



ORDINANCE OF THE COUNCIL OF THE CITY OF FRESNO
PROPOSED AND INITIATED BY _____
MOVED BY Westerlund SECONDED BY Xiong

BILL NO. B-14

ORDINANCE NO. 2011-14

AMENDING SECTION 6-305 OF THE FRESNO MUNICIPAL
CODE, RELATING TOPAYMENT OF SEWER CHARGES AND
LOANS.

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. Section 6-305 of the Fresno Municipal Code is amended to read:

SEC. 6-305 PAYMENT OF SEWER CHARGES [AND LOANS].

(a) The amount of any sewer connection charges or sewer facility charges prescribed under the provisions of this article shall be deemed a debt owing to the city which, until paid, shall be a continuing obligation of the owner of such property for connection to the regional sewer system. Any person who makes a connection to the regional sewer system without having paid such charges in full or having accomplished the execution, acceptance and recording of an agreement to pay therefor as herein provided, shall be liable in an action in the name of the city in any court of competent jurisdiction for the amount of such charge. The conviction or punishment of any person for connecting to the regional sewer system without obtaining a permit shall not relieve such person from paying the charges due and unpaid at the time of such conviction.

(b) This section shall neither apply to the construction or payment for sewers which have been provided for under procedures regulating the division of land or the connection of sewers to property owned by a government or governmental agency, nor whenever the

Adopted 5.5.11
Approved 5.11.11
Effective 6.11.11

2011-14



Council or Board of Supervisors of the county, whichever is applicable, has adopted a resolution of intention to construct improvements by special assessments within a district which includes said lot.

(c) Payment of sewer connection charges or sewer facility charges together with interest on the unpaid balance, payable because of connection of existing single-family residences anywhere in the City's service area, and commercial or industrial development in the Enterprise Zone, may be deferred by an agreement between the property owner and the city, to pay such charges together with interest on the unpaid balance, over a period of not more than fifteen years, in accordance with the following provisions:

(1) The agreement shall provide for substantially equal bimonthly installments amortized over a period of not more than fifteen years, at a rate of interest as periodically established by the Controller and adopted by the Council in the Master Fee Resolution.

(2) The sewer connection charges which may be deferred, and limitations, if any, on the amounts that may be deferred, shall be as established in the Master Fee Resolution.

(3) The agreement shall be of a form and content prescribed by the Controller and approved by the City Attorney.

(4) The agreement shall be signed by all persons having a record title interest in the real property being served by the city sewer system, to which connection is requested, and shall include the legal description of the property.



(5) The agreement shall provide that the whole, or any part of the balance of charges due at any time under the agreement may be accelerated and paid at any time, at the option of the payer.

(d) The agreement provided for in subdivision (c) above shall be in the form of a covenant running with the land, and shall establish a lien against the property in favor of the city in the amount of all deferred charges, and shall be recorded in the office of the Fresno County Recorder.

(e) The agreement and lien shall be enforceable by the city in any manner available at law or in equity, including but not limited to private foreclosure and sale of the property in the manner provided by Section 2924 of the California Civil Code.

[(f) Notwithstanding subsections (a) through (e) of this section and in addition thereto, Council may establish by resolution a program, policies and procedures loaning annually allocated and available funds, not to exceed specified dollar caps, consistent with subsection (c) (1) above, for the cost to abandon existing single family residential septic tanks and cesspools, and install and connect a privately owned sewer line/house branch from the single family residence to the City sewer.]

SECTION 2. EFFECTIVE DATE. This ordinance shall become effective and in full force and effect at 12:01 a.m. on the thirty-first day after its passage.

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**CITY OF FRESNO
CATEGORICAL EXEMPTION
ENVIRONMENTAL ASSESSMENT NO. EA-10-027**

THE PROJECT DESCRIBED HEREIN IS DETERMINED TO BE CATEGORICALLY EXEMPT FROM THE PREPARATION OF ENVIRONMENTAL DOCUMENTS PURSUANT TO ARTICLE 19 OF THE STATE CEQA GUIDELINES.

