

## Lori Zinn

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**From:** Tyler Salcido  
**Sent:** Tuesday, October 29, 2024 10:31 AM  
**To:** David Monigold; Madeline Dessert  
**Cc:** Gregorio Velasquez; Jaime Tamayo; Lori Zinn; jcontreras@calexico.ca.gov; jmorenoj05@gmail.com; Julie Carter  
**Subject:** Re: CKH Act Provisions for Service Extension Outside SOI - Next Steps

Good morning all,

I have some positive news to share regarding the Extension of Service application process. After further review, we found a relevant court case that clarifies the applicant for service extensions can indeed be the property owner or the recipient of the extended services, as long as there is agreement from the city or district providing the service.

This means we can proceed with your application as submitted by the property owner, provided HPUD is on board with the arrangement. This should simplify the process and help keep things moving forward more efficiently. We will still need the other information requests mentioned previously.

Please let me know if there are any other details or support you need on our end to complete the next steps.

Best regards,

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**From:** Tyler Salcido <tylers@iclafco.com>  
**Sent:** Monday, October 28, 2024 3:18 PM  
**To:** David Monigold <djmonigold@gmail.com>; Madeline Dessert <mdessert@heber.ca.gov>  
**Cc:** Gregorio Velasquez <gvelasquez.h67@gmail.com>; Jaime Tamayo <JAIME@westwindparking.com>; Lori Zinn <loriz@iclafco.com>; jcontreras@calexico.ca.gov <jcontreras@calexico.ca.gov>; jmorenoj05@gmail.com

<jmorenoj05@gmail.com>; Julie Carter <juliec@iclafco.com>

**Subject:** CKH Act Provisions for Service Extension Outside SOI - Next Steps

I hope this email finds you well. I've done some research and found relevant language in the Cortese-Knox-Hertzberg (CKH) Act that could potentially apply to the situation we are discussing. Specifically, Section 56133 addresses the provision of new or extended services by a city or district outside its jurisdictional boundary and sphere of influence (SOI). Here's a summary of the applicable provisions:

**56133(a)**

*A city or district may provide new or extended services outside its jurisdictional boundary **only if it first requests and receives written approval** from the commission.*

Therefore, based on 56133(a), Heber Public Utilities District (HPUD) would need to submit the request for the extension of service—not West Wind. The responsibility to apply lies with HPUD, as they are the entity providing the service.

**56133(c)**

*The commission may authorize a city or district to extend services outside its jurisdictional boundary and SOI **in response to an existing or impending threat to public health or safety**, provided the following conditions are met:*

1. Documentation of a Health or Safety Threat:

The entity applying for approval must provide sufficient documentation showing a real and present threat to public health or safety in the affected area. Examples include:

- Contamination of water sources posing health risks.
- Sewage system failures causing potential health hazards.
- Fire protection deficiencies, such as inadequate water supply for firefighting, which could lead to loss of life or property. For instance, County Fire could document a fire hazard risk due to the lack of available water service. If the area is unable to provide sufficient water to suppress a fire, this poses a direct risk to public safety and property.
- Lack of access to essential utilities, such as water or electricity, that could impair residents' and/or employees' health or well-being.

2. Formal Documentation:

- This documentation must be sufficient and specific, which could reports from fire departments, local agencies, health agencies, environmental assessments, or technical analyses.
- For instance, if the service in question is water provision, documentation might include test results showing water contamination that endangers public health.

3. Purpose of the Documentation Requirement:

- The requirement ensures that service extensions are a response to genuine emergencies, not used arbitrarily to expand services into areas without need.

- It serves as a safeguard to confirm that extensions address actual health and safety needs. *In this case, the goal is simply to meet a documented need for health and safety, with no intent for unnecessary expansion.*

**56133(c)(2)**

The commission must also notify any alternate service provider, such as another city, district, or water corporation, that has filed a map and a statement of its service capabilities with the commission. In this case, since some of the parcels are within the City of Calexico's current SOI, this section could be relevant. As we are all aware, Calexico is working with Heber PUD to amend its SOI and release the property to Heber's SOI.

Additional Information Needed:

To move forward, the following documentation and acknowledgments are needed:

**1. HPUD/West Wind Water and Sewer Service Agreement:** This should include defined rates and terms for service provision to the properties.

**2. Letter from the City of Calexico:** A formal letter acknowledging the city's willingness to relinquish the three parcels within its SOI due to the unfeasible expense of extending water and wastewater services to the parcels. This letter should also express Calexico's collaboration with HPUD as both agencies work towards completing the SOI changes and SAP updates.

**Next Steps:**

Based on the CKH Act provisions above, I recommend that Heber PUD submit a written request and application for an extension of service outside its SOI. The request should include documentation of the potential threat to public health and safety, allowing the extension to be temporarily approved as Heber and Calexico complete their respective SAPs and SOI updates.

Please let me know your thoughts, and if there are any clarifications or additional information needed, I'd be happy to assist.

Best regards,

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