

NOVATO SANITARY DISTRICT MEASURE F	
<b>F</b> MEASURE F: Shall Novato Sanitary District's approval of the contract entitled "Novato Sanitary District Contract Service Agreement for Operation, Maintenance, and Management of Wastewater Treatment Facilities" be adopted?	YES
	NO

**COUNTY COUNSEL'S IMPARTIAL ANALYSIS OF MEASURE F**

**NOVATO SANITARY DISTRICT APPROVAL OF CONTRACT SERVICE AGREEMENT**

This Measure, if approved by the majority of those voting thereon, would adopt the Novato Sanitary District's approval of the contract entitled "Novato Sanitary District Contract Service Agreement for Operation, Maintenance, and Management of Wastewater Treatment Facilities".

s/PATRICK K. FAULKNER  
County Counsel

**FULL TEXT OF MEASURE F**

**NOVATO SANITARY DISTRICT RESOLUTION NO. 3022. A RESOLUTION REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN TO CONDUCT SAID ELECTION; AUTHORIZING THE DISTRICT MANAGER-ENGINEER TO CARRY OUT ALL THE NECESSARY PROCEDURES FOR SAID ELECTION; AND SUBMITTING TO THE VOTERS A REFERENDUM MEASURE TO ADOPT APPROVAL OF A CONTRACT SERVICE AGREEMENT**

**WHEREAS**, on November 2, 2009 the Novato Sanitary District of Marin County, California ("District") received a certificate from the Marin County Registrar of Voters certifying the results of the Registrar's examination of the numbers of signatures and verification of the signatures affixed to a petition for a referendum measure to submit to the voters the Board's approval of the service contract with Veolia Water West Operating Services, Inc. for operation of the District's wastewater treatment plant ("Service Contract"); and

**WHEREAS**, the Registrar's certification shows that at least 10% of the registered voters in the District signed the referendum petition; and

**WHEREAS**, the referendum petition contains a request that the Service Contract be repealed or submitted to a vote of the people; and

**WHEREAS**, Elections Code Section 9145 provides that where the District receives such a referendum petition and certification, it shall either repeal the ordinance in question (here, the approval of the Service Contract) or submit it to an election to be held not less than 88 days after the date of the order of election; and

**WHEREAS**, the District does not believe that the approval of the Service Contract is a legislative act subject to referendum; and

**WHEREAS**, despite the District's belief that referendum procedures are inapplicable to this District decision, the District seeks to proceed with adopting an election order; and

**WHEREAS**, the District desires that the Marin County Registrar of Voters canvass the returns of the special election; and

**WHEREAS**, the Marin County Registrar of Voters requires payment by the District of a fee to perform the election services;

**WHEREAS**, on November 9, 2009 the Board of Directors approved a motion to decline to repeal the Agreement;

**WHEREAS**, on November 23, 2009, the Board of Directors set the date of the election as June 8, 2010;

**NOW, THEREFORE, IT IS HEREBY RESOLVED** as follows:

1. The measure to be submitted to the qualified electors of the Novato Sanitary District shall be as follows:

*Shall Novato Sanitary District's approval of the contract entitled "Novato Sanitary District Contract Service Agreement for Operation, Maintenance, and Management of Wastewater Treatment Facilities" be adopted?*

Yes \_\_\_\_\_ No \_\_\_\_\_

2. The District Manager-Engineer is hereby directed to issue instructions to the Marin County Elections Department to take any and all steps necessary for the holding of the election.

3. The District Manager-Engineer is hereby directed to transmit a certified copy of this resolution to the Marin County Board of Supervisors and the Marin Registrar of Voters.

4. The District Manager-Engineer is authorized and directed to reimburse Marin County for the actual costs incurred in conducting the election upon presentation of a bill from the County, and to enter into any service agreement(s) for any such County services required.

5. (a) The last day for submission of ballot wording to the Board of Supervisors and Registrar of Voters shall be by March 12, 2010.

(b) The last day for submission of direct arguments for or against the measure shall be by March 22, 2010.

(c) The last day for submission of rebuttal arguments for or against the measure shall be by March 29, 2010.

(d) Direct arguments shall not exceed 300 words and shall be signed by not more than five persons.

(e) Rebuttal arguments shall not exceed 250 words and shall be signed by not more than five persons.

