



Website:
www.imperialcounty.net

BOARD MEMBERS:

DISTRICT 1 – Victor Carrillo

DISTRICT 2 – Jesus “Jack” Terrazas

DISTRICT 3 – Michael W. Kelley

DISTRICT 4 – Gary Wyatt

CHAIRMAN

DISTRICT 5 – Wally Leimgruber

EXECUTIVE OFFICER
Ralph Cordova Jr.

COUNTY COUNSEL
Michael L. Rood

CLERK OF THE BOARD
Sylvia Bermudez

OFFICIAL PROCEEDINGS

**REGULAR MEETING OF THE
BOARD OF SUPERVISORS**

TUESDAY, JANUARY 13, 2009

**County Administration Center
Board Chambers**

**940 West Main Street, Suite 211
El Centro, CA. 92243**

1. Meeting was called to order by Board Chairman Wally Leimgruber; Supervisors for Districts 1, 2, 3, 4 and 5 were present. Invocation and Pledge of Allegiance was led by Pastor Michael Beach of the First Baptist Church of El Centro.
2. Discussed the Agenda.
 - a. No Items pulled from the Action Calendar.
 - b. No Items pulled from the Discussion Calendar.
 - c. Item #34 pulled from the Consent Calendar for discussion.
 - d. No Emergency Items added.
 - e. Order of the Agenda Items; Item # 13 was discussed first.
 - f. Approved the agenda as amended.
3. Approved the Consent Calendar as amended.
4. Approved the Official Proceedings:
 - a. Tuesday, December 23, 2008.
 - b. Tuesday, January 06, 2009.
5. Board Member Reports/Announcements – Supervisor Gary Wyatt reported on the issues with the state budget and his participation in various meetings relating to the budget. He also, welcomed Supervisors Terrazas and Kelley. Supervisor Michael Kelley reported he had been working on familiarizing himself with his new duties. Supervisor Jack Terrazas announced the upcoming IV Business Showcase, EC Farmers Market and various other events happening throughout the valley. Supervisor Victor Carrillo reported on his attendance to the 50th Anniversary for the SDSU-IV Campus. Supervisor Wally Leimgruber also welcomed Supervisors Terrazas and Kelley.

ACTION CALENDAR

AIRPORT

6. Approved Resolution No. 2009-001, setting the rental and landing fee schedule.
7. Approved the Hangar Rental Agreement Form and authorized the Director of Airports to sign agreements.

PLANNING & DEVELOPMENT SERVICES

8. Approved the following actions relating to tract map for the County Center II expansion:
 - a. Authorized the Director of Planning & Development Services to prepare a tract map for the County Center II jointly with the Imperial County Office of Education.
 - b. Authorized the Director of Planning & Development Services to enter into contract with Hale Engineering *dba* TESCO for the preparation of the tract map.
 - c. Approved Budget Amendment Resolution No. 08-09-054, transferring funds of \$10,000.

AUDITOR-CONTROLLER

9. Approved Resolution No. 2009-002, adopting supplemental report on Development Impact Fees for the period of July 1, 2007 to June 30, 2008.

BOARD OF SUPERVISORS

10. Reviewed the Chairman Committee Appointments for 2009; revised list to be brought back on 01-27-09.

EXECUTIVE OFFICE

11. Approved the 2009 Board of Supervisors Meeting Calendar, as amended.
12. Approved appointment of Supervisor Wally Leimgruber as the member and Supervisor Michael Kelley.
13. Approved Budget Amendment Resolution No. 08-09-055, appropriating funds up to \$150,000 from the Off Highway Vehicle License Fee restricted account and authorized the CEO to enter into agreement to continue trash disposal operations at the Imperial Sand Dunes Recreation Area for the remainder of the 2009 dunes season ending May 30th.

EMERGENCY ITEMS**BOARD OF SUPERVISORS**

14. Approved the resignation of Supervisor Wally Leimgruber and approved appointment of Supervisor Terrazas to the Board of Retirement for one year, effective January 13, 2009.

ITEMS PULLED FOR DISCUSSION

15. Items pulled from Consent Calendar for discussion; Refer to Item #34.

❖ BOARD OF EQUALIZATION

- *Adjourned as the Board of Supervisors; convened as the Board of Equalization.*

