

HEBER PUBLIC UTILITY DISTRICT REPORT TO BOARD OF DIRECTORS

MEETING DATE: June 11, 2020

FROM: Laura Fischer, General Manager

SUBJECT: Authorize the HPUD Board President to sign a letter to LAFCO approving a temporary water service connection for construction of Border Wall Projected located outside of the District's Service Area.

ISSUE: Shall the Heber PUD Board authorize the President to sign a letter to LAFCO approving a temporary water service connection for construction of Border Wall Projected located outside of the District's Service Area?

GENERAL MANAGER'S RECOMMENDATION: Approve.

FISCAL IMPACT:

Possible Water Fund Revenue from Temporary Fire Hydrant Meter.

At this time, we anticipate about \$50,000 over a 3-4 month period.

BACKGROUND:

This is the second request from Barnard to purchase water from HPUD to construct the border fence. The first phase was just to the west of our service area, this phase is close to Campo. Staff was approached by Barnard Company who has been contracted to build the border wall outside of the HPUD Service Area near Campo. Barnard was looking at several options for water delivery including constructing wells in the desert. However, this option was not meeting the timeline that they need to meet and they want to start the project with water from HPUD and finish using well water.

The HPUD has the water available to sell, but in order for HPUD to provide water to anyone outside of our service area, we need approval from LAFCO. The construction company, Barnard, submitted an application with LAFCO and we received the attached documents from LAFCO.

In order to start providing water in large volumes using two hydrants and four meter, the HPUD must submit a letter stating that:

- 1) The HPUD approves the extension of water service.
- 2) The HPUD understands and confirms that the authorization by LAFCO is for a temporary extension of water.

CONCLUSION:

Staff recommends that the Board authorize the HPUD Board President to sign a letter to LAFCO approving a temporary water service connection for construction of Border Wall Projected located outside of the District's Service Area.

Respectfully Submitted,

Laura Fischer, General Manager

Attachment: Letter of Support for to LAFCO approving a temporary water service connection for construction of Border Wall Projected located outside of the District's Service Area.

Letter from LAFCO

APPLICATION

PETITION FOR PROCEEDINGS PURSUANT TO THE CORTESE-KNOX-HERTZBERG LOCAL GOVERNMENT REORGANIZATION ACT OF 2000

The undersigned hereby petition(s) the Local Agency Formation Commission of Imperial County for approval of a proposed change of organization, and stipulate(s) as follows:

OWNER INFORMATION	
NAME <i>Laura Fischer</i>	COMPANY <i>Heber Public Utility Dist.</i>
MAILING ADDRESS <i>1078 Dogwood rd, suite 103</i>	TELEPHONE NUMBER <i>760-482-2440</i>
CITY, STATE, ZIP <i>Heber, CA 92249</i>	EMAIL ADDRESS <i>lfischer@heber.ca.gov</i>
APPLICANT INFORMATION (IF DIFFERENT FROM THE OWNER)	
NAME	COMPANY
MAILING ADDRESS	TELEPHONE NUMBER
CITY, STATE, ZIP	EMAIL ADDRESS
PROJECT INFORMATION	
NAME OF PROPOSAL	DATE
PROJECT ADDRESS	APN(S)
CITY, STATE, ZIP	TOTAL LAND AREA (ACRES)
THIS PROPOSAL IS MADE PURSUANT TO CALIFORNIA GOVERNMENT CODE (COMMENCING WITH SECTION 56000, CORTESE-KNOX-HERTZBERG LOCAL GOVERNMENT REORGANIZATION ACT OF 2000).	
1	PROPOSED CHANGE(S) OF ORGANIZATION: <input type="checkbox"/> ANNEXATION <input type="checkbox"/> SPHERE OF INFLUENCE <input type="checkbox"/> OTHER <input type="checkbox"/> DETACHMENT <input type="checkbox"/> CONSOLIDATION <input checked="" type="checkbox"/> EXTENSION OF SERVICES <input type="checkbox"/> INCORPORATION <input type="checkbox"/> FORMATION OF _____
2	NAME OF THE CITY/SPECIAL DISTRICT BEING AFFECTED <i>Heber Public Utility District</i>
3	THE PROPOSED BOUNDARIES OF THE TERRITORY(IES) INCLUDED IN THE PROPOSAL ARE AS DESCRIBED IN THE EXHIBIT(S) ATTACHED HERETO AND BY THIS REFERENCE INCORPORATED HEREIN. <input type="checkbox"/> YES, BOUNDARY EXHIBITS ARE ATTACHED

