

- **Board of Directors**
Executive Committee

February 10, 2004 Board Meeting

8-5

Subject

Adopt final resolutions for annexation and to impose water standby charge for Annexation No. 78 to Calleguas Municipal Water District and Metropolitan

Description

The Calleguas Municipal Water District (Calleguas) requests final approval for Annexation No. 78 concurrently to Calleguas and The Metropolitan Water District of Southern California (Metropolitan). According to the development plan, this 46.54-acre property will consist of 232 residential units and a small park located in the Oxnard area, northwest of and adjacent to the intersection of Cesar Chavez Drive and Pinata Drive. On April 9, 2002, Metropolitan's Board granted conditional approval for this annexation. Prior to completion, Calleguas will pay a fee of \$166,028.40 if the annexation is completed prior to December 31, 2004, or if completed later, at the then current annexation charge rate. The projected annual water demand on Metropolitan is approximately 43 acre-feet per year. Calleguas 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:

Pursuant to the provisions of CEQA and the State CEQA Guidelines, the city of Oxnard, acting as Lead Agency, prepared and processed a Final Supplemental Environmental Impact Report (Final SEIR) for the John Laing Homes Pfeiler Property Project (project). The environmental analysis covered the planning and the development of housing and a small park, along with the potential impacts associated with the annexation into the service areas of both Calleguas and Metropolitan. The Final SEIR was certified and the project was approved by the Lead Agency on August 28, 2003. The Lead Agency also approved at that time the Findings of Fact (findings), the Statement of Overriding Considerations (SOC), and the Mitigation Monitoring and Reporting Program (MMRP). Calleguas, as a Responsible Agency under CEQA, accepted the Lead Agency's findings related to annexation as described in the Final SEIR for its service area on October 15, 2003. Metropolitan, also as Responsible Agency under CEQA, is required to certify that it has reviewed and considered the information contained in the Final EIR and MMRP and adopt the Lead Agency's findings and SOC prior to approval of the formal terms and conditions for Annexation No. 78. The Final SEIR and the related documentation (i.e., Lead Agency's resolution, findings, SOC, and MMRP) are available for review at the Executive Secretary's office.

The CEQA determination is: Review and consider information provided in the certified 2003 Final SEIR and MMRP for the project and adopt the Lead Agency's findings and SOC related to Annexation No. 78.

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. 78, concurrently to Metropolitan and Calleguas, conditioned upon approval by the Ventura Local Agency Formation Commission, and establishing Metropolitan's terms and conditions for this annexation (**Attachment 2**); and
- b. Adopt a resolution to impose water standby charge at a rate of \$9.58 per acre or per parcel of less than one acre within the proposed annexation (**Attachment 3**).

Fiscal Impact: Receipt of annexation fee (\$166,028.40) and water sales revenue from newly annexed territory

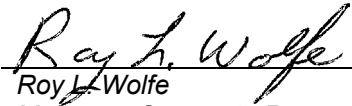
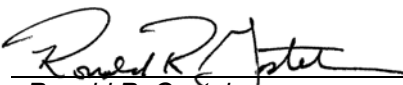
Option #2

Decline Calleguas Annexation No. 78

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

Staff Recommendation

Option #1

| | |
|---|-------------------|
|  _____ Roy L. Wolfe Manager, Corporate Resources | 1/13/2004 Date |
|  _____ Ronald R. Gastelum Chief Executive Officer | 1/16/2004 Date |

Attachment 1 – Detailed Report

Attachment 2 – Resolution Fixing Terms and Conditions

Attachment 3 – Resolution Fixing and Adopting Water Standby Charges

Detailed Report

Calleguas Annexation No. 78

The Calleguas Municipal Water District (Calleguas) requests final terms and conditions for Annexation No. 78 concurrently to The Metropolitan Water District of Southern California (Metropolitan) and Calleguas, by Resolution 1422, dated October 15, 2003. On April 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 46.54-acre annexation territory, shown on the attached legal description and map, is located northwest of and adjacent to the intersection of Cesar Chavez Drive and Pinata Drive, in the Oxnard area. The development plan is 232 residential units and a small park. Prior to completion of the annexation, Calleguas will pay a fee of \$166,028.40 if the annexation is completed prior to December 31, 2004, or if completed later, at the then current annexation charge rate. The projected annual water demand on Metropolitan is approximately 43 acre-feet per year. 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).

