



## OFFICIAL PROCEEDINGS

### IMPERIAL COUNTY BOARD OF SUPERVISORS

#### SUPERVISORS:

DISTRICT 1 – Victor Carrillo

DISTRICT 2 – Larry Grogan

DISTRICT 3 – Joe Maruca

DISTRICT 4 – Gary Wyatt

DISTRICT 5 – Wally Leimgruber, **Chairman**

**TUESDAY, JUNE 28, 2005**

EXECUTIVE OFFICER  
Robertta Burns

COUNTY COUNSEL  
Ralph Cordova, Jr.

CLERK OF THE BOARD  
Sylvia Bermudez

1. Meeting was called to order by Board Chairman Wally Leimgruber. Supervisors Larry Grogan, Joe Maruca, Gary Wyatt and Wally Leimgruber were present. Supervisor Victor Carrillo was absent. Motioned to convene to Closed Session.
2. Closed Session
  - a. **Government Code §54954.5** Personnel, Public Employee Performance Evaluation of position of County Executive Officer.
  - b. **Government Code §54956.9(b) (1)** Conference with Legal Counsel, Potential Litigation (2 items). *One item discussed; Direction given to staff.*
3. Announcement of Closed Session Actions.
4. Open Session - Invocation and Pledge of Allegiance was led by Pastor Al Childers, Good News Mission, Imperial.
5. Approved the Agenda as amended.
6. Approved the Consent Calendar.
7. Approved the Official Proceedings for Tuesday, June 21, 2005.
8. Board Member Reports/Announcements – Supervisor Gary Wyatt reported on the Salton Sea Authority meeting; He also reported on a public nuisance regarding canal water overflowing into the Hot Mineral Spas area. Supervisor Wally Leimgruber reported on the Mutual Fire Aid Agreement Signing Ceremony between the County of Imperial and City of Mexicali on Friday. Supervisors Joe Maruca and Larry Grogan had no reports.
9. **SPECIAL PRESENTATIONS**
  - a. The Board recognized Employee of the Month June 2005 Ricardo Avila, Mapping Asst, Assessor's Department.
  - b. The Board recognized County Employees who have reached a Milestone Anniversary for the month of June 2005.

#### **FIVE YEARS**

*Yolanda Orozco, Public Health  
John Dougan Jr., Sheriff-Coroner  
Victor Acevedo, Information Systems  
Daniel DeVoy, Human Resources  
Art Yerena, County Fire Protection  
Lourdes Mendez, Behavioral Health  
Wendy Betancourt, Probation & Corrections  
Brenda Avalos, Ag Commissioner*

#### **TEN YEARS**

*Jacqueline Jimenez, Behavioral Health  
Alvin E. Martin, Behavioral Health*

#### **FIFTEEN YEARS**

*Luis Andrade, County Fire Protection  
James Lee, Planning & Development  
Ofelia Atondo, Child Support Services  
Heidi Perez, Sheriff-Coroner  
Santa Figueroa, Sheriff-Coroner  
Marylou Corral-Cruz, Public Health*

#### **TWENTY-FIVE YEARS**

*Virginia Desamito, Sheriff-Coroner  
Teresa Woelke, Library  
Alex Garcia, Probation & Corrections*

#### **THIRTY YEARS**

*Michelle Alipaz, Social Services  
Barbara McPhetrdge, Treasurer*

**When addressing the Board, state your name for the record prior to providing your comments. Please address the Board as a whole, through the Chairman. Individuals will be given three (3) minutes to address the board; Groups or topics will be given a maximum of fifteen (15) minutes. Public comments will be limited to a maximum of 30 minutes at the beginning of the Board meeting. If additional time is required for public comments, they will be heard at the end of the meeting.**

10. Public comments - Thomas Henderson commented on issues with the District Attorney's Office. Tony Ramos commented on issues regarding SIMSA Health Claims. Linda Cooke commented on issues regarding Imperial Valley Memorial Gardens Cemetery. Cliff Hurley commented on issues regarding the Planning & Development Services Department.

## **ACTION CALENDAR**

### **PUBLIC WORKS**

11. Awarded contract for the Construction of Sidewalk Improvements at Various Locations near Seeley Elementary School, County Project No. 3761 in the approximate amount of \$158,250 to Granite Construction.

### **COUNTY CLERK/RECORDER/REGISTRAR OF VOTERS**

12. Approved the following actions:
- Authorized Chairman to sign agreement with Sequoia Voting Systems for purchase of Election Equipment and Services.
  - Approved the allocation of encumbered Tobacco Funds for the 2004-2005 budget.
  - Authorized the immediate purchase of election equipment and services.

### **PLANNING & DEVELOPMENT SERVICES**

13. Authorized the Director of Planning & Development Services to negotiate contract with Development Management Group Inc. for the preparation of a Countywide Strategic Economic Plan/Program in the amount of \$68,500. (agreement and scope of work will return for board approval)

### **EXECUTIVE OFFICE/PLANNING & DEVELOPMENT SERVICES**

14. Approved policy for development of "joint use facilities" between the County of Imperial and in partnership or cooperation with other local agencies, jurisdictions and schools.

