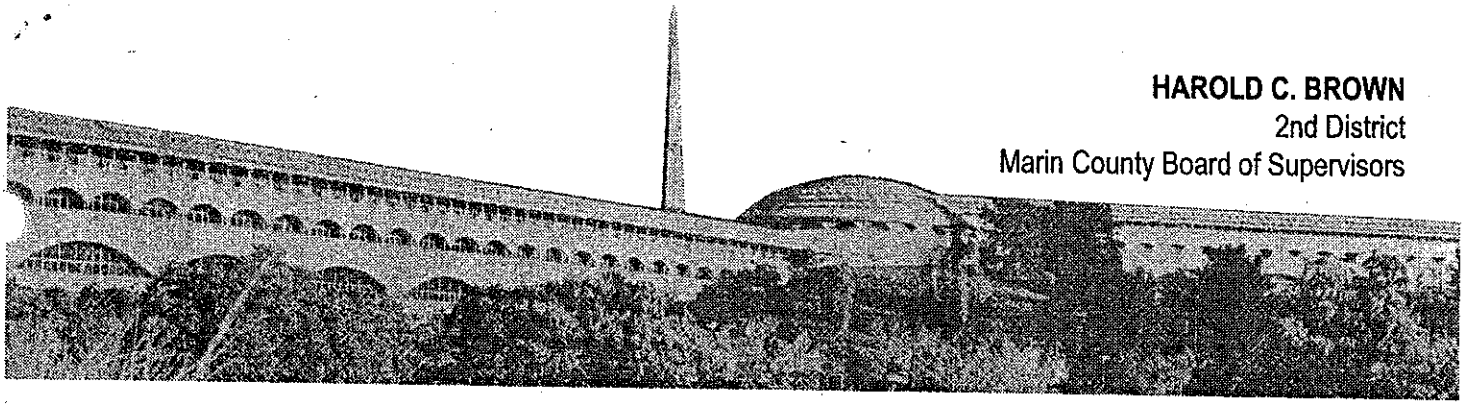

HAROLD C. BROWN
2nd District
Marin County Board of Supervisors

June 19, 2001

Hon. John Sutro
Presiding Judge, Marin Superior Court
Civic Center - Hall of Justice
San Rafael, CA 94903

RE: RESPONSE OF THE BOARD OF SUPERVISORS TO THE 2000-2001 CIVIL GRAND JURY REPORT OF FEBRUARY 16, 2001, ENTITLED "EVALUATION OF BOARD OF SUPERVISORS RESPONSE TO 1999-2000 GRAND JURY EHS REPORT"

Dear Judge Sutro:

On behalf of the Board of Supervisors we are responding to the 2000-2001 Grand Jury's concerns regarding the adequacy of its 1999-2000 reply dealing with Environmental Health Services. This is not another reply to the 1999-2000 EHS Report.

This Grand Jury Report requests the Board to:

1. Respond to the 1999-2000 Grand Jury EHS Report findings 1-11 as required by the CA Penal Code.

2. Provide an adequate response to the 1999-2000 Grand Jury EHS Report recommendations 1, 2 ,1.2, 1.3, 1.4, 1.5, 4.2 and 5.1.

The Board hereby responds to the two issues raised in the February 16, 2001 Report as follows:

A. EHS FINDINGS

We hereby provide responses to the findings section of the 1999-2000 Grand Jury EHS Report.

In preparing responses we point out that the Grand Jury, in their "findings" also makes recommendations (in addition to the recommendations section). In this report we are only responding to the eleven findings and not any recommendations included with a finding.

HIGHLIGHTS OF FINDINGS

1. Inventory of Individual Sewage Disposal Systems

The Community Development Agency (CDA) is reporting less than half the expected number of County septic systems in the current inventory records maintained by the Environmental Health Services (EHS) Division. It is recommended that the CDA Director develop a Geographic Information System, monitor the monthly reports of the registered liquid waste haulers and participate with the Assessor-Recorder in the planned Neighborhood Review Program (NRP).

BOARD RESPONSE: There is no finding in this statement..

The intent of the first sentence is unclear. A complete inventory of permitted septic systems is maintained by Environmental Health Services. Efforts are currently underway to complete a GIS-based inventory.

2. Reorganization of Environmental Health Services Division.

The 1994 reorganization of County government, including the transfer of EHS from the Department of Health and Human Services (DHHS) to the Community Development Agency (CDA), was purported to reduce staffing and projected costs savings in the millions of dollars. Because these savings could not be documented, it is recommended that the Board of Supervisors direct the County Administrator and affected department heads to provide a status report on which objectives have been accomplished. Furthermore, the CDA Director should report any accomplishments that have been achieved to improve the efficiency and effectiveness of EHS under the direction of the CDA. If no substantive benefits are reported, the Board of Supervisors should consider transferring the EHS Division back to the Department of Health and Human Services.

