

**Members of the board of directors of the Monterey Peninsula Water Management District**

You have before you today a very important agreement. I would like to remind the board of the MPWMD that since 2012 Cal Am has incurred millions of dollars in costs trying to provide a water supply which would allow the Peninsula to reduce the amount of water we take from the Carmel River. Their intent was to provide more water than just what we need to scrape by. Remember, the State Water Resources Control Board ordered us to develop “sufficient and reliable” water for our area. Last year it restricted our access to 1,000-acre feet of water from the Carmel River and, because of your failure to produce more water, the agency will most likely reduce that by another 1,000-acre feet at the end of this year.

A desal project would have provided us with enough water we need AND restore our over-drafted aquifers. For years the members of Public Water Now have done everything they could to keep Cal Am from developing a desal or other water project that would provide that “sufficient and reliable” water for our area. They have vigorously opposed the Cal Am project; testifying against it to the State Water Resources Control Board, the Coastal Commission, the Board of Supervisors, etc. That is why I am amazed when Alvin Edwards and some of the other members of Public Water Now are now saying that they had nothing to do with the denials associated with the desal plant. Talk about hypocritical denial.

But you now have in front of you a three-way agreement under which Cal Am will buy even more water produced by the PWM expansion and delivered to your agency. Cal Am has removed the language you found objectionable at your August 16 meeting; substituting reasonable financial penalties if the project fails to perform as needed. But they have also given an Expansion Delivery Start Date on or before February 1, 2025 and an Expansion Performance Start Date does not occur on or before February 1, 2026; a long time from now.

Cal Am already buys 3,500-acre feet of water produced each year by Pure Water Monterey (PWM) and sold to them through your agency. And, with a water purchase agreement from Cal Am, PWM should be able to raise the money to build the expansion project. Since this is a now proven technology, there is little reason to think the expansion won't be successful. Also, knowing Paul Sciuto of M1W, I have faith that he will be able to raise the funds for this expansion quickly. It sometimes seems that when he calls a government agency, they just reach for the checkbook and start writing (I'm sure it's not quite that easy, but he makes it happen).

Let me remind you that for well over 40 years the MPWMD has had several goals:

1. To increase the water supply to meet community and environmental needs
2. To assist California American Water in developing a legal water supply

3. To protect the quality of surface and groundwater resources and restore the Carmel River environment
  4. To manage and allocate available water supplies and promote conservation
- AND, only with the relatively recent passage of Measure J***
5. To evaluate the feasibility of acquiring the local water company.

I know that the majority of Public Water Now's efforts are to pursue this last goal, but all of the goals above are ones that the MPWMD board members should be pursuing. It seems to many people that you have been focusing on goal number 5 to the detriment of all of the other - older - goals

We remain under the CDO the state imposed on us because we still have not fully met the first four other goals. I would like to see us achieve all of these goals, and now are we within range of at least getting close to getting enough water to probably at least meet our minimum needs.

**So I believe it is now time for you to stop playing games for Public Water Now political reasons, and authorize your General Manager to sign this agreement.**

I would also like to take this opportunity to remind the members of the board that, as members of a public agency, under the Brown Act your deliberations and agreements are supposed to be in public. No majority or quorum of you should be discussing and agreeing on an item or direction unless it is in a public meeting. I would also remind you that if you discuss or agree on a direction or action and discuss it with someone not on the board and that person relates your intentions to others on the board, that becomes a serial Brown Act violation. Because many of you are members of an advocacy group, it is easy to get in the mode of talking to other members and planning advocacy group strategy.

But as board members, you have a duty to look out for the public you represent; as well as the goals of the Monterey Peninsula Water Management District – not the goals of Public Water Now. I believe that some of you sometimes confuse the two a bit. You can ask your attorney to be sure, but I believe that acts that can be characterized as collusion - in any form - are illegal.

Just a reminder.

All the best,

Rudy Fischer  
Rudy Fischer  
Pacific Grove City Councilman 2010-2018  
Board of Directors, Monterey One Water 2013-2018  
Board Chair, Monterey One Water 2016-2018