

- **Board of Directors**
Executive Committee

October 17, 2000 Board Meeting

8-8

Subject

Approval of Formal Terms and Conditions for Annexation No. 67, Concurrently to the Calleguas Municipal Water District (Calleguas) and the Metropolitan Water District of Southern California (Metropolitan), and Approval of the Resolution to Impose Water Standby Charges.

Description

Calleguas has requested formal terms and conditions for Annexation No. 67, concurrently to Calleguas and Metropolitan. Metropolitan's Board granted informal (conditional) approval on May 17, 2000. At the time of Board approval, the development plan for the vacant 115.35-acre territory comprised a 353 single-family home community. The development plan has been amended and currently entails the development of only 88.96 acres. Prior to completion of this annexation, Calleguas will pay in full a fee of \$276,583.52, reflecting a reduction in the acreage annexed. The projected water demand on Metropolitan is 64.7 acre-feet per year. ([Attachment 1 -- Detailed Report.](#)) **Additional attachments to this letter are available in the Executive Secretary's Office.**

Policy

Territory may be annexed to Metropolitan upon terms and conditions fixed by the Board and in accordance with Chapter 1, Article 1, Sections 350 through 356 of Metropolitan's Act and Division III of its Administrative Code.

Board Options/Fiscal Impacts

Option #1

1. Certify that the Board has reviewed and considered the information contained in the Environmental Impact Report (EIR) for the project (available in the Executive Secretary's Office), and adopt the Lead Agency's findings related to the EIR;
2. Adopt a resolution granting Calleguas' request for approval of Annexation No. 67, concurrently to Metropolitan and Calleguas, by establishing Metropolitan's terms and conditions for this annexation ([Attachment 2 -- Resolution Fixing Terms and Conditions](#)); and
3. Adopt the resolution to impose water standby charges at a rate of \$9.58 per acre or per parcel of less than one acre within the proposed annexation ([Attachment 3 -- Resolution Fixing and Adopting Water Standby Charge](#))

Fiscal Impact: Receipt of annexation fee (\$276,583.52) and water sales revenue from annexed territory.

Option #2

Decline Calleguas Annexation No. 67

Fiscal Impact: Unrealized fees and water sales revenue from nonannexed territory

Staff Recommendation

Option #1.



Roy L. Wolfe
Manager, Corporate Resources

9/15/2000

Date



Ronald R. Jester
General Manager

9/27/2000

Date

Attachment 1 -- Detailed Report

Attachment 2 -- Resolution Fixing Terms and Conditions

Attachment 3 -- Resolution Fixing and Adopting Water Standby Charge

BLA #180

Detailed Report – Calleguas Annexation No. 67

The Calleguas Municipal Water District (Calleguas) Board of Directors has requested formal terms and conditions for Annexation No. 67, concurrently to Calleguas and the Metropolitan Water District of Southern California (Metropolitan) by Resolution No. 1254, dated August 23, 2000 (Attachment 4 Resolution No. 1254). On May 17, 2000, Metropolitan's Board granted conditional (informal) approval and adopted a resolution of intent to impose water standby charges upon the annexing territory (Attachment 5 Resolution 8694). Subsequent to Board approval the annexing territory decreased from 115.35 to 88.96 acres, of which 9.27 is road right-of-way. On June 21, 2000, the Local Agency Formation Commission of Ventura County approved this annexation by its Resolution 00-02 (Attachment 6). All attachments for Annexation No. 67 are available for review at the Office of the Executive Secretary.

The annexation charge has been calculated pursuant to Section 3300 of Metropolitan's Administrative Code. Utilizing the current rate of \$3,408 per acre and the sum of \$5,000 for processing costs, the annexation charge is \$276,583.52, if completed by December 31, 2000. The \$5,000 processing charge has been paid. If the annexation is completed after December 31, 2000, the annexation will be calculated based on the then-current rate.

Pursuant to the provisions of the California Environmental Quality Act (CEQA), the City of Oxnard, acting as Lead Agency, issued a Final Environmental Impact Report (EIR) for the development of the proposed annexation parcel. Metropolitan, as a Responsible Agency under CEQA, is required to certify that it has reviewed and considered the information contained in the Final EIR and adopt the Lead Agency's findings prior to approval of the formal terms and conditions for Annexation No. 67. The Final EIR is available for review in the Executive Secretary's Office.

Transmitted herewith is the resolution fixing the terms and conditions for the annexation (see attachment 2). The resolution includes Metropolitan's standard provisions.

Also transmitted herewith is a resolution approving Metropolitan's water standby charge within the area of Calleguas, Annexation No. 67 (see attachment 3). On May 17, 2000, Metropolitan's Board adopted a resolution of intention to impose standby charges within the area of this proposed annexation. On May 26, 2000, ballots were mailed to property owners allowing them to indicate their approval or disapproval of the standby charge. Results of the mailed ballots were summarized at the conclusion of the July 10, 2000, public hearing that indicated that no majority protest was found to exist.

