



Legislation Details (With Board Report)

File #: 12-1118 **Name:** Oaks Subdivison (MOU)
Type: General Agenda Item **Status:** Passed
File created: 11/21/2012 **In control:** Board of Supervisors
On agenda: 12/4/2012 **Final action:** 12/4/2012

Title: Public hearing (Continued from October 9, 2012) to:
a. Consider alternatives for the provision of safe potable water to the approved 9-lot Oaks subdivision due to the high arsenic level in the subdivision well water;
b. Provide direction to staff as to the preferred alternative to enable staff to conduct appropriate environmental review; and
c. Direct staff to return to the Board for further action following environmental review.
(PC947170 & PLN030107 (Ferrini Oaks): fronting on east side of San Benancio Road adjacent to San Benancio school, Toro Area Plan)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit A 10.9.12 Board Report, 2. Exhibit B Cal Am Letter, 3. Exhibit C Draft Resolution, 4. Exhibit D Chronology, 5. Resolution - Revised Strikethrough, 6. Completed Board Order and Resolution

| Date | Ver. | Action By | Action | Result |
|-----------|------|----------------------|----------|--------|
| 12/4/2012 | 1 | Board of Supervisors | approved | Pass |

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RECOMMENDATION:

Staff recommends that the Board of Supervisors adopt a resolution (**Exhibit C**) to:
a. develop a Memorandum of Understanding (MOU) between California American Water Company, Monterey County Water Resources Agency, and the County for the provision of safe, potable water to the approved nine-lot Oaks subdivision due to the high arsenic level in the subdivision well water; and
b. direct staff to conduct appropriate environmental review and return to the Board for further action.

DISCUSSION

On October 9, 2012, the Board of Supervisors continued this matter at the request of Mr. Richard Rosenthal, representing Save Our Peninsula Committee (SOPC), an interested party, to allow time to review and respond to the staff report. In order to accommodate schedules of the key people involved, SOPC agreed to continue this matter to the Board meeting of December 4, 2012.

The October 9 staff report is attached for consideration (**Exhibit A**). This report includes a draft memorandum of understanding (MOU) for consideration, as recommended by staff. In addition, staff has received correspondence from California American Water Company dated November 6, 2012 that is attached as **Exhibit B**. At the time of preparing this report, no other correspondence has been received following the October 2 hearing. County staff will be conferring with Monterey County Water Resources Agency about being a potential party to the MOU, and will report on said discussions at the Board hearing on December 4. Documentation of the chronology of events is included as **Exhibit D**.

FINANCING

The recommended action has no new cost to the General Fund in the FY 2012/13 budget. Staff time would be required to conduct environmental review and process the Board's preferred option. Required staff efforts would become part of the existing work program for Resource Management Agency (RMA), RMA-Planning Services, Environmental Health Bureau, and County Counsel. Associated staff time is included in the approved FY 2012/13 budget for these respective departments.

Prepared by:

Carl Holm, AICP
Deputy Director, RMA

Approved by:

Benny J. Young, P.E.
Director, RMA

Attachments:

Exhibit A - 10/9/12 BOS Report with Attachments
Exhibit B - Cal Am letter (dated 11/6/12)
Exhibit C - Draft Resolution
Exhibit D - Documentation of chronology