(f) An impartial analysis showing the effect of the measure shall be prepared by March 22, 2010.

(g) The District Board hereby selects Jim Fritz and Phil Brown to prepare a written argument in favor of the proposed measure, not to exceed 300 words, on behalf of the Board. The two persons listed above may also authorize up to three additional persons to sign the ballot argument. These may be members of the District Board or bona fide associations or individual voters who are eligible to vote. In the event that an argument is filed against the measure, Jim Fritz is also authorized to prepare a rebuttal argument on behalf of the Board, which may also be signed by up to four other individuals representing bona fide associations or by individual voters who are eligible to vote.

**PASSED AND ADOPTED** by the Board of Directors of Novato Sanitary District, Marin County, California, at a meeting thereof duly held on the 8th day of March, 2010, by the following vote:

AYES, Members: Di Giorgio, Fritz, Long, Quesada;

NOES, Members: Welsh; ABSENT, Members: None

s/BEVERLY B. JAMES

Secretary, Novato Sanitary District

## ARGUMENT IN FAVOR OF MEASURE F

Please **VOTE YES** on Measure F to protect water quality, keep sewer rates low, and maintain local control of our public wastewater facilities.

Novato Sanitary District is your public sewer agency. To ensure the highest water quality, guarantee environmental compliance, and save you money, the District needed to upgrade its facilities and employ technical experts to manage its facilities.

In 2009, the District conducted a rigorous competitive public bidding process to secure expert help to operate its new wastewater treatment plant. The District Board voted unanimously to contract with the highest qualified, most cost-competitive contractor emerging from that process. Their goal: protect water quality and save ratepayers money.

Today, this expert operator is phasing in the District's state-of-the-art treatment plant to provide a level of service the District would never have been able to achieve operating on its own.

This expert operator:

- Runs the plant at the highest environmental standards to keep water quality clean and safe.
- Ensures access to technical experts that have reduced spills up to 90% in other Bay Area communities.
- Is accountable for environmental compliance – any fines must be paid by the contractor, not the District or ratepayers.
- Would provide savings over 5 years of \$7.2 million from cost if District were sole operator, if the contract had started on schedule. Savings are passed on to customers.

A YES VOTE on Measure F affirms and continues the District's unanimously approved contract for expert help – to protect water quality and ensure efficient government, cost savings and local control. NO is a vote against protecting water quality, good government, cost-efficiency and lower sewer rates.

Join Novato citizens to ensure clean, safe water. Help maintain local control and cost savings our community deserves. Vote YES for government that works.

Please **VOTE YES** on Measure F.

s/MARTHA PATSY WHITE

Past President League of Women Voters,  
2008 Citizen of the Year

s/J. DIETRICH STROEH

Water Management Expert,  
Director/Partner CSW-ST2 Engineering

s/PHILLIP BROWN

Novato City Manager (retired),  
Past President Novato Rotary

s/PATTY BENNETT

Novato Youth & Schools Advocate

s/JAMES D. FRITZ

Novato Sanitary District Board Member,  
Chief Engineer Water District (retired)

## REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE F

**Save Money.**

Novato Sanitary District's new wastewater treatment plant shouldn't become a corporate profit-center. Dennis Welsh, Board member and retired NSD plant superintendent, says the Veolia \$15.6 million contract has additional hidden costs and any projected savings are speculative. No meaningful fiscal comparison of NSD public operations against the private Veolia deal was done.

Petaluma and Fairfield-Suisun, after conducting their own private vs. public operation studies, returned their plants to public operation to save money.

**Protect Our Water Quality.**

Veolia has a troubling environmental record. It runs one of the Bay Area's worst polluters – the Richmond sewer plant. Veolia must not be allowed to operate our plant and harm our environment.

**Don't Outsource Our Plant and Jobs.**

NSD's new plant should be run by local public employees, as it has always been. But the Board voted to outsource operations to Veolia, sending the jobs and money out of Novato. Don't let Veolia take over our plant and threaten our environment.

**Vote No on Veolia.**

The contract hands over control of our plant. Compared to public operations, there will be less accountability to the public. Veolia, a multinational corporation, has primary loyalty to its shareholders, not to Novato ratepayers.

