

MEASURE

IMPARTIAL ANALYSIS BY COUNTY COUNSEL

QUESTION OF WHETHER OR NOT TO ELECT AN INDEPENDENT BOARD OF DIRECTORS TO THE EAST GARRISON COMMUNITY SERVICES DISTRICT

This measure asks voters of the East Garrison Community Services District (“District”) whether to create their own independent Board of Directors by electing residents of East Garrison who would govern the District, replacing the existing Board of Directors, which is currently the County Board of Supervisors. A “yes” vote is a vote to create an independent Board of Directors. A “no” vote is a vote to continue having the County Board of Supervisors serve as the District’s Board of Directors.

The District was created pursuant to Senate Bill 1092 (Stats. 2005, Chapter 108) (the “Act”) in order to facilitate the development of the East Garrison Project, located on the former Fort Ord. The East Garrison Project (“Project”) is a multi-phase primarily residential development of approximately 1400 units, with related commercial and historic rehabilitation, as described in the East Garrison Disposition and Development Agreement (“East Garrison DDA”). The District’s boundaries are the same as the Project’s. The Project is designed to be self-sustaining, with taxes and assessments from the Project paying for the costs of maintaining public improvements and the provision of certain services located therein. The purpose of the District is to provide services and maintain facilities serving the Project, which are described in an Urban Services Agreement, which was approved in 2006 and amended in 2013 and 2017. These include certain streets, on-site drainage facilities and basins, the community parks and open spaces. The District is also obligated to pay for the cost of certain County services, including County Sheriff operations within the District. The Act requires the County to hold an independence election when the number of registered voters exceeds 500; this measure has been placed on the ballot in response to that requirement.

The Board of Directors of the District will be responsible for preparing budgets, employing staff or consultants to ensure that facilities owned by the District are properly maintained, and paying for services as delineated in the Urban Services Agreement, such as Sheriff Services. The

Board of Directors may need to deal with the Project Developer, as issues impacting the District may come up during the completion of the Project. The District is also a member of the East Garrison Public Financing Authority, a Joint Powers Agency that includes the County of Monterey. The East Garrison Public Financing Authority oversees the repayment of bonds issued to pay for certain public facilities and sets rates for service fees.

If less than a majority vote for an independent Board of Directors at this time, the question of an independent Board of Directors may be voted on again, through a vote of the Board of Supervisors on its own initiative or in response to a petition presented to the County Board of Supervisors signed by at least 10 percent of the registered voters of the District.

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By

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