

- **Board of Directors**
Executive Committee

May 22, 2001 Committee Meeting

5c

Subject

Adopt final resolutions for annexation and to impose water standby charges for Annexation Nos. 69 and 70 to Calleguas Municipal Water District and Metropolitan

Description

Item 1. The Calleguas Municipal Water District (Calleguas) requested formal terms and conditions for Annexation No. 69 concurrently to Calleguas and The Metropolitan Water District of Southern California (Metropolitan). Metropolitan's Board granted informal (conditional) approval on March 13, 2001. The development plan for the vacant 47.42-acre city of Oxnard territory is for 197 single-family homes. Prior to completion of the annexation, Calleguas will pay in full a fee of \$159,973.40, if completed by December 31, 2001. The projected annual water demand on Metropolitan is approximately 36.75 acre-feet per year (AFY). Calleguas also requests that Metropolitan impose water standby charges within the proposed annexing territory. ([Attachment 1-1](#))

Item 2. Calleguas has also requested formal terms and conditions for Annexation No. 70 concurrently to Calleguas and Metropolitan. Metropolitan's Board granted informal (conditional) approval on March 13, 2001. The development plan for the vacant three-acre city of Oxnard territory is a multi-tenant industrial building. Prior to completion of the annexation, Calleguas will pay in full a fee of \$15,310.80, if completed by December 31, 2001. The projected annual water demand on Metropolitan is approximately 1.64 AFY. Calleguas also requests that Metropolitan impose water standby charges within the proposed annexing territory. ([Attachment 2-1](#))

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.

CEQA

Pursuant to the provisions of the California Environmental Quality Act (CEQA), the City of Oxnard, acting as lead agency, issued a Mitigated Negative Declaration (MND) and a Notice of Determination (NOD) for the development of each of the proposed annexation parcels. For Annexation 69, the MND was approved by the lead agency in February 2001, and was tiered from the previously certified 1993 Northeast Community Specific Plan Final Environmental Impact Report (FEIR). For Annexation 70, the MND was approved in April 2000, and was tiered from the previously certified 1984 Northeast Industrial Area FEIR. Metropolitan, as a responsible agency under CEQA, is required to certify that it has reviewed and considered the information in these Mitigated Negative Declarations and adopt the lead agency's findings prior to approval of the formal terms and conditions for both Annexation Nos. 69 and 70. The MNDs and NODs for Annexations Nos. 69 and 70 are found in [Attachment 1-2](#) and [Attachment 2-2](#), respectively.

Option #1: CEQA determination

Review and consider information provided in each of the Mitigated Negative Declarations and adopt the lead agency's findings related to Annexation No. 69 ([Attachment 1-2](#)) and Annexation No. 70 ([Attachment 2-2](#)).

Board Options/Fiscal Impacts

Option #1: Adopt the CEQA determination and

- a) Adopt resolution granting Calleguas' request for approval of Annexation No. 69, concurrently to Metropolitan and Calleguas, by establishing Metropolitan's terms and conditions for this annexation, conditioned upon approval of Ventura Local Agency Formation Commission (LAFCO) (**Attachment 1-3**);
- b) 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 No. 69 (**Attachment 1-4**);
- c) Adopt resolution granting Calleguas' request for approval of Annexation No. 70, concurrently to Metropolitan and Calleguas, by establishing Metropolitan's terms and conditions for this annexation, conditioned upon LAFCO approval (**Attachment 2-3**); and
- d) 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 No. 70 (**Attachment 2-4**).

Fiscal Impact: Receipt of annexation fee (\$175,284.20) and water sales revenue from annexed territories.

Option #2

Decline Calleguas Annexation Nos. 69 and 70.

Fiscal Impact: Unrealized fees and water sales revenue from non-annexed territories.

Staff Recommendation

Option #1

 _____ Roy L. Wolfe Manager, Corporate Resources	5/4/2001 Date
 _____ Ronald R. Jester General Manager	5/7/2001 Date

Annexation 69:

Attachment 1-1 – Detailed Report

Attachment 1-2 – Mitigated Negative Declaration and Notice of Determination

Attachment 1-3 – Resolution Fixing Terms and Conditions

Attachment 1-4 – Resolution Fixing and Adopting Water Standby Charge

Annexation 70:

Attachment 2-1 – Detailed Report

Attachment 2-2 – Mitigated Negative Declaration and Notice of Determination

Attachment 2-3 – Resolution Fixing Terms and Conditions

Attachment 2-4 – Resolution Fixing and Adopting Water Standby Charge

Detailed Report – Calleguas Annexation No. 69

The Calleguas Municipal Water District (Calleguas) Board of Directors has requested formal terms and conditions for Annexation No. 69, concurrently to Calleguas and The Metropolitan Water District of Southern California (Metropolitan) by Resolution No. 1285, dated March 28, 2001 (Attachment 1-5). On March 13, 2001, Metropolitan's Board granted conditional (informal) approval and adopted a resolution of intent to impose water standby charges upon the annexing territory. Metropolitan's Board is being asked to grant formal approval by approving the Resolution Fixing Terms and Conditions, attached as Attachment 1-3.

Metropolitan's Administrative Code Section 3100(c)(3) currently requires that, prior to Metropolitan's granting formal approval for an annexation, a certified copy of a resolution approving the annexation be received from the Local Agency Formation Commission (LAFCO). Until recently, State law required that LAFCO designate a Conducting Authority to carry out boundary change modifications. However, on January 1, 2001, State legislation changed the procedure to require that LAFCO serve as the Conducting Authority in carrying out such activities. In this capacity, LAFCO now requires a certified copy of Metropolitan's resolution fixing annexation terms and conditions prior to issuance of its resolution of approval. Although the Board is being asked to grant formal approval for the subject annexation prior to receipt of Ventura LAFCO's resolution of approval, a certified copy of Ventura LAFCO's resolution approving the annexation will be on file with Metropolitan prior to the actual LAFCO recording and completion of this annexation.

