

- **Board of Directors**  
**Executive Committee**

September 14, 2004 Board Meeting

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**8-1**

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**Subject**

Adopt final resolutions for annexation and to impose water standby charge for Annexation No. 84 to Calleguas Municipal Water District and Metropolitan

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**Description**

The Calleguas Municipal Water District (Calleguas) has requested final terms and conditions for Annexation No. 84 concurrently to Calleguas and Metropolitan Water District of Southern California (Metropolitan). This annexation is also known as "Santa Clara Cemetery." The area was granted conditional approval on June 8, 2004, by Metropolitan's Board. The total area for annexation is 20.25 acres of which 0.28 acre is for road right-of-way. The property is located in Ventura County, within the city of Oxnard between Cranberry Lane and "H" Street at Partridge Drive. The cemetery has been in existence more than a century. It was annexed to the city of Oxnard in the 1970s, and the portion under consideration constitutes a window in the Calleguas and Metropolitan service area. Presently the majority of the site has been developed as burial areas, a small mausoleum and a small office building. A portion of the property is in agricultural row crops. An on-site well provides water for irrigation and the cemetery will retain the use of that well. A second well lies on an adjacent portion of the cemetery land that is already annexed. Plans call for the addition of a funeral home, additional mausoleum space, parking and expansion of the burial area to utilize the entire site. Calleguas also requests that Metropolitan impose a water standby charge within the proposed annexing territories. The projected annual water demand on Metropolitan is approximately one acre-foot per year. **Attachment 1** is the map and legal description.

The Board adopted a resolution of intention to impose a water standby charge within the proposed Annexation No. 84 at its meeting on June 8, 2004. Pursuant to Resolution 8905, the Board held a public hearing on August 17, 2004. Interested parties were given the opportunity to present their views regarding the proposed charge and the Engineer's Report. Also, pursuant to Resolution 8905 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. 84.

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 \$74,096.20, 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 charge will be calculated based on the then current annexation rate.

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 the standby charge at the rate stated in this resolution beginning in a subsequent fiscal year.

## Policy

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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)

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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 property known as the Santa Clara Cemetery into Metropolitan's and Calleguas' service areas. The city of Oxnard (i.e., the Lead Agency) determined that the related improvements to the cemetery were categorically exempt on December 16, 2003. Metropolitan, acting as a Responsible Agency, finds that this land contains existing 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. This annexation also involves land of the minimum size for facilities exempted by Section 15303 in the State CEQA Guidelines. In addition, the overall activities associated with the annexation process consist of the operation, repair, maintenance, permitting, leasing, licensing or minor alteration of the existing private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the Lead Agency's determination. Accordingly, the proposed actions qualify under two Categorical Exemptions (Sections 15301 and 15319 of the State CEQA Guidelines).

The CEQA determination is: Determine that pursuant to CEQA, the proposed actions qualify under two Categorical Exemptions (Sections 15301 and 15319 of the State CEQA Guidelines).

CEQA determination for Option #2:

None required

## Board Options/Fiscal Impacts

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### Option #1

Adopt the CEQA determination and

- a. Adopt a resolution granting Calleguas' request for approval of Annexation No. 84, 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 of \$74,096.20, for Annexation No. 84 and water sales revenue from newly annexed territory

### Option #2

Decline the request for Annexation No. 84

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


**Staff Recommendation**

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Option #1

  
\_\_\_\_\_  
Roy L. Wolfe  
Manager, Corporate Resources

7/22/2004  
Date

  
\_\_\_\_\_  
Ronald R. Gastelum  
Chief Executive Officer

8/18/2004  
Date

**Attachment 1 – Legal Description and Map**

**Attachment 2 – Resolution Setting Terms and Conditions for Annexation**

**Attachment 3 – Resolution Imposing Water Standby Charges**

BLA #3063

### CALLEGUAS MUNICIPAL WATER DISTRICT ANNEXATION SANTA CLARA CEMETERY (ANNEXATION NO. 84)

That portion of Subdivisions 10 and 21 of Rancho El Rio De Santa Clara O'La Colonia, in the City of Oxnard, County of Ventura, State of California, described as follows:

Beginning at the northwesterly corner of Parcel A of Parcel Map 2800 as shown on the map filed in the Office of the County Recorder of said County in Book 28, Page 65 of Parcel Maps, said corner also being the southerly terminus of the 4<sup>th</sup> course of Parcel E of Annexation No. 44 (Oxnard Properties) to the Calleguas Municipal Water District as described and shown in the Certificate of Completion recorded on December 19, 1994 in the Office of said County Recorder as Document No. 94-200350 Official Records; thence, along the boundary of said Parcel A by the following two courses and along the existing boundary of said Calleguas Municipal Water District by the following eight courses:

- 1st - North 89°58'11" East 556.36 feet; thence,
- 2nd - South 00°00'49" East 466.80 feet to the northwest corner of the 5.745 acre parcel shown on the map filed in the Office of said County Recorder in Book 6, Page 31 of Record of Surveys; thence, along the boundary of said 5.745 acre parcel and the boundary of the 4.936 acre parcel as shown on said map recorded in Book 6, Page 31 of Records of Surveys by the following four courses:
- 3rd - South 89°59'30" East 879.38 feet; thence,
- 4th - South 00°00'30" West 434.49 feet; thence,
- 5th - North 89°59'30" West 1433.19 feet to the westerly line of said Subdivision No. 21; thence, along said westerly line,
- 6th - North 00°06'30" West 150.00 feet to the southwesterly corner of said Subdivision No. 10; thence, along the westerly boundary of said Subdivision No. 10 by the following two courses:
- 7th - North 00°09'00" West 259.49 feet to the southwesterly corner of said Parcel A of said Parcel Map 2800; thence, along the westerly line of said Parcel A,
- 8th - North 00°11'26" West 491.43 feet to the point of beginning.

20.25 Acres – Gross area  
 -0.28 Acre – Road area  
 19.75 Acres – Net area

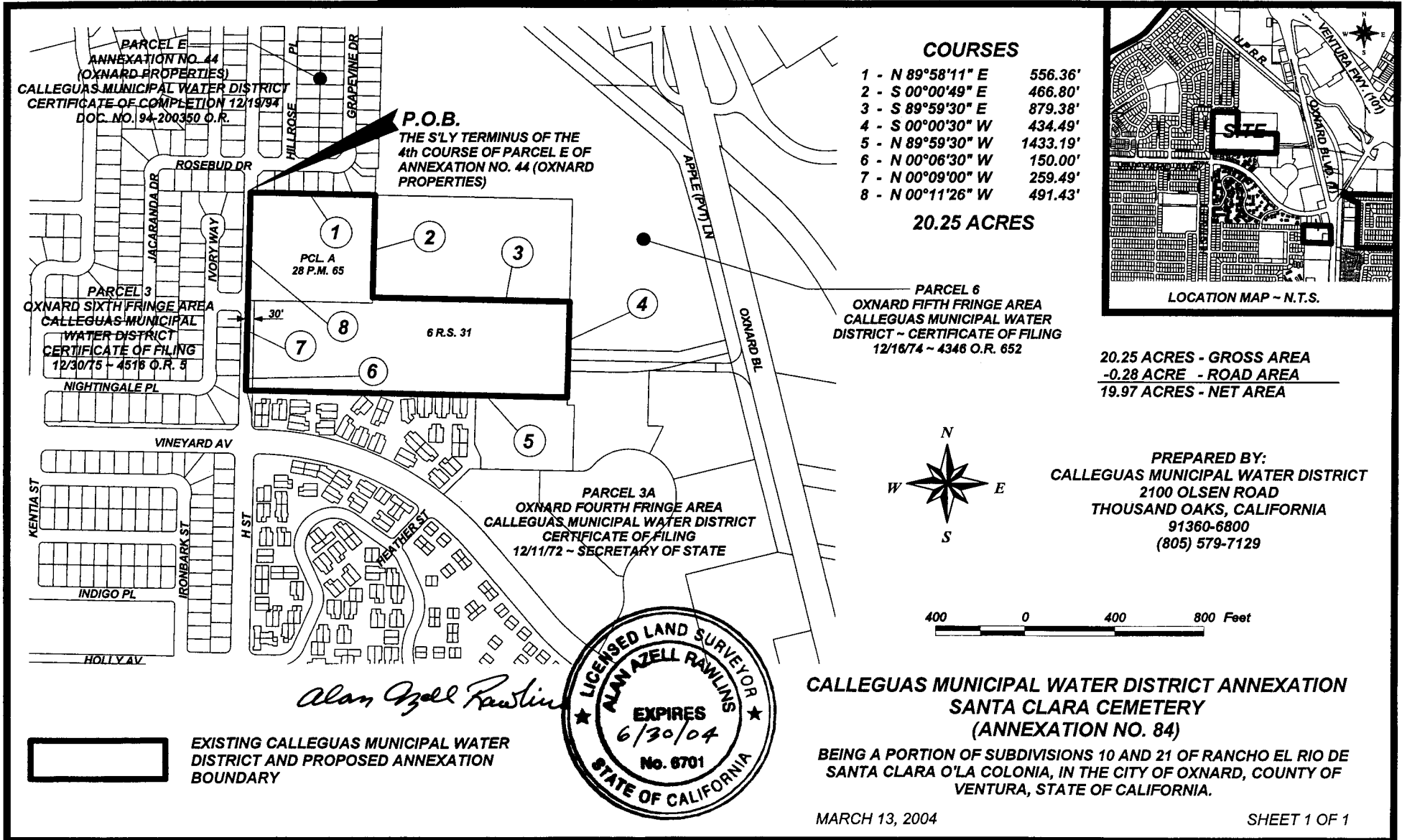
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REVIEWED BY  
 THE METROPOLITAN WATER  
 DISTRICT OF SOUTHERN CALIFORNIA  
 RIGHT OF WAY ENGINEERING TEAM  
 DATE: 3/25/2004 *MT*



