

- **Board of Directors**  
**Asset and Recreation Committee**

July 11, 2006 Board Meeting

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7-2

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**Subject**

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Grant conditional approval for the 96th and 97th Fringe Areas Annexations to Eastern Municipal Water District and Metropolitan; and adopt resolutions of intention to impose water standby charge

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**Description**

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The Eastern Municipal Water District (Eastern) requests conditional approval and imposition of Metropolitan Water District of Southern California's (Metropolitan) water standby charge for the 96th Fringe Area Annexation concurrently to Eastern and Metropolitan. The proposed annexation consists of 68.18 gross acres with 3.89 acres designated for public roads. For this annexation, the net area is 64.29 acres. The area is located within the county of Riverside, south of Los Alamos Road, and east of the I-215 Freeway in the city of Murrieta. See [Attachment 1](#) for the legal description and map of the 96th Fringe Area.

The current zoning of the property is residential. The proposed development of the property is a low density residential subdivision as approved in the city of Murrieta's General Plan dated 1994. Eastern will pay a fee of \$227,443.40 if the annexation is completed prior to December 31, 2006. If the annexation is completed later, the fee will be the then-current annexation charge rate pursuant to Section 3300 of Metropolitan's Administrative Code. The annexation charge is calculated using the per-acre method based on net acreage and an additional \$5,000 processing fee. The projected annual water demand on Metropolitan is approximately 145 acre-feet per year. The Water Use Efficiency Certificate ([Attachment 2](#)) is in compliance with the Administrative Code amendment approved on October 12, 2004.

Eastern requests conditional approval and imposition of Metropolitan's water standby charge for the 97th Fringe Area Annexation concurrently to Eastern and Metropolitan. The proposed annexation consists of 30.2 gross acres with 1.9 acres designated for public roads. For this annexation, the net area is 28.3 acres. The area is located within the county of Riverside, north of Anza Road, west of Via Pascal and south of Monte Verde Road in the unincorporated area of the county of Riverside near the city of Temecula. See [Attachment 4](#) for the legal description and map of the 97th Fringe Area.

The current zoning of the property is rural residential. The proposed annexation area will be developed into medium density residential homes and approved in the county of Riverside's Southwest General Plan. Eastern will pay a \$102,918 fee if the annexation is completed prior to December 31, 2006. If the annexation is completed later, the fee will be the then-current annexation charge rate pursuant to Section 3300 of Metropolitan's Administrative Code. The annexation charge is calculated using the per-acre method based on net acreage and an additional \$5,000 processing fee. The projected annual water demand on Metropolitan is approximately 32.3 acre-feet per year. The Water Use Efficiency Certificate ([Attachment 5](#)) is in compliance with the Administrative Code amendment approved on October 12, 2004.

Completion of these annexations will be subject to such terms and conditions as may be fixed by the Board in granting its final consent to such annexation. Eastern has requested that Metropolitan impose a water standby charge within the annexation territory at the rate of \$6.94 per acre or per parcel of less than one acre, which is the water standby charge rate presently levied in other portions of Eastern. Under the requirements of Article XIII D of the California Constitution (Proposition 218), such charges must be treated as new assessments, subject to approval by the property owners in the area to be annexed through mailed ballot proceedings. [Attachment 3](#) (96th Fringe Area) and [Attachment 6](#) (97th Fringe Area) contain the forms of resolutions of intention to impose a water standby charge which, if adopted by the Board, will authorize the Executive Secretary to mail notices and

ballots to the property owners. The property owners will be asked to mark and return the ballots. Ballots will be tabulated at a public hearing on the assessments scheduled to commence on September 12, 2006, or such other date as the Board determines. The ballots received from property owners are weighted according to the proportionate obligation of each property within the annexation area. Unless a majority vote protests the charges, the Board may impose the water standby charge in the annexed area concurrently with final approval of annexation.

## 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, Section 350 through Section 356 of Metropolitan's Act and Division III, Section 3100(b) of the Administrative Code.

## California Environmental Quality Act (CEQA)

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CEQA determination for Option #1:

The proposed actions are not defined as a project under CEQA because they involve 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). In addition, where it can be seen with certainty that there is no possibility that the proposed actions in question may have a significant effect on the environment, the proposed actions are not subject to CEQA (Section 15061(b)(3) of the State CEQA Guidelines). Prior to formal approval of the annexations and water standby charges from the Board, CEQA documentation will be prepared by the Lead Agency and processed in accordance with CEQA and the State CEQA Guidelines. As the Responsible Agency, Metropolitan's Board will then review and consider the CEQA documentation before taking further action.

The CEQA determination is: Determine that the proposed actions are not subject to the provisions of CEQA pursuant to Sections 15378(b)(4) and 15061(b)(3) 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. Grant conditional approval for the 96th Fringe Area Annexation concurrently to Eastern and Metropolitan, conditioned upon receipt in full of annexation fee of \$227,443.40 to Metropolitan if completed by December 31, 2006, or if completed later, at the then-current annexation charge rate;
- b. Grant conditional approval for the 97th Fringe Area Annexation concurrently to Eastern and Metropolitan, conditioned upon receipt in full of annexation fee of \$102,918 to Metropolitan if completed by December 31, 2006, or if completed later, at the then-current annexation charge rate;
- c. Approve Eastern's Statements of Compliance with the current Water Use Efficiency Guidelines ([Attachment 2](#)); and
- d. Adopt the resolutions of intention to impose water standby charge within the proposed annexation territory, substantially in the forms of [Attachment 3](#) and [Attachment 6](#).

**Fiscal Impact:** Receipt of annexation fee of \$330,361.40 for the 96th and 97th Fringe Areas and water sales revenue from newly annexed territory

**Business Analysis:** These annexations will provide a service area connection and associated benefits to the 96th and 97th Fringe Areas. The initial fixed and variable costs are borne by the local water supplier and property owners including the processing, infrastructure, and the cost of raw and treated water. The annexation helps meet Metropolitan's obligations to Member Agencies and provides essential benefits to public health and safety.

**Option #2**

Decline the request for 96th and 97th Fringe Areas Annexations

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

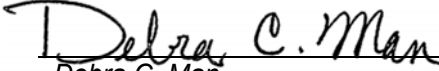
**Business Analysis:** Service area connection will not be done, thereby negating inherent benefits of water supplied through Metropolitan and Eastern.

**Staff Recommendation**

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Option #1

  
\_\_\_\_\_  
Jill T. Wicke  
Manager, Real Property Development and  
Management Group  
6/16/2006  
Date

  
\_\_\_\_\_  
Debra C. Man  
for Jeffrey Kightlinger  
General Manager  
6/16/2006  
Date

- Attachment 1 – 96th Fringe Area Legal Description and Map**
- Attachment 2 – 96th Fringe Area Water Use Efficiency Certificate**
- Attachment 3 – 96th Fringe Area Resolution of Intention to Impose Water Standby Charge**
- Attachment 4 – 97th Fringe Area Legal Description and Map**
- Attachment 5 – 97th Fringe Area Water Use Efficiency Certificate**
- Attachment 6 – 97th Fringe Area Resolution of Intention to Impose Water Standby Charge**

EXHIBIT "A"

REORGANIZATION TO INCLUDE ANNEXATION TO  
EASTERN MUNICIPAL WATER DISTRICT AND  
THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA  
(96<sup>th</sup> FRINGE)

L. A. F. C. NO.

ASSESSOR PARCEL NOS. 956 - 090 - 010 THROUGH 956 - 090 - 016

IN THE CITY OF MURIETTA, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA,  
THAT PORTION OF THE NORTH ONE-HALF OF SECTION 11, T. 7 S., R. 3 W.,  
S.B.M., DESCRIBED AS FOLLOWS:

**BEGINNING AT THE CENTER OF SAID SECTION 11; THENCE**

COURSE 1. NORTH 89° 50' 55" WEST A DISTANCE OF 1355.45 FEET.  
ALONG THE SOUTH LINE OF THE NORTHWEST ONE-QUARTER OF SAID  
SECTION 11, TO THE CENTERLINE OF MARY PLACE, AS SHOWN ON MAP OF  
TRACT NO. 4447 ON FILE IN BOOK 78, PAGES 59 AND 60, RECORDS OF  
RIVERSIDE COUNTY, CALIFORNIA; THENCE

COURSE 2. NORTH 00° 20' 46" EAST A DISTANCE OF 40.00 FEET.  
ALONG SAID CENTERLINE TO THE WESTERLY PROLONGATION OF THE SOUTH  
LINE OF LOT 31 OF SAID TRACT NO. 4447; THENCE

COURSE 3. SOUTH 89° 50' 55" EAST A DISTANCE OF 420.00 FEET.  
ALONG SAID PROLONGATION AND SAID SOUTH LINE OF LOT 31, TO THE  
SOUTHEAST CORNER OF SAID LOT 31;

THENCE CONTINUING ALONG THE EASTERLY AND SOUTHEASTERLY  
BOUNDARY OF SAID TRACT NO. 4447, THE FOLLOWING COURSES:

COURSE 4. NORTH 11° 11' 42" WEST A DISTANCE OF 408.91 FEET; THENCE

COURSE 5. NORTH 27° 40' 48" WEST A DISTANCE OF 401.00 FEET; THENCE

COURSE 6. NORTH 16° 13' 44" EAST A DISTANCE OF 220.82 FEET; THENCE

COURSE 7. NORTH 32° 44' 22" EAST A DISTANCE OF 239.31 FEET; THENCE

COURSE 8. NORTH 45° 30' 00" EAST A DISTANCE OF 246.78 FEET; THENCE

COURSE 9. NORTH 56° 58' 54" EAST A DISTANCE OF 243.59 FEET; THENCE

(Page 1 of 6)