The Board adopted a resolution of intention to impose water standby charges within the proposed Annexation No. 69 territory at its meeting on March 13, 2001. Pursuant to Resolution No. 8731, the Board will hold a public protest hearing. The hearing is scheduled for May 15, 2001, prior to consideration of formal approval of the proposed annexation. Interested parties are to present their views regarding the proposed charges and the Engineer's Report. Also pursuant to Resolution No. 8731 and in accordance with the requirements of Article XIII D, Section 4, of the California Constitution, the Executive Secretary provided written notice, by mail, of such hearing to the owner of record of the parcel identified in the Engineer's Report. Enclosed in the mailed notice was an assessment ballot whereby the owner could indicate either support or opposition to the proposed water standby charge. If no majority protest (as defined in Article XIII D, Section 4 of the California Constitution) is found to exist upon conclusion of the hearing, it will be requested that Metropolitan's Board consider and act upon the recommendation to adopt a second resolution (see Attachment 1-4 -- Resolution Fixing and Adopting Water Standby Charge), which imposes a Metropolitan water standby charge in the amount of \$9.58 per acre, or per parcel less than one acre, within the territory of Annexation No. 69 for Fiscal Year 2000/2001.

The annexation charge has been calculated pursuant to Section 3300 of Metropolitan's Administrative Code. Utilizing the current rate of \$3,460 per acre and the sum of \$5,000 for processing costs, the annexation charge is \$159,973.40, if completed by December 31, 2001. The \$5,000 processing charge has been paid. The annexation fee will be paid in cash.

Completion of the annexation will be subject to such terms and conditions as may be fixed by the Board in granting formal consent to such annexation.

Approval of Metropolitan's water standby charge in the amount noted above, which is equal to the amount of Metropolitan's water standby charges imposed elsewhere within Calleguas' territory, is a condition to complete this annexation. Pursuant to the terms of the attached Resolution, 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.

Detailed Report – Calleguas Annexation No. 70

The Calleguas Municipal Water District (Calleguas) Board of Directors has requested formal terms and conditions for Annexation No. 70, concurrently to Calleguas and The Metropolitan Water District of Southern California (Metropolitan) by Resolution No. 1286, dated March 28, 2001 (Attachment 2-5). On March 13, 2001, Metropolitan's Board granted conditional (informal) approval and adopted a resolution of intent to impose water standby charges upon the annexing territory). Metropolitan's Board is being asked to grant formal approval by approving the Resolution Fixing Terms and Conditions, attached as Attachment 2-3.

Metropolitan's Administrative Code Section 3100(c)(3) currently requires that, prior to Metropolitan's granting formal approval for an annexation, a certified copy of a resolution approving the annexation be received from the Local Agency Formation Commission (LAFCO). Until recently, State law required that LAFCO designate a Conducting Authority to carry out boundary change modifications. However, on January 1, 2001, State legislation changed the procedure to require that LAFCO serve as the Conducting Authority in carrying out such activities. In this capacity, LAFCO now requires a certified copy of Metropolitan's resolution fixing annexation terms and conditions prior to issuance of its resolution of approval. Although your Board is being asked to grant formal approval for the subject annexation prior to receipt of Ventura LAFCO's resolution of approval, a certified copy of Ventura LAFCO's resolution approving the annexation will be on file with Metropolitan prior to the actual LAFCO recording and completion of this annexation.

The Board adopted a resolution of intention to impose water standby charges within the proposed Annexation No. 70 territory at its meeting on March 13, 2001. Pursuant to Resolution No. 8732, the Board will hold a public protest hearing. The hearing is scheduled for May 15, 2001, prior to consideration of formal approval of the proposed annexation. Interested parties are to present their views regarding the proposed charges and the Engineer's Report. Also pursuant to Resolution No. 8732 and in accordance with the requirements of Article XIII D, Section 4, of the California Constitution, the Executive Secretary provided written notice, by mail, of such hearing to the owner of record of the parcel identified in the Engineer's Report. Enclosed in the mailed notice was an assessment ballot whereby the owner could indicate either support or opposition to the proposed water standby charge. If no majority protest (as defined in Article XIII D, Section 4 of the California Constitution) is found to exist upon conclusion of the hearing, it will be requested that Metropolitan's Board consider and act upon the recommendation to adopt a second resolution (see Attachment 2-4 -- Resolution Fixing and Adopting Water Standby Charge), which imposes a Metropolitan water standby charge in the amount of \$9.58 per acre, or per parcel less than one acre, within the territory of Annexation No. 70 for Fiscal Year 2000/2001.

The annexation charge has been calculated pursuant to Section 3300 of Metropolitan's Administrative Code. Utilizing the current rate of \$3,460 per acre and the sum of \$5,000 for processing costs, the annexation charge is \$15,310.80, if completed by December 31, 2001. The \$5,000 processing charge has been paid. The annexation fee will be paid in cash. Completion of the annexation will be subject to such terms and conditions as may be fixed by the Board in granting formal consent to such annexation.

Approval of Metropolitan's water standby charge in the amount noted above, which is equal to the amount of Metropolitan's water standby charges imposed elsewhere within Calleguas' territory, is a condition to complete this annexation. Pursuant to the terms of the attached Resolution, 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.