

**RESOLUTION NO. 021324-07**

**RESOLUTION OF  
THE IMPERIAL COUNTY BOARD OF EDUCATION  
ADOPTING NOTICE OF EXEMPTION  
FOR ACQUISITION OF REAL PROPERTY;  
AND OTHER RELATED ACTIONS**

**WHEREAS**, the Imperial County Board of Education (“Board” or “Buyer”) is interested in acquiring real property located at 344 W. McCabe Road, El Centro, County of Imperial, California 92243 (APN 054-380-010-000) (the “Property”) owned by Amador Fernandez, Jr. and C&G Farms Inc. (together referred to as the “Seller”);

**WHEREAS**, the Board and Seller intend to enter into an agreement for the purchase and sale of the Property, contingent upon compliance with the California Environmental Quality Act of 1974, as amended (“CEQA”);

**WHEREAS**, the Board, acting through staff of the Imperial County Office of Education, and Seller have negotiated a Purchase and Sale Agreement and Escrow Instructions (“Purchase Agreement”) for the Property that was considered and approved by the Board, in substantially final form, at its February 13, 2024 meeting, and on file with Secretary of the Board;

**WHEREAS**, CEQA requires a lead agency to consider the potential environmental impacts of any project, including any physical change to the environment, directly or indirectly, beyond those activities already authorized to occur on the Property;

**WHEREAS**, the Board’s action to approve the proposed acquisition of the Property, the Purchase Agreement, and related documents and actions (the “Actions”) will not cause or result in any direct physical change or reasonably foreseeable indirect change to the environment, does not create any new entitlements or project approvals, does not commit the Board to a definite course of action, and merely transfers title of the Property to the Board and thus, it can be seen with certainty that the Actions will not have a significant effect on the environment;

**WHEREAS**, as a result, the Actions are not a “project” as defined in CEQA, California Public Resources Code section 21065 and/or the CEQA Guidelines at California Code of Regulations, Title 14, sections 15060(c)(2) and (3), 15061(b)(3), 15064(d)(3), 15352, and 15378(a);

**WHEREAS**, such Actions are not a project under CEQA, and accordingly, the Actions are not subject to CEQ;

**WHEREAS**, separately and independently from the above analysis that the Actions are not subject to CEQA, in the event the Actions are considered a “project” as defined in CEQA, such Actions are categorically exempt from CEQA requirements, pursuant to CEQA Guidelines at California Code of Regulations, Title 14, section 15301 as the Actions consist of operation, repair,

maintenance or minor alteration of existing facilities or topographical features not expanding existing uses; and

**WHEREAS**, the Board hereby acknowledges that all potential future development and/or improvements on the Property will be subject to environmental review pursuant to all applicable environmental laws, including CEQA.

**NOW, THEREFORE**, be it resolved that the Imperial County Board of Education hereby finds, determines, declares, and orders, as follows:

**Section 1. Recitals.** All of the foregoing recitals are true and correct.

**Section 2. CEQA Notice of Exemption.** The Notice of Exemption, attached hereto as Exhibit A and incorporated herein by this reference is adopted. The Superintendent, the Chief Operations Officer, or their designee is hereby authorized and directed to cause the Notice of Exemption to be executed and timely filed with the California Office of Planning and Research and the Clerk-Recorder for the County of Imperial.

**Section 3. Effective Date.** This Resolution shall be effective as of the date of its adoption.

**APPROVED, PASSED, AND ADOPTED** on February 13, 2024, by the Imperial County of Board Education, Motion by Ralph Fernandez and seconded by Cesar Rodriguez, motion passed by the following vote:

AYES	Armenta, Fernandez, Hendry, Rodriguez
NOES	0
ABSENT	Jaime
ABSTAIN	0

**IMPERIAL COUNTY BOARD OF EDUCATION**

By: Alicia Armenta  
President of the Board of Education

**ATTEST:**

By: [Signature]  
Secretary of the Board of Education

**SECRETARY'S CERTIFICATE**


I, J. Todd Finnell, Ed.D., Secretary of the Imperial County Board of Education, hereby certify that the foregoing is a full, true and correct copy of a resolution adopted at a regular meeting placed thereof on the 13th day of February 2024, of which meeting all of the members of said Board of Education had due notice and at which a majority thereof were present; and that at said meeting said resolution was adopted by the following vote:

AYES	Armenta, Fernandez, Hendry, Rodriguez
NOES	0
ABSENT	Jaime
ABSTAIN	0

An agenda of said meeting was posted at least 72 hours before said meeting at Imperial County Office of Education, 1398 Sperber Road, El Centro, California, a location freely accessible to members of the public, and a brief general description of said resolution appeared on said agenda.

