

SEWER LATERAL MAINTENANCE POLICY SURVEY

November 2002	Homeowner Completely Responsible	Standard Cleanout Required	Emergency or Courtesy Service with C/O	Emergency or Courtesy Service without C/O	Lateral Street Repairs with C/O	Clean-out Agency Responsibility
AGENCY						
City of Belmont		X	X		X	X
City of Burlingame		X	X		X	
Granada Sanitary District		X	X	X	X	
Town of Hillsborough	X					
Montara Sanitary District	X	X				
North San Mateo County Sanitation District *	X	X	X	X		
City of Redwood City		X	X		X	X
City of San Carlos		X	X		X	
City of San Mateo		X	X		X	X
West Bay Sanitary District **	X	X	X			
Cupertino Sanitary District		X	X		X	X
City of Mountain View		X	X		X	X
City of Oakland	X					
City of San Jose		X			X	X
City of San Leandro	X					
Santa Clara Sewer		X	X		X	X
Union Sanitary District	X					

ALL AGENCIES CHARGE A SEWER SERVICE CHARGE

* Serves Daly City and parts of Colma as well as portions of unincorporated San Mateo County.

** Serves areas in Menlo Park, Portola Valley, Atherton, East Palo Alto, Redwood City, Woodside as well as portions of unincorporated San Mateo County.

SEWER DISTRICT	NUMBER OF CONNECTIONS	LATERAL REPLACEMENT COST	FY 2003/04 SSC RATE	RATE WITH LATERAL REPLACEMENT	PERCENT INCREASE
Fair Oaks	7316	\$18,290,000	\$227	327	44%
Burlingame Hills	417	\$1,042,500	\$571	671	18%
Crystal Springs	1430	\$3,575,000	\$440	540	23%
Devonshire	270	\$675,000	\$358	458	28%
Emerald Lake Hills (Old)	212	\$530,000	\$416	516	24%
Emerald Lake Hills (New)	1354	\$3,385,000	\$304	404	33%
Harbor Industrial	60	\$150,000	\$231	331	43%
Kensington Square	74	\$185,000	\$311	411	32%
Oak Knoll	113	\$282,500	\$351	451	28%
Scenic	52	\$130,000	\$323	423	31%



COUNTY OF SAN MATEO

555 COUNTY CENTER, 5TH FLOOR • REDWOOD CITY • CALIFORNIA 94063-1665 • PHONE (650) 363-4100 • FAX (650) 361-8220

BOARD OF SUPERVISORS
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JERRY HILL
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MICHAEL D. NEVIN

NEIL R. CULLEN
DIRECTOR

August 22, 2002

Devonshire Property Owners Association
378 Devonshire Boulevard
San Carlos, CA 94070-1633

Dear Devonshire Property Owners Association:

Re: Proposed Changes in the County Ordinance Code to Define Responsibilities for the Maintenance and Repair of Sewer Laterals Serving Individual Properties - Sewer/Sanitation Districts Governed by the Board of Supervisors

Attached is our draft staff report which recommends changes in the County's Ordinance Code to define:

- a. the limits of sewer lateral responsibility of the sewer/sanitation districts (Districts) governed by the Board of Supervisors;
- b. the conditions whereby the Districts will provide emergency maintenance on a property owner's sewer lateral; and
- c. the conditions when a property owner will need to repair or replace their sewer lateral.

We have sent this draft report to your Association and are asking for your comments as your area is provided sewer service by the Devonshire County Sanitation District, one of the Districts governed by the San Mateo County Board of Supervisors.

The Districts are financed primarily with sewer service charges that are levied on each owner of property within the District and the charge is collected on the property owner's tax bill. The sewer service charge is \$335 for a single-family residence for Fiscal Year 2002-03.

The staff report explains that we are recommending that the Districts continue to provide emergency sewer service in terms of clearing blockages in property sewer laterals, if a sewer cleanout meeting the Districts' standards is in place, but that the repair and maintenance should be the individual property owners responsibility, and not financed by the other rate payers in the District.

