

32400 PASEO ADELANTO  
SAN JUAN CAPISTRANO, CA 92675  
(949) 493-1171  
(949) 493-1053 FAX  
[www.sanjuancapistrano.org](http://www.sanjuancapistrano.org)



MEMBERS OF THE CITY COUNCIL

SAM ALLEVATO  
LAURA FREESE  
THOMAS W. HRIBAR  
MARK NIELSEN  
DR. LONDRES USO

*Office of the Mayor*

September 17, 2009

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

Dear Judge Dunning,

On June 15, 2009, the Orange County Grand Jury released a report entitled, "Paper Water"- Does Orange County Have a Reliable Future? The report requires that the City respond to four (4) *Findings* and four (4) *Recommendations*. The Findings and Recommendations together with the City of San Juan Capistrano's responses to each are included as an attached document to this letter to provide the City's response as required by law.

Please contact us if you would like any further information.

Sincerely,

  
Mark Nielsen  
Mayor

Attachment

cc: Orange County Grand Jury ✓

*San Juan Capistrano: Preserving the Past to Enhance the Future*

## **Paper Water – Does Orange County Have a Reliable Future?**

Report by the Orange County Grand Jury, June 15, 2009.

Response by the City of San Juan Capistrano, September 17, 2009.

The Following are San Juan Capistrano's responses on the 2009 Grand Jury Findings and Recommendations in its report titled "Paper Water – Does Orange County Have a Reliable Future?"

### **Grand Jury 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.

### **San Juan Capistrano's Response to F.1:**

San Juan Capistrano disagrees in its case with finding 1(a), and 1(b). San Juan Capistrano's Water Division has planned to meet the general plan set forth by its Community Development Department and approved by its City Council. In addition San Juan Capistrano's Community Development Department has and continues to consult with the Water Division to ensure that all developments were included in San Juan Capistrano's water system master plans.

### **Grand Jury 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.

### **San Juan Capistrano's Response to F.2 (a):**

San Juan Capistrano agrees with finding 2(a) in that that the water crisis receives little concern, but it is not for lack of trying by San Juan Capistrano and the water community. San Juan Capistrano is a member agency of MWDOC and as such benefits from MWDOC's public information and outreach program detailed in MWDOC's response. Below (in response F.2.b) are outlined the specific local outreach and education programs implemented by San Juan Capistrano's water conservation coordinator in addition and in coordination with the efforts of MWDOC and the surrounding water providers:

### **San Juan Capistrano's Response to F.2 (b):**

San Juan Capistrano disagrees with finding 2(b) since San Juan Capistrano conducts a media campaign that includes supply and conservation messages printed directly on the

and paid advertisements. Along with school education, staff speaks to community groups and civic organizations, clubs, Homeowner Association meetings, and staffs a table at community events such as summer concerts and Earth Day. San Juan partners with other south Orange County agencies as the "Tri-City Water Savers", with conservation and storm water staff presenting targeted educational events and training for landscape professionals, HOA managers, plumbers, hotels, and restaurants.

**Grand Jury 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.

**San Juan Response to F.3 (a):**

San Juan agrees that with finding 3(a) in that other agencies seem to have a disagreement with MWDOC governance; San Juan does not have adequate details to make such a determination at this time.

**San Juan Response to F.3 (b&c):**

San Juan agrees with finding 3(b) and 3(c). This issue needs to be resolved – the sooner the better.

**Grand Jury 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.

**San Juan Response to F.4 (a):**

San Juan agrees with finding 4(a), but has not experienced nor had reason to believe that inherent conflicts must arise.

**San Juan Capistrano's Response to F.4 (a):**

San Juan Capistrano neither agrees nor disagrees with finding 4(a) as it appears to be an opinion of the Grand Jury. San Juan Capistrano has not experienced nor has reason to believe that inherent conflicts must arise based on differences in groundwater availability.

