



## **Residents for Responsible Desalination**

*"Organized for coastal protection advocacy and education about seawater desalination."*

July 16, 2018

Orange County Water District  
Board of Directors  
18700 Ward Street  
Fountain Valley, California 92708

### **RE: Poseidon Water LLC renegotiated 2018 Term Sheet with OCWD**

Directors & Staff:

This letter is to inform the Orange County Water District (OCWD) Board of Directors that an investigation is in progress to determine if the Board's convening of an Ad Hoc Committee to meet with Poseidon Water LLC to renegotiate the previously approved May 2015 Term Sheet, occurred in violation of the 1953 Ralph M. Brown Act (as amended), whereas that Committee was given no specific question or time frame in which to conclude their discussion and subsequently report to the Board.

Whereas, that Committee met 23 different times, over a two year period; and, all the information gathered needed to be presented to the full Board and the public prior to voting for the approval of the revised 2018 Term Sheet.

Therefore, should the use of the ad hoc committee be determined to be in violation of the Brown Act, then the renegotiation itself could be considered Null & Void and not subject to approval. Furthermore, OCWD has previously established a pattern of misusing ad hoc committees in place of standing committees, and this appears to be a reoccurrence.

Therefore, in lieu of the possible violation of the 1953 Ralph M. Brown Act, we hereby request that the Board postpone the vote on approval of the renegotiated 2018 Term Sheet until the overall issue is resolved.

Additionally, and at the very least, Board members who participated in said Ad Hoc Committee deliberations should recuse themselves from further commentary, opining, and voting for or against approval of the 2018 Term Sheet.

Thank you for your attention to this matter.

Sincerely,

Merle Moshiri, *president*  
***Residents for Responsible Desalination***