I further certify that I have carefully compared the same with the original minutes of said meeting on file and of record in my office; that the foregoing resolution is a full, true and correct copy of the original resolution adopted at said Board meeting and entered in said minutes; and that said resolution has not been amended, modified or rescinded since the date of its adoption, and the same is now in full force and effect.

Dated: 2/13/24

  
\_\_\_\_\_  
J. Todd Finnell, Ed.D.  
Secretary of the Imperial County Board of Education

**EXHIBIT A**  
**NOTICE OF EXEMPTION**

*[see attached]*

## NOTICE OF EXEMPTION

TO: Office of Planning and Research  
P.O. Box 3044, Room 113  
Sacramento, CA 95812-3044

FROM: Imperial County Office of Education  
1398 Sperber Road  
El Centro, CA 92243

County Clerk  
County of Imperial  
940 Main Street, Suite 202  
El Centro, CA 9224

**Project Title:** Purchase and Sale of Real Property at 344 W. McCabe Road, El Centro, CA

**Project Applicant:** Imperial County Office of Education

**Project Location:** 344 W. McCabe Road, El Centro, CA APN 054-380-010-000

**Project Location - City:** El Centro

**Project Location - County:** Imperial

**Description of Nature, Purpose and Beneficiaries of Project:** On February 13, 2024 the Imperial County Board of Education ("Board") approved a Purchase and Sale Agreement ("PSA") for the real property acquisition of approximately 26 acres (APN 054-380-010-000) located at 344 W. McCabe Road ("Property"). The Board authorized and directed the County Superintendent and the Chief Operations Officer to take all necessary actions to execute and implement the PSA.

**Name of Public Agency Approving Project:** Imperial County Office of Education/Board of Education

**Name of Person or Agency Carrying Out Project:** Imperial County Office of Education

**Exempt Status: (check one):**

Not the approval of a project (Sec. 21065; 15060(c)(2) & (3); 15352; 15378(a))

Common sense (Sec. 15061(b)(3); 15064(d)(3))

Ministerial (Sec. 21080(b)(1); 15268)

Declared Emergency (Sec. 21080(b)(3))

15269(a)); Emergency Project (Sec. 21080(b)(4); 15269(b)(c))

Categorical Exemption. State type and section number: Sec. 15301 – Existing Facilities

Statutory Exemption. State code number:



**Reasons why project is exempt:** The Board's actions to approve the acquisition of the Property, the PSA, and related documents and actions (collectively, the "Actions") are not a "project" as defined in California Public Resources Code section 21065 and/or California Environmental Quality Act ("CEQA") Guidelines section 15378(a). See also CEQA Guidelines section 15060(c)(2) and (3). Therefore, the Actions are not subject to CEQA. CEQA applies to the approval of a "project," and the Actions do not constitute approval of a "project." The Actions will not cause or result in any direct physical change or reasonably foreseeable indirect change to the environment. See also CEQA Guidelines section 15064(d)(3). All potential future development and/or improvements on the Property will be subject to environmental review pursuant to all applicable environmental laws, including CEQA.

On a separate and independent basis, the Actions are exempt from CEQA because consistent with the common sense exemption at CEQA Guidelines section 15061(b)(3), it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. As stated above, the Actions will not cause or result in physical changes to the environment, and therefore, no significant impacts will occur on and around the Property. The Actions do not create any new entitlements or project approvals, and the Actions merely transfer title of the Property to the Board by way of the PSA.

On a further separate and independent basis, the Actions are not a "project" subject to CEQA because the Actions do not commit the Board to a definite course of action as set forth in CEQA Guidelines section 15232. As stated above, the Actions do not create any new entitlements or project approvals. Additionally, future development and/or improvements on the Property will be subject to environmental review pursuant to all applicable environmental laws, including CEQA.

On a further separate and independent basis, if the Actions are determined to be a "project" for purposes of CEQA, such Actions are categorically exempt from CEQA requirements, pursuant to CEQA Guidelines section 15301. The Actions consist of operation, repair, maintenance or minor alteration of existing facilities or topographical features not expanding existing uses. As stated above, the Actions transfer title to the Property to the Board, and do not create any new entitlements or project approvals. Should development of the Property be proposed in the future, such development would be subject to environmental review pursuant to all applicable environmental laws, including CEQA.

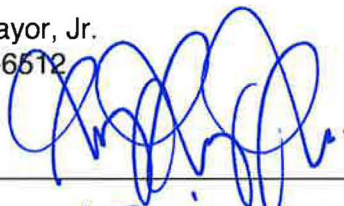
**Lead Agency Contact Person:** Antonio Romayor, Jr.

**Area Code/Telephone/Extension:** (760) 312-6512

Date: \_\_\_\_\_

2/14/2024

Name: \_\_\_\_\_



Antonio Romayor Jr

Title: \_\_\_\_\_

CHIEF OPERATIONS OFFICER