

- **Board of Directors**
Business and Finance Committee

February 12, 2008 Board Meeting

7-1

Subject

Adopt final resolution for annexation and impose water standby charge for Annexation No. 91 to Calleguas Municipal Water District and to Metropolitan

Description

Calleguas Municipal Water District (Calleguas) requests final terms and conditions and imposition of water standby charge for Annexation No. 91 concurrently to Calleguas and to Metropolitan. On November 21, 2007, Calleguas' board of directors adopted Resolution No. 1571 requesting the proposed annexation. The proposed territory includes land located at Camarillo Airport (Parcel A) that totals 338.29 acres, and a 2.58-acre parcel (Parcel B) located at Oxnard Airport in Camarillo. The proposed annexation consists of 340.84 gross acres with 9.07 acres designated for public roads. The net area is 331.77 acres. The projected annual water demand on Metropolitan is approximately 136 acre-feet per year. See [Attachment 1](#) for the legal description and map.

Metropolitan's policy for annexation is referenced in Chapter 1, Article 1, Sections 350 through 356 of the Metropolitan Act, and Division III, Sections 3100 through 3108 of its Administrative Code. The Act states "the governing body of any public agency may apply to the board of the district for consent to annex the corporate area of such agency to the district. The board may grant or deny such application and in granting such application may fix the terms and conditions upon which the corporate area of such agency may be annexed to and become a part of the Metropolitan Water District." Within fiscal year 2007/08, Metropolitan has thus far completed two annexations for a total of 14.42 acres, with a projected annual water demand of 30.1 acre-feet per year.

For Annexation No. 91, the current zoning of the property is Municipal Airport. With the exception of one small portion, all of Parcel A is owned by public agencies. The county of Ventura is the largest property owner. Parcel A encompasses roughly half of Camarillo Airport, is improved with buildings and a public park, and includes approximately 50 acres on which the Department of Airports plans to add ramps and aircraft hangers. Parcel A excludes the runway, taxiways and open space that have no water demand. All of the land is presently within the incorporated area of the city of Camarillo. At its northeast corner, the proposed annexation will touch the present service area of Calleguas and Metropolitan. Prior to completion of the annexation, Calleguas will pay a fee of \$1,222,927.67 if the annexation is completed prior to December 31, 2008. 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 by the per-acre method based on net acreage and a \$5,000 processing fee. Metropolitan's Board adopted a resolution of intention to impose a water standby charge within the proposed annexation area in support of Annexation No 91 on May 8, 2007. Pursuant to Resolution 9030, the Board held public hearings on July 10, 2007. Interested parties were given the opportunity to present their views regarding the proposed charge and the Engineer's Report. Also, pursuant to Resolution 9030, 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 the hearings to the owners of record of the parcels identified in the Engineer's Report. Enclosed in the mailed notices were assessment ballots on which the owners could indicate either support or oppose the proposed water standby charge.

This action adopts a resolution consenting to Calleguas' requests for annexation ([Attachment 2](#)); and Resolution Fixing and Adopting Water Standby Charge ([Attachment 3](#)), 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. 91. 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, Metropolitan may levy said standby charge at the rate stated in the resolutions.

Policy

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 its Administrative Code.

California Environmental Quality Act (CEQA)

CEQA determination for Option #1:

Annexation of Parcel A

Pursuant to the provisions of CEQA and the State CEQA Guidelines, a number of environmental documents have been prepared to examine the environmental impacts associated with the development of Parcels A and B, along with the proposed annexation to Metropolitan's service area. With respect to Parcel A, the Ventura County Board of Supervisors, acting as Lead Agency, prepared and processed a Final Environmental Impact Report (Final EIR) for the Airport Development in Accordance with the Draft Airport Master Plan Update at Camarillo Airport, Camarillo, California (Camarillo Plan). The Final EIR was certified and the Camarillo Plan was approved by the Lead Agency on November 2, 1999. The Lead Agency also approved the Findings of Fact and the Mitigation Monitoring and Reporting Program (MMRP). Subsequent to that action, modifications to the plan were made and the Lead Agency prepared and certified an addendum to the Final EIR in May 2003. Then, on November 21, 2007, Calleguas, acting as Responsible Agency, adopted the Second Addendum to the Final EIR, which addressed annexation of Parcel A to both Calleguas and to Metropolitan. Metropolitan, as Responsible Agency under CEQA, is required to certify that it has reviewed and considered the information in the certified Final EIR, First Addendum, and Second Addendum, and adopt the Lead Agency's findings and MMRP prior to approval of the formal terms and conditions for the annexation and water standby charges for Parcel A. The environmental documentation is available in the Board Executive Secretary's Office for review.

