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City Council to discuss fluoride contract tonight

Attorney says three previous issues have been addressed, contract poses 'no significant risk to the city'

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The topic of fluoridation will dominate tonight's City Council meeting.

A proposed contract with the California Dental Association Foundation to provide funding to fluoridate Watsonville's drinking water is the lone item on the agenda of the meeting, which will begin at 6:30

p.m. on the fourth floor of the Civic Plaza.

The latest contract proposal is the result of months of meetings and negotiations between the City Council's fluoridation ad hoc committee and forces both for and against fluoridation, including the California Dental Association Foundation and the California Department of Public Health.

Fluoridation has been an issue ever since the City Council first passed a resolution in February of 2002 accepting a grant to fluoridate, but in November of that year, Watsonville residents concerned about the safety of fluoridation passed Measure S, banning all substances from the water not specifically approved by the Food and Drug Administration,

which includes fluoride.

But a state law requires cities to fluoridate if given the funding to do so, and Watsonville lost its battle in court to honor the voters' wishes. The city has been wrangling over a contract that would make certain the city was not burdened with any of the expense of fluoridation. A proposed contract was rejected by the City Council

on a 4-3 vote in January. In August, the California Department of Public Health issued a citation to Watsonville for failure to comply with the state mandate to fluoridate. The citation cites a possible penalty of \$200 per day if the city does not comply. The fine, according to the citation, could be in effect since Aug. 31, but any penalties are being withheld until

after tonight's council decision.

During the Jan. 27 City Council meeting, when the last proposed contract was rejected, City Attorney Al Smith identified three issues that might put the city at risk of spending money on fluoridation: There was a cap of \$200,000 on the design phase, which has been

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estimated to cost as much as \$197,000; a phrase was deleted that indemnified the city from having to defend itself from lawsuits regarding the project; and a phrase was deleted from the contract that would indemnify the city from having to pay the grant back at 10 percent interest if there is a breach of contract not caused by the city or if the breach does not harm the project.

On Monday, Smith said those issues have been addressed.

"The committee probably spent five or six hours with groups for and against fluoridation, and then spent a good another 10 hours meeting among themselves trying to address everything," Smith said. "I'm sure the issues aren't addressed to the complete satisfaction of anybody, but that's what legisla-

ing the CDA to defend the action. The cap of \$200,000 has been lifted and other language has been added to help protect the city. But Smith said the new language cuts both ways. There is also now indemnification for the CDA in the contract.

"My goal was to make certain the city didn't spend any of its own money," Smith said. "Now, there is no significant risk to the city."

Opponents to fluoridation are still not convinced. Nick Bulaich, who wrote Measure S, said the proposal still contains numerous conditions that could create financial responsibilities for the city.

"It's basically the exact agreement as the January proposal," Bulaich said. "The fluoridation funding agreement requires the city to front the costs for the project, even though state law does not require such a thing."

An afternoon session of the City Council meeting will begin at 4:30 p.m. The council will review the city's 2010 invest-