

Mailed 6-7-04

## Response to Grand Jury Report 2003-2004 Civil Grand Jury

**Report Title:** Inquiry into Santa Clara Valley Water District Public Hearing Notices Policy

**Report Date:** April 8, 2004

**Response by:** Mr. Joseph Judge and Members of the Board of Directors  
**Title:** Chairperson, and Members of the Board of Directors

### FINDINGS

I (we) agree with the Findings numbered: \_\_\_\_\_

I (we) disagree wholly or partially with the Findings numbered: I  
(Attach a statement specifying any portion of the Findings that are disputed; include an explanation of the reasons therefor.)

### RECOMMENDATIONS

Recommendations numbered \_\_\_\_\_ have been implemented.  
(Attach a summary describing the implemented actions.)

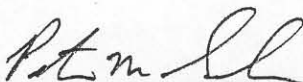
Recommendations numbered IA & 1B have not yet been implemented, but will be implemented in the future.  
(Attach a timeframe for the implementation.)

Recommendations numbered \_\_\_\_\_ require further analysis.  
(Attach an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or director of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report.)

Recommendations numbered \_\_\_\_\_ will not be implemented because they are not warranted or are not reasonable.  
(Attach an explanation.)

6/7/04

Date



Signature

Peter M. Sakai

Print Name

Number of pages attached: 3

June 1, 2004

Mr. Richard H. Woodward, Foreperson  
2003-2004 Civil Grand Jury  
Santa Clara County  
Superior Court Building  
191 North First Street  
San Jose, CA 95113

Dear Mr. Woodward,

Thank you for providing the Santa Clara Valley Water District with the opportunity to comment on the Santa Clara County Civil Grand Jury Final Report, **Inquiry into Santa Clara Valley Water District Public Hearing Notices Policy.**

As required by Penal Code Section 933.05 attached is our response to the findings and recommendations contained in the report.

Please contact Mr. Peter Sakai, if you have any questions regarding the District's response.

Sincerely



Peter M. Sakai, Chief  
Office of Performance Systems Management  
Santa Clara Valley Water District

Attachment

**Santa Clara Valley Water District  
Response to Grand Jury Report – Supplemental Information  
June 1, 2004**

The following is additional information to supplement the Santa Clara Valley Water District's (SCVWD) response to the 2003-2004 Civil Grand Jury Report entitled "Inquiry into Santa Clara Valley Water District Public Hearing Notices Policy, dated April 8, 2004.

**Report Finding I**

*There is no written policy governing where the SCVWD should publish notices. The SCVWD fulfilled the Brown Act Government Code requirements for publishing by placing the meeting notice in the San Jose Mercury News and San Jose Post Record and the SCVWD website; however, not all interested parties in the county read the San Jose Mercury News or San Jose Post Record.*

**Santa Clara Valley District Response to Report Finding I**

The SCVWD is in agreement with the statement in the report, "The SCVWD fulfilled the Brown Act Government Code requirements for publishing by placing the meeting notice in the San Jose Mercury News and San Jose Post Record and the SCVWD website." However, the SCVWD is respectfully in partial disagreement with the finding that "There is no written policy governing where the SCVWD should publish notices."

The SCVWD utilizes the District Act, unit procedures, as well as California Government Code to govern advertising of public hearings.

The SCVWD Clerk of the Board unit has a written unit procedure for advertising the Water Utility Public Hearing, the Benefit Assessment Public Hearing, and the Ordinance for Increase of Compensation for the Board of Directors Hearing. Presently, these procedures are unit level procedures and therefore are not incorporated in the District's main Administrative Policies and Procedures manual, since they were considered to be specific to the Clerk's Office in applicability.

**Recommendation 1A**

*A written policy and procedure should be established regarding the selection of publications to advertise notices of public hearings.*

**SCVWD Response to Recommendation 1A**

An overall District wide procedure for public hearings, which includes advertising requirements, will be established.

The Clerks office will coordinate with the SCVWD Office of Public Affairs and update and revise its unit level procedure and publish it as a District wide procedure by October 1, 2004.

**Recommendation 1B**

*Press releases announcing a public hearing should be submitted to local community newspapers, in addition to the current publishing of meeting notices in the San Jose Mercury News and San Jose Post Record, to increase the opportunity for all interested parties within the district to be informed of the public hearing.*

**SCVWD Response to Recommendation 1B**

*This recommendation will be included in the revised procedure. It should be noted however, that the District will also consider on a case-by-case basis the additional cost of advertising in determining whether to exceed the requirements of the District Act and Brown Act in posting notices of public hearings. Presently, costs to advertise public notices in the San Jose Mercury and San Jose Post are approximately \$9,300 in total. Supplemental advertisement in other local publications, to exceed current legal requirements, can cost an additional \$9,000 or more. While meeting the requirements of noticing public hearings and providing opportunities to the public to attend and participate at hearings is very important, the District must also manage costs to stay within its fiscal limitations.*