

What Happens When the Grand Jury Makes Recommendations?

A Follow-Up Report on Water in Sonoma Valley

SUMMARY

The 2019-2020 Sonoma County Civil Grand Jury produced two investigative reports on the supply of water in Sonoma Valley. “*Emergency Water Shortages in Sonoma Valley*” and “*Sonoma Valley Regional Water Resources*” examined the consequences of the closure of the Sonoma Developmental Center and its impact on the water supply in Sonoma Valley.

The report on emergency water shortages was generated when the Valley of the Moon Water District expressed concerns that their backup emergency water supply was in jeopardy due to the deactivation of the water treatment plant at the Sonoma Developmental Center (SDC). The investigation also brought to light a broader issue, namely that the closure of the SDC created the need to review the current water resources in Sonoma Valley.

During their investigation, the 2019-2020 Grand Jury interviewed officials with water districts, water suppliers, city water departments and examined relevant documents and reports. From the information collected, the Grand Jury authored a report containing “Findings”, which identified areas for recognition or improvement. Respondents were required to accept or dispute those Findings and to explain why they dispute a Finding. The Grand Jury’s report also contained “Recommendations” based on the Findings. Respondents were asked to attach a summary of the implementation, provide a timeline for implementation, or to attach an explanation of the scope, parameters and timeline that need future analysis. If the respondent said “will not implement,” they were requested to provide the reasons for the decision. Recommendations were directed to the Valley of the Moon Water District, the City of Sonoma, Sonoma Water, and Permit Sonoma. The California Department of General Services was also invited to respond. In June of each year, the Sonoma County Grand Jury publishes reports based on its investigations. The reports are available on the [Sonoma County Civil Grand Jury](#) website. The following Grand Jury compiles the responses to each of the investigative reports and creates the Continuity Report, which is then published the following June. Usually, this is the end of the Grand Jury’s involvement. Further accountability must be driven by the residents of Sonoma County, the media, or possibly, future Civil Grand Juries. The 2021-2022 Sonoma County Civil Grand Jury decided to follow up on the responses for the two 2019-2020 reports to determine if the various water officials did, in fact, follow through with their commitments.

During the current investigation, this Grand Jury contacted all required respondents of the prior reports to determine the status of the actions they discussed in their original responses. If the actions have not yet been completed, we requested the anticipated date of completion. The Grand Jury determined that six Recommendations have been implemented, three are being implemented, and three will not be implemented. One of the Recommendations will not be implemented because, upon further review, it was considered to be of no benefit and two Recommendations pertained to the SDC, but as the SDC had already closed, no further action was possible. The draft proposal of the SDC Specific Plan is now due by December 31, 2022.

GLOSSARY

- LAFCO Local Agency Formation Commission
- SDC Sonoma Developmental Center
- VOMWD Valley of the Moon Water District

BACKGROUND

Water is essential for life. It is not hyperbole to state that our survival relies upon the steady supply of safe and affordable water. We need it to grow our food, maintain healthy communities, and support our economy. We need water to preserve wildlife and maintain nature, from our verdant forests to our rivers and waterfalls. Unfortunately, we also need it to fight wildfires.

Climate change puts all of this at risk. Our climate is warming and this presents many challenges. Warmer temperatures intensify droughts and wildfires, reduce snowpack levels, raise sea levels, and can sometimes drive shorter, more intense wet seasons that create floods.

Californians' concern about water is not new, but it seems to have generated more attention in the last several years. Since 2015, the Sonoma County Grand Jury has published five investigative reports on water in Sonoma County:

- [2019-2020](#) *“Emergency Water Shortages in Sonoma Valley”* and *“Sonoma Valley Regional Water Resources”*
- [2018-2019](#) *“Will There Be Water After an Earthquake”*
- [2016-2017](#) *“Planning for Groundwater Sustainability”*
- [2014-2015](#) *“Sustainable Water for Sonoma County, Water for the Present and the Future”*

Each of these reports included interviews with water officials, including those with water districts, water suppliers, and water personnel within the County and the various cities within Sonoma County. Each report made Recommendations to the appropriate agencies to evaluate and determine if every Recommendation was reasonable and if implementation was possible. Their responses are included in the Grand Jury's Continuity report, the following term. Often the response is that the Recommendation will be implemented in the future, but the timeline is either vague or absent. The results of the current review focused on the 2019-2020 Grand Jury reports and are outlined in both the Discussion section of this report and in the matrix in Appendix A.

