

- **Board of Directors**

March 12, 2002 Board Meeting

8-3

Subject

Adopt final resolutions for annexation and to impose water standby charge for Annexation No. 75 to Calleguas Municipal Water District and Metropolitan

Description

The Calleguas Municipal Water District (Calleguas) has requested final terms and conditions for Annexation No. 75 concurrently to Calleguas and The Metropolitan Water District of Southern California (Metropolitan). On August 20, 2001, Metropolitan's Board granted conditional approval for this annexation. The approximately 4.83-acre territory consists of two adjacent parcels. The development plan for the currently vacant Parcel A is a multi-tenant industrial building. Parcel B of the annexing territory is presently occupied by a portion of an industrial building. Both parcels are located in the city of Oxnard. Prior to completion of this annexation, Calleguas will pay in full a fee of \$21,697.96, if the annexation is completed prior to December 31, 2002. The projected water demand on Metropolitan is approximately 2.76 acre-feet per year. The proposed action is to recommend final approval of Annexation No. 75 to the Board for consideration during the Board's March 2002 meeting. ([Attachment 1](#))

Policy

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

California Environmental Quality Act (CEQA)

CEQA determination for Option #1:

Pursuant to the provisions of CEQA, the city of Oxnard and Calleguas, acting as Lead Agencies, issued one Final Environmental Impact Report (FEIR) and one Negative Declaration for the proposed annexation properties associated with Annexation No. 75, respectively. The city of Oxnard's 1984 certified FEIR is entitled "FEIR, Northeast Industrial Area" and evaluates annexation issues associated with certain lands, including Parcel B, for Annexation No. 75. Calleguas prepared a 2001 Negative Declaration entitled "Calleguas Municipal Water District's Annexation No. 75 (Parcel A) Project". Metropolitan, as Responsible Agency under CEQA, is required to certify that it has reviewed and considered the information in the FEIR and Negative Declaration and adopt both agencies' findings prior to approval of the final terms and conditions for Annexation No. 75. The environmental documentation for Annexation No. 75 is available in the Executive Secretary's Office for review.

The CEQA determination is: Review and consider information provided in the FEIR and Negative Declaration and adopt the two agencies' findings related to Annexation No. 75.

CEQA determination for Option #2:

None required.

Board Options/Fiscal Impacts

Option #1

Adopt CEQA determination and

- Adopt a resolution granting Calleguas' request for approval of Annexation No. 75 concurrently to Metropolitan and Calleguas, conditioned upon approval by the Ventura Local Agency Formation

Commission, and establishing Metropolitan’s terms and conditions for this annexation (**Attachment 2**); and

- b. Adopt a resolution to impose water standby charge at a rate of \$9.58 per acre or per parcel of less than one acre within the proposed annexation (**Attachment 3**).

Fiscal Impact: Receipt of annexation fee (\$21,697.96) and water sales revenue from annexed territory.

Option #2


Decline Calleguas Annexation No. 75.

Fiscal Impact: Unrealized fees and water sales revenue due to non-annexed area.

Staff Recommendation

Option #1

	1/29/2002
_____ Roy L. Wolfe Manager, Corporate Resources	Date

	2/4/2002
_____ Ronald R. Gastelum Chief Executive Officer	Date

Attachment 1 - Detailed Report for Calleguas Annexation No. 75

Attachment 2 - Resolution Fixing Terms and Conditions

Attachment 3 - Resolution Fixing and Adopting Water Standby Charge

Detailed Report – Calleguas Annexation No. 75

The Calleguas Municipal Water District (Calleguas) Board of Directors has requested final terms and conditions for Annexation No. 75 concurrently to Calleguas and The Metropolitan Water District of Southern California (Metropolitan) by Resolution No. 1316, dated September 5, 2001 (Exhibit A). On August 20, 2001, Metropolitan's Board granted conditional approval for this annexation and adopted a resolution of intent to impose a water standby charge upon the annexing territory. Metropolitan's Board is asked to grant final approval, conditioned upon approval by the Ventura Local Agency Formation Commission, by adopting the Resolution Fixing Terms and Conditions (Attachment 2).

