SPECIAL MEETING

AGENDA

Imperial County Data Center Committee
Public Health Training Center
935 Broadway St.
El Centro, Ca 92243

Monday, September 28th, 2026
6:00pm

I. Call to order/welcome

II. Roll Call

III. Pledge of Allegiance

IV. Reiterate the Purpose and Charge of the DCAC

V. Public Comment - 3 Minutes per speaker

> **The public will have an opportunity to address the Committee members only concerning any item on this agenda before or during consideration of that item. California Government Code § 54954.3.**

VI. Review and Adoption of the Minutes

VII. Approval of the Order of the Agenda

VIII. Discussion/Action Items

- A. Determine a Regular Meeting Schedule for the Committee
- B. Bylaw change recommendation put forth by the committee
- C. Work Plan Development

IX. Informational Items

- A. Data Center Committee Website - Bylaws, Agenda, Minutes, Recordings etc.
- B. Data Center Moratorium Update.
- C. California Data Center Legislation – Summary of Seven (7) Enacted Bills.

X. Member Reports/Announcements

XI. Meeting Adjourned

Item No. VI

MINUTES

Imperial County Data Center Committee
Public Health Training Center
935 Broadway St.
El Centro, CA 92243
Thursday, September 17, 2026
6:00 P.M.

Committee Members:

- Peggy Price, District 3, Board of Supervisors
- John Hawk, District 5, Board of Supervisors.
- Mark Hamby, Unincorporated Local Government
- Ann Michelle Hollinger, Public Member
- Flavio Grijalva, Jr., Public Member
- Kristian Michelle Salgado, Environmental Background/Expertise
- Andrew Schwartz, Organized Labor
- Sheleah Kay Edwards, Healthcare
- Marjorie D. Marquez, Education
- Oli Bachie, Nonprofit
- Sandy Finnell, Business
- Jeffrey Nemeth, Energy Industry
- John Grass, City of Brawley
- Gilberto Manzanares, City of Calexico
- Michael Luellen, City of Calipatria
- Angel Hernandez, City of El Centro
- Mike Goodsell, City of Holtville
- Dennis Morita, City of Imperial

I. Meeting was called to order by Clerk of the Board Cynthia Medina at 6:04 p.m.

II. Clerk of the Board conducted Oath of Office for all present Committee members.

III. Roll Call – 18 members were present, Mr. Oli Bachie was absent. Mr. Mark Hamby arrived late.

IV. Pledge of Allegiance was led by Andrew Schwartz.

V. Public Comment – 3 Minute per speaker
   i. Jake Tison
   ii. Susan Paradis
   iii. Robert Powell
   iv. Fabiola Moreno

VI. Approved of the Order of the Agenda, Motioned by Michael Luellen Second by Andrew Schwartz, Vote 19-0.

VII. **Informational Items**

a. Overview of formation of Committee and approved bylaws.
   - Committee members presented themselves and provided their goals for the Committee.
   - Clerk of the Board reviewed the bylaws and took comments and questions from the Committee and Public.
   - Bylaws to be brought back to the committee for further review and recommendations.

POSTING LOCATIONS: This meeting was legally noticed and posted at the following locations:
https://imperial.granicus.com/ViewPublisher.php?view_id=2

VIII. **Discussion/action**

a. Selection of Officers: committee discussed and proceed to vote through and open vote ballot and selected officers via motions. The following individuals provided public comment on this item:
    i. Jake Tison
    ii. Joseph Guillin
    iii. Robert Powell
    iv. Idel burden
    v. Ismael Arvizu

    i. Chair – Appointment of Kristian Michelle Salgado, Motion by Gilberto Manzanarez, Second by Marjorie E. Marquez, vote 9-8 motioned passed.
    ii. Vice-Chair – Appointed Mike Goodsell, Motion my Marjorie E. Marquez, Second by Sandy Finnell, Vote 16 – 1, Motioned passed.
    iii. Secretary – Appointed John Grass, Motion by Kristian Michelle Salgado, Second by Flavio Grijalva Jr., Vote 16-1 motioned passed.

b. Select meeting date, time and location. Committee requested item to come back to further discuss.