BOARD RESPONSE: There is no finding in this statement.

The creation of the Community Development Agency was to bring all land development regulation into a single agency for purposes of greater efficiency, public protection and customer service. We believe these objectives are being met.

3. Disposal of Septic and Chemical Toilet Wastes.

The EHS Division is not complying fully with State and local health and safety codes governing the operation of commercial waste pumping enterprises. It is recommended that EHS comply fully with State and local regulatory requirements and prepare written policies and procedures to govern these requirements. Furthermore, the Health Officer should monitor EHS progress to achieve and remain in full compliance with the State and local codes.

BOARD RESPONSE: The Board wholly disagrees with this finding.

EHS is currently in compliance with relevant State laws concerning commercial waste enterprises.

4. County Counsel Costs.

Currently, direct County Counsel costs are identified only in the Countywide Cost Allocation Plan and not identified in the EHS as expenditures that could be reimbursed from permit fees. Such costs could be deducted from General Fund costs. It is recommended that direct County Counsel costs for legal services be a separate interdepartmental charge treated as an annual EHS budgetary item to be paid for by collected permit fees. In addition, EHS should monitor, on a quarterly basis, County Counsel detailed reports on documented hours and costs for legal services.

BOARD RESPONSE: The Board wholly disagrees with this finding.

Countywide overhead charges, including County Counsel costs, are included in permit fees.

5. Operation of the Land Use Unit.

The County's EHS Land Use Unit has operated inefficiently for at least the last three years. The CDA Director should move quickly to fill vacant positions with well-qualified personnel; put into place a management information system that will provide key data elements to support optimum operations of the Land Use Unit; increase the EHS budget for training; and provide allocation of General Fund or Trust Account resources to supplement the current full reliance on permit fees to run the operation of the Land Use Unit.

BOARD RESPONSE: The Board wholly disagrees with this finding.

The Grand Jury provides no basis to determine the "inefficiency" cited. While vacancies have been difficult to fill, they have not prevented the Agency from fully meeting its regulatory land use responsibilities.

6. Environmental Health Services Trust Account.

The CDA Director, with the cooperation of the Auditor-Controller, has established an interest-bearing EHS Division Trust Account that receives fees collected in excess of annual expenditures and provides for the withdrawal of surplus funds when annual expenditures exceed collected fees. The CDA Director should develop written policies and procedures governing the administration and operation of the Trust Account. Detailed records should be maintained on permit fee revenues and budgeted expenditures for each of the three separate units (Consumer Protection, Land Use and Solid Waste). The County's Independent Auditor should conduct a separate financial accounting at the end of the fiscal year, whether the Trust Account is treated as an enterprise fund or not. Furthermore, the County Administrator and Auditor-Controller should review the Countywide Cost Allocation Plan to determine which costs may be charged as legitimate expenditures and thus included for determining future permit fees.

BOARD RESPONSE: The Board agrees with the finding that a trust fund for EHS has been established. Balances are used to fund mandated programs related to fees collected.

7. Monitoring Septic Systems and Future Growth.

EHS is not complying with its own regulation to conduct biennial inspections of septic systems to ensure their continued proper functioning. In addition, EHS should improve its complaint-processing procedures to achieve their resolution within a reasonable period of time. Because the concentration of septic systems will continue to grow, the County may want to consider formation of Community Service Areas (CSAs) to insure that the systems are properly maintained and monitored to protect the general health and safety of County residents.

BOARD RESPONSE:

The Board agrees with the finding that biennial inspections are not now being conducted by EHS. A septic system advisory group (SepTAC) will be considering a variety of recommended actions including scheduled inspections and use of CSA's for maintenance and monitoring of certain types of systems.

8. Permitting the French Ranch LLC and Lagunitas School District Wastewater Treatment and Disposal Systems.

This report was prepared by the Grand Jury as an example of the failure of County officials to lead, oversee and manage various components within the County government. These shortcomings have created confusion among the various County agencies and their staffs; and the public is no less confused.

BOARD RESPONSE: There is no finding in this statement.

9. An Unresolved Conflict Between the Bolinas Community Public Utilities District and the Environmental Health Services Division.

This report was prepared by the Grand Jury as an example of the inability of local, County and State agencies to reach a reasonable solution to a problem. Although rational alternatives for the solution of the problem were available, the inflexible interpretation of various Codes has resulted in a continued impasse.

BOARD RESPONSE: The Board wholly disagrees with this finding.

The County has enforced the codes, meeting its regulatory responsibilities. The Board is unaware of a conflict with the Bolinas Community Public Utilities District. The Board agrees with the finding that biennial inspections have not been requested for many years. A regular inspection schedule is now under consideration by the SEPTAC.