APPLICANT: Robert Andersen
City of Fresno – Department of Public Utilities
2600 Fresno Street, Room 3065
Fresno, CA 93721

PROJECT LOCATION: Citywide

PROJECT DESCRIPTION: Environmental Assessment Application No. EA-10-027 is prepared to establish a loan program for abandonment of single family residential septic tank and cesspool systems, sewer line installation and connection to the City sewer system and an amendment to Section 6-305 of the Fresno Municipal Code relating to payment of sewer charges and loans.

This project is exempt under Sections 15302/Class 2 and 15308/Class 8 of the State of California CEQA Guidelines.

EXPLANATION:

Section 15302 (Class 2/Replacement or Reconstruction) of the CEQA Guidelines exempts from the provisions of CEQA, projects consisting of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced. Examples include but are not limited to replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity.

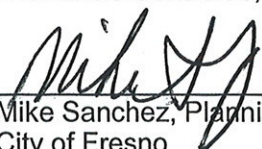
Section 15308 (Class 8/Actions by Regulatory Agencies for Protection of the Environment) of the CEQA Guidelines exempts from the provisions of CEQA, projects which consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. Construction activities and relaxation of development standards allowing environmental degradation are not included in this exemption.

The proposed project consists of a loan program to assist single family residence owners to replace existing septic tank and cesspool systems with sewer line installation and connection to the City sewer system. The proposed loan program and amendment to the Fresno Municipal Code will help avoid adverse environmental impacts secondary to leaching septic tanks. No adverse environmental impacts would occur as a result of the proposed project. Staff had determined that none of the exceptions as set forth in Section 15300.2 of the CEQA Guidelines apply to the project.

Date: December 7, 2010

Prepared By: McKencie Contreras, Planner

Submitted By:



Mike Sanchez, Planning Manager
City of Fresno
Development and Resource Management Department
(559) 621-8277



STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, California, at a regular meeting held on the 5th day of May, 2011.

AYES: Baines, Borgeas, Olivier, Quintero, Westerlund, Xiong, Brand
NOES: None
ABSENT: None
ABSTAIN: None

Mayor Approval: May 11, 2011
Mayor Approval/No Return: N/A, 2011
Mayor Veto: N/A, 2011
Council Override Vote: N/A, 2011

REBECCA E. KLISCH
City Clerk

By Rebecca E Klisch
Deputy

APPROVED AS TO FORM
CITY ATTORNEY'S OFFICE

By Robert R. Coyle 4-12-11
Senior Deputy City Attorney

RRC:elb [55720elb/rrc]



May 5, 2011

Council Adoption: 05/05/11
Mayor Approval:
Mayor Veto:
Override Request:

TO: MAYOR ASHLEY SWEARENGIN
FROM: REBECCA E. KLISCH, CMC *REK*
City Clerk

SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the Council meeting of 05/05/11, Council adopted the attached Ordinance No. 2011-14 entitled **Amend FMC re: payment of sewer charges and loans**, Item No. **9:00 a.m. F-1**, by the following vote:

Ayes : Baines, Borgeas, Olivier, Quintero, Westerlund, Xiong, Brand
Noes : None
Absent : None
Abstain : None

Please indicate either your formal approval or veto by completing the following sections and executing and dating your action. Please file the completed memo with the Clerk's office on or before May 16, 2011. In computing the ten day period required by Charter, the first day has been excluded and the tenth day has been included unless the 10th day is a Saturday, Sunday, or holiday, in which case it has also been excluded. Failure to file this memo with the Clerk's office within the required time limit shall constitute approval of the ordinance, resolution or action, and it shall take effect without the Mayor's signed approval.

Thank you.

APPROVED:

VETOED for the following reasons: (Written objections are required by Charter; attach additional sheets if necessary.)

Ashley Swearingin
Ashley Swearingin, Mayor

Date: 5-11-11

COUNCIL OVERRIDE ACTION:

Date: _____

Ayes :
Noes :
Absent :
Abstain :