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COMMISSIONERS

CITY

Don C. Campbell

CITY

Jason Jackson

COUNTY

Michael W. Kelley

COUNTY

Raymond "Ray" Castillo

PUBLIC

David H. West



ALTERNATES

CITY

Maria Nava-Froelich

COUNTY

Jesus "Jack" Terrazas

PUBLIC

VACANT

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EXECUTIVE OFFICER  
Jurg Heuberger, AICP, CEP

LEGAL COUNSEL  
Ryan D. Childers

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MINUTES OF THE LAFCO  
April 17, 2014

The County of Imperial Local Agency Formation Commission (LAFCO) convened a regular meeting on Thursday, April 17, 2014 at 8:30 a.m. in the IID Board Chambers located at 1285 Broadway, El Centro, California.

Commissioners Present: Campbell, Jackson, Kelley, Castillo, West

Staff Present: Executive Officer Heuberger, Clerk Bruce, Accountant Carter, Legal Representative Childers

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3. Approval of Minutes from March 27, 2014.

Motion made by Commissioner Castillo and passed by the roll call vote of Campbell, Jackson, Kelley, Castillo, and West to approve the minutes from March 27, 2014 as presented.

4. Approval of Consent Items:

- A. Approve disposal of surplus office equipment
- B. Project Report Update

Motion made by Commissioner Kelley and passed by the roll call vote of Campbell, Jackson, Kelley, Castillo, and West to approve items 4-A and 4-B as presented.

5. Public Comments: *None*

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ANNOUNCEMENTS

6. A. Announcements by the Commissioners.

Commissioner Jackson invited all the Commissioners to a walk-through of the new, under construction El Centro Sports Complex at 10 am today.

No action was taken on this item.

B. Announcements by the Executive Officer.

Executive Officer Heuberger notified the Commission of our receipt of a resolution from the Niland Fire District approving dissolution of the district. Mr. Heuberger will be providing the Commission with information regarding the dissolution over the next few months, as it becomes available to staff. A workshop *may* be possible to explain the process and possible outcomes to the community and the Commissioners.

As some of the Commissioners may recall, LAFCO dissolved the Ocotillo Fire District a few years ago. Mr. Heuberger's opinion is that the Ocotillo dissolution will be easy in comparison with this Niland dissolution. A lot of opposition is expected both in support and against the dissolution.

County Fire Chief Tony Rohoutas addressed the Commission regarding the Niland dissolution. He said he has attended every meeting the district has held regarding the matter and agreed that the issue is divided, many being in support of and against the dissolution. There are no longer any staff members from the Niland Fire District working at the fire station. County staff has taken over. Mr. Rohoutas highly encourages a workshop be held to educate citizens of what's going on in their district and ease some of their concerns.

Mr. Heuberger said that the service in Niland has been better since Chief Rohoutas and his staff has taken over the fire station. Chief Rohoutas has done an excellent job in Niland and deserves all the credit.

Mr. Heuberger said that he has also received numerous requests to look into the Winterhaven Fire District and the Winterhaven Water District for similar reasons.

Mr. Heuberger provided the Commission with an update in regards to the Suite A rental available at 1122 State Street. Mr. Heuberger said that we are ready to sign an agreement with a construction company that will do the work for nearly \$10k less than the allotted amount by the Commission of \$28k. We are hoping to have the tenants in the building by June.

No action was taken on these items.

## ACTION/DIRECTION ITEMS

7. Continued discussion/direction/adoption of the LAFCO Resolution regarding the Imperial County Retirement System regarding credit for accumulated sick leave.

The resolution presented to the LAFCO has been requested to be approved by Imperial County Employee Retirement System (ICERS).

Before the last meeting, Commissioner Terrazas indicated an interest to include the 15% buyout (as referenced in the Imperial County Retirement Booklet) into the resolution which was not originally included. The way the resolution was structured by ICERS, staff does not have the option to buyout.

Mr. David Prince, Administrator of ICERS, said that the 15% buyout offered is strictly a benefit paid out to the employees. It is not a retiree benefit and it does not affect their retirement.

If the employee does not want to have service credit, it has no effect on their retirement.

Motion made by Commissioner Kelley and passed by the roll call vote of Campbell, Jackson, Kelley, Castillo, and West to approve the ICERS Resolution as presented.

8. Continued discussion/direction/adoption of the Draft LAFCO Budget for the upcoming fiscal year 2014/2015.

One issue pointed out during the last LAFCO hearing was the office expenses. Mr. Heuberger met with Commissioner West and addressed any concerns he had, which any commissioner has the ability to do. Within the office expense item, included is furniture, computers and other large purchases; items that are still less than \$2,500 and do not qualify as capital outlay. For the current fiscal year, LAFCO is not expecting to spend the total amount of the office expenses.

However, next year the processing of Service Area Plans and the Niland Fire District dissolution will dramatically increase the office expenditures. As mandated by the State, LAFCO is required to process Service Area Plans (SAPs) for every city and special district in Imperial County. At the present time, like some other counties in southern California, many cities and special districts are very behind by 7-8 years in their SAP updates. In addition, the Niland Fire District dissolution is expected to be much larger and more expensive than the previous dissolution of the Ocotillo Fire District. This dissolution will have a great deal of opposition; will require tax assessment values, public workshops, public notices, legal notices, etc.

