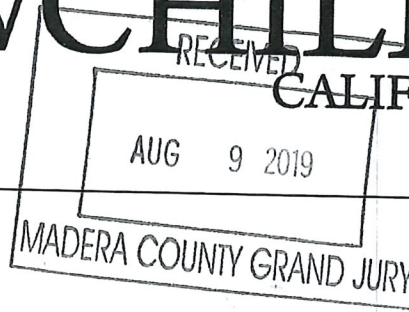


# CITY OF CHOWCHILLA CALIFORNIA



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.

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

130 S Second Street, Chowchilla, CA 93610

Telephone: (559) 665-8615

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**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 Pruett, 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 ✓  
PO Box 534  
Madera, CA 93639

Grand Jury Document Requests			Date Requested	Date Provided	Comments
1	Well 14, 5A, and 11 Timeline	9/12/2018	10/5/2018	Provided to Grand Jury at interview on 10/05/18 as requested by Nina.	7/6
2	Emergency Response Plan	9/12/2018	10/5/2018	Provided Chapter 1 of ERP to Grand Jury at interview on 10/05/18 as requested by Nina. Requested again on 2/3/19. Asked for clarification, no response. Provided 2017 Madera County Local Hazard Mitigation Plan (LHMP) on 2/4/19. No response. Requested again on 3/5/19, requested clarification on 3/6/19, no response received. Received response on 3/22/19. Provided ERP on 3/27/19.	20
3	5 Years of Consumer Confidence Reports	9/12/2018	10/5/2018	Provided to Grand Jury at interview on 10/05/18 as requested by Nina.	3
4	Well Info Sheet	9/12/2018	10/5/2018	Provided to Grand Jury at interview on 10/05/18 as requested by Nina.	10
5	Well Maintenance Logs	9/12/2018	10/5/2018	Provided to Grand Jury at interview on 10/05/18 as requested by Nina.	3
6	Org Chart	9/12/2018	9/12/2018	Front desk pick up. Nina asked for clarification on 9/27/18. Provided on 10/05/18 at interview.	
7	Cleanup Procedures	9/12/2018	10/5/2018	Provided to Grand Jury at interview on 10/05/18 as requested by Nina. Nina requested cleanup procedures and maintenance procedures. I asked for clarification on 9/12/18. No response received, Water Ops SOP included to comply.	
8	Procedure involved in the maintenance process	9/12/2018	10/5/2018	Provided to Grand Jury at interview on 10/05/18 as requested by Nina. Nina requested cleanup procedures and maintenance procedures. I asked for clarification on 9/12/18. No response received, Water Ops SOP included to comply.	10
9	State Annual Reports - 5 years	9/12/2018	10/5/2018	Provided to Grand Jury at interview on 10/05/18 as requested by Nina.	10
10	Production/Inspection Logs - 2014-2018	9/12/2018	10/5/2018	Provided to Grand Jury at interview on 10/05/18 as requested by Nina.	20
11	Drought Contingency Plan	9/12/2018	10/5/2018	Provided to Grand Jury at interview on 10/05/18 as requested by Nina.	420
12	Bact Sampling Site Plan	9/12/2018	10/5/2018	Provided to Grand Jury at interview on 10/05/18 as requested by Nina.	8
13	Urban Water Master Plan			Provided to Grand Jury at interview on 10/05/18 as requested by Nina. Requested again on 3/5/19	3
14	Water Line Repair Procedure	9/12/2018	10/5/2018	Provided to Grand Jury at interview on 10/05/18 as requested by Nina.	291
15	Emergency Notification Plan	9/12/2018	10/5/2018	Provided to Grand Jury at interview on 10/05/18 as requested by Nina. Requested in email to Joe Roman on 1/7/19 and 1/18/19. Joe sent to me on 1/22/19. Provided again on 1/24/19 via email by Joe. Requested again by Nina in separate emails to me and Mike Breshars on 2/3/19.	1
16	Chlorination Ops Plan	9/12/2018	10/5/2018	Provided to Grand Jury at interview on 10/05/18 as requested by Nina.	10
17	Valve Exercising Program	9/12/2018	10/5/2018	Provided to Grand Jury at interview on 10/05/18 as requested by Nina. Requested in email to Joe Roman on 1/7/19 and 1/18/19. Joe sent to me on 1/22/19. Provided again on 1/24/19 via email by Joe. Requested again by Nina on 2/3/19. Requested again on 3/5/19	4
18	Contact information of PW staff	10/18/2018	10/23/2018	City phone numbers and city emails only. No personal information per Joann.	6
19	Large Maps of water system and sampling sites	10/18/2018	10/23/2018	PDF maps sent to Grand Jury on. Nina requested we print out large ones on 10/18/18 because they were too hard to see on a monitor.	1
20	Tour of PW Corp yard	11/26/2018	11/27/2018	Nina called on 11/26/18 to request a tour of the new storage tank on 11/27/18 at 8:00 am. After tour, they asked for a tour of Well 14 and a demonstration of chlorine residual sampling method. Staff obliged.	3
21	Post 9/11 Handbook	1/8/2019		Requested on 1/8/19 and 1/18/19 in email to Joe Roman. Joe sent to me on 1/22/19. Joe asked for clarification on what was being requested. No response. Request sent to me by Nina on 2/3/19. I asked for clarification of what type of handbook. No response.	0
22	Department Security Procedures	1/8/2019		Requested on 1/8/19 and 1/18/19 in email to Joe Roman. Joe sent to me on 1/22/19. Joe asked for clarification on what was being requested. No response. Request sent to me by Nina on 2/3/19. I asked for clarification of what was needed and if this was similar to the Post 9/11 Handbook. No response.	0
23	Customer Complaints 2017-18	1/8/2019	1/24/2019	Requested at interview on 12/18/18? Requested in email to Joe Roman on 1/7/19 and 1/18/19. Joe sent to me on 1/22/19. Provided again on 1/24/19 via dropoff at City Hall front desk. Requested again by Nina on 2/3/19.	0
24	Meter pay off plan policy	2/3/2019	2/4/2019	Ask for elaboration on 2/04/19 as this is a Finance question. No response from Grand Jury. Sent explanation of how customer rates are determined based on City rate study on 2/4/19. Asked if this was the information she was requesting. No response.	27
					0

