

- **Board of Directors**
Executive Committee

August 19, 2003 Board Meeting

8-9

Subject

Adopt final resolution to impose water standby charge for the Altmann Property reattachment to San Diego County Water Authority and Metropolitan

Description

The San Diego County Water Authority (SDCWA) has requested the standby charge imposed on the reattached Altmann Property at a rate of \$11.51 per acre or per parcel of less than one acre. On May 13, 2003, Metropolitan's Board adopted Resolution 8849, the resolution of intention to impose water standby charge for the reattachment of the Altmann Property to SDCWA and Metropolitan. The total area is 3.43 acres located on Questhaven Road east of Elfin Forest Road in the San Marcos area. Prior to completion of this reattachment, SDCWA will pay a fee of \$5,031.93, if the annexation is completed prior to December 31, 2003. SDCWA also requests that Metropolitan impose a water standby charge within the proposed territory. See [Attachment 1](#) for the detailed report.

Policy

Territory may be reattached as per Metropolitan Water District Administrative Code, Division III, § 3100(e): Reattachment request; and Metropolitan Levy Standby Charge as Article XIII D of the California Constitution (Proposition 218).

California Environmental Quality Act (CEQA)

CEQA determination for Option #1:

The proposed action is not defined as a project under CEQA because it involves continuing administrative activities, such as general policy and procedure making (Section 15378(b)(2) of the State CEQA Guidelines). In addition, the proposed action is not subject to CEQA because it involves the creation of government funding mechanisms or other government fiscal activities, which do not involve any commitment to any specific project which may result in a potentially significant physical impact on the environment (Section 15378(b)(4) of the State CEQA Guidelines).

The CEQA determination is: Determine that the proposed action is not subject to CEQA pursuant to Sections 15378(b)(2) and 15378(b)(4) of the State CEQA Guidelines.

CEQA determination for Option #2:

None required

Board Options/Fiscal Impacts

Option #1

Adopt the CEQA determination and a resolution to impose water standby charge at a rate of \$11.51 per acre or per parcel of less than one acre within the proposed annexation ([Attachment 2](#)).

Fiscal Impact: Receipt of the processing fee of \$5,031.93 and water sales revenue and standby charge collection from newly reattached territory.

Option #2

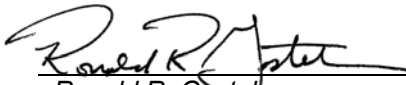
Decline Altmann Property resolution for standby charge

Fiscal Impact: Unrealized fees and water sales revenue from territory

Staff Recommendation

Option #1

 _____ Roy L. Wolfe Manager, Corporate Resources	7/15/2003 _____ Date
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 _____ Ronald R. Gastelum Chief Executive Officer	7/15/2003 _____ Date
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Attachment 1 – Detailed Report

Attachment 2 – Resolution to Impose Standby Charges

BLA #2353

Detailed Report

Altmann Reattachment

On May 13, 2003, Metropolitan's Board consented to the proposed reattachment and adopted the resolution of intention to impose water standby charge of the proposed Altmann Property, concurrently to The Metropolitan Water District of Southern California (Metropolitan) and SDCWA. The 3.43-acre territory, shown on the attached legal description and map, is located on Questhaven Road east of Elfin Forest Road in the San Marcos area. The area was originally annexed to Bueno Colorado Municipal Water District and Metropolitan in 1956. In 1979, Bueno Colorado Municipal Water District was absolved and this portion of the service area became a part of Vallecitos Water District with the exception of this parcel. Metropolitan's Administrative Code § 3100 (e) allows for reattachments due to administrative errors. Prior to completion of this reattachment, SDCWA will pay minor charges for the period of detachment and with the standard processing fee for a total of \$5,031.93, if the annexation is completed prior to December 31, 2003, or if completed later, at the then current rate. SDCWA also requests that Metropolitan impose a water standby charge within the proposed territory.

Pursuant to Resolution 8849, the Board held a public hearing on August 19, 2003. Interested parties were given the opportunity to present their views regarding the proposed charge and the Engineer's Report. Also, pursuant to Resolution 8849 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 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, Section 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 2), Resolution Fixing and Adopting Water Standby Charge, which imposes a Metropolitan water standby charge in the amount of \$11.51 per acre, or per parcel less than one acre, within the territory of Altmann Property Reattachment.

