

**DRAFT
SAN DIEGO LAFCO
MINUTES OF THE REGULAR MEETING
JUNE 1, 2009**

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There being a quorum present, the meeting was convened at 9:00 a.m. by Chairman Bill Horn. Also present were: Regular Commissioners – Supervisor Dianne Jacob; Councilmember Donna Frye; John Ingalls; Mayor Mark Lewis; Bud Pocklington and Andy Vanderlaan. Alternate Commissioners – Mayor Jim Janney; Jo MacKenzie and Harry Mathis. LAFCO Staff – Executive Officer Michael Ott; LAFCO Consultant Harry Ehrlich; Local Governmental Analyst Claire Riley and LAFCO Legal Counsel William Smith. Absent were: Regular Commissioner – Councilmember Carl Hilliard; Alternate Commissioner – Supervisor Greg Cox.

**Item 1
Roll Call**

The Commission Secretary performed the roll call for the June 1, 2009 LAFCO meeting. All regular commissioners were present with the exception of Commissioner Carl Hilliard. The Commission Secretary indicated that Jim Janney would vote in place of regular Commissioner Carl Hilliard who was absent.

**Item 2
Approval of Minutes of Meeting Held April 6, 2009**

On motion of Commissioner Pocklington, seconded by Commissioner Frye, and carried unanimously by the commissioners present, the Commission dispensed with reading the minutes of April 6, 2009 and approved said minutes.

**Item 3
Executive Officer's Recommended Agenda Revisions**

Michael Ott indicated that there were no revisions to the agenda.

**Item 4
Installation of John Ingalls as LAFCO Regular Special District Member, Mayor Mark Lewis as LAFCO Regular City Member, Mayor Jim Janney as LAFCO Alternate City Member, and Jo MacKenzie as LAFCO Alternate Special District Member**

Chairman Bill Horn congratulated the new members on their installation to the Commission.

LAFCO Legal Counsel, William Smith, performed the installation of Mayor Jim Janney as the Alternate City Member, Jo MacKenzie as the Alternate Special District Member,

Mayor Mark Lewis as the Regular City Member and John Ingalls as the Regular District Member on the Local Agency Formation Commission.

Item 5

Commissioner/Executive Officer Announcements

Michael Ott announced to Chairman Horn that there are several announcements.

Mr. Ott provided an explanation about installation of new Commissioners.

Mr. Ott announced that John Traylor who served as a fire consultant for LAFCO has been recalled to duty by the City of Coronado and is the City's Fire Chief.

Mr. Ott announced that Tita Jacque Cayetano will be leaving LAFCO to join the support staff at Otay Water District. Ms. Cayetano was presented a plaque of appreciation on behalf of the Commission.

Item 6

Public Comment

There were no public comments.

Item 7

Administrative Approval of a Contractual Service Agreement: City of La Mesa / David Beck Brown (OAS06-22)

Michael Ott: Mr. Ott explained that Item 7 involves a contractual sewer service arrangement between the City of La Mesa and the property owner David Beck Brown. He indicated there are seven facts about the property that should be noted:

- (1) The property owner David Beck Brown has title to two parcels with poor soil percolation.
- (2) The County Department of Environmental Health recommends that a public sewer service arrangement be executed.
- (3) The City of La Mesa is the only sewer service provider in the vicinity that has offered to extend sewer services outside of its boundaries.
- (4) No sphere-of-influence amendment is proposed in association with this proposal.
- (5) No annexation is proposed in association with this proposal.
- (6) Land use will remain the same and the County of San Diego will retain regulatory authority.
- (7) Valle de Oro Planning Group opposes this proposal for reasons included in the staff report.

Michael Ott indicated that Claire Riley will give a presentation, provide background information associated with the proposal, and summarize the staff recommendations.