IX. Member Reports/Announcements – None.

X. Next Meeting Date - Monday, September 28, 2026.

XI. Meeting adjourned at 9:17 p.m.

POSTING LOCATIONS: This meeting was legally noticed and posted at the following locations: https://imperial.granicus.com/ViewPublisher.php?view_id=2

Item No. VIII (B)

BOS APPROVED 07-14-26
M.O. #16b

THE IMPERIAL COUNTY DATA CENTER ADVISORY COMMITTEE (DCAC) THROUGH THE IMPERIAL COUNTY BOARD OF SUPERVISORS HEREBY RESOLVES, DETERMINES, AND ORDERS AS FOLLOWS:

1. NAME

The name of the committee shall be the Data Center Advisory Committee (DCAC).

2. PURPOSE

The purpose of the DCAC shall be to advise the Board of Supervisors on potential land use and zoning options relating to data center development within the unincorporated areas of Imperial County.

3. CHARGE

The DCAC shall evaluate and provide recommendations to the Board of Supervisors regarding potential land use, zoning, and policy options relating to data center development within the unincorporated areas of Imperial County.

In carrying out its Charge, the DCAC shall evaluate and make recommendations regarding the following:

a. Potential amendments to the Imperial County General Plan;
b. Potential amendments to the Imperial County Codified Ordinances;
c. The use of specific plans or other planning tools relating to the location and regulation of data center development;
d. The establishment of location or proximity standards relating to residential neighborhoods, schools, and other sensitive uses;
e. The identification of areas that may be more appropriate for data center development based upon existing land uses, infrastructure, energy resources, and compatibility with surrounding uses;
f. Consideration of implementation options and the legal implications associated with any recommended amendments, including whether such amendments should apply prospectively only or, where legally permissible, to projects currently in process; and
g. Any other recommendations the committee determines appropriate. Does a Ban apply to this bullet? Yes, but also in (b) above

The DCAC shall present its findings and recommendations to the Board of Supervisors by January 1, 2027, or as soon thereafter as reasonably practicable.

4. MEMBERSHIP

The DCAC consists of nineteen (19) members. The members shall be appointed by the Board of Supervisors, unless otherwise indicated. The membership shall be as follows:

a. Two (2) members of the Board of Supervisors;
b. Seven (7) members appointed by the seven incorporated cities within the county of Imperial, with each city having one appointment;
c. One (1) representative from local government that is not an incorporated city.

d. Two (2) representatives of community interests;
e. One (1) representative with an environmental background or expertise.
f. One (1) representative from organized labor;
g. One (1) representative from the healthcare community;
h. One (1) representative from the education community;
i. One (1) representative from a nonprofit organization;
j. One (1) representative from the business community; and
k. One (1) representative from the energy industry sector.

5. APPOINTMENTS AND TERM

a. Members of the DCAC are appointed by the Board of Supervisors, except for the members representing the seven incorporated cities which shall be appointed by the city councils of those cities.
b. Each appointing authority shall have sole authority to remove any member appointed by that appointing authority.~~The Board of Supervisors shall have sole authority to remove appointees from membership.~~ Can the bullet be remove and allow Committee to remove members?
c. A member may resign at any time by submitting a written resignation to the Chair. The resignation shall be effective upon receipt unless a later effective date is specified.
d. Appointments shall end when the DCAC has accomplished its Purpose and Charge.

6. OFFICERS

a. The officers of the DCAC shall be:
   i. The Chair, whose duties shall be to preside at all DCAC meetings; serve as committee spokesperson to the Imperial County Board of Supervisors; direct planning for community sessions; and present its findings to the Board of Supervisors.
   ii. The Vice-Chair, whose duties shall be to assist the Chair and in his/her absence serve as Chairperson; assume the position of Chairperson in the event the Chairperson leaves the DCAC.
   iii. The Secretary, whose duties shall be to record minutes of all meetings; receive and transmit committee correspondence and materials designated by members; maintain notebook of all minutes, agendas, correspondence, and other information pertinent to DCAC.
b. The Chair, Vice-Chair, and Secretary shall be elected at the DCAC's first regular meeting, and shall serve until the DCAC has accomplished its Purpose and Charge.
c. Vacancies in office shall be filled at the next regular meeting following the vacancy of an officer.