It is recommended that your Board adopt the resolution approving Metropolitan water standby charges within Annexation No. 67 in the amount of \$9.58 per acre or per parcel of less than one acre. This is equal to the amount of Metropolitan's current standby charges within the territory of Calleguas. This resolution provides that such standby charges are contingent upon completion of the annexation by June 30, 2001. If said annexation is not completed by July 1, 2001, Metropolitan may levy standby charges at the rate stated in this Resolution beginning in a subsequent fiscal year.

RESOLUTION

RESOLUTION OF THE BOARD OF DIRECTORS OF
THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA
CONSENTING TO CALLEGUAS' ANNEXATION NO. 67
AND FIXING THE TERMS AND CONDITIONS OF SAID ANNEXATION TO
THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

A. WHEREAS, the Board of Directors of Calleguas Municipal Water District (Calleguas), a municipal water district, situated in the County of Ventura, State of California, pursuant to Resolution No. 1254, adopted August 23, 2000, in accordance with the provisions of the Metropolitan Water District Act, has applied to the Board of Directors of the Metropolitan Water District of Southern California (Metropolitan) for consent to annex thereto certain uninhabited territory situated in the County of Ventura, particularly described in an attachment to the Ventura Local Agency Formation Commission (LAFCO) Resolution, concurrently with the annexation thereof to Calleguas, such annexation to Metropolitan to be upon such terms and conditions as may be fixed by the Board of Directors of Metropolitan; and

B. WHEREAS, on June 21, 2000, the Ventura Local Agency Formation Commission approved the proposed annexation, by Resolution No. 00-02; and

C. WHEREAS, the Board of Directors of Metropolitan has reviewed and considered the information contained in the Environmental Impact Report, prepared and adopted by the City of Oxnard for the proposed Annexation No. 67; and

D. WHEREAS, it appears to this Board of Directors that such application should be granted, subject to the terms and conditions hereinafter set forth.

E. NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of Metropolitan, acting as a Responsible Agency, has reviewed and considered the information contained in the Final Environmental Impact Report; and subject to the following terms and conditions, does hereby grant the application of the governing body of Calleguas for consent to annex Annexation No. 67 to Metropolitan and does hereby fix the terms and conditions of such annexation:

Section 1.

The annexation of said area to Calleguas shall be made concurrently with the annexation thereof to Metropolitan, and all necessary certificates, statements, maps, and other documents required to be filed by or on behalf of Calleguas to effectuate the annexation shall be filed on or before December 31, 2001.

Section 2.

Prior to filing a request for a Certificate of Completion of the annexation proceedings with the Ventura Local Agency Formation Commission, Calleguas shall pay to Metropolitan, in cash the sum of \$276,583.52, if the annexation is completed by December 31, 2000. If the annexation is completed during the 2001 calendar year, the annexation charge will be calculated based on the then current rate.

Section 3.

All necessary steps (including without limitation, pursuant to Article XIII D of the California Constitution) for imposition of Metropolitan water standby charges in the amount of \$9.58 per acre or per parcel of less than one acre for fiscal year 2000/01 shall be completed.

Section 4.

a. Metropolitan shall be under no obligation to provide, construct, operate, or maintain feeder pipelines, structures, connections, and other facilities required for the delivery of water to said area from works owned or operated by Metropolitan.

b. Calleguas shall not be entitled to demand that Metropolitan deliver water to Calleguas for use, directly or indirectly, within said area, except for domestic or municipal use therein.

c. The delivery of all water by Metropolitan, regardless of the nature and time of use of such water shall be subject to regulations promulgated from time to time by Metropolitan.

d. Except upon the terms and conditions specifically approved by the Board of Directors of Metropolitan, water sold and delivered by Metropolitan shall not be used in any manner which intentionally or avoidably results in the direct or indirect benefit of areas outside Metropolitan, including use of such water outside Metropolitan or use thereof within Metropolitan in substitution for other water outside Metropolitan.

F. BE IT FURTHER RESOLVED that the Executive Secretary be, and she hereby is, directed to transmit forthwith to the governing body of Calleguas a certified copy of this resolution.

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 October 17, 2000.

