

- **Board of Directors**
Executive Committee

August 19, 2003 Board Meeting

8-10

Subject

Adopt final resolutions for annexation and to impose water standby charge for Podrasky Ohlson Annexation to San Diego County Water Authority and Metropolitan

Description

The San Diego County Water Authority (SDCWA) has requested final terms and conditions for the Podrasky Ohlson Annexation concurrently to SDCWA and the Metropolitan Water District of Southern California (Metropolitan). On December 10, 2002, Metropolitan's Board granted conditional approval for this annexation. The 6.32-acre annexation territory, shown on the legal description and map, ([Attachment 1](#)) is located in an unincorporated area northeast of the city of Escondido. The two properties have an emergency water connection by Valley Center Municipal Water District to avoid supply and health issues to the residences. The property owners do not have any development plans for the parcels. Prior to completion of the annexation, SDCWA will pay a fee of \$26,867.20 if the annexation is completed prior to December 31, 2003, or if completed later, at the then current annexation charge rate. The projected annual water demand on Metropolitan is approximately 1.43 acre-feet per year. SDCWA also requests that Metropolitan impose a water standby charge within the proposed annexing territory. See [Attachment 1](#) for the detailed report.

Policy

Territory may be annexed to Metropolitan upon 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(b) of its Administrative Code.

California Environmental Quality Act (CEQA)

CEQA determination for Option #1:

The proposed actions are categorically exempt under the provisions of CEQA and the State CEQA Guidelines. The proposed actions involve the annexation process of two individual small parcels within San Diego County to Metropolitan. These parcels contain existing public or private structures developed to the density allowed by the current zoning or pre-zoning and that the extension of utility services to the existing facilities would have a capacity to serve only the existing facilities. As such, the proposed actions qualify under a Class 19 Categorical Exemption (Section 15319 of the State CEQA Guidelines).

The CEQA determination is: Determine that pursuant to CEQA, the proposed actions qualify under a Categorical Exemption (Class 19, Section 15319 of the State CEQA Guidelines).

CEQA determination for Option #2:

None required

Board Options/Fiscal Impacts

Option #1

Adopt the CEQA determination and

- a. Adopt a resolution granting SDCWA’s request for approval of Podrasky Ohlson Annexation, concurrently to Metropolitan and SDCWA, conditioned upon approval by the San Diego County 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 \$11.51 per acre or per parcel of less than one acre within the proposed annexation (**Attachment 3**).

Fiscal Impact: Receipt of annexation fee (\$26,867.20) and water sales revenue from newly annexed territory

Option #2

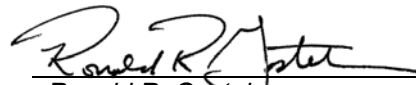
Decline SDCWA Podrasky Ohlson Annexation

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

Staff Recommendation

Option #1

	7/15/2003
_____ Roy L. Wolfe Manager, Corporate Resources	Date

	7/15/2003
_____ Ronald R. Gastelum Chief Executive Officer	Date

Attachment 1 – Detailed Report

Attachment 2 – Resolution Fixing Terms and Conditions

Attachment 3 – Resolution Fixing and Adopting Water Standby Charge

Detailed Report

SDCWA Podrasky Ohlson Annexation

The San Diego County Water Authority (SDCWA) requested final terms and conditions for Podrasky Ohlson Annexation, concurrently to The Metropolitan Water District of Southern California (Metropolitan) and SDCWA, by Resolution No. 2003-18, dated May 22, 2003. On December 10, 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 annexation area consists of two parcels located in an unincorporated area northeast of the city of Escondido. The two parcels consisting of a total of 6.32 acres are not contiguous to Valley Center Municipal Water District's current service area. Each property has a well that is losing production, posing potential supply and health issues to the residences. The property owners have requested an emergency water connection in advance of the annexation. The water is for personal use for existing homes and there are no plans to develop the land. The total estimated water demand for this annexation is approximately 1.43 acre-feet per year (AFY) from Metropolitan through SDCWA. Metropolitan's Board is asked to grant final approval, conditioned upon approval by the San Diego County 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 Podrasky Ohlson Annexation at its meeting on December 10, 2002. Pursuant to Resolution 8832, the Board held a public hearing on January 14, 2003. Interested parties were given the opportunity to present their views regarding the proposed charge and the Engineer's Report. Also, pursuant to Resolution 8832 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 Engineers' 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 or 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 \$11.51 per acre, or per parcel less than one acre, within the territory of Podrasky Ohlson Annexation.

