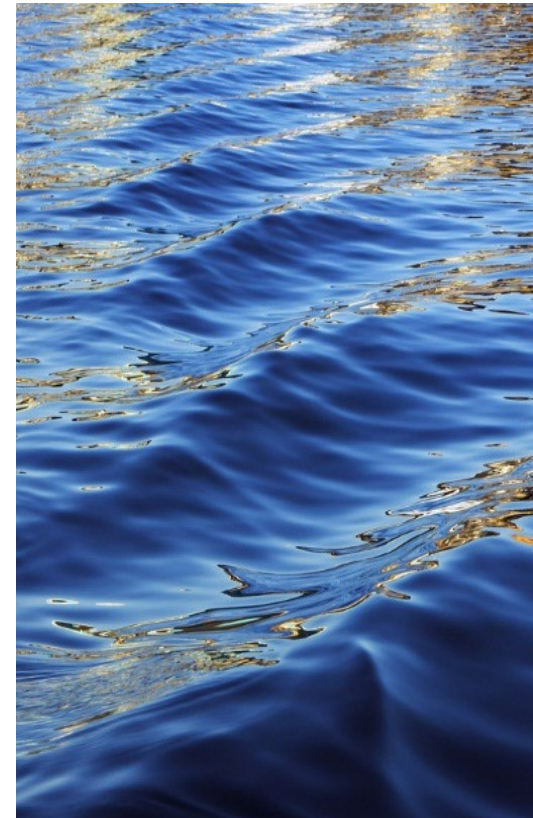


General Manager's Report

Item 10: Activities and Schedule Related to Acquisition of Cal-Am Monterey Water System (Measure J)

David J. Stoldt
General Manager

August 21, 2023



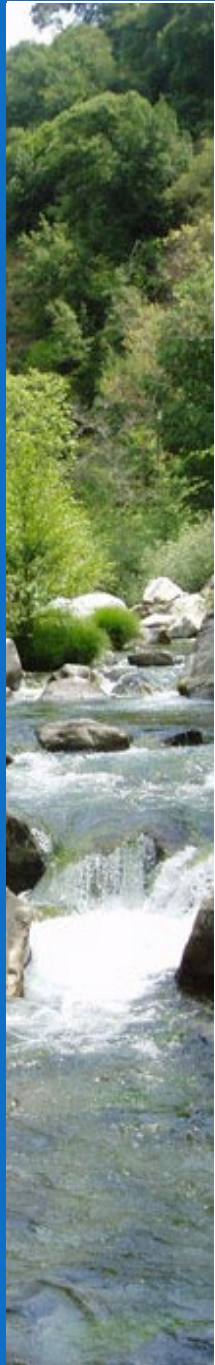
How Did We Get Here? (Measure J)

- November 6, 2018
- Passed 56% - 44%



“if and when feasible, to secure and maintain public ownership of all water production, storage and delivery system assets and infrastructure providing services within its territory.” *Not MPWMD’s choice, but our duty.*

Why Pursue Public Ownership?



85 % of
Urban
Water in CA
is by Public
Agencies

Lower Cost to Operate

Better Quality of Service

Local Governance

Greater Transparency

Measure J Activities to Date

Phase 1

- Financial Feasibility – Completed Nov 2019



Phase 2

- EIR – Certified Oct 2020
- LAFCO – Completed Feb 2022



Phase 3

- Appraisal & Offer – April 2023



What is Phase 4?

Phase 4: Consider Eminent Domain Action (Offer was rejected by Cal-Am April 28th)

- Whether the public interest and necessity require the Proposed Public Use;
- Whether the Proposed Public Use is planned or located in the manner that will be most compatible with the greatest public good and least private injury;
- Whether the Property sought to be acquired is necessary for the Proposed Public Use; and
- The Proposed Public Use is a more necessary public use pursuant to California Code of Civil Procedure §§ 1240.610 et seq.

Phase 4 Schedule



	Item
Sept 7, 2023	MPWMD Board Meets to Weigh Merits of Condemnation Proceeding (Closed Session)
Sept 8, 2023	Notice of Hearing to Consider Resolution of Necessity
Oct 4 or 12, 2023	Public Hearing to Consider Adoption of Resolution of Necessity
Within 2-3 months	File Condemnation Action in Superior Court



Obvious Areas of Disagreement

At the Hearing on the Proposed Resolution of Necessity Cal-Am May Object:

- To the adoption of a resolution of necessity for the taking of the Subject Property.
- To whether the conditions stated in Code of Civil Procedure section 1240.030 have been met, and as to whether the offer required by Government Code section 7267.2 has been made to the owner or owners of record of the property, including whether the written appraisal statement required by Government Code section 7267.2 has been provided to the owner or owners of the property.
- The amount of compensation to be paid will not be an issue at the hearing.

Long & Winding Road...



Thank You.



Progress on Behalf
of the Voters !!!