Devonshire Property Owners Association

Re: **Proposed Changes in the County Ordinance Code to Define Responsibilities for the
Maintenance and Repair of Sewer Laterals Serving Individual Properties -
Sewer/Sanitation Districts Governed by the Board of Supervisors**

August 22, 2002

Page 2

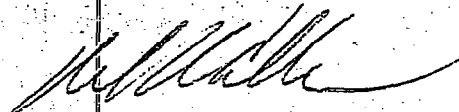
We would appreciate your providing us with your Associations comments by September 24, 2002. Please call Walt Callahan or Brian Lee at (650) 363-4100 if you have any questions regarding the report or draft ordinance. They can also be reached by e-mail at:

blee@co.sanmateo.ca.us
wcallahan@co.sanmateo.ca.us

We will also send you a copy of our final staff report and will report any comments that we receive to the Board of Supervisors.

Thank you for your anticipated cooperation in reviewing the attached material.

Very truly yours,



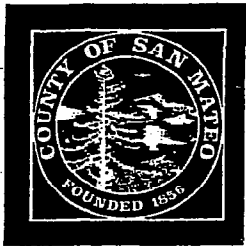
Neil R. Cullen
Director of Public Works

NRC:BCL:WDC:mmy

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Enclosures: As stated

cc: Brian C. Lee, P.E., Division Manager, Programs and Engineering Services
Walt Callahan, Flood Control and Utility Services Manager



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NEIL R. CULLEN
DIRECTOR

October 4, 2002

Mr. Robert Piety
378 Devonshire Boulevard
San Carlos, CA 94070

Dear Mr. Piety:

Re: Proposed Changes in the County Ordinance Code relating to Sewer Maintenance/Sanitation Districts Governed by the Board of Supervisors

Thank you for the comments from the Devonshire Property Owners Association regarding the proposed changes in the County Ordinance Code. There is a clear distinction between the Board of Supervisors as the governing board of County government and the Board of Supervisors as the governing board of the Devonshire County Sanitation District (District) or the other sewer/sanitation districts that the Board governs.

The Board of Supervisors, as the governing board of the County, was involved in the assessment district that financed the construction of sewer mains in the District, as the property in the area originally had septic systems as the means of wastewater management. The Board, at the same time, I believe, formed the District to finance the operation and maintenance of the sewer mains that were built by assessment district proceedings.

Property owners were also required to connect to the sewer facilities that were constructed, and subsequent new home construction in the area up to and including today, are also required to build, at their expense, the sewer lateral to serve their property.

Historically, I believe, the sewer lateral construction was handled similar to a building permit. The County inspects a home to insure that it is built to a minimum standard, but the responsibility for maintenance of the home rests with the owner. Similarly, the County inspected the sewer installation serving the individual property to insure that it was done to a building standard, but the responsibility for future maintenance continues to be a responsibility of the property owner. In more recent times, County staff representing the District, also inspects the sewer connection in the street or easement, as the District by policy, provides emergency maintenance services for the portion of the lateral in the street or easement if a standard cleanout is at the property line. The cost of providing this service is paid for by the District from the fees that the District collects from the property owners in the District.

Mr. Robert Piety

Re: **Proposed Changes in the County Ordinance Code relating to Sewer Maintenance/Sanitation Districts Governed by the Board of Supervisors**

October 4, 2002

Page 2

The Board of Supervisors has the authority and the responsibility to maintain public streets pursuant to the applicable codes of the State of California. These codes provide that utilities (i.e., sewer, water, gas, electricity, etc.) are encroachments in the public right-of-way and as an encroachment, are required to be moved by the respective owner (agency or individual) to accommodate maintenance or construction associated with the road. As an example, the District pays for the raising of sewer manhole covers that are necessitated by the resurfacing of the road. If other encroachments are installed in the road, that agency/person with the last encroachment pays for any necessary relocation work on the other facilities that are already in the road.

The intent of the proposed changes is to clarify the sewer lateral responsibility of the District and the property owner and to codify the current policy of the District with regards to emergency service. This is important from our perspective as the administrator of the District, as we have spent an inordinate amount of time in the past with individual property owners discussing what the District should or should not be responsible for. The staff time involved in these discussions is paid for by the District, which in turn, is financed by the rate payers in the District. The proposed policies places the responsibility for the lateral that serves an individual parcel with the owner of that parcel as the owner has the ultimate control of what goes into the lateral from the house plumbing. The owner also has control of what vegetation is planted on the property that may also negatively impact the sewer lateral.

We continue to recommend that the District provide emergency maintenance to the property owner under the conditions as described in the draft ordinance language, in order to minimize the number and amount of sewer overflows that can occur.