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 \$26,867.20, if completed by December 31, 2003. The \$5,000 processing charge has already been paid. If the annexation is completed after December 31, 2003, the annexation will be calculated based on the then current charge.

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 annexation. Pursuant to the terms of the attached resolution (Attachment 3), Metropolitan may levy standby charge at the rate stated in this resolution beginning in a subsequent fiscal year.

EXHIBIT 'A'

Podrasky/Ohlson Annexation to VCMWD

Description of Assessor Parcel Nos. 189-230-30 & 31

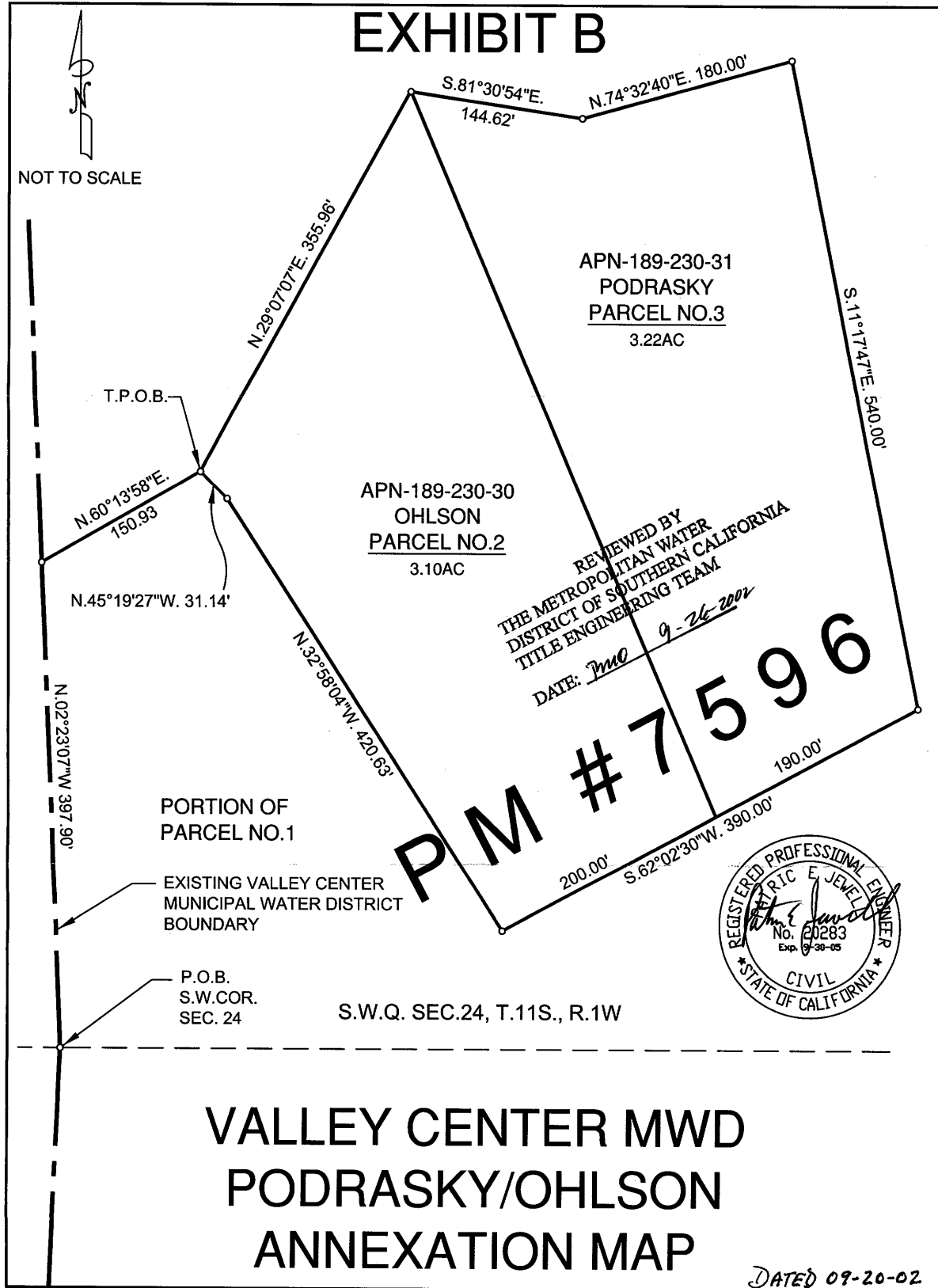
All that portion of the Southwest Quarter of the Southwest Quarter of Section 24, Township 11 South, Range 1 West, San Bernardino Base and Meridian, in the County of San Diego, State of California, according to U.S. Government Survey known as Parcels 2 and 3 of Parcel Map No. 7596, filed in the Office of the County Recorder of said San Diego County July 20, 1978 as File No. 78-305081 in Book of Parcel Maps at Page 7596.

