



CITY OF ORANGE

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September 17, 2009

The Honorable Kim Dunning
Presiding Judge of the Superior Court
700 Civic Center Drive West
Santa Ana, CA 92701

Re: Grand Jury Report: "Paper Water—Does Orange County Have a Reliable Future"
City of Orange Response

Dear Judge Dunning:

The following is the City of Orange's response to the recommendations and findings contained in the Grand Jury's Report, "Paper Water—Does Orange County Have a Reliable Future." The City of Orange maintains its own water distribution system through its Water Division of the Department of Public Works and also controls its land use decisions through its City Council. Therefore, this response incorporates the required responses from both the water system and land use perspectives.

Finding

F.1: There is inadequate coordination between local land-use planning agencies and local water supply agencies, resulting in a process that fails to fully engage the issues.

- (a). Water agencies have tended to avoid interfering with or participating in growth-management decisions.
- (b). Cities and the County have tended to not critically evaluate the limitations of the water agencies' supply projections.

Response

F.1: There is inadequate coordination between local land-use planning agencies and local water supply agencies, resulting in a process that fails to fully engage the issues.

The City of Orange **Disagrees** with this Finding. In the City of Orange our Water Division works in conjunction with our planning division in determining water supply and demand projections within prescribed laws, rules and guidelines to project/determine water supply for proposed projects. Water supply and demand projections are drawn from most current and update sources in evaluating supply projections.

F.1: (a). Water agencies have tended to avoid interfering with or participating in growth-management decisions.

The City of Orange **Disagrees** with this Finding. The City of Orange Water Division tries to accommodate responsible growth. As noted in finding F.1 there is sufficient coordination in place at this time to permit our water division to review both long-term and short-term growth in our city and provide input on anticipated development with the assistance of the planning division.

F.1: (b). Cities and the County have tended to not critically evaluate the limitations of the water agencies' supply projections.

The City of Orange **Disagrees** with this Finding. In the City of Orange, our water division has utilized outside consultants to prepare an updated Urban Water Master Plan (UWMP) as recently as 2006. This, coupled with the City's General Plan (currently being amended), outline future demand and supply. These documents are/were prepared with input from citizens and outside consultants inviting different ideas into the process.

Finding

F.2: California's looming water supply crisis receives very little, if any, expressed concern from the public in comparison to the numerous other environmental issues presented during development project reviews.

(a). Orange County's citizens and interest groups do not appear to grasp the seriousness of the water supply situation or the complexity and urgency of the necessary solutions.

(b). Several recent, substantial water supply awareness efforts are underway (e.g. the O.C. Water Summit) that show promise but appear targeted to audiences that are already informed.

Response

F.2: California's looming water supply crisis receives very little, if any, expressed concern from the public in comparison to the numerous other environmental issues presented during development project reviews.

The City of Orange **Disagrees** with this Finding. Citizens and interest groups in the City of Orange participate in the planning and review of projects including the water supply

through the established process. In the City of Orange that would be through Planning Commission and City Council meetings. As a result of their participation and work within the prescribed laws, rules and guidelines/planning procedures, Orange's citizens and interest groups do recognize the seriousness of the water supply situation and the complexity and urgency of the necessary solutions. Efforts to reinforce raising awareness continue at all levels.

F.2 (a): Orange County's citizens and interest groups do not appear to grasp the seriousness of the water supply situation or the complexity and urgency of the solutions

The City of Orange **Disagrees** with this Finding, although it is difficult to quantify. Citizens and interest groups in the City of Orange participate in the planning and review of projects including the water supply through the established process. In the City of Orange that would be through Planning Commission and City of Orange City Council meetings.

F.2 (b): Several recent, substantial water supply awareness efforts are underway (e.g., the O.C. Water Summit) that show promise but appear targeted to audiences that are already well informed.

The City of Orange **Disagrees** with this Finding. The efforts being made by numerous agencies in the County of Orange including the City of Orange are promising and target the necessary audience, i.e. the Citizens of Orange and the County of Orange.

Finding

F.3: LAFCO is the agency charged with facilitation constructive changes in governmental structure to promote efficient delivery of services. To this end, LAFCO is conducting a governance study of MWDOC which is the designated representative for nearly all of the Orange County retail water agencies, acting on their behalf with their surface water supplier Metropolitan.