The Board adopted a resolution of intention to impose a water standby charge within the proposed Annexation No. 75 at its meeting on August 20, 2001. Pursuant to Resolution 8765, the Board held a public hearing October 16, 2001. Interested parties were given the opportunity to present their views regarding the proposed charge and the Engineer's Report. Also pursuant to Resolution 8765 and in accordance with the requirements of Article XIII D, § 4, of the California Constitution, the Executive Secretary provided written notice, by mail, of such hearing to the owners of record of the parcels identified in the Engineer's Report. Enclosed in the mailed notice was an assessment ballot whereby the owners could indicate either support or opposition to the proposed water standby charge. No majority protest (as defined in Article XIII D, § 4 of the California Constitution) was found to exist upon conclusion of the hearing; therefore, it will be requested that Metropolitan's Board consider and act upon the recommendation to adopt a second resolution (see Attachment 3 -- 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. 75.

The annexation charge has been calculated pursuant to § 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 \$21,697.96 if completed by December 31, 2002. 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 final 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 charge imposed elsewhere within Calleguas' territory, is a condition to complete this annexation. Pursuant to the terms of the attached resolution (Attachment 3), Metropolitan may levy a standby charge at the rate stated in this resolution beginning in a subsequent fiscal year.

RESOLUTION NO. 1316
RESOLUTION OF THE BOARD OF DIRECTORS
OF CALLEGUAS MUNICIPAL WATER DISTRICT APPLYING TO THE BOARD OF
DIRECTORS OF THE METROPOLITAN WATER DISTRICT OF SOUTHERN
CALIFORNIA FOR CONSENT AND FOR FORMAL TERMS AND CONDITIONS
AND REQUESTING APPROVAL BY VENTURA COUNTY LOCAL AGENCY
FORMATION COMMISSION TO CONCURRENTLY ANNEX TERRITORY WITHIN
THE COUNTY OF VENTURA TO THE METROPOLITAN WATER DISTRICT OF
SOUTHERN CALIFORNIA AND TO THE CALLEGUAS MUNICIPAL WATER
DISTRICT

Calleguas Annexation No. 75 - Spears-Teitelbaum

WHEREAS, the Calleguas Municipal Water District desires to accomplish the adjustment of boundaries specified herein; and

WHEREAS, Calleguas Municipal Water District (hereinafter referred to as "Calleguas") is a member municipality of the Metropolitan Water District of Southern California (hereinafter referred to as "Metropolitan"); and

WHEREAS, Calleguas has received from proposed annexees, the Spears Family Trust dated April 9, 1992, and Candelaria Properties, a California Limited Partnership, a request to concurrently annex to Calleguas and to Metropolitan certain territory situated in the County of Ventura, State of California; and

WHEREAS, the territory proposed to be annexed in Calleguas Annexation No. 75, Spears-Teitelbaum is described and set forth in the map and legal description attached as Exhibit A; and

WHEREAS, Calleguas sent maps and legal descriptions of the proposed annexation area to Metropolitan with a request for informal terms and conditions for annexation; and

WHEREAS, Metropolitan reviewed and considered the maps and legal descriptions and informally consented to annexation subject to, certain terms and conditions prescribed and set forth by Metropolitan; and

WHEREAS, pursuant to the Metropolitan Water District Act, Article 3, the governing body of Calleguas may apply to the Board of Directors of Metropolitan for consent to the annexation to Metropolitan and Calleguas of said properties, and in

granting such application Metropolitan may fix the terms and conditions upon which the territory may be annexed to and become part of Metropolitan;

WHEREAS, the Annexees and the acreage to be annexed are:

The Spears Family Trust	2.09 Acres
Candelaria Properties	2.73 Acres

WHEREAS, the annexees have been fully informed of the informal terms and conditions of both Metropolitan and Calleguas;

WHEREAS, the proposal area (Calleguas Annexation No. 7.5) has fewer than 12 registered voters;

WHEREAS, the owners of land within the annexation area has given their consent to the annexation;

NOW, THEREFORE, THE BOARD OF DIRECTORS OF CALLEGUAS MUNICIPAL WATER DISTRICT RESOLVES AS FOLLOWS:

