

RESOLUTION NO. 20-18

RESOLUTION OF THE BOARD OF DIRECTORS OF IRONHOUSE SANITARY DISTRICT APPROVING A REIMBURSEMENT AGREEMENT WITH MONTEZUMA WATER, LLC

WHEREAS, the District and Montezuma Water, LLC (“Montezuma”) have entered into a Partnership Agreement for the future use of Jersey Island; and

WHEREAS, the Board approved Montezuma’s proposed Potential New Use for Jersey Island (Potential New Use) on October 27, 2021, subject to further Board review and certain specified conditions; and

WHEREAS, on May 3, 2022 by Resolution No. 22-07, the Board authorized Montezuma to pursue, subject to further approvals as detailed in the Resolution, the Potential New Use for further investigation and study, subject to two conditions: (1) negotiation and execution of a Memorandum of Understanding regarding annexation of Jersey Island and adding Jersey Island to the City of Oakley’s Sphere of Influence no later than May 1, 2023; and (2) negotiation of the terms of an amendment to the Partnership Agreement between the District and Montezuma for the Board’s consideration no later than September 20, 2022; and

WHEREAS, on December 17, 2021, the Parties entered into an Interim Reimbursement Agreement in order to reimburse District for its costs related to the Potential New Use as of October 1, 2021;

WHEREAS, on June 1, 2022, the Parties amended the Interim Reimbursement Agreement by increasing the Reimbursement Deposit, as defined in Section 4 of the Interim Reimbursement Agreement, from \$17,000.00 to the amount of \$47,000.00;

WHEREAS, Montezuma seeks to continue its agreement to reimburse the District for all of its costs such as legal fees, staff time and consultant costs in connection with evaluating the Potential New Use, including the drafting and negotiation of the Partner Agreement Amendment incurred as of October 1, 2021;

NOW, THEREFORE, BE IT RESOLVED, the Board of Directors of the Ironhouse Sanitary District based on the recitals above, hereby does as follows:

1. Approves the terms and conditions of the Reimbursement Agreement with Montezuma Water LLC.
2. Authorizes the District Manager to sign the Reimbursement Agreement with Montezuma Water LLC.
3. The District finds that the actions are not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guideline Section 15262 (Feasibility and Planning Studies) because the Reimbursement Agreement will be analyzing the feasibility of any future development of Jersey Island.

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 20th day of September, 2022.

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

NOES, Members: None.

ABSENT, Members: None.



Secretary
(SEAL)

ATTEST:



President