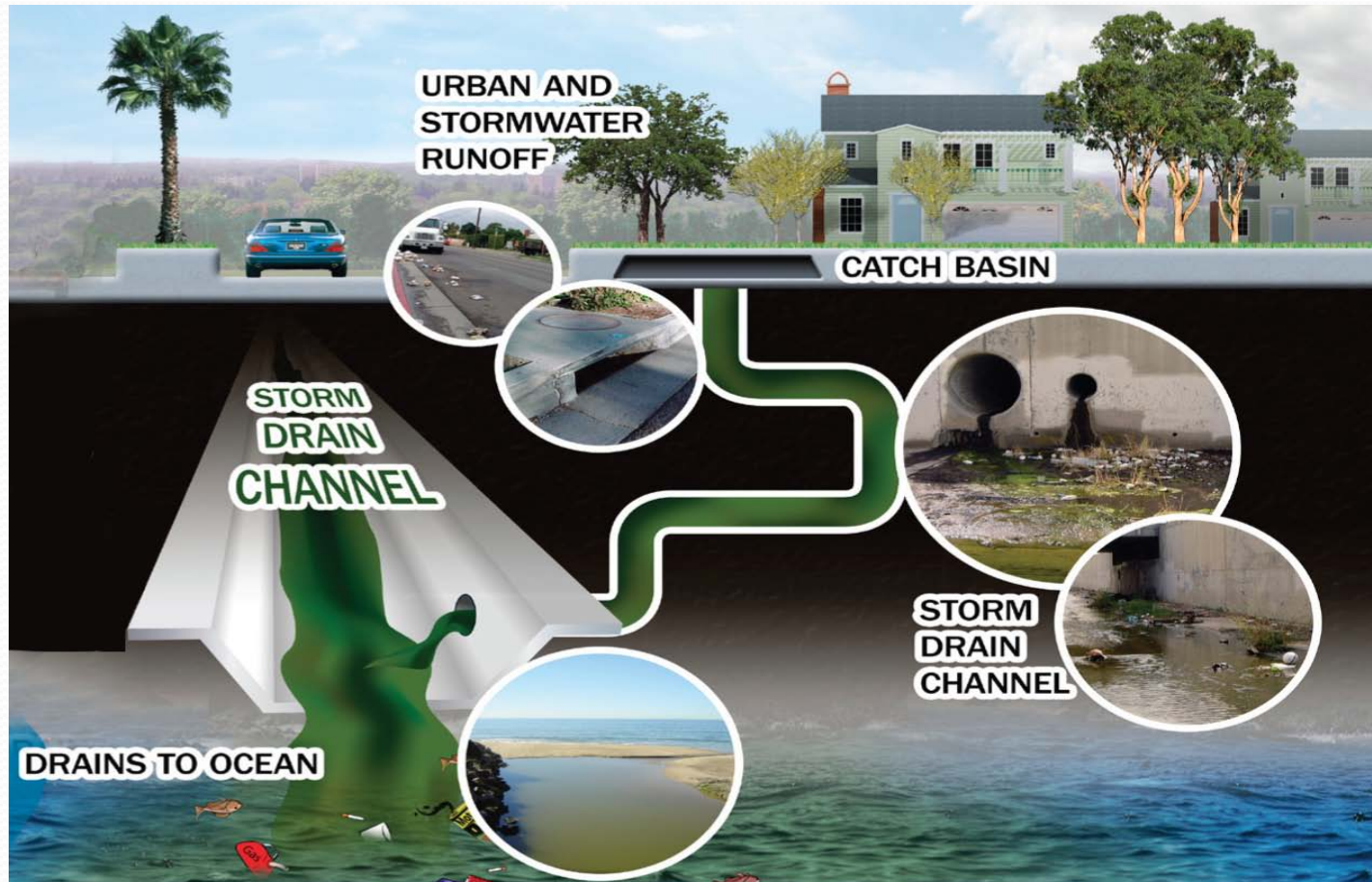


# TUSD Permitting Lawsuit

Status Update

# Why Permits Are Required



# Question of Jurisdiction

Federal and state agencies have charged local agencies to manage local storm water system.

