

- **Board of Directors**
Executive Committee

November 19, 2002 Board Meeting

8-8

Subject

Adopt final resolutions for Annexation No. 80 to Calleguas Municipal Water District and Metropolitan and to impose water standby charge; and authorize entering into an agreement with Calleguas for installment payments

Description

The Calleguas Municipal Water District (Calleguas) has requested final terms and conditions for Annexation No. 80, concurrently to Calleguas and the Metropolitan Water District of Southern California (Metropolitan). On July 9, 2002, Metropolitan's Board granted conditional approval for this annexation. The total area for annexation territory is 441.57 acres of which 7.7 acres are for road right-of-way and 193.87 acres for water basins. The development plan consists of 1,277 residential units with school and park sites. The territory is currently vacant except for remnants of a former concrete plant and quarry facility and is located in the Oxnard area. Prior to completion of the annexation, the Chief Executive Officer (CEO) may enter into an agreement with Calleguas for installment payments of the annexation fee for the territory's water basin area, which will remain undeveloped and for a cash payment for the territory's remaining developable area. The annexation fee for the total area, if paid in cash, is \$1,506,190.20, if the annexation is completed prior to December 31, 2002. If completed after that date, the annexation fee would be calculated at the then current annexation charge rate in accordance with Administrative Code § 3300. The projected annual water demand on Metropolitan is approximately 346 acre-feet per year. See [Attachment 1](#) for the detailed report.

Policy

Territory may be annexed to Metropolitan and the annexation charge may be paid in installments 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, § 3100 and § 3106 of its Administrative Code.

California Environmental Quality Act (CEQA)

CEQA determination for Option #1:

Pursuant to the provisions of CEQA, the city of Oxnard, acting as Lead Agency, issued a Final Environmental Impact Report (Final EIR) and a Notice of Determination (NOD) for the development of the proposed annexation parcel, i.e., RiverPark Project (Project). The Final EIR was certified and the Project was approved by the Lead Agency on July 16, 2002. Metropolitan, as Responsible Agency under CEQA, is required to certify that it has reviewed and considered the information in the Final EIR and adopt the Lead Agency's findings prior to approval of the formal terms and conditions for Annexation No. 80. The Final EIR and NOD for Annexation No. 80 will be available for review at the Executive Secretary's office.

The CEQA determination is: Review and consider information provided in the certified 2002 Final EIR for the Project and adopt the Lead Agency's findings related to Annexation No. 80.

CEQA determination for Option #2:

None required

Board Options/Fiscal Impacts

Option #1

Adopt the CEQA determination and

- a. Adopt a resolution granting Calleguas' request for approval of Annexation No. 80, 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**.
- 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**.
- c. Authorize the CEO to enter into an agreement with Calleguas to pay a portion of the annexation fee through installments in accordance with Metropolitan's Administrative Code Section 3106 (b) and (c) and in form approved by General Counsel.

Fiscal Impact: Receipt of annexation fee (\$1,506,190.20) and water sales revenue from annexed territory

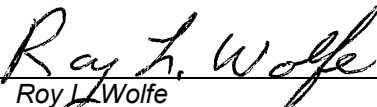
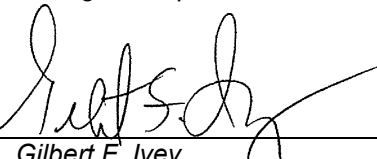
Option #2

Decline Calleguas Annexation No. 80.

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

Staff Recommendation

Option #1

 <hr/> Roy J. Wolfe Manager, Corporate Resources	10/14/2002 <hr/> Date
 <hr/> Gilbert F. Ivey for Ronald R. Gastelum Chief Executive Officer	10/16/2002 <hr/> Date

Attachment 1 – Detailed Report - Calleguas Annexation No. 80

Attachment 2 – Resolution

Attachment 3 – Resolution

Detailed Report – Calleguas Annexation No. 80

The Calleguas Municipal Water District (Calleguas) Board of Directors has requested final terms and conditions for Annexation No. 80, concurrently to Calleguas and the Metropolitan Water District of Southern California (Metropolitan) by Resolution No. 1370, dated September 20, 2002. On July 9, 2002, 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. The total area for annexation territory is 441.57 acres of which 7.7 acres are for road right-of-way and 193.87 acres for water basins. The water basins were identified as "Parcel S" and "Parcel W" on the attached tentative Tract Map No. 5352. The development plan consists of 1,277 residential units with school and park sites. The water basin property will be upgraded and transferred to United Water Conservation District. The territory is currently vacant except for remnants of a former concrete plant and quarry facility and is located in the Oxnard area. 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. 80 at its meeting on July 9, 2002. Pursuant to Resolution 8822, the Board held a public hearing on October 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 8822 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 Revised 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. 80.