10. The Rancho Nicasio Restaurant: An Example of the Inflexibility of the Environmental Health Services Division.

This report was prepared by the Grand Jury as an example of the lack of reasonable flexibility by the County in dealing with the issuance of a use permit upon the sale of an historic Marin County business.

BOARD RESPONSE: There is no finding in this statement..

Rancho Nicasio did obtain a permit for a new system that was acceptable to the owners and the County.

11. The Straus Family Creamery: An Environmental Health Services Division Permitting Process Gone Wrong.

This report was prepared by the Grand Jury as an example of the confusion within and among County agencies regarding the issuance of permits, the lack of direction from these agencies to assist a business owner in obtaining necessary permits, and what appears to be continued harassment of the business owner, even though reasonable solutions are available under Federal, State and County laws and regulations. There was, in the opinion of the Grand Jury, no rational process by which the business could obtain the appropriate operating permits in this situation.

BOARD RESPONSE: The Board wholly disagrees with this finding.

The State requires the County to enforce health and safety laws. The County has complied with these requirements.

B. RECOMMENDATIONS

The Board acknowledges the 2000-2001 Grand Jury's evaluation of our 1999-2000 responses to the recommendations regarding Environmental Health Services. The Board believes it complied with the requirements of the California Penal Code in its September 26, 2000 and December 20, 2000 letters to the Presiding Judge. Those replies are restated herein from our September 26, 2000 reply:

Grand Jury General Recommendations

1. Recommendation: County should consider a moratorium on issuance of permits for additional septic systems, whether for individual homes or large flow systems, until the following steps taken:

   Response: ***This recommendation has been implemented. A moratorium was considered and determined to be unwarranted. There is no factual basis to conclude a public health emergency actually exists. As in the past, each septic system permit application will be carefully reviewed on a site-specific basis. In the future event that existing or proposed environmental monitoring indicates water quality degradation attributable to septic effluent, an area-specific septic moratorium may be considered in collaboration with the San Francisco Bay Regional Water Quality Control Board.***

   a. The Board of Supervisors should direct appropriate County agencies to prepare and implement a comprehensive watershed management plan so that all watersheds that are, or could be, used for on-site wastewater disposal are examined in detail on an individual basis for degradation potential.

      Response: ***This recommendation requires further analysis. The County has recently created a Septic Policy and Technical Advisory Committee (SepTAC) that will discuss this recommendation during the six-month period following publication of the Grand Jury's Final Report. Full analysis should be complete within one year. Additional watershed planning will also be addressed during the Marin Countywide Plan Update that was initiated in August 2000. Preparation of a comprehensive watershed management plan is currently being initiated for the Tomales Bay watershed.***

   b. An immediate and concerted effort is undertaken to negotiate and implement appropriate MOUs with the San Francisco Bay Regional Water Quality Control Board. The MOUs should require Marin County to permit and oversee all types of on-site wastewater systems to be fully and completely under County control.

      Response: ***This recommendation requires further analysis. CDA has initiated this analysis by retaining an environmental health consultant with experience in this task. Additional analysis of this matter will occur as part of the SepTAC review process within one year.***

c. Codes, ordinances, policies and regulations that allow careful and equitable planning, construction and monitoring of larger flow on-site wastewater disposal systems are written, adopted, and implemented.

Response: ***This recommendation requires further analysis. CDA has initiated this analysis by retaining an environmental health consultant with experience in this task. Additional analysis of this matter will occur as part of the SepTAC review process within one year.***

2. Recommendation: County should immediately recruit and hire engineers trained to review plans, oversee construction and monitor the performance of the more complex systems currently in use and in the planning stage throughout the County.

Response: ***This recommendation will not be implemented because it is unwarranted. The County already engages in ongoing recruitment for vacant environmental health positions, and contracts with private engineers to review plans and monitor construction as needed. There is currently no approved or planned position for an on-staff engineer within the Environmental Health Division.***

3. Recommendation: County should develop a financial assistance program to aid homeowners who must upgrade or replace their septic systems.

Response: ***This recommendation requires further analysis. The recently appointed SepTAC will be providing the Board of Supervisors its recommendations within one year. Additionally, a septic system funding subcommittee was recently formed by the Tomales Bay Shellfish Technical Advisory Committee. Environmental Health staff*** **and** ***Board offices are also working to secure funding and loan sources for property owners who wish to repair or upgrade their septic systems.***

Rose Report Section 1: Inventory of Individual Sewage Disposal Systems

1. Recommendation: Expand current inventory of individual sewage disposal systems to include all improved properties with individual sewage disposal systems to provide monitoring and inspection oversight for all septic systems in the County.