Failure to comply with water quality permits could result in \$10,000 per day fines for both the city and TUSD.

TUSD has been issued a “Notice of Violation” of law for failure to comply by the State Water Quality Board.



# What is the status today?

- Work continues at TUSD locations
- Mayor's Letter to Board President
- TUSD is working toward meeting permit requirements
- Keep up with happenings at [www.tustinca.org](http://www.tustinca.org)



Heritage School



Tustin High



Heritage School

# What Does TUSD Need to Do?

## Encroachment Permits

Both were issued today

## Tustin Ranch Permits

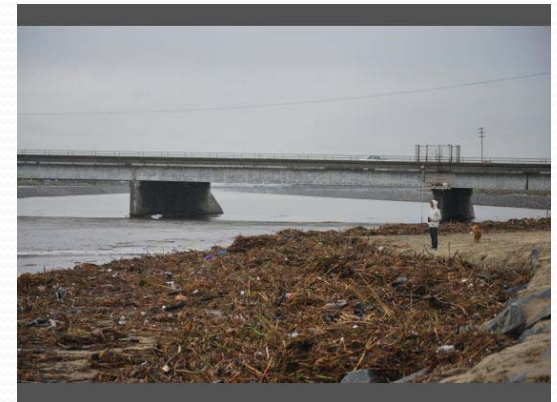
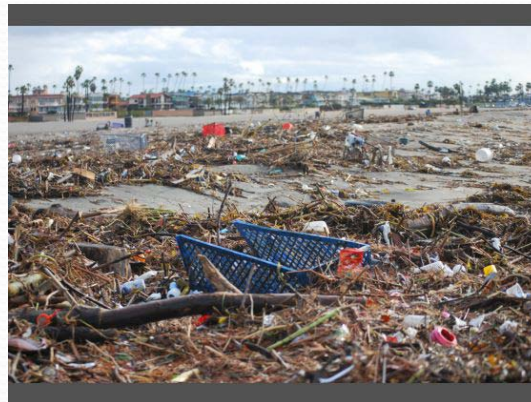
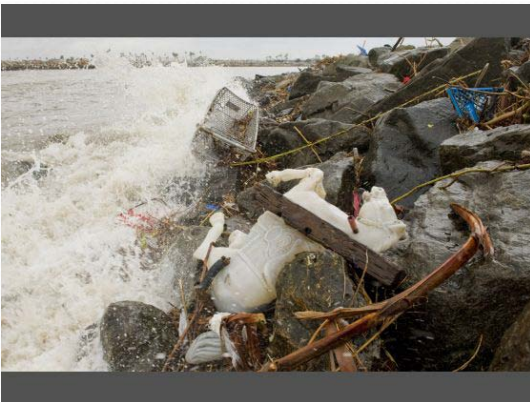
| School                           | Date of Permit | Permit Work            | Permit Applicant      |
|----------------------------------|----------------|------------------------|-----------------------|
| Ladera Elementary School         | 2000           | Street and Storm Drain | Brock Wagner/TUSD     |
| Pioneer Middle School            | 1998           | Street Improvements    | Hillcrest Contractors |
| Peter's Canyon Elementary School | 1996           | Street Improvements    | Barnhart              |
| Tustin Ranch Elementary          | 1994           | Public Improvements    | B and D Construction  |

# What Does TUSD Need to Do?

## Grading and Water Quality Permits

City has reviewed applications and sent comments back to TUSD

TUSD needs to submit the completed application to the City and since their fees are already paid, the permits will be issued.



