



**Item: Minutes from June 26, 2023**

**Meeting Date:** Thursday August 24, 2023

**Meeting Time:** 08:30 a.m.

**Location:** El Centro City Council Chambers  
1275 W. Main Street  
El Centro, CA 92243

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**COMMISSIONERS**

*CITY*

**Maria Nava-Froelich, Chair**

*CITY*

**Javier Moreno, Vice-Chair**

*COUNTY*

**Michael W. Kelley**

*COUNTY*

**Ryan E. Kelley**

*PUBLIC*

**David H. West**



**ALTERNATES**

*CITY*

**Robert Amparano**

*COUNTY*

**Jesus E. Escobar**

*PUBLIC*

**Jose Landeros**

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**EXECUTIVE OFFICER**  
**Jurg Heuberger, AICP, CEP**

**LEGAL COUNSEL**  
**Steve Walker**

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**SUMMARY OF THE LAFCO SPECIAL MEETING**

**June 26, 2023**

**8:30 a.m.**

**El Centro City Council Chambers**  
**1275 Main Street, El Centro, CA**

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**VOTING COMMISSIONERS PRESENT:**

Maria Nava-Froelich, Chair  
Javier Moreno, Vice-Chair  
Michael W. Kelley  
Jose Landeros

**ALTERNATE COMMISSIONERS PRESENT:**

NONE

**ABSENT:**

David H. West  
Ryan E. Kelley

**STAFF PRESENT:**

Jurg Heuberger, Executive Officer  
Julie Carter, Accountant  
Paula Graf, Sr. Analyst  
Lori Zinn, Clerk / Analyst

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**REGULAR SESSION OF THE LAFCO CALLED TO ORDER AT 8:30 A.M.**

- 1. Roll Call**
- 2. Pledge of Allegiance**
- 3. Approval of Consent Item:**
  - A. Project Report update**

**Motion by Commissioner Michael Kelley to approve the Project Report**

**MOTION:** MICHAEL KELLEY  
**AYES:** FROELICH, LANDEROS, MORENO, MICHAEL KELLEY  
**ANO:** NONE  
**ABSTAIN:** NONE  
**ABSENT:** WEST, RYAN E. KELLEY

**4. Public Comments:**

Salton Community Service District resident Lilian Garcia spoke to the Commission about the malicious intent that she feels the EO has caused in the West Shores of the Salton Sea.

**ANNOUNCEMENTS**

**5A. Announcements by the Commissioners.**

Commissioner Froelich let everyone know that Laura Gutierrez is the new City Manager, and that Edgar Self is the new Public Works Director for the City of Calipatria. She also said that they are working with a company called Gafcon to establish their vision, a strategic plan that they will be working with, and also working with their general plan to make modifications or whatever is necessary to move forward in their city. She invited everyone, members of the public, to their 4th of July firework celebration to be held July the 2nd.

**5B. Announcements by the Executive Officer.**

Executive Officer Mr. Heuberger reminded everyone that the annual CALAFCO conference is scheduled for October 18 through the 20<sup>th</sup> in Monterey. If you plan to attend, please let us know.

**EXECUTIVE SESSION ITEM(S)**

**6. Public Employee Appointment (Government Code § 54957) Title: (Executive Officer)**

Legal Counsel Steve Walker said that direction was given to the Executive Officer to begin a 30-day recruitment process for the Executive Officer position for a term not to commence before January 1, 2024.

**7. Conference with Legal Counsel – Anticipated Litigation: Significant exposure to litigation pursuant to § 54956.9(b): (1 matter)**

Legal Counsel Steve Walker said that there was a motion by Commissioner Kelley, seconded by Commissioner Landeros, on a unanimous vote to authorize the Executive Officer and Legal Counsel to respond to two letters from the City of El Centro. One is a cease-and-desist letter of June 7th. Another was a notice of a Brown Act violation of the same date.

**Motion by Commissioner Michael Kelley authorizing the Executive Officer and Legal Counsel to respond to two letters from the City of El Centro dated 6/7/2023**

**MOTION:** MICHAEL KELLEY  
**AYES:** FROELICH, LANDEROS, MORENO, MICHAEL KELLEY  
**ANO:** NONE  
**ABSTAIN:** NONE  
**ABSENT:** WEST, RYAN E. KELLEY

**DISCUSSION/ACTION/DIRECTION ITEM(S)**


**8. Discussion/Action/Direction to reconsider letter of opposition to AB 918**

The Executive Officer, the Commission, Legal Counsel, and Guillermo Hernandez Jr., Field Representative with Assemblyman Garcia's office discussed this item in detail. The following action was taken.

