



# Authorize Agreement for Water Services for the Sycuan Band of Kumeyaay Nation

Finance & Insurance Committee  
Item 7-5  
August 20, 2018

# Background

- California Assembly Bill No. 2470 (Gonzalez) — effective January 1, 2018; codified at Water Code section 71611.5
  - Requires water districts to provide Sycuan with potable water service
  - Under substantially the same terms and conditions applicable to other customers
    - All payments as if annexed
  - Padre Dam MWD and SDCWA Board's approved similar agreements

# Background

- Sovereign nation
- Tribe and tribal lands are:
  - Not subject to state laws; annexation must be voluntary and contractual
  - Not subject to state taxes; annexation fees and property taxes collected by in-lieu charges
- Tribe cannot be sued in state or federal court without waiver of sovereign immunity

# Background

- Agreement treats Sycuan like any other customer
  - Subject contractually to Metropolitan's water service regulations and administrative code
  - Payment of in-lieu charges, including annexation and present value of ad valorem taxes
- Limited waiver of sovereign immunity
- Similar to agreements with Soboba and Pechanga without changing service area boundary

**Item # 7-5  
Sycuan Water Agreement  
With SDCWA & Padre Dam MWD**



**GROSS AREA = 227 Acres**  
**PUBLIC ROAD = 0 Acres**  
**NET AREA = 227 Acres**



# Summary

	Proposed Land Use	Acres	Annexation Charge	Increased Demand Upon Metropolitan (acre feet/yr)
Sycuan Water Agreement	Existing Commercial	227	\$ 1,287,317 Current rate	0
Ad Valorem Property Tax	Net Present Value		\$ 183,633	
Processing Charge			\$ 5,000	
<b>TOTAL</b>		<b>227</b>	<b>\$ 1.47 million</b>	<b>0 AFY</b>

# Board Options

## Option 1: Adopt CEQA determination

- Authorize the General Manager to enter into the Agreement for Water Service with Sycuan, SDCWA, and Padre Dam MWD

## Option 2:

- Decline the request for the proposed water service agreement



# Staff Recommendation

- Option 1

