

EXECUTIVE OFFICER'S REPORT

To The
Imperial Local Agency Formation Commission



TO: COMMISSIONERS

Michael W. Kelley, Chair [Supervisor]
David H. West, Vice-Chair [Public]
Ray Castillo [Supervisor]
Maria Nava-Froelich [City]

ALTERNATE

Jesus E. Escobar [Supervisor]
Robert Amparano [City]
Vacant [Public]

REPORT DATE: November 25, 2021

FROM: Jurg Heuberger, Executive Officer 
Paula Graf, Sr. Analyst 

PROJECT: Discussion/Action/Direction regarding an update on
Special District representation

HEARING DATE: December 16, 2021 **TIME:** 08:30 a.m.

AGENDA ITEM NO: 8

HEARING LOCATION: El Centro City Council Chambers, 1275 Main St., El Centro,
CA 92243

RECOMMENDATION(S) BY THE EXECUTIVE OFFICER (In Summary & Order)

OPTION #1: Informational update to the Commission

ANALYSIS

Imperial LAFCO's Commission consists of 2 County Board of Supervisor Members, 2 City Council Members, 1 Public Member, and an alternate for each.

The Cortese Knox Hertzberg Local Government Reorganization Act allows for special districts to have representation on the Commission if 50% plus 1 of the total independent special districts vote in favor.

As of 2021, there are 13 independent special districts:

1. Bard Resource Conservation District
2. Bard Water District
3. Bombay Beach Community Service District
4. Central Valley Cemetery District
5. Heber Public Utility District
6. Heffernan Memorial Healthcare District
7. Imperial Irrigation District
8. Palo Verde County Water District
9. Pioneers Memorial Healthcare District
10. Riverview Cemetery District
11. Salton Community Service District
12. Seeley County Water District
13. Winterhaven County Water District

Historically the LAFCO has made several attempts to have independent special districts join the LAFCO, the most recent in 2021.

In 2021, at the request of several special districts, the Executive Officer called a meeting of the Independent Special Districts Selection Committee. The committee met several times throughout 2021 and discussed moving forward with pursuing a seat on LAFCO recognizing the following:

a. Alternative Funding Apportionment & Designated Seat

The Cortese Knox Hertzberg Local Government Reorganization Act allows for an alternative funding apportionment as follows:

G.C. 56332 (E) Alternative Apportionment: Notwithstanding the requirements of subparagraph (C), the independent special districts' share may be apportioned by an alternative method approved by a majority of the districts, representing a majority of the combined populations. However, 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.

The committee requested the IID consider consenting to an alternative funding model of 90% of the total independent special districts share with the remaining districts sharing the remaining 10%. The IID requested a designated seat in return for the higher contribution.

- September 7, 2021 The IID board at their September 7, 2021, board meeting, authorized an annual contribution of 92.5% of the special districts one-third share of the LAFCO annual budget guaranteeing IID a designated seat and taking a formal position of support for representation. The remaining districts would share the remaining 7.5% collectively.
- October 6, 2021 The committee met on October 6, 2021, and LAFCO, per the direction of the committee requested that each independent special district adopt a resolution in favor of special district representation and authorization to execute a Memorandum of Understanding (MOU). Several districts stated they would wait to present to their respective boards until the IID took an action at their October 19, 2021, board meeting.
- October 19, 2021 The IID board at their October 19, 2021, meeting discussed and considered adopting an MOU and resolution in favor of representation on the commission. After discussion, there was a motion in favor of joining the commission but failed due to a lack of a 2nd. A motion in opposition of joining the commission also failed due to the lack of a 2nd.

RECOMMENDATION

- I. This item is presented as an informational update, no action is being requested at this time.

CC: Independent Special Districts Selection Committee