14	WHAT IS THE PLANNED GENERAL PLAN DESIGNATION OF THE AREA BY THE AFFECTED CITY? _____ _____
15	DESCRIBE ANY SPECIAL LAND USE CONCERNS EXPRESSED IN THE ABOVE PLANS. _____ _____
16	SPECIFY ANY AND ALL EXISTING LAND USES: _____ _____ WHAT ARE THE PROPOSED LAND USES? _____ DESCRIBE YOUR PROJECT IN DETAIL: _____ _____ _____
17	DOES THE APPLICATION CONTAIN 100% WRITTEN CONSENT OF EACH PROPERTY OWNER IN THE SUBJECT TERRITORY? <input type="checkbox"/> YES <input type="checkbox"/> NO
18	WILL THE ANNEXED TERRITORY BE LIABLE FOR ITS SHARE OF EXISTING BONDED INDEBTEDNESS? <input type="checkbox"/> YES <input type="checkbox"/> NO
19	WILL THE ANNEXED TERRITORY BE INCLUDED WITHIN ANY PARTICULAR TAX DIVISION OR ZONE OF THE ANNEXING TERRITORY? PLEASE SPECIFY. _____ _____
20	IF THE PROPOSAL INCLUDES THE CONSOLIDATION OF SPECIAL DISTRICTS, THE PROPOSED NAME OF THE CONSOLIDATED DISTRICT IS: _____ _____
21	IF AN INCORPORATION IS INCLUDED IN THE PROPOSAL: (A) THE NAME PROPOSED FOR THE NEW CITY IS: _____ (B) PROVISIONS ARE REQUESTED FOR APPOINTMENT OF: (i) CITY MANAGER <input type="checkbox"/> YES <input type="checkbox"/> NO (ii) THE CITY CLERK AND CITY TREASURER <input type="checkbox"/> YES <input type="checkbox"/> NO

22	IF THE FORMATION OF A NEW DISTRICT(S) IS INCLUDED IN THE PROPOSAL:	
	(A) THE PRINCIPAL ACT(S) UNDER WHICH SAID DISTRICT(S) IS/ARE PROPOSED TO BE FORMED IS/ARE	_____
	(B) THE PROPOSED NAME(S) OF THE NEW DISTRICT(S) IS/ARE	_____
	(C) THE BOUNDARIES OF THE PROPOSED NEW DISTRICT(S) ARE AS DESCRIBED IN EXHIBITS	_____
		_____, INCORPORATED HEREIN.
23	THE PERSON(S) SIGNING THIS PETITION HAVE SIGNED AS:	(CHECK ONLY ONE) <input type="checkbox"/> REGISTERED VOTERS <input type="checkbox"/> OWNERS OF LAND
24	AS REQUIRED, THE FOLLOWING ITEMS ARE ENCLOSED WITH THIS APPLICATION:	
	<input type="checkbox"/> DEPOSIT	<input type="checkbox"/> LEGAL DESCRIPTION
	<input type="checkbox"/> INDEMNIFICATION AGREEMENT	<input type="checkbox"/> ANNEXATION MAP (10 COPIES)

APPLICANT SIGNATURE

DATE

*Please complete the names and addresses of **additional** persons (not including the owner/applicant previously listed at the beginning of the application) who are requesting to have furnished copies of the agenda and Executive Officer's Report and/or mailed notices of the hearing of this proposal. Please attach additional pages if necessary.*

PERSON 1	REQUESTS:	<input checked="" type="checkbox"/> AGENDA COPIES	<input checked="" type="checkbox"/> PUBLIC NOTICE OF HEARING
		<input checked="" type="checkbox"/> HEARING PACKAGE HARD COPY	<input checked="" type="checkbox"/> HEARING PACKAGE ON CD
NAME		COMPANY	
Laura Fischer		Neber PUD	
MAILING ADDRESS		TELEPHONE NUMBER	
1078 Dogwood Rd., Suite 103		760-489-2440	
CITY, STATE, ZIP		EMAIL ADDRESS	
Neber, Ca. 92249		lfischer@neber.ca.gov	
PERSON 2	REQUESTS:	<input type="checkbox"/> AGENDA COPIES	<input type="checkbox"/> PUBLIC NOTICE OF HEARING
		<input type="checkbox"/> HEARING PACKAGE HARD COPY	<input type="checkbox"/> HEARING PACKAGE ON CD
NAME:		COMPANY	
MAILING ADDRESS		TELEPHONE NUMBER	
CITY, STATE, ZIP		EMAIL ADDRESS	

NOTICE:

*Prior to the effective date of any jurisdictional change (i.e. annexation, detachment, etc.) the governing bodies of all agencies whose service areas or service responsibilities would be altered by such change shall meet to determine the amount of property tax revenues to be exchanged between and among such affected agencies. Notwithstanding any other provisions of law, no such jurisdictional change shall become effective until each county and city included in such negotiation agrees, **BY RESOLUTION**, to accept the negotiated exchange of property tax revenues.*

NOTE:

The resolutions referred to above shall be attached to this application prior to filing with the Local Agency Formation Commission. The Executive Officer of the Local Agency Formation Commission shall not issue a Certificate of Completion (COC) until such resolution is filed with LAFCO.

Wherefore, petitioner(s) request(s) that proceedings be taken in accordance with the provisions of Section 56000, et seq. of the Government Code and herewith affix signature(s) as follows:

*Chief Petitioners (**not to exceed three**):*

PRINT NAME

DATE

SIGNATURE

RESIDENCE ADDRESS

PRINT NAME

DATE

SIGNATURE

RESIDENCE ADDRESS

PRINT NAME

DATE

SIGNATURE

RESIDENCE ADDRESS

FOR LAFCO USE ONLY

APPLICATION RECEIVED BY

DATE RECEIVED

CHECK THE DOCUMENTS SUBMITTED WITH THE APPLICATION:

- | | |
|--|---|
| <input type="checkbox"/> DEPOSIT | <input type="checkbox"/> LEGAL DESCRIPTION |
| <input type="checkbox"/> INDEMNIFICATION AGREEMENT | <input type="checkbox"/> ANNEXATION MAP (10 COPIES) |

PROJECT NO. ASSIGNED

DATE ACCEPTED

June 11, 2020

Jurg Heuberger, Executive Officer
Imperial County LAFCO
1122 W. State Street # D
El Centro, CA 92243

Re: Temporary Extension of Water Service for the construction of the Border Fence

Dear Mr. Heuberger;

The Heber Public Utility District is in receipt of LAFCO Resolution 2020-04 which authorizes the temporary extension of water service from the HPUD to BFBC , LLC for the construction project "Pedestrian Fence Replacement". As requested, the Heber Public Utility District is providing this written authorization to extend water service to BFBC, LLC for the construction of the "Pedestrian Fence Replacement" project. We understand that water extension is a temporary water service and that the water used at this project site will be trucked from HPUD to the construction site.

The Heber Public Utility District Board of Directors has approved this letter of authorization at their Special Meeting of June 11, 2020.

Should you have any questions or need additional information, please don't hesitate to contact my office.

Sincerely,

Laura Fischer,
General Manager



RESOLUTION #2020-04

RESOLUTION OF THE LOCAL AGENCY FORMATION COMMISSION OF IMPERIAL COUNTY MAKING A DETERMINATION ON THE EXTENSION OF WATER FROM THE HEBER PUBLIC UTILITY DISTRICT TO BFBC, LLC ENTITLED HPUD 1-20

RESOLVED, by the Local Agency Formation Commission of Imperial, State of California, that

WHEREAS, a proposal to extend Water service to BFBC, LLC for the construction of the Pedestrian Fence Replacement was filed on May 28, 2020 with this Commission and the Executive Officer of this Commission pursuant to Title 5, Division 3, commencing with Section 56133 of the Government Code; and

WHEREAS, the Executive Officer determined the application complete; and

WHEREAS, the extension of Water service is outside the Heber Public Utility Districts service area; and

WHEREAS, the applicant will obtain water via water trucks; and

WHEREAS, the Heber Public Utility District authorized the extension of Water service for the proposed project; and

WHEREAS, the Executive Officer has been delegated the authority by the Commission to review and approve this type of project.

NOW THEREFORE, BE IT DETERMINED, that the Local Agency Formation Commission by decision of the Executive Officer does find the conditions as follows:

- a) Authorize the Heber Public Utility District to extend Temporary Water service to BFBC, LLC for the construction of the "Pedestrian Fence Replacement."
- b) The extension of Water service is limited to the proposed project and the applicant will obtain water via water trucks.
- c) The Extension of Water service will terminate on June 1, 2021
- d) The Applicant/District shall provide to LAFCO the following items in order to complete the processing of the extension:
 1. Letter from Applicant/District to confirm the Applicant/District understands that the authorization by LAFCO is for a temporary extension of Water terminating June 1, 2021.
 2. Letter from the District approving the extension of Water.

Authorized by the Executive Officer:

Date: 6-3-2020