Response: ***This recommendation requires further analysis. In principle, the Board of Supervisors concurs that the current inventory should be expanded. Whether that is feasible, and how it would be done, remain outstanding questions. The recommendation will be reviewed by SepTAC during the coming year to determine the most effective approach.***

2. Recommendation: Develop a Geographic Information System that will identify all improved properties not currently identified in the microfiche files maintained by the EHS Division.

Response: ***This recommendation requires further analysis. An analysis will be completed within six months of the publication of the Grand Jury Final Report.***

3. Recommendation: EHS monitor monthly reports of the registered liquid waste haulers to crosscheck all serviced properties not currently identified in the microfiche records.

Response: ***This recommendation requires further analysis. Environmental Health staff currently reviews the pumping logs of septic pumpers to identify repeated and frequent service. Monitoring the monthly reports of registered liquid waste haulers may be an effective way to identify properties where possible problems are being experienced. An analysis of this recommendation will be completed within six months of the publication of the Grand Jury Final Report.***

4. Recommendation: Develop a cooperative agreement with the Assessor-Recorder that will include CDA participation in the planned Neighborhood Review Program (NRP) to be scheduled by the Assessor-Recorder. The NRP should identify property improvements not currently identified on the Assessor's Real Property Roll and properties in areas served by individual sewage disposal systems. Personnel (and extra help) from the Building Inspection and Environmental Health Services divisions should participate in the NRP.

   Response: ***For reasons explained further below, this recommendation will not be implemented because it is not warranted.***

   The Board of Supervisors and County administration consistently advocate and support collaboration and teamwork between County departments. EHS currently researches planning, building and septic applications to verify if property improvements have been completed without required building permits. Additionally, EHS consults with the Assessor-Recorder's office and the CDA Building Division on these matters. For reasons noted in the following response, further participation of EHS with the Assessor-Recorder's assessment activities is likely to be counter-productive.

5. Recommendation: Include CDA as a joint partner and recipient of information in the development and implementation of the Assessor's next NRP.

   Response: ***For reasons explained further below, this recommendation will not be implemented because it is neither warranted nor reasonable.***

   This recommendation will not achieve the desired result of discovering unpermitted septic systems. The Assessor-Recorder is an elected department head who has the responsibility to annually inventory and value all taxable property in the county except public utility property, and publish these findings as the assessment roll.

   In performance of this function, the Assessor will, on occasion, conduct a review of a particular neighborhood to discover construction not included in the Assessor's property records. The Assessor does not have legal authority to go onto private property without the consent of the property owner. Therefore, field checking is rather limited to discovery of construction that is apparent. That is not a good method for discovery of a property's sewage disposal system. Also, while many property owners are willing to give the Assessor information upon request, they might be less willing to provide information if they thought or knew the information was going to be shared with another agency.

Rose Report Section 2: Reorganization of Environmental Health Services

1. Recommendation: Direct CAO and department heads to provide a status report immediately on the activities of the previous reorganization, indicating which objectives have been accomplished and which are still pending.

   Response: ***For reasons explained further below, this recommendation will not be implemented because it is not warranted.***

   The reorganization about which the Grand Jury is concerned occurred some seven years ago. The Board of Supervisors is concerned today about the ability of the organization as it now exists to carry out its mission. An evaluation will be completed within six months to determine if the organization is meeting its current objectives.

2. Recommendation: Direct the current and previous CDA Directors to report what has been achieved during the last seven years to improve the efficiency and effectiveness of EHS operations under the direction of the CDA.

   Response: ***Consistent with the response above to Recommendation 2-1, this recommendation will not be implemented because it is not warranted. An evaluation will be completed within six months to determine if the organization is meeting its current objectives.***

3. Recommendation: Evaluate EHS improvements accomplished under the CDA, and consider transferring EHS back to the Health and Human Services Department if no substantive benefits have been realized from the reorganization.

   Response: ***Consistent with the response above to Recommendation 2-1,this recommendation will not be implemented because it is not warranted. The County will review the current delivery of service by EHS in CDA to determine its effectiveness in protecting the environment, coordinating permitting activities for residents, and providing efficient services, regardless of the initial reasons for moving EHS from H&HS to CDA in 1994.***

4. Recommendation: Direct CAO to review the CDA report, and advise the Board of Supervisors if the improvements to and accomplishments of EHS over the past seven years are sufficiently beneficial to remain a part of CDA.