Sonoma Developmental Center

Many of the Recommendations in two previous reports include references to the Sonoma Developmental Center (SDC). To put things in proper perspective, a brief background of the SDC is in order.

The State purchased 1,640 acres of land in 1890 to create a center for people with developmental disabilities. During its existence, the Center had plenty of water, its own dairy, a farm, an orchard, and poultry and pigs were raised on-site. At peak occupancy, up to 4,500 patients and staff were housed here. Over the years, the property has gone through many changes, including four name changes. It has been known as the Sonoma Developmental Center since 1985. Sonoma County purchased 162 acres of this property in 1974 and named it Sonoma Valley Regional Park. Sonoma County has purchased additional acreage over the years, some of which

has become Sonoma Valley Regional Park and some has been incorporated into Jack London State Historic Park.

With the decline in resident population and damage from the 2017 Nuns Fire, the SDC was officially closed on December 31, 2018. During its tenure, the SDC had a self-contained water supply, a water treatment plant, and a distribution system. In addition, it had connections to the Valley of the Moon Water



District (VOMWD) and the Sonoma County Water Agency’s Sonoma Aqueduct for use during an emergency.

The water treatment plant had a capacity of 1.8 million gallons per day and the four water tanks could hold two million gallons of potable water. As the population of the SDC declined, so did its need for water, eventually cutting back processing to 40,000 gallons a day. As the facility ramped down, staff members resigned or took early retirement, creating concerns in meeting mandated staffing requirements. Inadequate staffing led the State Water Resources Control Board’s Drinking Water Division to take enforcement actions. Consequently, the Department of General Services shut down the water treatment plant in September, 2019 – nine months after the closure of the SDC.

Surface water was sourced from Asbury Creek and Hill Creek, both of which fed into Fern Lake. Before its closure, the treatment plant was served by Roulette Springs. Another source, Lake Suttonfield, was utilized on an “as needed” basis. In total, there are two reservoirs, two springs, five wells and rights to the water in Sonoma Creek on the SDC property. The State currently owns all the water rights to the land, but these rights may transfer to the new owners upon the sale of the property.

In 1963, to regulate the boundaries of cities and special districts, the State of California created a Local Agency Formation Commission (LAFCO) in every county. Per LAFCO, these boundaries, or “Spheres of Influence”, are defined as “the probable physical boundary and service area of a local agency.” The Valley of the Moon Water District covers territory from Glen Ellen to the City of Sonoma with the exclusion of the SDC. In 2017, LAFCO determined that the VOMWD Sphere of Influence included the SDC. Potentially, this could mean that the VOMWD would assume control of the groundwater, the treatment plant, and distribution systems serving the site. If the State agrees, this would become official once planning is finalized and the property’s ownership changes hands.

METHODOLOGY

The Grand Jury held interviews with:

- Representatives of Sonoma Water, the Valley of the Moon Water District, the City of Sonoma, Permit Sonoma, and the Local Agency Formation Commission

The Grand Jury reviewed and evaluated a wide range of sources:

- 2019-2020 “*Emergency Water Shortages in Sonoma Valley*” and “*Sonoma Valley Regional Water Resources*”
- A variety of websites of water districts, water suppliers and cities in Sonoma County
- Technical documents and reports of water districts, water suppliers, and cities in Sonoma County

DISCUSSION

Previous Recommendation Status

Each report and its Recommendations are written independently, which can result in some repetition of Recommendations. Consequently, while the matrix in Appendix A includes 14 Recommendations, twelve of them are unique. Of these Recommendations, six have been implemented; three are in the process of being implemented, and three will not be implemented, two of which pertain to the SDC’s closure prior to implementation of the Recommendations. A complete matrix of the Recommendations and Responses is available in Appendix A.

Recommendations: Were They Implemented?

