

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
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November 4, 2016

The Honorable John K. Stewart
Presiding Judge
Superior Court of California, County of San Francisco
400 McAllister Street
San Francisco, CA 94102

Dear Judge Stewart:

The following is a status report on the 2015-2016 Civil Grand Jury Report (Report), "Drinking Water Safety in San Francisco: A Reservoir of Good Practice."

The Board of Supervisors Government Audit and Oversight Committee conducted a public hearing on October 7, 2016, to discuss the findings and recommendations of the Civil Grand Jury and the departments' responses to the Report.

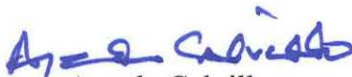
The following City departments submitted a response to the Civil Grand Jury (copies enclosed):

- Mayor's Office submitted a consolidated response for the San Francisco Public Utilities Commission received on September 16, 2016

The Report was heard in Committee and Resolution No. 443-16 was prepared for the Board of Supervisors' approval that formally accepted or rejected the findings and recommendations. The Board of Supervisors provided the required response on October 18, 2016 (copy enclosed).

If you have any questions, please contact Erica Major at (415) 554-4441.

Sincerely,


Angela Calvillo
Clerk of the Board

cc: Members, Board of Supervisors
Honorable John K. Stewart, Presiding Judge
Kathie Lowry, 2016-2017 San Francisco Civil Grand Jury
Kitsaun King, 2016-2017 San Francisco Civil Grand Jury
Jay Cunningham, 2015-2016 San Francisco Civil Grand Jury
Alison Scott, 2015-2016 San Francisco Civil Grand Jury
Kate Howard, Mayor's Office
Kelly Kirkpatrick, Mayor's Office
Nicole Elliott, Mayor's Office
Jon Givner, City Attorney's Office
Harlan Kelly, Jr., Public Utilities Commission
Juliet Ellis, Public Utilities Commission
Donna Hood, Public Utilities Commission
Severin Campbell, Budget and Legislative Analyst
Debra Newman, Budget and Legislative Analyst
Jadie Wasilco, Budget and Legislative Analyst
Ashley Clark, Budget and Legislative Analyst

1 [Board Response - Civil Grand Jury - Drinking Water Safety in San Francisco: A Reservoir of
2 Good Practice]

3 **Resolution responding to the Presiding Judge of the Superior Court on the findings**
4 **and recommendations contained in the 2015-2016 Civil Grand Jury Report, entitled**
5 **“Drinking Water Safety in San Francisco: A Reservoir of Good Practice;” and urging**
6 **the Mayor to cause the implementation of accepted findings and recommendations**
7 **through his/her department heads and through the development of the annual budget.**

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9 WHEREAS, Under California Penal Code, Section 933 et seq., the Board of
10 Supervisors must respond, within 90 days of receipt, to the Presiding Judge of the Superior
11 Court on the findings and recommendations contained in Civil Grand Jury Reports; and

12 WHEREAS, In accordance with California Penal Code, Section 933.05(c), if a finding or
13 recommendation of the Civil Grand Jury addresses budgetary or personnel matters of a
14 county agency or a department headed by an elected officer, the agency or department head
15 and the Board of Supervisors shall respond if requested by the Civil Grand Jury, but the
16 response of the Board of Supervisors shall address only budgetary or personnel matters over
17 which it has some decision making authority; and

18 WHEREAS, Under San Francisco Administrative Code, Section 2.10(a), the Board of
19 Supervisors must conduct a public hearing by a committee to consider a final report of the
20 findings and recommendations submitted, and notify the current foreperson and immediate
21 past foreperson of the civil grand jury when such hearing is scheduled; and

22 WHEREAS, In accordance with San Francisco Administrative Code, Section 2.10(b),
23 the Controller must report to the Board of Supervisors on the implementation of
24 recommendations that pertain to fiscal matters that were considered at a public hearing held
25 by a Board of Supervisors Committee; and

1 WHEREAS, The 2015-2016 Civil Grand Jury Report, entitled "Drinking Water Safety in
2 San Francisco: A Reservoir of Good Practice (Report) is on file with the Clerk of the Board of
3 Supervisors in File No. 160812, which is hereby declared to be a part of this Resolution as if
4 set forth fully herein; and

5 WHEREAS, The Civil Grand Jury has requested that the Board of Supervisors respond
6 to Finding Nos. F.A.1, F.A.2 and F.A.5 contained in the subject Report; and

