

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

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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

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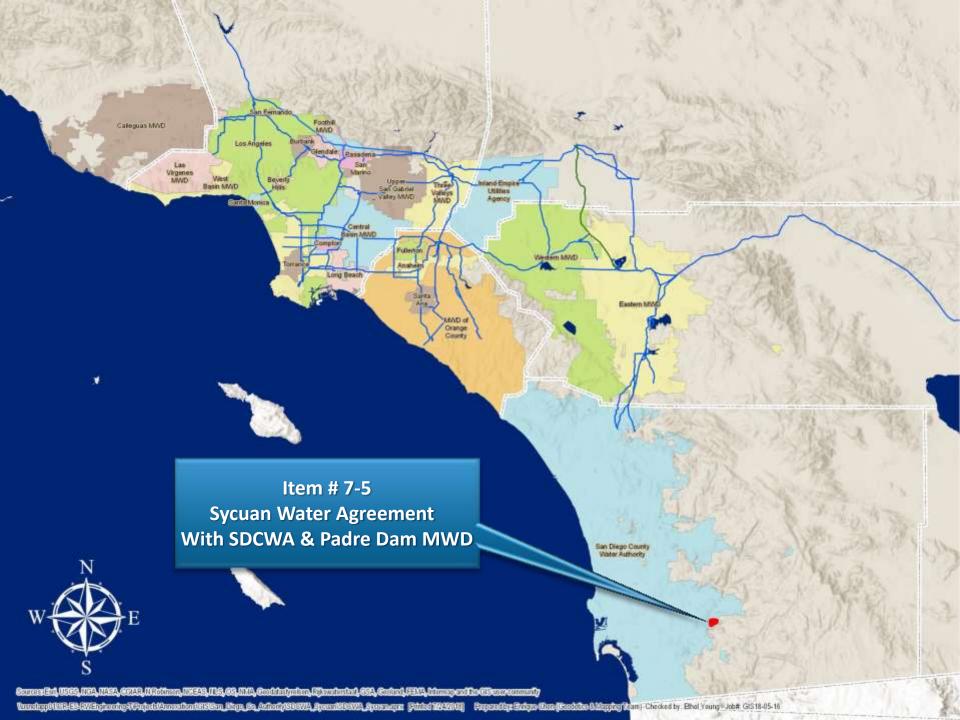
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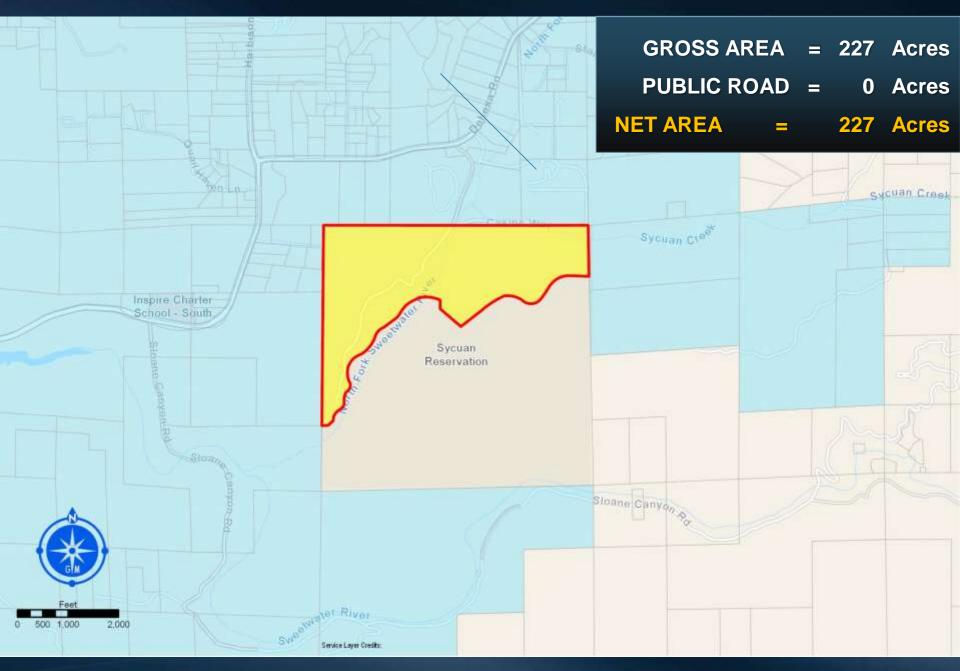
Background

- 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

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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	
TOTAL		227	\$ 1.47 million	0 AFY

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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

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Staff Recommendation

Option 1

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