



- Board of Directors  
*Finance and Insurance Committee*

8/16/2011 Board Meeting

8-4

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## Subject

Adopt final resolution for annexation and impose water standby charge for Annexation No. 95 to Calleguas Municipal Water District and Metropolitan

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## Description

This action authorizes a resolution consenting to an annexation request by Calleguas Municipal Water District (Calleguas), along with a resolution for imposition of water standby charges. The total acreage included in this proposed annexation is 5.67 gross acres with 0.15 acre designated for public roads. The net area is 5.52 acres and the total water demand is 3.34 acre-feet per year (AFY), of which 1.1 AFY will come from Metropolitan. The territory consists of two parcels. See [Attachment 1](#) for the legal description and map. Calleguas is in compliance and meets the Best Management Practices of the California Urban Water Conservation Efficiencies. The annexation charge for this year is estimated at \$27,304.42, which includes the \$5,000 processing fee that covers the annexation and standby charge process and was collected at the time of the request. If the annexation is completed in year 2012, the fee would be based on the then current annexation charge rate pursuant to Section 3300 of Metropolitan's Administrative Code. The annexation charge for calendar year 2011 is \$4,037 per acre. Metropolitan's policy for annexation is referenced in Chapter 1, Article 1, Sections 350 through 356 of the Metropolitan Act (Act), and Division III, Section 3100 through 3108 of its Administrative Code.

Parcel A contains approximately 4.59 acres southwest of the intersection of Oxnard Boulevard and Vineyard Avenue in the city of Oxnard. At the time the parcel annexed to the City, municipal services were not extended which inadvertently created a "window" area for Calleguas and Metropolitan. This proposed annexation will close the window area complying with Metropolitan Administrative Code Section 3201. The parcel contains a mobile home park in which the community well is failing and may cause health and safety issues to the residents. The 1.84 AFY water consumption is expected to remain at the historical average. The applicant will surrender groundwater rights to the City in exchange for municipal water service netting minimal new water demand. After annexation, the city of Oxnard will assume service. Parcel B contains approximately 1.08 acres, including 0.15 acre of public right-of-way, located on the north side of Ventura Boulevard at Cortez Street. Four small houses on the site will be demolished and replaced with a small retail building. The water consumption estimates after redevelopment will be approximately 1.5 AFY, as compared to the present water consumption of 2.7 acre-feet, netting a water savings of 1.2 acre-feet per year. The city requires annexation for city services as a condition of development. After annexation, the city of Oxnard will assume service.

On May 18, 2011, Calleguas' Board of Directors adopted Resolution No. 1708 requesting final terms and conditions for the proposed annexation and imposition of water standby charges. On May 10, 2011, Metropolitan's Board granted conditional approval. There have been no changes to the information furnished in the initial submittal of the request for annexation.

Metropolitan's Board adopted a resolution of intention to impose a water standby charge within the proposed annexation area in support of Calleguas Annexation No. 95 (Resolution 9122) on May 10, 2011. Pursuant to Resolution 9122, the Board held a public hearing on July 12, 2011. Interested parties were given the opportunity to present their views regarding the proposed charge and the Engineer's Report. In addition, pursuant to

Resolution 9122 and in accordance with the requirements of Article XIII D, Section 4, of the California Constitution, the Board Executive Secretary provided written notice by mail of the hearing 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 either indicate support or oppose the proposed water standby charge. Of the three ballots mailed, only one ballot was returned, which consented to the proposed action. No protests were received.

This action adopts a resolution consenting to Calleguas' request 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 of less than one acre, within the territory of Annexation No. 95, contingent upon completion of annexation. Approval of Metropolitan's water standby charge in the amount noted above, which is equal to the amount of Metropolitan's water standby charge imposed elsewhere within Calleguas' territory, is a condition to complete this annexation. Pursuant to the terms of the attached resolution ([Attachment 3](#)), Metropolitan may levy said standby charge at the rate stated in the resolution.

