosemite West District Advisory Committee and a member of Yosemite West Property and Homeowners, Inc., I am submitting my reply pursuant to Penal Code §933.05.

Regarding the Findings of the Grand Jury, I agree with all Findings.

Regarding the recommendations of the Grand Jury:

Recommendation #1: Response (2): "the recommendation has not yet been implemented, but will be in the future, with a timeframe for implementation."

Recommendation # 2: Response (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."

Recommendation #3: Response (4): "the recommendation will not be implemented because it is not warranted or is not reasonable."

As explanation, I submit that it is unreasonable to ask Yosemite West property owners to raise that portion of the costs not being born by the County General Fund until and unless a full accounting of the monies raised from the 2004 Assessment Bond for the Yosemite West Wastewater Treatment Facility is completed. This accounting needs to include all monies raised from the Bond Assessment and any grants or loans and how those monies were spent and/or allocated. Numerous discrepancies exist between the Engineer's Report for the Assessment District, the Psomas Engineering Yosemite West Build-Out Report, and the US Environmental Protection Agency Grant documents for the YW-WWTF, and County accounting for those funds and expenses. These discrepancies and questions have been identified and submitted to the Grand Jury.

Sincerely,

John Mock, Ph.D.
Member YW DAC
Member, YW Maintenance Ad-Hoc Advisory Committee

Reviewed: 
Honorable F. Dana Walton, Per PC933