

RESOLUTION NO. 22-15

A RESOLUTION OF THE IRONHOUSE SANITARY DISTRICT

AFFIRMING COMPLIANCE WITH THE STATE SURPLUS LAND ACT

WHEREAS, the Ironhouse Sanitary District (“District”) is a special district formed in accordance with the provisions of California law (e.g., the Sanitary District Act of 1923, California Health and Safety Code Sections 6400 et seq.); and

WHEREAS, the District as a special district complies with the general laws of the State of California, including the Surplus Property Land Act; and

WHEREAS, the District is the owner in fee simple of that certain real property that consists of approximately 3,200 acres and 16 miles of levees (together, “Property”) located in Contra Costa County commonly known as “Jersey Island,” located between Oakley and Bethel Island on the San Joaquin River approximately 10 kilometers east of Antioch in the 94561 zip code; and

WHEREAS, the District’s recycled water is sent to Jersey Island to 450 acres of irrigated field that grows 2,000 tons of hay per year and part of the hay is fed to approximately 2,200 head of cattle and the rest is sold to feed lots in the Central Valley and local ranches; and

WHEREAS, the District also leases property on Jersey Island for natural gas wells; and

WHEREAS, under the Surplus Property Land Act, Government Code Sections 54220-54233 (“Act”), surplus land is land owned in fee simple by a public agency for which the public agency’s governing board takes formal action in a regular public meeting declaring the land is surplus and not necessary for the agency’s use; and

WHEREAS, under the Act, land is exempt surplus property if it is necessary for an agency’s use if the land is being used, or is planned to be used pursuant to a written plan adopted by the agency’s Board of Directors, for agency work or operations, including use “for the sole purpose of investment or generation of revenue”; and

WHEREAS, the Property is currently being used by the District; and

WHEREAS, the District intends to continue to use the Property for the purpose of generation of revenue pursuant to a Partner Agreement with Montezuma Water, LLC (“Montezuma”) entered into by the District on May 9, 2019 and amended on May 18, 2021; and

WHEREAS, by entering into the Partner Agreement with Montezuma and adopting this Resolution, the District is adopting a written plan for the ongoing use of the Property as required to demonstrate existing and planned “use” of the Property under the Act, rendering the Property exempt surplus land under the Act; and

WHEREAS, the accompanying staff report provides supporting information upon which the declaration and findings set forth in this Resolution are based.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE IRONHOUSE SANITARY DISTRICT AS FOLLOWS:

Section 1. The above recitals are true and correct and are a substantive part of this Resolution.

Section 2. The District Board of Directors hereby declares that the Property is exempt surplus land for the purposes of the California Surplus Lands Act (Government Code Section 54220 et seq.) because it is presently being “used” and is “intended to be used” by the District for other public uses and continues to be necessary for the District’s use. The basis for this declaration is that the District intends to continue to use the Property pursuant to the Montezuma Partner Agreement for the purpose of generation of revenue for the District.

Section 3. The Board of Directors hereby declares that the use of the Property will directly further the express purpose of District work and operations.

Section 4. The Board of Directors hereby adopts the written plan described in this Resolution and in the accompanying staff report for the ongoing use of the Property as required to demonstrate existing and planned “use” of the Property under the Act.

Section 5. This Resolution has been reviewed with respect to the applicability of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) (“CEQA”). District staff has determined that the proposed actions do not constitute a “project” as defined by

the CEQA. Adoption of this Resolution does not have the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. Prior to commencing the new use of the Property contemplated by the Montezuma Partner Agreement, the District will complete all necessary reviews in accordance with CEQA.

Section 6. The Board Clerk is directed to provide a copy of this Resolution to the California Department of Housing and Community Development for its review.

Section 7. The officers and staff of the District are hereby authorized, jointly and severally, to do all things which they may deem necessary or proper to effectuate the purposes of this Resolution, and any such actions previously taken are hereby ratified and confirmed.

PASSED, APPROVED AND ADOPTED this 16th day of August, 2022.

I hereby certify that the foregoing is a full, true and correct copy of a resolution duly passed and adopted by the Sanitary Board of the Ironhouse Sanitary District at a meeting thereof held on the 16th day of August, 2022.

AYES, and in favor thereof, Members: S. Morgan, D. Morrow, C. Lauritzen, P. Zirkle and A. Lowrey.

NOES, Members: None.

ABSENT, Members: None.



Secretary
(SEAL)

ATTEST:



President