*CONDITIONAL APPROVAL*  
REVIEWED BY  
THE METROPOLITAN WATER  
DISTRICT OF SOUTHERN CALIFORNIA  
RIGHT OF WAY ENGINEERING TEAM  
DATE: *05-23-06 SLB*

COURSE 10. NORTH 58° 47' 17" EAST A DISTANCE OF 264.64 FEET; THENCE

COURSE 11. NORTH 83° 04' 20" EAST A DISTANCE OF 417.85 FEET,  
TO THE SOUTHEAST CORNER OF LOT 40 OF SAID TRACT NO. 4447, SAID  
CORNER ALSO BEING A POINT ON THE WEST LINE OF THE NORTHEAST  
ONE-QUARTER OF SAID SECTION 11; THENCE

COURSE 12. NORTH 00° 23' 30" EAST A DISTANCE OF 302.08 FEET,  
ALONG THE EAST LINE OF SAID LOT 40 AND ALONG SAID WEST LINE OF THE  
NORTHEAST ONE-QUARTER OF SECTION 11, TO THE NORTHWEST CORNER OF  
PARCEL MAP NO. 17228 AS SHOWN ON MAP IN BOOK 97, PAGES 35 AND 36 OF  
PARCEL MAPS, RECORDS OF SAID RIVERSIDE COUNTY; THENCE

COURSE 13. SOUTH 89° 28' 11" EAST A DISTANCE OF 1315.74 FEET,  
ALONG THE NORTH LINE OF SAID PARCEL MAP NO. 17228 AND ALONG THE  
NORTH LINE OF PARCEL MAP NO. 12393 AS SHOWN ON MAP IN BOOK 67 PAGE  
79 OF PARCEL MAPS, RECORDS OF SAID RIVERSIDE COUNTY, TO THE  
CENTERLINE OF KIWEBRE ROAD AS SHOWN ON SAID PARCEL MAP NO. 12393;  
THENCE

COURSE 14. SOUTH 00° 05' 21" WEST A DISTANCE OF 103.02 FEET,  
ALONG SAID CENTERLINE OF KIWEBRE ROAD TO THE CENTERLINE OF  
CALLAHAN ROAD AS SHOWN ON SAID PARCEL MAP NO. 12393;

THENCE ALONG SAID CENTERLINE OF CALLAHAN ROAD THE FOLLOWING  
COURSES:

COURSE 15. SOUTH 73° 21' 04" WEST A DISTANCE OF 3.97 FEET,  
TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHERLY, HAVING A  
RADIUS OF 150.00 FEET; THENCE

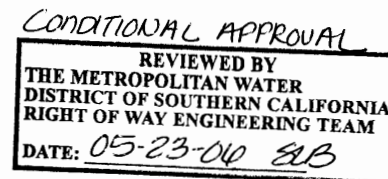
COURSE 16. WESTERLY A DISTANCE OF 54.44 FEET,  
ALONG SAID CURVE THROUGH AN ANGLE OF 20° 52' 10"; THENCE

COURSE 17. NORTH 85° 46' 46" WEST A DISTANCE OF 52.07 FEET,  
TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHERLY, HAVING A  
RADIUS OF 150.00 FEET; THENCE

COURSE 18. WESTERLY A DISTANCE OF 58.06 FEET,  
ALONG SAID CURVE THROUGH AN ANGLE OF 22° 10' 44"; THENCE

COURSE 19. SOUTH 72° 02' 30" WEST A DISTANCE OF 45.00 FEET,  
TO THE CENTERLINE OF HACHTEN ROAD AS SHOWN ON SAID PARCEL MAP  
NO. 12393;

(Page 2 of 6)



THENCE ALONG SAID CENTERLINE OF HACHTEN ROAD THE FOLLOWING COURSES:

COURSE 20. SOUTH 17° 57' 30" EAST A DISTANCE OF 45.00 FEET.  
TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHWESTERLY,  
HAVING A RADIUS OF 150.00 FEET; THENCE

COURSE 21. SOUTHWESTERLY A DISTANCE OF 252.46 FEET.  
ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 96° 25' 59"; THENCE

COURSE 22. SOUTH 78° 28' 29" WEST A DISTANCE OF 351.82 FEET.  
TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHEASTERLY,  
HAVING A RADIUS OF 150.00 FEET; THENCE

COURSE 23. SOUTHWESTERLY A DISTANCE OF 136.94 FEET.  
ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 52° 18' 22"; THENCE

COURSE 24. SOUTH 26° 10' 07" WEST A DISTANCE OF 189.40 FEET.  
TO THE NORTHERLY LINE OF PARCEL 4 OF SAID PARCEL MAP NO, 12393;  
THENCE

COURSE 25. NORTH 82° 54' 40" EAST A DISTANCE OF 182.50 FEET.  
ALONG THE NORTHERLY LINE OF SAID PARCEL 4 TO THE NORTHEAST  
CORNER OF SAID PARCEL 4; THENCE

COURSE 26. SOUTH 00° 14' 27" WEST A DISTANCE OF 667.68 FEET.  
ALONG THE EAST LINE OF SAID PARCEL 4, TO THE SOUTHEAST CORNER  
THEREOF; THENCE

COURSE 27. NORTH 89° 43' 24" WEST A DISTANCE OF 661.39 FEET.  
ALONG THE SOUTH LINE OF SAID PARCEL 4 TO THE SOUTHWEST CORNER  
THEREOF, SAID CORNER ALSO BEING A POINT ON THE EAST LINE OF THE  
NORTHWEST ONE-QUARTER OF SAID SECTION 11; THENCE

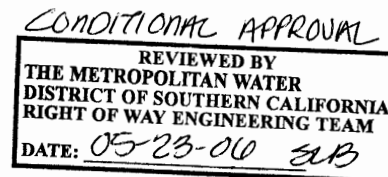
COURSE 28. SOUTH 00° 23' 30" WEST A DISTANCE OF 669.14 FEET.  
ALONG SAID EAST LINE TO THE POINT OF BEGINNING.

AREA CALCULATED TO CONTAIN 68.18 ACRES GROSS AND 64.29 ACRES NET.



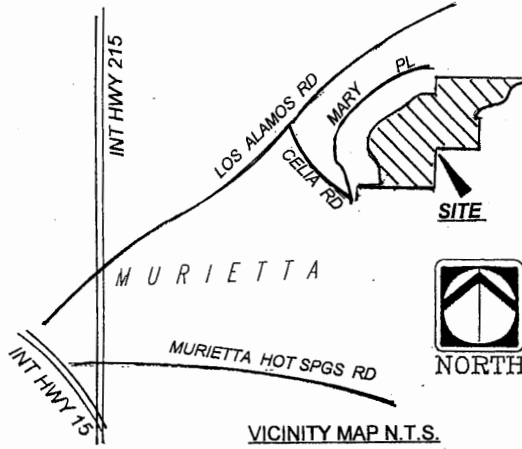
*Merle G. Schulze*  
MAY 2, 2006

(Page 3 of 6)



REORGANIZATION TO INCLUDE ANNEXATION TO  
EASTERN MUNICIPAL WATER DISTRICT AND  
THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA  
(96<sup>th</sup> FRINGE)

IN THE CITY OF MURIETTA, COUNTY OF RIVERSIDE, STATE OF CALIFORNIA,  
A PORTION OF THE NORTH ONE-HALF OF SECTION 11, T. 7 S., R. 3 W., S.B.M.



PREPARED BY

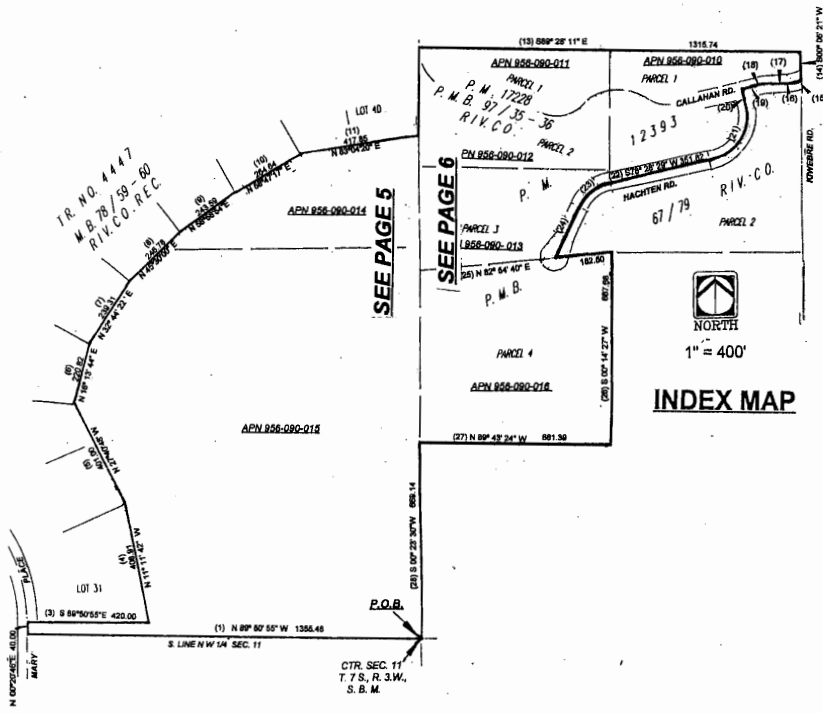


*Merle G. Schulze*  
MAY 2, 2006

VICINITY MAP N.T.S.

