

# HEBER PUBLIC UTILITY DISTRICT

## REPORT TO BOARD OF DIRECTORS

**MEETING DATE:** April 16, 2026

**FROM:** Madeline Dessert, General Manager

**SUBJECT:** Special District Representation on LAFCO

**Background:**

On December 3, 2025, Board Member Delfino Matus and the General Manager attended a meeting hosted by LAFCO and attended by the majority of the independent Special Districts in the County of Imperial. At this meeting, LAFCO Executive Officer gave a presentation on the process for Special Districts getting seated in the LAFCO Commission. The cost share formula was also discussed.

The Imperial Irrigation District was also present and agreed to waive the 50% share cap detailed in the Cortese-Knox Hertzberg Act and cover 100% of the Special District Cost share, leaving no financial contribution required by Heber Public Utility District. As the attached agreement details, The Imperial Irrigation District would get one guaranteed seat along with one alternate seat in consideration of the IID's full cost share, leaving one additional seat on the commission for another Special District Representative, which will be selected by the Special District Selection Committee.

On December 18, 2025, this Board approved Resolution 2025-25 authorizing and directing the General Manager to execute the previously presented agreement or similar version barring any cost change.

**Fiscal Impact:**

No Fiscal Impact to the District.

**Action Recommendation:**

Approve Resolution 2026-03 authorizing General Manager to execute agreement regarding special district membership in and funding of the Imperial County Local Agency Formation Commission.

Respectfully,

Madeline Dessert

## **RESOLUTION NUMBER 2026-03**

### **A RESOLUTION OF THE BOARD OF DIRECTORS OF THE HEBER PUBLIC UTILITY DISTRICT AUTHORIZING THE GENERAL MANAGER TO SIGN AN AGREEMENT REGARDING THE SPECIAL DISTRICT MEMBERSHIP IN AND FUNDING OF THE IMPERIAL COUNTY LOCAL AGENCY FORMATION COMMISSION**

**WHEREAS**, the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 authorizes independent special districts to participate as voting members on Local Agency Formation Commissions (“LAFCOs”); and

**WHEREAS**, the Imperial County Local Agency Formation Commission (“ICLAFCO”) currently does not include independent special district representation; and

**WHEREAS**, Government Code section 56332.5 provides the process by which independent special districts may initiate and formalize representation on LAFCO, subject to approval by a majority of the districts; and

**WHEREAS**, multiple independent special districts located within Imperial County have prepared an “Agreement Regarding Special District Membership in and Funding of the Imperial County Local Agency Formation Commission” (Agreement), which establishes the terms for participation, representation, and the apportionment of operational costs; and

**WHEREAS**, the Agreement proposes an alternative cost-apportionment method consistent with Government Code section 56381, and outlines procedures for appointment of special district representatives to the ICLAFCO Board; and

**WHEREAS**, the Board of Directors of the Heber Public Utility District (HPUD) finds that participating in the Agreement is in the best interest of the District and will promote local oversight and representation in matters concerning jurisdictional changes, boundary adjustments, and other LAFCO-related activities; and

**WHEREAS**, This resolution supersedes any prior board approved version of this resolution; and

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Heber Public Utility District as follows:

1. The Board of Directors hereby approves the Agreement Regarding Special District Membership in and Funding of the Imperial County Local Agency Formation Commission, in as presented to the Board.
2. The General Manager is hereby authorized and directed to execute the Agreement, to implement HPUD’s participation in special district representation on LAFCO.

**PASSED, APPROVED, AND ADOPTED** this 16<sup>th</sup> day of April, 2026, by the following vote:

**RESOLUTION NUMBER 2026-03**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE HEBER  
PUBLIC UTILITY DISTRICT AUTHORIZING THE GENERAL  
MANAGER TO SIGN AN AGREEMENT REGARDING THE SPECIAL  
DISTRICT MEMBERSHIP IN AND FUNDING OF THE IMPERIAL  
COUNTY LOCAL AGENCY FORMATION COMMISSION**

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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Pompeyo Tabarez,  
Board President

ATTEST:

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Jacob Bermudez,  
Clerk of the Board

APPROVE AS TO FORM:

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Steven M. Walker,  
General Counsel

**RESOLUTION NUMBER 2026-03**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE HEBER  
PUBLIC UTILITY DISTRICT AUTHORIZING THE GENERAL  
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COUNTY LOCAL AGENCY FORMATION COMMISSION**

STATE OF CALIFORNIA )  
COUNTY OF IMPERIAL )  
HEBER PUBLIC UTILITY )  
DISTRICT )

I, Jacob Bermudez, Clerk of the Board of the Heber Public Utility District, County of Imperial, State of California, DO HEREBY CERTIFY that the foregoing resolution was dully passed, approved and adopted by the Board of Directors of the Heber Public Utility District at its regularly scheduled meeting held on the 16th day of April, 2026.

