

RESOLUTION NO. 16-05-E
RESOLUTION OF NECESSITY OF
SOUTH SAN JOAQUIN IRRIGATION DISTRICT
DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY
REQUIRE THE ACQUISITION OF PACIFIC GAS AND ELECTRIC COMPANY'S
ELECTRIC DISTRIBUTION SYSTEM
AND DIRECTING THE FILING OF EMINENT DOMAIN PROCEEDINGS

WHEREAS, the South San Joaquin Irrigation District's ("SSJID" or the "District") proposed Retail Electric Project is being undertaken to provide retail electric service to the public, within the service territory of SSJID which includes the cities of Ripon, Escalon, and Manteca (hereinafter the "Project");

WHEREAS, the Project will include various benefits, including local control, public transparency, and electric service rates projected to be 15% lower than those of Pacific Gas and Electric Company's ("PG&E");

WHEREAS, the San Joaquin Local Agency Formation Commission has conditionally approved the Project by way of motion on December 11, 2014 and by way of Resolution 1327, passed and adopted on March 12, 2015;

WHEREAS, by this Resolution of Necessity SSJID proposes to acquire PG&E's electric distribution system located within SSJID's service territory for a proposed public use, the provision of electric service to users of PG&E's electric distribution system, as further described in Exhibit "A" attached hereto and made a part hereof by this reference (the "Property");

WHEREAS, the District is authorized to acquire the Property and exercise the power of eminent domain for the public use and Project described herein, pursuant to and in accordance with Article 1, Section 19 of the California Constitution, the California Eminent Domain Law, Code of Civil Procedure Sections 1230.010 *et seq.*, and Sections 22115 and 22456 of the California Water Code;

WHEREAS, pursuant to the provisions of Section 1245.235 of the California Code of Civil Procedure, SSJID's Board scheduled a public hearing on this proposed Resolution of Necessity for Tuesday, June 28, 2016 at 9:00 a.m. at the City of Ripon Council Chambers, 259 N. Wilma Avenue, Ripon, California and notice has been duly given to PG&E, the owner of the Property herein, who has been given a reasonable opportunity to appear and be heard on the matters referred to in Section 1240.030 of the Code of Civil Procedure before SSJID's Board of Directors at the time and place set forth in said notice, regarding the matters specified therein; and

WHEREAS, said hearing having been held by the Board of Directors, the Board may now adopt a Resolution of Necessity pursuant to Code of Civil Procedure Section 1240.040.

NOW, THEREFORE, IT IS FOUND, DETERMINED AND ORDERED by the Board of Directors of SSJID as follows:

1. The recitals contained herein are true and correct.
2. Upon examination of the alternatives, the District requires the Property for the Project.
3. The District is authorized to acquire the Property and exercise the power of eminent domain to and in accordance with Article 1, Section 19 of the California Constitution, the California Eminent Domain Law, Code of Civil Procedure Sections 1230.010 *et seq.*, and Water Code Sections 22115 and 22456.
4. Findings. The District hereby finds and determines each of the following:

- (a) The public interest and necessity require the Project.
 - (b) The Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
 - (c) The Property as defined in Exhibit "A" is necessary for the Project.
 - (d) The public use set forth herein by the District of PG&E's electric distribution system constitutes a more necessary public use within the meaning Code of Civil Procedure Sections 1240.610 and 1240.650 than the use to which the property is appropriated by PG&E.
5. The offer required by Section 7267.2 of the Government Code, together with the accompanying statement of the amount established as just compensation, for the acquisition of the Property, has been made to PG&E the owner of record, which offer and statement were in a format and contained the information required by Government Code Section 7267.2.
6. SSJID has complied with all conditions and statutory requirements, including those prescribed by the California Environmental Quality Act (Pub. Res. Code § 21000, *et seq.*) and that are necessary for approval and adoption of the Project. The San Joaquin Local Agency Formation Commission, in approving SSJID's change of organization to provide retail electric service in its service territory, certified a Final Subsequent

Environmental Impact Report (State Clearinghouse No. 2005102018) on December 11, 2014 for the Project that fully analyzes and discloses the potential environmental impacts associated with SSJID becoming an electric service provider within its service territory by the acquisition of PG&E's electric distribution system.

7. All conditions and statutory requirements necessary to exercise the power of eminent domain ("the right to take") to acquire the Property have been complied with by SSJID.
8. Legal counsel for SSJID is hereby authorized and directed to institute and conduct to conclusion eminent domain proceedings to acquire the Property and to take such actions that counsel deems advisable or necessary in connection therewith. Counsel is further authorized to correct any errors or to make or agree to non-material changes in the description of the property interests to be acquired that are deemed necessary for the conduct of the condemnation action.

PASSED AND ADOPTED by South San Joaquin Irrigation District Board of Directors on June 28, 2016, by the following vote:

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



ROBERT A. HOLMES, President
SSJID Board of Directors