- NOTES: 1. ( ) INDICATES COURSE NO. PER GEOGRAPHIC DESCRIPTION
- 2. AREA = 68.18 ACRES GROSS AND 64.29 ACRES NET

CONDITIONAL APPROVAL  
REVIEWED BY  
THE METROPOLITAN WATER  
DISTRICT OF SOUTHERN CALIFORNIA  
RIGHT OF WAY ENGINEERING TEAM  
DATE: 05-23-04 *SLB*

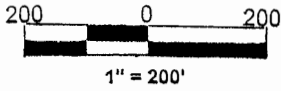


INDEX MAP

L. A. F. C. NO.

EXHIBIT "A"

L. A. F. C. NO.



NW COR. P.M. NO. 17228  
PMB 47/35-36 RIV. CO.

SEE  
PAGE 6

(12) N 00°23'30" E  
302.08  
P.M. 17228

LOT 40  
(11) 417.85  
N 83°04'20" E  
SE COR. LOT 40

APN 956-090-014

T.R. NO. 4447  
M.B. 78/59-60  
RIV. CO. REC.

(9) 243.59  
N 88°58'54" E

(8) 246.73  
N 45°30'00" E

(7) 238.31  
N 32°44'22" E

(6) 220.82  
N 76°13'44" E

APN 956-090-015

(5) 401.00  
N 59°09'47" E

(4) 408.91  
N 11°11'42" W

LOT 31

(3) S 89°50'55" E 420.00

SE COR. LOT 31

(1) N 89° 50' 55" W 1355.45

S. LINE N W 1/4 SEC. 11

P.O.B.

CTR. SEC. 11  
T. 7 S., R. 3 W.,  
S. B. M.

(28) S 00° 23' 30" W 669.14

SEE PAGE 6

E. LINE NW 1/4 SEC. 11

P.M. 12393

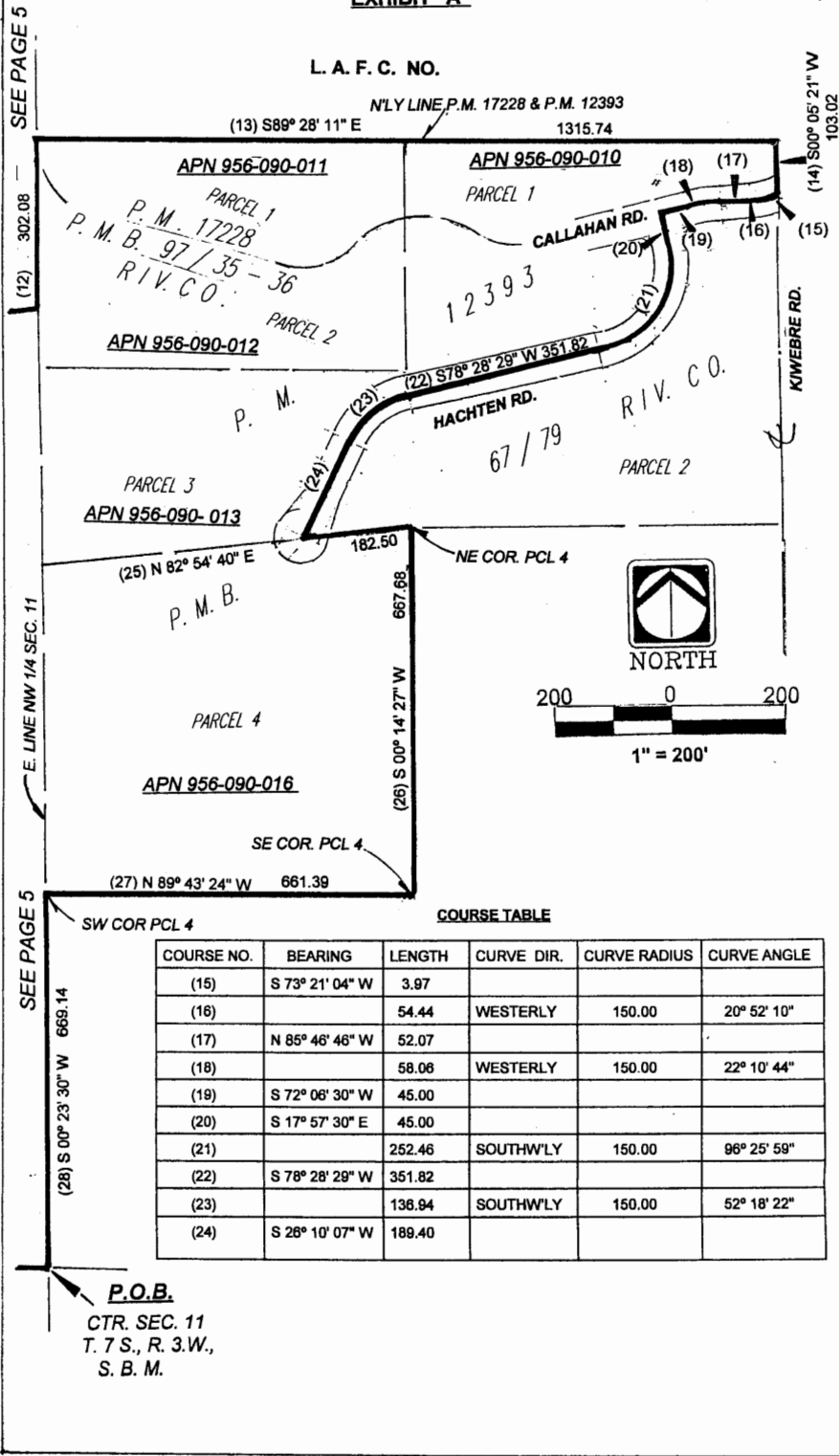
CONDITIONAL APPROVAL  
REVIEWED BY  
THE METROPOLITAN WATER  
DISTRICT OF SOUTHERN CALIFORNIA  
RIGHT OF WAY ENGINEERING TEAM  
DATE: 05-23-06 SLB

MARY PLACE



L. A. F. C. NO.

N'LY LINE P.M. 17228 & P.M. 12393  
1315.74



CONDITIONAL APPROVAL  
 REVIEWED BY  
 THE METROPOLITAN WATER  
 DISTRICT OF SOUTHERN CALIFORNIA  
 RIGHT OF WAY ENGINEERING TEAM  
 DATE: 05-23-00 SUB

SW COR PCL 4

COURSE TABLE

COURSE NO.	BEARING	LENGTH	CURVE DIR.	CURVE RADIUS	CURVE ANGLE
(15)	S 73° 21' 04" W	3.97			
(16)		54.44	WESTERLY	150.00	20° 52' 10"
(17)	N 85° 46' 46" W	52.07			
(18)		58.06	WESTERLY	150.00	22° 10' 44"
(19)	S 72° 06' 30" W	45.00			
(20)	S 17° 57' 30" E	45.00			
(21)		252.46	SOUTHW'LY	150.00	96° 25' 59"
(22)	S 78° 28' 29" W	351.82			
(23)		138.94	SOUTHW'LY	150.00	52° 18' 22"
(24)	S 26° 10' 07" W	189.40			


**P.O.B.**

CTR. SEC. 11  
T. 7 S., R. 3.W.,  
S. B. M.


**Documentation for Annexation of Lands to  
The Metropolitan Water District of Southern California**



**Water Use Efficiency Compliance Statement**


**A. General Information**


<p><b>Description of Annexing Area</b> 10.05 acres of undeveloped, industrial / business park property located northwest of the intersection of Adams Avenue and Elm Street and southeast of the intersection of Adams Avenue and Fig Street in the City of Murrieta</p>	<p><b>Member Agency:</b> Eastern Municipal Water District <b>Annexation Name:</b> 95<sup>th</sup> FA Murrieta Commercial Land Properties #2 <b>Annexing Water Demand:</b> 25,000 GPD potable &amp; 3,000 GPD recycled <b>Peaking Water Demand:</b> 62,500 GPD potable &amp; 7,500 GPD recycled <b>Percent MWD Supplied:</b> 100 <b>Development Plans:</b> Industrial/Business Park <b>Zoning:</b> Commercial <b>Additional Water Agencies Involved in Annexation:</b> 1. Rancho California Water District 2.</p>	<p><b>MWD Staff Confirmation:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> </p>
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**B. Member Agency Water Use and Efficiency Plans**