25	Large Water System's 2018 Annual Report to the Drinking Water Program for the year ending December 31, 2018	2/3/2019		Responded by email that this is not available. The State sends an electronic request to us in March/April to fill out the Annual Report electronically by June. As a result, we are unable to comply with this request at this time.	0
26	Consumer Confidence Quarterly Reports for 2018	2/3/2019		This is not a quarterly report. It is an annual report. The U.S. Environmental Protection Agency (EPA) and the California Division of Drinking Water require all water agencies to produce an annual report on the previous year informing customers about the quality of their drinking water. The State requires that we complete this report by June and provide a new Consumer Confidence Report for the previous year by July 1. As a result, we are unable to comply with this request at this time.	0
27	Public Work Department's employee list with identification numbers	2/3/2019	2/4/2019	Provided by email.	1
28	Public Works Department's Employee Handbook	2/3/2019	2/4/2019	There is no Department specific handbook. There is a citywide employee personnel rules and regulations handbook that was provided by email.	57
29	Storage tank records	1/8/2019	N/A	Requested on 1/8/19 and 1/18/19 in email to Joe Roman. Joe sent to me on 1/22/19. Joe responded back that the City has no active storage tanks and therefore, no storage tank records. Request sent to me by Nina on 2/3/19. I provided the same response.	0
30	Valve Exercise Records 2013-2018	2/3/2019	3/14/2019		4
31	Last Emergency Drill	3/5/2019	3/6/2019	emailed on 3/6/19	1
32	Residual logs	3/5/2019	3/14/2019	requested clarification on 3/6/19. No response received. Submitted chlorine residuals on 3/14/19. Received clarification on 3/22/19 requesting logs from 2013-2017.	13
33	Title 22 Test Results	3/5/2019	3/14/2019		85
34	Cross-connection control locations	3/5/2019	3/14/2019	requested clarification on 3/6/19. No response received. Provided city-owned locations.	2
35	Dead end flushing locations and results	3/5/2019	3/14/2019	requested clarification on 3/6/19. No response received.	1
36	Auxiliary power supplies and plan for implementation	3/5/2019	3/6/2019	emailed on 3/6/19	136
37	Most recent SDS sheets for all chemicals used by the division	3/5/2019	3/14/2019		10
38	Records of safety taggates and training conducted within the last year	3/5/2019	3/14/2019		66
39	Customer complaint records from 2016 and 2017	3/5/2019	3/14/2019		1
40	Update on the status of the 750,000 gallon water storage tank at t	3/22/2019	3/6/2019	emailed on 3/6/19	
41	Water Testing Procedures	3/22/2019	3/27/2019		
42	Residual logs 2013-2017	3/22/2019	3/27/2019	No logs from 2013. Provided remaining logs on 3/27/19.	
43	Specific State Requirements regarding the limits of the water syste	5/13/2019	5/14/2019	Email request from Nina. Provided link to CA Title 22 requirements. Requested further clarification.	1
44	Water Supply Permit	5/14/2019	5/15/2019	Email request from Steve Kohout. Provided Revised Water Supply Permit 2014.	6
45					
46					
47					
48					
49					