1. This proposal is made, and it is requested that proceedings be taken, pursuant to the Cortese/Knox/Hertzberg Local Government Reorganization Act of 2000, commencing with Section 56000 of the California Government Code.
2. This proposal is a concurrent annexation to the Calleguas Municipal Water District and to the Metropolitan Water District of Southern California.
3. The proceeding is subject to the approval by the Ventura County Local Agency Formation Commission and any terms and conditions the Commission may apply; the Calleguas terms and conditions of.as set forth in Exhibit B attached hereto; the approval by Metropolitan Water District of Southern California and the formal terms and conditions Metropolitan may apply; the terms and conditions of the Implementation Plan as set forth in Exhibit C attached hereto; the Landowner's Request for Annexation and Approval of Parcel Charges as set forth in Exhibit D attached hereto; and delivery to Calleguas of payment in full for the annexation fees due Metropolitan, the annexation fees Calleguas and all expenses

incurred by Calleguas in the course of processing Annexation No. 75.

4. The reason for the proposal is to provide a source of water supply to the annexing territory.


5. The proposal is consistent with the Spheres of Influence of the Calleguas Municipal Water District and the Metropolitan Water District of Southern California.

6. The regular County assessment roll will be utilized.

7. The affected territory will not be taxed for the existing bonded indebtedness of the agencies whose boundades are being changed.

8. The affected territory will become a part of Directorial Division No.5.

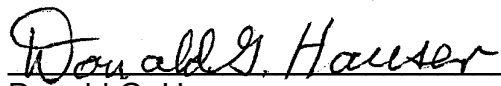
ADOPTED, SIGNED AND APPROVED this fifth day of September 2001.



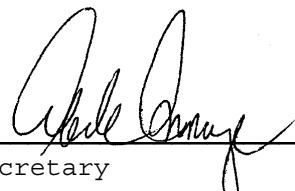
Ted Grandsen
President of the Board of Directors

ATTEST:

I certify that this is a true and correct copy of the original Resolution No. 1316 adopted at the regular Board of Directors meeting held on September 5, 2001.



Donald G. Hauser



Alida Inouye, Secretary

Secretary of the Board of Directors

STATE OF CALIFORNIA)
)
COUNTY OF VENTURA) ss

I, DONALD G. HAUSER, Secretary of the Board of Directors of Calleguas Municipal Water District, DO HEREBY CERTIFY that the foregoing Resolution was duly adopted by the Board of Directors of said District at an adjourned meeting of said Board held on the fifth day of September 2001.


Secretary of the Board of Directors

Exhibit 'A'

Of:

Calleguas Municipal Water District Resolution No. 1316

CALLEGUAS MUNICIPAL WATER DISTRICT ANNEXATION
SPEARS - TEITELBAUM
PARCEL A
(ANNEXATION NO. 75)

That portion of Lot 19, Tract No. 3943, in the City of Oxnard, County of Ventura, State of California, said Lot 19 is shown on the map recorded in the office of the County Recorder of said County in Book 108, Pages 49-58 of Miscellaneous Records, described as follows:

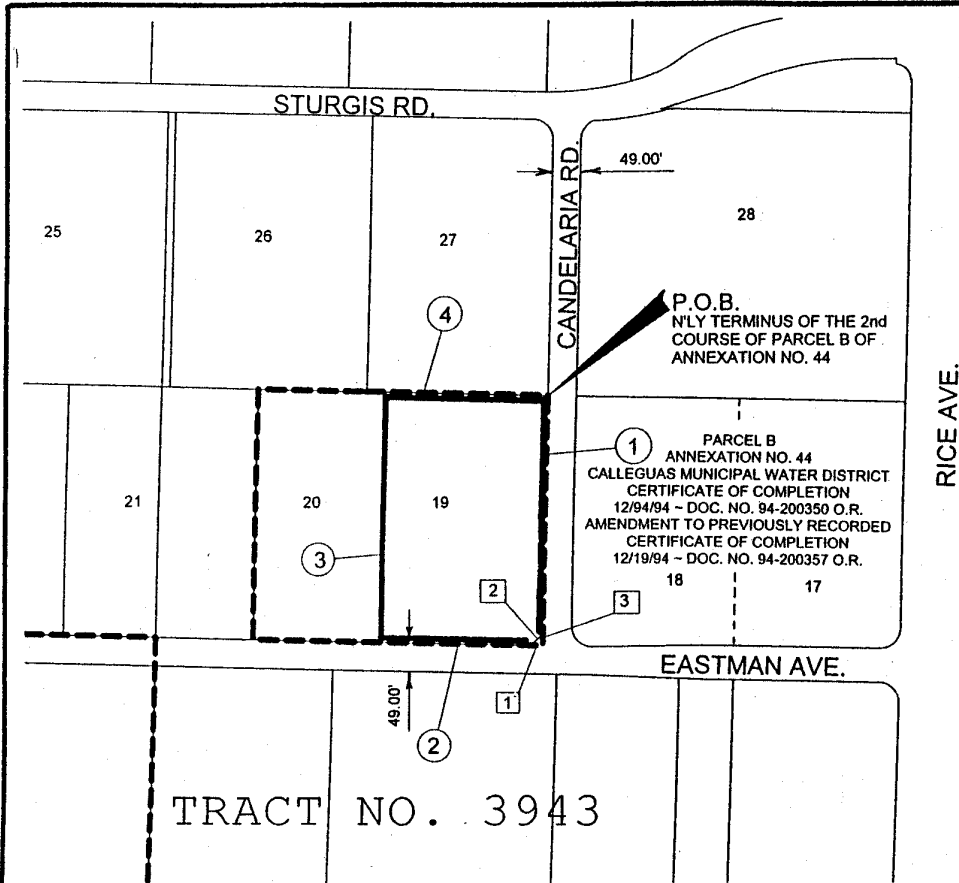
Beginning at a point in the north line of said Lot 19, said point also being the northerly terminus of the 2nd course of Parcel B of Annexation No. 44 to the Calleguas Municipal Water District, said Parcel B is described in the Certificate of Completion recorded on December 19, 1994 in the office of said County Recorder as Document No. 94-200350 and Amendment to Previously Recorded Certificate of Completion recorded as Document No. 94-200357, both of Official Records; thence, along the existing boundary of said district by the following two courses:

- 1st- South 00°01'32" East 428.19 feet to the south line of said Lot 19; thence, along the boundary of said Lot 19 by the following three courses:
- 2nd - South 89°58'28" West 278.81 feet; thence, leaving said existing district boundary,
- 3rd - North 00°01'32" West 428.19 feet to the existing boundary of said district; thence, along said existing district boundary,
- 4th - North 89°58'28" East 278.81 feet to the point of beginning.

2.741 Acres - Gross Area
-0.006 Acre - Road Area
 2.735 Acres - Net Area



Alan Azell Rawlins
 6/26/01



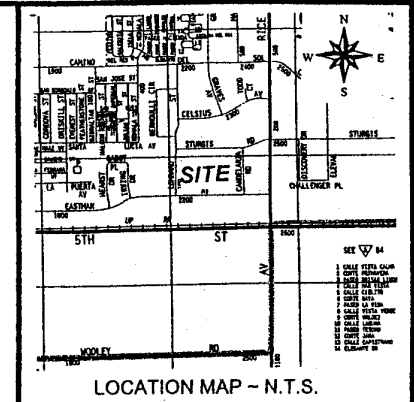
- Annexation Courses**
- 1st - S 00°01'32" E 428.19'
 - 2nd - S 89°58'28" W 278.81'
 - 3rd - N 00°01'32" W 428.19'
 - 4th - N 89°58'28" E 278.81'

2.741 Acres

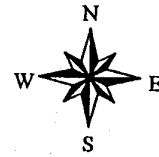
- Road Area Courses**
- 1st - S 89°58'28" W 34.50'
 - 2nd - R = 34.50'; L = 54.19'; D = 90°00'00"
 - 3rd - S 00°01'32" E 34.50'

0.006 Acre

2.741 Acres - Gross Area
 -0.006 Acre - Road Area
 2.735 Acres - Net Area



Prepared By
Z & M Consulting
 2146 Mandrill Avenue
 Ventura, CA 93003-7013
 (805) 647-8928



--- Existing Calleguas Municipal Water District Boundary

▭ Proposed Annexation Boundary



Alan Azell Rawlins
 6/26/01

**CALLEGUAS MUNICIPAL WATER DISTRICT ANNEXATION
 SPEARS - TEITELBAUM
 PARCEL A
 (ANNEXATION NO. 75)**

That portion of Lot 19, Tract No. 3943, in the City of Oxnard, County of Ventura, State of California, said Lot 19 is shown on the map recorded in the office of the County Recorder of said County in Book 108, Pages 49-58 of Miscellaneous Records.

