

RESOLUTION 9218

RESOLUTION OF THE BOARD OF DIRECTORS
OF THE METROPOLITAN WATER DISTRICT OF
SOUTHERN CALIFORNIA
CONSENTING TO EASTERN MUNICIPAL WATER DISTRICT'S
105TH FRINGE AREA ANNEXATION
AND FIXING THE TERMS AND CONDITIONS
OF SAID ANNEXATION TO
THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

WHEREAS, the Board of Directors of the Eastern Municipal Water District (Eastern), a county water authority situated in the county of Riverside, state of California, pursuant to Resolution No. 2015-106, in accordance with the provisions of the Metropolitan Water District Act (MWD 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 Riverside referred to as 105th Fringe Area Annexation, more particularly described in an application to the Riverside County Local Agency Formation Commission (LAFCO), concurrently with the annexation thereof to Eastern, such annexation to Metropolitan to be upon such terms and conditions as may be fixed by the Board of Directors of Metropolitan;

WHEREAS, the owner of Riverside County Assessor Parcel Number 392-310-018 (Property) has applied for annexation into the Eastern and Metropolitan;

WHEREAS, completion of said annexation shall be contingent upon approval by LAFCO;

WHEREAS, completion of said annexation shall be further contingent upon LAFCO conditioning its approval of the 105th Fringe Area Annexation upon a requirement that Metropolitan's existing and established taxes, benefit assessments, or property-related fees or charges in place in the service area are levied or fixed and collected on the parcels being annexed to the agency; these taxes, benefit assessments, or property-related fees or charges are identified below;

WHEREAS, Metropolitan has levied and collected ad valorem taxes on parcels within the territory of Eastern. Such charges for fiscal year 2016/17 are described in Resolution 9210, adopted by Metropolitan's Board on August 16, 2016;

WHEREAS, since fiscal year 1992-93, Metropolitan has levied and collected water standby charges pursuant to Section 134.5 of the MWD Act on parcels within the territory of Eastern. Such charges for fiscal year 2016/17 are described in Resolution 9208, adopted by Metropolitan's Board on May 10, 2016;

WHEREAS, upon annexation, the parcels will be within Metropolitan's service area, Metropolitan water will be available to such parcels and such parcels will receive the benefit of the projects provided in part with proceeds of Metropolitan's water standby charges;

WHEREAS, pursuant to the provisions of the California Environmental Quality Act (CEQA), Eastern Municipal Water District, acting as Lead Agency, adopted the Healthsound Rehabilitation Hospital of Murrieta Project (Project) Mitigated Negative Declaration, and Mitigation Monitoring Reporting Program (MMRP), and approved the Project on January 11, 2017, for the development of the proposed annexation parcels, and Metropolitan, as Responsible Agency under CEQA, reviewed and considered the information contained in the MND and MMRP prior to approval of the formal terms and conditions for the 105th Fringe Area annexation; and

WHEREAS, it appears to this Board of Directors that such application should be granted, subject to the terms and conditions hereinafter set forth.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of Metropolitan, acting as Responsible Agency, reviewed and considered the information in the MND and MMRP prior to approval of the final terms and conditions for the 105th Fringe Area Annexation; and subject to the following terms and conditions, does hereby grant the application of the governing body of Eastern Municipal Water District for consent to annex 105th Fringe Area Annexation, to Metropolitan and does hereby fix the terms and conditions of such annexation;

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 Eastern for consent to annex the 105th Fringe Area Annexation to Metropolitan and does hereby fix the terms and conditions of such annexation:

Section 1. The annexation of said area to Eastern 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 Eastern to effectuate the annexation shall be filed on or before December 31, 2018.

Section 2. Prior to filing a request for a Certificate of Completion of the annexation proceedings with LAFCO, Eastern shall submit a certified copy of LAFCO's resolution approving the annexation to Eastern, and shall pay to Metropolitan \$31,129.72 for its annexation fee, if the annexation is completed by December 31, 2017. If the annexation is completed during the 2018 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 and operated by Metropolitan.

b. Eastern shall not be entitled to demand that Metropolitan deliver water to Eastern 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 and charges promulgated from time to time by Metropolitan.

d. 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 and charges promulgated from time to time by Metropolitan.

e. 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.

Section 4. LAFCO has conditioned approval of the annexation upon a requirement that Metropolitan levy or fix and collect all previously established and collected taxes, benefit assessments, or property-related fees or charges on parcels being annexed to the agency.

Section 5. Such charges, which are subject to change over time, include but are not limited to:

a. Metropolitan's ad valorem tax on properties located within the territory of Eastern. Metropolitan shall levy the ad valorem tax in the amount, at the same time and in the same manner as ad valorem tax on other properties located within the territory of Eastern. Such charges for fiscal year 2016/17 are 0.0035 percent of the assessed value of each parcel, as described in Resolution 9210, adopted by Metropolitan's Board on August 16, 2016.

b. Metropolitan's water standby charge on properties located within the territory of Eastern. Metropolitan shall levy the water standby charge in the amount, at the same time and in the same manner as water standby charges on other properties located within the territory of Eastern. Such charges for fiscal year 2016/17 are \$6.94 per acre of land, or per parcel of land less than an acre, as described in Resolution 9208, adopted by Metropolitan's Board on May 10, 2016.

Section 6. That the General Manager is hereby authorized and directed to take all necessary action to secure the collection of the ad valorem taxes and water standby charges by the appropriate county officials, including payment of the reasonable cost of collection.

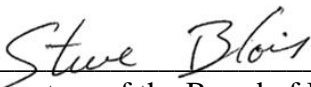
Section 7. That the Board of Directors of Metropolitan, acting as Responsible Agency, reviewed and considered the information in the MND and MMRP and adopted Eastern's findings related to the proposed actions prior to approval of the final terms and conditions for the 105th Fringe Area Annexation; and subject to the following terms and conditions, does hereby grant the application of the governing body of EMWD for consent to annex the 105th Fringe Area Annexation to Metropolitan and does hereby fix the terms and conditions of such annexation.

Section 8. 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 of defense of litigation.

Section 9. 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.

BE IT FURTHER RESOLVED that the Board Executive Secretary is directed to transmit forthwith to the governing body of Eastern a certified copy of this resolution.

I HEREBY CERTIFY that the foregoing is a full, true and correct copy of a resolution adopted by the Board of Directors of The Metropolitan Water District of Southern California, at its meeting held on April 11, 2017.


Secretary of the Board of Directors
of The Metropolitan Water District
of Southern California