## **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 its Administrative Code.

## **California Environmental Quality Act (CEQA)**

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CEQA determination for Option #1:

The proposed actions are categorically exempt under the provisions of CEQA and the State CEQA Guidelines. The proposed actions involve the annexation process of properties known as the Annexation No. 95 Parcel A and Parcel B into Metropolitan's and Calleguas Municipal Water District's (Calleguas) service areas. As the Lead Agencies, Calleguas (for Parcel A) and city of Oxnard (for Parcel B) determined that the related improvements to the project sites were categorically exempt on March 10, 2011 and January 4, 2011, respectively. Metropolitan, acting as a Responsible Agency, finds that these properties contain existing private structures developed to the density allowed by the current zoning or pre-zoning and that the extension of utility services to the existing facilities would have a capacity to serve only the existing facilities (Section 15319 of the State CEQA Guidelines). These annexations also involve lands of the minimum size for facilities exempted by Section 15303 in the State CEQA Guidelines. In addition, the overall activities associated with the annexation processes consist of the operation, repair, maintenance, permitting, leasing, licensing or minor alteration of the existing private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the Lead Agencies' determinations. Accordingly, the proposed actions qualify under three Categorical Exemptions (Sections 15301, 15303, and 15319 of the State CEQA Guidelines).

The CEQA determination is: Determine that pursuant to CEQA, the proposed actions qualify under three Categorical Exemptions (Sections 15301, 15303, and 15319 of the State CEQA Guidelines).

CEQA determination for Option #2:

None required

## **Board Options**

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### **Option #1**

Adopt the CEQA determination and

- a. Adopt resolution granting Calleguas' request for approval of Calleguas Annexation No. 95, concurrently to Metropolitan and Calleguas, and establishing Metropolitan's terms and conditions for the annexation ([Attachment 2](#)); conditioned upon approval by the Ventura Local Agency Formation Commission, and upon receipt of annexation fee of \$27,304.42; 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 area ([Attachment 3](#)).

**Fiscal Impact:** Receipt of annexation fees of approximately \$27,304.42 for the annexation area with water sales revenue from newly annexed territory

**Business Analysis:** This annexation will provide the ability for water service and associated benefits to the property owners. The initial fixed and variable costs will be borne by the local water supplier and property owners, including processing, infrastructure, and the cost of raw and treated water. This annexation helps to meet Metropolitan’s member agency requests and provide essential benefits to public health and safety.

**Option #2**

Decline the request for annexation of Calleguas Annexation No. 95

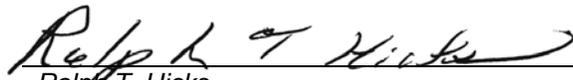
**Fiscal Impact:** Unrealized annexation fee and water sales revenue from non-annexed territory

**Business Analysis:** The subject area will not receive the direct benefits of water supplied through Metropolitan and Calleguas.

**Staff Recommendation**

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Option #1

  
\_\_\_\_\_  
Ralph T. Hicks 7/21/2011  
Manager, Real Property Development and Date  
Management

  
\_\_\_\_\_  
Jeffrey Lightlinger 8/1/2011  
General Manager Date

**Attachment 1 – Annexation No. 95 Legal Description and Map**

**Attachment 2 – Annexation No. 95 Resolution Fixing Terms and Conditions for Annexation**

**Attachment 3 – Annexation No. 95 Resolution Imposing Water Standby Charges**

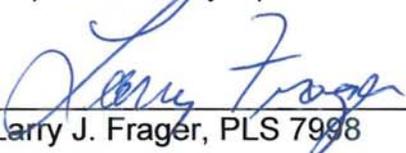
**CALLEGUAS MUNICIPAL WATER DISTRICT ANNEXATION  
EVERGREEN - PARCEL A  
(ANNEXATION NO. 95)**

Being a portion of Subdivision No. 21, Rancho El Rio de Santa Clara o"la Colonia, in the City of Oxnard, County of Ventura, State of California, as shown on that certain partition map filed in the Office of the County Clerk of said County in that certain action entitled "Thomas a. Scott, et. al., plaintiffs vs. Rafael Gonzales, et. al., defendants", described as follows:

Beginning at the southwest corner of Parcel 1 described in the Grant Deed recorded in the Office of the County Recorder of said County on October 04, 2000, as Document No. 2000-0156565-00 of Official Records; said corner also being the southerly terminus of the 8th course of Parcel 41 of Annexation No. 7 (Oxnard Second Fringe Area Annexation) to the Calleguas Municipal Water District described in the Certificate of Filing recorded in the Office of said County Recorder on November 13, 1969, in Book 3579, Page 129 of Official Records; thence, along said Parcel 1 and the existing boundary of said Calleguas Municipal Water District by the following six (6) courses:

- 1st - North 90°00'00" East 437.40 feet; thence,
- 2nd- North 00°00'00" East 223.03 feet; thence,
- 3rd - South 89°57'30" East 192.35 feet to the beginning of a non tangent curve concaved westerly having a radius of 2308.90 feet and a radial bearing to said curve that bears North 85°09'26" East, said curve also being the westerly line of Oxnard Boulevard (State Highway No. 1): thence, along said curve and westerly line,
- 4th - Northerly 166.28 feet through a central angle 04°07'32"; thence,
- 5th - North 89°57'30" West 609.66 feet; thence,
- 6th - South 00°01'00" West 388.35 feet to the Point of Beginning and containing 4.592 Gross and Net Acres.