7. MEETINGS

a. The meetings and proceedings of the DCAC shall be conducted in accordance with the Ralph M. Brown Act (Government Code section 54950 et seq.).
b. The DCAC shall meet as often as necessary to carry out its Purpose and Charge.
c. Regular meetings shall be set through formal action of the DCAC~~scheduled by the Chair in consultation with County staff~~. Notice and agendas for regular meetings shall be posted and distributed in accordance with the requirements of the Ralph M. Brown Act, including

at least seventy-two (72) hours before the meeting. Mr. Morrita's concerned about Chair scheduling regular meetings.

d. Special meetings may be called by the Chair or by a majority of the members of the DCAC. Notice of a special meeting shall be provided in accordance with the Ralph M. Brown Act, including at least twenty-four (24) hours' notice to each member and the public.

e. All meetings of the DCAC shall be open to the public, except as otherwise authorized by law, and shall be held in facilities that are accessible to the public. Meeting agendas and notices shall also be posted on the County's website.

f. Meeting notices and agendas shall identify the date, time, and location of the meeting and shall include a brief description of each item of business to be considered, consistent with the Ralph M. Brown Act.

~~f.~~ Any member may request that an item within the subject matter jurisdiction of the DCAC be placed on the agenda for a regular meeting. The request shall be submitted to the Chair sufficiently in advance of the meeting to allow for preparation and timely posting of the agenda in accordance with applicable law. The timing, wording, or placement of a requested agenda item may be reasonably modified as necessary to address legal, procedural, or practical considerations; provided, however, that reasonable efforts shall be made to place each timely requested item on an agenda without materially altering the substance of the member's request.

8. QUORUM AND VOTING

a. Ten members of the DCAC shall constitute a quorum.

b. Except as otherwise required by law or these Bylaws, an affirmative vote of a majority of the members present and voting at a meeting at which a quorum is present shall constitute an action of the DCAC.

c. No official business shall be conducted in the absence of a quorum.

9. ATTENDANCE

Members are expected to attend all regular meetings. Any member who is absent from three (3) consecutive regular meetings without good cause (can this portion be removed?) may be recommended to the applicable appointing authority~~Board of Supervisors~~ for removal from the DCAC. (request to match appointment and term removal be done by DCAC)

10. COMMITTEES

a. The DCAC may establish such subcommittees or ad hoc committees as it determines are necessary to carry out its Charge. Appointments may be made by the Chair or upon motion of any member duly carried.

b. Each subcommittee shall report its activities and recommendations to the DCAC at such times as the Chair may direct or the DCAC may require.

11. COMPENSATION

Appointees to the DCAC shall serve without compensation.

- Chair has requested clarification on adding items to agenda.

Item No. IX (B)

NOTICE OF PUBLIC HEARING
IMPERIAL COUNTY
BOARD OF SUPERVISORS

NOTICE IS HEREBY GIVEN that the Imperial County Board of Supervisors will conduct a Public Hearing on **Tuesday, October 6, 2026, at 11:00 a.m.** in the Board Chambers, County Administrative Center, 940 West Main Street, Suite 211, El Centro, California, to consider approving an Interim Ordinance establishing a temporary moratorium on the approval of data center facilities within the unincorporated areas of Imperial County pursuant to Government Code Section 65858, to consider adopting findings pursuant to Government Code Section 65858(c) regarding a current and immediate threat to the public health, safety, or welfare from data centers, including but not limited to threats from data center water and electricity use, and to consider California Environmental Quality Act (CEQA) Exemption findings. While a data center moratorium was previously adopted, the Imperial County Superior Court directed the County to “set aside, and cease enforcement” of that moratorium.

The new moratorium would apply to the entirety of unincorporated Imperial County, and would prohibit issuance of permits for any data center facilities for 45 days, with a potential subsequent extension consistent with Gov. Code Section 65858(b). All interested individuals are encouraged to attend and be heard. Should you have any questions please contact the Clerk of the Board of Supervisors Office at 442-265-1020. All supporting documentation may be reviewed at the Clerk of the Board of Supervisors Office located at 940 Main Street, Suite 209, El Centro, CA.

If you challenge this matter in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to Imperial County at, or prior to, the public hearing.

CYNTHIA MEDINA
Clerk of the Board of Supervisors
County of Imperial

10038502.3

Item No. IX (C)

California Data Center Legislation – Summaries of the Seven Enacted Bills

All seven bills were approved by the Governor and filed with the Secretary of State on September 21, 2026, and are now chaptered law Four address electricity/rates, two address water, and one addresses CEQA review.