Claire Riley: Ms. Riley provided a PowerPoint presentation to the Commission. She identified the proposal area and the City of La Mesa's sphere-of-influence. She provided a brief history of the proposal indicating that in 2006 Mr. David Beck Brown initially submitted to LAFCO an application involving an annexation of three parcels into the City of La Mesa. The third parcel was owned by Theodore Lithopoulos and was included to achieve contiguity to the border of the City of La Mesa. She said that without Mr. Lithopoulos property Mr. Beck Brown property would only be contiguous to La Mesa by a small pinpoint-boundary configuration that LAFCO staff discouraged. Ms. Riley indicated that Mr. Beck Brown has requested authorization from LAFCO for a contractual sewer service agreement with the City of La Mesa to provide sewer service to his two parcels. If authorized, the contractual service arrangement will extend sewer service outside the City of La Mesa's limits to two unincorporated parcels. She indicated that (Parcel 496-022-01) has a septic system failure; she also said a letter from the County of San Diego Department of Environmental Health dated May 1, 2006, states that a repair of the onsite waste water system would result in a substandard repair and recommendation is to connect to a public sewer system.

Ms. Riley indicated that (Parcel 496-012-01) is vacant and Mr. Beck Brown desires to process a lot split with the County to subdivide the parcel into two-single family residential lots. Due to terrain of the parcel, an onsite wastewater disposal system would be difficult to install and require complex terracing according to the County of San Diego Department of Environmental Health. She said that the letter from Department of Environmental Health recommends connection to public sewer as being feasible to allow the proposed residential use of this lot. Ms. Riley also indicated that there will be no affected changes in water or fire service with the contractual service agreement. Ms. Riley said that there is agreement between La Mesa and the property owner stating that La Mesa will extend service outside the city's boundaries. She said that the easement for this connection overlays six surrounding parcels; however, the extension of sewer service to these parcels is not proposed and would require LAFCO discretionary action.

Ms. Riley provided an overview of development issues for the proposed annexation area. She indicated that the Valle de Oro Community Planning Group is opposed to this proposal as discussed in a letter dated August 3, 2006. Ms. Riley said that the proposal has been modified and annexation is no longer proposed to the City of La Mesa; an up-to-date report is included in the LAFCO staff report from the Valle de Oro Community Planning Group. She said it appears that use of a septic system in this area of the county represents an existing and potential impending threat to the public's health and safety. The Department of Environmental Health has documented this fact. Ms. Riley indicated that if the Commission concurs with this conclusion, it will authorize Mr. David Beck Brown and the City of La Mesa to execute a contractual service agreement to parcels (APNs: 496-022-01 and 496-012-01).

In response to a question from Chairman Horn, regarding septic system usage. Michael Ott said that the area in question relies on septic systems for wastewater disposal.

Chairman Horn also asked has there been any septic failure. Mr. Ott said there has been no septic failure history beyond what was discussed in the staff report.

Commissioner Jacob inquired whether LAFCO has in the past approved a service agreement for a vacant parcel. Michael Ott said that LAFCO has not encountered a situation like this where there is a vacant parcel accompanied by a finding from the Department of Environmental Health indicating that placement of a septic system would be extremely difficult and costly and perhaps infeasible.

Commissioner Jacob, asked whether LAFCO analyzed whether or not other alternative septic systems could be placed on either or both of the parcels. Michael Ott indicated that the Valle de Oro Planning Group has provided written testimony of alternative septic designs for both parcels. Mr. Ott said that he defers to the Department of Environmental Health which recommends that both parcels be connected to a public sewer system, rather than an alternative onsite septic disposal system.

Chairman Bill Horn opened the public hearing item.

Chairman Horn asked if there are any speaker slips in opposition to the item.

Michael Ott indicated that there are speaker slips in opposition and support to the item.

The following individuals addressed the Commission in opposition to the extension of sewer services to the Beck Brown property.

Jack Phillips, Chairman for the Valle de Oro Planning Group and a representative for Grossmont–Mt. Helix Improvement Association, addressed the Commission in opposition to the proposal. Mr. Phillips provided a handout to the Commission. He expressed concerns about the contractual service agreement and the sphere amendment for the proposed area.

Commissioner Jacob inquired about the provision of sewer service in the Mt. Helix area. Jack Phillips indicated that the Mt. Helix area is not generally on sewer. Commissioner Jacob indicated to Mr. Phillips that his concerns are about growth induction and that part of Mt. Helix is already on sewer. Mr. Phillips said his primary concern is about the impact of infrastructure in this area. Commissioner Jacob requested a map showing the Mt. Helix area that provides sewer. Mr. Ott said that he would obtain a map for the Commission.

