



City of La Habra

"A Caring Community"

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August 17, 2009

CITY COUNCIL

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Rose M. Espinoza
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James Gomez
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Councilmember

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

Re: City of La Habra Response to the Findings and Recommendations of the 2008-2009 Orange County Grand Jury Report entitled "Paper Water – Does Orange County Have a Reliable Future?"

Honorable Kim Dunning,

Thank you for your interest and examination of the reliability of water supplies to Orange County. We are grateful for your interest and believe it will add to the voices trying to raise awareness of our current water supply problems. The City Council for the City of La Habra at their council meeting on August 17, 2009 approved sending this letter which responds to the findings and recommendations contained in the subject report by the 2008-2009 Orange County.

We do not disagree that the state and Southern California have a water supply problem at this time. However, you will find that we disagree with a number of the findings and recommendations.

Following are our specific responses on the 2009 Grand Jury Findings and Recommendations:

GRAND JURY FINDINGS:

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.

F.1: Response

The City of La Habra respectfully disagrees with the statement "There is inadequate coordination between local land-use planning agencies and local water supply agencies that fail to fully engage the issues." The City of La Habra has in place a "Development Review Committee (DRC)" whose responsibility is to review each and every proposed development project within the community and its possible impact to City services. Actively involved in the DRC is the La Habra Utility Authority. At that time, measures can be incorporated or required to promote water conservation efforts. Additionally, as part of the California Environmental Quality Act (CEQA), projects which may have adverse impacts to the environment must complete an Initial Study. The Initial Study requires an analysis of impacts to a number of utility services including water supplies. The La Habra Utility Authority is provided a copy of all prepared Initial Study's for their review and comment. Mitigation measures to reduce impacts to utility services which promote conservation efforts can be placed on the development project.

The City has been proactive and enacted, ahead of the State, sustainable development regulations that encourage water conservation. The La Habra City Council adopted on October 20, 2008, Resolution 5313, which grants incentives to developers who seek green building certification of their projects. A green building attains approximately twenty percent greater efficiency in water conservation than is currently mandated by the State.

The City has also adopted water conservation control measures which affect site improvement plans. The measures include:

- Landscape and irrigation design plans must be prepared by a licensed landscape architect. Irrigation systems are to be designed to minimize the use water where possible.
- Use of drought tolerant plants
- Use of rain sensing equipment.
- Use of mulch to retain soil moisture and minimize evaporation.
- Landscape equipment maintenance schedules.
- For larger projects, installation of secondary irrigation systems to allow for the future use of "Gray" water.

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.

F.2: Response

The City of La Habra agrees with the above finding, that the 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. Nevertheless, the issue of "water shortages" can be heard each night on the local news channels and communities throughout Southern California have begun to implement water conservation measures. Prior to the recent publicity, the use and implementation of water conservation measures has always been a priority of the City with or without public comment on development projects. As part of the development process, the La Habra Utility Authority reviews all proposed projects and is a member of the "Development Review Committee" (DRC). At that time water conservation measures may be incorporated or conditioned as part of the project.

Outlined below are several water supply outreach efforts that are currently being utilized.

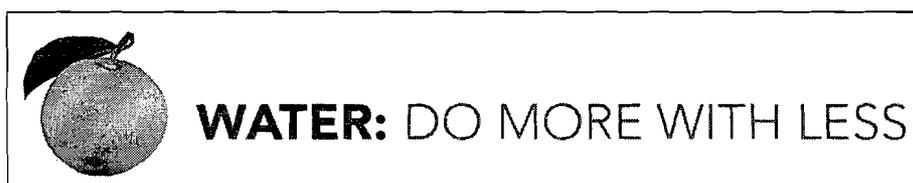
The water industry has many communication and outreach avenues, but the spending by public entities is generally low compared to industries that would spend at much higher levels to brand or market new products. Still, water industry communications can be and are effective.

In recent years, the water industry has collectively advertised itself as the "Family of Southern California Water Agencies" and promoted "Bewaterwise.com" to get the word out on the water supply situation and water conservation tips and opportunities. Retail water agencies utilize bill stuffers, newsletters and websites to inform the public. In Orange County, we have monthly meetings of a Public Affairs Workgroup made up of staff from all of the retail water agencies, including La Habra. They work to develop and implement consistent message points for the public. Metropolitan Water District of Southern California (MWD) also has a Public Information Officers' workgroup that coordinates outreach and communication among the MWD member agencies. Due to the expense and the limited budgets of the retail agencies, the brunt of the TV and radio media outreach has been developed via MWD through an advertising campaign for the LA & San Diego markets.

While we are always open to new methods of communication, we believe the existing communication system works. Polling conducted from time to time to track water industry messages and the understanding of the public indicates that high percentages of people understand there is a water crisis (76% in a recent survey by MWDOC). Furthermore, 78% indicated they would change their water using habits to conserve to prevent water rationing and 67% believe that their water agency does an effective job of keeping them informed about water supply. We also believe high percentages of the public are engaged because of recent actions such as the "run" on rebates for water conservation devices, which pushed spending up to a point where the available funding was exceeded several times over.