The CEQA determination is: Review and consider information provided in the certified 1999 Final EIR, First and Second Addenda, and adopt the Lead Agency's/Responsible Agency's findings and MMRP related to the annexation.

Annexation of Parcel B

With respect to Parcel B, pursuant to the provisions of CEQA and the State CEQA guidelines, the Ventura County Board of Supervisors, again acting as Lead Agency, adopted the 2004 Mitigated Negative Declaration (MND) for the Oxnard Airport Master Plan and a MMRP on February 8, 2005. On November 21, 2007, Calleguas, acting as Responsible Agency, adopted the Addendum to the MND, which addressed annexation of Parcel B to both Calleguas and to Metropolitan. Metropolitan, as Responsible Agency under CEQA, is required to certify that it has reviewed and considered the information in the adopted MND and Addendum, and adopt the Lead Agencies' findings and MMRP prior to approval of the formal terms and conditions for the annexation and water standby charges. The related environmental documentation for this annexation is available in the Board Executive Secretary's Office for review.

The CEQA determination is: Review and consider information provided in the adopted 2005 MND and Addendum, and adopt the Lead Agency's/Responsible Agency's findings and MMRP related to the annexation.

CEQA determination for Option #2:

None required

Board Options

Option #1

Adopt the CEQA determinations and

- a. Adopt resolution granting Calleguas' request for approval of Annexation No. 91, concurrently to Metropolitan and to Calleguas, conditioned upon approval by the Ventura Local Agency Formation Commission, and establishing Metropolitan's terms and conditions for the annexations (**Attachment 2**); and
- b. Adopt 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 areas (**Attachment 3**).

Fiscal Impact: Receipt of annexation fees of \$1,222,927.67 for Annexation No. 91 with water sales revenue from newly annexed territory

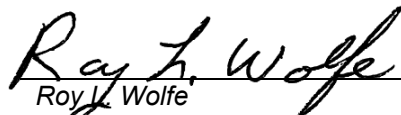
Option #2

Decline the request for Annexation No. 91

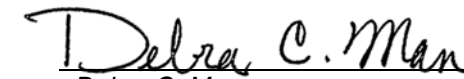
Fiscal Impact: Unrealized annexation fees and water sales revenue from non-annexed territory

Staff Recommendation

Option #1


 Roy L. Wolfe
 Manager, Corporate Resources

1/23/2008
 Date


 Debra C. Man
 for Jeffrey Kightlinger
 General Manager

1/28/2008
 Date

Attachment 1 – Annexation No. 91 Legal Description and Map

Attachment 2 – Annexation No. 91 Resolution Setting Terms and Conditions for Annexation

Attachment 3 – Annexation No. 91 Resolution Imposing Water Standby Charges

EXHIBIT "A"
VENTURA COUNTY AIRPORTS
CALLEGUAS MUNICIPAL WATER DISTRICT ANNEXATION
(ANNEXATION NO. 91)

PARCEL "A" (CAMARILLO SITE)

THOSE PORTIONS OF SUBDIVISIONS 55, 57, 58 & 61 IN THE COUNTY OF VENTURA, STATE OF CALIFORNIA, AS SHOWN ON THE MAP ENTITLED "MAP OF RANCHO EL RIO DE SANTA CLARA O' LA COLONIA, PARTITIONED BY ORDER OF THE DISTRICT COURT, 1ST JUDICIAL DISTRICT, CALIFORNIA," FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY AS, "THOMAS A. SCOTT, et al., PLAINTIFFS, VS. RAFAEL GONZALES, et al., DEFENDANTS, AS SAID LAND IS SHOWN ON, "MAP NO. 3, LANDS IN SUBDIVISIONS 55,57,61,68, 67, 66 AND 65 OF RANCHO EL RIO DE SANTA CLARA O' LA COLONIA, RECORDED IN BOOK 3, OF MISCELLANEOUS RECORDS, PAGE 12, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE WESTERLY TERMINUS OF THE 1ST COURSE OF ANNEXATION NO. 61 TO THE CALLEGUAS MUNICIPAL DISTRICT WATER DISTRICT, AS SHOWN AND DESCRIBED IN THE CERTIFICATE OF COMPLETION RECORDED OCTOBER 27, 1999 AS DOCUMENT NO. 1999-0197278-00, IN THE OFFICE OF SAID COUNTY RECORDER; THENCE ALONG THE 2ND COURSE OF SAID ANNEXATION NO. 61,