Bill	Chapter	Author	Subject
AB 1577	434	Bauer-Kahan	Data centers: reporting
AB 2383	435	Zbur	Electricity: data centers
AB 2469	436	Papan	Data centers: water use disclosures
AB 2619	437	Papan	Water resources: data centers
SB 886	438	Padilla	California Technology Innovation and Ratepayer Protection Act
SB 887	439	Padilla	CEQA: environmental leadership development projects: data centers: geothermal
SB 1168	440	McNerney	Data centers: rate structures

SB 886 (Padilla) – California Technology Innovation and Ratepayer Protection Act

Adds Article 14.7 (§ 945 et seq.) to the Public Utilities Code. It requires the CPUC, on or before January 1, 2028, to establish new tariffs or update electric rules for interconnecting "participating customer" facilities (data centers) and providing them retail electric, transmission, distribution, and generation service. In doing so the Commission must, at minimum, evaluate risks/benefits to nonparticipating customers, ensure the tariffs prevent stranded costs or cost shifts to nonparticipating customers, and, for unbundled customers, show generation-component charges as a separate line item.

For transmission-level interconnection, the required tariff must: make applicants disclose duplicate applications for the same data center in other utility territories/jurisdictions; assign cost responsibility for all transmission upgrades and usage to the participating customer; limit interconnection-cost refunds to no more than 75% of annual net transmission revenue the utility receives from that customer, based on load materialization; and impose an early-termination fee on a customer that leaves the system within 10 years or fails to ramp load, not less than the revenue gap over the minimum 10-year term. Utilities must publish maps of low-cost interconnection locations. The section applies only to data centers entering a new transmission-level interconnection agreement on or after January 1, 2027. It authorizes participation in a demand-response program with no net cost to nonparticipating customers and allows a utility to use an "exceptional case filing" to approve an interim contract with a data center before the tariff is approved.

AB 2383 (Zbur) - Electricity: data centers

The companion to SB 886; adds §§ 945.1, 945.4, 945.5, 945.6, and 945.8 to the Public Utilities Code. Section 945.1 supplies the definitions – including "data center," "participating customer," "nonparticipating customer," and "unbundled customer" – used across the Article 14.7 framework.

It requires the CPUC to make each electrical corporation file:

- A transmission and distribution service tariff ensuring participating customers pay a reasonable share of wildfire-mitigation, wildfire-liability, electrification, environmental, and other societal costs typically collected from distribution-level ratepayers.
- A generation service tariff that supports procurement/clean-energy targets, ensures equitable reliability-program contributions, and establishes a payment mechanism (minimum 10 years) so participating customers cover incremental generation costs from their load. That mechanism must include non-completion and early-termination fees, upfront collateral/prepayment, a minimum-payment cost-recovery floor tied to projected load, and authorization to reduce funding obligations by installing behind-the-meter zero-emission resources.

The generation tariff applies at a minimum peak-demand threshold the Commission sets, which may not exceed 25 megawatts. Certain facilities are excluded (publicly funded research, public safety, publicly funded national security, publicly owned, and utility facilities). By January 1, 2028, each community choice aggregator or electric service provider must adopt a parallel data-center generation tariff, with the same 25 MW threshold cap and cost-allocation/clean-energy requirements.

AB 2469 (Papan) – Data centers: water use disclosures

Adds Government Code § 65964.7. It bars a city, county, or city and county from approving any discretionary or ministerial permit for constructing a data center – or an expansion that increases maximum peak water use – unless conditions are met. The applicant must provide: a Water Supply Assessment (per Water Code § 10910 *et seq.*); beginning January 1, 2028, a water scarcity plan with drought-stage measures (staged withdrawal reductions, nonessential-use curtailment, recycling/reuse, thermal-load reductions, temporary load shedding); projected water use and efficiency measures; and workforce disclosures (composition, classifications, duration, wage/benefit ranges, and share of workforce residing in-county and in-state).

The applicant must also assume the full cost of any required water conveyance, treatment/storage, or distribution infrastructure necessary to serve the project, as determined by the water supplier – a provision made expressly severable. Satisfying these requirements does not compel approval, and the Legislature declares water conservation a matter of statewide concern applicable to charter cities.