**Motion by Commissioner Froelich to support AB 918**

**MOTION:** FROELICH  
**AYES:** FROELICH, LANDEROS, MORENO, MICHAEL KELLEY  
**ANO:** NONE  
**ABSTAIN:** NONE  
**ABSENT:** WEST, RYAN E. KELLEY

Maria Nava-Froelich, Chair



Jurg Heuberger, Executive Officer

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**COMMISSIONERS**

*CITY*  
Maria Nava-Froelich, Chair  
*CITY*  
Javier Moreno, Vice-Chair  
*COUNTY*  
Michael W. Kelley  
*COUNTY*  
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David H. West



**ALTERNATES**

*CITY*  
Robert Amparano  
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Jesus E. Escobar  
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Jose Landeros

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**EXECUTIVE OFFICER**  
Jurg Heuberger, AICP, CEP

**LEGAL COUNSEL**  
Steve Walker

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**TRANSCRIPT OF THE LAFCO SPECIAL MEETING**

**June 26, 2023**

**8:30 a.m.**

**El Centro City Council Chambers  
1275 Main Street, El Centro, CA**

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**VOTING COMMISSIONERS PRESENT:** Maria Nava-Froelich, Chair  
Javier Moreno, Vice-Chair  
Michael W. Kelley  
Jose Landeros

**ALTERNATE COMMISSIONERS PRESENT:** NONE

**ABSENT:** David H. West  
Ryan E. Kelley

**STAFF PRESENT:** Jurg Heuberger, Executive Officer  
Julie Carter, Accountant  
Paula Graf, Sr. Analyst  
Lori Zinn, Clerk / Analyst

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**REGULAR SESSION OF THE LAFCO CALLED TO ORDER AT 8:30 A.M.**

1. Roll Call
2. Pledge of Allegiance
3. Approval of Consent Item:  
A. Project Report update

**Motion by Commissioner Michael Kelley to approve the Consent Item**

**MOTION:** MICHAEL KELLEY  
**AYES:** FROELICH, LANDEROS, MORENO, MICHAEL KELLEY  
**ANO:** NONE  
**ABSTAIN:** NONE  
**ABSENT:** WEST, RYAN E. KELLEY

#### 4. Public Comments:

**Commissioner Froelich** - Public comment. This is the time for the public to address the Commission on items that are within the jurisdiction of LAFCO and are on the subject of the special meeting. Members of the public may comment on any items that are on the agenda when that item is being addressed by the board. Speaking time is limited to three minutes. The commission is prohibited from discussing or taking any action on any item not appearing on the agenda. At this time, any members of the public wishing to conduct a public comment? Please state your name and address for the record.

**Lilian Garcia, SCSD Resident** - I am going to withhold the address, because it is confidential. Good morning. First of all, my name is Lilian Garcia. Good morning, Madam Chair, Commissioners, and public members. Once again, I am here voicing factual evidence to report to your attention the malicious intent that your EO has caused to the communities within the West Shores of the Salton Sea. A letter dated June 20 of 2023 addressed to the Salton Community Service District has disturbing language, which can be foreseen as a potential lawsuit against LAFCO based on the past actions of your EO to a board member. Stated in the letter is the initiated process to dissolve the Salton Community Service District. Evidently your EO has failed to provide per California Government Code 56375.1 preponderance of evidence which lists the deficiencies. Furthermore, as I have mentioned in the past, an audio recording exists of your EO, harassing and intimidating two board members. Not only does your EO cause intimidation, but also states that two LAFCO Commissioners will vote to dissolve the Salton Community Service District on the spot. This of course is troubling as your EO has a pattern of directing elected officials how to vote. On October 19 of 2022 at a board meeting held at the Salton Community Service District, Board Member Gilmore made a statement that she was instructed by your EO to call Board Member Sierra to ask her to resign. Board Member Gilmore states that your EO is up in LA right now talking to other LAFCO Executive Officers as well as other LAFCO Legal teams, and he is trying to resend the 12-month period he gave us. He wants to shorten that and if he gets approval by CALAFCO we will not have 12 months. We will not have 12 months because he is not happy with a person on the board. That is the person that I called this morning. I had tried to do it privately so she would not be embarrassed. I was told I had to do it in public. Board Member Gilmore makes more statements so you can ask the Community Services District for the recording. To conclude, my respectful request to you today is to remember what public service is to you. As for me, I will continue to serve the people within our region and advocate for a better quality of life for our present and future generations. I do want to say to that I will be requesting for the State Auditor of the State of California to look into a few things within the LAFCO Commissioners and within regards to the Salton Community Service District and also possibly Niland Sanitary District. Thank you.

