

| <b>MARIN MUNICIPAL WATER DISTRICT MEASURE T</b>  |            |
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| <b>T</b> <b>MEASURE T:</b> Ordinance 419. Shall an ordinance be adopted requiring voter approval before the Marin Municipal Water District approves, authorizes or undertakes the construction of a facility to desalinate water from San Francisco Bay, or other water body, or appropriates, authorizes expenditures for, issues revenue or other types of bonds, or approves other funding mechanisms intended to pay for such construction, or takes any steps towards approving any contract relating to the planning or construction of any such facility? | <b>YES</b> |
|  | <b>NO</b>  |

**MMWD’S GENERAL COUNSEL’S  
IMPARTIAL ANALYSIS OF MEASURE T**

If enacted by the voters, this measure would require voter approval before the Marin Municipal Water District (District) initiates any action to approve a contract, plan, engineer, or construct a desalination facility as a supplemental potable water supply, or authorizes or appropriates any revenue for those purposes.

In 1989, the District Board of Directors adopted its Water Supply Master Plan which recommends continuing the District’s long-term commitment to water conservation, increasing the District’s water recycling activities, and developing supplemental potable water supplies to eliminate water supply deficiencies and diversify the District’s sources of supply. In February, 2009, the Board certified the Environmental Impact Report for the proposed desalination facility and directed staff to pursue several options to balance water demand and supply, including further investment in the District’s aggressive water conservation program, operational improvements to the reservoir system, an expansion of the District’s recycled water distribution system, and investigation into ways to improve the reliability of the District’s Russian River water supply. In August, 2009 the Board approved a 5 million gallon per day (MGD) desalination project (expandable to 15 MGD) and stated that there were several discretionary decisions that the Board had to make before approving contracts for the design and construction of a desalination facility. In April, 2010, the Board put the desalination project on hold, a status in which it remains today.

This measure is an initiative that the County Registrar of Voters qualified for the ballot on June 18, 2010. This measure would require voter approval of further actions to implement or fund the District Board’s August 19, 2009, decision, or other decisions to plan, engineer or construct a desalination plant.

The initiative’s stated purpose is to require majority approval of MMWD’s voters before any further funds can be spent on a desalination project, including issuance of any bonds to construct a desalination facility, or the implementation of any contracts to plan for, engineer or construct a desalination facility.

The measure provides the voters must approve the following actions relating to any desalination facility:

- To approve, authorize, or undertake construction;
- To authorize or appropriate funds for planning, engineering or construction;
- To approve the sale of bonds or other funding mechanisms; and
- To approve any contract relating to planning, engineering or construction.

The proposed measure adopts certain findings. If enacted, the measure would apply retroactively to June 18, 2010. The measure includes a “severability” clause; if portions of the measure are found invalid, the balance of the measure would remain in effect. If another measure on the same election ballot addresses a subject matter that overlaps with this measure and this measure receives a greater number of affirmative votes, then the provisions of this measure would take effect.

A “YES” vote approves the measure, subject to the conditions stated above.

A “NO” vote rejects the measure.

s/MARY R. CASEY

General Counsel, Marin Municipal Water District

## ARGUMENT IN FAVOR OF MEASURE T

We urge you to vote **YES on Measure T**.

Measure T requires the Water Board to hold a vote of the public **BEFORE** they spend millions more on a proposed San Rafael desalination plant to convert polluted San Francisco Bay water into our drinking water.

The Water Board has already spent \$4-5 million on the San Rafael desalination plant. The Water Board has proposed spending millions more on contractors, engineers and 11 different permits, before they even begin the construction phase. Measure T would require a public vote **BEFORE** these additional millions are spent.

√ **Measure T is the “Vote BEFORE You Spend” measure.**

√ **Measure T is fiscally responsible.**

Measure T was signed by over 15,000 of you, the Marin voters. You placed it on this ballot. You, the ratepayers, wanted to vote on the San Rafael desalination plant **BEFORE** millions more are spent on it. Measure T will give you that vote. Measure T is the **Citizens’ Measure**.

By contrast, the five incumbent members of the Water Board placed Measure S on the ballot, at the last minute, ahead of the Citizens’ Measure, to allow continued spending without prior rate payer approval. Measure S gives the Water Board a **blank check** to spend millions more on their desalination plant before giving you the chance to vote on whether to pursue desalination at all.

○ **Measure S is the “Vote AFTER You Spend” measure.**

○ **Measure S is not fiscally responsible.**

The Water Board’s proposed desalination plant raises serious health, environmental, and cost concerns. The citizens of Marin should have the right to vote **BEFORE** millions more are spent.

