
COMMISSIONERS

CITY

Don C. Campbell, Chairman

CITY

Jason Jackson, Vice-Chairman

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

MINUTES OF THE LAFCO
December 11, 2014

The County of Imperial Local Agency Formation Commission (LAFCO) convened a regular meeting on Thursday, December 11, 2014 at 8:30 a.m. in the Imperial Irrigation District Board Chambers located at 1285 Broadway, El Centro, California.

Commissioners Present: Campbell, Kelley, Castillo, West

Absent: Jackson

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

3. Approval of Minutes from May 22, 2014.

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

4. Approval of Consent Items:

A. Updated LAFCO Project Report

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

5. Public Comments: *None*

ANNOUNCEMENTS

6. A. Announcements by the Commissioners.

No announcements from the Commissioners.

B. Announcements by the Executive Officer.

- Update on CALAFCO Annual Conference.

Mr. Heuberger praised the program and the attendance of this year's 2014 CALAFCO Annual Conference in Ontario, CA.

The 2015 CALAFCO Annual Conference will be held in Sacramento on September 2nd through the 4th. Details for registration and travel arrangements will be made available to the Commissioners as the date approaches.

Commissioner Kelley and Mr. Heuberger announced that Commissioner West was elected as an alternate to the CALAFCO Board of Directors.

- Purchase of the LAFCO building.

LAFCO has completed the purchase of the building located at 1122 State Street in El Centro.

- Miscellaneous Items.

LAFCO has had a number of meetings with various special districts regarding their Service Area Plans (SAPs) / Municipal Service Reviews (MSRs). Staff is working on several plans that will come to the Commission shortly.

ACTION/DIRECTION ITEMS

7. Progress Report & Direction on action plan regarding proposed Niland Fire District Dissolution.

LAFCO had previously requested documents from the District as well as the County. Over the last few months, the requested documents have slowly come in. LAFCO will begin its review of said submitted documents.

To keep the district residents best informed about what dissolution means and how it will affect them, LAFCO will be scheduling a public meeting to be held in the Niland area to allow any questions the residents may have. It will be an informal workshop; not a meeting.

Mr. Tony Rohoutas, Fire Chief for the County of Imperial, informed that Commission that the County Fire Department is currently and has been providing services since January 2012, including fire and medical services. The County Fire Department has a contract with the Niland Fire District to allow them to provide services, however the District has been unable to fully pay the money owed to the County for their services.

No action was taken on this item.

8. Discussion/Direction regarding Special District representation on LAFCO.

LAFCO statutes allow that there be 2 City representatives, 2 County representatives, 1 public representative and 2 Special District representatives, as well as 1 alternate for each respective agency. Currently Imperial LAFCO does not have special district representation. This is due to the fact that, in the past, the special districts collectively decided not to be part of the LAFCO. This does not mean that they are excluded from LAFCO regulation.

LAFCO has tried before to get the special districts on the Commission, but the vote failed by just a few votes. LAFCO has recently been approached by a few districts requesting to know (1) what the process for joining the commission was and (2) if we would assist them in speaking with all the special districts to see if there is any interest in joining LAFCO.

If more than 50% of the districts vote to have representation on LAFCO, the next step would be for the districts to have a meeting and choose amongst themselves who they want their 2 representatives to be.

Motion made by Commissioner Kelley and passed by the roll call vote of Campbell, Kelley, Castillo and West to approve the Executive Officer to solicit resolutions in support of Special District representation as outlined in the Executive Officer's Report.

9. Discussion/Direction/Action regarding the appointment of the Alternate Public Member to the Commission.

Once the previous permanent Commissioner, Mr. Ed Snively resigned from his position, the alternate, Mr. David West was then moved up to the permanent seat. Since December 2012, LAFCO has advertised in local newspapers and posted notices outside the office and on our webpage of the alternate position availability.

Commissioner Castillo requested that we continue this item and send letters to the Chambers of Commerce for all the cities notifying them of the availability.

LAFCO already has two interested persons: Mr. Dennis Bergh and Mr. Ralph Menvielle.

Motion made by Commissioner Castillo and passed by the roll call vote of Campbell, Kelley, Castillo and West to continue this item to the following meeting and reach out to each city's Chambers of Commerce seeking interested persons.

10. Discussion/Direction/Action regarding the Winterhaven Fire District investigation as requested by the Quechan Indian Tribe.

Mr. Heuberger stated that like all the special districts in Imperial County, Winterhaven Fire District is required to complete a Service Area Plan every 5 years. LAFCO has heard of some concerns from the Quechan Indian Tribe regarding the district's services. After having met with the District Fire Chief, Steven Taylor, the district has agreed to have their SAP completed within the next 120 days.

Regarding the possible dissolution of the district is still undetermined. LAFCO must complete a full review of the SAP before dissolution can be justified. As long as their SAP shows they are able to fund, provide services for the continuation of this district and have no major issues, they should be able to continue without threat of dissolution.

If the SAP is not submitted within 120 days, this item will reappear on the LAFCO agenda.

Motion made by Commissioner Kelley and passed by the roll call vote of Campbell, Kelley, Castillo and West to approve a 120 day extension for the Winterhaven Fire District to submit their Service Area Plan.

11. Discussion/Direction/Action regarding LAFCO initiating an investigation of the Heffernan Memorial Healthcare District (Calexico).

