

Manteca, California
October 4, 2017

The Board of Directors of the South San Joaquin Irrigation District met in special session in their chambers at 8:00 a.m. President Kuil called the meeting to order and led the flag salute. Upon roll call the following members were noted present:

DIRECTORS: HOLMES KAMPER KUIL ROOS
ABSENT: HOLBROOK

Also present were General Manager Peter Rietkerk, District General Counsel Steve Emrick, District Counsel Mia Brown, Engineering Department Manager Sam Bologna, and Clerk of the Board Betty Garcia.

Public Comment - None

ACTION CALENDAR

Item #1 – Discussion and/or action to set date for end of Water Season

A motion was made by Director Holmes and seconded by Director Kamper to set the date of Friday, October 20, as the end of Water Season.

The motion passed 4 to 0 by the following vote:

AYES: HOLMES KAMPER KUIL ROOS
NOES: NONE
ABSTAIN: NONE
ABSENT: HOLBROOK

Item #2 – Consider approval of the following involving Delicato Vineyards and San Bernabe Vineyards, LLC

Mr. Sam Bologna, Engineering Department Manager, distributed a revised copy of Resolution #17-12-P to the Board. He said the realignment of the Lateral “Qk” is now complete. Director Holmes asked what triggered the change from a Quitclaim Deed to a Grant Deed. Mr. Steve Emrick, General Counsel, stated it came as a request from Delicato’s attorney.

**SOUTH SAN JOAQUIN IRRIGATION DISTRICT
RESOLUTION NO. 17-12-P
RESOLUTION AUTHORIZING THE CONVEYANCE
OF PROPERTY OWNED BY THE DISTRICT
Revised 10-4-2017**

WHEREAS, the SOUTH SAN JOAQUIN IRRIGATION DISTRICT, hereinafter referred to as “District”, is the title holder of property acquired by virtue of deed recorded in Book “A” of Deeds, Volume 246, Page 47 of San Joaquin County Records on February 27, 1918 of San Joaquin County Records, hereinafter referred to as “Subject Property” located within a portion of

Sections 8 and 17, Township 1 South, Range 7 East, Mount Diablo Base and Meridian, and being more particularly described in the attached Exhibit “A”, and

WHEREAS, Delicato Vineyards and San Bernabe Vineyards (“Buyer”) seek to purchase three strips of land as follows:

- 1) Lateral “Qn” – 40’ strip (1.16 acres) located within Assessor Parcel Numbers 204-040-01, 02 & 15, by grant deed, reserving an exclusive easement from a portion of the grant.
 - 2) Lateral “Qk” – 40’ strip (1.38 acres) located within Assessor Parcel Numbers 204-050-06 & 14, by grant deed.
 - 3) Lateral “R” – 30’ strip (.87 acres) located within Assessor Parcel Number 204-050-15, by grant deed, subject to the District’s reservation of an exclusive easement.
- A plat showing the real property interests are described in Exhibit “B” attached hereto (“Subject Property”), and

WHEREAS, Buyer wishes to purchase Subject Property from District pursuant to the terms approved by the District’s Board of Directors at their January 10, 2017 Board Meeting, and subject to the terms and conditions of the Developers Agreement approved April 24, 2017, and

WHEREAS, the District’s fee interest is surplus to its needs and an exclusive easement interest as to Laterals “Qk”, “Qn” and “R” is adequate for all reasonable District purposes, and

WHEREAS, it is in the best interest of the District to transfer property in exchange for exclusive easement interests and the other established consideration, and

WHEREAS, the relinquishment of Subject Property will coincide with Buyer’s completion of improvements related to the relocation of District facilities in conjunction with the Delicato Vineyards Project, and

WHEREAS, it is in the best interest of the South San Joaquin Irrigation District that the Subject Property be grant deeded to said adjacent owners of said property in consideration for the compensation as outlined by Board action of January 10, 2017, as follows:

- 1) Purchase price of \$30,000.00 per acre for the approximately 3.4 acres with final purchase price to be based on survey instrument.
- 2) Property to be conveyed by grant deed.
- 3) Buyer shall be responsible for all costs related to transfer, including but not limited to, closing costs, title fees, brokerage fees, survey costs, recording fees and administration costs.
- 4) Sale of property shall be contingent upon compliance with any Government Code requirements that are applicable to the proposed sale.
- 5) Buyer shall assume all liabilities for property associated with acquisition.
- 6) Buyer shall convey new exclusive easements as required to serve as replacement easements for relocated irrigation and drainage facilities in accordance with policy and as directed by staff.