Total 2003

# CITY OF CHOWCHILLA CALIFORNIA



February 25, 2019

**By U.S. Mail**

Madera County Grand Jury  
PO Box 534  
Madera, CA 93639

**Re: 2018-2019 Madera County Grand Jury – City of Chowchilla**

Dear Madera County Grand Jury:

The purpose of this letter is to request that all future document requests related to the City of Chowchilla be directed to me. The City is committed to cooperate with the Grand Jury to the fullest and in the most efficient manner possible. As such, I have been designated as the point person for all future requests in an effort to streamline the process.

To date, I am aware of thirty separate items that have been requested of the City. These requests have been difficult to track as they have been directed to various employees of the City. Nevertheless, we have produced responsive documents for twenty-four of the requests totaling over 1,500 pages. We are waiting for clarification from the Grand Jury on the remaining six items. Once such clarification is received, we will produce the remaining documents. However, the process for receiving clarification has also been somewhat time-consuming as they require communication with various Jurors.

In furtherance of our efforts to streamline the process, we request that the Grand Jury also select one person to act as the facilitator for Grand Jury requests. This would allow me to have a single point person to timely respond to questions in the event clarification is needed. In selecting a potential Juror for this role, we note that Ms. Nina Zarucchi is currently a City Planning Commissioner. In certain circumstances she may have access to information as Planning Commissioner that may limit her participation in the Grand Jury inquiry. One situation is where Ms. Zarucchi is required to participate in closed session discussions related to the Planning Commission and its legal advisor. Any information obtained during closed session discussions are confidential and could impact Ms. Zarucchi's role as a Grand Juror as to any

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matters discussed (see Gov. Code § 54963). As such, we suggest that an independent Juror be selected to avoid potential conflicts.

Thank you for your attention to this matter and we appreciate your service to Madera County.

Sincerely,



Jason Rogers

Director of Public Works

City of Chowchilla

130 S. Second St., Chowchilla, CA 93610

[jrogers@cityofchowchilla.org](mailto:jrogers@cityofchowchilla.org)

(559) 665-8615, ext. 300

## Jason Rogers

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**From:** Jason Rogers  
**Sent:** Wednesday, May 15, 2019 10:00 AM  
**To:** Steve Kohout  
**Cc:** Nina Zarucchi; Herzog, Tracy; Deb & Steve Miller; Ray Haney  
**Subject:** RE: Limits of the Water System  
**Attachments:** Revised Water Supply Permit 2014.pdf

Thank you for your comment about my knowledge of our permit. However, as there was no mention or request for our permit in the initial request for information dated May 13, 2019, I attempted to answer to the best of my knowledge. Due to the vagueness of the initial request though, I requested further clarification. In an attempt to provide pertinent information in a timely manner, as requested, I provided a link to the Title 22 requirements, which list the MCLs that we are subject too, as that seemed like the information you were looking for. As stated in my previous email, and on shown on our Water Supply Permit (attached), we are "subject to the requirements of Title 22, California Code of Regulations, and to the conditions provided in the water supply permit." If you have any further questions regarding our permit, please feel free to contact me or the State Water Resources Control Board, Division of Drinking Water, Merced District Office. Please confirm receipt of this email.

## Jason Rogers

Director of Public Works

**From:** Steve Kohout [mailto:bigbear1554@gmail.com]  
**Sent:** Tuesday, May 14, 2019 2:27 PM  
**To:** Jason Rogers <jrogers@CityOfChowchilla.org>  
**Cc:** Nina Zarucchi <valu50@yahoo.com>; Herzog, Tracy <tracy@bestcal.net>; Deb & Steve Miller <millerz@sti.net>; Ray Haney <rayhaney@sbcglobal.net>  
**Subject:** Re: Limits of the Water System

This response makes me wonder if you are aware of what your limits are, your should have the knowledge or your permit, can you send us a copy of that.