I believe the above responds to the exceptions that you listed in your letter. However, I have summarized our reasons in the following Exception (E) Response (R) format:

- E - The County/District cannot ignore the responsibility for sewer laterals already installed in their jurisdiction.
- R - Sewer laterals in the road are encroachments and therefore not a responsibility of the County in terms of relocation or replacement. The proposed ordinance will clarify that the property owner who is provided service via the lateral is responsible for the lateral. The option is to make the lateral a responsibility of the District and to increase the District revenues accordingly through increases in sewer service charges that are collected from property owners in the District. We do not recommend this latter alternative.
- E - The County/District should be responsible for any damage done to the cleanout/lateral done while provide emergency maintenance.

Mr. Robert Piety

**Re: Proposed Changes in the County Ordinance Code relating to Sewer
Maintenance/Sanitation Districts Governed by the Board of Supervisors**

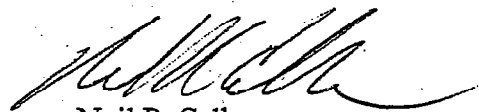
October 4, 2002

Page 3

- R - Historically, damage that may occur is generally the result of the sewer lateral material used and the age of the lateral. Damage to the lateral or cleanout is usually below grade and occurs when the sewer rods or other cleaning equipment is inserted into the lateral to clear a blockage. Older laterals may not be able to sustain the force that needs to be applied to clear a stoppage and damage can occur. Having the District assume responsibility for repairing this type of damage would result, I believe, in our maintenance personnel being reluctant to initiate clearing of a stoppage in laterals with cleanouts that are not in strict compliance with District standards. The property owner would then be faced with a delay in having the lateral cleared and would also incur the cost of clearing the lateral with no guarantee that a private company would repair any damage that may occur.
- E - The County should be responsible for paying for relocation of sewer laterals to facilitate road construction/reconstruction.
- R - As explained above, the sewer lateral as well as sewer mains and other utilities are encroachments in the public right-of-way and as such, the responsibility for relocating encroachments does not lie with the County. The Board adopted the resolution specifically declaring laterals as encroachments in order that reconstruction projects are not delayed while a determination is made as to who would relocate a lateral that was in conflict with the reconstruction and who would be responsible for paying for the relocation work. This is currently a moot point in the District as the Board adopted resurfacing of the roads in the Devonshire Canyon area as the standard and all the roads have been resurfaced within the past few years.

In closing, I believe that proposed changes in the ordinance is an equitable balance between the responsibility of the property owner and the responsibility of the District for maintaining the sewer collection system that serves property within the District(s). I will send you a copy of our final report and report your comments to the Board of Supervisors.

Very truly yours,



Neil R. Cullen
Director of Public Works

NRC:sdd

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cc: Brian C. Lee, P.E., Division Manager, Programs & Engineering Services
Walt Callahan, Flood Control and Utility Services Manager

September 13, 2002

Mr. Neil R. Cullen
Director of Public Works
County of San Mateo
555 County Center, 5th Floor
Redwood City, CA 94063-1665

RECEIVED

SEP 19 2002

DEPT. OF PUBLIC WORKS
COUNTY OF SAN MATEO

Dear Mr. Cullen:

We members of the Devonshire Property Owners Association (DPOA) have reviewed your proposed changes to the County Ordinance Code for the maintenance and repair of sewer laterals serving individual properties. Your material was distributed to homeowners with both significant experience in construction methods/code and others with very little experience in these issues. What emerged was a clear consensus of how to deal with the issue of sewers and your proposals. There are portions of your material that the DPOA has disagreement in both proposed solutions and in points of fact. These are pointed out in the comments below. However, if we can achieve resolution of these items with the County of San Mateo, then we would like to move forward with proposing a solution that satisfies the needs of property owners and the County.

First, the DPOA would like to comment on content of the Department of Public Works memo dated August 2002 "Sewer Lateral Repair/Maintenance – Sewer/Sanitation Districts Governed By the Board Of Supervisors."

We take exception to comments on page two, "Discussion", paragraph beginning re: "We do not believe... responsibility as:", Item "b."

