

**THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA**

RESOLUTION 8440

**RESOLUTION OF THE BOARD OF DIRECTORS
OF THE METROPOLITAN WATER DISTRICT OF
SOUTHERN CALIFORNIA
IMPOSING WATER STANDBY CHARGES FOR
FISCAL YEAR 1994-1995**

WHEREAS, pursuant to a 1984 legislative grant of authority embodied in Section 134.5 of the Metropolitan Water District Act, the Board of Directors (Board) of The Metropolitan Water District of Southern California (Metropolitan) may from time to time impose a water standby charge; and

WHEREAS, the provisions of the Uniform Standby Charge Procedures Act (USCPA), sections 54984-54984.9 of the Government Code, are available to any local agency authorized by law to provide water or water service, and authorized to fix, levy, or collect any standby or availability charge or assessment in connection with the provision of that service; and

WHEREAS, the amount of revenue to be raised by a water standby charge shall be as determined by the Board; and

WHEREAS, under such authority, the water standby charge may be imposed on each acre of land or each parcel of land less than an acre within Metropolitan to which water is made available for any purpose by Metropolitan whether the water is actually used or not; and

WHEREAS, by Resolution 8428, adopted at its meeting held January 11, 1994, Metropolitan's Board resolved and determined that the public interest and necessity requires Metropolitan to develop firm net revenue, exclusive of ad valorem property taxes, of approximately \$50 million for fiscal year 1994-1995, and that in order to allocate a reasonable share of the costs of benefits made available by Metropolitan throughout its service area in an equitable manner, such firm revenue, exclusive of ad valorem property taxes, should be raised by a water standby charge imposed upon land within Metropolitan's service area to which water is made available by Metropolitan for any purpose, whether the water is actually used or not; and

WHEREAS, notice was given by Resolution 8428 to the public and to each member public agency of The Metropolitan Water District of Southern California of the intention of

Metropolitan's Board to consider and take action at its regular meeting to be held May 10, 1994, on the General Manager's recommendation to impose a water standby charge for fiscal year 1994-1995 under the authority of the USCPA at composite rates of not more than \$15 per acre of land, or not more than \$15 per parcel of land less than an acre (such composite rates, which may vary by member public agency, to consist in part of a uniform component of \$5 applicable throughout Metropolitan, and in part of a variable component, not exceeding \$10 in any member public agency, reflecting the allocation of historical water deliveries by Metropolitan to its 27 member public agencies), which water standby charge is estimated to raise net revenue of approximately \$50 million; and

WHEREAS, the particular charge, per acre or per parcel, applicable to land within each member public agency, the method of its calculation, and the specific data used in its determination are as specified in the Engineer's Report dated March 7, 1994, on file with Metropolitan, a copy of which is attached as Exhibit A; and

WHEREAS, notice of the proposed water standby charge and of a public hearing on the date and at the time and location specified in Resolution 8428 was published prior to the hearings, pursuant to Section 6066 of the Government Code, in various newspapers of general circulation within Metropolitan; and

WHEREAS, members of the Board conducted a public hearing at its regular meeting on April 12, 1994, at which interested parties were given the opportunity to present their views regarding the proposed water standby charge and the Engineer's Report and to file written protests, if they so desired, for consideration prior to final implementation of the proposed water standby charges.

NOW THEREFORE, the Board of Directors of The Metropolitan Water District of Southern California does hereby resolve, determine and order as follows:

Section 1. The Board of Directors of the District, pursuant to the attached Engineer's Report, finds that lands within Metropolitan are benefited as described in the report and, on that basis, hereby fixes and imposes a water standby charge for fiscal year 1994-1995 at composite rates of not more than \$15 per acre of land, or not more than \$15 per parcel of land less than an acre on all land within Metropolitan to which water is made available for any purpose by Metropolitan whether water is actually used or not. The

particular charge, per parcel or per acre, applicable to land within each member public agency as allocated in the Engineer's Report shall be as follows:

Proposed 1994-1995 Standby Charge

<u>Member Agency</u>	<u>Amount</u>
Anaheim	\$ 8.55
Beverly Hills	15.00
Burbank	14.20
Calleguas MWD	9.58
Central Basin MWD	10.44
Chino Basin MWD	7.59
Coastal MWD	11.60
Compton	8.92
Eastern MWD	6.94
Foothill MWD	10.28
Fullerton	10.71
Glendale	12.23
Las Virgenes MWD	8.03
Long Beach	12.16
Los Angeles	8.68
MWD of Orange Co.	10.09
Pasadena	11.73
San Diego CWA	11.51
San Fernando	7.87
San Marino	8.24
Santa Ana	7.88
Santa Monica	13.07
Three Valleys MWD	12.21
Torrance	12.23
Upper San Gabriel MWD	9.27
West Basin MWD	15.00
Western MWD of Riverside Co.	9.23

Section 2. The water standby charge shall be collected on the tax rolls together with the ad valorem property taxes which are levied by Metropolitan for the payment of pre-1978 voter approved indebtedness.

Section 3. Notwithstanding Section 1, the following lands shall be exempt from the water standby charge:

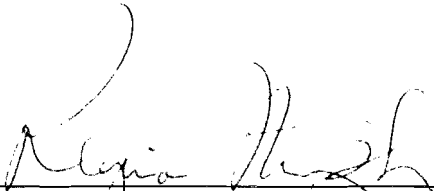
(a) lands owned by the Government of the United States, the State of California, or by any political subdivision thereof or any entity of local government; (b) lands permanently committed to open space and maintained in their natural state that are not now and will not in the future be supplied water; (c) lands not included in (a) or (b) above, which the General Manager, in his discretion, finds do not now and cannot reasonably be expected to derive a benefit from the projects to which the proceeds of the water standby charge will be applied; and (d) lands within any member public agency, subagency, or city if the governing body of such public entity elects and commits to pay out of funds available for that purpose, in installments at the time and in the amounts established by Metropolitan, the entire amount of the water standby charge which would otherwise be imposed upon lands within those public entities. The General Manager may develop and implement additional criteria and guidelines for exemptions in order to effectuate the intent expressed herein.

Section 4. The General Manager shall establish and make available to interested applicants procedures for filing and consideration of applications for exemption from the water standby charge pursuant to subsections (b) and (c) of Section 3 above. All applications for such exemption and documentation supporting such claims must have been received by Metropolitan in writing on or before December 31, 1994. The General Manager is further directed to review any such applications for exemption submitted in a timely manner to determine whether the lands to which they pertain are eligible for such exemption and to allow or disallow such applications based upon those guidelines. The General Manager shall also establish reasonable procedures for the filing and timing of the appeals from his determination, pursuant to Section 5 below.

Section 5. An Ad Hoc Committee of the Board shall be appointed by the Chairman of the Board for the purpose of considering, in the Committee's discretion, appeals from determinations by the General Manager to deny or qualify an application for exemption from the water standby charge, pursuant to Section 4 above. The Ad Hoc Committee shall consider such appeals and make recommendations to the Board to affirm or reverse the General Manager's determinations. The Board shall act upon such recommendations and its decision as to such appeals shall be final.

Section 6. The General Manager is hereby authorized and directed to take all necessary action to secure the collection of the water standby charge by appropriate county officials, including payment of the reasonable cost of collection.

I HEREBY CERTIFY, that the foregoing resolution was adopted by the Board of Directors of The Metropolitan Water District of Southern California on May 10, 1994.


Secretary of the Board of Directors
of The Metropolitan Water District
of Southern California