

**IMPARTIAL ANALYSIS BY CITY ATTORNEY
ADVISORY VOTE REGARDING POSSIBLE DISSOLUTION OF
MONTEREY PENINSULA WATER MANAGEMENT AGENCY
ADVISORY MEASURE B**

Following is the official City Attorney's impartial analysis regarding this proposed ballot measure, prepared and submitted pursuant to Elections Code § 9280:

This is an advisory measure that simply asks whether or not the Monterey Peninsula Water Management District should be dissolved. The question is posed to all voters within the District because of the clear interest of such citizens in voicing their opinion on this issue.

The matter is non-binding. If it passes, it will not automatically result in dissolution of the District. Actual dissolution would take further action, either by the Legislature or a Court, and would need to address what agency or agencies would take over the responsibilities of the District.

The City Council approved the submission of this matter to the voters of the Monterey Peninsula Water Management District at their meeting of July 16, 2002. The proposed measure will be put before the voters at the November 5, 2002, election.

s/ William B. Connors
City Attorney

ARGUMENT IN FAVOR OF ADVISORY MEASURE B

VOTE YES ON MEASURE B TO SUPPORT DISSOLVING THE MONTEREY PENINSULA WATER MANAGEMENT DISTRICT BECAUSE:

- The Water Management District was formed 24 years ago to solve the major water problem in the Monterey Peninsula. **AFTER 24 YEARS THE WATER PROBLEM STILL EXISTS.**
- With an election every two years during this period, there have been many changes to the Water District's elected board BUT TO NO AVAIL THE WATER PROBLEM STILL EXISTS.
- **OVER 24 YEARS THE WATER MANAGEMENT DISTRICT HAS SPENT OVER \$55,000,000 WITHOUT MAKING ANY PROGRESS** in solving the water problem.

The Water Management District recently approved a \$5,500,000 annual budget. Look at the Water District's fees on your last water bill and remember Water District fees have been charged every month for years.

What benefits are you receiving from your payments? Do we have any reason to believe that it will get any better, that the Water District will solve our water problem? **MILLIONS OF DOLLARS HAVE BEEN SPENT AND WILL CONTINUE TO BE SPENT. AND THE WATER PROBLEM STILL EXISTS.**

The Water District is also in frequent conflict with other agencies, local businesses, and local residents, undermining its ability to solve problems.

A POSSIBLE SOLUTION TO THIS REGIONAL WATER PROBLEM COULD BE THE FORMATION OF A REGIONAL BODY SIMILAR TO THE MONTEREY REGIONAL WASTE MANAGEMENT DISTRICT (the Marine Landfill and the Recycling Facility) or the Monterey Regional Water Pollution Control Agency (the Sewage Treatment Board). Working together with local agencies, THESE REGIONAL BOARDS HAVE BEEN SUCCESSFUL IN SOLVING REGIONAL PROBLEMS LOCALLY.

It's time for a change. **IT'S TIME TO DISSOLVE THE WATER MANAGEMENT DISTRICT.** It has spent millions of dollars over 24 years, but the water problem still exists. It's time to move on. **Vote YES on Measure B. ENOUGH IS ENOUGH!**

- s/ Sam P. Karas, Ret. County Supervisor
- s/ Jack Hanford, Past Chair & Current Board Member, Cypress Fire District
- s/ Robert A. Quinn, Former Mayor of P.G.
- s/ Byrd Anderson-Smith, YWCA Board Member
- s/ William R. Gianelli, 1st Chairman - MPWMD

REBUTTAL TO ARGUMENT IN FAVOR MEASURE B

The real water issue is how to provide adequate water for the Monterey Peninsula. The proponents of this measure hope that if they shout loud enough about side issues, the real water debate cannot be heard.

Don't be fooled

The current Water Board majority has been in office for just two years, and is closer to a decision on acceptable future water sources than in the entire history of the Water District. Yet the proponents unfairly blame them for the actions of the Water District's entire twenty-four years.

The proponents SUGGEST a new regional water body, but the ballot measure proposes no such alternative structure. It would dismantle the Water District with nothing in its place right at the time decisions on viable future projects are about to be made.

The proponents imply that the Voters have not been smart enough to choose Directors who will solve our water problems. They are wrong.

