

MINUTES OF THE LAFCO MEETING

February 25, 2010

The County of Imperial Local Agency Formation Commission (LAFCO) convened a regular meeting on Thursday, February 25, 2010, at 8:30 a.m. in the Board of Supervisors Chambers, 940 Main Street, Suite 211, El Centro, California.

Commissioners present were Kelley, Leimgruber, Ludwig, and Snively. Stapleton was absent.

Staff present was the Executive Officer Heuberger, Legal Counsel Yeager and Turner and Secretary Buenrostro.

1. Pledge of Allegiance and a moment of silence for Cliff Hurley, he was a regular participant at the LAFCO meetings.
2. Election of Officer(s) for 2010:
 - a. A motion by Commissioner Kelley, nominating Commissioner Leimgruber as Chairman, passed by a unanimous roll call vote.
 - b. A motion by Commissioner Snively, nominating Commissioner Kelley as Vice-Chairman, passed by a unanimous roll call vote. The Motion carried on the affirmative roll call vote of all Commissioners present.

Mrs. Ludwig commented that there will be a meeting tonight for League of Cities and on the agenda will be City consideration for the LAFCO commission, which we need 2 appointments.

3. Approval of Minutes:

A motion made by Commissioner Snively, by unanimous roll call vote approved the minutes of December 17, 2009. The motion carried on the affirmative roll call of all Commissioners present.

4. Public hearing on the proposed extension of waste water service from Seeley County Water District to SES Solar Two, LLC (SCWD 01-09) as submitted by Tessera Solar North America:

Mr. Jurg Heuberger commented that this item was continued for the purpose of having a CEQA document prepared by Seeley County Water District (SCWD) which was acting as lead agency for the project. Anticipated there would be issued a certification of Mitigated Negative Declaration (MND) and was advised that project is going to do a Focused Environmental Impact Report (EIR) because MND was not certified at their meeting held on Tuesday, February 23rd. SCWD incorporation with Tessera Solar would be working on a FEIR. Executive Officer asked in terms of The California Energy Commission (CEC) process for EIR that it's still in the 90 day review.

Mr. Heuberger advised the Commission since we don't have the lead agency certification on a CEQA document we cannot hear project or make a decision. Therefore, not asking to continue this item, it will take time to prepare a full EIR. This item would be re-agendized, re-noticed and brought back at a later date.

Manny Foote, representing Tessera Solar North America commented that project name has been changed to Imperial Valley Solar, LLC. Mr. Foote attended Tuesday's, February 23rd meeting at SCWD Board of Directors meeting and was confirmed by client that document that was presented to CEC and Bureau of Land Management is still being processed. Mr. Leimgruber asked if SCWD would be lead agency for EIR request and Executive Officer commented that LAFCO will be working as a cooperation agency.

5. Update on a LAFCO sponsored workshop for March 12, 2010:

Scheduled for March 12, agendas have been sent out and will be held at Pioneers Museum next to Imperial Valley College. The plan is structured as a presentation from Rick Cole, City Manager from Ventura and Commissioner Snively has been making arrangements in behalf of LAFCO and lunch will be provided.

6. Update on the Southern California LAFCO coalition formation and current non participation with CALAFCO by the Executive Officer:

Commission approved recommendations from Executive Officer for the Southern California Commissions to withdraw membership from CALAFCO and form their own, which was done. CALAFCO Board has since then initiated rules changes and initiated a process whereby an election would be held to change bylaws prior to next year's conference. Routinely, County of Imperial, Riverside County, Los Angeles County, San Bernardino, San Diego County, and Orange County have been meeting twice a month or once a month to give legislative updates. There has been discussion of essentially forming Southern CALAFCO's coalition regardless if whether we rejoin CALAFCO.

County of Imperial LAFCO will be hosting a meeting tentatively in April for Executive Officers from other counties, will notify Commission for date and time.

7. Discussion and approval of the Draft Budget for 2010-2011:

Mr. Heuberger commented that the new Fiscal year begins in July and because LAFCO regulations are structured and funded in part. We are obligated to adopt a draft budget earlier than most agencies and need to transmit preliminary draft budget to supporting cities and agencies, which are the Cities and the County of Imperial. Deadline to adopt a budget regardless would be May or June. By law LAFCO sets it's own budget and we notify all agencies that provide the funding and they have no oversight of that budget and cannot control it. The Commission is the one who decides the budget. Commission was provided a preliminary draft to review.

Mr. Heuberger commented that he would like to discuss in the following meetings about transition goals for LAFCO staffing in the future.

A motion made by Commissioner Kelley, by unanimous roll call vote to approve Draft Budget 2010-2011. The motion carried on the affirmative roll call of all Commissioners present.

8. Authorization to amend budget expenditure and to transfer funds from office expense for the purchase of a Video Conferencing system estimated at \$13,000:

Mr. Heuberger commented regarding meetings held with the Southern California Commissions when not able to travel out for meetings that a video conference can be held instead. The opportunity we have is that there are funds available for this and requesting permission from Commission to purchase equipment.

A motion made by Commissioner Snively, by unanimous roll call vote for the purchase of a Video Conferencing system. The motion carried on the affirmative roll call of all Commissioners present.

9. Informational Items (Public/Commission/Staff).

Hussein Ali Mamaghani commented that to consider protecting him with his property that it will not become contaminated because in the future if he wanted to develop, would not like to have any condemnations or any other problems. Mr. Mamaghani wants Tessera Solar North America to be fully responsible.

Mr. Leimgruber asked Mr. Mamaghani for clarification if concerned of condemnations, etc. of any entity or agency because of project being built around his property.

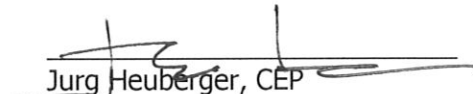
Mr. Heuberger commented that there will not be a meeting in March due to the LAFCO workshop. The next regular scheduled meeting will be held in April.

Mr. Snively commented that he would like to acknowledge Wayne Van De Graff for his service and will be missed.

10. Adjournment.

The meeting adjourned at 9:40 a.m.

Wally Leimgruber, Chairman



Jurg Heuberger, CEP
Executive Officer to LAFCO