

- **Board of Directors**
Executive Committee

April 9, 2002 Board Meeting

8-8

Subject

Adopt final resolutions for annexation and to impose water standby charge for the 45th Fringe Area Annexation to Western Municipal Water District and Metropolitan

Description

The Western Municipal Water District (Western) has requested final terms and conditions for the 45th Fringe Area Annexation concurrently to Western and The Metropolitan Water District of Southern California (Metropolitan). On November 20, 2001, Metropolitan's Board granted conditional approval for this annexation. The development plan for the approximately 7.37-acre territory is single-family residential (four homes, a debris basin, and slope protection). The currently undeveloped territory is located in southwest Riverside County. Prior to completion of this annexation, Western will pay in full a fee of \$30,500.20 if the annexation is completed prior to December 31, 2002. The projected water demand on Metropolitan is approximately 3.64 acre-feet per year. The proposed action by this Committee is to recommend final approval of the 45th Fringe Area Annexation to the Board for consideration during the Board's April 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, Lee Lake Water District, as a subagency to Western and acting as the Lead Agency, adopted an Addendum to a Mitigated Negative Declaration (MND) in 2002 for the proposed development and annexation of the property associated with the 45th Fringe Area Annexation. The original MND was prepared by the County of Riverside, as the Lead Agency, and is entitled "General Plan Amendment No. 523/Change of Zone No. 6512/Tentative Tract Map No. 29644". Metropolitan, as Responsible Agency under CEQA, is required to certify that it has reviewed and considered the information in the Addendum to the MND and adopt both lead agencies' findings prior to approval of the final terms and conditions for the annexation. The environmental documentation for the 45th Fringe Area Annexation is available in the Executive Secretary's Office for review.

The CEQA determination is: Review and consider information provided in the Addendum to the MND and adopt the lead agencies' findings related to the 45th Fringe Area Annexation.

CEQA determination for Option #2:

None required.

Board Options/Fiscal Impacts

Option #1

Adopt the CEQA determination and

- Adopt a resolution granting Western's request for approval of the 45th Fringe Area Annexation concurrently to Metropolitan and Western, conditioned upon approval by the Local Agency Formation

Commission of Riverside County, 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 \$9.23 per acre or per parcel of less than one acre within the proposed annexation (**Attachment 3**).

Fiscal Impact: Receipt of annexation fee (\$30,500.20) and water sales revenue from annexed territory.

Option #2

Decline Western 45th Fringe Area Annexation.

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

Staff Recommendation

Option #1

 <hr/> Roy L. Wolfe Manager, Corporate Resources	2/19/2002 <hr/> Date
 <hr/> Ronald R. Gastelum Chief Executive Officer	2/27/2002 <hr/> Date

Attachment 1—Detailed Report for Western 45th Fringe Area Annexation

Attachment 2—Resolution Fixing Terms and Conditions

Attachment 3—Resolution Fixing and Adopting Water Standby Charge

Detailed Report – Western 45th Fringe Area Annexation

The Western Municipal Water District (Western) Board of Directors has requested final terms and conditions for 45th Fringe Area Annexation concurrently to Western and The Metropolitan Water District of Southern California (Metropolitan) by Resolution 2190, dated December 5, 2001 (Exhibit A). On November 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 Riverside Local Agency Formation Commission, by adopting the Resolution Fixing Terms and Conditions (Attachment 2).

Metropolitan's Board adopted a resolution of intention to impose a water standby charge within the proposed 45th Fringe Area Annexation at its meeting on November 20, 2001. Pursuant to Resolution 8786, the Board held a public hearing January 8, 2002. Interested parties were given the opportunity to present their views regarding the proposed charge and the Engineer's Report. Also pursuant to Resolution 8786 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 \$9.23 per acre, or per parcel less than one acre, within the territory of the 45th Fringe Area Annexation.

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 \$30,500.20 if completed by December 31, 2002. The \$5,000 processing charge has been paid. The annexation fee will be paid in cash.