<p>1. Does your agency minimize annual water demand by incorporating water conservation measures into new development plans and service agreements? Describe.</p>	<p><b>Member Agency Response:</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <b>Description:</b> Yes, ongoing residential water conservation programs are offered to new developments, existing customers and our subagencies. These programs include home water surveys, ultra-low flush and dual flush toilets, high-efficiency clothes washers, and low-flow showerheads. New development service agreements require developers to promote water conservation programs/incentives, water saving appliances, and California friendly landscaping. Developers must adhere to State and local plumbing and landscaping codes and EMWD's water conservation ordinances. EMWD offers rebates to commercial, industrial, and institutional customers under MWD's CII program. Landscaping</p>	<p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> <b>Comments:</b>  <b>Documentation:</b> <input type="checkbox"/> Received <input type="checkbox"/> On File (Date: _____)</p>
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	<p>budgets and plan checks are required for all new commercial developments. EMWD is a charter signatory agency of the California Urban Water Conservation Council and promotes the Best Management Water Conservation Practices throughout its service area. A staff of conservation and education specialists provide public education programs, landscape irrigation workshops, student education programs, and conservation related campaigns.</p> <p><b>Supporting Documentation:</b>  Conservation Department Programs 1993-2003 Brochure  December 15, 2004 Board Letter - Legislative Policy Principles</p>	
<p><b>2. Does your agency use groundwater, surface water, and recycling to reduce annual demand on MWD? Describe.</b></p>	<p><b>Member Agency Response:</b> Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p><b>Description:</b>  Yes, EMWD produces about 20% of its supplies from local groundwater. Other sources of water include recycled water produced from four regional water reclamation facilities, a reverse osmosis desalination plant, a microfiltration plant, and groundwater recharging. Plans are underway for two additional desalination plants, 1 additional microfiltration plant, water harvesting, and expanding our groundwater recharge program.</p> <p><b>Supporting Documentation:</b>  Brochure - Maximizing Resources  Brochure - Salinity Management Program  Recycled Water Ordinance No. 68  Groundwater Management Plan</p>	<p><b>MWD/Staff Confirmation:</b>  Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>  Comments: </p> <p><b>Documentation:</b>  <input type="checkbox"/> Received  <input type="checkbox"/> On File (Date: _____)</p>
<p><b>3. Does your agency use storage and groundwater facilities and conservation to reduce peak demand on MWD? Describe.</b></p>	<p><b>Member Agency Response:</b> Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p><b>Description:</b> Yes, EMWD utilizes its storage facilities and groundwater basins to reduce peak demand on MWD. EMWD maintains 80 water reservoirs that hold more than 190 million gallons of water and 21 wells that produce 24,085 gpm. EMWD's groundwater recharge program consists of spreading ponds in the Hemet/San Jacinto area that are used to store excess water during</p>	<p><b>MWD/Staff Confirmation:</b>  Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>  Comments: </p> <p><b>Documentation:</b>  <input type="checkbox"/> Received</p>

<p>4. Does your agency offer all MWD new development conservation programs? Describe how they are promoted.</p>	<p>wet periods. This program will be expanded with the construction of a major raw water transmission pipeline that will make available State Water Project water to recharge the subbasin. Water harvesting plans are underway to use an old MWD reservoir to capture water from Riverside County Flood Control and the Water Conservation District storm drains.</p> <p>Outdoor water conservation is promoted throughout our service area. The East Valley Campaign was marketed in the Hemet/San Jacinto valley asking residents to reduce water consumption during the summer months while we were facing short-term water supply shortages. Programs such as Weather-Based Controllers for commercial landscape accounts; the Landscape Accounts Data System (LADS) program as outlined in Ordinance 72.19; and the California Friendly Landscape (CFL) Pilot Program for new development landscaping are all examples of outdoor water conservation programs supported by EMWD.</p> <p><b>Supporting Documentation:</b>  Ordinance 72.19 - Landscape Irrigation  Brochure - Hemet/San Jacinto Conjunctive Use Program  Report - Active Production Wells  Report - Active Tank List</p>	<p><input type="checkbox"/> On File (Date: _____)</p>
<p><b>Member Agency Response:</b> Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p><b>Description:</b> Yes. MWD's new development conservation programs, including dual flush toilets, residential water surveys, water-wise landscape/irrigation workshops, high efficiency washing machine rebates, water brooms, moisture sensors, California Friendly landscape projects for model homes, CII program, etc. As outlined in the Conservation Department Programs 1993-2003 pamphlet, these programs are offered to all new customers as well as subagencies. These are promoted via bill</p>	<p><b>MWD Staff Confirmation:</b>  Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>  Comments: </p> <p><b>Documentation:</b>  <input type="checkbox"/> Received  <input type="checkbox"/> On File (Date: _____)</p>	<p><input type="checkbox"/> On File (Date: _____)</p>

<p><b>5. Does your agency have a specific conservation program for new development independent of MWD funding? Describe.</b></p>	<p>stuffers, EMWD's web site, newspaper articles and advertisements, and community outreach meetings such as Chambers of Commerce events, homeowners association meetings and civic associations, etc. Subagencies are encouraged to offer the same MWD sponsored programs to their new customers.</p> <p><b>Supporting Documentation:</b>  Conservation Department Programs Report  Lake Hemet Agreement 55348-1  MWD Agreement No. 57809  Monthly Customer Newsletters  Ads in the Valley Chronicle Newspaper  Conservation Promotional Flyers</p>	
	<p><b>Member Agency Response:</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p><b>Description:</b> Yes, EMWD has initiated the East Valley Campaign to help cut down on summer peak demands, sponsors workshops on California-friendly plants to promote landscaping using drought tolerant plants and the Water Waste Program to report/correct the wasteful use of water. A new program, The New Residential Development Campaign, is targeted at new residential customers and consists of a welcome letter, a quarterly newsletter containing seasonal tips and ideas for water conservation, and a survey. Poster contests are coordinated with May Water Awareness Month through our 9 school districts.</p> <p><b>Supporting Documentation:</b>  Brochures - East Valley Campaign  California Friendly Landscape Workshops  Water Waste Program - Sample Letter  New Residential Development Campaign – Letter and Brochures</p>	<p><b>MWD Staff Confirmation:</b>  Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p><b>Comments:</b> </p> <p><b>Documentation:</b>  <input type="checkbox"/> Received  <input type="checkbox"/> On File (Date: _____)</p>

<p><b>6. Does your agency use recycled water in accordance with California Water Code Sections 13550 - 13554? Describe.</b></p>	<p><b>Member Agency Response:</b> Yes <input type="checkbox"/> No <input type="checkbox"/>  <b>Description:</b> Yes. EMWD has an extensive recycled water distribution system consisting of more than 100 miles of pipeline linking five regional water reclamation facilities. More than 6,000 AF of storage pond capacity have been constructed at 10 locations throughout our service area for seasonal storage of surplus recycled water. About 25,000 AFY of recycled water is sold to customers at 110 different sites, ranking EMWD among the top water recycling agencies in California. Recycled water is conditioned for new projects serviced by EMWD that meet the Recycled Water Facilities and Service Guidelines adopted by EMWD's Board of Directors as required in Water Code sections 13550-13554.</p> <p><b>Supporting Documentation:</b>  Brochure - EMWD Recycling Program  Recycled Water Policy &amp; Guidelines  Report - Recycled Water Production &amp; Sales</p>	<p><b>MWD Staff Confirmation:</b>  Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>  <b>Comments:</b>   <b>Documentation:</b>  <input type="checkbox"/> Received  <input type="checkbox"/> On File (Date: _____)</p>
<p><b>7. Are Best Management Practices conditioned on all new development? Describe BMP implementation in new development.</b></p>	<p><b>Member Agency Response:</b> Yes <input type="checkbox"/> No <input type="checkbox"/>  <b>Description:</b> Yes. In fulfillment of the BMP's, all of the incentives/rebates are offered to new development within our service area. As a condition of service, new development must agree to meet all code requirements established by their respective City or County, as applicable. Each of these agencies has stringent landscape codes. Large commercial landscaping requires a dedicated landscape irrigation meter, submittal of plans for approval, and an approved water budget, in conformance with BMP #5. EMWD is a leading member of the Riverside County Water Task Force whose purpose is to set common water use best management practices for cities and other entities throughout Riverside County.</p>	<p><b>MWD Staff Confirmation:</b>  Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>  <b>Comments:</b>   <b>Documentation:</b>  <input type="checkbox"/> Received  <input type="checkbox"/> On File (Date: _____)</p>

	<p><b>Supporting Documentation:</b>  County of Riverside Landscape Requirements  City of Murrieta Landscape Standards  City of Temecula Landscape Design  Riverside County Water Task Force Program</p>	
<p>8. Can your agency sustain a 7-day interruption in service as described in MWD Admin. Code Section 4503?</p>	<p><b>Member Agency Response: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></b>  Yes, EMWD can sustain a 7-day interruption in service during the non-peak demand winter months.</p>	
<p>9. Are your agency and all other agencies listed in (A) above signatory to and in compliance with the California Urban Water Conservation Council's BMP MOU?</p>	<p><b>Member Agency Response: Yes <input type="checkbox"/> No <input type="checkbox"/></b>  Yes. EMWD and RCWD are signatory to CUWCC BMP's</p> <p><b>Form of Documentation:</b>  February 5, 1992 Board Letter - Approving Signatory to the CUWCC MOU  Copy of RCWD's Board Letter to be a signatory to the CUWCC EMWD Years 2002/2003 &amp; 2003/2004 BMP Reports</p>	<p><b>MWD Staff Confirmation:</b>  Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>  <b>Documentation:</b>  <input type="checkbox"/> Received  <input type="checkbox"/> On File (Date: _____)</p> 

Submitted by:

EASTERN MUNICIPAL WATER DISTRICT



Anthony J. Paek, General Manager

Date: Nov 23, 2005

**RESOLUTION****RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE METROPOLITAN WATER DISTRICT OF  
SOUTHERN CALIFORNIA  
GIVING NOTICE OF INTENTION TO  
IMPOSE WATER STANDBY CHARGES  
CONTINGENT UPON ANNEXATION  
96th FRINGE AREA**

WHEREAS, at the meeting of the Board of Directors (“Board”) of The Metropolitan Water District of Southern California (“Metropolitan”) on December 14, 1993, the Board approved the rate structure and additional revenue sources described in the board letter on the Financial Structure Study, dated December 1, 1993, including a readiness-to-serve charge;

WHEREAS, pursuant to Section 134.5 of The Metropolitan Water District Act (the “Act”), a readiness-to-serve charge may be collected as an availability service charge from the member public agencies within Metropolitan, or may be imposed as a water standby charge against individual parcels within Metropolitan;

WHEREAS, under the Act, the water standby charge may be imposed on each acre of land or each parcel of land less than an acre within Metropolitan to which water is made available for any purpose by Metropolitan, whether the water is actually used or not;

WHEREAS, certain member public agencies of Metropolitan including the Eastern Municipal Water District (“Eastern”) have requested the option to provide collection of all or a portion of their readiness-to-serve charge obligation through a Metropolitan water standby charge imposed on parcels within those member agencies;

WHEREAS, the owner of the parcel identified in the attached Engineer’s Report, dated February 2006 (the “Engineer’s Report”) has applied for annexation into Eastern and Metropolitan;

WHEREAS, upon annexation, Metropolitan water will be available to such properties 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; and

WHEREAS, Eastern has requested that Metropolitan impose water standby charges on such properties at the rate specified in the Engineer’s Report and provided herein, following annexation of such properties into Metropolitan;

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 notice is hereby given to the public and to each member public agency of The Metropolitan Water District of Southern California of the intention of Metropolitan’s Board to consider and take action at its meeting to be held on September 12, 2006, or such other date as the Board shall determine, on the General Manager’s recommendation to impose a water standby charge for fiscal year 2006/07 on the properties described in the attached Engineer’s Report and incorporated herein by reference. A registered professional engineer certified by the state of California prepared the Engineer’s Report.