Thank you  
Steve.

On Tue, May 14, 2019, 12:27 Jason Rogers <jrogers@cityofchowchilla.org> wrote:

Good Afternoon Nina,

This is to confirm receipt of your request. I am not exactly sure what is being requested though. However, the City is required to comply with the Title 22 requirements established by the State. Attached below is the link to these requirements.

[https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=IE6E81020D4B911DE8879F88E8B0DAAAE&originationContext=documenttoc&transitionType=Default&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=IE6E81020D4B911DE8879F88E8B0DAAAE&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default))

Please provide confirmation that you have received this email. Additionally, if this is not the information that you were requesting, please provide further clarification on your request.



Cordially,

Jason Rogers  
Director of Public Works  
559-665-8615 x300

Sent from my iPhone

On May 13, 2019, at 9:34 PM, Nina Zarucchi <[valu50@yahoo.com](mailto:valu50@yahoo.com)> wrote:

Mr. Jason Rogers  
Director of Public Works  
City of Chowchilla

Mr. Rogers,

The Madera County Grand Jury is in need of the specific state requirements regarding the limits of the water system operated by the City of Chowchilla, including the chlorine limits. Your prompt attention to this matter is greatly appreciated.

Your assistance is important as together we work to improve the quality of life for the residents of Madera County.

Thank you.

Nina Zarucchi-Mize  
2018-2019 Madera County Grand Jury

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**Jason Rogers**

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**From:** Mike Breashears  
**Sent:** Monday, February 04, 2019 11:24 AM  
**To:** Jason Rogers  
**Subject:** Fwd: Rescheduled Meeting for January 17,2019

Sent from my iPhone

Begin forwarded message:

**From:** tracy herzog <[admin@bestcal.net](mailto:admin@bestcal.net)>  
**Date:** February 4, 2019 at 8:55:43 AM PST  
**To:** Mike Breashears <[mbreashears@cityofchowchilla.org](mailto:mbreashears@cityofchowchilla.org)>  
**Subject:** **Re: Rescheduled Meeting for January 17,2019**

Wow this dude is an idiot! Let's talk about a supeona on Wednesday! They don't get it!

Tracy

Sent from Yahoo Mail for iPhone

On Monday, February 4, 2019, 8:40 AM, Mike Breashears <[mbreashears@cityofchowchilla.org](mailto:mbreashears@cityofchowchilla.org)> wrote:

Good morning Nina,

Please contact the City's H.R, Joann McClendon to have any documents sent. Have a great day.

Respectfully,

***Mike Breashears***

**Water Department**

**City of Chowchilla**

**Public Services**

Cell #[\(559\) 647-6597](tel:(559)647-6597)

## Jason Rogers

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**From:** Mike Eggert  
**Sent:** Wednesday, January 23, 2019 8:03 AM  
**To:** Jason Rogers  
**Subject:** Fwd: Grand Jury Interview Appointment

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**From:** Nina Zarucchi <valu50@yahoo.com>  
**Sent:** Friday, January 18, 2019 4:58:52 PM  
**To:** Mike Eggert; Tracy Herzog; Deb & Steve Miller; Ray Haney; Steve Kohout; Nina Zarucchi  
**Subject:** Grand Jury Interview Appointment

Mr. Eggert,

Although knee surgery, either replacement or orthoscopic, may be trying, the recovery is reported to yield a decreased amount of pain and increased mobility compared to the pre-surgery condition. I assure you things will improve.

Now to the concern of the 2018-2019 Madera County Grand Jury. The Grand Jury operates for a fiscal year completing tasks that includes topic research, document review, securing experience-driven input, investigation with interviews, and writing a final report. The final report cites findings resulting from the investigation. Recommendations are made in order to improve the quality of life for the residents of the county. This work must be completed by the conclusion of the fiscal year.

In order to meet those deadlines, including completing the research/ investigative element, time is critical. With that said, the Grand Jury is prepared to meet with you at a secure convenient location on Wednesday, Thursday or Friday afternoon of this coming week, January 23-25, 2019. The suggested dates will work best for Grand Jury as members have other Jury-related obligations as well.

Thank you for your prompt attention to this matter.

Nina Zarucchi-Mize  
Grand Juror  
2018-2019 Madera County Grand Jury

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