"The Districts were not involved in the inspection and installation of the majority of laterals that were installed as part of building construction, and"

The Districts had to be involved for a Sanitary District to be formed. When sewer laterals are constructed, engineered plans are prepared, then accepted, a bond issue prepared, the affected property owners are assessed and accept this assessment in good faith that this work will be properly executed. Next a contract is awarded and the installation is inspected by the Public Works Department that has jurisdiction for the Right-Of-Way. When completed the Sanitary District accepts this completed structure and verifies that this work is properly executed. When future connections are installed, a plan is provided, and an encroachment permit is issued by the affected agency. The installation is inspected and when complete is accepted that this work is properly executed. The County/Sanitary Districts cannot ignore responsibility for sewer laterals already installed in their jurisdictions.

We take exception to page two, paragraph beginning "Emergency Maintenance", Item "a",

"... even if it is alleged that damage..."

We believe the property owner is responsible for maintaining an accessible sanitary sewer "Clean-Out" at the property line adjacent to the Public Right of Way for maintenance by the Sanitary District. If this Clean-Out is not apparent or accessible the County Public Works/Sanitary District has no responsibility. However, should the County Public Works/Sanitary District disturb or damage the lateral/clean-out, we believe the County Public Works/Sanitary District must be responsible for the necessary repairs and not the homeowner. County entities cannot ignore responsibility for negligence on their part and the reality that they will make mistakes in providing emergency maintenance.

We take exception to comments on page one, "Previous Board Action"; paragraph beginning "Adopted a resolution..."

A sanitary sewer is, in the ordinary, a gravity drain and is proprietary in nature. It is rare that a property owner will desire to relocate a sewer lateral. But if this should be the case, then the property owner should pay for the expense of the relocation including relocation in the public Right-Of-Way. Normally the only reasons to relocate/reinstall a lateral is the installation of other 'in-grade' utilities or the installation of another 'proprietary drain system'. In these cases this cost should be borne by the need/cause which normally is some entity other than a property owner with an existing sewer lateral. In the circumstance of later misalignment due to differential settlement these repairs should be borne by the installer or as a cost to the Sanitary District maintenance.

For a similar reason we do not agree with comments by the County Public Works department that cost of relocating sewer laterals or clean-outs during the County's reconstruction of its roads is to be borne by the property owner. The lateral in the public Right-Of-Way is clearly the County's responsibility and cost of its relocation and reconnecting it to the existing lateral on the homeowner's property should be borne by the County. Remember that as discussed above, the property owner in good faith has already been assessed for the existing lateral that was reviewed and approved by the County. If the County wishes to make changes to its roads, then the County must fund all sewer lateral work associated with these changes from its road "Maintenance" budget.

We, the Devonshire Property Owners Association, wish to support the commitment made by the County to "ensure basic health and safety for all." Our position of responsibility for sewer laterals should be clear. The individual property owner has responsibility for maintaining existing sewer laterals on his/her property with accessible clean-out at the property line adjacent to the 'Public Right-Of Way'. The County has responsibility for roads and maintenance of sewer laterals on/in the 'Public Right-Of-Way'. If the county provided emergency maintenance for sewer laterals it must take responsibility for

negligence in the provision of such emergency maintenance. Changes to roads and associated relocation of sewer laterals should be funded with road "Maintenance" budgets and not directly "at the expense of the property owner" as suggested in the memo sent on August, 2002.

Thank you for allowing the Devonshire Property Owners Association to comment on the County's "Proposed Changes in the County Ordinance Code to Define Responsibilities for the Maintenance and Repair of Sewer Laterals Serving Individual Properties". If you have any questions regarding our comments please call Robert Piety at (650) 591-3587. We appreciate your offer to send the DPOA a copy of your final staff report when it is available. We also appreciate your offer to send our comments on to the Board of Supervisors.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert D. Piety", written in a cursive style.

Robert D. Piety
Devonshire Property Owners Association



COUNTY OF SAN MATEO

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MICHAEL D. NEVIN

NEIL R. CULLEN
DIRECTOR

December 26, 2002

Mr. Cliff Donley, President
San Mateo Highlands Community Association
1851 Lexington Avenue
San Mateo, CA 94402

Dear Mr. Donley:

Re: Proposed Changes in the County Ordinance Code Relating to Sewer Maintenance/Sanitation Districts Governed by the Board of Supervisors

Thank you for the comments regarding the proposed ordinance change relating to the maintenance of sanitary sewer laterals in the districts governed by the Board of Supervisors.

