



**Fact Sheet: Language of November 2, 2010 Ballot Measures S and T and
Impartial Analyses
September 2010**

MARIN MUNICIPAL WATER DISTRICT MEASURE S

Ordinance 418. Shall an ordinance be adopted requiring voter approval before the Marin Municipal Water District approves constructing, or financing the construction of, a desalination facility?

YES NO

MARIN MUNICIPAL WATER DISTRICT MEASURE T

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?

YES NO

IMPARTIAL ANALYSIS: MEASURE S

If enacted by the voters, this measure would require voter approval before the Marin Municipal Water District (District) approves construction or the financing for construction of a desalination facility.

In 1989, the District Board 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.

On June 18, 2010, the Marin County Registrar of Voters certified that an initiative had sufficient signatures to qualify for the November 2, 2010 ballot. That initiative was presented to the Board of Directors on July 7, 2010. At that time, the Board directed staff to report back on the initiative's impact. After receiving an impact report from the District's General Manager, the Board expressed concerns about the breadth of the initiative and decided to place its own measure, Ordinance 418, on the ballot.

This measure would only require voter approval before the District approves construction, or the financing for construction, of a desalination facility. If the measure passes, District actions that are necessary to undertake prior to the construction or financing for construction of desalination facility would not require voter approval.

The measure would apply retroactively to June 18, 2010. The measure, Ordinance 418, includes a "severability" clause; if portions of the measure are found invalid, the balance of the measure would remain in effect. The measure states Ordinance 419 – another measure addressing desalination -- is a competing measure. Should this measure, Ordinance 418, receive a greater number of affirmative votes than the competing measure, the provisions of this measure would prevail.

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

A "NO" vote rejects the measure.

IMPARTIAL ANALYSIS: 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.