

OTAY WATER DISTRICT
LEGAL, LEGISLATIVE & CONSERVATION COMMITTEE MEETING
and
SPECIAL MEETING OF THE BOARD OF DIRECTORS

2554 SWEETWATER SPRINGS BOULEVARD
SPRING VALLEY, CALIFORNIA
BOARDROOM

TUESDAY
October 28, 2008
11:30 A.M.

This is a District Committee meeting. This meeting is being posted as a special meeting in order to comply with the Brown Act (Government Code Section §54954.2) in the event that a quorum of the Board is present. Items will be deliberated, however, no formal board actions will be taken at this meeting. The committee makes recommendations to the full board for its consideration and formal action.

AGENDA

1. ROLL CALL
2. PUBLIC PARTICIPATION – OPPORTUNITY FOR MEMBERS OF THE PUBLIC TO SPEAK TO THE BOARD ON ANY SUBJECT MATTER WITHIN THE BOARD'S JURISDICTION BUT NOT AN ITEM ON TODAY'S AGENDA

DISCUSSION ITEMS

3. INFORMATIONAL REPORT ON REQUEST FROM SYCUAN BAND OF THE KUMEYAAY NATION FOR ANNEXATION TO THE OTAY WATER DISTRICT, SAN DIEGO COUNTY WATER AUTHORITY, METROPOLITAN WATER DISTRICT, AND LOCAL AGENCY FORMATION COMMISSION FOR WATER (SPECIFIED PARCELS ONLY) AND SEWER (CHARLES) [10 minutes]

RECESS TO CLOSED SESSION

4. CLOSED SESSION
 - a) CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION [GOVERNMENT CODE §54956.9(a)]
 - (I) INFRASTRUCTURE ENGINEERING CORP. v. OTAY WATER DISTRICT, COUNTY OF SAN DIEGO, SUPERIOR COURT, #37-2008-00093876-CU-BC-CTL
 - b) CONFERENCE WITH LEGAL COUNSEL – POTENTIAL LITIGATION [GOVERNMENT CODE §54956.9(b)]

1 CASE

RETURN TO OPEN SESSION

5. ADJOURNMENT

BOARD MEMBERS ATTENDING:

Jaime Bonilla, Chair
Gary Croucher

All items appearing on this agenda, whether or not expressly listed for action, may be deliberated and may be subject to action by the Board.

The Agenda, and any attachments containing written information, are available at the District's website at www.otaywater.gov. Written changes to any items to be considered at the open meeting, or to any attachments, will be posted on the District's website. Copies of the Agenda and all attachments are also available through the District Secretary by contacting her at (619) 670-2280.

If you have any disability which would require accommodation in order to enable you to participate in this meeting, please call the District Secretary at 670-2280 at least 24 hours prior to the meeting.

Certification of Posting

I certify that on October 24, 2008 I posted a copy of the foregoing agenda near the regular meeting place of the Board of Directors of Otay Water District, said time being at least 24 hours in advance of the meeting of the Board of Directors (Government Code Section §54954.2).

Executed at Spring Valley, California on October 24, 2008.



Susan Cruz, District Secretary

AGENDA ITEM 3



STAFF REPORT

| | | | |
|---------------|--|---------------|-----------------------------|
| TYPE MEETING: | Regular Board | MEETING DATE: | November 13, 2008 |
| SUBMITTED BY: | David Charles | PROJECT NO.: | d0526- DIV. NO. 5 010287 |
| | Public Services Manager | | |
| | Jim Peasley <i>J.P.</i> | | |
| | Engineering Manager | | |
| | Bob Kennedy | | |
| | Associate Civil Engineer | | |
| | Lisa Coburn-Boyd <i>LCB</i> | | |
| | Environmental Specialist | | |
| APPROVED BY: | Rod Posada | | |
| (Chief) | Chief Engineering | | |
| APPROVED BY: | Manny Magaña | | |
| (Asst. GM): | Assistant General Manager, Engineering & Operations | | |
| SUBJECT: | Informational Item on Request from Sycuan Band of the Kumeyaay Nation for Annexation to the Otay Water District, San Diego County Water Authority, Metropolitan Water District, and Local Agency Formation Commission for Water (specified parcels only) and Sewer | | |

GENERAL MANAGER'S RECOMMENDATION:

This is an informational item and no action by the Otay Water District Board is required at this time.

COMMITTEE ACTION:

Please see Attachment A.