Recommendations Related to VOMWD and the City of Sonoma

In response to the 2019-2020 Grand Jury Recommendations:

- The City of Sonoma and the VOMWD have extended the water main and created an intertie to link their distribution systems and thus, enable the two entities to share water during emergencies.
- The VOMWD has launched a three-year plan to rehabilitate its wells and have signed agreements with two owners of private wells to supply water as needed and to drill an additional well.
- In its water bills, [VOMWD](#) has included inserts of the Water Shortage Contingency Plan and has announced a new webpage for emergency water supply and preparedness.
- The City of Sonoma and the VOMWD stated they have a mutual aid agreement to provide ongoing cooperation on projects. The Grand Jury requested, but did not receive, a copy of the formal agreement.
- The City of Sonoma and the VOMWD agreed to investigate the possibility of a joint regional Urban Water Management Plan instead of two separate reports. They determined that there was no significant cost benefit to issuing one joint report and thus, this change was not a high priority.
- Permit Sonoma agreed to share the results of the Water Supply Assessment with the City of Sonoma and the VOMWD. Originally due in 2021, this report now has an anticipated completion date of May 2022.

Recommendations Related to the Sonoma Developmental Center

It is important to note that the implementation of many of the Recommendations involving the SDC in the earlier reports will rely on additional information to be obtained from reports that have not yet been released. These reports include the Water Supply Assessment and the Regional Water Supply Resiliency Study. When the responses were written, these reports had an anticipated release date of 2021, but now neither report is expected to be available before this Grand Jury report is submitted for publication.

The Recommendations that were relevant to the Sonoma Developmental Center (SDC) were either not possible to complete or implementation was delayed. This is due to the closure of the SDC and the length of time it is taking to develop the SDC Specific Plan (Specific Plan).

SDC Specific Plan

The SDC Specific Plan, which will help determine the future of the SDC, will consider various uses of the land. Some of the many components the plan will include are housing, recreation, water resources, the possible preservation of historic buildings, conservation of natural resources, wildlife corridors, economic viability of the site, and transportation patterns. The completed Specific Plan, after review and approval by the Sonoma County Board of Supervisors, will be submitted to the California Department of General Services for final approval. Originally due by December 31, 2021, this plan is now due December 31, 2022.



Asbury Creek

CONCLUSION

Prior to making arrangements for the sharing of existing water resources, the closure of the Sonoma Developmental Center had a negative impact on the water supply in Sonoma Valley. There has been no effort to arrange for the sharing of water resources and there is no longer any access to potable water in the storage facilities at the SDC. The production of the reports required for the Specific Plan has been delayed for one year, as has the final Specific Plan.

When the Specific Plan is finalized, the water authorities in Sonoma Valley must meet with the California Department of General Services to determine the new water requirements and the best way to source them without negatively impacting the existing needs of the region.

FINDINGS

The Sonoma County Civil Grand Jury determined that:

- F1. Nine of the Recommendations to Sonoma Water, Permit Sonoma, the City of Sonoma, and the Valley of the Moon Water District that were expected to be implemented in the future have either been completed or have been initiated and are in the process of implementation.
- F2. Two of the Recommendations relating to the Sonoma Development Center cannot be implemented in the absence of an SDC Specific Plan.

- F3. The Recommendation that the City of Sonoma, the Valley of the Moon Water District and Sonoma Developmental Center implement plans to share existing water resources to reduce risks in emergencies was not implemented.
- F4. Some Recommendations have not been implemented due to the delay of required reports or studies.
- F5. The future sources of water for the Sonoma Developmental Center property are undetermined at this time.

RECOMMENDATIONS

The Sonoma County Civil Grand Jury recommends that:

- R1. By September 30, 2022, Permit Sonoma, Sonoma Water, the Valley of the Moon Water District, and the City of Sonoma Water Department meet to ensure that in any SDC Specific Plan, the water resources of the site are utilized for any future development with limited reliance on water from the Sonoma Aqueduct. (F5)
- R2. By September 30, 2022, Permit Sonoma, Sonoma Water, the Valley of the Moon Water District, and the City of Sonoma Water Department meet to ensure that a SDC Specific Plan includes an outline for the sharing of water resources of the site during emergencies. (F3)

REQUIRED RESPONSES

Pursuant to Penal Code § 933.05, the Grand Jury requires responses as follows:

