



FRAZIER PARK PUBLIC UTILITY DISTRICT

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June 9, 2022

HONORABLE COLETTE HUMPHREY, PRESIDING JUDGE
KERN COUNTY SUPERIOR COURT
1415 TRUXTUN AVENUE, SUITE 212
BAKERSFIELD, CA 93301

RE: April 14, 2022 Grand Jury Report

Dear Judge Humphrey:

Frazier Park Public Utility District submits the following responses to the Grand Jury Report, dated April 14, 2022 pursuant to Penal Code section 933.05.

FINDINGS:

- F1. The District website lists times of Board Meetings and agendas indicating their compliance with the Ralph M. Brown Act.

RESPONSE: The respondent agrees with the finding.

- F2. The ZOOM meetings are well conducted, well-mannered and participants are given the opportunity to speak.

RESPONSE: The respondent agrees with the finding.

- F3. The room where the Board Meetings are conducted is also used by staff for storage. Although, per staff comments, the public seldom attends, the room would be uncomfortable if several attended.

RESPONSE: The respondent disagrees wholly with the finding. The meeting room had only a few boxes and maps that could easily be moved. When chairs are set up, the room can comfortably seat up to 10 members of the public. When large public information meetings or public hearings are held where attendance is expected to be higher than usual, the meeting is moved to the Frazier Park Recreation Building.

- F4. If the District attempted to replace the entire distribution system, the community could be without potable water for an extended period of time, and the cost could be prohibitive.

RESPONSE: The respondent agrees with the finding.

- F5. The District is in compliance with the CSWRCB directive, requiring customers be advised by letter concerning the water contamination and what is being accomplished to remediate the problem.

RESPONSE: The respondent agrees with the finding.

- F6. Per staff, the cost of printing and inserting letters into envelopes is accomplished by a local printer at a cost of \$1,100 per month. The letters must be approved each month by the CSWRCB before printing. Once approved they must be translated into Spanish and submitted for printing. When printed, they are returned to the District, who then addresses, seals, attaches postage and mails. It was noted by staff they have observed customers retrieving letters from Post Office Boxes, and immediately disposing of the letters in the trash container.

RESPONSE: The respondent agrees with the finding.

- F7. The entire community uses septic systems and Well 5 is downhill from several residences. If a septic system leaks, possible contaminated water is filtered into the ground and can contaminate a water source. A cursory visual inspection of residences' septic systems located a short distance from Well 5 revealed no visible leaks. Leaks located deeper in the ground cannot be seen. *A sufficient distance between a septic system and well will reduce the risk of nitrate contamination of drinking water at concentrations above that allowed in a public water supply.* (Drinking Water Contaminant – Nitrate, Cooperative Extension, USDA, National Institute of Food and Agriculture, August 23, 2019)

RESPONSE: The respondent agrees with the finding.

- F8. There is specialized underground leak detection equipment available that allows a field technician to pinpoint the exact location of a leak. Modern underground water leak detectors are sensitive and accurate – and allow personnel to repair a pipe as quickly and efficiently as possible.

RESPONSE: The respondent agrees with the finding.

- F9. The District has taken positive steps needed to remediate the nitrate problem.

RESPONSE: The respondent agrees with the finding.

- F10. The Request for Proposal (RFP) required a specialized drilling procedure. When the proposal was released, there was no response. The RFP, when rewritten to allow other drilling methods, several bids were received. The lowest bidder was awarded the contract.

RESPONSE: The respondent agrees with the finding.

RECOMMENDATIONS:

- R1. The District should attempt to locate an off-site facility to conduct Board Meetings within 180 days. It was noted by the Grand Jury the proximity to the Frazier Park branch of the Kern County Public Library which may be available at little or no cost. This could entice attendance by the public. (Finding F3)

RESPONSE: The recommendation will not be implemented because it is not warranted nor reasonable. The Frazier Park Public Utility District's board meeting room can comfortably seat up to 10 members of the public. It is rare for any member of the public to attend a board meeting. The Kern County Public Library is not available for District use during regularly scheduled meetings. There is a fee to use the Frazier Park Recreation building. The District implements meeting room technology that allows for hybrid meetings. Consultants, contractors and other business associates use this technology to attend the meetings remotely, which saves the District from paying additional travel costs. The Frazier Park Recreation building is not equipped with Wi-Fi, nor would it be feasible to transport hybrid meeting technology. When large public information meetings or public hearings are held where attendance is expected to be higher than usual, the meeting is moved to the Frazier Park Recreation Building. These meetings are only conducted in person.

- R2. The District should research and locate, within 180 days, a modern leak detector that will assist in finding any water leaks, either in privately owned septic systems or in the public water system. (Finding F8)

RESPONSE: The recommendation has not yet been fully implemented but will be implemented in the future for our water system. Privately owned septic systems are outside of the District's jurisdiction. The California Rural Water Association can provide leak detection at no cost. The District has applied for this free leak detection resource for District water lines only.

Respectfully,



Rebecca Gipson
FPPUD Board President

CC: FOREPERSON
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