



Monterey County

Board of Supervisors
Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, Ca 93901

Board Report

Legistar File Number: 19-0666

August 27, 2019

Introduced: 8/22/2019

Current Status: General Government -
Consent

Version: 1

Matter Type: General Agenda Item

Adopt an ordinance suspending Sections 3 and 6, and a portion of Section 5, of Ordinance 5310, concerning Point of Use/Point of Entry water treatment, until December 11, 2019. (ADDED VIA ADDENDUM)

RECOMMENDATION:

It is recommended that the Board of Supervisors adopt an ordinance suspending Sections 3 and 6, and a portion of Section 5, of Ordinance 5130, concerning Point of Use/Point of Entry water treatment, until December 11, 2019.

SUMMARY:

On July 23, 2019, the Board of Supervisors introduced the proposed ordinance, waived reading, and set the ordinance for adoption. The ordinance would suspend portions of Ordinance No. 5310 relating to Point of Use (POU) and Point of Entry (POE) water treatment until December 11, 2019.

DISCUSSION:

On June 18, 2019, the Board of Supervisors adopted Ordinance No. 5310, which became effective on July 19, 2019. That ordinance amended the Monterey County Code to allow, in part, but subject to all other applicable regulation, the installation of devices commonly known as Point of Use and Point of Entry water treatment systems in houses supplied by a single well, or as part of water systems with 2 to 14 connections (known as local small and state small water systems) and water systems of 15-199 connections (known as small public water systems), in order to provide potable water, as required by the California Plumbing Code.

On July 18, 2019, Protect Our Process brought a lawsuit against the County, challenging the validity of Ordinance No. 5310. To provide time to assess the allegations regarding the validity of the Ordinance No. 5310, it is necessary and appropriate to temporarily suspend those portions of Ordinance 5310 that permit the use of POU/POE water treatment for local small and state small water systems, individual lots within those systems, and individual lots not on water systems. If the Board adopts the proposed suspending ordinance, it would become effective on September 27, the thirty-first day after adoption. To address the interim period between introduction of the suspending ordinance and its effective date if adopted, the Board of Supervisors on July 23 adopted a resolution to instruct County staff to suspend current and refrain from future processing of applications for approvals pursuant to the suspended sections of Ordinance No. 5310, as more fully set forth in the suspending ordinance, until the earlier of October 1, 2019, or until further direction is given by the Board of Supervisors.

OTHER AGENCY INVOLVEMENT:

The Environmental Health Bureau and Resource Management Agency have been consulted regarding this matter.

FINANCING:

There is no impact to the General Fund with this action.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

Check the related Board of Supervisors Strategic Initiatives:

- Economic Development** - Through collaboration, strengthen economic development to ensure a diversified and healthy economy.
- Administration** - Promote an organization that practices efficient and effective resource management and is recognized for responsiveness, strong customer orientation, accountability and transparency.
- Health & Human Services** - Improve health and quality of life through County supported policies, programs, and services; promoting access to equitable opportunities for health choices and healthy environments in collaboration with communities.
- Infrastructure** - Plan and develop a sustainable, physical infrastructure that improves the quality of life for County residents and supports economic development results.
- Public Safety** - Create a safe environment for people to achieve their potential, leading business and communities to thrive and grow by reducing violent crimes as well as crimes in general.

Prepared by:

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Approved by:

Charles McKee, County Counsel, x. 5312

Attachments: A - Draft ordinance (with Ordinance No. 5310)