

# City leaders to decide on grant

\$1.6 million offered  
by foundation  
to build system

Fluoridation  
By DONNA JONES

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928-10  
WATSONVILLE — Watsonville's nearly decade-long fight against water fluoridation could end today as the City Council votes on whether to accept a \$1.6 million grant to build a system.

The decision comes two days before a \$200 fine imposed against the city by state public health officials for not fluoridating kicks in.

"If I could name one issue that's most controversial, most divisive, it's fluoride," said Councilman Manuel Bersamin.

Bersamin's been involved with the issue since he joined the council in 2003, a year after city voters effectively banned fluoridation through an initiative known as Measure S.

He favors fluoridating, which backers say will reduce tooth decay, particularly among the city's many poor children.

But Bersamin said he also tried to uphold the will of voters, backing the city's battle against a state order to fluoridate all the way to the California Supreme Court. The high court declined to hear the case, letting stand a state appeals court decision that state law took precedence over municipal ordinance.

According to state law, cities with 10,000 or more people must fluoridate if costs are covered by an outside agency. There are no municipal water systems in the county with fluoridated water.

In Watsonville's case, the California Dental Association Foundation is offering money to design and build a fluoridation system and operate it for two years.

The state pressure hasn't stopped fluoride foes from protesting. Opponents, who don't believe fluoridation is safe or effective, turned out in force when the issue came before the council in January and a handful continued to press their case at subsequent meetings when fluoride wasn't on the agenda.

Watsonville resident Nick Bulaich, who spearheaded Measure S, argues the grant offer alone isn't enough to trigger state law.

Bulaich said the contract under consideration gives too much authority to the foundation to decide, for instance, whether specific costs are acceptable for reimbursement, and could result in the city having to spend its own money.

SEE FLUORIDE ON B12

## FLUORIDE

Continued from B1

"The city can't be compelled to sign a contract with considerations that place a financial burden on the city," Bulaich said.

Mayor Pro Tem Nancy Bilicich, who along with Bersamin and Councilwoman Kimberly Petersen served on a subcommittee that spent eight months hammering out the details of the grant contract, also worries about the potential for the city to take a financial hit and declined to recommend the contract.

But she was out-voted by Petersen and Bersamin.

Petersen said she believes the contract protects city interests and is stronger than one rejected by the council in January, in part due to concerns about legal liability.

In the new contract, the foundation agrees to defend the city against any litigation arising from its decision to fluoridate — a "significant accomplishment," according to Petersen.

But Bulaich says a subsequent clause that requires the city to take legal responsibility for the design, construction, operation and maintenance of the fluoridation facility should be struck to avoid potential costs that would have to be covered by city taxpayers.

State officials are watching, waiting to see what the council does with a \$200 daily fine hanging over its head.

City Attorney Alan Smith said Watsonville's in a tough spot.

"We have these competing forces out there," Smith said. "If we do (fluoridate), we're threatened with a lawsuit, and if we don't, we're threatened with a lawsuit."

### IF YOU GO

WATSONVILLE CITY  
COUNCIL

**WHAT:** Consideration of contract to pay for fluoridation of the city's water supply

**WHEN:** 6:30 p.m. today

**WHERE:** Council chamber, 275 Main St., 4th floor

**INFORMATION:** www.ci.watsonville.ca.us