7 WHEREAS, Finding No. F.A.1 states: "The Jury was satisfied with San Francisco
8 Public Utilities Commission (SFPUC) water stewardship as well as the near term drinking
9 water supply/demand outlook. SFPUC is to be commended;" and

10 WHEREAS, Finding No. F.A.2 states: "We see little risk of lead from SFPUC water
11 lines;" and

12 WHEREAS, Finding No. F.A.5 states: "The SFPUC Regional Water System has not
13 been associated with any waterborne illnesses, and since 1993 this has been documented
14 monthly. SFPUC is to be commended;" and

15 WHEREAS, In accordance with California Penal Code, Section 933.05(c), the Board of
16 Supervisors must respond, within 90 days of receipt, to the Presiding Judge of the Superior
17 Court on Finding Nos. F.A.1, F.A.2 and F.A.5 contained in the Report; now, therefore, be it

18 RESOLVED, That the Board of Supervisors reports to the Presiding Judge of the
19 Superior Court that they agree with Finding No. F.A.1 and also wish to commend the SFPUC
20 on its water stewardship, which has resulted in arguable the best drinking water in the
21 country, and, be it

22 FURTHER RESOLVED, That the Board of Supervisors reports that they agree with
23 Finding No. F.A.2 given that California plumbing components for drinking water has been
24 lead-free since 2010, including San Francisco where lead piping is rare, and, be it
25

1 FURTHER RESOLVED, That the Board of Supervisors reports that they agree with
2 Finding No. F.A.5 and, once again, wish to commend the SFPUC on its safeguarding of our
3 water supply and impeccable record ensuring that the regional water system has not been
4 associated with any waterborne illness; and, be it

5 FURTHER RESOLVED, That the Board of Supervisors urges the Mayor to cause the
6 implementation of the accepted findings and recommendations through his/her department
7 heads and through the development of the annual budget.

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City and County of San Francisco

Tails
Resolution

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 160812

Date Passed: October 18, 2016

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2015-2016 Civil Grand Jury Report, entitled "Drinking Water Safety in San Francisco: A Reservoir of Good Practice;" and urging the Mayor to cause the implementation of accepted findings and recommendations through his/her department heads and through the development of the annual budget.

October 07, 2016 Government Audit and Oversight Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

October 07, 2016 Government Audit and Oversight Committee - RECOMMENDED AS AMENDED

October 18, 2016 Board of Supervisors - ADOPTED

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

File No. 160812

I hereby certify that the foregoing Resolution was ADOPTED on 10/18/2016 by the Board of Supervisors of the City and County of San Francisco.

Handwritten signature of Angela Calvillo

Angela Calvillo
Clerk of the Board

Unsigned

Mayor

10/28/2016

Date Approved

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without his approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.

Handwritten signature of Angela Calvillo
for Angela Calvillo
Clerk of the Board

10/28/16
Date



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Certified Copy

Resolution

160812 [Board Response - Civil Grand Jury - Drinking Water Safety in San Francisco: A Reservoir of Good Practice]

Resolution responding to the Presiding Judge of the Superior Court on the findings and recommendations contained in the 2015-2016 Civil Grand Jury Report, entitled "Drinking Water Safety in San Francisco: A Reservoir of Good Practice;" and urging the Mayor to cause the implementation of accepted findings and recommendations through his/her department heads and through the development of the annual budget. (Government Audit and Oversight Committee)

10/18/2016 Board of Supervisors - ADOPTED

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

10/28/2016 Mayor - RETURNED UNSIGNED

STATE OF CALIFORNIA
CITY AND COUNTY OF SAN FRANCISCO

CLERK'S CERTIFICATE

I do hereby certify that the foregoing Resolution is a full, true, and correct copy of the original thereof on file in this office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City and County of San Francisco.

November 01, 2016

Date

Handwritten signature of Angela Galvillo

for Angela Galvillo
Clerk of the Board





Received via email
9/16/2016
File Nos. 160811 and 160812

September 16, 2016

The Presiding Judge
Superior Court of California, County of San Francisco
400 McAllister Street
San Francisco, CA 94102

Dear Judge Stewart:

Pursuant to Penal Code sections 933 and 933.05, the following is in response to the 2015-16 Civil Grand Jury report, *Drinking Water Safety in San Francisco: A Reservoir of Good Practice*. We would like to thank the members of the Civil Grand Jury for their interest in ensuring the continued excellence of water quality in San Francisco.