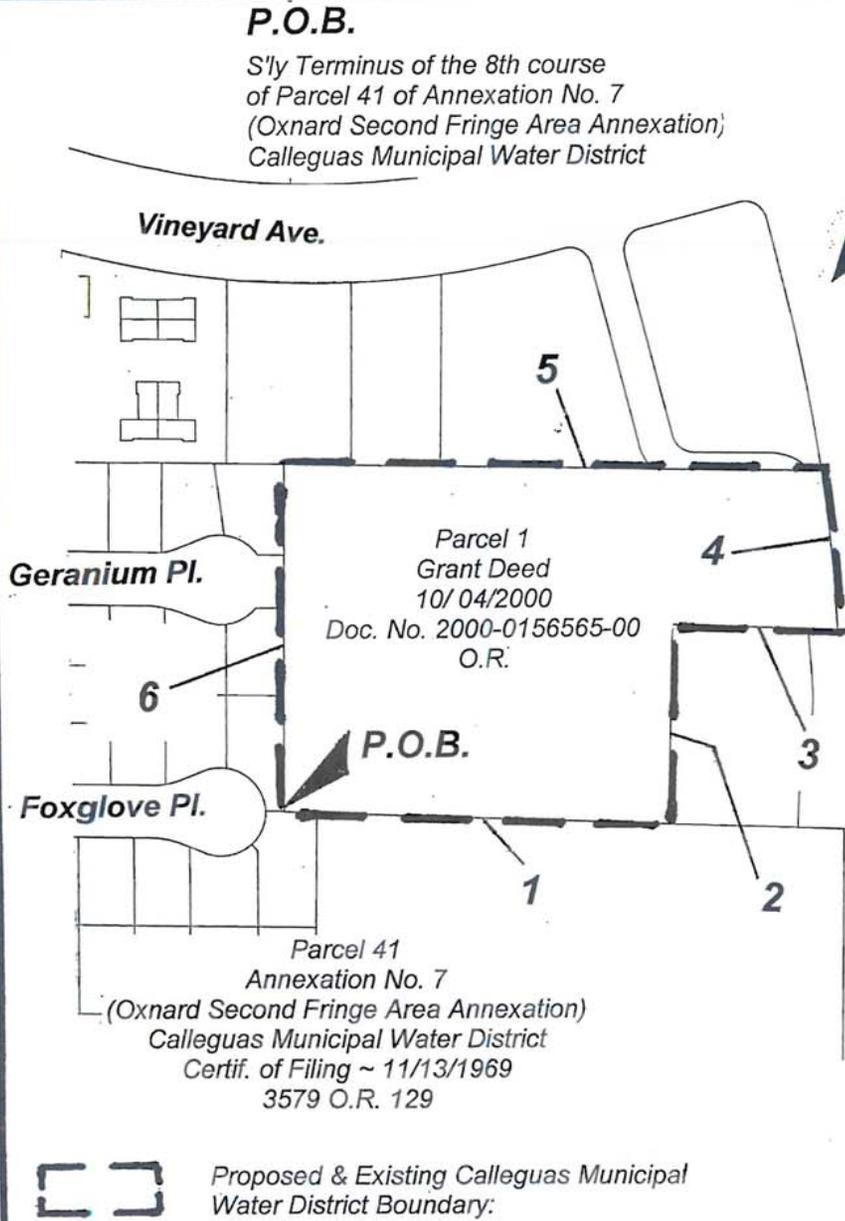
Prepared under my supervision:

  
 Larry J. Frager, PLS 7998                      3/3/11  
 \_\_\_\_\_  
 Date



*For assessment purposes only. This description of land is not a legal description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.*

2010:\2010-02 PCL A Annex No 95 to CMWD - 5/11/2010 2:50 PM - Revised 3/01/2011



Oxnard Boulevard (State Highway No. 1)

