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**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

## ***OFFICIAL PROCEEDINGS***

### ***REGULAR MEETING OF THE BOARD OF SUPERVISORS***

***TUESDAY, FEBRUARY 24, 2009***

**County Administration Center  
Board Chambers  
940 West Main Street, Suite 211  
El Centro, CA. 92243**

**EXECUTIVE OFFICER**

Ralph Cordova Jr.

**COUNTY COUNSEL**

Michael L. Rood

**CLERK OF THE BOARD**

Sylvia Bermudez

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 James Porterfield of the Cornerstone Community Church in Holtville.
2. Discussed the Agenda.
  - a. No Items pulled from the Action Calendar.
  - b. No Items pulled from the Discussion Calendar.
  - c. Items # 37 and 38 were pulled from the Consent Calendar for discussion.
  - d. No Emergency Items added to the agenda.
  - e. No change to the order of the Agenda Items.
  - f. Approved the agenda as amended.
3. Approved the Consent Calendar as amended.
4. Approved the Official Proceedings for Tuesday, February 10, 2009.
5. Board Member Reports/Announcements – Supervisor Gary Wyatt reported on the passing of the state budget and the stimulus package; also reported on his attendance to various meetings in Sacramento. Supervisor Michael Kelley reported he took a tour of the Mesquite Lake Landfill; also reported on an upcoming meeting with planning staff and others regarding a proposed low income housing project. Supervisor Jack Terrazas reported on the retirement board and upcoming training next week; also reported on his attendance to the Salton Sea Authority Committee. Supervisor Victor Carrillo reported on his meeting relating to border issues and the Planning Commission meeting; also reported he would be attending SANDAG on Friday, February 27<sup>TH</sup>. Chairman Wally Leimgruber reported on the Board’s resolution in opposition to the regulation requirements of AB 885; also reported on the upcoming Quad State meeting.

## **ACTION CALENDAR**

### **PUBLIC WORKS**

6. ***ITEM CONTINUED TO MARCH 17, 2009*** - Discussion/action regarding consider awarding of contract for Rehabilitation of Evan Hewes Highway in Imperial County, County Project No. 4640 in the approximate amount of \$2,595,257.60 to ABC Construction, or consider rejecting all bids in light of the state fiscal situation, as requested by William Brunet, Director, Public Works.

### **EXECUTIVE OFFICE**

7. Approved and authorized the Chairman to sign the comment letter in support of the amendments to the CPUC Procurement Regulations.

8. **ITEM CONTINUED TO MARCH 3, 2009** - Discussion/action regarding request from Pacificland Int. Development, Inc. for county representatives designated by the county, to attend seminars in various cities in China for the purpose of discussing investment opportunities in the County of Imperial, as requested by Ralph Cordova, County Executive Officer.

### EMERGENCY ITEMS

9. No emergency items added to the agenda.

### ITEMS PULLED FOR DISCUSSION

10. Items #37 and 38 were pulled from Consent Calendar for discussion; Refer to items for approval.

### ❖ BOARD OF EQUALIZATION

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

11. Approved Stipulations for Applications for Changed Assessment, for Yuri Sycamore Markasov, APN# 061-050-023, Application No. 2007-001 and APN# 060-360-012, Application 2007-002.
12. Approved Stipulation for Application for Changed Assessment, for Dean G. Miller, APN# 013-154-003, Application No. 2007-022.
13. Approved Stipulation for Application for Changed Assessment, for Southwest Homes Inc., APN# 017-602-012, Application No. 2007-092.
14. Approved Stipulation for Application for Changed Assessment, for McMillan MorningStar LLC, APN# 063-010-049, Application No(s). 2007-017 and 2007-018.
15. Approved Stipulation for Application of Changed Assessment, for Barioni Lakes Estates LLC., APN# 063-010-018, Application No. 2007-781.
16. Approved Stipulation for Application for Changed Assessment, for Barioni-Salcedo LLC, APN# 063-010-071, Application No(s): 2007-015, 2007-782 and 2007-783.

