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County of Imperial
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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF IMPERIAL

IMPERIAL VALLEY COMPUTER MANUFACTURING, LLC a California limited liability company; Petitioner, vs. COUNTY OF IMPERIAL, a general law county, and IMPERIAL COUNTY BOARD OF SUPERVISORS, Respondents,	Case No: ECU004800 Judge: Honorable Jeffrey B. Jones Dept. 5 ~~[PROPOSED]~~ **JUDGMENT GRANTING PEREMPTORY WRIT OF MANDATE** (Code Civ. Proc. §§ 1085, 1095; Cal. Rules of Court, rule 3.1590(h)) Hearing: July 28, 2026 Tentative Decision: August 21, 2026

The Verified Petition for Writ of Mandate and Declaratory Relief filed June 22, 2026 (the "Petition") and the Supplemental Verified Petition for Writ of Mandate and Declaratory Relief filed July 15, 2026 (the "Supplemental Petition") of Petitioner Imperial Valley Computer Manufacturing, LLC ("Petitioner") came on regularly for hearing on July 28, 2026, in Department 5 of the above-entitled Court, the Honorable Jeffrey B. Jones, Judge, presiding. Sebastian Rucci of the Law Offices of Sebastian Rucci, P.C. appeared for Petitioner. Nathan George appeared for Respondents County of Imperial and Imperial County Board of Supervisors (collectively, "Respondents" or the "County").

The Court considered the pleadings and supplemental materials properly before it, together with the arguments of counsel presented at the hearing, and took the matter under submission. On August 21, 2026, the Court issued its Tentative Decision pursuant to California Rules of Court, rule 3.1590. The matter was concluded in less than one judicial day, and no party requested a statement of decision. The Court directed Petitioner to prepare the proposed judgment. (Cal. Rules of Court, rule 3.1590(h).)

In accordance with the Court's Tentative Decision, which is incorporated herein by this reference, the Court finds and determines as follows:

A. Respondents' request for judicial notice of Ordinance No. 1616, Ordinance No. 1618, and the Imperial County Board of Supervisors Agenda Fact Sheet concerning the Data Center Advisory Committee is GRANTED. (Evid. Code, § 452, subds. (b), (c).) Judicial notice is taken of the existence and contents of those documents, but not of the truth of any reasonably disputable factual assertions contained in them.

B. Government Code § 65858, subdivision (c), provides that a legislative body "shall not adopt or extend" an interim ordinance unless the ordinance contains legislative findings that there is a "current and immediate threat" to the public health, safety, or welfare, and that the approval of the applicable permits or entitlements "would result in that threat." Ordinance No. 1616, "An Urgency Interim Ordinance Pursuant to Government Code § 65858 Adopting a Moratorium on the Approval of Data Center Facilities in the Unincorporated Area in the County of Imperial", adopted by the Imperial County Board of Supervisors on June 16, 2026, does not make the findings required by Government Code § 65858, subdivision (c). Read as a whole, Ordinance No. 1616 does not make the causal finding the statute requires; its operative explanation establishes only a possible conflict with land use regulations still under consideration, not that approval of the applicable permits or entitlements would result in the identified threat to public health, safety, or welfare.

C. Ordinance No. 1616 does not state facts that could reasonably constitute a current and immediate threat to the public health, safety, or welfare. Its findings identify concerns and the possibility of conflict with regulations still being studied, but do not identify the nature of any adverse effect or explain how issuance of the pending permits would threaten the public health, safety, or welfare.

D. Ordinance No. 1618, "An Urgency Interim Ordinance Pursuant to Government Code § 65858 Extending a Moratorium on the Approval of Data Center Facilities in the Unincorporated Area in the County of Imperial", adopted by the Imperial County Board of Supervisors on July 14, 2026, does not cure the defects in Ordinance No. 1616. Although Ordinance No. 1618 finds that permits or entitlements "would result" in development conflicting with contemplated amendments and that such development is "otherwise imminent," it still does not identify the current and immediate threat to the public health, safety, or welfare that would result from those imminent approvals. A conflict with regulations the County is considering does not, without more, identify the threat required by Government Code § 65858, subdivision (c). Ordinance No. 1618 therefore also fails to satisfy Government Code § 65858, subdivision (c).

E. Respondents' failure to comply with Government Code § 65858, subdivision (c), is dispositive. The Court therefore does not reach Petitioner's remaining arguments concerning Government Code § 65858, subdivision (d), the Permit Streamlining Act, the effect of the ordinances on applications previously deemed complete, or whether the moratorium improperly targets Petitioner's project.

Based on the foregoing, and good cause appearing,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that:

1. The Petition for Writ of Mandate and the Supplemental Petition for Writ of Mandate are **GRANTED**. Judgment is entered in favor of Petitioner Imperial Valley Computer Manufacturing, LLC and against Respondents County of Imperial and Imperial County Board of Supervisors.

2. It is **DECLARED** that Ordinance No. 1616, adopted June 16, 2026, and Ordinance No. 1618, adopted July 14, 2026, were adopted without the legislative findings required by Government Code § 65858, subdivision (c), and are therefore Invalid and Unenforceable.

3. A peremptory writ of mandate shall issue under seal of this Court, pursuant to Code of Civil Procedure §§ 1085 and 1095, commanding Respondents County of Imperial and Imperial County Board of Supervisors, and each of them, to set aside Ordinance No. 1616 and Ordinance No. 1618, and to cease enforcement of Ordinance No. 1616 and Ordinance No. 1618.

4. Respondents shall file a return to the peremptory writ of mandate, setting forth the actions taken to comply with the writ, within thirty (30) days after service of the writ upon Respondents.

5. The Court makes no determination concerning which zoning laws or regulations otherwise govern Petitioner's applications. Petitioner's request for a judgment directing Respondents to process Petitioner's applications in a particular manner is DENIED.

6. The Court retains jurisdiction over the parties and this matter to enforce and make any orders necessary and proper for the complete enforcement of this Judgment and the peremptory writ of mandate issued hereunder. (Code Civ. Proc., § 1097.)

IT IS SO ORDERED, ADJUDGED, AND DECREED.

Dated: 09/04/2026, 2026

HON. JEFFREY B. JONES
Judge of the Superior Court

Submitted by:

LAW OFFICES OF SEBASTIAN RUCCI, P.C.

Sebastian Rucci (State Bar No. 178114)
Attorneys for Petitioner

Approved as to Form:

Remy, Moose, Manley LLP

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Attorney for Respondents