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 Western's territory, is a condition to complete this annexation. Pursuant to the terms of the resolution (Attachment 3), Metropolitan may levy a standby charge at the rate stated in this resolution beginning in a subsequent fiscal year.

RESOLUTION 2190

RESOLUTION OF THE BOARD OF DIRECTORS
OF WESTERN MUNICIPAL WATER DISTRICT
OF RIVERSIDE COUNTY MAKING
APPLICATION TO THE BOARD OF DIRECTORS
OF THE METROPOLITAN WATER DISTRICT OF
SOUTHERN CALIFORNIA FOR IMPOSITION OF
FORMAL TERMS AND CONDITIONS FOR THE
ANNEXATION OF CERTAIN TERRITORY TO
WESTERN MUNICIPAL WATER DISTRICT OF
RIVERSIDE COUNTY AND TO THE
METROPOLITAN WATER DISTRICT OF
SOUTHERN CALIFORNIA 45th FRINGE AREA
ANNEXATION

WHEREAS, Western Municipal Water District of Riverside County (Western) is duly organized and exists under and pursuant to the provisions of the Municipal Water District Law of 1911; and

WHEREAS, this Board of Directors by its Resolution 2190 enacted December 5, 2001, pursuant to Section 57000 of the Government Code of the State of California, initiated application to the Local Agency Formation Commission for the annexation of certain territory to Western, said area being hereinafter designated as "45th Fringe Area"; and

WHEREAS, said territory, consisting of approximately 7.73 acres, is now generally uninhabited having less than 12 registered voters herein, consists of unincorporated territory only, and is within the County of Riverside; and

WHEREAS, said territory lies contiguous to the boundaries of Western, Metropolitan Water District of Southern California (MWD) and Lee Lake Water District (LLWD); and

WHEREAS, it is the desire of the Board of Directors of this District, in keeping with the proceedings referred to above, to accomplish the annexation to Western of that territory designated as the 45th Fringe Area;

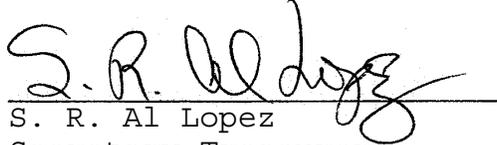
NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors in the name of and on behalf of Western apply, and it does hereby apply, to the Board of Directors of MWD for consent to concurrently annex to Western, LLWD and MWD the said 45th Fringe Area, pursuant to Section 372 of the MWD Act of 1969.

BE IT FURTHER RESOLVED, that this Board request, and it does hereby request, the Board of Directors of MWD to fix the terms and conditions upon which said annexation may be accomplished.

The territory herein referred to as the 45th Fringe Area is situated entirely within the County of Riverside, State of California; is generally uninhabited; and its exterior boundaries are described in Exhibit "A", which is on file with Western.

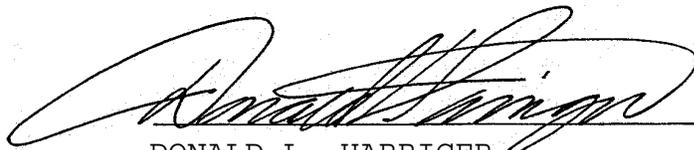
BE IT FURTHER RESOLVED, that the Deputy Secretary of this District be hereby authorized and directed to transmit to the Board of Directors of MWD a duly certified copy of this resolution.