The intent of the proposed changes in the ordinance, as I discussed at your Association's meeting, is to clarify the sewer lateral responsibility of the districts and the property owner and to codify the current policy of the districts with regards to emergency service. This is important from our perspective as the administrator of the districts, as we have spent an inordinate amount of time in the past with individual property owners discussing what the districts should or should not be responsible for. The staff time involved in these discussions is charged to and paid for by the districts, which in turn, is financed by the ratepayers in the districts.

Your Association, as well as the Baywood Park Association, prefers that the replacement and repair of sewer laterals in the streets or easements be a responsibility of the Crystal Springs County Sanitation District (District). We will develop ordinance language for consideration by the Board of Supervisors that will provide that this work is a District responsibility. Any costs would then be reflected in the annual sewer service charges levied on parcels in the District; and I had previously reported that the cost would be approximately \$1.75 per parcel for each sewer lateral replacement.

You have also requested that we convene a meeting of the unincorporated community associations to further evaluate the issue. I cannot accede to your request as:

- a) we do not provide sewer service to all the unincorporated areas; and
- b) special districts with separate governing boards, that are responsible for sewer service in some of the unincorporated areas, have autonomy as do cities, in determining the policies that they have implemented.

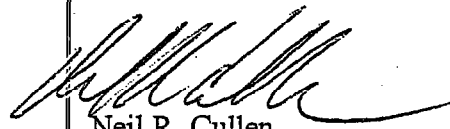
Mr. Cliff Donley, President, San Mateo Highlands Community Association
**Re: Proposed Changes in the County Ordinance Code relating to Sewer
Maintenance/Sanitation Districts Governed by the Board of Supervisors**
December 26, 2002

Page 2

As stated previously, one of the purposes of the proposed ordinance change is to clarify the property owners' and the District's responsibility for lateral maintenance. I believe we need to move forward and therefore am proposing to complete the staff report to the Board and have it placed on the Board's agenda. The report will also cover language specific to the Crystal Springs County Sanitation District as discussed above.

I will send you a copy of our final report and report your comments to the Board of Supervisors. I have also taken the liberty of sending your letter and this response to the Baywood Park Association as they have expressed similar opinions with regards to sewer lateral maintenance in the District.

Very truly yours,



Neil R. Cullen
Director of Public Works

NRC:sdd

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cc: Baywood Park Association (with letter)
Brian C. Lee, P.E., Division Manager, Programs & Engineering Services
Walt Callahan, Flood Control and Utility Services Manager

THE SAN MATEO HIGHLANDS COMMUNITY ASSOCIATION

1851 Lexington Avenue, San Mateo, CA 94402

FAX transmittal

DATE: December 3, 2002

TO: Neil Cullen, Director
Department of Public Works
County of San Mateo

@ FAX: (650) 361-8220

FROM: Cliff Donley, President Highlands Community Association
30 Shelburne Place
San Mateo, CA
349-5290

@ FAX: (650) 577-9505

three pages including cover sheet

Memo:

Dear Mr. Cullen,

I am sending this FAX on behalf of Cliff Donley, Highlands Community Association President.

Thanks very much.

Sam Naifeh, HCA Board member

THE SAN MATEO HIGHLANDS COMMUNITY ASSOCIATION

1851 Lexington Avenue, San Mateo, CA 94402
December 2, 2002

Neil Cullen, Director
Department of Public Works
County of San Mateo
555 County Center, 5th Floor
Redwood City, CA 94063

RE: HCA Resolution on proposed ordinance amending Section 4.24.130

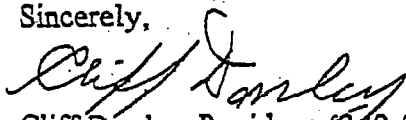
Dear Mr. Cullen:

Thank you again for attending the Highlands Community Association (HCA) meeting of October 22, 2002. Your clarification of the proposed ordinance regarding sewer laterals and the potential costs to individuals provided valuable education for our membership on this proposed ordinance. The proposed ordinance would definitely result in a significant burden upon individual homeowners, placing hardship upon many County residents.

As you pointed out at the meeting there is no significant problem with repair of sewer laterals at this time, but given the fact that the lines are aging we might see the County's rate of repair of laterals increase. Of course at that point an increase in sewer district costs could be analyzed and proposed to communities and the County Board of Supervisors for a general rate increase.

As you know, on November 26, 2002 the attached resolution was passed unanimously at the general membership meeting of the HCA. The resolution expresses widespread concern that no action be taken on this proposed ordinance without full input from County taxpayers. We anticipate that this proposed ordinance will be brought before the county wide gathering of community associations which Supervisors Jerry Hill and Rich Gordon have organized for just this kind of review and feedback to the County. Of course we are happy to work with you to plan for the part of the meeting addressing this issue. Please call me if you have any questions.

