

## **Resolution No. 19-06**

*Resolution of the Fort Ord Reuse Authority ("FORA") Board of Directors  
Adopting the Budget and the Ord Community Compensation Plan for FY 2019-2020 not  
including Capacity Charges*

May 10, 2019

THIS RESOLUTION is adopted with reference to the following facts and circumstances:

WHEREAS, Marina Coast Water District (District) Staff prepared and presented the draft FY 2019-2020 Budget (**Exhibit A**) which includes projected revenues, expenditures and capital improvement projects for the Ord Community Water, Recycled Water and Wastewater systems, including the area within the jurisdiction of FORA and the area remaining within the jurisdiction of the U.S. Army; and

WHEREAS, FORA is authorized by the FORA Act, particularly Government Code 67679(a)(1), to arrange for the provision of water and wastewater services to the Ord Community; and

WHEREAS, the District and FORA, entered into a "Water/Wastewater Facilities Agreement" ("the Agreement") on March 13, 1998, and have subsequently duly amended the Agreement; and

WHEREAS, the Agreement provides a procedure for establishing budgets and compensation plans to provide for sufficient revenues to pay the direct and indirect, short-term and long-term costs, including capital costs, to furnish the water and wastewater facilities; and

WHEREAS, the Agreement, as amended, provides that FORA and the District will each adopt the annual Budget and Compensation Plan by resolution; and

WHEREAS, the proposed Budget and Compensation Plan for FY 2019-2020 provides for funds necessary to meet operating and capital expenses for sound operation and provision of the water, recycled water and wastewater facilities and to enable the District to provide continued water, recycled water and sewer services within the existing service areas on the former Fort Ord. The Budget and Compensation Plan for FY 2019-2020 adopted by FORA apply only to the area within FORA's jurisdictional boundaries; and

WHEREAS, the FORA Water/Wastewater Oversight Committee and Administrative Committee and the District Board of Directors have reviewed the proposed Budget and Compensation Plan; and

WHEREAS, pursuant to the Agreement, FORA and the District have adopted and implemented and acted in reliance on budgets and compensation plans for prior fiscal years; and

WHEREAS, pursuant to the Agreement, FORA and the District cooperated in the conveyance to the District of easements, facilities and ancillary rights for the water, recycled water and wastewater systems on the area of the former Fort Ord within FORA's jurisdiction; and

WHEREAS, the District has provided water and wastewater services on the former Fort Ord by contract since 1997, and currently provides water and wastewater services to the area of the former Fort Ord within FORA's jurisdiction under the authority of the Agreement, and provides such services to the portion of the former Fort Ord still under the Army's jurisdiction by contract with the Army; and

WHEREAS, FORA and the District have agreed that water conservation is a high priority, and have implemented a water conservation program in the Ord Community service area that includes public education, various incentives to use low-flow fixtures, and water conserving landscaping. The rates, fees and charges in the Budget and Compensation Plan for FY 2019-2020 adopted by this Resolution are intended to support the water conservation program and encourage water conservation, pursuant to sections 375 and 375.5 of the California Water Code. This conservation program and these rates, fees and charges are in the public interest, serve a public purpose, and will promote the health, welfare, and safety of Ord Community, and will enhance the economy and quality of life of the Monterey Bay community; and

WHEREAS, estimated revenues from the rates, fees and charges will not exceed the estimated reasonable costs of providing the services for which the rates, fees or charges are imposed, will not be used for any purpose other than that for which the fee or charge was imposed, will not exceed the proportional cost of the service attributable to each identified parcel upon which the fee or charge is proposed for imposition and no fee or charge will be imposed for a service unless that service is actually used by, or immediately available to, the owner of the property in question; and

WHEREAS, at a public meeting, the Board has determined that the Budget and Compensation Plan, including the rates, fees and charges therein, should be adopted as set forth on **Exhibit A** to this Resolution; and

WHEREAS, on March 12, 2018, the District Board held a Proposition 218 hearing on the rates, fees and charges, not including Capacity Charges, for the Compensation Plan pursuant to and in accordance with Section 6 of Article XIID of the California Constitution; and

WHEREAS, at the hearing, the District Board heard and considered all protests to the Compensation Plan and the rates, fees and charges proposed and found that protests were submitted by less than a majority of the record owners of each identified parcel upon which the fee or charge is proposed for imposition; and

WHEREAS, FY 2019-2020 Capacity Charges are the subject of and will be adopted by a separate Resolution; and

WHEREAS, The District is acting to provide continued water, recycled water and sewer service within existing service areas on the Ord Community, and that such action is exempt from CEQA pursuant to Public Resources Code Section 21080(b)(8) and Section 15273 of the State CEQA Guidelines codified at 14 CCR §15273.

NOW THEREFORE the Board hereby resolves that:

1. The Board of Directors of the Fort Ord Reuse Authority does hereby approve and adopt the FY 2019-2020 Budget and Compensation Plan, not including Capacity Charges, for water, recycled water and wastewater services to the Ord Community.
2. The District is authorized to charge and collect rates for provision of water and wastewater services within the boundaries of FORA in accordance with the rates, fees and charges set forth in **Exhibit A**, not including Capacity Charges. The District is further authorized to use the same rates, fees and charges in providing services to the area of Ord Community within the jurisdiction of the U.S. Army.
3. The rates, fees and charges authorized by this Resolution shall not exceed the estimated reasonable costs of providing the services for which the rates, fees or charges are imposed.

Upon motion by Haffa, seconded by Gaglioti, the foregoing Resolution was passed on this 10<sup>th</sup> day of May, 2019, by the following vote:

AYES: PARKER, ADAMS, GAGLIOTI, O'CONNELL, MORTON, HAFFA, WIZARD, CARBONE, REIMERS.

NOES:

ABSTENTIONS:

ABSENT: PHILLIPS, OGLESBY, GUNTER, GARFIELD.

  
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Supervisor Jane Parker, Chair

ATTEST:

  
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Michael A. Houlemard, Jr., Secretary