We are pleased that the Jury's report is largely favorable of the San Francisco Public Utilities Commission (SFPUC) for its stewardship of the City and region's water system. Highlighting the high quality and safety of drinking water in San Francisco, the report offers minor recommendations for improving the dissemination of water quality information. The main findings are that 1) the risk of lead in the water system is extremely low, 2) the SFPUC Water Quality Annual Report does not include drinking water contaminants that are below detection levels, and 3) water quality certification notices are not posted at City buildings and their drinking water taps. To address its findings, the report recommends disclosing all drinking water contaminants analyzed in the SFPUC Water Quality Annual Report, including those that are below detection levels and do not pose a public security issue; and creating a water quality certification program for buildings and posting signage at drinking water fixtures deeming them lead-safe.

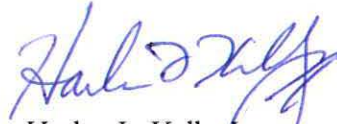
A detailed response from the Mayor's Office and the San Francisco Public Utilities Commission to the Civil Grand Jury's findings and recommendations follows.

Thank you again for the opportunity to comment on this Civil Grand Jury report.

Sincerely,

A handwritten signature in blue ink, appearing to read "Edwin Lee".

Edwin Lee
Mayor

A handwritten signature in blue ink, appearing to read "Harlan L. Kelly, Jr.".

Harlan L. Kelly, Jr.
General Manager

Findings:

Finding F.A.1: The Jury was satisfied with San Francisco Public Utilities Commission (SFPUC) water stewardship as well as the near-term drinking water supply/demand outlook. SFPUC is to be commended.

Agree with finding.

Finding F.A.2: We see little risk of lead from SFPUC water lines.

Agree with finding.

Finding F.A.3: Currently, drinking water contaminants that are below detection limits for reporting are not shown in the annual water quality report, in accord with regulatory guidance.

Agree with finding.

Finding F.A.4: There are no water quality certification programs for buildings. Our public buildings, especially drinking fountains, would benefit from displaying dated, lead-safe seal/sticker from the SFPUC on our drinking water taps.

Agree with finding.

The SFPUC is not aware of any water quality certification program for buildings and agrees that there would be some public benefit associated with such a program. Yet, the creation of such a certification program would be extremely resource intensive and not provide public health value. The SFPUC has existing practical and cost effective means to provide assurances to our customers about lead (i.e., customers can already request lead tests for a nominal fee of \$25). We will investigate other cost-effective strategies to make any available data for our public facilities accessible through our city open data portals.

Finding F.A.5: The SFPUC Regional Water System has not been associated with any waterborne illnesses, and since 1993 this has been documented monthly. SFPUC is to be commended.

Agree with finding.

Recommendations:

Recommendation R.A.3: In the interest of transparency, all drinking water contaminants analyzed (analytes) that do not pose a public security issue should be disclosed in the SFPUC Water Quality Annual Report.

The recommendation has not been, but will be, implemented in the future.

This recommendation will be implemented in the City of San Francisco Annual Water Quality Report beginning with next year's 2016 Water Quality Report. Staff will insert a list of the aforementioned analytes either as a link inside or a part of the San Francisco Water Quality Report.

Recommendation R.A.4: SFPUC should create a water quality certification program for buildings, offering at least a dated, lead-safe seal/sticker on/near the fixture and visible to the consumer.

The recommendation will not be implemented because it is not warranted or reasonable.

This recommendation will not be implemented. The creation and regular implementation of an entirely new water quality certification program regarding lead would be extremely resource intensive. We appreciate the need to provide assurances to our customers about lead, we believe we achieve this goal in other ways - (i.e., customers can already request lead tests for a nominal fee of \$25).

We already implement an extensive ongoing lead abatement program. We removed all known lead service lines from the City distribution system decades ago. We are systematically checking the small percentage of service connections that are of unknown composition. We also regularly check the transmission system for appropriate corrosion control and periodically check for actionable lead levels at taps throughout the City. Furthermore, our Annual Water Quality Reports consistently contain information about lead and how consumers can test their individual faucets.

The SFPUC's lead program has been touted as an exemplary program for other water agencies to follow.