1ST - NORTH 00°45'45" EAST, 880.80 FEET TO THE SOUTH BOUNDARY OF THE EXISTING CALLEGUAS MUNICIPAL WATER DISTRICT BOUNDARY NO. 48, RECORDED DECEMBER 21, 1995, AS DOCUMENT NO. 1995-158646, OFFICIAL RECORDS OF SAID COUNTY; THENCE ALONG SAID SOUTH BOUNDARY,

2ND - NORTH 88°52'26" WEST, 1857.04 FEET; THENCE DEPARTING SAID SOUTH BOUNDARY,

3RD - SOUTH 00°00'00" EAST, 2160.00 FEET; THENCE,

4TH - SOUTH 90°00'00" WEST, 908.00 FEET; THENCE,

5TH - NORTH 00°00'00" EAST, 409.39 FEET; THENCE,

6TH - NORTH 88°47'48" WEST, 6687.27 FEET; THENCE,

7TH - SOUTH 80°55'52" WEST, 249.36 FEET; THENCE,

8TH - NORTH 70°01'19" WEST, 363.37 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 652.55 FEET, A RADIAL BEARING FROM SAID POINT BEARS SOUTH 06°55'27" WEST; THENCE,

9TH - SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 38°47'40", AN ARC LENGTH OF 441.84 FEET; THENCE,

10TH - NORTH 88°47'48" WEST, 535.96 FEET; THENCE,

11TH - SOUTH 01°12'12" WEST, 377.35 FEET TO THE SOUTH LINE OF AVIATION DRIVE; THENCE ALONG SAID SOUTH LINE AND ITS EASTERLY PROLONGATION,

PAGE 1 of 5

ANNEXATION - CONDITIONAL REVIEW
The Metropolitan Water District of Southern California
Right-of-Way Engineering Team
Date: 02-22-2007 Reviewer: A.L.

EXHIBIT "A"

- 12TH - SOUTH 88°48'27" EAST, 5337.18 FEET TO THE SOUTHWEST LINE OF TRACT 1, AS DESCRIBED IN THE DEED RECORDED JULY 22, 1948 IN BOOK 833, PAGE 456, OFFICIAL RECORDS OF SAID COUNTY, CALIFORNIA; THENCE ALONG SAID SOUTHWEST LINE,
- 13TH - SOUTH 44°24'06" EAST, 465.66 FEET TO THE WEST LINE OF TRACT 2, AS DESCRIBED IN THE DEED RECORDED JULY 22, 1948 IN BOOK 833, PAGE 456, OFFICIAL RECORDS OF SAID COUNTY, CALIFORNIA; THENCE ALONG SAID WEST LINE,
- 14TH - SOUTH 00°33'06" WEST, 1103.67 FEET TO THE NORTH RIGHT-OF-WAY LINE OF PLEASANT VALLEY ROAD; THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE,
- 15TH - SOUTH 88°57'55" EAST, 3413.44 FEET; THENCE,
- 16TH - SOUTH 01°10'11" WEST, 104.00 FEET TO THE NORTH BOUNDARY OF THE EXISTING CALLEGUAS MUNICIPAL WATER DISTRICT BOUNDARY; THENCE ALONG SAID NORTH BOUNDARY,
- 17TH - SOUTH 88°57'55" EAST, 684.12 FEET; THENCE DEPARTING SAID NORTH BOUNDARY,
- 18TH - NORTH 01°10'14" EAST, 134.00 FEET TO THE NORTH RIGHT-OF-WAY LINE OF SAID PLEASANT VALLEY ROAD; THENCE ALONG SAID RIGHT-OF-WAY LINE,
- 19TH - SOUTH 88°57'55" EAST, 980.12 FEET; THENCE,
- 20TH - NORTH 66°34'09" EAST, 102.90 FEET; THENCE,
- 21ST - NORTH 20°30'35" EAST, 106.32 FEET TO THE WEST RIGHT-OF-WAY LINE OF LAS POSAS ROAD; THENCE ALONG SAID RIGHT-OF-WAY LINE,
- 22ND - NORTH 00°45'15" EAST, 2438.50 FEET; THENCE,
- 23RD - SOUTH 88°52'25" EAST, 99.77 FEET TO THE **POINT OF BEGINNING.**