### **IMPERIAL COUNTY OFFICE OF EDUCATION**

15. Approved letter designating Early Care & Education Planning Council, as the eligible Local Council.

### **PUBLIC ADMINISTRATOR**

16. Approved Budget Amendment Resolution No. 04-05-051, to cover costs of equipment purchase for Title III-C Senior Nutrition Program in the amount of \$9,128 as requested by Norma Saikhon, Public Administrator/AAA.

### **❖ Emergency Item**

#### **EXECUTIVE OFFICE**

17. Approved letter in OPPOSITION of AB 1508, Mosaic Lettuce.
18. No item pulled from Consent Calendar for discussion.

## **SCHEDULED HEARING(S)**

### **❖ 11:00 A.M. PLANNING & DEVELOPMENT SERVICES**

19. Upon conclusion of the public hearing regarding grant application for \$35,000 from CDBG Planning & Technical Assistance, Economic Development Allocation to conduct a study to recommend methods for initiating and supporting the growth of a creative arts industry cluster in Salton Sea region to generate jobs for Targeted Income Groups; The Board approved the following actions:
- Approved submission of grant application for \$35,000.

- b. Approved commitment of a local cash match of \$700 from CDBG program income for a 2005 Planning & Technical Assistance grant application.
  - c. Authorized the Chairman of the Board, County Executive Officer or Director of Planning & Development Services to act on the County's behalf on all matters pertaining to this application, including submittal of application, draw down of funds, submittal of amendment requests and execution of grant amendment documents. (Grant Agreement will require Board approval).
20. Upon conclusion of the public hearing regarding General Plan Amendment #05-0005 and Zone Change #04-0012 as submitted by McCabe School District; The board approved the following actions:
- a. Approved the Negative Declaration on the basis of the initial study and any comments received showing no substantial evidence that the project will have a significant effect on the environment as determined by the Environmental Evaluation Committee on May 26, 2005.
  - b. Made the De Minimus findings as recommended by the May 26, 2005 Environmental Evaluation Committee meeting that the project will not individually or cumulatively have an adverse effect on fish and wildlife resources, as defined in Section 711.2 of the Fish and Game Code.
  - c. Made the finding that the proposed General Plan Amendment #05-0005 and Zone Change 04-0012 are both consistent with the County's General Plan.
  - d. Approve Ordinance No. 1391, (section 92539.01) amendment to Zoning Map No. 39.
21. Upon conclusion of the public hearing regarding General Plan Amendment #05-0006, Zone Change #05-0005 and Amend Tract Map #944 as submitted by Danbury/Farmington LLC; The Board approved the following actions:
- a. Approved the Negative Declaration on the basis of the initial study and any comments received showing no substantial evidence that the project will have a significant effect on the environment as determined by the Environmental Committee on May 26, 2005.
  - b. Made the De Minimus findings as recommended by the May 12, 2005 Environmental Evaluation Committee meeting that the project will not individually or cumulatively have an adverse effect on fish and wildlife resources as defined in Section 711.2 of the Fish and Game Code.
  - c. Made the finding that the proposed General Plan Amendment, Zone Change and Amended Tract Map are consistent with the County's General Plan.
  - d. Amended the Heber Urban Area Plan to reflect the change from Government Special Public to Low Density Residential.
  - e. Approved Ordinance No. 1392, (section 92512.11) amendment to Zoning Map No 12.
  - f. Amended existing Tract Map #944 to include the addition of 8 new parcels out of the existing 2.03 acre parcel.
22. Upon conclusion of the public hearing regarding General Plan Amendment #05-0007, Zone Change #05-0001 and Tract Map #958 as submitted by DH Springs LLC; The Board approved the following:
- a. Found the County's desired drainage options in order of preference and defined under Condition #66 of Tract Map (refer to back-up documents).
  - b. Approved the Mitigated Negative Declaration by finding that although the proposed project could have a significant effect on the environment there will not be a significant effect in this case because mitigation measures have been added to the project.
  - c. Made the De Minimus findings as recommended by the March 10, 2005 Environmental Evaluation Committee meeting that the project will not individually or cumulatively have an adverse effect on fish and wildlife resources, as defined in Section 711.2 of the Fish and Game Code.
  - d. Made the finding that the proposed General Plan Amendment, Zone Change and Tract Map are consistent with the County's General Plan and Seeley Urban Area Plan.
  - e. Amended the Seeley Urban Area Plan to reflect the following:
    - i. Change that subject portion of the Seeley Urban Area Plan from General Commercial to Neighborhood Commercial.
    - ii. Exchange an equal amount of acreage of the proposed Neighborhood Commercial with High Density Residential.
  - f. Approved Ordinance No. 1393 (Section 92509.03) amendment to Zoning Map No. 9.
  - g. Approved Tract Map #958 subject to conditions as amended.

**DISCUSSION CALENDAR**

\*\*Items #23 thru #27 were discussed; Items will be placed for action on a future agenda.