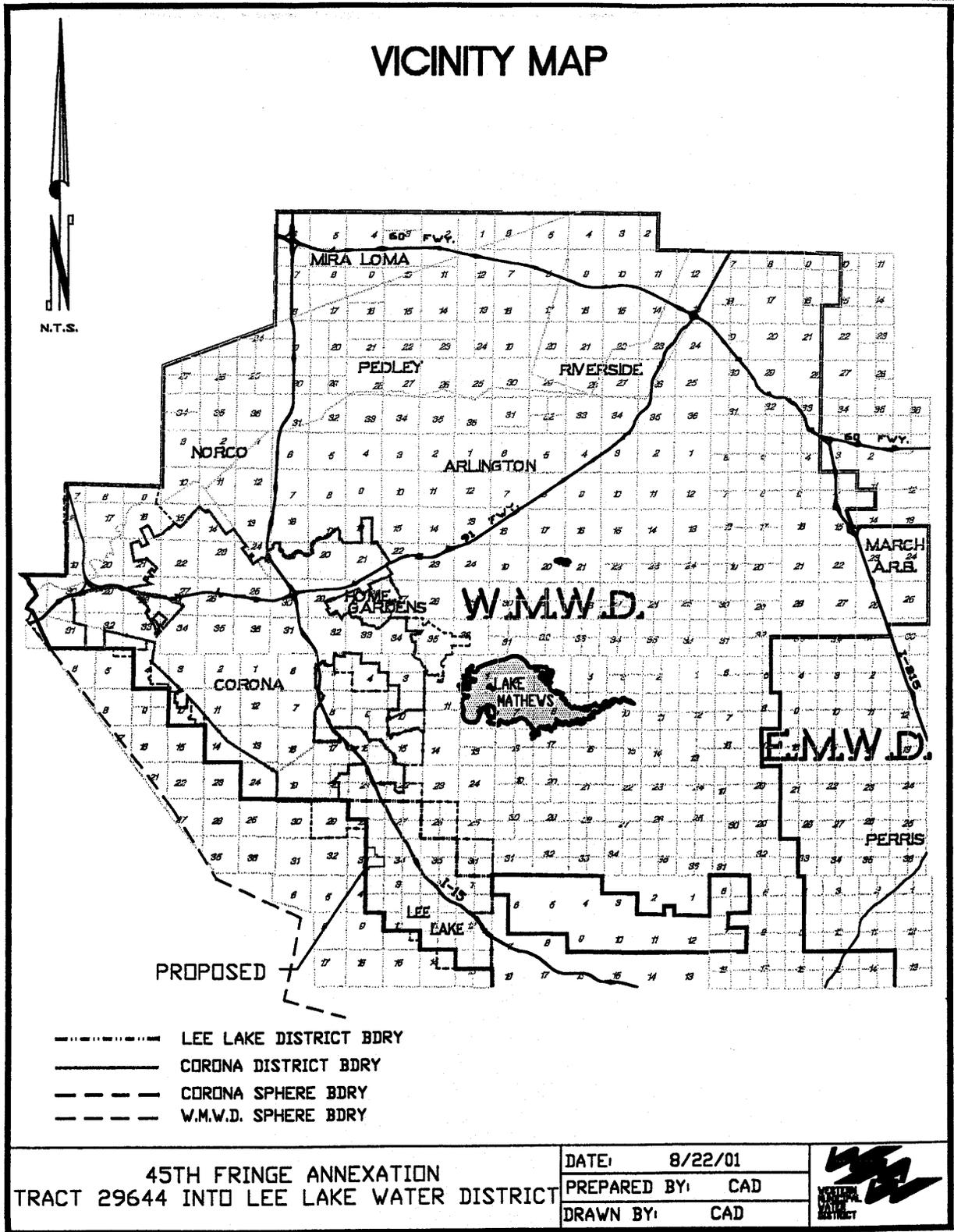
ADOPTED this 5th day of December, 2001.