CONTAINS: 338.26 ACRES GROSS
 -9.07 ACRES of ROADWAY
 = 329.19 ACRES NET, MORE OR LESS.

ANNEXATION - CONDITIONAL REVIEW
 The Metropolitan Water District of Southern California
 Right-of-Way Engineering Team
 Date: 02-22-2007 Reviewer: A.L.

EXHIBIT "A"

PARCEL "B" (OXNARD SITE):

THAT PORTION OF LOT 110, IN THE CITY OF OXNARD, COUNTY OF VENTURA, STATE OF CALIFORNIA, AS SAID LOT 110 IS SHOWN ON THE PATTERSON RANCH SUBDIVISION, RECORDED IN BOOK 8, OF MISCELLANEOUS RECORDS, PAGE 1, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE EASTERLY TERMINUS OF THE 2ND COURSE OF ANNEXATION NO. 82 TO THE CALLEGUAS MUNICIPAL DISTRICT WATER DISTRICT, AS SHOWN AND DESCRIBED IN THE CERTIFICATE OF COMPLETION RECORDED, SEPTEMBER 22, 2003 AS DOCUMENT NO. 20030922-0359277, IN THE OFFICE OF SAID COUNTY RECORDER, THENCE ALONG SAID 2ND COURSE AND IT'S WESTERLY PROLONGATION THEREOF,

1ST -SOUTH 89°59'49" WEST, 1320.19 FEET TO THE WEST LINE OF SAID LOT 110, SAID LINE ALSO BEING THE WEST LINE OF PARCEL "B" OF BOOK 1982, OFFICIAL RECORDS, PAGE 39; THENCE ALONG SAID WEST LINE,

2ND -NORTH 00°00'15" EAST, 85.00 FEET; THENCE ALONG A LINE PARALLEL WITH AND 85.00 FEET NORTHERLY OF THE AFOREMENTIONED 1ST COURSE,

3RD -NORTH 89°59'49" EAST, 1320.19 FEET TO THE EAST LINE OF SAID LOT 110; THENCE ALONG SAID EAST LINE,

4TH -SOUTH 00°00'15" WEST, 85.00 FEET TO THE **POINT OF BEGINNING.**

CONTAINS 2.58 ACRES, MORE OR LESS.

EXHIBIT "A" IS ATTACHED HERETO, AND MADE PART THEREOF.

END OF DESCRIPTIONS.

ANNEXATION - CONDITIONAL REVIEW
The Metropolitan Water District of Southern California
Right-of-Way Engineering Team
Date: 02-22-2007 Reviewer: A.L.



February 13, 2007

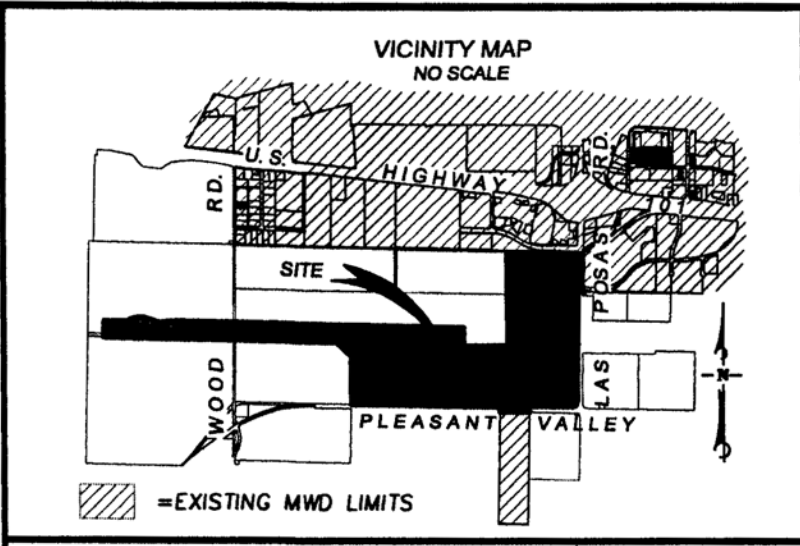


EXHIBIT "A"

