

RESOLUTION NO. 2015-67

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA REVIEW, MODIFY AND APPROVE THE FORWARDING OF THE ATTACHED LETTER, EXHIBIT A, AS MODIFIED BY THE CITY COUNCIL ON JUNE 4, 2015, TO THE MONTEREY COUNTY LOCAL AGENCY FORMATION COMMISSION (LAFCO) AND MARINA COAST WATER DISTRICT (MCWD), WITH COPIES TO OTHER GOVERNMENTAL AGENCIES INVOLVED IN THE PROCESS, AND; AUTHORIZING THE EXECUTION OF THE LETTER SUBJECT TO FINAL REVIEW AND APPROVAL BY THE CITY ATTORNEY

WHEREAS, Subsequent to the closure of Fort Ord in the 1990s, the Marina Coast Water District (MCWD) and the Fort Ord Reuse Authority entered into a contract making MCWD the purveyor of the water to the Ord Community. This includes being responsible for the proper treatment of sewage or waste water on the former Fort Ord. The agreement remains enforceable by both parties; and

WHEREAS, during the entire period following the execution of the agreement, and up to the present, MCWD has consisted of a staff and a five member Board of Directors. The Board of Directors is elected by the registered voters of Marina who do **not** reside within the Ord Community. Individuals who are residents of the City of Marina, but who do not reside within the Ord Community, may also seek elected office to the Marina Coast Water District Board; and

WHEREAS, the inability of the Marina residents to vote for, or seek election to the MCWD Board is solely the result of the fact that the annexation of the Ord Community by MCWD has not been completed; and

NOW, THEREFORE BE IT RESOLVED by the City Council of the City of Marina that;

1. approve the forwarding of the attached letter, EXHIBIT A, as modified by the City Council on June 4, 2015, to the Monterey County Local Agency Formation Commission (LAFCO) and Marina Coast Water District (MCWD), with copies to other governmental agencies involved in the process, and;
2. Authorizing the execution of the letter subject to final review and approval by the city attorney.

PASSED AND ADOPTED by the City Council of the City of Marina at a adjourned regular City Council meeting duly held on this 4th day of June 2015 by the following vote:

AYES, COUNCIL MEMBERS: Brown, Morton, O'Connell, Delgado

NOES, COUNCIL MEMBERS: Amadeo

ABSTAIN, COUNCIL MEMBERS: None

ABSENT, COUNCIL MEMBERS: None

Bruce C. Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk

EXHIBIT A



CITY OF MARINA
211 Hillcrest Avenue
Marina, CA 93933
831-884-1278; FAX 831-384-9148
www.ci.marina.ca.us

June 5, 2015

Kate McKenna
Executive Officer
LAFCO of Monterey County
P.O. Box 1369
Salinas, Ca. 93902

William Kocher
Marina Coast Water District
11 Reservation Road
Marina, Ca 93933

Re: Annexation of Ord Community by MCWD

Dear Ms. McKenna and Mr. Kocher:

As you may realize the number of people living in the former Fort Ord Community is rapidly increasing. With this increase comes the responsibility of governmental agencies to ensure that not only are the interests of the residents protected, but also that all rights of Marina residents are extended to each and every one of them. This includes public safety, access to governmental benefits, and the right to vote.

Unfortunately, the right to vote has been denied to the residents of Marina who live within the Ord Community. This has been the situation since the closing of the former Fort Ord and it needs to be remedied immediately. None of the registered voters who reside in the Ord Community have a right to vote for or seek elected office on the Marina Coast Water District (MCWD). This is incomprehensible given the fact that the MCWD Board makes all of the decisions regarding the water (including cost) provided to the residents of the former Fort Ord.

The Marina City Council urges MCWD to address annexation and requests that LAFCO address the annexation of the Ord Community by MCWD as soon as it is appropriate to do so.

Finally, the City Council is aware that Seaside Mayor Ralph Rubio is a member of SCSD and the LAFCO Boards. We have full confidence that, if legally required to do so, Mayor Rubio will recuse himself when the annexation matter comes before the LAFCO Board.

Sincerely,

Bruce C. Delgado, Mayor
City of Marina

Cc: Mty. Cty. Board of Supervisors
SCSD
FORA
Congressman Farr
St. Senator Monning
St. Assemblyman Stone

May 27, 2015

Item No. **8f(1)**

Honorable Mayor and Members
of the Marina City Council

City Council Meeting of
June 2, 2015

CITY COUNCIL OF THE CITY OF MARINA CONSIDER ADOPTING RESOLUTION NO. 2015-, REVIEW, MODIFY AND APPROVE THE FORWARDING OF THE ATTACHED LETTER, EXHIBIT A, TO THE MONTEREY COUNTY LOCAL AGENCY FORMATION COMMISSION, (LAFCO), WITH COPIES TO OTHER GOVERNMENTAL AGENCIES INVOLVED IN THE PROCESS, URGING THE COMMENCEMENT AND COMPLETION OF THE ANNEXATION PROCESS OF THE FORT ORD COMMUNITY BY THE MARINA COAST WATER DISTRICT, (MCWD), AND; AUTHORIZING THE EXECUTION OF THE LETTER SUBJECT TO FINAL REVIEW AND APPROVAL BY THE CITY ATTORNEY

RECOMMENDATION:

It is recommended that the City Council:

1. Consider adopting Resolution No. 2015-, Review, modify and approve the forwarding of the attached letter, **EXHIBIT A**, to the Monterey County Local Agency Formation Commission, (LAFCO), with copies to other governmental agencies involved in the process, urging the commencement and completion of the annexation process of the Fort Ord Community by the Marina Coast Water District, (MCWD), and;
2. Authorizing the execution of the letter subject to final review and approval by the city attorney.

BACKGROUND:

Subsequent to the closure of Fort Ord in the 1990s, the Marina Coast Water District (MCWD) and the Fort Ord Reuse Authority entered into a contract making MCWD the purveyor of the water to the Ord Community. This includes being responsible for the proper treatment of sewage or waste water on the former Fort Ord. The agreement remains enforceable by both parties.

During the entire period following the execution of the agreement, and up to the present, MCWD has consisted of a staff and a five member Board of Directors. The Board of Directors is elected by the registered voters of Marina who do **not** reside within the Ord Community. Individuals who are residents of the City of Marina, but who do not reside within the Ord Community, may also seek elected office to the Marina Coast Water District Board.

Residents of the City of Marina who live within the Ord Community **cannot** seek to be elected to the MCWD Board. The Ord Community residents also **cannot** vote for a representative on the MCWD Board.

ANALYSIS:

The inability of the Marina residents to vote for, or seek election to the MCWD Board is solely the result of the fact that the annexation of the Ord Community by MCWD has not been completed.

In 2012, the MCWD submitted an application to the Local Agency Formation Commission (LAFCO) seeking the annexation of the Ord Community to MCWD. To date LAFCO has not processed the application for annexation.

Marina residents, who reside within the Ord Community, are subjected to water rates that may be increased by a majority vote of the MCWD Board. Over the years the rates have been increased.

LAFCO's willful failure to address, and complete the annexation process is denying our residents the right to have a say on who makes up the governing body of MCWD.

FISCAL IMPACT:

The cost would be a minimum amount. Councilman O'Connell can modify the draft to conform to the approved letter and forward it the City Manager and City Attorney for review and signature.

Respectfully submitted:

Frank O'Connell

Frank O'Connell,
Marina City Councilman

REVIEW AND CONCUR

Layne Long
City Manager
City of Marina