**Section 2.** That the proposed 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 \$6.94, which is equal to the amount of Metropolitan's existing standby charge on other properties located within the territory of Eastern. 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. No charge on any parcel shall exceed the reasonable cost of the proportional special benefit conferred on that parcel.

**Section 3.** That the proposed water standby charge, if imposed following completion of the proposed 96th Fringe Area annexation, 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, or at Metropolitan's election may be billed directly to the property owners. Any amounts so collected shall be applied as a credit against Eastern's obligation to pay its readiness-to-serve charge. 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 4.** That the Executive Secretary is hereby directed to provide written notice of the proposed water standby charge by mail to the record owner of each property identified in the Engineer's Report not less than 45 days prior to the date of the public hearing identified in Section 5. Each notice shall be given in accordance with the requirements of Article XIII D, Section 4, of the California Constitution, and shall be in a form approved by the General Counsel. Each notice shall include an assessment ballot whereby the owner may 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. Each notice shall also include a description of the procedures for the completion, return and tabulation of ballots, which shall be in a form approved by the General Counsel.

**Section 5.** That the Board will meet in regular session at its meeting on September 12, 2006, or such other date as the Board shall determine, to hold a public protest hearing at which interested parties may present their views regarding the proposed water standby charges and the Engineer's Report. All written protests and comments presented at the hearing or received by the Executive Secretary on or before the conclusion of the public hearing which contain a description sufficient to identify the land owned by the landowners will be given due consideration by the Board before its final action on the proposed water standby charge, and all assessment ballots will be tabulated. If, upon the conclusion of the hearing, ballots submitted in opposition to the water standby charge (weighted according to the proportionate financial obligation of the affected property) exceed the ballots submitted in favor of the water standby charge, the water standby charge shall not be imposed.

**Section 6.** That imposition of the proposed water standby charges, if authorized by the Board following the public protest hearing, will be contingent upon completion of the concurrent annexation of the 96th Fringe Area to Metropolitan and Eastern. If water standby charges are approved and such annexation is not completed in time to permit imposition of standby charges for fiscal year 2006/07, Metropolitan may levy standby charges at the rate stated in this resolution beginning in a subsequent fiscal year.

**Section 7.** 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 standby charge shall be collected within the territory described in the Engineer's Report and Eastern 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 8.** 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 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). In addition, where it can be seen with certainty that there is no possibility that the proposed action in question may have a significant effect on the environment, the proposed action is not subject to CEQA (Section 15061(b)(3) of the State CEQA Guidelines). Prior to formal approval of the annexation and water standby charges from the Board, CEQA documentation will be prepared by the Lead Agency and processed in accordance with CEQA and the State CEQA Guidelines. As the Responsible Agency, Metropolitan's Board will then review and consider the CEQA documentation before taking action.

**Section 9.** That the General Manager is hereby authorized and directed to take all necessary actions to satisfy relevant statutes requiring notice by mailing or by publication.

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 July 11, 2006.

---

Executive Secretary  
The Metropolitan Water District  
of Southern California

**Attachment to Resolution of Intention  
to Impose Standby Charges**

**THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA**

**ENGINEER'S REPORT**

**Supplement I**

**PROPOSED PROGRAM TO LEVY STANDBY CHARGES,**

**EASTERN MUNICIPAL WATER DISTRICT**

**96th FRINGE AREA ANNEXATION**

**February 2006**

**BACKGROUND**

This report is a supplement to The Metropolitan Water District of Southern California (Metropolitan) Engineer's Report for the Program to Levy Readiness-To-Serve Charge, including Local Option for Standby Charge during fiscal year 2006/07, dated December 2005, adopted by Metropolitan's Board on March 14, 2006 (Engineer's Report). A copy of the Engineer's Report is on file with the Executive Secretary. Metropolitan collects a readiness-to-serve charge (RTS) as an availability-of-service charge from the member public agencies. Member public agencies request that Metropolitan collect a portion of their RTS obligation through Metropolitan's water standby charge. This supplement to the Engineer's Report satisfies the requirements of Proposition 218, the "Right to Vote on Taxes Act," approved by California voters November 5, 1996, which classifies standby charges as assessments on newly annexed properties.

**DESCRIPTION OF ANNEXING AREA**

The Eastern Municipal Water District (Eastern) has requested that Metropolitan collect all or a portion of its RTS obligation through a Metropolitan water standby charge imposed on parcels within Eastern service area boundary. The owners of property constituting proposed 96th Fringe Area have applied for annexation into Eastern. Once the territory is annexed, Metropolitan water will be available to these parcels, and these parcels will receive the benefit of the projects funded in part by Metropolitan water standby charges, as described in the Engineer's Report. Eastern has requested that Metropolitan impose water standby charges on these properties at the rate specified in the Engineer's Report, following annexation of these properties into Metropolitan.

**COST BENEFIT OF THE ANNEXING AREA**

The property owners have applied to Metropolitan for annexation of the properties identified in this report. Consent by the property owners to Metropolitan's levying of an annual water standby charge in the amount of \$6.94 per acre, or \$6.94 per parcel of less than one acre, is a condition to annexation of these properties into Eastern and Metropolitan.

The following table lists the parcels included in 96th Fringe Area Annexation and the proposed water standby charge for fiscal year 2006/07.

**Table A**  
**Water standby charges for 96th Fringe Area Annexation**

<u>Parcel Number</u>	<u>Acres</u> *	<u>Standby Charge</u> <u>(Fiscal Year 2006/07)</u>
956-090-010	3.33	\$ 23.11
956-090-011	2.17	\$ 15.06
956-090-012	2.98	\$ 20.68
956-090-013	3.95	\$ 27.41
956-090-014	5.25	\$ 36.44
956-090-015	32.60	\$ 226.25
956-090-016	9.48	\$ 65.79
	<b>Total</b>	<b>\$ 414.74</b>

\* Acres per Assessor's Parcel Number

The estimated potential benefits of Metropolitan's water supply program that could be paid by a standby charge are approximately \$244 million for fiscal year 2006/07, as shown in Table 1 of the Engineer's Report. An average total standby charge of \$57.22 per acre of land, or per parcel of less than one acre, would be necessary to pay for the total potential program benefits within Metropolitan's service area. The Engineer's Report has estimated that the total benefits of this magnitude accrue to each acre of property and parcel within Metropolitan, as these properties are eligible for water from the Metropolitan system. Because only properties located within Metropolitan's boundaries receive water supplies from Metropolitan (except for certain contractual deliveries as permitted under Section 131 of the Metropolitan Water District Act), any benefit received by the public at large or by properties outside of the proposed area to be annexed is merely incidental.

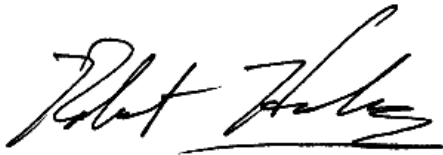
Table 5 of the Engineer's Report shows that the distribution of standby charge revenues from the various member agencies would provide revenue of approximately \$42.7 million for fiscal year 2006/07. This total amount is less than projected collections from the RTS charge. Metropolitan will use other revenue sources, such as water sales revenues, RTS revenues (except to the extent collected through standby charges, as described above), interest income, and revenue from sales of hydroelectric power, to pay for the remaining program benefits. Thus, the benefits of Metropolitan's investments in water conveyance, storage, distribution and supply programs far exceed the recommended standby charge, thus ensuring that no parcel within the annexation is assessed water standby charges in excess of the reasonable cost of the proportional special benefit conferred on that parcel.

**SUMMARY**

The foregoing and the attached tables in the Engineer's Report describe the current benefits provided by the projects listed as mainstays to the water supply system for Metropolitan's service area. Eastern has requested that a water standby charge be imposed on lands within 96th Fringe Area annexation as a credit against Eastern RTS obligation for fiscal year 2006/07, in the amount of \$6.94 per acre or parcel of less than one acre, to be levied by Metropolitan within Eastern. The special benefits described in this Engineer's Report exceed the recommended charge. The water standby charge for parcels (identified in Table A above) within 96th Fringe Area Annexation total \$414.74.

Prepared Under the Supervision Of:

Prepared Under the Supervision Of:



Robert Harding  
RCE 50185  
Engineer  
Water Resource Management



Brian G. Thomas  
Chief Financial Officer



REORGANIZATION TO INCLUDE CONCURRENT ANNEXATIONS TO EASTERN MUNICIPAL WATER DISTRICT, RANCHO CALIFORNIA WATER DISTRICT (ANNEX 101) AND THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA (97 FRINGE).