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

### DISCUSSION CALENDAR

17. Reports/Correspondence/Announcements of Officers:
- a. Legislation – Bob Ham, Intergovernmental Relations Director, reported on legislation; also informed the board of the proposed legislation bills.
  - b. County Executive Officer – Ralph Cordova Jr., reported on the budget cuts, specifically regarding the state prisons and the impacts to local health and law enforcement services, due to the potential release of state inmates; reported the Williamson Act funds were not reduced this year and reported on meeting with FAA, regarding restricted air zones/areas at the Holtville Airstrip.
  - c. County Counsel – Michael Rood, County Counsel, reported on the litigation case filed by Sacramento County against State of California, and reported 32 counties including Imperial have joined the litigation.
  - d. Departments – William Brunet, Director, Public Works, reported the Jasper Road traffic signal was funded by Cal-Trans; also, reported on his attendance to the 10<sup>th</sup> Annual CA Transportation Foundation Transportation Forum in Sacramento. Dolores Provencio, County Clerk/Recorder/Registrar of Voters, reported on the upcoming statewide election and the payment for the special election in February.
  - e. Agencies
    - i. **Superior Court** – Presentation by Judge Donal Donnelly, on the new court location for the traffic division for the El Centro Superior Court.
18. **ITEM CONTINUED** - Discussion regarding presentation on the General Plan, with regard to URBAN BOUNDARIES versus LAFCO Sphere of Influence boundaries, as presented by Jurg Heuberger, Director, Planning & Development Services.

**SCHEDULED HEARING(S)**

**PLANNING & DEVELOPMENT SERVICES**

- 19. Upon conclusion of a public hearing to consider project proponents and opponents for Change of Zone #08-0005, as submitted by Jose M. Rodriguez: The following action was approved:
  - a. **SUBSTITUTE MOTION** - Denial of request of Zone Change #08-005, filed by Jose Rodriguez.  
**Motion Failed 3-2.**
  - b. The Board approved the applicant to return through the Planning process and address concerns and issues brought forward during the public hearing.

**PRESENTATIONS/  
PUBLIC COMMENT**

- 20. Special Presentations:
  - a. The Board recognized Employee of the Month for February 2009, Felipe Romero, Eligibility Supervisor, with Social Services Department.
  - b. The Board recognized County Employees who reached a Milestone Anniversary for February 2009:
 

<p style="text-align: center;"><b>FIVE YEARS</b></p> <p style="text-align: center;"><i>Aide Flores-Gallegos, Sheriff-Coroner</i></p> <p style="text-align: center;"><b>TEN YEARS</b></p> <p style="text-align: center;"><i>Elizabeth Aguirre, Public Health</i></p> <p style="text-align: center;"><i>Marcos Lopez, Probation &amp; Corrections</i></p> <p style="text-align: center;"><i>Herbert Bumgart, Probation &amp; Corrections</i></p> <p style="text-align: center;"><i>Mary Hernandez, Behavioral Health</i></p> <p style="text-align: center;"><i>Jesus Ramirez, Air Pollution</i></p> <p style="text-align: center;"><b>FIFTEEN YEARS</b></p>	<p style="text-align: center;"><i>Kimberly Luallin, Fire Services</i></p> <p style="text-align: center;"><i>Sally Jauregui, Social Services</i></p> <p style="text-align: center;"><i>Sergio Meza, Social Services</i></p> <p style="text-align: center;"><i>Julieta Montano, Social Services</i></p> <p style="text-align: center;"><b>TWENTY YEARS</b></p> <p style="text-align: center;"><i>Sonia Sesma, Social Services</i></p> <p style="text-align: center;"><b>TWENTY-FIVE YEARS</b></p> <p style="text-align: center;"><i>Lupe Fernandez, Social Services</i></p>
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- 21. **PUBLIC COMMENT** – Daniel Fitzgerald, CCEZ Manager informed the board of the upcoming public workshop relating to the Calexico-County enterprise zone. Linda Cooke commented on the Memory Gardens Cemetery and her item not being placed on the board’s agenda. Elizabeth Villas requested the board’s support and the county’s sponsorship for upcoming events in the Seeley area.

