

RESOLUTION NO. 2014-02

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
ORDERING AN ELECTION,
REQUESTING COUNTY ELECTIONS TO CONDUCT THE ELECTION,
AND REQUESTING CONSOLIDATION OF THE ELECTION**

WHEREAS, On September 6, 2013, Public Water Now submitted to the Monterey Peninsula Water Management District (Water Management District or District) a Notice of Intent to Circulate an Initiative Petition entitled the “Monterey Peninsula Water System Local Ownership and Cost Saving Initiative,” and Proof of Publication of the Notice; and

WHEREAS, the stated purpose of the Initiative Petition is to establish a policy to acquire, if economically feasible, the water system assets of the California-American Water Company (Cal-Am) within the District’s territory, either through negotiation or through the exercise of eminent domain power; and

WHEREAS, the stated reasons for the action are to “ensure the long-term sustainability, reliability, cost-effectiveness and quality of water service within the Monterey Peninsula Water Management District as a whole, to lower the cost of monthly service to rate-payers, to promote sound water management measures, and to establish public ownership of water system assets, by establishing regulations requiring the District to take affirmative action, to the extent financially feasible, to acquire the water system assets owned and operated by California American Water Company that currently provide water service to the District and its ratepayers”; and

WHEREAS, the Initiative Petition contains a proposed Ordinance (Measure) that adds Rule 19.8 to the District Rules and Regulations and requires the General Manager, within nine months of Rule’s effective date, to complete a Feasibility Analysis and Acquisition Plan for the acquisition, long-term ownership, and management by the District of Cal-Am’s assets. If the Plan concludes acquisition is feasible, the District shall, as soon as practicable, take all necessary and proper actions consistent with its powers under District Law and Eminent Domain Law to acquire Cal-Am’s water system assets; and

WHEREAS, the Initiative Petition requests the Measure be submitted to the voters “at the earliest regular or special election for which it qualifies pursuant to Section 1405 of California Elections Code”; and

WHEREAS, on January 21, 2014 the Monterey County Registrar of Voters verified a sufficient number of signatures on the Initiative Petition; and

WHEREAS, pursuant to California Elections Code § 9310, the Board of Directors must either 1) Adopt the ordinance, without alteration, either at the regular meeting at which the

certification of the petition is presented, or within 10 days after it is presented; or 2) Immediately order that the ordinance be submitted to the voters, without alteration, pursuant to subdivision (a) of Section 1405; and

WHEREAS, the District Board of Directors has determined to order the proposed be submitted to the voters, without alteration; and

WHEREAS, California Elections Code section 1405(a) provides that with certain exceptions, the election for a district initiative that qualifies pursuant to Section 9310 shall be held not less than 88 nor more than 103 days after the date of the order of election; and

WHEREAS, pursuant to section 1405, the election on the measure may be consolidated with the state regular or special election; and

WHEREAS, the Resolution of the governing body of District shall specify the services requested; and

WHEREAS, pursuant to Elections Code Section 10002, the District shall reimburse the county in full for the services performed upon presentation of a bill; and

WHEREAS, pursuant to Elections Code Section 10400, whenever two or more elections, including bond elections, of any legislative or congressional district, public district, city, county, or other political subdivision are called to be held on the same day, in the same territory, or in territory that is in part the same, they may be consolidated upon the order of the governing body or bodies or officer or officers calling the elections; and

WHEREAS, pursuant to Elections Code Section 10403, whenever an election called by a district, city or other political subdivision for the submission of any question, proposition, or office to be filled is to be consolidated with a statewide election, and the question, proposition, or office to be filled is to appear upon the same ballot as that provided for that statewide election, the district, city or other political subdivision shall, at least 88 days prior to the date of the election, file with the County Board of Supervisors, and a copy with the elections official, a resolution of its governing board requesting the consolidation and setting forth the exact form of any question, proposition, or office to be voted upon at the election, as it is to appear on the ballot. Upon such request, the Board of Supervisors may order the consolidation; and

WHEREAS, pursuant to Elections Code Section 10400, such election for cities and special districts may be either completely or partially consolidated; and

WHEREAS, the resolution requesting the consolidation shall be adopted and filed at the same time as the adoption of the ordinance, resolution, or order calling the election; and

WHEREAS, various district, county, state and other political subdivision elections may be or have been called to be held on June 3, 2014;

WHEREAS, the Board of Directors for the Monterey Peninsula Water Management District (Water Management District) desires to call an election on the Measure to be consolidated with the state primary on June 3, 2014; and

WHEREAS, the Board of Directors acknowledges that the consolidated election will be held and conducted in the manner prescribed in Section 10418; and

NOW, THEREFORE, BE IT RESOLVED AND ORDERED THAT the governing body of the Water Management District hereby orders the Monterey County Elections Department to conduct the election to approve or reject the Measure set forth in the “Monterey Peninsula Water System Local Ownership and Cost Saving Initiative,” on the June 3, 2014 ballot; and

BE IT FURTHER RESOLVED AND ORDERED that said governing body of the Water Management District hereby orders the election consolidated with any and all elections also called to be held on June 3, 2014 insofar as said elections are to be held in the same territory or in territory that is in part the same as the territory of the Water Management District, and requests the Board of Supervisors to order such consolidation under Elections Code Section 10401 and 10403; and

BE IT FURTHER RESOLVED AND ORDERED that said governing body hereby requests the Board of Supervisors to permit the Monterey County Elections Department to provide any and all services necessary for conducting the election and agrees to pay for said services; and

On motion of Director _____, and second by Director _____, the foregoing resolution is duly adopted this 29th day of January, 2014 by the following votes:

AYES:

NAYS:

ABSENT:

I, David J. Stoldt, Secretary to the Board of Directors of the Monterey Peninsula Water Management District, hereby certify that the foregoing is a resolution duly adopted on the 29th day of January, 2014.

Witness my hand and seal of the Board of Directors this ____ day of ____, 2014.

David J. Stoldt, Secretary to the Board