**San Juan Capistrano's Response to F.4 (b):**

San Juan Capistrano agrees with finding 4.b, and is in fact working cooperatively with surrounding water suppliers to develop and enhance the San Juan Groundwater Basin as a member of the San Juan Basin Authority. Currently San Juan Capistrano has developed and operates a groundwater recovery facility capable of developing 5.14 mgd, or over 4,800 acre-feet per year. San Juan Capistrano is looking to expand this facility to develop up to 6.2 mgd for an annual production of 5,400 acre feet by 2010.

**GRAND JURY RECOMMENDATIONS:**

**Grand Jury 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)

**San Juan Capistrano's Response to Recommendation R.1:**

San Juan Capistrano agrees with the spirit of the recommendation R1 but not its recommended form. San Juan Capistrano already effectively meets the spirit of recommendation 1 by practice in the course of its internal cooperation between its planning and water supply divisions. San Juan Capistrano's Water Division has planned to meet the general plan set forth by its Community Development Department and approved by its City Council. In addition San Juan Capistrano's Community Development Department has and continues to consult with the Water Division to ensure that all developments were included in San Juan Capistrano's water system master plans. In addition the water division's preparation of the Urban Water Management Plan (UWMP) every five years which is integrated with the UWMP prepared by, both MWDOC and MET. In addition to the UWMP San Juan Capistrano has developed detailed supporting documentation in the form of its Domestic Water Master Plan, the Recycled Water Master Plan. San Juan Capistrano as a member agency of the San Juan Basin authority is currently evaluating the development of an integrated groundwater resources master plan. San Juan Capistrano continues to evaluate its water demand and supply, and to evaluate alternate means to supply its needs. The alternate means under consideration included further expansion of its existing ground water recovery plant, implementation of the recycled water system, participation in a feasibility study of ocean desalinization, and analysis of groundwater recharge enhancement projects.

**Grand Jury 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)

**San Juan Capistrano's Response to Recommendation R.2:**

San Juan Capistrano disagrees with recommendation R2. San Juan Capistrano considers this concept laudable but cannot commit to comply with it by any date certain given the ambiguity of what would meet the criteria of "wide-spread public participation" and how this exercise would be funded. Furthermore, San Juan Capistrano already engages in an aggressive public information program as described in its response to Finding 2, above.

**Grand Jury 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)

**San Juan Capistrano's Response to Recommendation R.3:**

San Juan Capistrano agrees with recommendation R3 and has followed the LAFCO process, responded to inquiries for information as required and sent representatives to work sessions, and meetings as needed. San Juan Capistrano will continue to provide reasonable and proportionate resources to this issue as it evolves.

**Grand Jury 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)

**San Juan Capistrano's Response to Recommendation R.4:**

San Juan Capistrano agrees with recommendation R4. This recommendation is already being implemented largely through participation with MWDOC and its member agencies in components of the MWDOC's integrated resource water master plan (IRWMP). San Juan Capistrano has developed local supplies of ground water, which in conjunction with local

storage will allow San Juan Capistrano to supply 7 average days of water demand in the event of an emergency or other import interruption. San Juan Capistrano in conjunction with surrounding water agencies is a participant in the Upper Chiquita Reservoir, which will increase San Juan Capistrano's effective emergency capacity from seven to 14 average days of supply. San Juan Capistrano's development of the Ground Water Recovery Plant, its expansion, the development of a recycled system, and its participation in evaluation of an ocean desalination facility will put San Juan Capistrano in a position to meet its needs in the event of immediate crisis in the form of short term interruption of import supply, and long term import supply limitations (drought) in combination with conservation measures. San Juan Capistrano and its surrounding water agencies have established points of connection at intersecting service zones to provide mutual support in the event of an import interruption. San Juan Capistrano its neighboring agencies, and MWDOC, have historically worked cooperatively for planned shut downs of the MET import system, and in the event of unplanned disruptions in the import system have worked together to continue uninterrupted service. In addition all parties have expressed every intention of continuing to do so in the future.