- Permit Sonoma (R1, R2)
- Sonoma Water (R1, R2)
- Valley of the Moon Water District (R1, R2)
- City of Sonoma (R1, R2)

BIBLIOGRAPHY

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- State of California, DGS General Services, *Sonoma Developmental Center Annual Report*, March 1, 2020 <https://www.dgs.ca.gov/-/media/Divisions/DGS/LegReports/Accessible-Reports/2020/SDC-Annual-Report-Posted-03022020.pdf?la=en&hash=DC7F3C662879CB2E659FC5E659935EB5F7A2E1D3>

APPENDIX A

REPORT TITLE: EMERGENCY WATER SHORTAGES IN SONOMA VALLEY

RES = Respondent CSO = City of Sonoma VOM = Valley of the Moon Water District
 SW = Sonoma Water PS = Permit Sonoma

RECOMMENDATIONS	RES.	ORIGINAL RESPONSES	2021-2022 UPDATED RESPONSES
R1. By December 31, 2020, The Valley of the Moon Water District, City of Sonoma, and Sonoma Developmental Center initiate cooperative planning to reduce risk in emergencies, including promptly implementing ways to share existing water resources.	DGS CSO VOM	The state DGS, which is not legally required to respond, notes that the Specific Plan for SDC may address facilities that support the land uses of the Specific Plan, including water facilities. As future water uses must be vetted through the land use planning process of the Specific Plan, it would be inconsistent with state law for DGS to support a separate process to support these issues. This Recommendation will not be implemented because it is not reasonable in terms of timeline or overall scope and approach. At this time the SDC receives its entire water supply through the Sonoma Aqueduct. There are no additional water sources to share at this time. The City is monitoring the progress of the SDC Specific Plan. The District agrees with this Recommendation. The District feels that Sonoma Water must be involved in this effort as it is supplying water to the SDC campus.	This Recommendation was not implemented.
R2. The Valley of the Moon Water District evaluate by November 30, 2020 whether District operation of Sonoma Developmental Center water distribution and storage facilities would offset deficiencies in emergency water for both Valley of the Moon Water District and Sonoma Developmental Center	VOM	The District agrees with this Recommendation; its current plans and priority are focused on rehabilitating a number of local wells. Improved capacity of these wells will provide the quickest solution to making water available during emergencies in the short to medium term.	The agreement to rehabilitate their wells will take place over 3 years and will double the production capability. They have agreements with two owners of private wells to provide water as needed and to drill an additional well.
R3. The Valley of the Moon Water District and the City of Sonoma interconnect their distribution systems, and establish an agreement for sharing water during emergencies by December 31, 2020.	CSO & VOM	The City and VOM agree with this Recommendation. Plans are underway with the City for the physical interconnection between the City and the District's distribution system. Work is expected to begin on this project in the spring of 2021.	The City installed a main extension with a special connection on the end adjacent to one of our (VOM's) fire hydrants. The proximity of these to point (destination of final connection) allows a tow-behind water pump, powered by a diesel engine,

RECOMMENDATIONS	RES.	ORIGINAL RESPONSES	2021-2022 UPDATED RESPONSES
			<p>to be set up quickly and will allow water to be transferred in either direction to the City or the District. This is the permanent interconnection, not a temporary work around.</p> <p>The Grand Jury has confirmed that this has been completed and training of personnel from both water agencies has taken place.</p>
<p>R4. Sonoma Water, Valley of the Moon Water District, the City of Sonoma, Permit Sonoma, and the California Department of General Services form an agreement by October 31, 2020, that potable water storage facilities at Sonoma Developmental Center shall remain active and available for shared access during emergencies.</p>	<p>DGS</p> <p>CSO</p> <p>VOM</p> <p>PS</p> <p>SW</p>	<p>The State (DGS) is open to utilizing excess onsite tank storage capacity on an interim basis for other parties to store their water for access during emergencies and interruptions, subject to the approval of the SWRCB (State Water Resources Control Board).</p> <p>The City is monitoring the activities of the SDC Specific Plan for when it can participate in plans for shared water access during emergencies.</p> <p>VOM agrees with this Recommendation but conditions at SDC prevent the District's ability to achieve the desired outcome in the short term.</p> <p>Permit Sonoma indicates this Recommendation requires further analysis. PS does not have authority or control over SDC's potable water storage facilities. However, in its role leading the SDC Specific Plan process, PS is committed to facilitate the best outcomes for the community and will evaluate emergency water use agreements as part of the planning process.</p> <p>Sonoma Water does not have jurisdiction or control over the SDC's water storage facilities. SW will continue to work on coordinated water resources planning. SW is leading the development of a Regional Water Supply Resiliency Study, anticipated to take 18-20 months to complete.</p>	<p>This Recommendation was not implemented. The City of Sonoma and VOM have installed a main extension to enable them to share water during emergencies. See R3 above.</p> <p>The 2021-2022 Grand Jury has confirmed that this Study is in progress. The first phase will be a Technical Memo on drought analysis and will be released in May, 2022. Phase 2 will review additional topics. No date has been set for phase 2.</p>
<p>R5. The Valley of the Moon Water District accelerate its program for expanding well</p>	<p>VOM</p>	<p>The District agrees with this Recommendation and will continue its accelerated program for the</p>	<p>The agreement to rehabilitate their wells will take place over 3 years and</p>