James B. Davis, resident, addressed the Commission in opposition of the proposal. He expressed concerns about traffic impacts in the proposed area.

Val O'Connor, representative for Edgelake Neighborhood, addressed the Commission in opposition to the proposal. She expressed concerns about the sewer system and traffic impacts in the proposed area.

Commissioner Pocklington inquired about road maintenance in the Mt. Helix area. The residents indicated they maintain the private streets.

Jon Martin, resident, did not address the Commission.

The following individuals addressed the Commission in support of the Executive Officer's recommendation:

Bill Snipes, representative for David Beck Brown, addressed the Commission in support of the proposal. He explained that the area will not be annexed and will only have a contractual service agreement. Mr. Snipes responded to the traffic concerns.

Robert Smith, resident, addressed the Commission in support of the proposal. He expressed his support of the proposed area and that traffic will not impact the community. Mr. Smith provided a letter from Petra Engineering.

Commissioner Jacob asked if the map was available that showed the areas that has sewer services in the Mt. Helix area. Michael Ott provided a copy of the map and explained that the Spring Valley Sanitation District is south of the proposal area and is a distance away from the proposed site. He also said that the Otay Water District has a smaller portion of the area within its boundaries. Mr. Ott estimated that with exception of La Mesa. The nearest sewer provider is about a mile away.

Commissioner Jacob said most of the concerns that have been expressed pertain to potential subdivision of this vacant lot. She said she does not have a problem with going ahead with the contractual service agreement to serve the lot that has the home on it only. She said that this action will allow the applicant to go through the county process and return at a later date. Her motion was to approve the staff recommendation on page 5 (recommendation numbers 1 and 2) but to delete the second APN 496-012-01 from recommendation number 3.

Motion: Commissioner Jacob placed a motion on the floor to approve staff recommendation numbers 1 and 2, but to delete the second parcel (APN 496-012-01) from the recommendation number 3.

- (1) Found in accordance with the Executive Officer's determination by LAFCO that pursuant to Section 15319 (b) of the State CEQA guidelines, the extension of sewer service is not subject to the environmental impact evaluation process because the proposal area contains not more than three single-family residences to be constructed or converted as defined by section 15303;
- (2) For the reasons set forth in the Executive Officer's Report, concur with the determination of the Executive Officer that an amendment to the La Mesa sphere of influence is not necessary and the continued and/or future use of septic systems on APNs: 496-022-01 and 496-012-01 would result in an existing or impending threat to the public's health and safety pursuant to Government Code Section 56133(c); and
- (3) Delegate to the Executive Officer to authorize the City of La Mesa to provide sewer service outside its jurisdictional boundaries and outside its sphere of influence, ***limited to APNs: 496-022-01 and 496-012-01.***

Commissioner Pocklington seconded the motion.

Commissioner Pocklington asked what would be the effects of the changes in the motion as far as the modification to the third recommendation. Mr. Pocklington discussed how many septic systems fail and that septic systems are a temporary method of wastewater disposal. He also stated that the use of public sewer systems facilitates water reclamation efforts. Mr. Pocklington indicated he seconded the motion but wants the Executive Officer to comment on this change as far as the third recommendation.

In response to the question from Commissioner Pocklington, Michael Ott indicated that the only impact would be to the applicant. The Department of Environmental Health provided sufficient justification about sewer service issues to include both parcels in the contractual service agreement; however, it would be acceptable to delete the undeveloped parcel from the contractual service agreement, per Supervisor Jacob's motion.

Legal Counsel, William Smith indicated to the Commission that if Supervisor Dianne Jacob recommendation is adopted, then the finding in recommendation number 2 should delete reference to the vacant parcel.

In response to the question from Commissioner Jacob she indicated to the Commission she will exclude the vacant parcel in findings numbers 2 and 3 from her motion. She said the reason for deleting the vacant parcel is to allow the applicant to go through the county for a process and allow the property owner to return for a contractual service agreement for the vacant parcel in the future.

