

## **RESOLUTION 9329**

**RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE METROPOLITAN WATER DISTRICT  
OF SOUTHERN CALIFORNIA  
CONSENTING TO SAN DIEGO COUNTY WATER AUTHORITY  
YERBA VALLEY ANNEXATION  
AND FIXING THE TERMS AND CONDITIONS  
TO  
THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA**

WHEREAS, the Board of Directors of the San Diego County Water Authority (“SDCWA”), a county water authority situated in the county of San Diego, state of California, pursuant to Resolution No. 2022-09, 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 San Diego referred to as Yerba Valley Annexation, more particularly described in an application to the San Diego County Local Agency Formation Commission (LAFCO), concurrently with Yerba Valley Annexation thereof to SDCWA, 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 San Diego County Assessor Parcel Numbers 329-131(08, -09, -11, -33) and 329-132-02, -03, -04, -05, -09, -10, -13, -14, -15, -16, -42, -43, -48 (Property) has applied for annexation into the SDCWA and Metropolitan service areas.

WHEREAS, completion of said Yerba Valley Annexation shall be contingent upon approval by the LAFCO; conditioning its approval of the Yerba Valley 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 SDCWA. 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 SDCWA. Such charges for fiscal year 2022/23 are described in Resolution 9307, adopted by Metropolitan’s Board on May 10, 2022;

WHEREAS, upon Yerba Valley Annexation, 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 Yerba Valley Annexation will

be subject to Metropolitan's water standby charge in the current amount of \$11.51 per an acre, or per a parcel of less than one acre. Approval of Metropolitan's standby charge levied elsewhere within SDCWA's territory is a condition to complete this annexation;

WHEREAS, pursuant to the provisions of the California Environmental Quality Act (CEQA), Lakeside Water District, acting as the Lead Agency, prepared a Notice of Exemption (NOE) for the Yerba Valley Annexation Project, and approved the Project on January 11, 2019 to annex the existing public or private structures developed to the density allowed by the current zoning, and Metropolitan, as Responsible Agency under CEQA, independently determined that the proposed action is categorically exempt as annexation of existing facilities and lots for exempt facilities; 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, has reviewed and considered the information in the NOE prior to approval of the final terms and conditions for the Yerba Valley Annexation; and subject to the following terms and conditions, does hereby grant the application of the governing body of San Diego County Water Authority for consent to annex Yerba Valley 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 SDCWA for consent to Yerba Valley Annexation to Metropolitan and does hereby fix the terms and conditions of such annexation:

Section 1. Annexation of said area to SDCWA 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 SDCWA to effectuate Yerba Valley Annexation shall be filed on or before December 31, 2024.

Section 2. Prior to filing a request for a Certificate of Completion of Yerba Valley Annexation proceedings with LAFCO, SDCWA shall submit a certified copy of LAFCO's resolution approving Yerba Valley Annexation to SDCWA and shall pay to Metropolitan \$535,645.70 for its annexation fee, if annexation is completed by December 31, 2022. If the annexation is completed during the 2023 or subsequent calendar years, 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, SDCWA shall not be entitled to demand that Metropolitan deliver water to SDCWA for use, directly or indirectly, within said area, except for domestic or municipal use therein.

b. 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.

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. 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 Yerba Valley 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 SDCWA 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 SDCWA. Such charges for fiscal year 2022/23 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 SDCWA 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 SDCWA. 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.

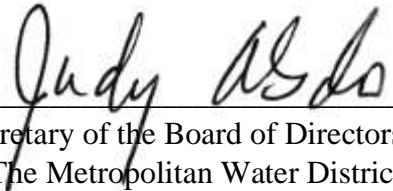
Section 7. That the Board of Directors of Metropolitan, acting as Responsible Agency, reviewed and considered the information in the NOE prior to approval of the final terms and conditions for the Yerba Valley Annexation; and subject to the following terms and conditions, does hereby grant the application of the governing body of San Diego County Water Authority for consent to annex the Yerba Valley 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 SDCWA 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 December 13, 2022.

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