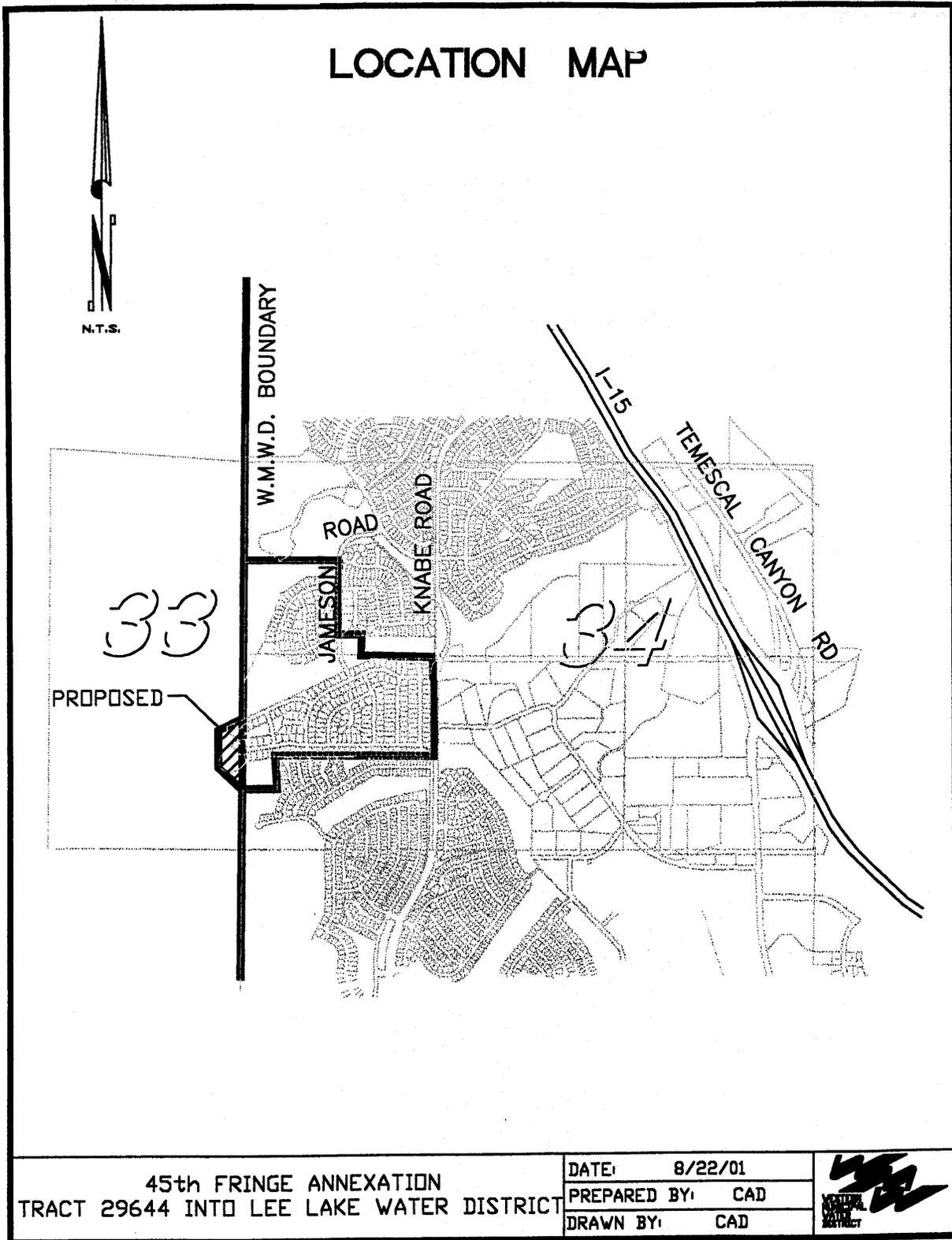

S. R. Al Lopez
Secretary-Treasurer

December 5, 2001

I HEREBY CERTIFY that the foregoing is a full, true and correct copy of Resolution 2190 adopted by the Board of Directors of Western Municipal Water District of Riverside County at its regular meeting held December 5, 2001.