By \_\_\_\_\_  
Jacob Bermudez,  
Clerk of the Board

**AGREEMENT REGARDING SPECIAL DISTRICT  
MEMBERSHIP IN AND FUNDING OF THE IMPERIAL COUNTY  
LOCAL AGENCY FORMATION COMMISSION**

This Agreement (“Agreement”) is entered into by and between the following independent special districts located within the geographical boundaries of the County of Imperial:

- Bard Resource Conservation District (“BRCD”)
- Bard Water District (“Bard”)
- Bombay Beach Community Service District (“Bombay Beach”)
- Central Valley Cemetery District (“CVCD”)
- Heber Public Utility District (“HPUD”)
- Imperial Irrigation District (“IID”)
- Imperial Valley Healthcare District (“IVHD”)
- Palo Verde County Water District (“Palo Verde”)
- Riverview Cemetery District (“RCD”)
- Salton Community Service District (“SCSD”)
- Seeley County Water District (“Seeley”)
- Winterhaven County Water District (“Winterhaven”)

(Collectively, the “Special Districts”)

The Special Districts may be collectively referred to herein as the “Parties.”

**RECITALS**

The Parties enter into this Agreement in reference to the following facts:

- A. In each county in California, there exists a local agency formation commission, formed pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Government Code section 56300, *et seq.*
- B. Unless specifically provided for otherwise by state law, Government Code section 56325 provides that local agency formation commissions are to be comprised of seven (7) members:
  - a. Two (2) appointed by the board of supervisors from their own membership.
  - b. Two (2) appointed by the cities in the county, each of whom shall be a mayor or council member, appointed by the city selection committee

- c. Two (2) presiding officers or members of legislative bodies of independent special districts appointed by the independent special district selection committee
  - d. One (1) representing the general public appointed by the other members of the commission.
- C. Currently, the local agency formation commission for Imperial County (“ICLAFCO”) does not include members who are presiding officers or members of legislative bodies of independent special districts appointed by the independent special district selection committee.
- D. In instances in which a local agency formation commission does not have representation from independent special districts prior to 2001, as is the case with ICLAFCO, Government Code section 56332.5 provides for the process of including special districts. Special Districts seek to implement the provisions of the Government Code and have representation on ICLAFCO.
- E. Government Code section 56381(b)(1)(A) provides that when a local agency formation commission has independent special district representation, the county, cities, and special districts shall each provide a one-third share of the commission's operational costs.
- F. Government Code section 56381(b)(1)(C) provides generally that the independent special districts' share shall be apportioned in proportion to each district's total revenues as a percentage of the combined total district revenues within a county. The Parties acknowledge the application of Government Code Section 56381(b)(1)(D) with respect to IVHD.
- G. Government Code section 56381(b)(1)(E) generally provides that the independent special districts' share of the commission's net operational costs may be apportioned by an alternative method approved by a majority of the districts, representing a majority of the combined populations, but that in no event shall an individual district's apportionment exceed the amount that would be calculated pursuant to subparagraphs (C) and (D), or in excess of 50 percent of the total independent special districts' share, without the consent of that district.
- H. The Special Districts desire to enter into this Agreement to provide for an alternative method of apportionment of the Special Districts' share of the net operating costs of ICLAFCO.

## **AGREEMENT**

Upon this mutual understanding, the Parties agree as follows:

1. OPERATING EXPENSES - ALTERNATIVE APPORTIONMENT.

- 1.1. The Parties agree to the following alternative method of apportionment of the independent special districts' share of the net operating costs of ICLAFCO:
- Upon the Special Districts being represented on ICLAFCO, IID shall pay 100% of the net operating costs of ICLAFCO attributable to the Special Districts on the express condition that the terms of Paragraphs 2.1.2 and 2.1.3 are satisfied.
- 1.2. IID consents to an apportionment greater than fifty percent (50%) of the net operating costs as established by Government Code section 56381(b)(1)(F) on the express condition that the terms of Paragraphs 2.1.2 and 2.1.3 are satisfied.
- 1.3. In the event the independent special district selection committee selects members inconsistent with the terms identified in Paragraphs 2.1.2 and/or 2.1.3, all Special Districts shall be liable for their portion of the net operating costs as calculated pursuant to Government Code section 56381(b)(1)(C). The Parties acknowledge provisions applicable to IVHD as outlined in Recital F. However, the failure of IID to nominate and select a member for the independent special district selection committee's consideration shall not constitute a violation for purposes of this section.