Mr. Heuberger stated that, as LAFCO has done with other special districts in Imperial County, LAFCO requested that Heffernan Memorial Healthcare District submit an updated Service Area Plan to comply with the Cortese-Knox-Hertzberg Reorganization Act of 2000. Mr. Heuberger requested LAFCO to be the lead agency in conducting the SAP for the district through a hired consultant at the cost to the Special District. The consultant would have to specialize in hospital SAPs being that they are quite different from other districts.

Commissioner Kelley referenced the allegations made about the Heffernan Memorial Healthcare District in the 2013-2014 Imperial County Grand Jury Report in which the report made serious allegations toward the District. His opinion of the report is that the Heffernan Board was not given the opportunity to officially respond to the allegations. Commissioner Kelley recommended that LAFCO work closely with the Heffernan Board to complete their required SAP.

Mr. Heuberger said that the Grand Jury report is a separate issue and not the cause from what LAFCO is seeking from the District. LAFCO's goal is to make sure the SAP gets completed from the District. Also, there has been an ongoing discussion about healthcare in the County between Pioneer's Memorial Hospital and El Centro Regional Hospital. To ensure a better healthcare system for the County, it's best to look at all of the healthcare providers in the county, including Heffernan. In addition to LAFCO requesting Heffernan's SAP, LAFCO simultaneously has met with and requested a SAP update from Pioneers Memorial Healthcare District. Both districts are requested to submit their SAPs within the next 120 days.

Mr. Eduardo Rivera, Legal Representative for Heffernan Memorial Healthcare District, stated his issues with the item's Executive Officer's Report, which links the Grand Jury Report with the SAP. Mr. Rivera claims that the District had not been previously notified that they needed to complete a SAP. Mr. Rivera continued with explaining his dissatisfaction with the Grand Jury's Report, i.e. false allegations, omissions, etc.

Commissioner Campbell said he agrees that there are issues with the Grand Jury Report, but that they should be settled between Heffernan and the Grand Jury.

Mr. Rivera continued explaining the steps the Heffernan Board has taken to correct the Grand Jury Report.

Commissioner Kelley said that the Grand Jury Report is immaterial to what LAFCO is trying to accomplish at this time. The Grand Jury Report needs to be handled between them and the Heffernan Board. He also requested that the District follow through with the Executive Officer's request of completing their SAP.

Mr. Rivera said he did not object to completing the SAP, however he did object to the Executive Officer's Report linking the request for a SAP to the Grand Jury Report. He requested that the Commission reject the recommendation stated in the Executive Officer's Report because it refers to the Grand Jury Report.

Commissioner Kelley stated that the motion he has made will omit any reference to the Grand Jury Report and focus on the Service Area Plan.

Mr. Heuberger said he had no disagreement changing the motion to Commissioner Kelley's recommendation which is to have them submit to LAFCO an updated SAP within 120 days. Mr. Heuberger clarified that the Grand Jury Report was only referenced in the report for the purposes of full disclosure of the issues currently surrounding Heffernan. The Executive Officer's Report merely states that Mr. Heuberger met with the Grand Jury and answered their questions. Mr. Heuberger also said that by Heffernan having LAFCO prepare a SAP it would be advantageous to them because it would be a third party report.

Commissioner Kelley stated that the Commission does not believe that Mr. Heuberger purposely mentioned the Grand Jury Report to target the Heffernan Board, but he was doing what he felt was his professional responsibility.

Mr. Heuberger clarified that LAFCO is not expecting the SAP to be finalized within 120 days. LAFCO is requesting that a draft be submitted within 120 days. After that staff will review it and go to the District with any questions we may have and amend the SAP, if necessary. After that has taken place, the item will then be placed on LAFCO's agenda to adopt the new SAP.

Motion made by Commissioner Kelley and passed by the roll call vote of Campbell, Kelley, Castillo and West to have Heffernan Memorial Healthcare District work with Executive Officer Heuberger and submit their Service Area Plan within 120 days.

PUBLIC HEARING ITEMS

12. Public hearing to consider the approval for the annexation of Wilbur-Ellis, EC 1-13.

Pursuant to the requests of the City of El Centro and the Applicant, LAFCO withdrew this item from the agenda for the following reasons:

LAFCO's request to create clean, logical boundaries has prolonged the finalization of this project. The City, the applicant, and LAFCO are speaking with landowners adjacent to the Wilbur Ellis property to try to include them into the annexation area.

The city will continue discussions with the adjacent landowners and come to LAFCO with a decision within 120 days.

Due to the 70 day time limit by law, the Wilbur-Ellis applicant has agreed to withdraw the application and resubmit it pending the outcome of said discussions with the adjacent property owners.

Norma Villicaña, Planning Director for the City of El Centro said that the 120 day limit might be insufficient due to the lengthy process and noticing for City Planning Commission and City Council Meetings. Mr. Heuberger said that, per their previous conversations, a few days over the 120 day time period would be allowed. The 120 day limit will begin with the City once the application is received from the applicant.

No action was taken on this item.

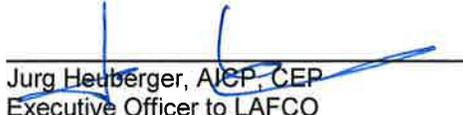
EXECUTIVE SESSION

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

No action was taken on this item.

Meeting Adjourned at 9:35 a.m.

Don Campbell, Chairman


Jurg Heuberger, AICP, CEP
Executive Officer to LAFCO