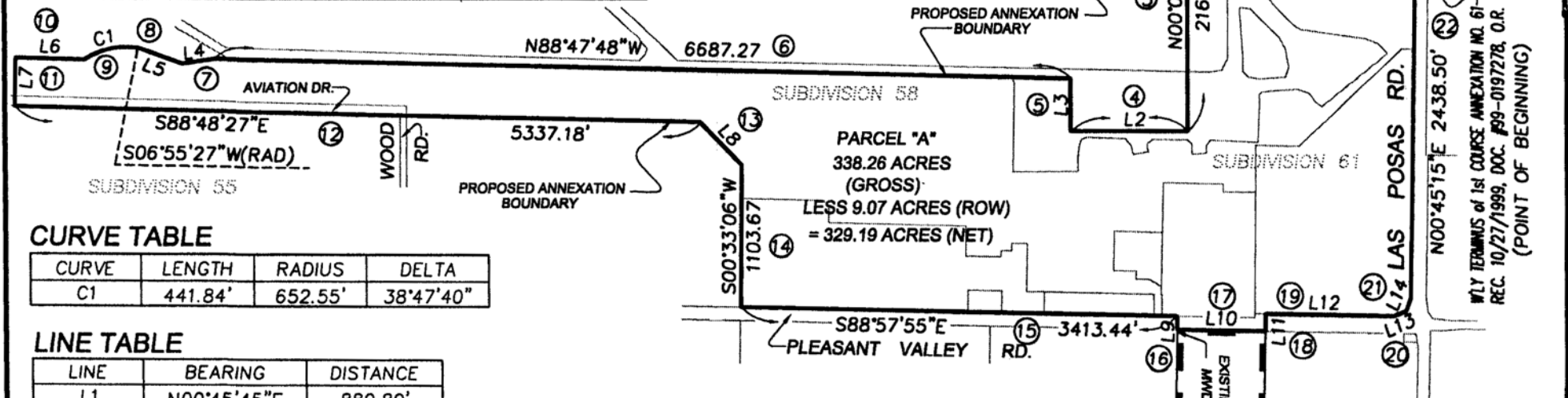
THIS EXHIBIT IS TO BE
ATTACHED TO THE LEGAL DESCRIPTION

ANNEXATION - CONDITIONAL REVIEW
The Metropolitan Water District of Southern California
Right-of-Way Engineering Team
Date: 02-22-2007 Reviewer: A.L.

BASIS OF BEARING:
GRID NORTH, PER NAD 1983, CALIFORNIA
STATE PLANE ZONE 5.

SUBDIVISION 57

S'LY LINE OF CERTIFICATE of COMPLIANCE RECORDED 12/21/95 as DOC. #95-158646, O.R.



CURVE TABLE

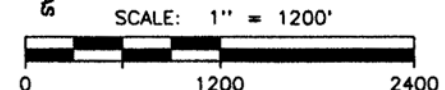
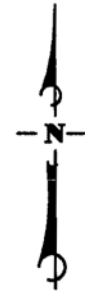
CURVE	LENGTH	RADIUS	DELTA
C1	441.84'	652.55'	38°47'40"

LINE TABLE

LINE	BEARING	DISTANCE
L1	N00°45'45"E	880.80'
L2	N90°00'00"W	908.00'
L3	N00°00'00"E	409.39'
L4	S80°55'52"W	249.36'
L5	N70°01'19"W	363.37'
L6	N88°47'48"W	535.96'
L7	S01°12'12"W	377.35'
L8	S44°24'06"E	465.66'
L9	S01°10'11"W	104.00'
L10	S88°57'55"E	684.12'
L11	N01°10'14"E	134.00'
L12	S88°57'55"E	980.12'
L13	N66°34'09"E	102.90'
L14	N20°30'35"E	106.32'
L15	S88°52'25"E	99.77'