Railroad

**COURSES**

- 1st - N 90°00'00" E 437.40'
- 2nd- N 00°00'00" E 223.03'
- 3rd - S 89°57'30" E 192.35'
- 4th - R = 2308.90'; L = 166.28';  
Delta = 04°07'32";  
Rad. Bear. = N 85°09'26" E
- 5th - N 89°57'30" W 609.66'
- 6th - S 00°01'00" W 388.35'

**4.592 ACRES GROSS  
& NET ACREAGE**



Prepared under my supervision:

*Larry Frager* 3/3/11  
Larry J. Frager, PLS 7998 Date

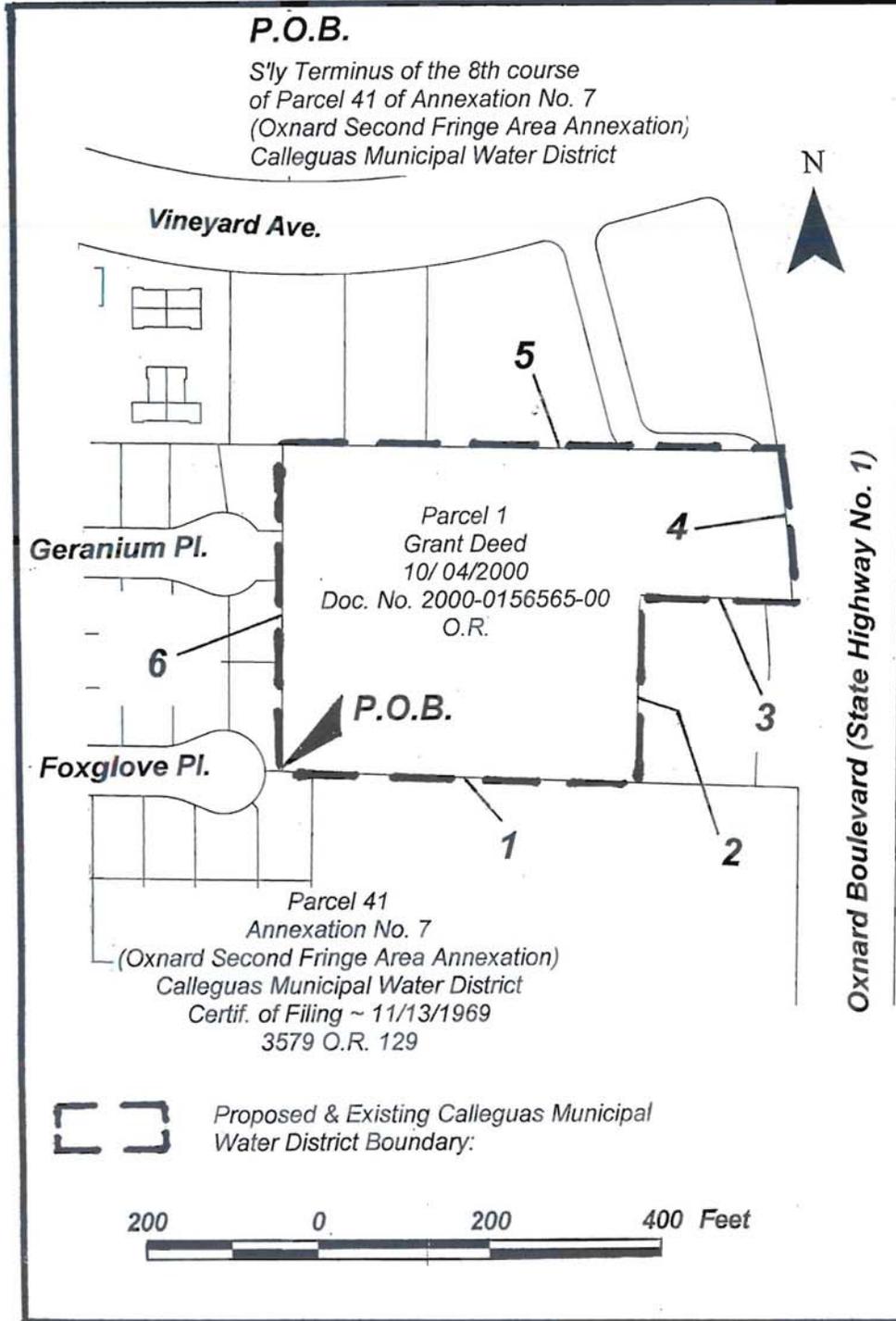


REVIEWED BY  
THE METROPOLITAN WATER  
DISTRICT OF SOUTHERN CALIFORNIA  
RIGHT OF WAY ENGINEERING TEAM  
DATE: 3/10/2011

**CALLEGUAS MUNICIPAL WATER DISTRICT ANNEXATION  
EVERGREEN - PARCEL A  
(ANNEXATION NO. 95)**

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shown on that certain partition map filed in the Office of the County Clerk  
of said County in that certain action entitled "Thomas a. Scott, et. al.,  
plaintiffs vs. Rafael Gonzales, et. al., defendants"