RECOMMENDATIONS	RES.	ORIGINAL RESPONSES	2021-2022 UPDATED RESPONSES
capacity and water storage by December 31, 2020.		installation of new wells and tanks. This is a high priority in both its Water Master Plan and Strategic Plan.	will double the production capability. They have agreements with two owners of private wells to provide water as needed and to drill an additional well.
R6. The Valley of the Moon Water District establish specific emergency water-use restrictions and communicate them to its customers by September 30, 2020.	VOM	VOM plans to implement this Recommendation with the insertion of the Water Shortage Contingency Plan to its customers on its outgoing water bills beginning September 23, 2020. In addition, the District will post on its website specific actions taken during a water shortage emergency.	The 2021-2022 Grand Jury has confirmed that this Recommendation has been implemented.
R7. By September 30, 2020, the Valley of the Moon Water District inform customers annually, or when conditions change, regarding risks and deficiencies in the emergency water supply and any actions taken to mitigate them.	VOM	The District agrees with this Recommendation and has created a new webpage for its customers about risks and water deficiencies in the emergency water supply. The District began notifying its customers about the new webpage on outgoing bills starting September 23, 2020.	The 2021-2022 Grand Jury has confirmed that this Recommendation has been implemented.
R8. Permit Sonoma establish, by September 30, 2020, communication with water system managers for the City of Sonoma, the Valley of the Moon Water District, and Sonoma Developmental Center to inform the SDC Specific Plan process.	PS	This Recommendation has been implemented. PS is committed to robust and meaningful engagement with these entities and other potentially affected entities as part of the SDC Specific Plan.	The 2021-2022 Grand Jury has confirmed that this Recommendation has been implemented.

REPORT TITLE: SONOMA VALLEY REGIONAL WATER RESOURCES

RES = Respondent CSO = City of Sonoma VOM = Valley of the Moon Water District
 SW = Sonoma Water PS = Permit Sonoma

RECOMMENDATIONS	RES.	ORIGINAL RESPONSES	2021-2022 UPDATED RESPONSES
R1. Sonoma Water, the Valley of the Moon Water District, the City of Sonoma and Permit Sonoma work with California Department of General Services to seek an agreement, by October 31, 2020, that potable water storage facilities at Sonoma Developmental Center shall remain active and available for sharing water.	DGS CSO	The state (DGS), which is not legally required to respond, is open to utilizing excess onsite tank storage capacity on an interim basis for other parties to store their water for access during emergencies and interruptions, subject to the approval of the SWRCB (State Water Resources Control Board). The City is monitoring the activities of the SDC Specific Plan and can participate actively when water options are considered.	