Amendment to Motion One

Motion: Commissioner Jacob placed a revised motion on the floor to approve staff recommendations numbers 1, 2 and 3, but to delete the second APN 496-012-01 from findings in recommendation numbers 2 and 3 as follows:

- (1) Found in accordance with the Executive Officer's determination by LAFCO that pursuant to Section 15319 (b) of the State CEQA guidelines, the extension of sewer service is not subject to the environmental impact evaluation process because the proposal area contains not more than three single-family residences to be constructed or converted as defined by section 15303;
- (2) For the reasons set forth in the Executive Officer's Report, concur with the determination of the Executive Officer that an amendment to the La Mesa sphere of influence is not necessary and the continued and/or future use of septic systems on APN: 496-022-01 ~~496-012-01~~ would result in an existing or impending threat to the public's health and safety pursuant to Government Code Section 56133(c); and
- (3) Delegate to the Executive Officer to authorize the City of La Mesa to provide sewer service outside its jurisdictional boundaries and outside its sphere of

influence, ***limited to APN: 496-022-01 496-012-01.***

Commissioner Ingalls said he opposes the motion that was placed on the floor. Commissioner Ingalls suggested continuance until the next meeting.

Commissioner Lewis said he agrees with the staff recommendation without any revisions. Mr. Lewis said he will place a substitute motion on the floor.

Motion: Commissioner Lewis said that he agrees with the staff recommendations without any revisions and with a substitute motion to approve according the staff recommendation including items 1, 2 and 3, seconded by Commissioner Ingalls as follows:

- (1) Found in accordance with the Executive Officer's determination by LAFCO that pursuant to Section 15319 (b) of the State CEQA guidelines, the extension of sewer service is not subject to the environmental impact evaluation process because the proposal area contains not more than three single-family residences to be constructed or converted as defined by section 15303;
- (2) For the reasons set forth in the Executive Officer's Report, concur with the determination of the Executive Officer that an amendment to the La Mesa sphere of influence is not necessary and the continued and/or future use of septic systems on APNs: 496-022-01 and 496-012-01 would result in an existing or impending threat to the public's health and safety pursuant to Government Code Section 56133(c); and
- (3) Delegate to the Executive Officer to authorize the City of La Mesa to provide sewer service outside its jurisdictional boundaries and outside its sphere of influence, ***limited to APNs: 496-022-01 and 496-012-01.***

Commissioner Mathis commented on the information provided by the Department of Environmental Health to allow a septic system on an undeveloped parcel, Mr. Mathis said he supports the motion that Commissioner Jacob placed on the floor.

Commissioner Pocklington asked the Executive Officer to clarify the alternative motions. Michael Ott indicated the current motion by Mayor Lewis is to approve the staff recommendation per the staff report. Supervisor Jacob's motion is to approve the staff recommendation, except for the vacant parcel APN 496-012-01. A possible third motion from Commissioner Ingalls would be to continue the agenda item.

Chairman Horn asked Commissioner Ingalls if he placed a motion on the floor for continuance. Commissioner Ingalls indicated he will go with the motion that Commission Lewis placed on the floor.

Chairman Horn asked the property owners to speak to the Commission.

David Beck Brown, property owner, addressed the Commission in support of the proposal. David Brown expressed his support of the proposal and said he followed all the guidelines that were required for the contractual service agreement.

Laurie Beck Brown, property owner, addressed the Commission in support of the proposal. Laurie Beck Brown expressed her support of the proposal indicating that Petra Engineering said the site is not feasible for a septic system on the property. She indicated the County will not allow a septic system on vacant land. She said there will not be any traffic impact.

Commissioner Ingalls commented about growth inducing and impacts in the community and sewer services on private land.

Commissioner Frye inquired about the contractual service agreement for the extension of sewer service to the six parcels. She asked if the service agreement is approved whether this will include sewer service to these parcels. Michael Ott indicated that the territory will not be placed in the La Mesa sphere of influence and is not being annexed by La Mesa and it will not facilitate the annexation or the extension of sewer service to these six parcels.

Commissioner Frye asked if the action will cause growth inducing impacts. Michael Ott indicated that it will not affect cause growth inducing impacts because no additional sewer expansions can be made and LAFCO will retain discretionary authority over any potential sewer extensions.

Commissioner Frye asked about the findings that LAFCO has to make related to a contractual service extension to be executed outside of the service providers sphere of influence in response to a pending or existing threat of public health and safety of the residents. She indicated there is not an impact to public health and safety on an undeveloped vacant parcel. She said she will not support the motion to approve the staff recommendation but she will support Supervisor Jacob's motion.