**Commissioner Froelich** - Thank you for your comments. Anyone else here for public comment? Anyone from members on Zoom wishing to speak during public comment? Hearing none, we will continue.

### ANNOUNCEMENTS

#### 5A. Announcements by the Commissioners.

**Commissioner Froelich** - On my behalf, I just want to say that the City of Calipatria has a new City Manager, her name is Laura Gutierrez. We have a new Public Works Director, his name is Edgar Self. I want to say that we are very excited. We are working with a company called Gafcon to establish our vision, a strategic plan that we will be working with, and also working with our general plan to make modifications or whatever is necessary to move forward in our city. I want to invite everyone, members of the public, to our 4th of July celebration, firework show, it is going to be held July the 2nd.

#### 5B. Announcements by the Executive Officer.

**Executive Officer Mr. Heuberger** - Good morning, members of the Commission. I am Jurg Heuberger, Executive Officer. The only thing I want to point out is that the annual CALAFCO conference is scheduled for October 18 through the 20th. This year's conference is scheduled to be held in Monterey. As most of you know that have attended these conferences we need to register as early as possible for those of you that plan to attend. So, as soon as the schedule comes out, which usually comes out within the end of July or early August for the registration both at the conference as well as the hotel, we will need to know from you who plans to attend.

**Commissioner Michael Kelley** - Count me in.

**Executive Officer Mr. Heuberger** - Okay, thank you for the early warning. But anyway, so just keep in mind if you do plan to attend let me or Paula or whoever know, because a lot of times the hotel books, and then we have to find alternative accommodations. Okay.

**Commissioner Froelich** - Okay, where is it going to be hosted Jurg?

**Executive Officer Mr. Heuberger** - In Monterey.

**Commissioner Froelich** - Monterey. Thank you.

**Executive Officer Mr. Heuberger** - So, it is a bit of a travel challenge getting there.

**Commissioner Michael Kelley** - Actually it is easy, you can get a San Diego airline directly to Monterey.

**Executive Officer Mr. Heuberger** - Oh, is there one directly?

**Commissioner Michael Kelley** - Yeah, it is easy.

**Executive Officer Mr. Heuberger** - Because in the past it was kind of like you had to go to San Jose or whatever.

**Commissioner Michael Kelley** - No, I mean you can, but it is easier to just fly directly into Monterey out of San Diego.

**Executive Officer Mr. Heuberger** - Alright. Then that is it.

#### EXECUTIVE SESSION ITEM(S)

**6. Public Employee Appointment (Government Code § 54957) Title: (Executive Officer)**

**Legal Counsel Steve Walker** - Direction was given to the Executive Officer to begin a 30-day recruitment process for the Executive Officer position for a term not to commence before January 1, 2024.

**7. Conference with Legal Counsel – Anticipated Litigation: Significant exposure to litigation pursuant to § 54956.9(b): (1 matter)**

**Legal Counsel Steve Walker** - There was a motion by Commissioner Kelley, seconded by Commissioner Landeros, on a unanimous vote to authorize the Executive Officer and Legal Counsel to respond to two letters from the City of El Centro. One is a cease-and-desist letter of June 7, 2023. Another was a notice of a Brown Act violation of the same date.

**Motion by Commissioner Michael Kelley authorizing the Executive Officer and Legal Counsel to respond to two letters from the City of El Centro dated 6/7/2023**

**MOTION:** MICHAEL KELLEY  
**AYES:** FROELICH, LANDEROS, MORENO, MICHAEL KELLEY  
**ANO:** NONE  
**ABSTAIN:** NONE  
**ABSENT:** WEST, RYAN E. KELLEY

#### DISCUSSION/ACTION/DIRECTION ITEM(S)

**8. Discussion/Action/Direction to reconsider letter of opposition to AB 918**

**Executive Officer Mr. Heuberger** - So basically, Assembly Bill 918 is moving through the process, and perhaps there is an update, I am not sure there is one on the current status, but we had previously taken a position of opposition. The bill was presented with comments at the County Board meeting that there would be amendments to that bill and the County did ask for a couple of amendments to be made to the bill. I believe Mr. Mike Kelley had made a request and I believe there were some others as well at the board. The representative who is present today at the County indicated that there would be amendments but at that time, I do not think you were able to disclose what those amendments were. Maybe you have some today?

**Guillermo Hernandez Jr., Field Representative with Assemblyman Garcia's office** - The Assembly Member is still exploring the amendments, focusing on everyone's input, stakeholder input, to include the County, to include yourself, City of Brawley, and PMH. Again, those amendments can be discussed on a one-on-one basis, until they get finalized. But they do go through Legal Counsel as you may know before they get approved and then proposed, and so on, and so forth.