AB 2619 (Papan) – Water resources: data centers

Adds Business and Professions Code §§ 16000.4 and 16100.4 and amends Water Code § 10632. It defines data centers by size – Type I / hyperscale (>10,000 servers or >25 MW), Type II (2–25 MW), and Type III (<2 MW).

For both city (§ 16000.4) and county (§ 16100.4) licensing, a data center owner/operator must, under penalty of perjury: before applying for an initial business license/permit, give its water supplier a good-faith estimate of expected water use, anticipated source, and projected volume for the maximum day, maximum month, and average year; report the same on the application itself; and, on renewal, report actual annual water use for the prior calendar year (total and direct use, by source, including cooling-system type). The Water Code amendment specifies that an urban water supplier's annual assessment of "current year unconstrained demand" must include the unconstrained demand of data centers, irrigation, and other large users. The Legislature states data centers are commercial/industrial/institutional users under the "Making Conservation a California Way of Life" regulation, and the perjury and city provisions apply to charter cities.

SB 887 (Padilla) – CEQA: environmental leadership development projects: data centers: geothermal

Amends Public Resources Code §§ 21084, 21180, and 21183.6 and adds §§ 21061.6 and 21080.08. It defines "data center" for CEQA and provides that CEQA applies to the issuance of entitlements for developing and operating a data center, removing data center projects from CEQA's categorical exemptions. Excluded from that bar are publicly funded research, public safety, publicly funded national security, publicly owned, and utility facilities, and research facilities of independent higher-education institutions.

In exchange, it lets the Governor certify a qualifying data center as an environmental leadership development project (CEQA streamlining) if the lead agency certifies it meets stringent conditions, including: advance payment of the full interconnection cost to prevent cost shifts; no increase in in-state fossil-fuel consumption; zero-carbon storage of at least four hours at 100% of forecasted peak; reliance on behind-the-meter zero-carbon generation to the maximum feasible extent; an enforceable commitment to pay all grid investments (with an early-termination fee); recycled water and water-efficient/waterless cooling; 100% zero-carbon electricity for hourly needs within five years, 75% newly developed; and one or more binding community benefits agreements. The Office of Land Use and Climate Innovation, with the Energy Commission, must develop uniform statewide standards for those conditions. The bill extends comparable environmental-leadership treatment to qualifying geothermal powerplants and sets the greenhouse-gas quantification/mitigation methodology for these projects.

SB 1168 (McNerney) – Data centers: rate structures

Adds Article 10.5 (§ 901) to the Public Utilities Code. As part of a new or existing proceeding, it directs the CPUC to assess opportunities for rate structures to: ensure data centers pay their reasonable share of transmission and distribution costs, regardless of whether they interconnect at the transmission or distribution level; ensure they pay their proportionate share of load increases and procurement needed to reliably serve them, consistent with integrated resource planning; and alleviate cost pressures on residential ratepayers, including CARE and FERA program participants. The findings note ISO projections of 2.3 GW of data-center load growth by 2030.

AB 1577 (Bauer-Kahan) – Data centers: reporting

Adds Government Code §§ 7927.303 and 65909.3 and Public Resources Code § 25302.10. It requires the Energy Commission to establish a process for data center owners/operators to submit facility information – including name, addresses, floor area, IT-equipment floor area, anticipated peak capacity, onsite generation, and power usage effectiveness – upon energization and after substantive changes, plus at least annual operating data (maximum load, total energy consumption, PUE, demand-flexibility participation, refrigerant types, cooling degree days, onsite generation/fuel consumption, and energy-storage details). Only facilities of 10 MW or more are covered.

Beginning with the 2029 integrated energy policy report, the Commission must assess data-center electrical-load trends, including load projections, net peak-demand identification, and mitigation recommendations. The Commission must publish the data annually in anonymized, aggregated form. Separately, when applying for a discretionary permit or land-use authorization, a data center owner/operator must give the local agency estimates of expected annual energy consumption, onsite generation, and sound levels, usable for planning and environmental review. The bill protects confidential/proprietary information and personally identifiable or customer-specific energy data from disclosure, and exempts publicly funded research, public safety, national security, publicly owned, and utility facilities.