Commissioner Pocklington asked the Executive Officer what the process would be if this proposal will be continued until the next meeting and if additional information is needed. Mr. Ott said that no additional or new information would be available at the next meeting.

Commissioner Pocklington said he will support the substitute motion.

Commissioner Jacob said LAFCO should not approve the sewer service for the vacant parcel. Commissioner Jacob indicated the property owner can return when the parcel is developed.

Chairman Bill Horn requested a vote from the Commission in favor of the original staff recommendation:

AYES: Commissioners Ingalls, Lewis and Pocklington

NOES: Commissioners Fyre, Horn, Jacob, Vanderlaan and Alternate Commissioner Janney

ABSENT: Commissioner Hilliard

ABSTAINING: None

Chairman Bill Horn requested a vote from the Commission in favor of the staff recommendation to allow the developed parcel (APN 496-022-01) to receive sewer service via the contractual service agreement and not allow the vacant parcel (APN 496-012-01) to receive sewer service from the City of La Mesa:

AYES: Commissioners Horn, Jacob, Frye, Vanderlaan and Alternate Commissioner Janney

NOES: Commissioners Ingalls, Lewis and Pocklington

ABSENT: Commissioner Hilliard

ABSTAINING: None

Chairman Horn indicated that the motion passes 5 to 3.

With no more speakers from the public and no further discussion from the Commission, on motion of Commissioner Jacob, seconded by Commissioner Pocklington, and carried unanimously by the commissioners present, the Commission closed the public hearing and took the following actions regarding the Executive Officer's June 1, 2009, Revised Recommendations:

- (1) Found in accordance with the Executive Officer's determination by LAFCO that pursuant to Section 15319 (b) of the State CEQA guidelines, the extension of sewer service is not subject to the environmental impact evaluation process because the proposal area contains not more than three single-family residences to be constructed or converted as defined by section 15303;
- (2) For the reasons set forth in the Executive Officer's Report, concur with the determination of the Executive Officer that an amendment to the La Mesa sphere of influence is not necessary and the continued and/or future use of septic systems on APN: 496-022-01 ~~496-012-01~~ would result in an existing or impending threat to the public's health and safety pursuant to Government Code Section 56133(c); and
- (3) Delegate to the Executive Officer to authorize the City of La Mesa to provide sewer service outside its jurisdictional boundaries and outside its sphere of influence, **limited to APN: 496-022-01 ~~496-012-01~~**.

Item 8**Cancellation of the July 6, 2009 Meeting**

On motion of Commissioner Pocklington, seconded by Commissioner Frye, and carried unanimously by the commissioners present, the Commission took the following action:

Approved the cancellation of the July 6, 2009 LAFCO meeting.

Item 9**Water Supply and Availability Workshop**

Michael Ott introduced the speakers and provided an update on the Water Supply Workshop. Mr. Ott explained the first part of the Symposium discussion pertained to regional and statewide issues and the second part will be a discussion of local water issues. Mr. Ott said PowerPoint presentations will be presented.

Harry Ehrlich gave a brief biography of each speaker. The speakers were Gary Arant (General Manager, Valley Center Municipal Water District), Mark Watton (General Manager, Otay Water District), Doug Wilson (General Manager, Padre Dam Municipal Water District), and John Robertus (Executive Officer, Regional Water Quality Control Board).

Gary Arant, Mark Watton, Doug Wilson and John Robertus provided PowerPoint presentations, which are available on LAFCO's website located at: sdlafco.org.

Gary Arant discussed the impact of water supply curtailment upon agricultural agencies and customers. Mr. Arant provided a handout. He commented on how the State of California agriculture is under stress. He said San Diego County agriculture is impacted by the water supply shortage which is cause for a Federal Judge Ruling on restricted flow from the Sacramento San Joaquin Delta due to the statewide water project by 30-40 percent. He said San Diego County agriculture cutbacks in 2008 were due to the Metropolitan Water District imposing a 30 percent cutback to residents participating in the agriculture program. He explained the details and cutbacks of the program. Mr. Arant said he projects by the year 2010, the Agriculture water rate will be at \$880 an acre foot which is an 80 percent increase in a cost of water for customers and will cause other regulatory issues such as stormwater runoffs. Mr. Arant said the impact on water agencies has caused a drop in sales in the community due to the statewide issues.

