

# Grand Jury Report

## REQUIRED RESPONSE FORM

**Grand Jury Report Title :** REDWOOD VALLEY COUNTY WATER DISTRICT - 48 Years of Water Insecurity

**Report Dated :** July 14, 2022

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**Response Form Submitted By:**

Mendocino County Board of Supervisors  
501 Low Gap Road  
Ukiah, CA 95482 (use address block as inserted on first page)

**Response MUST be submitted, per Penal Code §933.05, no later than: October 12, 2022**

**I have reviewed the report and submit my responses to the FINDINGS portion of the report as follows:**

I (we) agree with the Findings numbered:

\_\_\_\_\_

I (we) disagree wholly or partially with the Findings numbered below, and have *attached* a statement specifying any portion of the Finding that are disputed with an explanation of the reasons therefore.

F1, F4, F6, F8  
\_\_\_\_\_

**I have reviewed the report and submit my responses to the RECOMMENDATIONS portion of the report as follows:**

The following Recommendation(s) have been implemented and **attached, as required**, is a summary describing the implemented actions:

\_\_\_\_\_

The following Recommendation(s) have not yet been implemented, but will be implemented in the future; **attached, as required**, is a time frame for implementation:

\_\_\_\_\_

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The following Recommendation(s) require further analysis, and **attached, as required**, is an explanation and the scope and parameters of the planned analysis, and a time frame for the matter to be prepared, discussed and approved by the officer and/or director of the agency or department being investigated or reviewed: (This time frame shall not exceed six (6) months from the date of publication of the Grand Jury Report)

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The following Recommendations will NOT be implemented because they are not warranted and/or are not deemed reasonable; **attached, as required**, is an explanation therefore:  
R1, R3, R5, R6

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*I have completed the above responses, and have attached, as required the following number of pages to this response form:*

Number of Pages attached: 3

*I understand that responses to Grand Jury Reports are public records. They will be posted on the Grand Jury website: [www.mendocinocounty.org/government/grand-jury](http://www.mendocinocounty.org/government/grand-jury). The clerk of the responding agency is required to maintain a copy of the response.*

*I understand that I must submit this signed response form and any attachments as follows:*

First Step: E-mail in pdf file format to:

- The Grand Jury Foreperson at: [grandjury@mendocinocounty.org](mailto:grandjury@mendocinocounty.org)
- The Presiding Judge: [grandjury@mendocino.courts.ca.gov](mailto:grandjury@mendocino.courts.ca.gov)

Second Step: Mail all originals to:

Mendocino County Grand Jury  
P.O. Box 939  
Ukiah, CA 95482

Printed Name: Ted Williams

Title: Chair, Board of Supervisors

Signed: 

Date: 13 SEPT 2022

**MENDOCINO COUNTY BOARD OF SUPERVISORS' RESPONSE TO GRAND JURY  
REPORT TITLED:**

**REDWOOD VALLEY COUNTY WATER DISTRICT  
48 Years of Water Insecurity**

**Discussion**

The Board of Supervisors welcomes this opportunity to respond to the Grand Jury report titled "Redwood Valley County Water District – 48 Years of Water Insecurity". Current Grand Jury procedures state: "[f]indings are the conclusions or judgements that logically flow from the verified facts." In that regard, the Board of Supervisors encourages the Grand Jury to focus on verified facts and avoid unsubstantiated opinions that tend to inflame instead of inform discussion of this critical issue.

**Pursuant to the request of the Grand Jury, the Board is responding to the following:**

- F1. The consolidation of local water agencies is the logical first step in not only securing water availability for the RVCWD's residents and businesses, but for the entirety of the Ukiah basin. The GJ agrees with the 2003, 2008 and 2010 GJ reports and the consolidation recommendation in the most recent 2017 LAFCo report on the RRFCD Municipal Service review and Sphere of Influence update.

The respondent does not believe that it is the proper entity to respond to this finding. The Board lacks authority over the local water agencies or their consolidation.

- F4. The \$6.85 million principal balance in Federal Bureau of Reclamation Small Project Act loans remains a burden to the RVCWD, limiting access to available funding sources for infrastructure, maintenance, and upgrades.

The respondent does not believe that it is the proper entity to respond to this finding. The Board has no legal authority on this matter and lacks the information to opine on the operations of RVCWD.

- F6. The BOS failed their fiduciary duty to fill the vacant seat on the RVCWD Board when the special district was unable to do so themselves.

The respondent disagrees with this finding. The Board of Supervisors only has thirty (30) days to fill a vacancy on a special district's governing board before appointment authority reverts to the governor. Although the Board has the authority to make a political appointment in this window, there is no legal or fiduciary obligation to do so. In the 2020 situation mentioned, the Board did not receive notice of the RVCWD Board's inability to fill the vacancy soon enough to identify, vet, and take action on a suitable replacement.

- F8. The Mendocino County Water Agency (MCWA) is being reestablished for

oversight of all water issues within the County. The MCWA would be the logical entity to bring forward monthly reports to the BOS to ensure RVCWD water security and the federal loan debt remain visible on the BOS legislative calendar.

The respondent disagrees with this finding, because this is not the purpose of the MCWA. The MCWA is a flood control and water conservation district, and it lacks any legal authority or oversight over other special districts, such as RVCWD. Additionally, the MCWA does not have the funding or resources for "oversight of all water issues" and instead is trying to assemble a Water Resource Team focused on technically assisting the 42 water purveyors in our county in grant applications and communications with State Water Resource Agencies. The MCWA will still exist to address specific state mandates on various programs.

### **Response to Recommendations:**

- R1. The RVCWD immediately pursue all avenues towards consolidation with local water districts to obtain secure access to sufficient water rights to meet the health and safety needs of the RVCWD domestic, commercial, and agricultural customers. (F1 -F3, F5)

This recommendation will not be implemented. The respondent does not believe that it is the proper entity to respond to this recommendation. The Board has no authority or oversight over the RVCWD and lacks any ability to implement this recommendation.

- R3. Within 90 days, the RVCWD engage in negotiations with the United States Department of the Interior, Bureau of Reclamation to pursue partial or full loan forgiveness and/or develop a repayment plan. (F4)

This recommendation will not be implemented. The respondent does not believe that it is the proper entity to respond to this recommendation. The Board has no authority or oversight over the RVCWD and lacks any ability to implement this recommendation.

- R5. The District 1 member to the BOS monitor and report on the current negotiations toward consolidation of water districts in the upper Russian River watershed on a quarterly basis. (F8)

This recommendation will not be implemented. The current District 1 Supervisor is happy to update the Board, but will only have access to information in the public domain. Regular formal reports are potentially misleading to the public, as they may imply that the Board or MCWA has some authority over RVCWD.

- R6. The BOS establish monthly agendaized reporting mechanisms to receive regular MCWA progress reports, with a focus on the RVCWD crisis. (F8)



This recommendation will not be implemented. The Board has scheduled meetings on the Public Safety and Health Standing Committee where drought issues are discussed. Often stakeholders attend and report directly. MCWA most likely does not have much action to report. District 1 supervisor can include updates in supervisor reports on agenda, but monthly reports to the full Board would be excessive, given that the Board has no authority over RVCWD.