# Q/A

**Q: Has the City stopped TUSD's building projects?**

**A:** No. Work continues today.

**Q: Did TUSD obtain permits for schools built in Tustin Ranch?**

**A:** Permits were required. The land for all of the schools built in Tustin Ranch was purchased from The Irvine Company. Before The Irvine Company sold the sites to the District, The Irvine Company graded them per local ordinances, using grading permits obtained from the City of Tustin. Since the Tustin Ranch schools were built, new regulations were passed by the Regional Water Quality Control Board which now apply to new development.

# TUSD will comply with encroachment permits at Tustin High

**From:** Burns, Peter [mailto:PBurns@tustin.k12.ca.us]  
**Sent:** Monday, March 15, 2010 3:53 PM  
**To:** Anderson, Doug  
**Subject:** RE: Encroachment Permits for TUSD

Thank you! See you soon.

Best regards,  
Pete

Pete Burns  
Senior Director, Maintenance, Operations & Facilities  
Tustin Unified School District

**From:** Anderson, Doug [mailto:DAnderson@tustinca.org]  
**Sent:** Monday, March 15, 2010 1:44 PM  
**To:** Burns, Peter  
**Cc:** Stack, Doug  
**Subject:** Encroachment Permits for TUSD

Good Afternoon Pete:

FYI. Your Consultant picked up the final Public Works Department comments on the Tustin High School Quad development this morning. The City is ready to issue the encroachment permit for this project pursuant to receiving the final signed and stamped mylar plans, the completed permit application, and the applicable fees in the amount of \$1,030.00. We are currently in the process of having the easement for the detector check recorded and will let you know as soon as that is complete.

We are also ready to issue the encroachment permit for the Heritage Elementary School site at Tustin Legacy pursuant to receiving the permit fees in the amount of \$3,412.70.

Please contact me at (714) 573-3172 if you have any questions or need additional information.

Doug Anderson

# Letter from the Mayor

Office of the City Council



March 11, 2010

Ms. Francine Scinto  
President, Board of Education  
Tustin Unified School District  
300 South C Street  
Tustin, California 92780-3695

Dear Francine:

I am sure that we can both agree that this unfortunate conflict between the City of Tustin and Tustin Unified School District has unnecessarily escalated. Before matters go further, I want to recap for you my understanding of the situation in the hope that we can resolve this issue and the District can move forward with its construction program.

The City is in receipt of the District's draft grading permit applications and draft storm water management plans. The City has made its comments and resubmitted them to the District to be amended and sent to the City. As soon as we are in receipt of the District's clear, complete and verifiable changes to these documents, the City will issue the necessary permits.

The City is required by law to enforce these grading and storm water management programs, and we have done so with every other school, business and residential development in the City, including the Rancho Santiago and South Orange County Community College Districts, which are also regulated by DSA. Apparently, TUSD understands this as the applications and plans have already been submitted. Since we are so close to having what each party requires, we ask that the District staff or its consultants make the necessary revisions quickly to move this process forward. I promise you that City staff is equally motivated to move this forward and will review and issue permits as soon as all the requirements are accomplished.

We do not know for certain, nor can we control, what other jurisdictions do regarding compliance with state law, but it is our fiduciary responsibility to the citizens of Tustin that we follow the rules. The penalty for failure to comply could result in stiff fines to the City and the District unnecessarily. I am sure that the school board recognizes the importance of environmental stewardship and protecting the ocean by preventing harmful pollutants from entering the storm water system. I know that this important concept is taught in TUSD schools.

Mayor Jerry Amante • Mayor Pro Tem John Nielsen • Doug Davert • Jim Palmer • Deborah Cavello  
300 Centennial Way, Tustin, CA 92780 • (714) 573-3010 • [www.tustinca.org](http://www.tustinca.org)

Ms. Francine Scinto  
Tustin Unified School District  
March 11, 2010  
Page 2

We look forward to getting the District's amended grading permit materials and storm water plans and you have my word that on behalf of the council and me we will do everything in our power to make your school construction program a success.

Sincerely,

Jerry Amante  
Mayor