EXHIBIT "A"

LAFCO NO.

Parcels 1, and 4 and Lots A and D of Parcel Map 14825, as shown by map on file in Book 78 of Parcel Maps, at page 25; together with Parcels 1, 3 and 4 and Lots A, B, C and F of Parcel Map 14649, as shown by map on file in Book 78 of Parcel Maps, at page 93 in the office of the County Recorder, County of Riverside, State of California, more particularly described as follows:

BEGINNING at the centerline intersection of Anza Road and Via Pascal;

THENCE North 00°09'29" West along the centerline of said Via Pascal a distance of 643.77 feet to the northeasterly corner of Parcel 4 of said Parcel Map 14649;

THENCE leaving said centerline North 89°37'01" West a distance of 353.29 feet to the northwesterly corner of Parcel 4 of said Parcel Map 14649;

THENCE North 00°22'59" East a distance of 689.77 feet to a point on the centerline of Monte Verde Road as shown on said Parcel Map 14649, said point being the northeasterly corner of Lot F of said Parcel Map 14649;

THENCE along said centerline South 57°20'01" West a distance of 380.94 feet to the northwesterly corner of Lot F of said Parcel Map 14649;

THENCE leaving said centerline South 00°22'59" West a distance of 914.69 feet to the northeasterly corner of Parcel 4 of said Parcel Map 14825;

THENCE North 89°37'01" West a distance of 335.22 feet to the northwesterly corner of Parcel 4 of said Parcel Map 14825;

THENCE North 00°38'29" East a distance of 698.64 feet to a point on the centerline of said Monte Verde Road, said point being the northeasterly corner of Lot A of said Parcel Map 14825;

THENCE along said centerline South 57°20'01" West a distance of 117.01 feet to the beginning of a tangent curve concave southeasterly having a radius of 500 feet;

THENCE southwesterly along said curve through a central angle of 22°21'46" and an arc length of 195.15 feet;

THENCE South 34°58'15" West a distance of 169.07 feet to the northwesterly corner of Lot A of said Parcel Map 14825;

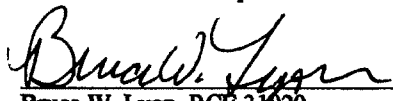
THENCE leaving said centerline South 00°53'59" West a distance of 600.23 feet to the southwest corner of Parcel 1 of said Parcel Map 14825;

THENCE South 89°37'01" East a distance of 334.18 feet to the southeast corner of Parcel 1 of said Parcel Map 14825;

THENCE South 00°38'29" West a distance of 674.79 feet to a point on the centerline of said Anza Road, said point being the southwesterly corner of Lot D of said Parcel Map 14825;

THENCE along said centerline North 55°44'06" East a distance of 1237.48 feet to the POINT OF BEGINNING.

The above-described parcel of land contains: 30.2 acres gross, more or less

  
Bruce W. Lyon, RCE 31920  
Reg. exp. 12-31-06

4/24/06  
Date

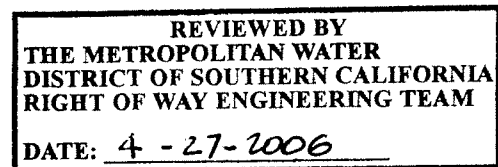
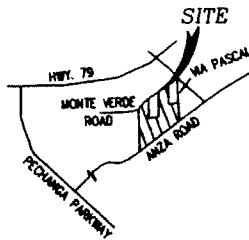
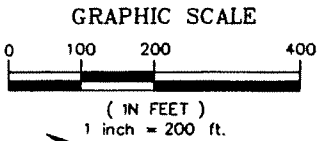
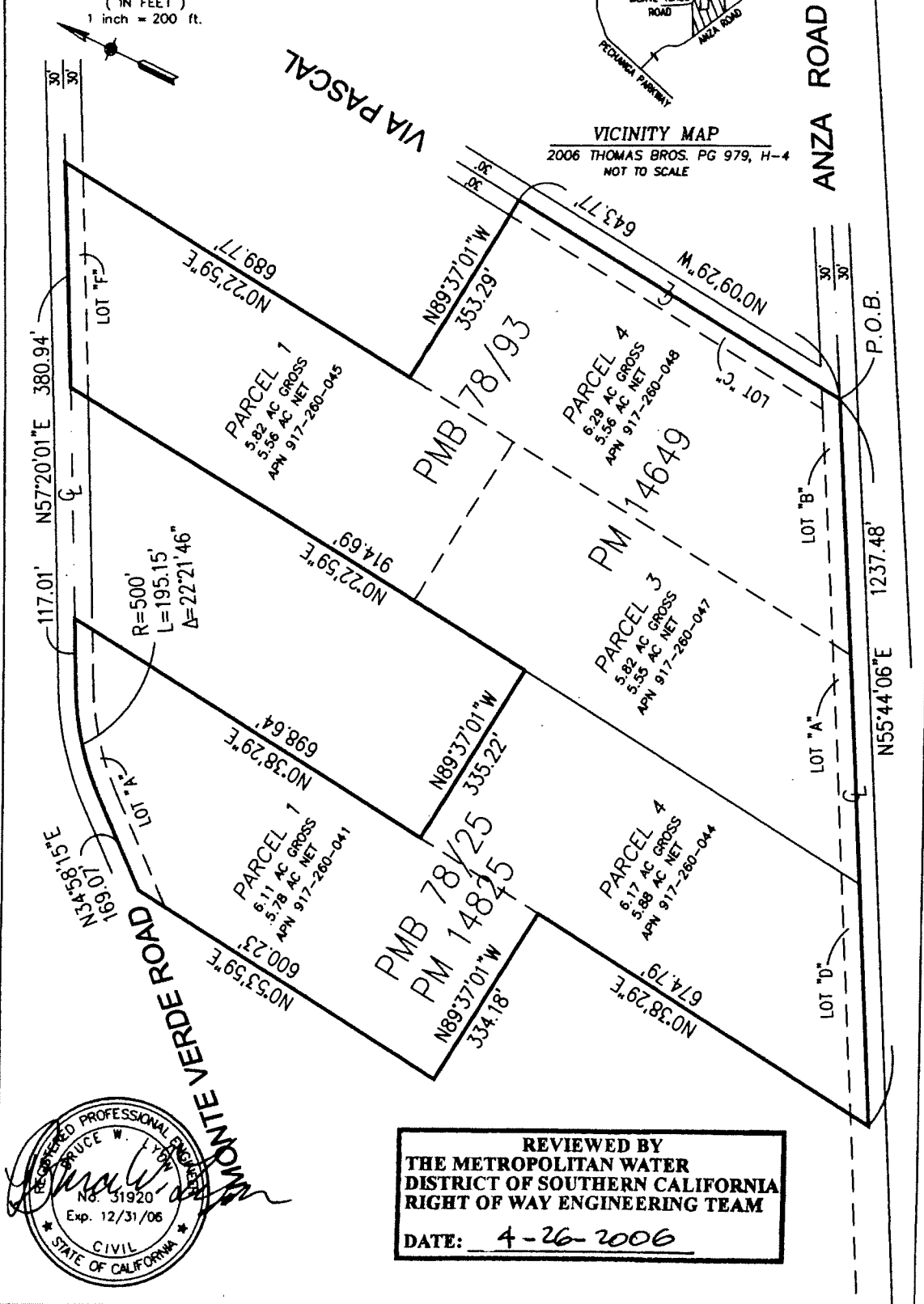


EXHIBIT "A"



VICINITY MAP  
2006 THOMAS BROS. PG 979, H-4  
NOT TO SCALE



REVIEWED BY  
THE METROPOLITAN WATER  
DISTRICT OF SOUTHERN CALIFORNIA  
RIGHT OF WAY ENGINEERING TEAM  
DATE: 4-26-2006


PCLS 1, 3 & 4 AND LOTS A, B, C,  
& F OF PM 14649 PMB 78/93  
  
PCLS 1, 3 & 4 AND LOTS A, E, & D  
OF PM 14825 PMB 78/25


REORGANIZATION TO INCLUDE CONCURRENT ANNEXATIONS  
TO EASTERN MUNICIPAL WATER DISTRICT, RANCHO  
CALIFORNIA WATER DISTRICT (ANNEX 101) AND THE  
METROPOLITAN WATER DISTRICT OF SOUTHERN  
CALIFORNIA (97 FRINGE).

LAFCO NO.