**Commissioner Michael Kelley** - Is there a meeting today with Assemblyman Garcia?

**Guillermo Hernandez Jr., Field Representative with Assemblyman Garcia's office** - With who sir?

**Commissioner Michael Kelley** - With the concerned parties of AB 918?

**Guillermo Hernandez Jr., Field Representative with Assemblyman Garcia's office** - Up in Sacramento?

**Commissioner Michael Kelley** - No, here in the Imperial County.

**Guillermo Hernandez Jr., Field Representative with Assemblyman Garcia's office** - Not that I am aware of, not today.

**Commissioner Michael Kelley** - Do you have an email where that said that?

**Executive Officer Mr. Heuberger** - Yeah, it came from Rebecca Terrazas.

**Guillermo Hernandez Jr., Field Representative with Assemblyman Garcia's office** - A meeting today?

**Commissioner Michael Kelley** - Yeah, at 10 o'clock at the County.

**Guillermo Hernandez Jr., Field Representative with Assemblyman Garcia's office** - I have not received an invitation.

**Commissioner Michael Kelley** - Unless you got the date wrong.

**Guillermo Hernandez Jr., Field Representative with Assemblyman Garcia's office** - I can go check.

**Commissioner Froelich** - Mr. Hernandez, can you share who has now supported AB 918 since the last time we met here at LAFCO.

**Guillermo Hernandez Jr., Field Representative with Assemblyman Garcia's office** - Off the top of my head, County Board, City of Brawley, many organizations, IVC, the University of California, the City of El Centro, the City of Imperial, and Heffernan Memorial just off the top of my head, those other ones I cannot remember.

**Commissioner Froelich** - Thank you.

**Guillermo Hernandez Jr., Field Representative with Assemblyman Garcia's office** - Over 12.

**Commissioner Froelich** - Thank you.

**Executive Officer Mr. Heuberger** - But none of the amendments that we talked about at the County board have yet been.

**Guillermo Hernandez Jr., Field Representative with Assemblyman Garcia's office** - They are still being finalized.

**Executive Officer Mr. Heuberger** - All right, I just want to make sure.

**Commissioner Froelich** - Anything else to add? Any comments or questions are on behalf of the Commissioners?

**Commissioner Michael Kelley** - Well, the only thing I said, if we vote to go forward with opposition, I will have to abstain, because as a County Board I voted in favor of going forward with it.



**Executive Officer Mr. Heuberger** - Well, you have basically three choices.

**Legal Counsel Steve Walker** - The action that we are considering today was a letter of opposition that was sent by LAFCO to a Legislative Committee. The Legislative Committee has already taken action to my understanding. So, I think that anything you do today with respect to that particular action is probably moot. But, I think you have the discretion to say no we were happy with the letter of opposition that was previously sent. Or no we would like to withdraw that letter of opposition, or you take no action on it.

**Commissioner Michael Kelley** - Or yeah, you take no action.

**Legal Counsel Steve Walker** - Yeah. Whatever discretion you want to exercise is within the bounds of the law.

**Commissioner Froelich** - I want to share that this opportunity to either support or oppose is coming to our City of Calipatria. We are leaning on supporting because there are so many amendments that have happened that I believe, I do not want to speak on behalf of my council members, but a lot of the agencies and including the County have now supported, and we are comfortable supporting, but we will have to wait till tomorrow to see if it officially happens. So, my position stays the same. But, I am leaning towards supporting AB 918, because I think it is going through the pipeline here at LAFCO, but at the same time it is going through the County level and the Legislative level. It will make a return back to LAFCO, I think. Any other comments on behalf of the Commissioners?

**Commissioner Moreno** - Just one observation. I believe I did reach out to staff here asking the way the representative from each city was going to be selected or appointed or, however. Is the process still the same? Or is there a process how those are going to be appointed? Are they going to be by elections?

**Executive Officer Mr. Heuberger** - Are you talking about the letter we sent out asking for each agency?

**Commissioner Moreno** - Correct.

**Executive Officer Mr. Heuberger** - Okay, so as we pointed out, we are processing the application for the expansion, which essentially is doing the same thing the bill is at this point. One of the things that we had talked about early on was that because this is such a broad countywide issue, staff would like to have input from the various areas. So, we sent a letter to every city and special district basically asking for the equivalent of an advisory panel. We asked each agency to basically send us a representative from that area that would serve as an advisory panel to provide us input as to what they felt or what that particular community felt in terms of this county wide hospital. So, that is up to each city to appoint, either it could be a council person, or it could be somebody public at large. They would then serve basically as an advisor to the LAFCO staff, and at the same time put feedback back into that community as to the process that we are undergoing. We would use that committee as a voice for that area also. Let us take Calexico and let us say you are the appointee. You would come to these meetings, we would go through what we were doing at that particular time, and then you would go back to the council and say, this is where LAFCO is in terms of the process, you know, we are in the middle of the fiscal analysis, or we are getting ready to release a report or whatever. So that is the process that we are in.