Executive Secretary
The Metropolitan Water District
of Southern California

RESOLUTION

RESOLUTION OF THE BOARD OF DIRECTORS
OF THE METROPOLITAN WATER DISTRICT OF
SOUTHERN CALIFORNIA
FIXING AND ADOPTING WATER STANDBY CHARGE
CONTINGENT UPON CALLEGUAS
ANNEXATION NO. 67

WHEREAS, pursuant to Resolution 8694, adopted by the Board of Directors (the "Board") of the Metropolitan Water District of Southern California ("Metropolitan") at its regular meeting held May 17, 2000, the Board gave notice to the public and to each member public agency of Metropolitan of the intention of the Board to consider and take action on the General Manager's recommendation to impose a water standby charge for fiscal year 2000-2001 on the property described in the Engineer's Report, dated March 2000, as amended on September 2000 (the "Engineer's Report"), which was prepared by a registered professional engineer certified by the State of California and was attached as Attachment A to Resolution 8694;

WHEREAS, the owner of the parcel identified in the Engineer's Report has applied for annexation into Calleguas Municipal Water District ("Calleguas") and Metropolitan;

WHEREAS, upon annexation, Metropolitan water will be available to such property and such parcel will receive the benefit of the projects provided in part with proceeds of Metropolitan water standby charges, as described in the Engineer's Report;

WHEREAS, Calleguas has requested that Metropolitan impose water standby charges on such property at the rate specified in the Engineer's Report and provided herein, following annexation of such property into Metropolitan;

WHEREAS, Resolution 8694 provides that the Board would meet in regular session to hold a public protest hearing at which interested parties could present their views regarding the proposed water standby charges and the Engineer's Report;

WHEREAS, pursuant to the terms of Resolution 8694 the Executive Secretary provided written notice in accordance with the requirements of Article XIII D, Section 4 of the California Constitution of the proposed water standby charge by mail to the record owner of the property identified in the Engineer's Report of such public hearing, and the notice included an assessment ballot whereby the owner could indicate his or her name, reasonable identification of his or her parcel, and his or her support for or opposition to the proposed water standby charge;

WHEREAS, the Board conducted in conformance with Resolution No. 8669 a public hearing. The hearing was held July 11, 2000, 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 protest the charges, if they so desire, and the Board will duly consider all such protests and other views presented to it at the public hearing; and

WHEREAS, prior to the conclusion of the public hearing the Executive Secretary reviewed any assessment ballots submitted at or before the hearing, and found that no majority protest (as defined in Article XIII D, Section 4 of the California Constitution) exists;

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 Metropolitan, pursuant to the Engineer's Report, finds that the land described in said Engineer's Report upon annexation to Metropolitan will be benefited as described in such report and on that basis, hereby fixes and adopts a water standby charge for fiscal year 2000-2001 on such lands to which Metropolitan water is made available for any purpose, whether water is actually used or not.

Section 2. That the water standby charge per acre of land, or per parcel of land less than an acre, as shown in the Engineer's Report, shall be \$9.58, which is equal to the amount of Metropolitan's existing water standby charge on other properties located within the territory of Calleguas.

Section 3. That no water standby charge on any parcel exceeds the reasonable cost of the proportional special benefit conferred on that parcel, as shown in the Engineer's Report. The Engineer's Report separates the special benefits from the general benefits and identifies each of the parcel on which a special benefit is conferred.

Section 4. 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 so collected shall be applied as a credit against Calleguas' obligation to pay its readiness-to-serve charge for fiscal year 2000-2001. 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 5. That the water standby charge is fixed and adopted contingent upon completion of annexation of the land described in the Engineer's Report. If such annexation is not completed in time to permit imposition of standby charges for fiscal year 2000-2001, Metropolitan may levy standby charges at the rate stated in this Resolution beginning in a subsequent fiscal year.

Section 6. That in the event that the water standby charge, or any portion thereof, is determined to be an unauthorized or invalid fee, charge or assessment by a final judgment in any proceeding at law or in equity, which judgment is not subject to appeal, or if

the collection of the water standby charge shall be permanently enjoined and appeals of such injunction have been declined or exhausted, or if Metropolitan shall determine to rescind or revoke the water standby charge, then no further water standby charge shall be collected within the territory described in the Engineer's Report and Calleguas shall pay its readiness-to-serve charge obligation to Metropolitan in full, as if imposition of such water standby charges had never been sought.

Section 7. That this Board finds that the water standby charges provided in this Resolution are exempt from the provisions of the California Environmental Quality Act (CEQA) under State CEQA Guidelines 15378(b)(4) since they constitute the creation of government funding mechanisms which do not involve commitment to any specific project which may result in a potentially significant physical impact on the environment

Section 8. That the General Manager is hereby authorized and directed to take all necessary action to secure the collection of the water standby charges by the appropriate county officials, including payment of the reasonable cost of collection.

Section 9. That the General Manager and General Counsel are hereby authorized to do all things necessary and desirable to accomplish the purposes of this Resolution, including, without limitation, the commencement or defense of litigation.

Section 10. That if any provision of this Resolution or the application to any member agency, property or person whatsoever is held invalid, that invalidity shall not affect the other provisions or applications of this Resolution which can be given effect without the invalid portion or application, and to that end the provisions of this Resolution are severable.

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 October 17, 2000.

Executive Secretary
The Metropolitan Water District
of Southern California