16. Approved the following stipulations for AMH V LLC:

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| a) Application No. 2007-220, APN# 016-091-003 | bb) Application No. 2007-587, APN# 015-222-007 |
| b) Application No. 2007-223, APN# 015-465-005 | cc) Application No. 2007-588, APN# 015-222-007 |
| c) Application No. 2007-554, APN# 016-302-003 | dd) Application No. 2007-589, APN# 017-963-589 |
| d) Application No. 2007-555, APN# 016-302-003 | ee) Application No. 2007-590, APN# 017-082-006 |
| e) Application No. 2007-556, APN# 016-403-015 | ff) Application No. 2007-598, APN# 017-890-003 |
| f) Application No. 2007-558, APN# 015-302-005 | gg) Application No. 2007-601, APN# 001-762-005 |
| g) Application No. 2007-559, APN# 015-302-005 | hh) Application No. 2007-602, APN# 001-762-004 |
| h) Application No. 2007-560, APN# 015-442-012 | ii) Application No. 2007-603, APN# 001-762-002 |
| i) Application No. 2007-561, APN# 015-442-012 | jj) Application No. 2007-604, APN# 001-762-001 |
| j) Application No. 2007-562, APN# 015-290-029 | kk) Application No. 2007-626, APN# 001-762-018 |
| k) Application No. 2007-563, APN# 015-290-029 | ll) Application No. 2007-627, APN# 001-762-017 |
| l) Duplicate of (k) | mm) Application No. 2007-628, APN#001-762-016 |
| m) Application No. 2007-564, APN# 015-444-004 | nn) Application No. 2007-629, APN#001-762-015 |
| n) Application No. 2007-565, APN# 015-444-004 | oo) Application No. 2007-630, APN#001-762-014 |
| o) Application No. 2007-566, APN# 016-542-002 | pp) Application No. 2007-632, APN#001-762-013 |
| p) Application No. 2007-571, APN# 015-161-001 | qq) Application No. 2007-633, APN# 001-762-010 |
| q) Application No. 2007-572, APN# 015-161-001 | rr) Application No. 2007-634, APN# 001-762-008 |
| r) Application No. 2007-573, APN# 014-092-007 | ss) Application No. 2007-635, APN# 001-782-014 |
| s) Application No. 2007-574, APN# 014-114-001 | tt) Application No. 2007-636, APN# 001-782-013 |
| t) Application No. 2007-578, APN# 015-282-003 | uu) Application No. 2007-637, APN# 001-782-011 |
| u) Application No. 2007-579, APN# 015-202-016 | vv) Application No. 2007-638, APN# 001-782-010 |
| v) Application No. 2007-580, APN# 015-282-031 | ww) Application No. 2007-639, APN# 001-782-009 |
| w) Application No. 2007-581, APN# 015-202-015 | xx) Application No. 2007-640, APN# 001-782-007 |
| x) Application No. 2007-582, APN# 014-114-001 | yy) Application No. 2007-641, APN# 001-782-006 |
| y) Application No. 2007-583, APN# 014-092-007 | zz) Application No. 2007-642, APN# 001-782-004 |
| z) Application No. 2007-585, APN# 015-253-005 | |
| aa) Application No. 2007-586, APN# 016-082-006 | |

- *Adjourned as the Board of Equalization; reconvened as the Board of Supervisors.*

DISCUSSION CALENDAR

***Discussion Calendar items are for discussion only; Items requiring action will be placed on a future agenda.*

17. Reports/Correspondence/Announcements of Officers:

- a. Legislation – Ralph Cordova, CEO, reported on legislation; reported on his meeting with Senator Ducheny relating to the Salton Sea bill.
- b. County Executive Officer - Ralph Cordova, CEO, reported he would present an item to the Board dealing with the County Budget.
- c. County Counsel - None
- d. Departments – Brad Poiriez, Air Pollution Control Officer, reported on air pollution and emission issues. Ron Grassi, Director, Human Resources reported on the closing of open enrollment and reported there were few errors.
- e. Agencies – Captain Vasquez, with the El Centro CHP Office introduced himself to the Board and informed the Board of the ongoing efforts of the CHP in Imperial County; also introduced Lt. Wescott of the El Centro office as well.

SCHEDULED HEARING(S)**PUBLIC WORKS**

18. Upon conclusion of a public hearing to receive input on the amendment to the County Non-Disposal Facility Element the Board approved Resolution No. 2009-003, adopting the amendments.

EXECUTIVE OFFICE

19. Conducted a public hearing regarding the proposed use of funds under the Citizens' Option for Public Safety (COPS) program through the Supplemental Law Enforcement Services Fund. The 2008 Budget Act provides \$107.1 million dollars to the COPS program and \$119 million to counties for specified juvenile justice programs. No public input was received.

**PRESENTATIONS/
PUBLIC COMMENT**

20. **PUBLIC COMMENT** – Tony Ramos commented on the motto “In God we Trust”, previously approved by the Board. Mark Gaddis commented on the prior increase to the county impact fees, the prices of homes are still declining and the county impact fees are affecting local developers and contractors. Gary Tackett commented on issues relating to COLAB; also, commented on his complaints against the CEO. Don Floyd, expressed his concern on issues handled by the County. Cliff Hurley commented on the county land use issues.