Sincerely,



Cliff Donley, President (349-5290)

- cc: San Mateo County Board of Supervisors
- The Honorable Jerry Hill, President
- The Honorable Mark Church, Supervisor
- The Honorable Rich Gordon, Supervisor
- The Honorable Rose Jacobs Gibson, Supervisor
- The Honorable Mike Nevin, Supervisor

THE SAN MATEO HIGHLANDS COMMUNITY ASSOCIATION

1851 Lexington Avenue, San Mateo, CA 94402

Highlands Community Association Resolution

November 26, 2002

Regarding an Ordinance amending Section 4.24.130 and adding sections 4.24.131 through 4.24.136 inclusive to the San Mateo County Ordinance Code Maintenance and Repair of Sanitary Sewer Laterals, the San Mateo Highlands Community Association at its regularly scheduled meeting of November 26, 2002, held in the Social Room of the Highlands Recreation Center passed the following resolution:

Whereas the HCA having studied the proposal by the San Mateo County Division of Public Works to place responsibility for replacement and/or repair of sewer laterals upon the individual property owner, and whereas having participated in an information session followed by spirited discussion;

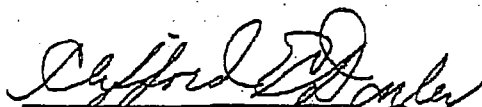
Therefore, the board of Directors of the Highlands Community Association at its regular monthly meeting on Tuesday, November 26, 2002 recommends to the County Board of Supervisors that the current policy of pro-rating the costs of maintaining and repairing these sewer laterals among all members of the sewer district be maintained.

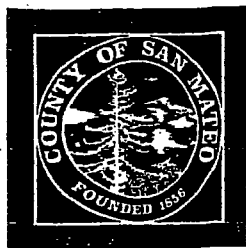
We support this current policy of spreading out the individual costs among all members of the district for two major reasons:

- 1) We believe that charging an individual householder for maintenance, repair or replacement costs- which Mr. Cullen estimated could amount to between \$2,500 and \$5,000- would be an undue burden upon the individual householder. Pro-rating the costs would produce a minor assessment on each member of the district.
- 2) We believe that costs would more effectively controlled by the county's bidding process.
- 3) We believe that a better quality repair and replacement job would be done when a responsible, experienced government agency, such as the Department of Public Works, coordinated these activities.

Be it further resolved that the HCA requests that the countywide meeting of unincorporated county community associations be reconvened for the purpose of evaluating this issue further.

Presented to the General Membership of San Mateo Highlands Community Association at its regularly scheduled meeting of November 26, 2002. Passed unanimously.


Clifford Donley, President



COUNTY OF SAN MATEO

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MICHAEL D. NEVIN

NEIL R. CULLEN
DIRECTOR

December 26, 2002

Mr. Robert Legallet
Baywood Park Homeowner's Association, Inc.
205 De Anza Boulevard, Box 43
Crystal Springs Shopping Center Village
San Mateo, CA 94402-3633

Dear Mr. Legallet:

Re: Proposed Changes in the County Ordinance Code Relating to Sewer Maintenance/Sanitation Districts Governed by the Board of Supervisors

Thank you for the comments regarding the proposed ordinance change relating to the maintenance of sanitary sewer laterals in the districts governed by the Board of Supervisors. There is a clear distinction between general County funds and Crystal Springs County Sanitation District's (District), or the other sewer/sanitation district's funds. The cost of operating and maintaining the facilities of each district is financed with sewer district funds which are primarily sewer service charges that are levied on the properties in the specific district. They are not financed with general County government funds.

The intent of the proposed changes in the ordinance was to clarify the sewer lateral responsibility of the districts and the property owner and to codify the current policy of the districts with regards to emergency service. This is important from our perspective as the administrator of the districts, as we have spent an inordinate amount of time in the past with individual property owners discussing what the districts should or should not be responsible for. The staff time involved in these discussions is charged to and paid for by the districts, which in turn, is financed by the ratepayers in the districts.

The proposed policies places the responsibility for the lateral that serves an individual parcel with the owner of that parcel, as the owner has the ultimate control of what goes into the lateral from the house plumbing. The owner also has control of what vegetation is planted on the property that may also negatively impact the sewer lateral.