2. SPECIAL DISTRICT REPRESENTATION.

- 2.1. The Special Districts are entitled to select two members of the board of ICLAFCO, appointed by the independent special district selection committee (the committee of presiding officers or board appointee of the legislative bodies of independent special districts, convened pursuant to Government Code section 56332(b)). To obtain IID's consent to an apportionment in excess of 50% identified in Paragraph 1.2 and IID's agreement to pay 100% of the net operating costs of ICLAFCO attributable to the Special Districts identified in Paragraph 1.1, the Parties agree that the independent special district selection committee select two regular members and one alternate member in the following manner:
- 2.1.1. Seat One. The first Special District member, who is not a member of the IID Board of Directors, in accordance with Government Code sections 56325 and 56332.
- 2.1.2. Seat Two. The second Special District member, who is a member of the IID Board of Directors and nominated by the IID Board of Directors, in accordance with Government Code sections 56325 and 56332. Failure of IID to nominate a member for the independent

special district selection committee's consideration shall not constitute a violation for purposes of Section 1.3.

2.1.3. Alternate Member. The alternate Special District member, who is a member of the IID Board of Directors and nominated by the IID Board of Directors, in accordance with Government Code sections 56325 and 56332. Failure of IID to nominate a member for the independent special district selection committee's consideration shall not constitute a violation for purposes of Section 1.3.

3. This Agreement shall serve as the "alternative method" of apportionment and shall become binding on all Parties once approved by a majority vote of the Special Districts representing a majority of the combined total population of independent special districts in the county.
4. If the independent special district selection committee does not elect members who are nominated by the IID Board to both a Seat Two member and alternate member positions, the cost arrangement will be reflect that IID pay 50% of the total cost and the other special districts will pay 50%. Subsequently, if at any time, the special district selection committee elects members who are nominated by the IID Board to both a member and alternate member positions, IID will at all such times pay 100% of the costs.
5. The parties agree that ICLAFCO and all Parties retain any and all of their rights, powers, and remedies, and no remedy shall be exclusive of any of the others, or of any other legal or equitable remedy which any party might otherwise have in the event of breach or default of this Agreement. The exercise of any right or remedy by a party shall not impair its right to any other right or remedy under this Agreement or otherwise available at law or in equity. Any disputes arising under this Agreement shall be resolved in the Superior Court of the State of California, County of Imperial.
6. The parties each represent and warrant that the signatories to this Agreement have the authority to execute this Agreement on behalf of their respective agency.
7. This Agreement shall not be modified or amended except in a writing signed by the parties.
8. This Agreement may be executed in counterparts each of which shall be deemed to be an original and all of which when taken together shall be deemed to be but one agreement.

In witness whereof, these Parties have executed this Agreement effective on the date set forth below.

**Bard Resource Conservation District**

By: \_\_\_\_\_  
Signature  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Date Signed: \_\_\_\_\_

**Bard Water District**

By: \_\_\_\_\_  
Signature  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Date Signed: \_\_\_\_\_

**Bombay Beach Community Service District**

By: \_\_\_\_\_  
Signature  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Date Signed: \_\_\_\_\_

**Central Valley Cemetery District**

By: \_\_\_\_\_  
Signature  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Date Signed: \_\_\_\_\_

**Heber Public Utility District**

By: \_\_\_\_\_  
Signature  
Printed Name: \_\_\_\_\_

Date Signed: \_\_\_\_\_

**Imperial Irrigation District**

By: \_\_\_\_\_  
Signature  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Date Signed: \_\_\_\_\_

**Imperial Valley Healthcare District**

By: \_\_\_\_\_  
Signature  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Date Signed: \_\_\_\_\_

**Palo Verde County Water District**

By: \_\_\_\_\_  
Signature  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Date Signed: \_\_\_\_\_

**Riverview Cemetery District**

By: \_\_\_\_\_  
Signature  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Date Signed: \_\_\_\_\_

**Salton Community Service District**

By: \_\_\_\_\_  
Signature  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Date Signed: \_\_\_\_\_

**Seeley County Water District**

By: \_\_\_\_\_  
Signature  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Date Signed: \_\_\_\_\_

**Winterhaven County Water District**

By: \_\_\_\_\_  
Signature  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_

Date Signed: \_\_\_\_\_