	VOM	VOM agrees with this Recommendation but conditions prevent the District's ability to achieve the desired outcome in the short term.	
	PS	This Recommendation will be implemented in the future. Under the current schedule for the SDC Specific Plan process, the Water Supply Assessment (WSA) is scheduled to be prepared in 2021. It is likely that VOMWD and the City of Sonoma will be involved in its preparation. PS will communicate the final WSA to both entities as soon as it is available.	The California Department of General Services has requested the VOM undertake this report with an anticipated completion date of May, 2022.
	SW	This Recommendation requires further analysis. Sonoma Water does not have jurisdiction or control over the SDC's water storage facilities. SW will continue to work on coordinated water resources planning. SW is leading the development of a Regional Water Supply Resiliency Study, anticipated to take 18-20 months to complete.	The 2021-2022 Grand Jury has confirmed that the Regional Water Supply Resiliency Study is in process. The first phase will be a Technical Memo on drought analysis and will be released in May, 2022. Phase 2 will review additional topics. No date has been set for phase 2.
R2. Permit Sonoma establish, by August 31, 2020, a continuing dialog with water system managers for the City of Sonoma, the Valley of the Moon Water District, and the Sonoma Developmental Center to inform the SDC Specific Plan.	CSO	The Recommendation has been implemented.	The 2021-2022 Grand Jury has confirmed that this Recommendation has been implemented.
	VOM	The Valley of the Moon Water District agrees with this Recommendation. As of 9/2/20, the District, PS, and the City of Sonoma have engaged in meetings and ongoing discussions in order to inform the SDC Specific Plan.	
	PS	This Recommendation has been implemented. PS is committed to robust and meaningful engagement with these and other potentially affected entities to inform the SDC Specific Plan process and to shape its outcome.	
R3. Sonoma Valley water agencies take an active role in the SDC Specific Plan process, by September 30, 2020	CSO	This Recommendation has been implemented. The City will continue to monitor the SDC Specific Plan Process and participate as feasible and relevant to Sonoma.	The 2021-2022 Grand Jury has confirmed that this Recommendation has been implemented.
	VOM	The District agrees with this Recommendation. Valley of the Moon District staff will represent VOM on the SDC Specific Plan Planning Advisory Team as well as	

	PS	<p>the SDC Technical Advisory Committee for the Specific Plan.</p> <p>To the extent applicable, PS has implemented this Recommendation. PS has initiated ongoing communications regarding the SDC Specific Plan process and related issues, and will continue to support and facilitate their involvement in the planning process.</p>	
R4. Permit Sonoma communicate the results of the Water Supply Assessment to water system managers for the City of Sonoma and the Valley of the Moon Water District as soon as they become available.	CSO VOM PS	<p>This Recommendation will be implemented in the future. The City has established communication with PS so that PS can communicate the results of the WSA.</p> <p>The District agrees with this Recommendation. The District looks forward to reviewing the results of the WSA when it is made available.</p> <p>This Recommendation will be implemented in the future. The WSA is scheduled to be prepared by 2021. The VOM and City will be consulted or otherwise involved in the preparation of the WSA. PS will communicate the final WSA as soon as it is available.</p>	The 2021-2022 Grand Jury has confirmed that the California Department of General Services requested the VOM to have the report prepared. The anticipated date of completion is May 2022.
R5. The City of Sonoma and the Valley of the Moon Water District establish a mutual aid agreement that provides for ongoing cooperation on planning, services, projects and such other collaborative efforts that they deem to be to be mutually beneficial (e.g., sharing of such resources as staff, equipment and emergency water), with a copy of the mutual aid agreement to be sent to the Grand Jury by December 31, 2020.	CSO VOM	<p>The Recommendation has been implemented.</p> <p>The District agrees with this Recommendation. The District and the City of Sonoma are both parties to a mutual aid agreement along with other entities. The City is currently working on engineering and bidding process for the physical interconnection between the distribution systems.</p>	The Grand Jury has confirmed that this has been completed and training for both entities has taken place.
R6. The Valley of the Moon Water District and the City of Sonoma meet by October 31, 2020 to discuss the issuance of a regional 2020 Urban Water Management Plan rather than two separate ones.	VOM & CSO	The Recommendation has been implemented. The Valley of the Moon Water District and the City of Sonoma met in August to discuss combining efforts for the Urban Water Management Plan (UWMP). They are waiting for a revised quote from the UWMP consultant to combine the work.	By the time this Recommendation was issued, the two reports were well underway. Both entities work with the same consultant and they verify the consistency of the data. They have determined that there is no significant cost differential to issue two reports. There is no opposition to combining

			the reports but it is not a high priority at this time.
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