Chairman Bill Horn asked how the \$880 acre footage lost will continue as water supply is reduced. Gary Arant said the cost of the \$880 charge within the next three to four years will range from \$1000-\$1100 because of the projected rate increase. Metropolitan is paying higher operational costs and capital costs; therefore, the rate increase in 2010 will be about 25 percent and an additional 20 percent increase in 2011.

Commissioner Bud Pocklington asked about the effect that agriculture has on San Diego County. Gary Arant said there is no movement forward in solving the issue because statewide water project issues.

In response to a question from Commissioner John Ingalls, regarding sewer systems distributing reclaimed water, Gary Arant said there are two treatment centers and only one supplies reclaimed water through a private source. Mr. Arant said reclaimed water is a not major source for the Valley Center Community. Commissioner Ingalls also asked if groundwater wells are useful. Mr. Arant said groundwater is limited in the Valley Center community.

Commissioner Harry Mathis inquired about removal of salt from ground injection. Gary Arant said to remove any salt minerals are only by reverse osmosis which creates another issue – disposing salt.

Harry Ehrlich asked for an update on the desalination project. Gary Arant said that the state water project has moved forward to building a desalination plant. Mr. Arant said nine water authority members are involved. He also said they are working with the water authority to purchase local supply companies to move the water around and policies agreements. Mr. Arant said the state water project will move forward based on the state legislature.

Mark Watton discussed the potential development of water demand offset programs. Mr. Watton provided information about wholesale water rate costs. He said Otay Water District has several water plans for various areas and state and local law policies for the water on demand offset program. He also said the policy for the offsets is required because of the drought and growth impacts on agencies allocations which are critical. Mr. Watton discussed how the growth areas affect the allocation plan and what to do to offset the growth. He said future developments would require more water demand offsets.

Mr. Watton discussed local agency policy developments on projects, costs and offset fees and how to manage the program. He also discussed the changes that will occur for future annexations to follow and support the water authority polices per state law and understand the allocation program and offsets for decisions on future developments.

In response to a question from Commissioner Pocklington regarding reclaimed water, Mark Watton said that it has been useful and explained the use for the Otay Water District verses the potable water usage.

In response to a question from Commissioner Dianne Jacob, regarding recycled water capacity and usage of recycled water, Mark Watton said that the District has two sources of treatment plants. He said currently the sources are using 4,000 acre feet per day and may be able to push to 6,000; however, the Otay treatment plant is using a million gallons a day. Commissioner Jacob also asked if the City's recycled water could be used that is entering into the ocean. Mark Watton said it is based on future developments for usage of the water. Commissioner Jacob also asked about the upstream Sweetwater Authority Reservoir receiving recycled water. Mr. Watton indicated there are undergoing studies of the project. Commissioner Jacob also asked what agencies will be conducted in the studies. Mr. Watton provided a summary of the agencies that will participate in the project.

Commissioner Harry Mathis asked about price penalties and pushbacks. Mark Watton indicated that there are no pushbacks, only price impacts because of infrastructure constraints. Commissioner Mathis also asked about output of reclaimed water charge. Mr. Watton said reclaimed water is charged at 85 percent of potable rate which is designed for the offsets.

Doug Wilson discussed the potential benefits and constraints of recycled, groundwater and desalination projects. Mr. Wilson explained about the four different levels of conservation. He discussed the cutbacks and provided information about the Historical Use and Budget Allocation plans. He also provided a report on the difference of the Tiers for resident's water usage. Mr. Wilson said that the District has adopted a water rate budget. Mr. Wilson provided information on recycled water. He said the usage is about 850 parts per million of recycled water; however, the Regional Board only allows up to 1000 parts per million to discharge into the river. He said they are currently working with Mt. Helix Water District for a plan of groundwater recharge which will allow expanded water usage.

Commissioner Frye left at 11:10 a.m.

Commissioner Mathis asked about the Budget Allocations usage charge for residents in acres or feet. Doug Wilson said the residents are charged by acreage not feet. Commissioner Mathis also asked how do resident's lot sizes apply to irrigation. Mr. Wilson said residents only allocate 900 gallons per day.

