



County of Monterey

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

Board Report

File #: ORD 19-022, **Version:** 1

Consider:

- a. Introducing, waiving reading, and setting for adoption an ordinance suspending Sections 3 and 6, and a portion of Section 5, of Ordinance No. 5310, concerning Point of Use/Point of Entry water treatment, until December 11, 2019; and
- b. Adopting a resolution directing County staff to suspend current and refrain from future processing of applications for approvals pursuant to Section 3 and 6, and a portion of Section 5, of Ordinance No. 5310, as more fully set forth in the companion ordinance, until the earlier of October 1, 2019, or further direction is given by the Board of Supervisors. (ADDED VIA ADDENDUM)

RECOMMENDATION:

It is recommended that the Board of Supervisors consider:

- a) Introducing, waiving reading, and setting for adoption an ordinance suspending Sections 3 and 6, and a portion of Section 5, of Ordinance No. 5310, concerning Point of Use/Point of Entry water treatment, until December 11, 2019; and
- b) Adopting a resolution directing County staff to suspend current and refrain from future processing of applications for approvals pursuant to Section 3 and 6, and a portion of Section 5, of Ordinance No. 5310, as more fully set forth in the companion ordinance, until the earlier of October 1, 2019, or further direction is given by the Board of Supervisors.

SUMMARY/DISCUSSION:

On June 18, 2019, the Board of Supervisors adopted Ordinance No. 5310, which became effective on July 19, 2019. That ordinance amended the County Code to allow, in part, but subject to regulation, the installation of devices commonly known as Point of Use/Point of Entry treatment systems (“POU/POE”) 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), in order to provide potable water, as required by the California Plumbing Code.

We are informed that litigation has been, or will be filed, challenging the validity of Ordinance No. 5310 on a variety of grounds including, but not limited to, the California Environmental Quality Act. In order to provide time to assess the allegations regarding the validity of the ordinance, 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. In addition, because of the upcoming legislative recess, the suspending ordinance, if introduced on July 23, 2019, and adopted on August 27, 2019, would not become effective until at least September 27, 2019. Accordingly, it is necessary and appropriate 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. The enclosed resolution gives such direction.

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:

Mark a check to the related Board of Supervisors Strategic Initiatives

- Economic Development
- Administration
- Health & Human Services
- Infrastructure
- Public Safety

Prepared by:

Leslie J. Girard, Chief Assistant County Counsel, x. 5365

Approved by:

Charles McKee, County Counsel, x. 5312

Attachments:

Board Report

A - Draft ordinance (with Ordinance No. 5130)

B - Draft resolution