Metropolitan's Board adopted a resolution of intention to impose a water standby charge within the proposed Annexation No. 78 at its meeting on April 9, 2002. Pursuant to Resolution 8808, the Board held a public hearing on June 11, 2002. Interested parties were given the opportunity to present their views regarding the proposed charge and the Engineer's Report. Also, pursuant to Resolution 8808 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 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. 78.

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 \$166,028.40, if completed by December 31, 2004. The \$5,000 processing charge has already been paid. If the annexation is completed after December 31, 2004, 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 Calleguas' 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

CALLEGUAS MUNICIPAL WATER DISTRICT ANNEXATION – PFEILER

(ANNEXATION No. 78)

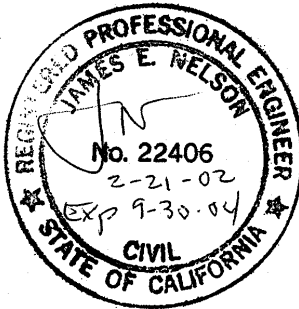
Those portions of Subdivisions 23, 24, and 26 of Rancho El Rio De Santa Clara O’La Colonia, in the County of Ventura, State of California, according to that certain partition map filed in the office of the County Clerk of said County in the action entitled “Thomas A Scott, et al., plffs. vs Rafael Gonzales, et al., defts.,” described as follows:

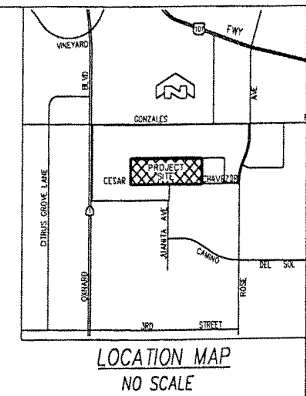
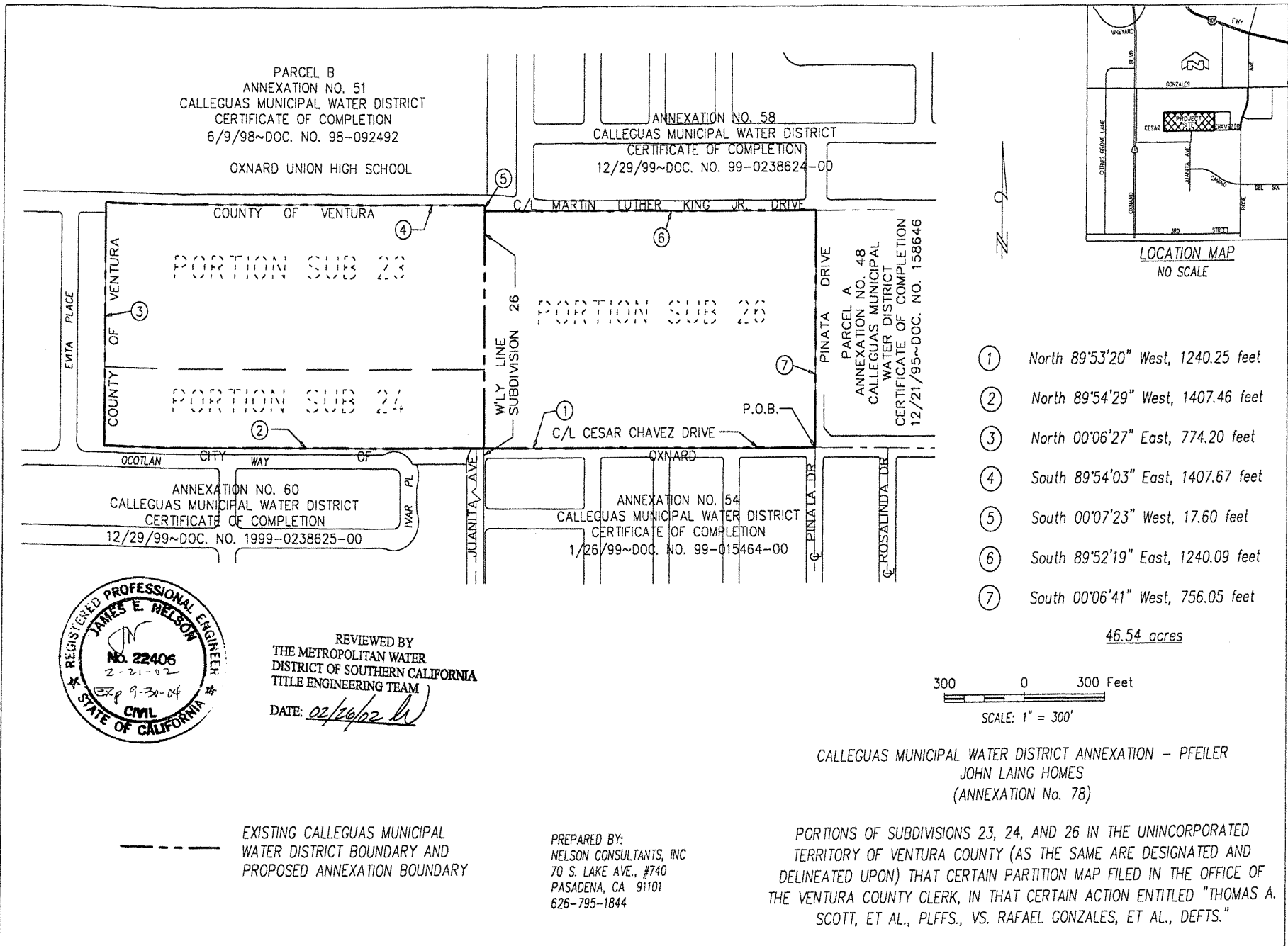
Beginning at the westerly terminus of the 1st course shown as the “South 89°57’00” West 513.05 feet” per Calleguas Municipal Water District Annexation No. 48, described in Document No. 95-158646 Official Records, recorded December 21, 1995;

- 1st Thence, along the existing Calleguas Municipal Water District boundary, North 89°53’20” West, 1240.25 feet;
- 2nd Thence, continuing along said existing boundary, North 89°54’29” West, 1407.46 feet, to the southerly terminus of the 4th course in Calleguas Municipal Water District Annexation No. 60, described in Document No. 99-0238625-00 Official Records, recorded December 29, 1999;
- 3rd Thence, North 00°06’27” East, 774.20 feet, along said existing boundary;
- 4th Thence, South 89°54’03” East, 1407.67 feet, along the 6th course in Calleguas Municipal Water District Annexation No. 51, described in the Document No. 98-092492 Official Records, recorded June 9, 1998;
- 5th Thence, along the westerly line of said Subdivision 26, South 00°07’23” West, 17.60 feet,
- 6th Thence, South 89°52’19” East, 1240.09 feet, along the 5th course in Calleguas Municipal Water District Annexation No. 58, described in the Document No. 99-0238624-00 Official Records, recorded December 29, 1999;
- 7th Thence, South 00°06’41” West, 756.05 feet to the point of beginning.

Consisting of 46.54 acres, more or less.