The annexation charge has been calculated pursuant to § 3300 of Metropolitan's Administrative Code. Utilizing the current rate of \$3,460 per net acre and the sum of \$5,000 for processing costs, the annexation charge is \$1,506,190.20 if completed by December 31, 2002. If the annexation is completed after December 31, 2002, the annexation will be calculated based on the then current charge. The \$5,000 processing charge has already been paid.

The annexation fee will be paid in cash, or if requested by Calleguas, part in cash (\$835,400) and part in installments. The Chief Executive Officer may enter into an agreement with Calleguas to pay that portion of the annexation fee (\$670,790.20) plus interest through installments in accordance with Metropolitan's Administrative Code Section § 3106 (b) and (c) and in form approved by General Counsel. Calleguas will assume the obligation for said payments to be collected quarterly as part of the water sales invoices. Installment payments shall be subject to the following terms and conditions:

- (1) Down payment of \$67,079 (10 percent).
- (2) Term of 15 years.
- (3) Interest at the greater of the weighted average yield on invested funds of the District or the District's then current cost of borrowing funds, which is 4.16 percent.

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.

CALLEGUAS MUNICIPAL WATER DISTRICT ANNEXATION
RiverPark
(ANNEXATION NO. 80)

That portion of Rancho Santa Clara Del Norte, in the County of Ventura, State of California, as shown on the map recorded in the office of the County Recorder of said County, in Book 3, Page 26 of Miscellaneous Records, described as follows:

Beginning at the most southerly corner of Parcel 8, Tract 8-A as described in the Final Order of Condemnation No. 45824 of the Superior Court of the State of California, recorded on May 24, 1962 in the office of said County Recorder, in Book 2155, Page 18 of Official Records, said corner also being the northwest terminus of the 33rd course of Parcel D of Annexation No. 27 to the Calleguas Municipal Water District as shown in the Certificate of Completion recorded on December 31, 1987 in the office of said County Recorder as Document No. 87-208630 of Official Records; thence along the southeasterly line of said Parcel 8, Tract 8-A to and along the southeasterly line of Parcel 7, Tract 7-A of said Final Order of Condemnation,

1st - North 46°34'23" East 1111.81 feet to the beginning of a curve concaved southeasterly and having a radius of 9940.00 feet; thence, continuing along said southeasterly boundary of said Parcel 7, Tract 7-A by the following two courses:

2nd - Northeasterly along said curve 655.58 feet through a central angle of 03°46'44"; thence,

3rd - North 50°21'07" East 5129.81 feet to the northeasterly line of Parcel 1 of Parcel Map Waiver No. 932 as recorded on April 20, 1999 in the office of said County Recorder as Document No. 99-076680 of Official Records; thence, along the boundary of said Parcel 1 by the following eleven courses:

4a - South 55°13'55" East 1030.21 feet; thence,

4b - South 55°04'25" East 52.59 feet; thence,

5th - South 51°49'14" West 880.04 feet; thence,

6th - South 64°48'44" West 462.48 feet; thence,

7th - South 52°20'42" West 302.68 feet; thence,

8th - North 54°52'42" West 52.35 feet; thence,

9th - South 52°20'42" West 336.65 feet; thence,

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THE METROPOLITAN WATER
DISTRICT OF SOUTHERN CALIFORNIA
TITLE ENGINEERING TEAM