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 SDCWA's territory, is a condition to complete this reattachment. Pursuant to the terms of Metropolitan's Administrative Code Section 3100(e), Metropolitan may levy standby charge at the rate stated in this resolution beginning in a subsequent fiscal year.

EXHIBIT "A"

THAT PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 27, TOWNSHIP 12 SOUTH, RANGE 3 WEST, SAN BERNARDINO MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO OFFICIAL PLAT THEREOF, BEING MORE PARTICULARLY DESCRIBED AS PARCEL 1 BELOW AND ILLUSTRATED AS EXHIBIT "B" ATTACHED HERETO AND MADE A PART OF THIS DOCUMENT:

PARCEL 1

BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 27, SAID POINT BEING THE **TRUE POINT OF BEGINNING**; THENCE SOUTH 89°55'00" WEST ALONG THE SOUTHERLY LINE OF SAID SECTION 27, A DISTANCE OF 344.63 FEET; THENCE LEAVING SAID SOUTHERLY LINE, NORTH 03°27'00" WEST 370.22 FEET TO A POINT ON THE CENTERLINE OF A COUNTY ROAD KNOWN AS ELFIN FOREST CANYON ROAD, SAID POINT LYING ON A NON-TANGENT CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 150.00 FEET, A RADIAL TO SAID POINT BEARS SOUTH 17°31'30" WEST; THENCE EASTERLY ALONG SAID CENTERLINE THROUGH A CENTRAL ANGLE OF 46°22'00" AN ARC DISTANCE OF 121.39 FEET; THENCE CONTINUING ALONG SAID CENTERLINE NORTH 61°09'30" EAST 221.56 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 600.00 FEET; THENCE NORTHEASTERLY ALONG SAID CENTERLINE THROUGH A CENTRAL ANGLE OF 05°16'12" AN ARC DISTANCE OF 55.19 FEET TO A POINT ON THE EASTERLY LINE OF SAID SOUTHWEST QUARTER OF SAID SECTION 27, THENCE LEAVING SAID CENTERLINE, SOUTH 00°39'00" EAST ALONG SAID EASTERLY LINE A DISTANCE OF 511.97 FEET TO THE POINT OF BEGINNING.

SAID PORTION OF LAND CONTAINING: 3.434 ACRES GROSS AND 3.161 ACRES NET

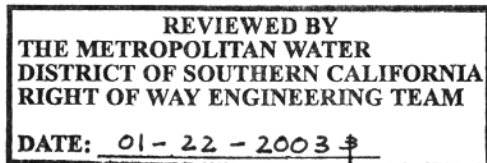
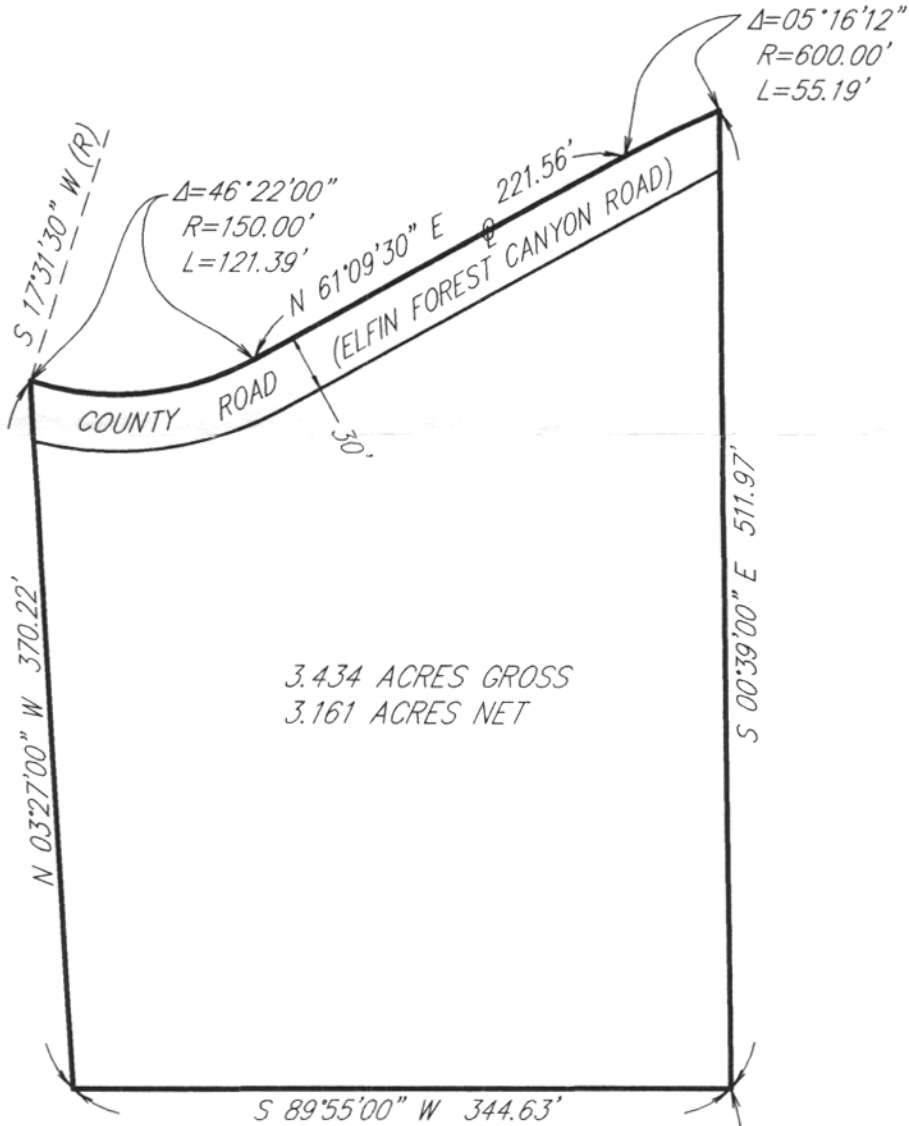
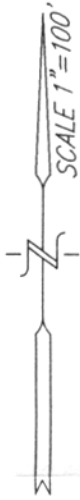