PURPOSE:

To provide an update on the status of the annexation process required in connection with Sycuan's petition for annexation and request for water and sewer to be made available to certain real property (refer to Attachment B for a map of the proposed

annexation areas), as follows:

- a) Original reservation land, not currently within the boundaries of any water or sewer district, and consisting of approximately 640 acres (Reservation Parcels). The Reservation Parcels would be annexed to the District, to Improvement District No. 18 for sewer service availability and to Improvement District No. 20 for water service availability.
- b) Eighteen parcels located within Padre Dam Municipal Water District (Padre Dam) consisting of approximately 575 acres (Group B Parcels). The Padre Dam Parcels would be de-annexed from Padre Dam, with Padre Dam's consent, and annexed to the District and to Improvement District No. 18 for sewer service only.
- c) Twenty-one parcels currently located within the boundaries of the District consisting of approximately 1,270 acres (Group C Parcels). Sycuan is requesting that these parcels be annexed to Improvement District No. 18 for sewer service availability.

ANALYSIS:

The Otay Water District (District) received a petition, dated April 11, 2008 (Petition), from the Sycuan Band of the Kumeyaay Nation (Sycuan) to annex the Reservation Parcels to the District and to assist with the concurrent annexation of such parcels to the San Diego County Water Authority (SDCWA) and the Metropolitan Water District (MWD). In addition, the District is assisting Sycuan with the Local Agency Formation Commission (LAFCO) process for the reorganization of the Group B Parcels, which Sycuan desires to de-annex from Padre Dam and concurrently annex to the District in connection with sewer service availability only.

On August 6, 2008, following the District's initial review of the Petition, the Board of Directors of the District adopted Resolution No. 4128 requesting terms and conditions from the SDCWA and MWD for the proposed annexation of the Reservation Parcels. Subsequently, District staff forwarded copies of Sycuan's draft Sub-Area Master Plan (SAMP) and LAFCO Submittal Package to the SDCWA. The SDCWA, in turn, forwarded said documents to MWD for review and comment.

Sycuan retained Dudek, an environmental firm, to be responsible for drafting the California Environmental Quality Act (CEQA) documents for the annexation. The District, as the lead agency for CEQA purposes, is responsible for reviewing and ultimately approving the CEQA documents. The SDCWA and MWD, as affected agencies, must also be satisfied with the form of environmental document prepared and the content of the document.

In early October 2008, after meeting with staff of the SDCWA and receiving initial comments and direction from the SDCWA, the District staff forwarded comments to Sycuan's consultants. On October 16, District staff participated in a follow-up meeting requested by Sycuan's consultants to discuss the environmental documents, the SAMP, and the comments provided by the SDCWA and the District.

On October 22, 2008, taking advantage of the presence of MWD staff at the SDCWA, an introductory meeting among the staff of the District, the SDCWA, the MWD, and Sycuan's consultants was held. The discussion focused on the current requirements of the SDCWA and MWD in connection with annexations. The group also extensively discussed the reasons for the annexation request, the status of the SAMP and environmental documents, the existing and projected water demands within the Reservation Area, local supplies, future development plans, conservation measures on-site and the proposed demand offset. The meeting was positive and Sycuan agreed to meet most of the CWA/MWD requirements for the annexation. A lingering issue is how to address the water offsets. Staff is evaluating pertinent projects to meet the obligations.

Both the SDCWA and MWD requested that copies of the draft environmental documents be circulated to their staff in their current draft form. This is not the form in which the environmental documents are typically circulated to other agencies by the lead agency for comment. The District believes the reason for this request is the uniqueness of the proposed annexation. MWD indicates that it has previously received requests for annexation from other Native American tribes, but has never processed an annexation of this magnitude for a Native American tribe.

It is anticipated that updated draft environmental documents, an updated SAMP, and updated schedules will be circulated within the next few days by Sycuan's consultants.

FISCAL IMPACT:

None at this time.

STRATEGIC GOAL:

Provide water service to meet increasing customer needs.

LEGAL IMPACT:

None at this time.



