

THE ORANGE COUNTY REGISTER

Tustin city, school district postpone trial

By [ELYSSE JAMES](#)

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A [year-long dispute](#) between the city of [Tustin](#) and the [Tustin Unified School District](#) over school construction is scheduled to go to trial in November.

The two public agencies were given a [Monday court date](#), but in a meeting on Friday agreed to postpone the trial to Nov. 14.

In the meantime, the city will be enacting a grading ordinance that eliminates a grading code exemption that lets public agencies build without getting city grading permits. The City Council [approved the ordinance last Monday](#) during a special meeting. The ordinance will go into effect June 2, 30 days after its second reading at the May 3 council meeting.

The council did not have enough votes to enact the ordinance immediately as an emergency measure.

City Attorney Douglas C. Holland said the ordinance could have an effect on the court trial.

"The court would be required to look at the city statutes or ordinances and not look at the former ordinance," Holland said. "As we indicated the other evening, we did this in order to clean up any potential ambiguity that was out there."

Tustin Unified School District Attorney Matthew J. Fletcher said the earlier ordinance is clear that the school district is exempt from the grading permit.

Fletcher cited [Tustin Ranch](#), [Peters Canyon](#) and [Ladera](#) elementaries and [Pioneer Middle School](#) as sites where grading permits were not required. State law, Fletcher said, doesn't require a school district to get a grading permit, pay grading permit fees or allow city inspections.

"The district has always been trying very hard to settle the case," he said. "We're trying to accomplish going back to the status quo of how things were done before 2008, when they first suggested we needed a grading permit."

"I think it needs to be remembered that the city's issue here is trying to deal with potential grading or drainage that could potentially affect the public right of way, the travelling public and adjoining private property," Holland said.

As it stands, the city would be responsible and could be fined \$10,000 a day if [construction at Heritage School](#) and [Tustin High School](#) were to cause storm drain pollution. So, the district is working to gain a permit from the [Regional Water Quality Control Board](#) that would make the district responsible for environmental compliance.

"We are hoping and waiting for the day when both sides will be good neighbors to each other, and we can get along cooperatively to save the taxpayers money," Fletcher said.

Information: tustinca.org and tustin.k12.ca.us.

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