DATE: 06-17-2002 *§*

- 10th - South 56°48'46" West 462.21 feet; thence,
- 11th - South 55°22'09" West 396.59 feet; thence,
- 12th - South 39°56'26" West 434.25 feet to the most westerly corner of Tract No. 4210 as shown on the map recorded in the office of said County Recorder in Book 109, Page 82 of Miscellaneous Records; thence, along the southwesterly line of said Tract No. 4210 and the southeasterly prolongation thereof,
- 13th - South 55°06'20" East 2329.61 feet to the most easterly corner of Parcel 1 of Parcel Map Waiver No. 713 as recorded on February 7, 1994 in the office of said County Recorder as Document No. 94-021086 of Official Records; thence, along the southeasterly line of said Parcel 1,
- 14th - South 33°07'02" West 511.78 feet to the southwesterly line of Parcel 2 as shown on the map recorded in the office of said County Recorder in Book 10, Page 53 of Parcel Maps; thence, along said southwesterly line,
- 15th - South 55°18'28" East 125.17 feet to the northwesterly line of Parcel 1 as shown on said map recorded in said Book 10, Page 53 of Parcel Maps; thence, along said northwesterly line,
- 16th - South 33°07'02" West 195.43 feet to the northeasterly line of Tract 10,192.3F as described in the Grant Deed recorded on October 11, 1995 in the office of said County Recorder as Document No. 95-122785 of Official Records; thence, along said northeasterly line and its southeasterly prolongation,
- 17th - South 55°18'38" East 396.07 feet to the southeasterly line of Vineyard Avenue, 96.00 feet wide, (State Route No. 232); thence, along said southeasterly line by the following eleven courses:
 - 18th - South 33°07'02" West 902.34 feet; thence,
 - 19th - South 56°52'58" East 12.00 feet; thence,
 - 20th - South 33°07'02" West 113.62 feet; thence,
 - 21st - North 49°45'36" West 12.07 feet; thence,
 - 22nd - South 32°54'23" West 368.91 feet; thence,
 - 23rd - South 57°05'37" East 8.00 feet; thence,
 - 24th - South 32°54'23" West 572.58 feet; thence,

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25th - South 57°05'37" East 4.00 feet; thence,
26th - South 32°54'23" West 241.99 feet; thence,
27th - North 49°41'25" West 4.04 feet; thence,
28th - South 32°54'23" West 1302.98 feet to said existing boundary of said City of Oxnard; thence, along said existing boundary by the following four courses:
29th - North 57°57'57" West 1295.59 feet; thence,
30th - North 24°21'23" East 392.70 feet; thence,
31st - North 55°33'30" West 848.89 feet; thence,
32nd - North 48°19'14" West 2550.12 feet to the point of beginning.

441.57 Acres – Gross Area
- 7.70 Acres – Road Area
433.87 Acres – Net Area

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DATE: 06-17-2002 \$



Alan Azell Rawlins 13-JUN-02

CALLEGUAS MUNICIPAL WATER DISTRICT

RiverPark
(ANNEXATION NO. 80)

That portion of Rancho Santa Clara Norte, in the County of Ventura, State of California, as shown on the map recorded in the office of the County Recorder of said County, in Book 3, Page 26 of Miscellaneous Records.

February 10, 2002 ~ Rev. 3/1/02 ~ Rev. 4/15/02 Rev. 5/20/02 Sheet | of 2

Parcel D
Annexation No.27
Calleguas Municipal Water District
Certificate of Completion
12/31/87 ~ Doc. No. 87-208630 O.R.

Parcel 7, Tract 7-A
Parcel 8, Tract 8-A
Final Order of Condemnation No. 45824
Superior Court - State of California
May 24, 1962 ~ 2155 O.R. 18

Parcel 1
Parcel Map Waiver No. 932
4/20/99 ~ Doc. No. 99-076680 O.R.

Tract No. 4210
109 M.R. 82

Tract 10,192.3F
10/11/95 ~ Doc. No. 95-122785 O.R.



Alan Azell Rawlins 20-MAY-02

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DATE: 06-17-2002



--- EXISTING CALLEGUAS MUNICIPAL WATER DISTRICT BOUNDARY
[] PROPOSED ANNEXATION BOUNDARY

Prepared By:
Braitman & Associates
8277 Cheshire Street
Ventura, California 93004
(805) 647-7612

COURSES

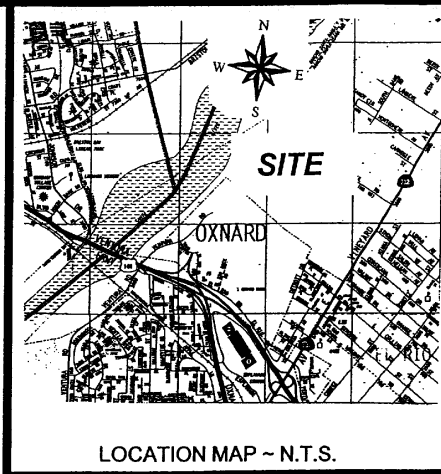
1st - N 46°34'23" E	1111.81'
2nd - R = 9940.00'; L = 655.58'; D = 03°46'44"	
3rd - N 50°21'07" E	5129.81'
4a - S 55°13'55" E	1030.21'
4b - S 55°04'25" E	52.59'
5th - S 51°49'14" W	880.04'
6th - S 64°48'44" W	462.48'
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8th - N 54°52'42" W	52.35'
9th - S 52°20'42" W	336.65'
10th - S 56°48'46" W	462.21'
11th - S 55°22'09" W	396.59'
12th - S 39°56'26" W	434.25'
13th - S 55°06'20" E	2329.61'
14th - S 33°07'02" W	511.78'
15th - S 55°18'28" E	125.17'
16th - S 33°07'02" W	195.43'
17th - S 55°18'38" E	396.07'
18th - S 33°07'02" W	902.34'

