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Felton man pushing to nullify vote

By JONDI GUMZ

SENTINEL STAFF WRITER

Felton resident Patrick Dugan wants a judge to throw out the results of Measure W, the July 26 special election on Felton's waterworks.

An \$11 million bond for a public buyout from California American was approved by 74 percent, but Dugan contends county officials made two mistakes big enough to nullify the 130-vote victory margin.

In a lawsuit filed Thursday in Superior Court, Dugan challenged the boundaries of the 2,526-voter district, contending people, who are not Cal Am customers were allowed to cast ballots.

"At least a few hundred, perhaps well over 1,000, were balloted on Measure W who should not have been," the suit alleges.

Dugan also claimed the county "corrupted the electoral process" by offering to exempt voters whose water comes from private wells rather than Cal Am.

A hearing date has not been set, and the case may not be resolved before tax bills are mailed in mid-October.

As of mid-Monday, county officials had not been formally notified of the protest.

"Once we are, we will vigorously defend the integrity of the election," said county spokeswoman Dinah Phillips.

Dugan, an outspoken property rights advocate, tried to defeat Measure W. The San Lorenzo Property Owners Association, of which he is president, campaigned against the special tax.

In May, with funding from Cal Am, Dugan filed a suit to challenge the wording of ballot arguments for Measure W.

This time, Dugan filed the suit on his own.

Some of his arguments echoed those made by Terry Gossett and Don Bacon of Californians for Property Rights in an ad in Thursday's Sentinel.

Gossett lives in Moss Beach, outside Montara, the community where residents bought their water system from Cal Am after filing a condemnation action.

Dugan's suit claimed it is statistically unlikely that 2,526 voters would be eligible to vote, given that Cal Am has about 1,315 customers. The suit contended most households have only one eligible voter.

The suit also cited an Aug. 2 e-mail from the county Elections Department to the Valley Information Alliance explaining the voting district boundary.

The e-mail indicated county environmental health staff created the boundary without obtaining a list

of Cal Am's customers.

Dugan contended Cal Am's service area "is a matter of easily attainable public record."

Cal Am spokesman Evan Jacobs said "We were never asked to provide any information. We could have worked on something."

Connie Barr of Friends of Locally Owned Water, which campaigned for Measure W, questioned Dugan's assertions.

Many households have two or more voters, she said, adding that Cal Am declined to provide her group with a customer list.

It's not clear whether the lawsuit will halt collection of the tax. Usually tax rolls are prepared by Sept. 27 for mailing in mid-October.

County auditor-controller Gary Knutson said county supervisors would decide whether to charge the tax while it's contested. A Superior Court ruling can be appealed to a higher court.

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**WATER PROJECTS IN MONTEREY:
Meeting to look at water projects; Six agencies will make presentations**

Monterey Herald – 8/24/05

By Virginia Hennessey, staff writer

Everything you ever wanted to know about the status of proposed water-supply projects in coastal Monterey County will be at your fingertips Thursday at a town hall meeting sponsored by the Monterey Peninsula Water Management District.

Representatives from six agencies will be on hand at Embassy Suites Hotel Monterey Bay in Seaside to make presentations about projects ranging from desalination plants in Moss Landing to groundwater recharge with recycled water. Displays will be available for viewing at 5 p.m., followed at 6:30 p.m. by a panel discussion and public question-and-answer period. Panelists will be answering questions that have been e-mailed to the district, as well as questions from the audience.

Included on the agenda are presentations on:

- California American Water's proposed Coastal Water Project, which includes a desalination plant in Moss Landing and an expanded aquifer storage and recovery program, which takes excess winter runs from the Carmel River and injects the water into the Seaside Basin aquifer for extraction during dry months.
- Pajaro-Sunny Mesa Community Service District's North Monterey County Desalination project, a partnership between the district and Poseidon Resources Corp. to build a desalination plant, also in Moss Landing. The project is in competition with Cal Am's Moss Landing project.
- The Monterey Peninsula Water Management District's long-term water supply project and desalination plant, which calls for a smaller desalination plant in Sand City.
- The water management district's aquifer storage and recovery program, which it operates in conjunction with Cal Am.

- The Regional Urban Water Augmentation Project, a partnership between Marina Coast Water District and the Monterey Regional Water Pollution Control Agency that calls for desalination in Marina and expanded use of recycled water for irrigation and other non-potable uses.
- The pollution control agency's groundwater recharge project, which further treats recycled water and injects it into the Seaside Basin for recharge and drinking purposes.
- The Regional Urban Water Supply policy board, a joint governance concept, spearheaded by the Monterey County Water Resources Agency, to guide regional solutions to water supply needs.

Representatives from the water management district will update their matrix comparing the various projects.

District officials have been involved in the process to develop a regional governance structure for a project that would help meet its need to replace water now pulled from the Carmel River and the Seaside Basin. The district's board suspended work on an environmental impact report on its Sand City desalination proposal in 2004 to await the results of regional proposals, such as Cal Am's and Pajaro-Sunny Mesa's competing projects.

