NORTH SAN JOAQUIN WATER CONSERVATION DISTRICT

RESOLUTION NO. 2014-07

APPROVING SAN JOAQUIN MULTI-SPECIES HABITAT CONSERVATION AND OPEN SPACE PLAN (SJMSCP) INCIDENTAL TAKE MITIGATION AND MEASURES AND FEE FOR TRACY LAKES PROJECT

WHEREAS, work by the North San Joaquin Water Conservation District (NSJWCD – "District") to install the pump system for the Tracy Lakes Project will involve disturbance of the natural environment; and

WHEREAS, District has completed project review under the California Environmental Quality Act (CEQA); and

WHEREAS, said one acre area of APN 003-060-24 is within an area of natural and habitat land as identified by the San Joaquin County Council of Governments (COG);

WHEREAS, said work does require approval from the U.S. Army Corps of Engineers; the California Regional Water Quality Control Board; and the California Department of Fish and Wildlife; and

WHEREAS, pursuant to the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan (SJMSCP) mitigation for potential disturbance can be made via an Incidental Take Minimization Measures (ITMM) agreement with the San Joaquin County Council of Governments; and

WHEREAS, in addition to specific activities identified in the ITMM agreement, the District must also pay the SJMSCP fees; and

WHEREAS, it is imperative that this project proceed immediately to assure every opportunity possible to conserve valuable ground water in the future; and

WHEREAS, ground disturbance cannot occur without compliance and satisfaction of the ITMM; and

WHEREAS, the District's Board of Directors has reviewed the SJMSCP ITMM for the Tracy Lakes Recharge Project at the Board's regular meeting held on September 29, 2014.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Directors of the North San Joaquin Water Conservation District as follows:

1.   The Board hereby approves the form of the SJMSCP ITMM agreement for the Tracy Lakes Recharge Project, attached hereto as Exhibit A.

2.   The Board hereby authorizes and directs the payment of the fee of $13,295.00 to SJCOG, Inc. prior to January 1, 2015, with the funds to come from the appropriate account as determined by legal counsel, the Treasurer, the District accountant; and/or the Tracy Lake Improvement Coordinating Committee.

3.   The Board has determined that entering into this agreement with COG is in the best interests of the District.

4.   The President of the Board is hereby authorized to sign and deliver, after consultation with the District's General Counsel, the agreement in the form presented to this meeting, with such non-substantive changes, insertions and deletions as may be recommended by the General Counsel; the President's signing of the agreement being conclusive evidence of such approval.

5.   The President and any other officers, employees and agents of the District shall be, and each of them hereby is, authorized to give or take all approvals, consents, directions, instructions, notices, orders, requests, indemnifications and other actions permitted or required by any of the documents authorized by this Resolution, and to take any such action that such authorized representative, with the advice of District's General Counsel, may deem necessary or desirable to further the purposes of this Resolution.

6.   All actions heretofore taken by the officers, employees and agents of the District in connection with the matters authorized by this Resolution are hereby ratified, approved and confirmed.

7.   This Resolution shall take effect from and after its adoption.

Moved by Director _____, seconded by Director _____, that the foregoing resolution be adopted.

Upon roll call the following vote was had:

Ayes: _____   Directors:
Noes: _____   Directors:
Absent: _____   Directors:
Abstain: _____   Directors:

The President declared the resolution adopted.

I, Thomas Flinn, Secretary of the Board of Directors of the NORTH SAN JOAQUIN WATER CONSERVATION DISTRICT, do hereby CERTIFY that the foregoing is a full, true and correct copy of a resolution duly adopted at an adjourned regular meeting of said Board of Directors held the 29th day of September 2014.

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