COURSES

19th - S 56°52'58" E	12.00'
20th - S 33°07'02" W	113.62'
21st - N 49°45'36" W	12.07'
22nd - S 32°54'23" W	368.91'
23rd - S 57°05'37" E	8.00'
24th - S 32°54'23" W	572.58'
25th - S 57°05'37" E	4.00'
26th - S 32°54'23" W	241.99'
27th - N 49°41'25" W	4.04'
28th - S 32°54'23" W	1302.98'
29th - N 57°57'57" W	1295.59'
30th - N 24°21'23" E	392.70'
31st - N 55°33'30" W	848.89'
32nd - N 48°19'14" W	2550.12'

441.57 Acres – Gross Area
- 7.70 Acres – Road Area
433.87 Acres – Net Area

Prepared By:
Braitman & Associates
 8277 Cheshire Street
 Ventura, California 93004
 (805) 647-7612



Alan Zell Rawley 13-JUN-02

REVIEWED BY
 THE METROPOLITAN WATER
 DISTRICT OF SOUTHERN CALIFORNIA
 TITLE ENGINEERING TEAM

DATE: 06-17-2002 *✕*

CALLEGUAS MUNICIPAL WATER DISTRICT
RiverPark
(ANNEXATION NO. 80)

That portion of Rancho Santa Clara Norte, in the County of Ventura, State of California, as shown on the map recorded in the office of the County Recorder of said County, in Book 3, Page 26 of Miscellaneous Records.

RESOLUTION

RESOLUTION OF THE BOARD OF DIRECTORS OF
THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA
CONSENTING TO CALLEGUAS MUNICIPAL WATER DISTRICT'S
ANNEXATION NO. 80
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 8822, 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, acting as Lead Agency, certified the RiverPark Project Final Environmental Impact Report (Final EIR) and approved the Project on July 16, 2002, for the development of the proposed annexation parcel, and Metropolitan, as 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. 80; 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 Final EIR and adopted the Lead Agency's findings prior to approval of the final terms and conditions for Annexation No. 80; 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. 80, 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, 2003.

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 \$1,506,190.20, or, upon Calleguas request, partly in cash and partly in installment payments per Section 3, if the annexation is completed by December 31, 2002. If the annexation is

completed during the 2003 calendar year, the annexation charge will be calculated based on the then current rate, in accordance with Metropolitan's Administrative Code Section § 3106.

Section 3.

The annexation fee for the water basin portion of the annexation, 193.87 acres, may be paid in installments based upon terms and conditions listed below, per Administrative Code § 3100(b) and (c), and in a form approved by General Counsel. Calleguas shall agree to assume the obligation for said payments to be collected quarterly as part of the water sales invoices. Installment payments shall be subject to the following terms and conditions:

- (1) Down payment of 10 percent.
- (2) Term of 15 years.
- (3) Interest at the greater of the weighted average yield on invested funds of the District or the District's then current cost of borrowing funds.

Section 4.

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 2002/03 shall be completed.

Section 5.

- 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 the water service regulations, including rates 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 November 19, 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. 80

WHEREAS, pursuant to Resolution 8822, The Metropolitan Water District of Southern California's ("Metropolitan") Resolution of Intention to Impose Water Standby Charge, adopted by the Board of Directors (the "Board") of Metropolitan at its meeting held July 9, 2002, 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 2002/03 on the property described in the Revised Engineer's Report, dated August 2002 (the "Engineer's Report"), which was prepared by a registered professional engineer certified by the State of California and was attached to Resolution 8822;

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 8822 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 8822 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 8822 a public hearing. The hearing was held October 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 2002/03 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 2002/03. 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 2002/03, 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, acting as Lead Agency certified a Final Environmental Impact Report (Final EIR) and approved the Project on July 16, 2002, for the development of the proposed annexation parcel (i.e., RiverPark Project), and that the Board of Directors of Metropolitan, as Responsible Agency under CEQA, has certified that it reviewed and considered the information contained in the Final EIR, and has adopted the Lead Agency's findings prior to approval of fixing and adopting water standby charges for Annexation No. 80.

Section 8. That the CEO 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 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 November 19, 2002.

Executive Secretary
The Metropolitan Water District
of Southern California