

MAY - 9 1995



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METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

Beverly E. Dwyer
EXECUTIVE SECRETARY

April 20, 1995

To: Board of Directors (Finance and Insurance Committee--Action)
(Water Problems Committee--Action)
From: General Manager
Subject: Resolution to Impose a Water Standby Charge for 1995-96

RECOMMENDATION:

FINANCE AND INSURANCE AND WATER PROBLEMS COMMITTEES FOR ACTION.

It is recommended that the Board of Directors:

- 1) Find that the adoption of water standby charges is exempted from the California Environmental Quality Act by Public Resources Code Section 21080(b)(8) since the charges are for the purpose of obtaining funds for capital and water management projects necessary to maintain service within existing service areas;
- 2) Adopt the form of resolution shown as Exhibit A, imposing a water standby charge on real property within the District's service area to which water is made available for any purpose by the District, whether the water is actually used or not, subject to exemptions as provided.

John R. Wodraska
General Manager

Submitted by:

Lambertus H. Becker

Lambertus H. Becker
Chief Financial Officer

Concur:

John R. Wodraska

John R. Wodraska
General Manager

Attachment
9596reso.doc

EXECUTIVE SUMMARY

In January 1995, your Board adopted Resolution 8464 declaring the intention to impose a readiness-to-serve charge and giving the member public agencies the option of having all or a portion of their readiness-to-serve charge collected by means of water standby charges. Subsequently, a public hearing was held and, in March 1995, your Board adopted Resolution 8468, fixing and adopting the readiness-to-serve charge for fiscal year 1995-96.

Exhibit A, attached to this letter, is a form of final resolution that, if adopted by your Board, will impose a water standby charge on non-exempt real property within the service areas of participating member public agencies, for fiscal year 1995-96. As indicated in the resolution, 23 of Metropolitan's 27 member public agencies have opted to have the standby charge imposed.

The resolution also authorizes the General Manager to act upon applications for exemption of certain lands from imposition of the water standby charge, and establishes an Ad Hoc Committee of the Board to hear appeals made by property owners who have been denied exemption. The exemption criteria are the same as those adopted for prior years.

The 1995-96 standby charges are being imposed under the authority embodied in Section 134.5 of the Metropolitan Water District Act and in accordance with provisions of the Uniform Standby Charge Procedures Act (USCPA). Under the USCPA, written protests representing 15 percent or more of the parcels charged will require an election to approve the charge. Written protests representing 40 percent of the parcels will eliminate the charge for the year. As of April 20, 1995, the District has received one written protest. If protests in the amount of 15% or more of the affective parcels are received on or before May 16, 1995, the Resolution will not go into effect.

Funds to be collected from the proposed water standby charge will be segregated to ensure that they are used only for the purposes for which the water standby charge was imposed.

DETAILED REPORT:

In January 1995, your Board adopted Resolution 8464 declaring the intention to impose a readiness-to-serve charge to be allocated among the member public agencies. Resolution 8464 provided that the member public agencies would be given the option of having all or a portion of their readiness-to-serve charge collected by means of water standby charges within their respective agencies. In March 1995, your Board adopted Resolution 8468, fixing and adopting the readiness-to-serve charge for fiscal year 1995-96.

Also in March 1995, member agencies were given the opportunity to request that Metropolitan impose standby charges within their respective service areas, as described in Resolution 8464. On April 11, 1995, a public hearing was held at which time interested parties were given the opportunity to express their views regarding the proposed standby charges. Exhibit A, attached to this letter, is a form of final resolution that, if adopted by your Board, will impose a water standby charge on non-exempt real property within the service areas of participating member public agencies, for fiscal year 1995-96. As indicated in the resolution, 23 of Metropolitan's 27 member public agencies have opted to have the standby charge imposed within their service areas. The standby charge, per acre or per parcel if less than an acre, within each participating member agency is the same as in fiscal year 1994-95.

The resolution also authorizes the General Manager to act upon applications for exemption of certain lands from imposition of the water standby charge in accordance with the terms and conditions for exemption specified in the resolution. In addition, the resolution provides for establishment of an Ad Hoc Committee of the Board to review and make recommendations to the Board on appeals made by property owners who have been denied exemption, with final determinations to be made by the Board. The exemption criteria are the same as those adopted for prior years and will be subject to specific guidelines set by the Ad Hoc Committee.

The 1995-96 standby charges are being imposed under the authority embodied in Section 134.5 of the Metropolitan Water District Act and in accordance with provisions of the Uniform Standby Charge Procedures Act (USCPA). Under the USCPA, if your Board receives written protests before the public hearing is concluded representing 15 percent or more of the parcels subject to the charges, the Board can still adopt or modify the charges, but the charges will be ineffective until approved by a majority vote in an election within the service area. If the written protests represent 40 percent of the parcels, the charge can not be implemented for that year. As of April 20, 1995, the District has received one written protest. If protests in the amount of 15% or more of the affective parcels are received on or before May 16, 1995, the Resolution will not go into effect. A final tally of protests will be presented to your Board at its June meeting.