DONALD L. HARRIGER
Deputy Secretary-Treasurer





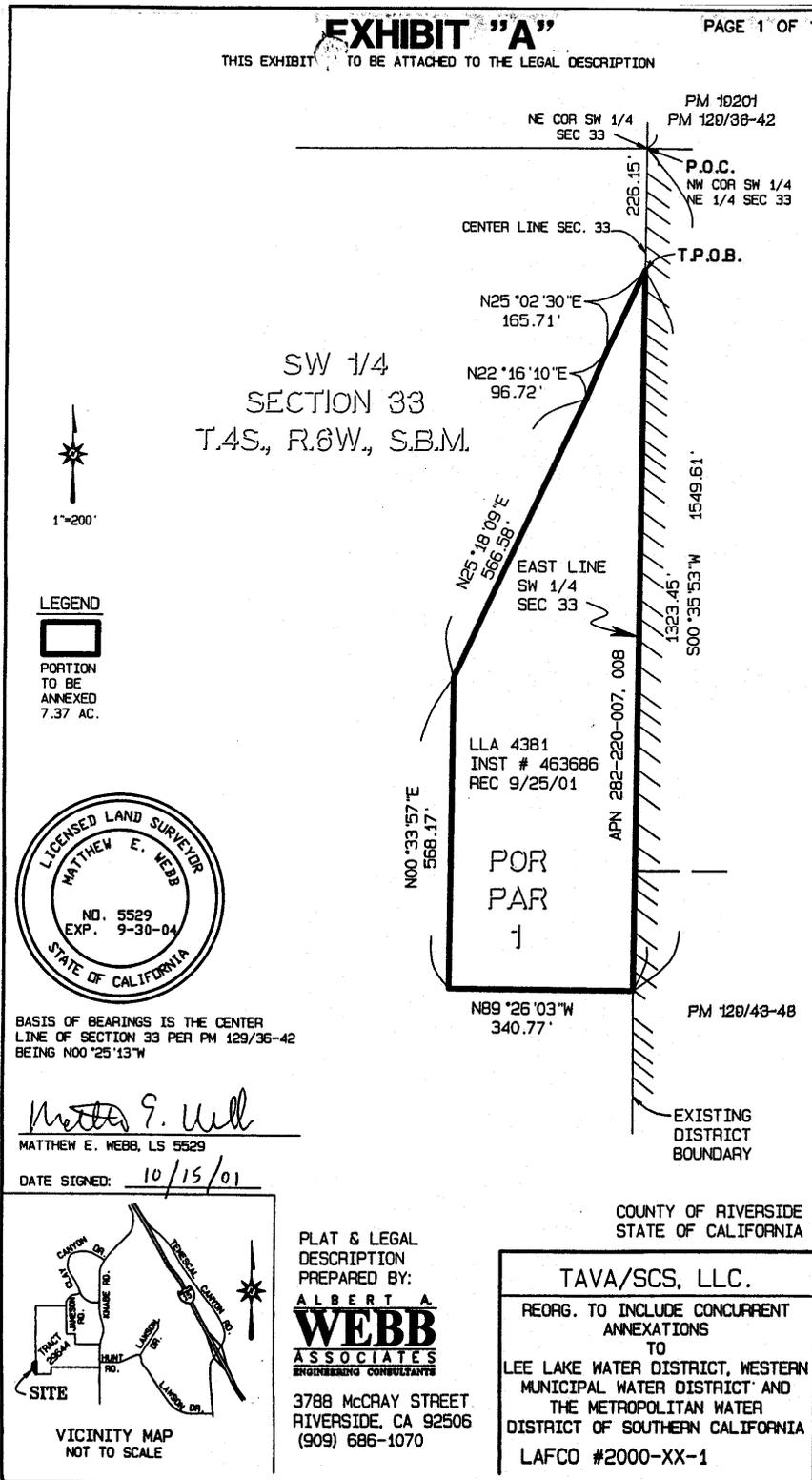


EXHIBIT "A"

**REORGANIZATION TO INCLUDE CONCURRENT
ANNEXATIONS
TO
LEE LAKE WATER DISTRICT, WESTERN MUNICIPAL WATER DISTRICT
AND
THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA
LAFCO 2001-XX-1**

That portion of the southwest quarter of Section 33, Township 4 South, Range 6 West, San Bernardino Meridian in the County of Riverside, State of California described as follows;

COMMENCING at the center of said Section 33 per Parcel Map No. 19201, as shown by map on file in Book 129 at pages 36 through 42 inclusive thereof, Records of Riverside County, California;

Thence South 00°35'53" West along the east line of said southwest quarter, a distance of 226.15 feet to the **TRUE POINT OF BEGINNING**;

Thence continuing along said east line South 00°35'53" West, a distance of 1323.45 feet to a point thereon;

Thence North 89°26'03" West, a distance of 340.77 feet;

Thence North 00°33'57" East, a distance of 568.17 feet;

Thence North 25°18'09" East, a distance of 566.58 feet;

Thence North 22°16'10" East, a distance of 96.72 feet;

Thence North 25°02'30" East, a distance of 165.71 feet to the **TRUE POINT OF BEGINNING**.