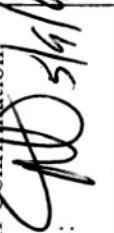
**Documentation for Annexation of Lands to  
The Metropolitan Water District of Southern California**


**Water Use Efficiency Compliance Statement**

<p><b>A. General Information</b> Description of Annexing Area 30.21 acres of undeveloped residential property located in the unincorporated area of Temecula in Riverside County, south of Monte Verde Road and west of Via Pascal.</p>	<p>Member Agency: Eastern Municipal Water District Annexation Name: 97<sup>th</sup> Fringe Area (Highpointe Temecula V LP) Annexing Water Demand: 28,800 GPD or 32.3 AF/YR Peaking Water Demand: 72,000 GPD Percent MWD Supplied: 100% Development Plans: medium density residential Zoning: rural residential Additional Water Agencies Involved in Annexation: 1. Rancho California Water District 2.</p>	<p>MWD Staff Confirmation: Yes <input checked="" type="radio"/> No <input type="radio"/> </p>
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<p><b>B. Member Agency Water Use and Efficiency Plans</b> 1. Does your agency minimize annual water demand by incorporating water conservation measures into new development plans and service agreements? Describe.</p>	<p>Member Agency Response: Yes <input type="radio"/> No <input checked="" type="radio"/> Description: Yes, ongoing residential water conservation programs are offered to new developments, existing customers and our subagencies. These programs include home water surveys, ultra-low flush and dual flush toilets, high-efficiency clothes washers, and low-flow showerheads. New development service agreements require developers to promote water conservation programs/incentives, water saving appliances, and California friendly landscaping. Developers must adhere to State and local</p>	<p>Yes <input checked="" type="radio"/> No <input type="radio"/> Comments:  5/19/06 Documentation: Received On File (Date: _____)</p>
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	<p>plumbing and landscaping codes and EMWD's water conservation ordinances. EMWD offers rebates to commercial, industrial, and institutional customers under MWD's CII program. Landscaping budgets and plan checks are required for all new commercial developments. EMWD is a charter signatory agency of the California Urban Water Conservation Council and promotes the Best Management Water Conservation Practices throughout its service area. A staff of conservation and education specialists provide public education programs, landscape irrigation workshops, student education programs, and conservation related campaigns.</p> <p>Supporting Documentation:  Conservation Department Programs 1993-2003 Brochure  December 15, 2004 Board Letter - Legislative Policy Principles</p>	
<p>2. Does your agency use groundwater, surface water, and recycling to reduce annual demand on MWD?  Describe.</p>	<p>Member Agency Response: Yes No</p> <p>Description:  Yes, EMWD produces about 20% of its supplies from local groundwater. Other sources of water include recycled water produced from four regional water reclamation facilities, a reverse osmosis desalination plant, a microfiltration plant, and groundwater recharging. Plans are underway for two additional desalination plants, 1 additional microfiltration plant, water harvesting, and expanding our groundwater recharge program.</p> <p>Supporting Documentation:  Brochure - Maximizing Resources  Brochure - Salinity Management Program  Recycled Water Ordinance No. 68  Groundwater Management Plan</p>	<p>MWD Staff Confirmation:  Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>  Comments:  5/6/06</p> <p>Documentation:  Received _____  On File (Date: _____)</p>
<p>3. Does your agency use storage and groundwater facilities and conservation to reduce peak demand on MWD?</p>	<p>Member Agency Response: Yes No</p> <p>Description: Yes, EMWD utilizes its storage facilities and groundwater basins to reduce peak demand on MWD. EMWD maintains 80 water reservoirs that hold more than 190 million</p>	<p>MWD Staff Confirmation:  Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>  Comments:  5/6/06</p>

<p>Describe.</p>	<p>gallons of water and 21 wells that produce 24,085 gpm. EMWD's groundwater recharge program consists of spreading ponds in the Hemet/San Jacinto area that are used to store excess water during wet periods. This program will be expanded with the construction of a major raw water transmission pipeline that will make available State Water Project water to recharge the subbasin. Water harvesting plans are underway to use an old MWD reservoir to capture water from Riverside County Flood Control and the Water Conservation District storm drains.</p> <p>Outdoor water conservation is promoted throughout our service area. The East Valley Campaign was marketed in the Hemet/San Jacinto valley asking residents to reduce water consumption during the summer months while we were facing short-term water supply shortages. Programs such as Weather-Based Controllers for commercial landscape accounts; the Landscape Accounts Data System (LADS) program as outlined in Ordinance 72.19; and the California Friendly Landscape (CFL) Pilot Program for new development landscaping are all examples of outdoor water conservation programs supported by EMWD.</p> <p>Supporting Documentation:  Ordinance 72.19 - Landscape Irrigation  Brochure - Hemet/San Jacinto Conjunctive Use Program  Report - Active Production Wells  Report - Active Tank List</p>	<p>Documentation:  Received _____  On File (Date: _____)</p>
<p>4. Does your agency offer all MWD new development conservation programs?  Describe how they are promoted.</p>	<p>Member Agency Response: Yes No  Description: Yes, MWD's new development conservation programs, including dual flush toilets, residential water surveys, water-wise landscape/irrigation workshops, high efficiency washing machine rebates, water brooms, moisture sensors, California Friendly landscape projects for model homes, CII</p>	<p>MWD Staff Confirmation:  Yes No  Comments: </p> <p>Documentation:</p>

	<p>program, etc. As outlined in the Conservation Department Programs 1993-2003 pamphlet, these programs are offered to all new customers as well as subagencies. These are promoted via bill stuffers, EMWD's web site, newspaper articles and advertisements, and community outreach meetings such as Chambers of Commerce events, homeowners association meetings and civic associations, etc. Subagencies are encouraged to offer the same MWD sponsored programs to their new customers.</p> <p>Supporting Documentation:  Conservation Department Programs Report  Lake Hemet Agreement 55348-1  MWD Agreement No. 57809  Monthly Customer Newsletters  Ads in the Valley Chronicle Newspaper  Conservation Promotional Flyers</p>	<p>Received  On File (Date: _____)</p>
<p>5. Does your agency have a specific conservation program for new development independent of MWD funding? Describe.</p>	<p>Member Agency Response: Yes No  Description: Yes, EMWD has initiated the East Valley Campaign to help cut down on summer peak demands, sponsors workshops on California-friendly plants to promote landscaping using drought tolerant plants and the Water Waste Program to report/correct the wasteful use of water. A new program, The New Residential Development Campaign, is targeted at new residential customers and consists of a welcome letter, a quarterly newsletter containing seasonal tips and ideas for water conservation, and a survey. Poster contests are coordinated with May Water Awareness Month through our 9 school districts.</p> <p>Supporting Documentation:  Brochures - East Valley Campaign  California Friendly Landscape Workshops  Water Waste Program - Sample Letter  New Residential Development Campaign – Letter and Brochures</p>	<p>MWD Staff Confirmation:  Yes No  Comments: <i>DD 5/9/06</i>  Documentation:  Received  On File (Date: _____)</p>

<p>6. Does your agency use recycled water in accordance with California Water Code Sections 13550 - 13554? Describe.</p>	<p>Member Agency Response: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>Description: Yes. EMWD has an extensive recycled water distribution system consisting of more than 100 miles of pipeline linking five regional water reclamation facilities. More than 6,000 AF of storage pond capacity have been constructed at 10 locations throughout our service area for seasonal storage of surplus recycled water. About 25,000 AFY of recycled water is sold to customers at 110 different sites, ranking EMWD among the top water recycling agencies in California. Recycled water is conditioned for new projects serviced by EMWD that meet the Recycled Water Facilities and Service Guidelines adopted by EMWD's Board of Directors as required in Water Code sections 13550-13554.</p> <p>Supporting Documentation:  Brochure - EMWD Recycling Program  Recycled Water Policy &amp; Guidelines  Report - Recycled Water Production &amp; Sales</p>	<p>EMWD Staff Confirmation:  Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>  Comments:  5/9/06  Documentation:  Received _____  On File (Date: _____)</p>
<p>7. Are Best Management Practices conditioned on all new development?  Describe BMP implementation.  Describe BMP implementation in new development.</p>	<p>Member Agency Response: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>Description: Yes. In fulfillment of the BMP's, all of the incentives/rebates are offered to new development within our service area. As a condition of service, new development must agree to meet all code requirements established by their respective City or County, as applicable. Each of these agencies has stringent landscape codes. Large commercial landscaping requires a dedicated landscape irrigation meter, submittal of plans for approval, and an approved water budget, in conformance with BMP #5. EMWD is a leading member of the Riverside County Water Task Force whose purpose is to set common water use best management practices for cities and other entities throughout Riverside County.</p>	<p>EMWD Staff Confirmation:  Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>  Comments:  5/9/06  Documentation:  Received _____  On File (Date: _____)</p>

<p>8. Can your agency sustain a 7-day interruption in service as described in MWD Admin. Code Section 4503?</p>	<p><b>Supporting Documentation:</b>          County of Riverside Landscape Requirements          City of Murrieta Landscape Standards          City of Temecula Landscape Design          Riverside County Water Task Force Program</p> <p>Member Agency Response: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>          Yes, EMWD can sustain a 7-day interruption in service during the <u>non-peak</u> demand winter months.</p>	<p><i>W</i>  <i>5-9-06</i></p>
<p>9. Are your agency and all other agencies listed in (A) above signatory to and in compliance with the California Urban Water Conservation Council's BMP MOU?</p>	<p>Member Agency Response: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>          Yes. EMWD and RCWD are signatory to CUWCC BMP's</p> <p>Form of Documentation:          February 5, 1992 Board Letter - Approving Signatory to the CUWCC MOU          Copy of RCWD's Board Letter to be a signatory to the CUWCC EMWD Years 2002/2003 &amp; 2003/2004 BMP Reports</p>	<p>MWD Staff Confirmation:          Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>          Documentation Received          On File (Date: <u>5/9/06</u>)</p>

Submitted by:

EASTERN MUNICIPAL WATER DISTRICT

  
 Anthony J. Pack, General Manager

Date: 5/1/06

**RESOLUTION****RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE METROPOLITAN WATER DISTRICT OF  
SOUTHERN CALIFORNIA  
GIVING NOTICE OF INTENTION TO  
IMPOSE WATER STANDBY CHARGES  
CONTINGENT UPON ANNEXATION  
97th FRINGE AREA**

WHEREAS, at the meeting of the Board of Directors (“Board”) of The Metropolitan Water District of Southern California (“Metropolitan”) on December 14, 1993, the Board approved the rate structure and additional revenue sources described in the board letter on the Financial Structure Study, dated December 1, 1993, including a readiness-to-serve charge;

