

COASTSIDE COUNTY WATER DISTRICT

766 MAIN STREET

HALF MOON BAY, CA 94019

SPECIAL MEETING OF THE BOARD OF DIRECTORS

Thursday, October 2, 2008 - 2:00 p.m.

AGENDA

The Coastside County Water District does not discriminate against persons with disabilities. Upon request, the agenda and agenda packet can be provided in a format to accommodate special needs. If you require a copy of the agenda or related materials in an alternative format to accommodate a disability, or if you wish to attend this public meeting and will require special assistance or other special equipment, please call the District at (650) 726-4405 in advance and we will make every reasonable attempt to provide such an accommodation.

This agenda and the accompanying materials can be viewed on Coastside County Water District's website located at: www.coastsidewater.org.

The Board of the Coastside County Water District reserves the right to take action on any item included on this agenda.

1) ROLL CALL

2) CLOSED SESSION

A. PUBLIC EMPLOYMENT
(Cal. Govt. Code §54957) Title: General Counsel

3) RECONVENE TO OPEN SESSION

Public report of closed session action

4) PUBLIC ANNOUNCEMENTS

Any person may address the Board of Directors at the commencement of the meeting on any matter within the jurisdiction of the Board that is not on the agenda for this meeting. Any person may address the Board on an agenda item when that item is called. The Chair requests that each person addressing the Board limits their presentation to three minutes and complete and submit a Speaker Slip.

5) GENERAL BUSINESS

- A. Discussion and possible action regarding distribution and sale of recycled water within District service boundary ([attachment](#))

6) ADJOURNMENT

STAFF REPORT

To: Coastside County Water District Board of Directors

From: David Dickson, General Manager

Agenda: October 2, 2008

Report

Date: October 1, 2008

Subject: Distribution of Recycled Water Within CCWD Service Boundary

Recommendation:

None. Discussion only.

Background:

As the Board has discussed previously, recycled water is a local resource that can play a vital role in making the District's water supply more reliable in the event of a drought or other disruption in local and imported water sources.

Implementing a coastside water recycling project will require cooperation among several local agencies, including CCWD, Sewer Authority Mid-Coastside (SAM), and SAM's member agencies (Montara Water and Sanitary District, Granada Sanitary District, City of Half Moon Bay). Recognizing this, the Board at its August 12, 2008 meeting appointed a Water Reclamation Committee for the purpose of initiating discussions with SAM on water reclamation.

The inter-agency agreements necessary for producing and distributing recycled water will be based on the resources each agency brings to the project and on the powers accorded the agencies by law and by their founding documents. In order to better define the basis for CCWD's role in recycling, we retained Patrick Miyaki of Hanson Bridgett to provide a legal analysis. A summary of the analysis, entitled "Distribution of Recycled Water Within CCWD Service Boundary", is attached.

Patrick Miyaki of Hanson Bridgett will discuss CCWD's recycled water authority and answer the Board's questions.

DISTRIBUTION OF RECYCLED WATER WITHIN CCWD SERVICE BOUNDARY

- CCWD has broad statutory authority to do any act necessary to furnish sufficient water within its service boundary, and this includes the authority to treat, distribute, and sell recycled water. Water Code Section 31020.
- SAM is a joint powers authority created by agreement among the City of Half Moon Bay, Granada Sanitary District, and Montara Water and Sanitary District to collect, treat, and dispose of wastewater.
- CCWD and SAM are both interested in the use of recycled water and each has engaged consultants to evaluate the feasibility and cost of providing recycled water within CCWD's service boundary.
- The Water Recycling Act of 1991, commencing with Water Code Section 13575, establishes the relationship between the retail water supplier (CCWD) and recycled water producer (SAM) and provides that the retail water supplier is responsible for supplying recycled water within its service boundary. More specifically, the Water Recycling Act of 1991 provides that:
 - ◆ Retail water suppliers and recycled water producers are encouraged to enter into contracts to facilitate the service of recycled water by the retail water supplier in the most efficient and cost-effective manner.
 - ◆ Retail water suppliers shall identify potential uses and customers for recycled water within its service area. Recycled water producers may assist the retail water supplier in this effort.
 - ◆ A retail water supplier that receives a request from a customer for recycled water shall enter into an agreement to provide recycled water if water is or can be made available to the retail water supplier for sale to the customer.
 - ◆ A customer may not obtain recycled water from a recycled water producer without the agreement of the retail water supplier.
- The Water Recycling in Landscaping Act, commencing with Government Code Section 65601, declares the use of potable water for landscaped areas is waste or unreasonable use of water if recycled water is available.
- The Joint Exercise of Powers Act, commencing with Government Code Section 6500, authorizes two or more public agencies to jointly exercise any powers common to all contracting parties. All of SAM's member agencies do not have the power to supply recycled water without the consent of the retail water supplier. Therefore, this power may not be exercised by SAM.