Following is an outline of our current outreach efforts:

- In June of 2008, the Public Affairs Workgroup began developing a regional message that incorporated three critical elements of a long term communication strategy:
 - The message must be positive
 - Focus on water-use efficiency and eliminating water waste
 - Adaptable at the retail level
- A comprehensive, strategic communication plan was developed that incorporates grassroots education, strategic partnerships and guerrilla marketing techniques. Research has shown that this approach has been most successful in achieving social change. The following logo was adopted:



- This plan augments and enhances the large media campaign that Metropolitan is orchestrating
- Increases visibility throughout the region
- Integrates new technology and social marketing channels as well
- Critical part of the plan is to engage strategic partners to help carry the message. Everyday new partners are signing on. Current strategic partners include:
 - IBM
 - Hurley Sportswear
 - Volcom
 - Sempra Energy
 - Surfer Magazine
 - Latino Water Coalition
 - TransWorld Media
 - Sunset Magazine
 - Fuel TV
- Other parts of the program include:
 - Huell Howser contracted with the Association of California Water Agencies to produce 15 episodes about California Water. This series is being utilized to help inform citizens.
 - Cable channels are being used to get the word out
 - Educational trips are provided by MWD for each of its Directors to host community leaders to get the word out on water issues

- We have one of the best School Education Programs in the state for water awareness education in grades K-6; it reaches about 90,000 students per year and has reached about 3,000,000 since 1972
- Water Heroes – a new program aimed at kids and families, focuses on identifying water wasting habits and eliminating them. Over the past two years 7500 kids have signed up on www.ocwaterhero.com

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 on-going 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.

F.3: Response

The City of La Habra agrees with the above finding, that the issues surrounding the governance study need to be resolved. However, many of the governance disagreements do not necessarily equate to a negative impact on the reliability of Orange County's water supply nor the public outreach to educate the public on water supply issues.

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.

F.4: Response

The City of La Habra agrees with the above finding F.4(a)., but we do not necessarily find a problem with this. We understand that groundwater basin users want to protect

their source of local water, especially when the groundwater basin requires additional costs to recharge the basin in order to maintain the current level of water extractions.

The City of La Habra disagrees partially with the above finding F.4(b). Use of storage in the OCWD basin is allowed by agreement with OCWD. OCWD has entered into storage arrangements that allow MET to store up to 66,000 AF of imported water and to recall as much as 20,000 AF out of this same storage in any one year. This additional yield out of storage benefits everyone in Southern California. In addition, a February 2006 Emergency Services Program Agreement was developed with OCWD that allows emergency water supplies from the basin to be exchanged with south Orange County. This program is currently being used to allow exchange of water to south Orange County during emergency situations. Finally, development of projects by OCWD like the Ground Water Replenishment System (GWRS) benefit the south County area as well as all of southern California.

Allowing access to the lower cost groundwater outside of the basin or allowing access to more storage by south Orange County would increase the cost to the basin agencies and put them at risk.

GRAND JURY RECOMMENDATIONS:

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 F.1, F.1(a) & (b), and F.2, F.2 (a) & (b))

R.1: Response

The City of La Habra reports that the above recommendation, R.1, will not be implemented. The purpose of the General Plan is to provide a coordinated and integrated framework for the development and changes within the City's planning area, both public and private, over a long period of time while providing flexibility to account for unforeseen circumstances which may occur in the future. The General Plan ties together many specific issues into comprehensive categories that allow for coordination of development efforts within a community. The use of water resources is currently required to be addressed by Government Code Section 65302 (d) in the "Conservation Element" of the General Plan. To require specific issues to be addressed in stand alone elements would make the General Plan unmanageable and cumbersome to work with. The City of La Habra will be conducting an update of its General Plan this fiscal year. The issue of water resources and its use will continue to be addressed in the "Conservation Element".

It should also be noted that the La Habra Utility Authority is required by law to prepare an Urban Water Management Plan (UWMP) every five years which addresses the concerns raised by the Grand Jury. La Habra last prepared its UWMP in December 2005 and will be updating it in December 2010. For new developments of greater than 500 units, a Water Supply Assessment must be completed as required by existing law.

Therefore, complying with the Grand Jury request that the City of La Habra be required to prepare a "Water Element" would be a duplication of effort and ineffective in accomplishing the goal of the 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 F.2, F.2 (a) & (b))

R.2: Response

The City of La Habra reports that the above recommendation, R.2, has already been implemented, but more innovative types of communications will be considered.

As far as exercises dealing with loss of imported water supplies "A complete sudden break in the imported supplies" was a component of the statewide Golden Guardian exercise in 2008 in which 20 of Orange County's water and wastewater utilities participated. This type of exercise or variations of it are repeated periodically.

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

R.3: Response

The City of La Habra reports that the above recommendation, R.3, will be implemented. MWDOC has dedicated quite a bit of time and resources to development of information, not only in the LAFCO process, but in numerous discussions with its client water agencies.

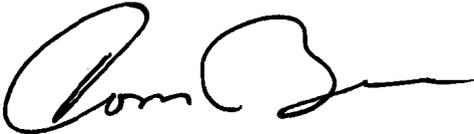
R.4: Each Orange County retail and wholesale water agency should affirm its commitment to a fair-share financial responsibility in completing the emergency water supply network for the entire County. The entire County should be prepared together for any conditions of drought, natural or human-caused disaster, or any other catastrophic

disruption. WEROC should commence meetings of all parties, to facilitate consensus on an equitable funding/financing agreement. (Finding F.4, F.4 (a) & (b))

R.4: Response

The City of La Habra reports that the above recommendation, R.4, is already being implemented. The Water Emergency Response Organization of Orange County (WEROC), to which La Habra is a participating member, has been established to conduct emergency planning and preparedness at the regional level and response to disaster type events that impact the water and wastewater agencies within the County. WEROC participates with Regional and statewide forums as well. Each retailer also has plans and activities they conduct to be in a state of emergency preparedness.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Beamish", with a long horizontal flourish extending to the right.

Tom Beamish
Mayor, City of La Habra