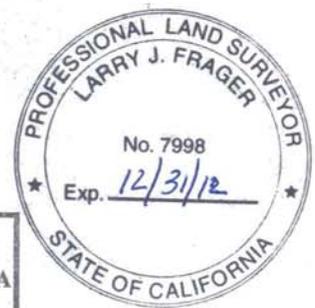
- COURSES**
- 1st - N 90°00'00" E 437.40'
  - 2nd - N 00°00'00" E 223.03'
  - 3rd - S 89°57'30" E 192.35'
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**4.592 ACRES GROSS  
& NET ACREAGE**



Prepared under my supervision:

*Larry Frager* 3/3/11  
 Larry J. Frager, PLS 7998 Date



REVIEWED BY  
 THE METROPOLITAN WATER  
 DISTRICT OF SOUTHERN CALIFORNIA  
 RIGHT OF WAY ENGINEERING TEAM  
 DATE: 3/10/2011

**CALLEGUAS MUNICIPAL WATER DISTRICT ANNEXATION  
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For assessment purposes only. This map is not a map as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land shown hereon.

**CALLEGUAS MUNICIPAL WATER DISTRICT ANNEXATION  
CROSSROADS - PARCEL B  
(ANNEXATION NO. 95)**

Being portion of Lots 9 and 18 of the Cloverdale Subdivision, being a part of Lot 90 of Rancho Santa Clara Del Norte, in the County of Ventura, State of California, as shown on the map recorded in the Office of the County Recorder of said County, in Book 8, Page 38 of Miscellaneous Records, described as follows:

Beginning at a point in the northwesterly line of said Lot 9, said point being the southwesterly terminus of the 5th course of Parcel 10A of Annexation No. 7 (Oxnard Second Fringe Area Annexation) to the Calleguas Municipal Water District, described in the Certificate of Filing recorded in the Office of said County Recorder on November 13, 1969, in Book 3579, Page 129 of Official Records; thence, along said Parcel 1 and the along said 5th course,

- 1st - North 32°10'00" East 249.60 feet to the northeasterly line of Parcel 2 described in the Grant Deed recorded in the Office of the County Recorder of said County on July 12, 2006, as Document No. 20060712-0147270 of Official Records; thence, leaving the existing boundary of said Calleguas Municipal Water District along the boundary of Parcels 1 and 2 of said Grant Deed by the following three(3) courses:
- 2nd- South 50°20'00" East 142.72 feet; thence,
- 3rd - South 39°40'00" West 118.00 feet; thence,
- 4th - South 50°20'00" West 122.00 feet to the southeasterly line of Cortez Street, 50.00 feet wide; thence, along said southeasterly line,
- 5th - South 39°40'00" West 130.00 feet to said existing boundary of said Calleguas Municipal Water District; thence, along said existing boundary by the following two courses:
- 6th - North 50°11'00" West 224.90 feet to the beginning of a tangent curve concaved northeasterly and having a Radius of 1960.00 feet; thence, along said curve,
- 7th - Northwesterly 7.23 feet through a central angle of 00°12'40" to the Point of Beginning and containing 1.082 acres.

Gross Acreage = 1.082 Acres  
Road Acreage = 0.149 Acre  
Net Acreage = 0.933 Acre