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

DATE: PMB 9-26-2002



DATED 09-20-02



RESOLUTION

RESOLUTION OF THE BOARD OF DIRECTORS OF
THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA
CONSENTING TO SAN DIEGO COUNTY WATER AUTHORITY'S
PODRASKY OHLSON 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 San Diego County Water Authority (SDCWA), a municipal water district, situated in the County of San Diego, State of California, pursuant to Resolution No. 2003-18 dated May 22, 2003, 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 San Diego, particularly described in an application to the San Diego Local Agency Formation Commission (LAFCO), concurrently with the annexation thereof to SDCWA, 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), Valley Center Municipal Water District, a subagency to SDCWA and as the Lead Agency, adopted a Categorical Exemption (Section 15319 of the State CEQA Guidelines) in 2002 for the proposed annexation of the property associated with the Podrasky Ohlson Annexation. Also pursuant to CEQA, Metropolitan, as Responsible Agency, has decided that a Categorical Exemption (Section 15319 of the State CEQA Guidelines) is the appropriate determination prior to approval of the formal terms and conditions for the Podrasky Ohlson 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 determined that the subject annexation qualifies as categorically exempt under Section 15319 of the State CEQA Guidelines prior to approval of the formal terms and conditions for the Podrasky Ohlson Annexation; and subject to the following terms and conditions, does hereby grant the application of the governing body of SDCWA for consent to annex the Podrasky Ohlson Annexation to Metropolitan and does hereby fix the terms and conditions of such annexation:

Section 1. The annexation of said area to SDCWA 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 SDCWA to effectuate the annexation shall be filed on or before December 31, 2004.

Section 2. Prior to filing a request for a Certificate of Completion of the annexation proceedings with LAFCO, SDCWA shall submit a certified copy of LAFCO's resolution approving the annexation to the member agency, and shall pay to Metropolitan in cash \$26,867.20, if the annexation is completed by December 31, 2003. If the annexation is completed during the 2004 calendar year, the annexation charge will be calculated based on the then current rate, in accordance with Metropolitan's Administrative Code § 3106.

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 \$11.51 per acre or per parcel of less than one acre for fiscal year 2003/04 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. SDCWA shall not be entitled to demand that Metropolitan deliver water to SDCWA 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 SDCWA 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 August 19, 2003.

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 SAN DIEGO COUNTY WATER AUTHORITY
PODRASKY OLHSON ANNEXATION

WHEREAS, pursuant to Resolution 8832, 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 December 10, 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 recommendation to impose a water charge for fiscal year 2003/04 on the property described in the Engineer's Report, dated September 2002 (the "Engineer's Report"), which was prepared by a registered professional engineer certified by the State of California and was attached to Resolution 8832;

WHEREAS, the owner of the parcel identified in the Engineer's Report has applied for annexation into the San Diego County Water Authority ("SDCWA") 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, 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 8832 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 8832 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 8832 a public hearing. The hearing was held January 14, 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 pursuant to the provisions of the California Environmental Quality Act (CEQA), Valley Center Municipal Water District, a subagency to SDCWA and as the Lead Agency, adopted a Categorical Exemption (Section 15319 of the State CEQA Guidelines) in 2002 for the proposed annexation of the property associated with the Podrasky Ohlson Annexation. Also pursuant to CEQA, Metropolitan, as Responsible Agency, has decided that a Categorical Exemption (Section 15319 of the State CEQA Guidelines) is the appropriate determination prior to approval of the formal terms and conditions for the Podrasky Ohlson Annexation.

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