We understand by your letter and by correspondence that we have received from the Highlands Association - the homeowners' group that represents residents in the Highlands area, an area that is also receives sewer service by the District - that you and Highlands would prefer that the replacement and repair of sewer laterals in the street or easement be a responsibility of the

Mr. Robert Legallet, Baywood Park Homeowner's Association, Inc.
Re: Proposed Changes in the County Ordinance Code Relating to Sewer
Maintenance/Sanitation Districts Governed by the Board of Supervisors
December 26, 2002

Page 2

District. We will develop ordinance language for consideration by the Board of Supervisors that will provide that this work is a District responsibility. Any costs would then be reflected in the annual sewer service charges levied on parcels in the District; and I had previously reported that the cost would be approximately \$1.75 per parcel for each sewer lateral replacement.

You have also requested that we convene a meeting of the unincorporated community associations to develop a uniform Countywide policy. I cannot accede to your request as:

- a) we do not provide sewer service to all the unincorporated areas; and
- b) special districts with separate governing boards, that are responsible for sewer service in some of the unincorporated areas, have autonomy, as do cities, in determining the policies that they have implemented.

As stated previously, each district is financed separately and therefore, different standards for the Crystal Springs County Sanitation District can be adopted if that is the Board's direction.

I will send you a copy of our final report and report your comments to the Board of Supervisors. I have also taken the liberty of sending your letter and this response to the Highlands Association as they have expressed similar opinions with regards to sewer lateral maintenance in the District.

Very truly yours,



Neil R. Cullen
Director of Public Works

NRC:sdd

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cc: Highlands Association with letter
Brian C. Lee, P.E., Division Manager, Programs & Engineering Services
Walt Callahan, Flood Control and Utility Services Manager



205 De Anza Boulevard, Box 43
Crystal Springs Shopping Village
San Mateo, CA 94402-3633

RECEIVED

DEC 12 2002

DEPARTMENT OF PUBLIC WORKS
COUNTY OF SAN MATEO

Mr Neil Cullen
Director of Public Works
County of San Mateo
555 County Center, 5th Floor
Redwood City, CA 94063

Re: Proposed Ordinance Code amendment: Maintenance and Repair of Sanitary Sewer Laterals

Dear Mr Cullen,

At the December 2, 2002 meeting of the Board of Director's of the Baywood Park Homeowner's Association, Inc, we unanimously passed a resolution opposing the Proposed Changes in the County Ordinance Code to Define Responsibilities for the Maintenance and Repair of Sewer Laterals Serving Individual Properties.

Our Board finds the amended ordinance unsatisfactorily shifts responsibility from the County to the individual homeowners for sewer lateral maintenance and repair within the County's easements, sidewalks and streets. We see no reason to amend the existing policy whereby the County provides emergency sewer service and repair and maintenance, which is subsidized by an annual sewer service charge (\$413 in 02-03) to property owners within the Crystal Springs County Sanitation District.

Our discussion included a review of your department's staff report dated August 22, 2002 addressed to the SM Highlands Community Association. The report fails to document financial shortcomings of the current policy, which leads us to question why the County seeks to shift the repair and maintenance responsibilities. The proposed changes potentially burden individual homeowners with extremely large repair and/or replacement costs, while the current ordinance more fairly spreads this exposure among all the Sanitation District participants.

We believe the Department of Public Works is eminently more qualified to provide cost effective and uniform repair and replacement work than the individual homeowners. Public Works oversight and management of the systems lying under the public easements and improvements ensures quality work from qualified contractors at the lowest bid price. Transferring responsibility to inexperienced and unqualified homeowners would expose the public easements, sidewalks and streets to a host of low budget and potentially unqualified contractors, which could result in even larger future problems.

Our Board acknowledges Public Works' desire to bring uniformity to the various sanitation district policies regarding sewer lateral maintenance. We respectfully request the department convene a meeting of the unincorporated county community associations for the purpose of evaluating and discussing this issue further. Working together, the Department and the varied community associations will be able to develop a mutually agreeable county-wide policy to ensure equitable financial treatment for homeowners and the County while ensuring the quality of our public infrastructure.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Legallet". The signature is fluid and cursive, written over a white background.

Robert Legallet (home phone 650.345.1990)
Board Member, Baywood Park Homeowner's Association, Inc