

# BOARD OF ALDERMEN

ITEM NO. D(1)

## AGENDA ITEM ABSTRACT

MEETING DATE: Tuesday, March 1, 2011

SUBJECT: **Amendment to the Water and Sewer Management, Planning, and Boundary Agreement**

<b>DEPARTMENT: PLANNING</b>	<b>PUBLIC HEARING: YES _ NO _X_</b>								
<b>ATTACHMENTS:</b> <ul style="list-style-type: none"><li>A. Resolution</li><li>B. 12/9/10 Letter from OWASA</li><li>C. Excerpt from 2010 Long-Range Water Supply Plan</li><li>D. Resolution 77/2009-2010</li><li>E. 1/26/11 Letter from Orange County</li><li>F. WASMPBA, with proposed amendments</li></ul>	<b>FOR INFORMATION CONTACT:</b> <table><tr><td>Patricia McGuire, AICP</td><td>918-7327</td></tr><tr><td>Ed Holland, AICP</td><td>537-4215</td></tr><tr><td>Craig Benedict, AICP</td><td>245-2578</td></tr><tr><td>Margaret Hauth, AICP</td><td>732-1270</td></tr></table>	Patricia McGuire, AICP	918-7327	Ed Holland, AICP	537-4215	Craig Benedict, AICP	245-2578	Margaret Hauth, AICP	732-1270
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### PURPOSE

The purpose of this item is to provide the Board of Aldermen with a resolution authorizing changes requested by OWASA, Orange County, and Hillsborough to clarify the Water and Sewer Management, Planning, and Boundary Agreement (WASMPBA).

### INFORMATION

OWASA initiated this request to amend the Water and Sewer Management, Planning, and Boundary Agreement (WASMPBA) with a letter and draft resolution in December 2010 in order to clarify the emergency and non-emergency transfer provisions (*Attachment B*). Ensuring the right to utilize its allocation from Jordan Lake was one of the steps identified in the Long Range Water Supply Plan (LRWSP) (an excerpt of the plan as adopted in 2010 is provided as (*Attachment C*)); an amendment to WASMPBA to clarify use of OWASA's Jordan Lake allocation was specified. In follow-up to a presentation on the then-draft LRWSP, the Board of Aldermen adopted a resolution supporting purchase of water from Cary via Durham only in extreme situations (*Attachment D*).

Recognizing that the need to provide for flexibility and sustainability of local water supplies would be beneficial throughout the county, Orange County and Hillsborough have joined with OWASA in requesting clarification of the transfer provisions of the WASMPBA (*Attachment E*). OWASA, Orange County and Hillsborough, are members of the Jordan Lake Water Supply Partnership and have and/or have requested Jordan Lake water allocations. The partnership was established in 2009 by jurisdictions and water systems to plan for the regional water supply (<http://www.jordanlakepartnership.org/>). The Division of Water Resources and Environmental Management Commission initiated the 4th cycle of Jordan Lake allocations in early 2010.

The WASMPBA is an agreement signed in 2001 between Orange County, the Orange Water and Sewer Authority (OWASA), and the Towns of Chapel Hill, Carrboro, and Hillsborough. The WASMPBA,

with proposed amendments, is included as *Attachment F*. The agreement provides a comprehensive county-wide system of utility service areas upon which signatory entities can rely when making decisions related to issues such as planning, land use, annexation, zoning, and growth management. Amendments to the agreement require the approval of all signatories. The following may be noted in relation to the requested clarifications:

- 1) The action is consistent with OWASA's LRWSP. OWASA and Orange County have reserved Jordan Lake allocations for many years.
- 2) Additional flexibility in managing and maintaining sufficient water supply is beneficial particularly in light of increased variability of weather conditions that has been recorded in past years.
- 3) Cooperative and comprehensive regional water supply planning is expected to be an important element under consideration in the 4th round of allocations from DWR/EMC.

Staff of all signatory parties met in February 2011 to discuss the requested amendment. Gordon Merklein, chair of the OWASA Board, is scheduled to provide a brief presentation on this matter.

FISCAL IMPACT:

None

STAFF RECOMMENDATION

The staff recommends that the Board of Aldermen consider adoption of the resolution (Attachment "A") amending the Water and Sewer Boundary Agreement.