A **NO** vote means that:

- The District's Veolia contract won't take effect, at no cost to the District.
- The wastewater treatment plant will remain in local control.
- All aspects of the District will be open to public scrutiny.
- The environment will be protected.

**PLEASE VOTE NO ON MEASURE F.**

s/DENNIS WELSH

Novato Sanitary District Board member  
s/Marin United Taxpayer Association (MUTA)  
by BASIA CRANE, President

s/Novato Democratic Club

by LYNNE WASLEY, Vice Chairman

## ARGUMENT AGAINST MEASURE F

Measure F allows Novato voters to decide whether or not the multi-million dollar contract for a foreign corporation, Veolia, to operate our new sewage treatment plant will stand. We urge you vote No, terminate the contract and return local control of this essential public facility.

The Novato Sanitary District Board has been mired in controversy and secrecy for years:

- It is under investigation by the EPA over a major unreported sewage spill in 2007.
- Members routinely ignore the concerns of the public in open meetings.
- Hundreds of thousands of ratepayer dollars disappeared from District coffers.

And now they want us to accept a multinational corporation to run the new treatment plant. All this with no Environmental Impact Report and a very short time for the public to review the contract. No wonder more than 4,000 Novato citizens signed a petition to put this on the ballot.

The issue is simple: Do you want a conglomerate whose main purpose is maximizing profits for its shareholders, not protecting the public's interest, to run this essential public service?

This same corporation, Veolia, operated the Petaluma plant for years, until staff there did the math, and determined that they could save ratepayers a bundle by running their new plant with well-trained public employees instead.

All over the nation, districts like ours are returning to local control, because promised savings from private operators like Veolia are not delivered. Not only that, the Veolia-operated plant in Richmond across the Bay has the 4th worst record for sewage spills in California according to a recent Annual Report by the State Water Board. For more information on this important issue, see [www.novatoFLOW.com](http://www.novatoFLOW.com).

Join us in voting NO on Measure F. Keep local control. Protect Novato's environment and taxpayers' wallets.

s/PETER TIERNAN

s/ANNAN PATERSON

s/Friends of Locally Operated Wastewater (FLOW)

by SUZANNE BROWN CROW, Co-Chair

## REBUTTAL TO THE ARGUMENT AGAINST MEASURE F

There's one thing we agree on with Measure F opponents—Novato Sanitary District needs fixing. However, Measure F opponents present no solution; instead they deliberately mislead voters with inaccurate statements.

### Consider these facts:

Operating alone, **without expert assistance**, Novato Sanitary District has experienced major spills in environmentally-sensitive areas and operated inefficiently, needlessly wasting ratepayers' money.

The District **knows** it cannot responsibly operate its state-of-the-art plant alone. So it did what responsible local governments do: conducted a rigorous public bidding process and secured the help of the highest qualified, most cost-competitive expert contractor from that process.

This expert operator:

- **Protects water quality** for all who live in Novato – with qualified technical experts that have reduced spills up to 90% in other Bay Area communities.
- **Provides expertise** to properly phase in the District's state-of-the-art treatment plant, achieving a service level far beyond the capabilities of the District operating on its own.
- **Is subject to strict accountability for environmental compliance** – any fines must be paid by the contractor, not the District or ratepayers.

Don't be fooled by opposition scare tactics that offer no viable solutions.

### VOTE YES to:

- **PROTECT WATER QUALITY.** Experts provide reliability!
- **SAVE MONEY.** Millions in savings are passed on to customers.
- **RETAIN LOCAL CONTROL.** With Measure F, the District owns and controls its facilities, using the plant operator to ensure safety, water quality and savings to customers.

Our Sanitary District knew it couldn't fix itself so it called in experts. Support this wise decision, Vote "YES" on Measure F. Learn more at: [www.fixnovatosanitary.com](http://www.fixnovatosanitary.com).

s/NANCY SANGSTER

Fmr Chair, Commission on Aging, Fmr Chair  
Parks & Rec Commission, Citizen of the Year

s/JERRY PETERS

Past President, Novato Chamber of Commerce,  
Citizen of the Year

s/BILL COPE

Colonel USAF (retired), Former Novato Mayor,  
Former School Board Trustee

s/MARIE HOCH

Former City Planning Commissioner,  
Hamilton Homeowner

s/JIM D. FRITZ

NSD Board Member, Chief Engineer Water District  
(retired)