

RESOLUTION NO. 09-02

RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
FORT ORD REUSE AUTHORITY AMENDING RESOLUTION NO. 08-6 AND  
ESTABLISHING WATER SYSTEM CAPACITY CHARGES

I. RECITALS

- 1.1. The Fort Ord Reuse Authority ("FORA") Board of Directors adopted Resolution 08-6 on August 8, 2008. That Resolution adopted a FY 2008-2009 budget and compensation plan for water, recycled water and wastewater services.
- 1.2. Resolution 08-6 deferred adoption of a capacity charge.
- 1.3. At its December 12, 2008 meeting the FORA Board of Directors considered a recommendation from the FORA Administrative Committee to approve a capacity charge based on the Water for Monterey County ("WMC") alternative to the FORA board-adopted water augmentation project. MCWD submitted a revised estimate of the capacity charge for the WMC project. Based on further analysis by MCWD, the combined capacity charge for new and increased water/wastewater service was recommended to be increased from \$7,052 to \$7,800 (\$5,700 for water and \$2,100 for sewer) per Equivalent Dwelling Unit ("EDU").
- 1.4. If the WMC project is not approved by the California Public Utilities Commission ("CPUC"), a potentially higher capacity charge may be required. The need for such an increase will be determined by an updated capacity charge fee study to be prepared by the firm of Bartle and Wells ("BW").
- 1.5. The Fort Ord developers are expected to collectively fund up to \$12,500 of the costs of the BW capacity charge fee study referenced in Section 1.4 above, if needed.
- 1.6. The FORA Board of Directors also considered the removal of a specific date for the CPUC to approve the WMC project and set an amount of \$12,500 to be funded by the Fort Ord developers for an update capacity charge study if the CPUC did not approve the WMC project.
- 1.7. MCWD will actively pursue other sources of funds and adjust capacity charges as other sources of funds become available, including a rebate of a portion of capacity charges paid prior to an adjustment to the extent permitted by law.
- 1.8. On December 12, 2008, the FORA Board of Directors voted on a motion to approve the proposed \$7,800 (\$5,700 for water and \$2,100 for sewer) per EDU combined capacity charge for new and increased water service, based on the findings in items 1.4 through 1.7 above. The motion failed for lack of unanimous support. Consideration of the capacity charge was rescheduled to January 9, 2009 for a majority vote.
- 1.9. The purpose of this Resolution is to adopt and establish that capacity charge, consistent with the recommendation of the FORA Administrative Committee and the directions of the FORA Board of Directors at its meeting on December 12, 2008.

II. RESOLUTION

NOW, THEREFORE, BE IT RESOLVED:

2.1 Resolution 08-6, Paragraph #5 is amended to read as follows:

"5. The Fort Ord Reuse Authority establishes a combined capacity charge for new and increased water/wastewater service for the Ord Community of \$7,800 (\$5,700 for water and \$2,100 for sewer) per EDU."

2.2 The capital elements of the compensation plan for the area of Ord Community within FORA's jurisdiction, including capacity charges are hereby approved and adopted. The MCWD is authorized to charge and collect capacity charges for provision of water, and wastewater services within the boundaries of the Fort Ord Reuse Authority. The MCWD is further authorized to use the same charges in providing services to the area of Ord Community within the jurisdiction of the U.S. Army.

2.3 The charges authorized by this Resolution shall not exceed the estimated reasonable costs of providing the services for which the charges are imposed.

2.4 The District will comply with the requirements of Government Code section 54999.3 before imposing a capital facilities fee (as defined in Government Code section 54999.1) on any school district, county office of education, community college district, the California State University, the University of California or state agency.

2.5 The charges authorized by this Resolution shall become effective on the 61st day following adoption of this Resolution.

2.6 This Resolution takes effect immediately. MCWD is authorized to consider and adopt a resolution approving the above capacity charges less than two weeks after the adoption of this Resolution.

Upon the motion of Director Rubio, seconded by Director Potter, the foregoing resolution was PASSED AND ADOPTED at a meeting of the Board of Directors of the Fort Ord Reuse Authority on January 9, 2009 by the following vote:

Ayes:	13	Directors Russell, McCloud, McCall, Mancini, Selfridge, Kampe, Cook, Rubio, Gray, Barnes, Pendergrass, Calcagno and Potter
Noes:	-0-	
Absent:	-0-	
Abstentions:	-0-	

  
Joseph P. Russell, Chair

ATTEST:

  
Michael A. Houlehard Jr., Clerk/Secretary