   Response: ***Consistent with the response above to Recommendation 2-3,this recommendation will not be implemented because it is not warranted. The County will review the current delivery of service by EHS in CDA to determine its effectiveness in protecting the environment, coordinating permitting activities for residents, and providing efficient services, regardless of the initial reasons for moving EHS from H&HS to CDA in 1994.***

Rose Report Section 3: Disposal of Septic and Chemical Toilet Wastes

NOTE: NO COUNTY OFFICER WAS REQUESTED BY THE GRAND JURY IN ITS "FINAL REPORT 1999-2000" TO RESPOND TO RECOMMENDATIONS IN THIS SECTION OF THE ROSE REPORT.

Rose Report Section 4: County Counsel Costs

1. Recommendation: Change the budgetary process for the allocation of direct County Counsel costs from indirect County overhead that is included in the Countywide Cost Allocation Plan to a separate interdepartmental charge for each budgetary unit that requires County Counsel legal services.

   Response: ***This recommendation will not be implemented because it is not warranted. The cost of County Counsel services is properly an indirect cost for the County departments receiving those services, and is properly reflected in the County's Cost Allocation Plan (CAP). The CAP is developed and managed in accordance with standards promulgated by the State Controller. The County is not interested in expanding the use of interdepartmental charges because of unavoidable difficulties that are inherent in that approach to allocating costs.***

2. Recommendation: On a quarterly basis, monitor County Counsel detailed reports on documented hours and costs that provide assistance to the EHS on matters requiring legal services and support.

   Response: ***This recommendation will not be implemented because it is not warranted. County Counsel already monitors detailed hour and cost reports prepared by deputies. These reports form the basis for allocations in subsequent CAP's.***

Rose Report Section 5: Operation of the Land Use Unit

1. Recommendation: Move quickly to fill vacant positions with well-qualified personnel.

   Response: ***For reasons explained further below, this recommendation will not be implemented because it is not warranted.***

   It has been, and will remain, County policy to endeavor to fill all vacant positions quickly, and to fill them in all cases with well-qualified personnel. Prior to the issuance of the Grand Jury's Final Report, efforts were initiated, through internal promotions and ongoing recruitments, to fill vacancies in the EHS Land Use Unit. One vacancy remains at this time. Staff recruitment, retention and development remain high priorities.

2. Recommendation: Install a management information system to provide key data elements to support optimum operation of the Land Use Unit.

   Response: ***This recommendation has not yet been implemented, but will be over the course of the current and succeeding fiscal year. Initial steps have been taken to better coordinate data among all divisions of the CDA and other County departments. Towards that end, building permit information has been converted from a Macintosh-based platform to a P.C.-based one compatible with other divisions. EHS will also take part in further improvements to permit tracking and management information systems.***

3. Recommendation: Increase the EHS Division budget for training, with emphasis on expanding technical skills for the Registered Environmental Health Specialists (REHS).

   Response: This recommendation has been implemented.

4. Recommendation: Allocate General Fund or Trust Account resources to supplement the current full reliance on permit fees to operate the EHS Land Use Unit.

   Response: This recommendation has been implemented. Trust account funding has been allocated for additional environmental health consulting services and technical training.

5. Recommendation: Support the actions of the CDA Director through the annual budget process and/or through amendments to the annual budget in order to implement the recommendations listed in this Section.

   Response: This recommendation has been implemented.

Rose Report Section 6: Environmental Health Services Trust Account

1. Recommendation: Develop written policies and procedures governing the administration and operation of the EHS Enterprise Fund and Trust Account.

   Response: This recommendation requires further analysis. Currently, the County follows guidelines for trust account administration and operation as outlined in the manual from the State Controller's Office, "Accounting Standards and Procedures for Counties." Marin does not have specific "written policies and procedures governing the administration and operation" of any County enterprise funds or trust accounts. Whether these should be developed for the County as a whole, and/or for EHS in particular, needs to be evaluated over the next six-month period. If it is determined to be necessary, such policies and procedures will be drafted within one year's time.

2. Recommendation: Work with EHS administrative staff to develop detailed records on both permit fee revenues and related budgeted expenses. Provide individual reporting for each of the three separate units (Consumer Protection, Land Use, and Solid Waste) within EHS operations.

   Response: This recommendation has been implemented. Working closely with the Acting Chief of EHS, spreadsheets for FY 1999-2000 were developed that provide for detailed accounting of both revenues and expenses for the four major programs in EHS: Food, Housing/Pools, Land Use and Solid Waste. This format will be used by CDA for ongoing accounting of EHS funds.

3. Recommendation: Require the EHS Trust Account to undergo a separate financial accounting at the end of each fiscal year by the County's Independent Auditor.

   Response: This recommendation has not yet been implemented, but will be with the cooperation of the Auditor-Controller during the current fiscal year.