June 9, 2001 ~ Revised June 26, 2001

Sheet 1 of 1

Exhibit 'B'

Of

Calleguas Municipal Water District Resolution No. 1316

CALLEGUAS MUNICIPAL WATER DISTRICT ANNEXATION
SPEARS - TEITELBAUM
PARCEL B
(ANNEXATION NO. 75)

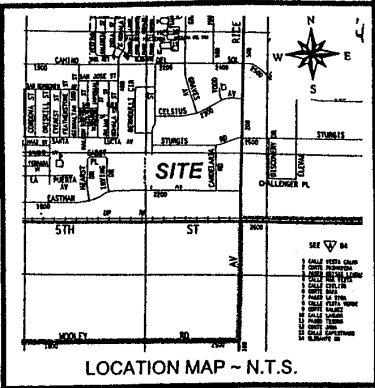
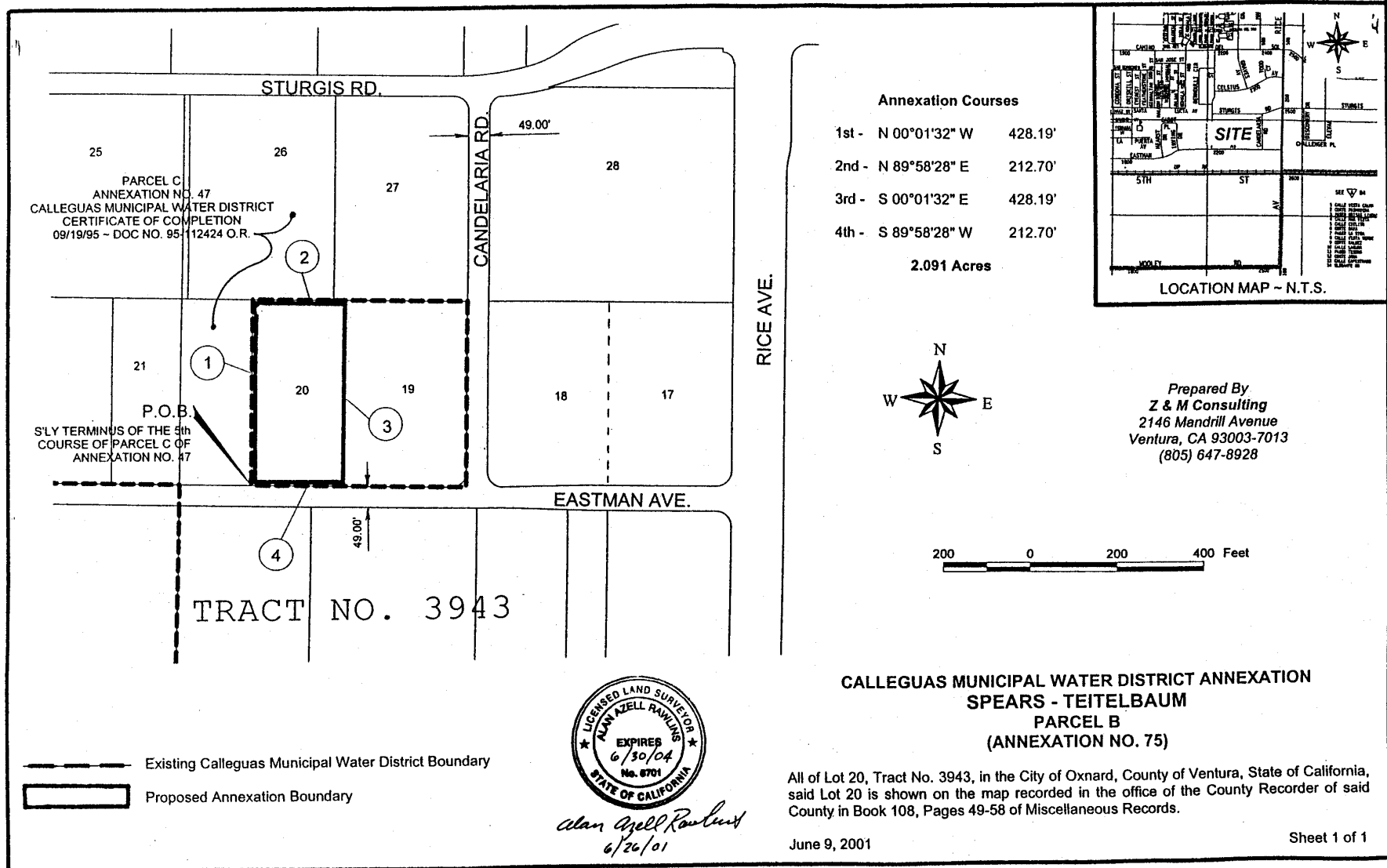
All of Lot 20, Tract No. 3943, in the City of Oxnard, County of Ventura, State of California, said Lot 20 is shown on the map recorded in the office of the County Recorder of said County in Book 108, Pages 49-58 of Miscellaneous Records, described as follows:

Beginning at a point in the southwest corner of said Lot 20, said point also being the southerly terminus of the 5th course of Parcel C of Annexation No. 47 to the Calleguas Municipal Water District, said Parcel C is described in the Certificate of Completion recorded on September 19, 1995 in the office of said County Recorder as Document No. 95-112424 of Official Records; thence, along the existing boundary of said district by the following two courses and along the existing boundary of said Lot 20 by the following two courses:

- 1st - North 00°01'32" West 428.19 feet; thence,
- 2nd - North 89°58'28" East 212.70 feet; thence, leaving said existing district boundary,
- 3rd - South 00°01'32" East 428.19 feet to the existing boundary of said district; thence, along said existing district boundary,
- 4th - South 89°58'28" West 212.70 feet to the point of beginning and containing 2.091 acres.



Alan Azell Rawlins
6/9/2001



Annexation Courses

1st -	N 00°01'32" W	428.19'
2nd -	N 89°58'28" E	212.70'
3rd -	S 00°01'32" E	428.19'
4th -	S 89°58'28" W	212.70'

2.091 Acres



Prepared By
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 2146 Mandrill Avenue
 Ventura, CA 93003-7013
 (805) 647-8928



**CALLEGUAS MUNICIPAL WATER DISTRICT ANNEXATION
 SPEARS - TEITELBAUM
 PARCEL B
 (ANNEXATION NO. 75)**

All of Lot 20, Tract No. 3943, in the City of Oxnard, County of Ventura, State of California, said Lot 20 is shown on the map recorded in the office of the County Recorder of said County in Book 108, Pages 49-58 of Miscellaneous Records.

June 9, 2001

Sheet 1 of 1

PARCEL C
 ANNEXATION NO. 47
 CALLEGUAS MUNICIPAL WATER DISTRICT
 CERTIFICATE OF COMPLETION
 09/19/95 - DOC NO. 95-112424 O.R.

P.O.B.
 S'LY TERMINUS OF THE 4th
 COURSE OF PARCEL C OF
 ANNEXATION NO. 47

TRACT NO. 3943

Existing Calleguas Municipal Water District Boundary
 Proposed Annexation Boundary



Alan Azell Rawlins
 6/26/01

Exhibit B

TERMS AND CONDITIONS OF
CALLEGUAS MUNICIPAL WATER DISTRICT
FOR ANNEXATION NO. 75

In the event of annexation, the annexation of the property shall be subject to the following terms and conditions:

1. In the event of annexation, the Annexees and the annexed area shall, within the time limits provided thereby, meet the terms and conditions, and pay such fees, as are imposed by Metropolitan Water District of Southern California (Metropolitan) for said annexation.

2. In the event of annexation, the Annexees and the annexed area shall, within the time limits provided thereby, meet the terms and conditions, and pay such fees, as are imposed or advanced by Calleguas Municipal Water District (Calleguas) for said annexation.

3. In the event of annexation, the sale and delivery of all water by Calleguas, the release of water, the cost of the water, and the time of use of water shall be subject to the regulations promulgated from time to time by Calleguas and Metropolitan.

4. In the event of annexation, all feeder pipelines, structures, connections, and other facilities required for the delivery of water to said area from works owned Or. operated by Calleguas shall be constructed, provided and installed without cost or expense to Calleguas, and Calleguas shall be under no obligation to provide, construct, operate or maintain such works.

5. If construction of water distribution facilities is required to properly effect water services to the annexing area, all such costs shall be borne by the annexing area and all facilities constructed shall, at the election of Calleguas, be owned, maintained, and operated by Calleguas.

