

**DRAFT**

**RESOLUTION NO. 2018-08**

**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 October 5, 2018, the Monterey County Registrar of Voters submitted to the District a copy of the 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 that were submitted by Public Water Now; 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, adequacy, reliability, cost-effectiveness and quality of water service within the Monterey Peninsula Water Management District area, to lower the cost of service to rate-payers, to promote and practice sustainable 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 written plan to address acquisition, ownership, and management of all water facilities and services within and outside the District.. 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 April 27, 2018 the Monterey County Registrar of Voters verified a sufficient number of signatures on the Initiative Petition; and

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**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 November 6, 2018; and

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**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 November 6, 2018; 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 November 6, 2018 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 November 6, 2018, 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 Byrne, and second by Director Markey, the foregoing resolution is duly adopted this 21<sup>st</sup> day of May, 2018 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 21st day of May, 2018.

Witness my hand and seal of the Board of Directors this \_\_\_\_ day of May, 2018

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David J. Stoldt, Secretary to the Board