**REVIEWED BY**  
**THE METROPOLITAN WATER**  
**DISTRICT OF SOUTHERN CALIFORNIA**  
**RIGHT OF WAY ENGINEERING TEAM**

DATE: 3/25/2004 MS



## RESOLUTION

### RESOLUTION OF THE BOARD OF DIRECTORS OF THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA CONSENTING TO CALLEGUAS MUNICIPAL WATER DISTRICT'S ANNEXATION NO. 84 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. 1446, 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 County 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, a municipality within the jurisdiction of Calleguas and as the Lead Agency, adopted two Categorical Exemption (Sections 15301 and 15303 of the State CEQA Guidelines) in 2003 for the proposed activities associated with Annexation No. 84. Also pursuant to CEQA, Metropolitan, acting as a Responsible Agency, has decided that two Categorical Exemptions (Sections 15301 and 15319 of the State CEQA Guidelines) are the appropriate determinations prior to approval of the formal terms and conditions for Annexation No. 84; 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 Sections 15301 and 15319 of the State CEQA Guidelines prior to approval of the formal terms and conditions for Annexation No. 84; 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. 84 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, 2005.

**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 \$74,096.20, 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 2004/05 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 September 14, 2004.

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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. 84**

WHEREAS, pursuant to Resolution 8905, 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 June 8, 2004, 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 2004/05 on the property described in the Engineer's Report, dated March 2004 (the "Engineer's Report"), which was prepared by a registered professional engineer certified by the State of California and was attached to Resolution 8905;

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 8905 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 8905 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 8905 a public hearing. The hearing was held August 17, 2004, 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 2004/05 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 2004/05. 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 2004/05, 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, a municipality within the jurisdiction of Calleguas and as the Lead Agency, adopted two Categorical Exemption (Sections 15301 and 15303 of the State CEQA Guidelines) in 2003 for the proposed activities associated with Annexation No. 84. Also pursuant to CEQA, Metropolitan, acting as a Responsible Agency, has decided that two Categorical Exemptions (Sections 15301 and 15319 of the State CEQA Guidelines) are the appropriate determinations prior to approval of the formal terms and conditions for Annexation No. 84.

**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 September 14, 2004.

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Executive Secretary  
The Metropolitan Water District  
of Southern California