**End of Description**

**CALLEGUAS MUNICIPAL WATER DISTRICT ANNEXATION  
CROSSROADS - PARCEL B  
(ANNEXATION NO. 95)**

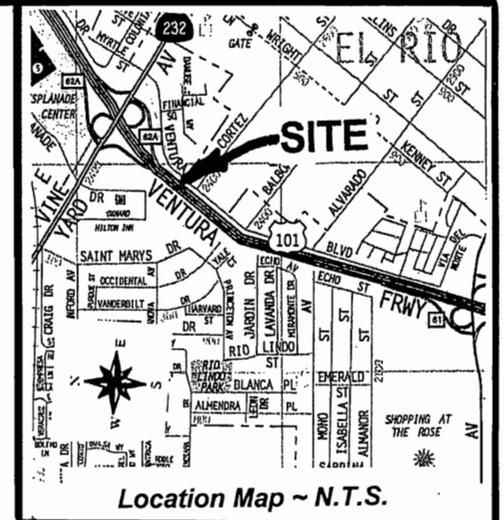
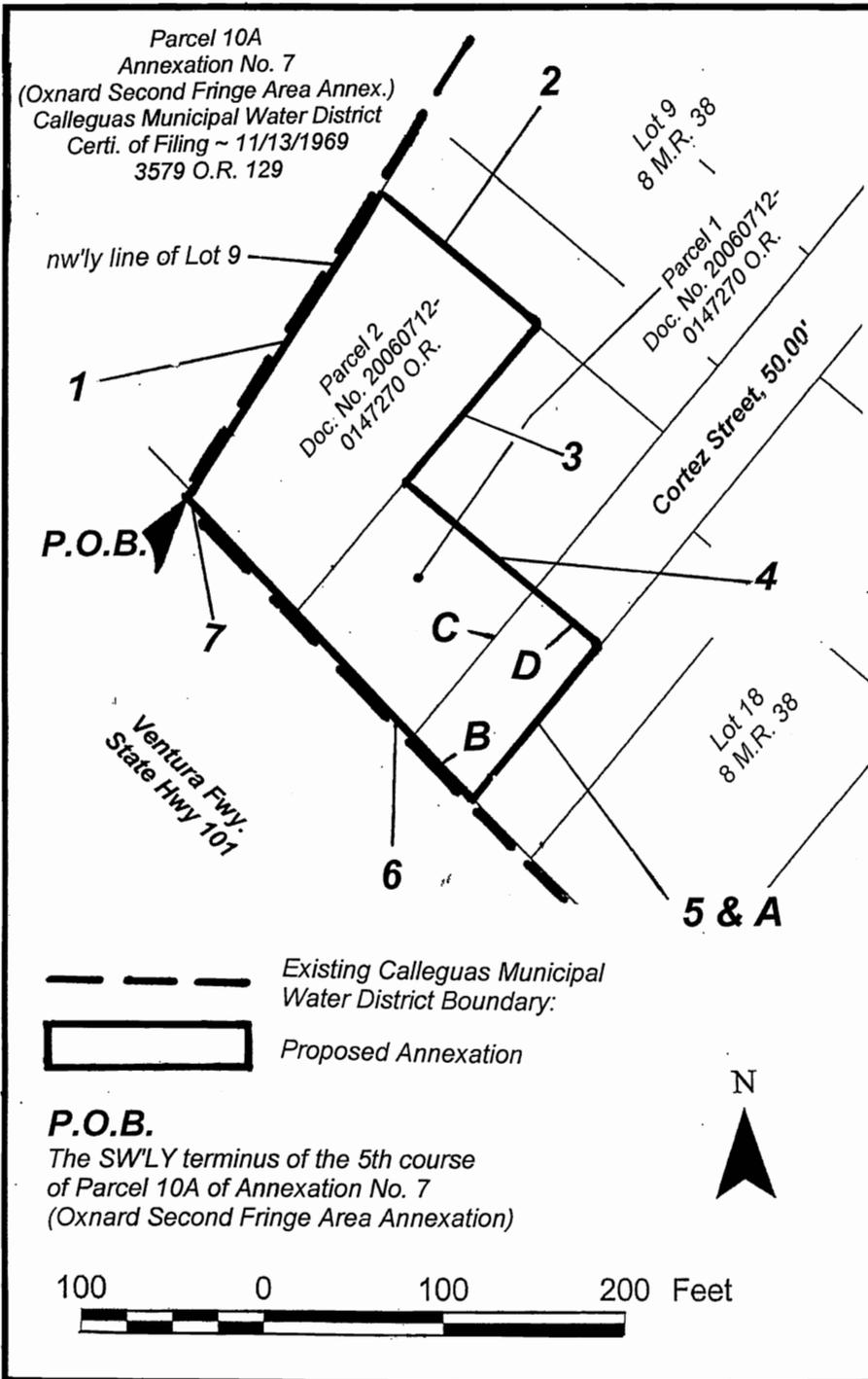
Prepared under my supervision:

*Larry J. Frager*                      3/3/11  
Larry J. Frager, PLS 7998                      Date

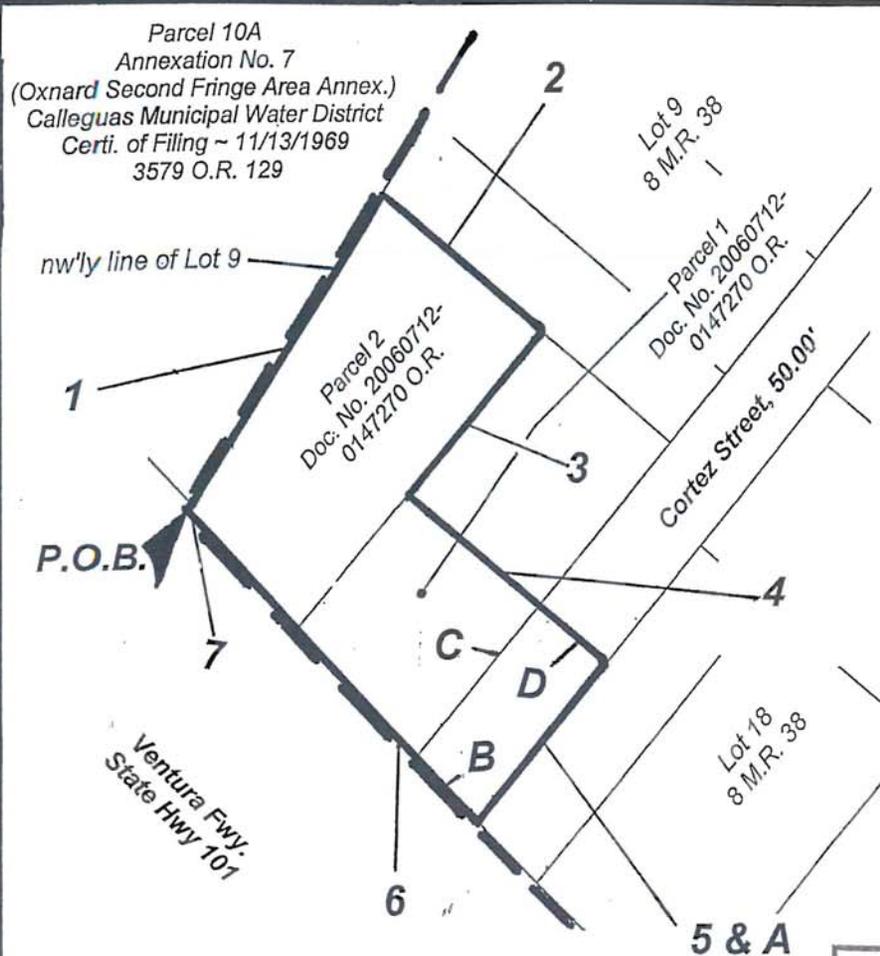


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**ANNEXATION - FINAL REVIEW**  
The Metropolitan Water District of Southern California  
Right-of-Way Engineering Team  
Date: 3/10/2011 Reviewer: MA



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**COURSES**

- 1st - N 32°10'00" E 249.60'
- 2nd- S 50°20'00" E 142.72'
- 3rd - S 39°40'00" W 118.00'
- 4th - S 50°20'00" W 122.00'
- 5th - S 39°40'00" W 130.00'
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Delta = 00°12'40"

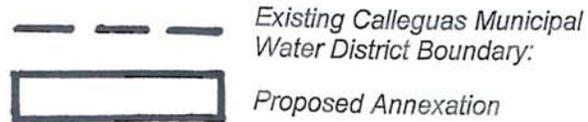
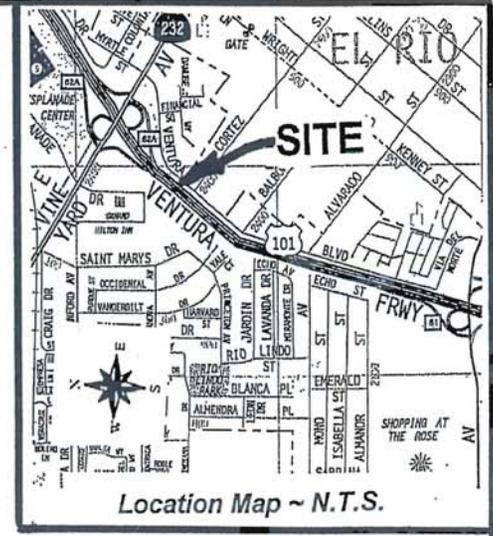
**ROAD COURSES**