√ **Vote YES on T**

○ **Vote No on S**

s/CARLA CONDON

Mayor, Town of Corte Madera

s/JEFF KROOT

Council Member, San Anselmo

s/LEW TREMAINE

Mayor, Fairfax

s/JOHN W. SEVERINGHAUS, M.D.

Former Director, Marin Health Care District

s/CURRY L. ECKELHOFF

President, Tamalpais Valley Improvement Club

## REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE T

**Vote NO on Measure T. Vote YES on Measure S. Measure T is irresponsible and bad public policy.**

**As Measure T’s co-sponsor William Rothman says, Measure T would “put a straitjacket on MMWD.”**

MMWD has no plans to move ahead on desalination, and, should that position change at any point, MMWD is committed to obtaining voter approval prior to building any desalination facility. In fact, MMWD has already adopted an ordinance requiring such a vote before constructing or financing a desalination plant, and has put Measure S on this ballot to codify this action.

**MEASURE T goes TOO FAR.** Measure T goes far beyond a “vote on desal” – it restricts MMWD’s ability to do responsible planning. It is so broadly written that it eliminates MMWD’s ability to do studies or analyses of the value, costs or environmental effects of desalination as a future supply option, since even these basic activities would require a costly and time-consuming election.

By effectively taking desalination plans and studies off the table regardless of Marin’s future water needs, Measure T would drive MMWD to focus on the option of increasing its reliance on water imported from the Russian and Eel Rivers, which have their own environmental challenges. Measure T would reduce MMWD’s flexibility to manage streamflows for endangered fisheries on Lagunitas Creek.

**Planning for Marin’s future water supply and fishery restoration needs is too important for straitjackets.**

**We strongly urge you to vote NO on MEASURE T.**

s/JARED HUFFMAN

Member of the California State Assembly, 6th District

s/STEVE KINSEY

Second Vice President,

Marin County Board of Supervisors

LEAGUE OF WOMEN VOTERS OF  
MARIN COUNTY

s/Ann Batman, Vice President

MARIN CONSERVATION LEAGUE

s/Nona Dennis, President

MARIN MUNICIPAL WATER DISTRICT

s/David Behar, President

## ARGUMENT AGAINST MEASURE T

Measure T would deprive Marin County of the opportunity to consider desalination as a future water supply option. Measure T is so broadly written that it would prevent MMWD from conducting meaningful analyses and planning as to the value, costs, or environmental effects of a desalination facility without first taking the issue to an election.

Measure T's sponsor, William Rothman, candidly acknowledged at the MMWD Board meeting on July 26, that Measure T would "not only tie MMWD's hands, it would put [MMWD] in a straitjacket."

Marin's water supply is always tenuous and unstable, and it varies from year to year. It would be irresponsible to forever deprive the community of any single potentially viable future water supply option by forbidding the district from analyzing, investigating or planning for desalination, or any other viable alternative. Desalination is increasingly recognized by water districts in California and around the world as a promising way to improve reliability and drought preparedness. In Marin, as in other locations in California, desalination may provide the ability to reduce the diversion of water from stressed creeks and rivers, and to free up water to restore endangered fisheries. Further, Measure T has unintended environmental consequences: preventing MMWD from studying desalination would likely mean that water supply planning would again focus on supplies from the Russian and Eel Rivers, which have their own environmental challenges. As more and more species are placed on the endangered list, desalination – as well as conservation and recycled water – must continue to be considered in the portfolio of potential solutions.

Planning for Marin's future water supply and fishery restoration needs is too important for straitjackets. Measure T goes too far in preventing our water district from studying options and planning for the future.

We urge you to vote **NO** on **Measure T**.

s/JARED HUFFMAN

Member of the California State Assembly, 6th District

s/STEVE KINSEY

Second Vice President,

Marin County Board of Supervisors

LEAGUE OF WOMEN VOTERS OF  
MARIN COUNTY

s/Ann Batman, Vice President

MARIN CONSERVATION LEAGUE

s/Nona Dennis, President

MARIN MUNICIPAL WATER DISTRICT

s/David Behar, President

## REBUTTAL TO ARGUMENT AGAINST MEASURE T

We urge you to vote **YES on Measure T**.

Measure T requires the Water Board to hold a vote of the public **before** they spend millions more on their San Rafael desalination plant to convert San Francisco Bay water into our drinking water.

Measure T was signed by over 15,000 MMWD ratepayers.