Funds to be collected from the proposed water standby charge will be segregated to ensure that they are used only for the purposes for which the water standby charge was imposed.

EXHIBIT A

THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

RESOLUTION [8472]

**RESOLUTION OF THE BOARD OF DIRECTORS OF
THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA
FIXING AND ADOPTING WATER STANDBY CHARGES
FOR FISCAL YEAR 1995-96**

WHEREAS, by Resolution 8464, adopted at its meeting held January 10, 1995, the Board of Directors (Board) of The Metropolitan Water District of Southern California (Metropolitan) resolved and determined that the public interest and necessity require Metropolitan to develop a reliable source of revenues less susceptible to seasonal and annual variation, through imposition of a readiness-to-serve charge to be collected from Metropolitan's member public agencies; and that said readiness-to-serve charge should be in an amount sufficient to provide for payment of the debt service, not paid from ad valorem property taxes, of capital expenditures for projects needed to meet the reliability and quality needs at existing demand levels;

WHEREAS, at its meeting on March 14, 1995, the Board adopted Resolution 8468, "Resolution of the Board of Directors of The Metropolitan Water District of Southern California Fixing and Adopting Readiness-to-Serve-Charge;"

WHEREAS, pursuant to Resolution 8468, Metropolitan fixed and adopted a readiness-to-serve charge in the amount of \$56,000,000 to be allocated among member agencies and levied as described in Resolution 8464;

WHEREAS, certain member public agencies of Metropolitan have requested the option to provide collection of all or a portion of their readiness-to-serve charge obligation through a Metropolitan water standby charge imposed on parcels within those member agencies;

WHEREAS, Metropolitan may fix different standby charge rates for parcels situated within different member public agencies, and Metropolitan is willing to comply with the requests of member public agencies opting to have Metropolitan levy water standby charges within their respective territories, on the terms and subject to the conditions contained herein;

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;

WHEREAS, notice was given by Resolution 8464 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 9, 1995, on the General Manager's recommendation to impose a water standby charge for fiscal year 1995-96 under authority of Section 134.5 of the Metropolitan Water District Act and the USCPA on land within the member public agencies providing such written request to Metropolitan at the rates per acre of land, or per parcel of land less than an acre, specified in Resolution 8464;

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 January 1995, on file with Metropolitan, a copy of which is attached as Attachment 1;

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 8464 was published prior to the hearings, pursuant to Resolution 8464, in various newspapers of general circulation within Metropolitan;

WHEREAS, the Board conducted a public hearing at its regular meeting on April 11, 1995, 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; and

WHEREAS, the USCPA provides that if written protests are received representing 15 percent or more of the parcels subject to the proposed water standby charges, which are not withdrawn, the Board may still adopt, revise, change, reduce or modify a charge, but such charges shall be ineffective until approved by a majority of the voters in an election within the affected territory, and if written protests are received representing 40 percent of the parcels subject to the proposed water standby charges no further proceedings may be had on such charges for at least one year.

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

Section 1. That the Board of Directors of Metropolitan, pursuant to the Engineer's Report attached to Resolution 8468, finds that lands within Metropolitan are benefited as described in such report and on that basis, hereby fixes and adopts a water standby charge for fiscal year 1995-96 on all land within requesting member agencies of Metropolitan to which water is made available for any purpose, whether water is actually used or not; provided, however, that if written protests representing 15 percent or more of the parcels subject to such water standby charges are filed with the Executive Secretary on or before May 16, 1995, such water standby charges shall be suspended and this Resolution shall have no further force or effect;

Section 2. That the water standby charge, per parcel or per acre, applicable to land within each electing member public agency as allocated in the Engineer's Report shall be as follows:

1995-96 Water Standby Charge

| Member Agency | Amount |
|------------------------------|---------------|
| Anaheim | \$8.55 |
| 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 |
| 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 |
| Three Valleys MWD | \$12.21 |
| Torrance | \$12.23 |
| Upper San Gabriel Valley MWD | \$9.27 |
| Western MWD of Riverside Co. | \$9.23 |

Section 3. That 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. Any amounts of such standby charges so collected shall be applied as a credit against the applicable member agency's obligation to pay a readiness-to-serve charge. After such member agency's readiness-to-serve charge allocation is fully satisfied, any additional collections shall be credited to other outstanding obligations of such member agency to Metropolitan or future readiness-to-serve obligations of such agency.

Section 4. That 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; and (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. The General Manager may develop and implement additional criteria and guidelines for exemptions in order to effectuate the intent expressed herein.

Section 5. That 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 4 above. All applications for such exemption and documents supporting such claims must be received by Metropolitan in writing on or before December 31, 1995. 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 6 below.

Section 6. That 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 7. That the General Manager is hereby authorized and directed to take all necessary action to secure the collection of the water standby charge by the appropriate county officials, including payment of the reasonable cost of collection.

I HEREBY CERTIFY, that the foregoing is a full, true and correct copy of a Resolution adopted by the Board of Directors of The Metropolitan Water District of Southern California, at its meeting held on May 9, 1995.

Executive Secretary
The Metropolitan Water District
of Southern California

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