4. Recommendation: Develop policies and procedures to address beneficial uses of the Trust Account surplus.

***Response:** This recommendation requires further analysis. An analysis will be concluded within six months of the publication of the Grand Jury's Final Report.*

5. Recommendation: Review the Countywide Cost Allocation Plan to determine which costs may be charged as legitimate expenditures and thereby included for determining future permit fees.

   ***Response:** This recommendation will not be implemented because it is not warranted. The Grand Jury itself noted that one of the factors that causes residents at times to construct improvements without required permits is the perceived high cost of such permits and the burden that cost places on homeowners. This recommendation would merely exacerbate that problem. The County will instead consider other alternatives to deal with the very legitimate concern the Grand Jury has with regard to adequately funding the activities of EHS.*

Rose Report Section 7: Monitoring Septic Systems and Future Growth

1. Recommendation: Work with the County Health Officer to develop a mutual plan for biennial inspections of constructed septic systems to ensure their continued proper functioning.

   ***Response:** This recommendation requires further analysis. The Community Development Director will work with the County Health Officer, the H&HS Director and the Septic Technical Advisory Committee (SepTAC) to develop an effective program within existing legal and financial constraints within the next six months.*

2. Recommendation: Finalize written policies and procedures for the receipt and disposition of complaints including provisions for ongoing review and resolution within a reasonable period of time.

   ***Response:** This recommendation has not yet been implemented, but will during the current fiscal year.*

3. Recommendation: Work with property and homeowner groups to offer public education on septic systems, so that the formation of Community Service Areas (CSAs) could provide residents in unincorporated communities greater local controls [to] promote proper septic system function and maintenance and enhance protection to the environment.

   ***Response:** This recommendation has been implemented in part. A Septic Technical Advisory Committee (SepTAC) -- made up of homeowners, environmental advocates, business owners and other stakeholders with interest in septic system regulations -- has been formed by the County. Included in this group are representatives from several Marin County Sanitary Districts that oversee septic systems and large community systems. Also, Environmental Health staff have recently participated in several community outreach efforts. These include the "Septic Social" in Pt. Reyes Station, meetings with Bolinas residents and the BPCPUD board; and workshop meetings with LAFCo, and Novato residents and officials.*

4. Recommendation: Become more familiar with the day-to-day operations of the EHS Land Use Unit to foster a greater appreciation of the health hazards associated with failing septic systems.

   Response: ***For reasons discussed further below, this recommendation will not be implemented because it is not warranted.***

   The concept underlying the recommendation is valid but not new. It has been and remains a matter of County priority that the County Health Officer be familiar with the day-to-day operations of the EHS Land Use Unit. In fact the County Health Officer does, and will continue to, work closely with Environmental Health staff. There is frequent and ongoing communication between the County Health Officer and the Acting Chief of EHS. The Health Officer also interfaces proactively with EHS in situations of actual or potential public health risk, including land use issues. The Health Officer is very familiar with EHS operations and associated public health issues.

And from our December 20, 2001 response to the 1999-2000 Grand Jury Status Report, we again provide our reply as follows:

Summary

On September 26, 2000, the Board approved a response to the Final Report of the 1999-2000 Grand Jury that contained a number of items for which the response indicated the need for further review. County staff have reviewed the recommendations noted above. The following information is the status of that review. In many cases, the review has led to a conclusion, which is stated in the response.

Recommendations of Administration & Finance Committee Re Civic Center (No. 3, 4, 5)

3. Recommendation: That the Board of Supervisors consider adoption of a ticket surcharge on all admissions to the Marin Center and the County Fair, the proceeds of which to be used exclusively for capital improvements and maintenance of the Marin Center.

   Status: ***This approach was used previously, and was determined to be unsatisfactory due to the disparate treatment accorded promoters for events for which admission was charged vs. those for which admission was not charged. Upon consideration of this history, the suggested funding strategy will not be implemented.***

4. Recommendation: That the Board of Supervisors agree to and adhere to a new Mission Statement for the Civic Center Conservancy.

   Status: ***On November 11, 2000, the Frank Lloyd Wright Civic Center Conservancy presented to the Board of Supervisors, a new Mission Statement that was received by the Board. Board members expressed gratitude to the Conservancy members for their efforts on behalf of Marin County and the Civic Center.***

5. Recommendation: That the Board of Supervisors designate one department to be responsible for all ongoing budgeting, maintenance and general supervision of the complex.

Status: An analysis of the existing situation related to ongoing budgeting, maintenance and general supervision of the Marin Civic Center complex was undertaken. Currently, the Department of Parks, Open Space and Cultural Services maintains the Marin Center with regard to minor repairs. The Department of Public Works is responsible for the maintenance of the Civic Center and grounds. The County Administrator's Office approves expenditures for all maintenance issues, and meets with both departments on a regular basis to coordinate efforts. It was concluded that the existing structure was adequate to maintain proper controls and ensure the continuation of effective maintenance of the complex. The above recommendation will not be implemented because it is not deemed warranted.