EXHIBIT "B"



3.434 ACRES GROSS
3.161 ACRES NET

TRUE POINT OF BEGINNING, SOUTHWEST CORNER OF SOUTHWEST QUARTER OF SECTION 27, T12S, R3W, SBM.



REVIEWED BY
THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA
RIGHT OF WAY ENGINEERING TEAM
DATE: 01-22-2003 ~~3~~

EXCEL ENGINEERING
440 STATE PLACE
ESCONDIDO, CA 92029
PHONE (760) 745-8118

Michael D. Levin
MICHAEL D. LEVIN L.S. 6896 1/2/03 DATE



RESOLUTION

**RESOLUTION OF THE BOARD OF DIRECTORS
OF THE METROPOLITAN WATER DISTRICT OF
SOUTHERN CALIFORNIA
FIXING AND ADOPTING WATER STANDBY CHARGE
CONTINGENT UPON SAN DIEGO COUNTY WATER AUTHORITY
ALTMANN PROPERTY REATTACHMENT**

WHEREAS, pursuant to Resolution 8849, 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 May 13, 2003, 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 recommendation to impose a water charge for fiscal year 2003/04 on the property described in the Engineer's Report, dated April 2003 (the "Engineer's Report"), which was prepared by a registered professional engineer certified by the State of California and was attached to Resolution 8849;

WHEREAS, the owner of the parcel identified in the Engineer's Report has applied for reattachment into the San Diego County Water Authority ("SDCWA") and Metropolitan;

WHEREAS, upon reattachment, 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, SDCWA 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 8849 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 8849 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 has conducted in conformance with Resolution 8849 a public hearing. The hearing was held August 19, 2003, 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 2003/04 on such land 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 \$11.51 which is equal to the amount of Metropolitan's existing water standby charge on other properties located within the territory of SDCWA.

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 SDCWA's obligation to pay its readiness-to-serve charge for fiscal year 2003/04. 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 2003/04, 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 SDCWA shall pay its readiness-to-serve charge obligation to Metropolitan in full, as if imposition of such water standby charges had never been sought.

Section 7. That this Board finds that the intention to adopt proposed water standby charges provided in this Resolution is not defined as a project under the provisions of the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, because it involves continuing administrative activities, such as general policy and procedure making (Section 15378(b)(2) of the State CEQA Guidelines). In addition, this activity is not subject to CEQA because it involves the creation of government funding mechanisms or other government fiscal activities, which do not involve any commitment to any specific project, which may result in a potentially significant physical impact on the environment (Section 15378 (b)(4) of the State CEQA Guidelines).

Section 8. That the Chief Executive Officer 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 Chief Executive Officer 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 August 19, 2003.

Executive Secretary
The Metropolitan Water District
of Southern California