



Esparto Community Services District
Dedicated to Safe Water and Responsible Waste Management

P.O. Box 349, 26490 Woodland Ave, Esparto, CA 95627
Phone: 530-787-4502 Fax: 530-787-4219

From the Office of the Administrative Assistant

Grand Jury
County of Yolo
P.O. Box 2142
Woodland CA 95776
530-406-5088

Re: Grand Jury Report: Esparto Community Services District Brown Act and Ethics Policy Violations

Dear Members of the Grand Jury:

The Board of Directors of the Esparto Community Services District have enclosed the responses requested for the findings and recommendations noticed in the Grand Jury Report received in the District office on May 23, 2011.

FINDINGS:

Item F1 - Multiple instances of Brown Act violations and ECSD ethics policy violations were committed in the period studied, principally via e-mail. Ethics violations revolve around communications, chain of command, mutual respect and teamwork. Even after these matters were brought to the attention of the Board, violations continued.

F1 Response (Consensus of the Board)

ECSD Board of Directors respects Grand Jury findings and is committed to compliance with the Brown Act.

ECSD Board of Directors shall receive a packet of all policies that pertain to Board ethics. All Directors pledge to review, abide by and strive for our actions to live up to the intent contained in those policies.

Item F2 - The District does not have a process by which the Board can deal with alleged violations of the Brown Act or ECSD policies and procedures.

F2 Response (Consensus of the Board)

ECSD Board of Directors shall develop and enact a Policy regarding alleged Brown Act or ECSD Policy violations.

Item F3 - The Board has not received training in its roles and responsibilities, vis-à-vis the staff, so it can honor the chain of command as defined in the District's policies and procedures manual.

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F3 Response (Consensus of the Board)

ECSD Board of Directors pledges to receive training in the area of "chain of command" and Board/Staff relationship.

Item F4 - The Board does not follow consistently Robert's Rules of Order or any other meeting management techniques and therefore the meetings are at times unprofessional and chaotic.

F4 Response (Consensus of the Board)

ECSD Board of Directors commits to review Robert's Rules of Order.

Item F5 - The Board has had several sections of proposed revisions to the policy manual pending for several months, and some approved sections are not date-stamped, leaving some Board members confused about which version is in effect.

F5 Response (Consensus of the Board)

ECSD Board of Directors shall bring any pending Policy revisions to conclusion and make the appropriate corrections, following proper District procedure.

Item F6 - The Board is micro-managing the staff by making special requests for business e-mail, questioning well-established business practices, and performing management tasks reserved for the General Manager.

F6 Response (Consensus of the Board)

ECSD Board of Directors pledges to receive ongoing training in the area of "chain of command" and Board/Staff relationship.

Item F7 - Because the Board does not receive orientation in managing public utilities, members are ill-equipped to opine on technical and financial management issues unless they bring expertise with them.

F7 Response (Consensus of the Board)

ECSD Board of Directors is currently conducting public outreach and pledges to continue receiving training in the area of "management of a Public Utility".

Item F8 - The Board does not have adequate accounting and human resources support. As a result, the Board is hampered in its decision-making ability.

F8 Response (Consensus of the Board)

ECSD Board of Directors is committed to acquiring adequate accounting and human resources support.

Item F9 - The District's web page is inadequate and inefficient. A comprehensive web page would inform the public of office hours, service areas, billing and rates, mailing addresses and drop box

information, late fee and shut-off policies, service outages, meeting schedules, rate information and other commonly-asked questions (FAQ) from community members and customers should be well-known by the District. The lack of a website with a FAQ spot hinders communicating with ratepayers about common questions.

F9 Response (Consensus of the Board)

ECSD is in the process of web site design and is committed to establishing a web site no later than January 2012.

RECOMMENDATIONS:

Item R1 - Consult with outside agencies to assist the Board in developing best practices to assure its compliance with the Brown Act, the District's code of ethics, and other ECSD policies and procedures.

R1 Response (Consensus of the Board)

ECSD shall consult with outside agencies when appropriate.

Item R2 - Reverse the Board practice of not discussing Brown Act and ethics policy violation concerns in public. Encourage free discussion as concerns arise.

R2 Response (Consensus of the Board)

ECSD Board of Directors shall enact a Policy regarding alleged Brown Act or ECSD Policy violations.

Item R3 - Require Brown Act and public governance training for Board and staff on a regular basis, preferably annually. ECSD should engage County Counsel or Special District Institute for this.

R3 Response (Consensus of the Board)

ECSD Board of Directors has received training in the area of "management of a Public Utility" and pledges to continue receiving training.

Item R4 - Identify opportunities for Board members who require training on how public utilities/community service Districts are operated. Training should include how to read and interpret financial statements and how fund accounting enterprises work. Utilize County Auditor or outside training with other organizations such as Special District Institute for this purpose. Staff should offer a workshop to Board on how ECSD is run. Training should be repeated once every two years.

R4 Response (Consensus of Board)

ECSD Board of Directors continues to receive training per state requirements in the area of "management of a Public Utility" and encourages utilizing training opportunities as they arise.

Item R5 - The Board should conduct an annual workshop for itself to review ECSD organization, functions and the policy and procedure manual. This workshop should include training on how to run effective meetings.

R5 Response (Consensus of the Board)

ECSD Board of Directors commits to review Robert's Rules of Order.

Item R6 - Complete revisions to series 4000 and 5000 of policy manual that deal with Board operations by September 1, 2011. Provide formal training for the Board and administrative staff no later than November 1, 2011.

R6 Response (Consensus of the Board)

ECSD Board of Directors continues to evaluate and revise Policy to meet District needs.

Item R7 - Consider using a professional facilitator to develop effective communications between and among Board and staff and to assist in completing the District's strategic plan.

R7 Response (Consensus of the Board)

ECSD Board of Directors currently uses professional consultants.

Item R8 - Consider revising position descriptions or sharing resources with other municipalities to provide adequate accounting and human resources functionality for the District.

R8 Response (Consensus of the Board)

ECSD Board of Directors continues to review and revise position descriptions and share resources with other districts.

Item R9 - Complete the ECSD webpage, as described in F9 above, no later than January 2012.

R9 Response (Consensus of the Board)

ECSD Board of Directors is committed to an operational website prior to January 2012.

If you should have any questions or concerns please contact the Board of Directors through the District office via, Phone: 530-787-4502, Fax: 530-787-4219, by e-mail: ecsd@ecsd-ca.org, or by mail: P.O. Box 349, Esparto CA 95627.

Sincerely,



President Melissa Jordan
Esparto Community Services District