

August 16, 2006

The Honorable Rodney S. Melville
Santa Barbara County Superior Court
312-M East Cook Street
Santa Maria, CA 93454-5162

Santa Barbara County Civil Grand Jury
Attention: Foreman
1100 Anacapa Street
Santa Barbara, CA 93101

Subject: Response to Findings and Recommendations, Santa Barbara County
Grand Jury Report, "*Water and Cemetery Districts—Do
Special Districts Need Watching?*"

Dear Judge Melville and Civil Grand Jury Foreman,

Montecito Water District is responding to the Findings and Recommendations made in the report entitled *Water and Cemetery Districts, Do Special Districts Need Watching?* received by the District on June 5, 2006.

As noted in our previous letter, dated June 21, 2006, the District is not a part of county government or a county dependent special district as referenced in Penal Code § 925, or an incorporated city or a joint powers agency as referenced in Penal Code § 925a, or any of the other types of agencies over which the Grand Jury has been statutorily granted reviewing authority. Furthermore, Penal Code § 933(c), the section referenced in the demand for response, expressly provides that the response by the governing board of any public agency which is subject to the reviewing authority of the Grand Jury is due no later than 90 days after submission of the final report, rather than the 60 days stipulated in the Grand Jury report on page 22.

As a responsible local agency, the governing board of the Montecito Water District is happy to provide these responses to the Civil Grand Jury Report, but is providing them within the terms of the 90-day period which would be applicable if the District were subject to Grand Jury reviewing authority, and is not providing the additional responses to county officials called for under the 60-day response period of § 933(c).

Finding #1—

District agrees that training of Board members is useful. Training in various areas is available to Montecito Water District Directors. The report mistakenly states that only the District's designated representative to the

Association of California Water Agencies (ACWA) may take advantage of the training offered by that agency. In reality, all Directors have access, with the approval of the Board, to the seminars, courses, and workshops offered by ACWA, as well as those of other agencies which serve special districts and/or water agencies, and all Directors have received or are scheduled to receive such training.

Finding #2—

It is inappropriate for water districts to comment on this finding.

Finding #5—

District disagrees with this finding. There is no indication that any member of the public, District customer or not, has ever been unable to contact the District via fax or email. The general email address, which is very lightly utilized in spite of being widely publicized, is monitored during business hours and the fax machine likewise. Even though the District fax number and general email address are published in the newsletter, on the website, and on the letterhead, customers usually call the District phone number, where they receive prompt and courteous service.

Montecito Water District Board meetings are noticed in strict accordance with the Brown Act. Board meetings are frequently attended by members of the public, who are not reticent about making their thoughts and concerns known to the Board. Minutes are kept in accordance with Board policy, which calls for action minutes only.

Finding #8—

District disagrees with this finding. Montecito Water District consolidated with Summerland County Water District in 1995; there is no other logical congruent special district or contiguous water district with which to merge. Several small, private water districts have been acquired by Montecito Water District over the years.

Recommendation #1—

District had already implemented this recommendation prior to receipt of the Grand Jury report. All Montecito Water District Directors have received, or are enrolled to receive, ethics training required by AB 1234. Directors are not required to receive training in the other subjects listed, but have been furnished with materials on these subjects at various times and are free to seek training in any area in which they feel they are unprepared with the approval of the Board. All Directors have considerable experience both in and prior to their involvement with the District which included work and education in many of the areas listed.

Recommendation #2—

District has already implemented relevant portions of this recommendation. AB1234 requires training for elected officials, and does not apply to general managers. Montecito Water District's general manager has received training in all the subjects noted.

Recommendation #4—

District agrees that the practices noted in this recommendation are important and already follows these procedures.

Recommendation #5—

District agrees that the practices noted in this recommendation are important and already follows these procedures.

Recommendation #6—

District agrees that the practices noted in this recommendation are important and already follows these procedures.

Recommendation #7—

District agrees that the practices noted in this recommendation are important and already follows these procedures in accordance with the Board Policy on Minutes.

Recommendation #8—

This recommendation may receive further consideration. Presently the District receives updates on changes as they occur from both Counsel and our CPA. The District may consider receiving an annual summary of changes from their Counsel and CPA.

Recommendation #9—

District agrees that the practices noted in this recommendation are important and already follows these procedures; all staff reports to the Board contain both a recommendation and discussion showing the reasoning behind the recommendation.

District found the information presented in the appendices at the end of the report to be inaccurate with regard to the Montecito Water District. A few did not in any way reflect the responses District entered in the Grand Jury questionnaire and several were applied to questions other than those to which they were responding. Specifically: for question 2 District responded with the names of four committees, but the chart shows six committees; District's response for question 9 is shown for question 7a and District's response for question 10 (and 10x) is shown for question 9 and the table shows no response for question 10 ; the response for question 14 is inaccurately reported; the chart fails to note that a list of ACWA training courses was attached for question 14a; District's response for question 24 is shown as 23a and an incorrect response is inserted for question 24.

Thank you for the opportunity to comment on the findings and recommendations of the Grand Jury Report.

Sincerely,

Robert M. Edmonston, President