Containing 7.37 acres, more or less.

SEE PLAT ATTACHED HERETO AS EXHIBIT "A"

PREPARED UNDER MY SUPERVISION

Matthew E. Webb 10/15/01
Matthew E. Webb, L.S. 5529 Date

Prepared by: JB
Checked by: [Signature]



RESOLUTION

RESOLUTION OF THE BOARD OF DIRECTORS OF
THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA
CONSENTING TO WESTERN MUNICIPAL WATER DISTRICT'S
45TH FRINGE AREA ANNEXATION
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 Western Municipal Water District (Western), a municipal water district, situated in the County of Riverside, State of California, pursuant to Resolution No. 2190, adopted December 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 Riverside, particularly described in an application to the Riverside Local Agency Formation Commission (LAFCO), concurrently with the annexation thereof to Western, 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), Lee Lake Water District, as a subagency to Western and acting as the Lead Agency, adopted an Addendum to a Mitigated Negative Declaration (MND) in 2002 for the proposed development and annexation of the property associated with the 45th Fringe Area Annexation, with the original MND entitled "General Plan Amendment No. 523/Change of Zone No. 6512/Tentative Tract Map No. 29644" as prepared by another lead agency, County of Riverside. Also pursuant to CEQA, Metropolitan, as Responsible Agency, is required to certify that it has reviewed and considered the information in the Addendum to the MND and adopt both lead agencies' findings prior to approval of the final terms and conditions for the 45th Fringe Area Annexation; 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 in the Addendum to the MND and adopted the lead agencies' findings prior to approval of the final terms and conditions for the 45th Fringe Area Annexation; and subject to the following terms and conditions, does hereby grant the application of the governing body of Western for consent to annex the 45th Fringe Area Annexation to Metropolitan and does hereby fix the terms and conditions of such annexation:

Section 1.

The annexation of said area to Western 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 Western 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, Western 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 \$30,500.20 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 \$9.23 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. Western shall not be entitled to demand that Metropolitan deliver water to Western 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 Western 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 April 9, 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 WESTERN
MUNICIPAL WATER DISTRICT'S
45th FRINGE AREA ANNEXATION

WHEREAS, pursuant to Resolution 8786, adopted by the Board of Directors (the "Board") of The Metropolitan Water District of Southern California ("Metropolitan") at its meeting held November 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 charge for fiscal year 2001/02 on the property described in the Engineer's Report, dated September 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 8786;

WHEREAS, the owner of the parcel identified in the Engineer's Report has applied for annexation into the Western Municipal Water District ("Western") 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, Western 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 8786 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 8786 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 8786 a public hearing. The hearing was held January 8, 2002, 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 \$9.23 which is equal to the amount of Metropolitan's existing water standby charge on other properties located within the territory of Western.

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 Western's 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 Western 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), Lee Lake Water District, as a subagency to Western and acting as the Lead Agency, adopted an Addendum to a Mitigated Negative Declaration (MND) in 2002 for the proposed development and annexation of the property associated with the 45th Fringe Area Annexation, with the original MND entitled "General Plan Amendment No.523/Change of Zone No. 6512/Tentative Tract Map No. 29644" as prepared by another Lead Agency, County of Riverside. Also pursuant to CEQA, Metropolitan, as Responsible Agency, is required to certify that it has reviewed and

considered the information in the Addendum to the MND and adopt both lead agencies' findings prior to approval of fixing and adopting water standby charges for the 45th Fringe Area Annexation.

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 April 9, 2002.

Executive Secretary
The Metropolitan Water District
of Southern California