



Sacramento County District Attorney's Office

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January 7, 2022

Honorable Michael G. Bowman, Presiding Judge
Sacramento County Superior Court
720 9th Street, Dept. 47
Sacramento, CA 95814

Re: Sacramento County Grand Jury Report: Del Paso Manor Water District Flooded with
Public Safety Dangers

Dear Judge Bowman:

This letter will serve as my response pursuant to Penal Code sections 933 and 933.05, as invited by the Grand Jury, concerning the portion of the Sacramento County Grand Jury's November 5, 2021, Report entitled, "Del Paso Manor Water District Flooded with Public Safety Dangers." Only Finding F3 mentions the District Attorney's Office:

F3. The DPMWD Board of Directors awarded a \$56,830.00 contract to HydroScience Strategic Water Solutions, to complete a Water District Master Plan Update, without officially taking a public re-vote at its December 2020 board meeting to authorize the contract as required by the Sacramento County District Attorney.

This finding relates to the DPMWD Board's decision to award a \$56,830.00 contract to HydroScience Strategic Water Solutions to complete a Water District Master Plan Update. According to this finding, the Board did not re-vote on this decision at its December 2020 board meeting. I wish to clarify this finding.

In October of 2020, our office received a citizen's complaint alleging that the DPMWD Board failed to comply with the Brown Act at its October 20, 2020, Special Meeting. This complaint concerned the decision to award the Master Plan Update contract to HydroScience and the failure to provide the public with copies of the various bids regarding that project. By letter dated November 3, 2020, my office wrote to the Board indicating we had received a complaint regarding the sufficiency under the Brown Act of the notice provided in advance of the October 20, 2020, Special Meeting. We asked for a written response and the District's intended corrective action if warranted.

After initial correspondence with the District's General Manager, we were thereafter contacted in January 2021 by counsel for the District. Counsel represented that the decision to award a contract related to the Master Plan had been "re-agendized" for the December 1, 2020, General

Meeting, and notice, as well as copies of all reports, bids, and the ranking sheet, had been provided to the public prior to that meeting. Counsel noted that the matter had been discussed at that meeting, and public comment was permitted, with at least three members of the public doing so.

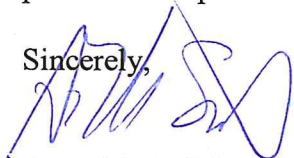
The posted agenda packet for the December 1, 2020, General Meeting has bids from three separate firms for updating the Master Plan, including HydroScience's bid in the amount of \$56,830.00, as well as the ranking sheet evaluating the three different bids. The agenda also included an item for discussion and possible action on the "CIP [Capital Improvement Program] Budget." The agenda packet for this item included a proposed budget, which contained the \$56,830.00 for the Master Plan Update (broken into two payments divided between budget categories). A review of the recording from that meeting shows public comment on both the CIP Budget and the Master Plan Update. The CIP Budget, which included the payment to HydroScience, was approved by unanimous vote. There was extensive Board discussion of the Master Plan Update. Following the December 1, 2020, General Meeting, the District Attorney's Office did not receive any additional complaints regarding the District's actions at that meeting.

The District could have spelled out agenda items in more detail for the December 1, 2020, Special Meeting regarding the Master Plan Update. However, as the agenda included the various bids, the ranking sheet, and the proposed budget that included the potential awarded contract, which was voted on after Board discussion and public comment, there was not sufficient evidence to sustain the required burden of proof in an action on the grounds of an alleged Brown Act violation. Thus, pursuing action was not warranted. Having no other complaints regarding the District, that concluded our investigation.

As District Attorney, I am dedicated to protecting the rights of all citizens in our community, including the rights to open and public hearings by the commissions, boards, councils, and other agencies within Sacramento County subject to the Brown Act. My office will continue to be responsive to community complaints regarding local agencies and will provide available resources to investigate and evaluate those matters.

I appreciate the efforts of the Grand Jury to ensure that the Del Paso Manor Water District provides proper notice of its meetings, holds those meetings in an appropriate manner, and provides the public with copies of documents to which they are entitled. We are fortunate to have the resource of a grand jury, which can serve the function of lengthy and detailed investigations and reviews of the performance of governmental entities, and comment on their practices and provide suggestions even when legal action might not otherwise be available.

Sincerely,



Anne Marie Schubert
District Attorney

Cc: Erendira Tapia-Bouthillier, Grand Jury Coordinator
Sacramento County Board of Supervisors