Commissioner Bud Pocklington inquired about water and energy being combined with a solar panel. Doug Wilson said there is currently a solar panel project that is in effect and the project is a great source.

John Robertus discussed recycled water project permitting and other associated regional board issues. Mr. Robertus provided information on groundwater, water rights, permits and waste discharge permit requirements and how it affects public safety and health issues. He said the Regional Board is involved with stormwater and underground storage tanks, landfills and septic systems. Mr. Robertus introduced Mike McCain provided comments about historical interfaces of the District.

Mike McCain provided a brief historical report about the Regional Board. Mr. McCain explained the District tried to meet the demands of recycled water, but the capacity is not available for the use of recycled water.

Chairman Bill Horn asked about an Agriculture waiver letter. Mike McCain explained that it is required by state law. He said it allows the District to look at the impact of agriculture operations and the use of water by residents.

Commissioner Dianne Jacob asked Mike McCain if any regulatory reports of measurable outcomes were available for the requirements in regards to water quality that have been produced as a result in regulations or additional costs. John Robertus said no report is available. He said it is cost effective for the measuring ambient water quality in the State of California and the decision was made in 2002 to fund about a

tenth of a program that is called a Swamp Program which is a surface water ambient monitoring program. Mr. Robertus indicated it has been in place for about 10 years and the District is beginning to collect data. He said only 18 percent of surcharge on all waste discharge requirements which are funded from the statewide program. He indicated that state and local agencies integrate monitoring points within the Watershed Urban Runoff Management Plan and all municipalities in each watershed program are required to have a developed jurisdictional management plan which monitors the discharge from the stormdrain system. Mr. Robertus also that the data is being used to determine surface water repairs and the impairment of the surface water which requires listing under the federal law.

John Robertus indicated that there is data on impaired water that is a federal requirement for the Regional Board that requires looking up stream and finding out where all the pollution and waste allocations come from and the reduction to return the discharge levels of pollution back down into the sewage capacity. Mr. Robertus said the Regional Board is beginning to collect data.

Commissioner Pocklington asked about the approval of the desalination Plant site and reduction time for future projects. John Robertus said there are major issues because of the discharge of wastewater and desalination process is difficult.

Chairman Horn asked how the Regional Board determines water pollution coming from Mexico or local agencies. John Robertus said that the Board is working with the International Boundary Water Commission on these issues to help resolve the discharge of wastewater sewage into the ocean. He also said the Board is monitoring what is being discharged.

Commissioner Jacob asked about the gray water systems. Commissioner Jacob also asked have any gray water systems been approved. Mr. Robertus indicated that the Board does not generally approve them it is more of a health and public safety issue.

Commissioner Ingalls asked about the usage of reclaimed water on single-family residential homes. John Robertus explained about the usage and concerns of water runoffs.

In conclusion, Harry Ehrlich asked for direction or action from the Commission, regarding the Water Supply and Availability Workshop.

Michael Ott addressed the Commission with two suggestions for the Water Supply and Availability Workshop. Mr. Ott requested Policy and Legislative Level support in terms of supporting the retail / wholesale providers. Mr. Ott said LAFCO can return with annexation policies on how to deal with water supply in about 120 days.

On motion of Commissioner Pocklington, seconded by Commissioner Jacob, and carried unanimously by the commissioners present, the Commission took the following action:

- (1) Open the water workshop;

- (2) Conclude the workshop and provide comments to LAFCO staff regarding the two-level policy approach addressed in this staff report; and
- (3) Direct LAFCO staff to obtain input from stakeholders and return to the full commission with recommended water policies in approximately 120 days.

Item 10

Legislative Report: A summary of pertinent legislation introduced in 2009

Harry Ehrlich provided the Commission and update on Legislation.

Mr. Ehrlich said that some bills have moved and passed through the representative committees. He said there are no changes in the recommendations. He provided brief details to the Commission on Senate Bill 113.

On motion of Commissioner Pocklington, seconded by Commissioner Vanderlaan, and carried unanimously by the commissioners present, the Commission took the following action:

Approved a support position for Senate Bill 113.

There being no further business to come before the Commission, the meeting adjourned at 11:57 a.m. to the August 3, 2009 meeting, in Room 302, County Administration Center.

**Tamaron Luckett
Administrative Aide**