**CLOSED SESSION**

- 22. Motioned to convene to Closed Session
  - a. **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.**
  - b. **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.**
  - c. **Government Code §54956.9(a)** Conference with Legal Counsel, Existing Litigation, County of Sacramento, vs. State of California, Case No. 34-2009-80000164-CU-WM-GDS. **Direction given to staff.**
  - d. **Government Code §54956.8** Conference with Real Property Negotiator. Property is located at 1099 Airport Road, Imperial, CA. Parties with whom negotiating are REB Air, LLC. Instruction to Negotiator will concern price and terms of payment. **Direction given to staff.**
  - e. **Government Code §54956.8** Conference with Real Property Negotiator. Property is located at 1099 Airport Road, Imperial, CA. Parties with whom negotiating are Larry Rose. Instruction to Negotiator will concern price and terms of payment. **Direction given to staff.**
  - f. **Government Code §54956.8** Conference with Real Property Negotiator. Property is located at 1099 Airport Road, Imperial, CA . Parties with whom negotiating are SkyWest Airlines, Inc. Instruction to Negotiator will concern price and terms of payment. **Direction given to staff.**
  - g. **Government Code §54956.9(b)(1)** Conference with Legal Counsel, Potential Litigation (2 items). **Direction given to staff.**
  - h. **Government Code §54957.6** Conference with Labor Negotiator, County Labor Negotiator, Director Human Resources and Risk Management, relating to the following bargaining units:
 

<ul style="list-style-type: none"> <li>i. Public Safety Management</li> <li>ii. Management Unit</li> <li>iii. Professional Employee Group</li> <li>iv. Supervisory Unit</li> </ul>	<ul style="list-style-type: none"> <li>v. Professional Legal Bargaining Unit</li> <li>vi. Probation/Corrections Peace Officers Association</li> <li>vii. Confidential Clerical</li> <li>viii. Sheriff’s Association</li> </ul>
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- ix. Public Safety Supervisors
- x. Teamsters Local 542
- xi. Fire Fighters Association
- xii. Deputy District Attorney's Association

*Direction given to staff.*

- i. **Government Code §54957.6** Public Authority–IHSS, Conference with Labor Negotiator, County Labor Negotiations, Relating to IHSS Public Authority. *Direction given to staff.*
- j. **Government Code §54954.5**, Personnel Matter, Public Employee Performance Evaluation of the position of Air Pollution Control Officer. *Direction given to staff.*

23. Announcement of Closed Session Actions.

## CONSENT CALENDAR

### AGRICULTURAL COMMISSIONER

24. Approved and authorized the Chairman to sign CDFA Agreement No. 08-0715 for the Pest Detection Emergency Projects pest detection trapping program, for FY 2008-09 and 2009-10.

### AUDITOR-CONTROLLER

25. Accepted Audit Report on the Imperial County Sheriff-Coroner's California Multi-Jurisdictional Methamphetamine Enforcement Team (Cal-MMET) Grant for the period of January 1, 2008 through October 31, 2008.

### BEHAVIORAL HEALTH

26. Approved sponsorship of \$1,700 to SDSU Imperial Valley Campus to support the 9<sup>th</sup> Annual Youth Leadership Conference.

### BOARD OF SUPERVISORS

- 27. Approved appointment of Mary Bradley, to the Fish and Game Commission for District 5, (term concurrent with Board Member), effective February 24, 2009.
- 28. Approved appointment of Sergio Servin to the Fish and Game Commission for District 2, (term concurrent with Board Member), effective February 24, 2009.
- 29. Approved appointment of Henry (Hank) Kuiper to the Employment Appeals Board for District 2, (term concurrent with Board Member), effective February 24, 2009.
- 30. Approved appointment of Bill Turner, Airport Manager, to the Airport Land Use Commission, effective February 24, 2009.
- 31. Approved appointment of Hortencia Ruiz and Charles Jernigan to the Centinela Citizens Advisory Committee, for a term of two years, effective February 24, 2009.
- 32. Approved sponsorship of \$1,000 to the SDSU-IV Campus 50<sup>th</sup> Anniversary Scholarship Gala on March 13, 2009.

### COUNTY COUNSEL

33. Approved Budget Amendment Resolution No. 08-09-076, increasing appropriations in the amount of \$400,000 to cover expenses for legal services provided by outside counsel for the remainder of the 08-09 FY.

### EXECUTIVE OFFICE

- 34. Approved and authorized the Chairman to execute the Use Agreement between the County of Imperial and Sunbeam Little League for the property identified as Parcel 3 of Parcel Map 2423 for a term of five (5) years.
- 35. Approved and authorized the Chairman to execute the Lease Agreement between the County of Imperial and the Winterhaven Fire Protection District for the property located at 513 2<sup>nd</sup> Street, Winterhaven, CA.
- 36. Approved Resolution No. 2009-009, authorizing the CEO to sign the FTA 5311 grant application and all supporting documentation.
- 37. Approved out of state travel for one CEO staff member to attend the 2009 Renewable Energy World Conference & Expo North America, March 10-12, 2009, Las Vegas, NV.