- A - S 39°40'00" W 130.00'
- B - N 50°11'00" W 50.00'
- C - N 39°40'00" E 129.87'
- D - S 50°20'00" W 50.00'

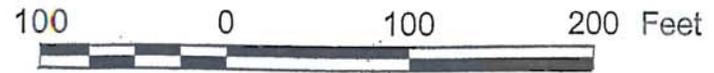
Gross Acreage = 1.082 Acres  
 Road Acreage = 0.149 Acre  
 Net Acreage = 0.933 Acre

Prepared under my supervision:

*Larry Frager* 3/3/11  
 Larry J. Frager, PLS 7998 Date



**P.O.B.**  
 The SW'LY terminus of the 5th course  
 of Parcel 10A of Annexation No. 7  
 (Oxnard Second Fringe Area Annexation)



REVIEWED BY  
 THE METROPOLITAN WATER  
 DISTRICT OF SOUTHERN CALIFORNIA  
 RIGHT OF WAY ENGINEERING TEAM  
 DATE: 3/10/2011

**SPHERE AMENDMENT**  
**CALLEGUAS MUNICIPAL WATER DISTRICT ANNEXATION**  
**CROSSROADS - PARCEL B**  
**(ANNEXATION NO. 95)**

Being portion of Lots 9 and 18 of the Cloverdale Subdivision, being a part of Lot 90 of Rancho Santa Clara Del Norte, in the County of Ventura, State of California, as shown on the map recorded in the Office of the County Recorder of said County, in Book 8, Page 38 of Miscellaneous Records.

May 13, 2010 ~ Revised 3/01/2011

Sheet 1 of 1

For assessment purposes only. This map is not a map as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land shown hereon.

**RESOLUTION****RESOLUTION OF THE BOARD OF DIRECTORS OF  
THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA  
CONSENTING TO CALLEGUAS MUNICIPAL WATER DISTRICT'S  
ANNEXATION NO. 95  
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. 1708, 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 Calleguas Annexation No. 95, 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 LAFCO; and

C. WHEREAS, pursuant to the provisions of the California Environmental Quality Act (CEQA) Calleguas Municipal Water District, and acting as the Lead Agency, for Parcel A, and the city of Oxnard, acting as the Lead Agency for Parcel B, have determined that the proposed annexation process associated with the Annexation No. 95 is Categorically Exempt from the provisions of CEQA. Also pursuant to CEQA, Metropolitan, as Responsible Agency, finds that the proposed annexation of Parcels A and B are exempt from the provisions of CEQA prior to approval of the formal terms and conditions for the Annexation No. 95; 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, having determined that annexation of Parcels A and B are exempt from the provisions of CEQA prior to approval of the formal terms and conditions for the Annexation No. 95; and subject to the following terms and conditions, does hereby grant the application of the governing body of Calleguas for consent to annex the Annexation No. 95 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. 95 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, 2012.

**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 approximately \$27,304.42, if the annexation is completed by December 31, 2011. The annexation fee of \$5,000 for processing this annexation was received prior to approval. The annexation charge is calculated by the per-acre method based on the net acreage. If the annexation is completed during the 2012 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.** 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 August 16, 2011.

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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. 95**

WHEREAS, pursuant to Resolution 9122, 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 10, 2011, 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 2011/12 on the property described in the Engineer's Report, dated March 2011 (the "Engineer's Report"), which was prepared by a registered professional engineer certified by the state of California and was attached to Resolution 9122;

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 9122 provided 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 9122, the Board 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 9122 a public hearing. The hearing was held July 12, 2011, 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 Board 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 2011/12 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 2011/12. 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 2011/12, 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), Calleguas Municipal Water District and acting as the Lead Agency for Parcel A, and the city of Oxnard, acting as the Lead Agency for Parcel B, have determined that the proposed annexation process associated with the Annexation No. 95 is Categorical Exempt from the provisions of CEQA. Also pursuant to CEQA, Metropolitan, as Responsible Agency, finds that the proposed annexation of Parcels A and B are exempt from the provisions of CEQA prior to approval of fixing and adopting water standby charges for the Annexation No. 95.

**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 August 16, 2011.

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Board Executive Secretary  
The Metropolitan Water District  
of Southern California