Recommendations of Environment Committee Re Septic Systems (No. 1a, 1b, 1c; 3)

1. Recommendation: County should consider a moratorium on issuance of permits for additional septic systems, whether for individual homes or large flow systems, until the following steps taken:

a. The Board of Supervisors should direct appropriate County agencies to prepare and implement a comprehensive watershed management plan so that all watersheds that are, or could be, used for on-site wastewater disposal are examined in detail on an individual basis for degradation potential.

***Status:** The Tomales Bay Watershed Council (TBWC), which includes local citizenry and a variety of federal, State and local agencies (including the County of Marin), is currently involved in preparing a comprehensive watershed management plan for Tomales Bay. Towards this end, the TBWC has been meeting monthly since January 2000. Thus far the TBWC has received $114,000 and hired a watershed coordinator to begin this task. The TBWC envisions completing the draft watershed management plan within approximately two years, after which relevant materials could be considered for adoption by participating agencies such as Marin County. The Marin County Septic Policy and Technical Advisory Committee (SepTac) may also be contributing to this effort. Studies of other watersheds have not been initiated at this time but may be addressed to some degree in the Countywide Plan update process.*

b. An immediate and concerted effort is undertaken to negotiate and implement appropriate Memorandums of Understanding (MOUs) with the San Francisco Bay Regional Water Quality Control Board. The MOUs should require Marin County to permit and oversee all types of on-site wastewater systems to be fully and completely under County control.

***Status:** The SepTAC, which is comprised of local citizenry and representatives of State and local agencies, has been meeting since September 2000. The SepTAC is*

reviewing different types of wastewater systems and the Regional Water Quality Control Board (RWQCB) is participating actively in this review. Once the SepTAC has completed its recommendations, renegotiation of the County's MOU with the RWQCB may be considered. In the meantime, Marin County is responsible for permitting septic systems up to a capacity of 10,000 gallons per day and the RWQCB is responsible for all larger systems. EHS and RWQCB staff are now working collaboratively with other interested parties on this and related topics.

c. Codes, ordinances, policies and regulations that allow careful and equitable planning, construction and monitoring of larger flow on-site wastewater disposal systems are written, adopted, and implemented.

***Status:** A subcommittee of the SepTAC has been formed to specifically address this concern. We anticipate that this committee will make recommendations regarding this matter within the next six months, and that the consultant and EHS staff will prepare draft regulations regarding large flow systems within one year.*

3. Recommendation: County should develop a financial assistance program to aid homeowners who must upgrade or replace their septic systems.

***Status:** Marin County EHS is working with several state agencies to evaluate and secure funding opportunities to assist homeowners in upgrading their septic systems. In addition, AB 885, recently signed into law, includes a funding provision of low cost loans for homeowners who must upgrade their septic systems to meet new minimum state standards, which take effect in 2004.*

Rose Report Section 1: Inventory of Individual Sewage Disposal Systems (No. 1, 2, 3)

1. Recommendation: Expand current inventory of individual sewage disposal systems to include all improved properties with individual sewage disposal systems to provide monitoring and inspection oversight for all septic systems in the County.

Status:** EHS staff is currently evaluating the feasibility of this issue in cooperation with a SepTAC subcommittee recently formed to address this and other related* **tasks. As** ***previously noted, the SepTAC will be making recommendations on this subject during the coming year.

2. Recommendation: Develop a Geographic Information System that will identify all improved properties not currently identified in the microfiche files maintained by the EHS Division.

Status: ***Implementation of GIS technology to use existing and expanding databases of septic systems in Marin County is in the initial stages. Staff from the State Department of Health Services, County EHS and CDA have met to formulate a plan for overlaying existing and future septic data onto maps for planning purposes, as well as a mechanism for getting funding for watershed projects. Initial indications have been favorable and staff anticipates that the use of GIS will be both helpful and cost effective in identifying and tracking parcels served by septic systems.***

3. Recommendation: EHS monitor monthly reports of the registered liquid waste haulers to crosscheck all serviced properties not currently identified in the microfiche records.

Status: ***EHS staff now monitors the pumping logs and contacts the owners of properties where there is frequent septic pumping, and has found this to be a useful tool. EHS staff anticipates that the use of GIS technology will be a more effective tool in locating properties with septic systems not currently included in the microfiche records.***

Rose Report Section 6: Environmental Health Services Trust Account (No. 1, 4)

1. Recommendation: Develop written policies and procedures governing the administration and operation of the EHS Enterprise Fund and Trust Account.