6. Except upon terms and conditions specifically approved by the Board of Directors of Calleguas, water sold and delivered by Calleguas shall not be

used in any manner which intentionally or avoidably results in the direct or indirect benefit of areas outside Calleguas.

7. Annexees have been advised of Calleguas' Capital Construction Charge (Ordinance No. 14).

8. Annexee consents to the Districts' levy for Standby Charges on annexed lands at the rates and formulae adopted for fiscal Year 2001-2002 and any subsequent years in which either or both Boards of Directors may vote to approve and adopt said Standby Charges. Said Standby Charges shall remain as a covenant with the land annexed into the Districts and shall be recorded as such in the appropriate form and manner.

RESOLUTION

RESOLUTION OF THE BOARD OF DIRECTORS OF
THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA
CONSENTING TO CALLEGUAS MUNICIPAL WATER DISTRICT'S
ANNEXATION NO. 75
AND FIXING THE TERMS AND CONDITIONS OF SAID ANNEXATION TO
THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

A. WHEREAS, the Board of Directors of the Calleguas Municipal Water District (Calleguas), a municipal water district, situated in the County of Ventura, State of California, pursuant to Resolution No. 1316 adopted September 5, 2001, 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 application to the Ventura Local Agency Formation Commission (LAFCO), 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, completion of said annexation shall be conditioned upon approval by the LAFCO; and

C. WHEREAS, pursuant to the provisions of the California Environmental Quality Act (CEQA), the city of Oxnard and Calleguas, acting as separate Lead Agencies for the proposed annexation properties associated with Annexation No. 75, issued the 1984 certified Final Environmental Impact Report (FEIR) for the Northeast Industrial Area and the 2001 Negative Declaration for Calleguas Municipal Water District's Annexation No. 75 (Parcel A) Project, respectively, and Metropolitan, as Responsible Agency under CEQA, is required to certify that it has reviewed and considered the information in the FEIR and Negative Declaration and adopt both agencies' findings prior to approval of the formal terms and conditions for Annexation No. 75; 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 Responsible Agency, has reviewed and considered the information contained in the FEIR and Negative Declaration and adopted both agencies' findings; 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. 75 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, 2002.

Section 2.

Prior to filing a request for a Certificate of Completion of the annexation proceedings with LAFCO, Calleguas shall submit a certified copy of LAFCO's resolution approving the annexation to the member agency, and shall pay to Metropolitan, in cash the sum of \$21,697.96, if the annexation is completed by December 31, 2002. If the annexation is completed during the 2002 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 charge in the amount of \$9.58 per acre or per parcel of less than one acre for fiscal year 2001/02 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 March 12, 2002.

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
MUNICIPAL WATER DISTRICT'S
ANNEXATION NO. 75

WHEREAS, pursuant to Resolution 8765, adopted by the Board of Directors (the "Board") of The Metropolitan Water District of Southern California ("Metropolitan") at its meeting held August 20, 2001, 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 Chief Executive Officer's (CEO) recommendation to impose a water standby charge for fiscal year 2001/02 on the property described in the Engineer's Report, dated August 2001 (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 8765;

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

WHEREAS, upon annexation, Metropolitan water will be available to such property and such parcels 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 8765 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 8765 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 8765 a public hearing. The hearing was held October 16, 2001, 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 desired, and the Board duly considered any 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 the assessment ballots submitted, and it was 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 2001/02 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 parcels 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 2001/02. 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 2001/02, 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 pursuant to the provisions of the California Environmental Quality Act (CEQA), the city of Oxnard and Calleguas, acting as separate Lead Agencies for the proposed annexation properties associated with Annexation No. 75, issued the 1984 certified Final Environmental Impact Report (FEIR) for the Northeast Industrial Area and the 2001 Negative Declaration for Calleguas Municipal Water District's Annexation No. 75 (Parcel A) Project, respectively, and that the Board of Directors of Metropolitan, as Responsible Agency under CEQA, has certified that it has reviewed and considered the information in the FEIR and Negative Declaration, and has adopted both agencies' findings prior to approval of fixing and adopting water standby charges for Annexation No. 75.

Section 8. That the CEO is hereby authorized and directed to take all necessary actions 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 CEO 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 March 12, 2002.

Executive Secretary
The Metropolitan Water District
of Southern California