

## RESOLUTION 24-06

### A RESOLUTION OF APPLICATION BY THE BOARD OF DIRECTORS OF THE TWENTYNINE PALMS WATER DISTRICT REQUESTING THE LOCAL AGENCY FORMATION COMMISSION TO INITIATE PROCEEDINGS FOR THE ANNEXATION OF ASSESSOR PARCEL NUMBER 0634-121-15 TO THE TWENTYNINE PALMS WATER DISTRICT AS MORE SPECIFICALLY DESCRIBED BELOW

#### RECITALS

**WHEREAS**, the Board of Directors of the Twentynine Palms Water District desires to initiate proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, commencing with Section 56000 of the California Government Code for the annexation of Assessor Parcel Number {APN} 0634-121-15 to the Twentynine Palms Water District for a total of approximately 40 acres; and,

**WHEREAS**, a description of the area proposed to be annexed to Twentynine Palms Water District is attached hereto as Exhibit "A" and by this reference incorporated herein; and

**WHEREAS**, Twentynine Palms Water District is a special district of the State of California operating under the County Water District Law, commencing with Section 30000 of the California Water Code; and

**WHEREAS**, the proposed annexation is consistent with the sphere of influence assigned the Twentynine Palms Water District; and

**WHEREAS**, the reason for the proposed annexation is to enable Twentynine Palms Water District to provide water service to APN 0634-121-15, which is located adjacent to the Twentynine Palms Water District's boundary but within its Sphere of Influence; and

**WHEREAS**, the property owner ("Property Owner") has requested that Twentynine Palms Water District initiate these proceedings and make an application for annexation to the Local Agency Formation Commission on their behalf.

**WHEREAS**, the Twentynine Palms Water District requests that the proposed annexation be subject to the following terms and conditions:

- 1) Property Owner shall comply with the provisions of Twentynine Palms Water District Ordinance No. 45 attached hereto as Exhibit "B" and by this reference incorporated herein. (Gov. Code § 56886(v).)
- 2) Property Owner shall pay all costs and fees associated with the proposed change(s) of organization including but not limited to the following (Gov. Code § 56886(v)):
  - a) All Twentynine Palms Water District Ordinance annexation and processing fees and charges;
  - b) All Twentynine Palms Water District detachment and processing fees and charges;
  - c) All San Bernardino County Local Agency Formation Commission processing fees and deposits, in the amount of \$10,114 and fees to the State Board of Equalization, estimated in the amount of \$1,200;

- d) Any other fees imposed by local or state agencies with regard to the proposed change(s) of organization including any fees associated with filing or recording CEQA notices.

3) Execution by Property Owner of a District Facilities Agreement with Twentynine Palms Water District agreeing in part to provide the following at Property Owner's sole cost and expense (Gov. Code § 56886(v)):

- a) Install all water, wastewater and recycled water facilities as may be required by Property Owner. No water, wastewater or recycled water services shall be provided to the annexation area until such facilities are installed and accepted by Property Owner.
- b) Obtain and transfer to Twentynine Palms Water District all easements, rights-of-way and properties as required for any facilities necessary to provide water, wastewater, and recycled water service to the annexation area.
- c) Agree that all water, wastewater, and recycled water service by Twentynine Palms Water District to the annexation area shall be subject to and in accordance with the ordinances, rules, and regulations of Twentynine Palms Water District.

4) Property Owner acknowledges and agrees to participate in any required Proposition 218 action, and will not oppose the imposition of any special taxes, fees, charges, and assessments currently applicable to Twentynine Palms Water District related to the proposed change(s) of organization, or oppose the imposition of any special taxes, fees, charges, and assessments currently applicable to [wholesale water agency], MET and/or other agency. (Gov. Code § 56886(t).)

5) The area to be annexed to Twentynine Palms Water District shall be subject to all ad valorem property taxes, assessments, fees, and standby/availability charges that apply to TPWD and relate to the area to be annexed to Twentynine Palms Water District that are in existence on the effective date of the proposed change(s) of organization. (Gov. Code § 56886(t).)

6) The area to be annexed to Twentynine Palms Water District shall be subject to taxation after annexation thereof including the payment of principal and interest on bonds and other obligations of Twentynine Palms Water District and/or outstanding at the time of annexation, in the same manner as if the annexed area had always been part of Twentynine Palms Water District. (Gov. Code § 56886(t).)

7) That the standard terms and conditions be imposed by the Local Agency Formation Commission regarding annexation to Twentynine Palms Water District.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE TWENTYNINE PALMS WATER DISTRICT AS FOLLOWS:**

**Section 1.** This Resolution of Application is hereby adopted and approved by the Board of Directors of the Twentynine Palms Water District, and the Local Agency Formation Commission for San Bernardino County is hereby requested to undertake proceedings for the annexation of

territory as described above, according to the terms and conditions stated above and in the manner provided by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

**Section 2.** The Twentynine Palms Water District acknowledges and agrees to the Local Agency Formation Commission for San Bernardino County's requirement for imposing legal indemnification as outlined in Policy 3 of Chapter 2 of the Accounting and Financial Section of its Policy and Procedure Manual.

**Section 3.** The General Manager of the Twentynine Palms Water District is hereby directed and authorized to execute, on behalf of the District, the justification for proposal and supplemental form for the annexation, which includes the preparation and certification of the Plan for Service and Fiscal Impact Analysis, complete copies of which are on file in the District office.

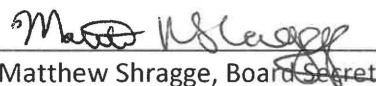
**Section 4.** That the Secretary to the Board of Directors shall certify to the passage and adoption of this resolution and is hereby authorized and directed to file, or cause to be filed, a certified copy of this Resolution with the Executive Officer of the Local Agency Formation Commission for San Bernardino County.

**PROCLAIMED** by the Board of Directors of the Twentynine Palms Water District this 20<sup>th</sup> day of November 2024, by the following vote:

Ayes:  
Noes:  
Abstain:  
Absent:

  
\_\_\_\_\_  
Bob Coghill, Vice President  
Board of Directors

Attest:

  
\_\_\_\_\_  
Matthew Shragge, Board Secretary  
Twentynine Palms Water District