

ITEM NO.
5.1

From: [Rob Nakamura](#)
To: [April Jacobs](#)
Cc: [Cinnamon Valdiviezo](#); [Jeff Beaumont](#)
Subject: Public comment for April 16 2024 SCV water BOD meeting, Required Use Ordinance agenda item
Date: Tuesday, April 16, 2024 3:24:52 PM
Attachments: [Westridge HOA BOD public comment.pdf](#)

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Ms. Jacobs,

Please accept and submit the attached written statement for the Boards review tonight. Thank you so much in advance.

Respectfully,
Rob Nakamura, President
Westridge HOA

SCV Water Board Meeting Public Comment:

Good evening SCV Water Board Members and Staff,

My name is Rob Nakamura, and I am the Board President for the Westridge Valencia Master Homeowner's Association. We are a Community Association of 1040 homes and many more thousands of residents. I am here to provide comments and input regarding your agenda item for the Required Use Ordinance for recycled water.

I want to be clear from the start, that the Westridge Community fully supports maximum conservation efforts and the implementation of sustainable resources. We absolutely desire to participate in a recycled water conversion to the maximum degree possible. However, as at least partially described in our written communication from Legal Counsel, there are significant obstacles to our being able to proceed while observing our fiduciary responsibilities to the Community.

In reading your team's information about the necessity to implement the Ordinance, it would appear, at least in part, that part of the rationale is the "minimal interest" or participation since the introduction of the purple prep program. While not speaking for other persons or associations in the community, I can tell you with absolute assurance that at least from our perspective, there is great interest to participate which is hindered mostly by the approach and poor communication by your teams. We were approached and first made aware of the recycled water conversions a full 10 years into the program's initial discussion and plan. The communication and planning challenges persist to this day. Truth be told, these are not solely on the side of SCV Water since there have been LA County staff involved in the process as well, but as the main drivers and administrators of the project, your team, ultimately, should take full responsibility for the delays and lack of participation. Perhaps it would be worth considering that the lack of participation is driven by your team's approach and planning. I can tell you, with 100% assurance, that had your communication been timely and effective, Westridge could have already been through the first phase of conversion to include the community park and pool and a large LMD slope and turf area. Our last email communication with very reasonable requests to move forward with a Purple Prep agreement was sent on February 16 and we have not heard back as of today, other than it is still being reviewed.

As I have communicated to your team, as desirous as we are as a community to convert as much area as possible over to recycled water, there is no budget to do so. This community began its construction phase well over 20 years ago and despite the fact that the area schools and golf course were provided infrastructure to support recycled water, our community was not. Your ordinance makes no mention or guarantee of funding to assist communities or individuals in situations like ours and has serious legal flaws as outlined in our written protest. As recently as last Friday, the United States Supreme Court ruled in favor, unanimously I might add, for the plaintiff in a similar lawsuit. While the application of the 5th amendment argument was not identical, it does in fact have parallels to ours. Ultimately, the Supreme Court determined that they will strike down regulations that seek to impose costs on users as an unconstitutional taking. The case I am

referring to is Sheetz v. County of El Dorado. The projected cost estimate for the very small portion of our community proposed so far approaches nearly \$300,000. Costs for additional "required conversions" in the months or years to come clearly would balloon into the high seven figures given the size and scope of our property. Although entering into litigation for any reason is never a good option, if you approve the ordinance in its current form and language, I will immediately place on our next Agenda to consult with legal counsel and recommend to the full board to proceed with initiating litigation against your agency. I have little doubt that through discovery and deposition processes and ultimately judicial review that we will prevail. However, I believe that is completely avoidable if you can encourage your teams to work collaboratively with us moving forward. As a matter of fact, not only do we think that we could secure a final agreement on our individual level, but also set an operational and administrative standard to be applied area wide and help meet or exceed your Agencies ambitious goals for sustainable water systems for the Santa Clarita Valley. The Westridge community stands ready to work together with your agency on this very important project.