WHEREAS, pursuant to Section 134.5 of The Metropolitan Water District Act (the “Act”), a readiness-to-serve charge may be collected as an availability service charge from the member public agencies within Metropolitan, or may be imposed as a water standby charge against individual parcels within Metropolitan;

WHEREAS, under the Act, the water standby charge may be imposed on each acre of land or each parcel of land less than an acre within Metropolitan to which water is made available for any purpose by Metropolitan, whether the water is actually used or not;

WHEREAS, certain member public agencies of Metropolitan including the Eastern Municipal Water District (“Eastern”) have requested the option to provide collection of all or a portion of their readiness-to-serve charge obligation through a Metropolitan water standby charge imposed on parcels within those member agencies;

WHEREAS, the owner of the parcel identified in the attached Engineer’s Report, dated May 2006 (the “Engineer’s Report”) has applied for annexation into Eastern and Metropolitan;

WHEREAS, upon annexation, Metropolitan water will be available to such properties 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; and

WHEREAS, Eastern has requested that Metropolitan impose water standby charges on such properties at the rate specified in the Engineer’s Report and provided herein, following annexation of such properties into Metropolitan;

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 notice is hereby given to the public and to each member public agency of The Metropolitan Water District of Southern California of the intention of Metropolitan’s Board to consider and take action at its meeting to be held on September 12, 2006, or such other date as the Board shall determine, on the General Manager’s recommendation to impose a water standby charge for fiscal year 2006/07 on the properties described in the attached Engineer’s Report and incorporated herein by reference. A registered professional engineer certified by the state of California prepared the Engineer’s Report.

**Section 2.** That the proposed 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 \$6.94, which is equal to the amount of Metropolitan's existing standby charge on other properties located within the territory of Eastern. 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. No charge on any parcel shall exceed the reasonable cost of the proportional special benefit conferred on that parcel.

**Section 3.** That the proposed water standby charge, if imposed following completion of the proposed 97th Fringe Area annexation, 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, or at Metropolitan's election may be billed directly to the property owners. Any amounts so collected shall be applied as a credit against Eastern's obligation to pay its readiness-to-serve charge. 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 4.** That the Executive Secretary is hereby directed to provide written notice of the proposed water standby charge by mail to the record owner of each property identified in the Engineer's Report not less than 45 days prior to the date of the public hearing identified in Section 5. Each notice shall be given in accordance with the requirements of Article XIII D, Section 4, of the California Constitution, and shall be in a form approved by the General Counsel. Each notice shall include an assessment ballot whereby the owner may 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. Each notice shall also include a description of the procedures for the completion, return and tabulation of ballots, which shall be in a form approved by the General Counsel.

**Section 5.** That the Board will meet in regular session at its meeting on September 12, 2006, or such other date as the Board shall determine, to hold a public protest hearing at which interested parties may present their views regarding the proposed water standby charges and the Engineer's Report. All written protests and comments presented at the hearing or received by the Executive Secretary on or before the conclusion of the public hearing which contain a description sufficient to identify the land owned by the landowners will be given due consideration by the Board before its final action on the proposed water standby charge, and all assessment ballots will be tabulated. If, upon the conclusion of the hearing, ballots submitted in opposition to the water standby charge (weighted according to the proportionate financial obligation of the affected property) exceed the ballots submitted in favor of the water standby charge, the water standby charge shall not be imposed.

**Section 6.** That imposition of the proposed water standby charges, if authorized by the Board following the public protest hearing, will be contingent upon completion of the concurrent annexation of the 97th Fringe Area to Metropolitan and Eastern. If water standby charges are approved and such annexation is not completed in time to permit imposition of standby charges for fiscal year 2006/07, Metropolitan may levy standby charges at the rate stated in this resolution beginning in a subsequent fiscal year.

**Section 7.** 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 standby charge shall be collected within the territory described in the Engineer's Report and Eastern 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 8.** 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 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). In addition, where it can be seen with certainty that there is no possibility that the proposed action in question may have a significant effect on the environment, the proposed action is not subject to CEQA (Section 15061(b)(3) of the State CEQA Guidelines). Prior to formal approval of the annexation and water standby charges from the Board, CEQA documentation will be prepared by the Lead Agency and processed in accordance with CEQA and the State CEQA Guidelines. As the Responsible Agency, Metropolitan's Board will then review and consider the CEQA documentation before taking action.

**Section 9.** That the General Manager is hereby authorized and directed to take all necessary actions to satisfy relevant statutes requiring notice by mailing or by publication.

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 July 11, 2006.

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Executive Secretary  
The Metropolitan Water District  
of Southern California



**Attachment to Resolution of Intention  
to Impose Standby Charges**

**THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA**

**ENGINEER'S REPORT**

**Supplement I**

**PROPOSED PROGRAM TO LEVY STANDBY CHARGES,**

**EASTERN MUNICIPAL WATER DISTRICT**

**97th FRINGE AREA ANNEXATION**

**May 2006**

**BACKGROUND**

This report is a supplement to The Metropolitan Water District of Southern California (Metropolitan) Engineer's Report for the Program to Levy Readiness-To-Serve Charge, including Local Option for Standby Charge during fiscal year 2006/07, dated December 2005, adopted by Metropolitan's Board on March 14, 2006 (Engineer's Report). A copy of the Engineer's Report is on file with the Executive Secretary. Metropolitan collects a readiness-to-serve charge (RTS) as an availability-of-service charge from the member public agencies. Member public agencies request that Metropolitan collect a portion of their RTS obligation through Metropolitan's water standby charge. This supplement to the Engineer's Report satisfies the requirements of Proposition 218, the "Right to Vote on Taxes Act," approved by California voters November 5, 1996, which classifies standby charges as assessments on newly annexed properties.

**DESCRIPTION OF ANNEXING AREA**

The Eastern Municipal Water District (Eastern) has requested that Metropolitan collect all or a portion of its RTS obligation through a Metropolitan water standby charge imposed on parcels within Eastern service area boundary. The owners of property constituting proposed 97th Fringe Area have applied for annexation into Eastern. Once the territory is annexed, Metropolitan water will be available to these parcels, and these parcels will receive the benefit of the projects funded in part by Metropolitan water standby charges, as described in the Engineer's Report. Eastern has requested that Metropolitan impose water standby charges on these properties at the rate specified in the Engineer's Report, following annexation of these properties into Metropolitan.

## **COST BENEFIT OF THE ANNEXING AREA**

The property owners have applied to Metropolitan for annexation of the properties identified in this report. Consent by the property owners to Metropolitan's levying of an annual water standby charge in the amount of \$6.94 per acre, or \$6.94 per parcel of less than one acre, is a condition to annexation of these properties into Eastern and Metropolitan.

The following table lists the parcels included in 97th Fringe Area Annexation and the proposed water standby charge for fiscal year 2006/07.

**Table A**  
**Water standby charges for 97th Fringe Area Annexation**

<u>Parcel Number</u>	<u>Acres</u> *	<u>Standby Charge</u> <u>(Fiscal Year 2006/07)</u>
917-260-041	5.78	\$ 40.11
917-260-044	5.88	\$ 40.81
917-260-045	5.56	\$ 38.59
917-260-047	5.55	\$ 38.52
917-260-048	5.56	\$ 38.59
	Total	<b>\$ 196.62</b>

\* Acres per Assessor's Parcel Number

The estimated potential benefits of Metropolitan's water supply program that could be paid by a standby charge are approximately \$244 million for fiscal year 2006/07, as shown in Table 1 of the Engineer's Report. An average total standby charge of \$57.22 per acre of land, or per parcel of less than one acre, would be necessary to pay for the total potential program benefits within Metropolitan's service area. The Engineer's Report has estimated that the total benefits of this magnitude accrue to each acre of property and parcel within Metropolitan, as these properties are eligible for water from the Metropolitan system. Because only properties located within Metropolitan's boundaries receive water supplies from Metropolitan (except for certain contractual deliveries as permitted under Section 131 of the Metropolitan Water District Act), any benefit received by the public at large or by properties outside of the proposed area to be annexed is merely incidental.

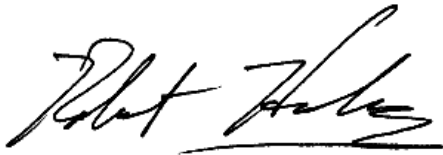
Table 5 of the Engineer's Report shows that the distribution of standby charge revenues from the various member agencies would provide revenue of approximately \$42.7 million for fiscal year 2006/07. This total amount is less than projected collections from the RTS charge. Metropolitan will use other revenue sources, such as water sales revenues, RTS revenues (except to the extent collected through standby charges, as described above), interest income, and revenue from sales of hydroelectric power, to pay for the remaining program benefits. Thus, the benefits of Metropolitan's investments in water conveyance, storage, distribution and supply programs far exceed the recommended standby charge, thus ensuring that no parcel within the annexation is assessed water standby charges in excess of the reasonable cost of the proportional special benefit conferred on that parcel.

**SUMMARY**

The foregoing and the attached tables in the Engineer's Report describe the current benefits provided by the projects listed as mainstays to the water supply system for Metropolitan's service area. Eastern has requested that a water standby charge be imposed on lands within 97th Fringe Area annexation as a credit against Eastern RTS obligation for fiscal year 2006/07, in the amount of \$6.94 per acre or parcel of less than one acre, to be levied by Metropolitan within Eastern. The special benefits described in this Engineer's Report exceed the recommended charge. The water standby charge for parcels (identified in Table A above) within 97th Fringe Area Annexation totals \$196.62.

Prepared Under the Supervision Of:

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RCE 50185  
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