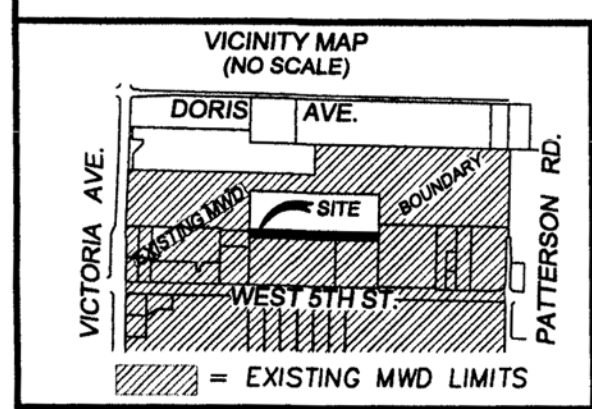
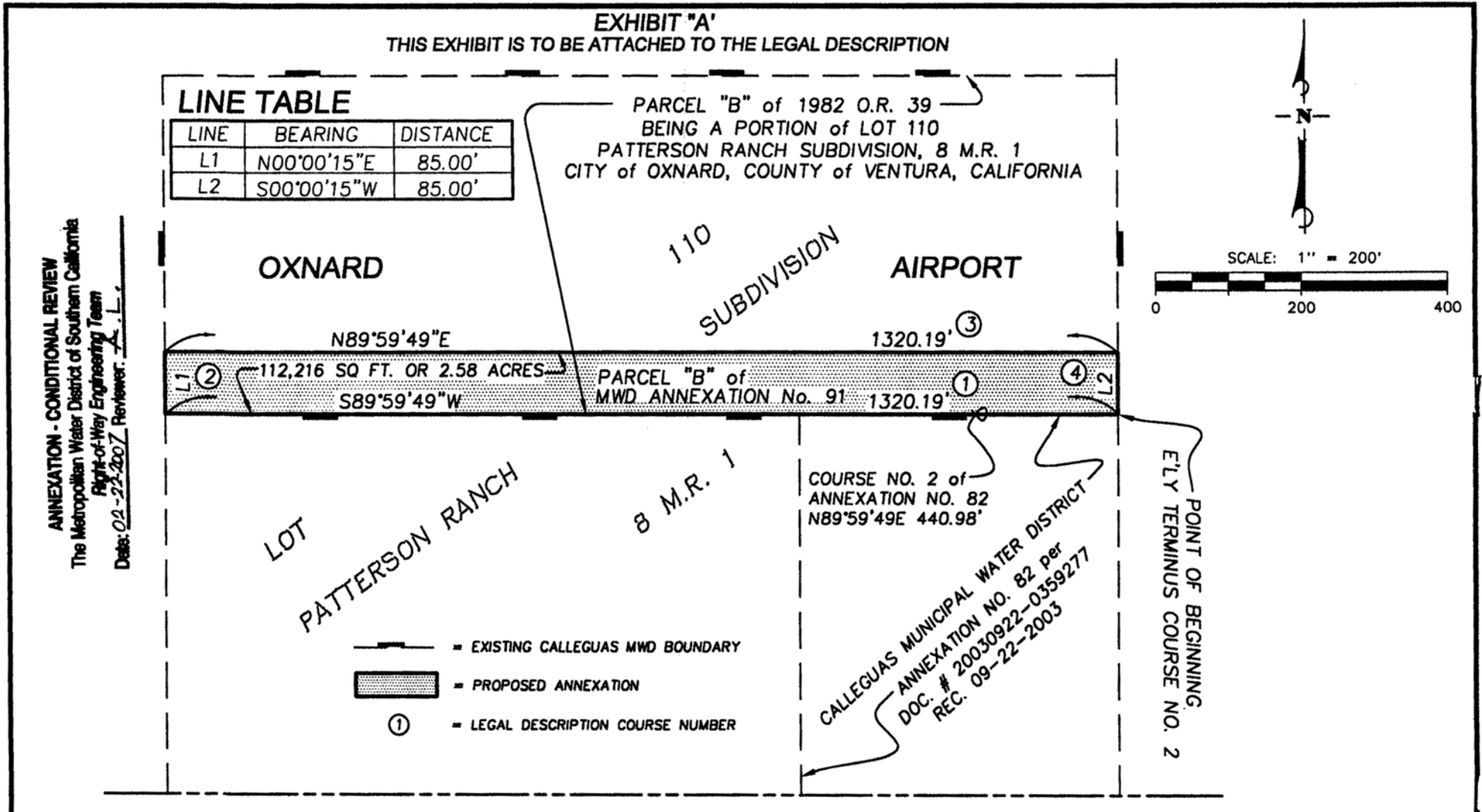
- = EXISTING CALLEGUAS MWD BOUNDARY
- = PROPOSED ANNEXATION
- = LEGAL DESCRIPTION COURSE NUMBER