**Commissioner Moreno** - So, it would be up to the city to establish what type of process to elect or appoint that person, right?

**Executive Officer Mr. Heuberger** - Yeah.

**Commissioner Moreno** - Okay, got it.

**Executive Officer Mr. Heuberger** - You could appoint anybody.

**Commissioner Moreno** - Okay, thank you.

**Executive Officer Mr. Heuberger** - It does not have to be a council person. We did not want to limit it. We wanted basically each community to have the ability to send somebody to these meetings, get briefed on how the process is working, where we are, what kind of input we are getting, and also to be kind of a temperature gauge if you will. Because if we have 12 out of the 15 members, let us say come to the meeting and say hey our community does not want this, well okay, thank you for the information, we still have to go

through it, but at least we will get a feel. Maybe we need to do public outreach at a higher level so that the community gets educated better, because there is a lot of misinformation out there right now. So, that is part of the reason for that committee, just to give a sense of, you know, what are you hearing? Are there things in this new healthcare agency that we have not thought about that we should be thinking about? So that is all it is, it is an advisory. And each city, you got a letter.

**Commissioner Moreno** - Okay, thank you.

**Executive Officer Mr. Heuberger** - Again, on this particular instance, either no action or whatever you want to take. Frankly, as a Steve pointed out, it is somewhat moot at this point because the bill has moved on. Is it in the Senate now?

**Guillermo Hernandez Jr., Field Representative with Assemblyman Garcia's office** - Yes.

**Executive Officer Mr. Heuberger** - Yeah, so it has moved on to the Senate.

**Commissioner Froelich** - But, if we to move to support, would that affect the application of PHMD, in the pipeline of LAFCO? It does not affect it, does it?

**Executive Officer Mr. Heuberger** - Well, PMHD opposed it, that is all I can tell you.

**Commissioner Froelich** - If we were to move to support it, Mr. Kelley you would be able to support it, because you supported it at the County level.

**Commissioner Michael Kelley** - I would need to be consistent with my stand, yeah.

**Commissioner Froelich** - I make a motion to support AB 918. Roll call, please.

**Legal Counsel Steve Walker** - Is there a second?

**Executive Officer Mr. Heuberger** - There is no second required in LAFCO.

**Legal Counsel Steve Walker** - Okay.

**Executive Officer Mr. Heuberger** - All right.

**Motion by Commissioner Froelich to support AB 918, as currently written**

**MOTION:** FROELICH  
**AYES:** FROELICH, LANDEROS, MORENO, MICHAEL KELLEY  
**ANO:** NONE  
**ABSTAIN:** NONE  
**ABSENT:** WEST, RYAN E. KELLEY

**Commissioner Froelich** - Motion is carried. Thank you very much.

**Executive Officer Mr. Heuberger** - For further direction to support as currently written, and then as we see the amendments, if the amendments come back that are

**Commissioner Michael Kelley** - I think it should be like a contingent of supporting.

**Executive Officer Mr. Heuberger** - That is what I am asking because we do not know what it is going to say in the end. So, it is supported as currently written with the caveat that if it comes back we have the opportunity to still object or whatever we want to call it.

**Commissioner Froelich** - I think it is important to enter into discussion with Assembly Member Eduardo Garcia. He has been pretty open to make sure that whatever it is that the elected officials or the bodies are asking, to match it.

**Executive Officer Mr. Heuberger** - Did you get the invite for 10:30?

**Guillermo Hernandez Jr., Field Representative with Assemblyman Garcia's office** - Yes.

**Commissioner Michael Kelley** - You are behind on things there, buddy.

**Guillermo Hernandez Jr., Field Representative with Assemblyman Garcia's office** - I was just getting with some folks from the County and I confirmed that.

**Commissioner Froelich** - Is the Assembly Member going to be there today?

**Guillermo Hernandez Jr., Field Representative with Assemblyman Garcia's office** - We are still ironing some things out, but I will be there for sure for representation.


**Commissioner Froelich** - Okay.

**Executive Officer Mr. Heuberger** - So, I was not dreaming. Thank you.

**Commissioner Froelich** - Okay. With that said anything else?

**Executive Officer Mr. Heuberger** - Nope.

Maria Nava-Froelich, Chair



Jurg Heuberger, Executive Officer