CLOSED SESSION

21. Motioned to convene to Closed Session

- a. **Government Code §54956.9(a)** Conference with Legal Counsel, Existing Litigation, Flores-Nunez vs. County of Imperial, U.S. Southern District of CA Case No. 08CV1881W (CAB). *Direction given to staff.*
- b. **Government Code 54956.9(a)** Conference with Legal Counsel, Existing Litigation, QSA Coordination Proceeding, Superior Court, County of Sacramento, Case No. JC4353. *Direction given to staff.*
- c. **Government Code 54956.9(a)** Conference with Legal Counsel, Existing Litigation, City of Calipatria, vs. County of Imperial, El Centro Superior Court Case No. ECU04810. *Direction given to staff.*
- d. **Government Code 54956.9(a)** Conference with Legal Counsel, Existing Litigation, J. Jaime Baer et al. vs. County of Imperial, El Centro Superior Court Case No. ECU03762. *Direction given to staff.*
- e. **Government Code 54956.9(a)** Conference with Legal Counsel, Existing Litigation, Wilbur Smith vs. Imperial County Superior Court Case No. ECU04559. *Direction given to staff.*
- f. **Government Code §54956.9(b)(1)** Conference with Legal Counsel, Potential Litigation (2 items). *Direction given to staff. One item discussed.*

22. Announcement of Closed Session Actions.

CONSENT CALENDAR**BEHAVIORAL HEALTH**

23. Approved and authorized the Chairman to sign NNA A&D Specialized Service Agreement (Monitoring of Services) for Fiscal Year 2008-09 with Sober Roads Inc.
24. Approved the revised Short-Doyle Medi-Cal reimbursement rates for Mental Health Services for FY 2008-09.

AIRPORT

25. Approved and authorized the Chairman to sign district office lease extension with Representative Bob Filner for office space utilized in the terminal of the Imperial County Airport.

FIRE PROTECTION

26. Approved out of state travel for the Assistant Fire Chief to travel to Nesquehoning, PA for the final inspection process of a new fire apparatus.
27. Approved purchase of Posichek3 self contained breathing apparatus test console, in the amount of \$10,407.58.

IHSS PUBLIC AUTHORITY

28. Approved appointment of Dolores Noriega to the Public Authority's Advisory Committee.

PLANNING & DEVELOPMENT SERVICES

29. Approved and authorized the Chairman to sign contract and future amendments with Pacific Mutual Consultants (PMC) for consulting services to update the 2003 Imperial County Housing Needs Assessment funded by the California Housing and Community Development (HCD) Community Development Block Grant (CDBG).

PUBLIC ADMINISTRATOR

30. Approved the circulation of the Request for Proposals (RFP) documents for the competitive selection of a provider for the Congregate Meals, Home Delivered Meals, Nutritionist Consultant, Transportation, ADCRC, Linkages, Respite POS, Legal Assistance/Elder Abuse Prevention, Health/Preventive Care, Respite Care, and In-Home Personal Care, Caregiver Legal and Caregiver Respite AAA programs and services under Federal and State Title III-VII, III-E, and Community Based Service Program (CBSP) funds.
31. Approved Budget Amendment Resolution No. 08-09-052, adjusting the AAA Budget for FY 2008-09.

PUBLIC WORKS

32. Read title, waived 2nd reading, and adopted Ordinance No. 1443, An Ordinance Amending Vehicle Parking Regulations.
33. Approved and authorized the Chairman to sign Termination of Improvement Agreement related to Tract 941, Unit No. 2.
34. Approved and authorized Chairman to sign contract with Javier Diaz Architects in the amount of \$25,000 for professional services for the APCD ADA Retrofit, County Project No. 2122 and approved Budget Amendment Resolution No. 08-09-053.

TREASURER-TAX COLLECTOR

35. Approved and authorized the Chairman to sign the Chapter 8 Agreement of Sale, with the Imperial Irrigation District pursuant to Chapter 8, Article 6, Division 1 of the Revenue and Taxation Code.
36. Approved denial of claims for excess proceeds of 2007 Tax Sale as follows:
- a. APN# 033-551-012-000
 - b. APN# 060-170-013-000
37. Approved claims for excess proceeds of 2007 Tax Sale as follows:
- a. APN# 009-272-014-000
 - b. APN# 009-191-001-000
 - c. APN# 009-191-002-000
 - d. APN# 033-551-012-000
 - e. APN# 060-170-013-000
 - f. APN# 060-180-034-000

OTHER ITEMS

- 38. Miscellaneous reports ordered filed (On file with the Clerk of the Board):
 - a. PLANNING & DEVELOPMENT SERVICES – Economic Development Grants Update.
 - b. PLANNING & DEVELOPMENT SERVICES – Building Permit Averages for December 2008.
 - c. AIR POLLUTION CONTROL DISTRICT - Report of County Air Pollution Control District for November 2008.
 - d. AGRICULTURAL COMMISSIONER – Report of County Agricultural Commissioner, Director of Weights and Measures for November 2008.
 - e. TREASURER-TAX COLLECTOR – Imperial County Treasurers Portfolio for November 2008.

ADJOURNMENT

- 39. The regular meeting of the Board of Supervisors adjourned at 3:20 p.m. The next regular meeting was scheduled for Tuesday, January 27, 2009 at 8:30 a.m. at the Board Chambers, at the County Administration Center, 940 West Main Street, Suite 211, El Centro, CA.

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