WHEREAS, the District’s Board of Directors finds as follows:

- 1) The foregoing findings are true.
- 2) The District's fee interest in the Subject Property proposed to be conveyed by grant deed is no longer necessary for District purposes, and
- 3) The proposed disposition of the District’s fee interest in the Subject Property is categorically exempt under California Environmental Quality Act as Class 12 Project pursuant to 14 CA Adm. Code of Regulations 15112 since the surplus government property does not have significant value for wildlife habitat or other environmental purposes and the property is of such size and shape that it is incapable of independent development or use.
- 4) The District has satisfied the Government Code 54222 requirement of agency notification.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the South San Joaquin Irrigation District hereby authorize the President and Secretary execute on behalf of the District one or more grant deeds to the Buyer disposing of the District’s interest in the Subject Property, subject to the foregoing provisions.

A motion was made by Director Kamper and seconded by Director Roos to approve the following for Delicato Vineyards and San Bernabe, LLC:

- a) Accept the Notice of Completion for replacement of a portion of the Lateral “Qk”
- b) Adopt revised Resolution #17-12-P authorizing conveyance of a portion of Lateral “Qk” in order to authorize execution and delivery of a grant deed of quitclaim deed
- c) Authorize Board President and District Secretary to sign and deliver the grant deed for sale of a portion of the District’s Lateral “Qk” to the Purchase and Sale Agreement dated June 29, 2017

The motion passed 4 to 0 by the following roll call vote:

AYES:	HOLMES KAMPER KUIL ROOS
NOES:	NONE
ABSTAIN:	NONE
ABSENT:	HOLBROOK

President Kuil stated the Board would adjourn to Closed Session at 9:18 a.m. and Mr. Emrick stated that all of the items in #3 would be discussed in Closed Session.

Director Kuil received a letter from SDRMA, Special District Risk Management Authority, stating that No Property/Liability Claims were paid on behalf of the South San Joaquin Irrigation District for 2016-2017. He wanted to thank Walt Luihn, Safety Officer, for his efforts and dedication to Safety.

Item #3 – Closed Session

- 3. a. Conference with Legal Counsel – Existing Litigation
Government Code Section 54956.9 (d) (1)
SSJID vs. Robert Donald Ney, Jr. Trustee
Superior Court for San Joaquin County
Case No. 2-17-5525

- b. Management Unit Negotiations
California Government Code Section 54957.6
Agency Negotiator: General Manager
Employee Organization: SSJID’s Management Group

- c. Conference with Legal Counsel – Anticipated Litigation
Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9
 - Phase 1 hearings on San Joaquin River/Delta Water Quality Control Plan Before State Water Resources Control Board
 - 1 case

- d. Conference with Legal Counsel – Existing Litigation
Paragraph (1) of subdivision (d) of Government Code Section 54956.9
 - 1 case

SSJID vs. Pacific Gas & Electric Company, A California Corp., et al.
Superior Court for San Joaquin County
Case No. STK-CV-UED-2016-0006638

Disclosure of reportable actions taken in Closed Session, pursuant to Government Code §54957.1:

Item #3A

A motion was made by Director Holmes and seconded by Director Kamper to approve the Settlement Agreement is SSJID vs. Robert Donald Ney, Jr. San Joaquin County Superior Court Case No. 2-17-5525 as presented.

The motion passed 4 to 0 by the following vote:

AYES:	HOLMES KAMPER KUIL ROOS
NOES:	NONE
ABSTAIN:	NONE
ABSENT:	HOLBROOK

Item #3D

A motion was made by Director Holmes and seconded by Director Roos that the District opposes PG&E's unmerited request for a stay, while understanding the risk of a second trial should the appellate court rule differently on the standard of review.

The motion passed 4 to 0 by the following vote:

AYES: HOLMES KAMPER KUIL ROOS
NOES: NONE
ABSTAIN: NONE
ABSENT: HOLBROOK

There were no further reportable actions taken in Closed Sessions.

Item #10 – ADJOURNMENT

There being no further business to come before the board, a motion was made by Director Holmes and seconded by Director Kamper to adjourn the meeting at 11:57 a.m. The motion passed 4 to 0 by the following vote:

AYES: HOLMES KAMPER KUIL ROOS
NOES: NONE
ABSTAIN: NONE
ABSENT: HOLBROOK

ATTEST: _____
Betty L. Garcia, Clerk of the Board