The Voters have chosen Directors who are now publicly weighing the pros and cons of all the alternatives and are moving toward a solution—nothing that would be helped by a yes vote on this measure.

You can participate in solving our water problem.

The first step is to vote up on this measure. The second step is to involve yourself in the discussion of the solutions over the next year—and support the one that you believe best meets our community needs.

Let's solve problems, not create them. Please vote no.

s/ Kris P. Lindstrom, Chair of the Water Board, Elected by the Voters of Division 4

s/ Alexander "Zan" Henson, Vice Chair of the Water Board, Elected by the Voters of Division 5

s/ Judi Lehman, Water Board Director, Elected by the Voters of Division 2

s/ Molly Erickson, Water Board Director, Elected by the Voters of Division 3

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ARGUMENT AGAINST ADVISORY MEASURE B

The Monterey Peninsula Water Management District should **not** be dissolved.

The Peninsula has a water supply crisis. The State has ordered us to reduce the amount of water taken from the Carmel River watershed, even though the current amount does not allow us to meet local needs. If we do not develop environmentally-sound sources, the crisis will get even worse.

This measure does not create one additional drop of water. It would set back our efforts to address that crisis by dissolving the single locally-controlled agency that is developing new sources.

The District has the specific mandate to manage water supplies. The District HAS lessened the need for additional water through conservation and better allocation management. The State is working with the District on a set of water supply alternatives to meet our needs.

The new District Board deserves a chance to solve our water problems. The work is well underway. A Board decision will be made next year - so local voters can decide on viable alternatives. It makes no sense to start this process over.

This measure does not propose any acceptable alternatives to a local water district with locally-elected leadership:

- Cal-Am has managed its facilities ineffectively, as evidenced by its overpumping the river and the siting up of its two reservoirs. Cal-Am's foreign ownership greatly diminishes its sensitivity to local concerns. The voters cannot hold Cal-Am, a private corporation, accountable.
- State officials are not directly accountable to local voters and interests. They have much bigger problems in other places.

Our interests are best served by keeping District leadership focused on its goals and directly responsive to local voters.

Protect local control and sensible solutions to our water problems. Don't give your power to Sacramento or a foreign corporation.

Please vote NO on this irresponsible measure.

- s/ Beverly G. Bean, V.M.D., President, League of Women Voters of the Monterey Peninsula
- s/ John D'Alessio, President Carmel Valley Association (formerly the Carmel Valley Property Owners' Association)
- s/ Bill Monning, Attorney-at-Law, Professor of Negotiation & Conflict Resolution
- s/ Zed Leavy, Attorney at Law
- s/ Janice M. O'Brien, Thirty-Year Resident of the Monterey Peninsula

REBUTTAL TO ARGUMENT AGAINST ADVISORY MEASURE B

It's past time Monterey Peninsula residents had a chance to voice an opinion on the Water Management District. And let's be clear - Measure B is **ADVISORY**. It doesn't turn over water management to a private corporation or a state agency - that's hysterics, and deliberately misleading.

We say the question is simple: Has the Water District served our needs or not? We think it clearly has not.

The opponents are right about this: we have a water supply crisis.

We had a water supply crisis in 1976 - that's why the District was formed. Back then we had around 20,000 acre-feet of water to use. Today we have a little over 15,000 acre-feet.

In spite of spending almost \$60 million over the last 24 years - we have **25% less water today** than when the District was formed!

Your water bill and property tax payments help fund the District - do you really want to give this District another \$60 million for no solution?

We've heard the opponents' arguments before: "Just give us a little more time." "We're working hard." "We'll have something to vote on next year."

The only project the Water District is working on will give us less than 70% of what we need just to break even - at a cost of \$1 million per year. That's not a solution - it's more moving backward.

Enough is enough. It's time to look at another way to solve our decades-old water problem.

Vote YES on Measure B. Your opinion counts!

- s/ William R. Gianelli, 1st Chairman MPWMD
- s/ Byrl Anderson-Smith, City of Seaside - 40 year resident
- s/ Robert A. Quinn, Former Mayor - P.G.
- s/ Ronald J. Pasquinelli, President, Monterey Peninsula Taxpayers Association
- s/ Richard M. Ely, Former Chairman, MPWMD

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