✓ **Measure T is the "Vote Before You Spend" measure.**

✓ **Measure T is fiscally responsible.**

✓ **Measure T is the Citizens' Measure.**

Please do not be misled. Measure T doesn't deprive anyone of any opportunity. Just the opposite: Measure T guarantees **All the Citizens of Marin** the opportunity to vote on the San Rafael desalination plant **before** the Water Board sinks millions more into this plant. It's that simple. The desalination plant raises very serious health, environmental, global warming, and cost concerns. Millions have already been spent.

Why are the incumbent members of the Board so afraid of giving the people of Marin the vote **before** they spend millions more on this plant?

**Please join us in supporting Measure T:**

- **Over 15,000 MMWD ratepayers**
- **6th Assembly District Democrats**
- **Democracy for America, Marin**
- **Marin Mothers for Safe Water**
- **Food & Water Watch**
- **Marin Water Coalition**
- **Sustainable San Anselmo**
- **Sustainable Fairfax**
- **SURFRIDER Foundation, Marin Chapter**
- **Social Justice Center of Marin**
- **Norman Solomon, Author & Activist**
- **Peter Coyote, Actor**
- **Bob Weir, Musician**
- **Paul Hawken, Author & Environmentalist**

✓ **VOTE YES ON T.**

s/PETER LACQUES

Attorney, Planning Commissioner,

Candidate for Marin Municipal Water District  
Board of Directors, Division 1

s/GLENN DOMBECK

Registered Civil Engineer,

Candidate for Marin Municipal Water District  
Board of Directors, Division 2

s/FRANK EGGER

President North Coast Rivers Alliance

Candidate for Marin Municipal Water District  
Board of Directors, Division 3

s/LARRY ROSE, M.D., M.P.H.

Former Medical Director Cal-OSHA,

Candidate for Marin Municipal Water District  
Board of Directors, Division 4

s/PAT KUNSTENAAR

Co-Chair, Democracy for America, Marin

**FULL TEXT OF MEASURE T**  
**MMWD Ordinance 419**

The people of the Marin Municipal Water District (MMWD) do ordain as follows:

**Section 1: Purpose**

This ordinance is intended to require that only if there is an affirmative vote for such actions, by the voters of MMWD, may MMWD issue any bonds to construct a desalination facility or spend any other funds or make any contracts to plan for, engineer or construct a desalination facility.

**Section 2: Findings**

The people of the Marin Municipal Water District hereby find that construction of a desalination plant by or for the Marin Municipal Water District: a) would result in the expenditure of hundreds of millions of dollars of ratepayer money, both for the construction and the operation of such a plant, b) would likely cause significant environmental harm and likely pose significant health hazards and c) is not necessary to meet MMWD's actual need for water.

The people of the Marin Municipal Water District further find that, because of the severe consequences of such decisions, decisions that might authorize or commit MMWD to the construction and/or operation of a desalination plant are too important to be made solely by the Board of Directors of MMWD, and such decisions should instead be made by a vote of the people.

**Section 3: Marin Responsible Water Policy**

It shall be the policy of the Marin Municipal Water District (MMWD) not to approve, authorize, or undertake the construction of any facility for the desalination of water from the San Francisco Bay, or other body of water, nor to appropriate, authorize expenditures for, issue revenue, lease revenue or any other type of bonds or approve other funding mechanisms intended to pay for such construction, or take any steps towards approving any contract relating to the planning or construction of any such facility without prior approval of any such actions by a majority of the electorate of the Marin Municipal Water District, voting at an election scheduled by the Marin Municipal Water District to decide whether to give such prior approval for any such actions.

**Section 4: Severability**

If any provision or provisions of this ordinance are found to be in conflict with California state law or federal law, or the United States Constitution, or the Constitution of the State of California, that provision shall be implemented to the maximum extent that federal and California state law, and the United States Constitution, and the Constitution of the State of California permit. The people of the Marin Municipal Water District hereby warrant and declare that they intended to vote for each and every provision of this measure independent of each other provisions of this measure, and that any provision held invalid shall be severable from the remaining portions of this ordinance.

**Section 5: Competing Ballot Measure**

In the event another measure ("competing measure") appears on the same election ballot for MMWD and address-

es a subject matter that overlaps with the subject matter of this measure, the measures shall be deemed to be in conflict. If this measure receives a greater number of affirmative votes than the competing measure, the provisions of this measure shall prevail in their entirety, and the competing measure shall be null and void.

**Section 6: Retroactive Application**

In the event this measure is adopted by the voters, its provisions shall apply retroactively as of the date the measure was found to have qualified for placement on the ballot.