**FIRE PROTECTION**

38. Approved out of state travel for the Fire Chief and Deputy Chief, to travel to Nesquehoning, PA. for the participation in the final inspection process of a new fire apparatus.

**PLANNING & DEVELOPMENT**

39. Approved the following actions:

- a. Authorized Planning & Development Services Department to purchase two service trucks in the amount of \$28,760 to be used by Seeley County Water District (SCWD) operators for emergency calls, hauling and general maintenance related to the wastewater treatment and water treatment services at the Seeley County Water District (SCWD); Funding for purchase of \$28,670 is through Grant #07-WFH-200.
- b. Authorized the Planning & Development Services Director to complete all necessary paperwork to finalize the purchase and deliver the vehicles directly to SCWD.

40. Approved the following actions:

- a. Authorized the Planning & Development Services Department to enter into a contract with Rick Engineering Company, for consulting services to prepare a drainage master plan for the community of Seeley, CA., cost not to exceed \$70,000.
- b. Authorized the Chairman, County Executive Officer, or Director of Planning & Development Services, to execute a contract and any amendments thereto between ICPDS and Rick Engineering Company. *Subject to review and approval of County Counsel.*
- c. Authorized the establishment of all necessary accounts and accounting procedures by the Auditor, including the transfer of funds, the payments of invoices and any other accounting process the complete the engineering.

**PROBATION & CORRECTIONS**

41. Approved the following actions:

- a. Approved the purchase of Enterprise Solution Assessments.com Risk Assessment Software.
- b. Approved and authorized the Chairman to sign contract with Allvest Information Services, Inc (Assessments.com).
- c. Approved and authorized the Chairman to sign contract with SUNGARD Public Sector for the interface of Assessments.com in the amount of \$15,000.

**PUBLIC ADMINISTRATOR/AAA**

42. Approved Budget Amendment Resolution No. 08-09-077, transferring of Title III-C1 funds, Congregate Meals Program.

**PUBLIC WORKS**

43. Approved the following actions:

- a. Accept the work of improvement for the completed repairs to County Fire Station Number 5 (Palo Verde) located at 112 Highway 78, Palo Verde, California, County Project No. 2120.
- b. Authorized Public Works Director to execute and record the Notice of Completion
- c. Authorized final payment to be made within thirty-five (35) days after the filing Notice of Completion.

**SHERIFF-CORNER**

44. Approved and authorized the Chairman to sign the State of California Standard Agreement S09-044, for \$30,000 to provide public safety services at the 2009 California Mid-Winter Fair and approved Budget Amendment Resolution No. 08-09-078.

**OTHER ITEMS**

45. Miscellaneous reports to be ordered filed (On file with the Clerk of the Board):

- a. AIR POLLUTION CONTROL DISTRICT - Report of Imperial County Air Pollution Control District for January 2009.
- b. PLANNING & DEVELOPMENT SERVICES – Building Permit Averages for January 2009.
- c. AGRICULTURAL COMMISSIONER – 2009 Cotton Grower Register for the Imperial Valley Cotton Pest Abatement District.
- d. PLANNING & DEVELOPMENT SERVICE – January 2009, report of Abandoned Vehicle Abatement Program.

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***S U P P L E M E N T A L   A G E N D A***

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**HUMAN RESOURCES & RISK MANAGEMENT**

46. Approved the transfer of allocations for Park and Recreation Division from the Public Works Department to the Planning & Development Services Department effective pay period ending February 12, 2009.

**PLANNING & DEVELOPMENT**

47. Authorized the allocation of three (3) used vehicles to parks and recreation division.

**AIRPORT**

48. Approved acceptance of the FAA Grant Offer AIP 3-06-0109-024-2009 and authorize Chairman to sign said offer under the conditions outlined in the grant.

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***A D J O U R N M E N T***

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49. The regular meeting of the Board of Supervisors adjourned at 12:45p.m. The next regular meeting was scheduled for 8:30 a.m. on Tuesday, March 3, 2009, in the Board Chambers, County Administration Center, 940 West Main Street, Suite 211, El Centro, CA.

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