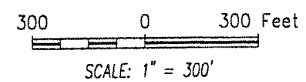
REVIEWED BY
THE METROPOLITAN WATER
DISTRICT OF SOUTHERN CALIFORNIA
TITLE ENGINEERING TEAM
DATE: 02/26/02 *W*





- ① North 89°53'20" West, 1240.25 feet
- ② North 89°54'29" West, 1407.46 feet
- ③ North 00°06'27" East, 774.20 feet
- ④ South 89°54'03" East, 1407.67 feet
- ⑤ South 00°07'23" West, 17.60 feet
- ⑥ South 89°52'19" East, 1240.09 feet
- ⑦ South 00°06'41" West, 756.05 feet

46.54 acres



REVIEWED BY
 THE METROPOLITAN WATER
 DISTRICT OF SOUTHERN CALIFORNIA
 TITLE ENGINEERING TEAM
 DATE: 02/26/02 *lu*

EXISTING CALLEGUAS MUNICIPAL
 WATER DISTRICT BOUNDARY AND
 PROPOSED ANNEXATION BOUNDARY

PREPARED BY:
 NELSON CONSULTANTS, INC
 70 S. LAKE AVE., #740
 PASADENA, CA 91101
 626-795-1844

CALLEGUAS MUNICIPAL WATER DISTRICT ANNEXATION – PFEILER
 JOHN LAING HOMES
 (ANNEXATION No. 78)

PORTIONS OF SUBDIVISIONS 23, 24, AND 26 IN THE UNINCORPORATED
 TERRITORY OF VENTURA COUNTY (AS THE SAME ARE DESIGNATED AND
 DELINEATED UPON) THAT CERTAIN PARTITION MAP FILED IN THE OFFICE OF
 THE VENTURA COUNTY CLERK, IN THAT CERTAIN ACTION ENTITLED "THOMAS A.
 SCOTT, ET AL., PLFFS., VS. RAFAEL GONZALES, ET AL., DEFTS."

RESOLUTION

RESOLUTION OF THE BOARD OF DIRECTORS OF
THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA
CONSENTING TO CALLEGUAS MUNICIPAL WATER DISTRICT'S
ANNEXATION NO. 78
AND FIXING THE TERMS AND CONDITIONS OF SAID ANNEXATION TO
THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

- A. WHEREAS, the Board of Directors of the Calleguas Municipal Water District (Calleguas), a municipal water district, situated in the County of Ventura, State of California, pursuant to Resolution No. 1422, 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 John Laing Homes Pfeiler Property Project Final Supplemental Environmental Impact Report (Final SEIR), adopted the Findings of Fact (findings), Statement of Overriding Considerations (SOC), and Mitigation Monitoring and Reporting Program (MMRP) and approved the Project on August 28, 2003, for the development of the proposed annexation parcels, and Metropolitan, as Responsible Agency under CEQA, is required to certify that it has reviewed and considered the information contained in the Final SEIR and MMRP, and adopt the Lead Agency's findings and SOC prior to approval of the formal terms and conditions for Annexation No. 78; 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 SEIR, findings, SOC, and MMRP and adopted the Lead Agency's findings and SOC prior to approval of the final terms and conditions for Annexation No. 78; 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. 78, 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, 2006.

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 \$166,028.40, if the annexation is completed by

December 31, 2004. If the annexation is completed during the 2005 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 \$9.58 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. 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 on February 10, 2004.

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. 78

WHEREAS, pursuant to Resolution 8808, 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 April 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 2003/04 on the property described in the Engineer's Report, dated February 2002 (the "Engineer's Report"), which was prepared by a registered professional engineer certified by the State of California and was attached to Resolution 8808;

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 8808 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 8808 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 Metropolitan Board has conducted in conformance with Resolution 8808 a public hearing. The hearing was held June 11, 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 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 \$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 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 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 Supplemental Environmental Impact Report (Final SEIR) and approved the project on August 28, 2003, for the development of the proposed annexation parcels (i.e., John Laing Homes Pfeiler 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 SEIR and in the Mitigation Monitoring and Reporting Program, and has adopted the Lead Agency's Findings of Fact and Statement of Overriding Considerations prior to approval of fixing and adopting water standby charges for Annexation No. 78.

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 February 10, 2004.

Executive Secretary
The Metropolitan Water District
of Southern California