(a) There are a number of points of governance disagreement between MWDOC and several of its member agencies. This is creating an impediment to the ongoing effectiveness of these agencies in critical areas of Orange County's water supply management.

(b) The current disagreement is a distraction from the greater good of the agencies working toward Orange County's water future.

(c) The stakeholders in LAFCO's study failed to meet their March 11, 2009 deadline for LAFCO's public hearing on this matter. Continued delays are unacceptable.

Response

F.3 (a), (b) and (c).

The City of Orange agrees with these Findings.

Finding

F.4: Orange County is uniquely fortunate to have a vast, high-quality, well-managed groundwater basin serving its north geographical area. However, in its south reaches, it has an equally large, high-growth area with virtually no available groundwater resources.

(a) The difference in groundwater availability creates a "haves versus have-nots" situation that is conducive to inherent conflicts.

(b) The difference in groundwater availability provides opportunities for responsible participants to develop and construct long-term solutions which will benefit the entire County.

Response

F.4(a) and (b).

The City of Orange agrees with these Findings.

Recommendation

R.1: Each Orange County municipal planning agency, in cooperation with its respective water supply agency, should prepare for adoption by its city council, a dedicated **Water Element** to its General Plan in conjunction with a future update, not to exceed June 30, 2010. This document should include detailed implementation measures based on objective-based policies that match realistic projections of the County's future water supplies. These objectives, policies and implementation measures should address imported supply constraints, including catastrophic outages and incorporate the realistic availability and timing of "new" water sources such as desalination, contaminated groundwater reclamation and surface water recycling. (Findings F1 (a) & (b), and F2 (a) & (b))

Response: This recommendation will not be implemented. The City of Orange Water Division already prepares an Urban Water Management Plan that is generated with best information available every 5 years. Additionally the City of Orange is currently updating its General Plan which will have a section devoted to water supply. Also, substantial projects (500 units or more) require a Water Supply Assessment, further addressing water supply. These elements are required under existing law. The recommendation is, in-effect, a duplication of effort.

Recommendation

R.2: Each Orange County retail and wholesale water agency should affirm its responsibility to develop new, additional, innovative public outreach programs, **beyond water conservation and rationing** programs, to expose the larger issues surrounding water supply constraints facing Orange County. The objective should be to connect the public with the problem. The outreach effort should entail a water emergency exercise that simulates a complete, sudden break in imported water deliveries. The exercise should be aimed directly at the public and enlist wide-spread public participation on a recurring basis beginning by June 30, 2010. This recommendation may be satisfied by a multi-agency exercise but the inability to coordinate such an event should not preclude the individual agency's responsibility. (Findings F2 (a) & (b))

Response: This recommendation has already been implemented. Nevertheless, additional and better innovative methods of communication will be considered. Likewise, a statewide exercise "Golden Guardian" was conducted in 2008 that included over 20 Orange County water and waste water utilities. The goal is to repeat this type of exercise periodically.

Recommendation

R.3: Each MWDOC member agency should reaffirm to LAFCO that it will assign the resources necessary to expediently resolve regional governance issues. While the subject study is being facilitated by LAFCO, the options are with the agencies to decide what is best for all. Once conclusions are reached, the parties need to agree quickly and, hopefully, unanimously to adopt a course of action. (Findings F3 (a), (b) & (c))

Response: This recommendation will be implemented.

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Recommendation

R.4: Each Orange County retail and wholesale water agency should affirm its commitment to a fair-share financial responsibility in completing the emergency water supply network for the entire County. The **entire** County should be prepared **together** for ~~any conditions of drought, natural or human-caused disaster, or any other catastrophic~~ disruption. WEROC should commence meetings of all parties, to facilitate consensus on an equitable funding/financing agreement. (Finding F4 (a) & (b))

Response: This recommendation has already been implemented. The Water Emergency Response Organization of Orange County (WEROC) has been established to coordinate emergency planning and preparedness at the regional level and respond to disaster type events that impact water agencies within the County. WEROC participates with Regional and statewide forums as well. The City of Orange Water Division also has plans, procedures and activities it coordinates to be in a state of emergency preparedness.

Thank you for your service and efforts on behalf of the City of Orange and promoting water supply awareness. We hope this response will be helpful.

Sincerely,



Carolyn V. Cavecche
Mayor, City of Orange

cc: The Orange County Grand Jury
700 Civic Center Drive West
Santa Ana, CA 92701