CITY OF CAMARILLO
VENTURA COUNTY AIRPORTS
CALLEGUAS MUNICIPAL WATER DISTRICT ANNEXATION
CALLEGUAS ANNEXATION NO. 91
EXHIBIT A
FEBRUARY 2007 PAGE 4 OF 5



Penfield & Smith
Engineers · Surveyors · Planners
· Construction Management ·

1327 Del Norte Road, Suite 200, Camarillo, CA 93010
Phone: (805) 981-0706 Fax: (805) 981-0251
16822.01 LAFCO-CAMARILLO.DWG



WEST FIFTH STREET

CITY OF OXNARD

VENTURA COUNTY AIRPORTS


CALLEGUAS MUNICIPAL WATER DISTRICT ANNEXATION

CALLEGUAS ANNEXATION NO. 91

EXHIBIT A

FEBRUARY 2007 PAGE 5 of 5

BASIS of BEARING:
GRID NORTH, PER NAD 1983, CALIFORNIA
STATE PLANE ZONE 5.



Penfield & Smith

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· Construction Management ·

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Phone: (805) 981-0706 Fax: (805) 981-0251
16822.01 LAFCO-OXNARD.DWG

RESOLUTION**RESOLUTION OF THE BOARD OF DIRECTORS OF
THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA
CONSENTING TO CALLEGUAS MUNICIPAL WATER DISTRICT'S
ANNEXATION NO. 91
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. 1571, 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 referred to as Annexation No. 91, more 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, with respect to Annexation of Parcel A, pursuant to the provisions of the California Environmental Quality Act (CEQA), the Ventura County Board of Supervisors, acting as Lead Agency, prepared and processed a Final Environmental Impact Report (Final EIR) for the Airport Development in Accordance with the Adopted Airport Master Plan Update at Camarillo Airport, Camarillo, California (Camarillo Plan). The Final EIR was certified and the Camarillo Plan was approved by the Lead Agency on November 2, 1999. The Lead Agency also approved the Findings of Fact (findings), and Mitigation Monitoring and Reporting Program (MMRP). Subsequent to that action, modifications to the plan were made and the Lead Agency prepared and certified an addendum to the Final EIR on May 2003. Then on November 21, 2007, Calleguas Municipal Water District (Calleguas), acting as Responsible Agency, adopted the Second Addendum to the Final EIR, which addressed annexation of Parcel A to both Calleguas and Metropolitan. Metropolitan, as Responsible Agency, is required to certify that it has reviewed and considered the information contained in the Final EIR, First Addendum, and Second Addendum, and adopt the Lead Agency's findings and MMRP prior to approval of the formal terms and conditions for Annexation No. 91; and whereas, with respect to Parcel B, pursuant to the provisions of CEQA, the Ventura County Board of Supervisors, again acting as Lead Agency, adopted the 2004 Mitigated Negative Declaration (MND) for the Oxnard Airport Master Plan and a Mitigation Monitoring and Reporting Program (MMRP) on February 8, 2005. On November 21, 2007, Calleguas, acting as Responsible Agency, adopted the Addendum to the MND, which addressed annexation of Parcel B to both Calleguas and Metropolitan. Pursuant to CEQA, Metropolitan, as Responsible Agency, is required to certify that it has reviewed and considered the information contained in the MND and Addendum, and adopt the Lead Agency's findings and MMRP prior to approval of the formal terms and conditions for Annexation No. 91; 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; and

E. NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of Metropolitan, acting as Responsible Agency, has reviewed and considered the information in the Final EIR, First Addendum, and Second

Addendum for Parcel A, and the MND and Addendum for Parcel B, and adopts the Lead Agency's findings and MMRP in both cases prior to approval of the formal terms and conditions for Annexation No. 91; and subject to the following terms and conditions, does hereby grant the application of the governing body of the Calleguas Municipal Water District for consent to annex the Annexation No. 91 to Metropolitan and does hereby fix the terms and conditions of such annexation;

F. BE IT FURTHER RESOLVED that the Board of Directors of Metropolitan, subject to the following terms and conditions, does hereby grant the application of the governing body of Calleguas Municipal Water District for consent to annex Calleguas Annexation No. 91 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, 2009.

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 \$1,222,927.67, if the annexation is completed by December 31, 2008. The annexation fee for processing this annexation was received prior to conditional approval. If the annexation is completed during the 2009 calendar year, the annexation charge will be calculated based on the then-current rate, in accordance with Metropolitan's Administrative Code Section 3300.

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 2007/08 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.

G. BE IT FURTHER RESOLVED that the Board Executive Secretary 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 February 12, 2008.

Board 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. 91**

WHEREAS, pursuant to Resolution 9030, The Metropolitan Water District of Southern California's ("Metropolitan") Resolution of Intention to Impose Water Standby Charge, adopted by the Board of Directors (the "Board") of Metropolitan at its meeting held May 8, 2007, 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 General Manager's recommendation to impose a water charge for fiscal year 2007/08 on the property described in the Engineer's Report, dated February 2007 (the "Engineer's Report"), which was prepared by a registered professional engineer certified by the state of California and was attached to Resolution 9030;

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 9030 provide 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 9030, 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 9030 a public hearing. The hearing was held July 10, 2007, 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 2007/08 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 2007/08. 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 2007/08, 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 Ventura County Board of Supervisors, acting as Lead Agency, prepared and processed a Final Environmental Impact Report (Final EIR) for the Airport Development in Accordance with the Draft Airport Master Plan Update at Camarillo Airport, Camarillo, California, and certified the Final EIR and approved the project on November 2, 1999, for the development of the proposed annexation parcel (Parcel A) associated with Annexation No. 91; subsequently prepared and certified an Addendum to the Final EIR on May 2003; and Calleguas Municipal Water District (Calleguas), acting as Responsible Agency, adopted the Second Addendum to the Final EIR on

November 21, 2007, which addressed annexation of Parcel A to both Calleguas and Metropolitan. And that pursuant to the provisions of CEQA, the Ventura County Board of Supervisors, acting as Lead Agency, adopted a Mitigated Negative Declaration (MND) for the Oxnard Airport Master Plan and a Mitigation Monitoring and Reporting Program (MMRP) and approved the project on February 8, 2005, for the development of the proposed annexation parcel (Parcel B) associated with Annexation No. 91, and Calleguas Municipal Water District (Calleguas), acting as Responsible Agency, adopted the Addendum to the Final MND, which addressed annexation of Parcel B to both Calleguas and Metropolitan. Also that the Board of Directors of Metropolitan, as Responsible Agency under CEQA, has certified that it reviewed and considered the information contained in the Final EIR, and First Addendum and Second Addendum for Parcel A, and the MND and Addendum for Parcel B, and has adopted the Lead Agency's Findings of Fact and Mitigation Monitoring and Reporting Plans for both Parcels A and B prior to approval of fixing and adopting water standby charges for Annexation No. 91.

Section 8. That the General Manager 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 General Manager and General Counsel are hereby authorized to do all things necessary and desirable to accomplish the purposes of this resolution, including, without limitation, the commencement or defense of litigation.

Section 10. That if any provision of this resolution or the application to any member agency, property or person whatsoever is held invalid, that invalidity shall not affect the other provisions or applications of this resolution which can be given effect without the invalid portion or application, and to that end the provisions of this resolution are severable.

I HEREBY CERTIFY that the foregoing is a full, true and correct copy of a resolution adopted by the Board of Directors of The Metropolitan Water District of Southern California, at its meeting held on February 12, 2008.

Board Executive Secretary
The Metropolitan Water District
of Southern California