23. Reports/Correspondence/Announcements of Officers:
  - a. Legislation
  - b. County Executive Officer
  - c. County Counsel
  - d. Departments
  - e. Agencies
24. Tim Jones, Director, Public Works, introduced and discussed modification #1 to the operating agreement with LAIDLAW TRANSIT SERVICES INC, for the continued operation of Imperial Valley Transit for period of July 1, 2005 thru December 31, 2009.
25. Michael W. Kelley, Chief Probation Officer introduced and discussed Standard Agreement #CSA-111-05 with Board of Corrections for the JABG funding.
26. Ken Phillips, Executive Director, Workforce Investment Board introduced and discussed allocation of \$127,400 of WIA Funds as match to Imperial Valley Regional Occupational Program's Project SERVE VETS.
27. Ken Phillips, Executive Director, Workforce Investment Board introduced and discussed appointment of five (5) members to the Workforce Investment Board.

**CONSENT CALENDAR****AGRICULTURAL COMMISSIONER**

28. Approved and authorized Chairman to sign Agreement #05-0012C between the County of Imperial and the California Department of Pesticide Regulation.

**AIRPORT**

29. Approved and authorized the Director of Airport, Assistant Director or Airport Manager to sign agreements for use of airport property with the following conditions:
  - a. Agreement cannot exceed 180 days.
  - b. Agreement must be approved as to form by County Counsel.
  - c. Rental amounts shall be set as determined in "Rates and Charges Analysis" (2001) and adjusted to current CPI.
  - d. An original executed agreement must be filed with the Clerk of the Board of Supervisors Office.

**EXECUTIVE OFFICE**

30. Approved Resolution No. 2005-046, regarding adoption of enhanced retirement benefit for general members.

**HUMAN RESOURCES & RISK MANAGEMENT**

31. Approved and authorized the Chairman to sign agreement for special services for FY 2005-2006 with Liebert Cassidy Whitmore in the amount of \$5,250.
32. Read title, waived second reading and adopted Ordinance No. 1390, an ordinance amending the codified ordinances of the County of Imperial relating to the compensation for the Board of Supervisors.

**PLANNING & DEVELOPMENT SERVICES**

33. Approved out of state travel for two (2) Planning & Development Services staff members for PTAC to attend the APTAC Annual National Conference Training, October 3-5, 2005, Washington, D.C.

**PROBATION & CORRECTIONS**

34. Approved the following actions regarding modifying Board Action of May 24, 2005, Minute Order #13.
  - a. Approved purchase of 800 MHz two-way radio project in the amount of \$216,508.

- b. Approved and authorized Chairman to sign "Commitment Letter" and submitted to USDA indicating funding for the Imperial County Probation Radio Project in the amount of \$166,508.
- c. Approved purchase of equipment for Probation Radio Project through County Purchasing Department.
- d. Approved Budget Amendment Resolution No. 04-05-052.

**PUBLIC WORKS**

35. Approved the following actions:

- a. Accepted the constructed subdivision improvements for Units 3 and 4 for Tract Map 903, Correll Estates.
- b. Authorized the Clerk of the Board to release Unit 3 Performance Bond, INSCO/DICO's Bond No. 824416S for \$397,000 and Bond No. 824416S for labor and materials for \$199,000 and INSCO/DICO Bond No. 824418S for monumentation for \$4,650.
- c. Authorized the Clerk of the Board to release Unit 4 Performance Bond, INSCO/DICO Bond No. 825038S for \$522,000, Bond No. 825038S for labor and materials for \$261,000 and Bond No. 825039S for monumentation for \$6,650.

**SHERIFF-CORONER**

36. Approved and authorized Chairman to sign three (3) year coroner agreement with Chapel and Mortuary beginning July 1, 2005 and terminating June 30, 2008.

37. Approved the following actions:

- a. Approved Resolution No. 2005-047, authorizing four (4) employees of the Sheriff-Coroner's office to acquire federal surplus property from the California State Agency for Surplus Property.
- b. Authorized the County Executive Officer to sign the Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion.

**SOCIAL SERVICES**

38. Approved addendum (as per back-up) to departmental reorganization approved on February 15, 2005 Minute Order #13.

**OTHER ITEMS**

39. Current Demands were ordered paid.
40. Miscellaneous reports were ordered filed (On file with the Clerk of the Board):
  - a. Planning Commission Agenda Minutes, June 22, 2005 Meeting.

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**SUPPLEMENTAL ITEMS**

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**BOARD OF SUPERVISORS**

41. Discussed the North Baja Pipeline Expansion Plans; directed Agricultural Commissioner to prepare comments for the Open House events.
42. The next regular Board of Supervisors meeting was scheduled for 9:30 a.m. Tuesday, July 5, 2005 County Administration Center, Board Chambers, 940 West Main Street, Suite 211, El Centro, CA. 92243.
43. The Board of Supervisors meeting adjourned at 3:30 p.m.

**SYLVIA BERMUDEZ**  
**CLERK OF THE BOARD OF SUPERVISORS**