Status: ***The County follows guidelines for trust account administration and operation as outlined in the manual from the State Controller's Office, "Accounting Standards and Procedures for Counties." If it is determined that a change in this practice is necessary, such change will be promptly implemented.***

4. Recommendation: Develop policies and procedures to address beneficial uses of the Trust Account surplus.

Status: ***There is no trust fund "surplus". Balances in the trust fund fluctuate primarily as a function of the existence and duration of staff vacancies in the program. Expenditures from the fund are used exclusively for the purposes for which the fees that make up the fund were collected. This recommendation will not be implemented because it is not warranted.***

Rose Report Section 7: Monitoring Septic Systems and Future Growth (No. 1)

1. Recommendation: Work with the County Health Officer to develop a mutual plan for biennial inspections of constructed septic systems to ensure their continued proper functioning.

Status: ***EHS staff have been working with the SepTAC, which has formed a subcommittee to review this and related matters. The SepTAC has indicated a strong interest in the ongoing monitoring and inspection of septic systems in Marin County to***

ensure functional systems and a healthy environment. SepTAC is currently looking into ways to accomplish this that are both effective and efficient and will be making recommendations on this topic in the upcoming year. While the Health Officer is not a member of SepTAC, he will be asked to comment on any, and all recommendations.

Health & Human Services Committee Re Paramedic System (No. 1A, 1B, 1C, 1E; 2-1-1)

1-1A. Recommendation: The Board of Supervisors should fund and request the Director of H&HS to contract with a "systems auditor" experienced in California county government and the design, organization and operation of paramedic systems.

Status: As noted in the Board of Supervisor's original response to this recommendation, the Emergency Medical Care Committee (EMCC) is responsible for oversight of the county EMS system. Issues in field care are addressed in various subcommittees or ad hoc committees of the EMCC. Representation on these committees includes paramedics, CQI Coordinators, Provider Medical Directors, Fire Chiefs and EMS Program staff. Collectively, these very knowledgeable elements of the system work together to promote cost-effectiveness and to improve the quality of services.

At this time there has been no decision to contract with a consultant ("systems auditor") to evaluate paramedic services in Marin County. Local EMS staff have at their disposal not only the extensive expertise of local experts alluded to above, but also the advice of experts around the state with whom they associate professionally on a regular basis.

Notwithstanding disagreement at this time regarding the need to contract with a "systems auditor," the Director of H&HS has commenced an examination of the issues identified by the Grand Jury in its report.

1-1B. Recommendation: The systems auditor's investigation should commence no later than six months following the release of this report and conclude four months after appointment. The individual should be charged, at a minimum, with addressing the following issues:

i. Design of a paramedic system with a single, or at most, two paramedic providers.

ii. Benchmark contracts between paramedic providers and the Marin County EMS agency that ensures the County EMS agency has adequate control over the quality of services.

iii. Uniform medical control over the entire EMS system residing in the office of the County EMS agency's full-time Medical Director.

iv. Install one full-time paramedic provider Medical Director who reports to the County EMS agency and is responsible for all paramedics.

v. Implementation of "system status management" by all paramedic providers.

Status: Consistent with the comments regarding Recommendation 1-1A, the Director of H&HS has commenced a collaborative review of these issues.

1-1C. Recommendation: The systems auditor should deliver his/her report to the EMS Commission, which should study the systems auditor's advice; develop an implementation strategy; and submit a written response to the Grand Jury's recommendations within four months of receiving the systems auditor's report.

Status: The Director of H&HS will consult with the EMCC in preparing a response to the issues raised in Recommendation 1-1B.

1-1E. Recommendation: The affected agencies should conclude implementation of the plan within two years of receiving the systems auditor's analysis.

Status: It is the intention of the Board of Supervisors that implementation of actions it may direct with regard to the issues raised in Recommendation 1-1B will be undertaken without delay.

2-1.1. The County Counsel's Office should work with its counterparts in other counties to promote legislation that would amend section 1797.201 of the EMS Act [to] eliminate barriers to the authority of local EMS agencies over their EMS system.

Status: Upon further review, this proposal has not been included in the County's proposed 2001 Legislative Platform. It involves an issue of great statewide concern that was one of the subjects of a meeting of the Health and Human Services Policy Committee of the California State Association of Counties at the Association's Annual Meeting in November, 2000. It is not the County's practice to sponsor legislation of widespread concern statewide because such legislation should be sponsored instead by organizations of statewide scope. Notwithstanding that strategic posture, the County will be predisposed to support reasonable legislation, should it be introduced, to improve upon the manageability and effectiveness of regional and countywide emergency services systems in California.

Respectfully submitted,

Harold C. Brown
President, Board of Supervisors

cc: Community Development Director
County Counsel

F/Marty/Grand Jury/BOS Final Resp.1999-00 EHS