General Manager

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DC/JP/BK/LC-B:jf

Attachments:

Attachment A - Committee Action

Attachment B - District Map showing proposed annexation area



ATTACHMENT A

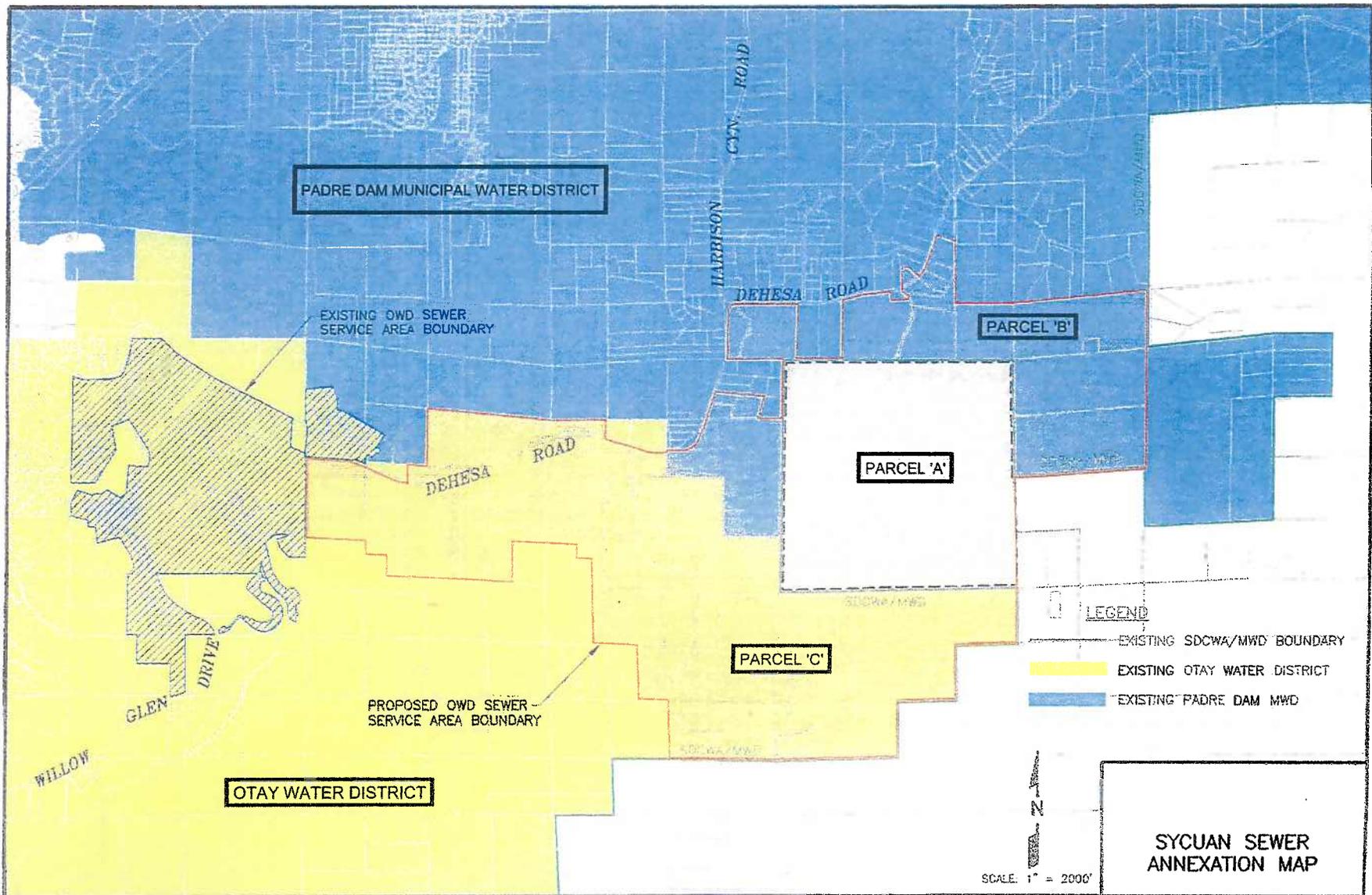
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|---|--|
| SUBJECT/PROJECT: d0526-010287 | Informational Item on Request from Sycuan Band of the Kumeyaay Nation for Annexation to the Otay Water District, San Diego County Water Authority, Metropolitan Water District, and Local Agency Formation Commission for Water (specified parcels only) and Sewer |
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COMMITTEE ACTION:

The Engineering, Operations, and Water Resources Committee reviewed this item at a meeting held on October 28, 2008. The Committee supported Staff's recommendation.

NOTE:

The "Committee Action" is written in anticipation of the Committee moving the item forward for Board approval. This report will be sent to the Board as a Committee approved item, or modified to reflect any discussion or changes as directed from the Committee prior to presentation to the full Board.



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ATTACHMENT B