Commissioner Kelley asked how much money LAFCO currently has in contingencies.

Mr. Heuberger replied that we currently have \$337k in reserves. Roughly \$302k would be used to pay off the building. \$18k would be used to remodel Suite A at 1122 State Street, El Centro.

The salary increases are a combination of staff merit increases and an employee reclassification.

Motion made by Commissioner Jackson and passed by the roll call vote of Campbell, Jackson, Kelley, Castillo, and West to approve the draft budget with modifications including: direction to pay off the LAFCO building, reallocate funds within line items without increasing the boom line, and bring back to the Commission justification for the employee reclassification.

## PUBLIC HEARING ITEMS

9. Public hearing to consider the approval of the extension of services for CX 1-13, USA Border Patrol Station, east of Calexico.

The US Border Patrol Station is located 2 miles east of the City of Calexico, south of State Highway 98, and outside the City's current Sphere of Influence. They are requesting to connect their water and sewer services to the City's. LAFCO advised the applicants that LAFCO has the ability to approve the extension of services, but does not force the City to provide those services to the applicant. As of this time, no other nearby residences can connect into the line. This application is strictly to connect the US Border Patrol to the City's services. They City would have to extend lines that are already not in place.

Nick Servin, Public Works Director for the City of Calexico, said that the City does not have the time or the resources to provide to the project or infrastructure costs. When the US Border Patrol first spoke with the City about the project, they were told the project would not be feasible. The Border Patrol has since offered to cover the costs for building one of the two pipelines that would be required, leaving the City to build the second. The Border Patrol was also not willing to pay for the maintenance costs of the pipeline. Therefore, Mr. Servin declared that the City was in opposition of this extension of services.

Calexico City Council Member Joong Kim addressed the Commission and said that he was disappointed that the Calexico City Council members had no knowledge or notification of this project from City staff.

Mr. Servin replied that projects are discussed at a staff level and unless they come to fruition, they are not brought to the attention of the City Council.

Council Member Kim said that even though he has not discussed specifics with the City staff or the US Border Patrol, he is in support of this project.

Commissioner Campbell recommended that the applicants go back to the City to find a resolution before it comes back to LAFCO.

Roxanne Easy, a landowner near the project area, was in support of the project and requested that the City and Border Patrol come together to reach a solution. She thanked LAFCO for informing the surrounding landowners.

Maritza Hurtado, a Councilmember for the City of Calexico, also said she had heard nothing about the project from the City. She said she was in support of the project.

Commissioner Jackson repeated for clarification that this project would only connect the Border Patrol Station to sewer services; no other surrounding landowners could be connected unless they came back to LAFCO.

Mr. Heuberger agreed.

Valerie Contuve, a representative of 20 homeowners in the area, lives in an area with a water system that is over 100 years old. She is happy that there might be a new system coming closer.

Ruben Ramon, a landowner near the project area, said that he was in support of this project.

Since this application has come before the Commission, the 70 day countdown to the date a decision must be made has begun. Mr. Heuberger said that the applicant may stop the clock by withdrawing the current application and submitting at a later time.

Motion made by Commissioner Castillo and passed by the roll call vote of Campbell, Jackson, Kelley, Castillo, and West to continue this item for no more than 70 days to allow Border Patrol representatives to be present during for the meeting.

10. Public hearing to consider the approval of the annexation for BR 1-08, Rancho-Porter.

Mr. Heuberger said that this project has been brought before the Commission before but was never approved due to the fact that the City of Brawley and the County could not agree on the

Tax Sharing Agreement. A Tax Sharing Agreement between the two has now been reached; therefore the project is ready to be heard by the Commission.

Mr. Heuberger reviewed the project information for the record.

Mr. Gordon Gaste, Planning Director for the City of Brawley, answered why there were 2 different maps showing different project outlines. He said that the map included in the LAFCO packet was from an old Environmental Impact Report (EIR), which included a larger project area. The project area has since been shrunk.

Motion made by Commissioner Kelley and passed by the roll call vote of Campbell, Jackson, Kelley, Castillo, and West to approve the BR 1-08, Rancho-Porter project as presented with modifications made by the Executive Officer.

#### EXECUTIVE SESSION

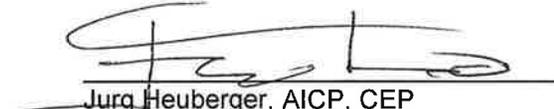
11. Continued discussion/direction regarding Employee Retiree Health Benefit as a result of changes of policy by the County.

This item was discussed solely between the Executive Officer Heuberger, Legal Representative Childers, and the Commission in closed session.

No action was taken on this item.

Meeting Adjourned at 10:28 a.m.

Don Campbell, Chairman



Jurg Heuberger, AICP, CEP  
Executive Officer to LAFCO