The evening is intended as an opportunity for residents to obtain information at one time on all of the projects and to provide input to the district. The board will not discuss or take action on any of the proposals at the meeting. The board will discuss information presented at the meeting and provide direction to staff at its upcoming strategic planning workshop beginning at 8:30 a.m. at the Sunset Center in Carmel on Sept. 8. #

<http://www.montereyherald.com/mld/montereyherald/12461998.htm>

**MONTEREY SUPPLY ISSUES MEETING:
No 'winners' in town hall water talks; Focus on desalination
Monterey Herald – 8/26/05
By Virginia Hennessey, staff writer**

If as one participant put it, that Thursday's town hall meeting on proposed water supply projects was a little "like a county fair competition," there were no clear winners.

While about 90 Peninsula residents heard the status of six supply projects and a regional governance structure in the making, follow-up questions from the audience focused on the competition over who will build a desalination plant in Moss Landing.

Representatives from California American Water and Pajaro-Sunny Mesa Community Services District made presentations on desalination projects that would replace current water supplies, but provide no new water for growth.

Steve Leonard, general manager of Cal Am in Monterey, said the company's project would only replace water it is now pumping from the Carmel River and Seaside Basin aquifer. It would be up to land-use agencies such as the county and the cities to decide if its proposed plant would grow into a regional operation, he said.

Marc del Piero, attorney for Pajaro-Sunny Mesa, said that district's project would provide for current needs in North Monterey County affected by seawater intrusion, as well as a replacement for water Cal Am has been ordered to stop pumping from the Carmel River.

In a terse exchange between the competitors, Leonard said "I would like nothing more than to buy the water (the Peninsula needs) from someone else," to which del Piero quipped, "We've been making the offer."

Leonard responded that Pajaro-Sunny Mesa had been unable to prove it as the "technical, managerial and financial" capability to fulfill the offer.

Del Piero provided only a few details on the status of Pajaro-Sunny Mesa's project and surprisingly did not mention the district's recent partnership with

Poseidon Resources, which is building two large desalination plants in Southern California.

He said the project's pilot plant would be online within 75 days. While Cal Am is already a year into its environmental assessment process, Pajaro-Sunny Mesa's environmental process would be streamlined, del Piero said, because it does not require approval from the California Public Utilities Commission.

Leonard said Cal Am expected its entire project to be online by December 2008. Del Piero said Pajaro-Sunny Mesa's would be under construction by 2008, but projected lower costs per acre-foot of water produced.

Of the two projects, del Piero received the most heated questions from the audience. Carmel River advocates questioned the district's commitment to solving environmental and endangered species issues on the river, with Clive Sanders of the Carmel River Watershed Council accusing, "What you're really after is a market for your water" because of a lack of financing.

Del Piero said, as a member of the State Water Resources Control Board, he was "responsible for the restoration of Mono Lake," and said the environmental issues on the Carmel River were caused by poor management by Cal Am.

Paul Bruno, whose family's Monterey Peninsula Engineering contracts with Cal Am, also questioned Pajaro-Sunny Mesa's lease agreement with Nader Agha, owner of the former National Refractories Plant where the district's plant is planned. Bruno said he's calculated that Pajaro-Sunny Mesa would be paying \$265 per acre-foot to Agha. Del Piero said Bruno's calculations were incorrect, because Pajaro-Sunny Mesa ratepayers do not pay rent until water is produced.

The actual rate is \$100 per acre-foot, he said, which is inexpensive considering the infrastructure present on the site that would otherwise have to be constructed by ratepayers.

Other projects detailed at the meeting at the Embassy Suites in Seaside were:

- A smaller desalination plant studied by the Monterey Peninsula Water Management District, which has put the project on hold while regional efforts are considered.
- The water management district's successful aquifer storage and recovery project, which takes excess winter runs from the Carmel River, injects it into the Seaside Basin, and extracts it in dry months. The district is in the process of receiving longterm permits for the project, and plans to expand it in the future.
- Marina Coast Water District's partnership with the Monterey Regional Water Pollution Control District to expand Marina's desalination plant and the pollution control district's water-recycling efforts to provide water for irrigation to Marina, the "Ord Community" and Monterey.
- The Pollution Control District's proposal to further treat wastewater to the level that it could be injected into the Seaside Basin for subsequent extraction for drinking purposes, a plan modeled after a successful project in Orange County.

Also profiled was the effort to create a regional governance structure that would oversee any number of regional projects, including a desalination plant in Moss Landing.

Curtis Weeks, general manager of the Monterey County Water Resources Agency, who is spearheading that effort, fielded criticism for limiting public participation in the process. Weeks said a "management team" of city and water agency staff members is working on an agreement that will then be open to public input.

Each of the managers who presented projects Thursday conceded under questioning that none of the projects would likely be presented to a public vote. #

<http://www.montereyherald.com/mld/montereyherald/news/12483192.htm>