

RESOLUTION 9310

**RESOLUTION OF THE BOARD OF DIRECTORS
OF THE METROPOLITAN WATER DISTRICT OF
SOUTHERN CALIFORNIA
CONSENTING TO CALLEGUAS MUNICIPAL WATER DISTRICT'S
CALLEGUAS ANNEXATION NO. 104
AND FIXING THE TERMS AND CONDITIONS
TO
THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA**

WHEREAS, the Board of Directors of the Calleguas Municipal Water District ("Calleguas"), a county water authority situated in the county of Ventura, state of California, pursuant to Resolution No. 2038, 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 Ventura referred to as Calleguas Annexation No. 104, more particularly described in an application to the Ventura County Local Agency Formation Commission (LAFCO), concurrently with Calleguas Annexation No. 104 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;

WHEREAS, the owner of Ventura County Assessor Parcel Number 145-0-232-010 (Property) has applied for annexation into the Calleguas and Metropolitan service areas;

WHEREAS, completion of said Annexation No. 104 shall be contingent upon approval by the LAFCO; conditioning its approval of the Calleguas Annexation No. 104 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 Calleguas. Such charges for fiscal year 2022/23 are described in Resolution 9301, adopted by Metropolitan's Board on April 12, 2022;

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 Calleguas. Such charges for fiscal year 2022/23 are described in Resolution 9307, adopted by Metropolitan's Board on May 10, 2022;

WHEREAS, upon Annexation No. 104, the parcel 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. Upon completion of the annexation, the lands within the Calleguas Annexation No. 104 will be subject to Metropolitan's water standby charge in the current amount of \$9.58 per acre, or per a parcel of less than one acre. Approval of Metropolitan's standby charge levied elsewhere within Calleguas' territory is a condition to complete this annexation;

WHEREAS, pursuant to the provisions of the California Environmental Quality Act (CEQA), The City of Oxnard, acting as Lead Agency and subagency to Calleguas, adopted the Rio Urbana Project (also known as Calleguas Annexation No. 104) Mitigated Negative Declaration on March 4, 2020, and approved the Project for the development of the proposed annexation parcels. Metropolitan, as Responsible Agency under CEQA, reviewed and considered the information contained in the 2019 MND prior to approval of the formal terms and conditions for the Calleguas Annexation No. 104; 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 2019 MND prior to approval of the final terms and conditions for Calleguas Annexation No. 104; and 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. 104, 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 Calleguas for consent to Calleguas Annexation No. 104 to Metropolitan and does hereby fix the terms and conditions of such annexation:

Section 1. Annexation of said area to Calleguas shall be made concurrently with 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 Annexation No. 104 shall be filed on or before December 31, 2023.

Section 2. Prior to filing a request for a Certificate of Completion of Annexation No. 104 proceedings with LAFCO, Calleguas shall submit a certified copy of LAFCO's resolution approving Annexation No. 104 to Calleguas and shall pay to Metropolitan \$74,220.40 for its annexation fee, if annexation is completed by December 31, 2022. If the annexation is completed during the 2023 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. 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 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 Calleguas Annexation No. 104 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 Calleguas in the amount of 0.0035 percent of the assessed value of each parcel. 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 Calleguas. Such charges for fiscal year 2022/21 are described in Resolution 9301, adopted by Metropolitan's Board on April 12, 2022.
- b. Metropolitan's water standby charge on properties located within the territory of Calleguas in the amount, at the same time and in the same manner as the ad valorem tax on other properties located within the territory of Calleguas. Such charges for fiscal year 2022/23 are described in Resolution 9307, adopted by Metropolitan's Board on May 10, 2022

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.

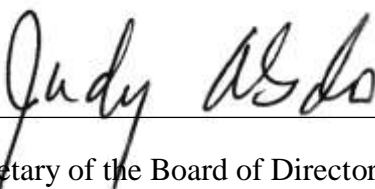
Section 7. That the Board of Directors of Metropolitan, acting as Responsible Agency, reviewed and considered the information in the 2019 MND prior to approval of the final terms and conditions for the Annexation No. 104; and subject to the following terms and conditions, does hereby grant the application of the governing body of Calleguas for consent to annex the Calleguas Annexation No. 104 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 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 on June 14, 2022.



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